



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD MEETING
AGENDA
FEBRUARY 4, 2013
7:30 P.M.
535 PARK AVENUE
LAKE PARK, FLORIDA**

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's Office by calling 881-3311 at least 48 hours in advance to request accommodations.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

- Chair Judith Thomas
- Vice-Chair Natalie Schneider
- Anthony Bontrager
- Kimberly Glas-Castro
- James Lloyd
- Board Attorney, Thomas J. Baird
- Community Development Director, Nadia DiTommaso
- Planner, Debbie Abraham
- Board Secretary, Kimberly Rowley

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- Planning & Zoning Board Meeting of January 7, 2013

ORDER OF BUSINESS: The normal order of business for Hearings on agenda items is as follows:

- Staff presentation
- Applicant presentation
- Board Member questions of Staff and Applicant
- Public comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

PUBLIC COMMENTS: Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and give it to the Recording Secretary. Cards must be submitted before the item is discussed.

NEW BUSINESS:

A. AN APPLICATION BY LAND DESIGN SOUTH, AS AGENT FOR METROPOLITAN PROPERTIES, INC. d/b/a SERVPRO, FOR FIVE (5) VARIANCES RELATING TO MINIMUM LANDSCAPING AND PARKING STALL WIDTH REQUIREMENTS.

B. AN APPLICATION BY LAND DESIGN SOUTH, AS AGENT FOR METROPOLITAN PROPERTIES, INC. d/b/a SERVPRO, FOR A NEW 2,697 SQUARE FOOT OFFICE/WAREHOUSE TWO STORY ADDITION ON A 0.2563 ACRE SITE CURRENTLY BEING OCCUPIED BY A 1,248 SQUARE FOOT OFFICE BUILDING.

COMMENTS FROM COMMUNITY DEVELOPMENT DIRECTOR

ADJOURNMENT



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
JANUARY 7, 2013**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas upon the adjournment of the Local Planning Agency Meeting at 7:50 p.m.

ROLL CALL

Chair Judith Thomas	Present
Vice-Chair Natalie Schneider	Present
Anthony Bontrager	Present
James Lloyd	Present
Kimberly Glas-Castro	Present

Also present were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Planner; and Kimberly Rowley, Board Secretary.

APPROVAL OF AGENDA

Chair Thomas asked for a motion for the approval of the Agenda as submitted. Board Member Lloyd made a motion to approve the Agenda as submitted, and the motion was seconded by Vice-Chair Schneider. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
Anthony Bontrager	X	
Kimberly Glas-Castro	X	
James Lloyd	X	

The Motion carried 5-0 and the Agenda was unanimously approved.

APPROVAL OF MINUTES

Chair Thomas asked for a motion for the approval of the Minutes of the December 3, 2012, Planning & Zoning Board Meeting as submitted. Vice-Chair Schneider made a motion to approve the Minutes, and the motion was seconded by Board Member Bontrager. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
Anthony Bontrager	X	
Kimberly Glas-Castro	X	
James Lloyd	X	

The Motion carried 5-0 and the Minutes of the December 3, 2012, Planning & Zoning Board Meeting were unanimously approved as submitted.

ORDER OF BUSINESS

Chair Thomas outlined the procedure for the Order of Business and Public Comments.

PUBLIC COMMENTS

There were no comments from the public.

NEW BUSINESS

Chair Thomas requested that the Planner make one presentation for both of the New Business items, and upon completion the Board would have discussion and vote of each item.

A. ZONING CODE TEXT AMENDMENT FOR THE CREATION OF THE CONSERVATION DISTRICT (C-District).

Applicant: Town of Lake Park. Presenter: Debbie Abraham, Planner

Debbie Abraham, Town Planner, addressed the Planning & Zoning Board and presented the request for a Zoning Code Text Amendment for the creation of the Conservation District (C-District).

Ms. Abraham explained that the 2003 Interlocal Agreement between Palm Beach County and the Town of Lake Park requires the Town to create a compatible zoning district for Palm Beach County's Scrub Area in order to ensure the protection and preservation of environmentally significant or sensitive lands. Currently, the Town's Code does not recognize environmentally significant or sensitive areas. The Palm Beach County Scrub Area is an example of a region within the Town of Lake Park which requires preservation and protection from intrusive development, and it also requires a definition of permitted uses which can be incorporated within the environmentally significant lands.

Ms. Abraham explained that the Conservation District would allow the following uses: natural areas, passive public parks, recreation centers, nature centers, nature trails, hiking trails, wildlife observation platforms, greenways and education stations for environmental

research and restoration. Ms. Abraham stated that upon review of the Management Plan for the Palm Beach County Scrub Area and Codes of adjacent municipalities, Staff is proposing that the following Property Development Regulations be incorporated into the Conservation Zoning District, all of which have been reviewed with Palm Beach County: Minimum Site Area: 20 acres (historical sites for preservation are exempt from this requirement); Minimum Lot Width: 300 feet (historical sites for preservation are exempt from this requirement); Maximum Density: 1 unit/20 acres; Maximum Lot Coverage: 1%; Maximum Building Height: 2 stories/36 feet; and Minimum Building Setbacks: Front – 100'; Side – 50'; Side (Facing Street) – 90'; and Rear – 100'. Parking Requirements will be pursuant to Table 78-142-1 in the Town Code of Ordinances.

Ms. Abraham stated that Staff, in an attempt to protect the Town's natural areas, is recommending that the Planning & Zoning Board approve the creation of *Section 78-76.1 – Conservation District (C-District)* as proposed and to include the Conservation Zoning District within the Town's Code of Ordinances.

Sandy Mann, Environmental Program Supervisor, Palm Beach County Department of Environmental Resources Management (PBCDERM), stated that Palm Beach County has reviewed both of these items and they both are in concurrence.

Ms. Bessie Brown, a resident of Riviera Beach, questioned the distance between the Palm Beach County Scrub Area and Congress Avenue. Ms. DiTommaso stated that she would estimate the distance to be at least 3,000 feet.

Board Member Glas-Castro requested clarification of the "*historical sites for preservation are exempt from this requirement*" under Minimum Site Area and Minimum Lot Width, and asked if "historical sites" is referring to the historic preservation portion of the Code, and what is a historic site that would be exempt from the provisions. Ms. DiTommaso stated that during discussions between the Town and Palm Beach County, the County questioned if there were any historic sites in Lake Park which would be included in the Conservation Zoning District, and the response from the Town was no. That, although there are historic properties in the Town, there are no historic districts or historic sites to designate as Conservation, and that the language referring to historical sites should be stricken. Sandy Mann, PBCDERM, stated that, although it is not a requirement of PBC for the scrub area, the County's recommendation was that since the Town was creating a new Conservation Zoning District it should look at the zoning to see if there was anything else that might be included under the "conservation umbrella", such as historic properties. Town Attorney Baird stated that technically zoning wouldn't be assigned to historic sites, but that properties in Lake Park would go through the historic designation process in order to protect those properties. Attorney Baird stated that any reference to historic sites or historic references should be stricken.

There being no further discussion, Chair Thomas requested a motion to approve Staff's recommendation of a Zoning Code Text Amendment Creating Section 78-76-1 – Conservation District (C-District), *striking all references to historical sites*. Board Member

Bontrager made a motion for approval, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
Anthony Bontrager	X	
Kimberly Glas-Castro	X	
James Lloyd	X	

The Motion carried 5-0, and Staff's recommendation for a Zoning Code Text Amendment Creating Section 78-76-1 – Conservation District (C-District), striking all references to historical sites, was unanimously approved.

B. REQUEST TO RE-ZONE PALM BEACH COUNTY'S SCRUB AREA FROM "CAMPUS LIGHT INDUSTRIAL/COMMERCIAL DISTRICT" to "CONSERVATION"

Applicant: Town of Lake Park. Presenter: Debbie Abraham

Debbie Abraham, Town Planner, addressed the Planning & Zoning Board and presented the Rezoning request for the Palm Beach County Scrub Area. Ms. Abraham explained that this Staff initiated application is a proposal to rezone six (6) parcels of land totaling 54.93 acres, owned by Palm Beach County within the Palm Beach County Scrub Area. The existing zoning is "Campus Light Industrial/Commercial" and the future land use designation is "Conservation". The zoning and the land use designations are inconsistent with the Town's Comprehensive Plan and the 2003 Interlocal Agreement between the Town of Lake Park and Palm Beach County. Ms. Abraham further explained that the Palm Beach County Scrub Area is surrounded by the Campus Light Industrial/Commercial District and the Public District. Since the Scrub Area is an environmentally sensitive site, Staff is requesting that the entire Scrub Area, as newly defined by the corrected boundaries presented at the Local Planning Agency Meeting, be rezoned from "Campus Light Industrial/Commercial" to "Conservation District" (C-District). Including these parcels in the Conservative District will protect the site from potentially intrusive development using the Town's Zoning Code and allow for the appropriate development to take place, which will be in line with the Scrub Area Management Plan. Staff is recommending that the P&Z Board approve the request to rezone the 54.93 acre Palm Beach County Scrub Area to the "Conservation District".

Chair Thomas noted a discrepancy in amount of acreage between the 2003 Interlocal Agreement which states the County acquired 58.9116 acres, and the agenda item which states 54.93 acres, and asked the Town Attorney that since there appears to be a discrepancy, would there be a need to amend the Interlocal Agreement? Town Attorney Baird stated that since the County initiated the Interlocal Agreement, it would be up to the County as to whether or not there is a need to amend it. Sandy Mann, PBCDERM, addressed the Board and stated that reasons for the discrepancy are that a portion of the land that Palm Beach

County originally acquired in the Lake Park Scrub Area was not environmentally sensitive, and was therefore sold to Palm Beach County Engineering, and that some of the land was exchanged with the Town of Lake Park for the Park Avenue Extension. Ms. Mann also stated that the current acreage, based on surveys, is 54.93 acres, and that Palm Beach County does not typically amend its' Interlocal Agreements for minor changes in land area size.

There being no further discussion, Chair Thomas asked for a motion to approve Staff's recommendation to rezone the 54.93 acre Palm Beach County Scrub Area from "Campus Light Industrial/Commercial District" to "Conservation District (C-District)". Board Member Schneider made a motion for approval, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
Anthony Bontrager	X	
Kimberly Glas-Castro	X	
James Lloyd	X	

The Motion carried 5-0, and the motion to approve Staff's recommendation to Rezone the 54.93 acre Palm Beach County Scrub Area from "Campus Light Industrial/Commercial District" to "Conservation District (C-District)" was unanimously approved.

COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

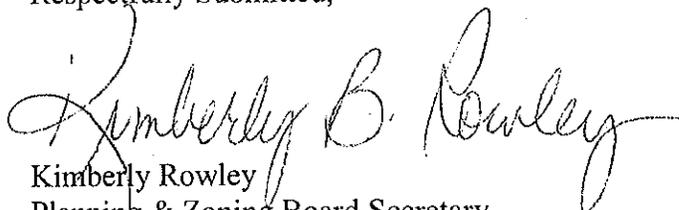
There were no comments from the Community Development Director.

ADJOURNMENT

Chair Thomas questioned if Mason Brown was still a member of the Planning and Zoning Board. Ms. Di Tommaso stated that Mr. Brown is no longer on the Board.

There being no further business before the Board, Chair Thomas adjourned the Meeting at 8:10 p.m.

Respectfully Submitted,


 Kimberly Rowley
 Planning & Zoning Board Secretary

PLANNING & ZONING BOARD APPROVAL:

Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE:



**TOWN LAKE OF PARK
PLANNING & ZONING: February 4, 2013**

PLAN DESCRIPTION: Site Plan Review for a proposed two story, office/warehouse addition to an existing one-story office building.

OWNERS REQUEST: An application has been submitted by Land Design South as the agent for Metropolitan Properties, Inc. d/b/a ServPro ("Owner" or "Applicant") for a new Site Plan approval. The Owner proposes to construct an addition to its existing 1,248 square foot office building. The addition proposed is a new two story, 2,697 square foot office/warehouse (the Application). The location of the property is 117 Miller Way ("Property"). The Property is located within the Campus Light Industrial/Commercial (CLIC) Zoning District in the Town of Lake Park.

STAFF RECOMMENDATION: APPROVAL subject to the conditions of approval as stated herein, and any additional conditions of approval which may be added by the Commission.

BACKGROUND INFORMATION:

Applicant(s): Land Design South
Owner: Metropolitan Properties Inc. d/b/a ServPro
Address of Location: 117 Miller Way
Lot Size: 0.2563 acres
Existing Zoning: Campus Light Industrial/Commercial (CLIC)
Future Land Use: Commercial and Light Industrial/Bioscience Overlay

Adjacent Zoning

North: CLIC- Campus Light Industrial/Commercial
South: CLIC- Campus Light Industrial/Commercial
East: CLIC- Campus Light Industrial/Commercial
West: CLIC- Campus Light Industrial/Commercial

Adjacent Land Uses

North: Commercial and Light Industrial/Bioscience Overlay
South: Commercial and Light Industrial/Bioscience Overlay
East: Commercial and Light Industrial/Bioscience Overlay
West: Commercial and Light Industrial/Bioscience Overlay

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed addition is consistent with the overall intent of the goals, objectives and policies of the Town's Comprehensive Plan. The following policies indicate the consistency between the Comprehensive Plan and the proposed addition of office/warehouse space:

Future Land Use Element

Objective 1: Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas; (5) discourage the proliferation of urban sprawl.

The Applicant is proposing to build an addition to an existing 1,248 square foot business being used as an office building. The Applicant proposes a new two story structure consisting of an additional 2,697 square feet of office/warehouse space to be used as additional office space and storage space for ServPro, a disaster remediation company. The Property is in the CLIC Zoning District.

Policy 1.1: Land Development Regulations shall be amended as necessary to contain specific and detailed provisions required to implement the adopted Comprehensive Plan and which as a minimum:

- b. Regulate the use and intensity of land development consistent with this element to ensure the compatibility of adjacent land uses;
- e. Ensure safe and convenient onsite traffic flow and vehicle parking needs

The proposed addition will be used as an office/warehouse space which is permitted in the CLIC Zoning District and is consistent with the surrounding commercial and industrial uses. The addition would require 14 parking spaces pursuant to Town Code Section 78-142 (1/250 sf of office space; 1/2,000 sf of warehouse space; 1 per employee at max shift). The Applicant proposes to meet this requirement by providing 14 parking spaces, which include the 3 required employee parking spaces.

Objective 2 Policy 2.1: The owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District ("District").

The Application is consistent with the Policy. The Application has been reviewed by the Town Engineer, and is found to be in compliance with the stormwater requirements of the District.

Objective 3. All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

The Application is consistent with the Policy. The Town Engineer has reviewed the Application and determined that the addition will not exceed the level of service standards.

Objective 5. As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

The Applicant is proposing infill development on an older parcel in the Town's industrial district. The proposal is considerate of the surrounding uses as well as the existing built and natural environments.

4.0 Traffic Circulation

Policy 1.3: The Town will continue to utilize the County's Traffic Performance Standards.

The Applicant has submitted a Traffic Concurrency letter from the Palm Beach County Engineer confirming that the Property satisfies the countywide Traffic Performance Standards ("TPS") and therefore meets the County's traffic concurrency requirements.

6.0 Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge

6.62 Objective 1. The Town shall ensure through the land development approval process that, at the time a building permit is issued adequate public facility capacity is available.

The Town's Engineer and the Seacoast Utility Authority (SUA) have reviewed the Application and concluded that there are adequate public facilities to serve the site. The proposed expansion questionnaire has been submitted to SUA. The site is currently on septic and is not connected to sanitary sewers.

8.0 Conservation

Objective 1: Protect air quality within the Town of Lake Park.

Policy 1.1: Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activities shall be undertaken in accordance with all applicable National Pollutant Discharge Elimination System (NPDES) standards.

An NPDES permit is not required because the site is less than one acre, as determined in the Applicant's Drainage Statement document.

Objective 3: Conserve potable water supplies

The Application is consistent with the objective. Florida Building Code specifies water conservation fixtures and these fixtures will be used as part of the expansion .

PROJECT DETAILS:

Building Site: The Property is located in the CLIC Zoning District with a future land use designation of Commercial and Light Industrial and is also within the Bioscience Overlay. The use of a 3,945 square foot office/warehouse business is a use permitted within the CLIC zoning district and consistent with the future land use designation. The Interlocal Agreement approving the Bioscience Overlay does not object to any use that is permitted by right, but rather is only concerned with those uses that require a land use change or rezoning relating to residential or retail uses.

Site Access: The existing structure is located on a 0.2563 acre parcel on 117 Miller Way. The Property is only accessible through the Miller Way entrance/exit.

Traffic: Palm Beach County's Traffic Engineering Division has approved the Applicant's vehicular circulation and accessibility layout in its letter dated June, 2012, a copy of which is enclosed.

Landscaping: The Applicant is requesting four (4) variances from the Town's Landscaping Code. This application is being considered as part of a separate proceeding . The Applicant is requesting variances for the following provisions:

Town Code Section	Requirement	Proposed
78-253(c)(1) (Minimum Landscape Requirements)	Parking area shade trees provided such that no parking space is more than 40 feet from the center of a shade tree. Trees to be located within 5 foot islands (25 sf min.)	No parking lot shade tree or islands
78-253(h)(1) (Minimum Landscape Requirements)	8 foot perimeter buffers along the north, south and east property lines with one tree per 40 linear feet and 30 inch hedge installed at 2 foot on center	No perimeter buffer along north or east property lines and a partially mitigated landscape buffer along the south property line proposing diamond cut-out plantings in between parking stalls.
78-253(h)(1) (Minimum Landscape Requirements)	15 foot ROW buffer along west property line (Miller Way) with one hedge installed at 20 linear feet and 30 inch hedge installed at 2 foot on center	6 foot wide ROW buffer along west property line (Miller Way) with one tree per 20 linear feet and 30 inch hedge installed at 2 foot on center

78-253(h)(4) (Minimum Landscape Requirements)	3 foot hedge provided around dumpster	Hedge provided only on sides of dumpster. No hedge on rear of dumpster.
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The Applicant has met the remainder of the requirements in the Town's Landscaping Code.

Maintenance of landscaping and of plant height is conditional and all hedge material shall be maintained at a four foot height.

Drainage: The Applicant has provided the Conceptual Engineering Plans as well as a Drainage Statement and preliminary drainage calculations to the Town. The engineering plan and calculations indicate that the Property will be improved to the current South Florida Water Management District Standards with regard to drainage. The Town's Engineer has reviewed and approved all engineering plans and determined that these plans meet the requirements of the Town Code and Florida Building Code .

Parking: The parking spaces proposed meet the 14 required parking spaces per Town Code: 1 space per 250 square feet of office space (totaling 10 spacing); 1 space per 2000 square feet of warehouse space (totaling 1 space); and 1 space per employee during the maximum shift of employment (totaling 3 spaces).

Signage: The Owner's existing wall sign is a legal nonconforming sign. Pursuant to the Town Code, all legal nonconforming signs must be brought into compliance with the current sign code by May 31, 2014. The Applicant is also proposing an additional wall sign which will be permitted separately.

Zoning: The zoning for the Property is Campus Light Industrial/Commercial (CLIC). The use of an office/warehouse is a use permitted within this zoning district.

Water/Sewer: The Town's Engineer has reviewed the Application and determined that there is sufficient available capacity for potable water and for wastewater treatment set forth in the Town's Comprehensive Plan.

Design: The Applicant's detailed elevation plan meets the Town's Architectural Design Guidelines by incorporating a varied color palette and architectural details on the four sides of the proposed two story addition. It is recommended that the north wall incorporate additional new custom hardcoat foam square quoin with inset tiles, in addition to the proposed banding. This will make it consistent with the other walls as proposed on Sheet A-3.

Fire: Palm Beach County Fire reviewed the Site Plan package and has no comments.

PBSO: PBSO typically reviews for CPTED compliance. The Crime Prevention Through Environmental Design (CPTED) review was done by Town Staff instead. Recommendations were given to the Applicant during the plan review process. The only

compliance with the landscaping requirements of the approved Site and landscaping plans .

7. The hedge material for the Property shall be maintained at four feet.
8. Safe and adequate pedestrian passage shall be maintained along the Property's frontage along Miller Way.
9. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Property.
10. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park. The dumpster opening shall be modified to reflect a 12 ft x 10 ft opening.
11. Applicant shall incorporate additional new custom hardcoat foam 10"x19" square quoin with 4x4 inset tiles on the north wall, in addition to the proposed banding.
12. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Property is in accordance with the Site and Landscaping Plans approved by the Town Commission.
13. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection.
14. Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
15. **The Owner shall initiate bona fide and continuous development of the Property within 18 months from the effective date of this development order. Such development shall be completed within 18 months from the effective date of initiation of development; unless extended as provided for in the Town of Lake Park Code of Ordinances Section 67-42 Expiration of development approvals.**

16. Cost Recovery. All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the automatic revocation of any approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.

17. The Owner's successors and assigns shall be subject to the approved Development Orders for the Property, including conditions.



Community

MAY 10 2012

Development

THE TOWN OF LAKE PARK
APPLICATION FOR SITE PLAN REVIEW

Project Name: ServePro
Property Address: 117 Miller Way
Owner: Metropolitan Properties INC Address: 117 Miller Way
Applicant (if not owner): Jennifer Vail - Land Design South
Applicant's Address: 400 Columbia Drive Phone: (561) 478-8501
Fax: (561) 478-5012 Cell Phone: (561) 346-6928 E-Mail: jvail@landdesignsouth.com

Property Control Number (PNC): 36-43-42-20-07-003-0031

Site Information:

General Location: East side of Miller Way, north of Silver Beach Rd
Address: 117 Miller Way
Commercial Light Industrial/
Zoning District: CLIC/CRA Future Land Use: Bioscience-2 Acreage: 0.2563

Adjacent Property:

Direction	Zoning	Business Name	Use
North	CLIC	N/A	Industrial/Office
East	CLIC	N/A	Storage/Warehouse
South	CLIC	N/A	Industrial/Office
West	CLIC	B & D Warehouse	Warehouse

Justification:

Information concerning all requests (attach additional sheets if needed.)

1. Explain the nature of the request: see attached

2. What will be the impact of the proposed change on the surrounding area?

see attached

3. How does the proposed project comply with Town of Lake Park's zoning requirements?

see attached

Legal Description:

The subject property is located approximately 0.06 mile(s) from the intersection of Silver Beach Rd and Miller Way on the north, x east, south, west side of Miller Way (street/road).

Legal Description: see attached

I hereby certify that I am (we are) owner(s) of record of the above described property or that I (we) have written permission from the owner(s) of record to request this action.

Jennifer Val
Signature of Owner/Applicant

5.10.12
Date

Consent Form from Owner and Designation of Authorized Agent:

Before me, the undersigned authority, personally appeared _____
who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Zoning Variance and Site Plan Review in the Town of Lark Park, Florida.
3. That he/she has appointed Jennifer Vail - Land Design South to act as authorized on his/her behalf to accomplish the above project.

Name of Owner: METROPOLITAN PROPERTIES INC.

[Signature]
Signature of Owner

Mitchell H. Rubin
By: Name/Title

117 MILLER WAY
Street Address

LAKE PARK, FLA 33403
City, State, Zip code

P.O. Box

City, State, Zip code

561-881-8784
Telephone Number

561-881-9282
Fax Number

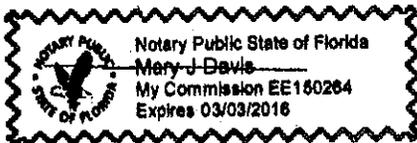
M Rubin 14 @ MSN. COM
Email Address

Sworn and subscribed before me this 1st day of May, 2012.

Palm Beach Co
STATE OF FLORIDA
By Mitchell H. Rubin, Pres
Personally Known by me.

Mary J. Davis
Notary Public

My Commission expires:





**TOWN LAKE OF PARK
PLANNING AND ZONING BOARD**

Meeting Date: February 4, 2013

**REQUEST BY LAND DESIGN SOUTH ON BEHALF OF SERVPRO FOR
VARIANCES FROM MINIMUM LANDSCAPING REQUIREMENTS AND
OFF-STREET PARKING STALL WIDTH REQUIREMENTS**

APPLICANT'S REQUEST: An application by Land Design South ("Applicant") as agent and on behalf of ServPro, the owner of real property located at 117 Miller Way ("Owner") for five (5) variances.

The first variance seeks a reduction in the width of parking stalls from the code requirement of 10 feet to allow for 9 foot parking stalls. The second variance proposes that the Owner be relieved from compliance with the Code's requirements for shade trees and the provision of landscaping in the parking islands within the property's parking lot because of the property's lot size. The Code requires shade trees and landscaping islands to be placed throughout the parking area. A third variance is being requested to relieve the Applicant from an eight (8) foot landscape buffer requirement along the north, east and south property lines. A partially mitigated south landscape buffer with diamond-cut out plantings is being proposed. The fourth variance proposes a reduction in the Code's requirement for a right of way landscape buffer from 15 feet to 6 feet on the Property's frontage along Miller Way. The fifth variance relates to the dumpster enclosure screening requirement. The Applicant is requesting relief from the provision requiring screening of the dumpster along the rear property line due to the utility easement requirement within the proposed drain field.

These variances are for the commercial property located at 117 Miller Way ("Property") in the Campus Light Industrial/Commercial (CLIC) Zoning District. The Property is currently being operated as an office building. These variances are being requested in conjunction with a Site Plan Application requesting a 2,697 square foot addition to accommodate additional office/warehouse space.

BACKGROUND:

Applicant(s):	Land Design South
Owner(s):	Metropolitan Properties Inc. d/b/a ServPro
Address/Location:	117 Miller Way, Lake Park, FL 33403
Net Acreage:	0.2563 acres
Legal Description:	
Existing Zoning:	CLIC- Campus Light Industrial/Commercial District
Future Land Use:	Commercial and Light Industrial/Bioscience Overlay

Adjacent Zoning

North: CLIC- Campus Light Industrial/Commercial District
 South: CLIC- Campus Light Industrial/Commercial District
 East: CLIC- Campus Light Industrial/Commercial District
 West: CLIC- Campus Light Industrial/Commercial District

Adjacent Existing Land Use

North: Commercial and Light Industrial/Bioscience Overlay
 South: Commercial and Light Industrial/Bioscience Overlay
 East: Commercial and Light Industrial/Bioscience Overlay
 West: Commercial and Light Industrial/Bioscience Overlay

I. APPLICANT'S VARIANCE REQUEST

The Applicant is requesting one (1) variance from the Off-Street Parking and Loading Requirement and four (4) variances from the Minimum Landscaping Requirements. The variances sought are as follows:

Variance #	Town Code Section	Requirement	Proposed
1	78-142-1 (Off-Street Parking and Loading)	10' Parking Stall width	9' Parking Stall width
2	78-253(c)(1) (Minimum Landscape Requirements)	Parking area shade trees provided such that no parking space is more than 40 feet from the center of a shade tree. Trees to be located within 5 foot islands (25 sf min.)	No parking lot shade tree or islands
3	78-253(h)(1) (Minimum Landscape Requirements)	8 foot perimeter buffers along the north, south and east property lines with one tree per 40 linear feet and 30 inch hedge installed at 2 foot on center	No perimeter buffer along north, or east property lines; and a partially mitigated landscape buffer along the south property line proposing diamond cut-out plantings
4	78-253(h)(1) (Minimum Landscape Requirements)	15 foot ROW buffer along west property line (Miller Way) with one hedge installed at 20 linear feet and 30 inch hedge installed at 2 foot on center	6 foot wide ROW buffer along west property line (Miller Way) with one tree per 20 linear feet and 30 inch hedge installed at 2 foot on center
5	78-253(h)(4) (Minimum Landscape Requirements)	3 foot hedge provided around dumpster	Hedge provided only on sides of dumpster. No hedge on rear of dumpster.

II. LAW ON VARIANCES.

Section 55-63 (2) of the Town Code vests the Planning and Zoning Board with the authority to act as a quasi judicial board with final authority over variance requests. Section 78-185 of the Town Code establishes typical variance to evaluate whether the Owner's request is, indeed a legal hardship. The Board must make a finding that each of these criteria have been met in order to determine that the Owner has established a legal hardship entitling him/her to variance relief. This criteria includes: (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building which is the subject of the application, and (2) that these special conditions or circumstances are not a result of actions by the Owner/Applicant; (3) granting the variance will not confer on the Owner any special privilege that is denied to others; (4) A literal interpretation of the land development regulations would deprive the Owner of rights commonly enjoyed by other properties in the same zoning district; (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; (6) The granting of the variance will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare and; (7) it would not be contrary to the comprehensive plan. In evaluating this criteria, courts have placed emphasis on criteria # 4, above by holding Owner/Applicants to the rigorous standard of whether the denial of the variance would render the property virtually unusable. See Bernard v. Town of Palm Beach, 569 So. 2d 853 (Fla. 4th DCA 1990). The Applicant/Owner has the burden of presenting evidence to the Board which establishes that each of these criteria have been met so as to entitle the Owner to the variance requested.

III. ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

Below are listed the six (6) variance criteria from Code Section 78-185 which all must be met before a variance can be granted. **Note: Staff comments are in bold. See criteria justification statement submitted by the Applicant attached.**

VARIANCE #1: 10 FT STALL WIDTH REQUIREMENT; 9 FT STALL WIDTH PROPOSED

CRITERIA 1: *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

The existing 1,248 square foot building exists and is being operated as an office. The Applicant is proposing a 2,697 square foot addition, consisting of 1,357 square feet of office space and 1,340 square feet of warehouse space. For this proposal requires 10 office spaces; one warehouse space; and one space per employee at maximum working shift.

The total proposed square footage on site requires 14 parking spaces: 1 space per 250 square feet of office space (totaling 10 spacing); 1 space per 2000 square feet of warehouse space (totaling 1 space); and 1 space per employee during the maximum shift of employment (totaling 3 spaces given its current operation whereby a maximum of 3 employees are present at any given time). The 14 required parking spaces can only be achieved using a nine (9) foot stall width instead of 10 feet.

The decreased stall width would not inhibit functionality, as the width of average sized to large sized vehicles is less than 7 feet. In fact, other municipalities have adopted a 9-9.5 feet minimum width requirement for parking stalls. Newer developments are afforded the opportunity to redevelop per code requirements as they are built on larger lots. The subject site is located in an area that was predominantly built prior to many of the existing code requirements. Consequently, in being afforded an opportunity to redevelop, a reduced larking stall width is necessary in order to meet the parking space requirement. Reducing the stall width would afford a redevelopment opportunity that other structures built under current codes would be afforded.

Criteria Met.

CRITERIA 2: ***That the special conditions and circumstances do not result from the actions of the Applicant.***

The structure was constructed in 1971 prior to the current parking code. In order for the Owner to be afforded the same redevelopment privilege as other property owners in Town who initially developed on larger parcels which meet current Code standards, a reduced parking stall width is necessary. Even though the Applicant is proposing an expansion which results in them needed a variance in order to meeting the parking requirements for the said expansion, the special conditions of the structure being built prior to Code would otherwise inhibit any redevelopment potential.

Criteria met.

CRITERIA 3: ***That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.***

A 9 to 9.5 foot stall width is a common practice which staff feels would be considered for other properties in the same zoning district. Many of the surrounding buildings will find

themselves in similar situations when trying to redevelop and expand. Granting the requested variance would not confer a special privilege on the Owner which would otherwise not be considered for similar properties.

Criteria met.

CRITERIA 4:

That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.

Applying this provision would cause the Owner to have a deficient parking scenario per the parking requirement determined by the Owner's use and site size. This would produce undue hardship for the Owner in their efforts to redevelop and pursue with their long-standing business in Town. The requested variance provides a viable option for meeting the required number of parking spaces while providing adequate space in parking stalls. Certainly a lesser expansion could potentially require less parking, however the Owner would be deprived from adequately expanding its operation to the meet the office and warehouse storage needs that are generally required for businesses who locate in this light industrial area.

Criteria met.

CRITERIA 5:

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The required number of parking spaces could only be met by granting a variance that reduces the width of the requirements of the Code for parking stall dimensions from 10 feet to 9 feet. A reduced parking stall width would allow the Applicant to meet the number of required parking spaces. The variance makes the most use of the parcel size while taking into consideration vehicular accessibility. In sum, the Owner can get all of the parking he needs to meet Code by reducing the width of the parking stalls.

Criteria met.

CRITERIA 6:

That the grant of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Granting this variance will not cause any disturbance or be detrimental to the public welfare because parking stalls with a width of 9-9.5 feet are a common standard in other municipalities and have not been problematic. The reduction in the width of parking stalls would allow the site to meet the Town Code requirement for parking and would discourage overflow parking.

Criteria met.

VARIANCE 2: NO PARKING LOT SHADE TREES OR ISLANDS

CRITERIA 1:

That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The configuration of this site limits the amount of space that can be used for landscaping. The site hardly has enough room for parking therefore, requiring the Owner to meet the Code and add shade trees and landscaping islands within the parking lot would cause a reduction in the area available for parking. Instead, the Owner is proposing to increase the amount of landscaping from what it is currently on the front of the property to compensate for the lack of landscaping around the parking area.

Criteria met.

CRITERIA 2:

That the special conditions and circumstances do not result from the actions of the Applicant.

The site was developed in 1971, prior to the establishment of Town landscape Code. The previous configuration of the site was built using regulations that did not require the amount of landscaping that is required under current code. While the Owner would agree to meet each and every landscape provision, it is physically impossible in any redevelopment effort given its small acreage. In an effort to redevelop, the Owner is prevented from being able to

install landscape islands and shade trees in the parking area due to its (the parking lot's) size.

Criteria met.

CRITERIA 3:

That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.

Up until now, the Owners site has been deemed nonconforming to the Landscaping Code. Recent plans to modify the site require the site to be brought up to Code to the best extent possible. The Owner is seeking to bring the site in compliance with the Code "to the best extent possible", therefore, granting the variance will not exhibit special privilege but rather acceptance of the Owner's effort to redevelop and the need for certain variances given the special circumstances whereby the building was built prior to Code.

Criteria met.

CRITERIA 4:

That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.

The size of the lot will not allow the Owner to successfully meet the parking requirement and the landscape requirement simultaneously, whereas other lots in the same zoning district are large enough to accommodate both requirements. Given the success of the Owner's business and the need to expand and redevelop, a right commonly enjoyed by other property owners, the Owner would be deprived from using the property and will be forced to sell and move elsewhere creating an unnecessary hardship.

If the literal interpretation of this provision were to be applied to the Property, the Owner would not have enough parking spaces for the operation of the business. A deficient parking scenario could potentially disrupt the businesses' operation as the accessibility for employees would be limited, causing undue hardship to the Owner.

Criteria met.

CRITERIA 5: *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

By increasing the landscaping along the Property's frontage, the Owner proposes to "mitigate" the landscaping otherwise required by the Code in the parking lot in exchange for the variance being granted. In other words, the required amount would still be met, just not in the layout required by the Code.

Criteria met.

CRITERIA 6: *That the grant of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The intent of the Landscaping Code Section is to promote "...the general psychological, aesthetic, and economic benefits that can be derived from a healthy environment..." (Sec. 34-1). While the Owner seeks relief from the shade tree and landscaping requirement, the Owner proposes a Landscaping Plan that is harmonious with the intent of the Landscaping Code because it improves the Property's aesthetics and promotes a healthier environment. As a form of compensating for the lack of shade trees and landscape islands, the Owner is proposing to enhance the landscaping along the Property's frontage, an area where this enhancement is possible and will serve to beautify the frontage.

Approval of this variance would be beneficial to the surrounding areas as many of the nearby parcels do not have adequate landscaping along the frontage. The Property would then be one of the few sites to have adequate landscaping along Miller Way, which will improve the general appearance of that area.

Criteria met

VARIANCE 3: 8 FOOT PERIMETER BUFFER; NONE FOR NORTH OR EAST SIDES; DIAMOND CUT-OUT LANDSCAPING ALONG SOUTH SIDE OF PARKING AREA PROPOSED

CRITERIA 1: *That special conditions and circumstances exist which are peculiar to the land, structure or building involved*

and which are not applicable to other lands, structures or buildings in the same zoning district.

The Property is currently on Septic. The drain field is located to the rear (east side) of the parcel which prohibits the Owner from installing any landscaping other than grass. In addition, the configuration of the lot does not yield sufficient room for the Owner to provide the Code's requirement of an eight (8) foot buffer on the north and south side of the Property. To mitigate this variance, the Owner has agreed to include diamond cut-out landscaping between parking stalls and additional shrubbery towards the south side of the parking area, as seen on the Site Plan. The Property's frontage will also be enhanced with landscaping.

Criteria met.

CRITERIA 2:

That the special conditions and circumstances do not result from the actions of the Applicant.

The Applicant cannot meet the Code requirements because of a drain field and its proximity to the Property's property line and the parking lot. As the Property was developed in 1971 prior to the Town Code, the setbacks and layout was not arranged per Code requirements.

Criteria met.

CRITERIA 3:

That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.

Currently, the Property is a legal nonconforming site because it was constructed prior to the development of the existing code requirements. While newer developments are afforded the opportunity to redevelop while following code requirements, older developments should be afforded the same privilege to redevelop while giving considerations to their existing site limitations.

In this case, the Owner cannot fully meet the 8 foot landscaping buffer requirement without encroaching into the parking area. Many of the surrounding buildings will find themselves in similar situations when trying to

redevelop and expand. Granting the requested variance would not confer a special privilege on the Owner which would otherwise not be considered for similar properties.

Criteria met.

CRITERIA 4:

That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.

The literal interpretation of this provision would require a landscaping buffer to encroach into the parking lot, a drain field, and an existing building. The application of this requirement would impede on the functionality of the business as the space within the parking lot would decrease, and the drain field area will no longer be compliant with SFWMD, as they have deemed it mandatory that the drain field has no landscaping.

Criteria met.

CRITERIA 5:

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The Owner is proposing to mitigate the intensity of the variance by adding diamond cut out landscaping areas in between parking stalls within the parking lot. The proposed Landscaping Plan will complement the configuration of the Property as it visually blends with the building and the parking lot, without taking away or encroaching into parking spaces.

Criteria met.

CRITERIA 6:

That the granting of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Town's Landscaping Code is intended to regulate landscaping so that it enhances the appearance of the site without infringing on functionality. The variance would allow the site to add landscaping that complements the Property given its existing layout, rather than overpowering

it. This would not cause any harm to the Property or any nearby properties.

Criteria met.

VARIANCE 4: 15 FOOT RIGHT-OF-WAY (ROW) BUFFER WITH TREES AND HEDGING; 6 FOOT ROW BUFFER WITH TREES AND HEDGING PROPOSED

CRITERIA 1: ***That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.***

The proportion of the size of building to the lot makes it difficult for the Owner to meet the 15 foot requirement. The existing parking lot is only six (6) feet from the right-of-way. Therefore, in order to meet this requirement, the plantings would encroach into the parking area which would minimize the amount of parking spaces available on the Property. Since the Property was developed before the Landscaping Code of 1973, the building and parking area were not constructed to meet the 1973 standards.

Criteria met.

CRITERIA 2: ***That the special conditions and circumstances do not result from the actions of the Applicant.***

The site was developed in 1971 prior to the Town's Landscaping Code. The layout, setbacks, and proportion of the building to the lot were all configured without the existing Code's requirements.

Criteria met.

CRITERIA 3: ***That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.***

The distance from the right of way to the parking lot is only six (6) feet. If the landscape buffer were to increase up to 15 feet, two parking spaces would have to be eliminated.

Many of the nearby parcels have similar setbacks and therefore, will encounter difficulty in meeting this

requirement in the event of an expansion or redevelopment effort. Granting the requested variance would not confer a special privilege on the Owner which would otherwise not be considered for similar properties.

Criteria met.

CRITERIA 4:

That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.

The literal interpretation of this provision would require a landscaping buffer to encroach into the parking lot causing the removal of two parking spaces, one of which is the proposed ADA parking space. The location of the ADA parking space is ideal due to its proximity to the building and sidewalk. Also, this location provides the necessary space for the parking stall width of 12 feet at this location. If the landscape buffer were to increase to 15 feet, the Owner would have a deficient parking scenario.

Criteria met.

CRITERIA 5:

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The Owner will be responsible for providing a landscape buffer from the property line to the parking area. The Owner has agreed to meet this requirement. There will still be a landscape buffer along the right-of-way, as required by Town Code, only the width of the area is being proposed to be lessened.

Criteria met.

CRITERIA 6:

That the grant of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Town's Landscaping Code is intended to regulate landscaping so that it enhances the appearance of the site without infringing on functionality. The variance would allow the site to add landscaping that complements the Property given its existing layout, rather than overpowering

it. This would not cause any harm to the Property or any nearby properties.

Criteria met.

**VARIANCE 5: 3 FOOT HEDGE PROVIDED AROUND DUMPSTER ENCLOSURE;
HEDGING ONLY ON SIDES PROPOSED**

CRITERIA 1: ***That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.***

Since the rear of the dumpster abuts the easement line and is within the drainage field, the Owner is proposing the required hedging be placed only along the sides of the dumpster and not the rear. The configuration and size of the Property limit the placement options for the dumpster enclosure. Sec. 4-8(q)(2) of the Town's Landscaping Code states:

Easements may overlap a landscape buffer a maximum of five feet provided that there remains a minimum of five clear feet for planting, or if a wall with a continuous footer is used, a minimum of ten clear feet for planting.

According to the Owner's survey and the above provision, the Owner does not have a minimum of five clear feet for planting.

Criteria met.

CRITERIA 2: ***That the special conditions and circumstances do not result from the actions of the Applicant.***

The utility easement and drainage field are necessary to the site. This prohibits the Owner from adding landscaping to the rear of the dumpster enclosure. The dumpster enclosure lays directly on the easement line adjacent to the drain field.

Criteria met.

CRITERIA 3: ***That granting the variance requested will not confer on the Applicant any special privilege that is denied by***

the Town Zoning Code to other lands, buildings or structures in the same zoning district.

The Town would enforce the "five (5) clear feet of planting" requirement for any property intending to situate landscaping along a utility or drain field easement. The Owner would have to meet all of the remaining requirements pertaining to dumpster enclosures such as side hedging or fencing. Granting the variance will not confer any special privileges

Criteria met.

CRITERIA 4:

That literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant.

If the dumpster remains at the existing location and the Owner landscaped the rear of the dumpster enclosure, the Owner runs the risk of interfering with the existing utility easement line and drainage field since the enclosure immediately abuts the easement.

Criteria met.

CRITERIA 5:

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The Owner is still required to screen the sides of the enclosure with landscaping and provide adequate fencing, per Town Code. Granting this variance relieves the Owner of having to provide landscaping on the rear of the dumpster, which is an area the Town Code deems is insufficient for landscaping per Sec. 4-8(q)(2).

Criteria met.

CRITERIA 6:

That the granting of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Town Code intends that all dumpster enclosures be screened from public view. The rear of the dumpster will

not be seen by public view, which makes the request harmonious with the intent and purpose of the Landscaping Code.

Criteria met.

IV. CONSISTENCY WITH THE COMPREHENSIVE PLAN

Objective 5 of the Future Land Use Element of the Town's Comprehensive Plan states the following:

As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

The proposed variances are necessary to allow a long standing business in Town to redevelop and expand. The Owner's variance requests are consistent with this Objective.

Criteria met.

V. STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the five (5) requested Variances subject to the following condition:

1. The industrial park within which the Property is located is being considered for sanitary sewer. An eight (8) foot landscape buffer, which meets code requirements, will need to be applied to the east of the Property if the drain field is eliminated and replaced with sanitary sewer. A building permit will be required at the time.



The Town of
Lake Park

COMMUNITY

MAY 18 2012

COMMUNITY

TOWN OF LAKE PARK
APPLICATION FOR ZONING VARIANCE

Please note: The process to consider a variance of the Town's zoning code is governed by the Town of Lake Park Code of Ordinances, Chapter 32 - Rezoning and Chapter 33 - Land Development Regulations and provisions of other chapters in the Code. It is suggested that applicants schedule a meeting with the Town of Lake Park Community Development Director to discuss the information needed.

DATE Received by Town of Lake Park: _____

This application must be completed and returned with all required enclosures to be accepted by the Town Commission of the Town of Lake Park. The application will then be referred to the Town Zoning Board of Adjustment and the Town Staff for study and recommendations.

(Please Print)

Name of Applicant (property owner): Metropolitan Properties INC

Name of Agent (if applicable): Jennifer Vail - Land Design South

(Required to attach Town of Lake Park Agent Authorization Form)

Mailing Address 400 Columiba Drive, Suite 110

(This is the address to which all letters, agendas and other materials will be sent)

City West Palm Beach State FL Zip Code 33409

Telephone (661) 478-8501 Fax (61) 478-5012

Legal description of property covered by petition

Lot 3 Block C Plat _____ (Attach separate sheet if necessary)

Property I. D. No. 36-43-42-20-07-003-0031

GENERAL INFORMATION ABOUT PROPERTY AND REQUEST

1. Size of property (square feet or acreage): 0.2563-acres

2. Highway and street boundaries or address: 117 Miller Way

3. Existing Zoning District classification: CLIC within the CRA

4. Variance Requested Landscape and Parking

5. Describe any structures or uses currently located on the property:

The property currently contains a one-story 1,248 square foot office building.

THE INFORMATION/ENCLOSURES LISTED BELOW AND ON THE FOLLOWING PAGE(S) MUST BE SUBMITTED IN CONJUNCTION WITH THIS APPLICATION.

6. Specific Information on Requested Variance

7.

- Map showing property subject to this application.
- THIRTEEN (13) copies of Site Plan(s), if necessary
- Building plans of structures to be erected
- Certified survey of property
- Notarized Town of Lake Park Agent Authorization Form signed by property owner authorizing Agent to act on behalf of owner to submit application for Variance, if applicable

8. Applicant's statement of explanation, needs and reasons for the requested changes, which addresses the following items (Attach additional sheets as necessary):

- a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the zoning district:

See Attached

- b. Explain how the special conditions or circumstances that exist do not result from the actions of the Applicant:

See Attached

- c. Explain how the literal interpretation of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant:

See Attached

- d. Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

See Attached

- e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district :

See Attached

- f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

See Attached

EXHIBIT "A-2"
SEACOAST UTILITY AUTHORITY
PROPERTY QUESTIONNAIRE for PROPERTIES ALREADY SERVED
BY SEACOAST WATER/SEWER FACILITIES
(i.e. Change in Ownership, Use, or Name)

FILL IN ALL LINES THAT ARE APPLICABLE

New Business Name _____

Service Address 117 Miller Way, Lake Park

Existing or Previous Business Name ServPro

Account # (if known) _____

Business/Property Owner ServPro/Metropolitan Properties Inc

Phone Number 561-881-8784 Fax Number 561-881-9282

Email mrubin14@msn.com

Previous Use and Square Foot Area 1,248 square foot Office

Proposed Use: (proposed as a 2-story building addition)

Restaurant - Existing # seats _____ Proposed #seats _____
(Include Dining, Bar/Cocktail Lounge Indoor and Outside Seats)

Restaurant/Drive In/Carry Out (gross square feet) _____

Institutions (# of meals/# of seats) _____

Doctor/Dentist/Veterinarian (# of practitioners) _____ (# of employees) _____

Beauty/Barber/Nail Salon # Chairs _____ Sq. Ft. _____

Shopping Centers/Retail Stores/Office Building/Service Businesses without food or laundry
(gross square feet) _____

Schools, Day Care Centers or Nurseries (# of students, faculty, and staff) _____

Biotech/Research & Development (per square foot, not including food service area) _____

A/C Water Cooling Towers (rating in tons) _____ Irrigation (gross square feet) _____

Other (Type of business: include detailed use and project size, i.e. square feet, # beds, # students,
etc.) 1,357 square foot Office and 1,340 square foot Warehouse is proposed

Are there any proposed improvements, if so describe proposed improvements Proposed improvements
include a 2,697 SF, 2-story building addition to the existing 1,248 SF office. A relocated
septic and septic drain field is proposed in the rear (east end) of the site.

Send all Correspondence to: Name Jennifer Vail / Land Design South

Address 400 Columbia Drive, Suite 110, West Palm Beach, FL 33409

Phone 561-537-4508 Fax _____ Email jvail@landdesignsouth.com

Applicants, please note the following: **A GREASE TRAP INSPECTION IS REQUIRED FOR ALL EXISTING ESTABLISHMENTS SERVING FOOD PRIOR TO ACCOUNT CHANGE.**

Applicants should be aware the existing water/sewer facilities may not be adequate to serve any proposed changes to the existing use. Additional connection fees will be due if proposed use indicates an increase in use. SUA will require a Backflow Preventer to be installed if not installed previously, or is found to be undersized or in disrepair. SUA requires a properly sized and functioning exterior grease interceptor for all establishments preparing or serving food. If an existing grease interceptor is found to be undersized or in disrepair, applicant will be required to replace the interceptor to meet current standards.

Plans are required to be submitted showing all proposed water and sewer modifications, and all other proposed changes potentially affecting water and sewer facilities including building mechanical, paving/drainage, landscape, plat, easement, and utility plans.

Applicant must sign and date where indicated below affirming the correctness of the information provided prior to receiving a written response from SUA or any changes to the existing account.

I hereby affirm that I am either the Property/Business Owner/Authorized Agent and that the information provided herein is true and correct to the best of my knowledge and belief.

Jennifer Vail _____ Jennifer Vail _____ 11/13/12
Applicant (print name) Applicant (signature) Date

Relationship of Applicant: Same _____ Tenant _____ Business Owner _____ Representative of Owner x

STATE OF Florida
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 13th day of November, 2012, by Jennifer Vail who is personally known to me or who has produced n/a as identification and who did not take an oath.

Lucinda May
Notary Signature



Lucinda May
Print Name
Notary Public - State of Florida
Commission No:
My Commission Expires:

¹ attach a Letter of Authorization from Property Owner or Business Owner



JUN 12 2012

June 4, 2012

Department of Engineering and Public Works
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

Ms. Nadia Di Tommaso
Director of Community Development
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: Servpro
Project #: 120515
TRAFFIC PERFORMANCE STANDARDS REVIEW

Dear Nadia:

The Palm Beach County Traffic Division has received and reviewed the traffic statement for the proposed light industrial expansion project entitled; Servpro, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Land Development Code. The project is summarized as follows:

- Location: East side of Miller Way, north of Silver Beach Road, west of Old Dixie Highway.
Municipality: Lake Park
PCN #: 36-43-42-20-07-003-0031.
Existing Uses: 1,248 SF Light Industrial
Proposed Uses: Addition of 2,697 SF Light Industrial (Total 3,945 SF Light Industrial).
New Daily Trips: 16
New Daily Trips: 3 AM and 3 PM
Build-out: End of Year 2015

Palm Beach County Traffic Division has determined that the proposed light industrial expansion project meets the Traffic Performance Standards of Palm Beach County. No building permits are to be issued by the Town after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at 684-4030 or send me an e-mail to matefi@pbvgov.org.

Sincerely,

[Handwritten signature of Masoud Atefi]

Masoud Atefi, MSCE
TPS Administrator, Municipalities - Traffic Engineering Division

MA:saf:cp
ec: Juan F. Ortega, PE., PhD -- Land Design South.

File: General - TPS - Mun - Traffic Study Review
F:\TRAFFIC\ma\Admin\Approvals\2012\120515.doc

Palm Beach County Board of County Commissioners

Shelley Vana, Chair

Steven L. Abrams, Vice Chairman

Karen T. Marcus

Paulette Burdick

Burt Aaronson

Jess R. Santamaria

Priscilla A. Taylor

County Administrator

Robert Weisman

"An Equal Opportunity Affirmative Action Employer"



November 19, 2012

Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403

Attention: Ms. Nadia DiTommaso

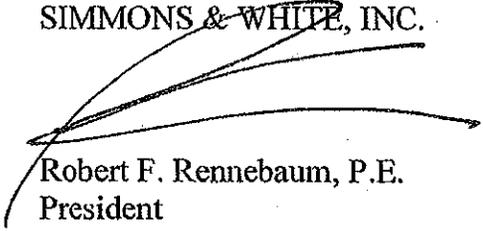
Reference: 3rd Comments Letter/Approval
Servepro
Town of Lake Park, Florida

Dear Mrs. DiTommaso:

Our office is in receipt of the applicant's resubmittal of the above referenced project dated November 13, 2012 and find it to be in order. All comments from our October 11, 2012 review letter have been satisfied and the project appears to meet the Codes and requirements of the Town of Lake Park. If you require any further review or certification, please contact me directly.

Sincerely,

SIMMONS & WHITE, INC.

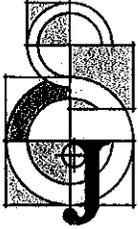


Robert F. Rennebaum, P.E.
President

Enclosures

RFR/sa x:/docs/misc/tr/Rennebaum/12053.ditommaso3rdreview.word

Simmons & White, Inc.
5601 Corporate Way Suite 200 West Palm Beach Florida 33407
T: 561.478.7848 F: 561.478.3738 www.simmonsandwhite.com
Certificate of Authorization Number 3452



Jon E. Schmidt and Associates
Land Planning and Landscape Architecture

Community

OCT 17 2012

Development

October 11, 2012

Nadia DiTommaso
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: ServPro, Lake Park, FL (JES No. 612.04)

Irrigation Plan Review

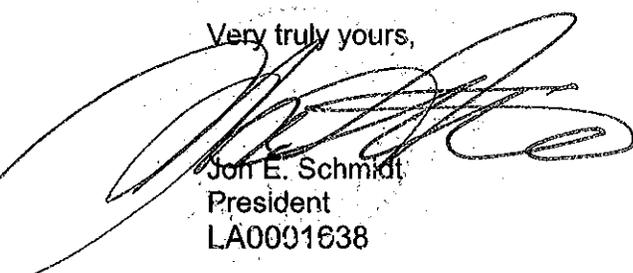
I have received and reviewed the Irrigation Plans for the above-referenced project. I find that both plans meet the current Town of Lake Park Code and have no additional comments.

Lighting Plan Review

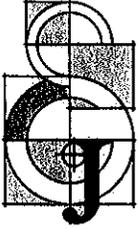
I have received and reviewed the Lighting Plan for the above-referenced project. I find that both plans meet the current Town of Lake Park Code and have no additional comments.

Please feel free to contact my office if you have any questions or require any additional information. Thank you.

Very truly yours,



Jon E. Schmidt
President
LA0001638



Jon E. Schmidt and Associates
Land Planning and Landscape Architecture

October 5 2012

Nadia DiTommaso
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: ServPro, Lake Park, FL (JES No. 612.04)

We have reviewed the resubmitted plans, dated September 10, 2012. The following comments were not addressed from the June review of plans stamped May 10, 2012:

Landscape Plan

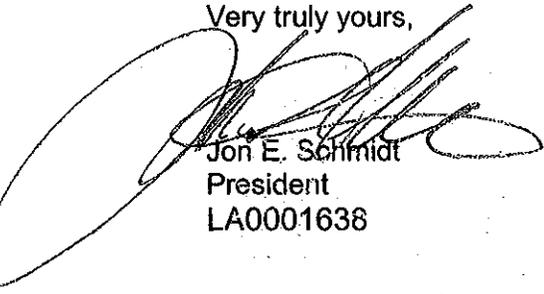
- 7 Please provide a conceptual irrigation plan and required backflow preventer.
9. Additional foundation planting can be installed adjacent to the new building if the drive isle were reduced to the 24 foot standard. (This original comment was partially addressed upon resubmittal.)
12. Please confirm that the specified tree height can meet the required 3" DBH, pursuant to section 78-253(h)(13).

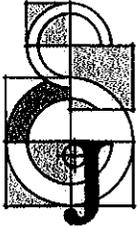
Additional Comments

1. Variance #5 is missing from Sheet SP-1.
2. Variance #3: Diamond cut outs could be utilized at the head of the south parking spaces to mitigate for the variance.

Please feel free to contact my office if you have any questions or require any additional information. Thank you.

Very truly yours,


Jon E. Schmidt
President
LA0001638



Jon E. Schmidt and Associates
Land Planning and Landscape Architecture

November 20, 2012

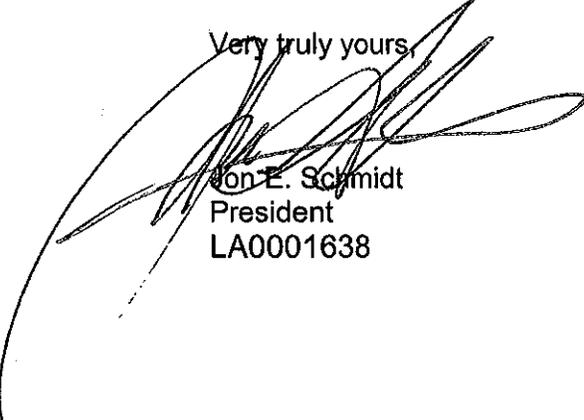
Nadia DiTommaso
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

RE: ServPro, Lake Park, FL (JES No. 612.04)

I have received and reviewed the revised plans, dated November 13, 2012, for the above-referenced project. I find that these plans appear to address the previously issued comments; however, please note that the variance mitigation would be better served by tree planting, in addition to the shrubs, in the diamond cut-out parking.

Please feel free to contact my office if you have any questions or require any additional information. Thank you.

Very truly yours,


Jon E. Schmidt
President
LA0001638