



**TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
NOVEMBER 17, 2014**

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Erich Von Unruh, Vice-Chair	Present
Michele Dubois	Present
Martin Schneider	Present
Ludie Francois	Present

Also in attendance were Thomas Baird, Town Attorney; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary.

Chair Thomas requested a motion to approve the Agenda as submitted. Board Member Dubois made the motion and it was seconded by Vice-Chair Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Martin Schneider	X	
Ludie Francois	X	

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

APPROVAL OF MINUTES

Chair Thomas requested a motion for the approval of the September 8, 2014, Planning & Zoning Board Meeting Minutes as submitted. Board Member Schneider noted a minor correction in the 1st paragraph of Page 13, which he would point out to the Recording Secretary after the meeting. Chair Thomas asked for a motion for the approval of the September 8, 2014, Planning & Zoning Board Meeting Minutes with the noted minor correction. Board Member Schneider made the motion for approval and it was seconded by Board Member Francois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Michele Dubois	X	
Martin Schneider	X	
Ludie Francois	X	

The Motion carried 5-0, and the Minutes of the September 8, 2014, Planning & Zoning Board Meeting were approved unanimously, with the noted minor correction on Page 13.

PUBLIC COMMENTS

Chair Thomas explained the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

- A. STAFF INITIATED ITEM TO CREATE A “FLEXIBLE DEVELOPMENT STANDARDS” CODE SECTION IN CHAPTER 78 OF THE TOWN CODE, AND THE MODIFICATION OF THE EXISTING “ARCHITECTURAL DESIGN GUIDELINES” IN CHAPTER 78 OF THE TOWN CODE**

STAFF PRESENTATION

In the absence of the Community Development Director, Debbie Abraham, Town Planner, addressed the Planning & Zoning Board. Ms. Abraham stated that the presentation will be to discuss a text amendment to create Flexible Development Standards and to modify certain elements in the Town’s existing Architectural Design Guidelines. She thanked Chair Thomas for the discussion she had with Nadia following the first distribution of the agenda packets regarding the lot size eligibility criteria. Ms. Abraham stated that as the Board may recall, the P&Z Board discussion held in September spoke about a minimum 0.5 acre lot size to be eligible for certain Flexible Development Standards. Staff has since analyzed various developed and undeveloped parcels in Town and bumped the lot size up to 1.5 acres, only to bump it back down to 1.0 acre in the final iteration of the proposed language. It appears the agenda packet initially distributed had 1.5 acres, which Chair Thomas picked up as being quite a large lot size. Staff’s final intent is to leave the proposed minimum lot size at 1.0 acre as is reflected in the revised memo distributed last week to the P&Z Board.

Ms. Abraham reviewed the Zoning Map with the Board, pointing out Town boundaries and noting that the Town is surrounded by commercial and industrial parcels along its perimeters with a saturation in the western areas. She stated that it is important for Lake Park to remain competitive in this economic upturn, and part of remaining competitive includes streamlining

processes and allowing for reasonable code provisions, while maintaining the community's health, safety and general welfare. Ms. Abraham stated that the Community Development Director reviewed the flexibility standards of the Town of Jupiter, as well as other municipal standards, and it appears that every municipality addresses flexibility differently given their zoning districts, parcel layouts and sizes. She cited an example of the City of West Palm Beach which allows for flexible zoning in key redevelopment areas, along with a "stretchable" approach on variances. Town Staff believes the "flexible" building approach (which can also be referred to as indirect incentivizing) should be granted to the entire non-residential development and redevelopment area. This could be accomplished comprehensively, given the smaller 2.5 square mile Town size, and relatively similar parcels that are both smaller in size and for those which are built-out, in a non-conforming status as it relates to building setbacks; landscape buffer widths and planting, and off-street parking requirements.

Ms. Abraham pointed out key commercial and industrial areas, remaining vacant parcels, and general lots sizes on the Town Zoning Map. She stated that Staff is proposing an administrative approval process which would provide relief from certain development standards for parcels that come up for development or redevelopment in non-residential areas. Ms. Abraham stated that following the P&Z Board discussion on this topic in September, Staff incorporated consistency in the eligible reduction amount to 20%, a lot size requirement of 1.0 acre or less, as well as the incorporation of minimum requirements for the various categories. Ms. Abraham explained that the first area of focus is building setbacks, and pointed out the Town's various commercial/industrial zoning districts have building setbacks ranging on average at about 25' from the front property line; 15' on the side; and 7' at the rear. The proposal proposes a maximum 20% reduction for lot sizes less than 1.0 acre, or for parcels with topographic limitations (to facilitate the design and development or redevelopment of these parcels). Additionally, a maximum 20% reduction for parcels 1.0 acre in size or less of off-street parking spaces if a parking needs analysis is submitted; OR an adaptive re-use along with a parking needs analysis being submitted (for example, an older warehouse is converted to a loft office space); OR an addition to an existing site is proposed whereby the proposed addition meets the parking requirements, but the existing structure's operation retains the existing parking spaces even if they are less than the current code requirement, keeping in mind that Staff can only waive up to 20%, and a minimum of 5 parking spaces will always be required per the proposed language. Ms. Abraham stated that lastly are landscape buffer widths and the actual plantings within these landscape buffers. The intent is to be able to administratively waive, for lot sizes 1.0 acre or less, up to 20% of the landscape buffer width, along with the number of plantings if they interfere with certain public agency, or public or private utility requirements, however, a minimum 6' buffer width will always be required per the proposed language to ensure an adequate width for planting. An example is the existing front property line buffer width requirement is 15', if the maximum is applied, it would reduce the width to 12' through this administrative process. Alternately, the interior lot buffer width requirement is 8', which would reduce it

to just over 6' if the maximums are applied through this administrative process. It is important to note that if this process is used, a variance cannot be applied for the same code section. If an applicant is able to meet the variance criteria and prefers to go the variance route, this will remain an option and would require the Public Hearing process. Additional conditions of approval and/or mitigation will be applied at Staff's discretion if the administrative waiver process is selected. In conclusion, Ms. Abraham reviewed the key points for the Flexible Development Standards proposal: maximum 20% reduction; minimum 1.0 acre parcel size, with minimum standards for off-street parking and landscape buffers.

Ms. Abraham stated Staff is taking this opportunity to address certain Architectural Design Guidelines which are already in place within the Town Code for internalized industrial parcels, specifically parcels located along 10th Court, 12th Street, 13th Street, 14th Street, 15th Street, Brant Road, Miller Way, Newman Road, Joule Road, Kinetic Road, Gateway Road, South Killian Drive and North Killian Drive. Given their internalized industrial-type location and uses, and from a feasible and reasonable development and redevelopment standpoint, Staff is proposing that the use of certain materials such as wood that is stained or painted, metal siding which is vinyl-coated or otherwise coated, glass window systems and fluted block that is split and scored or ribbed, is permitted along the facades, as long as 25% of the façade for buildings fronting Old Dixie Highway, Watertower Road and Silver Beach Road incorporate additional preferred exterior materials as listed.

Ms. Abraham explained Staff is also proposing flexibility for these parcels to the applicability of blank walls (with the exception of front walls), such that side and rear walls within these areas measuring less than 100' in length which are used primarily for garage bay door access, are exempt from adding additional decorative features other than variation in color and material as required by other sections of the Architectural Design Guidelines. Ms. Abraham stated that Code currently requires two roof offsets, one which is required to be located on the front façade. Staff is proposing that these same parcels shall be permitted to provide a minimum of one front façade roof offset (i.e. vertical change), with the exception of corner lots which are required to incorporate an additional roof offset along the side street façade. In conclusion, while Staff was modifying the various Sections of this Chapter, it also took advantage and cleaned up the Applicability Section in Section 78-330 of the Architectural Design Guidelines, so that the language is more consistent and that the repainting of nonresidential buildings would also be subject to the Building Color and Finish Provisions of the Architectural Design Guidelines, in order to protect the aesthetic integrity of our commercial/industrial corridors. Currently, nonresidential buildings that are simply repainting can paint the exterior any color per the existing Code requirements.

BOARD MEMBER DISCUSSION

Board Member Von Unruh noted a correction that needed to be made regarding the referenced acreage size listed on Page 2 under *the Scope of the Standards* - changing from 1.5 acres to 1.0 acres. Board Member Von Unruh questioned if when an Applicant gets a waiver approved, does the approved waiver stay with the land even if the property changes ownership. Ms. Abraham confirmed that an approved waiver does stay with the land.

Board Member Francois had no comments.

Board Member Dubois had no comments.

Board Member Schneider questioned (Page 2) - Section 78-321 - Scope of Standards, A(1) The parcel of land cannot be redeveloped and meet these standards as set forth in this Chapter: How is it determined that a parcel cannot be redeveloped and meet these standards? Is the language precise enough as written? Board Member Schneider stated that it may be theoretically possible to find a way to redevelop a site, but the question is does it work practically? Ms. Abraham stated that the intent of this language is not to establish the eligibility criteria, but to explain the reasons behind granting the eligibility requirements. The eligibility requirements are seen in Section 78-325- Development Standards Eligible for Waivers. The Town Attorney suggested replacing the words “meet these standards” with “land development regulations”. The Town Attorney further stated that the terminology “The parcel of land” makes it sound as if it’s a non-conforming lot, which by definition wouldn’t meet the land development regulations, though he doesn’t know if that was Staff’s intent. The Town Attorney questioned if the language intended to address the lot itself, or, like the other criteria, the proposed development or redevelopment of the parcel? Chair Thomas stated she believes that it was the intent of the Community Development Director to create flexibility for parcels which cannot develop under current land development regulations. Ms. Abraham agreed that it is her understanding also.

The Town Attorney pointed out that Section 78-320 – Purpose and Intent sets forth that this only applies to non-residential zoning districts, so it would not be necessary to repeat throughout the article that this only applies to non-residential districts.

Chair Thomas suggested inserting “developed” into Section 78-321 – Scope of the Standards (a)1 and (a)4 in order to be consistent as it is not restricted to only properties being redeveloped. Ms. Abraham agreed that inserting “developed” would not be a problem and would not affect the intent.

PUBLIC COMMENTS

Richard Ahrens – 1461 Kinetic Road (Corporate Office).

Mr. Ahrens stated he was in front of the P&Z Board several months ago representing Mr. Kauff’s project, and at that time they were seeking variances for the development of a small vacant parcel located on 10th Court. Mr. Ahrens stated there were issues then which now meet

the current criteria on the smaller sub-divided parcels, and he feels that these proposed changes are fair, which will be helpful and bring additional tax base into the Town.

Richard Kauff

Mr. Kauff stated that he is the owner of the last vacant lot on 10th Court, and he also owns another property located on 13th Street. Mr. Kauff stated that the lot on 10th Court is currently being utilized by Kauff's Truck and Trailer for storage. He stated that he would like to build a small affordable building on the vacant lot and rent it out to someone to operate a small business, however, he cannot get it done with the current requirements in place. Mr. Kauff stated that the current requirements work great on Congress Avenue and Northlake Boulevard, however it is impossible to meet the standards as they are today without some flexibility and be able to build a facility which is affordable.

BOARD MEMBER DISCUSSION (CONTINUED)

Board Member Schneider questioned (Page 3) Section 78-324(b) – Limitations on Flexible Development Standards: *The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the maximums set forth in this Section.* Board Member Schneider asked for an explanation of what is meant by that statement. Ms. Abraham responded that it means the maximum waiver that can be applied for is 20% individually for setbacks, landscaping and off-street parking, should it be part of the application and they meet the eligibility requirements. Board Member Schneider stated that using the word cumulative is confusing, but it does mean more than one category. The Town Attorney suggested that it might read "the cumulative total shall not exceed 20%". There was discussion regarding the word "cumulative" and (a) and (b). Board Member Schneider suggested possibly amending (a) to add the word "any". The final consensus was to remove the word "cumulative" as it caused confusion.

Board Member Schneider asked what would be the maximum setback. Are there any large setbacks, as a 25' setback would allow up to a 5' waiver. Ms. Abraham stated that in the commercial/industrial area the maximum setback is 25'. Chair Thomas asked if the vacant parcel on Watertower Road has three (3) street frontages, would there be a 25' setback on all three streets? Ms. Abraham stated that the front/entrance would be considered the frontage with a 25' setback and the other two would be the sides. There was discussion regarding front yard setbacks within the industrial zoning district.

Board Member Schneider stated that Section 78-325(b)- Development Standards Eligible for Waivers – Off Street Parking does not reference the lot size requirement of 1.0 acre or smaller, as it does throughout the other sections, and would it be helpful to add it. Ms. Abraham responded that the lot size is stated within the eligibility requirements and Section 78-320 Purpose and Intent, so it would not be necessary.

Chair Thomas stated that her questions are general/overall and she is trying to apply the code as it is. She expressed a concern that the maximum lot size that can qualify for an administrative waiver is an acre. She feels that the parcels that would have more of a hardship meeting setback

requirements would be a half-acre or less. Her other concern was with waivers on small lots and assuring there is uniformity with the neighboring properties in the industrial areas and uniformity with the façade and frontage of other developed properties within Town. Ms. Abraham reiterated Chair Thomas' concern that if 1.0 acre vacant parcels are granted these waivers that they will not apply to be in uniformity with their neighboring properties. Ms. Abraham responded that regarding uniformity, Town Code does not have a build-to line in the industrial/commercial areas for the frontage and Staff is willing to take any P&Z recommendations to bring to the Town Commission. Regarding Chair Thomas' concern of having a maximum of one acre, Ms. Abraham showed a visual of vacant parcels in Town which are an acre or greater in Town. Ms. Abraham stated that most of the parcels that this would affect are mostly parcels that are smaller than an acre, unless they are combined. Ms. Abraham stated that the language could be changed to say "less than an acre" if that is the concern, but there are not many undeveloped properties in Town that are an acre or greater. Board Member Von Unruh asked if this applies to properties that want to redevelop, and Ms. Abraham stated that is correct. Regarding Chair Thomas' concerns, Board Member Von Unruh pointed out Section 78-324(d) - Limitations on Flexible Development Standards: No waiver of the standards of this Chapter shall be granted where it would result in a substantial inconsistency with the existing pattern of development of the surrounding area. Chair Thomas stated that she would like to know what the word substantial means. There was discussion amongst the Board Members regarding uniformity, inconsistencies and build out properties. Chair Thomas stated that she believes in shared power with Administration to a point, but her concern is how far should that shared power go? Are we going to make it so broad that it takes the opportunity away from the Board to provide input on the criteria set forth? Ms. Abraham stated that is exactly why the maximums are set forth, and the maximums guarantee the community and the Board that even if an Applicant meets all of the eligibility requirements for a waiver, the maximum is 20% in the waiver process.

Board Member Schneider commented that he is comfortable with a site which is less than an acre with a 20% maximum and the fact that they can't do if it's inconsistent with the overall character of the area, as that is where Staff can help developments move along with a little bit of flexibility, instead of getting hung up and/or denied in Public Hearings. Board Member Schneider stated it doesn't give Staff too much power by keeping it at 20% and if it applies to small lots which are less than an acre. Board Member Von Unruh stated a concern about redevelopment. Chair Thomas asked about the application process and associated fees. Ms. Abraham reviewed the application and review process. The Town Attorney referred to Section 78-322(c) – Reviewing Authority: The decision of the Community Development Director shall be in writing and shall constitute the Development Order as applied to the parcel of land which is the subject of the application...and stated that therefore there will be two (2) Development Orders, one for the waivers and one for the site plan. The Town Attorney suggested that the waiver expressed in the Community Development Director's Development Order be incorporated into the Resolution in terms of where it's missing that sub-section. There was discussion about various hypothetical development scenarios and how the proposed administrative waivers would apply. Chair Thomas asked if there could be clarity or language to state that the waivers must be consistent with the approved site plan. The Town Attorney stated that the property needs to be developed consistent with the site plan and pointed out Section 78-323(a) – Applications: Applications for administrative waivers to the development standards of

this Chapter shall be submitted, together with the applicable administrative fee, which is equivalent to the variance fee on the fee schedule approved by Resolution, to the Department of Community Development, and shall be accompanied by a site plan, survey, or other sealed plan which is sufficient to identify the development or redevelopment of the property to which the waiver request applies. Therefore, the submitted (sealed) site plan will reflect any waivers from the land development regulations, and once approved, development or redevelopment must be in accordance to the site plan. If the development or redevelopment doesn't occur within a two (2) year period, the site plan lapses and the property owner or the successor no longer has the entitlement to the regulations that were waived within the development order.

Chair Thomas mentioned that it would be helpful in the future when we have technical reports if Staff would provide visuals showing the process for the public.

PLANNING & ZONING BOARD RECOMMENDATION

Chair Thomas asked for a motion for approval of the Staff initiated Text Amendment for administrative waivers. Board Member Schneider made a motion for the **approval of Staff initiated Text Amendment with the clarifications as discussed (change “Development Standards to Land Development Regulations; change “parcels of land” to properties; add “developed or” to Section 78-321(a)(1); change Section 78-321 (a) The Community Development Director “grants waivers of the Land Development Regulations....”; Remove the word cumulative” in Section 78-324(b) so as to avoid confusion).** The motion was seconded by Board Member Von Unruh and the vote was as follows:

		Aye	Nay
Judith Thomas		X	
Erich Von Unruh		X	
Michele Dubois		X	
Ludie Francois		X	
Martin Schneider		X	

The motion passed 5-0, and the Staff initiated Text Amendment for administrative waivers was unanimously approved with the clarifications as discussed during the Meeting.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

The Community Development Director was not present.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 8:25 p.m.

Respectfully Submitted,

Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:



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

DATE: 2/2/2015