TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
MONDAY, JUNE 2, 2014

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Erich Von Unruh, Vice-Chair	Present
Michele Dubois	Excused
Martin Schneider	Excused (Arrived at 7:40)
Ludie Francois, Alternate	Present

Also in attendance were Thomas Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary.

APPROVAL OF AGENDA

Chair Thomas requested a motion for approval of the Agenda as submitted. Vice-Chair Von Unruh made a motion for approval and the motion was seconded by Board Member Francois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 3-0 and the Agenda was unanimously approved as submitted.

APPROVAL OF MINUTES

Chair Thomas requested a motion for approval of the May 5, 2014, Planning & Zoning Board Meeting Minutes as submitted. Vice-Chair Von Unruh made a motion to approve and the motion was seconded by Board Member Francois. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Erich Von Unruh	X	
Ludie Francois	X	

The Motion carried 3-0, and the Minutes of the May 5, 2014, Planning & Zoning Board Meeting were unanimously approved as submitted.

PUBLIC COMMENTS

Chair Thomas explained the Public Comment procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

Board Member Schneider arrived at 7:40 p.m. (after having been previously excused).

NEW BUSINESS

A. AN APPLICATION TO REZONE A VACANT 28.66 ACRE LOT ALONG CONGRESS AVENUE FROM THE COMMERCIAL C-2 BUSINESS DISTRICT TOA PLANNED UNIT DEVELOPMENT (PUD), AND THE APPROVAL OF A PUD MASTER SITE PLAN FOR THE PROPOSED CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT

STAFF PRESENTATION

Town Planner Debbie Abraham addressed the P&Z Board and stated she will be presenting an application to rezone and an application for a PUD Master Site Plan approval which will require two separate motions by the Board. Ms. Abraham stated that Gentile, Glas, Holloway, O'Mahoney and Associates, Agent and Applicant for Congress Avenue Properties, the property owner, submitted an application to rezone a 28.66 acre vacant parcel located on the southeast corner of Watertower Road and North Congress Avenue from Commercial-2 (C-2) to a Planned Unit Development (PUD).

Ms. Abraham explained that a PUD is a development which promotes unity within certain aspects of the development, while incorporating a variety of compatible uses from the underlying zoning district, which in this case is the C-2 District. The objective of a PUD is to have certain elements develop in a uniform manner, even though the uses may vary. A PUD differs from a traditional zoning district because it allows for flexibility in development regulations, such as setbacks and buffer requirements; however, waivers from the Town Code must be beneficial to the community, as the PUD is intended to substantially benefit the public. Ms. Abraham further explained that according to Section 78-77 of the Town Code, whenever a site rezones to a PUD, the PUD absorbs the uses of the underlying district and any additional uses proposed must be brought forward as a special exception and determined to be compatible with the uses permitted in the PUD.

Ms. Abraham stated that Congress Avenue Properties is also proposing a PUD Master Site Plan as part of the rezoning request, entitled "Congress Business Park" as shown on Sheet M-1 of the agenda packet. The Master Site Plan proposes all of the uses permitted by right and special exception in the underlying C-2 District. Ms. Abraham further explained that like any other zoning district, special exception uses will be required to submit a special exception application when they are applied for and are subject to the public hearing process. The C-2 District currently fosters uses such as retail, business and professional offices, restaurants, and personal service establishments. The Site's existing future land use designation is Commercial/Light Industrial, which is compatible with the proposed PUD zoning designation. The primary benefit for creating a PUD is the flexibility in development regulations.

Ms. Abraham explained that the proposed PUD Master Site Plan has a continuous internal road network which is to be complemented by pedestrian connections, a master perimeter landscaping plan along with guidelines for the interior landscape buffers; master signage guidelines for permanent signage along with a monument sign detail to provide uniformity; color palette, and architectural guidelines, while relying on the Town's additional architectural guidelines and property development regulations for future development. The Applicant also submitted a minor replat application in order to further subdivide the site, which is an administrative process that will be processed by Staff following the approval of the rezoning and the PUD Master Site Plan. The PUD Master Site Plan sets aside a parcel for the construction of the Park Avenue West Extension, a project which has been in the Town's vision for years. The Applicant has received a permit to begin construction of the Park Avenue West Extension from Palm Beach County and upon completion will hand the Extension over to Palm Beach County, who will then dedicate the Extension to the Town. The construction of the Park Avenue Extension would not have moved forward had it not been for the intended PUD, and it provides a substantial public benefit to the Town as it initiates the construction of an additional east/west connection with the Town that has been discussed for years.

Ms. Abraham noted that discussions were held with the Applicant regarding the submittal of additional wall-mounted signage details and architectural elevation templates; however, Staff did not require the Applicant to submit the information due to the fact that the Town's Architectural Guidelines are in place and will require compatibility in character with the overall Site.

STAFF RECOMMENDATION

Ms. Abraham stated that the Rezoning and PUD Master Site Plan proposals have been reviewed pursuant to the requirements of Town Code and Staff is recommending:

1. APPROVAL of the rezoning of the Site from the C-2 Business District to a PUD.
2. APPROVAL of the PUD Master Site Plan with Conditions 1 – 5 as outlined in the Staff Report, with the exception of Condition 2, which Staff is proposing to <u>modify</u> as follows:

    Prior to the issuance of any development permits, a Unity of Control instrument subject to the approval of the Town Attorney shall be required of the Applicant,

and the instrument shall be recorded in the Public Records of Palm Beach County to ensure that the PUD is operated as a single entity.

APPLICANT PRESENTATION

George Gentile, Senior Partner of Gentile, Glas, Holloway, O'Mahoney & Associates, Inc., and Agent for the Applicant, addressed the P&Z Board and thanked Staff for their great presentation of the project. Mr. Gentile stated that they are requesting a PUD Master Plan and Rezoning to a PUD for the subject property. Mr. Gentile showed a visual of the location of the Master PUD Plan, *Congress Business Park*, and explained they are proposing to rezone from the C-2 to a PUD and will utilize the uses that are allowed in the underlying C-2 District on the Project. Mr. Gentile stated that there are several activities commencing that are in process at this time for the project, but this evening they are here only for the PUD Master Plan, which will set the trend and the criteria for everything that will happen with those developments as they come in for either special exception uses or permitted uses in the future. Mr. Gentile explained that the property is a Commercial Light Industrial land use parcel which was rezoned in 2008 to C-2 and is consistent with the current Light Industrial and Commercial land use already in place. The subject parcel is located at the southeast corner of Watertower Road and Congress Avenue, is surrounded by C-2 zoning to the north; C-4 to the south; CLIC to the east and Traditional Neighborhood District (TND) across Congress Avenue to the west. Mr. Gentile explained that the PUD Master Plan has design standards which permit for the site to develop in a unified way through architecture, signage and landscape and provides for coordinated access and circulation, as well as the alignment of the Park Avenue Extension, which is a major public benefit of the PUD. The architecture will have a unifying character to create a campus setting; the signage will facilitate a thematic approach for the entire PUD, and the landscaping will create a sense of place using similar materials with accents throughout the project. Mr. Gentile showed a visual example of the PUD Architecture and explained the specifics to be 4-sided; contemporary; natural color schemes, concrete; stucco with accent banding and accents of metal fixtures, awnings and colors for other accents. The signage format will relate to the architecture and match the theme, design size and materials, and will recognize branding and registered logos and colors but will use accent for interest and provide for project ID with tenants. Mr. Gentile stated the PUD landscape will establish a theme for the entire site to provide for a sense of place and arrival, and will utilize common landscape materials, including native sable palms and oaks as utilized in the perimeter and corridor. Shrubs, hedge and groundcover will be kept indigenous to the sandy ridge dune system that is in the project area.

BOARD MEMBER DISCUSSION

Vice-Chair Von Unruh asked the Applicant with respect to the Park Avenue Extension how much would be their responsibility. Mr. Nadir Salour, Representative for the property owner, responded that they will be building Park Avenue from Congress Avenue to the property line which is the west side of the canal. Vice-Chair Von Unruh asked if there is a connector road on the west side of the canal at the moment. Mr. Salour stated there is not a connector road but the County and Town are working together on the alignment. Vice-Chair Von Unruh asked if RaceTrac Petroleum, Inc. will be a part of the project. Mr. Salour stated that RaceTrac Petroleum, Inc. and Aldi Florida, LLC. have submitted plans to the Town which are currently in

the review process. Vice-Chair Von Unruh questioned Staff's reason for requesting to modify Condition #2 as written in the Staff Report. Ms. DiTommaso stated that the request is to modify Condition #2 to read "prior to the issuance of any development permits, a Unity of Control instrument subject to the approval of the Town Attorney shall be required of the Applicant, and the instrument shall be recorded in the Public Records of Palm Beach County to ensure that the PUD is operated as a single entity". Ms. DiTommaso stated that she met with the P&Z Board Chair prior to tonight's meeting and the Unity of Control instrument was discussed. It was agreed that it was in the best interest of the Town to require a Unity of Control instrument prior to the development permit, even though there is only one owner on the property at this time, in order to ensure the responsibility is clearly written for when other owners come onto the property. Ms. DiTommaso explained that the Unity of Control document would be submitted by the Applicant to the Town and reviewed by the Town Attorney. Chair Thomas clarified her concern that since there were internal roads being proposed in the PUD that it is typical that the Plat would include maintenance requirements for the common areas, as well as cross access agreements for the roadways. Therefore, she had requested Staff to look at a Unity of Control instrument so as individual owners come in there would not be a concern for which property owner is responsible for the maintenance of the internal roads and the cross access agreements with the commercial entities. Vice-Chair Von Unruh asked about a cross access agreement with the corner property (currently the Army Reserve Center). Ms. DiTommaso stated that Staff does not see it as a concern because the Army Reserve Center will be separated by the Park Avenue Extension, which is currently being constructed. Mr. Gentile stated that the Applicant does not have a problem with the modification of Condition #2 regarding a Unity of Control instrument. Mr. Gentile stated that there will be multiple owners and there may be further subdivision of the property and all of the issues of concern will be covered within the Unity of Control document. Vice-Chair Von Unruh asked the Town Attorney if he foresees any negative impacts to adding a Condition for if there are multiple parties that cross access agreements would be required. The Town Attorney stated that it will be unnecessary to add such a condition requiring cross access, as it will be addressed within the Unity of Control. Board Member Schneider asked if there will be driveway access to Watertower Road. Mr. Salour stated that upon completion of the infrastructure the intent is to extend the road from the north end of the parcel to Watertower Road. Board Member Schneider asked how cross connectivity will be ensured at this time even though the PUD is preliminary. Mr Salour said that he would be fine with adding a *Condition of Approval* to extend the road and connect with Watertower Road at the appropriate time. The Town Attorney asked for clarification in order to articulate the Condition. Mr. Salour stated that the *Condition of Approval* would be tied to the approval of the site plan which abuts Watertower Road and at that time the property owner would be required to connect to Watertower Road and provide access.

Board Member Schneider requested background information on the future road connection of Park Avenue. Ms. DiTommaso showed an aerial view of the area and explained that in approximately 2008-2009 an original alignment plan was discussed between the Town and Palm Beach County, which aligned Park Avenue West and Congress Avenue through the industrial areas, back up behind the conservation area and then connecting to Old Dixie Highway. The originally proposed alignment plan came back from the County to the Town in late-2011, due to some connection issues. Ms. DiTommaso stated that the alignment plan has since been reworked over the past 12-18 months, and now there is a drafted alignment plan that can potentially work.

The Town is currently working with the County to draft language for an Interlocal Agreement which will be brought to the Palm Beach County Board of County Commissioners (PBCBCC) for approval. Upon PBCBCC approval, the Park Avenue Extension will be placed on the County's 5-Year Road Plan. Board Member Schneider asked if the right-of-way exists. Ms. DiTommaso stated that the majority of the alignment lies within public land; however, there are certain portions which will need to be attained from private property owners. Board Member Schneider asked if there will be any change to the existing lakes on the site, and said he noticed there was no lake maintenance easements mentioned on the project plans. Mr. Gentile responded that there is no anticipated change to the lakes. Mr. Salour stated that the northern lake tract has been dedicated to the Northern Palm Beach County Improvement District. Board Member Schneider asked if a landscape buffer will be required on the east side, and which site will be the Aldi grocery store. Mr. Salour stated that the Aldi grocery store will be a part of Parcel A. *(Board Member Schneider noted a discrepancy on Sheet M-1 Site Data that Parcel A, B & C doesn't match Parcel A, B & C on the map. Mr. Gentile stated that this is a typo which will be corrected).* Board Member Schneider asked if the location of the entry/monument sign should be shown to ensure that it won't interfere with the perimeter landscape buffer or site triangles. Ms. DiTommaso stated that upon submittal of the site plan Staff will verify that the sign is not within a site visibility triangle. Board Member Schneider asked if there is currently anyone in mind for the light industrial uses, and would the use be one-story. Mr. Salour stated that there is no one at this time for the light industrial uses, and Mr. Gentile stated that there is a height limitation in the PUD of four-stories. Board Member Schneider commented that he feels Condition #4 which requires a landscape buffer at Watertower Road and Congress Avenue within 36-months of approval of the PUD should be considered to be shortened. There were no comments/questions from Board Member Francois.

Chair Thomas asked Staff about the standard process for platting. Ms. DiTommaso stated that platting goes to the Town Commission for approval. Ms. DiTommaso stated that the project site has been platted and there is a minor re-plat to subdivide which is being done administratively. Chair Thomas asked if there is anything on the plat regarding maintenance and cross access or master development controls. Mr. Gentile stated the plat was actually done a couple of years ago and it was not a PUD at that time. Chair Thomas asked if it would be difficult to re-do the plat to include cross access agreement issues and maintenance requirements in order to simplify the process. Mr. Gentile stated that rather than having to go through the entire re-plat process, since there is a time issue and there are 2 pending applications, all of these items of concern would addressed within the Unity of Control. Mr. Gentile stated they are certain that the conditions and concerns discussed this evening with Staff and the Town Attorney can be incorporated into the Unity of Control. Mr. Salour stated that there will be numerous levels of protection, as there will also be a property owners association which will outline all of these areas of concern and which will be reviewed by the Town Attorney. The Town Attorney suggested adding a Condition stating ... *"before a building/development permit is issued, the owner shall amend the plat such that it is consistent with the Unity of Control"*, which would give sufficient time to bring the plat up-to-speed consistent with the Unity of Control. Chair Thomas stated there is a driveway cut being proposed off of Congress Avenue and there is a concern regarding the on-street parking adjacent to the property along Congress Avenue, and will it be utilized as a deceleration lane going onto the property off of Congress Avenue. Mr. Salour responded that he is not certain at this time but he believes that upon construction of the turn lane, the on-street parking may

become part of the turn lane. Chair Thomas asked that since this is a PUD will the P&Z Board be reviewing the site plans and special exceptions uses and what is the purpose of doing a PUD. Mr. Gentile responded the purpose of the PUD is to create a campus type-setting which will have unified themes for such things as architecture, landscape & signage and yes, the Board would review the individual site plans and special exception applications. Vice-Chair Von Unruh asked when ground breaking is anticipated. Mr. Salour stated that the next step is the infrastructure and he hopes that it will be on the next up-coming agenda. Chair Thomas asked if the Town has received any feedback/comments from the Army Reserve since there is a Federal Army Reserve facility being constructed adjacent to the subject parcel. Ms. DiTommaso stated she has not heard received any feedback from the Federal agency regarding the project. Mr. Salour stated that they are in close touch on a daily basis and the Federal agency is very well aware of the project since they are working together regarding the Park Avenue Extension construction and utilities.

PLANNING & ZONING BOARD RECOMMENDATIONS

1. Chair Thomas asked for a motion to re-zone a 28.66 acre vacant lot located on Congress Avenue between Park Avenue and Watertower Road from the C-2 Business District to a Planned Unit Development (PUD). Board Member Schneider made a motion to approve, and the motion was seconded by Vice-Mayor Von Unruh. The vote was as follows:

	Aye	Nay
Judith Thomas	X	
Martin Schneider	X	
Erich Von Unruh	X	
Ludie Francois (voting alternate member)	X	

The Motion carried 4-0, and the rezoning was unanimously approved.

2. Chair Thomas asked for a motion to approve Staff's recommendation to approve the PUD Master Site Plan for the proposed Congress Business Park Planned Unit Development with Conditions, as amended and read by the Town Attorney:

➔ ***Condition #2*** ... Prior to the issuance of any building permit, the Owner shall submit a unity of control instrument. This instrument shall be subject to the review and approval of the Town Attorney, following which the Owner shall record it in the Public Records of Palm Beach County. The Owner shall return a copy of the instrument with the recording information contained thereon to the Department of Community Development.

➔ ***Condition #6*** ... At such time as the Owner proposes a Site Plan to develop the parcel within the PUD which abuts Watertower Road, the Owner shall provide an easement and incorporate the same in the Plat to ensure cross access between this parcel and the other Parcels within the PUD. Additional interior roadways and curb cuts that are incorporated within the Property to

accommodate future parcel development shall require the submission of individual applications for a site plan.

➔ ***Condition** #7* … Prior to the issuance of the first building permit, the Owner shall amend the Plat such that it is consistent with the Unity of Control instrument.

Vice-Chair Von Unruh made a motion for the approval of the conceptual PUD Master Plan, subject to the five (5) Conditions as stated in Staff Recommendations, with *amended* Condition #2 as read by the Town Attorney, as well additional Conditions #6 and #7. The motion was seconded by Board Member Schneider. The vote was as follows:

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

The Motion carried 4-0 and was unanimously approved.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

There were no further comments by the Community Development Director.

ADJOURNMENT

Chair Thomas asked if there would be a Planning & Zoning Board Meeting in July. Ms. DiTommaso stated there will be an item for the Historic Preservation Board, and there may be other items for the Planning & Zoning Board. Ms DiTommaso stated there are several projects pending at this time and therefore P&Z Meetings will most likely be scheduled throughout the summer months.

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 8:26 p.m.

Respectfully Submitted,

Kimberly B. Rowley

Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

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

DATE: 8/4/2014