TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
SEPTEMBER 8, 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; Nadia DiTommaso, Community Development Director; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary.

Chair Thomas asked for a motion to approve the Agenda as submitted. Board Member Schneider 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 August 4, 2014, Planning & Zoning Board Meeting Minutes as submitted. Board Member Dubois made a motion for approval 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 Minutes of the August 4, 2014, Planning & Zoning Board Meeting were approved unanimously as submitted.

PUBLIC COMMENTS

Chair Thomas explained the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

A. **SPECIAL EXCEPTION USE APPLICATION FOR A 17,107 SQUARE FOOT ADLI GROCERY STORE WITHIN THE CONGRESS AVENUE BUSINESS PARK PLANNED UNIT DEVELOPMENT. Applicant: ALDI Florida, LLC**

B. **SITE PLAN APPLICATION FOR THE APPROVAL A 17,107 SQUARE FOOT ALDI GROCERY STORE WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT. Applicant: ALDI Florida, LLC**

STAFF PRESENTATION

Town Planner Debbie Abraham addressed the Board and stated there are two items on the Agenda, a Special Exception Use Application and a Site Plan Application, and requested to present both items together, although each will require a separate motion by the Board.

Ms. Abraham explained that ALDI Florida, LLC, better known as ALDI, is a franchised grocery store that sells general grocery products. ALDI intends to establish their general grocery store within the Congress Business Park Planned Unit Development "PUD" which is located on the east side of Congress Avenue between the Park Avenue West Extension Road and Watertower Road. The proposed location is within a PUD and therefore, has a "PUD" Zoning Designation, as well as a Future Land Use Designation of "Commercial/Light Industrial". Town Code requires PUDs to absorb the underlying zoning designation, which is the Commercial 2, or C-2 Business District. Ms. Abraham stated that PUD's have the flexibility of allowing uses which are not permitted by right in the underlying zoning district, as long as it is granted approval as a Special Exception Use. The C-2 District currently allows for commercial uses such as offices, personal services, restaurants, retail, and allows grocery stores, but only between 2,000 and 10,000 square feet which have 50% sales area for foods of a specialty or ethnic nature. ALDI is

proposing to develop a 17,107 square foot grocery store that sells general, non-specialty grocery items under a Site Plan Application, and since the proposed use is larger than 10,000 square feet and is not catered to specialty goods, the Applicant is requesting approval for a Special Exception Use.

Ms. Abraham further explained that Town Code Section 78-184 identifies the criteria used to evaluate Special Exception Uses, which requires the Applicant's request to be consistent with the Goals, Objectives, and Policies of Town's Comprehensive Plan. Because the Applicant's Site is currently vacant, the development efforts satisfy many of the objectives and policies within the Town's Comprehensive Plan, including those related to "development of underutilized lots" and "infill development" in the Future Land Use Element. The criteria also evaluates the physical and operational compatibility of the proposed use with the neighboring properties, and the proposed Special Exception Use of a general grocery store is compatible with the existing commercial uses along the Congress Avenue Corridor, including other big-box commercial developments such as Wal-Mart, Target, and Kohl's. Ms. Abraham stated that while there are other stores that sell grocery products, there is currently not a stand-alone grocery store along this Corridor, which means approval of the proposed Special Exception Use will not cause a proliferation of grocery stores in this region. Town Code seeks to ensure that issues such as noise, odor, and visual disturbances derived by the proposed use will not negatively impact the neighboring properties or the general public and, upon review of the Special Exception Application, Staff found the most likely cause for disturbance would be from delivery truck activity. The Applicant is proposing the development of a sloped truck well, which should help to minimize any potential noise, odor, or visual disturbances occurring as a result of the delivery trucks.

The Town Planner continued explaining that ALDI is expected to be the first development within the Congress Business Park PUD, and therefore architectural consistency within the PUD is measured by the Applicant's ability to meet the PUD's Architectural Guidelines, as well as Town Code. Since the intent of a PUD is to promote consistency and harmony between developments within its boundaries, the proposed development was reviewed in comparison to a Site Plan Application which was received by Staff for another development within the PUD. Both Applications were then subject to incorporating similar architectural features in order to enhance the visual compatibility.

Ms. Abraham stated that the Applicant's proposed architectural features, as well as landscaping, engineering plans, parking, signage, traffic concurrency and water were reviewed as part of the Site Plan Application. Upon review and evaluation by Staff, the Town Engineer, Landscape Architect, Palm Beach County Fire-Rescue, Palm Beach County Traffic Division, Seacoast Utility Authority, the plans have been deemed satisfactory for the purpose of site plan review. Given the approvals of each plan review, the details of the project are as follows:

Site Access: The proposed site has two entrances – one on the east side and the other on the south side. Both entrances are accessible by the PUD's interior roads, and upon completion of all road construction, the interior roads will be accessed from Congress Avenue, Watertower Road, and the Park Avenue West Extension Road.

Traffic: The Applicant received a Traffic Performance Standards (TPS) Concurrency Letter from Palm Beach County Traffic Engineering Division confirming adequate capacity on roadways which serve the Site.

Landscaping: Upon review by the Town's Landscape Architect, the proposed Landscape Plan meets the Town's Landscaping Code Regulations and is consistent with the PUD's Master Landscaping Plan.

Drainage: The Town's Engineer has reviewed the Paving and Drainage Plan and determined that it meets the engineering requirements for Site Plan review.

Parking: The Applicant is proposing 86 parking spaces, including four (4) required ADA parking spaces.

Signage: The Applicant is proposing wall signs above the south and east building entrances, as well as a monument sign adjacent to Congress Avenue.

Water/Sewer: Staff has received confirmation from Seacoast Utility Authority that the Applicant has reserved water capacity for the Site.

Fire: Palm Beach County Fire-Rescue completed a preliminary site plan review of the proposed Site Plan and offered no comments.

STAFF RECOMMENDATION

Ms. Abraham stated that Staff is recommending a motion of approval by the P&Z Board for the Special Exception Application, as well as a motion of approval for the Site Plan Application, with Conditions #1 - #19, as outlined in the Staff Report (a copy of which is attached hereto). The following four Conditions were read into the record:

- ***Condition #8:*** **The hedge material for the Site shall be maintained at five feet.**

- ***Condition #13:*** **The Site will be subject to the Unity of Control instrument for the PUD. A copy of recorded Unity of Control instrument is required prior to the issuance of any building permits.**

- ***Condition # 14:*** **The Site shall be duly platted. Plat Application and approval is required prior to the issuance of any building permits.**

- ***Condition #17:*** **All interior roadways within the PUD that immediately surround the Site, including all adjoining curb-cuts and the Park Avenue Extension roadway, must be completed prior to the issuance of a Certificate of Occupancy.**

Ms. Abraham stated that the Applicant is present and available for questions by the Board.

APPLICANT PRESENTATION

Brandon Ulmer of Thomas Engineering Group addressed the Board and stated he has nothing to add since Staff's presentation addressed everything concerning the site and the site plan, but that he is open to any comments from the Board.

BOARD MEMBER DISCUSSION

Chair Thomas opened the floor for comments from the Board. There were no comments from Board Member Francois. Board Member Schneider asked that since ALDI is part of a new PUD, what is happening on the site to the north of the proposed development. Mr. Ulmer answered nothing is planned or developed to the north at this time, but they are in the preliminary stages of looking at different options. Mr. Ulmer stated that a RaceTrac Gas Station will be located to the south on the corner. Ms. DiTommaso added that the RaceTrac Gas Station has not yet gone through the public process. Board Member Schneider asked about north-south cross-access along the western most drive aisle at this time or in the future in order to connect to the site. Jeff Williams, Director of Real Estate for ALDI Florida, addressed the Board and stated the topic of cross-access was brought up while reviewing the site for purchase. Mr. Williams stated that ALDI is only purchasing the one parcel and does not have any rights to the other parcels. ALDI shortened their northern border to allow for a drive aisle connection in the future, which would ultimately eliminate the parking spots along that border. If future cross access is required, and if Staff is not opposed to the parking being reduced, ALDI would not be opposed to creating cross access. The Town Attorney stated the Town Commission recently adopted an Ordinance requiring cross-access between properties and although the Commission could not require this property owner to provide cross-access onto the adjacent property, the Board can recommend if they choose, for an easement to be dedicated on this property where the cross access would go to the adjoining property. This way when the other property comes in the Board would recommend utilization of the easement and the Town Commission would adopt the same thing on that site so that the two dedicated easements match and there is cross access.

Board Member Schneider questioned whether there will be a wall or a fence separating the truck well from the east side, as the elevation appears to show a fence, which should probably be a wall. Mr. Ulmer replied that the elevation shows an approximate 5'-6' high Oleander hedge material as well as nice trees on the east side of the building. Board Member Schneider stated it might be a good idea to consider placing a wall in order to block the view of the trucks on that side. Board Member Schneider asked if there is room for truck movement and Mr. Ulmer confirmed there is more than enough room for the trucks to move in and out. Board Member Schneider pointed out the hatched asphalt area with white striping and asked if perhaps stamped concrete or decorative pavers could be used in order to give it a better look. Mr. Ulmer stated that in the past they have used either stamped asphalt or stamped concrete. Mr. Williams stated that deliveries are limited to about 3-4 deliveries per week and trucks move in and out very quickly. Board Member Schneider noted it appears that the bike racks are to be located in the middle of the island and suggested they might relocate at least some of the bike racks along the building wall on the south side of the building, east of the cart rack. Mr. Ulmer stated that the bike racks are proposed to be placed at that location so trees can be placed and provide a shaded area, as it would be difficult to shade the front of the building. Board Member Schneider

suggested placing at least one or two of the bike racks closer to the front of the building. Board Member Schneider commented that the east and north elevations look plain and he would like to see more articulation or vertical landscaping near the foundation of the building. Mr. Williams stated that gumbo limbo trees are planned along the north elevation and the east elevation will have a landscaping buffer, as well as hedges/wall along the truck well.

Vice-Chair Von Unruh asked Staff the approximate square footage of Publix on Northlake Boulevard so as to compare to the square footage of the proposed ALDI grocery store. Ms. DiTommaso responded that Publix is approximately between 40,000 – 50,000 square feet. Mr. Williams stated that ALDI stores are typically smaller than Publix stores. He provided some facts about ALDI grocery stores such as they are one of the top-ten grocery stores in the Country; they are privately owned; they cut costs whenever possible during construction; 90% of their products are specialty brands; there are only 5 very wide aisles within the stores; the prices are 40%-50% lower than traditional grocery stores and 20% less than superstores prices; they do not provide bags to their customers.

Chair Thomas questioned the location of the cart well and there was discussion regarding the problem of shopping carts being removed from the property. Mr. Williams explained the cart-pay system, which he stated combats 90% of cart stealing. Chair Thomas asked about the location of sidewalks, both external and internal, and expressed concern regarding pedestrian access, specifically concerning the apartment complex which is located directly to the west. Chair Thomas recommended that Staff include directional arrows on the site plan. Chair Thomas stated that the dedicated easement subject concerned her. Regarding Condition #17... *requiring all interior roadways within the PUD that immediately surround the Site, including all adjoining curb-cuts and the Park Avenue Extension roadway must be completed prior to the issuance of a Certificate of Occupancy...* Chair Thomas asked the Community Development Director if this refers to this Site Plan specifically or to the whole development. Ms. DiTommaso responded that it is specific to the southern boundary within the PUD and not specially surrounding this development. Ms. DiTommaso stated that it will be required prior to the issuance of a Certificate of Occupancy for any development within the PUD. Chair Thomas asked about the timeframe of construction. Mr. Williams responded that construction time is typically 6-8 months. Chair Thomas stated a concern that the eastern exposure needs to be aesthetically pleasing since they will be stand-alone until further development. Vice-Chair Von Unruh asked about the height of the trees at installation. Mr. Williams stated that there will be 6' Green Buttonwood, Live Oaks and Holly trees. Chair Thomas questioned Staff if the elevation of future development on Parcel A-1 would front the east or the west. The Community Development Director responded that it would front either the west or the north, depending on the amount of land area developed. Since ALDI will be stand-alone, Chair Thomas asked if something could be suggested for landscaping to the perimeter of the property to the front elevation of Parcel A-1 for screening purposes and maybe something internal with their agreement. Ms. DiTommaso stated there is a Condition of the PUD for a uniform landscape buffer around the entire PUD to allow for uniformity and screening, regardless of which type of use is developed on the individual parcels, however this may not occur immediately since the PUD has a 15-month timeframe for landscaping installation, even if no development occurs on Parcel A-1. Chair Thomas asked if the proposed gas station will be located on Parcel B. Ms.

DiTommaso stated that the gas station is proposed to be on Parcel B to the south of ALDI and on the northeast corner of Congress Avenue and Park Avenue West Extension.

Board Member Dubois asked the completion date of the Park Avenue Extension road. Ms. DiTommaso stated that she does not have an exact timeframe, however construction is well underway and she anticipates completion within the next 4-5 months.

Vice-Chair Von Unruh asked the Applicant if there were any concerns regarding the cross access easement. The Town Attorney stated that Town Code requires a cross access easement provision to be shown on the site plan, although a condition could be crafted to show the easement on their site plan and if the neighboring property comes in with a site plan that is not compatible, then they need to work out where the cross access is on the two site plans, but they have to design their site to comply with all Town Codes, and since it is a requirement of Town Code, the site plan should show the location for a cross access easement. Vice-Chair Von Unruh asked Staff if they took the cross access requirement into consideration. Ms. DiTommaso stated yes, but because of the unknown variables and cross access can be achieved in several areas, and the orientation of the property to the north, they were only required to provide a pedestrian connection and in the future when the end user is known and the orientation of the development then cross access will be required. Vice-Chair stated a concern that if ALDI is already at the minimum number of parking spaces and in the future when cross access is added they may not meet the Code's requirement for parking spaces. The Town Attorney stated that they are within a PUD which can provide for waivers for land development requirements, including parking. The Town Commission will require a Condition that the Applicant shall dedicate an easement to provide cross access with the adjacent properties, possibly with the flexibility for the two property owners to decide the best location for the cross easement, and the Town will dictate any conditions for the cross access easement. There was discussion regarding various cross access situations on other properties throughout the Town. The Town Attorney stated that Staff needs to look at the internal road system within the PUD in order to see if the road system provides for cross access, and if it does provides cross access, then it would not be necessary for a separate cross access agreement to be provided. The intent of the Ordinance is only to ensure that people can move back and forth between the developed sites, and if the PUD's internal road system will allow for all the customers to move back and forth within the development, and then cross access will not be necessary.

PLANNING & ZONING BOARD RECOMMENDATION

Chair Thomas asked for separate motions for the Special Exception and the Site Plan.

Board Member Schneider made a motion for the approval of Staff's recommendation of approval to the Town Commission for the Special Exception. The motion was seconded by Board Member Dubois, 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 carried 5-0, and the recommendation of approval for the Special Exception was unanimously approved.

Chair Thomas asked for a motion for the Site Plan. Board Member Schneider made a motion to approve the Site Plan with Staff's 19 Conditions, plus two additional Conditions: 1) for the Applicant to work with Staff and the Town Attorney for a Condition to provide for potential future cross access to the property to the north; and 2) to relocate at least two bike racks to be adjacent to the building. The motion was seconded by Board Member Dubois.

The Town Attorney stated that the 1st additional Condition on cross access should read *if necessary*, because as discussed earlier, Staff believes that there is access already through the internal roadway system and the Condition will be become unnecessary. Staff will note in their Staff Report to the Town Commission that the internal roadway will provide cross access and the Code Requirement will therefore be satisfied. There was general discussion regarding the roadways and cross access throughout Town. The Town Attorney reminded the Board of their previous recommendation for stamped asphalt within the truck well, and the original motion was therefore amended:

Board Member Schneider made a motion to approve the Site Plan with Staff's 19 Conditions, plus three (3) additional Conditions: 1) *if necessary*, for the Applicant to work with Staff and the Town Attorney for a Condition to provide for potential future cross access to the property to the north and 2) to relocate at least two bike racks to be adjacent to the building and 3) utilize stamped asphalt within the truck well. 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 carried 5-0, and the recommendation of approval to the Town Commission for the Site Plan was unanimously approved.

Note: The Town Attorney left the P&Z Board Meeting prior to the up-coming discussion item.

DISCUSSION

A. STAFF PRESENATION OF FLEXIBLE DEVELOPMENT STANDARDS

Nadia DiTommaso, Community Development Director, addressed the Board and stated that the application is for proposed flexible development standards. The Town is approximately 2.5 square miles and there are parcels that are unique in size which require attention as they relate to

standard land development regulations in the Code. Ms. DiTommaso stated the Board was provided with a Memo which she read into the record, as follows:

Over the past few months, Staff has been reviewing several projects for new developments and redevelopments within the Town. Staff has also had the privilege of attending several economic development meetings with its North County partners. In light of the economic upturn, an analysis of the Town Code and its flexibility (or lack thereof) was performed. While the Town's Land Development Code was developed over the last 40 plus years, and of course has also been modified throughout this lengthy timeframe, the Town is now over 90% built-out. While Staff is concurrently working on a project that would update and modernize the permitted uses allowed in the various zoning districts, and eliminate inconsistencies and antiquated language in the Code, it is important that the Code also provide some flexible development standards for those seeking to develop or redevelop on lots that exemplify unique conditions. While variance or waiver applications will continue to be available to applicants, if they meet the criteria, in an effort to more appropriately account for the Town's current conditions; provide business-friendly initiatives; and promote economic development through a systematic, fair, simple and more practical development standard(s) alternative, Staff is proposing a new Code Section entitled: "Flexible Development Standards" and would like to discuss this proposal with the Planning & Zoning Board. ***Staff is not seeking a recommendation of approval or denial, but rather is hoping to share ideas with the Board in hopes to be able to finalize the proposal prior to bringing it forward to the Town Commission in early October.*** *A copy of the proposed draft code language has been enclosed in the agenda packet.*

Ms. DiTommaso gave a Power Point Presentation and stated that the purpose of considering flexible development standards is for the Planning & Zoning Board and Town Commission to recognize that in order to be a highly competitive municipal jurisdiction that is prepared to quickly move to support quality economic development activity in the Town of Lake Park, while preserving the public's health, safety and welfare and remaining consistent with the Comprehensive Plan, it is necessary to provide the Community Development Department, through the Community Development Director and professional staff, the authority to administratively approve pre-established flexible development standards found in the Town Code, if approved.

Ms. DiTommaso showed a visual of the Town and reviewed boundaries, commercial corridors and commercial light-industrial areas. She pointed out each of the vacant parcels in the Town and gave the size of each vacant parcel. Ms. DiTommaso stated that the size of the lots on Congress Avenue are the exception because they came into the Town much later and are platted on much larger lots and therefore big-box retail stores which meet all of the current development standards of the Code. Ms. DiTommaso stated that this indicates that throughout Town, lots vary in size and configuration and most lots have buildings which are much larger than would normally be approved under the current Code. In order to accommodate and promote new development and redevelopment, while safeguarding aesthetics and compatibility between uses, it is important to introduce flexible development standards.

Ms. DiTommaso outlined the three areas of focus and gave definitions as follows:

(1) Building Setbacks: A setback is the distance in which a building is set back from a street or road.

(2) Off-Street Parking: A place where you can park your car that is NOT a road, but rather on private property. Municipal codes generally regulate the minimum number of off-street parking required for individual uses. For example, office buildings may require 5 spaces per 1,000 square feet of office space.

(3) Landscape Buffers & Planting Requirements: A vegetated area immediately adjacent to property lines that is used to screen the lot from neighboring lots, while providing visual appeal through a combination of trees, hedges, groundcover and shrubs.

Ms. DiTommaso outlined the language structured to allow for Staff to provide flexible development standards in the three areas of focus:

(1) BUILDING SETBACKS:

Administratively waive up to 20% or 36 inches (3 feet), whichever is greater if one or more of the following can be met:

→ Lot size is less than 0.5 acres; *OR*
→ Topographic limitations; *OR*
→ Structure encroaching is less than 50% of the affected building façade and will be an open area (for example, a porch area); *OR*
→ Required by a life-safety, ADA, or other public safety code; *OR*
→ Will allow for the preservation of native vegetation (Staff is considering removing this since there is not one example of a vacant parcel in the Town where the native vegetation could not be relocated or otherwise preserved.)

(2) OFF-STREET PARKING:

Administratively waive up to 30% of required off-street parking if one or more of the following conditions exists:

→ A Parking Needs Analysis for the proposed use is submitted by a Certified Engineer, Architect or Planner and demonstrates that a lower parking requirement will adequately serve the parking needs of the use; *OR*
→ An adaptive reuse is being proposed (Example: utilizing an old warehouse manufacturing building as a modern, upscale restaurant); *OR*
→ An addition is being constructed whose parking count will meet Code for the added square footage, but not necessarily for the combined square footage due to ongoing operational requirements that do not require an upgrade to the existing building's parking calculation; *OR*
→ will allow for the preservation of native vegetation

(3) LANDSCAPE BUFFERS AND PLANTING REQUIREMENTS:

Administratively waive up to 84 inches (7 feet) of the required landscape buffers along property lines adjacent to a right-of-way, or by up to 24 inches (2 feet) for landscape buffers on interior lot lines, if one or more of the following can be met:

→ Lot does not meet the dimensional requirements of the zoning district; *OR*
→ Lot size is less than 0.5 acres; *OR*
→ Lot is adjacent to more than one right-of-way whereby all rights-of-way other than the front street, is eligible for a waiver under this qualifying criteria; (Ms. DiTommaso cited examples of lots on the south side of Watertower Road) *OR*
→ Lot has topographic limitations

Ms. DiTommaso stated that an administrative waiver may also be granted towards a reduced number of planting requirements within landscape buffers if the Town Code requirements are in conflict with other agency requirements, which may also come through as variances. Examples of agencies are the South Florida Water Management District, Florida Power & Light and Seacoast Utilities, and a letter from the Agency would be required for consideration. _If the flexible development standards were to be approved once the language has been finalized, they would be applied only when the criteria can be met and justification is provided. Staff can place additional conditions to protect the health, safety and welfare of the public.

In conclusion, Ms. DiTommaso repeated the purpose of the proposal: for the Planning & Zoning Board and Town Commission to recognize that in order to be a highly competitive municipal jurisdiction that is prepared to quickly move to support quality economic development activity in the Town of Lake Park, while preserving the public's health, safety and welfare and remaining consistent with the Comprehensive Plan, it is necessary to provide the Community Development Department, through the Community Development Director and professional Staff, the authority to administratively approve pre-established flexible development standards found in the Town Code. The Public Hearing approval process will always apply to all new development and significant redevelopments in the Town and therefore there will always be an ability to review the flexible development standards that may have been administratively waived as part of the site plan approval process, but not for action.

Ms. DiTommaso recapped that these flexible development standards address only building set-backs, off-street parking, landscape buffers and planting requirements because these specific Code requirements are sometimes difficult to achieve when certain site conditions or development efforts are presented. These proposed flexible development standards set maximums and can still potentially allow for adequate separation between uses in order to protect the public's health, safety and welfare, and Staff will always have the ability to apply

conditions. The flexible development standards can still potentially allow the Town to ensure that each use receives the minimum amount of parking necessary to effectively operate on-site by virtue of a parking analysis, and can potentially allow for attractive use to the incorporation of landscaping, the necessary screening and buffering and open-space, and to slow down stormwater run-off. Ms. DiTommaso stated Staff intends to take these proposed flexible development standards to the Town Commission next month, after P&Z Board discussion, fine-tuning of the language and review by the Town Attorney.

Chair Thomas asked if Text Amendments are required to come to the P&Z Board for recommendation prior to going to the Town Commission. Ms. DiTommaso stated she verified that although it would not be a requirement to bring flexible development standards to the Planning & Zoning Board that she would bring it to the P&Z Board if they would like to recommend approval or denial with conditions. Ms. DiTommaso stated that they would be codified in the Land Development Code but would not address permitted uses, conditional uses, special exception uses or site plan applications for development. Chair Thomas stated it is her understanding that anything codified in the Land Development Code would be required to come before the P&Z Board for recommendation prior to going to the Town Commission, and that any text amendment, whether administrative or otherwise, would be required to come before the P&Z Board and then move forward to the Town Commission. Ms. DiTommaso stated that the Code is specific on Text Amendments that to change language in the Code related to permitted uses and special exception uses as well as the Code calls for all development applications to come before the Planning & Zoning Board. Chair Thomas stated that in her opinion if you are asking the Board to make changes and they are codified, then the Board should have some say so before going to the Town Commission. Ms. DiTommaso stated that the intent of Staff is to bring the item before the P&Z Board for discussion and it will be treated as a workshop discussion item, but it will be brought back to the Board in October for an actual recommendation.

Chair Thomas asked the Community Development Director how Staff came up with the criteria for the flexible development standards and what type of analysis is in place? Ms. DiTommaso stated the criteria was based on experience and discussion with previous applications, many of which did not move forward, regarding off-street parking that expressed shared parking requirements/calculations which would require less parking based on a change of needs. The building set-back requirements were based on experience reviewing previous site plan applications and they did not look at neighboring municipal codes since all municipalities are laid out differently. Chair Thomas stated that a 20% change appears to be significant, and questioned where the definition of significant appears in the Town Code or the Comprehensive Plan. If 20% is considered to be significant, then it should be brought before the Planning & Zoning Board for some form of discussion. In some municipalities where Staff has the right to waive something administrative, it is usually 5-10%, so we may need something more standard across the board.

Board Member Francois left the meeting at 8:45.

Board Member Schneider stated that this item is the preliminary discussion which should be brought back to the P&Z Board for a formal recommendation. Board Member Schneider stated that 20% sounds like a lot, but 3' is the cap for a set-back waiver. There was general discussion

regarding the proposed criteria. Board Member Schneider stated that there needs to be more research regarding the numbers and possibly comparing the administrative standards of other Towns. Board Member Schneider stated a concern regarding the parking and suggested a minimum number of parking spaces might also be helpful to ensure adequate parking is provided for small buildings. Ms. DiTommaso stated the intention of Staff is to deal with these issues up-front and to be able to waive administratively when the site is presented with the incorporated waivers. The waivers would then be called out as part of the presentation and it would be made clear that these are administrative waivers.

Board Member Dubois asked about the criteria of preservation of native vegetation. Ms. DiTommaso stated that Staff is unclear if they are keeping the criteria since it only applies to one site in the Town.

Vice-Chair Von Unruh asked if other local communities have implemented this flexible development standards plan. Ms. DiTommaso responded that she does not know. Mr. Von Unruh asked why Staff is looking to implement the flexible development standards plan. Ms. DiTommaso responded that Lake Park and neighboring municipalities attend many economic development meetings wherein it is suggested that flexibility standards should be considered based on unique configurations and in order to promote economic development. Ms. DiTommaso stated that some communities in the State have implemented flexible development standards but she is unsure how they match up to what is being proposed. Vice-Chair Von Unruh stated he agrees with the concerns of the other Board Members and that he finds it highly unusual that these issues would not be brought before the P&Z Board and it could be a conflict if this were implemented and side-step the P&Z Board and the Town Attorney should be consulted for advice. Vice-Chair stated that the input of developers might be beneficial and questioned if the potential changes would be advertised for the input of developers and the local Town community. Ms. DiTommaso stated that would be no advertising requirement since Staff is not proposing to change the standards in the Code but to deal with the practical flexibility areas of the Code but they are not planning to change Code. Vice-Chair Von Unruh stated that the recommended standards have maximums and percentages which might need to be modified based on the input of developers and the Town. Ms. DiTommaso stated that she has had previous discussions with developers regarding possible flexible development standards for building set-backs and landscape buffers and the feedback was wonderful. Vice-Chair Von Unruh stated that he definitely sees this as a change to standards. Chair Thomas stated that it may become a concern for those who come in for redevelopment and maybe it should be looked at on a more specific area of the Town rather than broad based. Board Member Schneider stated that it is a good idea but it needs to be fine-tuned and could be helpful since the Town is built-out and has small lots.

Ms. DiTommaso stated that she will absolutely bring this back before the P&Z Board next month.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

The FEMA Flood Maps Meetings are being held this week at the Jupiter Community Center to allow for citizens to review the maps and ask questions. Lake Park Staff will be in attendance on

Thursday September 11th from 4:00 p.m. – 7:00 p.m., along with representatives from FEMA and the Army Corps of Engineers.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 9:07 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: 11/17/2014