



Item No. 14a

# AGENDA ITEM REQUEST FORM

**Development Services**

Department Submitting Request

**Jeff Bowman**

Zoning and Code Supervisor

**REGULAR**  
**COMMISSION MTG**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

**ROUNDTABLE**  
**MEETING**  
**Meeting Dates - 7:00 PM**

**DEADLINE TO**  
**Town Clerk**

July 26, 2011

July 15 (5:00 pm)  
\*Subject to Change

July 12, 2011

July 1 (5:00 pm)

Presentation

Reports

Consent

Ordinance

Resolution

**Quasi Judicial**

Old Business

New Business

**FY2011 DESIGNATED HIGH PRIORITY ITEM**

**SUBJECT TITLE: Conditional Use Permit approval for B&C Real Estate Holdings LLC**

**EXPLANATION:** The owners (B&C Real Estate Holdings LLC) of the Sun Trust Bank property located at 221 Commercial Boulevard have applied (**Exhibit 1**) for a Conditional Use Permit to conduct Paid Private Parking (self-parking) in their parking lot.

The primary use of the property is professional office with a bank. The required number of parking spaces is 45. There are 73 parking spaces provided, leaving a difference of 28 non-required spaces.

Historically the parking at the property has been used by the public, local business employees, and by patrons at special events` with no reports indicating a negative impact on the surrounding neighborhoods.

**PLANNING AND ZONING BOARD:** At its meeting of June 15, 2011 the Board recommended approval the application (4-0). A copy of the P&Z staff report is attached (**Exhibit 3**) as is a copy of the draft minutes (**Exhibit 2**).

**STAFF RECOMMENDATION:** Approval of the Conditional Use Development Order (Exhibit 4), which includes the following conditions:

1. The use will be maintained and operated as provided in the applicant's letter of request submitted with the application received by the Development Services Department on February 28, 2011, attached as part of **Exhibit 1**.
2. The applicant may provide paid private parking in non-required spaces between the hours of 6:00 am and 2:00 am and may provide paid private parking in required parking spaces between the hours 6:00 pm and 2:00 am when the primary uses that use those required parking spaces are closed.
3. No noise disturbances from attendants, individuals utilizing the parking, or loud noises emanating from the vehicles that would disrupt the quiet enjoyment of the surrounding properties.



4. The applicant shall provide a maintenance plan describing how and who will be cleaning the parking lot on a daily basis prior to the opening hours of the business on site. The Maintenance plan may be required to be modified by the Town Manager or Designee if it does not adequately keep the property clean. In addition, the applicant may be required to clean offsite if litter is being produced from customers of the parking lot.
5. An active Business Tax Receipt for the "Paid Public Parking" operation is required.
6. All state and county licenses are required to be maintained at all times.
7. The Conditional Use Permit is specific to the applicant and is not transferable.
8. Parking meters or pay stations are prohibited.

**EXHIBITS:**     **Exhibit 1 – Conditional Use Permit Application**  
                     **Exhibit 2 – Staff's Report to P&Z**  
                     **Exhibit 3 – Planning and Zoning Minutes**  
                     **Exhibit 4 – Conditional Use Development Order**

Reviewed by Town Attorney  
 Yes     No

Town Manager Initials CA

# Exhibit 1

# Conditional Use Permit Application

Development Services  
Town of Lake Wales, Florida  
1000 Municipal Center  
Lake Wales, Florida 33853  
www.lakewales.gov

Application # 2011-CU-02

Date application submitted 2-28-11  
Date Application found to be completed 6-7-11  
Planning and Zoning Date 6-15-11  
Commission Date \_\_\_\_\_  
Application fee paid \_\_\_\_\_

### General Information

Applicants Name SAC Real Estate Holdings LLC Address 221 Commercial Blvd Phone # 954-561-8005  
Owners Name if not the same as the Applicant SAME  
Owners Address SAME Phone # 954-561-8005  
Property address where use will be conducted 221 Commercial Blvd

### Current Property Information \* See Below

Folio # \_\_\_\_\_ Zoning District \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
Present Use Office Building - Tenants - Sun Trust Bank + B+C Holdings LLC  
Hours of operation for each use 6:00am - 2:00pm - 26 spaces / 6:00pm - 2:00am + weekends - 73 spaces  
Existing total floor area per use (sq. ft.) 11,736  
Required number of parking spaces for current use 46  
Existing number of parking spaces 73

### Proposed Use Information

Type of Use requested Public paid parking (self parking)  
Hours of operation for the proposed use 6:00am - 2:00am  
Estimated number of individuals to be employed 2

Applicant shall include a site plan and all applicable information outlined in Article IV of Chapter 30 of the Town's Code of Ordinances. Non applicable information outlined within Chapter 30 may be waived by the Development Services Director.

[Signature] Date Feb 28, 2011  
Signature (Owner/Authorized Agent)  
PERVA SORRENTINO  
Printed Name

Lot 1 Block 14  
Lot 2 Block 14  
Block L  
Lot 56-59 Block 28

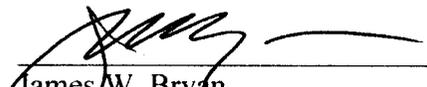


**B & C REAL ESTATE HOLDINGS, LLC**  
**221 Commercial Boulevard, Suite 203**  
**Lauderdale-by-the-Sea, Florida 33308**  
**(954) 772-7655**

February 28, 2011

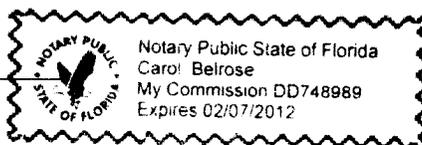
To Whom It May Concern:

Mr. Pete Sorrentino, Gold Coast Parking Systems, Inc., P. O. Box 39135, Fort Lauderdale, Florida is hereby granted authority to act on behalf of B & C Real Estate Holdings, LLC, owner, as parking concessionaire for the parking lot located at 221 Commercial Boulevard, Lauderdale-by-the-Sea, Florida.

  
James W. Bryan  
B & C Real Estate Holdings, LLC

STATE OF FLORIDA  
COUNTY OF BROWARD

  
Notary Public



Dated Feb. 28 2011



# Exhibit 2

## Town of Lauderdale-by-the-Sea

Development Services  
4501 N. Ocean Drive  
Lauderdale-by-the-Sea, FL 33308  
Phone (954) 776-3611  
Fax (954) 776-3431

### MEMORANDUM

To: Planning & Zoning Board  
Thru: Bud Bentley, Assistant Town Manager  
From: Jeff Bowman, Zoning and Code Supervisor  
Date: 7/1/2011  
Re: B&C Real Estate Holdings/Conditional Use Application for Paid Private Parking in the B-1 and B-1-A Zoning District.

The purpose of this memorandum is to provide Staff's comments on the Conditional Use Application received on February 28, 2011. The applicant who has been authorized by the property owner (B&C Real Estate Holdings, LLC) is seeking approval to conduct paid private parking (self-parking) as a conditional use on their property.

#### **Background**

The current use of the property is professional office with a bank. The proposed use will remain the same with the exception of the paid public parking. The proposed use is located at 221 Commercial Boulevard. The west half of the property is zoned B-1 with the east half zoned B-1A.

The tenants on the property and their required parking are shown in Table 1.

	<b>Tenant</b>	<b>Hours of Operations</b>	<b>No. of Required Parking Spaces</b>
1.	SunTrust Bank (1 <sup>st</sup> floor)	9-5	28
2.	Attorney's Office (2 <sup>nd</sup> Floor)	9-5	17
3.	Chambliss Group (2 <sup>nd</sup> Floor)	9-5	
4.	Bryan & Associates PA (2 <sup>nd</sup> Floor)	9-5	
5.	John Sibbald Associates (2 <sup>nd</sup> Floor)	9-5	
6.	B&C Real Estate Holdings (2 <sup>nd</sup> Floor)	9-5	
	Total Required Spaces		45
	Total Number of Parking Spaces		73
	Non-Required Parking Spaces		28

# Exhibit 2

Planning and Zoning Board  
June 15, 2011 Meeting

There are four abutting properties:

1. 219 Commercial Blvd. - office building
2. 223 Commercial Blvd. - office building
3. 4417 Poinciana - residential apartment building
4. 4418 Seagrape Dr. - residential duplex

## **Conditional Use Application**

This office has reviewed the following documents submitted (**Exhibit 1**) pursuant to the requirements of the Town's Land Development Code:

1. Application.
2. Survey of property.
3. Letter of authority from the property owner.

B&C Real Estate Holdings proposes to provide non-required parking and required parking after the close of business hours to the public for a fee. Staff has summarized the application below:

1. Self-parking between the hours of 6:00 am and 2:00 am in 25 non-required parking spaces.
2. Self-parking between the hours of 6:00 pm and 2:00 am in all 73 spaces.

In a letter dated February 11, 2010 the applicant's agent indicates that his company will provide the following services:

1. Training for their staff.
2. Will provide its own podium, cones for traffic control, signs, and stanchions.
3. Will provide its own uniforms.
4. Will provide liability insurance with limits of \$2,000,000.
5. Will maintain Workers Compensation Insurance.
6. Will staff the parking lot from about 6:30 to 10:00 pm.

The attached copy of Section 30-56 of the Towns Code of Ordinances (**Exhibit 2**) outlines the specific criteria for approving a Conditional Use.

## **Criteria and Analysis**

1. Land Use Compatibility.  
The proposed use, including its scale, intensity, traffic generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses. There are

# Exhibit 2

Planning and Zoning Board  
June 15, 2011 Meeting

residential uses and business uses immediately adjacent to the property and the use, as proposed will remain the same; however, the use will intensify in the evening. The parking lot has historically been used to some extent during the day and evening by the public, for employee parking for other businesses and for special events. Parking during these hours with no reports indicating it has or had a negative impact on the surrounding neighborhood. The current property owner reports that they want to control parking to stop littering and damage to their property that occurs when public parking is not supervised.

2. Sufficient Site Size, Site Specifications and Infrastructure

The use is proposed within an existing parking lot and there will be no change in the physical characteristics of the site. The proposed layout and number of parking spaces of the parking lot is adequate to accommodate the proposed use and will not create any non-conformities..

3. Compliance with the Comprehensive Plan and Code of Ordinances

The conditional use, as proposed, complies with the applicable regulations of the Code of Ordinances and is consistent with the Town's Comprehensive Plan and Land Development Regulations. The zoning is Commercial and the proposed use (Paid Private Parking) is an allowable conditional use within the Commercial Zoning District, which further implements Objective 10.7 of the Comprehensive Plan.

4. Proper Use of Mitigative Techniques.

Staff has proposed, and recommended conditions of approval to pro-actively address possible adverse impacts to the general public health, safety and welfare.

## **Site Plan Review and Recommendation**

The parking lot historically has been used by the public after hours free of charge.

Notification was published in the Sun-Sentinel and mailed to effected parties within 300 feet as required by the Towns Code of Ordinances 30-13 (d) (2)

Staff recommends approval of the proposed conditional use with the following conditions:

1. The use will be maintained and operated as provided in the applicant's letter of request submitted with the application received by the Development Services Department on February 28, 2011, attached as part of Exhibit 1.
2. The applicant may provide paid private parking in non-required spaces between the hours of 6:00 am and 2:00 am and may provide paid private parking in required parking spaces between the hours 6:00 pm and 2:00 am when the primary uses that use those required parking spaces are closed.

# Exhibit 2

Planning and Zoning Board  
June 15, 2011 Meeting

3. No noise disturbances from attendants, individuals utilizing the parking, or loud noises emanating from the vehicles that would disrupt the quiet enjoyment of the surrounding properties.
4. The applicant shall provide a maintenance plan describing how and who will be cleaning the parking lot on a daily basis prior to the opening hours of the business on site. The Maintenance plan may be required to be modified by the Town Manager or Designee if it does not adequately keep the property clean. In addition, the applicant may be required to clean offsite if litter is being produced from customers of the parking lot.
5. An active Business Tax Receipt for the "Paid Public Parking" operation is required.
6. All state and county licenses are required to be maintained at all times.
7. The Conditional Use Permit is specific to the applicant and is not transferable.
8. Parking meters or pay stations are prohibited.

File: U:\0 Agenda Commission & PZ Board\7-26 Commission\221 Commercial Blvd CU Approval\221 Commercial Blvd CU P&Z Staff Report R6-6.doc

**TOWN OF LAUDERDALE-BY-THE-SEA**  
**PLANNING AND ZONING**  
**REGULAR MEETING MINUTES**  
*Town Commission Meeting Room*  
*Wednesday, June 15, 2011*  
*6:30 P.M.*

**I. CALL TO ORDER**

Chairman Alfred Oldaker called the meeting to order at 6:30 P.M. Members present were Chairman Alfred Oldaker, Vice Chair Yann Brandt, Ben Freaney, and First Alternate Eric Yankwitt. Also present were Jeff Bowman, Zoning and Code Supervisor of Development Services, and Town Attorney Kathryn Mehaffey. Board Secretary Colleen Tyrrell was present to record the minutes of the meeting.

**II. PLEDGE OF ALLEGIANCE TO THE FLAG**

The Pledge of Allegiance was recited.

**III. APPROVAL OF MINUTES - Planning and Zoning Meeting of May 18, 2011**

There being no additions, deletions or changes to the minutes, all voted in favor to approve the May 18, 2011 minutes as presented.

**IV. PUBLIC COMMENTS**

There were no public comments.

**V. NEW BUSINESS**

**Item #1: Conditional Use application for Paid Private Parking in the B-1 and B1-A Zoning District.**

Vice Chair Brandt interjected that the board was aware of the parking situation at the Sun Trust Building that was currently undergoing and would be something that the board would hear next month regarding Aruba, Athenas and the other buildings that have been doing this for decades and made a motion to recommend approval of the Conditional Use for Paid Private Parking in the B-1 and B1-A Zoning District with Staff's recommendations.

Chairman Oldaker said that there was a public audience and thought that the board would want them to know the facts and that they should hear a brief presentation.

Mr. Bowman said that B&C Real Estate Holdings submitted an application for a Conditional Use Permit for Paid Private Parking. The current use of the property is an office building with a bank on the first floor. Mr. Bowman said that the proposed use would not change with the exception of the Conditional Use allowing paid private parking. The bank is required to have 45 parking spaces and the total number of parking spaces that they have is 73 – so they have 28 non-required parking spaces that they could use for this program during the off hours of this building. Mr. Bowman said that during the hours of 6:00 am and 2:00 pm they would be using the non-required parking spaces for this conditional use. From 6:00 pm to 2:00 am they would be using all 73 parking spaces. Historically, the property has been used for public parking - just not paid parking. Mr. Bowman said that they started the paid private parking two months ago but historically it has been used for public parking. Mr. Bowman said that Staff has provided recommendations in the backup material for the board to consider for approval.

Town Attorney Kathryn Mehaffey said that there was a motion on the table that either has to be seconded for approval or it dies for lack of second.

Mr. Yankwitt seconded the motion with the request for further discussion. Mr. Yankwitt verified with Mr. Bowman that it was the applicant's decision to provide the liability insurance in the amount of \$2,000,000 and that it was not Staff's requirement. Mr. Yankwitt was concerned that this would set a precedent for other businesses in the area that are finding themselves in the same situation as to whether or not they would be required to have \$2,000,000 of liability insurance and other costs and thought that it would be too much.

Mr. Bowman said that Staff's recommendations do not require the liability insurance because the conditional use is not being conducted on Town property.

In a roll call vote, all voted in favor to pass this on to the Town Commission with the Board's recommendation to approve the Conditional Use for Paid Private Parking in the B-1 and B1-A Zoning District with Staff's conditions listed 1 through 8. The motion carried 4 – 0.

## **Item #2: Revisions to the Sign Code**

Vice Chair Brandt said that this matter was discussed at the Round Table last evening and thought that Mr. Bowman could proceed with a brief presentation and that the board was prepared to make a quick motion and thought the revisions would fit well into the Town's Sign Code.

Mr. Bowman said the B-Cycle is contracted with the County to do a bike program county-wide and they are seeking contracts or agreements with local municipalities to start this program. Other cities have gotten involved in this program ( Hollywood, Fort Lauderdale, Pompano Beach) and Lauderdale-By-The-Sea wants to do the same thing. Mr. Bowman said that the only issue is the Town's Sign Code because B-Cycle wants to be able to advertise the individuals who are sponsoring the kiosk and in order for the Town to allow the signage on the kiosk, there would have to be a code amendment. Mr. Bowman said that the Board was provided a draft amendment to the sign code in their backup material that Staff is recommending. Mr. Bowman had a Power Point illustration provided by B-Cycle of the advertising that would be used on the kiosk. Some of the signage is informational and some of it is promotional.

Vice Chair Brandt asked Town Attorney Mehaffey what type of agreement is the vendor going into with the Town in terms of site access, easement, leases?

Attorney Mehaffey said that would be determined at a later date and would not be involved in this process at all. The proposed revisions to the sign regulations would have to be the first thing in place before the Town would consider engaging in a contract. Attorney Mehaffey said that there would be certain things the Town would be looking for and that she has not seen any proposal yet.

Vice Chair Brandt said that he would put this in with the same category as some of the news paper boxes that are throughout Town or even the bus shelters which is something that was discussed internally as well. If the Town grants B-Cycle the site access on public property, it would make sense for them to put this as well.

Attorney Mehaffey said that it would require a Public Right-of-Way License that would have to be approved and entered into by the Town and that license agreement would regulate the some of the signage as well.

Vice Chair Brandt asked the Town Attorney if that would be similar to how some of the newspaper boxes are handled in Town.

Attorney Mehaffey said that maybe some of the newspaper boxes or maybe the sidewalk cafés.

Vice Chair Brandt made a motion, seconded by Eric Yankwitt, to pass this on to the Town Commission with the Board's recommendation to approve the Revisions to the Sign Code as presented by Staff.

In a roll call vote, all voted in favor to pass this on to the Town Commission with the Board's recommendation to approve the Revisions to the Sign Code as presented by Staff. The motion carried 4 – 0.

## **VI. OLD BUSINESS**

There was no old business to discuss.

## **VII. UPDATES/BOARD MEMBER COMMENTS**

Vice Chair Brandt said that he thought it was important to know why the Paid Private Parking was before the Board and this goes back to the acquisition of the Sun Trust Building and that it changed ownership recently. Going back to the February Board meeting, the Paid Private Parking was a late addition to our Notice of Intent regarding some of the parking discussions that the Town was having. Vice Chair Brandt said

# Exhibit 4



## CONDITIONAL USE DEVELOPMENT ORDER TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

PROJECT NAME: Sun Trust Property Paid Private Parking  
ADDRESS OF PROPERTY: 221 Commercial Boulevard  
FOLIO #: 9318-07-0500  
PROPERTY OWNER: B&C Real Estate Holdings LLC  
APPLICANT: B&C Real Estate Holdings LLC  
APPLICANT ADDRESS: 221 Commercial Boulevard

REQUEST: To operate paid private parking from the parking lot of 221 Commercial Boulevard, pursuant to Sections 30-56, Conditional Uses Review, and Section 30-13, Quasi-Judicial Procedures, and Section 30-371(b) of the Lauderdale-By-The-Sea Code of Ordinances.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on July 26, 2011, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, will promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood and further, that the application does meet all of the criteria in Section 30-56(d), which are as follows:

1. Land Use Compatibility; and
2. Sufficient Site Size, Site Specifications, and Infrastructure; and
3. Compliance with the Comprehensive Plan and Code of Ordinances; and

# Exhibit 4

## 4. Proper Use of Mitigative Techniques.

SECTION 2. APPROVAL. The request to operate paid private parking from the parking is hereby approved.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. The use will be maintained and operated as provided in the applicant's letter of request submitted with the application received by the Development Services Department on February 28, 2011, attached as part of **Exhibit 1**.
2. The applicant may provide paid private parking in non-required spaces between the hours of 6:00 am and 2:00 am and may provide paid private parking in required parking spaces between the hours 6:00 pm and 2:00 am when the primary uses that use those required parking spaces are closed.
3. No noise disturbances from attendants, individuals utilizing the parking, or loud noises emanating from the vehicles that would disrupt the quiet enjoyment of the surrounding properties.
4. The applicant shall provide a maintenance plan describing how and who will be cleaning the parking lot on a daily basis prior to the opening hours of the business on site. The Maintenance plan may be required to be modified by the Town Manager or Designee if it does not adequately keep the property clean. In addition, the applicant may be required to clean offsite if litter is being produced from customers of the parking lot.
5. An active Business Tax Receipt for the "Paid Public Parking" operation is required.
6. All state and county licenses are required to be maintained at all times.
7. The Conditional Use Permit is specific to the applicant and is not transferable.
8. Parking meters or pay stations are prohibited.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Resolution shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Resolution. The Applicant understands and

# Exhibit 4

acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Resolution may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-13(d)(12) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**MAYOR ROSEANN MINNET**

**ATTEST:**

\_\_\_\_\_  
June White, Town Clerk, CMC

**Approved as to form:**

\_\_\_\_\_  
Susan L. Trevarthen, Town Attorney



Site Address	221 E COMMERCIAL BOULEVARD , LAUDERDALE BY THE SEA	ID #	4943 18 07 0500
Property Owner	B & C REAL ESTATE HOLDINGS LLC	Millage	0211
Mailing Address	221 COMMERCIAL BLVD # 203 LAUD BY THE SEA FL 33308	Use	18

Legal Description	SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B ALL BLK L & LOT 1 BLK 14
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The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2010 Exemptions and Taxable Values reflected on Nov. 1, 2010 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2011	\$788,480	\$503,410	\$1,291,890	\$1,291,890	
2010	\$788,480	\$613,910	\$1,402,390	\$1,402,390	\$30,922.39
2009	\$788,480	\$632,910	\$1,421,390	\$1,421,390	\$30,485.28

2011 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$1,291,890	\$1,291,890	\$1,291,890	\$1,291,890
Portability	0	0	0	0
Assessed/SOH	\$1,291,890	\$1,291,890	\$1,291,890	\$1,291,890
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$1,291,890	\$1,291,890	\$1,291,890	\$1,291,890

Sales History				
Date	Type	Price	Book	Page
1/8/2010	SW*-D	\$2,500,000	46794	1846
2/7/2008	DR*-T	\$100	45078	451
12/14/2007	QC*-T	\$100	44937	1836
12/14/2007	SW*-Q	\$2,064,800	44937	1831

Land Calculations		
Price	Factor	Type
\$3,500	142.76	FF
\$3,500	82.52	FF
Adj. Bldg. S.F. (See Sketch)		14181

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments					
Fire	Garbage	Light	Drainage	Improvement	Safe
02			LB		
C			LB		
14181			3.43		