

PARK AVENUE
DOWNTOWN DISTRICT (PADD)
WORKSHOP

Saturday, October 19: 10am – 12pm

Town Hall Commission Chambers

535 Park Avenue, Lake Park, Florida 33403

HISTORY

HOW WE GOT HERE

- [2018-2021](#): **Workshop** meetings (engaging the public and gathering Board/Commission feedback).
- [February 2022](#): **Comprehensive Plan amendments** were adopted to allow for more flexibility in density within the Downtown land use area.
- [July 2022](#): **Rezoning** of parcels to expand the boundaries of the downtown area to how it exists today **AND** Revised land development regulations (**LDRs**) creating two sub-districts in order to align with previously adopted comprehensive plan amendments and allow for flexible redevelopment options per the policy directives at the time.
- [September 2022](#): Future train station site land use map amendment.
- [October 2022](#): Future train station site rezoning.
- [Mid to late 2024/early 2024](#): Two mixed-use development site plan applications for the Core sub-district on the PADD were submitted.

WHY IS THIS WORKSHOP NECESSARY?

With the recent submittal of two large-scale mixed use projects for the Park Avenue/10th Street area (Core Sub-District), it has been requested of Staff and the Town Attorney to take a closer look at whether the resultant projects are consistent with the Commission's vision for the downtown redevelopment area and whether the LDRs and density, if maximized, are consistent with the overall redevelopment vision for the downtown area, as it was originally intended when the Comprehensive Plan Amendments and Land Development regulations were adopted a few years ago.

INTRODUCTION

Focus Areas for this Workshop

- Density
- Floor Area Ratio/Massing
- Height
- Traffic
- Infrastructure

*****all categories lend towards an analysis of compatibility, feasibility and neighborhood character*****

LEGAL ANALYSIS INTRODUCTION

POLICY CONSIDERATIONS

- The Town was created pursuant to the Kelsey City Plat. The planners originally involved in the creation of the Kelsey City Plat were amongst the best known planners.
- John Nolan and the Olmstead Brothers created the Kelsey City Plat which include a downtown business district.
- The PADD and its scale is reflective of the Kelsey City Plat's downtown. The Kelsey City Plat would need to be modified. The two proposed projects are proposing a replat or a unity of title given their multiple lot configurations and aggregation of lots.
- The Kelsey City Plat also governs development of the area surrounding the Downtown, which to the north, south and east consists predominately of low density single family residential neighborhoods.

LEGAL ANALYSIS INTRODUCTION (*continued*)

POLICY CONSIDERATIONS

- The Lake Park Downtown was designed to serve the neighborhoods surrounding it, which includes the residential neighborhoods on small lots and a downtown also with comparatively small lots. For example, the lots upon which the projects are proposed are approximately 2 acres and 3 acres. Thus, without changes to the Plat, or some aggregation of lots in the Downtown, the Lake Park downtown must continue to be viewed as having a small scale development pattern.
- Because of this small scale development pattern, the Downtown of Lake Park cannot be viewed in the same context as the downtowns of significantly larger cities that have increased densities and have become urban centers with high rise office towers and residential condominium like West Palm Beach.

LEGAL ANALYSIS INTRODUCTION (*continued*)

POLICY CONSIDERATIONS

- The 2021 amendments to the Comprehensive Plan increased the densities in the downtown such that the Commission's vision for the downtown was that it would be re-developed at an **average density of 48 units per acre and with a FAR (massing) of 3 for non-residential uses.**
- However, the first two proposals for redevelopment do not contemplate average densities of 48 units per acre. Instead the 2 developers have proposed densities of 203 and 233 units per acre, at the maximum height permitted of 16 stories, and with a FAR (massing) for the residential and non-residential components that more than doubles the FAR contemplated in the Downtown. In addition these projects propose nonresidential uses totaling 16,380 and 16,309 S.F.
- The development of the projects at the height and a density exceeding 48 units per acre are only permitted at the discretion of the Commission and provided they are consistent with the policies of the Town's Comprehensive Plan and Land Development Regulations (LDRs).
- My (Town Attorney) memos that have been distributed provide a detailed analysis of the 2 projects which have been proposed within the context of the Objective 12 and Policies 12.1, 12.2, 12.3, 12.4 and 12.5 of the Comprehensive Plan.

LEGAL ANALYSIS INTRODUCTION (*continued*)

POLICY CONSIDERATIONS

- What is the significance of these policies?
- Because courts have likened a Comprehensive Plan to a local government's Constitution.
- They are local laws.
- **The interpretation and application of the Objectives and Policies of the Comprehensive Plan is a discretionary legislative determination to be made by the Commission.**
- Florida law requires that any development approval must be **consistent** with the Objectives and Policies of the CP.
- Courts have ruled that where there are policies which appear to conflict with one another, (referred to as an internal inconsistency), the Commission must resolve the conflict and choose the Policies, or portions thereof that it determines to be consistent with its vision.

LEGAL ANALYSIS INTRODUCTION (*continued*)

POLICY CONSIDERATIONS

- The submission of the 2 applications present an internal consistency issue and require that the Commission evaluate the developers' requests to develop at densities at greater than 48 units per acre and at a maximum FAR of 3 (for non-residential) and consider a different vision as expressed in the following:
- Objective 12 ... a mixed use downtown that is **well-integrated into the surrounding neighborhoods**
- Policy 12.1 ... providing that redevelopment of residential and non-residential buildings shall **complement** the existing buildings.
- Policy 12.2 ... the density of 48 units/acre and FAR of 3 (for non-residential) may be exceeded at the discretion of the commission **only if the result is that the projects would be consistent with the CP policies and the LDRs.**
- LDR Section 78-70(a)(1) Purpose and Intent of the PADD: Provide for development which is **reflective of early master plans for small scale traditional downtown commercial areas.**
- The PADD intent indicates that the **scale of development** in the PADD should be consistent with the Kelsey City Plat developed by John Nolan and the Olmstead Brothers.

Sec. 78-70. Park Avenue Downtown District (PADD).

(a) *Purpose and intent.* It is the purpose and intent of the Park Avenue Downtown District to provide for the following:

- (1) Urban development which is reflective of early master plans for a small scale traditional downtown commercial area;**
- (2) Buildings and structures that relate to the pedestrian environment at a human scale which, in conjunction with public investments, help to create a sense of place;**
- (3) The reestablishment and redevelopment of an urban center offering a mixture of retail, personal service, commercial, office, and residential uses;**
- (4) A pedestrian-oriented development pattern;**
- (5) The concentration of a variety of uses, including live performance theaters, restaurants, brewpubs and breweries, offices, arts and crafts, and other retail uses to attract both residents and visitors to the Town's traditional downtown for specialty shopping and entertainment;**
- (6) The prohibition of certain uses which do not support or enhance the specialty shopping, entertainment, arts district, or uses otherwise inconsistent with a pedestrian-oriented traditional downtown development pattern;**

A LOOK AT THE PADD SUB-DISTRICT REGULATING PLAN



TABLE 78-70-2 – CORE Sub-District Regulations

Building Height (Maximum)	12 stories (160 feet). See 78-70(b)(7)b.3. for an additional height waiver for structured parking.
Story Height	Maximum 12 feet per story, 20 feet maximum for ground floor, and top floor or middle floor
Minimum Building Height	New development shall have a minimum building height of two stories.
Building Coverage	90% maximum
Front Setback	15 feet (Maximum)
Side Setback (Interior)	15 feet when adjacent to existing buildings
Side Street Setback	None
Rear Setback	None
Parking Standards	Parking shall be located at the rear of the site
Sidewalk Width (Minimum)	10 feet
Lot Size	1 acre (minimum, or Outer Sub-District Regulations shall apply)
Density	Maximum density shall be 48 dwelling units per acre. The Town Commission may approve a project in excess of 48 units provided that the average density for the entire contiguous Downtown Future Land Use area does not exceed 48 du/acre and the Town Commission finds it in keeping with the purpose and intent established for the PADD.

TABLE 78-70-3 - OUTER Sub-District Regulations

Building Height (Maximum)	4 stories (56 feet)
Story Height	Maximum 12 feet per story, 20 feet maximum for ground floor
Building Coverage	90% maximum
Front Setback	15 feet (Minimum)
Side Setback (Interior)	None, 15 feet when adjacent to single-family districts*
Side Street Setback	None, 15 feet when adjacent to single-family districts*
Rear Setback	None, 15 feet when adjacent to single-family districts*
Parking Standards	Parking shall be located at the rear of the site, except for townhouse driveways
Sidewalk Width (Minimum)	10 feet
Density	Maximum density shall be 48 dwelling units per acre. The town commission may approve a project in excess of 48 units provided that the average density for the entire contiguous Downtown Future Land Use area does not exceed 48 du/acre and the town commission finds it in keeping with the purpose and intent established for the PADD.

COMPREHENSIVE PLAN

“DOWNTOWN LAND USE” OVERVIEW

(relevant Objectives and Policies)

Objective 12

Redevelopment of the Historical Downtown Area: A Downtown Future Land Use Classification is established to facilitate the redevelopment of the historical Park Avenue downtown and the immediate surrounding area. This land use category encourages a dense, vibrant, walkable mixed-use downtown that combines residences, businesses, and civic spaces, and that is well-integrated into the surrounding neighborhoods. This land use classification is also intended to facilitate development that complements a future tri-rail station.

- **Policy 12.1**

The Downtown Land Use classification is implemented by the Park Avenue Downtown District (PADD) zoning district. The Downtown Land Use shall provide for the development or redevelopment of compact residential and non-residential or mixed use buildings to complement the existing buildings.

- **Policy 12.2**

Within section 3.4.3 “Future Land Use Classification System” the Downtown Land Use provides for a density of 48 du/acre and a FAR of 3.0 across the entire contiguous area.

COMPREHENSIVE PLAN (CP)

“DOWNTOWN LAND USE” OVERVIEW (continued)

- **Policy 12.2 (continued)**

The Commission may approve a project greater than 48 du/acres so long as the average density of development within the entire contiguous Downtown Land Use area does not exceed 48 du/acre, and is consistent with the policies contained herein and meets the land development regulations. The land development regulations shall provide for a maximum FAR of 3.0 for non-residential uses. Development of sites within the Downtown Land Use may exceed the maximum 3.0 FAR, so long as the average FAR for the entire Downtown Land Use area does not exceed 3.0, is consistent with the policies contained herein and as provided in the land development regulations.

- **Policy 12.3**

The land development regulations developed to implement the Downtown Land Use shall provide for compatibility of adjacent land uses by establishing criteria to address buffering and to control the height and intensity of structures to mitigate the impacts of development on adjacent zoning districts, particularly single-family districts

- **Policy 12.4**

Development and redevelopment shall be supported by publicly accessible civic spaces, walkable and bikeable streets and served by varied forms of public and private transportation.

- **Policy 12.5**

Development shall provide for and accommodate various alternative mobility and micro -mobility options, consistent with policies of the Transportation Element, to achieve the safe interconnectivity of vehicular, pedestrian, and other non-motorized movement, and promote sustainability.

- **Policy 12.6**

The Town shall continue to pursue a proposed train station location immediately adjacent to the Downtown future land use area, in support of its redevelopment and mobility goals.

DENSITY

Discussion on the 48 units per acre and the ability to request more at the Town Commission's discretion and the impact requests may have on future redevelopment in the PADD.

- * Total downtown density: *1,590 units*
- * Current density in the downtown: *250 existing units*
- * Available density for redevelopment: *1340 units*
- * Remaining available density for redevelopment if the two large projects are approved as proposed: *245 units*

PROJECT LOCATIONS



Residences at 10th and Park



Kelsey on Park



ALLOWABLE/DISCRETIONARY DENSITY IS THE KEY DRIVER FROM WHICH ALL OTHER IMPACTS FOLLOW, SUCH AS BUILDING BULK AND APPEARANCE, COMPATIBILITY WITH SURROUNDING AREA, THE NEED FOR THE HEIGHT WAIVER, TRAFFIC IMPACTS AND UTILITY ISSUES.

DENSITY: COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT POLICY 12.2

Within section 3.4.3 “Future Land Use Classification System” the Downtown Land Use provides for a density of 48 du/acre and a FAR of 3.0 across the entire contiguous area. The Commission may approve a project greater than 48 du/acres so long as the average density of development within the entire contiguous Downtown Land Use area does not exceed 48 du/acre, and is consistent with the policies contained herein and meets the land development regulations.



The PADD, TABLE 78-70-2 DENSITY REGULATION

“Maximum density shall be 48 dwelling units per acre. The Town Commission may approve a project in excess of 48 units provided that the average density for the entire contiguous Downtown Future Land Use area does not exceed 48 du/acre and the Town Commission finds it in keeping with the purpose and intent established for the PADD

How are these provisions being used by developers? How does staff review for consistency with the Comprehensive Plan and Intent Section of the LDRs? Is it producing what the Town Commission envisioned?

Granting additional density is at the discretion of the Town Commission. The Town Commission is not under any obligation to approve the requested increase, but could choose to grant a lesser amount or no increase.

Should the Town Commission desire to grant an increase over the base of 48 du/acre they must find:

- 1) That the requested increase and resultant project is “in keeping with the purpose and intent established for the PADD.”
And**
- 2) That it is consistent with the policies of the Comprehensive Plan and meets the land development regulations.**

DOWNTOWN MIXED-USE DENSITIES AND HEIGHT: ARE THE LAKE PARK REGS REASONABLE?

	Density (max. in core)	Height
Lake Park Sub-districts	Core 48 du/acre + add'l units Outer 48 du/acre + add'l units	12 stories (160 ft.) 16 stories (200 ft.) 4 stories (56 ft.)
Delray Beach historic downtown core	30 du/acre	5 stories (54 ft.)
West Palm Beach Core downtown, TOD* Note: FAR used in lieu of density	FAR 7.0 FAR 2.75 (3.50 small lots) FAR 1.75 (2.50 small lots)	25 stories or 380 ft. 10 stories or 155 ft. 8 stories or 104 ft.
Stuart Urban code districts	30 du/ac	4 stories or 45 ft.
Village of North Palm Beach Village Place Project	Project FAR = 2.75	14 stories 9 stories

PROPOSED PROJECTS:

Project #1

232 DU/ACRE 16 STORIES 197 FT.
 FAR 10.52 (Total Bldg.)
 est. FAR w/o parking = approx. 7.3

Project #2

203 DU/ACRE 16 STORIES 174 FT.+
 FAR 8.31 (Total Bldg.)

DENSITY (UNITS)  HEIGHT AND MASSING



16 Stories
Park Avenue Frontage

16 Stories
10th St. Looking North



FLOOR AREA RATIO (FAR) / MASSING

BUILDING MASS

The appearance of a massive building is due to a number of components- the density or intensity, height, lot coverage, and architectural treatment.

One measure of a building's mass or intensity is the floor area ration (FAR*).

The higher the number the more intense the project.

The PADD uses floor area ratio (FAR) for non-residential buildings, such as office buildings.

While the density measure has been used to regulate the residential component of mixed use buildings:

IF the FAR measure were to be utilized (for residential and non-residential), the buildings' FARs would be comparable to the most intense downtown buildings in West Palm Beach.

The projects FARs are below 3.0 for their nonresidential components. However, if the 3.0 were to be used for residential and non-residential (this would require a policy change), they would be far in excess of the 3.00 FAR.

How should the building mass be viewed in light of Comprehensive Plan Policies?

**Floor area ratio is determined by taking the entire square footage of a building (adding up the floors) and comparing it to the size of the lot. For example, a building consisting of 150,000 sq. ft. on a 50,000 sq. ft. lot would be 150,000 divided by 50,000 for a FAR of 3.00.*

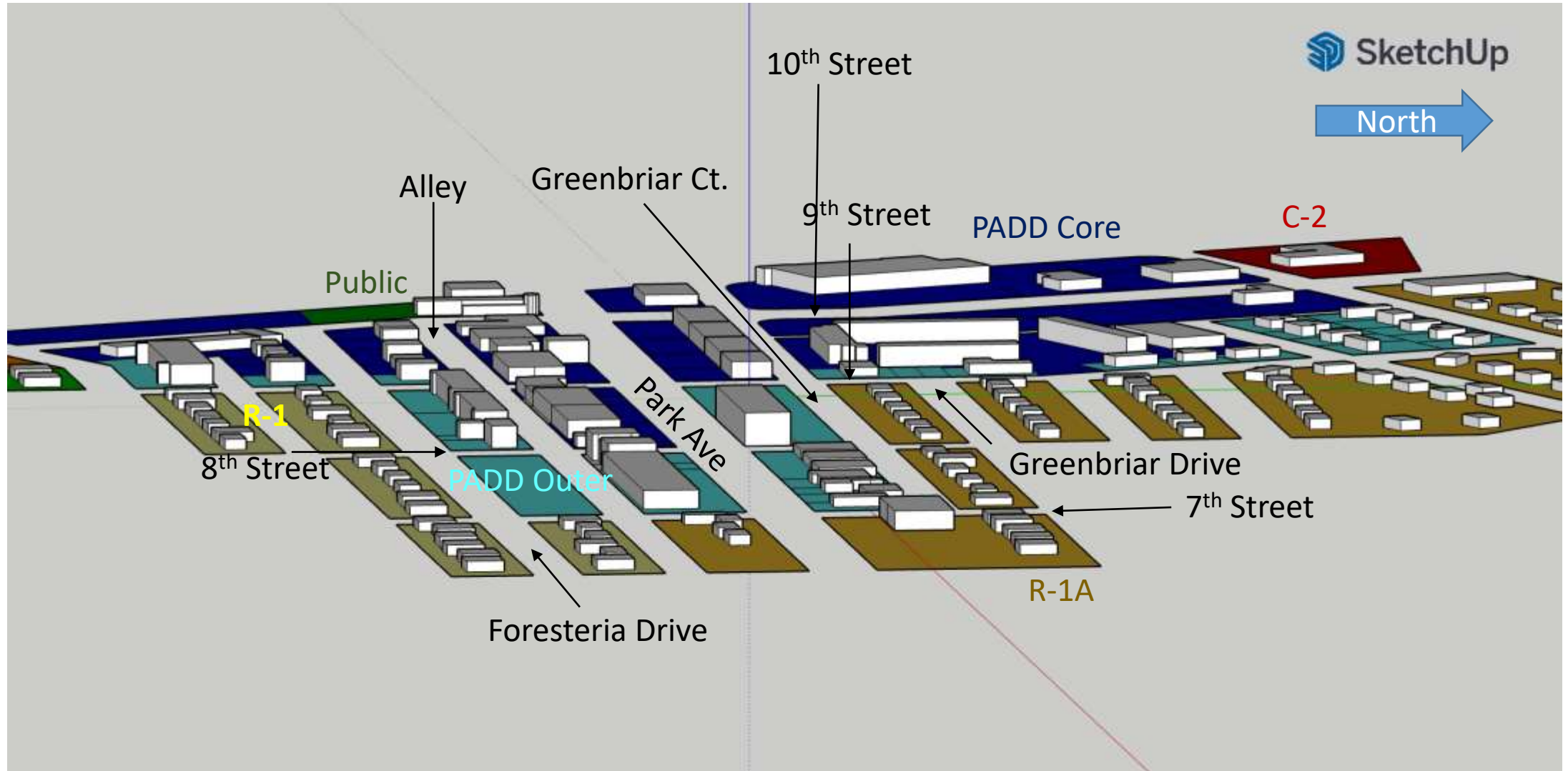
HEIGHT & HEIGHT WAIVERS

Height is not addressed in the Comprehensive Plan. In the **Core sub-district**, the PADD provides for a base height of 12 stories or 160 ft. The height waiver for structured parking would allow up to 4 stories (or 40 ft.) of the parking structure to be exempt from the 12 story limit, thereby allowing a possible **16 story building with the waiver**. (Sec. 78-70 (b) (7) 3.)

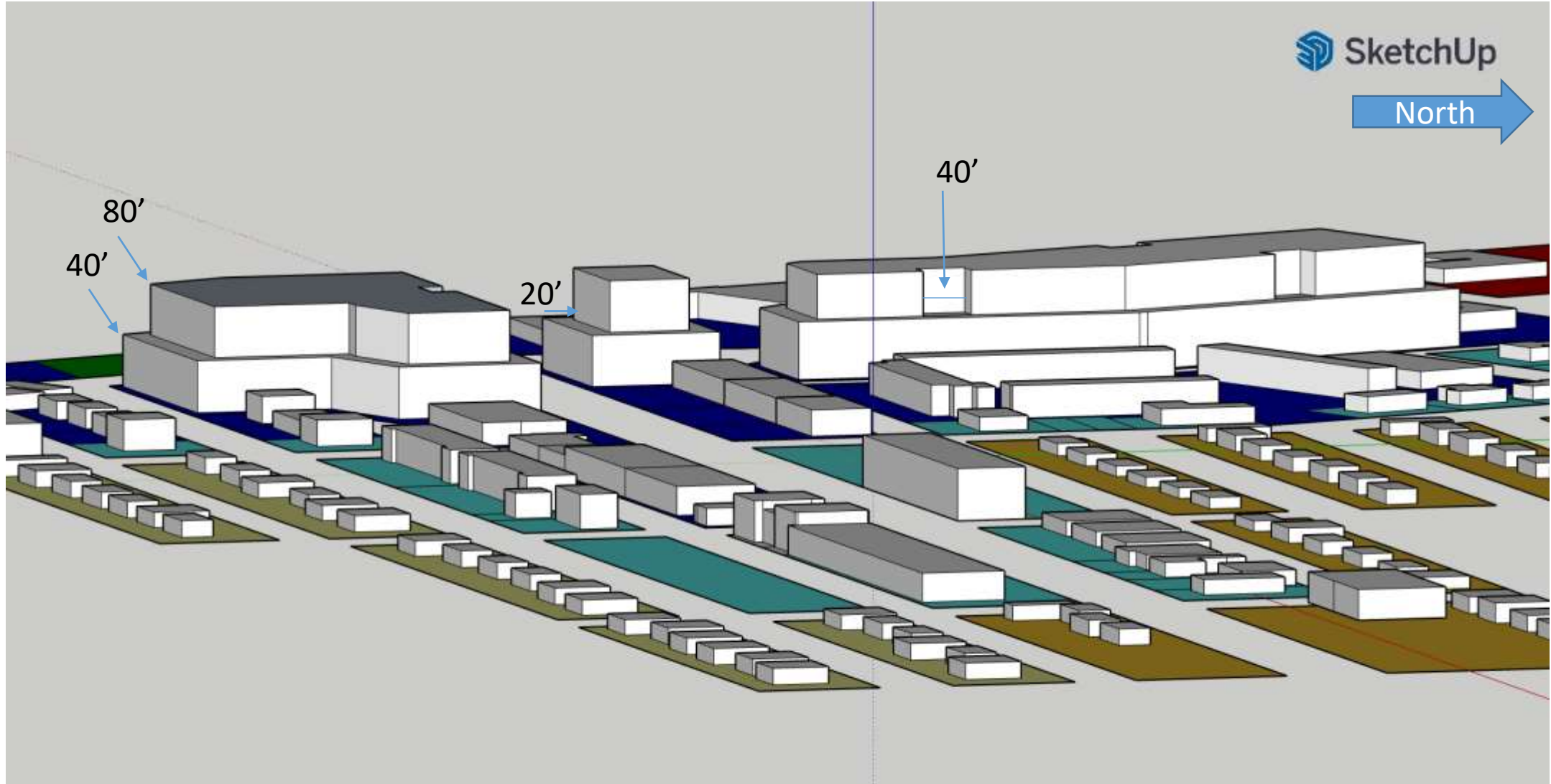
To receive the waiver, the Code requires that the project must provide public parking equivalent to a minimum of ten percent of the required building parking. This public parking shall be located on the ground floor of the structured parking area, be free of charge, and marked and reserved for public use in perpetuity. The parking waiver was first adopted for the FHMUDO, then included in the C-3, and subsequently the PADD.

In addition to the public parking, for the waiver to be granted, the Town Commission must find: “Pursuant to a review of shadow studies, the additional height would not significantly impact the light, air flow, and aesthetics of any abutting single-family dwellings or multifamily dwellings or those that are located across a street or alleyway in a manner that creates substantial negative or detrimental impacts.”

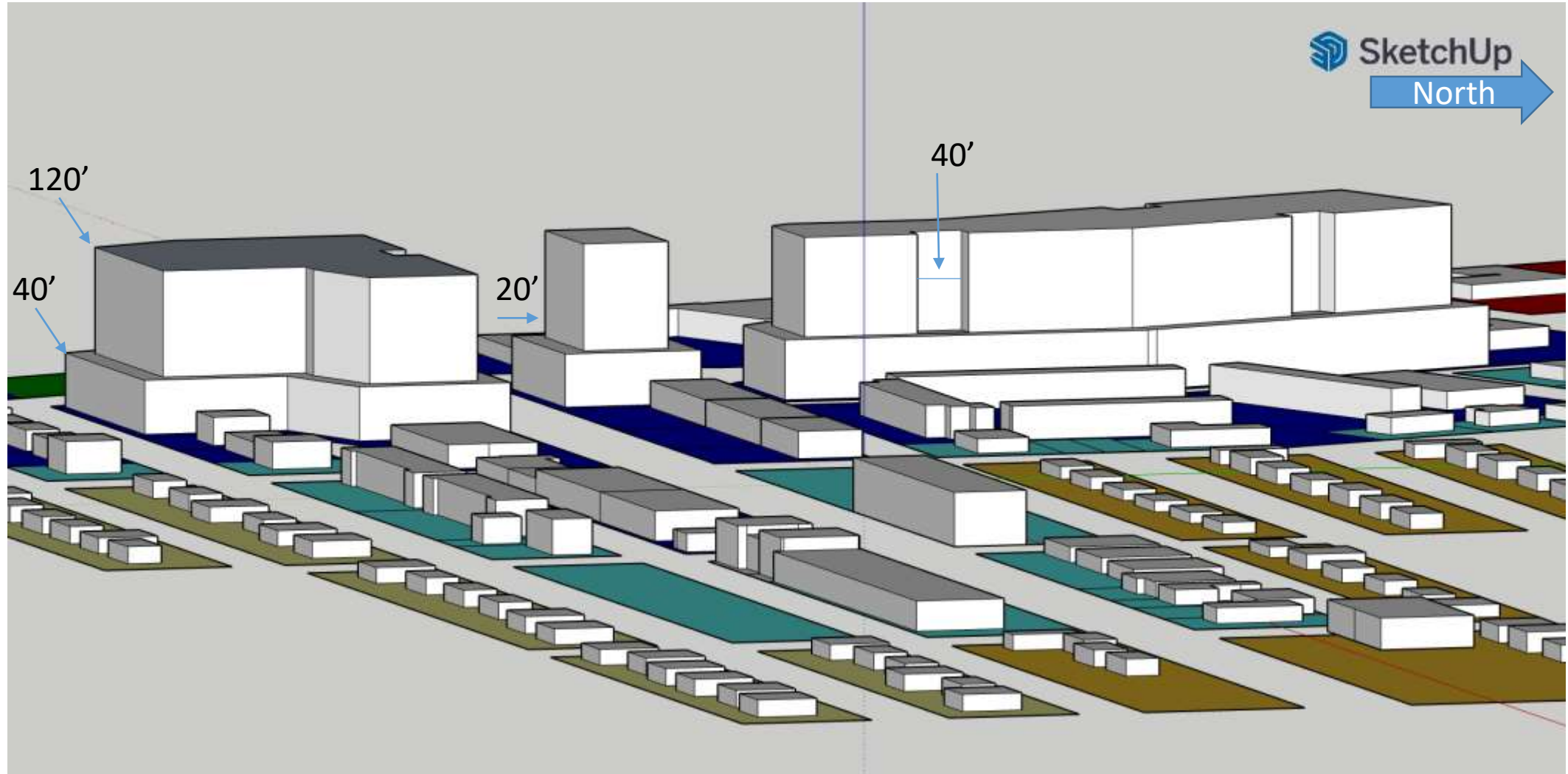
RENDERINGS – Existing Conditions



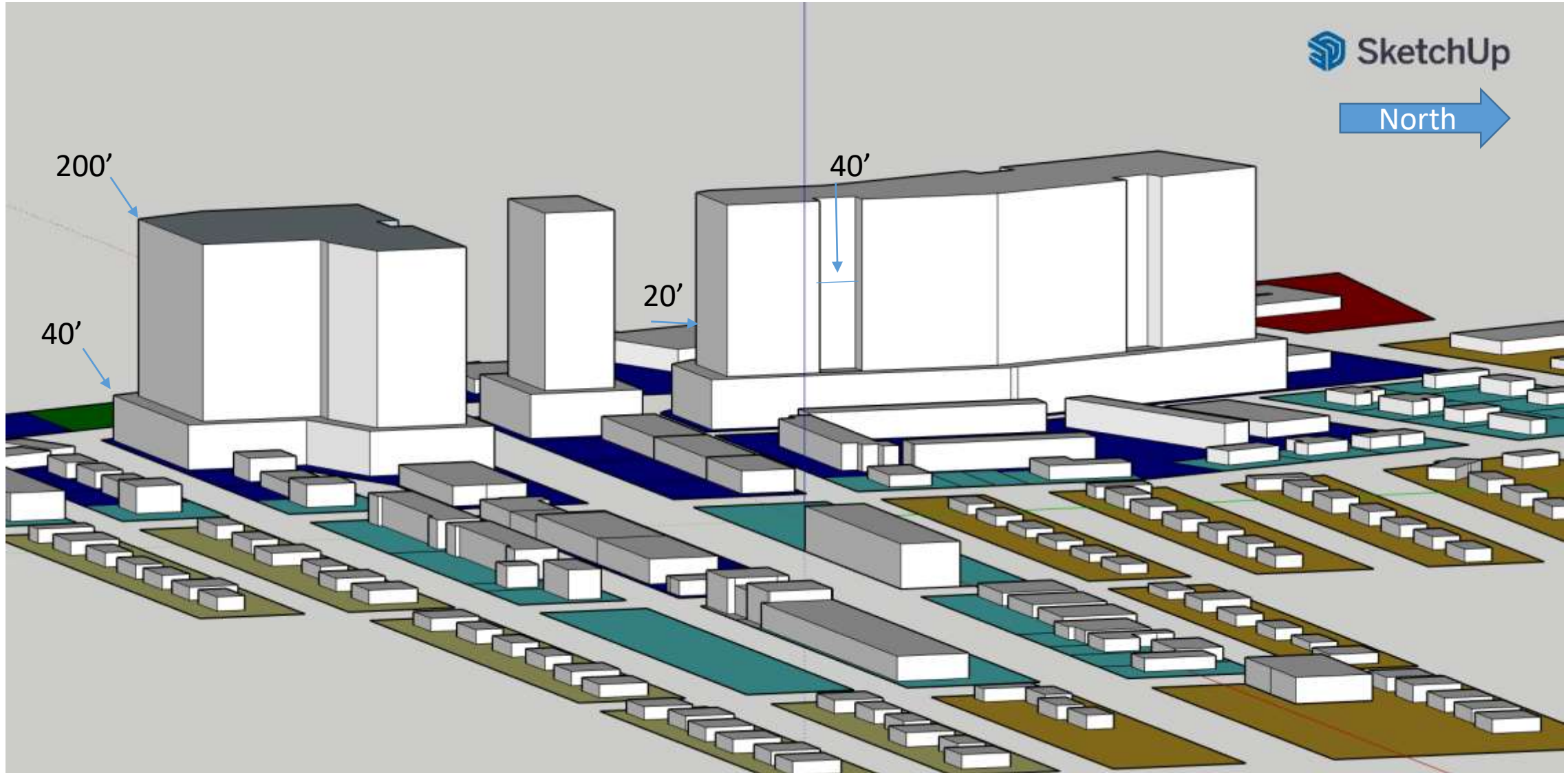
Renderings – 80' Height



Renderings – 120' Height



RENDERINGS – 200' Height (Max)





North and east views



View from 10th Street



IF NOT 16 STORIES, WHAT HEIGHT? EXAMPLES

Note: Additional architectural requirements should be considered to reduce massing at any height.

10 – 12 STORIES

Heights vary from 5 stories to 10 stories. Building length broken up by varied heights, numerous step backs. Building breaks create variety and break massing.



12 STORIES

(Proposed for Coral Gables, Fort Lauderdale)



6 STORIES - EXAMPLES



**Top- Building articulation,
vertical orientation to break
up mass. Almost reads as
two separate buildings
Respect for height of
adjacent buildings.**



7-8 STORIES



Tower Separation



TRAFFIC

	PROJECT #1	PROJECT #2	TOTAL IMPACTS combined projects
Project average daily trips (ADT)	3,781 gross trips 3,027 net trips	3,292 trip 2,625 net trips	5,652 net trips
Commercial ADT Concurrency	434 trips	355 trips	789
Residential ADT	2,593 trips	2,270 trips	4,863 (86% of all trips)

*Additional traffic-related
information to be provided at the
workshop*

COMBINED TRAFFIC IMPACTS - TWO PROJECTS

	ADDED AVERAGE DAILY TRIPS
TOTAL NEW TRIPS GENERATED (ADT) TRIPS LEAVING THE SITES	5,652 net trips
ADDED TRIPS ON	
PARK AVE.	PARK AVE. East of 10th 985 ADT PARK AVE. West of 10th
10th STREET	10th, North of Park 10th, South of Park 719 ADT
OLD DIXIE	OLD DIXIE, North Bound OLD DIXIE, South Bound

More info will be provided at the workshop

TRAFFIC: INTERSECTION AT PARK AVE. AND 10TH ST.- COMPLICATED BY PROXIMITY OF RAILROAD TRACKS



INFRASTRUCTURE

Water and Sewer Capacity and Lift Station Needs

The prior Comprehensive Plan amendments (as adopted) always intended for additional capacity infrastructure for larger projects.

- The 2 mixed-use projects, as proposed, would develop at increased densities (proposing 203 and 233 units per acre, respectively). They also propose nonresidential uses totaling 16,380 and 16,309 S.F.
- The development of the projects at these densities for the residential (and not taking into consideration the non-residential uses) requires a new wastewater lift station to serve them.
- Neither property owner's plans show a lift station being placed on their property (this was intended as a condition of approval to address at permitting).
- Generally, a developer whose project generates the need for a lift station is responsible for the siting of that lift station on its project, or finding a suitable location acceptable by the Town's governing body (as was done for the Nautilus project along the US-1 corridor).
- The development of these projects, proposing more than 200 units per acre (each), attempts to maximize the intensity provisions in the land development regulations by incorporating densities that fit within those maximized (16-story) building envelopes.
- The development of the 2 projects **without** a lift station would require the following according to Seacoast: "With the replacement of a section of an 18-inch gravity sewer main along West Jasmine, north of Palmetto with a 24-inch pipe, and assuming that a the project approved at the Twin City Mall site does not absorb existing gravity sewer capacity first, the Seacoast System could absorb the following without the construction of a new PADD lift station: Residences at Park and 10th – 150 ERC and Kelsey on the Park 70 ERC. In other words the present capacity in the PADD. Similar to the US-1 redevelopment area, it was intended for the downtown redevelopment area to work through these infrastructure needs, as needed.
- One of the developers who require this new lift station have proposed that it be located on public properties: (1) Town Hall (2) CRA Parking Lot (3) Fire Station. This would require review and approval by the Commission.

CONCLUSION

The original intent of the Comprehensive Plan Amendments for the downtown land use and the Park Avenue Downtown District zoning district were to provide as much flexibility as possible in order to promote redevelopment in the downtown. Two sub-districts were created for this purpose, and for the purpose of creating consistency and compatibility with neighboring areas. The resultant policy that was adopted created a 4-story sub-district (known as the OUTER), closer to single-family residential, and a more intense sub-district (known as the CORE), closer to 10th Street (but still with 400 feet +/-) to single-family areas. This CORE sub-district was developed to allow for a maximum of 12 stories, plus up to 4 stories of parking exemption, for a potential maximum of 16 stories. Architectural guidelines were also adopted to allow for additional buffering and step backs, and ground floor amenities that would aim to create an acceptable pedestrian scale. While actual density numbers within these 'maximum' building envelopes could not be provided at the time, since these are contingent on several design variables, a provision in the Comprehensive Plan providing for special approval by the Town Commission for densities above 48 units per acre was also adopted as a policy. The original intent was also to provide for redevelopment throughout the entire PADD and not (necessarily), only within the two proposed project areas thereby inhibiting additional future growth in the downtown (unless the 48 units per acre is revisited, or the district boundaries are expanded). In addition, while the CP Policy 12.1 calls for "development or redevelopment of compact residential and non-residential or mixed use buildings to complement the existing buildings", it must also be recognized that the initial buildings in redevelopment will likely not complement existing buildings, particularly those that are old, outdated strip centers. With larger projects, additional special requests and infrastructure needs are required.

With the information presented, the Commission will likely discuss its policy perspectives as it relates to what is currently offered in the Comprehensive Plan and Land Development regulations, and whether this meets the intended redevelopment vision for the downtown, or if modifications or other considerations are needed.

SUMMARY OF POLICY CONSIDERATIONS FOR THE TOWN COMMISSION

Are the proposed developments consistent with:

a. **OBJECTIVE 12 of the Comprehensive Plan?**

If the two proposed projects are constructed as proposed, would these building facilitate the future redevelopment of the historical Park Avenue Downtown and be compatible with the surrounding neighborhoods?

b. **Policy 2.1?**

Would 16-story, predominantly residential structures at densities greater than 200 units per acre provide the redevelopment of compact residential and non-residential or mixed-use buildings that compliment the existing buildings?

c. **Policy 2.2**

The density sought would increase the residential densities in the downtown from a base of 48 units per acre to more than 200 units per acre. It is within the Commission's sole discretion to permit density for the proposed projects. Does the Commission believe an increase in density by more than four times the base density is consistent and compatible with its vision for the redevelopment of the downtown?

d. Policy 12.3

Would buffering and step backs for the 16-story buildings at the height and massing proposed mitigate the impact of the buildings on the adjacent single-family residential neighborhoods.

Given the height and massing of the proposed buildings, would the proposed buildings comply with the purpose and intent of the PADD “to facilitate development of small-scale traditional downtown commercial areas” within the context or urban redevelopment opportunities, and is this the vision of the Commission?

Based upon the density and massing proposed, would the buildings ‘address’ Park Avenue and 10th Street as it relates to creating a pedestrian-oriented environment.

e. Policy 12.6

...of the Comprehensive Plan and the PADD LDRs suggest that densities and massing as proposed by the projects pursuant to the current code provisions, are necessary to support a future train station. There is no commitment to tri-rail at this time to locate any stations in Lake Park. The projects would be serviced by the Mangonia train station. If the density and massing proposed is necessary for a future train station and is consistent with the Commission’s vision, the Commission would need to be comfortable pursuing the train station and with additional projects at increased densities.

NEXT STEPS

Staff and the Town Attorney will review and discuss (internally) the feedback received at this workshop (based on the information provided) and, based on this feedback, bring back an agenda item to the Town Commission with recommendations at a future Commission meeting in November 2024.

THANK YOU

- Q & A
- OPEN DISCUSSION

CONTACT INFORMATION

Thomas J. Baird, Town Attorney – tbaird@jonesfoster.com

Nadia Di Tommaso, Community Development Director – nditommaso@lakeparkflorida.gov

Karen Golonka, Planner – kgolonka@lakeparkflorida.gov

Anders Viane, Planner – aviane@lakeparkflorida.gov