



**MINUTES
PLANNING & ZONING BOARD
MONDAY, AUGUST 6, 2007
535 PARK AVENUE
LAKE PARK, FLORIDA**

Call to Order: 7:00 p.m.

Roll Call

Chairman Jeff Blakely	Present
Vice Chairman James Dubois	Present
Jeanine Longtin	Present
Diane Munroe	Present
Todd Dry	Present
Tim Stevens, 1 st Alt.	Present
Helen Hironimus, 2 nd Alt.	Excused

Approval of Agenda

Ms. Longtin made a motion to approve the agenda. Seconded by Mr. Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion carried 5-0

Approval of Minutes

Vice Chairman Dubois made a motion to approve the workshop minutes from July 19, 2007. Seconded by Mr. Dry.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

Motion carried 5-0

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New Business

Quasi-Judicial Hearing

1. An application for 4 landscape variances submitted by David Keir of Seminole Bay Land Company, as the agent for Julius Automotive Group, Inc., from the landscape buffer width requirements of Town Code Section 78-25(h)(1), to allow a reduction in the north/south/east/west landscape buffer with requirements from 8 feet to 0 feet along the north; 8 feet to 3 feet along the west; 15 feet to 5 feet along the south; 15 feet to 6.5 feet along the east for the commercial building located at 900 Old Dixie Highway, in the C-4 zoning district.

All witnesses desiring to speak on the above matter were sworn in. Jeff Blakely stated that he had talked briefly to David Keir many months ago referring only to the address, and he had not seen any plans prior to this. All other board members stated that no ex parte communication had taken place.

Ms. Nadia DiTommaso, planner for the Town of Lake Park, identified herself for the record. Ms. DiTommaso stated that an application had been for variances at 900 Old Dixie Highway, in the C-4 zoning district, and that David Keir of the Seminole Land Company will be giving his presentation on behalf of Julius Automotive for this variance request. Ms. DiTommaso stated that this is a request for a reduced landscape buffer on all 4 sides north, south, east and west; the north side is requesting from 8 feet to 0 feet and this is due to when the structure was built, it was built to the property line; south side from 15 feet to 5 feet; on the east 15 feet to 6.5 feet; and the west from 8 feet to 3 feet. Ms. DiTommaso also stated that this structure was built in 1964 prior to the Town's zoning code, and it was built on a lot that was too small to meet any of our current requirements such as parking, service areas or minimum landscaping requirements. Ms. DiTommaso explained to the board that this Variance is going to run concurrently with the Special Exception that you will hear tonight following this presentation and the landscape plan will be presented to the board at that time. The landscape plan aims to decrease the non-conformity of the current structure by bringing it up to current landscape requirements, but in doing so, the minimum landscape buffer width will need these Variances in order to meet the minimum landscape requirements shown on the landscape plan.

Ms. DiTommaso stated that staff does feel that the criteria for the Variance has been met as the structure had been built prior to the code and it will not confer any special privilege to the applicant and will decrease the non-conformity by upgrading the landscaping. Staff does recommend *Approval*.

Mr. David Keir of Seminole Bay Land Company identified himself for the record and stated that he represented Julius Automotive. Mr. Keir stated that this site is located at the northwest corner of Watertower Road and Old Dixie Highway, and is an existing building sitting right up against the North property line and built prior to the ordinances requiring right-of-way and landscape buffers.

Mr. Keir showed the site plan on form boards along with the landscaping. Mr. Keir said he would take questions from the board.

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Mr. Stevens said that he did not have any comments at this time. Mr. Dry asked if irrigation would be installed, and Mr. Keir responded absolutely. Mr. Dubois stated that he did not have any questions at this time. Ms. Longtin asked why the landscape buffer was being reduced. Mr. Keir explained that this is a non-conforming use and if they were to take them to the full width, the parking would become additionally non-conforming. Mr. Keir stated they are reducing from the standard buffer down to a more reasonable width. Mr. Keir also stated that they were going to plant a series of Royal Palms along with an additional layer of flowering shrubs and ground cover. Mr. Keir stated that on the south side they are planting shrubs at 36" and Crape Myrtle above that. Mr. Keir stated that they were adding plantings to help screen the bay doors.

Ms. Longtin stated that the parcel was a very important corner, and the site does have potential. Ms. Longtin asked why the applicant was proposing these changes. Mr. Keir responded it was for the Special Exception use to sell automobiles, and also to keep the limousine service on site.

Chairman Jeff Blakely stated that in an attempt to clarify the project, he said the applicant could go and improve the landscaping without asking the board, or try and meet the code which would make the site unusable; but in attempt to improve this, they are asking for a Variance to do these improvements before they go to a Special Exception so they are not increasing a non-conformity. Chairman Blakely stated that he had a couple of concerns, one of which was an automatic irrigation system and suggested a drip line type of irrigation. Also, it was suggested because many cars would be moved around, that some type of barrier be installed so that if a tire or bumper hit it, the person driving the car would know and would stop. Mr. Keir stated that they would give Chairman Blakely's statement consideration.

Vice Chairman made a motion to approve the requested variances to reduce the requirements from 8 to 0 feet along the north; 8 feet to 3 feet along the west; 15 feet to 5 feet along the south; 15 feet to 6.5 feet along the east for the commercial building located at 900 Old Dixie Highway. Seconded by Mr. Dry.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin		X
Diane Munroe	X	
Todd Dry	X	

113 **Motion carried 4-1**

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115 **OTHER LAND DEVELOPMENT REQUEST:**

1. A Special Exception request filed by Seminole Bay Land Company, Inc., agent for Julius Automotive Group, Inc., to allow the sale and rental of automobiles as a Special Exception use at the existing Julius Automotive repair facility located at 900 Old Dixie Highway, Lake Park, Florida.

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122 Nadia DiTommaso, planner for the Town of Lake Park, identified herself for the record and
123 stated that David Keir of Seminole Bay Land Company represents Julius Automotive Group,
124 is also requesting a Special Exception to add a sales portion to the pre-existing automobile
125 service. Ms. DiTommaso also stated that the applicant is looking to apply for the Special
126 Exception for both the service and the sales in order to bring the entire use into compliance
127 with the code. Ms. DiTommaso stated that although this use is not specifically listed in the
128 code as a Special Exception use, it is of the same general character; therefore, staff has
129 classified this as other uses of same general character in the C-4 zoning district. Attached
130 hereto and marked Exhibit A is the staff report dated August 6, 2007. Ms. DiTommaso stated
131 that Staff finds that all the criteria have been satisfied and recommends that the Town
132 Commission APPROVE the Special Exception request with the following conditions:
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- 134 1. The Applicant shall maintain any hedges in the required landscape buffer at a height
135 of 30 inches along the front parking and display areas and 6 feet along the back
136 storage area for the perimeter landscaping as indicated on the site plan.
- 137 2. A fire alarm system subject to inspection and approval by Palm Beach County Fire
138 Rescue.
- 139 3. A Variance to allow a reduced landscape buffer width.

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141 Mr. David Keir, agent for Julius Automotive, identified himself for the record, and stated that
142 the board received the Justification Statement which included the zoning map, and that this
143 site is very close to the many automotive repair and body shops located in the Campus Light
144 Industrial District. Mr. Keir stated that the three things that codes are based on is health,
145 safety and welfare. Mr. Keir also stated that the owners run this business as almost a valet
146 service when a customer drives in, they go out and meet the car and take the keys so they do
147 not allow a lot of customer movement across the site. Chairman Blakely asked the board
148 members for comments.
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150 Ms. Munroe asked Mr. Keir to point out the “employee” only area. Ms. Munroe asked if
151 “complementary automobile services and operations” meant limousine services. Mr. Keir
152 responded that he intended the statement to mean body shops, paint shops, transmission
153 shops, etc. and he felt that this was a compatible use. Ms. Munroe also asked about signage,
154 and Mr. Keir responded that a sign did exist and it was a permitted sign. Mr. Keir said that
155 they did not propose any additional lighting on the site. Ms. Munroe asked if the sign was in
156 conformance, and Mr. Sullivan responded that he did believe it was. Ms. Munroe stated that
157 she would like to see more landscaping. Mr. Keir stated that he did not think the Town would
158 want too much height at the corner as it would affect visibility.
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160 Ms. Longtin stated that the applicant was looking to add sales and rentals. Ms. Longtin asked
161 what they were going to sell. Mr. Keir responded they were going to sell cars. Mr. Keir
162 pointed to the foam board and showed the two areas for display and are limited to those areas
163 only. Mr. Keir stated that these would be cars that they have repaired or acquired. Mr. Keir
164 stated that the cars would be used cars. Ms. Longtin asked about the rentals if it would only
165 be rental of the limousines. Mr. Keir responded it would be rental of the limousines. Mr.
166 Sullivan stated that the business needed 7 parking spaces for employee and customer parking,
167 and he is not showing 7 parking spaces on the site plan. Mr. Sullivan stated that he thought it
168 would be appropriate since this is a Special Exception that the number of cars that can be sold
169 off this property and displayed.

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171 Mr. Patrick Sullivan stated that it was his understanding that they would be conducting a
172 limousine dispatch from this location, and it would be interior only, and they would not be
173 storing limousines on site unless there was room in the storage area. Mr. Sullivan stated that
174 what we care about is that there is no storage on the swale, and no parking on the street,
175 because there is not enough parking on site. Mr. Keir stated that they have asked to have this
176 as part of their Special Exception. Ms. Roselli, Town Attorney, stated that she did not see the
177 need for rental as this was not to be a business like Enterprise Car Rental. Ms. Roselli stated
178 that she would rather have the applicant use the term "limousine" and be specific rather than
179 say car rental. Mr. Keir stated that the space was to be used for either two cars or 1 limousine.
180 Mr. Sullivan asked if we could recess the meeting for 5 minutes.

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182 Vice Chairman Dubois made a motion to recess the meeting. Seconded by Ms. Longtin.

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184 At 8:05 p.m. Chairman Blakely announced the board was back in session.

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186 Ms. Longtin asked how the rental of the limousine would be classified. Mr. Sullivan stated
187 that it would be outdoor storage, and that they have a choice of fitting two cars or 1 limousine
188 in the left display area. Ms. Roselli stated that the rental of the limousine was already
189 allowed.

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191 Mr. Stevens stated that he thought the business was consistent with the surrounding
192 businesses and was compatible in use; however, he stated he did want it clarified that there
193 would be a minimum of 7 customer parking spaces and how many cars and limos would be on
194 display at any given time. Mr. Keir responded that there would be 7 customer parking spaces,
195 and that 4 cars would be on display at any given time, or 1 limousine and 2 cars. Mr. Stevens
196 referred to the area where the limo would be stored; that the other cars are cars that are
197 waiting to be serviced, or have been serviced. Mr. Keir stated that the landscaping is 6 foot
198 high in that area as it is difficult to determine how many cars would be stored at a given time.

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200 Mr. Dry stated that he would like to see customer cars for storage and not cars stored for
201 parts.

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203 Vice Chairman Dubois stated that he felt that their sign did compete with the Palm Trees in
204 front. Mr. Sullivan assured Vice Chairman Dubois if the sign did not meet code requirements
205 it would have been dealt with at code level.

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207 Chairman Jeff Blakely suggested to Mr. Keir that the back hedge be Ficus and be 48" on
208 installation and allowing it to grow to 6 feet.

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210 Chairman Blakely asked Diane Weibert to come forward to address any concerns. Diane
211 Weibert, Palm Beach County Rescue Fire Inspector, identified herself for the record. Ms.
212 Weibert said she had not seen the plan with the parking space along the front where the two
213 additional display areas are located, but she has been assured that they are going to work on
214 the parking situation as she has concerns about accessibility. Ms. Weibert stated that she did
215 require the Fire Alarm system. Mr. Stevens stated that it could be made as a condition. Ms.
216 Weibert stated that she only has 13 feet, and the fire truck would have to park on Watertower
217 Road.

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Vice Chairman James Dubois made a motion to approve the application with the three conditions stated in the Staff Report that the (1) applicant maintain the hedges at a height of 30 inches along the front parking and display area and 6 feet along the back storages area for the perimeter landscaping as indicated on the site plan (2) a fire alarm system subject to inspection and approval by Palm Beach County Fire Rescue, and (3) obtain a Variance to allow a reduced landscape buffer width; and a Ficus hedge installed at 48" to grow into 6 feet within 24 months at the back storage area; and the site will have an area for storage, a display area to allow 4 cars for sale and 7 parking spaces for customers and employees.

Ms. Longtin seconded the motion for discussion. Ms. Longtin stated that the applicant wanted to display a limo in the southwest corner. Vice Chairman Dubois amended his motion to include the parking of 1 limo in the southwest display area and that the latest site plan be used for reference. Ms. Longtin withdrew her second. Mr. Dry seconded the amended motion.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin		X
Diane Munroe		X
Tim Stevens	X	

234 **Motion carried 3-2**

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2. A Zoning Application filed by Gentile, Holloway, O'Mahoney & Associates, Inc., as agent for Congress Avenue Properties to rezone 14.73 acres located at the northeast corner of Congress Avenue and Watertower Road from C-4 Business District to C-2 Business District.

Mr. Patrick Sullivan, Community Development Director, identified himself for the record. Mr. Sullivan stated that the town had been approached by Kohl's Department Store and would like to go in the parcel of land that is just south of Target which is a C-4 Business District which does not allow retail uses; however, because of the area that it is in, across from Lowe's and south of Target, Staff feels that it is a re-zoning that is worth considering. Mr. Sullivan further stated that the tax base to the town would be considerable and it would fit in with the area around it.

Mr. Jamie Gentile with Gentile, Holloway, O'Mahoney & Associates, Inc., identified himself for the record and stated that this is a site located within the C-4 Zoning District located at the northeast corner of Congress Avenue and Watertower Road and comprises approximately 14.3 acres and located just south of the existing Target. Mr. Gentile stated that this parcel is in planning area 4 in the Comprehensive Plan and was established for the purpose of having mixed commercial/light industrial. Mr. Gentile also stated that in 1998 this area was re-zoned Traditional Neighborhood Development, and several years later the town decided to go back to planning area 4, and most of these properties were re-zoned to C-4, C-2 or C-1. Mr. Gentile explained that the C-2 designation has more uses. Mr. Gentile also stated that this property is also located within the Bio Science Overlay District and the intention of re-zoning would not by any means hurt or take away the inventory of the Bio Science Overlay.

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Chairman Jeff Blakely asked for comments from the board.

Ms. Munroe asked Mr. Gentile that the C-2 re-zoning would give more flexibility, and Mr. Gentile responded that it would.

Mr. Stevens asked what effect that this would have on the Scripps/Bio Science, and Mr. Sullivan stated that it was the intent of the town to have mixed use and since there was a great deal of land on Congress, we would not have just office/warehouses going up Congress Avenue. Mr. Gentile stated that at the end of August, they are required to go before the Bio Overlay Committee which will also have a chance to review this and determine whether or not the re-zoning is appropriate and if it impacts the overlay.

Mr. Dry asked where the other 40 acres were, and Mr. Sullivan responded that it was from Watertower to Silver Beach. Mr. Dry also asked about an abutting parcel and Mr. Sullivan responded office/warehouse and the other parcel was purchased by Florida Public Utilities. Mr. Sullivan stated that the Planning & Zoning Board and the Bio Science Board will both give recommendations to the Town Commission.

Vice Chairman Dubois asked Mr. Gentile weather it was the town's intent to create a retail strip, and Mr. Gentile said that he did not think that it was their original intent, but that many of the retail stores like to cluster near each other.

Chairman Blakely stated that he did not have a problem with changing the use from C-4 to C-2, but that he did have a problem with the traffic. Chairman Blakely stated that six (6) roads surrounding this area are a level of service D, and so long as there is proper signalization, it would not be a problem. However, right now, it is impossible at this point to go down Watertower Road and make a left hand turn on Congress. Chairman Blakely asked if we had some guarantee of new signalization at the intersection of Congress and Watertower Road. Mr. Gentile stated that any signalization done on that road would have to be done by the county as it is a county road and it would be based on a certain amount of trips. Mr. Gentile stated that when Target and Walmart went in they had to account for future trips from this development, and this particular site has had traffic concurrency from Palm Beach County since 2004. Mr. Gentile stated that he could not say for certain that the county would require signalization at Watertower and Congress. Chairman Blakely stated that he hoped that if this passed tonight that when the site plan comes before the board, they would have a better idea from the traffic analysis and that he would have his traffic engineer with him to answer those questions. Mr. Sullivan stated that he had started some discussion with engineers from Kohl's, and they are planning on putting a signal at that intersection whether the county requires it or not.

Ms. Munroe asked whether all 14.73 acres were buildable. Mr. Gentile stated that based upon the plan that was done in the year 2000, the lake area was 1.8 acres of the site.

Vice Chairman Dubois made a motion to approve the zoning change from C-4 to C-2. Seconded by Ms. Munroe.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry	X	

308 **Motion carried 5-0**

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310 3. Review and recommendation of Rezoning Ordinance pertaining to substance abuse
311 treatment facilities.

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313 Ms. Roselli, Town Attorney, stated that this Ordinance was drafted by the Town's Attorney
314 office to amend the code to allow substance abuse treatment facilities in certain residential
315 zoning districts as right now they are only allowed in C -3 and commercial districts which is a
316 potential legal issue for the town. Ms. Roselli stated that it has already been to the Town
317 Commission for first reading, and it is being brought before the Planning & Zoning Board in
318 between first and second reading. Ms. Roselli stated that it is protecting the legality of our
319 zoning, as the Town Attorneys felt the present zoning was too restrictive when the law says
320 that we need to allow them in certain residential districts.

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322 Mr. Dry stated for the record that he has property elsewhere in an industrial area, and it is a
323 problem as they create a homeless camp when they get discharged from the treatment facility
324 and they have nowhere to go. Ms. Roselli stated what prompted the change was that the City
325 of Boca was sued over their zoning of these facilities, and our code is modeled after the Boca
326 code.

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328 Chairman Dubois stated that he thought it was a very good match of services with housing
329 types.

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331 Vice Chairman made a motion to recommend to the Town Commission that the Ordinance
332 pertaining to substance abuse treatment facilities be approved. Seconded by Ms. Munroe for
333 discussion. Vice Chairman Dubois stated that there is a right to have these types of services
334 in residential areas and this code is trying to say what type of residential areas. This will allow
335 Lake Park to provide these types of residential services, and it is more appropriate to put them
336 in the higher intensity residential uses such as R2 and R3 types of housing rather than the
337 single residential areas where they are now.

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	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Jeanine Longtin	X	
Diane Munroe	X	
Todd Dry		X

339 **Motion carried 4-1**

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Ms. Longtin stated to Mr. Sullivan that at Advanced Auto that customers are doing auto repair work in the parking lot, and Mr. Sullivan said that he would notify code enforcement.

Ms. Longtin made a motion to adjourn. Seconded by Ms. Munroe. The meeting was adjourned at 9:10 p.m.

Approved: 9/10/07


Jeff Blakely, Chairman

Attest: John A. Otto



LAKE PARK TOWN HALL NATIONAL HISTORIC SITE

"Jewel" of the Palm Beaches

TOWN LAKE OF PARK PLANNING AND ZONING BOARD

Meeting Date: August 6, 2007

Date Prepared: July 17, 2007

REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR AN AUTO SALES AND REPAIR BUSINESS WITHIN THE C-4 ZONING DISTRICT BY SEMINOLE BAY LAND COMPANY, INC. AS AGENT FOR THE APPLICANT, JULIUS AUTOMOTIVE GROUP, INC.

APPLICANT'S REQUEST: A request by Seminole Bay Land Company, Inc. ("Agent") as the Agent for the Applicant, Julius Automotive Group, Inc. for the approval of a special exception use for an auto sales and repair business to be located at 900 Old Dixie Highway in the C-4 zoning district.

BACKGROUND:

Applicant(s):	Julius Automotive, Inc., represented by Seminole Bay Land Company, Inc.
Owner(s):	Ernest D. Ganz III
Address/Location:	900 Old Dixie Highway, Lake Park, FL 33403
Net Acreage:	.37 acres (3744 sf)
Legal Description:	See Application
Existing Zoning:	C-4 Business District
Future Land Use:	Mixed Commercial / Light Industrial

Adjacent Zoning

North:	C-4
South:	C-4
East:	C-4
West:	C-4

Adjacent Existing Land Use

North:	Economical Automotive (motor vehicle repair / parts installation)
South:	G.P. Auto Service (auto paint and body shop); Moonlight Designs (auto repair and service)
West:	Draperies of Palm Beach, Inc. (manufacturing)
East:	Window Doctor Inc. (contractors); Marlin P. Jones Associates (Mail Order Establishment); Screen Shop (contractors)

SUMMARY OF REQUEST

The Applicant has requested approval of a 3,744 sf Automobile Service & Sales special exception use in the C-4 commercial zoning district under the C-4 zoning district classification of "Other Uses of the same and general character as those listed". Both auto paint and body shops; and boat sales, repair and storage are permitted uses in the C-4 commercial zoning district. Automobile Service & Sales is of the same general character and can be classified as "Other Uses".

The service portion of the business has been existing, and the Applicant would like to add a sale and rental portion by bringing the entire use of "auto sales and repair" in compliance by applying for a special exception. The automobile service and sales business will not require any additional parking spaces. This is an existing business previously listed as an auto repair shop. The addition of auto sales will not increase the number of employees. The minimum parking requirements for auto sales as per Section 78-145 (g)(2) of the Code requires 1 space per 500 SF. The building square footage as listed is 3,744 SF. Seven (7) parking spaces are required and have been provided. All of the surrounding properties are within the C-4 Business District and the adjacent Campus Light Industrial & Commercial (CLIC). A significant number of these uses are automobile and industrial in nature. These businesses generally operate between the hours of 7:00am and 5:00pm. The daytime anticipated traffic generation is consistent with those of the surrounding business and uses and the proposed business will not generate more than what would be normally anticipated for this type of business.

Staff finds that all the special exception criteria of the Town Code have been satisfied and recommends that the Town Commission **APPROVE** the special exception request subject to conditions of approval requiring: (1) the Applicant shall maintain any hedges in the required landscape buffer at a height of 30 inches along the front parking and display areas and 6 feet along the back storage area for the perimeter landscaping as indicated on the site plan, (2) a fire alarm system, subject to inspection and approval by Palm Beach County Fire Rescue, and (3) the approval of a variance to allow a reduced landscape buffer width. The Special Exception approval will not be effective until all three conditions of approval are satisfied.

SPECIAL EXCEPTION CRITERIA

The Town Commission may permit special exception uses in the C-4 zoning district, provided that the Town Commission determines that the proposed use meets the special exception zoning criteria established in Section 78-184 of the Town Code, and is consistent with the goals, objectives and policies of the Town's Comprehensive Plan. The Town Commission may impose conditions upon the approval of a special exception use, including, but not limited to,

conditions which require an applicant to exceed standards which have been adopted pursuant to the Town's land development regulations.

The following policies indicate the consistency between the Comprehensive Plan and the proposed use:

Future Land Use Element

Objective 1: Future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land regulations which: ... (3) encourage redevelopment, renewal or renovation, where and when necessary; and (4) discourage the proliferation of urban sprawl.

The Applicant is proposing a 3,744 SF Automobile Service & Sales Business use which may be permitted as a special exception use in the C-4 district and classified as "Other Uses".

Policy 1.4: Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for commercial land use intensities as indicated below:

- a. Location shall be in accordance with the Future Land Use Map.
- f. Adequate off-street parking and loading facilities shall be provided.

The Future Land Use Map delineates this area as a commercial and light industrial area. Automobile Service & Sales Business is a commercial use. Section 78-74 allows for other uses of the same general character as those listed in the C-4 zoning district if approved by the Town Commission. The requested use, Automobile Service & Sales Business, is of the same general character as Boats, sales, service and storage which is an allowed special exception use in the C-4 zoning district.

The proposed use includes vehicle storage and auto display, and Staff has determined that adequate parking will be provided. For customer and employee Automobile Sales and Service, Section 78-145 (g)(2) requires one (1) space per 500 SF of enclosed gross floor area. A 3,744 SF building would require a minimum of 7 customer and employee parking spaces. The proposed use is consistent with this policy.

8.0 Conservation

Objective 1: Protect air quality within the Town of Lake Park

The Applicant anticipates that the degree of noise, odor or other potential nuisance factors will not be increased by granting the special exception use of auto sales, but in fact such negative effects may be reduced since the Applicant has proposed to increase the landscape screening of

external and internal work and service areas. Staff finds that the Application is consistent with this objective and policy.

Analysis of Criteria and Findings for Special Exception

The Code of Ordinances provides for the following process for a special exception approval:

Sec. 78-184. Criteria for special exception.

(a) A special exception use shall not be approved unless an applicant establishes that all of the following criteria are met:

(1) The proposed special exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

The proposed use is very similar to other uses in the area. The proposed use is commercial in a commercial area. Surrounding businesses include auto repair and sales, auto body shops, manufacturing and various contractors.

(2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.

The Code allows similar uses as special exception use in this zoning district provided the use is consistent with other existing uses. The proposed use is a commercial use that is similar to other commercial uses permitted in this district.

(3) The proposed special exception use is compatible with the character and use (existing and future) of the surrounding properties in its function; hours of operation; type and amount of traffic to be generated; building location, mass, height and setback; and other relevant factors peculiar to the proposed special exception use and the surrounding property.

The business will operate during the day 8am-8pm, Monday through Saturday, and will not have any additional traffic impact, and the subject property is being upgraded with Code compliant landscaping.

(4) The establishment of the proposed special exception use in the identified location does not create a concentration or proliferation of the same or similar type of special exception use, which may be deemed detrimental to the development or redevelopment of the area in which the special exception use is proposed to be developed.

There are similar uses of this type in the area and Staff has determined that the proposed use will not be detrimental.

- (5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:
- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;
 - b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and
 - c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

There is no substantial competent evidence that this use will have a detrimental impact on surrounding properties. The use will not result in an increase in employees; existing sales and service personnel will handle the vehicle rental operations as well as any automobile sales. The use will generate a minimal traffic impact. No odor or visual nuisances will be produced,. The noise level from the business will be minimal and may in fact be reduced by the buffer created by additional landscaping to be provided by the Applicant for screening purposes.

- (6) That the proposed special exception use:
- a. Does not significantly reduce light and air to adjacent properties.
 - b. Does not adversely affect property values in adjacent areas.
 - c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.
 - d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.
 - e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.

There is no substantial competent evidence that this use will reduce light, adversely affect property values, deter redevelopment, or impact any natural systems. Since this is use will be located internal to an existing building subsection (e) above is not applicable. The service portion of the business is an existing use. The Applicant would like to add a sale and rental portion and have the entire use of "auto sales and repair" be permitted as a special exception.

Applicant's Response to Special Exception Criteria. Please see the attached justification statement to the special exception criteria as provided by the Applicant.

STAFF RECOMMENDATION ON SPECIAL EXCEPTION REQUEST:

Staff finds that all the criteria have been satisfied and recommends that the Town Commission APPROVE the special exception request with

the following conditions: (1) the Applicant shall maintain any hedges in the required landscape buffer at a height of 30 inches along the front parking and display areas and 6 feet along the back storage area for the perimeter landscaping as indicated on the site plan (2) a fire alarm system as in subject to inspection and approval by Palm Beach County Fire Rescue, and (3) obtain a variance to allow a reduced landscape buffer width. The Special Exception approval will not be effective until all three conditions of approval are satisfied.