MINUTES
PLANNING & ZONING BOARD
MONDAY, SEPTEMBER 8, 2008
TOWN OF LAKE PARK
535 PARK AVENUE
LAKE PARK, FLORIDA

CALL TO ORDER: 8:26

ROLL CALL:

Chairman Jeff Blakely	Present
Vice Chairman Todd Dry	Present
Tim Stevens	Present
Judith Thomas	Present
Mary Gambino	Present
Robin Maibach, 1st Alt.	Present
Mason Brown, 2nd Alt.	Present

Approval of Agenda

Tim Stevens made a motion to approve the agenda. Seconded by Vice Chairman Todd Dry.

	Aye	Nay
Jeff Blakely	X	
Todd Dry	X	
Tim Stevens	X	
Judith Thomas	X	
Mary Gambino	X	

Motion carried 5-0

Approval of Minutes

Vice Chairman Todd Dry made a motion to approve the minutes from August 4, 2008, Planning and Zoning Meeting. Seconded by Mr. Tim Stevens.

	Aye	Nay
Jeff Blakely	X	
Todd Dry	X	
Tim Stevens	X	
Judith Thomas	X	
Mary Gambino	X	

Motion carried 5-0

New Business

Special Exception application filed by Douglas Diener, agent for Dienerbilt, located at 1365 N. Killian Drive, Suite B, to allow manufacturing. Manufacturing is a Special Exception permitted use in the C-4 Zoning District.

Ms. Nadia DiTommaso, planner, identified herself for the record and stated that this was a Special Exception request located at 1365 N. Killian Drive, Suite B, and the applicant is proposing to manufacture specialty auto and boat parts as well as custom engraving. Ms. DiTommaso stated that staff reviewed this request by using criterias 1 through 6, and that all the criterias have been met. Ms. DiTommaso further stated that the proposed business will maintain similar hours of operating, and traffic does not have an impact; therefore, traffic is not a concern. Ms. DiTommaso further stated that there will be no change to the actual building structure. The staff report, which is marked Exhibit "A" is made a part of these minutes. Ms. DiTommaso stated that staff is recommending **APPROVAL** for this 1,500 square foot unit.

Chairman Blakely asked if there were any letters of objection, and Ms. DiTommaso responded that there were none.

Mr. Douglas Diener, identified himself for the record, and stated that he was the owner of the business located at 1365 N. Killian Drive. Mr. Diener showed the board an aerial photo of the building and stated that he manufactured parts for high-end cars and small restoration on antique cars.

Ms. Judith Thomas asked Mr. Diener what he made and he responded that he makes antique car parts to high-end street rod parts that you can not buy. Mr. Diener further stated that he only runs the machine maybe just once a week to build a specialty part, and that he does not do any type of painting.

Mr. Tim Stevens made a motion to approve the Special Exception for a manufacturing use at 1365 North Killian Drive. Seconded by Ms. Judith Thomas.

	Aye	Nay
Jeff Blakely	X	
Todd Dry	X	
Tim Stevens	X	
Judith Thomas	X	
Mary Gambino	X	

Motion carried 5-0

Mr. Tom Baird, Town Attorney, suggested that since we have 3 new members on the board, he would circulate through the Community Development Department some memos that he had done for boards, such as Sunshine Law, conflict of interest, and Quasi-Judicial proceedings. Mr. Baird also offered to do a workshop and Chairman Blakely suggested having a workshop after the next meeting.

ADJOURNMENT

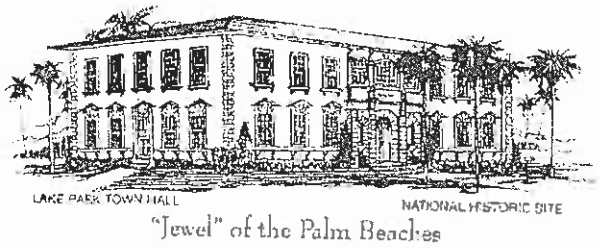
Vice Chairman Todd Dry made a motion to adjourn. Seconded by Mr. Tim Stevens. The meeting was adjourned at 8:40 p.m.

Approved 11/3/08

Attest: Linda Otto

Jeff Blakely, Chairman

Exhibit "A"



TOWN LAKE OF PARK
PLANNING & ZONING BOARD
Meeting Date: September 8, 2008
Date Prepared: August 29, 2008

REQUEST BY DOUGLAS DIENER, FOR A SPECIAL EXCEPTION APPROVAL FOR A 1,500 SF MACHINERY MANUFACTURING FACILITY LOCATED AT 1365 NORTH KILLIAN DRIVE, SUITE B, IN THE C-4 ZONING DISTRICT

APPLICANT'S REQUEST: A request by Douglas Diener ("Applicant") and Enzo Giordano Enterprises ("Property Owner") for the approval of a special exception use for a 1,500 sf *Machinery manufacturing* facility located at 1365 North Killian Drive, Suite B , in the C-4 zoning district.

STAFF RECOMMENDATION: **APPROVAL** subject to the conditions of approval found herein.

BACKGROUND:

Applicant(s):	Douglas Diener
Owner(s):	Enzo Giordano Enterprises
Address/Location:	1365 North Killian Drive, Suite B, Lake Park, FL 33403
Net Acreage:	0.034 acres (1,500 sf)
Legal Description:	See Application
Existing Zoning:	C-4 Business District
Future Land Use:	Mixed Commercial/Light Industrial

Adjacent Zoning

North:	C-1/NBOZ
South:	C-4
East:	C-4
West:	C-4

Adjacent Existing Land Use

North:	Retail/Restaurant
South:	Contractor's/Dry Cleaning
West:	Auto Repair
East:	Retail/Auto Repair/Dance Studio

SUMMARY OF REQUEST

The Applicant has requested the approval of a 1,500 sf Machinery Manufacturing special exception use in C-4 commercial zoning district. This use is expressly listed in the C-4 zoning district as a special exception use, which:

"The town commission may permit special exception uses in the C-4 zoning district provided the town commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals, objectives and policies of the town's comprehensive plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and 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 Applicant submitted a Zoning Certificate on April 30, 2008 requesting zoning approval of a new Machinery manufacturing business. In response, the Town contacted the Applicant telling him he would be required to apply for a special exception in order to legalize the use with a Special Exception.

The Applicant is currently operating a machinery manufacturing business whereby the Applicant manufactures specialty automobile and boat parts as well as perform some engraving work, at 1365 North Killian Drive, Suite B and is requesting that the Town Commission review and approve the Applicant's request for a special exception for a 1,500 sf machinery manufacturing use in the C-4 district on the subject property.

Staff finds that all the special exception criteria in the Town Code have been satisfied, and recommends that the Town Commission **APPROVE** the special exception request for a 1,500 sf machinery manufacturing facility in the C-4 district on the subject property.

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 to legalize an existing Machinery Manufacturing facility, totaling 1,500 SF, which may be permitted as a special exception use in the C-4 district and determined solely by the Town Commission. The use will provide additional services to the community and will not create any noise nuisances or generate an excessive amount of additional traffic, as elaborated on in response #5 below.

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 Mixed Commercial/Light Industrial area. A Machinery Manufacturing Business is a light industrial use. Section 78-74 allows for a Machinery Manufacturing special exception use in the C-4 zoning district.

There are similar uses to the proposed Machinery Manufacturing use in the area. These similar uses are classified as "warehouse" uses in the Parking Classification Table 78-142-1, and require on average, one (1) space per 2,000 sf of GFA, plus one (1) space for each employee.

The subject area, consisting of a car repair shop and the proposed machinery manufacturing business, comprises of approximately 10,000 sf. A total of approximately 14 spaces are provided on-site. Adequate parking is provided and 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 a machinery manufacturing business. The proposed business will operate internal to the building and will not be utilizing any heavy machinery that emits loud noises or harmful discharges. The Applicant is

simply looking to legalize the machinery manufacturing use. The proposed use is consistent with this 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 light industrial in a mixed commercial/ light industrial area. Surrounding businesses include auto repair, office, warehousing and industrial uses. Additionally, the adjoining use in the same building is auto repair.

(2) The proposed special exception is consistent with the land development and zoning regulations and all other portions of this Code.
The Code allows Machinery Manufacturing as a special exception use in the C-4 zoning district under Section 78-74 of the Town Zoning Code. Special review and determination is required as per Code Section 78-74. See response #3 below for additional consistency to the land development and zoning regulations.

(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 Applicant's machinery manufacturing current business use is compatible with the character and use (existing and future) of the surrounding properties. The proposed use is light industrial in nature and will be in a commercial/light industrial area, with surrounding commercial/light industrial uses. No changes are being proposed to the building's function, setbacks or height. The existing business and expansion will maintain the same hours of operation as surrounding businesses and will not generate any additional traffic. Fourteen (14) parking spaces are provided onsite, with room for some additional parking spaces in the rear if required. The entire building has approximately 10,000 SF of building area with auto repair and manufacturing uses. The building has sufficient parking spaces to accommodate the businesses on-site.

(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.

Although there are similar uses in the surrounding area, adding this use will not create a concentration of this type of use. The proposed machinery manufacturing use will not be detrimental to the area since there are several similar uses both in the C-4 Zoning district and the neighboring CLIC Zoning district that have not been deemed detrimental. The existing building is set up for this type of use, and no heavy machinery emitting harmful discharges or loud noises will be present. Palm Beach County Fire performed an inspection and does not have any special requirements.

(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.

The use will generate additional employees although will not generate an excessive increase in the amount of persons utilizing the property at any given time. The traffic generated will remain consistent with the neighboring uses. Finally, the degree of noise, odor, visual, or other potential nuisance factors will not be increased with this special exception use seeing as no heavy machinery emitting harmful discharges and loud noises is being proposed. All work will be performed indoors.

(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.

The Applicant is not requesting any changes to the building height, setbacks or exterior walls. The proposed use will be operating internal to the existing building and will not produce any harmful

discharges. The proposed use will consequently not reduce light and air to adjacent property, adversely affect property values, deter redevelopment, or impact any natural systems. The Applicant would simply like to bring the use into compliance by requesting review from the Town Commission, as is procedure in our Code.

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 for a 1,500 sf **Machinery Manufacturing business 1365 North Killian Drive, Suite B with the following condition of approval:**

(1) The existing fourteen (14) parking spaces are not reduced, but rather increased should the need arise. Additional parking spaces for employees may be placed in the rear and must meet all Town Code regulations. Final review and approval will be made by the Director of Community Development at the time of building permit.