



**TOWN OF LAKE PARK  
 PLANNING & ZONING BOARD MEETING  
 AGENDA  
 JUNE 3, 2013  
 7:30 P.M.  
 535 PARK AVENUE  
 LAKE PARK, FLORIDA**

**PLEASE TAKE NOTICE AND BE ADVISED:** If any interested person desires to appeal any decision of the Planning & Zoning Board with respect to any matter considered at the Meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's Office by calling 881-3311 at least 48 hours in advance to request accommodations.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

- Chair Judith Thomas
- Vice-Chair Natalie Schneider
- James Lloyd
- Michele Dubois, Alternate
- Thomas J. Baird, Board Attorney
- Nadia DiTommaso, Community Development Director
- Debbie Abraham, Planner
- Kimberly Rowley, Board Secretary

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

- Planning & Zoning Board Meeting of May 6, 2013

**ORDER OF BUSINESS**

The normal order of business for Hearings on agenda items is as follows:

- Staff presentation

- Applicant presentation
- Board Member questions of Staff and Applicant
- Public comments – 3 minute limit per speaker
- Rebuttal or closing arguments for quasi-judicial items
- Motion on floor
- Vote of Board

**PUBLIC COMMENTS**

Any person wishing to speak on an agenda item is asked to complete a Public Comment Card located in the rear of the Commission Chambers, and give it to the Recording Secretary. Cards must be submitted before the item is discussed.

**NEW BUSINESS**

- A. **SPECIAL EXCEPTION** - A Special Exception Application filed by H&L Planning and Development Consultants, as the Agent of Waterfront Services Incorporated, to Operate as a “Storage Warehouse, Building Supplies, and Retail” business at 900 10<sup>th</sup> Street in the C-2 Business District.
- B. **SITE PLAN REVIEW** - Shellco Construction Company is requesting a Site Plan Review for the Development of an Office/Warehouse building on a Vacant Lot located at Gateway Industrial Park Lot 8, as owned by LPJ Properties Incorporated.
- C. **VARIANCE** - An Application by Shellco Construction Company for three (3) Variances from the Town’s Landscaping Code for the Development of an Office/Warehouse building on Gateway Industrial Park Lot 8, as owned by LPJ Properties Incorporated.

**COMMUNITY DEVELOPMENT DIRECTOR COMMENTS**

**ADJOURNMENT**



**TOWN OF LAKE PARK  
PLANNING & ZONING BOARD  
MEETING MINUTES  
MAY 6, 2013**

**CALL TO ORDER**

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Chair Judith Thomas	Present
Vice-Chair Natalie Schneider	Present
James Lloyd	Present
Michele Dubois, 1 <sup>st</sup> Alternate	Present

Also present were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Debbie Abraham, Town Planner, and Kimberly Rowley, Recording Secretary.

**APPROVAL OF AGENDA**

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made a motion for approval of the Agenda, and the motion was seconded by Board Member Lloyd. The vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

**The Motion carried 4-0 and the Agenda was unanimously approved as submitted.**

**APPROVAL OF MINUTES**

Chair Thomas requested a motion for the approval of the Minutes of the April 1, 2013, Planning & Zoning Board Meeting as submitted. Vice-Chair Schneider made a motion to approve the Minutes. The motion was seconded by Board Member Lloyd and the vote was as follows:

	<b>Aye</b>	<b>Nay</b>
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

**The Motion carried 4-0 and the Minutes of the April 1, 2013, Planning & Zoning Board Meeting were unanimously approved as submitted.**

**ORDER OF BUSINESS**

Chair Thomas outlined the Order of Business and Public Comments procedures.

**PUBLIC COMMENTS**

Chair Thomas asked if there were any public comments.

**Francine Mantyh**, a North Palm Beach resident, addressed the Board and stated that she has been a client of Barkley’s Canine Club for 3-4 years. Ms. Mantyh stated that Barkley’s is an amazing place, that they have taken great care of her animals and that she wouldn’t trust them with anyone else.

**NEW BUSINESS**

**A. A TEXT AMENDMENT APPLICATION FILED BY BARKLEY’S CANINE CLUB PROPOSING TO CREATE A SPECIAL EXCEPTION USE SECTION IN THE C-1 BUSINESS DISTRICT, AND RE-DISTRIBUTING CERTAIN USES FROM THE PERMITTED USE CATEGORY TO THE NEWLY PROPOSED SPECIAL EXCEPTION USE CATEGORY, AND PROVIDING FOR ALL USE DEFINITIONS.**

***APPLICANT: BARKLEY’S CANINE CLUB***

**STAFF PRESENTATION**

Nadia DiTommaso, Community Development Director, addressed the P&Z Board and stated that this is a Text Amendment Application to Code Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances, and that this item is a continuation from the April 1, 2013, P&Z Board Meeting wherein the Text Amendment Application was presented and the P&Z Board made recommendations. Staff took the recommendations and revamped the Application to create a more comprehensive list of Special Exception Uses, and definitions for the uses.

Ms. DiTommaso stated that the Applicant is the same, Barkley’s Canine Club, and that the Text Amendment Application was filed by Barkley’s Canine Club. She explained that Barkley’s is a tenant for a business located at 524 Northlake Boulevard, and they have

received authorization from the property owners, who are present at this Meeting. The Application proposes to include "Animal Boarding" as a Special Exception Use in the C-1 Business District under Section 78-71. The C-1 Business District currently does not include a Special Exception Use category, and this Application is proposing the creation of the Special Exception Use category. In doing so, and in accepting the Planning & Zoning Board's recommendations from the April 1, 2013, Meeting, Staff is proposing the re-distribution of certain uses that are currently listed as permitted uses, to be relisted under the newly proposed Special Exception Use category. Additionally, Staff is proposing for the respective Use Definitions in Section 78-2.

Ms. DiTommaso explained that the C-1 Business District is intended to promote low intensity commercial uses, such as offices, retail uses and personal services, and is located on the south side of Northlake Boulevard, as well as on portions of 10th Street and U.S. Highway One. Ms. DiTommaso showed a visual of the Zoning Map on the screen which highlighted the C-1 Business District.

Ms. DiTommaso gave a brief history and summary of the Application and stated that in early 2012, the Applicant received approval from the Town's Community Development Department to operate an "instructional studio" and a "beauty shop", both of which are Permitted Uses in the C-1 Business District. Now, the Applicant is requesting an amendment to the Section of the Code to add an animal boarding use provision in the C-1 Zoning District. While researching the Code, Staff determined that the Code is deficient on animal related uses, and, while the original uses of "instructional studio" and "beauty shop" were approved, they are very broad uses - and in an attempt to better describe the animal related uses, Staff is proposing a comprehensive "animal service establishment" definition with its subcomponents which can be applied to the various zoning districts.

Ms. DiTommaso continued that in addition to proposing the Animal Service Establishment use in the C-1 Business District, both as a Permitted Use in the C-1 and as a Special Exception Use by using the various subcomponents, Staff is recommending that certain uses be re-listed per the recommendation of the P&Z Board at their April 1, 2013, Meeting, including:

- Gasoline and other motor-fuel stations, to be re-listed as "Automotive Service Station"
- Mortuaries, to be relisted as "Funeral Homes"
- Motels, to be re-listed as "Motel/Hotel"
- Hospitals, sanitariums and medical clinics
- Substance abuse treatment facilities
- Sales, service and rental of motor vehicles, to be re-listed as "Vehicle Sales and Rental"

Ms. DiTommaso stated that substance abuse treatment facilities are an interesting use since they are currently listed as a Special Exception Use in the Permitted Use section in C-1 Business District. Since this is a little odd, and now the special exception category is being

created, it will be relisted under the appropriate category. All of the uses which are being redistributed will now require a separate Special Exception Use Application and will need to meet the criteria which is already established in the Town Code and would require Board and Town Commission approval.

Ms. DiTommaso stated that Staff is recommending Text Amendments to Section 78-2, Definitions, which would apply to all zoning districts, and which could be applied as either a permitted use or special exception use, as follows:

**“Animal Service Establishment” means an establishment which may include any of the following uses as specified in the individual zoning district:**

- 1) ***Animal day care establishment*** - An indoor facility operated between the hours of 7a.m.-10 p.m., for the purpose of providing care and protection of domesticated animals, no overnight boarding
- 2) ***Animal training center*** - A facility operated between the hours of 7a.m.-10 p.m. for the teaching and training of domesticated animals, no overnight boarding
- 3) ***Grooming parlor*** - An indoor facility operated between the hours of 7a.m.-10 p.m. which accepts domesticated animals for bathing, clipping, dipping, pedicuring or other related services (not to include breeding, veterinary, dentistry or overnight boarding)
- 4) ***Pet Shop*** - An indoor facility operated between the hours of 7a.m.-10 p.m. for the purpose of selling animal accessories
- 5) ***Pet Dealer*** - An indoor facility operated for the sale of domesticated animals, which includes overnight boarding (*“Domesticated Animals” as defined in “Chapter 11-Animals” of the Code, are specific animals that can be sold in a licensed pet shop in the State of Florida*)
- 6) ***Animal Boarding Kennel*** - An indoor facility, where domesticated animals are kept overnight

Ms. DiTommaso said that it is important to note that the Subcomponents which relate to daytime uses, the timeframe of 7 a.m. – 10 p.m. has been provided because the Noise Ordinance in Chapter 10-155 specifically lists certain decibel limitations for the receiving land uses and it has a daytime cap of 10 p.m. For those uses which could potentially create noise impacts, they are defined separately and have a later than 10:00 p.m. definition. For Subcomponents Number 5 & Number 6, Staff included the additional description: *Noise nuisances which exceed permitted decibel levels as prescribed in the Town Code in Section 10-155 shall be mitigated by requiring extra insulation or any other improvements which are certified by a licensed noise professional and submitted to the Town's Building Department under a building permit application. Boarding shall be limited to domesticated animals. The Town Commission may require sound proofing or additional setbacks and landscaping to minimize noise and visual impacts on adjacent properties. Outdoor runs shall be paved, fenced, and connected to a Town-approved wastewater treatment facility and shall not be located any closer than 40 feet from adjacent residentially-zoned properties.*

Ms. DiTommaso further explained that since Staff created the Text Amendment for the C-1 District, other uses were listed and additional definitions were created for the C-1 District since they are new to the Section 78-2, but they are not new to the Code. The Code already defines several of these uses along Northlake Boulevard in the Northlake Boulevard Overlay Zone (NBOZ), and Staff is trying to create consistency in bringing those definitions into Section 78-2 overall Definitions, including:

- Automotive Service Station
- Funeral Home
- Hospital, sanitarium or medical center
- Motel/Hotel
- Substance Abuse Treatment Facility
- Vehicle Sales and Rentals

Ms. DiTommaso stated that Staff is also recommending Text Amendments to Section 78-71, **as shown on the visual**, as follows:

(1) Uses permitted. Within the C-1 business districts, no building, structure or land shall be used and no building shall be erected, structurally altered or enlarged, unless otherwise permitted by these regulations, except for the following uses:

- a. Animal Service Establishments (“animal day care establishment”, “animal training center”, “grooming parlor” and “Pet shops” only; no overnight boarding)
- ~~a. b.~~ Appliance stores, including radio and television services.
- ~~b. c.~~ Bakeries the products of which are sold at retail but not produced on the premises.
- ~~c. d.~~ Banks.
- ~~d. e.~~ Barbershops, beauty shops, chiropodists, masseurs.
- ~~e. f.~~ Fertilizer, stored and sold at retail only.
- ~~f. Gasoline and other motor-fuel stations.~~
- g. Laundry pickup stations.
- ~~h. Mortuaries.~~
- ~~i. Motels.~~
- ~~j. Vehicle sales and rentals, including and accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the open storage area is within 25 feet of any street line provided that:~~
  - ~~1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;~~
  - ~~2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and~~
  - ~~3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave runners, which are part of the specific business.~~

- ~~k.~~ h. Offices, business and professional.
- ~~l.~~ i. Outdoor miniature golf courses, all objects limited to eight feet in height and such building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
- ~~m.~~ j. Restaurants.
- ~~n.~~ k. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- ~~o.~~ l. Indoor Theatres.
- ~~p.~~ m. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated.
- ~~q.~~ ~~Hospitals, sanitariums and medical clinics.~~
- ~~r.~~ ~~Motels without shop fronts or stores facing the street.~~
- ~~s.~~ ~~Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.~~
- ~~t.~~ n. Instructional studios; including but not limited to, studios for the instruction of the martial arts, dance, voice, drama, speech, gymnastics, yoga, exercise, painting, photography, music, and other similar instructional studio uses which are deemed appropriate by the town's community development director.
- ~~u.~~ o. Transient residential use

(2)

Special exception uses permitted. Within the C-1 Business District, no building, structure or land shall be used, and no building shall be erected, structurally altered or enlarged for the following uses unless a special exception has been approved by the Town Commission, pursuant to section 78-184 and the standards set forth herein:

- a. Animal Service Establishment (Animal Boarding Kennel and Pet Dealer Only)
- b. Automotive Service Station
- c. Funeral home
- d. Hospital, Sanitarium or Medical Clinic
- e. Motel/Hotel
- f. Substance abuse treatment facilities, provided that any such facility shall not be located within a radius of 1,000 feet of another existing facility or within 1,500 feet of a residential zoning district.
- g. Vehicle Sales and Rentals, including accessory sales of parts and components and accessory repair shops on property on which a permanent building is erected and which building is used solely in connection with the use and where no part of the

open storage area is within 25 feet of any street line provided that:

1. The use is not within 500 feet of the same use, i.e., sales to sales, rentals to rentals, etc.;
2. No vehicles, boats or wave runners are tested or repaired outside of a building designed for such purposes; and
3. The parking requirements for the use are met over and above any areas provided for vehicles, boats or wave-runners, which are part of the specific business.

## **STAFF RECOMMENDATION**

Ms. DiTommaso stated that Staff is recommending that the Planning & Zoning Board make a recommendation of approval to the Town Commission for Text Amendments to Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances, and that the Applicant and property owners are in attendance, that they were provided with the Staff Reports and they are in agreement with the proposal. Cindy Hackle, co-proprietor of Barkley's Canine Club, approached the Board and confirmed that she is in agreement, and said how amazing Lake Park has been to work with and thanked the Staff.

## **PLANNING & ZONING BOARD COMMENTS**

Vice-Chair Schneider wanted to clarify that the term "Pet Shop" is being proposed and Staff confirmed, and commended Staff for a job well done.

Chair Thomas had questions such as Barkley's hours of operation, would they be consistent with the decibel levels in the Town Noise Ordinance, and who would regulate the animals. The Community Development Director explained that Palm Beach County Animal Care & Control has a comprehensive Ordinance which strictly regulates and inspects on a regular basis. Chair Thomas also questioned whether the outdoor runs would be paved or turf. Ms. DiTommaso stated that the Town would be as consistent as possible with the Palm Beach County Animal Care & Control Ordinance provision regarding the area to be paved or sodded, and that Staff would accommodate the recommendation for outdoor runs to be paved or sodded/turfed. Chair Thomas requested that the "Funeral Home" definition be changed from ...deceased "human beings" to ... deceased "human remains", Staff confirmed that "human beings" is already being used in an alternate section of the Code and that carrying it forward this way would have it remain consistent. Chair Thomas questioned the language: *C-1 p. m. No living quarters shall be permitted in any business or commercial structure or upon a lot or parcel upon which a business or commercial structure is situated...* and inquired if that means a facility in the C-1 Zoning District cannot be operated where there are flats upstairs. Ms. DiTommaso said this is a good point, and that this language was in the C-1, but that it would probably be best to eliminate this language based on the fact that

there are certain uses, for example, transient residential uses and motel/hotel, under the special exception subcategory which have a living quarter component.

**PLANNING & ZONING BOARD RECOMMENDATION**

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion to approve Staff’s recommendation for the Text Amendment modifying Sections 78-71 and 78-2 of the Town of Lake Park Code of Ordinances *as shown on the visual*. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

**The vote was 4-0 and the Motion was unanimously approved.**

**B. A SPECIAL EXCEPTION APPLICATION FILED BY BARKLEY’S CANINE CLUB TO ALLOW THE ANIMAL BOARDING KENNEL USE COMPONENT OF AN “ANIMAL SERVICE ESTABLISHMENT” WITHIN THE C-1 BUSINESS DISTRICT, FOR A PROPERTY LOCATED AT 524 NORTHLAKE BOULEVARD.**

***APPLICANT: BARKLEY’S CANINE CLUB***

**STAFF PRESENTATION**

Debbie Abraham, Town Planner, addressed the Planning & Zoning Board and said that she is presenting a request for the Special Exception Use of an “animal boarding-kennel” at 524 Northlake Boulevard, which is within the C-1 District. She explained that the facility is currently occupied by the Applicant, Barkley’s Canine Club, as an “instructional studio” and “beauty shop” exclusively for dogs. The Applicant, with the approval of the Property Owner, is requesting to expand its operations by offering an overnight animal boarding service to its patrons. Since the use of “animal boarding-kennel” is permitted only by Special Exception, the Applicant submitted a Special Exception Application. The Special Exception Application requires Staff to evaluate the proposed use to the criterion of Section 78-184 in the Town’s Code of Ordinances. The criterion assesses issues relating to the effects of the proposed use, such as: 1) Consistency with the Town’s Comprehensive Plan, Land Development Regulations, and Zoning Code; 2) Compatibility with the surrounding properties and 3) The likelihood of the proposed use generating detrimental impacts. Ms. Abraham stated that upon Staff’s investigation and review, it was determined that the proposed use is consistent with the Town’s Comprehensive Plan, Land Development

Regulations, and Zoning Code. While the use of an “instructional studio” and “beauty shop” are permitted by right in the Town’s Code, the concurrently proposed Text Amendment to include “animal service establishments” will re-title the already permitted use of “beauty shop” and “instructional studio” to “grooming parlor” and “training facility”, as well as to integrate a new Special Exception Use for “animal boarding” into the Town’s Code.

Ms. Abraham explained that this Special Exception application is contingent on the approval of the Text Amendment Application which is being submitted under separate cover, and if approved, will allow the Applicant to board dogs overnight in the Applicant’s existing location. Since this Property is in a commercial area that abuts a residential district, concerns regarding noise and odor impacts have risen, and in this regard, Staff has learned that animal service establishments in Palm Beach County are strictly regulated by the Palm Beach County Animal Care & Control Division. This Agency has established operational standards, housing requirements, physical facility requirements, and cleaning procedures specifically for the use of kennels, and PBC Animal Care & Control Division requires individual licensing for each type of animal service, including kennel, day care, and grooming. Since the Applicant is licensed by PBC Animal Care & Control for their existing operations, the Applicant’s facility has already mitigated issues relating to noise and odor as it pertains to their existing use, and in order to ensure the Applicant does not cause negative impacts in the future, PBC Animal Care and Control regularly conducts unscheduled inspections. The Town will enforce the existing Noise Ordinance. Ms. Abraham stated that regarding potential on-site impacts, Palm Beach County’s Traffic Division has been notified of the proposed use and did not offer any objections. The Town’s parking requirements would require the use to have 5 parking spaces for every 1,000 square feet of gross floor area given the general use of the building. This would require the Property to have 26 spaces, and the Site currently offers more than 30 spaces.

#### **STAFF RECOMMENDATION**

Ms. Abraham stated that the proposed Special Exception Use is not expected to generate negative on-site or off-site impacts; however, **in order to deter any potential negative impacts, Staff is recommending approval, with the following conditions:**

- **The Applicant’s animal boarding kennel shall be limited to dogs**
- **No animals having a disease harmful to humans shall be boarded or maintained in the facility**
- **No animal boarding kennel or dog run shall be located within 40 feet of a residential property line**
- **No exterior dog runs shall be between 10 p.m. and 7 a.m.**
- **Methods shall be used to reduce off-site noise**
- **The Applicant shall have flushing drains which shall be connected to an approved sanitary facility**

- **The animal boarding kennel shall be air conditioned and heated so that any windows, doors, or other openings can be closed at all times except for ingress and egress.**

**BOARD MEMBER COMMENTS**

Chair Thomas asked if the Applicant would like to make a presentation. Cindy Hackle, co-proprietor of Barkley’s Canine Club, stated that their daycare is from 7:00 a.m. – 7:00 p.m., but that they are applying for overnight boarding. Ms. Hackle stated that by 9:30 p.m. her staff turns out the lights and they all go to sleep. Chair Thomas asked how many dogs are kept at Barkley’s and Cindy Hackle responded that 31 dogs were boarded over the Thanksgiving Holiday. Chair Thomas asked who regulates the total number of dogs that are allowed. Ms. DiTommaso responded that Palm Beach County Animal Care & Control regulates the number of dogs allowed, which is calculated by the square footage of the facility.

Vice-Chair Schneider stated that Barkley’s Canine Club had made a wonderful presentation at the April 1, 2013, Planning & Zoning Meeting. Also, Vice-Schneider commended Staff for doing an amazing job putting this together and said that she appreciates all the work that was put in to this matter as it went above and beyond the requirement.

Chair Thomas asked that since there was nothing in the Code that actually permits what they are doing and the “animal establishment” was not a part of the C-1 Zoning District, was this use broadly interpreted under “beauty shop” or “instructional studio”? Ms. DiTommaso responded yes, since that was how the original application came in, but now, given all of the amendments that are being proposed, it will be reclassified under the new titles.

**PLANNING & ZONING BOARD RECOMMENDATION**

There being no further discussion, Chair Thomas requested a motion from the Board. Vice-Chair Schneider made a motion that the Planning & Zoning Board approves Staff recommendation for the approval of the Special Exception Use of the “animal boarding kennel” as defined under “animal service establishments” being proposed under a separate cover for the C-1 Business District, *with the Conditions listed in the Staff Report*. The motion was seconded by Board Member Lloyd and the vote was as follows:

	Aye	Nay
Judith Thomas	X	
Natalie Schneider	X	
James Lloyd	X	
Michele Dubois	X	

**The vote was 4-0 and the Motion was unanimously approved.**

**COMMENTS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

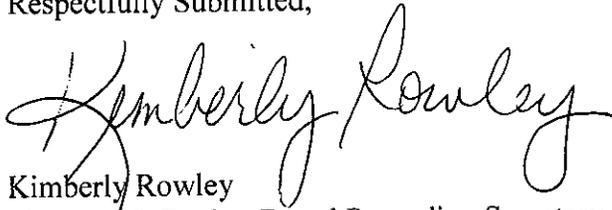
There were no further comments from the Community Development Director.

**ADJOURNMENT**

Chair Thomas welcomed Michele Dubois to the Planning & Zoning Board.

There being no further business before the Board, the Meeting was adjourned at 8:10 p.m. by Chair Judith Thomas.

Respectfully Submitted,



Kimberly Rowley  
Planning & Zoning Board Recording Secretary

***PLANNING & ZONING BOARD APPROVAL:***

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Judith Thomas, Chair  
Town of Lake Park Planning & Zoning Board

DATE:

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**TOWN LAKE OF PARK  
PLANNING AND ZONING BOARD**  
Meeting Date: June 3, 2013

**REQUEST BY H&L PLANNING AND DEVELOPMENT SERVICES ON  
BEHALF OF WATERFRONT SERVICES INC. TO ESTABLISH A BUILDING  
SUPPLIES OFFICE AND RETAIL SPACE WITH A STORAGE WAREHOUSE  
IN THE C-2 BUSINESS DISTRICT**

**APPLICANT'S REQUEST:** H&L Planning and Development Consultants as the agent of Waterfront Services, Inc. ("Applicant") has applied for the approval of a Special Exception Use to authorize a "storage warehouse, building supplies, and retail" business at 900 10<sup>th</sup> Street ("Property" or "Site") in the C-2 Zoning District. The approval of this Special Exception Use will permit the Applicant to occupy 70% of the interior as "storage warehouse" and the remainder of the space as an office and a retail showroom.

**BACKGROUND:**

Applicant(s): H&L Planning and Development Consultants as Agent  
for Waterfront Services, Inc.  
Owner(s): PO LLC  
Address/Location: 900 10<sup>th</sup> St.  
Net Acreage: 0.70 acres  
Legal Description: CITY SQUARE SLY 115.77 FT OF NLY 277 FT OF ELY 174 FT &  
SLY 102.86 FT OF NLY 231.86 FT OF WLY 81.20 FT  
Existing Zoning: C-2  
Future Land Use: COMMERCIAL

**Adjacent Zoning**

North: C-2  
South: C-2  
East: C-1  
West: C-4 & CLIC

**Adjacent Existing Land Use**

North: Commercial  
South: Commercial  
East: Commercial  
West: Commercial Light Industrial

(ZONING MAP & IMAGES OF EXISTING CONDITIONS INCLUDED AS *EXHIBIT A*)

## **I. SUMMARY OF REQUEST**

The Applicant is a pool and general contracting company currently located in the Village of North Palm Beach. The Applicant is relocating to the Town of Lake Park for the purpose of expanding their existing business. The Applicant is proposing to develop a vacant parcel of real property located at 900 10<sup>th</sup> Street. This Site offers the Applicant adequate land to accommodate its business, including room for the storage of supplies and equipment, adequate parking, and office space. The Applicant proposes to use 70% of the Site for storage, and 30% of the Site for an office and retail space. The Site has a future land use designation of "commercial", and is zoned C-2. The use of "storage warehouse, building supplies, and retail" is permitted within the C-2 Zoning District as a Special Exception Use.

The Applicant has submitted a Site and Landscaping Plan which indicates the building's location, landscaping and other features of the Site. The Community Development Department staff finds that the special exception use proposed by the Applicant is compatible with the surrounding uses and businesses. Staff notes that the Applicant's Site and Landscaping Plan's incorporation of proper screening and landscaping requirements will improve the functionality and aesthetics of the Site. Finally, Staff finds that any adverse impact of this special exception use can be mitigated by the adoption of the conditions that staff is recommending.

## **II. ANALYSIS OF SPECIAL EXCEPTION CRITERIA**

Staff has reviewed the application submitted and analyzed whether the Applicant has met the six criteria of the Code so as to entitle it to an approval of the Special Exception Use.

- 1. The proposed special exception use is consistent with the goals, objectives, and policies of the town's comprehensive plan.**

**Objective 1, Policy 1.5 of the Town's Future Land Use Element (FLUE) within the Town's Comprehensive Plan states the following:**

*The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.*

The Staff finds that approval of the proposed special exception use would further Objective 1 and Policy 1.5 by developing a currently vacant site. This project is consistent with "redevelopment activities" to the extent that a project was started and stopped several years ago. The Site's development will increase the Town's tax base without requiring any increase in the adopted Levels of Services to the area. Staff has recommended conditions of approval which if implemented will

minimize any negative impacts which might be created by the approval of the special exception use on the Site.

**Objective 5 of the Town's FLUE states:**

*As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.*

**Policy 5.2 of the Town's FLUE states:**

*The Town shall foster the redevelopment of declining neighborhoods, underutilized parcels, and areas that demonstrate substandard and/or slum and blight conditions.*

The Applicant's special exception use furthers Objective 5 and Policy 5.2 of the Town's Comprehensive Plan by promoting infill development that is compatible with the existing surroundings. The Applicant's proposed special exception use is compatible with the other commercial/light industrial uses which have developed in this zoning district and nearby districts.

**2. The proposed special exception use is consistent with the Town's land development and zoning regulations and all other portions of this Code.**

The Applicant's Site and Landscaping Plan proposes improvements to the parcel to accommodate the proposed building supplies/office and storage warehouse use. The Site Plan provides for increased landscaping, modification to the dumpster enclosure, and clear demarcation of the storage areas with adequate screening. The Site meets requirements for adequate parking and storage space per the proposed use.

**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 proposed special exception use is compatible with the character of the surrounding developed properties, which are also zoned C-2. The C-2 Zoning District permits retail and service establishments by right, and light industrial uses by special exception.

The Palm Beach County's Traffic Division has determined that the proposed special exception use is not expected to generate negative traffic impacts. However, the Site has limited access and in order to access the Site's parking area, drivers must go through the neighboring properties. As a result, the Staff is recommending a condition to require that the Applicant enter into a Shared Access Agreement with the neighboring properties to the north and south of the

Site prior to the issuance of a building permit. Occupancy shall be prohibited without this documentation.

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 no other combined "storage warehouse, building supplies, and retail" in this area.

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;**

The Applicant intends to have 10 employees at maximum shift. The Site Plan indicates there will be sufficient parking for employees working at the Site and for those who may visit the Site.

- b. **The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and**

The Applicant is proposing to use the building as an office and warehouse space. The Applicant will not be using or storing any hazardous materials on the Site. The Applicant's daily operations are not expected to generate any noise, odors, or visual impacts which would constitute a nuisance within the context of this zoning district. The Applicant proposes to use the open space in the rear of the parking lot as a screened outdoor storage area. The rear storage area will be fully screened with landscaping to prevent any visual disturbances. A complete list of vehicles/machinery stored on site is also included with the Applicant's application packet.

- c. **The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.**

The nature of the Applicant's daily operations does not foster heavy traffic flow. The Applicant is expecting the building to be primarily occupied by employees and not clients, as their operations entail off site service. Therefore, traffic flow in the vicinity of the Site is not expected to be an issue.

6. **That the proposed special exception use:**

- a. **Does not significantly reduce light and air to adjacent properties.**

The Applicant's proposed special exception use will not cause change air or light quality.

**b. Does not adversely affect property values in adjacent areas.**

The Applicant's improvement of the Site would not adversely impact the property values of adjacent properties. If anything, the development of the Site would create a positive affect on the property values of adjacent properties.

**c. Would not be a deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations.**

The Applicant's special exception use will not be a deterrent to any improvements or the redevelopment of surrounding properties. The development of the Site may encourage redevelopment.

**d. Does not negatively impact adjacent natural systems or public facilities, including parks and open spaces.**

The proposed special exception use will not adversely affect any natural systems or public infrastructure. The Applicant will use the existing infrastructure to support their use.

**e. Provides pedestrian amenities, including, but not limited to, benches, trash receptacles, and/or bicycle parking.**

N/A.

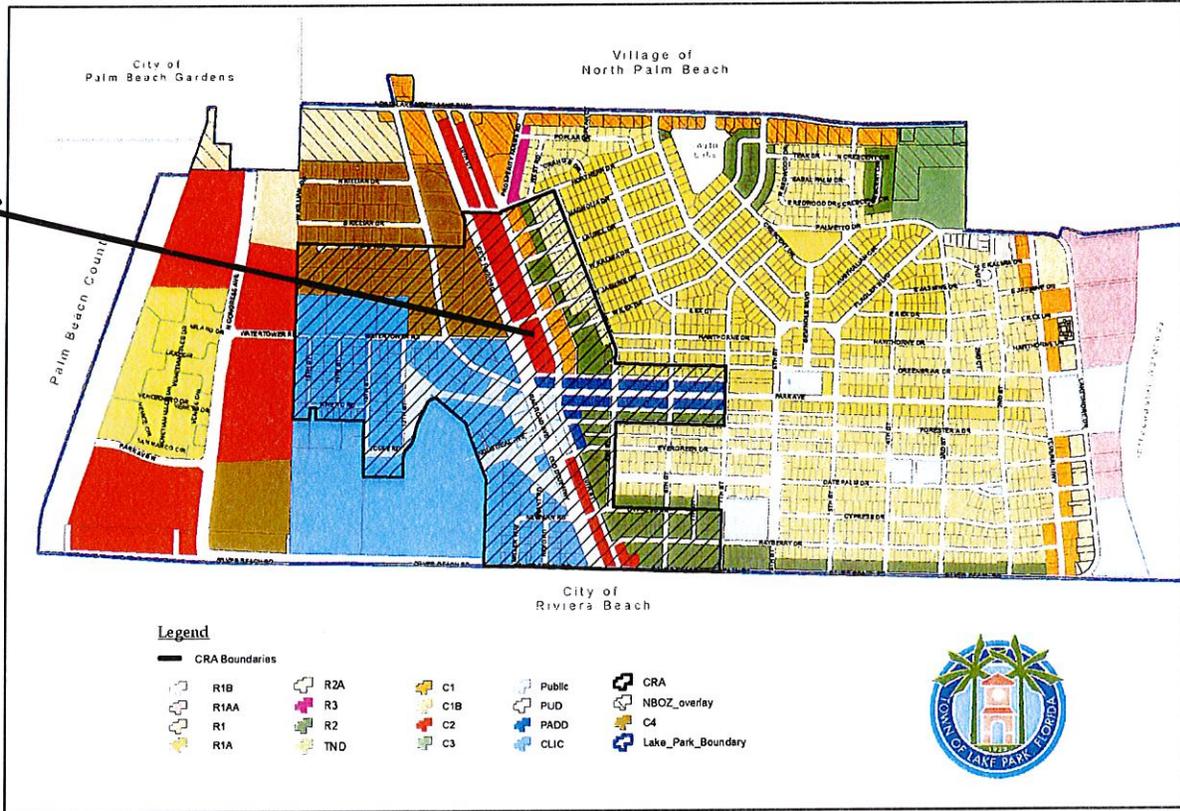
### **III. STAFF RECOMMENDATION**

**Staff recommends that the Board recommend that the Commission APPROVE the proposed special exception use of a "storage warehouse, building supplies, and retail" subject to the following conditions:**

- Shared Access Agreements must be submitted by the Applicant prior to the issuance of a Certificate of Completion. The Applicant is required to submit an agreement from the neighboring north and south property owners indicating a shared access scenario has been adopted for 900 10<sup>th</sup> Street. Occupancy shall be prohibited without this documentation.**

Exhibit A: Zoning Map with Images of Existing Conditions

Applicant's site:  
100 10<sup>th</sup> St



06-07-2012



Lake Park Zoning Map

0 0.1 0.2 0.4 0.6 0.8 1 Miles

Map prepared by the Planning Department, County of Lake Park, Florida, on 06-07-2012. The map is for informational purposes only and does not constitute a contract or warranty of any kind. The County of Lake Park, Florida, is not responsible for any errors or omissions on this map. The map is subject to change without notice.

Aerial View:



Front View:



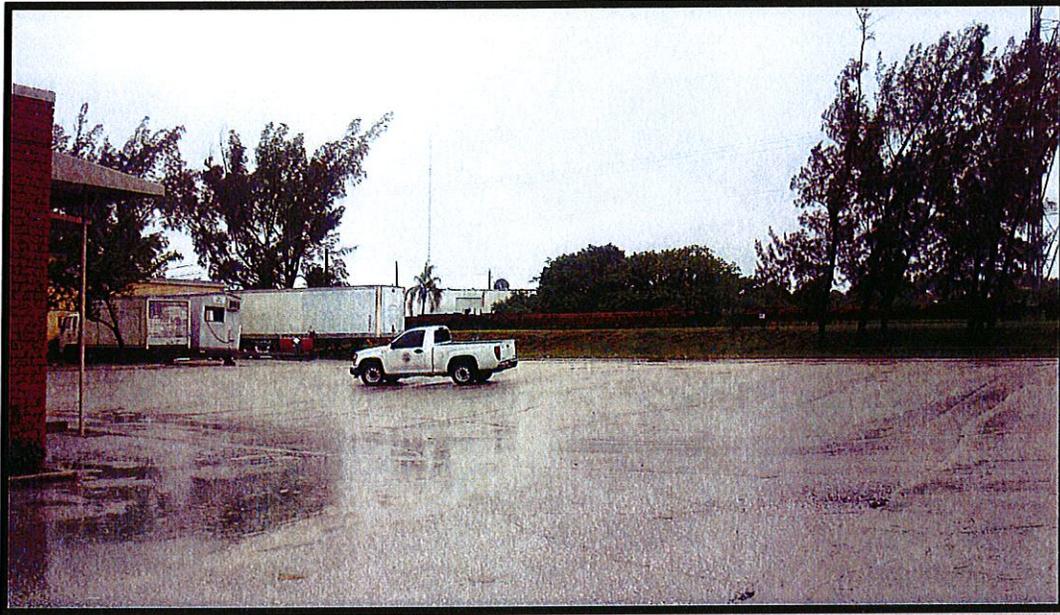
North Side View:



South Side View:



Side View Facing Rear:



Rear View:





Community  
Development  
MAR 12 2013  
Development  
Department

THE TOWN OF LAKE PARK  
Community Development Department

APPLICATION FOR SPECIAL EXCEPTION REVIEW

Name of Applicant/Agent: James G. Hackett, H&L Planning and Development

Address: 612 N. Orange Ave., Suite 14A, Jupiter, FL 33458

Telephone: 561.222.9284 Fax: 561.383.3167

E-mail address: james@hlplanning.net

\_\_\_\_\_ Owner  Agent (Attach Agent Authorization Form)

Owner's Name (if not applicant): 561.222.9284

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

Property Location: 901 10th Street

Legal Description: See attached legal description

Property Control Number: 36-43-42-20-06-001-0020

Future Land Use: Commercial Zoning: C-2

Acreage: 0.70 Acres Square Footage of Use: 3,961 sf.

Proposed Use: Retail, showroom, and accessory warehouse for local pool company

**Adjacent Property**

Direction	Zoning	Business Name	Use
North	C-2	C-2	Retail
East	C-1	N/A - Vacant	Vacant
South	C-2	Mixed Use Retail Stores	Retail
West	N/A	N/A	Railroad Tracks

**APPLICATION REQUIREMENTS:**

1. Please discuss how the Special Exception use is consistent with the goals, objectives, and policies of the Town's Comprehensive Plan.

Please see attached statement of use

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2. Please discuss how the proposed Special Exception is consistent with the land development and zoning regulations and all other portions of the Town of Lake Park Code of Ordinances.

Please see attached statement of use

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3. Please explain how 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.

Please see attached statement of use

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4. Please explain how 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.

Please see attached statement of use

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# The Town of Lake Park

## Community Development Department

**PLEASE DO NOT DETACH FROM APPLICATION.**

**SIGNATURE REQUIRED BELOW.**

Please be advised that the Town of Lake Park Code of Ordinances under Section 51-6 provides for the Town to be reimbursed, in addition to any application or administrative fees, for any supplementary fees and costs the Town incurs in processing development review requests.

These costs can include, but are not limited to, advertising and public notice costs, legal fees, consultant fees, additional staff time, cost of reports and studies, NPDES stormwater review and inspection costs, all engineering fees and inspection costs, and any additional costs associated with the building permit and the development review process.

For further information and questions please contact the Community Development Department at 561-881-3318.

Patrick Sullivan, AICP  
Director, Community Development Department

I, Orlando S. Spade, have read and understand the regulations above regarding cost recovery.

Signature of Property Owner

3/6/13  
Date

*Contract purchaser/applicant*

Community  
MAR 12 2013  
Development

February 25, 2013

Town of Lake Park, Community Development Department  
535 Park Avenue  
Lake Park, FL 33403

Attention: Nadia DiTommaso

With this letter, I authorize you to recognize James G Hackett with H&L Planning and Development as my Agent, and acting in my behalf may sign for special exception application at 900 10<sup>th</sup> Street, Lake Park, Florida.

By my signature, I recognize and approve the submittal of a special exception application for this property.

*Mary D Lafuente*  
Signature

*Mary D. Lafuente*  
Name

*Managing Member of*  
Title

*2/26/2013*  
Date

STATE OF FLORIDA  
COUNTY OF *PALM BEACH*

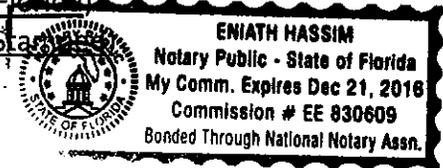
The foregoing instrument was acknowledged before me this *26* day of *FEB*, 2013, by (name of person acknowledging).

*MARY D LAFUENTE*

*Eniath Hassim*  
(Signature of Notary Public-State of Florida)

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)



Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced

*FLORIDA DRIVERS LICENSE*



**Waterfront Services Inc.  
Special Exception Review Application  
900 10<sup>th</sup> Street  
Town of Lake Park  
March 6, 2013  
Revised May 3, 2013**

**Introduction**

Waterfront Services Inc. ("the Applicant") is seeking a Special Exception Review approval to occupy the existing building located at 900 10<sup>th</sup> Street in the Town of Lake Park. The applicant is an existing and established general contractor company which is relocating from Palm Beach Gardens to Lake Park. Waterfront Services, a state licensed contractor, specializes in concrete restoration, waterproofing, caulking and coatings for both residential and commercial properties.

Located in the C-2 Zoning District, the existing site is approximately 0.61 acres in size with an existing 3,961 square foot building. The applicant is seeking approval to allow the existing commercial building to be renovated to allow for a proposed office with warehousing and showroom. The applicant is proposing to modify the existing internal building to have a 1,184 square foot storage area and a 2,777 square foot office/showroom. This keeps the storage area at approximately 70% of the overall square footage of the existing building.

**Storage Area Breakdown**

Below is a list of vehicles to be stored in the outdoor storage area:

1998 Ford F-650 5 Yard Dump Truck  
Kaufmann 26' Foot Trailer with Kubota KX-80 Excavator on it  
Anderson 24' Trailer with Bobcat Skid Steer on it  
2000 F-550 Flat Bed Pickup Truck  
2001 F-250 utility body work truck  
2007 Dodge 2500 Utility body work truck  
2001 GMC Work Van  
2003 Ford E-250 Work Van  
24' White enclosed trailer – Left on job most of the year not in yard but occasionally in yard  
12' Black enclosed job trailer – same as above not always in yard  
14' Black enclosed job trailer – same as above not always in yard  
16' white enclosed job trailer – same as above not always in yard  
2012 Kubota kx-35 mini excavator

Trucks leave yard at 7:30-8:00 in morning and don't come back until 4:00-4:30 or later. Specific equipment for each job gets delivered to the site and does not come back to this facility. Additionally, the total number of employees are 8, however 4 of them come and go during the day.

## Application Requirements

1. The Special Exception request is consistent with the goals, objectives and policies of the Town's Comprehensive Plan. The subject site has an underlying Commercial Land Use designation with a C-2 Zoning District. Office with warehouse/showroom is consistent with the uses allowed in this land use designation as well as the used within the surrounding area. Waterfront Services provides clients the opportunity to view product samples, such as water features, pool tiles, etc. such as a typical commercial use would provide.
2. The proposed special exception is consistent with the land development and zoning regulations and all other portions of the Town's Code of Ordinance. At this time, the applicant is requesting to allow a portion of the rear of the site to be fenced in for security of vehicles, material etc. The site meets or exceeds landscape requirements in the front of the existing building. The applicant is proposing additional landscaping, where applicable in the rear to screen the proposed fence. All other code requirements have been met, including but not limited to, required parking spaces.
3. Waterfront Services is a compatible use and is consistent with the surrounding uses and area. As mentioned above, the business will provide clients the opportunity to preview product material within a proposed showroom. The outdoor storage is consistent with the existing FP&L facility down the street and with the adjacent delivery area. This type of use is consistent with other uses within the C-1 and C-2 Zoning Districts which surrounding the subject site.
4. The proposed use does not create a concentration or proliferation of the same or similar type of uses. At this time, there are no other similar uses within the immediate area. Additionally, this type of business will provide the residents of Lake Park a service which is in high demand. Both residential and commercial development and/or redevelopment are increasing and this use will be beneficial to the Town.
5. The proposed special exception will not be a detrimental impact on the surrounding area. There is no significant increase in traffic due to the proposed use. The business has approximately ten (10) employees which are not all there at the same time. All external storage is proposed to be screened and meet all Town code requirements to the greatest extent possible. All significant deliveries happen at individual job sites and will not happen at this facility. Therefore, existing conditions on site will actually be improved from its current state.
6. The existing site has been vacant for an extended period of time. The front of the building has been kept up to Town requirements, however the rear is in need of additional landscaping and improvements. With the approval of this request, the applicant is proposing to provide additional landscaping and will clean up the rear of the building. Additionally, the applicant will be modifying the external building façade at a later date. These modifications will be submitted to the Town for approval once designed. All of which will increase the value of the existing property as well as surrounding properties. There are no negative impacts to parks and open space as part of the approval.

## **Conclusion**

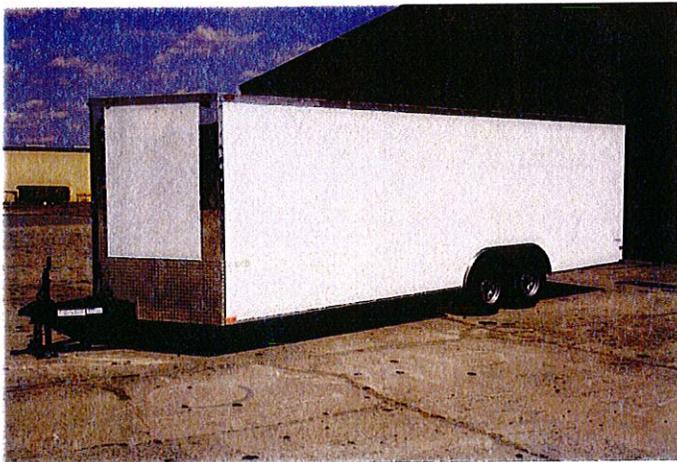
The Applicant is requesting site plan approval from the Town of Lake Park to allow Waterfront Services to occupy the existing building and provide a service to the local community. On behalf of the Applicant, H&L Planning and Development Consultants request approval of the Special Exception Review request. We look forward to working with Staff to bring this application before Town Council for final approval as quickly as possible. We are available to answer any questions Staff might have and/or provide necessary information to supplement the information provided in the submittal. Please do not hesitate to contact James Hackett of H&L Consultants should you require additional information.

## STORAGE AREA VEHICLE IMAGES

Kubota kx-35 mini excavator



24' White Enclosed Trailer (16' trailer similar, but smaller) – *Occasionally in the storage yard only*



16' Black Enclosed Trailer (14' & 12' trailer similar, but smaller) - *Occasionally in the storage yard only*



**Kaufmann 26' Trailer**



**Kubota KX-80 Excavator**



**2000 F-550 Flat Bed Pickup Truck**



**2001 F-250 utility body work truck**



**2007 Dodge 2500 Utility body work truck**



**2001 GMC Work Van**



**2003 Ford E-250 Work Van**





**TOWN LAKE OF PARK  
PLANNING & ZONING BOARD  
MEETING DATE: JUNE 3, 2013**

**PLAN DESCRIPTION:** Site Plan Review for Shellco Construction Company to develop an office/warehouse on Gateway Road.

**APPLICANT'S REQUEST:** Shellco Construction Company ("Applicant") has submitted an application for a Site Plan. The Applicant proposes the development of an office/warehouse use on a vacant lot located at Gateway Industrial Park Lot 8 ("Property"). The Property is owned by LPJ Properties Incorporated ("Owner"). The Applicant is proposing a 5,250 square foot development on an 1.0036 acre site. The Property located in the C-4 Commercial District (*see Exhibit A for the Town's Zoning Map and the Property's existing conditions*). The Applicant is also requesting variances regarding the required landscaping. The variance requests will be evaluated based upon the Code's criteria for variances as part of a separate staff report.

**STAFF RECOMMENDATION:** Staff recommends APPROVAL of the Site Plan.

**BACKGROUND:**

Applicant(s): Shellco Construction Corporation  
Owner(s): LPJ Properties Inc.  
Address/Location: Gateway Rd.  
Net Acreage: 1.0036 acres  
Legal Description: Gateway Industrial Park Lot 8  
Existing Zoning: C-4  
Future Land Use: Commercial Light Industrial

**Adjacent Zoning**

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

**Adjacent Existing Land Use**

North: Commercial Light Industrial  
South: Commercial Light Industrial  
East: Commercial Light Industrial  
West: Commercial Light Industrial

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The Applicant's proposed Site Plan is consistent with the overall intent of the goals, objectives and policies of the Town's Comprehensive Plan. The following policies demonstrate the consistency the proposed office/warehouse use and relevant Objectives and Policies of the Comprehensive Plan:

### **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, that maintains or improves existing neighborhoods and commercial areas; (5) discourage the proliferation of urban sprawl.

**Policy 1.5:** The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.

*The Applicant proposes the development of a vacant lot that is currently surrounded by existing developed parcels which are developed with uses which would be compatible with the proposed use of the Property. The development of the Property will increase the Property's assessed value, which will in turn increase the Town's tax base. The Applicant's office/warehouse building, with appropriate architectural features and facades would improve the aesthetics of Gateway Road.*

**Objective 2 Policy 2.1:** The owner of any site shall be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed those prescribed by the South Florida Water Management District ("District").

*The Town Engineer has reviewed the Application. Satisfied for site plan approval. Confirmation of outfall availability to be provided prior to final approval of the Town Commission and will be listed as a condition of approval.*

**Objective 3.** All development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet level of service standards are available concurrent with the impacts of the development.

*The Application is consistent with Objective 3 because the Town Engineer has determined that the additional development will not cause any of the affected roadways to exceed the County's level of service standards.*

**Objective 5.** As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.

*The Applicant is proposing infill development on a vacant parcel in the Town's commercial district. The uses are not so proximate to existing residential neighborhoods so as to create adverse impacts..*

#### **4.0 Traffic Circulation**

**Policy 1.3:** The Town will continue to utilize the County's Traffic Performance Standards.

*The Applicant has submitted a Traffic Concurrency letter from the Palm Beach County Engineer confirming that the Application satisfies the countywide Traffic Performance Standards ("TPS") and therefore meets the County's traffic concurrency requirements.*

#### **6.0 Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge**

**6.62 Objective 1.** The Town shall ensure through the land development approval process that, at the time a building permit is issued adequate public facility capacity is available.

*Although the Property is currently vacant, the Property already has easements and some underground infrastructure in place from a previous construction plan that was not completed. In particular, the Town, SUA, and Florida Power and Lights (FPL) have easements and SUA has an existing drainage pipe that runs parallel to the north property line and extends from the front of the Property to the rear. Town staff is requesting a drainage easement extending 5 feet on each side of the centerline of the SUA pipe. The Resolution approving the Site Plan will require as one of the conditions of approval that the Owner enter into a drainage easement agreement with the Town prior to the issuance of the building permit.*

*The Town Engineer reviewed the plans and has deferred the review of the water and sewer components to Seacoast Utility Authority, Department of Environmental Protection and Palm Beach County Fire. All approvals will be required prior to the building permit being issued and will be listed as a condition of approval.*

## **8.0 Conservation**

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

**Policy 1.1:** Construction practices such as seeding, wetting, and mulching which minimize airborne dust and particulate emission generated by construction activities shall be undertaken in accordance with all applicable National Pollutant Discharge Elimination System (NPDES) standards.

*Although the implementation of these construction practices would be beneficial to the protection of air quality, and the environment in general, the Town's Engineer did not request that the Applicant utilize these construction practices because the Property is under the threshold for requiring these best management practices. However, the Town staff has included as a condition of this approval to require that the Owner employ these best management practices.*

**Objective 3:** Conserve potable water supplies

*The Application is consistent with the Objective 3. The Florida Building Code specifies water conservation fixtures and the Owner has committed to the use of these fixtures as part of the expansion. A condition of the approval will require the use of specific water conservation fixtures.*

### **PROJECT DETAILS:**

**Building Site:** The Property is located in the C-4 Zoning District with a future land use designation of Commercial and Light Industrial and is also within the Town's Bioscience Land Use Protection Overlay (the Overlay). The use of a 5,250 square foot office/warehouse business is a use permitted within the C-4 Zoning District and is consistent with the future land use designation of Commercial/Light Industrial. The Overlay was established pursuant to an Interlocal Agreement between Palm Beach County and four municipalities to prevent the conversion of industrial and certain commercial uses to residential or retail uses. Because this application does not propose the conversion of existing uses to commercial retail or residential uses it is not inconsistent with the Overlay.

**Site Access:** The proposed structure] is located on a 1.0036 acre parcel on Gateway Road. The Property is only accessible through the Gateway Road entrance/exit (eastbound).

**Traffic:** The Palm Beach County's Traffic Engineering Division has approved the Applicant's proposed vehicular circulation plan. Please refer to the Traffic Division's letter dated April 26, 2013, a copy of which is attached to the Site Plan package.

**Landscaping:** The Applicant is requesting three (3) variances from the Town's Landscaping Code. The variance requests are the subject of a separate application and a separate quasi-judicial proceeding wherein the Board renders a Final Order approving or denying the variances. The approval of the proposed Site Plan is conditioned on the approval of the variances. Otherwise the Applicant would have to modify the Site Plan. The Applicant is requesting the variances referenced below:

Code Section	Code Requirement	Provided
<p>Sec. 789 - 253 (h)(2) Minimum Landscape Req.</p>	<p>The maximum spacing of planted trees along any perimeter buffer along a public street shall be 20 linear feet or fraction thereof; buffers not adjacent to public streets shall contain one tree for each 40 linear feet or fraction thereof.</p>	<p>The north side requires 8 shade trees, but the Applicant proposes to provide 6 double-standing palm trees (total 12); the west side requires 7 shade trees, but the Applicant proposes to provide 6 double-standing palm trees (total of 12); the east side requires 6 shade trees, but the Applicant proposes to provide 2 single-standing palm trees. THE APPLICANT CANNOT MEET THE TOWN'S REQUIREMENTS BECAUSE THE PERIMETER BUFFER TREE TYPE AND NUMBER REQUIREMENT CONFLICTS WITH THE FPL AND SEACOAST RESTRICTIONS OF TREES WITHIN THEIR RESPECTIVE EASEMENTS.</p>
<p>Sec. 78-253 (H)(3) Minimum Landscape Req.</p>	<p>75% of the total quantities of trees and plants shall be from the Town's Preferred Plant List. Palms shall not make up more than 50% of required plantings.</p>	<p>The Applicant has 61% of trees and plants from the Preferred Plant List. The Applicant proposes the use of Palm Trees to meet the Code requirement of shade trees. Palm Trees are not considered by the Code to be shade trees. In order to meet the Code's requirements, the Applicant has more than 50% palms. THE APPLICANT CANNOT MEET THE TOWN'S REQUIREMENTS BECAUSE OF TREE TYPE AND QUANTITY REQUIREMENT CONFLICTS WITH THE FPL AND</p>

		SEACOAST RESTRICTIONS OF TREES WITHIN THEIR RESPECTIVE EASEMENTS.
Sec. 78-253 (h)(13) Minimum Landscape Req.	Required trees shall be a minimum of 12ft in height.	Proposes to provide 8' Palm trees along the North side. Of the Property 12' trees are not permitted per FPL due to overhead power lines.

The Applicant has met all other requirements in the Town's Landscaping Code namely, hedge materials along the perimeter buffers; foundation plantings using a combination of hedges and other plants; dumpster screening requirements with an additional landscaped area in the rear; monument sign landscaping; as well as a landscaped entry point along Gateway Road.

**Maintenance of landscaping and of plant height is conditional and all hedge material shall be maintained at a four foot height.**

**Drainage:** The Applicant has provided Conceptual Engineering Plans. A Drainage Statement and preliminary drainage calculations to the Town Engineer for review. The Town Engineer indicates that the Conceptual Engineering Plan and the preliminary drainage calculations indicate that the Property meet the current South Florida Water Management District Standards with regard to drainage. There is an existing drainage pipe that runs parallel to the north property line and extends from the front of the Property to the rear. The Town staff is requesting a drainage easement extending 5 feet on each side of the centerline of the pipe. The Owner will be required to provide a drainage easement as a condition to the Site Plan approval prior to the issuance of the building permit. The drainage easement will be subject to the review and approval of the Town Attorney in consultation with the Town Engineer. The Engineer of record will need to provide the minimum calculations and governing agency coordination (NPBCID) necessary to confirm the site plan will work as designed prior to site plan approval by the Town Commission.

**Parking:** There are 25 parking spaces being proposed. Pursuant to the Town Code, 25 parking spaces are required, as follows: 4 spaces per 1000 square feet of office space (13 spaces); 1 space per 2000 square feet of warehouse space (1 space); 1 space for handicapped parking; and 1 space per employee during the maximum shift of employment (10 spaces).

**Signage:** The Applicant is proposing a monument sign at the entrance. The proposed monument sign, as shown in the site plan detail, is consistent with the Town's Sign Code and has the appropriate landscaping around it as required per Code.

**Zoning:** The Property is within the Town's C-4 Zoning District. An office/warehouse is a permitted use within this zoning district.

**Design:** The Applicant's elevations meet the Town's Architectural Design Guidelines by incorporating a varied roof line, consistent color palette, and architectural details on all sides of the proposed structure.

**Fire:** Palm Beach County Fire reviewed the Site Plan package and has no pending comments.

**PBSO:** The Town staff evaluated the Application for its consistency with Crime Prevention through Environmental Design (CPTED). The staff has determined that the Applicant has provided a site plan with sufficient lighting, exterior hardening surveillance, and access control to meet CPTED.

### **STAFF COMMENTS:**

Staff recommends **APPROVAL** of the Site Plan subject to the following conditions:

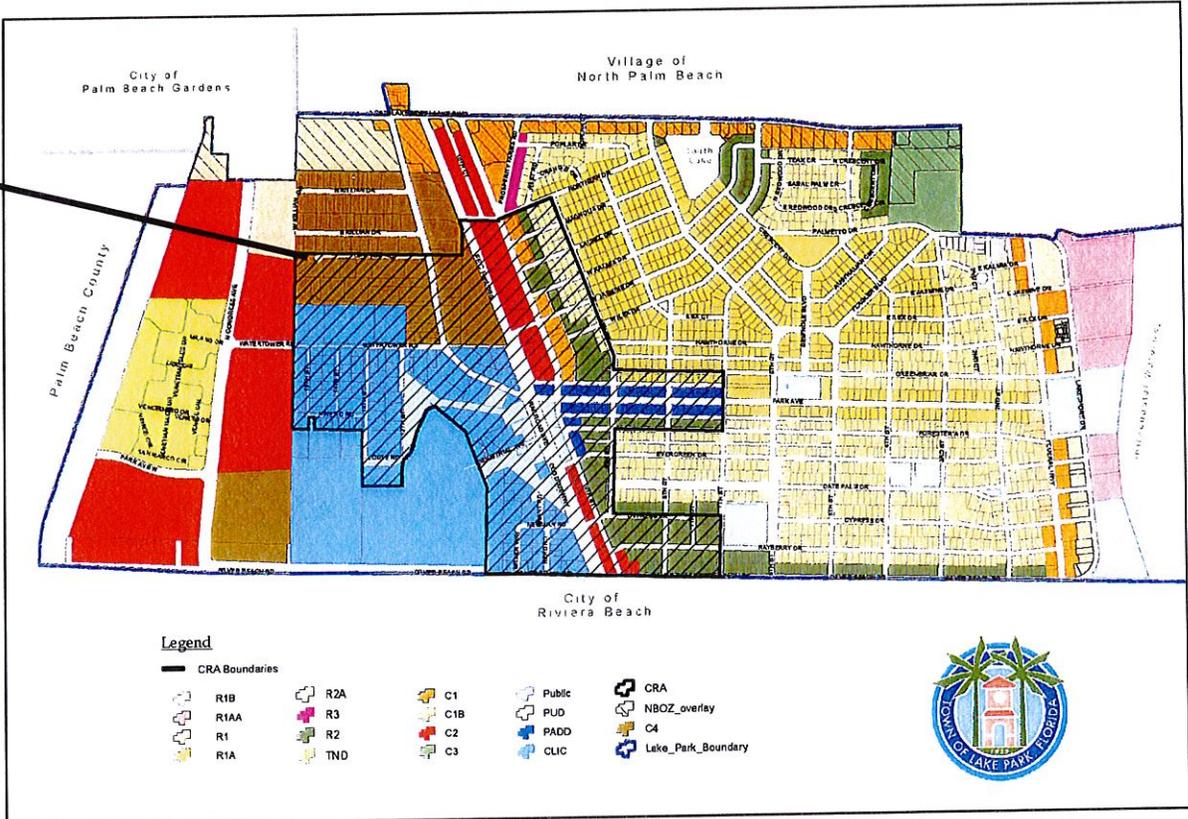
1. The Owner shall develop the Property consistent with the following Plans submitted by Land Design South:
  - a. Site Plan, Paving & Drainage and Utilities plans referenced as SP-1, C-1, C-2 and C-3 respectively, and prepared by J-W Engineering Inc., signed and sealed 05/28/2013 and received and dated by the Department of Community Development on 05/29/2013.
  - b. Elevations and Photometric plans referenced as IA-5, IA-6 and SL1.1 respectively, and prepared by MMM Interior Design Inc., signed and sealed 05/28/2013 and received and dated by the Department of Community Development on 05/29/2013.
  - c. Landscaping and Irrigation plans referenced as L-1, IP-1 and IP-2 respectively, and prepared by Maureen Smith Landscape Architect, signed and sealed 05/29/2013 and received and dated by the Department of Community Development on 05/29/2013.
  - d. Survey referenced as Job No. 13-01-035, prepared by Brennan Surveying Inc. signed and sealed 05/24/2013 and received and dated by the Department of Community Development on 05/29/2013.
2. The Owner's successors and assigns shall be subject to the approved Development Orders for the Property, including conditions.
3. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, accept holidays, unless otherwise approved in writing by the Community Development Director.

4. Any proposed disturbance of the public right of way along Gateway Road which causes a disruption to the normal flow of traffic shall be subject to the review and written approval of the Directors of the Town's Public Works and Community Development Departments.
5. Any proposed disruption to any of the surrounding entrance/exit streets and parking areas along Gateway Road which causes the disruption of the daily operation of nearby businesses shall require prior written approval by the Community Development Director.
6. The Owner's contractor must always employ commonly accepted construction practices.
7. All landscaping as shown on the Site and Landscaping Plans shall be continuously maintained by the Owner from the date of the issuance of the Certificate of Occupancy by the Town. The Owner shall be responsible for replacing any and all dead or dying landscape material at any time to remain in compliance with the landscaping requirements of the approved Site Plan and this approval.
8. The hedge material for the Property shall be maintained at four feet.
9. Safe and adequate pedestrian passage shall be maintained along the Property's frontage along Gateway Road.
10. The Owner shall require that the Contractors use commonly accepted best management practices to reduce airborne dust and particulates during construction on the Property. This includes, but is not limited to seeding, wetting, and mulching to minimize particulate emissions generated during construction.
11. All dumpsters shall be enclosed as shown and shall be noted on the Site Plan. The dumpster enclosure doors shall be kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park. The Site Plan shall be modified to indicate that the dumpster opening shall reflect a 12 ft x 10 ft opening.
12. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Property are in accordance with the Site and Landscaping Plans approved by this Development Order.
- 13. Prior to the issuance of any building permit, the proposed drainage easement agreement for the drainage pipe extending parallel to the north property line, shall be submitted to the Town's Community Development Department. The easement shall be subject to the Town Attorney's review and approval prior to the issuance of a building permit.**
14. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to Palm Beach County Health Department, Seacoast Utility Authority, Palm Beach County Land Development Division, South Florida Water Management Division, Palm Beach County Fire Rescue and the State of Florida Department of Environmental Protection.

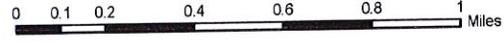
15. **The Engineer of record will need to provide the minimum calculations and governing agency coordination (NPBCID) necessary to confirm the site plan will work as designed prior to site plan approval by the Town Commission.**
16. Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, photometric plan, or other detail submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
17. **The Owner shall initiate bona fide and continuous development of the Property within 18 months from the effective date of this development order. Such development shall be completed within 18 months from the effective date of initiation of development; unless extended as provided for in the Town of Lake Park Code of Ordinances Section 67-42 *Expiration of development approvals.***
18. **Cost Recovery.** All fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner/Applicant to reimburse the Town within the 10 day time period may result in the automatic revocation of any approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.

# Exhibit A: Lake Park Zoning Map with Images of Existing Conditions

Applicant's Site:  
Gateway Road

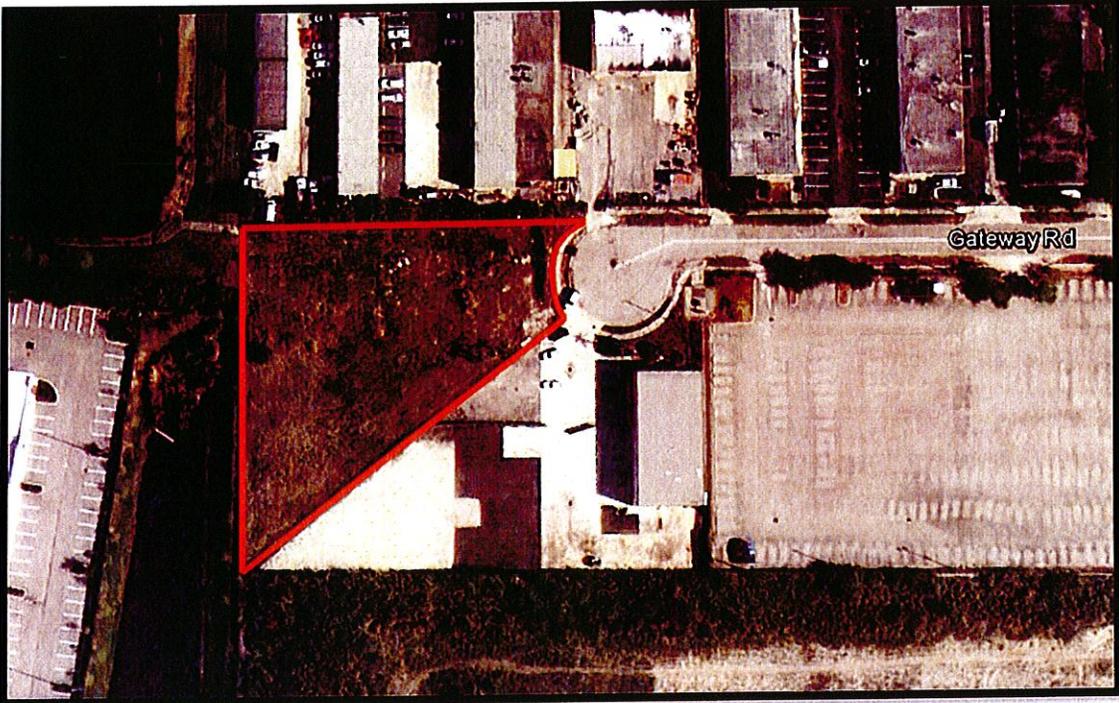


## Lake Park Zoning Map

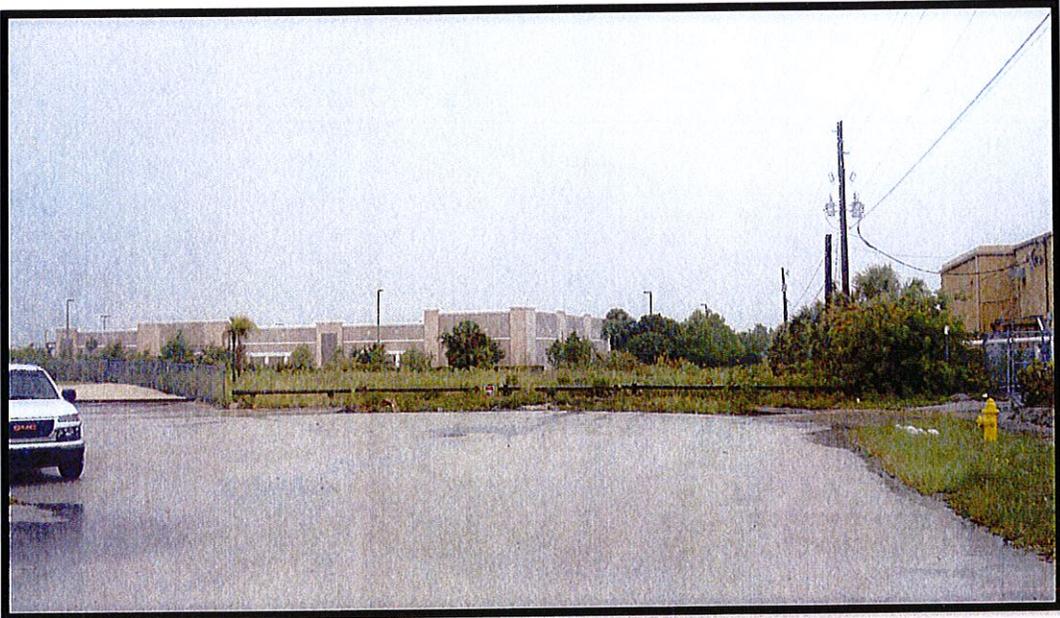


DATE: 06-07-2012 10:00 AM  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 PROJECT: LAKE PARK ZONING MAP  
 SHEET: 1 OF 1

Aerial View:



Front View:



Close up of Front View:





THE TOWN OF LAKE PARK

APPLICATION FOR SITE PLAN REVIEW

Project Name: Shellco Construction Corp. Office  
 Property Address: Gateway Rd  
 Owner: LPJ Properties, Inc. Address: 4091 Burns Rd PB Gardens FL 33410  
 Applicant (if not owner): Jean Chardon, Shellco Construction Corp.  
 Applicant's Address: 10385 Ironwood Rd #110 PB Gardens FL 33410 Phone: 561 684 5755  
 Fax: 561 684 5754 Cell Phone: 561 436 6703 E-Mail: Jean@ShellcoConstruction.com

Property Control Number (PNC): \_\_\_\_\_

**Site Information:**

General Location: West end of Gateway Rd

Address: \_\_\_\_\_

Zoning District: C4 Future Land Use: \_\_\_\_\_ Acreage: 1

**Adjacent Property:**

Direction	Zoning	Business Name	Use
North	C4		Car Repair
East	C4		Warehouse / Street
South	C4		Dog Training Facility
West	C4	Vacant / Retention / Target	Retention Area

**Justification:**

Information concerning all requests (attach additional sheets if needed.)

1. Explain the nature of the request: New proposed office warehouse building comprising 5025 square feet, a one story building.

2. What will be the impact of the proposed change on the surrounding area?

The impact to the surrounding area will be insignificant as the activity level of existing use at present is very low.

3. How does the proposed project comply with Town of Lake Park's zoning requirements?

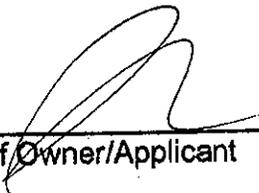
100 % compliance

**Legal Description:**

The subject property is located approximately 1 mile(s) from the intersection of Old Dixie Highway on the north, east, south,  west side of Gateway Rd (street/road).

Legal Description: Lot 8 Gateway industrial park Acc'd to the plat thereof on file in the office of the clerk of the court in and for palm Beach County Florida as recorded in plat book 30 page 148

I hereby certify that I am (we are) owner(s) of record of the above described property or that I (we) have written permission from the owner(s) of record to request this action.

  
Signature of Owner/Applicant

3/1/13  
Date

**Consent Form from Owner and Designation of Authorized Agent:**

Russel O'Brien

Before me, the undersigned authority, personally appeared \_\_\_\_\_ who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description. Site Plan Approval
2. That he/she is requesting \_\_\_\_\_ in the Town of Lark Park, Florida. Tom Chardon
3. That he/she has appointed \_\_\_\_\_ to act as authorized on his/her behalf to accomplish the above project. Robert O Brockman / CPS Properties

Name of Owner: \_\_\_\_\_

[Signature]

Signature of Owner

owner / president

By: Name/Title

9657 IRON CIRCLES

Street Address

PO Carrolls Fla. 33410

City, State, Zip code

\_\_\_\_\_  
P.O. Box

City, State, Zip code

561-719-3702

Telephone Number

561-625-5616

Fax Number

RD Brockman INC c/o Approval Cars

Email Address

Sworn and subscribed before me this 4 day of March 2013

[Signature]  
Notary Public

My Commission expires:



Town of Lake Park



Subject Site



**TOWN LAKE OF PARK  
PLANNING AND ZONING BOARD  
Meeting Date: June 3, 2013**

**VARIANCE REQUEST BY SHELLCO CONSTRUCTION CORPORATION  
FROM THE MINIMUM LANDSCAPING REQUIREMENTS**

**APPLICANT'S REQUEST:** Shellco Construction Company ("Applicant") is requesting three (3) variances to the Town's Landscaping Code as a part of its application for a Site Plan. The Site Plan application is the subject of a separate staff report. The Site Plan application seeks authorization to develop an office/warehouse use on Lot 8 in the Gateway Industrial Park (" the Property"). Although the Property is currently vacant, it has some underground infrastructure in place due to a previous construction plan that was not completed. As a result, the Town, the Seacoast Utility Authority (Seacoast), and Florida Power and Light (FPL) have easements and underground infrastructure which hinder the Applicant's ability to meet certain provisions in the Town's Landscaping Code.

Both FPL and Seacoast have easements near the Property's perimeter which restrict the Applicant's ability to develop the property and meet the Town's landscaping regulations. Seacoast's easements are within the Property's north and west property lines, and FPL has overhead electric lines along the north side of the Property (see Exhibit A). The Applicant is also constrained in meeting the Town's landscaping regulations because FPL prohibits trees higher than 8 feet along its easements, and yet the Town's minimum tree height requirement is 12 feet. As a result, the Applicant is requesting a variance from the minimum height provision, **Sec. 78-253(13)**, along their north property line.

Additionally, Seacoast prohibits trees with large root balls, including those shade trees which are on the Town's Preferred Plant list from being within its easements. It also prohibits clusters of three palm trees which is acceptable to the Town as a shade tree substitute. Seacoast limits the amount and type of trees the Applicant can plant within its easements to protect its existing infrastructure. Consequently, the Applicant is requesting a variance from the number of trees required in **Sec. 78-253(h)(2)** and the type of trees required in **Sec. 78-253(h)(3)**.

**BACKGROUND:**

Applicant(s): Shellco Construction Corporation  
Owner(s): LPJ Properties Inc.  
Address/Location: Gateway Rd.  
Net Acreage: 1.0036 acres  
Legal Description: Gateway Industrial Park Lot 8

Existing Zoning: C-4  
 Future Land Use: Commercial Light Industrial

**Adjacent Zoning**

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

**Adjacent Existing Land Use**

North: Commercial Light Industrial  
 South: Commercial Light Industrial  
 East: Commercial Light Industrial  
 West: Commercial Light Industrial

**I. APPLICANT'S VARIANCE REQUEST**

The Applicant is requesting of the following three variances to the Town's Landscaping Code:

Code Section	Code Requirement	Provided
<p><b><u>VARIANCE</u></b>  <b><u>#1</u></b>             Sec. 789 - 253 (h)(2)            Minimum Landscape Req.</p>	<p>The maximum spacing of planted trees along any perimeter buffer along a public street shall be 20 linear feet or fraction thereof; buffers not adjacent to public streets shall contain one tree for each 40 linear feet or fraction thereof.</p>	<p>The north side requires 8 shade trees, but the Applicant proposes to provide 6 double-standing palm trees (total 12); the west side requires 7 shade trees, but the Applicant proposes to provide 6 double-standing palm trees (total of 12); the east side requires 6 shade trees, but the Applicant proposes to provide 2 single-standing palm trees. THE APPLICANT CANNOT MEET THE TOWN'S REQUIREMENTS BECAUSE THE PERIMETER BUFFER TREE TYPE AND NUMBER REQUIREMENT CONFLICTS WITH THE FPL AND SEACOAST RESTRICTIONS OF TREES WITHIN THEIR RESPECTIVE EASEMENTS.</p>

<p><b><u>VARIANCE</u></b> <b><u>#2</u></b></p> <p>Sec. 78-253 (H)(3) Minimum Landscape Req.</p>	<p>75% of the total quantities of trees and plants shall be from the Town's Preferred Plant List. Palms shall not make up more than 50% of required plantings.</p>	<p>The Applicant has 61% of trees and plants from the Preferred Plant List. The Applicant proposes the use of Palm Trees to meet the Code requirement of shade trees.</p> <p>Palm Trees are not considered by the Code to be shade trees. In order to meet the Code's requirements, the Applicant has more than 50% palms. THE APPLICANT CANNOT MEET THE TOWN'S REQUIREMENTS BECAUSE OF TREE TYPE AND QUANTITY REQUIREMENT CONFLICTS WITH THE FPL AND SEACOAST RESTRICTIONS OF TREES WITHIN THEIR RESPECTIVE EASEMENTS.</p>
<p><b><u>VARIANCE</u></b> <b><u>#3</u></b></p> <p>Sec. 78-253 (h)(13) Minimum Landscape Req.</p>	<p>Required trees shall be a minimum of 12ft in height.</p>	<p>Proposes to provide 8' Palm trees along the North side. Of the Property 12' trees are not permitted per FPL due to overhead power lines.</p>

## II. LAW ON VARIANCES.

Section 55-63 (2) of the Town Code vests the Planning and Zoning Board with the authority to act as a quasi judicial board with final authority regarding variance requests. Section 78-185 of the Town Code establishes variance criteria which the Board must evaluate to determine whether an Applicant has demonstrated a legal hardship. The Applicant has the burden of establishing that each of the seven criteria have been met. The Board must find that all seven of the criteria have been met in order to grant the requested variances. This criteria includes: (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building which is the subject of the application, and (2) that these special conditions or

circumstances are not a result of actions by the Owner/Applicant; (3) granting the variance will not confer on the Owner any special privilege that is denied to others; (4) A literal interpretation of the land development regulations would deprive the Owner of rights commonly enjoyed by other properties in the same zoning district; (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; (6) The granting of the variance will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare and; (7) it would not be contrary to the comprehensive plan. The Code then provides that the Town Attorney shall prepare a Final Order which reflects the decision of the Board.

### III. ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

An analysis of the seven variance criteria of Code Section 78-185 and staff findings with respect to these criteria is set forth below:

**CRITERIA 1:** *That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.*

This Property is somewhat unique because in 1999, a previous developer initiated the development of the Property as an office/warehouse. However, this development plan was not completed. As part of this construction the then developer installed some utility and drainage infrastructure (see Exhibit A). Consequently, [the Applicant is now required to accommodate the existing infrastructure from Seacoast, FPL, and the Town into the proposed Site Plan.] Because of the existing easements, and the landscaping restrictions imposed by Seacoast and FPL, there is a conflict with the Town's Landscaping Code. Typically on a vacant lot, developers are able to plan the site and have flexibility in incorporating the Code's landscaping requirements into their Site Plan. Here, the Applicant is forced to develop around the existing infrastructure that was put in place for a previous development layout, while attempting to meet the Code's requirements.

**Criteria met.**

**CRITERIA 2:** *That the special conditions and circumstances do not result from the actions of the Applicant.*

The special conditions and circumstances are the result of the restrictions being enforced by Utility agencies. The

easements and the restrictions imposed by FPL and Seacoast were in existence prior to the Applicant's acquisition and interest in developing the Property. These conditions and circumstances were not created by the Applicant.

**Criteria Met.**

**CRITERIA 3:**

***That granting the variance requested will not confer on the Applicant any special privilege that is denied by the Town Zoning Code to other lands, buildings or structures in the same zoning district.***

The approval of the three variances will not confer any special privileges to the Applicant. The Applicant cannot make a reasonable use of the Property by expanding its development potential and at the same time comply with the restrictions imposed upon it by Seacoast and FPL.

**Criteria Met.**

**CRITERIA 4:**

***That a literal interpretation of the provisions of the Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work an unnecessary and undue hardship on the Applicant.***

If the literal interpretations of the provisions of the Code are applied, the Applicant would be deprived of presenting a reasonable Site Plan for the development of the Property due to the restrictions which already exist as a result of the restrictions imposed by Seacoast and FPL. Unlike other properties in this same zoning district, the Property cannot be developed in accordance with the Site Plan proposed and also comply with the requirements of Seacoast, FPL, and the Town..

**Criteria Met.**

**CRITERIA 5:**

***That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.***

The Applicant is not requesting a waiver of the Code's requirements regarding the quantity and type of trees. Rather, the Applicant proposes to minimize the variances to the Code by substituting the tree planting requirements by substituting trees with smaller root balls along the north

and west property lines that will provide adequate landscaping and still meet the restrictions imposed by Seacoast and FPL. Seacoast's restrictions only permit clusters of two Sabal palms; consequently, the Applicant cannot meet the Town's regulations which permit the clusters of three Sabal Palms as a substitute for its shade tree requirements. A cluster of 2 Sabal Palms instead of 3 is the minimum variance that can be granted and still comply with Seacoast's requirements. Also, the Applicant proposes to provide trees 8 feet in height instead of 12 feet to avoid damaging FPL's overhead electric lines on the North property line to comply with FPL's requirements. A reduction in the minimum height from 12 to 8 feet is the minimum variance that can be granted and still comply with FPL's requirements.

**Criteria Met.**

**CRITERIA 6:** *That the grant of the variance will be in harmony with the general intent and purpose of Code Section and the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

The variances being requested are in harmony with the Town's Code because the Applicant proposes adequate landscaping for the Property, but enables it to comply with the restrictions imposed upon the Property by Seacoast and FPL's restrictions.

**IV. CONSISTENCY WITH THE COMPREHENSIVE PLAN**

**Objective 1, Policy 1.5 of the Town's Future Land Use Element within the Town's Comprehensive Plan states:**

*The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development, and adopted Levels of Service standards.*

Approval of the variances will allow a new property owner to develop on a currently vacant lot. Development on this property will increase the assessed value of the Property and be example for other property owners who may wish to improve their properties through redevelopment. The Applicant's Site Plan is compatible with the surrounding infrastructure and uses.

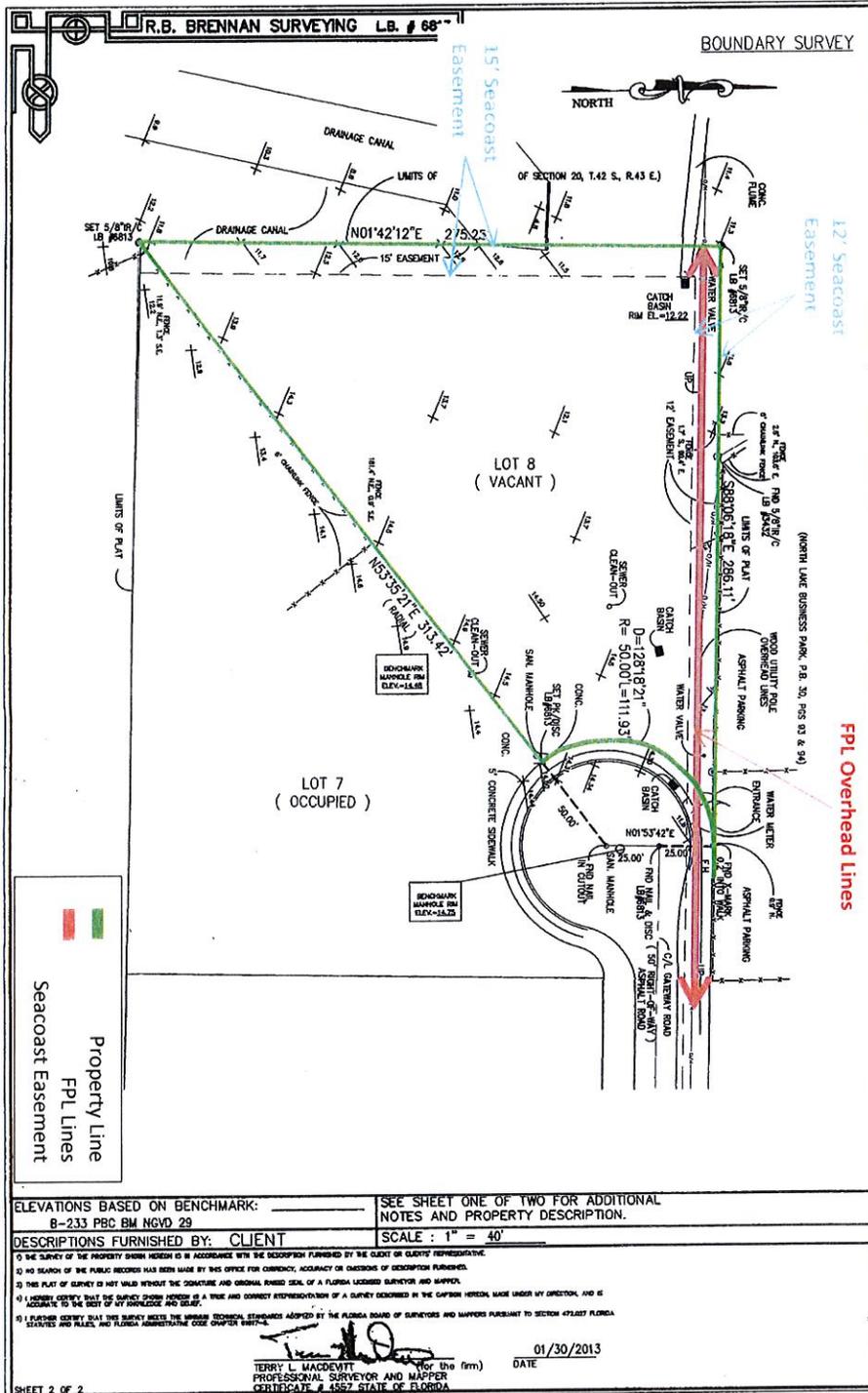
**Objective 5 of the Future Land Use Element of the Town's Comprehensive Plan states the following:**

*As a substantially built-out community in an urbanized area, the Town shall promote redevelopment and infill development in a manner that is considerate to existing neighborhoods and uses, the built and natural environments, and neighboring jurisdictions.*

The proposed variances will enable a new property owner to promote infill redevelopment which is considerate to the existing uses.

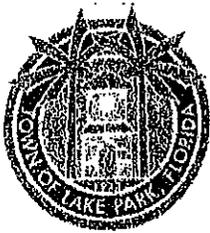
## **V. STAFF RECOMMENDATION**

**Staff recommends that the Planning & Zoning Board APPROVE the three variances requested by the Applicant**



ELEVATIONS BASED ON BENCHMARK: B-233 PBC BM NGVD 29		SEE SHEET ONE OF TWO FOR ADDITIONAL NOTES AND PROPERTY DESCRIPTION.	
DESCRIPTIONS FURNISHED BY: CLIENT		SCALE: 1" = 40'	
<p>1) THE SURVEY OF THE PROPERTY SHOWN HEREON IS IN ACCORDANCE WITH THE DESCRIPTION FURNISHED BY THE CLIENT OR CLIENT'S PROFESSIONAL ENGINEER.</p> <p>2) NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE FOR CONVEYANCE, ACCURACY OR OMISSION OF DESCRIPTION FURNISHED.</p> <p>3) THIS PLAT OF SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL PUNCHED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p> <p>4) I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY DESCRIBED IN THE CAPTION HEREON, MADE UNDER MY DIRECTION, AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.</p> <p>5) I HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.01, FLORIDA STATUTES AND RULES, AND FLORIDA ADMINISTRATIVE CODE CHAPTER 61B17-4.</p>			
<p>TERRY L. MACDEVITT (for the firm) PROFESSIONAL SURVEYOR AND MAPPER CERTIFICATE # 4527 STATE OF FLORIDA</p>		<p>01/30/2013 DATE</p>	
SHEET 2 OF 2			

Exhibit A: Shellco Survey (Detailed)



# The Town of Lake Park

Community

MAR - 5 2013

Development

## TOWN OF LAKE PARK APPLICATION FOR ZONING VARIANCE

**Please note: The process to consider a variance of the Town's zoning code is governed by the Town of Lake Park Code of Ordinances, Chapter 32 - Rezoning and Chapter 33 - Land Development Regulations and provisions of other chapters in the Code. It is suggested that applicants schedule a meeting with the Town of Lake Park Community Development Director to discuss the information needed.**

DATE Received by Town of Lake Park: \_\_\_\_\_

This application must be completed and returned with all required enclosures to be accepted by the Town Commission of the Town of Lake Park. The application will then be referred to the Town Zoning Board of Adjustment and the Town Staff for study and recommendations.

(Please Print)

Name of Applicant (property owner): LPJ Properties, Inc.

Name of Agent (if applicable): Jean Chardon

(Required to attach Town of Lake Park Agent Authorization Form)

Mailing Address 10385 Fernwood Rd # 110 Palm Beach Gardens FL 33410

(This is the address to which all letters, agendas and other materials will be sent)

City Palm Beach Gardens State FL Zip Code 33410

Telephone (66) 684 5755 Fax (96) 684 5754

Legal description of property covered by petition

Lot 8 Block \_\_\_\_\_ Plat \_\_\_\_\_ (Attach separate sheet if necessary)

Property I. D. No. 36-43-42-20-10-00-0080

### GENERAL INFORMATION ABOUT PROPERTY AND REQUEST

1. Size of property (square feet or acreage): 43,709 sqft
2. Highway and street boundaries or address: West end of Gateway Rd,
3. Existing Zoning District classification: C4
4. Variance Requested Landscape variance
5. Describe any structures or uses currently located on the property:  
Vacant land

THE INFORMATION/ENCLOSURES LISTED BELOW AND ON THE FOLLOWING PAGE(S) MUST BE SUBMITTED IN CONJUNCTION WITH THIS APPLICATION.

6. Specific Information on Requested Variance



Gary R. Nikolits, CFA  
**Property Appraiser**  
 Palm Beach County

Property Appraiser's Public Access

PAPA ▶



Location Address GATEWAY RD  
 Municipality LAKE PARK  
 Parcel Control Number 36-43-42-20-10-000-0080  
 Subdivision GATEWAY INDUSTRIAL PARK AS IN  
 Official Records Book 18455 Page 655  
 Sale Date APR-2005  
 Legal Description GATEWAY INDUSTRIAL PARK LOT 8

**Owners**

LPJ PROPERTIES INC

**Mailing address**

9657 ILEX CIR S  
 PALM BEACH GARDENS FL 33410 5524

Sales Date	Price	OR Book / Page	Sale Type	Owner
APR-2005	\$382,000	18455 / 0655	WARRANTY DEED	LPJ PROPERTIES INC
MAY-2003	\$240,407	15231 / 0419	WARRANTY DEED	HERNANDEZ ALVIN C &
DEC-2000	\$120,000	12216 / 1481	WARRANTY DEED	HYNES JACQUELINE
JAN-1990	\$400,000	06342 / 1876	WARRANTY DEED	
JAN-1989	\$470,000	05930 / 0690	WARRANTY DEED	

1 2

No Exemption Information Available.

Number of Units	0	*Total Square Feet	0	Acres	1.0074
Use Code	1000 - VACANT COMMERCIAL	Zoning	C4 - Business ( 36-LAKE PARK )		
Tax Year	2012	2011	2010		
Improvement Value	\$0	\$0	\$0		
Land Value	\$169,381	\$174,559	\$228,181		
Total Market Value	\$169,381	\$174,559	\$228,181		

All values are as of January 1st each year

Tax Year	2012	2011	2010
Assessed Value	\$169,381	\$174,559	\$228,181
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$169,381	\$174,559	\$228,181
Tax Year	2012	2011	2010
Ad Valorem	\$4,298	\$4,511	\$5,915
Non Ad Valorem	\$164	\$164	\$164
Total tax	\$4,462	\$4,675	\$6,079

7. [ ] Map showing property subject to this application.  
 [ ] Ten (10) copies of Site Plan(s); if necessary - Full  
 [ ] Building plans of structures to be erected - etc.  
 [ ] Certified survey of property -  
 [ ] Notarized Town of Lake Park Agent Authorization Form signed by property owner authorizing Agent to act on behalf of owner to submit application for Variance, if applicable

8. Applicant's statement of explanation, needs and reasons for the requested changes, which addresses the following items (Attach additional sheets as necessary):

- a. Explain the special conditions or circumstances that exist that are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the zoning district:

Due to Seacoast Utilities, landscaping requirements on the North and West side of the property cannot be met. As per Jim with Seacoast Utilities.

- b. Explain how the special conditions or circumstances that exist do not result from the actions of the Applicant:

Existing Seacoast lines.

- c. Explain how the literal interpretation of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the Applicant:

Due to Seacoast's pipes, Shellco's property line to easement will increase to 30 ft instead of 15 ft, resulting in a great loss of property.

- d. Explain how the variance requested is the minimum variance that will make possible a reasonable use of the land, building or structure:

If a variance of landscaping on the North and West side of the property is allowed, the result would be that Shellco does not lose a great square footage of land.

- e. Explain how the granting of the requested variance will not confer on the Applicant any special privilege that is denied by the Zoning Code to other properties in the same zoning district :

Variance is requested due to seacoast  
pipes being in the way

- f. Explain how the grant of the requested variance will be in harmony with the general intent and purpose of the Zoning code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

Shelco is still putting trees and  
shrubbery that will give privacy and  
beauty. We will be in compliance  
with seacoast as well as with  
FP&L.