



EXHIBIT A

## Town of Lake Park Town Commission

### Agenda Request Form

Meeting Date: May 17, 2023

Agenda Item No. \_\_\_\_\_

Agenda Title:

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING THE SPECIAL EXCEPTION USES OF MOTOR VEHICLE SALES AND STORAGE WAREHOUSE FOR THE PROPERTY LOCATED AT 1220 10<sup>TH</sup> STREET; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USES; AND PROVIDING FOR AN EFFECTIVE DATE.**

- |                                     |  |                          |                |
|-------------------------------------|--|--------------------------|----------------|
| <input type="checkbox"/>            | SPECIAL PRESENTATION/REPORTS                           | <input type="checkbox"/> | CONSENT AGENDA |
| <input type="checkbox"/>            | BOARD APPOINTMENT                                      | <input type="checkbox"/> | OLD BUSINESS   |
| <input type="checkbox"/>            | PUBLIC HEARING   |                          |                |
| <input type="checkbox"/>            | NEW BUSINESS   |                          |                |
| <input checked="" type="checkbox"/> | OTHER: <b>QUASI-JUDICIAL PUBLIC HEARING RESOLUTION</b> |                          |                |

Approved by Town Manager John D'Agostino Digitally signed by John D'Agostino  
DN: cn=John D'Agostino, o=Town of Lake Park, ou=Town Manager,  
email=jdagostino@lakeparkflorida.gov, c=US  
Date: 2023.05.05 11:27:22 -04'00' Date: \_\_\_\_\_

Nadia Di Tommaso/Community Development Director  
Name/Title

<b>Originating Department:</b>  <b>Community Development</b>	<b>Costs: Legal Notice / Attorney Review/ consultant reviews</b>  <i>Funding Source: Applicant's escrow account for all advertising and reviews.</i>  Acct. #5673  <input type="checkbox"/> Finance <u>Jeffrey P. Duvall</u> <small>Digitally signed by Jeffrey P. Duvall DN: cn=Jeffrey P. Duvall, o=Town of Lake Park, ou=Finance, email=jduvall@lakeparkflorida.gov, c=US Date: 2023.05.03 17:39:05 -04'00'</small>	<b>Attachments:</b> <ul style="list-style-type: none"><li>• Staff report</li><li>• Resolution</li><li>• Application and support documents and plans</li><li>• Notice of Hearing</li><li>• Certified letter</li></ul>
<b>Advertised:</b> Date: <b>4-21-23</b> Paper: <b>PB Post</b> Not applicable in this case <b>KJG</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	<b>X</b> Yes I have notified everyone <b>KJG</b> (certified letter to properties within 300 ft.) or Not applicable in this case  <b>Please initial one.</b>

## **Summary Explanation/Background**

Quasi-judicial Public Hearing to consider a request for special exception under Town code, section 78-188 to permit the two special exception uses of motor vehicle sales and storage warehouse as provided in the C-2 zoning district, section 78-72 (2).

The owner proposes 6,564 square foot motor vehicle sales use (office) and a 13,488 square foot storage warehouse use for his business entity Cars From Dreams, LLC. within the existing 20,337 square foot building located 1220 10<sup>th</sup> Street. Improvements to the building façade are currently in progress under the permitted office use.



**Please refer to staff report for details and analysis.**

## **Planning and Zoning Board Recommendation**

The Planning and Zoning Board held a Public Hearing on May 1, 2023 to consider the requests for special exception. There were no public comments. The only Board concern related to landscaping, as a landscape plan is not a requirement of a Special Exception. They were assured by the applicant's agent that landscaping would meet or exceed the code.

**The Board voted unanimously (4-0) to approve the special exceptions for vehicle sales and storage warehouse** with conditions to ensure that the approval could not be

construed as approval for typical vehicle sales and warehousing on this important 10<sup>th</sup> St. corridor. Therefore the following conditions were recommended and have been included in the adopting resolution, with slight rewording per the Town attorney.

1. The sale of vehicles shall not be open to the general public.
2. The outside display of vehicles for sale is prohibited.
3. The use of the storage warehouse shall be only be the Owner for the storage of his personal car collection and accessories.
4. The Special Exception use approvals are solely to the property owner JS 1220 10<sup>th</sup> Street, LLC and shall automatically terminate should the use cease or the property be conveyed or leased to another owner or tenant of the property.
5. The Owner shall utilize the Site consistent with the following submitted documents: Special Exception Application signed 11/29/22, Narrative dated April 13, 2023( revision), site plan dated 4/24/23 and survey dated 5/10/22

While not included in the Board motion, in order to address their concern regarding landscaping, staff has added the following condition to the resolution:

6. A landscape permit that includes a landscape plan that meets or exceeds the Town Code shall be submitted prior to the issuance of a certification of completion for the building.

**RECOMMENDED MOTION:**

**I MOVE TO APPROVE THE RESOLUTION**



**TOWN OF LAKE PARK  
TOWN COMMISSION MEETING  
MEETING DATE: MAY 17, 2023**

## **STAFF REPORT**

**Request for special exception approval for the two special exception  
uses of motor vehicle sales and storage warehouse for the property  
located at 1220 10<sup>th</sup> Street**

**Quasi-judicial Public Hearing to consider a request for special exception under Town code, section 78-188 to permit the two special exception uses of motor vehicle sales and storage warehouse as provided in the C-2 zoning district, section 78-72 (2). (attachment A)**

**Applicant proposes 6,564 square foot motor vehicle sales use (office) and a 13,488 square foot storage warehouse use for his business entity Cars From Dreams, LLC. within the existing 20,337 square foot building located 1220 10<sup>th</sup> Street.**

**BACKGROUND:**

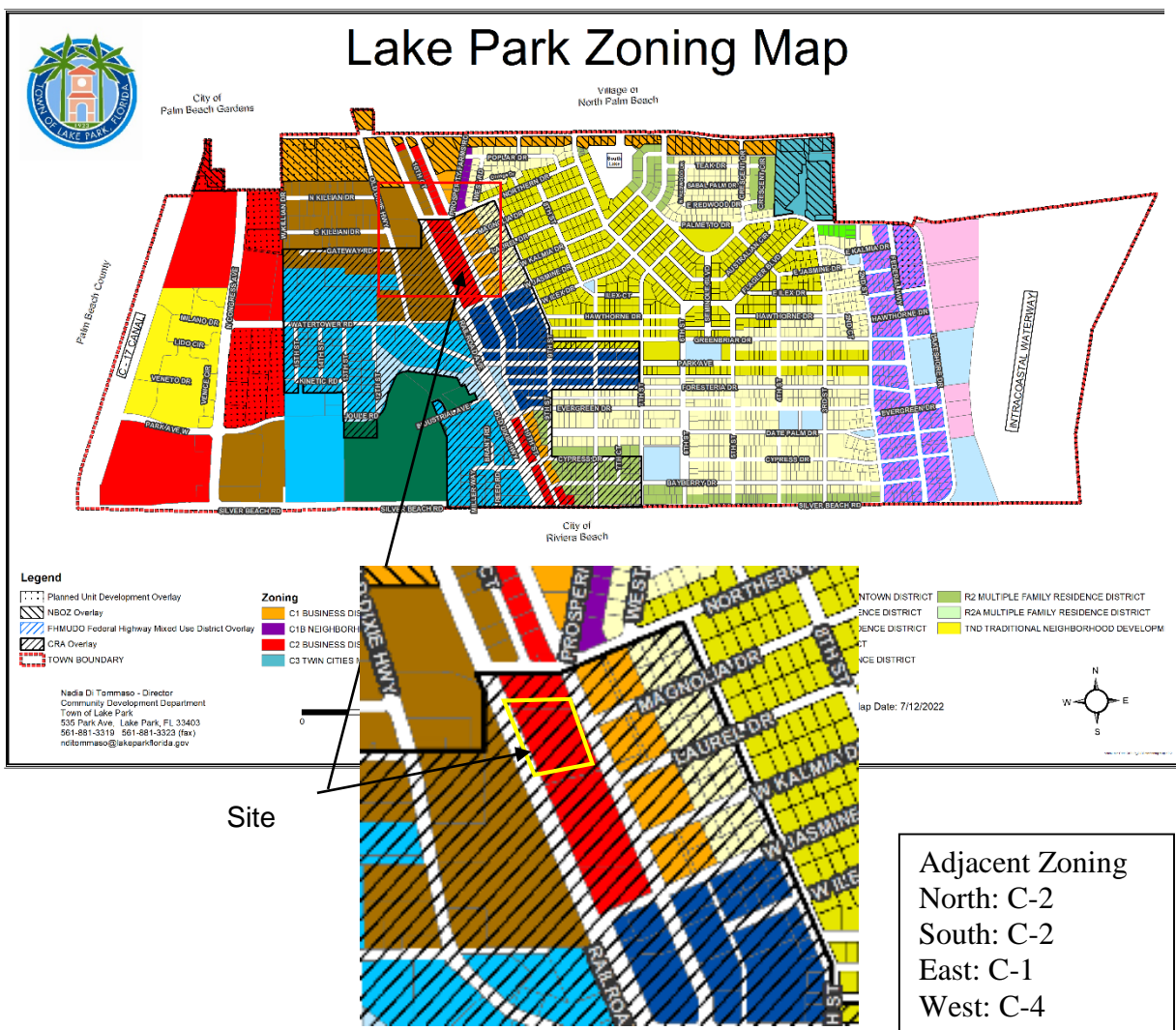
Owner & Applicant(s):	JS 1220 10 <sup>th</sup> Street LLC
Location:	1220 10 <sup>th</sup> Street
Net Acreage (total):	2.77
Legal Description:	See survey enclosed in packet.
Existing Zoning:	C-2
Future Land Use:	Commercial

**The location is shown on the aerial, zoning map, and future land use maps that follow.**

**Figure 1: Aerial View of Site**

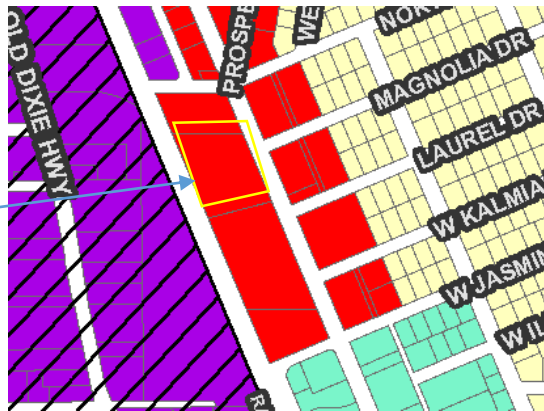
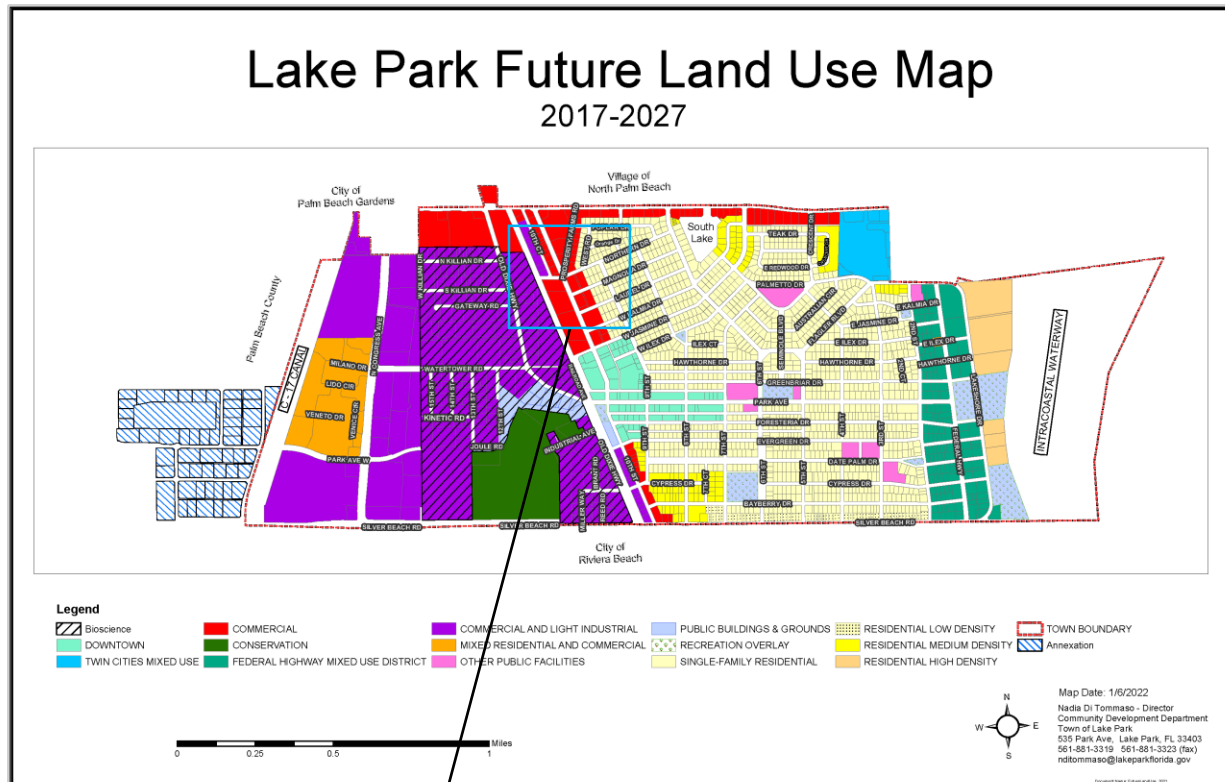


**Figure 2: Zoning Map**





**Figure 3: LAKE PARK FUTURE LAND USE MAP**



Subject Site

### Adjacent Existing Land Use

North: Commercial  
South: Commercial  
East: Commercial  
West: Commercial

The building was last occupied by Palm Beach Academy of Health and Beauty. It was purchased in 2022 by the current owner and is undergoing renovation under an office use category. (See Figure 4 and photos in applicant package) Figure 5 shows a rendering of the façade improvements when completed. The applicant intends to make no changes to the site other than to bring the landscaping up to code. Therefore no site plan approval is required at this time.

**The special exception request is somewhat unique.** The property owner is a classic car collector, and the building would be used to house his collection and for his business office. The use will not be open to the public, but for select special events (with a temporary permit) and the site will not operate as a typical dealership. The two special exception uses requested, are explained below.

#### Motor vehicle sales special exception

In order for the owner to buy and sell at classic car auctions the Florida DMV requires that he have a dealer's license and comply with local regulations. Even though he will not be operating like a typical vehicle sales use (i.e. dealership), in order for the Town to sign off on the DMV license and because the property is located in the C-2 zoning district, he must receive special exception approval. **There will be no retail motor vehicles sales on site, no outside display of cars and no public customers coming to the site for motor vehicle purchases. No auto repair is proposed.**

#### Storage warehouse special exception

The owner will be storing and displaying his classic car collection, model train collection and several other items in his collection in the warehouse portion of the building. However, the majority of the space will be devoted to his classic car collection. This is classified as a storage use. **The classic car collection will be set up as a display in the warehouse and only invited guests will be permitted on site to view the collection.** As he did at his former location in North Palm Beach, the owner anticipates having 3-4 charity events per year

The other use of the building will be for a business office (a use permitted by right) for the Owner's company, as he is moving his staff of 6-10 employees to the Town of Lake Park from his small New York location and his current location in the Village of North Palm Beach, Florida.

Please see Figure 6 Floor Plan for location of uses within the building.

Please refer to applicant's submittal for more information.



**Figure 4: Prior to renovation**



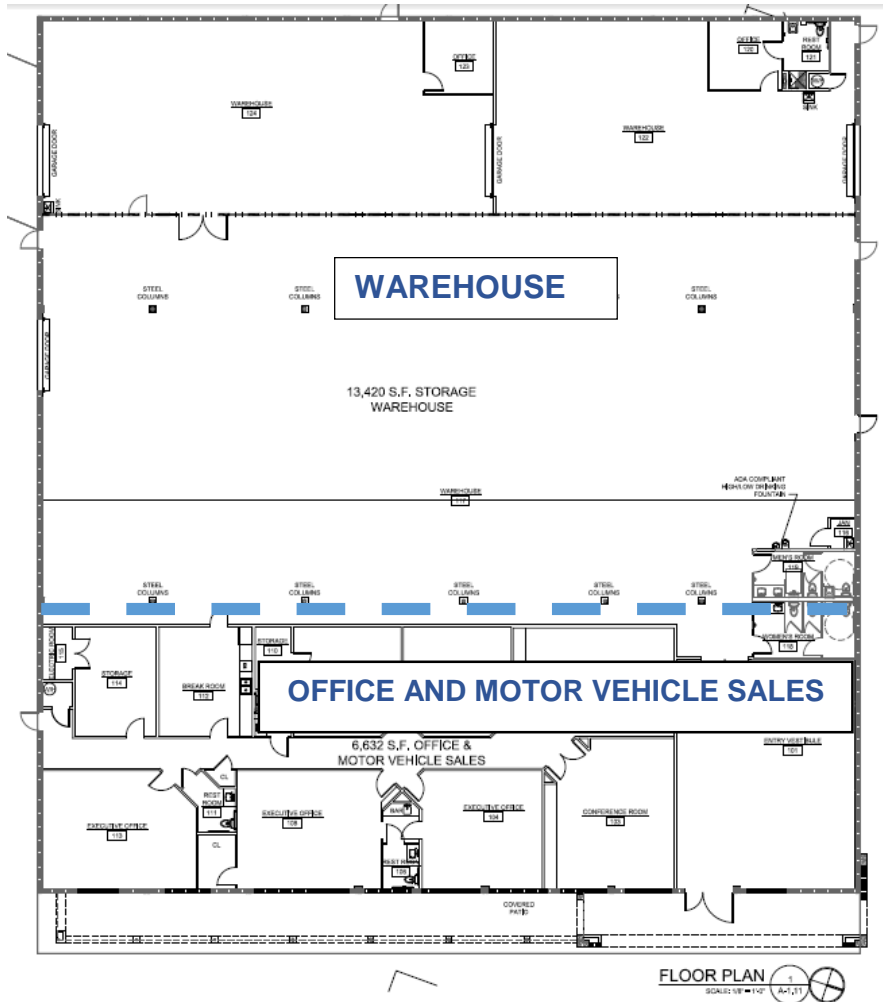
**Figure 4a: Renovation in Process (current)**



**Figure 5: Rendering of new façade – permit 23-000055** (only improvements to the front façade are in progress - the owner may apply for an addition and additional exterior improvements in the future, warranting site plan amendment approval). The front façade was rotted and required repair)



**Figure 6: New Floor Plan**



## **Analysis**

Following review and recommendation from the Planning and Zoning Board the Town Commission may permit special exception uses in the C-2 business district provided the proposal meets the 6 special exception zoning criteria established in Sec. 78-184. Staff's findings in their review for special exception compliance are detailed below.

### **1. Consistency with Comp Plan Goals, Objectives, and Policies:**

Staff has reviewed the applicant's proposal to determine consistency with the Goals, Objectives, and Policies of the Comprehensive Plan per Sec. 78-184 (b) 1. Staff identified the following relevant policies:

*3.4 Goal, Objectives and Policies, Town Goal Statement 3.4.1 (3)* - The Town shall maintain and seek opportunities to improve its ability to provide... commercial, industrial and mixed-use development opportunities that will further the achievement of economic development goals.

*3.4 Goal, Objectives and Policies, 3.4.2. Objectives and Policies, Objective 1, Policy 1.1 j.* – encourage redevelopment, renewal or renovation, that maintains or improves existing neighborhoods and commercial areas;

*3.4 Goal, Objectives and Policies, 3.4.2. Objectives and Policies, Objective 5* – The Town shall promote redevelopment and infill development in a manner that is consistent to existing neighborhoods and uses, the built and natural environments and adjacent jurisdictions.

Because JS 1220 10<sup>th</sup> Street LLC will adaptively re-use space in the Town's C-2 business district, improving the site and bringing new employees to the Town, staff finds that **criteria #1 has been met.**

## **2. Consistency with land development and zoning regulations:**

Staff has reviewed this application for consistency with the Town's land development regulations per Sec. 78-184 (b) (2) and has determined this project complies with all applicable requirements. The project is not proposing any improvements that meet the threshold of 'redevelopment' and therefore they are only required to conform to the code to the greatest extent possible.

Staff finds that **criteria #2 has been met.**

## **3. Compatibility with surrounding uses, hours of operation, traffic generation, building location, massing, height, setbacks, and other relevant factors:**

Staff has reviewed this project for consistency with Sec. 78-184 (b) (3) regarding compatibility with surrounding uses.

**Compatibility with Surrounding Uses:** To the north and south, identical zoning and future land use designations are in place. In the plaza to the north, neighboring uses include James & Sons Cooling Air Experts, O'Reilly Auto Parts, and AAMCO Transmissions & Total Car Care. To the south is an FPL Service Center. To the west is the C-4 District and the Commercial and Industrial future land use designation; the western user is the CEMEX Concrete Plant. To the east, the designation is C-1 Commercial and the occupants include Appliances 4 Less and Equinox Realty.

Given that unique niche of the private car collection and storage use being proposed by this special exception, we do not foresee any conflicts with other users in this area.



**Hours of Operation:** Typical business office hours are anticipated, with the exception of 3-4 evening special events per year.

**Traffic Generation:** The project is not expected to generate discernable traffic impacts. Viewing the cars held in storage will be by appointment only.

**Massing, Height, Setbacks, etc:** The 1220 10<sup>th</sup> Street building is pre-existing and thus the current conditions depicted on the applicant's survey are not proposed to significantly change. The structure has recently received a building permits for some exterior and interior improvements, which do not rise to the level of requiring a site plan amendment. These exterior changes include repainting the exterior of the structure as well as recreating the façade with a new entry feature.

Based on these reasons, staff finds that **criteria #3 has been met.**

#### **4. Concentration of similar types of uses:**

The owner is not proposing a traditional car sales venue. This use will be exclusively for the storage of the owner's car collection, which may be viewed by appointment. The site will not operate as a traditional auto-dealer and is in fact one-of-a-kind in its operations within the Town. Furthermore, the site will be approved with a condition that auto sales will not be conducted on the site.

Staff finds that **criteria # 4 has been satisfied.**

#### **5. Detrimental Impacts Based on users, nuisances, and traffic flow:**

Per Sec. 78-184 (5) a-c., a special exception use must not have detrimental impacts on surrounding properties based on the number of anticipated users, the degree of noise, odor, and other nuisance factors, and the effect on the amount and flow of traffic in the vicinity.

Applicant has indicated there will be 6-10 office employees. The proposed use is not anticipated to have noise, odors or other types of nuisances, therefore **criteria #5 has been met.**

#### **6. Impacts on light, air, property values, redevelopment, and public facilities:**

Finally, per Sec. 78-184 (b) (6) a-e., staff must take into account impacts to light and air flow to adjacent properties, adverse impacts to adjacent property values, potential deterrents to redevelopment of the surrounding area, negative impacts on natural systems and public facilities, and the provision of pedestrian amenities. Staff finds as follows:

- Given that no structural alterations (that would significantly impact overall size and height) are proposed to the existing building, there will be no reduction to light and air to adjacent properties.

- Regarding impacts to neighboring property values, staff does not anticipate this will be an issue given the proposed façade improvements and the benefits of having a tenant over an empty building. The proposed improvements should help increase values rather than lower them.
- As it pertains to impacts on improvement, development, or redevelopment potential, staff finds no evidence to suggest this project would have a negative effect. The project itself is an infill project and is in keeping with the land uses predominant in the surrounding area.
- As it pertains to impacts on natural systems or public facilities, staff finds no evidence to suggest any impacts.
- Finally, as it pertains to provisioning pedestrian amenities the applicant has only provided a bench in the front. However, as the business is not open to the general public this may be considered satisfactory.

Staff therefore finds special exception **criteria #6 to be satisfied.**

### **Conclusion**

**Staff finds that the applicant has met the six criteria for granting a special exception and recommends approval with conditions.**

As discussed earlier, this is a rather unique request and the proposed uses are not what is typically thought of when the uses “vehicle sales” or “warehouse” are heard. While staff finds this proposal to be a benefit, at the same time it is necessary to clearly limit approval to only the uses as described in the application. Therefore conditions of approval have been added to accomplish this.

### **Legal Notice**

Notice of the special exception was published in the April 23 Palm Beach Post and letters were sent by certified mail to all property owners within 300 feet, as required by the Town Code.

### **Planning and Zoning Board Meeting** **Planning and Zoning Board**

The Planning and Zoning Board held a Public Hearing on May 1, 2023 to consider the request for special exception. There were no public comments. The only Board concern related to landscaping, as a landscape plan is not a requirement of a Special Exception. They were assured by the applicant’s agent that landscaping would meet or exceed the code.



**The Board voted unanimously (4-0) to approve the special exceptions for vehicle sales and storage warehouse with conditions to ensure that the approval could not be construed as approval for typical vehicle sales and warehousing on this important 10<sup>th</sup> St. corridor. Therefore the following conditions were recommended and have been included in the adopting resolution (with slight re-wording by the Town attorney:**

### **PLANNING AND ZONING BOARD RECOMMENDATION**

**The Board recommended to the Town Commission APPROVAL** of the Special Exception Application for motor vehicle sales and storage warehouse at 1220 10<sup>th</sup> Street with the following conditions of approval, which have been included in Resolution 29004-23

1. The sale of vehicles shall not be open to the general public.
2. The outside display of vehicles for sale is prohibited.
3. The use of the storage warehouse shall be only be the Owner for the storage of his personal car collection and accessories.
4. The Special Exception use approvals are solely to the property owner JS 1220 10<sup>th</sup> Street, LLC and shall automatically terminate should the use cease or the property be conveyed or leased to another owner or tenant of the property.
5. The Owner shall utilize the Site consistent with the following submitted documents: Special Exception Application signed 11/29/22, Narrative dated April 13, 2023( revision), site plan dated 4/24/23 and survey dated 5/10/22

While not included in the Board motion, in order to address their concern regarding landscaping, staff has added the following condition to the resolution:

6. A landscape permit that includes a landscape plan that meets or exceeds the Town Code shall be submitted prior to the issuance of a certification of completion for the building.

### **RECOMMENDED MOTION FOR TOWN COMMISSION:**

**I MOVE TO APPROVE THE RESOLUTION.**

## Attachment A

### **Sec. 78-72. - C-2 business districts.**

Within C-2 business districts, the following regulations shall apply:

(1)*Uses permitted.* Within C-2 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. Appliance stores, including radio and television services.
- b. Bakeries having not more than five employees.
- c. Bakeries the products of which are sold at retail but not produced on the premises.
- d. Banks.
- e. Barbershops, beauty shops, chiropodists and masseurs.
- f. Grocery stores, specialty, at least 2,000 square feet and not more than 10,000 square feet with at least 50 percent of the sales area, including shelving, containing foods of a specialty or ethnic nature and otherwise subject to the requirements of [section 78-70\(r\)](#).
- g. Clubs for social, recreational, fraternal or benevolent purposes.
- h. Fertilizer, stored and sold at retail only.
- i. Ice delivery stations.
- j. Laundry pickup stations.
- k. Offices, business and professional.
- l. Outdoor miniature golf courses, all objects limited to eight feet in height and the building or premises is located not less than 500 feet from the premises of an existing nursery school, elementary school or high school.
- m. Restaurants.
- n. Shops, including shops for making articles without use of machinery, to be sold, at retail on the premises.
- o. Theatres.
- p. No residences, dwellings or living quarters shall be permitted in C-2 business districts.
- q. Transient residential use.

**(2) *Special exception uses permitted.*** Within the C-2 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. Boats and marine engines. Sales, service and installation thereof in an enclosed building.
- b. Building supplies/garden center, retail and wholesale outlets.
- c. Bus stations.
- d. Electric substations.
- e. Garages.
- f. Gasoline and other motor-fuel stations.
- g. Hospitals, sanitariums and medical clinics.
- h. Laundries, dry cleaning and dyeing establishments.
- i. Mortuaries.
- j. Motor vehicle sales on property on which a permanent building is erected, shall mean the area where buildings are used in connection with the sale or lease of motor vehicles and the areas where motor vehicles are displayed for lease or sale.
- k. Printing and publishing plants.
- l. Planned unit developments.
- m. Railroad passenger station.
- n. Storage warehouses.

The town commission may permit special exception uses in the C-2 zoning district provided the town commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals, objectives and policies of the town's comprehensive plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and the goals, objectives and policies of the town's comprehensive plan. The town commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the town's land development regulations.

**Exhibit A - Legal Description**

PARCEL 1: A part of Block 4A of REPLAT OF BLOCK 4A, KELSEY CITY (NOW LAKE PARK) , FLORIDA, according to the Plat thereof recorded in Plat Book 11, Page 24, Public Records of Palm Beach County, Florida, said parcels being more particularly described as follows:

BEGINNING at the intersection of the Easterly line of said Block 4A with a line parallel to and 1200 feet Northerly from measured at right angles to the South line of said Block 4A, said parallel line being the North line of land conveyed by George Kinsman and wife, to Florida Power and Light Company by Deed dated October 15, 1958, and recorded in O.R. Book 254, Page 527, Public Records of Palm Beach County, Florida, thence Northerly along the Eastern line of said Block 4A, a distance of 348.45 feet, thence Westerly parallel to the South line of said Block 4A, a distance of 331.57 feet, more or less, to a point in the Westerly line of said Block 4A, thence Southerly along the Western line of said Block 4A, a distance of 348.53 feet, more or less to a point in the North line of said Florida Power & Light Company land; thence Easterly along said North line of said Power & Light Company Land, a distance of 331.39 feet, more or less, to the POINT OF BEGINNING.

AND

PARCEL 2:

BEGINNING at the Northeasterly corner of the North 525.00 feet of the South 1200.00 feet of Block 4-A according to the REPLAT OF BLOCK 4A, KELSEY CITY (NOW LAKE PARK) , as recorded in Plat Book 11, Page 24, in and for the Public Records of Palm Beach County, Florida; thence Westerly, along the North line of the North 525.00 feet of the South 1200.00 feet of said Block 4-A, a distance of 331.39 feet to a point on the Westerly line of said Block 4-A; thence Southerly, along the said Westerly line, a distance of 82.94 feet to a point; thence Easterly, a distance of 308.91 feet to the POINT OF BEGINNING

Property Control Number: 36-43-42-20-01-123-0030