

RESOLUTION 40-05-23

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 10TH STREET; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, JS 1220 10th Street, LLC (“Owner”) is the owner of the property legally described in Exhibit “A”, which is attached hereto and incorporated herein; and

WHEREAS, the Owner’s property is located at 1220 10th Street, Lake Park (the Site); and

WHEREAS, George Gentile of 2GHO as the Owner’s agent (Applicant) has submitted an application seeking the approval of the special exception uses of motor vehicle sales and storage warehouse on the Site (“the Project”); and

WHEREAS, the Site has a future land use designation of Commercial; and

WHEREAS, the Site is located within C-2 Business District, which allows motor vehicle sales and storage warehouses as special exception uses; and

WHEREAS, at a public hearing on May 1, 2023 the Town’s Planning and Zoning Board reviewed the proposed Project and recommended to the Town Commission the approval of the two special exceptions uses which make up the Project, subject to the Owner’s compliance with certain conditions; and

WHEREAS, the Town Commission conducted a quasi-judicial hearing on May 17, 2023 to consider the Project; and

WHEREAS, at this quasi-judicial hearing, the Town Commission considered the evidence presented by the Town’s Community Development Department staff, the Owner, Applicant, and other interested parties and members of the public, regarding whether the Project meets the criteria for the approval of each of the special exception uses; and

WHEREAS, the Town Commission considered whether the Project would be consistent with the Town’s Comprehensive Plan and would meet the Town’s Land Development Regulations; and

WHEREAS, the Town Commission has determined that the Project is consistent with the Town’s Comprehensive Plan, meets the special exception use criteria, and all other applicable Land Development Regulations of the Town Code.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the two special exception uses of motor vehicle sales and storage warehouse, subject to the following conditions:

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 10th 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
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.

Section 3: The Owner, Applicant and their successors and assigns shall be subject to the conditions of approval.

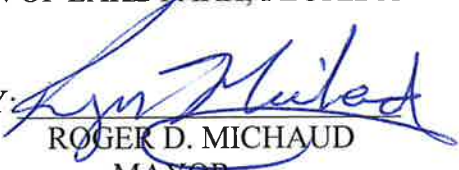
Section 4. This Resolution shall become effective upon execution.

The foregoing Resolution was offered by Commissioner Linden,
who moved its adoption. The motion was seconded by Commissioner Taylor,
and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>✓</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	<u> </u>
COMMISSIONER JOHN LINDEN	<u> </u>	<u> </u>
COMMISSIONER MARY BETH TAYLOR	<u> </u>	<u> </u>
COMMISSIONER JUDITH E. THOMAS	<u>✓</u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution 40-05-23
duly passed and adopted this 17th day of may, 2023.

TOWN OF LAKE PARK, FLORIDA

BY: 
ROGER D. MICHAUD
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK

TOWN OF LAKE PARK
(TOWN SEAL)
SEAL
FLORIDA

Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

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

Exhibit B – Project Narrative



LA-0000530

Landscape Architects ■ Planners ■ Environmental Consultants

George G. Gentile FASLA
M. Troy Holloway ASLA
Emily M. O'Mahoney FASLA, PLA, LEED®AP, BD&C

**1220 10th Street Town of Lake
Park Project Narrative
December 2, 2022
Rev. March 22, 2023
Rev. April 13, 2023**

REQUEST/LOCATION:

2GHO, Inc. as agent, respectfully request review and approval of the subject Special Exception use for motor vehicle sales, and storage warehouse. The motor vehicle sales use will allow the Owner to get a dealer license which is an administrative requirement that will allow the property owner to buy vehicles through auctions which do not occur at the property. No motor vehicles will be sold on the property.

The subject 2.74-acre site is located on the west side of 10th Street, north of Park Avenue in the Town of Lake Park, Florida. The subject site has a land use designation of Commercial, and a zoning designation of C-2 Commercial. It is the intent of the Owner to designate 6,632 sf as office/motor vehicle sales and 13,420 sf as storage warehouse.

PROPERTY HISTORY:

The existing building was originally constructed in 1967 and has been many uses over the years, inclusive of a grocery store and business offices. More recently, Palm Beach Academy of Health and Beauty operated on the site.

SURROUNDING ZONING AND LAND USE DESIGNATIONS:

The chart below demonstrates that the subject property is compatible with the land use and zoning of the surrounding properties.

	Existing Zoning	Existing FLU
SUBJECT PROPERTY (Existing Office Use)	C-2; Business District	Commercial
NORTH (Retail Strip Center)	C-2; Business District	Commercial
EAST	C-2; Business District	Commercial
SOUTH (FPL Service Center)	C-1; Business District	Commercial
WEST (FEC Rail /Cemex)	C-2; Business District	Commercial

PROPOSED USE:

The Owner is an avid collector of classic automobiles, and has a well-known reputation in the greater Palm Beach County area for providing a mechanism for other collectors to view, and take ownership of any particular automobiles. The Owner would like to repurpose the underutilized property to provide a climate- controlled warehouse space for the cars to be stored.

There will be no retail motor vehicles sales, no display outside of cars and no public customers coming to the site for motor vehicle purchases. The other use of the building will be for a business office for the Owners 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.

The owner will also be storing and displaying his classic car collection, model train collection and several other items in his collection in the warehouse building. He will also have other business items stored as well; however, the majority of the space will be devoted to his classic car collection. The Classic Car Collection, which will be set up as a display in the warehouse is not open to the public and only invited guests are permitted on site to view the collection. He also provides 3 to 4 charities and non-profit organizations to hold fund raising events including the Palm Beach County Sheriffs annual event for the Sheriffs Boys Ranch. These events are limited as stated above to approximately 3 to 4 events a year.

SPECIAL EXCEPTION USE REQUEST

As previously mentioned, motor vehicle sales, and storage warehouse uses are designated as Special Exception uses in the Town. Consistent with Section 78-184 of the Town's Zoning Code, the Owner is requesting a Special Exception to redevelop the property with the proposed uses. The Owner will address the required criteria set forth in 78-184(5)(b).

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

Future Land Use:

As previously mentioned, the subject property is designated with a Commercial Land Use;

- ❖ *In the Town's Comprehensive Plan, Table 3-4, Land Use Classification System, Commercial Land Use is defined as Lands and structures devoted primarily to the delivery, sale or otherwise transfer of goods or services on a retail basis, with a maximum F.A.R.*

of 2.0. This category also includes personal and professional services.

The proposed uses are directly aligned with the Future Land Use description of commercial, as this use will allow for the delivery, and/or transfer of classic cars. Additionally, the proposed special exception uses do not create any inconsistencies with any other elements of the adopted Comprehensive Plan.

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 Owner's proposal is directly consistent with the Town's Objective of promoting redevelopment, as the project will seize the opportunity to repurpose an existing building within a commercial core of Lake Park.

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

Response: As noted, the building was built in 1967 and meets the Town of Lake Park Code of Ordinances. With the proposed office (permitted), storage warehouse, and motor vehicle sales uses, the interior of the building has been modified through the building permit process.

As a special exception is subject to commission approval; The commission may permit the proposed uses (storage warehouse and motor vehicle sales) in the C-2 zoning district. The proposed uses are consistent with good zoning practice and are not contrary to the policies of the town comprehensive plan.

Further, as stipulated by Sec. 78-72(2)(j) the proposed motor vehicle sales use is consistent with the code as a permanent building is currently existing on the site.

Last, the proposed use will comply Sec. 78-145(g), as the required surface parking will not be utilized for the subject automobiles.

The purpose of the storage warehouse is to allow the classic cars to be in a climate-controlled environment to preserve their condition.

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.

The subject site is located on a major arterial roadway within the Town of Lake Park. 10th Street is a north/south roadway which traverses through several industrial, and commercial uses within the Town. The proposed use will not create any adverse impacts to the surrounding area.

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. ***Response: The approval of a storage warehouse/motor vehicle sales will not cause a concentration of the same in the area. The Owner simply wants to utilize the existing building in order to provide a highly sought use in the South Florida area.***

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

Response: The proposed use will not create any traffic impacts, as this use will not be a high trip generator. An appropriate mechanism to unload cars will occur internal to the property, and will not create any nuisances to the existing community.

6. Please explain how the Special Exception use meets the following requirements; (a) does not significantly reduce light and air to adjacent properties; (b) does not adversely affect property values in adjacent areas; (c) would not be deterrent to the improvement, development or redevelopment of surrounding properties in accord with existing regulations; (d) does not negatively impact adjacent natural systems or public facilities, including parks and open spaces; and (e) provides pedestrian amenities, including, but not limited to benches, trash receptacles, and/or bicycle parking.

Response: As this is an existing building, it will not reduce light and air to the adjacent property. To the contrary, it will aid in redeveloping and upgrading the existing property that in turn will positively affect adjacent property values.

Conclusion

In closing, the Owner is requesting special exception use approval for a motor vehicle sales, and storage warehouse use to an existing building on 10th Street. The existing building will act as the location for the required motor vehicle dealer license, as well as a storage warehouse (for classic cars).

On behalf of the Owner, 2GHO, Inc. requests approval of the special exception application. The project managers at 2GHO, Inc. are George G. Gentile, FASLA, PLA, Dan Siemsen, PLA, Patricia Lentini, and Alec Dickerson.