



**MINUTES  
PLANNING & ZONING BOARD  
MONDAY, DECEMBER 4, 2006  
535 PARK AVENUE  
LAKE PARK, FLORIDA**

**I. Call to Order: 7:00 p.m.**

**II. Roll Call**

Jeff Blakely, Chairman	Present
James Dubois, Vice Chairman	Present
Eddie McConville	Excused (arrived at 7:03 p.m.)
Jeanine Longtin	Present
Diane Munroe	Present
Tim Stevens, 1 <sup>st</sup> Alt.	Excused
Todd Dry, 2 <sup>nd</sup> Alt.	Present

**III. Approval of Agenda**

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

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Eddie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

**Motion carried 5-0**

**IV. Approval of Minutes**

A motion was made by Ms. Munroe to approve the minutes. Seconded by Mr. Dubois.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Eddie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

**Motion carried 5-0**

31 **V. Public Comment**

32  
33 None

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35 **VI. New Business**

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37 An application for a Special Exception filed by Joseph Doughty to allow a boat repair  
38 business at 1230 Gateway Road, Bay 7, Lake Park, Florida

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40 Mr. Patrick Sullivan, Community Development Director, identified himself for the  
41 record, and stated that the only item on the agenda was for a Special Exception for the C-  
42 4 District. The zoning regulations require that anything that is not specifically spelled out  
43 as a permitted use in the C-4 district, and if it is a similar use that is spelled out, it can go  
44 through a Special Exception process. Mr. Sullivan stated that the Special Exception is  
45 passed on to the Town Commission. Mr. Sullivan said that the Special Exception is a  
46 fiberglass repair boat business. It is not listed anywhere in the C-4 district, however,  
47 there are similar uses from auto spray painting to boat service. It is staff's opinion that  
48 this use would be appropriate in this district. Attached hereto and made a part of these  
49 minutes is the Staff Report marked Exhibit "A". Mr. Sullivan stated that there are 5  
50 conditions upon which the applicant has to meet, and that he added number 5 which is  
51 "the use be conditioned on fire code approval."

52  
53 Mr. Joseph Doughty, identified himself for the record as the applicant, residing at 1008  
54 7<sup>th</sup> Street, Lake Park, Fl. Ms. Longtin asked about outdoor storage, and Mr. Sullivan  
55 stated that he would be the one to review it. Mr. Doughty explained that the boats would  
56 stay on the trailers and would be repaired inside the shop, however, there might be an  
57 instance where the boat might have to removed and the trailer stored in a parking spot.

58  
59 Vice Chairman Dubois cited one of the conditions being that the authorized agent shall  
60 initiate the bona fide and continuous commercial occupancy of the property within 6  
61 months from the effective date of the Special Exception approval or the approval shall be  
62 null and void. Mr. Doughty stated he felt he could start the operation of the business  
63 within 6 months. Mr. Doughty stated that he would have only 1 employee, and the  
64 maximum size of the boats would be 30 feet. Mr. Sullivan stated that environmental  
65 issues are addressed in condition 4 under performance standards. Mr. Doughty stated  
66 that there would not be any painting.

67  
68 Diane Weibert, Fire Inspector for Palm Beach County, stated that she asked Mr. Sullivan  
69 to add condition 5 because Mr. Doughty had put on his application that he would also be  
70 manufacturing deck boxes and other items out of fiberglass. Ms. Weibert stated that with  
71 the limited information that she has and the fact that the building was not sprinkled, does  
72 not have a fire alarm system, and until we find out further what he is doing and how, all  
73 they can say is that he has to comply with the fire code.

74  
75 Mr. James Dubois made a motion to approve the application for Special Exception,  
76 including the conditions 1-5 contained in the staff report. Seconded by Ms. McConville.

	Aye	Nay
Jeff Blakely	X	
James Dubois	X	
Edie McConville	X	
Jeanine Longtin	X	
Diane Munroe	X	

77 **Motion carried 5-0**

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79 **VII. Community Development Director Comments**

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81 Mr. Sullivan gave a brief presentation on the alleyway improvements.

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83 **VIII. Adjournment**

84

85 A motion for adjournment was made by Vice Chairman Dubois. Seconded by Ms.

86 Longtin. The meeting was adjourned at 7:40 p.m.

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90 Approved on: 2/5/07

91

92 Attest

93


94 Jane A. Olt

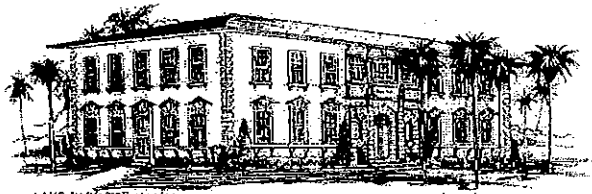
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 Chairman Jeff Blakely  
 2/5/07



"Jewel" of the Palm Beaches

**TOWN LAKE OF PARK  
PLANNING & ZONING BOARD**  
Meeting Date: December 4, 2006  
Date Prepared: November 15, 2006

Application Description: Special Exception Request

**APPLICANTS REQUEST:** A request by Joseph Doughty ("Applicant") requesting a special exception to provide for a boat hull repair service in the C-4 zone in a fully enclosed office/warehouse unit.

**BACKGROUND INFORMATION:**

Applicant(s): Joseph Doughty  
Owner: N/A  
Address of Location: 1230 Gateway Road - Unit #7  
Lot Size: N/A  
Zoning and Land Use: C-4 Commercial

**Adjacent Zoning**

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

**Adjacent Land Uses** N/A

North:  
South:  
East:  
West:

In Florida, the quasi-judicial decisions made by planning officials are to be based on **substantial competent evidence** and must be consistent with the comprehensive plan.

One definition of **competent evidence** is "evidence a reasonable mind could accept as adequate to support a conclusion". Competent evidence is generally testimony based on personal observation or testimony by an "expert" who has special knowledge of a relevant topic. For example, when addressing a question of traffic concurrency, the opinion of a traffic engineer would carry more authority than the opinion of a lay person who lives near a proposed development. When addressing transportation concurrency, the testimony of the engineer is competent, but the testimony of the lay person is not competent. This standard does not mean that the testimony of the neighbors is never competent. If such testimony is based on personal observation or on facts about which they have relevant knowledge, it may not only be viewed as competent but critical to a decision.

Witnesses must testify to the factual basis of their positions and not to subjective preferences. Florida courts have held that laymen's opinions that are unsubstantiated by any competent facts are an insufficient basis for quasi-judicial decisions.

Florida's courts have also established a strict standard for consistency with the comprehensive plan. Consequently, evidence accepted as a basis for decision must have bearing on the application's consistency with the comprehensive plan. Evidence relating to specific plan requirements, such as transportation concurrency, is clearly relevant. More ethereal issues such as how the application might affect local quality of life may not be relevant unless the comprehensive plan addresses that issue.

## CONSISTENCY WITH THE COMPREHENSIVE PLAN

### 3.0 Future Land Use Element

**Policy 1.5:** The Town shall encourage the development of activities in Planning Area 3 which will substantially increase the tax base while generating minimum demands on drainage, water and wastewater and transportation systems. The types of land uses permitted shall be those which do not depend primarily on frequent personal visits of customers or clients, but those which normally require accessibility to rail transportation and/or truck routes. Development should be limited to low intensity uses, compatible with current land use types and incorporating suitable open space, landscaping, and parking areas.

**The proposed special exception is consistent with this policy.**

**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 this Policy. This site is within a larger project that has already met the requirements for concurrency.**

## Background:

The town commission may permit special exception uses in the C-4 zoning district provided the town commission determines that the proposed use meets the special exception zoning criteria established in this chapter and is consistent with the goals, objectives and policies of the town's comprehensive plan. In order to ensure that the special exception use is consistent with and implements good zoning practices and the goals, objectives and policies of the town's comprehensive plan. The town commission may impose conditions upon the approval of a special exception use, including, but not limited to, conditions which require an applicant to exceed standards which have been adopted pursuant to the town's land development regulations.

(4) *Other uses.* Other uses of the same general character as those listed above deemed appropriate by the town commission on an individual basis, after having received a recommendation from the planning and zoning board and appropriate town staff, and as per subsection (3) of this section shall be so determined after a public hearing is held

This is a special exception review of an "other use" and such has certain criteria that must be met to be approved. This is not a site plan review. In this particular situation the use and site are part of a larger office/warehouse complex and addressing issues such as landscaping and parking are not applicable unless they are site specific to this single unit. Limitations may be imposed if the request does not meet the criteria. For example, if the use generated considerable noise there could be a prohibition limiting operating hours from 7am to 7pm. Or if there were considerable outdoor storage requested a condition to screen it from view with a concrete wall could be added to the approval.

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

### Sec. 78-184. Criteria for special exception.

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

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

**It is very similar to other uses in the area. This is an industrial use in an industrial area. Surrounding businesses include a Grading Co., Welding Co., Roofing Co., Marble Fabricator, Tire Co., Auto Repair, Construction, Offices, Cabinetry Co., Self Storage units, Auto/Marine Tops, Car storage lot, etc.**

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

**The Code provides for similar uses in this area as long as they are consistent with other uses. This is an industrial/commercial use that is similar to other industrial uses permitted in this area e.g. mill work and woodworking is specified as a use that requires a special exception.**

(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.

**It will operate during the day, has minimal traffic generation, and is in a space that is the same size as other uses in the area.**

(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 uses of this type in the area and it is not deemed detrimental.**

(5) The proposed special exception use does not have a detrimental impact on surrounding properties based on:

- a. The number of persons anticipated to be using, residing, or working on the property as a result of the special exception use;
- b. The degree of noise, odor, visual, or other potential nuisance factors generated by the special exception use; and
- c. The effect on the amount and flow of traffic within the vicinity of the proposed special exception use.

**There is no substantial competent evidence that this use will have a detrimental impact on surrounding properties. The use has 2-4 employees and will be conducted entirely within the warehouse unit.**

(6) That the proposed special exception use:

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

**There is no substantial competent evidence that this use will reduce light, adversely affect property values, deter redevelopment, or impact any natural systems. Since this is located in an office/warehouse facility e. above is not applicable.**

**Applicants Response to Special Exception Criteria.** Please see the attached answers to the special exception criteria as provided by the applicant.

#### **STAFF COMMENTS:**

It is staff's opinion that this request meets the minimum special exception criteria.

Conditions:

1. The owner of record or authorized agent shall initiate the bona fide and continuous commercial occupancy of the property within 6 months from the effective date of the special exception approval or the approval shall be null and void.
2. The business shall be conducted entirely within a completely enclosed building.
3. Prior to establishment of any outdoor storage of goods or materials an approved building permit that provides for appropriate screening and landscaping shall be required.
4. The use as approved by this special exception shall comply with all of the performance standards as set forth in the Town of Lake Park Code of Ordinances **Article IX. Performance Standards Section 78- 282 & 283.**