

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** CA-2021-00114  
**Application Name:** Bachrodt Truck Sales & Service  
**Control No./Name:** 2017-00124 (Central Industrial Park Plat 1)  
**Applicant:** Bachrodt Riviera Property LLC  
**Owners:** Bachrodt Riviera Property LLC  
**Agent:** Schmidt Nichols - Josh Nichols  
**Telephone No.:** (561) 684-6141  
**Project Manager:** Timothy Haynes, Senior Site Planner

**TITLE:** a Class A Conditional Use **REQUEST:** to allow Heavy Vehicle or Equipment Sales and Rental.

**APPLICATION SUMMARY:** Proposed is a Class A Conditional Use (CA) for the Bachrodt Truck Sales & Service development. The site is currently approved for existing office use within a 2,692 square foot (sq. ft.) structure (Building A), a Warehouse use in the 6,134 sq. ft. structure (Building B), and a Heavy Repair & Maintenance use within the 2,360 sq. ft. structure (Building D).

The Applicant proposes to repurpose the front 2,692 sq. ft. structure (Building A) for the Heavy Vehicle Sales and Rental use which is subject to the CA, and construct a new 9,600 sq. ft. building (Building C) which will be used for Heavy Repair and Maintenance (Permitted-by-Right). The Preliminary Site Plan (PSP) indicates a total of 63 parking spaces and the addition of a 4,600 sq. ft. outdoor display area.

The subject site is a corner lot which fronts Byron Drive along the west and south property lines. The site has 2 existing access points on the west side of the subject parcel. The Applicant proposes to remove the existing southernmost access point on the west side of the property and add a new access point along the southern property line.

**SITE DATA:**

Location:	Northeast corner of Byron Drive, approximately 225 feet west of Enterprise Drive.
Property Control Number(s):	00-43-42-30-00-000-3050
Existing Future Land Use Designation:	Industrial (IND)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Light Industrial District (IL)
Proposed Zoning District:	No change
Total Acreage:	2.87 acres
Affected Acreage:	2.87 acres
Tier:	Urban/Suburban
Overlay District:	Bioscience Research Protection Overlay
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	Lake Park, Palm Beach Gardens, Riviera Beach
Future Annexation Area:	Riviera Beach

**RECOMMENDATION:** Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received 0 contacts from the public regarding this application.

**PROJECT HISTORY:** There are no prior public hearing approvals associated with the subject site. The site was developed pursuant to Building Permit review in 1972 for Warehouse and Repair shop use.

## **SURROUNDING LAND USES:**

### **NORTH:**

FLU Designation: Industrial (IND)

Zoning District: General Industrial (IG) (City)

Supporting: Industrial (Control Name N/A, Control No 1984-00049)

### **SOUTH (Across Byron Drive):**

FLU Designation: Commercial

Zoning District: General Commercial (CG) (City)

Supporting: Industrial (Control Name and No. N/A)

### **EAST:**

FLU Designation: Industrial (IND)

Zoning District: Light Industrial (IL)

Supporting: Industrial (Seagull Industries, Control No. 1999-30226)

### **WEST (Across Byron Drive):**

FLU Designation: Medium Residential (MR-5)

Zoning District: Agricultural Residential (AR)

Supporting: Residential (Palm Lake Coop, Control No. 2008-00134)

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## **FINDINGS:**

### Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

### PLANNING DIVISION COMMENTS:

- *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Intensity:* The request for 20,786 sq. ft. equates to a FAR of approximately 0.17 (20,786/125,004.05 sq. ft. or 2.87 acres = 0.166). The maximum Floor Area Ratio (FAR) of .85 is allowed for the Industrial future land use designation in the Urban/Suburban Tier (125,004.05 sq. ft. or 2.87 acres x .85 maximum FAR = 106,253.825 sq. ft. maximum).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The property is located within the Bioscience Research Protection Overlay (BRPO). The submittal complies with Future Land Use Element (FLUE) Objective 1.9 and associated policies of the BRPO. While the overlay encourages biotech uses and prohibits new non-biotech and commercial/residential uses, it does not preclude the expansion of existing uses (FLUE Policy 1.9-g). The site is not converting to a commercial or residential use as it is only expanding/repurposing an existing use. As such the request is not inconsistent with the Objective and policies of the BRPO. Furthermore, the project would expand the established, existing use and development potential of the site. Lastly, the proposal complies with FLUE Policy 1.2-b, which encourages sustainable urban development, including restoration, infill and adaptive reuse.

**b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.***

○ *Property Development Regulations:* The proposed use and site modifications meet all minimum setback requirements per ULDC Table 3.D.1.A – Property Development Regulations. The lot contains 323.1 ft. of frontage along Byron Drive, meeting the minimum frontage and width requirement of 100 linear ft. The site also exceeds the 200 ft. depth requirement, containing 350.8 ft. in depth. Further, Staff evaluation of the standards has determined that the proposed development meets all the criteria pertaining to the request which includes the minimum 1-acre lot size requirement and curbing provided around outdoor display area, and parking requirements.

○ *Supplementary Use Regulations:* The proposed Heavy Vehicle or Equipment Sales and Rental is subject to a Class A Conditional Use per Table 4.B.2.A – Commercial Use Matrix and must meet all the use specific requirements as outlined in Art. 4.B.2.C.4, Vehicle or Equipment Sales and Rental, Heavy. The subject site exceeds the minimum 1-acre requirement as stated previously, as the site is 2.87-acres. The Applicant has acknowledged that the establishment may engage in the sale, rental, or lease of used mobile homes or commercial vehicles as defined by the Florida Department of Motor Vehicles or equipment that includes but not limited to heavy truck, truck tractors, straight trucks, special mobile equipment, farm tractors etc. The Applicant's justification statement has also stated that any of the requested uses subject to Development Review Officer review will go through the Administrative approval process. The request does not propose prohibited nuisance uses such as test driving motor vehicles on residential streets.

An outdoor display area is proposed for operable vehicles that area intended for sale, rental, or lease. The outdoor display spaces do not account for any of the required parking and will meet the barrier requirements between customer parking areas with either a landscape strip, curbing, removable bollards, or other suitable barrier approved by the DRO.

○ *Architectural Reviews:* The proposed development is subject to Art. 5. C. Design Standards and will be reviewed at the time of building permit.

○ *Parking:* Per Table 6.B.1.B – Minimum Parking and Loading Requirements, 63 parking spaces are required and have been provided as indicated on the PSP. The Applicant proposes eight spaces for outdoor display in conjunction with the vehicle or equipment sales and rental use. The parking area will be accessed through entrance points located on the west and south property lines. The 26 ft. wide drive aisle meets the minimum requirement at both entrances and exceeds the requirement within the parking areas of the site.

○ *Landscape/Buffering:* The subject site is surrounded by perimeter buffering on all sides. Along the north and east property lines the Applicant indicates an eight-foot compatibility buffer that will be installed. Along the South and West property lines the Applicant proposes 15 ft. Right-of-Way (R-O-W) buffers pursuant to Art. 7.C.2.A. R-O-W Buffer [Width]. As there is a proposed Site Line Easement required by Land Development Staff along the south property line due to the radius of the road, the R-O-W Buffer within this area is required to be shifted to the north side of this easement. As such, Staff are requesting a Condition of Approval to modify the Site Plan at time of Final DRO to shift the parking area and display area along the south property line slightly north, to accommodate for a 15 ft. R-O-W buffer with 5 ft. of Site Line Easement overlap. Staff have confirmed with the Applicant that they are supportive of this condition.

○ *Signs:* There is no proposed signage associated with this application.

**c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

The proposed development is consistent with the surrounding uses. The subject site borders the municipal boundaries of the City of Rivera Beach and Unincorporated Palm Beach County. The predominate land uses surrounding the site are industrial. To the north, is a parcel containing an IND FLU supporting a warehouse use (Control No. 1984-00049). South of the subject site is a communication tower within the General Commercial land use designation which also supports a

warehouse and storage use. To the east is another warehouse use within the IND FLU (Seagull Industries, Control No. 1999-30226). Directly west of the site is Interstate 95.

The existing site along with the proposed modification will remain consistent with the predominately industrial uses and character of the surrounding area.

**d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The site design is configured in a way to minimize adverse impacts on surrounding uses. The parcel is surrounded by perimeter landscape buffering on all sides which consists of a 15 ft. R-O-W Buffer on the west and south property lines, and an 8 ft. Compatibility Buffer along the north and east property lines. All proposed buildings and uses will function interior to the site, including the outdoor display area and will remain screened by the perimeter buffering.

Further, Interstate 95 along with Byron Drive provide additional buffers from any existing residential uses to the west.

**e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is developed.

WELLFIELD PROTECTION ZONE: The property is located within a Wellfield Protection Zone #4.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The subject site is currently within the IL Zoning district. The proposed Vehicle or Equipment Sales and Rental use is consistent with the industrial development of the area. The proximity of the subject site and requested uses to other warehouse facilities, as well as Interstate 95, allows for a logical and orderly development pattern that fits into the industrial character of the area.

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed redevelopment of the existing heavy vehicle repair facility into vehicle sales/rental, warehouse and heavy vehicle repair and maintenance facility is expected to result in an additional 127 net daily, an additional 12 net AM and an additional 14 net PM peak hour trips. Build-out of the project is expected to be by 2024.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards, since the project will have an insignificant impact on the roadways.

The Property Owner shall record a line-of-sight easement prior to the issuance of the first building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

Detailed analysis is not required for this non-residential application, as it will not generate any students.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks and Recreation ULDC provisions do not apply.

- h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The Applicant's Justification Statement has indicated the need for expansion for heavy truck sales and rental within the proximity of the major Interstate 95 trucking corridor. The site is currently limited to warehouse, accessory office, and repair and maintenance in 3 existing buildings. The nearly 3-acre site has adequate land area to incorporate an additional building to for the existing heavy repair and maintenance service and benefit from the existing Interstate which frequents freight travel to provide sales and rental for potential patrons.

**CONCLUSION:** Staff have evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibits C.

## CONDITIONS OF APPROVAL

### EXHIBIT C: Class A Conditional Use

#### ALL PETITIONS

1. The approved Site Plan is dated July 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2024, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first Building Permit, the Property Owner shall record a line of sight easement as shown on the accompanying site plan. Line of sight easement shall be approved by the County Attorney and the County Engineer prior to recordation. (BLDGPM: MONITORING - Engineering)

3. Prior to the approval of the Final Site Plan by the Development Review Officer, the Final Site Plan shall be amended to reflect the existing property line at the southwest corner of the site. (DRO: ENGINEERING - Engineering)

#### SITE DESIGN

1. Prior to final approval by the Development Review Officer, the Applicant shall modify the Site Plan and Regulating Plan to indicate a 15 foot wide Right-of-Way buffer along the north side of the Sight Line Easement with a maximum 5 foot Utility Easement overlap. Vegetation within the Sight Line Easement shall be installed in conformance with Article 7.D.4.6 Sight Distance. (DRO: ZONING - Zoning)

2. Prior to Building Permit approval, the Applicant shall submit plans for the building elevations for the new and existing structures in conformance with Article 5. C Design Standards. (BLDGPM: ZONING – Zoning)

#### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

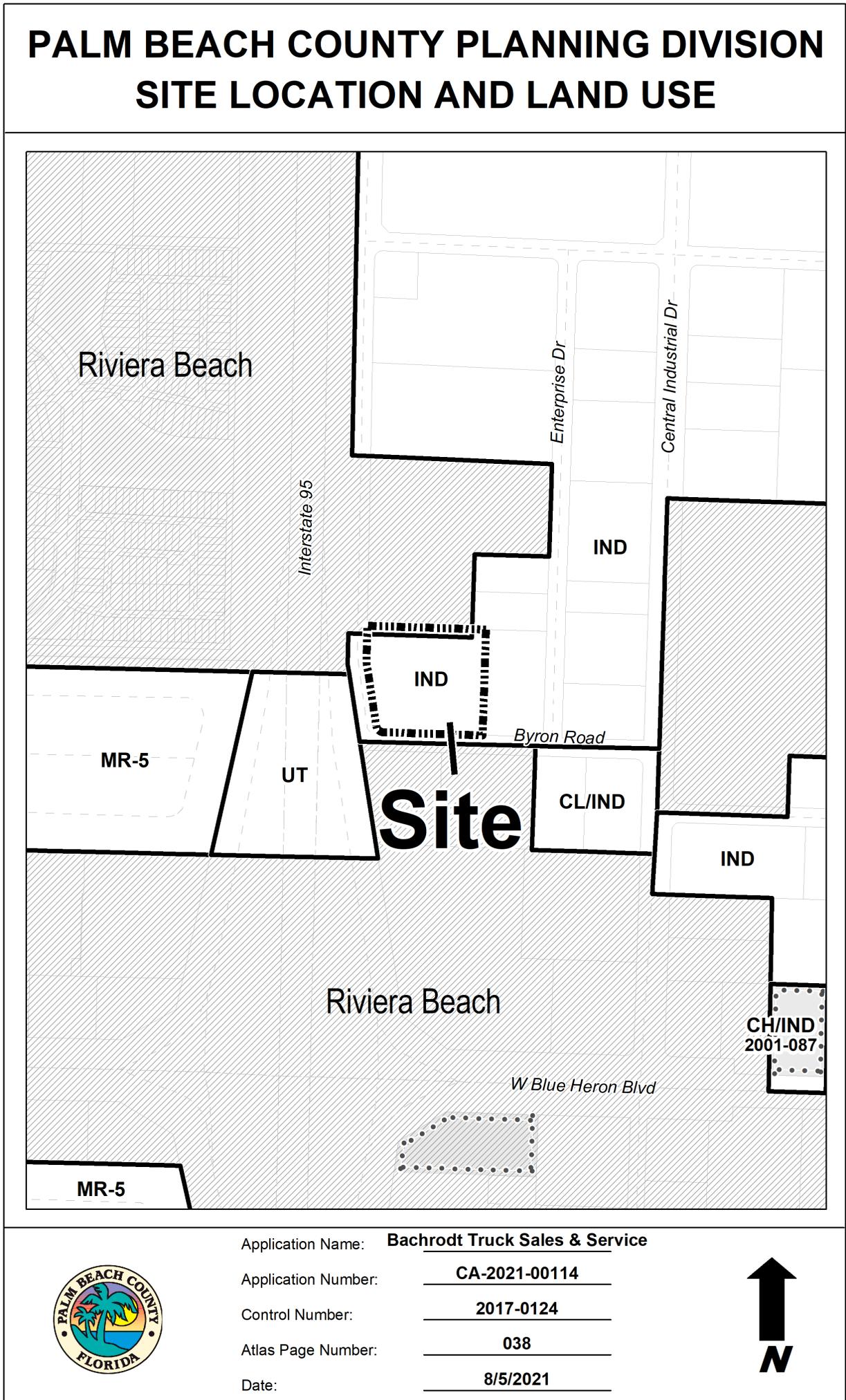
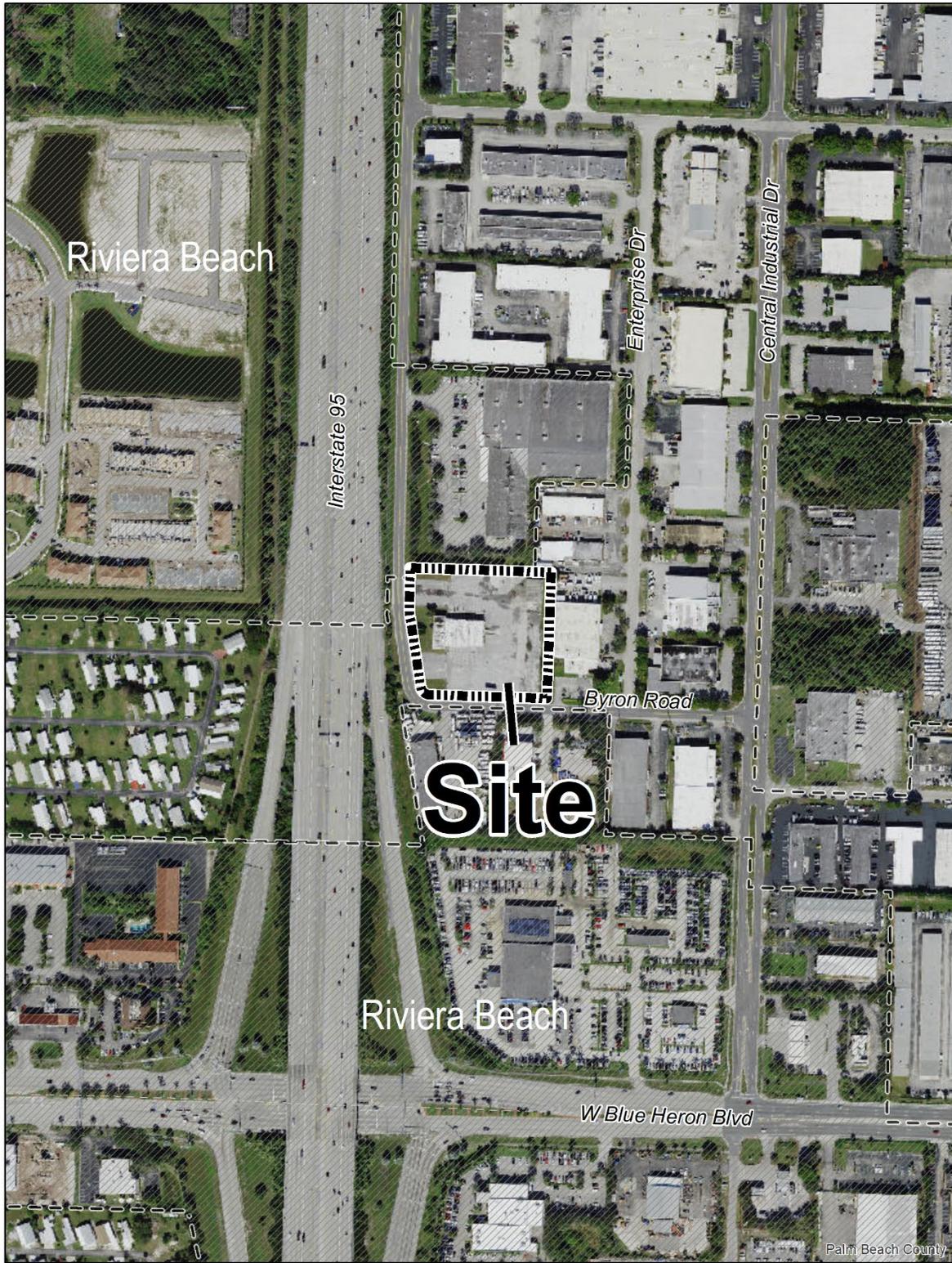


Figure 2 - Zoning Map



Figure 3 - Aerial

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name: **Bachrodt Truck Sales & Service**  
Application Number: CA-2021-00114  
Control Number: 2017-0124  
Atlas Page Number: 038  
Date: 8/5/2021







**Exhibit D – Disclosure of Ownership**

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Sean Bachrodt, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the  individual or  Authorized Member \_\_\_\_\_ *[position - e.g., president, partner, trustee]* of Bachrodt Riviera Property, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
2. Affiant's address is: 2840 Center Port Circle, Pompano Beach, FL 33064  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
  
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
  
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
  
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

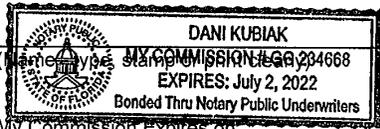
[Handwritten Signature]  
\_\_\_\_\_, Affiant

(Print Affiant Name)

**NOTARY PUBLIC INFORMATION:**

**STATE OF FLORIDA  
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [] physical presence or [  ] online notarization, this 17th day of December, 2020 by Dani Kubiak (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).



[Handwritten Signature]  
(Signature)

My Commission Expires on: 7/2/22

**EXHIBIT "A"**

**PROPERTY**

A PARCEL OF LAND IN THE WEST ONE-HALF (W 1/2) OF SECTION 30, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 30; THENCE S.86°59'37"E., ALONG THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 819.63 FEET TO A POINT; THENCE S.02°19'24"W., A DISTANCE OF 2517.70 FEET TO A POINT; THENCE N.87°40'36"W., A DISTANCE OF 195.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE HEREIN DESCRIBED; THENCE CONTINUE N.87°40'36"W., A DISTANCE OF 382.63 FEET TO A POINT; THENCE S.01°35'56"W., A DISTANCE OF 119.08 FEET TO A POINT; THENCE S.08°18'36"E., A DISTANCE OF 204.04 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 79°22'00"; THENCE SOUTHERLY, SOUTHEASTERLY AND EASTERLY, ALONG THE ARC OF THE SAID CURVE, A DISTANCE OF 34.63 FEET TO THE END OF THE SAID CURVE; THENCE S.87°40'36"E., A DISTANCE OF 318.90 FEET TO A POINT; THENCE N.02°19'24"E., A DISTANCE OF 340.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

CONTAINING 125,004.051 SQUARE FEET OR 2.870 ACRES MORE OR LESS.

