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RESOLUTION NO. 05-03-13

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN AUTHORIZING AN ADDITION CONSISTING OF A TWO-STORY, 2,697 SQUARE FOOT OFFICE WAREHOUSE BUILDING ON 0.2563 ACRES LOCATED AT 117 MILLER WAY ; AND PROVIDING FOR AN EFFECTIVE DATE.

11 **WHEREAS**, Metropolitan Properties, Inc., is the owner (the “Owner”) of a
12 0.2563 acre parcel of real property, the legal description of which is attached hereto and
13 incorporated herein as **Exhibit “A”** (the “subject property” o); and

14 **WHEREAS**, the subject property is located at 117 Miller Way in the Town of
15 Lake Park, Florida (the “Town”); and

16 **WHEREAS**, Land Design South, Inc., as agent for the Owner (the “Applicant”)
17 has submitted an application for the approval of a site plan for a proposed addition to an
18 existing office/warehouse building on the subject property (the “Application”); and

19 **WHEREAS**, the Town of Lake Park’s Planning and Zoning Board has reviewed
20 the Application and has presented its recommendations to the Town Commission; and

21 **WHEREAS**, the Town Commission has conducted a public quasi-judicial
22 hearing to consider the Application; and

23 **WHEREAS**, at this hearing the Town Commission considered the evidence
24 presented by the Town Staff, the Applicant, the Owner, and other interested parties and
25 members of the public as to the Application’s consistency with the Town’s
26 Comprehensive Plan; and

27 **WHEREAS**, at this hearing, the Town Commission considered the evidence
28 presented by the Town Staff, the Applicant, the Owner and other interested parties and
29 members of the public regarding whether the Application meets the Town’s Land
30 Development Regulations, including specifically Section 67-38 of the Town Code; and

31 **WHEREAS**, the Town Commission has determined that the conditions
32 incorporated herein, are necessary in order for the Application to be consistent with the
33 Town’s Comprehensive Plan and to meet the Town’s Land Development Regulations.

34

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

37 **Section 1.** The whereas clauses are hereby incorporated as true and correct as the
38 findings of fact and conclusions of law of the Town Commission.

39 **Section 2.** The Town Commission hereby approves a Site Plan for an addition to
40 an existing office building which is located on the subject property, subject to the
41 conditions described below.

42 1. The Owner shall develop the Property consistent with the following Plans
43 submitted by Land Design South:

- 44 a. Site Plan, Landscape Plans referenced as sheet SP.1, SP.2, and SP.3,
45 respectively, dated 02-14-2013 and prepared by Land Design South,
46 received and dated by the Department of Community Development on 02-
47 14-2013.
- 48 b. Floor Plans and Elevations, referenced as sheets A-1 through A-3 and AB-
49 1 dated 02-11-2013 and prepared by Island Design, Inc., received and
50 dated by the Department of Community Development on 02-14-2013.
51 Color elevations also included as sheets A-2 and A-3 and dated 05-04-12
52 and 02-11-13 respectively.
- 53 c. Drainage plan referenced as sheet C-1 and dated 02-13-2013 and prepared
54 by Erdman Anthony, Inc, received and dated by the Department of
55 Community Development on 02-14-2013.
- 56 d. Septic plan referenced as sheet SS-1 and dated 02-11-2013 and prepared
57 by Gruber Consulting Engineers, Inc, received and dated by the
58 Department of Community Development on 02-14-2013.
- 59 e. Photometric Plan referenced as sheet EI.1 and dated 02-12-2013, prepared
60 by Kamm Consulting, Inc., received and dated by the Community
61 Development Department on 02-14-2013.
- 62 f. Irrigation plan referenced as sheet IR-1, dated 09-27-2012 and prepared by
63 Irrigation Design, Inc, received and dated by the Department of
64 Community Development on 02-14-2013.
- 65 g. Survey referenced as Job No. 98-228-5 and dated 03-09-2012, prepared by
66 Dailey & Associates, Inc. and received by the Department of Community
67 Development on 02-14-2013.

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70 2) Construction on the subject property is permitted only between the hours of
71 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless
72 otherwise approved in writing at least 7 calendar days in advance by the
73 Community Development Director.

74
75 3) Any disturbance of the public right of way along Miller Way which causes a
76 disruption to the normal flow of traffic shall be subject to the review and

- 77 written approval of the Directors of the Town's Public Works and
78 Community Development Departments at least 7 calendar days in advance.
79
- 80 4) Any disruption to any of the surrounding entrance/exit streets and parking
81 areas along Miller Way which causes the disruption to the daily operation of
82 nearby businesses shall require prior written approval by the Community
83 Development Director.
84
- 85 5) The Owner's contractor shall employ commonly accepted construction
86 practices to ensure the safety and well being of the general public.
87
- 88 6) All landscaping as shown on the Site and Landscaping Plans shall be
89 continuously maintained by the Owner from the date of the issuance of the
90 Certificate of Occupancy by the Town. It is the Owner's responsibility to
91 replace any and all dead or dying landscape material at any time the subject
92 property is not in compliance with the landscaping requirements of the
93 approved Site and Landscaping Plans.
94
- 95 7) The hedge material for the subject property shall be maintained at four feet.
96
- 97 8) Safe and adequate pedestrian passage shall be maintained along the subject
98 property's frontage along Miller Way.
99
- 100 9) The Owner shall ensure that any and all contractors use commonly accepted
101 practices to reduce airborne dust and particulates during construction on the
102 subject property.
103
- 104 10) All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors
105 kept shut at all times. All dumpsters shall be acquired from the approved
106 franchise supplier for the Town of Lake Park. The dumpster opening shall be
107 modified to reflect a 13.5 foot x 10 foot opening.
108
- 109 11) Applicant shall incorporate additional new custom hardcoat foam 10-inch x
110 19-inch square quoin with 4-inch x 4-inch inset tiles on the north wall, in
111 addition to the proposed banding.
112
- 113 12) Prior to issuance of the Certificate of Occupancy, the Applicant shall provide
114 certification from the Landscape Architect of record that the plant
115 installations on the subject property are in accordance with the Site and
116 Landscaping Plans hereby approved.
117
- 118 13) Prior to the issuance of any building permits, the Applicant shall submit
119 copies of any other applicable permits required by other State and Federal
120 agencies, including but not limited to Palm Beach County Health
121 Department, Palm Beach County Land Development Division, South Florida

- 122 Water Management Division and the State of Florida Department of
123 Environmental Protection.
124
125 14) Any revisions to the approved Site Plan, landscape plan, architectural
126 elevations, signs, Statement of Use, photometric plan, or other detail
127 submitted as part of the Application, including, but not limited to, the
128 location of the proposed improvements or additional, revised, or deleted
129 colors, materials, or structures, shall be submitted to the Community
130 Development Department and shall be subject to its review and approval.
131
132 15) The Owner shall initiate bona fide and continuous development of the subject
133 property within 18 months from the effective date of this development order.
134 Such development shall be completed within 18 months from the effective
135 date of initiation of development; unless extended as provided for in the
136 Town of Lake Park Code of Ordinances Section 67-42 *Expiration of*
137 *development approvals*.
138
139 16. Cost Recovery. All fees and costs, including legal fees incurred by the Town
140 in reviewing the Application and billed to the Applicant for the Owner, shall
141 be paid to the Town within 10 business days of receipt of an invoice from the
142 Town. Failure by an Owner or an Applicant to reimburse the Town within
143 the 10 business day time period may result in the automatic revocation of any
144 approvals by the Town and any other appropriate measures that the Town
145 deems necessary and appropriate to secure payment.
146
147 17. The Owner's successors and assigns shall be subject to this Development
148 Order, including its conditions.
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150 **Section 3.** This Resolution shall take effect upon adoption.

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155 **Exhibit "A"** – Legal Description

156 **Exhibit "B"** – Location Map

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Exhibit "A"
Legal Description

**THE SOUTH 77, 95 FEET OF LOT 3, BLOCK C, OF TRI-CITY INDUSTRIAL
PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK28, PAGES 100, OF THE PUBLIC RECORDS OF PALM BEACH
COUNTY, FLORIDA.**

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Exhibit "B"
Location Map

117 Miller Way



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**LEGAL NOTICE OF PROPOSED
RESOLUTION**

TOWN OF LAKE PARK

Please take notice that on Wednesday, March 6, 2013 at 7:00 p.m. or soon thereafter the Town Commission, of the Town of Lake Park, Florida in a regular session to be held in the Commission Chambers, Town Hall, 535 Park Avenue, Lake Park, Florida will consider the following Site Plan Resolution and proposed adoption thereof:

**A RESOLUTION OF THE TOWN
COMMISSION OF THE TOWN OF LAKE
PARK, FLORIDA APPROVING A SITE
PLAN AUTHORIZING AN ADDITION
CONSISTING OF A TWO-STORY 2,697
SQUARE FOOT OFFICE WAREHOUSE
BUILDING ON 0.2563 ACRES LOCATED
AT 117 MILLER WAY, AND PROVIDING
FOR AN EFFECTIVE DATE.**

If a person decides to appeal any decision made by the Town Commission with respect to any hearing, they 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. For additional information, please contact Vivian Mendez, Town Clerk, at 561-881-3311.

Vivian Mendez, CMC, Town Clerk
Town of Lake Park, Florida
PUB: The Palm Beach Post
2-24/13 #56959

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

| | AYE | NAY |
|------------------------------|---------------|-----|
| MAYOR JAMES DUBOIS | <u>/</u> | ___ |
| VICE-MAYOR KENDALL RUMSEY | <u>/</u> | ___ |
| COMMISSIONER STEVEN HOCKMAN | <u>/</u> | ___ |
| COMMISSIONER JEANINE LONGTIN | <u>/</u> | ___ |
| COMMISSIONER TIM STEVENS | <u>Absent</u> | ___ |

The Town Commission thereupon declared the foregoing Resolution NO. 05-03-13 duly passed and adopted this 6 day of March, 2013.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
JAMES DUBOIS
MAYOR

ATTEST:

[Signature]
VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: [Signature]
THOMAS J. BAIRD
TOWN ATTORNEY