

RESOLUTION NO. 07-02-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AMENDMENT TO AN EXISTING SITE PLAN AUTHORIZING THE CONSTRUCTION OF A PRIVATE CLUBHOUSE AND RENOVATION OF THE EXISTING RESIDENTIAL UNITS AS PREVIOUSLY APPROVED BY RESOLUTION NO. 11-02-06 AND; AUTHORIZING THE CONSTRUCTION OF A 17 BOAT SLIP MARINA TOGETHER WITH AN UN-INHABITABLE DOCK-MASTER STORAGE STRUCTURE ADJACENT TO THE EXISTING MARINER'S KEY MULTI-FAMILY COMPLEX LOCATED ON 10.31 ACRES OF PROPERTY, LOCATED AT 901 LAKESHORE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lake Park Owner LLC, is the owner (Owner) of a 10.31 acre parcel of property located at 901 Lakeshore Drive (the subject property); and

WHEREAS, Owner" has filed an application to amend the site plan previously approved for the subject property to add a 17 boat slip marina and an uninhabitable dock-master storage structure east of the existing Mariner's Key multi-family structure (the Application); and

WHEREAS, the subject property's legal description is contained in **Exhibit "A"** and its general location is shown on **Exhibit "B"** both of which are attached hereto and incorporated herein; and

WHEREAS, the Lake Park Planning and Zoning Commission has reviewed the Application and has made its recommendation to the Town Commission; and

WHEREAS, the Town Commission has considered the evidence presented to it by the Town Staff, the Owner and other interested parties and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan, and whether it meets the Town's Land Development Regulations, and

WHEREAS, the Town Commission has determined that certain conditions as set forth herein, are necessary for the Application to be consistent with the Town's Comprehensive Plan and to meet the Town's Land Development Regulations; and

WHEREAS, the Owner, its successors and assigns shall be subject to the conditions contained in Section 2.

NOW THEREFORE, be it ordained 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 amendment to the Mariners Key site plan authorizing the construction a marina with 17 boat slips and an un-inhabitable dock-master storage structure to be located on the east side of the existing Mariner's Key multi-family structure, subject to the following conditions:

1. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless otherwise approved in writing by the Community Development Director.
2. Any disruption beyond the boundaries of the subject property shall require the Owner's contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
3. All approved landscaping shall be properly maintained by the Owner. The Owner shall guarantee the survival of all new landscape material installed on the subject property as required by the approved Site Plan and Town Code for a minimum of three months from the date of the issuance of the Certificate of Occupancy by the Town. It shall be the responsibility of the Owner to replace any and all dead or dying landscape material at any time the subject property is not in compliance with the landscape requirements of the approved Site Plan and/or the Town Code.
4. The Owner shall comply with all property maintenance standards and requirements of the Town Code.
5. The maintenance height for the landscaping shall be a condition of approval and shall be indicated on the approved Site Plan.
6. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
7. All necessary dumpsters/roll-offs/compactors shall be acquired from the approved franchise supplier for the Town of Lake Park.
8. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the subject property are in accordance with the Site Plan, including the landscape plans approved by the Town Commission.
9. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South

Florida Water Management Division and the State of Florida Department of Environmental Protection, The Army Corps of Engineers, shall be provided to the Town by the Owner.

10. The dock master storage structure and marina shall be constructed in compliance with the plans on file with the Town's Community Development Department as noted below:

- a. Site Plan & Architectural Elevations referenced as sheet SP-1 through SP-5 respectively, dated 02-09-09 prepared by Cotleur & Hearing, Inc. who is the Planner of record for the Project, received and dated by the Department of Community Development on 02-10-09
- b. Engineering Plans, referenced as sheets C-1, G1-G3, M1-M8 dated 02-06-09; and E1-E4 dated 02-05-09; and P1-P3 dated 02-02-09 prepared by Cotleur & Hearing, Inc., received and dated by the Department of Community Development on 02-10-09.
- c. Landscape and Irrigation plans referenced as sheets LP-1 through LP-5 dated 02-09-09 and prepared by Cotleur & Hearing, Inc., who is the landscape architect of record received and dated by the Department of Community Development on 02-10-09.

11. Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, or other details submitted as part of the Application, including, but not limited to, the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval, unless the Town Code or a condition of approval requires Town Commission approval.

12. Within 18 months of the effective date of this Resolution, the Owner shall initiate the bona fide and continuous development of the subject property. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless extended in accordance with Town Code Section 67-42, entitled "*Expiration of development approvals.*"

13. **Cost Recovery.** All fees and costs, including legal fees, incurred by the Town in reviewing the Project and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by an Owner to reimburse the Town within the 10 day time period may result in the automatic stay of the processing or revocation of any and all land development approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.

14. The proposed project shall be built in ONE Phase.

15. Owner shall provide adequate pedestrian/equipment access and directional signage to the docks as required by Palm Beach County Fire Rescue. Owner's plans reflect this access and include details on the directional signage on sheets SP-1 and SP-5.

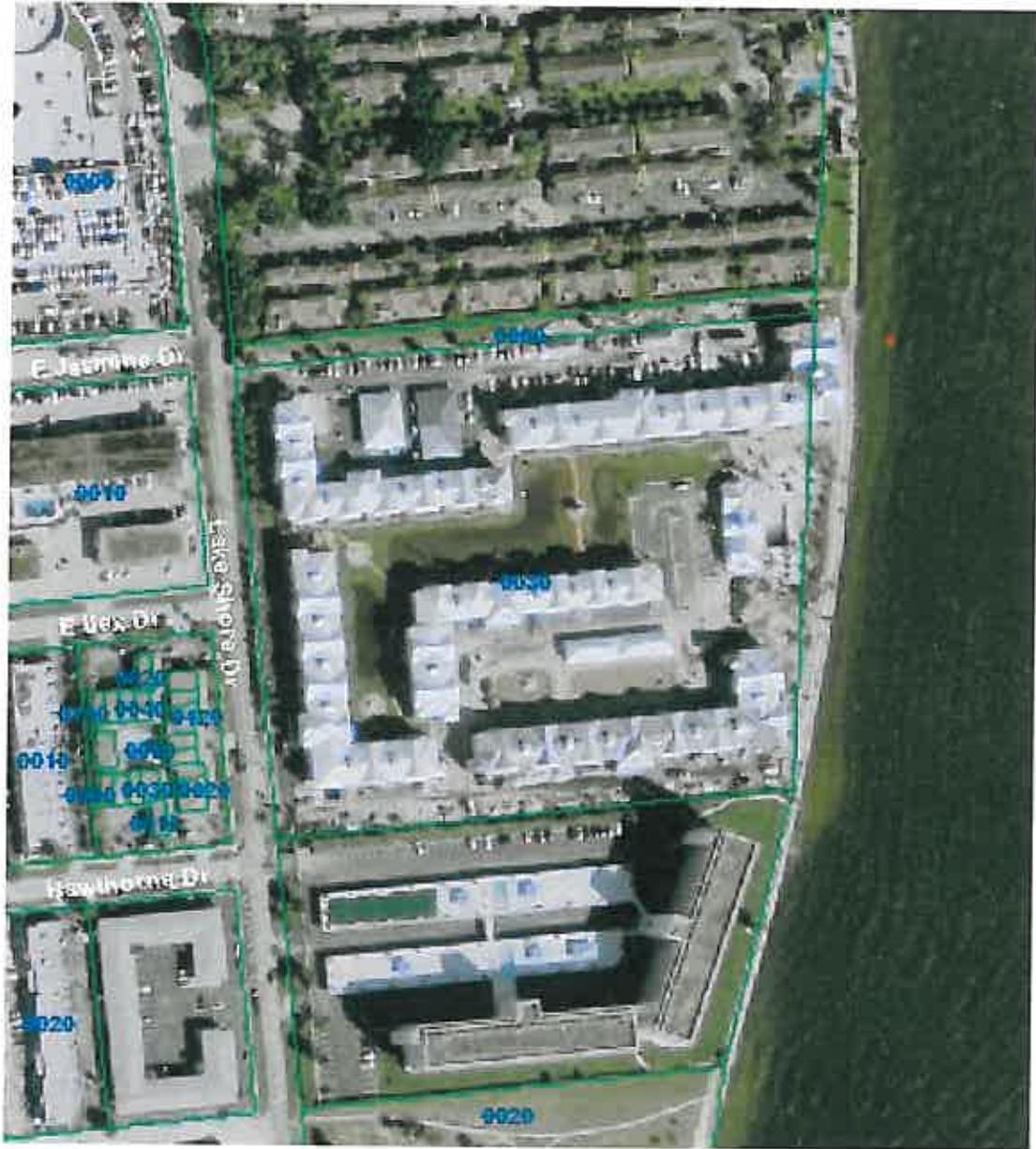
Section 3: This Resolution shall become effective upon adoption.

Exhibit "A"

Legal Description

A TRACT OF LAND IN LAKE PARK (FORMERLY KELSEY CITY), PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS: ON THE NORTH BY THE EASTERLY EXTENSION OF THE SOUTHERLY RIGHT OF WAY OF JASMINE DRIVE (FORMERLY AVENUE J), ON THE SOUTH BY THE EASTERLY EXTENSION OF THE NORTHERLY RIGHT OF WAY LINE OF HAWTHORNE DRIVE (FORMERLY AVENUE H); ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE OF LAKE SHORE DRIVE, LAKE PARK, FLORIDA, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 27, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"
LOCATION MAP



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

	AYE	NAY
MAYOR DESCA DUBOIS	<u> / </u>	<u> — </u>
VICE-MAYOR ED DALY	<u> / </u>	<u> — </u>
COMMISSIONER CHUCK BALIUS	<u> / </u>	<u> — </u>
COMMISSIONER JEFF CAREY	<u> / </u>	<u> — </u>
COMMISSIONER PATRICIA OSTERMAN	<u> / </u>	<u> — </u>

The Town Commission thereupon declared the foregoing Resolution NO. 07-02-09 duly passed and adopted this 18 day of February, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian M. Lemley
VIVIAN M. LEMLEY
TOWN CLERK

TOWN OF LAKE PARK
(TOWN SEAL)
SEAL
FLORIDA

Approved as to form and legal sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY