

**RESOLUTION NO. 16-03-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SPECIAL EXCEPTION FOR A 2,600 SQUARE FOOT STORAGE/WAREHOUSE USE AND A SITE PLAN FOR A 2,600 SQUARE FOOT STORAGE/WAREHOUSE BUILDING, SUBJECT TO CONDITIONS OF SITE PLAN APPROVAL, TO BE LOCATED ON .48 ACRES OF PROPERTY, OWNED BY 1313 GROUP AND LOCATED AT 1313 SOUTH KILLIAN DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the 1313 Group (d/b/a Pool Barrier Inc.), is the owner (“Owner” or “Applicant”) of certain real property consisting of .48 acres located at 1313 S. Killian Drive (“property” or “site”), in the C-4 zoning district within the Town of Lake Park (“Town”); and

**WHEREAS**, the Owner has filed an application for approval of a site plan for the construction of a 2,600 square foot storage/warehouse building and a special exception for a storage/warehouse use (the “Application”); on the property; and

**WHEREAS**, the 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 Town’s Planning and Zoning Board has reviewed the Application and has made its recommendation to the Town Commission; and

**WHEREAS**, the Town Commission has considered the evidence at a duly noticed quasi-judicial hearing on the Application, presented by Town Staff, the Owner and other interested parties and members of the public, regarding the Application’s consistency with the Town’s Comprehensive Plan, whether the special exception use meets the criteria set forth in Town Code Section 78-184, and whether the site plan and special exception request meet the Town’s Land Development Regulations, and

WHEREAS, the Town Commission has determined that certain conditions as set forth herein, are necessary for the site plan 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 RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:**

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

**Section 2:** The Town Commission hereby approves the special exception request for a 2,600 storage/warehouse use and the site plan for a 2,600 storage/warehouse building, including but not limited to, the architectural elevations and engineering design for the property as submitted to the Town, subject to the following conditions of site plan approval:

**CONDITIONS OF SITE PLAN APPROVAL:**

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, unless otherwise approved by the Community Development Director.
2. Any construction work, excavation or other activity which may result in the disturbance of the public right of way along S. Killian Drive shall require review and written approval of the proposed activity from the Public Works Director prior to any action being undertaken.
3. Any activity which may result in the interference with or disruption to, the ingress and egress areas to the property and/or the parking areas shall require prior written approval by the Community Development Director.
4. Any disruption beyond the boundaries of the site shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
5. All landscaping shall be properly maintained. The Owner shall provide a one year replacement warranty for all new landscape materials from time of issuance of the Certificate of Occupancy. Any plant materials that are replaced during the initial warranty period shall be subject to an additional one year warranty. It shall be the responsibility of the property owner to replace any and all dead or dying landscape

- material and it shall be a violation of the site plan approval if the Owner fails to maintain the landscaping required as part of the site plan approval. In such event, the Owner and/or tenant shall be subject to code enforcement proceedings for failure to comply with this condition of the site plan approval.
6. Safe and adequate pedestrian passage in front of the construction site along S. Killian Drive will be maintained at all times.
  7. The contractor should use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
  8. All dumpsters (if any) shall be enclosed as should be noted on the site plan and enclosure doors kept shut at all times.
  9. Prior to issuance of the Certificate of Occupancy, the Owner shall provide certification from the Landscape Architect of record that the plant installations on site are in accordance with the plans approved by the Town Commission.
  10. 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 shall be provided to the Community Development Director.
  11. The storage warehouse facility shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted in Condition 12 below:
    - a. Site Plan & Architectural Elevations referenced as sheet SP-1, SP-2 and A3, dated 01-17-07 and 01-29-07 respectively, prepared by Four Jays Consulting, Inc. who is the Architect and Engineer of record for the Project, received and dated by the Department of Community Development on 01-18-07.
    - b. Engineering Plans, referenced as sheets C-2 and C-8 dated 01/11/07 prepared by Four Jays Consulting, Inc., received and dated by the Department of Community Development on 01-18-07.
    - c. Landscape plans referenced as sheets SP-3 prepared by Four Jays Consulting, Inc., who is the Landscape Architect of record received and dated by the Department of Community Development on 01-18-07.
    - d. Any elevations, artist or architectural renderings submitted as requested by the Town Commission.
  12. Any revisions to the site plan, landscape plan, architectural elevations, signs, statement of use, or other detail 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 requires Town Commission approval.
  13. Prior to the issuance of any permits, the Owner shall submit elevations, architectural and/or artist renderings of building facades, which shall be subject to the Commission's approval.

**Section 3:** This Resolution shall become effective upon adoption.

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

	AYE	NAY
MAYOR PAUL W. CASTRO	<u>X</u>	___
VICE-MAYOR ED DALY	<u>X</u>	___
COMMISSIONER CHUCK BALIUS	<u>X</u>	___
COMMISSIONER JEFF CAREY	<u>X</u>	___
COMMISSIONER PATRICIA OSTERMAN	<u>X</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 16-03-07 duly passed and adopted this 21 day of March, 2007.

TOWN OF LAKE PARK, FLORIDA

BY:   
PAUL W. CASTRO  
MAYOR

ATTEST:

  
Vivian Mendez  
TOWN CLERK



FLORIDA

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

WILL CALL BOX #69  
Prepared by and Return to:  
E. SCOTT NUNLEY, ESQUIRE/ljc  
Boose Casey Ciklin Lubitz  
Martens McBane & O'Connell  
18th Floor - Northbridge Tower I  
515 North Flagler Drive  
West Palm Beach, Florida 33401

**WARRANTY DEED**

**THIS WARRANTY DEED** made and executed the 28th day of May, 1999 by HUBERT OPICI and ROSE MARIE OPICI, his wife, whose post office address is 1372 LeBateau Lane Palm Beach Gardens FL 33410, hereinafter called the Grantor, to POOL BARRIER, INC., a Florida corporation, whose Tax I.D. Number is 65-0497685 and whose post office address is 1313 S. Killian Drive, Lake Park, Florida 33403, hereinafter called the Grantee.

**WITNESSETH:** That Grantor for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Palm Beach County, Florida, viz:

Lots 53 and 54, **NORTHLAKE BUSINESS PARK**, according to the Plat thereof, recorded in Plat Book 30, Page 93, of the Public Records of Palm Beach County, Florida.

Parcel Identification Number: 36-13-42-20-09-000-0530

**SUBJECT TO:** Comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; public utility easements of record, taxes for the year of 1999 and subsequent years.

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same in fee simple forever.

**AND** the Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons, in and out of court, in Palm Beach County, Florida, viz:

Lots 53 and 54, **NORTHLAKE BUSINESS PARK**, according to the Plat thereof, recorded in Plat Book 30, Page 93, of the Public Records of Palm Beach County, Florida.

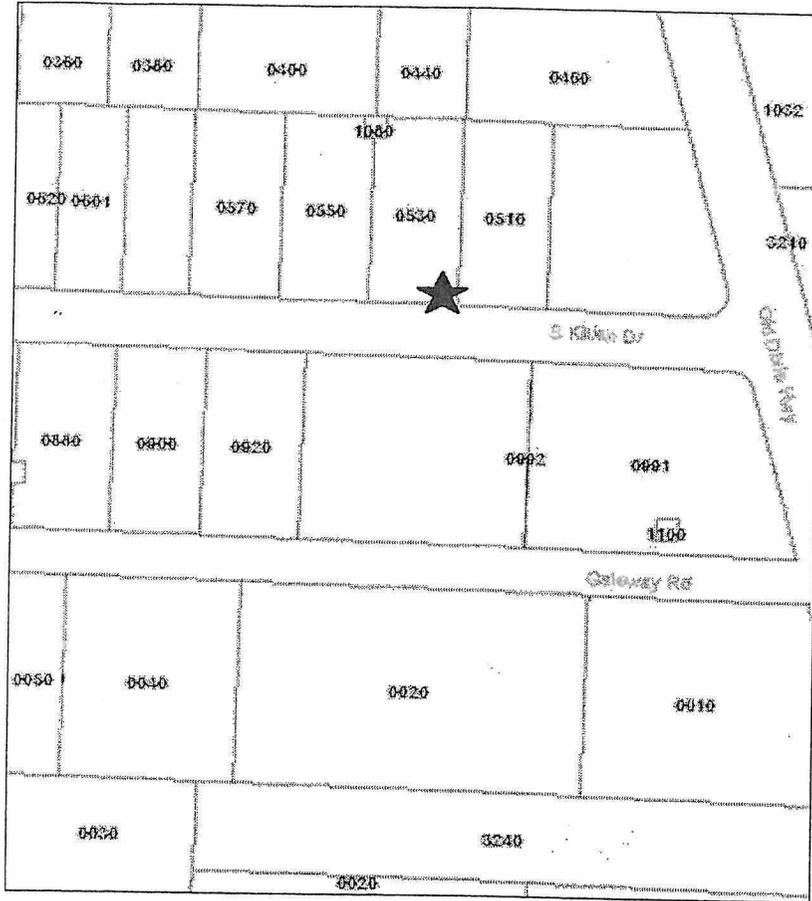
Parcel Identification Number: 36-13-42-20-09-000-0530

**SUBJECT TO:** Comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing on

Exhibit "B"



Gary R. Nikolits, CFA  
Palm Beach County Property Appraiser  
Property Mapping System



Legend

- Parcel Boundary
- Lot number

Palm Beach County Property Map  
Map Scale 1:2617

Map produced on 12/6/2006 from PAPA  
<http://www.pbcgov.com/papa>