

RESOLUTION NO. 46-06-07

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A SONIC FAST FOOD RESTAURANT WITH DRIVE-THROUGH ISLE ONLY, WITH WAIVERS AND SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON 1.31 ACRES OF PROPERTY, OWNED BY RS VENTURES, LLC. AND LOCATED ON THE NORTHWEST CORNER OF CONGRESS AVENUE AND PARK AVENUE WEST; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RS Ventures is the owner (“Owner”) of 1.31 acres of property located on the Northwest Corner of Congress Avenue and Park Avenue West in the Town of Lake Park, Florida; and

WHEREAS, Sonic Restaurants Inc., has filed an application for approval of a site plan and a request for waivers of certain provisions of the Town Code (the “Application”) which would authorize the construction of a 1,749 square foot fast food restaurant (no indoor seating) with drive-through isle only facility; and

WHEREAS, the legal description of the property 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 Board has reviewed the site plan, the requested waivers, and Application and has made its recommendation on the Application 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, the Applicant and their 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 site plan for a 1,749 square foot fast food restaurant (no indoor seating) with drive-through isles facility with the waivers requested in the Application, including, but not limited to, the submitted architectural elevations for the subject property and engineering design, subject to the following conditions:

CONDITIONS OF SITE PLAN APPROVAL:

1. Construction shall be allowed only between the hours of 7:00 a.m. and 7:00 p.m. unless otherwise approved by the Community Development Director.
2. The construction of an 8' high wrought iron, black chain link, or aluminum fence to be placed along the western and northern boundaries of the property with appropriate hedging that will grow to a minimum of 8'.
3. The addition of one 400 watt MH light pole/fixture along the western property boundary and one 400 watt MH light pole/fixture next to the southern entrance.
4. The placement of a minimum of 2 security cameras covering the parking lot and exterior eating areas. Security cameras inside the window order area and any other inside areas accessible to the general public.
5. Any disturbance of the public right of way along N. Congress Ave or Park Avenue West shall require review and approval from Community Development, Public Works, and Palm Beach County prior to any construction.
6. Any disruption beyond the boundaries of the property shall require the contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
7. All approved landscaping shall be properly maintained. There shall be a minimum three-month replacement guarantee provided by the landscape company responsible for all new landscape material from time of issuance of the certificate of occupancy. It shall be the responsibility of the property owner to replace any and all dead or dying landscape material throughout the life of the project.
8. Safe and adequate pedestrian passage in front of the construction site along North Congress Ave and Park Ave West shall be maintained at all times.
9. The contractor for the Project must use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
10. All dumpsters shall be enclosed as noted on the site plan and enclosure doors kept shut at all times.
11. Prior to issuance of the Certificate of Occupancy, the Applicant 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.
12. 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 will be required.

13. The 1,749 square foot fast food restaurant shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted below:
 - a. Site Plan & Architectural Elevations referenced as sheet C-1 and A0; A0A respectively, dated 03-22-07 & 01-25-07, prepared by H & T Consultants, Inc. who is the Architect of record for the Project, received and dated by the Department of Community Development on 05-02-07.
 - b. Engineering Plans, referenced as sheets C-2 and C-9 dated 04-26-07 and some with 03-22-07 revision dates, prepared by H & T Consultants, Inc., received and dated by the Department of Community Development on 05-02-07.
 - c. Landscape plan prepared by A & K Land Planning and Design, Inc., who is the landscape architect of record, was received and dated by the Department of Community Development on 05-02-07.
 - d. Irrigation plan prepared by A & K Land Planning and Design, Inc., who is the landscape architect of record for the Project, was received and dated by the Department of Community Development on 05-02-07.
14. 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 or a condition of approval requires Town Commission approval.
15. Any violations of the conditions of this Site Plan approval may be enforced by the Town through code enforcement proceedings to achieve compliance or any other legal or equitable means available to the Town.
16. The Owner shall provide an 8-foot black vinyl fence with 15 gallon Bougainvillea planted 6 foot on center and install a 400 watt light pole fixture along the western property boundary and next to the southern entrance.
17. **The owner of record or authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless there is a grant of extension as otherwise provided for in the Town of Lake Park Code of Ordinances Section 67-42 *Expiration of development approvals.***

IMPORTANT: PLEASE READ. The Owner of record or authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined in Section 67-42 of the Town Code unless there is a grant of extension as

otherwise provided for in the Town of Lake Park Code of Ordinances See Town Code Section 67-42 *Expiration of development approvals.*

Section 3: This Resolution shall become effective upon adoption.

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

	AYE	NAY
MAYOR PAUL W. CASTRO	___	___
	ABSENT	___
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. 46-06-07 duly passed and adopted this 6 day of June, 2007.

TOWN OF LAKE PARK, FLORIDA

BY: Ed Daly
PAUL W. CASTRO
MAYOR

ATTEST:

Vivian Mendez

Vivian Mendez
TOWN CLERK



FLORIDA

Approved as to form and legal sufficiency:

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

EXHIBIT "A"

WESTLAKE
Commercial Parcel

A parcel of land situate in Section 19, Township 42 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the northeast corner of said Section 19; thence North $88^{\circ}26'21''$ West, along the North line of the Northeast one-quarter (NE $\frac{1}{4}$) of said Section 19, a distance of 1105.96 feet to a point in the East right-of-way line of the South Florida Water Management District C-17 Canal, a 340 foot right-of-way; thence South $01^{\circ}28'04''$ West, departing said North line and along said East right-of-way line, a distance of 244.45 feet; thence South $19^{\circ}18'59''$ West, continuing along said East right-of-way line a distance of 2051.02 feet to a point on the South line of that certain parcel of land described in Official Records Book 9600, Page 1225, Public Records of Palm Beach County, Florida; thence South $88^{\circ}26'21''$ East, departing said East right-of-way line and along said South line, a distance of 944.87 feet to a point on the West line of Congress Avenue as described in Official Records Book 10739, Page 6, Public Records of Palm Beach County, Florida, said point also being a point on a non-tangent curve concave to the west having a radius of 8534.37 feet from which a radial line bears North $77^{\circ}41'25''$ West; thence southerly, departing said South line and along said West line and the arc of said curve through a central angle of $00^{\circ}21'42''$ a distance of 53.85 feet to the point of reverse curvature of a curve concave to the east having a radius of 8570.00 feet; thence southerly along the arc of said curve through a central angle of $06^{\circ}26'47''$, a distance of 964.22 feet to the point of tangency, thence South $06^{\circ}13'29''$ West, a distance of 605.96 feet; thence South $18^{\circ}44'25''$ West, a distance of 50.76 feet; thence South $06^{\circ}13'29''$ West, a distance of 130.37 feet; thence South $07^{\circ}21'23''$ West, a distance of 68.10 feet to the POINT OF BEGINNING; thence North $83^{\circ}45'25''$ West, a distance of 202.68 feet; thence South $07^{\circ}34'21''$ West, a distance of 175.26 feet to a point on the North line of Investment Lane as described in Official Records Book 11007, Page 1479, Public Records of Palm Beach County, Florida; thence South $87^{\circ}26'43''$ East, along said North line a distance of 167.24 feet; thence North $49^{\circ}57'20''$ East, a distance of 54.15 feet to a point on said West line of Congress Avenue, thence North $07^{\circ}21'23''$ East, departing from said North line of Investment Lane and along said west line of Congress Avenue, a distance of 125.34 feet to the POINT OF BEGINNING.

EXHIBIT B – LOCATION MAP

