

RESOLUTION NO. 46-08-06

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING CONDITION 11 OF RESOLUTION 12-02-04 AND 24-05-06, REQUIRING THE PRESERVATION AND RESTORATION OF THE HORSE SCULPTURES, UPON THE PROPERTY LOCATED AT 500 FEDERAL HIGHWAY, BETWEEN FORESTERIA DRIVE AND EVERGREEN DRIVE, WITHIN THE COMMERCIAL-1B ZONING DISTRICT (C-1B) OF THE TOWN OF LAKE PARK, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission, as the governing body of the Town of Lake Park, Florida ("Town"), pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Town's Comprehensive Plan and Land Development Regulations, is authorized and empowered to approve or deny, in whole or in part, petitions for development orders; and

WHEREAS, in 2004, the Town Commission of the Town of Lake Park previously approved a Site Plan submitted by MSM Construction, Inc., ("Agent") on behalf of Jorge Sallent, M.D. ("Owner"), to add approximately 653 square feet to an existing 6,993 square foot building, pursuant to Resolution 12-02-04 with the conditions of approval contained therein; and

WHEREAS, the Owner's property is located at 500 North Federal Highway on the west side of Federal Highway, between Foresteria Drive and Evergreen Drive in the Town of Lake Park, Florida ("Site") in the Commercial C-1B Zoning District and

WHEREAS, Condition No. 11 of Resolution 12-02-04 requires the Owner, and its successors and assigns, to preserve and restore the existing horse sculptures on the Site to their original condition; and

WHEREAS, pursuant to Resolution No. 24-05-06 the Town Commission voted not to amend Condition 11 to delete the requirement of preserving the horse sculptures; and

WHEREAS, the Owner appealed the Commission decision not to amend Condition 11 as the Owner had requested; and

WHEREAS, the Owner and the Town Commission have agreed to resolve the appeal by amending Condition No. 11 ("Application") to allow an alternative sculpture thereby satisfying Condition No. 11 of Resolution 12-02-04; and

WHEREAS, the Town Commission has reviewed the Application, and the recommendations presented by the Planning and Zoning Board, at a quasi-judicial public hearing conducted on April 19, 2006; and

WHEREAS, at their April 19, 2006 hearing, the Town Commission considered the evidence

members of the public, regarding the consistency of the Application and the requested amendment to Condition No. 11, with the Town's Comprehensive Plan and whether the Application and the amendment meet the Town's Land Development Regulations, and

WHEREAS, the Town Commission has concluded that any amendment to Condition 11 of Resolution 12-02-04 must bear a direct relationship to the Site and approved Site Plan, and

WHEREAS, the Town Commission has concluded that the construction of one of the three alternatives proposed by the Owner would be an acceptable alternate to Condition No. 11 as originally adopted; and

WHEREAS, in addition, the Town Commission has concluded that an amendment to Condition No. 11 of Resolution 12-02-04, would be consistent with the terms and conditions of the original Site Plan approval granted by Resolution 12-02-04.

NOW THEREFORE, be it resolved by the Town Commission of the Town of Lake Park;

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

Section 2. The Town Commission hereby approves the Application submitted by the Owner, Jorge Sallent M.D., d/b/a the Pediatric Respiratory Center, to amend Condition No. 11 of Resolution 12-02-04.

Section 3. Condition No. 11 of Resolution 12-02-04 is hereby amended to read as follows: Owner/Applicant shall install upon the subject property a sculpture which is consistent with Owner's medical business, and which is, to the extent practicable, similar in scale to the horse sculpture. The sculpture shall be illuminated such that it is visible after dark, but such that the light does not spill over onto adjacent properties. Plans shall be submitted for review by the Community Development Director; and once approved the sculpture shall be installed within 60 days from the adoption date of this Resolution.

Section 4. This Resolution shall become effective upon adoption.

The foregoing Resolution was offered by Commissioner Carey, 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 PAUL W. CASTRO	<u>Absent</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. 46-08-06 duly passed and adopted this 2 day of August, 2006.

TOWN OF LAKE PARK, FLORIDA

BY: Ed Daly
PAUL W. CASTRO
MAYOR

ATTEST:

Vivian Mendez
Vivian Mendez
TOWN CLERK



Approved as to form and legal sufficiency:

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