

RESOLUTION NO. 14-05-03

A RESOLUTION OF THE TOWN OF COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN APPLICATION FOR A SITE PLAN SUBJECT TO CONDITIONS AND WAIVERS ON 4.47 ACRES OF LAND, OWNED BY EARL STEWART, LLC, LOCATED AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF LAKESHORE DRIVE AND JASMINE DRIVE.

WHEREAS, Earl Stewart, LLC (the owner) has consented to and authorized the filing of an application by Urban Design Studio, (the applicant) seeking to rezone the subject property from C-1, business district, to Planned Unit Development (PUD) for the property located at the Northwest quadrant of Lakeshore Drive and Jasmine Drive, (the subject property) in the town of Lake Park; and

WHEREAS, Earl Stewart, LLC (the owner) has consented to and authorized the filing of an application by Urban Design Studio, (the applicant) seeking site plan approval for the property located at the Northwest quadrant of Lakeshore Drive and Jasmine Drive, (the subject property) in the town of Lake Park; and

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

WHEREAS, the Applicant proposes to construct 19,408 square feet for automotive sales and body shop offices, 9,241 square feet for an automotive body repair shop, 27, 840 square feet for automotive service, which includes 25 service bays, an 8,566 square foot covered drop off area and an area specializing in automotive parts, 17, 107 square feet for outdoor vehicle display, and 65,124 square feet for vehicle storage; and,

WHEREAS, the Applicant has proposed several waivers of the Town Code so as to provide an innovative site design; and,

WHEREAS, the planned unit development district allows the Town Commission, at its discretion to waive certain zoning requirements and use restrictions provided that the spirit and intent of the zoning regulations are met; and,

WHEREAS, the Town Commission, upon the recommendation of the Town Planning and Zoning Commission, may by ordinance authorize the location and development of a Planned Unit Development which may

differ from the specific requirements of the Zoning Code of the Town of Lake Park, provided the PUD is in keeping with the general purpose and intent of the Town's land development regulations and Comprehensive Plan; and,

WHEREAS, the Lake Park Planning and Zoning Commission has reviewed the Applicant's site plan 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 Applicant, and other interested parties and members of the public, and has determined that the application is consistent with the Town's Comprehensive Plan and Town's Land Development Regulations provided the conditions and waivers are accepted by the applicant and commission, respectively ; and,

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

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

Section 2: The Town Commission hereby approves the site plan, including the architectural elevations submitted for 19,408 square feet for automotive sales and body shop offices, 9,241 square feet for an automotive body repair shop, 27, 840 square feet for automotive service, which includes 25 service bays, an 8,566 square foot covered drop off area and an area specializing in automotive parts, 17, 107 square feet for outdoor vehicle display, and 65,124 square feet for vehicle storage which include waivers of the following sections of the Town Code.

1. Section 32-89 Supplemental Parking Requirements (g) Commercial New and Used (1) Parking (a) Display and 32-15 C-1 (1) j Sales, Service and Rental of Motor Vehicles - Waiver to allow a 15-foot setback from the street line for display parking.
2. Section 32-146 (h) (2) - Waiver to allow an increase in the spacing of the trees to 30 feet on center along western boundary of the property, which faces US Highway 1 only.
3. Section 32-146 Minimum Landscape Requirements (c) Parking Areas (3.) Waiver to not require wheel-stops in the parking area, except for curbing along all landscape islands and buffers within the parking area or where said parking areas are adjacent to a public right of way.

4. Section 32-146 Minimum Landscape Requirements (c) Parking (5.) Multi-Level Garage: Require planters on roof for shade trees so no space more than 40 ft. from center - Waiver to not require planters on the roof. Applicant will provide enhanced landscape area along Lakeshore Drive, including park benches and decorative lighting as shown on the site plan.
5. Section 32-53 Permitted Signage (o) Freestanding Sign (5) Maximum height – 30' – Waiver to allow one 40-foot freestanding sign and one 15-foot freestanding sign on the subject site.

Section 3: The Town Commission hereby approves the Site Plan, for the subject property subject to the Applicant, its successors and assigns' compliance with the following conditions:

1. The Landscape Architect of Record shall provide the Town of Lake Park with certification that all landscaping proposed is installed according to the landscape plans prior to issuance of a Certificate of Occupancy.
2. At the time of Permit Review the applicant shall provide the Community Development Department a photometric plan and lighting schematic for review, prior to the issuance of a building permit.
3. The Applicant shall provide an enhanced landscape buffer with decorative lighting and seating along Lakeshore Drive as shown on the Site Plan.
4. In lieu of meeting the Open Space Recreational Area requirements of the Town's PUD regulations the Applicant shall provide a linear park on the east side of the subject property. The specifications and design of the linear park shall reflect the representations made by the Applicant's authorized representatives at the April 7th, 2003 Planning and Zoning Commission Hearing.
5. All electric power lines located within the boundary of the subject property shall be located or relocated under ground.
6. The applicant's operation of its Public Address (PA) System shall be subject to monitoring for one year following the adoption of this Resolution. In the event the PA is deemed by the Commission to be adverse to the surrounding residential areas, then the applicant shall eliminate outdoor speakers.

7. The vehicle display signage and the 40-foot freestanding sign associated with the applicant's site plan shall not run with the land and shall not be permitted should there be a subsequent user of the site other than Stewart Toyota.

Section 4: This Resolution shall take effect immediately upon passage.

The foregoing Resolution was offered this 21st day of May, 2003, by Commissioner Balius, who moved its approval. The motion was seconded by Commissioner Otterson, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	ABSENT	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

The Mayor thereupon declared Resolution No. 14-05-03 duly passed this 21st day of May, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: *Paul Castro*
Mayor Paul Castro

ATTEST:

Carol Simpkins
Carol Simpkins
Town Clerk

Approved as to form and legal sufficiency

Thomas J. Baird
Thomas J. Baird, Town Attorney



Exhibit "A"

WARRANTY DEED

THIS WARRANTY DEED made and executed the 6th day of October, 1980, by LAKE PARK MOTOR PLAZA, INC., a Florida corporation, and having its principal place of business at 160 Reef Road, Palm Beach, Florida 33480, hereinafter called the Grantor, to DOUGLAS E. STEWART and EARL D. STEWART, JR., as tenants in common each owning an undivided one-half interest, whose post office is 1909 South Dixie Highway, West Palm Beach, Florida - 33401, hereinafter called the Grantee:

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, 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, to-wit:

Beginning at a point where the Northerly boundary line of Lot 42 of Block 122, KILSEY CITY (now Lake Park, Florida), according to the Plat thereof recorded in Plat Book 2, Page 35, of the Public Records of Palm Beach County, Florida, intersects the present Easterly boundary line of U. S. Highway No. 1 as now established (which Easterly boundary line is fixed and established by conveyance to the State of Florida recorded in Deed Book 803, Page 158, of the Public Records of Palm Beach County, Florida); thence running South along the said Easterly boundary line of said U. S. Highway No. 1 a distance of 400 feet; thence running Easterly parallel with the Southerly boundary line of Lots 17 and 18 of said Block 122 to the Westerly right-of-way line of Lakeshore Drive; thence Northerly and Westerly following said boundary line of Lakeshore Drive to the Point of Beginning.

SUBJECT TO Dedication of Easement for Public Utilities by Bev Smith Ford, Inc. to Town of Lake Park, Florida, by instrument dated December 26, 1962, recorded in Official Records Book 1636, Page 1634, Public Records of Palm Beach County, Florida.

SUBJECT TO Easement granted by Bev Smith Ford, Inc. to Florida Power & Light Company and Southern Bell Telephone & Telegraph Company by instrument recorded in Official Records Book 861, Page 410, Public Records of Palm Beach County, Florida.

SUBJECT TO Easement granted by Bev Smith Ford, Inc. to Palm Beach County Utilities Company by instrument recorded in Official Records Book 864, Page 167, Public Records of Palm Beach County, Florida.

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

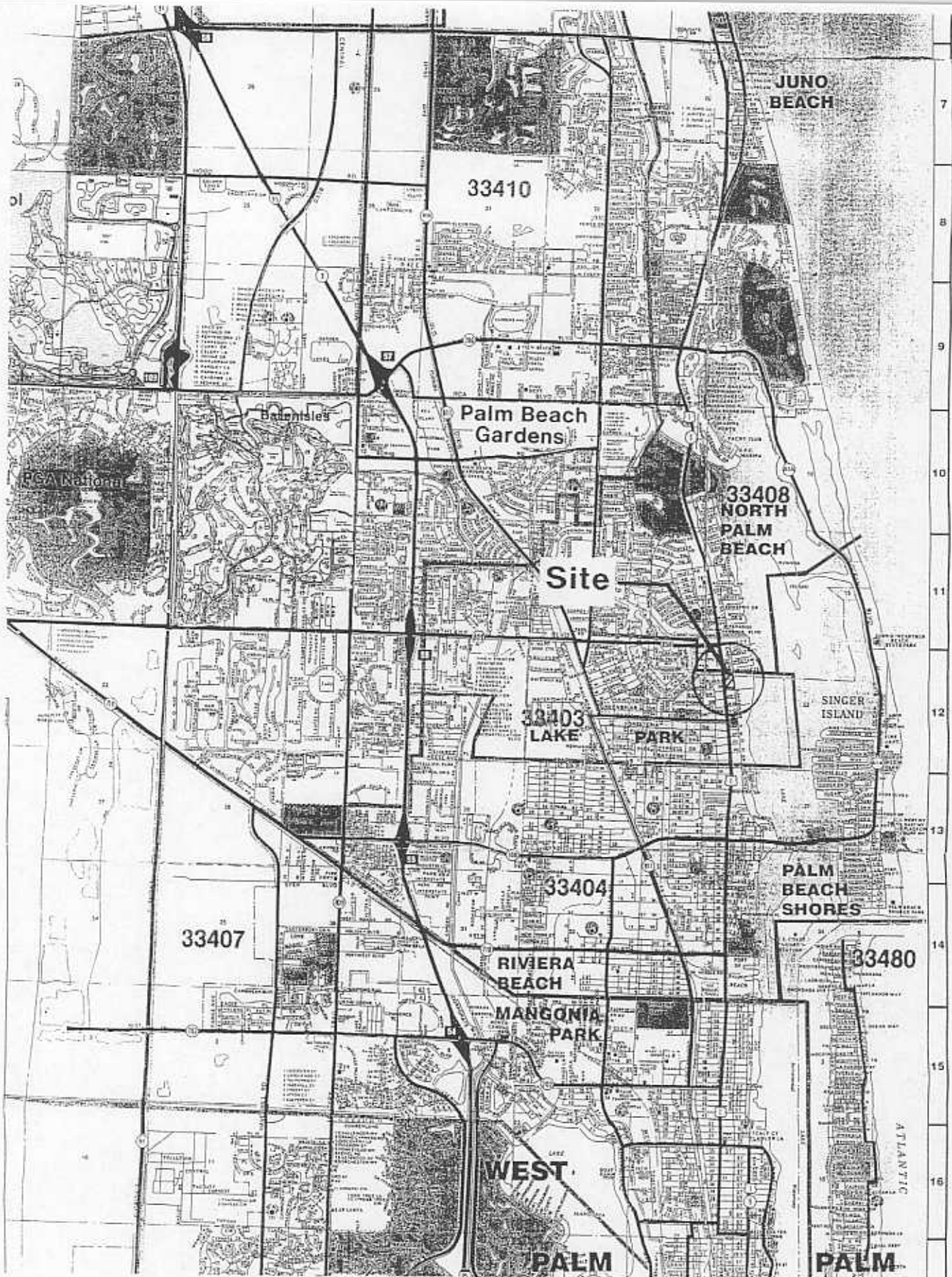
TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said

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WITNESSES
BY JOHN FERGUSON
CHAIRMAN
JANUARY 13 1981
100 NORTH BOY BLVD
SUITE 1100A
WEST PALM BEACH, FLORIDA 33411

Ed. G. STEEL MOTOR DRIVE
SUNSHINE & BIRCHINGTON
205 W. WINDY GARDEN
PALM BEACH, FLORIDA 33480



Stewart Toyota

Town of Lake Park, FL

Location Map

Exhibit "B"

TWP 42
RNG 43
SEC 21



Scale: NTS

UDS Job #: 03-002.00

Date: 02.28.03