

RESOLUTION NO. 40-10-05

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A MURPHY OIL GAS STATION AND RETAIL STORE, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON A 1.02 ACRE PARCEL OF LAND, OWNED BY "WALMART STORES EAST, LP AND LOCATED AT THE NORTHWEST CORNER OF SILVER BEACH ROAD AND CONGRESS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Murphy Oil USA, Inc. ("the Applicant"), lessee of the subject property owned by Wal-Mart Stores East LP ("the Owner") has filed an application ("Application") seeking site plan approval for a Murphy Oil Gas Station on the 1.02 acre lease parcel of the Wal*Mart Site property located at the northwest corner of Silver Beach Road and Congress Avenue, in the Town of Lake Park, Florida, ("the Subject Property); 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 Application proposes to develop a gasoline station and small retail building on a 1.02 acre site (the application); and

WHEREAS, the Town Commission on January 5, 2005 has granted a Special Exception for the operation of a Gas Station on a Wal*Mart site lease lot; 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 4.

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 Commission.

Section 2. The Town Commission hereby approves the site plan for a gasoline station and 543 square foot retail building, subject to the conditions contained in Section 4.

Section 3. The Town Commission hereby approves the site plan including, but not limited to the architectural elevations submitted for the canopy and building.

Section 4. The Town Commission hereby approves a site plan for the subject property subject to the following conditions:

- 1) The landscape architect of record shall provide the Town of Lake Park with certification that all landscaping proposed has been installed according to the landscape plans prior to issuance of a Certificate of Occupancy.
- 2) Within 90 days of the effective date of this Resolution, the applicant shall submit revised development plans to include the items listed as conditions. Said development plans shall be approved administratively by staff as long as: (1) all conditions are included on the development plans to the satisfaction of the Community Development Director, and (2) any exterior building modification(s) is architecturally consistent with the approved buildings. Should any of the aforesaid not be adequately satisfied, the revised development plans shall be reviewed and approved by the Town Commission by way of an amendment to the site plan. No building or land clearing permits shall be issued until revised plans have been approved.
- 3) Said Development shall be constructed in compliance with the following plans on file with the Town's Community Development Department:

Sheets C-1, C-2, C-3, C-4, C-5, C-6, C-7, C-7A, C-8, C-9, C-10, C-11;
Site Plan and Detail Plan, prepared by Kimley-Horn and Associates, Inc.,
Architectural Package prepared by Boice, Raidl, & Rhea last revised on
September 29, 2005, and received and stamped by the Town on October 4,
2005.

Sheets YD6 and YD6B: Site Lighting Photometric Plan Prepared by JGD Associates, Inc., last revised on September 29, 2005, and received and stamped by the Town on October 4, 2005.

- 4) Within 90 days of the effective date of this Resolution the Owner shall submit a revised development plan of the Wal*Mart site showing the location and details, including lighting, of a 'Welcome to Lake Park' sign and the relocation of the dumpster.
- 5) Applicant shall install all improvements consistent with the site plan and architectural elevations stamped by the Town of Lake Park on October 4, 2005.
- 6) 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.

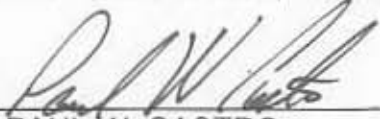
Section 5. This Resolution shall become effective upon adoption.

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	<u>Abstain from vote</u>	_____
VICE-MAYOR PAUL GARRETSON	<u>Absent</u>	_____
COMMISSIONER G. CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____

The Mayor thereupon declared the foregoing Resolution No. 40-10-05 duly passed and adopted this 19 day of October 2005.

TOWN OF LAKE PARK, FLORIDA

BY: 
PAUL W. CASTRO
MAYOR

ATTEST:


Stephanie Thomas

Town Clerk

TOWN OF LAKE PARK
FLORIDA
SEAL

FLORIDA

Approved as to form and legal sufficiency:

By: 
THOMAS J. BAIRD,
TOWN ATTORNEY

RECEIVED
 FEB 07 2005
 BY: _____



THE TOWN OF LAKE PARK

APPLICATION FOR SITE PLAN REVIEW

Project Name: Murphy Oil Gas Station

Property Address: NW Corner of Silver Beach Road and Congress Avenue

Owner: D.C. Land Trust Address: 4500 PGA Boulevard, Suite 207 Palm Beach Gardens, FL 33148

Agent's Address: 601 21st Street, Suite 400 Vero Beach, FL 32960

Applicant (if not owner): Kimley-Horn and Associates, Inc. Attn: Stephanie Kassoy Phone: (772) 562-7981

Fax: (772) 562-9689 Cell Phone: (781) 367-7502 E-Mail: Stephanie.Kassey@Kimley-Horn.com

Property Control Number (PNC): 36-43-42-19-01-00-000-0081

Site Information:

General Location: NW Corner of Silver Beach Road and Congress Avenue

Address: On a Wal-Mart Lease Lot

Zoning District: C-2 Future Land Use: Commercial Acreage: 1.02 Acre

Adjacent Property:

Direction	Zoning	Business Name	Use
North	C-2	Wal-Mart	Proposed Parking Lot
East	CLIC-1	Congress Avenue Properties	Vacant
South	A	Thousand Oaks Sub-Division	Residential Development Under Construction
West	C-2	Wal-Mart	Proposed Retail Store & Parking Lot

Justification:

Information concerning all requests (attach additional sheets if needed.)

1. Explain the nature of the request: Site plan for the proposed Murphy Oil Gas Station

2. What will be the impact of the proposed change on the surrounding area?

The Murphy Oil will provide services to residential developments
in the area and to the people already making trips by the site
and to the Wal-Mart retail center.

3. How does the proposed project comply with Town of Lake Park's zoning requirements?

A gas station is a special exception in this zoning district.

The gas station has been approved by the Lake Park Town Commission
on January 5, 2005, in Resolution No. 60-01-05, for the 37.61 Acre
Parcel of land owned by the D.C. Land Trust

Legal Description:

The subject property is located approximately 0 mile(s) from the intersection of
Silver Beach Road, on the x north, east, south, x
west side of Congress Avenue (street/road).

Legal Description: See attached

I hereby certify that I am (we are) owner(s) of record of the above described property or that I (we) have written permission from the owner(s) of record to request this action.


Signature of Owner/Applicant

11/17/05
Date

Consent Form from Owner and Designation of Authorized Agent:

Before me, the undersigned authority, personally appeared Phillip Braudt who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Site Plan Review in the Town of Lark Park, Florida.
3. That he/she has appointed Kimley-Horn and Associates, Inc. to act as authorized on his/her behalf to accomplish the above project.

Name of Owner: DC Land Trust

Debbie Powell
Signature of Owner

Phillip Braudt, Trustee Agent
By: Name/Title

4500 PGA Blvd
Street Address

Palm Beach Gardens, FL 33418
City, State, Zip code

P.O. Box

City, State, Zip code

561-691-9050
Telephone Number

561-622-1357
Fax Number

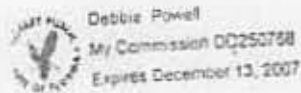
Email Address

Sworn and subscribed before me this 17th day of January, 2005.

Debbie Powell
Notary Public

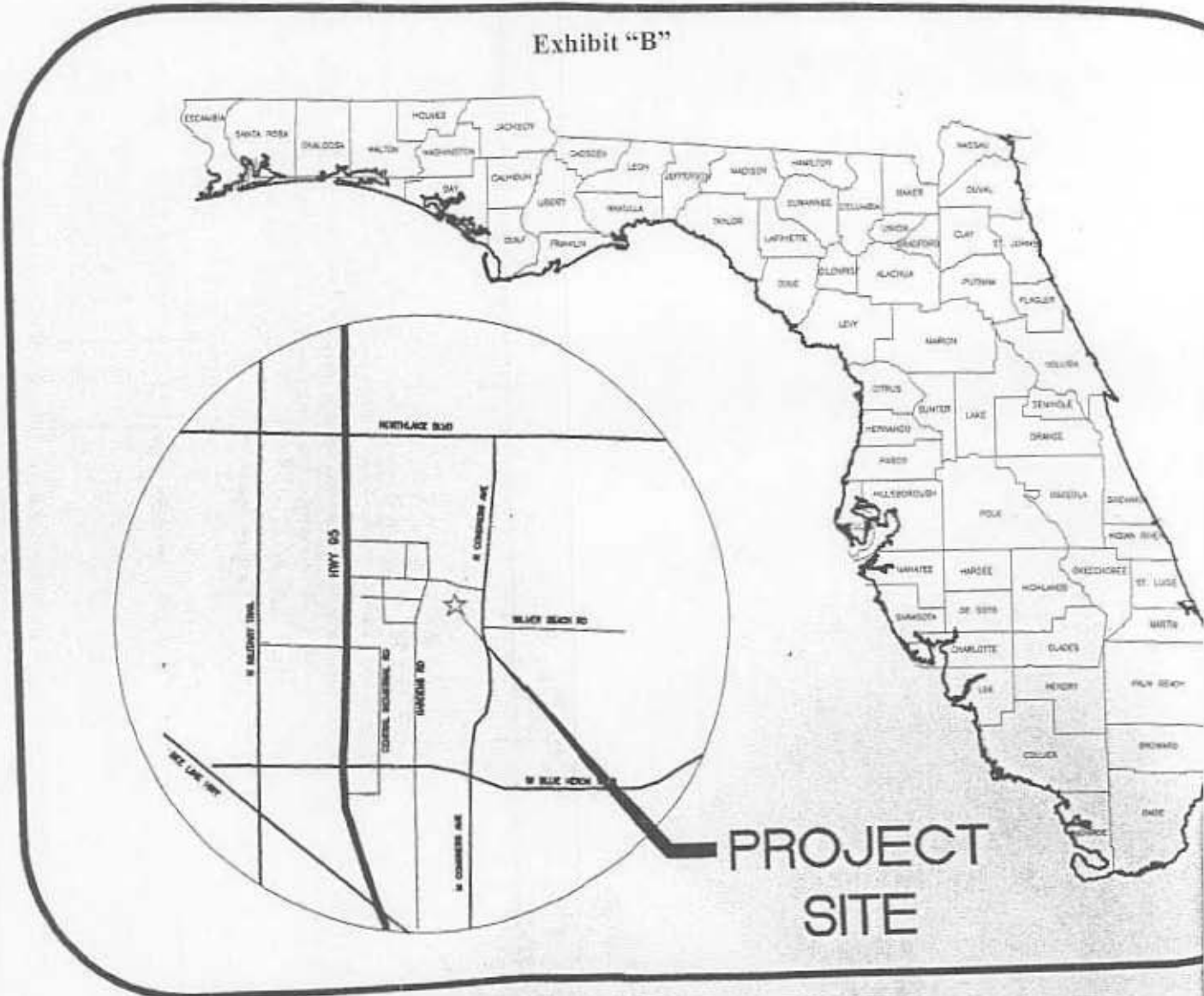
My Commission expires:

12-13-07



CONGRESS AVE. (WAL)

Exhibit "B"



Vicinity Map

NOT TO SCALE

PLAN INDEX:

- | | |
|---|--|
| <ul style="list-style-type: none"> YD-2 NEC CLASSIFIED AREAS YD-3 GENERIC UTILITY PLAN YD-4 GENERIC PAVEMENT PLAN YD-4B PAVEMENT PLAN SPECIFICATIONS STANDARD YARD & DRIVE DETAILS | <ul style="list-style-type: none"> FT-1 PRODUCT PIPING & CONDUIT PLAN (RIGHT FT-2 TANK INSTALLATION & RISER DETAILS FT-3 TANK SUMPS FT-4 TANK VENTING, GROUNDING & OBSERVATION WELL DETAILS |
|---|--|