

RESOLUTION No. 59-10-2006

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AMENDING RESOLUTION 34-09-05, TO AMEND A CONDITION OF THE DEVELOPMENT ORDER WHICH REQUIRED THAT THE OWNER INITIATE DEVELOPMENT WITHIN ONE YEAR OF THE APPROVAL OF THE PROJECT KNOWN AS "VILLA LIANA" LOCATED ON LOTS 17 TO 28 OF BLOCK 47, ON THE EAST SIDE OF 10TH STREET, SOUTH OF PARK AVENUE AND APPROXIMATELY 211 FEET SOUTH OF EVERGREEN DRIVE, IN THE TOWN OF LAKE PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission, as the governing body of the Town of Lake Park, Florida, adopted Resolution 34-09-05 approving a site plan with conditions for Villa Liana; and

WHEREAS, 10th Avenue, LLC, ("Owner") is the owner of real property, located on the east side of 10th Street, Lake Park, Florida, also described as Lots 17 to 28, Block 47, more particularly described in **Exhibit "A"** ("subject property") attached hereto and incorporated by reference; and

WHEREAS, on October 19, 2005, the Town Commission approved a site plan for Villa Liana pursuant to Resolution 34-09-05 ; and

WHEREAS, the Owner has submitted an Application ("Application") to the Town to extend the previously approved Site Plan for a project consisting of twelve (12) residential units to be known as "Villa Liana"; and

WHEREAS, the subject property is zoned, R-2 Multi-family Residential; and

WHEREAS, The Town Commission has considered the evidence presented by staff, Owner, and members of the public, regarding the Extension 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 there were conditions beyond the Owner's control which warrant an extension of the original date to initiate development; and

WHEREAS, as a condition of the Town Commission's extension of the date by which development shall be initiated, the Owner, its successors and assigns shall be subject to the additional conditions contained in Section 2 herein below; and

WHEREAS, all conditions previously imposed shall remain in full force.

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 as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves a six month extension authorizing the subject property, to be developed as a 14,276 square foot, twelve unit (12) residential multi-family condominium building (the Project) including, but not limited to the architectural elevations for the building, subject to the following conditions:

1. Within 60 days of the effective date of this Resolution, the Owner shall submit revised or requested materials to include the items listed below. Said submittals shall be approved administratively by staff as long as: (1) all items listed below 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. If the Applicant/Owner fails to submit such materials in said 60 day time period, this approval shall become null and void
2. Upon approval of the extension of the Site Plan approval by the Town Commission, the Applicant/Owner shall have six (6) months to secure a building permit from the Town's Community Development Department. If the Owner fails to secure a building permit in said six (6) month time period, this approval shall become null and void.
3. Prior to the issuance of the first building permit, the Owner shall comply with all required conditions as enumerated in Resolution 34-09-06 and shall be subject to Staff's approval.
4. The Owner shall provide a 6 foot concrete/masonry wall at the rear of the subject property.
5. The Owner shall submit for review and approval by the Town, covenants establishing a condominium owners association. Such covenants shall at a minimum provide for the upkeep, operation, and maintenance of the property.

Section 3: The Owner shall initiate development on or before April 19, 2007. This shall be the final extension. The Applicant/Owner shall not be eligible to apply for any additional extensions.


Section 4: 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>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. 59-10-06 duly passed and adopted this 4 day of October, 2006.

TOWN OF LAKE PARK, FLORIDA

BY: 
PAUL W. CASTRO
MAYOR

ATTEST:


Vivian Mendez
TOWN CLERK



Approved as to form and legal sufficiency:


BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

EXHIBIT A
Legal Description of Subject Property

Lots 17-28 of Block 47, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, Page 34, Public Records of Palm Beach County, Florida.

Together with:

Lot 23, Block 47, Kelsey City, now known as Lake Park, according to the map of plat thereof as recorded in Plat Book 8, page 34, Public Records of Palm Beach County, Florida, for Detention Area