

**RESOLUTION NO. 95-12-07**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING THE APPLICATION OF WESTPOINT INDUSTRIES, INC., FOR A SPECIAL EXCEPTION FOR A 8,325 SQUARE FOOT MACHINERY, SALES AND MANUFACTURING USE, LOCATED IN UNITS 101, 105, 108, AND 109 AT 1300 OLD DIXIE HIGHWAY IN THE C-4 COMMERCIAL ZONING DISTRICT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Old Dixie Associates, Inc., is the owner (the "Owner") of a 0.191± acre parcel of real property located in the C-4 business zoning district in the Town of Lake Park, Florida (the "Town"), the legal description of which is attached hereto and incorporated herein as **Exhibit "A"** (the "subject property" or the "Site"); and

**WHEREAS**, Westpoint Industries, Inc., is a tenant of the subject property and currently occupies Units 101, 105, 108 and 109; and

**WHEREAS**, Westpoint Industries, Inc., (the "Applicant") has submitted an application (the "Application") for the approval of 8,325 square foot machinery, sales, and manufacturing facility as a special exception use located in Units 101, 105, 108, and 109 on the subject property (the "Application"); and

**WHEREAS**, Town Code Section 78-74 allows for "machinery, sales and manufacturing" as a special exception use in the C-4 zoning district; and

**WHEREAS**, on December 3, 2007 the Town's Planning and Zoning Board (the "Board") reviewed and considered the Application, and the Board has provided its recommendation of approval of the Application to the Town Commission; and

**WHEREAS**, the Application and the Board's recommendation have been forwarded to the Town Commission for final consideration at a quasi-judicial hearing; and

**WHEREAS**, the Town Commission conducted a quasi-judicial hearing on December 19, 2007 to consider the Application; and

**WHEREAS**, at this hearing the Town Council considered the evidence presented by the Town Staff, the Owner, the Applicant, and other interested parties and members of the public as to the Application's consistency with the Town's Comprehensive Plan, and whether it meets the Town's Land Development Regulations; and

**WHEREAS**, at this hearing, the Town Council considered the evidence presented by the

Town Staff, the Owner, the Applicant, and other interested parties and members of the public regarding whether the Application meets the special exception criteria of Section 78-184 of the Town Code; and

**WHEREAS**, the Town Commission has heard this matter in public session, and has considered the presentation of sworn testimony by the Applicant, the Owner, Town staff and other witnesses, has received other evidence presented by the Applicant, the Owner, and interested members of the public, has received and considered the recommendations of the Town staff and the Town's Planning and Zoning Board, and has otherwise been fully informed regarding this matter.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:**

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

**Section 2.** The Town Commission having determined that the Application for a Special Exception for a 8,325 square foot machinery, sales, and manufacturing facility in Units 101, 105, 108 and 109 at 1300 Old Dixie Highway meets the special exception criteria of Section 78-184 of the Town Code, and the same having been heard at a quasi-judicial hearing on December 19, 2007, and after being otherwise fully apprised of the premises herein, the Town Commission hereby approves the Special Exception. The special exception use granted hereby may not be expanded without obtaining an additional special exception approval.

**Section 3.** This Resolution shall take effect immediately upon adoption.


**Exhibit "A" - Legal Description**

The foregoing Resolution was offered by Commissioner Balius, 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>X</u>	___
VICE-MAYOR ED DALY	<u>Absent</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. 95-12-07 duly passed and adopted this 19 day of December, 2007.

TOWN OF LAKE PARK, FLORIDA

BY:   
PAUL W. CASTRO  
MAYOR

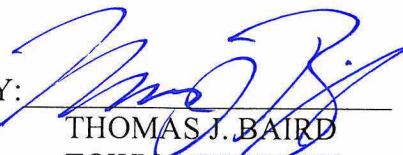
ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK



FLORIDA

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

LEGAL DESCRIPTION for 1300 Old Dixie Highway, Lake Park, Florida 33409

Lot 99, LESS the Westerly 3.61 feet thereof, Lots 100,101, and 102, NORTHLAKE BUSINESS PARK; according to the Plat thereof, as recorded in Plat Book 30, Page 93, of the Public Records of PALM BEACH County, Florida.