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**RESOLUTION NO. 04-01-09**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING AN AMENDMENT TO AN EXISTING SITE PLAN FOR A FAST FOOD RESTAURANT KNOW AS CHICK-FIL-A WHICH WAS PREVIOUSLY APPROVED PURSUANT TO RESOLUTION NO. 44-08-06, TO ALLOW FOR THE CONSTRUCTION OF A 68.4 SQUARE FOOT (10'-3" X 6'-8") ENCLOSED INDOOR STORAGE ROOM AS AN ADDITION TO THE EAST SIDE OF THE EXISTING BUILDING, TOGETHER WITH GATED SCREENED FENCING ADJACENT TO THE EXISTING DUMPSTER ENCLOSURE, ON A 0.555± ACRE PARCEL OF REAL PROPERTY OWNED BY SC LAKE PARK ASSOCIATES, LLLP, AND LOCATED AT 1220 NORTHLAKE BOULEVARD IN THE C-1/NBOZ ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, SC Lake Park Associates, LLLP, a Florida limited liability partnership is the fee simple owner (the "Owner") of a 0.555± acre parcel of real property, the legal description of which is attached hereto, and incorporated herein as **Exhibit "A"** (the "subject property"); and

**WHEREAS**, the subject property is located at 1220 Northlake Boulevard in the C-1/NBOZ Zoning District in the Town of Lake Park, Florida ("Town"); and

**WHEREAS**, Corporate Property Services, Inc., as the authorized agent for the Owner (the "Applicant"), has submitted an application to the Town requesting approval of an amendment to the original site plan ("Site Plan") for the subject property which authorized a retail strip shopping center use with a (Chick-Fil-A) fast food establishment, subject to conditions of approval as set forth in Resolution No. 44-08-06; and

**WHEREAS**, pursuant to their application the Owner and the Applicant propose to amend the Site Plan to authorize the construction a 10'-3" x 6'-8"

1 addition, consisting of a 68.4 square foot (“SF”) indoor storage room on the east  
2 side of the subject property as an accessory use to the fast food restaurant,  
3 together with gated, screened fencing adjacent to the existing dumpster  
4 enclosure to be located along the east building wall and connecting with a  
5 sidewalk adjacent to the building (the Application); and

6 **WHEREAS**, Town Staff and the Town of Lake Park’s Planning and Zoning  
7 Board have reviewed the Application, and have presented their respective  
8 recommendations to the Town Commission; and

9 **WHEREAS**, the Town Commission conducted a quasi-judicial public  
10 hearing to consider the Application, and has evaluated the evidence presented  
11 by Town Staff, the Applicant, the Owner, and other interested parties and  
12 members of the public, as to whether the Application is consistent with the  
13 Town’s Comprehensive Plan; and

14 **WHEREAS**, in addition, the Town Commission also considered the  
15 evidence presented by Town Staff, the Applicant, the Owner, and other  
16 interested parties and members of the public, as to whether the Application  
17 complies with the Town’s Land Development Regulations; and

18 **WHEREAS**, the Town Commission has determined that the conditions  
19 incorporated herein, are necessary in order for the Application to be consistent  
20 with the Town’s Comprehensive Plan and to comply with the Town’s Land  
21 Development Regulations; and

22 **WHEREAS**, the conditions as set forth below shall be binding on, and  
23 apply to the Owner, and its successors and/or assigns.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION**  
25 **OF THE TOWN OF LAKE PARK:**

26 **Section 1.** The whereas clauses are incorporated herein as the findings  
27 of fact and conclusions of law of the Town Commission.

28 **Section 2.** The Town Commission hereby approves an amendment to the  
29 Site Plan for the subject property, to authorize the construction a 10’-3” x 6-8”  
30 addition, consisting of a 68.4 square foot (“SF”) indoor storage room on the east  
31 side of the existing fast food restaurant as an accessory use to the fast food

1 restaurant, together with gated, screened fencing adjacent to the existing  
2 dumpster enclosure to be located along the east building wall and connecting  
3 with a sidewalk adjacent to the building on the subject property, subject to the  
4 following conditions:

5 1) The Owner shall install all improvements on the subject property in  
6 compliance with the original approved architectural and building elevations and  
7 floor plans, engineering plans, irrigations plans, statement of use, traffic study on  
8 file with the Town's Community Development Department, and which shall also  
9 include the following Site Plan, Survey, and Architectural Elevations and  
10 Drawings ("Development Plans"):

11 Any enclosure within the subject site shall be constructed in compliance  
12 with the following plans on file with the Town's Community Development  
13 Department or authorized revisions as noted below:

14 a) Survey, Site Plan, and Architectural Elevations referenced as  
15 sheets 07-036, ASI, and SK-I, respectively, dated 01-07-08, 11-24-  
16 08 and 11-24-08, respectively, prepared by Jupiter Surveying, Inc.  
17 who is the Surveyor of record for the Project; and Interplan LLC,  
18 who is the Architect of record for the Project, received and dated by  
19 the Department of Community Development on 01-13-09.

20 2) Any revisions to the Development Plans, Landscape Plans, Elevations,  
21 Signage, Statement of Use, or other details submitted as part of the  
22 Application, including but not limited to, the location of the proposed  
23 improvements, and/or additional, revised, or deleted colors, materials, or  
24 structures, shall be subject to the Department's review and final approval,  
25 unless the Town Code requires Town Commission approval.

26 3) Any condition which requires the re-submittal of final Development Plans  
27 shall be subject to the Department's review and approval, unless the Town  
28 Code requires Town Commission approval.

29 4) Upon submittal of final Development Plans and prior to the issuance of  
30 any development permits, the Owner shall:

- 1 (a) Revise the Development Plans to provide for the re-  
2 location of the hedging and palm tree, which are  
3 currently located in the area where the proposed  
4 addition is to be constructed, to another suitable  
5 location on the subject property, and to also include a  
6 landscape island in the area in front of exterior wall  
7 between the door and the gate. (The fire lanes and  
8 customer parking areas shall be kept open and  
9 available for their respective purposes at all times.  
10 The approved external lighting for the subject property  
11 has not changed and remains the same as approved  
12 pursuant to Resolution 44-08-06.) The Owner and/or  
13 Applicant shall obtain from the Town all required  
14 building permits, final passing inspections, and shall  
15 submit all necessary Development Plan revision  
16 sheets, together with all final as-built plans and  
17 drawings, which reflect the Site Plan amendments to  
18 the Department before a Certificate of Occupancy for  
19 the storage room addition shall be issued by the  
20 Town.
- 21 5) Prior to the close-out of the building permit for the enclosure, the Applicant  
22 shall provide certification from the Architect of record that the plant  
23 installations on Site are in accordance with the plans approved by the  
24 Town Commission.
- 25 6) All approved landscaping, including but not limited to any *additional*  
26 landscaping located (or to be located) on the exterior wall between the  
27 door and the gate, shall be properly maintained. Plant height at the time of  
28 plant installation is 24" for the hedges and 8' for all palm trees. The plant  
29 maintenance height for all hedging is 36". The Owner shall provide a  
30 minimum three month replacement warranty for all new landscape  
31 material, with the warranty to commence after a passing final inspection

1 based on the building permit and on the date of the issuance of the  
2 Certificate of Occupancy. The Owner is responsible for replacing any and  
3 all dead or dying landscape material on the subject property and otherwise  
4 comply with the requirements of the Town Code pertaining to landscaping  
5 and property maintenance, failing which the Owner and/or any tenant(s) of  
6 the subject property shall be subject to code enforcement action by the  
7 Town to ensure compliance with these conditions and the requirements of  
8 the Town Code.

9 7) Construction shall be permitted only between the hours of 7:00 a.m. and  
10 7:00 p.m., Monday through Saturday only, unless otherwise approved in  
11 writing by the Community Development Director.

12 8) Any disruption beyond the boundaries of the subject property shall require  
13 the construction contractor(s) to employ commonly accepted practices that  
14 ensure the safety and well being of the general public, and must receive  
15 the prior written approval of the Community Development Director.

16 9) The Owner shall ensure that any and all contractor(s) and their agents and  
17 employees working on the subject property use commonly accepted  
18 practices to reduce airborne dust and particulates during all construction  
19 phases.

20 10) Prior to the issuance of any building permit, the Owner and/or Applicant  
21 shall provide the Department with copies of all other required and  
22 unexpired permits, if applicable, from other permitting entities, including  
23 but not limited to, the Palm Beach County Health Department, Palm  
24 Beach County (Land Development Division), the South Florida Water  
25 Management District, and the State of Florida Department of  
26 Environmental Protection. Effective January 1, 2009, the updated Florida  
27 Fire Prevention Code adopted by Palm Beach County shall apply to all  
28 building permits that are issued by the Town.

29 11) Within 90 days of the effective date of this Resolution, the Applicant and/or  
30 Owner shall submit revised Development Plans (which shall include all of  
31 the revised conditions of this Site Plan amendment approval) to the

1 Department. The revised Development Plans may be approved  
2 administratively by the Department provided that: (1) all conditions are  
3 included on the Development Plans meet the approval of the Community  
4 Development Director, and (2) any exterior modification(s) are  
5 architecturally and otherwise consistent with the approved Development  
6 Plans. Should any of the aforesaid conditions not be adequately satisfied,  
7 the revised Development Plans shall be submitted as a proposed  
8 amendment to the Site Plan to the Town Commission for its review. No  
9 building or development permit of any kind, including but not limited to,  
10 excavation, demolition, or land clearing permits, shall be issued by the  
11 Town for the subject property unless and until the revised Development  
12 Plans have been received and approved by the Town.

13 12) The Owner or the Owner's authorized agent shall initiate the bona fide  
14 and continuous development of the construction authorized by this Site  
15 Plan amendment on the subject property within 18 months from the  
16 effective date of this Resolution. All required development shall be  
17 completed within 18 from the effective date of the initiation of development  
18 as defined in the Town of Lake Park Code, Section 67-42 (*Expiration of*  
19 *development approvals*), unless an extension of time is granted in  
20 accordance with the requirements of Code Section 67-42.

21 13) All fees and costs incurred by the Town in reviewing this request for a Site  
22 Plan amendment, which are billed to the Owner and/or Applicant, shall be  
23 paid in full to the Town within 10 calendar days of receipt of an invoice  
24 from the Town. The failure of the Owner to fully reimburse the Town  
25 within 10 calendar days may result in the revocation by the Town, of all  
26 previously issued development orders for the Project, including but not  
27 limited to the Site Plan amendment, and any building permits issued by  
28 the Town, until the Town is fully reimbursed.

29 **Section 3.** This Resolution shall take effect upon adoption.  
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The foregoing Resolution was offered by Vice-Mayor Daly, 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 DESCA DUBOIS	<u>✓</u>	___
VICE-MAYOR ED DALY	<u>✓</u>	___
COMMISSIONER CHUCK BALIUS	<u>✓</u>	___
COMMISSIONER JEFF CAREY	<u>✓</u>	___
COMMISSIONER PATRICIA OSTERMAN	<u>✓</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 04-01-09 duly passed and adopted this 21 day of January, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois  
DESCA DUBOIS  
MAYOR

ATTEST:

Vivian M. Lemley  
VIVIAN M. LEMLEY

TOWN CLERK  
TOWN SEAL  
FLORIDA

Approved as to form and legal sufficiency:

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

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Exhibit "A" - Legal Description of the subject property.

**LEGAL DESCRIPTION:**

***A PORTION OF THE NORTHWEST 1/4 OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;***

***COMMENCE AT THE NORTHWEST CORNER OF SAID NORTHWEST 1/4; THENCE SOUTH 01°19'35" WEST ALONG THE WEST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 60.00 FEET; THENCE SOUTH 88°29'40" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE PARK ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 2290, PAGE 1011 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID RIGHT-OF-WAY LINE BEING 60.00 FEET SOUTH OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 20 A DISTANCE OF 322.76 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°29'40" EAST ALONG THE LAST DESCRIBED COURSE A DISTANCE OF 159.00 FEET; THENCE SOUTH 01°30'0" WEST A DISTANCE OF 152.00 FEET; THENCE NORTH 88°29'0" WEST A DISTANCE OF 159.00 FEET; THENCE NORTH 01°30'20" EAST A DISTANCE OF 152.00 FEET TO THE POINT OF BEGINNING.***

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