

RESOLUTION NO. 44-11-15

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND A SPECIAL EXCEPTION USE AUTHORIZING VEHICLE SALES AND RENTAL OF JETSKIS FOR A BUSINESS TO BE LOCATED AT 131 NORTH FEDERAL HIGHWAY; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Joe Brackney is the authorized agent and Applicant (Applicant) for Leasing of South Florida, Inc., the owner (Owner) of the property at 131 North Federal Highway (Subject Property) in the Town of Lake Park, Florida (Town); and

WHEREAS, the Applicant has submitted an application seeking the approval of a site plan and a special exception use of "Vehicle Sales and Rental", with repair of Jet Skis, upon the Subject Property (the Application); and

WHEREAS, the Subject Property is within the C-1 Business District; and

WHEREAS, a "Vehicle Sales and Rentals" is a special exception use within the Town of Lake Park's (Town) C-1 Business District; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the Application and has made its recommendation to the Town Commission; and

WHEREAS, the Town Commission has conducted a quasi-judicial public hearing to consider the Application; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town staff, the Applicant, and members of the public, regarding the Application's consistency with the Town's Comprehensive Plan; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town staff, the Applicant and members of the public regarding whether the Application meets the special exception criteria set forth in Section 78-184 of the Town's Land Development Regulations; and

WHEREAS, at this hearing the Town Commission determined that certain conditions are necessary in order for the Application to be consistent with the Town's Comprehensive Plan, and to meet the special exception criteria of Section 78-184 of the Town Code; and

WHEREAS, the Applicant, the Owner, and their successors and assigns shall be subject to the conditions contained in Section 2 of this Resolution.

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

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

Section 2. The Town Commission hereby approves a Site Plan and the Special Exception use of Vehicle Sales and Rental on the Subject Property, subject to the following conditions:

1. Prior to the issuance of a Business Tax Receipt (BTR) for Vehicle Sales and Rental with repair on the Subject Property, the Owner shall improve the Subject Property as shown on Site Plan SP-1 prepared by Joe Brackney, and received by the Community Development Department on July 8, 2015.
2. The Owner shall submit a proposed agreement for a cross/joint access easement with the owner of the property located at 139 North Federal Highway. The cross access easement agreement shall be subject to the review and approval of the Town Attorney, and prior to issuance of a BTR for the Vehicle Sales and Rental business upon the Subject Property.
3. The Owner shall remove the non-conforming pole sign.
4. If the Owner or Applicant is requesting a sign on the wall located on the Subject Property, an application for a sign permit that conforms to the Town's signage requirements shall be submitted. The application shall be subject to the review and approval of the Community Development Department.
5. The testing or operation of Jet Ski engines on the Subject Property is prohibited, except for as provided in condition #7.
6. The garage bay doors on the Subject Property shall remain closed, except when Jet Skis are being moved between the Subject Property's rear yard and the garage.
7. The outdoor testing of Jet Skis shall be limited in accordance with the following:
 - a. The Jet Skis are to be tested by turning the engine on and off to ensure that it is running properly.
 - b. Any testing other than the above shall be done only after the Jet Ski is transported to a body of water where test runs can occur.
 - c. The testing of Jet Skis shall be limited to the hours of 9am to 5pm, Monday through Saturday.


Section 3: This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner O'Rourke who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and upon being put to a roll call vote, the vote was as follows:

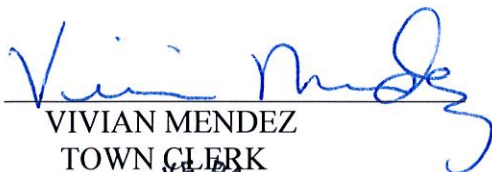
	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	___
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	___
COMMISSIONER ERIN FLAHERTY	<u>/</u>	___
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	___
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 44-11-15 duly passed and adopted this 4 day of November, 2015.

TOWN OF LAKE PARK, FLORIDA


BY: 
JAMES DUBOIS
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY