

**RESOLUTION NO. \_\_\_-08-15**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTIONS 20-05-10, 40-11-11, 09-06-12, 41-10-13 AND 03-01-15 TO EXTEND A PERMIT TO AUTHORIZE COMMERCIAL INVESTMENTS, LLC DOING BUSINESS AS EARL STEWART TOYOTA TO CONTINUE THE TEMPORARY USE OF A LOT IT OWNS FOR THE STORAGE OF ITS VEHICLE INVENTORY WHICH INCLUDES AN OFFICE TRAILER UPON THE PROPERTY FOR USE AS A VEHICLE SALES OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Commercial Investments, LLC, d/b/a Earl Stewart Toyota (Applicant) acquired the properties formerly known as the Journey's Inn hotel and the El Colonial restaurant; and

**WHEREAS**, in May of 2010, the Applicant requested permission from the Commission to demolish the buildings on the property and to use it for the temporary storage of vehicles and the placement of a *temporary* sales trailer; and

**WHEREAS**, pursuant to Resolutions 20-05-10, 40-11-11, 09-06-12, 41-10-13 and 03-01-15 (jointly and severally these Resolutions shall be referred to as a *temporary* Development Order), the Town Commission approved a demolition permit authorizing the Applicant to permanently demolish the Journey's Inn hotel and El Colonial restaurant buildings and authorized the Applicant to use its property for the temporary storage of its vehicles and to temporarily place a trailer upon it to be used as a vehicle sales office for a *temporary* period of time; and

**WHEREAS**, the legal description of the Applicant's property which is the subject of the temporary Development Order is: KELSEY CITY LTS 1 TO 11 INC /LESS W 20 FT RD R/W/ & LTS 12 TO 22 INC BLK 121. PCN 36-43-42-20-01-121-0010 (the subject property); and

**WHEREAS**, in accordance with the temporary Development Order, the Applicant has filled the subject property with crushed asphalt and has graded it; and

**WHEREAS**, in accordance with the temporary Development Order, the Town Commission authorized the Applicant to temporarily use the subject property for the storage of vehicles; and

**WHEREAS**, pursuant to Resolution 20-05-10 the Applicant was required to plant 18 perimeter trees around the subject property; and

**WHEREAS**, the Applicant has complied with this condition of the temporary Development Order; and

**WHEREAS**, Resolution 20-05-10 established an expiration date of April 30, 2012 for the use of the subject property for temporary vehicular storage; and

**WHEREAS**, Resolution 40-11-11 authorized the Applicant to place a trailer on the subject property for use as a temporary used vehicle sales office; and

**WHEREAS**, Resolution 40-11-11 established an expiration date of April 30, 2012 for the continued use of the subject property for the storage of vehicles and the maintenance of a trailer for use as a used vehicle sales office; and

**WHEREAS**, the Applicant did not submit an application for a site plan on or before the expiration date as required by Resolution 40-11-11; and

**WHEREAS**, pursuant to Resolution 09-06-12 the Applicant requested and the Commission approved an extension of the use of the subject property for the temporary storage of the Applicant's vehicle inventory and to maintain its trailer on the subject property for its temporary use as a used vehicle sales office; and

**WHEREAS**, Resolution 09-06-12 established an expiration date of October 1, 2013 for the continued use of the subject property for the storage of vehicles and the maintenance of a trailer as a used vehicle sales office; and

**WHEREAS**, pursuant to Resolution 41-10-13 the Applicant requested and the Commission approved an extension of the use of the subject property for the temporary storage of the Applicant's vehicle inventory and to maintain its trailer on the subject property for its temporary use as a used vehicle sales office; and

**WHEREAS**, Resolution 41-10-13 established an expiration date of 30 days from December 31, 2014 if a completed site plan application was submitted by March 31, 2014, for the continued use of the subject property for the storage of vehicles and the maintenance of a trailer as a used vehicle sales office; and

**WHEREAS**, the Applicant did submit a completed site plan application by March 31, 2014 thereby setting the expiration date to end of day January 30, 2015; and

**WHEREAS**, the Applicant was granted another extension of time to receive site plan approval by January 31, 2016 through Resolution 03-01-15 which also required a surety cash deposit of \$30,000; and

**WHEREAS**, the Applicant is requesting another extension to June 30, 2016 for the temporary storage of vehicles and the maintenance of a trailer as a used vehicle sales office to June 30, 2016.

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

**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 hereby amends the temporary Development Order to authorize the continued temporary use of the subject property for the storage of vehicles and the use of a trailer as a used car sales office.

**Section 3.** The continued temporary use of the subject property is subject to the following conditions:

- A. Permit Duration. The Applicant shall receive site plan approval and remove the sales office trailer no later than June 30, 2016.
- B. This approval is subject to **the Applicant entering into a revised Agreement, attached hereto as Exhibit “A”, for which the Town will keep the previously submitted Cashiers’ check in the amount of \$ 30,000 as cash surety. The Applicant agrees that its failure to meet any of the conditions pertaining to the temporary use of its property, shall automatically entitle the Town to the \$ 30,000 in funds deposited by the Town into its PNC bank account.**
- C. Advertising. Earl Stewart Toyota shall only advertise their facility as being located in the Town of Lake Park. There shall be no advertisements that state or imply that Earl Stewart Toyota is located in North Palm Beach or Northern Palm Beach.

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