

RESOLUTION NO. 34-06-22

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR 184,880 SQUARE FEET OF OFFICE/WAREHOUSE USE IN A ONE-STORY BUILDING GENERALLY LOCATED NORTH OF WATERTOWER ROAD AND WEST OF OLD DIXIE HIGHWAY; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE DEVELOPMENT OF THE USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, DG Lake Park Property Owner, LP (the Owner) is the owner of the real property generally located north of Watertower Road and west of Old Dixie Highway, the legal description of the site being contained in the attached Exhibit "A" (the Site); and

WHEREAS, Josh Nichols of Schmidt Nichols acting as the Owner's agent (the Agent) has filed an application with the Town of Lake Park (the Town) requesting the approval of a site plan for a one-story office/warehouse building of 184,880 square feet (the Application) ; and

WHEREAS, pursuant to the Future Land Use Map of the Town's Comprehensive Plan, the Site has a future land use designation of "Commercial and Light Industrial"; and

WHEREAS, the Owner has also requested rezoning of 7 parcels under separate cover so that all 8 parcels comprising the development are within the Campus Light Industrial and Commercial (CLIC-1) zoning district, as further described under Exhibit "A" (legal description for the 8 combined parcels); and

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

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

WHEREAS, at the hearing, the Town Commission considered the evidence presented by the Town's Community Development staff, the Agent, the Owner and other interested parties and members of the public, regarding the 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 the conditions herein are necessary for the Application to be consistent with the Town's Comprehensive Plan and to meet its Land Development Regulations for site plans.

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 for an office/warehouse use (the Project) subject to the following conditions:

- (1) The Applicant shall develop the Site consistent with the following plans:

Name	Sheet	Revision Date	Received on
Typical Floor Plan	A1.00	11/23/21	4/19/22
Typical Roof Plan	A2.00	11/23/21	4/19/22
Building Elevations	A3.00	11/23/21	4/19/22
Building Elevations	A3.10	11/23/21	4/19/22
Building Elevations	A3.20	11/23/21	4/19/22
Calculations	A3.30	11/23/21	4/19/22
Rendering Easter Center Entrance	A4.00	11/23/21	4/19/22
Rendering Southeast Façade	A4.10	11/23/21	4/19/22
Rendering Southwest Façade	A4.20	11/23/21	4/19/22
Cover Sheet	C-100	4/6/22	4/19/22
General Notes	C-101	4/6/22	4/19/22
Aerial Site Plan	C-200	4/6/22	4/19/22
Demolition and Erosion Control Plan	C-300	4/6/22	4/19/22
Erosion Control Details	C-301	4/6/22	4/19/22
Overall Horizontal Control Plan	C-400	4/6/22	4/19/22
Horizontal Control Plan	C-401	4/6/22	4/19/22
Horizontal Control Plan	C-402	4/6/22	4/19/22
Horizontal Control Plan	C-403	4/6/22	4/19/22
Overall Paving Grading and Drainage Plan	C-500	4/6/22	4/19/22
Paving Grading and Drainage Plan	C-501	4/6/22	4/19/22
Paving Grading and Drainage Plan	C-502	4/6/22	4/19/22
Paving Grading and Drainage Plan	C-503	4/6/22	4/19/22
Pond Geometry and Details	C-504	4/6/22	4/19/22
Pond Sections	C-505	4/6/22	4/19/22
Construction Details	C-510	4/6/22	4/19/22
Overall Utility Plan	C-600	4/6/22	4/19/22
Utility Plan	C-601	4/6/22	4/19/22
Utility Plan	C-602	4/6/22	4/19/22
Utility Plan	C-603	4/6/22	4/19/22
Utility Details	C-604	4/6/22	4/19/22
Utility Details	C-605	4/6/22	4/19/22
Cover Sheet	C-100	4/6/22	4/19/22
General Notes	C-101	4/6/22	4/19/22
PBC Right-of-Way Plan	C-610	4/6/22	4/19/22
PBC Right-of-Way Plan, Profile and Details	C-611	4/6/22	4/19/22
Landscape Index	LI-1	4/12/22	4/19/22
Landscape Plan	LP-1	4/12/22	4/19/22
Landscape Plan	LP-2	4/12/22	4/19/22
Landscape Plan	LP-3	4/12/22	4/19/22
Landscape Plan	LP-4	4/12/22	4/19/22
Landscape Notes	LP-5	4/12/22	4/19/22
Landscape Specifications	LP-6	4/12/22	4/19/22
Photometric Site Plan	ESP-1	11/23/21	4/19/22

Photometric Site Plan	ESP-2	11/23/21	4/19/22
Regulating Plan	RP-1	4/12/22	4/19/22
Site Plan	SP-1	4/12/22	4/19/22
Garbage Truck Maneuvering Exhibit	TM-1	4/6/22	4/19/22
Fire Truck Maneuvering Exhibit	TM-2	4/6/22	4/19/22

- (2) Construction associated with the Site is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception is approved in writing by the Community Development Director (the Director).
- (3) Any proposed disruption to neighboring street access, surrounding parking areas, or the normal flow of traffic within the rights of way of Watertower Road, Old Dixie Highway, or other right-of-ways during the construction of the Site shall be subject to the review and approval of the Community Development Director and any of the agencies responsible for maintaining these roadways. Should any disruption to the normal flow of traffic occur during construction of the Site without prior authorization, upon written notice from the Director, all construction shall cease until the Director has provided the Owner with a written notice to proceed.
- (4) All landscaping shown on the approved Site Plan and the Landscaping Plan shall be continuously maintained from the date of its installation and the issuance of the Certificate of Occupancy by the Town. The Owner shall replace all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
- (5) The Owner shall ensure that all contractors use best management practices to reduce airborne dust and particulates during the construction of the Site.
- (6) All onsite dumpsters and dumpster screening shall be kept always closed. Owner is not responsible for waste haulers leaving doors open temporarily on pick-up day. All required dumpsters shall be acquired from the Town approved commercial waste hauler franchisor.
- (7) Prior to issuance of the Certificate of Occupancy, the Agent shall provide certification from the Landscape Architect of record that the plant installations for the Project are in accordance with the approved Site Plan (and any minor modifications that are approved through permitting) and the Landscaping Plan.
- (8) Prior to the issuance of any construction permits, the Agent shall submit copies of all permits that are required by other agencies and have been obtained from those agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management District and the State of Florida Department of Environmental Protection, as applicable.
- (9) Any revisions to the approved Site Plan, or any approved plans associated with the Site, shall be submitted to the Department of Community Development (Department), and shall be subject to its review and approval. The Department shall determine whether the changes are material enough to require further review by the Town Commission.
- (10) During the building permit phase, signage permitting (window, wall, freestanding, or other) for the Site shall be submitted through the Town's permitting process with a Master Sign Plan that ensures signage consistency in design and color scheme. A sign package illustrating all signs and their colors shall be submitted to the Department through the regular signage permitting process and shall be subject to its review and approval prior to their placement on the Site.

- (11) Within 18 months of the effective date of this Resolution, the Owner shall initiate bona fide development and shall continue with the development of the Site through completion. Failure to do so shall render this Development Order null and void. Once initiated, the development of the Site shall be completed within 18 months.
- (12) Prior to the issuance of a Certificate of Occupancy or Completion, the Owner shall install high-definition surveillance cameras, which capture clear facial features throughout the parking areas of the Site and along the exterior façades of the buildings developed on the Site. The location of the camera(s) shall be subject to the review and approval of the Department and the Palm Beach County Sheriff's office to ensure that they capture the required components.
- (13) **Cost Recovery.** All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Owner to reimburse the Town within the 10 days from the town's mailing of its invoice will result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order. A certificate of occupancy will not be issued if invoices are outstanding.

Section 3. This Resolution shall become effective upon execution.

Exhibit "A"

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, TRACT A AND TRACT B OF 1100 COMMERCE PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 98, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

WATER MANAGEMENT TRACT "B" ACCORDING TO THE PLAT OF 1100 COMMERCE PARK AS RECORDED IN PLAT BOOK 98 AT PAGES 60 AND 61, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT A, SCHUMACHER AT WATER TOWER ROAD, ACCORDING TO THE MAP OF PLAT THEREOF AS RECORDED IN PLAT BOOK 85, PAGES 163 AND 164, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SOUTHWEST CORNER OF THE PLAT OF 1100 COMMERCE PARK AS RECORDED IN PLAT BOOK 98 AT PAGES 60 AND 61, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N. 01°42'12" E., ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 325.02 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE S. 88°05'52" E., ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 888.19 FEET TO THE NORTHEAST CORNER OF LOT 3, ACCORDING TO THE SAID PLAT OF 1100 COMMERCE PARK; THENCE S. 01°42'12" W., ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE 100.00 FEET; THENCE S. 88°05'52" E., ALONG THE NORTH LINE OF SAID PLAT A DISTANCE OF 739.50 FEET; THENCE S. 08°40'16" E., ALONG THE EAST LINE OF LOT 1 AND TRACT A OF SAID PLAT SAID LINE ALSO BEING THE WESTERLY RIGHT OF WAY OF OLD DIXIE HIGHWAY A DISTANCE OF 228.72 FEET; THENCE N. 88°06'15" W., ALONG THE SOUTH LINE OF SAID PLAT A DISTANCE OF 702.81 FEET TO THE NORTHEAST CORNER OF SCHUMACHER AT WATER TOWER ROAD RECORDED IN PLAT BOOK 85, PAGE 163 FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. THENCE S. 01°19'36" W., ALONG THE EAST LINE OF SAID PLAT, A DISTANCE OF 450.00 FEET TO THE SOUTHEAST CORNER OF TRACT A. THENCE N.88°28'51"W., ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 602.00 FEET TO THE SOUTHWEST CORNER OF TRACT A. THENCE N.01°19'36"E., ALONG THE WEST LINE OF SAID PLAT 450.00 FEET TO THE NORTHWEST CORNER OF TRACT A. THENCE N.88°06'15"W., ALONG THE SOUTH LINE OF THE PLAT OF 1100 COMMERCE PARK AS RECORDED IN PLAT BOOK 98 AT PAGES 60 AND 61, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 364.12 TO THE POINT OF BEGINNING.

SAID PARCEL BEING 730,542.2± SQUARE FEET OR 16.771± ACRES MORE OR LESS.

The foregoing Resolution was offered by Commissioner Linden, who moved its adoption. The motion was seconded by Commissioner Michaud, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	_____	_____✓
VICE-MAYOR KIMBERLY GLAS-CASTRO	_____✓	_____
COMMISSIONER JOHN LINDEN	_____✓	_____
COMMISSIONER ROGER MICHAUD	_____✓	_____
COMMISSIONER MARY BETH TAYLOR	_____✓	_____

The Town Commission thereupon declared the foregoing Resolution No. 34-06-22 duly passed and adopted this 1st day of June, 2022.

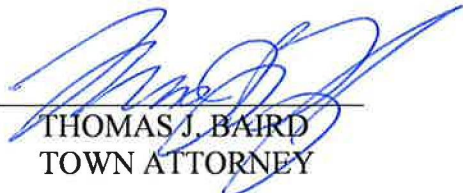
TOWN OF LAKE PARK, FLORIDA

BY: 
MICHAEL O'ROURKE
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK

Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY

