

RESOLUTION 87-11-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A ONE-STORY, 2,112 SQUARE FOOT OFFICE/WAREHOUSE DEVELOPMENT FOR THE EMPIRE LANDSCAPE PROPERTY WHICH IS GENERALLY LOCATED SOUTH OF WATERTOWER ROAD, NORTH OF KINETIC ROAD, AND WEST OF 13TH STREET; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Empire Landscape (“Owner”), owns the property located at parcel control number 3643422000007400, generally located south of Watertower Road, north of Kinetic Road, and west of 13th Street, the legal description of which is attached hereto and incorporated herein as Exhibit “A” (the Site); and

WHEREAS, the Owner has submitted an application for a site plan proposing to develop a 2,112 square foot office/warehouse structure (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’s proposed use of the Site as office/warehouse use is consistent with the Commercial and Light Industrial future land use designation; and

WHEREAS, the zoning assigned to the Site is Campus Light Industrial and Commercial (CLIC-1); and

WHEREAS, office/warehouse uses are one of the permitted uses in the CLIC-1 District; and

WHEREAS, the Town’s Planning and Zoning Board has reviewed the Application and has recommended its approval with conditions; and

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

WHEREAS, at its hearing, the Town Commission considered the evidence presented by the Town’s Community Development Department (the Department), the Owner and other interested parties and members of the public; and

WHEREAS, the Town Commission has determined that provided the Owner complies with the conditions associated with the approval of the Application, the development of the Site would be consistent with the Town’s Comprehensive Plan and Land Development Regulations.

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 Development Order for the Site subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following plans. The title sheet shall be updated to reflect the following list of plans and their sign and seal dates:

Name	Sheet	Revision Date	Received on
General			
Sheet 1 of 2	1 of 2	6.27.23	8.23.23
Sheet 2 of 2	2 of 2	6.27.23	8.23.23
Landscape / Irrigation / Site Plans			
Cover Sheet	N/A	N/A	10.13.23
Existing Conditions / Tree Disposition Plan	Sheet L1.0	12.8.23	10.13.23
Site Plan	Sheet L2.0	8.23.23	10.13.23
Landscape Plan	Sheet L3.0	8.23.23	10.13.23
Planting Details & Specifications	Sheet L3.1	10.31.22	10.13.23
Irrigation Plan	Sheet L4.0	8.1.23	10.13.23
Civil Plans			
Preliminary Paving, Grading, & Drainage Plan	C1.1	10.4.23	10.13.23
Preliminary Water & Wastewater Plan	C2.4	10.4.23	10.13.23
Preliminary Engineering Details	C2.1	10.4.23	10.13.23
Autoturn Exhibit: Solid Waste	EX1	10.4.23	10.13.23
Photometric Plan			
Photometric Report	N/A	8.23.23	8.23.23

Architecture			
Floor Plan	A-1	10.13.23	10.18.23
Color Exterior Elevations	A-2	10.18.23	10.18.23
Exterior Renderings	A-3	10.13.23	10.18.23

2. Construction associated with the development of the Site is only permitted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception has been 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, 13th Street, Kinetic Road, or any other right-of-way during the construction of the Site shall be subject to the review and approval of the Director and any governmental agency 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 provides 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 any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping on the Site.

5. The Owner shall ensure that all contractors use best management practices to reduce airborne dust and particulates during the development of the Site.

6. All onsite dumpsters and dumpster screening shall be kept closed at all times. Owner is not responsible for waste haulers leaving doors open temporarily on pick-up day. All required dumpsters shall be acquired from the approved franchise supplier for the Town.

7. Prior to issuance of the Certificate of Occupancy, the Owner shall provide certification from the Landscape Architect of record that the plant installations for the Site are in accordance with the approved site and landscaping plans. Any minor modifications to the landscaping plan that are approved through permitting shall be deemed to be equivalent by the Town's consulting landscape architect.

8. Prior to the issuance of any construction permits, the Applicant shall submit copies of any permits that may be required by other 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.

9. Any revisions to the approved site and landscaping plans, shall be submitted to the Department, and shall be subject to its review and approval. The Department shall determine whether or not the changes are material and require further review by the Planning & Zoning Board and Town Commission.
10. During the building permit phase, signage to be installed on the Site, including but not limited to window, wall, and freestanding signs, shall be part of a master sign plan that demonstrates there is consistency in the design and color scheme of all signs to be located on the Site. The master sign plan shall include illustrations of all signs and their colors 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 the Development Order null and void. Once development has been 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 on the Site and along the exterior façades of the buildings 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 Sherriff's Office (PBSO).
13. **Cost Recovery.** All professional consulting fees and costs, and legal fees incurred by the Town in reviewing the Application and in the preparation of this resolution billed to the Owner shall be paid to the Town within 10 days of the mailing of the invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice shall 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 building permit or certificate of occupancy shall not be issued if any invoices are outstanding.

Section 3: This resolution shall become effective upon execution.

ATTACHMENT A

Legal Description:

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: THE SOUTHERLY 100 FEET OF THE NORTHERLY 650 FEET OF THE EASTERLY 145 FEET OF THE WESTERLY 845 FEET OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

A/K/A LOT 47 LAKE PARK INDUSTRIAL SITES, UNRECORDED.

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

	AYE	NAY
MAYOR ROGER D. MICHAUD	<u>✓</u>	—
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	—
COMMISSIONER JOHN LINDEN	<u>✓</u>	—
COMMISSIONER MARY BETH TAYLOR	<u>✓</u>	—
COMMISSIONER JUDITH E. THOMAS	<u>✓</u>	—

The Town Commission thereupon declared the foregoing Resolution 87-11-23 duly passed and adopted this 1 day of November, 2023.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
ROGER D. MICHAUD
MAYOR

ATTEST:

[Signature]
VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: [Signature]
THOMAS J. BAIRD
TOWN ATTORNEY