

RESOLUTION 11-03-04

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR A MIXED-USE DEVELOPMENT OWNED BY ONE PARK AVE, LLC KNOWN AS ONE PARK PLACE LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF PARK AVENUE AND 9<sup>TH</sup> STREET, WITHIN THE PARK AVENUE DOWNTOWN ZONING DISTRICT (PADD);**

**WHEREAS**, the Town Commission, as the governing body of the Town of Lake Park, Florida, is authorized and empowered to approve or deny, in whole or in part, petitions for development orders; and

**WHEREAS**, One Park Ave, LLC, ("Applicant") has submitted applications for a site plan and conditional use ("Application") for a project consisting of 25,926 square-feet of restaurant/retail space with 47 seats for outdoor dining, 24,232 square-feet of office space, 68,408 square-feet of residential (54 units) and 4,589 square-feet of ancillary space on 1.69 acres; and

**WHEREAS**, the Applicant seeks a Development Order for the property generally located at the northwest corner of the intersection of Park Avenue and 9<sup>th</sup> Street ("Site"), within the municipal boundaries of the Town of Lake Park; and

**WHEREAS**, the Site is zoned to Park Avenue Downtown District (PADD); and

**WHEREAS**, the Town's Planning and Zoning Commission has reviewed the Site Plan at a public hearing conducted on January 5, 2003, and presented its recommendation to the Commission; and

**WHEREAS**, the Town Commission has considered the evidence presented to it by the Town Staff, the Applicant, 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 certain conditions as set forth herein, are necessary for the Application to be consistent with the Town's Comprehensive Plan and to meet the Town's Land Development Regulations; and

**WHEREAS**, the Applicant, its successors and assigns shall be subject to the conditions contained herein.

**NOW THEREFORE**, be it ordained by the Town Commission of the Town of Lake Park;

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

**Section 2.** The Town Commission hereby approves the Application of One Park Ave, LLC , authorizing the development of 25,926 square-feet of restaurant/retail space with 47 seats for outdoor dining, 24,232 square-feet of office space, 68,408 square-feet of residential (54 units) and 4,589 square-feet of ancillary space subject to the conditions of approval contained in Section 3:

**Section 3.** The approval of the Site Plan shall be subject to the following conditions:

1. Prior to the issuance of the first building permit the Applicant shall plat the property.
2. Upon approval of a site plan by the Town Commission, the Applicant shall have (1) year to secure a building permit from the community development department. If the applicant fails to secure a building permit in that time, all previous approvals shall become null and void, and the applicant will be required to submit a new site plan and application.
3. No signs shall be permitted on the northern, eastern and western elevations of the building.
4. Any use that is listed in the Town's Land Development Regulations Section 32-50 as a Special Exception Use, and/or Conditional Use, shall be subject to a separate review of the Planning and Zoning Board and the approval of the Town Commission.
5. All mechanical equipment on top of or around the exterior of the building shall be screened from view.
6. The Applicant may change up to 5% of the allocated uses for the project subject to the administrative review and approval of the Community Development Department. Any modifications, greater than 5%, to the allocated uses shall be subject to review by the Planning and Zoning Board and approval by Town Commission.
7. No assigned parking shall be permitted within the alleyway or proposed on-street parking spaces.
8. Security gates shall not be permitted within the adjacent alley north of the building.
9. The gated entry at the ramp connection to 9<sup>th</sup> Street shall only be closed to the general public during the hours of 12:00 am to 6:00 am. The Applicant shall provide additional detail at time of permit that includes entry and exit features that permit drivers destined to the site within these hours (such as early arriving or late departing employees) to access the site.
10. The Applicant shall remove the four (4) westernmost parking spaces on the south side of the alley north of the building to provide increased sight visibility and implement a gradual transition curve at the throat of the alley's connection to 9<sup>th</sup> Street to improve safe traffic flow.
11. The Applicant shall revise the proposed access connection locations to meet Section 32-88 of the Town's Code. Please note that street connections shall be permitted by the Town's building director, and can be approved for distances less than the minimum at his/her discretion.

12. Prior to the issuance of the first building permit the Applicant shall provide on both the Landscaping plans and the Signing and Pavement Marking plan sight distance triangles at the access connection(s) to 9<sup>th</sup> Street and 8<sup>th</sup> Street, per FDOT Index 546. Within these restricted sight distance areas, foliage and objects, such as the monument sign, must be either below 30 inches in height or greater than eight (8) feet tall as measured from the edge of the roadway to the bottom of the canopy.
13. Prior to issuance of the first building permit, the Applicant shall provide a letter of consent from all utility easement owner(s) allowing light fixture poles and/or landscaping within their utility easements.
14. Prior to issuance of the first building permit, the Applicant shall provide a lighting plan for the site with light standards, details, specifications, locations and photometrics. The lighting plan shall be subject to the review and approval of the Community Development Department.
15. Provide detailed, colored, dimensioned site signage with signage locations.
16. Prior to the issuance of the certificate of occupancy, the Applicant shall provide certification by the project's landscape architect of record that the landscape installation complies with approved landscape plans on and off site.
17. Prior to issuance of the certificate of occupancy the Applicant shall relocate trees from the Site to such locations as are determined by the Community Development Department. Trees to be relocated include: 1 Royal Palm, 1 Coconut Palm, 1 Bauhinia/Orchid Tree.
18. Prior to the issuance of the first building permit the landscape architect of record shall ensure compliance with the following:
  - (a) Canopy trees shall be installed in the landscape buffer at a maximum of thirty (30) feet on center at maturity. The canopy trees shall be of a species, which possess an average spread of at least twenty-five (25) feet and a clear trunk of at least five (5) feet. The town manager may approve the use of trees with a lesser mature canopy, provided that groupings of such species are utilized to achieve the average spread.
  - (b) At least (50) percent of the landscape materials within the parking lot shall conform to the materials installed by the town as part of the Park Avenue improvements. The remaining materials may be selected from the list in section 32-50(17)c10
  - (c) Sec. 32-147 Minimum installation and maintenance standards (e) Maintenance (5) The root system of existing trees shall be protected during construction by barricades acceptable to the town community development director. Prior to land clearing and/or construction, the developer shall erect and maintain protective barriers.

(d) All vegetation and plant material labels and quantity discrepancies must be reconciled between the existing and proposed planting plans and proposed plant lists and vegetation to be preserved and or relocated.

(e) Prior to issuance of the first building permit, the Applicant must provide a detailed irrigation plan ensuring conformance with Section 32-144 (g) (3) d. 4. viii and 32-147 (e)(3). For all landscape elements including but not limited to buffers, planting beds, planters, and detention areas.

19. Prior to the issuance of any development permit, the Site Plan shall incorporate thereon all conditions of approval, and this information will be available on the Site during construction. A reduced copy shall be provided to the town clerk's office for attachment to the respective ordinance or resolution document.
20. Prior to the issuance of the first building permit the Applicant shall provide detailed drainage plans that identifies the pre-construction run-off versus the post-construction run-off.
21. At time of permit the Applicant shall provide detailed drainage plans to address the following:
  1. Drainage calculations, exfiltration calculations.
  2. Proposed inlet (most western) need to clarify size and inverts. There are two (2) 15" pipes (one roof drain pipe and one (1) 15" CMP) that enter the drainage inlet on one side. Based on the angles of the pipes there will be a conflict that needs to be adjusted.
  3. Need details for proposed lighting, as it appears to be in conflict with the exfiltration trench.
  4. Show SFWMD permit that permits offsite drainage. The south side of the project appears to drain offsite to existing drains along Park Ave. Drainage also appears to be draining offsite at the east and west entrances on the north side.
  5. Need to show conflicts between water and storm & storm and sewer, etc.
  6. Show break in exfiltration trench where water crosses it, per Palm Beach County Health Department standards.
  7. Show existing storm pipe in sector A-A
  8. Section B-B shows proposed lighting in relation to exfiltration trench.
  9. Proposed light appears to be in conflict with proposed C.B. in the north and center of the property

**Section 4.** The Town Commission hereby approves the following waivers:

|   |                              |                              |                                |
|---|------------------------------|------------------------------|--------------------------------|
| Section 32-50 Table 32-50-3 Setback Dimensions            | 5 feet (Corner)              | 0 feet                       | 5 feet                         |
| Section 32-50-15-f Table 32-50-6 Parking Stall Dimensions | 10 feet                      | 9 feet                       | 1 foot                         |
| Section 32-50 Table 32-50-3 Residential Density           | 15.78 units/acre<br>26 units | 33.12 units/acre<br>54 units | +17.34 units/acre<br>+28 units |

1. Section 32-50 Table 32-50-3 Setback Dimensions of the Town's Code of Ordinances, Setback Dimensions, to reduce the side-corner setback to zero (0) feet, the Code requires a 5 foot minimum.
2. Section 32-50-15-f, Table 32-50-6, Parking Stall Dimensions, to reduce the minimum stall width to nine (9) feet, the Code requires a minimum of ten (10) feet.
3. Section 32-50, Table 32-50-3, Residential Density, to allow a 33 unit per acre density on the Site in order to develop 54 units, the Code has a maximum density of 15.78 units per acre which would permit only 26 units on this Site.

**Section 5.** This Resolution shall become effective upon adoption.

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

|                              | AYE      | NAY      |
|------------------------------|----------|----------|
| MAYOR PAUL W. CASTRO         | —        | <u>X</u> |
| VICE-MAYOR G. CHUCK BALIUS   | <u>X</u> | —        |
| COMMISSIONER PAUL GARRETSON  | <u>X</u> | —        |
| COMMISSIONER BILL OTTERSON   | <u>X</u> | —        |
| COMMISSIONER JEANINE LONGTIN | —        | <u>X</u> |

The Mayor thereupon declared the foregoing Resolution No. 11-03-04 duly passed and adopted this 17<sup>th</sup> day of March, 2004.

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro  
 PAUL W. CASTRO, MAYOR

ATTEST:

Carol Simpkins  
 CAROL SIMPKINS  
 TOWN CLERK



Approved as to form and legal sufficiency:

By: Thomas J. Baird  
 THOMAS J. BAIRD,  
 TOWN ATTORNEY