

Resolution No. 60-01-05

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND THREE SPECIAL EXCEPTION USES, FOR A 37.61 ACRE PARCEL OF LAND, OWNED BY D C LAND TRUST LOCATED AT THE NORTHWEST CORNER OF SILVER BEACH ROAD AND CONGRESS AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kimley-Horn and Associates, Inc., agent for property owner, D C Land Trust ("the Owner") has filed an application, ("Application") seeking site plan approval for the property located at the northwest corner of Silver Beach Road and Congress Avenue, in the Town of Lake Park, Florida, ("the Subject Property), and

WHEREAS, the subject property's legal description is contained in Exhibit "A" and it's general location is shown on Exhibit B, both of which are attached hereto and incorporated herein; and

WHEREAS, the Application proposes to develop a 207,991 square foot retail building on 37.61 acre site for a Walmart Superstore; and

WHEREAS, the Application also seeks three special exceptions; uses for the operation of a Garden Store, Tire Lube Express, and Gas Station; and

WHEREAS, the Lake Park Planning and Zoning Commission has reviewed the Application and has made its recommendation to the Town Commission; and

WHEREAS, the Town Commission has considered the evidence presented to it by the Town Staff, 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 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 Owner, its successors and assigns shall be subject to the conditions contained in Section 4.

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 as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the site plan and architectural elevations submitted for a 207,991 square foot retail building, subject to the conditions contained in Section 4.

Section 3. The Town Commission hereby approves the special exception uses of a Garden Store, Tire Lube Express, and a Gas Station.

Section 4. The Town Commission hereby approves a site plan for the subject property subject to the following conditions:

1) The landscape architect of record shall provide the Town of Lake Park with certification that all landscaping proposed has been installed according to the landscape plans prior to issuance of a Certificate of Occupancy.

2) The Owner shall install all improvements consistent with the site plan and architectural elevations submitted to the Town of Lake Park dated December 14, 2004.

3) Any revisions to the site plan, landscape plan, architectural elevations, signs, statement of use, or other details submitted as part of the Application, including but not limited to the location of the proposed improvements or additional, revised, or deleted colors, materials, or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.

4) The Owner shall provide/extend sidewalks along north side of the property adjacent to Silver Beach Road to Congress Avenue, and shall provide interconnectivity of sidewalks from Congress Avenue along the north side of the Silver Beach Road right-of-way extension. These items shall be graphically shown on the final site plan, including a note on same, indicating connection of sidewalks.

5) Prior to the issuance of the first building permit, the Owner shall plat the property.

6) Prior to the issuance of the first building permit for vertical construction, the Owner shall provide construction plans sufficient to construct the project and meet all applicable ADA and Town requirements for handicapped access.

7) The Owner shall provide shopping cart corrals on the final site plan, and shall screen the corrals from view by means of fencing or a wall and landscaping. The corrals shall be constructed of solid fencing or walls and of materials compatible with the primary structures approved on site.

- 8) All mechanical equipment shall be screened from view.
- 9) Landscaping shall not conflict with lighting, including long-term canopy tree growth.
- 10) All structures shall use the following target hardening techniques:
 - a. Buildings shall be pre-wired for an alarm system.
 - b. Doors shall be equipped with metal plates over the threshold of the locking mechanism.
 - c. Glass perimeter doors shall be equipped with case hardened guard rings to protect the mortise lock cylinder.
 - d. Rear doors shall have 180-degree peephole viewers.
 - e. Exterior roll-up doors shall be target hardened.
 - f. All perimeter doors shall be equipped with hinges that utilize non-removable hinge pins.
- 11) Numerical addresses for the buildings shall:
 - a. Be illuminated for nighttime visibility and be unobstructed;
 - b. Have bi-directional visibility from the roadway; and
 - c. Be placed at the front and rear of each business.
- 12) Within six (6) months of the issuance of any land alteration permit, the Owner shall install and maintain the landscaping, irrigation, hardscape, and lighting from Congress Avenue to the southern terminus of the property and all of the southern roadway shoulder of Investment Lane (Park Avenue West) between the eastern and western terminus of the property.
- 13) Lighting, landscaping and irrigation within adjacent medians, adjacent roadway shoulders, and pedestrian pathways for Congress Avenue shall be installed within six (6) months of the issuance of the first clearing permit.
- 14) The Owner shall be responsible for landscaping and irrigation maintenance with the Congress Avenue right-of-way median and road shoulder from Investment Lane (Park Avenue West) to the southern terminus of its property.
- 15) Within six (6) months of the issuance of the clearing/land alteration permit, the Owner shall install and maintain the landscaping and irrigation, as permitted by Palm Beach County, within the Congress Avenue right-of-way median and westerly road shoulder from Investment Lane (Park Avenue West) to the southern terminus of its property.
- 16) Prior to construction plan approval, the Owner shall provide a letter of consent from the utility easement owner(s) allowing light fixture poles and/or landscaping within their utility easements.

17) Pursuant to the submitted site plan, the Owner proposes one right-in, right-out access connection via Congress Avenue, three full access connections to Silver Beach Road, and two access connections to Park Avenue/Investment Lane (one right-in, right out connection and one full median opening). The proposed access connections are subject to permit and approval from Palm Beach County, and must adhere to Access Management Standards prior to construction plan approval.

18) All delivery and/or loading areas shall be screened from view from Garden Road, Congress Avenue, Investment Lane (Park Avenue West), the proposed Silver Beach Road Extension and all principal parking areas with a combination of landscaping and walls. The exterior finish on all walls and garage doors shall be consistent with the color and character of the main structure.

19) Overnight storage or parking of delivery vehicles, trucks or trailers is prohibited on site, except within the designated loading areas indicated on the site plan.

20) Any outdoor speaker or public address systems, which are audible off-site, are prohibited.

21) Outdoor storage or placement of any material, refuse, or equipment shall be screened from view. This includes staging areas.

22) The Owner shall provide foundation landscaping (trees and shrubs) along all building faces, and shrubs and trees along all "east" facing building elevations. Additionally, the Owner shall provide additional building facade planting along the north facing Garden Center elevation to buffer views from the residences to the north.

23) Upon submittal of final plans, the Owner shall provide:

- a. sufficient details for the preserve area pedestrian walkway, edging, materials, depths, etc.;
- b. a detail or specify bench type, installation, dimensions, materials, finish, etc.; and
- c. an adequate number of trash receptacles and provide a detail indicating receptacle size, materials, mounting/installation, finish, etc.

24) The Owner shall provide irrigation for the proposed landscaping in the Congress Avenue median.

25) Upon submittal of final plans, the Owner shall add a note to the irrigation plan indicating use of water trucks to provide water to the site landscape in times of system malfunction.

26) The Owner shall submit a copy of the Water Use Permit received from SFWMD.

27) Upon submittal of final plans, the Owner shall clearly label locations and extent of proposed sleeves, including sleeving for the Congress Avenue median for the landscape.

28) The Owner shall submit a revised landscaping plan, which increases landscaping on-site, consistent with the Town Commission's direction. Alternatively, the Owner may make a contribution to the Town's tree fund in an amount as determined by the Town Manager.

Section 5. This Resolution shall be effective upon adoption.

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

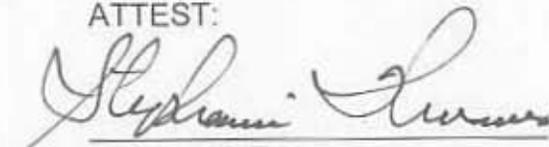
	AYE	NAY
MAYOR PAUL W. CASTRO	Did not <u>vote</u> due to <u>conflict</u> of Interest (seeattach.)	
VICE-MAYOR G. CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER ED DALY	<u>X</u>	_____
COMMISSIONER JEFF CAREY	<u>X</u>	_____

The Mayor thereupon declared the foregoing Resolution No. 60-01-05 duly passed and adopted this 5TH day of January, 2005.

TOWN OF LAKE PARK, FLORIDA

BY: 
PAUL W. CASTRO
MAYOR

ATTEST:

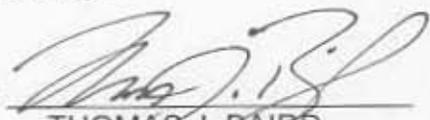


Stephanie Thomas
TOWN CLERK

TOWN OF LAKE PARK
TOWN SEAT
SEAL

FLORIDA

Approved as to form and legal sufficiency:

By: 
THOMAS J. BAIRD
TOWN ATTORNEY