

## RESOLUTION 15-07-12

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING A SITE PLAN FOR COMMUNITY LEARNING OUTREACH CENTER FOR PHASE I OF AN EDUCATIONAL FACILITY KNOWN AS MY CHOICE ACADEMY; AUTHORIZING THE INSTALLATION OF A 13,438 SQUARE FOOT EDUCATIONAL FACILITY AND TRAINING CENTER ON 6.219 ACRES OF PROPERTY ON THE NORTH SIDE OF WATERTOWER ROAD, APPROXIMATELY 1,130 FEET EAST OF CONGRESS AVENUE WITHIN THE CLIC-1 (CAMPUS LIGHT INDUSTRIAL AND COMMERCIAL) ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Public Utilities Company is the owner (Owner) of a 6.219 acre parcel of property located on the north side of Watertower Road, approximately 1,130 feet east of Congress Avenue; (the subject property); and

**WHEREAS**, Community Learning Outreach Center, LLC as the Agent for the Owner (hereinafter the Applicant) has filed an application for a site plan requesting a development order to construct a 13,438 square foot education facility and training center (the Application) on the north side of Watertower Road, approximately 1,130 feet east of Congress Avenue; and

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

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

**WHEREAS**, the Town Commission has considered the evidence presented to it by the Town Staff, the Owner, 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 its Land Development Regulations; and

**WHEREAS**, the Owner, Applicant and their successors and assigns shall be subject to the conditions contained in Section 2.

**NOW THEREFORE**, be it ordained 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 authorizing the installation of the 13,438 square feet of portable classrooms along with all required parking, circulation, paving and drainage, subject to the following conditions:

1. Construction activities are permitted on site only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Construction is not permitted on holidays or Sunday.

2. In the event the proposed construction will interfere with with the normal traffic patterns along Watertower Road, the Applicant must obtain written approvals from the Town's Public Works and Community Development Directors prior to construction.

3. In the event the prosed construction will disrupt or interfere with any of the entrance/exit and parking areas along Watertower Road, or the daily operation of neighboring businesses, the Applicant must obtain the written approval of the Community Development Director (the Director).

4. The landscaping installed in accordance with the approved landscaping plan, shall be properly maintained by the Applicant. The Applicant shall guarantee all new landscape material installed on the subject property for a minimum of three months from the date of the issuance of the first Certificate of Occupancy issued by the Town. It shall be the responsibility of the Owner to replace any and all dead or dying landscape material at any time the Director determines the landscaping is not in compliance with this condition or the approved landscaping plans.

5. All landscaping shall be maintained at 48 inches around the entire perimeter of the site.

6. The Applicant shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during the construction phase.

7. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.

8. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on site are in accordance with the approved landscape plans.

9. Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management Division and the State of Florida Department of Environmental Protection shall be provided to the Town by the Applicant.

10. Together with the submission of a Phase II site plan, the Applicant shall provide the Town with documentation from the Palm Beach County Traffic Engineering Division that

the Phase II proposal satisfies the County's Traffic Performance Standards ("TPS") and meets all traffic concurrency requirements.

11. The student population of the educational facility during Phase I shall not exceed 202 students and requires:

a. Two traffic control officers shall be posted in the morning and evening peak hours to assist in the regulation of ingress and egress to the educational facility. One officer shall be posted at each of the two driveways to direct traffic into the driveways and stop traffic as necessary on Watertower Road to allow vehicles to enter and exit the subject property.

b. The educational facility shall provide school buses or other vehicles for 50%, or 101 students, whichever is greater of the enrolled students. The Applicant shall submit documentation which demonstrates compliance with this condition to the Town on a monthly basis.

c. School buses shall enter and leave the subject property at the western driveway.

d. The facility shall require that all parents arriving from the west (Congress Avenue), enter the western driveway and exit from the eastern driveway after dropping off their students. Parents arriving at the facility from the east shall be required to enter the eastern driveway and exit the eastern driveway after dropping off their students. The Traffic Control Officer shall direct traffic consistent with these operations.

e. The Applicant shall conduct a traffic monitoring study within two months of the opening of the educational facility. The traffic monitoring study shall measure data, including, the volume of traffic entering and exiting the eastern and western driveways; queuing and delays on Watertower Road in the morning and evening peak hour; and the documentation of any conflicts between buses and vehicles.

12. Phase II approval must be submitted no later than 3 months following the approval date of Phase I and must be approved no later than 6 months following the approval of Phase I.

13. The Applicant shall cease operating the educational facility and shall remove all classroom portables on or before July 1, 2013. No extensions are permitted.

14. Phase I site plan is contingent on the approval of the zoning text amendment to permit an educational facility within the CLIC zoning district along Watertower Road.

15. If the educational facility applies for a tax exemption, the Applicant shall pay to the Town a fee which is equivalent to the ad valorem taxes for the subject property for so long as the Applicant operates an educational facility on the subject property. The Applicant shall

record a deed restriction on the subject property to require this payment by any subsequent operator of an educational facility.

16. The Applicant shall provide a crossing guard at the intersection of Watertower Road and Congress Avenue.

17. The Phase I educational facility and training center shall be constructed in compliance with the following plans on file with the Town's Community Development Department:

- a. Phase I Site Plan, Site Traffic Circulation/School Zone Plan, and Site Details referenced as sheet 101, 101T, and 102 respectively, prepared by Stuart H. Cunningham P.E. of Ahrens Companies, who is the planner, designer and engineer of record; signed and sealed 07-10-2012 and received and dated by the Department of Community Development on 07-11-2012.
- b. Survey dated 04-26-2012 prepared by David C. Lidberg of Lidberg Land Surveying, Inc., surveyor of record, received and dated by the Community Development Department 07-11-2012.
- c. Engineering Plans, referenced as sheets 103, 104, 105, and 107 prepared by Stuart H. Cunningham P.E. of Ahrens Companies, signed and sealed 07-10-2012 and received and dated by the Department of Community Development on 07-11-2012.
- d. Landscape and Irrigation plans referenced as sheets 201 and 202 prepared by William A. Flint III of Ahrens Companies, who is the landscape architect of record received and dated by the Department of Community Development on 07-11-2012.
- e. Photometric plan referenced as sheet 112, prepared by Xuan Chen P.E. of Ahrens Companies, signed and sealed 07-10-2012 and received and dated by the Department of Community Development on 07-11-2012.

18. Any revisions to the approved Phase I Site Plan, landscape plan, signs, statement of use, or other detail submitted as part of the Application, shall be submitted to the Community Development Department and shall be subject to its review and approval.

19. Cost Recovery. The Town shall be reimbursed for all fees and costs, including legal fees it incurs from its professionals reviewing the Application and the preparation of the Development Order in accordance with the Town Code.

**EXHIBIT "A" – Legal Description**

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

THE EAST 602.00 FEET OF WEST 966.10 FEET OF THE SOUTH 450.00 FEET OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING IN PALM BEACH COUNTY, FLORIDA.

**EXHIBIT "B" – Location Map**



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

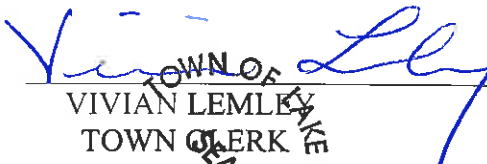
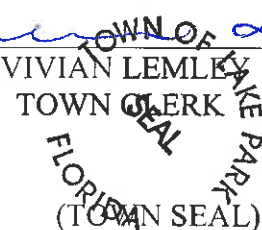
	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	___
VICE-MAYOR KENDALL RUMSEY	<u>/</u>	___
COMMISSIONER STEVEN HOCKMAN	<u>/</u>	___
COMMISSIONER JEANINE LONGTIN	<u>/</u>	___
COMMISSIONER TIM STEVENS	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 15-07-12 duly passed and adopted this 18 day of July, 2012.

TOWN OF LAKE PARK, FLORIDA

BY:   
JAMES DUBOIS  
MAYOR

ATTEST:

  
VIVIAN LEMLEY  
TOWN CLERK  
  
(TOWN SEAL)

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY