

RESOLUTION NO. 33-10-14

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION USE FOR A 17,098 SQUARE FOOT ALDI GROCERY STORE TO BE LOCATED WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ALDI Florida, LLC, (“Applicant”) is proposing to develop a 17,098 square foot “ALDI” grocery store on Parcel A of the Congress Business Park Planned Unit Development Zoning District (the Site); and

WHEREAS, the Site is currently owned by Congress Avenue Properties (“Owner”) and the Applicant has a contract to purchase the proposed Site; and

WHEREAS, Applicant has submitted Applications for a Site Plan and Special Exception Use of “Grocery Store” (the Applications); and

WHEREAS, the Site has a future land use designation of “Commercial/Light Industrial”; and

WHEREAS, the Site is within the previously approved Congress Business Park Planned Unit Development (PUD); and

WHEREAS, the zoning of the Site is PUD with its underlying zoning designation being Commercial-2 Business District (C-2);

WHEREAS, the uses permitted in the PUD include those uses permitted in the C-2 Zoning District and additional uses by special exception if approved by the Commission; and

WHEREAS, the Community Development Department has determined that the use of a “Grocery Store” would be consistent with the uses permitted in the C-2 Zoning District; and

WHEREAS, the Town’s Planning and Zoning Board has reviewed the Applications and has recommended to the Town Commission that it approve the Applications with certain conditions; and

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

WHEREAS, at these hearings, the Town Council considered the evidence presented by the Town Staff, the Applicant, and other interested parties and members of the public, regarding the Applications.

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 and the special exception use of "Grocery Store" subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Site Plan Details, and Photometric Plan referenced as Sheets C-3, C-4, and C-11 respectively; signed and sealed on October 14, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on October 15, 2014.
 - b. Landscape Plans and Irrigation Plans, referenced as Sheets LP-1, LP-2, LP-3 and LI-1, LI-2, LI-3; signed and sealed on October 14, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on October 15, 2014.
 - c. Signage Plan referenced as Sheet MS100, signed and sealed on August 22, 2014 prepared by Cuhaci & Peterson Architects Engineers Planners; received and dated by the Department of Community Development on August 29, 2014.
 - d. Floor Plan and Elevations referenced as Sheets A-131 and A-201, respectively, signed and sealed on October 6, 2014 prepared by Cuhaci & Peterson Architects Engineers Planners; received and dated by the Department of Community Development on October 15, 2014.
 - e. Paving, Grading & Drainage and Water/Sewer Plans referenced as Sheets C-5 through C-11; signed and sealed on October 14, 2014 and prepared by Thomas Engineering Group; received and dated by the Department of Community Development on October 15, 2014.
 - f. Survey dated May 20, 2014 referenced as Drawing D99-240K prepared by Lidberg Land Surveying Inc. signed and sealed on May 20, 2014 and received by the Department of Community Development on September 3, 2014.
2. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless otherwise approved in writing by the Community Development Director.
3. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue or the Park Avenue West Extension during the construction of the

- Site, shall be subject to the review and approval of the Community Development Director (the Director).
4. Should any disruption to the normal flow of traffic occur during construction of the Site, the construction shall immediately cease until the Directors of the Town's Public Works Department and Community Development Departments have reviewed the situation and given the Applicant written approval to proceed.
 5. Should any disruption to the surrounding entrance/exit streets and parking areas along North Congress Avenue or the Park Avenue West Extension occur such that the daily operation of nearby businesses is adversely impacted, the construction activities shall cease until the Applicant has secured the written approval of the Director.
 6. All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of the issuance of the Certificate of Occupancy by the Town. The Owner/Applicant shall replace any and 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.
 7. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans for the Site or the PUD.
 8. Safe and adequate pedestrian passage shall be maintained along the Site's entrances.
 9. The Applicant shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction of the Site.
 10. The dumpster shall be screened as noted on the Site Plan and kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town.
 11. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site Plan and the Landscaping Plan.
 12. The Site shall be subject to the Unity of Control which has been approved for the PUD. No building permit shall be issued until and unless an executed Unity of Control approved by the Town Attorney has been recorded.
 13. Prior to the issuance of a building permit, the Applicant shall submit an application for a Plat and receive its approval by the Town.
 14. Prior to the issuance of any building permits, the Applicant shall submit copies of any permits required by 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.

15. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, statement of use, photometric plan, or other detail 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 Department, and shall be subject to its review and approval.
16. Prior to the issuance of a Certificate of Occupancy for the grocery store, the Owner and Applicant shall ensure that all of the Park Avenue Extension, the interior roadways and curb cuts as shown in the approved PUD Master Plan have been constructed and approved by the Town Engineer.
17. Continuous access shall be maintained between all parcels in accordance with the PUD Master Plan and Section 78-144 of the Town Code and cross access agreements may be required as additional properties within the PUD get developed.
18. The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Failure to do so shall render the Development Order void. Once initiated, the development of the Site shall be completed within 18 months.
19. **Cost Recovery.** All 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. Failure by an Owner or an Applicant to reimburse the Town within the 10 day time period may result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

Section 3: The Owner, Applicant and their successors and assigns shall be subject to the conditions of approval.

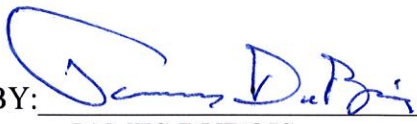
Section 4. This Resolution shall become effective upon adoption.

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

	AYE	NAY
MAYOR JAMES DUBOIS	<u>/</u>	___
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	___
COMMISSIONER ERIN FLAHERTY	<u>/</u>	___
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	___
COMMISSIONER KATHLEEN RAPOZA	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 33-10-14 duly passed and adopted this 19 day of November, 2014.

TOWN OF LAKE PARK, FLORIDA

BY: 
JAMES DUBOIS
MAYOR


ATTEST:



VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY