

RESOLUTION NO. 07-03-15

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION USE FOR A RACETRAC GAS STATION AND 5,928 SQUARE FOOT CONVENIENCE 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, RaceTrac Petroleum, Inc., (the Applicant) is proposing to develop a RaceTrac Gas Station and 5,928 square foot convenience store on Tract B of the Congress Business Park Planned Unit Development Zoning District (the Site); and

WHEREAS, the Site is currently owned by Congress Avenue Properties (the 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 a "Gasoline Station" (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 Town Commission; and

WHEREAS, the Community Development Department has determined that the use of a "Gasoline Station" 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 Commission 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 "Gasoline Station" subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
 - a. Site Plan, Civil Plans, Demolition Plan, Paving, Grading, Drainage, Utility, Water/Sewer and Signage Plans referenced as Sheets ES1, ES2, DM1, C1, C2.1, C2.2, C2.3, C3, C4, SD1, SD2, SD3, SD4, D1, D3.1, D3.2, and "Signage Packet"; signed and sealed on 2-16-15 and prepared by Bowman Consulting; received and dated by the Department of Community Development on 2-17-15.
 - b. Survey referenced as sheet ALTA; signed and sealed 9-14-14 and prepared by Bloomster Professional Land Surveyors, Inc.; received and dated by the Department of Community Development on 2-17-15.
 - c. Landscape Plans and Irrigation Plans, referenced as Sheets L-1, L1.1, L1.2, L1.3; signed and sealed on 1-13-15 and 02-10-15 for Sheet L1.1, prepared by HJA Design Studio; received and dated by the Department of Community Development on 2-17-15.
 - d. Elevations referenced as Sheets A000 and A300; signed and sealed on 1-5-15 and prepared by Hill Foley Rossi & Associates; received and dated by the Department of Community Development on 1-7-15.
 - e. Photometric Plan referenced as Sheet SP-1; signed and sealed 11-24-14 and prepared by GTP Consulting Engineers; received and dated by the Department of Community Development on 1-23-15.
2. The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
3. *The Site shall incorporate stamped concrete ground treatment around active entrances to the building, so as to be consistent with the entrance design of the previously approved ALDI grocery store within the PUD.*
4. Construction on the Site 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. Any proposed disruption to the normal flow of traffic within the rights of way of North Congress Avenue or the Park Avenue West Extension as part of the construction of the Site, shall also be subject to the review and approval of the Community Development Director and Public Works Director.
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 Community Development Director.

6. All landscaping as 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 landscape material 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 both of the Site's entrances.
9. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on 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 of Lake Park.
11. Prior to issuance of the Certificate of Occupancy, the Owner or Applicant shall provide certification from the Landscape Architect of record that the plant installations on the Site are in accordance with the approved Site and Landscaping Plans.
12. The Site is to be subject to the Unity of Control for the PUD. A copy of the recorded Unity of Control is required prior to the issuance of any building permit.
13. The Site shall be platted, and approval of the Plat is required prior to the issuance of any building permits.
14. Prior to the issuance of any building permits, the Owner or Applicant shall submit copies of any other 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 Community Development Department and shall be subject to its review and approval.
16. All interior roadways within the PUD that immediately surround the Site, including all adjoining curb-cuts and the Park Avenue Extension roadway shall be completed prior to the issuance of a Certificate of Occupancy.
17. 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.
18. Cost Recovery. All professional consulting 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. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice will result in the

suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

19. Awning signage shall not be permitted.
20. Onsite consumption of alcohol is prohibited. Signage indicating this prohibition shall be installed on the premises.
21. Applicant shall modify the stormwater entry details to integrate baffle box, skimmer box, or similar alternative-type details to provide for an additional oil/water separator method.

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 Flaherty 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. 07-03-15 duly passed and adopted this 4 day of March, 2015.

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