

**RESOLUTION NO. 39-09-16**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AND SPECIAL EXCEPTION USE AUTHORIZING THE DEVELOPMENT OF A 201,600 SQUARE FOOT SELF-STORAGE FACILITY (SPACEBOX) WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SPECIAL EXCEPTION USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, SpaceBox Lake Park, LLC, (“Applicant”) is proposing to develop a 201,600 square foot “SpaceBox” self-storage facility on Tract G1 of the Congress Business Park Planned Unit Development (the Site); and

**WHEREAS**, the Site is currently owned by Congress Avenue Properties (“Owner”) and the Applicant has contracted with the Owner to purchase the Site; and

**WHEREAS**, the Applicant has submitted applications for a Site Plan and the Special Exception Use of “Self-Storage Facility” (the Application); and

**WHEREAS**, the Site has a future land use designation of “Commercial/Light Industrial”; and the development of the Special Exception Use of “Self-Storage Facility” would be consistent with this future land use designation; and

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

**WHEREAS**, the zoning assigned to the Site is PUD with an underlying zoning designation of Commercial-2 Business District (C-2);

**WHEREAS**, the uses permitted in the PUD include only those uses permitted in the C-2 Zoning District, unless the Commission approves other uses not in the C-2 Zoning District by special exception; and

**WHEREAS**, the Community Development Department has determined that the use of a “Self-Storage Facility” 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 Application and has recommended that the Town Commission approve the Application subject to conditions; and

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

**WHEREAS**, at the hearing, the Town Council considered the evidence presented 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.

**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.

1. **Section 2.** The Town Commission hereby approves a Site Plan and the special exception use of "Self-Storage Facility" subject to the following conditions: The Applicant shall develop the Site consistent with the following Plans:
  - a. Phase I: Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans, Photometric Plan, Electrical Plan, Master Sign Plan and Autoturn Analysis referenced as Sheets SP1, A101, A102, A103, A201, A202, A203, LP1, LP2, LP4, IR1, IR2, IR3, IR4, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, PHM1, PHM2, E0, E1, MSP1, and ATA1 received and dated by the Department of Community Development on 8/31/16 (includes subsequent revisions).
  - b. Phase II: Site Plan, Architectural Plan, Landscape Plan, Preliminary Civil Engineering Plan, Site Photometric Plan, Electrical Plan, and Autoturn Analysis referenced as Sheets SP1, A101.2, A102.2, A103.2, A201.0, A202.2, A203.2, LP3, IR1, IR2, IR3, CP, ATA2 received and dated by the Department of Community Development on 8/31/16 (includes subsequent revisions).
  - c. Survey signed and sealed 10-22-15 and prepared by Lidberg Land Surveying, Inc. received and dated by the Department of Community Development on 8/31/16 (includes subsequent revisions).
2. The Owner, the Applicant and their successors and assigns shall be subject to the conditions set forth herein.
3. 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, Water Tower Road, or the Park Avenue West as part of the construction of the Site, shall be submitted to the Community Development Director and Public Works Director, and shall be subject to their review and approval.
4. Should the Community Development Director (the Director) determine that the construction is disrupting the surrounding entrance/exit streets and parking areas along North Congress Avenue, the Park Avenue West Extension, or Water Tower Road such that the operation of nearby businesses is adversely impacted, the Director may issue a stop work order requiring the immediate cessation of construction activities until such time as the Director determines that there is a resolution of the adverse impacts on nearby businesses.
5. The Applicant shall install and from the date of the issuance of a certificate of occupancy shall continuously maintain the landscaping shown on the Site Plan and the Landscaping Plan. In addition, upon notification by the Director, the Applicant shall replace any and all dead or dying landscape material so that it is consistent with the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.

6. The hedge material for the Site shall be maintained at five feet unless otherwise noted on the approved plans which have been incorporated herein as a condition.
7. The Applicant shall ensure that pedestrians have safe and adequate passage along each of the Site's entrances.
8. During the construction of the Site, the Applicant shall ensure that any and all contractors use commonly accepted best practices to reduce airborne dust and particulates.
9. The dumpster area shall be kept closed at all times. All dumpsters shall be acquired from the approved franchise supplier for the Town of Lake Park.
10. 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 and Landscaping Plans.
11. The Applicant hereby acknowledges that the development of the Site is subject to the recorded Unity of Control for the PUD, and agrees to comply with the terms thereof.
12. Prior to the issuance of any building permits, the Applicant shall submit copies of any other permits required by other agencies, including but not limited to the 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.
13. Any revisions to the approved Site Plan, Landscape Plan, Architectural Elevations, Signs, Statement of Use, Photometric Plan, colors, materials, or the location of proposed improvements or structures, shall be submitted to the Community Development Department and shall be subject to its review and approval.
14. 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.
15. Prior to the issuance of any development permits, the Applicant shall provide a Letter of Credit in the amount of \$126,417.50. In the event the Applicant does not initiate construction of Phase 2 within 18 months of completion of Phase 1, the Applicant shall remove the improvements installed as part of the development of Phase 1 temporary storage facility. The Town may call the Letter of Credit and use its proceeds to install perimeter landscaping for the Phase 2 parcel.
16. The Phase I outdoor storage area shall only be used to park vehicles. The repair, installation of parts, testing of engines or any other mechanical work on vehicles is prohibited.
17. All expired landscaping currently surrounding the Site shall be replaced with trees, vegetation or other plantings which are in accordance with the specifications approved as part of the master plan for the PUD. Additionally, if any existing landscape material is damaged as part of the Applicant's development of the Phase II of the project, the Applicant shall immediately replace it in accordance with the approved specifications.
18. The Applicant shall submit any easements, abandonments, or releases to the Director for review and approval by the Town Attorney. Any documents which have been approved by the Town Attorney and which require recordation shall be the responsibility of the

Applicant and shall be recorded prior to the issuance of the building permit for the construction of Phase I.

19. **The Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this resolution. Should the Director determine that the Applicant has not initiated and continued bona fide development, the approvals granted by this Resolution shall become null and void. Once bona fide development has been initiated, the development of the Site shall be completed within 18 months.**
20. Revise the architectural plans to show louvres as an architectural detail.
21. Revise the site plan to show the use of a classic fence type pursuant to the option provided along with the updated detail.
22. Revise the landscaping plans to show the supplemental plantings necessary to create opacity of the outdoor storage area.

**Section 3:** The Applicant and its 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 ANNE LYNCH	<u>/</u>	___
COMMISSIONER MICHAEL O'ROURKE	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 39-09-16 duly passed and adopted this 19 day of October, 2016.

TOWN OF LAKE PARK, FLORIDA

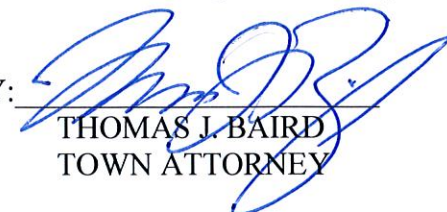
BY:   
JAMES DUBOIS  
MAYOR

ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK



Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY