

**RESOLUTION NO. 93-11-17**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A CONDITIONAL USE AND SITE PLAN FOR THE BUILDING AT 754 PARK AVENUE TO INCLUDE A 4,225 SQUARE FOOT MICROBREWERY WITH AN ACCESSORY 2,625 SQUARE FOOT ROOF-TOP OPEN AIR PATIO AND TASTING ROOM, A 1,575 SQUARE FOOT RESTAURANT, AND A 4,225 SQUARE FOOT BUSINESS OFFICE; PROVIDING FOR THE APPROVAL OF CERTAIN WAIVERS TO THE LAND DEVELOPMENT REGULATIONS OF THE PARK AVENUE DOWNTOWN DISTRICT; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND THE CONDITIONAL USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on behalf of 754 Park Avenue, LLC (the Owner), the MilCor Group, Inc. acting as the Owner's authorized agent (the Applicant) has submitted applications for a site plan and a 4,225 square foot microbrewery conditional use with an accessory 2,625 square foot roof-top open air patio and tasting room, 1,575 square foot restaurant with outdoor seating, and 4,225 square foot business office, with an estimated 270 seats for the rooftop open air patio and outdoor dining area for the restaurant, combined (the Application), at 754 Park Avenue (the Site); and

**WHEREAS**, the Site proposed for development has a future land use designation of "Downtown"; and

**WHEREAS**, the zoning of the Site is Park Avenue Downtown District (PADD); and

**WHEREAS**, the Town's Planning and Zoning Board has reviewed the Application and has recommended to the Town Commission its approval with certain conditions; and

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

**WHEREAS**, at these hearings, the Town Commission considered the evidence presented by the Town Staff, the Owner, Applicant, and other interested parties and members of the public, regarding the Application.

**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 for the Site authorizing a conditional use of a 4,225 square foot microbrewery with an accessory 2,625 square foot rooftop open-air patio and tasting room, a 1,575 square foot restaurant with outdoor

seating, and a 4,225 square foot business office, with 270 seats combined for the rooftop area and outdoor dining area, subject to the following conditions:

- (1) The Applicant shall develop the Site consistent with the following Plans:
  - a. Site Plan, Demolition and Erosion Plan, Paving/Grading/Drainage Plan, Signage and Pavement Marking Plan, Utility Plan and Utility Details Plan, Landscape Plan, Irrigation Plans, Lighting Plans, and Elevations including color renderings, respectively referenced as Sheets 2 through 8, L1, I-1, E1 through E3, 1.6a and 1.7a received and dated by the Department of Community Development on 10/27/17 and signed and sealed on 10/26/17.
  - b. Survey prepared by Bob Buggee, Inc. signed and sealed dated 6/13/17 and received by the Department of Community Development on 10/26/17.
- (2) 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 right of way of Park Avenue, 8<sup>th</sup> Street, 7<sup>th</sup> Street, or the alleyways, or any other surrounding street and parking areas 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.
- (3) 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 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.
- (4) The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
- (5) Prior to issuance of the Certificate of Occupancy, the Owner 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.
- (6) Prior to the issuance of any building permits, the Owner 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.
- (7) 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.
- (8) The Owner shall contract with a security company which shall be present during the operating hours of the roof-top open air patio of the Brewery onsite.

- (9) The Town's Public Works Department sanitation requirements shall be met, particularly in the Downtown area where shared alleyway dumpster usage is available.
- (10) The Owner shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Once initiated, the development of the Site shall be completed within 18 months. Failure to do so shall render the Development Order void.
- (11) This approval of the Site Plan is subject to the abandonment of a a 0.9 foot by 53.8 foot right-of-way.
- (12) The Owner shall cause the Site to be 100% irrigated. The Owner shall submit the detailed irrigation plans for the Community Development Department review and approval prior to the issuance of a building permit.
- (13) Prior to the submission of the final Site Plan, the Applicant shall incorporate additional exterior window moldings or trim to enhance the aesthetics of the windows around the building.
- (14) **Cost Recovery.** All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and preparing the Development Order shall be billed to the Owner. The Owner shall pay these fees and costs to the Town within 10 days of receipt of an invoice from the Town. The failure of the Owner to pay the Town for any of the professional fees or costs within the 10 days will result in the suspension of any further review of any building or other plans which may be associated with the approval of the site plan and conditional use, and may result in the revocation of the approved Development Order. A certificate of occupancy will not be issued if invoices are outstanding.
- (15) The two westernmost pods of the community garden area parking design as identified in the Master Public Parking Plan 78-70-4, must be constructed and usable by the Town either with a temporary grassed surface or as a permanently improved parking lot area, prior to the issuance of the Certificate of Occupancy for the rooftop patio bar. If improved as a temporary grassed area, this temporary condition requires Town Commission approval and shall not extend longer than a 6-month period initially without completing the permanent parking lot conversion, with the option of having the Town Commission revisit and approve one 6-month extension. If improved as a temporary grassed area first, the Property Owner must secure the necessary valet parking during the interim period when the grassed area is being converted into a permanent parking lot.
- (16) Amplified music shall not be permitted after midnight on any day of the week for the rooftop patio bar operation.

**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 execution.

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


	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	___
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	___
COMMISSIONER ERIN FLAHERTY	<u>/</u>	___
COMMISSIONER ANNE LYNCH	<u>/</u>	___
COMMISSIONER ROGER MICHAUD	<u>/</u>	___

The Town Commission thereupon declared the foregoing Resolution NO. 93-11-17 duly passed and adopted this 15 day of November, 2017.

TOWN OF LAKE PARK, FLORIDA

BY:   
MICHAEL O'ROURKE  
MAYOR

ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK



Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY