

RESOLUTION NO. 97-12-17

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A 6,316 SQUARE FOOT OFFICE WAREHOUSE WITH ACCESSORY OUTDOOR STORAGE TO BE DEVELOPED ON THE SOUTH SIDE OF WATER TOWER ROAD BETWEEN 14th and 15th STREET; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as the authorized agent of Water Tower Enterprises, LLC (the Owner), H and L Planning and Development, Inc., (the Applicant) has submitted an application to develop a 6,316 square foot office warehouse with accessory outdoor storage on parcels legally described in Exhibit "A" (the Site); and

WHEREAS, the Site proposed for development has a future land use designation of "Commercial/Light Industrial"; and

WHEREAS, the zoning of the Site is Campus Light Industrial and Commercial (CLIC); and

WHEREAS, the Community Development Department has determined that the primary use of an "Office Warehouse" is a permitted use in the CLIC Zoning District; and

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

WHEREAS, the Town's Planning and Zoning Board has approved an associated variance request to reduce the western landscape buffer from 15 feet to 12 feet; 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 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 an "Office Warehouse" with accessory outdoor storage subject to the following conditions:

- (1) The Applicant shall develop the Site consistent with the following Plans:

- a. Site Plan, Architectural Plan, Landscape Plan, Irrigation Plans, Civil Plans and Photometric Plan referenced as Sheets SP1, LP-1, LP-2, IR-1, IR-2, PHM1, PHM2, A1.01, A2.01, A2.01, C1, C-2, C-3, C-4, C-5, C-6, C-7, C-8 received and dated by the Department of Community Development on 8/15/17 and signed and sealed on 8/10/17 and 8/14/17.
 - b. Survey prepared by Magellan Surveying & Mapping, Inc. that is signed and sealed dated 10/5/16 and received by the Department of Community Development on 8/15/17.
- (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 Watertower Road, 14th Street and 15th Street, or 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 Owner. 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 hedge material proposed for the perimeter of the Site which serves to align the parking areas, shall be maintained at a minimum four foot height.
 - (5) The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
 - (6) 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.
 - (7) 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.
 - (8) 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.
 - (9) 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.

- (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) 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. A certificate of occupancy will not be issued if invoices are outstanding.
- (12) The Applicant shall submit an application to replat the Site, or establish an unity of title prior to commencing construction.
- (13) Pursuant to Section 78-75(2)(e), accessory uses including the outdoor storage of any article or material shall be screened by ornamental walls and fences. Materials shall not be stacked or stored so as to exceed the height of the screen and plans shall be revised prior to the issuance of a development permit to include an ornamental fence material instead of chain link fabric.
- (14) Equipment, vehicles or any type of storage items that are visible from any Right-Of-Way or adjacent property are prohibited from being located in the accessory storage yard. This includes any vehicles such as cranes, excavators or other machinery having moveable appendages.
- (15) Prior to the issuance of a development permit and submission of final plans, the Owner shall re-design the architectural plans for the building such that the bay door facing Water Tower Road are the same color as the building's façade. An additional banding architectural feature shall also be incorporated to frame the top of the garage door.
- (16) Prior to the submission of the final plans, the Owner shall modify the site plan to eliminate the two wall signs.
- (17) The building shall only be occupied by the Owner's businesses.
- (18) The bay door fronting Water Tower Road shall remain closed except when necessary to allow vehicles to enter and exit through the building.

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 Michaud 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. 97-12-17 duly passed and adopted this 3 day of January, 2018.

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