

RESOLUTION NO. 98-12-17

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A 7,372 SQUARE FOOT RETAIL AUTOZONE STORE TO BE DEVELOPED 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, CPH Corp. as the authorized agent (the Applicant has submitted a site plan application on behalf of AutoZone Stores, LLC (the Owner) to develop a 7,372 square foot "AutoZone" retail store on Tract A2B of the Congress Business Park Planned Unit Development; and

WHEREAS, the property proposed for development (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 permitted and special exception uses permitted in the C-2 Zoning District; and

WHEREAS, the director of the Community Development Department has determined that the use of a "Retail Store" is a permitted use in the C-2 Zoning District; and

WHEREAS, the Town's Planning and Zoning Board has reviewed the Application and the Director's recommendation and has recommended to the Town Commission that it approve the Application 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 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 use of a "Retail Store" authorizing the development of an Auto Zone store subject to the following conditions:

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

| Sheet Titles | Sheet(s) | Sign and Sealed Date | Received by Community Development Date |
|---|--|-------------------------|--|
| Site Plan, Civil Plans, Photometric Plan, and Truck Turn Envelope | C0.1, C0.2, C0.3, CO.4, C1.1, C1.2, C1.3, C1.4, C1.5, C5.1, C5.2, PH1.0, TTE | 8/1/17, 9/1/17 & 4/5/17 | 10/27/17 |
| Landscape Plan, Irrigation Plan | L1.0, L2.0, L3.0, IR1.0, IR2.0, IR3.0, IR4.0, IR5.0 | 8/30/17 | 10/27/17 |
| Color Elevations/ Architecture | CE | 8/24/17 | 10/27/17 |

| Sheet(s) | Sign and Sealed Date | Received by Community Development Date |
|---|----------------------|--|
| Survey prepared by Bullseye Surveying, Inc. | 8/31/17 | 10/27/17 |

- (2) The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
- (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 right of way of North Congress Avenue, Park Avenue West, Watertower Road 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.
- (4) 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.
- (5) The hedge material proposed for the perimeter of the Site which serves to align the parking areas, shall be maintained at a height consistent with the entire PUD.

- (6) The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) **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.
- (13) Outside storage and repair/installations of any kind is prohibited on the site. Operator shall install signs in the parking areas prohibiting repairs/installations prior to the issuance of a Certificate of Occupancy.

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 Commissioner Flaherty 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>Absent</u> | |
| VICE-MAYOR KIMBERLY GLAS-CASTRO | <u>/</u> | |
| COMMISSIONER ERIN FLAHERTY | <u>/</u> | |
| COMMISSIONER ANNE LYNCH | <u>/</u> | |
| COMMISSIONER ROGER MICHAUD | <u>/</u> | |

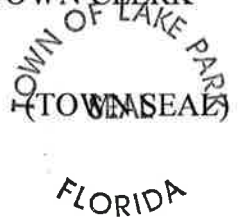
The Town Commission thereupon declared the foregoing Resolution NO. 98-12-17 duly passed and adopted this 6 day of December, 2017.

TOWN OF LAKE PARK, FLORIDA

BY: [Signature]
MICHAEL O'ROURKE
MAYOR

ATTEST:

[Signature]
VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: [Signature]
THOMAS J. BAIRD
TOWN ATTORNEY