

RESOLUTION NO. 22-05-18

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 44,500 SQUARE FOOT OFFICE WAREHOUSE BUILDING WITHIN THE CONGRESS BUSINESS PARK PLANNED UNIT DEVELOPMENT; PROVIDING FOR THE APPROVAL OF A WAIVER TO TOWN CODE SECTION 24-76; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN AND SPECIAL EXCEPTION USE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gentile Glas Holloway O'Mahoney & Associates, Inc. (the Applicant) is proposing to develop a 44,500 square foot Office Warehouse building on Parcel H1 of the Congress Business Park Planned Unit Development (the Site) on behalf of the current owner Congress Avenue Properties Ltd (the Owner); and

WHEREAS, the Applicant has submitted applications for a Site Plan and the Special Exception Use of an Office Warehouse building along with a waiver request to Town Code Section 24-76 for a 0.5 foot reduction to the dumpster enclosure configuration opening dimension (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 an Office Warehouse 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); and

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 an Office Warehouse building 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 Commission 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.

Section 2. The Town Commission hereby approves a Site Plan and the Special Exception Use of “Office Warehouse” 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
Master Development Plan, Site Development Plan, Landscape Plans, Truck Turning Plan, Tree Mitigation Plan	MSP-1, SP-1, LP-1, LP-2, LP-3, TR-1, and TM-1 ** includes waiver approval for a dumpster opening configuration reduction of 0.5 feet, resulting in 11.5 foot openings	05/08/2018	05/08/2018
Irrigation Plans	IRR, IRR-1, IRR-SPEC-1	01/15/2018	05/08/2018
Civil Plans	C1 through C10	03/20/2018	05/08/2018
Survey	Dwg. D99-240U	01/31/2018	05/08/2018
Elevations	A101, A105, A105.1, A105.2	05/08/2018	05/08/2018
Photometric Plans	PH-1, PH-2, PH-3, and PH-4	03/05/2018	05/08/2018

- (2) Prior to the issuance of any building permit, copies of all other required permits from other agencies including but not limited to Palm Beach County Health Department, Palm Beach County Land Development Division, Northern Palm Beach County Improvement District,

the Florida Department of Transportation, South Florida Water Management Division, the NOI for the Generic Permit for Stormwater Discharge from Large and Small Construction Activities (GCP) and the State of Florida Department of Environmental Protection will be required.

- (3) Cameras Required: Add high-definition surveillance cameras, which can capture clear facial features, to the parking areas as well as along the exterior façade of the building. The camera should be placed eye level in order to capture as much detail of any suspicious activity.
- (4) The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
- (5) 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.
- (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 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.
- (7) 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.
- (8) The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
- (9) The dumpsters 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.
- (10) 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.
- (11) 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.

- (12) 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 the required review and approval process.
- (13) 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.
- (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. A certificate of occupancy will not be issued if invoices are outstanding.
- (15) Outside storage and repair/installations of any kind is prohibited on the site for any future end users so as to remain consistent and compatible with the uses within the PUD.
- (16) Additional sidewalk connections along the western property boundary shall be incorporated when a site plan for development is considered for the remaining vacant parcel on the southeast corner of Watertower Road and Congress Avenue.
- (17) The site is prohibited from incorporating changeable copy signs. Only signs with permanent sign faces are permitted.

Section 3. This Resolution shall become effective upon execution.

The foregoing Resolution was offered by Commissioner Michaud 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:


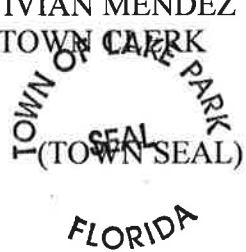
	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u> </u>	<u>Noting Conflict</u>
COMMISSIONER ERIN FLAHERTY	<u> </u>	<u>Absent</u>
COMMISSIONER ANNE LYNCH	<u>/</u>	<u> </u>
COMMISSIONER ROGER MICHAUD	<u>/</u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution NO. 22-05-18 duly passed and adopted this 16 day of May, 2018.


TOWN OF LAKE PARK, FLORIDA

BY: 
MICHAEL O'ROURKE
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK

TOWN OF LAKE PARK
FLORIDA

Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY