

RESOLUTION NO. 83-11-18

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE PREVIOUSLY APPROVED GASOLINE STATION KNOWN AS MURPHY OIL, LOCATED AT 103 NORTH CONGRESS AVENUE; PROVIDING FOR THE EXPANSION OF THE GASOLINE STATION TO 8 DOUBLE-STACKED FUELING POSITIONS AND A 1,400 SQUARE FOOT CONVENIENCE STORE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Murphy Oil USA, Inc. (the Owner), is the owner of a 1.02 acre parcel of property located at 103 North Congress Avenue (the subject property);

WHEREAS, the subject property is legally described in the attached Exhibit A, which is incorporated herein; and

WHEREAS, on behalf of the Owner, Greenberg Farrow as the authorized agent (the Applicant) has submitted an application to redevelop the subject property; and

WHEREAS, the subject property was previously approved for the special exception use of "gasoline station"; and

WHEREAS, the Applicant has submitted an application to expand the number of fueling positions such that the subject property would have 8 double-stacked fueling positions and to develop an expanded 1,400 square foot convenience store (the Application); and

WHEREAS, the existing gasoline station and convenience store is proposed for demolition; and

WHEREAS, the Commission previously granted special exception use approval of a gasoline station pursuant to Resolution 60-01-05 and site plan approval pursuant to Resolution 40-10-05; and

WHEREAS, the future land use designation of the subject property is "Commercial/Light Industrial"; and

WHEREAS, the zoning of the subject property is Commercial-2 Business District (C-2); 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 Commission has conducted a quasi-judicial hearing to consider the Application; and

WHEREAS, at this hearing, the Town Commission considered the evidence presented by the Town's Community Development Department, the Applicant, 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 redevelopment of the existing a Gasoline Station and convenience store, subject to the following conditions:

(Intentionally left blank)

(1) The Applicant shall develop the subject property consistent with the following Plans:

Sheet Titles	Sheet(s)	Sign and Sealed Date	Received by Community Development Date
PLAN SET: C-0 COVER SHEET C-0.1 COMPOSITE SITE PLAN C-1 SITE PLAN C-1.1 MASTER SIGNAGE PLAN S-1 SURVEY C-3 GRADING PLAN C-3.1 STORM SEWER PLAN C-3.3 PRE-DEVELOPED DRAINAGE PLAN C-3.4 POST-DEVELOPED DRAINAGE PLAN C-4 EROSION CONTROL PHASE 1 C-4.1 EROSION CONTROL PHASE 2 C-4.2 EROSION & SEDIMENT CONTROL DETAILS C-4.3 EROSION & SEDIMENT CONTROL DETAILS C-5 DEMOLITION PLAN C-5.1 TREE DISPOSITION PLAN C-6 UTILITY PLAN C-7 PAVING/JOINT LAYOUT PLAN C-9 TRUCK ROUTE PLAN LS1 LANDSCAPE PLAN LS2 LANDSCAPE DETAILS LS3 IRRIGATION HEAD LAYOUT LS4 IRRIGATION DETAILS C-12 DETAIL SHEET C-13 DETAIL SHEET C-14 DETAIL SHEET C-15 DETAIL SHEET C-16 DETAIL SHEET L-1.0 PHOTOMETRIC PLAN		10/16/2018	10/22/2018
Architectural Rendering	R06	N/A (dated 10/18/2018)	10/22/2018
Exterior Elevations	E1, E2, CNP-E2	09/07/2018, 09/07/2018 and 10/19/2018	10/22/2018

2. Prior to the issuance of any building permit, the Applicant shall submit to the Department of Community Development (the Department), copies of the approved permits from other agencies, including but not limited to, the Palm Beach County Health Department, Palm Beach County Land Development Division, Northern Palm Beach County Improvement District, the Florida Department of Transportation, the South Florida Water Management Division, the Notice of Intent (NOI) for the Generic Permit for Stormwater Discharge from Large and Small Construction Activities (GCP) and the State of Florida Department of Environmental Protection.
3. The Applicant shall demonstrate that it is preserving the specimen live oak tree identified on the landscape plans submitted to the Department. This shall be accomplished by showing in the final plans submitted to the Department that the drainage swale has been modified to ensure that no excavation occurs within 10 feet of the tree trunk. The Owner shall maintain the tree protection barricades throughout construction and until a certificate of occupancy has been issued by the Town.
4. For all access points to the buildings and parking areas of the subject property the minimum-maintained lighting pursuant to Town Code Section 54-36 (1 footcandle) shall be provided from dusk until 30 minutes after the termination of business each day the business is open. All active entrances to the convenience store building shall provide minimum-maintained lighting pursuant to Town Code Section 54-36 (1 footcandle) from dusk until dawn.
5. The Owner, the Applicant and their successors and assigns shall be subject to the conditions herein.
6. Construction on the subject property is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception to same is previously approved, in writing, by the Department's Director. Any proposed disruption to the normal flow of traffic within the right of way of Congress Avenue, Silver Beach Road, or Park Avenue West, or any other surrounding streets or parking areas as part of the construction of the subject property is subject to the review and approval of the Department.
7. All landscaping as shown on the Site Plan and the Landscaping Plan shall be continuously maintained and trimmed, by a certified landscape professional, 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.
8. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during construction.

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 Town's approved solid waste franchisor.
10. 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 subject property is in accordance with the approved Site and Landscaping Plans.
11. Any revisions to the approved Site Plan, Landscape Plan, architectural elevations, signs, Statement of Use, photometric plan, or other details 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 Department and shall be subject to the required review and approval.
12. The Owner shall initiate bona fide and continuous development of the subject property within 18 months from the effective date of this Development Order. Once initiated, the development shall be completed within 18 months. Failure to do so shall render the Development Order void.
13. Cost Recovery. All professional consulting fees and costs, including legal fees incurred by the Town, including those for the review and preparation of the approved Development Order 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 shall result in the suspension of any further review of the Application.
14. The Color palette for all structures shall be consistent with the Walmart color palette.
15. Prior to the issuance of a Certificate of Occupancy (CO), the Owner shall work with Palm Beach County on their Adopt-A-Road program for Congress Avenue, a Palm Beach County roadway. A copy of the Owner's signed Agreement of participation shall be submitted to the Town prior to the issuance of the CO.

Section 3:

This Resolution shall become effective upon execution.

Exhibit "A"

Legal Description

BEING LOT 3, AND PART OF LOT 1 OF WAL-MART AT LAKE PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 105, PAGE 111 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

COMMENCING AT AN IRON PIN SET IN THE WEST RIGHT OF WAY LINE OF CONGRESS AVENUE, SAID IRON PIN SET BEING THE SOUTHEAST CORNER OF LOT 3, WAL-MART AT LAKE PARK, OF RECORD IN PLAT BOOK 105, PAGE 111-112, SAID IRON PIN ALSO BEING THE TRUE POINT OF BEGINNING OF THIS TRACT;

THENCE LEAVING SAID RIGHT OF WAY LINE WITH THE NORTH RIGHT OF WAY LINE OF SILVER BEACH ROAD AS FOLLOWS: SOUTH 44 DEGREES 20 MINUTES 32 SECONDS WEST A DISTANCE 19.86 FEET TO AN IRON PIN SET;

THENCE NORTH 87 DEGREES 18 MINUTES 52 SECONDS WEST A DISTANCE OF 167.37 FEET TO A PK NAIL SET;

THENCE LEAVING SAID RIGHT OF WAY LINE WITH LOT 1 OF SAID WAL-MART AT LAKE PARK NORTH 00 DEGREES MINUTES 00 SECONDS EAST PASSING THE NORTHWEST CORNER OF LOT 3 AT 230.44 FEET AND EXTEND INTO LOT 1 10.91 FEET FOR A TOTAL DISTANCE OF 241.35;

THENCE ALONG AND ACROSS LOT 1 NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 186.10 FEET TO AN IRON PIN SET IN THE WEST RIGHT OF WAY LINE OF SAID CONGRESS AVENUE;

THENCE WITH SAID RIGHT OF WAY LINE WITH A CURVE TURNING TO THE LEFT, PASSING AN IRON PIN SET AT ARC LENGTH OF 10.94 FEET, THE NORTHEAST CORNER OF LOT 3, SAID CURVE HAVING A TOTAL ARC LENGTH OF 235.15 FEET, WITH A RADIUS OF 2153.00 FEET, WITH A CHORD BEARING OF SOUTH 01 DEGREES 13 MINUTES 32 SECONDS WEST, WITH A CHORD LENGTH OF 235.03 TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING AN AREA OF 44,455.53 SQUARE FEET, 1.02 ACRES, MORE OR LESS.

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>/</u>
COMMISSIONER ERIN FLAHERTY	<u>Absent</u>	<u>—</u>
COMMISSIONER ANNE LYNCH	<u>/</u>	<u>—</u>
COMMISSIONER ROGER MICHAUD	<u>/</u>	<u>—</u>

The Town Commission thereupon declared the foregoing Resolution NO. 83-11-18 duly passed and adopted this 7 day of November, 2018.

TOWN OF LAKE PARK, FLORIDA

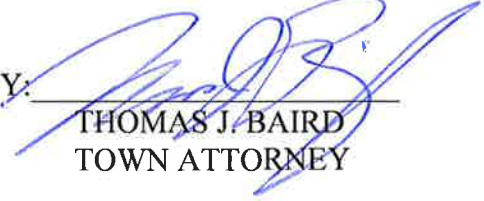
BY: 
MICHAEL O'ROURKE
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK



Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY