

**RESOLUTION NO. 84-11-18**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AUTHORIZING THE DEVELOPMENT OF 65,380 SQUARE FEET OF RETAIL WITHIN PARCELS 9 AND 10 OF THE NORTHLAKE PROMENADE SHOPPES PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Northlake Promenade Shoppes LLC is the owner of the property legally described in the attached Exhibit A, which is incorporated herein; and

**WHEREAS**, Schmidt Nichols as the Owner's authorized agent (Applicant) has submitted an application for a site plan to develop 65,380 square feet of retail space (the Application) on Parcels 9 and 10 of the previously approved Northlake Promenade Shoppes Planned Unit Development (the Site); and

**WHEREAS**, the Site has a future land use designation of "Commercial"; and

**WHEREAS**, the Site is within a Planned Unit Development (PUD) with an underlying zoning designation of Commercial-3 Business District (C-3); and

**WHEREAS**, on October 24, 1991 the Village of North Palm Beach (the Village) and Town of Lake Park (the Town) entered into an Interlocal Agreement creating the Twin City Mall Task Force, the purpose of which was to facilitate renovations to, and/or the redevelopment of the Twin City Mall, portions of which are located within both municipalities; and

**WHEREAS**, On May 13, 1993 the Village and Town entered into an Interlocal Agreement whereby each municipality is required to review plans for the development or redevelopment of the Twin City Mall; and

**WHEREAS**, in November 1995, the Town of Lake Park approved the Northlake Promenade Shoppes PUD for those parcels located within the jurisdictional boundaries of the Town of Lake Park; and

**WHEREAS**, some development within the original Northlake Promenade PUD approval was built – namely, 67,434 square feet of retail/commercial (Publix grocery store and additional retail/commercial spaces); 4,281 square feet for a bank (now vacant), for a total of 71,715 square feet of development; and

**WHEREAS**, given the multi-jurisdictional boundaries, the original approvals intended on joint Planning Board meetings by both municipalities (Lake Park and North Palm Beach) so as to ensure an inclusive process and consistent development patterns; and

**WHEREAS**, the Town of Lake Park Planning and Zoning Board, jointly with the Village of North Palm Beach Planning Commission, have reviewed the Application and have 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’s Department of Community Development (the Department), the Owner, Applicant, 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 for the development of 65,380 square feet of retail, subject to the following conditions:

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

<b>Sheet Titles</b>	<b>Sheet(s)</b>	<b>Sign and Sealed Date (official file copy will include seal)</b>	<b>Received by Community Development Date</b>
Site Plan Packet	SP-1, SP-2, SP-3	10/22/2018	10/23/2018
Landscape Index, Landscaping Plans and Tree Disposition Plan	LI-1, LP-1, LP-2, LP-3, LP-4, LP-5 and TD-1	10/22/2018	10/23/2018
Civil Plans (Paving, Grading and Drainage)	Civil 1 through 10	06/08/2018	10/23/2018
Survey	Job No. 16-1594.24	09/28/2016	10/23/2018
Floor Plan, Elevations/Materials Schedule, and Color Renderings	A2.01, A3.01, AC3.01	05/17/2018	10/23/2018
Site Lighting Plan	E-1	06/11/2018	10/23/2018

- (2) The development of Parcels 9 and 10 shall be consistent with the purpose and guidelines of the Master Plan development by Dover Kohl dated 07/25/2018 (Phase 1, Option 1). Any future development of the Site shall comply and be reviewed for consistency with the then currently approved Master Plan.
- (3) Upon the submission of final plans, the Applicant shall revise the landscaping plan, for Retail building "I." This revised landscaping plan shall provide enhanced landscaping, which may include additional palms (as shown in the rendering by Dover Kohl for Option 1 dated 07/25/2018) or shade trees around Retail Building "I." The landscaping in the revised landscaping plan shall identify the quantity of the additional plant materials.
- (4) The dumpster for Retail Building "I" should be reconfigured to face north or east so that it does not face in the direction of Retail Building "I" to eliminate potential smells and provide an additional buffer between the dumpster and the outdoor areas around said building.
- (5) No Building Permits for the site shall be issued after December 31, 2021.
- (6) The Property Owner shall fund the cost of and construct a signal, if warranted, as determined by the County Engineer, on Northlake Blvd at Project's western main entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.
  - a. No further Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division.
  - b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. The surety will also be released if the Property Owner constructs the signal and the signal has been accepted by the County after final inspection.

- (7) The Property Owner shall close the easterly median opening on Northlake Blvd and subsequently extend the eastbound dual left turn lanes at US-1 intersection to the maximum extent feasible, as approved by the FDOT or County Engineer, as appropriate.
  - a. Permits required from FDOT or Palm Beach County, as appropriate, for this construction shall be obtained prior to the issuance of any further building permit.
  - b. Construction shall be completed prior to the issuance of any further Certificate of Occupancy.
  
- (8) The Property Owner shall extend the existing eastbound "drop through lane/right turn lane" on Northlake Blvd at US-1, westerly to the east edge of the Project's westernmost driveway connection.
  - a. Permits required from FDOT or Palm Beach County, as appropriate, for this construction shall be obtained prior to the issuance of any further building permit.
  - b. Construction shall be completed prior to the issuance of any further Certificate of Occupancy.
  
- (9) Prior to the issuance of a development permit, the site plan and landscaping plan shall be revised to show the locations of lights pursuant to the proposed Photometric Plan.
  
- (10) The Site shall be 100% irrigated. Prior to the issuance of a development permit, the Applicant shall submit the irrigation plans.
  
- (11) Prior to the issuance of any building permit, the Applicant shall submit 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 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 will be required.
  
- (12) The project proposes wall signs. All end user wall signs must retain aesthetic consistency by retaining the same individual channel letter design to identify the business names, similar to the existing Publix plaza. Variation in color is permitted.

- (13) Minimum-maintained lighting of 1 foot-candle pursuant to Town Code Section 54-36 shall be provided for all access points to buildings and parking areas, including all open parking areas from dusk until 30 minutes after the close of the business which remains open for every day any of the businesses are open. All active entrances to buildings shall also provide minimum-maintained lighting of 1 foot-candle pursuant to Town Code Section 54-36 from dusk until dawn.
- (14) High-definition surveillance cameras, which can capture clear facial features, to the parking areas as well as along the exterior façade of the building shall be installed throughout the Site. The camera(s) shall be placed eye level so that they will capture as much detail of the area of the Site. Recording should be off site with internet cloud recovery available to Law Enforcement.
- (15) The Owner, the Applicant and their successors and assigns shall be subject to the Development Order and all conditions.
- (16) 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 an exception is approved in writing by the Community Development Director.
- (17) Any proposed disruption to the normal flow of traffic within the right of way of Northlake Boulevard, Palmetto Drive, or US-1, 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 Department.
- (18) The Owner shall ensure that the landscaping shown on the approved Site Plan and the Landscaping Plan is continuously maintained from the date of the issuance of the Certificate of Occupancy. 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.
- (19) The Owner shall ensure that all contractors use commonly accepted practices to reduce airborne dust and particulates during construction on the Site.
- (20) The dumpsters shall be screened as noted on the Site Plan and kept closed at all times except when the solid waste franchise supplier is disposing of materials. All dumpsters shall be acquired from the Town's approved solid waste franchise supplier.
- (21) Prior to issuance of the Certificate of Occupancy, the Owner or Applicant shall provide certification from the Landscape Architect of record that the required plant installations for the Site have been installed in accordance with the approved Site and Landscaping Plans.
- (22) 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.

- (23) 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.
- (24) **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 the 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 plans or building activities, and may result in the revocation of the approved Development Order.
- (25) Prior to the issuance of the Certificate of Occupancy for the Site, the approved color palette shall be extended throughout the existing Publix plaza and associated shops.

**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.

**EXHIBIT "A"**

**Legal Description**


*Parcel 9 and Parcel 10, **NORTHLAKE PROMENADE SHOPPES, A PUD, REPLAT No. 1**, according to the plat thereof, as recorded in Plat Book 124, Page 51, of the Public Records of Palm Beach County, Florida.*

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>	<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. 84-11-18 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