

RESOLUTION NO. 97-12-19

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A MIXED-USE DEVELOPMENT KNOWN AS NAUTILUS 211 CONSISTING OF 23 STORIES, INCLUSIVE OF 5 PARKING LEVELS; PROVIDING FOR THE AUTHORIZATION TO DEVELOP 332 RESIDENTIAL UNITS, 13,000 SQUARE FEET OF OFFICE, 8,058 SQUARE FEET OF RETAIL, 14,550 SQUARE FEET OF RESTAURANT AND ROOFTOP AMENITIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Forest Development LLC is the owner, (“Owner”) of the property legally described in the attached Exhibit “A”, and which is incorporated herein (the Site); and

WHEREAS, Insite Studio as the authorized agent of the Owner (“Applicant”) has submitted a Site Plan and other associated plans proposing a mixed-use development (the Application) on the Site, which is generally located at the southeast corner of Cypress Drive and North Federal Highway; and

WHEREAS the Owner proposes to develop a 23-story mixed-use project known as the Nautilus 211 consisting of 5 parking levels, 332 residential units, *approximately* 13,000 square feet of office, 8,058 square feet of retail and 14,550 square feet of restaurant uses, (“ the Project”); and

WHEREAS, the Site has a future land use designation of “Federal Highway Mixed-Use”; and

WHEREAS, the Site is located within the “Mixed-Use” (MU) zoning district and is located within the Federal Highway Mixed-Use District Overlay (FHMUDO); and

WHEREAS, the proposed uses of the Project are permitted in the FHMUDO; and

WHEREAS, the Town Commission has previously approved Code provisions to allow for a 10% administrative waiver to the building height in the regulations and a parking garage height exemption through Town Code Sections 78-83(m)(2) and 78-84 K.(3)and(4); 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 Staff, the Applicant, and other interested parties and members of the public, regarding

whether the Application is consistent with the Town’s Comprehensive Plan and meets the Town’s Land Development Regulations; and

WHEREAS, the Town Commission agrees that certain conditions are necessary in order for the Application to be consistent with the Town’s Comprehensive Plan and to meet its 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 Project subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:

Name	Sheet	Sign and Seal	Received on
Architecture Plan			
COVER SHEET	A0.00	11/25/2019	25-Nov-19
CODE DATA	A0.01	11/25/2019	25-Nov-19
DEVELOPMENT DATA	A0.02	11/25/2019	25-Nov-19
PARKING LEVEL A GROUND FLOOR	A1.01	11/25/2019	25-Nov-19
PARKING LEVEL B MEZZANINE	A1.02	11/25/2019	25-Nov-19
PARKING LEVEL C	A1.03	11/25/2019	25-Nov-19
PARKING LEVEL D	A1.04	11/25/2019	25-Nov-19
PARKING LEVEL E	A1.05	11/25/2019	25-Nov-19
AMENITY LEVEL	A1.06	11/25/2019	25-Nov-19
FLOOR 1	A1.07	11/25/2019	25-Nov-19
TYPICAL FLOOR	A1.08	11/25/2019	25-Nov-19
FLOOR 17 PENTHOUSE	A1.09	11/25/2019	25-Nov-19
ROOF LEVEL	A1.10	11/25/2019	25-Nov-19
TOP ROOF PLAN	A1.11	11/25/2019	25-Nov-19
WEST ELEVATION	A2.01	11/25/2019	25-Nov-19
SOUTH ELEVATION	A2.02	11/25/2019	25-Nov-19
EAST ELEVATION	A2.03	11/25/2019	25-Nov-19
NORTH ELEVATION	A2.04	11/25/2019	25-Nov-19
COLOR ELEVATION WEST	A2.11	11/25/2019	25-Nov-19
COLOR ELEVATION SOUTH	A2.12	11/25/2019	25-Nov-19
COLOR ELEVATION EAST	A2.13	11/25/2019	25-Nov-19
COLOR ELEVATION NORTH	A2.14	11/25/2019	25-Nov-19

COLOR RENDERINGS	A2.21	11/25/2019	25-Nov-19
COLOR ELEVATION DETAILS	A2.31	11/25/2019	25-Nov-19
BUILDING SECTION -A	A3.01	11/25/2019	25-Nov-19
BUILDING SECTION - B	A3.02	11/25/2019	25-Nov-19
SUN STUDY	A4.01	11/25/2019	25-Nov-19
SUN STUDY	A4.02	11/25/2019	25-Nov-19
SITE & BUILDING DETAILS	A5.01	11/25/2019	25-Nov-19
SITE & BUILDING DETAILS	A5.02	11/25/2019	25-Nov-19
Civil Plan			
TITLE SHEET	1	11/25/2019	25-Nov-19
DEMOLITION PLAN	2	11/25/2019	25-Nov-19
SITE DEVELOPMENT PLAN	3	11/25/2019	25-Nov-19
SITE DEVELOPMENT DETAILS	4 TO 5	11/25/2019	25-Nov-19
Landscape Plan			
TREE DISPOSITION PLAN	TD.1	11/25/2019	25-Nov-19
GROUND LEVEL LANDSCAPE PLAN	LP.1	11/25/2019	25-Nov-19
AMENITY DECK LANDSCAPE PLAN	LP.2	11/25/2019	25-Nov-19
ROOFTOP LANDSCAPE PLAN	LP.3	11/25/2019	25-Nov-19
LANDSCAPE DETAILS	LP.4	11/25/2019	25-Nov-19
LANDSCAPE SPECIFICATIONS	LP.5	11/25/2019	25-Nov-19
LANDSCAPE SPECIFICATIONS	LP.6	11/25/2019	25-Nov-19
Photometric Plan			
GROUND LEVEL GARAGE PHOTOMETRIC	L1	11/25/2019	25-Nov-19
GROUND LEVEL GARAGE EMERG PHOTOMETRIC	L1E	11/25/2019	25-Nov-19
MEZZ GARAGE LEVEL PHOTOMETRIC PLAN	L2	11/25/2019	25-Nov-19
MEZZ LEVEL GARAGE PHOTOMETRIC PLAN	L2E	11/25/2019	25-Nov-19
LEVEL C GARAGE PHOTOMETRIC PLAN	L3	11/25/2019	25-Nov-19
LEVEL C GARAGE PHOTOMETRIC PLAN	L3E	11/25/2019	25-Nov-19
LEVEL D GARAGE PHOTOMETRIC PLAN	L4	11/25/2019	25-Nov-19
LEVEL D GARAGE PHOTOMETRIC PLAN	L4E	11/25/2019	25-Nov-19
LEVEL E GARAGE PHOTOMETRIC PLAN	L5	11/25/2019	25-Nov-19
LEVEL E GARAGE PHOTOMETRIC PLAN	L5E	11/25/2019	25-Nov-19

AMENITY DECK PHOTOMETRIC PLAN	L6	11/25/2019	25-Nov-19
PORTE COCHERE PHOTOMETRIC PLAN	L7	11/25/2019	25-Nov-19
STAIRWELLS PHOTOMETRIC PLAN	L8	11/25/2019	25-Nov-19
ROOF POOL AREA PHOTOMETRIC PLAN	L9	11/25/2019	25-Nov-19
Site Plan			
SITE PLAN	SP.1	11/25/2019	25-Nov-19
AMENITY DECK SITE PLAN	SP.2	11/25/2019	25-Nov-19
ROOFTOP SITE PLAN	SP.3	11/25/2019	25-Nov-19
REGULATING PLAN	RP.1	11/25/2019	25-Nov-19
Survey			
MAP OF BOUNDARY SURVEY	1 of 1	11/25/2019	25-Nov-19
Lakeshore Drive Promenade Concept Plan			
Lakeshore Drive Promenade Concept Plan	1 of 1	11/25/2019	25-Nov-19

2. Construction associated with the Project 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 (the Director).
3. Any proposed disruption to the normal flow of traffic within the rights of way of Federal Highway, Cypress Drive, Bayberry Drive, or Lake Shore Drive during the construction of the Site, shall be subject to the review and approval of the Director and any of the agencies responsible for maintaining these roadways.
4. Should any disruption to the normal flow of traffic occur during construction of the Project, and upon written notice from the Director, all construction shall cease until the Directors of the Town's Public Works and Community Development Departments have provided the Owner with a written notice to proceed.
5. Should any disruption to access to the streets and parking areas along surrounding roadways occur such that the daily operation of nearby businesses is adversely affected, then upon a written notice from the Director, the construction activities shall cease until the Owner has resolved the issues leading to the disruption to the satisfaction of the Director.
6. All landscaping shown on the Site Plan and the Landscaping Plan shall be continuously maintained from the date of its installation and the issuance of the Certificate of Occupancy by the Town. The Owner shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
7. The Owner shall, at all times, maintain safe and adequate pedestrian passage along the Site's entrances and exits.
8. The Owner shall ensure that all contractors use best management practices to reduce airborne dust and particulates during the construction of the Site.

9. All onsite dumpsters shall be kept closed at all times. All required dumpsters shall be acquired from the approved franchise supplier for the Town.
10. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations for the Project are in accordance with the approved Site Plan and the Landscaping Plan.
11. Prior to the issuance of any construction permits, the Applicant shall submit copies of all permits that are required by other agencies and have been obtained from those agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management District 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 Department of Community Development (Department), and shall be subject to its review and approval. The Department shall determine whether or not the proposed revision is material enough to require further review by the Town Commission. Any revisions to the Site Plan, must be brought back to the Town Commission for its approval along with a complete set of plans for the Project.
13. Prior to the issuance of a building permit, the Owner shall provide an easement for public access along the entire length of the greenway (the Greenway Easement) abutting the property along Federal Highway and Lake Shore Drive. The proposed easement shall be subject to the review and approval of the Town Attorney. The Owner shall be responsible for maintaining the Greenway Easement.
14. Prior to the issuance of the first building permit for construction, any revised Site or Landscaping Plans to meet the required interior landscape buffers shall be submitted to the Department and are subject to the Commission's review and approval.
15. All signs for the Project shall be consistent in their design and color scheme. A sign package illustrating all signs and their colors shall be submitted to the Department and shall be subject to its review and approval prior to their placement on the Site.
16. To the maximum extent possible, the Owner shall incorporate solar power lighting throughout the Project.
17. Prior to the issuance of an electrical permit for exterior lighting, the Owner shall submit the light pole and fixture designs. The designs shall be subject to the Department's review and approval.
18. The Owner shall maintain 100 parking spaces on the ground floor of the parking garage free of charge and open to the public in perpetuity. The Owner shall submit a proposed covenant to ensure 100 free parking spaces on the ground floor. The covenant shall be subject to the Department's review and approval in consultation with the Town Attorney. Following its approval, the Applicant shall record the covenant in the public records of Palm Beach County and provide a recorded copy of it to the Department.

19. Prior to the issuance of a Certificate of Occupancy or Completion, the Owner shall install high-definition surveillance cameras, which capture clear facial features throughout the parking areas of the Project and along the exterior façades of the buildings on the Site. The location of the camera(s) shall be subject to the Department's review and approval to ensure that they capture the required components
20. Prior to the issuance of a Certificate of Occupancy or Completion, the Applicant shall submit the Bus Shelter design to the Department. The location and design of the Bus Shelter shall be subject to the review and approval of Palm Tran and Town Commission.
21. Prior to the issuance of the first building permit, the Applicant shall submit the final roadway designs for the Project to the Department. The final roadway designs shall be subject to the review and approval of the Commission.
22. Prior to the issuance of the first building permit for construction, the Applicant shall submit Wind Tunnel Mitigation Plan to the Department. The Wind Tunnel Mitigation Plan shall be subject to the Commission's review and approval.
23. Within 18 months of the effective date of this Resolution, the Owner shall initiate bona fide development and shall continue with the development of the Site through completion. Failure to do so shall render the Development Order null and void. Once initiated, the development of the Site shall be completed within 36 months.
24. All fees and costs, including legal fees incurred by the Town in reviewing the Application and preparing the Resolution billed to the Owner shall be paid to the Town within 30 days of receipt of an invoice from the Town. Failure by an Owner to reimburse the Town within the 30 days may 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. A public improvement contribution of funds (the Funds) equal to 1% of the total construction value shall be paid to the Town within two days of the effective date of this Resolution. Failure to do so shall render the Resolution (Development Order) null and void. The Funds shall be held in an interest bearing escrow account established by the Town. If no appeal is taken by a third party within 30 days of the effective date of the Resolution, then upon the 31st day after the effective date of the Resolution, the Town shall be entitled to the disbursement of the Funds and any accumulated interest. If a third party appeals the Development Order, the Town shall continue to maintain the Funds in a separate interest bearing escrow account. At such time as all appeals have been exhausted, the Town shall be entitled to the disbursement of the Funds and any accumulated interest.
26. The Applicant shall provide monthly reports when the waterfront restaurants start to be operational, for a 6-month period that must incorporate a portion of the seasonal months (November through April), to the Town of Lake Park Community Development Department providing a sample of the number of patrons using the valet during peak periods and the number of valet staff per location. The sample set shall include number of users Wednesday and Friday between 11:45 am and 1:15 pm, and Friday and Saturday from 6:00 pm to 8:00 pm. The report shall also include a summary of any incidents related to valet services along with any recommended changes to the program.

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 Linden 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>Absent</u>	<u> </u>
COMMISSIONER ERIN FLAHERTY	<u>/</u>	<u> </u>
COMMISSIONER JOHN LINDEN	<u>/</u>	<u> </u>
COMMISSIONER ROGER MICHAUD	<u>/</u>	<u> </u>

The Town Commission thereupon declared the foregoing Resolution Number 97-12-19 duly passed and adopted this 18 day of December, 2019.

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



Exhibit "A"

LEGAL DESCRIPTION

(see Survey)

PARCEL 1:

LOTS 13, 14 AND 15, LESS COUNTY ROAD RIGHT-OF-WAY; AND THE WEST 70 FEET OF LOTS 32, 33 AND 34, ALL IN BLOCK 114, KELSEY CITY (NOW KNOWN AS LAKE PARK), ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PAGE BOOK 8, PAGE 15 AND 23.

PARCEL 2:

LOTS 9, 10, 11 AND 12, AND THE WEST 76.70 FEET OF LOTS 35, 36, 37 AND 38, ALL IN BLOCK 114, KELSEY CITY (N/K/A LAKE PARK), ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 23, LESS THAT PORTION CONVEYED FOR ROAD RIGHT-OF-WAY DESCRIBED IN DEED BOOK 803, PAGE 223, AND DEED BOOK 803, PAGE 305, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3:

THE EAST 210 FEET OF LOTS 35, 36, 37 & 38, BLOCK 114, LAKE PARK (FORMERLY KELSEY CITY), ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGES 15 AND 23.

PARCEL 4:

LOTS 1 TO 8, BOTH INCLUSIVE, BLOCK 114, LESS THE WEST 20 FEET THEREOF FOR ROAD RIGHT-OF-WAY, AND THE WEST 108 FEET OF LOTS 39 TO 46, BOTH INCLUSIVE, BLOCK 114, KELSEY CITY (NOW KNOWN AS LAKE PARK), ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGES 15 AND 23.

PARCEL 5:

LOTS 39, 40, 41, 42, 43, 44, 45 AND 46, BLOCK 114, LESS THE WEST 108 FEET THEREOF KELSEY CITY, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 8, PAGE 23.