

**RESOLUTION NO. 10-02-21**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A 12,353 SQUARE FOOT OFFICE WAREHOUSE WITH AN OUTDOOR TRUCKING YARD ON THE WEST SIDE OF RAILROAD AVENUE, NORTH OF OLD DIXIE HIGHWAY; PROVIDING FOR THE APPROVAL OF A TEMPORARY OUTDOOR TRUCK PARKING USE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, RDG Development Group acting as the authorized agent (the Applicant) for Clean Sweep Refuse LLC (the Owner) submitted an application to develop a 12,353 square foot office warehouse use; and

**WHEREAS**, the office warehouse use consists of 8,500 square feet of warehouse on the ground floor for storage and 3,853 square feet of office use on the second floor; and an area outside the building described as a trucking yard and temporary truck parking on parcels legally described in Exhibit "A" (the Site); and

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

**WHEREAS**, the Site is within the Campus Light Industrial and Commercial (CLIC) Zoning District; and

**WHEREAS**, the Community Development Department has determined that the use of "Office Warehouse/Trucking Yard" is a permitted use in the CLIC Zoning District; and

**WHEREAS**, the Owner proposes to construct an Office Warehouse with Trucking Yard on the Site; and

**WHEREAS**, the Owner also proposes to temporarily utilize the Site for the temporary parking of trucks; 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 staff, the Applicant, and other interested parties and members of the public, regarding the proposed development of the office/warehouse use and trucking yard, along with the temporary outdoor truck parking use.

**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 an Office Warehouse and Trucking Yard use and the temporary outdoor truck parking use, subject to the following conditions:

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

Name	Sheet	Revision Date	Received on
<b>GENERAL</b>			
Title Sheet	TS1	12.02.2020	12.14.2020
<b>SURVEY/ MAPPING</b>			
Survey	Sheet 1	6.10.2020	12.14.2020
<b>SITE</b>			
Site Plan	SP-1	10.23.2020	12.14.2020
Site Plan	SP-2	10.23.2020	12.14.2020
<b>ARCHITECTURAL</b>			
Architectural Floor Plan – First Floor	A-1	11.4.2020	12.14.2020
Architectural Floor Plan - Second Floor	A-2	11.4.2020	12.14.2020
Architectural Elevations	A-3	11.13.2020	12.14.2020
Architectural Elevations	A-4	12.4.2020	12.14.2020
Architectural Notes and Schedules	A-5	11.4.2020	12.14.2020
Architectural Color Renderings	1-4	12.4.2020	12.14.2020
<b>STRUCTURAL</b>			
Structural First Floor Slab Plan	S-1	11.4.2020	12.14.2020
Structural Footing and Foundation Plan	S-2	10.21.2020	12.14.2020
Structural Elevators, Sections & Details Plans	S-3	7.3.2020	12.14.2020
Structural ADA Ramp Details Plan	S-4	11.13.2020	12.14.2020
<b>MECHANICAL</b>			
Mechanical Plan (1 <sup>st</sup> Floor)	M-1	10.21.2020	12.14.2020
Mechanical Plan (Second Floor)	M-2	10.21.2020	12.14.2020
Mechanical Details	M-3	7.3.2020	12.14.2020
<b>PHOTOMETRIC</b>			

Photometric Plan	PH-1	11.14.2020	12.14.2020
<b>LANDSCAPE</b>			
Landscape Plan	LP-1	10.23.2020	12.14.2020
Landscape Plan	LP-2	10.23.2020	12.14.2020
<b>IRRIGATION</b>			
Irrigation Plan	IR-1	10.23.2020	12.14.2020
Irrigation Plan	IR-2	10.23.2020	12.14.2020
<b>CIVIL</b>			
Civil – Cover Sheet	C-0	09.08.2020	12.14.2020
Civil – Overall Site Plan	C-1	09.08.2020	12.14.2020
Civil – Drainage & Grading Plan	C-2	09.08.2020	12.14.2020
Civil – Drainage & Grading Detail Plan	C-3	09.08.2020	12.14.2020
Civil – Water Main Extension Plan	C-4	09.08.2020	12.14.2020
Civil – SUA Water Details #1	C-5	09.08.2020	12.14.2020
Civil – SUA Water Details #2	C-6	09.08.2020	12.14.2020
Civil – Septic Plan	C-7	09.08.2020	12.14.2020
Civil – Section Details	C-8	09.08.2020	12.14.2020
<b>TEMPORARY PARKING PLAN</b>			
Temporary Parking Plan	TP-1	11.04.2020	11.04.2020

- (2) Construction associated with 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 (the Director).
- (3) Any proposed disruption to neighboring street access, surrounding parking areas, or the normal flow of traffic within the rights of way of Old Dixie Highway, Park Avenue, or Railroad Avenue during the construction of the Site shall be subject to the review and approval of the Director and any agency responsible for maintaining these roadways. Should any disruption to the normal flow of traffic occur during construction on the Site without the Director’s prior authorization, the construction shall cease until the Director has provided the Owner with a written notice to proceed.
- (4) All landscaping shown on the approved 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.
- (5) The Owner shall ensure that all contractors use best management practices to reduce airborne dust and particulates during the construction of the Site.

- (6) All onsite dumpsters and dumpster screening shall be kept closed at all times. All required dumpsters shall be acquired from the approved franchise supplier for the Town.
- (7) 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 Site are in accordance with the approved Site Plan and the Landscaping Plan.
- (8) Prior to the issuance of any construction permits, the Applicant shall submit copies of all permits that have been obtained from other agencies, which may include, 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.
- (9) Any revisions to the approved Site Plan, or any approved plans associated with the Site, 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 changes are material such that further review by the Town Commission is necessary.
- (10) All future signs (window, wall, freestanding, or other) for the Site shall be submitted through the Town's permitting process with a master sign plan that ensures signage consistency in design and color scheme. A sign package illustrating all signs and their colors shall be submitted to the Department through the regular signage permitting process and shall be subject to its review and approval prior to their placement on the Site.
- (11) 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 18 months.
- (12) 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 Site's parking areas and along the exterior façades of its buildings. The relocation of the camera(s) shall be subject to the review and approval of the Department and the Palm Beach Sheriff's Office to ensure that they capture the required components.
- (13) **Cost Recovery.** All professional consulting fees and costs, including legal fees incurred by the Town for the review and preparation of a development order for the Application shall be paid by the Owner to the Town within 10 days of the Owner's receipt of an invoice from the Town. The failure of the Owner to reimburse the Town within the 10 days from the town's mailing of its invoice 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.

- (14) The Applicant shall submit an application to replat the Site or establish a unity of title prior to commencing construction.
- (15) The Owner shall record a designated utility easement to provide for the connection of the Site to sanitary sewer and eliminate any easement discrepancies on the properties. The easement shall be subject to the Town Attorney's review and approval and shall be recorded prior to the issuance of the first building permit for the buildout of the Site.
- (16) The Temporary Parking Plan included as part of this Resolution shall be submitted to the Department for permit review and approval and shall be valid until September 1, 2021. The Applicant shall submit a Cash Surety to the Town in the amount equal to \$100,000 within 5 business days following the effective date of this Resolution. In addition to any other remedies the Town may have for the enforcement of this Resolution, the Cash Surety may be called and taken over by the Town in the event the Owner continues the Temporary Truck Parking use and fails to remove the improvements associated with the temporary use shown on the Temporary Truck Parking Plan beyond September 2, 2021.
- (17) Prior to the issuance of the first building permit for the buildout of the Site, the Applicant shall submit to and discuss with the Department any plans it has to incorporate a truck wash station on the Site and any proposal for additional ingress/egress access points for truck use only on the Site.
- (18) The Site shall only be utilized for minor repairs and maintenance such as oil changes and tire change-outs for the vehicles in the Clean Sweep fleet. Any other type of repair of the vehicles of the Clean Sweep fleet or the repairs of any vehicles that are not part of the Clean Sweep fleet are prohibited at the Site.
- (19) The staging or parking of trucks in the public right-of-way is prohibited.
- (20) The Applicant shall secure barricades and signage for the unimproved portion of Water Tower Road in order to block off this portion of roadway until the area is improved in the future. All associated costs for the signage and barricades shall be the responsibility of the Applicant. The Town shall maintain the barricades and signage after initial installation.

**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 Descriptions**

PARCEL #1:

A PARCEL OF LAND IN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA , BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SECTION 20; THENCE N 88 DEGREES 03' 45" W, ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 150.96 FEET TO THE POINT OF BEGINNING; THENCE S 20 DEGREES 29' 00" E A LINE PARALLEL TO AND 50.00 FEET SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A DISTANCE OF 254.86 FEET TO A POINT; THENCE S 69 DEGREES 31' 00" W, A DISTANCE OF 170.00 FEET TO A POINT; THENCE N 20 DEGREES 29' 00" W, A DISTANCE OF 325.00 FEET TO THE INTERSECTION THEREOF WITH SAID NORTH LINE OF THE SOUTHWEST ONE- QUARTER; THENCE S 88 DEGREES 03' 45" E, ALONG SAID NORTH LINE OF THE SOUTHWEST ONE-QUARTER, A DISTANCE OF 183.90 FEET TO THE POINT OF BEGINNING.

LESS THAT CERTAIN PARCEL OF LAND IN SAID SECTION 20 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 20; THENCE N 88 DEGREES 03' 45" W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER A DISTANCE OF 150.96 FEET TO THE POINT OF BEGINNING; THENCE S 20 DEGREES 29' 00" E ALONG A LINE PARALLEL TO AND 50.00 FEET SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES TO THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY A DISTANCE OF 31.64 FEET TO A POINT; THENCE N 88 DEGREES 03' 45" W A DISTANCE OF 183.90 FEET TO A POINT; THENCE N 20 DEGREES 29' 00" W A DISTANCE OF 31.64 FEET; THENCE S 88 DEGREES 03' 45" EA DISTANCE OF 183.90 FEET TO THE POINT OF BEGINNING.

AND TOGETHER WITH THAT CERTAIN PARCEL OF LAND IN SAID SECTION 20, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ATTHE CENTER OF SAID SECTION 20; THENCE N 88 DEGREES 03' 45" W ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER A DISTANCE OF 334.86 FEET TO A POINT; THENCE S 20 DEGREES 29' 00" EA DISTANCE OF 31.64 FEET TO THE POINT OF BEGINNING ; THENCE CONTINUE S 20 DEGREES 29' 00" EA DISTANCE OF 293.36 FEET TO A POINT; THENCE N 65 DEGREES 40' 48" W A DISTANCE OF 27.02 FEET TO A POINT; THENCE N 20 DEGREES 29' 00" W A DISTANCE OF 282.23 FEET TO A POINT; THENCE S 88 DEGREES 03' 45" E A DISTANCE OF 20.74 FEET TO THE POINT OF BEGINNING .

PARCEL #2:

A PARCEL OF LAND IN SECTION 20 TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EASTWEST QUARTER SECTION LINE OF SAID SECTION 20 WITH THE EASTERLY RIGHT- OF-WAY LINE OF OLD DIXIE HIGHWAY, ACCORDING TO THE PLAT OF SURVEY FILED WITH DEED RECORDED IN DEED BOOK 546, PAGE 18, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S 8 DEGREES 36' 40" E ALONG SAID EASTERLY RIGHT-OF-WAY LINE (THE EAST WEST QUARTER SECTION LINE OF SAID SECTION 20 IS ASSUMED TO BEAR SOUTH 88 DEGREES 03' 45" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 20.35 FEET TO A POINT; THENCE SOUTH 88 DEGREES 03' 45" EAST, ALONG A LINE 20.0 FEET SOUTH OF, WHEN MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH SAID EAST-WEST QUARTER SECTION LINE, A DISTANCE OF 272.67 FEET TO THE POINT OF BEGINNING OF HEREINAFTER DESCRIBED PARCEL; THENCE CONTINUE SOUTH 88 DEGREES 03' 45" EAST A DISTANCE OF 229.81 FEET TO A POINT; THENCE SOUTH 20 DEGREES 32' 28" EAST A DISTANCE OF 304.10 FEET TO A POINT; THENCE NORTH 65 DEGREES 40' 48" WEST A DISTANCE OF 150.30 FEET TO A POINT; THENCE SOUTH 24 DEGREES 19' 12" WEST A DISTANCE OF 16.33 FEET TO A POINT; THENCE NORTH 65 DEGREES 40' 48" WEST A DISTANCE OF 140.00 FEET TO A POINT; THENCE NORTH 43 DEGREES 32' 48" EAST A DISTANCE OF 91.30 FEET TO A POINT; THENCE NORTH 46 DEGREES 27' 12" WEST A DISTANCE OF 176.63 FEET TO THE POINT OF BEGINNING.

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>  /  </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 No. 10-02-21 duly passed and adopted this 17 day of February, 2021.

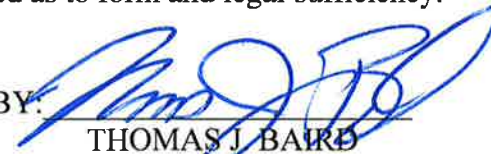
TOWN OF LAKE PARK, FLORIDA

BY:   
MICHAEL O'ROURKE  
MAYOR

ATTEST:

  
VIVIAN MENDEZ  
TOWN CLERK

Approved as to form and legal sufficiency:

BY:   
THOMAS J. BAIRD  
TOWN ATTORNEY

