



AGENDA

Lake Park Town Commission
 Town of Lake Park, Florida
Special Call Commission Meeting
Wednesday, September 23, 2009, 6:00 p.m.
 Lake Park Town Hall
 535 Park Avenue

Desca DuBois	—	Mayor
Jeff Carey	—	Vice-Mayor
Edward Daly	—	Commissioner
Patricia Osterman	—	Commissioner
Kendall Rumsey	—	Commissioner
.....		
Maria V. Davis	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian M. Lemley, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER**
- B. **INVOCATION**
- C. **PLEDGE OF ALLEGIANCE**
- D. **ROLL CALL**
- E. **ADDITIONS/DELETIONS - APPROVAL OF AGENDA**
- F. **PUBLIC and OTHER COMMENT**
 This time is provided for audience members to address items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember, comments are limited to a TOTAL of three minutes.
- G. **PUBLIC HEARING(S)**
RESOLUTIONS:

1. RESOLUTION NO. 45-09-09 – Millage Rate

Tab 1

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2009/2010; PROVIDING FOR AN EFFECTIVE DATE.

2. RESOLUTION NO. 46-09-09- 2009-2010 Budget

Tab 2

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

QUASI-JUDICIAL HEARING:

3. RESOLUTION NO. 44-09-09 - Site Plan Review for Pet Smart

Tab 3

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A 20,215 SQUARE FOOT PETSMAST STORE, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON A 2.75 ACRE PARCEL GENERALLY LOCATED AT THE NORTHEAST CORNER OF CONGRESS AVENUE AND WATERTOWER ROAD WITHIN THE C-2 ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

H. ADJOURNMENT:

TAB 1

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: September 23, 2009

Agenda Item No.

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Millage resolution.

RECOMMENDED MOTION/ACTION: Motion to adopt final millage resolution for Fiscal Year 2009-2010.

Approved by Town Manager

W. Davis

Date:

9/18/09

Carmel M. Costello
Name/Title Finance Director

9/17/09
Date of Actual Submittal

Originating Department: Finance	Costs: \$ _____ Funding Source: Acct. # _____	Attachments: RESOLUTION
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: September 20, 2009 Paper: <u>PB Post</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____: Please initial one.

Summary Explanation/Background: In accordance with Chapter 200.065 F.S. the Town must adopt a millage resolution to establish the millage rate for the next fiscal year. This is required for TRIM compliance. The final millage rate of 8.5163 is proposed which is 15.27% below the rolled-back rate of 10.0509 mills.

RESOLUTION NO. 45-09-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009 AND ENDING SEPTEMBER 30, 2010; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2009/2010; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

WHEREAS, these powers include the power to adopt millage rates to be levied by the Town of Lake Park on all taxable real and tangible personal property within the Town each fiscal year; and

WHEREAS, the Town Commission has on this date held a properly advertised public hearing pursuant to the requirements of Section 200.065, *F.S.*, to adopt a millage rate for the Town's 2009/2010 Fiscal Year; and

WHEREAS, the Town Commission has discussed "the percentage increase in millage over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased"; and

WHEREAS, the public has been allowed to speak and ask questions regarding the tentative millage rate prior to adoption and the Town Commission has explained the reasons for the increase, if any, over the rolled-back rate; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are true and correct and incorporated herein.

Section 2. In order to fund the budget of the Town of Lake Park, a millage rate is hereby adopted and levied by the Town Commission of the Town of Lake Park, pursuant to the Laws and Constitution of the State of Florida, as follows:

The proposed millage rate computed to fund the Town's final budget is hereby approved and adopted in the sum of 8.5163 mills. For each \$1,000.00 of assessed valuation, said millage rate will raise a tax of \$8.5163.

Section 3. The rolled-back millage rate computed by the Town of Lake Park pursuant to the instructions furnished by the Palm Beach County Property Appraiser for the Fiscal Year 2009/2010 is 10.0509 mills. The percentage, if any, by which the above specified millage rate to be levied by

the Town of Lake Park exceeds the rolled-back rate, are as follows:

A. The proposed millage rate is 15.27 percent below the rolled-back millage of 10.0509 mills.

B. The final millage rate is 15.27 percent below the rolled-back millage rate of 10.0509 mills.

Section 4. In order to fund the voter approved debt service for the Town of Lake Park, a millage rate of 1.4000 mills is hereby adopted by the Town Commission of the Town of Lake Park pursuant to the Laws and Constitution of the State of Florida.

Section 5. Pursuant to the millage rate aforesaid, the following amount of ad valorem taxes shall be raised and collected by the Town of Lake Park for municipal purposes and expenses for the fiscal year beginning October 1, 2009 and ending September 30, 2010, to-wit:

Under the proposed millage rate:	\$ 4,929,904
Under the final millage rate:	\$ 4,929,904

Section 6. Pursuant to the applicable provisions of the Constitution and Laws of the State of Florida and the Charter of the Town of Lake Park, there is hereby levied a general municipal millage rate as above stated, respectively, upon the dollar amount of the assessed valuation of all taxable real and tangible personal property in the Town of Lake Park as returned by the Palm Beach County Property Appraiser in the Town's behalf and fixed by the Town Commission as shown by the 2009 tax roll for the Town of Lake Park, allowing the homestead and all other lawful exemptions as shown therein.

Section 7. The millage hereby levied, as above stated, respectively, is hereby approved and certified by the Town Commission of the Town of Lake Park, pursuant to the laws of the State of Florida.

Section 8. The ad valorem taxes hereby levied are for the purpose of raising funds, revenues and moneys to be used, set aside and expended for the functions and purposes of the municipal government of the Town of Lake Park pursuant to the Constitution and Laws of the State of Florida and the Town Charter.

Section 9. The ad valorem taxes which are hereby levied are in excess of and above all other revenues to be received by the Town of Lake Park and are to be collected during the fiscal year beginning October 1, 2009 and ending September 30, 2010. All such ad valorem taxes so specified and levied are ordered to be extended upon the tax rolls, books and records of Palm Beach County in the proper millage in proportion to the valuation of such property as returned by the Palm Beach County Property Appraiser and fixed by the Town Commission of the Town of Lake Park.

Section 10. The Town Clerk is hereby directed to furnish a certified copy of this Resolution upon adoption respectively, to the Palm Beach County Property Appraiser, the Palm Beach County Tax Collector and the Department of Revenue of the State of Florida, as required by Law.

Section 11. This resolution shall take effect immediately upon adoption.

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TAB 2

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: September 23, 2009

Agenda Item No.

- | | |
|---|---|
| <input checked="" type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing

<input type="checkbox"/> ORDINANCE ON FIRST READING

<input type="checkbox"/> GENERAL APPROVAL OF ITEM

<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION

<input type="checkbox"/> DISCUSSION

<input type="checkbox"/> BID/RFP AWARD

<input type="checkbox"/> CONSENT AGENDA |
|---|---|

SUBJECT: Budget resolution.

RECOMMENDED MOTION/ACTION: Motion to adopt final budget resolution for Fiscal Year 2009-2010.

Approved by Town Manager

He. Davis

Date:

9/18/09

Anne M. Costello
Name/Title Finance Director

9/17/09
Date of Actual Submittal

Originating Department: Finance	Costs: \$ _____ Funding Source: Acct. # _____	Attachments: RESOLUTION
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input checked="" type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> Marina _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: <u>September 20, 2009</u> Paper: <u>PB Post</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case _____: Please initial one.

Summary Explanation/Background: In accordance with Chapter 200.065 F.S. the Town must approve a budget resolution to adopt the budget for the next fiscal year. This is required for TRIM compliance. The changes proposed by the Town Commission have been incorporated into this budget. These changes include the elimination of replacement laptop computers for the Commission and adjustments to the salary of the Commission to reflect the furlough day reduction.

Additionally, on the revenue side, the State lowered their revenue estimates for Half Cent Sales Tax (001-335.180) and Shared Revenue (001-335.120) since the proposed budget was released and those changes have been made. On the expenditure side, adjustments have been made to the departmental insurance accounts (#'s 24000 and 45000) based on the insurance renewal that was adopted at the last commission meeting. Fire Rescue has been adjusted due to an estimate error. A new cost center (450) has been added for parking meter operating costs as outlined in the proposal approved by the Commission on August 5th. The net of these changes (\$42,015) has been placed in the Transfer to Fund Balance account (900-99907). Hopefully this will absorb any future revenue shortfalls that the Town may experience due to the depressed economy and the unknown revenue collections from parking meters.

RESOLUTION NO. 46-09-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2009, AND ENDING SEPTEMBER 30, 2010, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, pursuant to Article VIII, §2 of the Florida Constitution the Town of Lake Park has the governmental, corporate and proprietary powers to conduct municipal government; and

WHEREAS, pursuant to Section 166.241, Florida Statutes, each municipality in the state of Florida is required to establish a fiscal year beginning October 1 of each year and ending September 30 of the following year shall adopt a budget each fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, that:

Section 1. As hereinafter stated in this resolution, the term "fiscal year" shall mean that period of time beginning October 1, 2009, and including September 30, 2010.

Section 2. The revenues hereinafter incorporated by reference shall be, and the same hereby are, appropriated to provide the monies to be used to pay the necessary operating and other expenses of the respective funds and departments of the Town of Lake Park for the above described fiscal year.

Section 3. Sums hereinafter incorporated by reference listed as operating and other expenses of the respective funds and departments of the Town shall be, and the same hereby are, appropriated and shall be paid out of the revenues herein appropriated for said fiscal year.

Section 4. The revenues and the expenses for which appropriations are hereby made, all set forth above, shall be as follows:

- A. As set out in the amended proposed Town of Lake Park General Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- B. As set out in the amended proposed Town of Lake Park Debt Service Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- C. As set out in the amended proposed Town of Lake Park Insurance Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- D. As set out in the amended proposed Town of Lake Park Streets & Roads Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- E. As set out in the amended proposed Town of Lake Park Marina Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.
- F. As set out in the amended proposed Town of Lake Park Stormwater Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.

- G. As set out in the amended proposed Town of Lake Park Sanitation Fund Budget as on file in the Office of the Town Clerk of the Town of Lake Park.

Section 5. The sums hereinbefore incorporated by reference based upon departmental estimates prepared by the Town Manager and the Finance Director shall be, and the same hereby are, fixed and adopted as the budget for the operation of the Town of Lake Park Government and its other enterprises for the fiscal year beginning October 1, 2009.

Section 6. The Town Manager is hereby authorized to amend/transfer appropriations between departmental accounts provided; however, that total appropriated expenditures by fund do not exceed Commission authorized amounts.

Section 7. The Town of Lake Park adopts the provisions of Florida Statutes 200 which provides for the expenditures of monies for the fiscal year based upon the final budget approved by the Town Commission of the Town of Lake Park.

Section 8. This Resolution shall take effect immediately upon adoption.

TAB 3

**Town of Lake Park Town Commission
Agenda Request Form**

Meeting Date: 9-23-2009

Agenda Item No.

- | | |
|--|---|
| <input type="checkbox"/> PUBLIC HEARING
<input type="checkbox"/> Ordinance on Second Reading
<input type="checkbox"/> Public Hearing
<input checked="" type="checkbox"/> Quasi-Judicial Hearing
<input type="checkbox"/> ORDINANCE ON FIRST READING
<input type="checkbox"/> GENERAL APPROVAL OF ITEM
<input type="checkbox"/> Other: | <input checked="" type="checkbox"/> RESOLUTION
<input type="checkbox"/> DISCUSSION
<input type="checkbox"/> BID/RFP AWARD
<input type="checkbox"/> CONSENT AGENDA |
|--|---|

SUBJECT: Continuation of Site plan review from September 16, 2009 for a Petsmart store on Congress Ave to be built on the Kohl's outparcel. Applicant was directed to improve the design of the building.

RECOMMENDED MOTION/ACTION: Approval

Approved by Town Manager



Date:

9/23/09

Originating Department: Community Development	Costs: \$ N/A Funding Source: Acct. #	Attachments: Resolution Staff report
Department Review: <input type="checkbox"/> Town Attorney _____ <input type="checkbox"/> Community Affairs _____ <input checked="" type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ Or _____ 9/23/2009 Not applicable in this case _____: Please initial one.

Summary Explanation/Background: This is a continuation from the Sept 16, 2009 hearing of an application for site plan approval of a new 20,215 square foot Petsmart store. This development will be located on a 2.75 acre parcel which was originally part of the Kohls 14.73 acre site. This is the outparcel that is located at the corner of Congress Ave and Watertower Road. The area is zoned C-2 and the proposed retail use is allowed in that district. The site plan has been reviewed by the Planning & Zoning board and they attached additional conditions in addition to staff's conditions. The applicant has not provided the color and style of the split face architectural block that they are proposing for the building and was a condition of the P&Z review. In an attempt to be business friendly and move this project forward staff has decided to bring the application to the Town Commission for review with the understanding that the applicant will be able to provide the necessary materials and information at the TC meeting during their presentation. Staff feels comfortable approving the plans as long as the Commission feels they have received enough information regarding the looks of the building at that presentation. If there is concern that the presented materials are not sufficient to accurately represent what the building would look like then staff would recommend postponing a decision until the next meeting.

RESOLUTION NO. 44-09-09

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR THE CONSTRUCTION OF A 20,215 SQUARE FOOT PETSMART STORE, SUBJECT TO CONDITIONS OF APPROVAL, TO BE LOCATED ON A 2.75 ACRE PARCEL GENERALLY LOCATED AT THE NORTHEAST CORNER OF CONGRESS AVENUE AND WATERTOWER ROAD WITHIN THE C-2 ZONING DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Petsmart, (“Applicant”) is the lessee of a 2.75 acre lease parcel of land owned by Congress Avenue Properties, Ltd. (“Owner”); and

WHEREAS, the Owner’s property is generally located at the Northeast corner of Congress Avenue and Watertower Road in the Town of Lake Park, Florida, the legal description of which is attached hereto and incorporated herein as **Exhibit “A”** and its general location is as shown on **Exhibit “B”** which is attached hereto and incorporated herein (“subject property”); and

WHEREAS, the Applicant has submitted an application for approval of a site plan approval for the construction of a 20,215 square foot Petsmart Department Store on the subject property; and

WHEREAS, the Town of Lake Park’s Planning and Zoning Commission has reviewed the Application and has made its recommendation to the Town Commission; and

WHEREAS, the Town Commission has conducted a quasi-judicial public 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 the Application’s consistency with the Town’s Comprehensive Plan, and whether it meets the Town’s Land Development Regulations, and

WHEREAS, at the hearing the Town Commission determined that certain conditions as set forth herein, are necessary for the Application to be consistent with the Town’s Comprehensive Plan and to meet the Town’s Land Development Regulations; and

WHEREAS, the Applicant , the Owner, and their successors and assigns shall be subject to the conditions contained in Section 2.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1: The whereas clauses are incorporated herein as true and correct as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby approves the Applicant's site plan for a Petsmart Store subject to the following conditions:

1. Construction is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. Construction on holidays is permitted only upon the written approval of the Community Development Director.
2. Prior to any disturbance of the public right of way along Congress Avenue and Watertower Road, the Applicant /Owner shall obtain the written approvals of the Directors of the Town's Public Works and Community Development Departments prior to any construction.
3. Prior to any disruption of the nearby entrance/exit and parking areas along Congress Avenue and Watertower Road the Applicant/Owner shall obtain the written approval of the Community Development Director.
4. Any disruption beyond the boundaries of the Site shall require the Applicant or Owner's contractor to employ commonly accepted practices that ensures the safety and well being of the general public.
5. All approved landscaping shall be properly maintained by the Applicant/Owner. The Applicant/Owner shall guarantee all new landscape material installed on the Site as required by the approved Site Plan and Town Code for a minimum of three months from the date of the issuance of the Certificate of Occupancy by the Town. It shall be the responsibility of the Applicant/Owner to replace any and all dead or dying landscape material at any time the Site is not in compliance with the landscape requirements of the approved Site Plan and/or the Town Code, and also to comply with all property maintenance standards and requirements of the Town Code applicable to the Site.
6. The maintenance height for the landscaping shall be established and added to the Site Plan.
7. Safe and adequate pedestrian passage shall be maintained in front of the construction site along Congress Avenue and Watertower Road.

8. The Applicant/Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during the construction phase.
9. All dumpsters shall be enclosed as noted on the Site Plan and enclosure doors kept shut 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 Applicant/Owner shall provide certification from the Landscape Architect of record that the plant installations on site are in accordance with the Site Plan, including the landscape plans approved by the Town Commission.
11. 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, South Florida Water Management Division and the State of Florida Department of Environmental Protection shall be provided to the Town by the Applicant and/or the Owner.
12. The Applicant/Owner shall provide the Director of the Community Development Department with documentation from Palm Beach County that the proposed 20,215 square feet retail department store satisfied the County's Traffic Performance Standards ("TPS") and meets all traffic concurrency requirements, prior to site plan approval. Current approval has an expiration date of December 2009. An updated letter dated August 28, 2009 has been received and is being responded to. An extended build-out date is forthcoming.
13. A light shield is required is required for the wall lighting on the south elevation, facing Watertower Road, and must be reflected on the plans prior to finalizing site plan approval.
14. Landscape plans shall include the following, prior to finalizing site plan approval:
 1. Add "Park" to the tree and palm trimming note. Reflected on sheet LP-1.
 2. Add some Flowering color trees to parking islands that contain the Dahoon holly trees. Recommend Southern Magnolia (DD Blanchard), Queen crepe Myrtle or Golden rain tree from the Town of Lake Park List. Queen Crape Myrtle will be added. Reflected on sheet LP-1.
 2. Add and label the clear site triangles on the landscape plans. Reflected on sheet LP-3.
 3. Change the on center spacing for the Muhly grass, Myrsine, Simpson stopper and Macho fern to 24".

4. Pursuant to Seacoast agreement, two holly trees are being provided, with a root barrier, in the open area between the two existing live oaks proposed for removal on the west of the entrance of Water tower Road. Reflected on sheet LP-1.
 5. Add vines to the three trellises along the north side of the building similar to the south side. Bougainvillea has been noted on the south side and Black Magic on the north side. Reflected on sheet LP-1.
 6. Maintain the Kohl's ground cover consistency and intensity along Petsmart's section of Congress Avenue.
15. The Petsmart store shall be constructed in compliance with the following plans on file with the Town's Community Development Department or authorized revisions as noted below:
- b. Master Plan, Site Plan & Architectural Elevations referenced as sheet MP-1/SP-1, and SK1/A2.0 respectively, dated 09/03/09 and _____ respectively prepared by Gentile Holloway O'Mahoney & Associates, Inc. who is the Planner of record and Barry Jay Greenberg who is the Architect of record for the Project, received and dated by the Department of Community Development on 09/08/09.
 - c. Engineering Plans, referenced as sheets C-1 thru C-4 dated 09/08/09 prepared by Smiley & Associates, Inc., received and dated by the Department of Community Development on 09/08/09.
 - d. Landscape plans referenced as sheets L-P1 through L-P3 dated 09/03/09 and prepared by Gentile Holloway O'Mahoney & Associates, Inc., who is the landscape architect of record received and dated by the Department of Community Development on 09/08/09.
 - e. Irrigation plan referenced as sheet IR-1 dated 09/03/09, prepared by Gentile Holloway O'Mahoney & Associates, Inc, received and dated by the Department of Community Development on 09/08/09.
 - f. Photometric plan referenced as sheet PH-1 and PH-2 dated _____, prepared by William E. Pino, received and dated by the Department of Community Development on _____.
16. Any revisions to the approved Site Plan, landscape plan, architectural elevations, signs, statement of use, 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 its review and approval, unless the Town Code or a condition of approval requires Town Commission approval.
17. The owner of record or authorized agent shall initiate the bona fide and continuous development of the property within 18 months from the effective date of development approval. Such development shall be completed within 18 months from the effective date of initiation of development as defined herein; unless there is a grant of extension as otherwise provided for in the

Town of Lake Park Code of Ordinances Section 67-42 *Expiration of development approvals.*

18. Cost Recovery. All fees and costs, including legal fees, incurred by the Town in reviewing the Application and billed to the Applicant shall be paid to the Town within 10 days of receipt of an invoice from the Town. Failure by the Applicant to reimburse the Town within the 10 days may result in the automatic revocation of any and all land development approvals by the Town and any other appropriate measures that the Town deems necessary and appropriate to secure payment.
19. A pre-construction meeting is required prior to the commencement of construction, once the building permit is issued.
20. Labeling the existing berm. Reflected on sheet LP-1.
21. Specifying the material for the trellis' (metal preferred). Applicant has agreed to aluminum or metal and will reflect the material on the building permit plans.
22. Specifying the different vine types on the north and south side trellis'. Bougainvillea has been noted on the south side and Black Magic on the north side. Reflected on sheet LP-1.
23. Specify the building material/colors and provide samples.

Section 3: This Resolution shall become effective upon adoption.

EXHIBIT A

Legal Description

Legal Description: A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BOUNDED ON THE NORTH BY THE SOUTH LINE OF NORTHLAKE SQUARE EAST, AS RECORDED IN PLAT BOOK 103, PAGES 196 THROUGH 199, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BOUNDED ON THE EAST BY THE EAST LINE OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 19; BOUNDED ON THE SOUTH BY THE RIGHT OF WAY LINE FOR WATER TOWER ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH OF PALM BEACH COUNTY; FLORIDA; BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE FOR CONGRESS AVENUE AS RECORDED IN SAID OFFICIAL RECORDS BOOK 10739, PAGE 6. CONTAINING A TOTAL OF 641,824 SQUARE FEET OR 14.73 ACRES, MORE OR LESS

