RESOLUTION NO. 48-12-15

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A 3,430 SQUARE FOOT OFFICE/WAREHOSE TO BE LOCATED ON THE WEST SIDE OF 10TH COURT, BETWEEN NORTHERN DRIVE AND NORTHLAKE BOULEVARD; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, R&K 10th Court LLC (Owner) is proposing to develop a 3,430 square foot office/warehouse on 0.3221 acres, located on the west side of 10th Court (the Site); and

WHEREAS, Ahrens Companies is acting as the Owner's authorized agent (Applicant); and

WHEREAS, the Applicant has submitted an application to the Town of lake Park (the Town) for a proposed Site Plan for the use of the Site as an Office/Warehouse (the Application); and

WHEREAS, pursuant to the Future Land Use Element of the Town's Comprehensive Plan, the Site has a future land use designation of "Commercial/Light Industrial"; and

WHEREAS, pursuant to the Town's Official Zoning Map, the Site has a Commercial-4 Business District (C-4) zoning designation; and

WHEREAS, the Community Development Department has determined that the proposed zoning use of an office/warehouse is a permitted use in the C-4 Zoning District; 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 the hearing wherein it considered the Application, the Town Commission considered the evidence presented by the Town Staff, the Owner, Applicant, and other interested parties 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 subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans:
    a. Civil Plans, Paving, Grading, Drainage, Utility, Water/Sewer, and Erosion Control referenced as Sheets C-0, C-1, C-2, C-3, C-4, C-5, prepared by Douglas Winter, P.E. and signed and sealed on 11-13-15; and, received and dated by the Department of Community Development on 11-16-15.
    b. Survey referenced as job no. 90-1238; prepared by Wallace Surveying Corp. and signed and sealed 8-8-15; and, received and dated by the Department of Community Development on 11-16-15.
    c. Landscape Plans and Irrigation Plans, referenced as Sheets LP-1, LP-2 and IR-1; prepared by Karla Ann Bloom Landscape Architect and signed and sealed on 11-16-15; and, received and dated by the Department of Community Development on 11-16-15.
    d. Site Plan, Elevations and architectural floor plan referenced as Sheets SP-1, A301, A302 and A303; prepared by Andrew Morgan Services, P.E. and signed and sealed on 11-16-15; received and dated by the Department of Community Development on 11-16-15.
    e. Photometric Plan referenced as Sheet E803; prepared by KHN Engineering and signed and sealed 10-29-15; and, received and dated by the Department of Community Development on 11-16-15.

2. The Owner, the Applicant and their successors and assigns shall be subject to this resolution which constitutes the Development Order for the Site and all of its conditions.

3. 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 otherwise approved in writing by the Community Development Director. Any proposed disruption to the normal flow of traffic within the right of way of 10th Court, or surrounding street and parking areas as

part of the construction of the Site, shall be subject to the review and approval of the Directors of the Departments of Community Development and Public Works.

4. All landscaping as shown on the Site Plan and the Landscaping Plan shall be maintained in perpetuity by the Owner from the date of the Town's issuance of a 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.

5. The hedge material proposed for the Site's perimeter which serves to align the parking areas, shall be maintained at a minimum of four feet.

6. The Owner shall ensure that any and all contractors use commonly accepted practices to reduce airborne dust and particulates during the Site's construction.

7. The dumpster shall be screened as noted on the Site Plan and shall remain closed at all times other than when materials are being deposited therein, or it is being emptied by the franchise provider of solid waste services. All dumpsters shall be acquired from the approved franchise supplier for the Town.

8. 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 Site are in accordance with the approved Site and Landscaping Plans.

9. Prior to the issuance of any building permits, the Owner shall submit copies of any other permits required by 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.

10. 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 Community Development Department and shall be subject to its review and approval.

11. The Owner or Applicant shall initiate bona fide and continuous development of the Site within 18 months from the effective date of this Development Order. Failure to do so shall render the Development Order void. Once initiated, the development of the Site shall be completed within 18 months.

12. 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 receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice will result in

the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order.

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 adoption.

The foregoing Resolution was offered by Commissioner O'Rourke, who moved its adoption. The motion was seconded by Commissioner Flaherty and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR JAMES DUBOIS	✓	
VICE-MAYOR KIMBERLY GLAS-CASTRO	✓	
COMMISSIONER ERIN FLAHERTY	✓	
COMMISSIONER MICHAEL O'ROURKE	✓	
COMMISSIONER KATHLEEN RAPOZA	✓	

The Town Commission thereupon declared the foregoing Resolution NO. 48-12-15 duly passed and adopted this 16 day of December, 2015.

TOWN OF LAKE PARK, FLORIDA

BY: _____
JAMES DUBOIS
MAYOR

ATTEST:

_____
VIVIAN MENDEZ
TOWN CLERK

TOWN OF LAKE PARK
SEAL
FLORIDA

(TOWN SEAL)

Approved as to form and legal sufficiency:

BY: _____
THOMAS J. BAIRD
TOWN ATTORNEY