

**RESOLUTION NO. 49-08-04**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE SITE PLAN FOR NORTHLAKE SQUARE EAST FOR DEVELOPMENT APPROVAL OF A 131,839 SQUARE FOOT RETAIL CENTER ON A 10.83 ACRE PORTION OF A 19.12 ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTHLAKE BOULEVARD AND CONGRESS AVENUE WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF PALM BEACH GARDENS AND THE TOWN OF LAKE PARK, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR WAIVERS; PROVIDING CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission, as the governing body of the Town of Lake Park, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Town's Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the Town of Lake Park received an application ("Application"), from Urban Design Studio and Kimley-Horn and Associates, ("Agents") for the Target Corporation ("Applicant") for development approval of a 131,839 square foot retail center on a 10.83 acre portion of a 19.12 acre site generally located at the southeast corner of the intersection of Northlake Boulevard and Congress Avenue within the municipal boundaries of the City of Palm Beach Gardens and the Town of Lake Park; and

**WHEREAS**, the proposed site plan request is presented concurrent with a request to rezone the property from Traditional Neighborhood Development (TND) to Planned Unit Development (PUD) in the Town of Lake Park, and from Research and Light Industrial Park District (MI) to PUD with an underlying CG-1 district designation in the City of Palm Beach Gardens; and

**WHEREAS**, an Interlocal Agreement was executed between the City of Palm Beach Gardens and the Town of Lake Park in or about March 2004 for a joint development review of the subject site; and

**WHEREAS**, the Town's Planning and Zoning Commission reviewed the Site Plan at a public hearing conducted on June 8, 2004, and has recommended it's approval; and

**WHEREAS**, the Town Commission has considered the evidence presented to it 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**, the Town Commission has 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, it's successors and assigns shall be subject to the conditions contained in Section 3.

**NOW THEREFORE**, be it ordained by the Town Commission of the Town of Lake Park;

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

**Section 2.** The Town Commission hereby approves the Site Plan application for Northlake Square East, to permit the development of a 131,839 square foot retail center, on a 10.83 acre portion of a 19.12-acre site located at the southeast corner of the intersection of Northlake Boulevard and Congress Avenue within the municipal boundaries of the City of Palm Beach Gardens and the Town of Lake Park, including the list of uses attached hereto as **Exhibit "A"** and incorporated herein, and subject to the conditions of approval contained in Section 3, which are in addition to the general requirements otherwise provided by local ordinances.

**Section 3.** Approval of the Site Plan for the subject property by the Town Commission shall be subject to the following conditions:

1. Prior to the issuance of the first building permit, the Applicant shall plat the property.
2. Prior to the issuance of the first building permit for vertical construction, the Applicant shall provide construction plans in sufficient detail to construct

the project and meet all applicable ADA and FDOT requirements for handicapped access.

3. Shopping cart corrals shall be provided by the Applicant and shall be screened from view by a wall and substantial landscaping. The corrals shall be constructed of solid walls and of materials compatible with the primary structures approved on site.

4. All mechanical equipment shall be screened from view.

5. Within thirty (30) day of the project approval and prior to the City's approval of and the Town of Lake Park's issuance of any permits, the applicant shall submit an administrative application for the following changes to the approved plans required by the Town of Lake Park Commission and the City of Palm Beach Gardens City Council:

(a) The applicant shall revise the landscape plan to increase the height of the proposed palms around the perimeter of the building to the satisfaction of the Town of Lake Park Community Development Director and the City of Palm Beach Gardens City Forester.

(b) The applicant shall revise the plan to revise the color of the proposed bollards within the Planned Unit Development. The bollards shall be consistent with one of the colors of the building and shall be approved by the Town of Lake Park Community Development Director and the City of Palm Beach Gardens Development Compliance Officer. The bollards shall not be painted red as currently depicted on the proposed plan.

(c) The applicant shall revise the plan to provide aeration within all lakes provided on the site, including the southern lake which provides drainage capacity for the Congress Avenue right-of-way, providing the applicant receives approval from Palm Beach County, if required.

6. The applicant shall revise the building identification signage on the front (north) elevation of the building. The proposed logo shall be consistent in size to the proposed logo on the right (west) elevation of the building and the business name shall be reduced proportionate to the reduction of the logo.

7. Metal halide lighting shall be used within the vehicular parking area, along streets and pedestrian walkways.

8. Building lighting shall be installed around the entire building perimeter and on pedestrian walkways. No glare lighting shall be used.

9. Timer clock or photocell lighting shall be provided for nighttime use above or near entryways and all exits including emergency exits.
10. Prior to the issuance of the first building permit for vertical construction, the Applicant shall work with the Palm Beach County Sheriff's Office, to develop a high-resolution color digital closed-circuit security surveillance system with monitoring and photo printout capabilities. The Palm Beach County Sheriff's Office shall have final approval on the required number of cameras and location within the Planned Unit Development (PUD).
11. Landscaping shall not conflict with lighting, including long-term canopy tree growth.
12. All structures shall use the following target hardening techniques:
  - a. Buildings shall be pre-wired for an alarm system.
  - b. Doors shall be equipped with metal plates over the threshold of the locking mechanism.
  - c. Glass perimeter doors shall be equipped with case hardened guard rings to protect the mortise lock cylinder.
  - d. Rear doors shall have 180-degree peephole viewers.
  - e. Exterior roll-up doors shall be target hardened.
  - f. All perimeter doors shall be equipped with hinges that utilize non-removable hinge pins.
13. Numerical addresses for the buildings shall:
  - a. Be illuminated for nighttime visibility and be unobstructed;
  - b. Have bi-directional visibility from the roadway; and
  - c. Be placed at the front and rear of each business.
14. Within six (6) months of the issuance of any land alteration permit, the Applicant shall install and maintain the landscaping, irrigation, hardscape, and lighting from Congress Avenue to the eastern terminus of the property and all of the southern roadway shoulder of Northlake Boulevard between the eastern and western terminus of the subject property. A one-time six-month extension to complete buffer and right-of-way improvements may be granted by the Community Development Director upon review of sufficient justification.

15. Lighting, landscaping and irrigation within adjacent medians, adjacent roadway shoulders, and pedestrian pathways for Congress Avenue shall be installed within six (6) months of the issuance of the first clearing permit. A one-time six-month extension to complete buffer and right-of-way improvements may be granted by the Community Development Director upon review of sufficient justification.
16. The Applicant, its successors, and assigns, shall be responsible for its fair share of landscaping and irrigation maintenance with the Congress Avenue right-of-way median and road shoulder from Northlake Boulevard to the southern terminus of its property.
17. Prior to issuance of a permit for any land alteration (clearing), the Applicant shall submit, for Town approval, a landscape plan for the Congress Avenue medians and roadway shoulders for the areas adjacent to the subject site, excluding the area previously accounted for within the Northlake Square West Planned Unit Development (PUD). The proposed landscape plan shall be consistent with the approved plan for the medians adjacent to Northlake Square West Planned Unit Development (PUD).
18. Within six (6) months of the issuance of the clearing/land alteration permit, the Applicant shall install and maintain the landscaping and irrigation, as permitted by Palm Beach County, within the Congress Avenue right-of-way median and easterly road shoulder from Northlake Boulevard to the southern terminus of its property. A one-time six-month extension to complete buffer and right-of-way improvements may be granted by the Community Development Director upon review of sufficient justification.
19. Prior to construction plan approval, the Applicant shall provide a letter of consent from the utility easement owner(s), allowing light fixture poles and/or landscaping within their utility easements.
20. Prior to issuance of the first Certificate of Occupancy, the Applicant shall provide an exclusive right-turn ingress lane at the Northlake Boulevard driveway.
21. The applicant, successors, or assigns shall provide their best efforts to maintain the transplanted and relocated banyan trees provided for on the landscape plan. If a tree does not survive the transplant, despite the applicant's best efforts, it shall be replaced with an equal or better specimen of shade tree.
22. Prior to issuance of the first Certificate of Occupancy, the Applicant shall provide an exclusive right-turn ingress lane at the Congress Avenue driveway.

23. Prior to issuance of the first Certificate of Occupancy, the Applicant shall Provide an exclusive left-turn ingress lane at the Congress Avenue driveway.
24. Prior to the scheduling for City Commission, the Applicant shall resolve all Traffic Impact issues related to the project.
25. All delivery and/or loading areas shall be screened from view from Northlake Boulevard, Congress Avenue, and Killian Drive, and all principal parking areas with a combination of landscaping and walls. The exterior finish on all walls shall be consistent with the color and character of the main structure.
26. Overnight storage or parking of delivery vehicles, trucks or trailers shall not be permitted on the site except within designated loading areas indicated on the site plan
27. No outdoor speaker or public address systems, which are audible off-site, shall not be permitted.
28. Outdoor storage or placement of any material, refuse, or equipment shall be screened from view. This includes staging areas.
29. The exfiltration trench located on the east side of the property needs to be relocated outside of the proposed 17 foot drainage easement.
30. Upon platting the property the 17 foot drainage easement needs to be dedicated to the Town of Lake Park with a caveat that the 60 inch drainage pipe located within the easement be maintained by the applicant, successors, or assigns.

**Section 4.** The Town Commission hereby approves the following waivers:

1. Waiver from Town Code 32-86-f-5 (Minimum Parking Dimensions), to allow for nine and one-half (9.5) foot wide parking stalls.
2. Waiver from Town Code 32-86-f-5 (Wheelstops), to allow for the elimination of required wheel-stops.
3. Waiver from Town Code 32-86, Schedule 32-86-1 (Number of required spaces), to eliminate 118 required spaces.
4. Waiver from Town Code Section 32-146-h-2 (Tree Spacing), to allow for an increase in spacing from 20 feet to 30 feet.
5. Waiver from Town Code Section 32-146-a-1 (Minimum Landscape Requirements, non-residential), to increase the percentage of sod used in the landscape area from 40% to 69%

6. Waiver from Town Code Section 32-80 Table 32-86-1 (Minimum Parking Bay Dimensions), to allow a reduction in the parking stall length from 18 to 16.5 with a (1.5 over-hang).

**Section 5.** This approval shall be in compliance with the following plans on file with the Town of Lake Park.

1. Northlake Square West Site Plan, Sheet 1 of 1, Urban Design Studio, May, 5, 2004.
2. Boundary Survey, Sheet C2, Lidberg Land Surveying, Inc., September 14, 2000.
3. Existing Conditions, Demolition Plan, Erosion and Horizontal Control Plans, sheets C3 through C5, Kimley Horn and Associates, May 5, 2004.
4. Signage and Marketing Plan, Sheet C6, Kimley Horn and Associates, May 5, 2004.
5. Paving, Drainage and Grading Plans, Sheets C7 through C8, Kimley Horn and Associates, May 5, 2004.
6. Northlake & Congress Driving Plans Sheets C9 & C9A, Kimley Horn and Associates, May 5, 2004.
7. Paving, Grading and Drainage Details & Seacoast Utility Details, Kimley Horn & Associates, Sheets C10 through C14, May 5, 2004.
8. Signage Plan, Sheet C15, Kimley Horn and Associates, May 5, 2004.
9. Landscape Plan, Sheet LA PP, Kimley Horn and Associates, May 5, 2004
10. Hardscape Details & Irrigation Plans, Sheets LA5 through IR-2, Kimley Horn and Associates, May 5, 2004.
11. Photometric and electric plans, Sheets SE-1 through SE-4, Kimley Horn and Associates, May 5, 2004.
12. Target, Floor Plans, Sheets A1 through A1D, KKE Architects, May 17, 2004.
13. Target Roof Plans, Sheet A4, KKE Architects, May 17, 2004.
14. Target, Elevations, Sheets A8 through A8b, KKE Architects, May 17, 2004.

The foregoing RESOLUTION 49-08-04 was offered by Commissioner Daly, who moved its approval. The motion was seconded by Commissioner Carey, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER ED DALY	X	
COMMISSIONER JEFF CAREY	X	

The Mayor thereupon declared Resolution No.49-08-04 duly passed and adopted this 7<sup>th</sup> day of October, 2004..

FLORIDA

TOWN OF LAKE PARK,

BY: \_\_\_\_\_

*Paul Castro*  
Mayor Paul Castro

ATTEST:

Approved as to form and legal

sufficiency

*Stephanie Thomas*

Stephanie Thomas  
Town Clerk

*Thomas J. Baird*

Thomas J. Baird,  
Town Attorney

