

## **RESOLUTION NO. 38-06-24**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN AUTHORIZING THE DEVELOPMENT A SEVEN STORY, 279 UNIT APARTMENT COMPLEX TO BE KNOWN AS NORTHLAKE PROMENADE, GENERALLY LOCATED SOUTH OF NORTHLAKE BOULEVARD AND WEST OF FEDERAL HIGHWAY; PROVIDING FOR CONDITIONS OF APPROVAL ASSOCIATED WITH THE SITE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Northlake Promenade Shoppes LLC (“Owner”) owns the property having parcel control numbers 36-43-42-21-32-010-0000 and 36-43-42-21-32-009-0000, which is generally located south of Northlake Boulevard and west of Federal Highway, and is legally described in Exhibits “A” and “B” (the Site); and

**WHEREAS**, McKenna West of Cotleur and Hearing, acting as the Owner’s authorized agent (“Agent”), has submitted an application for a site plan proposing to develop a seven story, 279 unit apartment complex (the Application); and

**WHEREAS**, pursuant to the Town of Lake Park’s (Town) Future Land Use Map contained in its Comprehensive Plan, the Site has a future land use designation of “Twin Cities Mixed Use”; and

**WHEREAS**, the development of a residential multifamily use would be consistent with this future land use designation; and

**WHEREAS**, the zoning assigned to the Site is C-3 Twin Cities Mixed Use District; and

**WHEREAS**, a multifamily residential use is a permitted use within the C-3 Twin Cities Mixed Use District; and

**WHEREAS**, the Town’s Planning and Zoning Board conducted a quasi-judicial hearing to evaluate a variance request by the Owner, the approval of which was necessary to permit the Application to proceed as submitted; and

**WHEREAS**, the Town’s Planning and Zoning Board determined that the Applicant’s variance request meets the criteria in the Town Code, and the variance was approved; and

**WHEREAS**, the Town Commission has conducted a quasi-judicial hearing to consider the Application; and

**WHEREAS**, the Town Commission has considered the evidence presented by the Town’s Community Development Department (the Department), the Owner and Agent, and members of the public, and determined that with the variance and the adoption of the conditions imposed, the

development of the Site would be consistent with the Town's Comprehensive Plan and 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 Development Order for the Site subject to the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans and the title sheet shall be updated to reflect the following list of plans and their sign and seal dates:

Name	Sheet	Revision Date	Received on
<b>GENERAL</b>			
Boundary Survey	1 of 2	02.05.2021	5.17.24
Boundary Survey	2 of 2	02.05.2021	5.17.24
<b>Site Plan Set</b>			
Cover Page	1 of 9	5.13.24	5.17.24
Site Plan	2 of 9	5.13.24	5.17.24
Site Plan	3 of 9	5.13.24	5.17.24
Site Plan	4 of 9	5.13.24	5.17.24
Site Details	5 of 9	5.13.24	5.17.24
Site Plan	6 of 9	5.14.24	5.17.24
Context Plan	7 of 9	1.10.24	5.17.24
Sidewalk Easement Exhibit	8 of 9	5.13.24	5.17.24
Park and Green Space Exhibit	9 of 9	5.13.24	5.17.24
<b>Publix and Retail Building Elevations</b>			
Building Elevations	A201	10.23.24	5.17.24
Building Elevations	A202	10.23.24	5.17.24
Building Elevations	A203	10.23.24	5.17.24
Renderings	A901	10.23.24	5.17.24

Renderings	A902	10.23.24	5.17.24
Renderings	A903	10.23.24	5.17.24
<b>Architecture</b>			
Architectural Site Plan	A0-01	2.2.24	5.17.24
Overall Floor Plan – Level 1	A1-01	2.2.24	5.17.24
Overall Floor Plan – Level 2	A1-02	2.2.24	5.17.24
Overall Floor Plan – Levels 3-4	A1-03	2.2.24	5.17.24
Overall Floor Plan – Levels 5-6	A1-05	2.2.24	5.17.24
Overall Floor Plan – Level 7	A1-07	2.2.24	5.17.24
Overall Roof Plan	A1-50	2.2.24	5.17.24
Building Elevations	A2-01	2.2.24	5.17.24
Building Elevations	A2-02	2.2.24	5.17.24
Retail Building Elevations	A201	10.23.23	5.17.24
Building Elevations	A202	10.23.23	5.17.24
Building Perspective – NE Entry	A2-04	2.2.24	5.17.24
Building Perspective – Main Entry	A2-05	2.2.24	5.17.24
Building Perspective – Retail Approach	A2-06	2.2.24	5.17.24
Building Perspective – Retail Tower Approach	A2-07	2.2.24	5.17.24
Building Perspective – Townhouse	A2-08	2.2.24	5.17.24
Building Perspective – Courtyard View	A2-09	2.2.24	5.17.24
Retail – Perspective View	A2-10	2.2.24	5.17.24
Retail – Perspective View	A2-11	2.2.24	5.17.24
Retail – Perspective View	A2-12	2.2.24	5.17.24
Perspective – Townhouse Street Approach	A2-13	2.2.24	5.17.24
<b>Civil</b>			
Cover Sheet	Cover Sheet	11.17.23	5.17.24
Conceptual Paving & Grading Plan	PD1	11.17.23	5.17.24
Conceptual Paving & Grading Plan	PD2	11.14.23	5.17.24
Conceptual Water & Sewer Plan	WS1	11.14.23	5.17.24
Conceptual Water & Sewer Plan	WS2	11.14.23	5.17.24
Fire Truck Route Plan	FT-1	11.14.23	5.17.24
Garbage Collection Truck Route Plan	REF-1	11.14.23	5.17.24

<b>Landscape and Irrigation</b>			
Cover Sheet	L-0.00	5.15.23	5.17.24
Overall Hardscape Site Plan / Key Plan	L-1.10	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.11	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.12	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.13	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.14	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.15	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.16	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.17	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.18	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.19	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.20	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.21	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.22	5.15.23	5.17.24
Enlarged Hardscape Plan	L-1.23	5.15.23	5.17.24
General Hardscape Details	L-2.50	5.15.23	5.17.24
Tree Mitigation Plan	L-3.00	5.15.23	5.17.24
Tree Mitigation Plan	L-3.01	5.15.23	5.17.24
Tree Mitigation Plan	L-3.02	5.15.23	5.17.24
Overall Planting Plan	L-3.10	5.15.23	5.17.24
Enlarged Planting Plan	L-3.11	5.15.23	5.17.24
Enlarged Planting Plan	L-3.12	5.15.23	5.17.24
Enlarged Planting Plan	L-3.13	5.15.23	5.17.24
Enlarged Planting Plan	L-3.14	5.15.23	5.17.24
Enlarged Planting Plan	L-3.15	5.15.23	5.17.24
Enlarged Planting Plan	L-3.16	5.15.23	5.17.24
Enlarged Planting Plan	L-3.17	5.15.23	5.17.24
Enlarged Planting Plan	L-3.18	5.15.23	5.17.24
Enlarged Planting Plan	L-3.19	5.15.23	5.17.24

2. 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 an exception is approved in writing by the Director of the Department of Community Development (the Director).
3. Any proposed disruption to neighboring street access, surrounding parking areas, or the normal flow of traffic within the Northlake Boulevard, Palmetto Drive, or other right-of-ways during the construction on the Site shall be subject to the review and approval of the Director and any of the agencies responsible for maintaining these roadways. Should there be any disruption to the normal flow of traffic on these streets during construction on the Site, 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 on the Site.
6. All onsite dumpsters shall be kept closed at all time and dumpster screening shall be maintained. All dumpsters shall be acquired from the approved franchise supplier for the Town.
7. Prior to issuance of the Certificate of Occupancy, the Agent 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 any minor modifications that are approved through permitting) and the Landscaping Plan or have been determined to be equivalent to those shown on the approved Site Plan by the Town's consulting landscape architect.
8. Prior to the issuance of any construction permits, the Agent shall submit copies of all permits that are required and have been obtained from any agencies having jurisdiction over the Site, 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.
9. Any revisions to any approved plans associated with the development of the Site, shall be submitted to the Department, and shall be subject to its review and approval.
10. At the time of building permitting, signage permitting (window, wall, freestanding, or other) for the Project shall be submitted through the Town's permitting process with a

master sign plan that ensures signage consistency in design and color scheme of the signs to be located on the Site. 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 the placement of any signs on the Site. Signage shall be subject to the Department's final review and approval.

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 until completed. Failure to initiate bona fide development or to complete the development of the site within the **36 months after bona fide development is initiated** shall render the Development Order null and void.
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 parking areas of the Site and along the exterior façades of the buildings on the Site. The location of the camera(s) shall be subject to the review and approval of the Department and the Palm Beach Sheriff's Office.
13. **Cost Recovery.** All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and in the preparation of this Resolution 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 Owner to reimburse the Town within the 10 days from the Department'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. A Certificate of Occupancy will not be issued if invoices are outstanding.
14. Prior to the issuance of a building permit, the Owner shall submit a proposed sidewalk easement, which shall be subject to the review and approval of the Town Attorney. Upon the approval of the Town Attorney, the Owner shall either record the easement or incorporate the same into the plat, prior to receiving a certificate of occupancy.
15. Prior to the issuance of building permit, the Owner shall provide a surety or bond, based on a certified cost estimate, for 110 percent of the improvement value of the proposed Publix façade improvements, in a form acceptable to the Town Attorney guaranteeing the proposed improvements will be initiated and completed pursuant to the development order timeline.
16. If building permits are issued after February 24, 2028, the Owner shall obtain a new updated Palm Beach County traffic concurrency approval.
17. If, at any time the County Engineer determines that a traffic signal is warranted, the Owner shall provide the funds for the cost of the installation of a traffic signal on Northlake Boulevard at the Site's western main entrance, "the Northlake Entry Street." The funds provided shall be sufficient to cover the cost of design, the relocation of any utilities, acquisition of right-of-way, and the installation of a mast arm signalization structure. The

Owner shall provide acceptable surety in an amount determined to be sufficient by the Palm Beach County Traffic Division.

18. Prior to the issuance of a Certificate of Occupancy, the Owner shall complete the closing the easterly median opening on Northlake Boulevard and extend the eastbound dual left turn lanes at the U.S. Highway 1, in accordance with the approvals received from the County Engineer or Florida Department of Transportation..
19. Prior to the issuance of a certificate of occupancy, the Owner shall extend the existing eastbound “drop through lane/ right turn lane” on Northlake Boulevard at US-1, westerly to the east edge of the Project’s westernmost driveway connection.
20. The Owner shall comply with all SUA standards.
21. Prior to the issuance of a building permit, the Owner shall submit a copy of a Reciprocal Easement Agreement which has been entered into with Publix that provides for the joint use and access between Publix’s parcel and the Site, and which memorializes the identification of those parking spaces reserved for Publix and the Site. The Reciprocal Easement Agreement shall be subject to the review and approval of the Town Attorney.
22. The applicant’s design team shall work with Town staff and engineering to modify the westernmost driveway connection to Palmetto Drive to restrict vehicular movement to right in, left out only (no right out and no left in) via signage and roadway marking and/or curb channelization. Between 6 months and 1 year after 70% residential occupancy is achieved, Town law enforcement, staff, and engineering will report back to the Town Commission whether the driveway restrictions have been sufficient. The sufficiency shall be based on crash data and/or other observed safety or traffic operational issues. If the driveway is determined to be insufficient, the driveway will be required to be modified to improve traffic conditions.

**Section 3:** This resolution shall become effective upon execution.