

RESOLUTION 47-07-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A SITE PLAN FOR A ONE-STORY, 7,926 SQUARE FOOT RESTAURANT TO BE KNOWN AS TEXAS ROADHOUSE, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF WATERTOWER ROAD AND NORTH CONGRESS AVENUE; PROVIDING FOR CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE SITE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Congress Avenue Properties LTD (“Owner”), owns the property located at 280 N Congress Avenue at the southeast corner of Watertower Road and North Congress Avenue, the legal description of which is attached hereto and incorporated herein as Exhibit “A” (the Site); and

WHEREAS, Emily Bernahl of Bernahl Development Services acting as the Owner’s authorized agent (“Agent”), has submitted an application for a site plan proposing to develop a 7,926 square foot restaurant to be known as the Texas Roadhouse (the Application); and

WHEREAS, pursuant to the Future Land Use Map of the Town’s Comprehensive Plan, the Site has a future land use designation of “Commercial and Light Industrial” and restaurant uses would be consistent with this future land use designation; and

WHEREAS, the zoning assigned to the Site is C-2 Commercial; and restaurant uses are one of the permitted uses in the C-2 District; and

WHEREAS, the Town’s Planning and Zoning Board has reviewed the Application and has recommended its approval to the Town Commission; 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 Applicant, and other interested parties and members of the public, and determined that with the adoption of the conditions associated with the approval of the Application, the development of the Site would be consistent with the Town’s Comprehensive Plan and 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. 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
GENERAL			
Land Title Survey	1 of 2	10.7.22	6.14.23
Land Title Survey	2 of 2	10.7.22	6.14.23
Architecture			
Building Elevations	A1	5.22.23	6.14.23
First Floor Plan	A1.1	5.22.23	6.14.23
Building Elevations	A2	5.22.23	6.14.23
Material Board	A3	1.27.23	6.14.23
Dumpster Detail	A1.15	9.19.22	6.14.23
Civil			
Cover Sheet	C000	5.23.23	6.14.23
General Notes	C100	5.23.23	6.14.23
Site Plan	C200	5.23.23	6.14.23
Site Plan	C210	5.23.23	6.14.23
Grading Plan	C300	5.23.23	6.14.23
Utility Plan	C400	5.23.23	6.14.23
Photometric Plan	C410	5.23.23	6.14.23
Photometric Details	C420	5.23.23	6.14.23
SWPPP Phase 1	C500	5.23.23	6.14.23
SWPP Phase 2	C510	5.23.23	6.14.23
SWPPP Notes	C520	5.23.23	6.14.23

Storm Profiles	C630	5.23.23	6.14.23
Construction Details	C700	5.23.23	6.14.23
Construction Details	C701	5.23.23	6.14.23
Construction Details	C702	5.23.23	6.14.23
Construction Details	C703	5.23.23	6.14.23
Construction Details	C704	5.23.23	6.14.23
Construction Details	C705	5.23.23	6.14.23
Erosion Control Details	C800	5.23.23	6.14.23
IRRIGATION			
Irrigation Plan	I100	5.2.23	6.14.23
Irrigation Details	I200	5.2.23	6.14.23
LANDSCAPE			
Landscape Plan	L100	5.23.23	6.14.23
Landscape Details	L200	5.23.23	6.14.23

2. Construction associated with the development of the Site shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception has been 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 Watertown Road, N Congress Avenue, or any other right-of-way during the construction of the Site shall be subject to the review and approval of the Director and any governmental agency responsible for maintaining these roadways. Should any disruption to the normal flow of traffic occur during construction of the Site without prior authorization, upon written notice from the Director, all 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 development of the Site.
6. All onsite dumpsters and dumpster screening shall be kept closed at all times. Owner is not responsible for waste haulers leaving doors open temporarily on pick-up day. All required dumpsters shall be acquired from the approved franchise supplier for the Town.
7. Prior to issuance of the Certificate of Occupancy, the Owner 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 are deemed to be equivalent by the Town's consulting landscape architect.
8. Prior to the issuance of any construction permits, the Applicant shall submit copies of all permits that are required by other agencies and have been obtained from those agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water Management District, Northern Palm Beach County Improvement 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. The Department shall determine whether or not the changes are material enough to require further review by the Planning & Zoning Board and Town Commission.
10. During the building permit phase, signage permitting (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 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 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 development has been 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 parking areas on 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 County Sheriff's Office (PBSO).

13. **Cost Recovery.** All professional consulting fees and costs, and 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 the mailing of the 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 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. A building permit or certificate of occupancy shall not be issued if any invoices are outstanding.
14. While the walled retention areas will be accepted, it is recommended the owner install an exfiltration trench as a component of the drainage system. Additional comments pertaining to this design may be asked regarding the Stormwater Report during permit review.
15. Deliveries to the restaurant shall be made only when the restaurant is not open for business and then no later than an hour before the restaurant is open to the public.

Section 3: This resolution shall become effective upon execution.

ATTACHMENT A

Legal Description:

TRACT "A1" OF CONGRESS BUSINESS PARK PLAT NO. 2, A P.U.D., AS SHOWN ON THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 127 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.