

ORDINANCE NO. 01-2003

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, APPROVING A COMMERCIAL PLANNED UNIT DEVELOPMENT (PUD) UPON THOSE CERTAIN LANDS LOCATED AT THE CORNER OF NORTHLAKE BOULEVARD AND U.S. HIGHWAY ONE (FORMERLY KNOWN AS THE TWIN CITY MALL); PROVIDING FOR SAID LANDS TO BE DEVELOPED IN ACCORDANCE WITH THE PLANS ON FILE WITH THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Village Shops at U.S. 1, L.L.C. (the Applicant) has submitted an application for approval of a Planned Unit Development (PUD) on the property, which is legally described in Exhibit AA, attached hereto and incorporated herein (the Subject Property); and

WHEREAS, the Town Commission of the Town of Lake Park, Florida, created the C-3 Regional Business District, which is codified as Section 45-34.1 of the Code of Ordinances of the Town; and

WHEREAS, the C-3 Regional Business District was adopted by both the Town of Lake Park and the Village of North Palm Beach to facilitate the redevelopment of commercial property formerly known as the Twin City Mall; and

WHEREAS, a portion of the subject property is located in the Town of Lake Park and is zoned C-3 Regional Business District by the Town; and

WHEREAS, the C-3 Regional Business District provides for and allows PUDs so as to encourage economical, efficient and imaginative design; and

WHEREAS, the PUD was presented to the Planning and Zoning Boards of the Town of Lake Park and the Village of North Palm Beach at a joint meeting of these boards whereupon they jointly recommended approval of the PUD; and

WHEREAS, The Town Commission of the Town of Lake Park, Florida and the Village Council of the Village of North Palm Beach, Florida (Village) conducted a hearing to consider PUD on the Subject Property; and

WHEREAS, at this hearing, testimony and other evidence presented by the municipalities= staff and the Applicant; and

WHEREAS, at this hearing, the Town Commissioners and the Village=s Councilors determined that the PUD was consistent with their respective Comprehensive Plans and met their respective land development regulations; and

WHEREAS, the conditions associated with the approval of the PUD shall apply to the Applicant, its successor and assigns.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are hereby incorporated as true and correct and as the findings of fact and conclusion of law of the Town Commission of the Town of Lake Park, Florida.

Section 2. The Town Commission hereby approves a commercial PUD upon the Subject Property in accordance with the maps, plans, drawings and other documents submitted to the Town=s Community Development Department and subject to the conditions enumerated herein below.

Section 3. The uses permitted on the Subject Property shall be those described in Section 32-52.1 of the Code of Ordinances of the Town.

Section 4. The Applicant shall develop the PUD in accordance with the following conditions. The Applicant shall develop the Subject Property in accordance with the plans and drawings submitted (all of which were last revised on December 3, 2002), including the four (4) sheets entitled respectively CSP-1, SP-1, L-1 (Land Development Plan) and L-2 (Landscape Specification Sheet), which said exhibit is made a part hereof (Composite Exhibit AB@) with the following amendments and conditions:

1. That only two monument signs shall be permitted, one on U.S. Highway One and one on Palmetto Road, as shown on the Site Development Plan, sheet SP-1 attached hereto as Composite Exhibit AB@; that neither sign shall have any tenant names placed thereon. Each monument sign may include the name and address of the Subject Property.

2. That all ground mounted equipment shall be screened from view from all public rights-of-way.

3. That all existing roof mounted equipment shall be screened from view from all public rights-of-way with a parapet wall as shown on the Site Development Plan, sheet SP-1 attached hereto as Composite Exhibit AB@; all roof mounted equipment which is installed in the future shall be screened and shall be painted to match the color of the building.

4. That the landscaping on U.S. Highway One shall be as shown on sheets L-1 and L-2 attached hereto as Composite Exhibit AB@.

5. That lighting in the parking lot shall be mounted on poles not to exceed 37 feet in height and the light fixture itself be a metal halite fixture of a shape and style substantially similar to the fixture shown on the Site Development Plan, sheet SP-1 attached hereto as Composite Exhibit AB@.

6. That the cross parking agreement with the adjacent landowner to the north and west shall be maintained in perpetuity.

7. That the Applicant and Town staff may work together with the Village staff to make minor changes such as shifting doors or windows as necessary to accommodate tenants.

8. That the Applicant shall submit to the Town proposed landscaping materials and pedestrian-friendly improvements to be installed along Palmetto Road, and that these materials and improvements shall be subject to the Town staff's review and approval.

9. That the Applicant will return to a joint meeting of the Lake Park and North Palm Beach Planning and Zoning Boards for the approval of a concept plan for tenant signage.

10. The Town logo shall be placed on the Town's corner of the Subject Property.

11. That the Applicant's landscape architect shall certify to the Town and Village that the landscape improvements have been completed pursuant to the landscape plans approved by the Town and Village prior to the issuance of a Certificate of Occupancy for the Subject Property.

12. That the proposed PUD be subject to the following conditions in light of the fact that the application of the literal terms of the zoning and land development regulations would unduly constrain the desirable reuse and/or redevelopment of the Subject Property.

a. A minimum of 432 parking spaces be provided on site, and that the spaces be of size and configuration as shown on sheet SP-1 attached hereto as Composite Exhibit AB@; and

b. The landscaped buffer between Palmetto Road and the off-street parking areas along the south boundary of the Subject Property of between 3.5 feet and 21.8 feet with at least five (5) trees and eighteen (18) shrubs for each one hundred (100) lineal feet of buffer along Palmetto Road, as shown on sheets L-1 and L-2 attached hereto as Composite Exhibit AB@; and

c. The Interior landscaping for unroofed parking areas be as shown on sheets L-1 and L-2 attached hereto as Composite Exhibit AB@; and

d. The setback requirement along the north and west boundaries of the Subject Property be waived to permit the existing structures to exist in their current locations as currently set back, as shown on the sheet SP-1 attached hereto as Composite Exhibit AB.@"

Section 5. Prior to issuance of building or other permits by the Town, Applicant shall submit for approval a recordable unity of title for the commercial PUD lands described in Exhibit AA.@" Upon approval by the Town attorney, the unity of title shall be recorded in the Public Records of Palm Beach County, Florida, at the cost of Applicant.

Section 6. Applicant has also applied to the Town to approve the proposed PUD on the Subject Property under the same conditions as set forth herein. This Ordinance, once passed, shall be applied to the Subject Property in conjunction with the Town Ordinance, once passed.

Section 7. If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 8. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 9. This Ordinance shall take effect immediately upon passage.

THE REST OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

Upon First Reading this 15th day of January, the foregoing ORDINANCE was offered by Commissioner Garretson, who moved its approval. The motion was seconded by Otterson, and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	_____	Absent
VICE MAYOR CHUCK BALIUS	<u> X </u>	_____
COMMISSIONER PAUL GARRETSON	<u> X </u>	_____
COMMISSIONER JEANINE LONGTIN	<u> X </u>	_____
COMMISSIONER BILL OTTERSON	<u> X </u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 19th DAY OF JANUARY, 2003

Upon Second Reading, this 5th day of February, 2003 the foregoing ORDINANCE was offered by Commissioner Balius, who moved its adoption. The motion was seconded by Commissioner Otterson, and upon being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	<u> X </u>	_____
VICE MAYOR CHUCK BALIUS	<u> X </u>	_____
COMMISSIONER PAUL GARRETSON	<u> X </u>	_____
COMMISSIONER JEANINE LONGTIN	<u> X </u>	_____
COMMISSIONER BILL OTTERSON	<u> X </u>	_____

The Mayor thereupon declared Ordinance No. 01-2003 duly passed and adopted this 5th day of February, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: _____
Paul Castro, Mayor

ATTEST:

Carol Simpkins
Town Clerk

Approved as to form and legal sufficiency

(Town Seal)

Thomas Baird, Town Attorney