

RESOLUTION NO. R- 84-165

RESOLUTION APPROVING ZONING PETITION 81-116(A), Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 81-116(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 27th October 1983; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The proposed development meets the requirements of the Comprehensive Plan.
2. A variance for parking will be required in order to meet all Zoning Code requirements;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 27th day October 1983, that Petition No. 81-116(A) the petition of TWENTY NINE HUNDRED ASSOCIATES, LTD., By Gene Gerola, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 81-116 TO ALLOW A HOTEL on a parcel of land lying in the Northeast 1/4 of Section 6, Township 45 South, Range 43 East; said parcel of land being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence South 0 degree 16' 35" East, along the East line of said Section 6, a distance of 1123.59 feet; thence South 53 degrees 33' 57" West, a distance of 33.00 feet to a point in the West line of Congress Road, the Point of Beginning of the herein described parcel of land; thence South 0 degree

16'35" East, along the said West line of Congress Road, said line also being 33.00 feet West of and parallel to the said East line of Section 6, a distance of 315.16 feet to a point; thence with a bearing of South 40 degrees 52'17" West, a distance of 32.90 feet; thence with a curve to the left having a chord bearing of South 70 degrees 06'09" West, a radius of 407.61 feet, a central angle of 23 degrees 48'33", and an arc length of 163.38 feet to a point; thence with a bearing of South 58 degrees 12'35" West, a distance of 187.70 feet to a point; thence with a bearing of North 81 degrees 07'54" West, a distance of 32.57 feet to a point on the right-of-way of Congress Avenue; thence with a curve to the left having a chord bearing of North 44 degrees 06'35" West, a radius of 1970.88 feet, a central angle of 7 degrees 05'56", and an arc length of 244.09 feet to a point; thence with a bearing of North 47 degrees 44'45" West, a distance of 74.18 feet to a point; thence with a bearing of North 0 degree 16'35" West, along a line 633.00 feet West of and parallel to the said East line of Section 6, a distance of 257.21 feet; thence North 83 degrees 33'57" East along a line 1123.53 feet South of and parallel to the North line of said Section 6, a distance of 600.00 feet to the Point of Beginning. Together with; a parcel of land lying in the Northeast 1/4 of Sections 6 and 5, Township 45 South, Range 43 East; said parcel of land being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence South 0 degree 16'35" East, along the East line of said Section 6, a distance of 1533.34 feet to the Point of Beginning of the herein described parcel of land; thence North 83 degrees 43'25" East, a distance of 50.00 feet to a point in the East line of Congress Road; thence South 0 degree 16'35" East, along the said East line of Congress Road, said line also being 50.00 feet East of and parallel to the said East line of Section 6, a distance of 864.30 feet; thence South 87 degrees 20'55" West, a distance of 17.21 feet; thence South 8 degree 16'35" East, a distance of 154.43 feet to a point on the curve of the Easterly line of Congress Avenue from which the radius point on the curve of the Easterly line of Congress Avenue from which the radius point bears South 80 degrees 13'38" West; thence Northwestly along the said Easterly line of Congress Avenue by said curve concave to the Southwest having a radius of 1970.00 feet, a central angle of 26 degrees 56'14",

for an arc distance of 926.22 feet to a point; thence with a bearing of North 10 degrees 44'57" East, a distance of 36.84 feet to a point; thence with a bearing of North 58 degrees 12'35" East, a distance of 172.19 feet to a point; thence with a curve to the right having a radius of 147.13 feet, a central angle of 31 degrees 30'50", and an arc length of 180.19 feet more or less to the Point of Beginning; subject to an easement for Donnelley Drive being more particularly described as follows:

Commencing at the Northeast corner of said Section 6; thence South 0 degree 16'35" East, along the East line of said Section 6, a distance of 1539.94 feet to a point; thence with a curve to the left having a radius of 327.61 feet, a tangent bearing of South 89 degrees 43'25" West, a central angle of 5 46'52", and an arc length of 33.06 feet to the Point of Beginning; thence continue along the aforementioned curve having a radius of 327.61 feet, a central angle of 25 degrees 43'58", and an arc length of 147.13 feet; thence South 58 degrees 12'35" West, a distance of 172.19 feet; thence South 10 degrees 44'57" West, a distance of 36.84 feet to a point on the ultimate right-of-way line of a 60.00 foot right-of-way for Congress Avenue; thence with a curve to the left, along the Northerly right-of-way line of Congress Avenue, having a radius of 1970.06 feet, a tangent bearing of North 36 degrees 42'42" West, a central angle of 3 degrees 45'40", and an arc length of 129.32 feet; thence South 81 degrees 07'54" East, a distance of 32.57 feet; thence North 58 degrees 12'35" East a distance of 187.70 feet, thence with a curve to the right having a Radius of 407.61 feet a central angle of 23 degrees 50'51", and an arc length of 169.38 feet to a point on the Westerly right-of-way line of Congress Road; thence with a bearing of South 0 degree 16'35" East, along the West right-of-way line of Congress Road a distance of 102.76 feet more or less to the Point of Beginning. Said property located on the west side of Congress Road, approximately .2 mile south of Lantana Road in a CG-General Commercial District was approved as advertised subject to the following conditions:

1. This development shall retain onsite 85% of the storm-water generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The property owner shall record the plat prior to the issuance of building permits.

3. The developer shall contribute Six Thousand One Hundred and Seventy-Five Dollars (\$6,175.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the rate of \$37.00 per suite at the time of the Building Permit.
4. The property owner shall convey to Palm Beach County, within ninety (90) days of Special Exception approval, 60 feet from centerline for the ultimate right-of-way for Congress Avenue. This conveyance must be accepted prior to the issuance of the building permit.
5. Petitioner shall abandon Congress Road from Congress Avenue to Connelley Road prior to Site Plan approval.
6. Prior to the issuance of a Certificate of Occupancy, the developer shall:
 - a. Construct Connelley Drive from Old Congress Road to Congress Avenue as a 4-lane section.
 - b. Construct at the intersection of Congress Avenue and Connelley Drive:
 1. Left turn lane, north approach
 2. Left turn lane, south approach
 - c. Construct at the intersection of Lantana Road and Old Congress Road:
 1. Left turn lane, east approach
 2. Left turn lane, south approach
7. The developer shall construct signalization prior to the issuance of the final Certificate of Occupancy at the intersection of Congress Avenue and Connelley Drive.
8. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
9. The developer will take necessary precautions to insure there will be no pollutant runoff from this project to adjacent or nearby surface waters.
10. This approval shall be limited to 190 units only. Further development shall require approval by the Board of County Commissioners.
11. A bike path shall be constructed along Congress Avenue, as determined by the County Engineer.
12. Unless this facility is restricted to use as a resident hotel for senior citizens only, the full required amount of parking shall be provided.
13. There shall be no kitchens or food preparation in individual rooms or suites.
14. Prior to site plan certification, a revised plan shall be submitted deleting references to future expansion. The area reserved for future development shall be designated as area required for future parking until such time as a Declaration of Restriction Limiting use of this entire property to a senior citizens hotel is recorded.

Commissioner Koehler, moved for approval, of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was

as follows:

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| Peggy E. Evatt, Chairman | -- | AYE |
| Ken Spillias, Vice Chairman | -- | ABSENT |
| Dennis P. Koehler, Member | -- | AYE |
| Dorothy Wilken, Member | -- | AYE |
| Bill Bailey, Member | -- | AYE |

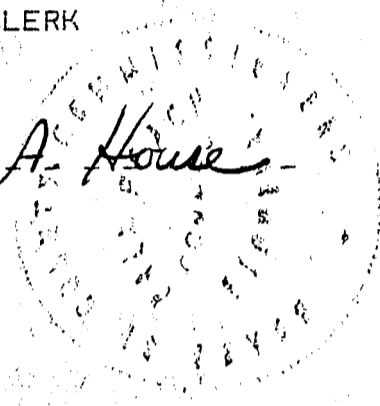
The foregoing resolution was declared duly passed and adopted this day of **JAN 31 1984**, confirming action of 27th October 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Phyllis A. House
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John Barrett
County Attorney