

RESOLUTION NO. R-88-1233

RESOLUTION APPROVING ZONING PETITION NO. 87-79
SPECIAL **EXCEPTION** PETITION OF CONGRESS AVENUE **OFFICE PARK, INC.**

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. 87-79 was presented to the Board of County **Commissioners** of Palm Beach County, **sitting as the Zoning Authority, at its public hearing** conducted on **July 27, 1987;** 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, **this approval is** subject to **Zoning Code Section 402.9 (Mandatory Review of Development Approvals)** and other **provisions requiring** that **development commence in a timely manner,** and

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

1. **This proposal is consistent with** the requirements of the Comprehensive **Plan** and **local land development regulations.**

NOW, THEREFORE, **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,** that **Petition No. 87-79** the **petition** of CONGRESS AVENUE **OFFICE PARK, INC.,** for a **SPECIAL EXCEPTION TO ALLOW 1) AN OFFICE/WAREHOUSE COMBINATION, AND 2) TO ABANDON THE SPECIAL EXCEPTION FOR A PLANNED INDUSTRIAL PARK, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 79-280 ON DECEMBER 27, 1979 (R-80-89, ADOPTED JANUARY 15, 1980), AND 3) TO ABANDON THE SPECIAL EXCEPTION FOR A COMMERCIAL NEW AND USED AUTO, TRUCK, BOAT, MOTORCYCLE, MOBILE HOME, RECREATIONAL VEHICLE SALE AND RENTAL AND REPAIR FACILITY AND LOT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 86-75 ON JULY 24, 1986 (R-87-1 14, ADOPTED JANUARY 27, 1987) on a parcel of land situated in Section 29, Township 43 South, Range 43 East, more particularly described as follows: Commencing at the Northwest corner of said Section 29, thence South 01 degree 32' 18" West along the West line of said Section 29, a distance of 1366.80 feet to the South line of the Northwest 1/4 of the Northwest 1/4 of said Section;** thence South

88 degrees 39' 17" East a distance of 40.00 feet to the apparent East Right-of-Way line of Congress Avenue as in use; thence North 01 degree 32' 18" East a distance of 143.02 feet to the Point of Beginning of this parcel; thence South 88 degrees 58' 07" East a distance of 321.00 feet; then North 01 degree 32' 18" East a distance of 82.68 feet; then South 88 degrees 45' 36" East a distance of 305.23 feet; thence South 01 degree 32' 18" West a distance of 401.10 feet; thence North 88 degrees 39' 17" West a distance of 399.23 feet; thence North 01 degree 32' 18" East a distance of 173.08 feet; thence North 88 degrees 39' 17" West a distance of 34.00 feet; thence North 01 degree 32' 18" East a distance of 92.98 feet; thence North 88 degrees 39' 17" West a distance of 193.00 feet; thence North 01 degree, 32' 18" East a distance of 50.04 feet to the Point of Beginning. Together With a parcel of land situate in Section 29, Township 43 South, Range 43 East, more particularly described as follows: Commencing at the Northwest corner of said Section 29, thence South 01 degree 32' 18" West along the West line of said Section 29, a distance of 1366.80 feet to the South line of the Northwest 1/4 of the Northwest 1/4 of said Section; thence South 88 degrees 39' 17" East a distance of 40.00 feet to the apparent East Right-of-Way line of Congress Avenue as in use, and the Point of Beginning of this parcel; thence North 01 degree 32' 18" East along said Right-of-Way line, a distance of 92.98 feet; thence South 88 degrees 39' 17" East a distance of 193.00 feet; thence South 01 degree 32' 18" West a distance of 92.98 feet; thence North 88 degrees 39' 17" West a distance of 193.00 feet to the Point of Beginning. Together with a parcel of land situate in Section 29, Township 43 South, Range 43 East, more particularly described as follows: Commencing at the Northwest corner of said Section 29, thence South 01 degree 32' 18" West along the West line of said Section 29, a distance of 1366.80 feet to the South line of the Northwest 1/4 of the Northwest 1/4 of said section; thence South 88 degrees 39' 17" East a distance of 40.00 feet to the apparent East Right-of-Way line of Congress Avenue as in use, and the Point of Beginning of this parcel; thence South 01 degree 32' 18" West along said Right-of-Way line, a distance of 50.00 feet; thence South 88 degrees 39' 17" East a distance of 227.00 feet; thence North 01 degree 32' 18" East a distance of 50.00 feet; thence North 88 degrees 39' 17" West a distance of 227.00 feet to the Point of Beginning, located on the east side of Congress Avenue, approximately .7 miles north of Belvedere Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following (conditions):

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Required number of trees.
 - b. Provision for loading zones for the buildings adjacent to the lake.

- c. **Required landscaping along the interior perimeter of the lake meeting the requirements of Section 500.35.E.3.c.4. Landscaping shall be located out of the required twenty (20) foot lake maintenance easement.**
 - d. **A solid fence or wall six (6) feet in height around three (3) sides of the dumpster near the lake's edge.**
2. **Security lighting shall be directed away from adjacent properties and streets, i 1 luminat ing only the site.**
 3. **The rear facades of the bui ldings adjacent to the existing lake shall be given architectural treatment consistent with the front, in order to avoid an industrial appearance to the neighboring residents.**
 4. **No storage or placement of any materials, refuse, equipment or debris shall be permitted, at the rear of the structures.**
 5. **There shall be no retail sales on this site. Warehousing shall be accessory to business conducted in the off ices.**
 6. **Since sewer service is available at the site, septic tank shall not be approved for use on said property,**
 7. **Since public water service is available to the property, a well shall not be approved for potable water use on said property.**
 8. **The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsi te three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement,**
 9. **If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage sys tem such that storm water runoff from the parking areas and paved surfaced shall be separate frojn those areas which may contain hazardous or undesirable waste from the proposed site.**

10. The property owner **shall** construct a **left turn lane**, north approach on Congress Avenue at **Westgate** Avenue concurrent **with** **onsite** paving and **drainage improvements**.
11. The property owner **shall** pay a **Fair Share** Fee in the amount and manner required by the "**Fair Share Contribution** for Road **Improvements Ordinance**" as it **presently exists or as it may** from **time to time** be amended, The Fair Share Fee for **this** project **presently is \$12,591.00 (470 trips X 826.79 per trip)**.
12. The property owner **shall** convey **for** the **ultimate right-of-way** of Congress Ave., **60** feet from centerline **(approximately an additional 20 feet) within ninety (90) days** of the **approval** of the **Resolution approving this** project.
13. **Discharge** of stormwater runoff **shall** not be **permitted into** the adjacent **lake unless permission** from the South **Florida** Water Management **District is obtained with** respect to water **quality**.
14. Property owner **shall** **bear** the cost for **signal modifications at the** intersection of Congress Avenue and **Westgate** Avenue as approved by the County Engineer.
15. There **shall be** no **openings in** the rear of **building facing residential areas**, except for required **fire** emergency egress.
16. **No** off **premise signs shall** be erected on the **site**.

Commissioner Marcus, moved for approval of the **petition**. The **motion** was seconded by **Commissioner Elmquist**, and upon being put to a vote, the vote was as **follows**:

Carol A. Roberts -- Aye
Carol J. Elmquist -- **We**
Karen T. Marcus -- Aye
Dorothy Wilken -- Aye
Kenneth M. Adams -- Aye

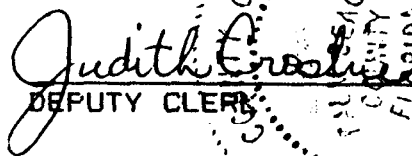
The foregoing resolution was declared duly passed and adopted **this 9th** day of **August**, **1988** confirming action of **July 27, 1987**

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

