

RESOLUTION NO. R- 81-1359

RESOLUTION APPROVING ZONING PETITION

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 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 September 1981; 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 proposal would be in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of September, that Petition No. 81-116 the petition of FIRST WISCONSIN MORTGAGE TRUST by Alan J. Ciklin, Attorney, for the FURTHER SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA 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  $0^{\circ}16'35''$  East along the East line of said Section 6, a distance of 1123.59 feet; thence South  $89^{\circ}33'57''$  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  $0^{\circ}16'35''$  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 1196.45 feet to a point in a curve of the Easterly line of Congress Avenue from which the radius point bears South  $72^{\circ}59'23''$  West; thence Northwesterly along the said Easterly line of Congress Avenue by said curve concave to the Southwest having a radius of 1960.08 feet, a central angle of  $30^{\circ}44'08''$  for an arc distance of 1051.46 feet to a point of tangency; thence along said Easterly line of Congress Avenue North  $47^{\circ}44'45''$  West, a distance of 65.01 feet; thence North  $0^{\circ}16'35''$  West along a line 633.00 feet West of and parallel to the said East line of Section 6, a distance of 270.78 feet; thence North  $89^{\circ}33'57''$  East along a line 1123.59 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 Congress Road right-of-way to be abandoned: a parcel of land lying in the Northeast  $1/4$  of Section 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  $0^{\circ}16'35''$  East, along the East line of said Section 6, a distance of 1539.94 feet to the Point of Beginning of the herein described parcel of land; thence North  $89^{\circ}43'25''$  East, a distance of 50.00 feet to a point in the East line of Congress Road; thence South  $0^{\circ}16'35''$  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  $87^{\circ}20'55''$  West, a distance of 17.21 feet; thence South  $0^{\circ}16'35''$  East, a distance of 221.89 feet to a point on the curve of the Easterly line of Congress Avenue from which the radius point bears South  $82^{\circ}10'14''$  West; thence Northwesterly along the said Easterly line of Congress Avenue by said curve concave to the Southwest having a radius of 1960.08 feet, a central

angle of 9°10'51" for an arc distance of 314.07 feet to a point; thence along said Westerly line of Congress Road North 0°16'35" West, a distance of 780.18 feet; thence North 89°43'25" East, a distance of 33.00 feet to the Point of Beginning. Said property located on the west side of Congress Road, approximately .2 mile south of Lantana Road, was approved as amended per the petitioner's request to DELETE THE COMMERCIAL DEVELOPMENT IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA, subject to the following conditions:

1. Petitioner shall convey to Palm Beach County within ninety (90) days of Special Exception approval 60' from centerline for the ultimate right-of-way for Congress Avenue.
2. Petitioner shall abandon Congress Road from Congress Avenue to Donnelly Road prior to Site Plan approval.
3. Prior to the issuance of a Certificate of Occupancy:
  - a. construct Donnelly Drive from Old Congress Road to Congress Avenue as a 4-lane section
  - b. construct at the intersection of Congress Avenue and Donnelly Drive:
    - a) left turn lane, north approach
    - b) left turn lane, south approach
  - c. construct at the intersection of Lantana Road and Old Congress Road:
    - a) left turn lane, east approach
    - b) left turn lane, south approach
4. Construct signalization prior to the issuance of the final Certificate of Occupancy at the intersection of Congress Avenue and Donnelly Drive.
5. Contribute Fourteen Thousand Two Hundred and Thirty-eight Dollars (\$14,238.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permits.
6. 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.
7. The developer will take necessary precautions to insure there will be no pollutant run-off from this project to adjacent or nearby surface waters.
8. This approval shall be limited to 10,200 sq. ft. of retail and 6,600 sq. ft. of office space only. Site Plan shall be amended to delete any reference to expansion. Further development shall be subject to Site Plan Review.
9. A bike **path** shall be constructed along Congress Avenue, as determined by the County Engineer.

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

Frank Foster, Chairman	AYE
Norman Gregory, Vice Chairman -	ABSENT
Bill Bailey, Member	AYE
Dennis Koehler, Member	AYE
Peggy B. Evatt, Member	AYE

The foregoing resolution was declared duly passed and adopted  
this 27th day of October, confirming action of  
24 September 1981.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By *Ruth Ann Allen*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
County Attorney