

RESOLUTION NO. R- 83-1432

RESOLUTION APPROVING ZONING PETITION 83-118, 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. 83-118 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 25th August 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 rezoning and special exception are consistent with the requirements of Comprehensive Plan and Zoning Code.
2. Provided that dumpster and service areas are not located adjacent to abutting residential areas, this development would not have any significant negative impacts upon adjoining properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 25th day August 1983, that Petition No. 83-118 the petition of JAMES E. FULLWOOD, JR. AND HARRY S. HAMILTON, AS TRUSTEE By William R. Boose, III, Esquire, for a SPECIAL EXCEPTION TO ALLOW PLANNED COMMERCIAL DEVELOPMENT INCLUDING AN OFFICE WAREHOUSE COMBINATION on a parcel of land in Section 29, Township 43 South, Range 43 East, said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Section 29; thence North $01^{\circ} 32' 39''$ East, along the West line of said Section 29, a distance of 1716.00 feet, thence South $32^{\circ} 26' 57''$ East, along a line parallel with

and 1716.00 feet Northerly of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 29, a distance of 228.43 feet to a point in the East right-of-way line of Old Congress Avenue, as recorded in Official Record Book 1421, Pages 307 through 316, inclusive, said point being the Southwest corner of Castles Congress Avenue Addition, an unrecorded subdivision, and the Point of Beginning; thence, North $00^{\circ}09'20''$ East, along said East right-of-way line, and along the West boundary of said Castles Congress Avenue Addition, a distance of 92.52 feet to the Southwest corner of unrecorded Lot 6 of said Castles Congress Avenue Addition; thence, South $88^{\circ}26'57''$ East, along the South line of unrecorded Lots 5 and 6 of said subdivision, a distance of 143.84 feet to the Southeast corner of unrecorded Lot 5 of said subdivision; thence, North $01^{\circ}32'39''$ East, along the East line of said Lot 5, a distance of 72.50 feet to the Northeast corner of said Lot 5; thence, North $88^{\circ}26'57''$ West, along the North line of said Lots 5 and 6 of said subdivision, a distance of 145.60 feet to the intersection with the said East right-of-way line of Old Congress Avenue; thence, North $00^{\circ}09'20''$ East, along said right-of-way line, a distance of 138.90 feet to the Point of Curvature of a curve to the Left, having a radius of 392.54 feet; thence, Northerly along said curve, and continuing along said East right-of-way line, through a central angle of $03^{\circ}49'23''$, a distance of 26.19 feet to a point in a line 2046.00 feet Northerly of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 29; thence, South $88^{\circ}26'57''$ East, along said line, a distance of 440.44 feet; thence South $01^{\circ}32'39''$ West, along a line 660 feet Easterly of, as measured at right angles to, the West line of said Section 29, a distance of 165.00 feet; thence, North $88^{\circ}26'57''$ West, along a line 1881.00 feet Northerly of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 29, a distance of 145.00 feet to Northwest corner of unrecorded Lot 2 of said Castles Congress Avenue Addition; thence, South $01^{\circ}32'39''$ West, along the West line of said Lot 2 and along the West line of unrecorded Lot 11 of said subdivision, a distance of 165.00 feet; thence, North $88^{\circ}26'57''$ West, along a line 1716.00 feet Northerly of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 29, a distance of 20.30 feet; thence, South $01^{\circ}32'39''$ West, parallel with the West line of said

Section 29, a distance of 241.81 feet; thence, North 80° 30' 55" West, along the South line of a certain 1.50 foot concrete curb and its Easterly and Westerly prolongations, a distance of 260.40 feet to the said East right-of-way line of Old Congress Avenue; thence, North 00° 09' 20" East, along said East right-of-way line, a distance of 242.19 feet to the Point of Beginning. Said property located on the east side of Old Congress Avenue, approximately .3 mile north of Belvedere Road was approved as advertised subject to the following conditions:

1. This development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.
2. The developer shall construct, concurrent with a paving and drainage permit issued from the office of the County Engineer,

At the intersection of Congress Avenue and Old Congress Avenue at both north and south intersections, left turn lanes, north approach, and left turn lanes, east approach, per the County Engineer's approval.

3. The developer shall contribute Ten Thousand Four Hundred and Twenty-Five Dollars (\$10,425.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the rate of \$.25 per square foot.
4. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.
5. The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.
6. The proposed site plan shall be redesigned to provide for separation between surrounding residential property and all loading, dumpster, and service areas by buildings and/or service courts and to provide for more pervious areas to meet on-site retention requirements.

Commissioner Wilken , moved for approval ,
of the petition. The motion was seconded by
Commissioner Koehler ,

and upon being put to a vote, the vote was

as follows:

Peggy E. Evatt, Chairman	-- ABSENT
Ken Scillias, Vice Chairman	-- AYE
Dennis P. Koehler, Member	-- AYE
Donoahy Wilken, Member	-- AYE
Bill Bailey, Member	-- ABSENT

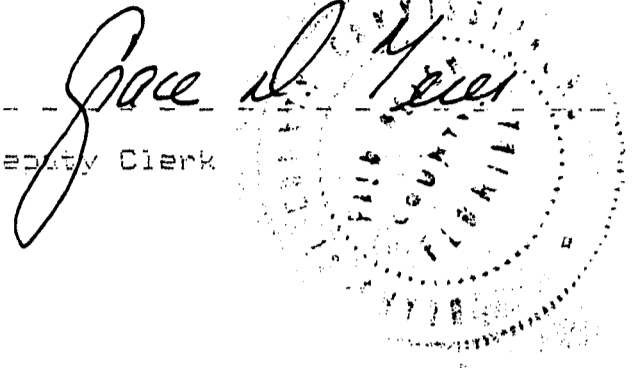
The foregoing resolution was declared duly passed and adopted this 8th day of November, 1983 , confirming action of 25th August 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: _____

Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

John Catlett
County Attorney