

RESOLUTION NO. R-89-589

RESOLUTION APPROVING ZONING PETITION NO. 88-5
SPECIAL EXCEPTION PETITION OF CONGRESS AVENUE OFFICE PARK, INC.
AND 25TH STREET INDUSTRIAL 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. 88-5 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 28, 1988; 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. 88-5, the petition of CONGRESS AVENUE OFFICE PARK, INC. AND 25TH STREET INDUSTRIAL PARK, INC., for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT, IN THE COURSE OF WHICH EXTINGUISHING A SPECIAL EXCEPTION FOR AN OFFICE/WAREHOUSE COMBINATION PREVIOUSLY APPROVED UNDER ZONING PETITION 87-79 ON JULY 27, 1987, on a parcel of land beginning at the Northwest section corner of Section 29, Township 43 South, Range 43 East, run South along the West section line 403.00 feet to a point; thence East parallel to the South line of Okeechobee Road 238.00 feet to a point which is the POINT OF BEGINNING; thence South parallel to Congress Avenue 200.00 feet to a point; thence East parallel to the South line of Okeechobee Road 35.00 feet to a

point, thence South parallel to Congress Avenue 620.00 feet to a point: thence West 240.00 feet to a point which is on the East right-of-way line of Congress Avenue: thence South along the East right-of-way line of Congress Avenue 142.98 feet to a point: which is the Southwest corner of Madrid Park being the Northwest 1/4 of the Northwest 1/4 of the above-mentioned section: thence East along the South line of said Madrid Park 627.00 feet to a point; thence South parallel to Congress Avenue 1307.40 feet, more or less, to a point which is 60.00 feet North of the south line of the Northwest 1/4 section: thence East along the North right-of-way line of the U. S. Government Canal 667.18 feet to a point: thence in a Northerly direction 2274.35 feet to a point which point is 403 feet South of the North line of said section; thence West parallel to the North line of said Section a distance of 1112.07 feet to the POINT OF BEGINNING:

TOGETHER WITH:

Beginning from the Southwest section corner of Section 29, Township 43 South, Range 43 East, run North along the West section line 3927.32 feet to a point: thence East parallel or nearly so to the North section line 267.00 feet to the POINT OF BEGINNING: thence continue in a straight line Easterly 393.00 feet to a point, thence Northerly parallel or nearly so to the West section line 72.85 feet to a point: thence westerly parallel or nearly so to the North section line 393.00 feet to a point: thence Southerly parallel or nearly so to the West section line 72.99 feet to the POINT OF BEGINNING.

TOGETHER WITH:

The East 393.00 feet of the North 100.00 feet of that certain parcel of land in Section 29, Township 43 South, Range 43 East, more particularly described as follows:

Beginning at a point on the West section line of said Section 29; which point is 3927.32 feet North of the Southwest corner of said Section 29: thence continue Northerly along the West section line of said Section 29 a distance of 173.08 feet to the South line of Madrid Park, according to the re-plat thereof recorded in Plat Book 20, Page 20: thence run Easterly along the South line of said Madrid Park a distance of 660.00 feet: thence run South on a line parallel to the West line of said Section 29 a distance of 172.85 feet: thence run westerly a distance of 660.00 feet to the point of beginning: EXCEPTING THEREFROM the right-of-way for the road known and used as Congress Avenue and rights-of-way for drainage canals; also excepting land lying within 33.00 feet of the survey line of Project 4563, State Road 604, as in Deed Book 680, Page 447;

TOGETHER WITH:

The North 50.00 feet in Section 29, Township 43 South, Range 43 East, more particularly described as follows:

Beginning at a point on the West section line of said Section 29, which point is 3927.32 feet North of the Southwest corner of said Section 29, thence continue Northerly along the West section line of said Section 29, a distance of 173.08 feet to the South line of Madrid Park, according to the re-plat thereof recorded in Plat Book 20, Page 20; thence run Easterly along the South line of said Madrid Park a distance of 60.00 feet; thence run South on a line parallel to the West line of said Section 29, a distance of 172.85 feet; thence run Westerly a distance of 660.00 feet to the POINT OF BEGINNING; EXCEPTING THEREFROM the West 33.00 feet thereof for right-of-way for the road known and used as Congress Avenue and rights-of-way for drainage canals; AND EXCEPTING the East 393.00 feet thereof.

TOGETHER WITH:

PARCEL I:

Part of Section 29, Township 43 South, Range 43 East, Beginning at a point on the West section line of said Section 29; which point is 4000.40 feet North of Southwest corner of said Section 29; thence continue Northerly along the West section line of said Section 29 a distance of 50.00 feet; thence run Easterly for a distance of 267.00 feet along a line at an angle of 89 degrees 46' 40" East of the North-South, West section line of said Section 29; thence run South on a line parallel to the West line of said Section 29, a distance of 50.00 feet, thence run Westerly a distance of 267.00 feet to the POINT OF BEGINNING. EXCEPT the West 40.00 feet.

TOGETHER WITH:

PARCEL 11:

Part of Section 29, Township 43 South, Range 43 East, Commencing at the Southwest corner of Section 29; thence North along the West section line 3927.32 feet to a point; thence East parallel to the North section line 167.00 feet to the POINT OF BEGINNING; thence continue Easterly 100.00 feet to a point; thence Northerly parallel to the West section line 72.99 feet to a point; thence Westerly parallel to the North section line 100.00 feet to a point; thence Southerly parallel to the West section line 73.02 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 111:

The West 167.00 feet of the South 73.08 feet of the North 173.08 feet of the South 1366.71 feet of the West 1/4 of the Northwest 1/4 of Section 29, Township 43 South, Range 43 East, EXCEPT the West 40.00 feet.

LESS :

Begin at the Northwest corner of said Section 29, Township 43 South, Range 43 East; and then South, along the West section line, 285.00 feet; then East parallel to the North section line, 361.00 feet; thence South, parallel to the West section line, 750.00 feet; thence East, parallel to the North section line, 305.23 feet for the POINT OF BEGINNING; thence East, parallel to the North section line, 600.00 feet; thence South, parallel to the West section line, 1642.35 feet; thence West, parallel to the North section line, 600.00 feet; thence North, parallel to the West section line 1642.35 feet to the POINT OF BEGINNING.

AND LESS:

A Tract of land in Section 29, Township 43 South, Range 43 East, beginning at the Northwest corner of said section, and thence South, along the West section line 285.00 feet; thence East, parallel to the North section line, 361.00 feet for the POINT OF BEGINNING; thence South, parallel to the West section line, 855.00 feet; thence East parallel to the North section line, 305.23 feet; thence North, parallel to the West section line, 105.00 feet; thence East, parallel to the North section line, 592.00 feet; thence North, parallel to the West section line, 675.00 feet; thence West, parallel to the North section line, 256.74 feet; thence North, parallel to the West section line, 75.00 feet; thence West parallel to the North section line, 79.26 feet; thence North, parallel to the West section line, 100.00 feet; thence West parallel to the North section line, 200.00 feet; thence North, parallel to the West section line, 150.00 feet, to the South right-of-way line of Okeechobee Road: thence West, along said right-of-way 60.00 feet; thence South, parallel to the West section line, 250.00 feet; thence West, parallel to the North section line, 301.23 feet, to the POINT OF BEGINNING.

TOGETHER WITH:

An easement for access from Congress Avenue to the above described property as follows:

Starting at the Northwest section corner Section 29, Township 43 South, Range 43 East, run along the West section line 663.00 feet to a point; thence East 33.00 feet parallel to the North section line to the POINT OF BEGINNING, which is on the East right-of-way line of Congress Avenue; thence continue in a straight line 328.00 feet to a point which is on the West border of land belonging to Grantors, thence South parallel to the West section line and along the West boundary of Grantors' property 20.00 feet to a point; thence West 328 feet to a point which is on the East right-of-way line of Congress Avenue: thence North along said right-of-way line 20.00 feet to the POINT OF BEGINNING, thereby conveying right-of-way privileges to the Grantors from their land to and from Congress Avenue.

Also an easement for utilities and drainage by the canal through the property owned by the Sellers to the boundary line of the property being bought by the purchaser.

AND LESS:

1. The East 35.00 feet of the West 275.00 feet of the South 116.00 feet of the North 779.00 feet of the replat of Madrid Park, as recorded in Plat Book 20, Page 20.
2. The South 116.00 feet of the North 779.00 feet of the East 207.00 feet of the West 240.00 feet of the replat of Madrid Park, as recorded in Plat Book 20, Page 20.
3. The East 91.00 feet of the West 361.00 feet of the South 560.00 feet of the North 1223.00 feet of the replat of Madrid Park, as recorded in Plat Book 20, Page 20.
4. The East 35.00 feet of the West 275.00 feet of the South 200.00 feet of the North 1093 feet of the replat of Madrid Park, as recorded in Plat Book 20, Page 20.

SUBJECT TO:

A parcel of land for public right-of-way purposes located in Section 29, Township 43 South, Range 43 East, described as follows:

The East 20.00 feet of the West 60.00 feet of the South 50.00 feet of the North 1273.00 feet of the Northwest 1/4 of said Section 29.

TOGETHER WITH:

PARCEL 1:

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 degrees 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 degrees 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; thence North 01 degrees 32' 18" East a distance of 82.68 feet; thence South 88 degrees 45' 36" East a distance of 305.23 feet; thence South 01 degrees 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 degrees 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 degrees 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 degrees 32' 18" East a distance of 50.04 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 2:

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 degrees 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 degrees 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 degrees 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:

PARCEL 3:

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 degrees 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 degrees 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 degrees 32' 18" East a distance of 50.000 feet; thence North 88 degrees 39' 17" West a distance of 227.00 feet to the POINT OF BEGINNING.

TOGETHER WITH:

PARCEL 4:

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 degrees 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 South 01 degrees 32' 18" West along said right-of-way line, a distance of 50.00 feet to the POINT OF BEGINNING of this parcel; thence continue South 01 degrees 32' 18" West along said right-of-way line, a distance of 123.08 feet; thence South 88 degrees 39' 17" East a distance of 227.00 feet; thence North 01 degrees 32' 18" East a distance of 123.08 feet; thence North 88 degrees 39' 17" West a distance of 227 feet to the POINT OF BEGINNING, located on the east side of Congress Avenue (S.R. 808), approximately 0.2 mile south of Okeechobee Boulevard (S.R.704) 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:
Zoning
 - a) landscaping as outlined in Condition No. 10.
 - b) elimination of the site data tabular referencing Petition No. 87-79.
2. In order to avoid an incompatible appearance upon adjacent residential areas, the rear facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front of the center.
Zoning
3. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.
Zoning
4. No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.
Zoning
5. No storage or placement of any stock materials, refuse, equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.
Zoning
6. No parking of any vehicles shall be permitted along the rear of the center except in designated spaces or unloading areas.
Zoning
7. A Unity of Title shall be executed covering the entire site. Two (2) copies of properly executed Unity of Title documents shall be submitted to the Zoning Division simultaneously with the Site Plan Review committee submittal.
Zoning
8. No off-premise signs shall be permitted on the site.
Zoning

9. All outdoor lighting shall be directed away from adjacent streets, properties and water bodies. Lighting within the eastern 100 feet of the site shall be mounted no higher than 15 feet above the site in order to avoid excessive glare across the water.
- Zoning
10. Landscaping all the north and east perimeters abutting the lake shall be upgraded by providing 10-12 foot high native canopy trees planted a maximum of 20 feet apart (on center).
- Zoning
11. 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 onsite 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.
- Engineering
- If required by the County Engineer or the South Florida Water Management District the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
12. The property owner shall construct a left turn lane, north approach on Congress Avenue at Westgate Avenue concurrent with onsite paving and drainage improvements. This petitioner shall also be responsible for any and all pavement markings associated with this construction, as determined by the County Engineer.
- Engineering
13. 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 \$26,548.00 (991 trips X \$26.79 per trip).
- Engineering
14. The property owner shall convey for the ultimate right-of-way of Congress Avenue, 60 feet from centerline (approximately an additional 20 feet) within 90 days of the approval of the Resolution approving this project.
- Engineering
15. Discharge of stormwater runoff shall not be permitted into the adjacent lake unless permission from the South Florida Water Management District is obtained with
- Engineering

respect to water quality and quantity.

Engineering 16. Property owner shall bear the cost for signal modifications at the intersection of Congress Avenue and Westgate Avenue as approved by the County Engineer.

ERM 17. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.

Health 18. Since sewer service is available to the property, septic tank shall not be approved for use on the property.

Health 19. Because water service is available to the property, a well shall not be approved for potable water use.

Health Commissioner Wilken 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	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 28, 1988.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Barbara A. Peterson*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLEY, CLERK

BY: *Jina M. Stare*
DEPUTY CLERK

