

RESOLUTION NO. R-2000- 0720

RESOLUTION APPROVING ZONING PETITION CA2000-005
CLASS A CONDITIONAL USE
PETITION OF CONGRESS VENTURE TWO, INC.
BY KILDAY & ASSOCIATES, INC., AGENT
(CONGRESS BUSINESS PARK)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in -Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2000-005 was presented to the Board of County Commissioners at a public hearing conducted on May 25, 2000; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA2000-005, the petition of Congress Venture Two, Inc., by Kilday & Associates, Inc., agent, for a Class A Conditional Use (CA) to allow an office/warehouse in the General Commercial (CG) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on May 25, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:

Maude Ford Lee, Chair		Absent
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus		Aye
Carol A. Roberts		Absent
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 25, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

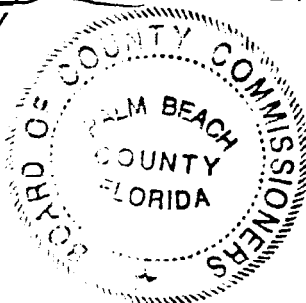


EXHIBIT A

LEGAL DESCRIPTION

Beginning at a point on the Westerly boundary of Section 29, Township 43 South, Range 43 East, which point is 2715.77 feet North of the Southerly boundary of Section 29; Thence, Easterly a distance of 660 feet to a point; Thence, Southerly parallel, or nearly so, with the Westerly boundary of the section line 330feet; Thence, Westerly parallel, or nearly so, with the Southerly boundary line of Section 29, 660 feet to the said Westerly line of Section 29; Thence, Northerly along said Westerly line 330 feet to the POINT OF BEGINNING.

LESS, the South 125 feet thereof, of the aforescribed parcel, LESS the right of way of Canal C-22, formerly known as Lateral Ditch No.2 and LESS lands conveyed to Palm Beach County in Special Warranty Deed recorded in Official Records Book 1342, Page 84 and LESS lands conveyed to the State Road Department of the State of Florida in Warranty Deed recorded in Deed Book 681, Page 354.

ALSO, being described as: A parcel of land in the Southwest quarter of Section 29, Township 43 South, Range 43 East; said parcel being specifically described as follows:

Begin at a point being the intersection of the Easterly right of way line of Congress Avenue, as recorded in Road Book 3, Pages 174-176, inclusive, public records, Palm Beach County, Florida, with the southerly right of way line of the C-22 Canal (formerly known as the L-2 Canal), as recorded in Road Book 5, Page 82, public records, Palm Beach County, Florida; Thence, bear North $89^{\circ}49'41''$ East, along said Southerly right of way line of the C-22 Canal, a distance of 610.00 feet; Thence, South $00^{\circ}00'00''$ West, along a line parallel with the West line of the Southwest quarter of said Section 29, a distance of 162.86 feet; Thence, South $89^{\circ}49'41''$ West, along a line parallel with the Southerly right of way line of the aforesaid C-22 Canal, a distance of 607.95 feet to a point on the aforesaid Easterly right of way line of Congress Avenue; said point being on a curve concave to the East; said curve having a radius of 5679.60 feet and a central angle of $01^{\circ}32'19''$; Thence, Northerly, along said Easterly right of way line and the arc of said curve, a distance of 152.52 feet to the point of tangency; Thence, North $00^{\circ}00'00''$ East, along said Easterly right of way line, a distance of 10.35 feet to a point on the aforesaid Southerly right of way line of the C-22 Canal and the POINT OF BEGINNING.

Containing: 2.287 acres more or less

EXHIBIT B
VICINITY SKETCH

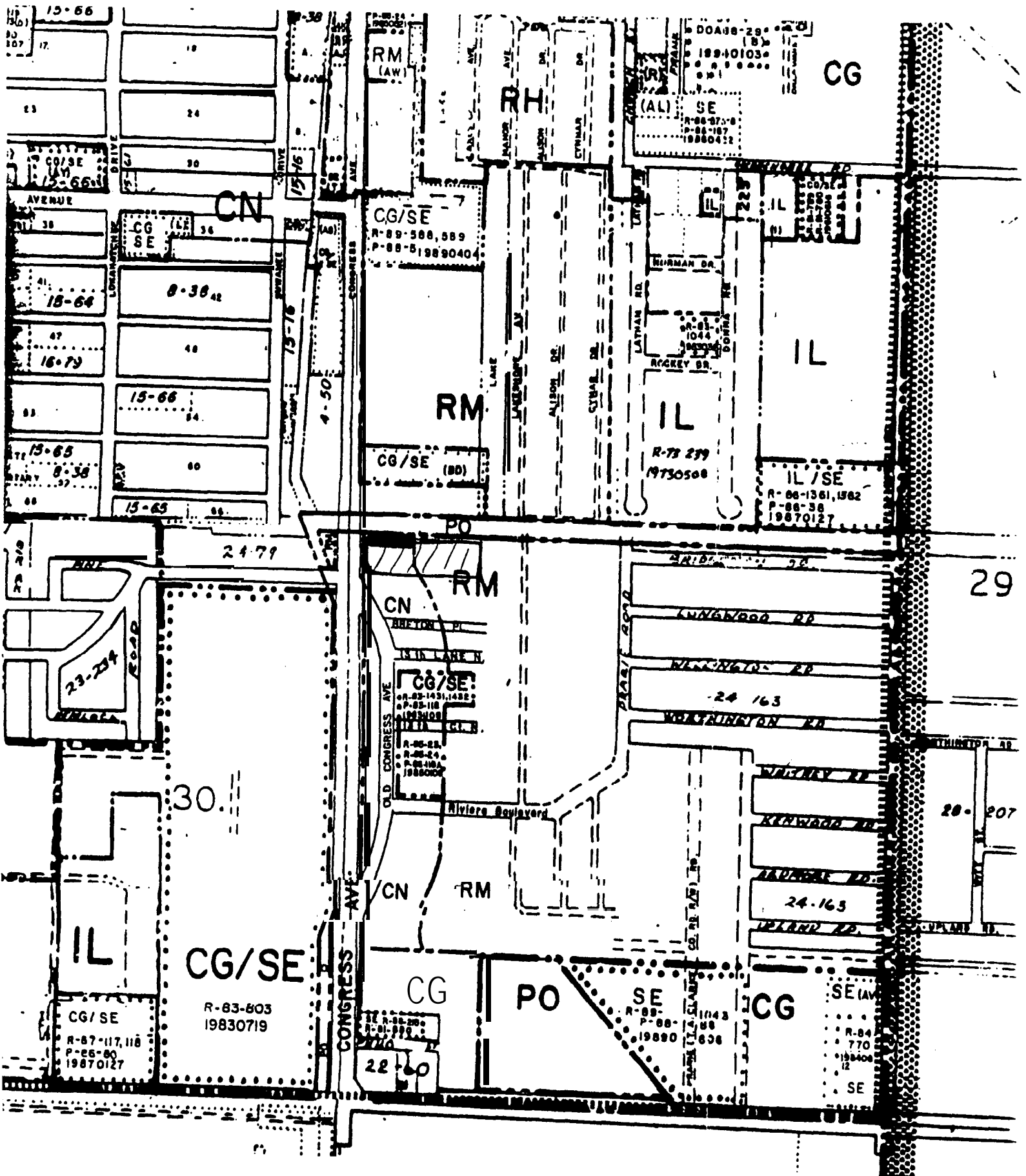


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the use as approved by the Board of County Commissioners. The approved site plan is dated February **24, 2000**. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. BUILDING AND SITE DESIGN

1. The proposed office/warehouse building shall be designed and constructed to be consistent with the facade elevations by South Palm Construction, Inc. dated April 26, 2000. (BLDG PERMIT: BLDG - Zoning)
2. Similar architectural character and treatment, including but not limited to color, roof pitch and treatment, material, fenestration, and horizontal and vertical architectural details or design elements shall be provided on all sides of the buildings. (BLDG PERMIT: BLDG - Zoning)
3. The proposed building shall be designed and constructed to be consistent with the following:
 - a. Prior to final site plan approval by the Development Review Committee, additional architectural design elements along the sides and rear elevations, approved by the Public Hearing Section of the Zoning Division, shall be used to reduce the building's mass and scale; and,
 - b. Plain or blank wall areas (without architectural design elements) greater than 10' high x20' length on the sides and rear elevations (elevations not shown on facade rendering above) shall not be permitted. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)

C. LANDSCAPING ALONG CONGRESS AVENUE

1. Landscaping and buffering along the Congress Avenue property line shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. A continuous two (2) foot high berm measured from top of curb. (CO: LANDSCAPE)

D. HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)
2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC (ONGOING: HEALTH/CODE ENFORCEMENT)

E. ENGINEERING

1. Prior to Certificate of Occupancy (CO) the property owner shall participate in the future Congress Avenue Median Landscaping Program for this property's frontage. Prior to the issuance of a Certificate of Occupancy (CO), funding for this program by the property owner shall be in accordance with an adopted Board of County Commissioners policy in accordance with Resolution No. 2000-2 of the Westgate/Belvedere Homes CRA dated April 10, 2000. (CO: MONITORING-Eng)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Congress Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)
3. The property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Congress Avenue, 60 feet from centerline on or before **January 1, 2001** or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: **MONITORING-Eng**)
4. Prior to site plan approval by the DRC the petitioner shall submit a final drainage design addressing all minimum County and South Florida Water Management District Drainage Criteria. Included in this design shall be an analysis of existing **offsite** surface flow into or off the subject site. The final drainage design shall accommodate these drainage flows for the three year 24 hour storm. (DRC: ENG)

F. SIGNS

1. Freestanding sign located on Congress Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side -100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only.
 - e. Pole signs shall be prohibited. (BLDG PERMIT/CO: BLDG)

G. USE LIMITATIONS

1. No outside storage of disassembled vehicles or parts shall be permitted on-site. (ONGOING: CODE ENF)
2. There shall be no vehicle maintenance, washing, or repairs permitted on-site. (ONGOING: CODE ENF)
3. Overnight parking of commercial vehicles shall be limited to the designated parking spaces. (ONGOING: CODE ENF)

4. A truck rental operation shall not be permitted on-site. (ONGOING: CODE ENF)

H. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of **Adjustment** or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)



Department of Planning,
Zoning & Building
 100 Australian Avenue
 West Palm Beach, FL 33406
 (561) 233-5000
 www.co.palm-beach.fl.us



Palm Beach County
Board of County
Commissioners

Maude Ford Lee, Chair

Warren H Newell, Vice Chairman

Karen T. Marcus

Carol A. Roberts

Mary McCarty

Bun Aaronson

Tony Masilotti

County Administrator

Robert Weisman

INTER-OFFICE COMMUNICATION
 PALM BEACH COUNTY
 PLANNING, ZONING AND BUILDING

TO: Phyllis House, Minutes Manager
 FROM: William C. Whiteford, Zoning Director
 DATE: May 31, 2000
 RE: Amended Conditions from the May 25, 2000
 BCC Hearing

*WCW
 bytc*

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on May 25, 2000.

The following petitions were amended:

- Z/CA2000-005 Congress Business Park
- PDD99-061 Leider PUD
- Z/CA2000-001 Sunset Lakes

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