

ORDINANCE NO. 20-2008

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE AN APPROXIMATELY 25.769 ACRE PARCEL OF LAND OWNED BY CONGRESS AVENUE PROPERTIES LIMITED WHICH IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF WATERTOWER ROAD AND CONGRESS AVENUE AS DEPICTED ON THE LOCATION MAP FROM A ZONING DESIGNATION OF C-4 BUSINESS DISTRICT TO C-2 BUSINESS DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Congress Avenue Properties Limited, a Florida corporation, is the fee simple owner (“Owner”) of approximately 25.769 acres of vacant land (“subject property”) which is generally located at the southeast corner of Watertower Road and Congress Avenue, within the municipal boundaries of the Town of Lake Park, Florida; and

WHEREAS, the subject property’s legal description is contained in Exhibit “A” and its general location as shown in Exhibit “B”, both of which are attached hereto and incorporated herein; and

WHEREAS, the subject property currently has a Future Comprehensive Land Use Designation of “Mixed Commercial/Light Industrial”; and

WHEREAS, Gentile, Holloway, O’Mahoney & Associates, Inc., as the authorized agent for the Owner, has submitted an application to the Town for the rezoning of the subject property, from the C-4 Business Zoning District classification to the C-2 Business Zoning District classification (the Application); and

WHEREAS, the Owner believes the future development of the property is most appropriate for retail uses consistent with other developed properties along the Congress Avenue corridor; and

WHEREAS, the Town staff has reviewed the Application and determined that the proposed rezoning of the subject property is consistent with the Town's Code of Ordinances and its Future Land Use Designation under the Town's Comprehensive Plan and has recommended approval of the proposed rezoning; and

WHEREAS, the Lake Park Planning and Zoning Board reviewed the subject Rezoning Application at their meeting of November 3, 2008, and recommended that the Town Commission approve the Application for the subject property; and

WHEREAS, at its duly held quasi-judicial public hearings, the Town Commission considered the proposed rezoning, and received evidence and testimony presented by Town staff, the Planning and Zoning Board, the Applicant, the Applicant's agents and representatives, members of the public, and other interested parties regarding the Application's consistency with the Town's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the Town Commission has determined that the rezoning of the subject property and adoption of this Ordinance is consistent with the Town's Comprehensive Plan and Land Development Regulations, and is in the best interest of the citizens and residents of the Town of Lake Park, Florida.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1: The foregoing recitals are hereby incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Town Commission hereby rezones the subject property from C-4 Business Zoning District (C-4) to C-2 Business Zoning District (C-2).

Section 3. The Town's Official Zoning Map is hereby amended to reflect the assignment of the C-2 Business District zoning classification to the subject property.

Section 4. If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 5. All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon passage.

**Attachments: Exhibit "A" Legal description of subject property
Exhibit "B" Location map**

Upon First Reading this 19 day of November, 2008, the foregoing Ordinance, was offered by Commissioner Osterman who moved its approval. The motion was seconded by Commissioner Balius and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 23 DAY OF November, 2008

Upon Second Reading this 3 day of December, 2008, the foregoing Ordinance, was offered by Commissioner Carey who moved its adoption. The motion was seconded by Commissioner Balius and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR ED DALY	<u>/</u>	_____
COMMISSIONER CHUCK BALIUS	<u>/</u>	_____
COMMISSIONER JEFF CAREY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 20-2008** duly passed and adopted this 3 day of December, 2008.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

V. Mendez Lemley
TOWN OF LAKE PARK
Town Clerk, Vivian Mendez Lemley
(Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird

FLORIDA

EXHIBIT "A"

PROPERTY DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 19; THENCE ALONG THE EAST LINE OF SOUTHEAST QUARTER OF SAID SECTION 19, NORTH 01°21'11" EAST, A DISTANCE OF 1350.88 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND;

THENCE CONTINUE ALONG SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 19, NORTH 01°21'11" EAST, A DISTANCE OF 1270.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WATER TOWER ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 10739, PAGE 6, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE OF WATER TOWER ROAD, NORTH 87°55'28" WEST, A DISTANCE OF 705.69 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT-OF-WAY LINE, SOUTH 50°32'44" WEST, A DISTANCE OF 53.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE FOR CONGRESS AVENUE, AS DESCRIBED IN SAID OFFICIAL RECORD BOOK 10739, PAGE 6 AND THE BEGINNING OF A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 8419.00 FEET AND A RADIAL BEARING OF SOUTH 80°59'04" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, THROUGH A CENTRAL ANGLE OF 02°08'28", A DISTANCE OF 314.63 FEET TO A POINT OF NON-TANGENCY; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE THROUGH THE FOLLOWING FIVE COURSES, SOUTH 19°07'33" WEST, A DISTANCE OF 51.14 FEET TO A NON-TANGENT CURVE, HAVING A RADIUS OF 8430.00 FEET AND A RADIAL BEARING OF SOUTH 83°27'55" EAST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00°18'53", A DISTANCE OF 48.30 FEET TO A POINT OF TANGENCY; THENCE SOUTH 08°13'12" WEST, A DISTANCE OF 585.93 FEET; THENCE SOUTH 04°48'20" WEST, A DISTANCE OF 202.56 FEET; THENCE SOUTH 06°13'12" WEST, A DISTANCE OF 181.63 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE OF CONGRESS AVENUE, SOUTH 40°36'46" EAST, A DISTANCE OF 58.35 FEET; THENCE SOUTH 87°26'44" EAST, A DISTANCE OF 54.80 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 792.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE; THROUGH A CENTRAL ANGLE OF 15°52'21", A DISTANCE OF 219.40 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 89°59'15" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 805.00 FEET AND A CHORD BEARING OF NORTH 68°35'13" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°15'37", A DISTANCE OF 130.11 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 865.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°25'04", A DISTANCE OF 413.93 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 19 AND TO THE POINT OF BEGINNING.

CONTAINING 25.769 ACRES, MORE OR LESS.

EXHIBIT "B"

