

RESOLUTION NO. R-90- 1442

RESOLUTION APPROVING ZONING PETITION NO. **87-24(E)**  
MODIFICATION OF COMMISSION REQUIREMENTS  
PETITION OF DANJO INVESTMENTS, INC.  
BY JEFF LIS, AGENT

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 have been satisfied; and

WHEREAS, Petition No. **87-24(E)** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 1990; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, **BE** IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Petition No. **87-24(E)**, the petition of DANJO INVESTMENTS, INC., BY JEFF LIS, AGENT, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land being a part of Government Lot 4, Tract 39, of the Hiatus in Township 44-1/2 South, Range 42 East; Commencing at the Northwest corner of Government Lot 3; Thence South 26 degrees 29'02" East (assumed), along the West line of said Government Lot 3, a distance of 74.81 feet to a point on the ultimate Southerly right-of-way line of Lantana Road and the POINT OF BEGINNING; Thence South 26 degrees 29'02" East along the West line of said Government Lot 3, a distance of 230.10 feet; Thence North 88 degrees 23'52" West a distance of 35.63 feet; Thence South 01 degrees 36'08" West a distance of 25.00 feet; Thence North 88 degrees 23'52" West a distance of 154.39 feet; Thence South 26 degrees 29'02" East a distance of 202.51 feet; Thence South 63 degrees 30'58" West a distance of 5.13 feet; Thence South 26 degrees 29'02" East a distance of 551.83 feet to a point on the ultimate Northerly right-of-way line of the Lake Worth Drainage District Canal L-16; Thence South 89 degrees 15'59" West, along

said North right-of-way line of the Lake Worth Drainage District Canal L-16, a distance of 206.51 feet; Thence departing from said North right-of-way line, North 26 degrees 29'02" West, a distance of 1038.65 feet to the aforesaid ultimate Southerly right-of-way line of Lantana Road; Thence along said Southerly right-of-way line on the following course, first South 88 degrees 23'52" East a distance of 276.40 feet; Thence South 01 degrees 36'08" West a distance of 12.00 feet; Thence South 88 degrees 23'52" East a distance of 150.00 feet to the POINT OF BEGINNING. Together with a portion of Government Lot 3, Tract 39, of Hiatus; Commencing at the Northwest corner of Government Lot 3; Thence South 26 degrees 29'02" East (Assumed), along the West line of said Government Lot 3, a distance of 61.21 feet to a point on the ultimate Southerly right-of-way line of Lantana Road; Thence South 88 degrees 23'52" East, along said ultimate Southerly right-of-way line of Lantana Road, a distance of 90.68 feet to the POINT OF BEGINNING. Thence continue along said ultimate Southerly right-of-way line of Lantana Road, South 88 degrees 23'52" East a distance of 356.69 feet to the East line of the West 10.00 acres of said Government Lot 3; Thence along said East line of said Government Lot 3, South 26 degrees 29'02" East a distance of 221.02 feet; Thence departing from said East line, North 88 degrees 23'52" West a distance of 127.77 feet; Thence South 01 degrees 36'08" West a distance of 20.00 feet; Thence North 88 degrees 23'52" West a distance of 218.25 feet; Thence North 26 degrees 29'02" West a distance of 243.70 feet to the POINT OF BEGINNING. A portion of Government Lots 3 and 4, Tract 39, Together with said Hiatus; Commencing at the Northwest corner of said Government Lot 3; Thence South 26 degrees 29'02" East (assumed), along the West line of said Government Lot 3, a distance of 61.21 feet to a point on the ultimate Southerly right-of-way line of Lantana Road, and the POINT OF BEGINNING; continue along said ultimate Southerly right-of-way line of Lantana Road, South 88 degrees 23'52" East a distance of 90.68 feet; Thence departing from said Southerly right-of-way line, South 26 degrees 29'02" East a distance of 243.70 feet; Thence South 88 degrees 23'52" East a distance of 218.25 feet; Thence North 01 degrees 36'08" East a distance of 20.00 feet; Thence South 88 degrees 23'52" East a distance of 127.77 feet; Thence South 26 degrees 29'02" East a distance of 778.38 feet to a point on the ultimate Northerly right-of-way line of the Lake Worth Drainage District Canal L-16; Thence South 89 degrees 15'59" West, along said North right-of-way line of the Lake Worth Drainage District Canal L-16, a distance of 643.89 feet; Thence departing from said North right-of-way line, North 26 degrees 29'02" West, a distance of 551.83 feet; Thence North 63 degrees 30'58" East a distance of 5.13 feet; Thence North 26 degrees 29'02" West a distance of 202.51 feet; Thence South 88 degrees 23'52" East a distance of 154.39 feet; Thence North 01 degrees 36'08" East a distance of 25.00 feet; Thence South 88 degrees 23'52" East a distance of 35.63 feet; Thence North 26 degrees 29'02" West a distance of 243.70 feet to the POINT OF BEGINNING; and being located on the south side of Lantana Road, approximately .2 mile west of Jog Road in a CG-General Commercial Zoning District, was approved on May 2, 1990, as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Condition Number 2 of Zoning Petition Number 87-24 (Resolution Number R-87-1101A), Conditions 2.c. and 12

of Zoning Petition Number 87-24(A) (Resolution Number R-88-1216), which state:

"2. Prior to site plan certification, petitioner shall record a Unity of Title Agreement covering the entire site, provided said Unity of Title may permit the selling of the northeast parcel **so** long as each separate parcel shall meet minimum property development **regulations.**"

"2. Prior to site plan certification, the site plan shall be amended to indicate the following:

c. The site data indicating which parcels are lease and which parcels are sale."

"12. Prior to site plan certification, the petitioner shall submit a copy **of** the executed Unity of Title for inclusion into the official zoning file."

Are hereby modified to state:

"Prior to any further site plan certification the property owner shall record a Unity of Title covering the entire site for Zoning Petition 87-24(E), and all subsequent amendments. The Executive Director **of** Planning, Zoning and Building shall have authority to break the Unity of Title should the property owner desire to subdivide this parcel. Any subsequent subdivision **of** this subject property shall meet all provisions of Palm Beach County's Subdivision and Required Improvements Regulations and all applicable regulations and ordinances,"

3. Condition Number 2.b. **of** Zoning Petition Number 87-24(c) (Resolution Number R-89-1168), which states:

"2. Prior to certification, the site plan shall be amended to indicate the following:

b. Designation of building R-5, R-6, R-7 and R-8 for the following uses: Auto Paint and Body, Auto Service Station (major repairs), Dry Cleaning and Laundry Plant."

**Is** hereby modified to state:

"Prior to certification, the site plan shall be amended to indicate the following:

b. Designation of building R-5, R-6, R-7 and R-8 for the following uses: Auto Paint and Body, Auto Service Station (major repairs), Dry Cleaning and Laundry Plant, wholesale **uses including appliances**, buildingsupplies, chemicals, furniture, machinery, millwork, woodwork, nurseries and greenhouses and **office** warehouse uses be permitted to operate in buildings R-5, R-6, R-7, and R-8."

4. Condition 2.c. of Zoning Petition Number 87-24(C) (Resolution Number R-89-1168), which states:

"2.c. Designation of buildings R-3, R-4, P-1, P-2, S-4, N-3 and N-4 for the following wholesale uses: Appliance, Building Supplies, Chemicals, Furniture, Machinery, Millwork, Nurseries and Greenhouses and **woodwork.**"

**Is** hereby modified to state:

"Designation of buildings R-1, R-2, R-3, R-4, P-1, P-2, S-4, N-3 and N-4 for the following wholesale uses: Appliance, Building Supplies, Chemicals, Furniture, Machinery, Millwork, Nurseries and Greenhouses, woodwork, and Office Warehouse uses."

5. Condition Number 3 **of** Zoning Petition Number 87-24(C) (Resolution Number R-89-1168), which states:

"3. The special exception consumer uses: auto paint and body shop, auto service station (major repairs) and dry cleaning and laundry plant shall be limited to building R-5, R-6, R-7 and R-8, as shown on Exhibit 71, and shall not exceed a maximum total floor area of 27,600 square feet."

**Is** hereby modified to state:

"The special exception consumer uses: auto paint and body shop, auto service station (major repairs) and dry cleaning and laundry plant shall be limited **to** buildings **A, 0-1, R-5, R-6, R-7** and R-8, as shown on Exhibit 71, and shall not exceed a maximum total floor area of 27,600 square feet."

6. Condition Number 4 **of** Zoning Petition Number 87-24(C) (Resolution Number R-89-1168), which states:

"4. The special exception wholesale uses: appliances, building supplies, chemicals, furniture, machinery, millwork, woodwork, nurseries and greenhouses shall be limited to buildings R-3, **R-4, P-1, P-2, S-4, N-3** and N-4, as shown **on** Exhibit 71, shall not exceed a total floor area of 42,975 square feet."

**Is** hereby modified to state:

"**The** special exception wholesale uses: appliances, building supplies, chemicals, furniture, machinery, millwork, woodwork, nurseries and greenhouses shall be limited to buildings R-1, **R-2, R-3, R-4, P-1, P-2, S-4, N-3** and N-4, as shown on Exhibit 71, shall not exceed a total floor area **of** 42,975 square feet."

7. Office/warehouse shall be defined for this petition as: Those uses, commercial in nature, that are related to office/warehouse in function, character and trip generation, and those uses defined in Section 500.33 (Office-Warehouse Combinations) in the Zoning Code. These uses shall be permitted in building labeled N, O, **P, R** and S on the approved master plan.

8. Condition Number **2C** of Zoning Resolution Number R-88-1216 which presently states:

- "2. Prior to site plan certification, the site plan shall be amended to indicate the following:
- a. Required parking for the service station/convenience store/car wash site.
  - b. Proposed number of car wash bays.
  - c. The site data indicating which parcels are lease and which parcels are sale.
  - d. **A** maximum of **10,000** square feet for individual buildings, with each building's square footage shown on the site plan.
  - e. Walkways between the vehicular parking and all office/warehouse buildings a minimum **of** three **(3)** feet in width.
  - f. Loading space for all office/warehouse buildings free of conflict with vehicular circulation routes.
  - g. Elimination **of** the parking space conflicting with the bank stacking lane.
  - h. Right-of-way for the Lake Worth Drainage District L-16 Canal, with landscaping relocated out of it.
  - i. **A** breakdown of the office use square footage (gross and gross leasable) and the warehouse use square footage (gross) within the office/warehouse tabular data,"

**Is** hereby deleted.

9. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available.

Commissioner Marcus moved for approval of the Resolution.

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

|                          |    |     |
|--------------------------|----|-----|
| Carol J. Elmquist, Chair | -- | AYE |
| Karen T. Marcus          | -- | AYE |
| Carol Roberts            | -- | AYE |
| Ron Howard               | -- | AYE |
| Carole Phillips          | -- | AYE |

The Chair thereupon declared the resolution was duly passed and adopted this 28th day of August, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

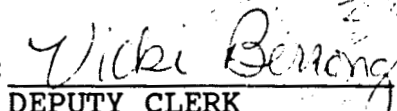
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK