

RESOLUTION NO. R-94-1085

RESOLUTION DENYING ZONING PETITION **DOA92-17(A)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF REITANO ENTERPRISES, INC. &-PASSAGE LAND PARTNERSHIP

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

WHEREAS, Zoning Petition **DOA92-17(A)** was presented to the Board of County Commissioners at a public hearing conducted on August 25, 1994; and

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

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Development Order Amendment is not compatible as defined in the Palm Beach County 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.
2. The original sign conditions agreed to by the petitioner were to ensure compatibility with the character of the area and to mitigate adverse impacts which excessive and out of scale signs may have on the area surrounding the shopping center site.
3. Petitioner has not demonstrated any changed circumstances since the original approval to validate the need for this amendment.
4. This Development Order Amendment does not minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment, with conditions as previously adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 DOA92-17(A), the petition of Reitano Enterprises, Inc. & Passage Land partnership, for a DEVELOPMENT ORDER AMENDMENT in the Community Commercial (CC) and Limited Office (LO) Zoning Districts, to amend Condition R.l.B (sign square footage) and R.l.C (number of signs) of Resolution R-93-173, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was denied on August 25, 1994.

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:

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of August, 1994.

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

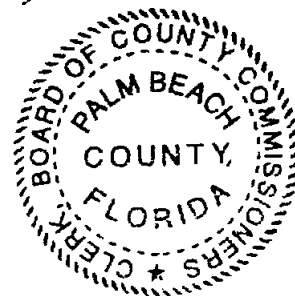


EXHIBIT A

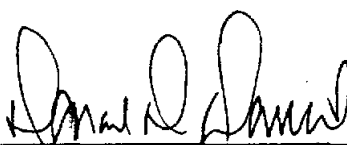
LEGAL DESCRIPTION

A Parcel of land lying in the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 1, Township 41 South, Range 41 East, Palm Beach County, Florida, Public Records, being more particularly described as follows:

Commencing at the Northeast corner of said Section 1; thence South 01° 59'45" West, along the East line of said Section 1, a distance of 55.07 feet to the intersection with the South right-of-way line of Indiantown Road (State Road # 706); Thence North 87°36'23" West, along said right-of-way line (description bearing base), a distance of 50.17 feet to the intersection with the West canal right-of-way line, as shown on the **REPLAT OF JUPITER FARMS AND GROVES**, as recorded in Plat Book 24, Page 7, Palm Beach County, Florida, Public Records; said Point also being the **POINT OF BEGINNING**; thence continue North 87°36'23" West, along said South right-of-way line, a distance of 248.54 feet; thence North 89°56'51" West, along said right-of-way line, a distance of 967.67 feet to the intersection with the East right-of-way line of a South Indian River Water Control District (SIRWCD) Canal No. 1, said right-of-way line being 60.00 feet East of and parallel to the West line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 1; thence South 01°59'50" West, along said East right-of-way line a distance of 1216.30 feet; thence South 43°59'06" East, a distance of 28.76 feet to the intersection with the North right-of-way line of said (SIRWCD) Canal No. 1, being 60.00 feet North of and parallel to the South line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 1; thence South 89°58'02" East, along said North right-of-way line, a distance of 1191.98 feet to the intersection with said West canal right-of-way line as shown on said **REPLAT OF JUPITER FARMS AND GROVES**; thence North 02°10'08" East, along said West right-of-way line, a distance of 1226.55 feet to the **POINT OF BEGINNING**.

Containing 1,499,762 square feet or 34.43 acres, more or less.

CERTIFIED CORRECT THIS 17<sup>th</sup> DAY OF May, 1994..

  
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Donald D. Daniels  
Professional Land Surveyor  
Florida Certificate No. 2608.

92-17 A

EXHIBIT B  
VICINITY SKETCH

