

RESOLUTION NO. R-88-1216

RESOLUTION APPROVING ZONING PETITION NO. 87-24(A)
SPECIAL EXCEPTION PETITION OF DANJO INVESTMENT, 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. 87-24(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 24, 1987; 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 finding 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. 87-24(A) the petition of DANJO INVESTMENT, INC., for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT INCLUDING ENCLOSED STORAGE FACILITIES, AN AUTOMOBILE SERVICE STATION AND GASOLINE PUMP ISLAND FACILITIES, AND AN OFFICE WAREHOUSE COMBINATION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 87-24 ON FEBRUARY 26, 1987 TO 1) INCREASE LAND AREA BY 4.854 ACRES, 2) INCLUDE A CAR WASH, 3) INCREASE TOTAL SQUARE FOOTAGE, AND 4) ABANDON THE SPECIAL EXCEPTION PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-173 ON JANUARY 3, 1986 (R-86-486, ADOPTED APRIL 18, 1986) FOR AN OFFICE/WAREHOUSE COMBINATION 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, more particularly described as follows: Commencing at the intersection of the South Right-of-Way line of Lantana Road and the East line of said Lot 4, Tract 39, said point being South 26 degrees 29' 02" East (assumed) at a distance of 45.34 feet from the Northeast corner of said Lot 4; thence, North 88 degrees 23' 52" West along the South Right-of-Way line of Lantana Road, a distance of 210.00 feet to the Point of

Beginning. Thence from the Point of Beginning, continue south 26 degrees 29' 02" East and parallel with the East line of said Lot 4, a distance of 1078.33 feet to the South line of said Tract 39, said line also being the North Right-of-Way line of the Lake Worth Drainage District L-16 Canal; thence, South 89 degree 15' 59" West along the South line of said Tract 39, a distance of 205.70 feet; thence North 26 degree 29' 02" West and parallel with the East line of said Lot 4, a distance of 1087.83 feet to the South Right-of-Way line of said Lantana Road; thence South 88 degree 23' 52" East, a distance of 210.00 feet to the Point of Beginning along said Right-of-Way line. Together with a parcel of land being a part of Government Lots 3 and 4, Tract 39, of the Hiatus in Township 44 1/2 South, Range 42 East, more particularly described as follows: Beginning at the intersection of the South Right-of-Way line of Lantana Road and the East line of Lot 4, aforesaid Tract 39, said Point of Beginning being South 26 degree 29' 02" East (Assumed Bearing) at a distance of 45.34 feet from the Northeast corner of said Lot 4; thence South 26 degree 29' 02" East along said East line of Lot 4, a distance of 724.80 feet; thence, North 63 degree 42' 28" East, a distance of 197.34 feet; thence North 26 degree 29' 02" West and parallel with the East line of said Lot 4, a distance of 168.51 feet; thence North 63 degree 30' 58" East, a distance of 197.35 feet; thence South 26 degree 29' 02" East and parallel with the East line of said Lot 4, a distance of 702.25 feet to the South line of said Tract 39, said South line also being the North Right-of-Way line of the Lake Worth Drainage District Canal L-16; thence South 89 degree 15' 59" West along said North Right-of-Way line, a distance of 643.90 feet; thence, North 26 degree 29' 02" West parallel with the East line of said Lot 4, a distance of 1078.33 feet to the South Right-of-Way line of Lantana Road; thence, South 88 degree 23' 52" East along said South Right-of-Way line, a distance of 210.00 feet to the Point of Beginning. Together with a parcel of land being a part of Government Lot 3, Tract 39, of the Hiatus in Township 44 1/2 South, Range 42 East, more particularly described as follows: Beginning at the intersection of the South Right-of-Way line of Lantana Road and the West line of Lot 3, aforesaid Tract 39, said Point of Beginning being South 26 degrees 29' 02" East (Assumed Bearing) at a distance of 45.34 feet from the Northwest corner of said Lot 3; thence, South 26 degree 29' 02" East along said West line of Lot 3, a distance of 724.80 feet; thence North 63 degree 42' 28" East a distance of 197.34 feet; thence, North 26 degree 29' 02" West and parallel with the West line of said Lot 3, a distance of 168.51 feet; thence, North 63 degree 30' 58" East, a distance of 197.35 feet; thence North 26 degree 29' 02" West and parallel with the West line of said Lot 3, a distance of 346.33 feet to the South Right-of-Way line of Lantana Road; thence North 88 degree 23' 52" West along said South Right-of-Way line, a distance of 447.37 feet to the Point of Beginning, located on the south side of Lantana Road (SR 812) approximately .2 mile west of Jog Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.

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 buildings' 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 apace for all office/warehouse building6 free of conflict with vehicular circulation routes.
 - g. Elimination of the parking apace 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.
3. Generation and disposal Of hazardous effluent8 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 tenant8 or owners generating such effluents.
4. Since sever service is available at the site, septic tank shall not be approved for use on said property.
5. Since public water service is available to the property, a well shall not be approved for potable water use on said property.
6. The developer shall retain the etormvater runoff in accordance with all applicable agency requirement8 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 es 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.

7. The petitioner shall convey to the Lake Worth Drainage District the south 25 feet of the subject parcel for the required right-of-way for Lateral Canal No. 16, by an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.

8. Condition No. 11 of Petition No. 87-24 [Resolution No. 87-1101-A] which states:

"11. The property owner shall convey for the ultimate right-of-way of Lantana Road, 54 feet from centerline within 90 days of the approval of the Resolution approving this project."

is hereby amended to read as follows:

"11. The property owner shall convey for the ultimate right-of-way of:

a. Lantana Road, 54 feet from centerline

b. Conveyance for the construction of a right turn lane, vest approach on Lantana Road at the project's main entrance. This right of way shall be a minimum of 150 feet in length and 12 feet in width, within 90 days of the approval of the Resolution approving this project."

9. Condition No. 14 of Petition No. 87-24 [Resolution No. 87-1101-A] which states:

"14. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$62,385.00 (2,366 trips X \$26.79 per trip.)

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$31,693.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$95,078.00 to be paid prior to the issuance of the first building permit or prior to June 1, 1987 whichever shall first occur.

if the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the

Fair Share Fee, this additional amount of \$31,693.00 shall be credited toward the Increased Fair Share Fee."

is hereby amended to read as follows:

"14. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvement Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$109,142.00 (4,074 trips X \$26.79 per trip).

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional \$54,571.00 toward Palm Beach County's existing Roadway Improvement Program, these total funds of \$163,713.00 to be paid prior to the issuance of the first building permit or prior to October 1, 1987 or prior to adoption of the Master Plan whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of \$54,571.00 shall be credited toward the increased Fair Share Fee."

10. Condition No. 16 of Petition No. 87-24 [Resolution No. 87-1101-A] which states:

"16. In order to comply with the mandatory traffic performance standards, the property owner shall not apply for a building permit for the proposed bank until Jog Road has been constructed as a four lane median divided section from Melaleuca Lane to Lantana Road."

is hereby amended to read as follows:

"16. In order to comply with the mandatory traffic performance standards the property owner shall be restricted to the following phasing schedule:

- a. Building permits for more than the following land uses shall not be obtained until actual construction has commenced for Lantana Road as a four (4) lane section from Hagan Ranch Road to Jog Road, and Jog Road as a four (4) lane section from Melaleuca to Lantana Road.
 1. 56,200 square feet of mini warehouses
 2. six (6) bay car wash
 3. 2,000 square foot convenience store with

gas pump islands."

11. Prior to site plan certification the site plan shall be revised to extend the proposed median to the ultimate right of way of Lantana Road.

Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commieeioner Elmquiet, and upon being put to a vote, the vote was as follows:

Carol A. Roberta	--	Absent
Carol J. Elmquist	--	W e
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution wee declared duly passed and adopted this 9th day of August, 1988 confirming action of July 24, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:



COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

