

RESOLUTION NO. R-89-1168

RESOLUTION APPROVING ZONING PETITION NO. 87-24(C)
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(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 30, 1988: 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 findings 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(C) the petition of DANJO INVESTMENT, INC., by Jeff Lis and Paul Sodahl, Agents, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING ENCLOSED STORAGE FACILITIES, AUTO SERVICE STATION; OFFICE-WAREHOUSE COMBINATIONS AND A CAR WASH (PETITION NOS. 87-24 AND 87-24(A)) TO ADD THE FOLLOWING WHOLESALE USES: APPLIANCES; BUILDING SUPPLIES; CHEMICALS; FURNITURE; MACHINERY: MILLWORK AND WOODWORK; NURSERIES AND GREENHOUSES AND THE FOLLOWING CONSUMER USES: AUTO PAINT AND BODY SHOP: DRY CLEANING AND LAUNDRY PLANT; AND AN AUTO SERVICE STATION (WITH MAJOR REPAIRS) on a parcel of land lying on a parcel of land being a part of Lots 3 & 4, Tract 39, of the Hiatus in Township 44 1/2 South, Range 42 East, 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 degrees 29' 02" East (assumed bearing) 45.34 feet from the Northeast corner of said Lot 4: thence South 26 degrees 29' 02" East along said East line of Lot 4 a distance of 724.80 feet: thence North 63 degrees 42' 28" East 197.34 feet: thence North 26 degrees 29' 02" West

parallel with the East line of said Lot 4 a distance of 168.51 feet; thence North 63 degrees 30' 58" East 197.35 feet; thence South 26 degrees 29' 02" East 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 degrees 15' 59" West along said North Right-of-way line a distance of 849.60 feet; thence North 26 degrees 29' 02" West parallel with the East line of said Lot 4 a distance of 1087.83 feet to the South Right-of-way line of Lantana Road; thence South 88 degrees 23' 52" East along said South Right-of-way line a distance of 420.00 feet to the Point of Beginning, being 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 petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Relocation of the loading space from between buildings R-2 and R-3 to an area that does not conflict with other vehicular uses.
 - 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.
 - 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.
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 buildings 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.
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.
5. There shall be no retail sales permitted in buildings R-5, R-7, R-6 or R-8 except as required for services performed on site.
6. Generation and disposal of hazardous effluents 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 tenants or owners generating such effluents.

7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. The petitioner shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
10. The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" for the additional 625 trips generated by this revision (87-24(C)) as it presently exists or as it may from time to time be amended.
11. In order to comply with the mandatory traffic performance standards the petitioner shall be restricted to the following:
 - a. 50% of the building permits for the remaining unbuilt structures of Zoning Petition No. 87-24(C) identified in the November 1, 1988 applicants Traffic Impact Analysis may be pulled after January 1, 1989. Certificates of occupancy for these structures may be received after July 1, 1989.
 - b. The remaining 50% of the unbuilt structures may not be eligible for building permits until all construction has begun (4 lane median divided section) for : 1) Lantana Road from Hagen Ranch Road to Jog Road; 2) Jog Road from Melaleuca Lane to Lantana Road.
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.
13. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be permitted in landscape areas, rights-of-ways or interior drives.
14. There shall be no outside storage of disassembled or inoperative vehicles or parts thereof on site.
15. There shall be no outdoor repair of vehicles.

16. No outdoor loudspeaker system shall be permitted on site.
17. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit: the issuance of a stop work order: the denial of a Certificate of Occupancy on any building or structure: or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.
18. Condition No. 10 of Zoning Petition No. 87-24(A) which presently states:

"10. 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 Lantana Road has been constructed as a four (4) lane section from Hagen Ranch Road to Jog Road and Jog Road has been constructed as a four (4) lane road 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."

is hereby deleted.

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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Absent
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 30, 1988.

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

