

RESOLUTION APPROVING ZONING APPLICATION ZV/Z-2010-00655
(CONTROL NO. 2002-00034)
an Official Zoning Map Amendment (Rezoning)
with a Conditional Overlay Zone (COZ)
APPLICATION OF Masoud Sanati, Mike Soueid, Mohammed Eftekhari
BY Frogner Consulting, Inc., AGENT
(Lantana Square Plaza Two)

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 applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application ZV/Z-2010-00655 was presented to the Board of County Commissioners at a public hearing conducted on September 30, 2010; and

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

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.1.B.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified 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 Application ZV/Z-2010-00655, the application of Masoud Sanati, Mike Soueid, Mohammed Eftekhari, by Frogner Consulting, Inc., agent, for an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional Urban (RTU) Zoning District to the General Commercial Zoning District with a Conditional Overlay Zone (CG/COZ) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch in EXHIBIT B, attached hereto and made a part hereof, was approved on September 30, 2010 subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	-	Aye
Commissioner Karen T. Marcus, Vice Chair	-	Absent
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Absent
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on September 30, 2010

This resolution was filed with the Clerk of the Board of County Commissioners on October 13th, 2010

This resolution is effective upon the effective date of the following small scale amendment to the Palm Beach County Comprehensive Plan: Lantana Plaza Two Commercial (SCA 2010-020).

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

"THE PROPERTY"

Property Control Number: 00-42-45-03-00-000-3170

Legal Description:

A PORTION OF THE NORTHWEST ONE-QUARTER (NW ¼) OF SECTION 3, TOWNSHIP 45 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST ONEQUARTER (NW ¼); THENCE SOUTH 89°15' 59" WEST ALONG THE NORTH LINE OF SAID NORTHWEST ONE-QUARTER (NW ¼), A DISTANCE OF 91.32 FEET TO THE POINT OF BEGINNING, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF JOG ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 6314, PAGE 958 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAME BEING THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1577.02 FEET (A RADIAL LINE TO SAID POINT BEARS NORTH 74°33' 23" EAST); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID WEST RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 13°28' 15", AN ARC DISTANCE OF 370.77 FEET TO A POINT OF NONTANGENCY; THENCE SOUTH 89°12' 47" WEST, 104.78 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 231.70 FEET; THENCE WESTERLY, NORTHWESTERLY, AND NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°03' 12", AN ARC DISTANCE OF 364.17 FEET; THENCE NORTH 00°44' 01" WEST, 134.74 FEET TO THE NORTH LINE OF AFORESAID NORTHWEST ONE-QUARTER (NW ¼); THENCE NORTH 89°15' 59" EAST, ALONG SAID NORTH LINE 285.38 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN PALM BEACH COUNTY, FLORIDA, CONTAINING 2.414 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

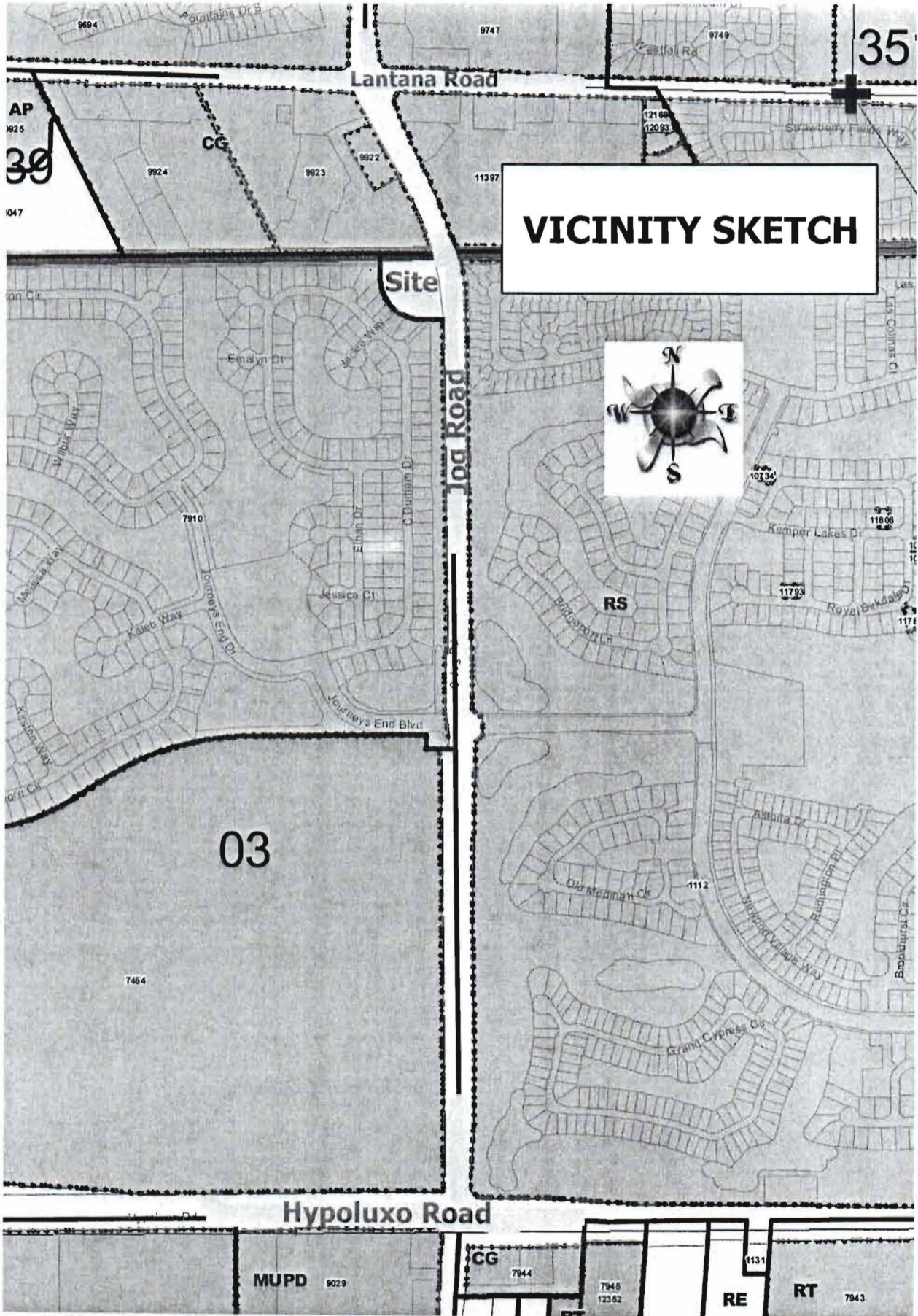


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1.The approved site plan is dated July 19, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1.In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:

a.No Building Permits for the site may be issued after December 31, 2014. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2.The property on the north side of the subject site (Control No. 1980-089) shall be amended to provide a minimum 100-ft throat (or as approved by the County Engineer) at the southeastern access connection to Jog Road as shown in the proposed site plan for the subject site.

a.The site plan for the parcel on the north side shall be amended prior to final DRO approval of the Site Plan for the subject property. (DRO: ENGINEERING - Eng)

b.Construction of the required modifications to the parcel on the north side of the subject site shall be completed prior to issuance of the first Certificate of Occupancy for the subject site. (CO: MONITORING - Eng)

3.Prior to final DRO approval of the Site Plan, the property owner shall provide a copy of a recorded ingress/egress agreement, as approved by the County Engineer to allow for cross access as proposed on the certified site plan. (DRO: ENGINEERING - Eng)

4.Prior to issuance of the first building permit the property owner shall create a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

HEALTH

1.Prior to final approval by the Development Review Officer, the property owner shall provide proof of water and wastewater concurrency.

LANDSCAPE - GENERAL

1.A minimum of sixty-five (65) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

a. Tree height: fourteen (14) feet;

b. Trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;

c. Canopy diameter: seven (7) feet - diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPE - INTERIOR

2.A focal point shall be provided at the south terminus of sidewalk adjacent to the front of the building facades. The focal point shall be in the form of an enhanced landscape

feature with pavers, or any other site element or similar feature that is acceptable to the Zoning Division. (DRO: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER

3.LANDSCAPING ALONG THE WEST AND SOUTH PROPERTY LINE ABUTTING RESIDENTIAL. In addition to Code requirements the proposed landscaping and buffer width along the west and south property line shall be upgraded to include:

- a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted excepting area of variance request for the LWDD overlap;
- b. the retention area shall remain on the western portion of the site as shown on the site plan dated July 19, 2010;
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

PALM TRAN

1.Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Said easement shall be located along Jog Rd south of the northern property line and north of the entrance taper to the right turn lane into the main entrance indicated on the final site plan. Supporting documentation, including but not not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT:ENG -Palm Tran)

PARKING-LOADING

1.Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate additional twelve (12) foot by eighteen and one half (18.5) foot limited loading area in the front of the retail structure to support typical service deliveries. (DRO: ZONING- Building Permit)

PARKING-CROSSHATCHING OR CHANGE IN USE

2.Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to delete square footage or revise parking to accommodate revised landscaping or change in uses or subject to a shared parking study. (DRO: ZONING-Building Permit)

PLANNING

1.Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the north in a location acceptable to the Planning Division, the Traffic Division and in a form acceptable to the County Attorney. (DRO: TRAFFIC/COUNTY ATTY-Planning)

2.Prior to the issuance of the first Certificate of Occupancy, the property owner shall pave all vehicular and pedestrian access points to the property line with a break in any landscape buffer, in a location shown on the Final Site Plan as approved by DRO. (CO: MONITORING-Planning)

SIGNS

- 1.Freestanding signs fronting on Military Trail shall be limited as follows:
- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
 - b. maximum sign face area per side - twenty-four (24) square feet;
 - c. maximum number of signs - two (2); and,
 - d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the

voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)

2.Failure to comply with any of the voluntary commitments of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing voluntary commitments; and/or,
- d. Referral to code enforcement; and/or,
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment of approval. (ONGOING: MONITORING - Zoning)