

RESOLUTION NO. R-90- 537

RESOLUTION APPROVING ZONING PETITION NO. 89-78
SPECIAL EXCEPTION PETITION OF
LANTANA II OXFORD ASSOCIATES, LTD.

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. 89-78 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 31, 1989; 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 Plan 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. 89-78 the petition of LANTANA II OXFORD ASSOCIATES, LTD., PARTNERSHIP, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT on a parcel of land being lots 1 and 2 Block 5 and portion of Via Vermilya as shown on Plat of Lanair Park, in Section 05, Township 45 South, Range 43 East, according to the Plat thereof, as recorded in Plat Book 21 at page 58, together with a portion in Hiatus Lot 5, Township 44-1/2 South, Range 43 East, being more particularly described as follows: Begin at the Southwest corner of said Lot 2 thence North 00 Degrees 02' 00" East along the West boundary of said Lot 2 and its Northerly projection for 351.51 feet; thence South 88 Degrees 01' 31" East along the North line of said Hiatus Lot 5, for 375.18 feet; thence South 44 Degrees 01' 10" East for 36.42 feet; thence South 00 Degrees 02' 33" West for 12.69 feet; thence South 88 Degrees 01' 31" East for 100.06 feet; thence South 00 Degrees 02' 33" West along the East line of Via Vermilya for 746.40 feet to the edge of water of the existing lake; thence Northwesterly along the Northerly edge of water of said lake as it meanders for 50.70 feet to the centerline of Via Vermilya; thence North 00 Degrees 02' 33" East along said centerline for 441.40 feet to the intersection of the Easterly projection of the Southerly line

of said Lot 1 and the centerline of said Via Vermilya; thence North 89 Degrees 57' 27" West for 450.24 feet to the point of beginning, being located on the south side of Lantana Road, approximately .03 mile east of Congress Road, in the RM-Multiple Family Residential Zoning District (Medium Density), was approved on August 31, 1989 as advertised, subject to the following conditions:

1. All property included in the legal description of the petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's office, which shall provide, among other things, for: Formation of a single "master" property owner's association and automatic membership in the "master" association by any party holding title to any portion of the property included in the PUD.
2. Prior to master plan certification, an access easement agreement with the Olympus Village PUD, shall be recorded. This easement agreement shall allow Olympus Village vehicular and pedestrian access to Lantana Road by way of Via Vermilia.
3. Native vegetation, specifically littoral plants, shall be preserved within the 25 foot PUD buffer.
4. Prior to master plan certification, the master plan shall be amended to indicate pedestrian access across Lake Osborne to Lantana South PUD. This access shall consist, at a minimum, of a footbridge for pedestrian access between the recreation areas of the adjoining rental community, subject to the proper permits by Lake Worth Drainage District.
5. No off premise signs shall be permitted on site.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the first one inch of stormwater runoff. In the event that the subject site abuts a Florida Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
9. Prior to December 1, 1989 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lantana Road, 85 feet south of the existing base line of survey free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure

that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

10. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$562.00 per approved multi family dwelling unit.
11. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
12. Petitioner shall record an easement for utilities prior to Site Plan Review Committee.
13. 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.

Commissioner Phillips 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	--	Absent
Carol Roberts	--	
Ron Howard	--	Aye
Carole Phillips	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of March, 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

