

RESOLUTION NO. R-90- 539

RESOLUTION APPROVING ZONING PETITION NO. 89-79
SPECIAL EXCEPTION PETITION OF
LANTANA III OXFORD ASSOCIATES LTD. PARTNERSHIP

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. 89-79 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. 89-79, the petition of LANTANA III 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 a portion of Block 4 and portion of the West 1/2 of Via Vermilya located at Section 05, Township 45 South, Range 43 East together with a portion of the adjoining lagoon as shown on the Plat of Lanair Park, according to the Plat thereof as recorded in Plat Book 21 at page 58, being more particularly described as follows: Begin at the Southeast corner of Lot 5, Block 4 of said Lanair Park, said Point bears North 99 Degrees 10' 16" West from the radius point of the next described curve; thence Southwesterly along a circular curve to the left and along the Northerly right-of-way of Donnelley Drive having a radius of 1680.21 feet, a central angle of 7 Degrees 37' 48" for an arc distance of 223.75 feet; thence North 00 Degrees 02' 33" East for 464.90 feet; thence North 73 Degrees 55' 48" East for 119.32 feet, thence North 78 Degrees 58' 39" East for 74.00 feet; thence South 74 Degrees 57' 51" East for 88.80 feet; thence South 89 Degrees 57' 15" East for 50.00 feet; thence South 00 Degrees 02' 33" West along the East line of Via Vernilya for 473.52 feet; thence North 89 Degrees 57' 27" West for 93.73 feet to a point of curvature; thence Southwesterly

along a circular to the left having a radius of 1680.21 feet, a central angle of 00 Degrees 12' 49" for and arc distance of 6.27 feet to the point of beginning, being located on the north side of Donnelley Drive, 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. Native vegetation, specifically littoral plants, shall be preserved within the twenty-five (25) feet PUD buffer.
3. Prior to Master Plan Certification, the Master Plan shall be amended to indicate pedestrian access across Lake Osborne to Lantana North PUD. This access shall consist, at a minimum, of a foot-bridge for pedestrian access between the recreation areas of the adjoining, subject to proper permits by Lake Worth Drainage District.
4. No off premise signs shall be permitted on site.
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted to the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
7. 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.
8. 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 Donnelley Drive, 40 feet from centerline 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.

9. 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.
10. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
11. Petitioner shall record an easement for utilities prior to Site Plan Review Committee.
12. 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	--	Aye
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: *Rubra Altman*
COUNTY ATTORNEY

BY: *Jina M. Blair*
DEPUTY CLERK

