

RESOLUTION NO. R-90- 1893

RESOLUTION APPROVING ZONING PETITION NO. 81-116(B)  
SPECIAL EXCEPTION PETITION OF  
LANTANA PARTNERS, LTD.  
BY KIERAN J. KILDAY, AGENT

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. 81-116(B) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 28, 1990; 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. 81-116(B), the petition of LANTANA PARTNERS, LTD., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A HOTEL TO DECREASE THE LAND AREA WITH A CONCURRENT MODIFICATION OF COMMISSION REQUIREMENTS, on a parcel of land lying in the northeast 1/4 of Section 6, Township 45 South, Range 43 East, described as follows: Commencing at the northeast corner of Section 6; Thence south 00 degrees 16'35" East, along the east line of said Section 6, a distance of 1123.59 feet; Thence south 89 degrees 33'57" west, a distance of 33.00 feet to a point in the west line of Congress Road, the Point of Beginning of the herein described parcel of land; Thence south 00 degrees 16'35" East, along the said west line of Congress Road, said line also being 33.00 feet west of parallel to the said east line of Section 6, a distance of 315.16 feet to a point; Thence with a bearing of south 40 degrees 52'17" west, a distance of 32.90 feet; Thence with a curve to the left having a chord bearing of south 70 degrees 06'09" west, a radius of 407.61 feet, a central angle of 23 degrees 48'33", and an arc length of 169.38 feet to a point; Thence with a bearing of south 58 degrees 12'35" west,

a distance of 187.70 feet to a point; Thence with a bearing of north 81 degrees 07'54" west, a distance of 32.57 feet to a point on the right-of-way of Congress Avenue; Thence with a curve to the left having a chord bearing of north 44 degrees 06'35" west, a radius of 1970.08 feet, a central angle of 07 degrees 05'56", and an arc length of 244.09 feet to a point; Thence with a bearing of north 47 degrees 44'45" west, a distance of 74.18 feet to a point; Thence with a bearing of north 00 degrees 16'35" west, along a line 633.00 feet west of and parallel to the said east line of Section 6, a distance of 257.21 feet; Thence north 89 degrees 33'57" east along a line 1123.59 feet south of and parallel to the north line of said Section 6, a distance of 600.00 feet to the Point of Beginning. Also known as: Plat of Lantana Retirement Center as recorded in Plat Book 50, Page 162, and being located on the northeast corner of the intersection of Congress Avenue and Donnelly Road, in a CG-General Commercial Zoning District, was approved on June 28, 1990 as advertised, subject to the following conditions:

**STANDARD CONDITIONS:**

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7 (E)2 (b) (Site Plan Review Committee Powers and Standards of Review) .

**ENGINEERING**

4. The Developer shall record a Unity of Title acceptable to the County Attorney prior to Site Plan Review Committee approval.

**IRRIGATION QUALITY WATER**

5. When irrigation quality water is available within five-hundred (500) feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

**MODIFICATIONS**

6. Condition Number 1 of Resolution Number R 84-165, Petition Number 81-116(A), which presently states:

"This development shall retain on site 85% of the stormwater generated by a three (3) year storm per requirements of the permit section, Land Development Division."

Is hereby amended to read:

~~"This development shall retain on site 20% of the stormwater generated by a three (3) year storm per requirements of the permit section, Drainage shall be provided per approval of the Palm Beach County Engineering Department, Land Development Division."~~

7. Condition Number 12 of Resolution Number R-84-165, Petition Number 81-116(A), which presently states:

"Unless this facility is restricted to use as a resident hotel for senior citizens only, the full required amount of parking shall be **provided.**"

Is hereby deleted.

8. Conditions Number 14 of Resolution Number R-84-165, Petition Number 81-116(A), which presently states:

"Prior to site plan certification a revised plan shall be submitted deleting references to future expansion. The area reserved for future development shall be designated as area required for future parking until such time as a Declaration of Restriction limiting use of this entire property to a senior citizens hotel is recorded."

Is hereby amended to read:

"Prior to site plan certification, a ~~revised plan Declaration of Restrictions~~ shall be **submitted recorded deleting references to future expansion limiting use of this 5.42 acre parcel to a senior citizens hotel only.** ~~The area reserved for future development shall be designated as area required for future parking until such time as a Declaration of Restriction limiting use of this entire property to a senior citizens hotel is recorded.~~"

#### RECYCLE SOLID WASTE

9. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

#### SITE DESIGN

10. Prior to Site Plan Review submittal, the petitioner shall obtain variance relief from the minimum floor to lot area ratio requirements for the site.

#### COMPLIANCE

11. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:

a. 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; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable 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 conditions.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Marcus 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	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 6th day of November, 1990.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK

