

RESOLUTION NO. R-2009- 0018

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2008-00303
(CONTROL NUMBER 1981-00233)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF LANTANA CHARTER LLC
BY COTLEUR & HEARING, INC., AGENT
(LANTANA CIVIC PAVILLION)

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, and the Palm Beach County Unified Land Development Code, as amended, 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 Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/R-2008-00303 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2009; 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, 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 has considered the findings in the staff report and the following findings of fact:

1. This Development Order Amendment is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.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 DOA/R-2008-00303, the application of Lantana Charter LLC, by Cotleur & Hearing, Inc., agent, for a Development Order Amendment to to add two external access points to the PUD for the Civic parcel on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	¥	Aye
Commissioner Burt Aaronson, Vice Chairman	¥	Absent
Commissioner Karen T. Marcus	¥	Aye
Commissioner Shelley Vana	¥	Aye
District 4 Commissioner Mary McCarty	¥	Absent
Commissioner Jess R. Santamaria	¥	Aye
Commissioner Addie L. Greene	¥	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 8, 2009.

Filed with the Clerk of the Board of County Commissioners on February 4th, 2009

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: _____
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

O.R.B. 18044, PG. 2000

A PARCEL OF LAND BEING A PORTION OF GOVERNMENT LOT 2, TRACT 41, OF THE HIATUS TOWNSHIP 44 1/2 , RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2, TRACT 41, OF THE HIATUS TOWNSHIP 44 1/2 , RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 15°23'46" EAST, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2, A DISTANCE OF 56.57 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD; THENCE NORTH 88°04'19" WEST, A DISTANCE OF 50.80 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 15°23'46" EAST, A DISTANCE OF 408.45 FEET; THENCE SOUTH 46°03'50" WEST, ALONG THE WEST LINE OF THE PLAT OF FAIRFIELD'S LACUNA PLAT 1, AS RECORDED IN PLAT BOOK 57, PAGES 60 THROUGH 65, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 288.05 FEET; THENCE NORTH 15°23'46" WEST, A DISTANCE OF 625.00 FEET TO A POINT ON THE SAID SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD; THENCE SOUTH 88°04'19" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD, A DISTANCE OF 265.07 FEET TO THE POINT OF BEGINNING.

O.R.B. 17611, PG. 642

A PARCEL OF LAND BEING A PORTION OF GOVERNMENT LOT 2, TRACT 41, OF THE HIATUS TOWNSHIP 44 1/2 , RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2, TRACT 41, OF THE HIATUS TOWNSHIP 44 1/2 , RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 15°23'46" EAST, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 2, A DISTANCE OF 56.57 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 88°04'07" EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF LANTANA ROAD, A DISTANCE OF 449.13 FEET; THENCE SOUTH 46°03'50" WEST, ALONG THE WEST LINE OF THE PLAT OF FAIRFIELD'S LACUNA PLAT 1, AS RECORDED IN PLAT BOOK 57, PAGES 60 THROUGH 65, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 543.27 FEET; THENCE NORTH 15°23'46" WEST, A DISTANCE OF 408.45 FEET TO A POINT ON THE SAID SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD; THENCE SOUTH 88°04'19" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF LANTANA ROAD, A DISTANCE OF 50.80 FEET TO THE POINT OF BEGINNING.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-94-0643 (Petition EAC81-233(A)), and R-2006-2057 (DOA2006-950) shall remain in full force and effect. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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 compliance condition of this approval. (ONGOING: MONITORING – Zoning)

2. Failure to comply with any of the conditions 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

a. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

b. A requirement of the development to conform with the standards of the 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 conditions; and/or

c. Referral to code enforcement; and/or

d. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)