

RESOLUTION NO. R-2014-1226

RESOLUTION APPROVING ZONING APPLICATION EAC-2014-00917  
(CONTROL NO. 1976-00165)  
an Expedited Application Consideration  
APPLICATION OF Marina Clinton Associates Ltd  
BY Miller Land Planning, AGENT  
(Olympus Village/Marina Bay)

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;

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;

WHEREAS, Zoning Application EAC-2014-00917 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 2014;

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;

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;

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;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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.2.B for an Expedited Application Consideration; and,

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 EAC-2014-00917, the petition of Marina Clinton Associates Ltd, by Miller Land Planning, agent, for an Expedited Application Consideration to modify and delete a Condition of Approval (Engineering), 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on August 28, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 28, 2014.

Filed with the Clerk of the Board of County Commissioners on August 29th, 2014

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 R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF AFFECTED AREA

PARCEL 1:

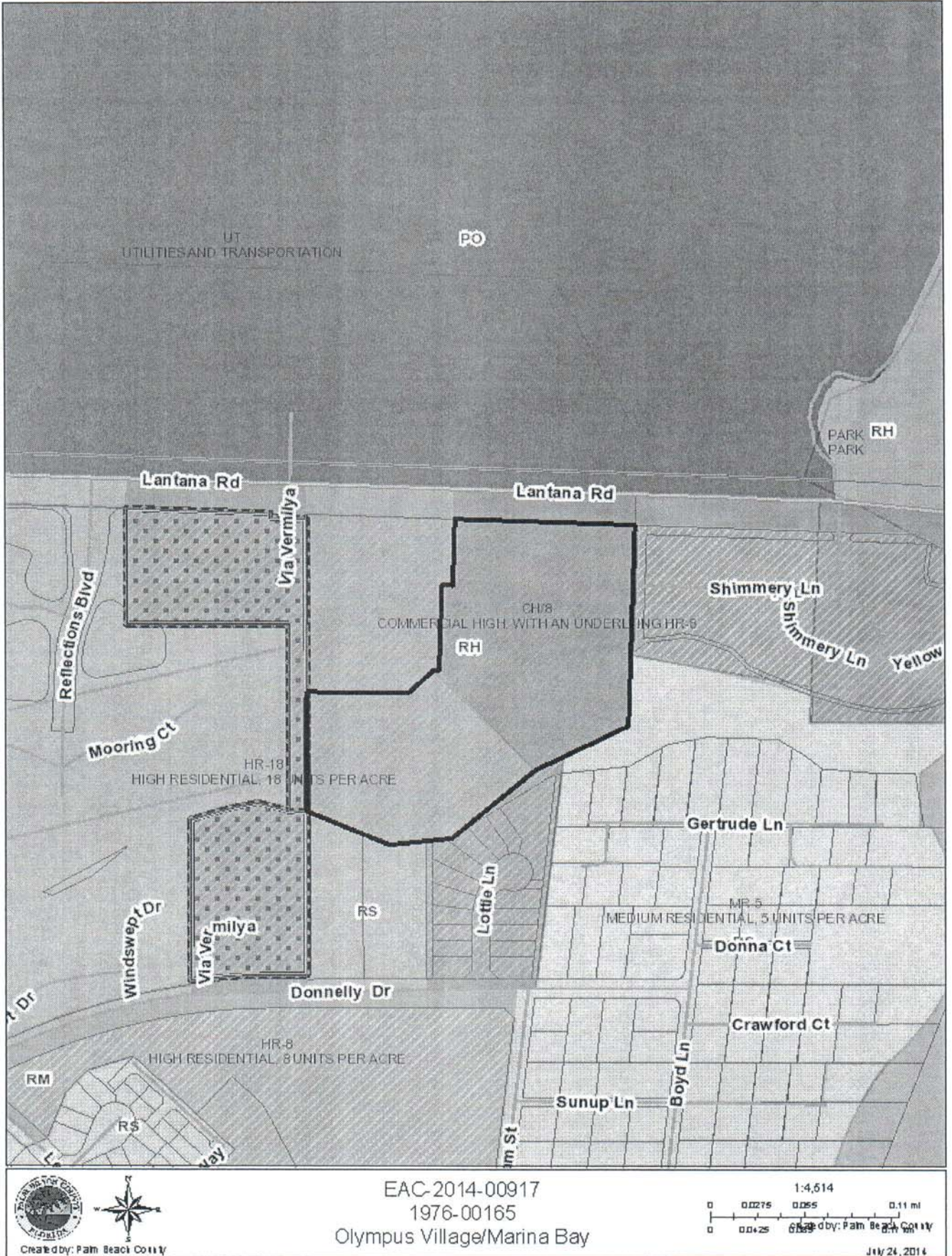
ALL LANDS ENCOMPASSED BY THE PLAT OF OLYMPUS CLUB OF THE PALM BEACHES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 33, PAGE 79, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

A PORTION OF THE PLAT OF OLYMPUS VILLAGE, P.U.D. OF THE PALM BEACHES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 33, PAGE 80, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PLAT; THENCE SOUTH 0°02'00" WEST, ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 499.50 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 00°02'00" WEST, ALONG THE SAID WEST LINE OF SAID PLAT, A DISTANCE OF 335.70 FEET; THENCE SOUTH 67°53'40" EAST, A DISTANCE OF 245.32 FEET; THENCE NORTH 83°50'00" EAST, ALONG THE SOUTHERLY LINE OF SAID PLAT, A DISTANCE OF 173 FEET; THENCE NORTH 50°30'00" EAST, A DISTANCE OF 297 FEET; THENCE NORTH 43°06'12" WEST, A DISTANCE OF 385.51 FEET; THENCE NORTH 88°04'00" WEST, A DISTANCE OF 15.55 FEET; THENCE SOUTH 45°53'48" WEST, A DISTANCE OF 90.24 FEET; THENCE NORTH 89°58'00" WEST, A DISTANCE OF 282.98 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Expedited Application Consideration**

##### **ALL PETITIONS**

1. Previous ALL PETITIONS condition 1 of Resolution R-2013-972, Control No.1976-00165, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-1165 and R-76-1166, have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and/or the Board of County Commissioners, unless expressly modified.

##### **Is hereby amended to read:**

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2013-972, have been consolidated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and/or the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. A Master Property Owners' Association encompassing all the property in the PUD shall be approved by the County Attorney's Office and recorded in the public records prior to approval of the master plan by the Development Review Committee. (ONGOING: COUNTY ATTORNEY - Zoning) (Previous ALL PETITIONS condition 2 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

3. Prior to October 25, 2013 the property owner, shall apply for Final Site and Subdivision Plans approval by the Development Review Officer, for the entire PUD, to address Conditions of Approval as contained herein. (DATE: MONITORING - Zoning) (Previous ALL PETITIONS condition 3 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

4. Prior to October 28, 2014, the Property Owner shall submit the Unity of Title, for the entire property as described herein, to the Zoning Division for review and approval by the County Attorney. (DATE: MONITORING - Zoning)

5. Prior to December 1, 2014, the Property Owner shall record the Unity of Title with the Clerk of the Court. (DATE: MONITORING - Zoning)

6. Prior to December 31, 2014, the Property Owner shall submit a copy of the recorded Unity of Title to the Zoning Division and the Land Development Division. (DATE: MONITORING - Zoning)

##### **ENGINEERING**

1. Previous ENGINEERING condition 1 of Resolution R-2013-972, Control No.1976-00165, which currently states:

Prior to July 25, 2014, the property owner shall re-plat the entire project in accordance with Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering)

**Is hereby deleted.** [REASON: The property will continue to be joined by a Unity of Title, per Planning Zoning Building Department requirements.]

2. Developer shall construct at the intersection of the development's main entrance and Lantana Road:

- a. Left turn lane from the east approach; and
- b. Right turn lane from the west approach.

(ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 2 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

3. Developer shall construct a four (4) lane entrance road. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 3 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

4. Developer shall signalize the intersection of the development's main entrance road and Lantana Road, when required by the development as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 4 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

5. The County Engineer and the Developer shall coordinate the construction of the above required improvements with the reconstruction of Lantana Road. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 5 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

6. Developer shall construct Via Vermilya to County Standards, from Lantana Road Southerly to the development's entrance. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 6 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

7. Developer shall construct the centerline of the driveway entrance on Via Vermilya a minimum of one hundred eighty-five (185) feet from the Southerly right-of-way line on Lantana Road. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 7 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

8. Prior to DRC approval the proposed site plan shall be modified to:

- a. Integrate the pedestrian pathway within the site to the existing pedestrian pathway along Lantana Road.
- b. Identify the existing entrances on the north side of Lantana Road.
- c. Either move the proposed guard house a minimum of 150 feet south of the south right of way line for Lantana Road or identify on the site plan an unmanned, ungated (no gate arm) guard house.

(ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 8 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

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, Zoning Petition 76-165(A), to be paid at the time of issuance of the Building Permit presently is \$660.00 (4 additional trips X \$165.00 per trip). (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING condition 9 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

## **PARKING**

1. Prior to certification of the Preliminary Development Plan by the Development Review Committee, the plan shall be amended to include a twenty (20) foot wide "break away" barrier between the existing and proposed parking areas in the southwest portion of the site, subject to approval by the Department of Fire Rescue. (DRO: ZONING - Zoning) (Previous PARKING condition 1 of Resolution R-2013-972, Control No.1976-00165) [Note: COMPLETED]

2. Prior to certification of the preliminary development plan by the Development Review Committee, the petitioner shall submit a shared parking study in accordance with the requirements of the ULDC to reduce the number of required parking spaces to the maximum amount possible. (DRO: ZONING - Zoning) (Previous PARKING condition 2 of

### **PLANNING**

1. Voluntary Density Bonus (VDB) covenants shall be established which guarantee the affordability of the designated low and very low income units for a period of fifteen years in a manner acceptable to the County Attorney, and shall be recorded in the public records of Palm Beach County prior to Final Site Plan Certification (DRO:PLANNING/CO ATTN: Planning) (Previous PLANNING condition 1 of Resolution R-2013-972, Control No.1976-00165) [Note: Completed]

2. The applicant shall disperse the 52 minimum required low and very low income units within the proposed buildings in a manner acceptable to the Planning Division. (ONGOING: PLANNING - Planning) (Previous PLANNING condition 2 of Resolution R-2013-972, Control No.1976-00165) [Note: Completed]

3. The VDB units shall not be further restricted beyond the requirement that the occupants qualify for the income limits (ONGOING: HOUSING AND COMMUNITY DEVELOPMENT - Planning) (Previous PLANNING condition 3 of Resolution R-2013-972, Control No.1976-00165)

### **SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD condition 1 of Resolution R-2013-972, Control No.1976-00165)

### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/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 Compliance Condition of this Approval. (ONGOING: ZONING - 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; the 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 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 of Approval; 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 Condition of Approval. (ONGOING: ZONING - Zoning)

## **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.