

RESOLUTION NO. R-2000-0892

RESOLUTION APPROVING ZONING PETITION EAC76-165(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF MARINA CLINTON ASSOCIATES, LTD.
BY RONALD KOLLINS, AGENT
(OLYMPUS VILLAGE PUD)

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, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition EAC76-165(B) was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), 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 made the following findings of fact:

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. 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.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. 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.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 Petition EAC76-165(B), the petition of Marina Clinton Associates, Ltd., by Ronald Kollins, agent, for a Development Order Amendment/Expedited Application Consideration (EAC) to modify/delete conditions in Resolution R-95-0862 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 June 29, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Maude Ford Lee, Chair		Aye
Warren Newell, Vice Chair	-	Aye
Karen T. Marcus		Absent
Carol A. Roberts		Aye
Mary McCarty		Absent
Burt Aaronson		Aye
Tony Masilotti		Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

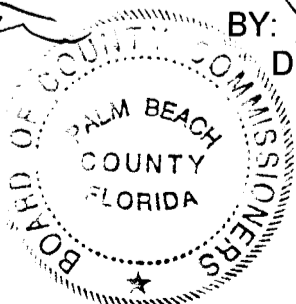


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND AS SHOWN ON PLAT OF OLYMPUS CLUB OF THE PALM BEACHES AND RECORDED IN PLAT BOOK 33 PAGE 79, PUBLIC RECORDS PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A CERTAIN PARCEL OF LAND IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING A PART OF THE PLAT OF THE OLYMPUS VILLAGE P.U.D. OF THE PALM BEACHES, AS SAME IS RECORDED IN PLAT BOOK 33, PAGE 80 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PLAT OF OLYMPUS VILLAGE; THENCE SOUTH 00°02'00" WEST, (BEARING SHOWN HEREON ARE RELATED TO SAID PLAT) A DISTANCE OF 499.50 FEET TO A POINT OF BEGINNING; THENCE ALONG THE FOLLOWING NUMBERED COURSES:

1. SOUTH 89°58'00" EAST, A DISTANCE OF 282.98 FEET; THENCE
2. NORTH 46°53'48" EAST, A DISTANCE OF 90.24 FEET; THENCE
3. SOUTH 87°57'34" EAST, A DISTANCE OF 15.55 FEET TO A POINT ON THE WEST LINE OF THE PLAT OF THE OLYMPUS CLUB OF THE PALM BEACHES, AS SAME IS RECORDED IN PLAT BOOK 33, PAGE 79 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE
4. SOUTH 43°06'12" EAST, ALONG SAID WEST LINE, A DISTANCE OF 385.51 FEET TO A POINT IN THE THREAD OF THE LAGOON AS SHOWN ON THE PLAT OF LANAIR PARK, AS SAME IS RECORDED IN PLAT BOOK 21, PAGE 58, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE
5. SOUTH 50°30'00" WEST, ALONG THE THREAD OF SAID LAGOON, A DISTANCE OF 297.00 FEET; THENCE
6. SOUTH 83 "50'00" WEST, ALONG THE THREAD OF SAID LAGOON, A DISTANCE OF 172.69 FEET (CALCULATED); THENCE
7. NORTH 67°53'40" WEST, ALONG THE THREAD OF SAID LAGOON, A DISTANCE OF 245.18 FEET (CALCULATED) TO THE SOUTHWEST CORNER OF THE SAID PLAT OF THE OLYMPUS VILLAGE P.U.D.; THENCE
8. NORTH 00°02'00" EAST, ALONG THE WEST LINE OF SAID PLAT OF OLYMPUS VILLAGE, A DISTANCE OF 335.73 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
VICINITY SKETCH

AIRPORT

RTS
R-98-1121, 1122
P-97-23, 23(B)
19900723

LANTANA ROAD

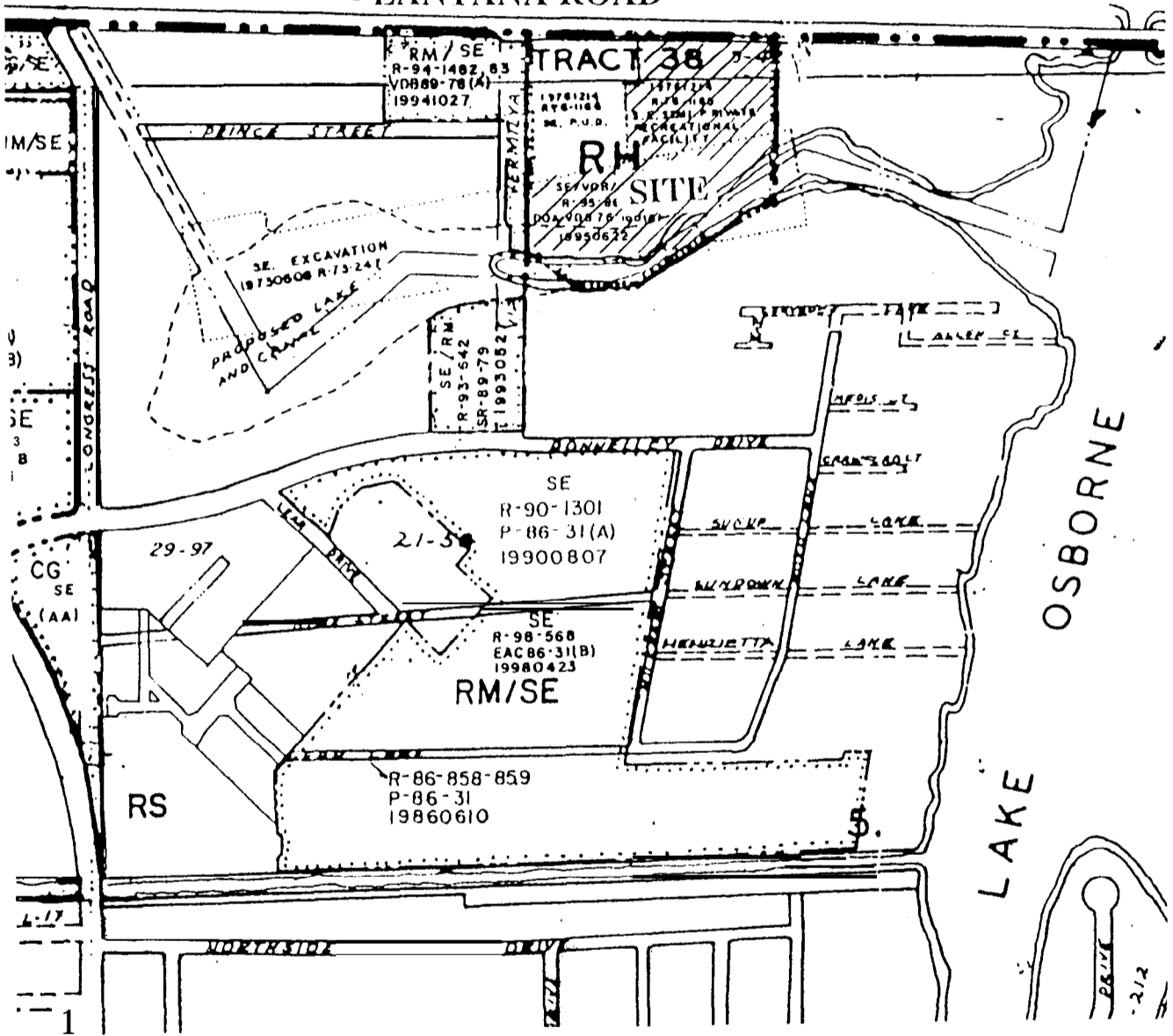


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-95-0862, Petition 76-165(A) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-1 165 and R-76-1 166, 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. (MONITORING)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-95-0862, 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. (MONITORING)

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.** (Previously Condition A.2 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (COUNTYATTORNEY)
3. The petitioner shall have three (3) years, from adoption of the resolution approving Zoning Petition 76-165(B), to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING)

B. AFFORDABLE HOUSING

1. **The voluntary density bonus (VDB) covenants shall 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.** (Previously Condition B. 1 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (COUNTY ATTORNEY)
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.** (Previously Condition B.2 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (PLANNING)

Condition 6.3 of Resolution R-95-0862, Petition 76-165(A) which currently states:

3. **The VDB units shall not be further restricted beyond the requirement that the occupants qualify for the income limits. (PLANNING)**

Is hereby amended to read:

Voluntary Density Bonus (VDB) Covenants shall be established which shall guarantee the use of the development as housing for older persons for a period of thirty (30) years in a manner acceptable to the County Attorney and shall be recorded in the public records of Palm Beach County, Florida, prior to the issuance of the first building permit. (BLDG PERMIT-COUNTY ATTORNEY-PLANNING)

C. 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. (Previously Condition D. 1 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ZONING)**
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. (Previously Condition D.2 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ZONING)**

D. There are no D conditions

E. ENGINEERING

1. **Developer shall be required to file a boundary plat for the subject property. (Previously Condition E. 1 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ENGINEERING)**

[NOTE: Completed - Filed in P.B. 33 Pg. 79]

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. (Previously Condition E.2 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ENGINEERING)

[NOTE: 2a has been completed; 2b may be considered completed as Lantana Road has been widened adjacent to the site]

3. **Developer shall construct a four (4) lane entrance road. (Previously Condition E.3 of Resolution R-95-0862, Petition DOA/VDB76-165(A))**

[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.** (Previously Condition E.4 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ENGINEERING)

[NOTE: Completed]

5. **The County Engineer and the Developer shall coordinate the construction of the above required improvements with the reconstruction of Lantana Road.** (Previously Condition E.5 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ENGINEERING)

[NOTE: Completed]

6. **Developer shall construct Via Vermilya to County Standards, from Lantana Road Southerly to the development's entrance.** (Previously Condition E.6 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ENGINEERING)

[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.** (Previously Condition E.7 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (ENGINEERING)

[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.** (Previously Condition E.8 of Resolution R-95-0862, Petition DOA/VDB76-165(A))

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).** (Previously Condition E.9 of Resolution R-95-0862, Petition DOA/VDB76-165(A))(IMPACT FEE COORDINATOR)

F. COMPLIANCE

Condition C.I of Resolution R-95-0862, Petition 76-165(A) which currently states

1. **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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;**
- 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;**
- d. **Referral to code enforcement; and/or**
- e. **Imposition of entitlement density or intensity.**

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (Previously Condition C. 1 of Resolution R-95-0862, Petition DOA/VDB76-165(A)) (MONITORING)

Is hereby amended to read:

- 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
 - 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 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
 - 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise 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 Fifteenth Judicial Circuit. (MONITORING)