

RECEIVED

RESOLUTION NO. R-2007-0003

2007 JAN -3 PM 4:39
SHARON R. BOCK
CLERK & COMPTROLLER
BCC SERVICES/MINUTES-PBC

RESOLUTION APPROVING ZONING APPLICATION DOA2006-1183
(CONTROL NUMBER 1973-030)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF LOST TREE CLUB, INC.
BY LUCIDO & ASSOCIATES, AGENT
(LOST TREE BEACH CLUB)

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

WHEREAS, Zoning Application DOA2006-1183 was presented to the Board of County Commissioners at a public hearing conducted on January 4, 2007; 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. The applicant has demonstrated sufficient justification that there are changed circumstances that require the Development Order Amendment.

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 DOA2006-1183, the application of Lost Tree Club, Inc. by Lucido & Associates, agent, for a Development Order Amendment to add land area to an existing Planned Unit Development 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 4, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Aye
John F. Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Warren H. Newell	- Aye
Mary McCarty	-
Burt Aaronson	- Aye
Jess R. Santamaria	- Absent
	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on January 4, 2007.

Filed with the Clerk of the Board of County Commissioners on 4th day of January, 2007.

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

LOT 4, OCEAN HOUSE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 28, PAGE 109.

TOGETHER WITH:

A PARCEL OF LAND IN SECTION 3, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "U" AND TURTLE BEACH ROAD, ACCORDING TO PLAT NO. 1 – OLD PORT VILLAGE, AS RECORDED IN PLAT BOOK 27, PAGE 18, AND PLAT NO 1. P.U.D. OLD PORT VILLAGE 4, AS RECORDED IN PLAT BOOK 30, PAGE 176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SECTION 3, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "U" AND TURTLE BEACH ROAD, ACCORDING TO PLAT NO. 1 – OLD PORT VILLAGE, AS RECORDED IN PLAT BOOK 27, PAGE 18, AND PLAT NO 1. P.U.D. OLD PORT VILLAGE 4, AS RECORDED IN PLAT BOOK 30, PAGE 176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 4, OCEAN HOUSE SUBDIVISION, RECORDED IN PLAT BOOK 28, PAGE 109, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TRACT "U"; THENCE NORTH 88°30'18" WEST, ALONG THE SOUTH LINE OF SAID TRACT "U" (THE SOUTH LINE OF TRACT "U" IS ASSUMED TO BEAR NORTH 88°30'18" WEST AND ALL OTHER BEARINGS ARE RELATIVE THERETO), A DISTANCE OF 98.31 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 285.00 FEET, A CENTRAL ANGLE OF 2°13'19" AND A RADIAL BEARING AT THIS POINT OF NORTH 88°30'18" EAST; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 10.01 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL, SAID POINT LYING ON THE NORTH LINE OF SAID TRACT "U"; THENCE CONTINUE NORTHERLY, THROUGH A CENTRAL ANGEL OF 27°19'30" AN ARC DISTANCE OF 123.04 FEET TO THE POINT OF TANGENCY:

THENCE NORTH 28°10'59" EAST, A DISTANCE OF 31.92 FEET TO A POINT;
THENCE NORTH 26°02'32" EAST, A DISTANCE OF 34.12 FEET TO A POINT;
THENCE NORTH 29°29'02" EAST, A DISTANCE OF 13.26 FEET TO A POINT ON THE WESTERLY PROLONGATION OF THE NORTH LINE OF SAID LOT 4; THENCE SOUTH 88°30'18" EAST, ALONG SAID PROLONGATION, A DISTANCE OF 16.06 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID LOT 4, ALONG THE ARC OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 310.00 FEET, A CENTRAL ANGLE OF 4°53'16" AND A RADIAL BEARING AT THIS POINT OF NORTH 59°33'57" WEST, A DISTANCE OF 26.45 FEET TO THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 128.41 FEET AND A CENTRAL ANGLE OF 82°10'29"; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 85.83 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

OLD PORT VILLAGE 4-A, PLAT NO. 3 P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 5, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT LOT 1 THEREOF.

TOGETHER WITH:

ALL OF PLAT NO. 1, P.U.D., OF OLD PORT VILLAGE 4, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, AT PAGE 176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

ALL OF PLAT NO 2, P.U.D., OCEAN HOUSE SUBDIVISION TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 192, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

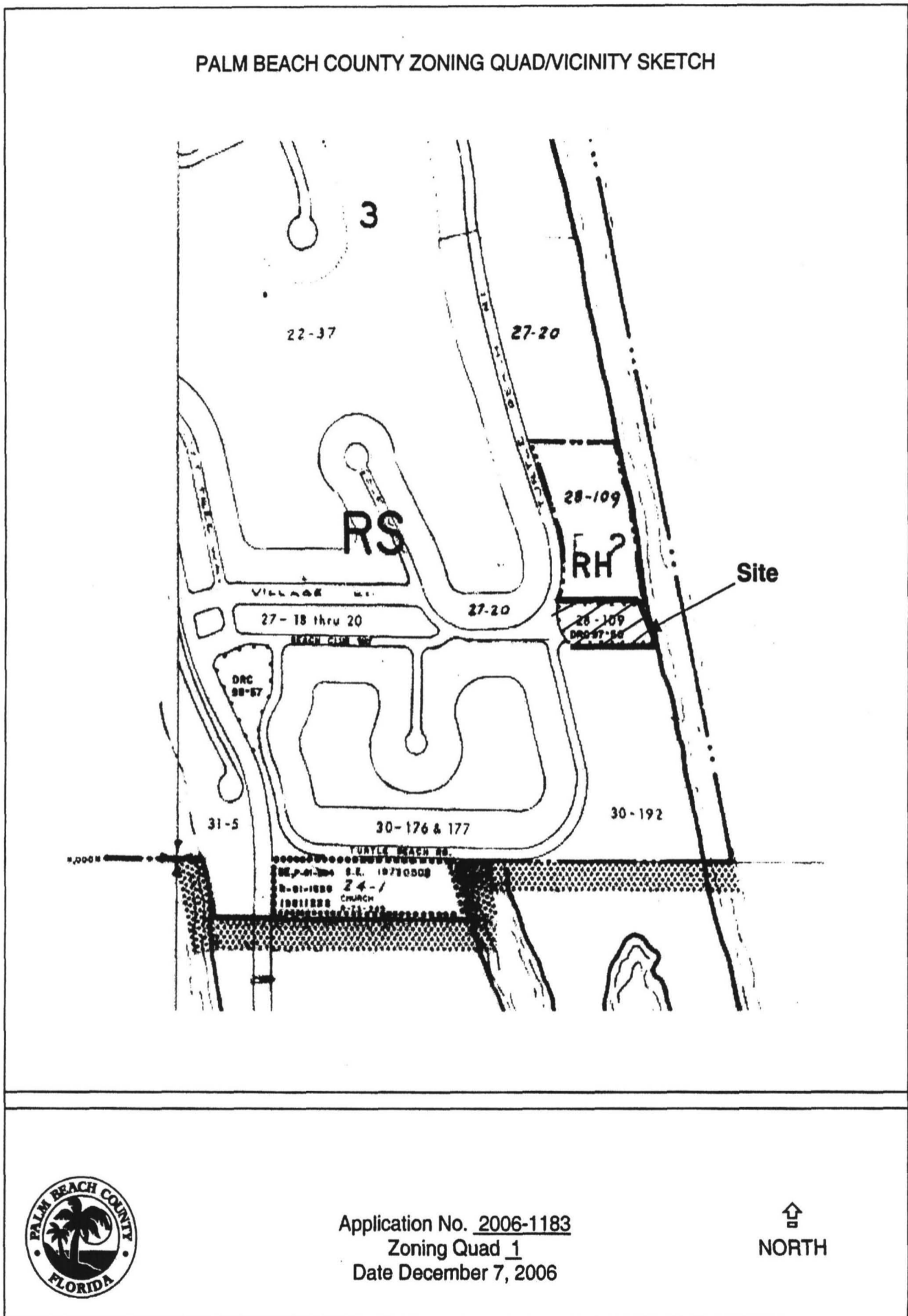
TOGETHER WITH:

A PARCEL OF LAND IN SECTION 3, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACT "U" AND TURTLE BEACH ROAD, ACCORDING TO PLAT NO. 1 - OLD PORT VILLAGE, AS RECORDED IN PLAT BOOK 27, PAGE 18, AND PLAT NO 1. P.U.D. OLD PORT VILLAGE 4, AS RECORDED IN PLAT BOOK 30, PAGE 176, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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EXHIBIT B
VICINITY SKETCH



Application No. 2006-1183
Zoning Quad 1
Date December 7, 2006



EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Development Plan is dated October 13, 2006. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

DUMPSTER-CLUBHOUSE

1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, excluding interior areas, shall not be located within thirty-five (35) feet of the north property line and shall be confined to the areas designated on the site plan. (DRO: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
No Building Permits for the Recreation Club may be issued after January 4, 2010. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2. PLATTING REQUIREMENTS:
 - a. Prior to April 1, 2007, the property owner shall submit the plat of the Beach Club for review to the Land Development Division in accordance with provisions of Article 11 of the Unified Land Development Code. Included in the replat shall be dedication of additional right of way for Turtle Beach Road as shown on the accompanying site plan. (DATE: MONITORING-Eng)
 - b. Prior to the issuance of the Certificate of Occupancy for the Beach Club the plat shall be recorded. (C.O.: MONITORING-Eng)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health)

LIGHTING-CLUBHOUSE

1. All outdoor lighting shall be extinguished no later than 10 p.m. excluding security lighting only. (ONGOING: CODE ENF - Zoning)
2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS-CLUBHOUSE

1. Deliveries shall not be allowed on the property prior to 8 a.m. nor continue later than 8 p.m. daily. (ONGOING: CODE ENF - 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
 - 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 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.

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. (ONGOING: MONITORING - Zoning)