

RESOLUTION NO. R-2009- 0019

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2008-00303
(CONTROL NO. 1981-00233)
REQUESTED USE
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, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) 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 Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code (ULDC) 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 Requested Use 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 Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested Use, 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 Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.
5. This Requested Use, 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 Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested Use, 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 Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested Use.

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 R-DOA/R-2008-00303, the application of Lantana Charter LLC, by Cotleur & Hearing, Inc., agent, for a Requested Use to allow a Requested Use To allow a Place of Worship, a Private School, and a Daycare in the RT Zoning District, 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 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 Greene 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 R. 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)

2. The conditions of approval as contained herein shall apply to the Civic Parcel only, (the Affected Area) and development of Civic Parcel is limited to the site design approved by the Board of County Commissioners. The approved Site Plan for the Civic Parcel is dated October 31, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING - Zoning)

3. Prior to the final approval by the Development Review Officer (DRO), the property owner shall submit a revised Master Plan for the Balmoral Country Club Planned Unit Development (PUD) showing the overall PUD including the Lantana Civic Pavilion parcel with the tabular data updated. The Plan shall be prepared in compliance with all related conditions of approval as contained herein. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Prior to final approval by the Development Review Officer (DRO), the architectural elevations for the place of worship/school and daycare buildings shall be revised to indicate barrel style design metal roof tile for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. The exterior elevations of all buildings shall include exterior colors that shall be earth tone colors compatible with the surrounding developments. Building colors shall be varied by providing contrasting, but complimentary. Roof and trim colors shall be coordinated with base colors. (DRO: ARCH REVIEW/Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the architectural elevations for the place of worship/school shall include medallions and second paint color on textured stucco between the windows for review and approval by the Architectural Review Section. (DRO: ARCH REVIEW - 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 requested uses on the civic site:

- 700 seat Place of Worship
- 207 student Private School, or for the
- separate 9, 315 square foot 155 children Daycare Center

may be issued after August 28, 2011. 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. Prior to the issuance of a building permit the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Lantana Road at the project's east entrance road.

This right-of-way shall be a minimum of 280 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents (BLDG PERMIT: MONITORING-Eng)

3. Prior to issuance of a building permit the property owner shall provide a temporary roadway construction easement along Lantana Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG. PERMIT: MONITORING-Eng)

4. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Lantana Road

55 feet from centerline.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of a Building Permit.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

5. The Property owner shall: i) construct a right turn lane west approach on Lantana Road at the project's eastern entrance ii) construct a full median opening on Lantana Rd at the project's eastern entrance, including an east approach left turn lane and west approach u-turn lane iii) modify the eastern entrance to accommodate dual exit lanes.

These constructions shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

c.Modification of the site plan to reflect dual exit lanes at the eastern entrance shall be completed prior to DRO certification.

6.Prior to issuance of a Building Permit the Property owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

ENVIRONMENTAL

1.All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING:ERM-ERM) (Previous condition ERM-1 of Resolution R-2006-2057, Control No. 1981-233)

ZONING – LANDSCAPING- STANDARD

1. Prior to the final approval by the Development Review Officer, the property owner shall submit a revised Landscape Plan for the overall site to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (DRO: LANDSCAPE - Zoning)

ZONING – LANDSCAPING

2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (DRO: LANDSCAPE - Zoning)

3. All palm or pine trees required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms or pines provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)

4. Field adjustment of plant material may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)

5. In addition to code requirements, the 15-foot incompatibility buffer along the southeast property line and the 25-foot incompatibility buffer along the southwest property line shall be upgraded to include a 6-foot chain link fence. (BLDG PERMIT: LANDSCAPE-Zoning)

ZONING - LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING LANTANA ROAD)

6. In addition to code requirements, the landscape buffer along the north property line shall be upgraded to include:

- a. a minimum of one (1) palm or slash pine for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)

2. The lighting conditions above shall not apply to proposed security lighting attached to the buildings. (ONGOING: CODE ENF - Zoning)

PALM TRAN

1. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENG-PalmTran)

SIGNS

1. Freestanding signs fronting on Lantana Road shall be limited as follows:

- a. maximum sign face area per side - 100 square feet;
 - b. maximum number of signs - two (2);
 - c. style - monument style only;
 - d. location - within fifty (50) feet of the access point measured from edge of pavement.
- (ONGOING: BLDG - Zoning)

USE LIMITATIONS

1. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF - Zoning)

2. All services shall be held within the church building. The hours of operation for other buildings to be open to the public shall be limited to 7:00 a.m. 11:00 p.m. daily. All outdoor activities shall be limited to 7:00 a.m. to 9:00 p.m. daily. (ONGOING: CODE ENF - Zoning)

3. Accessory outdoor uses such as temporary sales events, (i.e. Christmas tree and pumpkin sales, rummage sales, bake sales, carnivals, circuses, auctions, or tent revivals, etc.), shall be limited to a maximum of three (3) events per year and shall be setback a minimum of one hundred (100) feet from all residential property lines and a minimum of fifty (50) feet from the north property line adjacent to Lantana Road. (ONGOING/SPECIAL PERMIT: 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, 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.

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 a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)