

RESOLUTION NO. R-2021- 1165

RESOLUTION APPROVING ZONING APPLICATION Z-2020-02117  
(CONTROL NO. 1996-00127)  
an Official Zoning Map Amendment  
APPLICATION OF SR7 Lantana LLC  
BY WGINC, AGENT  
(Lantana Shoppes)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application Z-2020-02117 was presented to the Board of County Commissioners at a public hearing conducted on August 26, 2021;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for an Official Zoning Map Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Z-2020-02117, the Application of SR7 Lantana LLC, by WGINC, Agent, for an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District, with a Conditional Overlay Zone (COZ) on a parcel of land generally described as shown on the legal description 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 26, 2021, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Dave Kerner, Mayor	- Aye
Commissioner Robert S. Weinroth, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on August 26, 2021.

Filed with the Clerk of the Board of County Commissioners on September 8th, 2021

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

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
\_\_\_\_\_  
COUNTY ATTORNEY

BY:   
\_\_\_\_\_  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

A PARCEL OF LAND IN LOT 1, BLOCK 37, LANTANA HIATUS, IN TOWNSHIP 44 1/2 SOUTH, RANGE 41 EAST., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE U.S. GOVERNMENT LAND OFFICE CONCRETEMONUMENT MARKING THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST, WHICH MONUMENT IS ALSO THE NORTHEAST CORNER OF SAID TRACT 37, RUN THENCE N. 88°08'25" W., ALONG THE NORTH LINE OF SAID TRACT 37, WHICH IS THE TOWNSHIP LINE, A DISTANCE OF 64.65' TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7, AS THE SAME IS NOW LAID OUT AND IN USE, SAID POINT BEING THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE PARCEL HEREIN CONVEYED; THENCE; CONTINUE NORTH 88°08'25" WEST, ALONG SAID NORTH LINE OF TRACT 37, A DISTANCE OF 475' TO THE NORTHWEST CORNER OF THE PROPERTY HEREIN CONVEYED; THENCE RUN SOUTH 1°37'50" WEST, A DISTANCE OF 187.92' TO A POINT ON THE SOUTH LINE OF SAID LOT 1, IN SAID TRACT 37, THE SOUTHWEST CORNER OF THE PROPERTY HEREN CONVEYED; THENCE RUN NORTH 89°42'20" EAST ALONG SAID SOUTH LINE OF LOT 1, TRACT 37, A DISTANCE OF 474.68' TO A POINT ON THE SAID WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 7, THE SOUTHEAST CORNER OF THE PROPERTY HEREIN CONVEYED; THENCE RUN NORTH 1°50'10" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 7, A DISTANCE OF 170.06' TO THE POINT OF BEGINNING.

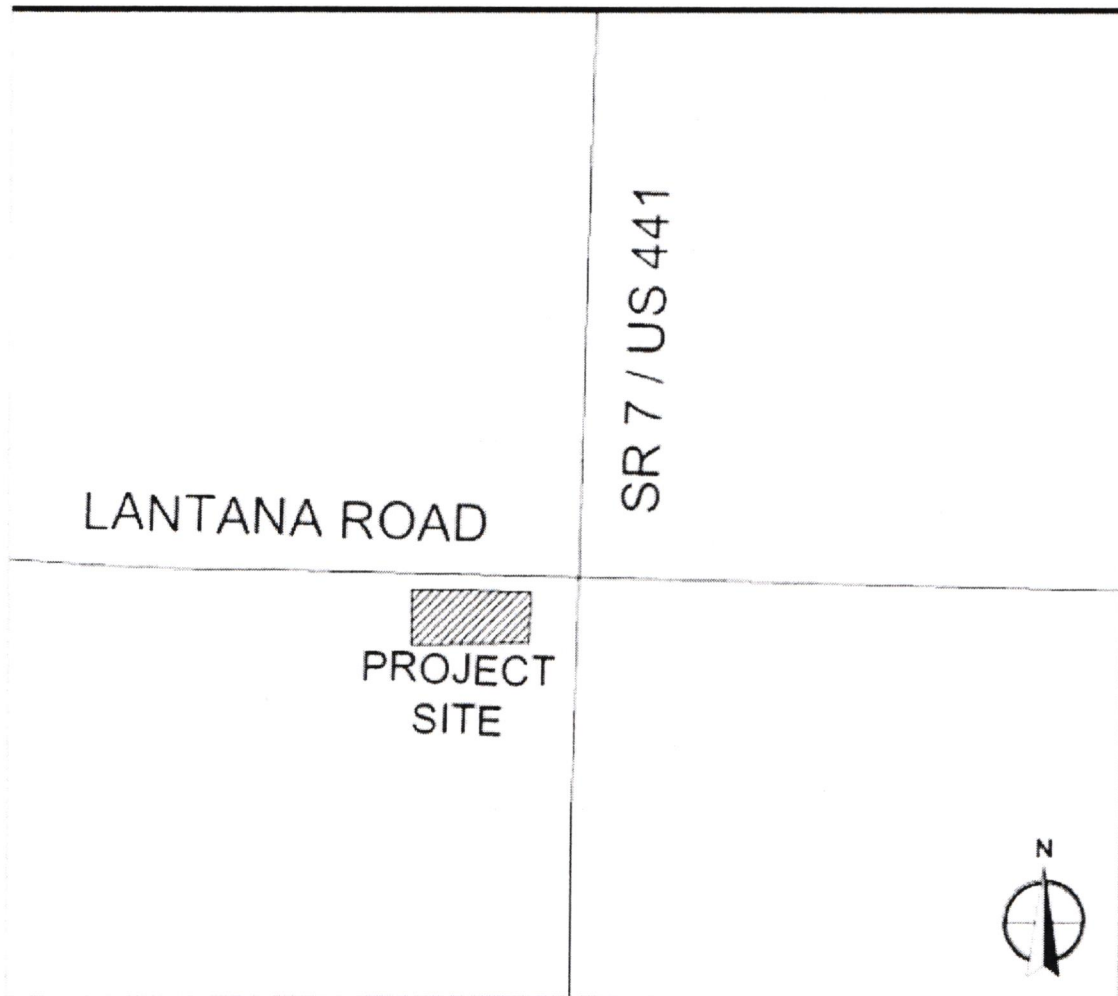
LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY AS CONTAINED IN THAT ORDER OF TAKING RECORDED IN O.R. BOOK 10086, PAGE 1191, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THAT PART OF LOT 1, TRACT 37 OR SECTION 37, TOWNSHIP 44 1/2 SOUTH, RANGE 41 EAST, HIATUS BETWEEN TOWNSHIP 44 SOUTH AND TOWNSHIP 45 SOUTH, RANGE 41, ALL IN PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND GENERAL LAND OFFICE BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF SAID TRACT 37 OR SECTION 37; THENCE NORTH 88°33'26" WEST ALONG THE NORTH LINE OF SAID TRACT 37 OR SECTION 37, A DISTANCE OF 19.897 METERS (65.28 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°33'26" WEST ALONG THE NORTH LINE OF SAID TRACT 37 OR SECTION 37, A DISTANCE OF 144.780 METERS (475.00 FEET); THENCE SOUTH 01°15'39" WEST, A DISTANCE OF 12.192 METERS (40.00 FEET); THENCE NORTH 88°33'26" EAST, A DISTANCE OF 96.570 METERS (316.83 FEET); THENCE SOUTH 01°28'04" WEST, A DISTANCE OF 41.154 METERS (135.02 FEET) TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°16'04" EAST ALONG THE SOUTH LINE, A DISTANCE OF 48.204 METERS (158.15 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 7 (U.S. 441); THENCE NORTH 01°27'57" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 51.517 METERS (169.02 FEET) TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINING 44,897 SQUARE FEET, (1.03 ACRES), MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Official Zoning Map Amendment

##### ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Monitoring)

2. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for a 25 foot corner clip at the southwest corner of the intersection State Road 7 and Lantana Road as approved by the FDOT or County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within 90 days of the request of the County Engineer. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 Property Owner, the Property Owner agrees to hold the County and FDOT 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, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT/ONGOING: MONITORING - Engineering)

##### SITE DESIGN

1. A Cross Access Easement Agreement must be obtained prior to Final DRO or Site Plan approval for the frontage determination and to permit State Road 7 access through the adjacent property to the south. If Cross Access is not obtained, the subject site must seek the appropriate variances for lot depth or rezone to the Neighborhood Commercial (CN) Zoning District. (DRO/ONGOING: ZONING - Zoning)

##### 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: 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; 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: MONITORING - Zoning)

#### **DISCLOSURE**

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