

RESOLUTION NO. ZR-2001-001

RESOLUTION APPROVING ZONING PETITION CB2001-001  
CLASS B CONDITIONAL USE  
PETITION OF PALM BEACH COUNTY SOLID WASTE AUTHORITY  
BY ALEX MAKLED, AGENT  
(LANTANA HILLS GOLF COURSE)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; 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 CB2001-001 was presented to the Zoning Commission at a public hearing conducted on July 5, 2001; and

WHEREAS, the Zoning Commission 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, this approval shall only become effective upon the adoption of a resolution approving Zoning Petition 22001-001 by the Board of County Commissioners; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional 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.
5. This Class B Conditional 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.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Class B Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards.
9. This Class B Conditional 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.
10. This Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CB2001-001, the petition of Palm Beach County Solid Waste Authority, by Alex Makled, agent, for a Class B Conditional Use (CB) to allow a golf course in the Public Ownership (PO) 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 July 5, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Hyman moved for the approval of the Resolution.

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

William Anderson, Chair	--	Aye
Frank A. Barbieri, Jr., Vice Chair	--	Absent
Allan Kaplan	--	Aye
Sherry Hyman	--	Aye
Peter Carney	--	Aye
Kevin Foley	--	Aye
Wayne Richards	--	Aye
Herbert Epstein	___	Absent

The Chair thereupon declared that this resolution shall become effective upon the approval of Zoning Petition 22001-001.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

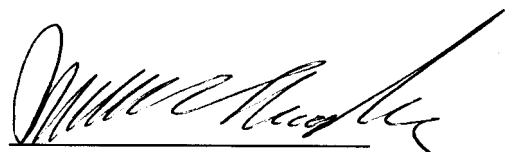
  
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION – LANTANA LANDFILL SITE  
PER QUIT CLAIM DEED (O.R.B. 4069, PAGE 963)  
PER QUIT CLAIM DEED (O.R.B. 12047, PAGE 141) AND  
PER CHANCERY CASE 407 (O.R.B. 6995, PAGE 71)

PARCEL #1

A PARCEL OF LAND SITUATED IN SECTION 31, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST ONE-HALF OF BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3AS RECORDED IN PLAT BOOK 2, PAGE 48, PUBLIC RECORDS OF SAID PALM BEACH COUNTY, LYING NORTH OF THE SOUTH 60 FEET OF SECTION 31.

LESS THE EAST 400 FEET OF TRACTS 48 AND 49.

AND

LESS THE EAST 35 FEET OF TRACTS 1, 16, 17, 32, AND 33 FOR THE ULTIMATE RIGHT-OF-WAY OF LYONS ROAD, AS SHOWN ON THE THOROUGHFARE RIGHTS-OF-WAY PROTECTION MAP.

AND

LESS THE NORTH 70.91 FEET OF TRACTS 1 THROUGH 4.

AND

PARCEL #2 PER QUIT CLAIM DEED (O.R.B. 12047, PAGE 157)

THAT CERTAIN 30.00 FOOT RIGHT-OF-WAY LYING SOUTH OF TRACTS 13, 14, 15 AND 16, AND LYING NORTH OF TRACTS 17, 18, 19 AND 20, ALL IN BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 35.00 FEET ADJACENT TO TRACT 16 AND TRACT 17, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 13, BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°06'03"E ALONG THE SOUTH LINE OF TRACTS 13, 14, 15 AND 16, BLOCK 34 FOR A DISTANCE OF 2604.44 FEET; THENCE S00°56'27"E ALONG A LINE PARALLEL WITH AND 35.00 FEET WEST OF AS MEASURED AT RIGHT ANGLE TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 16 FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF TRACT 17 SAID BLOCK 34; THENCE S89°06'03"W ALONG THE NORTH LINE OF TRACTS 17, 18, 19 AND 20 FOR A DISTANCE OF 2604.43 FEET; THENCE N00°57'17"W ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 20 FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

AND

EXHIBIT A

LEGAL DESCRIPTION

PARCEL #3 PER QUIT CLAIM DEED (O.R.B. 12047, PAGE 145)

THAT CERTAIN 30.00 FOOT RIGHT-OF-WAY LYING SOUTH OF TRACTS 29, 30, 31 AND 32, AND LYING NORTH OF TRACTS 33, 34, 35 AND 36, ALL IN BLOCK 34, PALM BEACH FARMS COMPANY PLATNO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 35.00 FEET ADJACENT TO TRACT 32 AND TRACT 33, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 29, BLOCK 34, PALM BEACH FARMS COMPANY PLATNO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°05'07"E ALONG THE SOUTH LINE OF TRACTS 29, 30, 31 AND 32, BLOCK 34 FOR A DISTANCE OF 2604.11 FEET; THENCE S00°56'27"E ALONG A LINE PARALLEL WITH AND 35.00 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT 32 FOR A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTH LINE OF TRACT 33 SAID BLOCK 34; THENCE S89°05'07"W ALONG THE NORTH LINE OF TRACTS 33, 34, 35 AND 36 FOR A DISTANCE OF 2604.10 FEET; THENCE N00°57'17"W ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 36 FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 229.164 ACRES MORE OR LESS.

SUBJECT TO, AND RESERVING UNTO PALM BEACH COUNTY, A PERPETUAL EASEMENT FOR RECREATIONAL PURPOSES, TO COMMENCE UPON THE CLOSURE OF THE LANDFILL OPERATIONS.

AND

LEGAL DESCRIPTION – LANTANA LAKE AND PARK SITE: (PER WARRANTY DEED O.R.B. 5888, PAGE 745)

A PARCEL OF LAND LYING IN BLOCK 34, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 21, BLOCK 34, OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 3; THENCE SOUTH 88°57'29" WEST, ALONG THE NORTH LINE OF SAID TRACT 21, A DISTANCE OF 509.82 FEET; THENCE SOUTH 00°57'19" EAST, A DISTANCE OF 489.81 FEET; THENCE SOUTH 45°00'00" WEST A DISTANCE OF 159.99 FEET; THENCE, SOUTH 88°57'29" WEST, A DISTANCE OF 360.00 FEET; THENCE NORTH 66°01'08" WEST A DISTANCE OF 202.77 FEET; THENCE SOUTH 45°00'00" WEST, A DISTANCE OF 251.74 FEET; THENCE SOUTH 00°57'19" EAST, A DISTANCE OF 220.98 FEET; THENCE SOUTH 39°01'54" WEST, A DISTANCE OF 202.30 FEET; THENCE SOUTH 00°57'19" EAST A DISTANCE OF 210.00 FEET; THENCE SOUTH 28°52'21" EAST A DISTANCE OF 266.98 FEET; THENCE NORTH 88°57'29" EAST, A DISTANCE OF 210.00 FEET; THENCE NORTH 63°50'36" EAST, A DISTANCE OF 176.71 FEET; THENCE NORTH 88°57'29" EAST, A DISTANCE OF 215.00 FEET; THENCE SOUTH 77°40'54" EAST, A DISTANCE OF 164.45 FEET; THENCE SOUTH 45°00'00" EAST A DISTANCE OF 143.65 FEET; THENCE SOUTH

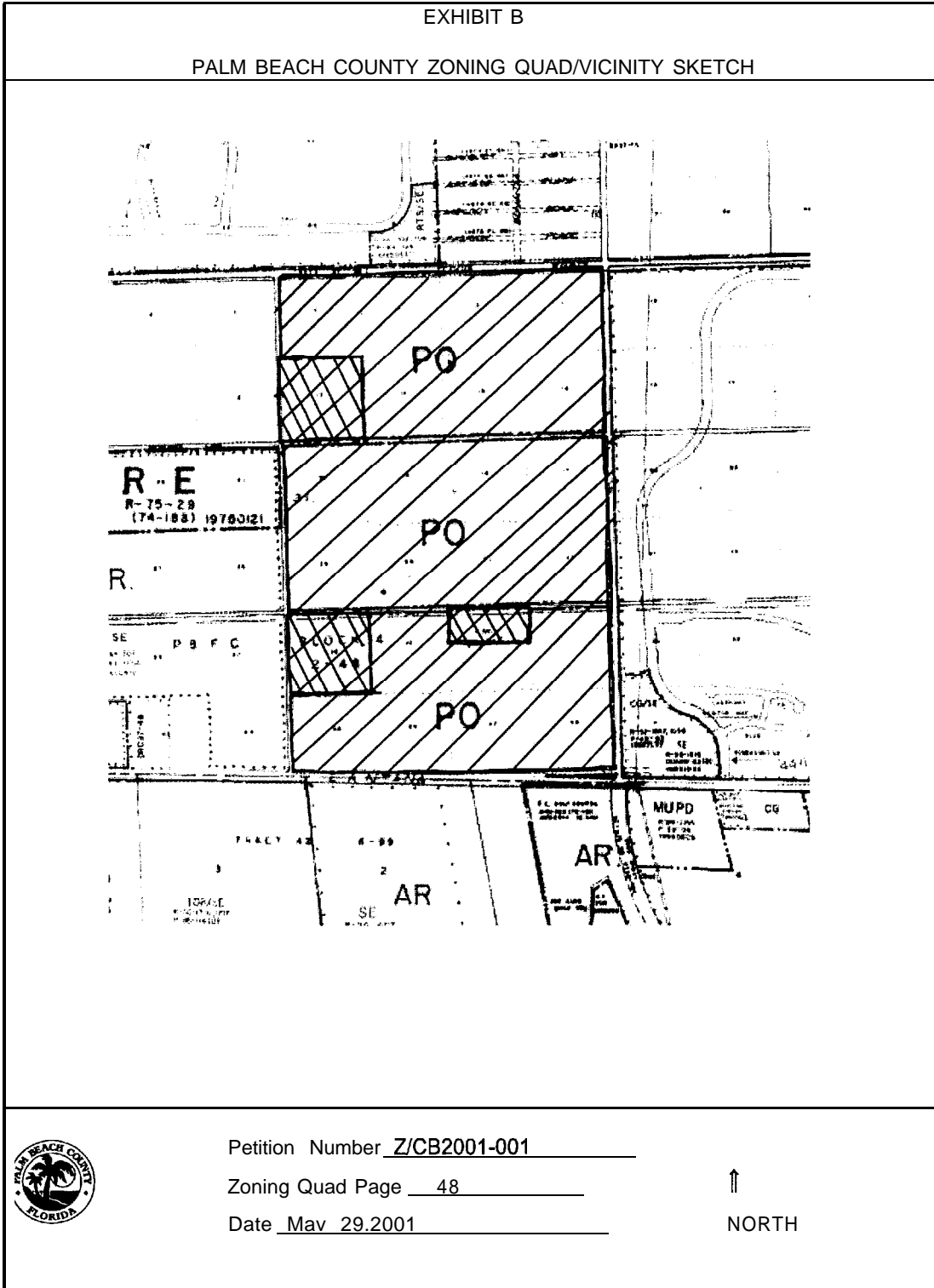
00°57'19" EAST, A DISTANCE OF 510.97 FEET; THENCE SOUTH 88°23'25" EAST, ALONG A LINE 540.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF LANTANA ROAD, A DISTANCE OF 510.33 FEET TO THE INTERSECTION THEREOF WITH THE EAST LINE OF TRACT 44 OF SAID BLOCK 34; SAID CENTERLINE OF LANTANA ROAD BEING THE SOUTH LINE OF SECTION 31, TOWNSHIP44 SOUTH, RANGE42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°57'19" WEST, ALONG THE EAST LINES OF TRACTS 44, 37, 28 AND 21, OF SAID BLOCK 34, A DISTANCE OF 2112.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 43.014 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Zoning Commission. The approved master plan is dated April 18, 2001. All modifications must be approved by the Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

#### B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. A complete variance application to exceed the standard lake depth shall be submitted to the Department of Environmental Resources Management prior to DRC site plan certification. (DRC: ERM)

#### C. PLANNING

1. Prior to final Master Plan Certification by the Development Review Committee (DRC), the Palm Beach County Planning Division shall schedule a Comprehensive Plan amendment to change the future land use designation on the site from U/T to PARK in order to make the site's future land use designation more consistent with the use on the site which is a public golf course operated by the County's Parks and Recreation Department. (DRC: PLANNING)

(No Condition D.)

#### E. ENGINEERING

##### 1. LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- A. Prior to September 1, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of Lantana Road Right-of-Way. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept," outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING- Eng)

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before November 1, 2003 (DATE: MONITORING- Eng)
  - C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to September 1, 2002. (DATE: ENGINEERING-Eng)
2. "CUTOUT" LANDSCAPE STRIPS WITHIN THE CONCRETE MEDIAN OF LANTANA ROAD
- A. Prior to September 1, 2002, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to provide landscape cutouts within the concrete median of Lantana Road right-of-way contiguous to the frontage. As part of this permit process, the property owner shall enter into a Right of Way, concrete median cutout, Landscape Installation and Maintenance, Removal, and Indemnification Agreements. All new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Palm Beach County Standards. Alternative plant and paver block material other than those listed in the County standards may be permitted subject to approval by the County Engineer. (DATE: MONITORING - Eng)
  - B. All required median landscaping, including an irrigation system, the cost of the removal or cutting out the existing concrete median as well as the installation of all landscape material, paver block or similar materials shall be funded at the property owners expense. When landscape cutouts are permitted, landscaping shall consist of Landscape Material approved by the County Engineer. All new and existing landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association. The maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, and the irrigation system. All landscape material shall be installed prior to November 1, 2003. (DATE: MONITORING - Eng)

- C. If the County does not assume maintenance responsibility, then appropriate property owner's documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to September 1, 2002. (DATE: MONITORING-Eng)
- 3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
  - A. No Building Permits shall be issued until the contract has been let for the construction of Lantana Road as a 4 lane section from SR 7 to Grand Laucana Boulevard plus the appropriate paved tapers. (BLDG PERMIT: ENG)

F. COMPLIANCE

- 1. In granting this approval, the Zoning Commission 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 Zoning Commission 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 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)