

RESOLUTION NO. R-89-933

RESOLUTION APPROVING ZONING PETITION NO. 88-50  
REZONING WITH VOLUNTARY COMMITMENTS  
PETITION OF RONALD LOEWENTHAL

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 88-50 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 1988; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-50, the petition of RONALD LOEWENTHAL, by Alan J. Ciklin, Agent, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO RE-RESIDENTIAL ESTATE ZONING DISTRICT on a parcel of land being all that part of the Northeast 1/4 of the Southwest 1/4 of Section 14, Township 46 South, Range 42 East, lying North of the North Right-of-way line of SR 806, as shown in Road Plat Book 3, at Page 26 described as follows: Commence at the Northeast corner of the said Northeast 1/4 of the Southwest 1/4 of Section 14; thence South 88 degrees 28' 12" West, parallel with the North line of said Northeast 1/4 of the Southwest 1/4, 120.06 feet to the Point of Beginning of the lands herein described: thence continue South 88 degrees 28' 12" West, 410.00 feet; thence South 00 degrees 06' 28" West, 428.52 feet; thence North 89 degrees 18' 46" East along the North Right-of-way line of State Road 806, 409.87 feet: thence North 00 degrees 06' 28" East along the West Right-of-way line of Sims Road, 434.55 feet to the Point of Beginning, located on the northwest corner of the intersection of Atlantic Avenue (SR 806) and Sims Road (66th

Avenue South), was approved as advertised subject to the following voluntary commitments:

1. Prior to approval of a building permit, the petitioner shall submit a plot plan of the subject parcel to the Site Planning Section of the Zoning Division which will indicate improvements to the site.
2. All property included in the legal description of this petition shall be subject to a Declaration of Restrictions and Covenants acceptable to the County Attorney's Office which shall provide, among other things, for: Formation of a single "master" property owner's association, and automatic membership in the "master" association by any party holding title to any portion of the property included in the planned unit development.
3. The developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
4. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Safe Corners at Delray West Road and Simms Road free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
5. 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 presently is \$804.00 per single family home under 2,000 square feet and \$1,045.00 per single family home over 2,000 square feet.
6. Failure to comply with the voluntary commitments herein may result in the denial or revocation of a building permit; the issuance of a stop work 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the voluntary commitments herein shall constitute violations of the Palm Beach County Zoning Code.

Commissioner Elmquist moved for approval of the petition. The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
James Watt	--	Aye

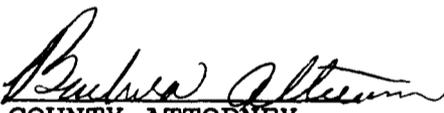
The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 26, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

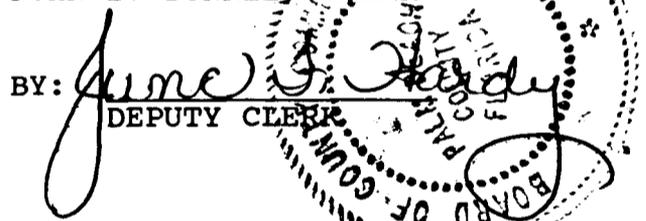
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

