

RESOLUTION NO. R-89-909

RESOLUTION APPROVING ZONING PETITION NO. 88-54
SPECIAL EXCEPTION PETITION OF MARTIN SEPPALA,
JONATHAN SEPPALA, AND ANTONIO G. RIZZO

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. 88-54 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 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. 88-54 the petition of MARTIN SEPPALA, JONATHAN SEPPALA, AND ANTONIO G. RIZZO, by Jeff Backman, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT. IF APPROVED, THIS PETITION WILL EXTINGUISH THE SPECIAL EXCEPTION FOR A PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 78-107, on a parcel of land beginning at the Northwest corner of the East 1/2 of Lot 2, Tract 40 of the Subdivision of the Hiatus between Townships 44 and 45 South, Range 42 East, go Easterly along the South line of Township 44 South, Range 42 East, 565 feet; thence Southeasterly 1193.11 feet to a point on the North line of Township 45 South, Range 42 East, 575 feet East of the Southwest corner of said East half of Lot 2, Tract 40; thence West 575 feet to the Southwest corner of said East 1/2 of Lot 2; thence Northwesterly 1210.51 feet to the Point of Beginning: less North 40 feet thereof for highway purposes, being located on the south side of Lantana Road, approximately .7 mile east of Florida's Turnpike (Sunshine State Parkway), in a RS-Single

Family Residential Zoning District, was approved as advertised, subject to the following amended conditions:

1. Prior to Subdivision Review Committee, the master/site plan shall be amended to indicate the following:
 - a. All preservation areas;
 - b. A minimum **of .59** acres of active or semi-active recreational area; and
 - c. Required number of trees.
2. The developer shall preserve existing vegetation on site and shall incorporate the vegetation into the project design. Clearing shall be limited to the developable area, retention areas, right-of-way, and building pods. Areas **of** existing vegetation to be preserved shall be shown upon the approved development plan prior to Subdivision Review Committee certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section **500.36** **of** the Zoning Code during the site development and construction phase.
3. The site shall be limited to a maximum density **of 3.00** dwelling units per acre (**42** units total).
4. **All** native vegetation within the common open space areas and buffers shall be preserved and incorporated into the project design.
5. The property owner shall meet all provisions **of** Palm Beach County's Subdivision and Platting Ordinance **73-4** as amended.
6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service **is** available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. 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 first one inch **of** the **stormwater** runoff. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
9. 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 Lantana Road, **55** feet from centerline free **of** all encumbrances and encroachments. Petitioner 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

10. The property owner shall construct a left turn lane, east approach on Lantana Road at the project's entrance road concurrent improvements with the first plat. This turn lane shall be completed prior to the issuance of the first Certificate of Occupancy.
11. If required by the County Engineer the Developer shall convey adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Lantana Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along Lantana Road. Said easements shall be no **less** than **20** feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Water Control District and South Florida Water Management District for the combined runoff from the project and District the ultimate Thoroughfare Plan of the included segment.
12. 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** pr approved single family dwelling until under **2,000** square feet and **\$1,045.00** per approved single family dwelling unit over **2,000** square feet.
13. The petitioner shall convey to the Lake Worth Drainage District the South **30** feet of the subject property for the required right-of-way for Lateral Canal **No. 16**, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the approval of the Resolution approving this project.
14. The property owner shall install signalization if warranted as determined by the County Engineer at the project's entrance and Lantana Road. Should signalization not **be** warranted after **12** months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
15. This project's entrance shall align with Colbright Road onto the north side of Lantana Road.
16. The developer shall install a landscape buffer easement along the eastern and western perimeters of the property. The buffer **shall** consist of a berm and double hedge row combination, to reach a minimum height **of** six

(6) feet within one (1) year, supplemented with ten (10) foot to twelve (12) foot high canopy trees planted thirty (30) feet on center. The buffer shall be continually maintained by the property owner's association.

17. A twenty-five (25) foot buffer shall be established along the east, west, and north property line, and a ten (10) foot buffer shall be established along the southern property line.
18. The berm and wall combination may be deleted from the portion of the western property line along the boundary of the lake edge only.
19. Failure to comply with the conditions 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 conditions herein shall constitute violations of the Palm Beach County Zoning Code.

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

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

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLES, CLERK

BY: 
DEPUTY CLERK