

RESOLUTION NO, R-89 - 949

RESOLUTION APPROVING ZONING PETITION NO. 88-51  
SPECIAL EXCEPTION 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. 88-51 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 PAW BEACH COUNTY, FLORIDA, that Petition No. 88-51, the petition of RONALD LOEWENTHAL for a SPECIAL EXCEPTION TO PERMIT A PLANNED UNIT DEVELOPMENT WHICH WILL EXTEND TO ADJACENT PROPERTY, on 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 State Road 806, as shown in Road Plat Book 3, 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 00 degrees 06' 28" West along the East line of said Northeast of the Southwest 1/4 870.33 feet; thence South 88 degrees 28' 12" West parallel with the North line of the said Northeast 1/4 of the Southwest 1/4, 530.06 feet to the Point of Beginning of the lands herein described; thence continue South 88 degrees 28' 12" W, 120.00 feet: thence North 00 degrees 06' 28" East, 140.06 feet: thence South 88 degrees 28' 12" West along the South line of Heritage Park, as

recorded in Plat Book 52, pages 75 and 76, 526.34 feet; thence South 00 degrees 18' 38" East, parallel with and 177.00 feet East of the West line of the said Northeast 1/4 of the Southwest 1/4, 649.82 feet; thence Easterly along the North Right-of-way line of State Road 806, being the arc of a circular curve to the right, having a radius of 1,871.73 feet, an arc distance of 585.34 feet to a Point of Tangency; thence continue North 89 degrees 18' 46" East along the said North Right-of-way line, 66.81 feet; thence North 00 degrees 06' 28" East, 428.52 feet to the Point of Beginning, being located on the north side of Atlantic Avenue, approximately .1 mile west of Sims Road, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. Prior to certification, the master plan shall be amended to indicate the following:
  - a. Required twenty-five (25) foot perimeter buffer
  - b. Detailed open space calculations pursuant to Section 500.21.J of the Zoning Code.
  - c. Minimum right-of-way and access tract widths and lengths meeting the requirements of the subdivision and platting regulations.
  - d. The language on the master plan which currently reads "Future development subject to Board approval" shall be amended to read "Future residential development shall be subject to the approval of the Board of County Commissioners".
2. 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.
3. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed required for the construction of right-of-way of a right turn lane, north approach, on Sims Road at West Atlantic Avenue a minimum of 12 feet in width, 100 feet in length and a taper length of 180 feet free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the acquisition 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.

4. The property owner shall construct a left turn lane, south approach on Sims Road at the project's entrance road concurrent with improvements with the first plat, (no entrance shall be permitted onto West Atlantic Avenue). Construction shall be completed prior to the issuance of any Certificate of Occupancy and may be accomplished with the use of striping.
5. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of West Atlantic Avenue and Sims Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along West Atlantic Avenue and Sims Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
6. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance<sup>s1</sup>" 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.
7. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
8. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
9. 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.
10. 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 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

BY:

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
DEPUTY CLERK