

RESOLUTION NO. R-89-1165

RESOLUTION APPROVING ZONING PETITION NO. 88-118  
SPECIAL EXCEPTION PETITION OF ZIYAD AND ADNAN AWADALLAH

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. 88-118 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 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. 88-118 the petition of ZIYAD AND ADNAN AWADALLAH, for a SPECIAL EXCEPTION TO PERMIT A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land situating in Section 25, Township 47 South, Range 41 East, being a portion of Lots 2 through 6 and Lots 11 through 15 and together with the vacated former road Right-of-way lying to the West per Resolution of Vacation recorded in Official Records Book 1841, pages 1960 through 1963, as shown on the plat of "Florida Fruitlands Company's Subdivision No. 2", as recorded in Plat Book 1, Page 102, being more particularly described as follows:

Commencing at the Northeast corner of the plat of "Allegro", according to the plat thereof, as recorded in Plat Book 60, pages 3' through 7; thence South 88 degrees 42' 41" East along the easterly projection of the North line of said plat, a distance of 26.00 feet to the West line of that 99.00 foot Right-of-way parcel described in that order of taking recorded in Official Records Book 5165, pages 1381 through 1383, and the Point of Beginning of this description; thence North 00 degrees 33' 18" West along said West line, a distance of 1,216.21 feet: thence

south 89 degrees 56' 55" West along the South line of "Holiday City at Boca Raton", as recorded in Plat Book 29, page 192, a distance of 1,026.66 feet to the Southwest corner of Lot 6, Block 2 of "Holiday City at Boca Raton Section 2", as recorded in Plat Book 30, page 118; thence North 25 degrees 00' 05" West, a distance of 73.49 feet; thence North 64 degrees 59' 55" East, a distance of 100.00 feet; thence North 25 degrees 00' 05" West, a distance of 100.00 feet; thence South 64 degrees 59' 55" West, a distance of 85.20 feet; thence South 87 degrees 26' 20" West, a distance of 33.99 feet; thence South 64 degrees 59' 15" West along the southerly line of said "Holiday City at Boca Raton Section 2" and the southwesterly projection thereof, a distance of 1,400.03 feet to an intersection with a line 15.00 feet West of and parallel with, as measured at right angles to the West line of Lots 11 through 14 of said "Florida Fruitlands Company's Subdivision No. 2"; thence South 00 degrees 47' 50" East along said line, a distance of 911.13 feet; thence south 88 degrees 42' 41" East along the North line of said "Allegro" subdivision and the westerly extension thereof, a distance 2,438.39 feet to the Point of Beginning, being located on the west side of State Road 7 (US 441), approximately .1 mile south of Palmetto Park Road, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Subdivision Review Committee approval, the master plan shall be amended to indicate the relocation of the recreation area to the interior of the project. The recreation area shall not be located within 160 feet of the perimeter of the site.
2. The development shall be limited to 205 dwelling units.
3. A vegetation removal permit shall be required prior to clearing the recreation area, retention area, utility and drainage easements and all on site rights-of-way.

The application for a Vegetation Removal permit shall include the proposed extent of the clearing operation and preservation measures. Individual lots shall not be cleared of native vegetation until after the Zoning Division has accepted the building permit application and approved a vegetation removal permit for that lot. The extent of clearing shall be limited to the minimum necessary to complete development. Native vegetation within setbacks areas shall be preserved.

4. The developer shall comply with all property development regulation of the RS-Single Family Residential Zoning District:
5. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
6. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

7. The petitioner 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. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
8. Prior to Master Plan certification this developer shall provide Palm Beach County with verification of legal positive outfall. Such verification shall consist of:
  - a) Annexation of the subject property into the jurisdiction of the Lake Worth Drainage District;  
(or)
  - b) Approved construction plans of the proposed underground pipe system into the Billsboro Canal; including:
    - 1) Permits from the South Florida Water Management District agreeing to accept stormwater discharges.
    - 2) Drainage analysis of the subject site to ensure pipe size, slope and capacity.
9. The petitioner shall fund the construction of a left turn lane, south approach and a right turn lane, north approach at the project's entrance and State Road 7 which shall align with S.W. Third Street concurrent with the 4 laning of State Road 7 by others. A letter of credit shall be posted prior to April 1, 1989 or prior to Site Plan approval.
10. If required, the petitioner shall convey to Palm Beach County within 90 days of the approval of this project 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 State Road 7 along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along State Road 7. 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 and treatment requirements of the applicable County Water Control District and South

Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

11. The petitioner 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.
12. In order to comply with the mandatory traffic performance standards the petitioner shall be restricted to the following phasing schedule:
  - a) No building permits shall be issued for the subject site after December 31, 1991 until State Road 7 has been 6 laned from Broward County to Glades Road.
13. The petitioner shall install or pay for modifications to signalization if warranted as determined by the County Engineer at S.W. Third Street and State Road 7. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.
14. 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.
15. The property owner shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
16. Simultaneously with application for Subdivision Review Committee review, the petitioner shall submit all graphics presented at the public hearings to the Zoning Division.
17. No Building Permits shall be issued until the contracts have been let for State Road 7 as a four (4) lane median divided section from the Hillsboro Canal to Palmetto Park Road.

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

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Nay

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY

BY :

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

