

RESOLUTION NO. R-90- 830

RESOLUTION APPROVING ZONING PETITION NO. 89-124
SPECIAL EXCEPTION PETITION OF GRAND PRIX ASSOCIATES, LTD.

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 have been satisfied; and

WHEREAS, Petition No. 89-124 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-124, the petition of GRAND PRIX ASSOCIATES, LTD., BY WILLIAM B. BOOSE, AGENT, for a SPECIAL EXCEPTION FOR A PLANNED RESIDENTIAL DEVELOPMENT on a parcel of land lying in the West 1/2 of Section 20, Township 44 South, Range 41 East, being located on the South side of Pierson Road, and is bounded on the West by the C-24 Canal, approximately 4.5 miles West of U.S. Highway 441 (SR 7), in a RE-Residential Estate Zoning District, In Part, and RT-Residential Transitional Zoning District, In Part, was approved on November 30, 1989 as advertised, subject to the following conditions:

1. Prior to subdivision approval, the site plan shall be revised to reflect lots and rights-of-way that meet minimum adopted Subdivision and Zoning Code requirements.
2. 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.

3. All native vegetation shall be preserved to the greatest extent possible. Clearing shall be limited to **that** necessary for construction of the access road **and** residential units.
4. Gross density shall not exceed **0.4** dwelling units per acre.
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. **No** portion of this project is to be approved on well and/or septic tank. The existing septic tank serving a single family dwelling on the subject property and a second, interim septic tank servicing a mobile home sales and project administration office shall be permitted until water and sewer lines are installed and approved for service to the project. The existing and interim septic tanks shall then be removed in accordance with Chapter 10D-6 F.A.C.
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 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.
9. Prior to August 1, 1990 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:
 - a. Lake Worth Road, a total of **120** feet of right-of-way on an alignment approved by the County Engineer;
 - b. For the construction of a right turn lane, east approach on Lake Worth Road at the project's entrance road. This right-of-way shall be a minimum of **150** feet in length with a taper length of **180** feet; free of all encumbrances and encroachments. Property owner 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. concurrent with the construction of Lake Worth Road by others a right turn lane, east approach and a left turn lane, west approach at the project's entrance road; or at the property owner's option, prior to August 1, 1990, deposit with Palm Beach County, \$38,700.00 to cover the cost of said turn lane construction.
- b. at the project's entrance road and Pierson Road a left turn lane, east approach;

concurrent with onsite paving and drainage improvements.

11. This project shall be limited to a total of 132 dwelling units (.40 du's/acre). Building Permits for any additional units shall only be available upon future approval by the Board of County Commissioners subject to meeting all future ordinances including but not limited to Traffic Performance Standards and the Comprehensive Land Use Plan.
12. The Property owner shall convey to Palm Beach County on or before August 1, 1990 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 Lake Worth Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lake Worth 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 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.
13. 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.
14. The property owner shall construct Pierson Road as a 2 lane paved section subject to approval by Acme Improvement District and the County Engineer, from the present paved terminus on the east to the west property line of the subject property. This construction shall be completed concurrent with on-site construction associated with the first plat of the project. All canal crossings if any within the project limits shall be constructed to their ultimate configuration.
15. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
16. Property owner shall provide written notice to all prospective purchasers of lots and/or homes within the project notifying them of the future extension of Lake Worth Road along the property's south property line.
17. Failure to comply with any conditions of approval 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.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

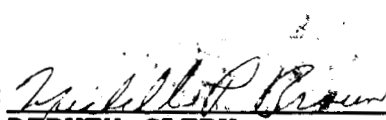
The Chair thereupon declared the resolution was duly passed and adopted this 22nd day of May, 1990.

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