

RESOLUTION NO. R-85-316

RESOLUTION APPROVING ZONING PETITION 84-146, Special Exception

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. 84-146 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29th of November 1984; 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, the Board of County Commissioners made the following findings of fact:

1. With variance relief and minor amendment to the site plan, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 29th of November 1984, that Petition No. 84-146 the petition of FRANK POMA By David Carpenter, Agent, for a SPECIAL EXCEPTION TO ALLOW A planned unit development INCLUDING A PRIVATE LANDING STRIP, HORSE BREEDING AND TRAINING FARM, FEED AND GRAIN STORE, PRIVATE STABLES AND RIDING CLUB AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS ON PARCEL "A" AND THE FURTHER SPECIAL EXCEPTION TO ALLOW A PRIVATE LANDING STRIP ON PARCEL "B", a parcel of land in Section 13, Township 46 South, Range 41 East, being more particularly described as follows:

Bounded on the East by a line parallel with and 1285.00 feet West of (measured at right angles) the East section line of said Section 13;

bounded on the North by a line parallel with and 2325.00 feet North of (measured along said East line) the South line of said Section 13; bounded on the West by a line parallel with and 2836.07 feet West of (measured at right angles) the East section line of said Section 13; bounded on the South by the South line of said Section 13. Less the South 100.00 feet of the Southwest 1/4, and Less the South 75.00 feet of the Southeast 1/4 of said Section 13.

A parcel of land in Section 13, Township 46 South, Range 41 East, being further described as follows:

All of said Section 13, Township 46 South, Range 41 East, Less the North 1/2 of the North 1/2 of the North 1/2 and Less the North 1/2 of the South 1/2 of the North 1/2 of the Northeast 1/4 and Less the North 1/2 of the East 1/2 of the Southeast 1/4 of the Northeast 1/4 of the Northwest 1/4, and Less the South 100.00 feet of the Southwest 1/4, and Less the East 1285.00 feet of said Section, and less a parcel of land being described as:

A parcel of land in Section 13, Township 46 South, Range 41 East, being further described as follows:

Bounded on the East by a line parallel with and 1285.00 feet West of (measured at right angles) the East section line of said Section 13; bounded on the North by a line parallel with and 2746.26 feet North of (measured along said East line) the South line of said Section 13; bounded on the West by a line parallel with and 2836.07 feet West of (measured at right angles) the East section line of said Section 13; bounded on the South by the South line of said Section 13. Less the South 100.00 feet of the Southwest 1/4, and less the South 75.00 feet of the Southeast 1/4 of said Section 13. Said property located on the north side of West Atlantic Avenue (Delray West Road) approximately .2 mile West of U.S. Highway 441 (S.R. 7) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

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1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this

property do not become a nuisance to neighboring properties.

3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

4. Any fuel or chemical storage tanks shall be installed, with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

5. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, F.A.C.

6. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

7. The property owner shall convey for the ultimate right of way of:

- a. Delray West Road, 75 feet north of the south line of Section 13, from S.R. 7 to the project's east property line.
- b. Delray West Road, 120 feet through the project's limits.

All within 90 days of adoption of the Resolution by the Board of County Commissioners on an alignment approved by the County Engineer; conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

8. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- a. Delray West Road as a 2-lane section from S.R. 7 to the project's entrance road.
- b. Left Turn Lane, South approach, on S.R. 7 at Delray West Road.
- c. Left Turn Lane, West approach, on Delray West Road at S.R. 7.

9. The Developer 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. Presently The Fair Share Fee for this project is \$4,675.00. 85 316

10. Prior to Site Plan Certification the following shall be submitted:

- a. An airspace analysis conducted by the Federal Aviation Administration (F.A.A.),
- b. A preliminary airport license report by the Florida Department of Transportation, and
- c. A signed statement by a registered engineer certifying compliance with landing strip design criteria of Chapter 14-60, F.A.C.

11. Prior to Site Plan certification, the Site plan shall be amended to reflect:

- a. Delineation of parking spaces and lot channelization throughout the site.
- b. Inclusion of the required parking, or variance relief shall be obtained from the Board of Adjustment to permit the reduced number of spaces proposed.

12. The stables shall be limited to private use only and shall not

be made available for commercial purposes or to the general public. There shall be no advertising of the tack and feed store.

13. From Parcel B of the subject petition, the developer/property owner shall reserve 384 feet of right-of-way for the proposed University Parkway through the project's limits plus the proposed right-of-way required for the interchange with Delray West Road per the County Engineer's approval. Palm Beach County shall provide the exact alignment within six (6) months of special exception approval.

14. Excavation shall be limited to the area shown as the lake on the site plan approved by the Board of County Commissioners. The depth of excavation shall not exceed 12 feet below natural grade.

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

Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Kafen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

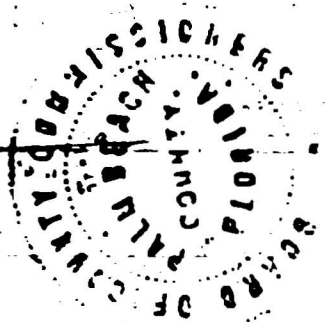
The foregoing resolution was declared duly passed and adopted this day of FEB 19 1985 confirming action of the 29st of November 1984.

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PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Fabian Mearns*
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Janice Sprunt
County Attorney

FILED THIS 21/9/85 DAY OF
AND RECORDED IN RESOLUTION 19
MINUTE BOOK NO 389 AT
PAGE 369-372 RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *JD* DC

BOOK 389 PAGE 372