

RESOLUTION NO. R-85-710

RESOLUTION APPROVING ZONING PETITION 84-146(A), Modification

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(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 28th February 1985; 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. This proposal is 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 28th of February 1985, that Petition No. 84-146 (A) the petition of FRANK POMA to DELETE THE SPECIAL EXCEPTION FOR A COMMERCIAL STABLE AND TO MODIFY SPECIAL CONDITIONS NO. 7, NO. 12, AND NO. 14, PLACED ON ZONING PETITION NO. 84-146 APPROVED NOVEMBER 29, 1984:

Said property located on the north side of West Atlantic Avenue (Delray West Road), approximately .2 miles west of U.S. Highway 441 (S.R. 7) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. The petitioner shall convey to the Lake Worth Drainage District the required right-of-way for Lateral Canal No. 34 W, adjacent to the subject property, by quit claim deed or an easement deed in the form provided by said district, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

2. CONDITION NO. 7 which STATES:

"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."

IS HEREBY REWORDED TO STATE:

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

a. Delray West Road 75 feet of right of way from the project's East property line to S. R. 7, per the County Engineer's approval.

b. Delray West Road 120 feet through the project's limits.

All conveyances within the subject property shall be within ninety (90) days of an approved alignment map furnished by the County Engineer; conveyance must be accepted by Palm Beach County prior to the issuance of the first Building Permit.

3. CONDITION 12 WHICH STATES:

" 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."

IS HEREBY REWORDED TO STATE:

"12. The Training Facility shall be limited to commercial use and shall not be made available to the general public. There shall be no advertising of the tack and feed store or staff canteen/ deli facility. Commercial use shall be limited to use by residents of the associated residential community and to licensed professional horse trainers and handlers."

4. CONDITION NO. 14 WHICH STATES:

"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."

IS HEREBY REWORDED TO STATE:

"14. Excavation shall be limited to areas shown as lakes on the site plan approved by the Board of County Commissioners, subject to provisions of Section 500.3 of the Zoning Code of Palm Beach County, Florida. The depth of excavation shall not exceed 20 feet below natural grade."

5. Prior to site plan certification the petitioner shall amend the site plan to reflect the following;

a) Pursuant to Section 500.3.6a, (Site Rehabilitation and Reclamation Plan), graphically delineate the reclamation and rehabilitation plan showing the rehabilitated perimeter, and number, location, and species identity of trees to be replaced.

b) A phasing plan for the site reclamation and rehabilitation plan delineating limits and acreage of each phase, and the duration of each phase.

c) Traffic channelization, parking geometrics, and building location on parcels "A", and Parcel "B", pursuant and subject to section 500.17 (of street parking regulations), and 602.E., (Property and Development Regulations).

6. A reclamation plan shall be presented to the Board of County Commissioners prior to proceeding with excavation.

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:

Ken Adams, Chairman	--	AYE
Kare'nT. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this **MAY -7 1985** confirming action of the 28th February 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia Weaver
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jandy Grogan
County Attorney