

RESOLUTION NO. R-87-239

RESOLUTION RPPROVING ZONING PETITION 86-113, Special Ewception

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

WHERECIS, 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. 86-113 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 25, 1986 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 required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BORRD OF COUNTY COMMISSIONERS OF PCIM BEACH COUNTY, FLORIDA, assembled in regular session this 10th day of February, 1987, that: Petition No. 86-113, the petition of DCILE AND MARGARET R BRUSCHI By Dale Bruschi, Agent, for a SPECICIL EXCEPTION TO ALLOW RN CIIRPLRNE LRNDING STRIP on the West 1/2 of the Southwest 1/4 of the Southwest 1/4 and the South 1303.0 feet of the West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 1, Township 45 South, Range 42 East. Said property located on the north side of Hypoluxo Road, approximately .4 mile west of Military Trail (S.R. 809) in an

AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the required (100) one hundred foot setback.
2. Prior to site plan certification, the Federal Aviation Administration Qirspace Analysis and the Florida Department of Transportation License Report shall be submitted to the Zoning Division.
3. Landing strip shall not be used for landing and take-offs for crop dusting.
4. The development shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of permit application, but as a minimum, the development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval.
5. The property owner shall convey for the ultimate right-of-way of:
 - a) Haverhill Road, 80 feet along the project's west property line on an alignment approved by the County Engineer,
 - b) Hypoluwo Road, 108 feet north of the existing south right-of-way line of Hypoluxo Road all within 90 days of the approval of the Resolution approving this project .

Note: Qny use of the proposed Haverhill Road right-of-way until road construction for Haverhill Road has commenced shall be approved through the use of a license agreement between Palm Beach County Engineering Department, Palm Beach County Attorney's Office and the property owner. This use shall be terminated and relocated at the property owners expense within three (3) months notification from Palm Beach County to the property owner.

6. The property owner shall convey to the Lake Worth Drainage District the north 53 feet of this parcel for the required right-of-way of Lateral Canal No. 17 by Quit Claim Deed or an Easement Deed in the form provided by said District within 90 day of adoption of the Resolution by the Board of County Commissioners.

The petitioner shall convey to the Lake Worth Drainage district a required right-of-way for Lateral Canal No. 17, along the northern portion of this parcel. The exact dimensions of this grant shall be determined by a field survey subject to approval by Lake Worth Drainage District. The conveyance shall be in the form of a Quit Claim Deed or an Easement Deed in the form provided by said District within six (6) months of adoption of the Resolution by the Board of County Commissioners.

7. Upon the construction of Haverhill Road, this airstrip shall be discontinued.
8. Landing strip shall be restricted to the exclusive use of the petitioner's personal airplane. The landing strip shall not be used for general aviation or commercial air service.

Commissioner Spillias, 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:

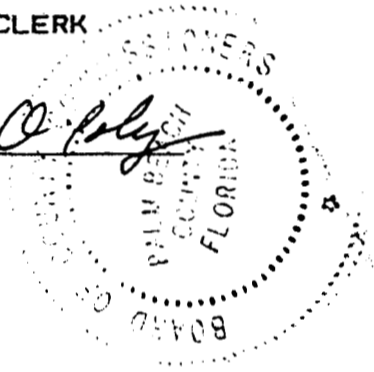
Karen T. Marcus	--	AYE
Jerry L. Owens	--	ABSENT
Ken Spillias	--	AYE
Dorothy Wilken	--	OPPOSED
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987, confirming action of September 25, 1986.


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. Polyz
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney