

RESOLUTION APPROVING ZONING PETITION CA98-34  
CLASS A CONDITIONAL USE  
PETITION OF BOCA RATON HOTEL AND CLUB  
BY KILDAY & ASSOCIATES, AGENT  
(COUNTRY PURSUITS CENTRE)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA98-34 was presented to the Board of County Commissioners at a public hearing conducted on September 1, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA98-34, the petition of Boca Raton Hotel and Club, by Kilday & Associates, agent, for a Class A Conditional Use (CA) to allow a Gun Club, Open, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on September 1, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Aye
Karen T. Marcus	--	Aye
Mary McCartney	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 1, 1998.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

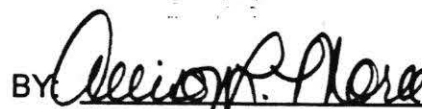
  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION

(O.R.B. 1447 PG. 400)

PARCEL 1: ALL THAT PART OF TRACTS 17, 18, 24, 26, 27 AND 31 LYING NORTH OF THE RIGHT-OF-WAY LINE OF HILLSBORO CANAL AND EAST OF THE SOUTHEAST RIGHT-OF-WAY LINE OF LEVEE L-40 IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 41 EAST, FLORIDA FRUIT LANDS CO. SUBDIVISION #2, AS RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

(O.R.B. 1807 PG. 1200)

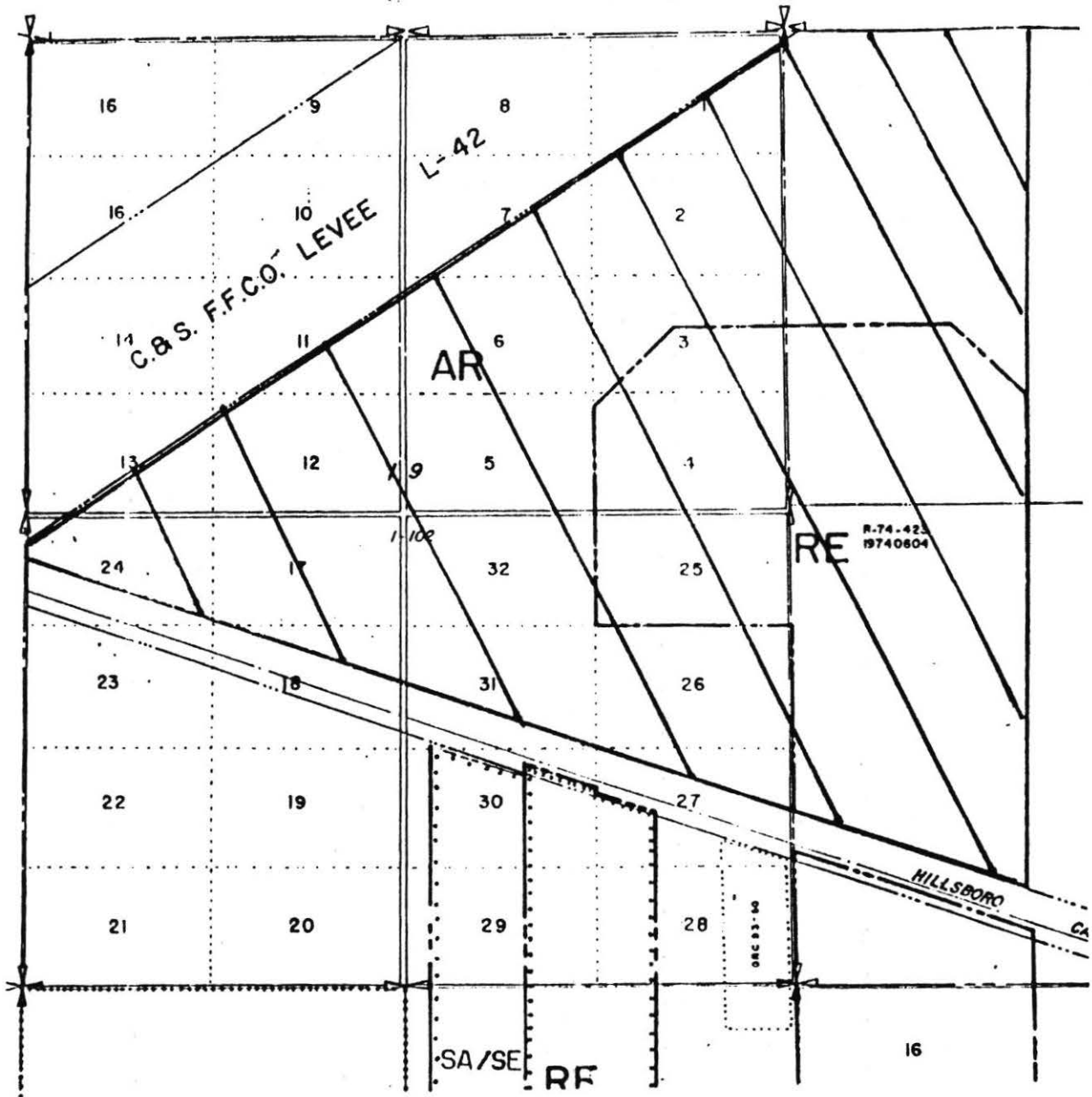
THAT PART OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 41 EAST, LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE HILLSBORO CANAL AND THAT PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 20, TOWNSHIP 47 SOUTH, RANGE 41 EAST, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF LEVEE L-40. ALSO, TRACTS 3, 4, 5, 25, AND THE EAST ½ OF TRACT 2, SECTION 19, TOWNSHIP 41 SOUTH, RANGE 41 EAST, ACCORDING TO THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISIONS, AS RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; AND ALSO, THAT PART OF TRACTS 1, 6, 7, 11, 12, AND 13 OF SAID SECTION 19, LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF LEVEE L-40; AND ALSO, THE WEST ½ OF TRACT 2, OF SAID SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST.

(O.R.B. 3627 PG. 0608)

TRACT 32, SECTION 19, TOWNSHIP 47 SOUTH, RANGE 41 EAST, LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA.

LESS THE TRIANGULAR SHAPED PARCEL LYING IN SAID TRACT 24 AS DESCRIBED IN O.R.B. 2586 AT PAGE 283 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: There is no Condition "D". The letter "E" is always reserved for Engineering Conditions.

#### A. ALL PETITIONS

1. Resolution R-74-423 is hereby revoked. (MONITORING)
2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 28, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

#### B. BUFFERING ALONG THE SHOOTING RANGE AREA

1. Buffering along the perimeter of the shooting range area shall be 400 feet from all property lines. The buffer area shall consist of the existing native vegetation. All non-native, exotic vegetation shall be cleared from the required buffer. (ONGOING: CODE ENF- Zoning)
2. No discharge of firearms shall occur in the buffer area. (ONGOING: CODE ENF- Zoning)

#### C. USE LIMITATIONS

1. The maximum height for all structures, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed thirty five (35) feet. (BLDG PERMIT: BLDG - Zoning)
2. The gun club (open) shall be open only during daylight hours, and only when staff is on site. (ONGOING: CODE ENF- Zoning)
3. No rifles or pistols are permitted within the gun club area (355 acre site). (ONGOING: CODE ENF- Zoning)
4. The 355 acre site shall be limited to the following uses:
  - a. Gun club, open;
  - b. Archery range and agility course;
  - c. Fly fishing academy;
  - d. Falconry school, fields, chambers and trail;
  - e. 4x4 (off-road) driving school;
  - f. Gundog training school, fields, kennels and trail;
  - g. Lodge (no overnight boarding), guard house, picnic shelter, parking area, truck wash down area, horseback riding area and stalls and/or other accessory uses to the primary outdoor entertainment use;
  - h. Wholesale nursery/tree farm (existing); and
  - i. Radio tower (existing). (ONGOING: CODE ENF- Zoning)
5. All other uses permitted and/or conditional shall subject to the approval of the Board of County Commissioners. (ONGOING: CODE ENF- Zoning)



E. ENGINEERING

1. Prior to final site plan approval by DRC, a statement from a Structural Engineer certifying the integrity and capacity of the access bridge will be required. (DRC: ENG)
- ~~2. Property owner recognizes the future alignment of Coral Ridge Drive Extension is within the overall Site One Tract, of which this requested use is a portion of Site One, and hereby agrees to cooperate in any future alignment of this thoroughfare plan roadway. (ONGOING: ENG)~~

F. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit a Lead Contamination Prevention Plan to ERM for review and approval prior to DRC site plan certification. (DRC: ERM)

G. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)

H. SIGNS

1. Freestanding point of purchase signs on the Loxahatchee Road frontage shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - 96 square feet;
  - c. Maximum number of signs - one (1); and
  - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)

I. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other

permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)