

RESOLUTION NO. R-89-905

RESOLUTION APPROVING ZONING PETITION NO. 79-111(A)
SPECIAL EXCEPTION PETITION OF JOHN VAN LENNEP
REAL PROPERTIES, INC.

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. 79-111(A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 23, 1988; 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, 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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 79-111(A), the petition of JOHN VAN LENNEP REAL PROPERTIES, INC., by Larry Schone, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPEND THE SITE PLAN FOR A COMMERCIAL STABLE AND HORSE BREEDING AND TRAINING FARM INCLUDING A WATER TREATMENT PLANT TO: 1) INCREASE BUILDING SQUARE FOOTAGE; AND 2) INCREASE ACREAGE, on a parcel of land lying in the North 1/2 of Tracts 33 through 40, inclusive, less the North 25 feet thereof: the South 1/2 of Tracts 39 and 40: Tracts 41, 42, 54, 55, 56, 57, 58, and 59: the East 1/2 of the Road ~~Right-of-Way~~ adjacent to Tract 40, less the North 25 feet thereof and Tract 57; and the West 1/2 of the Road Right-of-way adjacent to Tracts 41 and 56, Section 30, Township 46 South, Range 42 East, Palm Beach Farms Company, Plat No. 1, according to the plat thereof recorded in Plat Book 2 at Pages 26, 27, and 28, located on the west side of One Mile Road, approximately .3 mile east of U.S. 441 (S.R. 7), bounded on the south by Lake Worth Drainage District Lateral Canal No. 32, in an

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

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to certification, the site plan shall be amended to reflect the following:
 - a. The required setbacks for all proposed structures; and
 - b. The parking tabular breakdown for existing and proposed uses.
3. Prior to site plan certification the petitioner shall submit a revised survey to verify that Half Mile Road has been abandoned.
4. A Unity of Control shall be executed covering the entire site. Two (2) copies of the properly executed Unity of Control documents shall be submitted to the Zoning Division simultaneously with the Site Plan Review Committee submittal.
5. Prior to obtaining a Certificate of Occupancy for any structure on site, the developer shall remove all nonconforming structures.
6. The tack shop shall service the commercial stables and horse breeding and training farm exclusively. Signage shall not be permitted on Lyons Road advertising commercial services on the site.
7. The use of the site shall be limited to a horse breeding and training farm, commercial stables, a veterinary clinic, one (1) manager's residence, thirteen (13) groom quarters, a manager's office, sewage treatment plant and accessory buildings and structures.
 - a. 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. 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. 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. The Fair Share Fee for this project presently is \$2,947.00 (110 trips x \$26.79 per trip).
10. The petitioner shall convey to the Lake Worth Drainage District the south 15 feet of tracts 54-59 including Section 30, Township 46 South, Range 42 East according to Plat Book 2, Pages 26-28 for Lateral Canal No. 37, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) days of the approval of the Resolution approving this project.
11. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
12. The property owner shall convey any additional right-of-way required for Lyons Road (108 feet right-of-way on One Mile Road) when requested by the County Engineer.
13. No off-premise signs shall be permitted on the site.
14. Failure to comply with the conditions herein 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 Wilken moved for approval of the petition. The motion was seconded by Commissioner Marcus and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of June 23, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

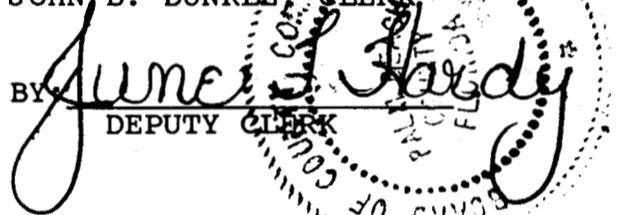
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

