

RESOLUTION NO. R-86-1322

RESOLUTION APPROVING ZONING PETITION 85-67(A), 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. 85-67(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd May 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. This proposal is consistent with the requirements of the Comprehensive Plan. With appropriate site plan modifications, the petition can meet minimum Zoning Code requirements.

Additional buffering may be required to mitigate the impact of outdoor dog runs on adjacent residential neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 2nd of May 1986, that Petition No. 85-67(A) the petition of SAMUEL LEDER By Paul Parker, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN ADULT CONGREGATE LIVING FACILITY, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 85-67, BY DELETING THE ADULT CONGREGATE LIVING FACILITY AND TO ALLOW A COMMERCIAL KENNEL, INCLUDING ACCESSORY BUILDINGS AND STRUCTURES on Tract 120, Block 70, Palm Beach Farms Company Plat No. 3, in Section 31, Township 46 South, Range 42 East, as recorded in Plat Book 2, Page 52. Said property located on the north side of Clint Moore Road, approximately .5 mile east of S.R. 7 (U.S. Hwy 441) 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 following:

a) Note drainage requirements for the dog runs.

b) The trees (one for each 40 lineal feet) required in the landscape strips abutting the rights-of-way.

c) The required number of parking spaces, or obtain Board of Adjustment relief.

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. The application and engineering plans, calculations etc. to construct well and septic tank must be submitted to the Health Department prior to site plan approval.

5. A Department of Environmental Regulation permit for the Industrial Waste Treatment Plant to treat animal waste from the commercial kennel must be obtained prior to site plan approval by Palm Beach County Health Department.

6. Compliance with Palm Beach County's Subdivision and Platting Ordinance 73-4 will be required.

7. The petitioner shall comply with all previously approved Conditions of Approval except for Condition Nos. 1, 2, 7, 10 and 15.

8. Condition No. 7 which presently states:

"7. 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 \$2,893.00."

Is hereby amended to state:

"7. 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. The Fair Share Fee for this project presently is:

a) \$3,429.00 for Phase 1 (128 trips X \$26.79 per trip).

b) an additional \$3,054.00 for Phase II (114 trips X \$26.79 per trip).

c) an additional \$1,393.00 for Phase III (52 trips X \$26.79 per trip)."

9. The dog runs shall be contained within completely enclosed air conditioned buildings. No dogs shall be permitted to be kept outside of the facility. In addition, a minimum of 10-12 foot high canopy trees shall be planted in order to shade and screen the proposed kennel area from adjacent land uses.

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:

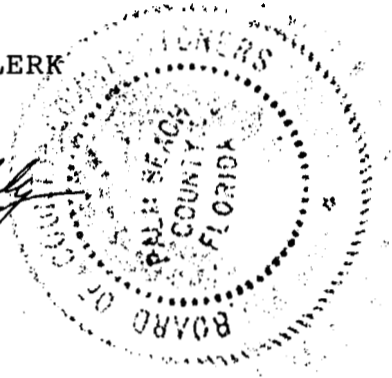
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	OPPOSED
Ken Spillias, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE
Kenneth M. Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 9th day of **September**, 1986 confirming action of the 2nd May 1986.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O'Leary*
 Deputy Clerk



APPROVED AS TO FORM
 AND LEGAL SUFFICIENCY

 County A