

RESOLUTION NO. R- 89-439

RESOLUTION APPROVING ZONING PETITION NO. 76-122 (A)
PETITION OF GLADES AREA ASSOCIATION
OF RETARDED CITIZENS
TO EXTINGUISH 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. 76-122 (A), was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 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. 76-122 (A), the petition of GLADES AREA ASSOCIATION OF RETARDED CITIZENS, by Dorothea R. Carroll, Agent, TO EXTINGUISH A SPECIAL EXCEPTION TO FOR A ROLLER SKATING RINK on a parcel of land lying on a portion of Government Lot 1, Section 12, Township 43 South, Range 36 East, according to the unrecorded plat of lands offered for sale in The Everglades, by the trustees of the Internal Improvement Fund, and more particularly described as follows: commencing at the Southeast corner of said Section 12: thence run South 89 degrees 53' 37" West along the South line of said Section 12, 75.00 feet to a point on the West Right-of-way line of State road 715; thence run North 0 degrees 25' 06" East, 749.89 feet along said Right-of-way line to a Point of Curve: thence run along the arc of a curve to the Right 104.16 feet to the POINT OF BEGINNING, said curve having a central angle of 2 degrees 01' 48" and a radius of 2939.93 feet; thence run South 85 degrees 41' 14" West, radial to the aforementioned curve, 402.44

feet to a point on the Northerly line of said Government Lot **1**; thence run North **48** degrees **43' 00"** East along said Northerly line of Lot **1**, **623.68** feet to a point on the Westerly Right-of-Way line of State Road **715**; thence run Southerly along the arc of a curve to the left **447.30** feet to the POINT OF BEGINNING, said curve having a central angle of **8** degrees **43' 02"** and a radius of **2939.93** feet, located on the west side of State Road **715**, approximately **.2** mile north of Hatcher Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

- 1.** Petitioner shall submit a Landscape Betterment Plan showing the relocation of the required landscaping from the northern property line to provide a buffer between the development and the Mobile Home Park to the south. The property's buffer on State Road **80** shall remain at five **(5)** feet in width, but shall be enhanced with new planting where required to meet the existing Landscape Code requirements.
- 2.** Locate one **(1)** loading space adjacent to the structure.
- 3.** If any new paving or turnout lanes are required, the developer shall retain 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 three **(3)** inches of the stormwater runoff generated by a three **(3)** year-one **(1)** hour storm 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. The petitioner shall document approval of sheet flow through the existing Florida Power and Light easement and the South Florida Conservancy District Canal.
- 4.** 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 as determined by the County Engineer.
- 5.** 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. Violations of the voluntary commitments herein shall constitute violations of the

Palm Beach County Zoning Code.

Commissioner Marcus 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:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 14th day of March, 1989 confirming action of April 28, 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

