

RESOLUTION NO. R-2002- 1483

RESOLUTION APPROVING ZONING PETITION CA2001-003A  
CLASS A CONDITIONAL USE  
PETITION OF GPRA THOROUGHBRED TRAINING CENTER  
BY JAMES BRINDELL OR SCOTT BENNOWITZ, AGENT  
(PALM BEACH THOROUGHBRED TRAINING FARM)

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 CA2001-003A was presented to the Board of County Commissioners at a public hearing conducted on August 22, 2002; 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 CA2001-003A, the petition of GPRA Thoroughbred Training Center by James Brindell or Scott Benowitz, agent, for a Class A Conditional Use to allow 342 grooms quarters in the Agricultural Reserve Zoning District, 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 August 22, 2002, 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 Greene and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	Aye
Carol A. Roberts, Vice Chair	Aye
Karen T. Marcus	Aye
Mary McCarty	Aye
Burt Aaronson	Aye
Tony Masilotti	Absent
Addie L. Greene	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on August 22, 2002.

Filed with the Clerk of the Board of County Commissioners on 5 day of September, 2002

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY: *Arc OBAS*  
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK  
BY: *Tom Haverly*  
DEPUTY CLERK

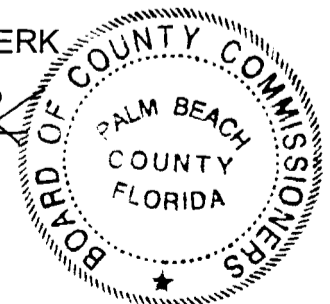


EXHIBIT A  
LEGAL DESCRIPTION

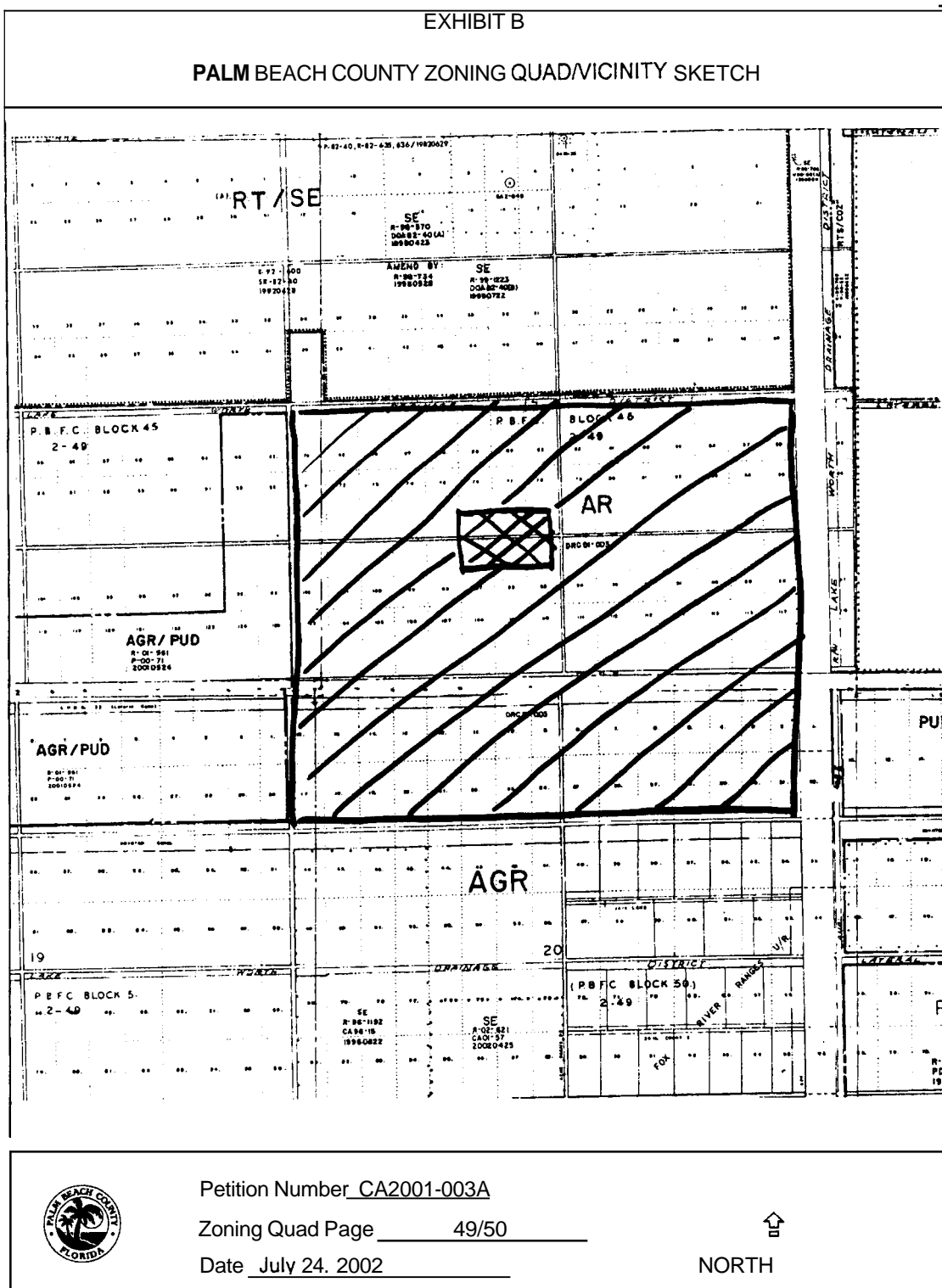
A parcel of land lying within Section 17, Township 45 South, Range 42 East, Palm Beach County, Florida also lying within the unrecorded plat of PALM BEACH THOROUGHBRED TRAINING FARM being more particularly described as follows:

Commencing at the southwest corner of Parcel A of said PALM BEACH THOROUGHBRED TRAINING FARM; thence NORTH 89'21'30" EAST, along the south line of said Parcel A, (as a basis of bearing), a distance of 1,602.41 feet; thence departing said south line of Parcel A, NORTH 00'38'30" WEST, a distance of 543.82 feet to the POINT OF BEGINNING of the hereon surveyed land; thence NORTH 00'42'03" WEST, a distance of 650.00 feet; thence NORTH 89'17'57" EAST, a distance of 900.00 feet; thence SOUTH 00'42'03" EAST, a distance of 650.00 feet; thence SOUTH 89'17'57" WEST, a distance of 900.00 feet to the POINT OF BEGINNING.

Said lands situate, lying and being in Palm Beach County, Florida.

Containing 585,000 square feet or 13.430 acres, more or less.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS – 13.5 ACRE GROOMS QUARTERS/DINING HALL AREA

1. 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 July 17, 2002. 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 – Zoning)

#### B. ARCHITECTURAL REVIEW – 13.5 ACRE GROOMS QUARTERS/DINING HALL AREA

1. At time of submittal for final DRC certification, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH. REVIEW – Zoning)
2. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by the parapet or roof treatment consistent with the color, character and architectural style of the principal structure. (DRC: ARCH. REVIEW – Zoning)

#### C. BUILDING AND SITE DESIGN – 13.5 ACRE GROOMS QUARTERS/DINING HALL AREA

1. Prior to final Development Review Committee site plan approval, the petitioner shall submit a shared parking study for the proposed grooms quarters/dining hall facility. Required parking for the grooms quarters/dining hall facility shall be reduced in accordance with the shared parking study. Reserved space for deleted parking shall be used to provide additional recreation area for the grooms quarters/dining hall facility. (DRC: ZONING – Zoning)
2. Prior to final Development Review Committee site plan approval, the petitioner may be required to revise the site plan to provide parking within the required distances for each building or use, and subject to approval by the DRC. (DRC: ZONING – Zoning)

#### D. LANDSCAPE STANDARDS – 13.5 ACRE GROOMS QUARTERS/DINING HALL AREA

1. Fifty-percent of required canopy trees shall be upgraded to meet the following minimum standards at installation:
  - a. Tree height: Fourteen (14) feet;;
  - b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade;
  - c. Canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and
  - d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE – Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve (12) feet clear trunk;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,

- c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
- 3. All trees and palms shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE – Zoning)
- 4. All shrub or hedge materials shall be planted in masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) varying heights. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
  - a. Eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
  - b. Twenty-four (24) to thirty-six (36) inches – medium shrub;
  - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and
  - d. This condition shall not apply to the east boundary. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

- 1. Prior to December 1, 2002 the property owner shall convey a temporary roadway construction easement along Lyons Road to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. Limits of this easement shall be from the LWDD L 21 Canal south to the Boynton Beach Canal. (DATE: MONITORING – Eng)
- 2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Lyons Road, 55 feet from centerline on or before December 1, 2002. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." Limits for this right of way shall be from the LWDD L 21 Canal south to the Boynton Beach Canal. (DATE: MONITORING – Eng)
- 3. The Property owner shall fund the construction of:
  - a. Left turn lane north approach on Lyons Road at both the projects North entrance and South entrances;
 

Funding for these turn lanes shall also include funding for plan modifications as determined by the County Engineer. All funding for this construction shall be completed prior to January 1, 2003 to the Land Development Division. Funding shall be based on a certified cost estimate provided by the Developers Engineer and approved by the County Engineer. Payment from Palm Beach County shall then be made available to the Engineer responsible for the 4-laning of Lyons Road adjacent to the site, to ensure these improvements are added into the widening of Lyons Road. (DATE: MONITORING – Eng)
- 4. The Property owner shall construct a right turn Lane south approach on Lyons Road at both the project's North and South entrances.

- a) Construction shall be concurrent with the paving and drainage improvements for the site
  - b) Permits required for this construction shall be obtained prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING – Eng)
  - c) Construction shall be completed prior to the issuance of the certificate of occupancy. (CO: MONITORING – Eng)
5. On or before April 1, 2003, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Lyons Road from the LWDD L 21 Canal south to the Boynton Beach Canal; and a maximum 800 feet of this adjacent roadway. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. All easements shall be located between the LWDD 22 Canal and the Boynton Beach Canal subject to the approval of the County Engineer. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. (DATE: MONITORING – Eng)
6. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- a. No Building Permits for the site may be issued after January 1, 2003. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)
7. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING – Eng)
8. The property owner shall abandon the existing right of way for the LWDD L22 Canal within the limits of their property if that portion of the LWDD L 22 Canal west of this site has not been abandon prior to August 1, 2003. (DATE: MONITORING-Eng)

F. LANDSCAPING INTERIOR – 13.5 ACRE GROOMS QUARTERS/DINING HALL AREA

- 1. Prior to final Development Review Committee site plan certification, the site plan shall be revised to provide the following landscaping improvements in the 13.5 acre grooms quarters/dining hall area:

- a. A fifteen (15) foot wide landscape area along the west boundary abutting the bio-mass intake facility, to include:
  - i. One (1) native canopy tree for each twenty (20) linear feet;
  - ii. One (1) palm or pine for each thirty (30) linear feet, with a maximum spacing of sixty (60) feet between clusters;
  - iii. One (1) medium shrub for each four (4) linear feet. Shrub shall be a minimum height of twenty-four (24) inches at installation; and
  - iv. One (1) large shrub for each two (2) linear feet. Shrub shall be a minimum height of thirty (30) inches at installation, to be maintained at a minimum height of seventy-two (72) inches. (DRC: ZONING – Zoning)
- b. A fifteen (15) foot wide landscape area along the east boundary, and the north side of the main access road, to include:
  - i. One (1) native canopy tree for each thirty (30) linear feet;
  - ii. One (1) small shrub for each two (2) linear feet. Shrub shall be a minimum height of eighteen (18) inches at installation; and
  - iii. One (1) medium shrub for each four (4) linear feet. Shrub shall be a minimum height of twenty-four (24) inches at installation. (DRC: ZONING – Zoning)

G. LIGHTING - 13.5 ACRE GROOMS QUARTERS/DINING HALL AREA

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor lighting shall be extinguished no later than 10:00 p.m. excluding security lighting only. (ONGOING: CODE ENF – Zoning)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning)

H. PLANNING

1. Prior to final site plan certification by the Development Review Committee (DRC), in order to comply with Recommendation 41 from the West Boynton Area Community Plan, the applicant shall provide street cross-section details depicting landscaped and shaded sidewalks for the sidewalk along Lyons Road. (DRC: PLANNING – Planning)

I. USE LIMITATIONS

1. An on-site resident manager shall be required for the grooms quarters facilities. (ONGOING: CODE ENF – Zoning)
2. There shall be no commercial racing or pari-mutual wagering on site. If pari-mutal wagering occurs on this site, this zoning approval shall be brought before the BCC to consider revocation. (ONGOING:CODE ENF/ZONING- Zoning)



J. 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 Code Enforcement Special Master 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. (ONGOING: MONITORING – Zoning)