

RESOLUTION NO. R-89- 359

RESOLUTION APPROVING ZONING PETITION NO. 88-22  
SPECIAL EXCEPTION PETITION OF AMERICAN REAL ESTATE  
TRADING, INC.; TILLMARK, INC.; AND TERRY AND DONNA H. ERNST

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. 88-22, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 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. 88-22, the petition of AMERICAN REAL ESTATE TRADING, INC.; TILLMARK, INC.; AND TERRY AND DONNA H. ERNST, Dennis P. Koehler, Agent, for a SPECIAL EXCEPTION TO PERMIT; 1) RECREATIONAL FACILITIES, AMUSEMENTS AND ATTRACTIONS AND EXHIBITS (DRESSAGE DERBY); AND 2) COMMERCIAL KENNELS AND STABLES AND ACCESSORY BUILDINGS AND STRUCTURES on a parcel of land lying in Lots 10 through 13, inclusive, together with Lot 81, Deer Run Plat 2, in Sections 15 and 16, Township 43 South, Range 40 East, as recorded in Plat Book 44, Pages 171-173, located on the north and south sides of Hanover Circle, approximately .1 mile east of Grande Road, bounded on the east by Buck Ridge Trail, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the petitioner shall amend the

site plan to indicate the following.

- a. Access to the commercial stables.
  - b. Internal circulation routes.
  - c. Dimensioned parking areas.
  - d. Tabular information which specified the parking requirements for each use.
  - e. Net acreage of each lot if parcels are to be held in separate ownership.
  - f. Dimensions of all site plan elements typical where applicable e.g., Setback, Buildings, Parking areas.
  - g. Access.
  - h. Required landscape strips and buffers, parking spaces required and proposed (handicap included).
  - i. Dumpster location.
  - j. Existing vegetation.
  - k. Building heights.
  - l. Building square footages.
  - m. Impervious and pervious surfaces.
  - n. Required fences, walls.
  - o. Landscape tabular data, see page 14 of Special Exception.
  - p. Required 150 foot setbacks for all outdoor attractions.
2. Use of the 51.228 acre site shall be limited to single family residences, commercial stables, and a horse dressage derby. The horse dressage derby shall be limited to one (1) show per year, lasting not more than four (4) days in duration.
  3. Prior to site plan certification, petitioner shall submit a Unity of Control agreement covering the entire site, subject to approval of the County Attorney.
  4. Prior to site plan certification, the petitioner shall submit a copy of the revised site plan which graphically indicates the direction of all vegetation removal photographs as submitted.
  5. 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.
  6. 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 \$2,197.00 (82 trips X \$26.79 per trip).

7. Prior to site plan certification, the petitioner shall amend the site plan to indicate the existing lake and cypress head on site. The cypress head shall be appropriately dimensioned.
8. 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 conditions herein shall constitute violation of the Palm Beach County Zoning Code.

Commissioner Adams 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  | -- | 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 28th day of February, 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Liberty  
COUNTY ATTORNEY

BY:

June J. Hardy  
DEPUTY CLERK