

## RESOLUTION NO. R- 86-492

## RESOLUTION APPROVING ZONING PETITION 85-172, 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. 85-172 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 3rd January 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 and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 3rd of January 1986, that Petition No. 85-172 the petition of BOCA RIO GOLF CLUB, INC., By Clifford Hertz, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PRIVATE RECREATION FACILITY, INCLUDING A GOLF COURSE AND COUNTRY CLUB on that portion of Tracts 1, and 2, Block 80, Palm Beach Farm's Company Plat No. 3, in Section 29, Township 47 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, lying West of the West Right-of-way line of Boca Rio Road as recorded in Official Records Book 1863, Page 10, subject to Lake Worth Drainage District L-48 Canal Reservation over and across the North 35.00 feet of said Tract 1; and Tract 2, of said Block 80, subject to Lake Worth Drainage District L-48 Canal Reservation over and across the North 35.00 feet thereof; and

All of Tracts 20 and 21 of said Block 80. Said property located on the southwest corner of the intersection of Boca Kio Road and Pondwood Road in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. 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.
2. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
3. The petitioner shall convey to the Lake Worth Drainage District the North 35.00 feet of the subject property for the required right-of-way for Lateral Canal No. 48, by Quit Claim Deed or an Easement Deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.
4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.
5. The property owner shall convey for the ultimate right-of-way of Boca Rio Road, 50 feet from centerline (approximately an additional 20 feet) within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit.
6. When necessary and upon the request of the County Engineer, the property owner shall provide Palm Beach County a road drainage easement within the project's existing internal lake system for legal positive outfall to accommodate, to the extent sound engineering practices allow, for the runoff of Boca Rio Road along the property frontage and for a maximum 400 foot distance to the south.
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 \$1,339.00 (50 trips X \$26.79 per trip).
8. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.
9. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Boca Rio Road.
10. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

Commissioner **Wilken** , moved for approval of the petition. The motion was seconded by Commissioner **Spillias** , and upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted  
this 8th day of **April**, 1986 confirming action of the 3rd January  
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

*[Signature]*  
County Attorney