

ORIGINAL

RESOLUTION APPROVING ZONING PETITION 84-71(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. 84-71(A) was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 27th March 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 27th of March 1986, that Petition No. 84-71(A) the petition of THE POLO CLUB By Russell Scott, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE MASTER PLAN FOR POLO CLUB PLANNED UNIT DEVELOPMENT, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-71 TO INCREASE THE LAND AREA BY 88.53 ACRES on the Northeast 1/4 and Southeast 1/4 of Section 35 ~~Less~~ that part falling in the Right-of-way of State Road No. 808 (Military Trail) and ~~Less~~ the following strip of land:

Beginning at the Southwest corner of the Southeast 1/4 of said Section 35; thence North 01 degrees 05'06" West a distance of 2679.80 feet to the center of said Section 35; thence North 89 degrees 04'44" East, along the North line of the Southeast 1/4 of said Section 35, a distance of 77.50 feet; thence South 00 degree 13'47" East a distance

of 2680.00 feet to the South line of the Southeast 1/4 of said Section 35; thence South 89 degrees 06'02" West, along said South line a distance of 37.50 feet to the Point Of Beginning. The East 1/2 of the Southeast 1/4 of the Southeast 1/4 and the East 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 27 and the South 1/2 of the East 1/4 of the West 1/2 of the Southwest 1/4 of Section 26, ~~Less~~ the East 128.77 feet thereof, all lands lying in Township 46 South, Range 42 East.

Together With . . .

The Northwest 1/4 of Section 35, Township 46 South, Range 42 East, and the Northeast 1/4 of Section 34, Township 46 South, Range 42 East, ~~Less and Excepting therefrom~~ a 34.41 acre parcel being more particularly described as follows:

Commencing at the Northwest corner of Northeast 1/4 of said Section 34; thence South 01 degrees 03'59" East, along the West line of said Northeast 1/4, a distance of 1019.92 feet to the Point Of Beginning. From the Point Of Beginning; thence South 01 degrees 03'59" East, continuing along said West line of Northeast 1/4, a distance of 1655.99 feet to the center of said Section 34; thence North 89 degrees 23'45" East, along the South line of said Northeast 1/4 of Section 34, a distance of 901.18 feet; thence North 00 degree 43'10" West a distance of 1651.85 feet; thence South 89 degrees 39'12" West a distance of 911.22 feet to the Point Of Beginning.

Together With . . .

A parcel of land situate in the Southwest 1/4 of Section 26, Township 46 South, Range 42 East, containing 44.007 acres more or less, being more particularly described as follows:

The South 1943.83 feet of the West 1/4 of the Southwest 1/4 of said Section 26, and the South 1943.83 feet of the West 1/2 of the East 1/2 of the West 1/2 of the Southwest 1/4 of said Section 26, Less the South 105.00 feet thereof.

Said property located on the west side of Military Trail (S.R. 809), being bounded on the north by L.W.D.D. Lateral Canal No. 37, on the west by Jog Road, and on the south by Clint Moore Road was approved as advertised subject to the following conditions:

1. All property included in the legal description of this Zoning Petition shall be subject to a Declaration of Restrictions and Covenants, acceptable to County Attorney's office, which shall provide, among other things, for the following: Formation of a single "master" property owners' association, and automatic membership in the "master" property owners' association by any party holding title to any portion of the property included in the P.U.D.

2. The petitioner shall be bound by all previous conditions unless modified herein.

3. Prior to Master plan Certification, all conditions (including those of the previous approval not modified herein) shall be applied to the Master Plan.

4. 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.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. Condition No. 6 which states:

"6. The petitioner shall design and construct Jog Road as a 2-laned undivided section from Old Clint Moore Road north to the north right-of-way line of the L-38 Canal, per the County Engineers approval. This design and construction shall be completed and accepted within 36 months of Special Exception Approval or when required for paved continuity for Jog Road for the County Engineers approval, whichever shall first occur. This bridge design shall be for a 2 lane section (ultimate 6 lanes). If additional developers receive approval within the area which requires Jog Road, then these developers shall be responsible for a pro-rata share of this construction."

is hereby amended to state:

"6. The property owner shall obtain the right-of-way for Jog Road from Clint Moore Road north to the existing paved terminus south of Linton Boulevard within 18 months of Special Exception Approval or prior to the issuance of a Building Permit whichever shall first occur. This property owner shall enter into a written agreement with the Land Acquisition Section within 30 days of Special Exception approval for which this property owner shall fund any and all costs associated with the acquisition of this right-of-way."

7. Condition No. 7 which states:

"7. The property owner shall construct Jog Road as a 2 lane section from Old Clint Moore Road north to the project entrance road per the County Engineers approval. This construction shall be completed and accepted 48 months of Special Exception Approval prior to the issuance of 1,000 Building Permits, whichever shall first occur."

is hereby amended to state:

"7. The property owner shall construct Jog Road from Clint Moore Road north to the existing paved terminus south of Linton Boulevard as a 2-lane section per Condition No. 6a including three lane bridge(s) where applicable. This construction shall be completed concurrent with the improvements for the first plat or within 24 months of Special Exception Approval whichever shall first occur. Credit for the impact fee shall be given for this road construction as outlined in Condition No. 6a, 6b, 6c, and 7 as well as other funds contributed toward Military Trail construction. Note it is the intent of these 3 Conditions above that this property owner shall share in the cost of this Jog Road construction with Petition No. 85-167

approved in December 1985, to the present day dollar equivalent of the improvements required under Petition 84-71 for Jog Road."

8. Condition No. 14 which states:

"14. The developer shall accept the runoff of the adjacent roads: Jog Road, Military Trail, and Clint Moore Road through this project's internal lake system. Any review will be subject to all governmental agency requirements."

is hereby amended to state:

"14. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for legal positive outfall to accommodate the runoff of Jog Road, Military Trail, and Clint Moore Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Jog Road, Military Trail, and Clint Moore Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements."

9. The property owner shall construct concurrent with the construction of Jog Road at the project entrance onto Jog Road:

- a) left turn lane, north approach,
- b) right turn lane, south approach,
- c) left turn lane, east approach.

10. The property owner shall install signalization if warranted as determined by the County Engineer at Jog Road and the project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition.

11. Prior to Site Plan Committee approval, the petitioner shall revise the proposed Master Plan to reflect a (sixty) 60 foot right-of-way through Tract "P" with sufficient length to meet the County's Subdivision and Platting Requirements as specified in Ordinance No. 73-4.

12. The petitioner shall convey to the Lake Worth Drainage District  
a) the north 70 feet of the subject property for the required right-of-way of Lateral Canal No. 37, and  
b) the south 105 feet of Parcels No. 7 and 10 as shown on the survey for the subject property for the required right-of-way of Lateral Canal No. 38  
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.

13. The development shall meet or exceed the minimum recreation area requirement of Article IX, Section VIII, of the P.B.C. Subdivision and Platting Regulation Ordinance.

14. In order to be usable for future civic, educational and/or recreational uses, the civic site shall be reconfigured and consolidated into a single 15.59 acre site located in the northwest portion of the PUD with frontage on Jog Road. Dedication of the 15.59 civic site to the Board of County Commissioners shall occur within one (1) year of Special Exception approval.

Use of the civic site may occur prior to development of adjacent parcels of the PUD. If an agreement is reached between the petitioner and Palm Beach County for acquisition of property outside the PUD for a school site or other civic purposes the petitioner shall meet their on site civic requirement by the dedication to the public of the road drainage easements within the project's internal lake system as referenced in original Condition No. 14 as amended.

Should this occur, modification of the Master Plan may be approved by the Site Plan Review Committee.

Commissioner Owens, 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:

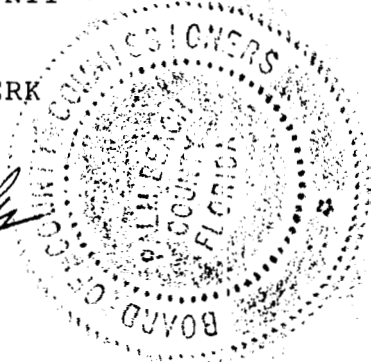
Karen T. Marcus, Chairman	--	AYE
Jerry L. Owens, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Kenneth Adams, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 27th day of May, 1986 confirming action of the 27th March 1986.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Barbara O. O'Leary  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Audrey P. Morgan  
County Attorney