

RESOLUTION NO. R-87-217

RESOLUTION APPROVING ZONING PETITION 86-90, 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 Nb 73-2 have been satisfied; and

WHEREAS, Petition Nb 86-90 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning authority, at its public hearing conducted on August 28, 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. With required site plan modifications, this proposal will be 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 10th day of February, 1987, that: Petition Nb 86-90, the petition of RAINBERRY DEVELOPERS FOUR INC. AND FIRST AMERICAN EQUITY POLO CORPORATION By Robert E. Basehart, Agent, for a SPECIAL EXCEPTION TO ALLOW A PLANNED COMMERCIAL DEVELOPMENT, INCLUDING A LARGE SCALE COMMUNITY SHOPPING CENTER IN EXCESS OF 50,000 SQUARE FEET OF TOTAL FLOOR AREA on a parcel of land in Section 35, Township 46 South, Range 42 East, being more particularly described as follows: Commencing at the Southeast

corner of said Section 35; thence North 01 degree 08'04" West along the East line of said Section 35, a distance of 25.00 feet; thence South 89 degrees 06'02" West departing from the East line of said Section 35, a distance of 75.00 feet to the Westerly Right-of-Way line of Military Trail as is now laid out and in use and the Point of Beginning. Said Point of Beginning also being on the Northerly existing Right-of-Way line of Clint Moore Road, as recorded in Official Record Book 784, Page 183. Together with: From the Point of Beginning; thence South 89 degrees 06'02" West, running along said existing Right-of-Way line and along a line 25.00 feet North of and parallel with, as measured at right angles to, the South line of said Section 35, a distance of 941.30 feet; thence North 10 degree 28'26" East, Departing from said existing Right-of-Way line, a distance of 509.20 feet; thence North 21 degrees 23'31" East a distance of 153.36 feet; thence North 88 degrees 51'56" East a distance of 150.00 feet; thence North 01 degree 08'04" West a distance of 130.00 feet; thence North 88 degrees 51'56" East a distance of 420.00 feet; thence South 01 degree 08'04" East a distance of 130.00 feet; thence South 54 degrees 15'52" East a distance of 100.00 feet; thence South 29 degrees 12'25" East a distance of 85.00 feet; thence North 88 degrees 51'56" East a distance of 90.00 feet to the aforesaid Westerly Right-of-Way line of Military Trail; thence South 01 degree 08'04" East, along said Westerly Right-of-Way line and along a line 75.00 feet West of and parallel with, as measured at right angles to, the East line of said Section 35, a distance of 509.29 feet to the Point of Beginning. Said property located on the northwest corner of the intersection of Military Trail (S.R. 809) and Clint Moore Road was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to reflect the following:
 - a. landscaping in terminal islands
 - b. minimum species mix

- c. relocate handicap parking spaces located opposite accessway between buildings F and G
 - d. correct building square footages in "Site Data"
 - e. relocate landscaping out of 20 foot maintenance easements or obtain written permission from the easement hold —
 - f. relocate landscaping out of Florida Power and Light easement or obtain written permission from same
2. Since sewer and water service are available to the property, septic tank and well shall not be approved for use on the subject property.
 3. The development shall meet the stormwater retention requirements in effect at the time of the permit application of the applicable drainage district, however at a minimum, the developer shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition per the County Engineer's approval. Drainage into the adjacent lake within the Polo Club P.U.D. shall be considered to be on-site drainage.
 4. The property owner shall convey for the ultimate right-of-way required for the construction of a right turn lane, north approach on Military Trail at the project's entrance road. This right-of-way shall be a minimum of 12 feet in width, 150 feet in length, with a minimum 180 feet of taper length within 90 days of the approval of the Resolution approving this project.
 5. The property owner shall construct:
 - a. right turn lane, north approach on Military Trail at the project's entrance road
 - b. dual left turn lane, west approach on Champion Boulevard at Military Trail if the left turn volume on the west approach reaches 200 vehicles per hour or more and/or the intersection of Military Trail and Champion Boulevard deteriorates beyond Level of Service "D" as determined by the County Engineer's Office. performance bond shall be posted to ensure this work concurrent with paving and drainage improvements, This performance bond shall be non-expiring.
 - c. a modified turn lane, south approach on Military Trail at Old Clint Moore Road, when required by the County Engineer.
 6. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" prior to the issuance of the next building permit. The Fair Share Fee for this project presently is \$37,400.00 (1,396 trips X \$26.79 per trip).
 7. Prior to Site Plan Certification, the Site Plan shall be revised to reflect the following:
 - a. Medians shall be constructed within the subject site at the project's entrance onto Champion Way (150 feet) and Military Trail (100 feet).

- b A minimum "clear area" of 150 feet to be used for stacking distance at the project's entrance onto Champion Boulevard with a minimum of 100 feet of stacking for Military Trail.
- 8 A unity of title agreement covering the entire site shall be recorded prior to site plan certification.
- 9. The property owner shall convey a temporary road drainage easement along the south property line for Clint Moore Road subject to approval from the Office of both the County Attorney and County Engineer prior to Master Plan approval. This easement shall expire at the time of the abandonment of Clint Moore Road.

Commissioner Owens, 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:

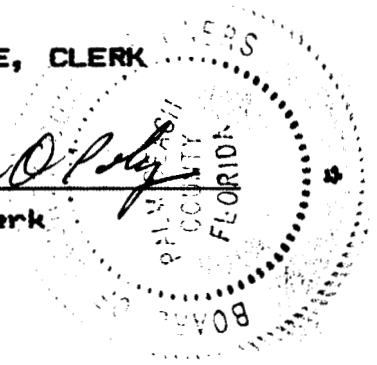
Karen T. Marcus	--	AYE
Jerry L. Owens	--	AYE
Ken Spillias	--	AYE
Dorothy Wilken	--	AYE
Kenneth M. Adams	--	AYE

The foregoing resolution was declared duly passed and adopted this 10th day of February, 1987, confirming action of August 28, 1986.

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY
 COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Barbara O. Polley*
 Deputy Clerk



APPROVED AS TO FORM
 FIND LEGAL SUFFICIENCY

[Signature]

 County Attorney