

RESOLUTION NO. R-89-1028

RESOLUTION APPROVING ZONING PETITION NO. 84-71(E)
SPECIAL EXCEPTION PETITION OF RAINBERRY DEVELOPERS FOUR, INC.,
AND FIRST AMERICAN EQUITY POLO CORPORATION

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(E) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 26, 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. 84-71(E) the petition of RAINBERRY DEVELOPERS FOUR, INC., AND FIRST AMERICAN EQUITY POLO CORPORATION, by Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE MASTER PLAN FOR THE POLO CLUB PLANNED UNIT DEVELOPMENT TO: 1] REDESIGN THE SITE; AND 2] INCREASE THE LAND AREA on a parcel, of land lying in Sections 26, 27, 34 and 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 degrees 08' 04" West along the East line of said Section 35, a distance of 534.60 feet; thence South 88 degrees 51' 56" West and perpendicular to said East line, a distance of 75.00 feet to a line 75.00 feet West of and parallel with said East line of Section 35 and the Point of Beginning.

From the Point of Beginning, North 01 degrees 08' 04" West along said parallel line, a distance of 2146.23 feet; thence North 01 degree 07' 50" West, continuing along said East line, a distance

of 2679.84 feet to the North line of said Section 35; thence South 89 degrees 07' 45" West along said North line, a distance of 2608.14 feet to the North 1/4 corner of said Section 35; thence South 89 degrees 07' 44" West continuing along said North line, a distance of 1291.26 feet to the East line of the West 70.00 feet of the East 1/2 of the Southwest 1/4 of said Section 26; thence North 00 degrees 35' 03" West along said East line, a distance of 2700.04 feet to the North line of the Southwest 1/4 of Section 26; thence along said North line South 89 degrees 15' 53" West, a distance of 404.46 feet; thence South 00 degrees 31' 48" East, a distance of 70.00 feet; thence South 89 degrees 15' 53" West, a distance of 334.52 feet; thence North 00 degrees 28' 33" West, a distance of 70.00 feet; thence South 89 degrees 15' 53" West, a distance of 668.91 feet to the West 1/4 corner of said Section 26; thence South 89 degrees 22' 58" West, along the North line of the Southeast 1/4 of said Section 27, a distance of 2685.34 feet to the North-South 1/4 section line of said Section 27; thence South 00 degrees 17' 34" East along the said North-south line, a distance of 680.52 feet; thence North 89 degrees 23' 50" East, a distance of 1343.11 feet to the West line of the East 1/2 of the Southeast 1/4 of said Section 27; thence South 00 degrees 19' 49" East along said West line, a distance of 1361.70 feet; thence South 89 degrees 25' 34" West, a distance of 1008.00 feet; thence South 00 degrees 18' 08" East, a distance of 668.34 feet to the North line of said Section 34; thence South 89 degrees 13' 10" West along said North line, a distance of 308.64 to the North 1/4 corner of said Section 34; thence South 01 degree 03' 59" East along the North-South 1/4 Section line of said Section 34, a distance of 1388.00 feet to the North line of the Southwest 1/4 of the Northeast 1/4 of said Section 34; thence North 89 degrees 23' 45" East along said North line, a distance of 1310.00 feet to the East line of the Southwest 1/4 of the Northeast 1/4 of said Section 34; thence South 01 degree 03' 59" East along said East line, a distance of 1287.91 feet to the South line of the Northeast 1/4 of said Section 34; thence North 89 degrees 23' 45" East along said South line, a distance of 1376.11 feet to the East 1/4 corner of said Section 34; thence North 89 degrees 04' 44" East along the East-West 1/4 Section line of said Section 35, a distance of 2763.00 feet: thence South 00 degrees 13' 47" East, a distance of 2655.00 feet to a line 25.00 feet North of and parallel with the South line of said Section 35; thence North 89 degrees 06' 02" East along said parallel line, a distance of 1633.38 feet; thence North 10 degrees 28' 56" East, 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 00' 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 Point of Beginning, being located on the west side of Military Trail (SR 809). It is bounded on the east by Jog Road Extension, on the south by Clint Moore Road and on the north by Lake Worth Drainage District Lateral Canal No. 37 in a RTS-Residential Transitional Suburban Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. Prior to Master Plan certification the Master Plan shall be revised to indicate the proposed road right-of-way between Tracts P-2 and P-3 terminating in a 110 foot diameter cul-de-sac.
5. 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 violations of the Palm Beach County Zoning Code.

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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of September 26, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK