

RESOLUTION NO. R-2005- 1425

RESOLUTION APPROVING ZONING APPLICATION R2004-227  
(CONTROL NO. 2004-203)  
REQUESTED USE  
APPLICATION OF POLO REALTY INC.  
BY LAND DESIGN SOUTH, INC., AGENT  
(ROYAL PALM POLO PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067) is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application R2004-227 was presented to the Board of County Commissioners at a public hearing conducted on July 28, 2005; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 2.E (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Requested Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Requested Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Requested Use meets applicable local land development regulations.

7. This Requested Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Requested Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC.
9. This Requested Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 2 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application R2004-227, the application of Polo Realty Inc, by Land Design South, Inc., agent, for a Requested Use to allow the Transfer of Development Rights for 235 units and to designate this application as the receiving area in the Residential Planned Unit Development Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 28, 2005, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner MARCUS moved for the approval of the Resolution.

The motion was seconded by Commissioner GREENE and, upon being put to a vote, the vote was as follows:

Tony Masilotti, Chairman	-	<b>AYE</b>
Addie L. Greene, Vice Chairperson	-	<b>AYE</b>
Karen T. Marcus	-	<b>AYE</b>
Jeff Koons	-	<b>ABSENT</b>
Warren H. Newell	-	<b>AYE</b>
Mary McCarty	-	<b>ABSENT</b>
Burt Aaronson	-	<b>ABSENT</b>

The Chairman thereupon declared that the resolution was duly passed and adopted on July 28, 2005.

Filed with the Clerk of the Board of County Commissioners on 24TH day of AUGUST, 2005.

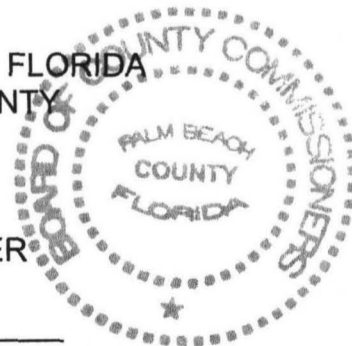
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY: [Signature]  
COUNTY ATTORNEY

BY: [Signature]  
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

#### Parcel "A"

The Southeast one-quarter (SE1/4) of Section 34, less the East 602.54 feet thereof in Township 46 South, Range 42 East, less and excepting the West 60.00 feet of the Southeast one quarter (SE ¼) of Section 34; and less and except the following:

Commence at the Southwest corner of the said Southeast one quarter (SE ¼) of Section 34; thence North 01°03'59" West, along the West line of the Southeast quarter (SE ¼) of Section 34, 1257.67 feet to a point; thence, North 88°56'01" East, 60.00 feet to a point 60.00 feet East of and parallel with the said West line of the Southeast one quarter (SE ¼) of Section 34 and the Point of Beginning;

Thence North 01°03'59" West, along said parallel line, 79.38 feet;

Thence South 46°38'53" East, 35.00 feet;

Thence South 13°23'59" East, 56.18 feet;

Thence South 01°03'59" East, 10.12 feet;

Thence South 43°56'01" West, 35.36 feet;

Thence South 01°03'59" East, 236.88 feet;

Thence South 12°26'41" West, 51.36 feet to the said parallel line 60.00 feet east of and parallel with the West line of the Southeast one quarter (SE ¼) of Section 34;

Thence North 01°03' 59" West, along said parallel line, 321.94 feet to the said Point of Beginning.

Less the North 56.26 feet of the Northeast one-quarter of the Southeast one-quarter and the North 57.42 feet of the Northwest one-quarter of the Southeast one-quarter of Section 34, Township 46 South, Range 42 East, per Chancery Case No. 407.

Together with "Parcel B:"

A portion of Old Clint Moore Road Right-of-Way, abandoned in Official Records Book 6593, Pages 16 through 20, Public Records of Palm Beach County, Florida, lying within the following described Parcel;

That portion of Old Clint Moore Road lying in Section 34, Township 46 South, Range 42 East and Section 3, Township 47 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast one-quarter (SE ¼) of said Section 34;

Thence North 89°13'13" East, along the South line of said Southeast one quarter (SE ¼) of Section 34 (the South line of said Southeast one quarter (SE ¼) of Section 34 is assumed to bear North 89° 13' 13" East and all other bearings are relative thereto), a distance of 60.00 feet to the East line of the West 60.00 feet of said Southeast one quarter (SE ¼) of Section 34, said point being the Point of Beginning of the herein described parcel;

Thence North 01°03'59" West, along the East line of the West 60.00 feet of said Southeast one quarter (SE ¼) of Section 34, a distance of 44.00 feet to the North Right-of-Way line of a 66 foot wide posted and viewed Right-of-Way being recorded in Palm Beach County Commissioner's Minute Book 24, Pages 184-186; Thence North 89°13'13" East, along the North line of said posted and viewed Right-of-Way of Old Clint Moore Road, said North Right-of-Way line also being the North line of the South 44.00 feet of the Southeast one quarter (SE ¼) of said Section 34, a distance of 2022.11 feet to a Point of Intersection with the Southerly extension of the West boundary line of Le Lac, according to the map or plat thereof as recorded in plat Book 39, Pages 145 and 146, Public Records of Palm Beach County, Florida;

Thence South 01°01'59" East, along the Southerly extension of the West boundary line and departing the North line of said posted and viewed Right-of-Way of Old Clint Moore Road, a distance of 66.00 feet to the South Right-of-Way line of Old Clint Moore Road, said Right-of-Way line being the South line of said posted and viewed Right-of-Way, said Right-of-Way line also being described as the centerline of the Lake Worth Drainage District Canal L-40 in said posted and viewed description;

Thence South 89°13'13" West, along the South line of said posted and viewed Right-of-Way, and along the centerline of the said L-40 canal, said South Right-of-Way line also being the South line of the North 22.00 feet of the Northeast one-quarter (NE ¼) of said Section 3, a distance of 2022.12 to the East line of the West 60.00 feet of the Northeast one-quarter (NE ¼) of said Section 3;

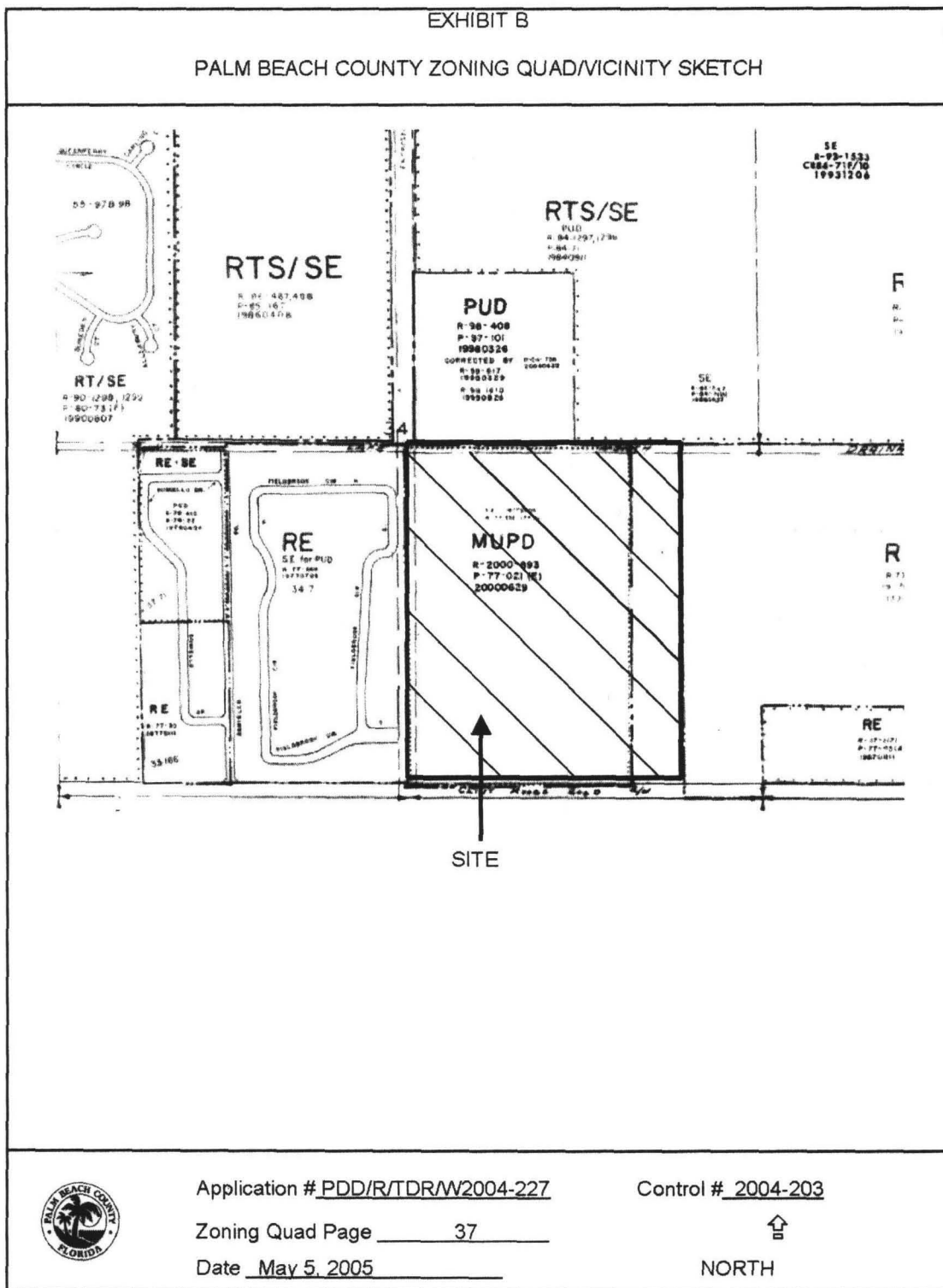
Thence North 00°57'42" West, along the East line of the West 60.00 feet of the Northeast one-quarter (NE ¼) of said Section 3 and departing the South line of the said posted and viewed Right-of-Way and the centerline of the said L-40 Canal, a distance of 22.00 feet to the Point of Beginning, less and except Parcel D (as described below):

Together with Parcel D:

The North 22 feet of the Northeast one-quarter (NE ¼) of Section 3, Township 47 South, Range 42 East, less the West 60 feet and less the East 602.54 feet thereof.

The above described parcels containing 5,352,771 square feet (122.8827 acres more or less).

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **TRANSFER OF DEVELOPMENT RIGHTS**

1. Perimeter/internal buffers shown on the Master Plan dated February 10, 2005 and the landscape buffer plan prepared by Land Design South, Inc. dated July 20, 2005 shall not be reduced unless approved by the BCC. (ONGOING: ZONING - Zoning)
2. At time of submittal for final Development Review Officer (DRO) approval, an official Contract for Sale and Purchase of TDR Units", TDR Escrow Agreement", and TDR Deed" shall be submitted for final review and execution. (DRO: ZONING - Zoning)
3. Prior to final approval of the Master and/or Site Plans by the Development Review Officer (DRO), a Contract for Sale and Purchase of TDR's" shall be executed by the property owner, in a manner and form approved by the Office of the County Attorney, and formally executed by the Chairman of the Board of County Commissioners. The Contract shall accommodate a maximum of 235 TDR units at a selling price of \$25,000.00 per unit. (DRO: COUNTY ATTORNEY - Zoning)
4. Prior to final approval of the Master and/or Site Plans by the Development Review Officer (DRO), two (2) recorded copies of the Contract for Sale and Purchase of TDR's" shall be provided to the Palm Beach County Zoning Division. (DRO: ZONING - Zoning)
5. Prior to final approval of the Master and/or Site Plans by the Development Review Officer (DRO), monies representing 235 TDR units shall be placed in an escrow account in a form acceptable to Palm Beach County. (DRO: ZONING - Zoning)
6. Prior to the issuance of the first building permit, the escrow monies shall be released to Palm Beach County. (BLDG PERMIT: MONITORING - Zoning)
7. Prior to the issuance of the first building permit, a deed conveying the applicable TDR units from the County TDR bank to the subject property, shall be executed and recorded in a manner and form approved by the Office of the County Attorney. (BLDG PERMIT: MONITORING - Zoning)
8. Any additional increase in density must be requested through the TDR program. (ONGOING: ZONING - Zoning)

#### **COMPLIANCE**

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial

or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (ONGOING: MONITORING - Zoning)