

RESOLUTION NO. R-88-1637

RESOLUTION APPROVING ZONING PETITION NO. 84-71(D)
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(D) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 30, 1987; 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(D), 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, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 84-71 ON JUNE 28, 1984 (RESOLUTION NO. R-84-1298, ADOPTED SEPTEMBER 11, 1984), ZONING PETITION NO. 84-71(A) ON MARCH 27, 1986 (RESOLUTION NO. 86-747, ADOPTED MAY 27, 1986), ZONING PETITION NO. 84-71(B) ON AUGUST 28, 1986 (RESOLUTION NO. R-87-202, ADOPTED FEBRUARY 10, 1987) AND ZONING PETITION NO. 84-71(C) ON APRIL 24, 1987, TO 1) INCREASE THE ACREAGE BY 20.983 ACRES AND 2) TO INCLUDE A RECREATIONAL FACILITY AND CLUB (EQUESTRIAN CLUB) 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 degrees 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 said Section 26; thence South 89 degrees 15' 53" West along said North line, a distance of 404.45 feet; thence South 00 degrees 31' 48" East a distance of 70.00 feet to a line 70.00 feet South of and parallel with said North line; thence South 89 degrees 15' 53" West along said parallel line, a distance of 334.52 feet; thence North 00 degrees 28' 33" West a distance of 70.00 feet to said North line; thence South 89 degrees 15' 53" West along said North line, 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 2026.40 feet to the North line of said Section 34; thence South 89 degrees 13' 10" West along said North line, a distance of 1316.99 to the North 1/4 corner of said Section 34; then South 01 degrees 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 degrees 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, located on the west side of Military Trail (S.R. 809), being bounded on the north by

Lake Worth Drainage District Lateral Canal No. 37, on the west by Jog Road and on the south by Clint Moore Road, 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. Prior to approval of the site plan for the equestrian facility, the site plan shall be revised to reflect a) a 25 foot landscape buffer along the southern property line acceptable to the Palm Beach County School Board and the Zoning Division and b) relocation of the manure bunkers 100 feet away from the southern property line.
3. The property owner shall construct a left turn lane, north approach and a right turn lane, south approach on Jog Road at the entrance to the proposed Equestrian Center concurrent with onsite paving and drainage improvements.
4. 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 \$5,144.00 (192 trips X \$26.79 per trip).
5. Prior to the issuance of a building permit for the Equestrian Center, Jog Road shall be constructed from Clint Moore Road to the project's north property line. This construction shall be a minimum 2-12 foot travel lanes.
6. Prior to site plan certification, the developer shall agree to accept stormwater runoff from the adjacent School Board property through this project's internal lake system subject to approval by the Palm Beach County School Board and the County Engineering Department.
7. The School Board requests shared access from Jog Road through the park site to the school site. The developer shall dedicate this access to the public within 60 days of notification by the School Board in a form acceptable to the County Engineer and the County Attorney. This access shall be located on the southerly most portion of the equestrian recreation tract.
8. Prior to site plan certification, petitioner shall deliver to the Lake Worth Drainage District a deed for the North 70 feet of the NW 1/4 of the SE 1/4 of

Section 27-46/42 for the required right-of-way for Lateral Canal No. 37. Delivery shall be within 90 days of approval of the resolution approving this project. The deed may be in the form of an Easement Deed or a Quit Claim Deed, whichever the owner prefers.

9. If access is shared between the equestrian facility and school site, the 25 foot P.U.D. buffer shall be located north of the shared accessway.
10. Native vegetation with the golf course and 25 foot buffer along the eastern property shall be preserved and incorporated into the project design.
11. A landscape buffer shall be planted commencing at the southwest corner of the E-3 Canal extending west a minimum of 250 feet along the southern boundary of the Lake Worth Drainage District L-38 Canal. This buffer shall consist of a) a solid hedge maintained at minimum height of six (6) feet, planted along the fence which encloses the maintenance facility; b) mature canopy tree vegetation planted at a minimum height of 15 feet and spaced so as to allow a solid visual buffer to be maintained within one year of planting; and c) minimum 15 foot high pine or palm species planted in a dense cluster in proximity to the antenna so as to soften the visual impact of a tower. This landscape treatment shall be installed prior to issuance of first Certificate of Occupancy on any structure within the equestrian facility. In addition, the satellite dish and gate shall be appropriately landscaped so as to avoid negative visual impact upon surrounding properties.
12. Storage sheds and temporary trailers shall be located south of the golf maintenance facility or screened from view to the west and north.
13. The stockpile of dirt dug from the Lake Worth Drainage District L-38 Canal shall be completely removed by October 15, 1987. The 25 foot buffer, canal right-of-way and bank shall thereupon be seeded or sodded to prevent wind and water erosion.
14. The proposed bridle trail shall be designed with a minimum radius of 50 feet along the northeastern and southeastern portion of the Polo Club where the bridle trail from the north makes a southerly and westerly turn. The trail shall be located a minimum of 50 feet from the closest residential structure within Boca Delray FUD on lots 97 and 145 northeastern and southeastern most property lines.


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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of October, 1988 confirming action of September 30, 1987

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

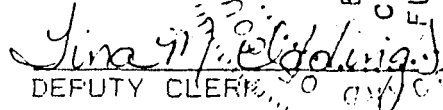
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE

BY:


DEPUTY CLERK

