

ORIGINAL

RESOLUTION NO. R-89- 1159

RESOLUTION APPROVING ZONING PETITION NO. 84-71(F)
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(F) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on December 29, 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(F) 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 (PETITION NO. 84-71(E) TO (1) INCREASE THE ACREAGE, (2) INCLUDE A CONGREGATE LIVING FACILITY TYPE 3 (**MAXIMUM** OF 454 RESIDENTS), (3) TRANSFER 261 UNITS FROM PARCELS P-3 AND P-6 TO PARCEL R, AND (4) CONVERT 37 DWELLING UNITS TO 96 CONGREGATE LIVING FACILITY BEDS [APPROVAL EXTINGUISHES AN ADULT CONGREGATE LIVING FACILITY (PETITION NO. 87-18)] on a parcel of land **situated** in Sections 26, 27, 34 & 35, Township 46 South, Range 42 **East**, 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 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 degree 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 said Section 26: thence along said North line North 89 degrees 15' 53" East, a distance of 598.91 feet: thence North 01 degrees 41' 35" West, a distance of 677.85 feet, thence North 89 degrees 21' 35" East, a distance of 319.07 feet: thence North 00 degrees 48' 08" West, a distance of 677.33 feet: thence South 89 degrees 27' 19" West, a distance of 1317.74 feet: thence North 00 degrees 31' 48" West, a distance of 1359.04 feet: thence South 89 degrees 38' 50" West, a distance of 497.82 feet: thence South 00 degrees 26' 56" East, a distance of 60 feet: thence South 89 degrees 38' 50" West, a distance of 497.91 feet: thence South 00 degrees 22' 04" East, a distance of 2664.76 feet to the West 1/4 corner of said Section 26; thence along the North line of the Southwest 1/4 of said Section 26, North 89 degrees, 15' 53" East, a distance of 1003.37 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 334.522 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 aforementioned 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 feet to the North 1/4 corner of said Section 34: thence South 01 degrees 03' 59" East along the North-South 1/4 section of 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, a distance of 2763.08 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 northwest corner of the intersection of Military Trail (SR 809) and Clint Moore Road and bounded on the west by Proposed Jog Road and on the north by Lake Worth Drainage District lateral canal No. 36, in a RTS-Residential Transitional Suburban Zoning District, in part, and RS-Residential Single Family Zoning District, in part, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to certification, the master plan shall be amended to indicate the following:
 - A. Required twenty-five (25) foot buffer along the perimeter of planned unit development (PUD); and
 - B. Required separate tabular data for congregate living facility (CLF - Type 3) as follows:
 - a. Number of residents and resident staff;
 - b. Acreage;
 - c. Density equivalency; and
 - d. Housing categories.
3. Primary access to the CLF-Type 3 shall be limited to Linton Boulevard.
4. Prior to site plan certification, the petitioner shall submit the following architectural data:
 - a. Proposed building heights;
 - b. Types of housing categories;
 - c. Lot coverage;
 - d. Proposed building square footage;
 - e. Minimum setbacks; and
 - f. Facility amenities.
5. No off-premise signs shall be permitted on site.

6. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
7. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
8. The petitioner shall construct left turn lane, north approach and right turn lane, south approach on Jog Road at the Equestrian Center concurrent with onsite paving and drainage improvements. Construction shall be completed concurrent with the construction of the project's entrance road onto Jog Road.
9. The Polo Club shall provide legal access to the Taylor property (Petition No. 88-92) until alternate access to the site may be acquired.
10. The petitioner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of Linton Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Linton Boulevard. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.
11. The petitioner 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.
12. The petitioner shall convey to the Lake Worth Drainage District the:
 - a) north 75 feet of the west 995.73 feet of Section 26, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 36
 - b) the south 20 feet of the west 1003.37 feet of the south 1/2 of the northwest 1/4 of Section 20, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 37, and
 - c) the south 105 feet of the east 2661.45 feet of Section 27, Township 46 South, Range 42 East for the required right-of-way for Lateral Canal No. 38, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90)

days of the approval of the Resolution approving this project .

- 13. 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.
- 14. The property owner shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision Platting Ordinance 73-4 as amended.
- 15. Prior to site plan certification for the congregate living facility parcel, the petitioner shall submit a letter from the Polo Club Planned Unit Development Master Association documenting that the structure is architecturally compatible with character of development within the planned unit development.
- 16. The property owner shall dedicate 220 feet of right-of-way for both Linton Boulevard and the Lake Worth Drainage District L-36 Canal to Palm Beach County prior to June 1, 1989. This alignment shall be approved by the County Engineer.

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

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|-------------------|----|--------|
| Carol J. Elmquist | -- | Aye |
| Karen T. Marcus | -- | Absent |
| Carol Roberts | -- | Aye |
| Ron Howard | -- | Aye |
| Carole Phillips | -- | Aye |

The foregoing resolution was declared duly passed and adopted this 13th day of June, 1989 confirming action of December 29, 1988.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: [Signature]
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COMMISSIONERS
 JOHN B. DUNKLE, CLERK
 BY: [Signature]
 DEPUTY CLERK

