

RESOLUTION NO. R-86-241

RESOLUTION APPROVING ZONING PETITION 85-155, 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 No. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-155 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th December 1985; 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 minor site plan modification, 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 the 4th of December 1985, that Petition No. 85-155 the petition of DENNIS R. SMITH, JK., KATHLYN J. KENNEDY, SUSAN K. SUSTANA, AND THEODORE C. SLACK, TRUSTEE, By William R. Boose III, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PRIVATE RECREATION FACILITY AND CLUB INCLUDING A GOLF COURSE, SWIMMING POOL, AND TENNIS COURTS on a portion of Sections 3 and 4, Township 45 South, Range 42 East, said portion being part of Block 38 and Block 39 as shown on Plat of Palm Beach Farms Company, Plat No. 3 as recorded in plat Book 2 at Pages 45 thru 58 inclusive, together with the Hiatus lying between the West right-of-way line of Jog Road and the East line of said Block 39, being more particularly described as follows:

Commencing at the North 1/4 corner of said Section 3; thence South 89

degrees 15'59" West along the North line of said Section 3, a distance of 40.00 feet to a Point of Intersection with the West right-of-way line of said Jog Road as recorded in Official Record Book 1207 at Page 361;

thence South 00 degree 47'13" East along said West right-of-way line, a distance of 2714.03 feet to the Point of Beginning of this description; thence continue South 00 degrees 47'13" East along said West right-of-way line, a distance of 2418.80 feet to a Point of Intersection with the Easterly prolongation of the South Line of said Block 39; thence South 89 degrees 07'19" West along the South line of said Block 39, a distance of 1677.59 feet; thence North 85 degree 52'41" West, a distance of 208.70 feet to the beginning of a curve concave to the Southwest having a radius of 10461.90 feet and a central angle of 05 degrees 00'00"; thence Northwesterly along the arc of said curve, a distance of 912.97 feet; thence South 89 degrees 07'19" West along the tangent of said curve, a distance of 412.54 feet; thence North 00 degree 52'41" West, a distance of 75.00 feet; thence South 88 degrees 59'12" West, a distance of 75.00 feet; thence North 01 degree 00'48" West, a distance of 610.16 feet to the beginning of a curve concave to the Southwest having a radius of 1138.37 feet and a central angle of 20 degrees 20'51"; thence Northerly and Northwesterly along the arc of said curve, a distance of 404.27 feet; thence North 21 degrees 21'39" West along the tangent of said curve, a distance of 200.00 feet to the beginning of a curve concave to the Northeast having a radius of 1227.52 feet and a central angle of 17 degrees 40'42"; thence Northwesterly along the arc of said curve, a distance of 378.74 feet; thence North 03 degrees 40'57" West along the tangent of said curve, a distance of 176.71 feet; thence North 86 degrees 19'03" East, a distance of 75.00 feet; thence North 03 degrees 40'57" West, a distance of 75.00 feet; thence North 86 degrees 19'03" East, a distance of 850.43 feet to the beginning of a curve concave to the Northwest having a radius of 1142.91 feet and a central angle of 29 degrees 05'50"; thence Northeasterly along the arc of said curve, a distance of 580.42 feet; thence North 57 degrees 13'13" East along the tangent of said curve,

a distance of 200.00 feet to the beginning of a curve concave to the Southeast having a radius of 1493.63 feet and a central angle of 31 degrees 59'34"; thence Northeasterly along the arc of said curve, a distance of 834.01 feet; thence North 89 degrees 12'47" East along the tangent of said curve, a distance of 971.79 feet; thence South 00 degree 47'13" East, a distance of 75.00 feet; thence North 89 degrees 12'47" East, a distance of 115.00 feet to the Point of Beginning, said point being on the West right-of-way line of said Jog Road. Said property located on the northwest corner of the intersection of Jog Road and Hypoluxo Road Extension (Proposed S.R. 790), and being bounded on the south by Lake Worth Drainage District Canal L-18 in an AR- Agricultural Residential District 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) All proposed structures will conform to the setback requirements.
  - b) All lakes will be labeled and acreages provided.
2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.
5. The property owner shall convey for the ultimate right-of-way of Jog Road, 120 feet total right-of-way, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit on an alignment approved by the County Engineer.
6. The property owner shall construct a left turn lane, south approach on Jog Road at the project's entrance road concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer.
7. The property owner shall provide Palm Beach County a road drainage easement within the project's internal lake system for leval positive outfall to accommodate the runoff of Jog Road and Hypoluxo Road along the property frontage and for a maximum 408 ft. distance each side of the property boundary lines along Jog Road and Hypoluxo Road. The drainage system within the project shall have sufficient retention/detention capacity to accommodate the ultimate Thoroughfare Plan Section road drainage runoff and be subject to all governmental agency requirements.
8. 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 \$17,065.00 (637 trips X \$26.79 per trip) .

9. The property owner shall restrict the use of the Club House and Golf Course to members only. The use of either facility shall not be open to the general public.

10. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.

11. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Jog Road.

12. The property owner shall file a boundary plat of the subject property per the County Engineer's approval.

13. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	ABSENT
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	ABSENT

The foregoing resolution was declared duly passed and adopted this 25th day of February, 1986 confirming action of the 4th December 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Andy Brown  
County Attorney