

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: Z/ABN-2014-01337
Application Name: The Falls Country Club
Control No.: 1985-00155
Applicant: Falls Country Club Inc.
Owners: Falls Country Club Inc.
Agent: Cotleur & Hearing, Inc. - Brian Cheguis
Telephone No.: (561) 747-6336
Project Manager: Melissa Matos, Site Planner I and
 Roger Ramdeen, Senior Site Planner

TITLE: an Official Zoning Map Amendment. **REQUEST:** to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District. **TITLE:** a Development Order Abandonment **REQUEST:** to abandon the Special Exception to allow a private recreation facility and club house including a golf course, swimming pool, and tennis courts granted under R-86-241.

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District for The Falls Country Club. The 171.31-acre parcel of land was last approved by the Board of County Commissioners (BCC) on December 4th, 1985 for a Special Exception to allow a Private Recreation Facility and Club House including a golf course, swimming pool, and tennis courts granted under R-1986-0241. The site currently supports a 46,046 square foot (sq. ft.) clubhouse, swimming pool, 10 tennis courts, 18 hole golf course and driving range, which will remain and are permitted uses subject to administrative review of the Site Plan by the Development Officer Review. As part of this request, the Applicant is also proposing a Development Order Abandonment to abandon this Special Exception of Resolution R-1986-0241, as it does not require a BCC approval in the proposed zoning district.

There are no proposed changes to the site design with this request. Access to the site will remain off South Jog Road.

SITE DATA:

Location:	Northwest corner of Jog Road and Hypoluxo Road. (The Falls Country Club)
Property Control Number(s)	00-42-45-03-01-000-0000
Existing Land Use Designation:	Commercial Recreation with an underlying MR-5 (CR/5)
Proposed Land Use Designation:	No change proposed
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Commercial Recreation District (CRE)
Acreage:	171.31 acres
Tier:	Urban/Suburban (U/S)
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Town of Lantana

RECOMMENDATION: Staff recommends approval of the request subject to 4 Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION (ZC): On November 6, 2014, this item was on the Consent Agenda. No one from the public was present to speak on the application. The ZC made a recommendation of approval which carried by a vote of 8-0.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 1 contact in opposition from the public regarding this project.

PROJECT HISTORY:

On December 4th, 1985 the Board of County Commissioners (BCC) approved a Special Exception to allow a Private Recreation Facility and Club House including a golf course, swimming pool, and tennis courts granted under Resolution No. R-1986-0241. The site currently supports a 46,046 square foot (sq. ft.) clubhouse, swimming pool, 10 tennis courts, 18-hole golf course and driving range. These uses will remain and are permitted uses subject to administrative review of the Site Plan by the Development Officer Review.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Journeys End PUD, Control No. 1986-00106)

SOUTH EAST:

FLU Designation: Commercial Low, with an underlying LR-3 (CL/3)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Commercial (Charleston Square Shopping Center Control No. 1995-00101)

SOUTH WEST:

FLU Designation: Low Residential (LR-3)
Zoning District: Residential Transitional Suburban District (RTS)
Supporting: Residential (Charleston Square PUD, Manatee Elementry School and Charleston Community Park, Control No. 1986-00096)

EAST:

FLU Designation: Low Residential (LR-3)
Zoning District: Single-Family Residential District (RS)
Supporting: Residential (Winston Trails PUD, Control No. 1987-00112)

WEST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Lakeview Estates PUD, Contol No. 1986-00106)

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

The proposed use and amendment to the zoning district is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.

FLU Analysis: The proposed CRE Zoning District is consistent with the Commercial Recreation future land designation. No new uses or site plan changes are being proposed at this time.

1. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The subject site is a conforming 171.31-acre lot in the AR Zoning District. The site is currently developed with a private golf course, a clubhouse and a maintenance building. The proposed rezoning request is to bring the site's Zoning Designation in conformance with the Land Use designation. CRE is the only Zoning designation that is consistent with the CR Land Use designation. The existing uses will remain as previously approved. Therefore, the rezoning is compatible as with the existing character of the subject site and compatible with the land surrounding and in the vicinity of the parcel of land proposed for rezoning. The Applicant is seeking an abandonment of the Special Exception as originally approved under Resolution-1986-0241. This abandonment is required to allow for the rezoning of the overall property as currently proposed.

Use Approval: The existing use was previously approved as a Special Exception. With the proposed rezoning to the CRE zoning district, the use only requires an administrative approval by the DRO. The Applicant will be submitting a subsequent application for the use approval to ensure the site is compliant with current regulations and any previously approved site elements are documented.

Parking: The Applicant is not proposing any new parking as a result of this request.

Landscaping: The Applicant is not proposing any new landscaping as a result of this request.

Architectural Review: The Applicant is not required to submit architectural elevations with the proposed rezoning.

Signage: The Applicant is not proposing any new signage as a result of this request.

2. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The subject rezoning is located at the intersection of two arterial roadways, along Hypoluxo Road between South Jog Road and Hagen Ranch Road. The property to the north is Journeys End Planned Unit Development (PUD) with Winton Trails PUD to the east. To the south is Charleston Square Multiple Use Planned Development District (MUPD) and Lakeview Estates PUD is to the east of the subject site.

The uses, Future Land Use designations and Zoning Districts of the properties surrounding the site are compatible with this rezoning request.

3. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has been previously cleared and developed as a golf course.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

4. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed rezoning from the AR Zoning District to the CRE Zoning District will not alter the existing development pattern.

5. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

There won't be any traffic impacts as a result of this petition.

There are no Land Development impacts as a result of this petition. If additional building square footage is requested, a drainage review will be required.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

FIRE PROTECTION: No Staff Review Analysis

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

6. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Applicant's request to rezone the property from the AR Zoning District to the CRE Zoning District and the abandonment of the Special Exception approved under Resolution-1986-0241, will bring the Zoning District into compliance and consistency with the CR/5 Land Use designation. No new development or modifications to existing structures are proposed under this request. The existing Clubhouse and Golf Course recreational facilities shall be submitted for review and approval for a subsequent administrative review application.

CONCLUSION:

Staff has evaluated the standards listed under Article 2.B.2.B 1-7 and determined that there is a balance between the need for change and the potential impacts generated by this change; therefore, Staff is recommending approval of the proposed Rezoning and Abandonment Request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

Exhibit C

Official Zoning Map Amendment

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 Future Land Use Map

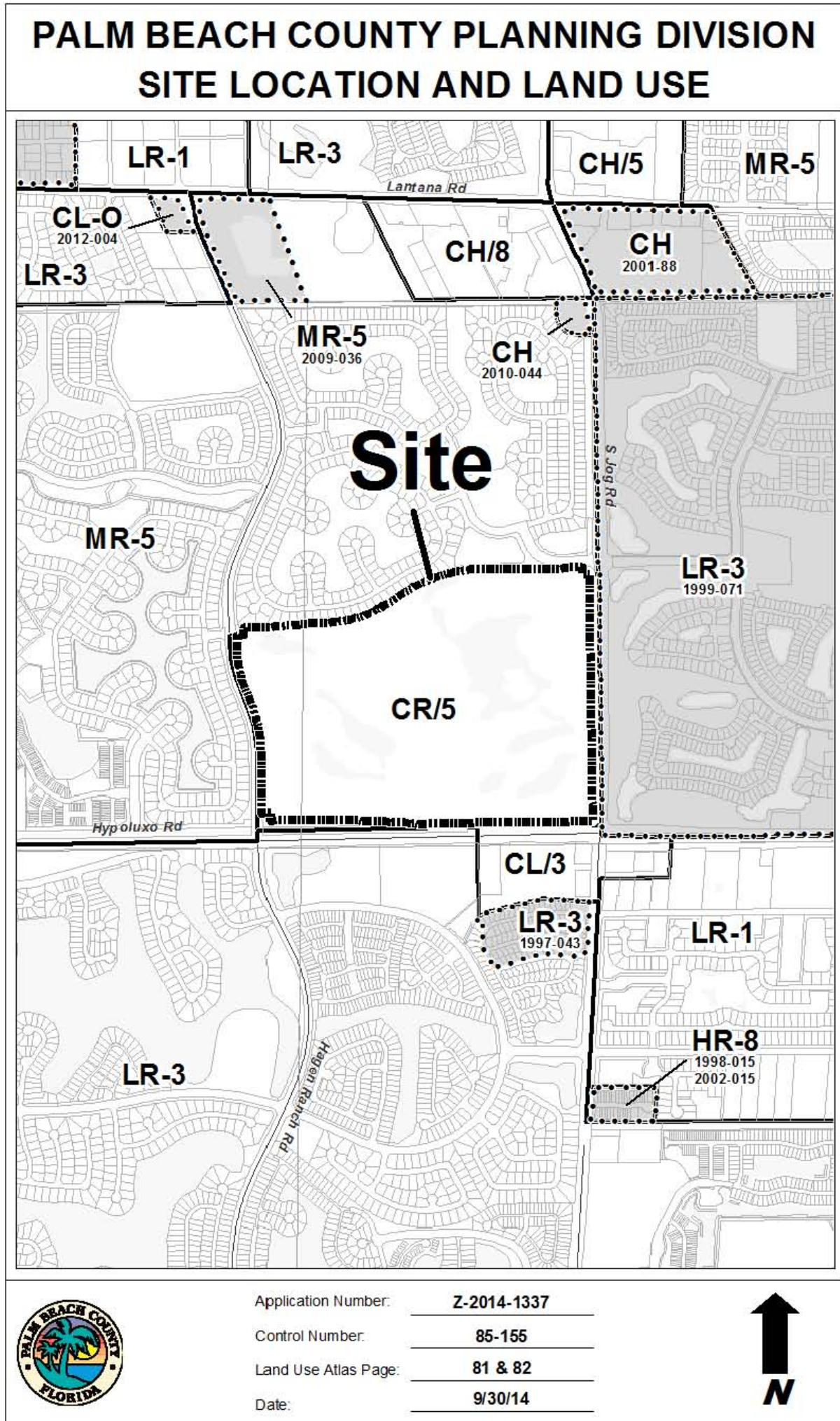


Figure 2 Zoning Map

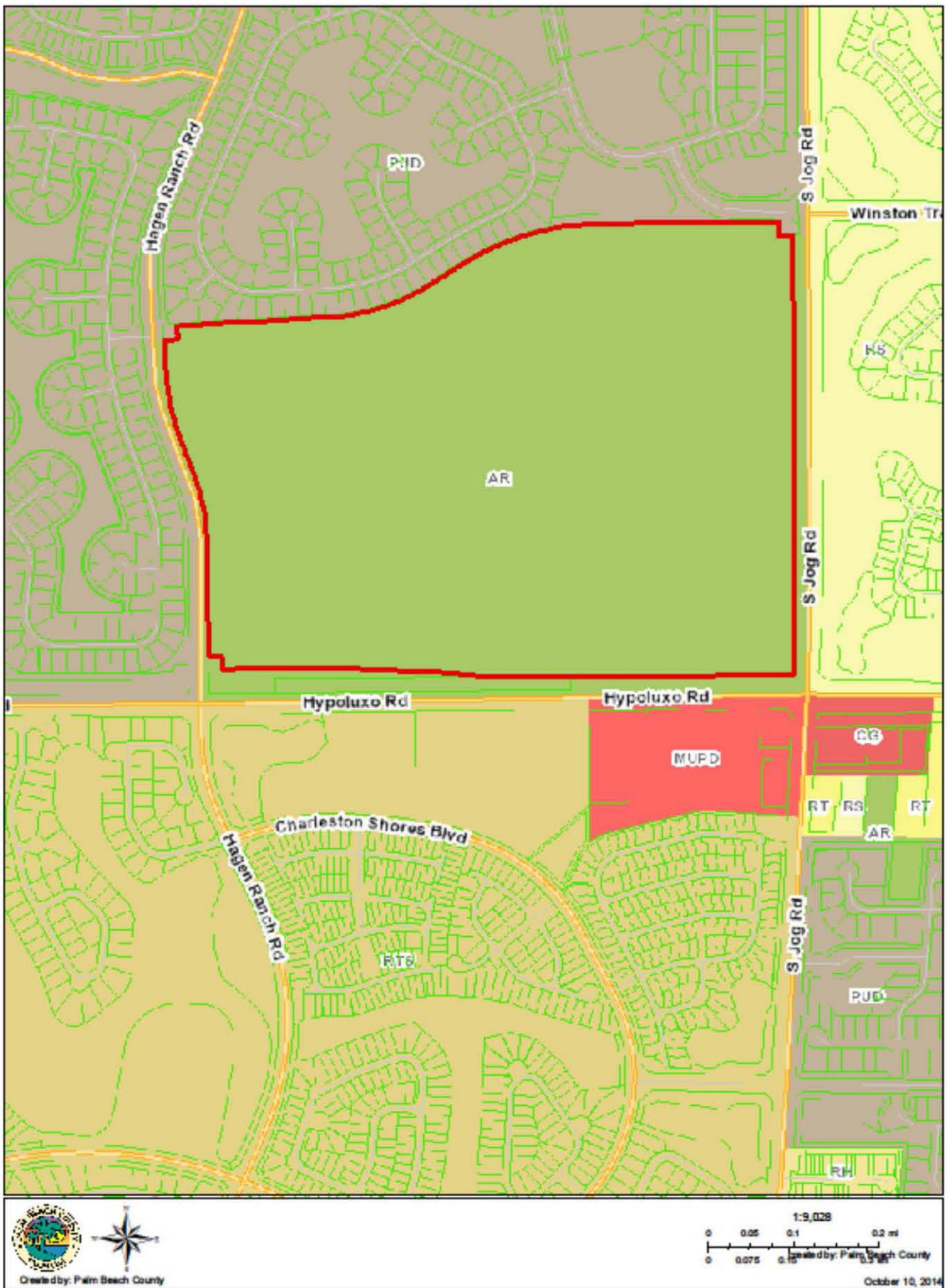


Figure 3 Aerial



Figure 4 Site Plan Dated October 29, 1986

urban design studio
 Urban Planning
 Architecture
 Graphic Design

2000 Palm Beach Lakes Blvd.
 Suite 600 The Concourse
 33409-4502
 305.689.0066

Shuart Office
 909 East Ocean Boulevard
 Shuart Florida
 33494
 305.483.0922

THE FALLS COUNTRY CLUB

Job Number: 15077MG
 Date: 10/29/86
 12:13:55
 Revision: 10.13.86



Scale: 1" = 150'
 0 25 50 100 150
 Feet



SITE DATA

Total Site Area	173.56 AC.
Clubhouse	42,200 S.F.
Tennis Courts	10
Swimming Pool & Deck	1
18 Hole Golf Course	1
Parking	250

NOTY: PREPARED BY *[Signature]*
 COUNTY ENGINEER: *[Signature]*
 COUNTY PLANNING: *[Signature]*
 ZONING OFFICER: *[Signature]*
 CITY ENGINEER: *[Signature]*
 CITY PLANNING: *[Signature]*
 PLANNING DIVISION

Consultants

Urban Design Studio Site Planner
 Peacock and Lewis Architect
 Geo and Jensen Engineer
 Joe Lee Golfcourse Architect

PETITION NO. 85-153
 DATE SUBMITTED 10/29/86
 EXHIBIT NO. 24
 SUPERSEDES C.A.H. NO. 27

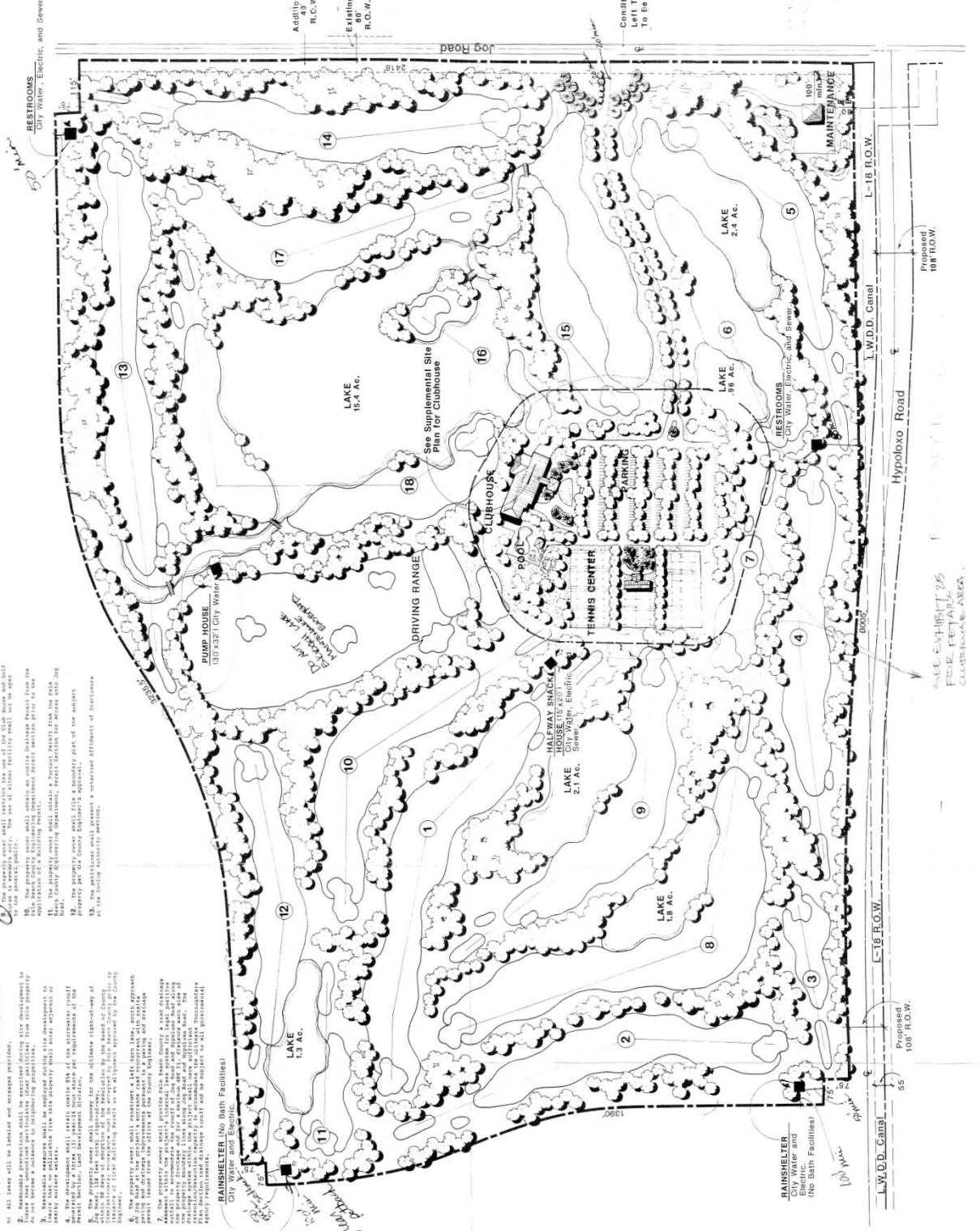
FILE COPY

APPROVED PLAN _____
 Date Submitted: _____
 Date Approved: _____
 By: _____
 Government: _____
 Petition No. 85-155

1. The property owner shall pay for all utility fees, in the amount and manner as determined by the utility companies, for the installation and connection of all utility lines to the site, including but not limited to water, sewer, electric, gas, and telephone lines. The property owner shall also be responsible for the installation and connection of all utility lines to the site, including but not limited to water, sewer, electric, gas, and telephone lines. The property owner shall also be responsible for the installation and connection of all utility lines to the site, including but not limited to water, sewer, electric, gas, and telephone lines.

Conditions Of Approval

1. The following conditions are recommended:
 a. The site plan shall be amended to show the proposed site plan with all proposed structures and parking areas.
 b. All proposed structures shall conform to the zoning requirements.
 c. All trees shall be protected and replaced as necessary.
 d. The property owner shall be responsible for the installation and connection of all utility lines to the site, including but not limited to water, sewer, electric, gas, and telephone lines.



SEE EXHIBIT 25
 FOR DETAILS
 CLUSTERING & AVENUE

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

(TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER)

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Leonard A. Sloan, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] Assistant Secretary [position - e.g., president, partner, trustee] of The Falls Country Club, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 6455 Jog Road
Lake Worth, FL 33467
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Leonard Sloan
Leonard A. Sloan, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15th day of July, 2014, by Leonard Sloan, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



M.S. Aylor

Notary Public

Marlene S. Aylor

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

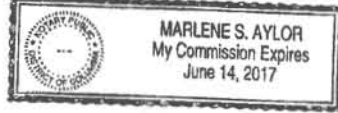


EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

All of the plat of THE FALLS COUNTRY CLUB, according to the plat thereof, as recorded in Plat Book 61, Pages 177 through 179, inclusive, of the Public Records of Palm Beach County, Florida.

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Jay Raubvogel, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Vice - President _____ [position - e.g., president, partner, trustee] of The Falls Country Club Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 6455 Jog Road
Lake Worth, FL 33467

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

PALM BEACH COUNTY ZONING DIVISION

FORM # 09

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Jay Roubicek
Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10 day of Aug, 2014, by Jay Roubicek, [X who is personally known to me or [who has produced Dr. His as identification and who did take an oath.

Jean Dame
Notary Public

JEAN DAME
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 3/24/18

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

All of the plat of THE FALLS COUNTRY CLUB, according to the plat thereof, as recorded in Plat Book 61, Pages 177 through 179, inclusive, of the Public Records of Palm Beach County, Florida.

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared John Hoecker _____, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] President _____ [position—e.g., president, partner, trustee] of Max Realty Corporation _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 401 South Dixie Hwy., Suite 300 _____
West Palm Beach, FL 33401 _____

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

John J. Hoecker
John J. Hoecker Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 15th day of July,
 2014, by John J. Hoecker, [] who is personally
~~known~~ to me or [] who has produced _____
 as identification and who did take an oath.

Gina L. Gillette
 Notary Public

Gina L. Gillette
 (Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4/7/16



GINA L. GILLETTE
 MY COMMISSION # EE 182046
 EXPIRES: April 7, 2016
 Handed Thru Budget Notary Services

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

All of the plat of THE FALLS COUNTRY CLUB, according to the plat thereof, as recorded in Plat Book 61, Pages 177 through 179, inclusive, of the Public Records of Palm Beach County, Florida.

