

RESOLUTION NO. R-89- 1244

RESOLUTION APPROVING ZONING PETITION NO. 89-6  
SPECIAL EXCEPTION PETITION OF KENNETH R. STONE AND  
JENNIE M. STONE

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. 89-6 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 31, 1989: 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. 89-6 the petition of KENNETH R. STONE AND JENNIE M. STONE, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO TO PERMIT RECREATION FACILITIES, AMUSEMENTS AND ATTRACTIONS, AND EXHIBITS (GOLF COURSE, DRIVING RANGE, AND MINIATURE GOLF) on a parcel of land lying in Section 36, Township 43 South, Range 40 East, being more particularly described as follows: The South 1,000.00 feet of that part of the East 1/4 of said Section 36, lying North of the Old North Right-of-way line for State Road 80 as shown on the State Road Department Right-of-way map for Section 9312-201, dated 1949 AD. Less the east 435.60 feet thereof. Also less the additional Right-of-way for New State Road 80 recorded in Official Records Book 4969, Page 1527-1530. Said additional Right-of-way also shown on State Road Department new Right-of-way map for Section 93120-2515. Subject to easements, restrictions, and reservations and Rights-of-way of record, being located on the north side of Southern Boulevard (SR 80), approximately .45 mile east of Seminole Pratt Whitney Road, in an AR-Agricultural

Residential Zoning District, was approved as advertised, subject to the following conditions:

1. **Prior to certification, the site plan shall be amended to indicate:**
  - a. Dimensions for the Phase I driving range area;
  - b. Location of all significant groupings of preserved vegetation; and,
  - c. Twenty-five (25) foot wide minimum landscape strip along Southern Boulevard (SR 80).
2. The petitioner shall submit an Alternative Landscape Betterment plan at the time of Site Plan Review submittal to allow some flexibility in the elimination of parking stalls and subsequent relocation of interior landscape islands and parking stalls which will allow for the preservation of more slash pines.
3. Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m.
4. Prior to Site Plan Review submittal, the petitioner shall redesign the site to locate the driving range within the eastern 1/2 of the site and the Phase II golf course within the western 1/2 of the site. The golf course shall be redesigned to accommodate the preservation of significant clusters of native vegetation.
5. The site plan shall be amended to indicate a fifty (50) foot wide buffer along the eastern and western property lines to provide screening in areas that are devoid of existing valuable vegetation. Existing vegetation may be utilized to satisfy the intent of this condition which shall meet the equivalent of fifteen (15) foot high canopy trees alternately spaced at an equivalent of twenty (20) feet on center up to three (3) rows in depth. This buffer shall be subject to final approval by the Zoning Division.

A supplemental landscape buffer shall be established in this fifty (50) foot zone for a distance of 400 feet north of the North right-of-way line of Southern Boulevard (SR 80). This shall consist of understory landscape material planted at a minimum height of thirty-six (36) inches and spaced at an equivalent of thirty-six (36) inches on center.

6. Concurrent with Site Plan Review Committee Meeting submittal, the petitioner shall submit an aerial photo of the site at a scale that matches the site development plan. From this aerial the petitioner shall prepare a preservation and buffer plan that identifies all improvements on site: preservation areas and

vegetation targeted for relocation into the fifty (50) foot buffer zones.

7. No off premise signs shall be permitted on site.
8. No outdoor loudspeaker system shall be permitted on site.
9. Security lighting shall be of low intensity and equipped with "house side shields" to direct light away from adjacent properties and rights-of-way. Lighting standards shall not exceed thirty (30) feet in height.
10. The developer shall preserve existing vegetation on-site. The vegetation, specifically, "native slash pine" which are located in clusters shall be incorporated into the project design. Areas of existing vegetation to be preserved shall be shown upon the approved development plan prior to site plan certification. These preservation areas shall receive appropriate protection from damage and disturbance in accordance with Section 500.36 of the Zoning Code during the site development and construction phase.
11. The 1,500 square foot pro shop shall be limited to the rental of golf clubs, bags, and golf carts and sale and rental of golf balls and tees and accessory golf related materials, equipment, and clothing.
12. There shall be no sales of prepared foods, alcoholic beverages on site, nor shall food be prepared on the site for consumption. Vending machines may be permitted within the Pro Shop.
13. All prohibited plant species shall be removed from the site prior to issuance of a Certificate of Occupancy.
14. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
15. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County

Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

16. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the north right-of-way line of the C-51 Canal free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
17. Relocate the proposed median opening west of this subject site on Southern Boulevard and construct a left turn lane, west approach on Southern Boulevard at the project's entrance road. Should a permit from the Florida Department of Transportation not be able to be obtained, then petitioner shall be relieved from this obligation.
18. 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. The Fair Share Fee for this project presently is \$16,931.00 (632 trips X \$26.79 per trip).
19. Prior to Site Plan certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
20. Prior to Site Plan Review certification, the petitioner shall amend the site plan to indicate a minimum twenty-five (25) foot buffer between the miniature golf area and the southern property line. This buffer shall be landscaped with ten (10) to twelve (12) foot high native canopy trees, alternately spaced two (2) rows deep at an equivalent of twenty (20) feet on center.
21. The driving range shall be limited to fifteen (15) tees or driving stations.
22. No point of purchase signs advertising the sale of golf supplies or related products shall be permitted on site.
23. All vegetation on site shall be grown and maintained in its natural state. Pruning shall be limited to that necessary to insure proper growth and form. Pruning methods shall be consistent with acceptable horticultural practices as recommended by the Florida Division of Forestry and American Nurserymen's Association.

24. Failure to comply with any conditions of approval 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.

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

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

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 31, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
DEPUTY CLERK.

