

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



**ZONING COMMISSION VARIANCE  
STAFF REPORT  
July 06, 2017**

<b>APPLICATION NO.</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
ZV-2017- 00348	Article 4 - Use Regulations – Recreation 6.b.2)	Golf Course Net Height adjacent to residential - 15 feet.	Net 80 feet in height where adjacent to residential on driving range.	Increase of 65 feet in height where adjacent to residential on driving range.
<b>SITUS ADDRESS:</b>	17420 Claridge Oval E Boca Raton 33496 17366 St James Ct Boca Raton 33496			
<b>AGENT NAME &amp; ADDRESS:</b>	Alexander Ahrenholz Cotleur & Hearing, Inc. 1934 Commerce Ln Jupiter FL 33458		Yexsy Schomberg Cotleur & Hearing, Inc. 1934 Commerce Ln Jupiter FL 33458	
<b>OWNER NAME &amp; ADDRESS:</b>	St. Andrews Country Club Inc. 17557 Claridge Oval W Boca Raton FL 33496			
<b>PCN:</b>	00-42-46-33-06-010-0010	S/T/R: 33-46-42		
<b>BCC DISTRICT:</b>	05			
<b>PROJECT MANAGER:</b>	Donna Adelsperger, Site Planner I			
<b>LEGAL AD:</b>	<b>ZV-2017-00348 Title:</b> Resolution approving a Type II Variance application of St Andrews Country Club Inc by Cotleur & Hearing, Inc., Agent. <b>Request:</b> to allow an increase in height for a golf course net adjacent to Residential. <b>General Location:</b> Northeast corner of Florida's Turnpike and Clint Moore Road. <b>(ST ANDREW'S COUNTRY CLUB PUD) (1980-00073)</b>			
<b>ZONING DISTRICT:</b>	Residential Transitional with a Special Exception for a Planned Unit Development (RT/SE/PUD)			
<b>LAND USE:</b>	Low Residential 1 (LR-1)			
<b>CONTROL No.:</b>	1980-00073			
<b>LOT AREA:</b>	63.78 acres +/-			
<b>LOT DIMENSIONS:</b>	N/A			
<b>CONFORMITY OF LOT:</b>	N/A	<b>CONFORMITY OF ELEMENT:</b>	Proposed	
<b>TYPE OF ELEMENT:</b>	Golf Course Net	<b>ELEMENT SIZE:</b>	80-feet	
<b>BUILDING PERMIT #:</b>	N/A	<b>NOTICE OF VIOLATION:</b>	N/A	
<b>CONSTRUCTION STATUS:</b>	Net not constructed.			
<b>APPLICANT REQUEST:</b>	to allow an increase in height for a golf course net adjacent to Residential.			

**STAFF RECOMENDATION:** Staff recommends denial of the request.

**PUBLIC COMMENT:** At the time of publication, Staff had received nine contacts from the public regarding this project. Five letters in opposition to the request and four letters in support. Only one

letter in opposition contained comments regarding that living on a golf course you understand the safety risks; that the net would be an eyesore; would diminish natural character of the area, and endanger birds and wildlife nearby and along the canal.

Staff also received a subpoena regarding this application to verify that an application was submitted and what was submitted in the application. The Subpoena to appear was later withdrawn.

**APPLICATION SUMMARY:** Proposed is a Type II Variance for the driving range located within the St. Andrew's Country Club Planned Unit Development (PUD). The overall 759.17-acre PUD was last approved by the Board of County Commissioners (BCC) on June 23, 1994 for a Development Order Amendment (DOA) to modify Conditions of Approval granted through Resolution R-1994-0791. The affected area is a driving range within the 252.36-acre Golf Course of the PUD.

The Applicant is requesting a Type II Variance to allow an increase in height for the net from 15 feet to 80 feet (+65 feet). The increase in the net height will protect the existing homes that are located in close proximity to the driving range. The proposed net will be located approximately 139 feet south of Area K (Whitehaven Drive). Access to the driving range will remain through the recreation parcel on Claridge Oval West. Access to the overall PUD will remain from Clint Moore Road.

**PROJECT HISTORY:**

Application No.	Request	Approval Date	Resolution No.
Z/SE-1980-00073	Official Zoning Map Amendment rezoning from the Agricultural District (AG) Zoning District to the Residential Estate (RE) Zoning District	06/23/1980	R-1980-1002
	Special Exception to allow a Planned Unit Development (PUD)	06/23/1980	R-1980-1003
Z/SE-1980-00073	Official Zoning Map Amendment rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District	06/28/1984	R-1984-1286
	Special Exception to expand and amend the Master Plan by transferring and increasing density	06/28/1984	R-1984-1287
SE-1980-073	Special Exception to delete land area (100 acres)	12/30/1985	R-1986-0456
SE-1980-073	To modify Commission requirements	11/28/1988	R-1989-1080
Z/SE-1980-073	Official Zoning Map Amendment rezoning from the Agricultural Residential (AR) Zoning District to the Residential Transitional (RT) Zoning District	02/22/1990	R-1990-1298
	Special Exception to amend the Master Plan to increase land area, increase and transfer density, relocate and reduce land area for civic site	02/22/1990	R-1990-1299
SE-1980-073	Special Exception to amend the Master Plan to allow a secondary access point.	01/30/1992 (denied)	R-1992-0603
SE-1980-073	Special Exception to amend the master plan to relocate the commercial pod	07/30/1992	R-1993-0335
SE-1980-073	Special Exception to amend the master plan to add a second access point and modification of commission requirements	4/29/1993	R-1993-0555
DOA-1980-00073	Development Order Amendment to modify Conditions of Approval	06/23/1994	R-1994-0791

**SURROUNDING LAND USES:**

Adjacent to Driving Range

**NORTH:**

FLU Designation: Low Residential 1 (LR1)

Zoning District: Residential Transitional/Special Exception/Planned Unit Development (RT/SE/PUD)

Supporting: Residential (St. Andrew's Country Club, Control No. 1980-00073)

**SOUTH:**

FLU Designation: Low Residential 1 (LR1)

Zoning District: Residential Transitional/Special Exception/Planned Unit Development (RT/SE/PUD)

Supporting: Recreation (St. Andrew's Country Club, Control No. 1980-00073)

**EAST:**

FLU Designation: Low Residential 1 (LR1)

Zoning District: Residential Transitional/Special Exception/Planned Unit Development (RT/SE/PUD)

Supporting: Recreation (St. Andrew's Country Club, Control No. 1980-00073)

**WEST:**

FLU Designation: Low Residential 1 (LR1)

Zoning District: Residential Transitional/Special Exception/Planned Unit Development (RT/SE/PUD)

Supporting: Recreation (St. Andrew's Country Club, Control No. 1980-00073)

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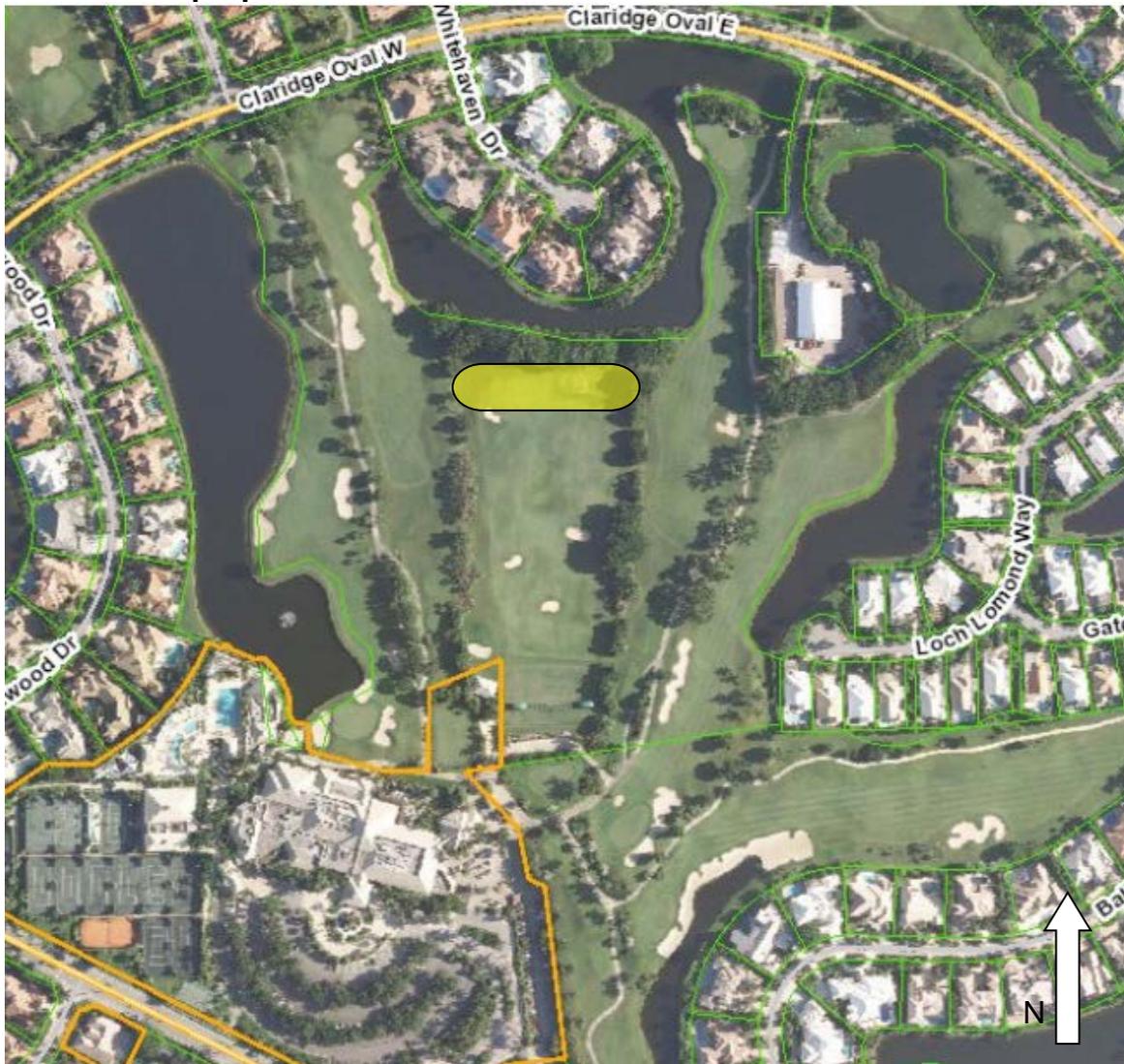
**FINDINGS:**

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

Pursuant to Art. 4.B.3.B.6, Golf Course, it allows the installation of fencing or netting to be erected to protect neighboring property, vehicles or pedestrians from golf balls subject to a maximum height of 15 feet.

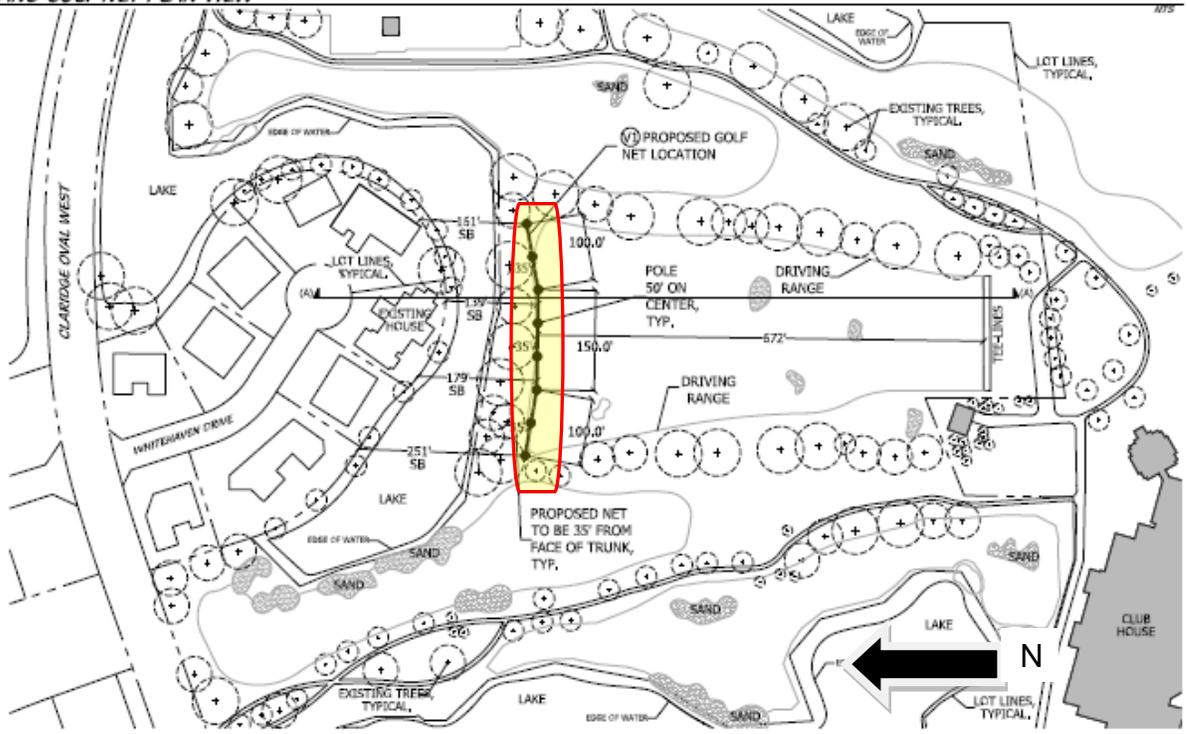
The aerial shown below shows the location of the proposed net.....

**Figure A - location of proposed net**



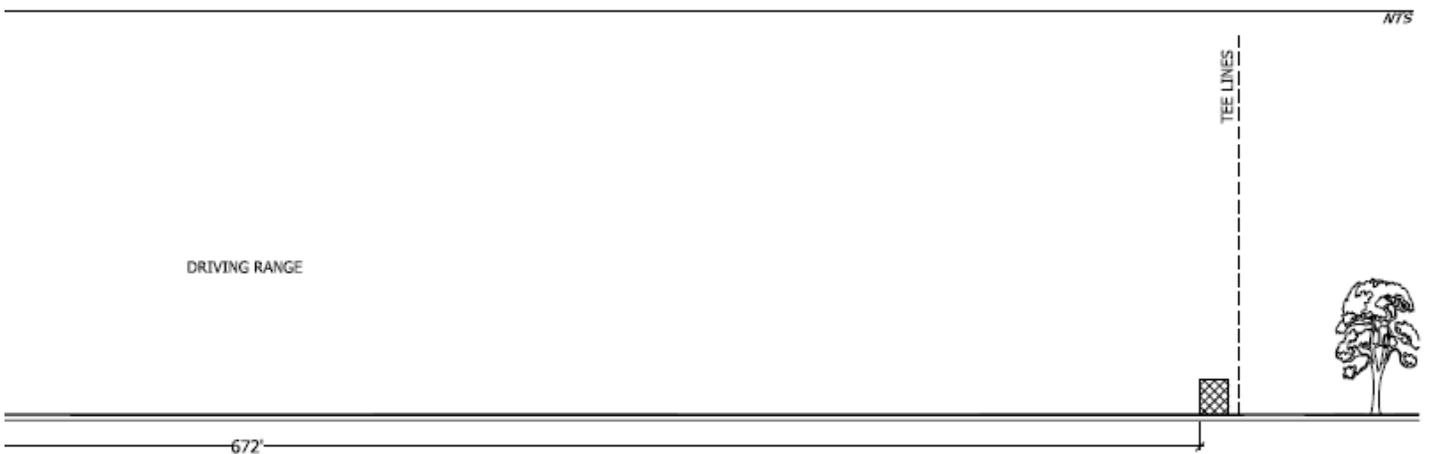
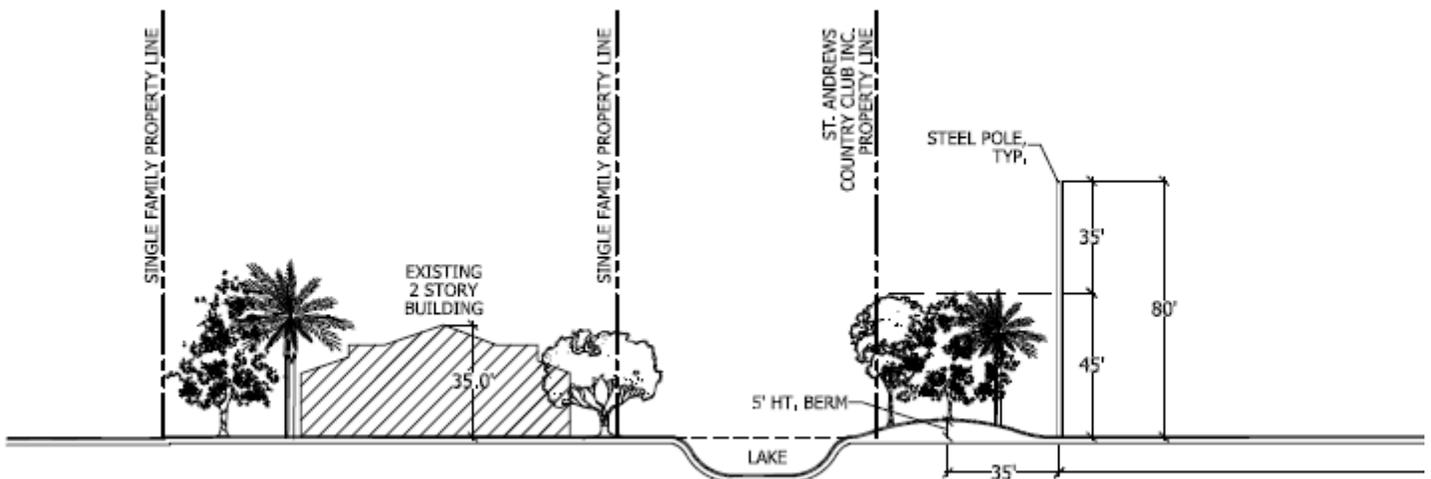
**Figure B – Separation of net from existing homes**

*DRIVING RANGE AND GOLF NET PLAN VIEW*



**Figure C - Elevation of net to homes**

*DRIVING RANGE AND GOLF NET ELEVATION (A)*



**ANALYSIS OF ARTICLE 2, SECTION 2.B.3.E VARIANCE STANDARDS**

**1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT.**

**NO:** There are no special conditions and circumstances existing that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district. There are several Planned Unit Development's (PUD) that contain driving ranges; and, the residential units and driving ranges that co-exist today without the need for an 80-foot high net.

**2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT.**

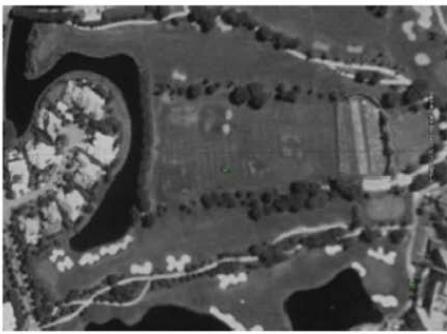
**NO:** The special circumstances and conditions are the result of the Applicant. The Applicant can install the netting at the code required 15-feet, it is their choice to install an 80-foot high net that has created the need for this variance.

**3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT.**

**NO:** The subject request does confer special privilege to this Applicant that would be denied to any other Property Owner. Other driving ranges exist adjacent to residential and either co-exist without the net or have installed the net at 15-feet in height, without any apparent issues.

**4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP.**

**NO:** Literal interpretation of the ULDC requirement would not create an unnecessary hardship for the Applicant as the driving range exists today without the net. The driving range has been in existence in its current location prior to 1995 as shown in the graphic below.



1995



1999



2004



2009



2014



2016

**5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE.**

**NO:** Granting of the variance is not the minimum variance as the driving range exists today without the net. The Applicant can install the net at 15-feet which would aide in deflecting the golf balls from hitting the homes to the north of the driving range and be in compliance with the ULDC. No analysis of what the minimum necessary height to protect the adjacent residences was provided. The Applicant has stated that an existing 5-foot berm and trees 45-feet in height do exist today.

**6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE.**

**NO:** The requested variance does not comply with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code. The net at 15-feet was to aide in deflecting the balls from the adjacent residential homes and not obstruct the view of the golf course, however no net exists at this time. The ULDC Article 4 Golf Course regulations were recently amended to allow for the ability to seek a variance from the maximum 15 foot in height if adjacent to residential. Although an Applicant may seek a variance, sufficient justification and neighborhood support must also be provided. To date Staff has not received any documentation indicating support from the Property Owners Association (POA) or the neighboring homes.

**7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE.**

**NO:** The granting of this Variance will be injurious to the area involved and otherwise detrimental to the public welfare as an Application for a Development Order shall comply with the ULDC to ensure that all Development Orders approved in unincorporated Palm Beach County are consistent with the Plan and the Code. The Code establishes comprehensive and consistent standards and procedures for the review and approval of all proposed development of land.

**EXHIBIT C**  
**CONDITIONS OF APPROVAL**

Should the Zoning Commission choose to approve the request, Staff recommends the request be subject to the 7 Conditions of Approval as indicated below.

**Type II Variance - Standalone**

**ALL PETITIONS**

1. The Preliminary Regulating Plan is dated March 27, 2017. Modifications to the Development Order inconsistent with the Conditions or Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. The Development Order for this particular Variance shall lapse on July 6, 2018, one (1) year from the Approval date. The Property Owner may apply for an extension provided they submitted and completed the Time Extension application prior to the expiration date of the original Development Order. (DATE: ZONING - Zoning)
3. No later than August 16, 2017 the Applicant shall submit an application to the Development Review Officer, to amend the Subdivision Plan, Exhibit 230, to show the approved Variance(s) and any associated Conditions of Approval. (DATE: ZONING - Zoning)
4. At time of application for a Building Permit for the net, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: ZONING - Zoning)

**COMPLIANCE**

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
  - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

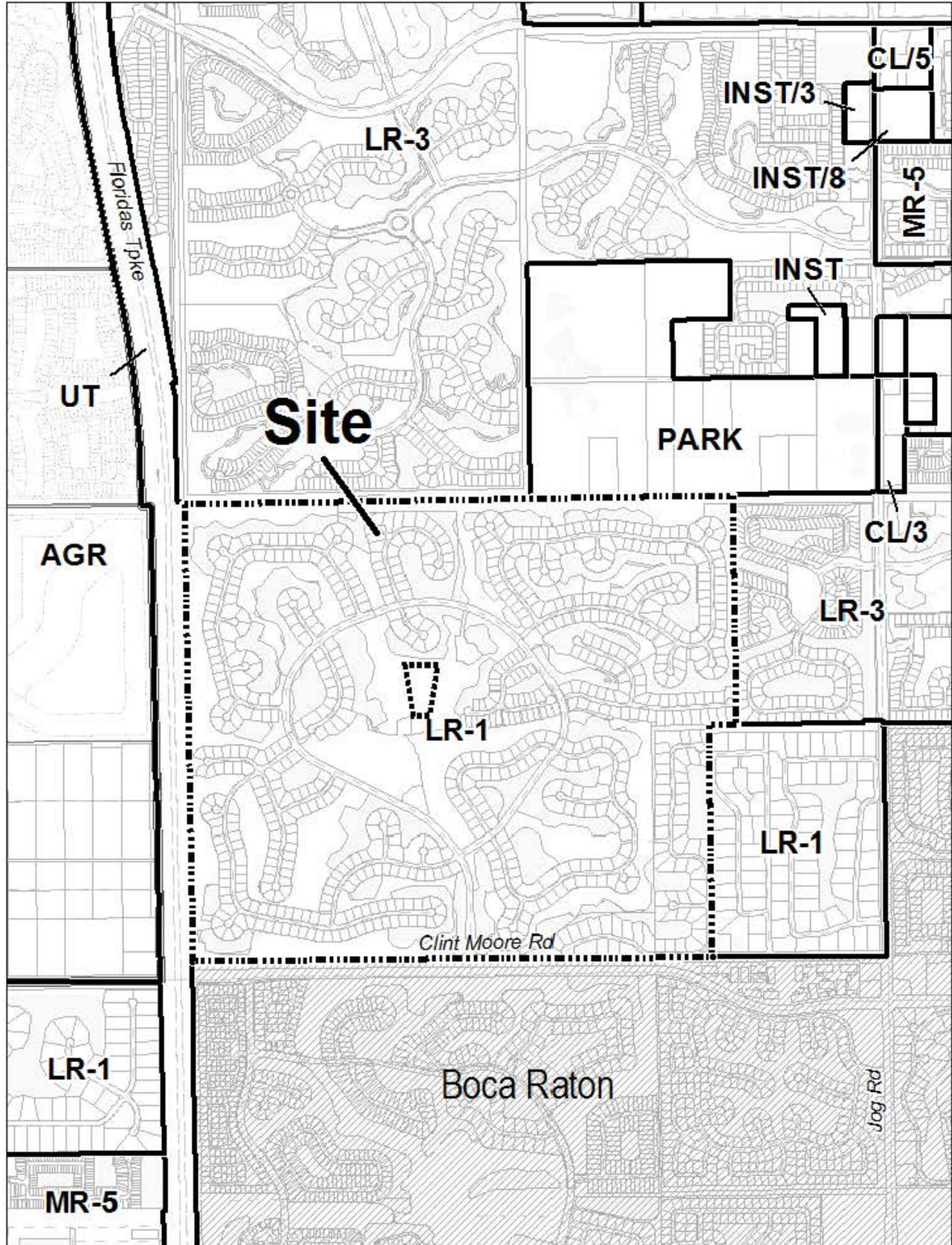
Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

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

Figure 1 Land Use

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Name: **St. Andrew's Country Club PUD**  
 Application Number: **ZV-2017-0348**  
 Control Number: **1980-073**  
 Atlas Page Number: **106 & 107**  
 Date: **6/20/2017**



Figure 2 Zoning Map

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING



Application Name:	<b>St. Andrew's Country Club PUD</b>
Application Number:	<b>ZV-2017-0348</b>
Control Number:	<b>1980-073</b>
Zoning Quad:	<b>52 &amp; 37</b>
Date:	<b>6/20/2017</b>



Figure 3 Aerial

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name: **St. Andrew's Country Club PUD**  
Application Number: **ZV-2017-0348**  
Control Number: **1980-073**  
Atlas Page Number: **106 & 107**  
Date: **6/20/2017**

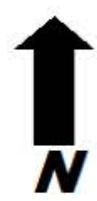


Figure 4 – Preliminary Regulating Plan dated March 27, 2017



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 Steve Irwin, 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 [] President/Director \_\_\_\_\_ [position - e.g., president, partner, trustee] of St. Andrews 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: 17557 Claridge Oval West  
Boca Raton, FL 33496
- 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.

  
\_\_\_\_\_  
Steve Irwin Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10 day of February 2017, by Steve Irwin,  who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.



  
\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(Print Notary Name)  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_

## EXHIBIT "A"

## PROPERTY

## LEGAL DESCRIPTION:

A PARCEL OF LAND, BEING ALL OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 42 EAST, TOGETHER WITH THE WEST 660 FEET OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 46 SOUTH, RANGE 42 EAST AND A PORTION OF THE NORTHWEST QUARTER OF SAID SECTION 34, ALL LYING IN PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 33, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF PLAT NO. 1, ST. ANDREWS COUNTRY CLUB, AS RECORDED IN PLAT BOOK 43, PAGE 81, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°34'01" WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 2678.61 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 33; THENCE SOUTH 89°30'25" WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 33, A DISTANCE OF 2686.41 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 33, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF PLAT NO. 2 ST. ANDREWS COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 170, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°05'49" WEST, ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 5308.88 FEET TO THE NORTHWEST CORNER OF SAID SECTION 33, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF PLAT NO. 5 ST. ANDREWS COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 47, PAGE 109, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°58'35" EAST, ALONG THE NORTH LINE OF SAID SECTION 33, A DISTANCE OF 5369.72 FEET TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE NORTH 89°17'38" EAST, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 991.59 FEET TO THE NORTHEAST CORNER OF PLAT NO. 10, ST. ANDREWS COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 54, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°03'40" EAST, ALONG THE EAST LINE OF SAID PLAT NO. 10, A DISTANCE OF 2672.83 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 34, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PLAT NO. 14 ST. ANDREWS COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 57, PAGE 132, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°23'52" WEST, ALONG THE SOUTH LINE OF THE NORTH ONE-HALF OF SAID SECTION 34, A DISTANCE OF 322.97 FEET TO THE NORTHEAST CORNER OF LAKE ESTATES PLAT NO. 16 ST. ANDREWS COUNTRY CLUB, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 66, PAGE 156, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°5'30" EAST, ALONG THE EAST LINE OF SAID LAKE ESTATES PLAT NO. 16 (SAID EAST LINE ALSO BEING THE EAST LINE OF THE WEST 660 FEET OF THE SOUTHWEST QUARTER OF SAID SECTION 34) A DISTANCE OF 2689.48 FEET TO THE SOUTHEAST CORNER OF SAID LAKE ESTATES PLAT NO. 16; THENCE SOUTH 89°19'43"

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. 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.

Name	Address
St. Andrews Country Club Inc.	17557 Claridge Oval West, Boca Raton FL 33496 (Private Club)
100%	
(Florida Not For Profit Corporation)	



Landscape Architects | Land Planners | Environmental Consultants  
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**ST. ANDREWS COUNTRY CLUB PUD**

Type II Standalone Variance (V)

**JUSTIFICATION STATEMENT**

February 15, 2017

**Revised March 27, 2017**

**1. INTRODUCTION**

St. Andrews Country Club, Inc. (The Applicant) is seeking a Board of County Commissioners approval for a Type II Variance to allow the Driving Range Area Golf Net to increase from the allowable 15-feet in height to 80-feet in height. The request is based on the ULDC amendment for Article 4 approved on February 23, 2017. The St. Andrews Country Club PUD is located on northwest corner of the Florida Turnpike and Clint Moore Road, in unincorporated Palm Beach County. The St. Andrews Country Club PUD is a private club mostly composed of residential, golf course, and recreational pods. As part of this application, the applicant is only proposing to add an 80-foot height Golf Net north of the Driving Range area located within the golf course pod.

The site possesses a Low Residential 1 unit per acre (LR-1) future land use designation and a Residential Transitional (RT) and Special Exception (SE) Planned Unit Development (PUD) zoning district designation. The parcel has one point of access (egress/ingress) via Claridge Oval West, an inter road of St. Andrews Country Club PUD.

**2. SURROUNDING LAND USE AND ZONING**

This parcel represents the Recreational Pod for the St. Andrews Country Club PUD, which is surrounded by an 18-hole golf course and single family homes uses. The following table presents the future land use and zoning designations and current uses for the surrounding properties.

ADJACENT PROPERTY	LAND USE DESIGNATION	ZONING DESIGNATION	EXISTING USE	APPROVED USE	CONTROL NO.	RESOLUTION NO.
N	LR1	RT SE/PUD	Residential	Residential PUD	1980-00073	R-1994-0791
S	LR1	RT SE/PUD	Residential	Residential PUD	1980-00073	R-1994-0791
E	LR1	RT SE/PUD	Residential	Residential PUD	1980-00073	R-1994-0791
W	LR1	RT SE/PUD	Residential	Residential PUD	1980-00073	R-1994-0791

### 3. HISTORIC AND RECENT PLANNING & ZONING ENTITLEMENTS

- **1980** – BCC approval via R-1980-1002 for a Rezoning from Agricultural (AG) zoning district designation to Residential Estate (RE) zoning district designation.
- **1980** – BCC approval via R-1980-1003 from a Special Exception to allow for a Planned Unit Development (PUD).
- **1984** – BCC approval via R-1984-1286 for a Rezoning from Agricultural Residential (AR) zoning district designation to Residential Transitional (RT) zoning district designation.
- **1984** – BCC approval via R-1984-1287 to expand and amend St. Andrews Country Club PUD Master Plan by transferring and increasing the development density.
- **1986** – BCC approval via R-1986-0456 to amend the Special Exception Master Plan to delete approximately 100 acres of land from the previously approved zoning petition No. 80-73 and 80-73 (A).
- **1989** – BCC approval via R-1989-1080 to amend previously approved zoning condition No.11 and part of Resolution R-80-1003 (Dedication of Civic Site)
- **1990** – BCC approval via R-1990-1298 for a Rezoning from Agricultural Residential (AR) zoning district designation to Residential Transitional (RT) zoning district designation.
- **1990** – BCC approval via R-1990-1299 to amend the St. Andrews Country Club PUD Master Plan to increase land area, increase and transfer density, and relocate and reduce the land area of the civic site.
- **1992** – BCC denied via R-1992-0603 the amendment of St. Andrews Country Club PUD Master Plan to allow for a secondary access point.
- **1993** – BCC approval via R-1993-0335 to amend the St. Andrews Country Club PUD Master Plan to relocate the Commercial Pod.
- **1993** – BCC approval via R-1993-0555 to amend the St. Andrews Country Club Master Plan to add a second point of access and to amend access condition No. 10 of Resolution R-1990-1299.

- **1994** – BCC approval via R-1994-0791 to amend conditions E13 and S10 of Resolution R-1993-5555 regarding to construction access to limited ingress/egress.
- **2009** – Zoning Review approval via ZZR 2009-3455 to modify St. Andrews Country Club PUD – Recreational Parcel square footage.
- **2012** – Zoning Agency Review approval via ZAR-2012-03333 to modify St. Andrews Country Club PUD – Recreational Parcel to add entry signage and revise pool area.
- **2013** – Zoning Agency Review approval via ZAR-2013-01135 to modify St. Andrews Country Club PUD – Recreational Parcel to address permit comments, revise the accessible parking, and revise site data table with proposed square footages.
- **2013** – Zoning Review approval via ZZR-2013-01464 to modify St. Andrews Country Club PUD – Recreational Parcel Site plan to add generator pad and to show locations of gas meters.
- **2013** – Zoning Review approval via ZZR-2013-01656 to modify St. Andrews Country Club PUD – Recreational Parcel to show the balcony of the fitness center as an enclosure structure.
- **2013** – Zoning Review approval via ZZR-2013-01703 to modify St. Andrews Country Club PUD – Master Plan to install three guardhouses at community entrance to protect equipment from the weather.
- **2014** – Zoning Agency Review via ZAR-2014-00072 approval to modify St. Andrews Country Club PUD – Recreational Parcel Site Plan and Master Plan to reflect the new property line boundary based on the pending replat of the recreation parcel and to reconcile the parking calculations on the site plan with the existing conditions.
- **2014** – Zoning Agency Review approval via ZAR-2014-01392 to modify St. Andrews Country Club PUD – Recreational Parcel Site Plan to delete L.A.E. along the drive aisle and to revise bearings and distances on the recreation parcel site based on the pending replat and to remove recreation area boundary and note on the final subdivision plan for plat 8.
- **2016** – Full DRO approval via DRO-2016-00081 to reconfigure the site plan to add 2,475 SF of Golf Course Club House Accessory use to Building E.
- **2016** – Zoning Agency Review approval via ZAR-2016-00997 to reconfigure the site plan, relocate the existing basketball court to Track C, add a pickle-ball court to Track C, and add 12 parking spaces.
- **2016** – Full DRO approval via DRO-2016-001418 to reconfigure the site plan, add square footage, and delete a tennis court.

Based on the abovementioned information, the following table represents all past applications review by the PBC Board of County Commissioners, their action, the applicant's request, and resolution number.

CONTROL NUMBER	REQUEST	ACTION	DATE	RESOLUTION
1980-00073	Rezoning	APPROVED	1980	R-1980-1002
1980-00073	SE	APPROVED	1980	R-1980-1003
1980-00073	Rezoning	APPROVED	1984	R-1984-1286
1980-00073	DOA	APPROVED	1984	R-1984-1287
1980-00073	DOA	APPROVED	1986	R-1986-0456
1980-00073	DOA	APPROVED	1989	R-1989-1080
1980-00073	Rezoning	APPROVED	1990	R-1990-1298
1980-00073	DOA	APPROVED	1990	R-1990-1299
1980-00073	DOA	DENIED	1992	R-1992-0603
1980-00073	DOA	APPROVED	1993	R-1993-0335
1980-00073	DOA	APPROVED	1993	R-1993-0555
1980-00073	DOA	APPROVED	1994	R-1994-0791

**REQUEST**

This application only requests a Type II Variance to allow the Driving Range Golf Net to increase from the allowable 15-feet in height to 80-feet in height in an effort to eliminate the trespassing of golf balls from the Driving Range to the residential single family homes located north to the driving range. An analysis of the proposed net height was performed by Net Company, Tex-Net Inc. in 2016. The Net specs information can be found of the 'Fence Visual Analysis Exhibit.'

**ARTICLE 2 – TYPE II CONCURRENT VARIANCE (V)**

Per Article 2, Chapter B. Section 3.E - in order to authorize a variance, the ZC shall and must find the enumerated below have been met prior to making a motion for approval:

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;

**RESPONSE:** There are several existing +/- 50-foot high native trees between the north Driving Range, the canal, and the affected residential parcels. The allowable 15-foot Golf

Net per Article 4 cannot solve the issue of trespassing of the golf ball as the balls would still travel through and over the +/- 50-foot high trees and the canal as they do today. The proposed 80-foot Golf Net is being requested to prevent the trespassing of golf balls into the residential parcels and to provide the residents and club members a sense of security and peace of mind. In addition, today's technology allows golf equipment to behave at a higher performance than decades ago; newer golf clubs, for example, are now designed to increase the ball speed and distance and, as expected, the club members are taking advantage of these improvements. The proposed 80-foot Golf Net is a proactive, practical, and logical response to the new technological improvements to the golf equipment market. Lastly, along with this application, historical aerials from 1995 to 2016 show that the Driving Range and the north single family homes affected by the golf balls today have been on the same location since the development of the PUD, however, the trespassing of golf balls from the Driving Range to the residential parcel was never as evident and severe as it is today. The aerials pictures also show the Driving Range Tee location further south than originally located.

2. Special circumstances and conditions do not result from the actions of the applicant;

**RESPONSE:** The St. Andrews Country Club is a private club mostly composed of residential, golf course, and recreational PODs and uses. The proposed 80-foot Golf Net was initially requested by the residents north of the Driving Range as the golf balls were reaching their properties, however, due to the existing 50-foot tall trees located between the residential pod and the golf course pod (Driving Range), installing a 15-foot net as allowed per Code is not logical or practical in this particular area. The proposed 80-foot Golf Net shall provide a sense of security and a peace of mind to residents and club members.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;

**RESPONSE:** The proposed 80-foot Golf Net is a legitimate request that seeks to eliminate the trespassing of the golf balls from the Driving Range to the north residential parcels. Today's technology allows golf equipment to behave at a higher performance than decades ago; newer golf clubs, for example, are designed to increase the ball speed and distance increasing the cases of ball trespassing to the north residential parcels.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;

RESPONSE: Yes, literal interpretation of the Code will interfere with the residents' and members' club lifestyle, sense of peace and security. The allowable 15-foot Golf Net per Article 4 would never resolve the issue of trespassing of the golf ball as the balls would still travel through and over the 50-foot high existing landscape material and canal. The proposed 80-foot Golf Net Height is requested to ensure that no more golf balls will trespass into the residential parcels and to provide a sense of security and a peace of mind to residents and club members.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;

RESPONSE: Yes, granting the variance will allow the continued harmonious balance of uses within this PUD as the proposed 80-foot Golf Net will be installed in a small area between the residential and golf course pods in effort to eliminate the trespassing of golf balls from the Driving Range to north residential parcels.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and

RESPONSE: The proposed variance is consistent with the purposes, goals, objectives, and policies of the Plan and the Code. The increase in net height is allowed per recently approved Code Amendment for Article 4.B.1.A.62.b.2.b Variance Relief.

1. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

RESPONSE: Not at all. Granting the variance will allow the continued harmonious balance of uses within this PUD as the proposed 80-foot Golf Net will be installed in a small area between the residential and golf course pods in efforts to eliminate the trespassing of the golf balls from the Driving Range to north residential which as result shall provide a sense of security and a peace of mind to residents and club members. In addition, the proposed Golf Net shall be permitted through PBC building standards and shall be installed in a logical, orderly

and timely manner to minimize any possible impact to the residents north of the Driving Range and the St. Andrews Country Club members.