

RESOLUTION NO. R-93- 333

RESOLUTION APPROVING ZONING PETITION NO. 73-215(A)  
SPECIAL EXCEPTION PETITION OF TURTLE BAY COUNTRY CLUB, INC.

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, have been satisfied; and

WHEREAS, Petition No. 73-215(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 30, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 73-215(A), the petition of TURTLE BAY COUNTRY CLUB, INC. BY WILLIAM R. BOOSE, AGENT for a SPECIAL EXCEPTION TO AMEND THE SOUTH HAMPTON PLANNED UNIT DEVELOPMENT MASTER PLAN TO ADD ONE ADDITIONAL ACCESS POINT FROM HAVERHILL ROAD on a parcel of land lying in Tract 36, CENTURY VILLAGE PLAT #14, as recorded in Plat Book 30, Page 156, public records, Palm Beach County, Florida, and being located on the West side of Haverhill Rd., approximately .1 mile N. of Okeechobee Rd., in the RS Zoning District, was approved on July 30, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein. (ZONING/MONITORING)

2. The petitioner shall receive certification of the master plan and the golf course site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before October 31, 1992. (MONITORING)

B. BUILDING AND SITE DESIGN FOR GOLF COURSE

1. Total gross floor area for the golf course parcel shall be limited to a maximum of 10,045 square feet. (ZONING-Building)
2. All proposed air conditioning and mechanical equipment for the golf course parcel shall be screened from view on all sides by a visually opaque barrier consistent with the color and character of the principle structure or equivalent landscape material. (BUILDING)
3. No vehicular access shall be provided between the parking lot intended for public use and the parking lot intended for the use of residents and members. (ZONING/BUILDING)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The Petitioner shall submit an Affidavit of Notification to the Dept. of Environmental Resources management prior to Site Plan certification. (ERM)
2. plans for any underground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BUILDING/ERM)
3. Secondary containment for stored Regulated Substances-- fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BUILDING/ERM)

D. HEALTH

1. Water service and sewer service are available to the property. therefore, no potable well and/or on site sewage disposal system shall be permitted on the site. (HEALTH-Building)

E. ENGINEERING

1. 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 for any areas to be modified. However, at a maximum, 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. (ENGINEERING)

2. Prior to January 15, 1993, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Haverhill Road, fifty-five (55) feet from centerline 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. (MONITORING/BUILDING-Engineering)
3. The Property owner shall re-stripe the existing two way left turn lane on Haverhill Road at the projects proposed entrance/exit to accommodate a separate left turn lane, south approach. This restriping shall include an asphalt overlay as required by the County Engineer. This requirement may be met by an alternate method if approved by the County Engineer. Safe sight distances for both pedestrians and vehicles shall be maintained at this entrance. Permits required by Palm Beach County for this re-striping shall be obtained prior to the issuance of the first Building Permit. Construction shall be concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering)
4. Construction of the entrance road shall include a minimum 5 foot wide median to permit pedestrian crossings. Appropriate pavement markings and signing shall be shown on the Site Plan (ZONING)
5. Petitioner shall contribute toward the cost of the signalization of the intersection of Haverhill Road and the project's driveway upon adoption of a resolution in accordance with PPM-ETO-100 (Traffic Signal Installation/Warrant). This cost shall be shared with the Holiday Plaza development on a pro rata basis. (ENGINEERING)

F. IRRIGATION QUALITY WATER

1. The petitioner shall connect to an irrigation quality water system subject to permitting and/or requirements of the Florida Department of Environmental Regulation and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

G. LANDSCAPING - GENERAL - GOLF COURSE ONLY

1. Prior to site plan certification, the petitioner shall include landscape tabular data on the golf course site plan to reflect conformance with Section 500.35 of the Zoning Code and all landscape/vegetation eradication conditions of approval. (ZONING)
2. All trees required to be planted on site shall be in accordance with; the phasing plan established as part of condition L.1. and shall meet the following minimum standards at installation:
  - a. Tree height: fourteen (14) feet
  - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
  - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)

H. LANDSCAPING - INTERIOR

1. Prior to site plan certification, the golf course site plan shall be amended to indicate the following:
  - a. One landscape island for every twelve (12) parking spaces.
  - b. One (1) native canopy tree planted every twenty (20) feet on center around the perimeter of all parking area.
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation around the perimeter of all parking areas, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

I. LANDSCAPING ALONG EAST PROPERTY LINE - GOLF COURSE ONLY

1. Prior to site plan certification, the golf course site plan shall be amended to indicate the following landscape requirements for the portion of the proposed parking area abutting Haverhill Road:
  - a. A minimum fifteen (15) foot wide landscape buffer strip.
  - b. One (1) native canopy tree planted every twenty (20) feet on center.
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (ZONING)

J. LIGHTING - GOLF COURSE ONLY

1. All outdoor lighting used to illuminate the premises and identification signs of the golf course parcel shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CODE ENFORCEMENT)
2. Maximum height of all light fixtures shall be twenty-five (25) feet. (BUILDING)

K. USE LIMITATION - GOLF COURSE ONLY

1. No outdoor loudspeaker system audible off site of the golf course parcel shall be permitted. (CODE ENFORCEMENT)
2. The golf course operation shall be in accordance with the following:
  - a. The driving range shall be totally enclosed with the only entrance to the golf course through the clubhouse, which shall be monitored by a clubhouse attendant during all operational hours.
  - b. An attendant shall be on the premises while any non-resident is on the golf course.
  - c. An attendant shall be on the premises until all non-resident vehicles have left the parking lot and the gate has been secured.
  - d. The driving range shall close no later than 9:00 p.m.
  - e. The golf course shall be closed to non-residents no later than 9:00 p.m. (CODE ENFORCEMENT)

L. VEGETATION REMOVAL PROGRAM - GOLF COURSE ONLY

1. Prior to October 31, 1992, or development review committee submittal, whichever occurs first, the petitioner shall submit a Five Year Prohibited Species Eradication Program and Vegetation Re-establishment Program for the golf course parcel, acceptable to the Zoning Director. The program shall include the following:
  - a. The identification of each phase on a site plan. Each phase is to be completed and inspected by the Zoning Division on or before the 31st day of October of each year, as follows:
    1. Phase 1, 1993
    2. Phase 2, 1994
    3. Phase 3, 1995
    4. Phase 4, 1996
    5. Phase 5, 1997
  - b. The Vegetation Re-establishment Program will match the phasing delineated on the site plan and the above referenced phasing schedule. At the time of the Pre-Clearing inspection for each phase, a determination shall be made by the Palm Beach County Zoning Director as to existing vegetation to remain and be credited towards the required overall tree count and all plant material that shall be

eradicated. In conjunction with the eradication in each phase, additional trees shall be planted to meet the minimum tree requirement of one (1) tree per 2,500 square feet per phase per condition G.1. Credit may be given for existing native vegetation towards meeting this requirement, in accordance with Section 500.35 of the Zoning Code.

- c. A description of the protective devices that will be utilized to protect the public and vegetation to remain during the eradication of invasive vegetation and re-establishment of new vegetation program. (MONITORING/ZONING)
2. The australian pines located along the east property line of the subject property may be retained but shall be reduced to a maximum of twelve (12) feet in height prior to completion of phase 5 of the Vegetation Removal Program, per condition L.1.a. (ZONING)

M. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in one or more of the following:
  - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance of a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
  - b. The revocation of any special exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom;
  - c. Rezoning of the property;
  - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
  - e. Citation of the property owner for violation of the Zoning Code. (MONITORING)
2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Commissioner Marcus moved for approval of the Resolution.

The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was **as** follows:

Mary McCarty, Chair	--	aye
Ken Foster	--	aye
Burt Aaronson	--	aye
Maude Ford Lee	--	aye
Karen T. Marcus	--	aye
Warren H. Newell	--	aye
Carol A. Roberts	--	aye

The Chair thereupon declared the resolution was duly passed and adopted this 16th day of March, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK