

RESOLUTION NO. R-94-365

RESOLUTION APPROVING ZONING PETITION **DOA89-19(C)**  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF POLO TRACE COUNTRY CLUB, INC.

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition **DOA89-19(C)** was presented to the Board of County Commissioners at a public hearing conducted on March 24, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 5, section 5.8 (Compliance with Time Limitations), of the Palm Beach County Land Development Code 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by applicable provisions of the Palm Beach county Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency exemption and therefore complies with Art. 11 (Adequate Public Facility Standards) of the Palm Beach County Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. As defined in Section 5.1.J.1 of the Unified Land Development Code (ULDC), this development order amendment is materially different from the previous development order, thus, subjecting this order to the review requirements of Section 5.8 of the ULDC for commencement of development on March 24, 1996.

WHEREAS, Article 5 of the Palm Beach County Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **DOA89-19(C)**, the petition of Polo Trace Country Club, Inc., for a DEVELOPMENT ORDER AMENDMENT in the Residential Single Family (RS) Zoning District, to amend master plan to delete acreage, previously approved on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located on a vicinity sketch as shown on EXHIBIT B, attached hereto and made a part hereof, was approved on March 24, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt <b>Aaronson</b>	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day March, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

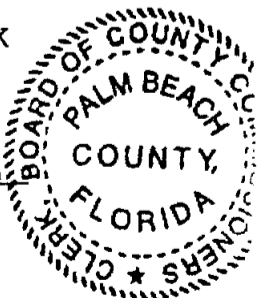


EXHIBIT A  
LEGAL DESCRIPTION

LEGAL DESCRIPTION OF POLO TRACE PROPERTY  
LYING EAST OF HAGEN RANCH ROAD

A PARCEL, OF LAND LYING IN THAT PART OF BLOCK 9, PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA, LYING EASTERLY OF THE RIGHT-OF-WAY FOR HAGEN RANCH ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF TRACTS 1 THROUGH 8, INCLUSIVE, AND TRACTS 25 THROUGH 40, INCLUSIVE, AND TRACTS 57 THROUGH 72, INCLUSIVE, AND TRACTS 89 THROUGH 96, INCLUSIVE, OF BLOCK 9, OF SAID PLAT OF PALM BEACH FARMS COMPANY PLAT NO. 1;

TOGETHER WITH THE WEST ONE-HALF OF THAT CERTAIN 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING EAST OF, AND CONTIGUOUS TO, SAID TRACTS 1, 32, 33, 64, 65, AND 96; TOGETHER WITH ALL THAT PART OF THAT CERTAIN 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING SOUTH OF, AND CONTIGUOUS TO, SAID TRACTS 25 THROUGH 32, INCLUSIVE; TOGETHER WITH ALL THAT PART OF THAT CERTAIN 30 FOOT PLATTED RIGHT-OF-WAY LYING SOUTH OF, AND CONTIGUOUS TO SAID TRACTS 57 THROUGH 64, **INCLUSIVE**; TOGETHER WITH THE NORTH ONE-HALF OF THAT CERTAIN 30 FOOT PLATTED ROAD RIGHT-OF-WAY LYING SOUTH OF, AND CONTIGUOUS TO, SAID TRACTS 89 THROUGH 96, INCLUSIVE.

EXCEPTING HOWEVER THE RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL CANAL L-30 AS PER CHANCERY CASE NO. 407.

CONTAINING 235.24 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

BENCH MARK LAND SURVEYING & MAPPING, INC.

  
WM. R. VAN CAMPEN, P.L.S. 12424

EAST ONE-HALF OF POLO TRACE:

BENCH MARK LAND SURVEYING & MAPPING, INC.

4152 WEST BLUE HERON BOULEVARD  
SUITE 121 - RIVIERA BEACH, FL 33404  
FAX: (407)844-9659 PHONE: (407)848-2102



FILE: P160 DATE: 11/16/93 BY: SCH/CADD CKD: TLO M.O. #: P160 SHEET 1 OF 2

89-19

NOTE: SEE SHEET 2 OF 2 FOR DESCRIPTION DELINEATION SKETCH

EXHIBIT B  
VICINITY SKETCH

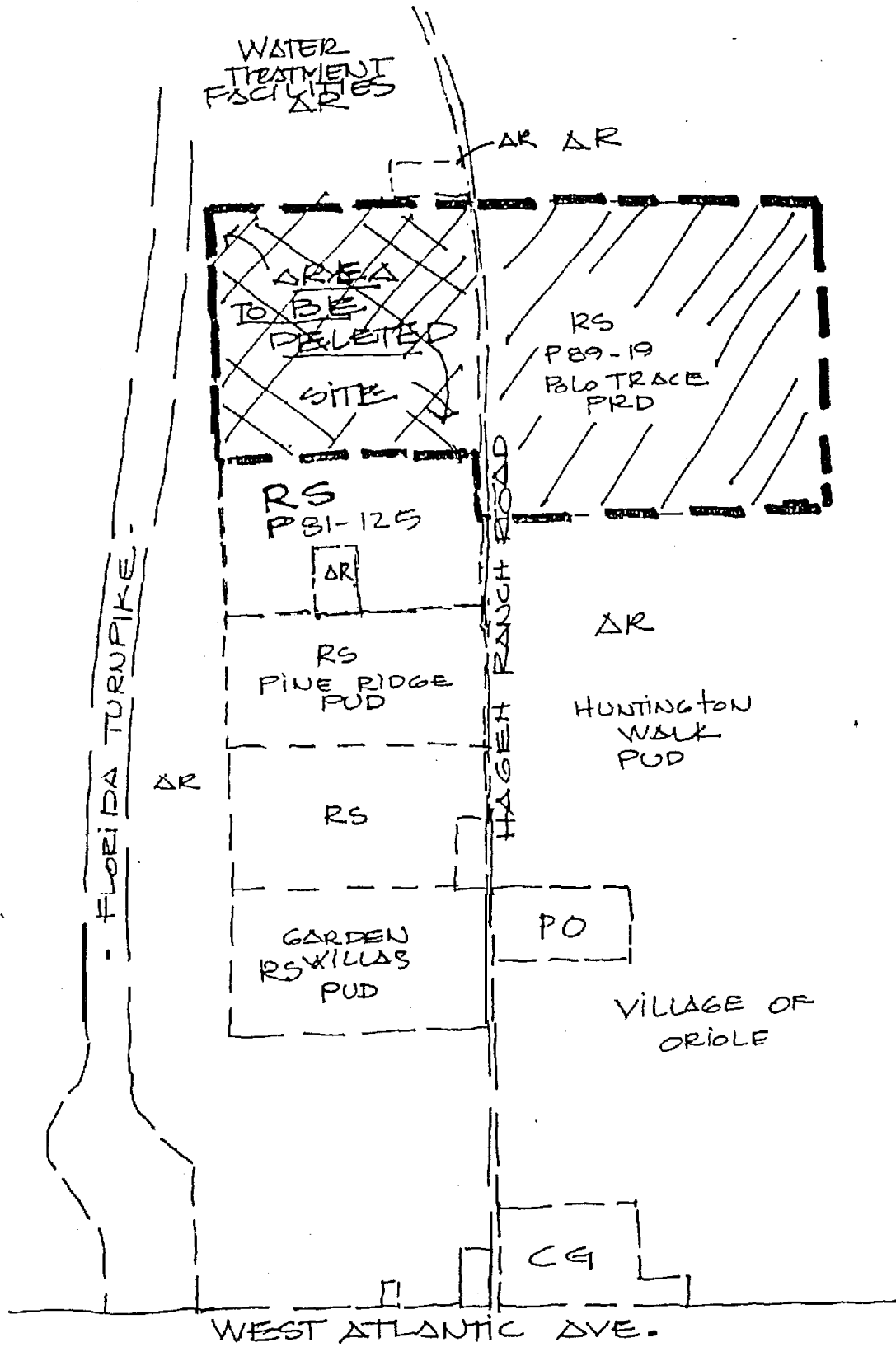


EXHIBIT C

CONDITIONS OF APPROVAL

A. STANDARD CONDITIONS

1. All previous conditions of approval applicable, as contained in Resolutions R-89-1321 and R-91-382, to the subject property have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval unless expressly modified herein.  
(MONITORING)

2. Condition No. A.1, Resolution R-91-382, which currently states:

The petitioner shall comply will previous conditions of approval, unless expressly modified herein.

Is hereby deleted. [REASON: Duplicate condition]

B. SITE DESIGN/USE LIMITATION

1. No **off** -premise signs shall be permitted on site.  
(Previously Condition No. 1, Resolution R-89-1321)  
(ZONING)

2. Condition No. 2 of Resolution R-89-1321, which currently states:

Lighting to illuminate the golf course and recreation parcel shall be shielded with house shields and designed as to shine only on the subject site and directed away from adjacent residential developments and public streets.

Is hereby amended to state:

The golf course shall not be lighted for play.  
(ZONING/CODE ENFORCEMENT)

3. Condition No. 20. Resolution R-89-1321, which currently states:

The **use of** the site shall **be** limited to 94 single family category A dwelling units and two (2) golf courses.

Is hereby amended to state:

Use of the site shall be limited to 94 single family detached units and one (1) private golf course. (ZONING)

C. LANDSCAPING

1. Condition C.1 of Resolution R-91-382, which currently states:

The petitioner shall comply with the requirements **of** the ULDC Landscape Code and submit a revised landscape plan **for** the development.

Is hereby amended to state:

The petitioner shall comply with the landscape requirements of the Unified Land Development Code (ULDC), Ordinance 92-20, as amended. (ZONING)

2. Condition No. 21, Resolution R-89-1321, which currently states:

The trees allocated to the lake areas to satisfy the minimum tree planting **requirements** shall be planted along the golf course fairways which are adjacent to Bagea Ranch **Road**.

Is hereby deleted. [REASON: Minimum tree requirements must be adhered to]

D. HEALTH

1. sewer service is available to the property. Therefore, no septic **tank** shall be permitted on the site. At the discretion of the Health Department, the comfort stations may be reviewed under separate criteria. (Previously Condition No. 4, Resolution R-89-1321) (HEALTH)
2. **Water** service is available to the property. Therefore, **no** well shall **be** permitted on the site to provide potable water. (Previously Condition No. 5, Resolution R-89-1321) (HEALTH)
3. The maintenance and/or chemical storage building(s) shall not be located in Zone One (1) or Two (2) of the proposed wellfield. (Previously Condition No. 6, Resolution R-89-1321) (HEALTH/UTILITIES)
4. No pesticides or fertilizers shall be applied through aerial irrigation within 100 feet of the lake area. (Previously Condition No. 7, Resolution R-89-1321) (ERM/UTILITIES)
5. If reclaimed water (wastewater plant effluent) is utilized to fill lakes, the lakes shall be lined with an impervious material to prevent percolation into the groundwater table and to prevent the draw-down of the lakes. Any use of the reclaimed water shall comply with all Florida Department of Environmental Regulation and Palm Beach County Public Health Unit rules, regulations and permit conditions. (Previously Condition No. 8, Resolution R-89-1321) (ERM/UTILITIES)
6. In the wellfield **zones**, sanitary sewer mains shall be built to force main standards, and no exfiltration trenches shall be allowed. (Previously Condition No. 9, Resolution R-89-1321) (HEALTH/UTILITIES)
7. All land development and construction activities within the project area must use those management practices, as applicable, as set forth in "Exhibit **D**" of the Wellfield Protection Ordinance. (Previously Condition No. 9, Resolution R-89-1321) (HEALTH/UTILITIES)
8. Now and in the future, the present and future owners/residents of this development shall indemnify and save harmless the utility from any claim, action, liability or suit arising out of present or future groundwater levels or any fluctuations thereof caused by the operation of the wells as required in **3a**. (Previously Condition No. 22, Resolution R-89-1321) (UTILITIES)

E. ENGINEERING

1. Condition No. 3, Resolution R-89-1321, which currently states:  
  
Prior to site plan certification the developer agrees to:
  - a. Provide Palm Beach **county** later Utilities Department (utility) with four well sites, locations of which are to be determined by mutual agreement;

- b. Provide utility with necessary easements for well sites and raw water mains as required for the maintenance and operation of said wells and mains as provided in **3a** above.
- c. Provide utility with an easement adjacent to the **L-30** Canal for utility lines required for operation of the Southern Region Wastewater Treatment Plant:
- d. Enter into an agreement with the utility on the utilization of irrigation-quality treated effluent for all or a portion of golf course area irrigation, subject to regulatory approvals, permits, statutory governing authorities having jurisdiction over such matters prior to making applications **for** an irrigation system. **It is recognized** that the operation of the wellfield to be provided for in 3a and 3b above may affect or limit the area to be considered for irrigation. It is not the intention of the utility to require expensive, unnecessary dual irrigation **of** said areas.

Is hereby amended to state:

Prior to site plan certification the developer agrees to:

- a. Provide Palm Beach County Water Utilities Department (utility) with two well sites, locations of which are to be determined by mutual agreement;
  - b. Provide utility with necessary easements for well sites and raw water mains as required for the maintenance and operation **of** said wells and mains as provided in 3a above.
  - c. Provide utility with an easement adjacent to the **L-30** Canal for utility lines required for operation of the Southern Region Wastewater Treatment Plant;
  - d. Enter into an agreement with the utility on the utilization of irrigation-quality treated effluent for all or a portion of **golf** course area irrigation, subject to regulatory approvals, permits, statutory governing authorities having jurisdiction over such matters prior to making applications **for** an irrigation system. **It is recognized** that the operation **of** the wellfield to be provided for in 3a and 3b above may affect or limit the area to be considered for irrigation. It is not the intention of the utility to require expensive, unnecessary dual irrigation of said areas. (Previously Condition No. 3, Resolution **R-89-1321**) (**ENGINEERING/UTILITIES**)
2. 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. (Previously Condition No. 10, Resolution **R-89-1321**) (**ENGINEERING**)

3. Condition Number 12 of Resolution R-89-1321, which presently states:

The Property owner shall construct at the project's entrance road **and Hagen** Ranch Road:

- a. left turn lane, north approach
- b. left turn lane, south approach
- c. right turn lane, south approach
- d. left turn lane, east approach
- c. left turn lane, west approach

concurrent with the construction of the project's entrance road onto **Hagen** Ranch Road. Construction shall be completed prior to the issuance of a Certificate of occupancy.

Is hereby amended to state:

The Property owner shall construct at the project's entrance road and **Hagen** Ranch Road:

- a. left turn lane, north approach
- b.** right turn lane, south approach
- c. left turn lane, east approach

concurrent with the construction of the project's entrance road onto **Hagen** Ranch Road. Construction shall be completed prior to the issuance of a Certificate of Occupancy. (Building-Engineering)

4. Condition Number 13 of Resolution R-89-1321, which presently states:

The Property owner shall convey to Palm Beach county within **90** days of the approval of this project adequate **road** drainage easements through the project's internal surface water management system to provide legal positive outfall **for** all runoff from those segments **of Hagen** Ranch Road along the property frontage and for a maximum **400** ft. distance each side of the property boundary lines along **Hagen** Ranch Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment.

Is hereby amended to state:

Prior to January 1, 1995 the Property owner shall convey to Palm Beach County adequate road drainage easements through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments **of Hagen** Ranch Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along **Hagen** Ranch Road. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) of the included segment. (**Monitoring-Engineering**)



5. The petitioner shall pay a Pair 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 **\$1,045.00** per approved single family dwelling unit **over** 2,000 square feet and \$804.00 **per** approved single family dwelling unit under 2,000 square feet plus **\$30,139.00** for the proposed golf course (golf course 1,125 trips **X** \$26.79). (Previously Condition No. 14, Resolution R-89-1321) (ENGINEERING)
6. The property owner shall convey to the Lake Worth Drainage District an additional 15 foot easement access tract 72 Block 9 for the required right-of-way for Lateral Canal No. 31, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (90) **days of** the approval of the Resolution approving this project. (Previously Condition No. 15, Resolution R-89-1321) (ENGINEERING)
7. The Developer shall install signalization if warranted as determined by the County Engineer at **Hagen** Ranch Road and the project's entrance road. Should signalization not be warranted after 12 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. New Condition (ENGINEERING)
8. Prior to site plan review the petitioner shall indicate existing right-of-way dimensions on a plat or survey. (Previously Condition No. 18, Resolution R-89-1321) (ENGINEERING)
9. The developer shall plat the subject property in accordance with provisions of Palm Beach County's ~~Subdivision Platting Ordinance 73-4~~ Unified Land Development Code, ordinance 92-20, as amended. (Previously Condition No. 18, Resolution R-89-1321) (ENGINEERING)

F. COMPLIANCE

1. Condition No. 23, Resolution R-89-1321, which currently states:

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.

Is hereby deleted. [REASON: Duplicate condition]

2. ~~As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, Section 5.8 of the Unified Land Development Code (ULDC), as amended. Failure to comply with any~~ of these conditions of approval at any time may result in:
  - a. 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: and/or
  - b. The revocation of the 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; and/or

- C. A requirement of the development to conform with updated standards of development, applicable 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.

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~~ Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the *Fifteenth* Judicial Circuit. (Previously Condition No. D.1 of Resolution R-91-382) (MONITORING)