

RESOLUTION NO. **R-90-** 1448

RESOLUTION APPROVING ZONING PETITION NO. **90-19**  
SPECIAL EXCEPTION PETITION OF ESTATE OF JULES T. GRADISON

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. **90-19** was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 2, 1990; 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 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, 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. **90-19**, the petition of ESTATE OF JULES T. GRADISON, BY ROBERT D. NORRIS, AGENT, for a SPECIAL EXCEPTION to permit PUBLIC PARKS AND RECREATION AREAS (PUBLIC GOLF COURSE) on a parcel of land lying in the west 1/2 of the east 1/2 of Section 14, Township 42 South, Range 41 East, Less the South 687.82 feet of said Section 14, and being located on the NORTH SIDE OF WEST LAKE PARK ROAD EXT. APPROXIMATELY .23 MILE WEST OF MEMORIAL PARK ROAD, IN THE AGRICULTURAL RESIDENTIAL ZONING DISTRICT, was approved on May 2, 1990, as advertised, subject to the following conditions:

1. Prior to Site Plan Review Committee approval, the petitioner shall:
  - a. Receive and submit all appropriate permits or notifications from the Florida Department of Environmental Regulation, the Palm Beach County Department of Environmental Resources Management and any other jurisdictional authority.
  - b. Submit revised site plans conforming to all permitting authority requirements.
  - c. Demonstrate conformance to the Environmentally Sensitive Lands Ordinance.
2. The facility shall be open to the public. The County Attorney shall review and approve appropriate restrictive covenants which guarantee that the facility

shall remain open to the public. These restrictive covenants shall be approved prior to Site Plan Review Committee approval.

3. Prior to issuance of vegetation removal permits, the developer shall:
  - a. Submit a vegetation preservation and management program. This program shall:
    - 1) Identify the limits of all preserve areas including uplands.
    - 2) Provide an average of a twenty-five foot (25') upland buffer around all wetland land areas.
    - 3) Provide justification for the creation of all lakes. Those lakes not required for retention purposes shall be eliminated from the project design. Clearing for golf purposes shall be limited to the minimum necessary to establish the facility.
    - 4) Identify areas of vegetation to be impacted by development and commit to relocation of a minimum of one (1) tree (on site native vegetation with canopy, sub-canopy or shrub) per 500 square feet of disturbed area.
    - 5) All trees shall be relocated to restoration sites identified on the site plan.
4. Prior to commencing the vegetation removal operation, the developer shall:
  - a. Arrange an on-site visit with Palm Beach County Landscape Inspections.
  - b. Identify all trees to be relocated.
  - c. Identify the limits of all preservation areas.
  - d. Erect protective barriers around the perimeter of all wetland and preserve areas.
5. All required landscaping shall be compatible with the native vegetation found on site.
6. The proposed site plan shall comply with the preserve area requirement of the Environmentally Sensitive Lands Ordinance.
7. A management plan for the preserve area shall be prepared and submitted to the Department of Environmental Resources Management for approval prior to Site Plan certification. This plan shall address continued monitoring and exotic species control.
8. An appropriate deed restriction shall be placed on the lands designated as preserves.
9. No direct discharge of untreated stormwater runoff shall be permitted into the wetland areas.
10. All finished excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater than six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four

feet below OHW or CWL. A minimum of 30% of the littoral shelf shall be planted with native aquatic vegetation on a minimum of three foot centers. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management for approval prior to Subdivision approval.

11. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass as programs are available.
12. 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).
13. 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.
14. Prior to September 1, 1990 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:
  - a. Northlake Boulevard, 60 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.

15. The Property owner shall construct a left turn lane, west approach on Northlake Boulevard at the project's entrance road concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy if required by staff.
16. The Property owner shall convey to Palm Beach County within 90 days of the approval of this project adequate road drainage tract through the project's internal surface water management system to provide legal positive outfall for all stormwater runoff from those segments of Northlake Boulevard along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Northlake Boulevard. 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. If required by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevations of all construction shall be approved by the County Engineer.

17. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall provide documentation as to contracts for purchase of the property by an appropriate governmental agency.
18. Unless exempted in accordance with the Fair Share Impact Fee, the Developer 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 \$38,830.00 (706 trips X \$55.00 per trip).
19. No food preparation or service shall be permitted on site. Food meeting the requirements of the Palm Beach County Environmental Control Rule #1 are excluded from this restriction.
20. The petitioner shall utilize irrigation quality water at the time such water is available within five hundred (500) feet of the property line.
21. There shall be no lighting or night use of the driving range facility.
22. No loudspeaker systems shall be allowed on site.
23. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, 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**. 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.

Commissioner Marcus moved for approval of the Resolution.

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

|                          |    |     |
|--------------------------|----|-----|
| Carol J. Elmquist, Chair | -- | AYE |
| Karen T. Marcus          | -- | AYE |
| Carol Roberts            | -- | AYE |
| Ron Howard               | -- | AYE |
| Carole Phillips          | -- | AYE |

The Chair thereupon declared the resolution was duly **passed** and adopted this 28th day of August, 1990.

APPROVED **AS TO FORM**  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK. X

BY:

*Ruben Altier*  
COUNTY ATTORNEY

BY:

*Vicki Berling*  
DEPUTY CLERK