

RESOLUTION NO. R-93- 249

RESOLUTION APPROVING ZONING PETITION Z/CA92-37
CLASS A CONDITIONAL USE
PETITION OF PINETREE GOLF 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; 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 Z/CA92-37 was presented to the Board of County Commissioners at a public hearing conducted on February 25, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with all requirements of Article 5, Section 5.4 (Conditional Uses) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Class A Conditional Use is consistent with all other applicable local land development regulations.

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 Z/CA92-37, the petition of PINETREE GOLF CLUB, INC. BY T. J. MESSLER, AGENT for a CLASS A CONDITIONAL USE allowing a golf course in the Residential Transitional Suburban (RTS) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on February 25, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 25th day of February, 1993.

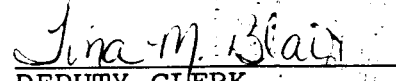
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

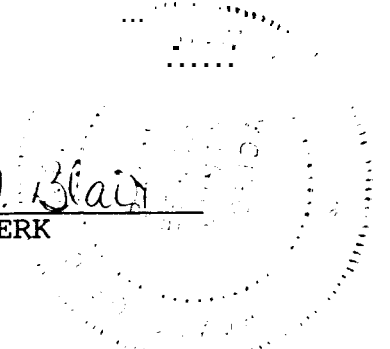


EXHIBIT A

LEGAL DESCRIPTION

According to the unrecorded plat of Pine Tree Golf Club DWG No. 45-42-25-18-A as filed in the office of Mock, Roos & Searcy, Inc. last revised on January 26, 1965, and more particularly describing Tract "F" of Pine Tree Golf Club, as follows:

Commencing at the southwest corner of Section 25, Township 45 South, Range 42 East, Palm Beach County, Florida;
thence N 89°26'45" E, along the south line of said Section 25, a distance of 1355.16 feet to a point;
thence N 0°41' 42" E a distance of 1147.51 feet to a point;
thence N 89°43' 58" E a distance of 2130.81 feet to a point;
thence N 0°16' 02" W a distance of 749.50 feet to the point of beginning;
thence continue N 0°16' 02" W a distance of 118.00 feet to a point;
thence N 89°43' 58" E a distance of 175.00 feet to a point;
thence S 0°16' 02" E a distance of 118.00 feet to a point;
thence S 89°43' 58" W a distance of 175.00 feet to the point of beginning.

SUBJECT to an easement over the West 20.00 feet thereof for roadway and utility purposes.

ALSO SUBJECT to an easement over the east 5.00 feet of the West 25.00 feet thereof for utility purposes.

Lot E of PINE TREE GOLF CLUB located in the County of Palm Beach, State of Florida, more particularly described as follows:
According to the unrecorded plat of the Pine Tree Golf Club, Inc., DWG No. 45-42-25-18-A as filed in the office of the Mock, Roos and Searcy, Inc., - Last revised on January 26, 1965 and more particularly described as follows: Commencing at the Southwest corner of Section 25, Township 45 South, Range 42 East, Palm Beach County, Florida; thence N 89°26'45" E, along the South line of said Section 25, a distance of 1355.16 feet to a point; thence N 00°41'42" E, a distance of 1147.51 feet to a point; thence N 89°43'58" E, a distance of 2130.81 feet to a point; thence N 00°16'02" W, a distance of 842.50 feet to the point of beginning; thence continue N 00°16'02" W, a distance of 118.00 feet to a point; thence N 89°43'58" E, a distance of 175.06 feet to a point; thence S 00°16'02" E, a distance of 118.00 feet to a point; thence S 89°43'58" W, a distance of 175.00 feet to the point of beginning.

(NORTH 1/2 TRACT "A" PINETREE - AN UNRECORDED SUBDIVISION)

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE N-89°-26'-45"-E, ALONG THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 1355.16 FEET TO A POINT; THENCE N-0°-41'-42"-E, A DISTANCE OF 1147.51 FEET TO A POINT; THENCE N-89°-43'-58"-E, A DISTANCE OF 2130.81 FEET TO A POINT; THENCE N-0°-16'-02"-W, A DISTANCE OF 1398.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N-0°-16'-02"-W, A DISTANCE OF 59.00 FEET TO A POINT; THENCE N-89°-43'-58"-E, A DISTANCE OF 175.00 FEET TO A POINT; THENCE S-0°-16'-02"-E, A DISTANCE OF 59.00 FEET TO A POINT; THENCE S-89°-43'-58"-W, A DISTANCE OF 175.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT OVER THE WEST 20.00 FEET THEREOF FOR ROADWAY AND UTILITY PURPOSES.

ALSO SUBJECT TO AN EASEMENT, OVER THE EAST 5.00 FEET OF THE WEST 25.00 FEET THEREOF FOR UTILITY PURPOSES.

ALSO SUBJECT TO AN EASEMENT OVER THE NORTH 10.00 FEET THEREOF FOR UTILITY PURPOSES.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL NO. 1

South 1/2 of Lot A of PINE TREE GOLF CLUB located in the County of Palm Beach, State of Florida, more particularly described as follows:

According to the unrecorded plat of the Pine Tree Golf Club, Inc., DWG NO. 45-42-25718-A as filed in the Office of the Mock, **Roos** and Searcy, Inc., Last revised on January 26, 1965 and more particularly described as follows:

Commencing at the Southwest corner of Section 25, Township 45, South, Range 42 East, Palm Beach County, Florida; thence N-89°-26'-45"-E, along the South line of said Section 25, a distance of 1355.16 feet to a point; thence N-0°-41'-42"-E, a distance of 1147.51 feet to a point; thence N-89°-43'-58"-E, a distance of 2130.81 feet to a point; thence N-0°-16'-02"-W, a distance of 1339.50 feet to the point of beginning; thence continue N-0°-16'-02"-W, a distance of 59 feet to a point; thence N-89°-43'-58"-E, a distance of 175.00 feet to a point; thence S-0°-16'-02"-E, a distance of 59 feet to a point; thence S-89°-43'-58"-W, a distance of 175.00 feet to the point of beginning.

Subject to an easement over the West 20.00 feet thereof for roadway and utility purposes.

Also subject to an easement over the East 5.00 feet of the West 25.00 feet thereof for utility purposes.

PARCEL NO. 2

Lot B of PINE TREE GOLF CLUB located in the County of Palm Beach, State of Florida, more particularly described as follows:

According to the unrecorded plat of the Pine Tree Golf club, Inc. DWG No. 45-42-25-18-A as filed in the Office of the Mock, **Roos** and Searcy, Inc., Last revised on January 26, 1965, and more particularly described as follows:

Commencing at the Southwest corner of Section 25, Township 45 South, Range 42 East, Palm Beach County, Florida; thence N-89°-26'-45"-E, along the South line of said Section 25, a distance of 1355.16 feet to a point; thence N-0°-41'-42"-E, a distance of 1147.51 feet to a point; thence N-89°-43'-58"-E, a distance of 2130.81 feet to a point; thence N-0°-16'-02"-W; a distance of 1221.50 feet to the point of beginning; thence continue N-0°-16'-02"-W, a distance of 118.00 feet to a point; thence N-89°-43'-58"-E, a distance of 175.00 feet to a point; thence S-0°-16'-02"-E, a distance of 118.00 feet to a point; thence S-89°-43'-58"-W, a distance of 175.00 feet to the point of beginning.

Subject to an easement over the West 20.00 feet thereof for roadway and utility purposes.

Also subject to an easement over the East 5.00 feet of the West 25.00 feet thereof for utility purposes.

Also subject to an easement over the South 5.00 feet thereof for utility purposes.

SUBJECT to restrictions and easements of record, if any: taxes for the year 1974 and all subsequent years: and to all valid zoning ordinances.

RECORDED
INDEXED
FILED

EXHIBIT A

LEGAL DESCRIPTION

Situate, lying and being in the County of Palm Beach, State of Florida **and** described as follows:

Commencing at the Southwest corner of Section 25, Township 45 South,, Range.42 East, Palm Beach County; Florida; thence N-89°-26'-45"-E, along the South line of said Section 25, a distance of 1355.16 feet to a point; thence N-0°-41'-42"-E, a distance of 1147.51 feet to a point; thence N-89°-43'-58"-E, a distance of 295.02 feet to a point; thence S-22°-39'-12"-E, a distance of 189.26 feet to the point of beginning; thence S-45°-12'-50"-W, a distance of 28.52 feet to a point; thence S-0°-41'-42"-W, a distance of 600.65 feet to a point; thence S-44°-55'-47"-E, a distance of 27.98 feet to a point; thence N-89°-26'-45"-E, a distance of 3079.53 feet to a point; thence N-44°-36'-41"-E, a distance of 28.36 feet to a point; thence N-0°-13'-22"-W, a distance of 3522.92 feet to a point; thence N-45°-02'-40"-W, a distance of 28.37 feet to a point; thence N-89°-51'-58"-W, a distance of 2353.87 feet to a point; thence S-45°-20'-40"-W, a distance of 28.38 feet to a point; thence S-0°-33'-18"-W, a distance of 1569.52 feet to a point; thence S-44°-44'-54"-E, a distance of 28.16 feet to a point; thence N-89°-56'-54"-E, a distance of 459.57 feet to a point; thence S-0°-03'-06"-E, a distance of 350.00 feet to a point; thence S-89°-56'-54"-W, a distance of 799.70 feet to a point; thence S-45°-17'-12"-W, a distance of 28.45 feet to a point; thence S-0°-37'-30"-W, a distance of 606.75 feet to a point; thence S-44°-49'-16"-E, a distance of 28.06 feet to a point; thence N-89°-43'-58"-E, a distance of 1225.62 feet to a point; thence N-44°-43'-58"-E, a distance of 28.28 feet to a point; thence N-0°-16'-02"-W, a distance of 1315.00 feet to a point; thence S-89°-43'-58"-W, a distance of 17.50 feet to a point; thence N-0°-16'-02"-W, a distance of 17.50 feet to a point; thence S-89°-43'-58"-W, a distance of 172.50 feet to a point; thence N-0°-16'-02"-W, a distance of 118.00 feet to a point; thence S-89°-43'-58"-W, a distance of 3.00 feet to the beginning of a curve, concave to the Southwest, having a radius of 632.00 feet and a central angle of 37°-42'-48"; thence Northerly and Northwesterly along the arc of the said curve, a distance of 416.00 feet to the end of the said curve; thence N-52°-01'-10"-E, a distance of 175.50 feet to the beginning of a curve, concave to the Southwest, having a radius of 807.50 feet and a central angle of 0°-08'-38"; thence Northwesterly along the arc of the said curve, a distance of 2.04 feet to the end of the said curve; thence N-51°-52'-32"-E, a distance of 17.50 feet to the beginning of a curve, concave to the Southwest, having a radius of 825.00 feet and a central angle of 15°-08'-34"; thence Northwesterly along the arc of the said curve, a distance of 218.04 feet to the end of the said curve; thence N-53°-16'-02"-W, a distance of 15.00 feet to a point.; thence N-36°-43'-58"-E, a distance of 190.00 feet to a point; thence N-53°-16'-02"-W, a distance of 80.00 feet to a point; thence N-36°-43'-58"-E, a distance of 160.00 feet to a point; thence S-53°-16'-02"-E, a distance of 95.00 feet to the beginning of a curve; concave to the Southwest, having a radius of 1175.00 feet and a central angle of 3°-10'-17"; thence Southeasterly along the arc of the said curve,

EXHIBIT A

LEGAL DESCRIPTION

a distance of 65.05 feet to the end of the said curve; thence S-39°-54'-15"-W, a distance of 12.00 feet to the beginning of a curve, concave to the Southwest, having a radius of 1163.00 feet and a central angle of 28°-59'-10"; thence Southeasterly along the arc of the said curve, a distance of 588.37 feet to the end of the said curve; thence N-68°-53'-23"-E, a distance of 7.00 feet to the beginning of a curve, concave to the Southwest, having a radius of 1170.00 feet and a central angle of 0°-56'-02"; thence Southeast along the arc of the said curve, a distance of 19.30 feet to the end of the said curve; thence N-69°-49'-25"-E, a distance of 155.00 feet to the beginning of a curve, concave to the Southwest, having a radius of 1325.00 feet and a central angle of 19°-54'-33"; thence Southeasterly and Southerly along the arc of the said curve, a distance of 460.41 feet to the end of the said curve; thence S-89°-43'-58"-W, a distance of 155.00 feet to a point; thence S-0°-16'-02"-E, a distance of 135.50 feet to a point; thence N-89°-43'-58"-E, a distance of 5.00 feet to a point; thence S-0°-16'-02"-E, a distance of 1437.51 feet to a point; thence S-45°-16'-02"-E, a distance of 230.75 feet to a point; thence S-60°-08'-49"-E, a distance of 300.00 feet to a point; thence S-29°-51'-11"-W, a distance of 185.00 feet to a point; thence N-62°-54'-31"-W, a distance of 103.73 feet to a point; thence N-60°-08'-49"-W, a distance of 143.07 feet to a point; thence S-29°-51'-11"-W, a distance of 150.00 feet to a point; thence N-59°-27'-10"-W, a distance of 143.22 feet to a point; thence N-45°-16'-02"-W, a distance of 230.75 feet to a point; thence S-89°-43'-58"-W, a distance of 1691121 feet to the point of beginning.

NOTE: All previously described curves are concentric one to another,

PARCEL THREE:

The Mortgagor's right, title and interest in and to the property described in that certain Easement Deed from L. J. Gumpert and George R. Goode, as Trustees of Pine Tree Trust under Trust Indenture dated December 15, 1960, and recorded in Official Record Book 579, page 1, public records of Palm Beach County, Florida, to Pine Tree Golf Club, Incorporated, and others dated July, 23, 1968, and recorded in Official Record Book 1666, page 496, public records of Palm Beach County, Florida.

PARCEL TWO:

The North 40 feet; of the South 211 feet of the following described property:.

Commencing at the southwest corner of Section 25, Township 45 South, Range 42 East, Palm Beach County, Florida; thence N-89°-26'-45"-E, along the south line of said Section 25, a distance of 1355.16 feet to a point; thence N-0°-41'-42"-E, a distance of 1147.51 feet to a point; thence N-89°-43'-58"-E, a distance of 2130.81 feet to a point; thence N-0°-16'-02"-W, a distance of 749.50 feet to the point of beginning; thence continue N-0°-16'-02"-W, a distance of 673.00 feet to a point; thence N-89°-43'-58"-E, a distance of 175.00 feet to a point; thence S-0°-16'-02"-E, a distance of 673.00 feet to a point; thence S-89°-43'-58"-W, a distance of 175.00 feet to the point of beginning.

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. The petitioner shall receive certification for the Golf Course Master plan and Maintenance Facility site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Development Review Committee on or before June 30, 1993. (MONITORING)
2. Prior to DRC site plan certification the applicant shall record a Unity of Title and a Unity of Control for the subject property subject to approval by the County Attorney. (COUNTY ATTORNEY/ZONING)

B. BUILDING AND SITE DESIGN

1. Total gross floor area for the golf course maintenance facility shall be limited to a maximum of 8,600 square feet on Lots A and B. (ZONING/Building)
2. The maintenance facility shall be fenced on the north, south, and west property lines. (*Note: the fence or the west property line includes a gated access point.*) (ZONING)

C. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (UTILITIES)

D. LANDSCAPING

1. Prior to site plan certification, the petitioner shall include landscape tabular data on the golf course site plan to reflect conformance with Section 7.3 of the Palm Beach County Land Development Code and all landscape/vegetation eradication conditions of approval. (ZONING)
2. Prior to site plan certification, the golf course maintenance facility site plan shall be amended to indicate the following landscape requirements:

A. North Property Line

- 1) A minimum ten (10) foot wide landscape buffer strip.
- 2) One (1) fourteen (14) foot native canopy tree planted every twenty (20) feet on center.
- 3) Forty eight (48) inch native shrub or hedge material spaced twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches.

B. South Property Lines

- 1) A minimum ten (10) foot wide landscape buffer strip.

- 2) Two (2) rows of fourteen (14) feet native canopy trees planted twenty (20) feet on center in an off set pattern.
- 3) Forty eight (48) inch native shrub or hedge material spaced twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches.

C. West Property Lines

- 1) A minimum twenty (20) foot wide landscape buffer strip.
- 2) TWO (2) rows of fourteen (14) feet native canopy trees planted every twenty (20) feet on center in an off set pattern.
- 3) Forty eight (48) inch native shrub or hedge material spaced twenty-four (24) inches on center at installation, to be maintained at a minimum height of sixty (60) inches.

These requirements shall be provided on the exterior side of the required fence. (ZONING)

F. LIGHTING - GOLF COURSE ONLY

1. All outdoor lighting used to illuminate the premise; 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. (CODE ENFORCEMENT)

G. USE LIMITATIONS

1. The use of the property shall be limited to the operation of a golf course and associated club house and maintenance facilities. (CODE ENFORCEMENT)
2. No outdoor loudspeaker system audible off site of the golf course parcel shall be permitted. (CODE ENFORCEMENT)

H. VEGETATION REMOVAL PROGRAM

1. Prior to June 30, 1993, 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, 1994
 2. Phase 2, 1995
 3. Phase 3, 1996
 - 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 overall tree

county and which plant material shall be eradicated. In conjunction with the eradication of 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 7.3 of the Palm Beach County Land Development 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)

I. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances-fuels, oils, solvents, or other hazardous chemicals is required. Dept. of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BUILDING-ERM)

J. HEALTH

1. Water service is available to the property. Therefore, **no** well shall be permitted on the site to provide potable water. (HEALTH)
2. The application and engineering plans to construct **on-site** sewage disposal system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee (or prior to issuance of Building Permit for straight rezoning). (HEALTH)
3. The petitioner must provide a Unity of Title for Lot A and Lot B, prior to site plan approval by the DRC. (HEALTH)
4. The petitioner must submit an application for an on-site sewage disposal system operating permit prior to site plan approval by the DRC. (HEALTH)

K. COMPLIANCE

1. 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. (MONITORING)