

**VILLAGE OF WELLINGTON
PLANNING ZONING AND ADJUSTMENT BOARD**

ORDER ON 5.1.15 HEARING

On October 3, 2012 and November 7, 2012, the Village of Wellington Planning, Zoning and Adjustment Board ("Board") conducted public hearings pursuant to Section 5.1.15 of the Village of Wellington Land Development Code concerning the following development applications/approvals:

Project: Blue Cypress of Palm Beach Polo & Country Club
(Wellington Planned Unit Development)

Applicant/Property Owner: Palm Beach Polo Holdings, Inc.

Additional Property Owner: Chukker Holdings, LLC

Nature of Request: Site Plan Amendment for 67 lots (approved on February 23, 2011)

Land Development Permit No. 12-0266 (issued on March 6, 2012)

Procedural History

1. On January 19, 2011, Palm Beach Polo Holdings, Inc. ("Polo Holdings") filed a Site Plan Amendment Application with the Village to modify the approved site plan for the Blue Cypress Parcel (Parcel 65B) of the Wellington Planned Unit Development Master Plan ("Site Plan Amendment").

2. On February 23, 2011, the Village of Wellington Development Review Committee approved and certified the Site Plan Amendment, and on March 6, 2012, the Village of Wellington issued a Land Development Permit.

3. Palm Beach Polo applied for a plat approval based on the approved Site Plan Amendment and during this process, the Village Engineer determined that two tracts (Tracts A and C) within the approved Site Plan and Plat for Blue Cypress were owned by a third party, Chucker Holdings, LLC, and that the Village had not received the consent of Chucker Holdings for either the Site Plan Amendment or the Plat Approval.

4. The Village Engineer suspended the Land Development Permit and ordered that all work associated with the Permit cease and desist until the owner of Tract A consented to the Site Plan Amendment and the Plat Approval or the Site Plan and the Plat were modified to maintain access to Tract A in substantial conformance with the original plat.

5. Palm Beach Polo and the Village subsequently agreed to schedule the matter for a hearing before the Board pursuant to Section 5.1.15 of the Village Land Development Code to consider whether there is evidence that the Site Plan Application "was considered wherein there was misrepresentation, fraud, deceit, or a deliberate error of omission."

Findings of Fact

Having considered all of the evidence and testimony presented by counsel for the Village, Polo Holdings, and Chucker Holdings during the course of the hearings, and otherwise being duly advised, the Board hereby finds as follows:

1. The evidence and testimony demonstrated that the Site Plan Amendment application submitted by Polo Holdings contained a misrepresentation as to the ownership of the property included in the Site Plan.

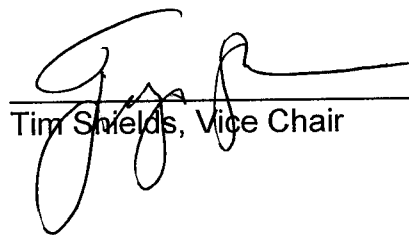
2. Specifically, in the Site Plan Application, the principal of Palm Beach Polo swore/affirmed that Palm Beach Polo owned the property referenced in the Application when, in fact, Tract A and Tract C were owned by Chukker Holdings, LLC.

Conclusion of Law

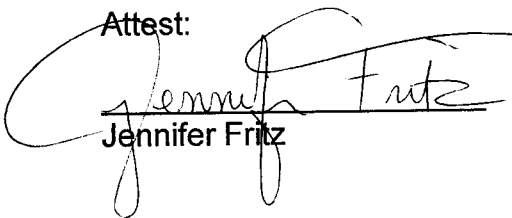
1. The Village met its burden of demonstrating evidence of misrepresentation in the Site Plan Application process pursuant to Section 5.1.15 of the Village of Wellington Land Development Code.

2. Based on the foregoing, the Site Plan Amendment is decertified and is remanded to the Village's Development Review Committee for sufficiency review.

DONE AND ORDERED this 12 day of November, 2012.



Tim Shields, Vice Chair

Attest:


Jennifer Fritz