

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN/ZV/Z/CA-2017-02003
Application Name: American German Club
Control No.: 1981-00148
Applicant: American German Club, Inc.
Owners: American German Club, Inc.
Agent: JMorton Planning & Landscape Architecture - Jennifer Morton, and Lauren McClellan
Telephone No.: (561) 721-4463, (561) 371-9384
Project Manager: Carlos Torres, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon previous Resolutions for a Special Exception to allow the expansion of an Existing Private Club and Sewage Treatment Plant and On-Site Water Treatment Facility. **TITLE:** a Type 2 Variance **REQUEST:** to allow for an increase in easement overlap within a Compatibility Buffer; to modify a Right of Way (R-O-W) Buffer, to include: width reduction, to eliminate small and medium shrubs, to eliminate trees; eliminate or reduce minimum wall or fence setback, and eliminate or reduce 75 percent planting on the exterior side of a fence or wall; to allow for Drive Aisle width reduction; and, to eliminate a Divider Median within the parking area. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Institutional and Public Facilities (IPF) Zoning District. **TITLE:** a Class A Conditional Use **REQUEST:** to allow Assembly Membership Nonprofit.

APPLICATION SUMMARY: Proposed are a Development Order Abandonment (ABN) to abandon a previous Resolution for a Special Exception to allow the expansion of an Existing Private Club and Sewage Treatment Plant and On-Site Water Treatment Facility, a Type 2 Variance, an Official Zoning Map amendment, and a Class A Conditional Use (CA) for the American German Club. The 8.80-acre site was originally approved by the Board of County Commissioners (BCC) on May 6, 1975, for a Special Exception (SE) to allow for the expansion of an existing Private Club. The most recent BCC approval was on October 27, 1981, for a SE to allow for the expansion of an existing Private Club, Sewage Treatment Plant and on-site Water Treatment Facility.

The Applicant is proposing to redevelop and expand the existing facility, which includes abandoning the prior SE, rezoning the parcel from the Agricultural Residential (AR) Zoning District to the Institutional and Public Facilities (IPF) Zoning District, along with requests for several Type 2 Variances, and a Class A Conditional Use to allow a Assembly Membership Nonprofit. In addition, the Applicant is proposing to incorporate the Right of Way (R-O-W) for Myer Road into the subject site (1.47 acres), for a total of 10.27 acres. With this proposal, the Applicant intends to bring the Site Plan into compliance with current Code by correcting multiple code violations and accommodate public events particular to and strictly related to the German American Club Mission Statement.

The proposed Preliminary Site Plan indicates two phases, which includes the following existing structures: two-story 18,099 square foot (sq. ft.) Main Building, 15,025 sq. ft. Permanent Shelter, 812 sq.ft. building for Restrooms, two Storage buildings totaling 3,283 sq. ft, and, two Gazebos totaling 713 sq.ft. Phase one will include parking lot and landscaped improvements for compliance with current code requirements. Phase 2 includes the addition of a new 3,060 sq. ft Kitchen Building, 675 sq. ft Accessory Building, 2,212 sq. ft. Storage building and one 650 sq.ft Beverage Counter with covered Patio.

The Applicant is also requesting Variances to allow 100 percent easement overlap within the 5 ft. wide Compatibility Buffer along southeast property line to accommodate an existing Florida Power & Light easement; to allow the following modifications to the R-O-W Buffer applicable to the access easement proposed to replace the former Myers Road R-O-W: reduce the width from 15 ft. to 5 ft. where overlapping the existing parking area, to eliminate small and medium shrubs and required trees, to allow for the 7.5 ft. fence setback to be reduced to a range of 0 ft. to 7.5 ft, and, to reduce the required 75 percent of the planting on the exterior side of a fence to a range of 0% to 25%; to allow a reduction of the Drive Isle along Myers Rd. from the required 25 ft to 20.5 feet wide; and, to eliminate the required divider Mediam within the parking area.

The Preliminary Site Plan indicates a total of 219 parking spaces, including 10 grass parking spaces to be developed in Phase 2, with one access point from Lantana Road and one proposed gated Emergency Access from Nash Trail on the northwest corner of the property.

This application was reviewed under Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 22.

SITE DATA:

Location:	North side of Lantana Road, approximately 1,000 feet west of Haverhill Road.
Property Control Number(s)	00-42-44-35-00-000-5040
Existing Future Land Use Designation:	Institutional and Public Facilities (INST)
Proposed Future Land Use Designation:	No change
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Institutional and Public Facilities (IPF)
Total Acreage:	10.27 acres (8.80 acres + 1.47 acre of abandonment of Myer Roads)
Affected Acreage:	10.27 acres (8.80 acres + 1.47 acre of abandonment of Myer Roads)
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Atlantis, Greenacres
Future Annexation Area	Greenacres, Lantana

RECOMMENDATION: Staff recommends approval of the request subject to 8 Conditions of Approval as indicated in Exhibit C-1, 1 Condition of Approval as indicated in Exhibit C-2, and 18 Conditions of Approval as indicated Exhibit C-3.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

The subject site is currently occupied by the American German Club. The principal use on the property was approved by the Board County Commissioners (BCC) in 1974 as a Private Club, pursuant to the 1973-2 Zoning Code. In 1975, the BCC approved a Development Order Amendment (DOA) to expand the 1974 approval to add land area and parking (Resolution R-75-294). On October 27, 1981, the BCC approved a DOA to allow an additional expansion of an existing Private Club (to add land area), Sewage Treatment Plan and On-Site Water Treatment Facility (R-1981-1363).

BACKGROUND AND SUMMARY:

In 1992, with the repeal of Ordinance 1973-2, the use category “Private Club” was replaced in Ordinance 1992-20 with the use category “Nonprofit Assembly,” under the Public and Civic Uses Types. Subsequent Code amendments in 2003 and 2017 retained the Assembly Membership Nonprofit use, with minor revisions to supplemental standards and the definition for the use, which reads as follows: “An establishment owned or operated by a nonprofit organization for social, education or recreational purposes where paid membership is required”.

No changes to the approved use of the property in the 1990s were made, other than the requirement for the American German Club to apply for a Special Permit for a Special Event for Oktoberfest, which was considered part of the original approval back in 1975. As the Oktoberfest grew in popularity so did the need for off-site parking. In order to accommodate this request, the Zoning Director and American German Club agreed that a Special Event Special Permit would be applied for

to permit review of the Oktoberfest event. This practice to issue a Special Event Special Permit continues each year.

The American German Club continues to expand the types of events occurring on the site, resulting in Code Enforcement issues as to the nature of the activities and whether such activities are permitted as a matter of right, or require a Special Event Special Permit. The code limits these Special Permits Special Events to a total of three a year. Code Enforcement also investigated and found out that unpermitted building improvements have occurred on the property as well as massive tree removal without permits.

The proposed application is intended to bring the previously developed and approved American German Club Site Plan into conformance with current Code requirements to the greatest extent possible. This includes seeking Variance relief for some existing previously improvements, new improvements and removal of structures that cannot comply with Building Code. In addition, the Applicant is seeking to clarify the scope of outdoor activities permitted as part of the use of the site, exclusively related to the German Culture such as Oktoberfest and Kris Kringle Market, as stated in the American German Club Mission statement to be considered as part of the requested use “Assembly Membership Nonprofit” and not to be required a petition for Special Permit as it is required every year for these types of activities.

SURROUNDING LAND USES:

NORTH:
FLU Designation: Residential Low (LR-1)
Zoning District: Agricultural Residential District (AR)
Supporting: Vacant (Control No 1981-00148)

SOUTH:
FLU Designation: Low Residential (LR-3)
Zoning District: Single-Family Residential District (RS)
Supporting: Park (Winston Trail Park Control No 1987-00112)

EAST:
FLU Designation: Commercial Low with, with an underlying IND (CL/IND)
Zoning District: Multiple Unit Planned Development (MUPD)
Supporting: Industrial (Able’s Lawnmower) Control No 1982-00053)

WEST:
FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development (PUD) District
Supporting: Residential (Multi-Family) (Colony Reserve PUD, Control No 2003-00011)

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V-1	7.D.12, Landscaping, General Standards, Landscaping in Easements	Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting.	100 percent easement overlap of FPL easement into the Landscape buffer.	100 percent easement overlap.
V-2	7.F.7.A, Width of R-O-W Buffer	15 feet	10 feet along the 47 parking spaces abutting proposed easement access	To reduce to 10 feet the required R-O-W 47 parking spaces abutting proposed easement access
V-3	Table 7.F.7.B, Shrub Planting Requirements	3 tiers of small, medium and large shrubs	1 tier of large shrubs	Eliminate 2 tiers of small and medium shrubs

V-4	7.F.2, Landscape - Trees, Shrubs and Hedges	ROW required trees minimum of one (1) canopy tree per 25 linear feet	No trees along the 47 parking spaces abutting proposed easement access	To eliminate the required trees along the 47 parking spaces abutting proposed easement access
V-5	Table 6.A.1.D, Dimensions of Access Ways	Minimum width at street for a two-way Access Way - 25 feet	20.5 feet wide	Reduction of 4.5 feet
V-6	7.G.2.C, Divider Median	Divider medians shall be installed between every third row of parking and between all parking/vehicular use areas	To eliminate the required parking medians	No parking medians
V-7	7.F.3.A, Landscape - Walls & Fences: Location of Wall or Fence	Fences or walls located in Incompatibility or ROW Buffers shall be located a minimum of seven and one-half feet from the outside buffer edge	Fence along the west property line location varies from 0 feet to 7.5 feet.	Reduction of up to 7.5 feet
V-8	7.F.3.B, Landscape - Walls & Fences: Location of Planting	A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W	Variation of the location of the required planting from 0 percent to 25 percent.	Reduction of the required planting location from the minimum of 75 percent to maximum of 25 percent

FINDINGS:

Type II Concurrent Variance Standards:

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

V-1 Yes. The special conditions and circumstances peculiar to this site is that by the time the property received its approval the code only required a 5 feet landscape buffer. The FPL easement was subsequently imposed along the first 640 feet eastern property line creating the need for the Variance. While all easements are subject to local review and approval, it's not uncommon for such easements to be recorded without requisite County approvals within older developments. The Applicant is proposing to maintain the 5 feet landscape buffer for the remainder of the property line.

The Applicant is proposing to comply with Art. 7.D.12.B which allows and provides for the planting with FPL easements where overhead power lines are present in accordance with “Right Tree, Right Place.” The proposed planting materials within this area of the landscape buffer all comply with these provisions and will not impact the overhead FPL power lines that serve the Club.

V-2 to V-4 Yes. When the Private Club was originally approved and developed prior to the establishment of the R-O-W for Myers Road, at which time a 5 foot landscape buffer was required. Current ULDC standards would require a 15 foot wide R-O-W buffer for Myer Road, or the access easements that will be established as part of the R-O-W abandonment. The proposed Variance will only apply to the area abutting the parking spaces. The applicant intends to provide the required ROW buffer where the space allows.

V-5 Yes. The special condition and circumstance peculiar to this site is that the adjacent Myers Road public right-of-way is currently paved with a width of 20 feet and is the approved point of access for the Club as well as the secondary access point for the adjacent Colony Reserve PUD. As part of this application, the Applicant is proposing to abandon Myers Road and incorporate that area into the Property. This road right-of-way was previously suitable to provide access for the American German Club and more recently suitable for a secondary access point for Colony Reserve, however now that the Applicant is proposing to abandon the right-of-way the classification of that road is changed to a Access Way, which requires an additional five feet of pavement width.

V-6 Yes. The Property has been developed as originally approved when median islands were not required. The Applicant is proposing to improve the existing parking lot by adding parking islands where required, however the required divider landscape median cannot be accommodated without the significant loss of parking spaces, due to the location of existing buildings or other site limitations.

V-7 and V-8 Yes. The existing fence was permitted by Building Permit No. B-1980-18112. The Applicant is proposing to retain the existing permitted fence and accommodate landscaping around the fence where feasible to meet the minimum buffer width requirement (except for the portion subject to a concurrent variance request adjacent to existing parking spaces). As the fence was installed legally and the Applicant is not proposing to remove, relocate or adjust this portion of the fence, this variance request is needed to make the site conforming. In addition, the majority of the northern portion of the access easement being required as a result of the abandonment of the R-O-W for Myers Road, is limited to access for a utility structure located at the northeast corner of the abutting development that will see limited use. Therefore, the R-O-W buffer will primarily serve as a divider between the existing developed areas of the American German Club, the Access Way and Colony Reserve PUD.

2. Special circumstances and conditions do not result from the actions of the Applicant:

V-1 Yes. The location of easement overlapping the landscape buffer is not the direct result of the actions of the Applicant. While all easements are subject to local review and approval, it's not uncommon for such easements to be recorded without requisite County approvals within older developments.

V-2 to V-4 Yes. The nonconformities resulted from newer Code requirements from which the Applicant has no control. The proposed Variance will only apply to the area abutting the parking spaces. The applicant intends to provide the required R-O-W buffer where feasible.

V-5 Yes. The approved site plan for the American German Club has shown Myers Road in its current configuration and as the point of access for the Club since its approval in the 1980's, and subsequently serves as the secondary access to the Colony Reserve PUD. That Applicant indicates that abandoning the Myers Road R-O-W is the only plausible solution to address other Site Plan and Zoning code requirements such as access and frontage for the to allow for the use to be updated to Nonprofit Membership Assembly. The Applicant is not proposing any additional changes to use, the Property's access, or changes to the configuration of Myers Road.

V-6 Yes. Since the Property was originally approved in 1974, the County's zoning code has undergone several changes resulting in the creation of non-conformities. The Applicant is limited by existing buildings, site layout or other constraints that would make it unfeasible to bring into compliance without impacting the existing parking spaces and configuration.

V-7 and V-8 Yes. The special circumstances and conditions are the results of updated Code requirements developed to better address site design and other considerations, and do not result from the actions of the Applicant. The existing fence was installed in accordance with an approved Building Permit. This type of situation would typically be approved as a legally existing non-conformity; however, the Applicant is being required to rezone the property from AR to IPF to be consistent with the existing Future Land Use designation. Therefore, the required variances do not result from actions of the Applicant.

3. Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:

V-1 Yes. Granting the variance does not confer upon the Applicant any special privilege denied by the Comprehensive Plan and the ULDC to other parcels of land in the same zoning district. No special privileges are conferred upon the Applicant by way of approval of these requests.

V-2 to V-4 Yes. Same as V-1.

V-5 Yes. . This area as exist today has been in use for many years. It is already constrained due to utility easements, existing landscaping and drainage infrastructure. An additional five feet of paving will impose a significant hardship since it will required the relocation of some of the existing easement. Although the Applicant is proposing to abandon Myers Road, the Applicant is not proposing to modify the actual configuration of the ROW, therefore it will still function in the same way as it does today.

V-6 Yes. The variance will serve to bring the previously approved Site Plan into compliance with current Code requirements. The need of the Variance is not a special privilege it is thus in response to a condition create by amendments to the code pursuant to when the Site Plan was originally approved.

V-7 and V-8 Yes. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. The actual fence is a permitted fence. Variances have been granted to recognize existing landscape buffers that are deficient for the same reason and cannot be brought up to code without drastically impacting existing parking.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:

V-1 Yes. A literal interpretation and enforcement of the terms and provisions of the ULDC would deny the Applicant the ability to utilize portions of open areas of the club as previously approved by the BCC. It would negatively affect the previously approved site plan by requiring the reconfiguration of the site. This will significantly impact the functional use areas that have existed since the 1970's when the American German Club was originally approved.

V-2 to V-4 Yes. Same as V-1.

V-5 Yes. Myers Road has been the point of primary access for the American German Club. The abandonment of Myers Road, force the reclassification from a public R-O-W to an internal Access Way, which requires the increased pavement width. This area as exist today is already constrained due to utility easements, existing landscaping and drainage infrastructure. An additional five feet of paving will impose a significant hardship since it will required the relocation of some of the existing easement. Widening the pavement area would affect the existing swales along Myers Road and would negatively impact the existing drainage configuration for the Property.

V-6 Yes. The literal interpretation would impose an unnecessary and undue hardship by requiring the removal of existing parking spaces and causing the project to not meet minimum parking requirements due to limited opportunities for reconfiguration.

V-7 and V-8 Yes. The literal interpretation would impose an unnecessary and undue hardship. The implementation of this portion of the code will force the applicant to reduce the amount of required parking spaces in order to relocate the fence where the code requires. In addition, as previously noted – the proposed access easement that will be required due to the abandonment of Myers Road will see little if any traffic, and the Access Way will primarily serve the American German Club.

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:

V-1 Yes. The approval of this variance is the minimum that allows the reasonable use of the subject site. The Applicant is bringing the site to compliance with the requirements of the Code to the greatest extent possible. Required planting materials may not be permitted within the FPL easements, or any easements unless permitted by the easement holder and in accordance with the FPL Plant the Right Tree in the Right Place, a fact necessitating the variance requests.

V-2 to V-4 Yes. Same as V-1.

V-5 Yes. As mention on point under standard number 4 this Variance will allow the Applicant to continue with the actual use as originally approved and will prevent further modifications to the existing easements existing on this area that make this development possible.

V-6 Yes. Not granting the variance would force the Applicant to modify the previously approved parking layout and will reduce the amount of parking spaces required by code due to existing site constraints, or otherwise require additional paved surfaces in an area intended to remain pervious.

V-7 and V-8 Yes. Not granting the variance will force the Applicant to modify the approve Site Plan and will reduce the amount of parking spaces required by code in order to relocate the fence in the required location and accommodate the required landscape material.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:

V-1 Yes. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code and the ULDC. Article 7.D.12.B “Landscape within easements with overhead utilities” regulates the placement of landscape material under overhead utilities and outlines the required procedures for such instances. The code requires for the Applicant to follow the policy “Plant the Right Tree in the Right Place.” The Applicant is proposing to comply with this. The granting of the variances is consistent with these ends, especially since they are minimal and necessary.

V-2 to V-4 Yes. When the Private Club was originally approved and developed prior to the establishment of the R-O-W for Myers Road, a 5 foot landscape buffer was required. The proposed Variance will only apply to the area abutting the parking spaces. The applicant intends to provide the required R-O-W buffer where the space allows. The support of the variance will allow the Owner to do the necessary adjustments without negatively affecting the approved Site Plan.

V-5 Yes. As previously mentioned, Myers Road was paved with 20.5 feet of pavement which was approved as adequate for public two way access not only for the American German Club but also for Colony Reserve PUD. The change in classification from ROW to Access Way will not change how existing access to the American German Club or t or the adjacent residential development.

V-6 Yes. Not granting the variance would force the Applicant to modify the previously approved parking layout and will reduce the amount of parking spaces required by code due to existing site constraints, or otherwise require additional paved surfaces in an area intended to remain pervious and possibly requiring the Owner to removed exiting approve structures in order to extend the parking to accommodate the required Divider Median. With the support of the variance the parking will continue to operate in its existing configuration without affecting the previous approved Site Plan.

V-7 and V-8 Yes. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code and the ULDC. The reason for the Variance is due to the subsequent changes to the code not cause by the Owner. The actual location of the fence respond to the buffer requirements of the code when the project was originally approved and the approved building permit for the fence.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V-1 Yes. Granting of the requested variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The neighbor property to the east is Able’s lawnmower, which is an Industrial use with Access Retail. In addition, the Applicant has agree to follow the policy “Plant the Right Tree in the Right Place” which will allow them to provide landscape material.

V-2 to V-4 Yes. Granting of the requested variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The actual condition has existed since the original

approval before many of the surrounding lands were developed. The applicant intends to provide the required ROW Buffer where the space allows.

V-5 Yes. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. No changes or modifications are proposed to the existing width of the pavement. This has being use and prove functional therefore there is no reason to think that due to the changes in classification will be detrimental to the public welfare.

V-6 Yes. Granting of the requested variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The Applicant is improving the existing non-conformities related to parking and terminal island that exist on the Property. This will increase the amount of landscape throughout the existing parking lot. This parking area is not visible from Lantana Road and set in between existing structures on the Property. This variance is internal to the Site and has not impact on the surrounding properties or public welfare.

V-7 and V-8 Yes. Granting of the requested variances will not be injurious to the area involved or otherwise detrimental to the public welfare. The actual fence configuration has existed since 1980 having no impact in the public welfare. Is no expected that this will change by allowing the Applicant to keep the fence in its actual configuration.

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

PLANNING DIVISION COMMENTS:

Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Intensity: The maximum Floor Area Ratio (FAR) of .45 is allowed for an Institutional project with a INST FLU designation in the Urban/Suburban Tier (8.8 acres x 43,560 square feet x .45 maximum FAR = 172,497.6 square feet maximum). The request for a total of 50,020 square feet equates to a FAR of approximately 0.13 (50,020 / 383,328 square feet or 8.8 acres = 0.1304). The 8.8 acres does not include land associated with the abandonment of Myers Road right of way.

Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is located within the Treasure Coast Regional Planning Council's (TCRPC) Greenacres, Atlantis and Palm Beach County Charrette Study area. The study covers approximately 660 acres and was initiated by the Board of County Commissioners as a response to “community concerns over proposed housing projects in rural areas”. The BCC has received and filed the Report in 2004.

The Property is located in south west quadrant of the study area. The study recognized the American German Club as a place that “offers one of the few formal cultural experiences available in the study area”. The Study recommended general improvements to the Property and to the right-of-way. The Applicant has met with the adjacent residents of the Colony Reserve at the Property on March 7, 2018. Additionally, the Applicant notified the City of Greenacres of the proposed rezoning, special exception and variance request. No comments have been received from the City of Greenacres to date.

2. Consistency with the Code - *The proposed amendment is not in conflict with any portion of*

this Code, and is consistent with the stated purpose and intent of this Code.

The property currently holds an Agricultural Zoning District designation with a Future Land Use of Institutional and Public Facilities (INST). Article 3.A.3.A states that “a parcel’s Zoning District shall be consistent with its Future Land Use (FLU) designation”. The parcel in its current designation does not comply with the Code. The rezoning to the IPF Zoning District will bring into consistency with the proposed FLU and will meet the purpose and intent of the Code.

○ *IPF Property Development Regulations (PDRs):* The Applicant is proposing to abandon the 1.47 acre Myers Road R-O-W and incorporate into the American German Club property, with the establishment of easements for the secondary access point to the Colony Reserve PUD and a Lift Station to the far northwest corner. Upon completion of the abandonment, the subject site will have frontage (ingress/egress) directly to Lantana Road. The subject site meets all other PDRs for minimum acreage, width and depth, and upon removal of several unpermitted structures will be in compliance with setback requirements.

A Condition of Approval in Exhibit C-2 to abandon Myers Road (COA Engineering 3 and 4) has been added requiring the Applicant to abandon Myers Road prior to Final DRO approval.

3. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The American German Club was originally approved on May 6 1975 and subsequently amended on September 27, 1981. The rezoning does not modify the existing use as it exists today. The club will continue to exist under its present configuration. Lantana Road is a major corridor with several commercial and institutional uses developed to the east, Colony Reserve PUD to the west, residential uses to the North and Winston Trail Park to the South. The American German Club precede most of the existing development that surround the property today. The nature of the use proposed in this application is compatible and consistent with the surrounding uses and zoning districts and is appropriate for the parcel of land.

4. Effect on Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The facility has been in use for a number of years and has been cited by Code Enforcement for various code violations including the removal of vegetation from the site without proper authorization. This request will resolve the vegetation violations.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

5. Development Patterns – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed amendment will result in a logical, orderly, and timely development pattern. Rezoning to IPF will not alter the development patterns in the area since the club has been in operation for more than 40 years.

6. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency.*

ENGINEERING COMMENTS:
TRAFFIC IMPACTS

This site has been operating for many years. The proposed project is a slight modification to the existing building and constructing few ancillary facilities. Overall, the site is expected to generate 145 net daily, 5 AM peak, and 15 PM peak hour trips on weekdays for daily administration of the facility. This site typically hosts major events during two weekends in October and one weekend in December. During the six day event in October, approximately 40,000 attendees come to the event. During those major events, the club uses off-site parkings and shuttles attendees to the site. The expected build out date is by the end of 2022

There are no roadway improvements needed for meeting TPS, since the traffic impact is insignificant. The project will be conditioned to use Police detail during the major events for directing traffic in the area.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour
Segment: Lantana Rd from Jog Rd to Haverhill Rd
Existing count: Eastbound=1608, Westbound=1713
Background growth: Eastbound=389, Westbound=429
Project Trips: Eastbound=0, Westbound=0
Total Traffic: Eastbound=2045, Westbound=2193
Present laneage: 3 in each direction
Assured laneage: 3 in each direction
LOS “D” capacity: 2940 per direction
Projected level of service: LOS D or better in the both directions

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets Florida Department of Health’s requirements.

FIRE PROTECTION: The proposed request has been review by the Fire Department and there are no issues at this time.

SCHOOL IMPACTS: No Staff Review Analysis required.

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

7. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The principal use on the property was originally approved as a “Private Club”. This use is no longer recognize under the current Code, equating today to an Assembly Membership Nonprofit use. The use as exists today is permitted under the current Agricultural Residential Zoning District. However, Staff has recommended to the Applicant to rezone the property to the Institutional and Public Facilities (INST) Zoning District making thus the Zoning District consistent with the Future Land Use.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Intensity: The maximum Floor Area Ratio (FAR) of .45 is allowed for an Institutional project with a INST FLU designation in the Urban/Suburban Tier (8.8 acres x 43,560 square feet x .45 maximum FAR = 172,497.6 square feet maximum). The request for a total of 50,020 square feet equates to a FAR of approximately 0.13 (50,020 / 383,328 square feet or 8.8 acres = 0.1304). The 8.8 acres does not include land associated with the abandonment of Myers Road right of way.

Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is located within the Treasure Coast Regional Planning Council's (TCRPC) Greenacres, Atlantis and Palm Beach County Charrette Study area. The study covers approximately 660 acres and was initiated by the Board of County Commissioners as a response to "community concerns over proposed housing projects in rural areas". The BCC has received and filed the Report in 2004.

The Property is located in south west quadrant of the study area. The study recognized the American German Club as a place that "offers one of the few formal cultural experiences available in the study area". The Study recommended general improvements to the Property and to the right-of-way. The Applicant has met with the adjacent residents of the Colony Reserve at the Property on March 7, 2018. Additionally, the Applicant notified the City of Greenacres of the proposed rezoning, special exception and variance request. No comments have been received from the City of Greenacres to date.

2. Consistency with the Code - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

- **Code Enforcement:** The property at this moment has several Code Enforcement related issues regarding: Building structures without proper building permit and removal of trees without permit. The Preliminary Phasing Plan and Preliminary Site illustrates the buildings that did not receive building permits are proposed to be removed and replaced by new buildings in compliance with the actual code requirements. The Agent also has provided Landscape Plan that indicates the mitigation procedure for the Landscape violations. These plans have been evaluated by ERM and Zoning Landscape Staff and have been found satisfactory. A Condition of Approval is proposed requiring the Applicant to submit a Final Landscape Plan prior to Final DRO approval.

- **Frontage:** The Applicant will comply with the required frontage by abandoning Myers Road and incorporate this area (1.47-acre) to the actual site area (8.80-acre). A Condition of Approval has been added under requiring the Applicant to complete the abandonment prior to Final Development Review Officer and provide a revised legal description for the total news site area.

- **Property Development Regulations:** See analysis under the rezoning standards for Property Development regulations.

- **Architectural Review:** The Agent at this moment is not proposing any new structures on site that will required compliance with Article 5.C. The existing permitted structures on site were built prior to precede compliance with Article 5.C therefore, the structures are exempt. However several structure were built without proper building permit. The Agent as illustrated in Preliminary Phasing Plan has indicated that these structures will be demolish and replaced. Any new structure on site will be required to comply with the actual code.

- **Parking:** The Preliminary Site Plan indicates a total of 219 surface parking spaces and 10 grass parking for a total of 229 parking spaces. The current parking lot configuration does not match the originally approved site plan. The proposed development along with the requested variance for the divider median will bring the parking lot into compliance with the current code requirements.

- Landscape / Buffering: The Property is currently under code enforcement action for removing trees without the proper County approvals. The Applicant has provided Preliminary Landscape Plans (Exhibit 7) that illustrates mitigating procedures which includes providing and replacing all required trees in accordance with actual landscape code standards as required under the ULDC.

The Applicant also has agreed to comply, where actual site conditions allows, with the required landscape buffer standards instead of keeping the original buffers as originally approved. The Applicant is proposing to increase the landscape buffer widths where feasible and requesting variances where the landscape requirements cannot be met (see variance requests above). The Applicant is proposing additional foundation planting around the main building (Building 2) as well as the kitchen (Building 3) and restrooms (Building 7).

- Signs: The Proposed Preliminary Site Plan indicates an existing sign at the south-west corner of the site to be removed. No propose sign is illustrated at the moment.
- Supplemental Standards for Nonprofit Membership Assembly: This use requires frontage on an Arterial or Collector, which will be addressed by compliance with Engineering Conditions of Approval requiring the abandonment of Myers Road, to finalize inclusion within the project as indicated on the Preliminary Site Plan.
- Variance: The Applicant has requested several variances for the proposed development. The variances are related to: easement overlap, landscape buffers planting and width, drive isle width reduction and divider median. For more details refer to the Variance request standards sections above

3. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The American German Club was originally approved on May 6 1975 and subsequently amended on September 27, 1981. The proposed use does not modify the existing use as it exists today. The club will continue to exist under its present configuration. Lantana Road is a major corridor with several commercial and institutional uses development to the east, Colony Reserved PUD to the west, residential uses to the North and Winston Trail Park to the South. American German Club precede most of the existing development that surround the property today. The nature of the use proposed in this application is compatible and consistent with the surrounding uses and zoning districts and is appropriate for the parcel of land. In addition the Applicant is requesting Variances to mitigate any possible impact on the surrounding uses.

4. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The American German Club has been operating on the property since 1974. The main building has been in its current configuration since the Club purchased the Property. Some buildings and accessory structures have been added over time some of them without building permit (these are subject to Code Enforcement violations and will eventually be demolish). All the structures are identified on the Preliminary Site Plan. The structures to be demolish are illustrated on the Preliminary Phasing Plan and marked as “to be demolish”. The Preliminary Regulating Plan (PRP-1) illustrates the proposed layout and identify the functional use areas as they will utilize exclusively during the events as they relate to the German American Club Mission Statement.

5. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

VEGETATION PROTECTION: The facility has been in use for a number of years and has been cited by Code Enforcement for various code violations including the removal of vegetation from the site without proper authorization. This request will resolve the vegetation violations.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed use will result in a logical, orderly, and timely development pattern. The requested use Assembly Membership Nonprofit respond to the need to updated the approve existing use with today code. This will not altered the development patterns in the area since the club has been in operation for more than 40 years.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:
TRAFFIC IMPACTS

This site has been operating for many years. The proposed project is a slight modification to the existing building and constructing few ancillary facilities. Overall, the site is expected to generate 145 net daily, 5 AM peak, and 15 PM peak hour trips on weekdays for daily administration of the facility. This site typically hosts major events during two weekends in October and and one weekend in December. During the six day event in October, approximately 40,000 attendees come to the event. During those major events, the club uses off-site parkings and shuttles attendees to the site. The expected build out date is by the end of 2022

There are no roadway improvements needed for meeting TPS, since the traffic impact is insignificant. The project will be conditioned to use Police detail during the major events for directing traffic in the area.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Traffic volumes are in vehicles per hour
Segment: Lantana Rd from Jog Rd to Haverhill Rd
Existing count: Eastbound=1608, Westbound=1713
Background growth: Eastbound=389, Westbound=429
Project Trips: Eastbound=0, Westbound=0
Total Traffic: Eastbound=2045, Westbound=2193
Present laneage: 3 in each direction
Assured laneage: 3 in each direction
LOS “D” capacity: 2940 per direction
Projected level of service: LOS D or better in the both directions

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets Florida Department of Health's requirements.

FIRE PROTECTION: The proposed request has been review by the Fire Department and there are no issues at this time.

SCHOOL IMPACTS: No Staff Review Analysis required.

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The principal use on the property was originally approved as a “Private Club”. This use is no longer recognize under the actual code equating today to an Assembly Membership Nonprofit use as recognize under the current Code. The approved use as exist today is permitted under the current Agricultural Residential Zoning District. However, Staff has recommended to the Applicant to request a Class A Conditional Use in order to bring the existing development into Compliance with existing Code requirements.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change; therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

CONDITIONS OF APPROVAL

Exhibit C-1

Type 2 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 25, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order approved by the BCC for ABN/ZV/Z/CA-2017-02003. (ONGOING: MONITORING - Zoning)

2. This Variance is approved for the Assembly Membership Nonprofit. Any change to the use(s) or site design beyond the authority of the Development Review Officer, shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

4. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMPT: BUILDING DIVISION - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code 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 of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-2
Rezoning Official Zoning Map Amendment

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-3

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 25, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2022. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

3. Prior to final approval of the Site Plan by the DRO, the Property Owner shall abandon Myers Road right-of-way. (DRO: ENGINEERING - Engineering)

4. Prior to final approval of the Site Plan by the DRO, the Property Owner shall reconfigure the site plan to combine the abandoned Myers Road right-of-way with existing developable tract into one developable tract. (DRO: ENGINEERING - Engineering)

5. Prior to final approval of the Site Plan by the DRO, the Property Owner shall provide a deed for the entire abandoned Myers Road right-of-way. (DRO: ENGINEERING - Engineering)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering)

7. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Lantana Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once

payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Lantana Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM: MONITORING - Engineering)

8. The property Owner will be required to use adequate Police Detail/Parking Attendants during at least the two major events during October and December each year for directing traffic to/from the major roadway. (ONGOING: ENGINEERING - Engineering)

LANDSCAPE - GENERAL

1. Concurrent with the submittal for Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

LANDSCAPE - PRESERVATION OF VEGETATION

1. Prior to the issuance of any Building Permit(s) the Property Owner shall:

- a. submit an application for a Vegetation Barricade Permit to the Building Division. The application shall be routed to the Zoning Division for coordinated review by Zoning, ERM and Building Divisions;
- b. include the approved Final Site and Landscape plans with the Disposition Chart with the barricade permit application;
- c. complete the installation of all vegetation protection barricades and tagging; and,
- d. schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity.

(BLDGPM: ZONING - Zoning)

USE LIMITATIONS-CULTURAL EVENTS

1. Prior to Final Approval by the Development Review Officer (DRO), the Preliminary Regulating Plan (PRP-1) labeled as "Functional Areas for Cultural Events" shall be revised to state "Cultural Events and Outdoor Activities Area". The approved outdoor activity limit for each Special Cultural Event (Oktoberfest and Kris Kandle); and other events with outdoor activities shall be identified on the Final Regulating Plan (FRP-1) consistent with the Conditions of Approval. (DRO: ZONING – Zoning)

2. The Cultural Event, as identified on the Final Regulating Plan (FRP-1), shall be limited to two Main Outdoor Cultural Events per Calendar year the Annual Oktoberfest and Kris Kandle Events. No Temp Use approval will be required for these two (2) events as they are approved in conjunction with Application ABN/Z/ZV/CA-2017-00788. A Parking Demand Statement shall be submitted to the Zoning Director and Code Enforcement Director to demonstrate any parking associated with these events is addressed on or off-site. The County may impose certain conditions on the event to ensure minimum parking for the use and event are addressed. The Parking Demand Study shall be submitted at least 30 calendar days prior to the event to provide County staff adequate time for review. (ONGOING: ZONING - Zoning).

3. Additional eight Outdoor Cultural events shall be allowed that are affiliated with the Assembly Non-Profit use may extend outdoors, however, only as illustrated on Final Regulating Plan (FRP-1) and identified as "Additional Cultural Events". In addition, all required regulations shall be satisfied such as: parking, lighting, nuisance limitations, fire access, etc. These Outdoor activities shall be setback as follow; 720 feet from the north property line, 100 feet from the south property line, 15 feet from the east property line and 110 feet from the west property line. (ONGOING: MONITORING - Zoning)

4. All other outdoor events that are not addressed in 1 and 2 above, shall be subject to the requirements of a Temp Use, pursuant to the Unified Land Development Code. (ONGOING: ZONING – Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Voluntary Commitments of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code 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 Voluntary Commitments; and/or,
- d. Referral to Code Enforcement; and/or,
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other Zoning Approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Voluntary Commitment of Approval. (ONGOING: MONITORING – Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

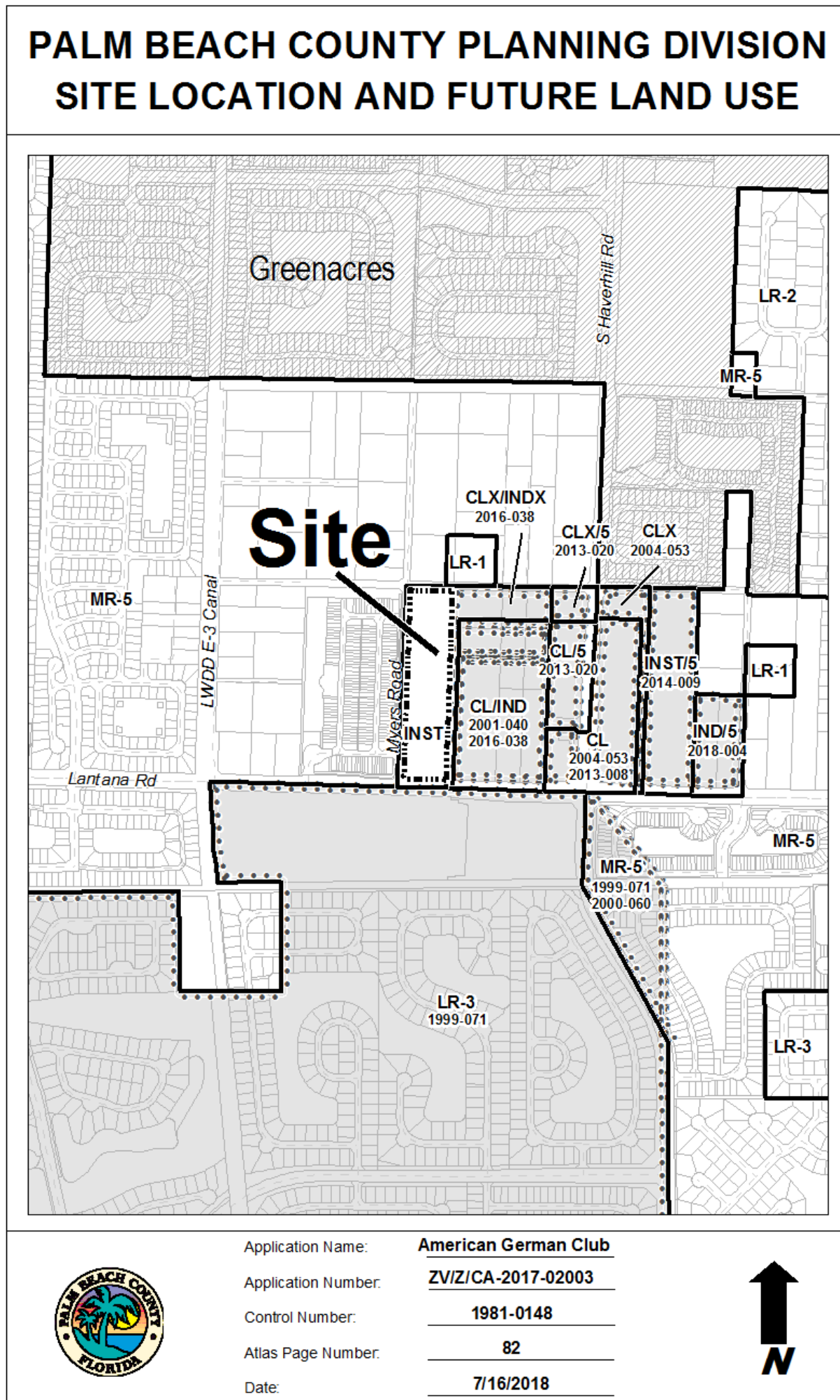


Figure 2- Zoning Map

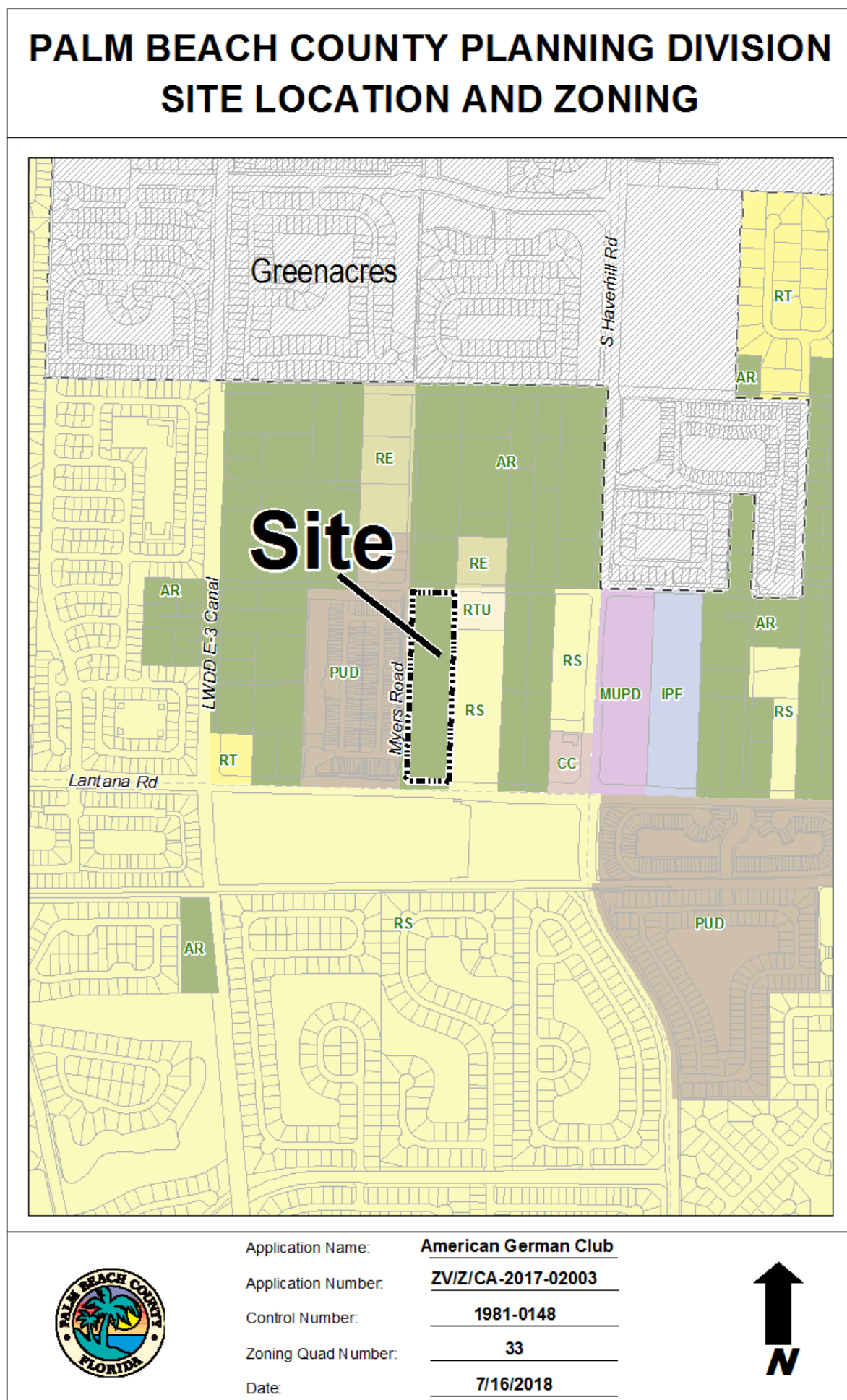
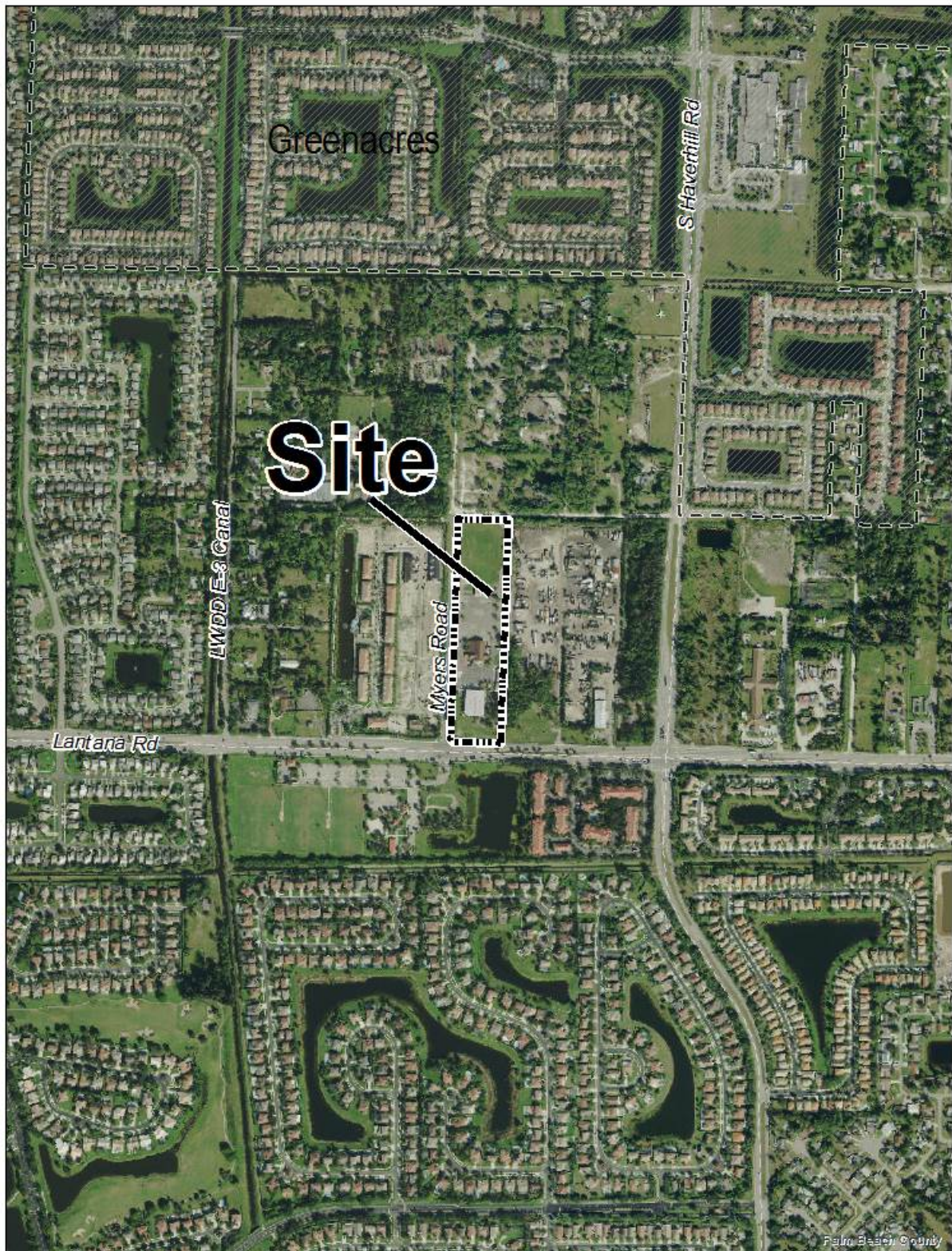


Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	American German Club
Application Number:	ZV/Z/CA-2017-02003
Control Number:	1981-0148
Atlas Page Number:	82
Date:	7/16/2018



ZC
Application No. ABN/ZV/Z/CA-2017-02003
Control No. 1981-00148
Project No. 05622-000

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Figure 5 - Preliminary Regulating Plan Dated June 25, 2018

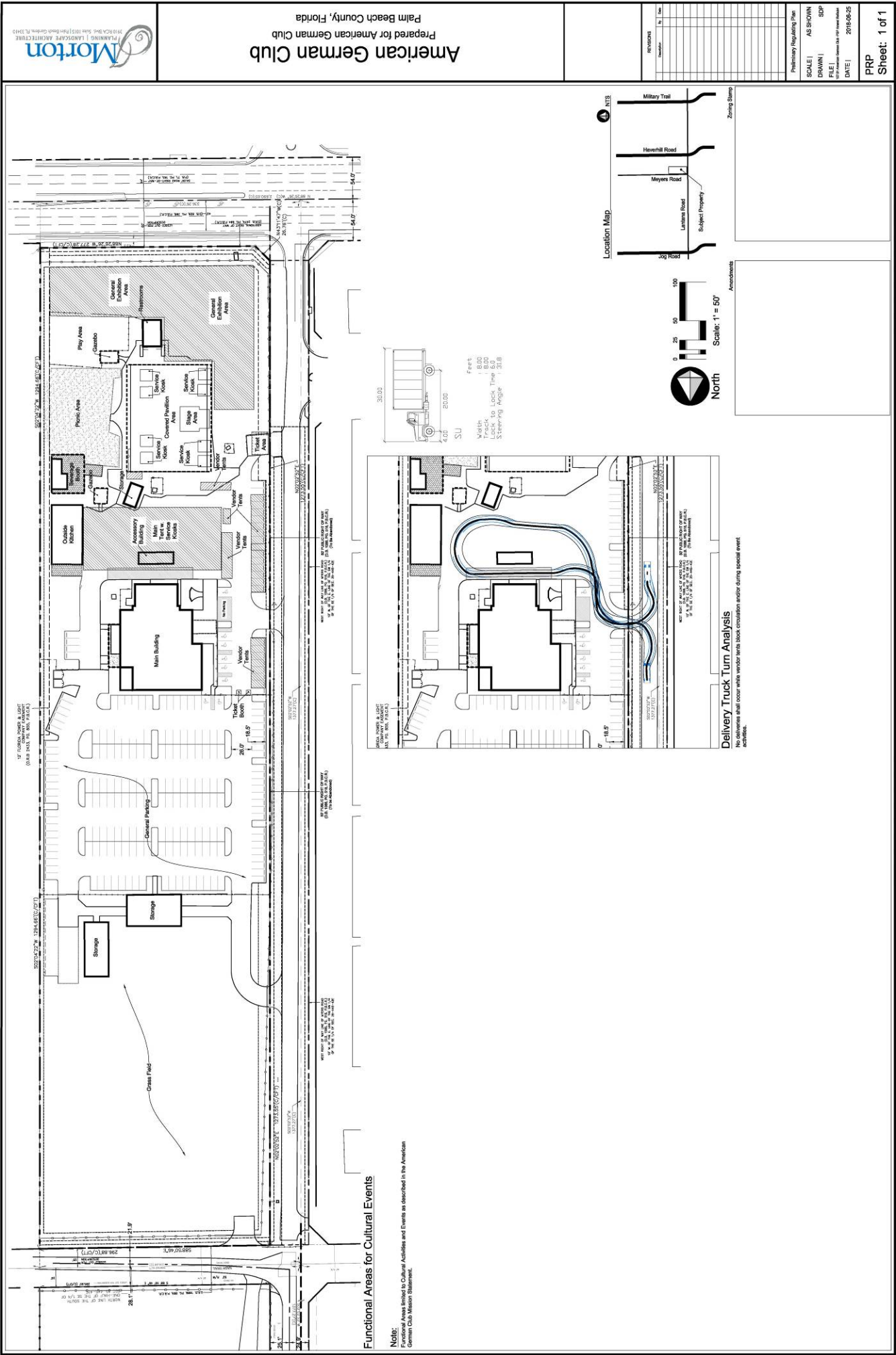


Figure 6 - Preliminary Phasing Plan Dated June 25, 2018

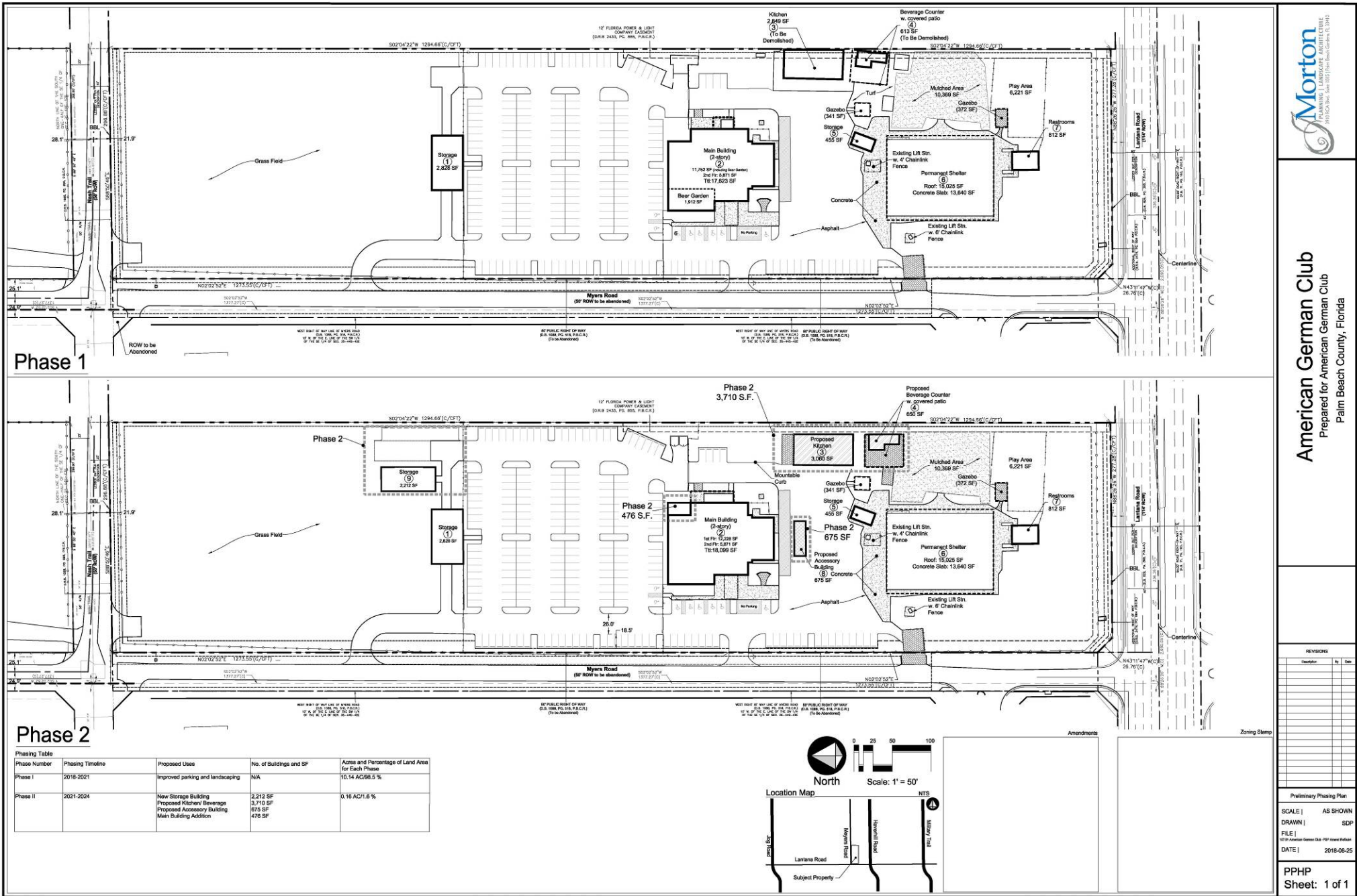


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (1 of 9)

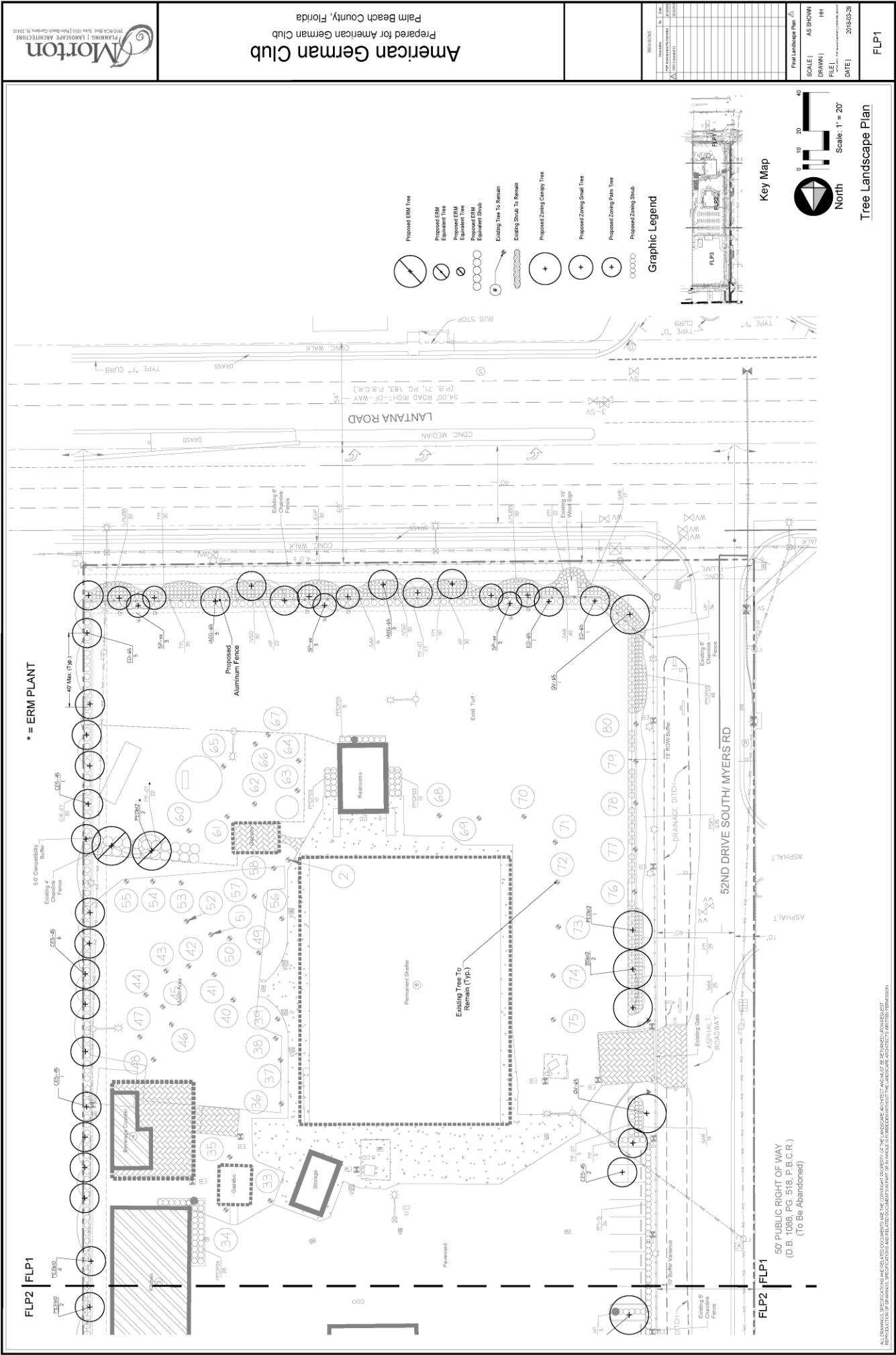


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (2 of 9)

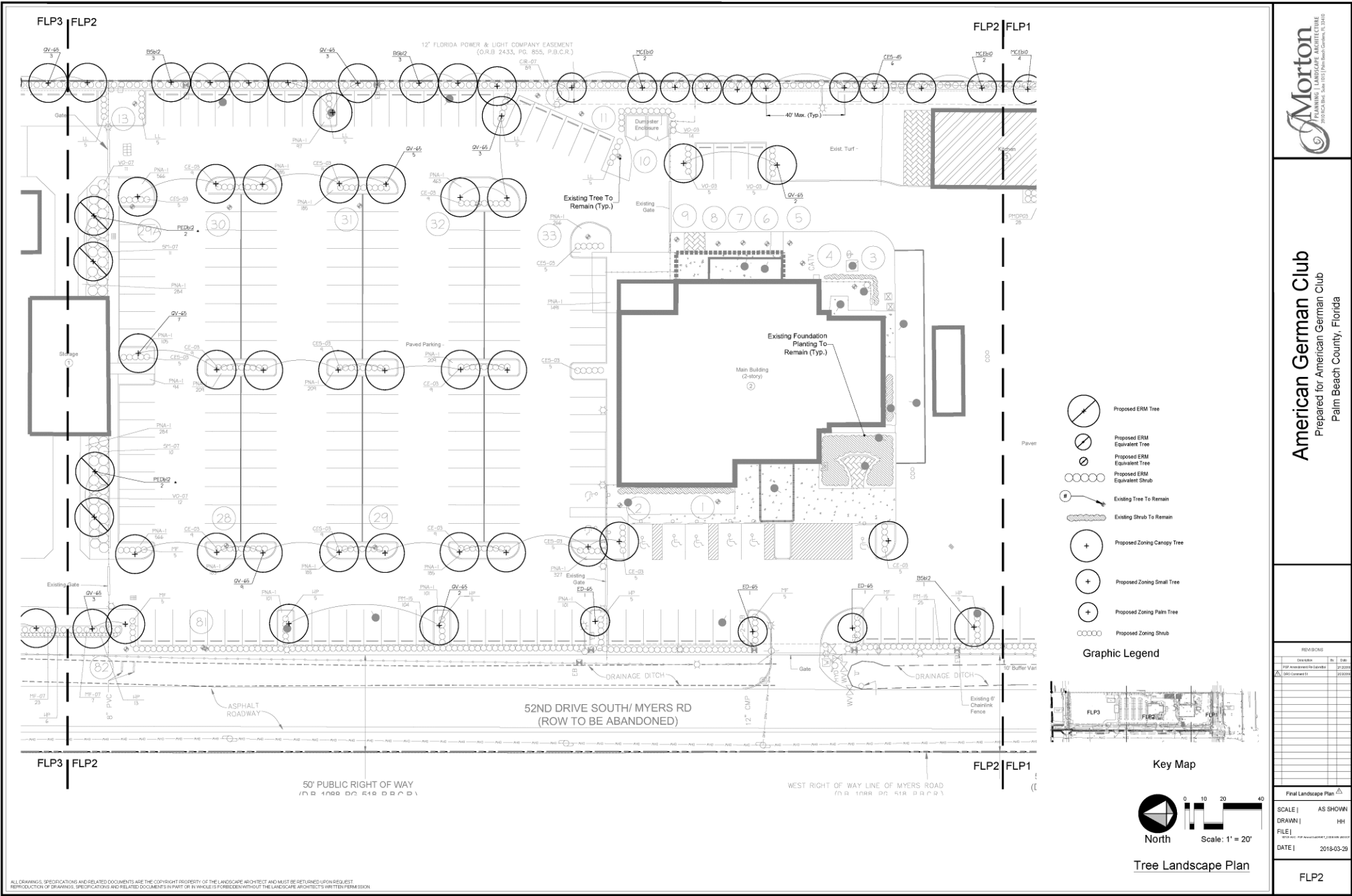


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (3 of 9)

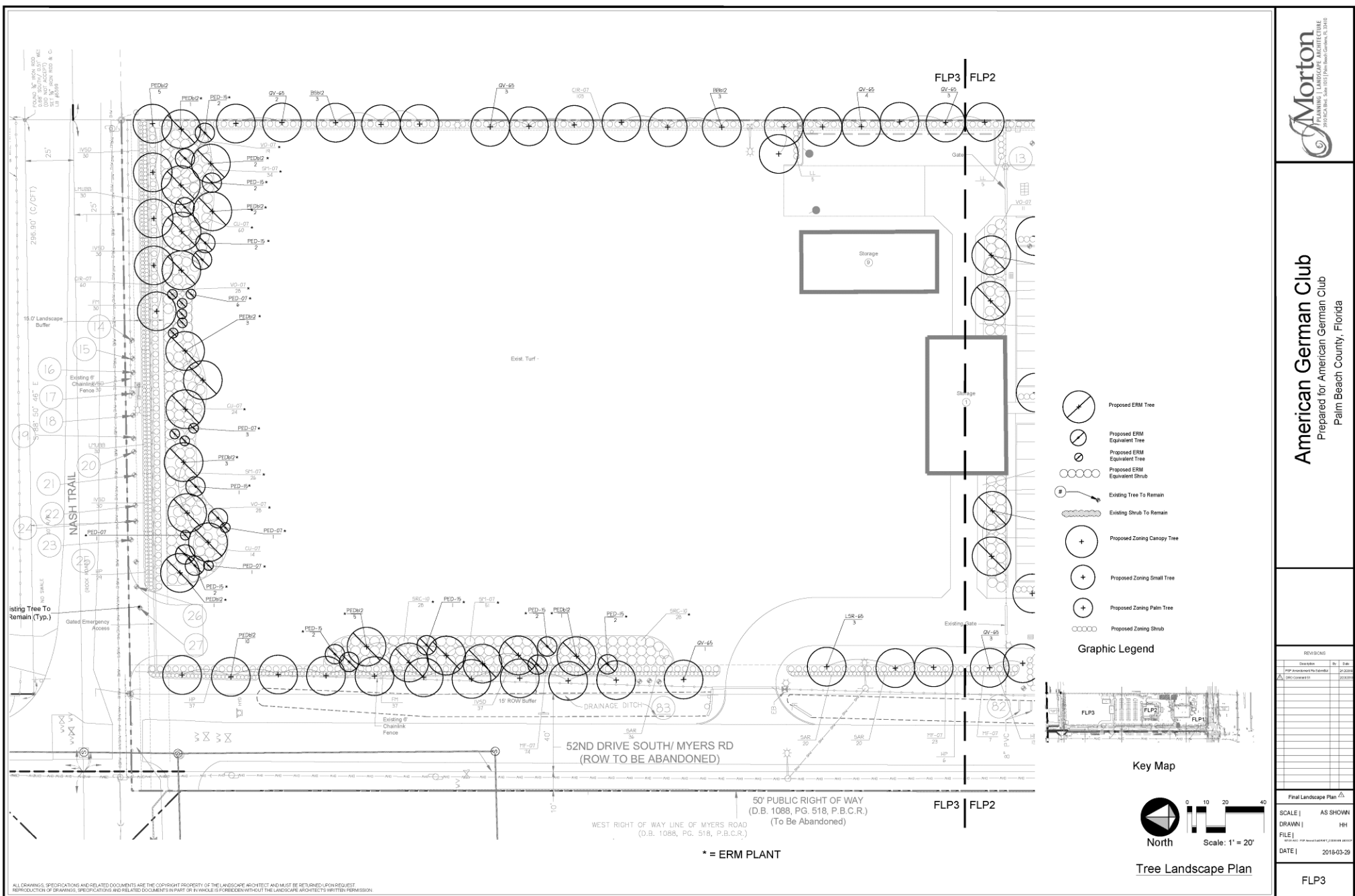


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (4 of 9)

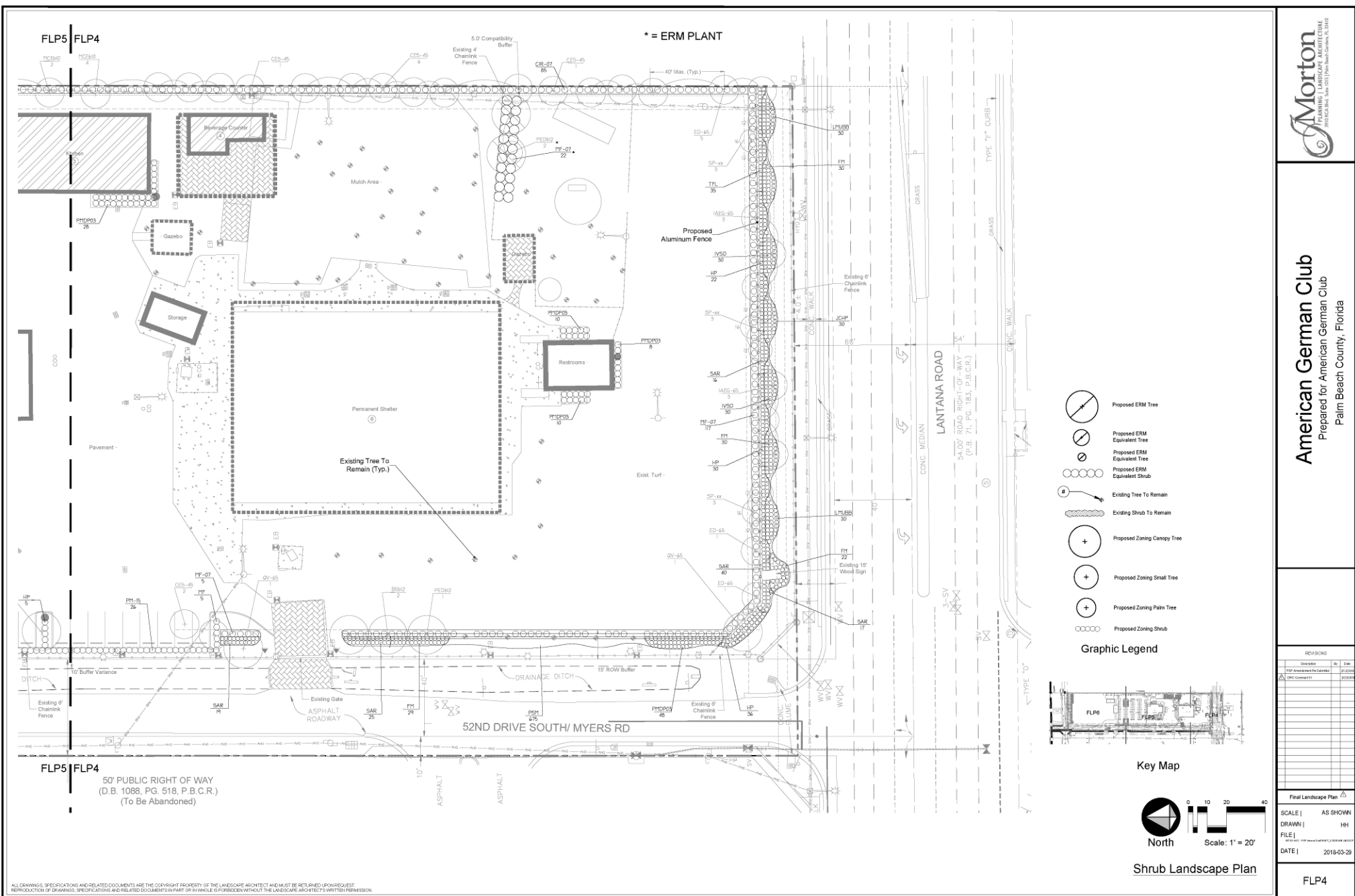


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (5 of 9)

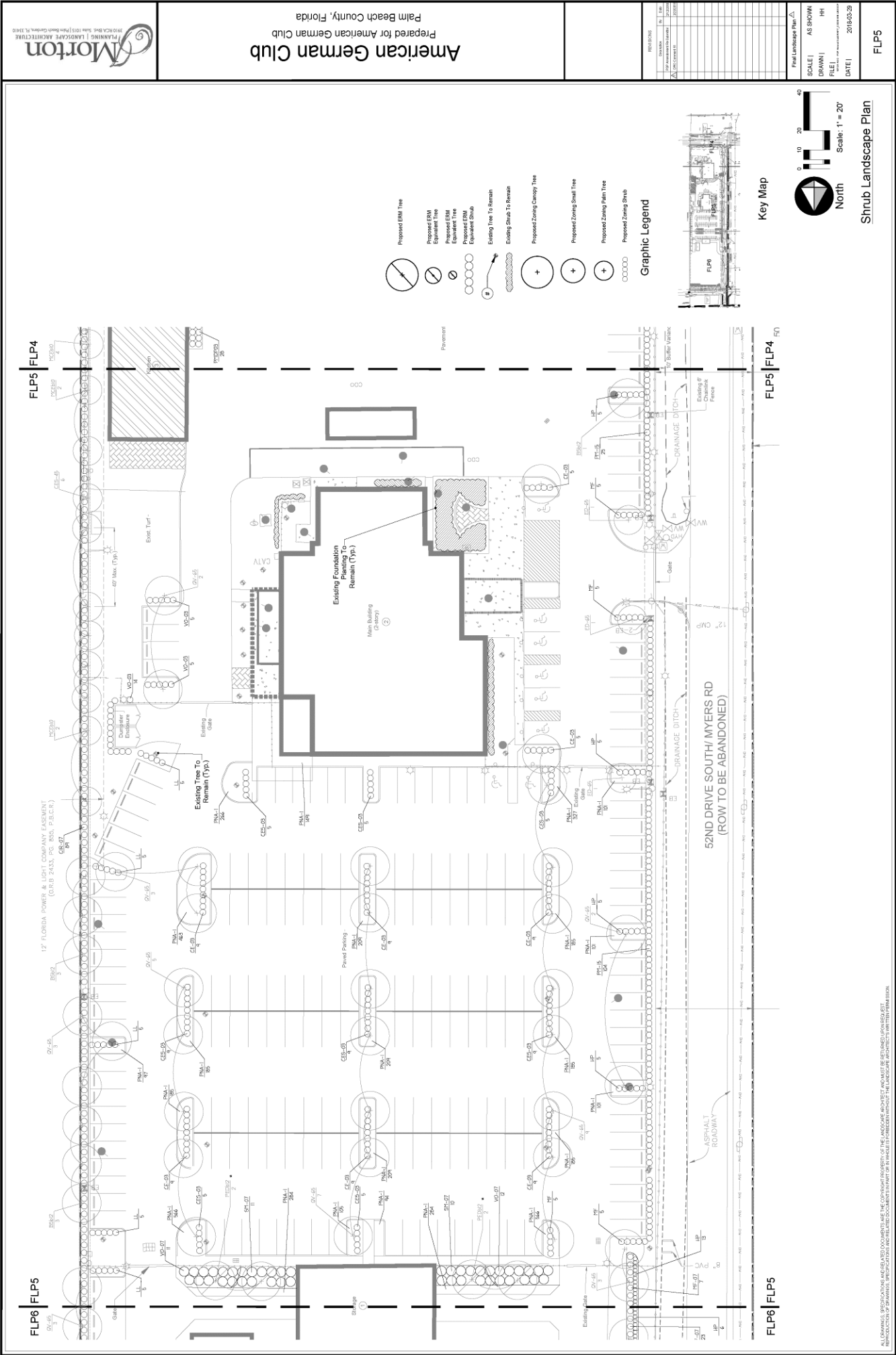


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (6 of 9)

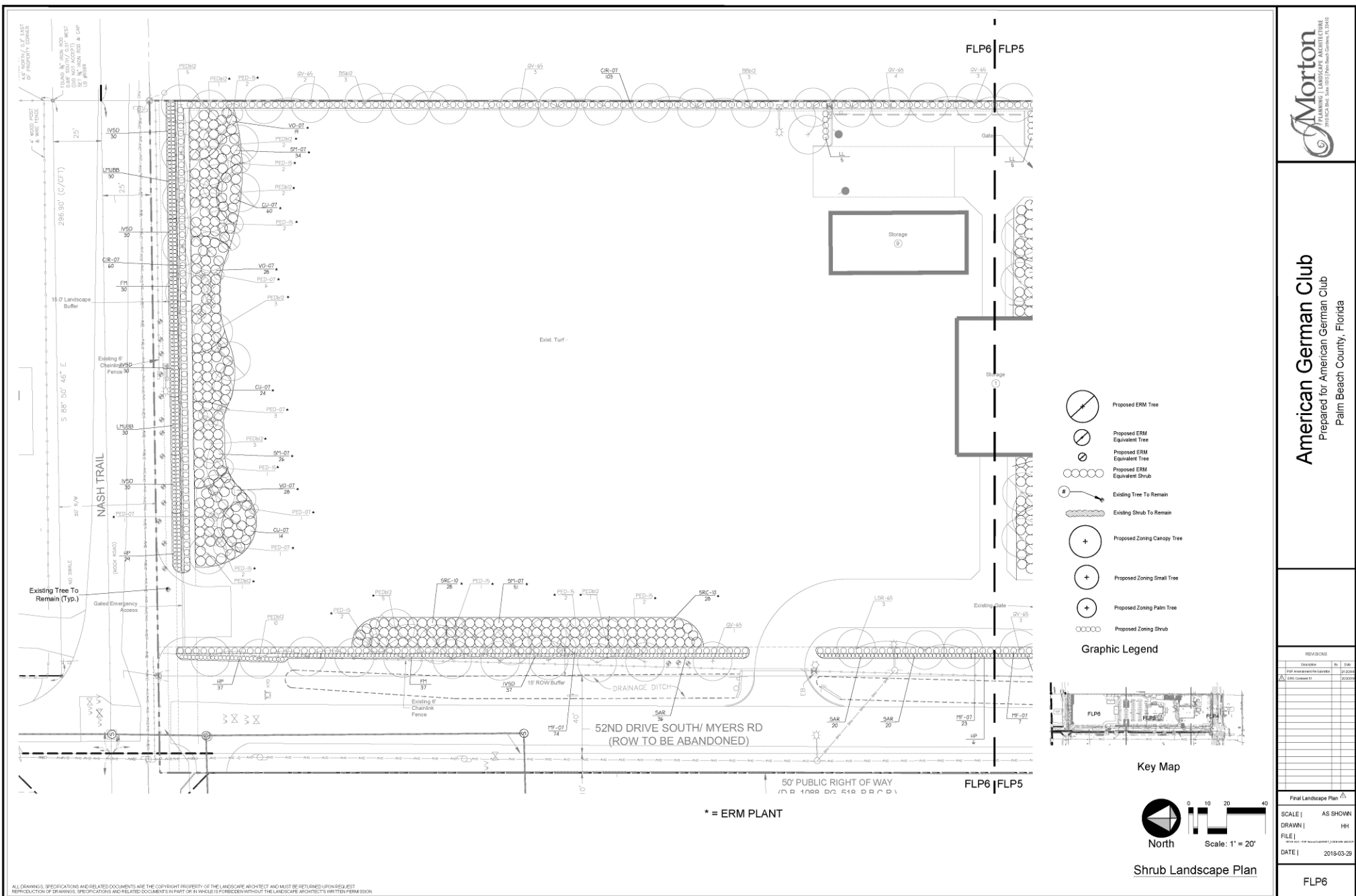


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (7 of 9)

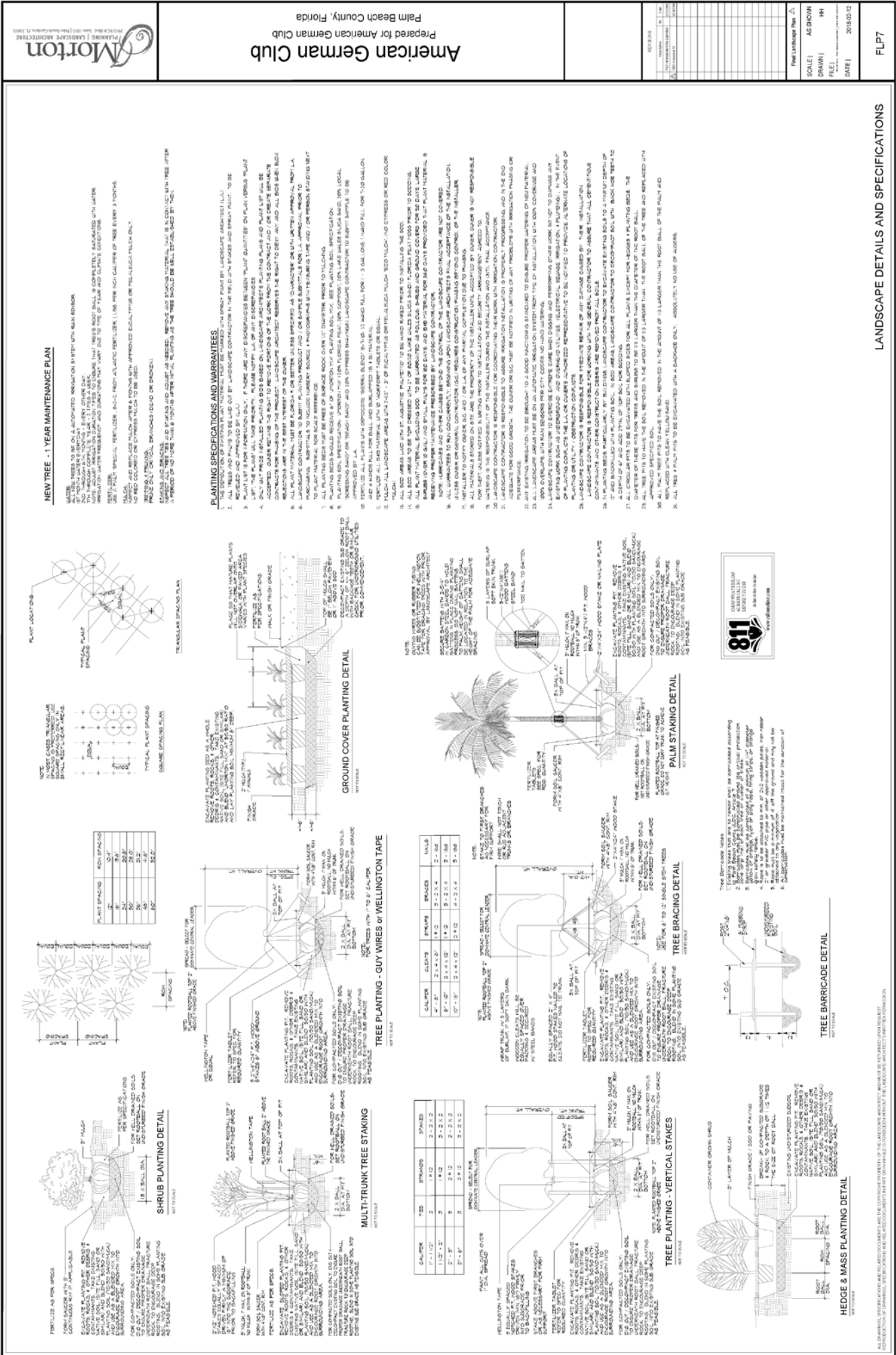


Figure 7 - Preliminary Landscape Plan Dated March 29, 2018 (8 of 9)

[illegible]

ERM PLANT LIST

Trees

Symbol	Qty	CommonName	LatinName	Size	Additional Spec
PED-07	12	Slash Pine	Pinus elliotti densa	7-Gal.; 4x2; 1" Cal.; Full	
PED-15	16	Slash Pine	Pinus elliotti densa	15-Gal.; 6x3; 1½" Cal.; Full	Low Branched
PED-12	24	Slash Pine	Pinus elliotti densa	B&B; 12x5; 3" Cal.; Full;	Nursery-Grown Visible Feeder Roots

Shrubs

Symbol	Qty	CommonName	LatinName	Size	Additional Spec
CU-07	98	Sea Grape	Coccoloba uvifera	7-Gal.; 4x3; Full	Low Branched
MF-07	22	Simpson's Stopper	Mycranthus fragrans	7-Gal.; 36"x36"	
SM-07	132	Blue-Stem Palmetto	Sabal minor	7-Gal.; 30" O.A.; Full; 7-Leaf	Minimum
SRC-10	56	Silver Saw Palmetto	Serenoa repens "Cinerea"	7-Gal.; 16"x18"; Full	
VO-07	98	Walter's Viburnum	Viburnum cavatatum	7-Gal.; 36"x30"; Full	

Plant List Notes

Quantities (Qty), if shown above, are presented as a courtesy and shall not be relied upon for the purposes of estimating, bidding or purchasing of labor and/or materials. Sod & Mulch quantities represent square feet.

Any interested party shall derive actual quantities by performing a thorough and complete review of the Landscape Plan(s) with adequate consideration given to all information in the Plant List above excluding quantities.

In the event of a discrepancy between the plant list and plan count, the plans shall control.

Pine straw mulch to be installed under existing pine stand as shown on the plan. See specifications sheet for additional mulch specifications.

General Notes

1. All plant material shall meet or exceed F.I. No. 1 standards as provided for in the most current edition of Grades and Standards for Nursery Plants as prepared by the University of Florida Dept. of Agriculture.
2. A minimum 60 percent of required plant material must be native species.
3. All trees pruning shall conform to current standards of the National Arborist Association.
4. All plant material shall be watered by a fully automatic irrigation system with a rain sensing device to turn off the system during a rain event. Bathia trees will not receive supplemental irrigation.
5. No existing permit will be issued until the ERI, Building, Zoning, and Planning Departments have approved the landscape plan.
6. No building trees are to be removed or relocated without first obtaining a tree removal permit from Palm Beach County ERI Department.
7. Protective barriers shall be placed and maintained during construction around all trees retained on site.
8. All proposed trees shall have a minimum 12" OA Height with 2.5" DBH at time of planting.
9. A maximum of 25 percent of required trees may be Palm species in the ROW per street buffer.
10. Minimum Height of Palm trees for shade tree substitution shall be 12'.
11. Shade trees may be substituted at the equivalent rate of 3 Palms per shade tree.
12. All planted areas not containing groundcover are to include 3" of wood mulch. Cypress mulch is prohibited.
13. Final landscape plan to be determined based on field conditions after construction.
14. Landscaping installation to proceed following construction phasing plan.

ZONING PLANT LIST						
Trees						
Symbol	Qty	CommonName	LatinName	Size	Additional Spec	Space
BBb12	3	Hong Kong Orchid Tree	Bauhinia blakeana	B&B; 12x5; 2 1/2" Cal.; 6' C.T.		A.S.
BSb12	12	Gumbo Limbo	Bursera simaruba	B&B; 12x5; 4" C.S.T.		A.S.
CES-45	16	Silver Buttonwood	Conocarpus erectus var. sericeus	45-Gal; 12x6; 2 1/2" Cal.;	Standard	A.S.
ED-65	10	Japanese Blueberry	Elaeocarpus decipiens	65-Gal; 12x6; 3" Cal.		A.S.
IAEG-65	6	Eagleston Savannah Holly	Ilex attenuata Eagleston'	65-Gal; 10x4; 3" Cal.; 4' C.T.		A.S.
LSR-65	3	Sweetgum	Liquidambar styraciflua 'Rotundiloba'	65-Gal; 12x6; 3" Cal.; 5' C.S.T.		A.S.
MCEb10	8	Wax Myrtle	Myrica cerifera	B&B; 10x7; 3" Cal.; 4' C.M.T.;	Full; Round Head;	A.S.
PEDb12	15	Slash Pine	Pinus elliotti densa	B&B; 12x5; 3" Cal.; Full;	Nursery-Grown Visible Feeder	A.S.
QV-65	47	Live Oak	Quercus virginiana	65-Gal; 14x8; 3 1/2" Cal.;	6' C.S.T.	A.S.
SP-12	6	Cabbage Palm	Sabal palmetto	12' C.T.; w/o Boots; Matched	co	A.S.
SP-16	3	Cabbage Palm	Sabal palmetto	16' C.T.; w/o Boots; Matched		A.S.
Shrubs						
Symbol	Qty	CommonName	LatinName	Size	Additional Spec	Space
CE-03	64	Green Buttonwood	Conocarpus erectus	3-Gal.; 24"x18"; Full;		30" O.C.
CES-03	52	Silver Buttonwood	Conocarpus erectus var. sericeus	3-Gal.; 24" x 18"; Full		30" O.C.
CR-07	337	Red-Tipped Coccolum	Chrysobalanus icaco 'Red Tip'	3-Gal.; 36"x30"; Full	Low Branched	48" O.C.
FM	178	Ficus microcarpa 'Green Island'	Green Island Ficus	3-Gal.; 12"x12"; 7 PPP; Full		24" O.C.
HP	193	Firebush	Hamelia patens	3-Gal.; 24"x24"		24" O.C.
MSD	217	Stokes Dwarf Yaupon Holly	Ilex vomitoria 'Stokes Dwarf'	3-Gal.; 14"x14"; Full		18" O.C.
JCHP	30	Parson's Juniper	Juniperus chinensis 'Parsonii'	3-Gal.; 15"x18"; Full		24" O.C.
LL	30	Fetterbush	Lyonia lucida	3-Gal.; 24"x18"; Full		24" O.C.
LMUBB	120	Big Blue Border Grass	Liriope muscari 'Big Blue'	1-Gal.; 9 P.P.P.; Full		18" O.C.
MF	25	Simpson's Stopper	Myrcianthus fragrans	3-Gal.; 36"x36"		36" O.C.
MF-07	226	Simpson's Stopper	Myrcianthus fragrans	7-Gal.; 36"x36"		36" O.C.
PM-15	155	Japanese Yew	Podocarpus macrophyllus	15-Gal.; 6'x3'; Full		A.S.
PMDP03	104	Pringley Yew Podocarpus	Podocarpus macrophyllus 'Dwarf Pringle's'	3-Gal.; 18"x18"		24" O.C.
SAR	193	Dazzle Schefflera	Schefflera arboricola 'Dazzle'	3-Gal.; 24"x24"		36" O.C.
TFL	35	Florida Gamma Grass	Tripsacum floridanum	3-Gal.; 24" O.A.; Full		24" O.C.
VO-03	25	Walter's Viburnum	Viburnum obovatum	3-Gal.; 24"x20"; Full		36" O.C.
Turf and Mulch						
PSM	675		0 Pine straw mulch	3"-Thick Mat after Compaction;	Fresh Bales	S.F.
PNA-1	6396	Bahia Grass	Paspalum notatum 'Argentine'	Solid Sod		S.F.

Plant List Notes

Quantities (Qty), if shown above, are presented as a courtesy and shall not be relied upon for the purposes of estimating, bidding or purchasing of labor and/or materials. Sod & Mulch quantities represent square feet.

Any interested party shall derive actual quantities by performing a thorough and complete review of the Landscape Plan(s), with adequate consideration given to all information in the Plant List above excluding Quantities.

In the event of a discrepancy between the plant list and plant count, the plans shall control.

Pine straw mulch to be installed under existing pine stand as shown on the plan. See specifications sheet for additional mulch specifications.

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American German Club
Prepared for American German Club
Palm Beach County, Florida

[illegible]Final Landscape Plan

SCALE | AS SHOWN
DRAWN | HH
FILE |
DATE | 2018-02-12

FLP9

55	Quercus virginiana/Live Oak	18"	Yes	No	Remain		4	0	
56	Quercus virginiana/Live Oak	4"	Yes	No	Remain		2	0	
57	Quercus virginiana/Live Oak	12"	Yes	No	Remain		3	0	
58	Quercus virginiana/Live Oak	12"	Yes	No	Remain		3	0	
59	Quercus virginiana/Live Oak	13"	Yes	No	Remain		3	0	
60	Quercus virginiana/Live Oak	20"	Yes	No	Remain		4	0	
61	Quercus virginiana/Live Oak	8"	Yes	No	Remain		2	0	
62	Quercus virginiana/Live Oak	14"	No	Yes	Remain		3	0	
63	Quercus virginiana/Live Oak	12"	No	Yes	Remain		3	0	
64	Quercus virginiana/Live Oak	12"	No	Yes	Remain		3	0	
65	Quercus virginiana/Live Oak	14"	No	Yes	Remain		3	0	
66	Quercus virginiana/Live Oak	18"	No	Yes	Remain		4	0	
67	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain		0	1	
68	Quercus virginiana/Live Oak	4"	No	Yes	Remain		1	0	
69	Quercus virginiana/Live Oak	4"	No	Yes	Remain		1	0	
70	Quercus virginiana/Live Oak	4"	No	Yes	Remain		1	0	
71	Quercus virginiana/Live Oak	6"	No	Yes	Remain		1	0	
72	Quercus virginiana/Live Oak	6"	No	Yes	Remain		1	0	
73	Quercus virginiana/Live Oak	6"	No	Yes	Remain		1	0	
74	Quercus virginiana/Live Oak	6"	No	Yes	Remain		1	0	
75	Quercus virginiana/Live Oak	6"	No	Yes	Remain		1	0	
76	Pinus eliott/Slash Pine	16"	No	Yes	Remain		3	0	
77	Pinus eliott/Slash Pine	18"	No	Yes	Remain		4	0	
78	Pinus eliott/Slash Pine	18"	No	Yes	Remain		4	0	
79	Pinus eliott/Slash Pine	16"	No	Yes	Remain		3	0	
80	Pinus eliott/Slash Pine	18"	Yes	No	Remain		4	0	
81	Sabal palmetto/Cabbage Palm	12'	Yes	No	Remain		0	1	
82	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain		0	1	
83	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain		0	1	
TOTAL						6	16	154	8

Notes:

- * Canopy Tree = DBH
Palm = Clear Trunk or Grey Wood

NATIVE TREE LOG	ERM	ZONING
Total Existing Trees on Site	77	
Total Existing Trees to be Preserved	28	39
Total Existing Trees to be Relocated on Site	0	0
Total Trees to be Mitigated	3	6
Total No. Mitigated Trees per Table 7.D.2.E - Tree Credit and Replacement		22
Total Trees Required by Art. 7		181
Total No. Trees (Preserved/Relocated/Mitigated and Required by Art. 7)		257

NOTE:

TREE LOCATION AND SIZE BASED ON AERIAL AND FIELD OBSERVATION. PREPARED BY JMORTON PLANNING AND LANDSCAPE ARCHITECTURE, DEC. 2017

NATIVE TREE DISPOSITION TABLE

TAG NO.	BOTANICAL/COMMON NAME	SIZE*	ERM TREE	ZONING TREE	PROPOSED DISPOSITION	ERM	ZONING	TREE	PALM	NOTES
						MITIGATION	REPLACEMENT	CREDIT	CREDIT	
CALCULATED PER TABLE 7.D.2.F: TREE CREDIT AND REPLACEMENT										
1	Quercus virginiana/Live Oak	14"	No	Yes	Remain			3	0	
2	Quercus virginiana/Live Oak	14"	No	Yes	Remain			3	0	
3	Quercus virginiana/Live Oak	12"	No	Yes	Remain			3	0	
4	Quercus virginiana/Live Oak	11"	No	Yes	Remain			2	0	
5-10	Not Used									
11	Quercus virginiana/Live Oak	20"	No	Yes	Remain			4	0	
12	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain				1	
13	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain				1	
14	Pinus eliott/Slash Pine	12"	No	Yes	Remain			3	0	
15	Pinus eliott/Slash Pine	13"	No	Yes	Remain			3	0	
16	Sabal palmetto/Cabbage Palm	10'	No	Yes	Remain			0	1	
17	Not Used									
18	Pinus eliott/Slash Pine	9"	No	Yes	Remain			2	0	
19	Pinus eliott/Slash Pine	7"	No	Yes	Remain			2	0	
20	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain			0	1	
21	Sabal palmetto/Cabbage Palm	12'	No	Yes	Remain			0	1	
22	Pinus eliott/Slash Pine	8"	No	Yes	Remain			2	0	
23	Pinus eliott/Slash Pine	8"	No	Yes	Remove	2		0	0	Mitigate With Same Specie
24	Pinus eliott/Slash Pine	4"	No	Yes	Remain			1	0	
25	Pinus eliott/Slash Pine	6"	No	Yes	Remain			1	0	
26	Pinus eliott/Slash Pine	9"	No	Yes	Remove	2		0	0	Mitigate With Same Specie
27	Pinus eliott/Slash Pine	9"	No	Yes	Remove	2		0	0	Mitigate With Same Specie
28	Quercus virginiana/Live Oak	8"	No	Yes	Remove		2	0	0	Mitigate With Same Specie
29	Quercus virginiana/Live Oak	10"	No	Yes	Remove		2	0	0	Mitigate With Same Specie
29A	Quercus virginiana/Live Oak	14"	No	Yes	Remove		3	0	0	Mitigate With Same Specie
30	Quercus virginiana/Live Oak	14"	No	Yes	Remove		3	0	0	Mitigate With Same Specie
31	Quercus virginiana/Live Oak	13"	No	Yes	Remove		3	0	0	Mitigate With Same Specie
32	Quercus virginiana/Live Oak	13"	No	Yes	Remove		3	0	0	Mitigate With Same Specie
33	Quercus virginiana/Live Oak	8"	No	Yes	Remain			2	0	
34	Quercus virginiana/Live Oak	8"	No	Yes	Remain			2	0	
35	Quercus virginiana/Live Oak	8"	No	Yes	Remain			2	0	
36	Quercus virginiana/Live Oak	17"	No	Yes	Remain			4	0	
37	Quercus virginiana/Live Oak	17"	No	Yes	Remain			4	0	
38	Quercus virginiana/Live Oak	8"	No	Yes	Remain			2	0	
39	Quercus virginiana/Live Oak	8"	Yes	No	Remain			2	0	
40	Pinus eliott/Slash Pine	17"	Yes	No	Remain			4	0	
41	Pinus eliott/Slash Pine	16"	Yes	No	Remain			3	0	
42	Pinus eliott/Slash Pine	17"	Yes	No	Remain			4	0	
43	Pinus eliott/Slash Pine	17"	Yes	No	Remain			4	0	
44	Pinus eliott/Slash Pine	18"	Yes	No	Remain			4	0	
45	Pinus eliott/Slash Pine	17"	No	Yes	Remain			4	0	
46	Quercus virginiana/Live Oak	10"	No	Yes	Remain			2	0	
47	Quercus virginiana/Live Oak	16"	No	Yes	Remain			3	0	
48	Quercus virginiana/Live Oak	8"	No	Yes	Remain			2	0	
49	Quercus virginiana/Live Oak	10"	No	Yes	Remain			2	0	
50	Quercus virginiana/Live Oak	10"	No	Yes	Remain			2	0	
51	Pinus eliott/Slash Pine	10"	Yes	No	Remain			2	0	
52	Quercus virginiana/Live Oak	10"	Yes	No	Remain			2	0	
53	Quercus virginiana/Live Oak	12"	Yes	No	Remain			3		
54	Quercus virginiana/Live Oak	16"	Yes	No	Remain			3	0	

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TREE DISPOSITION TABLE

Exhibit D – Disclosure

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

(TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER)

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brent Wacker, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [☒] President American-German Club, Inc. [position - e.g., president, partner, trustee] of American-German Club, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 5111 Lantana Road
Lake Worth, FL 33463
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Brent Wacker
Brent Wacker, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15 day of October, 2017, by Brent Wacker, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.

Roswitha Sinn
Notary Public

Roswitha Sinn
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 11/1/2020

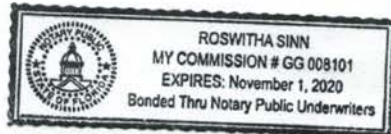


EXHIBIT "A"
PROPERTY

See Attached Legal Description

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
<u>N/A - This Entity is a Not For Profit Corporation</u>	

Exhibit E – Justification Statement Dated June 25, 2018



JUSTIFICATION STATEMENT

American German Club
Rezoning to IPF
Conditional Use Approval for Assembly Membership Nonprofit
Type II Variances
Initial Submittal: October 18, 2017
Resubmittal: February 12, 2018
Resubmittal: April 23, 2018
Resubmittal: May 29, 2018
Resubmittal: June 25, 2018

REQUEST

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting the following for the property located on the northeast corner of Myers Road and Lantana Road (“Property”):

- Rezone from Agricultural Residential (AR) to Institutional and Public Facilities (IPF);
- Conditional Use approval as an Assembly Membership Nonprofit use; and
- Eight Type II Variances related to the east and west landscape buffers, drive aisle width, and landscape divider median.

SITE CHARACTERISTICS

The Property is an 8.8-acre parcel located at the northeast corner of Lantana Road and Myers Road approximately 930 feet west of Haverhill Road. The Property has been the home of the American German Club (“Club”), a nonprofit private membership club. The Property has frontage on Lantana Road, Nash Trail, and Myers Road, although the current access is only from Myers Road. The subject property currently has a zoning designation of AR and a Future Land Use designation of Institutional.

The Applicant intends to request the abandonment of Myers Road subsequent to the site plan approval. The adjacent community Colony Reserve has agreed to the proposed abandonment and will subsequently deed their portion of the right-of-way to the American German Club.

Development History

The American German Club has been operating on the Property since 1974. Applicant was initially approved by the Palm Beach County Board of County Commissioners to operate a “Private Club” pursuant to the 1972-2 Zoning Code celebrating German culture and heritage on the Property in 1974. A “Private Club” was defined as buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business. In 1975, the American German Club petitioned Palm Beach County for a Development Order Amendment to expand the original approval to add land area and parking (Resolution No. R-75-294). The traffic report from these development orders included the Club’s annual Oktoberfest event, thereby not needing a Special Permit for the annual event.

In 1992, Palm Beach County revised its zoning code and replaced the “Private Club” use category with “Assembly, Nonprofit”. This use was defined as a site or facility owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit to render a service which is customarily carried on as a business. The typical uses categorized as an assembly, nonprofit included fraternal organizations and union halls.

Also, in the 1990’s the American German Club’s Oktoberfest attendance grew, necessitating the need for off-site parking. At that time, Zoning determined that a Special Event Permit would be required for the off-site parking associated with Oktoberfest. This practice has been in place since the 1990’s.

3910 RCA Blvd. Suite 1015 | Palm Beach Gardens, FL 33410 | 561.500.5060 | office@jmortonla.com email

In 2003, Palm Beach County revised its zoning code again and revised the definition for Assembly, Nonprofit Membership, as well as the supplemental standards for the use to add language related to paid membership. The membership and articles of incorporation for the Club have not significantly changed since the 1970's. The approval history and zoning code changes are further detailed in the attached Zoning Confirmation Letter dated February 27, 2015.

The current approved site plan is dated 1981. This approved site plan identifies the use as "Assembly, Non-Profit" approved as a Special Exception in the AR zoning designation. This approved site plan also indicates the Future Land Use designation for the Property as Institutional.

The Property has recently been the subject of code enforcement related to construction of buildings and removal of trees without proper permits. Any improvements to buildings that did not receive building permits are proposed to be removed. New buildings and building additions will be constructed in accordance with the Florida Building Code. The proposed applications for rezoning, conditional use approval and variances are being made to bring previously developed and approved American German Club into conformance with the current Code requirements to the greatest extent possible while anticipating for future Club growth and development.

The American German Club was founded as a non-profit corporation dedicated to promoting the cultural value of German Custom, such as dress, food and drink, language, craftsmanship, athletics, entertainment and travel. The Club educates the public of Palm Beach County concerning contributions by the German people to the American Heritage. As stated in the By Laws of the Club, the "object of the corporation is to develop in its members, their associates, and in the members' community a high sense of responsibility toward common problems; to create a broad and sensitive vision and tolerance; foster the joining of its membership in constructive efforts for the betterment of the surrounding community and nation; to promote the feeling of good fellowship; to give to its membership a broader knowledge of public affairs and community needs; to bring about through instruction, education and study the ability on the part of the membership for intelligent leadership and cooperation in the solving of civic problems; to loyally support the local, state and national government in peace and in war; to curb crime; to achieve greater public safety, and to foster measures designed to improve the public health and welfare." In accordance with the Club's stated objectives, regular events are held on-site where the members of Club can gather together to discuss and share German culture amongst themselves as well as with others in the community. The Club has two signature events a year, Oktoberfest and Kris Kringle Market. Oktoberfest is the largest event held by the Club where off-site parking occurs, shuttles are utilized, and police officers are hired to direct vehicle and pedestrian traffic. All other events held by the Club are able to be accommodated on-site with minimal impact on surrounding properties. The Regulating Plan included with this application shows how the site will be utilized and staged for all events occurring on-site.

Surrounding Properties

The Property is located on Lantana Road a major east-west transit corridor linking Federal Highway and State Road 7. The character of the surrounding area has drastically changed over the past decade from large lot single family homes and agriculture uses to multi-family and single-family PUDs. Although mostly surrounding by residential uses, an industrial contractor storage yard is immediately to the east of the Property. This contractor storage yard has previously been the subject of several code violations and has been approved through the site plan approval process in order to come into compliance with the County code. A breakdown of the surrounding uses is provided below.

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	MR-5	AR	Vacant	N/A	N/A
South	LR-3	RS	Civic Pod – Buttonwood Park	87-112	N/A
East	CL/IND	MUPD	Contractor Storage Yard	2000-011	R-2016-1833
West	MR-5	PUD	MF Residential – Colony Reserve PUD	84-152	R-2014-561

REZONING STANDARDS

As part of this application, the Applicant is requesting to rezone the Property from AR to IPF. Article 2.B.1.B requires that seven (7) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all seven (7) criteria standards, as provided below.

1. Consistency with the Plan

The proposed rezoning from AR to IPF is consistent with the County’s Comprehensive Plan. The Property has a future land use designation of Institutional (INST). The INST future land use designation allows for a maximum FAR of 0.45 within the Urban/Suburban Tier. The proposed zoning district is consistent with the existing Palm Beach County Future Land Use designation of Institutional. The American German Club has been operating on the Property for many years as evidenced by historical aerial photos as well as the approved site plan and corresponding resolutions. The Property has been designated with an Institutional future land use designation since the adoption of the 1989 Comprehensive Plan and this proposed rezoning will bring the Property’s zoning into conformance with the existing future land use designation.

The Property is located within the Palm Beach County/Greenacres/Atlantis Study boundaries. This study recognized the American German Club as a place that “offers one of the few formal cultural experiences available in the study area”. The Study recommended general improvements to the Property and to the right-of-way. This proposed rezoning with conditional use approval will allow for the Property to be brought into conformance with the current zoning code regulations and requirements. This proposed application is in conformance with the Palm Beach County/Greenacres/Atlantic Study.

The Applicant met with the adjacent residents of the Colony Reserve at the Property on March 7, 2018. At this meeting several items were discussed including the abandonment of Myers Road and the future development plans for the American German Club. The Applicant notified the City of Greenacres of the proposed rezoning, special exception and variance request and has not received comments from the City to date.

2. Consistency with the Code

The proposed rezoning from AR to IPF is consistent with the stated purpose and intent of the County Unified Land Development Code. The Property has frontage on both Lantana Road and Myers Road, although access only from Myers Road. Although the Club was previously approved on the Property as a Special Exception use within the AR zoning category, the County Zoning staff now strongly encourages the rezoning of Property to bring the zoning designation into consistency with the underlying Future Land Use designation. The existing AR zoning designation is a “placeholder” zoning district and the proposed development expansion will be consistent with the proposed institutional zoning designation. The proposed IPF is the least intense designation that can be assigned to the Property. Approval of the proposed IPF zoning designation will allow for the continued use and future

expansion of the American German Club in conformance with the zoning code.

As described above, the American German Club was originally approved and developed under the regulations of an early version of the Palm Beach County ULDC. Most of the Property was developed in conformance with the approved site plan of record, however over time the Club membership added on to existing buildings and built new structures without receiving proper approval by the County. The Property is now the subject of code enforcement action and the proposed rezoning will be one step towards bringing the Property into conformance with the current code requirements to the greatest extent possible. The following bullets identify how the Property either conforms or does not conform with current code requirements and the proposed adjustments that are being made to correct those existing non-conformities.

- **Setbacks** – The main clubhouse building and covered pavilion meet setback requirements. The existing buildings currently situated on the eastern property line do not meet setback requirements and will be relocated in order to meet setback requirements. All other accessory buildings meet current setback requirements.
- **Parking** – The current parking lot configuration does not match the approved site plan. The proposed rezoning and site plan amendment will bring the parking lot into conformance with the current code requirements, including the required parking landscape and terminal landscape islands meet code requirements. Additionally, parking spaces are being removed from the area in front of the main clubhouse building which conflict with cars entering the Property. This area has been marked as “No Parking”.
- **Lot Coverage** – The Property does not exceed maximum lot coverage requirements.
- **Landscaping** – The American German Club previously removed trees without County approvals. The Property is currently under code enforcement action for this and is proposing to replace a number of trees in accordance with landscape code standards. Due to recent code amendments, landscape buffer requirements were increased and therefore the Property is no longer in conformance with landscape buffer requirements. The Applicant is proposing to increase the landscape buffer widths where feasible and requesting variances where the landscape requirements cannot be met (see variance requests below). Additionally, the Applicant is proposing to place landscaping within the FPL easement along the east property line that is compliant with “Right Tree, Right Place” standards and practices as recognized by FPL. The Applicant is proposing foundation planting around the main building (Building 2) as well as the kitchen (Building 3) and restrooms (Building 7). The other buildings are not proposed to have foundation planting as they are accessory buildings and are not visible from adjacent rights-of-way.
- **Access** – The American German Club was originally approved with access from Myers Road. The Applicant is now proposing to abandon Myers Road in order gain appropriate access to Lantana Road as required for similar institutional uses. After the right-of-way abandonment, the Property will total +/-10.27 acres.
- **Fences** – The Applicant is proposing to remove and replace the fence along the north and south property lines while retaining the fence along the east and west property lines. The barbed wire will be removed from the existing fence along the east and west property lines.

As previously stated the Property was approved as a Private Club in 1974 and was developed under the regulations of an earlier version of the Palm Beach County ULDC. At the time the Club was built, Article 5.C. was not in effect. The proposed rezoning to IPF is to recognize an existing building and use. The proposed expansion of the main clubhouse will not exceed the limitations set forth in Art. 1.F.1.G. Furthermore, the other buildings existing and proposed are all accessory buildings to the Main Clubhouse and are exempt per Art 5.C.C.3, which states, “accessory structures within a PUD or a standard zoning district”.

The Applicant has submitted a functional use plan on Regulating Sheet PRP1 detailing how the Property is utilized during cultural events such as Oktoberfest and the Kris Kringle Festival. This

functional use plan depicts the most intense functions of the Property. The American German Club holds several cultural events throughout the year without utilizing every area of the proposed functional use plan. Typical cultural events are easily accommodated on-site without the need for off-site parking such as that required by Oktoberfest. The Club will occasionally rent their facilities out to other groups which will be required to obtain Special Permit approval as required by the ULDC or keep activities inside without the need for a Special Permit.

3. Compatibility with Surrounding Uses

Approval of this rezoning to IPF on the Property will allow for the existing American German Club to continue to operate and expand in conformance with the County code. The American German Club was originally approved and has existed on the Property since the 1970's. The proposed IPF zoning district is the appropriate zoning district for the Property as the Comprehensive Plan has the Property identified as Institutional on the Future Land Use map. Lantana Road is a major east-west corridor in the County. The land development pattern that has been established along Lantana Road is generally non-agricultural with a significant amount of residential and commercial uses. The properties to the north, south and west are developed with residential uses while the property to the east is an industrial use. The existing use and proposed IPF zoning designation will provide an appropriate buffer and transition from the industrial use to the residential uses. It is also important to note that this Property is not the only institutional use along the corridor as a congregate living facility has been developed on Lantana Road, east of Haverhill Road.

Many of the surrounding uses were approved and developed after the Property was identified as Institutional on the Future Land Use map and American German Club was approved. Ultimately, the Comprehensive Plan determines land use compatibility while the specific zoning designation sets forth the specific development regulations related to setbacks and buffers to ensure that uses do not negatively impact one another. The proposed IPF zoning designation is the only standard zoning designation consistent with the existing Institutional Future Land Use designation.

4. Effect of the Natural Environment

The proposed rezoning from AR to IPF will not result in significantly adverse impacts on the natural environment. The American German Club has been developed and in operation on the Property for many years. Through this application for rezoning and conditional use approval, the Applicant is proposing to plant trees around the Property to replace ones that were previously removed/died over time. This improvement will have a positive impact on the natural environment.

5. Development Patterns

The proposed rezoning from AR to IPF will result in a logical, orderly, and timely development pattern. As previously mentioned, the Club was previously approved as a special exception use within the AR zoning designation. The current Zoning Division direction strongly encourages properties to rezone as the AR zoning is typically a "placeholder" designation. The development pattern along Lantana Road has generally been determined by the Comprehensive Plan which designated to Property as Institutional. Therefore, the proposed rezoning to IPF which is consistent with the previously approved site plan for an assembly, nonprofit, the existing Institutional future land use designation, and the development patterns in the area.

6. Adequate Public Facilities

The proposed rezoning to IPF is being requested to bring the Property's zoning into consistency with the existing Institutional future land use designation. The Club was previously approved in the 1970's and site still has adequate public facilities in place to support the rezoning. Traffic impacts on the development have been completed showing adequacy for the site with the existing and proposed expansion of the American German Club. Infrastructure is already in place to accommodate the existing and future planned development in the area.

7. Changed Conditions or Circumstances

In 2015, the Applicant requested a Zoning Confirmation Letter from Palm Beach County. The Applicant asked for clarification on the Property’s use designation. The Zoning Confirmation Letter prepared by Palm Beach County provided a detailed account of approvals relating to the Property, as well as relevant changes to the ULDC. The Letter concluded that the Property’s prior approval of “private club” from 1974 most closely equated to the current Unified Land Development Code use category of Assembly Membership, Nonprofit. The Letter also confirms that the definition of this use category has changed four times since the Applicant received initial special exception approval as a private club within the AR zoning district. Recently, the zoning division has also strongly encouraged properties designated as AR to rezone, even if the Property has an existing approved site plan. These changes to the ULDC, the Applicant’s desire to gain compliance with current code as well as the increase in development within the Lantana and Haverhill Road area over the past forty years justify the proposed rezoning to IPF.

Based on the above justification and attached information, the petitioner respectfully requests approval of this rezoning from AR to IPF.

REQUESTED USE APPROVAL STANDARDS

The Applicant is petitioning for Conditional Use approval for an Assembly Membership Nonprofit.

1. Consistency with the Plan

The future land use designation of the Property is Institutional. The Property has not been the subject of any future land use amendments since the Comprehensive Plan was adopted in 1989. The existing American German Club with proposed expansion was previously classified as a Private Club in 1974. Special exception approval was previously granted for this “Private Club” on the Property which was identified with an Institutional future land use designation at that time. The zoning code has been amended numerous times and per the Zoning Confirmation letter provided by Jon MacGillis in 2015 the Private Club would now be classified as an Assembly Membership Nonprofit. This use is included in Article 4.B.4 – Institutional and Civic Uses of the ULDC and, therefore, remains consistent with the Institutional future land use designation.

The Property is located within the Palm Beach County/Greenacres/Atlantis Study boundaries. This study recognized the American German Club as a place that “offers one of the few formal cultural experiences available in the study area”. The Study recommended general improvements to the Property and to the right-of-way. This proposed conditional use approval will allow for the Property to be brought into conformance with the current zoning code regulations and requirements. This proposed application is in conformance with the Palm Beach County/Greenacres/Atlantic Study.

2. Consistency with the Code

The American German Club was previously approved as a special exception use within the AR zoning designation. The ULDC has been modified several times since the initial approval in 1974. The Club is now classified as an Assembly Membership Nonprofit. As previously mentioned, the American German Club has been operating on the Property for many years and it has frontage on Lantana Road and Myers Road, with historical approved access only from Myers Road. The existing use is consistent with the general provisions of the ULDC and subject to the requested variances meets the supplemental requirements of the Code. The Applicant is not proposing to make any major site modifications other than to bring the Property into conformance with the current code to the greatest extent possible as required for all legal nonconformities. See discussion above regarding compliance with specific code requirements above.

The Property will be developed in two phases consistent ULDC requirements. The first phase will bring

the parking lot into compliance with current ULDC provision and legitimize and correct prior code violations that included illegally enclosing a portion of the main building (the existing “biergarten”). Phase two will relocate buildings to meet setback and buffer requirements and add required foundation plantings around the main buildings. The specific items are further detailed and identified on the included Preliminary Phasing Plan.

As previously stated the Property was approved as a Private Club in 1974 and was developed under the regulations of an earlier version of the Palm Beach County ULDC. At the time the Club was built, Article 5.C. was not in effect. The proposed rezoning to IPF is to recognize an existing building and use. The proposed expansion of the main clubhouse will not exceed the limitations set forth in Art. 1.F.1.G. Furthermore, the other buildings existing and proposed are all accessory buildings to the Main Clubhouse and are exempt per Art 5.C.C.3, which states, “accessory structures within a PUD or a standard zoning district”.

3. Compatibility with Surrounding Uses

The American German Club has existed on the Property for many years as a “private club”. Because the Applicant is rezoning to IPF and the Private Club use no longer exists in the County ULDC, the Applicant must request conditional use approval for an Assembly Membership Nonprofit although the Club activities and mission have not significantly changed since the Club’s doors opened. The surrounding area has been changing from an area that includes large lot residential, institutional, and agricultural industrial uses to an area that includes more residential planned unit developments.

To ensure compatibility of the existing Club with new uses that are approved and developed in the area, the County staff and Board of County Commission has imposed conditions of approval related to notification and buffering. In the case of the Colony Reserve to the east of the Property, a condition of approval was imposed at the time of approval in 2014, that requires future residents to be notified about the American German Club and its events that may, on rare occasion, generate increased level of noise and increased traffic congestion.

Generally, the proposed Assembly Membership Nonprofit use is compatible with the surrounding area. These uses institutional are often located along major rights-of-way near other services and other community facilities. The use is compatible with the County park located to the south across Lantana Road. These uses are symbiotic in nature, thus compatible. The agriculture/industrial use to the east (Able’s) has been operating on that property for many years much like the American German Club. This use is more intense than the Assembly Membership Nonprofit use and has recently received site plan approval which included the installation of buffers and other screening to ensure its compatibility with the surrounding area.

4. Design Minimizes Adverse Impact

The American German Club has been operating on the Property for many years. The main building has been in its current configuration since the Club purchased the Property. Some buildings and accessory structures have been added over time which are identified on the proposed site plan. A plan identifying the functional use areas has been included to identify the various areas of the Property and how the Applicant utilizes those areas during events (Sheet PRP1). This proposed design minimizes adverse impacts to the surrounding properties as the Property will be appropriately screened with landscaping.

5. Design Minimizes Environmental Impact

The requested use will not create any adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The Property is currently developed with the American German Club and the proposed rezoning to IPF and conditional use request for an Assembly Nonprofit Membership is being processed to vest the existing use as well as bring the Property into conformance with the current code requirements. The development will have landscaping around the perimeter of the Property as well

as within the site. This proposed landscaping will replace landscaping that has previously died or been removed and will provide a benefit to the environment as well as provide a visual improvement to the surrounding community.

6. Development Patterns

The development patterns in the surrounding area have been transitioning from large lot residential and agricultural uses to various other uses as proven by the previous approvals for several large Planned Unit Developments, industrial uses, and congregate living facility in the immediate vicinity. It is anticipated that the area will continue to transition away from large lot single family and agricultural uses along this stretch of the Lantana Road corridor.

As previously mentioned, the American German Club has been operating on the Property for many years. Due to this use and other historical non-residential uses along this section of Lantana Road, infill type of development has occurred where land can be assembled by developers. The Applicant desires to bring the Property into compliance with the code which will ensure that the use continues to provide a service to the surrounding community while remaining consistent with the existing development pattern.

7. Adequate Public Facilities

The site has adequate public facilities in place to support the conditional use request. The Club was previously approved in the 1970's and site still has adequate public facilities in place to support the rezoning. Traffic impacts on the development have been completed showing adequacy for the site with the existing and proposed expansion of the American German Club. Infrastructure is already in place to accommodate the existing and future planned development in the area.

8. Changed Conditions or Circumstances

The County's ULDC has been amended several times since the American German Club purchased the Property in 1974 and received site plan approval. As previously mentioned the Club was initially approved as a "private club" and its operations have not significantly changed since then. In 2015, the Applicant requested a Zoning Confirmation Letter from Palm Beach County. The Applicant asked for clarification on the Property's use designation and guidelines relating to permitted versus non-permitted events. The Zoning Confirmation Letter prepared by Palm Beach County provided a detailed account of approvals relating to the Property, as well as relevant changes to the ULDC. The Letter concluded that the Property's prior approval of "private club" from 1974 most closely equated to the current Unified Land Development Code (ULDC) use category of Assembly Membership, Nonprofit. The Letter also confirms that the definition of this use category has changed four times since the Applicant received initial special exception approval as a private club within the AR zoning district.

The Applicant is currently under code enforcement action for construction and improvement of the Property without permits or site plan approval as well as the illegal removal of trees. To correct these code violations the County has requested the Applicant to rezone the Property to IPF to bring the zoning designation into conformance with the existing FLU designation of Institutional as well as request conditional use approval for the existing Assembly Membership Nonprofit use.

Based on the above justification and attached information, the petitioner respectfully requests approval of this conditional use for Assembly Membership Nonprofit.

TYPE II VARIANCE STANDARDS

Article 2.B.3.E requires that seven (7) criteria related to variances are addressed prior to approval by the Zoning Commission. The Applicant is in compliance with all seven (7) criteria standards, as provided below.

As previously mentioned, the American German Club was previously approved as a Special Exception for a Private Club within the AR zoning district in the 1970's. Several Development Order Amendments were

approved to add land area for parking and other activities for the Club. At the time of these prior approved Development Order Amendments the use was changed from Private Club to Assembly, Nonprofit to recognize zoning code changes. The approved site plan identifies the existing approved landscape buffers as 5 feet with parking spaces directly abutting that landscaping along the western property line. The following variances are being requested to recognize a pre-existing condition that cannot be brought into conformance with the current ULDC requirements without causing a significant loss in parking or reconfiguration of the Property’s functional use areas.

Variance # 1 – Easement & Landscape Buffer Overlap (Eastern Property Line)

As part of this application, the applicant is requesting a Type II Variance from Article 7. D.12. The Applicant is requesting approval to allow the proposed utility easement to overlap the existing landscape buffer along an approximate 600-foot section of the eastern property line 5-foot compatibility buffer abutting within the existing 12-foot FPL utility easement.

Per Article 7.D.12 of the ULDC:

“Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five feet clear feet for planting.”

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code only required a five-foot-wide landscape buffer as evidenced by the previously approved site plan. An FPL easement was subsequently imposed along the eastern property line. The Applicant is proposing to accommodate the required landscape buffer and utility easement pursuant to the current ULDC requirements along the remaining portion of the eastern property line. The Applicant cannot reconfigure the previously approved and developed portion of this Property without significantly impacting the functional use areas for the Club. This existing condition is unique to the Property.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County’s zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant recognizes these changes and is able to accommodate the County requirements along the eastern property line except a 600-foot section within an existing FPL easement. The Applicant is not responsible for these new County requirements or FPL’s utility easement for overhead power lines.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for the encroachment of easements within landscape buffers throughout the entire County when appropriate. These situations often occur when a property’s configuration limitations cannot accommodate large landscape buffers and utility easements or where a property was previously developed consistent with a prior zoning code. The Applicant is simply requesting for the same approval granted to others and the Applicant will accommodate the required landscape buffer along the remaining portion of the eastern property line.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.

The American German Club has an approved site plan for the Property that has been in place since 1974. The literal interpretation would impose an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer development from adjacent compatible uses while accommodating required utility easements. The literal interpretation of this section of the ULDC would negatively impact the previously approved project and site plan by requiring the reconfiguration of the site and significantly impact the functional use areas that have existed since the 1970's when the American German Club was initially approved by the County.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for the encroachment of a proposed utility easement within the existing approved landscape buffer will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to install the required utility easement and compatibility buffer along the remaining eastern property line where there is no existing FPL easement. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement along the eastern property line, a significant portion of the approved site plan would be impacted, and the functional use area of the Property would be greatly reduced. This variance along 600 feet of the eastern property line will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. The approved site plan indicates smaller buffers than what today's ULDC requires. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

The Applicant is proposing to comply with Art. 7.D.12.B which allows and provides for the planting with FPL easements where overhead powerlines are present in accordance with "Right Tree, Right Place." The proposed planting materials within this area of the landscape buffer all comply with these provisions and will not impact the overhead FPL power lines that serve the Club.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing situation for most of the existing compatibility buffer. Able's lawnmower in an agriculture/industrial use that exists to the east and has recently been the subject of code enforcement action. This adjacent property has also recently received site plan approval to bring the property into conformance with the current code.

Additionally, as stated above, the Applicant will provide planting materials in accordance with "Right Tree, Right Place" within this section of the landscape buffer. The FPL easement was put in place to accommodate the overhead power line that serves the Club.

Variance # 2 – Right-of-Way Buffer (Western Property Line along 47 parking spaces)

As part of this application, the applicant is requesting a Type II Variance from Art. 7.F.3.A. The Applicant is requesting approval to allow the existing 580-foot section of the incompatibility buffer to remain as 5 feet.

Per Table 7.F.3.A of the ULDC:

Right-of-Way Buffers require a minimum buffer width of 15 feet.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code only required a five-foot-wide landscape buffer and no utility easement abutting Myers Road as evidenced by the previously approved site plan. Per the approved site plan, the Property has been developed with parking spaces abutting a 5-foot landscape buffer adjacent to the Myers Road right-of-way. The Applicant is proposing to abandon Myers Road and accommodate the required landscape buffer where feasible without removing the pavement that was once Myers Road. The Applicant cannot reconfigure the previously approved and developed parking lot without losing that driveway access or a significant amount of parking spaces (47 spaces). This existing condition is unique to the Property.

A right-of-way landscape buffer including a wall has already been installed along the Colony Reserve PUD property line which will ensure that the Property is appropriately buffered from the residential community. The landscape buffer will meet and exceed code requirements along much of the western Property except in the area where parking spaces currently exist.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County’s zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant is not responsible for these new County requirements and is not able to remove and relocate existing parking spaces to accommodate the current requirements. Abandoning Myers Road will allow the Applicant to install landscaping along the western portion of the Property without conflicting with the required utility easements that are required to be dedicated. There are several existing utilities within this area of Myers Road so some utility easements will need to be recorded to accommodate the existing infrastructure, but with the right-of-way abandonment, the Applicant can assess how additional landscaping can be added to supplement the existing buffer on the Property as well as the former right-of-way buffer for Colony Reserve PUD.

The only area where the variance is needed is abutting the existing parking spaces that were approved and developed in accordance with a previous code. The Property would be in conformance if the code had not been modified and updated by the County staff.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Variances have been granted to allow and recognize existing landscape buffers that are deficient and cannot be brought up to code without impacting parking or existing buildings throughout the entire County when appropriate. These situations often occur when a property’s configuration limitations cannot accommodate large buffers or where a property was previously developed consistent with a prior zoning code. The Applicant is simply requesting for the

same approval granted to others. The Applicant will accommodate the required landscape buffer along the remaining portion of the western portion of the Property. Granting this variance will not confer upon the Applicant any special privilege. Instead, this valid nonconformity will be vested by the approval of the requested variance.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would impose an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer new development from existing development while ensuring compatibility between uses. It is important to note that the American German Club has existed on the Property for well over 40 years. The Colony Reserve was approved and developed recently and is still under construction today. At the time that the Colony Reserve PUD was approved, members of the American German Club voiced their concerns about future residents moving next door to the club. As such the Board of County Commissioners imposed a condition on that PUD to require that all future residents be notified that the American German Club exists directly to the west and infrequently holds events that may generate additional noise and traffic. The literal interpretation of this section of the ULDC would negatively impact the site plan by requiring the removal of existing parking spaces and causing the project to not meet minimum parking requirements. Additionally, when the Colony Reserve PUD was developed it provided the appropriate landscape buffer to ensure compatibility between the uses. The purpose of this variance request is to vest the nonconformity that was created because of changes to the ULDC.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for a reduced landscape buffer along a small portion of the western property will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to install the required utility easement and landscape buffer along the remaining western portion of the Property where there are no existing approved parking spaces. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement, a significant amount of required parking spaces would have to be removed and the pavement for Myers Road would need to be removed and adjusted to accommodate the landscape materials in addition to the existing utility line conflicts. This variance along 580 feet of the Myers Road property line will allow the Applicant to comply with the code to the greatest extent possible and retain required parking.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. The approved site plan indicates smaller buffers than what today's ULDC requires. Through this application, the Applicant will be bringing the Property into code compliance to the greatest extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by

abandoning Myers Road and installing a new landscape buffer along the western portion of the Property that will meet and in some places, exceed code requirements. The landscape buffer will be increased to 15 feet wide where not adjacent to the existing parking spaces. It is also important to note that the existing buildings will meet minimum setback requirements from the property line. Furthermore, this request will not affect the residential development to the west known as the Colony Reserve PUD. This development was approved subject to conditions of approval requiring the notification of all residents regarding the proximity of the existing American German Club. The Colony Reserve PUD also provides a landscape buffer that includes a wall adjacent to Myers Road.

Variance # 3 – Shrub Hierarchy (Western Property Line along 47 parking spaces)

As part of this application, the applicant is requesting a Type II Variance per Art 7.F.7.B. The Applicant is requesting approval to allow one row of shrubs.

Per Art 7.F.7.B. of the ULDC:

ROW buffers shall include 3 Tiers of planting materials including small shrubs, medium shrubs and large shrubs.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code only required a five-foot-wide landscape buffer and no utility easement abutting Myers Road as evidenced by the previously approved site plan. Per the approved site plan, the Property has been developed with parking spaces abutting a 5-foot landscape buffer adjacent to the Myers Road right-of-way. The Applicant is proposing to abandon Myers Road and accommodate the required landscape buffer where feasible without removing the pavement that was once Myers Road. The Applicant cannot reconfigure the previously approved and developed parking lot without losing that driveway access or a significant amount of parking spaces (47 spaces). This existing condition is unique to the Property.

A right-of-way landscape buffer including a wall has already been installed along the Colony Reserve PUD property line which will ensure that the Property is appropriately buffered from the residential community. The landscape buffer will meet and exceed code requirements along much of the western Property except in the area where parking spaces currently exist.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County's zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant is not responsible for these new County requirements and is not able to remove and relocate existing parking spaces to accommodate the current requirements. Abandoning Myers Road will allow the Applicant to install landscaping along the western portion of the Property without conflicting with the required utility easements that are required to be dedicated. There are several existing utilities within this area of Myers Road so some utility easements will need to be recorded to accommodate the existing infrastructure, but with the right-of-way abandonment, the Applicant can assess how additional landscaping can be added to supplement the existing buffer on the Property as well as the former right-of-way buffer for Colony Reserve PUD.

The only area where the variance is needed is abutting the existing parking spaces that were approved and developed in accordance with a previous code. The Property would be in conformance if the code had not been modified and updated by the County staff.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Variances have been granted to allow and recognize existing landscape buffers that are deficient and cannot be brought up to code without impacting parking or existing buildings throughout the entire County when appropriate. These situations often occur when a property's configuration limitations cannot accommodate large buffers or where a property was previously developed consistent with a prior zoning code. The Applicant is simply requesting for the same approval granted to others. The Applicant will accommodate the required landscape buffer along the remaining portion of the western portion of the Property. Granting this variance will not confer upon the Applicant any special privilege. Instead, this valid nonconformity will be vested by the approval of the requested variance.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would impose an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer new development from existing development while ensuring compatibility between uses. It is important to note that the American German Club has existed on the Property for well over 40 years. The Colony Reserve was approved and developed recently and is still under construction today. At the time that the Colony Reserve PUD was approved, members of the American German Club voiced their concerns about future residents moving next door to the club. As such the Board of County Commissioners imposed a condition on that PUD to require that all future residents be notified that the American German Club exists directly to the west and infrequently holds events that may generate additional noise and traffic. The literal interpretation of this section of the ULDC would negatively impact the site plan by requiring the removal of existing parking spaces and causing the project to not meet minimum parking requirements. Additionally, when the Colony Reserve PUD was developed it provided the appropriate landscape buffer to ensure compatibility between the uses. The purpose of this variance request is to vest the nonconformity that was created because of changes to the ULDC.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for a reduced landscape buffer along a small portion of the western property will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to install the required utility easement and landscape buffer along the remaining western portion of the Property where there are no existing approved parking spaces. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement, a significant amount of required parking spaces would have to be removed and the pavement for Myers Road would need to be removed and adjusted to accommodate the landscape materials in addition to the existing utility line conflicts. This variance along 580 feet of the Myers Road property line will allow the Applicant to comply with the code to the greatest extent possible and retain required parking.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. The approved site plan indicates smaller buffers than what today’s ULDC requires. Through this application, the Applicant will be bringing the Property into code compliance to the greatest extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by abandoning Myers Road and installing a new landscape buffer along the western portion of the Property that will meet and, in some places, exceed code requirements. The landscape buffer will be increased to 15 feet wide where not adjacent to the existing parking spaces. It is also important to note that the existing buildings will meet minimum setback requirements from the property line. Furthermore, this request will not affect the residential development to the west known as the Colony Reserve PUD. This development was approved subject to conditions of approval requiring the notification of all residents regarding the proximity of the existing American German Club. The Colony Reserve PUD also provides a landscape buffer that includes a wall adjacent to Myers Road.

Variance # 4 – Trees, ROW Buffer (Western Property Line along 47 parking spaces)

As part of this application, the applicant is requesting a Type II Variance from Art 7.F.2.A.1.2. The Applicant is requesting approval to omit trees.

Per Art. 7.F.2.A.1.2

ROW buffers shall include one canopy tree per 25 linear feet

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code only required a five-foot-wide landscape buffer and no utility easement abutting Myers Road as evidenced by the previously approved site plan. Per the approved site plan, the Property has been developed with parking spaces abutting a 5-foot landscape buffer adjacent to the Myers Road right-of-way. The Applicant is proposing to abandon Myers Road and accommodate the required landscape buffer where feasible without removing the pavement that was once Myers Road. The Applicant cannot reconfigure the previously approved and developed parking lot without losing that driveway access or a significant amount of parking spaces (47 spaces). This existing condition is unique to the Property.

A right-of-way landscape buffer including a wall has already been installed along the Colony Reserve PUD property line which will ensure that the Property is appropriately buffered from the residential community. The landscape buffer will meet and exceed code requirements along much of the western Property except in the area where parking spaces currently exist.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned, the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County’s zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant is not responsible for these new County requirements and is not able to remove and relocate existing parking spaces to accommodate the current requirements. Abandoning Myers Road will allow the Applicant to install landscaping along the western

portion of the Property without conflicting with the required utility easements that are required to be dedicated. There are several existing utilities within this area of Myers Road so some utility easements will need to be recorded to accommodate the existing infrastructure, but with the right-of-way abandonment, the Applicant can assess how additional landscaping can be added to supplement the existing buffer on the Property as well as the former right-of-way buffer for Colony Reserve PUD.

The only area where the variance is needed is abutting the existing parking spaces that were approved and developed in accordance with a previous code. The Property would be in conformance if the code had not been modified and updated by the County staff.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Variances have been granted to allow and recognize existing landscape buffers that are deficient and cannot be brought up to code without impacting parking or existing buildings throughout the entire County when appropriate. These situations often occur when a property's configuration limitations cannot accommodate large buffers or where a property was previously developed consistent with a prior zoning code. The Applicant is simply requesting for the same approval granted to others. The Applicant will accommodate the required landscape buffer along the remaining portion of the western portion of the Property. Granting this variance will not confer upon the Applicant any special privilege. Instead, this valid nonconformity will be vested by the approval of the requested variance.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would impose an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer new development from existing development while ensuring compatibility between uses. It is important to note that the American German Club has existed on the Property for well over 40 years. The Colony Reserve was approved and developed recently and is still under construction today. At the time that the Colony Reserve PUD was approved, members of the American German Club voiced their concerns about future residents moving next door to the club. As such the Board of County Commissioners imposed a condition on that PUD to require that all future residents be notified that the American German Club exists directly to the west and infrequently holds events that may generate additional noise and traffic. The literal interpretation of this section of the ULDC would negatively impact the site plan by requiring the removal of existing parking spaces and causing the project to not meet minimum parking requirements. Additionally, when the Colony Reserve PUD was developed it provided the appropriate landscape buffer to ensure compatibility between the uses. The purpose of this variance request is to vest the nonconformity that was created because of changes to the ULDC.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for a reduced landscape buffer along a small portion of the western property will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to install the required utility easement and landscape buffer along the remaining western portion of the Property where there are no existing approved parking spaces. Typically, when amending a previously approved site plan, the Applicant is required to conform to the

current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement, a significant amount of required parking spaces would have to be removed and the pavement for Myers Road would need to be removed and adjusted to accommodate the landscape materials in addition to the existing utility line conflicts. This variance along 580 feet of the Myers Road property line will allow the Applicant to comply with the code to the greatest extent possible and retain required parking.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. The approved site plan indicates smaller buffers than what today’s ULDC requires. Through this application, the Applicant will be bringing the Property into code compliance to the greatest extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by abandoning Myers Road and installing a new landscape buffer along the western portion of the Property that will meet and, in some places, exceed code requirements. The landscape buffer will be increased to 15 feet wide where not adjacent to the existing parking spaces. It is also important to note that the existing buildings will meet minimum setback requirements from the property line. Furthermore, this request will not affect the residential development to the west known as the Colony Reserve PUD. This development was approved subject to conditions of approval requiring the notification of all residents regarding the proximity of the existing American German Club. The Colony Reserve PUD also provides a landscape buffer that includes a wall adjacent to Myers Road.

Variance # 5 – Dimensions of Access Ways

As part of this application, the applicant is requesting a Type II Variance from Table 6.A.1.D-4. The Applicant is requesting approval to allow the existing 20.5 foot wide two-way access aisle which is the existing pavement width of Myers Road (to be abandoned).

Per Table 6.A.1.D-4 of the ULDC:

Two-way access drive aisles are required to be a minimum of 25 feet wide.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. The adjacent Myers Road public right-of-way is currently paved with a width of 20 feet and is the point of access for the Club as well as the secondary access point for the adjacent Colony Reserve PUD. As part of this application, the Applicant is proposing to abandon Myers Road and incorporate that area into the Property. This road right-of-way was previously suitable to provide access for the American German Club and more recently suitable for a secondary access point for Colony Reserve, however now that the Applicant is proposing to abandon the right-of-way the classification of that road is changed to a drive aisle which requires an additional five feet of width of pavement. This situation is unique to the Property.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan and the Club has existed on the Property since the 1970's. The approved site plan for the American German Club has shown Myers Road in its current configuration and as the point of access for the Club since its approval in the 1980's. Abandoning the Myers Road right-of-way is a solution that the Applicant is proposing to address other site plan and zoning code issues such as access for a place of assembly. The Applicant has not changed the type of use, the Property's access, or the adjacent Myers Road. The zoning code has been modified multiple times since the Property was originally approved.

More recently, the County approved Myers Road as a secondary access point for the Colony Reserve PUD. This access point and drive width was sufficient for that approval, however with the change in classification needed to address legal access the pavement is five feet short of meeting the code requirement.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Although the Applicant is proposing to abandon Myers Road, the Applicant is not proposing to modify that right-of-way, therefore it will function in the same way that it does today. Variances for existing drive aisles that do not meet minimum code requirements have been granted by Palm Beach County in the past.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would impose an unnecessary and undue hardship. As previously mentioned, Myers Road has been the point of primary access for the American German Club and was recently approved as the secondary access point for Colony Reserve PUD. Due to the proposed abandonment of Myers Road, the classification of that area will change from a public right-of-way to a private drive aisle which requires increased pavement width. This area is constrained due to utility easements, existing landscaping, drainage infrastructure, etc. Requiring the Applicant to provide the additional five feet of paving is a significant hardship. Widening the pavement area would impact the existing swales along Myers Road and would negatively impact the existing drainage configuration for the Property. It would also negatively impact the proposed landscape area proposed for the landscape buffers, which is also insufficient and not in compliance with current ULDC requirements (thus subject to another variance by the Applicant).

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for a reduced drive aisle width will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. As previously mentioned, Myers Road has been approved as the secondary access point for Colony Reserve PUD. After the proposed right-of-way abandonment, the Applicant will grant an access easement for access to that residential development. The Applicant's variance is the minimum necessary as the additional 4.5 feet of width has not been required or necessary while Myers Road was classified as a public right-of-way. The functionality of that road will remain the same after the proposed abandonment. As provided in the attached traffic study, the trips generated by the Club and adjacent residential development do not warrant the additional right-of-way width prescribed by the County Land Development Code.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. As previously mentioned, Myers Road was paved with 20.5 feet of pavement which was approved as adequate for public two way access. The change in classification does not change how the Property or the adjacent residential development access their respective projects, therefore the Applicant contends that granting the variance will be consistent with the purposes, goals, objectives and policies of the County Plan and Code.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by abandoning Myers Road and installing a new landscape buffer along the western portion of the Property. The abandonment of Myers Road will allow the Applicant to achieve legal access to the Property. The Applicant is also proposing to grant an access easement to the adjacent Colony Reserve PUD thus not negatively impacting that approved residential development. This variance will allow the Club to utilize the same road/access as it has since the 1970's/1980's without having to eliminate adjacent buffers, landscaping or other needed drainage infrastructure.

Variance # 6 – Divider Landscape Median

As part of this application, the applicant is requesting a Type II Variance from Article 7.G.2.C. The Applicant is requesting to eliminate the requirement to provide a divider landscape median for the existing parking lot.

Per Article 7.G.2.C. of the ULDC:

Divider medians shall be provided and located between every third aisle of parking spaces.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code did not require landscape divider medians every three rows of parking as evidenced by the previously approved site plan. Per the approved site plan, the Property has been developed with parking abutting the main building, the storage building and three rows between the two and without any landscape divider medians. The Applicant is proposing to improve the existing parking lot by adding parking islands where required, however the required divider landscape median cannot be accommodated without the loss of a significant amount of parking. The space between the existing buildings is fixed and can only efficiently accommodate the parking as proposed without the landscape divider median. This existing condition is unique to the Property.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County's zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant is not responsible for these new County requirements and is not able to remove and relocate existing parking spaces to accommodate the current requirements.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Variances have been granted to allow and recognize existing conditions and where providing the required landscaping within parking lots would significantly impact and eliminate required parking. These situations often occur when a property's configuration limitations cannot accommodate a total parking lot reconfiguration here a property was previously developed consistent with a prior zoning code. The Applicant is simply requesting for the same approval granted to others. Granting this variance will not confer upon the Applicant any special privilege. Instead, this valid nonconformity will be vested by the approval of the requested variance.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would impose an unnecessary and undue hardship. The intent of the Unified Land Development Code is to provide and accommodate landscaping within parking areas, thus improving the visual aesthetics of the project, accommodating additional pervious area, and helping to reduce heat island effect that typically occurs within parking lots. It is important to note that the American German Club has existed on the Property for well over 40 years. The literal interpretation of this section of the ULDC would negatively impact the site plan by requiring the removal of existing parking spaces and causing the project to not meet minimum parking requirements. The purpose of this variance request is to vest the nonconformity that was created because of changes to the ULDC.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow for the elimination of a divider landscape median within the existing parking lot of the Property will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to install the required landscape islands throughout the parking lot. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet this landscape requirement, a significant amount of required parking spaces would have to be removed. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain required parking.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. Through this application, the Applicant will be bringing the Property into code compliance to the greatest extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by increasing the amount of landscape throughout the existing parking lot. This parking area is not visible from Lantana Road and set in between existing structures on the Property. The required divider landscape median is typically required to assist in screening parking lots from public view. Granting the

proposed variance will not be injurious to the area or detrimental to the public welfare. If the landscape median were required a significant amount of parking would need to be removed and accommodated elsewhere on the property thus significantly increasing the amount of pavement proposed for the Property.

Variance # 7 – Location of Fence in Landscape Buffer (Western Property Line)

As part of this application, the applicant is requesting a Type II Variance from Art. 7.F.3.A. The Applicant is requesting approval to allow the existing fence to meander through the existing landscape buffer.

Per Art. 7.F.3.A. of the ULDC:

Fences with incompatibility buffers shall be located a minimum of 7.5 feet from the buffer edge.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code only required a five-foot-wide landscape buffer abutting Myers Road as evidenced by the previously approved site plan. Per the approved site plan, the Property has been developed a 5-foot landscape buffer including a fence adjacent to the Myers Road right-of-way. The existing fence was permitted as approved by Building Permit No. B-1980-18112. The Applicant is proposing to retain the existing permitted fence and accommodate landscaping around the fence where feasible to meet the minimum buffer width requirement (except for the portion subject to a concurrent variance request adjacent to existing parking spaces). As the fence was installed legally and the Applicant is not proposing to remove, relocate or adjust this portion of the fence, this variance request is needed. This existing condition is unique to the Property and the Applicant will ensure that the landscape buffer will meet and exceed code requirements along much of the western Property except in the area where parking spaces and the fence currently exist.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County’s zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant is not responsible for these new County requirements and as the existing fence was installed in accordance with an issued building permit and the landscape buffer was approved in accordance with a previous site plan, this existing situation should be permitted to remain and continue. This type of situation would typically be approved as a legally existing non-conformity however the Applicant is being required to rezone the Property from AR to IPF to be consistent with the existing Future Land Use designation. The use of the Property has been the same since the American German Club opened its doors, the significant changes that have occurred are the constant zoning code modifications which are not the result of the Applicant but rather Palm Beach County staff.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Variances have been granted to allow to recognize existing landscape buffers that are deficient and cannot be brought up to code without impacting parking or existing buildings throughout the entire County when appropriate. The Applicant is simply requesting for the same approval granted to others. The Applicant will accommodate the required landscape buffer along the remaining portion of the western portion of the Property where feasible. Granting this variance will

not confer upon the Applicant any special privilege. Instead, this valid nonconformity will be vested by the approval of the requested variance.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would impose an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer new development from existing development while ensuring compatibility between uses. The intent of this section of the code is to ensure that landscape buffers appropriately screen incompatible uses with an opaque shield made up of landscape materials and fencing/walls. The existing fence was originally constructed in accordance with an approved building permit. It is unrealistic that the Applicant would remove and relocate the fence to accommodate exactly 7.5 feet of landscape materials on both sides of the fence. The purpose of this variance request is to vest the nonconformity that was created because of changes to the ULDC.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow an existing permitted fence to remain within the landscape buffer along the western property boundary will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement, the existing fence would have to be removed/relocated and landscape material would have to be installed on either side of the fence. Requiring the Applicant to meet this section of the Code would also negatively impact some existing parking spaces abutting the western property line. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain required parking.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. The approved site plan indicates smaller buffers than what today's ULDC requires and the approved building permit for the fence identifies a fence that meanders along the western Property line that cannot meet the County's new code requirement for exactly 7.5 feet of planting materials on both sides of the fence. Through this application, the Applicant will be bringing the Property into code compliance to the greatest extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by abandoning Myers Road and installing new landscape material along the western portion of the Property that will meet, and in some places, exceed code requirements. Furthermore, this request will not affect the residential development to the west known as the Colony Reserve PUD. This development was approved subject to conditions of approval requiring the notification of all residents regarding the proximity of the existing American German Club. The Colony Reserve PUD also provides a landscape buffer that includes a wall adjacent to Myers Road, therefore the American German Club is screened by that wall and landscape material.

Variance # 8 – Right-of-Way Landscape Buffer

The Applicant is requesting approval to allow the existing landscape buffer without having minimum 75% feet of planting on the exterior side of the fence.

Per Article 7.F.3.B. of the ULDC:

Right-of-way buffers are required to have a minimum of 75% of the plant materials on the exterior side of the wall or fence.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The American German Club received site plan and special exception approval for a Private Club in 1974. At that time the County Code only required a five-foot-wide landscape buffer abutting Myers Road as evidenced by the previously approved site plan. Per the approved site plan, the Property has been developed a 5-foot landscape buffer including a fence adjacent to the Myers Road right-of-way. The existing fence was permitted as approved by Building Permit No. B-1980-18112. The Applicant is proposing to retain the existing permitted fence and accommodate landscaping around the fence where feasible to meet the minimum buffer width requirement (except for the portion subject to a concurrent variance request adjacent to existing parking spaces). This existing condition is unique to the Property and the Applicant will ensure that the landscape buffer will meet and exceed code requirements along much of the western Property except in the area where parking spaces and the fence currently exist.

2. Special circumstances and conditions do not result from the actions of the applicant.

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1974, the County's zoning code has undergone numerous significant changes related to use and landscape requirements. The Applicant is not responsible for these new County requirements and as the existing fence was installed in accordance with an issued building permit and the landscape buffer was approved in accordance with a previous site plan, this existing situation should be permitted to remain and continue. This type of situation would typically be approved as a legally existing non-conformity however the Applicant is being required to rezone the Property from AR to IPF to be consistent with the existing Future Land Use designation. The use of the Property has been the same since the American German Club opened its doors, the significant changes that have occurred are the constant zoning code modifications which are not the result of the Applicant but rather Palm Beach County staff.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. The Property was approved in conformance with the ULDC in its current configuration. Because of changes to the Code, the site plan no longer complies with the latest regulations; therefore, necessitating this variance request. Variances have been granted to allow to recognize existing landscape buffers that are deficient and cannot be brought up to code without impacting parking or existing buildings throughout the entire County when appropriate. The Applicant is simply requesting for the same approval granted to others. The Applicant will accommodate the required landscape buffer along the remaining portion of the western portion of the Property where feasible. Granting this variance will not confer upon the Applicant any special privilege. Instead, this valid nonconformity will be vested by the approval of the requested variance.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

The American German Club has been in existence on the Property since 1974. The literal interpretation would work an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer new development from existing development while ensuring compatibility between uses. The intent of this section of the code is to ensure that landscape buffers appropriately screen incompatible uses/rights-of-way with an opaque shield made up of landscape materials and fencing/walls. The existing fence was originally constructed in accordance with an approved building permit. It is unrealistic that the Applicant would remove and relocate the fence to accommodate exactly 7.5 feet of landscape materials on both sides of the fence. The purpose of this variance request is to vest the nonconformity that was created because of changes to the ULDC.

5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

This request for a variance to allow an existing permitted fence to remain within the landscape buffer along the western property boundary will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement, the existing fence would have to be removed/relocated and landscape material would have to be installed on either side of the fence. Requiring the Applicant to meet this section of the Code would also negatively impact some existing parking spaces abutting the western property line. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain required parking.

6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. The American German Club previously received special exception approval and site plan approval for a Private Club. The approved site plan indicates smaller buffers than what today's ULDC requires and the approved building permit for the fence identifies a fence that meanders along the western Property line that cannot meet the County's new code requirement for exactly 7.5 feet of planting materials on both sides of the fence. Through this application, the Applicant will be bringing the Property into code compliance to the greatest extent possible. The institutional use serves the residents of the surrounding community and Palm Beach County through education and social events that bring awareness to the German culture, thus recognizing the diversity that exists within the County.

7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is improving the existing non-conformities that exist on the Property by abandoning Myers Road and installing new landscape material along the western portion of the Property that will meet, and in some places, exceed code requirements. Furthermore, this request will not affect the residential development to the west known as the Colony Reserve PUD. This development was approved subject to conditions of approval requiring the notification of all residents regarding the proximity of the existing American German Club. The Colony Reserve PUD also provides a landscape buffer that includes a wall adjacent to Myers Road, therefore the American German Club is screened by that wall and landscape material.

Based on the above justification and attached information, the petitioner respectfully requests approval of these eight variances related to landscape buffers, drive aisle width, and divider median.

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