

RESOLUTION NO. R-91- 1079

RESOLUTION APPROVING ZONING PETITION NO. 91-15
SPECIAL EXCEPTION PETITION OF ELK'S CLUB LODGE #1530

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Chapter 402.5 of the Palm Beach County Zoning Code, have been satisfied; and

WHEREAS, Petition No. 91-15 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on May 31, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, has considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-15, the petition of ELK'S CLUB LODGE #1530, BY GERALD B. CHURCH, AGENT, for a SPECIAL EXCEPTION FOR A RECREATION FACILITY AND CLUB (ELK'S CLUB) on a parcel of land lying West 1/2 of the Northeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 24, Township 44 South, Range 42 East, and being located ON THE S. SIDE BOWMAN ST. , APPROXIMATELY 350 FT. W. , was approved on May 31, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to Site Plan Certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit 21). Any modifications

must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section **402.7(E)2(b)** (Site Plan Review Committee Powers and Standards of Review).

B. DUMPSTER

1. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind walls having an architectural treatment compatible with the principal building. The open end of the enclosure shall have an obscure, opaque gate.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Preserve areas located on-site shall be labeled on the site plan and identified on a certified metes and bounds survey by a registered land surveyor. Preserve areas shall be preserved with intact canopy, understory and ground cover and maintained without significant surface alteration or infringement by drainage or utility easements. Preserve areas shall be identified on any plat required for development. A management plan that addresses the maintenance of the preserve area as well as the continued removal of invasive exotic species shall be submitted to the Department of Environmental Resources Management concurrent with the application to the Site Plan Review Committee **and** approved by the Department prior to site plan certification.

D. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
4. NO portion of this project is to be approved on well **or** septic tank, existing or new. Existing septic tanks **are** to be abandoned, in accordance with Chapter **10-D-6**, F.A.C.

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three **(3)** year-one **(1)** hour storm with a total rainfall of **3** inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The

drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

2. Prior to December 1, 1991 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Bowman Street, 70 feet from centerline (an additional 60 feet right-of way) free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
3. The property owner shall participate in Palm Beach County's street improvement program for Boatman Street/Bowman Street/Wallace Street. This development's contribution to the street improvement program shall be fifty percent (50%) (Palm Beach County 25%; property owners 25%) funding of the front footage assessment cost.
4. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$6,380 (116 trips X \$55.00 per trip).
5. The Developer shall plat the subject property in accordance with provisions of Palm Beach County's Subdivision and Required Improvements Regulations 90-8 as amended. The platting of this property may be phased in accordance with a phasing plan acceptable to the office of the County Engineer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety.
6. Prior to Site Plan submittal verification of legal positive outfall shall be established subject to approval by the County Engineer.

F. LANDSCAPING AND BUFFERING

1. Landscaping shall be upgraded along the north and west perimeters to include:
 - a. Twelve (12) foot tall native canopy trees, placed twenty (20) feet on center;
 - b. One twelve (12) foot tall native palm tree for each twenty (20) linear feet of perimeter; and
 - c. A thirty-six (36) inch tall native hedge.

Existing vegetation meeting the above criteria may be counted towards this requirement.

2. The petitioner shall provide a minimum six (6) foot high concrete wall or opaque wood fence along the west property line. The required twelve (12) foot tall native canopy trees and thirty-six (36) inch tall hedge shall be located on the exterior side of the wall/fence.
3. Landscaping along the east and the south property lines shall include:
 - a. A minimum five (5) foot wide landscape strip;
 - b. Twelve (12) foot tall native canopy trees, placed thirty (30) feet on center; and
 - c. A thirty-six (36) inch tall native hedge.

Existing vegetation meeting the above criteria may be counted towards this requirement.

G. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be a maximum height of twenty (20) feet, low intensity, shielded and directed downward away from adjacent properties and streets.

H. RECYCLE SOLID WASTE

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available.

I. SIGNS

1. Signs on the site shall be limited as follows:
 - a. Maximum number: one (1).
 - b. Maximum total sign face area: eighty (80) square feet.
 - c. Maximum sign height: ten (10) feet.
 - d. Sign shall be a monument type.
2. Prior to Site Plan Certification, the petitioner shall submit a Master Sign Program which specifies: sign location, sign size, unified color and graphic representation and typical base planting details.
3. All on site signs shall comply with the Palm Beach County Sign Code, Ordinance No. 72-23, and shall indicate principal uses only. Specifically, no snipe signs, banners, balloons or other prohibited types of advertisement shall be permitted on site.

J. SPECIFIC CONDITIONS

1. The petitioner shall apply for a grass parking permit concurrent with submittal of the site plan to the Site Plan Review Committee.

2. The petitioner shall revise the site plan prior to Site Plan certification to include:
 - a. The dimension for the landscape buffer strip along the east perimeter as minimum five (5) feet.
 - b. The dimensions of the typical and handicapped parking stalls and access aisles as required by the Zoning Code.
3. Prior to site plan approval, the petitioner shall revise the site plan to align the project's entrance road with Wallace Street.

K. USE LIMITATIONS

1. No outdoor loudspeaker system audible off site shall be operated on site.

L. VEGETATION PRESERVATION

1. Prior to site plan certification, the Zoning Division shall approve a preservation, relocation and removal plan submitted by the applicant which corresponds to a tree survey. This program shall demonstrate methods in which significant native vegetation shall be incorporated into the site design and indicated on landscape plans.
2. Native vegetation not located within preservation/relocation areas and deemed relocatable by the Zoning Division shall be relocated to perimeter buffers or other open space areas on site.
3. Prior to removal of any vegetation, the petitioner shall schedule a pre-clearing inspection with the Zoning Division and the Department of Environmental Resources Management. In addition, the petition shall:
 - a. clearly identify and mark trees to be preserved, relocated or removed.
 - b. Install appropriate protection barrier around individual and groups of trees to be preserved.
 - c. No clearing shall commence until all protective devices are installed by the petitioner and inspected and approved by the Zoning Division.
 - d. Relocate all transplantable vegetation from the dedicated right-of-way.

M. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or

- b. The revocation of the Special Exception and any zoning which was approved concurrently with the special Exception as well as any previously granted certifications **of** concurrency or exemptions therefrom; and/or
- c. **A** requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

Appeals **of** any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of **Special** Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

commissioner Roberts moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	AYE
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 20th day of August, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: Barker Altus
COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK
BY: Jean Havedy
DEPUTY CLERK