

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/Z/CA-2017-02003
(CONTROL NO. 1981-00148)
a Class A Conditional Use
APPLICATION OF American German Club Inc.
BY JMorton Planning & Landscape Architecture, AGENT
(American German Club)

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

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/ZV/Z/CA-2017-02003 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2018;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ABN/ZV/Z/CA-2017-02003, the Application of American German Club Inc., by JMorton Planning & Landscape Architecture, Agent, for a Class A Conditional Use to allow Assembly Membership Nonprofit, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 25, 2018.

Filed with the Clerk of the Board of County Commissioners on November 5th, 2018.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK
PALM BEACH COUNTY
FLORIDA



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 129.45 FEET OF THE W 1/2 OF THE SW 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PARCEL 2:

THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 44 S, RANGE 42 E, LESS THE NORTH 129.45 FEET THEREOF AND LESS THE SOUTH 40 FEET THEREOF AND THE WEST 40 FEET THEREOF FOR ROAD PURPOSES.

EXCEPTING THE SOUTH 20 FEET OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 44 S, RANGE 42 E, LESS THE NORTH 129.45 FEET THEREOF AND LESS THE SOUTH 40 FEET THEREOF AND THE WEST 40 FEET THEREOF FOR ROAD PURPOSES AS DESCRIBED IN RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 2474, PAGE 684.

PARCEL 3:

THE NORTH 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE NORTH 25 FEET CONVEYED TO THE COUNTY OF PALM BEACH, FLORIDA IN OFFICIAL RECORDS BOOK 1689, PAGE 895.

PARCEL 4:

THE SOUTH 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

EXCEPTING FROM BOTH PARCELS 3 AND 4: A STRIP OF LAND 40 FEET WIDE OVER THE WEST PART AS CONVEYED TO THE COUNTY OF PALM BEACH COUNTY, FLORIDA, IN DEED BOOK 1088, PAGE 518.

LESS AND EXCEPT THAT PARCEL OF LAND DESCRIBED AS PARCEL NO. 111 AS DESCRIBED IN THAT CERTAIN STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 5721, PAGE 1599, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A VARIABLE WIDTH STRIP OF LAND LYING WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 35, TOWNSHIP 44 SOUTH, RANGE 42 EAST AND BEING A PORTION OF MYERS ROAD RIGHT-OF-WAY AS RECORDED IN DEED BOOK 1088, PAGE 518 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND TRACT "E" COLONY RESERVE AT LAKE WORTH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 119, PAGES 66 THRU 71 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT "E"; THENCE SOUTH 88°50'46" EAST ALONG THE NORTH LINE OF SAID TRACT "E" AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 75.40 FEET TO A POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF MYERS ROAD AS RECORDED IN DEED BOOK 1088, PAGE 518 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 02°02'52" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1,273.55 FEET; THENCE NORTH 88°26'29" WEST, A DISTANCE OF 50.00 FEET TO A POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF MYERS ROAD AS RECORDED IN DEED BOOK 1088, PAGE 518 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 02°02'52" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 1,247.80 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "E"; THENCE NORTH 43°23'57" WEST ALONG THE WEST LINE OF SAID TRACT "E", A DISTANCE OF 35.63 FEET TO THE POINT OF BEGINNING.
IN ALL CONTAINING 10.27 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

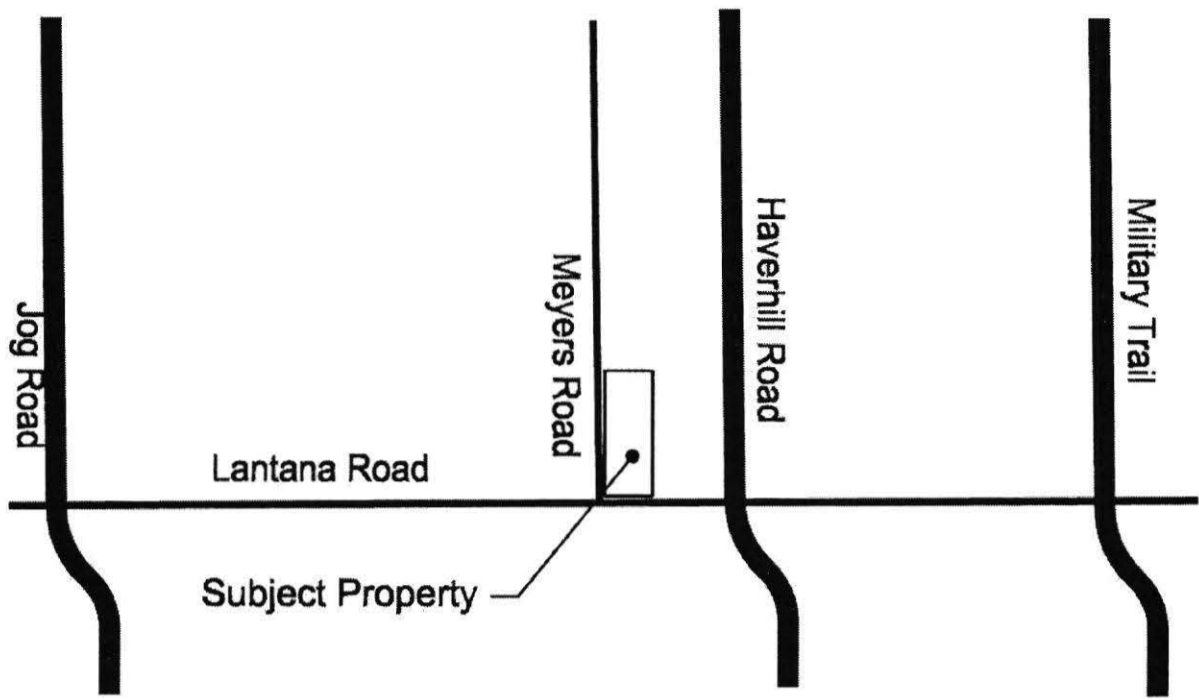


EXHIBIT C

CONDITIONS OF APPROVAL

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. (BLDGPM/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/CO: 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:
- 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;
 - include the approved Final Site and Landscape plans with the Disposition Chart with the barricade permit application;
 - complete the installation of all vegetation protection barricades and tagging; and,
 - schedule inspections and receive a "Pass" status with Zoning Landscape Inspectors prior to any tree removal activity.
- (BLDGPM/CO: 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. Eight (8) additional Outdoor Events may be allowed where affiliated with the Assembly Non-Profit use, subject to the following:

- a. Each event shall be limited to a maximum of two-days;
- b. A written summary shall be submitted to the Zoning Director, a minimum of two weeks prior to the event, which stipulates proposed activities and the start and end dates; and, an update on the total number of events for the year. Staff shall monitor events for compliance with this Condition;
- c. Outdoor Events shall be within areas illustrated on the Final Regulating Plan (FRP-1) for Additional Cultural Events , except that all outdoor activities shall be setback a minimum of 110 feet from the West property line, and 50 feet from the South property line; and, and,
- d. Compliance with all ULDC requirements, including but not limited to: parking, lighting, nuisance limitations, and fire access, among others. (ONGOING: ZONING/ CODE ENF - Zoning)

4. All other outdoor events that are not addressed in Conditions 2 and 3 above, shall be subject to the requirements of a Temp Use, pursuant to the Unified Land Development Code. (ONGOING: ZONING - Zoning)

USE LIMITATIONS-PARKING

1. Parking within the Myers Road Right of Way shall be prohibited. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commisioners 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 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 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) (ONGOING: ZONING - Zoning)

DISCLOSURE

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