

RESOLUTION NO. R-89- 1256

RESOLUTION APPROVING ZONING PETITION NO. 78-174(A)
SPECIAL EXCEPTION PETITION OF LAKE WORTH RACQUET AND SWIM CLUB

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 78-174(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 9, 1989: and

WHEREAS, the Board of County Commissioners 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 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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 78-174(A) the petition of LAKE WORTH RACQUET AND SWIM CLUB, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR AN EXISTING RECREATION FACILITY AND CLUB (LAKE WORTH RACQUET AND SWIM CLUB, PETITION NOS. 73-106 AND 78-174) TO INCREASE THE LAND AREA on a parcel of land lying: Parcel A: Lot D, less the East 15.00 feet for road Right-of-way in Block 9, The Palm Beach Farms Company, Plat No. 7, Section 30, Township 44 South, Range 43 East, Plat Book 5, Page 72 together with: Parcel B: Lot A, Block 23, Palm Beach Farms Company, Plat No. 7, Plat Book No. 5, Page No. 72 together with: Parcel C: Lot B, less the North 53.00 feet thereof: all of Lots C and D and Lot "E", less the South 70.00 feet thereof, all in Tract 10, Palm Beach Farms Company's Plat No. 7, Plat Book 5, Page 72 together with: Parcel D: Premises known as the Westerly 160.51 feet of Lot E, Block 9, lying North of the Lake Worth Drainage District Lateral Canal L-12, according to the Plat of Palm Beach Farms Company, Plat No. 7, in Plat Book 5, Page 72, more particularly described as follows: Beginning at North 1/4 corner of Section 30, Township 44 South, Range 43 East, said point also being in the centerline of Davis Road; thence, running South

01 degrees 50' 55" West 546.70 feet to a point; thence running North 87 degrees 38' 05" West 171.78 feet to the Point of Beginning and the Northeast corner of this parcel being described: thence, North 87 degrees 38' 05" West 60.37 feet to an iron pipe thence, South 75 degrees 31' 34" East 164.47 feet along the North Right-of-way of Lake Worth Drainage District Lateral Canal L-12 to an iron pipe; thence, North 01 degrees 51' 22" East, 94.87 feet to the Point and Place of Beginning, being located on the east side of Coconut Road, approximately 150 feet south of Lake Worth Road (SR 802) and bounded on the east by Davis Road, in a RM-Multiple Family Residential Zoning District (Medium Density), was approved as advertised, subject to the following conditions:

1. All previous conditions shall apply unless expressly modified herein.
2. Condition No. 1 of Petition No. 78-174, Resolution 78-1124, the special exception to allow the expansion of an existing swim and tennis club which presently states:

"1. At times of parking stress such as tournaments or other events that bring additional vehicles, the club shall be responsible for the monitoring of the parking of vehicles to ensure that no vehicles shall be parked illegally."

is hereby deleted.

3. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a. Required Alternative Landscape Strip No. 3 along the east and south property line where the 5.02 acre facility abuts residentially zoned properties shall be supplemented with a solid six (6) foot fence and a forty-eight (48) inch hedge on both sides of this fence, together with native canopy trees twelve (12) feet in height and thirty (30) feet on center;
 - b. Relocation of the proposed tennis courts fifteen (15) feet to the east and a reduction of green area between the parking area and the proposed tennis courts from twenty-five (25) feet to ten (10) feet. This additional area, thirty (30) feet total, shall be used to accommodate six (6) additional parking stalls; and,
 - c. Delineation of the required handicap parking spaces.
4. The petitioner shall redesign the existing parallel parking areas north of the Lake Worth Drainage District Canal No. C-12 to:
 - a. Provide for maximum dimensional requirements;

- b. Forward egress: and,
 - c. Minimum of a five (5) foot landscape strip between the parking area and the abutting right-of-way. The landscape strips shall be planted with a twenty-four (24) inch high hedge and twelve (12) foot canopy trees thirty (30) feet on-center.
5. All prohibited vegetation shall be eradicated from the undeveloped parcel and the existing melaleuca along Coconut Drive shall be removed prior to issuance of paving permits. Australian pine may be maintained on site as a hedge a maximum of twelve (12) feet in height.
 6. Outdoor lighting used to illuminate the premises shall be low intensity and provided with house side shields and directed away from adjacent properties and streets, shining only on the subject site.
 7. The subject site shall be restricted to a Swim and Tennis Club.
 8. Off-premise signs shall not be permitted on site.
 9. 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 onsite 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.
 10. The property owner shall eliminate all "back up parking" onto Davis Road from the site concurrent with onsite paving and drainage improvements.
 11. Property owner shall execute a Unity of Control on the subject property prior to submittal for site plan certification.
 12. 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 presently is \$3,509.00 (131 trips X \$26.79 per trip).

13. In addition the petitioner shall contribute the amount of **\$628.00** as established in Article V Section 3 (Insignificant Project Standard) of the Traffic Performance Standards Code. These total funds of **\$4,137.00** shall be paid prior to the issuance **of** the first Building Permit.
14. If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the **Fair Share Fee**, this additional amount of **\$628.00** shall be credited toward the increased Fair Share Fee.
15. The petitioner shall convey to the Lake Worth Drainage District a 5 foot easement lying north of and adjacent to the existing north right-of-way line for the required right-of-way for Lateral Canal **No. 12**, on an Easement Deed in the form provided by said District within ninety (**90**) days **of** the approval **of** the Resolution approving this project.
16. All parking shall be provided for on site. There shall be no parking in landscape strips or rights-of-way.
17. Prior to the issuance **of** a paving and drainage permit or building permit for the tennis courts, the petitioner shall construct a pedestrian crossing across the Lake Worth Drainage District Canal **No. 12**, subject to approval by the Lake Worth Drainage District and the County Engineer.
18. **No** outdoor storage or placement of any materials, refuse, equipment, or accumulated debris shall be permitted on site.
19. **No** outdoor loudspeaker system shall be permitted on the site.
20. Hours of operation for the facility located south of the **L-12** Canal shall be limited from **8:00** a.m. to **9:00** p.m.
21. Failure to comply with the conditions herein **may** result in the denial or revocation of a building permit; the issuance **of** a stop work order; the denial **of** a Certificate **of** Occupancy on any building or structure; or the denial or revocation **of** any permit **or** approval for any developer-owner, commercial-owner, lessee, **or** user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Howard moved for approval of the petition. The motion was seconded by Commissioner Phillips and upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	Absent
Ron Howard	--	Aye
Karen T. Marcus	--	Aye
Carole Phillips	--	Aye
Carol Roberts	--	Absent ..

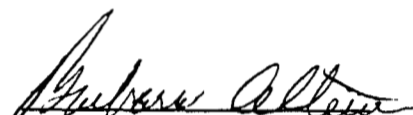
The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of March 9, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

