

RESOLUTION NO. R-89-449

RESOLUTION APPROVING ZONING PETITION NO. **88-44**
SPECIAL EXCEPTION PETITION OF RICHARD A. MELEAR

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. 88-44 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 1988; 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. 88-44 the petition of RICHARD A. MELEAR, by Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO PERMIT RECREATION FACILITIES AND CLUBS (ELKS LODGE) on a parcel of land lying on the North 165.00 feet of the South 1485.00 feet of the East 1/4 of the Southeast 1/4 of Section 27, Township 45 South, Range 42 East, less the East 40.00 feet for Road Right-of-way, located on the west side of El Clair Ranch Road, approximately .7 mile south of Boynton Beach Boulevard (S.R. 804), in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Paved parking spaces, or variance relief.
 - b. Required perimeter landscape along southern property line.

2. The petitioner shall install a six (6) foot wood fence along the north property line a distance of 300 feet westerly. The fence shall not be erected in the safe corner triangle. The fence shall be properly and continually maintained.
3. Trees shall be planted twenty (20) feet on center along the north and south property lines. The trees shall be a minimum ten (10) to twelve (12) feet overall height at planting.
4. The mature slash pines located in the front 139 foot portion of the site shall be preserved and labelled on the site plan.
5. The rear sixty (60) feet of the site shall be preserved as open space and labelled on the site plan.
6. All outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and streets, shining only on the subject site.
7. No stock loading or dumpster pick up shall be permitted between the hours of 8:00 P.M. and 8:00 A.M.
8. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
9. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for El Clair Ranch Road, 55 feet from centerline free of all encumbrances and encroachments. Petitioner 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. Should this right-of-way be reduced to 80 feet on the Thoroughfare Right-of-Way Protection Map prior to 120 days from approval, this property owner shall be required to convey only 40 feet from centerline.
10. The property owner shall construct a right turn lane north approach on El Clair Ranch Road at the project's

entrance road concurrent with onsite paving and drainage improvements for Phase 11. Should this right-of-way be reduced to 80 feet on the Thoroughfare Plan, then the petitioner shall only be responsible to dedicate an 80 foot right-of-way.

11. 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 \$1,607.00 (60 average trips/day X \$26.79 per trip).
12. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
13. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
14. 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. Violations of the conditions herein shall constitute violations of the Palm Beach County Zoning Code.
15. The use of the site shall be limited to a service club such as the Elks or Moose Lodge and their social activities. No outdoor attractions or amusements open to the general public shall be permitted on site.
16. There shall be no outdoor loudspeakers permitted on site.
17. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be allowed in landscaped areas, rights-of-way, or interior driveways.

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

Carol A. Roberts	--	Nay
Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 14th day of march, 1989 confirming

action of April 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: *Susan Roberts*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Tina M. Clark*
DEPUTY CLERK

