RESOLUTION NO. ZR-2018-023

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/Z/CA-2017-02003
(CONTROL NO. 1981-00148)
TYPE 2 VARIANCE (CONCURRENT)
APPLICATION OF American German Club Inc.
BY JMorton Planning & Landscape Architecture, AGENT
(AMERICAN GERMAN CLUB)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ABN/ZV/Z/CA-2017-02003 was presented to the Zoning Commission at a public hearing conducted on October 4, 2018;

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

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ABN/ZV/Z/CA-2017-02003 by the Board of County Commissioners;

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 action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION 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 Type 2 Variance 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, 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 4, 2018, subject to the
Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Sheri Scarborough moved for the approval of the Resolution.

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

- Mark Beatty, Chair - Abstained
- Alex Brumfield III, Vice Chair - Absent
- Amir Kanel - Yes
- Marcelle Griffith Burk - Yes
- Barbara Katz - Yes
- Sam Caliendo - Absent
- Sheri Scarborough - Yes
- John Kern - Yes
- Robert Currie - Yes

Filed with the Palm Beach County Zoning Division on October 4, 2018.

This resolution shall not become effective unless or until the effective date of the resolution approving Zoning Application No. ABN/ZV/Z/CA-2017-02003 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALS BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: COUNTY ATTORNEY

BY: CHAIR
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:

PARCEL 3:

PARCEL 4:

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 EASTERNLY 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 C

CONDITIONS OF APPROVAL

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. (BLDGPMT: 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)

DISCLOSURE
1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.
## TYPE II VARIANCE SUMMARY

<table>
<thead>
<tr>
<th>ULD Article</th>
<th>Required</th>
<th>Proposed</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.D.12 Landscaping, General Standards, Landscaping in Easements</td>
<td>Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting</td>
<td>100 percent easement overlap of FPL easement into the Landscape buffer</td>
<td>100 percent easement overlap</td>
</tr>
<tr>
<td>7.F.2 Landscape - Trees, Shrubs and Hedges</td>
<td>ROW required trees minimum of one (1) canopy per 25 linear feet</td>
<td>No trees along the 47 parking spaces abutting western property line</td>
<td>To eliminate the required trees along the 47 parking spaces abutting western property line</td>
</tr>
<tr>
<td>7.F.3.A Landscape - Walls &amp; Fences: Location of Wall or Fence</td>
<td>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</td>
<td>Fence along the west property line location varies from 0 feet to 7.5 feet.</td>
<td>Location of fence from 0 feet to 7.5 feet</td>
</tr>
<tr>
<td>7.F.3.B Landscape - Walls &amp; Fences: Location of Planting</td>
<td>A minimum of 75 percent of required trees shall be located between the exterior of the wall or fence along a R-O-W</td>
<td>Locate the required planting from 0 percent to 25 percent.</td>
<td>Reduction of the required planting location from 50 percent to 75 percent</td>
</tr>
<tr>
<td>7.F.7.A Width of R-O-W Buffer</td>
<td>15 feet</td>
<td>10 feet along the 47 parking spaces abutting western property line</td>
<td>- 5 feet</td>
</tr>
<tr>
<td>7.F.7.B Table 7.F.7.B - Shrub Planting Requirements</td>
<td>3 tiers of small, medium and large shrubs</td>
<td>1 tier of large shrubs</td>
<td>Eliminate 2 tiers of small and medium shrubs</td>
</tr>
<tr>
<td>7.G.2.C Divider Median</td>
<td>Divider medians shall be installed between every third row of parking and between all parking/vehicular use areas</td>
<td>To eliminate the required parking medians</td>
<td>No parking medians</td>
</tr>
</tbody>
</table>

**SITUS ADDRESS:** 5111 Lantana Rd Lake Worth 33463

**OWNER NAME & ADDRESS:**

American German Club Inc
5111 Lantana Rd
Lake Worth, FL 33463-6808

**PCN:** 00-42-44-35-00-000-5040

**ZONING DISTRICT:** AR

**BCC DISTRICT:** 2
<table>
<thead>
<tr>
<th>PROJECT MANAGER:</th>
<th>Carlos Torres, Senior Site Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAND USE:</td>
<td>INST</td>
</tr>
<tr>
<td>S/T/R:</td>
<td>35-44-42</td>
</tr>
<tr>
<td>CONTROL #:</td>
<td>1981-00148</td>
</tr>
<tr>
<td>LOT AREA:</td>
<td>10.27 acres +/-</td>
</tr>
</tbody>
</table>

APPLICANT 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.