

RESOLUTION NO. R-91-379

RESOLUTION APPROVING ZONING PETITION NO. 75-68(G)
SPECIAL EXCEPTION PETITION OF LOGGERS RUN, INC.

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. 75-68(G) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on November 29, 1990; 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. 75-68(G), the petition of LOGGERS RUN, INC., BY ROBERT A. BENTZ, AGENT, for a SPECIAL EXCEPTION TO AMEND THE MASTER PLAN OF LOGGERS RUN PUD TO PERMIT A RECREATION FACILITY WITHIN A COMMERCIAL POD on a parcel of land lying in Tract 1, Loggers Run Commercial Replat, in Sections 23 and 26, Township 47 South, Range 41 East, and being located on the W. SIDE OF UNIVERSITY PKWY AND ON THE N. AND S. SIDE OF PALMETTO PARK RD., was approved on November 29, 1990, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
3. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of

County Commissioners. 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. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

C. SITE SPECIFIC

1. The petitioner shall insulate the separation wall between the facility and the adjacent day care center in order to prevent any noise impacts.

D. USE LIMITATIONS

1. The facility shall be limited to maximum **8,400** square feet gross leasable area.
2. **No** noise or loudspeaker system shall be audible outside the structure.
3. **No** alcoholic beverages shall be permitted in the facility.
4. The operation hours for the facility shall be limited to the following:

Monday through Thursday	- 11:00 a.m. to 10:00 p.m.
Friday	- 11:00 a.m. to 12:00 midnight
Saturday	- 10:00 a.m. to 12:00 midnight
Sunday	- 10:00 a.m. to 10:00 p.m.

D. 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 Foster moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 26th day of March, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

