

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/R-2009-02692
(CONTROL NO. 1975-00068)
REQUESTED USE
APPLICATION OF GPH HOLDINGS LC
BY RUDEN, MCCLOSKEY, AGENT
(LOGGERS' RUN COMMERCIAL)

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; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Requested Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application ZV/DOA/R-2009-02692 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 2009; and

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 recommendations of the Zoning Commission; and

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Requested Use is consistent is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Requested Use complies with applicable standards and provisions of the ULDC for use, layout, function, and general development characteristics, including appropriate portions of Article 4.B, Supplementary Use Standards.
3. This Requested Use, with conditions as adopted, is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. This Requested Use with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the property use on adjacent lands.
5. This Requested Use with conditions as adopted, minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Requested Use is consistent with applicable neighborhood plans in accordance with BCC policy.
8. This Requested Use has a concurrency determination and complies with Article 2.F, Concurrency of the ULDC; and
9. This Requested Use has demonstrated changed conditions or circumstances that necessitate a modification.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code 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 R-ZV/DOA/R-2009-02692, the application of GPH Holdings LC, by Ruden, McClosky, agent, for a Requested Use to allow a Requested Use to allow a Place of Worship and Indoor Entertainment in the RE Zoning District, on a parcel of land legally described 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 22, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on October 22, 2009.

Filed with the Clerk of the Board of County Commissioners on October 26th, 2009.

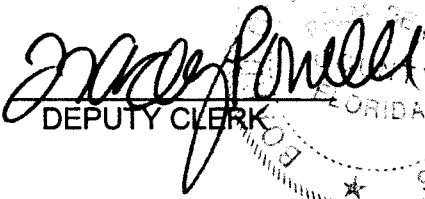
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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




EXHIBIT A

LEGAL DESCRIPTION

PARCEL A:

ALL OF TRACT 1, **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGES 56 AND 57, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE RESERVED PARCEL DESCRIBED AS:

A PORTION OF TRACT 1, **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 49, PAGES 56 AND 57, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 1, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF TRACT 2, OF THE AFOREMENTIONED LOGGERS' RUN COMMERCIAL REPLAT; THENCE SOUTH 79°02'59" EAST, A DISTANCE OF 69.91 FEET; THENCE NORTH 00°14'22" WEST, A DISTANCE OF 51.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°14'22" WEST, A DISTANCE OF EAST, A DISTANCE OF 114.00 FEET; THENCE SOUTH 89°45'38" WEST, A DISTANCE OF 131.58 FEET TO THE POINT OF BEGINNING.

CONTAINING: 547,158 SQUARE FEET (12.56 ACRES) MORE OR LESS GROSS AND 532,158 SQUARE FEET (12.22 ACRES) EXCLUDING RESERVED PARCEL.

PARCEL B:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A HEREINABOVE, FOR ACCESS AND PASSAGE FOR THE PURPOSE OF INGRESS AND EGRESS IN, TO, UPON AND ACROSS THE SIDEWALKS, ENTRANCE, DRIVES AND LANES OF THE FOLLOWING LANDS, AS CREATED AND GRANTED IN THAT DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORD BOOK 4397, PAGE 387;

TRACTS 2 AND 3 OF **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 49, PAGE 56.

PARCEL C:

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCEL A HEREINABOVE, FOR ACCESS AND PASSAGE FOR THE PURPOSE OF INGRESS AND EGRESS IN, TO, UPON AND ACROSS THE SIDEWALKS, ENTRANCE, DRIVES AND LANES OF THE FOLLOWING LANDS, AS CREATED AND GRANTED IN THAT DECLARATION OF EASEMENT RECORDED IN OFFICIAL RECORD BOOK 9983, PAGE 330:

TRACT 3 OF **LOGGERS' RUN COMMERCIAL REPLAT**, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 49, PAGE 56.

PARCEL ID NO. 00-41-47-23-14-001-0000

EXHIBIT B

VICINITY SKETCH

Logger's Run Shopping Center

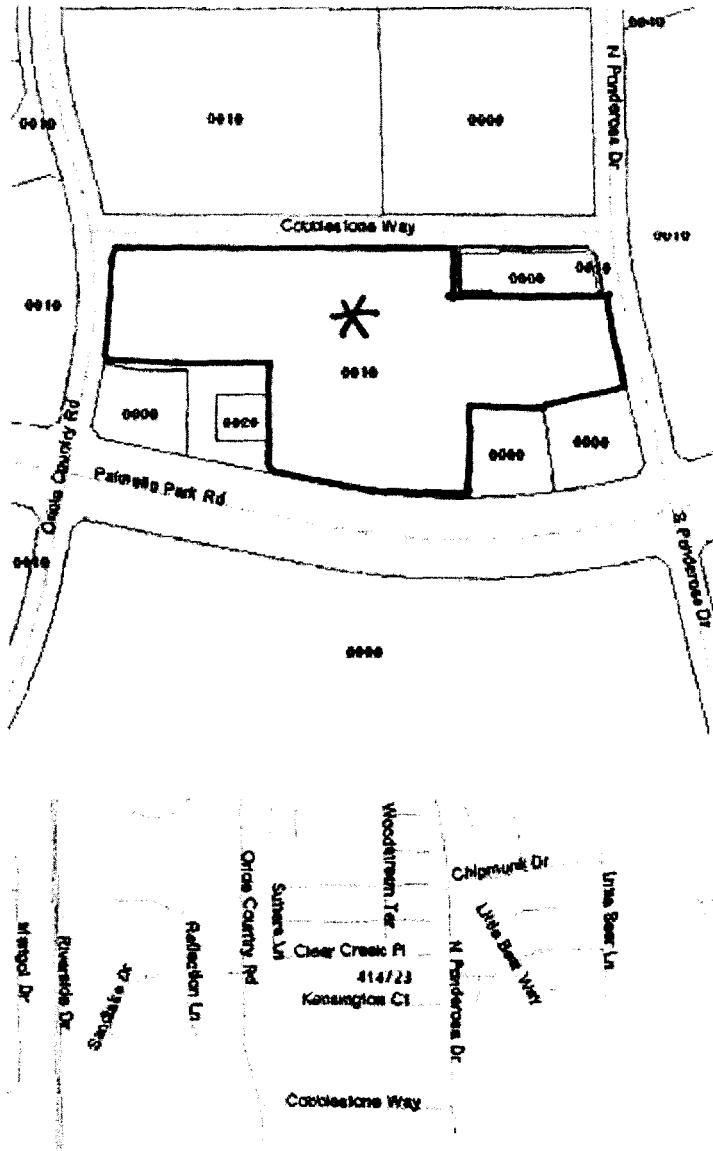


EXHIBIT C-2

CONDITIONS OF APPROVAL

USE LIMITATIONS

1.No Indoor Entertainment use shall exceed 10 video or coin-operated games. (ONGOING: CODE ENF-Zoning)

2.The Entertainment, Indoor use in Building E shall be limited to a maximum of 13,700 square feet. (ONGOING: CODE ENF/ZONING-Zoning)

COMPLIANCE

1.In granting this approval, the Board of County Commissioners 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: MONITORING - 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 (CO); 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; 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 (ULDC) 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; 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)