

RESOLUTION NO. R-94- 788

RESOLUTION APPROVING ZONING PETITION EAC86-32(K)
REQUESTED (R) USE
PETITION OF JESS R. SANTAMARIA

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 petitions relating to zoning;
and

WHEREAS, the Board of County Commissioners, pursuant to Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to approve, approve with conditions or deny Requested Uses within a Planned Development District; and

WHEREAS, the notice and hearing requirements, as provided for in Article 6, Section 6.8, of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition **EAC86-32(K)** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code 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 Requested Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Requested Use is consistent with the requirements of the Palm Beach County Land Development Code.
3. This Requested Use is consistent with all requirements of Article 6, Section 6.8 (Planned Development District Regulations) of the Palm Beach County Land Development Code, Ordinance 92-20.
4. This Requested Use is consistent with all other applicable local land development regulations.

WHEREAS, Article 6, Section 6.8, of the Palm Beach County 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 Petition **EAC86-32(K)**, the petition of Jess R. Santamaria, for a REQUESTED USE allowing an indoor entertainment in the Agricultural Residential (AR) 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 June 23, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Burton Alter*
COUNTY ATTORNEY

BY: *Jina M. Blair*
DEPUTY CLERK

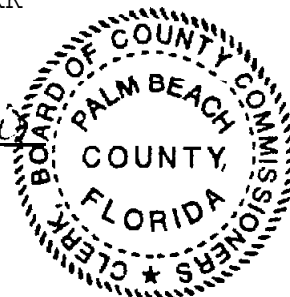


EXHIBIT A

LEGAL DESCRIPTION

PARCEL NO. 1:

Tract "C", THE PINES OF WELLINGTON, according to the Plat thereof, as recorded in Plat Book 37, Pages 8, 9 and 10 of the Public Records of Palm Beach County, Florida, LESS a parcel of land lying in Tract "C", THE PINES OF WELLINGTON, according to the Plat thereof, as recorded in Plat Book 37, Pages 8, 9 and 10 of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Begin at the most southerly corner of said Tract "C"; thence bear North 24°16'19" West, (bearings and distances used are relative to those shown on an adjusted survey drawing #L-79-0032 dated 8th February, 1979 on file in the Office of Dailey-Potoruy, Inc.), along the Westerly line of said Tract "C", a distance of 328.89 feet to a point of curvature of a curve concave Easterly and having a radius of 2269.11 feet; thence Northerly along said curve, being the said Westerly line of Tract "C", through a central angle of 0°24'27" an arc distance of 16.11 feet; thence bear North 65°43'41" East, a distance of 146.42 feet to the point of curvature of a curve concave Northwesterly and having a radius of 100.00 feet; thence Easterly and Northerly along said curve through a central angle of 14°22'48" an arc distance of 25.10 feet; thence bear South 42°19'06" East, a distance of 325.74 feet to a point in the southeasterly line of said Tract "C"; thence Southwesterly along the said southeasterly line of Tract "C" being a curve concave to the Northwest and having a radius of 700.00 feet, through a central angle of 19°04'11" an arc distance of 232.98 feet to a Point of Tangency of said curve; thence bear South 65°43'41" West, tangent to the previous curve and along said southeasterly line of Tract "C", a distance of 43.52 feet to the Point of Beginning.

PARCEL NO. 3:

Easements for the benefit of Parcel No. 1 herein above, as created by that Agreement recorded in Official Records Book 3127, Page 1720 for ingress and egress, over and across those portions of the lands described in Exhibits "C", "D" and "E" of said Agreement which lie within the following described parcel of land:

A parcel of and lying in Tract "C", THE PINES OF WELLINGTON, according to the Plat thereof as recorded in Plat Book 37, Pages 8, 9 and 10, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Begin at the most southerly corner of said Tract "C", thence bear North 24 degrees 16' 19" West, (bearings and distances used are relative to those shown on an adjusted survey drawing #L-79-0032 dated 8th February, 1979 on file in the Office of Dailey-Potoruy, Inc.), along the Westerly line of said Tract "C", a distance of 328.89 feet to a point of curvature of a curve concave Easterly and having a radius of 2265.11 feet; thence Northerly along said curve, being the said Westerly line of Tract "C", through a central angle of 0 degrees 24' 27" an arc distance of 16.11 feet; thence bear North 65 degrees 43' 41" East, a distance of 146.42 feet to the point of curvature of a curve concave Northwesterly and having a radius of 100.00 Feet; thence Easterly and Northerly along said curve through a central angle of 14 degrees 22' 48", an arc distance of 25.10 feet; thence bear South 42 degrees 19' 06" East, a distance of 325.74 feet to a point in the southeasterly line of said Tract "C"; thence Southwesterly along the said southeasterly line of Tract "C", being a curve concave to the Northwest and having a radius of 700.00 feet, through a central angle of 19 degrees 04' 11" an arc distance of 232.98 feet to a Point of Tangency of said curve; thence bear South 65 degrees 43' 41" West, tangent to the previous curve and along said southeasterly line of Tract "C", a distance of 43.52 feet to the Point of Beginning.

Subject to the terms, provisions and conditions set forth in said Agreement.

EXHIBIT B
VICINITY SKETCH

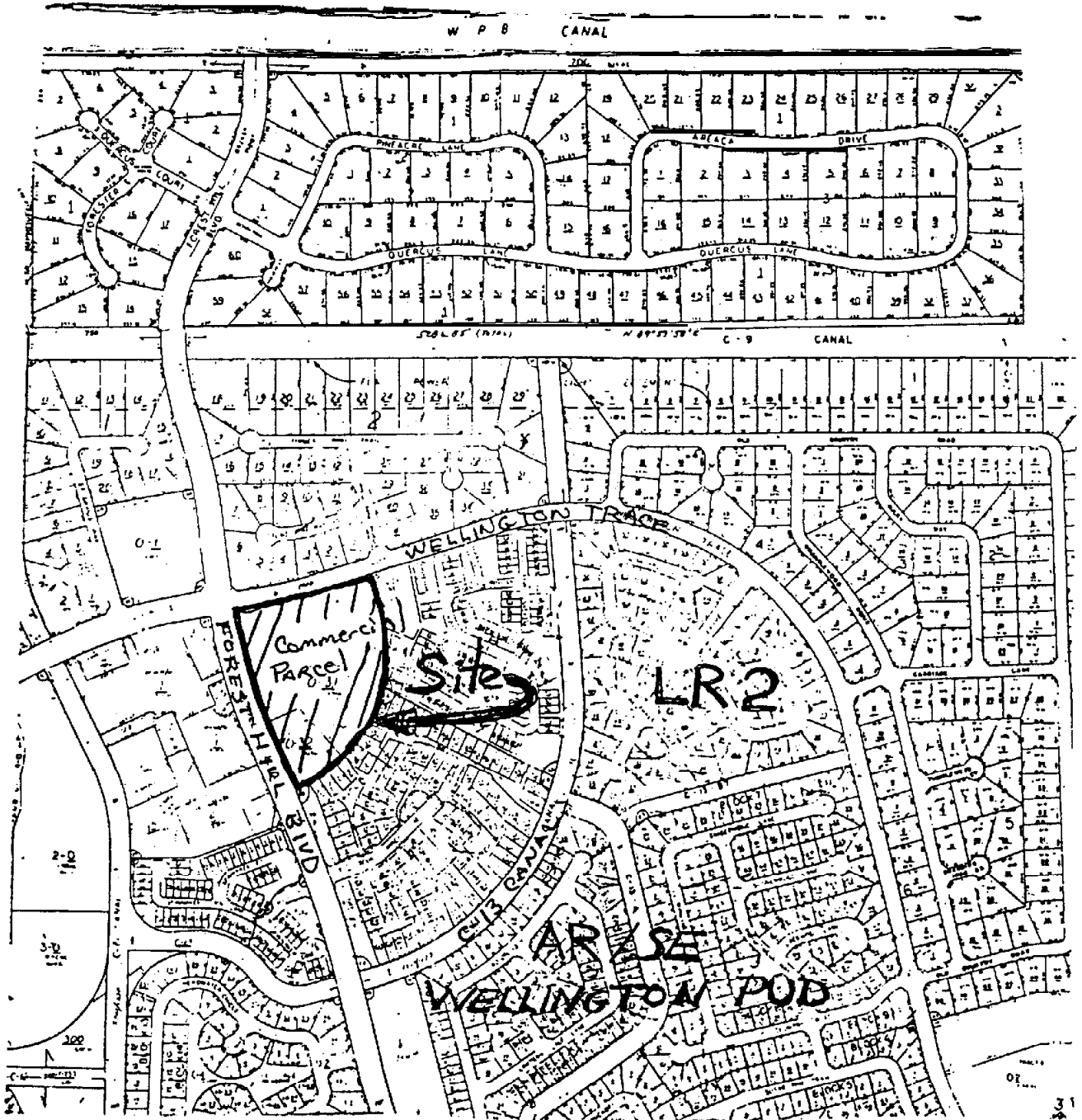


EXHIBIT C

CONDITIONS OF APPROVAL

Note: Conditions for Wellington are not consolidated. See all previous resolutions for other conditions of approval.

A. GENERAL

1. The petitioner shall comply with all applicable previous conditions of approval, including original deadlines for Section 5.8 of the PBC Unified Land Development **Ccde**, unless expressly modified or reference herein.
2. The indoor entertainment facility shall be limited to the following uses: arcade with games of skill; child gymnasium and play area; party rooms; and permitted and accessory uses. (ZONING)
3. Total square footage shall be limited to a maximum of 7,500 square feet. Additional square footage may be allowed pursuant to article 5.4.E.13 (Minor **Deviaticns**) PBC ULDC. (BUILDING)

E. ENGINEERING

1. 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 the proposed indoor entertainment Facility presently is **\$1,980.00** (36 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).

COMPLIANCE

1. 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; cease and desist 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 Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
 - 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;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of **any** departmental-administrative **actions** hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of Conditional Use, 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. (MONITORING)