

RESOLUTION NO. R-2008- 1387

RESOLUTION APPROVING ZONING APPLICATION R2007-01401
(CONTROL NO. 1981-00170)
REQUESTED USE
APPLICATION OF ACHVA VAHAVA LLC
BY SIEGEL, LIPMAN, DUNAY, SHEPARD, & MISKEL, LLP, AGENT
(GROVE CENTER OFFICE POBP)

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 R2007-01401 was presented to the Board of County Commissioners at a public hearing conducted on August 28, 2008; 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 with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Requested Use complies with relevant and appropriate portions of Article 4.B, Supplementary Use Standards of the Palm Beach County Unified Land Development Code. This Requested Use also meets applicable local land development regulations.
3. This Requested Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Requested Use has a concurrency determination and complies with Article 2.F (Concurrency) of the ULDC.

6. 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.
7. This Requested Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Requested Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Requested Use, with conditions as adopted, is consistent with the applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Requested Use.

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-DOA/R-2007-01401, the application of Achva Vahava LLC, by Siegel, Lipman, Dunay, Shepard, & Miskel, LLP, agent, for a Requested Use to allow a place of worship in the Specialized Commercial Zoning District with a Special Exception for a Planned Office Business Park 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 August 28, 2008, subject to the conditions of approval described in EXHIBIT C of DOA2007-1401.

Commissioner Marcus moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥ Aye
Jeff Koons, Vice Chair	¥ Aye
Karen T. Marcus	¥ Aye
Robert J. Kanjian	¥ Aye
Mary McCarty	¥ Absent
Burt Aaronson	¥ Aye
Jess R. Santamaria	¥

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 28, 2008.

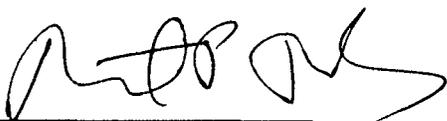
Filed with the Clerk of the Board of County Commissioners on September 2, 2008.

This resolution was filed with the Clerk of the Board of County Commissioners on September 2, 2008.

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

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 47 SOUTH, RANGE 42 EAST; THENCE SOUTH 00 DEGREES 10 MINUTES 25 SECONDS WEST, 1358.00 FEET ALONG THE WEST LINE OF SECTION 22 TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE SOUTH 00 DEGREES 10 MINUTES 25 SECONDS WEST, 598.00 FEET; THENCE SOUTH 89 DEGREES, 49 MINUTES 35 SECONDS EAST, 15.05 FEET TO A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A CENTRAL ANGLE OF 18 DEGREES 49 MINUTES 24 SECONDS AND A RADIUS OF 331.64 FEET; THENCE 108.95 FEET EASTERLY ALONG THE ARC OF SAID CURVE TO A TANGENT LINE; THENCE SOUTH 71 DEGREE 00 MINUTES 11 SECONDS EAST, 2.54 FEET ALONG SAID TANGENT LINE; THENCE NORTH 63 DEGREES 57 MINUTES 10 SECONDS EAST, 35.38 FEET TO A NON-TANGENT CURVE, BEING CONCAVE EASTERLY, HAVING A CENTRAL ANGLE OF 00 DEGREES 05 MINUTES 19 SECONDS, A RADIUS OF 2271.64 FEET AND A TANGENT BEARING OF NORTH 18 DEGREES 54 MINUTES 30 SECONDS EAST; THENCE NORTHEASTERLY 3.51 FEET ALONG THE ARC OF SAID CURVE TO A TANGENT LINE; THENCE NORTH 18 DEGREES 59 MINUTES 49 SECONDS EAST, 17.45 FEET TO A TANGENT CURVE CONCAVE EASTERLY HAVING A CENTRAL ANGLE OF 11 DEGREES 06 MINUTES 53 SECONDS, AND A RADIUS OF 1946.47 FEET; THENCE NORTHEASTERLY 377.59 FEET ALONG THE ARC OF SAID CURVE TO A TANGENT LINE; THENCE NORTH 30 DEGREES 06 MINUTES 42 SECONDS EAST, 72.18 FEET ALONG SAID LINE TO A TANGENT CURVE CONCAVE EASTERLY, HAVING A CENTRAL ANGLE OF 00 DEGREES 08 MINUTES 09 SECONDS AND A RADIUS OF 2313.38 FEET; THENCE NORTHERLY 5.49 FEET ALONG THE ARC OF SAID CURVE TO A NON-TANGENT LINE; THENCE NORTH 13 DEGREES 57 MINUTES 22 SECONDS WEST, 34.86 FEET ALONG SAID LINE; THENCE NORTH 58 DEGREES 09 MINUTES 36 SECONDS WEST, 173.95 FEET TO A TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A CENTRAL ANGLE OF 32 DEGREES 12 MINUTES 39 SECONDS AND RADIUS OF 306.54 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE 172.33 FEET TO A TANGENT LINE; THENCE SOUTH 89 DEGREES 37 MINUTES 44 SECONDS WEST; 36.95 FEET, ALONG SAID LINE TO THE POINT OF BEGINNING.

CONTAINING 150,658 SQUARE FEET (3.459 ACRES) MORE OR LESS. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

