

RESOLUTION NO. R-2011- 0969

RESOLUTION APPROVING ZONING APPLICATION EAC-2011-00620
(CONTROL NO. 1975-00068)
an Expedited Application Consideration
APPLICATION OF Holdings Gph
BY Ruden, McClosky, AGENT
(Loggers Run Commercial Center)

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 notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application EAC-2011-00620 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; 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 recommendation of the Zoning Commission; and

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) 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 the request; and

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

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a an Expedited Application Consideration.

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 EAC-2011-00620, the petition of Holdings Gph, by Ruden, McClosky, agent, for an Expedited Application Consideration to allow modify a Condition of Approval (Use Limitation) 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 June 27, 2011, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	- Aye
Commissioner Shelley Vana, Vice Chair	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Steven L. Abrams	- Absent
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011.

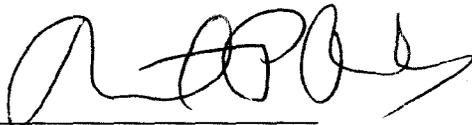
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

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

**LOGGERS' RUN COMMERCIAL REPLAT
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

VICINITY SKETCH
Logger's Run Shopping Center

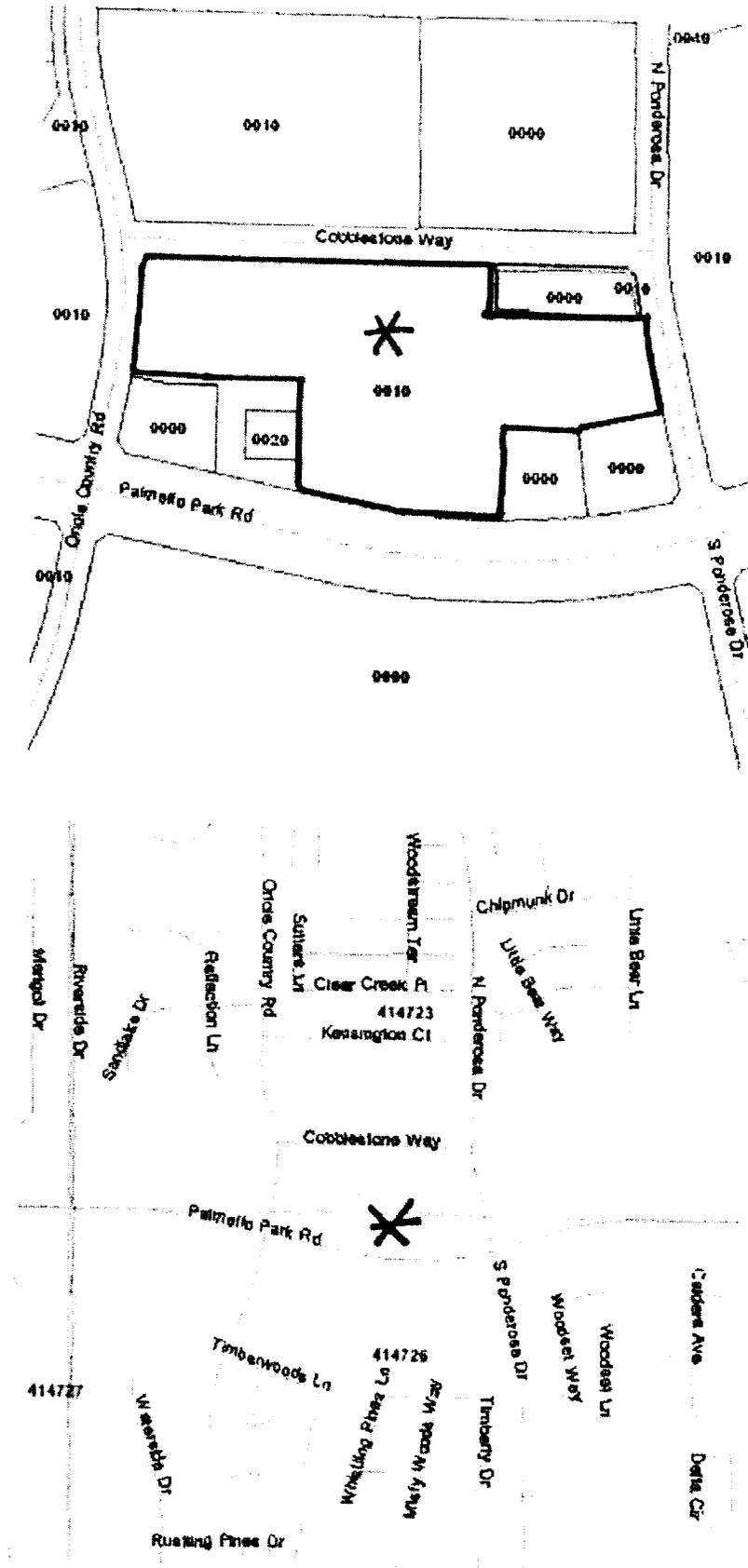


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-1825, Control No. 1975-068, have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING -

USE LIMITATIONS

1. No Indoor Entertainment use shall exceed 10 video or coin-operated games. (ONGOING: CODE ENF-Zoning) (Previous Use Limitation Condition 1 of Resolution R-2009-1825, Control No. 1975-068)

2. Use Limitation Condition 2 of Resolution R-2009-1825, Control No. 1975-068, which currently states:

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

Is hereby amended to read:

The Entertainment, Indoor use in Building E shall be limited to a maximum of 14,014 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)