

RESOLUTION NO. R-89-898

RESOLUTION DENYING ZONING PETITION NO. 86-149
REZONING PETITION OF MILITARY TRAIL ASSOCIATES PARTNERSHIP

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 Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 86-149 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 1988, and

WHEREAS, the Board of County Commissioners pursuant to the criteria set forth in the Zoning Code of Palm Beach County, Florida, Sections 102, 402.2 and 402.2A, 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, the Board of County Commissioners made the following findings of fact:

1. This proposal is not consistent with the requirements of the Comprehensive Plan and local land development regulations.
2. This proposal is not compatible with the present and future development of this area.
3. This proposal is adverse to the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 86-149, the petition of MILITARY TRAIL ASSOCIATES PARTNERSHIP, Kieran J. Kilday, Agent, for a REZONING FROM AR-AGRICULTURAL RESIDENTIAL ZONING DISTRICT TO CG-GENERAL COMMERCIAL ZONING DISTRICT on a parcel of land lying in Tract 16 of the Northwest 1/4, Mary A. Lyman amended Plat of Section 12, Township 45 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book 9, Page 74, located on the west side of Military Trail (S.R. 809), bounded on the south by L.W.D.D. Canal NO. L-19, approximately .4 miles south of Hypoluxo Road.

Commissioner Wilken moved for denial, with prejudice, of the petition. The motion was seconded by Commissioner Elmquist and upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Nay
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

