

ORIGINAL

RESOLUTION NO. R-92- 1099

RESOLUTION DENYING ZONING PETITION NO. 85-54(C)
SPECIAL EXCEPTION PETITION OF LENNAR HOMES
TO AMEND MASTER PLAN

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, have been satisfied; and

WHEREAS, Petition No. 85-54(C) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on April 23, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the Zoning Code of Palm Beach County, Florida, Sections 102, 402.5, and 200.2, 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, sitting as the Zoning Authority, 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 consistent with the present and immediate future development of the area, and not an appropriate use in this location.
3. Timing is not appropriate for this request.
4. The requested deletion of acreage from the PUD was to allow proposed rezoning to CL Community Commercial and special exception for a service station (no repairs), convenience store, car wash and fast food restaurant with no drive through window.
5. Deletion of the acreage from the PUD would be appropriate if lesser intensity zoning were requested that is compatible with the residential neighborhood.
6. The proposed rezoning and special exception were too intense for the neighborhood.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 85-54(C), the petition of LENNAR HOMES, BY JULIAN T. BRYAN, AGENT, FOR A SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BABCOCK PUD TO DELETE ACREAGE on a parcel of land lying in and being located ON

THE S SIDE OF WEST ATLANTIC AVE., BOUND ON THE W BY FLORIDA'S TURNPIKE, IN THE RS ZONING DISTRICT, was denied on April 23, 1992, with prejudice.

Commissioner Roberts moved for approval of the Resolution.

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


Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Absent
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 18th day of August, 1992.


APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:

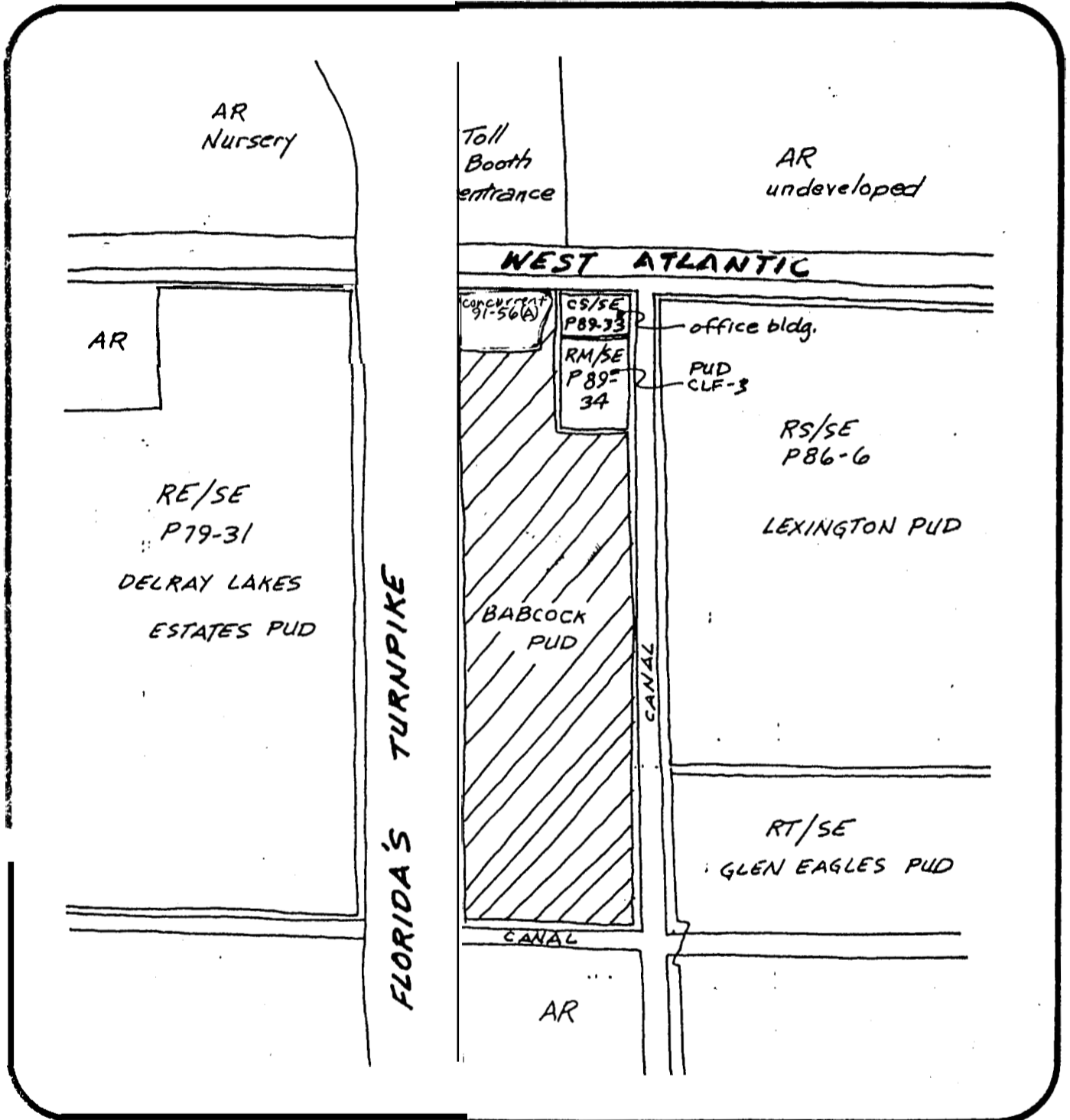

COUNTY ATTORNEY

BY:


DEPUTY CLERK

Sec. 20 Twp. 46 Rng. 42
Quadrant Sheet: 52
Aerial Page: 324 G & 346

Vicinity Sketch



Request:

SPECIAL EXCEPTION: TO AMEND THE MASTER PLAN FOR BABCOCK PUD TO DELETE ACREAGE.

PETITION NO: 85-54 (C)

BCC DISTRICT: 5