

RESOLUTION NO. R-2022- 0634

RESOLUTION DENYING ZONING APPLICATION CA-2020-02103
(CONTROL NO. 2019-00177)
APPLICATION OF Evergreen 1 LLC.
BY Brahm Development LLC, AGENT
(Evergreen Townhouse)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application CA-2020-02103 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 2022;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby finds that the Zoning Application does not meet all the Standards contained in Article 5.G.1.B.2.e.2)b) Factors for Consideration for a Class A Conditional Use for Density Bonus pursuant to Article 5.G.1 Workforce Housing Program, and finds it fails to meet Article 5.G.1.B.2.e.2)b)(2) The potential impact of the proposed density bonus;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Evergreen Townhouse, the Application of Evergreen 1 LLC., by Brahm Development LLC, Agent, for a Class A Conditional Use to allow Workforce Housing Program Density Bonus greater than 50 percent, on a parcel of land generally described as shown on the legal description 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 denied on June 23, 2022, with prejudice.

Commissioner Weiss moved for approval of the Resolution.

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

- | | |
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| Commissioner Robert S. Weinroth, Mayor | - Nay |
| Commissioner Gregg K. Weiss, Vice Mayor | - Aye |
| Commissioner Maria G. Marino | - Nay |
| Commissioner Dave Kerner | - Aye |
| Commissioner Maria Sachs | - Aye |
| Commissioner Melissa McKinlay | - Absent |

Commissioner Mack Bernard

- Aye

The Mayor thereupon declared the resolution was duly passed and adopted on June 23, 2022.

Filed with the Clerk of the Board of County Commissioners on June 23rd, 2022.

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

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, LESS THE EAST 150 FEET OF THE SOUTH 150 FEET THEREOF, AND THE RIGHT OF WAY OLD MILITARY TRAIL.

CONTAINING 4.52 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

