

RESOLUTION NO. R-89 -629

RESOLUTION DENYING ZONING PETITION NO. 88-14
SPECIAL EXCEPTION PETITION OF NAYADE G. CANE

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. 88-14 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on April 28, 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, 200.2 (Special Exception), 402.2(A) and 500.37, 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 consistent with the present and future development of the area and not an appropriate use in this location.
3. This property is located in an area subject to the Annexation Act for the City of Delray Beach, Florida and is inconsistent with that City's Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-14 the petition of NAYADE G. CANE, by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO PERMIT A CONGREGATE LIVING FACILITY - TYPE 2, on a parcel of land lying on the North 355.77 feet of the West 181.00 feet of the East 221.00 feet of the Northwest one-quarter (NW 1/4) of Section 7, Township 46 South, Range 43 East. Subject to the Lake Worth Drainage District Right-of-way over and across the North 115 feet of said property, being located on the northwest corner of the intersection of Lone Pine Road and Davis Road in an AR-Agricultural Residential Zoning District, was denied with prejudice.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of April 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :

Barbara Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKEE, CLERK

BY:

Sina M. (Gae)
DEPUTY CLERK

