

RESOLUTION NO. R-93- 756

RESOLUTION DENYING ZONING PETITION Z/CA92-42
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF PARADISE GROVES & TREES, INC.

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 petitions relating to zoning; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition Z92-42 was presented to the Board of County Commissioners at a public hearing conducted on June 24, 1993; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner 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 made the following findings of fact:

1. Article 5.3 of the Palm Beach County Land Development Code sets forth the standards which must be met in order to grant an amendment to the official zoning map;
2. Failure of any proposed amendment to meet any standard shall be deemed adverse to the public interest;
3. The property is presently being used as a private kennel supporting 65 outdoor dog runs, a 5,000 square foot bird house, 240 square foot hatchery, etc., and many animals are kept on site;
4. There are no changed circumstances which would require an amendment;
5. There is not adequate access to support the more intense uses permitted in the Special Agriculture (SA) zoning district;
6. Access to the site is from D Road which is shell rock, and maintained by the Loxahatchee Groves WCD and both the Engineering Department and the WC District have concerns about maintenance and increased traffic on the road;
7. D Road has a 14 foot cross section within the right-of-way and adjacent canal which creates safety concerns that would be increased if the rezoning were approved. The rezoning would allow more intense use of the road; and,
8. The proposed project does not meet the purpose and intent of the Special Agriculture Zoning District which is to allow limited commercial activities that provide convenience services to the rural community.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County 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 Petition Z/CA92-42, the petition of PARADISE GROVES & TREES, INC. BY KIERAN J. KILDAY, AGENT for a OFFICIAL ZONING MAP AMENDMENT (REZONING) from the AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT to the SPECIAL AGRICULTURAL (SA) ZONING DISTRICT on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was denied on June 24, 1993.

Commissioner Roberts moved for the approval of the Resolution.

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

Mary McCarty, Chair	--	Absent
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 24th day of June, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

