

RESOLUTION NO. R-93- 1199

RESOLUTION DENYING ZONING PETITION DOA91-50(A)  
PETITION OF **KIM AND YOKO BAUER**

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 Article 5 of the Palm Beach County Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA91-50(A) was presented to the Board of County Commissioners at a public hearing conducted on September 23, 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. 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 Palm Beach County Land Development Code and all other local land development regulations.
3. This proposal is not consistent with the present and future development of the area, and not an appropriate use in this location.
4. There are no changed circumstances. The area remains the same **as** when this petition was originally approved with these size restrictions. Nothing has been shown to demonstrate that the business or the area is significantly different than when the original petition was approved.
5. The Comprehensive Plan requires that any commercial uses permitted in the AR zoning district be intended to service the immediate community. A business of this size and magnitude, and by petitioner's own admission is meant to provide services for larger geographic areas or with golf courses and common grounds. It is not meant to serve this area.
6. If the business was intended to serve this limited community the necessary equipment could be housed in the building for which they have already received approval.

WHEREAS, Article 5 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 DOA91-50(A), the petition of KIM AND YOKO BAUER for a DEVELOPMENT ORDER AMENDMENT (DOA) in the AGRICULTURAL RESIDENTIAL (AR) Zoning District, on a parcel of land legally described 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 September 23, 1993, with prejudice.

Commissioner Marcus moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of September, 1993.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

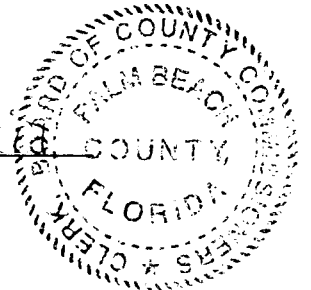


EXHIBIT A

(legal description)

DESCRIPTION

ALSO KNOWN AS PARCEL K-192

LYING IN SECTION 34, TOWNSHIP 40 SOUTH, RANGE 41 EAST,  
PALM BEACH COUNTY, FLORIDA

BEING IN THE SOUTH ONE-THIRD OF THE NORTHWEST QUARTER  
OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF  
THE SOUTHEAST QUARTER OF SAID SECTION 34  
TOGETHER WITH ALL THE SOUTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SAID SECTION 34, LESS, HOWEVER  
THAT PART THEREOF LYING SOUTH OF THE NORTH LINE OF  
A 200 FOOT ROAD RIGHT OF WAY FOR STATE ROAD 706 AS  
RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

CONTAINING 1.984 ACRES MORE OR LESS.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS,  
AND RIGHTS OF WAY.

EXHIBIT B  
(location sketch)

