

RESOLUTION NO. R-94- 787

RESOLUTION DENYING ZONING PETITION **PDD93-54**, IN PART
VOLUNTARY DENSITY BONUS (VDB)
PETITION OF LAND SERVICES GROUP, 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 Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition **PDD93-54** was presented to the Board of County Commissioners at a public hearing conducted on June 23, 1994; and,

WHEREAS, Zoning Petition **PDD93-54** was approved in part, and denied in part, by the Board of County Commissioners; 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. The standards for reviewing applications for the voluntary density bonus program are set forth in the Unified Land Development Code (ULDC), Section 6.9 and Article 5.
2. The request for a voluntary density bonus is not consistent with the purpose and intent of the ULDC.
3. A density bonus would not be compatible with surrounding uses and zones, or consistent with existing uses and zones surrounding the subject land.
4. The site for the density bonus has an approved land use which allows up to 8 units per acre in a planned development and was rezoned to the Planned Unit Development Zoning District, allowing up to **2** units per acre.
5. The land uses to the north and adjacent on **one** side are developed with heavy industrial uses consisting of fuel storage sites and a concrete manufacturing plant.
6. South and west of the site are single family residences developed generally at 2 units per acre.
7. The site is heavily wooded and provides a significant buffer between the industrial uses and the single family residences.
- a.** At 8 units per acre, as approved, the density allows significant vegetation to remain and provides transitional zoning between the industrial and single family areas.

9. The additional density requested as a voluntary density bonus would cause a decrease in the vegetative buffer and greater impacts on the environment.
10. The additional density would allow more residences located close to contaminated industrial parcels.
11. The additional density requested as a voluntary density bonus would not result in a logical and orderly development pattern.
12. This site is too constrained to permit density over that which is approved by the land use designation and consistent zoning district.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified 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 PDD93-54, the petition of Land Services Group, Inc., for a VOLUNTARY DENSITY BONUS (VDB), 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 23, 1994.

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:

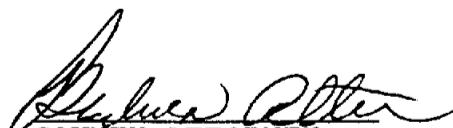
Mary McCarty, Chair	--	Aye
Burt Aaronson	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Absent
Karen T. Marcus	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of June, 1994.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

85-499

LEGAL DESCRIPTION

ALL THAT PART OF TRACT 2, BLOCK 4, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WESTERLY AND SOUTHERLY OF THE WESTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF THE PROPOSED JOG ROAD RIGHT-OF-WAY, AS DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY WARRANTY DEED, RECORDED IN OFFICIAL RECORDS BOOK 7071, PAGES 990 THROUGH 993, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXCEPTING HOWEVER THE NORTH 300.00 FEET OF THE WEST 660.02 FEET THEREOF; AND ALSO EXCEPTING THE WEST 8 FEET THEREOF, FOR SKEES ROAD RIGHT-OF-WAY; AND FURTHER EXCEPTING AN ADDITIONAL 25 FOOT RIGHT-OF-WAY FOR COUNTRY PLACE, AS RECORDED IN OFFICIAL RECORDS BOOK 1824, PAGE 1329, SAID PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,252,371 SQUARE FEET OR 28.75 ACRES MORE OR LESS,

SUBJECT TO EASEMENTS, RESERVATIONS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

