

RESOLUTION NO. R-2022- 0633

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 of Palm Beach County, Florida, 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 2.B (Public Hearing Processes) for a Class A Conditional Use, and finds it fails to meet Article 2.B.7.B.2.g, Adequate Public Facilities;

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 over 24 Multifamily units in the Multifamily Residential (RM) Zoning District, 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:

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



The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOARD OF COUNTY COMMISSIONERS" at the bottom, separated by a star. The inner circle contains the text "PALM BEACH COUNTY FLORIDA".

EXHIBIT A

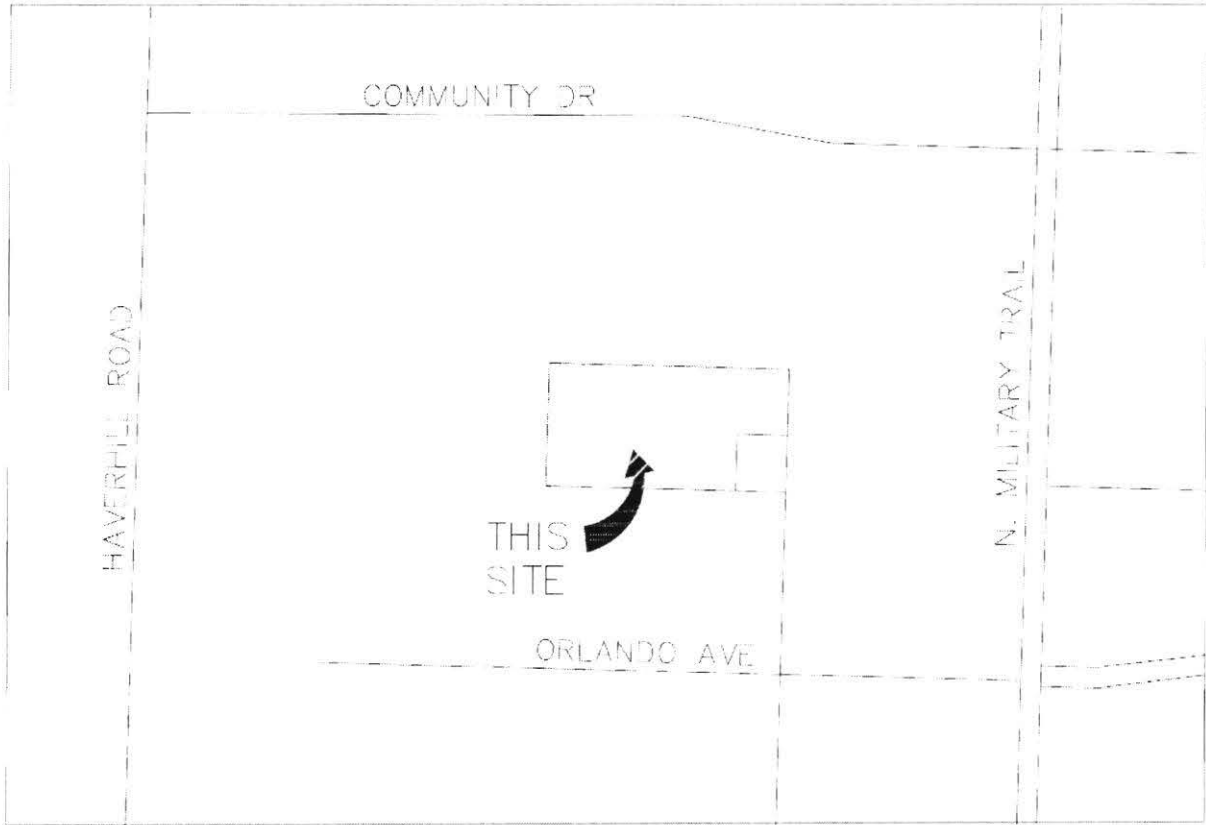
LEGAL DESCRIPTION

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



LOCATION MAP NTS