

RESOLUTION NO. R-89-895

RESOLUTION DENYING ZONING PETITION NO. 87-100
SPECIAL EXCEPTION PETITION OF HEINZ KAHLERT

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. 87-100 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 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 and 500.9, 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 special exception is not compatible with the surrounding residential estate neighborhood of very low density.
3. This special exception constitutes a commercial use which is inappropriate at this location.
4. This proposal will not protect the character or maintain the stability of this residential area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-100, the petition of HEINZ KAHLERT, by David Flinchum, Agent, for a SPECIAL EXCEPTION TO PERMIT RECREATION FACILITIES, AMUSEMENTS AND ATTRACTIONS AND EXHIBITS, PUBLIC AND PRIVATE, on a parcel of land lying on the West 30.00 feet of Tract 7, together with Tract 8, less the West 100.00 feet thereof, together with Tract 9, less the South 220.00 feet thereof and less the West 100.00 feet thereof, together with the West 30.00 feet of Tract

10, less the South 220.00 feet thereof, all lying in Block 28 of the plat of Palm Beach Farms Company Plat No. 3, Sections 29 and 30, Township 44 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54 inclusive, located on the southeast corner of the intersection of Lake Worth Road (S.R. 802) and Jubilee Road, in an AR-Agricultural Residential Zoning District, was denied, with prejudice.

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

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

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of January 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. DUNKLE, CLERK

BY:

June L. Hardy
DEPUTY CLERK