

RESOLUTION NO. R-2009- 1360

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR-1991-032.1
TO REVOKE THE SPECIAL EXCEPTION APPROVED BY
RESOLUTION NO. R-92-950 AND AMENDED BY RESOLUTION NO. R-95-010
CONTROL NO. 1991-032
THE PETITION OF ROBERT L., SR. AND RUTH HOWARD

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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Unified Land Development Code (ULDC) have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report CR-1991-032 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on August 27, 2009; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR-1991-032.1 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the ULDC authorizes the Board of County Commissioners to revoke the Special Exception; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

Condition number 5 of Resolution R-95-10 states:

The property owner shall maintain the site in full compliance with all required permits, standards and conditions of approval. Any notice of violation of the conditions, any requirement of the Unified Land Development Code (ULDC), or required permit from any applicable regulatory agency will result in the return of this petition to the Board of County Commissioners to the next available public hearing for consideration for revocation pursuant to Article 5, Section 5.8 of the ULDC.

The conditions and ULDC have been violated as follows:

- a. The property owner is not in compliance with Condition E.3 of Resolution R-92-950 and with the road maintenance agreement required by Condition E.2 of Resolution R-92-950 as amended by Resolution R-95-10;
- b. The property owner violated the Unity of Title, recorded in ORB 6966 page 1061 and 1062, which was required by Condition E.5 of Resolution R-92-950;
- c. The property owner illegally subdivided the land into three parcels violating the Comprehensive Plan and the ULDC;
- d. The property owner is not in compliance with the Site Plan approved for this property on August 25, 1991;
- e. The property owner is not in compliance with Condition J.11 of Resolution R-92-950; and

The SA Zoning district corresponds to the AR Zoning district in the Rural Tier.

WHEREAS, Article 2.E 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 the recommendation of Status Report No. CR-1991-032.1 to revoke the Special Exception previously granted by the approval of the petition of Robert L., Sr. and Ruth Howard, Control No. 1991-032 confirmed by the adoption of Resolution R-92-950 and amended by Resolution R-95-10 which approved a Special Exception to allow a potting soil manufacturing, chipping and mulching facility, on a parcel of land lying in Section 6, Township 41 South, Range 42 East, being more particularly described as follows: COMMENCING at the Southwest corner of the Southeast ¼ of the Southwest ¼ of said Section 6; thence S89°45'41"E along the south line of said Section 6, a distance of 999.42 feet, to the POINT OF BEGINNING; thence N01°52'46"E a distance of 1,005.42 feet; thence S89°45'41"E a distance of 100.00 feet; thence N01°52'46"E a distance of 92.02 feet; thence S89°45'41"E a distance of 236.89 feet; thence N01°52'46"E a distance of 253.31 feet; thence S89°47'41"E a distance of 300.85 feet; thence S01°41'28"W a distance of 1,005.77 feet; thence N89°45'41"W a distance of 303.88 feet; thence S01°52'46"W a distance to 335.05 feet, to a point in the south line of said Section 6; thence N89°45'41"W along the south line of said Section 6, a distance of 336.89 feet to the POINT OF BEGINNING; SUBJECT to a 60.00 foot road easement running adjacent with certain portions of this property as described and recorded in Official Record Book 1698, Page 316, and being located SW CORNER OF THE INTERSECTION OF 172ND ST. N AND 94TH TERR. N, APPROX. .5 MILE E. OF JUPITER FARMS RD, in the Specialized Agriculture (SA) Zoning District, is approved.

The foregoing Resolution was offered by Commissioner Marcus who moved its adoption. The motion was seconded by Commissioner Steven Abrams and, upon being put to a vote, the vote was as follows:

Commissioner Jeff Koons, Chairman	Aye	—
Commissioner Burt Aaronson, Vice Chairman	Aye	—
Commissioner Karen T. Marcus	Aye	—
Commissioner Shelley Vana	Aye	—
Commissioner Steven L. Abrams	Aye	—
Commissioner Jess R. Santamaria	Aye	—
Commissioner Priscilla A. Taylor	Aye	—

The Chair thereupon declared the resolution duly passed and adopted this 27th day of August, 2009.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS


SHARON R. BOCK, CLERK AND COMPTROLLER

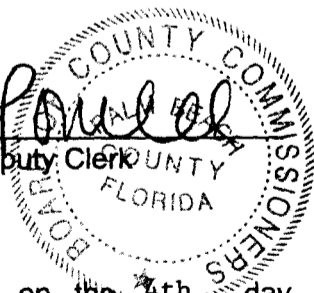
APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By:


County Attorney

By:


Deputy Clerk



Filed with the Clerk of the Board of County Commissioners on the 4th day of September, 2009.

This Resolution is effective on October 8, 2009.