

RESOLUTION NO. R-98- 1790

RESOLUTION APPROVING ZONING PETITION CA98-37
CLASS A CONDITIONAL USE
PETITION OF VESSEL SALES, LTD.
BY CHARLES PUTMAN & ASSOCIATES, AGENT
(RANCHO GRANDE EXCAVATION)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA98-37 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) and other provisions requiring that development commence in a timely manner; and

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

1. This Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.



7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 CA98-37, the petition of Vessel Sales, Ltd., by Charles Putman & Associates, agent, for a Class A Conditional Use (CA) to allow an Agricultural Excavation 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 approved on October 22, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

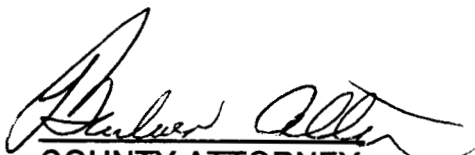
The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

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

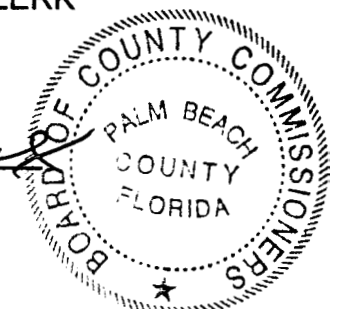


EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1
The following described parcels of land in Block 10, the PALM BEACH FARMS COMPANY, PLAT NO. 1, Section 10, Township 46 South, Range 42 East, Palm Beach County, Florida, described as follows:

Beginning 273.22 feet West of the Southeast corner of Tract 74; thence Westerly to the Southwest corner of Tract 74; thence Northerly 170 feet to a point. Easterly 83.7 feet; thence southerly 170 feet to the point of beginning. Also the South 170 feet of Tract 75. Also the South 170 feet of the East 98.73 feet and the South 20.5 feet of the West 228.72 feet of Tract 76. Also the South 20.5 feet of Tracts 77 and all of Tracts 84, 85, 86, 87 and 88, TOGETHER with all fixtures, appurtenances and improvements located thereon and therein

AND

PARCEL 11

Tracts 73, 74, 75, 76 and 77, LESS: BEGINNING at a point on the South line of Tracts 73 and 74, 600 feet Westerly of the Southeast corner of Tract 73; thence Northerly parallel to the East line of Tract 74 a distance of 170 feet to a point; thence Westerly parallel to the South line of Tracts 74, 75 and 76 a distance of 479.43 feet to a point; thence Southerly parallel to the West line of Tract 76 a distance of 149.5 feet to a point; thence Westerly parallel to the South line of Tracts 76 and 77 a distance of 555.27 feet to a point in the West line of Tract 77; thence Southerly along the West line of Tract 77 a distance of 20.5 feet to the Southwest corner of Tract 77; thence Easterly along the South line of Tracts 77, 76, 75 and 74 to the point of beginning; which point is 600 feet Westerly from the Southeast corner of Tract 73; ALL in Section 10, Township 46 South, Range 42 East, THE PALM BEACH FARMS COMPANY PLAT NO. 1, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Pages 26 to 28

Containing 47.35 acres, more or less

TOGETHER with all furnishings, fixtures, furniture, lighting, appliances and equipment located thereon both parcels of land.

TRACTS 73 - 77 AND TRACTS 84 - 88
PALM BEACH FARMS CO. PLAT NO. 1
ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGES 26 - 28 INCLUSIVE.
RECORDED IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,
SAID LAND SITUATE, LYING, AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH

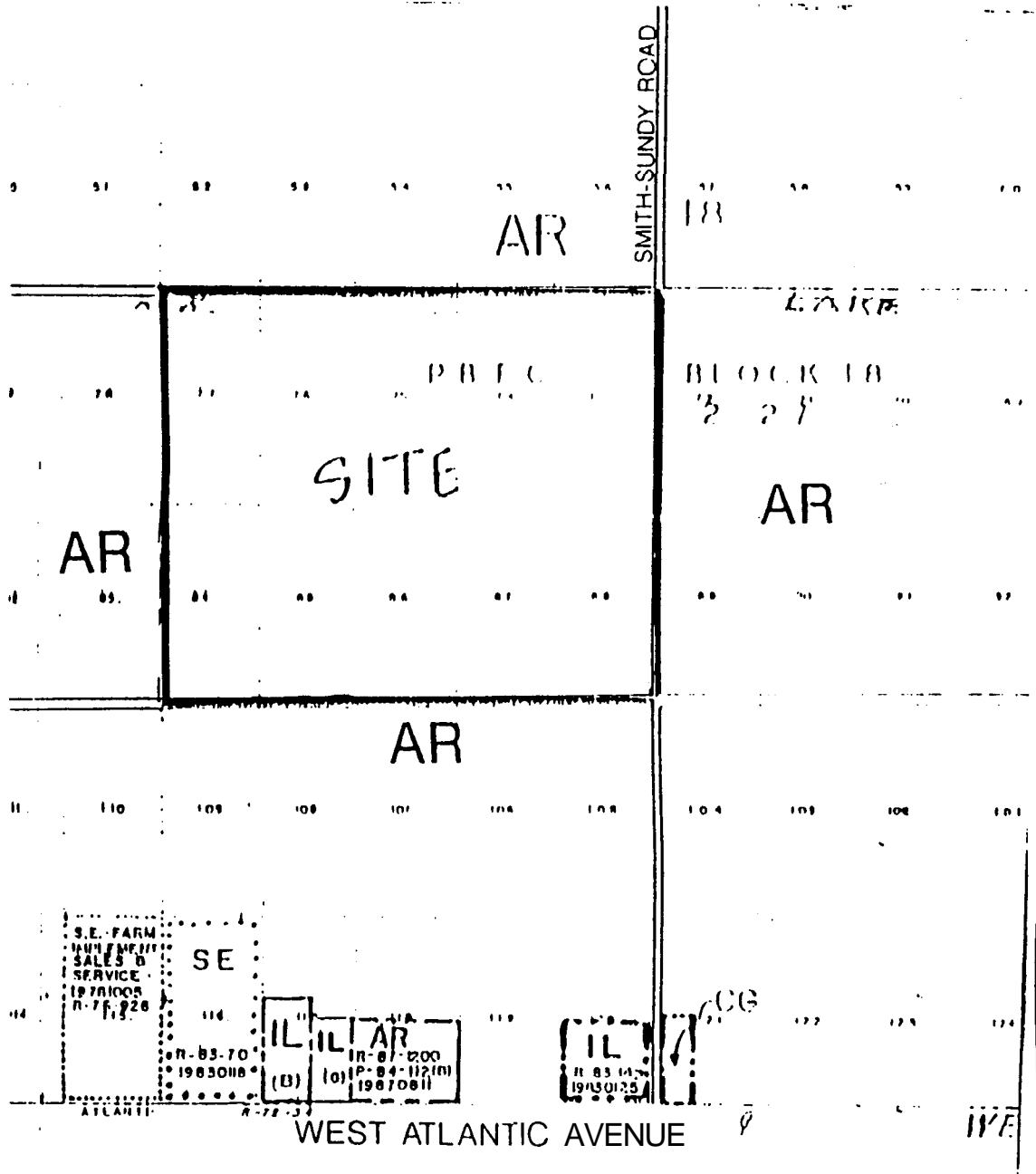


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: There are no conditions B, C and D. The letter "E" is always reserved for the Engineering Department.

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 6, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

E. ENGINEERING

1. There shall be no fill removed from the site. (ONGOING: ENG)
2. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Smith Sundry Road, 40 feet prior to the issuance of the first Building Permit. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)