

RESOLUTION NO. R-79- 903

RESOLUTION APPROVING ZONING PETITION

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. 79-120 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 June 1979.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session the 28th day of June, 1979, that petition No. 79-120 the petition of ATLAS PEAT AND SOIL, INC., by Joan K. Bowen, President, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL SERVICE ENTERPRISE INVOLVING THE OUTDOOR STORAGE, PULVERIZING AND MIXING OF VARIOUS EARTHY MATERIALS, INCLUDING MUCK, PEAT, SOIL, SAND, SAWDUST AND WOODCHIPS FOR DISTRIBUTION TO VARIOUS DESTINATIONS; SUCH AS BUT NOT LIMITED TO, NURSERIES AND GOLF COURSES on the South 1/2 of Tracts 25 and 26, and all of Tracts 27, 28 and 29, Block 52, Palm Beach Farms Company Plat No. 3, in Section 24, Township 45 South, Range 41 East, as recorded in Plat Book 2, page 49, less the right-of-way for State Road No. 7 (U.S. Highway No. 441) and subject to the reserved right-of-way for Lake Worth Drainage District's Canal L-23-W. Said property located on the south side of 95th Street South and the west side of S.R. 7 (U.S. 441), approximately .4 mile north of 100th Street South, in an AG-Agricultural District, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County two hundred (200) feet of right-of-way from the Base line of Survey, according to R.B. 1, pages 35-41, for the ultimate right-of-way for S.R. 7.
2. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County thirty (30) feet from each side of the centerline of Palm Beach Farms north-south platted road for its ultimate right-of-way.
3. The Lake Worth Drainage District presently holds an easement for canal right-of-way over the North 68.00 feet of Tracts 25 to 29 inclusive, Block 52, as recorded in Deed Hook 811, page 196, Recorded May 29, 1947. The petitioner shall dedicate an additional 2.00 feet for the Required Right-of-Way of Lateral Canal No, 23-W. Said right-of-way is more particularly described as follows: The South 2.00 feet of the North 70.00 feet of Tracts 27, 28 and 29, Block 52, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, pages 45 to 54 inclusive. The Lake Worth Drainage District will accept the additional right-of-way by Quit Claim Deed or Easement (on our form), whichever the owner prefers.
4. Petitioner shall provide a Unity of Title document preventing the piecemeal conveyance of any portion of the subject 39.65 acre site, to be recorded by the Department of Planning, Zoning and Building.
5. The existing cypress stand; shown on plans submitted shall be preserved.
6. Petitioner shall preserve a 25' wide landscaped buffer along the north and south property lines. No activity or storage of equipment or materials is to be permitted in this buffer area.

Commissioner Gregory , moved for approval of the petition.

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

Bill Bailey, Chairman	-	Absent
Dennis Koehler, Vice Chairman	-	Yes
Peggy Evatt, Member	-	Absent
Frank Foster, Member	-	Yes
Norman Gregory, Member	-	Yes

The foregoing resolution was declared duly passed and adopted  
this 24th day of July, 1979, confirming action of  
28 June 1979.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *John B. Dunkle*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*[Signature]*  
County Attorney

