

RESOLUTION NO. R-89-622

RESOLUTION DENYING ZONING PETITION NO. 87-126
SPECIAL EXCEPTION PETITION OF EUGENE AND ANNA CARUSO

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. 87-126 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 6, 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), 402.2A, . 602, 402.2 and 402.5, 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 mixed use of manufacturing and wholesale project is incompatible with the existing residential development within this Agricultural/Residential Zoning District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-126, the petition of EUGENE AND ANNA CARUSO, for a SPECIAL EXCEPTION TO PERMIT COMMERCIAL SALES AND SERVICE ENTERPRISES OF AN AGRICULTURAL NATURE (TOPSOIL MIXING AND BULK WHOLESALE SALES OF TOPSOIL WITH ACCESSORY STORAGE OF COMPOSTED MATERIAL) on a parcel of land lying in Tract 37, less that portion taken for Sunshine State Parkway as described in Law Action 15304, together with Tracts 38, 39 and 40, Section 17, Township 46 South, Range 42 East, PALM BEACH FARMS COMPANY PLAT NO. 1, according to the plat thereof recorded in Plat Book 2, Page 27, located on the southeast corner of the intersection of Starke Road (85th Avenue South) and 142nd Place South, being bounded on the east by Florida's Turnpike (Sunshine State Parkway), in an AR-

Agricultural Residential Zoning District, was denied, with prejudice.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 6, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

