

RESOLUTION NO. R-89- 1084

RESOLUTION DENYING ZONING PETITION NO. 88-106
SPECIAL EXCEPTION PETITION OF
ROBERT MORIN AND HOWARD C. AND CAROL A. CONNOLLY

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. 88-106 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1988: and

WHEREAS, the Board of County Commissioners, pursuant to the criteria set forth in the Comprehensive Land Use Plan and the Zoning Code of Palm Beach County, in particular Sections 102, 200.2 (Special Exception), 402.2, 404, and 602, 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 site is too small to support a use of this intensity.
3. There is no ability to mitigate the intensity due to the nonconformity of this site.
4. The intensity of use on this site is not consistent with good zoning practice.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-106 the petition of ROBERT MORIN AND HOWARD C. AND CAROL A. CONNOLLY, by Beril Kruger, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL SALES AND SERVICE ENTERPRISE (MULCHING AND MANUFACTURING POTTING SOIL) on a parcel of land lying on the North 1/2 of Tract 37. ~~Less~~ the West 4.00 feet and less the Right-of-way for SR 7, Block 52, Palm Beach Farms Company, Plat No. 3 (Sheet No. 5) in Section 24, Township 45 South, Range 41 East, as recorded in Plat Book 2, Page 49, being located on the west side of State Road 7 (US Hwy. 441), approximately .2 mile north of 100th Street South, 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 Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 30, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


DEPUTY CLERK