

RESOLUTION NO. R-95-10

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 91-32
TO AMEND CONDITIONS OF APPROVAL OF RESOLUTION NO. R-92-950
WHICH APPROVED THE SPECIAL EXCEPTION OF
ROBERT L. SR., AND RUTH HOWARD
PETITION NO. 91-32

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.

WHEREAS, the notice and hearing requirements as provided for in Section 5.8 of the Palm Beach County Land Development Code have been satisfied: and

WHEREAS, pursuant to Section 5.8, Status Report CR 91-32 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 6, 1995; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 91-32 and considered testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies: and

WHEREAS, Section 5.8 of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to add or modify conditions of approval; and

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

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations;
2. The property owner has been utilizing the special exception without the payment of the Fair Share Fee;
3. No building permit was required to trigger the payment: and
4. The property owner does not have the permit required by the Solid Waste Authority.

WHEREAS, Section 5.3 of the Palm Beach County 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 the recommendation of Status Report No. CR 91-32, to amend Conditions of Approval of Resolution No. R-92-950, the Special Exception of Robert L. Sr., and Ruth Howard, Petition No. 91-32, confirmed by the adoption of Resolution R-92-950, which granted 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 1/4 of the Southwest 1/4 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, being located on the southwest corner of the intersection of 172nd Street North and 94th Terrace North approximately 0.5 of a mile east of Jupiter Farms Road in the SA-Special Agriculture Zoning District, is approved, as amended, subject to the following conditions:

1. All previous conditions of approval continue to apply unless expressly modified herein.
2. Condition number E.2. of Resolution R-92-950 which currently states:

Prior to Site Plan approval the property owner shall enter into a perpetual maintenance agreement for the existing truck route from Jupiter Farms Road. This maintenance agreement shall remain in effect as long as the special exception remains active.

Is hereby amended to state:

Prior to February 15, 1995, the property owner shall enter into a perpetual maintenance agreement for the existing truck route from Jupiter Farms Road. This maintenance agreement shall remain in effect as long as the special exception remains active. (MONITORING-Engineering)

3. Condition number E.4. of Resolution R-92-950 which currently states:

The property owner shall pay a Fair Share Fee in the amount and manner required by the "**Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is **\$1,595.00** (29 trips x \$55.00 per trip).

Is hereby amended to state:

Prior to February 15, 1995, the property owner shall pay a Fair Share Fee in the amount and manner required by the "**Fair** Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. (MONITORING - Impact Fee Coordinator)

4. Prior to February 15, 1995, or initiation of operations, whichever occurs first, the property owner shall provide evidence to the Zoning Division that all necessary permits from applicable regulatory agencies, including the Solid Waste Authority and Department of Environmental Protection, have been obtained, and that the site **is** in full compliance with all requirements. (MONITORING - Zoning)
5. 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. (CODE ENFORCEMENT)

Commissioner Marcus moved for approval of the Resolution.

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

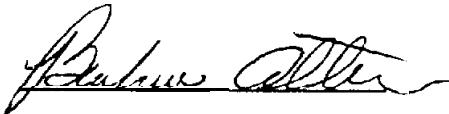
KEN FOSTER, CHAIR	Aye
BURT AARONSON	Aye
MAUDE FORD LEE	Aye
KAREN T. MARCUS	Aye
MARY MCCARTY	Aye
WARREN H. NEWELL	Aye
CAROL ROBERTS	Aye

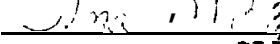
The Chair thereupon declared the resolution was duly passed and adopted this 6th day of January, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 

BY: 
DEPUTY CLERK

