

FILE COPY

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. CR 88-73
TO REVOKE THE SPECIAL EXCEPTION
FOR PROPERTY PREVIOUSLY GRANTED A SPECIAL EXCEPTION BY
RESOLUTION NO. R-89-740
WHICH APPROVED THE PETITION OF
HAGEN RANCH PROPERTIES, INC.
PETITION NO. 88-73

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 88-73 was presented to the Board of County Commissioners of Palm Beach County, at a public hearing conducted on February 27, 1997; and

WHEREAS, the Board of County Commissioners has reviewed Status Report CR 88-73 and considered testimony, 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 revoke Special Exceptions; and

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

1. The revocation is consistent with the Palm Beach County Comprehensive Plan and the Unified Land Development Code.
2. The special exception is being utilized without compliance with condition number 4. of Resolution R-89-740.
3. The special exception is being utilized without compliance with condition number 9. of Resolution R-89-740.
4. The special exception is being utilized without compliance with condition number 3. of Resolution R-89-1163.
5. The special exception is being utilized without compliance with condition number 1 of Exhibit 30.
6. Subsection 5.1.K. of the Unified Land Development Code (ULDC) states "Unless otherwise specified in the development order, an approved use must comply with all conditions prior to implementing the approval."
7. Condition 19. of Resolution R-89-740, and Condition number 4. of Resolution R-89-1163 permit the revocation of any approval for failure to comply with conditions of approval
8. The property owner has not complied with the requirements

of the Solid Waste Authority.

- 9. The property owner was notified on 11-21-96, 12-18-96, 12-19-96, 1-15-97, and 2-3-97 that there were existing Fire Code violations that needed to be corrected. At the time of preparing this staff recommendation no corrective action had occurred.
- 10. Fire Code violations severely impact public health, safety and welfare.

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 88-73, to revoke the Special Exception previously granted by the approval of the petition of Hagen Ranch Properties, Inc., Petition No. 88-73, confirmed by the adoption of Resolution R-89-740, which approved a commercial sales and service enterprise of an agricultural nature (potting soil and manufacturing), and with conditions subsequently modified by the approval of Petition 88-73(A), confirmed by the adoption of Resolution R-89-1163, on a parcel of land lying on Tracts 65 thru 72 inclusive, less the West 25.00 feet of said Tract 72, Block 55, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, page 50. Less the North 42 feet of Tracts 65, 66, 67, 68 and 69 and less the North 55 feet of Tracts 71 and 72, being located on the east side of Hagen Ranch Road approximately 0.5 of a mile south of Boynton Beach Boulevard, bounded on the north by L.W.D. Canal No. 25, in the AR-Agricultural Residential Zoning District, is approved.

Commissioner Foster 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:

BURT AARONSON, CHAIRMAN	---	AYE
MAUDE FORD LEE, VICE CHAIR	---	ABSENT
KEN FOSTER	---	AYE
KAREN T. MARCUS	---	ABSENT
MARY MCCARTY	---	AYE
WARREN H. NEWELL	---	AYE
CAROL ROBERTS	---	ABSENT

The Chair thereupon declared the resolution was duly passed and adopted this 27 day of February, 1997.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY: Budwan Allen

DOROTHY H. WILKEN, CLERK BY: Jean Hawley DEPUTY CLERK

