

RESOLUTION NO. R-2014-0002

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. STR-2007-00054-1
TO REVOKE A USE, TYPE III B EXCAVATION, FROM
RESOLUTION NO. R-2008-0708
APPLICATION NO. CA-2007-0205
CONTROL NO. 2007-054

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; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report No. STR-2007-0054-1 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on January 9, 2014; and

WHEREAS, the Board of County Commissioners has reviewed Status Report No. STR-2007-0054-1 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke the Class A Conditional Use; and

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

1. This project was approved on April 24, 2008;
2. The project did not commence;
3. Policy 2.3-e.3 of the Comprehensive Plan states that "Within the Agricultural Production Future Land Use designation, mining may be permitted only to support public roadway projects or agricultural activities...";
4. The Fourth District Court of Appeal of the State of Florida found on August 7, 2013, in Case No. 4D12-2373, that "the adopted [development] order is inconsistent with the plan," effectively nullifying the order; and
5. The revocation of the Type III B Excavation approval is consistent with the ULDC.

WHEREAS, Section 5.3 of the 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. STR-2007-00054-1, to revoke the Class A Conditional Use to allow a Type III B Excavation, previously granted by the approval of Zoning Application CA-2007-0205, Control No. 2007-054, confirmed by the adoption of Resolution R-2008-0708, on: 23-44-35, ALL; 24-44-35, ALL OF SEC; 25-44-35, ALL OKEECHOBEE FRUIT LANDS CO SUB LTS 1 THRU 128; 35-44-35, SUB BY STATE SURVEY ALL OF SUB (LESS L-21 BOLLES CNL R/W); 36-44-35, ALL OF SEC (LESS L-21 BOLLES CNL R/W); 19-44-36, ALL; 20-44-36, ALL; 29-44-36, NE 1/4 OF NE 1/4 OF SE 1/4; 29-44-36, ALL /LESS NE 1/4 OF NE 1/4 OF SE 1/4; 30-44-36, E 1/2 & E 1/4 OF SW 1/4; 31-44-36, E 1/2 /LESS C&S FCD/& E 1/4 OF W 1/2; 31-44-36, W 3/4 OF W 1/2; 32-44-36, ALL /LESS C&S FCD R/W L21/, being located approximately 4 miles south of Lake Okeechobee and 3 miles west of US Highway 27., in the AP Zoning District, is approved.

Commissioner Vana moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Aye

The Mayor thereupon declared the resolution was duly passed and adopted on January 9, 2014.


Filed with the Clerk of the Board of County Commissioners on January 10th, 2014.

This Resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS
SHARON R. BOCK,
CLERK AND COMPTROLLER

By: 
COUNTY ATTORNEY

By: 
DEPUTY CLERK

