

RESOLUTION NO. R- 80-849

RESOLUTION APPROVING ZONING PETITION

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. 80-99 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 29 May 1980; and

WHEREAS, the Board of County Commissioners 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. The proposal would be consistent with the needs of the County for land areas for specific purposes to serve population and economic activities
2. The proposal would not be disruptive to the character of the neighborhoods or adverse to playgrounds, parks, schools and recreation areas
3. The proposal would not be adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 29th day of May, that Petition No. 80-99 the petition of RUBIN CONSTRUCTION COMPANY by William R. Boose, III, Attorney, for a SPECIAL EXCEPTION TO ALLOW THE EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SOIL AND OTHER EXTRACTIVE MATERIALS on all of Sections 16 and 21, Township 43 South, Range 42 East. Said property located on the north side of Okeechobee Boulevard (S.R. 704), approximately one (1) mile west of Florida's Turnpike in an AG-Agricultural District, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of receiving all necessary permitting agency approvals, petitioner shall convey to Palm Beach County, but no later than twelve (12) months from the date of Special Exception approval:
 - a. Two hundred (200) feet from the South section line of Section 21, Township 43 South, Range 42 East, for the ultimate right-of-way for Okeechobee Boulevard.
 - b. Sixty (60) feet from the East section line of Sections 16 and 21, Township 43 South, Range 42 East, for the ultimate right-of-way for Jog Road, the alignment to be approved by the County Engineer.
 - c. A total of one hundred eight (108) feet for the ultimate right-of-way for either the 12th Street or 25th Street extension to be determined by the County Engineer and the alignment of which is to be approved by the County Engineer.The time required for the right-of-way dedication set forth above may be extended by the County Engineer but in no event later than the time required for immediate road construction purposes,
2. Petitioner shall construct a left turn lane, west approach, on Okeechobee Boulevard at Skees Road.
3. Petitioner shall contribute a pro-rata share for the signalization of the Okeechobee Boulevard/Skees Road intersection.
4. Petitioner shall contribute One Thousand Five Hundred Dollars (\$1,500.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid prior to Site Plan approval.

5. The developer will take reasonable precautions during the development of this project to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
6. The Staff shall have the authority to consider and approve amendments to the approved plans for reclamation and/or limits of excavation without the limitations imposed by Section 402.7.B.2, as to amendments required by agencies, whose power and authority relative to the amendments, supercedes that of Palm Beach County. Amendments to plans shall be considered with respect to future approvals and/or denials by the other review and permitting agencies, as well as, with respect to development approvals on other properties in the immediate area.
7. No excavation shall be permitted in Section 16 or in the North 1/4 of Section 21 unless or until clearance is granted by and clearly delineated by the U.S. Army Corps of Engineers.
8. As required by Chapter 373, Part II, Florida Statutes, a Water Use Permit must be obtained from the South Florida Water Management District for each excavation, on a phase by phase basis.
9.
 - a. An overall conceptual plan of excavation for the entire site indicating each area to be excavated and delineating exactly the configuration of each excavation, shall be submitted to the District at the time of application for the first Water Use Permit.
 - b. Following tentative approval of Condition 9a., excavation plans for the entire site, based upon those areas delineated by all environmental regulatory agencies exercising jurisdiction over said property, shall be submitted to the District prior to the issuance of the first Water Use Permit, except the South 1/2 of Section 21.
10. No excavation shall be permitted within 800 feet of the West Palm Beach Water Catchment Area.
11. The excavations will begin at the southern portion of the property, in Phases 1-4 as identified on Exhibit No. 13 and proceed North.
12. No excavation shall be permitted North of the Florida Power and Light Company easement in Section 16, unless approved by permitting agencies for water impoundment or for environmental restoration purposes.

13. The petitioner must obtain appropriate water quality permits prior to any dewatering into the West Palm Beach Water Catchment Area.
14. The petitioner shall comply with any conditions imposed by any required permitting agencies (local, state and federal).
15. Excavation shall follow a meandering depth consistent with the depth of shellrock and in no area shall average depth exceed 15 feet below normal water level with a tolerance of + 2 feet. At the completion of each excavated site within the South 1/2 of Section 21 and other permitted excavation areas, the shoreline slope shall be adjusted to a 5:1 ratio to a depth of 6 feet of water. Excavation pit configurations shall not be square or rectangular, but should be of a meandering style after reclamation.
16. The owner, lessee and all government agencies having jurisdiction shall sign off, in writing, agreeing to the aforementioned conditions.

Commissioner Foster , moved for approval of the petition.

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

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| Dennis Koehler, Chairman | - | Aye |
| Frank Foster, Vice Chairman | - | Aye |
| Bill Bailey, Member | | Absent |
| Norman R. Gregory, Member | - | Absent |
| Peggy B. Evatt, Member | | Aye |

The foregoing resolution was declared duly passed and adopted this 24th day of June , confirming action of 29 May 1980.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Ruth Van Otterem*
Deputy Clerk

APPROVE AS TO FORM
AND LEGAL SUFFICIENCY

Charles F. Schoeck
County Attorney

