

RESOLUTION NO. R-83-206

RESOLUTION APPROVING ZONING PETITION 82-155, SPECIAL EXCEPTION

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. 82-155 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 28 October 1982; 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 in harmony and compatible with the present and future development of the area concerned

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 28th day of October, 1982, that Petition No. 82-155 the petition of HUGH H. RAYSIDE, AS TRUSTEE, By Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO ALLOW EXCAVATION AND REMOVAL OF MUK, SAND, ROCK SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on Tracts 13,14,15 and 16, Block 18, Palm Beach Farms Company Plat No. 3, in Section 12, Township 44 South, Range 41 East, as recorded in Plat Book 2, Page 47. Said property located on the southwest corner of the intersection of State Road No. 7 (U.S. 441) and L.W.D.D. Lateral No. 7 in an AR-Agricultural Residential District, was approved as advertised subject to the following conditions.

1. Developer shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.
2. Developer shall convey to Palm Beach County, prior to release of Reclamation Bond, however, not later than two years from the date of special exception approval, the ultimate right of way for SR 7, 240 feet west of range line per the Florida Department of Transportation. (Approximately an additional 145 feet of right of way.)

3. Developer. shall construct, on State Road 7 at the project's entrance road, concurrent with the issuance of an excavation permit from the office of the County Engineer.
  - a) Left turn lane south approach.
  - b) Right turn lane north approach.

However, should the developer secure alternative access the site, acceptable to the County Engineer prior to the issuance of the excavation permit this condition shall apply.

4. Developer shall post a bond with the office of the County Engineer for road restoration of County roads concurrent with the excavation permit.
5. Developer shall contribute the sum of \$400.00 as their fair share of the project's traffic impact.
6. The Developer shall take reasonable precautions during the development of this project to insure that fugitive **particulates** (dust particles) from this project do not become a nuisance to neighboring properties.
7. The Developer shall take reasonable precaution to insure that runoff from this project will not **pollute** adjacent or nearby surface waters.
8. The Developer shall preserve significant vegetation as displayed on the site plan.
9. Developer shall convey to the Lake Worth Drainage District by Quit Claim Deed or Easement Deed acceptable to the District a total of 40 feet along the west side of Tract 16, which shall include the unimproved road and canal right-of-way for canal S-5.

Commissioner Bailey | moved for approval of the petition.

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

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

The foregoing resolution was declared duly passed and

adopted this 8th day of February , 1983 | confirming  
 action of 28 October 1982.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Beatrice Bluff*  
 Deputy Clerk

APPROVE AS TO FORM  
 AND LEGAL SUFFICIENCY

*John Cantrell*  
 County Attorney

