

RESOLUTION NO. R-83-220

RESOLUTION APPROVING ZONING PETITION 82-168, 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. 82-168 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 24 November 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 finding? 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 COMMISSIONER:  
OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 24th day of November, 1982, that Petition No. 82-168 the petition of SCHEARBROOK LAND AND LIVESTOCK, INC. AND GEORGE T. ELMORE BY William R. Boose, Attorney for a SPECIAL EXCEPTION TO ALLOW EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on a parcel of land being a portion of Section 6 and 7, Township 45 South, Range 42 East, and a portion of Blocks 36 and 43, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, Pages 45, through 54, inclusive and a portion of Lots 3 and 4 of Tract 42, Palm Beach Farms Company Plat No. 13, as recorded in Plat Book 6, Page 99, said parcel of land being more particularly described as follows: Commencing at the Northwest corner of said Lot 4; thence South  $01^{\circ}36'02''$  West, along the West line of said Lot 4, a distance of, 40.00 feet to the Westerly extension of the South Right-of-Way Line of Lantana Road; thence, South  $88^{\circ}00'01''$  East, along said Line, a distance of, 85.00 feet for a Point of Beginning; thence, continue South  $88^{\circ}00'01''$  East, along the South Right-of-Way line of said Lantana Road, a distance of, 1320.00 feet; thence, South  $12^{\circ}59'30''$  East, a distance of, 510.46 feet to a point being South  $89^{\circ}26'07''$

est, a distance of, 15.00 feet from the angle point in the Westerly line of Lexington I of Sheerbrooke, according to the Plat thereof as recorded in Plat Book 36, Pages 195, through 198, inclusive, thence, South  $00^{\circ}33'53''$  East, along the centerline of the 30' Road Right-of-Way East of, and adjacent to, Tracts 53 and 60, of said Block 36, and Tracts 8 and 21, of said Block 43, and a line parallel with, and 15.00 feet Westerly of, as measured at right angles to the South part of said Westerly line, a distance of, 2600.00 feet; thence, South  $89^{\circ}26'07''$  West, along the South line of Tracts 15 through 21 inclusive, of said Block 43, a distance of, 2627.93 feet; thence, North  $00^{\circ}10'51''$  West, along a line parallel with, and 85 feet Easterly of, as measured at right angles to the West line of said Section 7, a distance of, 1233.78 feet; thence, North  $00^{\circ}23'03''$  West, along a line parallel with and 85 feet Easterly of, as measured at right angles to the West line of said Section 6, a distance of, 5557.89 feet; thence, North  $01^{\circ}36'02''$  East, along a line parallel with, and 85 feet Easterly of, as measured at right angles to the West line of said Lot 4, and distance of, 1445.14 feet to the Point of Beginning. Said property located on the Southeast corner of the intersection of State Road #7 and Lantana Road in an AR-AGRICULTURAL RESIDENTIAL DISTRICT, was approved as advertised subject to the following conditions:

1. Within ninety (90) days of this approval, the property owner shall convey to Palm Beach County:
  - a. approximately fourteen (14') feet of additional right-of-way for Lantana Road for an exact total of fifty-four (54') feet from the centerline and
  - b. One hundred and eight (108') feet for the right-of-way for Hypoluxo Road on an alignment to be determined by the County Engineer.
2. The Developer shall construct to County Engineer's specifications, on Lantana Road at the project's entrance road:
  - a. left turn lane; east approach and
  - b. right turn lane, west approach

Plans for these improvements shall be included in the application for the project's excavation permit and shall be completed prior to commencement of excavation activities.

3. The Developer shall post a bond with the Office of the County Engineer for restoration of County Roads prior to the issuance of the excavation permit.
4. The Developer shall pay, at the time of issuance of the Excavation Permit, One Thousand Five Hundred (\$1,500.00) Dollars as payment toward meeting the cost of this project's direct and identifiable traffic impact.
5. Stands of Cypress trees shall be preserved as shown on the approved Site Plan.
6. This excavation shall be permitted on the basis of no more than one hundred (100) acres per year.

7. Dewatering activities associated with. this excavation shall not impac-t any off-site water supplies or wetland areas.
8. The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from the project do not become a nuisance to neighboring properties.
9. The Developer shall take necessary measures during the development of this property to prevent pollutant run-off to neighboring and nearby.
10. The reclamation plan and other petition documents shall be amended to delete any references to property not included in this petition, to future development density, and to relocation of raods unless approved by the County Engineer, prior to site plan certification.

Commissioner Koehler , moved for approval of the petition.

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

Peggy B. Evatt, Acting Chairman	-	Aye
Ken Spillias, Member		Aye
Dennis P. Xoehler, Member		Aye
Dorothy Wilken, Member		Aye
Bill Bailey, Member		Absent

The foregoing resolution was declared duly passed and adopted this 8th day of February , 1983 , confirming action of 24 November, 1982.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, Clerk

By: *Antwone B. Madden*  
Deputy Clerk

APPROVE AS TO FORM  
AND LEGAL SUFFICIENCY

*John Latoff*  
County Attorney