

**ORIGINAL**

RESOLUTION NO. R- 85-299

RESOLUTION APPROVING ZONING PETITION **84-167**, 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. **84-167** was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of November **1984**; 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. With deletion of the westerly borrow pit depicted on the submitted site plan, and corrections to the application required by Section **500.3** of the zoning code, the proposal will be consistent with the requirements of the zoning code and comprehensive plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 1st of November **1984**, that Petition No. **84-167** the petition of JOHN E. CORBALLY, JAMES M. FURAN AND DAVID M. MURDOCH, AS TRUSTEES By Russell Bilenberg, Agent for a SPECIAL EXCEPTION TO ALLOW EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on that part of the following described property lying Northeasterly of the right-of-way of the Beeline Highway (S.R. **710**):

A tract of land lying in Sections **22** and **27**, Township **42** South, Range **42** East, and more particulary described as:

All that part of Section **22** and the North **1/2** of Section **27**, Township

42 South, Range 42 East, lying East of a line running North and South which line commences at a point located in the North Section line of Section 22, 2,000 feet West of the point at which said North Section line is intersected by the Westerly right-of-way of the Sunshine State Parkway, as recorded in Deed Book 1110, Page 583, and which line terminates at a point situated on the East-West 1/2 Section line of Section 27, 2,000 feet West of a point at which the West right-of-way line of the Sunshine State Parkway intersects said 1/2 Section line, less that part described in Official Record Book 2399, Page 713, also described as:

The Eastermost 2,000 feet of Section 22 and of the North 1/2 of Section 27 lying immediately West of the West right-of-way of Sunshine State Parkway, less that part described in Official Record Book 2399, Page 713, subject to:

The right-of-way of Lake Park West Road (S.R. 809A) and the right-of-way of the Beeline Highway (S.R. 710) and the right-of-way of the Seaboard Coastline Railroad; together with:

A parcel of land lying and being in the County of Palm Beach, State of Florida, more particularly described as follows:

That part of Section 22, Township 42 South, Range 42 East, lying North and East of the right-of-way of State Road 710 (Beeline Highway) as conveyed to the State of Florida by deed recorded in Official Record Book 101, Page 172, and lying West of a line running North and South which line commences at a point located in the North Section line of Section 22, 2,000 feet West of the point at which said North Section line is intersected by the Westerly right-of-way line of the Sunshine State Parkway (the right-of-way line of the Sunshine State Parkway is described in a deed recorded in Deed Book 1110, Page 583, and which line terminates at a point situated on the East-West 1/2 Section line of Section 27, Township 42 South, Range 42 East, 2,000 feet West of the point at which the West right-of-way line of the Sunshine State Parkway intersects said 1/2 Section line. Less the right-of-way for State Road 809A (Lake Park West Road). Said property located on the northeast corner of the intersection of Beeline Highway (S.R. 710) and Florida's Turnpike (Sunshine State

Parkway) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification the following shall be submitted.
  - a) A revised site plan reflecting deletion of the westerly borrow pit shown on Exhibit 3 and designated as Borrow Area #2.
  - b) Specification of methods and rates of dewatering or discharge.
  - c) A revised tree count to include the area North of the Borrow Lake.
  - d) A reclamation and rehabilitation plan graphically showing the rehabilitative perimeter and location for the required number of trees to be replaced with the species name given.
2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. The developer shall post acceptable surety with the office of the County Engineer for Road Restoration prior to any fill removal.
5. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.
6. The property owner shall convey for the ultimate right of way of Jog Road, 120 feet through the project's limits within 180 days of adoption of the Resolution by the Board of County Commissioners, per the County Engineer's approval; conveyance must be accepted by Palm Beach County prior to issuance of the Road Bond Permit.
7. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, a Right Turn Lane, East Approach, and a Left Turn Lane, West Approach, on Beeline Highway at the project's entrance road. (The turn lanes shall be as required by the County Engineer's Office.)
8. The Developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair Share Fee for this project is \$1,875.00.
9. Any relocation of the borrow pit must be through a petition to the Board of County Commissioners.

Commissioner **Evatt** , moved for approval of the petition. The motion was seconded by Commissioner **Bailey** , and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	AYE
Peggy Evatt, Member	--	AYE
Dennis P. Koehler, Member	--	ABSENT
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted  
this day of FEB 19 1985 confirming action of the 1st of  
November 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia L. Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Sprague  
County Attorney

