

RESOLUTION NO. R-85-1876CC

RESOLUTION APPROVING ZONING PETITION 85-111, 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. 85-111 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 23rd August 1985; 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. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 23rd of August 1985, that Petition No. 85-111 the petition of JOHN E. CORBALLY, JAMES M. FURMAN AND DAVID M. MURDOCH By Russell L. Bielenberg, Agent for a SPECIAL EXCEPTION TO ALLOW EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SOIL OR OTHER EXTRACTIVE MATERIALS on the East 1/2 of Section 25, Township 41 South, Range 42 East, less and not including:

The North 75 feet thereof (Donald Ross Road right-of-way), the South 50 feet of the North 1832.85 feet thereof, conveyed to the County of Palm Beach for road right-of-way (Deed Book 1083, Pages 139-140), less all that part of Section 25 lying East of the West right-of-way line of Florida East Coast Railway as per deed from Boston and Atlantic Coast Land Company to Indian River Railway Company of

Florida recorded in Dade County Deed Book B, Page 25,

Less the West 60 feet of said East 1/2 of Section 25 (Military Trail right-of-way), AND

The East 1/2 of Section 36, Township 41 South, Range 42 East, lying North of the North right-of-way line of Hood Road as recorded in Deed Book 1083, Page 141, less and not including:

The West 60 feet thereof (Military Trail right-of-way), all that part thereof lying East of the West right-of-way line of the Florida East Coast Railway as per deed from Boston and Atlantic Coast Land Company to Indian River Railway Company of Florida recorded in Dade County Deed Book B, Page 25,

And less certain parcels described in Official Record Book 2732, Page 422; Official Record Book 2732, Page 428 and Official Record Book 2856, Page 595. Said property located on the northeast corner of the intersection of Military Trail (S.R. 809) and Hood Road, and on the southeast corner of the intersection of Military Trail (S.R. 809) and Donald Ross Road in an AR-Agricultural Residential District. was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect the following:

a) Specified rates and methods of dewatering, estimated duration of operations, and per annum excavation acreage estimate.  
b) A twenty-five (25) foot minimum reserved perimeter buffer area completely surrounding the interior perimeter of the site. Except for approved accessways, no existing vegetation shall be disturbed or removed.

c) A rehabilitation and reclamation plan pursuant to Code Section 500.3.B.6.

d) A certified tree survey and revegetation program pursuant to Code Section 500.3.B.6.d.e.f.

e) A rehabilitation and reclamation surety pursuant to Section 500.3.B.7. shall be executed in a form satisfactory and acceptable to the Board of County Commissioners.

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. Florida Department of Environmental Regulation and U.S. Army Corps of Engineer permits shall be required for this project.

5. Applicant shall be responsible for the control of fugitive

6. Applicant shall be responsible for turbidity control and for continuous monitoring of same.

7. The development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

8. The property owner shall construct a right turn lane on Donald Ross Road at the north haul route exit and a left turn lane on Hood Road at the south haul route exit concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer. As an alternative, should this construction not be feasible per the County Engineer's approval, this property owner may substitute a cash payment for the cost of this construction based upon a Certified Cost Estimate per the County Engineer's approval.

9. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit Section prior to the issuance of a Building Permit.

10. The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section for access onto Hood Road and Donald Ross Road.

11. The property owner shall provide Palm Beach County Engineering Department with acceptable surety required for road restoration prior to any fill removal.

12. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

13. The property owner 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. The Fair Share Fee for this project presently is \$18,753.00. This amount shall be paid prior to Site Plan Certification.

14. The area shown as a 150' rehabilitated perimeter and 80' rehabilitated perimeter shall be preserved and left undisturbed.

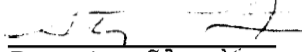
Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

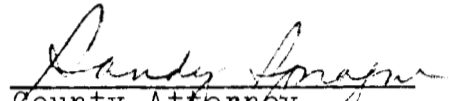
The foregoing resolution was declared duly passed and adopted this 19th day of November 1985 confirming action of the 23rd August

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
County Attorney

