

RESOLUTION NO. R- 86-242

RESOLUTION APPROVING ZONING PETITION 85-156, 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 empowereu 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. 85-156 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 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. With minor modification to the excavation plan, this proposal will be 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 2nd of December 1985, that Petition No. 85-156 the petition of WEIZER FLORIDA PKOPERTIES, INC. , By William S. Weizer, President, for a SPECIAL EXCEPTION TO ALLOW THE EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on

Parcel 1:

The West 680.00 feet of the Northwest 1/4 of Section 33, Township 48 South, Range 42 East, together with

Parcel 2:

The North 1306.80 feet of the South 1983.80 feet of the East 400.00 feet of the West 1080.00 feet of the Northwest 1/4 of Section 33,

Township 40 South, Range 42 East, together with

An easement for buffer and reclamation purposes over a portion of land lying in the Northwest 1/4 of Section 33, Township 40 South, Range 42 East, said easement being 80.88 feet in width lying 40.00 feet on each side of the following described centerline:

Commencing at the Northwest corner of said Section 33; thence South 01 degree 26'30" West, along the West line of the Northwest 1/4 of said Section 33, a distance of 639.77 feet; thence South 89 degrees 56'39" East, a distance of 680.02 feet to the Point of Beginning of the herein described easement; thence South 89 degrees 56'39" East, a distance of 440.01 feet; thence South 01 degree 26'30" East, a distance of 1436.84 feet to Reference Point A and the terminus of said easement.

Together with

Parcel A:

A 180.00 foot easement for buffer and reclamation purposes lying 90.00 feet on each side of the following described centerline, of which begins at the hereinabove described Reference Point A; thence North 89 degrees 56'39" West, a distance of 446.01 feet to the terminus of said easement. Said property located approximately 750 feet northeast of Florida's Turnpike (Sunshine State Parkway), approximately 0.3 mile west of Roosevelt Avenue and being bounded on the north by the Martin County Border in an AK - 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 rehabilitation and reclamation surety shall be posted in the amount of two thousand five hundred dollars per acre for the land area included in the special exception in a form acceptable to the County Attorney's Office.

b) Specify methods of erosion control.

c) Cross access easement agreements over the property to the east and west.

d) A slope no greater than five to one (5:1) to a depth of six (6) feet.

2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect

these preservation areas during site clearing and construction.

3. 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.

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. Prior to reclaiming any excavated areas, the petitioner will apply for a landfill permit through the Land Development section of the Palm Beach County Engineering Department.

6. The development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.

7. Use of the fill material shall be restricted to the construction of 1-95 or the property owner shall construct turn lanes at the project's entrance(s) per the County Engineer's approval.

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

9. Should the excavated area be used for storm water retention resulting from a change in land use to residential, commercial or industrial, the applicant shall be required to plant a littoral zone of native wetland veyetation around the excavated lake.

10. The accessways shall not encroach into the cypress dome.

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

Ken Adams, Chairman	--	ABSENT
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 25th day of February, 1986 confirming action of the 2nd December 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Randy Meyer  
County Attorney