

RESOLUTION NO. R-88- 1628

RESOLUTION APPROVING ZONING PETITION NO. 80-3(A)  
SPECIAL EXCEPTION PETITION OF DITO DEVELOPMENT, INC.

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. 80-3(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 28, 1987; 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, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; 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 local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 80-3(A), the petition of DITO DEVELOPMENT, INC., by Patrick B. Tobin, Agent, for a SPECIAL EXCEPTION TO AMEND AND EXPAND THE SITE PLAN FOR EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL AND OTHER EXTRACTIVE MATERIALS PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 80-3 ON JANUARY 24, 1980 (RESOLUTION R-80-221 ADOPTED FEBRUARY 12, 1980) TO INCREASE THE ACREAGE, on PARCEL "A" being a parcel of land in Section 33, Township 40 South, Range 41 East, being the West 873.0 feet of the East 1771.0 feet of that part lying North of State Road No. 706, less the South 4336.0 feet thereof, and less also the North 100.0 feet thereof.

Subject to a road easement for ingress and egress over the east 30.0 feet thereof. PARCEL "B" The West 873 feet of the East 2644 feet of that part of Section 33, Township 40 South, Range 41

East, lying North of State Road No. 706, less the North 100 feet thereof, and less also the South 4336 feet thereof. PARCEL "C" The North 517 feet of the South 4336 feet of the West 873 feet of the East 2644 feet of that part of Section 33, Township 40 South, Range 41 East, lying North of State Road No. 706.

PARCEL "D" The North 517 feet of the South 4336 feet of the West 873 feet of the East 1771 feet of that part of Section 33, Township 40 South, Range 41 East, lying North of State Road No. 706 Right-of-Way. Subject to an easement for road purposes over and across the East 30 feet thereof. Together with an easement for ingress and egress over, across and upon the South 10 feet of the following described property:

The West 873 feet of the East 2644 feet of that part of Section 33, Township 40 South, Range 41 East, lying North of State Road No. 706 Right-of-Way, less the South 4336 feet thereof, and Together with an easement for ingress and egress over, across and upon the North 10 feet of the following described property:

The North 517 feet of the South 4336 feet of the West 873 feet of the East 2644 feet of that part of Section 33, Township 40 South, Range 41 East, lying North of State Road No. 706 Right-of-Way. Together with an easement for ingress and egress over, across and upon the West 60 feet of the East 928 feet of that part of Section 33, Township 40 South, Range 41 East, lying North of State Road No. 706 Right-of-Way, located on the east side of 134th Way, approximately 0.75 miles north of Indiantown Road (S.R. 706) and bounded on the north by Palm Beach County/Martin County Line, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to site plan certification, the petitioner shall execute a Unity of Title covering the entire site. This unity shall be recorded and submitted in duplicate simultaneously with the application for Site Plan Review Committee approval. This unity shall combine the title interest of this property until excavation operations are complete. The unity may be released by the Executive Director of Planning, Zoning and Building once the project meets minimum Land Development regulations of Palm Beach County.
3. Prior to certification, the site plan shall be amended to indicate the following:
  - a. Relocation of the twenty (20) foot maintenance easement outside of the 25 foot buffer area.
  - b. Rates of dewatering or discharge from specific areas under excavation at a given time.

- c. Which method of erosion control will be implemented while the excavation operation is in progress.
  - d. How disturbed areas will be rehabilitated and/or reestablished with appropriate ground cover vegetation and trees.
  - e. The dimensioning and labeling of the cypress head as preserve area.
  - f. The establishment of an 80% opaque buffer zone 50 feet wide adjacent to the western property line. This can be achieved through preservation, relocation of existing material or by the introduction of new native plant material.
4. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
  5. The property owner shall construct a left turn lane, west approach and a right turn lane, east approach on Indiantown Road at McClellan Lane concurrent with or prior to any offsite hauling of fill material.
  6. Prior to site plan certification, the property owner shall obtain a road restoration bond to cover the entire haul route to ensure any required road restoration due to any and all damage by this project to the road system.
  7. The property owner shall be assessed the fee in accordance with Ordinance 87-18, "Traffic Performance Ordinance", the amount of \$338.00 prior to site plan approval.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Nay
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 4th day of October, 1988 confirming action of September 28, 1987.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:

  
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COUNTY ATTORNEY

FALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE

BY:

  
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DEPUTY CLERK

