

RESOLUTION NO. R-89- 2225

RESOLUTION APPROVING ZONING PETITION NO. 89-52  
SPECIAL EXCEPTION PETITION OF FLOR-AG CORPORATION

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 have been satisfied; and

WHEREAS, petition No. 89-52 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-52 the petition of FLOR-AG CORPORATION, by Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO PERMIT EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS (MINING OF SHELLROCK) on a parcel of land lying on that portion of the North 3910.00 feet of the South 4850.00 feet of Section 20, Township 43 South, Range 40 East, bounded on the East by the West right-of-way line of the L-8 Canal and bounded on the West by a line lying 2350.00 feet West of (as measured at right angles to) and parallel with the West right-of-way line of the L-8 Canal, being located approximately 2.04 miles northeast of the intersection of Southern Boulevard (SR 80) and Connors Highway (SR 700), and approximately .6 mile west of Deer Run Trail in an AR-Agricultural Residential Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. A minimum 20 foot wide ingress and egress easement from either the private road or from State Road 80 to the subject site;

- b. If the private road is utilized for access, its location, confirmation of authority for use and confirmation that it meets the requirement of 20 feet in width shall be submitted.; and,
  - c. Estimated duration of operation of the excavation.
2. The petitioner shall submit a plan for rehabilitation for the site. The rehabilitation and reclamation plan shall meet the requirement **of** Section 500.3 of the Zoning Code.
  3. The petitioner shall submit acceptable methods and rates of dewatering in accordance with South Florida Water Management District standards to the Zoning Division to become part of the record.
  4. The Developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, **Land Development Division**. In the event that the subject site abuts a Department **of** Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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 west approach and **a** right turn lane, east approach at the project's entrance road and State Road **80** concurrent with onsite paving and drainage improvements. Construction shall be completed prior to any fill removal. All construction shall be approved and permitted by Florida Department **of** Transportation. Should any turn lanes not be approved by the Florida Department of Transportation, then this petitioner shall be relieved from this obligation.
  6. Property owner shall post acceptable surety with the Land Development Division for a road restoration bond prior to any fill removal.
  7. 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 **\$5,772.00 (208 trips X \$26.79 per trip)**.
  8. Prior to the removal of any fill material the Land Development Division shall approve **the** applicant's haul route.
  9. Prior to Site Plan Certification, the petitioner shall demonstrate compliance with the Water Quality Assurance requirements for Mining Operations

contained in the 1989 Land Use Plan and have a Water Quality Testing Program approved by the Department of Environmental Regulation.

10. This project shall be a single phase project only.
11. Should any archeological materials be uncovered, all work on the pit shall cease until such time as "the find" has been examined, catalogued, and recorded and preservation status determined, as required by Objective 10, Policy 10.b of the Palm Beach County 1989 Comprehensive Plan.
12. During the first 16 weeks of dewatering, all 16 perimeter wells as well as the working pit and the receiving area will be sampled for conductivity on a weekly basis. Thereafter, chloride samples will be taken on a monthly basis from the working pit and receiving area until dewatering ceases.
13. The receiving area for the dewatering operation is to be designed to receive all dewatering and a minimum of 12" of rainfall.
14. The working pit shall be bermed to preclude any stormwater from entering or leaving the pit.
15. The receiving area is to be designed to overflow into the working pit. There shall be no discharge into state waters. Specifically:
  - a. Turbidity shall be handled onsite.
  - b. Engineering safeguards are to be designed into the project to adequately assure that all turbidity aspects are addressed.
  - c. Any discharge into state waters shall require a modification of this condition.
16. The chloride sample results shall be submitted to ERM within forty-eight (48) hours of receiving these results. When the chloride sample results indicate that the chloride level is above 550 ppm in the working pit, the Department of Environmental Resources Management shall be informed. Additional sampling may be required and the dewatering operation modified.
17. A littoral shelf shall be constructed around the entire lake by removing soil from the edge of the excavation pit. Note: This will establish the shelf within the reclamation zone and not within the fifty-five (55) acre lake. The side slope dimensions shall be 5H:1V, to a depth of -6 feet, measured at ordinary or controlled water level. At the -6 foot depth, a stabilized shelf shall extend thirty (30) feet waterward; from the point, the side slope can break at a stable angle of repose. The clear intent is to create a stabilized thirty (30) foot littoral planting area around the entire lake. The petitioner has the option of submitting an alternative littoral shelf construction plan to ERM for approval prior to construction.

18. A littoral shelf planting plan shall be submitted to **ERM** for approval prior to Site Plan Review. ~~The~~ remaining area of the reclamation zone is to be ditched and seeded with grass **or** other native vegetation to prevent invasion of exotic vegetation.
19. The property owner shall convey at no cost to Palm Beach County, the necessary right-of-way for ~~the~~ extension of Okeechobee Boulevard, through other lands owned by the property owner, within **60** days of notification by the County Engineer of the exact alignment and that the right-of-way is needed. The conveyance shall be **120** feet in width, shall be by right-of-way warranty deed, shall be free of **all** encroachments and encumbrances, and shall include "safe site corners" where appropriate at intersections as determined by the County Engineer.
20. Failure to comply with any conditions of approval may result in the denial **or** revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation **of** any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken **to** the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Roberts moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	--	Absent
Ron Howard	--	Aye
Karen T. Marcus		Aye
Carole Phillips	--	Aye
Carol Roberts		Aye

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

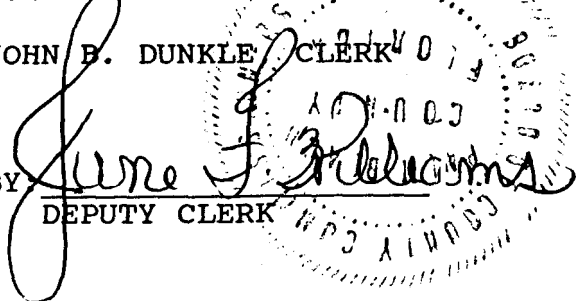
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE CLERK

BY :

  
COUNTY ATTORNEY

BY :

  
DEPUTY CLERK