

RESOLUTION NO. R-2000- 0116

RESOLUTION APPROVING ZONING PETITION CA82-002(B)
CLASS A CONDITIONAL USE
PETITION OF WCI COMMUNITIES LTD.
BY ROBERT HIGGINS, AGENT
(BISHOP PROPERTY)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA82-002(B) was presented to the Board of County Commissioners at a public hearing conducted on January 27, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA82-002(B), the petition of WCI Communities Ltd., by Robert Higgins, agent, for a Class A Conditional Use (CA) to allow a Type III B excavation in the Special Agricultural (SA) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 27, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Aye
Karen T. Marcus	—	Aye
Carol A. Roberts	—	Aye
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on January 27, 2000.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

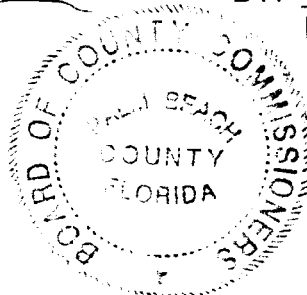
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Petition CA82-002(B)
Project No. 5576-000



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EXHIBIT A
LEGAL DESCRIPTION

THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AND THE SOUTH HALF OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 41 EAST, AND THE WEST 118.81 FEET OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 47 SOUTH, RANGE 41 EAST, ALL IN PALM BEACH COUNTY, FLORIDA, CONTAINING 413.102 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

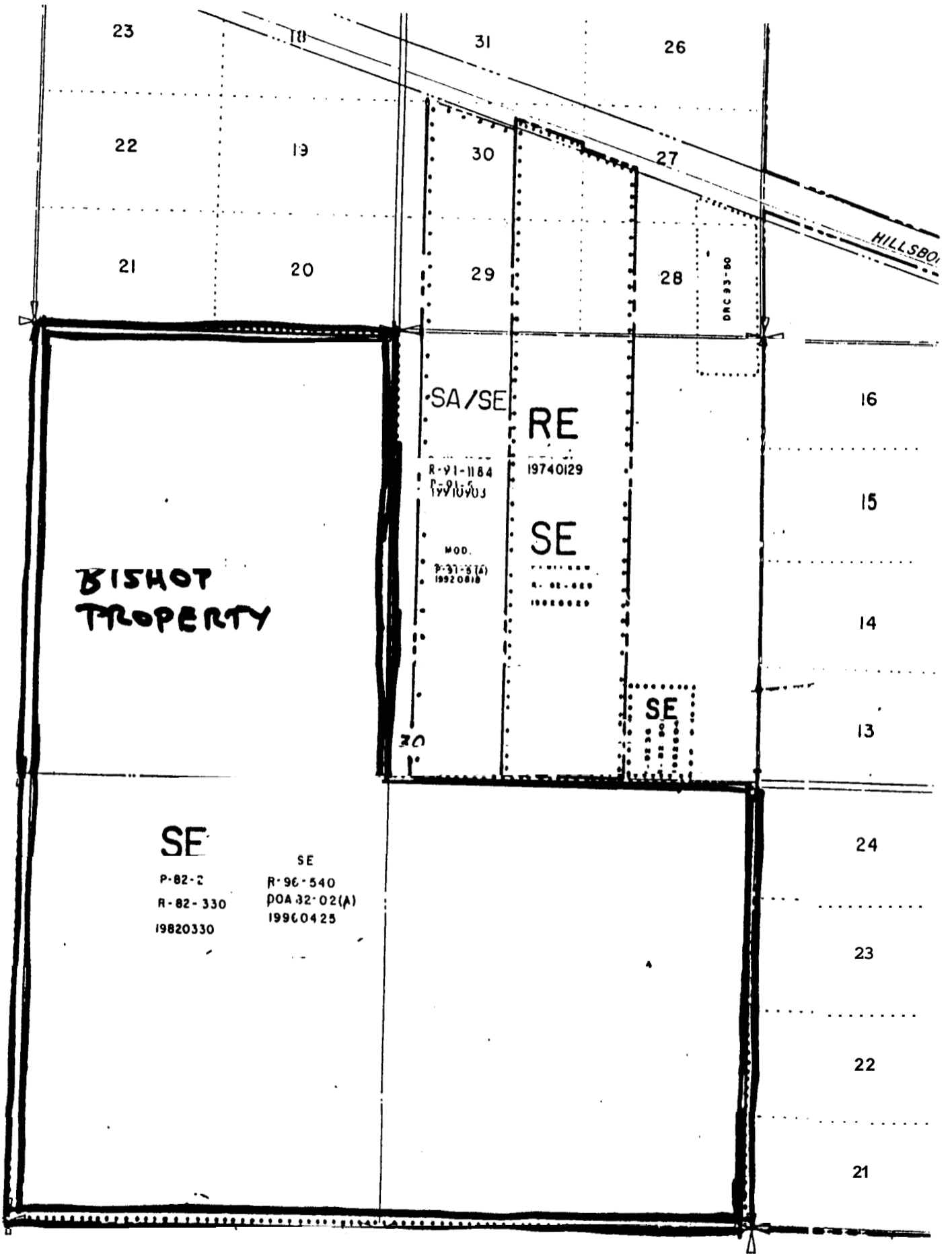


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Previous condition A.1 of Resolution R-96-540, Petition 82-02(A), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-82-330 (Petition 82-2) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-96-540 (Petition 82-02(A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 12, 1999. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

3. Condition A.4 of Resolution R-96-540, Petition 82-02(A) which currently states:

Petitioner shall post a \$2,500/acre reclamation surety for each phase prior to excavation permits being issued. (DRC: Zoning)

Is hereby amended to state:

The petitioner shall post a \$2,500/acre reclamation surety for each phase prior to excavation permits for that phase being issued. The bond for each phase shall be released upon completion of the phase subject to the Department of Environmental Resource (ERM) and DRC review (ERM: DRC - Zoning)

B. BLASTING

1. The petitioner shall comply with the following blasting standards, in cases of conflict with the ULDC or conditions of approval, the more strict requirement shall apply :

BLASTING STANDARDS

Schedule	Max. one (1) blast per day, M-F only
Time	Between 10:00 am - 4:30 p.m. only
Charges	Max. 200 timed delayed charges/blast
Explosives	Max. 160 lbs/8 millisecond delay
Holes	Max. 200 holes/blast

2. The petitioner shall comply with the following blasting regulations, in cases of conflict with the ULDC or conditions of approval, the more strict requirement shall apply. (ONGOING: CODE ENF)

BLASTING REGULATIONS

PARAMETER	INSTRUMENT REQUIREMENTS	PERFORMANCE REQUIREMENTS
Ground vibrations	Seismographs: peak values of particle velocity for all three components of motion	Maximum of 0.20 in/sec peak at all frequencies for all components of motion (R,V,T)
Ground vibrations Non-monitoring alternative	Scaled distance	Minimum square root scaled distance of 200 ft/lb ^{1/2} , or 1320 feet to closest residence, whichever is greater
Airblast	Monitor with low frequency roll off of 2 Hz	133 dBLinear peak (equates to approximately 90 - 110 dBA)
Airblast	Monitor with low frequency roll off of 5 or 6 Hz	129 dBLinear peak
Airblast	Non-monitoring alternative	Minimum cube root scaled distance of 500 ft/lb ^{1/3}
Flyrock	Visual observations	Not more than half the distance from the blast site to the property line
Preblast inspections	Documented inspection reports for operator and requestor	Upon request by any property owner within 1/2 mile of property line or a government official.
Record keeping/ monitoring	Blast and seismograph records	Copies maintained by operator for at least three years, available for agency and public inspection on request

3. All seismographs shall measure all ground vibration in excess of 0.10 in/sec. and all air blast in excess of 125 dBLinear peak. (ONGOING: DRC)
4. The petitioner shall ensure that the seismograph instruments are recalibrated in accordance with standard industry practices at least once per year. (ONGOING: CODE ENF)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The site development plan shall comply with the excavation requirements of ULDC Section 7.6 prior to DRC site plan certification. (DRC: ERM)
2. The following data shall be submitted to and approved by the Department of Environmental Resources Management prior to DRC site plan certification.
 - a. Groundwater data indicating the direction of flow.
 - b. Groundwater samples from at least two locations:
 - 1) Upstream of the site according to the prevailing groundwater flow data; and,
 - 2) the center of the project.
 - c. Groundwater samples shall be taken at ten (10) foot intervals from the surface to ten (10) feet below the deepest zone of influence expected from the dewatering operation or to ten (10) feet below the expected excavation depth, if dewatering is not to be used.
 - d. Each groundwater sample shall be tested for:
 - 1) Total Chloride (CL) and,
 - 2) Total Dissolved Solids (TDS).
 - e. Groundwater sample testing shall be performed by a certified lab using analytical procedures as approved in "Standard Methods". (DRC: ERM)

D. HEALTH

1. Reasonable precautions shall be taken during development to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (Previously condition B.1 of Resolution R-96-540, Pet. 82-02(A) (ONGOING: HEALTH/ CODE ENF)
2. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
3. Application and engineering plans to construct a limited use commercial well in accordance with Rule 64E-8 FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)

E. ENGINEERING

1. The Property owner shall construct a left turn lane, east approach on **Lox** Road at the project's entrance road prior to fill removal from the site onto **Lox** Road. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by Palm Beach County and the South Florida Water Management District for this construction shall be obtained prior to the approval of a haul route. (Previously condition E.1 of Resolution R-96-540, Petition 82-02(A) (HAUL ROUTE PERMIT: ENG)(NOTE: Complete)
2. Prior to final Development Review Committee approval, the property owner shall:

- a) provide evidence of legal access to the site from Lox Road,
 - b) provide an approved hauling route to the Land Development Division for the fill to be removed from the site.
 - c) post surety with the Land Development Division in the amount of **\$500** per mile as approved on the property owners haul route. (Previously condition E.2 of Resolution R-96-540, Petition 82-02(A) (ONGOING: DRC - Eng) (NOTE: Complete)
3. The property owner shall pay a Fair Share Fee for the additional traffic from this lake excavation prior to May 1, 1996. The Fair Share Fee for this project, Zoning Petition Number **82-02(A)**, presently is **\$10,780.00** (196 trips X **\$55.00** per trip). (Previously condition E.3 of Resolution R-96-540, Petition 82-02(A) (DATE: FAIR SHARE FEE COORDINATOR)
 4. The property owner shall pave the existing dirt road from Lox Road south to the project's north property line. This road shall be constructed to collector road standards, 2-12 foot travel lanes and shall be completed prior to August 1, 1996. This roadway shall not be utilized as a haul route until construction of the roadway has been completed. (Previously Condition E.4 of Resolution R-96-540, Petition 82-02(A) (DATE: ENG) (NOTE: Complete)

F. MONITORING

1. In accordance with good record keeping practices, the petitioner shall maintain a daily blasting log with the following minimum information:
 - a. Name of operator or responsible person;
 - b. Date and time of blast;
 - c. Blast location (face and bench);
 - d. Monitoring location;
 - e. Distance to monitoring site;
 - f. Distance to nearest residential structure;
 - g. Lbs. of explosive, total;
 - h. Lbs of explosive/8 millisecond delay;
 - i. Peak ground vibrations for all 3 components of motion;
 - j. Peak airblast and frequency roll-off of the airblast channel;
 - k. Trigger settings for vibration and airblast;
 - l. Frequencies of peak ground vibrations; and
 - m. Other information required by the ULDC or as deemed necessary by the DRC. (ONGOING: DRC)
2. The blasting log shall be made available to the public or any government official on request. (ONGOING: CODE ENF)
3. The petitioner shall keep time histories (wave traces) for all events which exceed 0.10 in/sec. The petitioner shall provide written notification, with the seismograph reading, to the Zoning Director within 24 hours of any blasting event which exceed a ground vibration of 0.20 in/sec. (ONGOING: CODE EI JF)
4. The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. (ONGOING: CODE ENF)

G. SITE DESIGN

1. Condition A.5 of Resolution R-96-540, Petition 82-02(A) which currently states:
Any structures on site or mobile homes must meet district setback requirements.

Is hereby deleted: [Code Requirement]
2. The existing stand of Royal Palm trees shall be preserved. (Previously Condition A.6 of Resolution R-96-540, Petition 82-02(A) (DRC: ZONING - Landscape)
3. The maximum depth of the excavation shall be forty (40) feet. (CRC: (ONGOING: ZONING))

H. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Previous condition F.I of Resolution R-96-540, Petition 82-02(A), which currently states:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment,

Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

Is hereby amended to state:

Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)