

RESOLUTION NO. R-2000- 0419

RESOLUTION APPROVING ZONING PETITION DOA89-052(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF PALM BEACH AGGREGATES
BY JOE VERDONE, AGENT
(PALM BEACH AGGREGATES (AKA GKK))

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 DOA89-052(B) was presented to the Board of County Commissioners at a public hearing conducted on March 23, 2000; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies: 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, subject to the results of the studies to be conducted, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, subject to the results of the studies to be conducted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA89-052(B), the petition of Palm Beach Aggregates, by Joe Verdone, agent, for a Development Order Amendment (DOA) to modify/delete conditions in Resolution R-97-0248 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 23, 2000, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof, unless amended by the Board of County Commissioners prior to July 27, 2000.

Commissioner Masilotti moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on March 23, 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



EXHIBIT A
LEGAL DESCRIPTION

In Townshio 43 South, Range 40 East

BEING ALL THAT PART OF SECTIONS 17 and 20 lying West of the West right-of-way line of Levee L-8;

LESS the East 660 feet of the West 745 feet of Sections 17 and 20 for Florida Power and Light right-of-way.

LESS a parcel of land lying in Section 20, Township 43 South, Range 40 East. Said parcel described as being the East 900 feet, of the West 1,645 feet, of the South 761 feet, of said Section 20, as measured along the South and West lines thereof.

AND ALL THAT PART OF SECTION 29 lying West of the West right-of-way line of Levee L-8;

LESS the East 660 feet of the West 745 feet of Section 29 for Florida Power and Light right-of-way;

LESS a parcel of land lying in Section 29, Township 43 South, Range 40 East. Said parcel described as being the East 900 feet, of the West 1,645 feet, of the North 589 feet, of said Section 29, as measured along the North, and West lines thereof.

AND THE EAST 24 FEET OF SECTION 30.

AND THE EAST 24 FEET OF SECTION 31 lying North of State Road 80.

AND ALL THAT PART OF SECTION 32 lying North of State Road 80 and lying West of the Levee L-8 right-of-way;

Less the East 660 feet of the West 745 feet of the North 2,501.47 feet AND LESS the East 760 feet of the West 845 feet of the remaining portion of Section 32 (South of the North 2,501.47 feet) lying North of the Northerly right-of-way of State Road 80;

LESS that part of Section 32, Township 43 South, Range 40 East in Palm Beach County, Florida more particularly described as follows:

Commence at the Southwest corner of said Section 32: thence North 00°52'33" East along the West line of said Section 32 a distance of 1,717.54 feet to a point on the Baseline of Survey for State Road 80; thence South 88°28'42" East along said Baseline of Survey a distance of 843.37 feet; thence North 01°31'18" East a distance of 173 feet to the POINT OF BEGINNING; thence South 88°28'42" East a distance of 3,944.30 feet; thence South 01°50'06" West a distance of 98 feet; thence North 88°28'42" West a distance of 3,942.80 feet; thence North 00°57'33" East a distance of 98 feet to the POINT OF BEGINNING.

AND THAT PART OF THE SOUTH 360 FEET OF SECTION 20 lying East of the East right-of-way line of Levee L-8;

LESS the North 240 feet, of the South 360 feet of said Section 20, lying East of the South Florida Water Management District's Canal L-8 right-of-way.

AND THE SOUTH 360 FEET OF SECTION 21;

EXHIBIT A

LEGAL DESCRIPTION

LESS the North 240 feet, of the South 360 feet of said Section 21. Also the North 50 feet, of the South 120 feet, of the East 220 feet, of said Section 21.

AND THE SOUTH 360 FEET OF THE WEST 780 FEET OF SECTION 22;

LESS the North 290 feet, of the South 360 feet, of the West 780 feet, of said Section 22.

AND THE WEST 780 FEET OF SECTION 27;

LESS a parcel of land lying in Section 27 and 22, Township 43 South, Range 40 East, being described as a portion of Section 34, bounded as follows:

Bounded on the South by the South line of Section 27; bounded on the East by a line being described as lying 780.00 feet East of and parallel to the West line of Section 27; bounded on the north by a line lying 290.00 feet South of and parallel to the South line of the Subdivision "Deer Run" as recorded in Plat Book 35, Pages 34-39 of the Public Records of Palm Beach County, Florida; Bounded on the West by a line lying 2.0 feet West of and parallel with an existing hogwire fence:

Said line being more particularly described as follows: Beginning at a point on the South line of Section 27 lying 146.05 feet Easterly (as measured along the South line of Section 27); thence North $01^{\circ}27'30''$ West, a distance of 1,748.16 feet; thence North $01^{\circ}43'06''$ East, a distance of 3,443.12 feet; thence North $13^{\circ}1'09''$ West, a distance of 165.89 feet to a point lying 290.00 feet South of the South line of said subdivision "Deer Run" and 621.65 feet Westerly of the Northeast corner of the above described parcel of land (said point being the termination of the West line of said Parcel).

AND ALL OF SECTION 28;

AND THAT PART OF SECTION 29 lying East of the East right-of-way line of Levee L-8;

AND THAT PART OF SECTION 32 North of State Road 80 right-of-way lying East of the East right-of-way line of Levee L-8;

AND ALL OF SECTION 33 lying North of State Road 80 right-of-way;

AND THE WEST 780 FEET OF SECTION 34 lying North of State Road 80 right-of-way;

LESS that part of Sections 33 and 34, Township 43 South, Range 40 East in Palm Beach County, Florida more particularly described as follows:

Commence at the Southwest corner of said Section 33; thence North $01^{\circ}50'06''$ East along the West line of said Section 33 a distance of 1,812.38 feet to the POINT OF BEGINNING; thence continue $01^{\circ}50'06''$ East a distance of 98 feet; thence South $88^{\circ}28'42''$ East a distance of 2,870.68 feet; thence South $88^{\circ}25'55''$ East a distance of 2,402.53 feet to a point on the East line of said Section 33; thence continue South $88^{\circ}25'55''$ East a distance of 780.04 feet; thence South $00^{\circ}58'57''$ West a distance of 98 feet; thence North $88^{\circ}25'55''$ West a distance of 780.04 feet to a point on the West line of said Section 34; thence continue North $88^{\circ}25'55''$ West a distance of 2,403.49 feet; thence North $88^{\circ}28'42''$ West a distance of 2,871.18 feet to the POINT OF BEGINNING.

LESS a parcel of land lying in Section 34, Township 43 South, Range 40 East, being described as a portion of Section 34, bounded as follows:

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LEGAL DESCRIPTION

Bounded on the South by the North right-of-way line of State Road 80; bounded on the East by a line being described as lying 780.00 feet East of and parallel to the West line of Section 34; bounded on the North by the North line of Section 34; bounded on the West by a line lying 2.0 feet West of and parallel with an existing hogwire fence: said Northwest corner being described as lying 146.05 feet East of the Northwest corner of Section 34, as measured along the North line of Section 34, the Southwest corner being described as lying 108.72 feet East of the intersection of the West line of Section 34, and the North right-of-way line of State Road 80, as measured along the North right-of-way line of State Road 80.

Subject to Easements and restrictions of record.

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. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-97-0248 (Petition 89-052(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 subject property is limited to the uses, site design, landscape buffers, setbacks, separations, reclaimed areas and details presented to the Board of County Commissioners, as indicated on the plans dated November 22, 1996. All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or the ULDC. (Previously Condition A.1 of Resolution R-97-0248, Petition 89-052(A))
 3. All plans submitted dated November 22, 1996 shall receive certification by the Development Review Committee (DRC). All modifications must be approved by the Board of County Commissioners unless the changes are required to meet conditions of approval or are permitted by the ULDC. (Previously Condition A.2 of Resolution R-97-0248, Petition 89-052(A)) (DRC: ZONING)
 4. Prior to DRC certification of the Final Excavation Plan, the petitioner shall amend all pertinent plans to ensure compliance with the ULDC and the conditions in this resolution. The plans shall also be amended to clarify setback, separation, reclamation and buffering requirements by further graphic delineation and plan notes. (Previously Condition A.3 of Resolution R-97-0248, Petition 89-052(A)) (DRC: ZONING)
 5. Resolution R-89-2225 is hereby repealed. (Previously Condition A.4 of Resolution R-97-0248, Petition 89-052(A))
6. ACCESS
1. Access for all hauling activity associated with excavation activity on the site shall be limited to one (1) point at any time to SR 80. (Previously Condition 6.1 of Resolution R-97-0248, Petition 89-052(A)) (ONGOING: DRC)
 2. Internal traffic and vehicular circulation shall be in a forward motion with warning signals on all vehicles reduced to the minimum sound level allowed by OSHA standards. (ONGOING: ENG - Zoning)

C. BLASTING

1. The petitioner shall abide by and implement all recommendations in the report by D.E. Siskind & Associates dated December 13, 1996. In cases of conflict with the ULDC or conditions of approval, the more strict requirement shall apply. (ONGOING: CODE ENF) (Previously Condition C.1 of Resolution R-97-0248, Petition 89-052(A))
2. The petitioner shall comply with the following blasting regulations:

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 dBL linear peak (equates to approximately 90 - 110 dBA)
Airblast	Monitor with low frequency roll off of 5 or 6 Hz	129 dBL linear 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

Previously Condition C.2 of Resolution R-97-0248, Petition 89-052(A)

- The petitioner shall comply with the following blasting standards:

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

(Previously Condition C.3 of Resolution R-97-0248, Petition 89-052(A))

- No blast shall be detonated within the required separation area; set forth in Condition N.1. (Previously Condition C.4 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF))
- The petitioner shall install a temporary fence indicating the required separation (see Condition N.1) for all blasting activity prior to commencement of excavation in any subphase. The location of the fence shall be verified by a registered surveyor and submitted to the DRC. (Previously Condition C.5 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: DRC))
- All seismographs shall measure all ground vibration in excess of 0.10 in/sec. and all air blast in excess of **125 dB** Linear peak. (Previously Condition C.6 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: DRC))
- A seismograph shall be located at the closest residential structure and any other structure within **900** feet from any blasting activity. It shall be located no more than 10 feet of the foundation of the structure and shall be located on the side of the structure that faces the blasting activity. (Previously Condition C.7 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF))
- The petitioner shall ensure that the seismograph instruments are recalibrated in accordance with standard industry practices at **least** once per year. (Previously Condition C.8 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF))

D. DRI

- No subphase shall exceed eighty (**80**) acres of removal or disturbance of solid minerals or overburden per year. (Previously condition D.1 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: DRC))
- Daily water consumption shall not exceed 1.5 million gallons per day (mgd). (Previously Condition D.2 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: SFWMD))

3. Prior to commencement of excavation activity within the next subphase, or January 30, 1998, whichever occurs first, the petitioner shall obtain a development of regional impact (DRI) clearance letter from the Florida Department of Community Affairs (DCA). (Previously Condition D.3 of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING - Zoning))

E. ENGINEERING

1. Prior to certification of the master plan/site plan by the DRC, the plans shall be amended to reflect the Okeechobee Road right-of-way. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (Previously Condition E.1 of Resolution R-97-0248, Petition 89-052(A) (DRC: ENG))
2. a. The property owner shall convey to Palm Beach County **200 feet** of road right of way for Okeechobee Boulevard from the east property line to the L-8 Canal within **90** days of a determination that the right of way is required. (Previously Condition E.2.a of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ENG))

b. West of the L-8 Canal, the property owner shall convey to Palm Beach County **200 feet** of road right of way for Okeechobee Boulevard. The alignment, which crosses the **FP&I easement**, shall be approved by the County Engineer. This right of way shall be conveyed to Palm Beach County within **90 days notice** by the County Engineer that this additional right of way is required for Okeechobee Boulevard or prior to the cessation of the mining activity, whichever shall first occur. (Previously Condition E.2.b of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ENG))
3. The property owner shall construct a left turn lane west approach and a separate right turn lane east approach at the project entrance and **SR80**.
 - a. This construction shall be concurrent with the paving and drainage improvements for the site. 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**. (Previously Condition E.3.a of Resolution R-97-0248, Petition 89-052(A) (DRAINAGE REVIEW: ENG))
 - b. Permits required by Palm Beach County for this construction shall be obtained prior to **May 1, 1997**. (Previously Condition E.3.b of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING - Eng))
 - c. Construction shall be completed prior to **July 1, 1997**. (Previously Condition E.3.c of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING - Eng))
4. The property owner shall be responsible for maintaining all **turnouts**, acceleration lanes, and median openings within the **SR 80** road right of way for **the** duration of the mining operation. Within **60** days of notice from the **FDOT**, the property owner shall perform the **required** maintenance to correct any and all defects. This property owner will be

responsible for obtaining all permits from FDOT for this **maintenance** or repair work. (Previously Condition E.4 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ENG)

5. The property owner shall convey to Palm Beach County sufficient road drainage **easement(s)** through the project's internal drainage **system**, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of **Okeechobee Boulevard** along the property frontage; and a maximum **800** feet of these adjacent **roadway(s)**. Conveyance of these drainage **easements** shall be concurrent with the right of way dedication of **Okeechobee Boulevard** as provided for in E2 above. The limits of this additional **800** feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of **such** system not included within roadways or waterways **dedicated** for drainage purposes will be specifically encumbered by said **minimum** 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall **have** sufficient **retention/detention** and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan **Road Section(s)** of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed **pipelining** system and appropriate **wingwall** or other structures as required by **and** approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any **and** all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill **material**. (Previously Condition E.5 of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING - Eng
6. 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, to be paid at time of issuance of the next building permit, presently is \$77,110 (1402 trips X **\$55.00** per trip). (Previously Condition E.6 of Resolution R-97-0248, Petition 89-052(A) (BLDG PERMIT: ACCOUNTING - Eng)
7. Condition E.7 of Resolution R-97-0248, Petition 89-052(A) which currently states:

LANDSCAPE WITHIN MEDIAN

- a. Prior to July 1, 1997, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent **median(s)** of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards and shall be consistent with the landscaping theme adopted for this roadway. **All landscape** material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standard!.

If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (DATE: MONITORING- Eng)

- b. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs; or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during period.; of drought in order to maintain healthy plant material. All landscape material shall be installed on or October 1, 1997. (DATE: MONITORING - Eng)
- c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to October 1, 1997.

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF SOUTHERN BOULEVARD

- a. Prior to July 1, 2000 the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of Southern Boulevard Right-of-Way. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. As part of this permit process, the property owner shall enter into a Right of Way, Landscape Maintenance, Removal, and Indemnification Agreement. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards.

The property owner shall also be responsible for supplementing any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

- b. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly

established Property Owner's Association and/or Homeowners' Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed on or before August 1, 2000. (CO: MONITORING-Eng)

- c. If the County does not assume maintenance responsibility, the property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to July 1, 2000. (BLDG PERMIT: MONITORING-Eng)(DATE: MONITORING - Eng)

8. In order to comply with the mandatory Traffic Performance Standards, excavation shall be limited to seventy-six (76) acres per year or an equivalent acreage based upon a revised traffic study. This revised traffic study will be required to be submitted and approved by the Palm Beach County Traffic Division. An approved phasing plan shall be submitted to the DRC and shall be updated as required. (ONGOING: ENG)

F. ERM

1. A Chloride and Mercury Monitoring Plan addressing the time between site plan certification and the time at which chlorides are to be channeled around the property (Plan 1) and the time after which chlorides are no longer channeled around the property and placed into open pits (Plan 2) shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC Site Plan certification. (Previously Condition F.1 of Resolution R-97-0248, Petition 89-052(A) (DRC: ERM))
2. A minimum 400 foot wide wildlife corridor, except adjacent to the south one half of the east border of Section 20 which may be reduced to 200 feet, shall be established along the western border of the L-8 canal for the entire length of the property. A maximum 92 foot wide littoral shelf may encroach the 400 foot corridor. No littoral shelf shall be permitted to encroach the 200 foot wide segment. The wildlife corridor shall be shown with the proposed Okeechobee Road right-of-way on the Final Excavation Plan and all applicable site plans prior to DRC certification. (Previously Condition F.2 of Res. R-97-0248, Petition 89-052(A) (DRC: ERM))
3. A Landscape Plan which details the planting of the wildlife corridor, dedication of the corridor to Palm Beach County, and the long-term maintenance of the corridor vegetation shall be submitted to the Department of Environmental Resources Management for review and approval prior to DRC site plan certification. (Previously Condition F.3 of Resolution R-97-0248, Petition 89-052(A) (DRC: ERM))
4. Maximum depth of all excavation shall be -50 feet from OWL. (Previously Condition F.4 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ERM))

G. HOURS OF OPERATION

1. Condition G. 1 of Resolution R-97-0248, Petition 89-0952(A) which currently states:

Excavation and hauling activity shall occur only between the hours of 6:00 am to 7:00 p.m., Monday through Friday, and 9:00 am to 5:00 p.m. on Saturday. **No** excavation or hauling activity shall occur on Sunday.

Is hereby amended to state:

Excavation, loading and hauling activity shall occur only between the hours of 6:00 a.m. to 9:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday in Sections C and D, or any area within 2,500 feet of a residential area. No excavation, loading or hauling activity shall occur on Sunday. (ONGOING: CODE ENF)

2. Excavation, loading and hauling activity shall occur only between the hours of 6:00 a.m. to 10:00 p.m. Monday thru Friday and 7:00 a.m. to 5:00 p.m. on Saturday in all sections other than C and D. No excavation, loading or hauling activity shall occur on Sunday. (ONGOING: CODE ENF - Zoning)
3. Noise associated with excavation, loading and hauling activity from 7:00 p.m. to 10:00 p.m. shall not exceed 45 dBA as measured in the Performance Standards of Section 7.8. of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. (ONGOING: CODE ENF)
4. The petition shall be rescheduled before the Board of County Commissioners for a Development Order Amendment no later than July 27, 2000 to evaluate conditions of approval herein to include findings conducted by a noise study and daily blasting study from April 14, 2000 through July 15, 2000. The study shall also monitor noise from 7 p.m. to 6 a.m. from the residential property line in accordance with the ULDC. At that time, the Board shall consider appropriate amendments to conditions relating to noise, blasting, hours of operation, and issues related to this petition. (DATE: ZONING - Code Enf)
5. Hours of operation shall not apply to the accessory asphalt or concrete batch plant. (ONGOING: ZONING - Code Enf)

H. LANDSCAPE/BUFFERING

1. The petitioner shall provide a minimum twenty five (25) foot wide Alternative No. 4 landscape buffer along the north boundary of Sections 28 & 27 and east boundaries of Sections 17 and 20. (Previously Condition H.1 of Resolution R-97-0248, Petition 89-052(A) (DRC: ZONING))
2. The DRC may permit the buffer required along Sections 17 and 20 by Condition H.1. above, and fifty percent (50%) of the required landscaping along Southern Boulevard, to be converted to an equivalent cash amount in order to purchase and install a greater number of smaller native trees within the wildlife corridor in order to enhance the habitat. All required native trees shall be a minimum of 18" high at time of planting. This conversion shall be subject to approval by ERM and the Zoning Division as an Alternative Landscape Betterment Plan. (Previously Condition H.2 of Resolution R-97-024E, Petition 89-052(A) (DRC: ZONING))
3. The petitioner shall further enhance the wildlife corridor by providing one (1) native tree sapling, a minimum of eighteen inches (18") in height for every 2500 square feet of land area in the corridor. (Previously

Condition H.3 of Resolution R-97-0248, Petition 89-052(A) (DRC: ZONING)

4. All landscaping required in the wildlife corridor shall be installed prior to commencement of any excavation activity within Phase 3 (aka Lake #3), unless the wildlife corridor is dedicated to the County, including the associated funds to plant the landscaping as specified in Conditions H.1 - H.3 above. (Previously Condition H.4 of Resolution R-97-0248, Petition 89-052(A) (DRC: ZONING)
5. All outdoor lighting used to illuminate the subject property shall be shielded and directed down and away from adjacent residential properties and streets. (CO/ONGOING: BLDG/CODE ENF - Zoning)
6. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
7. The required perimeter landscape buffer shall be installed adjacent to the asphalt batch/concrete plant if the plant is not located within the existing rock processing area. (DRC: ZONING - Landscape)

I. LITTORAL SHELVES

1. All littoral shelves along the following sections lines shall be constructed at a minimum 20:1 slope and be a minimum of 92 feet wide, measured from top of bank to edge of pit: east sides of Sections 17, 20, 29, 32, 27 and 34, south sides of Sections 32, 33 and 34, north side of Sections 28 & 27. (Previously Condition I.1 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ERM)
2. All littoral shelves shall be created by grading only. Littoral shelves shall not be created by excavation. (Previously Condition 12 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ERM)

J. MONITORING

1. The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted on or before January 30 annually. This excavation activity report shall include certification and documentation that all seismograph instruments have been recalibrated within the calendar year. (Previously Condition J. 1 of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING - Zoning)
2. The annual Excavation Activity Monitoring Report shall contain a current aerial photograph of the site clearly outlining the areas of current and completed excavation. The acreage of each area shall be provided. Additional information may be required by the Development Review Committee (DRC). (Previously Condition J.2 of Resolution R-97-0248, Petition 89-052(A) (ONGOING - Zoning)
3. The Maintenance and Monitoring Report of Reclaimed Areas required by Section 7.6.H.5.b. of the ULDC shall be submitted on or before January 30 annually. (Previously Condition J.3 of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING - Zoning)
4. 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. (Previously Condition J.4 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: DRC)
5. The blasting **log** shall be made available to the public or any government official on request. Previously condition **J.5** of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF)
 6. 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**. (Previously Condition J.6 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF)
 7. The petitioner shall maintain all blasting activity logs for a minimum of three **(3) years**. (Previously Condition J.7 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF)

K. PARKS/PLANNING

1. The petitioner shall coordinate with the County Park & Recreation Department in providing an end use plan that allows for public boating access to on site lakes and other public recreational uses within the projects boundaries. (Previously Condition K.1 of Resolution R-97-0248, Petition 89-052(A) (ONGOING - PARKS)
2. 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 ULDC Section 7.13 Archeological Resource Protection. (ONGOING: CODE ENF - PLANNING)

L. PHASING

1. Prior to certification of the Phasing Plan by the DRC, the Plan shall be revised to indicate completion of the subphases adjacent to the **Widale** Corridor along the L-8 canal first within Lakes **1** and **2**. (Previously Condition L.1 of Resolution R-97-0248, Petition 89-052(A) (DRC: ZONING)
2. A maximum of **3** subphases (maximum **240** acres) shall be in active excavation at any time. (Previously Condition L.2 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: CODE ENF - Zoning)

M. RECLAMATION

1. A minimum of 300 acres of reclaimed area shall be provided, consistent with the graphic depiction on the overall excavation plan submitted by the applicant dated November 22, 1996. (Previously Condition M.1 of Resolution R-97-0248, Petition 89-052(A) (DRC: ZONING)
2. A minimum of 1 subphase shall be reclaimed annually, until completion of the project. (Previously Condition M.2 of Resolution R-97-0248, Petition 89-052(A) (ONGOING: ZONING)
3. Prior to December 31, 1999, the petitioner shall complete reclamation of all previously excavated areas within Lake 1. (Previously Condition M.3 of Resolution R-97-0248, Petition 89-052(A) (DATE: MONITORING- Zoning)

N. SEPARATION

1. The petitioner shall meet the following separation requirements, measured as a radius from the closest residence to the edge of pit being excavated: (Previously Condition N.1 of Resolution R-97-0248, Petition 89-052(A) (DRC: ZONING)

SEPARATION

Property Line	Separation
North - Section 17	900 feet
North - Section 28 & 27	1120 feet
South - Section 32	900 feet
South - Section 33	900 feet
East - Sections 17 & 20	900 feet
East - Sections 27 & 34	1320 feet
West	900 feet

O. SETBACK

1. The petitioner shall comply with the following minimum setbacks, measured from the property line to the top of bank:

SETBACKS

Property Line	Required Setback
North - Section 17	50 feet
North - Section 28 & 27	568 feet
South	108 feet
East - Section 17	308 feet
East - Section 20	450 feet
East - Sections 27 & 34	108 feet
West	795 feet

Internal R-O-W	50 feet
Processing Equipment	2000 feet from residential uses/800 feet from all property lines, whichever is greater
Stockpiles	Same as above
Accessory buildings	100 feet

(Previously Condition 0.1 of Resolution R-97-0248, Petition 89-052(A))

P. SIGNS

1. Freestanding point of purchase signs fronting on Southern Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (Previously Condition P.1 of Resolution R-97-0248, Petition 89-052(A) (CO: BLDG))

Q. 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. Condition Q.1 of Resolution R-97-0248, Petition 89-052(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.

Is hereby amended to read:

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 standard 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)



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**INTER-OFFICE COMMUNICATION
PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING**

TO: Phyllis House, Minutes Manager
FROM: William C. Whiteford, Zoning Director *WCW*
DATE: March 29, 2000 *by RL*
RE: Amended Conditions from the March 23, 2000
BCC Hearing

The conditions of these resolutions are true and correct and reflect the changes approved by the Board of County Commissioners on March 23, 2000.

The following petitions were amended:

Z98-076	Graham Rezoning
DOA89-052(B)	Palm Beach Aggregates (aka GKK)

Z/CA99-090 - E&H Self Storage and PDD99-047 - Diamond Shamrock PUD will be brought back to the board for adoption on April 27, 2000.

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