

RESOLUTION NO. R-95- 280

RESOLUTION APPROVING ZONING PETITION CA94-56
CLASS A CONDITIONAL USE
PETITION OF RONALD S. WOODS, TRUSTEE

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-56 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 1995; 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 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 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 Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 CA94-56, the petition of Ronald S. Woods, Trustee, by: Robert Bentz, AGENT for a CLASS A CONDITIONAL USE allowing removal of excavated material in excess of 10% in the Agricultural Residential (AR) 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 February 23, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson	--	Aye
Mary McCarty	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Nay
Warren Newell	--	Aye
Carol A. Roberts	--	Nay


The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of February, 1995.

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

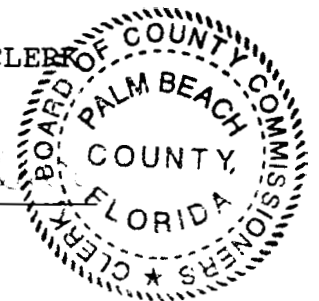


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR SITE TECH SERVICES

Tract No. 69 of JUPITER FARMS AND GROVES, a subdivision of Palm Beach County, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat **Book 9**, Page 76.

PLUS THE FOLLOWING DESCRIBED PARCEL:

That portion of Section 1, Township 41 South, Range 41 East, Palm Beach County, Florida, more particularly described as follows: Commencing at the Southwest corner of Section 1, Township 41 South, Range 41 East, Palm Beach County, Florida; thence N. 2" 00' 42" E. along the West line of the Southwest quarter of said Section 1 (the West line of the Southwest quarter of said Section 1 is assumed to bear N. 2" 00' 42" E. and all other bearings are relative thereto), a distance of 1314.21 feet to a point on the South line of Lot 39, according to the **Unrecorded** Plat of Wildwood Acres, on file in the Office of Teddy O. Potter and Associates, dated January 4, 1973; thence S. 89° 55' 01" E. along the South lines of Lots 39, 38, 31 and 30 of said Wildwood Acres, a distance of 1306.45 feet to a point on the East line of Tract 69, according to the Plat of Jupiter Farms and Groves, as recorded in Plat Book 9, Page 76, Public Records of Palm Beach County, Florida, and the POINT OF BEGINNING of the hereinafter described parcel; thence continue S. 89° 55' 01" E., a distance of 19.33 feet to the Northwest corner of Lot 22 of said Wildwood Acres; thence S. 2" 02' 13" W., along the West lines of Lots 22, 8 and 7 of said Wildwood Acres, a distance of 1313.31 feet to a point on the South line of the Southwest quarter of said Section 1; thence continue N. 89° 57' 24" W., along the South **line** of the Southwest quarter of said Section 1, a distance of 18.51 feet to a point on the Southerly prolongation of the East line of said Tract 69; thence N. 2" 00' 05" E., along the **Southerly** prolongation of the East line of said Tract 69, a distance of 25.42 feet to the Southeast corner of said Tract 69; thence continue N. 2" 00' 05" E., along the East line of said Tract 69, a distance of 1287.88 feet to the POINT OF BEGINNING, containing in all 0.57 acres, more or less.

LESS THE FOLLOWING DESCRIBED PORTION OF THE ABOVE DESCRIBED PROPERTY.

That portion of Tract 69, according to the Plat of JUPITER FARMS AND GROVES, as recorded in Plat Book 9, Page 76, Public Records of Palm Beach County, Florida, being more particularly described as follows: Commencing at the Southwest corner of Section 1, Township 41 South, Range 41 East, Palm Beach County, Florida; thence N. 2" 00' 42" E., along the West line of the Southwest quarter of said Section 1 (the West line of the Southwest quarter of said Section 1 is assumed to bear N. 2" 00' 42" E. and all other bearings are relative thereto), a distance of 1314.21 feet to a point on the South line of Lot 39, according to the Unrecorded Plat of Wildwood Acres, on file in the office of Teddy O. Potter and Associates, dated January 4, 1973; thence S. 89° 55' 01" E., along the South line of said Lot 39 of Wildwood Acres a distance of 1.49 feet to a point on the West line of said Tract 69 and the POINT OF BEGINNING of the hereinafter described parcel; thence continue S. 89° 55' 01" E., along the South lines of Lots 39, 38, 31 and 30 of said Wildwood Acres, a distance of 1304.96 feet to a point on the East line of said Tract 69; thence N. 2" 00' 05" E., along the East line of said Tract 69, a distance of 27.12 feet to the Northeast corner of said Tract 69; thence N. 89° 53' 29" W., along the North line of said Tract 69, a distance of 1304.94 feet to the Northwest corner of said Tract 69; thence S. 2" 00' 05" West along the West line of said Tract 69, a distance of 27.71 feet to the POINT OF BEGINNING and containing in all 0.82 acres, more or less.

EXHIBIT B
VICINITY SKETCH

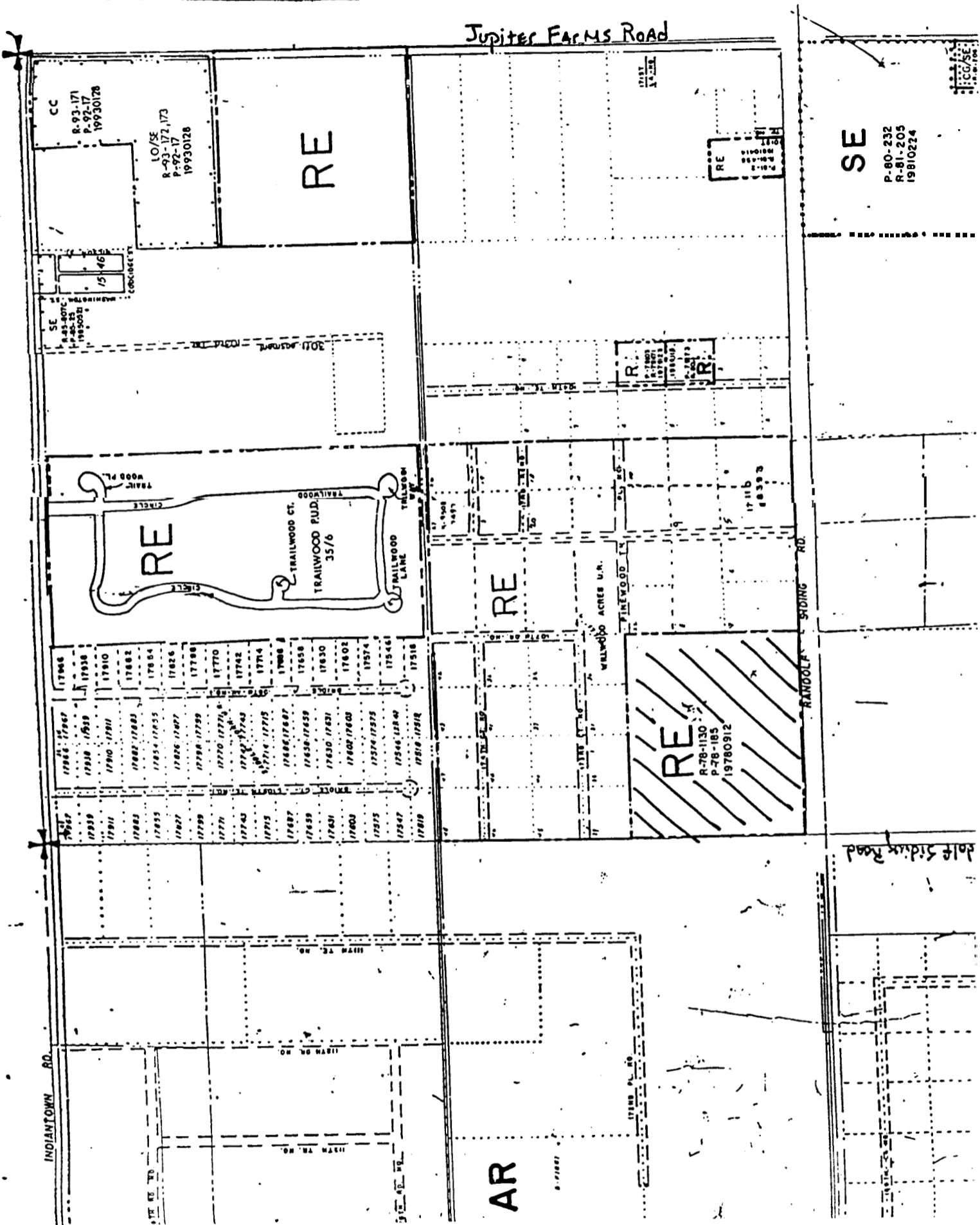


EXHIBIT C

CONDITIONS OF APPROVAL

A. ACCESS

1. The site shall not be open to the public. (CODE ENFORCEMENT-Zoning)
2. The sale of excavated material or fill shall not be permitted on site. (CODE ENFORCEMENT-Zoning)
3. When not in operation, access to the site shall be locked and gated. The gate shall be setback a minimum of twenty five (25) feet from the right-of-way. (CODE ENFORCEMENT-Zoning)

B. DUST CONTROL

1. Prior to certification of the subdivision and/or reclamation plan, a particulate management plan shall be approved by the Health Department. (HEALTH/Zoning)

C. HOURS OF OPERATION

1. Hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday only. Operation means all outdoor activity, including but not limited to, all excavation and related activity, operation of machinery, heavy equipment and vehicles, vehicles entering the site to retrieve fill, vehicles leaving the site with fill, loading, and hauling. (CODE ENFORCEMENT/Zoning)

D. NOISE CONTROL

1. All machinery, heavy equipment and vehicles utilized for excavation purposes on site shall contain double mufflers. (CODE ENFORCEMENT-Zoning)
2. All stationary machinery or equipment, including but not limited to a dewatering pump, shall be completely enclosed on all four sides and roofed OR lowered below grade and roofed, except for required ventilation or as may be required by a regulatory agency. (CODE ENFORCEMENT - Zoning)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for more than 3 single family homes shall not be issued, or excavation activity which generates more than 30 vehicle trips per day shall not be permitted, until construction has begun for Indian Town Road as a 4-lane median divided section from Mack Dairy Road to the Florida Turnpike, in accordance with Concurrency Reservation Case #94-07-20-005-C. (BUILDING/ENGINEERING, TRAFFIC DIVISION).

2. Excavation of the site shall occur in a maximum of two (2) phases. (ENGINEERING/ZONING)

3. The maximum number of truck loads of excavated material leaving the site shall be limited to twelve (12) total truck loads a day. No more than twenty four (24) total truck trips shall be permitted per day. (ENGINEERING)
4. Prior to DRC approval of the subdivision plan, the property owner shall submit an approved hauling route to the office of the County Engineer, Land Development Division. Acceptable surety in the amount of \$500.00 per mile shall be posted to ensure any clean up, maintenance or repair necessary caused by hauling of fill off site within the road rights-of-way. (ENGINEERING)

F. PHASING AND RECLAMATION

1. Development activity, including but not limited to, excavation and land clearing, shall not commence until subdivision, reclamation and phasing plans have been certified by the Development Review Committee. (DRC-Zoning)
2. A reclamation plan shall be submitted, reviewed and approved by the Development Review Committee concurrent with subdivision approval. (DRC-Zoning)
3. A phasing plan shall be submitted, reviewed and certified by the Development Review Committee concurrent with subdivision approval. The phasing plan shall include a tree survey and planting/buffering requirements for each phase. (DRC-Zoning)
4. Phase I shall be reclaimed in accordance with the Reclamation Plan and requirements of the ULDC within 120 days of completion of excavation activity. (DRC-Zoning)
5. Phase II excavation activity shall be completed on or **before** January 31, 1998. Reclamation of the final phase of development shall be completed on or before May 31, 1998. No administrative time extensions to this condition shall be granted. (MONITORING/Zoning)
6. Commencing January 26, 1996, the petitioner shall submit an annual report for four (4) consecutive years to the Development Review Committee indicating the status of excavation activity on site (including, but not limited, status of current phase of excavation, date of completion of each phase of excavation, amount of material excavated, amount of material removed from site), compliance with the conditions of approval, compliance with the applicable provisions of the ULDC (General and Specific Criteria for a Type III Excavation), the status of reclamation of the site and perimeter landscaping/buffering. No administrative time extensions to this condition shall be granted. (MONITORING/Zoning-DRC)
7. All required surety shall be posted prior to certification of the reclamation plan or in accordance with the provisions of the ULDC. (ZONING)

G. HEALTH

1. The application for an on-site sewage disposal system subdivision analysis in accordance with Chapter 10D-6 F.A.C. and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit for approval prior to final site plan approval. (HEALTH)

2. The applications and plans to construct a private water supply system for each residence in accordance with Palm Beach County ECR-II must be submitted to the Palm Beach County Public Health Unit for approval prior to issuance of a building permit. (BUILDING-Health)

H. SETBACKS AND BUFFERING

1. All excavated areas shall be setback a minimum of one hundred (100) feet from all perimeter property lines; or three hundred feet (300) from the nearest residential dwelling unit, whichever is greater. (ZONING)
2. All accessory structures and disturbed excavated areas shall be setback a minimum of one hundred (100) feet from all perimeter property lines or three hundred feet (300) from the nearest residential dwelling unit, whichever is greater. (ZONING)
3. All material stored on site shall be stored on the interior side of the excavated areas and be setback a minimum of three hundred (300) feet from all perimeter property lines. Prior to certification of the Reclamation Plan, the plan shall be amended to indicate all storage areas. (CODE ENFORCEMENT/Zoning)
4. The petitioner shall install a temporary eight (8) foot high earth berm topped with an eight (8) foot high opaque screen around the perimeter of all disturbed excavation areas adjacent to any perimeter property line prior to excavation within the affected area. (ZONING)

I. SIGNS

1. No freestanding, point of purchase or identification signs advertising excavation activity or fill for sale shall be permitted on site.

J. STORAGE

1. All material stored on site, including but not limited to excavated material, top soil and vegetation, shall not exceed a maximum height of fifteen (15) feet, measured from existing grade to highest point. (CODE ENFORCEMENT/Zoning)
2. A maximum of 24,000 cubic yards of excavated material shall be stored on site at any time. (CODE ENFORCEMENT/Zoning)
3. Existing topsoil shall be stored and redistributed on site. (ERM/Zoning)
4. All areas designated for refueling of equipment and storage of fuels, oils, and other regulated substances shall have impervious surfaces and a drainage system separated from the stormwater system. These areas shall be shown in detail on the site plan prior to certification. (ERM)

K. USE LIMITATIONS

1. A maximum of 320,000 cubic yards of material shall be excavated on site. (DRC)
2. A maximum of 240,000 cubic yards, or 75% of the material excavated, whichever is less, shall be removed from site. (DRC)
3. Total lake surface area shall not exceed sixteen (16) acres. (DRC)

4. Vehicles utilized to transport excavated material from the site shall not exceed twenty (20) cubic yards in capacity. (CODE ENFORCEMENT-Zoning)
5. Drag lines shall not be utilized on site. (CODE ENFORCEMENT-Zoning)
6. Blasting shall not be permitted on site (CODE ENFORCEMENT-Zoning)
7. All excavated material shall be utilized within the Jupiter Farms area only and used solely for the following purposes:
 - a. residential construction;
 - b. by the Indian Trails Water Control District; and
 - c. for construction of Indiantown Road between Mack Dairy Road and the Florida Turnpike. (CODE ENFORCEMENT-Engineering/Zoning)

L. COMPLIANCE

1. Failure to comply with any condition of approval or ILDC requirement at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist 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; and/or
 - b. The revocation of the Conditional Use and **any** /or zoning which was approved concurrently with the Conditional Use;
 - c. A requirement of the development to conform with updated standards of development, applicable 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;
 - d. Referral to code enforcement;
 - e. Imposition of entitlement density or intensity; and/or
 - f. Review and modification or revocation of the development order by the Board of County Commissioners at an advertised public hearing in accordance with Section 5.8 of the ULDC.

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 Conditional Use, Rezoning, 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)