

FILE COPY

5/42/41

RESOLUTION NO. R-97-770

RESOLUTION APPROVING ZONING PETITION CA97-17
CLASS A CONDITIONAL USE
PETITION OF MECCA FARMS, INC.
BY GARY SMIGIEL AND GARY BRANDENBURG, AGENT
(GROVE EXCAVATION)

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 CA97-17 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 1997; 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 Z/CA97-17, the petition of Mecca Farms, Inc., by Gary Smigiel and Gary Brandenburg, agent, for a Class A Conditional Use (CA) for Type III EXCAVATION in the Special Agriculture (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 May 22, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 23, 1997.

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:

FROM ATTORNEY'S TITLE INSURANCE FUND, INC. TITLE CERTIFICATE NO. 06-91-9643.

THE WEST ONE-HALF **OF** SECTION 5 AND ALL **OF** SECTIONS 6 AND 7, AND THE WEST ONE-HALF **OF** SECTION 8, IN TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY OF CANAL C-18 (A WORKS OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, NOW KNOWN **AS** THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.)

LESS PARCEL 'A' DESCRIBED AS FOLLOWS:

A PORTION **OF** THE WEST ONE-HALF OF SECTION 5, AND A PORTION OF SECTION 6, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

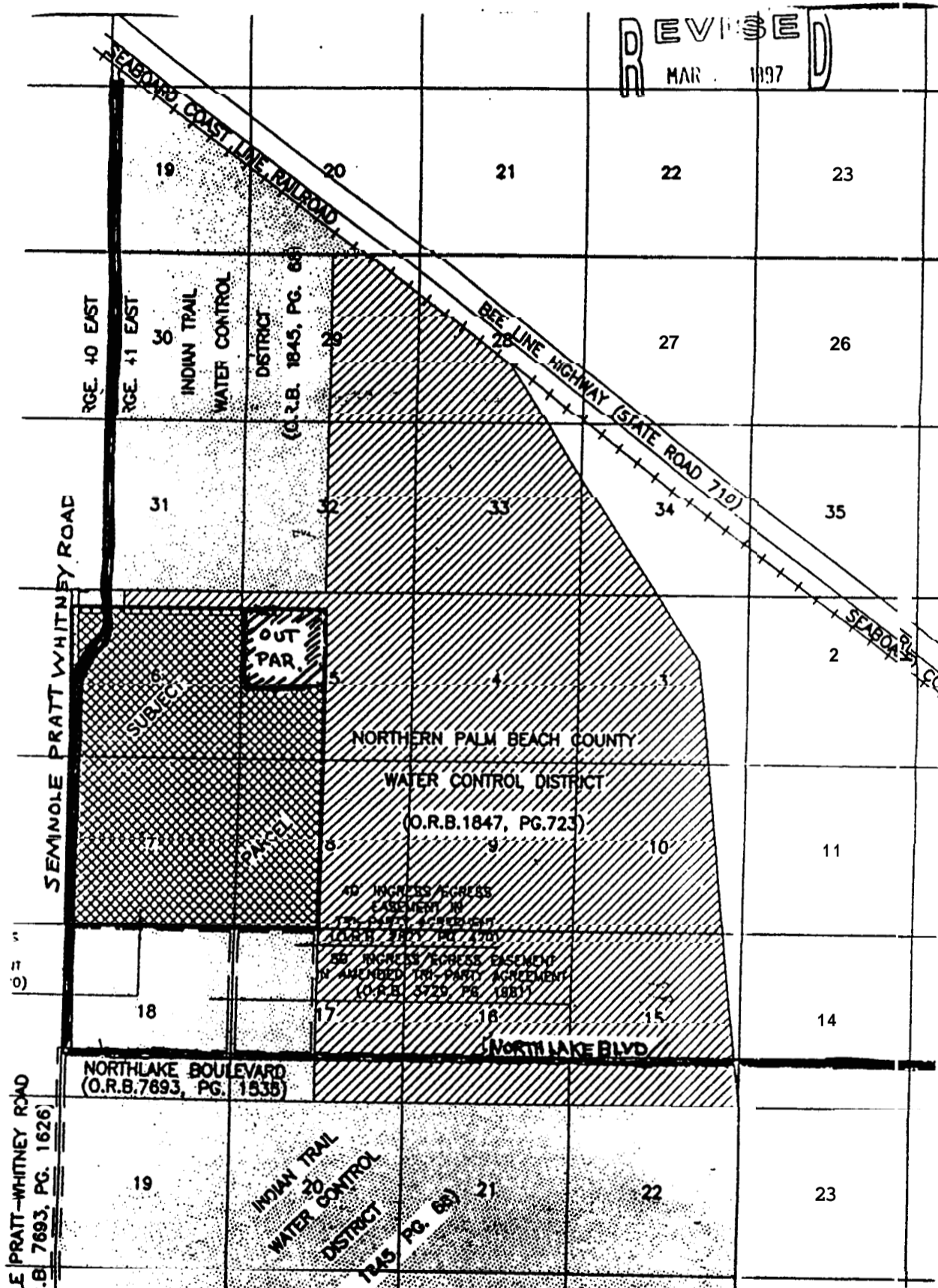
COMMENCE AT THE NORTH ONE-QUARTER CORNER OF SAID SECTION; THENCE SOUTH 03°10'07" **WEST**, ALONG THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 5, A DISTANCE **OF** 200.37 FEET, TO A POINT ON THE SOUTH LINE OF THE C-18 CANAL ACCORDING **TO DEED BOOK** 1097, PAGE 261 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL 'A':

THENCE **SOUTH** 89°42'33 WEST, ALONG SAID SOUTH LINE OF THE C-18 CANAL, A DISTANCE **OF** 2634.59 FEET; THENCE **SOUTH 89°57'02" WEST**, CONTINUING ALONG SAID **SOUTH LINE OF** THE C-18 CANAL, A DISTANCE **OF** 719.74 FEET; THENCE NORTH 00°10'35" WEST, A DISTANCE OF 3871.82 FEET; THENCE NORTH 89°45'39" EAST, A DISTANCE **OF** 3128.05 FEET, TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF SAID SECTION 5; THENCE NORTH 03°10'07" EAST, ALONG SAID EAST LINE OF THE WEST ONE-HALF **OF** SAID SECTION 5, A DISTANCE OF 3878.67 FEET, TO THE POINT OF BEGINNING.

CONTAINING 71,053,317 **SQ. FT, OR** 1,631.1597 ACRES MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 97-17
 Zoning Quad Page _____
 Date: May 97



EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 March **28, 1997**. 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)
2. 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. (DRC: ZONING)

B. ACCESS

1. Access for hauling activity associated with excavation activity on the site shall be limited to the one **(1)** proposed access point shown on Seminole Pratt Whitney Road. (ONGOING: DRC)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. The following data shall be submitted to and approved by the Department of Environmental Resources Management prior to DRC 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)
 - 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)
2. The Petitioner agrees to reserve by notation in development plans a **400** foot wide **corridor** along the southern border of the property with the intent to establish a connection between ~~the~~ Corbett Wildlife Management Area and the **1000 (+/-)** acre portion of Ecosite #109 Loxahatchee Slough lying within the **Vavrus** ranch to the east. The Petitioner shall coordinate the incorporation of this corridor with the Department of Environmental Resources Management and the Planning Division and shall **designate** the **corridor** on the Final Site Plan prior to DRC certification. (DRC: PLANNING / ERM)

D. HEALTH

1. Reasonable precautions shall **be** taken to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/ CODE ENF)
2. Application **and** engineering plans to construct an **onsite** sewage treatment and disposal system (OSTDS) in accordance with Rule **10D-6FAC** 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 **10D-4FAC** and Palm Beach County **ECR-II** must be submitted to the Palm Beach County Health Department prior to **final** site plan approval. (**DRC: HEALTH**)

E. ENGINEERING

1. The property **owner** shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed additional right of way for Seminole Pratt Whitney Road to provide for a total of **240** feet of right-of-way on an alignment approved by the County Engineer. This additional right of way shall be conveyed on or before July 1, **2004**, or within 90 days of a determination by the County Engineer that the right of way is required for the construction of Seminole Pratt Whitney Road. Right of way conveyance shall be along the projects entire frontage and **shall** be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Corner Clips" where appropriate as determined by the County Engineer. (**CATE / BLDG PERMIT: MONITORING/ Eng**)
2. The Property owner shall construct Seminole Pratt Whitney Road as a 2 lane roadway, non-planned collector street standards, from Northlake Boulevard **north to the** projects entrance road. The proposed **cross** section shall be approved by the County Engineer prior to the issuance of any permits for *the* road construction.
 - a) Permits required by the Indian Trail Water Management District, for this construction shall be obtained prior to the issuance of the first Building Permit. (**BLDG PERMIT: MONITORING/ Indian Trail Water Management District - Eng**)
 - b) This **construction** shall **be** completed prior to any **fill** removal from 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. (**CO: MONITORING/ Eng**)
3. The property owner shall maintain Seminole Pratt Whitney Road from Northlake Boulevard to the **projects** entrance road **in an condition acceptable to the County Engineer**. This **section** of roadway shall **be** maintained by the developer until this road is reconstructed by Palm Beach County. (ONGOING: COUNTY ENGINEER)

4. On or before, July 1, 2004, or within 90 days of a determination by the County Engineer that the right of way is required for the construction of Seminole Pratt Whitney Road, 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 Seminole Pratt Whitney Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). 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 dosed piping 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. (DATE: MONITORING - Eng)

5. 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 prior to DRC approval is \$30,470 (554 trips X \$55.00 per trip). (DRC: ACCOUNTING - Fair Share Fee Coord)

6. **The property owner shall contribute the amount of \$21,091 toward the repaving of Northlake Boulevard from Seminole Pratt Whitney Road to Coconut Road. These funds shall be made available to the Land Development Division prior to January 1, 2000. (DATE: MONITORING - Eng)**

F. HOURS OF OPERATION

1. Excavation and hauling activity shall occur only between the hours of 7:00 am to 6:00 pm, Monday through Friday, and 8:00 am to 3:00 pm on Saturday. No excavation or hauling activity shall occur on Sunday. (ONGOING: CODE ENF)

G. MONITORING

1. Petitioner shall provide to the Palm Beach County Zoning Department an annual **Excavation** Activity Monitoring Report which 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). (ONGOING -Zoning)

2. The Maintenance and Monitoring Report of Reclaimed Areas required by Section 7.6.H.5.b. of the ULDC shall be submitted bi-annually on June 1 and December 1 every calendar year. (DATE: MONITORING - Zoning)

H. PHASING

1. A maximum of 3 subphases (maximum 67.5 acres) shall be in active excavation at any time. (ONGOING: CODE ENF - Zoning)

I. SIGNS

1. Freestanding **point** of purchase signs fronting on Seminole Pratt Whitney Road 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. (CO: BLDG)

J. COMPLIANCE

1. 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.

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)