

RESOLUTION NO. R- 86-237

RESOLUTION APPROVING ZONING PETITION 85-151, Special Exception

WHEREAS, the board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm beach County Zoning Code Ordinance NO. 73-2 have been satisfied; and

WHEREAS, Petition No. 85-151 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 2nd December 1985; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony yresentea by the applicant and other interested parties and the recommenations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. With minor modification to the excavation proposal and reclamation plan, this proposal will consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH CGUNTY, FLORIDA, assembled in regular session this the 2nd of December 1985, that Petition No. 85-151 the petition of RICHLAND DEVELOPMENT CORPORATION, By Mason Simpson, President, for a SPECIAL EXCEPTION TO ALLOW THE EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL AND OTHER EXTHACTIVE MATERIALS on Parcel 1:

A parcel of land in Sections 27 and 34, Township 46 South, Range 42 East, beiny more particularly described as follows:

The South 1/2 of the Southeast 1/4 of said Section 27, less the North 353.913 feet thereof, and less that portion lying within the Plat of First Addition Plat One, Eagle's Nest, recordec in Plat Look 39, Pages 10 and 11,

together with

The North 1/2 of the Northeast 1/4 of said Section 34, Township 40 South, Range 42 East, less one acre in the Northwest corner of the North 1/2 of the Northeast 1/4 as described in Deed **Book** 18, Page 201 and less that portion lying within the Plat of First Addition Plat One, Eagle's Nest, recorded in Plat **Book** 39, Pages 10 and 11, together with

Parcel 2:

All that portion of the South 80 feet of the Northwest 1/4 of the Northwest 1/4 of Section 35, Township 40 South, Range 42 East, lying west of the West right-of-way line of Loxahatchee River Road.

Together with:

Parcel 3:

The North 1/2 of the Northwest 1/4 of Section 34, Township 40 South, Range 42 East, together with:

Parcel 4:

Tracts 5, 6, 7, 8, 19, 22 and 23 of the Plat of Loxahatchee Garden Farms as recorded in Plat **Book** 2, Page 68, less and except therefrom the following described parcels of land;

The South 35.00 feet of Tract 22, of Loxahatchee Garden Farms according to the Plat thereof, recorded in Plat **Book** 2, Page 68, and a portion of Tract 23, of Loxahatchee Garden Farms, according to the Plat thereof, recorded in Plat **Book** 2, Page 68; being described as follows:

Begin on the South line of said Tract 23 at a point North 0 degrees 21'01" West 15.00 feet from the Southeast corner of the Southwest 1/4 of Section 34, Township 40 South, Range 42 East; thence run North 89 degrees 14'05" West 2.96 feet; thence North 0 degrees 12'47" West 34.93 feet; thence North 89 degrees 31'45" East; 82.88 feet; thence South 0 degrees 21'01" East 35.00 feet; thence South 89 degrees 31'45" West 79.87 feet; thence North 89 degrees 14'05" West 0.13 feet to the Point of beginning.

Parcel 5:

All that portion of the West 300 feet of the Northeast 1/4 of Section 3, Township 41 South, Range 42 East, lying Northerly of the Northerly right-of-way line of the Central and Southern Florida Flood Control

District Canal No. C-18 as described in Deed Book 1159, Page 319, less and except the West 80 feet thereof. Together with;

Parcel 6:

The South 1/2 of the Northwest 1/4 of Section 34, Township 40 South, Range 42 East, less road rights-of-way along the West and South sides thereof. Said property located on the west side of Loxahatchee River Road approximately 0.3 mile North of Indian Town Road and being bounded on the south by the C-18 Canal in an RS-Residential Single Family District was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan and submittals shall be amended to reflect the six (6) foot depth requirement of the 5:1 slope.
2. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.
3. Excavation activities shall be conducted pursuant to all requirements of Section 500.3. of the Zoning Code and all applicable development regulations, or obtain variance relief from the board of Adjustments .
4. The development shall comply with the drainage recommendations contained in the Mock Roos Loxahatchee Slough Drainage Study dated September 1985, in addition to the Northern Palm Beach County Water Control District, South Florida Water Management District, Florida State Department of Environmental Regulation, and the Palm Beach County Engineering Department requirements as applicable.
5. The property owner shall convey for the ultimate right of way of Central Boulevard, a total of 126 foot right of way feet within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm beach County prior to any fill removal.
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 presently is \$10,716.00 (400 trips x \$26.79 per trip).
7. The property owner shall revise the proposed typical lake section to conform to Palm Beach County Zoning Code 500.3.
8. The property owner shall post performance security acceptable to the County Engineer required for road restoration prior to any fill removal.
9. Reasonable precautions shall be exercised during excavation and site development to insure that unconfined particulates (ciust particles) from this property do not become a nuisance to neighboring properties.
10. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

11. Prior to reclaiming any excavated areas, the petitioner will apply for a landfill permit through the Land Development section of the Palm Beach County Engineering Department.

12. The petitioner shall obtain Florida Department of Environmental Regulation and U.S. Army Corps of Engineer permits will be required for this project.

13. Lake construction is not to take place in defined wetland areas until these areas have been ground truthed and defined with regards to Department of Environmental Regulation and U.S. Army Corps of Engineers jurisdiction.

14. Water quality, specifically turbidity is to be properly addressed. Turbid water in violation of State Water Quality Standards is not to be discharged off-site.

15. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

16. The use of the eighty foot right-of-way connecting east to Loxahatchee River Road shall not be used as a road access to this site unless specifically required by Palm Beach County. In the event that Palm Beach County required construction of a road in that right-of-way to access this site, the developer shall give written notice to property owners within 300' of this road.

17. The developer shall excavate no more than 80 acres within a one year period and water consumption not exceeding 2,400,000 gallons per day.

18. The developer shall plant a littoral zone around all newly created water bodies.

19. The petitioner shall use Roebuck Road as the project's only access to Loxahatchee River Road. No access will be allowed to Limestone Creek Road. In addition, the petitioner will construct an additional eastbound lane on Indiantown Road at Center Street as approved by F.D.O.T. If the Grudge over the C-18 has been constructed prior to beginning the excavation, the petitioner will not be allowed access to Roebuck Road and shall be relieved of the obligation to construct the additional lane on Indiantown Road.

20. If, during construction, any representative of an animal or plant species designated as endangered or threatened on Federal, State of Florida or Florida Committee on Rare and Endangered Plants and Animal List is discovered upon the property, the petitioner will immediately contact the appropriate governmental agencies.

21. Petitioner is required to plant native wetland vegetation around all newly constructed water bodies creating littoral zones. Species list will be approved by SFWMD, DER and County Planning, Zoning and Building Department.

Commissioner Owens, moved for approval of the petition. The motion was seconded by Commissioner Spillias, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	ABSENT
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	AYE
Dorothy Wilken, Member	--	AYE

The foregoing resolution was declared duly passed and adopted

this 25th day of February, 1986 confirming action of the 2nd December  
1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia J. Weaver  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Dandy P. Major  
County Attorney