

RESOLUTION NO. R-88- 1557

RESOLUTION APPROVING ZONING PETITION NO. 87-71
SPECIAL EXCEPTION PETITION OF HENRY J. ROLFS

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. 87-71 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on September 2, 1987; and

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

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) 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 proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-71, the petition of HENRY J. ROLFS, for a SPECIAL EXCEPTION TO ALLOW EXCAVATION AND THE REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL AND OTHER EXTRACTIVE MATERIALS on a parcel of land lying in Section 20, Township 43 South, Range 42 East, being more particularly described as follows: Commencing at the Northwest corner of said Section 20; thence, South 88 degrees 02' 10" East, along the North line of said Section 20, a distance of 1147.26 feet to the Point of Beginning of said parcel of land; thence, continuing South 88 degrees 02' 10" East, along the North line of said Section 20, a distance of 1628.82 feet to the Northwest corner of the Northwest 1/4 of said Section 20; thence South 88 degrees 02' 58" East, along the North line of said Section 20, a

distance of 1120.10 feet; thence South 01 degree 57' 02" West, a distance of 160.0 feet; thence, South 07 degrees 37' 01" East, a distance of 965.76 feet; thence, South 05 degrees 02' 50" West, a distance of 1223.50 feet; thence, North 88 degrees 22' 10" West, a distance of 3101.09 feet; thence, North 32 degrees 07' 10" West, a distance of 762.50 feet; thence, North 10 degrees 27' 50" East, a distance of 305.0 feet; thence, North 28 degrees 57' 50" East, a distance of 296.50 feet; thence, North 46 degrees 32' 50" East, a distance of 357.0 feet; thence, North 03 degrees 50' 50" East, a distance of 415.0 feet; thence, North 60 degrees 15' 50" East, a distance of 211.0 feet; thence, North 11 degrees 13' 19" East, a distance of 379.47 feet to the Point of Beginning. Subject to an Easement to Florida Power and Light Company over the North 160.0 feet thereof, located approximately .5 miles North of Okeechobee Boulevard (SR 704) and approximately 1.1 miles East of SR 7 (100th Avenue North), in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The areas indicated as "Preserve" on petitioner's proposed site plan shall remain undisturbed during the mining and reclamation process.
2. Required revegetation of the disturbed areas shall incorporate native vegetation characteristic to the area (as per vegetation analysis). Melaleuca and other prohibited species shall be eradicated.
3. The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite 100% of the stormwater runoff generated by a three (3) year-one hour storm (3.0 inches) per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.
4. The petitioner shall convey to Palm Beach County an Agreement for Rights-of-Way deed for the rights-of-way of:
 - a) Lyons Road, a total of 110 feet on an alignment approved by the County Engineer but furnished by the developer.
 - b) Roebuck Road, a total of 110 feet on an alignment approved by the County Engineer but furnished by the developer.

The agreement for deed shall provide that the County shall notify the petitioner of the alignment of said

roads within four (4) years of the date of the resolution approving this petition, or when the petitioner applies for residential, industrial or commercial land use, whichever shall first occur.

Within 90 days of notification or application, as the case may be, petitioner shall convey the required ultimate rights-of-way as set forth above. In the event that notification of the alignment is not sent by the County within four (4) years, the petitioner may demand to be excused from this condition (Condition No. 4) for purposes of this development order. Said demand shall be submitted within fifty-four (54) months of the date of this resolution. The County shall then have three (3) months to establish the alignment and give notice to the petitioner to convey, in which case the petitioner shall convey the required rights-of-way within ninety (90) days.

5. The property owner shall construct left and right turn lanes at the project's entrance road on Okeechobee Road concurrent with onsite paving and drainage improvements (existing turn lanes may be used for excavation activities).
6. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Okeechobee Boulevard, Roebuck and Lyons Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along each of the above mentioned roads concurrent with the provisions of Condition No. 4 above. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff.
7. 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 \$2,009.00 (75 trips X \$26.79 per trip).
8. No excavation shall take place in areas requiring permits from South Florida Water Management District, Florida Department of Environmental Regulations, the U. S. Army, Corps of Engineers, or any other agency

requiring environmental protection permits until such permits have been secured.

9. Excavation shall not exceed 80 acres a year.
10. No site plan shall be certified until all required permits have been obtained from state and federal agencies.


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

Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Nay
Kenneth M. Adams	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of September, 1988 confirming action of September 2, 1987.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK

