

RESOLUTION NO. R-90-375

RESOLUTION APPROVING ZONING PETITION NO. 89-90
SPECIAL EXCEPTION PETITION OF
NORTH FORK DEVELOPMENT, LTD.

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 have been satisfied; and

WHEREAS, Petition No. 89-90 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on October 4, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-90, the petition of NORTH FORK DEVELOPMENT LTD., by Thomas J. Twomey, Agent, for a SPECIAL EXCEPTION TO PERMIT EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL, OR OTHER EXTRACTIVE MATERIALS (REMOVAL OF FILL), on a parcel of land lying East, being: The Northwest 1/4 of the Southwest 1/4 and the West 1/2 of the Northwest 1/4 of said Section 27, Less that part lying within Imperial Woods, Plat Book 39, Page 141 and less a parcel in said Section 27, commencing at the Northwest corner of said Section 27; thence South 00 Degrees 04' 22" West, a distance of 1849.65 feet, along the West line of Section 27 to the Point of Beginning; thence South 89 Degrees 55' 38" East, a distance of 38.55 feet, to a point on a curve concave to the Northeast with a tangent bearing South 21 Degrees 19' 17" East; thence Southeasterly along the arc of said curve, having a central angle of 02 Degrees 10' 33" and a radius of 1140.00 feet. a distance of 43.29 feet; thence North 89 Degrees 55' 38" West, a distance of 55.10 feet to a Point on the West line of Section 27; thence North 00 Degrees 04' 22" East along said West line of Section 27, a distance of 40.00 feet, to the Point of Beginning; and, being located west of the west end of Imperial Wood Road, and bounded on the north and west by the Martin County Line, and on the east by Whispering

Trails Subdivision, in the RS-Single Family Residential Zoning District, was approved on October 4, 1989 as advertised, subject to the following conditions:

1. Property owner shall provide acceptable surety to the Palm Beach County Engineering Department in the amount of **\$75,000.00**, prior to commencement of excavation and hauling activities, for the funding of an asphalt overlay, if necessary, on Central Boulevard and Longshore Drive from Indiantown Road to the north propertyline of the Shores.

Palm Beach County will videotape the above roads prior to commencement of hauling activity, and again after the hauling has been terminated to determine damage beyond normal wear and tear due to the hauling operation. Any expense attached to this videotaping, as determined by the County Engineer, will be borne by the property owner.

2. Property owner shall clean sweep any excavation material that has been deposited on Longshore Drive and Central Boulevard due to the hauling activity. This clean up shall be undertaken at time intervals **no** greater than one calendar week apart. Acceptable surety in the amount of **\$10,000.00** shall be provided to the County Engineer prior to the hauling activity.
3. Property owner shall operate the hauling activity **on** a five (5) day standard work week only within the hours of 8:00 a.m. and 5:00 p.m.
4. Prior to Board of County Commissioners' approval, the petitioner shall submit an appropriately executed consent agreement.
5. Petitioner shall take no action which would violate the Court Order issued by the Circuit Court in The Shores of Jupiter Homeowners Association, Inc. **vs.** Palm Beach County, Case **No.** CL 89-5555-AD.
6. The lake slope shall meet Palm Beach County Codes.
7. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance **of** a stop work 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Marcus moved for approval of the Resolution.

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

Carol J. Elmquist, Chair	-- Aye
Karen T. Marcus	-- Aye
Carol Roberts	-- Aye
Ron Howard	-- Aye
Carole Phillips	-- Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27th day of February, 1990

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :


COUNTY ATTORNEY

BY:


DEPUTY CLERK

