

RESOLUTION NO. R-75-955

RESOLUTION APPROVING ZONING PETITION

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, and Chapter 70-863, Laws of Florida, Special Acts of 1970, 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. 75-167 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 19 December 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 18th day of December, 1975, that petition No. 75-167, the petition of RICHARD B. BURK, TRUSTEE, by William R. Boose, III, Attorney, for a SPECIAL EXCEPTION TO ALLOW THE EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SOIL OR OTHER EXTRACTIVE MATERIALS on the East 1/2 of the Northwest 1/4 of Section 36, Township 40 South, Range 37 East, together with that certain right-of-way easement in the North 20 feet of the East 3,896.52 feet of the South 1/2 of Fractional Section 35, Township 40 South, Range 37 East, as recorded in Official Record Book 1583, page 147; together with right of ingress and egress over the West 1/2 of the Northwest 1/4 of said Section 36 to the aforesaid right-of-way easement. Said property located on the south side of the Martin County line, approximately 1 1/2 miles east of S.R. #15 (U.S. 441) in an AG-Agricultural District, was approved as advertised, subject to the following special conditions:

1. Developer shall construct a left turn lane on the north approach of the Project's entrance and State Road 15.
2. Excavation shall not be deeper than twenty (20) feet unless certified soil boring tests are submitted for review and approval by the Central and South Florida Flood Control District.
3. Petitioner and Palm Beach Groves shall coordinate the access and arrive at a solution which is agreeable to both parties.
4. All stormwater runoff and water resulting from dewatering of the excavation shall be retained on site in order to prevent off site water quality degradation and flooding.
5. Excluding the excavation, the site shall be returned to preexisting grade to preclude increased seepage or surface water flow from the site following excavation.

Commissioner **Culpepper** , moved for approval of the petition.

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

E.W. Weaver	<b>Yes</b>
Lake Lytal	<b>Yes</b>
Robert F. Culpepper	<b>Yes</b>
Robert C. Johnson	<b>Yes</b>
William Medlen	<b>Yes</b>

The foregoing resolution was declared duly passed and adopted this **30th** day of **December** , 1975; confirming action of 18 December 1975.

PALM BEACH COUNTY, FLORIDA  
 BY ITS BOARD OF COUNTY  
 COMMISSIONERS

JOHN B. DUNKLE , Clerk

APPROVED AS TO FORM AND  
 LEGAL SUFFICIENCY

*R. William Rutter Jr.*  
 COUNTY ATTORNEY

By *Chuck Van Otterloo*  
 Deputy Clerk

