

RESOLUTION NO. R-85-329

RESOLUTION APPROVING ZONING PETITION 84-183, 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. 84-183 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 29 th of November 1984; 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, the Board of County Commissioners made the following findings of fact:

1. The proposal is 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 COUNTY, FLORIDA, assembled in regular session this the 29 th of November 1984, that Petition No. 84-183 the petition of HENRY ROLFS By James R. Brindell, Esquire, for a SPECIAL EXCEPTION TO ALLOW EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL OR OTHER EXTRACTIVE MATERIALS on being on a parcel of land situated in Section 20, Township 43 South, Range 42 East, being more particularly described as follows:

Commencing at the Southwest corner of said Section 20; thence North 04 degrees 01'23" East along the West line of said Section 20 a distance of 200.49 feet, to North right-of-way line of Okeechobee Boulevard and in use (Bearings are on assumed meridian East and West along the South line of said Section 20 and the center line of Okeechobee Boulevard and all other bearings are relative.); thence

East, along the North right-of-way line of Okeechobee Boulevard (State Road No. 704), a distance of 300 feet to the point of Beginning of said Parcel; thence North 02 degrees 08'51" East, a distance of 320.23 feet; thence North 26 degrees 00'45" East, a distance of 556.36 feet; thence North 38 degrees 20'00" East, a distance of 822.27 feet; thence North 12 degrees 46'32" East, a distance of 881.83 feet; thence North 04 degrees 29'05" West, a distance of 255.78 feet; thence North 23 degrees 11'55" West, a distance of 261.23 feet; thence South 87 degrees 15' 53" East, a distance of 3,152.70 feet; North line of lands of Henry J. Rolfs, Deed recorded in Book 1324, Page 485; thence along the North and West boundaries of said lands of Henry J. Rolfs, the following four (4) courses and distances; North 89 degrees 40' 01" West, a distance of 677.55 feet; South 03 degrees 21' 20" West, a distance of 657.02 feet; North 89 degrees 52' 35" West, a distance of 168.67 feet; South 03 degrees 17' 31" West, a distance of 656.34 feet more or less to the North right-of-way line of said Okeechobee Boulevard; thence West along the North right-of-way line of said Okeechobee Boulevard; a distance of 2,891.42 feet to the Point of Beginning. Said property located on the north side of Okeechobee Boulevard (S.R.704), approximately one (1) mile east of State Road 7 (U.S. 441) in an AR- Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to site plan certification a phasing plan for the reclamation and rehabilitation of the site showing:
  - a. exact acreage of each phase,
  - b. duration of each phase, and
  - c. proposed replacement tree planting plan

will be required pursuant to Section 500.3B (7e), (excavation of extractive materials.)

2. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.
3. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.
4. The Developer shall post acceptable surety with the office of the County Engineer for Road Restoration prior to any fill removal.
5. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

6. The property owner shall convey for the ultimate right of way of:

- (A) Lyons Road, 108 feet through the project's limits.
- (B) Roebuck Road, 108 foot ultimate right of way.
- (C) Okeechobee Road, 200 feet north of the existing south right of way line of Okeechobee Road.

All within 30 days of notification by the County Engineer on an alignment approved by the County Engineer; and conveyances must **be** accepted by Palm Beach County prior to issuance of the Road Bond Permit ■

7. The developer shall construct, concurrent with onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer, a Right Turn Lane, East approach, and a Left Turn Lane, West approach, on Okeechobee Road at the project's entrance road. (The turn lanes shall be as required by the County Engineer's Office.)

8. The developer 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. Presently The Fair Share Fee for this project is \$938.00.

9.

- a) The developer shall establish a well monitoring program for the area impacted by the proposed dewatering. The well monitoring program shall be approved by the Office of the County Engineer and the South Florida Water Management District.

Results of the monitoring program shall be furnished to the County Engineer and Palm Beach County Health Department. The monitoring program shall be kept in effect for a minimum period of one year after the reclamation operation has been completed.

- b) The applicant shall immediately mitigate any adverse effects on the water quality or water quantity on the neighboring lands in compliance with their water management permit.

10. The developer shall install signalization at the intersection of Rubin Road and Okeechobee Boulevard on a 50 percent cost basis with Palm Beach County when requested by the County Engineer.

11. The proposed replacement tree planting plan shall specify native plant material ■

12. The entrance to the excavation site shall be designed so that:

- a) the office and scalehouse will be buffered from view from Okeechobee Boulevard.
- b) the entrance road is designed so that sight line viewing north, from its intersection with Okeechobee Boulevard, is interrupted by tree buffers (to be preserved) ■

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

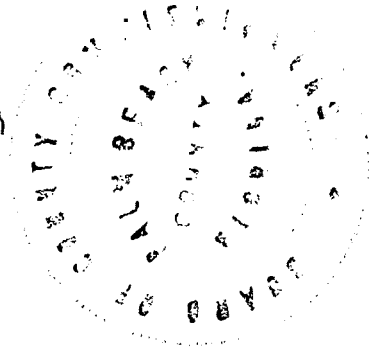
Ken Spillias, Chairman	--	ABSENT
Dorothy Wilkens, Vice Chairman	--	AYE
Karen T. Marcus, Member	--	ABSENT
Jerry L. Owens, Member	--	AYE
Kenneth M. Adams, Member	--	AYE

The foregoing resolution was declared duly passed and adopted  
this            day of    **FEB 19 1985**            confirming action of the 29th of  
November 1984.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Patricia S. Weaver  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Spry  
County Attorney