

RESOLUTION NO. R-89- 607

RESOLUTION APPROVING ZONING PETITION NO. 73-234(A)  
SPECIAL EXCEPTION PETITION OF WEEKLEY ASPHALT PAVING, INC.

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. 73-234(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 4, 1988; 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. 73-234(A), the petition of WEEKLEY ASPHALT PAVING, INC., Kieran J. Kilday, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A CONCRETE MIXING PLANT AND ACCESSORY FACILITIES, PREVIOUSLY APPROVED UNDER ZONING PETITION NO. 73-234 ON NOVEMBER 29, 1973 (RESOLUTION NO. R-73-823, ADOPTED DECEMBER 18, 1973) TO INCLUDE AN ASPHALT MIXING PLANT, on a parcel of land lying on the West 490.00 feet, of the East 820.00 feet, of Tract 19, Block 8, and the West 490.00 feet, of the East 820.00 feet, of Tract 18, Block 8, according to the Plat of PALM BEACH FARMS COMPANY, PLAT NO. 3, in Section 31, Township 43 South, Range 42 East, as recorded in Plat Book 2, Page 46. Also, that certain East-West 30.00 feet road right-of-way (now abandoned) lying adjacent to Tracts 18 and 19. LESS, HOWEVER, the road right-of-way for Southern Boulevard, located on the north side of Southern Boulevard (S.R. 80),

approximately 300 feet west of 90th Avenue, in an IG-General Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval unless expressly modified herein.
2. Prior to certification, the area labeled proposed addition on the site plan shall be amended to indicate the following:
  - a. Required terminal islands.
  - b. Required trees in terminal islands.
  - c. The maximum height and type of materials to be stored in the storage area, as indicated in Exhibit No. 27.
  - d. The height of the "mobile asphalt mixing plant".
3. The petitioner shall relocate the several sabal palms on site located in the area labeled as "proposed addition" to an area along the northern property line, or other acceptable area approved by the Zoning Division.
4. 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waster from the proposed site.

5. The property owner shall construct a temporary left turn lane at the project's entrance and State Road 80 concurrent with onsite paving and drainage improvements.
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 \$3,000.00 (112 trips X \$26.79 per trip).

7. No off-premise signs shall be permitted on the site.
8. No repairs shall be permitted until the facility is connected to the public sewer system for sewage disposal.
9. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
10. Since water service is available to the property, a potable water well shall not be approved for use on said property.
11. Landscaping shall be upgraded along the southern and eastern property lines of the area labeled as "proposed addition". This shall include native canopy trees 10-12 feet high, spaced a maximum of 25 feet on center.
12. The use (asphalt mixing plant only) applied for under this petition shall be discontinued within three (3) years of the date of the resolution approving this petition.
13. Access from the site shall be limited to the existing southern access for Rinker, unless otherwise specified by any other governmental agency.

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

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

The foregoing resolution was declared duly passed and adopted this 4th day of April, 1989 confirming action of January 4, 1988.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

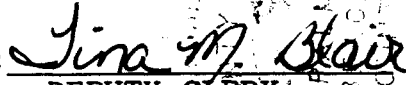
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

