

RESOLUTION NO. R-89-945

RESOLUTION APPROVING ZONING PETITION NO. 88-27  
SPECIAL EXCEPTION PETITION OF JAMES G. DELK

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. 88-27 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 26, 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. 88-27 the petition of JAMES G. DELK, by Russell C. Scott, Agent, for a SPECIAL EXCEPTION TO PERMIT EXCAVATION AND REMOVAL OF MUCK, SAND, ROCK, SHELL, SOIL, OR OTHER EXTRACTIVE MATERIALS on a parcel of land being all that part of the East 1250.00 feet of Section 28, Township 47 South, Range 41 East, lying southerly of the southerly right-of-way line of the Hillsboro Canal, said right-of-way line being a line parallel with, and 130.00 feet southerly of, as measured at right angles to the centerline of the Hillsboro Canal: said parcel being more particularly described as follows: beginning at the Southeast corner of said Section 28, thence north 88 degrees 56' 29" West, along the South line of said Section, a distance of 1250.14 feet; thence North 00 degrees 12' 27" East, along a line parallel with, and 1250.00 feet westerly of, as measured at right angles to the East line of said Section, a distance of 2962.33 feet; thence South 70 degrees 33' 40" East, along said right-of-way line, a distance of 1323.88 feet: thence South 00 degrees 12' 27" West, along the East line of said Section, a distance of 2544.83 feet to the point of beginning, being located on the south side of State Road 827, and bounded on the south by the Broward County Line, in an AR-

Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. prior to certification, the site plan shall be amended to indicate the following:
  - a. Specify which method of erosion control will be implemented while the excavation operation is in progress.
  - b. Indicate development phase lines.
2. The lake depth shall not exceed that which is permitted by South Florida Water Management District.
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 (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.
4. **If** required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
5. Within **90** days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Loxahatchee Road, **120** feet south of the maintained Bank of Hillsboro Canal, as shown on the applicant's survey, free of **all** encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include **"Safe Sight Corners"** where appropriate at intersections **as** determined by the County Engineer.
6. The property owner shall construct a left turn lane, east approach **on** Loxahatchee Road at the project's entrance concurrent with onsite paving and drainage improvements.
7. Within ninety (**90**) days **of** approval **of** the special exception, the property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system capable of accommodating all runoff from those segments **of** Loxahatchee Road

along the property frontage and for a maximum **400** ft. distance along each side of the property boundary lines. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge requirements of the applicable county drainage control district and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. These easements may be relocated within the subject property upon approval by the County Engineer.

8. 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).
9. The property owner shall furnish prior to Site Plan approval a road restoration bond to the Office of the County Engineer, based upon an approved haul route.
10. The petitioner shall install a six (6) foot chain link fence for security purposes along the north side of the property line.
11. There shall be no off-site discharge of water into the Hillsboro Canal.
12. All surface water, including that from dewatering operations, shall be maintained on the **79** acre site.
13. The project's site restoration plan shall include an adequate planting program for the lake's littoral zone. The littoral planting program shall be approved by the Department of Environmental Resource Management and shall be submitted prior to site plan certification. Littoral planting shall be completed within **60** days of completion of excavation of any phase of the excavation and prior to initiation of any new phase.
14. Monitoring wells shall be installed onsite north and south of the excavation. The wells shall be fully screened to a depth of fifty (**50**) feet below land surface. Location, sampling frequency, and testing perimeters shall be subject to approval by Palm Beach County Environmental Resources Management and South Florida Water Management District.
15. No off-premise signs shall be permitted on the site.
16. Failure to comply with the conditions herein 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. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code.

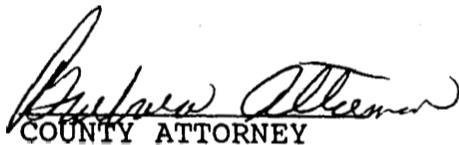
Commissioner Watt moved for approval of the petition. The motion was seconded by Commissioner Elmquist and, upon being put to a vote, the vote was as follows:

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Nay
James Watt	--	Aye

The foregoing resolution was declared duly passed and adopted this 23rd day of May, 1989 confirming action of May 26, 1988.

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