

RESOLUTION NO. R-89- 715

RESOLUTION APPROVING ZONING PETITION NO. 88-91
SPECIAL EXCEPTION PETITION OF BRIAN P. MENO

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. 88-91 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on August 25, 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. 88-97 the petition of BRIAN P. MENO, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICE (INCINERATOR) on a parcel of land lying at the South 555.43 feet of that part of Section 33, Township 40 South, Range 41 East, lying North of State Road No. 706: less the East 4924.50 feet thereof. Subject to a horseback riding and drainage easement across the West 75.0 feet of the above described parcel of land, being located on the north side of Indiantown Road (SR 706), approximately .1 mile west of 137th Trail, 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. Required twenty-five (25) foot access dimension;
 - b. Equipment storage area;
 - c. A section or elevation of the site which indicates the maximum height of all stockpile areas and graphically characterizes the reduction process:
and
 - d. Dimensions of the stockpile area.
2. The petitioner shall construct an eighteen (18) inch high dike around all ash piles on three (3) sides, open only to the incinerator containment pit.
 3. Prior to site plan certification, the petitioner shall indicate on the site plan a phasing plan for the removal of prohibited species. A restoration plan shall be established for the western, northern and southern property lines in the vicinity of the air curtain burner. The phasing plan for removal of prohibited species and concurrent revegetation plan shall be subject to approval by the Zoning Division prior to Site Plan Review Committee submittal. The eradication phasing plan shall be completed within a maximum of five (5) years, unless development of adjacent lots commences sooner. If adjacent development commences sooner, the petitioner shall complete the phasing program simultaneously.
 4. Ash stored on the site shall be sprinkled as needed with a minimum of a three (3) inch portable pump with sprinkler heads to prevent wind erosion of the ash pile.
 6. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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.
 7. 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.

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 \$268 (10 trips X \$26.79 per trip).
9. The use of the site shall be limited to incineration and reduction of vegetative materials.
10. No off-premise signs shall be permitted on the site.
11. 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 violations of the Palm Beach County Zoning Code.

Commissioner Watt 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	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of August 25, 1988.

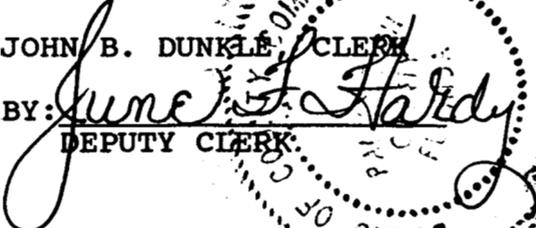
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
DEPUTY CLERK