

ORIGINAL

RESOLUTION NO. R-92- 946

RESOLUTION APPROVING ZONING PETITION NO. 91-8  
SPECIAL EXCEPTION PETITION OF WASTE MANAGEMENT OF PALM BEACH

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, have been satisfied; and

WHEREAS, Petition No. 91-8 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on March 26, 1992; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-8, the petition of WASTE MANAGEMENT OF PALM BEACH, BY WILLIAM E. PRUITT, AGENT, for a SPECIAL EXCEPTION TO ALLOW A PUBLIC AND PRIVATE UTILITY SERVICE (SOLIDWASTE TRANSFER AND RECYCLING STATION - CONSTRUCTION AND VEGETATIVE DEBRIS ONLY) on a parcel of land lying within a portion of Tract 9, Block 6, PALM BEACH FARMS COMPANY PLAT NO. 3, Plat Book 2, Pages 44 thru 54; COMMENCING at the intersection of the centerline of Belvedere Road with the centerline of Pike Road; thence South 00°08'01" West along said centerline of Pike Road for 1,315.48 feet; thence leaving said centerline North 89°51'59" West for 178.98 feet to the POINT OF BEGINNING; thence North 00°10'31" East for 573.62 feet, thence South 89°59'22" West for 389.15 feet; thence South 00°10'31" West for 545.75 feet; thence South 85°54'52" East for 390.06 feet to the POINT OF BEGINNING; Section 33, Township 43 South, Range 42 East, and being located APPROX. .3 MILE W OF PIKE RD. AND APPROX. .13 MILE S OF BELVEDERE RD., IN THE IL ZONING DISTRICT, was approved on March 26, 1992, as advertised, subject to the following conditions:

A. ALL PETITIONS

1. Prior to site plan certification, the site plan shall be amended **to** indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County. (Zoning)
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 23). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section **402.7(E) 2(b)** (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein. (Zoning)
3. The petitioner shall receive certification of the site plan approved by the Board of County Commissioners for the subject property, as amended as required by the conditions of approval, by the Site Plan Review Committee on or before to **July 29, 1992**. (Monitoring)

B. BUILDING AND SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
  - a. Landscape tabular data.
  - b. Employee parking spaces and required landscaping for the parking area.
  - c. Surrounding land uses.
  - d. Access widths. (Zoning)
2. The maximum height for all materials stored in outdoor areas shall not exceed twenty (**20**) feet, measured from finished grade. (Code Enforcement)

C. DUMPSTER

1. **All** areas or receptacles for the storage and disposal of trash, garbage or vegetation, shall be concealed behind a solid enclosure. The open end of the enclosure shall have an obscuring, opaque gate. (Condition applies to dumpsters only.) (Building/Code Enforcement)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (**ERM**)

E. ENGINEERING

1. 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. (Engineering)

2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (Engineering)
3. The Property owner shall pave the proposed access road from Pike Road subject to approval by the County Engineer. Construction of the access road shall be concurrent with onsite paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Building/Engineering)
4. 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. (Impact Fee Coordinator)
5. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall record a Unity of Title on the subject parcel including the adjacent acreage to the east fronting on Pike Road, subject to approval by the County Attorney. The Executive Director of Planning, Zoning and Building and the County Engineer may release the Unity of title subject to compliance with the Zoning Code and Subdivision Code. (Zoning/County Attorney)

F. HEALTH

1. The application and engineering plans to construct on site potable water supply and/or on-site sewage disposal system must be submitted to the Health Unit prior to onsite plan approval. (HRS)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (HRS)
3. The applicant shall establish policies and procedures acceptable to the Palm Beach County Public Health Unit to ensure that hazardous material **is** not brought onto the site. (HRS)
4. This facility shall not be open to the public and shall be conspicuously signed. (Code Enforcement)
5. Only debris and waste from licensed contractors and waste haulers shall be accepted on site. (Code Enforcement)
6. The applicant shall secure an operating permit for the septic tank system. (HRS)

7. The applicant shall implement reasonable precautionary measures to control dust and/or particulate matter emissions from leaving the property. These precautionary measures may include, but are not limited to:

- a. Additional setbacks,
- b. Application of water,
- c. Screening and/or fencing,
- d. Containment/enclosures,
- e. Vegetative barriers, and
- f. Paving and maintenance **or** traffic areas. (HRS)

**G.** IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost **for** connection shall be borne by the property owner. (Utilities)

**H.** LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape Code requirements and all landscape/vegetation preservation conditions of approval. (Zoning)
2. Perimeter landscaping and buffering shall **be** installed prior **to** September 26, 1992. (Monitoring)
3. All perimeter buffer trees on site shall:
  - a. Be a minimum of 14 feet in height at installation.
  - b. Have a minimum diameter of three and one-half' (3.5) inches measured at a point which is at least four and one-half (4.5) feet above existing grade level.
  - c. Have a minimum of five (5) feet of clear trunk and a minimum seven (7) foot canopy spread. (Zoning)

**I.** LANDSCAPING ALONG ALL PROPERTY LINES

1. The petitioner shall install landscaping and buffering pursuant to landscape buffer strip Alternative No. 3, as stipulated in Section 500.35 of the Zoning Code. The petitioner has the option of utilizing a Landscape Betterment Plan, subject to Zoning Division approval, or requesting a variance from the Board of Adjustment.

**J.** LIGHTING

1. All outdoor lighting used **to** illuminate the premises and identification signs shall be **of** low intensity, shielded directed downward and away from adjacent properties and streets. (Building/Code Enforcement)

K. SIGNS

1. Signs fronting on the north property line shall be limited as follows:
  - a. Maximum sign height - six (6) feet.
  - b. Maximum total sign face area - forty-eight (48) square feet.
  - c. Maximum number of signs - one (1) monument style. (Building)
2. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval. (Building)

L. USE LIMITATION

1. Hours of operation shall be limited to the hours between 6:00 a.m. and 7:00 p.m., Monday through Saturday only. Mulching shall be permitted between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday only. The Board of County Commissioners shall reconsider the hours of operation limitation on the mulching operation at the Zoning Authority Public Hearing to be held on June 29, 1992. (Code Enforcement)
2. Non-processable (construction debris) materials shall be stored on site for a maximum of 24 hours before disposal off site. (Code Enforcement)
3. Recycling facility materials shall be limited to wood, paper, plastic, ferrous and nonferrous metals, concrete materials and dirt for the processing of construction debris and the mulching of untreated woody and vegetative matter. (Code Enforcement)
4. No outdoor loudspeaker system audible off site shall be permitted. (Code Enforcement)
5. Incineration shall not be permitted on site.

M. COMPLIANCE

1. As provided in Zoning Code Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
  - a. 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; and/or
  - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
  - c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions. (Zoning/Monitoring)

2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Elmquist moved for approval of the Resolution.

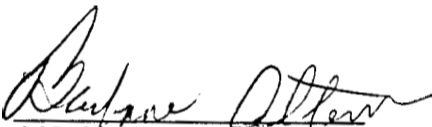
The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

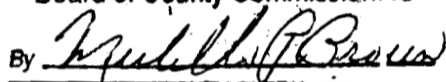
Karen T. Marcus, Chair	--	AYE
Carole Phillips	--	ABSENT
Carol A. Roberts	--	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	ABSENT
Ken Foster	--	AYE
Maude Ford Lee	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of July, 1992.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

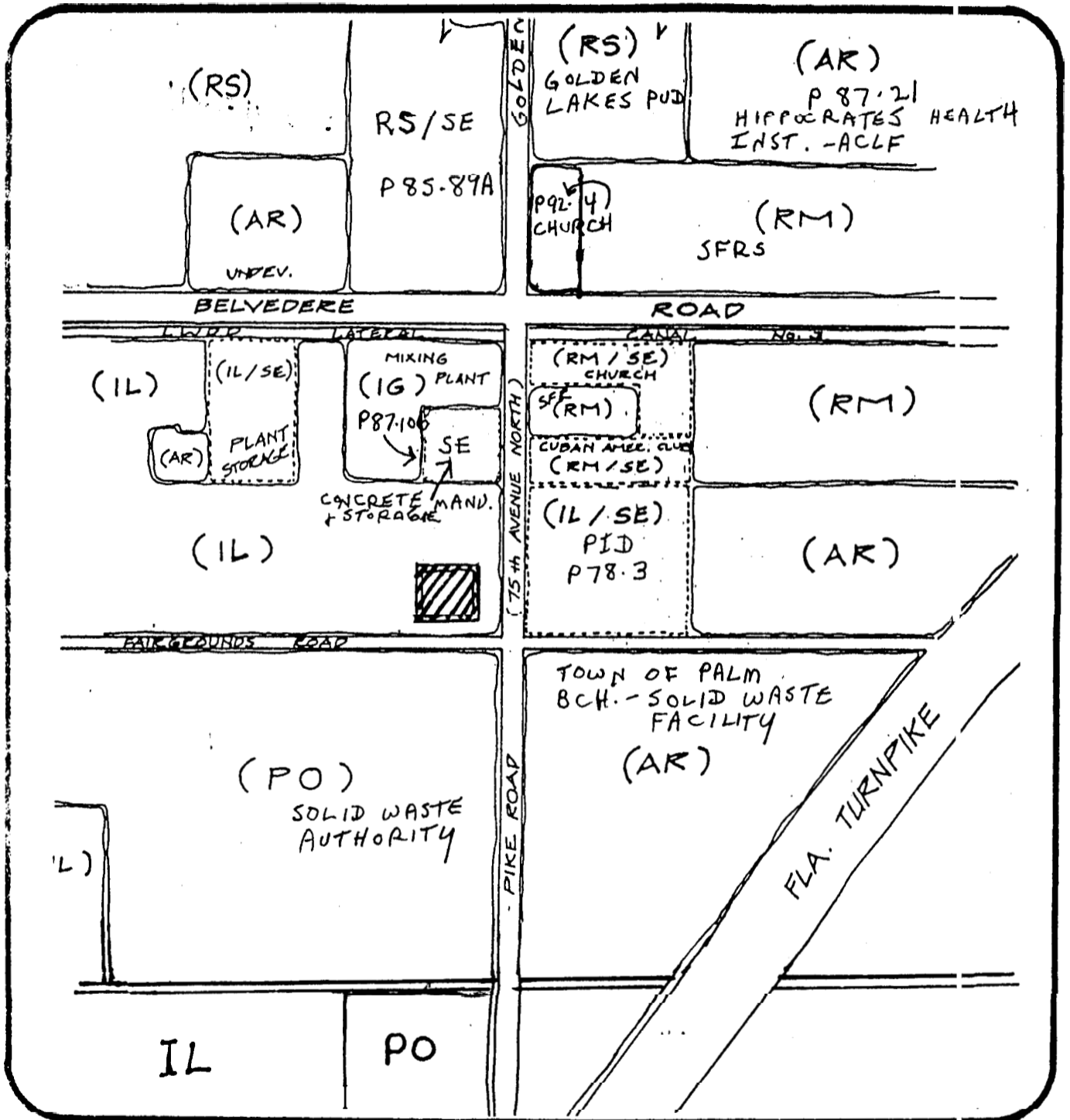
PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS.

BY:   
COUNTY ATTORNEY

MILTON T. BAUER, CLERK  
Board of County Commissioners  
BY:   
DEPUTY CLERK

Sec. 33 Twp. 43 Rng. 42  
 Quadrant Sheet: 46  
 Aerial Page: 172

Vicinity  
 Sketch



Request:

A SPECIAL EXCEPTION for a public and private utility service (solid waste transfer and recycling station - construction debris).

PETITION NO: 91-8

BCC DISTRICT: 6