



GENERAL SUBCOMMITTEE
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

MINUTES OF THE OCTOBER 18, 2010 SUBCOMMITTEE MEETING

Prepared by Ann DeVeaux, Zoning Technician

On Monday **October 18, 2010**, the General Subcommittee met at the Vista Center, Room VC-2E-12-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida.

Third meeting of the Solid Waste Authority Subcommittee for Amendment Round 2010-02.

A. CALL TO ORDER

Mrs. Cantor called the meeting to order at 2:00 p.m.

1. Roll Call

Subcommittee Members: Michael Cantwell, Robert Shulbaum.

Industry: Marc Bruner and Ken Berg (Solid Waste Authority [SWA]), Ken Wilson (Department of Health), William Pruitt, P.A. and Kevin McGinley (Bushel Stop Nurseries), Martin Perry, P.A. and Chuck Tomlinson (Amerigrow).

County Staff: William Cross, Monica Cantor, Jan Wiegand, Ann DeVeaux.

2. Amendments to the Agenda

None.

3. Motion to Adopt Agenda

Motion to adopt agenda by Michael Cantwell, seconded by Robert Schulbaum.

4. Adoption of September 27th Meeting Minutes (Exhibit A)

Motion to adopt minutes by Michael Cantwell, seconded by Robert Schulbaum.

B. DISCUSSION

1. Status of Transfer Stations in PBC

Ms. Cantor called the meeting to order and gave a brief summary of the last two meetings for the benefit of Martin Perry, P.A. and William Pruitt, P.A. She stated that the focus of the meeting was to review the status of yard waste transfer stations in Palm Beach County (PBC) and to discuss and make necessary revisions to the proposed language prepared by Zoning Staff based on the feedback received from previous meetings. The proposed language would add a definition for yard waste and allow yard waste transfer stations as an accessory use to related uses already established.

Mr. Perry questioned whether there were other demands for a change in Code language, since he was aware of only three uses that would be affected. Ms. Cantor stated that there are 19 yard trash processing facilities in Palm Beach County (PBC) that are registered or permitted under a solid waste permit with the Florida Department of Environmental Protection (FDEP) and nine permitted facilities by SWA of which seven are located in the Unincorporated Palm Beach County. Mr. Cross commented that there is a need to provide for the use to help reduce or consolidate traffic trips.

Mr. Perry and Mr. Tomlinson pointed out that the County is opening a major facility at the intersection of State Road 7 and Atlantic Boulevard and that yard waste transfer stations may not be in the best interest of SWA, nor will it solve the problem of illegal dumping. Nonetheless, Mr. Tomlinson commented that he is not in opposition to it. He further pointed out that landscapers do not want to pay for dumping and will not go to a private facility and pay \$6-\$8.00 per yard when dumping could be accomplished at SWA for \$4.50. Nonetheless, Mr. Tomlinson commented that he is not in opposition to it.

Mr. Bruner stated that private processors and potential yard waste transfer stations both serve as an advantage to SWA. The Authority's facility tipping floors are small, the trucks are large, and hand unloaders are undesired in the facility. Operationally, the more places that small landscapers can go to hand unload material away from SWA is an advantage. He further stated that the type of traffic unwanted by SWA may be rerouted to the private facilities.

2. Proposed Code Language

Ms. Cantor explained the proposed language in the handout, discussion ensued, and significant comments and proposed revisions are highlighted below:

Yard Waste Definition

- The subcommittee reviewed the yard waste definition to delete language related to the land clearing operation and to clarify that tree and shrub trimmings includes branches, trunks, and stumps.

Accessory Uses

- Landscape service, wholesale nursery, and retail nursery are the proposed principal uses to have accessory yard waste transfer stations. The accessory yard waste use will be permitted through a DRO approval process and will be subject to the additional standards stated under Accessory Uses and Structures, in Article 5 of the ULDC. Mr. Cross mentioned that the chipping and mulching use has not been included in the uses allowed to have accessory yard waste transfer stations due to the nature of such use and suggested that the chipping and mulching standards for access may be applied.

Yard Waste Transfer Station Regulations

- Location and Area - The proposed language allows the use to be permitted only on a minimum 10-acre site located on arterial or collector streets. Mr. McGinley stated that the principal use should have direct access to a collector or arterial street and that there should be no other access from local residential streets.
- Separation Criteria - The proposed language suggests that SWA take the lead in providing permits based on location; however, Mr. Bruner clarified that SWA does not have enough information to determine if a yard waste facility is approved or not based on location criteria. Ms. Cantor stated that through the DRO approval process, Engineering would have an opportunity to determine any issues associated with traffic that could become part of the location criteria.
- Setback - It was recommended that setbacks be measured 100 feet from the property line to the yard waste storage area when adjacent to residential otherwise

the 50 feet setback applicable to outdoor storage area contained in article 5, Accessory and temporary uses apply.

- Area – The proposed storage area dimension would be 30 feet by 40 feet with a five-foot high wall to contain the yard waste. Discussion took place related to additional screening to protect residential uses from viewing the accumulated material. The maximum height of yard waste would be 12 feet and to facilitate the waste high measurement, a benchmark on a pole has to be installed within the storage area. Regarding the drainage of the storage area surface, it was clarified that the run-off language needed to be reviewed to direct water to the site's main drainage system.
- Visual Buffering - Discussion ensued regarding why the landscape buffer was widened adjacent to residential parcels with no additional vegetative material to protect screening, and also why the proposed setback to the storage area increased from the customary 50 feet to 100 feet for a wholesale nursery. Ms. Cantor stated that the buffer issue would be further defined and clarified. The group agreed to include additional requirements for screening of the storage area.
- Hours and Days of Operation – It was agreed that the use can operate from Monday to Friday from 8:00 a.m. to 5:00 p.m., limited on Saturday from 8:00 a.m. to 1:00 p.m. and closed on Sunday. The hours of operation are more restrictive than existing regulations that apply to some of the principal uses.

Mr. Cross clarified that the intent of the standards related to the location, setbacks, hours, and days of operation is to address the unpredicted growth of a wholesale nursery, retail nursery, and landscape service. Consequently, the current regulations for these uses may not be restrictive enough to protect residential uses, therefore the proposed regulations for the yard waste accessory use would be more restrictive. In order to avoid the creation of nonconformities, the existing regulations for these uses will not be modified.

3. Comments

Ms. Cantor stated that the final meeting will be scheduled on Monday, October 25th and a draft of the revisions discussed in the meeting would be sent to the subcommittee prior to the meeting.

C. ADJOURN

The meeting adjourned at 3:35 p.m.