

RESOLUTION NO. R-98- 1131

RESOLUTION APPROVING ZONING PETITION PDD98-32  
OFFICIAL ZONING *MAP* AMENDMENT  
TO A PLANNED DEVELOPMENT DISTRICT (PDD)  
PETITION OF HAROLD MURPHY  
BY SARA LOCKHART, AGENT  
(PALM BEACH TRANSFER AND RECYCLING)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20), have been satisfied; and

WHEREAS, Zoning Petition PDD98-32 was presented to the Board of County Commissioners at a public hearing conducted on July 23, 1998; and,

WHEREAS, ~~the~~ Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, **Article 5**, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition PDD98-32, the petition of Harold Murphy by Sara Lockhart, agent, for an Official Zoning Map Amendment to Planned Development District (PDD) Rezoning IL to MUPD with Air curtain Incinerator, Permanent (requested use) on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on July 23, 1998, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Absent
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on July 23, 1998.

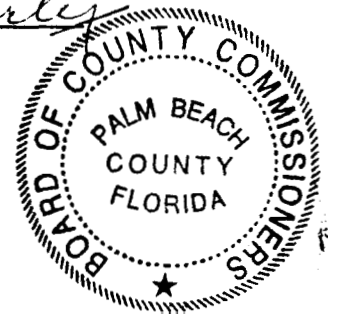
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Daleen Collier*  
COUNTY ATTORNEY

BY: *Joan Haverley*  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEGAL DESCRIPTION

THE WEST 1/2 OF TRACT 51, "BLOCK 5,"  
PALM BEACH FARMS COMPANY, PLAT #3,  
ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 2, PAGE 45,  
OF THE PUBLIC RECORDS IN PALM BEACH  
COUNTY, FLORIDA, LESS THE NORTH 134  
FEET THEREOF.  
CONTAINS 3.985 ACRES, PLUS OR MINUS.

TOGETHER WITH

THE EAST 1/2 OF TRACT 51, BLOCK 5,  
PALM BEACH FARMS COMPANY, PLAT #3,  
ACCORDING TO THE PLAT THEREOF, AS  
RECORDED IN PLAT BOOK 2, PAGE 45,  
OF THE PUBLIC RECORDS IN PALM BEACH  
COUNTY, FLORIDA, LESS THE SOUTH 15  
FEET THEREOF FOR ROAD R/W.  
CONTAINS 4.886 ACRES, PLUS OR MINUS.

LEGAL DESCRIPTION

**FOR**

PALM BEACH TRANSFER, INC.

SUBMITTED WITH JOB # 98/122 OF BOUNDARY SURVEY DATED 4/10/98  
BY DAN CHRISTIAN (PROFESSIONAL LAND SURVEYOR & MAPPER)



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 28, 1998. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGC ING: ZONING)

#### B. BUILDING AND SITE DESIGN

1. The petitioner shall replace all required landscape material that is dead, diseased, damaged, or missing by October 30, 1998, and shall be maintained on a continuing basis. (DATE: MONITORING - Landscaping)
2. The petitioner shall provide customer/employee parking to be paved and landscaped in accordance with the ULDC. (DRC: ZONING)
3. The height of recyclable or recoverable concrete sorted or stored in outdoor areas shall not exceed twenty (20) feet in height. (ONGOING: CODE ENFORCEMENT - Zoning)
4. The height of all other recyclable or recoverable materials, or non-recyclable residue, sorted or stored in outdoor areas shall not exceed twelve (12) feet in height. (ONGOING: CODE ENFORCEMENT - Zoning)
5. Petitioner shall provide elevation monuments in all outdoor storage areas with the elevation clearly visible from all sides of the material pile. At a minimum, these monuments shall consist of the following:
  - a. four (4) inch diameter PVC pipe posts filled with concrete anchored to the ground evenly spaced no more than 200 feet on center;
  - b. each post shall have the maximum twelve (12) foot high elevation clearly marked and twenty (20) foot high for the recyclable concrete; and,
  - c. the location and elevation of all constructed monuments shall be certified by a registered Land Surveyor. (DRC/ONGOING: CODE ENF - Zoning)
6. All outdoor storage or nonorganic recyclable materials excluding rock, dirt, mulch and non-treated wood, shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the materials. (ONGOING: CODE ENF)
7. The petitioner shall ensure noise levels do not exceed 60 DBA at the closest property line at any time. (BLDG PERMIT: BLDG - Code Enf)

#### C. ENVIRONMENTAL RESOURCES MANAGEMENT

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

2. Plans for any underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the **chances** of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ERM)

D. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewage system shall **be** prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating effluents. (HEALTH/ERM)
2. Since sewer service is available to the property, septic tank shall not be approved for use on the property. (HEALTH)
3. Because water service is available to the property, a well shall not be approved for potable water use. (HEALTH)
4. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C. (HEALTH)
5. Prior to commencement of any recycling activity on the north parcel, the petitioner shall install potable water and sanitary sewer facilities on the parcel. (HEALTH)
6. Reasonable precautions will be taken to insure that unconfined particulates (dust particles) from the property do not become a nuisance to neighboring properties. (ONGOING: HEALTH/ CODE ENF)
7. The petitioner may not discharge air pollutants which cause or contribute to objectionable odors. (ONGOING: HEALTH/ CODE ENF)
8. An engineering report evaluating the proposed grinder to be installed in relation to compliance with noise emission standards as well as related proposed dust control and odor control programs is required to be submitted to the Palm Beach County Public Health Unit prior to final site plan review. (DRC: HEALTH)
9. The petitioner shall obtain a permit from Palm Beach County Fire Rescue for the use of the ACI. (ONGOING: HEALTH/ CODE ENF - FIRE DEPART)
10. Fires associated with the permanent air curtain incinerator (ACI) shall be extinguished by 6:00 p.m. or guidelines established by the ACI permit. (ONGOING: HEALTH/ CODE ENF)
11. **An** attendant shall **be** on site all times the ACI is actively burning, or smoking and shall not leave the premises until the fire is completely extinguished. (ONGOING: HEALTH/ CODE ENF)

E. ENGINEERING

1. Prior to August 1, 1997 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County **Land Development Division** by road right-of-way warranty deed for:

a) Wallis Road, 30 feet from centerline

All right of way shall be along the project's entire frontage, free of all encumbrances and encroachments. Property owner 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING - Eng)

2. The Property Owner shall participate in an area-wide drainage program initiated by the County or by others to provide drainage and legal positive outfall to the Wallis Road area. Funding of this program shall be on a pro rata basis by all basin property owners, as determined by the County Engineer. (ENG)
3. As part of an area wide drainage program, if approved, credit for the Wallis Road right of way dedication for this petition shall be given to this property owner as determined by the County Engineer. (ENG)
4. The property owner shall be assessed the full pro-rated share of the proposed area wide drainage program for the four acre parcel being added to this site as part of this petition. The property owner shall not be assessed for paving as part of the drainage program. For the previously approved portion of this site the property owner shall only be assessed for the legal positive outfall portion of the costs of an area wide program. The property owner shall not be assessed for any costs for paving or for any retention/detention facilities on the previously approved portion of the site. (ENG)
5. Prior to Site Plan Certification by the DRC, the property owner shall record a drainage easement over this parcel into the existing lake for Zoning Petition DOA88-33(Parcel to the south). Drainage into this lake shall accommodate all required retention/detention for this site and for Zoning Petition DOA88-33. Location and width of the drainage easement shall be subject to the approval of the County Engineer. (DRC: ENG)

F. 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. (ZONING)

G. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the site plan and landscape tabular data to reflect conformance to current Landscape Code requirements. (ZONING)
2. All landscaping and vegetation planted on site, as required by this petition, shall be a native variety. (ZONING)
3. All landscaping and buffering shall be properly installed, irrigated and maintained, as required by the Palm Beach County Zoning Code. (ZONING)

H. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES (ABUTTING INDUSTRIAL ZONING)

1. A minimum ten (10) foot wide landscape buffer strip. (ZONING- Landscape)
2. A fence a minimum of six (6) feet in height. (ZONING- Landscape)
3. One twelve (12) foot tall native canopy tree planted every 20 feet on center along the exterior side of the required fence. (ZONING- Landscape)
4. Along the exterior side of the required fence, the property owner shall install thirty-six (36) inch high shrubs or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (ZONING- Landscape)

I. LANDSCAPING ALONG THE NORTH, PROPERTY LINE OF THE WESTERLY 330 FEET (3.98 ACRE ADDITION)

1. Landscaping and buffering along the property line of north westerly 330 feet abutting Westport Industrial Park shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. One (1) canopy tree planted every thirty (30) feet on center;
  - c. One (1) palm or pine tree for each forty (40) linear feet of frontage with a maximum of sixty (60) feet on center; and,
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

J. LANDSCAPING ALONG SOUTH PROPERTY LINE ADJACENT TO WALLIS ROAD

1. Landscaping within the required buffer along the south property line adjacent to Wallis Road shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape strip;
  - b. A six (6) foot high solid opaque fence;
  - c. One native canopy tree spaced every twenty (20) feet on center
  - d. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches; and,
  - e. All required landscaping shall be installed on the exterior side of the required fence. (ZONING)

K. LANDSCAPING ALONG THE WEST PROPERTY LINE

1. Landscaping and buffering along the west property line shall be upgraded to include:
  - a. A minimum fifteen (15) foot wide landscape buffer strip;
  - b. Single rows of canopy trees planted every twenty (20) feet on center;
  - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center;
  - d. A six (6) foot high opaque fence;
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches; and,
  - f. All required landscaping shall be installed on the exterior side of the required fence. (CO: LANDSCAPE)



L. LIGHTING

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets. (CODE ENF-Zoning)
2. Pole mounted lighting fixtures shall not exceed twenty (20) feet in height. (CODE ENF-Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement. (CODE ENF-Zoning)

M. SIGNS

1. No signs shall be permitted fronting on Wallis Road, except as required by N.7 (CODE ENF-Zoning)

N. USE LIMITATION

1. Only construction materials and vegetation shall be recycled on site. (CODE ENF-Zoning)
2. No outdoor loudspeaker system audible off site shall be permitted. (CODE ENF-Zoning)
3. Hours of operation of the recycling facility shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Friday, and 7:30 a.m. to 12:00 p.m. on Saturdays, excluding the retrieval and delivery of recyclable material containers, in accordance with Condition 0.5. (CODE ENF-Zoning)
4. The retrieval and delivery of recyclable material containers shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday. (CODE ENF-Zoning)
5. The Wallis Road entrance shall be locked and gated when the facility is not open. This gate shall be a minimum of six (6) feet in height, solid and opaque. (CODE ENF-Zoning)
6. The applicant shall maintain a contract with a licensed waste hauler for daily removal of all hazardous materials and white goods inadvertently brought on site. (ZONING)
7. No hazardous materials or white goods shall be permitted on site. A sign shall be prominently displayed at the entrance to the recycling facility stating these restrictions. (CODE ENF)
8. Storage of recyclable materials shall be limited to a maximum of five (5) thirty cubic yard recyclable materials containers stored on site no longer than 48 hour, maximum. Overnight storage of non-recyclable materials shall be permitted in accordance with Solid Waste Authority and Department of Environmental Protection standards and criteria. (CODE ENF-Zoning)
9. Commercial excavation is prohibited on site. (CODE ENF-Zoning)
10. This site shall not be used as a commercial landfill. (CODE ENF\HEALTH-Zoning)
11. All material brought on site shall be deposited, recycled and sorted on a concrete surface. (CODE ENF-Zoning)

**O. COMPLIANCE**

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
  - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or
  - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the **ULDC** at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
  - d. Referral to code enforcement; and/or
  - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of **PZ&B** or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)