

RESOLUTION NO. R-99-1142

RESOLUTION APPROVING ZONING PETITION CA98-080  
CLASS A CONDITIONAL USE  
PETITION OF STEVEN GREENFIELD, TRUSTEE  
BY BRADLEY MILLER, AGENT  
(LOX ROAD VEGETATION RECYCLING & NURSERY)

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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA98-080 was presented to the Board of County Commissioners at a public hearing conducted on June 29, 1999; 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 recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 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 CA98-080, the petition of Steven Greenfield, Trustee, by Bradley Miller, agent, for a Class A Conditional Use (CA) to allow chipping and mulching and potting soil manufacturing use on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 29, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Masilotti moved for the approval of the Resolution.

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

Maude Ford Lee, Chair	—	Aye
Warren Newell, Vice Chair	—	Absent
Karen T. Marcus	—	Absent
Carol A. Roberts	—	Aye
Mary McCarty	—	Aye
Burt Aaronson	—	Aye
Tony Masilotti	—	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 1999.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



EXHIBIT A  
LEGAL DESCRIPTION

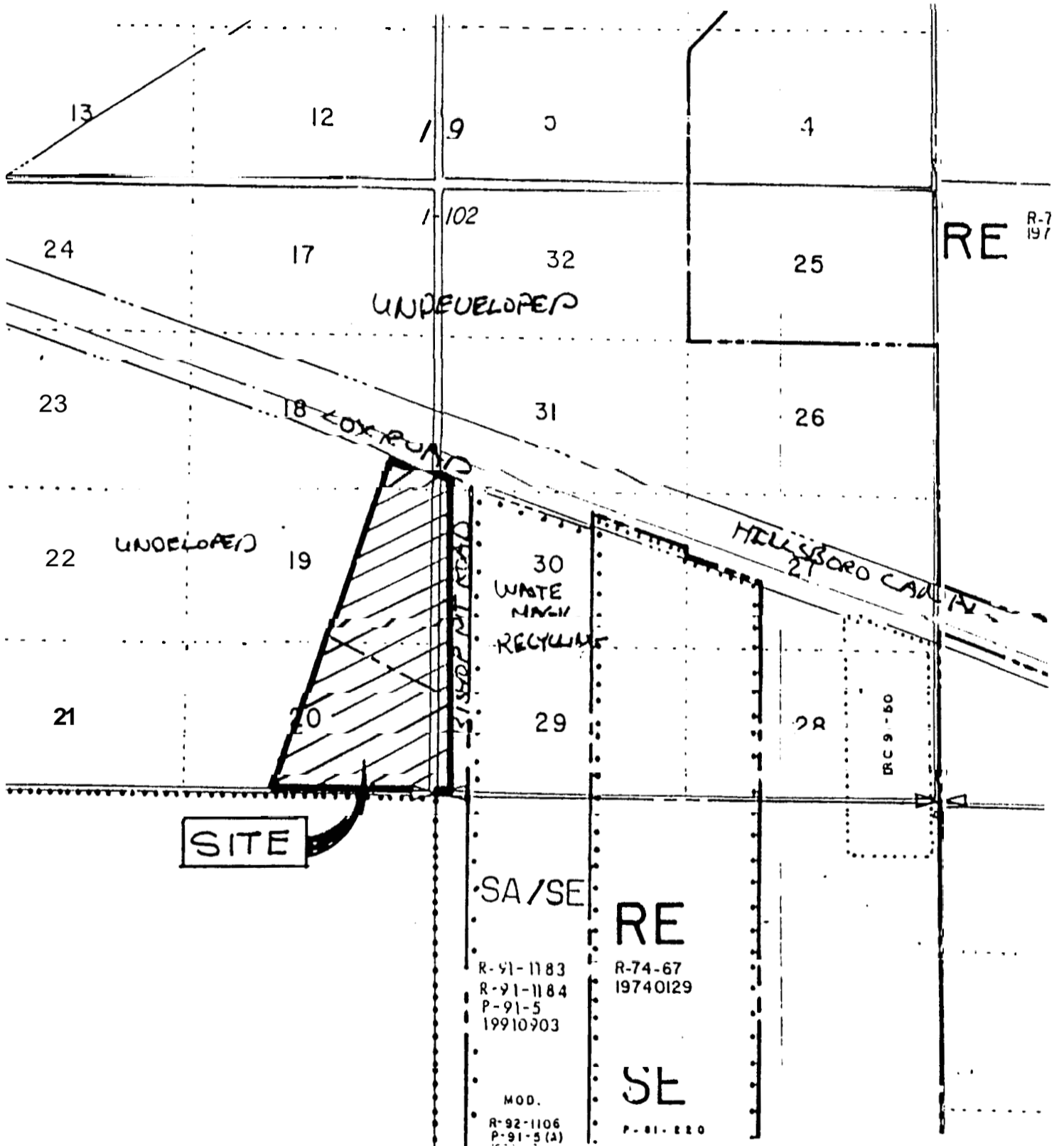
PARCEL A: A portion of Tracts **18, 19, 20, 29, 30** and **31** of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2 of Section **19**, Township **47** South, Range **41** East, as recorded in Plat Book **1**, Page **102** of the Public Records of Palm Beach County, Florida, more particularly described as follows: Commencing at the **Southwest** corner of Said Section **19**, thence **N. 89°54'52" E.**, along the South line of said Section **19**, a distance of **1440.00** feet; thence **N. 17°51'16" E.**, a distance of **735.53** feet to the Point of Beginning; thence continuing **N. 17°51'16" E.**, a distance of **870.68** feet to a point; thence **S. 71°39'51" E.**, a distance of **387.37** feet; thence **S. 0°20'46" E.**, a distance of **971.57** feet; thence **N. 67°32'57"**, a distance of **693.05** feet to the Point of Beginning.

and

PARCEL B: A portion of Tracts **20** and **29** of FLORIDA FRUIT LANDS COMPANY SUBDIVISION NO. 2 of Section **19**, Township **47** South, Range **41** East, as recorded in Plat Book **1**, Page **102** of the Public Records of Palm Beach County, Florida, more particularly described as follows: Commencing at the Southeast corner of said Section **19**, thence **S. 89°54'52" W.**, along the South line of said Section **19**, a distance of **2071.05** feet to the Point of Beginning; thence continuing **S. 89°54'52" W.**, a distance of **868.66** feet to a point; thence **N. 17°51'16" E.**, a distance of **736.63** feet to a point; thence **S. 67°32'57" E.**, a distance of **693.05** feet to a point; thence **S. 0°20'46" E.**, a distance of **434.15** feet to the Point of Beginning. LESS THE EAST 60 FEET THEREOF.

Property Address: Vacant Land

EXHIBIT B  
VICINITY SKETCH



## 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 March 15, 1999. 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. (ONGOING: ZONING)

#### B. HEALTH

1. Reasonable precautions shall be employed to control the emission of objectionable odors into the ambient air from storage piles and waste processing activities. (ONGOING: HEALTH/ CODE ENF)
2. Reasonable precautions shall be employed to control the release of particulate emissions (dust particles) into the ambient air from waste processing activities, on site traffic areas and storage piles. (ONGOING: HEALTH/ CODE ENF)
3. All necessary precautions shall be taken to prevent leaking into the soil or ground water of any toxic or hazardous materials such as pesticides, fertilizers and herbicides. Any such materials shall be stored on impervious surfaces sufficiently bermed to prevent runoff. (ONGOING: HEALTH/ CODE ENF)
4. Application and engineering plans to construct a limited use commercial well in accordance with Rule 64E-8FAC and Palm Beach County ECR-I must be submitted to Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)
5. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to the final site plan review. (DRC: HEALTH)

#### C. LANDSCAPING ALONG ALL PROPERTY LINES

1. Landscaping and buffering along the entire property line shall include:
  - a. A minimum twenty-five (25) foot wide landscape buffer strip;
  - b. A continuous three and one-half (3½) foot high berm measured from top of curb;
  - c. One (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of thirty (30) feet between clusters. A group of three (3) or more palm or pine trees may supersede the requirement for 25% of the canopy trees in that location;
  - d. One (1) additional palm for each twenty-five (25) linear feet of property line with a maximum spacing of sixty (60) feet between clusters; and,
  - e. Twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of forty-two (42) inches. (CO: LANDSCAPE)

D. SIGNS

1. No off-premise signs shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
2. Freestanding sign fronting on Lox Road shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
  - b. Maximum sign face area per side - 100 square feet;
  - c. Maximum number of signs - one (1); and,
  - d. Style - monument style only. (CO: BLDG)

E. ENGINEERING

1. The property owner shall convey at no cost to Palm Beach County **Land Development Division** by road right-of-way warranty deed for Lox Road, 80 feet south of the existing south right of way line of the Hillsboro Canal within ninety (90) days notification to the property owner that such right-of-way is required. The Property owner shall record in the public records notification of this requirement prior to DRC approval. Notification language shall be approved by the County Attorney.

Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer 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 conveyance shall also include "Corner Crips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

2. In order to comply with the mandatory Traffic Performance Standards the Developer shall be restricted to the following phasing schedule:

No Building Permits shall be issued until the construction contract has been let for intersection improvements to provide for dual left turn lanes south approach at the intersection of SR 7 and Oriole Country Road plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)

3. The Property owner shall construct at the intersection of SR 7 and Oriole Country Road dual left turn lanes south approach at the intersection of SR 7 and Oriole Country Road plus the appropriate paved tapers:
  - a. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
  - b. Permits required by Florida Department of Transportation and Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

4. Acceptable surety required for the offsite road improvements as outlined in the Condition above shall be posted with the Office of the **Land Development Division** on or before December 27, 1999. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer. (TPS) (DATE: MONITORING-Eng)

F. VEGETATIVE MATERIALS

1. Only yard trash and clean wood as defined in Florida Administrative Code 62.701 FAC shall be recycled on site. (CODE ENF-SWA: Zoning)
2. The facility shall receive no more than eighty-five (85) tons or six hundred-sixty (660) cubic yards of vegetative material per day. (ONGOING: CODE ENF)
3. Total on site storage of all material shall not exceed 50,000 cubic yards. (CODE ENF - SWA - FDEP)
4. On-site storage of unprocessed vegetative material shall be limited to forty-five (45) days and maximum pile heights of fifteen (15) feet. (ONGOING: CODE ENF - 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 fifteen (15) foot high elevation clearly marked; and,
  - c. the location and elevation of all constructed monuments shall be certified by a registered Land Surveyor. (DRC/ONGOING: CODE ENF-Zoning)

G. USE LIMITATION

1. The use of the site shall be limited to chipping and mulching, potting soil manufacturing, composting, and a wholesale nursery with an accessory office. (CODE ENF-Zoning)
2. The chipping, grinding, and mulching equipment shall be operated only Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. Hours of operation for the recycling facility shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. (ONGOING: CODE ENF - Zoning)
3. Outdoor chipping and mulching equipment shall be setback a minimum of three hundred (300) feet from north, south and west property lines and one hundred (100) feet from the east property line. (DRC: CODE ENF - Zoning)
4. Retail sale to the public shall not be permitted. (ONGOING: CODE ENF.)
5. The petitioner shall ensure noise levels do not exceed 60 DBA measured at the property line.
6. No outdoor loudspeakers system audible off site shall be permitted. (ONGOING CODE: ENF-Zoning)

7. Prior to issuance of certificate of occupancy or prior to August 1, 2000, the petitioner shall receive a Solid Waste Management (SWM) operating permit from the Solid Waste Authority. (CO: DATE: MONITORING - SWA - Zoning)
8. Prior to issuance of a certificate of occupancy or prior to August 1, 2000, the petitioner shall receive approval from Palm Beach County Fire Rescue for compliance with National Fire Protection Association (NFPA 46 - *Recommended Safe Practice for Storage of Forest Products*) (CO: DATE: MONITORING: FIRE RESCUE - Zoning)

#### H. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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 non-compliance, 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)