

## RESOLUTION NO. R-2007-2137

RESOLUTION APPROVING ZONING APPLICATION Z2007-892  
(CONTROL NO. 2005-140)  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
APPLICATION OF SOLID WASTE AUTHORITY  
BY KILDAY & ASSOCIATES, INC., AGENT  
(SOUTHWEST COUNTY TRANSFER STATION)

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 public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application Z2007-892 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2007 and November 29, 2007; 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 has considered the findings in the staff report and 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 stated purpose and intent and requirements of the Palm Beach County Unified Land Development Code. The rezoning request is also consistent with the requirements of all other applicable local land development regulations.
3. This official zoning map amendment (rezoning) is compatible and generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land.
4. The applicant has demonstrated that there are sufficient changed conditions or circumstances that require an amendment.
5. 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.
6. This official zoning map amendment (rezoning) will result in a logical, orderly and timely development pattern.
7. This official zoning map amendment is consistent with applicable Neighborhood Plans.
8. This official zoning map amendment (rezoning) complies with Article 2.F (CONCURRENCY) of the Palm Beach County Unified Land Development Code.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application Z2007-892, the application of Solid Waste Authority, by Kilday & Associates, Inc., agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Reserve Zoning District to the Public Ownership Zoning District 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 November 29, 2007, subject to the Voluntary Commitments described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	- Absent
Jeff Koons, Vice Chair	- Aye
Karen T. Marcus	- Aye
Robert J. Kanjian	- Aye
Mary McCarty	- Aye
Burt Aaronson	- Aye
Jess R. Santamaria	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 29, 2007.

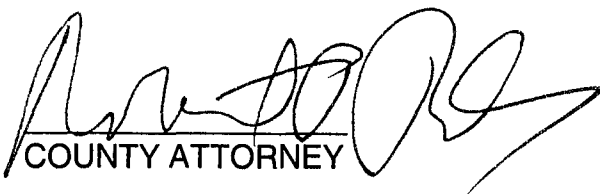
Filed with the Clerk of the Board of County Commissioners on November 29th, 2007

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

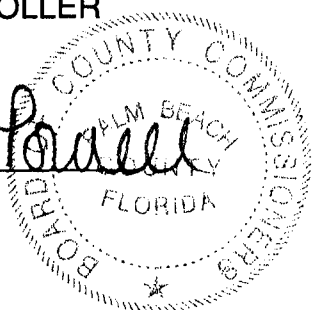


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 7, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACTS 45 THROUGH 48, INCLUSIVE, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION OF SAID TRACT LYING NORTH OF THE FOLLOWING DESCRIBED LINE; THE WEST TERMINUS OF SAID LINE BEING LOCATED ALONG THE WEST LINE OF TRACT 48, 52.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 48; THE EAST TERMINUS BEING LOCATED ALONG THE EAST LINE OF TRACT 45, 62.5 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT 45;

TOGETHER WITH:

TRACTS 49 THROUGH 52, INCLUSIVE, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 15 FEET THEREOF.

TOGETHER WITH:

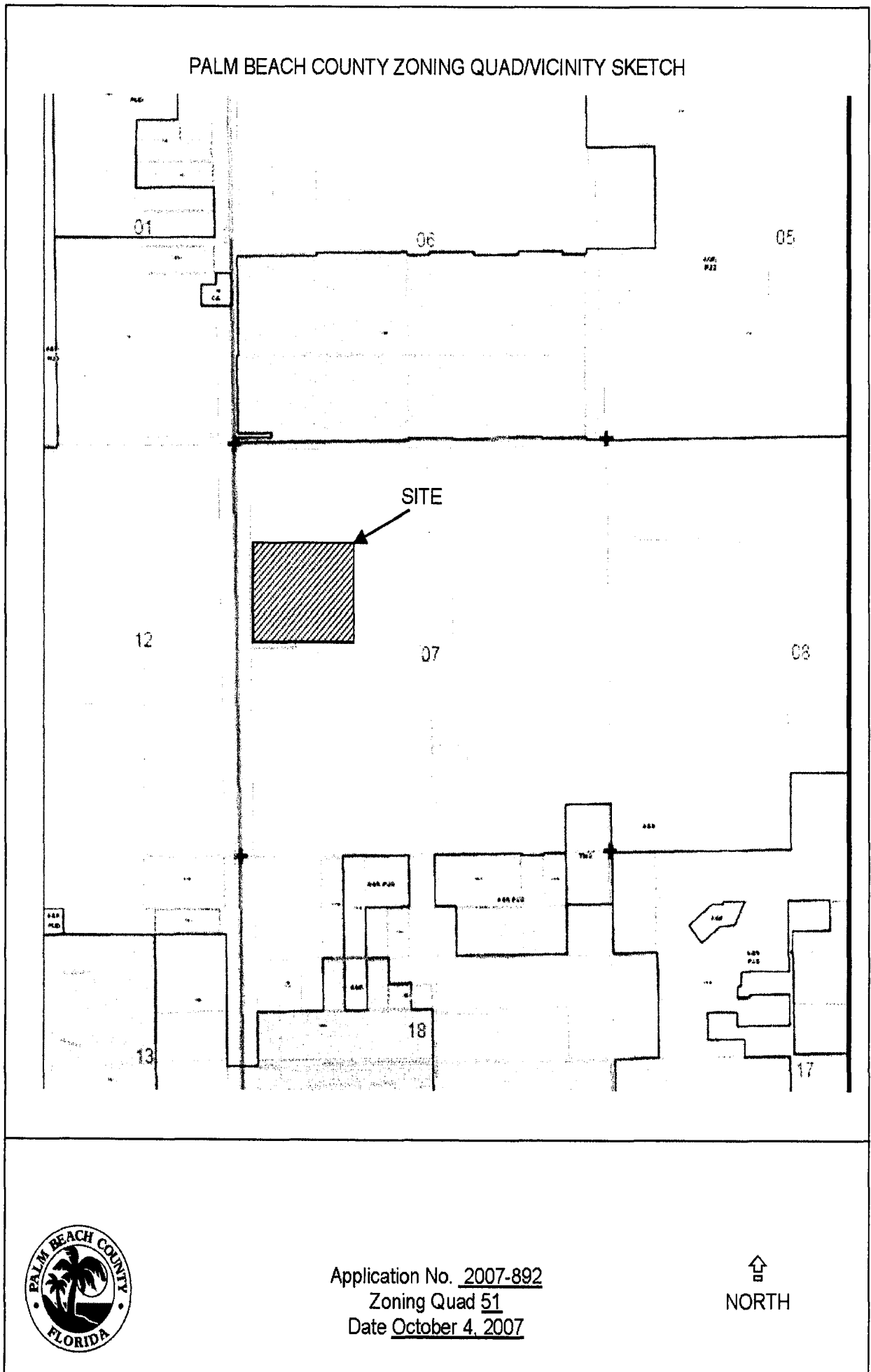
THAT PORTION OF TRACTS 44 AND 53, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1 AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WEST OF THE FOLLOWING DESCRIBED LINE; THE NORTH BOUNDARY BEING A LINE BEGINNING AT A POINT LOCATED ALONG THE WEST LINE OF TRACT 44, 62.5 FEET SOUTH OF THE NORTHWEST CORNER OF SAID TRACT 44, AND TERMINATING AT A POINT LOCATED 47.5 FEET EAST OF AND 62.9 FEET SOUTH OF THE NORTHWEST CORNER OF TRACT 44; THE SOUTH TERMINUS OF SAID LINE BEING LOCATED 57.0 FEET EAST OF THE SOUTHWEST CORNER OF SAID TRACT 53, ALONG THE SOUTH LINE THEREOF. LESS THE SOUTH 15 FEET THEREOF.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFOREMENTIONED TRACT 49, BLOCK 7, PALM BEACH FARMS COMPANY PLAT NO. 1, THENCE ALONG THE WEST LINE OF SAID TRACT 49, NORTH 00°41'23" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 00°41'23" WEST, A DISTANCE OF 1296.12 FEET; THENCE DEPARTING SAID WEST LINE, NORTH 88°58'52" EAST, A DISTANCE OF 1370.83 FEET; THENCE SOUTH 01°10'47" EAST, A DISTANCE OF 1291.26 FEET; THENCE SOUTH 88°46'49" WEST, A DISTANCE OF 1381.91 FEET TO THE POINT OF BEGINNING.

CONTAINING 40.88 ACRES OF LAND, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### ARCHITECTURAL REVIEW

1. At time of submittal for Building Permit, architectural elevations shall be submitted for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with all ULDC requirements. (BLDG. PERMIT: ARCH REV - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
  - a. No Building Permits for the site may be issued after January 1, 2013. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)
2.
  - a. The Property owner shall construct:
    - left turn lane north approach on State Road 7 at the projects entrance road.
    - right turn lane south approach on State Road 7 at the projects entrance road.
    - close the existing median opening on State Road 7, 2800 feet south of Bob West Road and relocate this median opening to the project's entrance road in accordance with the Florida Department of Transportation approval.. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this 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. Permits required by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
  - b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
3. LANDSCAPE WITHIN THE MEDIAN OF STATE ROAD 7 The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of State Road 7. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below.
  - a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)
  - b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)
  - c. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County.

The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING-ENGINEERING)

- d. Also, prior to the issuance of a Building Permit, and at the option of the property owner, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the projects front footage along State Road 7. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING-ENG)

## ENVIRONMENTAL

1. All regulated substances shall be loaded, off-loaded and stored within the covered storage facility at all times. Should any regulated substances be stored out doors it shall be under a covered area and within a secondary containment system that can handle 150% of the volume of substances contain within should a spill occur. (ONGOING: ERM-ERM)
2. The building shall provide overall secondary containment for the regulated substances that are stored and sold on the premises. All substances within the building shall be stored within containments systems that shall prevent their loss. All exterior egress points shall contain a sill raised higher than the interior floor elevation and slope inwards to prevent spills from exiting the facility. (ONGOING:ERM-ERM)

## HEALTH

1. Public water and sanitary sewer is available. Therefore no onsite potable water supply well will be permitted, and no onsite sewage treatment and disposal system will be permitted. All existing potable water supply wells and onsite sewage treatment and disposal systems shall be abandoned in accordance with Chapter 64E, FAC, and Environmental Control Rules I & II. (ONGOING: HEALTH – Health)

## LANDSCAPING

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related voluntary commitments as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

## LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF STATE ROAD 7/US 441)

2. In addition to code requirements along the west property line, landscaping shall be upgraded to include:
  - a. a minimum fifty (50) foot wide landscape buffer strip.
  - b. a minimum three (3) to five (5) foot high undulating berm with an average height of four (4) feet; and,
  - c. one (1) palm or pine for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

## LAKE WORTH DRAINAGE DISTRICT

1. The District will require that prior to the recording of plat or approval from the District for Technical Compliance, the owner shall convey to the District either by warranty deed or easement the South 25 feet of Tracts 49 - 53, Section 7, PBFCP1, PB 2, PG 26, which includes the north 15 feet of the 30 foot platted road as originally platted; also being the south 10 feet of Tracts 49-53, Section 7, PBFCP1, PB 2, PG 26 as shown on the boundary survey done by The Wantman Group, Inc. dated June 4, 2007. Additional right-of-way will not be required for the E-1 Canal, based on cross-sections. (PLAT: LWDD-ENG)

## SIGNS

1. Freestanding signs fronting on SR 7/US 441 shall be limited as follows:
  - a. maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. maximum sign face area per side - one hundred (100) square feet;
  - c. maximum number of signs - one (1);
  - d. style - monument style only; (BLDG PERMIT: BLDG - Zoning)

## COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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 voluntary commitments of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the voluntary commitments 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 voluntary commitments; 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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any voluntary commitment of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit

Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING  
- Zoning)