

RESOLUTION NO. R-2024- 1622

RESOLUTION APPROVING ZONING APPLICATION CA-2024-00219  
(CONTROL NO. 1994-00036)  
a Class A Conditional Use  
APPLICATION OF Waste Pro Of Florida, Inc.  
BY Schmidt Nichols, AGENT  
(Waste Pro Palm Beach)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application CA-2024-00219 was presented to the Board of County Commissioners at a public hearing conducted on November 21, 2024;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application CA-2024-00219, the Application of Waste Pro Of Florida, Inc., by Schmidt Nichols, Agent, for a Class A Conditional Use to allow a Recycling Plant on 14.29 acres, on a parcel of land generally described as shown on the legal description 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 November 21, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	- Aye
Commissioner Sara Baxter, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel Flores	- Aye
Commissioner Marci Woodward	- <del>Aye</del>
Commissioner Maria Sachs	- Aye
Commissioner Bobby Powell	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on November 21, 2024.

Filed with the Clerk of the Board of County Commissioners on November 21, 2024

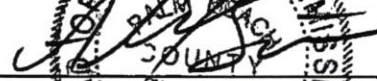
This resolution is effective when filed with the Clerk of the Board of County Commissioners.


APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

BY:   
\_\_\_\_\_  
COUNTY ATTORNEY

JOSEPH ABRUZZO  
CLERK & COMPTROLLER

BY:   
\_\_\_\_\_  
DEPUTY CLERK





## EXHIBIT A

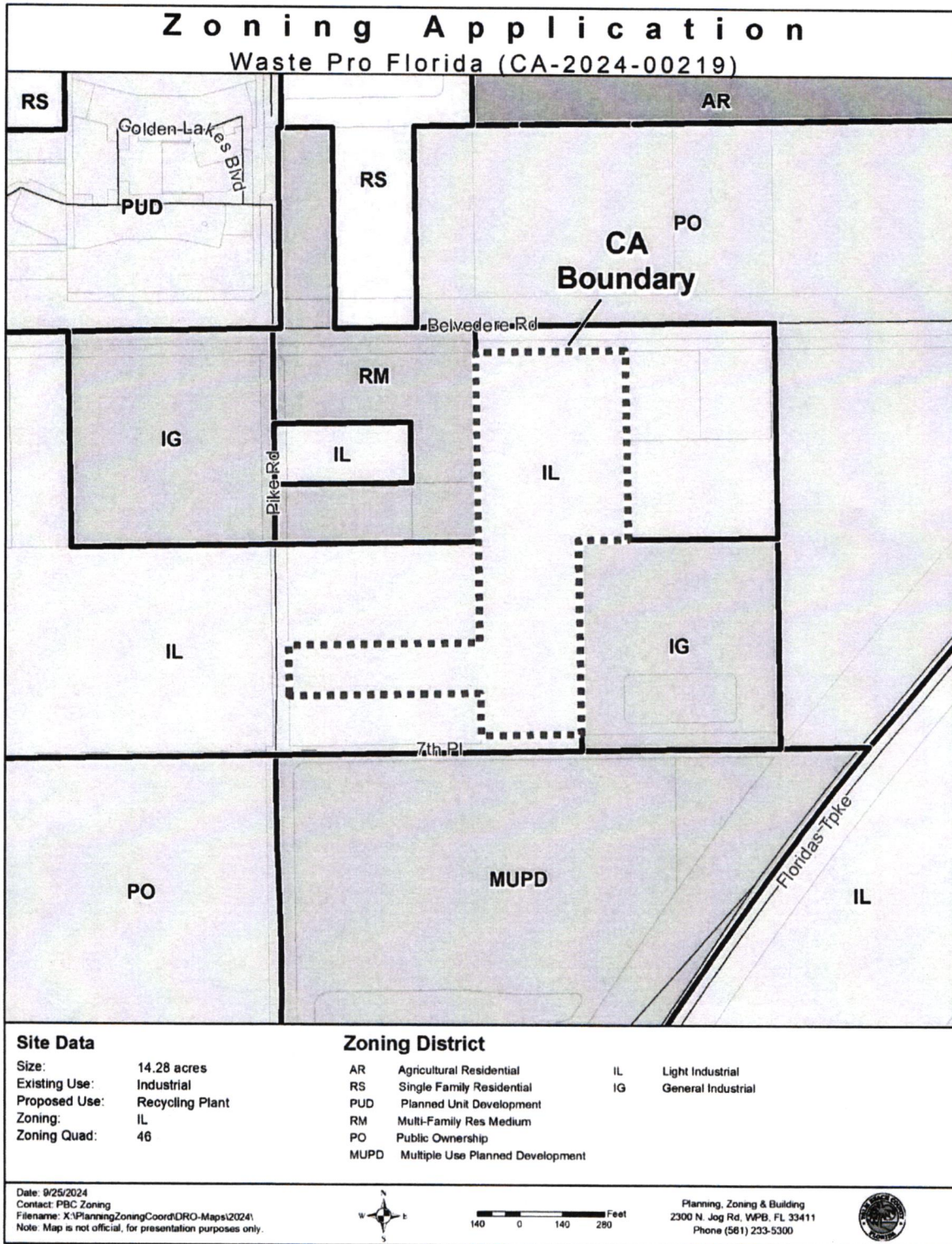
### LEGAL DESCRIPTION

A PORTION OF TRACTS 2, 10, AND 11, BLOCK 6, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT 2, BLOCK 6 OF SAID PLAT; THENCE SOUTH 00°58'52" EAST, ALONG THE WEST LINE OF SAID TRACT 2, BLOCK 6, (SAME LINE BEING THE EAST LINE OF TRACT 3, BLOCK 6) A DISTANCE OF 37.84 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°59'58" EAST, A DISTANCE OF 495.14 FEET TO THE EAST LINE OF THE WEST 1/2 OF SAID TRACT 2, BLOCK 6; THENCE SOUTH 00°58'52" EAST, ALONG SAID LINE, A DISTANCE OF 621.70 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT 2, BLOCK 6; THENCE SOUTH 88°58'34" WEST, ALONG THE SOUTH LINE OF SAID TRACT 2, BLOCK 6, A DISTANCE OF 165.05 FEET; THENCE SOUTH 00°58'56" EAST, ALONG THE EAST LINE OF THE WEST FIVE ACRES OF TRACT 11, BLOCK 6, A DISTANCE OF 634.93 FEET TO A POINT 25 FEET NORTH OF THE SOUTH LINE OF TRACT 11, BLOCK 6; THENCE SOUTH 88°58'34" WEST, ALONG THE LINE THAT IS 25 FEET NORTH OF THE SOUTH LINE OF SAID TRACT 11, BLOCK 6, A DISTANCE OF 330.10 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 11, BLOCK 6 AND THE EAST LINE OF TRACT 10, BLOCK 6; THENCE NORTH 00°58'52" WEST, ALONG THE WEST LINE OF SAID TRACT 11 AND THE EAST LINE OF SAID TRACT 10, BLOCK 6, A DISTANCE OF 139.93 FEET; THENCE SOUTH 88°58'34" WEST, A DISTANCE OF 635.26 FEET; THENCE NORTH 00°58'34" WEST A DISTANCE OF 165.00 FEET; THENCE NORTH 88°58'34" EAST, A DISTANCE OF 635.25 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 11, BLOCK 6 AND THE EAST LINE OF TRACT 10, BLOCK 6; THENCE NORTH 00°58'52" WEST, ALONG SAID WEST LINE OF TRACT 11, BLOCK 6 AND THE EAST LINE OF TRACT 10, BLOCK 6, AND THE WEST LINE OF SAID TRACT 2, BLOCK 6, AND THE EAST LINE OF SAID TRACT 3, BLOCK 6, A DISTANCE OF 951.90 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 622,280 SQUARE FEET (14.285 ACRES), MORE OR LESS.

**EXHIBIT B**  
**VICINITY SKETCH**





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Class A Conditional Use**

##### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated September 24, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

##### **ENGINEERING**

1. No Building Permits for the site may be issued after December 31, 2027, or as amended. 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 Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

##### **ENVIRONMENTAL**

1. Prior to Final Development Review Officer (DRO) approval, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

##### **LANDSCAPE - PERIMETER**

1. The landscape buffer along the west property line adjacent to the properties with RM Zoning and INST Future Land Use shall be increased as follows:

- a. Minimum width 20 feet
- b. Quantity of trees and shrubs shall be equal to a Type 3 Incompatibility buffer.
- c. A six foot opaque barrier shall be provided in the form of a fence, hedge, berm, or wall, or a combination of these.

(BLDGPMT/DRO: ZONING - Zoning)

##### **USE LIMITATIONS**

1. Drop off and storage of recyclable material shall only be located on the paved area that is designed to capture potential runoff or leak-proof containers as indicated on the approved site plan. (ONGOING: CODE ENF - Zoning)

2. Prior to final approval by the DRO, the Applicant shall provide a copy of the issued permit and copy of the bond posted with Solid Waste Authority. (DRO: ZONING - Zoning)

3. The recycling operation shall be limited to sorting, storage, and transfer of materials. The processing of recycling materials, including grinding or crushing, is prohibited.

(ONGOING: CODE ENF - Zoning)

##### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 Condition of Approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.