



PALM BEACH COUNTY
ZONING APPLICATION STAFF REPORT

ZONING COMMISSION PUBLIC HEARING, MAY 1, 2025

A. Application Summary

I. General

Application Name:	Coastal Waste and Recycling, ZV/DOA/Z-2024-01420
Control Name:	Coastal Waste and Recycling (2007-00172)
Applicant:	Coastal Waste & Recycling of Palm Beach County, LLC
Owner:	Coastal Waste & Recycling of Palm Beach, County, LLC
Agent:	WGINC - Matthew Barnes
Project Manager:	Donna Adelsperger, Senior Site Planner

Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Light Industrial (IL) Zoning District on 4.63 acres

Title: a Development Order Amendment – Conditional Overlay Zone **Request:** to modify Conditions of Approval for a previous rezoning on 4.63 acres (R-2007-01435)

Title: a Development Order Amendment – Conditional Overlay Zone **Request:** to modify Conditions of Approval for a previous rezoning on 1.24 acres (R-2007-01613, Control 2007-00174)

Title: a Class A Conditional Use **Request:** to allow a Recycling Center on 10.41 acres

Title: a Development Order Amendment - Class B Conditional Use **Request:** to modify the overall Site plan for the Chipping and Mulching use to add land area (4.63 acres) to an existing 5.87 acre; reconfigure the Site Plan, and add square footage on 10.41 acres (ZR-2016-00031)

Title: a Type 2 Variance **Request:** to allow activities (outdoor storage) to operate outside of an enclosed building in the Palm Beach International Airport Overlay (PBAO) on 10.41 acres

Application Summary: The application is for the Coastal Waste and Recycling facility. The site was approved by the Board of County Commissioners (BCC) on August 23, 2007 (4.63 acres) and September 24, 2007 (1.24 acres), for rezonings from the Agricultural Residential (AR), Residential Estate (RE), and Residential Transition (RT) Zoning Districts to the Light Industrial (IL) Zoning District with a Conditional Overlay Zones to allow for the development of industrial uses. Subsequently, the Zoning Commission approved Class B Conditional Uses for a Recycling Center and Chipping and Mulching use and a Variance on June 4, 2015 and May 5, 2016 for implementation of industrial uses on 5.87 acres. The site is currently developed with a Recycling and Chipping and Mulching use.

The request proposes to amend the overall Site Plan to add land area (4.63 acres), add square footage, reconfigure the uses, and amend and delete Conditions of Approval on 10.41 acres within the different approvals including the Conditional Overlay Zone. The request includes a Type 2 Variance to allow storage of material and activities outside of an enclosed building within the PBA Overlay. The Preliminary Site Plan (PSP) indicates two buildings with a total of 6,858 square feet (sq. ft.) consisting of 5,000 sq. ft. of Repair and Maintenance and 1,858 sq. ft. Office, 2.59 acres of Recycling Plant, 1.24 acres of Chipping and Mulching, 40 parking spaces, and one access from Wallis Road.

II. Site Data

Acres:	10.41 acres
Location:	North side of Wallis Road, approximately 1,037 feet east of N Cleary Road
Parcel Control:	00-42-43-27-05-005-1130; 1140, 1150; 1160; 1170; 1180; 1200; 1210; 1240; 1270; 1290; 1250; 1280; 1190; 1220; and, 00-42-43-33-15-001-0000
Future Land Use:	Industrial (IND)
Zoning District:	Agricultural Residential District (AR) and Light Industrial District (IL)
Proposed Zoning:	Light Industrial District (IL)
Tier:	Urban/Suburban
Utility Service:	Palm Beach County Water Utilities
Overlay/Study:	Palm Beach International Airport Overlay
Neighborhood Plan:	Haverhill Neighborhood Plan

CCRT Area: N/A
Comm. District: 2, Commissioner Gregg K. Weiss

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Articles 2.B. and determined that the requests meet the standards of the Unified Land Development Code (ULDC) subject to Conditions of Approval as indicated in Exhibits C-1 through C-6.

STAFF RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-6.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

IV. Hearing History

ZONING COMMISSION: *Scheduled for May 1, 2024*

BCC HEARING: *Scheduled May 22, 2024*

B. Data & Analysis

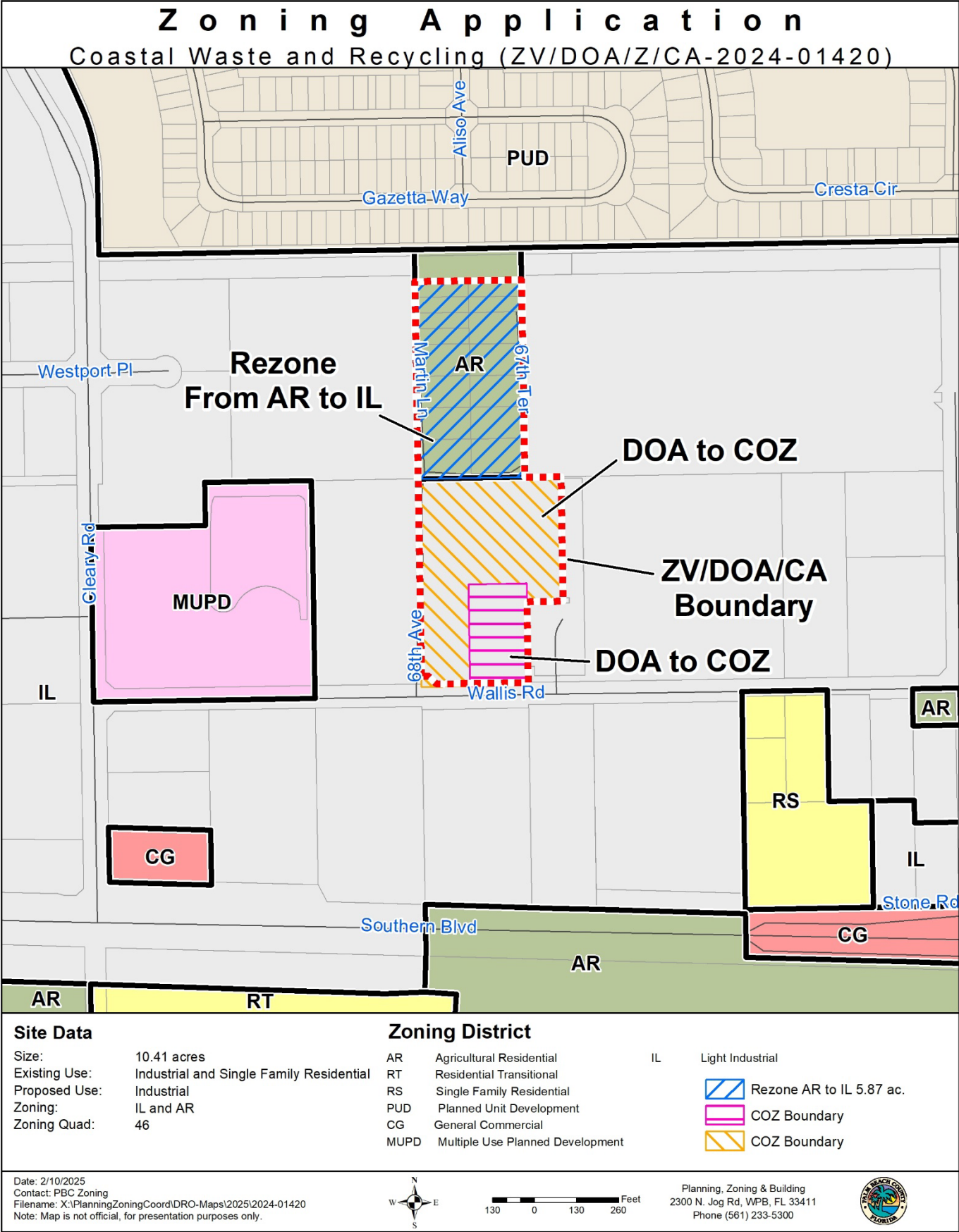
The supporting data and analysis is provided within the following Exhibits.

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Exhibit A-1 - Future Land Use Map



Exhibit A-2 - Zoning Map



Coastal Waste and Recycling

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Exhibit B - Standards Analysis & Findings

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District Standards:

Article 2.B.7.A.2, Standards for an Official Zoning Map Amendment (Rezoning) to a Standard District are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

The analysis provided below encompasses three requests: an Official Zoning Map Amendment to rezone 4.63 acres to the Light Industrial Zoning District (northern portion), a the Development Order Amendment to the previously approved Conditional Overlay Zone (COZ) as contained in Resolutions R-2007-1435 and corrected in R-2007-1876 for 4.63 acres of land, and a Development Order Amendment to a previously approved COZ as contained in resolution R-2007-1613 for 1.24 acres, both within the existing 5.87 acre of the southern portion of the site.

a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

- *Consistency with the Comprehensive Plan:* The proposed amendment to the zoning and the amendment to the Conditional Overlay Zones are consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Consistency of Future Land Use designation with Zoning District (Non-Residential):* Per Future Land Use Element Table 2.2-f.1: Non-Residential Future Land Use-Zoning Consistency, the existing future land use designation of Industrial (IND) is consistent with the proposed Light Industrial (IL) Zoning District.
- *Prior Land Use Amendments:* The site has been the subject of a previous County initiated Land Use amendment known as Jog Road Corridor, 96-64 COM 1, (ORD. 1996-037), which amended the land use from Commercial Low with an underlying Industrial (CL-O/IND) to Industrial (IND).
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's PBIA Approach Path Overlay, the Comprehensive Plan's Turnpike Aquifer Overlay, and the 1992 Haverhill Neighborhood Plan. The analysis for each planning area is provided below:
 - PBIA Approach Path Overlay - The subject site already has the Industrial future land use designation and is seeking to rezone to Light Industrial (IL) consistent with the objective of the Overlay to encourage, and further, industrial uses within the Overlay.
 - Turnpike Aquifer Overlay - The proposed project does not require a well dedication as it is less than 25 acres minimum identified in the Turnpike Aquifer Overlay.
 - Haverhill Neighborhood Plan – The Applicant was advised to coordinate with the Town of Haverhill regarding the request. No comments have been received from the Town of Haverhill to date.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed Rezoning is consistent with the stated purpose and intent of the County ULDC and is not in conflict with PBC ULDC and is not to relieve hardship or confer special privileges or rights. The rezoning is necessary for the proposed development request and for consistency with the existing FLU designation.

- *Overlays:* The subject site is located within the Palm Beach International Airport Overlay (PBIAO). The Department of Airport review Staff were provided this application for review and provided no comments throughout the review or for the Staff Report.

The PBIAO consists of those lands in unincorporated PBC bounded by Belvedere Road on the north, Southern Boulevard on the south, PBIA on the east, and Florida's Turnpike on the west, except for incorporated municipal areas. The site complies with the Overlay for the rezoning to IL. Additional analysis for the use is provided below under the Development Order Amendment standards.

- *Property Development Regulations:* The proposed re-zoning complies with the Industrial Light Property Development property Development Regulations. The minimum lot size for a Light Industrial (IL) parcel is 1-acre. The proposed rezoning encompasses 4.63 acres and will be combined with the existing development for a total of 10.41 acres, exceeding the minimum acreage.

The proposed development meets the setbacks required in the IL Zoning District and the PBIAO Setbacks. The maximum height of all structures is limited to 35 feet, but may be increased above 35 feet with an increased setback of 2 feet per additional foot of height.

Prior to issuance of the first building permit, the Property Owner shall reconfigure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code

- *Frontage and Access:* Frontage is along and access to the site is from Wallis Road.
- c. **Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The subject site is surrounded on the south, east, and west, sides by properties with industrial FLU designations, zoning, and uses, that are similar to, if not the same, as the subject site. To the north is an 88 foot Lake Worth Drainage District Canal and beyond that a residential planned unit development. Although the properties being rezoned to industrial have residential uses, their future land use is already Industrial. The existing residences were demolished. The rezoning will bring the sites into consistency with the FLU. With the proposed modifications to the development, buffering and use setbacks are proposed with the Conditional Use analysis.

- *Conditional Overlay Zone (COZ):* The existing 5.87 acre parcel consists of two Conditional Overlay Zones that were previously approved in 2007. Conditions of approval were included to address Engineering Traffic, Land Development, Zoning, Health Department, and Water Utilities requirements for compatibility and adequate public facilities. With the reconfiguration of the lot, along with the new uses proposed the conditions of approval are no longer applicable and the Conditional Overlay Zones are not necessary. New conditions of approval and/or amended with the changes proposed to the two uses. The staff reports at that time said the conditions were necessary *“to safeguard public health and welfare.”* Public health and welfare will still be safeguarded with the conditions applied to the uses.

- d. **Effect on Natural Environment** – *The proposed amendment will 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.*

- *Vegetation Protection:* The subject site has been previously developed. The additional lands contain native vegetation species (i.e. Dahoon Holly, Laurel Oak, Green Buttonwood, Black Olives and Sabal Palms. The vegetation will either be preserved or relocated.

- *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.

- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- e. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed rezoning of the 4.63 acres is logical as the properties already have an Industrial future land use. The pattern of development to the south, east and west are industrial and the rezoning is timely with the development in those areas. The residential development to the north is separated by an 88-foot Lake Worth Drainage District canal. The rezoning request addresses the inconsistency between the existing AR zoning and IND FLU designation in order to allow for an expansion of the existing development.

- f. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The subject amendment complies with the requirements for Adequate Public Facilities and is analyzed further under the standards for the Development Order Amendment.

- *Conditional Overlay Zone (COZ):* As stated above under Compatibility, the existing 5.87 acre parcel consists of two Conditional Overlay Zones that were previously approved in 2007. Conditions of approval were included to address Engineering Traffic, Land Development, Zoning, Health Department, and Water Utilities requirements for compatibility and adequate public facilities. With the reconfiguration of the lot, along with the new uses proposed the conditions of approval are no longer applicable and the Conditional Overlay Zones are not necessary. New conditions of approval and/or amended with the changes proposed to the two uses. The staff reports at that time said the conditions were necessary *“to*

safeguard public health and welfare.” Public health and welfare will still be safeguarded with the conditions applied to the uses.

g. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant’s Justification Statement indicates the following justification for their changed conditions or circumstances: *“Applicant was able to purchase all of the lots that were previously being used for single-family residential. These single-family homes were an “enclave” of older housing that had outlived their useful life and had been surrounded by industrial uses on three of the four sides, with the fourth side being separated by a LWDD right-of-way. This is a changed condition that necessitates the rezoning. Furthermore, the underlying future land use of the AR-zoned properties is Industrial Light. So the rezoning is curing an inconsistency between the zoning map and the future land use map.”.*”

Exhibit B - Standards Analysis & Findings

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

The analysis provided below encompasses two requests: a Class A Conditional Use for a Recycling Center, which amends what was approved under ZR-2016-030 and ZR-2015-017 due to a modification to the Unified Land Development Code, and finally, a Development Order Amendment to a previously approved Class B Conditional use for Chipping and Mulching approved via ZR-2016-031.

- a. Consistency with the Plan** - *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*
- *Consistency with the Comprehensive Plan:* The proposed amendments to the Chipping Mulching use and the Use for the Recycling Center is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
 - *Prior Land Use Amendments:* The site has been the subject of a previous County initiated Land Use amendment known as Jog Road Corridor, 96-64 COM 1, (ORD. 1996-037), which amended the land use from Commercial Low with an underlying Industrial (CL-O/IND) to Industrial (IND).
 - *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for the subject future land use designation in the Urban Suburban Tier (10.42 acres or 453,690 surveyed sq. ft. x 0.85 maximum FAR = 385,636 sq. ft. maximum). The request for 6,926 sq. ft. equates to a FAR of approximately 0.02 (6,926 sq. ft. of intensity / 453,690 surveyed sq. ft. of site = 0.015 or 0.02 rounded up).
 - *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Comprehensive Plan's PBIA Approach Path Overlay, the Comprehensive Plan's Turnpike Aquifer Overlay, and the 1992 Haverhill Neighborhood Plan. The analysis for each planning area is provided below:
 - PBIA Approach Path Overlay - The subject site already has the Industrial future land use designation and is seeking to rezone to Light Industrial (IL) consistent with the objective of the Overlay to encourage, and further, industrial uses within the Overlay.
 - Turnpike Aquifer Overlay - The proposed project does not require a well dedication as it is less than 25 acres minimum identified in the Turnpike Aquifer Overlay.
 - Haverhill Neighborhood Plan – The Applicant was advised to coordinate with the Town of Haverhill regarding the request. No comments have been received from the Town of Haverhill to date.
- b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*
- *Palm Beach International Airport Overlay (PBIAO):* The ULDC states that all uses allowed as Conditional Uses in the underlying district are permitted in the PBIAO after compliance with the Conditional Use regulations.
 - *Property Development Regulations:* The subject property meets the minimum lot size of 1 acre, as it is proposed to be 10.41 acres. Conditions of approval require the site to be replatted into one parcel.
 - *Commercial Vehicle Parking and Loading:* Parking of Commercial vehicles, including trailers, or loading shall be permitted within 75 feet of the northern property line abutting residential district. The subject site is separated from the Residential PUD by an 88 foot LWDD Canal, a 20 foot Type 3 incompatibility buffer, and a 1.63 acre dry detention area, approximately 350 feet from the site improvements.
 - *Lighting:* Lighting is restricted to the minimum needed for essential lighting of the site and buildings and required to be scaled to pedestrian for sites or buildings adjacent to residential uses. The ULDC allows 40 foot tall lighting for industrial sites, however Staff have included a Condition of Approval restricting the height of all lighting to 25 feet with zero footcandles required at the north property line to comply with the requirements of the Overlay.

- *Unified Control:* Development within the Overlay shall be developed under common ownership or Unity of Control. The proposed development is under one common ownership.
- *Enclosed Activities:* All activities, except storage and sales of landscape material, shall be operated within enclosed buildings. The Recycling Center and the Chipping and Mulching uses are not operated within enclosed buildings. A variance was approved, pursuant to ZR-2016-00172 for the original 5.87 acres. This application includes a new request for the same variance because the proposal will be expanding and modifying the layout of the development. See analysis under the Type 2 Variance Standards.

○ *Property Development Regulations:* The subject 10.41 acre area will be required to replat into one lot. The proposed lot will meet the minimum property development regulations. The proposed and existing uses for Recycling Plant, Chipping and Mulching and Repair and Accessory Office and Repair and Maintenance are required to meet setbacks for all structures and associated outdoor uses and storage.

The Applicant is proposing to keep two of the existing buildings on the site which are used as the Office/Scale house, 1,858 square feet (sq. ft.) and Scale House 68 sq ft. The accessory Repair and Maintenance structure will be demolished, relocated and increased in size from 1,280 sq. ft. to 5,000 sq ft.

○ *Use Specific Criteria – Recycling Plant:* The Recycling Plant was approved via Resolution ZR-2015-017 by the Zoning Commission for a Class B Conditional Use. The ULDC was modified in 2017, via ORD 2017-007. The Recycling Plant approval requirements changed from a Class B Conditional Use (Zoning Commission decision) to a Class A Conditional Use (Board of County Commissioners decision). Because of the changes to the land area and site design a new request for the expansion of the use to the BCC is required.

The prior approval was for a Recycling Plant to allow for the processing of recovered materials, which will be moved off site once they are sorted.

- *Solid Waste Authority (SWA) Permit:* The Applicant submitted a copy of there Executed Solid Waste Management Facility Operation Permit (AR 0079 CD16). The facility's current SWA Rule I Operation Permit for the recycling of construction and demolition debris and yard trash is valid through 6/30/2025; their request to renew the permit will be due on or before 3/2/2025. The current permit descriptions states as follows, "A 5,300 cubic yards per day, 5.7 acre Construction and Demolition (C/D) Debris and Yard Trash (YT) recycling facility, equipped with automated C/D debris processing equipment line including finger screens, sorting line, magnet, trammel, and destoner." The Applicant will be required to obtain new permits from SWA.

The expansion and reconfiguration project will require the facility to apply for a Substantial Modification (SWA Rule 1, Sec.6.8) to their SWA permit after they have obtained the required approvals and permit modifications from the jurisdictional County and State agencies (Zoning, Fire Rescue, FDEP/FDOHPBC, SFWMD, etc.), as applicable. The facility is advised to schedule a pre-application meeting with the SWA to discuss the project and the requirements for modifying their SWA permit. Prior to final approval by the DRO, the Applicant shall provide a copy of the new SWA permit and copy of the posted bond.

- *Location:* The request has the proposed Recycling plant at the far south and east end of the site with a total 2.59 acres dedicated for this use (increase in 1.51 acres) within the total 10.41 acre site. A Condition of Approval has been included that the processing of Recycling Plant hall be 500 feet from the north property line, consistent with the restriction for the Chipping and Mulching use.
- *Drainage:* "Unrelated surface water runoff shall not be permitted to discharge directly into lakes, stream, drainage canalys or navigable waterways other than into or through approved on-site containment areas." Palm Beach County Land Development and LWDD do not allow sheet flow into a LWDD canal. Any discharge from a site has to be through a permitted control structure. All of the discharge going through the control structure has been treated. The proposed modifications to the site will be required to obtain permits from Land Development and LWDD to ensure design has appropriate control structures.
- *Storage Areas:* Pursuant to Article 4.B. "All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential runoff associated with the stored material. Runoff shall be handled in a manner that is in conformance with Local, State, and Federal regulations." Prior to final approval by the DRO, the Site Plan shall be revised to indicate that the outdoor storage areas include either leak-proof containers or the areas are on paved areas which meet the use requirements stated above for run-off.
- *Hours of Operation:* The Recycling Plant will operate between 8:00 am to 5:00 pm Monday through Friday. Staff recommends the Use Limitation Condition of Approval as indicated in Exhibit C-2.

- *Use Specific Criteria – Chipping and Mulching:* The Applicant is continuing the Chipping Mulching use, which is a co-located with the Recycling Plant. While the Recycling Plant processes construction debris the Chipping and Mulching use is using equipment designed to cut tree limbs, brush or wood construction debris into small pieces for use as mulch.
 - *Access:* Access to the site is from Wallis Road which does not serve residential lots. The Development will be fenced off preventing access during no-operating hours.
 - *Lot Size:* The Minimum lot size must be five acres, the total site proposed is 10.41, meeting this requirements.
 - *Separation from Residential FLU:* The Chipping and Mulching processing area complies with the 500-foot setback requirement from the residential properties to the north. A Condition of Approval has been included that the processing of Chipping and mulching shall be 500 feet from the north property line.
 - *Outdoor Storage:* Outdoor storage of unprocessed material shall be limited to 45 days and the pile height of storage material shall be limited to 15 feet in height. Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a residential district or use. Storage areas shall be screened from view, pursuant to Article 5.B, Accessory and Temporary Uses. The site plan indicates a 376 foot setback from the north property line. A Condition of Approval has been included that the Chipping and mulching storage areas shall be 376 feet from the north property line.
 - *House of Operation:* The Preliminary Site Plan indicates the use is within 1,000 feet of a residential zoning district. The Chipping and Mulching processing will be limited to 9:00 am to 5:00 pm Monday through Friday. *See Use Limitation Condition 2 in Exhibit C-2.*
 - *Operation Functions:* The Preliminary Site Plan submitted with this application shows the circulation routes, pile locations, pile separation and height and locations of the buildings to remain. Waste Volume: The Applicant has indicated that the quantities of waste will vary however; the waste will only be via contracted haulers. No waste will be received from the general public. Dust Control: The Applicant has submitted a Dust Control Plan with this application which has been reviewed by the Department of Health. The Preliminary Site Plan shows that for the Chipping and Mulching area hose bibs will be placed a maximum of 100-feet apart along the fence.
 - *SWA Permit:* See summary under Recycling Plant. The Chipping and Mulching use also requires a permit. One permit is issued by SWA for both uses, and will be required to be revised and/or reapproved. Prior to final approval by the DRO, the Applicant shall provide a copy of the new SWA permit.
 - *Architectural Review:* The Applicant is proposing to renovate the existing structures and will be required to comply with Article 5.C if the thresholds for renovations are exceeded. The new building will be required to comply with Article 5.C.
 - *Parking:* The proposed development requires 37 parking spaces and 40 are provided. The proposed request complies with the parking requirements.
 - *Landscaping:* The Preliminary Site Plan dated March 13, 2025, indicates the following buffers:
 - North Property Line: a 25 foot wide Type 3 Incompatibility Buffer adjacent to the residential use along the north property line
 - South Property Line: 15 foot wide ROW Buffer along Wallis Road
 - East Property Line and the 8-foot wide Compatibility Landscape Buffer along the east property line
 - West Property Line: a 37 foot wide ROW buffer along a portion of 68th Avenue North that transitions to an 8 foot compatible buffer along the west,
- The Preliminary Site Plan indicates an 8-foot high vinyl coated chain link fence along the west property line, and a 6-foot vinyl coated chain link fence on the south property line just outside the ROW Buffer around the recycling plant area. The north property line includes a 6 foot wall. Staff proposes a Landscape Condition of Approval along the north property line that prohibits easement encroachment into the Type 3 Buffer and adds additional pine trees to ensure that the address compatibility to the residential to the north.
- *Signage:* The Preliminary Site Plan indicates one monument sign on Wallis Road. The sign complies with the requirements of Article 8 and the details are included in the Regulating Plan.

- c. **Compatibility with Surrounding Uses** - *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed request to amend the Recycling Plant and Chipping and Mulching use are compatible as defined in the Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. The surrounding uses along this portion of Wallis Road are industrially zoned and developed with industrial uses. Conditions of approval have been included as described under Consistency with the Code to address compatibility of the use with the residential PUD to the north.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed Recycling Plant will be for recovered materials. Delivery vehicles will enter through a controlled entrance at Wallis Road, proceed to a weight station, and then offload materials at the north end of the site for processing. Once the material is processed it will be moved to the processed/sorted area until the material is transported off site. The Chipping and Mulching use will be for tree limbs, brush or wood construction debris that is brought into the site as part of the recovered materials.

The Preliminary Site Plan indicates no buildings, circulation areas, ramps or storage areas located less than 25 feet of any property line. All buildings are setback a minimum of 300 feet from the adjacent residential lots to the north of the subject property. Conditions of approval have been included as described under Consistency with the Code to address the design impacts and compatibility of the use with the residential PUD to the north.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

- *Vegetation Protection:* The subject site has been previously developed. The additional lands contain native vegetation species (i.e. Dahoon Holly, Laurel Oak, Green Buttonwood, Black Olives and Sabal Palms. The vegetation will either be preserved or relocated.

- *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.

- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The development program is consistent with the surrounding industrial uses and the intent of the PBIAO and Haverhill Area Neighborhood Plan to convert vacant and residential land to light industrial. The requested land addition and site plan reconfiguration will result in a logical, orderly, and timely development pattern.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

This analysis is for both the rezoning and the Development Order Amendment for the Conditional Use.

TRAFFIC DIVISION:

The Department of Engineering and Public Works Traffic Division provided comments throughout the review of this application. . The proposed modification on the currently existing Chipping and Mulching Industrial site by expanding the current operation to an adjacent site that currently has several single family residential developments, which has been demolished, is expected to result in two fewer net daily trips, six additional net AM peak trips, and three additional net PM peak hour trips. Overall, the new site plan is expected to generate 215 net daily trips, 30 net AM peak hour trips, and 30 net PM peak hour trips. The build out of the project is assumed to be by 2026.

The impacts of the change will be insignificant, as per the definition in the Traffic Performance Standards. Access to the site is currently existing on Wallis Rd and will continue to be used with the expansion. No turn lane is warranted at the entrance.

LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division provided comments throughout the review of this application and the requested modifications have been incorporated by the Applicant. The Property Owner will construct onsite dry detention pond to address the drainage requirements for the project site. The property associated with the application was found to comply with the regulations and code requirements of the ULDC under the authority of the Land Development Division, subject to the following Conditions of Approval based on the proposed use:

- The Property Owner shall configure the property into a legal lot of record.
- The Property Owner shall fund and construct Wallis Road from N. Cleary Road to the Tall Pines Road to be consistent with Palm Beach County Standards for a non-plan collector road. These improvements will be concurrent with the onsite paving and drainage improvements for the site.
- The Property Owner shall abandon or release all road easements and any other easements shown in conflict with the existing or proposed structures.

DRAINAGE DISTRICT:

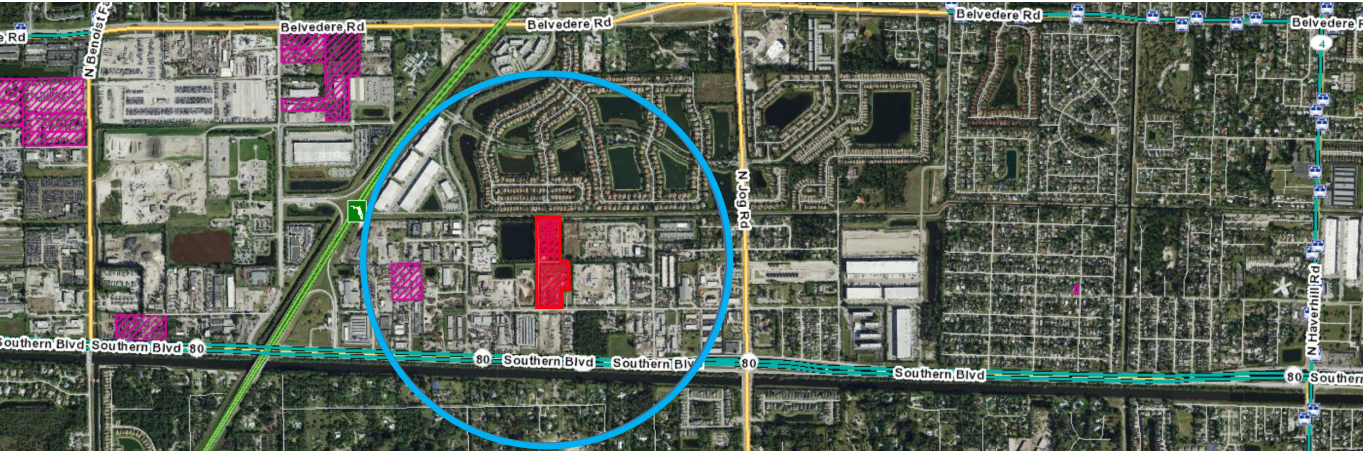
The subject site is located within the service boundaries of the Lake Worth Drainage District. The Applicant’s Engineer state’s, “...that the project lies within sub-basin 23 of the South Florida Water Management District (SFWMD) C-51 drainage basin. This site is also partially within Zone AE Elevation 15.7 feet per FEMA FIRM Map Number 12099C0567F, effective October 5th, 2017.”

The proposed improvements associated with the project include the expansion of the recycling plant and processing area, as well as outdoor chipping and mulching storage areas. The proposed drainage system will include a system of interconnected inlets, pipes, swales, and an on-site dry detention area that will drain through a control structure into the LWDD L-4 canal which borders the north side of the project. A modification to the existing flood zone is not anticipated to be needed for the proposed improvements. The LPO for the existing southern property is the roadway system on Wallis Road, but the proposed LPO for the proposed site is the LWDD L-4 canal.

Prior to the issuance of any building permits, the Applicant is required to obtain permits from the Districts.

MASS TRANSIT:

The Palm Tran review Staff were provided this application for review and have no comments. There are no bus stops within a ½ mile of the subject development. Bus route 40 runs east west along Southern Boulevard.



WATER AND WASTEWATER PROVIDER:

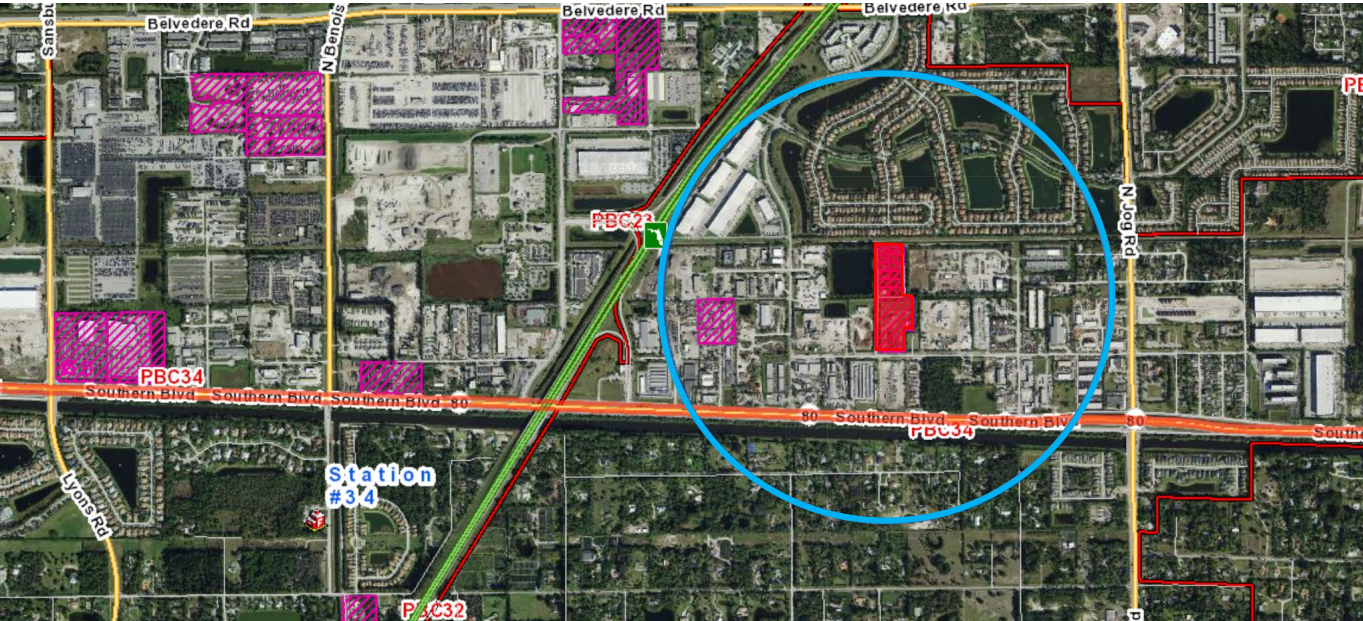
The Palm Beach County Water Utilities review Staff was provided this application for review. Comments were provided during the review, and addressed by the Applicant. The subject site is currently connected to water and wastewater service with PBCWUD (see Exhibit E.6). The proposed modifications will require permits from PBWUD.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The Health Department review Staff was provided this application for review and have no comments. A previous condition of approval for the Recycling Center is proposed to be carried forward, to the new approval for the Class A Conditional Use, as it has requirements relating to the depositing of waste into sanitary sewer systems. Future permitting may be necessary when the Property Owner shall reach out to the Health Department to confirm permitting requirements are completed prior to the implementation of this Development Order.

FIRE PROTECTION:

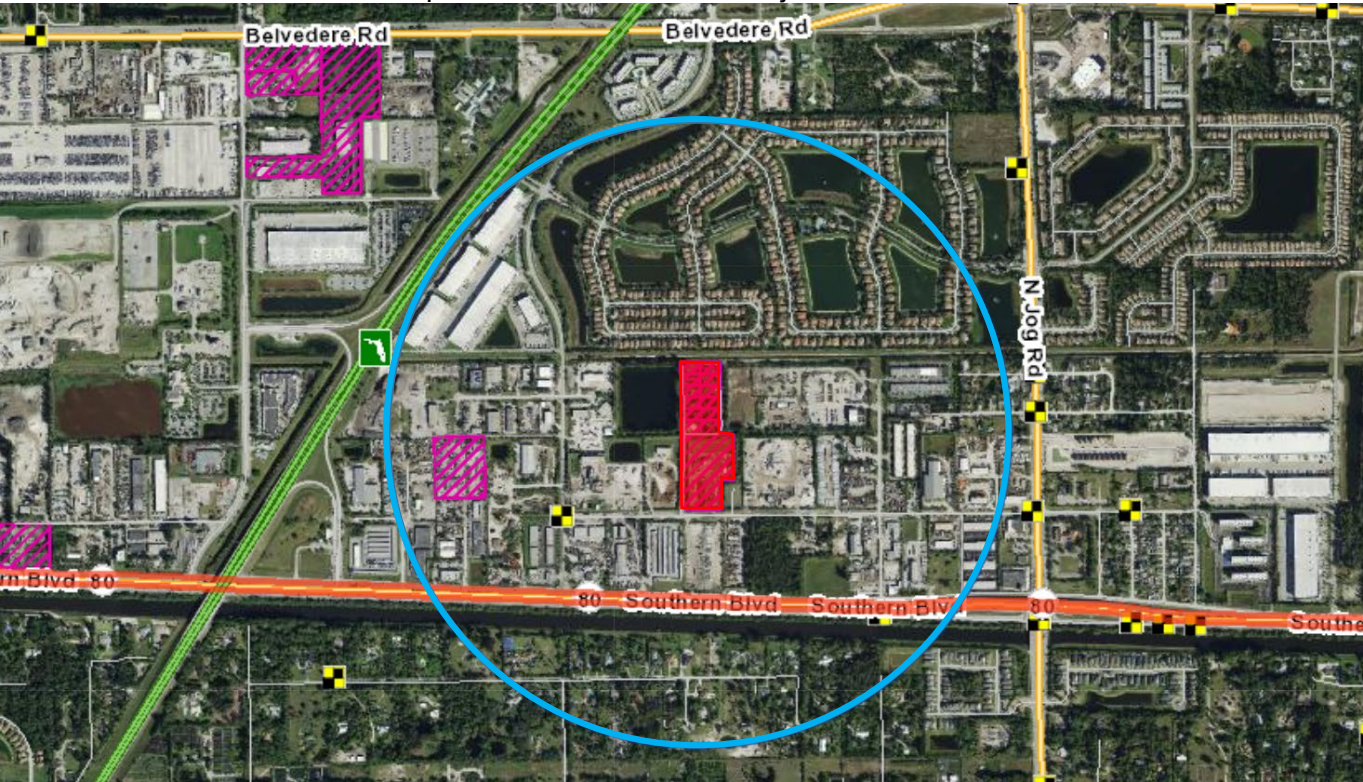
Fire Rescue review Staff were provided this application for review and have no comments. The subject site is located within the service boundaries of PBC Fire Rescue Station 34. The development will be reviewed again at time of building permit for compliance with Fire Codes.



PARKS AND RECREATION: The Parks and Recreation Department review staff have no comment regarding this application as this is a non-residential site, and the Parks and Recreation ULDC requirements do not apply.

SCHOOL IMPACTS:

The Palm Beach County School District review Staff were provided this application for review and have no comments. There is one bus stop within a ½ mile of the subject site



h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant’s Justification Statement indicates the following justification for their changed conditions of circumstances: *“Applicant was able to purchase all of the lots that were previously being used for single-family residential. These single-family homes were an “enclave” of older housing that had outlived their useful life and had been surrounded by industrial uses on three of the four sides, with the fourth side being separated by a LWDD right-of-way. This is a changed condition that necessitates a DOA to add land to the existing recycling plant and reconfigure the site plan to expand the existing uses into the newly added land.”*

Exhibit B - Standards Analysis & Findings

FINDINGS:

Type 2 Variance Standards:

Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance are indicated below with Applicant’s Response from the Justification Statement and Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

The Applicant is requesting a Type 2 Variance to allow activities, outdoor storage and processing of chipping and mulching and recycling plant material, for a Recycling Plant and Chipping and Mulching to be outdoors and not within an enclosed building.

ULDC Article	Required	Proposed	Variance
3.B.9.G.2 Supplemental Regulations In addition to standards in Article 5.B.1.A.3, Outdoor Storage, all activities except storage and sales of landscape material, shall be operated within enclosed buildings.	All activities, except storage and sales of landscape material, shall be operated within enclosed buildings	To allow activities for a Recycling Plant and Chipping and Mulching uses outdoors and not within an enclosed building	To allow activities for a Recycling Plant and Chipping and Mulching uses outdoors and not within an enclosed building

- a. **Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district.**

Applicant’s Response: *The subject property is adjacent to existing industrial uses to the east, west and south – the majority of which have outdoor storage of materials other than landscaping. This area contains one of the largest concentrations of small parcel industrial properties within the Urban/Suburban Tier of the County and the PBIAO, which does not permit outdoor storage by right. These are special conditions that are not applicable to most light industrial properties in the County.*

Staff Analysis: YES. The PBIAO district recognizes that some airplane noise-affected lands surrounding the PBIA are most suitable for campus-style industrial development, and other quality non-residential land uses, as described in Article 16, Airport Regulations. One of the purposes of the PBIAO district is to allow Property Owners initiate conversion to industrial use where appropriate. The PBIAO district requires that all activities be operated within enclosed buildings with the exception of the storage and sales of landscape material. The purpose of this requirement was to airport operations from incompatible land development, and provide development regulations that will assure safe, unobstructed access for all aircraft.

The subject site lies at the extreme westernmost boundary of the PBIAO, approximately 2.5 miles west of the airport, and abuts other additional Industrial properties. The Department of Airports has no issue with the proposed uses being conducted outside of an enclosed structure. This area of the County contains one of the largest concentrations of small industrial parcels within the Urban/Suburban Tier; however, they are located within the PBIAO district and subject to this restriction. This is a special condition that is not necessarily applicable to all Light Industrial parcels in Palm Beach County.

- b. **Special circumstances and conditions do not result from the actions of the Applicant.**

Applicant’s Response: *The requested variance is not the result of the actions of the Applicant but rather a result of the existing development patterns in the surrounding area where recycling plants and chipping and mulching uses are the predominant land uses, including the PBIAO, which does not permit outdoor storage by right. The variance is also required for the recycling plant and co-located chipping and mulching use, as it cannot be performed indoors.*

Staff Analysis: YES. There are special circumstances and conditions that do not result from the actions of the Applicant. Although the site is located in the PBIAO, the Director of Airports has stated that the proposed use will not conflict with the operations of the airport but are due to the proposed use and the geographical area of the subject site as previously stated. See analysis under Criteria 1.

- c. **Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district**

Applicant’s Response: *Granting of the variance will not grant the Applicant any special privileges. The Type 2 Variance to permit outdoor storage and processing in the PBIAO is a commonly requested and granted variance for properties with industrial uses in the PBIAO. The same variance was granted for the subject property in 2016.*

Staff Analysis: YES. Granting of this variance request does not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this Code to other parcels of land, structures or buildings in the same zoning district. Another Property Owners have sought relief from this section of the Code and was supported by Airport Staff. The Airport Staff have stated that they only want to discourage uses that would encourage wildlife to come and nest, creating impacts on the aircraft.

d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.*

Applicant’s Response: *Literal interpretation of the ULDC would prevent the Applicant from operating the Recycling Plant, as the use cannot be performed indoors and requires outdoor storage. Many properties within the PBIAO have been granted this variance for outdoor storage, and likely required the variance for similar reasons.*

Staff Analysis: YES. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.

The allowance will have no impact on airport operations or flight safety and the public. The existing residential uses to the north will be screened from the proposed uses on site as well as the outdoor activities by a Type 3 Incompatibility Buffer.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure.*

Applicant’s Response: *Granting the requested variance will only permit the minimum variance required for the development program. Recycling plant and chipping and mulching uses cannot, by definition, operate without having outdoor storage.*

Staff Analysis: YES. Granting of this variance would allow for the development of the proposed uses on a parcel of land within this area of the PBIAO, which are reasonable considering the operation of the proposed uses and the specific requested variance.

f. *Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.*

Applicant’s Response: *The requested Type 2 Variance is consistent with the goals, objectives, and policies of the Comprehensive Plan including those of the Industrial FLU designation by permitting light industrial uses. The request is also consistent with the ULDC including the PDRs and purpose of the IL and PBIAO districts.*

Staff Analysis: YES. The requested variance is the minimum variance required to comply with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code. Staff is currently considering an amendment to the ULDC to address this provision as it is not consistent with existing and future Industrial uses in this area.

g. *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Applicant’s Response: *Granting the requested variance will not be injurious to the area or detrimental to the public welfare. Outdoor storage piles will be limited to 15 feet in height. Runoff from outdoor storage and processing areas will be treated in the dry detention area on the north of the subject site. Granting the variance will have no impact on airport operations or flight safety as evidenced by the operations on the site since 2016 under the same variance. The proposed site plan provides all of the code-required buffers, which mitigates any impact to the surrounding uses by the outdoor activities. To the west, south and east are other similar light industrial uses. The residential neighborhood to the north is separated from the subject property by an 88-foot-wide LWDD right-of-way. And the closest outdoor storage area for the chipping and mulching use is setback from the land with a residential FLU by 275 feet.*

Staff Analysis: YES. Based on the Analysis as detailed in the responses for the above criteria, granting of the variances will not be injurious to the area or detrimental to the public welfare.

Exhibit C-1 - Conditions of Approval

Official Zoning Map Amendment

DISCLOSURE

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

Exhibit C-2 Conditions of Approval

Development Order Amendment – Conditional Overlay Zone on 4.63 acres

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

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 August 23, 2010. 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)

Is hereby deleted [Reason: COZ is no longer necessary]

2. Previous ENGINEERING Condition 2 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

Prior to issuance of a Building Permit, the Property Owner shall plat the subject property into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

Is hereby deleted [Reason: COZ is no longer necessary]

3. Previous ENGINEERING Condition 1 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Wallis Road 30 feet from centerline on an alignment approved by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to January 2, 2008 or prior to the issuance of a Building Permit whichever shall first occur.

Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

Is hereby deleted [Reason: COZ is no longer necessary]

4. Previous ENGINEERING Condition 1 of Resolution R-2007-1435 and corrected in Resolution R-2007-1876, Control No.2007-00522, which currently states:

The Property owner shall construct:

Wallis Road from the paved terminus east of Cleary Road, east to the project's entrance road. Construction shall be to collector street standards, 2-12 foot travel lanes plus appropriate drainage.

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 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)

Is hereby deleted [Reason: COZ is no longer necessary]

**ZONING - LANDSCAPING-LANDSCAPING ALONG THE NORTH PROPERTY LINE
(ABUTTING RESIDENTIAL)**

1. Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

On or before January 31, 2008, the property owner shall install a Type III Incompatibility Buffer along the north property line. (DATE: MONITORING/ **LANDSCAPE-** Zoning)

Is hereby deleted. [Reason: Buffer was installed, layout is changing, and COZ is no longer necessary]

PARKING

1. Previous PARKING Condition 1 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

Overnight storage or parking of delivery vehicles or trucks within 100 feet of the north property line shall be prohibited unless both of the two (2) single-family lots north of the subject property are converted to non-residential uses (i.e. industrial). (ONGOING: CODE ENF - Zoning)

Is hereby deleted [Reason: COZ is no longer necessary]

UTILITIES

1. Previous UTILITIES Condition 1 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

If any relocation/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD)

Is hereby deleted [Reason: COZ is no longer necessary]

COMPLIANCE

1. Previous COMPLIANCE Condition 1 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

In granting this approval, the Zoning Commission 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 Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

Is hereby deleted [Reason: COZ is no longer necessary]

2. Previous COMPLIANCE Condition 2 of Resolution R-2007-1435, Control No.2007-00522, which currently states:

- 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 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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition 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)

Is hereby deleted [Reason: COZ is no longer necessary]

Exhibit C-3 Conditions of Approval

Development Order Amendment – Conditional Overlay Zone (COZ) on 1.24 acres

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

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 September 27, 2010. 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)

Is hereby deleted [Reason: COZ is no longer necessary]

2. Previous ENGINEERING Condition 2 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

Prior to issuance of a Building Permit, the Property Owner shall plat the subject property into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. A recorded plat waiver is also acceptable, provided this property is eligible for a plat waiver in accordance with the provisions of the ULDC as determined by the County Engineer. (BLDG PERMIT: MONITORING-Eng)

Is hereby deleted [Reason: COZ is no longer necessary]

3. Previous ENGINEERING Condition 3 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

CORRIDOR CONVEYANCE OF RIGHT OF RIGHT OF WAY

The property owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for Wallis Road 30 feet from centerline on an alignment approved by the County Engineer. All right of way deed(s) and associated documents shall be provided and approved prior to January 2, 2008 or prior to the issuance of a Building Permit whichever shall first occur. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate provisions for Expanded Intersection Details and "Corner Clips." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (DATE/BLDG. PERMIT: MONITORING-Eng)

Is hereby deleted [Reason: COZ is no longer necessary]

4. Previous ENGINEERING Condition 4 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

The Property owner shall construct: Wallis Road from the paved terminus east of Cleary Road, east to the project's entrance road. Construction shall be to collector street standards, 2-12 foot travel lanes plus appropriate drainage.

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 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)

Is hereby deleted [Reason: COZ is no longer necessary]

5. Previous ENGINEERING Condition 5 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

Prior to issuance of the first building permit, the property owner shall provide a temporary roadway construction easement along Wallis Road to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners entrance road right of way. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDG PERMIT:MONITORING-Eng)

Is hereby deleted [Reason: COZ is no longer necessary]

HEALTH

1. Previous HEALTH Condition 1 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

The property owners and operators of facilities generating industrial, hazardous, or toxic waste shall not deposit or cause to be deposited any such waste into the the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF-Health)

Is hereby deleted [Reason: COZ is no longer necessary]

COMPLIANCE

1. Previous COMPLIANCE Condition 1 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

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)

Is hereby deleted [Reason: COZ is no longer necessary]

2. Previous COMPLIANCE Condition 2 of Resolution R-2007-1613, Control No.2007-00174, which currently states:

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 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 Article2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition 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 a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

Is hereby deleted [Reason: COZ is no longer necessary]

Exhibit C-4 Conditions of Approval

Class A Conditional Use – Recycling Center – 10.41 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated March 13, 2025. 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. 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 December 31, 2026. 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)

2. Prior to the issuance of the first building permit, the Property Owner shall submit a payment for the reconstruction of Wallis Road to a two-lane, 80 foot, non-plan collector standard along the frontage of the site (approximately 330 feet). Additionally, the Property Owner shall provide a payment for their percentage of impact for the reconstruction of the remaining segments of Wallis Road from Cleary Road to Tall Pines Road to a two-lane, 80 foot, non-plan collector roadway. The percentage of impact shall be calculated based on the number of net increase in trips this site generates from the Recycling Plant and Chipping and Mulching uses, 94 trips, divided by the number of daily trips currently using Wallis Road based on a current traffic count. The cost estimate for these improvements shall be provided by the Property Owner's Engineer along with a conceptual plan that shows the improvements and shall be approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall reconfigure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall abandon or release all road easements and any other easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

HEALTH

1. Owners and operators of facilities that generate industrial, toxic or hazardous wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the Palm Beach County Health Department, and the agency responsible for sewage works is provided and used. (ONGOING: HEALTH – Health)

LANDSCAPE - PERIMETER- NORTH PROPERTY LINE

1. In addition to the requirements for a Type 3 Incompatibility buffer the requirement for the number of Palms and/or Pines shall be increase to 1 for every 15 lineal feet. (BLDGPM: ZONING – Zoning)

2. In addition to the ULDC requirements, no easement encroachment or buffer width reduction will be allowed. (BLDGPM: ZONING - Zoning)

LIGHTING

1. Outdoor lighting shall be limited to a maximum height of 25 feet. (ONGOING/BLDGPM: ZONING – Zoning)

2. There shall be zero foot-candles at the north property line. (ONGOING/BLDGPM: ZONING – Zoning)

USE LIMITATIONS

1. The Recycling Plant hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday. (ONGOING: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer, the site plan shall be revised to indicate the outdoor storage areas include either leak-proof containers or the areas are on a paved surface that meet the requirements for run-off. (DRO: ZONING – Zoning)

3. 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)
4. . Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a copy of the Solid Waste Authority (SWA) permit and proof that the required bond has been posted with the SWA. Should the SWA not require a permit or a bond, written confirmation from the SWA shall be submitted that states that an SWA permit or bond is not required for the proposed use. (DRO/ONGOING: ZONING - Zoning)
4. The minimum setback for the processing of the Recycling Plant material shall be 500 feet from the north property line. (ONGOING/DRO: ZONING/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: 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; 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; 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: MONITORING - Zoning)

DISCLOSURE

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

Exhibit C-5 Conditions of Approval

Development Order Amendment - Class B concurrent – Chipping and Mulching – 10.41 acres

ALL PETITIONS

1. Previous ALL PETITIONS Condition 4 of Resolution ZR-2016-31, Control No.2007-00172, which currently states:

The approved Preliminary site Plan is dated April 4, 2016. 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 or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary site Plan is dated March 13, 2025. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution ZR-2016-31, Control No.2007-00172, which currently states:

Prior resolutions R-2007-1435, R-2007-1876 and R-2007-1613 shall remain in effect. (ONGOING: ZONING - Zoning)

Is hereby deleted [Reason: Conditional Overlay Zones are proposed to be removed]

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution ZR-2016-30, Control No.2007-00172, which currently states:

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 December 31, 2019. 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)

Is hereby amended to read:

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 December 31, 2026. 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)

2. Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution ZR-2016-30, Control No.2007-00172)

3. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:
Wallis Road, forty (40) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. 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, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to

hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution ZR-2016-30, Control No.2007-00172)

4. Property Owner shall remove the existing sidewalk and construct a new five (5) foot concrete sidewalk along the north side of the newly dedicated north right of way line of Wallis Road along the project's frontage. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution ZR-2016-30, Control No.2007-00172)

5. Prior to the issuance of the first building permit, the Property Owner shall record deeds for the 25 foot corner clip easements at the northwest and southwest corners of the site. The easements shall be dedicated to the Beneficiary of the adjacent road easements, or as determined by the County Engineer. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution ZR-2016-30, Control No.2007-00172)

6. Prior to the issuance of the first building permit, the Property Owner shall submit a payment for the reconstruction of Wallis Road to a two-lane, 80 foot, non-plan collector standard along the frontage of the site (approximately 330 feet). Additionally, the Property Owner shall provide a payment for their percentage of impact for the reconstruction of the remaining segments of Wallis Road from Cleary Road to Tall Pines Road to a two-lane, 80 foot, non-plan collector roadway. The percentage of impact shall be calculated based on the number of net increase in trips this site generates from the Recycling Plant and Chipping and Mulching uses, 94 trips, divided by the number of daily trips currently using Wallis Road based on a current traffic count. The cost estimate for these improvements shall be provided by the Property Owner's Engineer along with a conceptual plan that shows the improvements and shall be approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

7. Prior to issuance of the first building permit, the Property Owner shall reconfigure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

8. Prior to the issuance of the first building permit, the Property Owner shall abandon or release all road easements and any other easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

LIGHTING

1. Outdoor lighting shall be limited to a maximum height of 25 feet. (BLDGPMT/ONGOING: ZONING – Zoning)

2. There shall be zero foot-candles at the north property line. (BLDGPMT/ONGOING: ZONING – Zoning)

LANDSCAPE - PERIMETER- NORTH PROPERTY LINE

1. In addition to the requirements for a Type 3 Incompatibility buffer the requirement for the number of Palms and/or Pines shall be increase to 1 for every 15 lineal feet. (BLDGPMT: ZONING – Zoning)

2. In addition to the ULDC requirements, no easement encroachment or buffer width reduction will be allowed. (BLDGPMT: ZONING - Zoning)

USE LIMITATIONS

1. The Chipping and Mulching hours of operation shall be limited to the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution ZR-2016-31, Control No.2007-00172)

2. . Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall submit a copy of the Solid Waste Authority (SWA) permit and proof that the required bond has been posted with the SWA. Should the SWA not require a permit or a bond, written confirmation from the SWA shall be submitted

that states that an SWA permit or bond is not required for the proposed use. (DRO/ONGOING: ZONING - Zoning)

3. The minimum setback for the processing of Chipping and Mulching shall be 500 feet from the north property line. (ONGOING/DRO: ZONING– Zoning)

4. The minimum setback for the storage of Chipping and Mulching materials shall be 376 feet from the north property line. (ONGOING/DRO: ZONING– Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; 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; 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: MONITORING - Zoning)

DISCLOSURE

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

Exhibit C-6 - Conditions of Approval

Type 2 Variance – Concurrent – 10.41 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated March 13, 2025. 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 Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Development Order for ZV/DOA/Z-2024-01420. (ONGOING: MONITORING - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO/ONGOING: ZONING - Zoning)

3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; 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; 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: MONITORING - Zoning)

DISCLOSURE

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

Exhibit D - Project History

PROJECT HISTORY Control 1977-00038

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-1977-00038	Title: An Official Zoning Map Amendment. Request: Rezoning from AG-Agricultural District to RE-Residential Estate District.	R-1977-0474	Approved	04/28/1977

PROJECT HISTORY Control 1980-00002

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-1980-00002	Title: An Official Zoning Map Amendment. Request: Rezoning from RE-Residential Estate District to RT-Residential Transition District.	R-1980-0220	Approved	01/24/1980

PROJECT HISTORY Control 2007-00172 4.63 acres and 5.87 acres

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-2007-00522	Title: An Official Zoning Map Amendment. Request: Rezoning from the Agricultural Residential (AR), Residential Estate (RE), and Residential Transition (RT) Zoning Districts to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone.	R-2007-01435	Approved With Conditions	08/23/2007
	Title: Corrective Resolution. Request: to correct Engineering condition 4 of R-2007-01435	R-2007-01876	Approved With Conditions	08/23/2007
ZV-2007-02002	Title: A Type II Zoning Variance Request: to allow replacement of the required 6 foot wall with a 6 foot fence.	ZR-2008-00010	Approved With Conditions	02/07/2008
CB-2015-00138	Title: a Class B Conditional Use Request: to allow a Recycling Plant.	ZR-2015-00017	Adopted With Conditions	06/04/2015
ZV/DOA/CB-2015-02524	Title: a Type II Variance Request: to allow storage of material and activities outside of an enclosed building.	ZR-2016-00029	Adopted With Conditions	05/05/2016
	Title: a Development Order Amendment Request: to reconfigure the Site Plan, delete square footage, delete Conditions of Approval (Landscaping and Engineering), and add a Class B Conditional Use.	ZR-2016-00030	Adopted With Conditions	05/05/2016
	Title: a Class B Conditional Use Request: to allow Chipping and Mulching.	ZR-2016-00031	Adopted With Conditions	05/05/2016

PROJECT HISTORY Control 2007-00174 1.24 acres

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-2007-00524	Title: An Official Zoning Map Amendment. Request: Rezoning from the Residential Transition (RT) Zoning Districts to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone.	R-2007-01613	Approved With Conditions	09/24/2007

Exhibit E-1 - Preliminary Site Plan

Exhibit E-2 - Preliminary Regulating Plan

Exhibit E-3 - Previously Approved Site Plan

Exhibit E-4 - Disclosure

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Matthew Cowan, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] General Counsel, Secretary [position - e.g., president, partner, trustee] of Coastal Waste & Recycling of Palm Beach County, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 2481 NW 2nd Ave
Suite 200
Boca Raton, FL 33431
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant’s knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

MD
Matthew Cowan, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 31st day of July, 2024 by Matthew Cowan (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Monica I Secaira
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 08/21/27



EXHIBIT "A"

PROPERTY

BEGINNING AT THE NORTHEAST CORNER OF THE PLAT OF AQUARIUS RECYCLING, AS RECORDED IN PLAT BOOK 124, PAGE 133, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THENCE S00°56'07"E, ALONG THE MOST EASTERLY LINE OF SAID PLAT OF AQUARIUS RECYCLING, A DISTANCE OF 385.00 FEET; THENCE S89°03'10"W, A DISTANCE OF 112.00 FEET; THENCE S00°56'07"E, A DISTANCE OF 249.77 FEET TO THE SOUTHEAST CORNER OF SAID PLAT OF AQUARIUS RECYCLING; THENCE S88°57'48"W, ALONG THE SOUTH LINE OF SAID PLAT OF AQUARIUS RECYCLING, A DISTANCE OF 283.00 FEET; THENCE N45°59'41"W, A DISTANCE OF 35.36 FEET; THENCE S88°57'48"W, A DISTANCE OF 22.00 FEET TO THE WEST LINE OF SAID PLAT OF AQUARIUS RECYCLING; THENCE N00°58'39"W, ALONG THE WEST LINE OF SAID PLAT OF AQUARIUS RECYCLING, A DISTANCE OF 609.98 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF TRACT 49, BLOCK 5 OF THE PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF SAID PUBLIC RECORDS; THENCE N00°58'39"W, ALONG SAID WEST LINE, A DISTANCE OF 610.24 FEET; THENCE N89°02'42"E, A DISTANCE OF 330.93 FEET TO A POINT ON THE EAST LINE OF TRACT 49, BLOCK 5 OF THE PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGE 45, OF SAID PUBLIC RECORDS; THENCE S00°56'07"E, ALONG SAID EAST LINE, A DISTANCE OF 610.07 FEET TO THE NORTH LINE OF SAID PLAT OF AQUARIUS RECYCLING; THENCE N89°00'57"E, ALONG SAID NORTH LINE, 112.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAIN 10.415 ACRES (453,691 SQUARE FEET), MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Coastal Waste & Recycling, Inc. -	2481 NW 2nd Avenue, Boca Raton, FL 33431
MIP VI Tidal LP -	125 W 55th Street, New York, NY 10019

Coastal Waste & Recycling, Inc. owns 100% of Coastal Waste & Recycling of Palm Beach County, LLC.

MIP VI Tidal LP owns 100% of Coastal Waste & Recycling, Inc.

No one person owns more than 5% of MIP VI Tidal LP.

Exhibit E-5 - Drainage Statement



ENGINEER’S DRAINAGE STATEMENT

Coastal Waste Wallis Road
WGI No. 10455.00

September 17, 2024

The subject property includes sixteen (16) parcels of land located north of Wallis Road between North Cleary Road and Tall Pines Road in Unincorporated Palm Beach County. The subject parcels consist of PCN 00-42-43-27-05-005-1190, 00-42-43-27-05-005-1220, 00-42-43-27-05-005-1200, 00-42-43-27-05-005-1180, 00-42-43-27-05-005-1240, 00-42-43-27-05-005-1140, 00-42-43-27-05-005-1210, 00-42-43-27-05-005-1170, 00-42-43-27-05-005-1150, 00-42-43-27-05-005-1250, 00-42-43-27-05-005-1130, 00-42-43-27-05-005-1280, 00-42-43-27-05-005-1160, 00-42-43-27-05-005-1270, 00-42-43-27-05-005-1290, and 00-42-43-33-15-001-0000 comprising a total of 10.41 acres. The existing property with the PCN 00-42-43-33-15-001-0000 is an existing recycling plant and chipping and mulching facility. The other parcels were single family homes that have since been demolished. The site is bordered by 68th Ave North and Martin Lane to the West, LWDD L-4 Canal to the North, 67th Terrace North and PCN 00-42-43-34-10-023-0000 to the East, and Wallis Road to the South.

The project lies within sub-basin 23 of the South Florida Water Management District (SFWMD) C-51 drainage basin. This site is also partially within Zone AE Elevation 15.7 feet per FEMA FIRM Map Number 12099C0567F, effective October 5th, 2017.

The proposed improvements associated with the project include the expansion of the recycling plant and processing area, as well as outdoor chipping and mulching storage areas. The proposed drainage system will include a system of interconnected inlets, pipes, swales, and an on-site dry detention area that will drain through a control structure into the LWDD L-4 canal which borders the north side of the project. A modification to the existing flood zone is not anticipated to be needed for the proposed improvements. The LPO for the existing southern property is the roadway system on Wallis Road, but the proposed LPO for the proposed site is the LWDD L-4 canal.

The design stages are as follows:

- 3 year – 1 day Stage: Minimum Grate/Cover Elevation
- 10 year – 3 day Stage: Minimum Weir Elevation
- 25 year – 3 day Stage: Minimum Berm Elevation
- 100 year – 3 day Stage: Minimum Finished Floor Elevation

The proposed drainage improvements will be designed and permitted in accordance with SFWMD, LWDD, and Palm Beach County requirements.

Respectfully submitted,
WGI, Inc.

Adam Schildmeier, P.E.
Florida License # 69218
WGI, Inc. Cert. No. 6091

ADAM W. SCHILDMEIER, STATE OF FLORIDA,
PROFESSIONAL ENGINEER, LICENSE NO. 69218
THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND
SEALED BY ADAM W. SCHILDMEIER, PE. ON THE DATE
INDICATED HERE USING A SHA AUTHENTICATION CODE.
PRINTED COPIES OF THIS DOCUMENT ARE NOT
CONSIDERED SIGNED AND SEALED AND THE SHA-1
AUTHENTICATION CODE MUST BE VERIFIED ON ANY
ELECTRONIC COPIES.

Exhibit E-6 - Utility Letter



Letter for
Concurrency Reservation

To: Zoning Division
PBC Planning, Zoning, & Building Department

From: Ebony M. Foreman, Director
Finance and Administration
PBC Water Utilities Department

Date: January 14, 2025

Control # 00254

Re: PZ&B Application #: ZV/DOA/Z-2024-01420
Project Name – Coastal Waste & Recycling

The Palm Beach County Water Utilities Department is willing and able to provide the following utility service(s) to the property identified below, and will reserve the indicated utility capacity, in Equivalent Residential Connections (ERCs), for a period not to exceed five (5) years from the date of this letter:

Service Type	Capacity (in ERCs)
Potable Water	5.80
Wastewater	5.80
Reclaimed Water	N/A

An Equivalent Residential Connection represents a system capacity equivalency unit that corresponds to the peak design demand of the 5/8 x 3/4 inch meter sub-category of customer usage. This system capacity equivalency unit is utilized to establish the system demand for various sized connections for the purpose of assessing fees and designing the capacity of capital facilities.

The above capacity is reserved for the following property:

00-42-43-27-05-005-1130, 00-42-43-27-05-005-1140, 00-42-43-27-05-005-1150,
00-42-43-27-05-005-1160, 00-42-43-27-05-005-1170, 00-42-43-27-05-005-1180,
00-42-43-27-05-005-1190, 00-42-43-27-05-005-1200, 00-42-43-27-05-005-1210,
00-42-43-27-05-005-1220, 00-42-43-27-05-005-1240, 00-42-43-27-05-005-1250,
00-42-43-27-05-005-1270, 00-42-43-27-05-005-1280, 00-42-43-27-05-005-1290,
00-42-43-33-15-001-0000

Before the five (5) year period expires, the Developer must pay all Service Initiation Fees and connect to the Department's facilities, or for projects greater than 18.3 ERCs, enter into a Standard or Non-Standard Development Agreement to maintain this capacity reservation. This memorandum does not represent a contract for service, and the Developer remains obligated to meet all of the requirements of the Water Utilities Department prior to obtaining utility service.

Approved By: 
Director of Finance & Administration

Date: 15-Jan-25

Exhibit E-7 - SWA Permit



YOUR PARTNER FOR
SOLID WASTE SOLUTIONS

June 20, 2024

ELECTRONIC CORRESPONDENCE

bpantano@coastalwasteinc.com

Brendon Pantano, Chief Executive Officer
Coastal Waste & Recycling of Palm Beach County, LLC
2481 NW 2nd Avenue
Boca Raton, FL 33431

Re: Executed Solid Waste Management Facility Operation Permit
Coastal Waste & Recycling of Palm Beach County, LLC
Operation Permit # AR 0079 CD16

Dear Mr. Pantano:

Enclosed please find one fully executed permit for your files.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Karen Kantor, P.G.
Special Programs Manager

Enclosures



YOUR PARTNER FOR
SOLID WASTE SOLUTIONS

Solid Waste Management Facility Operation Permit

Permit Number:	AR 0079 CD16
Facility Name:	Coastal Waste & Recycling of Palm Beach County, LLC
Facility Description:	A 5,300 cubic yards per day, 5.7 acre Construction and Demolition (C/D) Debris and Yard Trash (YT) recycling facility, equipped with automated C/D debris processing equipment line including finger screens, sorting line, magnet, trammel, and destoner.
Facility Location:	6759 Wallis Road, West Palm Beach, FL 33413
Permittee:	Coastal Waste & Recycling of Palm Beach County, LLC Brendon Pantano, Chief Executive Officer
Property Owner:	Coastal Waste & Recycling of Palm Beach County, LLC
Date of Permit Issuance:	August 31, 2016
Date(s) of Permit Transfer:	June 13, 2018
Date(s) of Permit Modification:	March 27, 2020
Date(s) of Permit Revision:	August 31, 2017; February 28, 2023
Date of Permit Renewal:	July 1, 2024
Date of Permit Expiration:	June 30, 2025

The permittee hereby agrees to undertake the activity for which this permit is issued in accordance with the attached General and Specific Conditions.

Permittee

06/17/24
Date

The Solid Waste Authority of Palm Beach County hereby permits the operation of the above-designated facility in accordance with the attached General and Specific Conditions.

Daniel Pellowitz
Executive Director

6/18/2024
Date

GENERAL CONDITIONS

The following terms, conditions, limitations, and restrictions set forth in this Part are "General Permit Conditions" and are binding on the Permittee. Enforcement of these conditions shall be pursuant to the provisions of Chapter 2001-331, Laws of Florida and Solid Waste Authority of Palm Beach County (herein referred to as the Authority). Terms not defined herein shall have the meaning ascribed to them in Rule I.

1. The terms, conditions, requirements, limitations and restrictions set forth in this Permit are "Permit Conditions" and are binding and enforceable pursuant to Palm Beach County Solid Waste Act.
2. This Permit is valid only for the specific processes and Operations applied for and specified in the Permit application and any approved drawings or exhibits, specifications or conditions submitted with or incorporated by reference into the application or Permit. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this Permit shall constitute grounds for enforcement action by the Authority.
3. The issuance of this Permit does not convey any vested rights or any exclusive privileges. Neither does it authorize or condone any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This Permit is not a waiver of or approval of any other permit that may be required for other aspects of the total project which are not addressed in this Permit.
4. This Permit conveys no title to land or water, nor does it constitute recognition or acknowledgment of title.
5. This Permit does not relieve the permittee from liability for harm or injury to human health, safety or welfare, animal, or plant life, or property caused by the construction or Operation of this permitted Facility, or from penalties therefor; nor does it allow the permittee to cause Pollution in contravention of Federal, State, or local laws or regulations.
6. The permittee shall properly operate and maintain the Facility and systems that are installed and used by the permittee to achieve compliance with the conditions of this Permit, or other permits required by Federal, State, or local laws or regulations. This provision includes the Operation of backup or auxiliary Facilities or similar systems when necessary to achieve compliance with the conditions of the Permit and when required by Federal, State, or local laws or regulations.
7. The permittee, by accepting this Permit, specifically agrees to allow authorized Authority personnel, upon presentation of credentials or other documents and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- a. Have access to and copy any records that must be kept under conditions of the Permit;
 - b. Inspect the Facility, equipment, practices, or Operations regulated or required under this Permit; and
 - c. Sample or monitor any substances at any location reasonably necessary to assure compliance with this Permit or Authority Rules.
 - d. Reasonable time and reasonable prior notice shall depend on the nature of the concern being investigated.
8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this Permit due to uncontrollable circumstances, the permittee shall immediately provide the Authority with the following information in writing:
 - a. A description of and cause of noncompliance; and
 - b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and the steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Authority, the Health Department or by the Department or any Federal, State or local agency having jurisdiction over the Operation for penalties or for revocation of this Permit.
 - c. Notice to the Authority does not relieve the permittee of requirements to provide notice required under any other rule, permit or approval of Federal, State or local agencies having jurisdiction.
9. The permittee shall notify the Authority of the pendency of an enforcement action of any type by another regulatory agency.
10. In accepting this Permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or Operation of this permitted Facility which are submitted to the Authority may be used by the Authority as evidence in any enforcement case involving the permitted Facility arising under the Florida Statutes or Authority Rules. Such evidence shall be used to the extent it is consistent with the rules established in the procedures for conduct of quasi-judicial proceedings as adopted by the Governing Board of the Authority.
11. The permittee agrees to comply with changes in Authority Rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Authority Rules to challenge the appropriateness or validity of such changed Rules or statutes.

12. This Permit is transferable only upon Authority approval in accordance with Authority Rules. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Authority.
13. This Permit or a copy thereof shall be kept at the work site of the permitted activity.
14. Upon request, the permittee shall furnish all records and plans required under Authority Rules. During enforcement actions, the retention period for all records will be extended automatically unless otherwise stipulated by the Authority.
15. When requested by the Authority, the permittee shall within a reasonable time furnish any information required by Rule I which is needed to determine compliance with the Permit. If the permittee becomes aware that relevant facts were not submitted or were incorrect in the Permit application, or in any report to the Authority, such facts or information shall be corrected promptly.
16. When a Permit is expired, surrendered, or revoked, the permittee shall properly close the permitted Facility in accordance with the Closure Requirements of Authority Rule I Section 15.

SPECIFIC CONDITIONS

The following terms, conditions, limitations, and restrictions set forth in this Part are "Specific Permit Conditions" and are binding on the Permittee. Enforcement of these conditions shall be pursuant to the provisions of Chapter 2001-331, Laws of Florida and Authority rules adopted pursuant thereto.

1. The Permittee shall, at all times pursuant to the issuance of this Operation Permit, comply with all specific and general conditions listed within this Permit and conduct the permitted activity in accordance with all applicable regulations and statutes.
2. The Permittee shall limit the receipt of material to Construction and Demolition Debris, Yard Trash, and Clean Wood. Incidental non-Construction and Demolition Debris or non-Yard Trash solid waste, which may be contained in materials delivered to the Facility, shall be removed and handled by the Permittee in accordance with applicable law and this Permit.
3. The Permittee shall, at all times pursuant to issuance of this Operation Permit, operate the site only as a Construction and Demolition Debris and Yard Trash Recycling Facility.
4. The Permittee agrees to store and/or process Construction and Demolition Debris, Yard Trash, and non-recyclable residue in accordance with the approved operational site plan.
5. When processing Construction and Demolition Debris, the Permittee shall operate the Facility to achieve a Recycling rate above fifty percent (50%) in accordance with Solid Waste Authority Rule III.
6. The Permittee agrees to operate the site in accordance with operating hours of 9:00 am to 5:00 pm, Monday through Friday (Yard Trash recycling) and 8:00 am to 5:00 pm, Monday through Friday (Construction and Demolition Debris recycling), as indicated on the operational site plan approved by Palm Beach County Palm Beach County Planning, Zoning, and Building Department. In the event of an emergency declared by Federal, State, and/or local authorities, for which the Permittee chooses to obtain the appropriate authorization(s) under an Executive Order of the Governor, the Permittee agrees to make notification to the Palm Beach County Planning, Zoning, and Building Department; the Florida Department of Health - Palm Beach County; Palm Beach County Fire Rescue; and the Authority of the intent to operate extended or alternate hours, if duly authorized, necessary to provide immediate action in response to imminent or immediate danger to public health, safety, and welfare.
7. The Permittee shall deliver any Class I or Class III waste generated or accepted by the Facility to the Solid Waste Authority for disposal. The Permittee may dispose of the non-recyclable residue resulting from the processing of Construction and Demolition Debris at the Solid Waste Authority landfill or Renewable Energy Facility 2, subject to applicable acceptance criteria; or

at a non-Authority disposal Facility, subject to the definitions and conditions specified in Solid Waste Authority Resolution 2023-01 and Rule III.

8. The Permittee shall submit monthly transaction reports detailing the quantity, in tons or cubic yards, of material of any kind or type whatsoever received at the site, the total amount processed, the amount of processed material shipped to users, and the amount of processed material stored on site, the amount of material not processed, the amount of residue generated from Processing, and the amount of residue and non-processed material disposed. A copy of the monthly report form is attached and hereby made part of the Permit.
9. The Permittee shall keep accurate and verifiable records of all reports and data required by this Permit.
10. The Permittee shall provide to the Authority a copy of the approved Waste Processing Facility permit renewal from the Florida Department of Health – Palm Beach County within seven (7) days of receipt.
11. The Permittee shall provide to the Authority documentation of the final resolution of the matters identified in the Florida Department of Health – Palm Beach County Warning Notice dated September 28, 2023, within seven (7) days of execution.



YOUR PARTNER FOR
SOLID WASTE SOLUTIONS

RECYCLING FACILITY
MANAGEMENT REPORT

MONTH _____
YEAR _____

PERMITTEE: Coastal Waste & Recycling of Palm Beach County, LLC

PERMIT #: AR 0079 CD16

ADDRESS: 6759 Wallis Road, West Palm Beach, FL 33413

PHONE: _____ CONTACT PERSON: _____

WASTES RECEIVED: Construction and Demolition Debris (C/D) _____

☐ Tons or ☐ Cubic Yards Yard Trash _____

	<u>AMOUNT STORED ON SITE</u>	<u>AMOUNT SHIPPED</u>
C/D	_____	_____
Yard Trash (YT)	_____	_____
Veg Mulch	_____	_____
Wood Mulch	_____	_____
Concrete	_____	_____
Cardboard	_____	_____
Metal	_____	_____
Non-Ferrous	_____	_____
Plastic	_____	_____

	<u>AMOUNT STORED</u>	<u>AMOUNT SHIPPED</u>	<u>DISPOSAL FACILITY</u>
C/D RSM (beneficial re- use)	_____	_____	_____
C/D Residue	_____	_____	_____
Waste Tires	_____	_____	_____
Class III	_____	_____	SWA

Recycling Rate %: _____ (Incoming C/D – Residue)

Signature _____ Date _____

Title _____

Monthly reports are due by the fifteenth day of each month for the previous month’s recycling activities. Please submit monthly reports to kkantor@swa.org (SWA Rule III Section 6.1(b)).

7501 North Jog Road, West Palm Beach, Florida 33412 (561) 640-4000 Fax (561) 640-3400

Exhibit E-8 – Justification Statement



Justification Statement
Coastal Waste & Recycling of Palm Beach County
Palm Beach County
Initial Submittal: September 18, 2024
Insufficiency Submittal: November 20, 2024
Resubmittal: January 27, 2025
Resubmittal: February 24, 2025

REQUEST

On behalf of the applicant, Coastal Waste & Recycling of Palm Beach County, LLC, WGI respectfully requests the following.

- **Official Zoning Map Amendment** to rezone the fifteen additional parcels from Agricultural Residential (AR) to Industrial Light (IL);
- **Development Order Amendment** to reconfigure the site to be more efficient, demolish and rebuild the repair and maintenance building, add fifteen parcels to the existing subject site, and modify and delete conditions of approval; and
- **Type 2 Variance** to reapprove outdoor storage in the PBIAO.

SITE CHARACTERISTICS

The subject site is located at 6759 Wallis Road, approximately 2,800 feet northwest of the intersection of Southern Boulevard and N Jog Road. **Table 1** outlines the parcel control numbers, acreage, future land use, and zoning districts of each parcel. In addition to the information in Table 1, all parcels are in the Palm Beach International Airport Overlay (PBIAO).

Figure 1. Aerial Photograph





Table 1. Parcel Information			
Parcel No.	Size	FLU	Zoning
00-42-43-27-05-005-1130	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1140	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1150	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1160	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1170	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1180	0.18 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1190	0.18 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1200	0.19 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1210	0.19 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1220	0.19 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1240	0.18 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1250	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1270	0.46 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1280	0.37 AC	Industrial	Agricultural Residential (AR)
00-42-43-27-05-005-1290	0.46 AC	Industrial	Agricultural Residential (AR)
00-42-43-33-15-001-0000	5.79 AC	Industrial	Industrial Light (IL)

SURROUNDING USES

The subject site is primarily surrounded by light industrial uses. East and south of the subject site are the Tidal Wave North, Central, and South sites, approved for a dry retention area, recycling plant, towing service and storage, repair and maintenance, dispatching, and contractor storage yard uses. Similarly, west of the subject site is Southern Waste Systems, owned by Waste Management, approved for repair and maintenance and chipping and mulching uses. Across the canal to the north is the Johnson Property PUD, consisting of 460 single-family and zero lot line homes. **Table 2** on the next page details the uses, FLU, and zoning designations of the properties surrounding the subject site.

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Table 2. Surrounding Uses			
	FLU	Zoning	Use
Subject Site	Industrial (IND)	Industrial Light (IL) (Proposed)	Recycling Plant, Chipping and Mulching, Repair and Maintenance
North	Low Residential, 2 units per acre (LR-2)	Planned Unit Development (PUD)	Single-Family, Zero Lot Line
South	Industrial (IND), Commercial High with an underlying Industrial (CH/IND)	Industrial Light (IL)	Towing Service and Storage, Repair and Maintenance Heavy, Contractor Storage Yard
East	Industrial (IND)	Industrial Light (IL)	Dry Detention, Towing Service and Storage, Repair and Maintenance, Dispatching, Contractor Storage Yard, Recycling Plant
West	Industrial (IND)	Industrial Light (IL)	Repair and Maintenance, Chipping and Mulching

DEVELOPMENT HISTORY

Parcel 00-42-43-33-15-001-0000, originally comprised of five different parcels, was first rezoned from AR, Residential Estate (RE), and Residential Transitional (RT) to IL on August 23, 2007, under ownership of Rosso Realty, LLC. Additional approvals for the parcel around this time include another rezoning, correction of a condition of approval, and approval of a variance under the ownership of Wallis Road Properties, LLC.

A Class B Conditional Use was approved on June 4, 2015 via ZR-2015-017, for three, 50,000 square foot recycling plant buildings and a 2,500 square foot accessory office. A subsequent development order amendment (DOA) to modify the recycling plant and approve a co-located chipping and mulching facility was approved on September 14, 2016 via ZR-2016-031. This approval included 1.13 acres of recycling plant area, 1.14 acres of chipping and mulching area, and the maintenance of two existing buildings for accessory repair and maintenance and office uses. The creation of a subdivision to combine the five parcels into one was completed on June 8, 2016. Additionally, multiple ZARs have been completed in 2017, 2019, and 2021. **Table 3** on the next page summarizes the development history of parcel 00-42-43-33-15-001-0000.



Table 3. Development Approval History			
Date	Application No.	Request	Resolution No.
04/28/1977	Z-1977-00038	Rezoning from AG-Agricultural District to RE-Residential Estate District.	R-1977-0474
01/24/1980	Z-1980-00002	Rezoning from RE-Residential Estate District to RT-Residential Transition District.	R-1980-0220
08/23/2007	Z-2007-00522	to rezone from AR, RE, and RT to IL	R-2007-1435
			R-2007-1876
09/24/2007	Z-2007-00524	to rezone from RTS to IL	R-2007-1613
02/07/2008	ZV-2007-02002	to replace the required six-foot wall with a six-foot fence	ZR-2008-0010
06/04/2015	CB-2015-00138	Class B Conditional Use to allow a recycling plant	ZR-2015-0017
05/05/2016	ZV/DOA/CB-2015-02524	Class B Conditional Use to allow chipping and mulching	ZR-2016-0031
		Type 2 Variance to allow storage of material and activities outside of an enclosed building	ZR-2016-0029
		to reconfigure the site plan, remove square footage, remove landscape and engineering conditions, and add the Class B chipping and mulching use	ZR-2016-0030

No approval history can be found for the parcels of the subject site that are proposed to be rezoned from AR to IL on Palm Beach County Zoning’s online resources. Photo aerials indicate that single-family homes were constructed on the parcels as early as 1964. **Figures 2 through 6** are historic aerials that show the condition of the 15 parcels from 1964 to 2021. These photos were obtained from FDOT’s Aerial Photography Archive. All existing structures were demolished in early 2024.



Figure 2. Historic Aerial – 1964



Figure 3. Historic Aerial – 1975



Figure 4. Historic Aerial – 1986



Figure 5. Historic Aerial – 1991



Figure 6. Historic Aerial – 2021



DEVELOPMENT PROGRAM

EXISTING

The existing Coastal Waste & Recycling Plant at 6759 Wallis Road is 5.87 acres and is approved for a 0.37-acre chipping and mulching processing area, 0.67-acre chipping and mulching outdoor storage area (1.04 acres total of chipping and mulching), 0.49-acre recycling plant processing area, and 0.59-acre recycling plant outdoor storage area (1.08 acres total of recycling plant). A 1,280-square-foot accessory repair & maintenance building and 1,858-square-foot accessory office were also approved. Access into the site is from Wallis Road with a control gate to prevent unauthorized entry into the site after operating hours. Per a note on the approved site plan, the gate is to remain open during business hours. On the north end of the site is a dry detention area.

PROPOSED

The development program proposes to add 4.63 acres to the subject site and reconfigure and maintain the current land uses. A Development Order Amendment (DOA) is proposed to expand the recycling plant and co-located chipping and mulching uses and the accessory repair and maintenance use. Additionally, a Type 2 Zoning Variance is proposed to reapprove outdoor storage and processing within the PBIAO. The 15 parcels that are being added to the subject site are zoned AR. A Rezoning is required from AR to IL for consistency with the underlying Industrial FLU and to permit industrial uses on the subject site.



The proposed site plan keeps the existing 1,858 square-foot scale house/office building near Wallis Road in its current location and configuration. The existing driveway connection to Wallis Road will remain the same as it is currently constructed, including keeping the access gate, which will remain open during business hours. The existing fence, ROW buffer and pedestrian entrance along Wallis Road will remain as-is, see picture below. The existing 20-space parking lot behind the existing office building will also remain.



The subject site will be reconfigured as follows. The dry detention area will be expanded from 0.83 acres to 1.63 acres and relocated to the new north property line adjacent to the LWDD canal. On the north side of the dry detention area is a 25-foot-wide Type 3 Incompatibility Buffer, which separates the subject site from the residential neighborhood to the north. South of the dry detention is the co-located chipping and mulching use, which totals 1.35 acres – an increase of 0.31 acres from what exists on the subject site. The chipping and mulching use is located in four separate areas, with a 25-foot-wide access aisle in-between each chipping and mulching area. A 5,000 square foot accessory repair and maintenance building (an increase of 3,720 square feet) is also proposed in the area immediately south of the dry detention area. The recycling plant use is located at the far south and east end of the subject site, totaling 2.59 acres, an increase of 1.51 acres. The recycling plant use is served by the main driveway on the property. A new 15-space parking lot is proposed to the north and east of the existing 20-space parking lot and 3 parking spaces are next to the repair and maintenance use building. No foundation plantings are provided around the accessory repair and maintenance building per Art.7.C.3.B.2.a Exemptions, which exempts industrial buildings that are not visible from a public street or residential zoning district from having foundation plantings.



The 15 parcels being added to the subject site were previously single-family homes that were served by Martin Lane, a private street with access rights granted by easements, half of which are on the subject site and half of which are on the neighboring property to the west. Since the single-family homes have been demolished and the 15 parcels are being incorporated into the site plan by DOA, Martin Lane will not be used for access by the Applicant. Furthermore, there is an existing heavily vegetated buffer near the western boundary of the subject site, on the east side of the physical limits of Martin Lane. Due to the presence of this buffer, and the fact that Martin Lane will not be used as access by the Applicant, the buffer is not proposed to move to the west side of Martin Lane.

Applicant will replat the subject site in order to incorporate the 15 new parcels.

CONSISTENCY WITH THE HAVERHILL AREA NEIGHBORHOOD PLAN

The subject site is located within sub-area 5 of the Haverhill Area Neighborhood Plan, between the L-4 Canal and Southern Boulevard. This application is consistent with the Haverhill Area Neighborhood Plan, which identifies this sub-area as predominantly and transitioning to light industrial and states that where Future Land Use and Zoning classifications are inconsistent, the “spirit and intent” of the Future Land Use should be prioritized. The rezoning request will rectify the current inconsistency between the zoning and the future land use designation.

The application is also consistent with Goal 2: Determine the Future of the Area, by settling conflicts between the existing Recycling Plant and the parcels being incorporated into the plant and by staying consistent with the light industrial theme of the sub-area.

On December 19, 2024, Applicant contacted the Town Administrator for the Town of Haverhill, notifying the Town regarding the proposed project and application that had been filed with the County. On the same day the Town Administrator confirmed that the Town Planner reviewed the application and said the Town has no objections. A copy of the email from the Town Administrator has been submitted to the County.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed development program is an expansion of the existing light industrial uses onto land that already has an Industrial FLU designation. The recycling plant and co-located chipping and mulching uses, and proposed site plan changes are consistent with the Industrial FLU designation as the intent of the designation is for the processing and storage of products related to industrial uses.

- **Sub-objective 1.2.4: Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay.** The purpose of the Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay is to provide for future land uses that are compatible with existing neighborhoods and the future operations of PBIA. The unique future land use provisions of the Overlay are designed to: 1) protect viable, existing neighborhoods from incompatible uses; 2) provide opportunities for property owners to initiate conversion of their properties to non-residential uses.



The development program proposes to expand the existing recycling plant with co-located chipping and mulching northward, converting the 15 additional parcels from residential to light industrial use. This is consistent with point 2) of sub-objective 1.2.4, which encourages the conversion of properties to non-residential uses.

- **Policy 1.2.4-b:** Land within the PBIA Overlay shall have the potential to be zoned for uses permitted within the Light Industrial or Planned Industrial Park Development zoning districts in the form of a Planned Industrial Park or campus-like industrial development without an amendment to the Future Land Use Atlas (FLUA). Land within the Overlay shall not have the potential to seek commercial zoning unless the land is designated Commercial on the Future Land Use Atlas through a FLUA amendment.

The development program proposes a rezoning to Light Industrial, consistent with Policy 1.2.4-b, which permits land to be zoned Light Industrial or Planned Industrial Park Development. No commercial zoning or Future Land Use Amendment is requested.

- **Policy 1.2.4-d:** All future land use designations within the Overlay shall be eligible to convert to Industrial uses. Exceptions to this eligibility are: 1. Areas designated as Parks on the Future Land Use Atlas (FLUA). 2. The following areas, which shall only be allowed those uses permitted in the Residential future land use categories: a) The Wooded Acres (Timber Run) subdivision; b) The Lake Belvedere Estates subdivision; c) The Overbrook subdivision; d) The area defined by the following boundaries beginning at Wallis and Jog Roads: Western boundary: Jog Road between Wallis Road and Belvedere Road; Northern boundary: Belvedere Road between Jog Road and the Timber Run subdivision; Eastern boundary: The western limits of the Wooded Acres (Timber Run) subdivision and the Royal Palm Estates subdivision; Southern boundary: Southern Boulevard extending to the western side of Sunbeam Avenue; Southwestern boundary: Sunbeam Avenue between Southern Boulevard and Wallis Road.

The subject site is not within the areas identified in Policy 1.2.4-d; therefore, the 15 additional parcels are eligible to be converted to industrial uses.

- **Policy 1.2.4-e:** The following criteria must be met in order for a residentially built or approved parcel to be converted to industrial uses without a FLUA amendment: 1. At least 10 acres, if the parcel does not abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; or 2. At least 5 acres, if the parcel does abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map.

The existing FLU designation of the subject site is Industrial; therefore, no FLU amendment is required to convert the 15 additional parcels from residential to light industrial.



- **Policy 1.2.4-f:** The following criteria must be met in order for a vacant parcel to be converted to industrial uses without a FLUA amendment: 1. 10 acres, if the parcel does not abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; and, only if the parcel is not contiguous on three or more sides to existing residential development; or, 2. 5 acres, if the parcel abuts a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; and, only if the parcel is not contiguous on three or more sides to existing residential development.

The existing FLU designation of the subject site is Industrial; therefore, no FLU amendment is required to convert the 15 additional parcels from residential to light industrial.

- **Policy 2.2-e: Intensity.** The County shall establish and maintain maximum floor area ratios (FAR) specific to each future land use designation in order to establish the maximum non-residential intensity of development, as specified in Table 2.2-e.1. The allowable intensity on a specific parcel may be reduced through the development review process in order to account for the attributes of the subject site, the scale of adjoining properties, and the character of the area. The maximum FAR applies to non-residential uses within these designations; for underlying residential designations and density governed by density in Table 2.2.1-g.1, the maximum FAR does not apply.

The permitted FAR in the IND FLU category, in the Urban/Suburban Tier, is 0.45 for uses other than self-storage. The development program proposes a FAR of 0.016.

- **Policy 2.2-f:** Table 2.2-f.1 establishes the consistent non-residential zoning and planned development districts for the Non-Residential Future Land Use Designations.

The 15 additional parcels are currently zoned AR, inconsistent with the existing IND FLU. The rezoning request to rezone the 15 parcels from AR to IL will make the zoning district consistent with the FLU designation.

- **Policy 2.2.4-c: Industrial Future Land Use Designations.** The three Industrial future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial Nature (as defined by the Introduction and Administration Element).
 1. **Industrial.** The Industrial (IND) future land use designation allows the full range of industrial activities ranging from light to heavy industry.

The development program proposes the expansion of existing recycling plant and co-located chipping and mulching uses in the Industrial FLU. This expansion of uses is consistent with Policy 2.2.4-c and Policy 2.2.4-d which defines light and heavy industrial.



- **Policy 2.2.4-d: Industrial Uses.** Industrial uses shall be considered either Light or Heavy as defined below.
Light Industrial. Light industrial development's typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. Examples of Light Industrial uses include: storage, warehouse, research, laboratories, dispatch, landscape service, flex space, media production, and light manufacturing and processing.

The development program proposes the expansion of the recycling plant and co-located chipping and mulching uses. These uses are considered light industrial per Policy 2.2.4-d and the ULDC.

CONSISTENCY WITH UNIFIED LAND DEVELOPMENT CODE

The proposed development is consistent with the following regulations of the Palm Beach County Unified Land Development Code.

INDUSTRIAL LIGHT ZONING DISTRICT

- **Art. 3.C.1.F.1. IL, Light Industrial District.** The IL district is to provide sufficient land in appropriate locations for certain types of businesses, light manufacturing, or processing uses likely to cause undesirable effects upon residential or commercial uses.

The proposed project is an expansion of the existing light industrial uses onto land that already has an Industrial Light future land use designation. The revised site plan keeps the recycling plant and co-located chipping and mulching use towards the south end of the property, farthest away from the existing residential neighborhood to the north.

- **Art. 3.D.1.A. Property Development Regulations (PDRs).**
The proposed development meets the PDRs required in the IL zoning district as outlined in **Table 4** on the next page.



Table 4. Property Development Regulations			
	IL Zoning District	PBIAO	Provided
Min. Lot Size	1 AC	1 AC	10.41 AC
Min. Lot Width and Frontage	100 FT	-	330.02 FT
Min. Lot Depth	200 FT	-	1020 FT
Max. Building Coverage	45%	-	1.5%
Min. Setbacks			
Front	40 FT	25 FT	85 FT
Side	15 FT	15 FT	15 FT
Side Street	25 FT	25 FT	251 FT
Rear	20 FT	50 FT	301 FT
Max. Height	-	35 FT when adjacent to residential uses	15 FT

PALM BEACH INTERNATIONAL AIRPORT OVERLAY

- **Art. 3.B.9.D.3. Conditional Uses.** All uses allowed as Conditional Uses in the underlying district, shall be permitted in the PBIAO district after compliance with the Conditional Use regulations.

The recycling plant and co-located chipping and mulching uses are Class B Conditional Uses, which were previously approved.

- **Art. 3.B.9.F.1. Lot Dimensions, Yard Setbacks, and Building Height.**

The proposed development meets the PDRs required in the PBIAO district as outlined in Table 4 above.

- **Art. 3.B.9.F.2. Commercial Vehicle Parking and Loading.** No truck, or tractor-trailer parking or loading shall be permitted closer than 75 feet to the lot lines abutting a residential district (inclusive of the buffer), unless the area is designated as display parking as permitted by Art. 4.B, Use Classification.

The development does not propose any truck or tractor-trailer parking or loading. There is over 450 feet between the lot lines of the adjacent residential district and the proposed parking lot.



- **Art. 3.B.9.F.3. Lighting.** In addition to the standards of Art. 5.E.4.E, Outdoor Lighting, and Art. 16, Airport Regulations, lighting within the PBAIO shall comply with the following:
 - a. Rooftop lighting shall be permitted;
 - b. Lighting fixtures shall be limited to the minimum needed for essential lighting of the site and building; and,
 - c. Lighting shall be scaled to pedestrians for sites or buildings adjacent to residential uses.

Proposed lighting for the development is limited to the minimum needed for essential lighting.

- **Art. 3.B.9.G.1. Unified Control.** Any development within the PBAIO district shall be developed under common ownership or Unity of Control as provided in Art. 5.F.1.F.3.b, PDDs.

The subject site is under the common ownership of Coastal Waste & Recycling of Palm Beach County, LLC. The subject site will be replatted into one development tract.

- **Art. 3.B.9.G.2. Enclosed Activities.** In addition to standards in Art. 5.B.1.A.3, Outdoor Storage and Activities, all activities except storage and sales of landscape material, shall be operated within enclosed buildings.

The application includes a Type 2 Variance to permit outdoor storage for the recycling plant and co-located chipping and mulching uses. The same variance was previously approved for the subject site pursuant to ZR-2016-029. The same variance has been approved for many of the surrounding properties.

RECYCLING PLANT REGULATIONS

- **Art. 4.B.5.C.12.b. Approval Process.** A Recycling Plant requiring Class A Conditional Use approval may be approved by the DRO subject to the following:
 - 1) When surrounded by parcels having an IND FLU designation that are vacant or developed with industrial uses providing a 500-foot separation between the use and any parcels having a residential, civic, recreation, or conservation FLU designation or use; or
 - 2) When all recycling activities are located within enclosed structures that have no openings oriented or visible from surrounding parcels having a residential, civic, recreation, or conservation FLU designation or use.



The Recycling Plant was approved as a Class B Conditional Use on June 5, 2015. Following the pre-application conference with the County on June 17, 2024, staff indicated that the Class B does not need to be abandoned and may remain as the principal use. The recycling plant use is separated by more than 500 feet from the nearest parcel with a residential future land use.

- **Art. 4.B.5.C.12.c. Access.** Access from Local Residential or Residential Access Streets shall be prohibited. Entrances shall be gated to prevent access from unauthorized persons.

Access to the subject site is from Wallis Road, which is not a residential road. The entrance is gated to prevent unauthorized persons from entering.

- **Art. 4.B.5.C.12.d. Setbacks.** No part of a Recycling Plant and its accessory ramps, on-site circulation system, or storage areas shall be located within 50 feet of any property line, unless adjacent to another property with an IND FLU designation that is vacant or has an existing industrial use.

The recycling plant and any associated areas are setback over 500 feet from the north property line. Properties on the east, west, and south sides of the subject site have an IND FLU designation.

- **Art. 4.B.5.C.12.e. Lot Size.** The minimum lot size shall be five acres for any Recycling Plant with outdoor activities.

The subject site is 10.41 acres large, over twice the minimum lot size required for a recycling plant.

- **Art. 4.B.5.C.12.f. Drainage.** Untreated surface water runoff shall not be permitted to discharge directly into lakes, streams, drainage canals, or navigable waterways other than into or through approved on-site containment areas.

Untreated surface water runoff will be directed to the dry detention area on the north of the subject site and then discharged to the adjacent LWDD canal.

- **Art. 4.B.5.C.12.g. Storage Areas.** All outdoor storage of recyclable materials shall be in leak-proof containers or located on a paved area that is designed to capture all potential runoff associated with the stored material. Runoff shall be handled in a manner that is in conformance with Local, State, and Federal regulations.

Outdoor storage areas will be in leak-proof containers or on a paved area. Runoff will be directed to the dry detention area on the north of the subject site and will be handled in conformance with local, state, and federal regulations.



- **Art. 4.B.5.C.12.h. SWA Permit.** Verification that the Applicant has obtained a permit from and posted a bond with the SWA prior to Final Site Plan approval or Building Permit, whichever occurs first.

Applicant has a permit from the SWA and will modify the SWA permit per the proposed site plan.

CHIPPING AND MULCHING REGULATIONS

- **Art. 4.B.5.C.1.b. Approval Process.**
 - 1) A Chipping and Mulching use accessory to a Bona Fide Agriculture use in the AP Zoning District may be Permitted by Right.
 - 2) Chipping and Mulching may be allowed in the AR Zoning District in the RSA with an SA FLU designation, subject to Class A Conditional Use approval.

The Chipping and Mulching use is being approved as a co-located use to Recycling Plant per Art. 4B.5.C.1.f.

- **Art. 4.B.5.C.1.c. Access.** Access shall be limited to Arterial, Collector, or Local Commercial Streets which do not serve residential lots. Entrances shall be gated and set back from the road as required by the County Engineer to prevent access during non-operating hours from unauthorized persons.

Ingress and egress to the subject site is from Wallis Road, a local street which does not serve residential lots. An access control gate is set back approximately 27 feet from the property line to prevent unauthorized entry into the site after operating hours.

- **Art. 4.B.5.C.1.d. Lot Size.** A minimum of five acres.

The subject site is 10.41 acres large, over twice the minimum lot size required for a chipping and mulching use.

- **Art. 4.B.5.C.1.e. Separation Distance.** The use shall be located a minimum of 500 feet from a parcel of land with a residential FLU designation or uses

The closest chipping and mulching processing area is set back over 500 feet from parcels with a residential FLU designation to the north of the subject site.

- **Art. 4.B.5.C.1.f. Collocated Uses to Recycling Plant.** Chipping and Mulching may be approved by the DRO subject to the Supplementary Use Standards for Chipping and Mulching.

The development program proposes Chipping and Mulching use co-located to a Recycling Plant use.



- **Art. 4.B.5.C.1.g. Outdoor Storage.**

- 1) Outdoor storage shall be set back a minimum of 25 feet from any property line or 50 feet from any property line abutting a parcel with a residential FLU designation or use.
- 3) Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.
- 4) The pile height of storage materials shall be limited to 15 feet or less if required by Chapter 62-709,F.A.C., as amended. Bollards shall be maintained to indicate maximum permitted height, and tied to a finished grade benchmark delineated on site.
- 5) Outdoor storage of material shall be limited to 45 days

Chipping and mulching outdoor areas for the development program are setback well over 50 feet from the residential parcels to the north of the subject site, and is over 25 feet from the east, west, and south property lines. Pile locations will be delineated at a maximum height of 15 feet with material being stored for no more than 45 days.

- **Art. 4.B.5.C.1.h. Hours of Operation.** The hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday if within 1,000 feet of a residential zoning district.

The hours of operation of the development program will be 9:00 AM to 5:00 PM, Monday through Friday.

- **Art. 4.B.5.C.1.i. Operation Functions,** The Zoning application shall include but not limited to a justification and supporting documentation demonstrating acceptable industry design, configuration, and operational standards, based on the type of materials processed and stored, including but not limited to the following:

- 1) Site Plan. The Site Plan shall illustrate how the operation functions including circulation routes; and the location and size of loading and processing areas, and storage piles.
- 2) Waste Volume. An explanation of the quantity of waste to be received, expressed in cubic yards per day or tons per day.
- 3) Dust Control. A plan to address how dust generated from traffic, storage, and processing areas will be managed pursuant to Art. 5.E.4.D.3, Dust and Particulate.
- 4) SWA Permit Prior to operation of the facility, the owner or operator shall obtain a SWA Permit.

The application for the development program includes a site plan illustrating circulation routes, location and size of loading and processing areas, and storage piles. Based on current operations, the chipping and mulching use is expected to handle approximately 2,500 cubic yards of waste per day. The current SWA Permit will be modified by the applicant prior to operation of the expanded facility.



The dust control plan is as follows. The facility will be operated in such a manner as to prevent the emission of unconfined particulate matter at the project boundary. This plan specifically addresses the control of dust generated from on-site activities including chipping, mulching, material processing, material storage, material movement and vehicle and truck traffic. The main elements of the Dust Control Plan at the site will be the use of paved roads to minimize the generation of dust and the deployed use of a watering / spraying system to control and eliminate dust generated by the various operations. Fencing and/or vegetation at the perimeter of the facility are also used to control dust at the property boundary.

Roads are utilized within the site for vehicles delivering yard waste and construction and demolition (C&D) debris to the designated unloading areas. Designated roadways used by staff to move the yard waste and C&D debris materials from the receiving areas to the processing areas are also paved. Paved and unpaved roads will be maintained and kept in good condition. Repairs will be made when required. Mobile water equipment will be employed to reduce excessive dirt and dust from the road surface and suppress dust generation.

Yard waste and other processed materials will be stockpiled at the facility. Dust originating from these stockpiles will be controlled by the use of strategically placed hose bibs that supply water to allow for spraying the material piles. The spraying will be used as necessary to wet the stockpiles and control blowing dust. If the hose bibs are not placed to provide adequate control, Coastal staff will use the water truck to assist in watering the piles.

Facility staff will maintain grass areas that are not used for the receipt of yard waste, the chipping and mulching of the yard waste, and material stockpiles. Coastal staff will reseed the grass area if necessary to control dust. If these measures are insufficient to control excessive dust, and dust is found to be at the project boundary, the facility will cease operations until the dust can be controlled.

REPAIR AND MAINTENANCE, HEAVY REGULATIONS

- **Art. 4.B.5.C.28.b. Typical Uses.** Heavy Repair and Maintenance may include but is not limited to:
 - 1) Machine shops, welding services, engine and transmission shops, and radiator shops;
 - 2) Paint or body shops, collision damage repairs and frame straightening, fiberglass repair, media blasting or paint stripping, powder coating, and steam cleaning;
 - 3) Garages for general engine type repair including rebuilding, repairing or removing engines, transmissions, starters, alternators, radiators, air conditioners, compressors, brake systems, hydraulics, fuel systems, cooling systems, exhaust, electrical or electronic systems, propulsion systems, drive train, and steering systems; or,



4) Any Light Repair and Maintenance Use, which involves any of the above or requires outdoor storage or activities.

The proposed repair and maintenance use is accessory to the principal recycling plant and co-located chipping and mulching uses. It will entail the repair and maintenance of equipment related to the principal uses.

- **Art. 4.B.5.C.28.d. Setbacks.** No repair or maintenance building, structure, or activity shall be allowed within 100 feet of a parcel of land with a residential FLU designation or use.

The proposed repair and maintenance building is setback 301 feet from the north property line, and approximately 400 feet from any parcels with a residential FLU designation.

- **Art. 4.B.5.C.28.e. Nuisances.**

- 1) **Enclosed Repair Activities.** All repair and maintenance activities shall be conducted within an enclosed structure, except in the IL and IG districts with an IND FLU designation, and PDDs with an IND FLU designation, where in compliance with Art. 5.B.1.A.3, Outdoor Storage and Activities.

The development program proposes a repair and maintenance building on the north of the subject site.

- 2) **Vehicle or Equipment Testing on Residential Streets.** Testing of vehicles or equipment shall be prohibited on Residential Streets.

The development program proposes no testing of vehicles or equipment on residential streets. Furthermore, there are no residential streets located near the subject site.

- **Art. 4.B.5.C.28.f. Outdoor Parking or Storage.**

2. **The outdoor storage of disassembled vehicles, equipment, or parts shall be prohibited, except in the IL and IG districts with an IND FLU designation, and PDDs with an IND FLU designation.**

The subject property is in the IL zoning district and has an IND FLU designation. Therefore, the outdoor storage of disassembled vehicles, equipment, or parts is permitted.



3. All vehicles or equipment shall be parked in designated storage areas, except for the following:
 - a) Automobiles dropped off by customers may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period; and
 - b) Automobiles placed for customer pick-up may be temporarily parked in designated parking spaces, not to exceed a maximum of one 24-hour period

No automobile drop-off or pick-up by customers is proposed.

OUTDOOR STORAGE AND ACTIVITIES REGULATIONS

- **Art. 5.B.1.A.3. Outdoor Storage and Activities.** Outdoor storage of merchandise, inventory, vehicles and trailers used in operation of a business, equipment, refuse, or similar materials, and outdoor activities associated with a use operation in all zoning districts shall be subject to the following standards, unless stated otherwise:
 - a. **General.** Outdoor Storage and Activities may only be allowed when incidental to the use located on the premises.

Proposed outdoor storage and processing areas are incidental to the Recycling Plant and co-located Chipping and Mulching uses on the subject site.

- b. **Location.** Outdoor Storage and Activity areas shall not be located in any of the required setbacks. Bollards or other acceptable barricade to the Zoning Division shall be provided to delineate pile locations.

Proposed outdoor storage and processing areas are not located in any setbacks.

- c. **Height.** Outdoor Storage material shall not exceed 15 feet in height or the height of the screening, whichever is less. The height could be less if required by Chapter 62-709, F.A.C., as amended.

Outdoor storage material for the development program will not exceed 15 feet in height.

- d. **Screening.** Outdoor Storage and Activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings.

Screening requirements are not applicable to the subject site per Art. 5.B.A.3.e.1) except along the north property line which is adjacent to land with a residential FLU and use. Six-foot-tall screening with a wall is proposed along the northern property boundary for Type 3 Incompatibility Buffers per Table 7.C.2.C.



Although not required per the outdoor storage regulations, the proposed site plan has eight-foot-wide or wider compatibility buffers around the perimeter of the property.

e. Industrial FLU Designation, Zoning Districts, or Uses.

- 1) Outdoor Storage and Activity areas adjacent to parcels of land with an industrial FLU designation or use and not visible from any street shall be exempted from the screening requirements.**
- 2) Outdoor Activity areas in industrial uses shall have a Type 3 Incompatibility Buffer along property lines adjacent to parcels with a civic, conservation, commercial, recreational, or residential FLU designation, or use, or where visible from a public R-O-W. The Incompatibility Buffer shall be a minimum of 25 feet in width.**
- 3) Outdoor Activities such as chipping, crushing, grinding, manufacturing, or processing shall be restricted to uses in the IG Zoning District and Industrial General Pod of PIPD unless approved as a Class A Conditional Use.**

Six-foot-tall screening with a wall is proposed along the northern property boundary for Type 3 Incompatibility Buffers per Table 7.C.2.C. Although the east and west property boundaries abut properties with a IND FLU designation, an eight-foot-wide compatibility buffer is being provided. The previously approved Class B Conditional Use does not have to be reapproved per staff notes on the pre-application meeting held on June 17, 2024.

- g. Parking/Storage. The parking and storage of vehicles and trailers, used in operation of a business, shall be on an improved surface as described in Art. 6.B.3.B.1, Paved, Art. 6.B.3.A.2.e, Drainage or Art. 6.B.3.A.2.f, Maintenance.**

All parking and storage of vehicles and trailers will be on an improved surface.

REZONING (STANDARD DISTRICT) REGULATIONS

- Art. 2.B.7.A.2. Standards. When considering an application for Rezoning to a Standard Zoning District with or without a COZ, the BCC and ZC shall utilize Standards a through g indicated below. An amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.**
 - a. Consistency with the Plan. The proposed amendment is consistent with the Plan.**

The proposed rezoning is consistent with the Comprehensive Plan per the “Consistency with the Comprehensive Plan” section on page 9, including consistency between the IL zoning district and IND FLU.



- b. Consistency with the Code. The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.**

The proposed rezoning is not in conflict with PBC ULDC and is not to relieve hardship or confer special privileges or rights. The rezoning is necessary for the proposed development program and for consistency with the existing FLU designation. Furthermore, the proposed site plan meets the requirements for both the recycling plant and co-located chipping and mulching uses in Article 4. The proposed uses are consistent with the use matrix in Article 4.

- c. Compatibility with Surrounding Uses. The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.**

The subject site is surrounded on the east, west, and south sides by properties with industrial uses, FLU designations, and zoning that are similar to, if not the same, as the subject site. The rezoning of the 15 parcels to IL will increase the subject site's compatibility with these properties. The residential PUD to the north is separated by the LWDD L-4 canal and is setback more than 300 feet from any building, processing, or storage area on the subject site. Compatibility with surrounding uses is ensured by compliance with supplementary regulations for the recycling plant and co-located chipping and mulching uses.

- d. Effect on the Natural Environment. The proposed amendment will 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.**

The proposed rezoning will have no negative effect on the surrounding environment. There are no natural water bodies on-site and a new dry detention will be provided that outfalls to the LWDD canal instead of the County system in the Wallis Road right-of-way. There is no wildlife on site or on nearby properties. Both of the proposed uses serve to reduce the amount of waste material that would otherwise be placed into County landfills, aiding in the goal of reducing the carbon footprint for the disposition of waste in the County.

- e. Development Patterns. The proposed amendment will result in a logical, orderly, and timely development pattern.**

The rezoning request addresses the inconsistency between the existing AR zoning and IND FLU designation. This, in conjunction with the additional requests in this statement, will result in a logical, orderly, and timely development pattern.



f. Adequate Public Facilities. The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).

There are adequate public facilities to serve the proposed rezoning to IL.

Water and Wastewater: Palm Beach County Water Utilities have provided a concurrency letter confirming adequate water and wastewater services are available for the development program.

Solid Waste: The subject site is serviced by Solid Waste Authority, within service area 1. SWA has provided a letter confirming the issuance of a facility operation permit.

Drainage: The subject site is adjacent to the LWDD L-2 canal and a dry detention area is located at the north end of the site.

Parks and Recreation: The development program is light industrial, therefore, parks and recreation concurrency is not applicable to the request.

Roads and Transit Facilities: The traffic volume generated by the development program will not have a negative impact on roadway capacity or infrastructure.

Fire-Rescue: The subject site is within 1.5 miles of Palm Beach County Fire-Rescue 34 and within 3 miles of Station 23. Fire-Rescue has not had any comments or concerns regarding concurrency with the development program.

g. Changed Conditions or Circumstances. There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

Applicant was able to purchase all of the lots that were previously being used for single-family residential. These single-family homes were an "enclave" of older housing that had outlived their useful life and had been surrounded by industrial uses on three of the four sides, with the fourth side being separated by a LWDD right-of-way. This is a changed condition that necessitates the rezoning. Furthermore, the underlying future land use of the AR-zoned properties is Industrial Light. So the rezoning is curing an inconsistency between the zoning map and the future land use map.



DEVELOPMENT ORDER AMENDMENT (DOA) STANDARDS

- **Art. 2.B.7.C.2. Standards.** Pursuant to the Standards indicated in Art. 2.B.7.B.2, Standards, Conditional Uses and Rezoning to a PDD or TDD.

The development program is consistent with Art. 2.B.7.B.2. as outlined below.

- a. Consistency with the Plan. The proposed use or amendment is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.**

The proposed DOA and is consistent with the Comprehensive Plan per the “Consistency with the Comprehensive Plan” section on page 9. The expansion of light industrial uses and reconfiguration of the site plan is consistent with the purpose of the IND FLU designation and PBIAO.

- b. Consistency with the Code. The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.**

The proposed DOA to add land, reconfigure the site plan, and modify or delete conditions of approval is consistent with the ULDC where applicable. Consistency with the ULDC can be found on pages 11 through 27.

- c. Compatibility with Surrounding Uses. The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.**

The subject site is surrounded on the east, west, and south sides by properties with industrial uses, FLU designations, and zoning that are similar to, if not the same, as the subject site. The proposed land addition and site plan reconfiguration will retain the compatibility of the subject site with these properties. The residential PUD to the north is separated from the subject site by the LWDD L-4 canal and is setback more than 300 feet from any building, processing, or storage area that has moved north due to the proposed land addition and site plan reconfiguration. Compliance with setback and other supplementary regulations for the recycling plant and co-located chipping and mulching use also increase the subject site’s compatibility with surrounding uses.

- d. Design Minimizes Adverse Impact. The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.**



The east and west property boundaries abut properties with an IND FLU designation, therefore an eight-foot-wide compatibility buffer is being provided. Along the northern property boundary, a six-foot-tall wall and trees are proposed in a Type 3 Incompatibility Buffer parallel to the residential PUD north of the subject site. The expansion of the recycling plant, co-located chipping and mulching, and accessory repair and maintenance uses, and intensity of the development program will not have any adverse effects on adjacent lands.

- e. **Design Minimizes Environmental Impact. The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

The proposed land addition and site plan reconfiguration of the existing uses north will have no negative effect on the surrounding environment. There are no natural water bodies on-site and a new dry detention will be provided that outfalls to the LWDD canal instead of the County system in the Wallis Road right-of-way. There is no wildlife on site or on nearby properties. The recycling plant and co-located chipping and mulching use serves to reduce the amount of waste material that would otherwise be placed into County landfills, aiding in the goal of reducing the carbon footprint for the disposition of waste in the County.

- f. **Development Patterns. The proposed use or amendment will result in a logical, orderly, and timely development pattern.**

The development program is consistent with the surrounding industrial uses and the intent of the PBIAO and Haverhill Area Neighborhood Plan to convert vacant and residential land to light industrial. The requested land addition and site plan reconfiguration will result in a logical, orderly, and timely development pattern.

- g. **Adequate Public Facilities. The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).**

There are adequate public facilities to serve the proposed expansion of existing uses.

Water and Wastewater: Palm Beach County Water Utilities have provided a concurrency letter confirming adequate water and wastewater services are available for the development program.

Solid Waste: The subject site is serviced by Solid Waste Authority, within service area 1. SWA has provided a letter confirming the issuance of a facility operation permit.



Drainage: The subject site is adjacent to the LWDD L-2 canal and a dry detention area is located at the north end of the site.

Parks and Recreation: The development program is light industrial, therefore, parks and recreation concurrency is not applicable to the request.

Roads and Transit Facilities: The traffic volume generated by the development program will not have a negative impact on roadway capacity or infrastructure.

Fire-Rescue: The subject site is within 1.5 miles of Palm Beach County Fire-Rescue 34 and within 3 miles of Station 23. Fire-Rescue has not had any comments or concerns regarding concurrency with the development program.

- h. Changed Conditions or Circumstances. There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification.**

Applicant was able to purchase all of the lots that were previously being used for single-family residential. These single-family homes were an "enclave" of older housing that had outlived their useful life and had been surrounded by industrial uses on three of the four sides, with the fourth side being separated by a LWDD right-of-way. This is a changed condition that necessitates a DOA to add land to the existing recycling plant and reconfigure the site plan to expand the existing uses into the newly added land.

- **Art. 2.B.7.B.6. Authorized Class B Conditional Uses. Only those uses that are authorized as Class B Conditional Use in the Use Matrices in Art. 4, Use Regulations, may be approved as Class B Conditional Use. The designation of a use as a Class B Conditional Use in a district does not constitute an authorization of such use or an assurance that such use will be approved under this Code.**

The expansion of the recycling plant and co-located chipping and mulching use will continue as a Class B Conditional Use as opposed to a Class A Conditional Use pursuant to PBC Zoning staff's comments in the pre-application meeting held on June 17, 2024.



TYPE 2 VARIANCE REGULATIONS

The following concurrent Type 2 Variance is being requested as part of the development application:

Table 6. Variance Chart			
Code Section	Required	Proposed	Variance
Art. 3.B.9.G.2	All activities, except storage and sales of landscape material shall be operated within enclosed buildings.	Storage of materials and activities associated with chipping and mulching and recycling plan permitted outside of enclosed buildings.	To allow storage of materials and activities associated with chipping and mulching and recycling plan permitted outside of enclosed buildings.

It is important to note that the surrounding area and existing and approved uses are industrial in nature and include numerous approvals for recycling plants, chipping and mulching, and contractor’s storage yards, all of which include activities that by their nature must be conducted outdoors. These approvals and existing uses serve as evidence that these uses can operate without a negative impact to the operations of the airport. Finally, this same variance was approved for the subject property in 2016 and the property has been operating without any issues with the airport since then. Applicant is only seeking to reauthorize the same variance for the expanded uses under the DOA.

- **Art. 2.B.7.E.5. Application Requirements.** All properties described in one application must be contiguous. The DRO may require more than one application if the property concerned contains more than 40 acres, or the fee paid for one application would not equal the cost of processing multiple applications.

The subject site is 10.41 acres in size and contiguous, meeting the requirements for Type 2 Variance Applications.

- **Art. 2.B.7.E.6. Standards for Zoning or Subdivision Variance.** The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a Zoning or Subdivision Variance:
 - a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;



The subject property is adjacent to existing industrial uses to the east, west and south – the majority of which have outdoor storage of materials other than landscaping. This area contains one of the largest concentrations of small parcel industrial properties within the Urban/Suburban Tier of the County and the PBIAO, which does not permit outdoor storage by right. These are special conditions that are not applicable to most light industrial properties in the County.

b. Special circumstances and conditions do not result from the actions of the Applicant;

The requested variance is not the result of the actions of the applicant but rather a result of the existing development patterns in the surrounding area where recycling plants and chipping and mulching uses are the predominant land uses, including the PBIAO, which does not permit outdoor storage by right. The variance is also required for the recycling plant and co-located chipping and mulching use, as it cannot be performed indoors.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;

Granting of the variance will not grant the applicant any special privileges. The Type 2 Variance to permit outdoor storage and processing in the PBIAO is a commonly requested and granted variance for properties with industrial uses in the PBIAO. The same variance was granted for the subject property in 2016.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;

Literal interpretation of the ULDC would prevent the Applicant from operating the Recycling Plant, as the use cannot be performed indoors and requires outdoor storage. Many properties within the PBIAO have been granted this variance for outdoor storage, and likely required the variance for similar reasons.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure;

Granting the requested variance will only permit the minimum variance required for the development program. Recycling plant and chipping and mulching uses cannot, by definition, operate without having outdoor storage.

f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan, and this Code; and,



The requested Type 2 Variance is consistent with the goals, objectives, and policies of the Comprehensive Plan including those of the Industrial FLU designation by permitting light industrial uses. The request is also consistent with the ULDC including the PDRs and purpose of the IL and PBIAO districts.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare

Granting the requested variance will not be injurious to the area or detrimental to the public welfare. Outdoor storage piles will be limited to 15 feet in height. Runoff from outdoor storage and processing areas will be treated in the dry detention area on the north of the subject site. Granting the variance will have no impact on airport operations or flight safety as evidenced by the operations on the site since 2016 under the same variance. The proposed site plan provides all of the code-required buffers, which mitigates any impact to the surrounding uses by the outdoor activities. To the west, south and east are other similar light industrial uses. The residential neighborhood to the north is separated from the subject property by an 88-foot-wide LWDD right-of-way. And the closest outdoor storage area for the chipping and mulching use is setback from the land with a residential FLU by 275 feet.

REQUEST TO MODIFY OR DELETE CONDITIONS OF APPROVAL

The applicant proposes to modify conditions of approval in the following Resolutions:

ZR-2016-030 for a Development Order Amendment

- Propose to delete LANDSCAPE-PERIMETER-NORTH PROPERTY LINE ABUTTING 67TH TERRACE NORTH #2, which currently reads:

In addition to Code requirements, landscaping along the north property line shall be upgraded to include: one (1) palm or pine for each thirty (30) linear feet of the property line. (BLDGPMT/ONGOING: ZONING – Zoning) (Previous LANDSCAPE – PERIMETER Condition 2 of Resolution ZR-2015-17, Control No. 2007-00172)

The previous condition along the north property line was such that the Recycling Plant was immediately abutting the residential parcels to the north, which have now been absorbed into the proposed project. The proposed preliminary site plan has a standard Type 3 Incompatibility Buffer along the new north property line, which is separated from the nearest residentially zoned land by a LWDD canal.



- Propose to delete SITE DESIGN #1, which currently reads:

Prior to Final Approval by the Development Reviewer Officer (DRO) the Site Plan shall be revised to comply with the 150-foot setback for the Recycling Plant, where adjacent to the residential district, along the north property line. (ONGOING: ZONING – Zoning)

The proposed preliminary site plan meets this standard so there is no need for a condition that says to revised the Site Plan.

CONCLUSION

On behalf of the applicant, WGI, Inc. respectfully requests an official zoning map amendment to rezone fifteen parcels from AR to IL, a DOA to reconfigure the site plan, add land area, and modify and delete conditions of approval, and a Type 2 Variance to reapprove outdoor storage in the PBIAO. For all of the above-mentioned reasons WGI, Inc. respectfully requests approval of the application requests.

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