

RESOLUTION NO. R-85-51

RESOLUTION APPROVING ZONING PETITION 84-134, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 84-134 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 1st of October, 1984; and

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

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

1. The proposal is consistent with the requirements of the Comprehensive Plan.
2. The proposal, with minor modification to the site plan, will be consistent with the requirements of the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 1st of October, 1984, that Petition No. 84-134 the petition of JOHN E. CORBALLY, JAMES M. FURMAN AND JAMES M. MURDOCH TRUSTEES UNDER THE MACARTHUR LIQUIDATING TRUST AGREEMENT DATED DECEMBER 28, 1983 By Herbert C. Gibson, Esquire, for a SPECIAL EXCEPTION TO ALLOW A PUBLIC AND PRIVATE UTILITY SERVICE AND ACCESSORY BUILDINGS AND STRUCTURES, INCLUDING AN ON-SITE SEWAGE TREATMENT FACILITY on the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 42 South, Range 42 East, the Northwest 1/4 of the Southwest 1/4 of Section 34, Township 42 South, Range 42 East, the West 2632 feet of the North 1/2 of Section 3, lying North of State Road 702,

less the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 thereof, all in Township 43 South, Range 42 East.

The South 1/2 of Section 26; the South 1/2 of Section 27; all of Sections 34 and 35, the South 1/4 of the North 1/2 of the Northwest 1/4, and the South 1/2 of the South 1/2 of the Northwest 1/4, of Section 36; all in Township 42 South, Range 42 East, subject, however, to the following:

Road ~~right-of-way~~ and easement over the East 50 feet of the aforesaid Section 36 granted to Palm Beach County by deed dated December 9, 1949, recorded in Deed Book 893, Page 349, and quitclaimed by Palm Beach County to the State of Florida by deed dated June 12, 1950, recorded in Deed Book 914, Page 321.

Oil, Gas, and Mineral Lease dated December 15, 1953, given by Dudley V. Kirkton and Sue B. Kirkton, his wife, to Gulf Oil Corporation, recorded in Deed Book 1044, Page 447, with respect to all of Section 35, the South 1/2 of Section 27 and the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 and the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 34, Township 42 South, Range 42 East.

Oil, Gas and Mineral Lease dated December 15, 1953, given by Dudley V. Kirkton and Sue B. Kirkton, his wife, to Gulf Oil Corporation, recorded in Deed Book 1044, Page 451, with respect to the South 1/2 of Section 26, those portions of Section 36 described above and Section 34, less the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of said Section 34, all in Township 42 South, Range 42 East.

The right-of-way of the Seaboard Airline Railway through the South 1/2 of Section 26 aforesaid, the right-of-way of the Bee-Line Highway, being a right-of-way and easement over and across a strip of land 200 feet in width, lying Northeasterly of, adjacent to and parallel to, the Northeasterly right-of-way of the Seaboard Airline Railway, across the South 1/2 of Section 26, Township 42 South, Range

42 East,

Eminent domain proceedings filed by Florida State Turnpike Authority, being Common Law Case No. 15, 440, which proceedings are pending as of the delivery of this deed,

That certain mortgage by Henry I. Cole, as Trustee, to Dudley V. Kirkton and Sue B. Kirkton, his wife, dated October 11, 1955, recorded in Mortgage Book 680, Page 661,

That certain mortgage given by Arthur Murray, as Trustee, to Henry I. Cole, Trustee, dated May 16, 1956, recorded in Mortgage Book 706, Page 206,

A purchase money mortgage delivered by the Grantee to Arthur Murray simultaneously with the delivery of this deed by the grantors to the grantee, together with the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4, Section 27, Township 42 South, Range 42 East, and

A tract of land lying in Sections 22 and 27, Township 42 South, Range 42 East, and more particularly described as:

All that part of Section 22 and the North 1/2 of Section 27, Township 42 South, Range 42 East, lying East of a line running North and South which line commences at a point located in the North Section line of Section 22, 2,000 feet West of the point at which said North section line is intersected by the Westerly right-of-way of the Sunshine State Parkway, as recorded in Deed Book 1110, Page 583, and which line terminates at a point situated on the East-West 1/2 section line of Section 27, 2,000 feet West of a point at which the West right-of-way line of the Sunshine State Parkway intersects said half section line, less that part described in Official Record Book 2399, Page 713, also described as; the Easternmost 2,000 feet of Section 22 and of the North 1/2 of Section 27 lying immediately West of the West right-of-way of Sunshine State Parkway, less that part described in Official Record 2399, Page 713,

subject to: the right-of-way of Lake Park West Road (S.R.809A) and the right-of-way of the Beeline Highway (S.R.710) and the right-of-way of the Seaboard Coastline Railroad, and

the North 1/2 of Section 3, Township 43 South, Range 42 East, lying

North of the North right-of-way line of 45th Street (State Road 702) and West of the West right-of-way line of the Sunshine State Parkway, less therefrom the West 2779.41 feet; measured at right angles thereto,

The North 1/2 of Section 3, Township 43 South, Range 42 East, lying South of the South right-of-way of 45th Street (S.R. 702) and West of the West right-of-way line of the Sunshine State Parkway, Subject to existing first mortgage of record; agreements, resolutions, easements, reservations and restrictions of record; agreement from Goldcoast Builders, Inc., to Consolidated Utility Company as shown in Official Record Book 660, Page 412, roads, streets, ways, streams, waterways or easements, if any, not shown of record; real estate taxes for 1980; zoning and/or restrictions and prohibitions imposed by governmental authority. Said property located on the north and south side of 45th Street (S.R.702) being bounded on the east by Florida's Turnpike and being bounded on the north by Seaboard Airline Railroad in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to Site Plan Certification, a revised site plan shall be submitted reflecting the following:
 - a) a 200 foot setback between the west end of the landfill and the borrow lake edge.
 - b) security gates and signage at the facility entrance carrying official notice for admittance of authorized personnel only.
 - c) construction and operation of the facility shall be in compliance with all provisions of Section 500.5 of the zoning code and the land development regulations of the **AR-Agricultural Residential District.**
2. The property owner shall convey for the ultimate right of way of:
 - (A) Jog Road, 120 feet through the project limits,
 - (B) 45th Street, 60 feet from the centerline,
 - (C) Turnpike interchange at 45th Street and the Florida Turnpike

All within 90 days **after (real estate)closing** on the subject property; conveyances must be accepted by Palm Beach County prior to issuance of first Building Permit.

3. The developer shall construct concurrent with the waste recovery facility becoming operational, onsite paving and drainage improvements pursuant to a paving and drainage permit issued from the office of the County Engineer:

- (A) Turn lanes at the project entrances, and
- (B) Jog Road as a two lane facility from 45th Street to Beeline Highway.

Funds for the acquisition and construction of 45th Street shall be required within ninety (90) days after obtaining all necessary construction permits for the Resource Recovery Plant.

4. a) Any fuel or chemical storage tanks shall be installed to provide maximum protection against leakage or spillage due to corrosion, breakage, structural failure or other means. Acceptable designs for tank construction include cathodically protected steel, glass fiber reinforced plastic, double-walled steel or plastic, or other equivalent design. The design and installation plans shall be submitted to the Health Department for approval prior to installation.

b) Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30, Florida Administrative Code.

5. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

6. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

7. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

8. The Solid Waste Authority shall install a double liner system for all Class I landfill cells at this site. Each liner shall conform to the FDER criteria for permeability and leachate collection.

9. The Solid Waste Authority shall install a single liner system for Class III landfill cells at this site. Each liner shall conform to the FDER criteria for permeability and leachate collection.

10. The Solid Waste Authority shall fund the acquisition of the additional right-of-way for 45th Street from 1-95 to a point 200 feet west of Haverhill Road per the County Engineer's approval plus the appropriate tapers. This additional right-of-way acquisition shall be per Palm Beach County's approved construction plans.

11. The Solid Waste Authority shall fund the construction of 45th Street from 1-95 to a point 200 feet west of Haverhill Road as a four-lane median divided section per the County Engineer's approval plus the appropriate tapers. Additional landscaping for visual and noise mitigation shall be installed in the area of Gramercy Park Subdivision in accordance with a plan to be designed by the County Engineer in cooperation with the staff of the Solid Waste Authority and area property owners. Funds for the acquisition and construction of 45th Street shall be made available within 90 days after all necessary construction permits required for the Resource Recovery Plant have been obtained.

12. Exact copies of all graphic materials presented at the final zoning hearing shall be submitted to the zoning division and made a part of the official record for Petition No. 84-134, as the Board of County Commissioners' approved site plan.

13. Petitioner shall grant a permanent 20' wide ingress/egress easement to Lenora Ombres, her heirs, successors or assigns, now or hereafter, to that certain ten acre parcel in the northwest quarter of Section 3, Township 43 South, Range 42 East.

14. The Solid Waste Authority shall dedicate and deed not less than six (6) acres of land to the Palm Beach County Fire Rescue Department. Said acreage shall be located in the northern part of the property adjacent to the Jog Road/Beeline Highway intersection. Said dedication shall occur upon the closing of the subject property.

15. Additional landscape buffering shall be provided along the north and east boundaries of the site in accordance with a detailed landscape plan to be designed by the Palm Beach County Parks Department with the cooperation of the staff of the Solid Waste Authority. This landscape plan must be submitted for the approval of the Site Plan Review Committee.

16. The Solid Waste Authority shall make any improvements per the County Engineer's approval on the existing 45th Street overpass and for 45th Street from Haverhill Road to the Florida Turnpike necessary to accommodate the proposed truck traffic, as may be deemed necessary by the County Engineer's Office.

Commissioner Bailey moved for approval of the petition. The motion was seconded by Commissioner Koehler and, upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	---	AYE
Dorothy H. Wilken, Vice Chairman	---	NAY
Peggy Evatt	---	NAY
Dennis P. Koehler	---	AYE
Bill Bailey	---	AYE

The foregoing resolution was declared duly passed and adopted this day of January 8, 1985 confirming action of the 1st of October, 1984.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JOHN B. DUNKLE, Clerk

By : *Audrey Spayne*
County Attorney

By : *Marlene Harris*
Deputy Clerk

