

ORIGINAL

RESOLUTION NO. R-91-981

RESOLUTION APPROVING ZONING PETITION NO. 91-4
SPECIAL EXCEPTION PETITION OF COUNTY SANITATION, INC.

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, have been satisfied; and

WHEREAS, Petition No. 91-4 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on March 28, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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, this approval is subject to the Zoning Code, Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-4, the petition of COUNTY SANITATION, INC., BY KIERAN J. KILDAY, AGENT, for a SPECIAL EXCEPTION FOR A SOLID WASTE TRANSFER AND RECYCLING STATION (CONSTRUCTION DEBRIS AND CARDBOARD ONLY) on a parcel of land lying within Tract 47, together with the north 1/2 of Tract 48, Block 5, Palm Beach Farms Company Plat No. 3, as in Section 34, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 through 54, less and except the north 36.00 feet thereof as right-of-way for Lake Worth Drainage District canal L-4, and being located on the W. SIDE OF TALL PINES RD., APPROXIMATELY 700 FEET N. OF WALLIS RD., was approved on March 28, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements.
2. This Special Exception is granted concurrent with a rezoning. Development of the site is limited to the uses and site design shown on the site plan approved by the

Board of County Commissioners. Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review).

B. ENGINEERING

- E1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain on-site the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.
- E2. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site.
- E3. Prior to November 15, 1991, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Tall Pines Road, 40 feet from centerline free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.
- E4. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$12,650.00 (230 trips X \$55.00 per trip).
- E5. Prior to Site Plan approval by the Site Plan Review Committee the property owner shall convey an access easement to the property owner to the west of this subject property subject to approval by the County Attorney.
- E6. Property owner shall construct Tall Pines Road (minimum two (2) - twelve (12) foot travel lanes, collector street standards) from its present paved terminus north of Southern Boulevard to the project's entrance road. This construction shall be concurrent with on-site paving and drainage improvements and shall be completed prior to the issuance of a Certificate of Occupancy.

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Secondary containment for stored Regulated Substances- fuels, oils, solvents, or other hazardous chemicals- is required. Environmental Resources Management Department staff are willing to provide guidance on appropriate protective measures.
2. Plans for underground storage tanks must be signed **off** by the Department **of** Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances **of** contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures.

D. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted **on** the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide **potable** water.
4. **No** portion of this project **is** to be approved on well and/or septic tank, existing or new. Existing **septic** tanks are to be abandoned, in accordance with Chapter 10-D-6, F.A.C.
5. The on site water management and contingency plans **must** be in conformance with plans approved by the Palm Beach County Public Health Unit (PBCPHU) and any alterations must be approved by the PBCPHU prior to their implementation.
6. A copy of the operation and maintenance manual training schedule and detail specifications for an approved hazardous waste containment area shall be provided to the Palm Beach County Public Health Unit (PBCPHU) for review and approval prior to the site plan approval.
7. The property owner shall provide hazardous waste containment storage in the form of Unified Safety Corporation Model #500 or its equivalent.

E. LANDSCAPE

1. A fifty (50) foot wide landscape buffer strip shall be required along the east 950 feet of the north property line. A twenty-five (25) foot wide landscape buffer strip shall be required along the remainder of the north property line. This buffer strip shall include two rows of twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center, a single **row** of thirty-six (36) inch high hedge **or** shrub material spaced no more than twenty-four (24) inches on center and a four (4) foot high sodded earth berm on the inside border of

the landscape strip. An opaque fence/wall a minimum of eight (8) feet in height shall be installed along the inside border of the required berm.

2. Along the south property line, from the western most property line to the pavement of the vehicular parking area adjacent to the security/office structure, the petitioner shall provide a twenty-five (25) foot wide landscape buffer strip. Along the remainder of this perimeter the petitioner shall provide a fifty (50) foot wide landscape buffer strip. This buffer strip shall include twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center, a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center and a six (6) foot high wall, hedge, fence, berm, or combination, along the inside border of the required landscape strip.
3. Along the south property line, adjacent to the proposed access easement to the abutting property, the petitioner shall provide a ten (10) foot wide landscape buffer strip. This buffer strip shall include twelve (12) foot tall native canopy trees spaced no more than thirty (30) feet on center and a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center.
4. Between the proposed access easement and the paved access road adjacent to the south property line, the petitioner shall provide a forty (40) foot wide landscape buffer strip. This buffer strip shall include two rows of twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center, a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center and a four (4) foot high sodded earth berm on the inside border of the landscape strip. An opaque fence/wall a minimum of eight (8) feet in height shall be installed along the inside border of the required berm.
5. Along the east property line, north of the access driveway to the site, the petitioner shall provide a twenty-five (25) foot wide landscape buffer strip. This buffer strip shall include two rows of twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center, a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center and a four (4) foot high sodded earth berm on the inside border of the landscape strip. An opaque fence/wall a minimum of eight (8) feet in height shall be installed along the inside border of the required berm.
6. Along the east property line, south of the access driveway to the site, the petitioner shall provide a fifty (50) foot wide landscape buffer strip. This buffer strip shall include two rows of twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center and a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center and a four (4) foot high sodded earth berm on the inside border of the landscape strip. An opaque fence/wall a minimum of eight (8) feet in height shall be installed along the inside border of the required berm.

7. Along the western most property line, adjacent to the security/office structure, the petitioner shall **provide** a twenty-five (25) foot wide landscape buffer **strip**. This buffer strip shall include twelve (12) foot tall native canopy trees spaced no more than twenty (20) feet on center, a single row of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center and a six (6) foot high **wall**, hedge, fence, berm, or combination, along the inside border of the required landscape strip.
8. Along the west property line, adjacent to the **truck** access route and north of the proposed access easement, the petitioner shall provide a fifty (50) **foot wide** landscape buffer strip. This buffer strip shall **include two rows** of twelve (12) foot tall native canopy **trees** spaced **no more** than twenty (20) feet on center and a single **row** of thirty-six (36) inch high hedge or shrub material spaced no more than twenty-four (24) inches on center and a four (4) foot high sodded earth berm on **the** inside border of the landscape strip. An **opaque fence/wall** a minimum of eight (8) feet in height shall be installed along the inside border of the required **berm**.
9. All existing native vegetation shall be preserved adjacent to the security/office structure and used to supplement the required buffers. Any vegetation removed or relocated shall be subject to approval by the Zoning Division.
10. All required perimeter landscaping and buffering shall be installed prior to the issuance of a Certificate of Completion or Certificate of Occupancy on the site.
11. As adjacent residential properties become industrially zoned, the 50 foot buffers referenced herein may be reduced to 25 feet.

F. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be low intensity, shielded and directed away from adjacent properties and streets.

G. PBIA-0 COMMITTEE CONDITIONS

1. Noise levels measured at the perimeter of this facility shall not exceed 60 DBA at all times in accordance with Zoning Code requirement 500.16(3) (a) of the adopted Zoning Code.
2. The petitioner must provide to the Planning Commission, at the meeting on Friday, February 8, 1991, MSDA sheets listing all chemicals to be used on the premises, the storage and disposal of those chemicals, and the specific construction materials to be recycled in the short and long term.
3. Any modification of the project that requires Board of County Commissioners' approval shall first be referred to the PBIA-0 Committee for consideration.
4. Solid waste (other than construction materials and cardboard) transfer or storage shall not be permitted on this site.

H. PRESERVATION

1. Prior to site plan certification, the Zoning Division shall approve a tree survey submitted by the applicant drawn at the same scale as the site plan. This survey shall number, size, and identify all hardwood and palm trees four (4) inches and greater in diameter, **.in a** tabular form.

I. SIGN

1. All entrances shall prominently display signs prohibiting hazardous waste (except diesel fuel) on site.
2. Freestanding signs fronting on Tall Pines Road shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum sign area - 200 square feet.
 - c. Maximum number of signs - one (1).
3. Prior to Site Plan Review Committee approval, the petitioner shall submit a Master Sign Program which specifies: Sign location, sign size, unified color and graphic representation.
4. In the event the Sign Code is amended prior to issuance of a building permit for the project to be more restrictive than the conditions of approval, the petitioner shall comply with the revised Sign Code.

J. SITE DESIGN

1. The existing tennis court which encroaches the 25 foot buffer shall be removed and replaced with the required landscape buffer prior to the issuance of a Certificate of Occupancy.
2. Height of the structures shall be limited to a maximum of thirty-five (35) feet (including rooftop mechanical equipment) or to the maximum height allowed by the Airport Zoning Ordinance if less than thirty-five (35) feet.
3. The height of piles of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas shall not exceed twenty (20) feet or the height of the principal building on the lot, whichever is greater.
4. All outdoor storage of recyclable material shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the stored material.
5. Total floor area shall be limited to a maximum of 11,350 square feet.
6. All mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area.

7. Prior to Site Plan Review certification, a **scheratic** elevation shall be submitted showing the location and height of recyclable materials.
8. No barbed wire barriers shall be permitted on site.
9. All open space areas west of the gated fence separating the recyclable materials storage area from the security/office structure, including the area indicated on the site plan as "open shellrock", shall be sodded, irrigated and landscaped.

K. USE LIMITATION

1. Hours of operation shall be limited to 7 a.m. to 7 p.m.
2. When this facility is not open, all entrances shall be locked and gated. All gates shall carry official notice that only authorized persons are allowed on the site.
3. Use of the site shall be limited to the recycling of construction materials and cardboard only.
4. No burning of materials shall be permitted on site.
5. The petitioner shall verify that a permit has been obtained from and posted a bond with the Solid Waste Authority (SWA) before site plan approval. This SWA permit shall be consistent with the zoning approval.
6. No recycling activity, trucks or equipment (except to service the above ground fuel tank) shall be permitted in the area west of the gated fence separating the recyclable materials storage area from the security/office structure.
7. 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 run-off associated with the stored material. Run-off shall be handled in a manner that is in conformance with local, state and Federal regulations.

L. COMPLIANCE

1. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or

c. A requirement of the development to conform with updated standards of development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner Elmquist moved for approval of the Resolution.

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

Karen T. Marcus, Chair	--	AYE
Carole Phillips	---	ABSENT
Carol A. Roberts	---	AYE
Carol J. Elmquist	--	AYE
Mary McCarty	--	AYE
Ken Foster	---	AYE
Maude Ford Lee	--	ABSENT

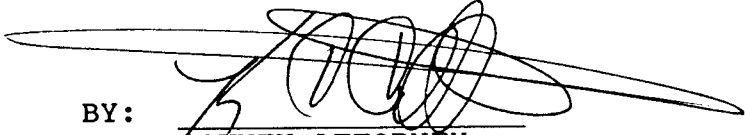
The Chair thereupon declared the resolution was duly passed and adopted this 23rd day of July, 1991.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

