

ORIGINAL

RESOLUTION NO. R-92-60

RESOLUTION APPROVING ZONING PETITION NO. 88-33(A) SPECIAL EXCEPTION PETITION OF HAROLD & LINDA MURPHY

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. 88-33(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on September 26, 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. 88-33(A), the petition of HAROLD & LINDA MURPHY, BY ROBERT E. BASEHART, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN EXISTING PID TO INCLUDE A SOLID WASTE TRANSFER & RECYCLING STATION, (CONSTRUCTION DEBRIS TRANSFER & VEGETATION RECYCLING ONLY) on a parcel of land TOGETHER WITH all improvements thereon, situated in Section 34, Township 43 South, Range 42 East, described as follows: PARCEL 1A: The East 1/2 of Tract 70, Block 5, PALM BEACH FARMS CO., PLAT NO. 3, recorded in Plat Book 2, Pages 45 to 54, inclusive; PARCEL 2A: The East 1/2 of Tract 71, all lying North of the right-of-way of SR 80, Block 5, THE PALM BEACH FARMS CO., PLAT NO. 3, recorded in Plat Book 2, Page 45, also described as PALM BEACH FARMS CO., PLAT NO. 3, the North 26.33 feet to 40.72 feet of the East 1/2 of Tract 71, Block 5, Section 34, Township 43 South, Range 42 East, recorded in Plat Book.2, Page 45; PARCEL 1B: The East 1/2 of Tract 51, Block 5, PALM BEACH FARMS CO., PLAT NO. 3, recorded in Plat Book 2, Pages 45 to 54, inclusive; LESS that part of Parcels 1A, 2A and 1B, recorded in Official Record Book 4281, Page 719, more particularly described as follows: A parcel of

land for road right-of-way purposes, lying in Tracts 70 and 71 of Block 5, PALM BEACH FARMS CO., PLAT NO. 3, recorded in Plat Book 2, Page 46, more particularly described as follows: COMMENCE at the intersection of the East line of said Tract 71 and the base line of survey for State Road 80, as shown on Road Book 2, Pages 11 through 18, (said base line being the approximate center-line of existing pavement); thence Northerly along the said East line of Tract 71, a distance of 50.05 feet to the POINT OF BEGINNING of the herein parcel to the described (said point being the existing North right-of-way line of State Road 80); thence continue Northerly along said East lines of said Tracts 70 and 71, a distance of 40.72 feet to the North line of said Tract 71; thence West along the North line of said Tract 71, 330.00 feet, more or less to the West line of the East 1/2 of said Tract 71; thence South along the West line of the East 1/2 of said Tract 71, a distance of 26.33 feet to the existing North right-of-way line of State Road 80; thence along said North line of State Road 80, South 88°03'08" East a distance of 330.32 feet, more or less to the POINT OF BEGINNING; ALSO, LESS: Beginning at the Southeast corner of Tract 70, Block 5, PALM BEACH FARMS CO., PLAT NO. 3, as recorded in Plat Book 2, Pages 45 through 54, run thence the following number of courses: (1) North 0°-33' West along the East line of said Tract 70, a distance of 99.38 feet, more or less to intersect a line parallel with and 220.00 feet North of (as measured at right angles to) the South line State Road 80; thence (2) Along said parallel line North 88°03'08" West, a distance of 330.03 feet to intersect the West line of the East 1/2 of Tract 70; thence (3) South 0°-33' East along West line 113.43 feet to the Southwest corner of the East 1/2 of said Tract 70; thence (4) North 89°-27' East along the South line of said Tract 70, 330.00 feet more or less to the POINT OF BEGINNING; ALSO, LESS: A parcel of land for road right-of-way purposes, being the North 15.00 feet of the East 1/2 of Tract 70 and the South 15.00 feet of the East 1/2 of Tract 51, Block 5, PALM BEACH FARMS CO., PLAT NO. 3, as recorded in Plat Book 2, Page 45 through 54, and being located ON THE N SIDE OF SR 80, APPROX. .1 MILE E OF CLEARY RD., IN THE IL ZONING DISTRICT, was approved on September 26, 1991, as advertised, subject to the following conditions:

NOTE: All previous conditions of approval are carried forward with this petition unless expressly modified herein. All conditions shall apply to the entire property unless specifically stated otherwise.

A. ALL PETITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 46). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to January 7, 1992.

B. BUILDING AND SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to indicate that the processor will be enclosed on the north, east and west sides.
2. The height of recyclable or recovered materials, or non-recyclable residue, sorted or stored in outdoor areas shall not exceed twelve (12) feet in height.
3. All outdoor storage of nonorganic recyclable materials, excluding rock, dirt, mulch and non-treated wood, shall be in leak-proof containers or located on a paved area that is designed to capture all potential run-off associated with the materials.
4. Condition No. 1 of Resolution No. R-89-438, Zoning Petition 88-33, which currently states:

"Prior to site plan certification, the site plan shall be amended to indicate the following:

- a. Required transfer of ten (10) percent of the specialized vehicular use area landscaping to the perimeter of the site. This area shall be designated numerically in the tabular data and graphically.
- b. Fifteen (15) foot landscape strip along the southern property line, meeting the requirements of the Landscape Code, Section 500.35.E.3
- c. Remove the reference to "future development" shown on the site plan for the northern portion of the site.
- d. Indicate paving and striping along the northern portion of the site, or petition for variance relief from the Board of Adjustment.
- e. Provision of a six (6) foot high solid wooden fence around the perimeter of all storage areas."

Shall apply to the south parcel only.

5. Condition No. 3 of Resolution No. R-89-438, Zoning Petition 88-33, which states:

"The petitioner shall eliminate twenty-four (24) parking spaces located adjacent to the southern property line and relocate and label the five (5) display spaces for auto sales on site and install landscaping as required by Condition No. 1.b."

Shall be amended to state:

"The petitioner shall label the five (5) display spaces for auto sales on site and install landscaping as required by Condition No. 4.b." .

Shall apply to the south parcel only.

6. The site shall be limited to a maximum of five (5) display spaces. (Previously Condition No. 4 of Resolution No. R-89-438, Zoning Petition 88-33).

7. The petitioner shall provide an area on the site to unload vehicles from car carriers or towing vehicles. Sufficient maneuvering area shall be provided and shall be located out of on-site and off-site vehicular traffic circulation. This area shall be designated on the site plan. (Previously Condition No. 12 of Resolution No. R-89-438, Zoning Petition 88-33).
8. The petitioner shall replace/upgrade the existing wooden fence along the north property line of the south parcel, adjacent to Wallis Road, in accordance with Condition 4.e.
9. Prior to issuance of a building permit, the petitioner shall ensure that the structure built to enclose the processing equipment is constructed to ensure noise levels do not exceed 60 DBA at the closest property line.

C. CONCURRENCY

1. Prior to site plan certification, the petitioner shall amend the Concurrency Exemption for the site (Case #90-11-30-094 E) to reflect the new approved use.

D. 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 any 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.,

E. ENGINEERING

1. The developer shall retain 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 three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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. (Previously Condition No. 13 of Zoning Petition 88-33).
2. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate From those areas which may contain hazardous or undesirable waste from the proposed site. (Previously Condition No. 14 of Zoning Petition No. 88-33).

3. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Southern Boulevard, 220 feet north of the north right-of-way of the West Palm Beach Canal free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyance shall also include "Safe Sight Distances" where appropriate at intersections as determined by the County Engineer. (Previously Condition No. 15 of Zoning Petition 88-33)
4. 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 shall be determined by the County Engineer. (Previously Condition No. 16 of Zoning Petition 88-33).
5. 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.
6. Access to the site shall be restricted to the paved portion of Wallis Road between Cleary Road and the subject property.
7. At the time of the issuance of the Drainage Permit, any damage to the drainage structures for the Wallis Road drainage shall be repaired and/or replaced at the property owner's expense.

F. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewage 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. (Previously Condition No. 17 of Resolution No. R-89-438, Zoning Petition 88-33).
2. Since sewer service is available to the property, septic tank shall not be approved for use on the property. (Previously Condition No. 18 of Resolution No. R-89-438, Zoning Petition 88-33).

3. Because water service is available to the property, a well shall not be approved for potable water use. (Previously Condition No. 19 of Resolution No. R-89-438, Zoning Petition 88-33).
4. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Chapter 10D-6, F.A.C.
5. Prior to commencement of any recycling activity on the north parcel, the petitioner shall install sanitary facilities on the north parcel. The sanitary facilities shall be in compliance with conditions F.2. and F.3.

G. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system. The cost for connection shall be borne by the property owner.

I. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the site plan to reflect conformance to current Landscape Code requirements on all landscape conditions of approval, and revised landscape tabular data for the north parcel, and to the maximum extent possible, as may reasonably be determined by the Zoning Division, on the south parcel.
2. All trees required by this petition shall be a minimum of:
 - a. Height: 14 feet, except where noted.
 - b. Trunk Caliper: 3.5 inches at 4.5 feet above grade.
 - c. Canopy Diameter: 7 feet.
3. The petitioner shall install an eight (8) foot high opaque fence from the west property line to the east property line of the north parcel, along the south boundary of the lake maintenance easement.
4. All landscaping and vegetation planted on site, as required by this petition, shall be a native variety.
5. All landscaping and buffering shall be properly installed, irrigated and maintained, as required by the Palm Beach County Zoning Code.

J. LANDSCAPING ALONG WALLIS ROAD

1. NORTH SIDE OF WALLIS ROAD (South property line of north parcel) - Landscaping within the required buffer along the north side of Wallis Road shall be upgraded to include:
 - a. A minimum fifteen (15) foot wide landscape strip.
 - b. A six (6) foot high solid opaque fence.

- c. One native canopy tree spaced every twenty (20) feet on center.
 - d. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.
 - e. All required landscaping shall be installed on the exterior side of the required fence.
2. **SOUTH SIDE OF WALLIS ROAD** (North property line of south parcel) - Landscaping within the required buffer along the south side of Wallis Road shall be upgraded to include:
- a. A minimum ten (10) foot wide landscape strip.
 - b. A six (6) foot high solid opaque fence.
 - c. One native canopy tree spaced every twenty (20) feet on center.
 - d. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches.
 - e. All required landscaping shall be installed on the exterior side of the required fence.
- K. LANDSCAPING ALONG THE WEST PROPERTY LINE OF THE NORTH PARCEL
1. Landscaping and buffering along the west property line of the north parcel shall be upgraded to include:
- a. A minimum fifty (50) foot wide landscape buffer strip.
 - b. An eight (8) foot high fence, opaque from the south property line of the north parcel, north to the lake maintenance easement.
 - c. Two rows of ten (10) foot tall native canopy trees, spaced twenty (20) feet on center from the south property line of the north parcel, north to the lake maintenance easement. Two rows of ten (10) foot tall native canopy trees spaced thirty (30) feet on center from the lake maintenance easement, north to the north property line.
 - d. One native palm tree for each twenty (20) linear feet. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
 - e. Twenty-four (24) inch tall hedge or shrub material spaced twenty-four (24) inches on center, installed from the south property line of the north parcel, north to the lake maintenance easement, and to be maintained at a minimum height of forty-eight (48) inches.

- f. All required landscaping shall be installed on the exterior side of the required fence.
 - 2. Landscaping and buffering shall be installed prior to the issuance of the first building permit.
- L. LANDSCAPING ALONG THE NORTH AND EAST PROPERTY LINES OF THE NORTH PARCEL
- 1. A minimum ten (10) foot wide landscape buffer strip.
 - 2. A fence a minimum of six (6) feet in height.
 - 3. One twelve (12) foot tall native canopy tree planted every twenty (20) feet on center along the exterior side of the required fence.
 - 4. Along the exterior side of the required fence, the property owner shall install thirty-six (36) inch high shrubs or hedge material spaced no more than twenty-four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches.
- M. LIGHTING
- 1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed downward and away from adjacent properties and streets.
 - 2. Lighting fixtures shall not exceed twenty (20) feet in height.
 - 3. All outdoor lighting shall be extinguished no later than 11:00 p.m. Security lighting only is excluded from this requirement.
 - 4. Condition No. 10 of Resolution No. R-89-438, Zoning Petition 88-33 which states:

 "Outdoor lighting used to illuminate the premises shall be low intensity and directed away from adjacent properties and street, shining only on the subject site."

 Is hereby deleted.
- N. SIGNS
- 1. Any new or replacement signs fronting on Southern Boulevard shall be limited as follows:
 - a. Maximum sign height - ten (10) feet.
 - b. Maximum total sign face area - 100 square feet.
 - c. Maximum number of signs - one, monument type sign.
 - 2. No signs shall be permitted fronting on Wallis Road, except as required by Condition P.7.
 - 3. If, prior to the issuance of a building permit for the project, the Sign Code is amended to be more restrictive than the conditions of approval, the regulations of the amended Sign Code shall supersede all sign-related conditions of approval.

4. **No** off-premise signs shall be permitted on the site (Previously Condition **No. 2** of Resolution **No. R-89-438**, Zoning Petition 88-33)

5. There shall be no on premises signs indicating existence of used automobiles sales. (Previously Condition **No. 11** of Resolution **No. R-89-438**, Zoning Petition 88-33).

O. UNITY OF TITLE

1. A Unity of Title shall be executed covering the entire site. **Two (2)** copies of properly executed Unity of Title documents shall be submitted to the Zoning Division simultaneously with Site Plan Review Committee application. (Previously Condition **No. 6** of Resolution **No. R-89-438**, of Zoning Petition 88-33).

2. The Unity of Title may be broken by mutual consent of the Executive Director of Planning, Zoning and Building and the County Engineer.

P. USE LIMITATION

1. Use of the site shall be limited to 22,350 square feet of auto service and accessory sale uses, and 2.39 acres, for recycling processing use (north parcel only).

2. Only construction materials and vegetation shall be recycled on site.

3. **No** outdoor loudspeaker system audible off site shall be permitted.

4. Hours of operation for the recycling facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.

5. The entrance to the north parcel, from Wallis Road, shall be locked and gated when the facility is not open. This gate shall be a minimum of six (6) feet in height, solid and opaque.

6. The applicant shall maintain a contract with a licensed waste hauler for daily removal of all hazardous material inadvertently brought on site.

7. **No** hazardous materials or white goods shall be permitted on site. A sign shall be prominently displayed at the entrance to the recycling facility stating these restrictions.

8. **No** overnight storage of recyclable and/or non-recyclable materials shall be permitted on site.

9. Commercial excavation is prohibited on site.

10. This site shall not be used as a commercial landfill.

11. All material brought on site shall be deposited, recycled and sorted on a concrete surface..

12. Condition **No. 5** of Resolution **No. 89-438**, Zoning Petition 88-33 which states:

The use of the site shall be limited to auto towing, with ancillary office, auto storage, auto body mechanical repair, sale of repossessed automobiles limited to a maximum of five (5) outdoor sales display spaces.

Shall apply to the south parcel only.

13. **No** vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway. (Previously Condition **No.** 7 of Resolution **No.** R-89-438, Zoning Petition 88-33)
14. Outside storage of disassembled vehicles shall be limited to a designated area located interior to the site. There shall be no outdoor storage of disassembled vehicle parts on site. (Previously Condition **No.** 8 of Resolution **No.** R-89-438, Zoning Petition 88-33)
15. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles is to be permitted in landscaped areas, right-of-way, or interior drives. (Previously Condition **No.** 9 of Resolution **No.** R-89-438, Zoning Petition 88-33)
16. This Special Exception (Zoning Petition **No.** 88-33(A)) shall expire on September 30, 1996. The property owner **or** his designee may submit a zoning petition to extend the special exception use on the property at any time within 120 days prior to September 30, 1996.

Q. COMPLIANCE

1. As provided in 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.

2. Condition No. 20 of Resolution No. R-89-438, Zoning Petition No. 88-33, which states:

"**Failure** to comply with the conditions herein may result in 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. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Violations of the conditions herein shall constitute violation of the Palm Beach County Zoning Code."

Is hereby deleted.

Commissioner Foster moved for approval of the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 7th day of January, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

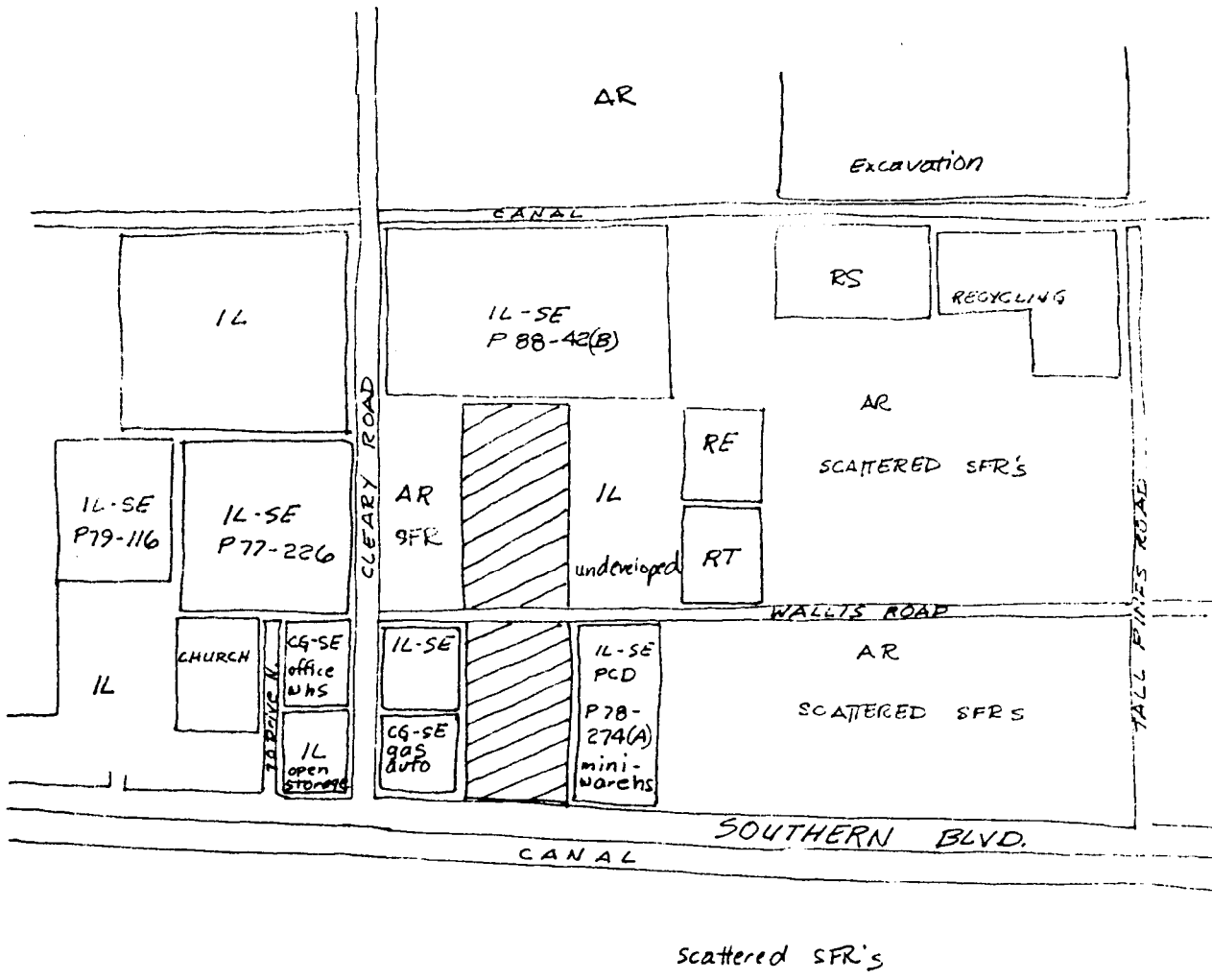
BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

Sec. 33 Twp. 43 Rng. 42
Quadrant Sheet: 46
Aerial Page: 172-173

*Approved
9/26/91*

Vicinity Sketch



Request:

SPECIAL EXCEPTION: Amend the site plan for a Planned Industrial Development to include a Solid Waste Transfer and Recycling Station (construction debris transfer and vegetation recycling).

PETITION NO: 88-33 (A)

BCC DISTRICT: 6