

RESOLUTION NO. R-2003- 0108

RESOLUTION APPROVING ZONING PETITION DOA1981-096C
DEVELOPMENT ORDER AMENDMENT
PETITION OF SOLID WASTE AUTHORITY
BY KIERAN KILDAY, AGENT
(LANTANA ROAD TRANSFER STATION)

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

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Petition DOA1981-096C was presented to the Board of County Commissioners at a public hearing conducted on January 9, 2003 and January 23, 2003; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

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

1. This Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition DOA1981-096C, the petition of Solid Waste Authority, by Kieran Kilday, agent, for a Development Order Amendment to add land area, reconfigure site plan and modify/delete conditions of approval on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 23, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Absent
Tony Masilotti, Vice Chairman	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January 23, 2003.

Filed with the Clerk of the Board of County Commissioners on 26 day of February 2003.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

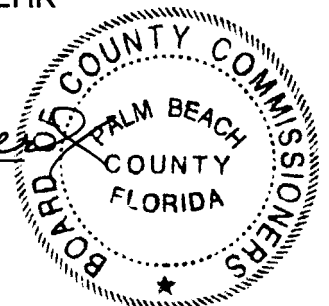


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE WEST HALF, OF THE NORTHWEST QUARTER, OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 89°39'51" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1,267.72 FEET, TO THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE SOUTH 01°00'37" WEST ALONG SAID EAST LINE, A DISTANCE OF 157.87 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LANTANA ROAD, ACCESS ROAD, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION NO. 93220-2412, AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°00'37" WEST ALONG SAID EAST LINE A DISTANCE OF 2511.10 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER; THENCE NORTH 88°01'37" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 923.70 FEET TO A POINT ON A LINE THAT IS 450.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 03°20'11" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 654.46 FEET; THENCE NORTH 88°01'37" WEST A DISTANCE OF 347.88 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HIGH RIDGE ROAD AS RECORDED IN OFFICIAL RECORD BOOK 221, PAGES 202 AND 203 OF SAID COUNTY RECORDS; THENCE THE FOLLOWING TWO COURSES ALONG SAID EASTERLY RIGHT OF WAY LINE: 1) ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 339.44 FEET, A CENTRAL ANGLE OF 21°14'48", A RADIUS OF 915.37 FEET, AND A CHORD BEARING NORTH 07°17'13" WEST A DISTANCE OF 337.50 FEET; 2) NORTH 03°20'11" WEST ALONG A LINE 80.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, ALSO BEING TANGENT TO THE LAST AND THE FOLLOWING DESCRIBED CURVE, A DISTANCE OF 492.45 FEET; THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY OF HIGH RIDGE ROAD AS RECORDED IN OFFICIAL RECORD BOOKS 221, PAGES 202 & 203 AND 208, PAGES 626-629 OF THE BROWARD COUNTY RECORDS, THE FOLLOWING TWO COURSES: 1) ALONG A CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 413.00 FEET, A CENTRAL ANGLE OF 12°39'13", A RADIUS OF 1,870.08 FEET, AND A CHORD BEARING NORTH 09°39'47" EAST A DISTANCE OF 412.16 FEET, 2) NORTH 15°59'24" EAST A DISTANCE OF 242.33 FEET TO A POINT ON A LINE THAT IS 500.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89°39'51" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 361.21 FEET TO A POINT ON A LINE THAT IS 500.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 03°20'11" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 408.07 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID LANTANA ROAD ACCESS ROAD; ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE AS RECORDED IN OFFICIAL RECORD BOOK 2179, PAGE 553; THENCE SOUTH 85°25'40" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 772.73 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,760,906.47 SQUARE FEET OR 63.382 ACRES (MORE OR LESS)

EXHIBIT B
VICINITY SKETCH

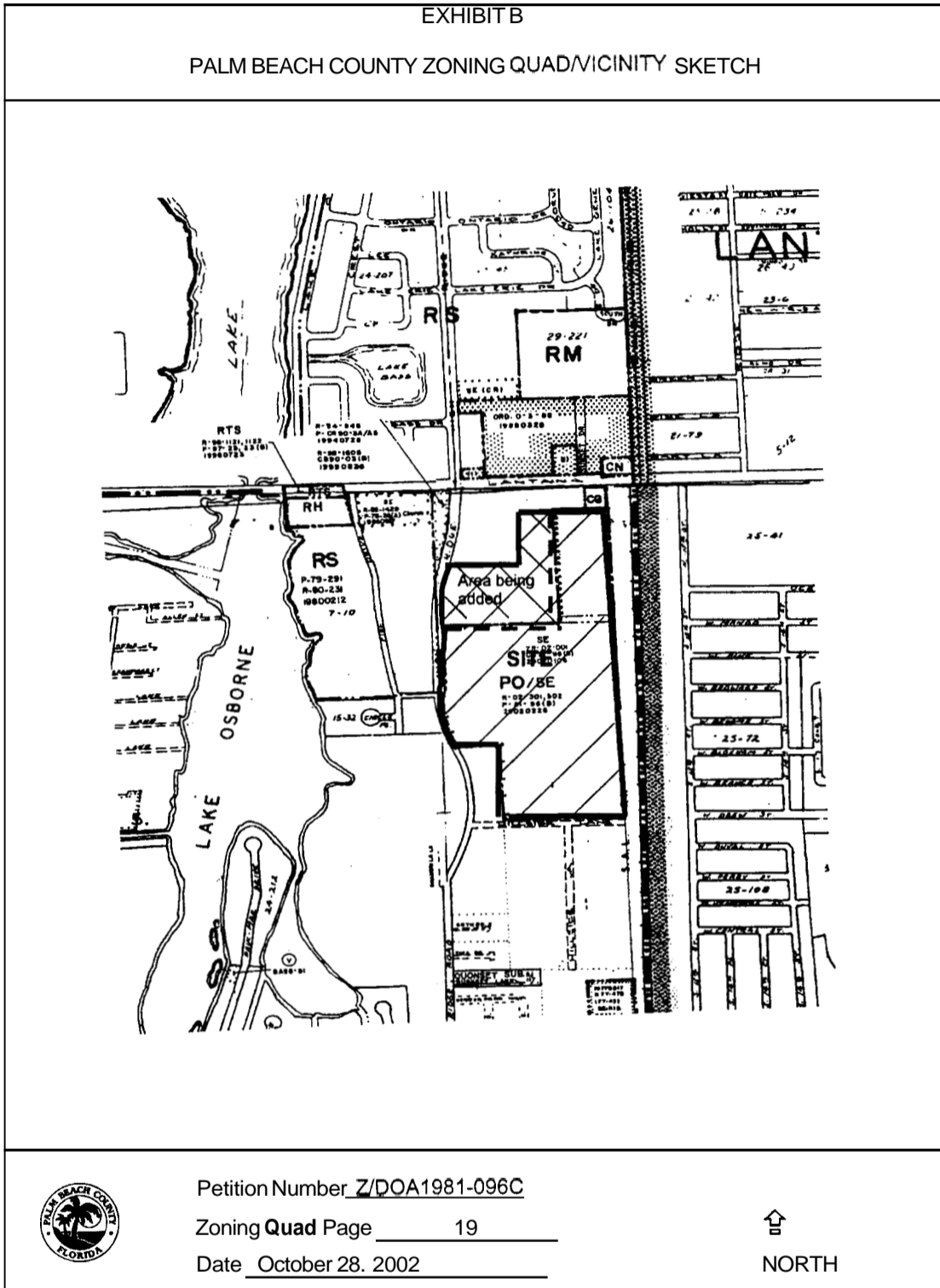


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. Condition A.1 of Resolution R-2002-0302, Petition 1981-096(B), which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution **R-86-458** (Petition **81-96(A)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section **5.8** of the ULDC and the Board of County Commissioners, unless expressly modified.

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-02-0302 (Petition 1981-096(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – Zoning)

2. Condition A.2 of Resolution R-2002-0302, Petition 1981-096(B)), which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated February **19,2002**. **All** modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC.

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 15, 2002. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING – Zoning)

3. Condition A.3 of Resolution R-2002-0302, Petition 1981-096(B), which currently states:

The petitioner shall have three **(3)** years from adoption of the resolution approving Petition **Z/DOA1981-096(B)** to commence development on the site. Only one **(1)** administrative time extension for a maximum of twelve **(12)** months may be granted.

Is hereby amended to read:

The petitioner shall have three (3) years from February 8, 2002 to commence development on the site. Only one (1) administrative time extension for a maximum of twelve (12) months may be granted. (DATE: MONITORING – Zoning)

B. ARCHITECTURAL REVIEW

1. Prior to final DRC certification of the site plan, the petitioner shall revise the drawings to include the following:
 - a. Provide exterior finish schedule;
 - b. Label heights from finished grade to highest point;
 - c. Supplement Visual Impact Analysis to include a written determination of Prevalent Theme and Architectural Compliance Statement (Sec. 6.c. and 6.d.). (DRC: ZONING-Zoning) (Previous Condition B.1 of Resolution R-2002-0302, Petition 1981-096(B))
2. The proposed buildings on site shall be designed and constructed to be consistent with the facade elevations by REG Architects, Interiors, Planners Inc., dated October 2001, submitted on October 17, 2001. (BLDG PERMIT: BLDG - Zoning) (Previous Condition B.2 of Resolution R-2002-0302, Petition 1981-096(B))
3. Prior to DRC certification of the site plan, the elevations shall be submitted simultaneously with the site plan for final architectural review and approval. (DRC: ZONING –Zoning) (Previous Condition B.3 of Resolution R-2002-0302, Petition 1981-096(B))

C. BUILDING AND SITE DESIGN

1. All areas of internal circulation within the site shall be posted with signage restricting speeds to ten miles per hour or less. In addition, signage shall be posted within the site directing all drivers to avoid excessive acceleration within the site and on the access road to Lantana Road. (ONGOING: CODE ENF – Zoning) (Previous Condition C.2 of Resolution R-2002-0302, Petition 1981-096(B))
2. The Solid Waste authority shall annually notify all private waste sanitation firms and public sanitation agencies using this site that vehicles must be maintained in good condition with effective mufflers. (ONGOING: SWA –Zoning) (Previous Condition C.3 of Resolution R-2002-0302, Petition 1981-096(B))

D. ENVIRONMENTAL RESOURCES MANAGEMENT

- The developer shall preserve existing significant vegetation along the north property line in order to effectively screen the proposed development. In addition, all significant existing landscaping shall be preserved within the open spaces areas, not disturbed by structure, parking on access road. Appropriate measures shall be taken to protect these preservation areas during site clearing and construction. (ONGOING: ERM – ERM) (Previous Condition D.1 of Resolution R-2002-0302, Petition 1981-096(B))
2. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – ERM)

E. ENGINEERING

1. This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended. (ONGOING: ENG – Eng) (Previous Condition E.1 of Resolution R-2002-0302, Petition 1981-096(B))

2. The property owner shall construct a right turn lane, west approach on Lantana Road at **project's** entrance road prior to issuance of a building permit. This construction shall include acceptable turning radius exiting the site at the project's entrance road and Lantana Road per the County Engineer's approval, as well as construction of a left turn lane, south approach on the project's entrance road at Lantana Road. [COMPLETED] (Previous Condition E.3 of Resolution R-2002-0302, Petition 1981-096(B))

3. Prior to 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~~ Lantana Road, 55 feet from centerline along the project's entire frontage, 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 "Corner Clips" where appropriate at intersections as determined by the County Engineer. (COMPLETED – FLORIDA DEPARTMENT OF TRANSPORTATION OWNS THIS 55 FEET FROM CENTERLINE OF ROW) (DATE/BLDG PERMIT: MONITORING-Eng) (Previous Condition E.7 of Resolution R-2002-0302, Petition 1981-096(B))

4. Condition E.8C of Resolution R-2002-0302, Petition 1981-096(B), which currently states:

LANDSCAPE WITHIN MEDIAN OF COUNTY ROADS

- A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department Permit Section for a permit to landscape the adjacent median of the Lantana Road Right-of-Way to provide for: 1) Median Landscaping, 2) Concrete Median Cut-Outs. This permit shall comply with all permit requirements, including but not limited to indemnifying Palm Beach County. When permitted by the Land Development Division of the Palm Beach County Department of Engineering and Public Works, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the latest revision to the Palm Beach County Engineering and Public Works Department Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscaping installation and maintenance requirements shall be subject to the standards as set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heal-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer.

- B. All required median landscaping, including an irrigation system if required, shall be installed at the property owners expense. All landscaping, paver block or similar materials shall be the perpetual maintenance obligation of the petitioner and its successors, or assigns or duly established Property Owner's Association or maintenance may be assumed by the County upon payment equal to the long term maintenance cost, in accordance with the adopted policy approved by the Board of County Commissioners. All existing landscape material shall

also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowner's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of the first certificate of occupancy.

- C. If the Developer does not enter into an agreement with Palm Beach County to assume the maintenance responsibility, then appropriate property owners documents or other restrictive covenant documents, evidencing the maintenance obligation shall be established or amended as required and shall be approved and recorded prior to the issuance of the Technical Compliance.**

Is hereby amended to read:

LANDSCAPE WITHIN MEDIAN OF LANTANA ROAD

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Lantana Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING – Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner;

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Lantana Road. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

F. HEALTH

1. Any fuel or chemical storage tanks shall be installed in accordance with Chapter **62-761**, Florida Administrative Code (F.A.C.). The design and installation plans will be submitted to the Health Department for approval prior to installation. (BLDG PERMIT: HEALTH – Health) (Previous Condition F.1 of Resolution R-2002-0302, Petition 1981-096(B))
2. Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter **62-730**, F.A.C. The property owner shall not knowingly accept regulated hazardous waste. (ONGOING: HEALTH – Health) (Previous Condition F.2 of Resolution R-2002-0302, Petition 1981-096(B))
3. Reasonable precautions shall be exercised during site development and operation to insure that unconfined particulates (dust particles) and odor from this property do not become a nuisance to neighboring properties. (ONGOING: HEALTH – Health) (Previous Condition F.3 of Resolution R-2002-0302, Petition 1981-096(B))
4. Reasonable measures shall be employed during site development and operation to insure that no pollutants from this property shall enter adjacent or nearby surface waters. (ONGOING: HEALTH – Health) (Previous Condition **F.4** of Resolution R-2002-0302, Petition 1981-096(B))
5. The SWA shall conduct the following monitoring, and the results of this monitoring shall be reported to the Palm Beach County Health Department, a copy shall be kept at the property for public inspection, and shall be posted on the SWA's internet web site location at www.swa.org. Unless otherwise noted below, all monitoring reports shall be on an annual basis:
 - a. Discharge structures shall include baffles, skimmers or other mechanisms suitable for preventing oil, grease or other floatable materials and sediment from discharging to the on site retention lakes. The access road and interior roadways within the property shall be cleaned as necessary with the appropriate technology to prevent odors from emanating from the roads.
 - b. On site retention lakes shall have fountain type aerators appropriately sized for the area and volume of the lakes.
 - c. The Ground Water Monitoring Plan shall consist of a minimum of eight monitoring wells, which shall be placed based upon the hydraulic gradient beneath the project property. The monitoring wells shall consist of four well clusters, with each cluster containing both shallow and deep zone wells, as shown on the attached site plan. The shallow zone wells shall be screen down to the depth of the surface water bodies. The deep zone wells shall be screened at the average depth of the private wells immediately surrounding the site. For ambient water quality, one well cluster shall be placed up gradient to potential ground water discharges from the project property. Three well clusters shall be placed down gradient to potential ground water discharges from the project property.

- d. Surface Water monitoring Plan shall consist of two sample points, one in each of the two proposed lakes.
- e. Surface and ground water monitoring shall be conducted both quarterly, and annually for the parameters listed in the table below. The monitoring program shall continue for a period of no less than five (5) years, or until two (2) years after public water supply is made available to properties adjoining the project property, whichever is greater. Based on the results at the end of this time period, the Palm Beach County Health Department may authorize frequency of sampling to be reduced to not less than annually for all parameters:

Ground Water Monitoring Parameters

I. Quarterly Monitoring Parameters:

Arsenic	Chloride	Alkalinity
Barium	Copper	Ammonia Nitrogen
Cadmium	Color	COD (Chemical Oxygen Demand)
Chromium	Foaming Agents	Conductivity (field)
Lead	Iron	Hydrogen Sulfide
Mercury	pH (field)	TKN (Total Kjeldahl Nitrogen)
Nitrate N	Odor	Temperature (field)
Selenium	Sulfate	Turbidity (field)
Sodium	TDS (Total Dissolved Solids)	TRPH (Total Recoverable Petroleum Hydrocarbons)

II. Annual Monitoring Parameters: EPA Method **8021** (Volatile Organic Compounds & Chlorinated Hydrocarbons)

Surface Water Monitoring Parameters

I. Quarterly Monitoring Parameters:

Arsenic	Chloride	Alkalinity
Barium	Copper	Ammonia Nitrogen
Cadmium	Foaming Agents	COD
Chromium	Iron	Conductivity (field)
Lead	pH (field)	Oil & Grease
Mercury	Sulfate	TKN
Nitrate N	TDS	TRPH
Selenium	Temperature (field)	Turbidity (field)
Sodium		

II. Annual Monitoring Parameters: EPA Method **8021** (Volatile Organic Compounds & Chlorinated Hydrocarbons) (ONGOING: MONITORING – Health) (Previous Condition **F.5** of Resolution R-2002-0302, Petition 1981-096(B))

- 6. The SWA shall construct the drainage within the buildings to make certain that no leakage from the tipping floor enters the stormwater system. (BLDG PRMT: ENG/HEALTH – Health) (Previous Condition **F.6** of Resolution R-2002-0302, Petition 1981-096(B))

7. All monitoring equipment, stormwater control and aerators shall be installed on the subject site prior to the issuance of a Certificate of Occupancy for the new transfer station. (CO: HEALTH – Health) (Previous Condition F.7 of Resolution R-2002-0302, Petition 1981-096(B))
8. The SWA will cooperate with the Town of Lantana in locating public water supply sites, on the subject property, if so requested by the Town of Lantana. (CO: HEALTH– Health) (Previous Condition H.9 of Resolution R-2002-0302, Petition 1981-096(B))

G. HIGH RIDGE ROAD STREET LIGHTING

The SWA shall pay its fair share of the cost of installing a combined bike path and pedestrian walkway on the east side of High Ridge Road, along its street frontage. Should the neighborhood residents and the County agree to the installation of streetlights along High Ridge Road, the SWA agrees to pay its fair share for the same on the east side of its High Ridge Road frontage, at appropriate intervals in conformance to the Palm Beach County requirements regarding streetlights. (ONGOING: ENG –Zoning) (Previous Condition G.1 of Resolution R-2002-0302, Petition 1981-096(B))

H. LANDSCAPING

1. Condition H.1 of Resolution R-2002-0302, Petition 1981-096(B), which currently states:

All landscaping shall be in accordance with the Conceptual Landscape Plan Design Package prepared by Kilday and Associates dated October 17, 2001 and revised February 11, 2002.

Is hereby amended to read:

Landscaping for the 13.81 acre addition shall be in accordance with the Conceptual Landscape Design plan prepared by Kilday and Associates dated November 25, 2002. All other landscaping shall be in accordance with the alternative landscape plan approved by the Development Review Committee (DRC) dated June 12, 2002. (CO: LANDSCAPE – Zoning)

2. Prior to site plan certification a landscape plan shall be submitted. This landscape plan shall:
 - a) Graphically depict all of the preservation areas and minimum perimeter buffering requirements.
 - b) Show that all areas disturbed by construction, including bermed areas shall be sodded. Sod shall be installed prior to Certificate of Occupancy.
 - c) Propose landscape treatment along the foundation of all structures and berms to effectively screen and break up the expanse of facade and loading areas. (DRC: LANDSCAPE – Zoning) (Previous Condition H.2 of Resolution R-2002-0302, Petition 1981-096(B))
3. The SWA shall install a five-foot high berm, with landscaping, as shown on the “Conceptual Landscape Plan,” prepared by Kilday and Associates, Inc., at the Project’s west and south property lines, where the property abuts residential lots and the north side of Hillside Lane. The exact location of the berm may be adjusted to incorporate input by the neighborhood residents’ and to preserve native vegetation. (CO: LANDSCAPE –Zoning) (Previous Condition H.3 of Resolution R-2002-0302, Petition 1981-096(B))

4. The existing Mango grove shall be protected by the Solid Waste Authority (SWA). The SWA shall prepare a management plan for the existing Mangotrees prior to the Final Development Review Committee (FDRC) approval of the site plan for the property. This management plan shall specifically address: how the SWA will maintain the Mango trees; the replacement or removal of unhealthy Mangotrees; the entity the SWA will use to maintain the Mango trees, identification of the pesticides to be used in managing the Mango trees, subject to the approval of the SWA, as well as other requirements necessary to preserve the Mango trees, as determined by the SWA. A copy of the **management plan shall be kept at the property for public inspection.** (CO: LANDSCAPE – Zoning) (Previous Condition H.4 of Resolution R-2002-0302, Petition 1981-096(B))

5. All existing and proposed landscape materials shall be maintained in good condition according to standard nursery practices, and replaced as necessary. (ONGOING: LANDSCAPE – Zoning) (Previous Condition H.5 of Resolution R-2002-0302, Petition 1981-096(B))

6. Condition H.6 of Resolution R-2002-0302, Petition 1981-096(B), which currently states:

Along the western property line of the existing 8.96 acres transfer facility, there shall be a 6' solid masonry wall, or earth berm and solid masonry wall in combination at least 6' in height. The masonry wall shall have a stucco or finish material surface.

Is hereby deleted. [REASON: Superseded by new condition.]

7. Condition H.7 of Resolution R-2002-0302, Petition 1981-096(B), which currently states:

Prior to final Development Review Committee certification, the petitioner shall submit an Alternative Landscape Plan for the site. This Plan shall indicate how existing native vegetation has been incorporated into the site and into all perimeter buffers. All newly planted vegetation shall be native vegetation consistent with the vegetation in the area. Credit may be given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to a Section 7.3.E. In addition, a berm will not be allowed along the property's High Ridge Road frontage.

Is hereby amended to read:

Prior to final Development Review Committee certification, the petitioner shall submit an Alternative Landscape Plan for the site. This Plan shall indicate how existing native vegetation has been incorporated into the site and into all perimeter buffers to ensure consistency with the High Ridge Road Corridor Study. All newly planted vegetation shall be native vegetation consistent with the vegetation in the area. Credit may **be** given for existing or relocated trees and native understory provided they meet current ULDC standards pursuant to Section 7.3.E. (DRC: LANDSCAPE – Zoning/Planning)

8. In order to further buffer the visual impact of the facility within the Town of Lantana, the SWA shall provide a streetscape tree program in the following areas:

- a. The swales along the residential streets west of 14th Street, between Ocean Avenue to the north and West Drew Street to the south. The streetscape program shall take into account existing trees already in place and provide infill.
- b. The slope areas on both the north and south sides of Lantana Road, between the SWA entrance and 1-95, as permitted by Palm Beach County and the Florida Department of Transportation.

The design of the plan will be coordinated with the staff of the Town of Lantana and implemented prior to issuance of a Certificate of Occupancy. (CO: LANDSCAPE – Zoning) (Previous Condition H.8 of Resolution R-2002-0302, Petition 1981-096(B))

9. Prior to final Development Review Committee (DRC) certification, the applicant shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

I. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and way from adjacent properties and streets. Low intensity back-lighted or interior lighted signs may be permitted. (ONGOING: CODE ENF – Zoning) (Previous Condition 1.1 of Resolution R-2002-0302, Petition 1981-096(B))

J. SIGNS

1. Freestanding signs shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: ten (10) feet;
 - b. Maximum sign face area per side: fifty (50) square feet;
 - c. maximum number of signs: two (2);
 - d. Style: monument style only; and,
 - e. Location: Lantana Road/access road frontage; and
 - f. Signs shall be limited to project identification only. (CO: BLDG – Zoning)
2. Entrance wall signage shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point: six (6) feet;
 - b. Maximum sign face area per side: thirty (30) square feet;
 - c. Maximum number of signs: one (1) pair;
 - d. Location: High Ridge Road entrance for neighborhood community center; and
 - e. Signs shall be limited to project identification only. (CO: BLDG – Zoning)

K. USE LIMITATIONS

1. The SWA shall agree to limit the days and hours, during which it shall accept waste products, to the following times:

Monday through Friday, between 7:00 AM and 5:00 P.M., Saturday 7:00 AM. to Noon; with the option to extend the operation on those same days, during holidays and emergency periods, by one hour in the morning and one hour in the evening, thereby accepting waste deliveries at 6:00 A.M. until 6:00 P.M., Monday through Friday, 6:00 A.M. to 1:00 P.M. Saturday. (ONGOING: CODE ENF – Zoning) (Previous Condition J.1 of Resolution R-2002-0302, Petition 1981-096(B))

2. The SWA shall collect litter, on every day of the site's operation, on this site, and in coordination with the existing Adopt-a-Road Program, at the access road from Lantana Road, as well as the Lantana Road public ROW, from 1-95 to High Ridge Road. (ONGOING: CODE ENF – Zoning) (Previous Condition J.2 of Resolution R-2002-0302, Petition 1981-096(B))
3. The SWA shall contribute its fair share of the street improvements proposed at Hillside Lane, such as paving and curbing, at the south side of the SWA's Hillside Lane frontage. (ONGOING: ENG – Eng) (Previous Condition J.3 of Resolution R-2002-0302, Petition 1981-096(B))
4. The SWA shall not assign more transfer vehicles to this property than can be physically stored inside the enclosed buildings on this site overnight. These vehicles shall be parked in the transfer station overnight except for emergencies or temporary maintenance to the transfer station that would prevent some of the trucks from being parked inside. (ONGOING: CODE ENF – Zoning) (Previous Condition J.4 of Resolution R-2002-0302, Petition 1981-096(B))
5. The SWA shall employ reasonable measures to prevent overnight storage of garbage on the tipping floor. Garbage left overnight on the site as a result of cleaning the facility shall be stored in tarp covered transfer vehicles in the enclosed facility. (ONGOING: CODE ENF – Zoning) (Previous Condition J.5 of Resolution R-2002-0302, Petition 1981-096(B))
6. The SWA shall post a sign at the project's entrance gate indicating the telephone number for a citizen to call with complaints regarding odor and/or operations. (ONGOING: CODE ENF – Zoning) (Previous Condition J.6 of Resolution R-2002-0302, Petition 1981-096(B))

L. UTILITIES

1. All drains inside the transfer station building shall be connected to the central sewer system. (BLDG PERMIT: UTILITIES) (Previous Condition K.1 of Resolution R-2002-0302, Petition 1981-096(B))
2. The SWA shall pay its fair share of the proposed, future City of Lake Worth water main installation within High Ridge Road. The SWA has committed to pay for the High Ridge Road link, between Lantana Road and Hillside Lane. Additionally, the SWA shall pay for the installation of the water main along the SWA's south property line, at its Hillside Lane frontage. (ONGOING: MONITORING/UTILITIES) (Previous Condition K.2 of Resolution R-2002-0302, Petition 1981-096(B))
3. All sewer and water services needed at the subject property shall be provided by the Town of Lantana and/or the City of Lake Worth. There shall be no septic or other similar waste disposal facilities at the subject property. (ONGOING: MONITORING/UTILITIES) (Previous Condition K.3 of Resolution R-2002-0302, Petition 1981-096(B))

M. COMPLIANCE

1. 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) (Previous Condition L.1 of Resolution R-2002-0302, Petition 1981-096(B))
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; 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 Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise 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 Fifteenth Judicial Circuit. (ONGOING: MONITORING – Zoning) (Previous Condition L.2 of Resolution R-2002-0302, Petition 1981-096(B))