

RESOLUTION NO. R-2019-0002

RESOLUTION APPROVING ZONING APPLICATION ZV/CB/CA-2017-02404
(CONTROL NO. 2008-00259)
a Class A Conditional Use
APPLICATION OF Mike Cioffi Lawn Service, Inc., Matheson Tri Gas, Inc.
BY WGINC, AGENT
(Debris Dog)

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, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/CB/CA-2017-02404 was presented to the Board of County Commissioners at a public hearing conducted on January 8, 2019;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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 Application ZV/CB/CA-2017-02404, the Application of Mike Cioffi Lawn Service, Inc., Matheson Tri Gas, Inc., by WGINC, Agent, for a Class A Conditional Use to allow a Chipping and Mulching Facility, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 8, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on January 8, 2019.

Filed with the Clerk of the Board of County Commissioners on January 8th, 2019.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1

A TRACT OF LAND IN SECTION 10, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST LINE OF SECTION 10, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2252.78 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE, A DISTANCE OF 226.99 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 877.04 FEET, MORE OR LESS, TO A POINT IN A LINE PARALLEL TO AND 40 FEET SOUTHERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTH LINE OF SECTION 10; THENCE EASTERLY, ALONG SAID NORTH SECTION LINE, A DISTANCE OF 280.59 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES, A DISTANCE OF 40 FEET; THENCE SOUTHWESTERLY ALONG A LINE WHICH IS AT RIGHT ANGLES TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, A DISTANCE OF 1041.98 FEET TO THE POINT OF BEGINNING. TOGETHER WITH

PARCEL 2

A TRACT OF LAND IN SECTION 10, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE EAST LINE OF SECTION 10, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2479.77 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG THE SAME COURSE, A DISTANCE OF 281.67 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 672.80 FEET, MORE OR LESS, TO A POINT IN THE LINE PARALLEL TO AND 40 FEET SOUTHERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTH LINE OF SAID SECTION 10; THENCE NORTHERLY AT RIGHT ANGLES TO SAID PARALLEL LINE A DISTANCE OF 40 FEET TO A POINT IN SAID NORTH LINE OF SECTION 10; THENCE EASTERLY ALONG SAID NORTH SECTION LINE, A DISTANCE OF 347.44 FEET; THENCE SOUTHERLY, AT RIGHT ANGLES, A DISTANCE OF 40 FEET THENCE SOUTHWESTERLY ALONG A LINE WHICH IS AT RIGHT ANGLES TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, A DISTANCE OF 877.04 FEET TO THE POINT OF BEGINNING. ALL LESS RIGHT-OF-WAY RECORDED IN ORIGINAL RECORD BOOK 854, PG. 792 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

CONTAINING 9.995 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

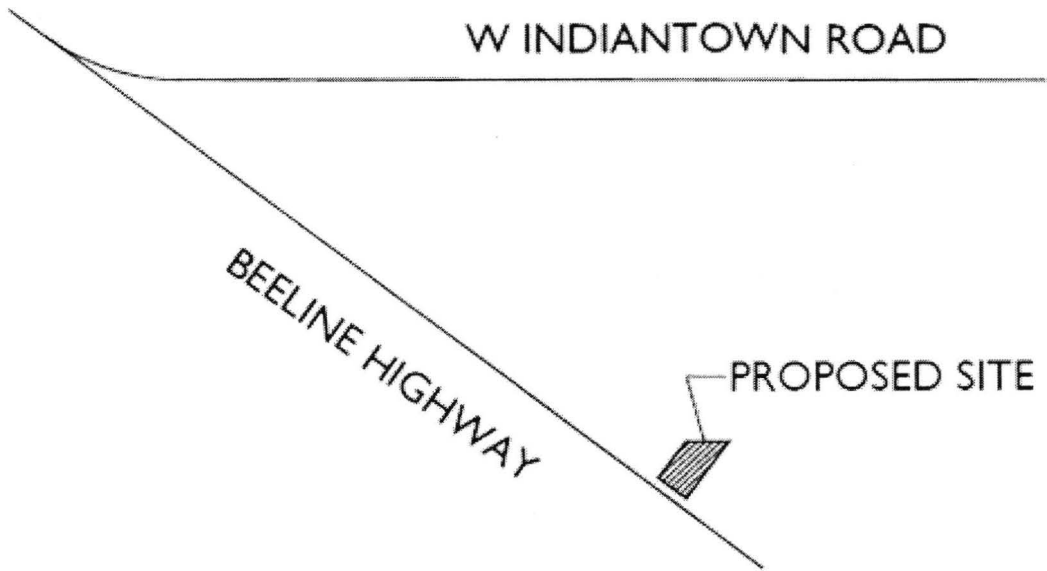
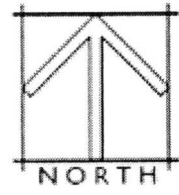


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved Preliminary Site Plan, is dated August 27, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2021. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Beeline Highway forty (40) width on an alignment approved by the FDOT or County Engineer. All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering)

ENVIRONMENTAL

1. An exotic seed management plan shall be approved by the Department of Environmental Resources Management (ERM) prior to the approval of the site plan by the Development Review Officer (DRO). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. Prior to the issuance of the first building permit, the Property Owner shall apply for and obtain construction permits for a potable water supply well and an onsite sewage treatment and disposal system (OSTDS). (BLDGPM: HEALTH DEPARTMENT - Health)

Department)

LANDSCAPE - GENERAL

1. Prior to the issuance of the first building permit, the Property Owner shall finalize the Preliminary Vegetation Disposition Chart to ensure all Vegetation that is subject to either preservation; relocation on site; replacement or mitigation shall be clearly identified on the Site Plan. The Chart and what is shown on the Plan shall be consistent. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Site Plan shall be amended to provide a minimum eight-foot wide landscape buffer along the perimeter of the parking lot and access way for the administrative building, to include a six-foot high vinyl coated chain link fence and hedge. (DRO: ZONING – Zoning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall amend the Site Plan to correctly identify the developable portion of the site, including removing references to limits of cleared area; and, delineating the boundary of all outdoor activity areas, to include a minimum 20 foot setback from the administrative building and required parking and access ways. (DRO/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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