

RESOLUTION NO. R-89- 338

RESOLUTION APPROVING ZONING PETITION NO. 88-24
SPECIAL EXCEPTION PETITION OF THE BOARD OF COUNTY COMMISSIONERS

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

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

WHEREAS, Petition No. 88-24, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on February 29, 1988; and

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

WHEREAS, this approval is subject to 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 made the following findings of fact:

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 88-24, the petition of THE BOARD OF COUNTY COMMISSIONERS, Carol A. Roberts, Chair, for a SPECIAL EXCEPTION TO PERMIT PUBLIC AND PRIVATE UTILITY SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (FOR A SEWAGE TREATMENT PLANT) on a parcel of land lying in Tracts 73 through 88, inclusive, and Tracts 105 through 115, inclusive Block 64, PALM BEACH FARMS COMPANY PLAT NO. 3, in Sections 4-5, Township 46 south, Range 42 east, recorded in Plat Book 2, Page 50, lying west of Hagen Ranch Road, Engineering Department Drawing No. 3-56-027, Sheets 5 and 6 of 8 Sheets, LESS the North 50.00 feet of Tracts 73 and 75 through 80, both inclusive, and LESS the West 35.00 feet of Tracts 80, 81, 112 and 113, and LESS the South 85.00 feet of Tracts 113 through 115, both inclusive, located on the west side of Hagen Ranch Road, bounded on the west by Equalizing Canal No. 2 and Florida

Turnpike (Sunshine State Parkway), bounded on the north by Lake Worth Drainage District Lateral Canal No. 29 and to the south by Lake Worth Drainage District Lateral Canal No. 30, in a AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification the master plan shall be amended to indicate the following:
 - a. Required 25 foot access dimension.
2. The buffer located on the southern portion of the treatment facility that consists of predominately prohibited tree species shall be eradicated as follows:
 - a. The northern half of the buffer shall be eradicated concurrent with the construction of Phase I of the treatment plant. A buffer shall be installed meeting the requirements of Condition No. 4 below, prior to the issuance of a Certificate of Occupancy.
 - b. The southern half of the buffer shall be eradicated concurrently with the construction of Flavor Pict Road or concurrent with construction of Phase II of the treatment facility.
3. Prior to master plan certification the petitioner shall submit documentation verifying the abandonment of the east-west 30 foot road reservation that traverses the site.
4. The petitioner shall amend the master plan to indicate berming and similar planting guidelines (as illustrated on Exhibit 3, section AA) for the southern portion of the site.
5. Concurrent with the application for site plan review committee, the petitioner shall submit specifications which will outline the proposed distribution of materials on site and a management plan which will outline the removal of all exotic species on site. The management plan shall also indicate how the various communities will be re-established, maintained and sustained.
6. 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 onsite 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.

7. If required by the County Engineer or the South Florida Water Management District, the developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site.
8. Prior to site plan certification, the property owner shall reserve to Palm Beach County the road right-of-way for Flavor Pict Road a total of 110 feet. This right-of-way shall be conveyed to Palm Beach County, at no cost to Palm Beach County, when requested by the County Engineer.
9. The property owner shall construct paved access to the site concurrent with onsite paving and drainage improvements.
10. Prior to site plan certification, the petitioner shall convey to the Lake Worth Drainage District the north 50 feet of Tracts 73-80 Block 64, according to the plat of the Palm Beach Farms Company, Plat No. 3, Plat Book 2 Pages 45-54 for the required right-of-way for Lateral Canal No. 29 and south 75 feet of Tracts 113-115 of Block 64 above for the required right-of-way for Lateral Canal No. 30, and the west 55 feet of Tracts 80, 81, 112 and 113 of Block 64 above for the required right-of-way for Equalizing Canal No. 2-E, by Quit Claim Deed or an Easement Deed in the form provided by the District.
11. 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 violations of the Palm Beach County Zoning Code.
12. Regular tank, tractor/trailer or dump truck traffic to or from the plant shall not use Woolbright Road.

13. All odor control systems shall be designed and installed with sufficient redundancy and stocking of spare parts to assure a minimum of 99.5% system reliability.
14. Odor control systems shall be provided for the pretreatment building and the solids thickening and dewatering building.
15. An air quality monitoring program shall be scientifically established prior to plant operation to establish ambient levels of hydrogen sulfide in the vicinity of the site and shall be continued on an on-going basis after plant operations are initiated to assure that hydrogen sulfide levels off of the property are not deleteriously impacted by plant operation. Upon a finding of deleterious impact, immediate steps will be taken to identify and eliminate the source of the offending hydrogen sulfide. Objectionable odors as defined in Chapter 17-2 FAC, entitled "Air Pollution" shall be used in order to determine compliance with the provisions of Chapter 17-2 FAC. Objectionable odors shall be maintained at acceptable levels as defined in the State Air Pollution Code, Chapter 17.2 FAC.
16. The maximum height of structures on the site shall be limited to fifty-five (55) feet, excluding elevator bulkheads, or stairways, or similar elements, per Section 500.28 of the Zoning Code.

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

Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Karen T. Marcus	--	Absent
Dorothy Wilken	--	Aye
Kenneth M. Adams	--	Absent

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of February 29, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Susan Liberty
COUNTY ATTORNEY

BY:

June Hardy
DEPUTY CLERK