

RESOLUTION NO. Z-R-93-3

RESOLUTION APPROVING ZONING PETITION **CB93-22**
CLASS B CONDITIONAL USE
PETITION OF AMERIGROW RECYCLING, INC.

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B Conditional Uses; and

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

WHEREAS, Zoning Petition **CB93-22** was presented to the Zoning Commission at a public hearing conducted on October 7, 1993; and,

WHEREAS, the Zoning Commission 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 Land Development Code and other provisions requiring that development commence *in* a timely manner; and

WHEREAS, the Zoning Commission made the following findings of fact:

1. This Class **B** Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Land Development Code.
3. This Class B Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 Class B Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class B Conditional Use meets applicable local land development regulations.
7. This Class **B** Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity Of the proposed use on adjacent lands.
8. This Class **B** Conditional Use has a concurrency exception and therefore complies with Art. 11, Adequate Public Facility Standards.

9. This Class B Conditional Use, 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 Class B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use approval is contingent upon the subsequent approval by the Board of County Commissioners of a rezoning of the subject property from AR to AGR. Should the subject rezoning be denied or withdrawn for any reason, this Conditional Use B approval shall be null and void.

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

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition **CB93-22**, the petition of AMERIGROW RECYCLING, INC., for a CLASS B CONDITIONAL USE allowing CHIPPING AND MULCHING in the AGRICULTURAL RESERVE (AGR) Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 7, 1993, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foley moved for the approval of the Resolution.

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

Allen J. Kaplan, Chair	-- no
Sherry L. Hyman	-- yes
Kim Anderson	-- yes
Frank Behrman	-- yes
Kevin Foley	-- yes
Al Miller	-- yes
Otelia Dubose	-- no

The Chair thereupon declared that the resolution was duly passed and adopted this 7th day of October, 1993.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSION
CHAIR

BY:


COUNTY ATTORNEY

BY: _____

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EXHIBIT A
LEGAL DESCRIPTION

The East half of Tract 4, less the North 30 feet, the East half of Tract 11, Tract 12, and Tract 13, less the right-of-way of State Road 7, all lying in Block 67 of PALM BEACH FARMS COMPANY PLAT No. **3**, according to the **Plat** thereof as recorded in Plat Book 2, Pages 45 to 54 inclusive of the public record of Palm Beach County, Florida.

Containing 29.9436 Acres more or less, and subject to easements, reservations, rights-of-way, and restrictions of record.

EXHIBIT B
VICINITY SKETCH

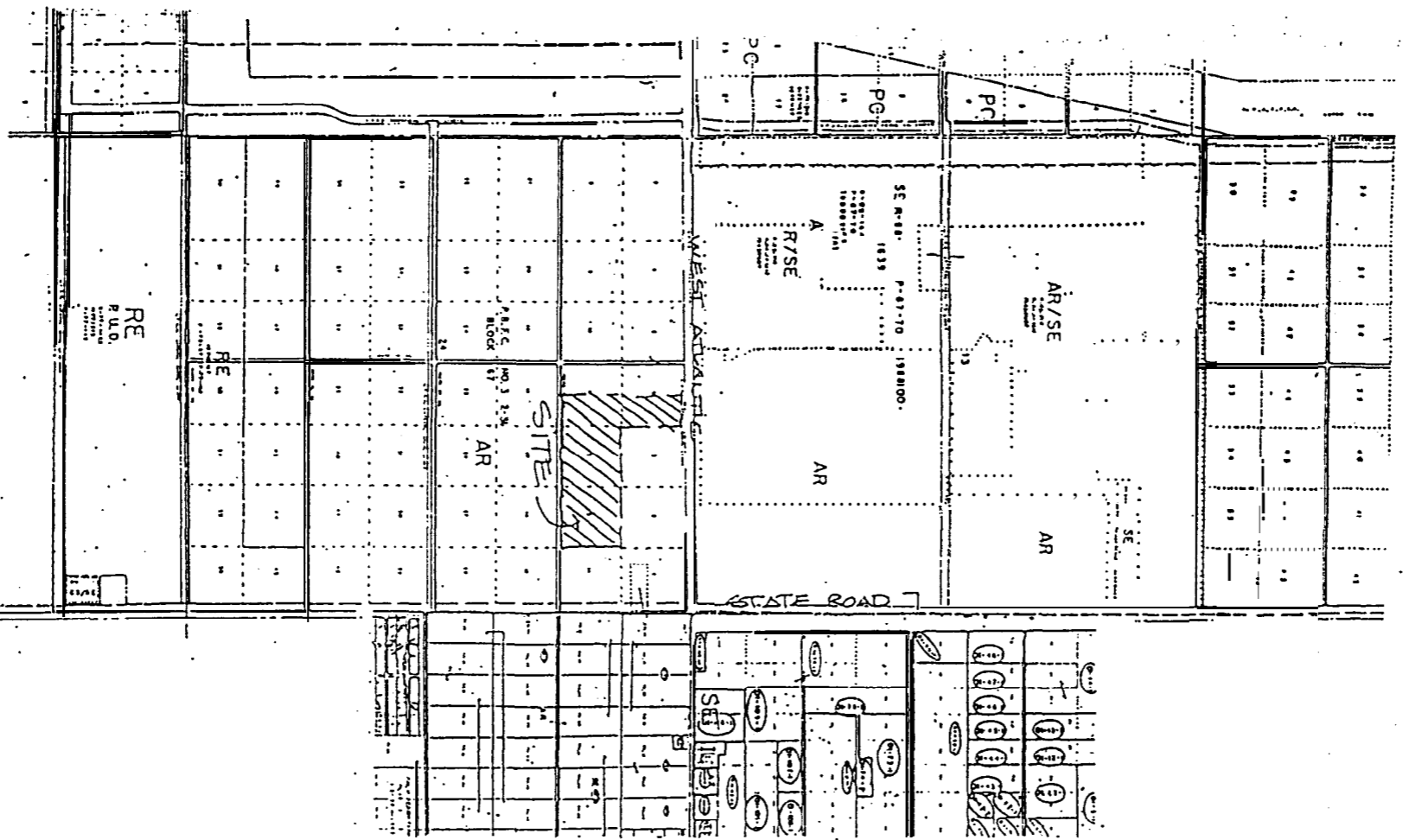


EXHIBIT C

CONDITIONS OF APPROVAL

A. BUILDING AND SITE DESIGN

1. To insure compliance with Palm Beach County Health Unit limitations, the total gross floor area shall be limited to a maximum of 1,800 square feet. (BUILDING/HEALTH)
2. To insure compliance with all applicable requirements prior to May 1, 1994 the petitioner shall apply and receive approval for a composting facility from the Development Review Committee. (ZONING)
3. To insure compliance with all applicable portions of the ULDC, prior to site plan certification by the Development Review Committee, the petitioner shall amend the site plan to indicate:
 - a. compliance with all applicable requirements of the ULDC and conditions of approval;
 - b. compliance with all requirements stipulated in the required permits issued by the Fire Marshal, FDEP, SFWMD and SWA;
 - c. indicate all preservation and wetland areas and their required buffers;
 - d. indicate the rim elevation of all wetlands;
 - e. the boundaries of all storage piles for unprocessed material, processed material, composting areas, other storage areas and required fire lanes; and,
 - f. the location of all required monitoring devices. (ZONING)
4. To insure compliance with all applicable portions of the ULDC, the maximum height of all stored material shall be at 30.51 NGVD elevation or fifteen (15) feet above the rim elevation of the abutting wetlands, whichever is less. (CODE ENFORCEMENT)
5. To insure compliance with all applicable portions of the ULDC and conditions of approval, the petitioner shall construct elevation monuments within all material storage areas. At a minimum, these monuments shall consist of the following:
 - a. four (4) inch diameter PVC pipe posts filled with concrete anchored to the ground evenly spaced and no more than 200 feet on center;
 - b. each post shall have the maximum permitted elevation of material clearly marked; and,
 - c. monitoring monuments shall not be more than two (2) feet above the maximum allowed elevation. (ZONING/CODE ENFORCEMENT/SWA)
6. To insure compliance with all applicable portions of the ULDC, prior to site plan certification by the Development Review Committee, the petitioner shall submit and receive approval by the DRC of detailed construction plans for the required monuments within all storage areas. At a minimum, the required plans shall include:

- a. detail layout plans with perimeter dimensions, location of all monuments and elevations;
 - b. construction details including material, colors and anchoring methods; and,
 - c. rim elevations (control elevation) of all wetlands. (ZONING)
7. To insure compliance with all applicable portions of the ULDC, prior to May 1, 1994, the petitioner shall construct permanent concrete monuments within all storage areas of processed and unprocessed materials which indicate the maximum allowed elevation of stored material. The elevation monuments shall be constructed in a manner and form acceptable to the Zoning Director. The certified location and elevation of all constructed monuments shall be submitted to the Palm Beach County Planning, Zoning and Building Department by a registered land surveyor. No administrative time extensions shall be permitted. (MONITORING-Zoning)
8. The maximum permitted capacity of material on site shall be as follows:
- a. raw material (incoming): 12,000 cu.yds.;
 - b. processed material: 58,000 cu.yds. (including cornposting)

Or as it maybe determined by the SWA. In no event shall the total on site storage of all material exceed 70,000 cubic yards. (CODE ENFORCEMENT/SWA/FDEP)

9. To insure coordination with all applicable regulatory agencies, prior to site plan certification, the petitioner shall submit and receive approval for a revised surface water management permit and any other required permit from the South Florida Water Management District. (ZONING)
10. To insure coordination with all applicable regulatory agencies, prior to site plan certification, the petitioner shall submit and receive approval for a revised solid waste management permit and any other permit or bond required by the Solid Waste Authority. (ZONING)
11. To insure coordination with all applicable regulatory agencies, prior to site plan certification, the petitioner shall submit and receive approval for a solid waste management facility permit and any other permit or bond required by the Florida Department of Environmental Protection. (ZONING)
12. To insure compliance with all requirements, violation of these conditions, any requirement of the applicable ULDC, or required permit from any applicable regulatory agency will result in the return of this petition to the Board of County Commissioners for further review pursuant to the ULDC Article 5, Section 5.8. (MONITORING)

B. LANDSCAPING - GENERAL

1. To minimize the off site impacts of the requested use, all trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length. (ZONING)
2. To insure compliance with all applicable code requirements, and minimize the off site impact of the proposed use in a timely manner, all required landscaping shall be installed **prior to May 1, 1994**. No administrative time **extensions** shall be permitted. (MONITORING)

C. PERIMETER LANDSCAPING

- 1. To minimize the off site impacts of the requested use, landscaping and buffering along all property lines where it does not abut a preserve area shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip with a minimum four (4) foot high berm;
 - b. One (1) canopy tree planted every twenty (20) feet on center;
 - c. One (1) palm tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location; and,
 - c. Thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of seventy two (72) inches.

The required landscaping shall be planted on the top of the required berm. (ZONING)

D. HEALTH

- 1. The application and engineering plans to construct an **onsite** waste water disposal system must be submitted to the Health Unit prior to site plan approval by the Development Review Committee. (HEALTH)
- 2. The application and engineering plans to construct a limited use drinking water **supply** system must be submitted to the Health Unit prior to site plan certification. (HEALTH)
- 3. The operation of the facility shall be limited to the recycling, mulching and composting of vegetative material. Processing of treated lumber or non-woody material shall be prohibited. (HEALTH)
- 4. The delivery of waste (recycling) material by private individuals shall be prohibited. (HEALTH)

5. Prior to site plan approval by the Development Review Committee, a waste management plan for disposal of prohibited materials and composting operations including contingency plans for disposal of prohibited materials, shall be submitted and approved by the Solid & Hazardous Waste section of the Palm Beach County Public Health Unit. (HEALTH)

E. ENGINEERING

1. If required by the County Engineer, the property owner shall convey to Palm Beach County adequate road drainage easement through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments of West Atlantic Avenue along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along West Atlantic Avenue. Said easements shall be no less than 20 feet in width. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water discharge and treatment requirements of the applicable County Water Control District and South Florida Water Management for the combined runoff from the project and District the ultimate Thoroughfare Plan Road Section(s) the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures. Elevation and location of all construction shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material (MONITORING - Engineering).
2. 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 \$4,675.00 (85 additional trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).
3. Prior to approval of the site plan by the Development Review Committee, the property owner identify the Ultimate right of way for West Atlantic Avenue, eighty feet from centerline. (ENGINEERING)