

RESOLUTION NO. Z-R-94- ;

RESOLUTION APPROVING ZONING PETITION CB94-39  
CLASS B CONDITIONAL USE  
PETITION OF SOLID WASTE AUTHORITY OF PALM BEACH COUNTY

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 CB94-39 was presented to the Zoning Commission at a public hearing conducted on August 4, 1994; 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 reservation 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.

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 **CB94-39**, the petition of SOLID WASTE AUTHORITY OF PALM BEACH COUNTY for a CLASS B CONDITIONAL USE allowing a SOLID WASTE TRANSFER STATION in the Public Ownership (PO) 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 August 4, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Kaplan moved for the approval of the Resolution.

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

|                       |    |     |
|-----------------------|----|-----|
| Al Miller, Vice Chair | -- | Yes |
| Otelia Dubose         | -- | Yes |
| Mark Foley            | -- | Yes |
| Sherry Hyman          | -- | Yes |
| Alan Kaplan           | -- | Yes |

The Chair thereupon declared that the resolution was duly passed and adopted this 4th day of August, 1994.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR

EXHIBIT A  
LEGAL DESCRIPTION

Parcel #1 - The North 450' of the South 1/2 of the Northeast 1/4 lying East of the F.E.C. Railroad less the East 811.

Parcel #2 - The North 450' of the West 691 of the East 811 of the South 1/2 of the Northeast 1/4.

Parcel #3 - The 209.87 Feet of the South 869.87 Feet of the Northeast 1/4 lying East of the F.E.C. Railroad less the East 126' S.R. 15 R/W.

All in Section 30, Township 43 South, Range 37 East.

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EXHIBIT B  
VICINITY SKETCH

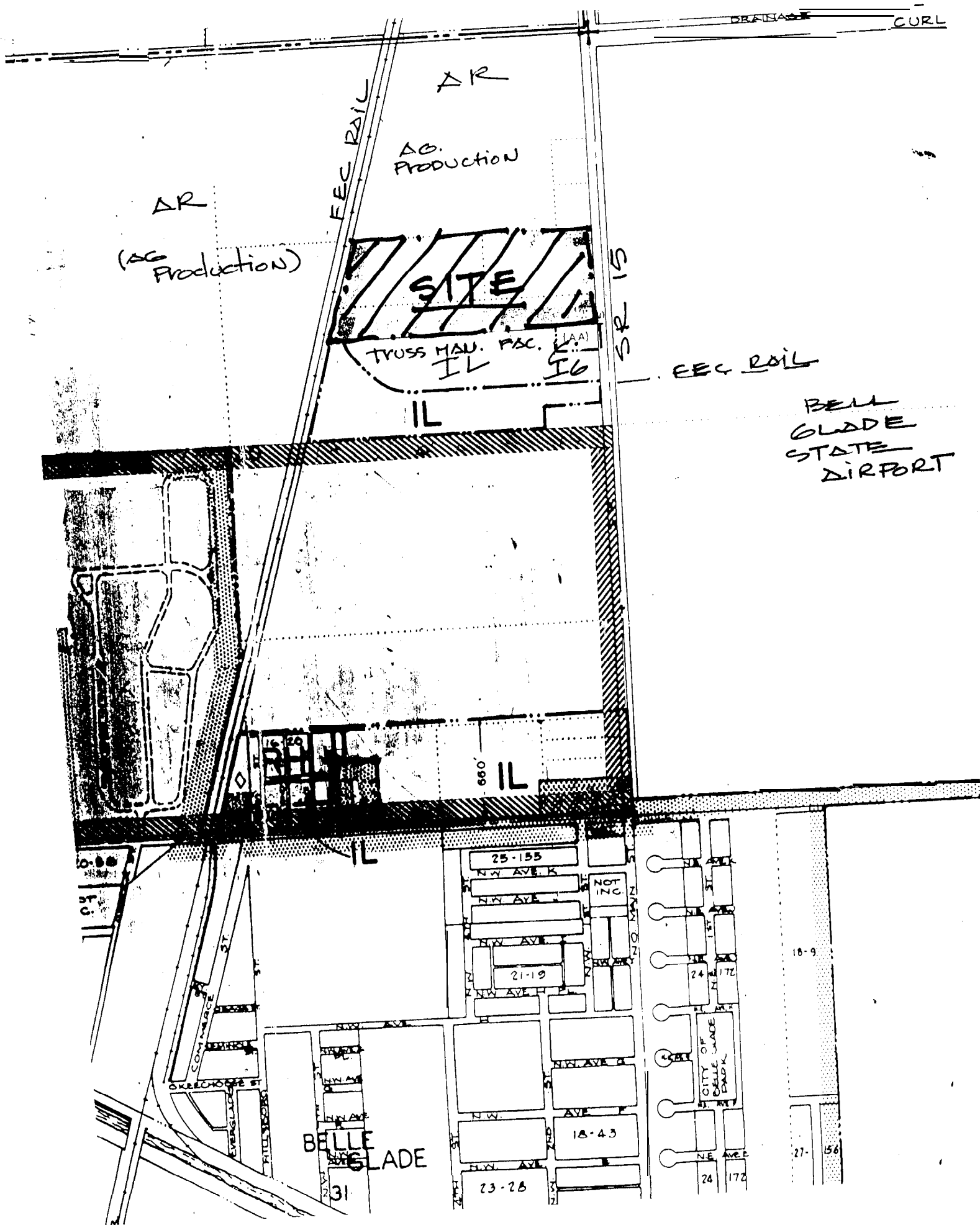


EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING - GENERAL

1. 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)

B. LANDSCAPING ALONG ALL PROPERTY LINES

1. A twenty (20) foot wide landscape buffer along all property lines shall be provided. The petitioner may submit a 'landscape betterment plan as an alternative to this and the following requirements, subject to approval **by** the Development Review Committee (DRC). The petitioner may submit a landscape betterment plan, subject to approval by the Development Review Committee (DRC). (ZONING)
2. Landscaping within the required buffer along all property lines shall be upgraded to include:
  - a. A double row consisting of one (1) canopy tree planted every twenty (20) feet on center in each row. Trees shall be staggered;
  - b. One (1) native palm trees for each thirty (30) linear feet of frontage;
  - c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.

At a minimum the landscape betterment plan should indicate adequate separation from adjoining uses and the total number of required trees. (ZONING)

C. HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on this site. All existing **onsite** sewage disposal systems must be abandoned in accordance with Chapter **10D-6**, FAC., and Palm Beach County ECR-I. (HEALTH)
2. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. All existing **onsite** potable water supply systems must be abandoned in accordance with Palm Beach County ECR-II. (HEALTH)

E. ENGINEERING

1. Property owner shall construct as left turn lane south approach on SR 15 at the project entrance road. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the

property owner. These costs shall include, but not limited to utility relocations. Permits required from the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BUILDING - Engineering).

2. LANDSCAPE WITHIN MEDIAN

A. Prior to issuance of a Building Permit, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

| <u>Trees:</u>  | <u>Ground cover:</u> |
|----------------|----------------------|
| Laurel Oak     | Wedilia              |
| Live Oak       | Bahia Grass          |
| Slash Pine     |                      |
| Sabal Palmetto |                      |

Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

- 1) All plants shall be container grown or field collected and transplanted from the project site.
- 2) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (BUILDING/ENGINEERING)

B. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees and shall be installed on or before issuance of the first Certificate of Occupancy. (BUILDING/ENGINEER - Zoning)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to receiving a certificate of occupancy to reflect this obligation. Maintenance shall be in accordance with the issued permits. (BUILDING/ENGINEERING - County Attorney)

3. Reasonable precautions shall be exercised during site development and thereafter to insure that unconfined **particulates** (dust particles) and noxious fumes from this property do not become a nuisance to neighboring properties. (HEALTH)