

RESOLUTION NO. R-89- 337

RESOLUTION APPROVING ZONING PETITION NO. 88-18
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. 88-18, 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. 88-18, the petition of THE BOARD OF COUNTY COMMISSIONERS, Carol A. Roberts, Chair, for a SPECIAL EXCEPTION TO PERMIT 1) GOVERNMENTAL SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES (FIRE STATION), INCLUDING 2) A COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWERS on a parcel of land lying in Tract 52, Section 25, Township 47 South, Range 41 East, according to Plat of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 2, recorded in Plat Book 1, Page 102, more particularly described as follows:

Commencing at a point in a line parallel with and 99.00 feet westerly of (as measured at right angles to) the westerly right-of-way of State Road No. 7 at the northerly right-of-way of Sandalfoot Boulevard West, as recorded in Official Record Book

1848, Page 1615, run (for convenience the bearings cited herein are in the meridian of Water Gate Unit 1 as recorded in Official Record Book 1955, Page 1599 and 1600,) North 00 degrees 28' 33" East, running along the just described parallel line a distance of 117.05 feet, more or less, to a point in a line parallel with and 60.00 feet southerly from (as measured at right angles to) the North Line of said Tract 52, Section 25, Township 47 South, Range 41 East, thence; North 89 degrees 43' 38" West, 25.09 feet running along the just described parallel line to the POINT OF BEGINNING of the herein described parcel; thence run by the following numbered courses:

- 1) North 89 degrees 43' 38" West, continuing along said parallel line a distance of 200.91 feet; thence
- 2) South 00 degrees 28' 33" West 270.00 feet to a point in a line Parallel with and 330.00 feet Southerly from (as measured at right angles to) the North Line of said Tract 52; thence
- 3) South 89 degrees 43' 38" East, running along the just described parallel line a distance of 226.00 feet, more or less, to a point in said line parallel with and 99.00 feet westerly from (as measured at right angles to) the westerly right-of-way of State Road No. 7; thence
- 4) North 00 degrees 28' 33" East, running along said parallel line a distance of 244.91 feet; thence
- 5) North 44 degrees 37' 32" West, 35.42 feet, more or less, to the POINT OF BEGINNING.

Located on the southwest corner of the intersection of State Road No. 7 (U.S. 441) and Oriole Country Road, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Simultaneous with the submission to Site Plan Review Committee, the petitioner shall either;
 - a. submit the required breakpoint calculations for the proposed tower, or
 - b. relocate it to meet the required setbacks, or
 - c. reduce the height to meet minimum code requirements of Section 500.10 of the Zoning Code.
2. Prior to site plan certification, the petitioner shall submit a site plan indicating all necessary graphic and site data information.
3. The application and engineering plans, calculations,

etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).

4. Because water service is available to the property, a well shall not be approved for potable water use.
5. Prior to Site Plan approval petitioner shall submit verification to the County Engineer of the radio tower to fall within the 110% fall area in accordance with the Zoning Code.
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. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for State Road 7, 200 feet west of the existing west right-of-way line of the Lake Worth Drainage District El Canal. free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Land Acquisition Division to ensure that the property is free of all encumbrances and encroachments.
8. 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.
9. The use of the tower shall be limited to the use of a radio communication and relay tower for governmental use.

10. Simultaneously with application for Site Plan Review Committee certification, the petitioner shall present evidence that they do not encroach into or through an established public or private airport approach plan, as determined by the Federal Aviation Administration.

Commissioner Wilken moved for approval of the petition. The motion was seconded by Commissioner Elmquist 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

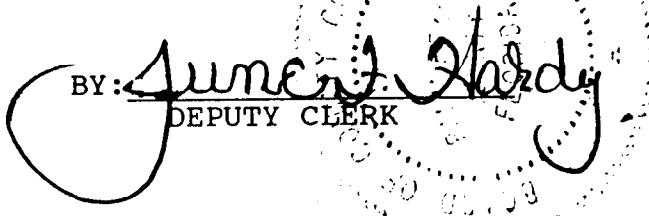
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK