

RESOLUTION NO. R-89- 355

RESOLUTION APPROVING ZONING PETITION NO. 88-17
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. 88-17, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on March 24, 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. 88-17, the petition of THE BOARD OF COUNTY COMMISSIONERS, by Carol A. Roberts, Agent, 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 1, Block 11, PALM BEACH FARMS COMPANY PLAT NO. 3, LESS the North 220.00 feet, according to the plat in Section 5, Township 44 South, Range 42 East as recorded in Plat Book 2, Pages 45 through 54.

LESS:

That portion of Tract No. 1 conveyed to Florida State Turnpike Authority by Warranty Deed dated October 19, 1952 and recorded in Deed Book 1167, Page 31, being more particularly described as follows: The Easterly portion of Tracts 1 and 16, Block 11 and Tract 48, Block 7, Township 44 South, Range 42 East, PALM BEACH FARMS COMPANY SUBDIVISION PLAT NO. 3, according to the plat

thereof as recorded in Plat Book No. 2, Page 46, measuring 100.00 feet along the South line and said Tract 16 and 110.70 feet along the North line of said Tract 48, excepting herefrom the Easterly 40.00 feet of said Tracts 1, 16 and 48, being located on the west side of Benoist Farms Road (80th Avenue South), approximately 220.00 feet north of Pioneer Road, in a RE-Residential Estate Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall preserve and incorporate existing native canopy and understory vegetation into the project design. Clearing shall be limited to the minimum amount necessary to make the necessary improvements with the construction of the building, tower, and parking. The native canopy and understory vegetation shall be preserved as shown on Exhibit No. 13 of the official zoning file, with additional reasonable measures taken to preserve vegetation around the 110 foot radio tower and within the front setback, as shown on the site plan.
2. Simultaneous with the submission to Site Plan Review Committee, the petitioner shall submit the required breakpoint calculations for the proposed tower or relocate it to meet the required setbacks, or reduce the height to meet the minimum criteria of Section 500.10 of the Palm Beach County Zoning Code.
3. Prior to site plan certification, the site plan shall be revised to reflect the following:
 - a. Required fence for the towers
4. 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).
5. Because water service is available to the property, a well shall not be approved for potable water use.
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 Benoist Farms Road, 80 feet west of the existing west right-of-way line of the Lake Worth Drainage District E2 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. The property owner shall construct a left turn lane, south approach on Benoist Farms Road at the project's entrance road concurrent with onsite paving and drainage improvements.
9. 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.
10. The use of the tower shall be limited to the use of a radio communication and relay tower for governmental use.
11. 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.
12. The use of the site shall be limited to a Fire Rescue Station and one (1) radio reception and transmission tower, no more than 110 feet in height. No commercial radio, television, microwave transmission or relay station shall be permitted.
13. The use of sirens shall be limited to the minimum necessary to assure the public safety, as provided in Florida Statutes.

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

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

The foregoing resolution was declared duly passed and adopted this 28th day of February, 1989 confirming action of March 24, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

Laura Hubert
COUNTY ATTORNEY

BY:

June J. Hardy
DEPUTY CLERK