

RESOLUTION NO. R-85-1876V

RESOLUTION APPROVING ZONING PETITION 85-102, Special Exception

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. 85-102 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 22nd August 1985; 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, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and Zoning Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this the 22nd of August 1985, that Petition No. 85-102 the petition of ROBERT A. BERMAN, By Lee Starkey, Agent for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL RADIO, MICROWAVE TRANSMISSION AND RELAY TOWERS AND ACCESSORY EQUIPMENT BUILDINGS on all that portion of the South 240 feet of the North 1480 feet of the East 480 feet of the West 1690 feet of the Southeast 1/4 of Section 9, Township 41 South, Range 42 East, lying west of a line 100 feet Southwesterly and parallel to the Southwesterly right-of-way line of Florida's Turnpike. Said property located on the north side of 162nd Court North, approximately 100 feet southwest of Florida's Turnpike (Sunshine State Parkway) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to site plan certification the site plan shall be revised to reflect the following:

a) Relocation of the access drive from the proposed diagonal alignment to a shorter and more direct linkage to the nearest property line abutting a right-of-way so as to use less land area in making the driveway and parking improvements.

b) Location of the tower and structure to a point further east on the site to achieve siting on higher ground, and to reduce the amount of fill required to achieve adequate foundation elevations, and to reduce development impacts upon the lower and wetter western portions of the site, with deference to fall height limitations, and siting of the tower to preserve the greatest number of significant vegetative specimens.

2. Prior to site plan certification, Proper certification of adequate fall height break points by a Florida registered Engineer shall be submitted.

3. Vehicular use area landscape screening, incorporating existing natural vegetation where possible, and naturalistic introduction of supplemental landscaping using plant species typically indigenous to the site and adjacent properties, in a manner consistent with the requirements of the landscape code.

4. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

5. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

6. The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-one hour storm per requirements of the Permit Section, Land Development Division.

7. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the issuance of a Building Permit.

8. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

9. The billboard shall not remain on the site past the current leasehold period, but in no event longer than one year from special exception approval. No additional billboards shall be erected.

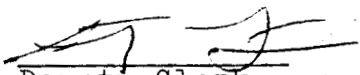
Commissioner Marcus, moved for approval of the petition. The motion was seconded by Commissioner Wilken, and upon being put to a vote, the vote was as follows:

Ken Adams, Chairman	--	AYE
Karen T. Marcus, Vice Chairman	--	AYE
Kenneth Spillias, Member	--	AYE
Jerry L. Owens, Member	--	ABSENT
Dorothy Wilken, Member	--	AYE

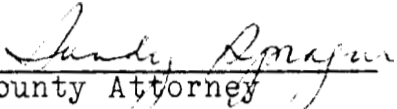
The foregoing resolution was declared duly passed and adopted this 19TH day of NOVEMBER 1985 confirming action of the 22nd August 1985.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney

