

RESOLUTION NO. R- 86-129

RESOLUTION APPROVING ZONING PETITION 85-142, 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. 85-142 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 30th October 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 30th of October 1985, that Petition No. 85-142 the petition of SOUTH FLORIDA RADIO, INC., By Carl J. Auel, President, for a SPECIAL EXCEPTION TO ALLOW RADIO TRANSMISSION AND RELAY TOWERS, INCLUDING ACCESSORY BUILDINGS AND STRUCTURES on that part of Section 5, Township 43 South, Range 40 East, more particularly described as follows:

Beginning at a point on the South line of said Section 5, South 89 degrees 38'55" West, a distance of 1336.02 feet from the Southeast corner of said Section 5; thence continuing South 89 degrees 38'55" West along the South line of said Section 5, a distance of 668.01 feet; thence North 0 degree 14'18" West, a distance of 848.02 feet; thence North 89 degrees 38'55" East, a distance of 667.12 feet;

thence South 0 degree 18'02" East, a distance of 848.02 feet to the Point of Beginning.

Together with an easement for ingress and egress over the East 100 feet of said Section 5 and over the North 100 feet of Section 8 in said Township 43 South, Range 40 East. Said property located on the north side of Cole Road, approximately 0.3 mile west of the L-8 Canal 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 landscape requirements, pursuant to the Landscape Code Section 4.D. and E.
2. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made. (Existing mobile homes may remain for security and storage purposes.)
3. The towers shall not be permitted to encroach into or through any established public or private airport approach plane, as established by the Federal Aviation Administration. F.A.A. Certification of Compliance with this requirement shall be submitted to the Zoning Division prior to site plan certification.
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. Property owner shall provide to the County Engineer and County Attorney verification of legal access.
8. The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department Permit section prior to the application of a Building Permit.
9. The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting.

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

The foregoing resolution was declared duly passed and adopted

this day of **FEB 11 1986** confirming action of the 30th October  
1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUMKLE, CLERK

BY: *John B. Dumkle*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

*Dandy Grogan*  
County Attorney