

RESOLUTION NO. R-89- 586

RESOLUTION APPROVING ZONING PETITION NO. 87-143
SPECIAL EXCEPTION PETITION OF JOHN D. AND MAUREEN C. CORBITT

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. 87-143, was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 28, 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. 87-143, the petition of JOHN D. AND MAUREEN C. CORBITT, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION, RELAY STATION AND TOWER AND ACCESSORY EQUIPMENT BUILDING on a parcel of land lying on a portion of Tract 6, and the East 1/2 of Tract 7, Block 5, Palm Beach Farms Company Plat No. 3, Section 34, Township 43 South, Range 42 East, as recorded in Plat Book 2, Pages 45 thru 54, inclusive; being more particularly described as follow:

Beginning at the Southeast corner of said Tract 6; thence South 89 degrees 24' 41" West, a distance of 298.00 feet; thence North 00 degrees 35' 19" West, a distance of 169.24 feet; thence North 44 degrees 49' 26" West, a distance of 199.25 feet; thence North 00 degrees 35' 19" West, a distance of 293.00 feet; thence

North 89 degrees 24' 41" East, a distance of 437.00 feet; thence South 00 degrees 35' 19" East, a distance of 605.00 feet to the POINT OF BEGINNING afore described.

Less the North 55.00 feet thereof for Lake Worth Drainage District (L.W.D.D.) Lateral Canal No. 3, located on the southwest and southeast corners of the intersection of Belvedere Road (10th Street North) and Tall Pines Road, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to site plan certification, the petitioner shall submit documentation substantiating that the proposed tower is not located within the air flight height restrictions zoned according to the Airport Zoning Code.
2. Simultaneously with site plan submittal to the Site Plan Review Committee, the petitioner shall submit engineer's certified calculation substantiating the one-hundred ten percent (110%) breakpoint calculation, or reposition the tower to meet the one-hundred ten percent (110%) setback requirement.
3. The petitioner shall replace on a one to one ratio, in numbers and species, the native material proposed to be removed. This replanting program shall be graphically depicted on the site plan, prior to site plan certification.
4. Prior to site plan certification, the site plan shall be revised to indicate the following:
 - a. Twenty foot paved ingress and egress easement to the tower location from Belvedere Road.
 - b. Paved access and parking lot or obtain variance relief from Engineering Department.
 - c. Required handicapped space.
 - d. Minimum trees to be planted.
5. The petitioner shall provide one of the three perimeter landscape strips. Staff recommends the petitioner locate the perimeter landscape twenty feet from the **sub** area perimeter rather than site perimeter to provide screening of facility from residences.
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. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$27.00 (1 trips X \$26.79 per trip).
8. In addition the petitioner shall contribute the amount of \$8.60 as established in Article V Section 3 (Insignificant Project 'Standard) of the Traffic Performance Standards Code. These total funds of \$35.60 shall be paid prior to the issuance of the first Building Permit.
9. The use of the tower shall be limited to commercial microwave transmission and relay for cellular telephone systems and related governmental uses.
10. This Special Exception shall automatically expire within one (1) year after the completion of the Belvedere Road - Florida's Turnpike (Sunshine State Parkway) Interchange. The approval may be extended by the Board of County Commissioners upon petition pursuant to Section 401.1 of the Palm Beach County Zoning Code.
11. Petitioner agrees to accommodate concurrent governmental uses of the tower at no charge to the public, provided that such uses will not interfere with the principal operation of channels on the tower.

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:

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|-------------------|----|--------|
| Carol A. Roberts | -- | Nay |
| 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 4th day of April, 1989 confirming action of January 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY :


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK OF BOARD