

RESOLUTION NO. R-89- 738

RESOLUTION APPROVING ZONING PETITION NO. 88-70
SPECIAL EXCEPTION PETITION OF J.J. TAYLOR COMPANIES, INC.

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. 88-70 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on July 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. 88-70 the petition of J.J. TAYLOR COMPANIES, INC., by James D. Connor, Agent, for a SPECIAL EXCEPTION TO PERMIT A COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWERS, on a parcel of land being Lots 13 to 18, Block 3 and Abandoned Lane 'B', Lots 5 to 13 and Lots 15 to 20, Block 4 and Lots 3 to 5, Block 5, Burmuda Park Addition No. 1, in Section 17, Township 44 South, Range 43 East, recorded in Plat Book 21, Page 50. ~~Less~~ the South 140 feet of Lots 3 to 5, Block 5, located on the north side of Lark Road and is bounded on the east by Prairie Road, approximately 225 feet east of Congress Avenue, in a RS-Single Family Residential Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to certification, the site plan shall be amended to indicate the following:

- a. Towers located the minimum distance from all property lines (one hundred ten (110) percent of their height), or breakpoint calculations shall be certified by a registered engineer and submitted to substantiate the one hundred ten (110) percent breakpoint position; and
2. Use of site shall be limited to four (4) commercial FM radio broadcast towers and accessory structures.
3. Prior to site plan certification, the petitioner shall document that the towers do not encroach into or through public or private airport approach plans as established by the Federal Aviation Administration.
4. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
5. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
6. The developer shall provide discharge control and treatment for 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 the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. 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 Congress Avenue, 53 feet from centerline free of all encumbrances and encroachments. Petitioner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Right-of-way conveyances shall also include "Safe Sight Corners" where appropriate at intersections as determined by the County Engineer.

8. The petitioner shall install a ten (10) foot landscape strip with one (1) native canopy tree ten (10) to twelve (12) feet high upon planting, planted twenty (20) feet on center along the north property line where the site abuts single family residences and along the eastern property line adjacent to Prairie Road. The landscape strip shall be supplemented with a twenty-four (24) inch hedge planted twenty-four (24) inches on center and shall reach a minimum height of six (6) feet within two (2) years.
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.

Commissioner Elmquist 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	--	Aye
Karen T. Marcus	--	Aye
Dorothy Wilken	--	Absent
Jim Watt	--	Absent

The foregoing resolution was declared duly passed and adopted this 25th day of April, 1989 confirming action of July 28, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Barbara Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June J. Haldy
DEPUTY CLERK