

RESOLUTION NO. R-89-1230

RESOLUTION APPROVING ZONING PETITION NO. 88-26(A)  
SPECIAL EXCEPTION PETITION OF BELLSOUTH MOBILITY, 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. 88-26(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 31, 1989; 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. 88-26(A) the petition of BELLSOUTH MOBILITY, INC., for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A PLANNED INDUSTRIAL DEVELOPMENT (PETITION 88-26) TO. (1) INCLUDE COMMERCIAL AM/FM RADIO, TELEVISION, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWERS AND ACCESSORY EQUIPMENT BUILDINGS (RADIO TOWER) AND (2) REDESIGN THE SITE on a parcel of land lying in Section 27, Township 43 and Range 42 in the Westerly 330.00 feet of Tract 11, Block 7, Palm Beach Farms Company Plat No. 3, Plat Book 2, Pages 45 to 54, inclusive. Together with perpetual easement rights over the East 25.00 feet of Tracts 10 and 3, adjoining said Tract 11, for purposes of egress and ingress in Deed Book 1081, Page 177, being located on the northeast corner of Johnson Lane and Fairgrounds Road North (7th Place North), in an IL-Light Industrial Zoning District, was approved as advertised, subject to the following conditions:

1. The developer shall comply with all previous conditions of approval, unless expressly modified herein.

2. Prior to certification, the site plan shall be amended to indicate:
  - a. Required total number of trees for Parcel Number 4; and
  - b. Location of the cabbage palm, slash pine, and oak to be preserved/relocated on site; and
  - c. Required twenty-five (25) foot access dimension.
3. Simultaneously with Site Plan Review Committee application, the petitioner shall submit in duplicate a cross-access agreement across Parcel 3, to be accepted and approved by the County Attorney.
4. Prior to the issuance of a Building Permit the property owner shall record the proposed plat thru the Office of the County Engineer.
5. The petitioner 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 \$54.00 (2 trips X \$26.79 per trip).
6. Prior to site plan certification, the petitioner shall obtain approval of the breakpoint calculations for the antenna, as required by Zoning Code Section 500.10 (Commercial AM/FM Radio, Television, Microwave, Transmission Relay Towers and Accessory Equipment and Buildings) subject to approval by the Building Division of Palm Beach County.
7. Failure to comply with any conditions of approval 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 Howard moved for approval of the petition. The motion was seconded by Commissioner Roberts and upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Aye
Carole Phillips	--	Absent

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 31, 1989.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

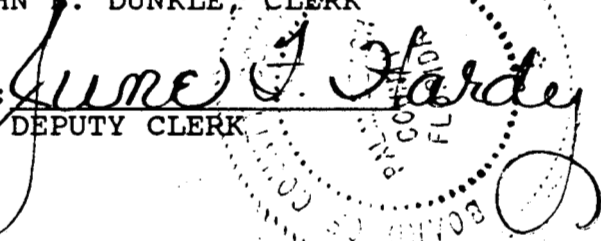
BY :

  
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY :

  
DEPUTY CLERK