

RESOLUTION NO. R-92- 363

RESOLUTION APPROVING ZONING PETITION NO. 91-31
SPECIAL EXCEPTION PETITION OF MCL ASSOCIATES AGENT

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, have been satisfied; and

WHEREAS, Petition No. 91-31 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on December 9, 1991; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, 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 the 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, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

WHEREAS, Chapter 402.5 of the Zoning Code, requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 91-31, the petition of MCL ASSOCIATES, BY GEORGE M. ARROYO, AGENT, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL AM/FM TELEVISION, MICROWAVE TRANSMISSION RELAY STATION AND TOWER AND ACCESSORY BUILDINGS (RADIO TOWER) on a parcel of land lying in the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 (LESS the East 50.00 feet of the South 135.00 feet and the South 81.00 feet) of Section 24, Township 43 South, Range 42 East, LESS, ALSO, those lands described in right-of-way deed recorded in O.R.B. 2318, Page 1728, and SUBJECT TO all other easements, restrictions and reservations of record; SUBJECT TO road right-of-way of State Road 704 (Okeechobee Road), as now laid out and in use; ALSO KNOWN AS the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southwest 1/4 (LESS the East 50.00 feet of the south 135.00 feet and the south 121.00 feet) of Section 24, Township 43 South, Range 42, East Palm Beach County, Florida, and being located ON THE N SIDE OF OKEECHOBEE BLVD., APPROX. .2 MILE W OF MILITARY TR., IN THE CG ZONING DISTRICT, was approved on December 9, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. Prior to site plan certification, the site plan shall be amended to indicate compliance with all minimum property development regulations and land development requirements of Palm Beach County.
2. Development of the site is limited to the uses and site design shown on the site plan approved by the Board of County Commissioners (Exhibit No. 13). Any modifications must be approved by the Board of County Commissioners unless the proposed use or design changes are permitted pursuant to Zoning Code Section 402.7(E)2 (b) (Site Plan Review Committee Powers and Standards of Review) or required by the conditions of approval contained herein.
3. The petitioner shall submit an application to the Site Plan Review Committee for the certification of the site plan approved by the Board of County Commissioners for this site prior to March 7, 1992.

B. BUILDING AND SITE DESIGN

1. Total gross floor area shall be limited to a maximum of 51,025 square feet.

C. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

D. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the north and west property lines shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip.
 - b. A six (6) foot high concrete wall or concrete fence.
 - c. One fourteen (14) foot tall native canopy tree planted every twenty (20) feet on center.
 - d. All trees required by this condition shall meet at a minimum the following standards:
 - 1) Tree species: 100% native canopy.
 - 2) Tree height: fourteen (14) feet minimum.

- 3) Trunk diameter: 3.5 inches at 4.5 feet above grade.
 - 4) Canopy diameter: seven (7) feet minimum. The diameter shall be determined by the average canopy radius at 3 points **measured** from the trunk to the outermost branch tip. Each radius shall measure at least **3.5 feet** in length.
- e. Twenty-four (**24**) inch high shrubs or hedge material spaced no more than twenty four (**24**) inches on center at installation, to be maintained at a minimum height of forty-eight (**48**) inches.

E. RADIO TOWERS

1. Palm Beach County shall have the right to co-locate County communication equipment on the subject tower provided that the placement **of** County equipment does not interfere with the petitioner's equipment or operations.
2. Simultaneously with submittal to Site Plan Review Committee, the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning, Zoning & Building Department.
3. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport approach pattern **as** established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports.

F. COMPLIANCE

1. **As** provided in Zoning Code Sections **400.2** and **402.6**, failure **to** comply with any of these conditions of approval at any time may result in one or more of **the** following:
 - a. The denial or suspension of a building permit or certificate of occupancy and use; the issuance **of** a stop work order; the denial or suspension of any permit or approval for any developer, owner, contractor, agent, tenant, lessee, or user of the subject property;
 - b. **The** revocation of any special exception for **the** property, **as well** as any previously granted certifications of concurrency or exemptions therefrom;
 - c. Rezoning of the property;
 - d. The addition or modification of conditions, including a requirement that the development conform with updated standards of development applicable at the time of the finding of non-compliance;
 - e. Citation of the property owner for violation of **the** Zoning Code.

2. Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of special exception, rezoning, or other actions based on a Board of County Commissioners decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Commissioner McCarty moved for approval of the Resolution.

The motion was seconded by Commissioner Foster and, upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Absent
Carol J. Elmquist	--	Aye
Mary McCarty	--	Aye
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 10th day of March, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

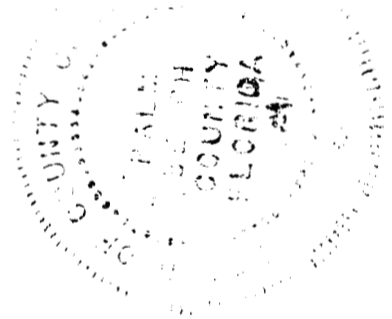
MILTON T. BAUER, CLERK

BY:


COUNTY ATTORNEY

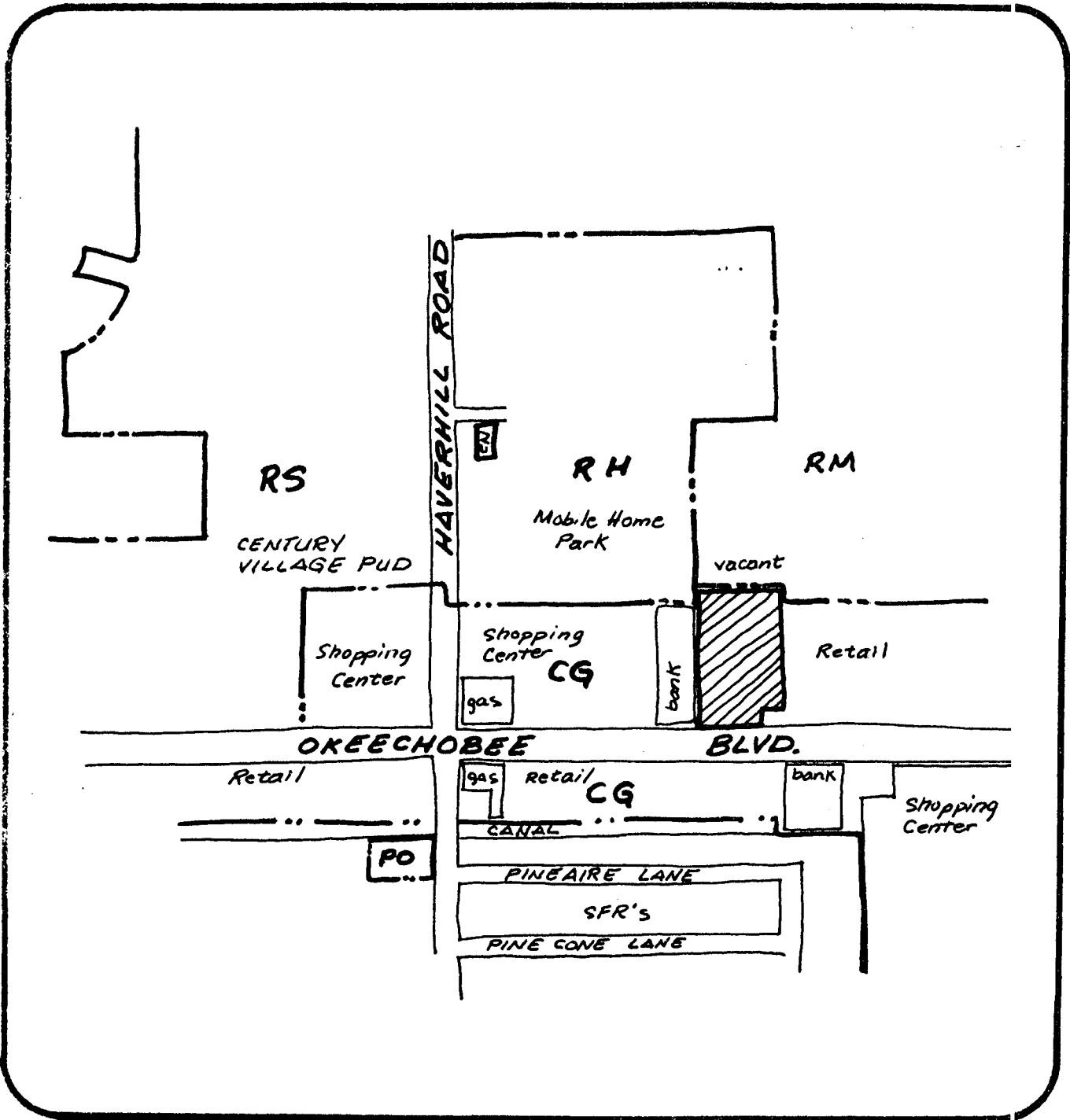
BY:


DEPUTY CLERK



Sec. 24 Twp. 43 Rng. 42
Quadrant Sheet: 31
Aerial Page: 143

Vicinity Sketch



Request:

SPECIAL EXCEPTION: COMMERCIAL AM/FM TELEVISION MICROWAVE TRANSMISSION AND RELAY STATION AND TOWER AND ACCESSORY BUILDING (RADIO TOWER).

PETITION NO: 91-31

BCC DISTRICT: 1