

RESOLUTION NO. R-85-584

RESOLUTION APPROVING ZONING PETITION 84-196, 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. 84-196 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on the 4th January 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. The 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 4th of January 1985, that Petition No. 84-196 the petition of WILLIAM E. BOWMAN for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL RADIO, MICROWAVE TRANSMISSION AND RELAY TOWER INCLUDING ACCESSORY BUILDINGS AND STRUCTURES on Tracts 47, 48, 49 and 50, Block 7, Palm Beach Farms Company Plat No. 1, in Section 7, Township 46 South, Range 42 East, as recorded in Plat Book 2, Page 27. Said property located on the south side of 132nd Place South, approximately .3 mile west of Smith-Sundy Road being bounded on the south by 135th Street South and approximately 160 feet east of U.S. 441 (S.R. 7) in an AR-Agricultural Residential District was approved as advertised subject to the following conditions:

1. Prior to Site Plan certification a revised site plan showing the required 8 feet high fencing or wall shall be submitted. A letter

from an authorized representative of the F.A.A. or registered Engineer shall be submitted confirming the tower's noninterference with private or public airport approach airspace.

2. The petitioner shall convey to the Lake Worth Drainage District the South fifteen (15) feet of Tracts 49 and 50, Block 7, Palm Beach Farms Company Plat No. 1 (also known as the North half of the 30 foot right-of-way adjacent to the aforementioned tracts) for the required right-of-way for Lateral Canal No. 31, by quit claim deed or an easement deed in the form provided by said District, within ninety (90) days of adoption of the resolution by the Board of County Commissioners.

3. 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.

4. Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

5. 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.

Commissioner MARCUS, moved for approval of the petition. The motion was seconded by Commissioner OWENS, and upon being put to a vote, the vote was as follows:

Ken Spillias, Chairman	--	AYE
Dorothy Wilkens, Vice Chairman	--	ABSENT
Kenneth M. Adams, Member	--	AYE
Karen T. Marcus, Member	--	AYE
Jerry L. Owens, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this 9th day of April confirming action of the 4th January 1985.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUMKLE, CLERK

BY: Barbara O'Polyn  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

Sandy Ingram  
County Attorney