

8/14/89

RESOLUTION NO. R-89-2207

RESOLUTION APPROVING ZONING PETITION NO. 83-172(A)
SPECIAL EXCEPTION PETITION OF JOHANNES A. AND
GENOVEVA JETTINGHOFF

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. 83-172(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on June 29, 1989; 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 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, 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. 83-172(A) the petition of JOHANNES A. AND GENOVEVA JETTINGHOFF, by Fred Faulkner, 111, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A COMMERCIAL TELEVISION, MICROWAVE TRANSMISSION AND RELAY TOWER AND ACCESSORY EQUIPMENT BUILDING TO INCREASE THE BUILDING SQUARE FOOTAGE (PETITION 83-172) on a parcel of land lying on the West 324.44 feet .of Tract 9, Northwest 1/4, of the Plat of Section 36, Township 44 South, Range 42 East, Plat Book 3, Page 10, excepting however, the North 350.00 feet thereof; together with a 20.00 foot easement for ingress and egress described as follows: the South 20.00 feet of the North 370.00 feet of Tract 9 of said Northwest 1/4 of the Plat of Section 36, Township 44 South, Range 42 East, excepting the West 324.44 feet and the East 53.00 feet thereof, being located approximately 300 feet west of Military Trail (SR 809), approximately .5 mile north of Lantana Road (SR 812), in the AR-Agricultural Residential Zoning District, was approved on June 29, 1989, as advertised, subject to the following conditions:

- 1. All previous conditions of approval shall be complied with.

2. Prior to Site Plan Review Committee approval, the site plan shall be amended to reflect:
 - a. Tower height **of** a maximum of 150 feet; and,
 - b. Alternative Landscape Strip Number 3 along the north and south property lines. Existing vegetation may be used to meet these planting requirements. No landscape strip is required adjacent to the access drive.

3. At the time of Site Plan Review Committee application, the petitioner shall submit:
 - a. A recorded copy of the ingress/egress easement granting access to this site; and,
 - b. Per Condition No. **4** of Petition No. 83-172, a recorded Unity of Title with the 1.86 acre parcel to the east.

4. No off premise signs shall be permitted on site.

5. 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 Roberts moved for approval **of** the Resolution.

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

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

The Chair thereupon declared the resolution was duly passed and adopted this 12th day of December, 1989.

APPROVED AS **TO FORM**
AND LEGAL SUFFICIENCY

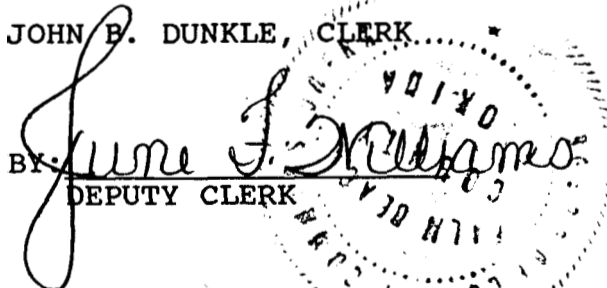
PALM BEACH COUNTY, FLORIDA
BY **ITS** BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

