

RESOLUTION NO. R-91- 1469

RESOLUTION APPROVING ZONING PETITION NO. 86-86(A)
SPECIAL EXCEPTION PETITION OF
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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. 86-86(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its Public Hearing conducted on July 25, 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. 86-86(A), the petition of SOUTH FLORIDA WATER MANAGEMENT DISTRICT, BY PAMELA PECKHAM, AGENT, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR A GOVERNMENTAL SERVICES AND ACCESSORY BUILDINGS AND STRUCTURES AND A COMMERCIAL RADIO, MICROWAVE TRANSMISSION AND RELAY STATIONS AND TOWER TO RELOCATE AND INCREASE THE HEIGHT OF THE TOWER on a parcel of land lying EAST 735.00 FEET OF TRACT 7 AND ALL OF TRACT 8, BLOCK 7, PALM BEACH FARMS COMPANY, PLAT NO. 3, PLAT BOOK 2, PAGE 45 THRU 54; LESS THE NORTH 60.00 FEET THEREOF; SUBJECT TO:
a) A RIGHT-OF-WAY OVER THE SOUTH 25.00 FEET RIGHT-OF-WAY DEED IN OFFICIAL RECORD BOOK 2428, PAGE 1209; b) A RIGHT-OF-WAY OVER THE EAST 40.00 FEET OF THE AFORESAID TRACT 8, BLOCK 7, RIGHT-OF-WAY DEED, OFFICIAL RECORD BOOK 2428, PAGE 1209; c) AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY OVER THE SOUTH 10.00 FEET AND OVER THE EAST 10.00 FEET OF THE ABOVE TRACT NET OF THE ROAD RIGHTS-OF-WAY DESCRIBED HEREIN; TOGETHER WITH EASEMENT RIGHTS OVER THE SOUTH 59.00 FEET OF THE NORTH 60.00 FEET OF TRACTS 7 AND 8, LESS THE EAST

40.00 FEET, OFFICIAL RECORD BOOK 2431, PAGE 857. THESE LANDS ARE DESCRIBED IN OFFICIAL RECORD BOOK 5003, PAGE 781, AND ARE ALSO SUBJECT TO THE FOLLOWING: a) AN EASEMENT TO SOUTHERN BELL TELEPHONE & TELEGRAPH COMPANY, RECORDED IN OFFICIAL RECORD BOOK 5508, PAGE 957; b) A RIGHT-OF-WAY DEED OVER THE WEST 20.00 OF THE EAST 60.00 FEET OF THE AFORESAID TRACT 8 BLOCK 7, OFFICIAL RECORD BOOK 5299, PAGE 737; c) UTILITY EASEMENT TO FLORIDA POWER AND LIGHT OVER A PORTION OF TRACT 8, BLOCK 7, OFFICIAL RECORD BOOK 5435, PAGE 114, ALL BEING SITUATED IN SECTION 31, TOWNSHIP 43 SOUTH, RANGE 42 EAST, and being located on the NW CORNER OF THE INTERSECTION OF SANSBURY'S WAY AND FAIRGROUNDS RD. N, in the IL Zoning District, was approved on July 25, 1991, as advertised, subject to the following conditions:

A. STANDARD CONDITIONS

1. The petitioner shall comply with all previous conditions of approval, including original deadlines for Zoning Code Section 402.9 compliance, unless expressly modified herein.
2. 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.
3. 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. 29). 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.

B. DUMPSTER

1. All areas or receptacles for the storage and disposal of trash, garbage or vegetation, such as dumpsters and trash compactors, shall:
 - a. be confined to areas designated on the site plan and shall be screened by a solid opaque enclosure. The open end of the enclosure shall have an obscuring, opaque gate.

C. HEALTH

1. No further utility confirmation is required for this modification.

D. LANDSCAPING - GENERAL

1. Prior to site plan certification, the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum tree planting requirements and all landscape/vegetation preservation conditions of approval.

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E. ENGINEERING

1. 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 on-site 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.

F. RADIO TOWER

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 and that any request complies with the petitioner's Allocation of Tower Space procedure.
2. 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.
3. Prior to Site Plan Certification approval, the site plan shall be amended to accurately reflect the existing certified site plan with the exception of the tower location.

G. USE LIMITATION

1. Use of the site shall be limited to 120,750 square feet of government services and a radio tower.

H. VEGETATION

1. Prior to removal of any vegetation on site, the petitioner shall schedule a Pre-clearing Inspection with the Zoning Division. All transplantable native vegetation shall be identified. Native vegetation identified to be transplanted shall be relocated to perimeter buffer areas or other open space areas on the site.

I. 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:

- a. 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; and/or
- b. The revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
- c. A requirement of the development to conform with updated standards of development, applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions.

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 Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

- 2. The approval of this radio tower shall not affect any Zoning Code Section 402.9 (Mandatory Review of Development Approval) review date established as the result of a previous approval for this property.

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:

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

The Chair thereupon declared the resolution was duly passed and adopted this 8th day of October, 1991.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY:


COUNTY ATTORNEY

JOHN B. DUNKLE, CLERK


DEPUTY CLERK