

RESOLUTION NO. R- 84-516

RESOLUTION APPROVING ZONING PETITION 83-172, 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. 83-172 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 22nd December 1983; 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 proposed Special Exception is consistent with the requirements of the Comprehensive Plan.
2. The proposed guyed towers should not have significant visual impacts upon nearby properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 22nd day December 1983, that Petition No. 83-172 the petition of JOHANNES A. & GENOVEVA JETTINGHOFF, By plan J. Ciklin, Attorney, for a SPECIAL EXCEPTION TO ALLOW A COMMERCIAL TELEVISION MICROWAVE TRANSMISSION AND RELAY TOWER AND ACCESSORY EQUIPMENT BUILDING on the West 324.44 feet of Tract 9, Northwest 1/4, of the plat of Section 36, Township 44 South, Range 42 East, as recorded in Plat Book 3, Page 10, excepting however, the North 350.00 feet thereof. Together with a 20 foot easement for ingress and egress being more particularly described as follows:

The South 20 feet of the North 370 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 feet thereof. Said property located

approximately 300 feet west of Military Trail (S.R.809) approximately 1/2 mile north of Lantana West Road in an **AR-Agricultural Residential** District was approved as advertised **subject** to the following conditions:

1. The development shall retain **onsite** 85% of the **stormwater** runoff generated by a three **(3)** year **storm** per requirements of the Permit Section, Land Development Division.
2. This facility shall be **unmanned** except for occasional maintenance.
3. Prior to site plan certification, the developer shall submit engineering calculations substantiating the location of the 110% fall radius.
4. Prior to site plan certification, the developer shall execute a Unity of Title tying this 2.5 acre site to the remainder of the original **4.36** 'acre non-conforming parcel.
5. Prior to certification, the site plan shall be amended to reflect the required **8** foot high chain link fence around the base of all towers and transmission equipment.

Commissioner Koehler , moved for approval of the petition.

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

Peggy E. Evatt, Chairman	--	ABSENT
Ken Spillias, Vice Chairman	--	AYE
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	AYE

The foregoing resolution was declared duly passed and adopted this **17th** day of April., **1984** , confirming action of **22nd** December 1983.

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY


County Attorney