

RESOLUTION NO.' R- 87- 1194

RESOLUTION QPFROVING ZONING PETITION' 87-48, Special Exception

WHEREQS, 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

WHEREERS, 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

WHEREQS, Petition No. 87-48 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 28, 1987 and

WHEREERS, 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

WHEREERS, 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

WHEREERS, the Board of County Commissioners made the following findings of fact:

1. With required site plan modifications, this proposal will be consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session that Petition No. 87-48, the petition of LARRY G. CARROLL, by Linda LaBat, Agent, for a SPECIAL EXCEPTION TO ALLOW COMMERCIAL RADIO, TELEVISION, MICROWAVE TRANSMISSION BAND RELAY STATIONS AND TOWERS AND ACCESSORY EQUIPMENT BUILDINGS on a parcel of land in the southeast 1/4 of Section 21, Township 47 South, Range 38 East. More particularly described as follows: Commencing at the Southeast corner of said Section 21; thence South 89 degrees 47' 15" West 607.41 feet along the South line of said Section 21; thence North 55 degrees 10' 50" East 1029.70 feet to the point of intersection with the Westerly Right-of-way line of U.S. Highway No. 27; thence North 34 degrees 49' 10" West, 250.00 feet along said Westerly Right-of-way; thence South 55 degrees 10' 50" West 365.33 feet; thence South 34 degrees 49' 10" East 206.00 feet; thence South 55 degrees 10' 50" West 184.66 feet to the Point of Beginning; thence South 34 degrees 49' 10" East 44.00 feet; thence South 55 degrees 10' 50" West 100.00 feet; thence North 34 degrees 49' 10" West 100.00 feet; thence North 55 degrees 10' 50" East 100.00 feet; thence South 34 degrees 49' 10" East 56.00 feet to the Point of Beginning. Together with a 12.00 feet wide ingress and egress easement more particularly described as follows: Commencing at the Southeast corner of said Section 21; thence South 89 degrees 47' 15" West 607.41 feet along the South line of said Section 21; thence North 55 degrees 10' 50" East 1029.70 feet to the point of intersection with the Westerly Right-of-way line of U.S. Highway No. 27; thence North 34 degrees 49' 10" West 1,250.00 feet along said Westerly Right-of-way; thence South 55 degrees 10' 50" West 26.95 feet to the Point of Beginning; thence continue South 55 degrees 10' 50" West 338.38 feet; thence South 34 degrees 49' 10" East 206.00 feet; thence South 55 degrees 10' 50" West 184.66 feet; thence North 34 degrees 49' 10" West 12.00 feet; thence North 55 degrees 10' 50" East 172.66 feet; thence North 34 degrees 49' 10" West 206.00 feet; thence North 55 degrees 10' 50" East 350.38 feet; thence South 34 degrees 49' 10" East 12.00 feet to the Point of

Beginning. The property is located on the west side of US Highway 27, approximately .4 miles north of the Palm Beach County/Broward County line in an AR-Agricultural Residential Zoning District and was approved as advertised subject to the following conditions:

1. Prior to site plan certification, the site plan shall be amended to indicate the following:
 - a) Towers located the minimum distance from all property lines (one hundred ten {110} percent of their height), or breakpoint calculations shall be certified by a registered engineer and submitted to substantiate the one hundred ten (110) percent breakpoint position.
 - b) That all parking areas be paved in accordance with Section 500.17.E. of the Zoning Code or obtain variance relief from the Board of Adjustment.
 - c) Required number of trees or obtain variance relief from the Board of Adjustment.
2. Prior to site plan certification the developer shall provide verification of legal access to the site subject to approval by the County Engineer and County Attorney's Office.
3. The developer shall retain 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 onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm as required by the Permit Section, Land Development Division. 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.
4. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is \$107.00 (4 trips X \$26.75 per trip).
5. Use of the site shall be limited to a telecommunications relay tower and accessory equipment buildings.

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

Carol A. Roberts -- absent
Kenneth M. Adams -- aye
Karen T. Marcus -- aye
Carol J. Elmquist -- aye
Dorothy Wilken -- 'Rye

The foregoing resolution was declared duly passed and adopted this 11th day of August, 1987 confirming action of May 28, 1987.

PRLM BERCH COUNTY, FLORIDR
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: Lisa E. Disney
Deputy Clerk

RPPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
County Attorney