

RESOLUTION NO. R-89-1071

RESOLUTION APPROVING ZONING PETITION NO. 85-70(A)
SPECIAL EXCEPTION PETITION OF FLORIDA POWER AND LIGHT COMPANY

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. 85-70(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on November 30, 1988; 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, 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 made the following findings of fact:

1. This proposal is 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, that Petition NO. 85-70(A) the petition of FLORIDA POWER AND LIGHT COMPANY, by G. Kent Keech, Agent, for a SPECIAL EXCEPTION TO AMEND THE SITE PLAN FOR AN ELECTRIC POWER AND LIGHT SUBSTATION AND SERVICE FACILITIES, INCLUDING ACCESSORY BUILDINGS AND STRUCTURES (PETITION NO. 85-70) TO RELOCATE AND INCREASE THE HEIGHT OF AN EXISTING MICROWAVE TRANSMISSION TOWER on a parcel of land lying on the East 1550.00 feet of the North 1/2 of the South 1/2 of the North 1/2 of the Northeast 1/4 of Section 13, Township 46 South, Range 41 East, being located on the west side of State Road 7 (US 441), approximately .8 mile north of Delray West Road, in an AR-Agricultural Residential Zoning District, was approved as advertised, subject to the following conditions:

1. The petitioner shall comply with all previous conditions of approval, unless expressly modified herein.
2. Prior to Site Plan Review submittal, the site plan shall be amended to indicate a chainlink fence or wall

not less than eight (8) feet in height from finished grade around the base of the tower. Access to the tower shall be through a locked gate.

3. The towers location as it relates to the proposed breakpoint calculations, shall be subject to review and approval by the Building Division.
4. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
5. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan certification (or prior to issuance of Building Permit for straight rezoning).
6. Prior to Site Plan certification by the Site Plan Review Committee the property owner shall record a Unity of Control on the subject property subject to approval by the County Attorney.
7. 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 Marcus moved for approval of the petition. The motion was seconded by Commissioner Roberts and, upon being put to a vote, the vote was as follows:

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

The foregoing resolution was declared duly passed and adopted this 6th day of June, 1989 confirming action of November 30, 1988.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

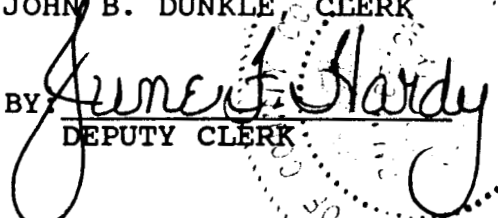
BY:


COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:


DEPUTY CLERK

