

RESOLUTION NO. R-96- 1011

RESOLUTION APPROVING ZONING PETITION CA96-57
CLASS A CONDITIONAL USE
PETITION OF PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
BY FRED ROTH AND JAMES BARNES, AGENTS
(FOREST HILL TOWER)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA96-57 was presented to the Board of County Commissioners at a public hearing conducted on July 25, 1996; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA96-57, the petition of the Palm Beach County Board of County Commissioners, by Fred Roth and James Barnes, agents, for a Class A Conditional Use (CA) to allow a commercial communication tower (400 feet) in the Public Ownership (PO) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster, Chair	--	Aye
Burt Aaronson, Vice Chair	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

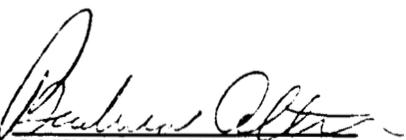
The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:

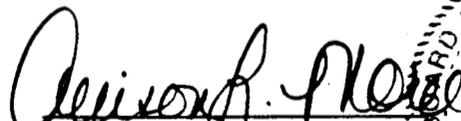

DEPUTY CLERK



EXHIBIT A
LEGAL DESCRIPTION

OVERALL LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN PORTIONS OF TRACTS 4 AND 5, BLOCK 21, 'PALM BEACH FARMS COMPANY PLAT NO. 3', AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE; PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 4, BLOCK 21, SAID PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH $89^{\circ}02'29''$ EAST ALONG THE NORTH LINE OF SAID TRACT 4, A DISTANCE OF 25 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2 EAST; THENCE SOUTH $00^{\circ}55'44''$ EAST ALONG SAID E-2 EAST RIGHT-OF-WAY LINE A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $00^{\circ}55'44''$ EAST A DISTANCE OF 1146.11 FEET; THENCE NORTH $89^{\circ}21'57''$ EAST A DISTANCE OF 373.86 FEET; THENCE NORTH $00^{\circ}21'14''$ EAST ALONG A 6 FOOT CHAIN LINK FENCE A DISTANCE OF 844.15 FEET TO THE NORTHWEST CORNER OF SAID 6 FOOT CHAIN LINK FENCE; THENCE CONTINUE NORTH $00^{\circ}21'14''$ EAST A DISTANCE OF 304.40 FEET; THENCE SOUTH $89^{\circ}02'29''$ WEST A DISTANCE OF 400.79 FEET TO THE POINT OF BEGINNING.

SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

CONTAINING 10.18 ACRES, MORE OR LESS.

EXHIBIT C

CONDITIONS OF APPROVAL

A. FAA

1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS)

B. TOWER

1. Palm Beach County and the State of Florida shall have the right to co-locate communication equipment on the tower, subject to an acceptable lease agreement, provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM)
2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING)
3. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS)
4. The communication tower shall be limited to a maximum 400 foot high self support or monopole structure, measured from finished grade to highest point. (DRC: ZONING - Bldg)
5. The existing 325 foot guyed tower shall be removed from site within 90 days of completion of the new tower. (BLDG PERMIT: BLDG - Zoning)

C. LANDSCAPE

1. The petitioner shall provide a minimum ten (10) foot wide Alternative 3 landscape buffer around the tower lease parcel. (DRC: LANDSCAPE - Zoning)
2. Canopy trees shall be planted twenty (20) feet on center around the tower lease parcel in the landscape buffer. (CO: LANDSCAPE - Zoning)

D. COMPLIANCE

1. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; and/or

- b. The revocation of the Official Map Amendment, conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)