

RESOLUTION NO. R-97- 152

RESOLUTION APPROVING ZONING PETITION DOA96-15(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF PCS PRIME CO., LP  
BY FRED ROTH AND RAYMOND ROYCE, AGENT  
(AGR TOWER (WEST BOYNTON FARM 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, and the Palm Beach County Unified Land Development Code, is **authorized and** empowered to **consider** petitions relating to zoning; 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 **DOA96-15(A)** was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the **recommendations** of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. **This** Development Order Amendment is consistent with the requirements of **the** Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 mounding and in **the** vicinity of the land proposed for development.
5. **This** Development **Order** Amendment, with conditions as adopted, complies with **the** standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable **local land** development regulations.
7. This Development Order **Amendment**, with conditions as adopted, minimizes **adverse** effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA96-15(A), the petition of PCS Prime Co., LP, by Fred Roth and Raymond Royce, agent, for a Development Order Amendment (DOA) to Amend Condition D.4 (tower height) of Resolution R-96-1192 to allow a commercial communication tower (150 feet) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 30, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
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 January 30, 1997.

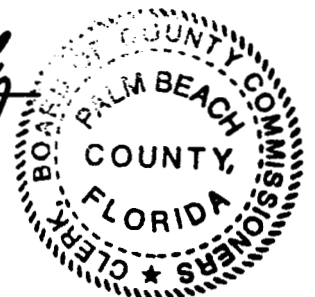
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



**EXHIBIT A**

**LEGAL DESCRIPTION**

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**LEGAL DESCRIPTION (OVERALL):**

TRACTS **107** AND **114**, BLOCK **50**, PALM BEACH FARMS CO. PLAT NO. **3**  
AS RECORDED IN PLAT BOOK **2**, PAGES **45** THROUGH **54**, PUBLIC RECORDS  
OF PALM BEACH COUNTY, FLORIDA;

LESS THE SOUTH **30** FEET OF TRACT **114**, BLOCK **50**, FOR  
BOYNTON BEACH BOULEVARD (S.R. **804**) ROAD RIGHT-OF-WAY:

**LEGAL DESCRIPTION (LEASE AREA):**

A PARCEL OF LAND CONTAINED IN BLOCK **50** OF PALM BEACH COUNTY  
FARMS COMPANY PLAT NO. **3** AS RECORDED IN PLAT BOOK **2**, PAGES **45**  
THROUGH **54**, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

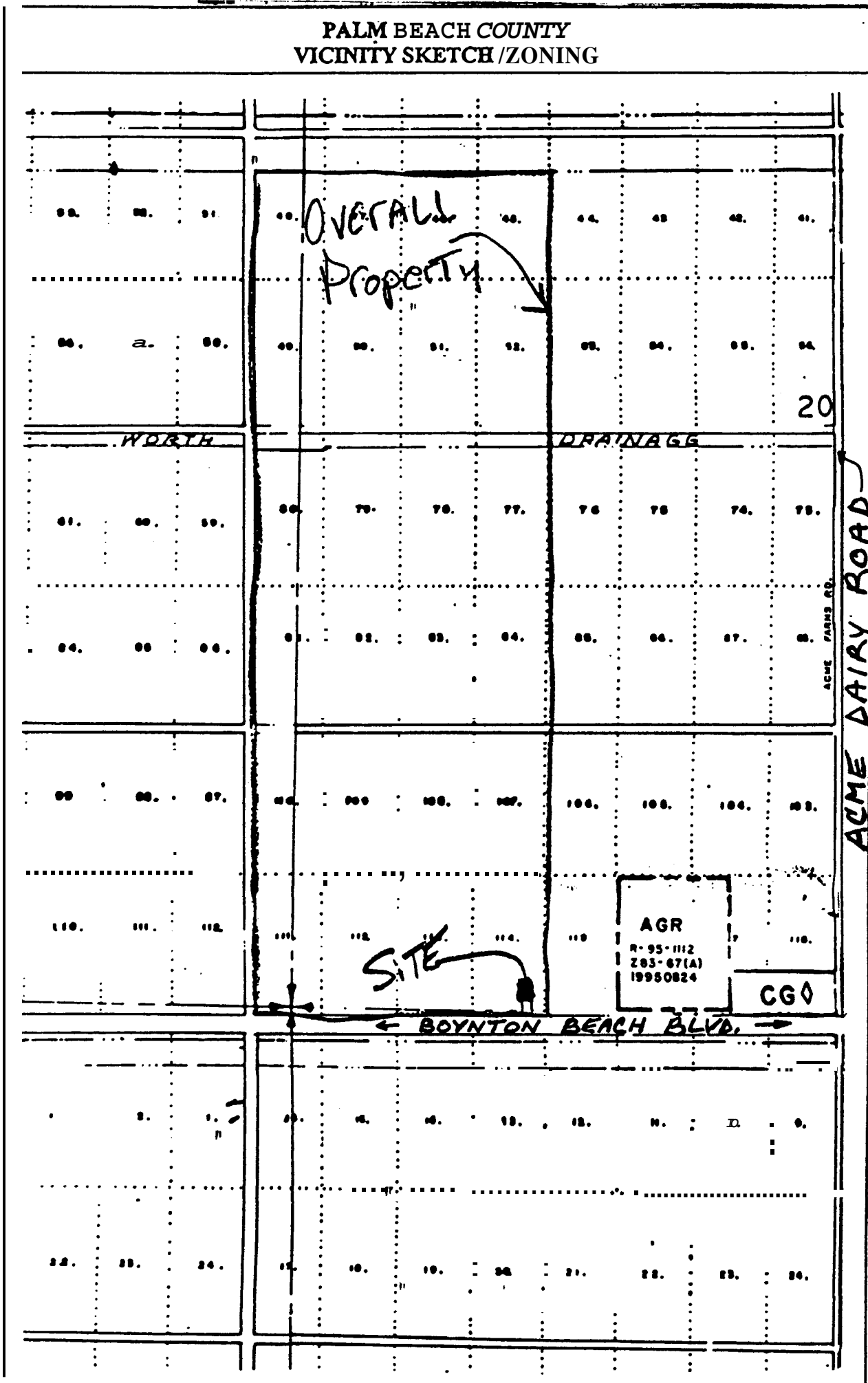
COMMENCING AT THE SOUTHEAST CORNER OF TRACT **114** OF SAID  
BLOCK **50** OF PALM BEACH COUNTY FARMS COMPANY PLAT NO. **3**;  
THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT **114**  
A DISTANCE OF **201.43'** TO A POINT  
THENCE NORTHERLY **90°00'00"** A DISTANCE OF **118.10'**  
TO A POINT AND THE TRUE POINT OF BEGINNING  
CONTINUING AT THE POINT OF BEGINNING  
THENCE WESTERLY **90°00'00"**  
A DISTANCE OF **60.00'** TO A POINT  
THENCE NORTHERLY **90°00'00"**  
A DISTANCE OF **110.00'** TO A POINT  
THENCE EASTERLY **90°00'00"**  
A DISTANCE OF **60.00'** TO A POINT  
THENCE SOUTHERLY **90°00'00"**  
A DISTANCE OF **110.00'** TO A POINT  
BEING THE POINT OF BEGINNING

CONTAINING **6600.00** SQUARE FEET OR **0.152** ACRES MORE OR LESS

EXHIBIT B

VICINITY SKETCH

PALM BEACH COUNTY  
VICINITY SKETCH/ZONING



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are **shown** in **BOLD** and will be carried forward with this petition unless expressly modified.

#### A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as **contained** in Resolutions R-96-1192 (Petition 96-15), have been **consolidated as** contained herein. The petitioner shall comply with all previous **conditions of** approval and deadlines previously **established** by Section **5.8** of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

#### B. 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. (Previously Condition A.1 of Resolution R-96-1192, Petition 96-15) (DRC: AIRPORTS)

#### C. LANDSCAPE

1. The petitioner shall provide a minimum ten (**10**) foot wide Alternative 3 landscape **buffer** around the tower lease parcel except as **permitted** in Section **6.4.D.22.h.** (Communication Tower/Landscape and Buffering) of the **ULDC.** (Previously Condition B.1 of Resolution R-96-1192, Petition **96-15**) (DRC: LANDSCAPE -Zoning)
2. Canopy trees shall be planted twenty (**20**) feet on center around the tower lease parcel in the landscape buffer. (Previously Condition **B.2** of Resolution R-96-1192, Petition **96-15**) (CO: LANDSCAPE - Zoning)

#### D. SIGNS

1. **No** point of purchase **or** freestanding signs shall be **permitted** on the lease **parcel or** parent tract identifying the commercial **communication** tower **or** users. (Previously Condition C.1 of Resolution R-96-1192, Petition 96-15) (CO: BLDG - Zoning)

#### E. ENGINEERING

**No** conditions.

#### F. 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. (Previously Condition **D.1** of Resolution R-96-1192, **Petition 96-15**) (ONGOING: PREM)

2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 64.D22k (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. (Previously Condition **D.2** of Resolution R-96-1192, Petition 96-15) (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**. (Previously Condition **D.3** of Resolution R-96-1192, Petition 96-15) (DRC: **AIRPORTS**)
4. Condition **D.4** of Resolution R-96-1192, Petition 96-15 ~~which~~ states:  
  
The communication tower shall be limited to a maximum **100** foot high self support ~~or~~ monopole structure, measured from finished ~~grade~~ to highest point.  
  
~~It~~ hereby amended to read:  
  
The communication tower shall be limited to a maximum **150** foot high ~~monopole~~ structure, measured ~~from~~ finished grade to highest point. (DRC: **ZONING - Bldg**)
5. The minimum side setback for the tower shall be two hundred and twenty (**220**) feet from the east property line. (Previously Condition **D.5** of Resolution R-96-1192, Petition **96-15**) (DRC: **ZONING - Bldg**)

**G. 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. (Previously Condition E.1 of Resolution R-96-1192, Petition 96-15) **(MONITORING)**