

RESOLUTION NO. R-2015-0112

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2014-00456  
(CONTROL NO. 1985-00007)  
a Development Order Amendment  
APPLICATION OF Vertex Development, LLC  
BY Lauralee G. Westine, P.A, AGENT  
(Boca Tower 1 and 2)

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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application DOA/R-2014-00456 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2015;

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

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Development Order Amendment; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application DOA/R-2014-00456, the petition of Vertex Development, LLC, by Lauralee G. Westine, P.A, agent, for a Development Order Amendment to reconfigure the Master Plan to add Requested Uses (Commerical Communication Tower), 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 January 29, 2015, subject to the Conditions of Approval described in EXHIBIT C-1, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Mayor	-	Aye
Commissioner Mary Lou Berger, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	

The Mayor thereupon declared that the resolution was duly passed and adopted on January 29, 2015.

Filed with the Clerk of the Board of County Commissioners on January 30th, 2015

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

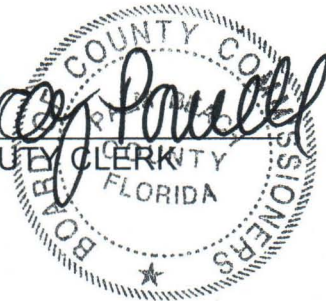
SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK  
FLORIDA



## EXHIBIT A

### LEGAL DESCRIPTION

BOCA WEST P.U.D. OVERALL PARCEL  
(PREPARED BY GEOLINE SURVEYING, INC.)

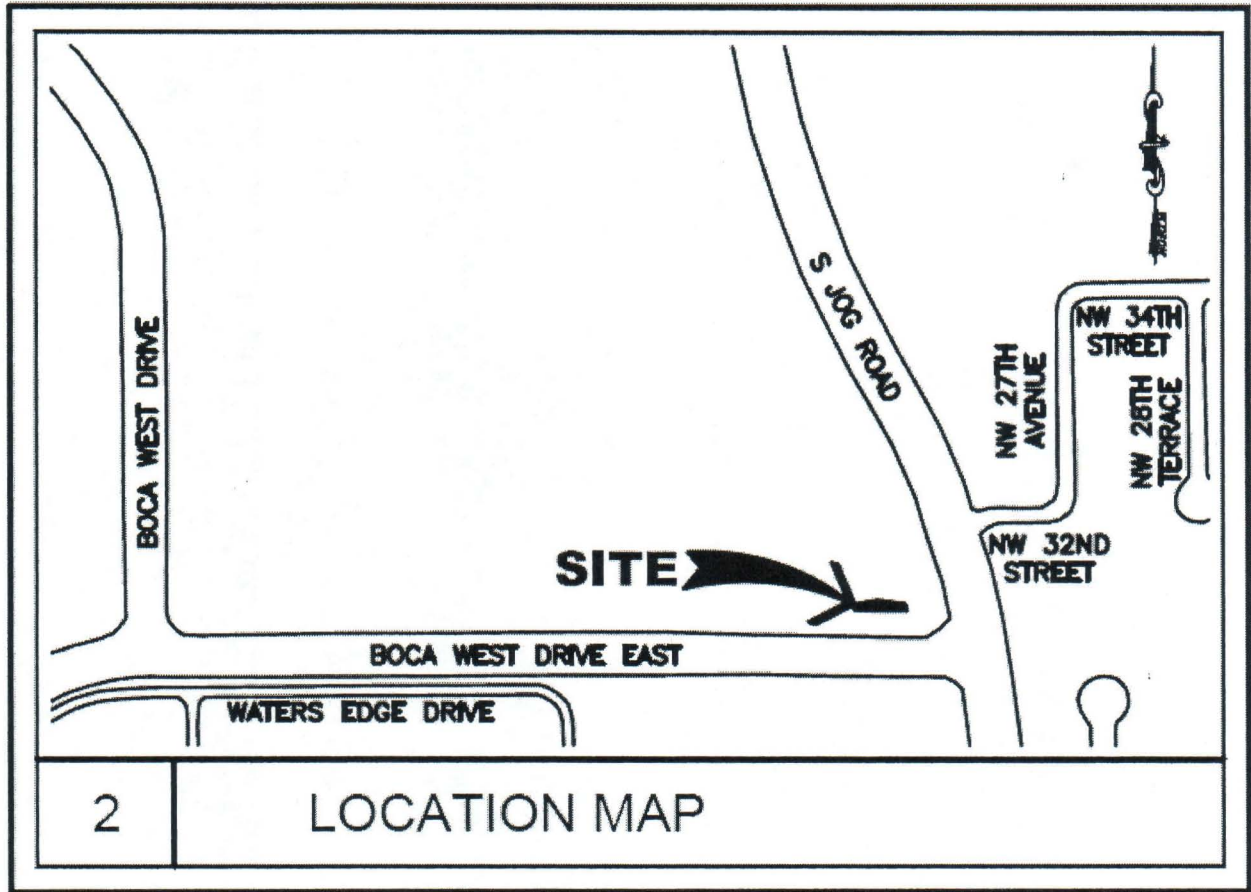
THAT PART OF SECTIONS 9, 10, 15 AND 16, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°36'01" EAST ALONG THE WEST LINE OF SAID SECTION 9 FOR 210.08 FEET; THENCE NORTH 89°23'59" EAST FOR 75.00 FEET TO THE NORTHWESTERLY CORNER OF BOCA WEST P.U.D. MASTER PLAT 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 64, PAGES 196 THROUGH 205 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF YAMATO ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, ALONG THE NORTHERLY LINE OF SAID BOCA WEST P.U.D. MASTER PLAT 1, AND ALONG THE EXTERIOR LINES OF OTHER RECORDED PLATS WITHIN THE "BOCA WEST P.U.D." PROPERTY, FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: (1) NORTH 78°41'18" EAST FOR 407.37 FEET; (1) SOUTH 89°59'15" EAST FOR 4187.51 FEET TO THE NORTHEASTERLY CORNER OF BOCA WEST P.U.D. MASTER PLAT 2, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 66, PAGES 159 THROUGH 177 OF SAID PUBLIC RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID BOCA WEST P.U.D. MASTER PLAT 2, AND ALONG THE EXTERIOR LINES OF OTHER RECORDED PLATS WITHIN THE "BOCA WEST P.U.D." PROPERTY, FOR THE FOLLOWING FOUR (4) DESCRIBED COURSES; (1) SOUTH 01°01'03" EAST FOR 1208.62 FEET; (2) NORTH 89°51'22" EAST FOR 667.22 FEET; (3) SOUTH 01°04'39" EAST FOR 2691.88 FEET; (4) NORTH 89°34'54" EAST FOR 2202.40 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD; THENCE ALONG SAID EASTERLY LINE, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, AND ALONG THE EXTERIOR LINES OF OTHER RECORDED PLATS WITHIN THE "BOCA WEST P.U.D." PROPERTY, FOR THE FOLLOWING FOUR (4) DESCRIBED COURSES; (1) SOUTHERLY ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1963.00 FEET, A CENTRAL ANGLE OF 27°29'03" AND A CHORD OF 932.62 FEET THAT BEARS SOUTH 15°40'57" EAST, FOR 941.63 FEET TO A POINT OF REVERSE CURVATURE; (2) SOUTHERLY ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1857.00 FEET, A CENTRAL ANGLE OF 29°01'19" AND A CHORD OF 930.60 FEET THAT BEARS SOUTH 14°54'48" EAST, FOR 940.62 FEET TO A POINT OF TANGENCY; (3) SOUTH 00°24'09" EAST FOR 2221.56 FEET; (4) SOUTH 00°24'11" EAST FOR 1238.00 FEET TO THE SOUTHEAST CORNER OF SAID BOCA WEST P.U.D. MASTER PLAT 2, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, ALONG THE SOUTHERLY LINE OF SAID BOCA WEST P.U.D. MASTER PLAT 2, AND ALONG THE EXTERIOR LINES OF OTHER RECORDED PLATS WITHIN THE "BOCA WEST P.U.D." PROPERTY, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES; (1) SOUTH 89°09'41" WEST FOR 2582.01 FEET TO A POINT OF CURVATURE; (2) WESTERLY ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 11401.20 FEET, A CENTRAL ANGLE OF 00°35'49", AND A CHORD OF 118.78 FEET THAT BEARS SOUTH 89°27'36" WEST, FOR 118.78 FEET TO A POINT OF TANGENCY; (3) SOUTH 89°45'30" WEST FOR 1456.42 FEET; (4) SOUTH 89°45'30" WEST FOR 1615.26 FEET; (5) SOUTH 89°45'31" WEST FOR 506.94 FEET TO A POINT OF CURVATURE; (6) WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1968.08 FEET, A CENTRAL ANGLE OF 08°14'24", AND A CHORD OF 282.80 FEET THAT BEARS SOUTH 85°38'18" WEST, FOR 283.04 FEET; THENCE ALONG THE WESTERLY LINE OF SAID BOCA WEST P.U.D. MASTER PLAT 2, ALONG THE EXTERIOR LINES OF OTHER RECORDED PLATS WITHIN THE "BOCA WEST P.U.D." PROPERTY, AND ALONG THE WESTERLY LINE OF SAID BOCA WEST P.U.D. MASTER PLAT 1, FOR THE FOLLOWING SIXTEEN (16) DESCRIBED COURSES; (1) NORTH 76°16'39" WEST FOR 401.02 FEET; (2) NORTH 61°47'27" WEST FOR 212.33 FEET; (3) NORTH 43°50'54" WEST FOR 501.73 FEET; (4) NORTH 00°41'53" WEST FOR 628.10 FEET; (5) NORTH 89°37'21" EAST FOR 116.01 FEET; (6) NORTH 00°41'53" WEST FOR 651.28 FEET; (7) NORTH 13°14'28" WEST FOR 304.42 FEET; (8) NORTH 40°23'33" WEST FOR 304.42 FEET; (9) NORTH 53°37'26" WEST FOR 200.00 FEET; (10) NORTH 42°24'25" WEST FOR 200.00 FEET; (11) NORTH 09°43'44" WEST FOR 296.48 FEET; (12) SOUTH 89°01'59" WEST FOR 50.00 FEET; (13) NORTH 00°58'01" WEST FOR 1017.45 FEET; (14) NORTH 00°36'01" WEST FOR 1351.25 FEET; (15) NORTH 89°44'23" EAST FOR 75.00 FEET; (16) NORTH 00°36'01" WEST FOR 3843.39 FEET TO SAID POINT OF BEGINNING.

CONTAINING 1,381 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Development Order Amendment

##### ALL PETITIONS

1. The Preliminary Master Plan is dated November 24, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1985-0661 (Control 1985-00007), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

3. Previous condition 3 of Resolution R-1985-661, Control No.1985-00007, which currently states:

Petitioner shall comply with any previously imposed conditions on this special exception.

**Is hereby deleted.** [REASON: No longer applicable - superceded by All Petitions Condition 2.]

##### HEALTH

1. Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust Particles) from this property do not become a nuisance to neighboring properties.  
(ONGOING:HEALTH-Health) (Previous condition number 1 of Resolution R-1985-661; Control 1985-00007)

2. Previous condition 2 of Resolution R-1985-661, Control 1985-00007, which reads:

Reasonable measures shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.(HEALTH-Health)

Is hereby DELETED [Reason: Code requirement]

##### USE LIMITATIONS

4. There shall be no food or beverage stores in excess of 10,000 square feet in the commercial tracts of the Planned Unit Development. (ONGOING: CODE ENF - Zoning) (Previous condition 4 of Resolution R-1985-661, Control No.1985-00007)

##### COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. 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; the Revocation of any concurrency; 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 Unified Land Development Code 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 of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

#### DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.