

RESOLUTION NO. R-2019- 0262

RESOLUTION APPROVING ZONING APPLICATION DOA/CA-2017-02447
(CONTROL NO. 1980-00212)
a Class A Conditional Use
APPLICATION OF RG Towers, LLC, Westchester Golf and Country Club Assoc.
BY RG Towers, LLC, AGENT
(RG Towers Westchester Club East)

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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 23, have been satisfied;

WHEREAS, Zoning Application DOA/CA-2017-02447 was presented to the Board of County Commissioners at a public hearing conducted on February 28, 2019;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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/CA-2017-02447, the Application of RG Towers, LLC, Westchester Golf and Country Club Assoc, by RG Towers, LLC, Agent, for a Class A Conditional Use to allow a Stealth Commercial Communication Tower, on a parcel of land generally described as shown on the legal description 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 February 28, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Aye
Commissioner Dave Kerner, Vice Mayor	-	Nay
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Aye
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Nay
Commissioner Melissa McKinlay	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 28, 2019.

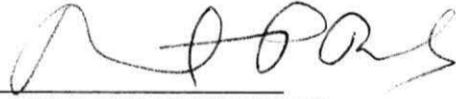
Filed with the Clerk of the Board of County Commissioners on March 25th, 2019.

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



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF RECREATION TRACT "2", PIPERS GLEN UNIT NO. 1 (P.U.D.), AS RECORDED IN PLAT BOOK 43, PAGES 97-101 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEASE PARCEL

COMMENCE AT THE NORTHEAST CORNER OF SAID RECREATION TRACT "2";

THENCE ON A PLAT BEARING OF S01°11'41"E ALONG THE EAST LINE OF SAID RECREATION TRACT "2", A DISTANCE OF 100.28 FEET;

THENCE S88°48'19"W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE S01°11'41"E A DISTANCE OF 100.00 FEET;

THENCE S88°48'19"W A DISTANCE OF 20.00 FEET;

THENCE N01°11'41"W A DISTANCE OF 100.00 FEET;

THENCE N88°48'19"E A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

ACCESS AND UTILITY EASEMENT

COMMENCE AT THE NORTHEAST CORNER OF SAID RECREATION TRACT "2";

THENCE ON A PLAT BEARING OF S01°11'41"E ALONG THE EAST LINE OF SAID RECREATION TRACT "2", A DISTANCE OF 100.28 FEET;

THENCE S88°48'19"W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S88°48'19"W A DISTANCE OF 20.00 FEET;

THENCE N01°11'41"W A DISTANCE OF 99.91 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTH, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF S02°41'35"E, SAID POINT ALSO BEING ON THE NORTH LINE OF SAID RECREATION TRACT "2" AND SOUTH RIGHT-OF-WAY LINE OF PIPERS GLEN BOULEVARD (80 FOOT PUBLIC RIGHT-OF-WAY);

THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT AND ALONG SAID NORTH LINE AND SOUTH RIGHT-OF-WAY LINE, HAVING A CENTRAL ANGLE OF 00°51'46" AND A RADIUS OF 1328.57 FEET FOR AN ARC DISTANCE OF 20.00 FEET (CHORD BEARING = N87°44'17"E AND CHORD DISTANCE = 20.00 FEET) TO A POINT ON A NON-TANGENT LINE;

THENCE S01°11'41"E A DISTANCE OF 100.28 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH:

LANDSCAPE BUFFER EASEMENT

COMMENCE AT THE NORTHEAST CORNER OF SAID RECREATION TRACT "2";
THENCE ON A PLAT BEARING OF S01°11'41"E ALONG THE EAST LINE OF SAID RECREATION TRACT "2", A DISTANCE OF 100.28 FEET;
THENCE S88°48'19"W A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING;
THENCE S01°11'41"E A DISTANCE OF 100.00 FEET;
THENCE S88°48'19"W A DISTANCE OF 20.00 FEET;
THENCE N01°11'41"W A DISTANCE OF 110.00 FEET;
THENCE S88°48'19"W A DISTANCE OF 10.00 FEET;
THENCE S01°11'41"E A DISTANCE OF 120.00 FEET;
THENCE N88°48'19"E A DISTANCE OF 40.00 FEET;
THENCE N01°11'41"W A DISTANCE OF 120.00 FEET;
THENCE S88°48'19"W A DISTANCE OF 10.00 FEET;
THENCE S01°11'41"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;
SAID PARCEL OF LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA CONTAINING 0.152 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

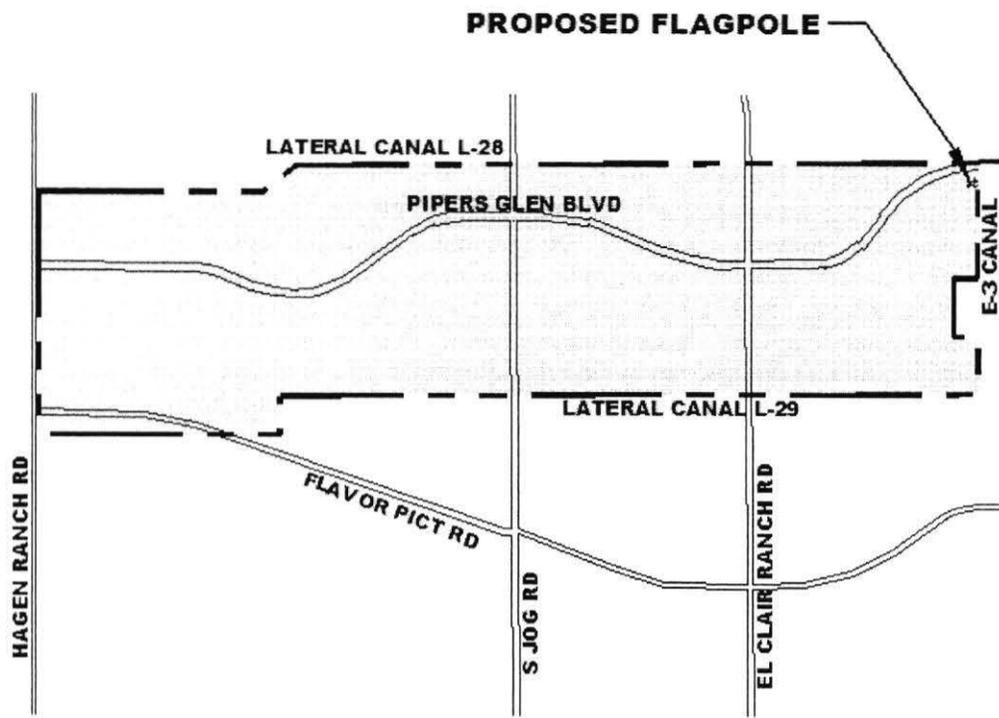


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Site Plan is dated November 7, 2018. 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)

SITE DESIGN-SURETY FOR TOWER REMOVAL

1. Prior to issuance of a Building Permit, Surety shall be submitted by the Property Owner or Tower Operator to ensure the removal of abandoned communication towers. The form of Surety shall be subject to approval by the Executive Director of PZB and the County Attorney. (BLDG/PMT: BUILDING DIVISION - Zoning)

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: MONITORING - 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: MONITORING - Zoning)

DISCLOSURE

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