

RESOLUTION APPROVING ZONING PETITION CB99-048  
CLASS B CONDITIONAL USE  
PETITION OF JAMES CRYSTAL FARMS, INC.  
BY KILDAY & ASSOCIATES, AGENT  
(SUN QANCEFARMS TOWERS)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class B 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 CB99-048 was presented to the Zoning Commission at a public hearing conducted on September 2, 1999; and

WHEREAS, the Zoning Commission 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 Zoning Commission made the following findings of fact:

1. This Class B Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class B 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 B Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class B Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county 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 B 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 B Conditional Use meets applicable local land development regulations.
7. This Class B Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class B Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards.

9. This Class B 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 B Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
11. This Class B Conditional Use, with conditions as adopted, is consistent with applicable neighborhood plans.

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

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CB99-048, the petition of James Crystal Farms, Inc., by Kilday & Associates, agent, for a Class B Conditional Use (CB) Commercial Communication Tower (6 guyed AM Towers) in the Agricultural Production (AP) 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 September 2, 1999, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Hyman moved for the approval of the Resolution.

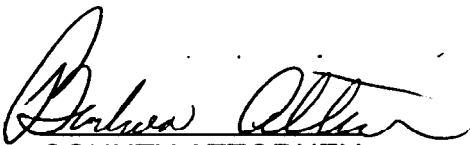
The motion was seconded by Commissioner Foley and, upon being put to a vote, the vote was as follows:

Mikel Jones, Chair	--	Aye
Peter Carney, Vice Chair	--	Aye
William Anderson	--	<b>Aye</b>
Frank A. Barbieri, Jr.	--	Aye
Kevin Foley	--	Aye
Sherry Hyman	--	Aye
Allan Kaplan	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on September 2, 1999.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

**DESCRIPTION FOR 320 ACRE PARCEL**

According to Warranty Deed recorded in Official Records Book 2107, Page 1960, Palm Beach County, Florida:

"The South one-half (S-1/2) of Section 28, Township 45 South, Range 36 East.

Subject to any restrictions, reservations and easements of record, if any.

**DESCRIPTION FOR PROPOSED TOWER PARCEL**

A parcel of land located in the Southeast Quarter of Section 28, Township 45 South, Range 36 East, Palm Beach County, Florida:

Beginning at the East Quarter-Section corner of Section 28, Township 45 South, Range 36 East,  
thence South 89° 43' 07" West 1673.20 feet along the East-West Quarter-Section line of said Section 28.  
Thence South 00° 58' 02" East 385.20 feet along a line parallel with the East line of Section 28, Township 45 South, Range 36 East,  
thence South 28° 14' 09" East 969.40 feet,  
thence South 80° 50' 06" East 897.70 feet,  
thence North 89° 43' 07" East 345.26 feet along a line parallel with the East-West Quarter-Section line of Section 28, Township 45 South, Range 36 East, to a point on the East line of said Section 28,  
thence North 00° 58' 02" West 1388.90 feet along the East-line of section 28, Township 45 South, Range 36 East, to the point of beginning.

Containing 45.98 acres more or less

EXHIBIT B

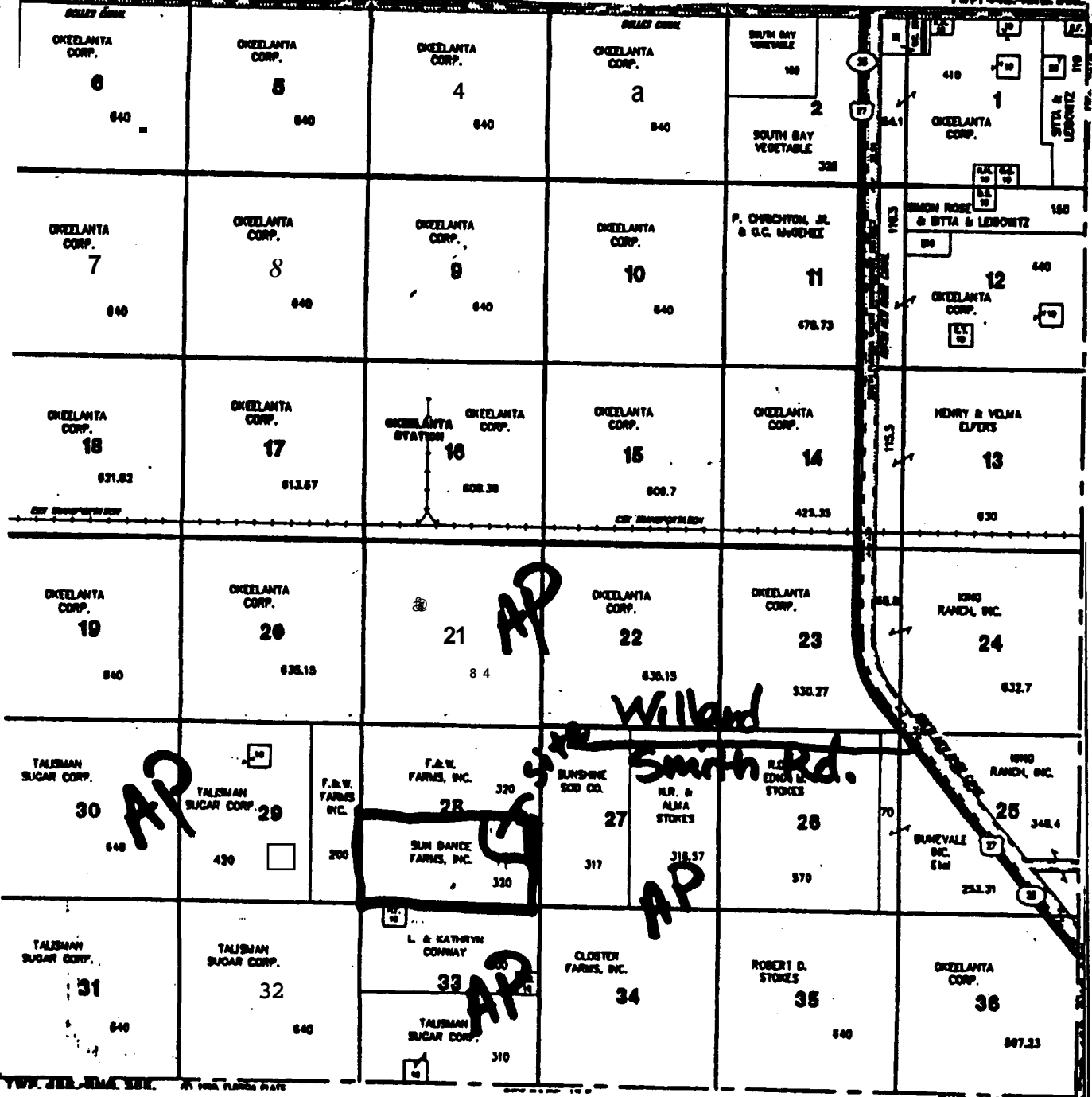
PALM BEACH COUNTY  
VICINITY SKETCH/ZONING

**TWP. 45S.-RNG. 36E.**

SEE PAGE 88  
TWP. 44S.-RNG. 36E.

PALM BEACH COUNTY, FLORIDA

SEE PAGE 87  
TWP. 44S.-RNG. 36E.



Petition No. 99-0481  
 Zoning Quad Page: None Assigned  
 Date: 6-16-99



North

JUN 16 1999

EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: There is no D, and Compliance is always last.

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Zoning Commission. The approved site plan is dated July 29, 1999. All modifications must be approved by the Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. TOWER

1. All diesel/gasoline tanks associated with the use of the communication tower shall be double walled and installed underground in accordance with Palm Beach County Fire Rescue and Environmental Resource Management requirements. (BLDG PERMIT: FIRE/ERM)
2. Temporary diesel powered generators shall only be permitted on site in the event of natural disaster and shall be removed once power and operations are restored to the tower. (ONGOING: FIRE/ERM/HEALTH)
3. Should the requisite authority, such as the FCC or OSHA, having jurisdiction over the same, determine that the Tower and/or facilities are dangerous to the public's health, safety and welfare, Palm Beach County shall have the right to require the tower and/or facilities to be removed or made safe within sixty (60) days written notice. (ONGOING: FIRE/ERM/HEALTH)
4. No microwave dishes shall be permitted on the tower except in the event of natural disaster. In the event of natural disaster, microwave dishes may be temporarily installed on the tower until such time as land lines are restored. (ONGOING: BLDG PERMIT/ZONING)
5. If tower lighting is required by the requisite authority such as the FAA, the lighting shall include a screening device to direct light away from the ground. The lighting shall be in compliance with FAA standards requirements. (CO: BLDG - Zoning/FAA)
6. Use of the site shall be limited to the six (6) AM towers and accessory maintenance building and equipment. No other use shall be permitted on the subject property with the exception of permitted uses. (ONGOING: CODE ENF - Zoning)

C. LANDSCAPING

1. Prior to Final DRC approval, the petitioner shall provide documentation that an off-site contribution has been made to the City of Belle Glade for the purpose of required landscaping. In the event the contribution has not been made, then the required tower landscaping shall be installed.\* (DRC: ZONING/LANDSCAPE)

E. ENGINEERING

No conditions.

F. COMPLIANCE

1. In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner 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 Zoning Commission 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; 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 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)