

RESOLUTION NO. R-95-270

RESOLUTION APPROVING ZONING PETITION CA94-88  
CLASS A CONDITIONAL USE  
PETITION OF AMERICAN RADIO SYSTEMS

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-88 was presented to the Board of County Commissioners at a public hearing conducted on February 23, 1995; 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 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 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 Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A 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 A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County 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 reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
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 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 CA94-88, the petition **of** American Radio Systems, by: ROBERT BASEHART, AGENT for a CLASS A CONDITIONAL USE allowing a COMMERCIAL COMMUNICATIONS TOWER in the AGRICULTURAL RESIDENTIAL (**AR**) 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 February 23, 1995, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

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

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

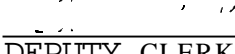
The Chair thereupon declared that the resolution was duly passed and adopted this 23rd day of February, 1995.

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

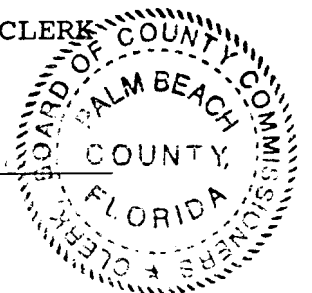


EXHIBIT A  
LEGAL DESCRIPTION

Exhibit A

LEGAL DESCRIPTION

THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE SOUTH 33.32 FEET THEREOF.

CONTAINING: 1,742,400 SQUARE FEET OR 40.000 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

NOTES: BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF SOUTH 88°56'07" EAST ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 41 EAST.

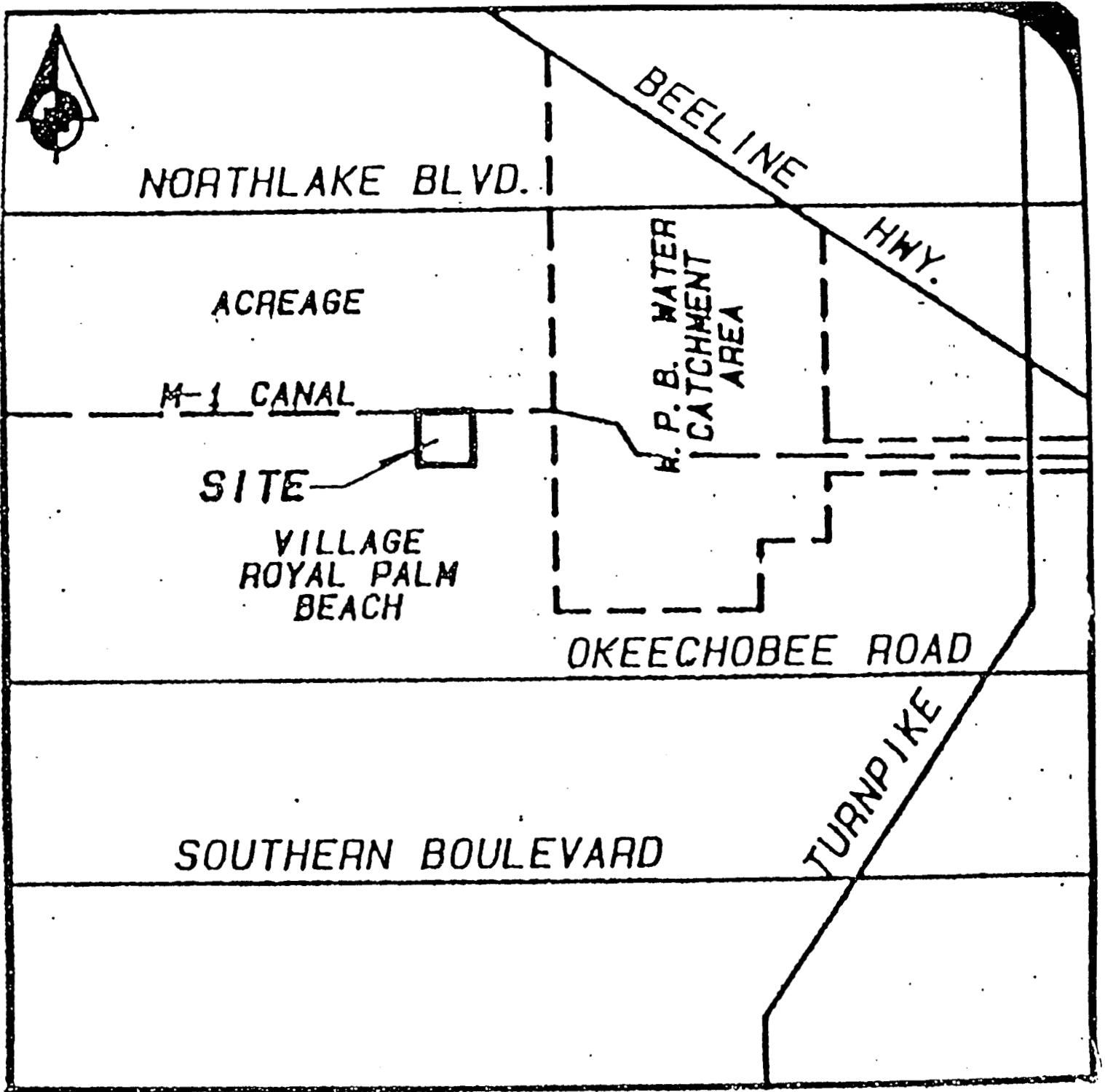
" 19.25' " DENOTES PROPOSED ELEVATIONS AND  
" 18.5' " DENOTES EXISTING ELEVATIONS IN FEET AND DECIMAL PARTS THEREOF BASED ON 1929 NATIONAL GEODETIC VERTICAL DATUM.

● DENOTES SET IRON ROD / CAP I.B. # 1376.  
(UNLESS OTHERWISE NOTED)

CA 94-88

NOV 15 1994

EXHIBIT B  
VICINITY SKETCH



**LOCATION MAP**  
NOT TO SCALE CA 94-88

SXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. Prior to Development Review Committee certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA or the Department of Transportation, Aviation Division Airport Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (ZONING)
2. Palm Beach County and any other governmental agency shall have the right to co-locate communication equipment on the subject tower provided that the placement of such equipment does not interfere with the petitioner's equipment or operations. (PREM)

E. ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this proposed tower to be paid at the time of issuance of the Building Permit presently is \$110.00 (2 trips X \$55.00 per trip) (IMPACT FEE COORDINATOR).