

RESOLUTION NO. R-96-1010

RESOLUTION APPROVING ZONING PETITION CA94-06(A)
CLASS A CONDITIONAL USE
PETITION OF PALM BEACH COUNTY/ BOARD OF COUNTY COMMISSIONERS
BY FRED ROTH AND JIM BARNES, AGENTS
(PBSO 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, 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 Unified Land Development Code (Ordinance 92-20, as amended) 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 Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA94-06(A) was presented to the Board of County commissioners at a public hearing conducted on July 25, 1996; 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 Unified Land Development Code (ULDC) 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 Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, 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 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 Unified 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 determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
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 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 CA94-06(A), the petition of the Palm Beach County Board of County Commissioners, by Fred Roth and Jim Barnes, agents, for a Class A Conditional Use (CA) to allow a communication tower (480 foot), in the Public Ownership (PO) 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 July 25, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

| | | |
|---------------------------|----|--------|
| Ken Foster, Chair | -- | Aye |
| Burt Aaronson, Vice Chair | -- | Aye |
| Maude Ford Lee | -- | Aye |
| 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 July 25, 1996.

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

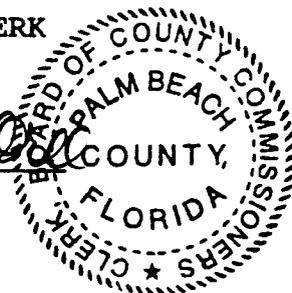


EXHIBIT A

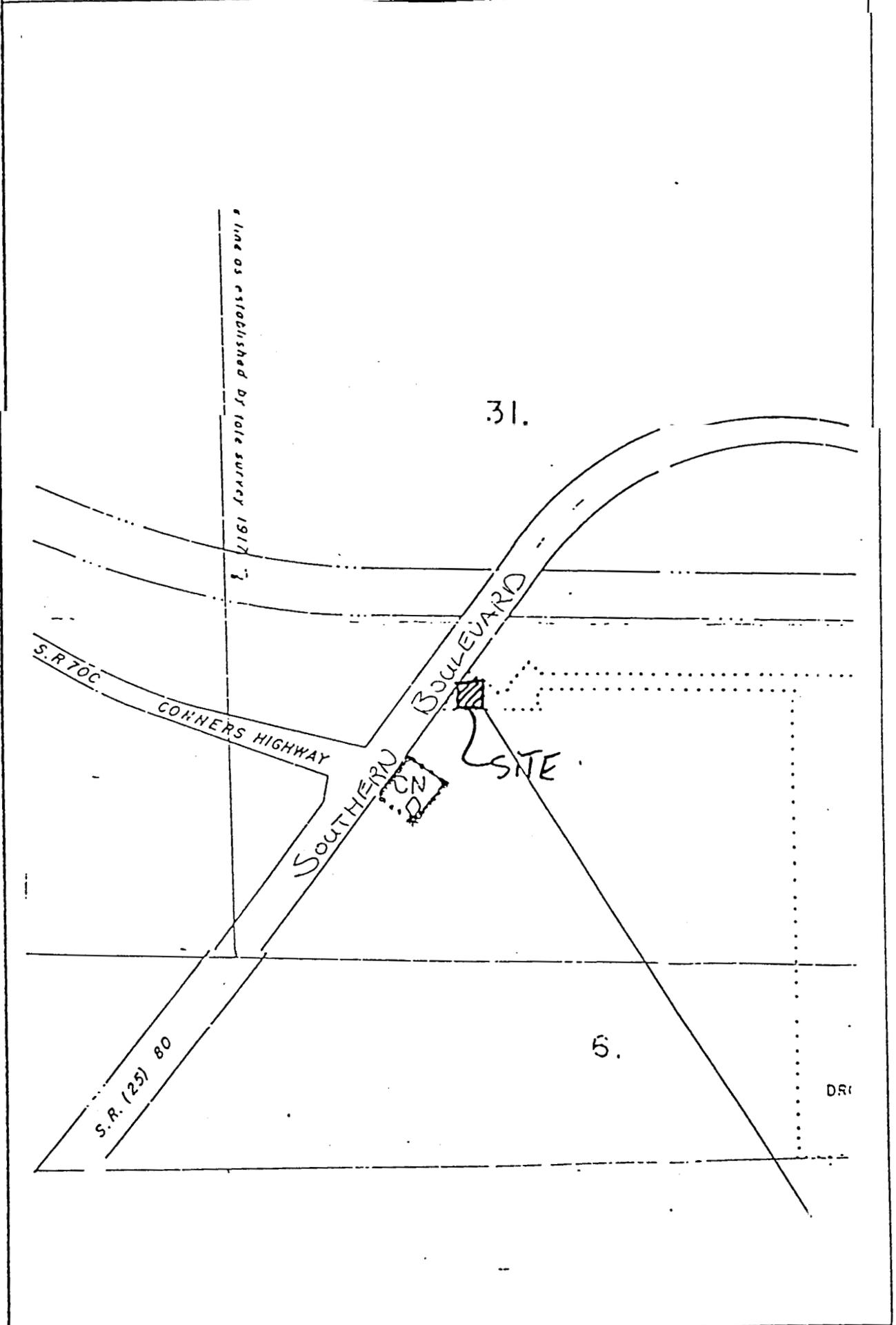
LEGAL DESCRIPTION

OVERALL PARCEL ALSO DESCRIBED AS

COMMENCE AT THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 44 SOUTH, RANGE 40 EAST; THENCE SOUTH 89°52'59" WEST ALONG THE SOUTH LINE OF SAID SECTION 6 A DISTANCE OF 1194.11 FEET TO A POINT ON THE CENTERLINE OF A SHELLROCK ROAD SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 29°51'00" WEST ALONG SAID CENTERLINE A DISTANCE OF 28.86 FEET TO A POINT ON THE NORTH LINE OF A FLORIDA POWER AND LIGHT EASEMENT DESCRIBED IN ORB 678, PG 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID NORTH LINE IS PARALLEL WITH AND 25 FEET SOUTH OF WHEN MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 6; THENCE SOUTH 89°52'59" WEST ALONG SAID EASEMENT LINE A DISTANCE OF 799.61 FEET; THENCE NORTH 17°54'26" EAST A DISTANCE OF 26.29 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 6; THENCE NORTH 0°09'18" WEST A DISTANCE OF 2002.36 FEET TO A POINT ON A LINE PARALLEL WITH AND 75 FEET SOUTH OF WHEN MEASURED AT RIGHT ANGLES TO THE SOUTH RIGHT OF WAY LINE OF THE C.&S.F.F.C.D. LEVEE L-7 EXTENSION DESCRIBED IN DB 984, PG 46 OF SAID PUBLIC RECORDS; THENCE NORTH 88°28'36" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1128.28 FEET; THENCE SOUTH 0°31'24" WEST A DISTANCE OF 96.82 FEET; THENCE NORTH 88°28'36" WEST A DISTANCE OF 437.6 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S.R. 80; THENCE NORTH 38°16'01" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 227.55 FEET TO THE SOUTHWEST BOUNDARY LINE OF A PARCEL OF LAND DESCRIBED IN DB 887, PG 189 OF SAID PUBLIC RECORDS; THENCE SOUTH 51°43'59" EAST ALONG SAID BOUNDARY LINE A DISTANCE OF 200.00 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL; THENCE NORTH 38°16'01" EAST ALONG THE EASTERLY BOUNDARY OF SAID PARCEL A DISTANCE OF 159.39 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF SAID LEVEE L-7; THENCE SOUTH 48°53'34" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 29.21 FEET; THENCE SOUTH 88°28'36" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2936.15 FEET TO THE CENTERLINE OF SAID SHELLROCK ROAD; THENCE SOUTH 8°21'23" WEST (THE FOLLOWING COURSES FOLLOW SAID CENTERLINE) A DISTANCE OF 244.82 FEET; THENCE SOUTH 13°54'26" WEST A DISTANCE OF 99.85 FEET; THENCE SOUTH 18°22'11" WEST A DISTANCE OF 99.82 FEET; THENCE SOUTH 21°30'41" WEST A DISTANCE OF 99.65 FEET; THENCE SOUTH 24°43'23" WEST A DISTANCE OF 99.84 FEET; THENCE SOUTH 29°18'24" WEST A DISTANCE OF 99.54 FEET; THENCE SOUTH 29°01'34" WEST A DISTANCE OF 99.75 FEET; THENCE SOUTH 29°51'00" WEST A DISTANCE OF 1426.11 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



Petition Number: 2 | CA94-06 A

Zoning Quad Page _____

Date: _____



NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. 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. (DRC: AIRPORTS)

B. RADIO TOWERS

1. Palm Beach County or 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. (ONGOING: PREM)
2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.D.22.k. (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. (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. (DRC: AIRPORTS)
4. The communication tower shall be limited to a maximum height of 480 feet, measured from finished grade to highest point. (DRC: ZONING - Bldg)

C. LANDSCAPE

1. The petitioner shall provide a minimum ten (10) foot wide Alternative 3 landscape buffer adjacent to the site.
2. The landscape buffer for the communication tower shall be located on the lease parcel with required landscape materials located on the exterior of the required chain link fence. (DRC: LANDSCAPE - Zoning)

D. 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.
(MONITORING)