

RESOLUTION NO. R-97- 149

RESOLUTION APPROVING ZONING PETITION CA86-114(C)  
CLASS A CONDITIONAL USE  
PETITION OF SPRINT SPECTRUM L.P.  
BY F. RONALD MASTRIANA, AGENT  
(SUMMIT CHRISTIAN 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 CA86-114(C) was presented to the Board of County Commissioners at a public hearing conducted on January 30, 1997; 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.
0. **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 CA86-114(C), the petition of **Sprint** Spectrum L.P., by F. Ronald Mastriana, agent, for a Class A Conditional Use to allow a Commerical communication tower (100 feet) in the Residential ~~Main~~ (RM) 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 ~~January 30~~, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Aye
Ken Foster	--	Absent
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 January 30, 1997.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

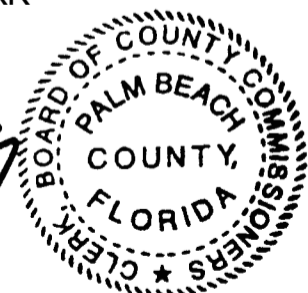
DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK



**EXHIBIT A**  
**LEGAL DESCRIPTION**

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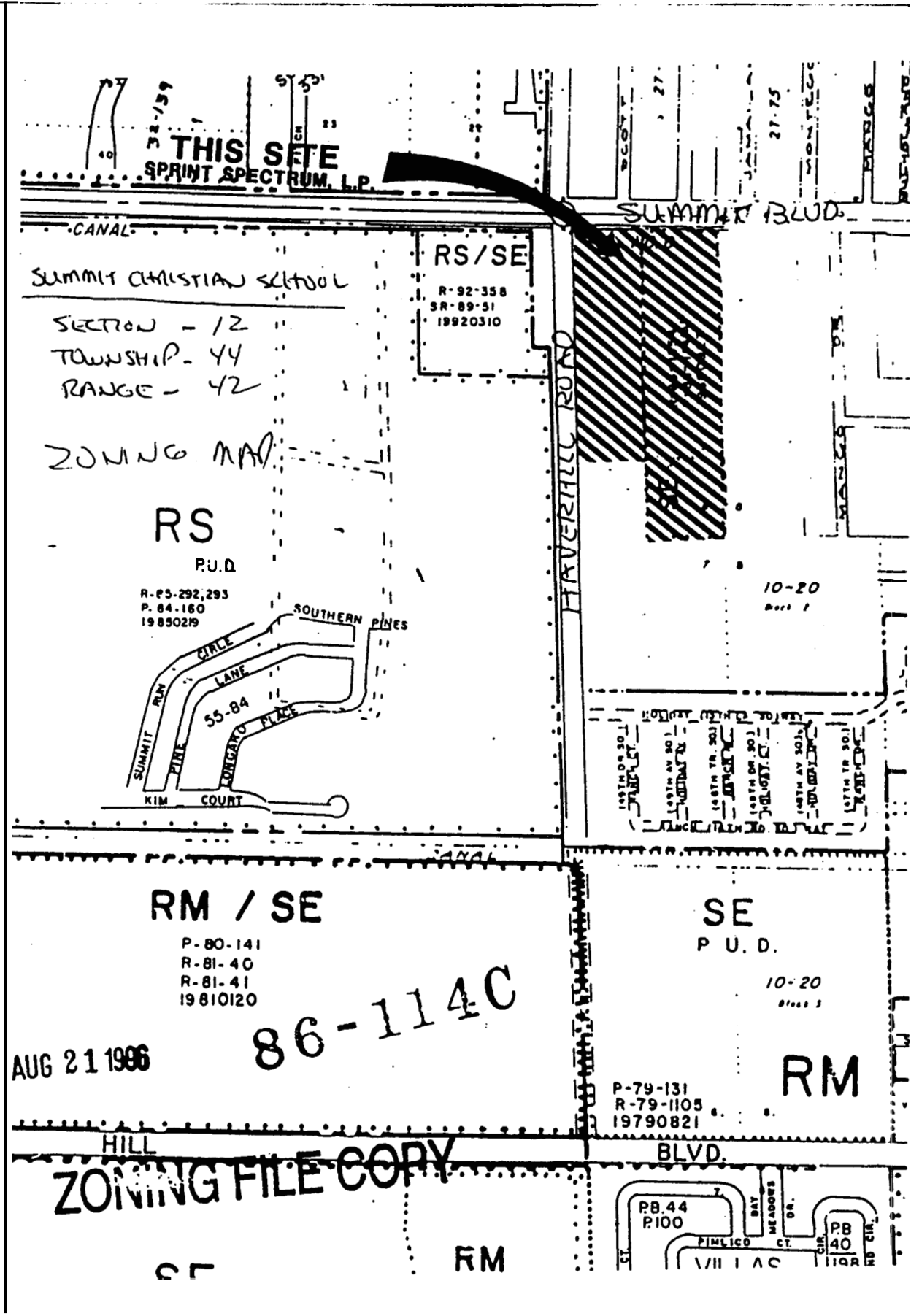
BOUNDARY SURVEY OF PROPOSED LEASE TRACT

A PORTION OF PARCEL "B" OF THE SOUTH HALF (S 1/2) OF THE WEST HALF (W 1/2) OF LOT 6, BLOCK 2, OF MODEL LAND COMPANY'S SUBDIVISION OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 20, PALM BEACH RECORDS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NW CORNER OF SECTION 12, TOWNSHIP 44 SOUTH, RANGE 42 EAST;  
THENCE S 01°28'38" E ALONG THE WEST LINE OF SAID SECTION 12 A DISTANCE OF 1145.97 FEET;  
THENCE S 88°53'42" E A DISTANCE OF 180.68 FEET;  
THENCE N 01°06'18" E A DISTANCE OF 64.57 FEET;  
THENCE S 88°53'42" E A DISTANCE OF 7.50 FEET TO THE POINT OF BEGINNING;  
THENCE N 01°06'18" E A DISTANCE OF 20.00 FEET;  
THENCE S 88°53'42" E A DISTANCE OF 30.00 FEET;  
THENCE S 01°06'18" W A DISTANCE OF 40.00 FEET;  
THENCE N 88°53'42" W A DISTANCE OF 30.00 FEET;  
THENCE N 01°06'18" E A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

SAID LAND SITUATE IN WEST PALM BEACH, PALM BEACH COUNTY, FLORIDA, CONTAINING 1200 SQUARE FEET. MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### A. ALL PETITIONS

1. ~~All~~ previous conditions of approval contained in Resolutions R-88-1554 and R-87-508 ~~shall~~ remain in effect. ~~The~~ conditions contained herein apply to ~~the~~ tower site only.
2. Development of the site is limited to ~~the~~ uses and site design as approved by ~~the~~ Board of County Commissioners. ~~the~~ approved site plan is dated January 17, 1997. All modifications must ~~be~~ approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

#### B. LANDSCAPE

1. The petitioner ~~shall~~ provide a minimum eight (8) foot chain link fence with a ten (10) foot Alternative 3 ~~landscape~~ buffer surrounding the tower site. (CO: LANDSCAPE - Zoning)
2. The Alternative 3 landscape buffer shall consist of fourteen (14) feet high canopy trees placed 20 feet on center and thirty six (36) inch high hedge material to ~~be~~ located on the exterior side of ~~the~~ fence enclosure. (CO: LANDSCAPE - Zoning)

#### C. SIGNS

1. No point of purchase or freestanding signs shall be permitted on the lease parcel ~~or~~ parent tract identifying the commercial communication tower or users. (CO: BLDG - Zoning)

#### D. TOWER

1. The minimum ~~setbacks~~ for the tower shall be one hundred fifteen (115) feet from the south property line and one hundred seventy five feet from Haverhill Road. (DRC: ZONING)
2. The communication tower ~~shall be~~ limited to a monopole structure, maximum height of 100 feet measured from finished grade to highest point. (DRC: ZONING - Bldg)
3. The liquid propane tank shall be double walled and installed above ground in accordance with Palm Beach County Fire Rescue and Environmental Resource Management requirements. (BLDG PERMIT: FIRE/ERM)
4. The tower ~~shall be~~ limited to a radon type omnidirectional antenna with no visible panel arrays. (DRC/BLDG PERMIT: ZONING)
5. Palm Beach County and the State of Florida shall have ~~the~~ right to co-locate communication equipment ~~on the~~ subject tower provided the placement of County or State equipment does not interfere with ~~the~~ petitioner's equipment or operations. (ONGOING: PREM)

6. 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)

**E. ENGINEERING**

1. No new conditions.

**F. 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)