

RESOLUTION NO. R-97-263

RESOLUTION APPROVING ZONING PETITION **CA93-56(A)**
CLASS A CONDITIONAL USE
PETITION OF SPRINT SPECTRUM, LP.
BY F. RONALD MASTRIANA, AGENT
(FLORIDA GAS 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 **CA93-56(A)** was presented to the Board of County Commissioners at a public hearing conducted on February 27, 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.
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 CA93-56(A), the petition of Sprint Spectrum, L.P., by F. Ronald Mastriana, agent, for a Class A Conditional Use to allow a Commercial communication tower (140 foot monopole) in the Agricultural Residential 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 8, attached hereto and made a part hereof, was approved on February 27, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Foster moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on February 27, 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



Petition CA93-56(A)
Project No.

EXHIBIT A

LEGAL DESCRIPTION

PARENT TRACT

I

THOSE PARTS OF TRACTS 9, 15 AND 18 OF BLOCK 4 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PALM BEACH COUNTY, FLORIDA, BEING PART OF THAT PROPERTY DESCRIBED IN O.R. 3611. PAGE 708. PALM BEACH COUNTY, FLORIDA AND BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE CORNER COMMON TO BLOCKS 3,4,5 AND 6 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3;

THENCE N 89°03'20" E. ALONG THE LINE COMMON TO SAID BLOCKS 4 AND 5. 1345.37 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 18;

THENCE N 00°57'28" W, 143.01 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF BELVEDERE ROAD AS DESCRIBED IN ORDER OF TAKING RECORDED O.R. 6995. PAGE 1218, PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING;

THENCE CONTINUE N 00°57'28" W ALONG THE WEST BOUNDARY OF SAID TRACTS 15 AND 18, 667.83 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF FLORIDA'S TURNPIKE;

THENCE N 40°37'50" E, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE 1205.49 FEET;

THENCE DEPARTING SAID RIGHT OF WAY LINE, S 00°56'36" E. 1561.79 FEET TO A POINT ON A CURVE THAT IS CONCAVE NORTHERLY. HAVING A RADIUS OF 2216.83 FEET AND A CENTRAL ANGLE OF 04°49'31". SAID CURVE BEING ON THE NORTHERLY RIGHT OF WAY LINE OF BELVEDERE ROAD AS DESCRIBED IN SAID ORDER OF TAKING;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY LINE. AND ALONG THE ARC OF SAID CURVE, 186.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE;

THENCE S 89°03'20" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 613.30 FEET TO THE POINT OF BEGINNING;

ALL LYING AND BEING IN SECTIONS 27, 28 AND 34. TOWNSHIP 43 SOUTH. RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, EXCEPTING THEREFROM THAT PORTION OF A 30 FOOT WIDE ROAD RIGHT OF WAY ADJOINING AND PARALLEL WITH THE NORTH BOUNDARY OF SAID TRACT 15 AND THE SOUTH BOUNDARY OF SAID TRACT 9, SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORDED.

EXHIBIT B
VICINITY SKETCH

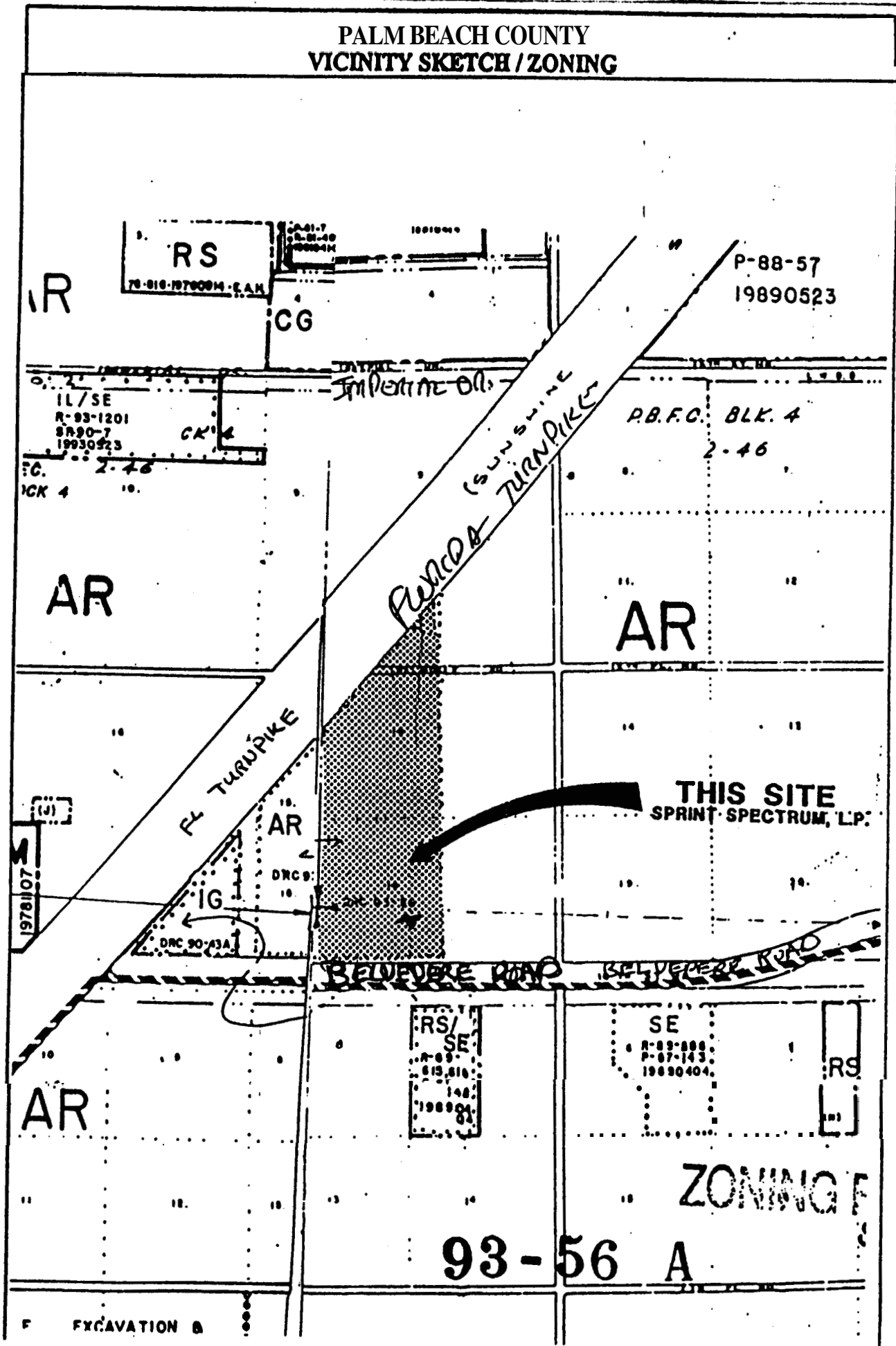


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. 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 ~~December 26, 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. EAA

1. Prior to site plan certification by ~~the~~ Development ~~Review~~ Committee (DRC), ~~the~~ petitioner shall submit documentation to the Zoning Division ~~which~~ demonstrates that the proposed facility does not violate Federal Aviation Administration (FAA) or Florida Department of Transportation regulations. ~~This~~ documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS)

C. LANDSCAPE

1. The petitioner shall provide a minimum ten **(10)** foot wide Alternative 3 landscape buffer around the tower lease parcel except as permitted in **Section 6.4.D.22.h.** (Communication Tower/Landscape and Buffering) of the ULDC. (DRC: LANDSCAPE - Zoning)
2. Canopy trees shall be planted twenty **(20)** feet on center around the tower lease parcel in the landscape buffer. **(CO:LANDSCAPE - Zoning)**

D. 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)

E. ENGINEERING

~~No conditions~~

F. TOWER

1. 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)
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. ~~The~~ minimum setback for ~~the~~ tower shall be one hundred **(100)** feet from ~~all~~ property lines. (DRC: ZONING)

4. The communication tower shall be limited to a monopole structure, maximum height of 140 feet measured from finished grade to highest point. (DRC: ZONING - Bldg)

G. 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 noncompliance, 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)