

**FILE COPY**

RESOLUTION NO. R-97- 265

RESOLUTION APPROVING ZONING PETITION CA96-112  
CLASS A CONDITIONAL USE  
PETITION OF SPRINT SPECTRUM L.P.  
BY F. RONALD MASTRINA, AGENT  
(GOOGE 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 CA96-112 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 Z/CA96-112, the petition of Sprint Spectrum L.P., by F. Ronald **Mastrina**, agent, for a Class A Conditional Use (CA) to allow Commercial communication tower (150 foot monopole) in ~~the~~ Residential Transitional (RT) 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 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 CA96-112  
Project No.

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

**BOUNDARY SURVEY OF LEASE PARCEL**

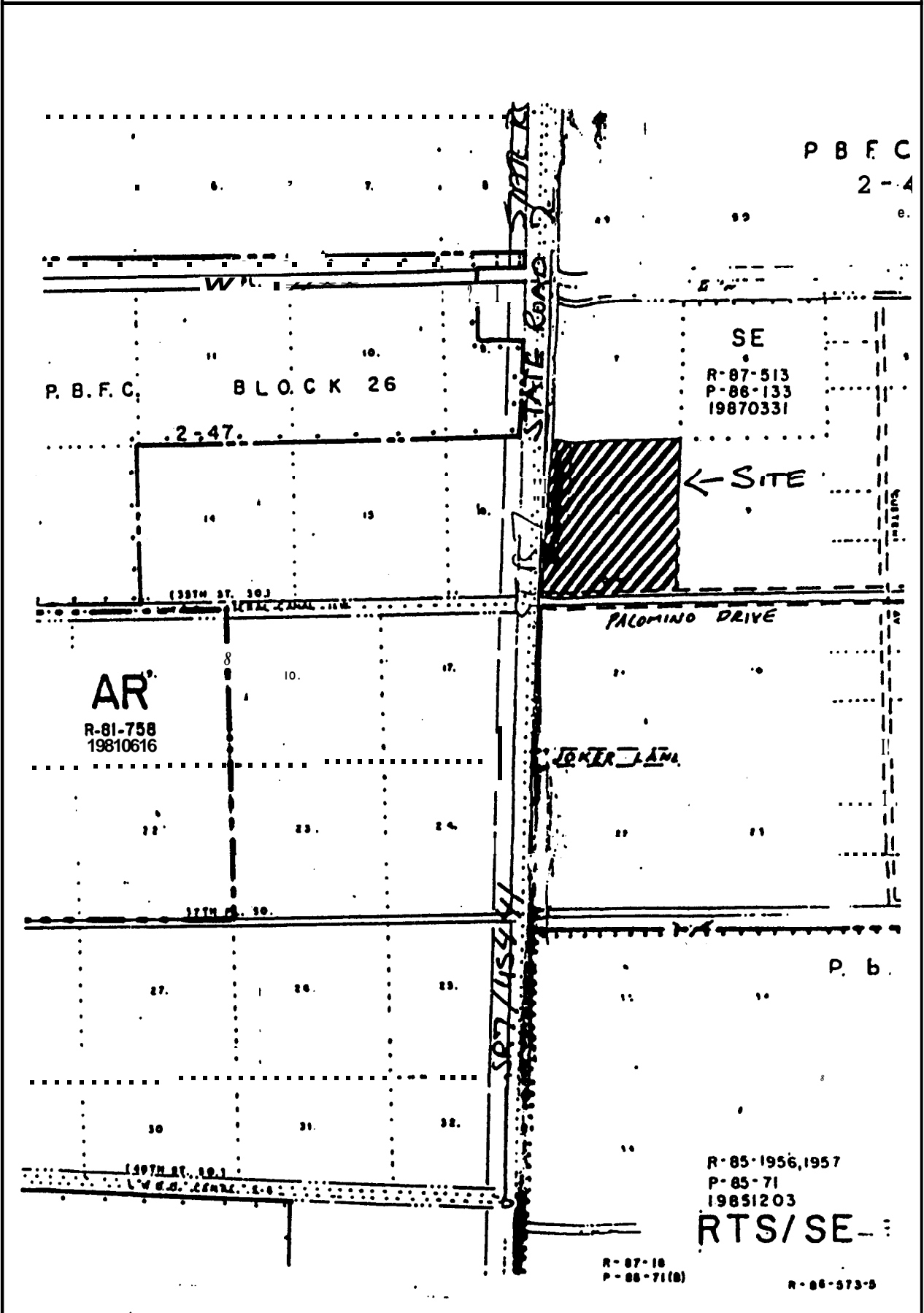
A PORTION OF LAND BEING A PART OF TRACT **8**, BLOCK **25** OF PALM BEACH FARMS COMPANY PLAT NO. **3**, AS RECORDED IN PLAT BOOK **2**, PAGE **45**, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 8;**  
**THENCE S 89°00'52" W ALONG THE SOUTH LINE OF SAID TRACT 8, A DISTANCE OF 118.00 FEET;**  
**THENCE N 00°59'08" W A DISTANCE OF 52.28 FEET TO THE POINT OF BEGINNING;**  
**THENCE N 89°00'52" E A DISTANCE OF 25.00 FEET;**  
**THENCE N 00°59'08" W A DISTANCE OF 50.00 FEET;**  
**THENCE S 89°00'52" W A DISTANCE OF 50.00 FEET;**  
**THENCE S 00°59'08" E A DISTANCE OF 50.00 FEET;**  
**THENCE N 89°00'52" E A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;**

SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING **2500** SQUARE FEET, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



## EXHIBIT C

### CONDITIONS OF APPROVAL

NOTE: ~~A~~ previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

#### 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. FAA

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 **150** 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 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)