

RESOLUTION APPROVING ZONING PETITION **EAC86-114(D)**
DEVELOPMENT ORDER AMENDMENT
PETITION OF OMNI POINT
BY MARDIA ZIMRING, 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 EAC86-114(D) was presented to the Board of County Commissioners at a public hearing conducted on June 25, 1998; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. **This** Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 EAC86-114(D), the petition of Omni Point, by Marda Zimring, agent, for a Development Order Amendment /Expedited Application Consider (EAC) to delete Condition D.4 of R-97-149 (Omni Radome) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 25, 1998, **subject** to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 25, 1998.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

John Lee
COUNTY ATTORNEY

BY:

Joan Howard
DEPUTY CLERK

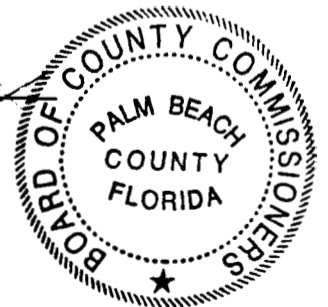


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE SOUTH HALF (1/2) OF THE SOUTH HALF (1/2) OF THE WEST HALF (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, AT PAGE 20, PALM BEACH COUNTY RECORDS, ALSO DESCRIBED AS THE SOUTH HALF (1/2) OF THE SOUTH HALF (1/2) OF THE WEST HALF (1/2) OF THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SAID SECTION 12 CONTAINING TWO AND ONE HALF (2 1/2) ACRES MORE OR LESS:

EXCEPTING THEREFROM, THE WEST 20 FEET THEREOF HERETOFORE EXCEPTED AND RESERVED FOR PUBLIC ROAD PURPOSES: AND

EXCEPTING THEREFROM, THE SOUTH 150 FEET THEREOF AS MEASURED ALONG THE WEST LINE OF SAID LOT 6.

TOGETHER WITH AN EASEMENT AND RIGHT OF WAY, IN COMMON WITH OTHERS ENTITLED THERETO, AT ALL TIMES AND FOR ALL PURPOSES, WITH OR WITHOUT VEHICLES AND ANIMALS, TO AND FROM THE LAND CONVEYED OR ANY PART THEREOF. OVER AND UPON THE EAST 5 FEET OF THE WEST 25 FEET OF SAID LOT 6, AND ALSO THE NORTH 20 FEET OF THE SOUTH 150 FEET OF SAID LOT 6 HEREINABOVE EXCEPTED, ALSO DESCRIBED AS THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 12, LESS THAT PART CONVEYED BY THIS DEED.

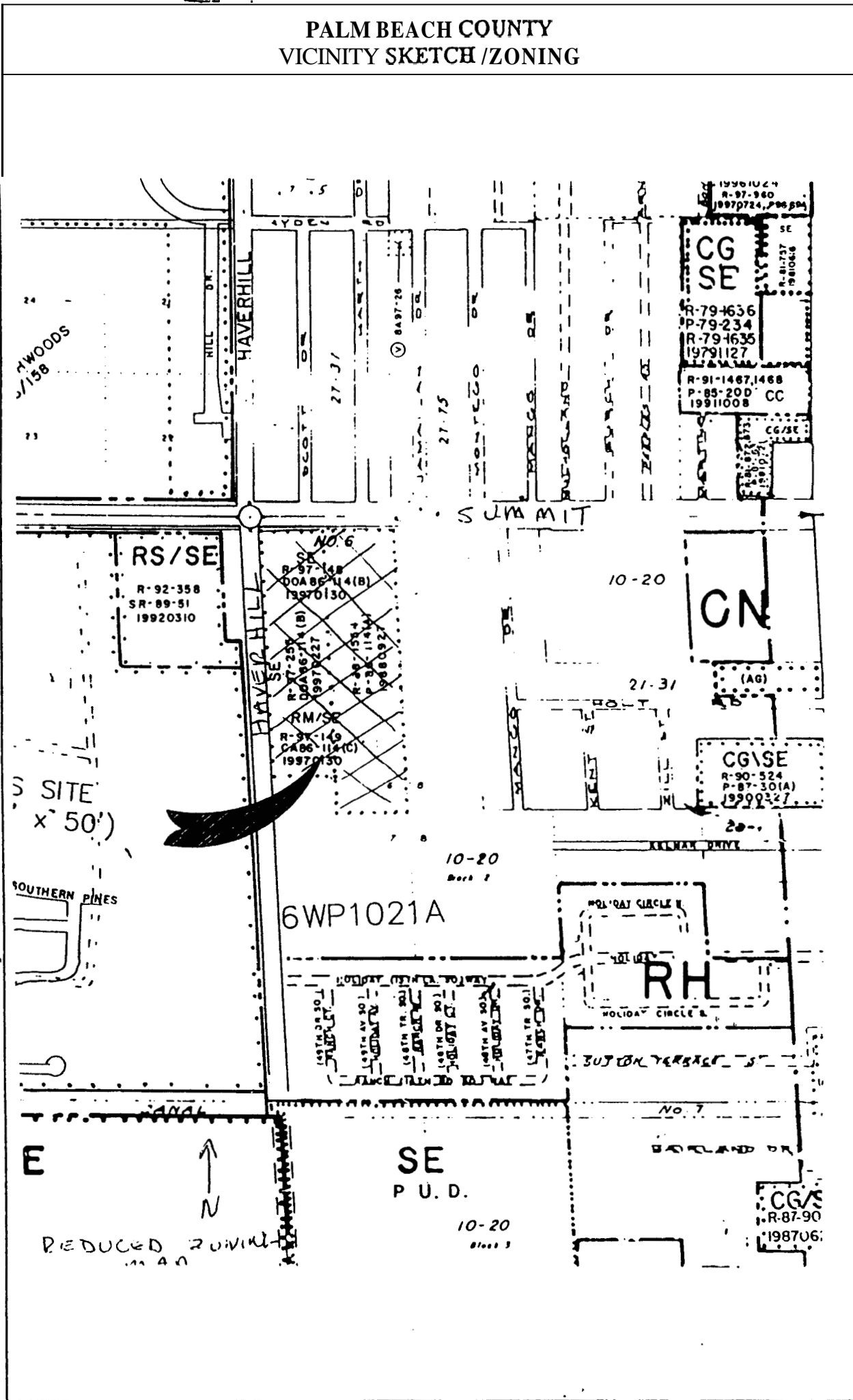
SUBJECT TO AN EASEMENT AND RIGHT OF WAY IN COMMON WITH OTHER ENTITLED THERETO, AT ALL TIMES AND FOR ALL PURPOSES, WITH OR WITHOUT VEHICLES AND ANIMALS OVER AND UPON THE SOUTH 20 FEET OF SAID PROPERTY HEREIN CONVEYED BY THIS DEED LESS THE EAST 20 FEET OF THE WEST 40 FEET FOR ROAD RIGHT OF WAY.

RANGE 42 TOWNSHIP 44 SECTION 12

2.50 ACRES

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 86-114(D)
 Zoning Quad Page _____
 Date: Mar 18, 1998



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. ~~A~~ 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. (ONGOING: ZONING) (Previously Condition A.1 of Resolution R-97-149, Petition CA86-114(C))
2. All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-149 (Petition **CA86-114(C)**), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
3. Condition A.2 of Resolution R-97-149, Petition **CA86-114(C)** which currently states:

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.

Is hereby amended to read:

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 June 12, 1998. 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**) (Previously Condition **B.1** of Resolution R-97-149, Petition **CA86-114(C)**)
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**) (Previously Condition **B.2** of Resolution R-97-149, Petition **CA86-114(C)**)

C. LANDSCAPING ALONG THE 25 FEET X 25 FEET NEW COMPOUND AREA

1. Landscaping and buffering along the perimeter of the above compound shall be upgraded to include:
 - a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A eight (8) foot high vinyl coated chain link fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
 - a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

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) (Previously Condition C.1 of Resolution R-97-149, Petition CA86-114(C))

E. ENGINEERING

1. No new conditions.

F. 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) (Previously Condition D.1 of Resolution R-97-149, Petition CA86-114(C))
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) (Previously Condition D.2 of Resolution R-97-149, Petition CA86-114(C))
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) (Previously Condition D.3 of Resolution R-97-149, Petition CA86-114(C))
4. Condition D.4 of Resolution R-97-149, Petition CA86-114C which currently states:

The tower shall be limited to a radon type omnidirectional antenna **with** no visible panel arrays. (DRC/BLDG PERMIT: ZONING)

Is hereby deleted: [Reason: Condition limits collocation, inconsistent to the latest ULDC 6.4.22 section]

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) (Previously Condition D.5 of Resolution R-97-149, Petition CA86-114(C))
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) (Previously Condition D.6 of Resolution R-97-149, Petition CA86-114(C))

F. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING- Zoning)
2. Condition F.1 of Resolution R-97-149, Petition CA86-114(C) which currently states:

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)

Is hereby amended to read:

2. 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; revocation of any concurrency; 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)