

RESOLUTION NO. R-2014- 0206

RESOLUTION APPROVING ZONING APPLICATION EAC-2013-02908
(CONTROL NO. 1996-00057)
an Expedited Application Consideration
APPLICATION OF Palm Beach County
BY Palm Beach County, AGENT
(Forest Hill 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied;

WHEREAS, Zoning Application EAC-2013-02908 was presented to the Board of County Commissioners at a public hearing conducted on February 27, 2014;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various County review agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for an Expedited Application Consideration; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Application EAC-2013-02908, the petition of Palm Beach County, by Palm Beach County, agent, for an Expedited Application Consideration to delete Conditions of Approval (Landscape) 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 February 27, 2014, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Priscilla A. Taylor, Mayor	-	Aye
Commissioner Paulette Burdick, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Jess R. Santamaria	-	Absent

The Mayor thereupon declared that the resolution was duly passed and adopted on February 27, 2014.

Filed with the Clerk of the Board of County Commissioners on March 4th, 2014.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

OVERALL LEGAL DESCRIPTION:

A PARCEL OF LAND, LYING IN PORTIONS OF TRACTS 4 AND 5, BLOCK 21, "PALM BEACH FARMS COMPANY PLAT NO. 3", AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE; PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF TRACT 4, BLOCK 21, SAID PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 89°02'29" EAST ALONG THE NORTH LINE OF SAID TRACT 4, A DISTANCE OF 25 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2 EAST; THENCE SOUTH 00°55'44" EAST ALONG SAID E-2 EAST RIGHT-OF-WAY LINE A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°55'44" EAST A DISTANCE OF 1146.11 FEET; THENCE NORTH 89°21'57" EAST A DISTANCE OF 373.86 FEET; THENCE NORTH 00°21'14" EAST ALONG A 6 FOOT CHAIN LINK FENCE A DISTANCE OF 844.15 FEET TO THE NORTHWEST CORNER OF SAID 6 FOOT CHAIN LINK FENCE; THENCE CONTINUE NORTH 00°21'14" EAST A DISTANCE OF 304.40 FEET ; THENCE SOUTH 89°02'29" WEST A DISTANCE OF 400.79 FEET TO THE POINT OF BEGINNING.

SUBJECT TO RIGHTS-OF-WAY AND EASEMENTS OF RECORD.
CONTAINING 10.18 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

VICINITY SKETCH

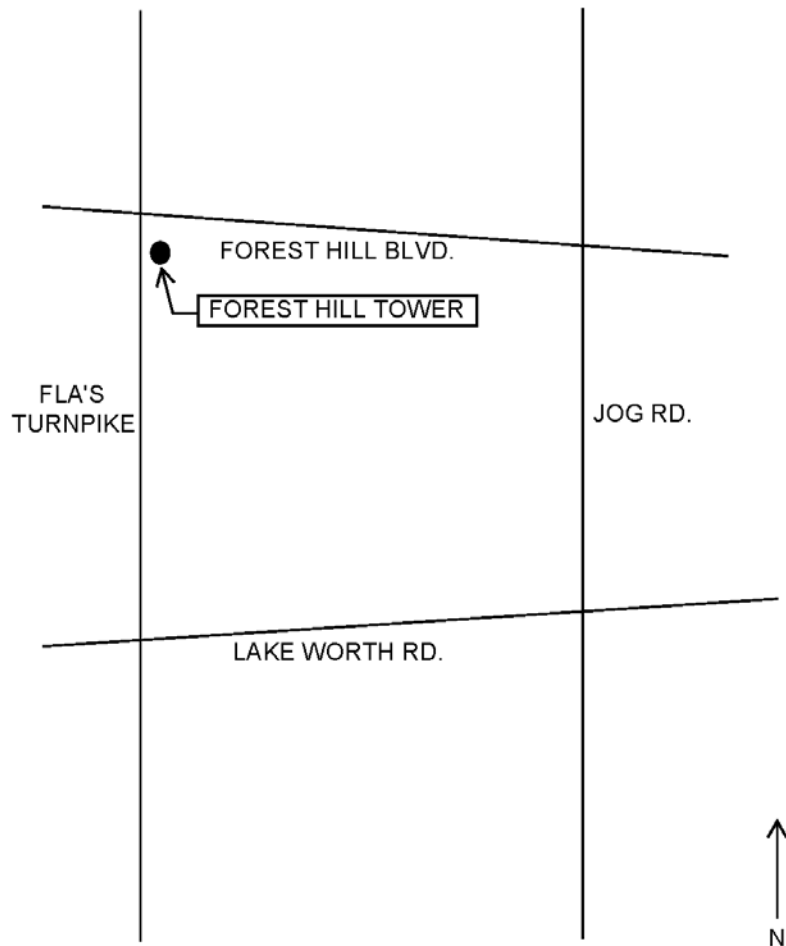


EXHIBIT C

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. The approved Final Site Plan is dated July 17, 1996. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-96-1011 (Control 1996-57), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: ZONING - Zoning)

DEPARTMENT OF AIRPORTS (DOA)

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. (Previous FAA A.1 of Resolution R-96-1011, Control No. 1996-57) (DRO: ZONING - Airports)

LANDSCAPE - PERIMETER

1. Landscape Condition C.1 of Resolution R-96-1011, Control No. 1996-57, which currently states:

The petitioner shall provide a minimum ten (10) foot wide Alternative 3 landscape buffer around the tower lease parcel. (DRC: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Request to delete condition pursuant to application EAC-2013-2908.]

2. Landscape Condition C.2 of Resolution R-96-1011, Control No. 1996-57, which currently states:

Canopy trees shall be planted twenty (20) feet on center around the tower lease parcel in the landscape buffer. (CO: LANDSCAPE - Zoning)

Is hereby deleted. [REASON: Request to delete condition pursuant to application EAC-2013-2908.]

USE LIMITATIONS-TOWER

1. Palm Beach County and 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. (Previous Tower B.1 of Resolution R-96-1011, Control No. 1996-57) (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

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. (Previous Tower B.2 of Resolution R-96-1011, Control No. 1996-57) (DRO/ONGOING: ZONING -

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. (Previous Tower B.3 of Resolution R-96-1011, Control No. 1996-57) (DRO: ZONING - Airports)
4. The communication tower shall be limited to a maximum 400 foot high self support or monopole structure, measured from finished grade to highest point. (Previous Tower B.4 of Resolution R-96-1011, Control No. 1996-57) (DRO: ZONING - Building Division)
5. The existing 325 foot guyed tower shall be removed from site within 90 days of completion of the new tower. (Previous Tower B.5 of Resolution R-96-1011, Control No. 1996-57) (BLDGPM: BUILDING DIVISION - Zoning) [NOTE: COMPLETED]

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - Zoning)
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; the 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 Unified Land Development Code 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 of Approval; 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 the Code Enforcement Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.