

RESOLUTION NO. R-2015- 0113

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2014-00456
(CONTROL NO. 1985-00007)
a Requested Use
APPLICATION OF Vertex Development, LLC
BY Lauralee G. Westine, P.A, AGENT
(Boca Tower 1)

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 DOA/R-2014-00456 was presented to the Board of County Commissioners at a public hearing conducted on January 29, 2015;

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 a a Requested Use; 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 DOA/R-2014-00456, the petition of Vertex Development, LLC, by Lauralee G. Westine, P.A, agent, for a Requested Use to allow one (1) 124-foot Stealth (Flagpole) Communication Towers, 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 29, 2015, subject to the Conditions of Approval described in EXHIBIT C-3, attached hereto and made a part hereof.

Commissioner Berger moved for the approval of the Resolution.

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

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

The Mayor thereupon declared that the resolution was duly passed and adopted on January 29, 2015.

Filed with the Clerk of the Board of County Commissioners on January 30th, 2015

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

BOCA 1 TOWER

PARENT PARCEL
(OFFICIAL RECORD BOOK 7516, PAGE 713)

PARCEL 1, BOCA WEST P.U.D. MASTER PLAT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGE 196 THROUGH 205, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOWER PARCEL
(PROVIDED BY CLIENT)

A PORTION OF PARCEL I, BOCA WEST P.U.D. MASTER PLAT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGE 196, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL I; THENCE NORTH 78°41'18" EAST, ALONG THE NORTH LINE OF SAID PARCEL I, A DISTANCE OF 25.44 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°36'01" EAST, A DISTANCE OF 94.90 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°23'59" EAST, A DISTANCE OF 16.33 FEET; THENCE SOUTH 46°29'06" EAST, A DISTANCE OF 42.13 FEET; THENCE NORTH 89°23'59" EAST, A DISTANCE OF 31.92 FEET; THENCE SOUTH 00°36'01" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 89°23'59" WEST, A DISTANCE OF 78.50 FEET; THENCE NORTH 00°36'01" WEST, A DISTANCE OF 49.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0572 ACRES OR 2492 SQUARE FEET, MORE OR LESS.

15' INGRESS, EGRESS AND UTILITY EASEMENT
(PROVIDED BY CLIENT)

A PORTION OF PARCEL I, BOCA WEST P.U.D. MASTER PLAT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 64, PAGE 196, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL I; THENCE NORTH 78°41'18" EAST, ALONG THE NORTH LINE OF SAID PARCEL I, A DISTANCE OF 25.44 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 78°41'18" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 15.27 FEET; THENCE DEPARTING SAID NORTH LINE, SOUTH 00°36'01" EAST, A DISTANCE OF 97.74 FEET; THENCE SOUTH 89°23'59" WEST, A DISTANCE OF 15.00 FEET; THENCE NORTH 00°36'01" WEST, A DISTANCE OF 94.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0331 ACRES OR 1444 SQUARE FEET, MORE OR LESS.

20 FOOT WIDE TEMPORARY CONSTRUCTION INGRESS AND EGRESS EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.)

THAT PART OF PARCEL 1, BOCA WEST P.U.D. MASTER PLAT 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 64, PAGES 196 THROUGH 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED

AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF PARCEL 1, BOCA WEST P.U.D. MASTER PLAT 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 64, PAGES 196 THROUGH 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 78°41'18" EAST ALONG THE NORTH LINE OF SAID PARCEL 1 FOR 25.44 FEET TO AN INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND OFFSET 25 FEET EAST OF THE WEST LINE OF SAID PARCEL 1; THENCE SOUTH 00°36'01" EAST ALONG SAID PARALLEL LINE FOR 94.90 FEET TO THE NORTHWEST CORNER OF AN EXISTING TOWER PARCEL; THENCE CONTINUE SOUTH 00°36'01" WEST ALONG SAID PARALLEL LINE AND ALONG THE WEST LINE OF SAID TOWER PARCEL FOR 10.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 20 FEET WIDE TEMPORARY CONSTRUCTION INGRESS AND EGRESS EASEMENT; THENCE SOUTH 89°23'59" WEST FOR 45.00 FEET TO AN INTERSECTION WITH A LINE THAT IS PARALLEL WITH SAID WEST LINE OF SAID PARCEL 1; THENCE SOUTH 00°36'01" EAST ALONG SAID PARALLEL LINE FOR 2518.30 FEET; THENCE NORTH 24°47'37" EAST FOR 213.20 FEET; THENCE NORTH 34°22'21" EAST FOR 70.00 FEET; THENCE NORTH 39°46'38" EAST FOR 188.12 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF GOLFSIDE DRIVE AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING 60,695 SQUARE FEET (1.39 ACRES), MORE OR LESS.

20 FOOT WIDE INGRESS AND EGRESS EASEMENT
(PREPARED BY GEOLINE SURVEYING, INC.)

THAT PART OF PARCEL 1, BOCA WEST P.U.D. MASTER PLAT 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 64, PAGES 196 THROUGH 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF PARCEL 1, BOCA WEST P.U.D. MASTER PLAT 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 64, PAGES 196 THROUGH 205 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 78°41'18" EAST ALONG THE NORTH LINE OF SAID PARCEL 1 FOR 25.44 FEET TO AN INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND OFFSET 25 FEET EAST OF THE WEST LINE OF SAID PARCEL 1; THENCE SOUTH 00°36'01" EAST ALONG SAID PARALLEL LINE FOR 94.90 FEET TO THE NORTHWEST CORNER OF AN EXISTING TOWER PARCEL; THENCE CONTINUE SOUTH 00°36'01" WEST ALONG SAID PARALLEL LINE AND ALONG THE WEST LINE OF SAID TOWER PARCEL FOR 49.33 FEET TO THE SOUTHWEST CORNER OF SAID TOWER PARCEL; THENCE NORTH 89°23'59" EAST ALONG THE SOUTH LINE OF SAID TOWER PARCEL FOR 39.25 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 20 FEET WIDE INGRESS AND EGRESS EASEMENT; THENCE SOUTH 00°36'01" EAST FOR 52.55 FEET; THENCE SOUTH 36°00'06" EAST FOR 61.40 FEET; THENCE SOUTH 20°30'45" WEST FOR 42.00 FEET; THENCE SOUTH 06°00'43" EAST FOR 152.50 FEET; THENCE SOUTH 45°02'32" EAST FOR 119.30 FEET; THENCE SOUTH 06°07'03" WEST FOR 212.50 FEET; THENCE SOUTH 71°09'13" EAST FOR 57.40 FEET; THENCE SOUTH 06°37'08" EAST FOR 190.00 FEET; THENCE SOUTH 14°18'38" WEST FOR 76.00 FEET; THENCE SOUTH 03°42'18" WEST FOR 95.00 FEET; THENCE SOUTH 16°14'27" WEST FOR 236.00 FEET; THENCE SOUTH 45°26'28" WEST FOR 33.00 FEET; THENCE SOUTH 65°41'02" WEST FOR 73.50 FEET; THENCE SOUTH 05°07'49" EAST FOR 155.00 FEET; THENCE SOUTH 07°10'20" WEST FOR 175.30 FEET; THENCE SOUTH 19°34'55" WEST FOR 111.50 FEET TO AN INTERSECTION WITH A LINE THAT IS PARALLEL WITH AND OFFSET 10 FEET EAST OF SAID WEST LINE OF SAID PARCEL 1; THENCE SOUTH 00°36'01" EAST ALONG SAID PARALLEL LINE FOR 40.40 FEET; THENCE SOUTH 56°49'01" EAST FOR 278.05 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF GOLFSIDE DRIVE AND THE POINT OF TERMINUS OF THE HEREIN

DESCRIBED CENTERLINE.

CONTAINING 42,383 SQUARE FEET (0.97 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

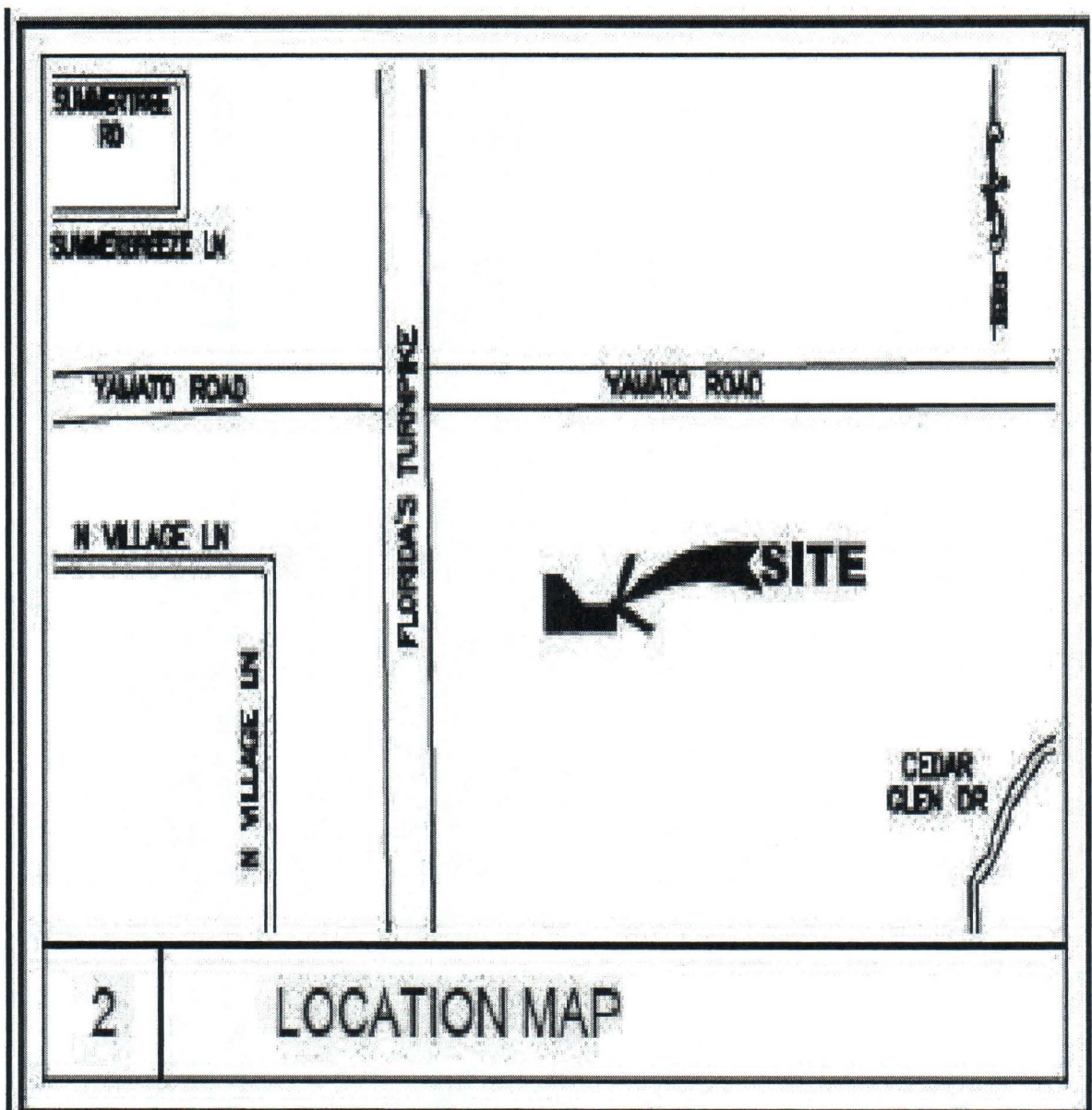


EXHIBIT C-2

CONDITIONS OF APPROVAL

Requested Use - Tower 1

ALL PETITIONS

1. The Preliminary Master Plan is dated November 24, 2014. 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)

LANDSCAPE

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval indicating all minimum required vegetation shall be installed in the reduced buffer width surrounding the Stealth Tower 1 compound area. (DRO: LANDSCAPE - Zoning)

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.