

RESOLUTION NO. R-2015-0114

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 2)

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 2 TOWER

PARENT PARCEL
(PALM BEACH COUNTY, PROPERTY APPRAISER TAX ROLLS)

BOCA WEST PUD MASTER PL 2 PAR 9 (LESS E 50 FT) PAR 10 (LESS E 50 FT, S 50 FT & 5.5 FT STRIP LYG E OF LT 12 PB42P P170)

TOWER PARCEL
(PROVIDED BY CLIENT)

A PORTION OF PARCEL 9, BOCA WEST P.U.D. MASTER PLAT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGE 159, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL 9; THENCE SOUTH 89°23'41" WEST, ALONG THE SOUTH LINE OF PARCEL 9, A DISTANCE OF 51.32 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 00°36'19" WEST, A DISTANCE OF 25.29 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°38'48" WEST, A DISTANCE OF 103.02 FEET; THENCE NORTH 00°28'32" EAST, A DISTANCE OF 12.08 FEET; THENCE NORTH 79°49'44" EAST, A DISTANCE OF 45.78 FEET; THENCE SOUTH 82°50'07" EAST, A DISTANCE OF 54.50 FEET; THENCE SOUTH 15°05'48" EAST, A DISTANCE OF 14.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.0388 ACRES OR 1690 SQUARE FEET, MORE OR LESS.

10 FOOT WIDE INGRESS, EGRESS AND UTILITY EASEMENT
(PROVIDED BY CLIENT)

A 10' INGRESS/EGRESS AND UTILITY EASEMENT LYING 5' LEFT AND RIGHT OF A CENTERLINE, BEING A PORTION OF PARCEL 9, BOCA WEST P.U.D. MASTER PLAT 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 66, PAGE 159, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID PARCEL 9; THENCE SOUTH 89°23'41" WEST, ALONG THE SOUTH LINE OF PARCEL 9, A DISTANCE OF 51.32 FEET; THENCE DEPARTING SAID SOUTH LINE, NORTH 00°36'19" WEST, A DISTANCE OF 25.29 FEET; THENCE NORTH 89°38'48" WEST, A DISTANCE OF 103.02 FEET; THENCE NORTH 00°28'32" EAST, A DISTANCE OF 12.08 FEET; THENCE NORTH 89°31'28" WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE SOUTH 00°28'32" WEST, A DISTANCE OF 13.25 FEET; THENCE SOUTH 25°54'49" EAST, A DISTANCE OF 20.24 FEET; THENCE SOUTH 45°46'19" EAST, A DISTANCE OF 10.60 FEET TO THE NORTH RIGHT OF WAY LINE OF BOCA WEST DRIVE AND THE POINT OF TERMINATION OF SAID CENTERLINE.

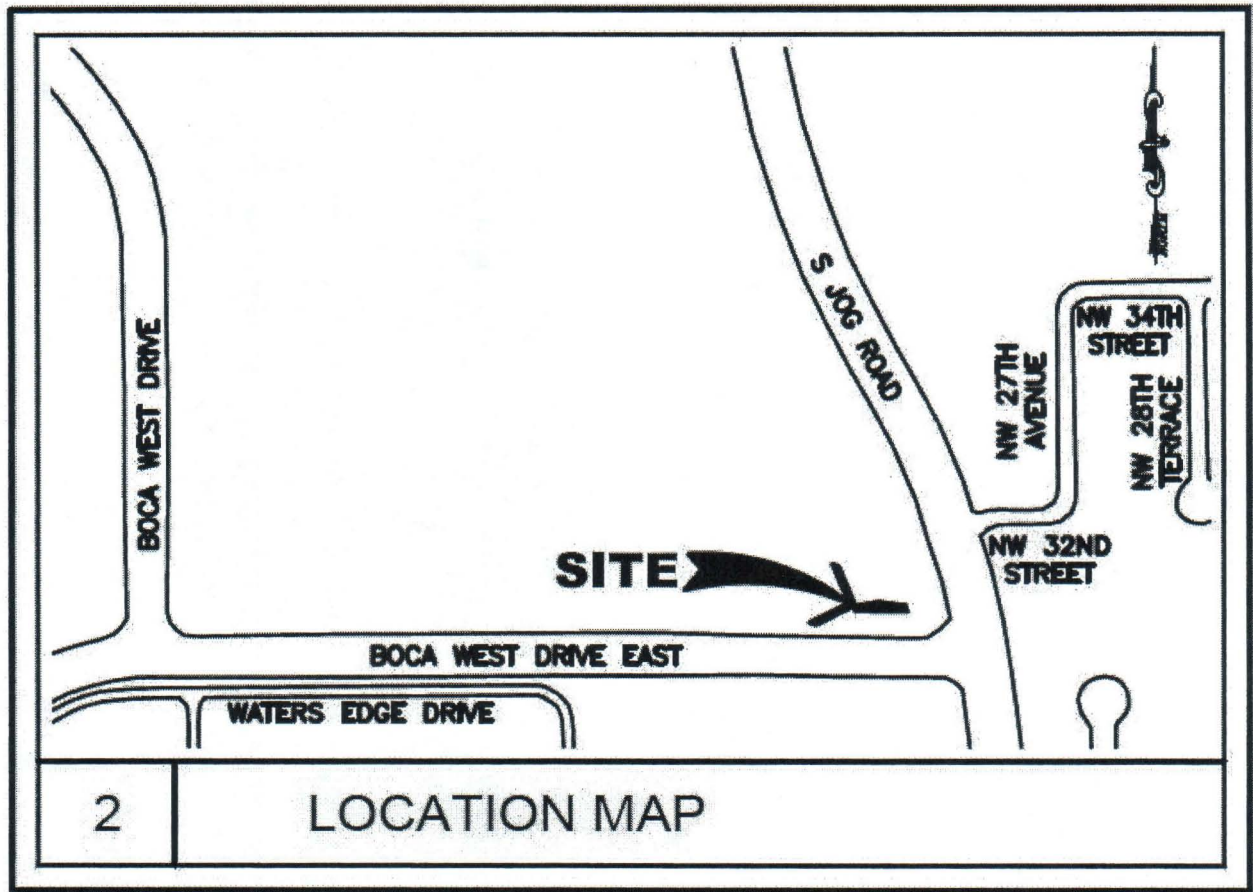
CONTAINING 0.0101 ACRES OR 440 SQUARE FEET, MORE OR LESS, THE SIDELINES OF SAID EASEMENT ARE TO BE SHORTENED OR LENGTHENED TO FORM ONE CONTIGUOUS SHAPE.

PARENT PARCEL
(OWNERSHIP AND ENCUMBRANCE REPORT PREPARED BY WESTCOR LAND TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF SEPTEMBER 27,

1985 THROUGH AUGUST 12, 2014, AT 8:00 AM, SEARCH NO. 14-31843)

PARCEL 9, BOCA WEST P.U.D. MASTER PLAT 2, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 66, PAGES 159 TO 177, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 50.00 FEET AS DESCRIBED IN OFFICIAL RECORDS BOOK 7516, PAGE 714, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



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LOCATION MAP

EXHIBIT C-2

CONDITIONS OF APPROVAL

Requested Use - Tower 2

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.