

RESOLUTION NO. R-2000-0897

RESOLUTION APPROVING WAIVER REQUEST W96-118(A)
WAIVER FROM REQUIRED DIMENSIONAL CRITERIA
PETITION OF SCRIPPS HOWARD BROADCASTING CO.
BY KILDAY & ASSOCIATES, AGENT
(WPTV 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 Waiver from Required Dimensional Criteria for Communication Towers; 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, Waiver Request W96-118(A) was presented to the Board of County Commissioners at a public hearing conducted on June 29, 2000; 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 (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 request for Waiver from required setbacks from north, south, east, and west property lines complies with the intent of Section 6.4.D.22 of the ULDC.
2. This Waiverfrom required from north, south, east, and west property lines will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.
3. This Waiverfrom required setbacks from north, south, east, and west property lines is not granted based solely upon or in large measures due costs associated with complying with all requirements of section 6.4.D.22.
4. This Waiverfrom required setbacks from north, south, east, and west property lines will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.
5. This Waiverfrom required setbacks from north, south, east, and west property lines is the minimum waiver that will make possible the reasonable use of the parcel of land, building or structure.

6. This Waiver from required setbacks from north, south, east, and west property lines is consistent with the purposes, goals, objectives, and policies of Palm Beach County Comprehensive Plan and with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
7. This Waiver from required setbacks from north, south, east, and west property lines will not be injurious to the area involved or otherwise detrimental to the public welfare.
8. This Waiver from required setbacks from north, south, east, and west property lines based upon documentation submitted by the applicant is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC.
9. This Waiver from required setbacks from north, south, east, and west property lines based upon documentation submitted by the applicant is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.
10. This Waiver from required setbacks from north, south, east, and west property lines based upon documentation submitted by the applicant is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.
11. This Waiver from required setbacks from north, south, east, and west property lines based upon documentation submitted by the applicant is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.

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 Waiver Request W96-118(A), the petition of Scripps Howard Broadcasting Co., by Kilday & Associates, agent, for Waivers for setbacks from north, south, east, and west property lines in the Agricultural Residential (AR) 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 June 29, 2000, subject to the conditions of approval described in Exhibit C of DOA96-118(A).

Commissioner Newell 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on June 29, 2000.

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

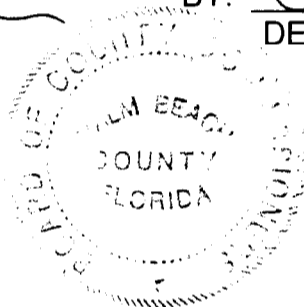


EXHIBIT A
LEGAL DESCRIPTION

LOT 7, LESS THE EAST 23, 24 FEET THEREFORE, OF TRACT 37, TOWNSHIP 44 ½ SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID TOWNSHIP 44 ½ SOUTH BEING A HIATUS BETWEEN TOWNSHIPS 44 AND 45 SOUTH. SAID PARCEL CONTAINING 40.654 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

