

RESOLUTION NO. R-2001- 0139.1

RESOLUTION APPROVING WAIVER REQUEST W84-054(E)
WAIVER FROM REQUIRED DIMENSIONAL CRITERIA
PETITION OF PALMS WEST HOSPITAL
BY KILDAY & ASSOCIATES, AGENT
(PALMS WEST HOSPITAL)

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 W84-054(E) was presented to the Board of County Commissioners at a public hearing conducted on January 25, 2001; 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 Waivers from required setbacks from property line (reduction of 190 feet from the east), and separation to residential structure (reduction of 500 feet) complies with the intent of Section 6.4.D.22 of the ULDC.
2. These Waivers from required setbacks from property line and separation from residential structure 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. These Waivers from required setbacks from property line and separation from residential structure are not granted based solely upon or in large measures due costs associated with complying with all requirements of section 6.4.0.22.
4. These Waivers from required setbacks from property line and separation from residential structure will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.
5. These Waivers from required setbacks from property line and separation from residential structure are necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted.

6. These Waivers from required setbacks from property line and separation from residential structure are the minimum waiver that will make possible the reasonable use of the parcel of land, building or structure.
7. These Waivers from required setbacks from property line and separation from residential structure are 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.
8. These Waivers from required setbacks from property line and separation from residential structure will not be injurious to the area involved or otherwise detrimental to the public welfare.
9. These Waivers from required setbacks from property line and separation from residential structure 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.

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 W84-054(E), the petition of Palms West Hospital, by Kilday & Associates, agent, for a Waiver (W) for setback to property line (reduction of 190 feet from the east) and separation to residential structure (reduction of 500 feet) in the Commercial High Office (CH) 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 January 25, 2001, subject to the conditions of approval described in Exhibit C of DOA84-054(E).

Commissioner Masilotti 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:

| | | |
|------------------------------|---|--------|
| Warren H. Newell, Chair | - | Aye |
| Carol A. Roberts, Vice Chair | - | Aye |
| Karen T. Marcus | | Aye |
| Mary McCarty | | Absent |
| Burt Aaronson | | Aye |
| Tony Masilotti | | Aye |
| Addie L. Greene | | Absent |

The Chair thereupon declared that the resolution was duly passed and adopted on January 25, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

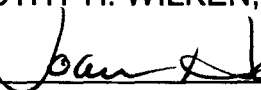
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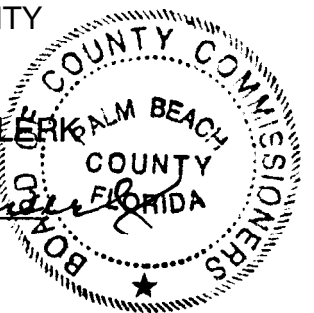

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


DEPUTY CLERK



~~EXHIBIT A~~

EXHIBIT A
LEGAL DESCRIPTION

PALMS WEST MEDICAL CENTER, according to the plat thereof as recorded in Plat Book 54, pages 155-156 of the Public Records of Palm Beach County, Florida: Together with PALMS WEST MEDICAL OFFICE COMPLEX: (being a re-plat of a portion of PALMS WEST MEDICAL CENTER), according to the plat thereof as recorded in Plat Book 69, pages 149-150 of the Public Records of Palm Beach County, Florida. Containing 74.32 acres more or less.

EXHIBIT B
VICINITY SKETCH

