

RESOLUTION NO. R-94- 497

RESOLUTION APPROVING ZONING PETITION CA93-36
CLASS A CONDITIONAL USE
PETITION OF BELLSOUTH MOBILITY

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 Land Development Code (Ordinance 92-20) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA93-36 was presented to the Board of County Commissioners at a public hearing conducted on April 28, 1994; and

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

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Land Development Code 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary **Use** Standards of the Palm Beach County Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach county Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 11, Adequate Public Facility Standards.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but **not** limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County 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 Petition **CA93-36**, the petition of Bellsouth Mobility, by: Hugo Unruh, AGENT for a CLASS A CONDITIONAL USE allowing a communication **tower**, commercial, 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 April 28, 1994, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of April, 1994.

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

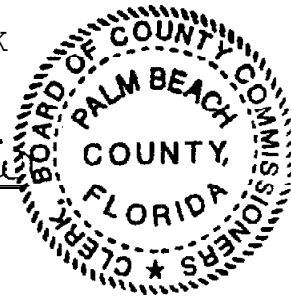


EXHIBIT A

LEGAL DESCRIPTION

LEASE SITE LEGAL DESCRIPTION

A parcel of land lying in the Southeast One-quarter of Section 16, Township 42 South, Range 41 East, in Palm Beach County, Florida and being more particularly described as follows:

Commencing at the Southwest corner of the Southeast quarter of said Section 16: thence S.89° 38' 16"E. along the South line of said Section 16, a distance of 781.05 feet to a point; thence N.00° 27' 07"E. along a line 781.05 feet East of and parallel with the West line of the Southeast One-quarter of said Section 16, a distance of 140.00 feet to a point; thence S.89° 38' 16"E. along a line 140.00 feet North of and parallel with the South line of said Section 16, a distance of 376.64 feet to the Point of Beginning; thence N.00° 21' 44"E a distance of 80.00 feet to a point; thence S.89° 38' 16"E., a distance of 50.00 feet to a point; thence S.00° 21' 44"W., a distance of 80.00 feet to a point; thence N.89° 38' 16"W., a distance of 50.00 feet to the Point of Beginning. Containing 4,000.0 square feet or 0.09 acres more or less.

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EXHIBIT B
VICINITY SKETCH

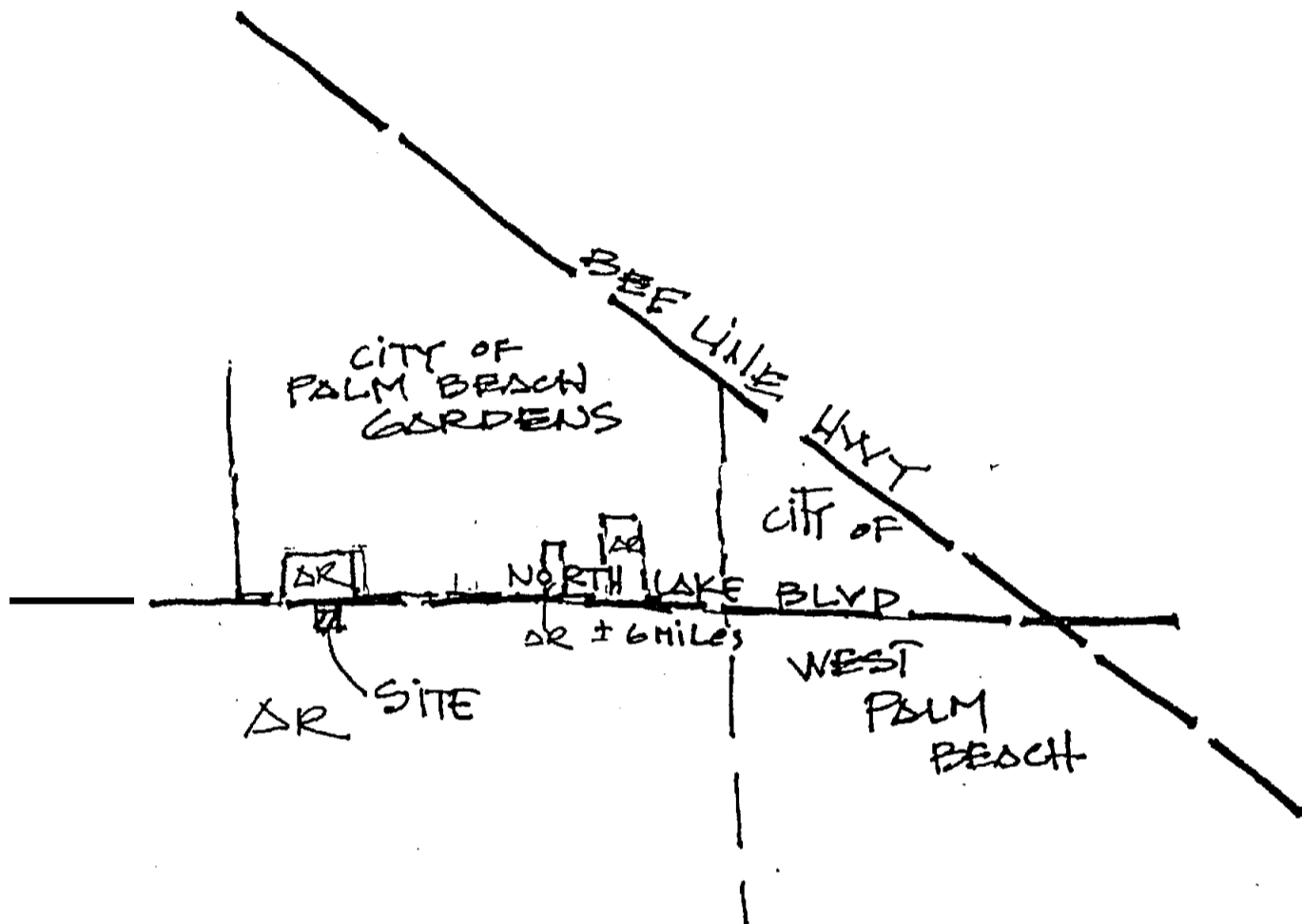


EXHIBIT C

CONDITIONS OF APPROVAL

A. **GENERAL**

1. To ensure compliance with the Stipulated Settlement Agreement, the petitioner shall amend the site plan to indicate all conditions of approval contained in Stipulated Settlement Agreement No. WV-49-93. (ZONING)
2. To ensure adequate access to the lease parcel, prior to site plan certification by the Development Review Committee, the petitioner shall record an access easement as indicated in the approved site plan from North Lake Boulevard. (ZONING/ENGINEERING)
3. To ensure compliance with the request, the communication tower shall have a maximum height of 200 feet. (ZONING/BUILDING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. Prior to the issuance of a building permit for the communication tower, all of the requirements of the Settlement Agreement No. WV-49-93 (Exhibit D), or as it may be amended, shall be completed to the satisfaction of the Department of Environmental Resources Management. (ERM/BUILDING)
2. Prior to site plan certification by the Development Review Committee, the petitioner shall provide documentation, in a manner and form acceptable to the Director of the Department of Environmental Resources Management and the County Attorney, that all restoration, mitigation or permitting requirements of the South Florida Water Management District have been satisfied. (ERM -County Attorney)