

RESOLUTION NO. R-96- 996

RESOLUTION APPROVING ZONING PETITION CA78-227(A)
CLASS A CONDITIONAL USE
PETITION OF AT&T WIRELESS SERVICES
BY MICHAEL SCHORAH, AGENT
(LION COUNTRY SAFARI)

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 Class A Conditional Uses; 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, Zoning Petition CA78-227(A) was presented to the Board of County Commissioners at a public hearing conducted on June 24, 1996; 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 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 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 Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified 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 Unified 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 determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
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 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 Petition CA78-227(A), the petition of AT&T Wireless Services, by Michael Schorah, agent, for a Class A Conditional Use (CA) to allow a commercial communication tower 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 24, 1996, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on July 25, 1996.

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

OVERALL LEGAL DESCRIPTION

SECTION 23, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, ~~LESS~~. HOWEVER: (A) THE SOUTH 460 FEET OF THE WEST 290 FEET THEREOF. AND (B) M E SOUTH 100 FEET THEREOF.

78-277A

FEB 21 1996

CONTAINING 28,766,544 S.F. OR 660.4 ACRES MORE OR LESS.

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 23, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23, THENCE ALONG THE EAST LINE OF SAID SECTION 23 SOUTH 01°17'20" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE SOUTH 01°17'20" WEST, A DISTANCE OF 694.73 FEET; THENCE NORTH 44°31'37" WEST, A DISTANCE OF 1004.89 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF ALAN BUCK BOULEVARD, SAID POINT BEING 30.00 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 23; THENCE ALONG SAID RIGHT-OF-WAY LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 23 SOUTH 88°15'45" EAST, A DISTANCE OF 720.63 FEET TO THE POINT OF BEGINNING.

LEASE AREA LEGAL DESCRIPTION

A PARCEL OF LAND SITUATE IN SECTION 23, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23:
THENCE ALONG THE EAST LINE OF SAID SECTION 23 S 01°17'20" W
A DISTANCE OF 351.21' TO A POINT
THENCE N 88°42'40" W
A DISTANCE OF 102.79 TO THE POINT OF BEGINNING
CONTINUING AT THE POINT OF BEGINNING
THENCE S 51°29'39" W
A DISTANCE OF 80.00' TO A POINT
THENCE N 38°30'21" W
A DISTANCE OF 50.00' TO A POINT
THENCE N 51°29'39" E
A DISTANCE OF 80.00' TO A POINT
THENCE S 38°30'21" E
A DISTANCE OF 50.00' TO A POINT
TO THE POINT OF BEGINNING

CONTAINING 4000.00 SQUARE FEET OR 0.0918 ACRES MORE OR LESS

INGRESS/EGRESS EASEMENT LEGAL DESCRIPTION

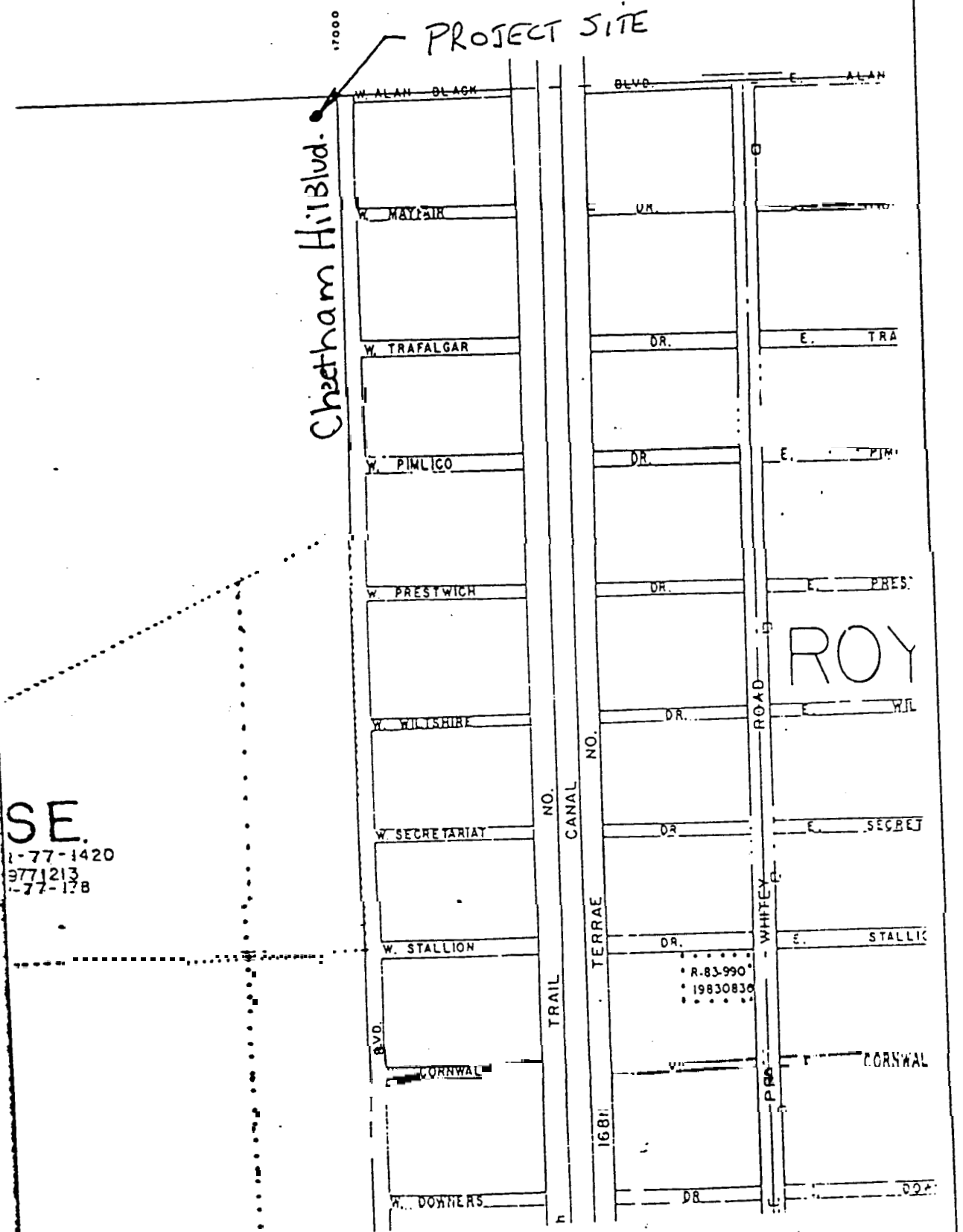
AN EASEMENT 20.00 FEET WIDE LYING 10.00 FEET WIDE EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA,
THENCE S 01°17'20" W ALONG THE EAST LINE OF SAID SECTION 23
A DISTANCE OF 608.28' TO A POINT AND THE TRUE POINT OF BEGINNING

CONTINUING AT THE POINT OF BEGINNING
THENCE S 60°56'14" W
A DISTANCE OF 26.99 TO A POINT
AROUND A CURVE TO THE RIGHT
THROUGH A CENTRAL ANGLE OF 80°00'00"
AN ARC DISTANCE OF 55.85'
A CHORD BEARING OF N 79°03'46" W
A DISTANCE OF 51.42' TO A POINT
THENCE N 39°03'46" W
A DISTANCE OF 122.46' TO A POINT
THENCE N 15°11'20" W
A DISTANCE OF 135.13' TO A POINT
AROUND A CURVE TO THE RIGHT
THROUGH A CENTRAL ANGLE OF 50°17'38"
AN ARC DISTANCE OF 17.56'
A CHORD BEARING OF N 13°06'30" E
A DISTANCE OF 17.00' TO A POINT BEING THE END OF THIS EASEMENT
THE SIDE LINES OF THE ABOVE DESCRIBED EASEMENT ARE TO BE LENGTHENED OR SHORTENED IN ORDER TO CONNECT AT POINTS OF INTERSECTION.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



SE.
1-77-1420
377-1213
77-178

ROY

R-83-990
19830836



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EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in BOLD and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolutions R-76-568 (Petition 76-66), R-77-1420 (Petition 77-178), R-78-1413 (Petition 78-227), and R-1623 (Petition 79-224) have been consolidated as indicated herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)
2. Location of the 180 foot commercial communication tower is limited to the approximate midpoint section on the south west property line of the utility parcel (Exhibit dated Xarch 30, 1996). All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. SIGNS

1. No point of purchase or freestanding signs shall be permitted on the lease parcel or parent tract identifying the commercial communication tower or users. (CO: BLDG)

C. FAA

1. Prior to site plan certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA Regulations and/or advisory circulars of the Palm Beach County Airport Zoning Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (DRC: AIRPORTS)

D. RADIO TOWERS

1. Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations. (ONGOING: PREM)
2. Prior to site plan certification, the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports. (DRC: AIRPORTS)
3. The communication tower shall be limited to a maximum height of 180 feet, measured from finished grade to highest point. (DRC: ZONING - Bldg)

- 4, Condition 1. of Resolution R-78-1413, Petition 78-227, which currently states:

Said approval is granted provided the subject tower does not violate any state or local regulations.

Is hereby deleted. [REASON: Code requirement]

E. ENGINEERING

1. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project, Zoning Petition Number 78-227(A), to be paid at the time of issuance of the Building Permit presently is \$110.00 (2 additional trips X \$55.00 per trip). (BLDG PERMIT: ACCOUNTING - Fair Share Fee Coordinator)

F. UNITY

1. Prior to site plan certification by the Development Review Committee (DRC), the petitioner shall record in the public record a unity of control/title for the 5.75 acre utility site. The unity shall be recorded in a form and manner acceptable to the County Attorney. The unity shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Co Att)

G. LION COUNTRY SAFARI (Parent Tract)

1. The sale of gasoline shall be limited to patrons using the Lion Country Safari attraction (including recreation vehicle park and amusement park) only. (Previously Condition No. 1 of Resolution R-1623, Petition 79-224) (ONGOING: ZONING - Code Enf)

H. LANDSCAPE - ~~wer~~

1. Prior to Site Plan Certification for the tower (Petition 78-227(A)) the petitioner shall provide an alternative landscape betterment plan relocating all required landscaping along the east boundary of the tower lease site. (DRC: LANDSCAPE - Zoning)

I. COMPLIANCE

1. 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; 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 ULDC 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; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.
(MONITORING)