

RESOLUTION NO. R-96-1192

RESOLUTION APPROVING ZONING PETITION CA96-15
CLASS A CONDITIONAL USE
PETITION OF AT & T WIRELESS SERVICE
BY MICHAEL SCHORAH / FRED ROTH, AGENT
(AGR 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 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 CA96-15 was presented to the Board of County Commissioners at a public hearing conducted on August 22, 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.
- a. 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 CA96-15, the petition of AT & T Wireless Service, by Michael Schorah / Fred Roth, 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 August 22, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof,

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on August 22, 1996.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Andrew Alter*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK

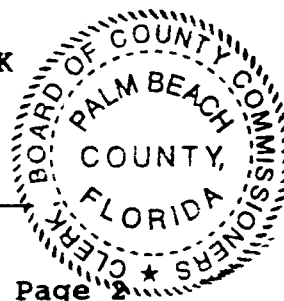


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION(OVERALL)

FILE COPY

BEING ALL OF TRACTS 45 THROUGH 52, 77 THROUGH 84, AND 107 THROUGH 114, AND ALL OF THAT PORTION OF THE 30 FOOT RESERVATION FOR ROAD DITCH AND DIKE PURPOSES LYING BETWEEN TRACTS 81 THROUGH 84 AND TRACTS 107 THROUGH 110, BLOCK 50, PALM BEACH FARMS CO. PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;

LESS THE NORTH 110 FEET OF TRACTS 45 THROUGH 48, BLOCK 50, FOR BOYNTON CANAL RIGHT-OF-WAY;

LESS THE NORTH 50 FEET OF TRACTS 77 THROUGH 80, BLOCK 50, FOR LAKE WORTH DRAINAGE DISTRICT CANAL L-23 RIGHT-OF-WAY;

LESS THE SOUTH 30 FEET OF TRACTS 111 THROUGH 114, BLOCK 50, FOR BOYNTON BEACH BOULEVARD (S.R. 804) ROAD RIGHT-OF-WAY;

LEGAL DESCRIPTION(LEASE AREA):

A PARCEL OF LAND CONTAINED IN BLOCK 50 OF PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 114 OF SAID BLOCK 50 OF PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID TRACT 114 A DISTANCE OF 84.82 TO A POINT THENCE NORTHERLY 90°00'00" A DISTANCE OF 120.09' TO A POINT AND THE TRUE POINT OF BEGINNING CONTINUING AT THE POINT OF BEGINNING THENCE WESTERLY 90°00'00" A DISTANCE OF 56.00' TO A POINT; THENCE NORTHERLY 90°00'00" A DISTANCE OF 86.00' TO A POINT; THENCE EASTERLY 90°00'00" A DISTANCE OF 56.00' TO A POINT; THENCE SOUTHERLY 90°00'00" A DISTANCE OF 86.00 TO A POINT BEING THE POINT OF BEGINNING;

CONTAINING 4816.00 SQUARE FEET OR 0.1106 ACRES MORE OR LESS

LEGAL DESCRIPTION(INGRESS/EGRESS EASEMENT):

AN EASEMENT 20 WIDE LYING 10' WIDE EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE IN BLOCK 50 OF PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

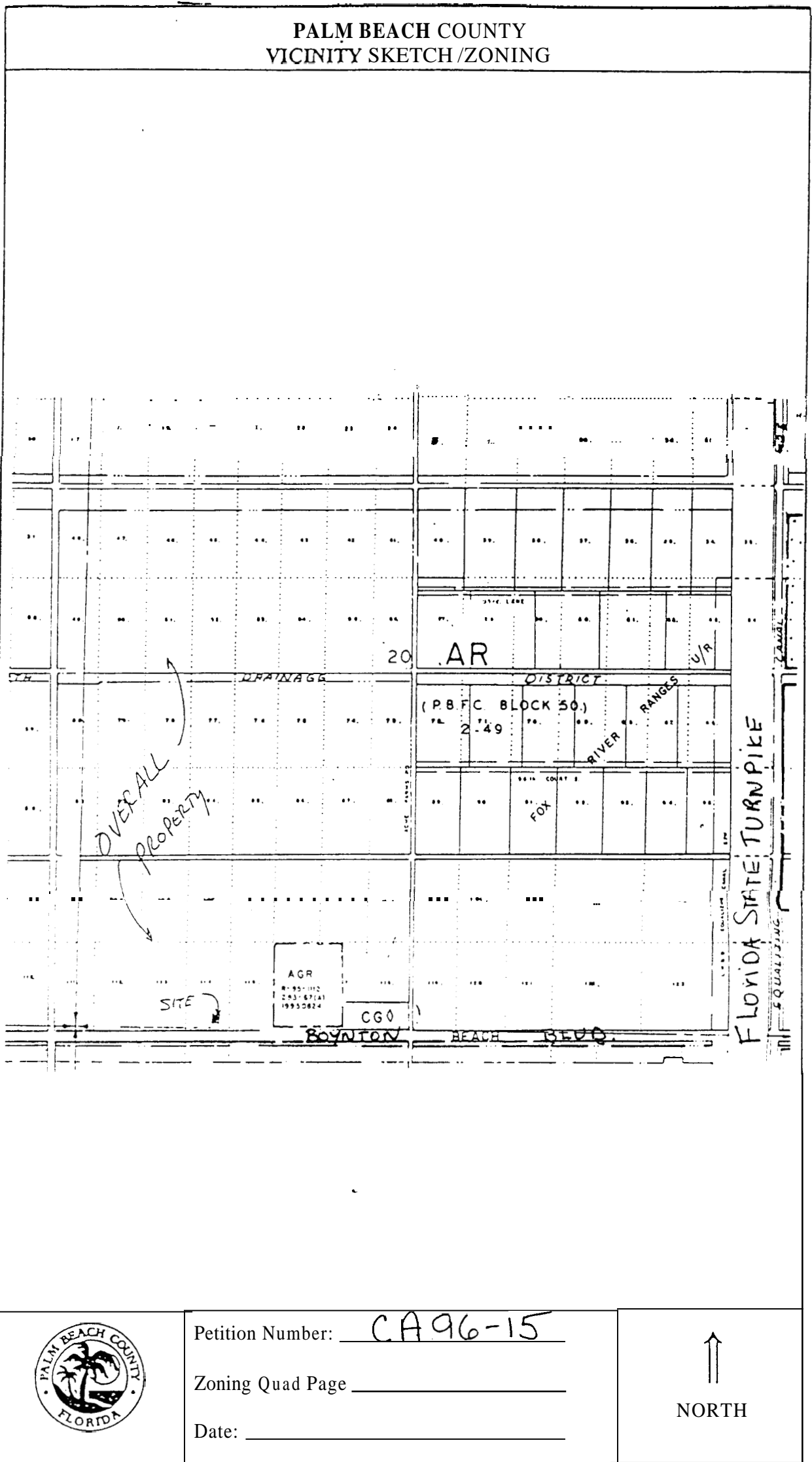
COMMENCING AT THE SOUTHEAST CORNER OF TRACT 114 OF SAID BLOCK 50 OF PALM BEACH COUNTY FARMS COMPANY PLAT NO. 3; THENCE WESTERLY A DISTANCE OF 747.11' ALONG THE SOUTH LINE OF SAID TRACT 114 TO A POINT THENCE NORTHERLY 90°00'00" A DISTANCE OF 30 TO A POINT AND THE TRUE POINT OF BEGINNING

CONTINUING AT THE POINT OF BEGINNING THENCE CONTINUE A DISTANCE OF 30.00' TO A POINT; THENCE EASTERLY 90°00'00" A DISTANCE OF 593.72' TO A POINT AROUND A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 47.12 TO A POINT THENCE CONTINUE A DISTANCE OF 30.09' 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



Petition Number: CA96-15
 Zoning Quad Page _____
 Date: _____



EXHIBIT C

CONDITIONS OF APPROVAL

A. **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)

B. **LANDSCAPE**

1. The petitioner shall provide a minimum ten (10) foot wide Alternative 3 landscape buffer around the tower lease parcel except as permitted in Section 6.4.D.22.h. (Communication Tower/Landscape and Buffering) of the ULDC. (DRC: LANDSCAPE - Zoning)
2. Canopy trees shall be planted twenty (20) feet on center around the tower lease parcel in the landscape buffer. (CO: LANDSCAPE - Zoning)

C. **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 - Zoning)

D. **TOWER**

1. Palm Beach County and 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 by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4. D. 22.k. (shared use), as may be amended. Additional square footage on the site of the tower approval, to accommodate additional unmanned users only, may be permitted administratively subject to approval by the DRC. (DRC: ZONING)
3. 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)
4. The communication tower shall be limited to a maximum 100 foot high self support or monopole structure, measured from finished grade to highest point. (DRC: ZONING - Bldg)
5. The minimum side setback for the tower shall be two hundred and twenty (220) feet from the east property line. (DRC: ZONING - Bldg)

E. 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)