

FILE

RESOLUTION APPROVING ZONING PETITION DOA87-24(G)
DEVELOPMENT ORDER AMENDMENT
PETITION OF SPRINT SPECTRUM, L.P.
BY F. RONALD MASTRIANA, AGENT
(LANTANA PCD 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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 **DOA87-24(G)** was presented to the Board of County Commissioners at a public hearing conducted on January 6, 1997; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.
9. This Development Order Amendment, 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 Development Order Amendment, 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 DOA87-24(G), the petition of Sprint Spectrum, L.P., by F. Ronald Mastriana, agent, for a Development Order Amendment to allow a Commercial communication tower (100 feet) (requested use) 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 6, 1997, 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 McCarty and, upon being put to a vote, the vote was as follows:

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	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 January 6, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *[Signature]*
COUNTY ATTORNEY

BY: *[Signature]*
DEPUTY CLERK

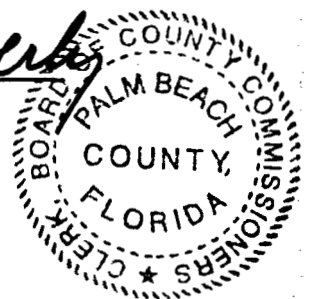


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

A parcel of land being part of Government Lot 3, Tract 39 of the Hiatus in Township 44 ½ South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

COMMENCING at the Northwest corner of said Government Lot 3; thence South 26°29'02" East, along the West line of said Government Lot 3 (the West line of Government Lot 3 is assumed to bear South 26'29'02" East and all other bearings stated herein are relative thereto), a distance of 61.21 feet to a point on the South right-of-way line of Lantana Road (County Road No.812) as described in Official Records Book 5571, Page 783 of the public records of Palm Beach County, Florida; thence South 88°23'52" East, along said right-of-way line, 447.37 feet to a point of intersection with the East line of the West 10 acres of said Government Lot 3; thence South 26°29'02" East, along said East line, 837.45 feet; thence South 63°30'58" West, perpendicular to the preceding course, 63.03 feet to the POINT OF BEGINNING; thence South 63°20'26" West, 40.00 feet; thence North 26'39'34" West, 30.00 feet; thence North 63'20'26" East, 40.00 feet; thence South 26'39'34" East, 30.00 feet to the POINT OF BEGINNING.

Said lands containing 1,200 square feet more or less and subject to easements, restrictions, reservations and rights-of-way of record.

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. Petition No. 87-24(F) was withdrawn.

A. ALL PETITIONS

1. Condition 1 of Resolutions R-88-1216, Petition **87-24(A)** and R-89-1168, Petition **87-24(C)**, R-90-1442, Petition **87-24(E)** ~~with~~ currently states:

The developer shall comply **with** all previous conditions of approval **unless** expressly modified herein.

~~It~~ hereby amended to state:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-90-1442 (Petition **87-24(E)**), R-89-1168 (Petition **87-24(C)**), R-88-1216 (Petition **87-24(A)**), and R-87-1101-A (Petition **87-24**), have been consolidated as contained 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. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. the approved site plan is dated October 25, 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. BUILDING AND SITE DESIGN

1. Prior to site plan certification, the site plan shall be amended to **include** the following:
 - a. The required six **(6)** foot wall along the western property **line.**(Previously Condition 1 of Resolution R-87-1101-A, Petition **87-24**)
2. Prior to site plan certification, the site plan shall be **amended** to indicate the following:
 - a. Required parking for the Service **Station/** Convenience **Store/** Car wash site.
 - b. Proposed number of car wash bays.
 - c. **A** maximum of **10,000** square feet for individual buildings, with each buildings' square footage shown on the site plan.
 - d. Walkways between the vehicular parking and **all** **office/warehouse** buildings a minimum of three **(3)** feet in width.

- e. Loading space for all **office/warehouse** buildings free of conflict with vehicular circulation routes.
 - f. Elimination of the parking space conflicting with the bank stacking lane.
 - g. Right-of-way for **the** Lake Worth Drainage District **L-16** Canal, with landscaping relocated out of **it**.
 - h.** A breakdown of the office use square footage (gross and **gross** leasable) and the warehouse use square footage (gross) **within** the **office/warehouse** tabular data. (Previously Condition 8 of Resolution R-90-1442, Petition 87-24(**E**))
3. Prior to site plan certification the site plan shall be revised to **extend** the proposed median to the ultimate right-of-way of Lantana **Flow**. (Previously Condition 11 of Resolution R-88-1216, Petition **87-24(A)**)
 4. Prior to certification, the site plan shall be amended to indicate the following:
 - a. Relocation of the loading space from between buildings **R-2** and R-3 to an area that does not conflict with other vehicular uses.
 - b. Designation of building R-5, R-6, R-7 and R-8 for the **following** uses: Auto paint and Body, auto service station (major repairs), Dry Cleaning and Laundry Plant, wholesale uses **including** appliances, building supplies, chemicals, furniture, **machinery**, millwork, woodwork, nurseries and greenhouses and **office** warehouse uses be permitted to operate in building R-5, **R-6**, R-7 and R-8.
 - c. Designation for buildings **R-1**, R-2, R-3, **R-4**, P-1, **P-2**, **S-4**, N-3 and **N-4** for the following wholesale uses: Appliance, Building Supplies, Chemicals, Furniture, Machinery, Millwork, Nurseries and Greenhouses, woodwork and Office Warehouse **uses**. (Previously Conditions 3 and 4 of resolution R-90-1442, petition 87-24(**E**))
 5. **The** special exception consumer uses: auto paint and body shop, auto service station (major repairs) and dry cleaning and laundry plant shall be limited to buildings **A**, **O-1**, R-5, R-6, R-7 and R-8, as **shown** on Exhibit 71, and shall not exceed a maximum total floor area of 27,600 square feet. (Previously Condition 5 of Resolution R-90-1442, Petition 87-24(**E**))
 6. **The** special exception wholesale uses: appliances, building supplies, chemicals, furniture, machinery, millwork, woodwork, **nurseries** and greenhouses shall be limited to buildings **R-1**, R-2, R-3, R-4, **P-1**, **P-2**, **S-4**, **N-3** and N-4, as shown **on** Exhibit 71, shall not exceed a total floor area of 42,975 square feet. (Previously Condition 6 of Resolution R-90-1442, Petition **87-24(E)**)
 7. There shall be no retail sales permitted in building R-5, R-7, R-6 or R-8 except as required for services performed on site. (Previously **Condition** 5 of Resolution R-89-1168, Petition **87-24(C)**)

8. **Office/warehouse** shall be defined for this petition as: Those ~~uses~~, commercial in nature, that are related to **office/warehouse in function**, character and trip generation, and those uses defined in Section ~~500.33~~ (Office-Warehouse Combinations) in the Zoning Code. These ~~uses~~ shall be permitted in building labeled **N, O, P, R and S** on the **approved master plan**. (Previously Condition 7 of Resolution R-90-1442, **Petition 87-24(E)**)

C. **EAA**

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. **HEALTH**

1. Generation and disposal of hazardous effluents into sanitary **sewerage** system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental **Regulation** (FDER) and Agency responsible for sewage works, are ~~constructed~~ and used by project tenants or **owners** generating such **effluents**. (Previously Condition ~~6~~ of Resolution R-87-1101-A, **Petition 87-24**, ~~Condition 3~~ of Resolution R-88-1216, **Petition 87-24(A)**, ~~Condition 6~~ of Resolution R-89-1168, **Petition 87-24(C)**)
2. **No** building permit shall be issued for the subject property until ~~such~~ a time that the site is connected to a public sewer system. (Previously Condition 7 of Resolution R-87-1101-A, **Petition 87-24**)
3. There shall be no repair, oil change, car wash or ~~maintenance~~ of mechanical equipment conducted on the property until the facility is connected to the public water and sewer system. (Previously ~~Condition 8~~ of Resolution R-87-1101-A, **Petition 87-24**)
4. Since sewer and water service are available to the property, ~~neither~~ septic tank or well shall be approved for use on the **property**. (Previously ~~Condition 9~~ of Resolution R-87-1101-A, **Petition 87-24**)
5. Condition 4 of Resolution R-88-1216, **Petition 87-24(A)** which ~~currently~~ states:

Since sewer service is available at the site, septic tank shall ~~not~~ be approved for use on said property.

~~Is~~ hereby deleted. [REASON: duplicate condition]
6. Condition 5 of Resolution R-88-1216, **Petition 87-24(A)** which ~~currently~~ states:

Since public water service is available to the property, a well ~~shall~~ not be approved for potable water use on said property.

~~Is~~ hereby deleted. [REASON: duplicate condition]

7. Condition 7 of Resolution R-89-1168, Petition 87-24(C) which currently states:

Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.

Is hereby deleted. [REASON: duplicate condition]

8. Condition 8 of Resolution R-89-1168, Petition 87-24(C) which currently states:

Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.

Is hereby deleted. [REASON: duplicate condition]

E. ENGINEERING

1. Condition 10 of Resolution R-87-1101-A, Petition 87-24, Condition 6 of Resolution R-88-1216, Petition 87-24(A) which currently states:

The developer shall retain the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite three (3) inches of the stormwater runoff generated by a three (3) year-one (1) hour storm per requirements of the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer.

Is hereby deleted. [REASON: code requirement]

2. The property owner shall convey for the ultimate right-of-way of :

a. Lantana Road, 54 feet from centerline

b. Conveyance for the construction of a right turn lane, west approach on Lantana Road at the project's main entrance. This right of way shall be a minimum of 150 feet in length and 12 feet in width, within 90 days of the approval of the Resolution approving this project. (Previously Condition 8 of Resolution R-88-1216, Petition 87-24(A))

3. The property owner shall construct a left turn lane, east approach at the project's east entrance and a right turn lane, west approach at the project's west entrance on Lantana Road at the project's entrance road concurrent with onsite paving and drainage improvements. (Previously Condition 12 of Resolution R-87-1101-A, Petition 87-24)

4. The property owner shall provide to Palm Beach County a road drainage easement within the project's internal lake system which is adjacent to the property capable of accommodating all runoff from those segments of Lantana Road along the property frontage and for a maximum 400 ft. distance each side of the property boundary lines along Lantana Road. The drainage system within the project shall have sufficient retention/detention capacity to meet the storm water

discharge requirements of the applicable County Control District and South Florida Water Management District. The design of the system shall assume the ultimate Thoroughfare Plan Section road drainage runoff. (Previously Condition 13 of Resolution R-87-1101-A, Petition 87-24)

5. 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 presently is **\$109,142.00 (4,074 trips x \$26.79 per trip)**.

Based on the Traffic Performance Standards (Category "A"), the developer shall contribute an additional **\$54,571.00** toward Palm Beach County's existing Roadway Improvement program, these total funds of **\$163,713.00** to be paid prior to the issuance of the first building permit or prior to October 1, 1987 whichever shall first occur.

If the "Fair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount of **\$54,571.00** shall be credited toward the increased Fair Share Fee. (Previously Condition 9 of Resolution R-88-1216, Petition 87-24(A))

6. Condition 10 of Resolution R-88-1216, Petition 87-24(A) which currently states:

In order to comply with the Mandatory Traffic Performance Standards, the property owner shall be restricted to the following phasing scheduled:

- a. Building permits for more than the following land uses shall not be obtained until actual construction has commenced for Lantana Road as a four (4) lane section from Hagan Ranch Road to Jog Road, and Jog Road as a four (4) lane section from Melaleuca Lane to Lantana Road.

1. **56,200** square feet of mini warehouses

2. Six (6) bay car wash

3. **2,000** square foot convenience store with gas pumps

~~Is hereby deleted. [REASON: Condition 18 of Resolution R-89-1168, Petition 87-24(C)]~~

7. The petitioner shall design the drainage system such that storm water runoff from the parking areas and paved surface area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (Previously Condition 9 of Resolution R-89-1168, Petition 87-24(C))
8. The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" for the additional **625** trips generated by this revision (**87-24(C)**) as it presently exists or as it may from time to time be amended. (Previously Condition 10 of Resolution R-89-1168, Petition 87-24(C))

9. In order to comply with the mandatory **traffic** performance standards the petitioner shall be restricted to the following:

- a. **50%** of the building permits for the remaining unbuilt structures of Zoning Petition No. **87-24(C)** identified in the November 1988 applicants Traffic Impact Analysis may be pulled after January 1, 1989. Certificates of occupancy for those structures may be received after July 1, 1989.
- b. The remaining **50%** of the unbuilt structures may not be eligible for building permits until all construction has begun (**4** lane median divided section) for: 1) Lantana Road from Hagen Ranch Road to Jog Road; 2) Jog Road from Melaleuca Lane to Lantana Road. (Previously Condition 11 of Resolution R-89-1168, **Petition 87-24(C)**)

F. 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 lower lease parcel in the landscape buffer. (CO: LANDSCAPE - Zoning)

G. LAKE WORTH DRAINAGE DISTRICT

1. The petitioner shall convey to the Lake Worth Drainage District the south 25 feet of the subject property for the required right-of-way for Lateral Canal No. 16, by Quit Claim Deed or an Easement Deed in the form provided by said District within ninety (**90**) days of the **approval of the** Resolution approving this project. (Previously Condition 15 of Resolution R-87-1101-A, **Petition 87-24** and Previously Condition 7 of Resolution R-88-1216, **Petition 87-24(A)**)

H. LIGHTING

1. Outdoor lighting used to illuminate the premises shall be **low** in intensity and directed away from adjacent properties and streets, shining only on the subject site. (Previously Condition 3 of Resolution R-87-1101-A, **Petition 87-24**)

I. 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)

J. SWA

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (Previously Condition 9 of Resolution R-90-1442, **Petition 87-24(E)**)

K. 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 rear setback for the tower shall be one hundred and fifty (150) feet from the south property line. (DRC: ZONING - Bldg)

L. UNITY

1. Prior to site plan certification, the petitioner shall submit a copy of the executed Unity of Title for inclusion into the official zoning file. (Previously Condition 12 of Resolution R-89-1168, Petition 87-24(C))
2. Prior to any further site plan certification the property owner shall record a Unity of Title covering the entire site for Zoning Petition 87-24(E), and all subsequent amendments. The Executive Director of Planning, Zoning and Building shall have authority to break the Unity of Title should the property owner desire to subdivide this parcel. Any subsequent subdivision of this subject property shall meet all provisions of Palm Beach County's Subdivision and Required Improvements Regulations and all applicable regulations and ordinances. (Previously Condition 2 of Resolution R-90-1442, Petition 87-24(E))

M. USE LIMITATIONS

1. No retail sales shall be permitted in the office-warehouse combination. (Previously Condition 4 of Resolution R-87-1101-A, Petition 87-24)
2. No stock loading or dumpster pickup will be permitted between the hours of 8:00 PM and 8:00 A.M. (Previously Condition 5 of Resolution R-87-1101-A, Petition 87-24)
3. The existing well drilling use shall be discontinued upon expiration of the existing lease for the well drilling company. (Previously Condition 17 of Resolution R-87-1101-A, Petition 87-24)

4. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. **No** parking of vehicles shall be **permitted** in landscape areas, **rights-of-ways** or interior drives. (Previously Condition 13 of Resolution R-89-1168, Petition **87-24(C)**)
5. There shall be no outside storage of disassembled or **inoperative** vehicles **or** parts thereof on site. (Previously Condition 14 of Resolution R-89-1168, Petition **87-24(C)**)
6. There **shall** be no outdoor repair **of** vehicles. (Previously Condition **15** of Resolution R-89-1168, Petition **87-24(C)**)
7. **No** outdoor loudspeaker system shall be permitted on site. (Previously Condition 16 of Resolution R-89-1168, Petition **87-24(C)**)

N. COMPLIANCE

1. Condition 17 of Resolution R-89-1168, Petition **87-24(C)** which currently states:

Failure **to** comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop **work** order; the denial of a Certificate of Occupancy on any **building or structure**; **or** the denial or revocation of any permit **or** approval for any **developer-owner**, commercial-owner, lessee, or user of the **subject** property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Is hereby amended to read:

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)