

RESOLUTION APPROVING ZONING PETITION DOA94-88(B)
DEVELOPMENT ORDER AMENDMENT
PETITION OF AMERICAN TOWERS SYSTEMS
BY ROBERT BASEHART, AGENT
(WIRK TOWERS)

1/43/97

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 DOA94-88(B) was presented to the Board of County Commissioners at a public hearing conducted on October 23, 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 DOA94-88(B), the petition of American Towers Systems, by Robert Basehart, agent, for a Development Order Amendment (DOA) to Modify previous approval from monopole towers to guy towers 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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.**

Commissioner McCarty 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:

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


The *chair* thereupon declared that the resolution was duly passed and adopted on October 23, 1997.

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

LEGAL DESCRIPTION-PARCEL A

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (**NW 1/4**) OF THE NORTHEAST ONE-QUARTER (**NE 1/4**) OF SECTION 1, TOWNSHIP 43' SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER (**NE 1/4**) OF SAID SECTION 1; THENCE **SOUTH 88°56'07"** EAST, **ALONG** THE NORTH LINE OF SAID NORTHEAST QUARTER (**NE 1/4**) A DISTANCE OF **510.63** FEET TO THE **POINT OF BEGINNING**; THENCE, CONTINUE ALONG SAID NORTH LINE, **SOUTH 88°56'07"** EAST, A DISTANCE OF **300.00** FEET; THENCE, DEPARTING SAID NORTH LINE, **SOUTH 01°03'53"** WEST, A DISTANCE OF **211.68** FEET; THENCE **SOUTH 62°03'16"** EAST, A DISTANCE OF **227.76** FEET TO A POINT IN A LINE **300.00 FEET** WESTERLY OF **AND** PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (**NW 1/4**) OF SAID NORTHEAST (**NE 1/4**) QUARTER OF SECTION 1; THENCE **SOUTH 01°52'59"** WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF **793.69** FEET; THENCE, DEPARTING SAID PARALLEL LINE, **NORTH 88°56'07"** WEST, A DISTANCE OF **938.51** FEET; THENCE **NORTH 01°52'59"** EAST, A DISTANCE OF **626.45** FEET; THENCE **NORTH 46°27'05"** EAST, A DISTANCE OF **614.94** FEET; THENCE **NORTH 01°03'53"** EAST, A DISTANCE OF **50.00** FEET TO SAID NORTH LINE OF SAID NORTHEAST QUARTER (**NE 1/4**) AND THE **POINT OF BEGINNING**.

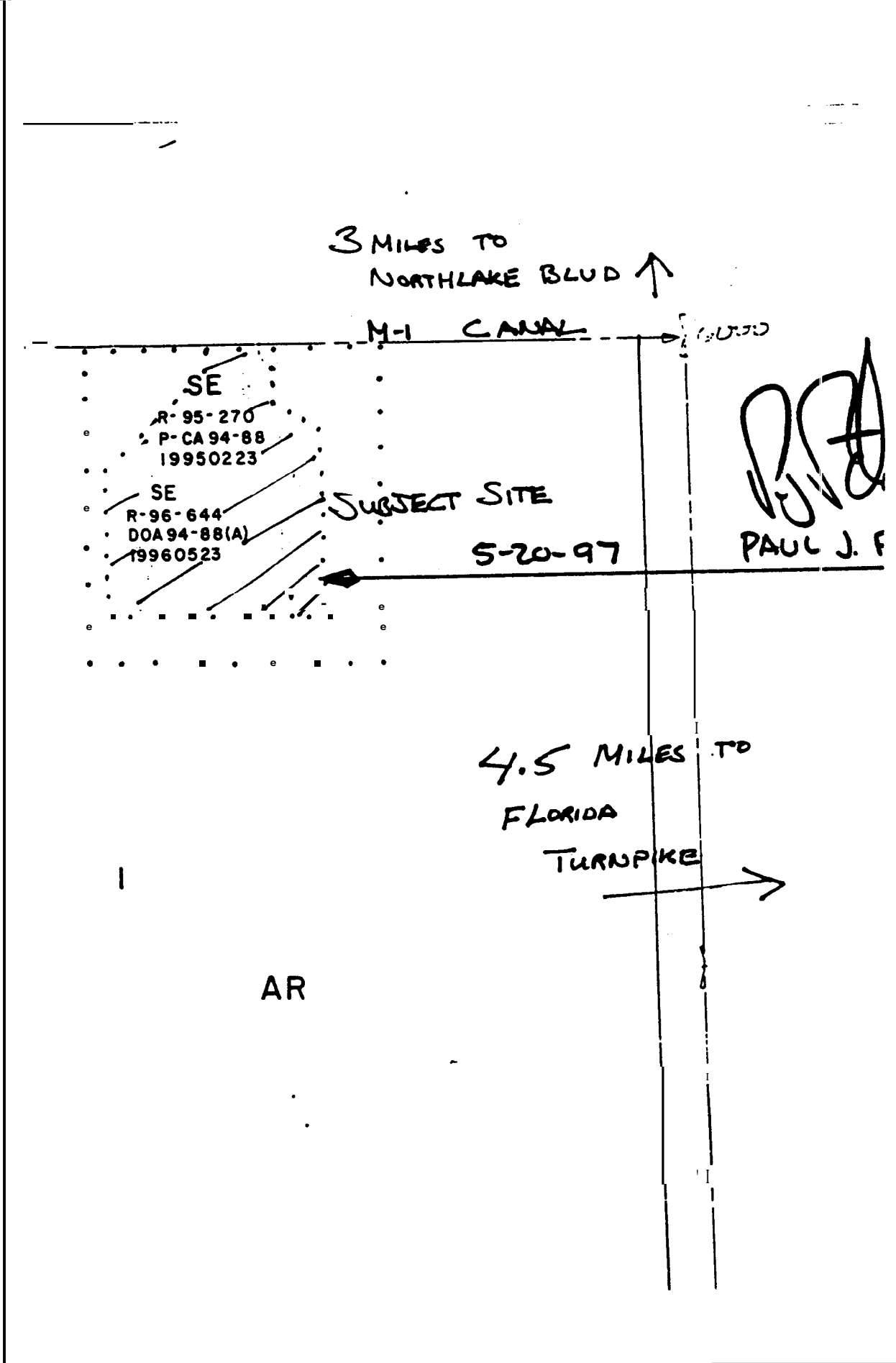
CONTAINING **IN ALL 871,200 SQ. FT. OR 20.000 ACRES**, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

NOTES: BEARINGS **SHOWN** HEREON ARE RELATIVE TO AN ASSUMED BEARING OF **SOUTH 88°56'07"** EAST ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (**NE 1/4**) OF SECTION 1, TOWNSHIP 43 SOUTH, RANGE 41 EAST.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 94-88-B
Zoning Quad Page _____
Date: May 21, 1997

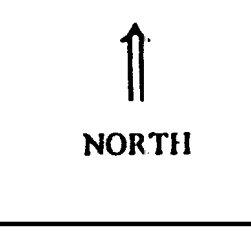


EXHIBIT C

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-95-270 (Petition CA94-88), and R-96-644 (Petition COA94-88(A)) 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)

B. FAA

1. Prior to Development Review Committee certification, the petitioner shall submit documentation to the Zoning Division which demonstrates that the proposed facility does not violate FAA or the Department of Transportation, Aviation Division Airport Regulations. This documentation shall be subject to approval by the Palm Beach County Department of Airports. (Previously Condition A2 of Resolution R-96-644 (Petition COA94-88(A)) (ZONING))

C. TOWER

1. Palm Beach County and any other governmental agency shall have the right to co-locate communication equipment on the subject tower provided that the placement of such equipment does not interfere with the petitioner's equipment or operations. (Previously Condition A3 of Resolution R-96-644 (Petition COA94-88(A)) (PREM))
2. Prior to site plan certification by the DRC, the petitioner shall comply with the shared use provisions of the ULDC, Section 6.4.0.22.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. The communication/radio towers shall be limited to five (5) guyed structures, maximum height of 200 feet measured from finished grade to highest point and one (1) guyed structure limited to 442 feet measured from finished grade to highest point. (DRC: ZONING - Bldg)

D. ENVIRONMENTAL RESOURCES MANAGEMENT

1. There are several vegetation related violations associated with this property. These shall be addressed with the Department of Environmental Resources Management prior to DRC Site Plan certification. (previously Condition B.1 of Resolution R-96-644 (Petition DOA94-88(A)) (DRC: ERM))

E. ENGINEERING

1. **The Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (Previously Condition E.1. of Resolution R-96-644 (Petition COA94-88(A)(BLDG PERMIT: Monitoring - Eng))**
2. **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 proposed tower to be paid at the time of issuance of the Building Permit presently is \$110.00 (2 trips X \$55.00 per Mp) (Previously Condition E.1. of Resolution R-96-644 (Petition COA94-88(A). (IMPACT FEE COORDINATOR).**

F. PLANNING

1. **The property must be rezoned so as to be consistent with the Future Land Use Atlas designation upon submittal of the next request for development approval, requiring Board of County Commissioners (BCC) approval. (ONGOING: Planning)**

G.. 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.**

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

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)