

RESOLUTION APPROVING ZONING PETITION CA97-114
CLASS A CONDITIONAL USE
PETITION OF WPEC
BY SARA LOCKHART, AGENT
(WPEC TELEVISION 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 CA97-114 was presented to the Board of County Commissioners at a public hearing conducted on February 26, 1998; 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 CA97-114, the petition of WPEC, by Sara Lockhart, agent, for a Class A Conditional Use (CA) to allow ~~one~~ (1) Commercial Communication Tower (television 1030feet) and the deny the request for the retention ~~of~~ the existing tower at a height of 500 feet in the Agricultural Residential 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 **February 26, 1998**, **subject to** the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Newell 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:

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

The Chair thereupon ~~declared~~ that ~~the~~ resolution **was** duly passed and adopted on March **26**, 1998.

APPROVED **AS TO FORM**
AND LEGAL SUFFICIENCY

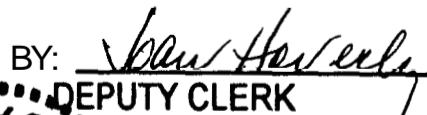
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD **OF** COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

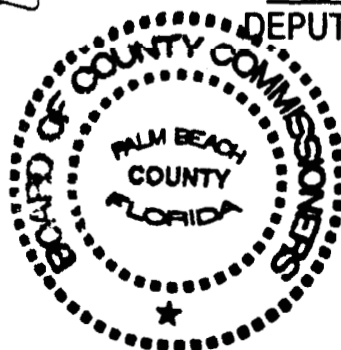
BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

Petition CA97-114
Project No. 3100-425



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EXHIBIT A
LEGAL DESCRIPTION

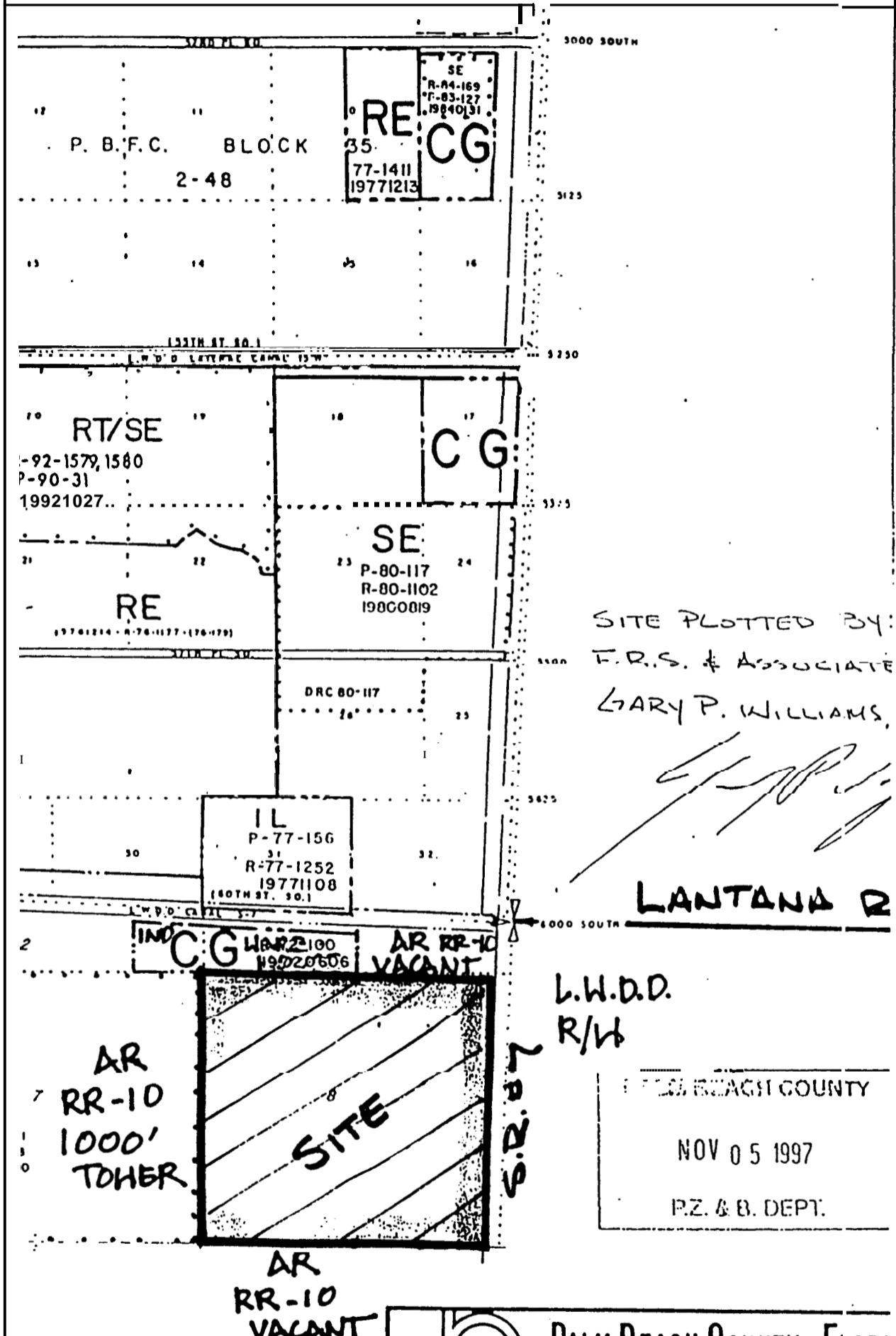
LEGAL DESCRIPTION

BEING THE EAST 23.42 FEET OF LOT 7 , TRACT 37, AND ALL OF LOT 8, TRACT 37 (LESS THE RIGHT OF WAY OF STATE ROAD 199, NOW KNOWN AS STATE ROAD 7), TOWNSHIP 44-1/2 SOUTH, RANGE 41 EAST, OF THE HIATUS TRACT, IN PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINING 39.46 ACRES MORE OR LESS.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



SITE PLOTTED BY:
F.R.S. & ASSOCIATE
GARY P. WILLIAMS,

[Signature]
LANTANA R

L.W.D.D.
R/W

PALM BEACH COUNTY
NOV 05 1997
P.Z. & B. DEPT.



Petition Number: **97-114**
Zoning Quad Page **63**
Date: **11.19.97**

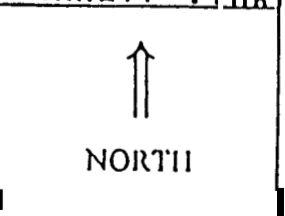


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of ~~the~~ site is limited to ~~the~~ uses and site design approved by the Board of County Commissioners. The approved site plan is ~~dated~~ November 19, 1997. 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. (DRC: ZONING)

B. ENVIRONMENTAL RESOURCES MANAGEMENT

1. All prohibited and invasive exotic vegetation shall be removed from and prevented from reestablishing ~~on~~ the property subject to a Management Plan submitted to and approved by Environmental Resources Management prior to site plan certification. (DRC: ERM)

C. FAA

1. Prior to building permit approval, 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**. (BLDG PERMIT AIRPORTS)

D. LANDSCAPE

1. The petitioner shall provide a minimum fifteen (15) foot wide landscape buffer adjacent to ~~the~~ guy wire anchor and jersey barrier along one hundred (100) feet of SR7/US441. Credit shall ~~be~~ given for existing native vegetation in accordance with Section 7.3.E. of ~~the~~ ULDC. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

No conditions.

F. TOWERS

1. Palm Beach County ~~or~~ the State of Florida shall have the right to co-locate communication equipment on the tower at no charge, provided ~~that~~ the placement of the equipment does not interfere with the petitioner's equipment, operations or the petitioner to lease space for compensation to other providers of communication services. (ONGOING: PREM)
2. 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 relocated guyed television tower shall ~~be~~ limited to a maximum wight of ~~one~~ thousand thirty (1030) feet measured from finished grade to highest point ~~or~~ one thousand fifty (1050) feet mean sea level. (DRC: ZONING - Bldg)

4. The existing one thousand thirty **(1030)** foot guyed tower on site shall be completely removed by January **31, 1999**. (DATE: MONITORING/ Edg Permit - Zoning)
5. The petitioner shall apply for a Class A Conditional Use and associated waivers for ~~the~~ **500** foot tower proposed to remain on site, **or the remaining tower shall be removed by January 31, 1999**. (DATE: BUILDING PERMIT - MONITORING - Zoning)

G. COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon ~~the~~ oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. 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; revocation of any concurrency; 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)