

RESOLUTION NO. R-2004-0515

RESOLUTION APPROVING RECOMMENDATION OF
STATUS REPORT NO. SR 1996-089.3
TO REVOKE THE CONDITIONAL USE "A" APPROVED BY
RESOLUTION NO. R-97-15
PETITION NO. 1996-089
THE PETITION OF SPRINT SPECTRUM L.P.

WHEREAS, the Board of County Commissioners, as the governing body, 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, systematic monitoring and review of approved zoning actions help implement the goals and objectives of the Comprehensive Plan; and

WHEREAS, the notice and hearing requirements as provided for in Article 2.E. of the Palm Beach County Land Development Code have been satisfied; and

WHEREAS, pursuant to Article 2.E., Status Report SR 1996-089.3 was presented to the Board of County Commissioners of Palm Beach County at a public hearing conducted on March 25, 2004; and

WHEREAS, the Board of County Commissioners has reviewed Status Report SR 1996-089.3 and considered testimony, and the recommendations of the various county review agencies; and

WHEREAS, Article 2.E. of the Palm Beach County Land Development Code authorizes the Board of County Commissioners to revoke the Conditional Use "A"; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. The requested use was approved more than seven years ago.
2. Two time extensions have previously been approved for the conditional use.
3. The Conditional Use A has not yet been utilized.
4. The property owner has not documented any efforts to commence development.
5. The property owner has not documented any circumstances beyond the control of the property owner which has prevented the commencement of development.
6. The revocation of development orders is consistent with the Palm Beach County Comprehensive Plan and with the Unified Land Development Code

WHEREAS, Section 5.3 of the 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 the recommendation of Status Report No. SR 1996-089.3, to revoke the Conditional Use A previously granted by the approval of the petition of Sprint Spectrum L.P., Petition No. 1996-089, confirmed by the adoption of Resolution R-97-15, which approved a Class A Conditional Use to allow a commercial communication tower (150 feet), on property legally described as the east 769.72' of Tract 34, Block 1 Loxahatchee Groves Replat as recorded in Plat Book 12, page 29, of the Public Records of Palm Beach County, Florida,

being located on the west side of Folsom Road, approximately 500 feet south of Okeechobee Boulevard, in the AR-Agricultural Residential Zoning District, is approved.

Commissioner McCarty moved for approval of the Resolution.

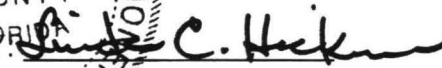
The motion was seconded by Commissioner Aaronson and, upon being put to a vote, the vote was as follows:


KAREN T. MARCUS, CHAIR	—	Absent
TONY MASILOTTI, VICE CHAIRMAN	—	Aye
JEFF KOONS	—	Absent
WARREN H. NEWELL	—	Aye
MARY MCCARTY	—	Aye
BURT AARONSON	—	Aye
ADDIE L. GREENE	—	Absent

The Chair thereupon declared the resolution was duly passed and adopted this 25 day of March, 2004.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
 BY ITS BOARD OF COUNTY COMMISSIONERS
 PALM BEACH COUNTY, FLORIDA
 DOROTHY H. WILKEN, CLERK
 BY: 
 DEPUTY CLERK



Filed with the Clerk of the Board of County Commissioners on the 14 day of April, 2004.