

RESOLUTION NO. R-2016-0007

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2015-00320
(CONTROL NO. 1980-00212)
a Requested Use
APPLICATION OF RG Towers LLC
BY RG Towers, LLC, AGENT
(Westchester Club 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 applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) (ULDC), have been satisfied;

WHEREAS, Zoning Application DOA/R-2015-00320 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County ULDC (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested Use; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County ULDC 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 Application DOA/R-2015-00320, the application of RG Towers LLC, by RG Towers, LLC, Agent, for a Requested Use to allow a Commercial Communication Tower (Stealth), 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 January 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	-	Aye
Commissioner Hal R. Valeche, Vice Mayor	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Melissa McKinlay	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 7, 2016.

Filed with the Clerk of the Board of County Commissioners on January 21, 2016.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK



The seal is circular with a double-line border. The outer ring contains the text "PALM BEACH COUNTY COMMISSIONERS" at the top and "BOARDS" at the bottom. The inner ring contains "PALM BEACH COUNTY" at the top and "FLORIDA" at the bottom. A five-pointed star is positioned at the bottom center of the seal.

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF PARENT TRACT

RECREATION TRACT "3", PIPERS GLEN UNIT NO. 1 (P.U.D.), AS RECORDED IN PLAT BOOK 43, PAGES 97-101 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS TRACT "M-1" WATER MANAGEMENT TRACT, REPLAT OF GOLF COLONY, AS RECORDED IN PLAT BOOK 62, PAGES 73-76 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS TRACT "W", WESTCHESTER GOLF & COUNTRY CLUB GOLF, AS RECORDED IN PLAT BOOK 94, PAGES 62-63 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT "M" (MAINTENANCE AREA), PIPERS GLEN UNIT NO. 1 (P.U.D.), AS RECORDED IN PLAT BOOK 43, PAGES 97-101 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**DESCRIPTION OF
RG TOWERS LEASE PARCEL**

A PARCEL OF LAND BEING A PORTION OF RECREATION TRACT "3", PIPERS GLEN UNIT NO. 1 (P.U.D.), AS RECORDED IN PLAT BOOK 43, PAGES 97-101 OF THE PUBLIC RECORDS OF PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID RECREATION TRACT "3";

THENCE ON A PLAT BEARING OF N00°36'32"W ALONG THE EAST LINE OF SAID RECREATION TRACT "3", A DISTANCE OF 295.00 FEET;

THENCE S89°23'28"W A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S89°23'28"W A DISTANCE OF 30.00 FEET;

THENCE S00°36'32"E A DISTANCE OF 80.00 FEET;

THENCE N89°23'28"E A DISTANCE OF 30.00 FEET;

THENCE N00°36'32"W A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA CONTAINING 2,400.00 SQUARE FEET MORE OR LESS.

DESCRIPTION OF RG TOWERS LANDSCAPE BUFFER EASEMENT

*A PARCEL OF LAND BEING A PORTION OF RECREATION TRACT "3",
PIPERS GLEN UNIT NO. 1 (P.U.D.), AS RECORDED IN PLAT BOOK 43,
PAGES 97-101 OF THE PUBLIC RECORDS OF PARTICULARLY DESCRIBED
AS FOLLOWS:*

COMMENCE AT THE SOUTHEAST CORNER OF SAID RECREATION TRACT "3";

*THENCE ON A PLAT BEARING OF N00°36'32"W ALONG THE EAST LINE OF
SAID RECREATION TRACT "3", A DISTANCE OF 295.00 FEET;*

*THENCE S89°23'28"W A DISTANCE OF 20.00 FEET TO THE POINT OF
BEGINNING;*

THENCE CONTINUE S89°23'28"W A DISTANCE OF 30.00 FEET;

THENCE S00°36'32"E A DISTANCE OF 80.00 FEET;

THENCE N89°23'28"E A DISTANCE OF 5.00 FEET;

THENCE S00°36'32"E A DISTANCE OF 10.00 FEET;

THENCE S89°23'28"W A DISTANCE OF 15.00 FEET;

THENCE N00°36'32"W A DISTANCE OF 100.00 FEET;

*THENCE N89°23'28"E A DISTANCE OF 60.00 FEET TO A POINT ON THE
EAST LINE OF SAID RECREATION TRACT "3";*

*THENCE S00°36'32"E ALONG SAID EAST LINE, A DISTANCE OF 90.00
FEET;*

THENCE S89°23'28"W A DISTANCE OF 20.00 FEET;

*THENCE N00°36'32"W A DISTANCE OF 80.00 FEET TO THE POINT OF
BEGINNING;*

*SAID PARCEL OF LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA
CONTAINING 3,150.00 SQUARE FEET MORE OR LESS.*

DESCRIPTION OF RG TOWERS ACCESS AND UTILITY EASEMENT

*A PARCEL OF LAND BEING A PORTION OF RECREATION TRACT "3",
PIPERS GLEN UNIT NO. 1 (P.U.D.), AS RECORDED IN PLAT BOOK 43,
PAGES 97-101 OF THE PUBLIC RECORDS OF PARTICULARLY DESCRIBED
AS FOLLOWS:*

COMMENCE AT THE SOUTHEAST CORNER OF SAID RECREATION TRACT "3";

*THENCE ON A PLAT BEARING OF N00°36'32"W ALONG THE EAST LINE OF
SAID RECREATION TRACT "3", A DISTANCE OF 295.00 FEET;*

THENCE S89°23'28"W A DISTANCE OF 20.00 FEET;

THENCE CONTINUE S89°23'28"W A DISTANCE OF 30.00 FEET;

THENCE S00°36'32"E A DISTANCE OF 80.00 FEET;

*THENCE N89°23'28"E A DISTANCE OF 5.00 FEET TO THE POINT OF
BEGINNING;*

THENCE S00°36'32"E A DISTANCE OF 20.00 FEET;

*THENCE N89°23'28"E A DISTANCE OF 45.00 FEET TO A POINT ON THE
EAST LINE OF SAID RECREATION TRACT "3";*

*THENCE N00°36'32"W ALONG SAID EAST LINE, A DISTANCE OF 20.00
FEET;*

*THENCE S89°23'28"W A DISTANCE OF 45.00 FEET TO THE POINT OF
BEGINNING;*

*SAID PARCEL OF LAND SITUATE WITHIN PALM BEACH COUNTY, FLORIDA
CONTAINING 900.00 SQUARE FEET MORE OR LESS.*

EXHIBIT B
VICINITY SKETCH

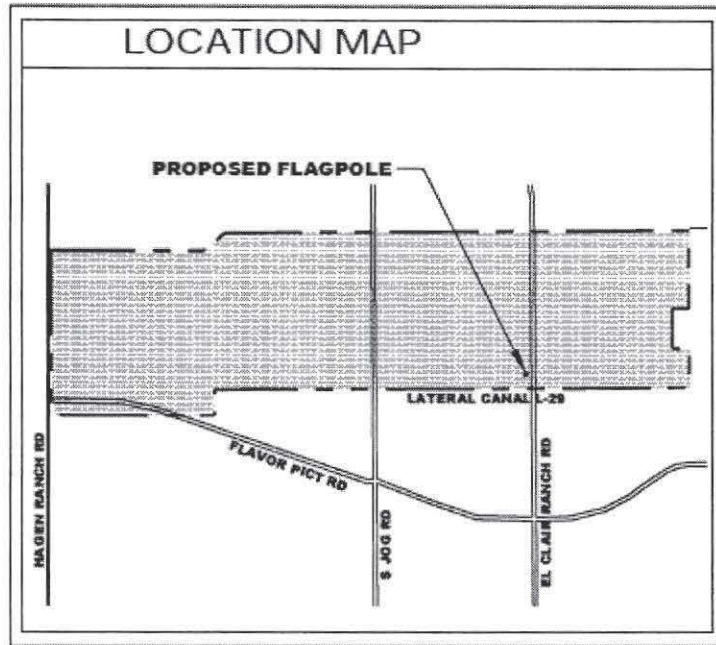


EXHIBIT C

CONDITIONS OF APPROVAL

Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 10, 2015 and the Preliminary Regulating plan is dated September 28, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

LANDSCAPE - GENERAL

1. Prior to final approval by the Development Review Officer, the Property Owner shall have the Perpetual Landscape Maintenance Agreement recorded. (DRO/ONGOING: ZONING - Zoning)

2. Prior to the issuance of a Building Permit, the Property Owner shall submit a Landscape Plan to the Landscape section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPM: BUILDING DIVISION - Zoning)

SITE DESIGN-TOWER REMOVAL

1. Prior to final approval by the Development Review Officer, the Property Owner or Tower Operators shall submit an executed and recorded Removal Agreement. Recorded Removal Agreement shall be submitted to CDR. (DRO: ZONING - Zoning)

SITE DESIGN-SURETY FOR TOWER REMOVAL

2. Prior to issuance of a Building Permit, Surety shall be submitted by the Property Owner or Tower Operator to ensure the removal of abandoned communication towers. The form of Surety shall be subject to approval by the Executive Director of PZB and the County Attorney. (BLDGPM: BUILDING DIVISION - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant 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: ZONING - 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; the 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 Unified Land Development Code 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 of Approval; 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 the Code Enforcement

Special Master 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.