

RESOLUTION NO. R-2018- 1712

RESOLUTION APPROVING ZONING APPLICATION ABN/Z/CA/W-2018-00930
(CONTROL NO. 1981-00019)
a Class A Conditional Use
APPLICATION OF City of Boca Raton
BY Miller Land Planning, AGENT
(Boca Raton Cell 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 pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/Z/CA/W-2018-00930 was presented to the Board of County Commissioners at a public hearing conducted on October 31, 2018;

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 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the 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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the 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 ABN/Z/CA/W-2018-00930, the Application of City of Boca Raton, by Miller Land Planning, Agent, for a Class A Conditional Use to allow a Self Support/Lattice Tower, on a parcel of land generally described as shown on the legal description 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 October 31, 2018, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Bernard moved for the approval of the Resolution.

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

Commissioner Melissa McKinlay, Mayor	-	Aye
Commissioner Mack Bernard, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Mary Lou Berger	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on October 31, 2018.

Filed with the Clerk of the Board of County Commissioners on November 14th, 2018

This resolution shall not become effective unless or until the effective date of Large Scale Land Use Amendment No. LGA -2018-00022.

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




EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION: COMMUNICATIONS AND INGRESS-EGRESS PARCEL

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, ALSO LYING IN TRACTS 30 THROUGH 35, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 30; THENCE N89°36'40"E, ALONG THE SOUTH LINE OF SAID TRACT 30, A DISTANCE OF 25.65 FEET TO THE POINT OF BEGINNING; THENCE N00°21'11"W, ALONG A LINE 25.65 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 30, A DISTANCE OF 55.00 FEET; THENCE N89°36'40"E, ALONG A LINE 55 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 30 THROUGH 35, A DISTANCE OF 1925.40 FEET; THENCE N00°24'15"W, ALONG A LINE 30 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 35, A DISTANCE OF 762.83 FEET; THENCE N46°04'52"W, ALONG A LINE 30 FEET SOUTHWEST OF AND PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 209.19 FEET; THENCE N32°02'52"W, ALONG A LINE 30 FEET SOUTHWEST OF AND PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 18.69 FEET; THENCE S57°57'08"W, A DISTANCE OF 20.00 FEET; THENCE N32°02'52"W, ALONG A LINE 50.00 FEET SOUTHWEST OF AND PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 100.00 FEET; THENCE N57°57'08"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL; THENCE S32°02'52"E, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 115.00 FEET; THENCE S46°04'52"E, ALONG THE WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 218.14 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 35; THENCE S00°24'15"E, ALONG THE EAST LINE OF SAID TRACT 35, ALSO BEING THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, A DISTANCE OF 830.47 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 35; THENCE S89°36'40"W, ALONG THE SOUTH LINE OF SAID TRACTS 30 THROUGH 35, A DISTANCE OF 1955.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.272 ACRES MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

Location Map

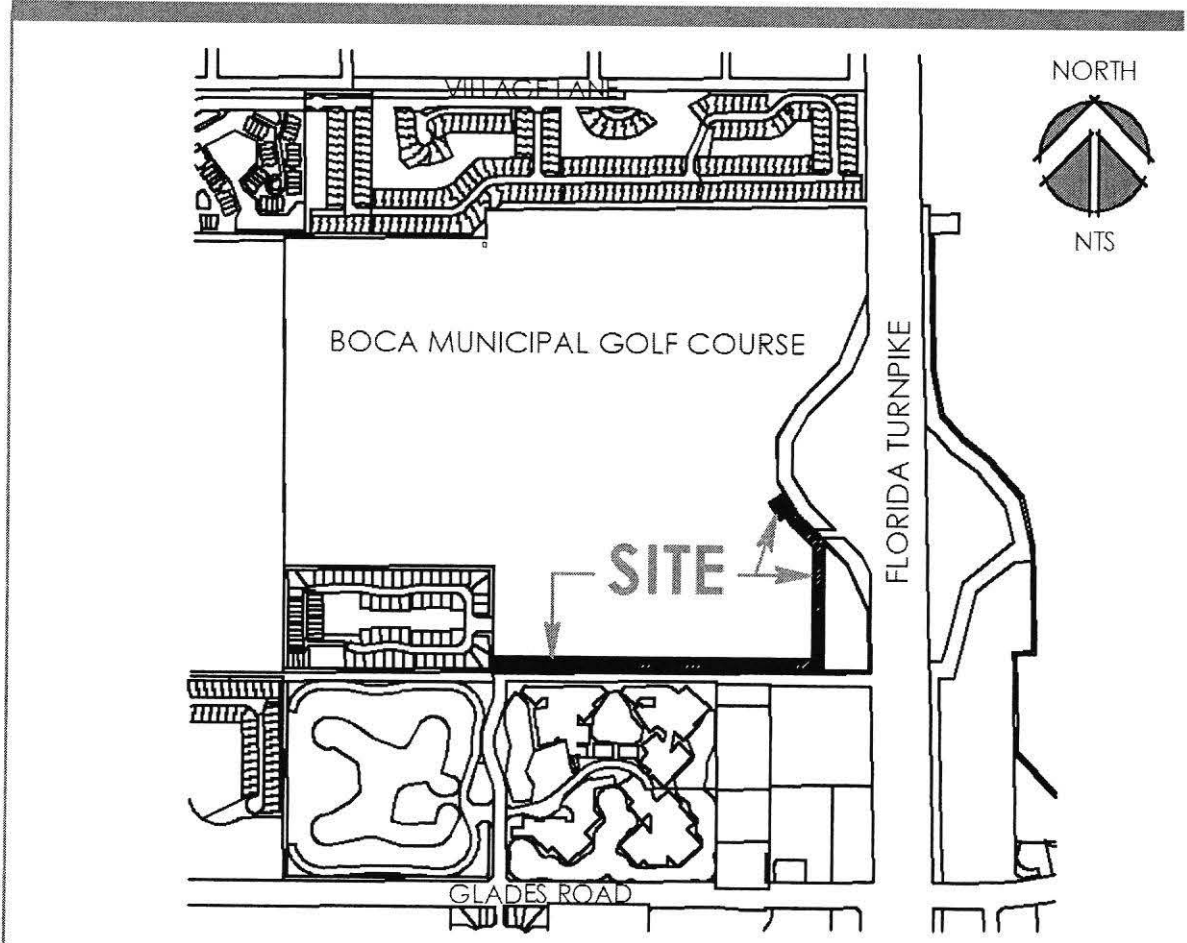


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 23, 2018. 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)

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

PROPERTY & REAL ESTATE MANAGEMENT

1. In the event the County obtains a conditional use approval for development of a tower on the adjacent public civic site, and such conditional use approval provides for the communication infrastructure needed by the City and for which the City sought this tower approval, the City shall agree to abandon this tower approval. (ONGOING: PREM – Prem)

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.