

RESOLUTION NO R-93-168

RESOLUTION APPROVING ZONING PETITION CA92-44
CLASS A CONDITIONAL USE
PETITION OF SUNSHINE WIRELESS COMPANY

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 Land Development Code (Ordinance 92-20) 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 Land Development Code have been satisfied and

WHEREAS Zoning Petition CA92-44 was presented to the Board of County Commissioners at a public hearing conducted on January 28 1993 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 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan
- 2 This Class A Conditional Use is consistent with the requirements of the Palm Beach County Land Development Code
- 3 This Class A Conditional Use is consistent with all requirements of Article 5 Section 5 4 (Conditional Uses) of the Palm Beach County Land Development Code Ordinance 92-20
- 4 This Class A Conditional Use is consistent with all other applicable local land development regulations

WHEREAS Article 5 of the Palm Beach County 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 CA92-44 the petition of SUNSHINE WIRELESS COMPANY BY MARDA ZIMRING AGENT for a CLASS A CONDITIONAL USE allowing a COMMUNICATION TOWER COMMERCIAL in the AGRICULTURAL RESIDENTIAL (AR) 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 January 28 1993 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 Marcus and upon being put to a vote the vote was as follows

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

The Chair thereupon declared that the resolution was duly passed and adopted this 28th day of January 1993

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H WILKEN CLERK

BY

Robert Altier
COUNTY ATTORNEY

BY

Lucy M. Blair
DEPUTY CLERK

EXHIBIT A
LEGAL DESCRIPTION

That portion of Tract 37 less the North 44 feet thereof (per Chancery Case 407), Block 76, THE PALM BEACH FARMS COMPANY PLAT NUMBER THREE (3), as recorded in the office of the Clerk of the Circuit Court for Palm Beach County, Florida, in Plat Book 2 Pages 45 to 54, inclusive, lying West of lands conveyed to Florida State Turnpike Authority per Deed Book 1122 Page 656, public records of Palm Beach County Florida together with Tract 38 less the North 46 feet thereof (per Chancery Case 407) Block 76, of aforesaid PALM BEACH FARMS COMPANY PLAT NUMBER THREE

Containing 8 829 acres

EXHIBIT C.

CONDITIONS OF APPROVAL

A General

- 1 Prior to May 1 1993 the petitioner shall apply for and receive Development Review Committee certification for the site plan approved by the Board of County Commissioners on January 28 1993 by Petition No 92-44. No administrative time extension to this condition shall be allowed (MONITORING-Zoning)
- 2 Prior to site plan certification the petitioner shall revise the landscape tabular data on the site plan to reflect conformance to minimum Landscape and Vegetation and Preservation requirements of the Palm Beach County Land Development Code (ZONING)
- 3 Prior to site plan certification the petitioner shall submit a tree survey drawn at the same scale as the site plan. This survey shall number size and identify all hardwood and palm trees over four (4) inches in diameter and all native pine trees over four (4) inches in diameter in a tabular form (ZONING)
- 4 Prior to February 14 1995 the petitioner shall remove the existing billboards and provide documentation to the Zoning Division that the existing billboards have been removed from the site (MONITORING-Zoning)

B BUILDING AND SITE DESIGN

- 1 Total gross floor area shall be limited to a maximum of 8396 square feet (BUILDING)
- 2 All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity shielded and directed down and away from adjacent properties and streets (CODE ENFORCEMENT)

C ENVIRONMENTAL RESOURCE MANAGEMENT

- 1 Secondary containment for stored Regulated Substances- fuels oils solvent or other hazardous chemicals is required. Dept of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures (BUILDING-ERM)

D FAA

- 1 Prior to site plan certification 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 (AIRPORTS)

F RADIO TOWERS

- 1 Palm Beach County or the State of Florida shall have the right to co-locate communication equipment on the tower subject to an acceptable lease agreement provided that the placement of the equipment does not interfere with the petitioner's equipment or operations (PREM)

- 2 Simultaneously with submittal to Site Plan Review Committee the petitioner shall submit two copies of one-hundred ten percent break-point calculations for the tower. The calculations and tower location shall be subject to approval by the Planning Zoning & Building Department (BUILDING)
- 3 Prior to site plan certification the petitioner shall provide documentation that the tower does not encroach into any public or private airport runway protection zone as established by the Federal Aviation Administration. This documentation shall be approved by the Palm Beach County Department of Airports (AIRPORTS)

G VEGETATION PRESERVATION

- 1 Prior to site plan certification the petitioner shall submit a Vegetation Preservation Report which details methods of preservation. These methods shall be approved by the Zoning Division and be in place prior to final issuance of the Vegetation Removal Permit
- 2 Prior to site plan certification the petitioner shall submit a Vegetation Preservation Program acceptable to the Zoning Division. The program shall identify all trees to be preserved or relocated and where they are to be relocated to and shall establish appropriate protection measures during the construction and site development phases of the project

Agenda Item # 32-2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

R-93-155
RIM 7-0

AGENDA ITEM SUMMARY

Meeting Date 1/26/93 Consent Regular
Department Ordinance Public Hearing

Submitted By TOURIST DEVELOPMENT COUNCIL
Submitted For PALM BEACH COUNTY SPORTS AUTHORITY, INC

I. EXECUTIVE BRIEF

A Motion and Title: STAFF RECOMMENDS MOTION TO APPROVE An Agreement with Palm Beach LPGA Classic, Inc for the operation of the Palm Beach LPGA Classic in the amount of \$10 000 for promotion marketing and sanction fees only from Category G grant allocations

B Summary: The Palm Beach LPGA Classic will be held February 1 - 7 1993 at Wycliffe Golf and Country Club Applicant estimates 3 600 room nights and a \$1 200 000 economic impact from this event

COUNTYWIDE / DISTRICT 2 (BC)

C Background and Justification: The Palm Beach County Sports Authority approved a grant request from Palm Beach LPGA Classic Inc in the amount of \$10 000 at its December 21 1992 meeting to offset expenses related to the Palm Beach LPGA Classic The Tourist Development Council approved the Sports Authority's recommendation at its January 7 1993 meeting Staff recommends approval of this grant

- D Attachments:
a Certificate of Insurance
b Public Entity Crime Statement

Recommended by [Signature] 12/23/92
Department Director Date

Approved By [Signature] 1/12/93
Assistant County Administrator Date

II FISCAL IMPACT ANALYSIS

A Five Year Summary of Fiscal Impact:

Fiscal Years	1993	1994	1995	1996	1997
Capital Expenditures					
Operating Costs	<u>10,000</u>				
Operating Revenues					
Is Item Included In Current Budget	Yes: <u>X</u> No				
Budget Account No :	Fund <u>128</u>	Agency <u>710</u>	Org <u>7331</u>	Object <u>8201</u>	
	Reporting Category _____				

B Recommended Sources of Funds/Summary of Fiscal Impact:

Sources of funds are from the Local Option Tourist Tax per Florida Statute 125 0104 10% of the Third Cent comprises the entire Sports Authority Budget for Fiscal Year 1992/93

III REVIEW COMMENTS

A OFMB Fiscal and/or Contract Administration Comments

[Signature]
OFMB

[Signature]
Contract Administration

B Legal Sufficiency:

This item complies with existing County policies Insurance certificate will be provided 20 days prior to event

[Signature]
Assistant County Attorney

C Other Department Review:

[Signature]
Department Director