

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

RESOLUTION NO. R2013 - 47

A RESOLUTION OF WELLINGTON, FLORIDA'S COUNCIL, PROVIDING FOR A DEVELOPMENT ORDER FOR PETITION NUMBER 2013-16 CU 1, TO ALLOW A CONDITIONAL USE FOR A WIRELESS COMMUNICATION TOWER FOR CERTAIN PROPERTY KNOWN AS WELLINGTON MARKETPLACE, TOTALING 19.49 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST INTERSECTION OF WELLINGTON TRACE AND GREENVIEW SHORES BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council, as the governing body of Wellington, Florida, pursuant to the authority in Chapters 163 and 166, Florida Statutes, and the Land Development Regulations, as adopted by Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, the notice and hearing requirements as provided in Article 5 of the Land Development Regulations, as adopted by Wellington, have been satisfied; and

WHEREAS, the subject site Future Land Use Map designation is Community Commercial; and

WHEREAS, the subject site zoning designation is Planned Unit Development; and

WHEREAS, the Land Development Regulations Article 6, Section 6.4.4.27.i.v. states wireless communications towers sixty-one (61) feet to one hundred twenty (120) feet in height and non-stealth towers of any height in the Commercial, Commercial Recreation, Park and the Institutional/Public Facilities/Utilities Land Use Plan Designations/Zoning Districts on parcels ten (10) acres or greater shall require a Conditional Use A; and

WHEREAS, on September 9, 2013, the Planning, Zoning & Adjustment Board, after notice and public hearing, has considered this Conditional Use request for the property which is the subject of this Resolution and has submitted its recommendation to the Council; and

WHEREAS, the Planning, Zoning & Adjustment Board approved a variance (Resolution No. PZAB R2013-01) to decrease the required minimum 600 feet separation from residentially zoned property to 482 feet for the proposed 120 feet wireless communication tower.

WHEREAS, the Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Wellington review agencies and staff; and

WHEREAS, the Council has determined the standards for granting a Conditional Use as set forth in Section 5.4.4.E. of Wellington's Land Development Regulations have been met for granting of a Conditional Use to allow a wireless communication tower.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF WELLINGTON,**
2 **FLORIDA, THAT:**

3 **SECTION 1.** The Conditional Use (Petition Number 2013-16 CU 1) of Clearview
4 Tower Company, LLC., applicant, a request to grant a new wireless communication tower is
5 hereby approved on the real property as described in Exhibit 1; subject to the conditions of
6 approval contained herein, which are in addition to the general requirements otherwise provided
7 by Ordinance. The Conditional Use is approved with the following conditions of approval:

- 8 1. The wireless communication tower shall be a maximum height of 120 feet, monopole
9 flag pole design with no flag and a maximum of five (5) carriers.
- 10 2. The wireless communication tower color shall be light gray (comparable to site
11 light/utility poles) with no visible antennas, panels, arrays or other attachments.
- 12 3. The applicant shall install a maximum of 25 Royal Palms with a minimum height of 20
13 feet of gray wood at the time of installation in the location as shown in Exhibit 2 within
14 the existing landscape buffers along Wellington Trace and Greenview Shores
15 Boulevard.
- 16 4. The communication tower compound landscape buffer screening materials shall
17 include but not limited to a minimum 10 feet high wall finished with similar colors and
18 materials as the existing on-site buildings; a maximum of 12 canopy trees with a
19 minimum height of 14 feet; and hedge installed at a minimum height of 48 inches
20 three (3) feet on center and maintained at a height of 10 feet. The hedge height shall
21 be six (6) feet within 12 months and 10 feet within 36 months of installation. The use
22 of white PVC type fence/gate and chain link type fence/gate within the communication
23 tower compound landscape buffer shall be prohibited. The removal of a minimum of
24 10 parking spaces around the tower compound is required for the proposed
25 landscaping and to comply with LDR parking island requirements.
- 26 5. The applicant shall install a minimum of 15 native canopy trees with a minimum height
27 of 14 feet in the locations as shown in Exhibit 2 to replace required canopy trees in
28 the vehicular use area.
- 29 6. The above required palms and trees shall be consistent with the proposed Site Plan
30 (Exhibit 2) and be located to minimize visual impact of the tower/compound. The final
31 quantity and locations of the above required landscaping shall be determined by the
32 DRC when the Site Plan application is submitted for the proposed wireless
33 communication tower. All existing palms and trees on-site shall be preserved with
34 protective barriers during cell tower and parking lot construction.
- 35 7. All equipment for the wireless communication tower shall be located within the
36 compound and be completely screen from view on all sides.

37 **SECTION 2:** Should any section, paragraph, sentence, clause, or phrase of this
38 Resolution conflict with any section, paragraph, clause or phrase of any prior Ordinance,
39 Resolution, or municipal Code provision, then in that event the provisions of this Resolution
40 shall prevail to the extent of such conflict.

41
42 **SECTION 3:** Should any section paragraph, sentence, clause, or phrase of this
43 Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall
44 not affect the validity of this Resolution as a whole or any portion or part thereof, other than
45 the part to be declared invalid.

SECTION 4: This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2013.

ATTEST:

WELLINGTON, FLORIDA

BY: _____

Awilda Rodriguez, Clerk

BY: _____

Bob Margolis, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

BY: Laurie Cohen, Esq., Village Attorney

Exhibit 1

Legal Description Parent Tract

**PARCEL ONE, OF THE WELLINGTON MARKETPLACE PLAT,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK
69, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA**

