

**Village of Royal Palm Beach**  
**Village Council**  
**Agenda Item Summary**

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 22-86 (SE) AN APPLICATION BY TOWERCOM VIII-B LLC AND ADOPTION OF RESOLUTION 22-25 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING A SPECIAL EXCEPTION USE APPROVAL IN ORDER TO CONSTRUCT A 132 FOOT “TELECOMMUNICATION TOWERS, ANTENNA” ON A PROPERTY CURRENTLY CONSTRUCTED AS A SELF-STORAGE FACILITY; AND SITUATED WITHIN THE INDUSTRIAL LIMITED (IL) ZONING DISTRICT AND LOCATED AT 10719 SOUTHERN BOULEVARD; BY DEBORAH L. MARTOHUE, OF MARTOHUE LAND USE LAW PA.**

**Issue:**

The Applicant is seeking Special Exception use approval in order to construct a 132 foot “Telecommunication tower, antenna” on a property currently constructed and Site Planned as a self-storage facility. The property is situated within the Industrial Limited (IL) Zoning District and located at 10719 Southern Boulevard. Please refer to **Attachment A** for an illustration of the property and the location of the “Telecommunication tower, antenna”.

In reviewing this petition, Village Staff considered conformity with the Village of Royal Palm Beach Code of Ordinances, Section 26-32 (f) (4) *Special exception applications*. Please find below the criteria for approving Special Exceptions and the Applicant’s responses to the criteria:

1. The proposed Special Exception is consistent with the policies and standards of the village comprehensive plan; or

The Applicant states: *“The subject property is designated Industrial (IND) on the Village Comprehensive Plan and zoned Industrial Limited (IL). The IL Zoning Designation is consistent with the IND FLUM designation. A telecommunications facility is a permitted use within the IL zoning district upon obtaining Special Exception Approval by The Village Council. Accordingly, the proposed Special Exception request to permit a communications facility is consistent with The Village Comprehensive Plan.”*

2. The proposed Special Exception complies with all applicable development regulations of the Village Code; or

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The Applicant states: *"The Parent Tract is zoned Industrial Limited (IL). Telecommunications facilities are a permitted use subject to Special Exception and Site Plan public hearing approval by the Village Council. The Applicant is not seeking any setback or landscape waivers or variances."*

3. The proposed Special Exception does not have adverse environmental impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: *"The Parent Tract is fully developed as an existing self-storage facility consisting of 6 buildings and paved circulation areas. There are no environmentally sensitive conditions or areas on-site."*

4. The proposed Special Exception does not have adverse vehicular or pedestrian traffic impacts which cannot be prevented by the imposition of conditions; or

The Applicant states: *"The proposed communications facility is unmanned and does not impact any public services or facilities including traffic conditions. Palm Beach County issued a TPS Review Approval on 5/27/2022 which is included as part of the subject Special Exception Application."*

5. The proposed Special Exception does not have an adverse impact upon public facilities, including, but not limited to, impacts on police and fire protection, drainage systems, refuse disposal, water, sewers, and schools, which cannot be prevented by the imposition of conditions; or

The Applicant states: *"The proposed communications facility is unmanned and has zero impact on any public services or facilities including but not limited to: schools, potable water, sewer, parks & recreation, stormwater, and roads. See also, Palm Beach County TPS Review Approval dated 5/27/2022 which is included as part of the subject Special Exception Application. The proposed communications facility will improve wireless coverage in the intended service coverage area including E-911 service."*

6. The design of the proposed Special Exception does not have adverse impacts on adjacent properties or is detrimental to their use and peaceful enjoyment and will cause objectionable noise, vibrations, [and/or] fumes; [or]

The Applicant states: *"The subject property is zoned IL and its existing use is a self-storage facility. To the North is property zoned IL and its existing use is a distribution warehouse. To the East of the north 1/2 f the subject property is another self storage facility zoned IL. To the East of the south have of the subject property is a 7-Eleven zoned CG. To the South is Southern Boulevard and a WMD Canal immediately adjacent to the South of this major arterial roadway. To the West is a Cemetery zoned Private Recreation. The proposed unmanned facility produces no traffic, noise, odor, dust, pollution, or other nuisance. The pole itself will not be lighted. Accordingly, there is no impact on adjacent or surrounding uses."*

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7. The proposed Special Exception is compatible with the character and living conditions of the existing neighborhood in which it is to be located; [or]

*The Applicant states: "See Response to #6 above. In addition, the proposed communications facility will improve wireless coverage, including E-911 service in the approximately 1 mile plus radius surrounding the subject property which is an essential service for modern day living as well as public safety."*

8. The proposed Special Exception does not have an adverse impact on property values in adjacent areas which cannot be prevented by the imposition of conditions; or

*The Applicant states: "See Applicant Response to #6 and #7 above. Accordingly, the fact that the unmanned communications facility has zero adverse impact on public services and facilities, creates zero nuisance issues and improves public safety by providing E-911 services as well as improved communications services essential for local businesses, residents and the traveling public is evidence that the proposed facility will not have an adverse impact on area property values."*

9. The proposed Special Exception is not a deterrent to the improvement or development of adjacent property, in accordance with applicable Village Code development regulations, which cannot be prevented by the imposition of conditions; or

*The Applicant states: "The proposed unmanned communications facility is located in an area that is fully developed with existing commercial and light industrial businesses and a large cemetery open space tract immediately adjacent to the subject property. South of Southern Boulevard and the water management canal south of the subject property is an existing developed Multi-Family High (MFH) housing neighborhood Zoned RM-18. There is no undeveloped land immediately adjacent to the subject property, and thus, the proposed use could not deter development or improvement of adjacent properties."*

10. The proposed Special Exception will not seriously reduce the quality or quantity of light and air available to adjacent properties which cannot be prevented by the imposition of conditions.

*The Applicant states: "The proposed communications facility consists of ground equipment cabinets obscured from ground level view by an eight white PVC fence in addition to a 132' tall pole approximately 4-5' feet in diameter (final diameter TBD) and thus has no bulk that would impair airflow or light to adjacent surrounding properties."*

In reviewing the proposed Special Exception use application, Village Staff considered compatibility with adjacent land uses, consistency with the Village's Comprehensive Plan and conformance with the Village's Development Standards for the Industrial General (IL) Zoning

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District. Staff has determined that the proposed Special Exception conforms to Village Standards.

The Planning and Zoning Commission considered the application on October 25, 2022, and recommended approval by a vote of 5-0.

**Recommended Action:**

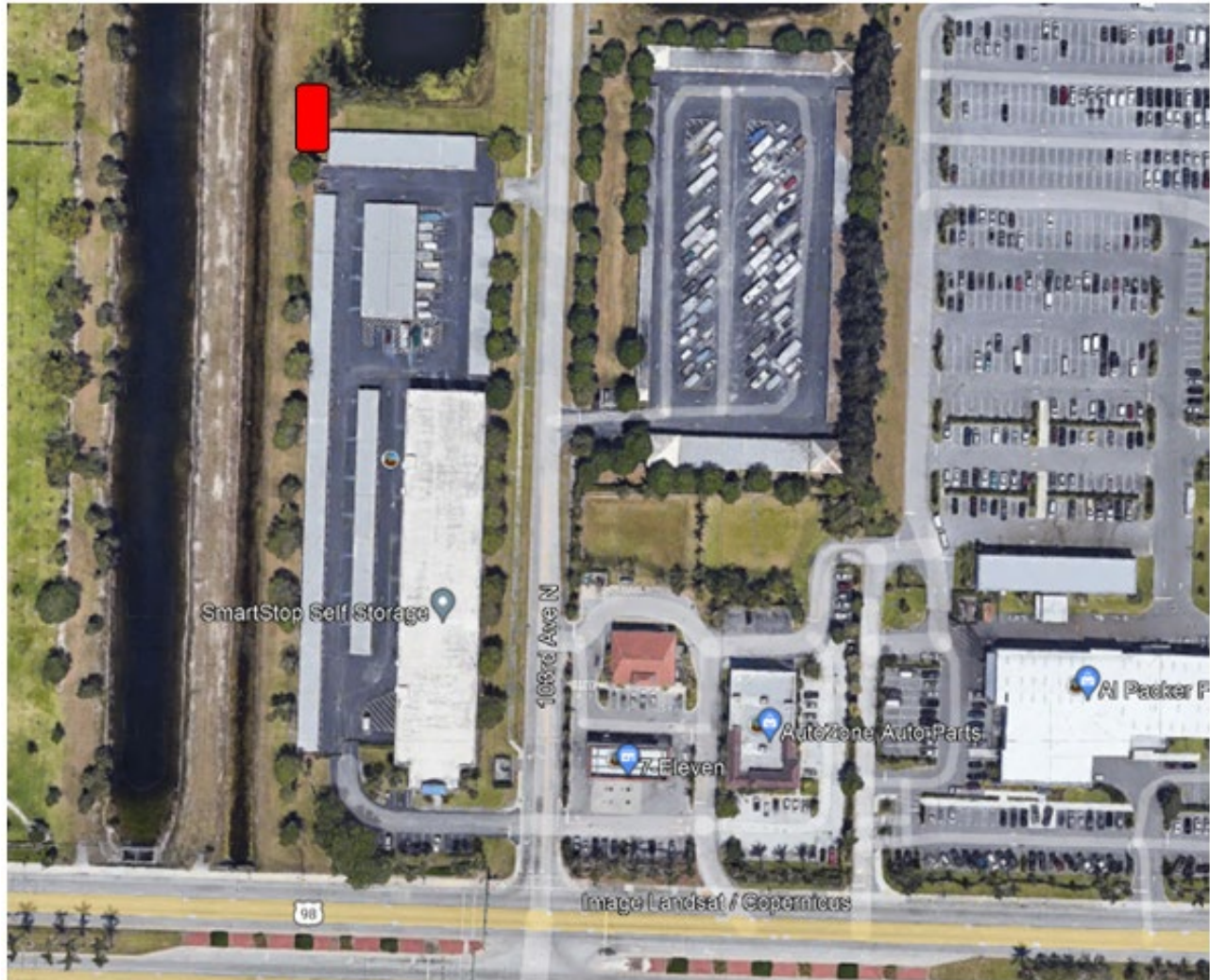
Staff is recommending Approval of Application No. 22-86 (SE) and Resolution No. 22-25.

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**Attachment A**  
**“Telecommunication tower, antenna” Location**

Directly below is an illustration showing the location of the “Telecommunication tower, antenna” which is highlighted in red.



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**RESOLUTION NO. 22-25**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 21-86(SE) – THE APPLICATION OF TOWERCOM VIII-B LLC - PERTAINING TO APPROVAL OF A SPECIAL EXCEPTION USE FOR A “TELECOMMUNICATION TOWER, ANTENNA” LOCATED AT 10719 SOUTHERN BOULEVARD, IN THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Village Council of the Village of Royal Palm Beach, Florida (“Village”), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166 Florida Statutes, is authorized and empowered to consider applications relating to zoning and land development; and

**WHEREAS**, the notice and hearing requirements provided for in the Village Code have been satisfied where applicable; and

**WHEREAS**, Application No. 22-86(SE) was presented to the Village Council at its public hearing conducted on November 17, 2022; and

**WHEREAS**, the Village Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Village review agencies, boards, and commissions, where applicable; and

**WHEREAS**, this approval is subject to all applicable Zoning Code requirements that development commence in a timely manner.

**NOW THEREFORE**, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPLICATION NO. 22-86(SE), THE APPLICATION OF TOWERCOM VIII-B LLC, ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PLEASE SEE EXHIBIT ‘A’ ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Was approved, subject to the following conditions:

PLEASE SEE EXHIBIT ‘B’ ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 17th day of November, 2022.

VILLAGE OF ROYAL PALM BEACH

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MAYOR FRED PINTO

ATTEST:

(SEAL)

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DIANE DISANTO, VILLAGE CLERK

**Exhibit A**  
**Legal Description**  
**Telecommunications Tower @ 10719 Southern Boulevard**  
**Application 22-86(SE)**  
**Res. No. 22-25**

Directly Below is the Legal Description:

THE EAST HALF (E  $\frac{1}{2}$ ) OF THE NORTHWEST QUARTER (NW  $\frac{1}{4}$ ) OF THE NORTHEAST QUARTER (NE  $\frac{1}{4}$ ) OF THE SOUTHWEST QUARTER (SW  $\frac{1}{4}$ ) OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 41 EAST ACCORDING TO THE PLAT THEREOF ON FILE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO THE CONDITIONS, RESTRICTIONS, EASEMENTS, LIMITATIONS OF RECORD AND ZONING, ORDINANCES, AND ANY EASEMENTS FOR PUBLIC UTILITIES.

CONTAINING 5.11 ACRES MORE OR LESS.



**Attachment B**  
**Conditions of Approval**  
**Telecommunications Tower @ 10719 Southern Boulevard**  
**Application 22-86(SE)**  
**Res. No. 22-25**

**1. Development Order:**

This development order constitutes approval for:

A Special Exception Use of “Telecommunications towers; antenna” in order to install a 132-foot tall monopole Telecommunications Tower at 10719 Southern Boulevard.

This constitutes the only approval granted by this resolution. Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied.

**2. Standard Conditions:**

- A. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- B. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- C. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- D. No building permits shall be issued until the construction drawings have been approved.
- E. The applicant shall ensure that an Access Easement providing the Village with perpetual access through the site to the adjacent Village-owned lands is fully executed and recorded in the public records of Palm Beach County.

**3. Landscaping Conditions:**

- A. All ground based equipment shall be screened from public view by the installation of a continuous hedge planted around the perimeter of the enclosure fence.