

RESOLUTION NO. R-2003- 0952

RESOLUTION APPROVING ZONING PETITION Z1981-020C
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF AT&T WIRELESS SERVICES
BY THOMAS YONGE, AGENT
(AT&T REZONING)

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 notice and public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z1981-020C was presented to the Board of County Commissioners at a public hearing conducted on June 26, 2003; 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 recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adapted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z1981-020C, the petition of AT&T Wireless Services, by Thomas Yongs, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential Zoning District to the Residential Transitional Suburban Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on June 26, 2003.

Commissioner Aaronson moved for the approval of the Resolution.

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

Karen T. Marcus, Chair	-	Aye
Tony Masilotti, Vice Chairman	-	Absent
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye
Addie L. Greene	-	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on June 26, 2003.

Filed with the Clerk of the Board of County Commissioners on 22 day of July, 2003.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

ROROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY


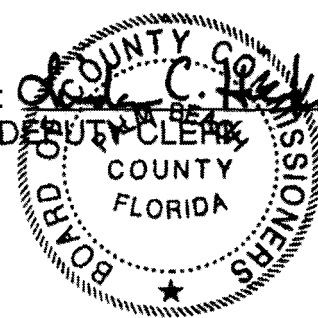
BY: 


EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (STATE ROAD 809) AND THE NORTH LINE OF SAID SECTION 35; THENCE WEST ALONG THE NORTH BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 400.00 FEET TO A POINT; THENCE SOUTH PARALLEL TO THE WEST BOUNDARY OF SAID MILITARY TRAIL 400.00 FEET TO A POINT; THENCE EAST, PARALLEL TO THE NORTH BOUNDARY LINE OF SAID SECTION 35, A DISTANCE OF 400.00 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID MILITARY TRAIL; THENCE NORTH ALONG SAID WEST BOUNDARY LINE OF SAID MILITARY TRAIL, A DISTANCE OF 400.00 FEET TO THE **PLACE OF BEGINNING**, **LESS** THEREFROM THE FOLLOWING:

- (1) THE SOUTH 55.00 FEET THEREOF;
- (2) THE NORTH 45.00 FEET FOR CANAL RIGHT-OF-WAY, AS PER DEED BOOK 6792, PAGE 1485, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA;
- (3) THE EASTERLY 27 FEET FOR RIGHT-OF-WAY OF MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 3743, PAGE 1679 OF THE AFORESAID PUBLIC RECORDS;
- (4) THE ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 7269, PAGE 182 OF THE AFORESAID PUBLIC RECORDS;
- (5) **WALGREENS ADDITION**

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 35, THENCE SOUTH 88°53'15" WEST, ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 3743, PAGE 1679 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°40'15" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 45.35 FEET TO THE ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL, AS RECORDED IN OFFICIAL RECORD BOOK 7269, PAGE 182 OF THE AFORESAID PUBLIC RECORDS; THENCE SOUTH 00°46'46" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID ADDITIONAL RIGHT-OF-WAY, A DISTANCE OF 88.05 FEET; THENCE SOUTH 03°32'37" WEST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 129.54 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 89°39'46" WEST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 361.25 FEET; THENCE SOUTH 00°40'15" EAST, A DISTANCE OF 87.42 FEET, THENCE NORTH 88°53'15" EAST, PARALLEL WITH THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 357.50 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL; THENCE NORTH 00°40'15" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 31.64 FEET; THENCE NORTH 03°32'37" EAST, CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 51.06 FEET TO THE **POINT OF BEGINNING**.

CONTAINING IN ALL, 1.81884 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

