

RESOLUTION NO. **R-97- 662**

RESOLUTION APPROVING ZONING PETITION **Z81-17(A)**  
OFFICIAL ZONING MAP AMENDMENT (REZONING)  
PETITION OF PALM BEACH COUNTY PARKS AND RECREATION DEPARTMENT  
**BY JIM BARNES, AGENT**  
(WESTGATE COMMUNITY CENTER)

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 **Z81-17(A)** was presented to the Board of County Commissioners at a public hearing conducted on May **22, 1997**; 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 made 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 adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition Z81-17(A), the petition of Palm Beach County Parks and Recreation Department, by Jim Barns, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential High (RH) Zoning District to the Public Ownership (PO) 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 May 22, 1997 subject to the voluntary commitments 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:

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

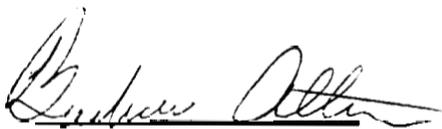
The Chair thereupon declared that the resolution was duly passed and adopted on May 22, 1997.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:

  
COUNTY ATTORNEY

BY:

  
DEPUTY CLERK

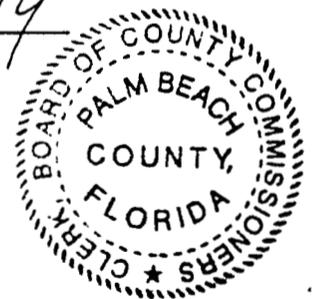


EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 THROUGH 12 INCLUSIVE, BLOCK 39, WESTGATE ESTATES NORTHERN SECTION, ACCORDING TO PLAT BOOK 8, PAGE 38, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

TRACT A, ZIMMERMAN'S REPLAT OF PART OF BLOCKS 39, 49, 59, AND 66, WESTGATE ESTATES, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 15, PAGE 65, OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEARING NOTE:

BEARINGS CITED HEREIN ARE RELATIVE TO A BEARING OF N 89°59'48" E ON THE CENTERLINE OF NOROMIS AVENUE.

LOT A, BLOCK 57, REPLAT OF PART OF BLOCK 57, WESTGATE ESTATES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 18, PAGE 94; SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINS 0.53 ACRES OR 22.997 SQUARE FEET MORE OR LESS.

HIAWATHA AVENUE  
ABANDONMENT  
LEGAL DESCRIPTION

ALL THAT PORTION OF HIAWATHA AVENUE BEING 40.0 FEET IN WIDTH AS SHOWN IN THE PLAT OF WEST GATE ESTATES RECORDED IN PLAT BOOK 8 AT PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LYING EAST OF TALLAHASSEE DRIVE AS SHOWN IN SAID PLAT OF WEST GATE ESTATES, LYING SOUTH OF TRACT A OF ZIMMERMAN'S REPLAT OF A PART OF BLOCKS 39, 49, 59 AND 66 OF WEST GATE ESTATES AS RECORDED IN PLAT BOOK 15, PAGE 65 OF SAID PUBLIC RECORDS, LYING NORTH OF TRACT B OF HENNESSEYS REPLAT OF WESTGATE ESTATES AS RECORDED IN PLAT BOOK 15, PAGE 68 OF SAID PUBLIC RECORDS AND LYING WEST OF THE SOUTHERLY AND NORTHERLY EXTENSIONS OF THE EAST LINES OF THE ABOVE MENTIONED TRACTS "A" AND "B" RESPECTIVELY.

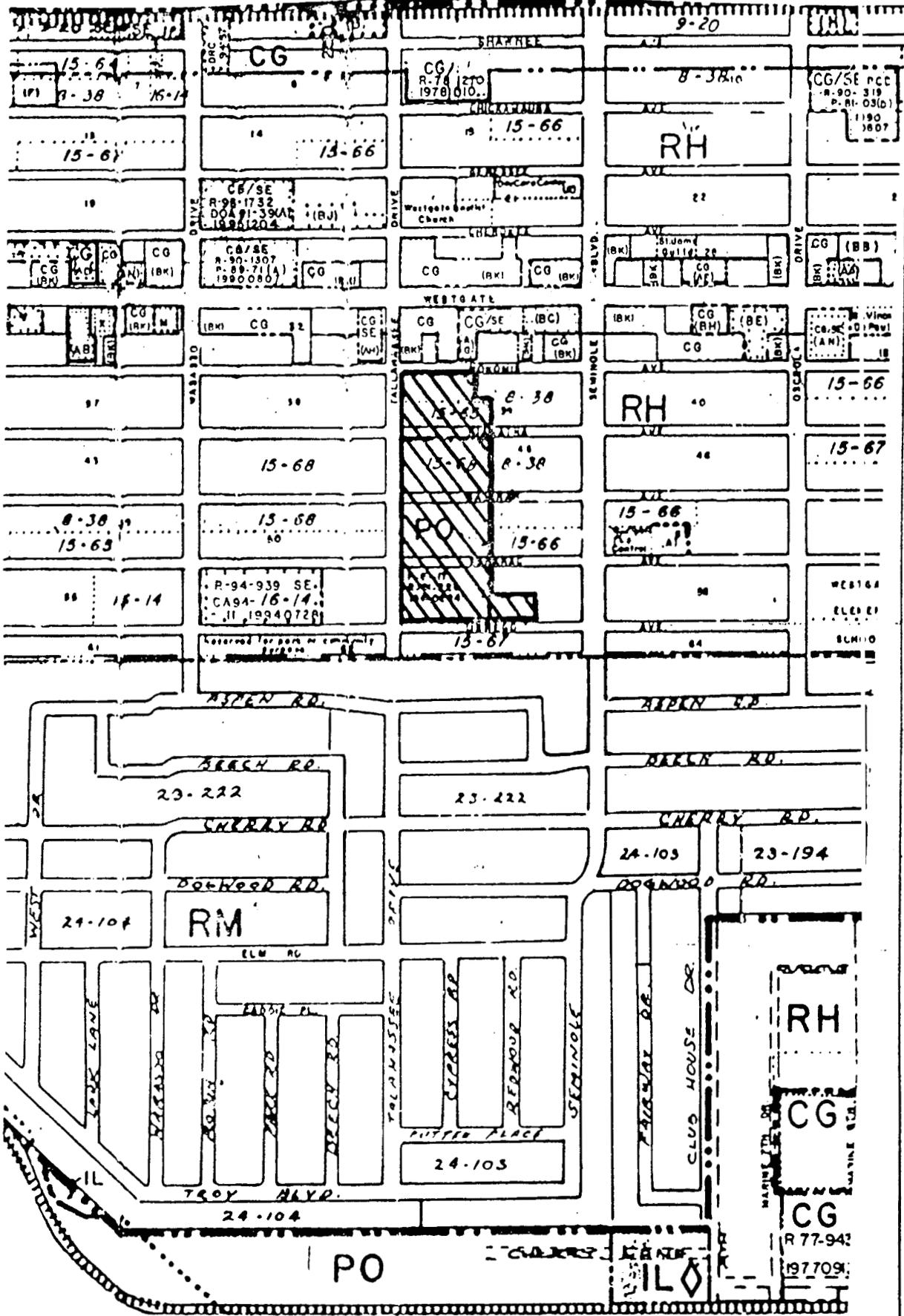
SAID PARCEL CONTAINS 15,160 FEET MORE OR LESS (0.348 ACRES)

BEARING NOTE:

BEARINGS CITED HEREIN ARE RELATIVE TO A BEARING OF N 89°59'48" E ON THE CENTERLINE OF HIAWATHA AVENUE.

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



Petition Number: 81 17 A

Zoning Quad Page \_\_\_\_\_

Date: March 3, 1997



NORTH

## EXHIBIT C

### VOLUNTARY COMMITMENTS

#### A. LANDSCAPING

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Tree height: fourteen **(14)** feet.
  - b. Trunk diameter: 3.5 inches measured **4.5** feet above grade
  - c. Canopy diameter: seven **(7)** feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
  - a. Palm heights: twelve **(12)** feet clear trunk or grey wood, whichever is greater;
  - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and
  - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

#### B. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)

#### C. LANDSCAPING - ADJACENT TO LITTLE LEAGUE /ATHLETIC FIELD ALONG NORTH, EAST AND PORTION OF WEST PROPERTY LINES

1. Landscaping and buffering along the north, east and portion of west property lines of the proposed Little League/athletic field shall include:
  - a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. A six (6) foot high chain link fence. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
  - a. One **(1)** canopy tree planted every thirty (30) feet on center;
  - b. One **(1)** palm or pine tree for each twenty **(20)** linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
  - d. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six (36) inches. (CO: LANDSCAPE)

D. LANDSCAPING -ALONG SOUTH PROPERTY LINE OF THE PARKING LOT

1. Landscaping and buffering along the south property line of the proposed parking lot shall include:
  - a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. A continuous two (2) feet high berm measured from top of curb; and
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (CO: LANDSCAPE)

E. ENGINEERING

No Engineering conditions.

F. LANDSCAPING - ALONG EAST PROPERTY LINES OF THE PARKING LOT

1. Landscaping and buffering along the east property line of the proposed parking lot shall include:
  - a. A minimum ten (10) foot wide landscape buffer strip; and
  - b. A continuous two (2) feet high berm measured from top of curb and
  - c. One (1) canopy tree planted every thirty (30) feet on center;
  - d. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may supersede the requirement for a canopy tree in that location; and
  - e. Thirty (30) inch high shrub or hedge material, spaced no more than twenty four **(24)** inches on center at installation, to be maintained at a minimum height of thirty-six **(36)** inches. (CO: LANDSCAPE)

G. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs except sports lighting shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO / ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures except sports lighting shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor lighting shall be extinguished no later than 11:00 p.m., excluding security lighting only. (ONGOING: CODE ENF)
4. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF)

H. COMPLIANCE

1. 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; 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 ULDC at the time of the finding of noncompliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; 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 a majority vote of the Code Enforcement Board 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 5.8 of the ULCC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)