

RESOLUTION NO. R-95-427

RESOLUTION APPROVING ZONING PETITION Z/COZ94-94
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF WESTGATE/BELVEDERE HOMES COMMUNITY
REDEVELOPMENT AGENCY. (WCRA)

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

WHEREAS, Zoning Petition Z/COZ94-94 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 1995; 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) of the Palm Beach County Unified Land Development Code, Ordinance 92-20; 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 Z/COZ94-94, the petition of Westgate/Belvedere Homes Community Redevelopment Agency (WCRA), for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Residential High (RH) and Neighborhood Commercial (CN) ZONING DISTRICTS to the General Commercial (CG) ZONING DISTRICT with a CONDITIONAL OVERLAY ZONE (COZ) on parcels 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 March 30, 1995, subject to the conditions of the Conditional Overlay Zone described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted this 30th day of March, 1995.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

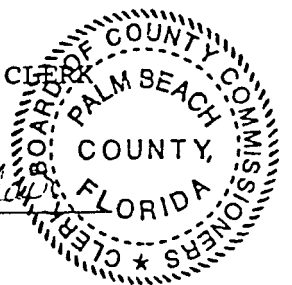
DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK



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EXHIBIT A

LEGAL DESCRIPTION

Westgate/Belvedere Homes Community Redevelopment Agency
Rezoning Application

1. WEST GATE ESTS, RESUB OF PT OF BLK B & ALL OF BLKS C & D LTS 1 TO 3 INC
2. WEST GATE ESTS, RESUB OF PT OF BLKS B & ALL BLKS C & D LTS 4 TO 10 INC
3. WEST GATE ESTS, RESUB OF PT OF BLK B & ALL OF BLKS C & D LTS 13 & 14
- 3A. WESTGATE ESTATES, RESUB OF PT OF BLK B & ALL OF BLKS C & D, LOTS 15, 16, 17 & 18 INC
4. WEST GATE ESTS/NORTHERN SEC/LTS 25 TO 30 INC BLK 25
5. WEST GATE ESTS/NORTHERN SEC/ LTS 37 & 38 BLK 25
6. WEST GATE ESTS/NORTHERN SEC/LTS 39 TO 42 INC BLK 25
7. WEST GATE ESTS/NORTHERN SEC/LTS 55 TO 60 INC BLK 25
8. WEST GATE ESTS/NORTHERN SEC/LTS 47 TO 56 INC BLK 26
9. WEST GATE ESTS (NORTHERN SEC) LTS 1 TO 6 INC BLK 27
10. WEST GATE ESTS (NORTHERN SEC) LTS 16 TO 19 INC BLK 27
11. WEST GATE ESTS/NORTHERN SEC/ LTS 31 TO 36 INC BLK 27
12. WEST GATE ESTS/NORTHERN SEC/LTS 37 TO 40 INC BLK 27
13. WEST GATE ESTS (NORTHERN SEC) LTS 41 TO 43 INC BLK 27
14. WEST GATE ESTS/NORTHERN SEC/LTS 44 & 45 BLK 27 (*not a part of this application*)
15. WEST GATE ESTS/NORTHERN SEC/LTS 46 TO 48 INC BLK 27
16. WEST GATE ESTS/NORTHERN SEC/LTS 49 & 50 BLK 27
17. WEST GATE ESTS (NORTHERN SEC) LTS 53 THRU 59 INC, & LT 60 (LESS SELY TRGLR SHAPE PAR WESTGATE AVE RD R/W) BLK 27
18. WEST GATE ESTS NORTHERN SEC LTS 1 TO 4 INC BLK 28
19. WEST GATE ESTS/NORTHERN SEC/LTS 28 TO 30 INC BLK 28
20. WEST GATE ESTS/NORTHERN SEC/LT 31 BLK 28
21. WEST GATE ESTS/NORTHERN SEC/LTS 37 TO 39 INC BLK 28
22. WEST GATE ESTS/NORTHERN SEC/LTS 44 & 45 BLR 28
23. WEST GATE ESTS/NORTHERN SEC/LTS 46 & 47 BLK 28

EXHIBIT A

LEGAL DESCRIPTION

24. WEST GATE ESTS/NORTHERN SEC/LTS 48 TO 51 INC BLK 28
25. WEST GATE ESTS/NORTHERN SEC/LTS 58 TO 60 INC BLK 28
26. WEST GATE ESTS (NORTHERN SEC) LTS 1 TO 5 BLK 29
27. WEST GATE ESTS (NORTHERN SEC) LTS 31 TO 34 BLK 29
28. WEST GATE ESTS/NORTHERN SEC/LTS 41, 42 & W 10 FT OF LT 43
29
29. WEST GATE ESTS (NORTHERN SEC) LTS 1 TO 5 INC & LTS 8 TO 11
BLK 30
30. WEST GATE ESTS (NORTHERN SEC) LTS 6 & 7 BLK 30
31. WEST GATE ESTS (NORTHERN SEC) N 1/2 OF LTS 27 TO 30 INC BLK 30
32. WEST GATE ESTS/NORTHERN SEC/ S 1/2 OF LTS 27 TO 30 INC &
OF LTS 57 TO 60 INC BLK 30
33. WEST GATE ESTS/NORTHERN SEC/LTS 35 TO 39 INC BLK 30
34. WEST GATE ESTS/NORTHERN SEC/LTS 40 TO 44 INC BLK 30
35. WEST GATE ESTATES/NORTHERN SEC/LOTS 53 TO 56 INC BLK 30
36. WEST GATE ESTS (NORTHERN SEC) S 1/2 OF LTS 57 TO 60 INC BLK 30
37. WEST GATE ESTS/NORTHERN SEC/ LTS 22 TO 24 INC BLK 31
38. WEST GATE ESTS/NORTHERN SEC/ LTS 25 & 26 BLK 31
- 38A. WEST GATE ESTS/NORTHERN SEC/ E 10 FT OF LT 46 & LTS 47
BLK 31
39. WEST GATE ESTS/NORTHERN SEC/ LTS 1 & 2 BLK 32
40. WEST GATE ESTS/NORTHERN SEC/ LTS 3 & 4 BLK 32
41. WEST GATE ESTS/NORTHERN SEC/ LTS 5 & 6 BLK 32
42. WEST GATE ESTS/NORTHERN SEC/ LTS 7 & 8 BLK 32
43. WEST GATE ESTS/NORTHERN SEC/ LTS 9 TO 11 INC BLK 32
44. WEST GATE ESTS/NORTHERN SEC/ LTS 12 TO 15 INC BLK 32
45. WEST GATE ESTS/NORTHERN SEC/ LTS 16 TO 18 & 46 TO 49 INC
BLK 32
46. WEST GATE ESTS/NORTHERN SEC/ LT 9 BLK 32
47. WEST GATE ESTS/NORTHERN SEC/ LTS 1 TO 4 INC BLK 33
48. WEST GATE ESTS/NORTHERN SEC/ LTS 5 TO 6 INC BLK 33
49. WEST GATE ESTS/NORTHERN SEC/ LTS 7 & 8 BLK 33
50. WEST GATE ESTS/NORTHERN SEC/ LTS 9 & 10 BLK 33

EXHIBIT A
LEGAL DESCRIPTION

51. WEST GATE ESTS/NORTHERN SEC/ LTS 31 TO 34 INC BLK 33
52. WEST GATE ESTS/NORTHERN SEC/ LTS 38 TO 40 INC BLK 33
53. WEST GATE ESTS/NORTHERN SEC/ LTS 51 & 52 BLK 33
54. WEST GATE ESTS/NORTHERN SEC/ LTS 55 TO 60 INC BLK 33
- 54A. WEST GATE ESTS/NORTHERN SEC/ LTS 1 TO 6 INC BLK 34
55. WEST GATE ESTS NORTHERN SEC LTS 7 TO 10 INC BLK 34
56. WEST GATE ESTS/NORTHERN SEC/ LTS 40 TO 45 INC BLK 34
57. WEST GATE ESTS/NORTHERN SEC/ LTS 46 & 47 BLK 34
58. WEST GATE ESTS (NORTHERN SEC) LTS 48 TO 53 INC BLK 34
59. WEST GATE ESTS (NORTHERN SEC) LTS 58 TO 60 INC BLK 34
60. WEST GATE ESTS/NORTHERN SEC/ LTS 20 & 21 BLK 35
61. WEST GATE ESTS/NORTHERN SEC/ LTS 22 & 23 BLK 35
62. WEST GATE ESTS/NORTHERN SEC/ LTS 24 & 25 BLK 35
63. WEST GATE ESTATES NORTHERN SEC E 1/2 OF LOT 38 & LOTS 39 TO 45
INC BLK 35
64. WEST GATE ESTATES (NORTHERN SEC) E 16.22 FT OF S 1/2 OF LOT 56
& S 1/2 OF LTS 57 TO 60 INC BLK 35
65. WEST GATE ESTS/NORTHERN SEC/ LTS 16 TO 23 INC BLK 36
66. WEST GATE ESTS/NORTHERN SEC/ LTS 24 TO 30 INC BLK 36
67. WEST GATE ESTS/NORTHERN SEC/ LTS 42 TO 50 INC BLK 36
68. WEST GATE ESTS/NORTHERN SEC/ LTS 51 TO 56 INC BLK 36
69. WEST GATE ESTS/NORTHERN SEC/ LTS 57 & 58 BLK 36
70. WEST GATE ESTS/NORTHERN SEC/ LTS 59 & 60 BLK 36
71. WEST GATE ESTS/NORTHERN SEC/ S 10 FT OF N 290 FT OF BLK E
72. WEST GATE ESTS/RESUM OF PT OF BLK B & ALL OF BLKS C & D LTS 11
& 12
73. WEST GATE ESTS/NORTHERN SEC/S 25 FT OF LTS 26 TO 30 INC & N
1/2 OF LTS 56 TO 60 INC BLK 35

EXHIBIT B
VICINITY SKETCH

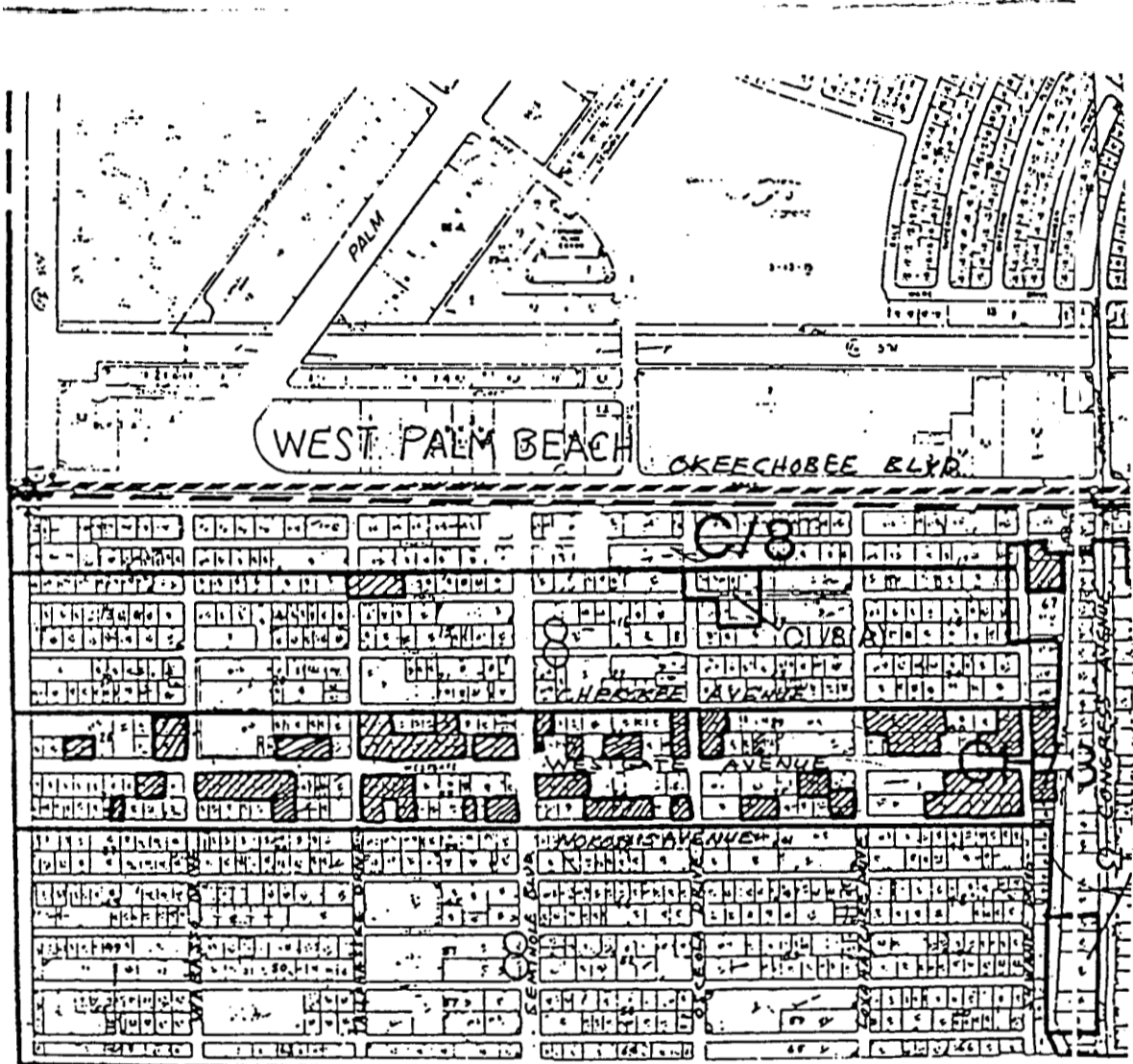


EXHIBIT C

CONDITIONAL OVERLAY CONDITIONS

A. GENERAL

1. All previously approved special exceptions on any of the subject properties are hereby abandoned and repealed. (ZONING)

B. SITE PLAN APPROVAL

1. Prior to commencement of commercial development or use, each property shall receive approval of a site plan by the Development Review Committee (DRC) and a concurrency reservation, exemption, equivalency or other determination. The site plan shall be approved prior to application for any permit(s), including but not limited to, building, paving, drainage, or vegetation removal. (BUILDING/ZONING)

C. USE LIMITATIONS

1. Uses on lots fronting only on Wabasso Drive, Tallahassee Drive, Seminole Boulevard, Osceola Drive, Loxahatchee Drive, Suwanee Drive, Cherokee Avenue or Nokomis Avenue shall be limited as required by the ULDC, Section 6.7.8, WCRA Overlay District Regulations. (ZONING)

D. COMPLIANCE

1. All site plans certified pursuant to Condition B.1. shall be valid for four years from the date of certification with no provision for a time extension. All concurrency reservations, exemptions, equivalencies or other determinations shall only be valid during the time period the site plan for each property is valid. (MONITORING/CONCURRENCY)
2. Failure to comply with any of the conditions of approval or requirements of the ULDC at any time may result in:
 - a. The denial or revocation of a building permit; the issuance of a stop work order; the issuance of a cease and desist order; the denial of a Certificate of Occupancy on any building or structure; the denial or revocation of any permit or approval for any developer, owner, commercial-owner, lessee, or user of the subject property;
 - b. The revocation of the CG zoning on the subject property;
 - c. A requirement for the subject property to conform with the updated standards of development applicable at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions;
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity restrictions.

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 zoning or other action based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)

E. ENGINEERING

1. If required by the County Engineer or the South Florida Water Management District the drainage system design by the property owner shall be such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (ENGINEERING)
2. Each individual property owner shall obtain an onsite Drainage Review from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit. Each individual property owner shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. (BUILDING - Engineering).
3. Each property owner at the time of the issuance of a building permit shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. (IMPACT FEE COORDINATOR).
4. Prior to the issuance of a building permit for corner lots which are part of this rezoning request, the property owner shall convey at no cost to Palm Beach County **Land Development Division** by road right-of-way warranty deed, additional right of way to provide for "corner clips" at the intersection of two road right of ways. These corner clips shall be the long cord of a **40** foot radius for the intersection of two thoroughfare plan right of ways, and the long cord of a **25** foot radius for the intersection of two non-thoroughfare plan rights of way. The property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BUILDING - Engineering)