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ORDINANCE 21, 2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA REZONING CERTAIN REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF PALM BEACH GARDENS, CONSISTING OF ONE (1) PARCEL OF REAL PROPERTY TOTALING 20.40 ACRES, MORE OR LESS, IN SIZE LOCATED ON THE EAST SIDE OF MACARTHUR BOULEVARD APPROXIMATELY ONE-QUARTER MILE NORTH OF NORTHLAKE BOULEVARD, WITH A STREET ADDRESS OF 9480 AND 9482 MACARTHUR BOULEVARD, INFORMALLY KNOWN AS "HOWELL WATKINS MIDDLE SCHOOL"; PROVIDING THAT THIS PARCEL OF REAL PROPERTY WHICH IS MORE PARTICULARLY DESCRIBED HEREIN SHALL BE ASSIGNED THE CITY ZONING DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD) OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF PUBLIC OR INSTITUTIONAL (P/I); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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WHEREAS, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations, is authorized and empowered to consider petitions related to zoning and land development orders; and

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WHEREAS, the City Council adopted Resolution 188, 2003 approving a major conditional use for the school use and the expansion of the existing middle school by approximately 172,749 square feet; and

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WHEREAS, the subject site is currently zoned Public or Institutional (P/I) and has a future land-use designation of Public (P); and

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WHEREAS, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

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WHEREAS, the Planning, Zoning, and Appeals Board reviewed the petition at its October 11, 2011 meeting, and recommended approval of the petition (REZN-11-07-000011) by a vote of 7-0; and

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WHEREAS, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the

1 various City of Palm Beach Gardens and Palm Beach County reviewing agencies and
2 staff; and
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4 **WHEREAS**, the City Council deems approval of this Ordinance to be in the best
5 interests of the health, safety, and welfare of the residents and citizens of the City of
6 Palm Beach Gardens and the public at large; and
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8 **WHEREAS**, the City Council has determined that this Ordinance is consistent
9 with the City's Comprehensive Plan based on the following findings of fact:
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- 11 1. The proposed rezoning of Planned Unit Development (PUD) Overlay with
12 an underlying zoning of Public or Institutional (P/I) is consistent with the
13 future land-use designation of Public (P).
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- 15 2. The proposed rezoning is in harmony with the general purpose and intent of
16 the Comprehensive Plan and the Land Development Regulations, and is
17 compatible with the intensity and density of the surrounding, existing, and
18 future land uses.
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21 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
22 **OF PALM BEACH GARDENS, FLORIDA** that:
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24 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.
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26 **SECTION 2.** That certain parcel of real property located within the corporate
27 limits of the City of Palm Beach Gardens comprised of one (1) lot totaling approximately
28 20.40 acres, more or less, located on the east side of MacArthur Boulevard,
29 approximately one-quarter mile north of Northlake Boulevard, with a street address of
30 9480 and 9482 MacArthur Boulevard, and currently zoned Public or Institutional (P/I)
31 according to the City zoning map is hereby zoned Planned Unit Development (PUD)
32 with an underlying zoning designation of Public or Institutional (P/I) and is legally
33 described as follows:
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35 (See Exhibit "A" for Legal Description)
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37 **SECTION 3.** The City Zoning Map is hereby amended to conform to this
38 Ordinance, and the City Manager is hereby authorized and directed to make appropriate
39 changes to the City Zoning Map.
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42 **SECTION 4.** All Ordinances or parts of Ordinances in conflict be and the same
43 are hereby repealed.
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46 **SECTION 5.** Should any section or provision of this Ordinance or any portion

1 thereof, any paragraph, sentence, or word be declared by a Court of competent
2 jurisdiction to be invalid, such decision shall not affect the validity of the remainder of
3 this Ordinance.

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6 **SECTION 6.** This Ordinance shall become effective immediately upon adoption.
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PASSED this ____ day of _____, 2011, upon first reading.

PASSED AND ADOPTED this ____ day of _____, 2011, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
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BY: _____	_____	_____	_____
David Levy, Mayor			
_____	_____	_____	_____
Robert G. Premuroso, Vice Mayor			
_____	_____	_____	_____
Joseph R. Russo, Councilmember			
_____	_____	_____	_____
Eric Jablin, Councilmember			
_____	_____	_____	_____
Marcie Tinsley, Councilmember			

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: _____
R. Max Lohman, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

HOWELL L. WATKINS MIDDLE SCHOOL

BEGINNING AT A POINT IN A LINE PARALLEL TO AND 310 FEET NORTHERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST-WEST QUARTER SECTION LINE OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARALLEL LINE BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF MERRILL CANAL, SAID POINT OF BEGINNING BEING 1037.71 FEET FROM (MEASURED ALONG SAID RIGHT-OF-WAY LINE) THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION LINE OF SECTION 18 (FOR CONVENIENCE SAID EAST-WEST QUARTER SECTION LINE IS ASSUME TO BEAR EAST-WEST AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO); THENCE EAST ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 642.28 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 60 FEET AND A CENTRAL ANGLE OF 121°45'13", THENCE SOUTHEASTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 127.50 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1215 FEET, SAID CURVE BEING A PART OF THE WESTERLY RIGHT-OF-WAY LINE OF THE CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT CANAL C-17, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 20°39'13", A DISTANCE OF 437.98 FEET TO THE END OF SAID CURVE; THENCE S78°54'00"E ALONG A LINE RADIAL TO SAID CURVE, A DISTANCE OF 45 FEET; THENCE S11°06'00"W ALONG SAID CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 974.16 FEET; THENCE WEST A DISTANCE OF 546.98 FEET TO A POINT IN THE PROPOSED EASTERLY RIGHT-OF-WAY LINE OF GARDEN BOULEVARD; THENCE N06°06'00"E ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 1470 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 20.40 ACRES.