

RESOLUTION NO. R-83-593

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF DELRAY BEACH TO REZONE RECENTLY ANNEXED PROPERTY PURSUANT TO §171.062, FLORIDA STATUTES, AND CITY RESOLUTION NO. 30-83

WHEREAS, by its Resolution No 30-83, the City of Delray Beach has requested permission from the Board of County Commissioners to rezone the property described therein which has been annexed into the corporate limits of the City; and

WHEREAS, the property is currently zoned CS (Specialized Commercial) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to rezone the property to SAD (Special Activities District); and

WHEREAS, the Comprehensive Land Use Plan identifies commercial potential in the annexation area, i.e., on the east side of Military Trail, one quarter mile south of Lake Ida Road (Area 19, Policy No 12, as amended by Ordinance No. 81-27); and

WHEREAS, the Planning Division has reviewed the request and has found the proposed rezoning consistent with the Comprehensive Land Use Plan, as outlined in the May 17, 1983 memorandum, attached hereto and made a part hereof; and

WHEREAS, after consideration of the request this Board finds that the uses and densities in the City's plan for the property will have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County systems, and

WHEREAS, based on the foregoing, this Board finds the proposed rezoning compatible with the Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the request of the City of Delray Beach in its Resolution No. 30-83 attached hereto and made a part hereof, is approved

The foregoing Resolution was offered by Commissioner KOEHLER who moved for its adoption. The motion was seconded by Commissioner WYKEM and upon being put to a vote the vote was as follows:

PEGGY B. EVATT - Aye
KENNETH G. SPILLIAS - Aye
DENNIS P. KOEHLER - Aye
DOROTY H. WILKEN - Aye
BILL BAILEY - Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 24th day of MAY, 1983.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JOHN B. DUNKLE, Clerk

BY [Signature]
Assistant County Attorney

BY: [Signature]
Deputy Clerk

FILED THIS MAY DAY OF 1983

288-295 290
RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY [Signature]

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Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation and Rezoning - City of Delray Beach
Resolution 30-83

DATE May 17, 1983
FILE

The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and offers the following comments.

Background Information

The City of Delray Beach has recently annexed a 1.97 acre parcel of land located on the east side of Military Trail on the Lake Worth Drainage District Lateral Canal No. 32. The request is now for the purpose of rezoning the parcel from the County Zoning Classification CS (specialized commercial) District to the City's Zoning Classification SAD (special activities district). The intended use of the property is for an office complex. The proposed zoning for the subject property (SAD) is consistent with the City's currently existing Land Use Plan Designation. The Special Activities District is designed to lock in specific commercial uses. In this case, professional offices are the only uses allowed on the subject parcel

Land Use Plan Designation and Zoning District

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- a) The referenced site is presently zoned (CS) specialized commercial by the County.
- b) The City proposes to rezone the property to (SAD) Special Activities District
- c) There is little difference in land use intensity between the County's CS Zoning District and the City's proposed SAD Zoning District. Both Zoning Districts allow professional offices.
- d) The County's Land Use Plan identifies the subject annexed site as Low to Medium residential with commercial potential. (area 19, policy #12 Land Use Plan Amendment)
- e) The proposed rezoning to SAD is consistent with the County's Land Use Plan designation of "commercial potential".

In summary, the Planning Division has determined that the requested SAD Zoning District by the City of Delray Beach is consistent with the County's Comprehensive Land Use Plan. The SAD Zoning District to allow only professional offices will have no significant impact on County systems

It is recommended that the waiver of County Zoning (CS) be granted to the City of Delray Beach.

RM cjs

SIGNED 

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PLANNING DIVISION

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C E R T I F I C A T I O N

I, ELIZABETH ARNAU, City Clerk of the City of Delray Beach, Florida, do hereby certify that the attached is a true and correct copy of Resolution No. 28-83 which was passed on the 26th day of April, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 2nd day of May, 1983.

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Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

RESOLUTION NO. 30-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.062, TO REZONE LAND ANNEXED TO THE CITY OF DELRAY BEACH FROM THE COUNTY ZONING CLASSIFICATION CS (SPECIALIZED COMMERCIAL) DISTRICT TO THE CITY'S ZONING CLASSIFICATION SAD (SPECIAL ACTIVITIES DISTRICT).

WHEREAS, the City of Delray Beach received a request for annexation from James H. Ranson, Manager-Secretary of the Lake Worth Drainage District, the owner of the following described parcel:

The North 40 feet of the West 662 feet of the Northwest Quarter of the Northwest Quarter of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida; less the right-of-way of State Road 809 (Military Trail); and,

from James G. Brady, General Partner, Pylon Medical Associates, Ltd., a Florida Limited Partnership, the owner of the following described parcel:

The North 140 feet of the West 662 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida; LESS the right-of-way of State Road 809 (Military Trail); and LESS the right-of-way of Lake Worth Drainage District Lateral Canal No. 32.

Also including, the South 15 feet of the North 55 feet of the North 140 feet of the West 662 feet of the Northwest One-Quarter of the Northwest One-Quarter of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida;

and,

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WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 21-83; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of SAD (Special Activities District) subsequent to its annexation, it is necessary under Chapter 171.062 of the Florida Statutes for the City to request permission from the Board of County Commissioners of Palm Beach County, Florida, for the change in zoning of this parcel which is currently zoned CS (Specialized Commercial); and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's Comprehensive Land Use Plan; and,

WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designations are compatible with existing patterns in the immediate vicinity of the annexed property,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the City Council hereby requests a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone the property described above from CS (Specialized Commercial) to SAD (Special Activities) District which would result in no increase in the density for such land.

Section 2. That a certified copy of this resolution is being sent to each member of the Board of County Commissioners, the County Administrator and the Director of Planning, Zoning and Building.

PASSED AND ADOPTED in regular session on this the 26th day of April, 1983.


MAYOR

ATTEST:


City Clerk

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ORDINANCE NO. 21-83

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH A PARCEL OF LAND LOCATED IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 42 EAST, WHICH LAND IS CONTIGUOUS TO EXISTING MUNICIPAL LIMITS OF SAID CITY; REDEFINING THE BOUNDARIES OF SAID CITY TO INCLUDE SAID LAND; PROVIDING FOR THE RIGHTS AND OBLIGATIONS OF SAID LAND; PROVIDING FOR THE ZONING THEREOF.

WHEREAS, the Lake Worth Drainage District is the fee-simple owner of the North 40 feet of the West 662 feet of the Northwest Quarter of the Northwest Quarter of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida; less the right-of-way of State Road 809 (Military Trail), and,

WHEREAS, James H. Ranson, Manager-Secretary of the Lake Worth Drainage District, has requested by his petition to have the subject property annexed into the municipal limits of the City of Delray Beach; and,

WHEREAS, Pylon Medical Associates, Ltd., a Florida Limited Partnership, is the fee-simple owner of the North 140 feet of the West 662 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida; LESS the right-of-way of State Road 809 (Military Trail); and LESS the right-of-way of Lake Worth Drainage District Lateral Canal No. 32. Also including, the South 15 feet of the North 55 feet of the North 140 feet of the West 662 feet of the Northwest One-Quarter of the Northwest One-Quarter of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida, and,

WHEREAS, James G. Brady, General Partner, Pylon Medical Associates, Ltd., a Florida Limited Partnership, has requested by his petition to have the subject property annexed into the municipal limits of the City of Delray Beach; and,

WHEREAS, the designation of a zoning classification is part of the annexation proceeding, the City Council has determined that the procedures set forth in Section 30-23 of the Zoning Code, which applies to property already in the City limits, shall not be applicable in annexation proceedings; and,

WHEREAS, the City of Delray Beach has heretofore been authorized to annex lands in accordance with Section 171.044 of the Florida Statutes,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1 That the City Council of the City of Delray Beach, Palm Beach County, Florida, hereby annexes to said City the following described land located in Palm Beach County, Florida, which lies contiguous to said City to-wit

The North 40 feet of the West 662 feet of the Northwest Quarter of the Northwest Quarter of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida; less the right-of-way of State Road 809 (Military Trail); and,

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The North 140 feet of the West 662 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida, LESS the right-of-way of State Road 809 (Military Trail), and LESS the right-of-way of Lake Worth Drainage District Lateral Canal No. 32

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Also including, the South 15 feet of the North 55 feet of the North 140 feet of the West 662 feet of the Northwest One-Quarter of the Northwest One-Quarter of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida.

The subject property is located east of Military Trail between Lake Ida Road and Atlantic Avenue.

The above-described parcel contains a 1.97 acre parcel of land.

Section 2 That the Boundaries of the City of Delray Beach, Florida, are hereby redefined to include therein the above-described tract of land and said land is hereby declared to be within the corporate limits of the City of Delray Beach, Florida.

Section 3 That Section 30-23 of the Zoning Code shall not apply to the establishment of a zoning classification in this ordinance.

Section 4 That the tract of land hereinabove described is hereby declared to be in Zoning District SAD (Special Activities District) as defined by existing ordinances of the City of Delray Beach, Florida.

Section 5. That the land hereinabove described shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Delray Beach are now or may be subjected and persons residing thereon shall be deemed citizens of the City of Delray Beach.

Section 6 That this annexation of the subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed acceptance by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

Section 7. That if any word, phrase, clause, sentence or part of this ordinance shall be declared illegal by a Court of competent jurisdiction, such record of illegality shall in no way affect the remaining portion

PASSED AND ADOPTED in regular session on second and final reading on this the 26th day of April, 1983.


W A Y O'R

ATTEST.


City Clerk

First Reading March 22, 1983

Second Reading April 26, 1983

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