

RESOLUTION NO. R-83-1063

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF DELRAY BEACH TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171.062, FLORIDA STATUTES, AND CITY OF DELRAY BEACH RESOLUTION NO. 54-83.

WHEREAS, by its Resolution No. 54-83, the City of Delray Beach has requested permission from the Board of County Commissioners to Rezone the property described therein after Annexation of same into the Corporate Limits of the City; and

WHEREAS, the property is currently zoned RS (Single Family Residential) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to Rezone the property to R-1AA (Single Family Dwelling) District to allow the Petitioner to develop the parcel for residential purposes provided that the project meets all mandatory Performance Standards; and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinance 81-27 and 82-26) provides that the Board of County Commissioners may find the proposed waiver request compatible with the Comprehensive Plan if the uses and/or densities proposed will have no significant effect on County systems, or such effect is mitigated by compliance with the Performance Standards, and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has found that the proposed development is consistent with the Comprehensive Land Use Plan designation of "Low to Medium Residential," for the subject area and would have little or no significant impact on County Systems as outlined in the August 31, 1983 memorandum of the Planning Director, attached hereto and made a part hereof; and

WHEREAS, Florida Statutes, §171.062 requires that when a City desires to Rezone property which was previously subject to County Land Use control, that the City must request and receive permission for such change from the Board of County Commissioners of the respective County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that.

1. The foregoing recitals are hereby affirmed and ratified.
2. This Board finds that the Rezoning proposed by the City of Delray Beach will have no significant impact upon County systems.
3. The request of the City of Delray Beach in its Resolution No. 54-83, attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was offered by Commissioner Wilken who moved its adoption. ~~The motion was seconded by Commissioner Spillias~~ and upon being put to a vote, the vote was as follows.

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

The Chairman thereupon declared the Resolution duly passed and adopted this 13th day of September, 1983.

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

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: *Trish Chisner*
- Deputy Clerk -

By: *John Cantel*
County Attorney

FILED THIS 13 DAY OF
Sept 1983
AND RECORDED IN RESOLUTION
MINUTE BOOK NO _____ AT
PAGE _____ RECORD VERIFIED
JOHN B DUNKLE, CLERK
BY *Trish Chisner* DG

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Inter-Office Communication
PALM BEACH COUNTY

7B-12

TO Stan Redick, Planning Director DATE August 29, 1983

FROM Richard Morley FILE
Principal Planner

RE Annexation/Rezoning - City of Delray Beach
Resolution No. 54-83

The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and County Ordinance 82-26, amendment to the intergovernmental coordination element of the County's Comprehensive Plan. The following comments are offered

Background Information

The City of Delray Beach has recently annexed a 0.288 acre parcel of land located at the northwest corner of Lake Shore Drive and N.W. 6th Avenue. The request is now for the purpose of rezoning the land from the County Zoning Classification RS (Single Family Residential) to the City's Zoning Classification R-1AA (Single Family Dwelling) District.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS (Single Family Residential) by the County.
- b) The City proposes to rezone the property to R-1AA (Single Family Dwelling) District.
- c) There is little significant difference between the County's RS Zoning District and the City's proposed R-1AA District.
- d) The County Land Use Plan identifies the subject site as having low to medium land use designation allowing for three units per acre in a standard subdivision and five units per acre in a PUD
- e) The City's proposed rezoning to R-1AA is consistent with the County's Land Use designation of Low to Medium Residential for the subject area

Recommendation

Since the City's proposed rezoning to R-1AA is consistent with the County's Land Use Designation of "Low to Medium Residential", it is recommended that the County grant the City of Delray Beach the waiver request under Chapter 171 062 F S

RM cjs

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SIGNED Richard Morley

~~RESOLUTION NO. 54-83~~

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 RS (SINGLE FAMILY RESIDENTIAL) TO THE CITY'S ZONING CLASSIFICATION R-LAA (SINGLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Seth Dmitrovsky and Susan Dmitrovsky, his wife, the fee-simple owners of the following described property:

A parcel of land in Section 8, Township 46 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows.

BEGINNING at a point in the North line of Plat 2, LAKE IDA GARDENS, according to the plat thereof recorded in Plat Book 14, Page 75, Public Records of Palm Beach County, Florida, said point of beginning being 42.08 feet westerly, measured along the said North line of Plat 2, LAKE IDA GARDENS, from the northeast corner thereof; thence southwesterly making an angle with said North line, measured from west to southwest, of $36^{\circ}26'$, a distance of 215.75 feet to the beginning of a curve concave to the north and having a radius of 126.85 feet, thence westerly along the arc of said curve, a distance of 12.95 feet; thence northerly, along a line parallel to the westerly line of said Plat 2, LAKE IDA GARDENS and 440 feet easterly from, measured along the North line of said Plat 2, LAKE IDA GARDENS, a distance of 135 33 feet, more or less, to a point in the said North line; thence easterly, along said North line, a distance of 185 69 feet, more or less, to the point of beginning

The subject property is located at the northwest corner of Lake Shore Drive and N.W. 6th Avenue.

The above described parcel contains a 0 288 acre parcel of land;

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. 29-83; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of R-LAA (Single Family Dwelling) 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 RS (Single Family Residential), and,

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

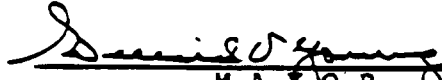
WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designations are compatible with existing patterns in the immediate vicinity of the annexed property,

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

Section 1. That the City Council heraby requests a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone the property described above from RS (Single Family Residential) to R-1AA (Single Family Dwelling) 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 14th day of June _____, 1983.


MAYOR

ATTEST.


City Clerk

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BOOK 307 435