

RESOLUTION NO. R-84-754

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 27-84.

WHEREAS, by its Resolution No 27-84, the City of Delray Beach has requested permission from the Board of County Commissioners of Palm Beach County to Rezone the property described therein after Annexation of same into the Corporate Limits of the City, and

WHEREAS, the property is currently zoned CG-General Commercial and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the property to CG-General Commercial, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a General Commercial Land Use Designation; and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning is consistent with the Comprehensive Land Use Designation for the subject area and would have little or no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the April 23, 1984 memorandum of the Planning Division attached hereto and made a part hereof, and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinances 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 impact upon County Systems, or such effect is mitigated by compliance with the Performance Standards, and

WHEREAS, Florida Statutes, §171 062, requires that when a City desires to rezone property which was previously subject to County Land Use Controls 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 27-84, attached hereto and made a part hereof, is hereby approved.

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

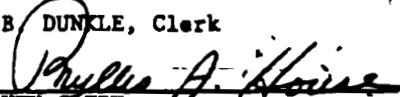
KENNETH G SPILLIAS	- AYE
DOROTHY H. WILKEN	- AYE
PEGGY B EVATT	- AYE
DENNIS P KOEHLER	- AYE
BILL BAILEY	- AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 12th day of June, 19 84

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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


COUNTY ATTORNEY

JOHN B DUNKLE, Clerk
By 
DEPUTY CLERK

FILED THIS 12th DAY OF June 19 84
AND RECORDED IN RESOLUTION
MINUTE BOOK NO 342 AT
PAGE 421-426 RECORD VERIFIED
BY JOHN B. DUNKLE, CLERK D.C.

R 84 754

BOOK 342 422

Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation/Rezoning and Waiver Request, City of Delray
Beach, Resolution 27-84 (Jaha Chicken, Annexation)

DATE April 23, 1984
FILE

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

Background Information

The City of Delray Beach has recently annexed a 0.9 acre parcel of land located south of Gulfstream Boulevard between North Federal Highway and Dixie Highway. The request is now for the purpose of rezoning the parcel from the County Zoning Classification CG (General Commercial) to the City's Zoning Classification of CG (General Commercial District). The proposed zoning to CG is consistent with the City's Comprehensive Land Use Plan.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned CG (General Commercial) by the County
- b) The City proposes to rezone the property to CG (General Commercial District)
- c) There is little significant difference between the County's CG Zoning District and the City's CG Zoning District
- d) The County's Land Use Plan identifies commercial potential for the subject site
- e) The proposed rezoning to CG is consistent with the County's Comprehensive Plan.

Recommendation

Based on the findings that the property is consistent with the County Comprehensive Plan and the impact from the commercial zoning will not have a significant impact on County Systems, 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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R 84 754

SIGNED

Richard F. Morley

BOOK 342 423

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A RESOLUTION OF THE BOARD OF THE CITY OF DELRAY BEACH, FLORIDA, STATUTES 171.052, FROM THE BOARD OF COUNTY COMMISSIONERS, PALM BEACH COUNTY, FLORIDA, STATUTES 171.052.

WHEREAS, the City of Delray Beach received a request for annexation from James T Adams and Hattie L. Adams, his wife, the fee-simple owners of the following described property:

A parcel of land in Section 4, Township 46 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows.

Beginning at the southwest corner of Lot 1-A of DELRAY BEACH ESTATES, according to the plat thereof recorded in Plat Book 21, Page 13, of the Public Records of Palm Beach County, Florida; thence southerly along a line parallel to, and 130 feet easterly (measured at right angles) from the center line of the right-of-way of the Florida East Coast Railway, and being in the easterly line of the right-of-way of the Dixie Highway through this parcel, 202.22 feet, more or less, to a point in a line parallel to and 200 feet southerly (measured at right angles) from the south line of said Lot 1-A of DELRAY BEACH ESTATES; thence easterly along said parallel line, 193.75 feet, more or less, to a point in the westerly right-of-way line of State Road No. 5 (U.S. Highway No. 1); thence northerly along said westerly right-of-way line and being a line parallel to, and 50 feet westerly from, the center line of said State Road No. 5, 205.6 feet, more or less, to the southeast corner of said Lot 1-A of DELRAY BEACH ESTATES; thence westerly along the south line of said Lot 1-A, 211.49 feet to the point of beginning,

LESS a triangular parcel of land as described in Lead Book 1012, Page 395, of the Public Records of Palm Beach County, Florida, which is described as: Beginning at the intersection of the easterly right-of-way line of the Dixie Highway with a line parallel to, and 200 feet southerly (measured at right angles) from the south line of DELRAY BEACH ESTATES, according to the plat thereof recorded in Plat Book 21, Page 13, of the Public Records of Palm Beach County, Florida; thence easterly along said parallel line 193.75 feet, more or less, to a point in the westerly right-of-way line of State Road No. 5 (U.S. Highway No. 1); thence westerly to a point in the easterly right-of-way line of said Dixie Highway 25 feet northerly, measured along said right-of-way, from the point of beginning; thence southerly along said easterly right-of-way line 25 feet to the point of beginning.

The subject property is located south of Gulfstream Boulevard between North Federal Highway and Dixie Highway.

The above-described parcel contains a 0.9 acre parcel of land, more or less;

BOOK 342 424 R-84 754

and,

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 26-84; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of GC (General Commercial) 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 CG (General Commercial) District; 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 hereby requests a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone the property described above from CG (General Commercial) to GC (General Commercial) District which would not result in an 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 27th day of March, 1984.

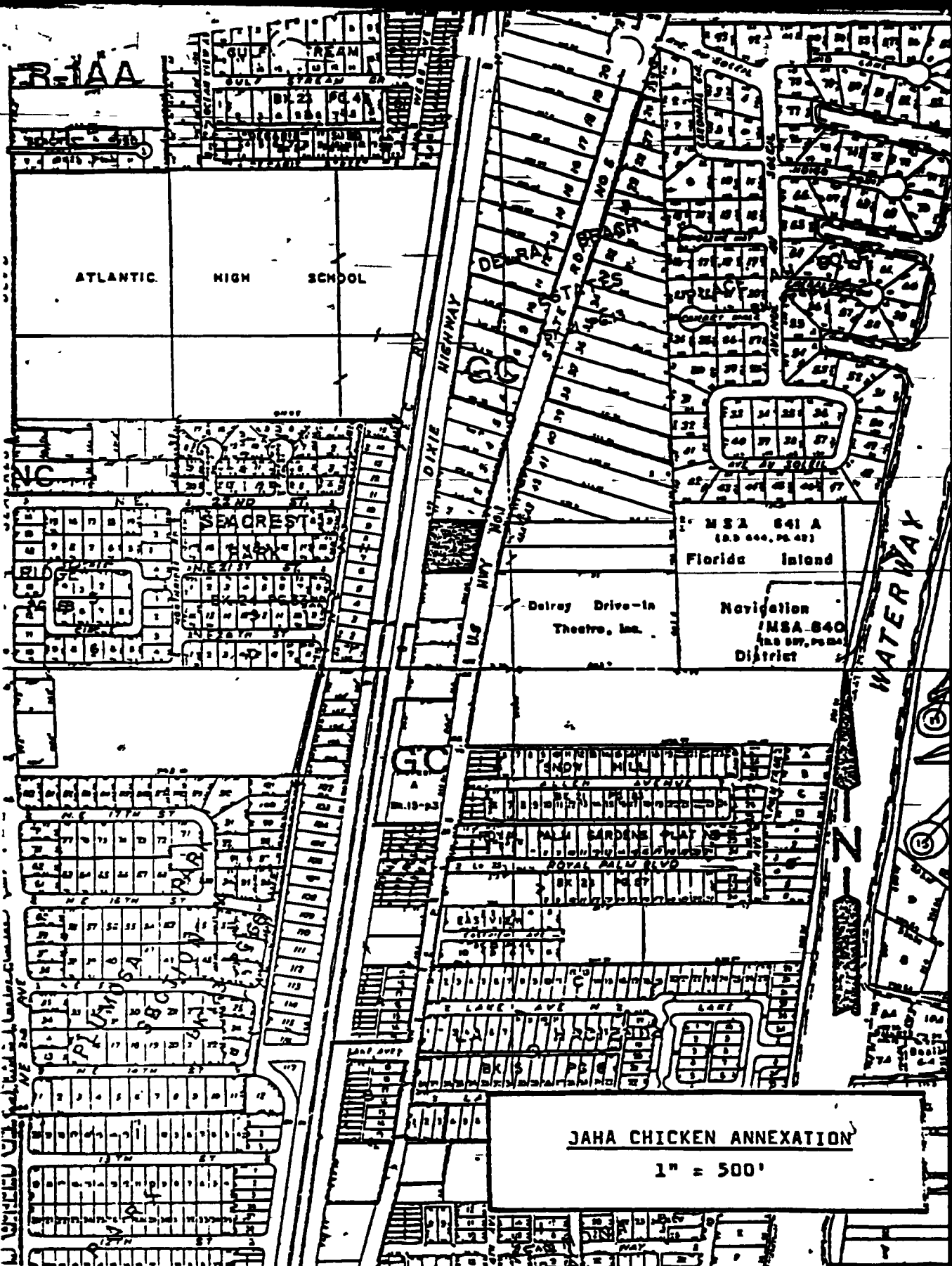

MAYOR

ATTEST:


City Clerk

R 84 754

BOOK 342 425



R 84 754