

RESOLUTION NO. R-85-499

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. 14-85, (LINTON OAKS).

WHEREAS, by its Resolution No. 14-85 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 parcel to GC-General Commercial; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Commercial Potential as described in Reference Area 20, No. 3 of the Comprehensive Plan: the Intersection of Linton Boulevard and Military Trail; 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 Plan designation of Commercial Potential for the subject site and would have no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the February 12, 1985, 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. 14-85, attached hereto and made a part hereof, is hereby approved.

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

KEN ADAMS, CHAIRMAN	- AYE
KAREN T. MARCUS, VICE CHAIRMAN	- AYE
KEN SPILLIAS	- ABSENT
JERRY L. OWENS	- AYE
DOROTHY H. WILKEN	- AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 26 th day of March, 1985.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

*Henry Spayne*  
COUNTY ATTORNEY

JOHN B. DUNKLE, Clerk  
By *Patricia L. Weaver*  
DEPUTY CLERK

MAR 26 1985  
 FILED THIS ..... DAY OF  
 ..... 19 .....

AND RECORDED IN RESOLUTION  
 MINUTE BOOK NO. 393 AT  
 PAGE 193-199 RECORD VERIFIED  
 JOHN B. DUNKLE, CLERK  
 BY P. W. D.C.

85, 499

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## Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick  
Planning Director  
FROM Richard Morley  
Principal Planner  
RE Annexation/Rezoning - Waiver Request, City of Delray Beach  
Resolution No. 14-85 (Linton Oaks)

DATE February 12, 1985  
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. The following comments are offered.

### Background Information

The City of Delray Beach has recently annexed a 8.816 acre parcel of land located on the southeast corner of Military Trail and Linton Boulevard. The request is now for the purpose of rezoning this tract from the County Zoning Classification CG (General Commercial) to the City's Zoning Classification GC (General Commercial) District. The proposed rezoning is consistent with the City's existing 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 GC (General Commercial) District.
- c) The subject property has commercial potential as described in Reference Area 20, #3 of the Comprehensive Plan: Intersection of Linton Boulevard and Military Trail. The City has determined that the proposed use is consistent with its Comprehensive Plan.
- d) There is no significant difference between the County's CG Zoning District and the City's GC Zoning District.
- e) The City's proposed rezoning to GC is consistent with the County's Land Use Designation of commercial Potential for the subject location.

### Recommendation

The Planning Division has determined that the requested GC Zoning by the City of Delray Beach is consistent with the County's Comprehensive Plan and existing Commercial Zoning. Therefore, it is recommended that the County grant the City of Delray Beach the waiver of County Zoning request under Chapter 171.062.

RM:cjs

*ok*  
*st*

SIGNED

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*Richard F. Morley*

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RESOLUTION NO. 14-85

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 CG-GENERAL COMMERCIAL, TO THE CITY'S ZONING CLASSIFICATION GC (GENERAL COMMERCIAL) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from William R. Boose, III, as attorney acting on behalf of Edward Gadinsky, as Trustee, the fee-simple owner of the following described property:

The Northwest One-Quarter of the Northwest One-Quarter of the Northwest One-Quarter of Section 25, Township 46 South, Range 42 East, Palm Beach County, Florida; less the North 55.44 feet and less the West 50.00 feet for road right-of-way for Military Trail (S.R. 809).

Subject to easements, restrictions, reservations, and right-of-way of record.

The subject property is located on the southeast corner of Military Trail and Linton Boulevard.

The above-described parcel contains an 8.816 acre or 384,025 square foot parcel of land, more or less.

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 17-85; 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; 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 special session on this the 5th day of February 1985.

*Jimmy Westnesson*  
VICE MAYOR

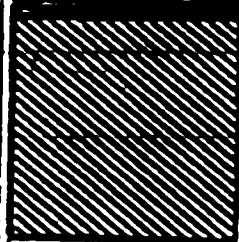
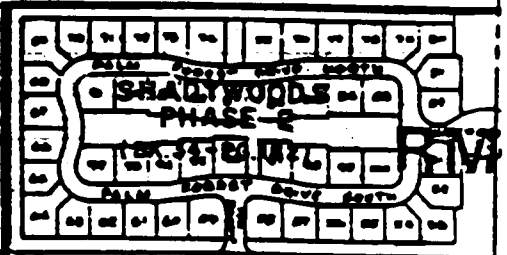
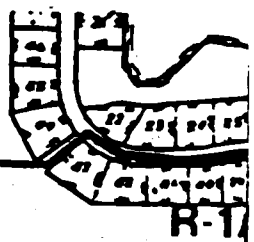
ATTEST:

*Elizabeth Adams*  
City Clerk

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KINGS POINT  
(32-68)

SAD



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LINTON OAKS SQUARE ANNEXATION  
AND LAND USE PLAN AMENDMENT  
1" = 500'

MILITARY TRAIL

