

RESOLUTION NO. R-83-594

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. 24-83

WHEREAS, by its Resolution No. 24-83, 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 CN (Neighborhood Commercial) and is subject to the Palm Beach County Comprehensive Land Use Plan, and

WHEREAS, the City proposes to rezone the property to NC (Neighborhood Commercial); and

WHEREAS, the Comprehensive Land Use Plan identifies commercial potential in the annexation area, i.e., along Seacrest Blvd., adjacent to Delray Beach Junior High School (Area 19, Policy No. 2); 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 2, 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. 24-83 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 WILKEN, and upon being put to a vote, the vote was as follows

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 *John B. Dunkle*  
Assistant County Attorney

BY *John B. Dunkle*  
Deputy Clerk



FILED THIS 24 DAY OF MAY, 1983

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296-306  
JOHN B. DUNKLE, CLERK  
BY *John B. Dunkle* DC

83<sup>-</sup> 594

# Inter-Office Communication

PALM BEACH COUNTY

*OK SA*

TO Stan Redick, Planning Director      DATE May 2, 1983  
FROM Richard F. Morley      FILE  
Principal Planner  
RE Delray Beach Annexation - Waiver Request Resolution No. 24-83

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The Planning Division has reviewed the above waiver request under Chapter 171 062 Florida Statutes and offers the following comments.

## Background Information

The City has recently annexed and changed their Comprehensive Plan to reflect the annexation of a 0.3 acre parcel. The request is now for the purpose of rezoning the parcel from the County's Zoning Classification of CN (Neighborhood Commercial) to the City's Zoning Classification of NC (Neighborhood Commercial). The subject property is located east of N.E. 2nd Avenue between E 22nd Street and Atlantic High School. (see map)

## Land Use Plan Designation and Zoning Districts

- 1) The subject site is presently zoned CN (neighborhood commercial) by the County.
- 2) The City proposes to rezone the property to NC (neighborhood commercial)
- 3) There is little difference in land use intensity between the County's CN and the City's proposed NC Zoning District.
- 4) The County's Land Use Plan identifies the subject annexed site as having commercial potential. (Study Area #19, policy #2 - along Seacrest Boulevard adjacent to Delray Beach Junior High School.
- 5) The proposed rezoning is consistent with the County's Land Use Plan designation of commercial potential for the site.

In summary, the Planning Division has determined that the NC (neighborhood commercial) use in the municipal plan for the area will have no significant impact on County systems. In addition, the proposed rezoning is consistent with the County's Land Use Plan.

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

83-594

RFM cjs

SIGNED

*Richard F. Morley*

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RECEIVED

APR 19 1983

PLANNING DIVISION

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 24-83, which was passed on the 12th 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 14th day of April, 1983

*Elizabeth Arnau*

Elizabeth Arnau  
City Clerk  
City of Delray Beach

SEAL

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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 CN (NEIGHBORHOOD COMMERCIAL) TO THE CITY'S ZONING CLASSIFICATION NC (NEIGHBORHOOD COMMERCIAL) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from V S.H. Realty, Inc., the fee-simple owner of the following described property:

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

From the point of intersection of the South line of the North one-half (N $\frac{1}{2}$ ) of the South one-half (S $\frac{1}{2}$ ) of the Northeast one-quarter (NE $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of the aforementioned Section 4, with the East line of right-of-way as conveyed to County of Palm Beach by deed recorded in Deed Book 906, page 545, Palm Beach County Records, run Northerly along said right-of-way line a distance of 56 feet to the point of beginning; from said point of beginning run Easterly along a line parallel to the aforementioned South line a distance of 115 feet; thence run Northerly along a line parallel to the aforementioned right-of-way line a distance of 85.85-feet, more or less, to a point in a line which is 30 feet South of and parallel to the North line of the South one-half (S $\frac{1}{2}$ ) of the Northeast one-quarter (NE $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of said Section 4; thence run Westerly along said parallel line 115 feet to a point in the aforementioned right-of-way line; thence Southerly along said right-of-way line a distance of 85.85 feet to the point of beginning.

The subject property is located east of N E. 2nd Avenue (Seacrest Boulevard) between N E. 22nd Street and Atlantic High School;

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. 18-83; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of NC (Neighborhood Commercial) District subsequent to its annexation, it is necessary under Chapter 171.062 of the Florida Statute for the City to request permission from the Board of County Commissioner of Palm Beach County, Florida, for the change in zoning of this parcel which is currently zoned CN (Neighborhood Commercial), and,

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

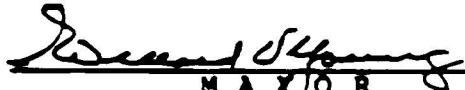
WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designations are compatible with existing patterns in the immediate vicinity of the annexed property,

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 CN (Neighborhood Commercial) to NC (Neighborhood Commercial) District which would result in a decrease 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 12th day of April, 1983.

  
MAYOR

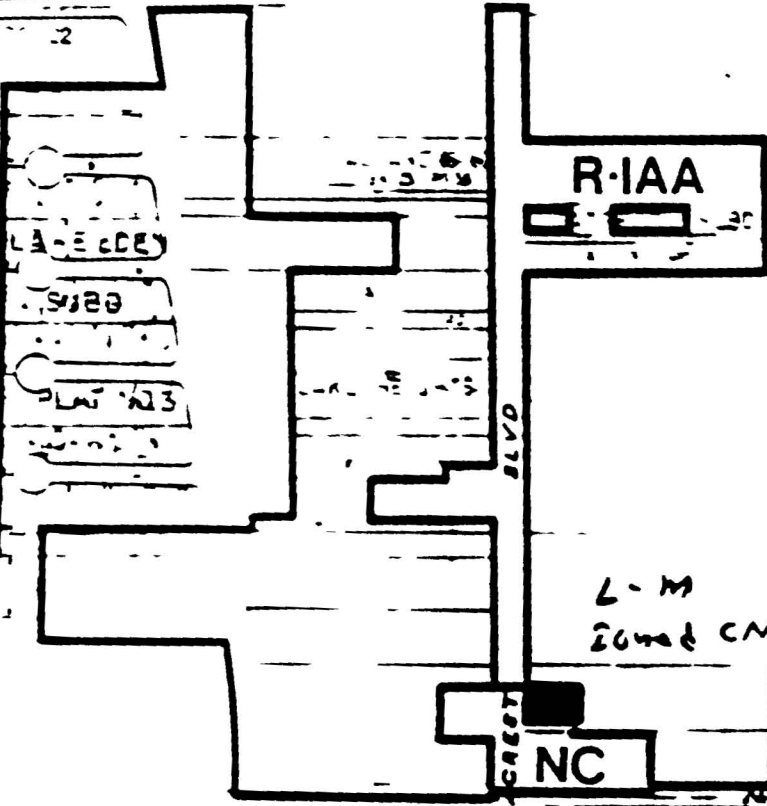
ATTEST.

  
City Clerk

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BOOK 30

SOUTH STREAM ESTATES



CEDAR ESTATES

GC

NC

3140 ST  
BEACREST  
DADA

ESTATES

NORTHRIDGE

GC

26

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GC

REST. SUBD  
P.A. 69  
(CASE 2-1-19)

PLUMOSA  
SECTION A  
BK 290 AD 68

R-IAA

V.S.H Realty Annexation

1" = 500'



BOOK 290

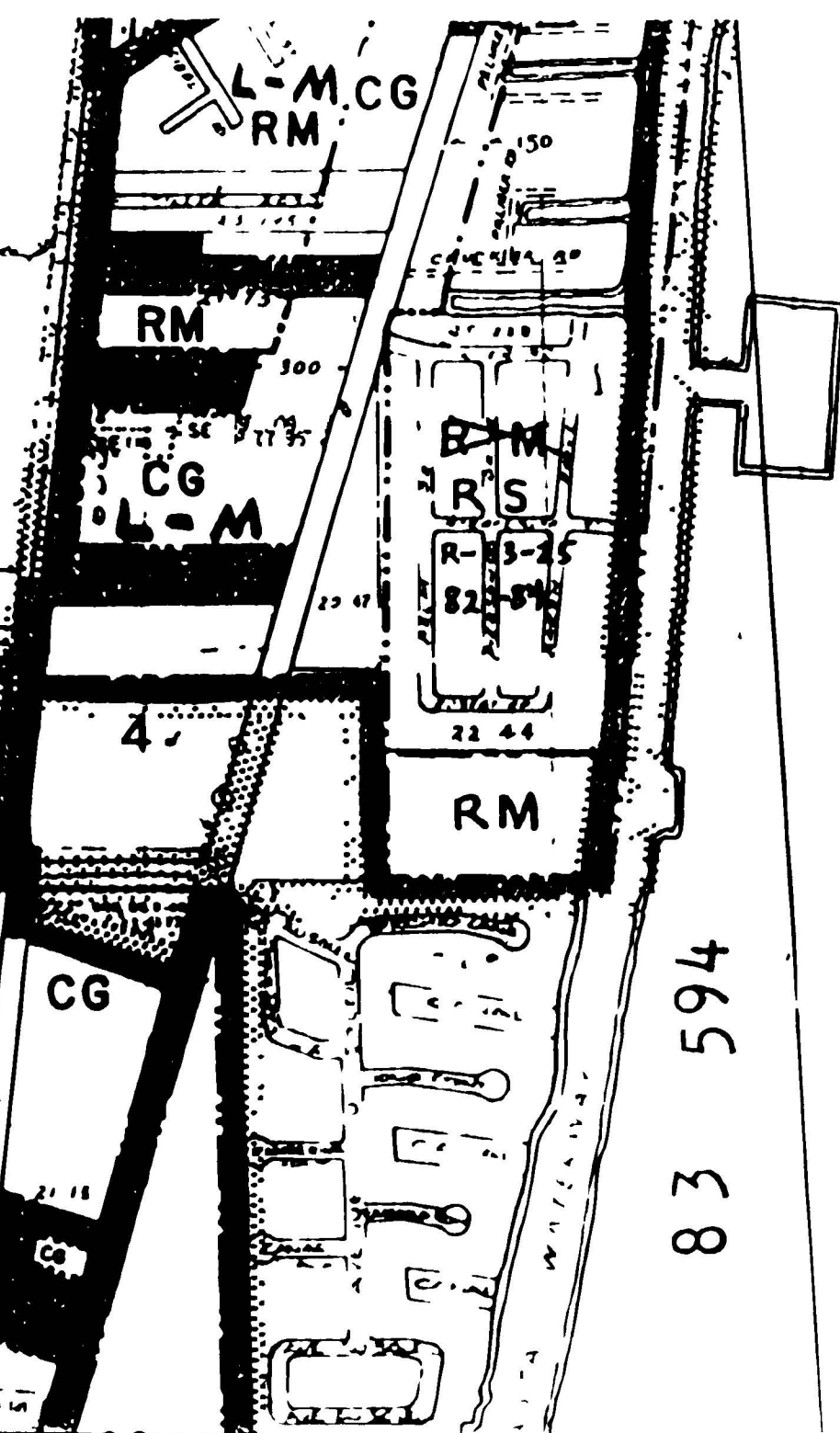
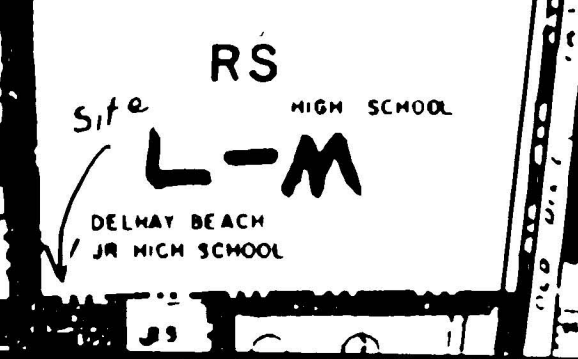
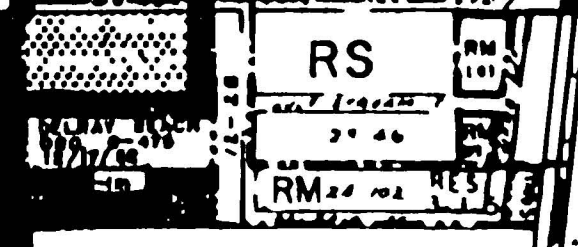
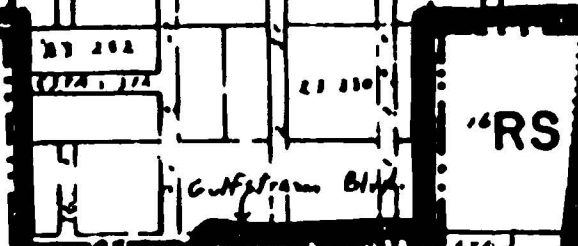
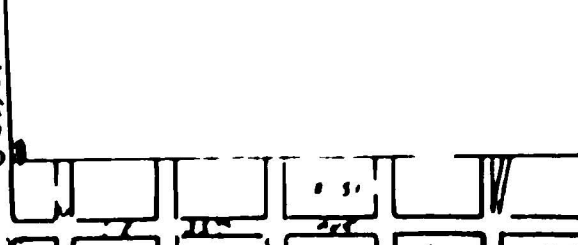
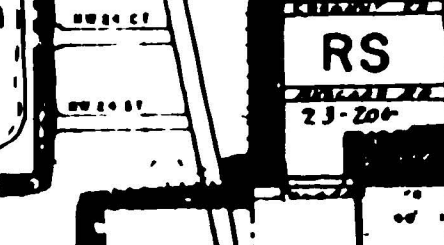
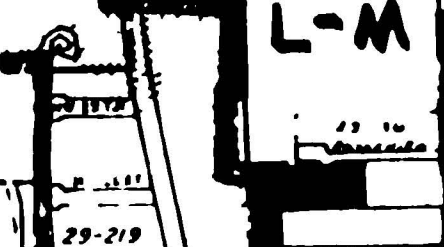
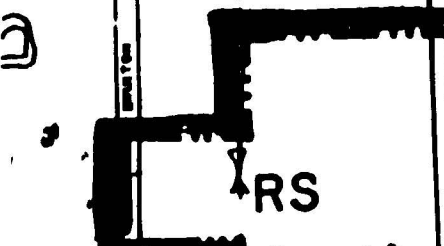
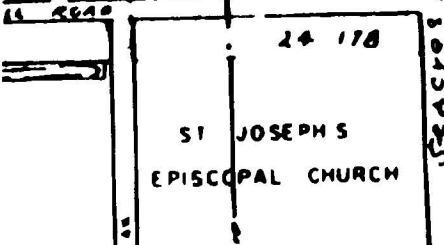
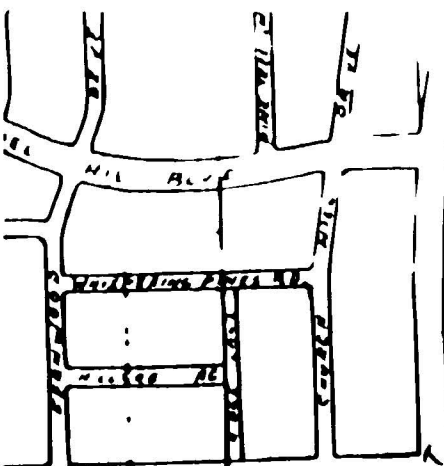
302

NORTH RIVER ESTATES

P.A. 68

26 94  
Study  
Aven  
#19  
Policy  
#2

along I expect BVD adjacent  
to Delray Beach Junior  
High School



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March 25, 1983

Mr Stan Redick,  
Planning Director  
Planning Department  
Post Office Box 1548  
West Palm Beach, Florida 33401

Dear Mr. Redick

Enclosed are copies of Annexation Ordinance(s) passed and adopted since Ordinance(s) 15-83

which were mailed to you by letter dated March 21, 1983

ORD NO 18-83 ANNEXING a 0.3-acre parcel located East of N E  
2nd Avenue between N E 22nd Street and Atlantic  
High School, Subject to NC District

We shall continue to send you copies of all Ordinances pertaining to Annexations as they are passed and adopted by our City Council

Very truly yours,

CITY OF DELRAY BEACH

*Elizabeth Arnau*  
Elizabeth Arnau,  
City Clerk

Enclosures

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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 4, TOWNSHIP 46 SOUTH, RANGE 43 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, V S.H. Realty, Inc., is the fee-simple owner of the property hereinafter described; and,

WHEREAS, Lily H. Bantas, Secretary-Treasurer of V.S H. Realty, Inc , has requested by 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.

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

From the point of intersection of the South line of the North one-half (N $\frac{1}{4}$ ) of the South one-half (S $\frac{1}{4}$ ) of the Northeast one-quarter (NE $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of the aforementioned Section 4, with the East line of right-of-way as conveyed to County of Palm Beach by deed recorded in Deed Book 906, page 545, Palm Beach County Records, run Northerly along said right-of-way line a distance of 56 feet to the point of beginning; from said point of beginning run Easterly along a line parallel to the aforementioned South line a distance of 115 feet; thence run Northerly along a line parallel to the aforementioned right-of-way line a distance of 85.85 feet, more or less, to a point in a line which is 30 feet South of and parallel to the North line of the South one-half (S $\frac{1}{4}$ ) of the Northeast one-quarter (NE $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of the Southwest one-quarter (SW $\frac{1}{4}$ ) of said Section 4, thence run Westerly along said parallel line 115 feet to a point in the aforementioned right-of-way line, thence Southerly along said right-of-way line a distance of 85 85 feet to the point of beginning.

The subject property is located east of N.E. 2nd Avenue (Seacrest Boulevard) between N.E. 22nd Street and Atlantic High School

The above-described parcel contains a 0.3 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 NC (Neighborhood Commercial) 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 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 22nd day of March, 1983.

  
MAYOR

ATTEST:

  
City Clerk

First Reading February 22, 1983

second Reading March 22, 1983

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