

RESOLUTION NO. R-83-1064

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.53-83.

WHEREAS, by its Resolution No. 53-83, 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 IL (Light Industrial) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to Rezone the property to MI (Medium Industrial) District to allow the Petitioner to develop the parcel for industrial purposes; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Industrial Potential (Study Area 19, Industrial Policy No 3, Between Congress Avenue and Seaboard Coastline Railroad between Atlantic Avenue and North West 4th Street), 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 "Industrial Potential 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. 53-83, 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: *John B. Dunkle*  
Deputy Clerk

By: *John Salitti*  
County Attorney

FILED THIS 13 DAY OF  
SEP 19 83  
AND RECORDED IN RESOLUTION  
MINUTE BOOK NO AT  
PAGE RECORD VERIFIED  
JOHN B DUNKLE, CLERK  
BY *Touhy madden* DC

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~~RESOLUTION NO. 28-83~~

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 IL (LIGHT INDUSTRIAL) TO THE CITY'S ZONING CLASSIFICATION MI (MEDIUM INDUSTRIAL) DISTRICT.

WHEREAS, the City of Delray Beach has received a request for annexation from Michael J. Lembo, Trustee, and Vito J. Lupo, Trustee, the fee-simple owners of the following described property.

A tract of land lying in the Northeast one-quarter of Section 18, Township 46 South, Range 43 East in Palm Beach County, Florida, said tract being more fully described as follows:

Beginning at the point of intersection of a line parallel to but 80 feet South of the North line of Section 18, and a curve concentric with but 350 feet west of the centerline of the Seaboard Airlines Railroad right-of-way, thence Southerly along the arc of said curve, having a radius of 3214.93 feet, an arc distance of 100 feet to a point; thence Westerly parallel to the North line of Section 18, 257.42 feet to a point on a curve, concentric to the right-of-way line of the Seaboard Airlines Railroad, having a radius of 3464.93 feet, thence Northerly, along said curve, an arc distance of 99.48 feet to a point on a line parallel to but 80 feet south of the North line of Section 18; thence Easterly along said parallel line, 259.43 feet to the Point of Beginning. Containing 0.575 acres more or less and subject to easements, reservations and rights-of-way of record.

The subject property is located south of the E-4 Canal, between Congress Avenue and the Seaboard Air Line Railroad.

The above-described parcel contains a 0.575 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. 28-83; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of MI (Medium Industrial) 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 IL (Light Industrial), 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.

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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 IL (Light Industrial) to MI (Medium Industrial) District which would 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.

June PASSED AND ADOPTED in regular session on this the 14th day of June, 1983.

*David Young*  
MAYOR

ATTEST.

*Elizabeth Jones*  
City Clerk

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