

RESOLUTION NO. R-83 - 1455

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 OF DELRAY BEACH RESOLUTION NO.86-83.

WHEREAS, by its Resolution No.86-83, 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 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 SAD-Special Activities District to allow the petitioner to develop the parcel for commercial purposes; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Commercial Potential in the vicinity of the intersection of Delray West and Hamlet Drive (Study Area 19, Policy #11, Comprehensive Plan pg.11); and

WHEREAS, the Intergovernmental Coordination Element 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 little or no significant impact upon County systems, or such effect is mitigated by compliance with Performance Standards equal to those adopted as part of the County's Comprehensive Plan, or other adopted Ordinance, which, simultaneously with the development of the annexed area, will fully meet all performance criteria in terms of the impact upon County Systems; 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 CN-Neighborhood Commercial for the subject area and would have little or no significant impact upon County systems, as outlined in the October 28, 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.86-83, attached hereto and made a part hereof, is hereby approved.

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

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

The Chairman thereupon declared the Resolution duly passed and adopted this 8th day of November, 1983.

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

JOHN B. DUNKLE, Clerk

BY:

[Signature]
County Attorney

BY:

[Signature]
Deputy Clerk

FILED THIS NOV 8 1983 DAY OF
19

AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 318 AT
PAGE 157-165 RECORDED & INDEXED
JOHN B. DUNKLE, CLERK
BY: *[Signature]* D.C.

R 83 1455

Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick *Ok ST* DATE October 27, 1983
 Planning Director
 FROM Richard Morley FILE
 Principal Planner
 RE Annexation Waiver Request, City of Delray Beach
 Resolution No. 85-83

The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and offers the following comments.

Background Information

The City of Delray Beach has annexed a 1.54 acre parcel of land located north of West Atlantic Avenue between Barwick Road and Hamlet Drive if extended north. (See location map) The request is now for the purpose of rezoning the annexed parcel from the County zoning classification CN (Neighborhood Commercial) to the City's zoning classification SAD (Special Activities District). The Special Activities District allows only those uses which are identified on the master development plan. In this case, there is an existing building on site which will be renovated into a restaurant called the Rod and Gun Club. The City has approved a site plan for the project.

Land Use Plan and Zoning District

- a) The subject site is presently zoned CN (Neighborhood Commercial) by the County.
- b) The City proposes to rezone the property to SAD (Special Activity District) for a restaurant.
- c) There is little difference between the County's CN Zoning District and the City's SAD Zoning District since there is an existing structure on site which will change the use from a Bait and Tackle Store into a restaurant.
- d) The County's Land Use Plan identifies the subject site as having "Commercial Potential" in the vicinity of the intersection of Delray West and Hamlet Drive (Study Area 19, Policy #11, Comprehensive Plan p.11)
- e) The City's proposed rezoning to SAD, allowing a use for a restaurant, is consistent with the County's "Commercial Potential" Land Use designation for the area.

Recommendation

It is the Planning Division's determination that the proposed rezoning to SAD (Special Activities District) is consistent with the County's Comprehensive Land Use Plan and that the waiver of County Zoning be granted to the City of Delray Beach under Chapter 171.062 Florida Statutes.

RM:cjs
Attachment

SIGNED

Richard F. Morley

R 83-1455

BOOK 318 159

CITY OF DELRAY BEACH



100 N W 1ST AVENUE DELRAY BEACH FLORIDA 33444 • 305-278-2641

CERTIFICATION

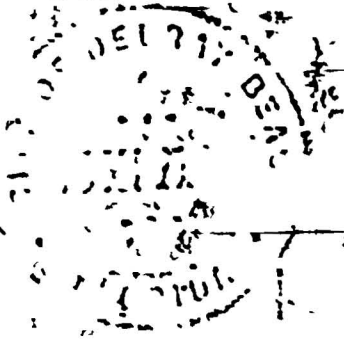
I, SUSAN H. MORRISON, Assistant City Clerk of the City of Delray Beach, Florida, do hereby certify that the attached is a true and correct copy of Resolution No. 86-83 which was passed on the 27th day of September, 1983.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this 29th day of September, 1983.

Susan H. Morrison

Susan H. Morrison
Assistant City Clerk
City of Delray Beach

SEAL



R 83 1455

BOOK 318 - 160

Board of County Commissioners

Foggy B. Evatt, Chairman
Ken Spillies, Vice Chairman
Denah P Koehler
Dorothy Wilken
Bill Bailey

County Administrator

John C. Sansbury



October 11, 1983

Ms. Susan H. Morrison
Assistant City Clerk
City of Delray Beach
100 N.W. 1st Avenue
Delray Beach, Florida 33444

Dear Ms. Morrison:

This letter acknowledges receipt of your Resolution No. 86-83 requesting permission from the Board of County Commissioners to rezone land annexed to the City of Delray Beach, from the County Zoning Classification CN (Neighborhood Commercial) to the City's Zoning Classification SAD (Special Activities District).

Please be advised that the Palm Beach County Board of County Commissioners officially received and filed the resolution in their meeting of October 11, 1983. Copies of the resolution were forwarded to the Planning, Zoning and Building Department for review and recommendation.

Very truly yours,

A handwritten signature in black ink that reads "John C. Sansbury/kt".

John C. Sansbury
County Administrator

JCS/kt

CC: Planning, Zoning & Building

R 83 1455

BOX 1989 • WEST PALM BEACH, FLORIDA 33401

BOOK 318 161

RESOLUTION NO. 86-83

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 CN (NEIGHBORHOOD COMMERCIAL) TO THE CITY'S ZONING CLASSIFICATION SAD (SPECIAL ACTIVITIES DISTRICT).

WHEREAS, the City of Delray Beach received a request for annexation from Patricia M. Jones, the fee-simple owner of the following described property:

That part of the West Quarter (W $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the East Quarter (E $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida, lying North of the North right-of-way line of State Road No. 806, as shown on the plat thereof recorded in Road Plat Book 3 at Page 27 of the Public Records of Palm Beach County, Florida, described as follows:

Beginning at the point of intersection of the said North right-of-way line of State Road No. 806 and the West line of the said East Quarter (E $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 13; thence North, along said West line, 400 feet to a line 400 feet North of and parallel with said North right-of-way line; thence S 89°59'27"E, along said parallel line, 69.0 feet; thence South 237.19 feet; thence N 89°50'50"E 133.29 feet; thence S 39°55'10"E 100.31 feet; thence N 86°29'33"E 110.55 feet; thence South 93.05 feet to the said North right-of-way line of State Road No. 806; thence N 89°59'27"W, along said North right-of-way line, 377.0 feet to the said point of beginning.

The subject property is located north of West Atlantic Avenue between Barwick Road and Hamlet Drive, if extended north.

The above-described parcel contains a 1.54 acre parcel of land, more or less;

and,

R 83 1455

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 65-83; and,

WHEREAS, in order for this parcel to be zoned to the City zoning classification of SAD (Special Activities 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 CN (Neighborhood) Commercial); and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's Comprehensive Land Use Plan; 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 designation are compatible with existing patterns in the immediate vicinity of the annexed property,

BOOK 318 162

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 SLD (Special Activities 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 27th day of September, 1983.

Richard G. Henry
MAYOR

ATTEST:

August H. Morrison
Asst. City Clerk

R 83 1455

318 163

ORDINANCE NO. 65-83

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 13, TOWNSHIP 46 SOUTH, RANGE 42 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, Patricia M. Jones, is the fee-simple owner of the property hereinafter described; and,

WHEREAS, Patricia M. Jones has requested by her petition to have the 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:

That part of the West Quarter (W $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the East Quarter (E $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 13, Township 46 South, Range 42 East, Palm Beach County, Florida, lying North of the North right-of-way line of State Road No. 806, as shown on the plat thereof recorded in Road Plat Book 3 at Page 27 of the Public Records of Palm Beach County, Florida, described as follows:

Beginning at the point of intersection of the said North right-of-way line of State Road No. 806 and the West line of the said East Quarter (E $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 13; thence North, along said West line, 400 feet to a line 400 feet North of and parallel with said North right-of-way line; thence S 89°59'27"E, along said parallel line, 69.0 feet; thence South 237.19 feet; thence N 89°50'50"E 133.29 feet; thence S 39°55'10"E 100.31 feet; thence N 86°29'33"E 110.55 feet; thence South 93.05 feet to the said North right-of-way line of State Road No. 806; thence N 89°59'27"W, along said North right-of-way line, 377.0 feet to the said point of beginning.

The subject property is located north of West Atlantic Avenue between Barwick Road and Hamlet Drive, if extended north.

The above-described parcel contains a 1.54 acre parcel of land, more or less.

BOOK 318 - 164 R 83 . 1455

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.

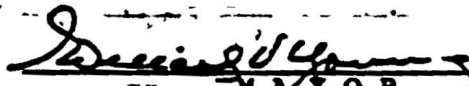
Section 4. That the tract of land hereinabove described is hereby declared to be in Zoning District SAD (Special Activities District) as defined by existing ordinances of the City of Delray Beach, Florida.

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 this annexation of the subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed acceptance by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

Section 7. 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 27th day of September, 1983.


MAYOR

ATTEST:


Asst. City Clerk

First Reading August 23, 1983

Second Reading September 27, 1983

R 83 1455

BOOK 318 165

Ord. No. 65-83