

RESOLUTION NO. R-84-269

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. 2-84

WHEREAS, by its Resolution No. 2-84, 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 CG (General Commercial) and is subject to County land use controls, and

WHEREAS, the City proposes to Rezone the property to SC (Specialized Commercial) to allow the petitioner to expand a full-scale shopping center; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Commercial potential "along U.S. Highway No. 1 from the C-15 Canal to SW 12 Street (Linton Boulevard) provided that commercial building on the east side of U.S. Highway No. 1 shall be located within 150' of the right of way line for U.S. Highway No. 1, shall front upon U.S. Highway No. 1, shall screen that property with landscaping adjacent to any residential district and shall have no direct access to Florida Avenue." The existing commercial structures are not located within 150' of the right of way line for U.S. Highway No. 1, causing a land use "conflict" to exist.

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 rezoning and development are inconsistent with the Comprehensive Plan. However, it is the Planning Division's determination that although expanded commercial development is not consistent with the County's Comprehensive Plan, and a land use conflict exists between the City of Delray Beach's Comprehensive

Plan and the County's Comprehensive Plan, that the waiver of County Zoning ~~may be granted based on the findings that a major portion of the~~ site has been previously developed as a commercial center and the impact from extended commercial development will not have a significant impact upon County systems, and will not trigger the County's Traffic Performance Standards, as is indicated in the January 31st, 1984 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 2-84, 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 Evatt, 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 21st day of February , 1984.

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

JOHN F DUNLE, Clerk

By: *Phyllis A House*
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: *John B. [Signature]*
County Attorney

FILED THIS 21ST DAY OF
February, 1984
AND RECORDED IN RESOLUTION
MINUTE BOOK NO 329 AT

R 84 269

RESOLUTION NO. 2-84

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) DISTRICT TO THE CITY'S CLASSIFICATION SC (SPECIALIZED COMMERCIAL) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Robert H. Wiebelt, Trustee, (U/A dated March 21, 1979, the Robert H. Wiebelt Revocable Living Trust), the fee-simple owner of the following described property:

That portion of Lot 2, lying east of the east right-of-way line of U.S. Route 1 plus all of Lot 3 of Block 21 plus that portion of Lots 1 thru 11, inclusive, lying east of the east right-of-way line of U.S. Route 1 and all of Lots 14 thru 44 of Block 22, plus all of Lots 1 thru 11, inclusive, of Block 36, plus all of Lots 19 thru 23, inclusive, of Block 37, plus that portion of Avenue "C" lying between and adjacent to said lots vacated by Official Record Book 1765 at Page 547 of Palm Beach County Public Records, plus that portion of Frederick Boulevard lying between and adjacent to the aforesaid lots and vacated by Official Record Book 1765 at Page 547 and by Official Record Book 1153 at Page 318-319 of the Public Records of Palm Beach County, all of the above being and lying in DEL RATON PARK Subdivision, as the same is recorded in Plat Book 14 at Page 9 of the Public Records of Palm Beach County, Florida, and being more fully described as follows:

Begin at the Southeast corner of Lot 11, Block 36; thence run west along the southerly boundary of said Lot 11 and of Lot 34, Block 22; 258.95 feet to the southwest corner of Lot 34 being also the southeast corner of Lot 11, Block 22; thence northwesterly along the southerly boundary of Lot 11, with an included angle of $168^{\circ}54'15''$, measured east to north from the previous course, 46.39 feet to a point of intersection with the aforementioned easterly right-of-way line of U.S. Route 1; thence run ~~north-easterly~~ along said east right-of-way line, with an included angle of $90^{\circ}00'00''$, 450.00 feet to a point on the northerly boundary of Lot 2, Block 21; thence run south-easterly along said north boundary with an included angle of $90^{\circ}00'00''$, 2.59 feet to the northeast corner of said Lot 2, being also the northwest corner of Lot 3, Block 21, thence run east with an included angle of $191^{\circ}05'45''$ measured west to south from the previous course, along the northerly boundary of said Lot 3 ~~and also the northerly~~ boundary of Lot 19; Block 37, 215.23 feet to the northeast corner of said Lot 19; thence run south with an included angle of $90^{\circ}00'00''$ along the easterly boundary of Lot 19 thru 23, Block 37 and Lots 1 thru 11, inclusive, Block 36, 400.0 feet to the Point of BEGINNING. Subject to easements and rights-of-way of record.

The subject property is located east of Federal Highway, between Tropic Boulevard and Lahat Avenue.

The above described parcel contains a 2.072 acre parcel of land, more or less;

and,

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 89-83; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of SC (Specialized 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) District to SC (Specialized Commercial) 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.

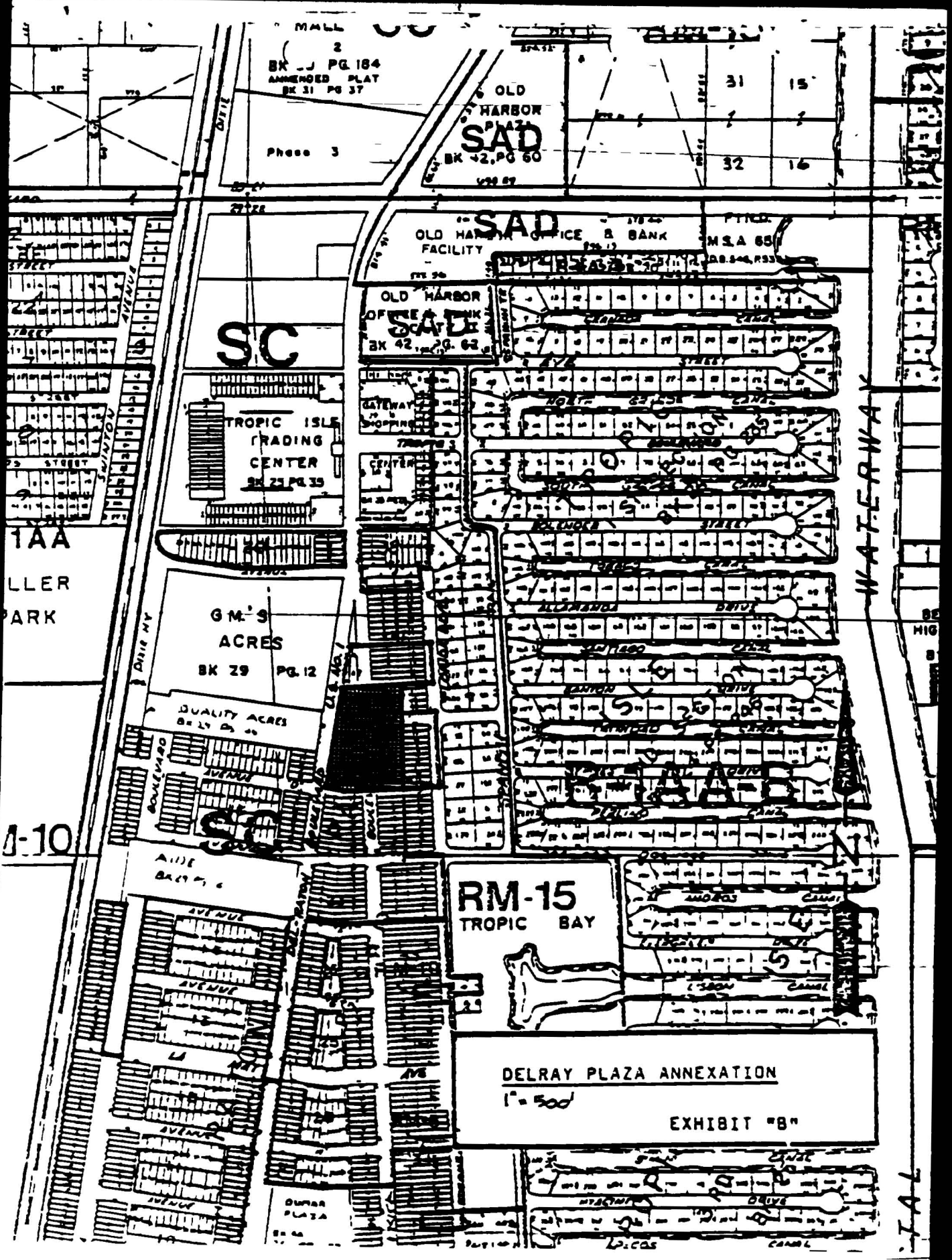
PASSED AND ADOPTED in regular session on this the 10th day of January, 1984.


MAYOR

ATTEST


City Clerk

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R 84 260

7B-12

Inter-Office Communication
PALM BEACH COUNTY

TO Stan Redick FROM Richard Morley RE Annexation/Rezoning and Waiver Request, City of Delray Beach, Resolution 80-83 <i>2-84 ATLC</i>	DATE January 25, 1984 FILE
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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 2.072 acre parcel of land located east of Federal Highway between Tropic Boulevard and La Mat Avenue. 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 SC (Specialized Commercial District) The proposed zoning to SC is consistent with the City's Comprehensive Land Use Plan.

Two-thirds of the subject property has been developed into a commercial center with two existing commercial structures on site. The proposal is to expand the existing commercial uses.

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 SC (Specialized Commercial District).
- c) There is little significant difference between the County's CG uses and the City's proposal to allow expansion of a full scale shopping center in the SC (Specialized Commercial District)
- d) The County's Land Use Plan only identifies commercial potential "along U.S.1 from the C-15 Canal to S.W. 12th Street provided that commercial building on the east side of U.S.1 shall be located within 150' of U.S.1 right-of-way line, shall front upon Highway U.S.1, shall screen that property with landscaping adjacent to any residential district and shall have no direct access to Florida Avenue." The existing commercial structures are not located within 150' of U S 1 right-of-way line causing a land use "conflict" to exist.

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SIGNED _____

Stan Redick
January 25, 1984
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- e) The proposed rezoning to SC for expansion of a large scale shopping center is not consistent with the County's special commercial policy of allowing only a 150' strip for commercial uses. The eastern portion of the site is planned for Low to Medium Residential (3-5 units per acre)

Waiver Determination

The Planning Division has determined that the proposed SC (Specialized Commercial) is not consistent with the County's Comprehensive Plan. The Commercial Potential Designation for only the 150' strip along U.S.1 was a direct result of opposition by the residents of the area to any expansion of commercial into their residential neighborhood.

Traffic impacts from the expanded commercial development will not have a significant impact on County Systems and will not trigger the County's Traffic Performance Standards.

Recommendation

It is the Planning Division's determination that although expanded commercial development is not consistent with the County's Comprehensive Plan and a land use conflict does exist between City and County Comprehensive Plans, the waiver of County Zoning may be granted based on the findings that a major portion of the site has been previously developed as a commercial center and the impact from the development will not have a significant impact on County Systems.

*approved
SR*

Richard F. Marley

RM cjs
Encl

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CITY OF DELRAY BEACH



100 N.W. 1st AVENUE • DELRAY BEACH FLORIDA 33444 • 305/278 2841

CERTIFICATION

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. 2-84 which was passed by City Council on the 10th day of January, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 16th day of January, 1984.

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

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