

RESOLUTION NO R-84-407

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY,
FLORIDA, AUTHORIZING THE CITY OF PALM BEACH GARDENS
TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT
TO §171.062 FLORIDA STATUTES, AND
CITY OF PALM BEACH GARDENS RESOLUTION NO 10

WHEREAS, by its ~~Resolution No 10~~, the City of Palm Beach Gardens 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 RS-Single Family Residential and is subject to County Land Use Controls, and

WHEREAS, the City proposes to Rezone the property to CPO Commercial Professional Offices, and

~~WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium Residential Land Use designation, and~~

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed development is consistent with the Comprehensive Land Use Plan designation of Low to Medium Residential for the subject area. The County Land Use Plan identifies the subject site as having a Low to Medium Land Use designation, allowing for three units per acre in a standard subdivision and five units per acre in a Planned Unit Development. The site does not have commercial potential. However, it has been determined that there will not be a significant impact upon County Systems from the proposed rezoning, and the size of the project (2.57 acres) will not trigger the County's Performance standards, as outlined in the February 29, 1984 memorandum of the Planning Director, 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 effect 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 control that the City must request and receive such 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 Palm Beach Gardens will have no significant impact upon County Systems
- 3 The request of the City of Palm Beach Gardens in its Resolution No 10, attached hereto and made a part hereof, is hereby approved

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

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

The Chairman thereupon declared the Resolution duly passed and adopted this 27th day of March, 1984

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN E DUNKLE, Clerk

By Raymond A. House
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By John Galati
County Attorney

FILED THIS MAR 27 1984 DAY OF

AND RECORD

MINUTE BOOK 332

PAGE 411-421

JOHN E DUNKLE CLERK

BY Elizabeth A. Richards DC

RESOLUTION 10, 1984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.062, TO REZONE LAND TO BE ANNEXED TO THE CITY OF PALM BEACH GARDENS FROM THE CURRENT COUNTY ZONING CLASSIFICATION ~~RM~~ TO THE CITY'S ZONING CLASSIFICATION CPO (COMMERCIAL PROFESSIONAL OFFICE DISTRICT) USAGE.

*Amended
by RS*

WHEREAS, the City of Palm Beach Gardens has received a request for annexation from Edward F. Roby, Trustee, on the following described property:

The Southwest quarter (S.W. ¼) of the Northeast quarter (N E ¼) of the Northeast quarter (N.E.¼) of the Northwest quarter (N W.¼) of Section 8, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with rights of ingress and egress over and across the West 25 feet of the West half (W½) of the Northeast quarter (N E.¼), less the South 130 feet thereof, of the Northeast Quarter (N.E.¼) of the Northwest quarter (N W ¼) of said Section 8.

Containing in all 2.57 acres, more or less.

Subject to rights-of-way, easements, and other matters of record

and,

WHEREAS, Chapter 171.062 Florida Statutes, requires that when a municipality desires to annex property as a zoning classification, which would permit higher intensity than is currently in effect under County regulations, that the municipality request and receive permission from the Board of County Commissioners for such a change

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AS FOLLOWS

Section 1 That the City Council hereby requests permission from the Board of County Commissioners of Palm Beach County to rezone when annexed, the property described above from ~~RM~~ current County zoning under the Palm Beach County Code to CPO (Commercial Professional Office District), which will result in an increase in the intensity.

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.

INTRODUCED, PASSED AND ADOPTED THIS THE 16th DAY OF FEBRUARY, 1984.

[Signature]
MAYOR

ATTEST
[Signature]
CITY CLERK

BOOK 332 413

[Signature] Clerk of the City of Palm Beach Gardens do hereby certify that this is a true copy as taken from the Official records of the City of Palm Beach Gardens

ORDINANCE 3, 1984

AN ORDINANCE OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ANNEXING A PARCEL OF LAND LOCATED IN SECTION 8, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, INTO THE CITY OF PALM BEACH GARDENS, FLORIDA, AND CONCURRENTLY WITH THE ANNEXATION THEREOF CREATING A ZONING AND USE CLASSIFICATION OF SAID LAND DESIGNATED AS CPO - COMMERCIAL PROFESSIONAL OFFICE DISTRICT PROVIDING FOR THE HATCHING OR COLORING OF THE OFFICIAL ZONING MAP OF THE CITY OF PALM BEACH GARDENS, BY THE CITY CLERK TO REFLECT THE ZONING DESIGNATION CREATED HEREIN; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the record fee simple owner of the lands described in Exhibit "A", has filed a written Petition with the City of Palm Beach Gardens, Florida, requesting that the City of Palm Beach Gardens annex said described lands into and within the territorial boundaries of said City; and

WHEREAS, said Petitioner has further requested that the City of Palm Beach Gardens concurrently with the annexation thereof create a zoning and use classification thereof to be designated as CPO - Commercial Professional Office District, and

WHEREAS, the City Council of Palm Beach Gardens finds that the lands described in Exhibit "A" herein are contiguous to existing City boundaries, and that no enclave will be created by said annexation; that the City can furnish or cause to be furnished necessary utilities, police, fire and sanitation services, and that the annexation of said lands is in compliance with Chapter 171, Annexation, Florida Statutes and with the Palm Beach Gardens Code

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA

Section 1 The parcel of land located in Section 8, Township 42 South, Range 43 East, Palm Beach County, Florida, and fully described in Exhibit "A" attached hereto and made a part hereof, is hereby annexed into the territorial limits of the City of Palm Beach Gardens, Florida, and shall henceforth be a part of said City with the same force and legal effect as if having been an original part thereof

Section 2 Concurrently with the annexation of said lands described in Exhibit "A" a zoning and use classification of said lands is hereby created and designated as CPO - Commercial Professional Office District Zoning

BOOK 332 414

D O A

407

Section 3. The City Clerk shall reflect the annexation of the lands described herein upon the Official Zoning Map of the City of Palm Beach Gardens and reflect the designated zoning thereof by coloring or hatching thereof. Further, the City Clerk shall furnish a certified copy of this Ordinance to other governmental bodies as required by law.

Section 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be effective upon date of passage

PLACED ON FIRST READING THIS 19th DAY OF JANUARY, 1984

PLACED ON SECOND READING THIS 16th DAY OF February, 1984.

PASSED AND ADOPTED THIS 16th DAY OF February, 1984



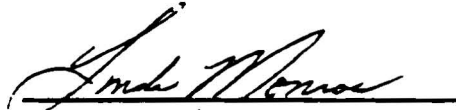
MAYOR



COUNCILMAN



VICE MAYOR

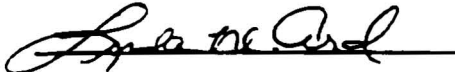


COUNCILWOMAN

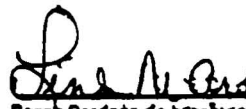


COUNCILMAN

ATTEST:



CITY CLERK

 Clerk of the City of Palm Beach Gardens do hereby certify that this is a true copy as taken from the official records of the City of Palm Beach Gardens.


City Clerk, Deputy Clerk

BOOK 332 415

LEGAL DESCRIPTION

The Southwest quarter (S.W. $\frac{1}{4}$) of the Northeast quarter (N.E. $\frac{1}{4}$) of the Northeast quarter (N.E. $\frac{1}{4}$) of the Northwest quarter (N.W. $\frac{1}{4}$) of Section 8, Township 42 South, Range 43 East, Palm Beach County, Florida.

Together with rights of ingress and egress over and across the West 25 feet of the West half (W $\frac{1}{2}$) of the Northeast quarter (N.E. $\frac{1}{4}$), less the South 130 feet thereof, of the Northeast quarter (N.E. $\frac{1}{4}$) of the Northwest quarter (N.W. $\frac{1}{4}$) of said Section 8

Containing in all 2.57 acres, more or less.

Subject to rights-of-way, easements and other matters of record.

ORDINANCE 4, 1984

AN ORDINANCE OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING ORDINANCE 12, 1981, WHICH ADOPTED THE COMPREHENSIVE LAND USE PLAN OF THE CITY BY AMENDING THE LAND USE MAP OF THE CITY AS SAME PERTAINS TO A PARCEL OF LAND LOCATED SOUTH OF RCA BOULEVARD, WEST OF PROSPERITY FARMS ROAD, AND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, BY AMENDING THE LAND USE MAP BY REFLECTING SAID PROPERTY WITH THE LAND USE OF CPO - COMMERCIAL PROFESSIONAL OFFICE DISTRICT; AND, DIRECTING THE CITY CLERK TO REFLECT SAID CHANGE ON SAID LAND USE MAP BY COLORING OR HATCHING; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith ARE HEREBY REPEALED; AND, PROVIDING FOR AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA:

Section 1 The land use map adopted by Ordinance 12, 1981, as same pertains to a parcel of land containing 2 57 acres more or less described in Exhibit "A" attached hereto is hereby amended by amending the Land Use Map by reflecting said property with the land use of CPO - Commercial Professional Office District

Section 2. The City Clerk is hereby authorized and directed to reflect the said authorized change on the land use map by coloring or hatching of same.

Section 3 All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be effective upon date of passage

PLACED ON FIRST READING THIS THE 19th DAY OF JANUARY, 1984.

PLACED ON SECOND READING THIS THE 16th DAY OF FEBRUARY, 1984.

PASSED AND ADOPTED THIS THE 16th DAY OF FEBRUARY, 1984

[Signature]

MAYOR ALDRED

[Signature]

COUNCILMAN MARTINO

VICE MAYOR KIEDIS

[Signature]

COUNCILWOMAN MONROE

BOOK 332 417

[Signature]

COUNCILMAN KISELEWSKI

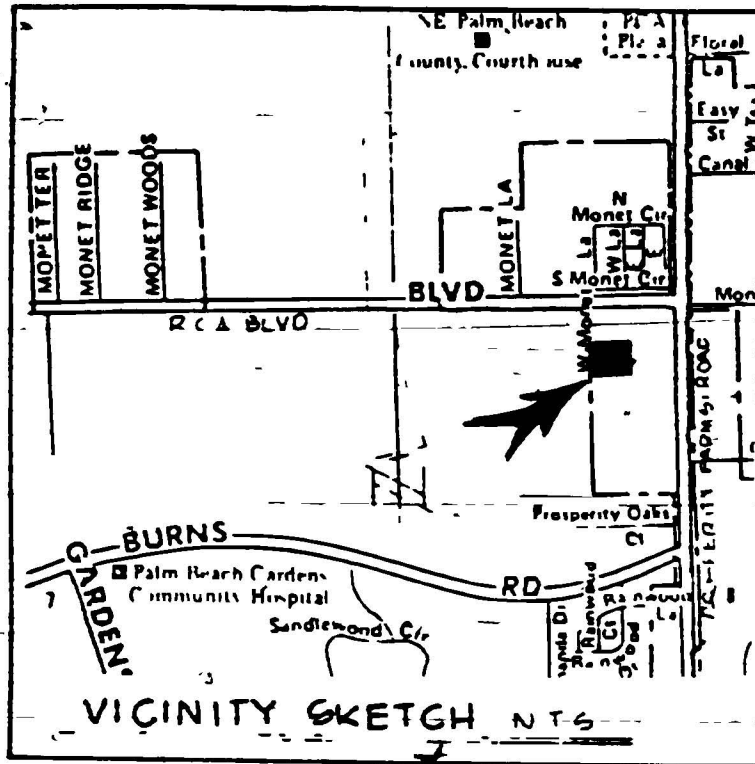
R 84 407

ATTEST:

[Signature]

Clerk of the City of Palm Beach Gardens do hereby certify that this is a true copy as taken from the Official records of the City of Palm Beach Gardens

[Signature]



DESCRIPTION OF PARCEL FOR PROPOSED ANNEXATION

THE SOUTHWEST QUARTER (S.W 1/4) OF THE NORTHEAST QUARTER (N.E 1/4) OF THE NORTHEAST QUARTER (N.E 1/4) OF THE NORTHWEST QUARTER (N.W 1/4) OF SECTION 8, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH RIGHTS OF INGRESS AND EGRESS OVER AND ACROSS THE WEST 25 FEET OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (N.E 1/4) LESS THE SOUTH 130 FEET THEREOF, OF THE NORTHEAST QUARTER (N.E.1/4) OF THE NORTHWEST QUARTER (N.W 1/4) OF SAID SECTION 8

CONTAINING IN ALL 2.57 ACRES, MORE OR LESS

R-84

407

SUBJECT TO RIGHTS-OF-WAY, EASEMENTS AND OTHER MATTEPS OF RECORD

BOOK 332 418

Inter-Office Communication

PALM BEACH COUNTY

7B-3

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation/Rezoning/Request for Waiver - Palm Beach Gardens
Resolution 10, 1984

DATE February 29, 1984
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 Palm Beach Gardens has recently annexed a 2.57 acre parcel of land located south of RCA Boulevard and west of Prosperity Farms Road. The request is now for the purpose of rezoning the land from the County Zoning Classification RS (Residential Single Family) to the City's CPO Commercial Professional Office District. The site is surrounded on two sides by commercial development. The subject parcel will be used to expand the existing commercial office use directly north of this property.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS (Residential Single Family) by the County
- b) The City proposes to rezone the property to CPO (Commercial Professional Offices)
- c) There is a significant difference between the County's RS Zoning District and the City's proposed CPO - Commercial Professional Offices District. The RS Zone deals with density while the CPO Zone deals with intensity of land use.
- d) The County Land Use Plan identifies the subject site as Low to Medium Land Use Designation allowing for 3 units per acre in a standard subdivision and 5 units per acre in a PUD. The site does not have commercial potential.
- e) The City's proposed rezoning to CPO Commercial Professional Offices District is not consistent with the County's Land Use Designation of Low to Medium Residential.

Waiver Determination

The City's proposed rezoning to CPO - Commercial Professional Offices District is not consistent with the County's Land Use Designation of Low to Medium Residential. However, the Board of County Commissioners, under

R 84 407

SIGNED _____

BOOK 332 419

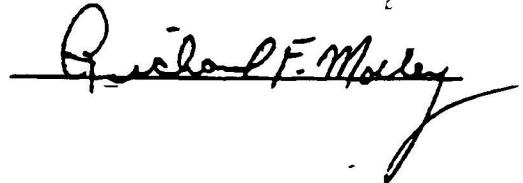
Stan Redick
February 29, 1984
Page 2

the amendment to the Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan, may find the proposed waiver compatible with the Plan if "the uses and or densities in the Municipal Plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County Systems." In this case, it has been determined that there is not a significant impact on County Systems from the proposed rezoning. Due to the size of the project (2.57 acres), the impact from the commercial development will not trigger the Countys' Performance Standards. In addition, the property is adjacent to commercial on the north and east side of the site

Recommendation

Since there is not a significant impact on County Systems, it is recommended that the County grant the City of Palm Beach Gardens the waiver request under Chapter 171.062 F.S.

RM cjs

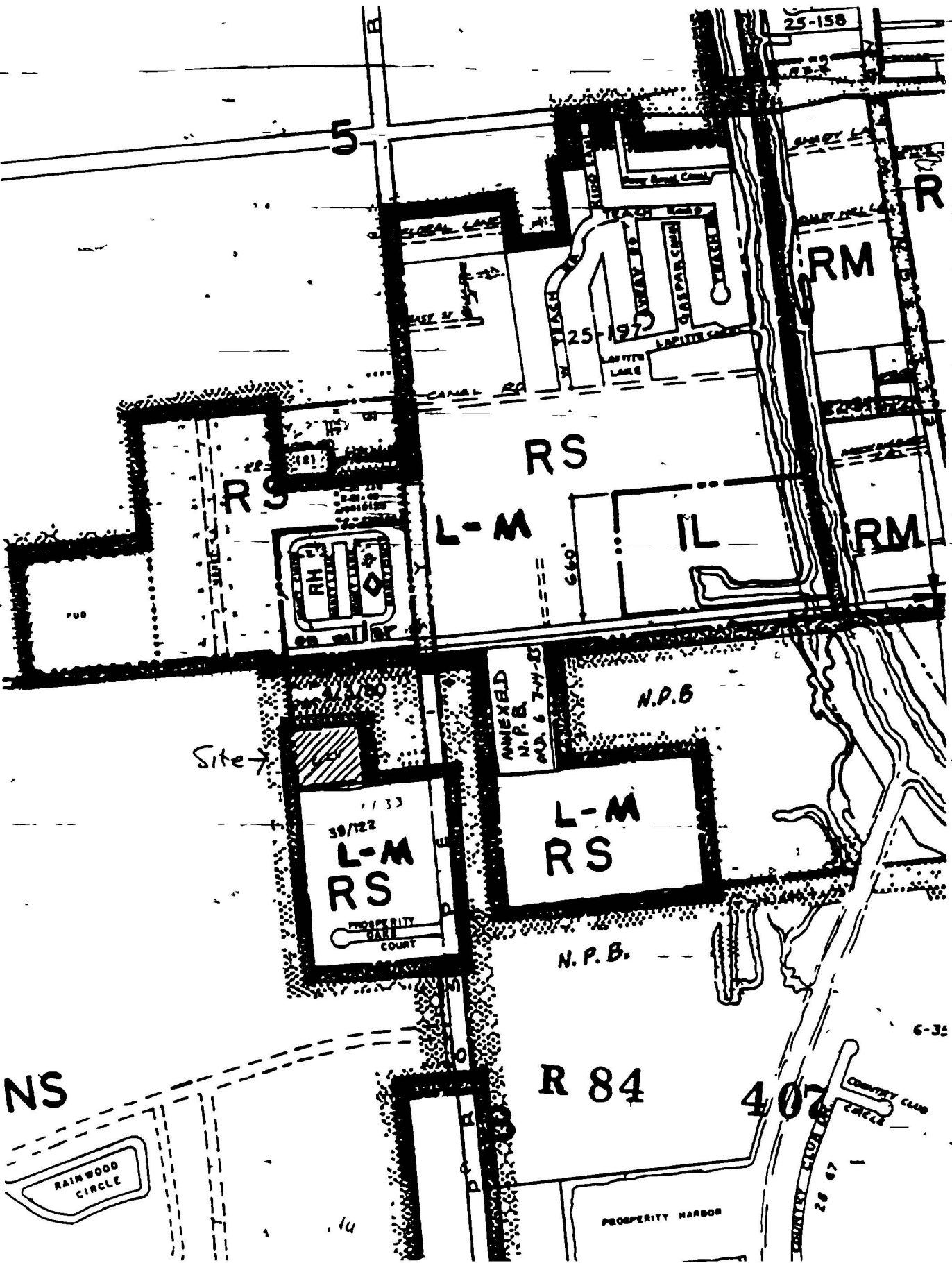




BOOK 332 420

R 84

407



BOOK 332 421