

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN OF JUNO BEACH TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO SECTION 171 062, FLORIDA STATUTES, AND TOWN OF JUNO BEACH RESOLUTION NUMBER 84-3

WHEREAS, by its Resolution No 84-3 the Town of Juno Beach 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 Town, and

WHEREAS, the property is currently zoned CS-Specialized Commercial and is subject to County Land Use Controls, and

WHEREAS, the Town proposes to Rezone the property to CG-Commercial General, and

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

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning is consistent with the Comprehensive Land Use Plan designation of Low to Medium Residential with Commercial Potential for the subject area and would have little or no significant impact on County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the March 28, 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 Town of Juno Beach will have no significant impact upon County Systems

3 The request of the Town of Juno Beach in its Resolution No 84-3, attached hereto and made a part hereof, is hereby approved

The foregoing Resolution was offered by Commissioner Wilken 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	- Aye
DOROTHY H. WILKEN	- Aye
PEGGY B EVATT	- Absent
DENNIS P. KOEHLER	- Absent
BILL BAILEY	- Aye

The Chairman thereupon declared the Resolution duly passed and adopted this 8th day of May, 1984

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

JOHN B DUNKLE, Clerk

By *Phyllis A. House*
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By *John Bailey*
County Attorney

FILED THIS MAV 8 1984 DAY OF

AND PER

MINUTE

PAGE

BY *John Bailey* DC

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R 84

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BOOK 339 002

Inter-Office Communication
PALM BEACH COUNTY

7E?

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation and Rezoning and Waiver Request - Town of Juno Beach,
Resolution #84-3 (Howard Johnson's Restaurant)

DATE March 28, 1984
FILE -

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

Background Information

The Town of Juno Beach has recently annexed a 91 acre parcel of land located on the southeast corner of U.S 1 and Donald Ross Road. The request is now for the purpose of rezoning the parcel from the County Zoning Classification CS (Specialized Commercial) District to the Town's Zoning Classification CG, Commercial General. The property is presently developed as a Howard Johnson Restaurant.

Land Use Plan Designation and Zoning District

- a) The referenced site is presently zoned (CS) Specialized Commercial by the County.
- b) The Town proposes to rezone the property to (CG) Commercial General.
- c) Since the property has an existing restaurant on site, the use remains the same indicating little significant difference between the County's Zoning CS District and the Town's CG Zoning District.
- d) The County's Land Use Plan identifies the subject annexed site as having a Low to Medium Residential Designation with "Commercial Potential" (Area 1 Policy #4).
- e) The proposed rezoning to (CG) General Commercial is consistent with the County's Land Use Plan designation of "Commercial Potential".

Recommendation

The Planning Division has determined that the requested CG zoning by the Town of Juno Beach is consistent with the County's Comprehensive Land Use Plan. In addition, the project will not have a significant impact on County Systems.

It is recommended that the waiver of County Zoning (CS) be granted to the Town of Juno Beach under Chapter 171 062 F S.

RM cjs

ok.
SM

R 84 603

SIGNED

Richard F. Morley

BOOK 139 003

RESOLUTION NO. 84-3

A RESOLUTION OF THE TOWN OF JUNO BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.052, TO REZONE LAND ANNEXED TO THE TOWN OF JUNO BEACH FROM THE COUNTY ZONING CLASSIFICATION CS, SPECIALIZED COMMERCIAL DISTRICT, TO THE TOWN'S ZONING CLASSIFICATION CG, COMMERCIAL - GENERAL.

WHEREAS, the Town of Juno Beach did receive a request for annexation from F. Ted Brown, Jr. and Louis B. Bills, owners of the following property:

A PORTION OF NEW PALM BEACH HEIGHTS, A SUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 73, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

~~BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 WITH THE SOUTHERLY RIGHT OF WAY LINE OF DONALD ROSS ROAD; THENCE SOUTH 87 DEGREES 25' 15" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF DONALD ROSS ROAD A DISTANCE OF 200.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES, 53' 5" EAST A DISTANCE OF 200.00 FEET TO A POINT; THENCE NORTH 87 DEGREES 25' 15" WEST A DISTANCE OF 200.00 FEET TO A POINT; THENCE NORTH 14 DEGREES 53' 5" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 TO THE POINT OF BEGINNING.~~

WHEREAS, the Town Commission did, by the passage of Ordinance No. 271, annex the above described parcel of land into the corporate limits of Juno Beach; and

WHEREAS, said Ordinance No. 271 took effect on February 8, 1984; and

WHEREAS, the Town Commission feels that the proper zoning for said parcel of land would be to the town's Zoning Classification CG;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF JUNO BEACH, FLORIDA, AS FOLLOWS

Section 1. That the Town Commission hereby requests permission from the Board of County Commissioners of Palm Beach County to rezone the property described above from County CS to Juno Beach CG District.

BOOK 339 004

R 84 - 603

Section 2. That the Town Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners, the County Administrator and the Director of Planning, Zoning and Building.

PASSED AND ADOPTED in regular meeting on this 14th day of MARCH, 1984.

W. Hollen
Mayor

ATTEST;

Carl F. Nelson
Town Clerk

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss
TOWN OF JUNO BEACH)
I, Carl F. Nelson, Town Clerk of the Town of Juno Beach
DO HEREBY CERTIFY that the within and foregoing is a true and
correct copy of the resolution of the Board of Planning, Zoning and
Building of the Town of Juno Beach, Florida.
IN WITNESS WHEREOF I have hereunto set my hand and
affixed the official seal this 14th day of MARCH
A D 1984.
TOWN SEAL
Carl F. Nelson
CARL F. NELSON
TOWN CLERK

BOOK 339 005 R 84 603

ORDINANCE NO. 271

AN ORDINANCE OF THE TOWN COMMISSION OF JUNO BEACH, FLORIDA, ANNEXING A CERTAIN UNINCORPORATED TRACT OF LAND THAT IS CONTIGUOUS TO THE TOWN LIMITS OF JUNO BEACH WITHIN PALM BEACH COUNTY, WHICH SAID TRACT, UPON ITS ANNEXATION, WILL CONSTITUTE A REASONABLY COMPACT ADDITION TO THE TOWN; THIS ANNEXATION HAVING ORIGINATED BY THE PETITION OF THE OWNERS OF SAID TRACT IN ACCORDANCE WITH FLORIDA STATUTES 171.044; PROVIDING THAT SAID PROPERTY SHALL INITIALLY BE ZONED CG (COMMERCIAL - GENERAL); PROVIDING THAT THE TOWN LAND USE MAP BE AMENDED IN CONFORMITY HEREWITH; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE, AN EFFECTIVE DATE, AUTHORITY TO CODIFY, PUBLICATION, AND FOR OTHER PURPOSES.

WHEREAS, F. Ted Brown, Jr. and Louis B. Bills, the owners of a tract of land described below, have petitioned the Town of Juno Beach for annexation and the Town has determined that Petitioners are the owners of the tract and

WHEREAS, the tract of land is within Palm Beach County and contiguous to the existing Town boundaries and would constitute a reasonably compact addition to the Town, and

WHEREAS, the annexation of said tract is hereby determined to be in the best interest of the Town of Juno Beach and its citizens,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF JUNO BEACH, FLORIDA, AS FOLLOWS:

Section 1. That pursuant to Florida Statute 171.044 and the Charter of the Town of Juno Beach, Florida, the following described unincorporated and contiguous tract of land situate, lying and being in Palm Beach County, Florida, to wit:

R 84 603

BOOK 139 006

84 039388

1984 FEB 23 PM 2 05

B4167 P0861

Town of Juno Beach 84-039388-271

—BEGINNING AT THE INTERSECTION OF THE
EASTERLY RIGHT OF WAY LINE OF STATE ROAD
NUMBER 5 WITH THE SOUTHERLY RIGHT OF WAY
LINE OF DONALD ROSS ROAD; THENCE SOUTH
87 DEGREES 25' 15" EAST ALONG THE
SOUTHERLY RIGHT OF WAY LINE OF DONALD
ROSS ROAD A DISTANCE OF 200.00 FEET TO A
POINT; THENCE SOUTH 14 DEGREES, 53' 5"
EAST A DISTANCE OF 200.00 FEET TO A
POINT; THENCE NORTH 87 DEGREES 25' 15"
WEST A DISTANCE OF 200.00 FEET TO A
POINT; THENCE NORTH 14 DEGREES 53' 5"
WEST ALONG THE EASTERLY RIGHT OF WAY
—LINE OF STATE ROAD NUMBER 5 TO THE POINT
OF BEGINNING.

is hereby annexed to the Town of Juno Beach, Florida, and
such land so annexed shall be and become a part of said Town
with the same force and effect as though originally
incorporated therein.

Section 2. That upon annexation said property
shall be zoned as follows:

CG

R & 4 603

Section 3. The subject property to be annexed is
located in, and only within, the unincorporated area of Palm
Beach County, Florida, is contiguous to the incorporated
area of the Town of Juno Beach, Florida, and is reasonably
compact to such incorporated area. The annexation of the
proposed lands will not create an unincorporated enclave of
land.

Section 4. The territorial boundaries of the Town
of Juno Beach, Florida, are hereby redefined so as to
include the above-described property.

Section 5. The Land Use Map of the Town of Juno
Beach is hereby amended by assigning the land use category
"commercial - general" to said property.

Section 6. All ordinances or parts of ordinances
in conflict herewith are to the extent of such conflict
repealed.

BOOK 339 007

Section 7. "In the event that any provision or
application of this ordinance shall be held to be invalid,
it is the legislative intent that the other provisions and
applications hereof shall not be thereby affected,

B4167 P0862

Section 8. Specific authority is hereby granted to codify this ordinance.

Section 9. This ordinance shall not be passed until it has been advertised for four consecutive weeks in accordance with Florida Statutes 171.044.

Section 10. This ordinance shall take effect immediately upon its passage.

FIRST READING this 11th day of JANUARY, 1984.

SECOND, FINAL READING AND PASSAGE, this 8th day of FEBRUARY, 1984.

TOWN OF JUNO BEACH, FLORIDA

Wall
Mayor

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner



(CORP. SEAL)

ATTEST

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[Signature]
Town Clerk

84167 P0883

BOOK 339 00R

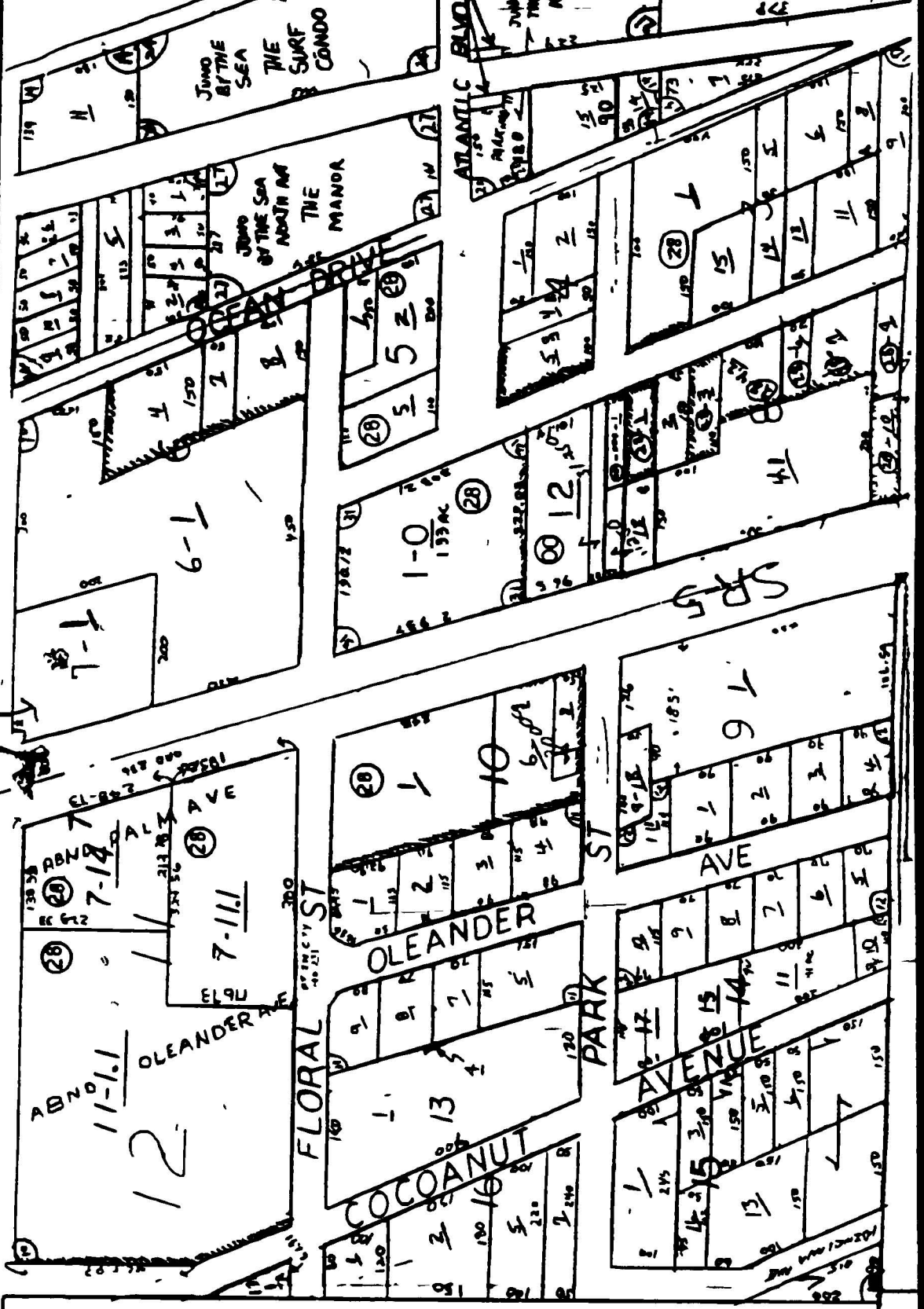
RECORD VERIFIED
PALM BEACH COUNTY FLA
JOHN B DUNKLE
CLERK CIRCUIT COURT

GOVT LOT 1

STATE OF ORBIS

Site

NE CORNER
LT 19 BIR C



BOOK 339 009 R & 4 603