

RESOLUTION NO. R-84- 830

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 36-84.

WHEREAS, by its Resolution No 36-84, the City of Delray 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 City, and

WHEREAS, the property is currently zoned CG-General Commercial and RM-Residential Medium Density and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the entire parcel to SC-Specialized Commercial District, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having 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 the U S 1 Right-of-Way Line, shall front upon U S. 1, shall screen that property with landscaping adjacent to any residential district and shall have no direct access to Florida Avenue The eastern portion of the site is planned for Low to Medium Residential (3-5 Dwelling Units per acre) in the County's Comprehensive Land Use Plan, and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning is consistent in part with the County's special commercial policy of allowing only a 150' strip for commercial uses 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. However, there was no residential opposition reported during the City's public hearings on the subject Traffic impacts from the proposed commercial development will not have a significant impact upon County Systems, nor will the development trigger the County's Traffic Performance Standards, as outlined in the May 23, 1984 memorandum of the Planning Division, attached hereto and made a part hereof, appx 344 173

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 impact 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 Controls, 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. 36-84, attached hereto and made a part hereof, is hereby approved.

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

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

FILED THIS \_\_\_\_\_ DAY OF  
JUN 19 1984  
AND RECORDED IN RESOLUTION  
MINUTE BOOK NO 344 AT  
PAGE 173-180 RECORD NO \_\_\_\_\_  
JOHN B DUNKLE, CLERK  
By Grace Meier D.C.

The Chairman thereupon declared the Resolution duly passed and adopted this 19th day of June, 1984

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APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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

JOHN B. DUNKLE, Clerk

By Phyllis A. House  
DEPUTY CLERK

\_\_\_\_\_  
COUNTY ATTORNEY

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RESOLUTION NO. 36-84

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 RM-RESIDENTIAL MEDIUM DENSITY, IN PART, AND CG-GENERAL COMMERCIAL, IN PART, TO THE CITY'S ZONING CLASSIFICATION SC (SPECIALIZED COMMERCIAL) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Michael E Botos, Trustee, the fee-simple owner of the following described property

Lots 1, 2, 45 and 46, Block 37, DEL-RATON PARK, a Subdivision in Palm Beach County, Florida, according to the Plat thereof, recorded in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 14, Page 9;

That strip of land formerly a part of Frederick Boulevard now abandoned by the Board of Commissioners, Palm Beach County, which strip is bounded as follows. On the East by the West line of Lots 1 and 2, Block 37, DEL-RATON PARK; on the North by the Westerly extension of the North line of said Lot 1; on the South by the Westerly extension of the South line of said Lot 2; and on the West by a line parallel to and 60 feet East of the center line of State Road 5 (U S. Highway No 1) as shown on Road Plat Book 2, page 74, Palm Beach County Records. Said lands situate, lying and being in Palm Beach County, Florida.

The subject property is located south of Tropic Boulevard, between Federal Highway and Florida Boulevard

The above-described parcel contains a 0.37 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 32-84; 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 RM-Residential Medium Density, in part, and CG-General Commercial, in part; 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 RM-Residential Medium Density, in part, and CG-General Commercial, in part, to SC (Specialized Commercial) District which would not 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.

PASSED AND ADOPTED in regular session on this the 8th day of May, 1984.

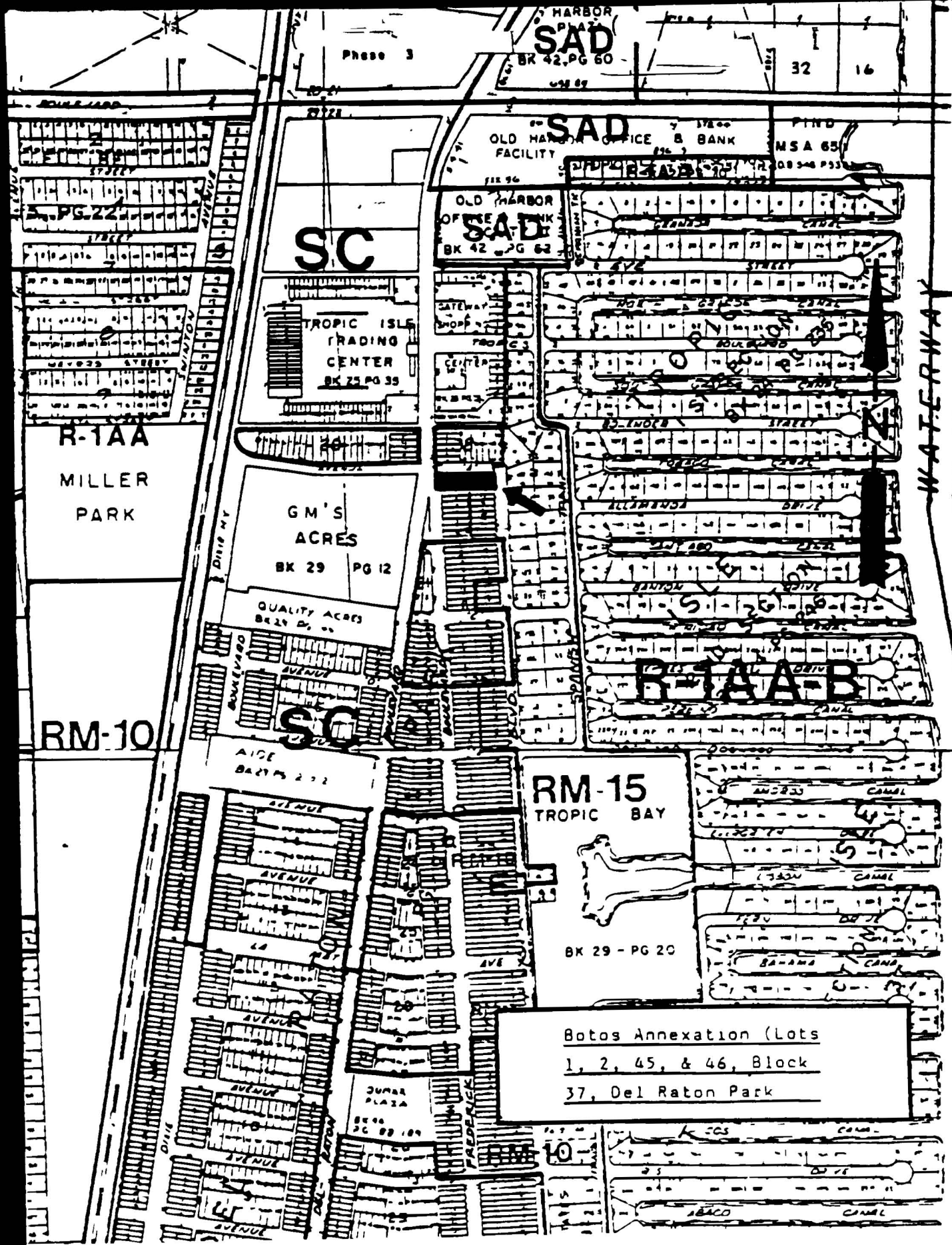
*Rueben P. ...*  
MAYOR

ATTEST:

*Elizabeth ...*  
City Clerk

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Botos Annexation (Lots  
 1, 2, 45, & 46, Block  
 37, Del Raton Park

L-M  
 BOOK 344 177  
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## Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick  
Planning Director  
FROM Richard Morley  
Principal Planner  
RE Annexation/Rezoning and Waiver Request, City of Delray  
Beach, Resolution 36-84

DATE May 23, 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

### Background Information

The City of Delray Beach has recently annexed a 0.37 acre parcel of land located south of Tropic Boulevard between Federal Highway and Florida Boulevard. The request is now for the purpose of rezoning the parcel from the County Zoning Classification CG (General Commercial), and RM (Residential Medium Density) 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. A used car lot exists on site.

### Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned CG (General Commercial) and RM (Residential Medium Density) 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 commercial uses 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."
- e) The proposed rezoning to SC is, in part, 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) in the County's Comprehensive Plan.

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SIGNED \_\_\_\_\_

Stan Redick  
May 23, 1984  
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Waiver Determination

The Planning Division has determined that the proposed SC (Specialized Commercial) is, in part, 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 the waiver of County Zoning may be granted to the City of Delray Beach based on the findings that a major portion of the site has commercial potential and the impact from the development will not have a significant impact on County Systems

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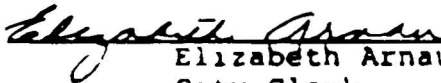


C E R T I F I C A T I O N

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 36-84 passed by City Council on May 8, 1984

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this 14th day of May, 1984

*View Below*

  
Elizabeth Arnau  
City Clerk  
City of Delray Beach

SEAL

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