

RESOLUTION NO R-84- 972

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. 43-84

WHEREAS, by its Resolution No 43-84, 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 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 (Area 20, Policy #5), 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 and would have little or no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the June 21, 1984 memorandum of the Planning Division, 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 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 43-84, attached hereto and made a part hereof, is hereby approved
- The foregoing, Resolution was sponsored by Commissioner Wilken 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	- AYE
DOROTHY H WILKEN	- AYE
PEGGY B EVATT	- AYE
DENNIS P. KOEHLER	- ABSENT
BILL BAILEY	- AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 17th day of July, 19 84.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

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

JOHN B DUNKLE, Clerk

By 
DEPUTY CLERK

FILED THIS JUL 17 1984 DAY OF 19
AND RECORDED IN RESOLUTION
MINUTE BOOK NO 350 AT
PAGE 461-462 RECORD VERIFIED
BY Darlene Harris JOHN B DUNKLE CLERK DC.

BOOK 350 462

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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 43-84 (Sherwood Honda)

DATE June 21, 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 4.69 acre parcel of land located north of Avenue "L" between South Federal Highway and Dixie Highway. 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.

Most of the subject property is undeveloped.

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 Specialized Commercial District uses
- d) The County's Comprehensive Plan identifies the subject site as having Commercial Potential along U.S. 1 from the C-15 Canal to S.W. 12th Street (Area 20, Policy #5).
- e) The City's proposed rezoning to SC (Specialized Commercial) is consistent with the County's Land Use designation of Commercial Potential for the subject site

Recommendation

Since the City's proposed rezoning to SC (Specialized Commercial) is consistent with the County's Land Use Plan, it is recommended that the County grant the City of Delray Beach the waiver request under Chapter 171 062 F.S.

RM cjs

OK
[Signature]

BOOK 350 463 84 972

SIGNED

[Signature]

RESOLUTION NO. 43-84

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

WHEREAS, the City of Delray Beach received a request for annexation from Sherwood H. Sheehan, Jr., the fee-simple owner of the following described property:

Lots 36 thru 46, inclusive, Block 3; Lots 1 thru 44, inclusive, Block 9; that 10 foot alley right of way in Block 9 lying West of Lots 11 and 44 and East of Lots 1 thru 10, inclusive; that 10 foot alley right of way in Block 9 lying East of Lots 22 & 33 and West of Lots 23 thru 32, inclusive; that part of the South half of the right of way for Avenue J lying East of Dixie Blvd. and West of U.S. Highway No. 1; less the East 2 feet of Lots 23 thru 32, Block 9, for road right of way, all in Del Raton Park, Palm Beach County, Florida, according to the Plat thereof recorded in Plat Book 14 at page 10 of the Public Records of Palm Beach County, Florida.

The subject property is located north of Avenue "L", between South Federal Highway and Dixie Highway

The above-described parcel contains a 4.69 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. 42-84; 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 CG-General Commercial; 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 in Book 350 464

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 22nd day of May, 1984.

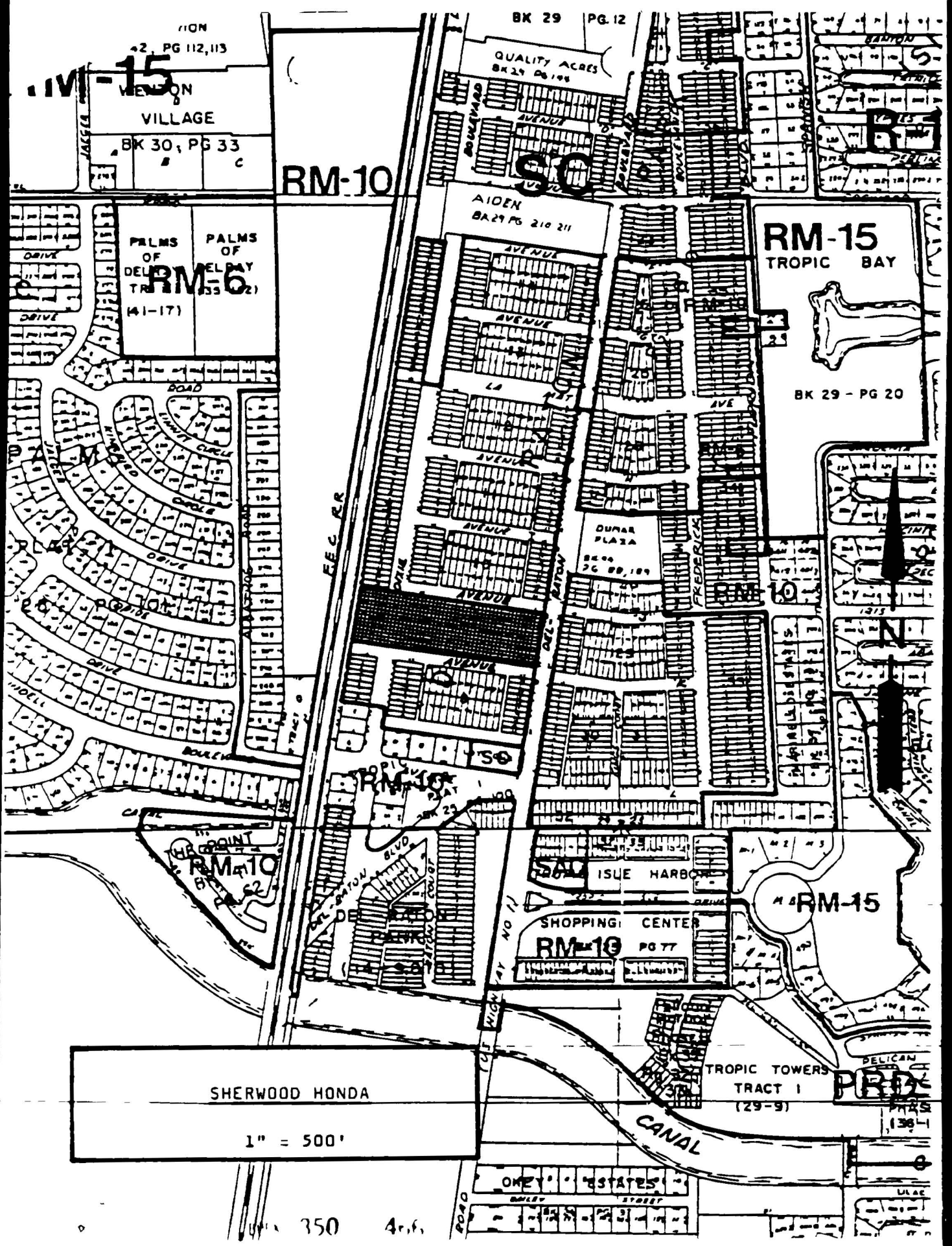
Deak S Campbell
MAYOR

ATTEST:

Elizabeth Arnan
City Clerk

BOOK 350 465

84 972



SHERWOOD HONDA

1" = 500'

350 400