

RESOLUTION NO R-84-1684

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 80-84

WHEREAS, by its Resolution No 80-84, 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 in part and RM-Residential Medium Density in part, and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the entire parcel to SAD (Special Activities District), and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having commercial potential as described in Reference Area 20, Study #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 designation of Commercial Potential for the subject site and will not have a significant impact upon County systems, as outlined in the October 17, 1984 memorandum from 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 80-84, 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 Wilken, and, upon being put to a vote, the vote was as follows

KEN 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 6th day of November, 1984

84 1684

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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

JOHN B DUNKLE, Clerk

By Elizabeth Richards
DEPUTY CLERK

Stanley J. Cooper
COUNTY ATTORNEY

FILED THIS 6TH DAY OF
November, 1984
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 375 AT
PAGE 072-079, RECORD VERIFIED
JOHN B. DUNKLE, CLERK
By Elizabeth Richards D.C.

BOOK 375 PAGE 073

Inter-Office Communication

PALM BEACH COUNTY

7B-15

TO Stan Redick, Planning Director **DATE** October 17, 1984
FROM John Rupertus, Planner **FILE**
RE Annexation/Rezoning - City of Delray Beach - Resolution
No 80-84 (Keller, Dorwatt, Wish, Ghent Annexation)

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 Delray Beach has recently annexed a .986 acre parcel of land situated at the southeast corner of Avenue L and South Federal Highway. The request is now for the purpose of rezoning this tract from the County Zoning Classifications CG (General Commercial) and RM (Residential Medium Density) to the City's Zoning Classification SAD (Special Activities District).

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned CG (General Commercial) in part and RM (Residential Medium Density) in part.
- b) The City proposes to rezone the property to SAD (Special Activities District).
- c) The City's Special Activities District contains no permitted or conditional uses under the Delray Beach Zoning Code. However, a proposed use must be consistent with the City's Comprehensive Plan. **84 1684**
- d) The subject property has commercial potential as described in Reference Area 20, #5 of the County Comprehensive Plan. The City has determined that the proposed use is consistent with its Comprehensive Plan.
- e) The City's proposed rezoning to SAD is consistent with the County's Land Use Designation of Commercial Potential for the subject location.

Recommendation

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

ok
SA

BOOK 375 PAGE 074

SIGNED _____

Stan Redick
October 17, 1984
Page 2

It is recommended that the waiver of County Zoning (CG and RM) be granted to the City of Delray Beach under Chapter 171.062 F.S

JR cjs
Attachments

84 1684

BOOK 375 PAGE 075

CITY OF DELRAY BEACH

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. 80-84 which was passed by City Council on the 9th day of October, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 12th day of October, 1984

84 1684

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

BOOK 375 PAGE 076

RECEIVED
OCT 15 1984
PLANNING DIVISION