

RESOLUTION NO. R-85- 500

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. 15-85, (BARRETT).

WHEREAS, by its Resolution No. 15-85 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 RH-Residential High Density and is subject to County Land Use Controls; and

WHEREAS, the City proposes to rezone the parcel to LI-Light Industrial; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Industrial Potential under Reference Area 20, No. 3 of the Comprehensive Plan: West of Germantown Road between S. W. 10th and S. W. 12th Streets; 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 Industrial Potential for the subject site and would have no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the February 20, 1985, 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. 15-85, attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was sponsored by Commissioner MARCUS 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 ADAMS, CHAIRMAN	- AYE
KAREN T. MARCUS, VICE CHAIRMAN	- AYE
KEN SPILLIAS	- ABSENT
JERRY L. OWENS	- AYE
DOROTHY H. WILKEN	- AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 26th day of March, 1985.

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

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

*Henry J. Inger*  
COUNTY ATTORNEY

JOHN B. DUNKLE, Clerk

By *Patricia L. Williams*  
DEPUTY CLERK

FILED THIS MAR 26 1985 DAY OF  
..... 19 .....

AND RECORDED IN RESOLUTION

MINUTE BOOK NO. 393 AT

PAGE 199-204 RECORD VERIFIED  
JOHN B. DUNKLE, CLERK

BY P.W. D.C.

85 500

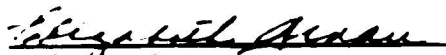
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# CITY OF DELRAY BEACH

## 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. 15-85 which was passed by City Council on the 12th day of February, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 15th day of February, 1985.

  
Elizabeth Arnau  
City Clerk  
City of Delray Beach

SEAL

RECEIVED  
FEB 15 1985  
PLANNING DIVISION

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85 . 500

## Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick  
Planning Director  
FROM John Rupertus, Planner  
DATE February 20, 1985  
FILE  
RE Annexation/Rezoning: City of Delray Beach - Resolution  
No. 15-85 (Barrett)

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 2.71 acre parcel of land situated on the west side of Germantown Road, between Royal Palm Drive and Georgia Street. The purpose of this request is for a rezoning of the tract from the County's Zoning Classification RH (Residential High Density) to the City's Zoning Classification LI (Light Industrial).

### Land Use Plan Description and Zoning District

- 1) The subject site is presently zoned RH (Residential High Density).
- 2) The City proposes to rezone the property to LI (Light Industrial).
- 3) The subject property has Industrial Potential under Area 20, #3: west of Germantown Road between S.W. 10th and S.W. 12th Streets.
- 4) The City has determined that the proposed use is consistent with its Comprehensive Plan.
- 5) The City's proposed rezoning to LI is consistent with the County's Land Use Designation of Industrial Potential for the subject location.

### Recommendation

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

JR:cjs

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85 500

SIGNED 

RESOLUTION NO. 15-85

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 RH-RESIDENTIAL HIGH DENSITY, TO THE CITY'S ZONING CLASSIFICATION LI (LIGHT INDUSTRIAL) DISTRICT,

WHEREAS, the City of Delray Beach received a request for annexation from Thomas J. Barrett and Gladys G. Barrett, his wife, the fee simple owners of the following described property:

Lots 1 through 6, inclusive, Block "A", and Lots 1 and 2, Block "C", Sunny Acres, Palm Beach County, Florida, according to the Plat thereof recorded in Plat Book 21 at Page 63 of the Public Records of Palm Beach County, Florida.

The subject property is located on the west side of German-town Road, between Royal Palm Drive and Georgia Street.

The above-described parcel contains a 2.71 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. 20-85; and,

WHEREAS, in order for this parcel to be zoned to the City Zoning classification of LI (Light Industrial) 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 RH-Residential High Density; 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 above from RH-Residential High Density to LI (Light Industrial) 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.

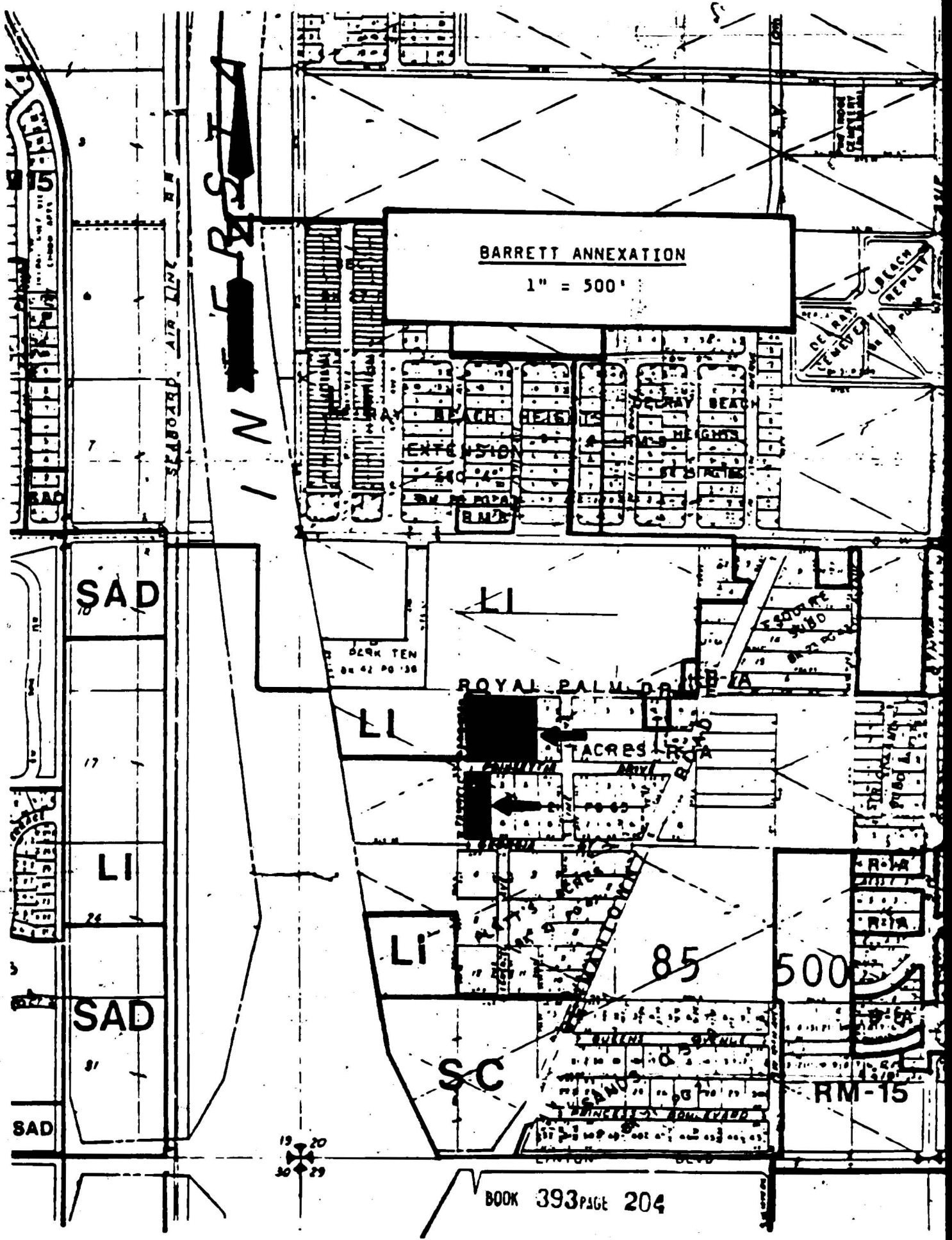
PASSED AND ADOPTED in regular session on this the 12th day of February, 1985.

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85 500  
Deak S. Campbell  
MAYOR

ATTEST:

Gladys G. Barrett  
City Clerk



BARRETT ANNEXATION

1" = 500'

SAD

LI

SAD

SAD

ROYAL PALM DRIVE

TACRES RGA

LI

SC

85

500

RM-15

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