

RESOLUTION NO. R-85-668

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. 64-84.

WHEREAS, by its Resolution No. 64-84 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 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 as described in Reference Area 20, No. 2; 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 this tract and would have no significant impact upon County Systems, nor would it trigger the County's Traffic Performance Standards, as outlined in the April 12, 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 **BOOK 398 PAGE 294**

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

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. 64-84, attached hereto and made a part hereof, is hereby approved.

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

KEN ADAMS, CHAIRMAN	AYE
KAREN T. MARCUS, VICE CHAIRMAN	AYE
KEN SPILLIAS	AYE
JERRY L. OWENS	ABSENT
DOROTHY H. WILKEN	AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 23rd day of April, 1985.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Judy Greene
COUNTY ATTORNEY

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

JOHN B. DUNKLE, Clerk

By *Downa McWilliams*
DEPUTY CLERK

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FILED THIS 23rd DAY OF
April 19 85
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 177 AT
PAGE 265 RECORD VERIFIED
BY JOHN B. DUNKLE, CLERK
D. Mc D.C.

BOOK 398 PAGE 295

Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick
Planning Director
FROM John Rupertus
Planner
RE Rezoning/Annexation and Waiver Request - City of Delray Beach, Resolution 64-84 (William L. Wallace)

DATE April 12, 1985
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 2.78 acre parcel of land located at the northeast intersection of I-95 and Linton Boulevard. This request seeks to rezone the property from the County Zoning Classification RH (Multiple Family Residential District - High Density) to the City's Zoning Classification of LI (Light Industrial). The proposed rezoning to LI is consistent with the County Comprehensive Land Use Plan. The subject parcel is presently undeveloped.

Land Use Plan Designation and Zoning District

- a) The subject site is zoned RH (Residential High Density) by the County.
- b) The City proposes to rezone to LI (Light Industrial).
- c) The County's Comprehensive Plan identifies this area as having industrial potential along Linton Boulevard (S.W. 12th Street) west of the Florida East Coast Railroad. (Area 20, #2).
- d) Thus the City's proposed rezoning to LI (Light Industrial) is consistent with the County's Land Use designation of Industrial Potential for this tract.

Recommendation

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The correlation between the City's proposed rezoning to LI (Light Industrial) and the County's Land Use Plan designation for the subject site can permit the County to grant the City of Delray Beach the waiver request under Chapter 171.062 F.S.

OK GFM

RESOLUTION NO. 64-84

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 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 William L. Wallace the fee-simple owner of the following described property:

A portion of Lot 23, of the Subdivision of Section 20, Township 46 South, Range 43 East, Palm Beach County, Florida, according to the Map showing Subdivisions of portion of Townships 45 and 46 South, Range 43 East, recorded in Plat Book 1, Page 4, in the Public Records of Palm Beach County, Florida, lying East of I-95, and more particularly described as follows:

Beginning at the Southeast corner of said Lot 23; thence run North 89°25'35" West along the South line of said Lot 23, a distance of 269.63 feet to a point on the Easterly right-of-way line of Interstate I-95, Drainage Canal; thence run North 9°28'56" West along said East right-of-way line, a distance of 341.61 feet to a point; thence run South 89°18'41" East, a distance of 338.22 feet to a point on the East line of said Lot 23; thence run South 2°05'55" West, a distance of 340.80 feet along the East line of said Lot 23 to the Point of Beginning.

The subject property is located at the northeast corner of I-95 and Linton Boulevard.

The above-described parcel contains a 2.78 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. 70-84; and,

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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 28th day of August, 1984.

Jack S. Campbell
MAYOR

ATTEST:

Elizabeth Aron
City Clerk

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AD

PARK TEN
BK 42, PG 138

SUNNY ACRES

1-95

65

63

RM-15

UNION BLVD

85

66

ATRIUM
AT
NTRÉ
LWAY
42,
3, 133

1-96

PARCEL 1

CC

GEYANTOWN ROAD

PARCEL 3

LAVER'S

NORTH

WALLACE ANNEXATIONS
1" = 500'

43, PG. 929
SAD

GARDEN
T
D
LWAY
PG. 48

BK. 39

PG. 8, 9

PARCEL 4

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