

76-7

RESOLUTION NO R-84-232

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 1-84

WHEREAS, by its Resolution No. 1-84, the City of Delray Beach has requested permission from the Board of County Commissioners to Rezone the property described therein after Annexation of same into the Corporate Limits of the City, and

WHEREAS, the property is currently zoned RM (Multi-Family Residential and is subject to County land use controls, and

WHEREAS, the City proposes to Rezone the property to RM-15 (Multiple Family Dwelling District), and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium land use designation, allowing for three (3) units per acre in a standard subdivision and five (5) units per acre in a Planned Unit Development However, since the subject property is currently zoned RM in a Low to Medium land use designation, a maximum of eight (8) units per acre can be accommodated by utilizing the upper range of the RM Zoning District with Transfers of Development Rights, and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinance 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 effect on County systems, or such effect is mitigated by compliance with the Performance Standards, and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has found that the proposed development is inconsistent with the Comprehensive Land Use Plan designation of Low to Medium Residential for the subject area However, due to the size of the project (853 acres), a maximum of twelve (12) units can be accommodated on the site The impact from a twelve unit development will not trigger the County's Performance Standards, and as such, will have no significant impact upon County systems It is recommended in the January 31st, 1984 memorandum of the Planning Director, attached hereto and made a part hereof, that the requested waiver be granted,

WHEREAS, Florida Statutes, §171 062 requires that when a CITY desires to Rezone property which was previously subject to County Land Use control, 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 1-84 attached hereto and made a part hereof, is hereby approved

The foregoing Resolution was offered by Commissioner BAILEY, who moved its adoption The motion was seconded by Commissioner WILKEN, 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 14th day of FEBRUARY, 1984

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

JOHN B DUNKLE, Clerk

By Phyllis P House Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By John Enck County Attorney

FILED THIS DAY OF
 FEB 14 1984 19
 AND RECORDED IN RESOLUTION
 MINUTE BOOK NO 328 AT
 PAGE 494-500 RECORD VERIFIED
 JOHN B DUNKLE, CLERK
 BY W. Harris DC

R 84 232

110-7

Inter-Office Communication
PALM BEACH COUNTY

TO Stan Redick, Planning Director DATE January 25, 1984
FROM Richard Morley FILE
Principal Planner
RE Annexation/Rezoning - City of Delray Beach
Resolution No 1-84

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 0.853 acre parcel of land located east of Federal Highway, between Tropic Boulevard and La Mat Avenue. The request is now for the purpose of rezoning the land from the County Zoning Classification RM (Multi Family Residential) to the City's Zoning Classification RM-15 (Multiple Family Dwelling) District.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RM (Multi Family Residential) by the County.
- b) The City proposes to rezone the property to RM-15 (Multiple Family Dwelling District).
- c) There is a significant difference between the County's RM Zoning District and the City's proposed RM-15 District. As stated below in item d) the maximum achievable density is eight (8) units per acre under the Low to Medium Land Use Designation. Under the City's Zoning Classification RM-15 a maximum of fifteen units/acre are allowed which is nearly twice the density of the County.
- d) The County Land Use Plan identifies the subject site as having low to medium land use designation allowing for three units per acre in a standard subdivision and five units per acre in a PUD. However, since the subject property is presently zoned RM in a Low to Medium Land Use Designation, a maximum of eight units per acre can be accommodated utilizing the upper range of the RM Zoning District with TDR's.
- e) The City's proposed rezoning to RM-15 is not consistent with the County's Land Use designation of Low to Medium Residential for the subject area.

R 84 232

SIGNED _____

Stan Redick
January 25, 1984
Page 2

Waiver Determination

The City's proposed rezoning to RM-15 is not consistent with the County's Land Use Designation of "Low to Medium Residential". However, the Board of County Commissioners, under the amendment to the Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan, may find the proposed waiver compatible with the Plan if "the uses and or densities in the Municipal Plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County Systems." In this case, it has been determined that there is not a significant impact on County Systems from the proposed rezoning. Due to the size of the project (853 acres), only 12 units can be developed on site. The impact from the 12 unit development will not trigger the County's Performance Standards.

Recommendation

Since there is not a significant impact on County Systems, it is recommended that the County grant the City of Delray Beach the waiver request under Chapter 171 062 F S.

RM cjs
encl

Approved
[Signature]

[Signature]

R 84

232



RECEIVED

JAN 18 1984

PLANNING DIVISION

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. 1-84 which was passed by City Council on the 10th day of January, 1984

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 16th day of January, 1984.

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

R 84

232

BOOK 328 498

RESOLUTION NO. 1-84

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) DISTRICT TO THE CITY'S ZONING CLASSIFICATION RM-15 (MULTIPLE FAMILY DWELLING) DISTRICT.

WHEREAS, the City of Delray Beach received a request for annexation from Robert H. Wiebelt, Trustee, (U/A dated March 21, 1979, The Robert H. Wiebelt Revocable Living Trust), the fee-simple owner of the following described property:

All of Lots 34 to 44, inclusive of Block 36, plus the South 48 feet of Avenue C lying adjacent to said lots vacated by OR 1765, P 547, all being a portion of DEL RATON PARK subdivision as the same is recorded in Plat Book 14, at Page 9 of the Public Records of Palm Beach County, Florida, and being more fully described as follows. BEGIN at the Southeast corner of Lot 34, Block 36, thence run North along the Easterly boundary of Block 36, 323.00 feet to a point; thence run west with an included angle of 90°00', 115.0 feet to a point, thence run South with an included angle of 90°00', 323.0 feet to the Southwest corner of the aforesaid Lot 34, thence run East with an included angle of 90°00' and along the Southerly boundary of said Lot 34, 115.0 feet to the Point of BEGINNING. Subject to easements and rights-of-way of record

The subject property is located east of Federal Highway, between Tropic Boulevard and Lamat Avenue.

The above described parcel contains a 0.853 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 88-83, and,

WHEREAS, in order for this parcel to be zoned to the City zoning classification of RM-15 (Multiple Family Dwelling) 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), and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's Comprehensive Land Use Plan; and,

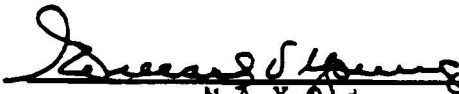
WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designation are compatible with existing patterns in the immediate vicinity of the annexed property,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

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) to RM-15 (Multiple Family Dwelling) District which would 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 10th day of January, 1984.


MAYOR

ATTEST.


City Clerk

R 84 232