

RESOLUTION NO. R-84-271

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE TOWN OF JUNO BEACH TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171.062, FLORIDA STATUTES, AND TOWN OF JUNO BEACH RESOLUTION NO. 83-14.

WHEREAS, by its Resolution No. 83-14, the Town of Juno 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 Town, and

WHEREAS, the property is currently zoned CS (Specialized Commercial) and is subject to County land use controls, and

WHEREAS, the Town proposes to Rezone the property to CG (Commercial General) with an existing motel on the site, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium Residential designation with "Commercial Potential" (Area 1, Policy #4), 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 effect on County systems, or such effect is mitigated by compliance with the Performance Standards, and

WHEREAS, the existence of the motel on the site will have no change in the use of the land, indicating little significant difference between the County's CS Zoning District and the Town's CG Zoning District, and

WHEREAS, the Planning, Zoning and Building Department has reviewed the request and has determined that the proposed development is consistent with the Comprehensive Land Use Plan designation of Low to Medium Residential with "Commercial Potential" for the subject area and would have little or no significant impact on County Systems, as outlined in the December 21, 1983 memorandum of the Planning Director, attached hereto and made a part hereof, and

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 Town 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 Town of Juno Beach will have no significant impact upon County systems
- 3 The request of the Town of Juno Beach in its Resolution No. 83-14, attached hereto and made a part hereof, is hereby approved.

The foregoing Resolution was offered by Commissioner Koehler, who moved its adoption. The motion was seconded by Commissioner Evatt, and, upon being put to a vote, the vote was as follows

KENNETH G SPILLIAS	ABSENT
DOROTHY H WILKEN	AYE
PEGGY B. EVATT	AYE
DENNIS P. KOEHLER	AYE
BILL BAILEY	ABSENT

The Chairman thereupon declared the Resolution duly passed and adopted this 21st day of February, 1984

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

JOHN B DUNKLE, Clerk

By Phyllis A House

Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By John B. Ballitt
County Attorney

FILED THIS 21st DAY OF February 1984
AND RECORDED IN RESOLUTION
MINUTE BOOK NO 329 AT
PAGE 491-500 RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY Trudy Madden DC

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Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation and Rezoning and Waiver Request -
Town of Juno Beach, Resolution #83-14

DATE December 21, 1983
FILE

The Planning Division has reviewed the above waiver request under Chapter 171.062 Florida Statutes and offers the following comments.

Background Information

The Town of Juno Beach has recently annexed a 3.18 acre parcel of land located on the southeast corner of U.S.1 and Donald Ross Road. The request is now for the purpose of rezoning the parcel from the County Zoning Classification CS (Specialized Commercial) District to the Town's Zoning Classification CG, Commercial General. The property is presently developed as a 36 unit Howard Johnson Motel with plans to develop an additional 24 units. Annexation of this property created an unincorporated enclave which has been deemed legal under Attorney General Opinion (10/6/80). Petition has been received to remove enclave.

Land Use Plan Designation and Zoning District

- a) The referenced site is presently zoned (CS) Specialized Commercial by the County.
- b) The Town proposes to rezone the property to (CG) Commercial General.
- c) Since the property has existing motel units on site, the use remains the same indicating little significant difference between the County's Zoning CS District and the Town's CG Zoning District.
- d) The County's Land Use Plan identifies the subject annexed site as having a Low to Medium Residential Designation with "Commercial Potential" (Area 1 Policy #4).
- e) The proposed rezoning to (CG) General Commercial is consistent with the County's Land Use Plan designation of "Commercial Potential".

In summary, the Planning Division has determined that the requested CG zoning by the Town of Juno Beach is consistent with the County's Comprehensive Land Use Plan.

It is recommended that the waiver of County Zoning (CS) be granted to the Town of Juno.

RM cjs

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SIGNED

Richard F. Morley

Board of County Commissioners

Peggy B. Evatt, Chairman
Ken Spillia, Vice Chairman
Dennis P. Koehler
Dorothy Wilken
Bill Bailey

County Administrator

John C. Sansbury



November 29, 1983

Ms. Gail F. Nelson, Town Clerk
The Town of Juno Beach
841 Ocean Drive
Juno Beach, Florida 33408

Dear Ms. Nelson

This letter acknowledges receipt of Resolution No. 83-14 requesting permission to rezone land annexed to the Town of Juno Beach from the County Zoning Classification CS (Specialized Commercial District) to the Town's Zoning Classification CG (Commercial-General); and Ordinance No. 267 annexing a certain unincorporated tract of land that is contiguous to the town limits of Juno Beach within Palm Beach County; this annexation having originated by the petition of the owner of said tract; and providing that said property shall initially be zoned Commercial-General.

Please be advised that the Palm Beach County Board of County Commissioners officially received and filed the resolution and ordinance in their meeting of November 29, 1983. Copies of the resolution and ordinance were forwarded to the Planning, Zoning & Building Department for their review and recommendations.

Very truly yours,

John C. Sansbury
County Administrator

JCS/lmg

R 84 .v. 271

CC Robert Basehart, PZ&B

RESOLUTION NO. 83-14

A RESOLUTION OF THE TOWN OF JUNO BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.062, TO REZONE LAND ANNEXED TO THE TOWN OF JUNO BEACH FROM THE COUNTY ZONING CLASSIFICATION CS, SPECIALIZED COMMERCIAL DISTRICT, TO THE TOWN'S ZONING CLASSIFICATION CG, COMMERCIAL - GENERAL.

WHEREAS, the Town of Juno Beach did receive a request for annexation from Oceanside Resorts, Inc., owner of the following property:

Begin at the NE corner of Lot 1, Block 6 of NEW PALM BEACH HEIGHTS Subdivision as recorded in Plat Book 6, Page 73, Palm Beach County Records, thence S 21 degrees 53' 55" E along the east line of Block 6 a distance of 151.71 feet to a point, thence N 87 degrees 25' 15" W a distance of 150 feet to a point, thence S 21 degrees 53' 55" E a distance of 303.42 feet to a point, thence N 87 degrees 25' 15" W a distance of 382.90 feet to a point on the easterly right-of-way line of proposed State Road No. 5, thence N 14 degrees 53' 05" W along said easterly right-of-way line a distance of 234.25 feet to a point, thence S 87 degrees 25' 15" E a distance of 200 feet to a point, thence N 14 degrees 53' 05" W a distance of 200 feet to a point, thence S 87 degrees 25' 15" E a distance of 274.67 feet to a point and place of beginning. Excepting therefrom the Westerly 50 feet of Lots 17 and 18 of Block 6, NEW PALM BEACH HEIGHTS Subdivision.

Lots 4, 5, 6 and 7, Block 6, NEW PALM BEACH HEIGHTS, according to the Plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 6, Page 73.

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WHEREAS, the Town Commission did, by the passage of Ordinance No. 267, annex the above described parcel of land into the corporate limits of Juno Beach; and

WHEREAS, said Ordinance No. 267 took effect on October 11, 1983; and

WHEREAS, the Town Commission feels that the proper zoning for said parcel of land would be to the town's Zoning Classification CG;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF JUNO BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the Town Commission hereby requests permission from the Board of County Commissioners of Palm Beach County to rezone the property described above from County CS to Juno Beach CG District.

Section 2. That the Town Clerk is hereby directed to forward a certified copy of this resolution to the Board of County Commissioners, the County Administrator and the Director of Planning, Zoning and Building.

PASSED AND ADOPTED in regular meeting on this 9th day of November, 1983.



Mayor

ATTEST;



Town Clerk

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss
TOWN OF JUNO BEACH)

I, Gail F. Nelson, Town Clerk of the Town of Juno Beach, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the Town Clerk of the Town of Juno Beach, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 10th day of November A.D. 1983.
TOWN SEAL



GAIL F. NELSON
TOWN CLERK

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BOOK 329 496

ORDINANCE NO. 267

AN ORDINANCE OF THE TOWN COMMISSION OF JUNO BEACH, FLORIDA, ANNEXING A CERTAIN UNINCORPORATED TRACT OF LAND THAT IS CONTIGUOUS TO THE TOWN LIMITS OF JUNO BEACH WITHIN PALM BEACH COUNTY, WHICH SAID TRACT, UPON ITS ANNEXATION, WILL CONSTITUTE A REASONABLY COMPACT ADDITION TO THE TOWN; THIS ANNEXATION HAVING ORIGINATED BY THE PETITION OF THE OWNER OF SAID TRACT IN ACCORDANCE WITH FLORIDA STATUTES 171.044, PROVIDING THAT SAID PROPERTY SHALL INITIALLY BE ZONED CG (COMMERCIAL - GENERAL); PROVIDING THAT ~~THE TOWN LAND USE MAP BE AMENDED IN CONFORMITY HEREWITH; REPEALING ALL ORDINANCES IN CONFLICT;~~ PROVIDING A SAVINGS CLAUSE, AN EFFECTIVE DATE, AUTHORITY TO CODIFY, PUBLICATION, AND FOR OTHER PURPOSES.

WHEREAS, Oceanside Resorts, Inc., the owner of a tract of land described below, has petitioned the Town of Juno Beach for annexation and the Town has determined that Petitioner is the owner of the tract and

WHEREAS, the tract of land is within Palm Beach County and contiguous to the existing Town boundaries and would constitute a reasonably compact addition to the Town, and

WHEREAS, the annexation of said tract is hereby determined to be in the best interest of the Town of Juno Beach and its citizens,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF JUNO BEACH, FLORIDA, AS FOLLOWS:

Section 1. That pursuant to Florida Statute 171 044 and the Charter of the Town of Juno Beach, Florida, the following described unincorporated and contiguous tract of land situate, lying and being in Palm Beach County, Florida, to wit:

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A PORTION OF NEW PALM BEACH HEIGHTS, A SUBDIVISION AS RECORDED IN PLAT BOOK 6, PAGE 73, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF DONALD ROSS ROAD WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 43 EAST, THENCE SOUTH 1 DEGREE 11' 47" WEST ALONG SAID EAST LINE OF SAID NORTHWEST QUARTER TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF FLORAL DRIVE; THENCE NORTH 87 DEGREES 25' 15" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF FLORAL DRIVE TO ITS INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF HIBISCUS AVENUE; THENCE NORTH 21 DEGREES 53' 55" WEST, TO THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF FLORAL DRIVE WITH THE EASTERLY RIGHT OF WAY LINE OF HIBISCUS AVENUE, THENCE NORTH 87 DEGREES 25' 15" WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF FLORAL DRIVE AND ITS WESTERLY PROLONGATION TO ITS INTERSECTION WITH THE CENTERLINE OF STATE ROAD NUMBER 5. THENCE NORTH 14 DEGREES 53' 52" WEST ALONG THE CENTER LINE OF STATE ROAD NUMBER 5 TO ITS INTERSECTION WITH THE CENTERLINE OF DONALD ROSS ROAD; THENCE SOUTH 87 DEGREES 25' 15" EAST ALONG THE CENTERLINE OF DONALD ROSS ROAD TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 WITH THE SOUTHERLY RIGHT OF WAY LINE OF DONALD ROSS ROAD; THENCE SOUTH 87 DEGREES 25' 15" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF DONALD ROSS ROAD A DISTANCE OF 200.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES, 53' 52" EAST A DISTANCE OF 200.00 FEET TO A POINT, THENCE NORTH 87 DEGREES 25' 15" WEST A DISTANCE OF 200.00 FEET TO A POINT; THENCE NORTH 14 DEGREES 53' 52" WEST ALONG THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 5 TO THE POINT OF BEGINNING.

is hereby annexed to the Town of Juno Beach, Florida, and such land so annexed shall be and become a part of said Town with the same force and effect as though originally incorporated therein.

Section 2. That upon annexation said property shall be zoned as follows:

CC

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Section 3. The subject property to be annexed is located in, and only within, the unincorporated area of Palm Beach County, Florida, is contiguous to the incorporated area of the Town of Juno Beach, Florida, and is reasonably compact to such incorporated area. The annexation of the proposed lands will not create an unincorporated enclave of land.

Section 4. The territorial boundaries of the Town of Juno Beach, Florida, are hereby redefined so as to include the above-described property.

Section 5. The Land Use Map of the Town of Juno Beach is hereby amended by assigning the land use category "commercial - general" to said property.

Section 6. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 7. In the event that any provision or application of this ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 8. Specific authority is hereby granted to codify this ordinance.

Section 9. This ordinance shall not be passed until it has been advertised for four consecutive weeks in accordance with Florida Statutes 171.044.

Section 10. This ordinance shall take effect immediately upon its passage.

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FIRST READING this 15th day of JUNE, 1983.
SECOND, FINAL READING AND PASSAGE, this 11th day of
OCTOBER, 1983.

TOWN OF JUNO BEACH, FLORIDA

[Signature]
Mayor

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

(CORP. SEAL)

ATTEST:

[Signature]
Town Clerk

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:
TOWN OF JUNO BEACH)

I, Gail F Nelson, Town Clerk of the Town of Juno Beach,
DO HEREBY CERTIFY that the above and foregoing is a true and
correct copy of a Document the original of which is on file
in the Office of the Town Clerk of the Town of Juno Beach,
Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the official seal this 10th day of NOVEMBER
A.D. 1983

TOWN SEAL

[Signature]
GAIL F NELSON
TOWN CLERK

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