

RESOLUTION NO R-84-313

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
~~PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE VILLAGE~~
OF TEQUESTA TO REZONE PROPERTY AFTER ANNEXATION,
PURSUANT TO §171.062, FLORIDA STATUTES, AND VILLAGE
OF TEQUESTA ORDINANCE NO 325.

WHEREAS, by its Ordinance No 325, the Village of Tequesta 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 Village, and

WHEREAS, the property is currently zoned RH (Residential High Density) and is subject to County land use controls, and

WHEREAS, the Village proposes to Rezone the property to C-2 (General Commercial) to allow for additional parking for an existing restaurant, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Medium High to High Land Use designation allowing a density range of 12 units per acre in a standard subdivision and 18 units per acre in a P U D , 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 Planning, Zoning and Building Department has reviewed the request and has determined that the proposed development is inconsistent with the Comprehensive Land Use Plan designation of Medium to High for the subject area, but would have no significant impact upon County Systems and, due to the size of the project, the impact from the commercial development will not trigger the County's Performance Standards, as outlined in the February 21, 1984 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 City must request and receive permission for such change from the Board of County Commissioners of the respective County.

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Inter-Office Communication
PALM BEACH COUNTY

TO Stan Redick DATE February 21, 1984
Planning Director
FROM Richard Morley FILE
Principal Planner
RE Annexation/Rezoning/Waiver Request - Village of Tequesta
(Requested by Letter From Robert Harp Dated November 23, 1983)
Chef's International - Palm Beach, Inc.

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 Village of Tequesta has recently annexed a 7 acre parcel of land located west of U.S.1 across from Sandpointe Bay Condominiums. The request is now for the purpose of rezoning the land from the County Zoning District RH (Residential High Density) to the Village's Zoning District C-2 (General Commercial). Tequesta has changed their Comprehensive Plan to reflect a Commercial Land Use. The subject property will be mainly used for additional parking for the Lobster Shanty Restaurant.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RH (Residential High Density) by the County
- b) The Village proposes to rezone the property to C-2 General Commercial
- c) There is a significant difference between the County's RH Zoning District and the Village's C-2 Zoning District. The County's RH Zone deals with density limits while the C-2 Zoning District deals with Land Use intensity
- d) The County Land Use Plan identifies the subject site as having Medium High to High Land Use allowing a density range of 12 units per acre in a standard subdivision and 18 units per acre in a PUD
- e) The Village's proposed rezoning to C-2 (General Commercial) is not consistent with the County's Land Use Designation of Medium High to High Residential for the subject area.

Waiver Determination

The Village's proposed rezoning to C-2 is not consistent with the County's Land Use Designation of Medium High to High Residential. However, the Board of County Commissioners, under the amendment to the Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan, may find

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Stan Redick
February 21, 1984
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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 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 (.7 acres), the impact from the commercial 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 Village of Tequesta the waiver request under Chapter 171.062 F.S.

Guilford F. Mosley

RM.cjs

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Inter-Office Communication

PALM BEACH COUNTY

TO Linda Columbo, Legal Assistant, **DATE** February 29, 1984
County Attorney's Office
FROM Robert E. Basehart **FILE**
Executive Director, Planning, Zoning and Building
RE Annexation/Rezoning - Village of Tequesta, Ordinance No.
325

As per the attached comments from the Planning Division, this Department has no objection to approval of the subject annexation waiver request.

Please prepare a resolution of approval for consideration by the Board of County Commissioners at the earliest possible date.

REB:lv

Attachments

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SIGNED _____

AN ORDINANCE OF THE VILLAGE OF TEQUESTA,
FLORIDA ANNEXING CERTAIN PARCELS OF LAND
DESCRIBED HEREIN TO THE TERRITORIAL LIMITS
OF THE VILLAGE OF TEQUESTA.

WHEREAS, pursuant to the Charter of the Village of Tequesta, and pursuant to Florida State Statute, the Village Council has the power to annex lands contiguous to the Village upon the petition of the owner or owners thereof; and

WHEREAS, Chef's International - Palm Beach, Inc., the owner of certain parcels of land situated in Palm Beach County, Florida, has filed petitions with the Village Council requesting that its lands described therein be annexed to the territorial limits of the Village of Tequesta, Florida

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, FLORIDA, AS FOLLOWS.

Section 1 That the parcel of land owned by Chef's, International - Palm Beach, Inc, and more particularly described

as follows:

That part of the North 150 feet of the South 450 feet of Government Lot 1, Section 30, Township 40 South, Range 43 East, lying West of State Road No 5 (formerly State Road No.4) which is more particularly described as follows.

Begin at the point of intersection of the South line of the above described tract with the Westerly right of way line of U S Highway No 1 (formerly State Road No 5) being the Southeast corner of the above described tract, run thence Westerly, along the South line of said tract, a distance of 150 feet to a stake, thence Northerly, and parallel with the West right of way line of said U.S Highway No. 1, a distance of 104 75 feet to a stake, thence Easterly, parallel to said South line of said tract a distance of 150 00 feet to a stake in the Westerly right of way line of said U S Highway No 1; thence Southerly along said Westerly right of way line of said U S Highway No 1, a distance of 104 75 feet, to the point of beginning, said lands lying and being in Palm Beach County, Florida.

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Less and except

The Easterly 28 feet of that part of the North 150 feet of the South 450 feet of Government Lot 1, Section 30, Township 40 South, Range 43 East, lying West of State Road No. 5 and being more particularly described as follows:

Begin at the point of intersection of the South line of the above described tract with the Westerly right of way line of U.S. Highway No. 1 (formerly State Road No. 5), being the SE corner of the above described tract, run thence Westerly, along the South line of said tract, a distance of 150 feet to a stake, thence Northerly and parallel with the West right of way line of said U S Highway No. 1, a distance of 104 75 feet to a stake thence Easterly parallel to said South line of said tract, a distance of 150 feet to a stake in the Westerly right of way of said U S Highway No. 1; thence Southerly along said Westerly right of way line of said U.S. Highway No. 1, a distance of 104.75 feet to the point of beginning; being that part which lies within 51 feet Westerly of the baseline of survey according to right of way map for State Road No. 5, section 93040-2503 as filed in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida.

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Containing 2,937 square feet of land, more or less. Together with, the North 35 feet of the following described property: the North 100 feet of the South 300 feet of Government Lot, 1 lying West of and contiguous to the West right of way line of U S Highway No. 1; Section 30, Township 40 South, Range 43 East, Palm Beach County, Florida.

is hereby annexed and incorporated into the Village of Tequesta, Florida, with the same force and effect as though the same had originally been incorporated into the territorial boundaries thereof.

Section 3. That said land shall be subject to all of the ordinances, regulations and codes of the Village of Tequesta and shall be zoned "C-2".

Section 4 That this Ordinance shall take effect upon its approval and passage as provided by law.

THE FOREGOING ORDINANCE was offered by Councilmember Thomas J. Little, who moved its adoption. The Ordinance was seconded by Councilmember William E Wagar, and upon being put to a vote, the vote was as follows:

FOR ADOPTION

AGAINST ADOPTION

Thomas J Beddow

Lee M Brown

Thomas J Little

Carlton D Stoddard

William E Wagar

The Mayor thereupon declared the Ordinance duly passed and adopted this 23rd day of November, 1983.

MAYOR OF TEQUESTA

Carlton D. Stoddard

CARLTON STODDARD

ATTEST

Lynise Colbert
VILLAGE CLERK

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AN ORDINANCE OF THE VILLAGE OF TEQUESTA, FLORIDA,
PROVIDING FOR A LAND USE CLASSIFICATION, PURSUANT
TO THE COMPREHENSIVE PLAN OF THE VILLAGE OF
TEQUESTA OF "COMMERCIAL" FOR THE PROPERTY HEREIN
DESCRIBED

WHEREAS, pursuant to the terms of Ordinance No. 325 of
the Village, the property described herein was annexed to the
territorial limits of the Village of Tequesta, Florida; and

WHEREAS, said property has been zoned "C-2 General Commercial
District" pursuant to the zoning code of the Village of Tequesta,
and

WHEREAS, it is necessary to provide a land use classifica-
tion pursuant to the terms of the Village of Tequesta Comprehen-
sive Plan for said property, and

WHEREAS, an appropriate land use classification for the
property described herein is a "commercial" land use classifica-
tion.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF
THE VILLAGE OF TEQUESTA, FLORIDA, AS FOLLOWS.

Section 1 That the parcel of land owned by Chef's Internation-
al - Palm Beach, Inc., described below is hereby designated,
pursuant to the terms of the Village of Tequesta Comprehensive
Plan, as a commercial land use classification Said property
is described as follows.

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That part of the North 150 feet of the South 450 feet
of Government Lot 1, Section 30, Township
40 South, Range 43 East, lying West of State Road
No 5 (formerly State Road No 4) which is more particularly
described as follows:

Begin at the point of intersection of the South line
of the above described tract with the Westerly right
of way line of U S Highway No 1 (formerly State
Road No. 5) being the Southeast corner of the above
described tract, run thence Westerly, along the South
line of said tract, a distance of 150 feet to a stake
thence Northerly, and parallel with the West right
of way line of said U S Highway No 1, a distance
of 104.75 feet to a stake, thence Easterly, parallel
to said South line of said tract a distance of 150.00
feet to a stake in the Westerly right of way line
of said U.S. Highway No. 1; thence Southerly along
said Westerly right of way line of said U.S. Highway
No 1, a distance of 104.75 feet, to the point of
beginning, said lands lying and being in Palm Beach

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County, Florida

~~Less and except~~

The Easterly 28 feet of that part of the North 150 feet of the South 450 feet of Government Lot 1, Section 30, Township 40 South, Range 43 East, lying West of State Road No 5 and being more particularly described as follows:

Begin at the point of intersection of the South line of the above described tract with the Westerly right of way line of U.S. Highway No 1 (formerly State Road No 5), being the SE corner of the above described tract, run thence Westerly, along the South line of said tract, a distance of 150 feet to a stake, thence Northerly and parallel with the West right of way line of said U.S. Highway No 1, a distance of 104.75 feet to a stake thence Easterly parallel to said South line of said tract, a distance of 150 feet to a stake in the Westerly right of way of said U.S. Highway No. 1, thence Southerly along said Westerly right of way line of said U.S. Highway No 1, a distance of 104.75 feet to the point of beginning, being that part which lies within 51 feet Westerly of the baseline of survey according to right of way map for State Road No 5, section 93040-2503 as filed in the Office of the Clerk of the Circuit Court of Palm Beach County, Florida.

Containing 2,937 square feet of land, more or less. Together with, the North 35 feet of the following described property: the North 100 feet of the South 300 feet of Government Lot 1 lying West of and contiguous to the West right of way line of U.S. Highway No. 1, Section 30, Township 40 South, Range 43 East, Palm Beach County, Florida.

Section 2 Said land shall be subject to all of the terms of the Village of Tequesta Comprehensive Plan appropriate to the commercial land use classification

Section 3 The Village of Tequesta Comprehensive Plan is hereby amended to incorporate this land use classification.

Section 4 This Ordinance shall take effect upon its approval and passage as provided by law

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THE FOREGOING ORDINANCE was offered by Councilmember _____
Thomas J. Little, who moved its adoption. The Ordinance was seconded by Councilmember William E. Wagar, and upon being put to a vote, the vote was as follows

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FOR ADOPTION

AGAINST ADOPTION

Lee M. Brown

Thomas J. Little

W.H. Mapes, Jr.

Carlton D. Stoddard

William E. Wagar

The Mayor thereupon declared the Ordinance duly passed
and adopted this 14th day of February, 1984.

MAYOR OF TEQUESTA

Carlton D. Stoddard

ATTEST.

Cyrese Colbert

VILLAGE CLERK

I HEREBY CERTIFY THE ABOVE AND FOREGOING
IS A TRUE AND CORRECT COPY APPEARING FROM
THE RECORDS IN THE VILLAGE CLERK'S OFFICE, VILLAGE
OF TEQUESTA, FLORIDA, AND HEREBY AFFIX THE
DATE AND TIME 17th DAY OF Feb. 1984

Cyrese Colbert
CYRESE COLBERT VILLAGE CLERK

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BROADVIEW

CONDOMINIUMS

SANDPOINTE

BAY

CONDOMINIUMS

HARBOR RD NORTH
KENTUCKY
FRIED CHICKEN

PHOENIX
PROF. BLDG

CANAL COURT

ZAINO'S
REST.

STEWART
TITLE

THIRD

NO 5

STATE

ROAD

US Hwy 1

Site
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(PROPOSED LOBSTER SHANTY ANNEXATION
& ADDITIONS)

CONGRESS LIQUORS
&
PLUSH PONY LOUNGE

ISLAND BOUNTY

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COLOGNE
MOTEL

EQUESTA