

RESOLUTION NO R-84-315

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF BOYNTON BEACH TO REZONE PROPERTY AFTER ANNEXATION, PURSUANT TO §171.062, FLORIDA STATUTES, AND CITY OF BOYNTON BEACH RESOLUTION NO 84-J

WHEREAS, by its Resolution No 84-J, the City of Boynton 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 RS (Single Family Residential) and is subject to County land use controls; and

WHEREAS, the City proposes to Rezone the property to R-1AA (Single Family Residential), and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Low to Medium Land Use designation allowing for three units per acre in a standard subdivision and five 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 consistent with the Comprehensive Land Use Plan designation of Low to Medium for the subject area and would have little or no significant impact on County Systems as outlined in the February 23, 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,

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
Boynton Beach will have no significant impact upon County systems

3 The request of the City of Boynton Beach, in its Resolution
No 84-J 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 Bailey,
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	AYE
BILL BAILEY	AYE

The Chairman thereupon declared the Resolution duly passed and
adopted this 13th day of March, 1984

FILED THIS 13 DAY OF

March 1984

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

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JOHN B. DUNKLE, Clerk

498-503

By

Phyllis A. House
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY D C

By *John Ballitt*
County Attorney

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Inter-Office Communication
PALM-BEACH COUNTY

TO	Stan Redick Planning Director	DATE	February 23, 1984
FROM	Richard Morley - Principal Planner	FILE	
RE	Annexation/Rezoning/Waiver Request - Boynton Beach Resolution No 84-3		

The Planning Division has reviewed the above waiver request under Chapter 171 062 Florida Statutes and County Ordinance No 82-26, amendment to the intergovernmental coordination element of the County's Comprehensive Plan. The following comments are offered.

Background Information

The City of Boynton Beach has recently annexed a 9.39 acre parcel of land located between Swinton and Seacrest Boulevard, north of Gulfstream Boulevard extended. The request is now for the purpose of rezoning the land from the County Zoning Classification RS (Single Family Residential) to the City's Zoning Classification R-1AAB (Single Family District). The R-1AAB Zoning District will allow 9000 square foot lots for an approximate 3-4 units per acre. Only 36-40 residential units are contemplated on site.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned RS (Single Family Residential) by the County
- b) The City proposes to rezone the property to R-1AAB (Single Family Residential District)
- c) There is little significant difference between the County's RS Zoning District and the City's proposed R-1AAB District. Both Zoning Districts have a maximum density of five units per acre
- 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
- e) The City's proposed rezoning to R-1AAB is consistent with the County's Land Use designation of Low to Medium Residential for the subject area

Recommendation

Since the City's proposed rezoning to R-1AAB is consistent with the County's Land Use Designation of "Low to Medium Residential" and there will not be a significant impact on County Systems, it is recommended that the County grant the City of Boynton Beach the waiver request under Chapter 171 062 F.S.

RM cjs **R 84**

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SIGNED Richard F. Morley

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION 171 062, FLORIDA STATUTES, TO REZONE A CERTAIN PARCEL OF LAND BEING ANNEXED TO THE CITY OF BOYNTON BEACH FROM PALM BEACH COUNTY ZONING CLASSIFICATION SINGLE FAMILY RESIDENTIAL (RS) TO CITY OF BOYNTON BEACH ZONING CLASSIFICATION R-1 AAB, SINGLE FAMILY RESIDENTIAL DISTRICT; AND FROM PALM BEACH COUNTY LAND USE DESIGNATION OF LOW MEDIUM DENSITY RESIDENTIAL TO CITY OF BOYNTON BEACH LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of Boynton Beach, Florida, has received a request for annexation from the Swinton Development Corporation as owners of the following described property, to-wit

See attached Exhibit "A",

and

WHEREAS, the City Council at the January 17, 1984, regular meeting considered this annexation request and upon recommendation of the City Planner, the City Zoning Board and Technical Review Board, determined that the proper zoning for this parcel of land would be the City's Zoning Classification R-1 AAB, single family residential district, and that the proper Land Use Classification under the City's Land Use Plan would be low density residential, and

WHEREAS, pursuant to §171 062, Florida Statutes, the City of Boynton Beach requests that the Board of County Commissioners consent to the City of Boynton Beach rezoning and Land Use Classification on the above described property upon its annexation

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, AS FOLLOWS.

Section 1. That the City Council hereby requests permission to rezone and to change the Land Use Classification, when annexed, of the property described above as previously enumerated

Section 2 That a certified copy of this Resolution be sent to the Board of County Commissioners of Palm Beach


County, Florida, the County Administrator and the County Director of Planning, Zoning and Building.


Section 3. That this Resolution shall take effect immediately upon passage.

PASSED AND ADOPTED THIS 17th day of January, 1984.

~~CITY OF BOYNTON BEACH, FLORIDA~~


MAYOR


VICE MAYOR


COUNCIL MEMBER


COUNCIL MEMBER



COUNCIL MEMBER

ATTEST


CITY CLERK

(seal)

I, BETTY BORONI, City Clerk of the City of Boynton Beach, Florida, do hereby certify that the above and foregoing two pages, with attached Exhibit "A", is a true and correct copy of Resolution No 84-J as it appears in the records of the City of Boynton Beach, Florida


Betty Boroni, City Clerk
January 24, 1984

(SEAL)

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Beginning at the southeast corner of the northeast $\frac{1}{4}$, Section 5, Township 46 south, Range 43 east, Palm Beach County, Florida; thence run S $88^{\circ}28'49''$ W, along the south line of said northeast $\frac{1}{4}$, 55.27 feet to the Point of Beginning; thence continue along the last described course 271.99 feet to the point on the easterly right of way line of Swinton Avenue, thence run northerly along the arc of a curve to the right and along said right of way line, a distance of 181.27 feet to a point of tangent, said curve having a central angle $5^{\circ}31'27''$, a radius of 1880.08 and a tangent bearing N $6^{\circ}01'18''$ W; thence run N $0^{\circ}29'51''$ W along said right of way line, 77.25 feet, thence run N $88^{\circ}37'19''$ E, 280.17 feet; thence run S $0^{\circ}39'12''$ E, 257.34 feet to the Point of Beginning.

and

Beginning at the southeast corner of the northeast $\frac{1}{4}$, Section 5, Township 46 south, Range 43 east, Palm Beach County, Florida, thence run S $88^{\circ}28'49''$ W along the south line of said northeast $\frac{1}{4}$ 55.27 feet; thence run N $0^{\circ}39'12''$ W, 257.34 feet; thence run N $88^{\circ}37'19''$ E, 56.26 feet to a point on the east line of said Section 5; thence run N $89^{\circ}45'43''$ E, 617.09 feet to a point on the westerly right of way line of Seacrest Boulevard; thence run S $0^{\circ}39'12''$ E, along said right of way line 687.30 feet to a point on the south line of the northwest $\frac{1}{4}$ of Section 4, Township 46 south, Range 43 east, thence run S $89^{\circ}41'22''$ W, along said south line, 620.17 feet to the Point of Beginning.

including

all adjacent unincorporated rights of way

Exhibit "A"

(RESOLUTION NO 84-J)

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