

RESOLUTION NO. R-84- 406

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 83-0000

WHEREAS, by its Resolution No 83-0000 the City of Boynton 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 AR-Agricultural Residential and is subject to County Land Use Controls; and

WHEREAS, the City proposes to Rezone the property to A Planned Unit Development allowing for eight units per acre in a standard subdivision and twelve units per acre in a Planned Unit Development, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a Medium to Medium High Residential Land Use designation, 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 Medium to Medium High Residential for the subject area and would have little or no significant impact on County Systems, nor would it trigger the County's Traffic Performance Standards, since the proposed density is considerably below the County's Medium to Medium High Land Use Designation for a Planned Unit Development, as outlined in the February 16, 1984 memorandum of the Planning Director, attached hereto and made a part hereof, and

WHEREAS, the Developer has executed a Roadway Improvement Agreement with the City of Boynton Beach, a copy of which is attached hereto and made a part hereof, to offset the traffic impact on County Systems and which will in turn satisfy the County's Performance Standards; 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 upon County systems, or such effect is mitigated by compliance with the Performance Standards; 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 such 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 83-0000, attached hereto and made a part hereof, is hereby approved

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

KENNETH C SPILLIAS - ABSENT
DOROTHY H WILKEN - AYE
PEGGY B EVATT - ABSENT
DENNIS P KOEHLER - AYE
BILL BAILEY - AYE

The Chairman thereupon declared the Resolution duly passed and adopted this 27th day of March , 1984.

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN E. DUNKLE, Clerk

By

Phyllis A. Lewis
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By

John B. ...
County Attorney

FILED THIS

MAR 27 1984

DAY OF

PAGE

332 AT

391-410 FILED
JOHN B ... CLERK

BY *E. Elizabeth ...* CLC

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 THE PALM BEACH COUNTY ZONING CLASSIFICATION AG (AGRICULTURAL) TO THE CITY OF BOYNTON BEACH ZONING CLASSIFICATION OF PLANNED UNIT DEVELOPMENT WITH A LAND USE INTENSITY OF 4.0 AND FROM COUNTY LAND USE OF MEDIUM-MEDIUM HIGH DENSITY TO CITY LAND USE CLASSIFICATION OF MODERATE DENSITY RESIDENTIAL, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Boynton Beach has received a request for annexation from Larry W. Carolla and Michael R. Melear, as owners of the following described property:

See attached Exhibit "A"

and,

WHEREAS, the City Council at the November 1, 1983, regular meeting considered this annexation request, and upon a recommendation of the City Planner, City Zoning Board and Technical Review Board, determined that the proper zoning for this parcel of land would be the City's Zoning Classification Planned Unit Development with a land use intensity of 4.0, and the proper Land Use Classification under the City's Land Use Plan of Moderate Density Residential, and

WHEREAS, pursuant to Section 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 change 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 request 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.

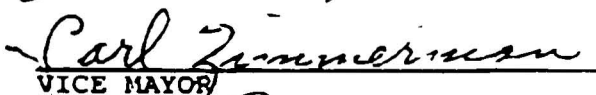
Section 3. That this Resolution shall take effect
immediately upon passage.

- PASSED AND ADOPTED this 15th day of November

1983

CITY OF BOYNTON BEACH, FLORIDA


MAYOR


VICE MAYOR


COUNCIL MEMBER


COUNCIL MEMBER


COUNCIL MEMBER

ATTEST.


CITY CLERK

(Seal)

EXHIBIT A

LEGAL DESCRIPTION

The Northeast one-quarter of Section 18, less the East 50.00 feet thereof and right-of-way for L.W.D.D. Canal L-20 and L-21, together with the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 18, less the right-of-way for L.W.D.D. Canal L-20.

Said lands situate, lying and being in Palm Beach County, Florida.

CONTAINING 155.15 acres, more or less.

AGREEMENT BETWEEN CITY OF BOYNTON BEACH
AND THE MELEAR FAMILY FOR
CONSTRUCTION OF ROADWAY IMPROVEMENTS

THIS AGREEMENT, made this 1 day of Feb., 1984, by and between the CITY OF BOYNTON BEACH, a Florida Municipal Corporation of 120 N.E. 2nd Avenue, Boynton Beach, Florida 33435, hereinafter referred to as "The City", and Carrilla Melear, Larry W. Melear, and Michael R. Melear c/o Larry Melear of 756 Rider Road, Boynton Beach, Florida 33435, referred to as "Owners".

RECITALS:

WHEREAS, the Owners have requested the City to annex approximately 154.56 acres West of North Congress Avenue between the L-20 and L-21 Canals, and

WHEREAS, the Owners have requested the City to rezone the property to a Planned Unit Development, and to amend the City's Comprehensive Plan to reflect moderate density residential to allow 6.5 units per acre; and

WHEREAS, the annexation, rezoning, and Comprehensive Plan Amendment have been approved by the City; and

WHEREAS, pursuant to Chapter 171, Florida Statutes, the City and the Owners are desirous of having Palm Beach County waive the 2-year waiting period for annexation requests; and

WHEREAS, the City, and the Owner have agreed, based on input from Palm Beach County to make certain roadway improvements in order to comply with the Palm Beach County Traffic Performance Standards of the Palm Beach County Comprehensive Plan.

NOW, THEREFORE, in consideration of the mutual promises made by the parties hereto, and other good and valuable consideration, the receipt of which is hereby acknowledged by the parties; the parties hereto do covenant and agree as follows:

1. The Owners shall dedicate 108 feet of right-of-way for Miner Road, and construct Miner Road across the project's North property frontage.

2. The Owners shall reimburse Palm Beach County for the cost of constructing left turn lanes at the project's entrance on Congress Avenue, and at Miner Road. It is understood that

these turn lanes will be included in the Congress Avenue 4-laning project currently under contract by the County, and that Palm Beach County will bill the Developer for this work, based on unit prices, at the time of Congress Avenue construction. Reimbursement to Palm Beach County for said road work will be due prior to the Owner's or their assigns pulling the first building permit.

3. The Owners shall construct right turn lanes on Congress Avenue at the project's entrance, and at Miner Road, said turn lanes to be constructed at the time the project's entrance road and Miner Road are built.

4. The Owners shall pay the cost of signalization at the following intersections, when and if warranted, as determined by the County Engineer:

- a. Congress Avenue and Miner Road;
- b. The entrance road and Miner Road;
- c. The entrance road and Congress Avenue.

5. The Owners agree to pay the "fair share impact fee" to the City upon issuance of building permits as they relate to the number of units for which the building permits are being issued.

6. The project development shall be limited to fifty percent (50%) of the residential units approved on the subject property. ~~The balance of the residential units and all of the commercial property shall not be issued building permits until such time as Lantana Road and Hypoluxo Road are constructed as 4-lane facilities from I-95 to Congress Avenue.~~

7 This Agreement is subject to the approval of a resolution by the Palm Beach County Board of County Commissioners of a waiver of the 2-year requirement, pursuant to Chapter 171, Florida Statutes.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals the day and year first written above

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CITY OF BOYNTON BEACH, a Florida
Municipal Corporation

Patricia Ramseyer
Dorothy Koch

BY: J. M. ...
Mayor

ATTEST: Betty J. Brown
City Clerk

SIGNED, SEALED and DELIVERED
IN THE PRESENCE OF:

Marilyn K. Lunsford

Carrilla Melear
CARRILLA MELEAR

Ben C. ...
As to Carrilla Melear

Larry W. Melear
LARRY W. MELEAR

Marilyn K. Lunsford
As to Larry W. Melear

Michael R. Melear
MICHAEL R. MELEAR

Debra ...
Debra ...
As to Michael R. Melear

ORDINANCE NO 83-48

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, AMENDING ORDINANCE NO ~~80-19~~ OF SAID CITY, BY ZONING A CERTAIN PARCEL OF LAND MORE PARTICULARLY DESCRIBED HEREIN, WHICH IS BEING SIMULTANEOUSLY HEREWITH ANNEXED INTO THE CITY OF BOYNTON BEACH, FLORIDA, BY ORDINANCE AS PLANNED UNIT DEVELOPMENT WITH A LAND USE INTENSITY OF 4.00; PROVIDING A SAVINGS CLAUSE, REPEALING PROVISIONS, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Boynton Beach, Florida, has heretofore adopted Ordinance No 80-19, in which a Revised Zoning Map was adopted for said City; and

WHEREAS, the City Council of the City of Boynton Beach, Florida, simultaneously herewith adopted an Ordinance annexing a parcel of land more particularly described herein into the City limits of said City, and

WHEREAS, the owners and agents of the property have requested the above-mentioned zoning category; and

WHEREAS, the Planning and Zoning Board of the City of Boynton Beach, Florida, has heretofore approved said development and has recommended approval thereof; and

WHEREAS, the City Council deems it in the best interest of the inhabitants of said City to amend the aforesaid Revised Zoning Map as hereinafter set forth

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA:

Section 1 That the following described land, located in the City of Boynton Beach, Florida, as described in Exhibit A attached hereto and made a part hereof, be and the same is hereby zoned Planned Unit Development (PUD) with a land use intensity (LUI) of 4 00, which intensity is determined to be appropriate under the circumstances represented to the City in said application, and is in conformity with the Comprehensive Plan of the City of Boynton Beach, Florida.

Section 2 That the aforesaid Revised Zoning Map of the City shall be amended accordingly

Section 3. That the application of the owners and agents of the subject property for rezoning is hereby granted for the purpose of permitting the development of said land as a Planned Unit Development (PUD), specifically in accordance with the development plans and specifications therefor now on file with the Office of the City Planner in the City of Boynton Beach, Florida, and all requirements, terms and conditions established and set forth in the minutes of the Planning and Zoning Board, and the City Council of the City of Boynton Beach pertaining to the review and approval of said application, which minutes are hereby made a part hereof for reference and staff comments are attached hereto as Exhibit "B"

Except as provided herein, the applicants shall proceed in strict accordance with all ordinances of the City of Boynton Beach, including but not limited to its building, electrical, plumbing, subdivision, planning and zoning codes, and all rules and regulations of the State of Florida, Department of Environmental Regulations. In satisfaction of the recreation dedication requirements of the City Ordinances, this approval incorporates the dedication of land as submitted by the owners in accordance with the development plans and specifications now on file with the Office of the City Planner

Section 4 That should any section or provision of this Ordinance or a portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 5 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This Ordinance shall become effective upon its passage

FIRST READING this 6th day of DECEMBER,

1983

SECOND, FINAL READING and PASSAGE this 17th day of January, 1984

CITY OF BOYNTON BEACH, FLORIDA

[Signature]
MAYOR

Carl Zimmerman
VICE MAYOR

Mike Cassandri
COUNCIL MEMBER

Joe De Rosa
COUNCIL MEMBER

Samuel Lerner Wright
COUNCIL MEMBER

ATTEST.

Betty Brown
CITY CLERK

(Seal)

EXHIBIT A

(ORDINANCE NO. 83-48)

LEGAL DESCRIPTION

The Northeast one-quarter of Section 18, Township 45 South, Range 43 East, less the East 50.00 feet thereof and right-of-way for L.W.D.D. Canal L-20 and L-21, together with the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 18, less the right-of-way for L.W.D.D. Canal L-20.

Said lands situate, lying and being in Palm Beach County, Florida.

CONTAINING 155.15 acres, more or less



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ORDINANCE NO. XCV

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BOYNTON-BEACH, FLORIDA, ANNEXING A CERTAIN UNINCORPORATED TRACT OF LAND THAT IS CONTIGUOUS TO THE CITY LIMITS WITHIN PALM BEACH COUNTY AND THAT WILL, UPON ITS ANNEXATION, CONSTITUTE A REASONABLY COMPACT ADDITION TO THE CITY TERRITORY PURSUANT TO A PETITION OF THE OWNER OF SAID TRACT OF LAND, REQUESTING ANNEXATION PURSUANT TO SECTION VII(32) OF THE CHARTER OF THE CITY OF BOYNTON BEACH, FLORIDA, AND FLORIDA STATUTES 171 044; PROVIDING THAT THE PROPER LAND USE DESIGNATION AND PROPER ZONING OF THE PROPERTY SHALL BE REFLECTED IN SEPARATE ORDINANCES TO BE PASSED SIMULTANEOUSLY HEREWITH; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ADVERTISING, AND AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, Larry W Carilla and Michael R Melear, owners of the following tract of land described as

See attached Exhibit "A"

filed a Petition for Annexation to the City of Boynton Beach directed to the City Council pursuant to Articles VII(32) of the Charter of the City of Boynton Beach, Florida, and Section 171 044, Florida Statutes, and

WHEREAS, said tract of land lying and being within Palm Beach County is contiguous to the existing City limits of the City of Boynton Beach, Florida, and will, upon its annexation, constitute a reasonably compact addition to the City territory, and

WHEREAS, the proposed use of said land and land use designation has been determined to be consistent with the future land uses of the City of Boynton Beach and the Palm Beach County Commission has no objection to the designated use

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOYNTON BEACH, FLORIDA, THAT

Section 1 Pursuant to Section VII(32) of the Charter of the City of Boynton Beach, Florida, and Section 171.044, Florida Statutes, the following described unincorporated and contiguous tract of land situated and lying and being in the County of Palm Beach, Florida, to-wit

See attached Exhibit "A"

is hereby annexed to the City of Boynton Beach, and such land

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DQA

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so annexed shall be and become part of the City with the same force and effect as though the same had been originally incorporated in the territorial boundaries thereof.

Section 2: That ~~Section VI and VI(a)~~ of the Charter of the City of Boynton Beach, Florida, is hereby amended to reflect the annexation of that tract of land more particularly described in Section 1 of this Ordinance

Section 3 That by Ordinances adopted simultaneously herewith, the proper zoning designation and land use category is being determined

Section 4 All ordinances or parts of ordinances in conflict herewith are hereby repealed

Section 5 Should any section or provision of this Ordinance or a portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 6 Specific authority is hereby granted to codify this Ordinance.

Section 7 This Ordinance shall not be passed until the same has been advertised for four (4) consecutive weeks in a newspaper of general circulation in the City of Boynton Beach as required by the City Charter and Section 171 044, Florida Statutes

Section 8 This Ordinance shall become effective immediately upon its final passage

Section 9 This Ordinance, after adoption, shall be filed with the Clerk of the Circuit Court of Palm Beach County, Florida

FIRST READING this 15th day of November,

1983

SECOND, FINAL READING and PASSAGE this 17th
day of January, 1984.

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CITY OF BOYNTON BEACH, FLORIDA

M. M. ...
MAYOR

Carl Zimmerman
VICE MAYOR

Nick Casandra
COUNCIL MEMBER

Joe DeYoung
COUNCIL MEMBER

Samuel James Bright
COUNCIL MEMBER

ATTEST.

Betty S. Brown
CITY CLERK

(Seal)

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EXHIBIT A

(ORDINANCE NO. 83-46)

LEGAL DESCRIPTION

The Northeast one-quarter of Section 18, Township 45 South, Range 43 East, less the East 50.00 feet thereof and right-of-way for L.W.D.D. Canal L-20 and L-21, together with the Northeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of said Section 18, less the right-of-way for L.W.D.D. Canal L-20.

Said lands situate, lying and being in Palm Beach County, Florida.

CONTAINING 155.15 acres, more or less.

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Exhibit A - Pg. 2

(ORDINANCE NO 83-46)

A portion of Old Boynton Road in Section 19, Township 45 South, Range 43 East, Palm Beach County, Florida being more particularly described as follows

A forty (40) foot road right-of-way adjacent to the south line of Lots 31 through 38 in "Subdivision Section 19, Twmp 45 South of Range 43 East" as recorded in the Palm Beach County, Florida, official records in Plat Book 7, Page 19, said forty (40) foot road right-of-way now being known as OLD Boynton Road, and the south twenty (20) feet of said lots 31 through 38 deeded to said Palm Beach County for additional road right-of-way as recorded in said official records in Official Record Book 3012, Page 1485 and the north twenty (20) feet of Lots 39, 40 and a portion of Lot 41 deeded to said Palm Beach County for road right-of-way as recorded in said official records in Official Record Book 2584, Page 1018 and Book 3652, Page 531.

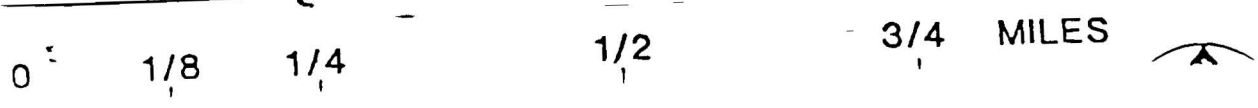
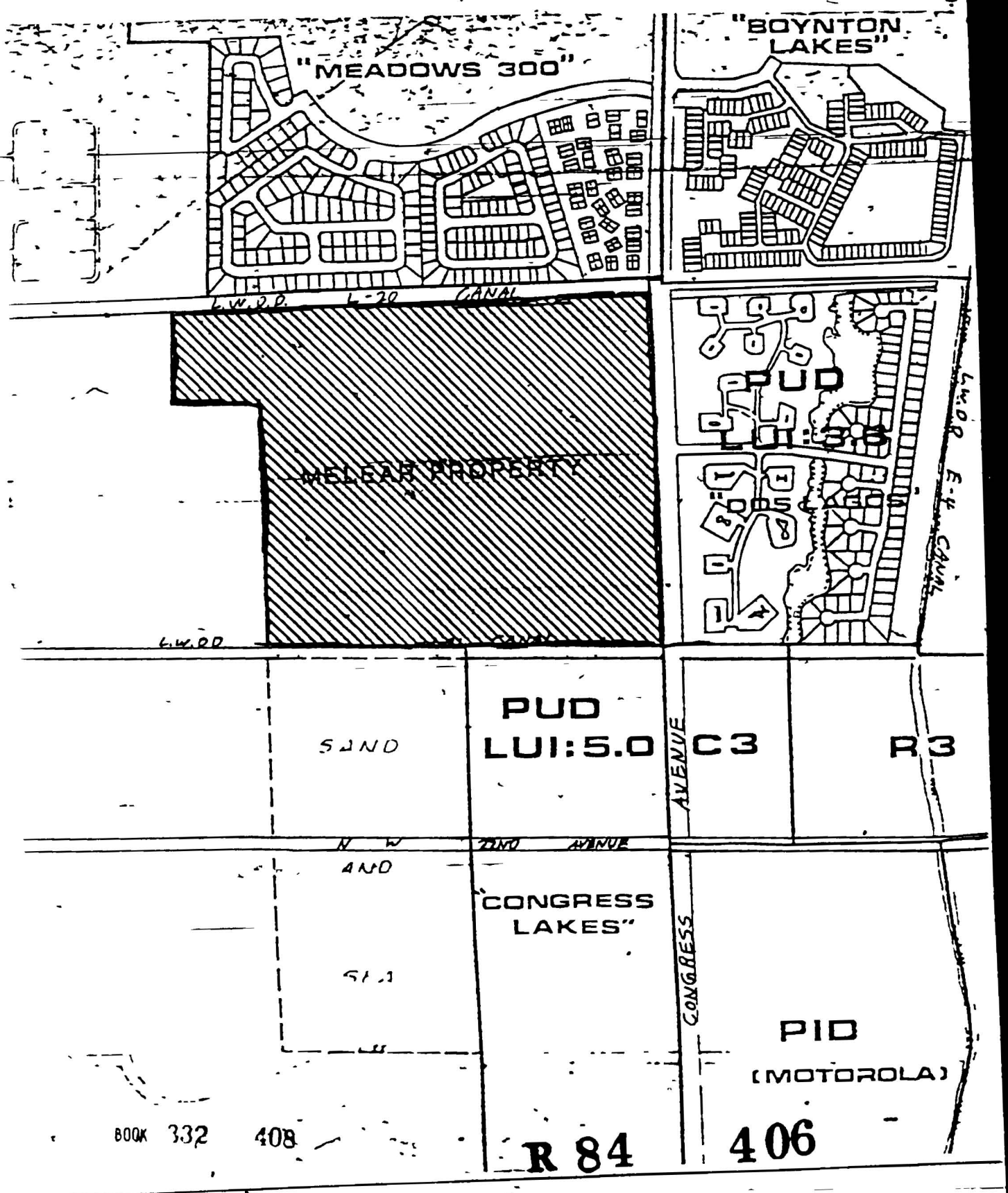
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LOCATION MAP

MELEAR PROPERTY



7B-2

Inter-Office Communication

PALM BEACH COUNTY

TO Stan Redick **DATE** February 16, 1984
Planning Director
FROM Richard Morley **FILE**
Principal Planner
RE Annexation/Rezoning/Waiver Request - Boynton Beach
Resolution #83-0000 (Melear Annexation)

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 Boynton Beach has recently annexed 155.15 acres of land located west of Congress Avenue, south of the LWDD L-20 Canal. The request is now for the purpose of rezoning the land from the County zoning Classification AR (Agricultural Residential) to the City of Boynton Beach's Zoning Classification of Planned Unit Development with a land use intensity of 4.0 and from County land use of Medium-Medium High Density to City Land Use Classification of Moderate Density Residential. The zoning density is 6.5 units per acre overall for a total count of 1005 units. The annexation also includes Old Boynton Road, east of Knuth Road. Due to the project's "significant impact" on County systems, a roadway improvement agreement has been executed between the developer and the City of Boynton Beach (see attached agreement) which has been deemed acceptable to the County's Engineering Department.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned AR (Agricultural Residential) by the County.
- b) The City proposes to rezone the property to Planned Unit Development with a land use intensity of 4.0 (6.5 units per acre).
- c) There is a significant difference between the County's AR Zoning District allowing for one (1) unit per five (5) acres and the City's PUD Zoning District which will allow 6.5 units per acre.
- d) The County Land Use Plan identifies the subject site as having a Medium-Medium High land use designation allowing for eight (8) units per acre in a standard subdivision and twelve (12) units per acre in a PUD.
- e) The City's proposed rezoning to PUD at 6.5 units per acre is considerably below the County's Medium to Medium High Land Use Designation range of 12 units per acre in a PUD.

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SIGNED _____

Stan Redick
February 16, 1984
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Waiver Determination

Section IV, Amendment to Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan states that the Board of County Commissioners may find the proposed waiver compatible with the Plan if "the municipality agrees that performance standards equal to those adopted as part of the County's Comprehensive Plan or other adopted ordinances will be fully met simultaneously with development of the annexed area in terms of the impact on County systems." In this case, the developer has executed a roadway improvement agreement with the City of Boynton Beach which will meet the County's Traffic Performance Standards as reviewed by the County's Engineering Department.

Recommendation

Since a roadway improvement agreement to offset traffic impact on County Systems has been executed between the City of Boynton Beach and the developer which, in turn, will satisfy the County's Traffic Performance Standards, it is recommended that the County grant the City of Boynton the waiver request under Chapter 171.062 F S

Richard F. Miley

RM:cjs
Attachment

RM

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