

RESOLUTION NO R-84-1365-B

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 60-84

WHEREAS, by its Resolution No 60-84, the City of Delray 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 CG-General Commercial and is subject to County Land Use Controls, and

WHEREAS, the City proposes to rezone the entire parcel to LI-Light Industrial District, and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having Industrial Potential along the Seaboard Coastline Railroad south of Germantown Road (Area 20, Policy No 2), and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has determined that the proposed rezoning is consistent with the Comprehensive Land Use Plan designation of Industrial Potential for the subject site, and will not have a significant impact upon County systems, as outlined in the August 28, 1984 memorandum of the Planning Division, attached hereto and made a part hereof, 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 impact upon County Systems, or such effect is mitigated by compliance with the Performance Standards, and BOOK 361 248

WHEREAS, Florida Statutes, §171 062, requires that when a City desires to rezone property which was previously subject to County Land Use Controls, 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 60-84, attached hereto and made a part hereof, is hereby approved

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

| | |
|------------------|-----|
| KEN 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 18th day of September, 1984

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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


COUNTY ATTORNEY

JOHN B DUNKLE, Clerk

By Rudy Madden
DEPUTY CLERK

FILED THIS 18th DAY OF September 1984
AND RECORDED IN RESOLUTION
MINUTE BOOK NO 361 AT
PAGE 248-256 FILED
JOHN B DUNKLE, CLERK
BY Rudy Madden DC

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INTER-OFFICE COMMUNICATIONS
Palm Beach County

7B-3

TO Stan Redick DATE August 28 1984
Planning Director

FROM Richard Morley
Principal Planner

RE Annexation/Rezoning and Waiver Request, City of Delray
Beach, Resolution 60-84 (McNamara Enterprises)

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 Delray Beach has recently annexed a 2.268 acre parcel of land located south of Linton Boulevard between Congress Avenue and I-95. The request is now for the purpose of rezoning the parcel from the County Zoning Classification CG (General Commercial) to the City's Zoning Classification of LI (Light Industrial) District. The proposed zoning to LI is consistent with the City's Comprehensive Land Use Plan.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned CG (General Commercial) by the County.
- b) The City proposes to rezone the property to LI (Light Industrial) District.
- c) There is a significant difference between the County's CG uses and the City's proposal to allow industrial uses on the property.
- d) The County's Comprehensive Plan identifies the subject site as having Industrial Potential along the Seaboard Coastline Railroad south of Germantown Road (Area 20, Policy #2).
- e) The City's proposed rezoning to LI (Light Industrial) is consistent with the County's Land Use designation of Industrial Potential for the subject site.

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Recommendation

Since the City's proposed rezoning to LI (Light Industrial) is consistent with the County's Land Use Plan and there is no 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 cb

ok

Signed Richard F. Mackey

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CITY OF DELRAY BEACH

CERTIFICATION

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. 60-84 which was passed by City Council on the 14th day of August, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 20th day of August, 1984

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Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

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RECEIVED
AUG 22 1984
PLANNING DIVISION