

RESOLUTION NO R-84-408

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 12-84.

WHEREAS, by its Resolution No 12-84 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 AR-Agricultural Residential and is subject to County Land Use Controls, and

WHEREAS, the City proposes to Rezone the property to SAD Special Activities District to allow a 56,208 square foot office complex, 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 inconsistent with the Comprehensive Land Use Plan designation of Medium to Medium High Residential for the subject area. There is significant difference between the County's AR Zoning District and the City's proposed SAD Zoning District. The County's AR Zoning District allows one residential unit per five acres of land while the City's SAD Zoning District provides commercial office use. The County's Land Use Plan does not designate "Commercial Potential" for the subject property. However, the existence of a grandfathered CG-General Commercial site directly west of the subject parcel would make the proposed rezoning harmonious with the neighboring parcel.

WHEREAS, the Planning, Zoning, and Building Department has determined that there will not be a significant impact upon County Systems and will not trigger the County's Performance Standards, as set forth in the March 5, 1984 memorandum of the Planning Director, 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 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 Delray Beach will have no significant impact upon County Systems
- 3 The request of the City of Delray Beach, in its Resolution No 12-84, 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 G SPILLIAS | - ABSENT |
| DOROTHY H WILKEN | - AYE |
| PEGGY B EVATT | - ABSENT |
| DENNIS P KOEHLER | - AYE |
| BILL BAILEY | - AYE |

FILED THIS MAR 27 1984 DAY OF
 AND RECORDED IN FC 19
 MINUTE E. 332 AT
 PAGE 422-429 REIFIED
 JOHN B DC CLERK
 By Elizabeth Redmond

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

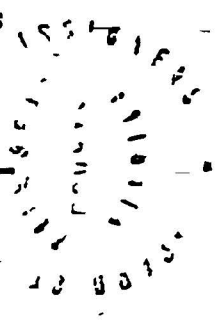
BOOK 22 423

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PALM BEACH COUNTY, FLORIDA BY ITS
BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, Clerk

By Phyllis A. Howe
Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By John Baker
County Attorney

FILED THIS _____ DAY OF _____

AND RECORDED _____ 19 _____

MINUTE BOOK _____ AT _____

PAGE _____ RECORD VERIFIED
JOHN B. DUNKLE, CLERK

BY _____ D.C.

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C E R T I F I C A T I O N

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. 12-84 which was passed by City Council on the 14th day of February, 1984.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 17th day of February, 1984.

Elizabeth Arnau
Elizabeth Arnau
City Clerk
City of Delray Beach

SEAL

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BOOK 332 425

Inter-Office Communication

PALM BEACH COUNTY

7B-4

TO Stan Redick DATE March 5, 1984
Planning Director
FROM Richard Morley FILE
Principal Planner
RE Annexation/Rezoning/Waiver Request - City of Delray Beach
Resolution 12-84

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 City of Delray Beach has recently annexed a 4.67 acre parcel of land located north of Atlantic Avenue between High Point Boulevard and Hamlet Drive if extended north. The request is now for the purpose of rezoning the land from the County Zoning Classification AR (Agricultural Residential) to the City's Classification SAD (Special Activities District). The proposed use is for a 56,208 square foot office building. The site is almost entirely surrounded by the City of Delray Beach.

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 SAD (Special Activities District) for a 56,208 square foot office complex
- c) There is a significant difference between the County's AR Zoning District and the City's proposed SAD Zoning District. The County's AR Zoning District allows one residential unit per five acres while the City's SAD District provides for a commercial office use
- d) The County's Plan does not designate "commercial potential" for the subject property. However, it is recognized that there is an existing grandfathered CG - General Commercial site directly to the west of the "Commons" property. The County's proposed Land Use Designation is for Medium to Medium High Residential allowing for a density range of 8 units per acre in a Standard Subdivision and 12 units per acre in a PUD

Waiver Determination

The City's proposed rezoning to SAD (Special Activities District) for offices is not consistent with the County's Land Use Designation of Medium to Medium High Residential. However, the Board of County Commissioners, under

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SIGNED _____

Stan Redick
March 5, 1984
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the amendment to the Intergovernmental Coordination Element of the Palm Beach County Comprehensive Plan, may find 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 adopted 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 (4.67 acres), the impact from the commercial development will not trigger the County's Performance Standards. In addition, the property is adjacent to commercial on the west side of the site and nearly surrounded by the jurisdictional boundaries of the City of Delray Beach.

Recommendation

Since there is not a 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

Richard F. Malby

RM.cjs

ok
SA

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RESOLUTION NO. 12-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171 062, TO REZONE LAND ANNEXED TO THE CITY OF DELRAY BEACH FROM THE COUNTY ZONING CLASSIFICATION AR (AGRICULTURAL RESIDENTIAL) DISTRICT TO THE CITY'S ZONING CLASSIFICATION SAD (SPECIAL ACTIVITIES DISTRICT).

WHEREAS, the City of Delray Beach received a request for annexation from Marvin L. Sanders, agent for Atlantic Palm Properties, LTD., the fee-simple owner of the following described property:

The West one-half (W 1/2) of the Southwest one-quarter (SW 1/4) of the Northwest one-quarter (NW 1/4) of the Southwest one-quarter (SW 1/4), lying North of State Road 806, of Section 18, Township 46 South, Range 43 East, Palm Beach County, Florida.

The subject property is located north of Atlantic Avenue between High Point Boulevard and Hamlet Drive, if extended north.

The above-described parcel contains a 4.67 acre parcel of land, more or less,

and,

WHEREAS, the City Council has considered this annexation request, approved annexation of the subject parcel and did so by adoption of Ordinance No. 11-84, and,

WHEREAS, in order for this parcel to be zoned to the City zoning classification of SAD (Special Activities District) subsequent to its annexation, it is necessary under Chapter 171 062 of the Florida Statutes for the City to request permission from the Board of County Commissioners of Palm Beach County, Florida, for the change in zoning of this parcel which is currently zoned AR (Agricultural Residential); and,

WHEREAS, the proposed zoning for the subject property is consistent with the City's Comprehensive Land Use Plan; and,

WHEREAS, the City Council has determined that the subject property is compatible with Palm Beach County's Comprehensive Plan, and the proposed uses and designation are compatible with existing patterns in the immediate vicinity of the annexed property,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the City Council hereby requests a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone the property described above from AR (Agricultural Residential) to SAD (Special Activities District) which would not result in an increase in the density for such land.

Section 2. That a certified copy of this resolution is being sent to each member of the Board of County Commissioners, the County Administrator and the Director of Planning, Zoning and Building.

PASSED AND ADOPTED in regular session on this the 14th day of February, 1984.

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MAYOR

ATTEST


City Clerk

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RM-70

HIGH POINT OF DELRAY SEC. II



R-1AA

HIGH POINT OF DELRAY CONDO SEC I

RM-6

GC

Site



AVENUE

ATLANTIC

TRACT THE ESTATES II

BK 39

PGS 97-99B

DBCC

THE COMMONS

1" = 500'

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Rev A-84