

RESOLUTION NO. R-84-409

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. 13-84.

WHEREAS, by its Resolution No. 13-84, 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 150,000 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 consistent with the intent of the Comprehensive Land Use Plan identifying Commercial Potential 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, as outlined in the March 1, 1984 memorandum of the Planning Director, attached hereto and made a part hereof, and

WHEREAS, the County Land Use Plan previously identified "Commercial Potential" for the "area of Germantown Road and Congress Avenue" (area 20, policy #2). The City of Delray Beach requested deletion of this Commercial Policy in a letter to the Planning Director, dated April 15, 1983. The deletion was requested because all the land which borders the intersection of Congress Avenue and Germantown Road lies within City Limits, therefore, the County has no land use jurisdiction for that intersection. The Commercial Policy deletion was subsequently

granted per the City's request, 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 13-84, 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 B 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

FILED THIS MAR 27 1984 DAY OF

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

MINUTE BOOK 332 AT JOHN B. DUNKLE, Clerk

PAGE 430-439 RIFIED By Elizabeth A. Richards DC Deputy Clerk

APPROVED AS TO FORM AND

BOOK 332 431

Inter-Office Communication

PALM BEACH COUNTY

7B-5

TO Stan Redick
Planning Director
FROM Richard Morley
Principal Planner
RE Annexation/Rezoning/Waiver Request - City of Delray Beach
Resolution 13-84

DATE March 1, 1984
FILE

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 12.24 acre parcel of land located south of Germantown Road, between Congress Avenue and S W 22nd Avenue (see location map). 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 150,000 square foot office building. The site is almost entirely surrounded by the City of Delray Beach. Adjacent areas to the south and east of the subject site are developed as office parks for IBM Corporation.

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 150,000 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 Land Use Plan previously identified "commercial potential" for the "area of Germantown Road and Congress Avenue" (area 20, policy #2 - Comprehensive Plan). The subject site under this commercial policy would have "commercial potential". However, the City requested deletion of this commercial policy in their letter of April 15, 1983 to Mr. Redick, Planning Director. The requested deletion was based upon the fact that all of the land which borders the intersection of Congress and Germantown Road lies within City limits; therefore the County has no Land Use jurisdiction for that intersection. Hence, the County deleted commercial potential for this intersection which, in effect, eliminates the "commercial potential" for the subject annexed site.

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SIGNED _____

BOOK, 332 432

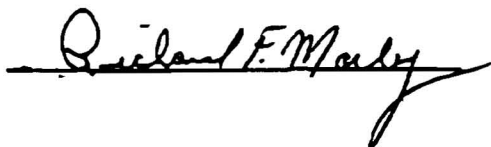
Stan Redick
March 1, 1984
Page 2

- e) As stated above, in the strict sense, the subject site does not have commercial potential making the City's proposed rezoning request not consistent with the County's Comprehensive Plan. However, for all practical purposes the requested commercial use is consistent with the County's Plan in view of the fact that "commercial potential" was the County's intended potential land use but was removed at the City's request as explained in Item d) above.

Recommendation

The City's requested commercial rezoning meets the County's intent of identifying ~~commercial potential for the subject site and therefore~~ can be declared consistent with the County's Comprehensive Plan. Roadway improvements have been imposed on the developer by the City to offset traffic impacts (copy of conditions enclosed) causing no significant impact on County Systems. In addition the subject parcel is almost entirely surrounded by existing commercial within municipal boundaries. For the above reasons it is recommended that the County grant the City of Delray Beach the waiver request under Chapter 171 062 F S.

RM-cjs
Encl



R-84 409

BOOK 332 433

DELRAY BEACH
ORD G-368
SEPT 12 1960

CG
3250

DELRAY BEACH
ORD G-368
SEPT 12 1960

Site

W B P. LATERAL NO 30

DELRAY BCN
ANNEX 57-70 1970091

CS/SE

P-79-262
R-79-1763
9791218

R.W. S R NO 9

DELRAY BEACH

AR

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RESOLUTION NO. 13-84

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) TO THE CITY'S CLASSIFICATION SAD (SPECIAL ACTIVITIES DISTRICT).

WHEREAS, the City of Delray Beach received a request for annexation from Leo A. Blair and Joan M. Blair, his wife, the ree-simple owners of the following described property:

PARCEL 1

That part of the East 100 feet of the West 400 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 30, Township 46 South, Range 43 East, Palm Beach County, Florida, lying South of Germantown Road.

PARCEL 2

The West 100 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter, lying South of Germantown Road; together with:

The East 115 feet of the East 330 feet of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter, lying South of Germantown Road; and.

The North 40 feet of the East 165 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter; and:

The North 40 feet of the West 60 feet of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter;

All lying and being in Section 30, Township 46 South, Range 43 East, Palm Beach County, Florida.

PARCEL 3

The East 100 feet of the West 300 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 30, Township 46 South, Range 43 East, lying South of Germantown Road, Palm Beach County, Florida.

PARCEL 4

That part of the East 100 feet of the west 200 feet of Lot 11 of MODEL LAND COMPANY'S SUBDIVISION of the Northeast Quarter of Section 30, Township 46 South, Range 43 East, lying South of Germantown Road in Palm Beach County, all according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida and recorded in Plat Book 6, Page 52.

PARCEL 5

That part of the East Half of the West Half of the Southwest Quarter of the Northeast Quarter of Section 30, Township 46 South, Range 43 East lying South of Germantown Road and lying East of the plat of THE ENVIRONMENT 1, according to the plat thereof recorded in Plat Book 43 at Page 141 of the public records of Palm Beach County, Florida, and that part of the East half of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 30, Township 46 South, Range 43 East lying outside former Lake Worth Drainage District Boundary and lying East of the said plat of THE ENVIRONMENT I less

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The North 40 feet of the East 165 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter; and:

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The East 115 feet of the East 330 feet of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter lying South of Germantown Road; and:

The East 165 feet of the East 330 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter, and.

The East 165 feet of the East 330 feet of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter lying outside of the Lake Worth Drainage District as originally established;

All lying and being in Section 30, Township 46 South, Range 43 East, Palm Beach County, Florida.

The subject property is located south of Germantown Road, ~~between Congress Avenue and S.W. 22nd Avenue.~~

The above-described parcel contains a 12.24 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. 90-83, 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 currently existing Land Use Plan designation, 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 designations 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:

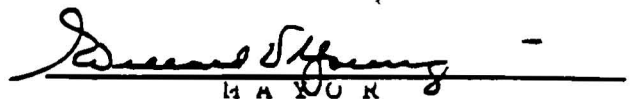
Section 1. That the City Council hereby requests a waiver from the Board of County Commissioners of Palm Beach County to immediately rezone the property described above from AR (Agricultural Residential) to SAD (Special Activities District) which would result in no increase in the density for such land.

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.

ATTEST BOOK 332 436


City Clerk


MAYOR

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ORDINANCE NO. 90-83

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING TO THE CITY OF DELRAY BEACH A PARCEL OF LAND LOCATED IN SECTION 30, TOWNSHIP 46 SOUTH, RANGE 43 EAST, WHICH LAND IS CONTIGUOUS TO EXISTING MUNICIPAL LIMITS OF SAID CITY; REDEFINING THE BOUNDARIES OF SAID CITY TO INCLUDE SAID LAND; PROVIDING FOR THE RIGHTS AND OBLIGATIONS OF SAID LAND; PROVIDING FOR THE ZONING THEREOF.

WHEREAS, Leo A. Blair and Joan M. Blair, his wife, are the fee-simple owners of the property hereinafter described; and,

WHEREAS, Leo A. Blair and Joan M. Blair, his wife, have requested by their petition to have the property annexed into the municipal limits of the City of Delray Beach; and,

WHEREAS, the designation of a zoning classification is part of the annexation proceeding, the City Council has determined that the procedures set forth in Section 30-23 of the Zoning Code, which applies to property already in the City limits, shall not be applicable in annexation proceedings; and,

WHEREAS, the City of Delray Beach has heretofore been authorized to annex lands in accordance with Section 171.044 of the Florida Statutes,

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

Section 1. That the City Council of the City of Delray Beach, Palm Beach County, Florida, hereby annexes to said City the following described land located in Palm Beach County, Florida, which lies contiguous to said City to-wit:

PARCEL 1

That part of the East 100 feet of the West 400 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 30, Township 46 South, Range 43 East, Palm Beach County, Florida, lying South of Germantown Road.

PARCEL 2

The West 100 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter, lying South of Germantown Road; together with:

The East 115 feet of the East 330 feet of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter, lying South of Germantown Road; and:

The North 40 feet of the East 165 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter; and:

The North 40 feet of the West 60 feet of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter,

All lying and being in Section 30, Township 46 South, Range 43 East, Palm Beach County, Florida.

PARCEL 3

The East 100 feet of the West 300 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 30, Township 46 South, Range 43 East, lying South of Germantown Road, Palm Beach County, Florida.

PARCEL 4

That part of the East 100 feet of the West 200 feet of Lot 11 of MODEL LAND COMPANY'S SUBDIVISION of the Northeast Quarter of Section 30, Township 46 South, Range 43 East, lying South of Germantown Road in Palm Beach County, all according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida and recorded in Plat Book 6, Page 52.

PARCEL 5

That part of the East Half of the West Half of the Southwest Quarter of the Northeast Quarter of Section 30, Township 46 South, Range 43 East lying South of Germantown Road and lying East of the plat of THE ENVIRONMENT 1, according to the plat thereof recorded in Plat Book 43 at Page 141 of the public records of Palm Beach County, Florida; and that part of the East Half of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 30, Township 46 South, Range 43 East lying outside former Lake Worth Drainage District Boundary and lying East of the said plat of THE ENVIRONMENT 1. Less and not including the following:

The East 115 feet of the East 330 feet of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter lying South of Germantown Road; and.

The East 165 feet of the East 330 feet of the Southwest Quarter of the Southwest Quarter of the Northeast Quarter; and;

The East 165 feet of the East 330 feet of the Northwest Quarter of the Northwest Quarter of the Southeast Quarter lying outside of the Lake Worth Drainage District as originally established;

All lying and being in Section 30, Township 46 South, Range 43 East, Palm Beach County, Florida.

The subject property is located south of Germantown Road, between Congress Avenue and S.W. 22nd Avenue.

The above-described parcel contains a 12.24 acre parcel of land, more or less.

Section 2. That the Boundaries of the City of Delray Beach, Florida, are hereby redefined to include therein the above-described tract of land and said land is hereby declared to be within the corporate limits of the City of Delray Beach, Florida.

Section 3. That Section 30-23 of the Zoning Code shall not apply to the establishment of a zoning classification in this ordinance.

Section 4. That the tract of land hereinabove described is hereby declared to be in Zoning District SAD (Special Activities) as defined by existing ordinances of the City of Delray Beach, Florida.

Section 5. That the land hereinabove described shall immediately become subject to all of the franchises, privileges, immunities, debts, obligations, liabilities, ordinances and laws to which lands in the City of Delray Beach are now or may be subjected and persons residing thereon shall be deemed citizens of the City of Delray Beach.

Section 6. That this annexation of the subject property, including adjacent roads, alleys, or the like, if any, shall not be deemed acceptance by the City of any maintenance responsibility for such roads, alleys, or the like, unless otherwise specifically initiated by the City pursuant to current requirements and conditions.

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Ord. NO. 90-63
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Section 7. That if any word, phrase, clause, sentence or part of this ordinance shall be declared illegal by a Court of competent jurisdiction, such record of illegality shall in no way affect the remaining portion.

PASSED AND ADOPTED in regular session on second and final reading on this the 24th day of January, 1984.

David Young
MAYOR

ATTEST:

Elizabeth Arman
City Clerk

First Reading December 21, 1983

Second Reading January 24, 1984

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