

ORDINANCE NO. 20-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED SPECIAL ACTIVITIES DISTRICT (SAD) TO GENERAL COMMERCIAL (GC), FOR A PARCEL OF LAND AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF SOUTH MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING “CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017”; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

WHEREAS, O’Reilly Automotive Store, Inc. is the fee simple owner of a parcel of land (the “Property”) that measures approximately 0.99± acres and is located on the southwest corner of South Military Trail and Conklin Drive; and

WHEREAS, the owner of the subject property has requested a rezoning of the property from Special Activities District (SAD) to Special Activities District (SAD), amending the regulations for the property; and

WHEREAS, the City has determined that General Commercial (GC) zoning is a more appropriate zoning designation for the Property and in the best interest of the City, and the Owner has agreed to rezone the property as such; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on June 15, 2020 and voted 4 to 2 to recommend that property hereinafter described be rezoned to General Commercial (GC), finding that the request and approval thereof is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interest of the City; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

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

Section 1. The recitations set forth above are incorporated herein.

Section 2. The Zoning District Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a zoning classification of General Commercial (GC) for the property described in Exhibit A – “Legal Description” and shown on the map in Exhibit B – “Proposed Zoning Map”:

Section 3. The Zoning District Map of the City of Delray Beach, Florida, shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof.

Section 4. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 6. This Ordinance shall become effective concurrent with the effective date of Ordinance 19-20, amending the Comprehensive Plan, and upon approval at second reading. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this ____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____

EXHIBIT A - LEGAL DESCRIPTION
14145 S. MILITARY TRAIL
PCN 12-42-46-14-03-002-0010

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN SECTION 14 TOWNSHIP 46 SOUTH, RANGE 42 EAST, CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT WITH "PALM BEACH COUNTY" BRASS DISK FOUND AT THE NORTHEAST CORNER OF SAID SECTION 14, THENCE ALONG THE EAST LINE OF SAID SECTION 14 $S0^{\circ}28'58''E$, A DISTANCE OF 859.77 FEET TO THE EXTENDED SOUTH RIGHT OF WAY LINE OF CONKLIN DRIVE (50' PUBLIC RIGHT OF WAY); THENCE ALONG SAID EXTENDED RIGHT OF WAY $S88^{\circ}24'12''W$, A DISTANCE OF 117.83 FEET TO A 5/8" REBAR & CAP FOUND (LS 6218) AT THE NORTHWEST CORNER OF A MITER JOINING SAID SOUTH RIGHT OF WAY OF CONKLIN DRIVE AND THE WEST RIGHT OF WAY OF SOUTH MILITARY TRAIL (A.K.A. COUNTY ROAD 809, 120' PUBLIC RIGHT OF WAY), SAID POINT BEING THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND; THENCE ALONG SAID MITER $S44^{\circ}11'52''E$, A DISTANCE OF 36.65 FEET TO A NAIL & DISK FOUND (LS 6218) ON SAID WEST RIGHT OF WAY OF SOUTH MILITARY TRAIL; THENCE ALONG SAID RIGHT OF WAY OF SOUTH MILITARY TRAIL, ALONG THE ARC OF A CURVE TO THE LEFT 88.08 FEET, SAID CURVE HAVING A RADIUS OF 10,525.40 FEET AND SUBTENDED BY A CHORD BEARING $S02^{\circ}55'33''W$, A DISTANCE OF 88.08 FEET TO A 5/8" REBAR & CAP FOUND (LS 6218); THENCE LEAVING SAID RIGHT OF WAY OF SOUTH MILITARY TRAIL $S88^{\circ}22'27''W$, A DISTANCE OF 375.21 FEET TO A 1/2" REBAR & CAP SET (LB 6552) ON THE NORTH LINE OF NORTH LA SEDONA CIRCLE (43' PRIVATE ROAD); THENCE $N00^{\circ}19'30''W$, A DISTANCE OF 115.00 FEET TO A 1/2" REBAR FOUND ALONG THE AFORESAID SOUTH RIGHT OF WAY OF CONKLIN DRIVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF CONKLIN DRIVE $N88^{\circ}24'12''E$, A DISTANCE OF 354.80 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 43,108 SQUARE FEET, OR 0.990 ACRES, MORE OR LESS

**EXHIBIT B – LOCATION MAP
14145 S. MILITARY TRAIL
PCN 12-42-46-14-03-002-0010**