

ORDINANCE NO. 23-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING PORTIONS OF LAND PRESENTLY ZONED PALM BEACH COUNTY GENERAL COMMERCIAL (GC), TO CITY OF DELRAY BEACH GENERAL COMMERCIAL (GC); FOR A PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTH MILITARY TRAIL, IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, AND WHICH MEASURES APPROXIMATELY 3.57± 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.

WHEREAS, the property hereinafter described is presently zoned Palm Beach County General Commercial (GC) District; and

WHEREAS, 7-Eleven, Inc. is the fee simple owner of the subject property lying on the west side of Military Trail, immediately south of Via Delray Boulevard; and

WHEREAS, the owner of the subject property has requested that the subject property be annexed into the City of Delray Beach, which the City of Delray Beach approved on October 1, 2019; and

WHEREAS, the owner of the subject property has simultaneously requested the property be provided a comprehensive plan designation of GC in the City of Delray Beach Comprehensive Plan, which the City of Delray Beach approved on October 1, 2019; and

WHEREAS, the owner of the subject property has simultaneously requested re-designating the City of Delray Beach Zoning map of said land from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC); and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on July 15, 2019, and voted 5-0 to recommend that the property hereinafter described be rezoned to City of Delray Beach General Commercial (GC), finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; 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 following described property:

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 11, THENCE WITH A BEARING OF SOUTH 89°20'58" WEST, ALONG THE EAST-WEST QUARTER LINE OF SECTION 11, A DISTANCE OF 60.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R. 809) THENCE WITH A BEARING OF SOUTH 01°19'42" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL RIGHT-OF-WAY A DISTANCE OF 286.15 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY, AS RECORDED IN O.R. BOOK 2226. PAGE 1210 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE AFOREMENTIONED WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL A DISTANCE OF 384.84 FEET; THENCE WITH A BEARING OF SOUTH 89°17'12" WEST, A DISTANCE OF 384.73 FEET; THENCE WITH A BEARING OF NORTH 0°39'02" WEST, A DISTANCE OF 410.40 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY; THENCE WITH A BEARING OF NORTH 89°20'58" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF VIA DELRAY, A DISTANCE OF 361.89 FEET TO A POINT; THENCE WITH A BEARING OF SOUTH 45°29'22" EAST, A DISTANCE OF 35.46 FEET MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE LAND CONVEYED TO PALM BEACH COUNTY DESCRIBED IN THAT CERTAIN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 5893, PAGE 1036 AND IN THAT CERTAIN STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 6633, PAGE 172, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 3.57 ACRES, MORE OR LESS.

Section 3. The City of Delray Beach Zoning Map 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 No. 22-19, 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 _____, 2019.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

First Reading _____

Second Reading _____