

ORDINANCE NO. 19-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR A PARCEL OF LAND, AND RE-DESIGNATING SAID LAND FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; SAID LAND LOCATED AT 14145 SOUTH MILITARY TRAIL AT THE SOUTHWEST CORNER OF MILITARY TRAIL AND CONKLIN DRIVE, WHICH MEASURES APPROXIMATELY 0.99± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act"; and

WHEREAS, in passing Ordinance No. 82-89, the City Commission adopted the "Comprehensive Plan - Delray Beach, Florida"; and

WHEREAS, O'Reilly Automotive Store, Inc. is the fee simple owner ("Owner") of one parcel of land (the "Property") at 14145 S. Military Trail, measuring approximately 0.99± acres and is located at the southwest corner of South Military Trail and Conklin Drive; and

WHEREAS, the subject property hereinafter described has an existing Land Use Map (LUM) designation of Transitional (TRN); 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 more appropriate for the Property and the Owner has agreed to rezone the property as such; and

WHEREAS, General Commercial (GC) zoning is not a preferred or compatible implementing zoning district in the Transitional (TRN) land use designation, the City has determined that General Commercial (GC) is the most appropriate land use and subsequently initiated a Land Use Map Amendment, and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on February 24, 2020, and voted ~~x to x~~ to recommend that the Land Use Map designation be changed for the property hereinafter described, 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, the City Commission of the City of Delray Beach finds that Ordinance 19-20 is consistent with the Comprehensive Plan, meets the criteria set forth in the Land Development Regulations, and is in the best interests of the City; and

WHEREAS, it is appropriate that General Commercial (GC) is hereby deemed the Land Use Map designation on the Land Use Map of the City of Delray Beach, Florida.

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 City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the "Community Planning Act."

Section 3. The Land Use Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a Future Land Use Map designation of General Commercial (GC) for the property described in Exhibit A – "Legal Description" and shown on the map in Exhibit B – "Location Map":

Section 4. The Land Use 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 3 hereof.

Section 5. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 6. 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 7. This ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

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°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°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°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°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°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°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°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

