

ORDINANCE NO. 2016-05

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR A ZONING CHANGE FOR EIGHT PARCELS OF LAND TOTALING APPROXIMATELY 7.27 ACRES, LOCATED AT THE SOUTHWEST AND NORTHWEST CORNERS OF LAKE WORTH ROAD AND SOUTH JOG ROAD, FROM A PALM BEACH COUNTY ZONING DESIGNATION OF GENERAL COMMERCIAL (PBC CG) TO A CITY OF GREENACRES ZONING DESIGNATION OF COMMERCIAL INTENSIVE (CI), AS REQUESTED BY THE PLANNING AND ENGINEERING DEPARTMENT; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of eight (8) parcels of land totaling approximately 7.27 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on January 20, 2016 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Land Development Staff Report and Recommendation, Exhibit "A", dated January 15, 2016, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on February 22, 2016 and has considered all comments received concerning the proposed amendment to the Official Zoning Map as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed zoning change ordinance is consistent with the City's Comprehensive Plan, said Plan being adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act and certified by the State of Florida Division of Community Development; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Land Development Staff Report and Recommendation", dated January 15, 2015, as revised (attached), the proposed amendment changing the zoning district of eight (8) parcels of land totaling approximately 7.27 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI), is in the best interest of the citizens of the City of Greenacres.

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

Section 1. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of eight (8) parcels of land totaling approximately 7.27 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI), is hereby granted for the properties located on the southwest and northwest corners of the intersection of Lake Worth Road and South Jog Road, legally described as follows:

Legal Descriptions

PCN's: 00-42-43-27-05-030-0021, 00-42-43-27-05-022-0771,

00-42-43-27-05-022-0781, 00-42-43-27-05-022-0783, 00-42-43-27-05-022-0785,

and 00-42-43-27-05-022-0786

Commencing at the North quarter corner of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 00° 58' 18" West (State Plane Grid Datum) along the quarter section line 600.66 feet to the centerline of the 50 foot reservation between Blocks 22 and 30, Palm Beach Farms Co. Plat No.3, as recorded in Plat Book 2, Pages 45 through 54, public records of Palm Beach County, Florida; thence South 88° 58' 18" West along said centerline, 40.02 feet to the westerly right-of-way line of Jog road and the point of beginning; thence South 88° 58' 18" West along said centerline 587.63 feet to the northerly extension of the East line of Tract 2, Block 30; thence South 00° 56' 15" East along said East line, 352.82 feet to the southeast corner of the North half of tract 2; thence South 88° 58' 18" West parallel with the North line of Block 30 and along the South line of the North half of Tract 2, a distance of 129.00 feet; thence North 00° 56' 15" West, 460.39 feet to a point lying on the southerly right-of-way line of Lake Worth Road being 60.00 feet from the centerline of said road; thence northeasterly along said right-of-way line being an arc of a curve concave to the northwest having a radius of 2924.93 feet, a central angle of 05° 58' 54", an arc distance of 305.36 feet to a point of tangency; thence north 65° 38' 11" East along said right-of-way line, 226.99 feet to a point of curvature; thence northeasterly along said right-of-way line being an arc of a curve concave to the southeast having a radius of 2804.93 feet, a central

angle of $00^{\circ} 55' 40''$, an arc distance of 45.43 feet to the West line of a one (1) acre parcel; thence South $01^{\circ} 01' 42''$ East perpendicular to the South line of Block 22 and along said west line, 206.25 feet to the south line of said one (1) acre parcel; thence north $88^{\circ} 58' 18''$ east along said south line and parallel with the south line of Block 22, a distance of 184.02 feet to the west right-of-way line of Jog Road being 40.00 feet West of and parallel with the North-South quarter section line of Section 27; thence South $00^{\circ} 58' 18''$ West along said right-of-way line, 115.07 feet to the point of beginning.

Less and except that portion conveyed in O.R. Book 17024, Page 320, Public Records of Palm Beach County Florida, more particularly described as follows:

All that lot, piece or parcel of land situate, lying and being in Section 27, Township 44 South, Range 42 East, the same being a portion of Tract 78 in Block 22 of "The Palm Beach Farms Company Plat No. 3", according to the plat thereof as recorded in Plat Book 2, at Page 45 of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the North 1/4 corner of said Section 27: thence South 00 degrees 58'18" West along the East line of the northwest 1/4 of said Section 27 and the centerline of Jog Road for 485.68 feet: thence departing said East line of the northwest 1/4 of said Section 27 and the centerline of Jog Road, South 88 degrees 58'18" West for 224.04 feet: Thence North 01 degrees 01'42" West for 193.07 feet to the point of beginning of the hereinafter described parcel of land: from said point of beginning, thence South 66 degrees 05'35" West for 256.03 feet: thence South 80 degrees 34'00" West for 41.03 feet to a point of non-tangent intersection with the

arc of a circular curve concave to the northwest, with said point of non-tangent intersection bearing South 23 degrees 48'21" East from the center of said curve, with said curve also being the southeasterly right of way line of Lake Worth Road (Florida State Road No. 802); from said point of non-tangent intersection, thence northeasterly along said southeasterly right of way line of Lake Worth Road (Florida State Road No. 802) and the arc of said curve, having a radius of 2924.93 feet and a central angle of 00 degrees 33'28" for 28.47 feet to the point of tangency: thence North 65 degrees 38'11" East along said southeasterly right of way line of Lake Worth Road (Florida State Road No. 802) for 226.99 feet to a point of curvature of a circular curve concave to the southeast: thence northeasterly along the southeasterly right of way line of Lake Worth Road (Florida State Road No. 802) and the arc of said curve, having a radius of 2804.93 feet and a central angle of 00 degrees 55'40" for 45.32 feet to a point of termination along the arc of said curve: from said point of termination, thence South 01 degrees 01'42" East for 13.18 feet to the point of beginning.

Together with:

Parcel 1(Fee Estate):

Commencing at the intersection of the South line of Tract 78, Block 22, Palm Beach Farms Co. Plat No.3, as recorded in Plat Book 2, Pages 45 through 54, Public Records of Palm Beach County, Florida and the westerly right-of-way line of Jog Road (as now laid out and in use); thence North 00°58'18" East along said westerly right of way line, 90.21 feet (90.05 feet as measured) to the point of beginning; thence continuing North 00°58'18" East, 22.0 feet; thence North 00°10'40" West

(North $00^{\circ}10'24''$ West as measured), continuing along said westerly line 149.71 feet to a point of curvature of a curve concave to the West, having a central angle of $19^{\circ}49'25''$, a radius of 168.00 feet whose radial line passing through said point bears North $89^{\circ}01'42''$ West, said point being in the southwesterly right-of-way for Lake Worth Road (S.R. 802) as recorded in Official Records Book 2584, Page 781, Public Records of Palm Beach County, Florida; thence northwesterly along the arc of said curve and along said right-of-way line, 58.13 feet to a point of compound curvature; thence northwesterly along the arc of a curve concave to the southwest having a central angle of $72^{\circ}18'35''$, a radius of 33.00 feet, whose radial line passing through said point bears South $71^{\circ}08'53''$ West, and along said right-of-way line, an arc distance of 41.65 feet to a point of compound curvature; thence westerly along the arc of a curve concave to the southeast, having a central angle of $20^{\circ}18'55''$, a radius of 168.00 feet whose radial line passing through said point bears South $1^{\circ}09'42''$ East and along said right-of-way line, a distance of 59.57 feet to a point of compound curvature; thence southwesterly along the arc of a curve concave to the southeast having a central angle of $1^{\circ}57'32''$, a radius of 2804.93 feet whose radial line passing through said point bears South $21^{\circ}28'37''$ East and along said right-of-way line, an arc distance of 95.90 feet to a point of tangency and the end of said curve; thence South $1^{\circ}01'42''$ East, 206.09 feet (206.25 feet as measured) to the intersection of a line parallel with and 90.00 feet northerly from the South line of Tract 78; thence North $88^{\circ}58'18''$ East, along said line 184.02 feet to the point of beginning.

Less and excepting those lands conveyed to Wellington Green, LLC, a Delaware Limited Liability Company, by warranty deed recorded in Official Records Book 16861, Page 970, of the Public Records of Palm Beach County, Florida, as more particularly described as follows:

All that lot, piece or parcel of land situate, lying and being in Section 27, Township 44 South, Range 42 East, the same being a portion of Tract 78 in Block 22, of the Palm Beach Farms Company Plat No. 3, according to the plat thereof, as recorded in Plat Book 2, at Page 45, of the Public Records of Palm Beach County, Florida and being more particularly described as follows:

Commence at the North 1/4 corner of Section 27; thence South 00°58'18" West along the East line of the northwest 1/4 of said Section 27 and the center line of Jog Road for 485.68 feet; thence departing said East line of the northwest 1/4 of said Section 27 and the center line of Jog Road, South 88°58'18" West for 224.04 feet; thence North 01°01'42" West for 193.07 feet to the point of beginning of the hereinafter described parcel of land; from said point of beginning, thence continue North 01°01'42" West for 13.18 feet to a point of non-tangent intersection with the arc of a circular curve concave to the southeast, with said point of non-tangent intersection bearing North 23°26'09" West from the center of said curve; from said point of non-tangent intersection, thence northeasterly along the southeasterly right-of-way line of Lake Worth Road (Florida State Road No. 802) and the arc of said curve, having a radius of 2804.93 feet and a central angle of 01°57'32" for 95.90 feet to a point of compound curvature concave to the southeast; thence northeasterly and easterly along said southeasterly right-of-way line of Lake Worth

Road (Florida State Road No. 802) and the arc of said curve, having a radius of 168.00 feet and a central angle of 20°18'55" for 59.57 feet to a point of compound curvature concave to the southwest; thence southeasterly along said southeasterly right-of-way line of Lake Worth Road (Florida State Road No. 802), the westerly right-of-way of Jog Road and the arc of said curve, having a radius of 33.00 feet and a central angle of 70°39'08" for 40.69 feet to a point of non-tangent intersection with a line bearing North 64°31'57" West with said point of non-tangent intersection bearing North 69°29'26" East from the center of said curve; from said point of non-tangent intersection and departing said westerly right-of-way line of Jog Road, thence North 64°31'57" West along the last described line for 41.55 feet; thence South 69°59'45" West for 59.47 feet; thence South 66°05'35" West for 92.61 feet to the point of beginning.

Parcel 2 (easement estate):

Non-exclusive easement rights to the parking areas, which shall also include entrances, exits, driveways, and walks, together with non-exclusive rights to use the right-of-ways that provides access to them, as more particularly set forth in that certain declaration of cross easement recorded in Official Records Book 3568, Page 542. A portion of these easement areas have been terminated, and relocated pursuant to the consent agreement recorded in Official Records Book 9200, Page 1376, both of the Public Records of Palm Beach County, Florida.

Parcel 3 (easement parcel):

Non-exclusive easement rights to the common areas for ingress to and egress from each parcel to public roadways and to other parcels, for the passage and

parking of vehicles within designated spaces; the passage and accommodation of pedestrians; for the use, operation, maintenance, repair, replacement, relocation, and removal of all utility facilities serving and within each parcel; and the right to use any and all stormwater drainage facilities and structures within the total property, as well as any surrounding property which is annexed to such stormwater facilities and structures, in order to secure the proper flow of surface water from each parcel, over, under, across and through the other portions of the total property, all as more particularly described in that certain reciprocal easement, restriction, and operating agreement, as recorded in Official Records Book 9200, Page 1389, of the Public Records of Palm Beach County, Florida.

PCN's: 00-42-43-27-05-022-0782

The portion of Tract 78, Block 22, Palm Beach Farms Co. Plat No. 3, recorded in Plat Book 2, Pages 45 to 54 of the Public Records of Palm Beach County, Florida lying North of the right-of-way line as shown on the Palm Beach County right of way map of S.R. 802 (Lake Worth Road) as shown on Road Plat Book 5, Page 129 and being more particularly described as follows:

Commencing at the Southwest corner of Section 22, Township 44 South, Range 42 East, thence North 88°31'02"51" West (bearing relative to said Palm Beach County right-of-way Map of S.R. 802), 40.00 feet thence North 02°31'51" East along the West right-of-way line of Jog Road, said line being 40.00 feet West of a parallel to the East line of the Southwest Quarter (SW ¼) of said Section 22, 3.65 feet to the point of cusp and the true Point of Beginning; thence Southwesterly along an arc of a curve concave to the Northwest, having a radius of 171.00 feet, a central angle of

16°01'53", 47.84 feet to a point of compound curvature; thence Southwesterly along an arc of a curve concave to the Northwest, having a radius of 81.00 feet, a central angle of 36°05'19", 51.02 feet to a point of compound curvature; thence Southwesterly along an arc of a curve concave to the Northwest, having a radius of 171.00 feet, a central angle of 15°47'59", 47.15 feet to a point of nontangency and also being on the North right-of-way line of Lake Worth Road (S.R. 802) as shown on Road Plat Book 5, Page 129; thence run along said North right-of-way line the following courses; South 67°28'56" West, a distance of 77.93 feet to a point on the arc of a curve concave Southeast, a radius of 2924.93 and a central angle of 02°53'14"; thence run along the arc of said curve, a distance of 147.40; thence South 66°02'19" West, a distance of 226.99 feet to a point of curvature of a curve concave Northwesterly, having a radius of 2804.93 feet and a central angle of 1°50'59"; thence run along the arc of said curve in a Southwesterly direction, a distance of 90.56 feet to an intersection with the East right of way line of a 30 foot platted road as recorded in Block 22, Palm Beach Farms Company Plat No. 3, Plat Book 2, Page 47, Palm Beach County Records, (said road is also known as Wry Road); thence run North 00°32'51" West along the East right-of-way line of said 30 foot platted road a distance of 394.58 feet; thence run North 89°33'06" East, a distance of 586.41 feet to the West right-of-way line of said Jog Road; thence run South 02°31'51" West along said West right-of-way line a distance of 76.48 feet to the Point of Beginning.

Less and Except the following described Tract "A"

That portion of Tract 78, Block 22, Palm Beach Farms Co. Plat No. 3, recorded in Plat Book 2, Pages 45 to 54 of the Public Records of Palm Beach County, Florida, lying North of the right-of-way line as shown on the Palm Beach County Right of Way Map of S.R. 802 (Lake Worth Road) as shown on Road Plat Book 5, Page 129 and being more particularly described as follows:

Commencing at the South Quarter Corner of Section 22, Township 44 South, Range 42 East, thence North $88^{\circ}02'51''$ West (bearings relative to said Palm Beach County Right of Way Map of S.R. 802), 40.00 feet; thence North $02^{\circ}31'51''$ East along the West right-of-way line of Jog Road, said line being 40.00 feet West of and parallel to the east line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 22, 3.65 feet to the point of cusp and the true Point of Beginning; thence southwesterly along an arc of a curve concave to the northwest, having a radius of 171.00 feet, a central angle of $16^{\circ}01'53''$, 47.84 feet to a point of compound curvature; thence southwesterly along an arc of a curve concave to the northwest, having a radius of 81.00 feet, a central angle of $36^{\circ}05'19''$, 51.02 to a point of compound curvature; thence southwesterly along an arc of a curve concave to the northwest, having a radius of 171.00 feet, a central angle of $15^{\circ}47'59''$, 47.15 feet to a point of nontangency and also being on the North right-of-way of Lake Worth Road (S.R. 802) as shown on Road Plat Book 5, Page 129; thence run along said North right-of-way line the following courses; South $67^{\circ}28'56''$ West, a distance of 77.93 feet to a point on the arc of a concave southeast, a radius of 2924.93 and a central angle of $02^{\circ}34'06''$; thence run along the arc of a curve, a distance of 131.11 feet; thence departing said North right-of-way of Lake Worth Road, run North $02^{\circ}31'51''$ East a

distance of 263.14 feet; thence North 89°33'06" East a distance of 265.36 feet to the West right-of-way line of said Jog Road; thence run South 02°31'51" West along said West right-of-way line a distance of 76.48 feet to the Point of Beginning.

PCN: 00-42-43-27-05-022-0612

That part of Tract 61, Block 22, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, at Page 47, of the Public Records of Palm Beach County, Florida, described as follows:

Beginning at the intersection of the South line of said Tract 61, and the existing West right-of-way line of Jog Road; thence westerly along the south line of Tract 61, a distance of 200.00 feet; thence Northerly, making an angle of 86 degrees 86 minutes 04 seconds, East to North, a distance of 226.0 feet; thence Easterly, making an angle of 93 degrees 03 minutes 56 seconds, South to East, a distance of 200.00 feet to a point in the Westerly right-of-way of Jog Road; thence Southerly along said right-of-way line a distance of 226.0 feet to the Point of Beginning.

CONTAINING A TOTAL OF 7.27 ACRES MORE OR LESS.

The above described parcels are subject to road right-of-ways, easements and reservations of record.

Section 2. Authorization to Make Changes.

That the Planning and Engineering Department is further directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes authorized by this Ordinance.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Effective Date.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 1st day of February, 2016.

PASSED AND ADOPTED on the second reading this 22nd day of February,
2016.

Voted

Samuel J. Ferreri
Mayor

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Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

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Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney