

ORDINANCE NO. 2016-23

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF FOUR PARCELS OF LAND TOTALING APPROXIMATELY 7.493 ACRES, LOCATED AT THE SOUTHWEST CORNER OF LAKE WORTH ROAD AND SOUTH MILITARY TRAIL AT 4558 AND 4562 LAKE WORTH ROAD AND 4065 AND 4101 SOUTH MILITARY TRAIL, FROM A PALM BEACH COUNTY DESIGNATION OF URBAN INFILL (PBC UI) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL (CM), AS REQUESTED BY THE PLANNING AND ENGINEERING DEPARTMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DIVISION OF COMMUNITY DEVELOPMENT; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, Chapter 163.3187 provides for small-scale future land use amendments for properties ten (10) acres or less; and

WHEREAS, the subject property meets the requirements of 163.3187; and

WHEREAS, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a Palm Beach County future land use designation of Urban Infill (UI) to a City of Greenacres future land use designation of Commercial (CM) for the subject property; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on August 3, 2016, and has recommended approval of petition CPA-16-04 to amend the Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-16-04 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment ordinance is consistent with the City's Comprehensive Plan and 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. Future Land Use Map Designation.

That the Future Land Use Map designation is hereby amended from a Palm Beach County future land use designation of Urban Infill (UI) to a City of Greenacres future land use designation of Commercial (CM) for the property legally described as follows:

Legal Description

PCN's: 00-42-44-25-00-000-3050 and 00-42-44-25-00-000-3021

That certain piece, parcel or tract of land, situate, lying and being in the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the North Quarter corner of said Section 25 and run South along the centerline of Military Trail 63.01 feet to a point; thence West parallel to the North line of said Section 25, 190.0 feet to the Point of Beginning; thence South parallel to the centerline of Military Trail, a distance of 174.99 feet to a point; thence East parallel to the North line of said Section 25, 150 feet to a point on the West right-of-way of said

Military Trail; thence South along said right-of-way, a distance of 15.0 feet to a point; thence West along a line parallel to the North line of said Section 25, a distance of 240.0 feet to a point; thence South parallel to said centerline of Military Trail, a distance of 213.66 feet more or less, to a point 200 feet North of the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the said Northwest Quarter (NW 1/4); thence East along a line parallel to the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the said Northwest Quarter (NW 1/4) of Section 25, a distance of 240.0 feet to a point on the said west right-of-way of Military Trail; thence South along said right-of-way, a distance of 20.0 feet to a point; thence West along a line parallel to the said South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, a distance of 200.0 feet to a point; thence South along a line parallel to said centerline of Military Trail, a distance of 180.0 feet, more or less to a point on the South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 25; thence West along said South line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest (NW 1/4) of Section 25, a distance of 426.71 feet to the Southwest corner of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25; thence North along the West line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, a distance of 605.65 feet to a point on a line 63.01 feet South of and parallel to the North line of said Section 25, also being the South

right-of-way line of Lake Worth Road; thence East along the right-of-way of Lake Worth Road, a distance 476.45 feet to the Point of Beginning.

Less that portion of the above described parcel lying North of the proposed South right-of-way line of Lake Worth Road (State Road 802) as shown on right-of-way map recorded in Road Plat Book 5, Pages 126 to 138, inclusive, Public Records of Palm Beach County, Florida

And also less a parcel of land in the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of said Section 25; thence running South, along the West line of said Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 25, a distance of 63.01 feet; thence running East, parallel to the North line of said Section 25, a distance of 21.0 feet to the Point of Beginning; thence continuing East, along the extension of the previous course, a distance of 68.01 feet; thence running South, parallel to the West Line of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter of Section 25, a distance of 99.93 feet; thence running West, perpendicular to the previous course, a distance of 68.0 feet; thence running North, perpendicular to the previous course, a distance of 101.10 feet to the Point of Beginning.

And less that portion conveyed to Palm Beach County in Official Record Book 5887 at Page 1971 more particularly described as follows:

A portion of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Parcel 249 A

Commence at the North one-quarter corner of said Section 25; thence South 01°31'00" West along the North-South one-quarter Section line, a distance of 237.34 feet; thence North 88°29'00" West as measured at right angles to said North-South one-quarter section line, a distance of 40.00 feet to a point on the existing westerly right-of-way line of Military Trail as recorded in Deed Book 889, Page 506, Public Records of Palm Beach County, Florida; said point also being the Point of Beginning; thence South 01°31'00" West, along said existing westerly right-of-way line of Military Trail, a distance of 15.00 feet; thence North 87°29'30" West departing said right-of-way line, a distance of 27.00 feet; thence North 01°31'00" East parallel with and 27.00 feet West of said existing westerly right-of-way line of Military Trail, a distance of 15.00 feet; thence South 87°29'30" East, a distance of 27.00 feet to the Point of Beginning.

Parcel 249 B

Commence at the North one-quarter corner of said Section 25; thence South 01°31'00" West along the North-South one-quarter section line, a distance of 469.16 feet; thence North 88°29'00" West as measured at right angles to said North-South one-quarter section line, a distance of 40.00 feet to point on the existing westerly right-of way line of Military Trail, as recorded in Deed Book 889, Page 506, Public Records of Palm Beach County, Florida, said point also being the Point of Beginning; thence south 01°31'00" West along said existing westerly right-of-way line of Military

Trail, a distance of 20.00 feet; thence North 87°23'49" West departing said existing westerly right-of-way line, a distance of 27.00 feet; thence North 01°31'00" East parallel with and 27.00 feet West of said existing westerly right-of-way line of Military Trail, a distance of 20.00 feet; thence South 87°23'49" East, a distance of 27.00 feet to the Point of Beginning.

PCN: 00-42-44-25-00-000-3070

The West 200 feet of the East 240 feet of the North 233.66 feet of the South 413.66 feet of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, less the East 27 feet thereof, Palm Beach County, Florida.

And the North 213.66 feet of the South 413.66 feet of the West 40 feet of the East 280 feet of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach, Florida.

Less the North 20 feet of the South 200 feet of the West 200 feet of the East 240 feet of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3040

The South 180 feet of West 200 feet of the East 240 feet of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, less the East 27 feet State Road 809 right-of-way.

CONTAINING A TOTAL OF 7.493 ACRES MORE OR LESS.

Section 2. Authorization to Make Changes.

That the Planning and Engineering Department is further authorized to make the necessary map change to the Comprehensive Plan to reflect the change 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. Transmittal to the DCD.

The Planning and Engineering Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the State Division of Community Development (DCD).

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

The effective date of this plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of Chapter 163.3187, F.S.

Passed on the first reading this 15th day of August, 2016.

PASSED AND ADOPTED on the second reading this ____ day of
_____, 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