

**ORDINANCE NO. 2016-24**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR A ZONING CHANGE FOR 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 ZONING DESIGNATION OF URBAN INFILL (PBC UI) 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 four (4) parcels of land totaling approximately 7.493 acres more or less, from a Palm Beach County zoning designation of Urban Infill (UI) to a City of Greenacres zoning designation of Commercial Intensive (CI); and

**WHEREAS**, the Planning Commission has held a duly advertised public hearing on August 3, 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 July 29, 2016, as revised; and

**WHEREAS**, the City Council of the City of Greenacres has conducted a duly advertised public hearing on September 8, 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 July 29, 2016, as revised (attached), the proposed amendment changing the zoning district of four (4) parcels of land totaling approximately 7.493 acres more or less, from a Palm Beach County zoning designation of Urban Infill (UI) 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 four (4) parcels of land totaling approximately 7.493 acres more or less, from a Palm Beach County zoning designation of Urban Infill (UI) to a City of Greenacres zoning designation of Commercial Intensive (CI), is hereby granted for the properties 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, 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 Quarter (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 Northeast 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  $01^{\circ}31'00''$  West along the North-South one-quarter Section line, a distance of 237.34 feet; thence North  $88^{\circ}29'00''$  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  $01^{\circ}31'00''$  West, along said existing westerly right-of-way line of Military Trail, a distance of 15.00 feet; thence North  $87^{\circ}29'30''$  West departing said right-of-way line, a distance of 27.00 feet; thence North  $01^{\circ}31'00''$  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 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 15th day of August, 2016.

PASSED AND ADOPTED on the second reading this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

Voted

\_\_\_\_\_  
Samuel J. Ferreri  
Mayor

\_\_\_\_\_  
Jonathan G. Pearce  
Deputy Mayor

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Attest:

\_\_\_\_\_  
Denise McGrew  
City Clerk

\_\_\_\_\_  
Lisa Rivera  
Councilwoman, District I

( )

\_\_\_\_\_  
Peter Noble  
Councilman, District II

( )

\_\_\_\_\_  
Judith Dugo  
Councilwoman, District III

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Paula Bousquet  
Councilwoman, District V

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Approved as to Form and Legal Sufficiency:

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James D. Stokes  
City Attorney