

## ORDINANCE NO. 2021-05

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 FOURTEEN PARCELS OF LAND TOTALING APPROXIMATELY 33.059 ACRES, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN SOUTH HAVERHILL ROAD AND NASH TRAIL IS APPROXIMATELY 1,400 FEET NORTH OF LANTANA ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF MEDIUM RESIDENTIAL 5 UNITS PER ACRE (PBC MR-5) AND LOW RESIDENTIAL 1 UNIT PER ACRE (PBC LR-1) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL-MEDIUM DENSITY (RS-MD) AND RESIDENTIAL HIGH DENSITY (RS-HD), AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNERS, ANN & FRED K MENOR, AARON & FRANCES LLC, AMERICAN GERMAN CLUB INC., ERNEST & LYNNE CHEETHAM, CLAUDIA CORNEL & COSTEL DUMITRESCU, MATTHEW GREENE, MELODY & NOE MALDONADO, SHIPLEY ENTERPRISE INC., PHILIPPE SZE, VIRGINIA WALTER AND KFIR BARANES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; 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**, WGI, Inc. is agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club INC., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise INC., Philippe Sze, Virginia Walter and Kfir Baranes, of the hereinafter described properties; 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 Medium Residential 5 (MR 5) AND Low Residential 1 (LR-1) to a City of Greenacres land use designation of Residential-Medium Density (RS-MD) and Residential High Density (RS-HD) for the subject properties; and

**WHEREAS**, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on December 1, 2021, and has recommended approval of petition CPA-20-04 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-20-04 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 Medium Residential 5 (MR 5) AND Low Residential 1 (LR-1) to a City of Greenacres land use designation of Residential-Medium Density (RS-MD) and Residential High Density (RS-HD) for the properties legally described as follows:

**Legal Description**

**PCNs: 00-42-44-35-00-000-5480, 00-42-44-35-00-000-5030, 00-42-44-35-00-000-5490,**  
**00-42-44-35-00-000-5190, 00-42-44-35-00-000-5370, 00-42-44-35-00-000-5430,**  
**00-42-44-35-00-000-5300, 00-42-44-35-00-000-5080, 00-42-44-35-00-000-5170,**  
**00-42-44-35-00-000-5500, 00-42-44-35-00-000-5440, 00-12-44-35-00-000-5200,**  
**00-12-44-35-00-000-5010, 00-12-44-35-00-000-5450**

**RESIDENTIAL HIGH DENSITY:**

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, all being of the Public Records Palm Beach County, Florida, for 800.72 feet to a point for the southwest corner of the herein described tract; Thence, the following six (6) courses over and across the parent tracts North 02°02'59" East, for 131.04 feet to a point; South 88°51'32" East, for 126.94 feet to a point; North 02°02'51" East, for 151.39 feet to a point; North 02°04'46" East, for 580.02 feet to a point; South 89°08'37" East, for 148.49 feet to a point; North 00°43'29" East, for 429.52 feet to the South Right-of-Way line for LWDD L-15 canal; Thence

South 89°16'39" East along said South Right-of-Way Line, for 813.76 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 25.145 acres, more or less.

**RESIDENTIAL-MEDIUM DENSITY:**

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence North 89°16'39" West, continuing along said South Right-of-Way Line, for 813.76 to the POINT OF BEGINNING; Thence, the following six (6) courses over and across the parent tracts South 00°43'29" West, for 429.52 feet to a point; North 89°08'37" West, for 148.49 feet to a point; South 02°04'46" West, for 580.02 feet to a point; South 02°02'52" West, for 151.39 feet to a point; North 88°51'32" West, for 126.94 feet to a point; South 02°02'59" West, for 130.04 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 27089 Page 440 of the Public Records Palm Beach County, Florida, for 170.02 to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518,

Public Records Palm Beach County, Florida; Thence North 02°02'51" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Two (2) courses being along the West, North and East lines of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 138.39 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 7.915 acres, more or less.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 33.059 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 Department of Economic Opportunity (DEO).

**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.**

In accordance with section 163.3187, Florida Statutes, the effective date of this small-scale map amendment shall be thirty-one (31) days after the Department of Economic Opportunity (DEO) notifies the City that the plan amendment package is complete. If timely

challenged, this amendment does not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**[The remainder of this page intentionally left blank.]**

Passed on the first reading this 13<sup>th</sup> day of December, 2021.

PASSED AND ADOPTED on the second reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**Joel Flores**, Mayor

**Attest:**

\_\_\_\_\_  
**Quintella Moorer**, City Clerk

\_\_\_\_\_  
*Voted:*  
**John Tharp**, Deputy Mayor

\_\_\_\_\_  
*Voted:*  
**Peter Noble**, Council Member, *District II*

\_\_\_\_\_  
*Voted:*  
**Judith Dugo**, Council Member, *District III*

\_\_\_\_\_  
*Voted:*  
**Jonathan Pearce**, Council Member, *District IV*

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*Voted:*  
**Paula Bousquet**, Council Member, *District V*

**Approved as to Form and Legal Sufficiency:**

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**Glen J. Torcivia**, City Attorney