

ORDINANCE NO. 2021-06

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR 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 AGRICULTURAL RESIDENTIAL (PBC AR) AND RESIDENTIAL ESTATE (PBC RE) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL MEDIUM DENSITY-2 (RM-2) AND RESIDENTIAL HIGH DENSITY (RH), 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 CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 a rezoning of fourteen (14) parcels of land totaling approximately 33.059 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on December 1, 2021 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 November 24, 2021, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on December 13, 2021 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 November 24, 2021, as revised (attached), the proposed amendment changing the zoning district of fourteen (14) parcels of land totaling approximately 33.059 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH); and.

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 fourteen (14) parcels of land totaling approximately 33.06 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH); and:

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. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of fourteen (14) parcels of land totaling approximately 33.059 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to

a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH).

Section 3. 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 4. 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 5. 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 6. Effective Date.

This Ordinance shall become effective on the effective date of Ordinance 2021-05.

Passed on the first reading this 13th day of December, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

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*

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney