

## **ORDINANCE NO. 2022-40**

**AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR ONE PARCEL OF LAND TOTALING APPROXIMATELY 20.1183 ACRES, LOCATED AT THE SOUTHEAST CORNER OF LAKE WORTH ROAD AND JOG ROAD AT 6400-6490 LAKE WORTH ROAD, AND 4180 JOG ROAD SUITES 1-9, FROM A PALM BEACH COUNTY ZONING DESIGNATION OF GENERAL COMMERCIAL (CG) TO A CITY OF GREENACRES ZONING DESIGNATION OF COMMERCIAL INTENSIVE (CI) AS REQUESTED BY THE PLANNING, GIS AND ENGINEERING DIVISION; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the City recently annexed the property generally known as Lake Worth Plaza West, which is generally located at the southeast corner of Jog Road and Lake Worth Road and consists of approximately 20.1183 acres ("Property"); and

**WHEREAS**, the Petitioner is requesting a rezoning of the Property 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 December 8, 2022 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Development Review Committee Report and Recommendation, Exhibit "A", dated November 21, 2022, as revised; and

**WHEREAS**, the City Council of the City of Greenacres has conducted two (2) duly advertised public hearings on December 8, 2022 and on December 19, 2022 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 is consistent with the City's Comprehensive Plan and all criteria for a zoning change; and

**WHEREAS**, the City Council of the City of Greenacres has determined that, in accordance with Exhibit "A", "Development Review Committee Staff Report and Recommendation", dated November 21, 2022, as revised (attached), the proposed zoning change for the Property from Palm Beach County zoning designation of General Commercial (CG) to 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.** The foregoing recitals are incorporated into this Ordinance as true and correct finds of the City Council of the City of Greenacres.

**SECTION 2. Zoning District Amendment.**

The request by the Petitioner to change the Official Zoning Map to include a zoning change of the Property from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) is hereby approved. The Property is legally described as follows:

**LEGAL DESCRIPTION**

**PARCEL 1: (FEE SIMPLE PARCEL)**

A parcel of land in the Northeast 1/4 of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:  
Commencing at the Northwest corner of the Northeast 1 /4 of Section 27; thence South 00°58,18" West (State Plane Grid Datum), along the West line of the Northeast 1/4 of

Section 27, a distance of 1339.12 feet to the South line of the Northwest 1/4 of the Northeast 1/4 of Section 27; thence South 88°32'45" East, along said South line, 80.00 feet to the Easterly right-of-way line of Jog Road, and to the Point of Beginning of the parcel described herein; thence continue South 88°32'45" East, along said South line, 933.37 feet to the East line of the West 1/2 of the East 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 27; thence North 00°55'50" East, along said East line, 1104.20 feet to a point that is 236.03 feet South of the North line of Section 27, as measured along said East line; thence North 89°04'10" West, 188.18 feet to a point of curvature; thence Northwesterly, along an arc of a curve concave to the Northeast, having a radius of 30.00 feet, a central angle of 38°19'04", an arc length of 20.06 feet to a non-tangent line; thence North 02°33'43" West, 197.51 feet to the South right-of-way line of Lake Worth Road (S.R. 802), being a non-tangent curve; thence Westerly, along the said South right-of-way line, being an arc of a curve concave to the South, having a calculated radius of 2798.11 feet, a central angle of 01°38'18", a chord length of 80.00 feet, which bears South 87°26'17" West, an arc length of 80.00 feet to a non-tangent line; thence South 02°33'43" East, 173.69 feet to a non-tangent curve; thence Southwesterly, along the arc of a curve concave to the Northwest, having a radius of 30.00 feet, a central angle of 32°51'53", a chord length of 16.97 feet bearing South 21°51'23" West, an arc length of 17.21 feet to a point of reverse curvature; thence Southwesterly, along an arc of a curve concave to the South, having a radius of 979.00 feet, a central angle of 22°32'57", an arc length of 385.29 feet to a point of compound curvature; thence Southwesterly, along an arc of a curve concave to the Southeast, having a radius of 149.00 feet, a central angle of 55°00'46", an arc length of 143.06 feet to a point of tangency; thence South 00°55'50" West, 363.24 feet to a point of curvature; thence Southwesterly, along an arc of a curve concave to the Northwest, having a radius of 30.00 feet, a central angle of 41°51'05", an arc length of 21.91 feet to a point of non-tangency; thence North 89°01'42" West, 208.35 feet to the East right-of-way line of Jog Road, being a line that is 80.00 feet East of and parallel with the West line of the Northeast 1/4 of Section 27; thence South 00°58'18" West, along said line, 80.00 feet; thence South 89°01'42" East, 182.90 feet; thence South 00°55'50" West, 336.62 feet; thence North 88°32'45" West, 183.15 feet to the said East right-of-way line of Jog Road; thence South 00°58'18" West, along said line 38.64 feet to the Point of Beginning.

#### PARCEL 2: (FEE SIMPLE PARCEL)

A parcel of land in the Northeast 1/4 of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast 1/4 of Section 27; thence South 00°58'18" West (State Plane Grid Datum), along the West line of the Northeast 1/4 of Section 27, a distance of 1339.12 feet to the South line of the Northwest 1/4 of the Northeast 1/4 of Section 27; thence South 88°32'45" East along said South line, 80.00 feet to the Easterly right-of-way line of Jog Road; thence North 00°58'18" East, 38.64 feet to the Point of Beginning; thence continuing North 00°58'18" East, 335.01 feet to a point;

thence South 89°01'42" East, 182.90 feet to a point; thence South 00°55'50" West, 336.62 feet to a point; thence North 88°32'45" West, 183.15 feet to the Point of Beginning.

**PARCEL 3: (EASEMENT PARCEL)**

Easement for the benefit of Parcels 1 and 2 for access over and use of the retention pond on Out Parcel L-4, as set forth in paragraph 1.2 of the Cooperation and Easement Agreement dated March 17, 1986, and recorded April 2, 1986, in Official Records Book 4836, page 10, as modified by instrument recorded in Official Records Book 5744, page 1905, of the public records of Palm Beach County, Florida. Said Out Parcel L-4 being more particularly described as follows:

Commencing at the North quarter corner of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 1°22'26" West (State Plane Grid Datum), along the North-South quarter Section line of Section 27, a distance of 653.08 feet; thence South 88°37'34" East, perpendicular to the previous course 80.00 feet to the Easterly right-of-way line of Jog Road and the Point of Beginning; thence North 1°22'26" East, along said right-of-way line and parallel with the North-South quarter section line, 61.29 feet; thence North 02°16'49" East, along said right-of-way line, 189.64 feet; thence North 01°22'26" East, along said right-of-way line, 18.00 feet; thence South 88°37'34" East, perpendicular to the previous course, 271.16 feet to a non-tangent point of curvature; thence Southwesterly, along the arc of a curve concave to the Southeast, having a radius of 149.00 feet, a central angle of 52°40'42", a chord length of 132.22 feet which bears South 27°40'35" West, an arc distance of 136.99 feet to a point of tangency; thence South 01°20'15" West, 150.40 feet; thence North 88°37'34" West, along a line perpendicular to the North-South quarter section line, 215.68 feet to the Point of Beginning.

**SECTION 3. Authorization to Make Changes.**

That the Planning, GIS, and Engineering Division is directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the change 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.**

The provisions of this Ordinance shall only become effective if the associated Comprehensive Plan amendment (Ordinance No. 2022-40) becomes effective and the date of effectiveness shall be the same. .

Passed on the first reading this 19<sup>th</sup> day of December, 2022.

PASSED AND ADOPTED on the second reading this 9<sup>th</sup> day of January, 2023.

Voted:

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Joel Flores, Mayor

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John Tharp, Deputy Mayor

Attest:

Voted:

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Quintella Moorer, City Clerk

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Peter Noble, Council Member, *District II*

Voted:

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Judith Dugo, Council Member, *District III*

Voted:

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Suzy Diaz, Council Member, *District IV*

Voted:

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Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

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Glen J. Torcivia, City Attorney