

ORDINANCE NO. 2023-03

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR SIX PARCELS OF LAND TOTALING APPROXIMATELY 7.9636 ACRES, LOCATED AT THE SOUTHEAST CORNER OF LAKE WORTH ROAD AND JOG ROAD AT 6492, 6350 AND 6323 LAKE WORTH ROAD, AND 4148, 4080 AND 4020 JOG ROAD, 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; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 Petitioner is requesting a rezoning of six parcels of land totaling approximately 7.9636 acres more or less, from a Palm Beach County zoning designation of General Commercial (PBC CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) and

WHEREAS, this is a companion petition to a Future Lane Use Amendment to change the Land Use designation for the subject parcels from Palm Beach County Commercial High (PBC CH) to City of Greenacres Commercial (CM);

WHEREAS, the Planning and Zoning Board of Appeals has held a duly advertised public hearing on February 6, 2023, 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 Development Staff Report and Recommendation, Exhibit "A", dated December 22, 2022, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on _____ 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", "Development Review Committee Staff Report and Recommendation", dated December 22, 2022, as revised (attached), the proposed amendment changing the zoning district of six parcels of land totaling approximately 7.9636 acres more or less, from the Palm Beach County zoning designation of Commercial General (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. Zoning District Amendment.

The request by the petitioner to change the City of Greenacres Official Zoning Map to include a zoning change of six parcels of land totaling approximately 7.9636 acres more or less, from a Palm Beach County zoning designation of General Commercial (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) is approved for the property legally described as follows:

LEGAL DESCRIPTION

4148 S Jog Road – PCN 18-42-44-27-33-001-0000

OUT-PARCEL TO LAKE WORTH PLAZA TR A K/A ALL OF PLAT

4080 S Jog Road – PCN: 18-42-44-27-34-001-0000

Parcel 1:

Commence at the North quarter corner of Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; thence South 01°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, 80.0 feet to the Easterly Right-of-Way line of Jog Road and the POINT OF BEGINNING; thence North 01°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, 18.0 feet; thence South 88°37'34" East, perpendicular to the previous course, 271.16 feet to a nontangent point of curvature; thence Southwesterly along the arc of a curve concave to the Southeast having a radius of 149.0 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.

Parcel 2:

Non-Exclusive Easement for pedestrian and vehicular ingress and egress over the adjacent shopping center as set forth in that certain Cooperation and Easement Agreement recorded in Official Records Book 4836, Page 10, and as modified in Official Records Book 5744, Page 1905, of the Public Records of Palm Beach County, Florida.

4020 S Jog – PCN: 18-42-44-27-34-001-0000

Parcel 1:

Tract 1, Walgreens at Lake Worth Plaza West, according to the plat thereof, as recorded in Plat Book 117, Page 53, of the Public Records of Palm Beach County, Florida.

Parcel 2:

Easement Rights set forth in Cooperation and Easement Agreement, recorded in Official Records Book 4836, Page 10, and as modified in Official Records Book 5744, Page 1905, all of the Public Records of Palm Beach County, Florida.

6429 Lake Worth Road – PCN: 18-42-44-27-00-000-1290

A parcel of land in the Northeast quarter of Section 27, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 27, thence South 88 degrees 12'34" East (assumed bearing datum) along the North line of the Northeast quarter of said Section 27, 1012.29 feet to a point on the East line of the West half of the East half of the Northwest quarter of the Northeast quarter of said Section 27; thence South 1 degree 20' 15" West along said East line, 30.00 feet to a point on the southerly right of way line of Lake Worth Road (S.R. 802); thence North 88 degrees 12'34" West along said right of way line, 63.96 feet to a point of curvature; thence westerly along said right of way line being an arc of a curve, 235.04 feet to the Point of Beginning, said curve being concave to the South having a radius of 2804.93 feet and a central angle of 04 degrees 48'04"; thence westerly along said right of way line being an arc of a curve, 441.32 feet, said curve being concave to the South having a radius of 2804.93 feet and a central angle of 09 degrees 00'53"; thence South 12 degrees 01'31" East along a radial line, 210.00 feet; thence South 59 degrees 37'34" East along a non-radial line, 79.53 feet to a point of non-tangency; thence easterly along an arc of a curve 340.67 feet to a point of curvature, said curve being concave to the South having a radius of 979.00 feet, a central angle of 19 degrees 56'15" and a chord length of 338.95 feet which bears North 68 degrees 55'52" East; northeasterly along an arc of a curve, 17.23 feet to a point of non-tangency, said curve being concave to the Northwest having a radius of 30.00 feet and a central angle of 32 degrees 54'12" thence North 02 degrees 11'36" West, 173.71 feet to the Point of Beginning.

6350 Lake Worth Road – PCN: 18-42-44-27-00-000-1360

Being a parcel of land in the Northeast quarter of Section 27, Township 44 South, Range 42 East, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 27, thence South 88°12'34" East (assumed bearing datum) along the North line of the Northeast quarter of said Section 27, 1012.29 feet to a point on the East line of the West half of the East half of the Northwest quarter of the Northeast quarter of said Section 27; thence South 01°20' 15" West along said East line, 30.00 feet to the POINT OF BEGINNING, said point being on the southerly right-of-way line of Lake Worth Road (S.R. 802); thence continuing South 01°20'15" West along said East line, 206.03 feet; thence North 88°39'45" West at right angles to the previous course, 188.15 feet to a Point of Curvature; thence Northwesterly along an arc of a curve, 20.04 feet to a point of non-tangency, said curve being concave to the Northeast, having a radius of 30.00 feet, a central angle of 38°16'48", and a chord length of 19.67 feet which bears North 69°31'22" West; thence North 02°11'36" West, along a non-radial line, 197.61 feet to the Southerly right-of-way line of Lake Worth Road, said right-of-way line being 60.00 feet South of and concentric with the center line of right-of-way of Lake Worth Road; thence Easterly along said South right-of-way line being an arc of a curve, 155.00 feet to a Point of Tangency, said curve being concave to the South, having a radius of 2804.93 feet, a central angle of 03°09'58", and a chord length of 154.98 feet which bears South 89°42'54" East; thence South 89°12'34" East, along a line that is 30.00 feet Southerly of

and parallel with the North line of the Northeast quarter of Section 27, 63.96 feet to the POINT OF BEGINNING.

Together with a non-exclusive right to cross parking and ingress and egress of roads, ways, sidewalks and parking areas situated in the shopping center known as Lake Worth Plaza West.

6323 Lake Worth Road – PCN: 18-42-44-22-00-000-5250

Parcel 1:

A Parcel of land lying in Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida;

Being more particularly described as follows:

Commencing at the South one-quarter (The Southwest corner of the Southeast Quarter) of said Section 22;

Said Point being a Palm Beach County Brass Disc in Concrete;

Thence, North 89°14'08" East, along the South line of said Section 22, a distance of 994.88 feet to a point on the East Line of the West 320 Feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 22;

Thence, North 00°00'00" East, along said East line, a distance of 90.01 feet to the Point of Beginning, said Point being further described as a point on the North Right of Way Line of Lake Worth Road (State Road 802) as recorded in Road Plat Book 5, Page 129, Public Records, Palm Beach County, Florida;

Said Point being witnessed by a Found P-K Nail and Cap, in the concrete sidewalk, lying 0.13 feet North 00°00'00" East (North) and 0.04 feet North 90°00'00" West (West) of said Point;

Thence, South 89°14'08" West, along said North Right of Way Line of Lake Worth Road (State Road 802), a distance of 47.53 feet to the point of curvature of a curve to the Left.

Said Curve having a radius of 2924.93 feet and a Central Angle of 02°59'28" and a chord bearing of South 87°44'24" West;

Said Point Being an "X" Cut in the Concrete Sidewalk;

Thence, Westerly, along the Arc of said Curve and along said North Right of Way line of Lake Worth Road (State Road 802), a distance of 152.70 feet to a Point;

Said Point being witnessed by a Found P-K Nail and Cap, in the concrete sidewalk, lying 0.06 feet North and 0.03 feet West of said Point;

Thence, North 00°00'00" East, a Distance of 226.88 feet to a Point;

Said Point being witnessed by a Found ½ Inch Iron Pipe and Cap lying 0.10 feet West of said Point;

Thence North 90°00'00" East, a Distance of 199.99 feet to a Point on the aforesaid East line of the West 320 feet of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of said Section 22, said Point being witnessed by a found ½ inch iron pipe and cap lying 0.05 feet North and 0.05 feet West of said Point;

Thence, South 00°00'00" West, along said East line, a distance of 220.03 feet to the Point of Beginning.

Parcel 2:

An Easement for Ingress and Egress over a portion of the Southeast Quarter of Section 22, Township 44 South, Range 42 East, Palm Beach County, Florida and Being more particularly described as follows:

Commence at the South Quarter corner of said Section 22 and Run thence North 89°14'08" East, along the South line of said Section 22, a distance of 725.81;

Thence North 00°39'45" West, along a non-radial line, a distance of 81.51 feet to a point of intersection with a circular curve concave to the South and whose Radius Point bears South 05°07'51" East, from said intersection, said circular curve also being the Northerly right-of-way line of State Road 802 (Lake Worth Road);

Said intersection also being The Point of Beginning of the herein described parcel:

Thence, continue North 00°39'45" West, a distance of 147.13 feet;

Thence North 90°00'00" East, a distance of 71.69 feet;

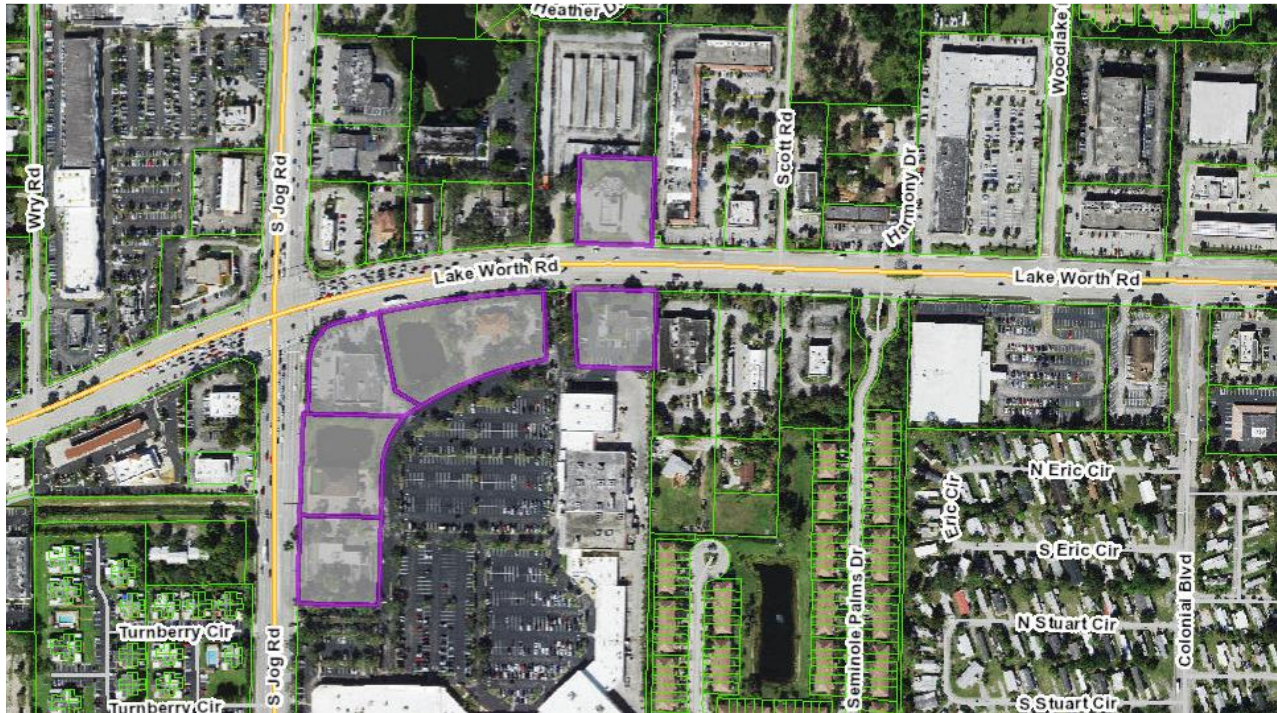
Thence South 00°00'00" West, a distance of 35.00 feet;

Thence, South 90°00'00" West, a distance of 35.29 feet

Thence, non-radically South 00°39'45" East, a distance of 109.13 feet to the said Northerly line of State Road 802 also being a circular curve concave to the South and whose radius point bears South 04°25'26" East,

Thence, Westerly, along the Arc of said curve having a central angle of 00°42'25", a radius of 2924.93 feet, an arc distance of 36.09 feet to the Point of Beginning.

MAP



Section 2. 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 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 6th day of March 2023.

PASSED AND ADOPTED on the second reading this ____ day of _____ 2023.

Voted

Joel Flores
Mayor

John Tharp
Deputy Mayor

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Attest:

Quintella Moorer
City Clerk

Peter Noble
Council Member, District II

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Judith Dugo
Council Member, District III

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Susy Diaz
Council Member, District IV

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Paula Bousquet
Council Member, District V

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Approved as to Form and Legal Sufficiency:

Glen J. Torcivia
City Attorney