

ORDINANCE NO. 2022-36

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR THREE PARCELS OF LAND TOTALING APPROXIMATELY 3.62 ACRES, LOCATED ON THE SOUTH SIDE OF LAKE WORTH ROAD APPROXIMATELY 200 FEET WEST OF EMPIRE WAY AT 4840 LAKE WORTH ROAD, FROM A CITY OF GREENACRES DESIGNATION OF COMMERCIAL GENERAL (CG) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL INTENSIVE (CI), AS REQUESTED BY THE PETITIONER, SCHMIDT AND NICHOLS, AGENT FOR THE OWNER, MINT ECO CAR WASH ACQUISITION CO., LLC; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Petitioner, Schmidt and Nichols (agent for Mint Eco Car Wash Acquisition, Co., LLC), is requesting a Zoning Change of three (3) parcels of land totaling approximately 3.62 acres more or less, from a City of Greenacres zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI); and

WHEREAS, the Planning and Zoning Board of Appeals held a duly advertised public hearing on December 8, 2022, and reviewed the application for a Zoning Change as detailed in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated September 26, 2022, incorporated herein by reference (as revised) and recommends [*approval by a vote of 4-0 or by a unanimous vote*]; and

WHEREAS, the City Council of the City of Greenacres conducted a duly advertised public hearing on December 19, 2022 (and second reading on February 6, 2023) and considered all testimony and evidence presented and other comments made concerning the proposed Zoning

Change and 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 and all state requirements and local ordinances;
and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Development Review Committee Report and Recommendation", dated September 26, 2022 (as revised), the proposed Zoning Change and Zoning Map amendment to change the zoning designation of three (3) parcels of land totaling approximately 3.62 acres more or less, from a City of Greenacres zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI) is in the best interests of the City and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the City Council of the City of Greenacres.

SECTION 2. Zoning Change and Zoning Map Amendment.

The request by the Petitioner to change the zoning designation for three (3) parcels of land totaling approximately 3.62 acres more or less, from a City of Greenacres zoning designation of Commercial General (CG) to a City of Greenacres zoning designation of Commercial Intensive (CI), is hereby granted for the property located on the south side of Lake Worth Road and approximately 200 feet west of Empire Way, legally described as follows:

Legal Description

Parcel 1 – 4840 Lake Worth Road (PCN: 18424425000003260)

The West 140 feet of the North 281 feet of the West Half of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida, less the North 73 feet thereof for Right of Way for Lake Worth Road (State Road No. 802)

Parcel 2 – (PCN: 18424425000003080)

The West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida less the North 281 feet and the East 140 feet thereof. Together with the right of ingress and egress over the South 20 feet of the East 140 feet of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 25

Parcel 3 – (PCN: 18424425000003081)

The East 140 feet of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 25, Township 44 South, Range East, Palm Beach County, Florida less the North 281 feet thereof. Subject to an easement for ingress and egress over the South 20 feet thereof.



SECTION 3. Authorization to Make Changes.

That the Planning, GIS, and Engineering Division 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.

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 19th day of December, 2022.

PASSED AND ADOPTED on the second reading this 6th day of March, 2023.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Peter Noble, Council Member, District II

Judith Dugo, Council Member, District III

Suzy Diaz, Council Member, District IV

Paula Bousquet, Council Member, District V

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney