

**RESOLUTION NO. 2024-08**

**A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE PETITION FOR A SPECIAL EXCEPTION TO ALLOW A PRIVATE CLUB AND ASSOCIATED OUTDOOR RECREATIONAL FACILITIES WITH ANCILLARY CLUB CAFÉ, RETAIL, AND EVENTS WITHIN RESIDENTIAL LOW (RL-3) ZONING DISTRICT LOCATED APPROXIMATELY 2,300 FEET SOUTH OF THE INTERSECTION OF MELALEUCA LANE AND HAVERHILL ROAD ON THE EAST SIDE AT 5208 S. HAVERHILL ROAD (WITH A FUTURE ADDRESS OF 5200 S. HAVERHILL ROAD), AS REQUESTED BY THE PETITIONER, MICHAEL MILES, AGENT FOR THE OWNER, THE PICKLEBALL CLUB; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Michael Miles, hereafter “Petitioner”, as agent for the owner The Pickleball Club, LLC has submitted a petition for a Special Exception approval to allow a Private Club, associated outdoor recreational facilities, and ancillary club café, retail, and events within Residential Low (RL-3) zoning district, located at 5208 S. Haverhill Road (with a future address of 5200 S Haverhill Road), pursuant to Section 16-304 (7), Residential Low (RL-3) regulations of the Zoning Code; and

**WHEREAS**, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Development and Neighborhood Department which, in turn, recommended approval of the Special Exception to allow a Private Club, associated outdoor recreational facilities, and ancillary club café, retail, and events within Residential Low (RL-3) zoning district, with the conditions identified in the Development and Neighborhood Services Staff Report and Recommendation, Exhibit “A” dated January 5, 2024, as revised; and

**WHEREAS**, the Planning and Zoning Board of Appeals reviewed the petition in a public hearing on January 11, 2024, for compliance with the Special Exception Criteria as indicated

by the Findings of Fact contained in the Development and Neighborhood Services Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

**WHEREAS**, the Planning and Zoning Board of Appeals made a recommendation on the petition to the City Council for approval; and

**WHEREAS**, this matter has been presented to the City Council for final approval, and the Council has voted to approve to allow a Private Club, associated outdoor recreational facilities, and ancillary club café, retail, and events within Residential Low (RL-3) zoning district, district subject to the conditions stipulated in the Development and Neighborhood Department Report.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:**

**SECTION 1.** The Petition, (SE-23-02), a Special Exception to allow a Private Club, associated outdoor recreational facilities, and ancillary club café, retail, and events within Residential Low (RL-3) zoning district, is hereby approved. Any applicants, successors or assigns shall require a new special exception application for review and approval by the City if the franchise vacates the location. New users shall be required to address the criteria for the special exception.

**SECTION 2.** The approval of Petition SE-23-02 is subject to all conditions contained in the Development and Neighborhood Department Staff Report and Recommendation, Exhibit “A”, dated January 5, 2024, as revised (attached) for real property as follows:

### Legal Description

**PCN: 18-42-44-36-08-007-0050**

A parcel of land lying and being in Palm Beach County, Florida, more particularly described as follows: The West 139.94 feet more or less of the North 165 feet of the South 1/2 of Tract 7 in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, as described, as recorded in Plat Book 3, Page 10, Public Records of Palm Beach County, Florida. Subject to an easement over the South 10 feet thereof.

TOGETHER WITH road right of way over and across the East 15 feet of the North 1/2 of Tract 7 across the East 15 feet of all of Tract 6, both tracts being in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, as in Deed recorded in Official Record Book 108, Page 437, Palm Beach County, Florida, Public Records.

TOGETHER WITH an easement for road right of way purposes over and across the following: The South 10 feet of the East 528 feet of the North 165 feet of the South 1/2 of Tract 7; over the East 15 feet of the North 165 feet of the South 1/2 of Tract 7; and over the North 10 feet of the South 165 feet of the South 1/2 of Tract 7 in said Northwest 1/4 of Section 36.

TOGETHER WITH an additional easement for road right of way purposes over and across the following: Beginning at the Northwest corner of the South 1/2 of Tract 7 in the Northwest 1/4 of Section 36; thence go South along the West line of said South 1/2 of Tract 7 a distance of 165 feet to the POINT OF BEGINNING; thence continue South 16.61 feet to the Northwest corner of tract deeded to Joseph J. Brusca and wife in Official Record Book 1355, Page 367; thence Easterly 667 feet more or less to the East line of the South 1/2 of Tract 7, thence Northerly along said East line 15.41 feet to the Southeast corner of tract deeded to William J. Haluska and wife in Official Record Book 776, page 238; thence Westerly 667 feet more or less to the POINT OF BEGINNING. Said easements intended to benefit all owners of lands in the South 1/2 of Tract 7 in the Northwest 1/4 Section 36, Township 44 South, Range 42 East, Palm Beach County, Florida.

**PCN: 18-42-44-36-08-007-0030**

The East 528 feet of the north 165 feet of the south 1/2 of Tract 7, in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the Plat recorded in Plat Book 3, page 10, as recorded in the Public records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.

**PCN: 18-42-44-36-08-007-0060**

A parcel of land located in the South Half (S 1/2) of Tract seven (7), in the Northwest Quarter (NW 1/4) of Section 36, Township 44 South, Range 42 East, According to the Map or Plat thereof recorded in Plat Book 3, Page 10, Public Records of Palm Beach County, Florida, more particularly described as follows:

Beginning at the Northwest corner of the South Half (S 1/2) of Tract 7; thence go South along the West line of the said South half (S 1/2) of Tract 7, a distance of 165 feet to the point of beginning; thence continue South a distance of 16.61 feet to the Northwest corner of the Tract of Land deeded to Jospeh J. Brusca and Constance E. Brusca, his wife, in O.R. Book 1355, Page 367; thence run easterly 667 feet, more or less, to the East line of said Tract 7; thence run northerly along the east line of said Tract 7, a distance of 15.41 feet to the Southeast corner of the Tract of land deeded to William J. Haluska and Barbara S. Haluska, his wife, in O.R. Book 776, Page 238; thence run westerly 667 feet, more or less, to the westerly line of said Tract 7 and the point of beginning.

**PCN: 18-42-44-36-08-007-0040**

A parcel of land located in the South Half (S 1/2) of Tract Seven (7), in the Northwest Quarter (NW 1/4) of Section 36, Township 44 South, Range 42 East, according to the Map or Plat thereof recorded in Plat Book 3, Page 10, Public Records of Palm Beach County, Florida, more particularly described as follows:

Beginning in the Southwest corner of the South Half (S 1/2) of Tract 7, the point of beginning of the tract herein described; thence run Northerly a distance of 165 feet to a point; thence run easterly a distance of 264 feet to a point; thence run Southerly a distance of 165 feet to a point on the South line of the South Half (S 1/2) of Tract 7; thence run Westerly a distance of 264 feet to the Point of Beginning.

**PCN: 18-42-44-36-08-007-0020**

The East 403.94 feet of the South 165 feet of Tract 7, in the Northwest 1/4 of Section 36, Township 44 South, Range 42 East, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 3, Page 10.

Together with an undivided one-half interest in and to that certain easement for road right of way purposes more particularly described as follows:

Beginning at the Northwest corner of the South 1/2 of said Tract 7, thence go South along the West line of said South 1/2 Tract 7 a distance of 165 feet to the Point of Beginning; thence continue South a distance of 16.61 feet to the Northwest corner of the tract of land deeded to Joseph J. Brusca and Constance E. Brusca, his wife, in Official Record Book 1355, Page 367, thence Easterly 667 feet, more or less, to the East line of said Tract 7; thence run Northerly along the East line of said Tract 7 a distance of 16.41 feet to the Southeast corner of the tract of land deeded to Willam J. Haluska and Barbara S. Haluska, his wife, in Official Record Book 776, Page 238; thence run Westerly 667 feet, more or less, to the Westerly line of said Tract 7 and the Point of Beginning.

CONTAINING A TOTAL OF 4.94 ACRES MORE OR LESS.



Subject site outlined in red dashed lines

**SECTION 3.** All resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This resolution shall be effective upon its adoption subject to the conditions of Petition SE 23-02 as follows and those per Resolution 2024-09 (SP-23-05).

1. The most stringent requirements of this staff report “Development Review Committee Staff Report and Recommendations dated January 5, 2024” and Exhibit "D" Conceptual Site Plan, stamp-dated December 12, 2023, as hereafter defined shall apply. (Planning & Zoning)
2. Site and development plan approval shall be required prior to issuance of development permits. (Planning and Zoning)
3. The Special Exception is limited to a Private Pickleball Club Recreational use. Changes to another Club use or expansion of the Private Pickleball Club use will require a modified and/or new Special Exception. (Planning and Zoning)
4. Non-compliance with any of the conditions of approval will result in withholding of building permits or a Certificate of Occupancy. (Planning & Zoning)
5. Approval of this Special Exception renders all previously issued Special Exceptions for this property null and void. (Planning & Zoning)

**RESOLVED AND ADOPTED this 5<sup>th</sup> of day of February, 2024**

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**Joel Flores**, Mayor

**Attest:**

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**Quintella Moorer**, City Clerk

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*Voted:*  
**John Tharp**, Council Member, *District I*

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*Voted:*  
**Peter Noble**, Deputy Mayor

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

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*Voted:*  
**Susy Diaz**, 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