

ORDINANCE NO. 2024-08

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE AND OFFICIAL ZONING MAP AMENDMENT FOR ELEVEN (11) PARCELS OF LAND TOTALING APPROXIMATELY 3.7109 ACRES, LOCATED AT 4205, 4222, 4220, 4210, 4168, 4194, 4221, 4239 SOUTH HAVERHILL ROAD, 4960 AND 4944 THOMAS AVENUE, AND 5051 FLORY DRIVE FROM A PALM BEACH COUNTY RESIDENTIAL MEDIUM, 5 UNITS PER ACRE (RM) AND AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT TO THE CITY OF GREENACRES COMMERCIAL GENERAL (CG) ZONING DISTRICT, AS REQUESTED BY THE PETITIONERS DOLLY RODRIGUEZ & HEMAN PANCHOOSINGH, DOLLY & CLAUDIA RODRIGUEZ, GERALDO & CARISSA VIEIRA, 4210 HAVERHILL LLC, 4220 HAVERHILL ROAD LLC, RONALD LAMNECK, CLAUDIA RODRIGUEZ & HEMAN PANCHOOSINGH, DOLLY RODRIGUEZ & HEMAN PANCHOOSINGH, LOCAL BOY LLC; 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 and Engineering Department is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the Petitioner is requesting a rezoning of eleven (11) parcels of land totaling approximately 3.7109 acres more or less, from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district; and

WHEREAS, the Planning Commission has held a duly advertised public hearing on February 8, 2024 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 February 2, 2024, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on March 19, 2024 and has considered all comments received concerning the

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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 February 2, 2024, as revised (attached), the proposed amendment changing the zoning district of eleven (11) parcels of land totaling approximately 3.7109 acres more or less, from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district; is in the best interest of the citizens of the City of Greenacres.

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

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 eleven (11) parcels of land totaling approximately 3.7109 acres more or less, from a Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district, is hereby granted for the

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property located at 4205, 4222, 4220, 4210, 4194, 4168, 4221, 4239 South Haverhill Road, 4960 And 4944 Thomas Avenue, And 5051 Flory Drive, legally described as follows:

Legal Description

PCN: 00-42-44-25-00-000-3170

Parcel 1

The West 264 feet of the South 66 1/2 feet of the North 532 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25 Township 44 South, Range 42 East, Palm Beach County, Florida, LESS the East 44 feet thereof, and LESS a parcel of land for road right of way purposes in the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, County of Palm Beach, State of Florida, and more particularly described as follows:

All that portion of the South 66.5 feet of the North 532 feet of the West 264 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 25 lying West of the proposed East right of way line of Haverhill Road as shown on the right-of-way map recorded in Road Plat Book 5, Pages 16 and 17, Public Records of said County; LESS the existing right-of-way as described by deed recorded in Deed Book 62 page 31, Public Records of said County over and across the West 25 feet of the above described portion of land.

PCN: 00-42-44-25-00-000-3160

Parcel 2

The South 66.50 feet of the North 532.00 feet, LESS the West 220.00 feet thereof, of the West half (W 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3150

Parcel 3

The North 66 1/2 feet of the South 133 feet of the North 532 feet of the west half of the Southwest quarter of the Northwest quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-25-00-000-3180

Parcel 4

The South 133 feet of the North 399 feet of the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

4168 S Haverhill Rd (PCN: 00-42-44-25-00-000-3210

Parcel 5

The West 1/2 of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the South West 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 25, Township 44 South, Range 42 East, (less the West 40 feet of RD R/W), as recorded in the Official Records of Palm Beach County, Florida, O.R. Book 7286, Page 1059.

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PCN: 00-42-44-25-00-000-3190 & PCN: 00-42-44-25-00-000-3200),

Parcel 6 and 7

Parcel 1: The West 90 feet of the East Half of the South 66.33 feet of the South 133 feet of the North 266 feet of the West 1/2 of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

Parcel 2: The South 66.33 feet of the North 266 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter, LESS the West 255 feet thereof, Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida. Together with the Grant of Easement recorded in O.R. Book 19117, Page 1604, Public Records of Palm Beach County, Florida, more particularly described as follows: The North 20 feet of the South 133 feet of the North 399 feet of the West Half of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 25, Township 44 South, Range 42 East, Palm Beach County, Florida.

PCN: 00-42-44-26-01-000-0060

Parcel 8

Lot 6, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0070

Parcel 9

Lot 7, Florwood Subdivision, Less the East 15 feet of Haverhill Road right-of-way, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 23, Page 13.

PCN: 00-42-44-26-01-000-0080

Parcel 10

Lots 8 and 9, in Florwood, a subdivision of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 26, 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.

PCN: 00-42-44-26-01-000-0050

Parcel 11

Lot 5, Florwood Subdivision, according to the plat thereof, recorded in Plat Book 23, Page 13 of the Public Records of Palm Beach County, Florida.

AND:

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 3.7109 ACRES MORE OR LESS.

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 consistent with the effective date of Ordinance No. 2024-07, which is the companion small scale comprehensive plan amendment ordinance (changing the Future Land Use designation for the property).

[The remainder of this page intentionally left blank.]

Passed on the first reading this 4th day of March, 2024.

PASSED AND ADOPTED on the second reading this 18th day of March, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

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

Voted:
Peter Noble, Deputy Mayor

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

Voted:
Susy Diaz, Council Member, *District IV*

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

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney