

ORDINANCE NO. 2024-07

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF ELEVEN 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 (PBC) LR-3 LOW RESIDENTIAL, 3 UNITS PER ACRE AND MR-5 MEDIUM RESIDENTIAL, 5 UNITS PER ACRES TO THE CITY OF GREENACRES COMMERCIAL (CM) LAND USE DESIGNATION, 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 REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMERCE (FDOC); PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, Chapter 163.3187 provides for small-scale future land use amendments for properties fifty (50) acres or less; and

WHEREAS, the subject properties meet the requirements of 163.3187; and

WHEREAS, the City of Greenacres Planning and Engineering Department is herein known as the "Petitioner" for the herein described properties; and

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WHEREAS, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acre to the City of Greenacres Commercial (CM) land use designation; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 8, 2024, and has recommended approval of petition CPA-24-04 to amend the Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-24-04 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

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

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. Future Land Use Map Designation

The Future Land Use Map in the City's Comprehensive Plan is hereby amended to change the designation of the eleven (11) subject properties from a Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acres to the City of Greenacres Commercial (CM) land use designation for the Property, which are 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.

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

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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 ½ of the Southwest ¼ of the Northeast ¼ 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.

The Planning, GIS, and Engineering Division is authorized to make the necessary Future Land Use map change to the Comprehensive Plan 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. Transmittal to the FDOC.

The Development & Neighborhood Services Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the State Land Planning Agency (the Florida Department of Economic Opportunity).

Section 7. Inclusion in the Comprehensive Plan.

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It is the intention of the City Council, entered as hereby ordained, that the Comprehensive Plan of the City of Greenacres, Florida, shall be amended to include the amendment to the Future Land Use Map as stated herein.

Section 8. Effective Date

The effective date of this Comprehensive Plan amendment shall be thirty-one (31) days following the adoption of this Ordinance in accordance with the provisions of section 163.3187(5)(c), Florida Statutes.

Passed on the first reading this ___ day of ___, 2024.

PASSED AND ADOPTED on the second reading this ___ day of _____, 2024.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

Peter Noble, Deputy Mayor

Judith Dugo, Council Member, *District III*

Susy Diaz, Council Member, *District IV*

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney