

ORDINANCE NO. 2023-04

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 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 S JOG ROAD, FROM A PALM BEACH COUNTY DESIGNATION COMMERCIAL HIGH (CH) TO A CITY OF GREENACRES DESIGNATION OF COMMERCIAL (CM) AS REQUESTED BY THE PLANNING, GIS AND ENGINEERING DIVISION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, TRANSMITTAL, INCLUSION IN THE COMPREHENSIVE PLAN; AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Community Planning 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; and

WHEREAS, the City of Greenacres Planning, GIS and Engineering Division is herein known as the "Petitioner" for the herein described property; and

WHEREAS, the City recently annexed five (5) properties, which are generally located at the southeast corner of Jog Road and Lake Worth Road and one parcel located at 6323 Lake Worth Road which consists of approximately 7.9636 acres ("Property"); and

WHEREAS, the Petitioner is requesting to change the land use designation for the Properties from a Palm Beach County future land use designation of Commercial High to a City of Greenacres future land use designation of Commercial (CM) and include the new designation on the City's Future Land Use Map which is a companion petition with a rezoning request to

change the zoning designations of the subject parcels from Palm Beach County Commercial General to City of Greenacres Commercial Intensive (CI); and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on February 6, 2023, and has recommended approval of the Petitioner's request (petition CPA-22-03) to amend the City's Comprehensive Plan, Future Land Use Element's Future Land Use Map; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-22-03 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 finds that the proposed amendment to the City's Comprehensive Plan is consistent with the City's goals and objectives in the Comprehensive Plan and 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. 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 Property from a Palm Beach County future land use designation of Commercial High to a City of Greenacres future land use designation of Commercial (CM) for the Property, which is legally described as follows:

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;

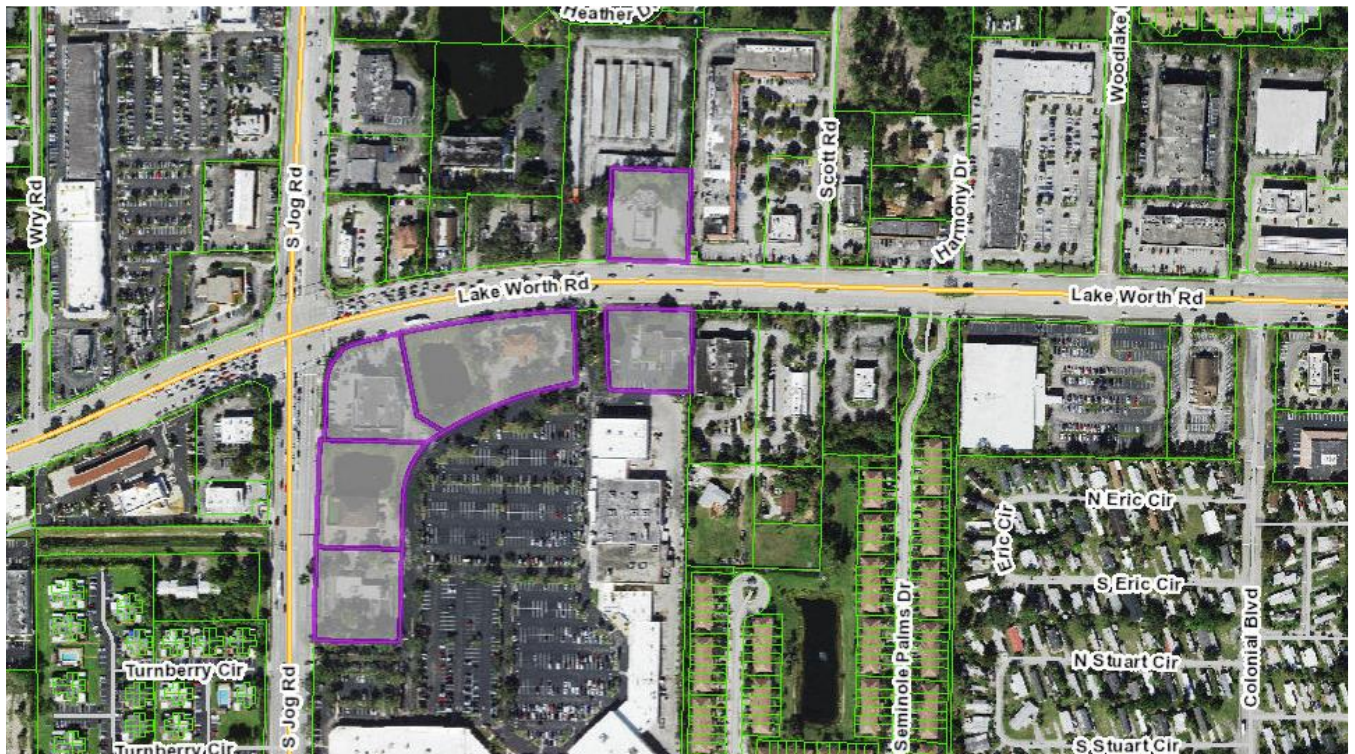
Thence South 00°00'00" West, a distance of 35.00 feet;

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 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 DEO.

The Planning, GIS and Engineering Division shall send copies of this Ordinance, all supporting documentation and the future land use map amendment to the Treasure Coast Regional Planning Council (TCRPC) and the State Land Planning Agency (Department of Economic Opportunity) (DEO).

Section 7. Inclusion in the Comprehensive Plan.

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 Chapter 163.3187(c), Florida Statutes.

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Passed on the first reading this 6th day of March, 2023.

PASSED AND ADOPTED on the second reading this 20th day of March, 2023.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted: _____
John Tharp, Deputy Mayor

Voted: _____
Peter Noble, Council Member, *District II*

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