

RESOLUTION NO R-83-432

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CITY OF GREENACRES TO REZONE PROPERTY AFTER ANNEXATION PURSUANT TO § 171 062, FLORIDA STATUTES AND CITY OF GREENACRES RESOLUTION NO 82-28

WHEREAS, by its Resolution 82-28 the City of Greenacres has requested permission from the Board of County Commissioners to rezone the property described therein after annexation of same into the corporate limits of the City, and

WHEREAS, the property is currently zoned AR (Agriculture Residential), and is subject to the Palm Beach County Comprehensive Land Use Plan,

WHEREAS, the City of Greenacres proposes to rezone the property to CG (General Commercial) to allow the petitioner to develop the parcel for additional parking for abutting commercial parcels, and

WHEREAS, the Comprehensive Land Use Plan recommends medium to medium high residential and does not identify commercial potential in the annexation area, however, the proposed annexation will not have a significant impact on County systems, and

WHEREAS, the Planning, Zoning and Building Department has reviewed the request and has found the annexation request consistent with the Palm Beach County Land Use Plan as more fully outlined in the March 28, 1983 memo of the principal planner, attached hereto and made a part hereof, and

WHEREAS, after consideration of the request this Board finds that the uses and densities in the City's plan for the property will have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County systems, and

WHEREAS, Florida Statutes 171 062, requires that when a city desires to rezone property which was previously subject to county land use control that the city must request and receive permission for such change from the Board of County Commissioners of the respective county

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the request of the City of Greenacres in its Resolution No 82-28, attached hereto and made a part hereof, is hereby approved

The foregoing Resolution was offered by Commissioner Wilken, who moved its adoption. The motion was seconded by Commissioner Koehler.

and upon being put to a vote, the vote was as follows:

PEGGY B EVATT	Absent
KENNETH G SPILLIAS	Aye
DENNIS P KOEHLER	Aye
DOROTHY H WILKEN	Aye
BILL BAILEY	Absent

The Chairman thereupon declared the Resolution duly passed and adopted this 5th day of April, 1983

FILED THIS 5<sup>TH</sup> DAY OF April 1983  
 RECORDED IN RESOLUTION  
 NUMBER 285 AT  
 PAGE 367-377 RECORDED BY  
 JOHN B DUNKLE CLERK  
 BY Prudny W. Johnson DC

PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B DUNKLE, CLERK

By [Signature]  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By [Signature]  
County Attorney

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## Inter-Office Communication

PALM BEACH COUNTY

**TO** Stan Redick, Planning Director      **DATE** March 28, 1983  
**FROM** Richard Morley,      **FILE**  
Principal Planner  
**RE** Proposed Annexation      City of Greenacres Resolution 82-28

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The Planning Division has reviewed the proposed annexation request and offers the following comments.

### Background Information

Annexation of a small strip of abandoned canal right-of-way fronting Lake Worth Road located directly east of Colonial Coach Boulevard, south of Lake Worth Road (see map). Canal right-of-way was recently purchased from Lake Worth Drainage District to Pedro Gomez, the owner of the adjacent property to the south. The one acre property to the south is presently zoned commercial in the City of Greenacres. The subject annexation parcel is a continuation of this commercially zoned parcel. Additional parking for McDonalds is planned for the site. The City of Greenacres has requested permission from the Board of County Commissioners to rezone the abandoned canal right-of-way from the County's zoning classification (AR) Agriculture Residential to the City's zoning classification (GC) General Commercial to conform to the adjacent CG zoned property south of the proposed annexation.

### Zoning and Land Use Plan Designation

- a) The proposed annexation is presently zoned AR (Agriculture Residential) by the County
- b) The City proposes to zone the property to (CG) General Commercial
- c) The difference in zoning intensity from the County's (AR) to the City's (CG) is significant
- d) The County's Land Use Plan does not identify commercial potential for the proposed annexation. The Land Use Plan recommends a medium to medium high residential category.

However, under the recently adopted ordinance amendment to the County's Comprehensive Plan, the Board of County Commissioners may find the proposed waiver compatible with the Plan if the uses and/or densities in the municipal plan for the area have no significant impact (as defined in the Comprehensive Plan or other adopted ordinances) on County systems. In this case the proposed annexation will not have a significant impact on County systems.

- e) The City's proposed commercial zoning of the property is compatible to the County's Land Use Plan inasmuch as it falls within intergovernmental land use policies as described above.

SIGNED \_\_\_\_\_

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Stan Redick  
March 28, 1983  
Page 2

In summary, the Planning Division has reviewed all aspects of the proposed rezoning and found the annexation request consistent with Palm Beach County's Comprehensive Plan. The waiver of the two year moritorium may be granted.

Please find enclosed Ordinance 82-34 (Annexation) 83-07 (Change in Land Use Plan Designation) and 82-28 (Requesting a Waiver for Rezoning).

RM.cjs

Richard F. McCarj

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A RESOLUTION OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, REQUESTING PERMISSION FROM THE BOARD OF COUNTY COMMISSIONERS, PURSUANT TO FLORIDA STATUTES 171.062, TO REZONE LAND IN GREENACRES CITY FROM THE COUNTY'S ZONING CLASSIFICATION AG (AGRICULTURAL) TO THE CITY'S ZONING CLASSIFICATION GC (GENERAL COMMERCIAL).

WHEREAS, Greenacres City has received a request for rezoning from Pedro Gomez, owner for the following described property:

(See Exhibit "A" Map)

LEGAL DESCRIPTION

A tract of land lying in Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida; being more particularly described as follows:

For a point of beginning, commence at the Northeast corner of Section 27, run thence North 89°00'41" West, 315.24 Feet along the North boundary of said Section 27, Run Thence South 00°30'27" West, 90.00 feet; thence run South 89°00'41" East a distance of 100.01 feet; thence run South 00°30'27" West a distance of 325.37 feet; thence run North 89°56'18" East, 215 51 feet; thence run North 00°28'09" East, 411.43 feet to the Point Beginning, less ultimate road right-of-way for Lake Worth Road (S.R. 802).

TOGETHER WITH all rights, title and interest in and to that certain right-of-way and easement for purposes of ingress and egress created By Indenture recorded in Official Record Book 2798, Page 1889, public records of Palm Beach County, Florida and described as follows: For a point of reference, commence at the Northeast corner of Section 27, South 00°28'09" West 90 00 feet, thence North 89°00'41" West, 215.29 feet along a line 90 feet South of and parallel with the North boundary of Section 27 to a point of beginning. Thence continue North 89°00'41" West, 100.01 feet; thence South 00°30'27" West, 270 46 feet, thence South 89°00'42" East, 25 00 feet; thence South 00°30'27" West, 54.91 feet; thence South 89°00'42" East, 75.00 feet; thence North 00°30'27" East, 325.37 feet to the Point of Beginning

EXCEPTING AND RESERVING unto the holder of that certain perpetual right-of-way and easement recorded in Official Record Book 2798, Page 1889, its successors and assigns and to any party or parties with a right of use thereof, a right of ingress and egress over and across the property more particularly described as follows:

A Tract of land lying in Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida being more particularly described as follows:

For a point of reference, commence at the Northeast corner of Section 27, run thence run North 89°00'41" West, 215 23 feet along the North boundary of said Section 27 to the point of beginning, thence run North 89°00'41" West a distance of

100.01 feet; Thence run South 00°30'27" West, 90.00 feet, thence South 89°00'41" East, 100 01 feet; thence North 00°30'27" East, 90.00 feet to the Point of Beginning, less ultimate road right-of-way for Lake Worth Road (S R. 802); and

WHEREAS, the City Council of Greenacres City, at its regular meeting of December 13, 1982, considered this rezoning request and upon the recommendations of the Planning and Zoning Commission at the meeting held on December 1, 1982, feels that the proper zoning for this parcel of land would be the City's zoning classification GC (General Commercial) District, and

WHEREAS, Chapter 171.062, Florida Statutes, requires that when a municipality desires to annex property at a zoning classification, which could permit higher density than is currently in effect under County regulations, that the municipality request and receive permission from the Board of County Commissioners for such a change

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

Section 1. That the City Council hereby requests permission from the Board of County Commissioners of Palm Beach County to rezone the property described above from AG (Agricultural) to GC (General Commercial) District which will result in an increase in the density allowed in such land

Section 2 That a copy of this resolution is being sent to each member of the Board of County Commissioners, the County Administrator and the Director of Planning, Zoning and Building.

PASSED AND ADOPTED in Regular Session this 13th day of December, 1982

  
JAMES P. QUIGLEY, Mayor

 VOTED  
CHARLES G. FLEMKE, Deputy Mayor

Attest

  
EVELYN L. WHEELS, City Clerk

 (VFS)  
JAMES E. RAWLINS, SR., Councilman

 (VFS)  
MARSHALL K. DAN, Councilman

  
WILLIAM E. PERRY, Councilman

 (VFS)  
CARL SACKS, Councilman

ORDINANCE NO. 83-07

AN ORDINANCE OF GREENACRES CITY, FLORIDA, AMENDING THE CITY'S LAND USE PLAN BY DESIGNATING THE LAND USE OF THE PARCEL DESCRIBED HEREIN AS GC (GENERAL COMMERCIAL); REPEALING ALL LAWS IN CONFLICT THEREWITH; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES

WHEREAS, the Greenacres City Council adopted the Greenacres City Comprehensive Plan on October 5, 1981, setting forth the land use designations for certain parcels within Greenacres City, and

WHEREAS, a request has been made to the City to rezone certain land, and

WHEREAS, in conjunction with the rezoning, a change must be made in the land use designation of the parcel described herein, and

WHEREAS, the request for the designation of the parcel described herein as GC (General Commercial) has been found to be in conformance with surrounding land uses, and

WHEREAS, the City wishes to formally designate the property described herein as GC (General Commercial).

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

Section 1. The land use designation of the parcel of land described hereafter is hereby determined to be GC (General Commercial) and the Land Use Plan for Greenacres City is hereby changed to reflect the land use stated herein. The legal description of the parcel is as follows

LEGAL DESCRIPTION

A tract of land lying in Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

For a point of beginning, commence at the Northeast corner of Section 27, run thence North 89°00'41" West, 315.24 Feet along the North boundary of said Section 27, Run Thence South 00°30'27" West, 90.00 feet; thence run South 89°00'41" East a distance of 100.01 feet; thence run South 00°30'27" West a distance of 325.37 feet; thence run North 89°56'18" East, 215.51 feet, thence run North 00°28'09" East, 411.43 feet to

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the Point Beginning, less ultimate road right-of-way for Lake Worth Road (S R. 802).

TOGETHER WITH all rights, title and interest in and to that certain right-of-way and easement for purposes of ingress and egress created By Indenture recorded in Official Record Book 2798, Page 1889, public records of Palm Beach County, Florida and described as follows: For a point of reference, commence at the Northeast corner of Section 27, South 00°28'09" West 90.00 feet; thence North 89°00'41" West, 215.23 feet along a line 90 feet South of and parallel with the North boundary of Section 27 to a point of beginning. Thence continue North 89°00'41" West, 100.01 feet; thence South 00°30'27" West, 270.46 feet; thence South 89°00'42" East, 25 00 feet, thence South 00°30'27" West, 54.91 feet; thence South 89°00'42" East, 75.00 feet; thence North 00°30'27" East, 325.37 feet to the Point of Beginning

EXCEPTING AND RESERVING unto the holder of that certain perpetual right-of-way and easement recorded in Official Record Book 2798, Page 1889, its successors and assigns and to any party or parties with a right of use thereof, a right of ingress and egress over and across the property more particularly described as follows:

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Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed

Section 3. This ordinance shall become effective upon its adoption

PASSED on the first reading this 14th day of February, 1983.

PASSED AND ADOPTED on the second reading this 21st day of February,

1983

JAMES P. QUIGLEY, Mayor

CHARLES G. FLEMKE, Deputy Mayor

JAMES E. RAWLINS, SR., Councilman

Attest

EVELYN L. WHEELERS, City Clerk

MARSHALL K. DAN, Councilman

WILLIAM E. PERRY, Councilman

CARL WYCKS, Councilman

VOTED  
(Yes)

(Yes)

(Yes)

(Yes)

(Yes)



ORDINANCE NO. 82-34

AN ORDINANCE OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, ANNEXING CERTAIN LANDS AS PETITIONED BY MR. PEDRO GOMEZ, OWNER OF SAID LAND AND REDEFINING THE BOUNDARY LINES OF GREENACRES CITY, FLORIDA, ZONING THE SAME, PROVIDING FOR CONFLICTING ORDINANCES TO BE REPEALED, AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The boundary lines of Greenacres City, Florida, are hereby redefined to include the following described real property lying in Palm Beach County, to wit

A tract of land lying in Section 27, Township 44 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows

For a point of beginning, commence at the Northeast corner of Section 27, run thence North 89°00'41" West, 315.24 Feet along the North boundary of said Section 27, Run Thence South 00°30'27" West, 90.00 feet, thence run South 89°00'41" East a distance of 100.01 feet, thence run South 00°30'27" West a distance of 325.37 feet, thence run North 89°56'18" East, 215.51 feet, thence run North 00°28'09" East, 411.43 feet to the Point Beginning, less ultimate road right-of-way for Lake Worth Road (S.R. 802).

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EXCEPTING AND RESERVING unto the holder of that certain perpetual right-of-way and easement recorded in Official Record Book 2798, Page 1889, its successors and assigns and to any party or parties with a right of use thereof, a right of ingress and egress over and across the property more particularly described as follows

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Town of Greenacres City

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and the above-described real property is hereby annexed by Greenacres City, Florida

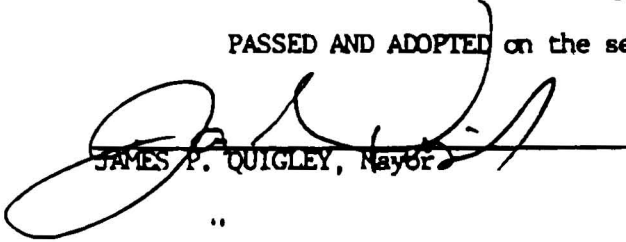
Section 2. The land above described is presently zoned as "AG" (Agricultural) district.

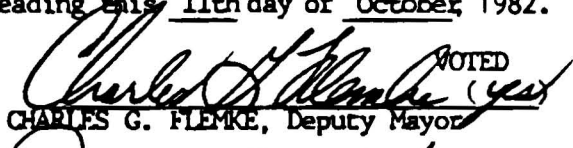
Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

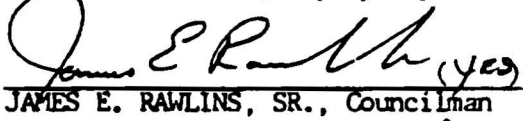
Section 4. This ordinance shall become effective upon its adoption.

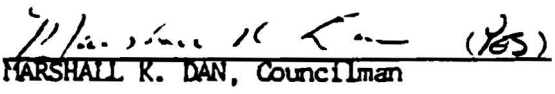
PASSED on the first reading this 4th day of October, 1982

PASSED AND ADOPTED on the second reading this 11th day of October, 1982.

  
JAMES P. QUIGLEY, Mayor

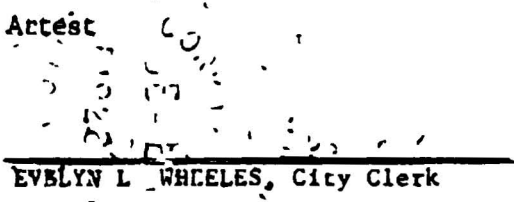
 <sup>NOTED</sup>  
CHARLES G. FLEMKE, Deputy Mayor

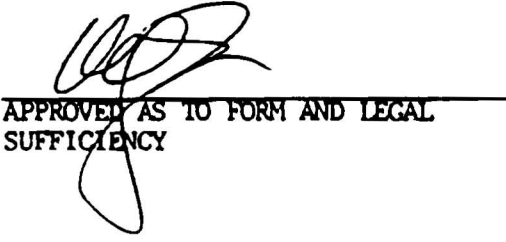
 (yes)  
JAMES E. RAWLINS, SR., Councilman

 (yes)  
MARSHALL K. DAN, Councilman

 (yes)  
WILLIAM E. PERRY, Councilman

 (yes)  
CARL SACKS, Councilman

Attest  
  
EVELYN L. WHEELER, City Clerk

  
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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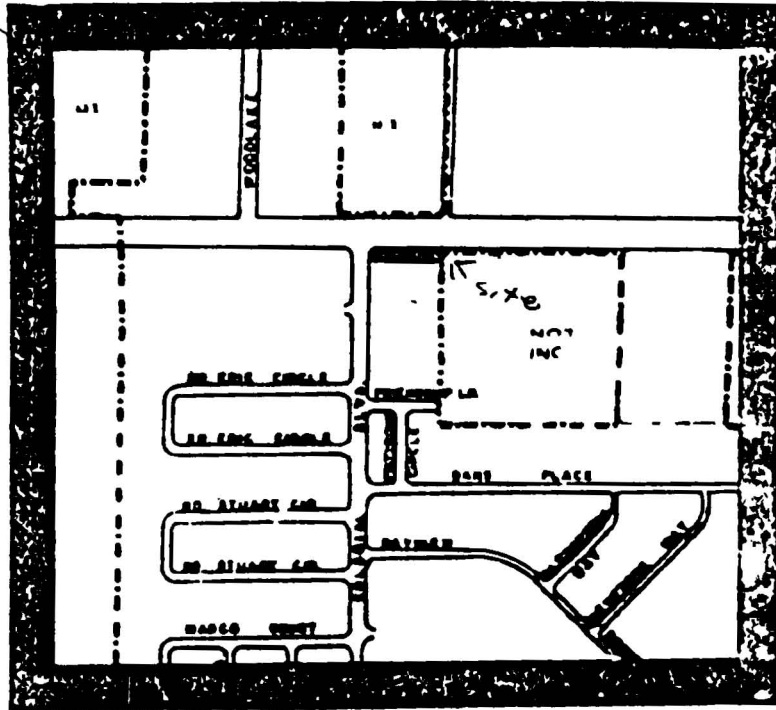
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PLANNING AND ZONING DEPARTMENT  
GREENBACH'S CITY

7C-87-11

EXHIBIT "A"



PETITIONER: Pedro Gomez, owner

LOCATION A parcel of land located directly east of Colonial Coach Boulevard,  
south of Lake Worth Road

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