

RESOLUTION NO. R-83-1537

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. 83-19

WHEREAS, by its Resolution No. 83-19, 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 (Agricultural Residential) and is subject to the Palm Beach County Comprehensive Land Use Plan; and

WHEREAS, the City proposes to Rezone the property to MR (Medium Density Residential) to allow the Petitioner to develop the parcel for residential purposes with a density of 7 units per acre; and

WHEREAS, the Comprehensive Land Use Plan identifies the subject site as having a low to medium Land Use Designation with a density range of 3 units per acre in a standard subdivision, 5 units per acre in a Planned Unit Development; and 8 units per acre in a Planned Unit Development and Transfer of Development Rights, provided that the project meets all mandatory Performance Standards; and

WHEREAS, the Intergovernmental Coordination Element Section of the Palm Beach County Comprehensive Land Use Plan (Ordinance 80-8, as amended by Ordinance 81-27 and 82-26) provides that the Board of County Commissioners may find the proposed waiver request compatible with the Comprehensive Plan if the uses and/or densities proposed in the Municipal Plan will have no significant effect on County systems, or such effect is mitigated by compliance with the Performance Standards; and

WHEREAS, the Planning, Zoning, and Building Department has reviewed the request and has found that the proposed development of 7 units per acre would be within the density range of the County's Comprehensive Land Use Plan designation of low to medium residential with a maximum density of 8 units per acre with Transfer of Development Rights and would thus have no significant impact on County Systems as outlined in the August 31, 1983 memorandum of the Planning Director, attached hereto and made a part hereof; 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:

1. The foregoing recitals are hereby affirmed and ratified.
2. This Board finds that the Rezoning proposed by the City of Greenacres will have no significant impact upon County systems.
3. The Request of the City of Greenacres in its Resolution No. 83-19, 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	AYE
KENNETH G. SPILLIAS	ABSENT
DENNIS P. KOEHLER	AYE
DOROTHY H. WILKEN	AYE
BILL BAILEY	ABSENT

The Chairman thereupon declared the Resolution duly passed and adopted this 29th day of NOVEMBER, 1983.

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

JOHN B. DUNKLE, Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: *John B. Dunkle*
Deputy Clerk

By: *John B. Dunkle*
County Attorney

FILED THIS DAY OF
... NOV. 29 1983 ...
AND RECORDED IN RESOLUTION
MINUTE BOOK NO. 380 AT
PAGE 220-234, RECORD VERIFIED
JOHN B. DUNKLE, CLERK
BY *DH* D.G.

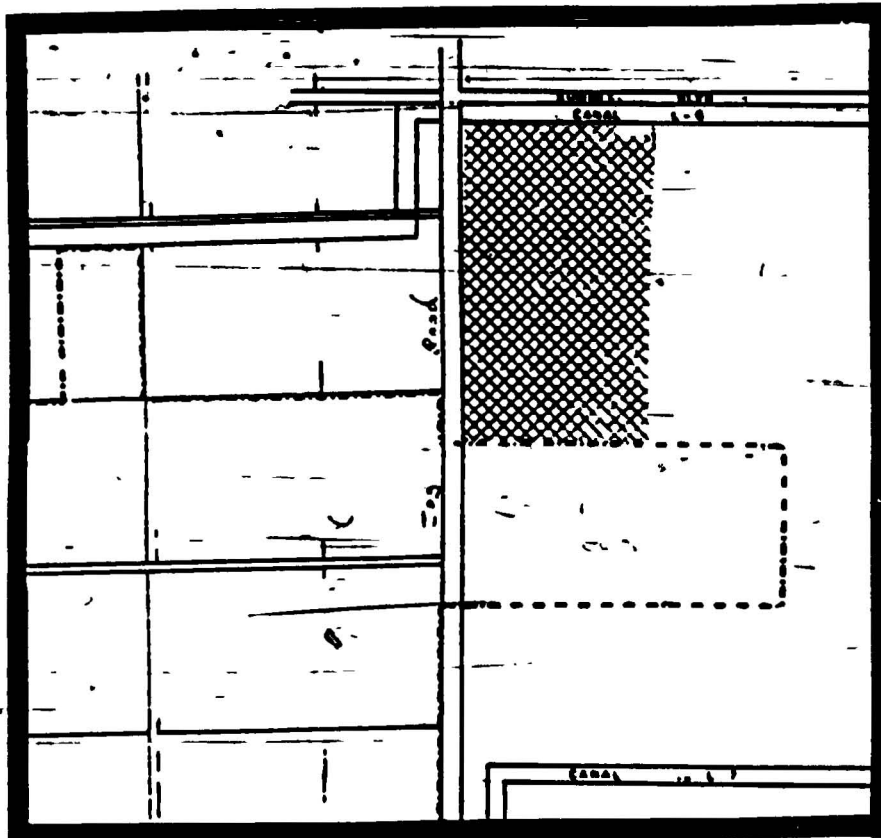
R-83 1537

BOOK 320 221

PLANNING AND ZONING DEPARTMENT

GREENACRES CITY

ANX-82-1



Scale: 1" = 600'



Subject Property

PETITIONER - Beverly P. Miller

LOCATION - S.E. corner of intersection of Jog Road and Summit Blvd.
(approximately 20 acres).

REQUEST - Petitioner seeking to voluntarily annex subject property into Greenacres City.

EXISTING LAND USE - SF Home on southern-most parcel.

SURROUNDING LAND USE - N - LWD Canal L-6 and Summit Blvd.

S - SF Homes.

E - SF Homes.

W - Vacant, SF Homes, Church.

EXISTING ZONING - AG (Agricultural) P.B.C.

- 1 -

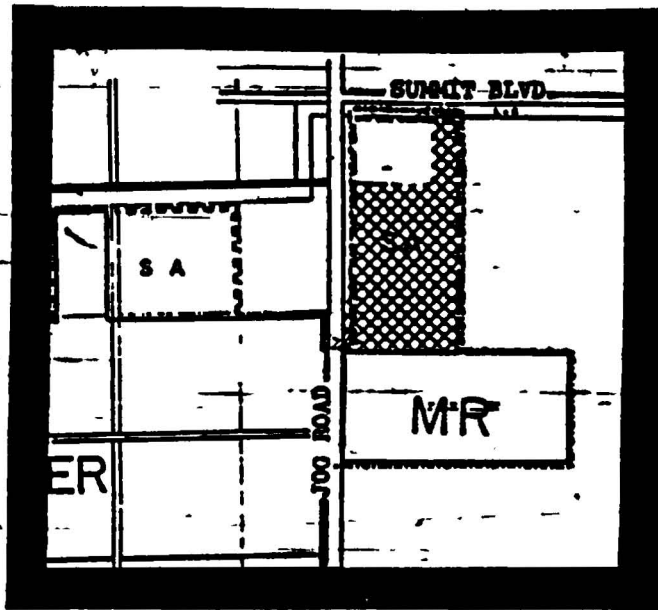
R 83 1537

BOOK 320 222

PLANNING AND ZONING DEPARTMENT
GREENACRES CITY

CP-83-1

EXHIBIT "A"
5-11-83



NORTH

 SUBJECT PROPERTY

PETITIONER: Mrs. Beverly Miller.

LOCATION: A parcel of land located east of Joy Road, south of Summit Boulevard.

LEGAL DESCRIPTION: (See Attached.)

REQUESTS: Request to amend Comprehensive Plan (CP-83-1) for a recently-annexed parcel of land to a land use designation of Medium Density Residential.

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BOOK 320 223

CP-83-1

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE N.E. 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, RUN S. 88°54'39" E. ALONG THE NORTH LINE OF SAID N.E. 1/4, A DISTANCE OF 626.49 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE S. 88°54'39" E. ALONG SAID NORTH LINE, A DISTANCE OF 105.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 10, THENCE S. 00°19'01" W. ALONG SAID EAST LINE A DISTANCE OF 1334.49 FEET TO A POINT ON THE SOUTH LINE OF THE WEST 1/2 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 10, THENCE N. 88°55'45" W. ALONG SAID SOUTH LINE, A DISTANCE OF 684.10 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS NOW LAID OUT AND IN USE, SAID RIGHT-OF-WAY LINE LYING 40.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF THE N.E. 1/4 OF SAID SECTION 10, THENCE N. 00°00'00" E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 920.50 FEET; THENCE S. 89°40'59" E., A DISTANCE OF 303.00 FEET; THENCE, N. 22°22'36" E. A DISTANCE OF 95.00 FEET; THENCE, N. 74°49'56" E., A DISTANCE OF 125.00 FEET; THENCE S. 89°40'59" E., A DISTANCE OF 125.00 FEET; THENCE N. 00°19'01" E., DISTANCE OF 285.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 16.23 ACRES, MORE OR LESS.

SUBJECT TO RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD.

R 83 1537

-2-

BOOK 320 224

Board of County Commissioners

Peggy B Evatt Chairman
Ken Spillias, Vice Chairman
Dennis P Koehler
Dorothy Wilken
Bill Bailey

County Administrator
John C Sansbury

Office of County Attorney
Charles F Schoech
County Attorney



7B-3

November 23, 1983

TO BOARD OF COUNTY COMMISSIONERS
FROM John Corbett, Assistant County Attorney
RE Agenda Item 7B-3 of 11-29-83.

.....
The attached Resolution for Rezoning after Annexation for the City of Greenacres is hereby submitted to the Board pursuant to a Motion heard at the November 15, 1983 meeting to postpone the Resolution for two weeks. The Resolution was previously considered and denied at the September 27, 1983 regular meeting.

JC LMC:lmc

Signed: 
John Corbett
Assistant County Attorney

R 83 1537

BOX 1989 WEST PALM BEACH, FLORIDA 33401

Send

Inter-Office Communication
PALM BEACH COUNTY

7B-3

TO	Stan Redick Planning Director	DATE	August 22, 1983
FROM	Richard F. Morley Principal Planner	FILE	
RE	Annexation/Rezoning - City of Greenacres Resolution No. 83-19		

The Planning Division has reviewed the above waiver request under Chapter 171.862 Florida Statutes and offers the following comments.

Background Information

The City of Greenacres has recently annexed a 16 acre parcel of land located on the southeast corner of Jog Road and Summit Boulevard (see location map). The request is now for the purpose of rezoning the land from the County's Zoning Classification AR to the City's Zoning Classification MR (Medium Density Residential). The proposed use is for a PUD consisting of 112 multi-family units averaging 7 units per acre. The proposed PUD is called Parkside Green.

Land Use Plan Designation and Zoning District

- a) The subject site is presently zoned AR by the County.
- b) The City proposes to rezone the property to MR (Medium Density Residential) allowing for 8-18 units per acre.
- c) There is a significant difference between the County's AR Zoning District which allows for one unit per five acres and the City's proposed MR Zoning District which allows 8-18 units per acre.
- d) The County's Land Use Plan identifies the subject site as having a Low to Medium Land Use Designation with a density range of 3 units per acre in a standard subdivision, ~~5 units per acre in a PUD~~, and 8 units per acre with a Planned Unit Development and Transfer of Development Rights.
- e) The City's proposed rezoning to MR (Medium Density Residential) allowing 7 units per acre is within the density range of the County's Land Use Plan designation of Low to Medium Residential with a maximum density of 8 units per acre with T.D.R.s.

R 83 1537

SIGNED _____

Page Two
Stan Redick
August 22, 1983

Waiver Determination

Although the City's requested density of 7 units per acre is within the County's Land Use designation of a maximum of 8 units per acre with TDR in the Low to Medium PUD classification, the Board of County Commissioners under the amendment to the intergovernmental coordination element of the Palm Beach County Comprehensive Plan 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, it has been determined that there is not a significant impact on County systems from the proposed Parkside Green PUD.

In addition, the following traffic improvements are recommended by the County's Traffic Division:

1. Dedicate an additional 48' for right-of-way for Jog Road.
2. Provide left turn lanes on Jog Road and Summit Boulevard to serve the project entrances.
3. As this project does not have significant impact on Jog Road or Summit Boulevard, it should be required to pay the fair share road impact fee, based on the amount of \$200.00 per unit at the time building permits are issued by Greenacres City.

Based on the fact that the proposed density of 7 units per acre would not be permitted by the County unless Transfer of Development Rights were actually implemented, and all conditions met, it would be advisable to have the Board of County Commissioners evaluate the request and determine Waiver Status under Chapter 171.062 F.S.

RFM:cb
Attachment

R 83 1537

BOOK 320 227

RESOLUTION NO. 83-19

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 MR (MEDIUM DENSITY RESIDENTIAL).

WHEREAS, Greenacres City has received a request for rezoning from Beverly Miller, owner of the following described property:

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE N.E. 1/4 OF SECTION 10, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, RUN S. 88°54'39" E. ALONG THE NORTH LINE OF SAID N.E. 1/4, A DISTANCE OF 626.49 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE S. 88°54'39" E. ALONG SAID NORTH LINE, A DISTANCE OF 105.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 10, THENCE S. 00°19'01" W. ALONG SAID EAST LINE A DISTANCE OF 1334.49 FEET TO A POINT ON THE SOUTH LINE OF THE WEST 1/2 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 10, THENCE N. 88°55'45" W. ALONG SAID SOUTH LINE, A DISTANCE OF 684.10 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS NOW LAID OUT AND IN USE, SAID RIGHT-OF-WAY LINE LYING 40.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF THE N.E. 1/4 OF SAID SECTION 10, THENCE N. 00°00'00" E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 920.50 FEET; THENCE S. 89°40'59" E., A DISTANCE OF 303.00 FEET; THENCE, N. 22°22'36" E. A DISTANCE OF 95.00 FEET; THENCE, N. 74°49'56" E., A DISTANCE OF 125.00 FEET; THENCE S. 89°40'59" E., A DISTANCE OF 125.00 FEET; THENCE N. 00°19'01" E., DISTANCE OF 285.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 16.23 ACRES, MORE OR LESS.

SUBJECT TO RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD.

WHEREAS, the City Council of Greenacres City, at its regular meeting of July 11, 1983, considered this property for an amendment to the Greenacres City Comprehensive Plan Land Use Element and has amended that area to reflect a Medium Density Residential land use, 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 MR (Medium Density Residential) 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.

RESOLVED this 11th day of July, 1983.

[Signature]
JAMES P. QUIGLEY, Mayor

[Signature] VOTED (yes)
JAMES E. RAWLINS, SR., Deputy Mayor

[Signature] (Yes)
MARSHALL K. DAN, Councilman

Attest:

[Signature]
EVELYN L. WHEELER, City Clerk

[Signature] (yes)
WILLIAM E. PERRY, Councilman

[Signature] = yes
CARL SACKS, Councilman

[Signature]
APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature] (yes)
WALLY TIEBOEL, Councilman

R 83 1537

ORDINANCE NO. 82-06

AN ORDINANCE OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, ANNEXING CERTAIN LANDS AS PETITIONED BY BEVERLY P. MILLER, INC., AS TRUSTEE FOR THE OWNERS OF SAID LAND, AND REDEFINING THE BOUNDARY LINES OF GREENACRES CITY, FLORIDA; ZONING THE SAME; 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:

The South 301 feet of the West Half (W 1/2) of the Northwest Quarter (NW 1/4) of the Northeast quarter (NE 1/4) of Section 10, Township 44 South, Range 42 East, Palm Beach County, Florida.; LESS the West 40 feet thereof conveyed to the County of Palm Beach in Official Record Book 891, page 576

and

West 1/2 of the Northwest 1/4 of the Northeast 1/4 less the South 301 feet and the West 40 feet for right of way, Section 10, Township 44 South, Range 42 East, Palm Beach County, Florida.

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.

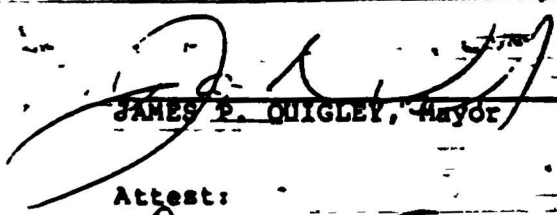
Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

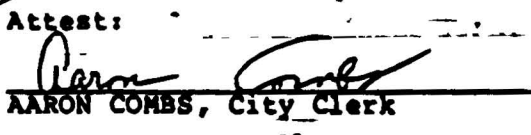
Section 4. This ordinance shall become effective upon its adoption.

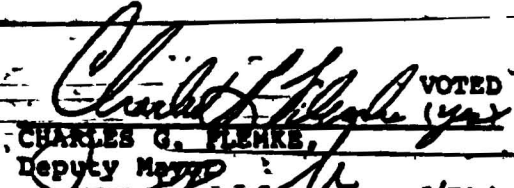
PASSED on the first reading this 5th day of April

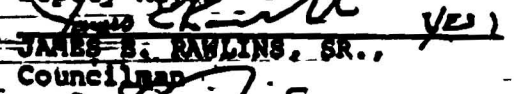
A.D., 1982.

PASSED AND ADOPTED on the second reading this 12th day
of April, 1982.


JAMES P. QUIGLEY, Mayor

Attest:

AARON COMBS, City Clerk

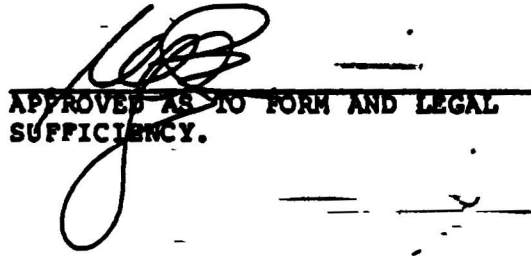
 VOTED
CHARLES G. FLEMER, Deputy Mayor (yes)

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

 (yes)
C. VAN JORDAN, Councilman

Councilman

 (yes)
CARL ECKS, Councilman


APPROVED AS TO FORM AND LEGAL
SUFFICIENCY.

d72

BOOK 320 - 231 R 83 1537

ORDINANCE NO. 83-31

AN ORDINANCE OF THE CITY COUNCIL OF GREENACRES CITY, FLORIDA, AMENDING THE CITY'S LAND USE PLAN BY DESIGNATING THE LAND USE OF THE PARCEL DESCRIBED HEREIN AS MEDIUM DENSITY RESIDENTIAL, AS PETITIONED BY BEVERLY MILLER; 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 Medium Density Residential has been found to be in conformance with surrounding land uses, and

WHEREAS, the City wishes to formally designate the property described herein as Medium Density Residential.

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 Medium Density Residential 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 PARCEL OF LAND LYING IN THE N.E. 1/4 OF SECTION 10, TOWNSHIP 44. SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, RUN S. 88°54'39" E. ALONG THE NORTH LINE OF SAID N.E. 1/4, A DISTANCE OF 626.49 FEET FOR A POINT OF BEGINNING, THENCE CONTINUE S. 88°54'39" E. ALONG SAID NORTH LINE, A DISTANCE OF 105.00 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE N.W. 1/4 OF THE N.E. 1/4 OF SAID SECTION 10, THENCE S. 00°19'01" W. ALONG SAID EAST LINE A DISTANCE OF 1334.49 FEET TO A POINT ON THE SOUTH LINE OF THE WEST 1/2 OF THE N.W. 1/4

OF THE N.E. 1/4 OF SAID SECTION 10, THENCE N. 88°55'45" W. ALONG SAID SOUTH LINE, A DISTANCE OF 684.10 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF JOG ROAD AS NOW LAID OUT AND IN USE, SAID RIGHT-OF-WAY LINE LYING 40.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF THE N.E. 1/4 OF SAID SECTION 10, THENCE N. 00°00'00" E. ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 920.50 FEET; THENCE S. 89°40'59" E., A DISTANCE OF 303.00 FEET; THENCE N. 22°22'36" E. A DISTANCE OF 95.00 FEET; THENCE N. 74°49'56" E., A DISTANCE OF 125.00 FEET; THENCE S. 89°40'59" E., A DISTANCE OF 125.00 FEET; THENCE N. 00°19'01" E., DISTANCE OF 285.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 16.23 ACRES, MORE OR LESS.

SUBJECT TO RESERVATIONS, EASEMENTS, AND RIGHTS-OF-WAY OF RECORD.

Section 2. 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 3. 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 this 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 4. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective in accordance with the laws of the State of Florida.

PASSED on the first reading this 27th day of June, 1983.

PASSED AND ADOPTED on the second reading this 11th day of July, 1983.

[Signature]
JAMES P. QUIGLEY, Mayor

[Signature] VOTED
(YES)
JAMES E. RAWLINS, SR., Deputy Mayor

[Signature] (YES)
MARSHALL K. DAN, Councilman

Attest:

[Signature]
EVELYN L. WHEELER, City Clerk

[Signature] (YES)
WILLIAM E. PERRY, Councilman

[Signature] (YES)
CARL SACKS, Councilman

[Signature]
APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

[Signature] (YES)
WALLY TETSOHL, Councilman

R 83 1537

BOOK 320 234