

ORDINANCE NO. 2009 -017

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4 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS  
5 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989  
6 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.  
7 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE  
8 ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT  
9 **GLADES ROAD / 95TH AVENUE NE COMMERCIAL (SCA**  
10 **2009-030)**; MODIFYING PAGE 110 BY CHANGING A 2.65  
11 ACRES PARCEL OF LAND LOCATED AT THE NORTHEAST  
12 CORNER OF GLADES ROAD AND 95TH AVENUE SOUTH, FROM  
13 COMMERCIAL LOW WITH AN UNDERLYING 5 DWELLING  
14 UNITS PER ACRE (CL/5) WITH FURNITURE STORE ONLY  
15 RESTRICTION TO COMMERCIAL LOW WITH AN UNDERLYING  
16 5 DWELLING UNITS PER ACRE (CL/5) WITHOUT THE  
17 FURNITURE STORE ONLY RESTRICTION; PROVIDING FOR  
18 REPEAL OF LAWS IN CONFLICT; PROVIDING FOR  
19 SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989  
20 COMPREHENSIVE PLAN; AND PROVIDING FOR AN  
21 EFFECTIVE DATE.

22       **WHEREAS**, on August 31, 1989, the Palm Beach County Board of  
23 County Commissioners adopted the 1989 Comprehensive Plan by Ordinance  
24 No. 89-17; and

25       **WHEREAS**, the Palm Beach County Board of County Commissioners  
26 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part  
27 II, Florida Statutes; and

28       **WHEREAS**, Section 163.3187(1)(c), Florida Statutes, provides  
29 comprehensive plan amendments directly related to small scale  
30 development activity may be made by local governments without regard  
31 to statutory limits regarding the timing and frequency of plan  
32 amendments; and

33       **WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides  
34 that small scale development amendments require only one public  
35 hearing before the governing board which shall be an adoption public  
36 hearing; and

37       **WHEREAS**, a property owner has initiated an amendment to the  
38 Future Land Use Atlas of the 1989 Comprehensive Plan; and

39       **WHEREAS**, the proposed amendment meets the criteria of a small  
40 scale development amendment per Section 163.3187(1)(c), Florida  
41 Statutes; and

42       **WHEREAS**, the Palm Beach County Local Planning Agency conducted a  
43 public hearing on May 15, 2009, to review the proposed amendment to  
44 the Palm Beach County Comprehensive Plan and made recommendations  
45 regarding the proposed amendment to the Palm Beach County Board of  
46 County Commissioners pursuant to Chapter 163, Part II, Florida

1 Statutes; and

2 **WHEREAS**, the Palm Beach County Board of County Commissioners, as  
3 the governing body of Palm Beach County, conducted a public hearing  
4 pursuant to Chapter 163, Part II, Florida Statutes, on June 29, 2009,  
5 to review the recommendations of the Local Planning Agency and to  
6 consider adoption of the amendments; and

7 **WHEREAS**, the Palm Beach County Board of County Commissioners has  
8 determined that the amendment complies with all requirements of the  
9 Local Government Comprehensive Planning and Land Development  
10 Regulation Act.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **Part I. Amendments to the Future Land Use Atlas of the Land Use**  
14 **Element of the 1989 Comprehensive Plan**

15 The following amendment to the Future Land Use Element's Future  
16 Land Use Atlas is hereby adopted and is attached to this Ordinance:

17 **A. Future Land Use Atlas page 110** is amended as follows:

18 **Application No.:** Glades Road/95th Avenue NE Commercial  
19 (SCA 2009-030)

20 **Amendment:** Commercial Low with an underlying 5  
21 dwelling units per acre (CL/5) with  
22 furniture store only restriction **to**  
23 Commercial Low with an underlying 5  
24 dwelling units per acre (CL/5) without the  
25 furniture store only restriction;

26 **General Location:** Northeast corner of Glades Road and 95th  
27 Avenue South;

28 **Size:** Approximately 2.65 acres;

29 **Condition:** The subject site shall be limited to 26,058  
30 square feet of development.

31 **Part II. Repeal of Laws in Conflict**

32 All local laws and ordinances applying to the unincorporated area  
33 of Palm Beach County in conflict with any provision of this ordinance  
34 are hereby repealed to the extent of such conflict.

35 **Part III. Severability**

36 If any section, paragraph, sentence, clause, phrase, or word of

1 this Ordinance is for any reason held by the Court to be  
2 unconstitutional, inoperative or void, such holding shall not affect  
3 the remainder of this Ordinance.

4 **Part IV. Inclusion in the 1989 Comprehensive Plan**

5 The provisions of this Ordinance shall become and be made a part  
6 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
7 Ordinance may be renumbered or relettered to accomplish such, and the  
8 word "ordinance" may be changed to "section," "article," or any other  
9 appropriate word.

10 **Part V. Effective Date**

11 This amendment shall not become effective until 31 days after  
12 adoption. If challenged within 30 days after adoption, this amendment  
13 shall not become effective until the state land planning agency or the  
14 Administration Commission, respectively, issues a final order  
15 determining the amendment is in compliance.

16 **APPROVED AND ADOPTED** by the Board of County Commissioners of  
17 Palm Beach County, on the 29th day of June, 2009.

18 ATTEST:

19 SHARON R. BOCK, CLERK  
20 AND COMPTROLLER

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

23 By: Judith Casale  
24 Deputy Clerk

25 By: John F. Koons  
26 John F. Koons, Chairman

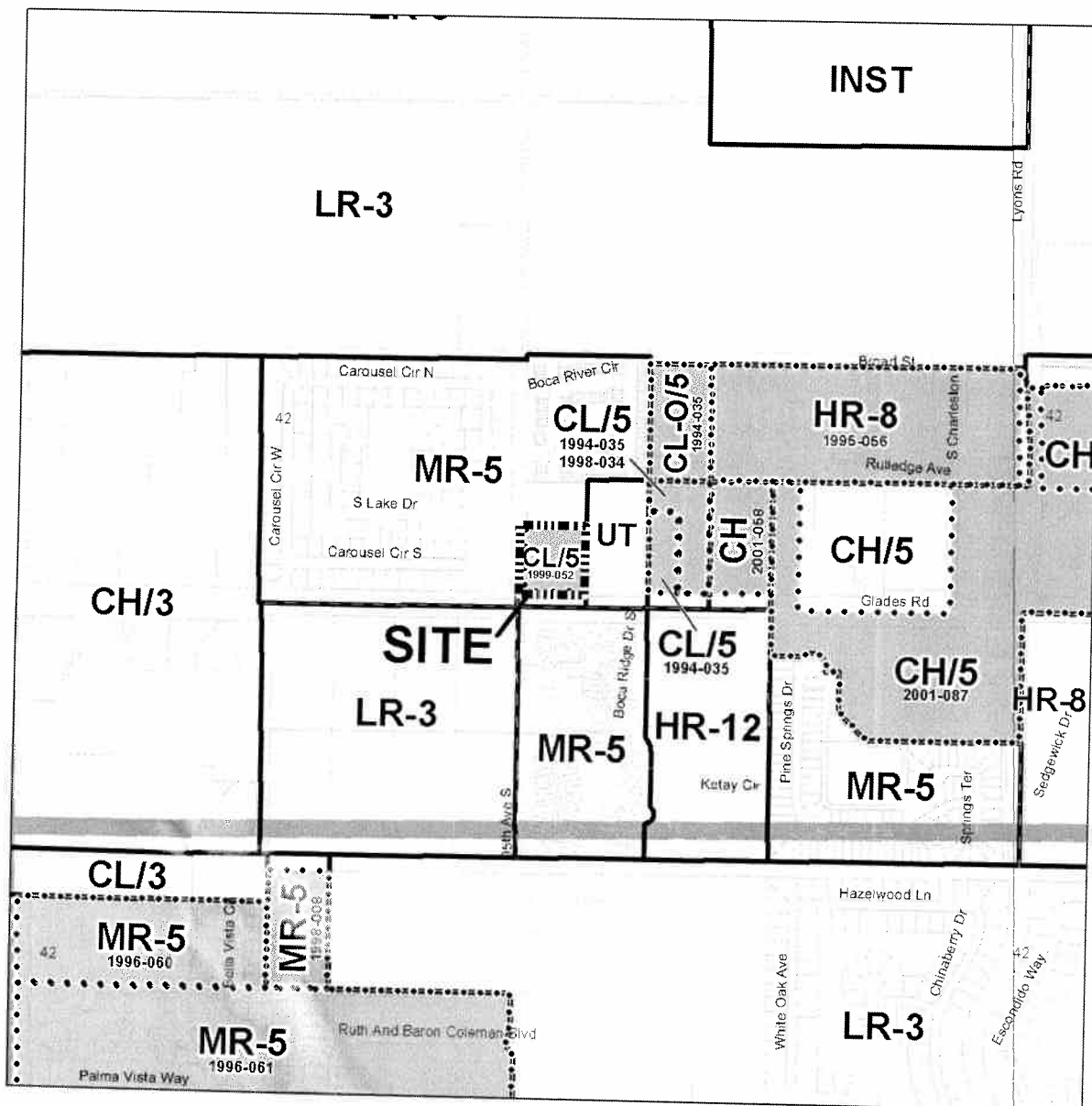
27 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
28 Seamus J. [Signature]  
29 COUNTY ATTORNEY

30 Filed with the Department of State on the 2nd day  
31 of July, 2009.

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EXHIBIT 1

Amendment No.: GLADES ROAD / 95TH AVENUE NE COMMERCIAL (SCA 2009-030)  
 FLUA Page No.: 110  
 Amendment: Removal of SCA conditions of approval limiting the building's use to a furniture store only  
 Location: Northeast corner of Glades Road and 95th Avenue South  
 Size: 2.65 acres  
 Property No.: 00-42-47-18-18-000-0010 & 00-42-47-18-18-001-0000  
 Condition: The subject site shall be limited to 26,058 square feet of development



## Legal Description

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A portion of Tract 89, in Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof recorded in Plat Book 2, Page 45, of the Public Records of Palm Beach County, Florida, being more particularly described as follows :

COMMENCING at the Northeast corner of said Tract 89;

THENCE continue South 00°00'01" West along the East line of said Tract 89, a distance of 241 feet to the POINT OF BEGINNING;

THENCE continue South 00°00'01" West, along the East line of said Tract 89, a distance of 354.00 feet to a point lying on the Northerly right-of-way line of Glades Road;

THENCE with a bearing of South 89°59'38" West, along the North right-of-way line of Glades Road for a distance of 305.10 feet to a point;

THENCE with a bearing of North 45°00'22" West, for a distance of 35.36 feet to a point lying on the Easterly right-of-way line of 95th Avenue South;

THENCE with a bearing of North 00°00'01" East, along the Easterly right-of-way line of 95th Avenue South for a distance of 322.87 feet to a point;

THENCE with a bearing of South 89°59'59" East, for a distance of 123.04 feet to a point;

THENCE with a bearing of North 70°02'27" East, for a distance of 18.07 feet to a point;

THENCE with a bearing of South 89°59'59" East, for a distance of 190.08 feet, more or less, to the POINT OF BEGINNING.

Said Parcel also known as :

Parcel 1, Tract "A", Tract "B", Tract "C" and Tract "D" of GLADES SQUARE, according to the Plat thereof as recorded in Plat Book 100, Page 14, of the Public Records of Palm Beach County, Florida.

CONTAINING 115,741 square feet (2.65 acres), more or less.

SUBJECT to easements, reservations, restrictions and rights-of-way of record.

SUBJECT to Monument Sign Easement Agreement per Official Records Book 11781, Page 1039 of the Public Records of Palm Beach County, Florida.

PCN: 00-42-47-18-18-000-0010 & 00-42-47-18-18-001-0000