

ZC-20-04
Exhibit "A"
Date: November 24, 2021

Revised: 12/01/2021
12/13/2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-06: ZC-20-04 Rezoning at Blossom Trail (aka Nash Trail)

Second Reading & Adoption: A request from Yoan Machado of WGI, agent for the owners, to approve a zoning change request from the Palm Beach County Agricultural Residential (PBC AR) and Palm Beach County Residential Estate (RE) district zoning designation to the City Residential Medium-2 (RM-2) and Residential High (RH) zoning district. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Kara L. Irwin-Ferris, AICP	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: [X] Required [] Not Required Date: 11/18/2021, 12/2/2021; 12/23/21 Paper: Lake Worth Herald Mailing [X] Required [] Not Required Notice Distance: 300'

Attachments: <ul style="list-style-type: none">• Aerial• Existing Zoning Map• Proposed Zoning Map• Ordinance 2021-06	City Council Action: [] Approval [] Approve with conditions [] Denial [] Continued to: _____
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II. Executive Summary

A request for a change in the zoning designation for approximately 33.06 acres and fourteen (14) parcels, thirteen (13) parcels with a PBC Agricultural Residential (AR) designation and one (1) parcel with a Palm Beach County Residential Estate (RE) designation to City Residential Medium Density-2 (RM-2) and City Residential High Density (RH). The site is contiguous to the City's boundary to the north and east.

The fourteen (14) parcels include nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a small-scale land use amendment (CPA-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed. The applicant intends to develop the site with a planned unit development for 76 zero lot line units and 154 townhome dwelling units.

III. Site Data:

Existing Use:	Single-Family homes
Proposed Use:	Zero Lot Line Homes and Townhomes
Parcel Control Numbers:	18-42-44-35-00-000-5200, 18-42-44-35-00-000-5010, 18-42-44-35-00-000-5170, 18-42-44-35-00-000-5450, 18-42-44-35-00-000-5080, 18-42-44-35-0-000-5300, 18-42-44-35-00-000-5500, 18-42-44-35-00-000-5480, 18-42-44-35-00-000-5190, 18-42-44-35-00-000-5490, 18-42-44-35-00-000-5440, 18-42-44-35-00-000-5430, 18-42-44-35-00-000-5370, 18-42-44-35-00-000-5030
Parcel Size:	33.06 acres
Existing Future Land Use Designation:	PBC Medium Density 5 Units per Acre (MR5) and Low Residential (LR-1)
Proposed Future Land Use Designation:	City Residential Medium Density (RS-MD) and Residential High (RH)
Existing Zoning District:	PBC Agricultural Residential (AR) and Residential Estate (RE)
Proposed Zoning District:	City Residential Medium Density (RM-2) and Residential High Density (RH)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Nautica Isles	Residential Low Density (RS-LD) (COG) Residential Low, 3 – 5 dwelling unit per acre	Planned Unit Development (PUD) with an underlying Residential Low (RL-3) (COG)
<i>South</i>	Commercial and Industrial Uses	Institutional (INST) (PBC), Commercial Low, with underlying Industrial (CL/IND) (PBC)	Institutional and Public Facilities (IPF), Multiple Use Planned Development (MUPD) Zoning District (PBC), Agricultural Residential (AR) (PBC)
<i>East</i>	Verona Estates (SF) and Verona Palms (Townhomes)	City Residential Medium (RM), 7 dwelling units per acre	Residential Medium – 2 (RM-2) (COG), Residential Medium -1 (RM-1)(COG)
<i>West</i>	Residential Community	Palm Beach County Medium Residential-5 (MR-5)	Agricultural Residential (AR) (PBC), Residential Estate (RE)(PBC)

III. Annexation/Zoning History

The approximately 33.06-acre site is located in the City of Greenacres. The site is comprised of fourteen (14) parcels of land, with nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a zoning change (ZC-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed for the multiple sites.

Thirteen (13) of the fourteen (14) subject properties have a Palm Beach County Medium Residential-5 (MR-5) future land use designation, which permits a maximum density of 5 dwelling units per acre. One (1) of the properties, located at 5141 Nash Trail and a portion of the parcel located at 5696 52nd Drive South, has a Palm Beach County Low Residential (LR-1) future land use designation, which permits a maximum density of 1 dwelling unit per acre.

Thirteen (13) of the fourteen (14) subject properties have a PBC zoning designation of Agricultural Residential (AR) which permits single-family residential, recreational, and agricultural uses. One (1) of the properties, located at 5141 Nash Trail has a Palm Beach County Residential Estate (RE) district zoning designation which provides a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. Initially, the City received a letter of interest from a developer that represents property owners in the area requesting to annex into the City limits. The City staff determined that the best way to pursue the annexation was by an annexation referendum, so that the registered electors in the area could vote on the issue. A public notice letter was sent to each person who resides or owns property within the area to be annexed in accordance with Section

171.042 (3), Florida Statutes. The notice is required to be mailed no later than ten days prior to the first public hearing, or no later than June 19, 2020. The letters were mailed on June 9, 2020.

On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The city forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

Concurrent petitions for a small-scale land use amendment (CPA-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed. The applicant intends to develop the site with a planned unit development for 76 zero lot line units and 154 townhome dwelling units.

V. Applicable Comprehensive Plan Provisions:

The Comprehensive Plan includes the following planning objectives and policies related to this proposed zoning change request:

1. Future Land Use Element

Objective 1, Policy b)

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

** * * (1 through 3 and 6 through 16 omitted for brevity) * * **

(4) Medium Density Residential – 6.0 to 7.0 residential units per net acre.

(5) High Density Residential - 10.0 residential units per net acre.

Objective 11, Policies a, b & c)

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating future land use densities based upon levels of services and the availability of services and facilities.

Policy a)

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. “Consistent and compatible with the established land use pattern” shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

Policy b)

Infill development shall be promoted within existing areas to discourage the harmful effects of leap frog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

2. Housing Element

Objective 1, Policy e)

The City shall work cooperatively with the private sector to ensure the provision of adequate and affordable housing by creating a diversity of housing types through enhancement and development of cost effective development techniques, streamlining the review process, revising appropriate land development ordinances and inducing the development of additional single family detached units to meet the needs of existing and future residents of the City of Greenacres, including households with special needs.

Policy e)

The City shall continue to allow the development of townhouse communities through the use of conventional Zoning Code requirements and without the need for a Planned Unit Development.

VI. Applicable City Code Provisions:

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the future land use map, and it should not have an adverse effect on the Comprehensive Plan.

Division 5. Residential Medium Density (Section 16-331 through 16-342)

The Residential Medium Density (RM) district is intended to be a low to medium density district with an emphasis on multiple-family use. Due to transitional character of these areas, governmental, educational, religious, noncommercial and recreational uses compatible with residential development are permitted or permissible by special exception. The provisions of this district are intended to protect and preserve the residential character and promote a desirable environment for the inhabitants. Variation among RM-1 and RM-

2 is limited to density, lot area, width, certain yards and lot coverage.

Division 6. Residential High Density (Section 16-361 through 16-390)

The residential high density (RH) district is intended to fulfill the need for a high concentration of population through a variety of housing types, residential high density (RH) districts are situated so that they are well served by public and commercial services in close proximity and have convenient access to arterial streets. Governmental, educational, religious, noncommercial and recreational uses that may serve this district as well as other districts are permitted or permissible by special exception.

VII. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff (LDS) on December 26, 2020 and went out for four (4) total rounds of comments.

Planning and Engineering Dept.:	Incorporated into the staff report
Building Department:	Incorporated into the staff report
Fire Rescue Department:	Incorporated into the staff report
Public Works Department:	No objections
PBSO District 16:	Incorporated into the staff report

Zoning Change Criteria and Findings of Fact:

Section 16-153. Planning Commission Report: The Planning Commission shall submit a report to the City Council which shows that the Commission has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:

Specific Criteria Findings:

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

Finding: The proposed rezoning from Palm Beach County Agricultural Residential (PBC AR) and Palm Beach County Residential Estate (RE) district zoning designation to Residential Medium - 2 (RM-2) and Residential High Density (RH) is consistent with the City's future land use element of the Comprehensive Plan. The proposed RM-2 zoning designation is consistent with the proposed Residential - Medium Density (RS-MD) future land use designation and the proposed RH zoning designation is consistent with the proposed Residential High Density (RS-HD).

(2) The existing land use pattern.

Finding: The combination of the proposed Residential Medium – 2 (RM-2) and Residential High (RH) zoning districts are compatible with the existing mix of residential uses in the area and the proposed uses on the subject site. In addition, the future land use designations on the sites to the east and north have development of a similar type and density.

(3) The possible creation of an isolated district unrelated to adjacent and nearby districts.

Finding: This proposed zoning changes will not create an isolated zoning district. The changes are required in order to complete the annexation process and the zoning of the site for medium density residential and residential high density are consistent with adjacent properties. The property to the north is zoned Residential Low – 3 (RL-3) which is a lower density residential zoning district. However, the properties to the east have the same RM-2 zoning district as proposed. The RH zoning is consistent with the portion of the property adjacent to the non-residential uses to the south and the recently widened Haverhill Road.

(4) The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, etc.

Finding: The subject site currently has single-family and accessory uses and is mostly surrounded by developed residential uses. Concurrency has been satisfied for all applicable agencies for the 76 zero lot line homes and 154 townhome residential units that are proposed for this site based on the concurrent petition for site and development plan approval.

(5) Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Finding: The property was recently annexed into the City and therefore requires an appropriate City zoning designation.

(6) Whether changed or changing conditions make the passage of the proposed amendment necessary.

Finding: The property was recently annexed into the City and therefore requires an appropriate City zoning designation.

(7) Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.

Finding: The applicant's proposed development has been reviewed by Palm Beach County Engineering and found to comply with Traffic Performance Standards. As a part of the concurrent site and development plan approval process, the site layout has been reviewed by the City's Traffic Engineering Consultant and the Public Safety Department

for circulation safety and access. The site will not have direct access to Haverhill Road it will utilize Nash Trail for access.

- (8) **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Finding: The proposed zoning changes will not adversely affect living conditions in the area. Any future project, such as the concurrent petition for a site and development plan, will be conditioned to include adequate landscaping, setbacks and buffering.

- (9) **Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

Finding: The property is being annexed into the City and therefore requires an appropriate City zoning designation.

- (10) **Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

Finding: As evidenced by the findings above, the proposed zoning change does not constitute a special privilege for the property owners because the change is consistent with existing land use patterns and the property's proposed future land use, as well as the surrounding future land use and zoning designations.

VIII. Staff Recommendation:

Approval of ZC-20-04 through the adoption of Ordinance 2021-06.

PLANNING COMMISSION RECOMMENDATION – December 1, 2021

The Planning Commission on a motion made by Commissioner Robarts and seconded by Commissioner Neustein, voting five (5) to one (1) with Commissioner Fitzgerald dissenting, ***recommended approval*** of Zoning Change ***ZC-20-04*** (*Blossom Trail (aka NashTrail)*), as presented by staff.

CITY COUNCIL ACTION First Reading – December 13, 2021

The City Council on a motion made by Council Member Pearce and seconded by Council Member Bousquet, voting four (4) to one (1) with Council Member Dugo dissenting, ***approved*** Zoning Change ***ZC-20-04*** (*Blossom Trail (aka NashTrail)*), on first reading, through ***Ordinance 2021-06***, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – January 3, 2022
