



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### **Subject/Agenda Item:**

#### **Ordinance 2021-05: CPA-20-04 Blossom Trail (aka Nash Trail)**

**Second Reading & Adoption:** A request from Yoan Machado of WGI, agent for multiple owners for a small-scale Future Land Use Amendment for approximately 33.06 acres from PBC MR-5 (Medium Density 5 Units per Acre) and Palm Beach County Low Residential (LR-1) to City Residential Medium Density (RS-MD) and City Residential High (RH) Density. 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 52<sup>nd</sup> Drive South.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

<b>Originating Department: Development and Neighborhood Services</b>  Project Manager  _____ Kara Ferris, Director	<b>Reviewed By:</b> Director:  _____ Kara L. Irwin-Ferris, AICP
<b>Approved By:</b>  City Manager  _____ Andrea McCue	<b>Public Notice:</b> [X] Required                      [ ] Not Required Date: 11/18/21; 12/2/21; 12/23/21 Paper: Lake Worth Herald  Mailing [ ] Required                      [X] Not Required Notice Distance:

<b>Attachments:</b> <ul style="list-style-type: none"><li>• Survey</li><li>• Location Map</li><li>• Ordinance 2021-05</li></ul>	<b>City Council Action:</b> [ ] Approval [ ] Approve with conditions [ ] Denial [ ] Continued to: _____
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## **I. Executive Summary**

A request for a small-scale Future Land Use Amendment for approximately 33.06 acres from PBC MR-5 (Medium Density 5 Units per Acre) and Palm Beach County Low Residential (LR-1) to City Residential Medium Density (RS-MD) and City Residential High (RH) Density. The site contains fourteen (14) parcels having a Palm Beach County zoning designation of Agriculture Residential (PBC AR) and one (1) parcel with a Palm Beach County Residential Estate (RE) district zoning. The site is contiguous to the City's boundary to the north and east.

## **II. Site Data**

<b>Existing Use:</b>	Single-Family homes
<b>Proposed Use:</b>	Zero Lot Line Homes and Townhomes
<b>Parcel Control Numbers:</b>	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
<b>Parcel Size:</b>	33.06 acres
<b>Existing Future Land Use Designation:</b>	PBC Medium Density 5 Units per Acre (MR5) and Low Residential (LR-1)
<b>Proposed Future Land Use Designation:</b>	City Residential Medium Density (RS-MD) and Residential High (RH)
<b>Existing Zoning District:</b>	PBC Agricultural Residential (AR) and Residential Estate (RE)
<b>Proposed Zoning District:</b>	City Residential Medium Density (RM-2) and Residential High Density (RH)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<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 52<sup>nd</sup> 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 was 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.

### **IV. Data and Analysis**

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County Medium Density 5 Units per Acre (MR-5) and Palm Beach County Low Residential (LR-1) future land use designation with an appropriate City designation because of concurrent development applications. The Advisory Future Land Use Map (Map FLU 9) recommends Residential Low Density (RS-LD) and Residential Medium Density (RS-MD) for the subject area. However, the City's Future Land Use Element

states “these assignments to only serve as a guide in reviewing land use requests and development in these areas until the time of annexation.” In addition, the City’s comprehensive plan also recognizes the broad national trend in housing development of apartment, townhouse, and zero lot line units to continue in the City of Greenacres, due in large part to rising construction costs and smaller household sizes.

A portion of the site, 30.56 acres has a Palm Beach County Medium Residential 5 future land use designation that allows a maximum residential development density of 5 dwelling units per gross acre, with a potential for up to 3 additional units per acre using the County’s Transfer of Development Rights (TDR) program (for a total of 8 du/acre). In addition, the County allows bonus densities for the Workforce Housing units within a development, which would further increase the potential density of the site.

The remainder of the site, 2.5 acres, has a Palm Beach County LR 1 future land use designation that allows a maximum residential development density of 1 dwelling unit per gross acre. The property could utilize the County’s Transfer of Development Rights program for a maximum of an additional 3 units per acre as a PUD (for a total of 4 du/acre). In addition, the County allows bonus densities up to 50% for the Workforce Housing Program within a development, which would further increase the potential density of the site.

The proposed City of Greenacres RS-MD future land use designation allows a maximum residential development density of a maximum 7 dwelling units per net acre. The proposed Residential Medium - 2 (RM-2) zoning designation allows up to 7 units per net acre. The proposed City of Greenacres RS-HD future land use designation allows a maximum residential development density of a maximum 10 dwelling units per net acre. The proposed Residential High (RH) zoning designation allows up to 10 units per net acre. The net density is defined as the specific area of land exclusive of all public and private rights-of-way within the proposed development. The city does not allow for the use of a determination using gross density, TDRs, or density bonuses for workforce housing, so the overall density allowance would be less than Palm Beach County. This is provided using a 15-20% reduction for roadways (public and private) in the area utilized to determine the density of a proposed project, as required by the City of Greenacres Comprehensive Plan. The analysis is less without the potential application of the 50% increase for workforce housing in Palm Beach County.

### **POTENTIAL IMPACTS UNDER EXISTING LAND USE**

Palm Beach County Development Potential				
Land Use	Area	Max Density	Density Bonus	Max Potential Units
PBC MR-5	30.56 acres	5 dui	TDR +3 dui	244 units
			WHP + 50%	229 units
PBC LR-1	2.5 acres	1 dui	TDR +3 dui	10 units
			WHP + 50%	3 units
Maximum Development Potential				254 units

## POTENTIAL IMPACTS UNDER PROPOSED LAND USE

Greenacres Development Potential				
Land Use	Area	Net Density	Reduction for ROW	Max Potential Units
COG RM	7.91 acres	7 dui	-20.4% acreage	44 units
COG RH	25.15 acres	10 dui	-16.7% acreage	209 units
Maximum Development Potential				253 units

In addition, as the above density analysis demonstrates, the proposed combination of RS-HD and RS-MD will closely replicate the maximum density of the adjacent County MR 5 designations in light of the TDR program. Therefore, the analysis of the compatibility of the proposed designation with adjacent uses reveals RS-MD/RS-HD as a more appropriate designation than the RS-LD called for in the Advisory Future Land Use Map. This “fine tuning” of the Advisory Future Land Use Map is anticipated, and supported by Objective 10, Policy e) of the Future Land Use Element.

The proposed (RS-HD and RS-MD) future land use designations for the site are consistent with the existing development pattern in the area and appropriate at this time.

### ***Land Use Analysis:***

After a review of the proposed land use amendment, staff has determined that the application is consistent with the provisions of Chapter 163, FS, because it is compatible with adjacent properties, meets concurrency requirements, and is consistent with the provisions of the City’s Comprehensive Plan. Specifically, these are as follows:

#### ***A. Compatibility:***

A review of the adjacent existing and anticipated land uses (see attached Aerial Photo) shows that the proposed land use is compatible with the adjacent properties.

*North:* To the north of the subject site is Nautica Isles, an existing single family residential development with a future land use designation of City Residential-Low density (RS-LD) and a zoning designation of City Residential Low 3 (RL-3). The proposed RS-MD designation will be a compatible density with the existing development to the north.

*South:* To the south of the subject site is non-residential development with a Palm Beach County future land use designation of Commercial Low with an underlying Industrial (CL/IND), Commercial Low (CL), and Institutional (INST). The approved development includes a gas station, a automotive repair shop, a lawnmower and repair service with vehicular storage, and the America German Club. The properties to the south will not be adversely impacted with the proposed future land use.

*East:* To the east is a single-family residential development known as Verona Estates and a townhouse development known as Verona Palms. Haverhill Road separates the site and has a future land use designation of COG Residential Medium Density (RS-MD), which is a similar future land use and densities as the proposed future land use amendment.

*West:* To the west of the site, across 52<sup>nd</sup> Drive South, are large lot residential and agricultural parcels located in unincorporated Palm Beach County, which are designated as Palm Beach County Medium Residential 5 (PBC MR 5). The complete adjacent portion of the site along 52<sup>nd</sup> Drive South has a proposed future land use designation of Residential Low Density (RS-LD), with a maximum density of 5 units per acre, which will be compatible and consistent with the existing development. Further, all zoning districts consistent with the proposed RS-LD land use allow only detached single family units for residential development. The proposed amendment will enhance compatibility through the use of adequate buffering and landscaping. Therefore, there will be no adverse impacts from the proposed future land use amendment

*Conclusions:* Reviewing the adjacent existing residential developments shows that the proposed City RS-MD designation is compatible and consistent to the adjacent land use to the north, east, and west. The site proposed Residential High Density (RS-HD) future land use designation is compatible with the surrounding properties as well, but also provides a transitional zoning to the non-residential zoning and major roadway to the east and south. Therefore, there will be no adverse impacts from the proposed future land use amendment and will provide for a diversity of development type in the area.

#### ***B. Concurrency:***

As previously stated, this future land use amendment will provide this site with a City future land use designation based on its annexation. Any future changes to the site will be evaluated for compliance with level of service standards by all relevant agencies as part of site and development plan approval. The applicant meets the level of service (LOS) standards for this site through commitment for service letters from Palm Beach County Traffic Engineering, the Lake Worth Drainage District, and the Palm Beach County Water Utilities Department for the anticipated density permitted by the proposed land use.

#### ***C. Consistency with City's Comprehensive Plan:***

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, specifically:

##### **1. Future Land Use Element**

##### **Objective 8, Policy c)**

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 10, Policy e)**

The City of Greenacres shall regulate and control all future land use activities which affect the topography, materials beneath the land's surface and availability of services by implementing the following policies:

**Policy e)**

In reviewing future land use amendments in the City's Future Annexation Area, the City will utilize the Advisory Future Land Use Map (Map 9) as the basis for the assignment of future land use designations as well as consideration of the goals, objectives and policies contained in this Element and an analysis of the proposal's compatibility with adjacent uses in order to determine the appropriate designation.

**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 leapfrog 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.

**V. Consistency with the Treasure Coast Regional Planning Council SRPP**

The proposed future land use amendment represents a means of increasing residential opportunities in the City through the process of infill development, rather than approving land uses which will encourage urban sprawl. This is consistent with the intent of Regional Goal 2.1, which discourages urban sprawl

development patterns and Regional Goal 5.1, which states that redevelopment, revitalization and infill of existing neighborhoods and districts should be encouraged. The proposed Residential-Medium Density (RS-MD) and Residential-High Density (RS-HD) future land use designation is consistent with the intent of Regional Goal 8.1 which states that development should take place concurrent with or after the provision of necessary infrastructure and services. As a result, the proposed future land use amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) concerning appropriate development patterns.

#### **VI. Consistency with Chapter 163, Florida Statutes**

The amendment is consistent with the provisions of Chapter 163.3184 and 163.3187 F.S. concerning the processing of a small-scale future land use amendment to the Comprehensive Plan, as well as providing all applicable data and analysis to support the amendment.

In summary, this small-scale future land use amendment to the City's Comprehensive Plan is compatible with adjacent land uses, adequately addresses concurrency issues, and is consistent with the City's Comprehensive Plan, the Regional Planning Council's SRPP and Chapter 163, F.S.

#### **VII. Staff Recommendation**

*Approval* of CPA-20-04 through the adoption of Ordinance 2021-05.



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### LOCAL PLANNING AGENCY ACTION – December 1, 2021

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Robarts, voting six (6) to zero (0), ***recommended approval*** of Comprehensive Plan Amendment ***CPA-20-04 (Blossom Trail (aka Nash Trail))***, as presented by staff.

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### CITY COUNCIL ACTION First Reading – December 13, 2021

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The City Council on a motion made by Council Member Pearce and seconded by Council Member Tharp, voting five (5) to zero (0), ***approved*** Comprehensive Plan Amendment ***CPA-20-04 (Blossom Trail (aka Nash Trail))***, on first reading, through ***Ordinance 2021-05***, as presented by staff.

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### CITY COUNCIL ACTION Adoption Hearing – January 3, 2022

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