

ZC-22-02  
Exhibit "A"  
Date: November 21, 2022

Revised: 12/08/2022



**DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION**

**Subject/Agenda Item:**

**Ordinance 2022-40: ZC-22-02 Rezoning at Lake Worth Plaza West**

**Public Hearing and First Reading:** A City of Greenacres ("City") initiated zoning change request for one parcel of land totaling approximately 20.1183 acres from Palm Beach County Commercial General (CG) zoning district to City Commercial Intensive (CI) zoning district as a result of a recent annexation. The site is located at the southeast corner of Lake Worth Road and Jog Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager  _____ Caryn Gardner-Young, AICP	<b>Reviewed By:</b> Director of Development and Neighborhood Services  _____ Denise Malone
<b>Approved By:</b>  City Manager  _____ Andrea McCue	Public Notice: [ X ] Required                      [ ] Not Required Date: 2 Paper: Lake Worth Herald;Palm Beach Post  Mailing [ X ] Required                      [ ] Not Required Notice Distance: 300'
<b>Attachments:</b> <ul style="list-style-type: none"><li>• Aerial</li><li>• Zoning Map</li></ul>	<b>City Council Action:</b> [X] Approval [ ] Approve with conditions [ ] Denial [ ] Continued to: _____

## **I. Executive Summary**

A City of Greenacres (“City”) initiated zoning change request for one parcel of land totaling approximately 20.1183 acres from Palm Beach County Commercial General (CG) zoning district to the City Commercial Intensive (CI) zoning district as a result of a recent annexation. The site is located at southeast corner of Lake Worth Road and Jog Road.

## **III. Site Data:**

<b>Existing Use:</b>	Retail, Commercial, and Restaurant
<b>Proposed Use:</b>	Retail, Commercial, and Restaurant
<b>Parcel Control Numbers:</b>	18-42-44-27-00-000-1280
<b>Parcel Size:</b>	20.1183 acres
<b>Existing Future Land Use Designation:</b>	PBC Commercial High (CH)
<b>Proposed Future Land Use Designation:</b>	City Commercial (CM)
<b>Existing Zoning District:</b>	PBC Commercial General (CG)
<b>Proposed Zoning District:</b>	City Commercial Intensive (CI)

<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>	Public Storage	City Commercial (City CM)	City Commercial Intensive (City CI)
<i>South</i>	Post Office Chelsea Commons	City Public Institution (PI) City Residential Medium (RS-RM)	City Gov’t Use (GU) City Residential Medium (RM-2)
<i>East</i>	Seminole Palms Single Family Home Montessori School	City Residential High-Density City Commercial City Commercial	City Residential High (RH) City Commercial General (CG) City Commercial Intensive (CI)
<i>West</i>	Shopping Centers Turnberry	City (Commercial) PBC (Res Medium Density)	City Commercial Intensive (CI) PBC Residential ( RH -High Density)

## **IV. Annexation/Zoning History:**

The subject site was annexed into the City of Greenacres on July 18, 2022, through Resolution 2022- 60 as an Interlocal Service Boundary Agreement. The site is comprised of one (1) parcel of land, that was developed as a 46,967 square foot shopping center plaza. The development was built in 1979 and includes restaurants, retail, personal services, and food supermarkets. There are no plans to change the existing shopping center.

## **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**

#### **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 10 and 12 through 16 omitted for brevity) \* \* \**

(11) Commercial Intensive – 30% lot coverage, 0.35 FAR

##### **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 and 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 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.

## **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 11. Commercial Intensive (Section 16-496 through 16-506)**

The commercial intensive (CI) district is intended for intensive, highly automotive oriented uses that require a conspicuous and accessible location along thoroughfares designated as major arterials in the Comprehensive Plan. Permitted uses and special exceptions within this designation require larger land areas with ample off-street parking and off-street loading space. This district provides the greatest variety of uses among commercial districts and serves a geographical area that extends beyond the city limits. This district may accommodate certain light manufacturing, processing, wholesaling and storage and warehousing uses when it is clearly demonstrated that such uses are compatible with other uses in the district. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

## **VII. Staff Analysis:**

### ***Development Review Committee Comments:***

The petition was reviewed by the Development Review Committee on November 17, 2023 and recommended for denial.

Planning, GIS & Engineering Div.:	No objections
Building Department:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections
PBSO District 16:	No objections

### ***Zoning Change Criteria and Findings of Fact:***

Section 16-153. Planning Zoning and Board of Appeals (“PZAB”) Report: The PZAB shall submit a report to the City Council which shows that the PZAB 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 Commercial General (PBC CG) to City Commercial Intensive (CI) is consistent with the City's future land use element of the Comprehensive Plan. The Future Land Use Map recommends Commercial for the subject parcel. The proposed CI zoning designation is consistent with the proposed Commercial future land use designation. Since the existing uses are not proposed to change, the most similar City zoning designation to PBC CG is City CI.

- (2) The existing land use pattern.**

***Finding:*** The proposed Commercial Intensive (CI) zoning district is compatible with the high traffic commercial concentric uses at the intersection of Lake Worth Road and Jog Road. A review of the adjacent existing land uses shows that the proposed zoning is compatible with the land use pattern. To the north, east and west of the subject property are developed parcels that possess a zoning designation of city commercial intensive which is the same designation being sought for the subject property. The Lake Worth Road corridor is heavily commercial intensive with highly automotive oriented uses that require a conspicuous and accessible location. The subject site follows this type of development so it is consistent with existing land use patterns.

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

***Finding:*** This proposed zoning change 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 commercial intensive is consistent with adjacent properties. The property to the north, east and west are zoned Commercial Intensive which is the same zoning district as that being proposed. The other properties are zoned Government Use or High/Medium residential density which are typically buffer zoning districts from single family residences.

- (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 is currently operated as a shopping center which use is not proposed to change. The shopping center has been in existence since 1979 and there will be no additional impacts upon traffic, public safety or utilities since the uses already exist.

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

***Finding:*** The property is being 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 is being 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 property is being annexed into the City and the uses are not proposed to change so the rezoning will not create or excessively increase traffic congestion. Public Safety will not be affected since PBC Sheriff's Office will continue to provide law enforcement services at the proposed site (would only change the district handling the property) and the city has entered into an agreement to ensure a smooth transition from PBC Fire to City of Greenacres Fire.

- (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 since there are no proposed changes to the shopping center.

- (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-22-02 through the adoption of Ordinance 2022-40.

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**PLANNING, ZONING AND BOARD OF APPEALS RECOMMENDATION –  
December 8, 2022**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Jacob-Robarts, voting four (4) to zero (0), *recommended approval* of Zoning Change ZC-22-02, as presented by staff.

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**CITY COUNCIL ACTION First Reading – December 19, 2022**

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**CITY COUNCIL ACTION Adoption Hearing – January 9, 2023**

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