

	DEVELOPMENT REVIEW COMMITTEE STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2023-03: ZC-22-03 Rezoning at Lake Worth Plaza West Outparcels

Public Hearing and First Reading: A City of Greenacres ("City") initiated zoning change request for six (6) parcels of land totaling approximately 7.9636 acres from Palm Beach County Commercial General (CG) zoning district to City Commercial Intensive (CI) zoning district as a result of a recent annexation. Five of the sites are located at the southeast corner of Lake Worth Road and Jog Road and the sixth site is located at 6323 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department: Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, AICP</p>	<p>Reviewed By:</p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Date: 2/2/2023, 2/23/2023</p> <p>Paper: Lake Worth Herald; PB Post</p> <p>Mailing</p> <p><input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Notice Distance: 300'</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Aerial • Zoning Map • Ordinance 2023-03 	<p>City Council Action:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>
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I. Executive Summary

A City of Greenacres (“City”) initiated zoning change request for six parcels of land totaling approximately 7.9636 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. Five of the sites are located at the southeast corner of Lake Worth Road and Jog Road and the sixth site is located on the north side of Lake Worth Road located at 6323 Lake Worth Road. The need for the rezoning is due to elimination of an enclave and due to recent annexation from Palm Beach County.

III. Site Data:

Existing Use: Bank, Animal Clinic, Pharmacy, Fuel Station, and Retail

Proposed Use: Bank, Animal Clinic, Pharmacy, Fuel Station, and Retail

Parcel Control Numbers: 18-42-44-27-33-001-0000, 18-42-44-27-00-001-1330, 18-42-44-27-34-001-0000, 18-42-44-27-00-000-1290, 18-42-44-27-00-000-1360, 18-42-44-22-00-000-5250

Parcel Size: 7.9636 acres

Existing Future Land Use Designation: PBC Commercial High (CH)

Proposed Future Land Use Designation: City Commercial (CM)

Existing Zoning District: PBC Commercial General (CG)

Proposed Zoning District: City Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Public Storage Restaurant, Office Building/Shopping Center	City Commercial (CM) City Commercial (CM)	City Commercial Intensive (CI) City Commercial Intensive (CI)
<i>South</i>	Lake Worth Plaza West and Outparcel	City Commercial (CM) in process	City Commercial Intensive (CI) in process
<i>East</i>	Office Building Shopping Center Shopping Center	City Commercial (CM) City Commercial (CM) City Commercial (CM) in process	City Commercial General (CG) City Commercial Intensive (CI) City Commercial Intensive (CI) in process

<i>West</i>	Public Storage Shopping Centers Turnberry Casa Hermosa Apt	City Commercial (CM) City (Commercial) PBC (Res Med Density) PBC (Res High Density)	City Commercial Intensive (CI) PBC Residential (RH -High Density)
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IV. Annexation/Zoning History:

The subject properties were recently annexed from Palm Beach County into the City of Greenacres on December 20, 2022, through Resolution 2022- 60 and were considered to be within an enclave. In accord with Chapter 171.031(13)(a) and (b), the subject properties are enclosed within and bounded on all sides by the City or enclosed within and bounded by the City and a natural or manmade obstacle which allows vehicular traffic to them only by passing through the City.

The parcels were also included within an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022, by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025. The purpose of the Agreement was to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community to the area identified in the unincorporated area. The agreement established the means and process by which future annexations and planning activities would be accomplished. The ISBA set forth the proposed future land use and zoning as well as service delivery for all parcels within the Agreement which this petition is in compliance with.

The subject properties consist of six (6) parcels of land, where five parcels were developed as outparcels to the Lake Worth Plaza West shopping center plaza and one parcel was developed as a fuel station. There are no plans to change the existing uses.

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 January 12, 2023, and recommended approval.

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. It is also in compliance with the previously approved ISBA.

- (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. Most of the properties within the City to the north, east, south and west are zoned City Commercial Intensive which is the same zoning district as that being proposed. Only one parcel to the west of the Shell station is zoned City Commercial General which is compatible with CI businesses. The other properties to the east of the Lake Worth Plaza West shopping center are located within the County and are zoned Residential High density which are typically residential zoning districts adjacent to commercially zoned properties. The Lake Worth Road corridor is

heavily commercial intensive with highly automotive oriented uses that require a conspicuous and accessible location. The subject sites follow 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. Most of the properties within the City to the north, east, south and west are zoned City Commercial Intensive which is the same zoning district as that being proposed. Only one parcel to the west of the Shell station is zoned City Commercial General. The other properties to the east of the Lake Worth Plaza West shopping center are located within the County and are zoned Residential High density which are typically residential zoning districts adjacent to commercially zoned properties. Thus, an isolated district is not being created.

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

Finding: The subject sites are currently operated as outparcels to a shopping center and a fuel station which uses are not proposed to change. The shopping center outparcels have been in existence for a considerable amount time 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 subject properties were annexed into the City and therefore require an appropriate City zoning designation.

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

Finding: The subject properties were annexed into the City and therefore require an appropriate City zoning designation

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

Finding: The subject properties were 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 sites (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 outparcels or fuel station

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

Finding: The subject properties were annexed into the City and therefore require 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 properties' 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 2023-03.

**PLANNING, ZONING AND BOARD OF APPEALS RECOMMENDATION –
February 16, 2023**

The Planning and Zoning Board of Appeals on a motion made by Board Member Litowsky and seconded by Board Member Fitzgerald, voting Five (5) to zero (0), *recommended approval* of Zoning Change ZC-22-03, as presented by staff.

CITY COUNCIL ACTION First Reading –

CITY COUNCIL ACTION Adoption Hearing –
