

ANX-23-03  
 (Ordinance 2023-21)  
 Exhibit "A"  
 Date: January 05, 2024 PZBA

Revised: 01/11/2024  
02/05/2024

	DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION
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**Subject/Agenda Item:**  
**Ordinance 2023-21: ANX-23-03, 4901 and 4977 S. 56th Terrace City-Owned Parcels and LWDD Voluntary Annexation**

A voluntary annexation of three (3) parcels of unincorporated Palm Beach County, including two (2) city-owned parcels adjacent to the existing city hall and a Lake Worth Drainage maintenance parcel of land totaling approximately 12.8627 acres to reduce an existing enclave. Please see "Exhibit A" for location map.

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- Recommendation to APPROVE  
 Recommendation to DENY
- 
- Quasi-Judicial  
 Legislative  
 Public Hearing
- 

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager  _____ Gionni Gallier, Senior Planner	<b>Reviewed By:</b>  Director of Development & Neighborhood Services (DNS)  _____ Denise Malone, AICP, Director DNS
<b>Approved By:</b>  City Manager  _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 12/28/23, 2/15/24, 2/22/24 Paper: Lake Worth Herald, PBP  Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: 300'
<b>Attachments:</b> <ul style="list-style-type: none"> <li>Ordinance 2023-21</li> <li>Annexation Information Sheets</li> <li>Location Maps</li> </ul>	<b>City Council Action:</b> <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

## **I. Executive Summary**

The proposed annexation involves multiple parcels, totaling approximately 12.8627 acres, located within unincorporated Palm Beach County, and identified within the City's Future Annexation Area. These parcels are part of an existing Palm Beach County enclave adjacent to the City's boundaries and consequently, the proposed annexation will reduce the size of an existing enclave. The City purchased two (2) of the properties on November 18, 2022, which are directly adjacent to City Hall and will allow for the expansion of the existing site in the future to address future demands of the City. The City contacted the Lake Worth Drainage District (LWDD) who gave consent to voluntarily annex their adjacent Right of Way which is adjacent to the City's property and extends east along the canal 14 right-of-way to Haverhill Road.

The applicants are proposing a voluntary annexation as provided for in Section 171.044, Florida Statutes. This annexation proposal was advertised in the Lake Worth Herald on December 28, 2023. Additionally, the proposal was submitted to the County Administrator and to County Planning staff on December 29, 2023, via certified return receipt. To date, Staff has not received any objections to the request.

## **II. Site Data:**

<b>Property Information:</b>	See Exhibit A
<b>Size:</b>	12.8627 total acres

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

This collection of properties, currently part of unincorporated Palm Beach County, encompasses multiple parcels totaling 12.8627 acres. These parcels include both developed lands, featuring single-family homes, and a parcel owned and utilized by LWDD to maintain their adjacent Canal 14. They are all situated within the designated Future Annexation Area of the City, forming part of several Palm Beach County enclaves adjacent to the City's limits.

The first City-owned parcel, located at 4901 South 56<sup>th</sup> Terrace, is developed with a 4,356 square foot single family home including a 936 square foot detached garage. The second parcel, located at 4977 South 56<sup>th</sup> Terrace, is developed with a 3,329 square foot single-family home with a 725 square foot detached garage. The parcels are accessed via a access easement across the rear properties of three single-family lots located on Misty Pines Trail in unincorporated PBC. The two (2) properties are directly adjacent to the existing Greenacres City Hall. The adjacent parcel to the south, owned by LWDD, is clear of any development so that it can be utilized by LWDD to maintain their Canal 14 right-of-way.

The parcels have a Palm Beach County (PBC) Land Use designation of LR-1, Low Residential, 1 unit per acre and a Palm Beach County Zoning designation of Agricultural (AR). Future planning applications for these parcels, including comprehensive plan amendments, zoning changes, and site and development plans, will be considered and processed following the successful annexation into the City. The proposed annexation of these parcels is a voluntary action by the applicants, in compliance with Section 171.044, Florida Statutes.

**IV. Applicable Comprehensive Plan Provisions:**

**Annexation Element:**

- |                                       |  |
|---------------------------------------|--|
| Objective 1, page ANX 19--            | Addresses efficiency, concurrency and levels of service (LOS).   |
| Objective 1, Policy c), page ANX 19-- | Prohibits creating enclaves, or pocket areas which are not reasonably compact.   |
| Objective 2, page ANX 19--            | Encourages orderly annexation in the future annexation boundaries through coordination with adjacent municipalities and Palm Beach County.                         |
| Objective 4, page ANX 20--            | Supports annexations which are deemed necessary to promote the orderly growth of the City and will not adversely impact the City's ability to fulfill other plans. |
| Objective 4, Policy a), page ANX 20-- | Outlines six guidelines for annexations.   |

The proposed voluntary annexation is consistent with the Comprehensive Plan and the City's mapped Future Annexation Area.

**V. Applicable City Code and Statutory Provisions:**

**Article III, Section 10** of the City Charter relating to annexation.  
**Sec. 16-8 of the City Code** relating to zoning of annexed areas.  
**Chapter 171, Florida Statutes** relating to voluntary annexation.

The proposed voluntary annexations are consistent with the City Code of Ordinances, comply with the Florida Statutes, and the City's procedures for annexation have been met.

**VI. Staff Analysis:**

***Development Review Committee Comments:***

The petition was informally reviewed by the Development Review Committee (DRC).

- |                           |                          |
|---------------------------|--------------------------|
| Planning and Engineering: | Incorporated into report |
| Building:                 | No objections            |
| Public Works:             | No objections            |
| Fire Rescue:              | No objections            |
| PBSO District #16:        | No objections            |

***Background:***

A voluntary annexation of two City owned parcels of land totaling 8.69 acres and an annexation of an adjoining Lake Worth Drainage District (LWDD) parcel totaling 4.1727 acres to further

reduce the size of the current enclave. The three (3) parcels are 12.86 acres in total. The City purchased the two (2) properties on November 18, 2022, in order to be able to address the future service demands of the city. The properties will require site and development plan approval to develop in the future, which would address impacts on adjacent roadways and properties prior to approval. The LWDD parcel is currently clear of any development, and it utilized to access and provide maintenance to the adjacent Canal 14 drainage right-of-way.

### **CONSISTENCY WITH FLORIDA STATUTES**

Section 171.044, Florida Statutes, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.

Staff Comment: The subject area is located within unincorporated Palm Beach County, is contiguous on two sides to the City's municipal boundaries (west and south), and is reasonably compact. The parcel is concentrated in a single area. Therefore, the proposed annexation is consistent with this section of the Florida Statutes.

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for two consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for four (4) consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

Staff Comment: The subject property is owned by the city under single ownership, and the City has agreed to be annexed. Prior to the adoption of the Ordinance by the City Council for annexation, the notice (legal advertisement) will be published once each week for two consecutive weeks in the City's local newspaper (The Palm Beach Post), to meet the requirements of the Florida Statute.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

Staff Comment: This requirement shall be satisfied within seven days of adoption of the Ordinance by the City Council.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

Staff Comment: Palm Beach County has been directly notified of the submission of this voluntary annexation petition. On December 22, 2023, the Preliminary Notification, as outlined in the Palm Beach County Voluntary Annexation Process Overview as governed by Chapter 177.044, Florida Statutes, and Ordinance 2007-018, was completed. This was accomplished through a letter mailed to Ms. Verdenia Baker, County Administrator, with copies to the Palm Beach County Planning Director Kevin Fisher, as instructed in the Palm Beach County overview documentation. The City met with Palm Beach County Planning staff on January 23, 2024 and did not get any negative comments on ANX-23-03.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b), Florida Statutes. Annexation of the subject property does not create an area that is enclosed and bounded on all sides by the City, nor does it create an area that is enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. The subject property is located within an existing enclave as the property is only accessible by vehicular traffic through the City of Greenacres along Melaleuca Lane, and the annexation will reduce the size of an existing enclave.

(6) Not fewer than ten (10) days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the Board of the County Commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

Staff Comment: A copy of the notice was provided via certified mail to the Board of County Commissioners no fewer than ten days prior to publishing the Ordinance notice in The Palm Beach Post as required.

**LEVEL OF SERVICE ANALYSIS (LOS)**

**Water and Wastewater**

The property is located within the Palm Beach County Water Utilities Department service area and currently receives potable water service through (PBCWUD). Sanitary Sewer is currently not provided for the area. PBCWUD will continue to provide potable water service after annexation and any development of the site will be required to connect to sewer services.

**Solid Waste**

The property is located in the Solid Waste Authority of Palm Beach County (SWA) service area that is the provider of solid waste disposal and recycling services. After annexation, the property will be serviced by the City’s current waste services contract, Waste Management.

### **Recreation**

The City has established a level of service for parks and recreation facilities of three (3) acres per 1,000 residents. Based on the existing population estimate of 3.0 residents per single-family structure for the proposed annexation area, the City's existing park and recreation facilities are sufficient to accommodate this additional population and still maintain the level-of-service standards.

### **Drainage**

The subject property is located within the boundaries of the Lake Worth Drainage District (LWDD), South Florida Water Management District (SFWMD) and Palm Beach County, which will not change after annexation. The drainage for the project can be provided for onsite with available outfall to the north and south of the site.

### **Roadway**

Currently, the site is accessed from Melaleuca Lane via a shared easement along South 56<sup>th</sup> Terrace across the rear of three (3) single-family properties that front on Misty Pines Trail. Since the access is along a private access easement and not a city road, the annexation will not impact the annual roadway improvement expenses of the city. Future development of the site would require a Palm Beach County Traffic Performance Standards approval with approved access.

### **Public Safety**

No issues were raised through the City's Development Review Committee process. PBSO District #16 and Fire Department have indicated capacity is available to serve the proposed annexation area to maintain the police and fire Levels of Service.

### **Traffic**

The traffic impacts of annexation on the surrounding road network will not be modified based on the annexation. This annexation would not result in any additional adverse traffic impacts to the City's roadways. Future development of the site would require a Palm Beach County Traffic Performance Standards approval with approved access.

### **Conclusion of Level of Service Analysis**

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

### **CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN**

The proposed annexation area is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan. More specifically, the annexation is consistent with Objective 4 that states "The City shall support annexations which are deemed necessary to promote the orderly growth of the City and will not adversely impact the City's ability to fulfill other established plans." Policy 4(a)(2) further requires that " The petitioned area must have "a unity of interests with the City" and be "a logical extension" of the City's boundaries. " The proposed site is conveniently located near municipal services, specifically city hall, and is already developed around all sides so no environmental resources will be impacted and discourages urban sprawl through infill areas within the City.

***Annexation Findings of Fact:***

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcel is contiguous to the city and is within the boundaries of the Future Annexation Area in the Annexation Element of the Comprehensive Plan. Please see attached Annexation Feasibility Study and Urban Services Report Chapter §171.042, F.S. for additional information.

In addition, the following six guidelines, as specified in Objective 4(a) on page 20 and 21 of the Annexation Element within the Comprehensive Plan, must be addressed. The guidelines apply to both City-initiated and voluntary annexations.

***Specific Criteria Findings:***

In all annexation requests, the City shall be guided by the following:

- (1) **The area in question must meet statutory requirements pertaining to contiguity, compactness and irregular shape.**

***Findings:*** The annexations are consistent with the provisions in Chapter 171, F.S., Specifically the subject properties are not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. The subject areas are located within an existing enclave; thus the proposed annexations will reduce the size of the existing enclave.

- (2) **The petitioned area must have "a unity of interests with the city" and be "a logical extension" of the City's boundaries.**

***Findings:*** The subject property has "a unity of interests with the City" and is "a logical extension" of the City of Greenacres' boundaries. The property is identified as part of the Future Annexation Area in the City's Comprehensive Plan. The sites are also an infill location contiguous to the City's boundary within an existing unincorporated pocket. The annexation of the parcels is a logical extension of the city limits and provides for the extension of the City's boundaries toward future annexation of the pocket area.

The development is compatible and consistent with other development in the city that desires the local support services such as recreation, parks, and local City Hall services. The interests of the existing and proposed community are congruent to the City's.

- (3) **The area shall have a growth potential sufficient to warrant the extension of services.**

***Findings:*** The area has a growth potential sufficient to warrant the extension of services. Development and redevelopment activity is taking place in the immediate vicinity and adjacent properties within the City are already receiving City services. Since the property is owned by the city, it will be utilized to meet the demands to meet all required level of service to the city residents.

**(4) The deficit of income against expense to the City shall not be unreasonable.**

*Findings:* The annexation of the subject property will not create an unreasonable expense or burden upon the City of Greenacres. Since the subject property is contiguous to developed parcels already in the City, and it is located in an existing unincorporated pocket, its annexation will not adversely affect the City's overall level of service, nor will it substantially increase costs to the City to warrant the annexation unreasonable.

**(5) The advantages both to the City of Greenacres and to the petitioned area must outweigh the disadvantages.**

*Findings:* The advantages to both the City of Greenacres and the proposed annexation area outweigh any potential disadvantages. The City will benefit by annexing land that is currently identified in the future annexation area and implementing goals, objectives and policies of the Annexation Element of the Comprehensive Plan to eliminate pocket areas. Further, the annexation of the subject property will allow the City to improve the identity of the area as being part of Greenacres and improve service delivery efficiency between the City and Palm Beach County.

**(6) The City of Greenacres must be willing and able to provide City services as well as ensure that services provided by Palm Beach County are furnished to the newly annexed area within a reasonable time.**

*Findings:* The City of Greenacres will be able to provide any required City services to the subject property without degrading any established levels of service, since the City is already providing governmental services to other developments in the immediate area of the subject parcels. Through zoning changes and site plan approval processes, any new development proposed for the properties must demonstrate that services can be provided at the established Level of Service.

***Summary of Annexation Criteria:***

The voluntary annexations meet all the guidelines specified in the City's Comprehensive Plan and Chapter 171 of the Florida Statutes for the annexation of property. It is a logical extension of the City's boundaries in locations identified as part of the City's future annexation area and will eliminate an existing enclave area.

**VII. Staff Recommendation:**

*Approval* of ANX-23-03 through the adoption of Ordinance 2023-21.



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**PLANNING AND ZONING BOARD OF APPEALS  
RECOMMENDATION – January 11, 2024**

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Fitzgerald, voting four (4) to one (1) with Commissioner Hayes dissenting, **recommended approval** of Annexation **ANX-23-03** (4901 and 4977 S. 56<sup>th</sup> Terr/LWDD), as presented by staff.

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**CITY COUNCIL ACTION 1<sup>st</sup> Reading – February 5, 2024**

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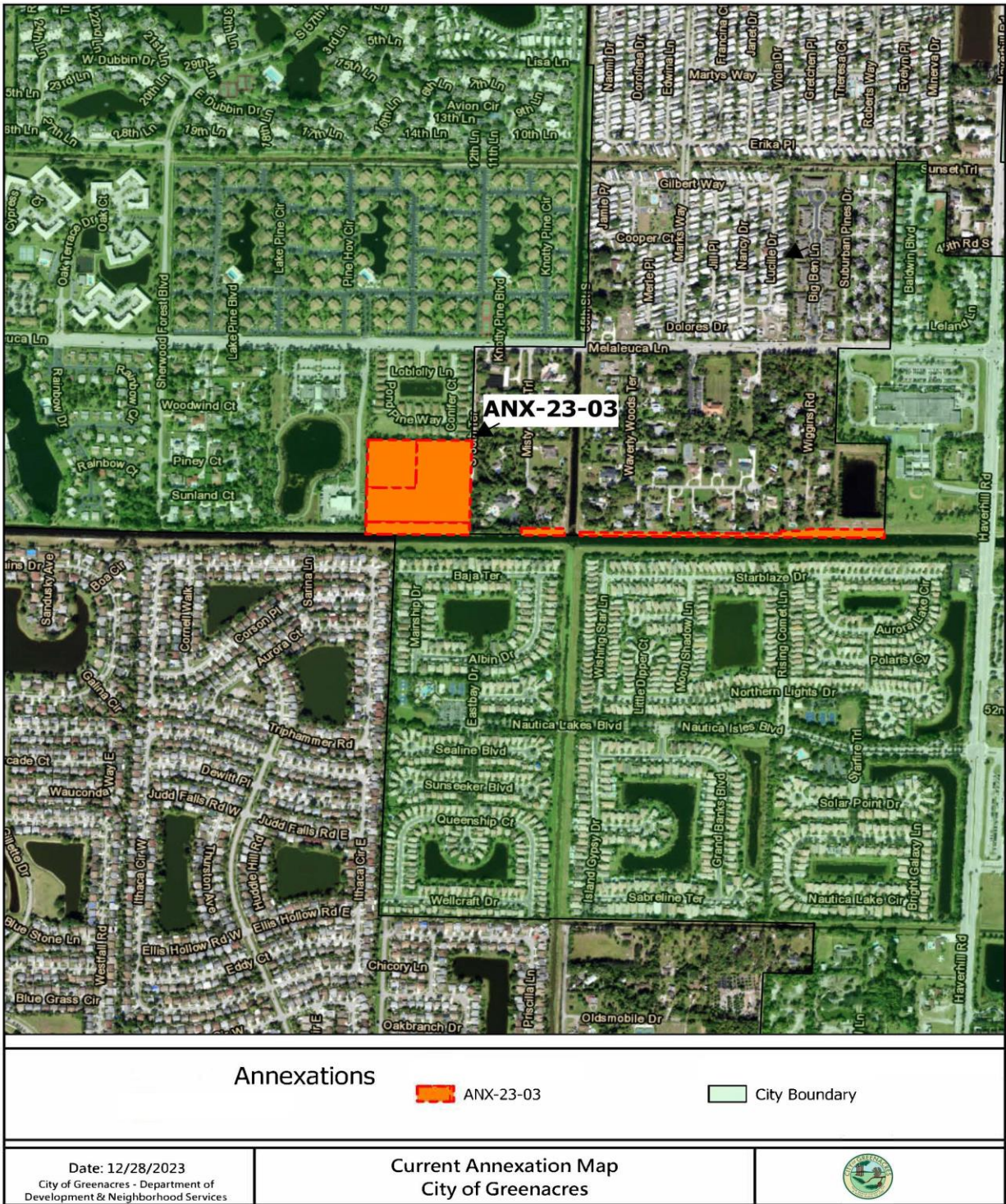
The City Council on a motion made by Council Member Bousquet and seconded by Council Member Dugo, voting five (5) to zero (0), **approved ANX-23-03** (4901 and 4977 S. 56<sup>th</sup> Terr/LWDD), through **Greenacres Ordinance 2023-21**, as presented by staff.

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**CITY COUNCIL ACTION Adoption Hearing – April 15, 2024**

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# Exhibit A (Voluntary Annexation Map and Information Sheet)



**Palm Beach County  
Annexation Information Sheet**

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***Please submit the following information regarding each proposed annexation:***

<b>Annexation Name</b>	ANX-23-03 City-owned Parcels (4901 & 4977 S 56th Terrace, LWDD Canal)
<b>Annexation Type</b>	<b>Voluntary</b>
<b>Acres</b>	<b>12.8627 acres</b>
<b>Location</b>	4901 & 4977 S 56th Terrace, south of Melaleuca Lane and adjacent LWDD canal right-of-way
<b>Existing Use</b>	<b>Single-family, drainage easement</b>
<b>Proposed Use</b>	<b>Government Use</b>
<b>County Future Land Use</b>	PBC LR-1 Low Residential, 1 Unit per Acre
<b>County Zoning</b>	<b>PBC Agricultural Residential (AR)</b>
<b>City Future Land Use</b>	<b>Public Institution (PI)</b>
<b>City Zoning</b>	<b>Government Use (GU)</b>
<b>First Reading (if known)</b>	<b>February 5, 2024</b>
<b>Second Reading (if known)</b>	<b>March 4, 2024</b>
<b>Ordinance Num. (if known)</b>	<b>Ordinance 2023-21</b>
<b>Location Map</b>	(Please Attach)
<b>Parcel Control Numbers</b>	00-42-44-26-00-000-7040 00-42-44-26-00-000-7100 00-42-44-26-00-000-5420