

	<b>LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION</b>
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**Subject/Agenda Item:**

**Ordinance 2024-02: ZC-24-01 PBC Utility Parcel – 6297 Lake Worth Road**

**City Council: Second Reading (Recommendation for approval)**

A City of Greenacres initiated request for zoning change approval for approximately 0.0143 acres, located on the north side of Lake Worth Road east of South Jog Road (6297 Lake Worth Road).

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p><b>Originating Department: Planning &amp; Engineering</b></p> <p>Project Manager</p> <p>_____</p> <p>Gionni Gallier, Senior Planner</p>	<p><b>Reviewed By:</b></p> <p>Director of Development &amp; Neighborhood Services (DNS)</p> <p>_____</p> <p>Denise Malone, AICP, Director DNS</p>
<p><b>Approved By:</b></p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates: 1/25/24, 2/22/24, 3/7/24</p> <p>Paper: Lake Worth Herald</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Notice Distance: 300'</p>

<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>Ordinance 2024-02</li> <li>Aerial Map</li> <li>Existing and Proposed Zoning Map</li> </ul>	<p><b>City Council Action:</b></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 initiated request for zoning change from PBC Commercial High with an underlying 5 units per acre (CH/5) to City Commercial (CM) and PBC General Commercial (CG) to City Commercial General (CG). The subject property is being concurrently annexed into the City (ANX-23-01) through Ordinance 2023-18.

**II. Site Data:**

<b>Existing Use:</b>	Palm Beach County Lift Station
<b>Proposed Use:</b>	PBC Utility Lift Station
<b>Parcel Control Numbers:</b>	00-42-44-22-00-000-5270
<b>Parcel Size:</b>	0.0143 acres
<b>Existing Future Land Use Designation:</b>	PBC Commercial High, with an underlying 5 Units per Acre (CH/5)
<b>Proposed Future Land Use Designation:</b>	City Commercial (CM)
<b>Existing Zoning District:</b>	PBC Agricultural Residential (AR)/PBC General Commercial (CG)
<b>Proposed Zoning District:</b>	City Commercial General (CG)

<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>	Liberty Plaza, Church, Undeveloped land	City Residential Medium Density (RS-MD)	City Commercial (City CG), City Residential Medium Density (City RM-2)
<i>South</i>	Lake Worth Plaza West	City Commercial (City CM)	City Commercial Intensive (City CI)
<i>East</i>	Liberty Plaza, Soma Medical Office	City Commercial (City CM)	City Commercial General (City CG)
<i>West</i>	Public Storage, Shell Gas Station	City Commercial (City CM)	City Commercial Intensive (City CI)

**III. Annexation/Zoning History:**

On December 20, 2022, Palm Beach County Board of County Commissioners adopted Resolution 2022-1532, which provided for the annexation of the seven (7) outparcels of Lake Worth Plaza West via Interlocal Agreement. The Interlocal Agreement included consent to voluntarily annex an adjacent 0.0143-acre County-owned utility parcel developed with a lift station and located at 6297 Lake Worth Road.

The parcel is the last unincorporated parcel within an existing enclave along Lake Worth Road just east of South Jog Road. Palm Beach County did not want to include their County-owned parcel within the previously approved Interlocal Service Boundary Agreement (ISBA) for seven (7) parcels within the original enclave, nor was it included in the Enclave Interlocal for the Lake Worth Plaza West outparcels that were annexed via Resolution 2022-60. Instead, the County proposed to annex the utility parcel via Voluntary Annexation.

Based on the consent provided for in Resolution 2022-1532, the City is moving forward to voluntarily annex (ANX-23-01) the parcel into the City of Greenacres and complete the elimination of the adjacent enclave to the Lake Worth Plaza West.

The site contains one (1) 0.0143-acre parcel having a Future Land Use designation of Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) and a zoning designation of Agriculture Residential (PBC AR) / PBC General Commercial (CG). This application is a request for a rezoning from PBC Commercial General (CG) to the City of Greenacres (COG) Commercial General (CG). Concurrently, an application is being processed for a small-scale Future Land Use Amendment for the parcel from PBC Commercial High with an underlying 5 Units per Acre (CH/5) to City Commercial (CM). The proposed zoning is consistent with the City’s proposed Land Use designation.

**IV. 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 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 9 and 11 through 16 omitted for brevity) \*\*\**

- (10) Commercial General – 30% lot coverage, 0.35 FAR

**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. 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 10. Commercial General (CG) (Section 16-471 through 16-495)**

The commercial general (CG) district is intended for general commercial activity. Permitted uses and special exceptions within this designation require land areas and location convenient to automotive traffic. This district will serve a group of neighborhoods and provide goods and services for a consumer market within a three-mile radius. This district will be found primarily along thoroughfares designated as a regional collector or minor arterials in the Comprehensive Plan. In some instances, this district may also be found along major arterials. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

## **VI. Staff Analysis:**

### ***Land Development Staff 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

### ***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 Commercial General (CG) zoning district will be consistent with the property's proposed Commercial (CM) future land use designation. The CG district is intended for general commercial activity; permitted uses and special exceptions within this designation require land areas and locations convenient to automotive traffic. The zoning designation allows for a large range of commercial uses in support of the Goals, Objectives, and Policies of the Comprehensive Plan directing commercial activity to infill locations along the Lake Worth Road Corridor.

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

***Finding:*** The proposed Commercial General (CG) zoning designation is consistent with the existing land use pattern in the area. The Commercial designations and uses which surround the site to the east, west, and south are within a commercial service corridor that functions on both a local and a regional level. The proposed zoning designation is consistent with the adjacent property located within the City of Greenacres to the east and compatible with the character of the parcel to the west with a Palm Beach County Commercial General (CG) zoning designation and the parcels to the south with City Commercial Intensive (CI) zoning.

**(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 parcels are located along the Lake Worth Road commercialized corridor with existing commercial uses and designations on three sides, including an identical designation to the east.

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

***Finding:*** These previously developed parcels are surrounded on three sides by developed commercial land uses.

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

***Finding:*** The properties were previously 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 properties were previously 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 proposed change will replace the existing County commercial-type zoning designation with a City commercial zoning designations which allows similar uses and intensity of development. Thus traffic and public safety will not be negatively impacted. Furthermore, any redevelopment must satisfy Traffic Performance Standards as part of the site plan approval process.

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

*Finding:* The proposed zoning change will not adversely affect living conditions in the area. The parcel is currently developed and is expected to continue in the current use; any future projects will be required to include adequate landscaping, setbacks, and buffering in accordance with the City Zoning Code.

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

*Finding:* The property was previously 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, the property's proposed future land use, the surrounding zoning designations, and the existing County zoning designation.

**VII. Staff Recommendation:**

*Approval* of ZC-24-01 through the adoption of Ordinance 2024-02.

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**PLANNING COMMISSION RECOMMENDATION – February 8, 2024**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Edmundson and seconded by Board Member Hayes, voting five (5) to zero (0), *recommended approval* of Zoning Change **ZC-24-01**, as presented by staff.

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**CITY COUNCIL ACTION First Reading – March 4, 2024**

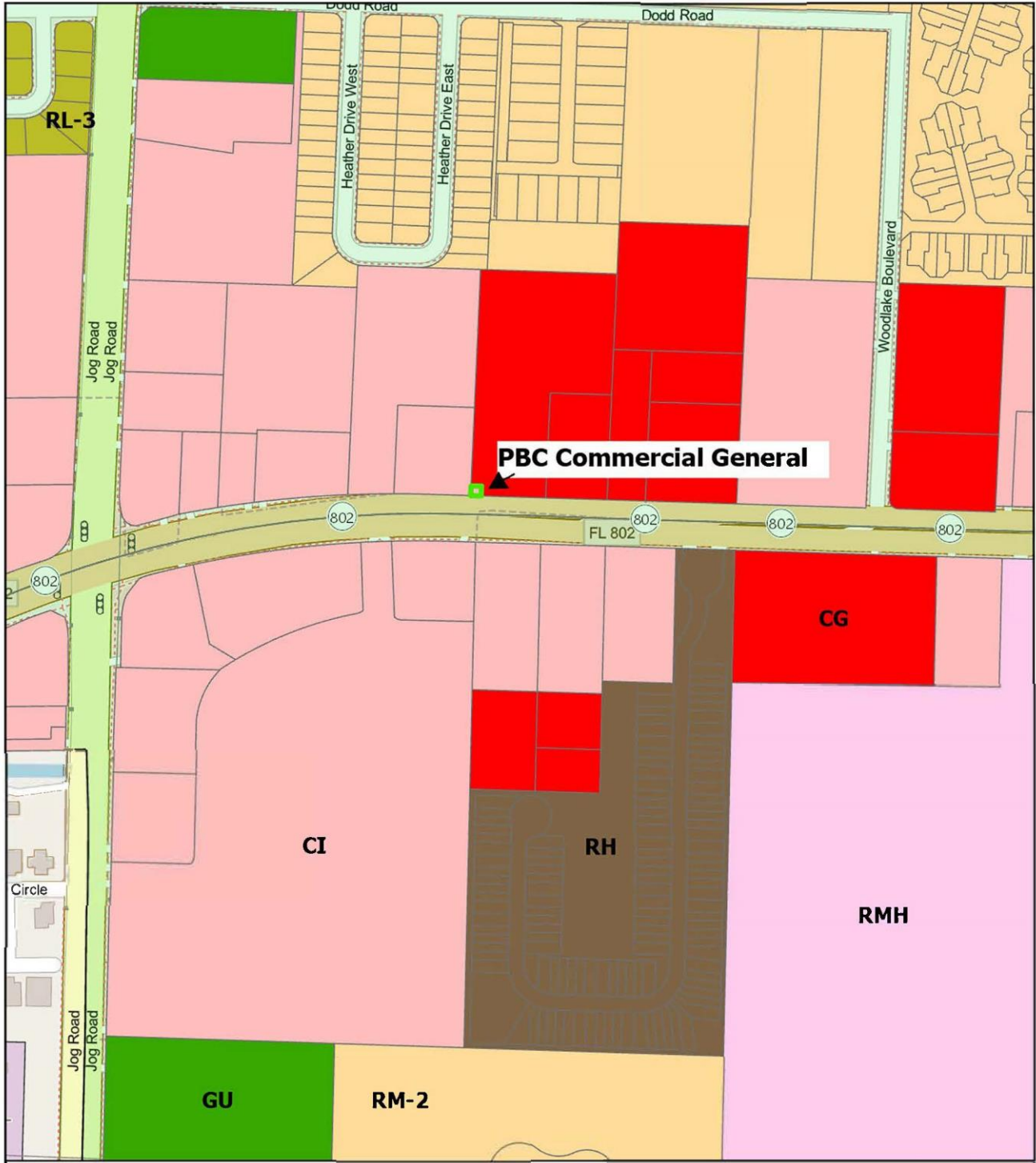
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The City Council on a motion made by Council Member Diaz and seconded by Council Member Bousquet, voting four (4) to zero (0), *approved* zoning change **ZC-24-01 (PBC Utility)**, on first reading, through *Ordinance 2024-02*, as presented by staff.

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**CITY COUNCIL ACTION Adoption Hearing – March 18, 2024**

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City Existing Zoning						
AGRICULTURAL RESIDENTIAL (4 UNITS/ACRE) (AR)	COMMERCIAL NEIGHBORHOOD (CN)	MIXED DEVELOPMENT - OFFICE (MD-O)	MIXED DEVELOPMENT - RESIDENTIAL (MD-R)	RESIDENTIAL ESTATE (1 UNIT/ACRE) (RE)	RESIDENTIAL LOW-2 (4 UNITS/ACRE) (RL-2)	RESIDENTIAL MEDIUM-2 (7 UNITS/ACRE) (RM-2)
COMMERCIAL GENERAL (CG)	GOVERNMENT USE (GU)	MIXED DEVELOPMENT - ORIGINAL SECTION (MD-OS)	OFFICE PROFESSIONAL AND INSTITUTIONAL (OPI)	RESIDENTIAL HIGH DENSITY (10 UNITS/ACRE) (RH)	RESIDENTIAL LOW-3 (5 UNITS/ACRE) (RL-3)	RESIDENTIAL MOBILE HOME (RMH)
COMMERCIAL INTENSIVE (CI)	MIXED DEVELOPMENT - COMMERCIAL (MD-C)			RESIDENTIAL LOW-1 (2 UNITS/ACRE) (RL-1)	RESIDENTIAL MEDIUM-1 (6 UNITS/ACRE) (RM-1)	

Date: 2/2/2024  
 City of Greenacres - Department of  
 Development & Neighborhood Services

Existing Zoning Map  
 City of Greenacres





