

	DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2024-07: CPA-24-04 South Haverhill Properties

Second Reading: City Council Approval

A small-scale land use amendment for eleven (11) residential parcels of land totaling 3.7109 acres located on the east and west side of Haverhill Road, approximately 935 feet south of Lake Worth Road from Palm Beach County (PBC) LR-3 Low Residential, 3 units per acre and MR-5 Medium Residential, 5 units per acres to the City of Greenacres Commercial (CM) land use designation.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department: Development and Neighborhood Services</p> <p>Project Manager</p> <p>_____</p> <p>Gionni Gallier, Senior Planner</p>	<p>Reviewed By:</p> <p>Director of Development & Neighborhood Services (DNS)</p> <p>_____</p> <p>Denise Malone, AICP, Director DNS</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: 1/25/24, 2/22/24, 3/7/24</p> <p>Paper: Lake Worth Herald, PBP</p> <p>Mailing</p> <p><input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance:</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Existing and Proposed Land Use Map • Location Map • Ordinance 2024-07 	<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

The proposed small-scale land use amendment (CPA-24-04) involves eleven (11) parcels, totaling approximately 3.7109 acres, recently annexed into the city boundary through voluntary annexation (ANX-23-04). The parcels are within an enclave located along South Haverhill Road.

The property owners of the eleven (11) lots have requested voluntary annexation (ANX-23-04) into the City, as well as a zoning change to Commercial General zoning designation., The nine properties are located off South Haverhill Road, eight (8) are developed with single-family homes, one (1) is developed with a duplex, and two (2) are vacant lots. Concurrent petitions for annexation (ANX-23-04), and a small-scale land use amendment (CPA-23-04) are being processed.

II. Site Data:

Existing Use:	Residential
Proposed Use:	Commercial
Parcel Control Number:	00-42-44-25-00-000-3210; 00-42-44-25-00-000-3180; 00-42-44-26-01-000-0050; 00-42-44-25-00-000-3150; 00-42-44-26-01-000-0060; 00-42-44-26-01-000-0070; 00-42-44-25-00-000-3170; 00-42-44-25-00-000-3200; 00-42-44-25-00-000-3190; 00-42-44-26-01-000-0080
Size:	3.7109 total acres
Existing Future Land Use Designation:	PBC MR-5 Medium Residential, 5 units per acres, LR-3 Low Residential, 3 units per acre
Proposed Future Land Use Designation:	Commercial (CM)
Existing Zoning District:	PBC RM – Multi-Family (Medium Density), Agricultural Residential (AR)
Proposed Zoning District:	Commercial General (CG)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Unincorporated single-family homes	PBC Low Residential (LR-3), PBC Residential Medium (MR-5)	PBC Residential Medium (RM), PBC Agricultural Residential (AR)
<i>South</i>	Unincorporated single-family homes, Palm Beach Villas II	PBC Low Residential (LR-3), PBC Residential Medium (MR-5), COG Residential Low Density (RS-LD)	PBC Residential Medium (RM), PBC Agricultural Residential (AR), COG Residential Low-3 (RL-3)
<i>East</i>	Palm Beach Villas II	COG Residential Low Density (RS-LD)	COG Residential Low-3 (RL-3)
<i>West</i>	Colonial Lake Apartments	PBC Residential High 8 (HR-8)	PBC Residential Medium (RM)

III. Annexation/Zoning History:

The owners of the 3.7109-acre collection of properties are requesting concurrent approval for annexation into the City of Greenacres (ANX 23-04) through Ordinance 2023-22, a zoning change (ZC-24-04) from PBC Agricultural Residential (AR) and PBC Residential Medium, 5 units per acre (RM) to City of Greenacres Commercial General (CG). The current petition is for a small-scale land use amendment (CPA-24-04) from Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) to City of Greenacres Commercial (CM) designation.

The Properties at Property Control Numbers (PCN) 00-42-44-25-00-000-3210, 00-42-44-25-00-000-3200, 00-42-44-25-00-000-3190, 00-42-44-25-00-000-3150, 00-42-44-25-00-000-3170, 00-42-44-25-00-000-3160, and 00-42-44-25-00-000-3180 are currently zoned in the County as Medium Residential (RM) with existing dwelling units. Additionally, the property at 4194 South Haverhill Road (PCN: 00-42-44-25-00-000-3180) has for several years been utilized for Agricultural Residential (AR) uses including the operation of a landscape lawn maintenance business with associated accessory office and on-site landscape vehicle parking. The Properties at Property Control Numbers (PCN) 00-42-44-26-01-000-0080, 00-42-44-26-01-000-0070, 00-42-44-26-01-000-0060, and 00-42-44-26-01-000-0050 are currently zoned in the County as Agricultural Residential (AR). Additionally, the properties at 4221 and 4239 South Haverhill Road (PCNs: 00-42-44-26-01-000-0060 and 00-42-44-26-01-000-0070) have for several years been solely utilized for the specific operation of AR landscaping and tree care service business.

Upon annexation by the City of Greenacres, the properties have requested to continue AR uses as they existed as of the effective date and under the terms outlined in the proposed annexation Ordinance, Ordinance 2023-22. Any other non-conformities which may be created as a result of the annexation of the Property herein shall be permitted to exist subject to the restrictions and provisions regarding non-conforming buildings, structures and uses set forth in the City of Greenacres City Code. Moreover, the Property Owner shall take no action to expand, enlarge or make any addition to the existing non-conforming buildings, structures and uses located on the Property during the term of this Agreement.

To the extent that the foregoing current uses do not comply with the provisions of the City of Greenacres City Code, such current uses shall be allowed to continue for a period of ten (10) years from the effective date of this Agreement. However, the current AR uses of the property shall immediately cease and/or be removed in the event one of the following takes place: (1) Property owner ceases the current business operations or becomes otherwise insolvent; (2) Property owner fails to maintain all State, County and/or Municipal licenses necessary to operate for these specific business operations; or (3) Property owner takes any action to expand, enlarge, or make any additions to the aforementioned non-conforming uses

IV. Data and Analysis

Background:

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County (PBC) Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) with an appropriate City designation of Commercial (CM).

Level of Service:

A Level of Service (LOS) analysis is required to address the potential impact of a land use amendment on public services and facilities. The future-land use amendment has been analyzed relative to the provision of adequate urban services. All service providers have confirmed that there will be adequate capacity available for traffic, water, sewer, solid waste, drainage, police, fire, schools, and recreation services.

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 proposed City of Greenacres CM future land use designation allows a maximum lot coverage of 30% and a FAR of .35, whereas the County allows density of five (5) and three (3) dwelling units per acre on the properties.

POTENTIAL IMPACTS UNDER EXISTING LAND USE

Table 2: Palm Beach County Development Potential				
Land Use	Area	Max Density	Density Bonus	Max Potential development
PBC LR-3	1.7512	3 units/acre	TDR +3 dui	10 units
			WHP + 50%	7 units
PBC RM-5	2.2383	5 units/acre	TDR +3 dui	17 units
			WHP + 50%	16 units
Maximum Development Potential				27 units
Average Daily Trips (27 units X 10 avg daily trips) (ITE code 210)				270 ADT

POTENTIAL IMPACTS UNDER PROPOSED LAND USE

Table 3: Greenacres Development Potential			
Land Use	Area	Lot Coverage/FAR	Max Potential
COG CM	3.9895	35% lot coverage	60,823.92 square feet X 3 stories
		.35 FAR	60,823.92 square feet
Maximum Development Potential			60,823.92 square feet
Average Daily Trips ((60,823.92/1000)*37.01) (ITE Code 820)			2,251 ADT

In addition, as the above intensity analysis demonstrates, the proposed CM land use designation will be is an increase in intensity for the area, yet the city is directing commercial development towards area that are more appropriate for the more intensive uses. The Character of the area has changed over time due to impacts from adjacent commercial development and the expansion of the adjacent roadway, South Haverhill Road, to add more capacity. The proposed (CM) future land use designations for the site are consistent with the existing development pattern in the area and appropriate currently.

Table 4: Public Facilities Impacts Table – CPA-24-01 PBC Utility Site

Public Facility	Demand- Existing FLU Max Development Potential (see Table 2)	Demand Proposed FLU Max Development Potential (see Table 3)	Change	Available Public Facilities to meet LOS for increased demand
Roadways	27 units x 10 ADT/du = 270 ADT	60,823 square feet = 2251 ADT	Add 1,981 trips	YES
Recreation*	27 units x 3 persons/du= 81 persons	0 units = 0 persons	Remove 81 net persons demand	YES
Potable Water*	27 units x 3 persons/du= 81 persons x 126 gal/person/day = 10,206 gal/day	0 units x 3 persons/du= 0 persons x 126 gal/person/day = 0 gal/day	Remove 10,206 net gallons per day	YES
Sanitary Sewer*	27 units x 3 persons/du= 81 persons x 85 gal/person/day = 6,885 gal/day	0 units x 3 persons/du= 0 persons x 85 gal/person/day = 0 gal/day	Remove 6,885 net gallons per day	YES
Drainage	Requirements are the same regardless of land use or development type		None	YES
Solid Waste*	27 du x 3 persons/du = 81 persons x 7.13 pounds/person/day = 577.53 lbs./day	0 du x 3 persons/du = 0 persons x 7.13 pounds/person/day = 0 lbs./day	Remove 577.53 net pounds (lbs.) per day	YES
Mass Transit*	270 ADT x .05% transit trips/vehicle trip = 0.135 transit trips	2251 ADT x .05% transit trips/vehicle trip = 1.1255 transit trips	Add 0.9905 net transit trips	YES
*The level of service standards does not divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons, pounds, acres, or transit trips per person served per day that include both residential and non-residential uses.				

Traffic

The city prepared a basic Level of Service Traffic Evaluation for the subject property based on impacts from the Average Daily Trips (ADT). The analysis examined the traffic impacts of the current future land use designation, Palm Beach County Medium Residential 5 (RM-5) and PBC Low Residential 3 (LR-3) (see Table 2), and the proposed future land-use designation, City of Greenacres Commercial (CM)(see Table 3), and concludes that the proposed Comprehensive Plan Map Amendment meets the City's transportation standards and is consistent with the City's Comprehensive Plan Transportation Element.

Potable Water and Sanitary Sewer

Based on the City's current Comprehensive Plan, the permitted capacity for all plants owned and operated by PBCWUD in 2008 is 87 million gallons daily (MGD) average and 129 MGD maximum per Permit #50-00135. Currently, PBCWUD has a total potable water capacity of 129 MGD with approximately 74 MGD committed and in use, which leaves 55 MGD of extra capacity available. The PBCWUD does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The adopted level of service for Potable Water is 126 gallons per capita per day. The proposed land use designation is non-residential; therefore, the amendment provides a net reduction in potential development impacts to the potable water LOS.

The City of Greenacres is within the PBC Central Region and is served by the East Central Region Wastewater Treatment Plant (ECR), which is operated by the City of West Palm Beach. The projected

sewage generation for the Central and Southern Regions of Palm Beach County service areas will be less than the available capacity of 44.0 MGD outlined in the County's Comprehensive Plan. All County projections account for the current and future residents of the City of Greenacres. The existing Level of Service of the PBCWUD system is 85 gallons of wastewater produced and treated per capita per day as outlined in Palm Beach County's Comprehensive Plan. This level of service adopted by Palm Beach County will be the same for the City of Greenacres since it is served by PBCWUD. The PBCWUD does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The proposed land use designation is non-residential; therefore, the amendment provides a net reduction in potential development impacts to the Sanitary Sewer LOS.

The proposed land use amendment meets the City's potable water LOS standard of 126 gallons per day per capita (GPD) and the sanitary sewer LOS Standard of 85 gallons per day per capita. The PBCWUD has shown that sufficient excess capacity exists to meet the demands of the existing development and is not impacted negatively by the proposed land use amendment.

Solid Waste

The Solid Waste Authority of Palm Beach County (SWA) is the provider of solid waste disposal and recycling services for the area. Capacity is available for the coming year, five-year, and ten-year planning periods. As of September 2020, the Authority's Landfill located at the Palm Beach Renewable Energy Park has an estimated 26,926,868 cubic yards of landfill capacity remaining. The City's comprehensive plan does not use level of service standards that divide systemwide capacity into residential and non-residential uses; rather, they simply provide gallons per person served per day that include both residential and non-residential uses. The adopted level of service for Solid Waste is 7.13 pounds per capita per day. The proposed land use designation is non-residential; therefore, the amendment provides a net reduction in potential development impacts to the Solid Waste LOS.

Drainage

The site is located within the boundaries of the Lake Worth Drainage District (LWDD). The city's adopted Level of Service for drainage is Legal Positive Outfall, and per SFWMD regulations. The site is located within the boundaries of the South Florida Water Management District Intracoastal Basin C-51. Runoff will be directed to an on-site water management lake and/or exfiltration trench by means of paved or grass swales and/or inlets and storm sewer. Legal positive outfall is available via discharge to adjacent right-of-way. Requirements for drainage are the same regardless of the land use or development type.

Schools

There is no proposed residential population, therefore there will be no demand for School Capacity in addition to what is existing currently.

Recreation

The City's Comprehensive Plan and Land Development Regulations require the evaluation of the impact on the Recreation Level of Service generated by new residents from an amendment. The current Citywide recreation and open space inventory total is approximately 137.90 acres. Based on the current population of 45,476 (BEBR 4/2023), the city exceeds the Level of Service (LOS) of 3.0 acres per 1,000 population by 1.90 acres ($45,476 / 1,000 \times 3 = 136$) ($137.90 - 136 = 1.90$). The proposed comprehensive plan amendment will not generate any additional residents (0 units x 2.2 Persons per household), therefore, there will not be a demand for additional acres of recreation and open space facilities.

Conclusion of Level of Service Analysis

The proposed development demonstrates that there will be no adverse impacts on the adopted Level of Service (LOS) standards for sanitary sewer and potable water, solid waste, drainage, public safety, schools, recreation, and traffic. Therefore, the proposed Comprehensive Plan Map Amendment from PBC LR-3 and RM to City of Greenacres CM will not pose a negative impact on the public facilities in the area. The City has determined that adequate capacity exists for the proposed amendment.

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:*

North, South, East and West: To the north, south, east and west of the subject parcels there is an existing residential development with the same PBC land use and zoning designations. The proposed land use designation of (CM) for the parcels are compatible and provide buffering for the interior parcels that are not located directly on the adjacent major arterial Thoroughfare roadway; therefore, there will be no adverse impacts from the proposed future land use amendment. Reviewing the existing commercial development to the north at the intersection of Lake Worth Road and South Haverhill Road, which is a Primary Activity Center in the City shows that the proposed City Commercial future land use designation is compatible with the surrounding properties and the general commercial activity along this portion of South Haverhill Road.

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.

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*

The Advisory Future Land Use Map (Map FLU 9) recommends Residential Medium density (RS-MD) for the subject area. The City is proposing a Commercial designation to address existing conditions and character of the area.

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 General – 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, 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.

Policy d)

The City will continue to utilize the nodal system (Section VI A.1 and A.2 of the Future Land Use Element) in conjunction with Map 5 to designate Future Land Uses in activity spheres and infill corridors.

V. Consistency with the Treasure Coast Regional Planning Council SRPP

The proposed future land use amendment represents a means of increasing commercial opportunities in the city through the process of infill development located in an area with existing infrastructure to support commercial 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 Commercial (CM) future land use designations are 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-24-04 through the adoption of Ordinance 2024-07.

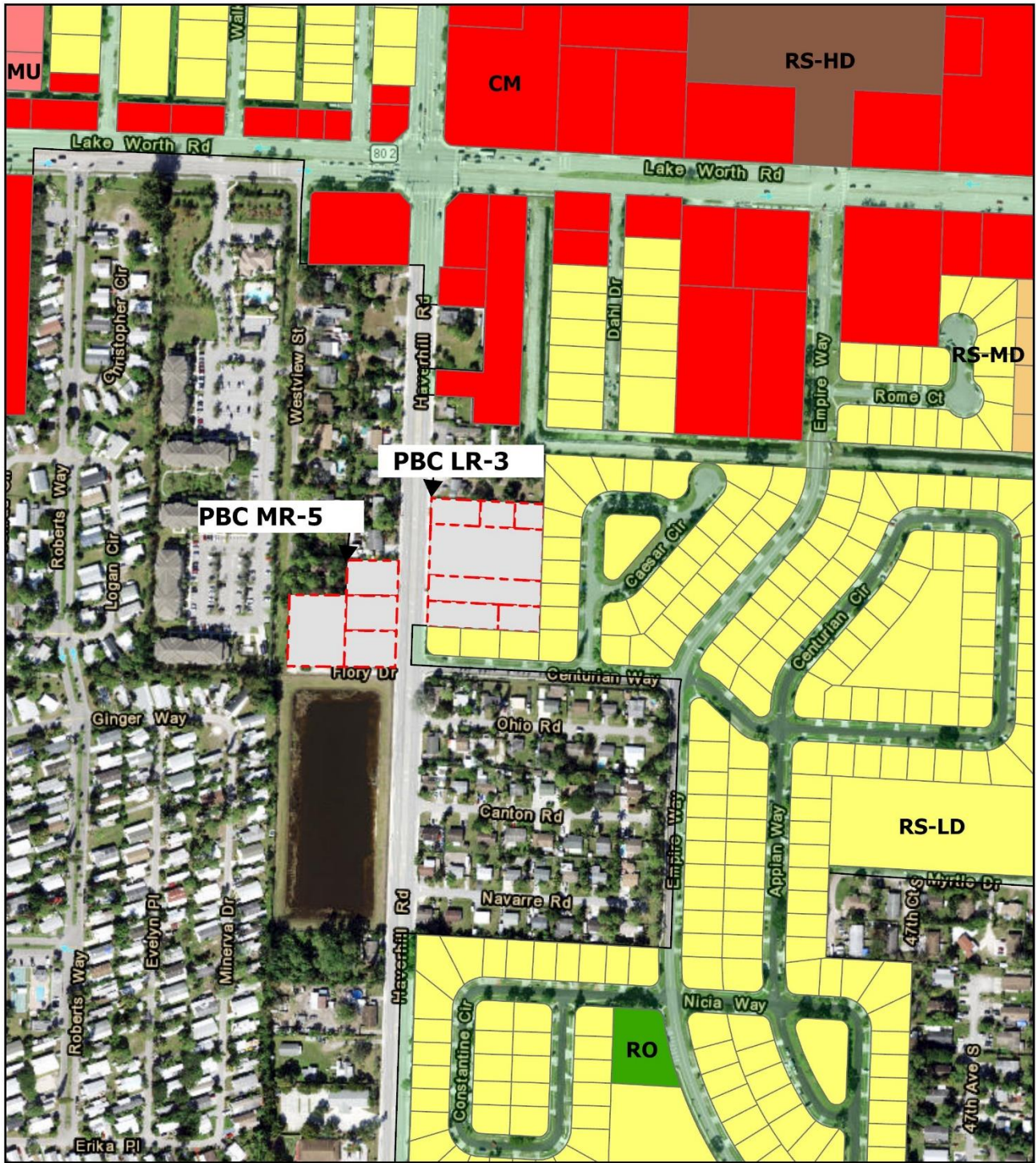
LOCAL PLANNING AGENCY ACTION – February 8, 2024

The Local Planning Agency on a motion made by Board Member Edmundson and seconded by Board Member Hayes, voting five (5) to zero (0), *recommended approval* of **CPA-24-04**, as presented by staff.

CITY COUNCIL ACTION First Reading – March 4, 2024

The City Council on a motion made by Deputy Mayor Tharp and seconded by Council Member Bousquet, voting four (4) to zero (0), *approved* zoning change **CPA-24-04** (*S Haverhill Properties*), on first reading, through *Ordinance 2024-07*, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 18, 2024



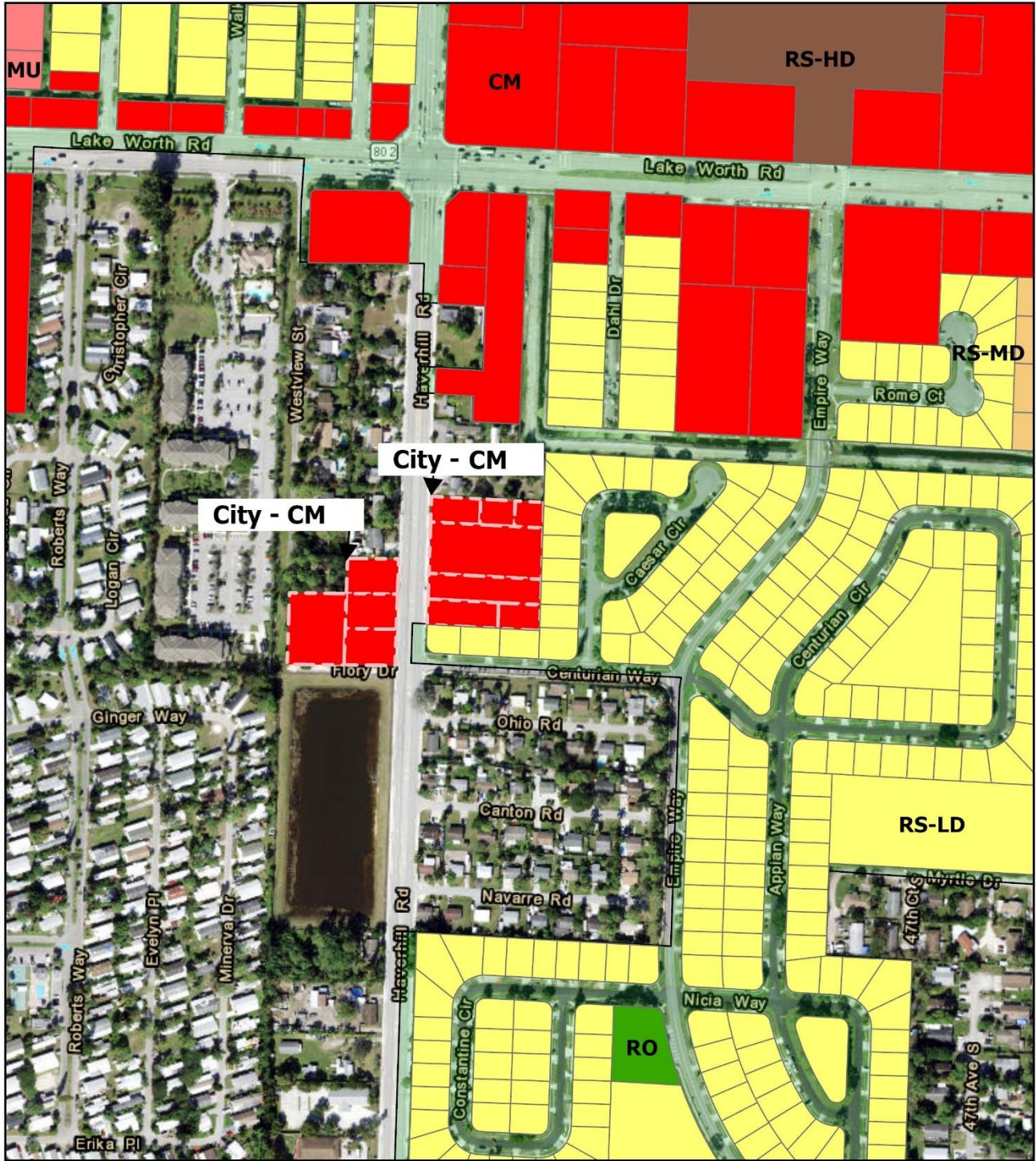
City Future Land Use

- | | | |
|---|---|--|
| COMMERCIAL | RECREATION
OPEN SPACE | RESIDENTIAL
LOW DENSITY |
| MIXED USE | RESIDENTIAL
HIGH DENSITY | RESIDENTIAL
MEDIUM
DENSITY |
| PUBLIC
INSTITUTION | | |

Date: 2/23/2024
 City of Greenacres - Department of
 Development & Neighborhood Services

**Existing Future Land Use Map
 City of Greenacres**





City Future Land Use

- | | | |
|-----------------------|-----------------------------|----------------------------------|
| COMMERCIAL | RECREATION
OPEN SPACE | RESIDENTIAL
LOW DENSITY |
| MIXED USE | RESIDENTIAL
HIGH DENSITY | RESIDENTIAL
MEDIUM
DENSITY |
| PUBLIC
INSTITUTION | | |

Date: 2/23/2024
 City of Greenacres - Department of
 Development & Neighborhood Services

Proposed Future Land Use Map
 City of Greenacres

