

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

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

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

A city-initiated for a small-scale Future Land Use Map Amendment for approximately 0.0143 acres from PBC CH/5 (Commercial High, with and underlying 5 Units per Acre) to City Commercial (CM) land use designation. The site is located at 6297 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<b>Originating Department: Development and Neighborhood Services</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	<b>Public Notice:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 1/25/24, 2/22/24, 3/7/24 Paper: Lake Worth Herald  Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance:

<b>Attachments:</b> <ul style="list-style-type: none"> <li>Existing and Proposed Land Use Maps</li> <li>Location Map</li> <li>Ordinance 2024-01</li> </ul>	<b>City Council Action:</b> <input checked="" type="checkbox"/> <b>Approval</b> <input type="checkbox"/> <b>Approve with conditions</b> <input type="checkbox"/> <b>Denial</b> <input type="checkbox"/> <b>Continued to:</b> _____
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**I. Executive Summary**

The proposed comprehensive land use amendment (CPA-24-01) involves one parcel, totaling approximately 0.014 acres, recently annexed into the city boundary through voluntary annexation (ANX-23-01). The parcel is the last parcel that was within an enclave located at the southeast and northeast corners of the intersection of Lake Worth Road and South Jog Road, for which the city pursued annexation of multiple parcels through an Interlocal Service Boundary Agreement (ISBA), Enclave Interlocal, and voluntary annexation initiatives.

The site contains one (1) 0.0143-acre parcel having a Palm Beach County zoning designation of Agriculture Residential (PBC AR) / PBC General Commercial (CG). This application is a request 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 site is accessed through the Liberty Plaza commercial plaza site, which was annexed through an Interlocal Agreement with Palm Beach County Board of County Commissioners (BCC). The BCC adopted Resolution 2019-1164 on August 20, 2019, and the City of Greenacres City Council adopted Resolution 2019-15 on July 1, 2019, to approve the Enclave Interlocal. The County’s parcel, which was improved with a lift station, was not included in the annexation, even though it was part of the commercial plaza. The property is the last parcel left in the enclave and contiguous to the City’s boundary on all sides.

**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	City Commercial (City CM)	City Commercial Intensive (City CI)

	Station		
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**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 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). Future planning applications for this parcel, including a zoning change (ZC-24-01), will be considered and processed concurrent with the annexation of the parcel.

**IV. Data and Analysis**

***Background:***

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County (PBC) Commercial High, with an underlying 5 Units per Acre (CH/5) future land use designation with an appropriate City designation of Commercial (CM). The Advisory Future Land Use Map (Map FLU 9) recommends Commercial (CM) for the subject area. The City is following the proposed designation.

The site was developed as a lift station to serve adjacent development and is included within the Liberty Plaza site. It was sold to Palm Beach County utilities in 1985 from the plaza owner at that time, Third Generation INC. The site serves the adjacent development to meet the level of service for sewer services by Palm Beach County Utilities Department. The site was zoned consistent with the plaza and has not been changed. Utility infrastructure on commercial sites usually has consistent land use and zoning with the commercial sites as it is supporting infrastructure, similar to water, drainage, and other utilities. While most utilities are private on site, Palm Beach County purchased this parcel and maintains it.

**Level Of Service Analysis:**

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.

The proposed City of Greenacres CM future land use designation allows a maximum lot coverage of 30%/ 35' height and a FAR of .35, whereas the County allows an 85% lot coverage and a 1.0 FAR. The overall density allowance would be less than Palm Beach County, both designations permit the development of utility infrastructure.

**POTENTIAL IMPACTS UNDER EXISTING LAND USE**

Table 2: Palm Beach County Development Potential				
Land Use	Area	Max FAR/Lot Coverage	Residential	Max Potential development
PBC CH/5	0.0143 acres	1.0 / .85	5 units/acre	.07 units
		622.9 square feet/ 529 square feet	<1 unit	622 square feet commercial
Maximum Development Potential				622 square foot commercial use
Average Daily Trips (1 unit X 10 avg daily trips) (ITE code 210)				10 ADT
Average Daily Trips ((622/1000)*37.01) (ITE Code 820)				23 ADT

**POTENTIAL IMPACTS UNDER PROPOSED LAND USE**

Table 3: Greenacres Development Potential				
Land Use	Area	Lot Coverage	FAR	Max Potential
COG CM	0.0143 acres	35%	.35	
		218 square feet	218 square feet	218 square feet
Maximum Development Potential				218 square feet
Average Daily Trips ((218/1000)*37.01) (ITE Code 820)				8 ADT

In addition, as the above intensity analysis demonstrates, the proposed CM land use designation will be less than the maximum density of the County CH/5 designations but allows for the continuation of the existing use of the site.

The proposed (CM) future land use designation for the site is 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	<1 unit (.7) x 10 ADT/du = 7 ADT	0 units= 0 ADT	Remove 10 trips	YES
Recreation*	<1 unit (.7) x 3 persons/du= 2 persons	0 units = 0 persons	Remove 2 net persons demand	YES
Potable Water*	<1 unit (.7) x 3 persons/du= 2 persons x 126 gal/person/day = 252 gal/day	0 units x 3 persons/du= 0 persons x 126 gal/person/day = 0 gal/day	Remove 252 net gallon per day	YES
Sanitary Sewer*	<1 unit (.7) x 3 persons/du= 2 persons x 85 gal/person/day = 170 gal/day	0 units x 3 persons/du= 0 persons x 85 gal/person/day = 0 gal/day	Remove 170 net gallon per day	YES
Drainage	Requirements are the same regardless of land use or development type		None	YES
Solid Waste*	<1 (.7) du x 3 persons/du = 2 persons x 7.13 pounds/person/day = 14.26 lbs./day	0 du x 3 persons/du = 0 persons x 7.13 pounds/person/day = 0 lbs./day	Remove 14.26 net pounds (lbs.) per day	YES
Mass Transit*	7 ADT x .05% transit trips/vehicle trip = 0.0035 transit trips	0 ADT x .05% transit trips/vehicle trip = 0 transit trips	Remove 0.0035 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, PBC Commercial High / 5 units per acre (CH/5)(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**

The property is located within the Palm Beach County Water Utilities Department (PBCWUD) service area and is developed with a lift station to support adjacent development. It is utilized to meet the required level of service for adjacent development.

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 13 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 existing and proposed land use designation are both non-residential, as the size of the lot does not meet minimum lot requirements for development because

it is a utility structure developed on a commercial shopping center site that was dedicated to Palm Beach County for ownership and maintenance.

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 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.

### **Drainage**

The site is located within the boundaries of the Lake Worth Drainage District (LWDD). The developed site is located within a developed shopping center and provides sewer infrastructure for the area as a lift station, which is owned and operated by Palm Beach County. 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 residential population, therefore there will be no demand for School Capacity.

### **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 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 CH/5 to COG 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:* To the north of the subject parcel there is a developed commercial parcel that this site is enclosed by through which the site is accessed. The proposed land use designation of (CM) for the parcel located at 6297 Lake Worth Road is identical to the adjacent land use to the north; therefore, there will be no adverse impacts from the proposed future land use amendment.

*South:* The adjacent properties to the south has a Planned Commercial development with a Commercial (CM) future land use and Commercial Intensive (CI) zoning district across Lake Worth road.

*East & West:* To the east, and west of the subject parcel all properties have the same Commercial (CM) future land use with Commercial Intensive (CI) and Commercial General (CG) zoning districts. There is a public storage building and gas station to the west and the Soma Medical office to the east. The proposed designation is identical to the adjacent land use; therefore, there will be no adverse impacts from the proposed future land use amendment.

*Conclusions:* Reviewing the adjacent existing commercial development to the north 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 Lake Worth 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**

**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, 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-24-01 through the adoption of Ordinance 2024-01.

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**LOCAL PLANNING AGENCY ACTION – February 8, 2024**

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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-24-01**, as presented by staff.

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

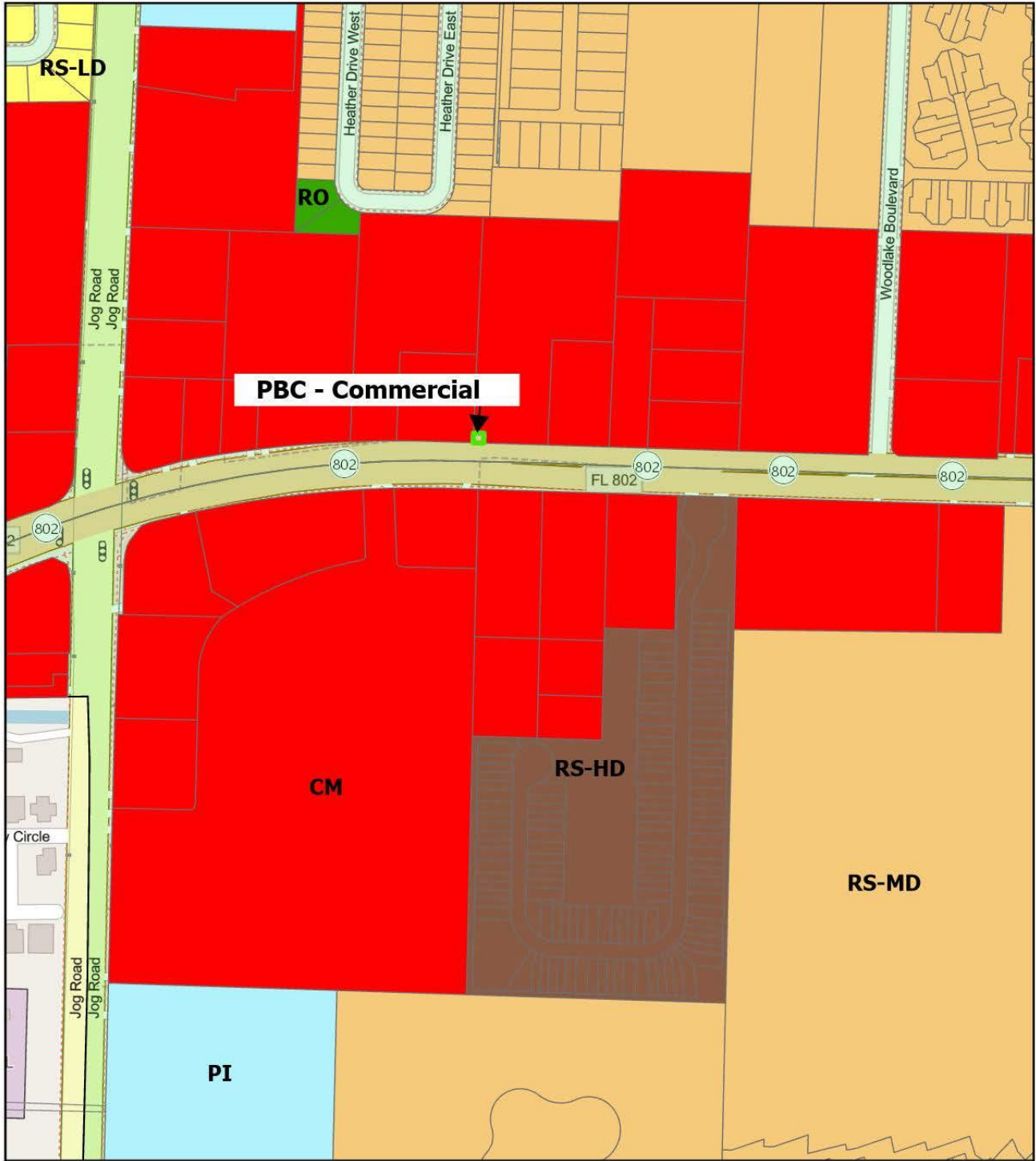
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The City Council on a motion made by Deputy Mayor Tharp and seconded by Council Member Bousquet, voting four (4) to zero (0), *approved* zoning change **CPA-24-01 (PBC Utility)**, on first reading, through *Ordinance 2024-01*, as presented by staff.

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

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**Legend**

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<span style="display: inline-block; width: 15px; height: 10px; background-color: #f0f0f0; border: 1px solid black;"></span> MIXED USE	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> RESIDENTIAL HIGH DENSITY	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffa500; border: 1px solid black;"></span> RESIDENTIAL MEDIUM DENSITY
<span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> PUBLIC INSTITUTION		

