

ANX-23-04
 (Ordinance 2023-22)
 Exhibit "A"
 Date: January 05, 2024

Revised: 01/11/2024
02/23/2024
03/04/2024

	DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:
Ordinance 2023-22: ANX-23-04 Haverhill Road Voluntary Annexation
Second Reading: City Council Approval

A voluntary annexation of 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. Please see "Exhibit A" for location map.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department: Planning & Engineering</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: 12/28/23</p> <p>Paper: Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: 300'</p>
<p>Attachments:</p> <ul style="list-style-type: none"> Ordinance 2023-22 Exhibit "A" 	<p>City Council Action:</p> <p><input 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>

I. Executive Summary

The proposed annexation involves multiple parcels, totaling approximately 3.7109 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 within the City's boundaries and consequently, the proposed annexation will reduce the size of the existing enclave.

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. The proposal was submitted to the County Administrator and to County Planning staff on December 29, 2023 via certified return receipt. Additionally, the proposal was submitted to IPARC on February 7, 2024. To date, Staff has not received any objections to the request.

II. Site Data:

Property Information:	See Exhibit A
Size:	3.7109 total acres

III. Annexation/Zoning History:

This collection of properties, currently part of unincorporated Palm Beach County, encompasses multiple parcels totaling 3.7109 acres. These parcels include both developed lands, featuring single-family homes, and undeveloped areas, such as vacant lots. 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.

Future planning applications for these parcels, including future land use map amendment and rezoning are concurrently being 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 annexations are 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:

The annexation area includes twelve (11) lots, eight (8) are developed with single-family homes, one (1) is developed with a duplex, and two (2) are vacant lots. The homes have been built as early as 1946 and as late as 1992, and several parcels feature shared access easements along South Haverhill Road. The County has verified that there are no outstanding active code cases for the properties.

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 located on the east side of Haverhill Road and 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 located on the west side of Haverhill Road and 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 the aforementioned AR uses as they existed as of the effective date and under the terms outlined in the proposed annexation Ordinance, Ordinance 2023-22 and as set forth through Annexation Agreements. 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.

The current zoning of the properties for the east side of Haverhill Road is PBC Residential Medium (RM), 5 units per acre and the current zoning of the properties on the west side of PBC Agricultural (AR). The property owners have requested that the city designate the properties with a commercial zoning and land use.

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 (east 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 eleven (11) subject properties are each under single ownership, and the City has received the signature of the property owners of the area 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 County staff had no objections to the annexation. The proposal was submitted to IPARC on February 7, 2024.

(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 South Haverhill Road, 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 will be 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.

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 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.

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 proposed for annexation is contiguous to the City and within an existing unincorporated pocket, the City is able to extend the same level of service provided to residents within the City.

(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. The City will also be provided with revenue from the property taxes of the subject property and the reduction of an unincorporated pocket will improve service delivery efficiency.

(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 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 of 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-23-04 through the adoption of Ordinance 2023-22.

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

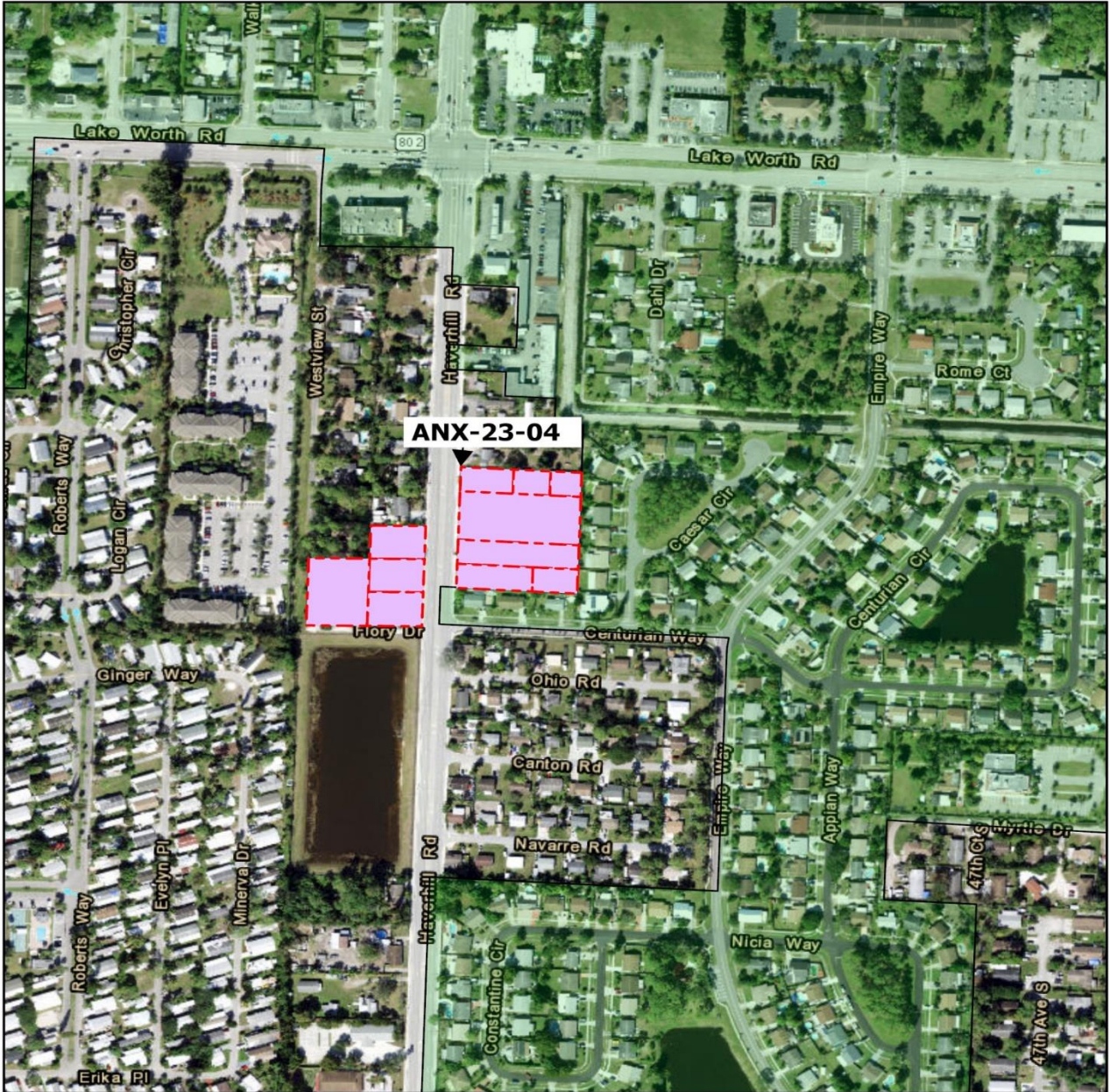
The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Clements, voting five (5) to zero (0), ***recommended approval*** of Annexation ***ANX-23-04 (Haverhill Road)***, as presented by staff.

CITY COUNCIL ACTION 1st Reading – March 4, 2024

The City Council on a motion made by Council Member Bousquet and seconded by Deputy Mayor Tharp, voting four (4) to zero (0), ***approved ANX-23-04 (Haverhill Road)***, through **Greenacres Ordinance 2023-22**, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 18, 2024

Exhibit A
 (Voluntary Annexation Map and Information Sheet)



Annexations	ANX-23-02	ANX-23-04
ANX-23-01	ANX-23-03	City Boundary

Date: 12/28/2023
 City of Greenacres - Department of
 Development & Neighborhood Services

Current Annexation Map
 City of Greenacres



**Palm Beach County
Annexation Information Sheet**

Please submit the following information regarding each proposed annexation:

Annexation Name	ANX-23-04 South Haverhill Road Properties (11 Parcels)
Annexation Type	Voluntary
Acres	3.7109 acres
Location	Along the East and West side of South Haverhill Road just south of Lake Worth Road
Existing Use	Single-family homes
Proposed Use	Residential Uses
County Future Land Use	PBC LR-3 Low Residential, 3 Unit per Acre / PBC MR-5 Medium Residential, 5 units per acre
County Zoning	PBC Agricultural Residential (AR), RM - Multi-Family (Medium Density)
City Future Land Use	Residential Low Density(RS-LD), Residential Medium Density (RS-MD), Commercial (CM)
City Zoning	Agricultural / Residential Low 1-3, Commercial (CG)
First Reading (if known)	February 5, 2024
Second Reading (if known)	March 4, 2024
Ordinance Num. (if known)	Ordinance 2023-22
Location Map	(Please Attach)
Parcel Control Numbers	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, 00-42-44-25-00-000-3160, 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