



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### **Subject/Agenda Item:**

#### **Ordinance 2022-02: Voluntary Annexation – ANX-20-03 Lake Worth Plaza West**

**Public Hearing, Second Reading & Adoption:** A voluntary annexation request for one (1) parcel of land totaling approximately 20.1183 acres. The site is located at 4180 South Jog Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

#### **Originating Department: Planning & Engineering**

Project Manager

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Kara L. Irwin-Ferris, AICP

#### **Reviewed By:**

Director of Planning & Engineering

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Kara L. Irwin-Ferris, AICP

#### **Approved By:**

City Manager

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Andrea McCue

#### **Public Notice:**

☒ Required ☐ Not Required

Date: 6/30/22; 7/11/22, 9/2/22

Paper: PB Post

#### **Mailing**

☐ Required ☒ Not Required

Notice Distance: Property Owner

#### **Attachments:**

- Ordinance 2022-02
- Location Map

#### **City Council Action:**

☒ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **I. Executive Summary**

The approximately 20.1183-acre site is located in unincorporated Palm Beach County within the identified Future Annexation Area of the City and is part of existing Palm Beach County pocket adjacent to the City. The site contains one (1) parcel having a Palm Beach County zoning designation of Commercial General (PBC CG). The site is contiguous to the City's boundary to the north, east and south. Consequently, the proposed annexation will reduce the size of the existing pocket.

The applicant is proposing a voluntary annexation as provided for in Section 171.044, Florida Statutes. The subject site is included within the area of an Interlocal Service Boundary Agreement (ISBA) that is being approved concurrently. Through the ISBA, the City will have access to additional tools and statutory provisions for annexation such as annexation that creates pockets or temporary new enclaves, and these are expected to facilitate the expansion of the City towards the ultimate annexation boundary. The voluntary annexation will create an enclave of the outparcels that are located within the plazas master site that mostly have access only through the entrance to the plaza. An enclave will also be created of the two parcels located across Lake Worth Road on the north of the subject site.

## **II. Site Data:**

<b>Property Data:</b>	See Exhibit A
<b>Size:</b>	20.1183 acres

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

The subject site is currently in unincorporated Palm Beach County. The site is comprised of one (1) parcel of land, that are developed with a 46,967 square foot shopping center plaza.

The development was built in 1979 and includes restaurants, retail, personal services, and food supermarkets.

## **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.

**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

**VI. Staff Analysis:**

***Land Development Staff Comments:***

The petition was reviewed by the Land Development Staff (LDS) on October 15, 2020 and October 29, 2020. The petition was recommended for approval.

Planning and Engineering Dept.:	Incorporated into report
Building Department:	No objections
Public Works Department:	No objections
Fire Rescue Department:	No objections
PBSO District #16:	No objections

***Background:***

The site proposed for annexation contains one (1) parcel with a 46,967 square foot retail shopping center. The site is contiguous to the City's boundary on the north, east and south perimeters. City Future Land Use and Zoning designations will be applied to the properties through a concurrent application process.

***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 future 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 annexation petition is consistent with the provisions in Chapter 171, F.S., specifically because the subject property is not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries to the north, east and south. The subject area is identified as an existing unincorporated pocket at the southeast corner of the intersection of Lake Worth Road and South Jog Road, thus annexation reduces the size of the existing pocket area as well as improves service delivery.

- (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 site is also an infill location contiguous to the City's boundary to the north, east, and south within an existing unincorporated pocket. The annexation of the parcels is a logical extension of the previous annexations that annexed the southwest and northwest corners of the same intersection. The proposed annexation gives the city jurisdiction over all corners of the intersection which provides for better service delivery in the 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 development 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 elimination 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 along Lake Worth Road and South Jog Road, in the immediate area of the subject parcel.

***Summary of Annexation Criteria:***

The proposal meets 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 reduce the size of an existing unincorporated pocket area.

**VII. Staff Recommendation:**

***Approval*** of ANX-20-03 through the adoption of Ordinance 2022-02.

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**PLANNING AND ZONING BOARD OF APPEALS  
RECOMMENDATION – July 14, 2022**

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The Planning and Zoning Board of Appeals on a motion made by Commissioner Edmundson and seconded by Commissioner Hayes, by a vote of five (5) to zero (0), ***recommended approval*** of Annexation ***ANX-20-03 (Lake Worth Plaza West)***, as presented by staff.

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**CITY COUNCIL ACTION 1<sup>st</sup> Reading – July 18, 2022**

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The City Council on a motion made by Councilwoman Bousquet and seconded by Councilman Diaz, voting four (4) to zero (0), ***approved*** Annexation ***ANX-20-03 (Lake Worth Plaza West)***, on first reading, through ***Ordinance 2022-02***, as presented by staff.

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**CITY COUNCIL ACTION Adoption Hearing – September 14, 2022**

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