

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

**Resolution 2022-60: 2019 Interlocal Annexation – ANX-22-01 Lake Worth West Outparcels and Shell Station**

**Consideration of Approval:** A city-initiated request to annex an enclave through an Interlocal Agreement with Palm Beach County. The six (6) parcels are located at 4148 S Jog Road, 4080 S Jog Road, 4020 S Jog Road, 6492 Lake Worth Road, 6350 Lake Worth Road, and 6323 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager  _____ Kara Ferris	<b>Reviewed By:</b>    
<b>Approved By:</b>  City Manager  _____ Andrea McCue	Public Notice: <input type="checkbox"/> Required <span style="float: right;"><input checked="" type="checkbox"/> Not Required</span> Date: Paper:  Mailing <input checked="" type="checkbox"/> Required <span style="float: right;"><input checked="" type="checkbox"/> Not Required</span>

<b>Attachments:</b> <ul style="list-style-type: none"> <li>Resolution 2022-60</li> <li>Interlocal Agreement (Exhibit 1)</li> <li>Property Data List (Exhibit A and B)</li> <li>Location Map</li> </ul>	<b>City Council Action:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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**I. Executive Summary**

The approximately 7.9636 total acres proposed for annexation are contiguous to the City, and the identified enclave is less than one hundred and ten (110) acres in size. In accord with the provisions of Chapter 171.046(2)(a), enclaves one hundred and ten (110) acres or less in size may be annexed through an Interlocal Agreement between the City and the County. The proposed annexation will eliminate an existing enclave, which the Florida Legislature has determined can create significant problems in planning, growth management, and service delivery.

**II. Site Data:**

<b>Property Data:</b>	See Exhibit A
<b>Size:</b>	7.9636 acres

**III. Annexation/Zoning History:**

The subject properties are currently in unincorporated Palm Beach County and are considered to be within an enclave. In accord with Chapter 171.031(13)(a) and (b), the subject properties are enclosed within and bounded on all sides by the City or enclosed within and bounded by the City and a natural or manmade obstacle which allows vehicular traffic to them only by passing through the City.

The parcels are also included within an Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022 by City Ordinance 2022-01, and by the County on September 13, 2022, by Ordinance 2022-025. The purpose of the Agreement was to jointly determine how to provide services to residents and property in the most efficient and effective manner while balancing the needs and desires of the community to the area identified in the unincorporated area. The agreement established the means and process by which future annexations and planning activities would be accomplished. The ISBA set forth the proposed future land use and zoning as well as service delivery for all parcels within the Agreement.

**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 annexation

**VI. Staff Analysis:**

***Land Development Staff Comments:***

The annexation of the six (6) parcels were reviewed and discussed during the Interlocal Service Boundary Agreement process and all service delivery issues were determined and set forth in the ISBA.

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

***Background:***

The property data list (Exhibit A) contains the address, owner name, legal description, existing future land use designation, existing zoning designation, apparent existing use, and taxable value for each parcel. The list also contains a calculation of the property tax increase due to annexation based on deletion of the PBC Fire Rescue FY 2023 MSTU millage of 3.4581 and addition of the City's total FY 2023 millage of 6.3000 (a net increase in millage of 2.8419). Per the approved ISBA, the City will make payment to Palm Beach County for up to five years a sum equivalent to the Palm Beach County Fire Rescue MSTU for the annexed parcels. City Future Land Use and Zoning designations will be applied to the properties through a separate process in the near future.

***Annexation Findings of Fact:***

The proposed annexation is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan. The parcels are contiguous to the City and are 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 properties are not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. In addition, the petition is consistent with Chapter 171.046(2)(a) because the identified enclave is one hundred and ten (110) acres or less in size

- (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 properties have "a unity of interests with the City" and are "a logical extension" of the City of Greenacres' boundaries. The properties are identified as part of the Future Annexation Area in the City's Comprehensive Plan and the annexation of this area will allow the City to eliminate the existing enclave, which is consistent with the intent of both the City's Comprehensive Plan and Florida Statutes.

- (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 properties proposed for annexation are contiguous to the City and within existing enclave, there will be minimal effect upon infrastructure and services provided within the City.

- (4) **The deficit of income against expense to the City shall not be unreasonable.**

***Findings:*** The annexation of the subject properties will not create an unreasonable expense or burden upon the City of Greenacres. Since the subject properties are contiguous to developed parcels already in the City, and they are located in an existing enclave, their 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 properties and the elimination of an enclave 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 enclaves. 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 for 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 properties in accordance with the city's established levels of service, since the City is already providing governmental services to other developments along Lake Worth Road, in the immediate area of the subject parcels.

***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 eliminate an existing enclave identified by the County.

**VII. Staff Recommendation:**

*Approval* of ANX-22-01 through the adoption of Resolution 2022-60 authorizing execution of an Interlocal Agreement with Palm Beach County per Chapter 171.046(2)(a) F.S. for the Annexation of six (6) parcels within an existing enclave.

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**CITY COUNCIL ACTION Adoption Hearing – November 7, 2022**

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**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS' ACTION  
December 20, 2022**

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**Joel Flores, Mayor**

**Attest:**

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**Quintella Moorer, City Clerk**