

ZC-24-04
 Exhibit "A"
 Date: February 2, 2024

Revised: 02/08/2024

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

Ordinance 2023-08: ZC 24-04 Haverhill Road Parcels

Recommendation to City Council: A zoning change request 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 from Palm Beach County Residential Medium, 5 units per acre (RM) and Agricultural Residential (AR) zoning district to the City of Greenacres Commercial General (CG) zoning district.

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- Recommendation to APPROVE
 Recommendation to DENY
-
- Quasi-Judicial
 Legislative
 Public Hearing
-

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| <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: 1/25/24, 2/22/24, 3/7/24</p> <p>Paper: Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required <input type="checkbox"/> Not Required</p> <p>Notice Distance: 300'</p> |
| <p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2024-08 • 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

A request for a change in the zoning designation by the property owners for approximately 3.7109 acres and eleven (11) parcels, seven (7) parcels, located on the east side of South Haverhill Road, with a PBC RM - Multi-Family (Medium Density) designation and four (4) parcels, located on the west side of South Haverhill Road, with a Palm Beach County Agricultural Residential (AR) designation to City Commercial General (CG).

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:

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| 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 acre, 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: | | | |
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| 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 change in the Future Land Use (CPA-24-04) designation from Palm Beach County Low Residential 3 (LR-3) and Residential Medium, 5 units per acre (RM) to City Commercial (CM). The current petition for a zoning change (ZC-24-04) from PBC Agricultural Residential (AR) and PBC Residential Medium, 5 units per acre (RM) to Commercial General (CG).

The annexation area includes eleven (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 by Resolution 2024-14 and Resolution 2024-15. 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. Applicable Comprehensive Plan Provisions:

The Comprehensive Plan includes the following planning objectives and policies related to this proposed zoning change request:

1. Future Land Use Element

Objective 8, Policy c)

Lane 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 9 and 11 through 16 omitted for brevity) * * **

(10) Commercial General – 30% lot coverage, 0.35 FAR

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.

V. Applicable City Code Provisions:

Section 16-153(a)(1) of the Code relating to rezoning of property states that the proposed zoning change should not be contrary to the future land use map, and it should not have an adverse effect on the Comprehensive Plan.

Division 10. Commercial General (CG) (*Section 16-471 through 16-495*)

The commercial general (CG) district is intended for general commercial activity. Permitted uses and special exceptions within this designation require land areas and location convenient to automotive traffic. This district will serve a group of neighborhoods and provide goods and services for a consumer market within a three-mile radius. This district will be found primarily along thoroughfares designated as a regional collector or minor arterials in the Comprehensive Plan. In some instances, this district may also be found along major arterials. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

VI. Staff Analysis:

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The properties are located within the Palm Beach County Water Utilities Department service area and currently receives potable water service through (PBCWUD). Sanitary Sewer is currently not provided for the area. PBCWUD will continue to provide potable water service after annexation and any development of the site will be required to connect to sewer services.

Solid Waste

The property is located in the Solid Waste Authority of Palm Beach County (SWA) service area that is the provider of solid waste disposal and recycling services. After annexation, the property will be serviced by the City's current waste services contract, Waste Management.

Recreation

The City has established a level of service for parks and recreation facilities of three (3) acres per 1,000 residents. Based on the existing population estimate of 3.0 residents per single-family structure and 2.6 residents per duplex (single-family attached) for the proposed annexation area, the City's existing park and recreation facilities are sufficient to accommodate this additional population and still maintain the level-of-service standards.

Drainage

The subject properties are located within the boundaries of the Lake Worth Drainage District (LWDD), South Florida Water Management District (SFWMD) and Palm Beach County, which will not change after annexation. The drainage for the sites is provided for onsite.

Roadway

Currently, the parcels are accessed from South Haverhill Road, which is a county owned and maintained right-of-way. Since the city does not maintain South Haverhill Road, the annexation will not impact the annual roadway improvement expenses of the city.

Public Safety

No issues were raised through the City's Development Review Committee process. PBSO District #16 and Fire Department have indicated capacity is available to serve the proposed annexation area to maintain the police and fire Levels of Service.

Traffic

The traffic impacts of annexation on the surrounding road network will not be modified based on the annexation. This annexation would not result in any additional adverse traffic impacts to the City's roadways. Future development of the site would require a Palm Beach County Traffic Performance Standards approval with approved access.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

Development Review Committee Comments:

The petition was informally reviewed by the Development Review Committee (DRC).

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| Planning and Engineering Dept.: | Incorporated into the staff report |
| Building Department: | No comments |
| Fire Rescue Department: | No comments |
| Public Works Department: | No comments |
| PBSO District 16: | No comments |
| Community and Recreation Services | No comments. |

Zoning Change Criteria and Findings of Fact:

Section 16-153. Planning and Zoning Board of Appeals Report: The Planning and Zoning Board of Appeals shall submit a report to the City Council which shows that the Board has studied and considered the proposed amendment for rezoning of property and change to the official zoning map in relation to the following, where applicable:

Specific Criteria Findings:

- (1) Whether the proposed change would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.**

Finding: The proposed Commercial General (CG) zoning district will be consistent with the property's proposed Commercial (CM) future land use designation which is currently being processed with this petition.

- (2) The existing land use pattern.**

Finding: The proposed Commercial General (CG) zoning district is consistent with the existing land use pattern in the area. The subject property is bound by residential uses to the east, west, south, and north. To the west are multi-family complexes. The properties are separated by South Haverhill Road, which was recently expanded to add capacity, which has had an effect on the character of the area.

- (3) The possible creation of an isolated district unrelated to adjacent and nearby districts.**

Finding: The proposed zoning change would not create an isolated district unrelated to adjacent and nearby districts. The zoning designations to the north, west, south, and east are designated as Residential zoning already. Although the existing zoning districts range from Low to High Residential, the proposed use is compatible with the adjacent high residential uses and is more compatible with South Haverhill Road, which was expanded in lanes and capacity and has changed the existing character of the area.

- (4) The population density pattern and possible increase or overtaking of the land on**

public facilities such as schools, utilities, etc.

Finding: The proposed rezoning is a change from a residential designation to a commercial designation. The sites are all developed with single-family homes or are being used for non-residential uses. The proposed zoning change is in response to an annexation and major changes to the character of the area in recent years.

- (5) **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Finding: The proposed rezoning is a change from a residential designation to a commercial designation. Thus, the proposed CG zoning designation is compatible and a logical district boundary in relation to the existing conditions in the area. The sites are less than 1,000 feet from the intersection at Lake Worth Road and South Haverhill Road. According to FLU Map 5, the intersection is a Primary Activity Center with a 1320' radius for the establishment of commercial activity centers. The properties are within the radius of influence and have been affected by infrastructure improvements in the area.

- (6) **Whether changed or changing conditions make the passage of the proposed amendment necessary.**

Finding: The proposed zoning change is required after annexation of the parcel by the city. The annexation has highlighted the changing conditions in the area with the expansion of South Haverhill Road and the impacts on the adjacent neighborhoods. While capacity has increased on the adjacent roadway, more traffic located closer to the subject parcels has had a negative effect on the residential character of the area.

- (7) **Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.**

Finding: The proposed change is a result of a voluntary annexation of the parcels. The parcels are built-out and any redevelopment would require concurrency approval and impacts of adjacent roadways would require mitigation of those impacts.

- (8) **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Finding: The proposed zoning change will not adversely affect living conditions in the area.

- (9) **Whether there are substantial reasons why the property cannot be used in accord with existing zoning.**

Finding: Existing conditions have changed in the area with recent and previous expansions of South Haverhill Road, which has altered the character of the residential area. The area is in close proximity to the Primary Activity Center at the intersection of

Lake Worth Road and South Haverhill Road, and expansion of the commercial sites have impacted the area and zoning the area with residential low land use and zoning categories is no longer appropriate.

- (10) **Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.**

Finding: The proposed change would not constitute a special privilege for the property owner. The property owners will be required to provide verification that all development concurrency is available for the project prior to development.

VII. Staff Recommendation:

Approval of ZC-24-04 through the adoption of Ordinance 2024-08.

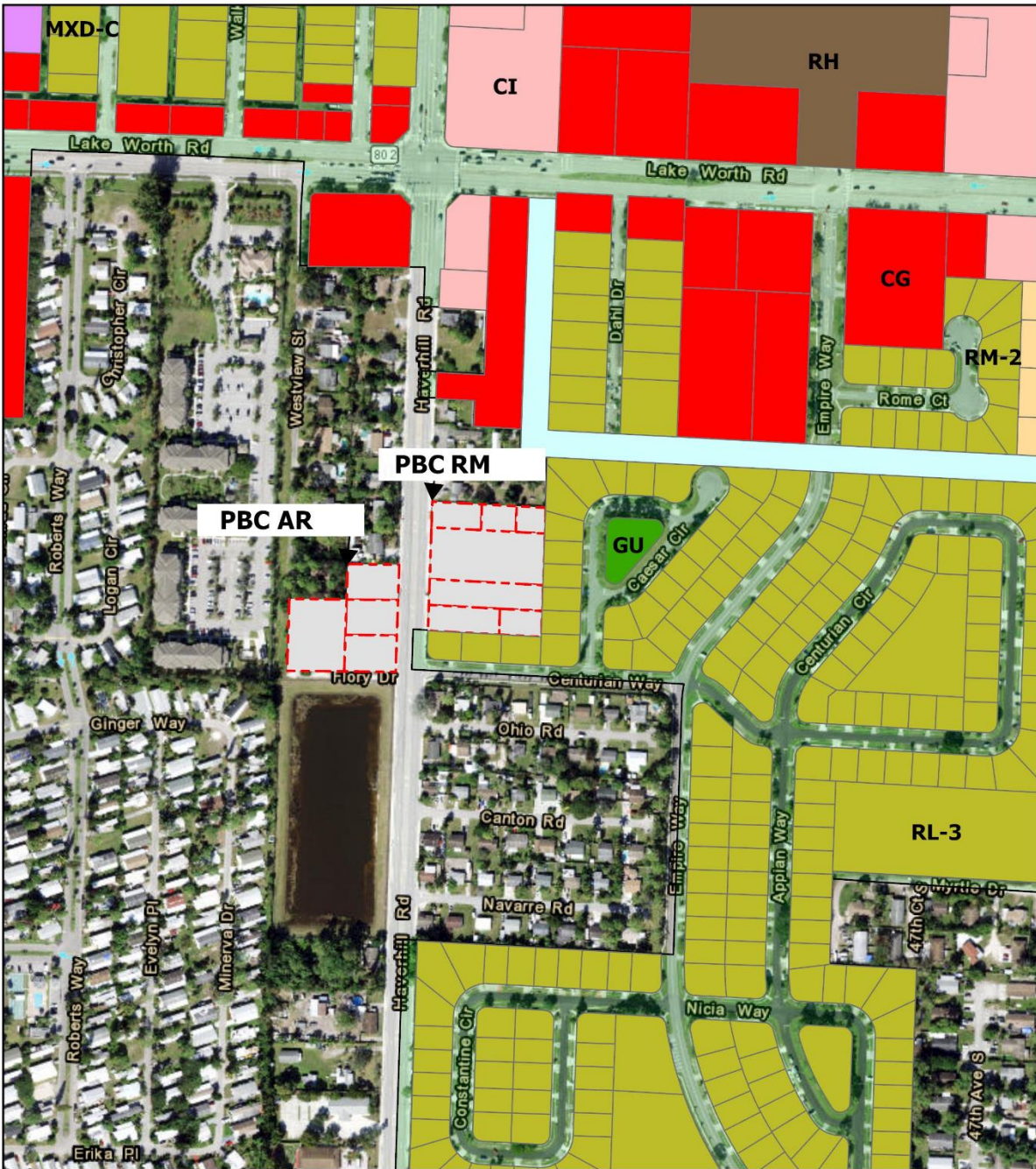
PZBA RECOMMENDATION – February 8, 2024

The Planning and Zoning Board of Appeals on a motion made by Board Member Hayes and seconded by Board Member Fitzgerald, voting five (5) to zero (0), *recommended approval* of Zoning Change **ZC-24-04**, as presented by staff.

CITY COUNCIL ACTION First Reading – March 4, 2024

CITY COUNCIL ACTION Adoption Hearing –

Exhibit A
(Existing and Proposed Future Land Use Maps)

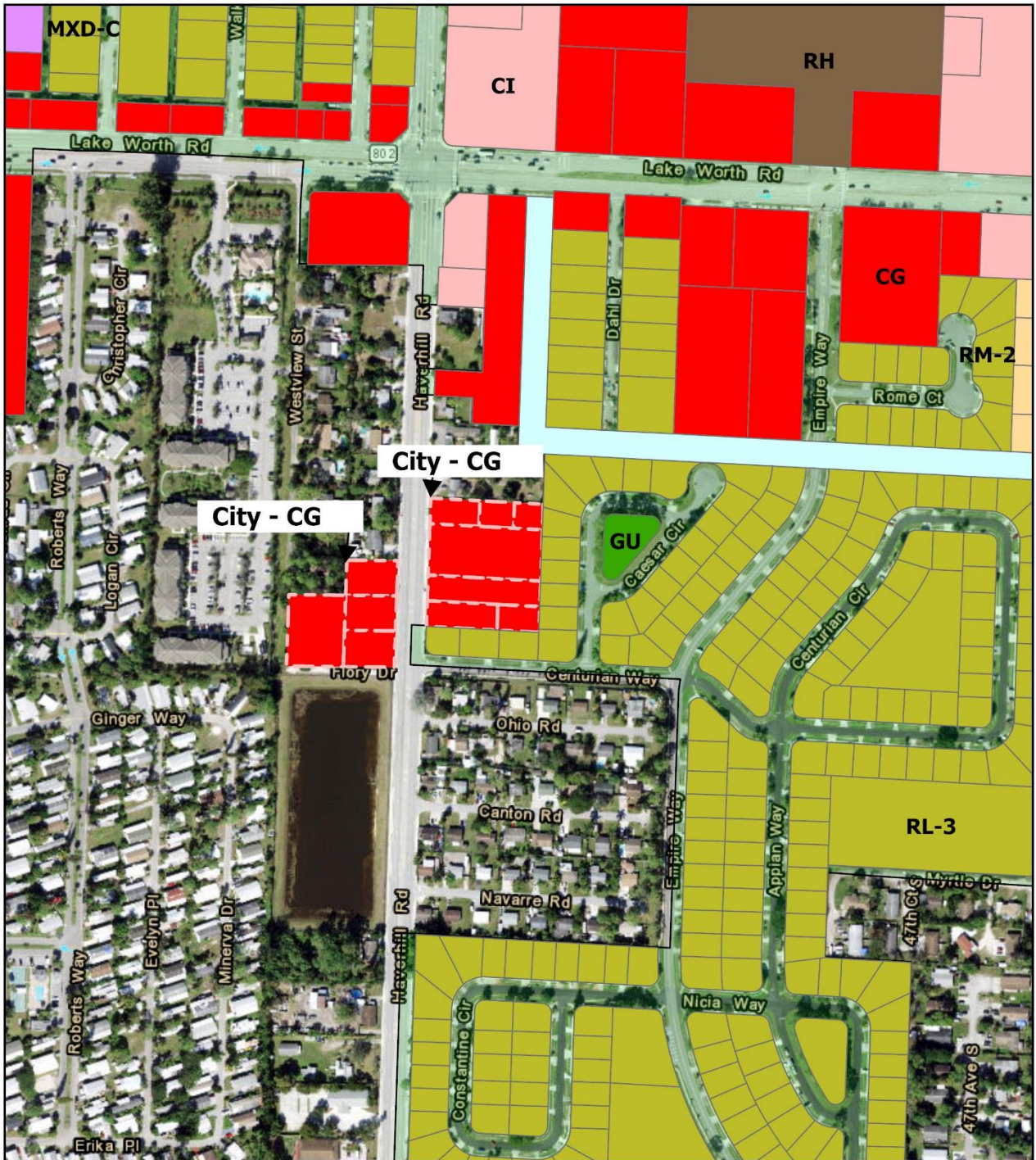


| City Zoning | | | | | | | |
|---|--|---|---|---|--|--|-------------------------------|
| AGRICULTURAL RESIDENTIAL (.4 UNITS/ACRE) (AR) | COMMERCIAL NEIGHBORHOOD (CN) | MIXED DEVELOPMENT - OFFICE (MXD-O) | MIXED DEVELOPMENT - RESIDENTIAL (MXD-R) | RESIDENTIAL ESTATE (1 UNIT/ ACRE) (RE) | RESIDENTIAL LOW-2 (4 UNITS/ ACRE) (RL-2) | RESIDENTIAL MEDIUM-2 (7 UNITS/ACRE) (RM-2) | RESIDENTIAL MOBILE HOME (RMH) |
| COMMERCIAL GENERAL (CG) | GOVERNMENT USE (GU) | MIXED DEVELOPMENT - ORIGINAL SECTION (MXD-OS) | OFFICE PROFESSIONAL AND INSTITUTIONAL (OPI) | RESIDENTIAL HIGH DENSITY (10 UNITS/ACRE) (RH) | RESIDENTIAL LOW-3 (5 UNITS/ ACRE) (RL-3) | | |
| COMMERCIAL INTENSIVE (CI) | MIXED DEVELOPMENT - COMMERCIAL (MXD-C) | | | RESIDENTIAL LOW-1 (3 UNITS/ ACRE) (RL-1) | RESIDENTIAL MEDIUM-1 (6 UNITS/ACRE) (RM-1) | | |

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

Existing Zoning Map
 City of Greenacres





City Zoning

- AGRICULTURAL RESIDENTIAL (4 UNITS/ACRE) (AR)
- COMMERCIAL NEIGHBORHOOD (CN)
- MIXED DEVELOPMENT - OFFICE (MXD-O)
- MIXED DEVELOPMENT - RESIDENTIAL (MXD-R)
- RESIDENTIAL ESTATE (1 UNIT/ACRE) (RE)
- RESIDENTIAL LOW-2 (4 UNITS/ACRE) (RL-2)
- RESIDENTIAL MEDIUM-2 (7 UNITS/ACRE) (RM-2)
- COMMERCIAL GENERAL (CG)
- GOVERNMENT USE (GU)
- MIXED DEVELOPMENT - ORIGINAL SECTION (MXD-OS)
- OFFICE PROFESSIONAL AND INSTITUTIONAL (OPT)
- RESIDENTIAL HIGH DENSITY (10 UNITS/ACRE) (RH)
- RESIDENTIAL LOW-3 (5 UNITS/ACRE) (RL-3)
- RESIDENTIAL MOBILE HOME (RMH)
- COMMERCIAL INTENSIVE (CI)
- MIXED DEVELOPMENT - COMMERCIAL (MXD-C)
- MIXED DEVELOPMENT - ORIGINAL SECTION (MXD-OS)
- INSTITUTIONAL (OPT)
- RESIDENTIAL LOW-1 (3 UNITS/ACRE) (RL-1)
- RESIDENTIAL MEDIUM-1 (6 UNITS/ACRE) (RM-1)

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

Proposed Zoning Map
 City of Greenacres

