

ANX-23-01
 (Ordinance 2023-18)
 Exhibit "A"
 Date: January 05, 2024

Revised: 01/11/2024
02/05/2024

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

Ordinance 2023-18: ANX-23-01 – PBC Utility Parcel - 6297 Lake Worth Road

Voluntary Annexation:

A voluntary annexation of one (1) parcel of land owned by Palm Beach County and developed as utility infrastructure. The 0.0143-acre parcel is an enclave located at 6297 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, 2/15/24, 2/22/24</p> <p>Paper: Lake Worth Herald, PBP</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 2023-18 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 one parcel, totaling approximately 0.014 acres, located within unincorporated Palm Beach County and identified within the City's Future Annexation Area. 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 has pursued annexation of multiple parcels through an Interlocal Service Boundary Agreement (ISBA), Enclave Interlocal, and voluntary annexation initiatives.

The applicant, Palm Beach County, is 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. Additionally, the proposal was submitted to the County Administrator and to County Planning staff on December 29, 2023, via certified return receipt.

II. Site Data:

Property Information:	See Exhibit A
Size:	0.0143 total acres

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 the parcel into the City of Greenacres and complete the elimination of the adjacent enclave to the Lake Worth Plaza West. The annexation of this parcel meets the intent of Chapter 171 F.S. since the area is contiguous to the City's municipal boundary and an enclave. The area is also within the City's identified Future Annexation Area.

Future planning applications for this parcel, including a comprehensive plan amendment and a zoning change, will be considered and processed following the successful annexation into the city.

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 annexation is 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 annexation is consistent with the City Code of Ordinances, complies 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).

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|---------------------------|--------------------------|
| Planning and Engineering: | Incorporated into report |
| Building: | No objections |
| Public Works: | No objections |
| Fire Rescue: | No objections |
| PBSO District #16: | No objections |

Background:

The one (1) parcel is surrounded by the City, so the site is contiguous to the City's boundary on the north, south, east and west perimeters. City Future Land Use and Zoning designations will be applied to the properties through a concurrent application process.

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 all sides to the City's municipal boundaries 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 subject property is owned by Palm Beach County under single ownership, and through adoption of an Interlocal Agreement (Resolution 2022-1532), the PBC Board of County Commissioners has agreed 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 did not get any negative comments on ANX-23-01.

(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 an existing enclave as the property is only accessible by vehicular traffic through the City of Greenacres along Lake Worth Road, and the annexation will remove 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 was 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.

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

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.

Solid Waste

The property is 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. The site will have a commercial designation and will not contribute to an increase in population, the City's existing park and recreation facilities are sufficient to accommodate this annexation and still maintain the level-of-service standards.

Drainage

The subject property is 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 project is provided for onsite with available outfall to the north and south of the site.

Roadway

Currently, the site is accessed from Lake Worth Road via a shared access easement through the Liberty Shopping Center, as the lift station on the parcel provides support for the sewer system that serves the development. Since the access is along a private access easement and not a city 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.

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 surrounded by the city, 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 annexation is consistent with the provisions in Chapter 171, F.S., Specifically the subject property is not irregular in shape, reasonably compact, and immediately contiguous to the City's municipal boundaries. The subject area is an existing enclave; thus, the proposed annexations will remove 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 site is also an enclave contiguous to the City's boundary. The annexation of the parcel is a logical extension of the city boundaries.

The development is compatible and consistent with other development in the city as it is developed with utility infrastructure that supports the adjacent development.

- (3) The area shall have a growth potential sufficient to warrant the extension of services.**

Findings: Since the property proposed for annexation is contiguous to the City and within an existing unincorporated pocket, the City can extend the same level of service provided to similar parcels within the City. The utility parcel is developed with infrastructure to support adjacent development level of service demands and has little to no demands for services.

- (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.

- (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 parcel.

Summary of Annexation Criteria:

The voluntary annexation meets all 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-23-01 through the adoption of Ordinance 2023-18.

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

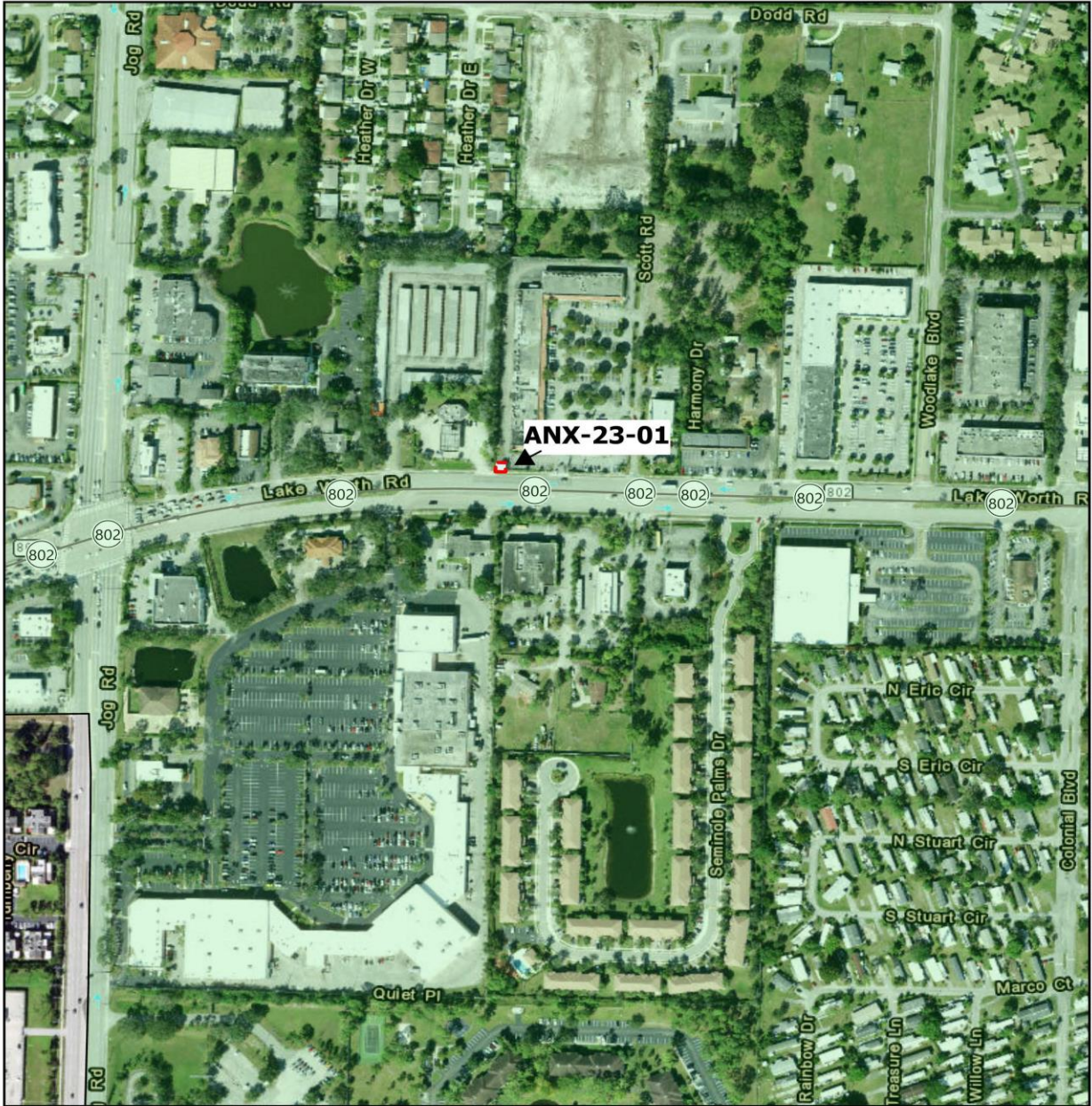
The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Hayes, voting five (5) to zero (0), *recommended approval* of Annexation **ANX-23-01 (PBC Utility Parcel)**, as presented by staff.

CITY COUNCIL ACTION 1st Reading – February 5, 2024

The City Council on a motion made by Council Member Diaz and seconded by Council Member Bousquet, voting five (5) to zero (0), *approved ANX-23-01 (PBC Utility Parcel)*, through **Greenacres Ordinance 2023-18**, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – March 4, 2024

Exhibit A
(Voluntary Annexation Maps and Information Sheets)



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	
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**Palm Beach County
Annexation Information Sheet**

Please submit the following information regarding each proposed annexation:

Annexation Name	ANX-23-01 6297 Lake Worth Road (PBC Utilities)
Annexation Type	Voluntary
Acres	0.0143 acres
Location	On the north side of Lake Worth Road, 1,000 feet east of the intersection of Lake Worth Road and South Jog Road at 6297 Lake Worth Road
Existing Use	Utility
Proposed Use	Utility
County Future Land Use	PBC Medium Residential 5 Units Per Acre (MR-5) Commercial High with and underlying MR-5 (CH/5)
County Zoning	PBC Agricultural Residential (AR)/ PBC General Commercial (CG)
City Future Land Use	Commercial (CM)
City Zoning	Commercial General (CG)
First Reading (if known)	February 5, 2024
Second Reading (if known)	March 4, 2024
Ordinance Num. (if known)	Ordinance 2023-18
Location Map	(Please Attach)
Parcel Control Numbers	00-42-44-22-00-000-5270