

ZC-21-01 (Ordinance 2021-08)  
Exhibit "A"  
Date: July 14, 2021

Revised: 02/21/2021  
08/18/21  
09/08/2021



## LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

### Subject/Agenda Item:

#### **Ordinance 2021-08: ZC-21-01 Martin Avenue Lot 1**

**Second Reading:** A request from Michael Sanchez of Managed Land Entitlements, agent for the owner Turk Investments LLC, for zoning change for approximately 0.2986 acres from City Mixed Development – Original Section (MXD-OS) to City Residential Low-3 (RL-3). The site is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North.

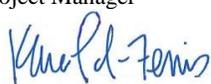
Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager  Kara Ferris, Director	<b>Reviewed By:</b> Director of Planning & Engineering  Kara L. Irwin-Ferris, AICP
<b>Approved By:</b>  City Manager  Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 7/8/2021, 8/5/2021 Paper: Lake Worth Herald  Mailing <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: 300'

<b>Attachments:</b> <ul style="list-style-type: none"><li>• Aerial</li><li>• Survey</li><li>• Location Map</li></ul>	<b>City Council Action:</b> <input 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**

A request for a zoning change for approximately 0.2986 acres from City Mixed Development – Original Section (MXD-OS) to City Residential Low-3 (RL-3). The subject site is currently one parcel, but the owner intends to subdivide the lot into two (2) single-family lots according to the applicable zoning regulations. A small-scale land use amendment application (CPA-21-01) is being processed concurrently with this request.

The site is located on the west side of Martin Avenue approximately 80 feet north of 10<sup>th</sup> Avenue North.

**II. Site Data:**

<b>Existing Use:</b>	Vacant
<b>Proposed Use:</b>	Two Single-Family Residences
<b>Parcel Control Numbers:</b>	18-42-44-23-17-000-0010
<b>Parcel Size:</b>	0.2986 acres (13,007 square feet)
<b>Existing Future Land Use Designation:</b>	Mixed Use (MU)
<b>Proposed Future Land Use Designation:</b>	Residential-Low Density (RS-LD)
<b>Existing Zoning:</b>	Mixed Use Development - Original Section (MXD-OS)
<b>Proposed Zoning:</b>	Residential Low - 3 (RL-3)

<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Duplex	City Residential-Low Density (City RS-LD)	City Residential Low-3 (RL-3)
<i>South</i>	Commercial Plaza (Seaglades Plaza)	City Mixed Use (MU)	City Mixed Use Development-Original Section (MXD-OS)
<i>East</i>	Single-Family	City Residential-Low Density (City RS-LD)	City Residential Low-3 (RL-3)
<i>West</i>	Vacant	City Mixed Use (MU)	City Mixed Use Development-Original Section (MXD-OS)

**III. Annexation/Zoning History:**

The Mixed Use Development – Original Section (MXD-OS) zoning district was approved on October 7, 2003 and was intended to encourage the consolidation of small lots into large lots for non-residential development along the 10<sup>th</sup> Avenue Corridor. Originally, the zoning district still permitted the development of single-family homes. An existing single-family residence was built in 2014 at 549 Fleming Avenue, to the west of the site, in conformance with MXD-OS zoning district rules in place at that time. Subsequent to this, the MXD-OS district was amended (ZTA-14-03) to delete single-family residential as a use. Under current code requirements, the vacant site would be required to develop as a commercial use that does not have frontage on 10<sup>th</sup> Avenue North.

**IV. Applicable Comprehensive Plan Provisions:**

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

**1. Future Land Use Element**

**Objective 8, Policy c)**

Land 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:

*\* \* \* (4 through 16 omitted for brevity) \* \* \**

- (1) Agricultural Residential - 1.0 residential unit per two and one-half (2½) net acres;
- (2) Estate Residential - 1.0 residential unit per net acre;
- (3) Low Density Residential – 3.0 to 5.0 residential units per net acre

**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.

**2. Housing Element**

**Objective 1, Policy d)**

The City shall work cooperatively with the private sector to ensure the provision of adequate and affordable housing by creating a diversity of housing types through enhancement and development of cost effective development techniques, streamlining the review process, revising appropriate land development ordinances and inducing the development of additional single family detached units to meet the needs of existing and future residents of the City of Greenacres, including households with special needs.

Policy d)

The City shall continue to support the private sector in developing additional single family detached units to meet the existing need to balance with the multifamily inventory.

**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 4. Residential Low Density (*Section 16-301 through 16-313*)**

The residential low density (RL) district is established as a designation whereby the principal use of land is single-family dwellings of low density. Uses and structures designed to serve governmental, educational, religious, noncommercial and recreational uses that are compatible with residential development of this density are permitted or are permissible as special exceptions within such district, subject to restrictions and requirements necessary to preserve and protect the single-family residential character. Variation among RL-1, RL-2, and RL-3 is limited to requirements for density, lot area, width and certain yards.

## **VI. Staff Analysis:**

### ***Land Development Staff Comments:***

The petition was reviewed by the Land Development Staff on May 13, 2021, and recommended for approval.

Planning and Engineering Dept.:	No objections
Building Department:	No objections
Public Safety Department:	No objections
Public Works Department:	No objections

### ***Zoning Change Criteria and Findings Of Fact:***

Section 16-153. Planning Commission Report: The Planning Commission shall submit a report to the City Council which shows that the Commission 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 Residential Low -3 zoning will be consistent with the property's proposed Residential - Low Density future land use designation. The RL-3 district is intended for single-family oriented uses and allows the provision of uses and structures compatible with residential development of this density.

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

***Finding:*** The proposed Residential Low - 3 (RL-3) zoning district is compatible with the existing mix of uses in the area. This designation is the predominant zoning district for the majority of the properties located within the Original Section of the City.

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

***Finding:*** This proposed zoning change will not create an isolated zoning district. The parcels are located adjacent to identical residential uses and districts to the east and south of the site.

- (4) The population density pattern and possible increase or overtaxing of the land on public facilities such as schools, utilities, etc.**

***Finding:*** No change in potential population density will be caused by the proposed zoning change since the proposed maximum residential density is virtually identical to the existing maximum. Therefore, the residential density potential of the parcels will not create any

significant impact on services.

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

*Finding:* The proposed boundary is logically drawn along the property line.

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

*Finding:* The vacant property is isolated from adjacent commercial properties and therefore require an appropriate City zoning designation. The development of the subject site as Mixed-Use was contingent upon the consolidation of the subject site with adjacent properties that front on 10<sup>th</sup> Avenue North. Conditions of current development have not supported the consolidation of the smaller parcels into larger parcels.

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

*Finding:* The proposed change will replace the existing mixed-use zoning designation with a City residential zoning designation, which allows an almost identical residential density. Thus traffic and public safety will not be negatively impacted.

- (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. The proposed single-family development will be required to include adequate landscaping, setbacks, and buffering. Furthermore, the predominant use in the area is detached single-family residential.

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

*Finding:* The property is too small to be developed for other on-residential uses and does not front on the 10<sup>th</sup> Avenue North commercial corridor. Therefore, they require an appropriate City zoning designation.

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

*Finding:* As evidenced by the findings above, the proposed zoning change does not constitute a special privilege for the property owner because the change is consistent with existing land use patterns, the property's proposed future land use, the surrounding zoning designations, and the existing use of the property.

**VII. Staff Recommendation:**

*Approval* of ZC-21-01 through the adoption of Ordinance 2021-08.

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**PLANNING COMMISSION RECOMENDATION – July 21, 2021**

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No action taken, meeting did not have a quorum.

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**PLANNING COMMISSION RECOMENDATION – August 18, 2021**

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The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Charles, by a vote of six (6) to zero (0), *recommended approval* of Zoning Change **ZC-21-01** (Martin Ave), as presented by staff.

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**CITY COUNCIL ACTION First Reading – September 8, 2021**

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The City Council on a motion made by Councilmember Pearce and seconded by Councilmember Noble, by a vote of five (5) to zero (0), *approved* Zoning Change **ZC-21-01** (Martin Ave), on first reading, through *Ordinance 2021-08*, as presented by staff.

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**CITY COUNCIL ACTION Adoption Hearing - September 22, 2021**

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