



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, January 03, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

SPECIAL BUSINESS

- 1. Presentation:** 2021 City Photo Contest Winners. - Michele Thompson, Director of Community and Recreation Services.
- 2. Proclamation:** Florida Arbor Day, January 14, 2022. - Barbara Hadsell, National Garden Club.

CONSENT AGENDA

- 3. Official Minutes:** City Council Meeting Minutes, December 13, 2021. - Quintella L. Moorer, City Clerk.

REGULAR AGENDA

- 4. PUBLIC HEARING: Ordinance 2021-05: Second Reading:** Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Medium Residential 5 units per acre (PBC MR-5) and low Residential 1 unit per acre (PBC IR-1) to a City of Greenacres designation of Residential-Medium Density (RS-MD) and Residential High density (RS-HD), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc.,

Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Kara Irwin- Ferris, Director of Development and Neighborhood Services.

5. **PUBLIC HEARING: Ordinance 2021-06: Second Reading:** Approving a zoning change for fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium density-2 (RM-2) and Residential High density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.
6. **PUBLIC HEARING: Ordinance 2021-14: Second Reading:** Amending the Comprehensive Plan, more specifically to adopt a Property Rights Element, in its entirety as contained herein providing for repeal of conflicting Ordinances; providing for severability; providing for transmittal to the Department of Economic opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
7. **PUBLIC HEARING: Ordinance 2021-15: Second Reading:** Amending the Comprehensive Plan, more specifically to update the Five Year Capital Improvements Plan of the City of Greenacres as outlined in the Capital Improvement Element, as contained herein; providing for repeal of conflicting Ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
8. **PUBLIC HEARING: Ordinance 2021-17: Second Reading:** Amending the Comprehensive Plan, more specifically to update the City of Greenacres 10 year Water Supply Facilities Work Plan as adopted by reference in the Intergovernmental and Public Facilities Elements, as contained herein; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
9. **PUBLIC HEARING: Ordinance 2021-19: Second Reading:** Amending Greenacres City Code, Chapter 16, Zoning Regulations, Article II, Administration, Division 2, Land Development Staff by renaming Land Development Staff to Development Review Committee, replacing outdated names of City Departments or Committees/Boards, and updating procedures and renaming Land Development Staff to Development Review Committee in other Sections of the Code; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

- 10. PUBLIC HEARING: Ordinance 2021-20: Second Reading:** Amending Greenacres Code of Ordinances Chapter 16, Zoning Regulations, Article II, Administration, Division 10, Amendments to approved special exceptions and site plans, Section 2-212 through Section 2-216, by replacing Class I, II and III site plan and special exception amendments with minor and major site plan and special exception amendments, making similar terminology changes in other sections for consistency; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.
- 11. QUASI-JUDICIAL PUBLIC HEARING: Resolution 2021-30:** Approving an application for a special exception to allow a planned unit development in a Residential Medium-2 and a Residential High (RH) zoning district, located at the northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet north of Lantana road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium-2 (RM-2) and Residential High Density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynn Cheetham, Claudia, Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting resolutions; and providing for an effective date.- Kara Irwin-Ferris, Director of Development and Neighborhood Services.
- 12. Resolution 2021-31:** Approving the application for site plan approval to construct 230 dwelling units (76 zero-lot line homes and 154 townhomes) in a Residential Medium-2 (RM-2) and a Residential High (RH) zoning district, located at the northwest corner of the intersection between South Haverhill road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium-2 (RM-2) and Residential High density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia, Cornel & Costal Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting resolutions; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.
- 13. Board Appointment to the Planning and Zoning Board of Appeals/Local Planning Agency:** Appointing members to serve a three year term as Regular members. - Andrea McCue, City Manager.

DISCUSSION ITEM

14. LED Light Update. - Andrea McCue, City Manager.
15. Lighting on Haverhill Road. - Deputy Mayor John Tharp.
16. Rename Scholarship in remembrance of Mr. John Paglialungo, former Advisory Board Member. - Councilmember Jonathan Pearce.
17. Designate artist for wall at Melaleuca and Haverhill Road. - Councilmember Jonathan Pearce.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**CITY MANAGER'S REPORT****CITY ATTORNEY'S REPORT****MAYOR AND CITY COUNCIL REPORT****ADJOURNMENT****Upcoming Council Meeting**

February 7, 2022

Meeting Records Request

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

Notice of Council Meetings and Agendas

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at CityClerk@greenacresfl.gov or 561-642-2006.

Americans with Disabilities Act

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorner at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.



ITEM SUMMARY

MEETING DATE: January 03, 2022
FROM: Michele Thompson, Director
SUBJECT: 2021 City Photo Contest Winners

BACKGROUND

The City received 29 submittals for the 2021 photo contest, 10 of which were viable photo's for enlargement and judging. This years' selection committee represented 9 City Departments:

Jeannine Alkins – Administration
 Nikki Gold – City Clerk's Office
 Sherreth Stewart – Human Resources
 Monia Gagliotti – Finance
 Ana Martinez – Community & Recreation Services
 Diana Gonzalez – Fire Rescue
 Randi Whitcomb – Purchasing
 Samantha Powers – Development & Neighborhood Services
 Aileen Hernandez – Public Works

ANALYSIS

The CRS Dept. would like to thank and acknowledge Loris Baez, Recreation Supervisor for the CRS Dept. for her time, effort and coordination of this program!

A very special thank you to Blanca Mackrey, owner of the State Farm office on Lake Worth Road, who sponsored the gift cards awarded tonight and served as a guest judge! Thank you so much for your involvement and continued community spirit!

Tonight, we are recognizing the 3 top scoring submissions:

1st Place –John Tharp = \$100 (Being donated to the City's Youth Programs Department)

2nd Place – Amy Demartini = \$75

3rd Place – Yago Cecchini = \$50



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, December 13, 2021 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Jonathan G. Pearce, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to Order at 6pm and City Clerk Moorer called the Roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve the agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

None.

SPECIAL BUSINESS

None.

CONSENT AGENDA

1. **Official Minutes:** City Council Meeting Minutes, November 1, 2021. - Quintella L. Moorer, City Clerk.
2. **Resolution 2021-58:** Approving the agreement between the City of Greenacres and the Solid Waste Authority authorizing the execution of the Blighted and Distressed Property Clean-up and Beautification Grant Agreement for the Municipal Complex landscape enhancements; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Carlos Cedeno, Director of Public Works Department.
3. **Resolution 2021-59:** Approving the agreement between the City of Greenacres and Xtreme Pavers, Inc. for construction of a paver pathway surrounding the City Hall Municipal Complex; authorizing the appropriate city officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.

- 4. Resolution 2021-60:** Authorizing the execution of an agreement between Public Consulting Group, LLC and the City of Greenacres to prepare and audit the Medicare Ground Ambulance data Collection Survey, as required by the Centers for Medicare and Medicaid Services (CMS); authorizing the appropriate City Officials to execute all necessary documents; and providing for effective date. - Teri Beiriger, Director of Finance.
- 5. Resolution 2021-61:** Approving the agreement between the City of Greenacres and JB Services Team LLC, for installation of decorative stone on the columns at the City Hall Municipal Complex; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 6. Resolution 2021-62:** Approving the expense of additional funds and a contract amendment for sanitary sewer installation and drainage improvements as part of the Sidewalk Project Awarded to HG Construction Development and Investment, Inc.; authorizing the appropriate City Officials to execute the amendment; providing for an effective date. - Monica Powery, Director of Purchasing.
- 7. Resolution 2021-63:** Approving an agreement for Inspection and Building Services; authorizing the appropriate City Officials to execute the agreement; providing for an effective date. - Monica Powery, Director of Purchasing.
- 8. Resolution 2021-64:** Authorizing the City of Greenacres, herein referred to as the City, to join with the State of Florida and other Local Governmental units as a participant in the Florida Memorandum of Understanding and formal agreements implementing a unified plan. - Andrea McCue, City Manager.

Motion made by Councilmember Bousquet, Seconded by Deputy Mayor Tharp to approve the Consent agenda. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

REGULAR AGENDA

- 9. Resolution 2021-57:** Amending the schedule of fees for Land Development Application reviews under Chapter 12, Subdivision and Land Development Regulations, and Chapter 16, Zoning Regulations, of the City of Greenacres Code of Ordinances; providing for repeal of conflicting resolutions; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorer read Resolution 2021-57 by title.

Ms. Gardner-Young stated the fee schedule had not been updated since 2012, to keep up with inflation and to stay current the fees were being updated. She highlighted a few changes, such as the removal of petitions and an added review and service fee.

The changes were compliant and Staff recommended approval of Resolution 2021-57.

Deputy Mayor Tharp asked what a fair timeline was to review the fees. Ms. Gardner-Young suggested annually.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Resolution 2021-57. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

10. PUBLIC HEARING: Ordinance 2021-16: Second Reading: Creating a new multipurpose Development Review and Appeals Board to be called the "Planning and Zoning Board of Appeals" at Section 16-81 through Section 16-85 of Chapter 16, Zoning Regulations, Article 2, Administration, Division 3 of the City's Code of Ordinances; repealing the existing Sections 16-81 through 16-84 of Chapter 16, Zoning Regulations, Article 2, Administration, Division 3, Planning Commission/Local Planning Agency and repealing the existing Sections 16-101 through 16-107 of Chapter 16, Zoning Regulations, Article 2, Administration, Division 4, Zoning Board of Adjustments and Appeals, creating a new Division 4 to be entitled "Variances", at Chapter 16, Zoning Regulation, Article 2, Administration, to include Sections 16-101 through 16-105 and creating a new administrative variance process at Section 16-106; providing for related revisions throughout the City's Code of Ordinances to replace the existing boards' name with the name of the new Planning and Zoning Board of Appeals; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorhead read Ordinance 2021-16 by title.

Ms. Gardner-Young stated no changes had been made to Ordinance 2021-16; since the First Reading. She did mention a possible change in the monthly meeting date. Ms. Gardner-Young stated language that would allow flexible monthly meeting dates.

Staff recommended approval of Ordinance 2021-16; with a change to Section 16-83C.

Motion made by Councilmember Dugo, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-16; on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

11. PUBLIC HEARING: Ordinance 2021-05: First Reading: An ordinance adopted by the City Council of the City of Greenacres, Florida, amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet north of Lantana Road, from a Palm Beach County designation of Medium Residential 5 units per acre (PBC MR-5) and low Residential 1 unit per acre (PBC LR-1) to a City of Greenacres designation of Residential-Medium Density (RS-MD) and Residential High density (RS-HD), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillippe Sze, Virginia Walter and Kfir Baranes; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Department of Economic Opportunity; providing for inclusion in the Comprehensive Plan; and providing for an effective date. - Kara Irwin Ferris, Director of Development and Neighborhood Services.

City Clerk Moorhead read Ordinance 2021-05 by title.

Ms. Irwin-Ferris stated due to the City's newly annexed area as of 2021 the proposed land use of parcels were required to change the County's designation to a Greenacres designation of Residential-Medium Density and Residential High Density. She explained

the County and the City's viewpoint of density requirements were a bit different. She mentioned the City was lower than the County. Ms. Irwin-Ferris mentioned some allowable uses included single family and zero lot lines.

Staff recommended approval and stated the Ordinance was compatible and aligns with the City's Comprehensive Plan.

Mr. Robert Palahunik did not support the Ordinance; he felt the vote was crafted and unfair. He felt Horton Development LLC., wanted to change the Code to accommodate their personal gain. Mr. Robert Palahunik, said the application had no benefit to the community. He felt the Code change was impartial and unfair and should be heard by a Circuit Judge.

Ms. Irwin-Ferris, stated the City was able to support the annexation to include roads and sewer. She said the Planning Commission approved the annexation. Ms. Irwin-Ferris stated no variances were being requested and the annexation and application was consistent with State Statutes.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-05; on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

12. QUASI-JUDICIAL PUBLIC HEARING: Ordinance 2021-06: First Reading: Approving a zoning change for fourteen parcels of land totaling approximately 33.059 acres, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road, from a Palm Beach County designation of Agricultural Residential (PBC AR) and Residential Estate (PBC RE) to a City of Greenacres designation of Residential Medium density-2 (RM-2) and Residential High density (RH), as requested by the petitioner, Wantman Group Inc., agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Phillipe Sze, Virginia Walter and Kfir Baranes; providing for changes to the official zoning map; providing for repeal of conflicting ordinances, providing for severability; and providing for an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Ordinance 2021-06 by title.

Ms. Irwin-Ferris read the Quasi-Judicial Hearing process.

City Clerk Moorer sworn in six people.

There were no Ex-parte communications reported.

Mr. Yoan Machado, Project Manager, WGI Inc., mentioned the request was only for land use and zoning. He said the land use and zoning change was established to be compatible with the City of Greenacres. He explained the annexation vote, map of the proposed area and history of the property. Mr. Machado showed the graphic layout of the property. He said the break down was 230 units, zero lot line, and 54 townhomes.

Ms. Irwin-Ferris stated Staff was proposing a land use as stated by the Applicant and Staff recommended approval of Ordinance 2021-06.

Mr. Robert Palahunik was in opposition of the Ordinance and stated he was concerned about the turtles and their habitat.

Motion made by Councilmember Pearce, Seconded by Councilmember Bousquet to approve Ordinance 2021-06; on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Pearce, and Councilmember Bousquet. Voting Nay: Councilmember Dugo.

13. Ordinance 2021-19: First Reading: Amending Greenacres City Code, Chapter 16, Zoning Regulations, Article II, Administration, Division 2, Land Development Staff by renaming Land Development Staff to Development Review Committee, replacing outdated names of City Departments or Committees/Boards, and updating procedures and renaming Land Development Staff to Development Review Committee in other Sections of the Code; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-19 by title.

Ms. Gardner-Young stated the zoning text amendment was presented to rename the Land Development Staff Committee to Development Review Committee, to clarify the responsibilities and functions of the committee. The change would assist with budget and Code language.

Staff recommended approval of Ordinance 2021-19.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-19; on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

14. Ordinance 2021-20: First Reading: Amending Greenacres Code of Ordinances Chapter 16, Zoning Regulations, Article II, Administration, Division 10, Amendments to approved special exceptions and site plans, Section 2-212 through Section 2-216, by replacing Class I, II and III site plan and special exception amendments with minor and major site plan and special exception amendments, making similar terminology changes in other sections for consistency; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. Caryn Gardner-Young, Zoning Administrator.

City Clerk Moorero read Ordinance 2021-20 by title.

Ms. Gardner-Young stated the Code was confusing and by amending the text it would assist with clarification. The Classes would be in chronological order and would then follow a minor to major category. She mentioned some items were added such as parking and right of way clarification. Ms. Gardner-Young mentioned the review process would also be revised.

Staff recommended approval of Ordinance 2021-20.

Motion made by Councilmember Pearce, Seconded by Deputy Mayor Tharp to approve Ordinance 2021-20 on First Reading. Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Pearce, and Councilmember Bousquet.

15. Board Appointment for the Scholarship Committee: Appointing Ms. Eliana Girard to serve a three (3) year term. - Andrea McCue, City Manager.

Ms. McCue recommended approval of the board appointment.

Councilmember Bousquet suggested not appointing a new member until the new Board Chair was appointed as she did not see an urgency since the Board does not meet again until March 2022.

Motion made by Councilmember Dugo, Seconded by Councilmember Noble to approve appointment of Ms. Girard. Voting Yea: Deputy Mayor Sharp, Councilmember Noble, Councilmember Dugo, and Councilmember Pearce.

Voting Nay: Councilmember Bousquet.

Councilmember Bousquet made a supplemental Motion which did not pass.

DISCUSSION ITEM

16. Property Improvement Program Criteria. - Carlos Cedeno, Director of Public Works and Aileen Hernandez, Administrative Assistant.

Ms. Hernandez stated she was available for any questions.

Councilmember Dugo asked for clarification of the programs criteria. She was not certain if the program included businesses along with resident properties.

Ms. Hernandez stated the criteria for businesses were the same as the previous year the only change for the upcoming year was the amount rewarded. She said businesses were allowed a max of \$50,000.

Councilmember Noble suggested two separate programs and was certain the suggestion was discussed at a previous meeting.

Ms. McCue confirmed it was discussed during the budget process and stated the total program was \$100,000 and no more than \$50,000 for commercial could be rewarded she felt it was in the best interest to maintain the current amounts as listed so if any was left over from the commercial amounts it would be used for residential.

After further discussion Councilmember Noble terminated his comments.

Mayor Flores asked if the program was being advertised in the community. Ms. Hernandez replied yes.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

None.

CITY MANAGER'S REPORT

17. Community & Recreation Service Department Report.

18. Development & Neighborhood Services Report.

19. Finance Report.

20. Fire Rescue Report.

21. Information Technology Report.

- 22. PBSO District 16 Report.
- 23. Purchasing Department Report.
- 24. Public Works Report.
- 25. Youth Programs Report.

Ms. McCue mentioned some of the City's upcoming events in January such as Fiesta de Pablo, Let's Talk Series, Artzy Event, and the Food Pantry.

She was also proud of the Holiday in Park event.

CITY ATTORNEY'S REPORT

No report.

MAYOR AND CITY COUNCIL REPORT

Deputy Mayor Tharp: requested a Discussion item regarding the street lighting on Haverhill Road to Lantana to Lake Worth Road. He asked each Council member to drive those roads at night prior to the discussion.

Mr. Noble stated in a previous email to Ms. McCue he requested a lighting update for the entire City as lighting was a concern. Mr. Noble thanked Ms. Gardner-Young on her great presentations.

Ms. McCue stated a report would be provided regarding an update on lighting from FPL and Public Works.

Councilmember Pearce: remembered K-9 Cigo, 12-24-18. He also requested a Discussion Item regarding naming a Scholarship for one year in honor of Mr. James Paglialungo as he was a volunteer of the City's advisory board for many years. Councilmember Pearce also requested a Discussion Item regarding the selection of Artist Anthony Hernandez to paint the wall in District One. He also highlighted the parade in Wellington.

Councilmember Bousquet: stated the Holiday in the Park event was amazing.

Mayor Flores stated the Holiday in the Park event was great, great job Staff. He requested a thank you letter to the Central Palm Beach County Chambers for an outstanding parade. He felt Greenacres was greatly represented, and John I. Leonard High did a great job.

Mayor Flores said Greenacres was majority in County District 3 which was the new Hispanic County District, he stated Greenacres was a part of District 2 in the School Board District. He also mentioned the TPA would be undergoing some changes.

ADJOURNMENT

7:25pm.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-05, CPA-20-04**
Blossom Trail (aka Nash Trail)

BACKGROUND

A request from Yoan Machado of WGI, agent for multiple owners for a small-scale Future Land Use Amendment for approximately 33.06 acres from PBC MR-5 (Medium Density 5 Units per Acre) and Palm Beach County Low Residential (LR-1) to City Residential Medium Density (RS-MD) and City Residential High (RS-HD) Density. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South (5650 and 5696 52nd Drive South; 5141 and 5329 Nash Trail; 5690, 5601, and 5533 Carmel Lane; 5625 50th Way South; 5595 and 5519 Haverhill Road).

Requests for a zoning change (ZC-20-04), special exception to allow a Planned Unit Development (SE-PUD-20-03) and Site and development plan (SP-20-03) are concurrently under review by the City.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The City forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Local Planning Agency recommending approval by a vote of 6-0 at their meeting on December 1, 2021. The City Council approved this petition on first December 13, 2021 by a unanimous vote of 4-0.

ANALYSIS

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County Medium Density 5 Units per Acre (MR-5) and Palm Beach County Low Residential (LR-1) future land use designation with an appropriate City designation because of

concurrent development applications. The Advisory Future Land Use Map (Map FLU 9) recommends Residential Low Density (RS-LD) and Residential Medium Density (RS-MD) for the subject area. However, the City's Future Land Use Element states "these assignments to only serve as a guide in reviewing land use requests and development in these areas until the time of annexation". In addition, the City's comprehensive plan also recognizes the broad national trend in housing development of apartment, townhouse, and zero lot line units to continue in the City of Greenacres, due in large part to rising construction costs and smaller household sizes.

A portion of the site, 30.56 acres, has a Palm Beach County Medium Residential 5 future land use designation that allows a maximum residential development density of 5 dwelling units per gross acre, with a potential for up to 3 additional units per acre using the County's Transfer of Development Rights (TDR) program (for a total of 8 du/acre). In addition, the County allows bonus densities for the Workforce Housing units within a development, which would further increase the potential density of the site.

The remainder of the site, 2.5 acres, has a Palm Beach County LR 1 future land use designation that allows a maximum residential development density of 1 dwelling unit per gross acre. The property could utilize the County's Transfer of Development Rights program for a maximum of an additional 3 units per acre as a PUD (for a total of 4 du/acre). In addition, the County allows bonus densities up to 50% for the Workforce Housing Program within a development, which would further increase the potential density of the site.

The proposed City of Greenacres RS-MD future land use designation allows a maximum residential development density of a maximum 7 dwelling units per net acre. The proposed Residential Medium - 2 (RM-2) zoning designation allows up to 7 units per net acre. The proposed City of Greenacres RS-HD future land use designation allows a maximum residential development density of a maximum 10 dwelling units per net acre. The proposed Residential High (RH) zoning designation allows up to 10 units per net acre. The net density is defined as the specific area of land exclusive of all public and private rights-of-way within the proposed development. The city does not allow for the use of a determination using gross density, TDRs, or density bonuses for workforce housing, so the overall density allowance would be less than Palm Beach County. This is provided using a 15-20% reduction for roadways (public and private) in the area utilized to determine the density of a proposed project, as required by the City of Greenacres Comprehensive Plan. The analysis is less without the potential application of the 50% increase for workforce housing in Palm Beach County.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-05 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of CPA-20-04 through the adoption of Ordinance 2021-05.

ORDINANCE NO. 2021-05

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE CITY'S COMPREHENSIVE PLAN, TO CHANGE THE FUTURE LAND USE DESIGNATION OF FOURTEEN PARCELS OF LAND TOTALING APPROXIMATELY 33.059 ACRES, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN SOUTH HAVERHILL ROAD AND NASH TRAIL IS APPROXIMATELY 1,400 FEET NORTH OF LANTANA ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF MEDIUM RESIDENTIAL 5 UNITS PER ACRE (PBC MR-5) AND LOW RESIDENTIAL 1 UNIT PER ACRE (PBC LR-1) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL-MEDIUM DENSITY (RS-MD) AND RESIDENTIAL HIGH DENSITY (RS-HD), AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNERS, ANN & FRED K MENOR, AARON & FRANCES LLC, AMERICAN GERMAN CLUB INC., ERNEST & LYNNE CHEETHAM, CLAUDIA CORNEL & COSTEL DUMITRESCU, MATTHEW GREENE, MELODY & NOE MALDONADO, SHIPLEY ENTERPRISE INC., PHILIPPE SZE, VIRGINIA WALTER AND KFIR BARANES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Comprehensive Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, WGI, Inc. is agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club INC., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise INC., Philippe Sze, Virginia Walter and Kfir Baranes, of the hereinafter described properties; and

WHEREAS, the petitioner is requesting to change the City of Greenacres Future Land Use Map from a Palm Beach County future land use designation of Medium Residential 5 (MR 5) AND Low Residential 1 (LR-1) to a City of Greenacres land use designation of Residential-Medium Density (RS-MD) and Residential High Density (RS-HD) for the subject properties; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on December 1, 2021, and has recommended approval of petition CPA-20-04 to amend the Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing to receive comments on CPA-20-04 concerning the proposed amendment to the Comprehensive Plan and has considered all comments received as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment ordinance is consistent with the City's Comprehensive Plan and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Future Land Use Map Designation.

That the Future Land Use Map designation Medium Residential 5 (MR 5) AND Low Residential 1 (LR-1) to a City of Greenacres land use designation of Residential-Medium Density (RS-MD) and Residential High Density (RS-HD) for the properties legally described as follows:

Legal Description

PCNs: 00-42-44-35-00-000-5480, 00-42-44-35-00-000-5030, 00-42-44-35-00-000-5490,
00-42-44-35-00-000-5190, 00-42-44-35-00-000-5370, 00-42-44-35-00-000-5430,
00-42-44-35-00-000-5300, 00-42-44-35-00-000-5080, 00-42-44-35-00-000-5170,
00-42-44-35-00-000-5500, 00-42-44-35-00-000-5440, 00-12-44-35-00-000-5200,
00-12-44-35-00-000-5010, 00-12-44-35-00-000-5450

RESIDENTIAL HIGH DENSITY:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, all being of the Public Records Palm Beach County, Florida, for 800.72 feet to a point for the southwest corner of the herein described tract; Thence, the following six (6) courses over and across the parent tracts North 02°02'59" East, for 131.04 feet to a point; South 88°51'32" East, for 126.94 feet to a point; North 02°02'51" East, for 151.39 feet to a point; North 02°04'46" East, for 580.02 feet to a point; South 89°08'37" East, for 148.49 feet to a point; North 00°43'29" East, for 429.52 feet to the South Right-of-Way line for LWDD L-15 canal; Thence

South 89°16'39" East along said South Right-of-Way Line, for 813.76 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 25.145 acres, more or less.

RESIDENTIAL-MEDIUM DENSITY:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence North 89°16'39" West, continuing along said South Right-of-Way Line, for 813.76 to the POINT OF BEGINNING; Thence, the following six (6) courses over and across the parent tracts South 00°43'29" West, for 429.52 feet to a point; North 89°08'37" West, for 148.49 feet to a point; South 02°04'46" West, for 580.02 feet to a point; South 02°02'52" West, for 151.39 feet to a point; North 88°51'32" West, for 126.94 feet to a point; South 02°02'59" West, for 130.04 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 27089 Page 440 of the Public Records Palm Beach County, Florida, for 170.02 to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518,

Public Records Palm Beach County, Florida; Thence North 02°02'51" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Two (2) courses being along the West, North and East lines of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 138.39 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 7.915 acres, more or less.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 33.059 ACRES MORE OR LESS.

SECTION 2. Authorization to Make Changes.

That the Planning and Engineering Department is further authorized to make the necessary map change to the Comprehensive Plan to reflect the change authorized by this Ordinance.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Transmittal to the DCD.

The Planning and Engineering Department shall send copies of the future land use amendment and Ordinance to the Treasure Coast Regional Planning Council (TCRPC) and the State Division of Department of Economic Opportunity (DEO).

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

In accordance with section 163.3187, Florida Statutes, the effective date of this small-scale map amendment shall be thirty-one (31) days after the Department of Economic Opportunity (DEO) notifies the City that the plan amendment package is complete. If timely

challenged, this amendment does not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

[The remainder of this page intentionally left blank.]

Passed on the first reading this 13th day of December, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

 Voted:

John Tharp, Deputy Mayor

 Voted:

Peter Noble, Council Member, *District II*

 Voted:

Judith Dugo, Council Member, *District III*

 Voted:

Jonathan Pearce, Council Member, *District IV*

 Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

CPA-20-04
Exhibit "A"
Date: November 24, 2021

Revised: 12/01/2021
12/13/2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-05: CPA-20-04 Blossom Trail (aka Nash Trail)

Second Reading & Adoption: A request from Yoan Machado of WGI, agent for multiple owners for a small-scale Future Land Use Amendment for approximately 33.06 acres from PBC MR-5 (Medium Density 5 Units per Acre) and Palm Beach County Low Residential (LR-1) to City Residential Medium Density (RS-MD) and City Residential High (RH) Density. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Development and Neighborhood Services Project Manager _____ Kara Ferris, Director	Reviewed By: Director: _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 11/18/21; 12/2/21; 12/23/21 Paper: Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance:

Attachments: <ul style="list-style-type: none"> • Survey • Location Map • Ordinance 2021-05 	City Council Action: <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 small-scale Future Land Use Amendment for approximately 33.06 acres from PBC MR-5 (Medium Density 5 Units per Acre) and Palm Beach County Low Residential (LR-1) to City Residential Medium Density (RS-MD) and City Residential High (RH) Density. The site contains fourteen (14) parcels having a Palm Beach County zoning designation of Agriculture Residential (PBC AR) and one (1) parcel with a Palm Beach County Residential Estate (RE) district zoning. The site is contiguous to the City's boundary to the north and east.

II. Site Data

Existing Use:	Single-Family homes
Proposed Use:	Zero Lot Line Homes and Townhomes
Parcel Control Numbers:	18-42-44-35-00-000-5200, 18-42-44-35-00-000-5010, 18-42-44-35-00-000-5170, 18-42-44-35-00-000-5450, 18-42-44-35-00-000-5080, 18-42-44-35-0-000-5300, 18-42-44-35-00-000-5500, 18-42-44-35-00-000-5480, 18-42-44-35-00-000-5190, 18-42-44-35-00-000-5490, 18-42-44-35-00-000-5440, 18-42-44-35-00-000-5430, 18-42-44-35-00-000-5370, 18-42-44-35-00-000-5030
Parcel Size:	33.06 acres
Existing Future Land Use Designation:	PBC Medium Density 5 Units per Acre (MR5) and Low Residential (LR-1)
Proposed Future Land Use Designation:	City Residential Medium Density (RS-MD) and Residential High (RH)
Existing Zoning District:	PBC Agricultural Residential (AR) and Residential Estate (RE)
Proposed Zoning District:	City Residential Medium Density (RM-2) and Residential High Density (RH)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Nautica Isles	Residential Low Density (RS-LD) (COG) Residential Low, 3 – 5 dwelling unit per acre	Planned Unit Development (PUD) with an underlying Residential Low (RL-3) (COG)
<i>South</i>	Commercial and Industrial Uses	Institutional (INST) (PBC), Commercial Low, with underlying Industrial (CL/IND) (PBC)	Institutional and Public Facilities (IPF), Multiple Use Planned Development (MUPD) Zoning District (PBC), Agricultural Residential (AR) (PBC)
<i>East</i>	Verona Estates (SF) and Verona Palms (Townhomes)	City Residential Medium (RM), 7 dwelling units per acre	Residential Medium – 2 (RM-2) (COG), Residential Medium -1 (RM-1)(COG)
<i>West</i>	Residential Community	Palm Beach County Medium Residential-5 (MR-5)	Agricultural Residential (AR) (PBC), Residential Estate (RE)(PBC)

III. Annexation/Zoning History

The approximately 33.06-acre site is located in the City of Greenacres. The site is comprised of fourteen (14) parcels of land, with nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a zoning change (ZC-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed for the multiple sites.

Thirteen (13) of the fourteen (14) subject properties have a Palm Beach County Medium Residential–5 (MR-5) future land use designation, which permits a maximum density of 5 dwelling units per acre. One (1) of the properties, located at 5141 Nash Trail and a portion of the parcel located at 5696 52nd Drive South, has a Palm Beach County Low Residential (LR-1) future land use designation, which permits a maximum density of 1 dwelling unit per acre.

Thirteen (13) of the fourteen (14) subject properties have a PBC zoning designation of Agricultural Residential (AR) which permits single-family residential, recreational, and agricultural uses. One (1) of the properties, located at 5141 Nash Trail has a Palm Beach County Residential Estate (RE) district zoning designation which provides a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. Initially, the City received a letter of interest from a developer that represents property owners in the area requesting to annex into the City limits. The City staff determined that the best was to pursue the annexation was by an annexation referendum, so that the registered electors in the area could vote on the issue. A public notice letter was sent to each person who resides or owns property within the area to be annexed in accordance with Section 171.042 (3), Florida Statutes. The notice is required to be mailed no later than ten days prior to the first public hearing, or no later than June 19, 2020. The letters were mailed on June 9, 2020.

On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The City forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

IV. Data and Analysis

This small-scale future land use amendment is needed in order to replace the existing Palm Beach County Medium Density 5 Units per Acre (MR-5) and Palm Beach County Low Residential (LR-1) future land use designation with an appropriate City designation because of concurrent development applications. The Advisory Future Land Use Map (Map FLU 9) recommends Residential Low Density (RS-LD) and Residential Medium Density (RS-MD) for the subject area. However, the City's Future Land Use Element

states “these assignments to only serve as a guide in reviewing land use requests and development in these areas until the time of annexation.” In addition, the City’s comprehensive plan also recognizes the broad national trend in housing development of apartment, townhouse, and zero lot line units to continue in the City of Greenacres, due in large part to rising construction costs and smaller household sizes.

A portion of the site, 30.56 acres has a Palm Beach County Medium Residential 5 future land use designation that allows a maximum residential development density of 5 dwelling units per gross acre, with a potential for up to 3 additional units per acre using the County’s Transfer of Development Rights (TDR) program (for a total of 8 du/acre). In addition, the County allows bonus densities for the Workforce Housing units within a development, which would further increase the potential density of the site.

The remainder of the site, 2.5 acres, has a Palm Beach County LR 1 future land use designation that allows a maximum residential development density of 1 dwelling unit per gross acre. The property could utilize the County’s Transfer of Development Rights program for a maximum of an additional 3 units per acre as a PUD (for a total of 4 du/acre). In addition, the County allows bonus densities up to 50% for the Workforce Housing Program within a development, which would further increase the potential density of the site.

The proposed City of Greenacres RS-MD future land use designation allows a maximum residential development density of a maximum 7 dwelling units per net acre. The proposed Residential Medium - 2 (RM-2) zoning designation allows up to 7 units per net acre. The proposed City of Greenacres RS-HD future land use designation allows a maximum residential development density of a maximum 10 dwelling units per net acre. The proposed Residential High (RH) zoning designation allows up to 10 units per net acre. The net density is defined as the specific area of land exclusive of all public and private rights-of-way within the proposed development. The city does not allow for the use of a determination using gross density, TDRs, or density bonuses for workforce housing, so the overall density allowance would be less than Palm Beach County. This is provided using a 15-20% reduction for roadways (public and private) in the area utilized to determine the density of a proposed project, as required by the City of Greenacres Comprehensive Plan. The analysis is less without the potential application of the 50% increase for workforce housing in Palm Beach County.

POTENTIAL IMPACTS UNDER EXISTING LAND USE

Palm Beach County Development Potential				
Land Use	Area	Max Density	Density Bonus	Max Potential Units
PBC MR-5	30.56 acres	5 dui	TDR +3 dui	244 units
			WHP + 50%	229 units
PBC LR-1	2.5 acres	1 dui	TDR +3 dui	10 units
			WHP + 50%	3 units
Maximum Development Potential				254 units

POTENTIAL IMPACTS UNDER PROPOSED LAND USE

Greenacres Development Potential				
Land Use	Area	Net Density	Reduction for ROW	Max Potential Units
COG RM	7.91 acres	7 dui	-20.4% acreage	44 units
COG RH	25.15 acres	10 dui	-16.7% acreage	209 units
Maximum Development Potential				253 units

In addition, as the above density analysis demonstrates, the proposed combination of RS-HD and RS-MD will closely replicate the maximum density of the adjacent County MR 5 designations in light of the TDR program. Therefore, the analysis of the compatibility of the proposed designation with adjacent uses reveals RS-MD/RS-HD as a more appropriate designation than the RS-LD called for in the Advisory Future Land Use Map. This “fine tuning” of the Advisory Future Land Use Map is anticipated, and supported by Objective 10, Policy e) of the Future Land Use Element.

The proposed (RS-HD and RS-MD) future land use designations for the site are consistent with the existing development pattern in the area and appropriate at this time.

Land Use Analysis:

After a review of the proposed land use amendment, staff has determined that the application is consistent with the provisions of Chapter 163, FS, because it is compatible with adjacent properties, meets concurrency requirements, and is consistent with the provisions of the City’s Comprehensive Plan. Specifically, these are as follows:

A. Compatibility:

A review of the adjacent existing and anticipated land uses (see attached Aerial Photo) shows that the proposed land use is compatible with the adjacent properties.

North: To the north of the subject site is Nautica Isles, an existing single family residential development with a future land use designation of City Residential-Low density (RS-LD) and a zoning designation of City Residential Low 3 (RL-3). The proposed RS-MD designation will be a compatible density with the existing development to the north.

South: To the south of the subject site is non-residential development with a Palm Beach County future land use designation of Commercial Low with an underlying Industrial (CL/IND), Commercial Low (CL), and Institutional (INST). The approved development includes a gas station, a automotive repair shop, a lawnmower and repair service with vehicular storage, and the America German Club. The properties to the south will not be adversely impacted with the proposed future land use.

East: To the east is a single-family residential development known as Verona Estates and a townhouse development known as Verona Palms. Haverhill Road separates the site and has a future land use designation of COG Residential Medium Density (RS-MD), which is a similar future land use and densities as the proposed future land use amendment.

West: To the west of the site, across 52nd Drive South, are large lot residential and agricultural parcels located in unincorporated Palm Beach County, which are designated as Palm Beach County Medium Residential 5 (PBC MR 5). The complete adjacent portion of the site along 52nd Drive South has a proposed future land use designation of Residential Low Density (RS-LD), with a maximum density of 5 units per acre, which will be compatible and consistent with the existing development. Further, all zoning districts consistent with the proposed RS-LD land use allow only detached single family units for residential development. The proposed amendment will enhance compatibility through the use of adequate buffering and landscaping. Therefore, there will be no adverse impacts from the proposed future land use amendment

Conclusions: Reviewing the adjacent existing residential developments shows that the proposed City RS-MD designation is compatible and consistent to the adjacent land use to the north, east, and west. The site proposed Residential High Density (RS-HD) future land use designation is compatible with the surrounding properties as well, but also provides a transitional zoning to the non-residential zoning and major roadway to the east and south. Therefore, there will be no adverse impacts from the proposed future land use amendment and will provide for a diversity of development type in the area.

B. Concurrency:

As previously stated, this future land use amendment will provide this site with a City future land use designation based on its annexation. Any future changes to the site will be evaluated for compliance with level of service standards by all relevant agencies as part of site and development plan approval. The applicant meets the level of service (LOS) standards for this site through commitment for service letters from Palm Beach County Traffic Engineering, the Lake Worth Drainage District, and the Palm Beach County Water Utilities Department for the anticipated density permitted by the proposed land use.

C. Consistency with City's Comprehensive Plan:

The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, specifically:

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:

* * * (1 through 3 and 6 through 16 omitted for brevity) * * *

(4) Medium Density Residential – 6.0 to 7.0 residential units per net acre.

- (5) High Density Residential - 10.0 residential units per net acre;

Objective 10, Policy e)

The City of Greenacres shall regulate and control all future land use activities which affect the topography, materials beneath the land's surface and availability of services by implementing the following policies:

Policy e)

In reviewing future land use amendments in the City's Future Annexation Area, the City will utilize the Advisory Future Land Use Map (Map 9) as the basis for the assignment of future land use designations as well as consideration of the goals, objectives and policies contained in this Element and an analysis of the proposal's compatibility with adjacent uses in order to determine the appropriate designation.

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. Consistency with the Treasure Coast Regional Planning Council SRPP

The proposed future land use amendment represents a means of increasing residential opportunities in the City through the process of infill development, rather than approving land uses which will encourage urban sprawl. This is consistent with the intent of Regional Goal 2.1, which discourages urban sprawl

development patterns and Regional Goal 5.1, which states that redevelopment, revitalization and infill of existing neighborhoods and districts should be encouraged. The proposed Residential-Medium Density (RS-MD) and Residential-High Density (RS-HD) future land use designation is consistent with the intent of Regional Goal 8.1 which states that development should take place concurrent with or after the provision of necessary infrastructure and services. As a result, the proposed future land use amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan (SRPP) concerning appropriate development patterns.

VI. Consistency with Chapter 163, Florida Statutes

The amendment is consistent with the provisions of Chapter 163.3184 and 163.3187 F.S. concerning the processing of a small-scale future land use amendment to the Comprehensive Plan, as well as providing all applicable data and analysis to support the amendment.

In summary, this small-scale future land use amendment to the City's Comprehensive Plan is compatible with adjacent land uses, adequately addresses concurrency issues, and is consistent with the City's Comprehensive Plan, the Regional Planning Council's SRPP and Chapter 163, F.S.

VII. Staff Recommendation

Approval of CPA-20-04 through the adoption of Ordinance 2021-05.

LOCAL PLANNING AGENCY ACTION – December 1, 2021

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Robarts, voting six (6) to zero (0), ***recommended approval*** of Comprehensive Plan Amendment ***CPA-20-04 (Blossom Trail (aka Nash Trail))***, as presented by staff.

CITY COUNCIL ACTION First Reading – December 13, 2021

The City Council on a motion made by Council Member Pearce and seconded by Council Member Tharp, voting five (5) to zero (0), ***approved*** Comprehensive Plan Amendment ***CPA-20-04 (Blossom Trail (aka Nash Trail))***, on first reading, through ***Ordinance 2021-05***, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – January 3, 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-06, ZC-20-04**
Blossom Trail (aka Nash Trail)

BACKGROUND

A request from Yoan Machado of WGI, agent for multiple owners for a zoning designation change from Palm Beach County Agricultural Residential (AR) and Residential Estate (RE) to City Residential Medium Density (RM-2) and Residential High Density (RH). The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South (5650 and 5696 52nd Drive South; 5141 and 5329 Nash Trail; 5690, 5601, and 5533 Carmel Lane; 5625 50th Way South; 5595 and 5519 Haverhill Road). Requests for future land use change (CPA-20-04), special exception to allow a Planned Unit Development (SE-PUD-20-03) and a Site and development plan (SP-20-03) are under concurrent review by the City.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The City forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Local Planning Agency recommending approval by a vote of 5-1 at their meeting on December 1, 2021. The City Council approved this petition on first reading December 13, 2021 by a vote of 4-1.

ANALYSIS

The proposed rezoning from Palm Beach County Agricultural Residential (PBC AR) and Palm Beach County Residential Estate (RE) district zoning designation to Residential Medium - 2 (RM-2) and Residential High Density (RH) is consistent with the City's future land use element of the Comprehensive Plan. The proposed RM-2 zoning designation is consistent with the

proposed Residential - Medium Density (RS-MD) future land use designation and the proposed RH zoning designation is consistent with the proposed Residential High Density (RS-HD). This proposed zoning changes will not create an isolated zoning district. The changes are required in order to complete the annexation process and the zoning of the site for medium density residential and residential high density are consistent with adjacent properties. The property to the north is zoned Residential Low – 3 (RL-3) which is a lower density residential zoning district. However, the properties to the east have the same RM-2 zoning district as proposed. The RH zoning is consistent with the portion of the property adjacent to the non-residential uses to the south and the recently widened Haverhill Road. The proposed zoning changes will not adversely affect living conditions in the area. Any future project, such as the concurrent petition for a site and development plan, will be conditioned to include adequate landscaping, setbacks and buffering.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-06 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZC-20-04 through the adoption of Ordinance 2021-06.

ORDINANCE NO. 2021-06

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A ZONING CHANGE FOR FOURTEEN PARCELS OF LAND TOTALING APPROXIMATELY 33.059 ACRES, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN SOUTH HAVERHILL ROAD AND NASH TRAIL IS APPROXIMATELY 1,400 FEET NORTH OF LANTANA ROAD, FROM A PALM BEACH COUNTY DESIGNATION OF AGRICULTURAL RESIDENTIAL (PBC AR) AND RESIDENTIAL ESTATE (PBC RE) TO A CITY OF GREENACRES DESIGNATION OF RESIDENTIAL MEDIUM DENSITY-2 (RM-2) AND RESIDENTIAL HIGH DENSITY (RH), AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNERS, ANN & FRED K MENOR, AARON & FRANCES LLC, AMERICAN GERMAN CLUB INC., ERNEST & LYNNE CHEETHAM, CLAUDIA CORNEL & COSTEL DUMITRESCU, MATTHEW GREENE, MELODY & NOE MALDONADO, SHIPLEY ENTERPRISE INC., PHILIPPE SZE, VIRGINIA WALTER AND KFIR BARANES; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, WGI, Inc. is agent for the owners, Ann & Fred K. Menor, Aaron & Frances LLC, American German Club INC., Ernest & Lynne Cheetham, Claudia Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise INC., Philippe Sze, Virginia Walter and Kfir Baranes, of the hereinafter described properties; and

WHEREAS, the Petitioner is requesting a rezoning of fourteen (14) parcels of land totaling approximately 33.059 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH); and

WHEREAS, the Planning Commission has held a duly advertised public hearing on December 1, 2021 and reviewed the application for compliance with the staff findings relevant to the criteria for a Zoning Change as detailed in the Land Development Staff Report and Recommendation, Exhibit "A", dated November 24, 2021, as revised; and

WHEREAS, the City Council of the City of Greenacres has conducted a duly advertised public hearing on December 13, 2021 and has considered all comments received concerning the proposed amendment to the Official Zoning Map as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed zoning change ordinance is consistent with the City's Comprehensive Plan, said Plan being adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act and certified by the State of Florida Division of Community Development; and

WHEREAS, the City Council of the City of Greenacres further finds that, in accordance with Exhibit "A", "Land Development Staff Report and Recommendation", dated November 24, 2021, as revised (attached), the proposed amendment changing the zoning district of fourteen (14) parcels of land totaling approximately 33.059 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH); and.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of fourteen (14) parcels of land totaling approximately 33.06 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH); and:

Legal Description

PCNs: 00-42-44-35-00-000-5480, 00-42-44-35-00-000-5030, 00-42-44-35-00-000-5490, 00-42-44-35-00-000-5190, 00-42-44-35-00-000-5370, 00-42-44-35-00-000-5430, 00-42-44-35-00-000-5300, 00-42-44-35-00-000-5080, 00-42-44-35-00-000-5170, 00-42-44-35-00-000-5500, 00-42-44-35-00-000-5440, 00-12-44-35-00-000-5200, 00-12-44-35-00-000-5010, 00-12-44-35-00-000-5450

RESIDENTIAL HIGH DENSITY:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, all being of the Public Records Palm Beach County, Florida, for

800.72 feet to a point for the southwest corner of the herein described tract; Thence, the following six (6) courses over and across the parent tracts North 02°02'59" East, for 131.04 feet to a point; South 88°51'32" East, for 126.94 feet to a point; North 02°02'51" East, for 151.39 feet to a point; North 02°04'46" East, for 580.02 feet to a point; South 89°08'37" East, for 148.49 feet to a point; North 00°43'29" East, for 429.52 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 813.76 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 25.145 acres, more or less.

RESIDENTIAL-MEDIUM DENSITY:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence North 89°16'39" West, continuing along said South Right-of-Way Line, for 813.76 to the POINT OF BEGINNING; Thence, the following six (6) courses over and across the parent tracts South 00°43'29" West, for 429.52 feet to a point; North 89°08'37" West, for 148.49 feet to a point; South 02°04'46" West, for 580.02 feet to a point; South 02°02'52" West, for 151.39 feet to a point; North 88°51'32" West, for 126.94 feet to a point; South 02°02'59" West, for 130.04 feet to a point

on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 27089 Page 440 of the Public Records Palm Beach County, Florida, for 170.02 to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518, Public Records Palm Beach County, Florida; Thence North 02°02'51" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Two (2) courses being along the West, North and East lines of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 138.39 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 7.915 acres, more or less.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 33.059 ACRES MORE OR LESS.

Section 2. Zoning District Amendment.

The request by the petitioner to change the Official Zoning Map to include a zoning change of fourteen (14) parcels of land totaling approximately 33.059 acres more or less, from a Palm Beach County zoning designation of Agricultural Residential (AR) and Residential Estate (RE) to

a City of Greenacres zoning designation of Residential Medium Density-2 (RM-2) and Residential High Density (RH).

Section 3. Authorization to Make Changes.

That the Planning and Engineering Department is further directed to make the necessary changes to the City of Greenacres Official Zoning Map to reflect the changes authorized by this Ordinance.

Section 4. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 6. Effective Date.

This Ordinance shall become effective on the effective date of Ordinance 2021-05.

Passed on the first reading this 13th day of December, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Deputy Mayor

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZC-20-04
Exhibit "A"
Date: November 24, 2021

Revised: 12/01/2021
12/13/2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-06: ZC-20-04 Rezoning at Blossom Trail (aka Nash Trail)

Second Reading & Adoption: A request from Yoan Machado of WGI, agent for the owners, to approve a zoning change request from the Palm Beach County Agricultural Residential (PBC AR) and Palm Beach County Residential Estate (RE) district zoning designation to the City Residential Medium-2 (RM-2) and Residential High (RH) zoning district. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Kara L. Irwin-Ferris, AICP	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 11/18/2021, 12/2/2021; 12/23/21 Paper: Lake Worth Herald Mailing <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: 300'

Attachments: <ul style="list-style-type: none"> • Aerial • Existing Zoning Map • Proposed Zoning Map • Ordinance 2021-06 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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II. Executive Summary

A request for a change in the zoning designation for approximately 33.06 acres and fourteen (14) parcels, thirteen (13) parcels with a PBC Agricultural Residential (AR) designation and one (1) parcel with a Palm Beach County Residential Estate (RE) designation to City Residential Medium Density-2 (RM-2) and City Residential High Density (RH). The site is contiguous to the City's boundary to the north and east.

The fourteen (14) parcels include nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a small-scale land use amendment (CPA-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed. The applicant intends to develop the site with a planned unit development for 76 zero lot line units and 154 townhome dwelling units.

III. Site Data:

Existing Use:	Single-Family homes
Proposed Use:	Zero Lot Line Homes and Townhomes
Parcel Control Numbers:	18-42-44-35-00-000-5200, 18-42-44-35-00-000-5010, 18-42-44-35-00-000-5170, 18-42-44-35-00-000-5450, 18-42-44-35-00-000-5080, 18-42-44-35-0-000-5300, 18-42-44-35-00-000-5500, 18-42-44-35-00-000-5480, 18-42-44-35-00-000-5190, 18-42-44-35-00-000-5490, 18-42-44-35-00-000-5440, 18-42-44-35-00-000-5430, 18-42-44-35-00-000-5370, 18-42-44-35-00-000-5030
Parcel Size:	33.06 acres
Existing Future Land Use Designation:	PBC Medium Density 5 Units per Acre (MR5) and Low Residential (LR-1)
Proposed Future Land Use Designation:	City Residential Medium Density (RS-MD) and Residential High (RH)
Existing Zoning District:	PBC Agricultural Residential (AR) and Residential Estate (RE)
Proposed Zoning District:	City Residential Medium Density (RM-2) and Residential High Density (RH)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Nautica Isles	Residential Low Density (RS-LD) (COG) Residential Low, 3 – 5 dwelling unit per acre	Planned Unit Development (PUD) with an underlying Residential Low (RL-3) (COG)
<i>South</i>	Commercial and Industrial Uses	Institutional (INST) (PBC), Commercial Low, with underlying Industrial (CL/IND) (PBC)	Institutional and Public Facilities (IPF), Multiple Use Planned Development (MUPD) Zoning District (PBC), Agricultural Residential (AR) (PBC)
<i>East</i>	Verona Estates (SF) and Verona Palms (Townhomes)	City Residential Medium (RM), 7 dwelling units per acre	Residential Medium – 2 (RM-2) (COG), Residential Medium -1 (RM-1)(COG)
<i>West</i>	Residential Community	Palm Beach County Medium Residential-5 (MR-5)	Agricultural Residential (AR) (PBC), Residential Estate (RE)(PBC)

III. Annexation/Zoning History

The approximately 33.06-acre site is located in the City of Greenacres. The site is comprised of fourteen (14) parcels of land, with nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a zoning change (ZC-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed for the multiple sites.

Thirteen (13) of the fourteen (14) subject properties have a Palm Beach County Medium Residential-5 (MR-5) future land use designation, which permits a maximum density of 5 dwelling units per acre. One (1) of the properties, located at 5141 Nash Trail and a portion of the parcel located at 5696 52nd Drive South, has a Palm Beach County Low Residential (LR-1) future land use designation, which permits a maximum density of 1 dwelling unit per acre.

Thirteen (13) of the fourteen (14) subject properties have a PBC zoning designation of Agricultural Residential (AR) which permits single-family residential, recreational, and agricultural uses. One (1) of the properties, located at 5141 Nash Trail has a Palm Beach County Residential Estate (RE) district zoning designation which provides a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. Initially, the City received a letter of interest from a developer that represents property owners in the area requesting to annex into the City limits. The City staff determined that the best way to pursue the annexation was by an annexation referendum, so that the registered electors in the area could vote on the issue. A public notice letter was sent to each person who resides or owns property within the area to be annexed in accordance with Section

171.042 (3), Florida Statutes. The notice is required to be mailed no later than ten days prior to the first public hearing, or no later than June 19, 2020. The letters were mailed on June 9, 2020.

On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The city forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

Concurrent petitions for a small-scale land use amendment (CPA-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed. The applicant intends to develop the site with a planned unit development for 76 zero lot line units and 154 townhome dwelling units.

V. 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 1, Policy b)

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:

** * * (1 through 3 and 6 through 16 omitted for brevity) * * **

- (4) Medium Density Residential – 6.0 to 7.0 residential units per net acre.
- (5) High Density Residential - 10.0 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 leap frog 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 e)

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 e)

The City shall continue to allow the development of townhouse communities through the use of conventional Zoning Code requirements and without the need for a Planned Unit Development.

VI. 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 5. Residential Medium Density (Section 16-331 through 16-342)

The Residential Medium Density (RM) district is intended to be a low to medium density district with an emphasis on multiple-family use. Due to transitional character of these areas, governmental, educational, religious, noncommercial and recreational uses compatible with residential development are permitted or permissible by special exception. The provisions of this district are intended to protect and preserve the residential character and promote a desirable environment for the inhabitants. Variation among RM-1 and RM-

2 is limited to density, lot area, width, certain yards and lot coverage.

Division 6. Residential High Density (Section 16-361 through 16-390)

The residential high density (RH) district is intended to fulfill the need for a high concentration of population through a variety of housing types, residential high density (RH) districts are situated so that they are well served by public and commercial services in close proximity and have convenient access to arterial streets. Governmental, educational, religious, noncommercial and recreational uses that may serve this district as well as other districts are permitted or permissible by special exception.

VII. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff (LDS) on December 26, 2020 and went out for four (4) total rounds of comments.

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

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 rezoning from Palm Beach County Agricultural Residential (PBC AR) and Palm Beach County Residential Estate (RE) district zoning designation to Residential Medium - 2 (RM-2) and Residential High Density (RH) is consistent with the City's future land use element of the Comprehensive Plan. The proposed RM-2 zoning designation is consistent with the proposed Residential - Medium Density (RS-MD) future land use designation and the proposed RH zoning designation is consistent with the proposed Residential High Density (RS-HD).

(2) The existing land use pattern.

Finding: The combination of the proposed Residential Medium – 2 (RM-2) and Residential High (RH) zoning districts are compatible with the existing mix of residential uses in the area and the proposed uses on the subject site. In addition, the future land use designations on the sites to the east and north have development of a similar type and density.

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

Finding: This proposed zoning changes will not create an isolated zoning district. The changes are required in order to complete the annexation process and the zoning of the site for medium density residential and residential high density are consistent with adjacent properties. The property to the north is zoned Residential Low – 3 (RL-3) which is a lower density residential zoning district. However, the properties to the east have the same RM-2 zoning district as proposed. The RH zoning is consistent with the portion of the property adjacent to the non-residential uses to the south and the recently widened Haverhill Road.

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

Finding: The subject site currently has single-family and accessory uses and is mostly surrounded by developed residential uses. Concurrency has been satisfied for all applicable agencies for the 76 zero lot line homes and 154 townhome residential units that are proposed for this site based on the concurrent petition for site and development plan approval.

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

Finding: The property was recently annexed into the City and therefore requires an appropriate City zoning designation.

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

Finding: The property was recently annexed into the City and therefore requires an appropriate City zoning designation.

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

Finding: The applicant's proposed development has been reviewed by Palm Beach County Engineering and found to comply with Traffic Performance Standards. As a part of the concurrent site and development plan approval process, the site layout has been reviewed by the City's Traffic Engineering Consultant and the Public Safety Department

for circulation safety and access. The site will not have direct access to Haverhill Road it will utilize Nash Trail for access.

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

Finding: The proposed zoning changes will not adversely affect living conditions in the area. Any future project, such as the concurrent petition for a site and development plan, will be conditioned to include adequate landscaping, setbacks and buffering.

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

Finding: The property is being annexed into the City and therefore requires 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 owners because the change is consistent with existing land use patterns and the property's proposed future land use, as well as the surrounding future land use and zoning designations.

VIII. Staff Recommendation:

Approval of ZC-20-04 through the adoption of Ordinance 2021-06.

PLANNING COMMISSION RECOMMENDATION – December 1, 2021

The Planning Commission on a motion made by Commissioner Robarts and seconded by Commissioner Neustein, voting five (5) to one (1) with Commissioner Fitzgerald dissenting, ***recommended approval*** of Zoning Change ***ZC-20-04*** (*Blossom Trail (aka NashTrail)*), as presented by staff.

CITY COUNCIL ACTION First Reading – December 13, 2021

The City Council on a motion made by Council Member Pearce and seconded by Council Member Bousquet, voting four (4) to one (1) with Council Member Dugo dissenting, ***approved*** Zoning Change ***ZC-20-04*** (*Blossom Trail (aka NashTrail)*), on first reading, through ***Ordinance 2021-06***, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – January 3, 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-14, CPA-21-04**
Property Rights Element

BACKGROUND

Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended during the last Florida Legislative session, through CS/HB 59 (Harris Act) by adding Florida Statutes Section 163.3177(6)(i), which requires each local government to adopt a Property Rights Element into their comprehensive plan. Inclusion of the Property Rights Element is intended to protect private property rights and to ensure they are considered in local decision-making.

The new law which was effective July 1, 2021, requires each local government to adopt a Property Rights Element by the earlier of: (1) the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or (2) the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes. The proposed Property Rights Element Comprehensive Plan Amendment is intended to meet this requirement.

The Local Planning Agency reviewed this text amendment on October 20, 2021, and recommended approval by a vote of 5-0. On November 1, 2021 the City Council voted 4-0 to approve the amendment on first reading and transmit it to the Florida Department of Economic Opportunity (DEO). The Planning and Engineering Department received notice on December 2, 2021 from DEO that they had no comments on the proposed amendment. In addition, no other reviewing agency had comments on the content of the amendment.

ANALYSIS

Overall, this amendment is compatible with the Treasure Coast Regional Planning Council's Strategic Policy Plan and Chapter 163, Florida Statutes.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-14 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of CPA-21-04 through the adoption of Ordinance 2021-14.

ORDINANCE NO. 2021-14

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, MORE SPECIFICALLY TO ADOPT A PROPERTY RIGHTS ELEMENT, IN ITS ENTIRETY AS CONTAINED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body, pursuant to the authority vested in Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan (Plan); and

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, House Bill 59 (2021) was approved by the Governor requiring local governments to include a private Property Rights Element in their Plan; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on October 20, 2021, and has recommended approval of petition CPA-21-02, to add a new Property Rights Element to the City of Greenacres Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Property Rights Element text amendment proposed by CPA-21-02 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the City's Comprehensive Plan and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The Property Rights Element of the City of Greenacres is hereby added as outlined in Exhibit A, , which is attached hereto and incorporated herein by reference.

Section 2. Authorization to Make Changes.

That the Planning, Building and Engineering Department is further authorized to make the necessary changes to the Comprehensive Plan to reflect the above-stated changes.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Transmittal to the DEO.

The Development and Neighborhood Services Department shall transmit copies of the amendment and Ordinance to the Department of Economic Opportunity (DEO).

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

Section 7. Effective Date.

In accordance with Section 163.3184(3) and (5), Florida Statutes, the provisions of this Ordinance shall become effective 31 days after the State Land Planning Agency has determined that the amendment package is complete and provided that no challenge petition has been properly filed with the State Division of Administrative Hearings within 30 days of adoption.

(Remainder of page left blank)

Ordinance No. 2021-14 | Property Rights Element
Page No. 4

Passed on the first reading this 1st day of November, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

CPA-21-04 (Ordinance 2021-14)

Exhibit "A"

Date: September 15, 2021

Revised: October 20, 2021December 27, 2021

LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-14: Property Rights Element Text Amendment

Second Reading & Adoption: A City-initiated request for a text amendment that will add a Property Rights Element within the City of Greenacres Comprehensive Plan as required by Florida Statutes.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Development and Neighborhood Services Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Director of Development and Neighborhood Services _____ Kara L. Irwin-Ferris, AICP _____ Glen J. Torcivia City Attorney
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 10/7/21; 10/21/21; 12/23/21 Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____

Attachments: <ul style="list-style-type: none"> • Ordinance 2021-14 • Exhibit A 	City Council Action: <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

On April 1, 2021, the Florida House passed CS/CS/CS/HB 59 (Harris Act) with the bill subsequently passing the Florida Senate on April 8, 2021. Governor DeSantis signed the legislation into law on June 29, 2021 (Chapter 2021-195, Laws of Florida).

Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a Property Rights Element into their comprehensive plan. Inclusion of the Property Rights Element is intended to protect private property rights and to ensure they are considered in local decision-making.

The new law adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is required to adopt a Property Rights Element by the earlier of: (1) the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or (2) the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

The Florida Department of Economic Opportunity has interpreted the term “initiated” to mean the date of the Local Planning Agency (our Planning Commission) hearing and not the date an application was received. So, only those Land Use Amendment items that went to Local Planning Agency in June or earlier can proceed to City Council for adoption prior to the adoption of the new Property Rights Element. This could potentially impact small scale amendments that went or are going to Planning Commission in July and thereafter, meaning they could be delayed until the Property Rights Element is adopted. It is anticipated that the new Property Rights Element will be reviewed by the Planning Commission in September, and that an ordinance will be brought forward to the City Council as soon as practicable in order to reduce and/or avoid unnecessary delays.

II. Proposed Comprehensive Plan Amendments:

The following is a proposed comprehensive plan amendment. Items which are proposed for deletion are in **~~Strike-Through~~**, items proposed for addition are in **Single Underline**.

INTRODUCTION

A. PURPOSE OF ELEMENT

Under current law, local governments create and adopt local comprehensive plans to control and direct land use and development within a county or municipality. First adopted in 1975 and extensively expanded in 1985, Florida’s comprehensive land planning laws were significantly revised in 2011, becoming the Community Planning Act (CPA). The CPA directs how local governments create and adopt their local comprehensive plans. The CPA requires that all governmental entities in the state recognize and respect judicially acknowledged or constitutionally protected private property rights and exercise their authority without unduly restricting private property rights, leaving property owners free from actions by others that would harm their property or constitute an inordinate burden on property rights under the Harris Act. However, there was no requirement to specifically

include language in a local government's comprehensive plan to address private property rights.

On April 1, 2021, the Florida House passed CS/CS/CS/HB 59 (Harris Act) with the bill subsequently passing the Florida Senate on April 8, 2021. Governor DeSantis signed the legislation into law on June 29, 2021 (Chapter 2021-195, Laws of Florida). Statutory provisions in Chapter 163, Florida Statutes, related to comprehensive plans, were amended to require each local government to adopt a Property Rights Element into their comprehensive plan. Inclusion of the Property Rights Element is intended to protect private property rights and to ensure they are considered in local decision-making. The new law adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is required to adopt a Property Rights Element by the earlier of: (1) the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or (2) the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes.

II. GOALS, OBJECTIVES AND POLICIES

- A. GOAL: Acknowledge the Florida Constitution and its protection of private property rights and ensure that private property rights are considered in local decision-making.

Objective 1:

The City shall ensure that private property rights are considered in local decision-making.

Policy a)

Subject to applicable federal, state and local laws including without limitation Florida Statutes and the City's Code of Ordinances, the following rights shall be considered in local decision making:

- (1) The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- (2) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person.
- (3) The right of the property owner to privacy and to exclude others from their property for the protection of the owner's possessions and property.
- (4) The right of a property owner to dispose of his or her property through lineal transfer, sale, or gift

Policy b)

All development applications, including comprehensive plan amendments, shall be made available for public review and an aggrieved or adversely affected person shall be provided equal opportunity for participation in all associated hearings consistent with the requirements of the City's Code of Ordinances and applicable law.

III. Consistency with the Strategic Regional Policy Plan and Chapter 163.3184 F.S.:

Overall, the proposed Comprehensive Plan text amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan and Chapter 163, F.S.

IV. Staff Recommendation:

The Land Development Staff met on September 23, 2021 to discuss the proposed amendment. No objections were received.

Approval of CPA-21-04 through the adoption of Ordinance 2021-14.

LOCAL PLANNING AGENCY ACTION – October 20, 2021

The Local Planning Agency on a motion made by Commissioner Neustein and seconded by Commissioner Roberts, by a vote of five (5) to zero (0) recommended approval of Comprehensive Plan Amendment **CPA-21-02** (Property Rights Element) as presented by staff.

CITY COUNCIL ACTION First Reading – November 1, 2021

The City Council on a motion made by Council Member Pearce and seconded by Council Member Dugo, voting four (4) to zero (0) ***approved*** Comprehensive Plan Amendment **CPA-21-02** (Property Rights Element), on first reading through ***Ordinance 2021-14***, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing –



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-15, CPA-21-02**
CIE Update

BACKGROUND

The Florida legislature mandated that local governments plan for the availability of public facilities and services to support development concurrent with the impact of such development. Consequently, the Capital Improvements Element (CIE) has become the “cornerstone” of achieving this mandate. The goals, objectives and policies set forth in the Capital Improvement Element are the general ends the City of Greenacres wants to achieve; the objectives that need to be accomplished to achieve them; and the positions, programs and level of service standards which need to be adopted in order to achieve the objectives.

Previously, § 163.3177, F.S. required that cities annually update their CIE and Five-Year Schedule of Capital Improvements. However, Chapter 163.3177 was modified in two important ways upon passing of the 2011 Community Planning Act. First, Section 163.3117(3)(a)(4) previously required that the capital improvements element cover a 5-year period and identified whether projects were funded or unfunded and be accompanied by a priority. This section of Florida Statutes no longer requires the demonstration of financial feasibility. Secondly, Section 163.3177(3)(b) modifies the requirements for local governments to annually review the capital improvements element. The City is no longer required to transmit the adopted amendment to the state land planning agency, adopt a long-term concurrency management system, or to address financial feasibility.

However, State Statutes still obligates the City to yearly update its capital projects schedule(s) including those being funded by outside agencies which may impact the City; just not as a Comprehensive Plan Amendment. Therefore, this is the yearly update to the Capital Improvements Element (CIE) of the City’s Comprehensive Plan to maintain consistency between the City’s most recently adopted budget and the Comprehensive Plan. The Amendments include deleting and replacing the following outdated Tables:

1. City of Greenacres Capital Improvement Projects – Table 1A
2. Palm Beach County Roadway Project – Table 1B
3. Palm Beach County Water Projects – Table 1C
4. Palm Beach County School Projects - Table 8

The Local Planning Agency reviewed this text amendment on October 20, 2021, and recommended approval by a vote of 5-0. On November 1, 2021 the City Council voted 4-0 to approve the amendment on first reading.

ANALYSIS

The text amendment will authorize an update to the Capital Improvement Element within the City's Comprehensive Plan as required by state statute.

Overall, this amendment is compatible with the Treasure Coast Regional Planning Council's Strategic Policy Plan and Chapter 163, Florida Statutes.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-15 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of CPA-21-02 through the adoption of Ordinance 2021-15.

ORDINANCE NO. 2021-15

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, MORE SPECIFICALLY TO UPDATE THE 5 YEAR CAPITAL IMPROVEMENTS PLAN OF THE CITY OF GREENACRES AS OUTLINED IN THE CAPITAL IMPROVEMENT ELEMENT, AS CONTAINED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body, pursuant to the authority vested in Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan (Plan); and

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, Section 163.3177(3)(a)5.(b), Florida Statutes, requires local governments, except where specifically exempted, to review on an annual basis and modify as necessary the Capital Improvements Element and 5-Year Capital Improvements Plan; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety and general welfare of the residents of the City to amend the Capital Improvements Element and 5-Year Capital Improvements Plan consistent with the requirements of Section 166.041, Florida Statutes; and

WHEREAS, in exercise of its authority the City Council has determined it necessary to adopt this amendment to the Plan, which is attached hereto as Exhibit "A" and by this reference made a part hereof, to insure the Plan is in full compliance with the laws of the State of Florida; and

Ordinance No. 2021-15 | Capital Improvements Element

Page No. 2

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on October 20, 2021, and has recommended approval of petition CPA-21-02, to amend the Capital Improvements Element to the City of Greenacres Comprehensive Plan; and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Capital Improvements Element text amendment proposed by CPA-21-02 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the City's Comprehensive Plan; and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The Capital Improvements Element of the City of Greenacres is amended specifically for the annual update of the 5 Year Capital Improvements Plan. Said amendment is set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2. Authorization to Make Changes.

That the Development and Neighborhood Services Department is further authorized to make the necessary changes to the Comprehensive Plan to reflect the above-stated changes.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such

Ordinance No. 2021-15 | Capital Improvements Element

Page No. 3

holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 6. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it adopted.

Ordinance No. 2021-15 | Capital Improvements Element

Page No. 4

Passed on the first reading this 1st day of November, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor**Attest:**

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V***Approved as to Form and Legal Sufficiency:**

Glen J. Torcivia, City Attorney

CPA-21-02 (Ordinance 2021-15)

Exhibit "A"

Date: September 15, 2021

Revised: October 20, 2021December 27, 2021

LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Second Reading & Adoption Reading: A City-initiated request for a text amendment that will update the Capital Improvement Element within the Comprehensive Plan.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP _____ Glen J. Torcivia City Attorney
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 10/7/21; 10/21/21; 12/23/21 Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____

Attachments: <ul style="list-style-type: none"> Ordinance 2021-15 Exhibit "A" 	City Council Action: <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

The Florida legislature mandated that local governments plan for the availability of public facilities and services to support development concurrent with the impact of such development. Consequently, the Capital Improvements Element (CIE) has become the “cornerstone” of achieving this mandate. The goals, objectives and policies set forth in the Capital Improvement Element are the general ends the City of Greenacres wants to achieve; the objectives that need to be accomplished to achieve them; and the positions, programs and level of service standards which need to be adopted in order to achieve the objectives.

Previously, § 163.3177, F.S. required that cities annually update their CIE and Five-Year Schedule of Capital Improvements. However, Chapter 163.3177 was modified in two important ways upon passing of the 2011 Community Planning Act. First, Section 163.3117(3)(a)(4) previously required that the capital improvements element cover a 5-year period and identified whether projects were funded or unfunded and be accompanied by a priority. This section of Florida Statutes no longer requires the demonstration of financial feasibility. Secondly, Section 163.3177(3)(b) modifies the requirements for local governments to annually review the capital improvements element. The City is no longer required to transmit the adopted amendment to the state land planning agency, adopt a long-term concurrency management system, or to address financial feasibility.

However, State Statutes still obligates the City to yearly update its capital projects schedule(s) including those being funded by outside agencies which may impact the City; just not as a Comprehensive Plan Amendment. Therefore, this is the yearly update to the Capital Improvements Element (CIE) of the City’s Comprehensive Plan to maintain consistency between the City’s most recently adopted budget and the Comprehensive Plan. The Amendments include deleting and replacing the following outdated Tables:

1. City of Greenacres Capital Improvement Projects – Table 1A
2. Palm Beach County Roadway Project – Table 1B
3. Palm Beach County Water Projects – Table 1C
4. Palm Beach County School Projects - Table 8

II. Proposed Comprehensive Plan Amendments:

The following is a proposed comprehensive plan amendment. Items which are proposed for deletion are in ~~Strike-Through~~, items proposed for addition are in Single Underline.

Text Amendment #1:

II. INFORMATION, INVENTORY AND ANALYSIS:

C. CAPITAL IMPROVEMENTS NEEDS

Capital Improvements where necessary and appropriate have been identified throughout the relevant elements of this plan. Table No. 1A depicts required City capital improvements from the Recreation and Open Space Element, Infrastructure Element (Drainage and Facilities), and Transportation Element necessary to maintain the adopted Level of Service.

Table No. 1A indicates the project by description, the target year wherein the project should commence to maintain service levels and an estimate of the total project costs. All projects have been grouped by the element requiring the capital improvement. Footnotes describe the funding source.

The projects listed in Table No. 1A do not represent the entire capital improvements program for the City. The table merely reflects those improvements necessary to maintain the adopted Level of Service for services the City is fully or partly responsible for as shown elsewhere in the Comprehensive Plan.

Table No. 1A: City Of Greenacres Capital Improvements (2021 - 2027)						
	2021	2022	2023	2024	2025	2026
Recreation						
No projects	0	0	0	0	0	0
Stormwater Management and Sewer Extension						
Gladiator Lake ¹	0	1,300,000	0	0	0	0
Original Section Drainage Improvement ¹	0	275,119	128,654	272,708	0	0
Swain Blvd Sewer ¹	0	0	435,000	3,325,000	0	0
Transportation						
Bowman Street Improvements ²	0	150,000	0	0	0	0
TOTAL:	0	1,725,119	563,654	3,597,708	0	0

1. The stormwater and drainage enhancements are intended to increase the capacity of these older drainage systems to improve performance and flood protection. Total project costs for FY 2018 through FY 2023 are \$5,611,481. Grant funds of \$433,036.00 are anticipated to be provided through Community Development Block Grants over the same period. The Swain Blvd Sewer improvements will provide sewer infrastructure and therefore capacity to the Original Section of the City, which currently only has septic systems.
2. The Bowman Street improvements will improve a portion of the Bowman Street to City street standards where it connects to South Military Trail, an Urban Principal Arterial (UPA) roadway.

Table No. 1A: City Of Greenacres Capital Improvements (2021 - 2026)						
	2021	2022	2023	2024	2025	2026
Recreation						
Youth Program Building Construction ⁵	0	500,000	7,500,000	0	0	0
Stormwater Management and Sewer Extension						
Gladiator Lake ¹	1,825,000	1,822,589	0	0	0	0
Original Section Drainage Improvement ¹	294,956	412,608				
Swain Blvd Sewer ¹	0					
Public Works Generator ³	\$240,000 ³					
Transportation						
Bowman Street Improvements ²	0	175,000	0	0	0	0
Fire Services						

Construction or new Fire Station ⁴		500,000	7,500,000			
TOTAL:	2,359,956	3,410,197	15,000,000		0	0

1. The stormwater and drainage enhancements are intended to increase the capacity of these older drainage systems to improve performance and flood protection. Total project costs for FY 2015 through FY 2022 are \$6,207,952. Grant funds of \$2,978,272 are anticipated to be provided through Community Development Block Grants during 2021 and 2022. The Swain Blvd Sewer improvements will provide sewer infrastructure and therefore capacity to the Original Section of the City, which currently only has septic systems.
2. The Bowman Street improvements will improve a portion of the Bowman Street to City street standards where it connects to South Military Trail, an Urban Principal Arterial (UPA) roadway.
3. The purchase of the generator will provide versatility, functionality and cost efficiency that is required to maintain the City's storm sewer system and its current level of service.
4. To maintain the 911 Fire Call Level of Service a new Fire Station will need to be built. The total project costs are \$8,000,000 which all costs are expected to be paid for by the Federal Government through the American Rescue Plan.
5. To maintain the Youth Services Level of Service a new building will need to be built. The total project costs are \$8,000,000 which all costs are expected to be paid for by the Federal Government through the American Rescue Plan.

Table No. 1B depicts improvements to the County and State roadway network proposed as part of the Palm Beach County's "Five Year Road Program" and shows projects within or adjacent to the City of Greenacres. The Table is based on the Program as of June 2021 ~~December 19, 2017~~. The Program is funded through a combination of gasoline taxes, interest, bonds, impact fees, and miscellaneous revenue, all of which are collected and controlled by Palm Beach County.

Table No. 1B: Palm Beach County Road Program (2018 - 2021)					
Description	2018	2019	2020	2021	2022
<u>Intersection of L.W. Road and Jog Road</u>	630,000	0	0	0	0
<u>Total Greenacres Area Projects</u>	630,000	0	0	0	0
<u>Total Program Revenue</u>	69,317,324	0	0	0	0
<u>Total Program Costs</u>	69,050,000	0	0	0	0

Table No. 1B: Palm Beach County Road Program (2021 - 2025)					
Description	2021	2022	2023	2024	2025
<u>Cresthaven Blvd from Jog Road to Military Trail – buffered bike lanes</u>	0	0	\$760,000 design	0	\$5,000,000 construction
<u>Melaleuca Lane Jog Road Intersection Improvements</u>	\$500,000 ROW Acq.	0	\$2,300,000 construction		
<u>Sherwood Forest Blvd from Lake Worth Rd to north of 10th Ave North</u>	\$400,000 Design/ROW			\$3,500,000 construction	
<u>Total Greenacres Area Projects</u>	\$900,000	0	\$3,060,000	\$3,500,000	\$5,000,000

<u>Total Program Revenue</u>	<u>12,460,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Table 1C depicts improvements shown in the Palm Beach County Water Utilities Department's "Water Supply Work Plan" (Capital Improvement Plan Detail) and includes projects throughout their interconnected system. The table is based on the Capital Improvement Plan Detail as of October 21, 2017. All of the projects depicted in Table 1C are 100% funded by Water Utility User Fees.

Table No. 1C: Palm Beach County Water Utilities Department Capital Improvements (2018-2022)					
Description	2018	2019	2020	2021	2022
Water Treatment Plant 2	5,000,000	0	0	12,675,000	84,700,000
<u>Water Treatment Plant 3</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
<u>Water Treatment Plant 8</u>	<u>4,000,000</u>	<u>0</u>	<u>1,000,000</u>	<u>4,000,000</u>	<u>0</u>
<u>Water Treatment Plant 9</u>	<u>1,750,000</u>	<u>9,515,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Water Treatment Plant 11	2,600,000	2,000,000	2,000,000	2,000,000	2,000,000
System wide Wellfield Rehabilitation and Replacement	7,250,000	8,750,000	8,500,000	0	0
<u>TOTAL:</u>	<u>22,600,000</u>	<u>22,265,000</u>	<u>13,500,000</u>	<u>20,675,000</u>	<u>88,700,000</u>

Table 1C depicts improvements shown in the Palm Beach County's Capital Improvement Plan, as amended from time to time, and includes projects throughout their interconnected system. All of the projects depicted in Table 1C are 100% funded by Water Utility User Fees.

Table No. 1C: Palm Beach County Water Utilities Department Capital Improvements (2021-2025)					
Description	2021	2022	2023	2024	2025
Water Treatment Plant 2	0	100,000	0	0	0
<u>Water Treatment Plant 3</u>	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
<u>Water Treatment Plant 8</u>	<u>1,600,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Water Treatment Plant 11</u>	<u>1,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
<u>System wide Wellfield Rehabilitation and Replacement</u>	<u>12,600,000</u>	<u>0</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
<u>TOTAL:</u>	<u>15,200,000</u>	<u>4,100,000</u>	<u>7,000,000</u>	<u>7,000,000</u>	<u>7,000,000</u>

Table 8, below in the Goals, Objectives and Policies Section, depicts the School District of Palm Beach County's Capital Improvement program to maintain the adopted level of service.

Text Amendment #2 to Table 8 on Pages CIE-26 through CIE-35 (9 pages):

Replace existing Table 8 with revised Table 8 attached as “Exhibit A” (13 pages)

III. Data and Analysis

The Capital Improvement Element (CIE) is a requirement of the 1985 Growth Management Legislation which revised Florida Statutes Chapter 163, the Local Government Comprehensive Planning and Land Development Regulation Act. The purpose of the Capital Improvement Element is to evaluate the need for facilities identified in the other Comprehensive Plan Elements, to estimate the cost of improvements for which the City of Greenacres has fiscal responsibility, to analyze the fiscal capability of the City to finance and construct improvements, to adopt financial policies to guide the funding of improvements and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required, based on needs identified in other plan elements. According to State Statute, the CIE has been updated annually to reflect the current budget of the City, Palm Beach County, and the Palm Beach County School Board.

The subject CIE update is intended to reflect the current fiscal information from the adopted City FY 2021 budget pertaining to the City’s Capital Improvement Program between the years 2021 through 2026. This specifically includes a six (6) year schedule of capital improvements (current fiscal year plus five future years). Also incorporated in the update are the most recent adopted Palm Beach County Road Plan and the Palm Beach County’s Capital Improvement Plan. In addition, this update also includes the latest proposed Capital Improvement Program of the Palm Beach County School District in keeping with Objective 1, Policy a) of the City’s Comprehensive Plan Intergovernmental Coordination Element.

IV. Consistency with the Strategic Regional Policy Plan and Chapter 163.3184 F.S.:

Overall, the proposed Comprehensive Plan text amendment is consistent with the Treasure Coast Regional Planning Council’s Strategic Regional Policy Plan and Chapter 163, F.S.

V. Staff Recommendation:

The Land Development Staff met on September 23, 2021 to discuss the proposed amendment. No objections were received.

Approval of CPA-21-02 through the adoption of Ordinance 2021-15.

LOCAL PLANNING AGENCY ACTION – October 20, 2021

The Local Planning Agency on a motion made by Commissioner Edmundson and seconded by Commissioner Roberts, by a vote of five (5) to zero (0) recommended approval of Comprehensive Plan Amendment **CPA-21-02** (*CIE Update*), as presented by staff.

CITY COUNCIL ACTION First Reading – November 1, 2021

The City Council on a motion made by Council Member Noble and seconded by Council Member Dugo, voting four (4) to zero (0) **approved** Comprehensive Plan Amendment **CPA-21-02** (*CIE Update*), on first reading through **Ordinance 2021-15**, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – January 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-17, CPA-21-03**
Water Supply Plan

BACKGROUND

In accordance with Section 163.3177(6)(c), Florida Statutes (F.S.), each local government within the region must revise its Water Supply Facilities Work Plan within eighteen (18) months after the approval of the Lower East Coast (LEC) Water Supply Plan Update by the South Florida Water Management District (SFWMD) Governing Board. The SFWMD Governing Board approved the LEC Water Supply Plan Update on November 8, 2018.

The proposed amendment to the Comprehensive Plan would revise the City's 10 year Water Supply Facilities Work Plan in accordance with the Palm Beach County's Water Supply Facilities Work Plan as required by Section 163.3177(6)(c), Florida Statutes (F.S.).

The Local Planning Agency reviewed this text amendment on October 20, 2021, and recommended approval by a vote of 5-0. On November 1, 2021 the City Council voted 4-0 to approve the amendment on first reading and transmit it to the Florida Department of Economic Opportunity (DEO). The Planning and Engineering Department received notice on December 2, 2021 from DEO that they had no comments on the proposed amendment. In addition, no other reviewing agency had comments on the content of the amendment.

ANALYSIS

Overall, this amendment is compatible with the Treasure Coast Regional Planning Council's Strategic Policy Plan and Chapter 163, Florida Statutes.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-17 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of CPA-21-03 through the adoption of Ordinance 2021-17.

ORDINANCE NO. 2021-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, MORE SPECIFICALLY TO UPDATE THE CITY OF GREENACRES 10 YEAR WATER SUPPLY FACILITIES WORK PLAN AS ADOPTED BY REFERENCE IN THE INTERGOVERNMENTAL AND PUBLIC FACILITIES ELEMENTS, AS CONTAINED HEREIN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCLUSION IN THE COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body, pursuant to the authority vested in Chapter 163, Chapter 166 and Chapter 177, Florida Statutes, is authorized and empowered to consider changes to its Comprehensive Plan (Plan); and

WHEREAS, the City Council of the City of Greenacres, pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, and in accordance with all of its terms and provisions, has prepared and adopted a Plan which has been certified by the State of Florida Division of Community Development; and

WHEREAS, the 2005 Legislature revised the Growth Management Act, along with Chapter 373, F.S., to improve the coordination of water supply planning and land use planning between local governments and the five water management districts in the State of Florida (the "State"); and

WHEREAS, in furtherance of the water supply planning process created thereby, all five water management districts are required to periodically evaluate whether adequate sources of water exist to supply all existing and future reasonable-beneficial uses and, in the event that existing sources of water supply were determined to not be adequate, to prepare regional water supply plans, ("RWSP"), which identified how water supply needs could be met for a 20-year planning period and are to be updated every five years; and

Ordinance No. 2021-17 | Water Supply Plan

Page No. 2

WHEREAS, , the Community Planning Act also requires that local comprehensive plans be coordinated with the appropriate water management district's RWSP developed pursuant to Section 373.709, F.S., and that all local comprehensive plan amendments be based on the availability of adequate water supplies and associated public facilities to meet projected growth demands, pursuant to Section 163.3177(4)(a), F.S., and Section 163.3177(6)(a), F.S., respectively; and

WHEREAS, Section 163.3177(6)(c), F.S., provides that local governments subject to a RWSP amend their local comprehensive plans to adopt a 10-year water supply work plan ("Work Plan") for building public, private, and regional water supply facilities, including development of alternative water supplies, which are necessary to serve existing and new development; said work plan to be updated within 18 months after the governing board of a water management district updates its RSWP; and

WHEREAS, although the City of Greenacres has no operational responsibility in providing potable water to City residents since this service is provided by Palm Beach County Water Utilities (PBCWU), by state statute, the City is still required to adopt a Water Supply Plan; and

WHEREAS, since PBCWU is the City's water provider, the City can adopt the PBCWU Water Supply Plan as its own Water Supply Plan; and

WHEREAS, in compliance with the Growth Management Act as amended in 2005 and in response to the 2006 Update to the Lower East Coast Regional Water Supply Plan (LECRWSP), the City by reference adopted PBCWU's 10-Year Water Facilities Work Plan in 2008, which was later updated in March 2015, in response to the 2013 Update of the LECRWSP; and

WHEREAS, the South Florida Water Management District amended its RWSP again in 2018 so the City's must amend its Plan to be in compliance with the new RWSP; and

Ordinance No. 2021-17 | Water Supply Plan

Page No. 3

WHEREAS, PBCWU has already amended its Water Supply Plan to be in compliance with the South Florida Water Management District 2018 document; and

WHEREAS, the Local Planning Agency for the City of Greenacres has held a duly advertised public hearing on October 20, 2021, and has recommended approval of petition CPA-21-03 to amend the City's Intergovernmental and Infrastructure Comprehensive Elements so the City's Water Supply Plan is in compliance with state statute (attached as Exhibits "A", "B" and "C"); and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Intergovernmental and Infrastructure Element text amendments proposed by CPA-21-03 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the City's Comprehensive Plan; and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Intergovernmental and Infrastructure Comprehensive Plan Elements of the City of Greenacres are hereby amended as outlined in the attached Exhibits, which are attached hereto and incorporated herein by reference (additions are indicated by underscoring and deletions are indicated by ~~strikeout type~~)

Section 2. Authorization to Make Changes.

That the Planning and Engineering Department is further authorized to make the necessary changes to the Comprehensive Plan to reflect the above-stated changes.

Section 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Transmittal to the DEO.

The Planning and Engineering Department shall transmit copies of the amendment and Ordinance to the Department of Economic Opportunity (DEO).

Section 6. Inclusion in the Comprehensive Plan.

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the City of Greenacres, Florida; that the section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Ordinance No. 2021-17 | Water Supply Plan

Page No. 5

Section 7. Effective Date.

In accordance with Section 163.3184(3) and (5), Florida Statutes, the provisions of this Ordinance shall become effective 31 days after the State Land Planning Agency has determined that the amendment package is complete and provided that no challenge petition has been properly filed with the State Division of Administrative Hearings within 30 days of adoption.

(Reminder of page left blank)

Ordinance No. 2021-17 | Water Supply Plan

Page No. 6

Passed on the first reading this 1st day of November, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

CPA-21-03 (Ordinance 2021-17)

Exhibit "A"

Date: September 15, 2021

Revised: October 20, 2021

December 27, 2021

LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-17: Water Supply Plan Update

Second Reading & Adoption: A City-initiated request for a text amendment to update the City's Water Supply Plan by amending the Intergovernmental and Public Facilities Elements within the City of Greenacres Comprehensive Plan as required by Florida Statutes.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 10/7/21; 10/21/21; 12/23/21 Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____

Attachments: <ul style="list-style-type: none"> • Ordinance 2021-17 • Exhibit "A", "B" and "C" 	City Council Action: <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

The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses while meeting the needs of the environment. This process identifies areas where historically used sources of water will not be adequate to meet future demands, and evaluates several water source options to meet those demands. § 163.3177(6)(c) F.S. requires the City of Greenacres (City) to revise its Comprehensive Plan within eighteen months after the water management district approves a regional water supply plan or its update. The South Florida Water Management District (SFWMD) adopted its most recent update to the Lower East Coast Water Supply Plan in November, 2018.

Although the City of Greenacres has no operational responsibility in providing potable water to City residents since this service is provided by Palm Beach County Water Utilities (PBCWU), by state statute, the City is still required to adopt a Water Supply Plan. Since PBCWU is the City's water provider, the City can adopt the PBCWU Water Supply Plan as its own Water Supply Plan. The City did so when the PBCWU Water Supply Plan was first adopted in 2008. But with the 2018 updates to the Lower East Coast Water Supply Plan, PBCWU and the City must update their Water Supply Plan. PBCWU has already accomplished this update and the City is now following suit. Since references to the Water Supply Plan are contained in two City Comprehensive Plan Elements both the Intergovernmental and Public Facilities Elements must be amended.

II. Proposed Comprehensive Plan Amendments:

Attached are the proposed comprehensive plan text amendments. Exhibit "A" are amendments to the Public Infrastructure Portable Water Element (Chapter 2d). Exhibit "B" are amendments to the Public Infrastructure Element Goals and Objectives (Chapter 2f). Exhibit "C" are amendments to the Intergovernmental Element (Chapter 7). Items which are proposed for deletion are in **~~Strike-Through~~**, items proposed for addition are in **Single Underline**.

III. Consistency with the Strategic Regional Policy Plan and Chapter 163.3184 F.S.:

Overall, the proposed Comprehensive Plan text amendments are consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan and Chapter 163, F.S.

IV. Staff Recommendation:

The Land Development Staff met on September 23, 2021 to discuss the proposed amendment. No objections were received.

Approval of CPA-21-03 through the adoption of Ordinance 2021-17.

LOCAL PLANNING AGENCY ACTION – October 20, 2021

The Local Planning Agency on a motion made by Commissioner Roberts and seconded by Commissioner Hayes, by a vote of five (5) to zero (0) recommended approval of Comprehensive Plan Amendment **CPA-21-03** (*Water Supply Plan*) as presented by staff.

CITY COUNCIL ACTION First Reading – November 1, 2021

The City Council on a motion made by Council Member Pearce and seconded by Council Member Noble, voting four (4) to zero (0) **approved** Comprehensive Plan Amendment **CPA-21-03** (*Water Supply Plan*), on first reading through **Ordinance 2021-17**, as presented by staff.

CITY COUNCIL ACTION Adoption Hearing –



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-19, ZTA-21-03**
Rename Land Development Staff as the Development Review Committee

BACKGROUND

The City of Greenacres (City) created a Land Development Staff Committee whose purpose is to provide a coordinated and integrated staff review of development applications. The Land Development Staff Committee consists of representatives from Development and Neighborhood Services (Planning and Building), Fire Department, Police Department, Community and Recreation Department, and Public Works Department. Currently, they met twice a month to review development petitions and to provide their expertise and recommendations to the City's decision-making body.

The name Land Development Staff Committee is not a common one used in the municipal government field. Typically, committees that are charged with providing technical reviews for development petitions are called Development Review Committees (DRC) which better represents what the committee does. To avoid public confusion if a resident is dealing with a City Department versus an inter-department committee, staff is recommending changing the name Land Development Staff Committee to Development Review Committee. In addition, we are recommending the name of Planning and Engineering Department be changed to Development and Neighborhood Services based upon the recently adopted budget and the name Planning Commission be changed to the Planning and Zoning Board of Appeals per the Zoning Text Amendment being processed concurrently with this petition.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on November 17, 2021, and recommended approval by a vote of 6-0. The City Council approved this petition on first reading December 13, 2021 by a vote of 5-0.

ANALYSIS

The proposed changes are as follows:

1. Changes the name of the Land Development Staff Committee to the Development Review Committee
2. States that the DRC possesses the ability to consult with outside agencies
3. Clarifies that the DRC meetings are open but not intended for public comments

-
4. States that the Development and Neighborhood Services Department is responsible for the DRC process
 5. Allows the DRC to call a DRC meeting if there is insufficient time to review a petition until the next DRC meeting
 6. Limits the number of times that a petition can be heard by the DRC to twice based upon insufficient plans
 7. Changes the name of the Planning and Engineering Department to Development and Neighborhood Services Department based upon the recently adopted budget
 8. Changes the name of the Planning Commission to the Planning and Zoning Board of Appeals.
 9. Provides that the Development and Neighborhood Services Department can add any items for review by the DRC

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-19 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZTA-21-03 through the adoption of Ordinance 2021-19.

ORDINANCE NO. 2021-19

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING GREENACRES CITY CODE, CHAPTER 16, ZONING REGULATIONS, ARTICLE II, ADMINISTRATION, DIVISION 2, LAND DEVELOPMENT STAFF BY RENAMING LAND DEVELOPMENT STAFF TO DEVELOPMENT REVIEW COMMITTEE, REPLACING OUTDATED NAMES OF CITY DEPARTMENTS OR COMMITTEES/BOARDS, AND UPDATING PROCEDURES AND RENAMING LAND DEVELOPMENT STAFF TO DEVELOPMENT REVIEW COMMITTEE IN OTHER SECTIONS OF THE CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the "City") is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 16, Division 3, Section 16-81- 84 and Division 4, Section 16-101-107 set forth the organization and jurisdiction of the City's Planning Commission and Zoning Board of Appeals; and

WHEREAS, the City formed an inter-department committee consisting of representatives of the development and neighborhood services department (planning and building), police department, fire department, public works department and community and recreation department in order to review and provide their respective disciplines' input and recommendations regarding development applications; and

WHEREAS, the name Land Development Staff does not accurately describe the functions of the committee and causing confusion to the public whether they are dealing with the committee or a particular City department; and

WHEREAS, it is the desire of the City Commission of the City of Greenacres to avoid this confusion and;

Ordinance 2021-19| DRC

Page No. 2

WHEREAS, with passage of the recent budget, the planning and engineering department name has changed to development and neighborhood services; and

WHEREAS, it is further the desire of the City Council of the City of Greenacres to ensure that all City department names are accurate within the City's Zoning Code; and

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Zoning Text Amendments proposed by ZTA 21-03 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed Zoning Text Amendments is consistent with the City's Comprehensive Plan; and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Zoning Code of the City of Greenacres is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout type~~):

CHAPTER 16, ARTICLE II- ADMINISTRATION

DIVISION 2. – DEVELOPMENT REVIEW COMMITTEE ~~LAND DEVELOPMENT STAFF~~^[2]

Sec. 16-51. - Creation.

~~There is hereby established a land development staff which shall consist of representatives of the planning and engineering department, building department, public safety department (one (1) each from police and fire), public works department, and any other department representative necessary to effectively evaluate a particular proposal.~~

(a) Established. The Development Review Committee (DRC) shall be established and is an administrative and technical committee that provides input on technical issues raised by a

Ordinance 2021-19| DRC

Page No. 3

development project for consistency with policies established by the city council, specifically the Zoning Code and the City Code.

- (b) Members. The DRC is composed of representatives from the following disciplines: planning and zoning, building, fire, police, recreation, public works, and other departments as determined by the development and neighborhood services department.
- (c) Other city, county, state, or federal agencies may be consulted by the DRC for advice or recommendations on any matter or application being considered by the DRC. The development and neighborhood services department shall have the authority to add or delete members of the DRC as may be deemed necessary.

(Ord. No. 2011-07, § 3, 6-6-11)

Sec. 16-52. - Rules of procedure.

(a) ~~Land development staff~~ The Development Review Committee shall be chaired by a representative of the planning and engineering department planning division of development and neighborhood services department and the meetings shall be recorded but minutes need not be drafted. Although the Development Review Committee meetings are open to the public, no decision is made at the meeting and public comment is not intended to be solicited.

(b) The development and neighborhood services department shall be responsible for intake, agenda preparation, public notice, distribution of plans and specifications, collection of fees, audio recording of meetings, notification to applicants of the meetings and written notification to applicant of the outcome of the Development Review Committee review,

(c) Applications which have been found to be sufficient for processing by the city shall be scheduled for presentation by the applicant on the second Thursday of the month following a determination of sufficiency. Technical review by the Development Review Committee ~~and development staff~~ shall take place on the third Thursday of the month if deemed necessary. These dates may be modified in the event of a city holiday falling on the scheduled meeting date or if a special meeting is required due to time constraints.

(c) Review comments and questions by the Development Review Committee ~~and development staff~~ as well as city consultants and any other agency reviewing the proposal shall be consolidated and sent in writing to the applicant by the ~~planning and engineering department~~ development and neighborhood services department within two (2) weeks of the technical review meeting.

(d) The Development Review Committee ~~and development staff~~ shall have the right to require additional reviews of the application as necessary to ensure all comments have been resolved prior to further processing.

Ordinance 2021-19| DRC

Page No. 4

(e) The application and proposed development plans, if any, shall to the extent possible incorporate all changes mutually agreed upon by the Development Review Committee ~~and development staff~~ and the applicant prior to further processing.

(f) An application or/and development plans that have already been reviewed two times by the Development Review Committee will not be scheduled for a third meeting, unless conditions have changed substantially to warrant another meeting.

(g) The Development Review Committee ~~and development staff~~ shall recommend the application to the planning and zoning board of appeals ~~commission~~, local planning agency, ~~zoning board of adjustments and appeals~~, and/or city council, as appropriate, for approval, approval with conditions, or denial. The development and neighborhood services department ~~planning and engineering department~~ shall prepare a ~~land development~~ staff report and recommendation which shall include an explanation of the application, analysis in comparison to relevant Code standards, the recommendation of the Development Review Committee ~~and development staff~~, and any proposed conditions of approval and provide such report to the planning and zoning board of appeals ~~commission~~, local planning agency, ~~zoning board of adjustment and appeals~~, and/or city council.

(Ord. No. 2011-07, § 3, 6-6-11)

Sec. 16-53. - Functions, powers, and duties.

The Development Review Committee ~~and development staff~~ shall have the following functions, powers, and duties:

(a) To review and make recommendations to approve, approve with conditions, or deny applications for:

- (1) Annexation.
- (2) Comprehensive Plan amendment.
- (3) Zoning changes.
- (4) Special exceptions.
- (5) Site and development plans.
- (6) Special exception and site and development plan amendments.
- (7) Variances.
- (8) Text amendments to the Zoning Code.
- (9) Temporary use permits in accordance with [section 16-718](#).
- (10) Perform such additional duties as the Development and Neighborhood Services Department may from time-to-time assign

(b) To conduct review and recommendation based on all relevant requirements of the Comprehensive Plan, City Code, policies of the city, and information received from the city's consultants and other reviewing agencies.

(c) To prepare a ~~land development~~ staff report and recommendation which explains the application, references relevant Comprehensive Plan policies and Code requirements,

Ordinance 2021-19| DRC

Page No. 5

summarizes the recommendation of the Development Review Committee ~~land development staff~~ and the comments of other reviewing agencies, proposes necessary conditions of approval, and summarizes the approval or denial action of each successive reviewing body. The report shall contain exhibits such as plans and maps as necessary to adequately explain and detail the application.

(Ord. No. 2011-07, § 3, 6-6-11)

Secs. 16-54—16-80. - Reserved.

SECTION 2. The Zoning Code of the City of Greenacres is hereby amended as follows:

Any reference to Land Development Staff in the following Code Sections will be changed to Development Review Committee:

1. Section 16-653
2. Section 16-128
3. Section 16-119
4. Section 16-720
5. Section 16-214
6. Section 16-152
7. Section 16-106
8. Section 16-155
9. Section 16-178
10. Section 16-719
11. Section 16-197
12. Section 16-202

Section 3. Changes in the Law.

To the extent the provisions of this Ordinance or § 381.986, Florida Statutes, are declared unconstitutional or are superseded, the City would adhere to its current regulations, including continuing to adhere to the federal prohibition on marijuana. Should the federal law on marijuana change, this Ordinance shall be reviewed and amended as appropriate.

Section 4. Repeal of Conflicting Ordinances

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 6. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

(Remaining page is intentionally left blank)

Passed on the first reading this 13th day of December, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022..

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-21-03 (Ordinance 2021-19)

Exhibit "A"

Date: September 21, 2021

Revised: November 17, 2021

December 14, 2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-19: LDS to DRC

Second Reading and Adoption: A City-initiated request for a text amendment that will rename the Land Development Staff as the Development Review Committee and update and clarify the responsibilities and duties of the Development Review Committee.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☒ Public Hearing

Originating Department: Development and Neighborhood Services Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Director of Development and Neighborhood Services _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 11/4/21; 12/23/21 Paper: Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
Attachments: <ul style="list-style-type: none"> Ordinance 2021-19 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

The City of Greenacres (City) created a Land Development Staff Committee whose purpose is to provide a coordinated and integrated staff review of development applications. The Land Development Staff Committee consists of representatives from Development and Neighborhood Services (Planning and Building), Fire Department, Police Department, Community and Recreation Department, and Public Works Department. Currently, they met twice a month to review development petitions and to provide their expertise and recommendations to the City's decision-making body.

The name Land Development Staff Committee is not a common one used in the municipal government field. Typically, committees that are charged with providing technical reviews for development petitions are called Development Review Committees (DRC) which better represents what the committee does. To avoid public confusion if a resident is dealing with a City Department versus an inter-department committee, staff is recommending changing the name Land Development Staff Committee to Development Review Committee. In addition, we are recommending the name of Planning and Engineering Department be changed to Development and Neighborhood Services based upon the recently adopted budget and the name Planning Commission be changed to the Planning and Zoning Board of Appeals per the Zoning Text Amendment being processed concurrently with this petition.

Highlights

The proposed changes are as follows:

1. Changes the name of the Land Development Staff Committee to the Development Review Committee
2. States that the DRC possesses the ability to consult with outside agencies
3. Clarifies that the DRC meetings are open but not intended for public comments
4. States that the Development and Neighborhood Services Department is responsible for the DRC process
5. Allows the DRC to call a DRC meeting if there is insufficient time to review a petition until the next DRC meeting
6. Limits the number of times that a petition can be heard by the DRC to twice based upon insufficient plans
7. Changes the name of the Planning and Engineering to Development and Neighborhood Services based upon the recently adopted budget
8. Changes the name of the Planning Commission to the Planning and Zoning Board of Appeals.
9. Provides that the Development and Neighborhood Services Department can add any items for review by the DRC

II. Proposed Comprehensive Plan Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in ~~Strike-Through~~, items proposed for addition are in Single Underline.

Proposed Change #1

CHAPTER 16, ARTICLE II- ADMINISTRATION

DIVISION 2. – DEVELOPMENT REVIEW COMMITTEE ~~LAND DEVELOPMENT STAFF~~

~~{2}~~

Sec. 16-51. - Creation.

~~There is hereby established a land development staff which shall consist of representatives of the planning and engineering department, building department, public safety department (one (1) each from police and fire), public works department, and any other department representative necessary to effectively evaluate a particular proposal.~~

- (a) Established. The Development Review Committee (DRC) shall be established and is an administrative and technical committee that provides input on technical issues raised by a development project for consistency with policies established by the city council, specifically the Zoning Code and the City Code.
- (b) Members. The DRC is composed of representatives from the following disciplines: planning and zoning, building, fire, police, recreation, public works, and other departments as determined by the development and neighborhood services department.
- (c) Other city, county, state, or federal agencies may be consulted by the DRC for advice or recommendations on any matter or application being considered by the DRC. The development and neighborhood services department shall have the authority to add or delete members of the DRC as may be deemed necessary.

(Ord. No. 2011-07, § 3, 6-6-11)

Sec. 16-52. - Rules of procedure.

(a) ~~Land development staff~~ The Development Review Committee shall be chaired by a representative of the planning and engineering department planning division of development and neighborhood services department and the meetings shall be recorded but minutes need not be drafted. Although the Development Review Committee meetings are open to the public, no decision is made at the meeting and public comment is not intended to be solicited.

(b) The development and neighborhood services department shall be responsible for intake, agenda preparation, public notice, distribution of plans and specifications, collection of fees, audio recording of meetings, notification to applicants of the meetings and written notification to applicant of the outcome of the Development Review Committee review,

(c) Applications which have been found to be sufficient for processing by the city shall be scheduled for presentation by the applicant on the second Thursday of the month following a determination of sufficiency. Technical review by the Development Review Committee ~~land development~~ staff shall take place on the third Thursday of the month if deemed necessary. These dates may be modified in the event of a city holiday falling on the scheduled meeting date or if a special meeting is required due to time constraints.

(c) Review comments and questions by the Development Review Committee ~~land development~~ staff as well as city consultants and any other agency reviewing the proposal shall be consolidated and sent in writing to the applicant by the ~~planning and engineering department~~ development and neighborhood services department within two (2) weeks of the technical review meeting.

(d) The Development Review Committee ~~land development~~ staff shall have the right to require additional reviews of the application as necessary to ensure all comments have been resolved prior to further processing.

(e) The application and proposed development plans, if any, shall to the extent possible incorporate all changes mutually agreed upon by the Development Review Committee ~~land development~~ staff and the applicant prior to further processing.

(f) An application or/and development plans that have already been reviewed two times by the Development Review Committee will not be scheduled for a third meeting, unless conditions have changed substantially to warrant another meeting.

(g) The Development Review Committee ~~land development~~ staff shall recommend the application to the planning and zoning board of appeals ~~commission~~, local planning agency, ~~zoning board of adjustments and appeals~~, and/or city council, as appropriate, for approval, approval with conditions, or denial. The ~~development and neighborhood services department~~ planning and engineering department shall prepare a ~~land development~~ staff report and recommendation which shall include an explanation of the application, analysis in comparison to relevant Code standards, the recommendation of the Development Review Committee ~~land development~~ staff, and any proposed conditions of approval and provide such report to the planning and zoning board of appeals ~~commission~~, local planning agency, ~~zoning board of adjustment and appeals~~, and/or city council.

(Ord. No. 2011-07, § 3, 6-6-11)

Sec. 16-53. - Functions, powers, and duties.

The Development Review Committee ~~land development~~ staff shall have the following functions, powers, and duties:

(a) To review and make recommendations to approve, approve with conditions, or deny applications for:

- (1) Annexation.
- (2) Comprehensive Plan amendment.
- (3) Zoning changes.
- (4) Special exceptions.

- (5) Site and development plans.
- (6) Special exception and site and development plan amendments.
- (7) Variances.
- (8) Text amendments to the Zoning Code.
- (9) Temporary use permits in accordance with [section 16-718](#).
- (10) Perform such additional duties as the Development and Neighborhood Services Department may from time-to-time assign

(b) To conduct review and recommendation based on all relevant requirements of the Comprehensive Plan, City Code, policies of the city, and information received from the city's consultants and other reviewing agencies.

(c) To prepare a ~~land development~~ staff report and recommendation which explains the application, references relevant Comprehensive Plan policies and Code requirements, summarizes the recommendation of the Development Review Committee ~~land development staff~~ and the comments of other reviewing agencies, proposes necessary conditions of approval, and summarizes the approval or denial action of each successive reviewing body. The report shall contain exhibits such as plans and maps as necessary to adequately explain and detail the application.

(Ord. No. 2011-07, § 3, 6-6-11)

Secs. 16-54—16-80. - Reserved.

Proposed Change #2

Any reference to Land Development Staff in the following Code Sections will be changed to Development Review Committee:

- 1. Section 16-653
- 2. Section 16-128
- 3. Section 16-119
- 4. Section 16-720
- 5. Section 16-214
- 6. Section 16-152
- 7. Section 16-106
- 8. Section 16-155
- 9. Section 16-178
- 10. Section 16-719
- 11. Section 16-197
- 12. Section 16-202

III. Zoning Text Amendment Criteria:

- A. *The need and justification for these changes:*

The principal intent of these proposed text amendments to the Zoning Code is to update the development review process and adopt terminology which is more recognizable in the development field to avoid confusion.

- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City codes.

IV. Staff Recommendation:

The Land Development Staff met on October 14, 2021, to discuss the proposed amendment. No objections were received.

Approval of ZTA- 21-03 through the adoption of Ordinance 2021-19.

PLANNING COMMISSION ACTION – November 17, 2021

The Planning Commission on a motion made by Commissioner Roberts and seconded by Commissioner Neustein, by a vote of six (6) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-03 (DRC)** as presented by staff.

CITY COUNCIL ACTION First Reading – December 13, 2021

The City Council on a motion made by Councilmember Pearce and seconded by Vice Mayor Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-03 (DRC)** on first reading as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – January 3, 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2021-20, ZTA-21-04**

Replace Class I and Class III site plan amendments with Major and Minor amendments

BACKGROUND

The purpose of a site plan review is to ensure that development will be carried out in compliance with the City of Greenacres (City) Code of Ordinances and any other federal, state and county regulations. Further, it is recognized that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district without consideration in each case of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are treated as special exceptions. The City Council reviews site plans and special exceptions. However, after approvals are obtained, there are times when the original site plan or special exception approval does not work or can be improved upon. Thus, the City's Code of Ordinance provides rules and regulations regarding amendments to previously approved site plans and special exceptions.

The City adopted a tiered system which created Class I, Class II and Class III site plan and special exception amendment criteria. However, at some point, the Class II criteria was deleted. Since the need of three tiers of review and approval is no longer required, staff is proposing to revert to a two- level review and approval process – Minor and Major site plan and special exception amendments.

The Land Development Staff has reviewed these text amendments on October 21, 2021, and is recommending approval. The Planning Commission reviewed this staff-initiated text amendment on November 17, 2021, and recommended approval by a vote of 6-0. The City Council approved this petition on first reading December 13, 2021 by a vote of 5-0.

ANALYSIS

The proposed changes are as follows:

1. Changes the classifications of site plan and special exception amendments from Class I, II and III to major and minor amendments
 2. Provides the definition of a minor and major site plan and special exception amendment
-

3. Requires a pre-application meeting before filing of a site plan or special exception amendment application
4. Places burden on applicant to satisfy all applicable requirements for the proposed amendment request

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2021-20 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZTA-21-04 through the adoption of Ordinance 2021-20.

ORDINANCE NO. 2021-20

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING GREENACRES CODE OF ORDINANCES AT, CHAPTER 16, ZONING REGULATIONS, ARTICLE II, ADMINISTRATION, DIVISION 10, AMENDMENTS TO APPROVED SPECIAL EXCEPTIONS AND SITE PLANS, SECTION 2-212 THROUGH SECTION 2-216, BY REPLACING CLASS I, II AND III SITE PLAN AND SPECIAL EXCEPTION AMENDMENTS WITH MINOR AND MAJOR SITE PLAN AND SPECIAL EXCEPTION AMENDMENTS, MAKING SIMILAR TERMINOLOGY CHANGES IN OTHER SECTIONS FOR CONSISTENCY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Chapter 16, Article II, Division 10, Section 16-212 through Section 2-216 addresses amendments to approved special exceptions and site plans with tiered structure currently using only Class I and Class III with Class II having been eliminated by the city in 2011: and

WHEREAS, with the elimination of a Class II Site Plan and Special Exception Amendment petition, the City Council desires to create a two-tier amendment process rather than a three-tiered process; and

WHEREAS, it is the desire of the City Commission of the City of Greenacres to prevent confusion with the elimination of the Class II Site Plan and Special Exception Amendment process; and

WHEREAS, it is further the desire of the City Council of the City of Greenacres to consolidate update processes and procedures within the City of Greenacres; and

Ordinance 2021-20| DRC

Page No. 2

WHEREAS, the City Council of the City of Greenacres has conducted duly advertised public hearings to receive comments on the Zoning Text Amendments proposed by ZTA 21-04 and has considered all comments received concerning the proposed amendments to the Plan as required by state law and local ordinance; and

WHEREAS, the City Council finds that the proposed Zoning Text Amendments is consistent with the City's Comprehensive Plan; and is in the best interest of the citizens of the City of Greenacres.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Zoning Code of the City of Greenacres is hereby amended as follows

(additions are indicated by underscoring and deletions are indicated by ~~strikeout type~~):

CHAPTER 16, ARTICLE II- ADMINISTRATION

DIVISION 10. - AMENDMENTS TO APPROVED SPECIAL EXCEPTIONS AND SITE PLANS

Sec. 16-211. - Purpose.

From time to time, in response to changing market conditions, social and economic circumstances, fashion, and changing desires of the property owner, it is necessary to change the materials, physical appearance, layout, intensity, and/or uses called for in approved special exceptions and site and development plans. The purpose of this division 10 is to establish procedures for modifying these previous approvals, including planned commercial developments and/or special exceptions which have been used at times as the functional equivalent of site and development plans, and providing an appropriate level of review and input by the bodies which provided the original approval.

Sec. 16-212. - ~~Class I scope and process.~~ Minor special exception and site plan amendment process

~~(a) A written application for an amendment shall be submitted when ready on forms provided by the planning and engineering department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an~~

Ordinance 2021-20| DRC

Page No. 3

~~application for a new approval, necessary to evaluate the proposal. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council.~~

~~(b) The following types of changes shall be categorized as a Class I amendment:~~

~~(1) Modification to signage and lighting plans.~~

~~(2) Additional landscape species and structure screening.~~

~~(3) Outdoor coolers.~~

~~(4) Exterior modification to approved residential models or addition of new models.~~

~~(5) Addition or relocation of refuse areas.~~

~~(6) Protection of existing vegetation.~~

~~(7) A one-time or cumulative decrease in non-residential floor area of less than ten (10) percent.~~

~~(8) A one-time or cumulative decrease in residential floor area of less than ten (10) percent.~~

~~(9) A one-time or cumulative increase or decrease in non-residential parking or open space of less than ten (10) percent.~~

~~(10) Exterior residential or non-residential appearance modifications, including color.~~

~~(11) Any other proposed change which is deemed by the planning and engineering director to be a Class I amendment.~~

~~(c) Upon a determination that the application is sufficient to process, the planning and engineering department shall review the proposed changes in comparison to the original approval, original conditions of approval, and current Zoning Code requirements. If the proposal is to be approved, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the planning and engineering director to indicate official approval and the memorandum and supporting documents placed into the property's file. In the event the applicant does not agree with the conditions of approval or if the application is denied, the applicant may appeal to the city council at their next meeting subject to the city council's agenda policy. The council's decision will be final.~~

(a) The following types of changes shall be categorized as a minor site plan and special exception amendment:

(1) Modification to signage and lighting plans when such changes are consistent with the intent of the approved master sign plan or lighting plan.

Ordinance 2021-20| DRC

Page No. 4

- (2) Additional landscape species and structure screening.
- (3) Outdoor coolers.
- (4) Exterior modification to approved residential models or addition of new models.
- (5) Addition or relocation of refuse areas.
- (6) Protection of existing vegetation.
- (7) A one-time or cumulative decrease in non-residential floor area of less than ten (10) percent.
- (8) A one-time or cumulative decrease in residential dwelling units of less than ten (10) percent.
- (9) A one-time or cumulative increase or decrease in non-residential parking or open space of less than ten (10) percent.
- (10) Exterior residential or non-residential appearance modifications, including color.
- (11) Shared parking agreement for mixed use zoning districts.
- (12) Alteration of the location of road, walkway, or structure by not more than five (5) feet.
- (13) Decrease in the height or number of stories of a structure
- (14) Relocation of parking/signage/landscaping due to loss of site area to accommodate widening of public rights-of-ways or intersections.
- (15) Particular amendments may not meet the criteria for minor site plan or special exception amendments but due to their uniqueness or meeting goals of the city, the following amendments will be processed as a minor site plan or special exception amendment:
 - (i) Amendment makes a significant positive impact on the City's employment
 - (ii) Amendment is a significant financial generator
 - (iii) Amendment involved innovative and high-quality design, architecture, site layout or sustainability features or
 - (iv) Amendment significantly furthers establishment of a City Council approved plan.
 - (v) Modifications to any conditions of approval

Ordinance 2021-20| DRC

Page No. 5

(15) Any other proposed amendment which is deemed by the development and neighborhood director or his/her designee to be a minor amendment.

(b) The following process shall apply to all minor site plan and special exception amendments:

(1) A pre-application meeting shall be scheduled and conducted with the development and neighborhood services department prior to the submission of a minor site plan or special exception amendment.

(2) A written application for an amendment shall be submitted when ready on forms provided by the development and neighborhood services department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an application for a new approval, necessary to evaluate the proposal. Such information shall include but not be limited to, as applicable, a site plan, landscape and buffer plan, proposed hours of operations, parking standards and proposed use limitations. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council. It shall be the applicant's burden of proof to satisfy all applicable requirements for the proposed request.

(3) The development and neighborhood services department shall review the proposed changes in comparison to the original approval, original conditions of approval, and current Zoning Code requirements.

(4) Once the development and neighborhood services department shall schedule the application for the next available development review committee (DRC) meetings. The DRC shall consider each application, shall complete a technical evaluation of the application, shall identify any deficiencies or discrepancies, and for each comment shall either indicate that the comment involves a code, safety, or engineering requirement or that the comment is advisory. Comments shall consist of the draft comments and items discussed at the DRC meeting. Complete and final comments on all applications considered at the DRC meeting shall be assembled and forwarded to the applicant. At the discretion of the DRC, applications with substantial deficiencies may, upon post-DRC re-submittal, be scheduled for re-review at another DRC meeting.

(6) Resubmission The applicant's response to the DRC comments shall include an itemized letter that recites each staff comment, details how each comment has been adequately addressed, and states where any corresponding plan revision can be located. Once all comments have been adequately addressed, all technical and informational requirements met, and the commenting members of the DRC have recommended approval or approval with conditions on the application, the application shall be sent to the development and neighborhood director or his/her designee for review.

(5) If the application is to be approved, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the development and

Ordinance 2021-20| DRC

Page No. 6

neighborhood services director or his/her designee to indicate official approval and the memorandum and supporting documents placed into the property's file.

(6) In the event the applicant does not agree with the conditions of approval or if the application is denied, the development and neighborhood services director or his/her designee shall provide written notice of denial which shall be served to the applicant by certified registered mail. Said notice shall notify the applicant of the city's action and specify the reasons for denial, including applicable Code citations. The applicant may appeal to the city manager within thirty (30) days of the date of the written notice of denial. The city manager's decision will be final.

Sec. 16-213. -Class II scope and process. Major site plan and special exception amendments review

(a) Any deviation from a site plan or special exception that does not meet the criteria for a minor site plan or special exception amendment, as defined above shall be considered a major amendment. Major amendments shall follow the original site plan or special exception application process pursuant to this code.

The Class II amendment process is not currently in use.

Sec. 16-214. - Class III scope and process.

~~(a) A written application for an amendment shall be submitted by the fifteenth of the month or previous regular business day on forms provided by the planning and engineering department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an application for a new approval, necessary to evaluate the proposal. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council.~~

~~(b) The following types of changes shall be categorized as a Class III amendment:~~

~~(1) A one-time or cumulative increase in non-residential floor area less than ten (10) percent.~~

~~(2) A one-time or cumulative increase in residential floor area of less than ten (10) percent.~~

~~(3) A one-time or cumulative increase or decrease in residential parking or open space of less than ten (10) percent.~~

~~(4) Addenda to planned unit development agreements.~~

~~(5) Special exception and planned unit development plan modifications.~~

~~(6) Relocation of curb cuts and street and parking lot driveway connection points.~~

Ordinance 2021-20| DRC

Page No. 7

~~(7) Expansion or relocation of retention areas and water bodies.~~

~~(8) Changes to platted lot areas.~~

~~(9) Building or recreational facility relocations or substitutions.~~

~~(10) Any other proposed changes that are deemed by the planning and engineering director to be a Class III amendment.~~

~~(c) Any proposed amendment which exceeds the scope allowed for a Class III amendment shall be processed as a new approval in accordance with the procedures of [chapter 16](#), article II, division 8 or division 9 as applicable, including the payment of the fees established by the city council and compliance with public hearing, advertising, and notice requirements.~~

~~(d) If it has been determined to have met the submittal requirements, the application shall be reviewed by the land development staff within thirty (30) days of the submission deadline. Upon completion of the land development staff review and analysis of all submitted materials, in comparison to the original approval, original conditions of approval, and current Zoning Code requirements, the planning and engineering department shall forward the land development staff report and recommendation to the members of the planning commission and city council for their individual review.~~

~~(e) The members of the planning commission and city council shall have seven (7) working days from the day the land development staff report and recommendation is distributed in which to raise any objection to the proposal or the conditions of approval.~~

~~(1) If no objections are raised, upon the expiration of the seventh day, the proposed amendment shall be considered approved.~~

~~(2) If an objection is raised by any member of the planning commission or city council and it cannot be resolved prior to the expiration of the seventh day, or if the applicant does not agree with the proposed conditions, or if the land development staff has recommended denial, the amendment request shall be scheduled for review by the city council at their next meeting, subject to the city council's adopted agenda procedures. The decision of the city council is final.~~

Sec. 16-2145. - Exemptions and duration.

(a) The following types of changes shall be exempt from the need to modify the approved special exception or site plan using these procedures:

(1) Floorplan layout changes to the interior of approved residential models or to non-residential buildings provided that the changes have no impact on the exterior appearance, density, or floor area ratio.

(2) Minor species substitution and minor location adjustments of landscaping.

Ordinance 2021-20| DRC

Page No. 8

(3) Items covered under the scope of the temporary use permit provisions of [section 16-718](#).

(4) Any other proposed change which is deemed by the development and neighborhood services department planning and engineering director to be exempt.

(b) Amendments made through the approval process of this division 10 shall be valid for the life of the underlying original special exception or site and development plan approval. Amendments made by filing for a new review shall have the duration of a new approval.

Sec. 16-2156. - Fees.

Application fees shall be as established by the city council and shall be paid at the time of application. No review or processing is to be conducted until the necessary fees have been paid.

Secs. 16-2167—16-220. - Reserved.

Section 2. The Zoning Code of the City of Greenacres is hereby amended as follows

(additions are indicated by underscoring and deletions are indicated by ~~strikeout~~ type):

Any reference to Class III site plan and special exception amendment in the following Code Sections will be changed to major site plan and special exception amendment:

1. Section 16-760
2. Section 16-997
3. Section 16-757
4. Section 16-588

Section 3. Changes in the Law.

To the extent the provisions of this Ordinance or § 381.986, Florida Statutes, are declared unconstitutional or are superseded, the City would adhere to its current regulations, including continuing to adhere to the federal prohibition on marijuana. Should the federal law on marijuana change, this Ordinance shall be reviewed and amended as appropriate.

Section 4. Repeal of Conflicting Ordinances

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Severability.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 6. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

Section 7. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

(Remaining page is intentionally left blank)

Passed on the first reading this 13th day of December, 2021.

PASSED AND ADOPTED on the second reading this 3rd day of January, 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

John Tharp, Deputy Mayor

Voted:

Peter Noble, Council Member, District II

Voted:

Judith Dugo, Council Member, District III

Voted:

Jonathan Pearce, Council Member, District IV

Voted:

Paula Bousquet, Council Member, District V

Voted:

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-21-04 (Ordinance 2021-20)

Exhibit "A"

Date: September 30, 2021

Revised: November 17, 2021

December 14, 2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Ordinance 2021-20: Major and Minor Site Plan Amendments

Second Reading & Adoption: A City-initiated request for a text amendment that will replace Class I, II, and III site plan and special exception amendments with major and minor site plan and special exception amendments.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☒ Legislative

☐ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Caryn Gardner-Young, Zoning Administrator	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 11/4/21; 12/23/21 Paper: The Lake Worth Herald Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____
Attachments: <ul style="list-style-type: none"> Ordinance 2021-20 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____

I. Executive Summary

The purpose of a site plan review is to ensure that development will be carried out in compliance with the City Code of Ordinances and any other federal, state and county regulations. In addition, a site plan describing and portraying both existing and proposed conditions of the development is required in order that the approving authority can make an informed decision. It is recognized that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district without consideration in each case of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are treated as special exceptions. The City Council reviews site plans and special exceptions. However, after approvals are obtained, there are times when the original site plan or special exception approval does not work or can be improved upon. Thus, the City's Code of Ordinance provisions rules and regulations regarding amendments to approved site plans and special exceptions.

The City adopted a tiered system which created Class I, Class II and Class III site plan and special exception amendment criteria. However, at some point the Class II criteria was deleted. Since the need of three tiers of review and approval is no longer required, staff is proposing to revert to a two-level review and approval process – Minor and Major site plan and special exception amendments.

The proposed changes are as follows:

1. Changes the classifications of site plan and special exception amendments from Class I, II and III to major and minor amendments
2. Provides the definition of a minor and major site plan and special exception amendment
3. Requires a pre-application meeting before filing of a site plan or special exception amendment application
4. Places burden on applicant to satisfy all applicable requirements for the proposed amendment request

II. Proposed Comprehensive Plan Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in ~~Strike-Through~~, items proposed for addition are in Single Underline.

Proposed Change #1

CHAPTER 16, ARTICLE II- ADMINISTRATION

DIVISION 10. - AMENDMENTS TO APPROVED SPECIAL EXCEPTIONS AND SITE PLANS

Sec. 16-211. - Purpose.

From time to time, in response to changing market conditions, social and economic circumstances, fashion, and changing desires of the property owner, it is necessary to change the materials, physical appearance, layout, intensity, and/or uses called for in approved special exceptions and site and development plans. The purpose of this division 10 is to establish procedures for modifying these previous approvals, including planned commercial developments and/or special exceptions which have been used at times as the functional equivalent of site and development plans, and providing an appropriate level of review and input by the bodies which provided the original approval.

(Ord. No. 2011-07, § 11, 6-6-11)

Sec. 16-212. - ~~Class I scope and process.~~ Minor special exception and site plan amendment process

~~(a) A written application for an amendment shall be submitted when ready on forms provided by the planning and engineering department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an application for a new approval, necessary to evaluate the proposal. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council.~~

~~(b) The following types of changes shall be categorized as a Class I amendment:~~

~~(1) Modification to signage and lighting plans.~~

~~(2) Additional landscape species and structure screening.~~

~~(3) Outdoor coolers.~~

~~(4) Exterior modification to approved residential models or addition of new models.~~

~~(5) Addition or relocation of refuse areas.~~

~~(6) Protection of existing vegetation.~~

~~(7) A one time or cumulative decrease in non-residential floor area of less than ten (10) percent.~~

~~(8) A one time or cumulative decrease in residential floor area of less than ten (10) percent.~~

~~(9) A one time or cumulative increase or decrease in non-residential parking or open space of less than ten (10) percent.~~

~~(10) Exterior residential or non-residential appearance modifications, including color.~~

~~(11) Any other proposed change which is deemed by the planning and engineering director to be a Class I amendment.~~

~~(e) Upon a determination that the application is sufficient to process, the planning and engineering department shall review the proposed changes in comparison to the original approval, original conditions of approval, and current Zoning Code requirements. If the proposal is to be approved, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the planning and engineering director to indicate official approval and the memorandum and supporting documents placed into the property's file. In the event the applicant does not agree with the conditions of approval or if the application is denied, the applicant may appeal to the city council at their next meeting subject to the city council's agenda policy. The council's decision will be final.~~

(Ord. No. 2011-07, § 11, 6-6-11)

(a) The following types of changes shall be categorized as a minor site plan and special exception amendment:

(1) Modification to signage and lighting plans when such changes are consistent with the intent of the approved master sign plan or lighting plan.

(2) Additional landscape species and structure screening.

(3) Outdoor coolers.

(4) Exterior modification to approved residential models or addition of new models.

(5) Addition or relocation of refuse areas.

(6) Protection of existing vegetation.

(7) A one-time or cumulative decrease in non-residential floor area of less than ten (10) percent.

(8) A one-time or cumulative decrease in residential dwelling units of less than ten (10) percent.

(9) A one-time or cumulative increase or decrease in non-residential parking or open space of less than ten (10) percent.

(10) Exterior residential or non-residential appearance modifications, including color.

(11) Shared parking agreement for mixed use zoning districts.

(12) Alteration of the location of road, walkway or structure by not more than five (5) feet.

(13) Decrease in the height or number of stories of a structure

(14) Relocation of parking/signage/landscaping due to loss of site area to accommodate widening of public rights-of-ways or intersections.

(15) Particular amendments may not meet the criteria for minor site plan or special exception amendments but due to their uniqueness or meeting goals of the city, the following amendments will be processed as a minor site plan or special exception amendment:

(i) Amendment makes a significant positive impact on the City's employment

(ii) Amendment is a significant financial generator

(iii) Amendment involved innovative and high-quality design, architecture, site layout or sustainability features or

(iv) Amendment significantly furthers a City Council approved plan.

(v) Modifications to any conditions of approval

(15) Any other similarly proposed amendment which is deemed by the development and neighborhood director or his/her designee to be a minor amendment.

(b) The following process shall apply to all minor site plan and special exception amendments:

(1) A pre-application meeting shall be scheduled and conducted with the development and neighborhood services department prior to the submission of a minor site plan or special exception amendment.

(2) A written application for an amendment shall be submitted when ready on forms provided by the development and neighborhood services department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an application for a new approval, necessary to evaluate the proposal. Such information shall include but not be limited to, as applicable, a site plan, landscape and buffer plan, proposed hours of operations, parking standards and proposed use limitations. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council. It shall be the applicant's burden of proof to satisfy all applicable requirements for the proposed request.

(3) The development and neighborhood services department shall review the proposed changes in comparison to the original approval, original conditions of approval, comprehensive land use plan and current Zoning Code requirements.

(4) Once the development and neighborhood services department completes its review, the application shall be scheduled for the next available development review committee (DRC) meetings. The DRC shall consider each application, shall complete a technical evaluation of the application, shall identify any deficiencies or discrepancies, and for each comment shall either indicate that the comment involves a code, safety, or engineering requirement or that the comment is advisory. Comments shall consist of the draft comments and items discussed at the DRC meeting. Complete and final comments on all applications considered at the DRC meeting shall be assembled and forwarded to the applicant. At the discretion of the DRC, applications with substantial deficiencies may, upon post-DRC re-submittal, be scheduled for re-review at another DRC meeting.

(6) Resubmission The applicant's response to the DRC comments shall include an itemized letter that recites each staff comment, details how each comment has been adequately addressed, and states where any corresponding plan revision can be located. Once all comments have been adequately addressed, all technical and informational requirements met, and the commenting members of the DRC have recommended approval or approval with conditions on the application, the application shall be sent to the development and neighborhood director or his/her designee for review.

(5) If the application is to be approved, a memorandum shall be prepared explaining the request and containing any conditions of approval. It shall be signed by the development and neighborhood services director or his/her designee to indicate official approval and the memorandum and supporting documents placed into the property's file.

(6) In the event the applicant does not agree with the conditions of approval or if the application is denied, the development and neighborhood services director or his/her designee shall provide written notice of denial which shall be served to the applicant by certified mail. Said notice shall notify the applicant of the city's action and specify the reasons for denial, including applicable Code citations. The applicant may appeal to the city manager within thirty (30) days of the date of the written notice of denial. The city manager's decision will be final.

~~(Ord. No. 2011-07, § 11, 6-6-11)~~

• **Sec. 16-213. –Class II scope and process. Major site plan and special exception amendments review**

(a) Any deviation from a site plan or special exception that does not meet the criteria for a minor site plan or special exception amendment, as defined above shall be considered a major amendment. Major amendments shall follow the original site plan or special exception application process pursuant to this code.

~~The Class II amendment process is not currently in use.~~

~~(Ord. No. 2011-07, § 11, 6-6-11)~~

• **Sec. 16-214. –Class III scope and process.**

~~(a) A written application for an amendment shall be submitted by the fifteenth of the month or previous regular business day on forms provided by the planning and engineering department, shall indicate what changes are desired, and shall include all documents, of a nature similar to that called for if it was an application for a new approval, necessary to evaluate the proposal. The application shall be signed by the owner and the applicant, shall include agent authorization for the applicant to represent the owner, and shall include the application fee as established by the city council.~~

~~(b) The following types of changes shall be categorized as a Class III amendment:~~

~~(1) A one time or cumulative increase in non-residential floor area less than ten (10) percent.~~

~~(2) A one-time or cumulative increase in residential floor area of less than ten (10) percent.~~

~~(3) A one-time or cumulative increase or decrease in residential parking or open space of less than ten (10) percent.~~

~~(4) Addenda to planned unit development agreements.~~

~~(5) Special exception and planned unit development plan modifications.~~

~~(6) Relocation of curb cuts and street and parking lot driveway connection points.~~

~~(7) Expansion or relocation of retention areas and water bodies.~~

~~(8) Changes to platted lot areas.~~

~~(9) Building or recreational facility relocations or substitutions.~~

~~(10) Any other proposed changes that are deemed by the planning and engineering director to be a Class III amendment.~~

~~(c) Any proposed amendment which exceeds the scope allowed for a Class III amendment shall be processed as a new approval in accordance with the procedures of [chapter 16](#), article II, division 8 or division 9 as applicable, including the payment of the fees established by the city council and compliance with public hearing, advertising, and notice requirements.~~

~~(d) If it has been determined to have met the submittal requirements, the application shall be reviewed by the land development staff within thirty (30) days of the submission deadline. Upon completion of the land development staff review and analysis of all submitted materials, in comparison to the original approval, original conditions of approval, and current Zoning Code requirements, the planning and engineering department shall forward the land development staff report and recommendation to the members of the planning commission and city council for their individual review.~~

~~(e) The members of the planning commission and city council shall have seven (7) working days from the day the land development staff report and recommendation is distributed in which to raise any objection to the proposal or the conditions of approval.~~

~~(1) If no objections are raised, upon the expiration of the seventh day, the proposed amendment shall be considered approved.~~

~~(2) If an objection is raised by any member of the planning commission or city council and it cannot be resolved prior to the expiration of the seventh day, or if the applicant does not agree with the proposed conditions, or if the land development staff has recommended denial, the amendment request shall be scheduled for review by the city council at their next meeting, subject to the city council's adopted agenda procedures. The decision of the city council is final.~~

~~(Ord. No. 2011-07, § 11, 6-6-11)~~

- **Sec. 16-2145. - Exemptions and duration.**

(a) The following types of changes shall be exempt from the need to modify the approved special exception or site plan using these procedures:

(1) Floorplan layout changes to the interior of approved residential models or to non-residential buildings provided that the changes have no impact on the exterior appearance, density, or floor area ratio.

(2) Minor species substitution and minor location adjustments of landscaping.

(3) Items covered under the scope of the temporary use permit provisions of [section 16-718](#).

(4) Any other proposed change which is deemed by the development and neighborhood services department ~~planning and engineering~~ director to be exempt.

(b) Amendments made through the approval process of this division 10 shall be valid for the life of the underlying original special exception or site and development plan approval. Amendments made by filing for a new review shall have the duration of a new approval.

(Ord. No. 2011-07, § 11, 6-6-11)

- **Sec. 16-2156. - Fees.**

Application fees shall be as established by the city council and shall be paid at the time of application. No review or processing is to be conducted until the necessary fees have been paid.

(Ord. No. 2011-07, § 11, 6-6-11)

- **Secs. 16-2167—16-220. - Reserved.**

Proposed Change #2

Any reference to Class III site plan and special exception amendment in the following Code Sections will be changed to major site plan and special exception amendment:

1. Section 16-760
2. Section 16-997
3. Section 16-757
4. Section 16-588

III. Zoning Text Amendment Criteria:

A. *The need and justification for these changes:*

The principal intent of these proposed text amendments to the Zoning Code is to modernize the site plan and special exception amendment process. Presently the code only permits Class I and III amendments. Class II was deleted. Since there are only two types of amendments permitted, using the terminology of minor and major makes more sense and avoids confusion. A minor amendment only requires Development Services Committee and Development and Neighborhood Services Department approval since the impacts are not substantial. On the other hand, a major amendment will require the same approval as the original site plan.

- B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the City's Comprehensive Plan and will further the purposes of the City's Zoning Code regulations and other City codes.

IV. Staff Recommendation:

The Land Development Staff met on October 14, 2021, to discuss the proposed amendment. No objections were received.

Approval of ZTA- 21-04 through the adoption of Ordinance 2021-20.

PLANNING COMMISSION ACTION – November 17, 2021

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Hayes, by a vote of six (6) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-04** (*Amendment*) as presented by staff.

CITY COUNCIL ACTION First Reading – December 13, 2021

The City Council on a motion made by Councilmember Pearce and seconded by Vice Mayor Tharp, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment **ZTA-21-04** (*Amendment*) on first reading as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – January 3, 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Resolution 2021-30, SE-PUD-20-03**
Blossom Trail (aka Nash Trail)

BACKGROUND

A request from Yoan Machado of WGI, agent for multiple owners for a planned unit development of 76 single family homes with a zero lot line and 154 townhome units for approximately 33.06 acres from PBC MR-5 (Medium Density 5 Units per Acre) and Palm Beach County Low Residential (LR-1) to City Residential Medium Density (RS-MD) and City Residential High (RS-HD) Density. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South (5650 and 5696 52nd Drive South; 5141 and 5329 Nash Trail; 5690, 5601, and 5533 Carmel Lane; 5625 50th Way South; 5595 and 5519 Haverhill Road).

Requests for a zoning change (ZC-20-04), a small-scale future land use amendment (CPA--20-04) and Site and development plan (SP-20-03) are concurrently under review by the City.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The City forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Local Planning Agency recommending approval by a vote of 6-0 at their meeting on December 1, 2021.

ANALYSIS

The proposed Special Exception request for a Planned Unit Development (PUD) provides the framework for development that promote economical and efficient land use, improved levels of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economic development in the city, and the

protection of existing and future city development. The development utilizes existing infrastructure and provides for the controlled access to Haverhill Road and eliminates multiple access points along the roadway providing more efficient and safe access. The applicant is proposing a master development plan, dwelling units are grouped into a pod of different housing types, while overall density of the site remains constant, greater amounts of land are allocated for open space, a mixture and variety of housing types and land use are provided for, and useful natural elements are preserved. The common areas of the project will be maintained by a Homeowners Association. Ingress and egress to the site will be provided from Nash Trail. The applicant has provided future house models depicting elevations and will have the option of providing additional models through the site plan amendment process. The houses will feature architectural detail on all four elevations and will be finished with roofing, colors and materials to be compatible with the adjacent housing developments. Each individual lot will be landscaped in accordance with their respective landscape plan and city code.

The development to the east and north of the site is planned development, so the proposed development is consistent with the existing pattern of development in the area.

The proposed private roadways within the project will have one 40' right-of-way. The 40' private right-of-way will connect onto Nash Trail, which is an existing public right-of-way. Landscape buffers will be provided along the perimeter of the property through landscape easements on individual platted lots.

FINANCIAL INFORMATION

N/A

LEGAL

Resolution 2021-30 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of SE-PUD-20-03 through the adoption of Resolution 2021-30.

RESOLUTION NO. 2021-30

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING AN APPLICATION FOR A SPECIAL EXCEPTION TO ALLOW A PLANNED UNIT DEVELOPMENT IN A RESIDENTIAL MEDIUM-2 AND A RESIDENTIAL HIGH (RH) ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN SOUTH HAVERHILL ROAD AND NASH TRAIL WHICH IS APPROXIMATELY 1,400 FEET NORTH OF LANTANA ROAD, AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNERS, ANN & FRED K MENOR, AARON & FRANCES LLC, AMERICAN GERMAN CLUB INC., ERNEST & LYNNE CHEETHAM, CLAUDIA, CORNEL & COSTEL DUMITRESCU, MATTHEW GREENE, MELODY & NOE MALDONADO, SHIPLEY ENTERPRISE INC., PHILIPPE SZE, VIRGINIA WALTER AND KFIR BARANES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wantman Group Inc., hereinafter "Petitioner", as agent for the owners, Ann & Fred Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia, Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Philippe Sze, Virginia Walter and Kfir Baranes, has made an application for a Special Exception approval to allow for a Planned Unit Development (PUD) to be located within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road, pursuant to Section 16-771 through Section 16-784, Planned Unit Developments (PUD) regulations of the Zoning Code; and

WHEREAS, the Petitioner presented this matter to the Land Development Staff of the City of Greenacres which provided comments to the Planning and Engineering Department which, in turn, recommended approval of the Special Exception to allow for a Planned Unit Development and a Zero Lot Line Development within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, with the conditions identified in the Land Development Staff Report and Recommendation, Exhibit "A" dated November 24, 2021, as revised; and

WHEREAS, the Planning Commission reviewed the Petitioner's project for compliance with the Special Exception Criteria as indicated by the Findings of Fact contained in the Land Development Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

WHEREAS, the Planning Commission held a public hearing on December 1, 2021, reviewed the Petitioner's request, and made a recommendation on the petition; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for a Planned Unit Development within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, subject to the conditions stipulated in the Land Development Staff Report and Recommendation at the January 3, 2022 Public Hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The petition, SE-PUD-20-03, a Special Exception to allow for a Planned Unit Development within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, is hereby approved.

SECTION 2. The approval of Petition SE-PUD-20-03 is subject to all conditions contained in the Land Development Staff Report and Recommendation, Exhibit "A", dated October 19, 2021, as revised (attached).

SECTION 3. All resolutions in conflict herewith are hereby repealed.

SECTION 4. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated November 24, 2021 and Exhibit "B" Conceptual Plan stamp-dated October 19, 2021, as hereafter defined shall apply.

Resolution No. 2021-30 | SE-PUD-20-03 NashTrail PUD

Page No. 3

2. Site and Development Plan approval is required prior to the issuance of development permits. (Planning and Building)
3. The Special Exception is limited to the 76 zero lot line single-family homes and the approval of the planned unit development (PUD).
4. In accordance with Section 16-778 (5)(D), Street trees, which are consistent with the provisions of Article VII (Landscaping), shall be planted within all platted rights-of-way or within the platted lots of the subdivision within the zero lot line homes spaced no less than fifty (50) feet on center. Townhouse units shall be landscaped according to the approved landscape plans. (Planning and Building)
5. Non-compliance with any of the conditions of approval will result in withholding of building permits or Certificates of Occupancy. (Planning and Building)
6. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres".
7. All terms, conditions, safeguards and stipulations made at the time of approval for SE/ZLL/PUD shall be binding upon the applicant or any successors in interest. Deviation from any portion of the approved master plan, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval or platting procedure shall render the SE/ZLL approval null and void upon determination by the City Council.

Section 5. This resolution shall be subject to strict compliance with the documents listed below, which are incorporated herein as reference and placed in the record with the Planning & Engineering Department as SE-20-03:

1. Conceptual Site Plan, Sheet FSP.1, prepared by Dynamic Engineering, revision dated September 13, 2021.

Section 6. This resolution shall be effective shall become effective on the effective date of Ordinance 2021-05.

RESOLVED AND ADOPTED this 3rd of day of January 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

SE/PUD-20-03(Resolution 2021-30)
Exhibit "A"
Date: November 24, 2021

Revised: 12/01/2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Resolution 2021-30: SE/PUD-20-03 Blossom Trail (aka Nash Trail)

Consideration of Approval: A Special Exception request from Yoan Machado of WGI, agent for approval of the proposed Blossom Trail project. The project consists of seventy-six (76) single-family homes with a zero lot line design and 154 townhome units within a planned unit development. The special exception approval is required for a zero lot line development within the Residential Medium -2 (RM-2) zoning district and a Planned Unit development (PUD) use. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Kara L. Irwin-Ferris, AICP	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Dates: 12/2/2021; 12/23/21 Paper: The Lake Worth Herald Mailing <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Notice Distance: <u>300'</u>

Attachments: <ul style="list-style-type: none"> • Survey • Concept Plan • Aerial Map • Resolution 2021-30 	City Council Action: <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

The applicant is requesting special exception approval for 76 single-family homes with a zero-lot line site design and 154 townhome units within a Planned Unit Development (PUD). The development is proposed as a gated community with a single access point from Nash Trail, a club house with amenities, a central lake along with a landscape buffer along the property lines. The applicant is requesting special exception for zero lot line development in the Residential Medium-2 (RM-2) zoning district and a planned unit development use concurrently with the site plan application.

II. Site Data:

Existing Use:	Single-Family homes
Proposed Use:	Zero Lot Line Homes and Townhomes
Parcel Control Numbers:	18-42-44-35-00-000-5200, 18-42-44-35-00-000-5010, 18-42-44-35-00-000-5170, 18-42-44-35-00-000-5450, 18-42-44-35-00-000-5080, 18-42-44-35-0-000-5300, 18-42-44-35-00-000-5500, 18-42-44-35-00-000-5480, 18-42-44-35-00-000-5190, 18-42-44-35-00-000-5490, 18-42-44-35-00-000-5440, 18-42-44-35-00-000-5430, 18-42-44-35-00-000-5370, 18-42-44-35-00-000-5030
Parcel Size:	33.06 acres
Existing Future Land Use Designation:	PBC Medium Density 5 Units per Acre (MR5) and Low Residential (LR-1)
Proposed Future Land Use Designation:	City Residential Medium Density (RS-MD) and Residential High (RH)
Existing Zoning District:	PBC Agricultural Residential (AR) and Residential Estate (RE)
Proposed Zoning District:	City Residential Medium Density (RM-2) and Residential High Density (RH)

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Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Nautica Isles	Residential Low Density (RS-LD) (COG) Residential Low, 3 – 5 dwelling unit per acre	Planned Unit Development (PUD) with an underlying Residential Low (RL-3) (COG)
<i>South</i>	Commercial and Industrial Uses	Institutional (INST) (PBC), Commercial Low, with underlying Industrial (CL/IND) (PBC)	Institutional and Public Facilities (IPF), Multiple Use Planned Development (MUPD) Zoning District (PBC), Agricultural Residential (AR) (PBC)
<i>East</i>	Verona Estates (SF) and Verona Palms (Townhomes)	City Residential Medium (RM), 7 dwelling units per acre	Residential Medium – 2 (RM-2) (COG), Residential Medium -1 (RM-1)(COG)
<i>West</i>	Residential Community	Palm Beach County Medium Residential-5 (MR-5)	Agricultural Residential (AR) (PBC), Residential Estate (RE)(PBC)

III. Annexation/Zoning History:

The approximately 33.06-acre site is located in the City of Greenacres. The site is comprised of fourteen (14) parcels of land, with nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a zoning change (ZC-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed for the multiple sites.

Thirteen (13) of the fourteen (14) subject properties have a Palm Beach County Medium Residential-5 (MR-5) future land use designation, which permits a maximum density of 5 dwelling units per acre. One (1) of the properties, located at 5141 Nash Trail and a portion of the parcel located at 5696 52nd Drive South, has a Palm Beach County Low Residential (LR-1) future land use designation, which permits a maximum density of 1 dwelling unit per acre.

Thirteen (13) of the fourteen (14) subject properties have a PBC zoning designation of Agricultural Residential (AR) which permits single-family residential, recreational, and agricultural uses. One (1) of the properties, located at 5141 Nash Trail has a Palm Beach County Residential Estate (RE) district zoning designation which provides a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. Initially, the City received a letter of interest from a developer that represents property owners in the area requesting to annex into the City limits. The City staff determined that the best way to pursue the annexation was by an annexation referendum, so that the registered electors in the area could vote on the issue. A public notice letter was sent to each person who resides or owns property within the area to be annexed in accordance with Section

171.042 (3), Florida Statutes. The notice is required to be mailed no later than ten days prior to the first public hearing, or no later than June 19, 2020. The letters were mailed on June 9, 2020.

On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The city forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

IV. Applicable City Code Provisions/ Comprehensive Plan:

Zero Lot Line Homes

The applicable language applies to the approval of zero lot line development within the Residential Medium-2 (RM-2) zoning district:

1. Future Land Use Element

Objective 1

Development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet the level of service standards are available concurrent with the impacts of the development.

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:

** * * (1 through 3 and 6 through 16 omitted for brevity) * * **

- (4) Medium Density Residential – 6.0 to 7.0 residential units per net acre.
- (5) High Density Residential - 10.0 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 leap frog 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)

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.

3. Transportation Element

Objective 2 Policy a-d)

Provide adequate design standards to improve safety, reduce congestion, and reduce maintenance.

Policy a)

Further develop and maintain design standards that are compatible with the County and State design standards.

Policy b)

Require private development to conform to the Manual on Uniform Traffic Control Devices for on-site traffic control.

Policy c)

Require engineering review for safe vehicular and non-vehicular traffic flow and parking arrangements in private development.

Policy d)

Improve the safety and operation of City streets, through site-access control, and other

traffic operation improvements.

The proposed Special Exception for a Zero Lot Line development supports the development of the proposed single-family homes, by providing design alternatives to facilitate adequate development patterns. The request meets the Future Land Use goals of the city in producing single-family homes in an in-fill area surrounded by existing single-family attached and detached homes.

The request meets the requirements of the Housing Element Goals, Objectives and Policies by supporting the development of single-family housing through the utilization of the zero lot line regulations. The approval of the special exception and site plan supports the goal to provide for a variety of housing styles in the area. The proposed development provides an alternative housing option as a single-family detached development in an area that has existing single-family attached and multi-family development.

The request meets the requirements of the Transportation Element Goals, Objectives and Policies through the process of review via the Land Development Staff (LDS) process and the outside agencies review process. The process requires the proposed development of the site to meet the requirements of having adequate facilities and services. The land development staff and outside agencies have not provided any comments to the site that would warrant concern of having inadequate facilities and services on site. The density of the site plan proposal is consistent with the Future Land Use designation and Zoning district RM-2.

Planned Unit Development (PUD)

The applicable language applies to the approval of a planned unit development within the Residential Medium-2 (RM-2) and Residential High (RH) zoning district:

1. Future Land Use Element

Objective 1

Development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet the level of service standards are available concurrent with the impacts of the development.

Objective 7, Policy a)

The City shall continue to utilize such development techniques as "Planned Unit Development", "Planned Commercial Development", and "Mixed-Use Development" with commercial and residential uses integrated in one project.

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:

* * * (1 through 3 and 6 through 16 omitted for brevity) * * *

- (4) Medium Density Residential – 6.0 to 7.0 residential units per net acre.
- (5) High Density Residential - 10.0 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.

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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 leap frog 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.

The proposed Special Exception request for a Planned Unit Development (PUD) provides the framework for development that promote economical and efficient land use, improved levels of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economic development in the city, and the protection of existing and future city development. The development utilizes existing infrastructure and provides for the controlled access to Haverhill Road and eliminates multiple access points along the roadway providing more efficient and safe access. The applicant is proposing a master development plan, dwelling units are grouped into a pod of different housing types, while overall density of the site remains constant, greater amounts of land are allocated for open space, a mixture and variety of housing types and land use are provided for, and useful natural elements are preserved

The development to the east and north of the site is planned development, so the proposed development is consistent with the existing pattern of development in the area.

V. Applicable City Code and Statutory Provisions:

Sec. 16-171 through 16-178 pertaining to Special Exceptions

Sec. 16-331 through 16-342 pertaining to the RM zoning district
Sec. 16-361 through 16-372 pertaining to the RH zoning district
Sec. 16-876 through 16-887 pertaining to Zero Lot Line Development

Zero Lot Line Development

Article V, Division 7, Sections 16-876 through 16-887 establish the criteria for the approval of Zero Lot Line Development in the City:

Section 16-876 Purpose.

The purpose of zero lot line development is to permit an alternate development style that provides the following:

- (1) The more efficient use of land as compared with typical single-family development;
- (2) The design of dwellings that integrate and relate internal-external living areas resulting in more pleasant and enjoyable living facilities; and
- (3) Permits outdoor space to be grouped and utilized to its maximum benefit due to the placement of the dwelling against one (1) of the property lines.

Sec. 16-877. - Zoning districts.

Zero lot line development is permissible as a special exception in the RM and RH districts subject to the findings in section 16-171 et seq. and requirements contained in this division.

The proposed zero lot line homes are located within the portion of the development that is located within the Residential Medium-2 (RM-2) zoning district, which is consistent with the existing zoning regulations.

Planned Unit Development

Article V, Division 2, Section 16-771 through 16-784 establish the criteria for the approval of Planned Unit Developments in the City:

Section 16-771 Purpose and Intent

It is the purpose and intent of these regulations that the planned unit development (PUD) concept be used to promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety in physical development, creative design, improved living environments, orderly and economical development in the City, and the protection of existing and future City development. Regulations for PUDs are intended to accomplish this through a unified development, versus on a lot-by-lot, approach. Under the PUD process, land development is planned as an entity under a master development plan, dwelling units are grouped into pods, while overall density of the site remains constant, greater amounts of land are allocated for open space, a mixture and variety of housing types and land use are provided for, and useful natural elements are preserved. It is the intent of these regulations to promote and encourage development in this form where tracts suitable in size, location and character for the uses and structures proposed that can be planned and developed as a unified project.

Section 16-772(1) Applicability

A planned unit development is permissible as a special exception in the RL, RM, and RH districts subject to the findings in Section 16-173 et seq. and any other conditions negotiated between the developer and the City.

The proposed planned unit development has two underlying zoning districts, RM and RH, and the proposed housing types are located within the portion of the development consistent with zoning based on the existing zoning regulations. The flexibility of the planned development allows for the co-location of various housing types within one cohesive development.

In addition, Article II, Division 8, Sections 16-171 through 16-178 establish the criteria for the approval of Special Exceptions in the City.

VI. Staff Analysis:

Background:

The applicant is proposing the construction of 76 single-family dwellings and 154 townhome units on a 33.06 acre site. The single-family dwellings are based on zero lot line design. The common areas of the project will be maintained by a Homeowners Association. Ingress and egress to the site will be provided from Nash Trail. The applicant has provided future house models depicting elevations and will have the option of providing additional models through the site plan amendment process. The houses will feature architectural detail on all four elevations and will be finished with roofing, colors and materials to be compatible with the adjacent housing developments. Each individual lot will be landscaped in accordance with their respective landscape plan and city code.

The proposed private roadways within the project will have one 40' right-of-way. The 40' private right-of-way will connect onto Nash Trail, which is an existing public right-of-way. Landscape buffers will be provided along the perimeter of the property through landscape easements on individual platted lots.

On December 26, 2020, the Land Development Staff reviewed this petition and after four rounds of review recommended approval.

Land Development Staff Comments:

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

Other Agencies:

PBC Traffic Division:	Project meets traffic performance standards.
PBC Water Utilities:	Service is available. The applicant must enter into a Standard Developers Agreement with Palm Beach County.
MPO / Palm Tran:	Sufficient mass transit capacity exists to serve the project.
LWDD:	No objections.

Summary of Proposed Conceptual Plan Details:

The petitioner's concept plan depicts the following:

1. A total land area of 33.06 acres, with a net acreage of 25.6 acres.
2. A total of 76 detached single-family zero lot line dwelling units on individual platted lots.
3. A total of 154 fee simple townhome units.
4. The Residential Medium Density (RS-MD) future land use and Residential Medium-2 (RM-2) zoning designation area has a net density of 6.3593 units per net acre (5.05 units per gross acre). The Residential High Density (RS-HD) future land use and Residential High Density (RH) zoning designation area has a net density of 9.08 units per net acre (7.55 units per gross acre). The gross density for the entire site is 6.96 units per gross acre.
5. Access to Nash Trail, with a 40' wide private road right-of-way internal to the site.
6. A minimum of 3.5 parking spaces per unit, including garages and individual driveways, with each single-family dwelling meeting its own parking requirements.
7. One 0.97 acre recreation area with a clubhouse, pool, and play areas.
8. One 4.29 acre retention lake.
9. Perimeter buffers around the entire perimeter of the project.
10. Survey.
11. A sidewalk system providing access to each unit and Nash Trail.

VI. Special Exception Criteria and Findings of Fact:**1. The proposed use complies with all relevant elements of the Comprehensive Plan;**

Finding: Zero Lot Line -The proposed zero lot line development complies with Objective 1 of the Housing Element, Objective 1, 8 and 11 from the Future Land Use Element, Objective 2 under Goal 1 of the Transportation Element, Objective 1 of the Infrastructure Element. Per Section 16-334, a zero lot line development is subject to a Special Exception approval in the Residential Medium (RM) zoning district.

Planned Unit Development - The proposed development is in compliance with all appropriate elements of the City's Comprehensive Plan. The proposed Blossom Trail planned unit development (PUD) will provide adequate open space and recreational facilities. The proposed 230 residential units result in a net density consistent with the underlying land use and zoning of the development.

2. **Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe will not be adversely affected by the proposed special exception;**

Finding: Zero Lot Line - The proposed Special Exception for the site will have adequate ingress and egress through using one (1) vehicular access point onto Nash Trail and one egress-only access point on Haverhill Road, together with two (2) new sidewalk connection to Nash Trail. The concept plan has been reviewed by staff for automobile, pedestrian and fire safety and meets all applicable Code requirements. The City's traffic engineering consultant has reviewed the traffic flow and control of the site for compliance with City Code and safety standards and has determined that it meets all necessary requirements.

Planned Unit Development - Ingress and egress to the site will be through one access point directly from Nash Trail and one egress-only access onto Haverhill Road. The internal roadway meets requirements for fire truck access and turnarounds. A complete sidewalk system is provided on both sides of the road for pedestrian safety and convenience.

3. **Off-street parking and loading is provided where required, with particular attention to the items in (2) above will not adversely affect public health and safety;**

Finding: Zero Lot Line - The off-street parking provided on the site meets the minimum parking requirements based on proposing 304 parking spaces (based on two-car garage and two-car driveway for all ZLL units) to meet the required 228 spaces (3 per unit, plus ½ space per unit for guest parking).

Planned Unit Development - The Blossom Trail PUD has provided a sufficient amount of parking on site for the proposed 76 single-family units and 190 townhome units in accord with Table 16-1336(A), with each dwelling unit satisfying its own parking requirements. Parking is also provided by the clubhouse and pool and at the south end of the lake and at the end of blocks within the townhome unit portion of the project.

4. **Refuse and service areas provided with particular reference to items (2) & (3) above will not adversely affect public health and safety;**

Finding: Zero Lot Line - The site will not have a dumpster enclosure and the city's franchise hauler will serve this site for all refuse collection on a house-by-house basis.

Planned Unit Development - The site will be served by the city franchisee for all refuse collection services, with curbside pickup for each unit.

5. The proposed use will not create a nuisance factor detrimental to adjacent and nearby properties and the City as a whole;

Finding: Zero Lot Line - The proposed zero lot line development is compatible with the existing single-family, single-family attached, and multi-family development of the surrounding area around Haverhill Road. A zero lot line development is permitted as a Special Exception in the Residential Medium (RM) and Residential High (RH) zoning districts. The adjacent area is residential with the exception of the non-residential use (commercial, industrial, and institutional) of the area to the south of the property. The surrounding area to the north and east are residential zoning categories RM-2 and RL-3, which is compatible with the zoning of the site. The property to the west is a large lot single family area and has a Palm Beach County zoning designation of Agricultural Residential with a future land use of Medium Residential-5, which is in line with the surrounding single family uses.

The property will be landscaped around the perimeter as well as the interior in accordance with Zoning Code requirements. No off-site odor, smoke, electrical interference or mechanical vibrations will be produced by this use. Therefore, the proposed use will not be a nuisance or detriment to adjacent and nearby properties.

Planned Unit Development - The proposed medium and high-density residential uses are adjacent to zoning districts that are comparable and similar to the proposed RM-2 and RH zoning districts. The proposed development will provide a housing type and density that is compatible with the existing developments in the area, as well as the future land uses of the area. Also, the development will provide landscape buffers between all adjacent land uses, thus further minimizing any adverse impacts from this site.

6. The location, availability and compatibility of utilities for the requested use will not adversely affect public health and safety;

Finding: Zero Lot Line and Planned Unit Development - All utilities will be provided underground. The site is currently served by Palm Beach County Water Utilities. All other utilities are also currently provided to the site, and the applicant meets the Level of Service (LOS) as established in the Comprehensive Plan.

7. The screening and buffering of the requested use are consistent with the applicable zoning requirements relative to type, dimension and character;

Finding: Zero Lot Line - The proposed site plan will provide appropriately size landscape buffers on all external sides of the development, as shown below. Overall, the proposed site plan meets the requirements of the Zoning Code.

Planned Unit Development - The proposed PUD will provide appropriately sized landscape buffers on all external sides of the development, as shown below. Overall, the proposed master plan meets or exceeds the requirements of the Zoning Code.

8. **Signs and proposed exterior lighting are provided with reference to glare, traffic safety and economic effect, and compatibility and harmony with properties in the district;**

Finding: Zero Lot Line and Planned Unit Development - All proposed signs shall meet the requirements of the City's Zoning Code. The lighting for the internal roadway will provide adequate lighting for safety and will be shielded to prevent glare onto adjacent properties. Signs will be located in accord with safe visibility requirements at the time of site plan approval.

9. **The requested use appears to meet the required yards and other open space;**

Finding: Zero Lot Line - The project complies with interior and perimeter landscaping and open space requirements of the Zoning Code. The lot coverage for the individual lots is a maximum of 50 percent per PUD standards. All other building setbacks will be met according to the specific developments section regarding zero lot line developments.

Planned Unit Development - Under the proposed master plan for the Blossom Trail PUD, 32% of the site is dedicated to open space which meets the provisions of the City's Zoning Code. The open space consists of buffers, easements and right-of-way green space, the lake tract, and the recreation area. The required yards and separation distances between the buildings are also being met or exceeded.

10. **Proposed general use is compatible with adjoining properties and other property in the district;**

Finding: Zero Lot Line and Planned Unit Development - As noted above, the applicant is proposing to develop the 33.06-acre site with 76 single-family zero lot homes and 154 townhome units with a net density of 8.44 units per acre. A review of the adjacent existing land uses shows that the site plan is compatible with the adjacent properties, specifically:

North: To the north of the subject site is Nautica Isles, an existing single family residential development with a future land use designation of City Residential-Low density (RS-LD) and a zoning designation of City Residential Low 3 (RL-3). The proposed RS-MD designation will be a compatible density with the existing development to the north.

South: To the south of the subject site is non-residential development with a Palm Beach County future land use designation of Commercial Low with an underlying Industrial (CL/IND), Commercial Low (CL), and Institutional (INST). The approved development includes a gas station, a automotive repair shop, a lawnmower and repair service with vehicular storage, and the America German Club. The properties to the south will not be adversely impacted with the proposed future land use.

East: To the east is a single-family residential development known as Verona Estates and a townhouse development known as Verona Palms. Haverhill Road separates the site, and has a future land use designation of COG Residential Medium Density (RS-MD),

which is a similar future land use and densities as the proposed future land use amendment.

West: To the west of the site, across 52nd Drive South, are large lot residential and agricultural parcels located in unincorporated Palm Beach County, which are designated as Palm Beach County Medium Residential 5 (PBC MR 5). The complete adjacent portion of the site along 52nd Drive South has a proposed future land use designation of Residential Low Density (RS-LD), with a maximum density of 5 units per acre, which will be compatible and consistent with the existing development. Further, all zoning districts consistent with the proposed RS-LD land use allow only detached single family units for residential development. The proposed amendment will enhance compatibility through the use of adequate buffering and landscaping. Therefore, there will be no adverse impacts from the proposed future land use amendment

Conclusions: Overall, there are no incompatibilities between the proposed Blossom Trail PUD with Zero Lot Line development and the adjacent properties.

11. The change suggested is not out-of-scale with the needs of the neighborhood or the City;

Finding: Zero Lot Line - The proposed zero lot line development is in scale with the needs of the surrounding community. Blossom Trail is located in an area that is a suitable location for the proposed use given the site proximity to automobile traffic and other single-family developments. The development meets the desire of the city to provide single-family and townhome housing.

Planned Unit Development - The suggested change is not out of scale with the needs of the immediate neighborhood or the city as a whole. The density of the proposed development provides a step-down in intensity from the properties to the south, through the subject site, down to the properties to the east and south; meets current needs for a balance of housing types in the City; and provides adequate buffer zones from the surrounding properties.

12. The requested use and structure is consistent with any special requirements set out in the Schedule of District Regulations for the particular use and structure involved;

Finding: Zero Lot Line - The zero lot line development is required to meet the following specific criteria of Section 16-885 (Maintenance Easement), Section 16-884 (Openings prohibited on the zero lot line side), Section 16-881 (Minimum yard requirements), Section 16-882 (Maximum Lot coverage), Section 16-879 (Minimum lot size), Section 16-880 (Minimum lot width). The applicant has demonstrated consistency with the above-mentioned sections of the City's Zoning Code.

Planned Unit Development - The proposed development is required to meet the following specific criteria of Section 16-778 (PUD standards, general), Section 16-779 (PUD standards, residential pods), Section 16-781 (Flexible Regulations) and Section 16-782 (Land Dedication). As shown below, the applicant has demonstrated consistency with the above-mentioned sections of the City's Zoning Code.

PUD General Standards (16-778):

- (1) **Is access to the PUD via arterial, collector, or suitable local streets? Is there more than one access point and do the access points promote an interconnected street network and a variety of possible travel routes?**

Findings: The subject property is accessible directly from Nash Trail, a right-of-way which functions as a local collector. There is one (1) access point to Nash Trail, and one egress only location at Haverhill Road. All access will be controlled access.

- (2) **Will the approval of the proposed PUD result in any levels of service (LOS) standard for traffic and mass transit, public education, potable water, sanitary sewer services, storm water drainage systems, or solid waste being exceeded?**

Findings: Review by the responsible agencies confirms that the approval of the PUD will not result in the LOS for traffic, mass transit, public education, potable water, sanitary sewer, storm water drainage, or solid waste being exceeded in violation of established standards.

- (3) **Are proposed commercial uses compatible with the residential portions of the PUD?**

Findings: Not applicable (commercial uses are not proposed).

- (4) **Is landscaping being provided through a unified landscaping theme consistent with the provisions of Article VII (Landscaping)?**

Findings: Through the concurrent site plan approval, the applicant has provided a unified landscape plan that is applicable to the entire PUD that is consistent with Article VII (Landscaping) and that harmoniously incorporates existing trees and understory to remain.

- (5) **Do all residential units have access to a public street, either directly or via approved private roads dedicated for public or private use guaranteeing access, which are appropriately sized and lighted, in order to facilitate interconnectivity with all internal and adjacent land uses?**

Findings: All internal private roadways are adequately sized for the proposed number of units and will provide future residents with access to a public right-of-way. One gated connection to Nash Trail is proposed. In addition, as conditioned, street lighting will be provided that is consistent with the standards shown in Section 16-1335(15) of the Zoning Code.

- (6) **Are all appropriate utilities (sewer, water, telephone, television cable and electrical systems) installed underground?**

Findings: All new utilities will be installed underground.

(7) Are off-street parking and loading requirements met?

Findings: Off-street parking and loading consistent with Article VIII (Off-street Parking and Loading) will be provided.

(8) Are all roadways, public and private, constructed according to the provisions of the City's Subdivision Regulations?

Findings: All internal roadways have been designed to be consistent with the cross-sectional requirements of the City's Subdivision and Land Development Regulations, including concrete sidewalks on both sides of the road and a right-of-way width of 40' which meets the Code minimum of 40' for private roads servicing the proposed number of units.

(9) Is the storm drainage system constructed in accordance with the regulations, policies and procedures of the South Florida Water Management District and the Lake Worth Drainage District for storm drainage?

Findings: Subject to final permitting by the applicable agencies, the storm drainage system as proposed is in accordance with the regulations, policies and procedures of the South Florida Water Management District, the Lake Worth Drainage District and the City of Greenacres for the treatment and disposal of storm drainage.

(10) Are all structures to be constructed consistent with the requirements of the South Florida Water Management District for finished floor elevations?

Findings: All structures shall be constructed with finished floor elevations according to South Florida Water Management District standards.

(11) Are recreation facilities distributed proportionally throughout the PUD, and accessible to vehicular, bicycle, and pedestrian traffic for all the residents of the PUD? Is a covered and air-conditioned community meeting and recreation space provided, size at a minimum of 8.5 sq. ft. per unit?

Findings: A 0.97 acre recreation parcel is proposed, with a 3,011 sq. ft. clubhouse, a pool, and tot lot. The common recreational facility will be accessible to all residents of the PUD via the internal roadway and sidewalk system proposed on the master plan.

(12) Is signage consistent with the provisions of Article VI (Signage)?

Findings: The applicant will be required to provide a master signage program for the project.

(13) Garbage and refuse containers. All garbage and refuse containers shall be supplied thru an entity which has a valid franchise agreement with the City.

Findings: Advanced Disposal shall provide solid waste disposal services to the site in accordance with the City franchise agreement.

- (14) **Are perimeter buffers consistent with Table 16-778 incorporated around all pods of the PUD for the purposes of providing landscaping and buffering?**

Findings: As shown above, the proposed Blossom Trail PUD will provide perimeter buffers which exceed the standards shown in Table 16-778 of the Zoning Code.

- (15) **Is the minimum open space requirements of thirty (30) percent of the total gross acreage of the PUD for single-family developments met?**

Findings: The proposed master plan will provide open space that represents 32% (10.52 acres) of the gross acreage of the 33.06 acre site. As such, Blossom Trail PUD meets the open space requirements of the Zoning Code.

PUD Residential Pod Standards (16-779):

Are the internal standards for all residential portions of the PUD shown in Table 16-779 met for lot size, coverage, width, depth, and setbacks?

Findings: The proposed master plan shows the following bulk standards. Deviations from the standards are discussed below under “Flexible Regulations”.

	Required (ZLL)	Provided
Min. Lot Size	4,500 sq. ft.	5,000 sq. ft
Max. Lot Coverage	50%	50%
Min. Lot Width	45 Feet	50 Feet
Min. Lot Depth	100 Feet	100 Feet
Front Setback	25 Feet	25 feet
Rear Setback	10 Feet	10 Feet
Side Setback	10/0 Feet	10/0 Feet
Side Corner Setback	15 Feet	15 Feet

Flexible Regulations (16-781):

The applicant is not requesting to deviate from the required land development standards by utilizing the provisions of Sec. 16-781 (Flexible Regulations).

Land Dedication (16-782):

As conditioned below, the applicant will satisfy the land dedication requirements.

VII. Staff Recommendation:

Approval of SE/PUD-20-03 through adoption of Resolution 2021-30 with the following conditions:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated November 24, 2021 and Exhibit "B" Conceptual Plan stamp-dated October 19, 2021, as hereafter defined shall apply.
2. Site and Development Plan approval is required prior to the issuance of development permits. (Planning and Building)
3. The Special Exception is limited to the 76 zero lot line single-family homes and the approval of the planned unit development (PUD).
4. In accordance with Section 16-778 (5)(D), Street trees which are consistent with the provisions of Article VII (Landscaping), shall be planted within all platted rights-of-way or within the platted lots of the subdivision within the zero lot line homes spaced no less than fifty (50) feet on center. Townhouse units shall be landscaped according to the approved landscape plans. (Planning and Building)
5. Non-compliance with any of the conditions of approval will result in withholding of building permits or Certificates of Occupancy. (Planning and Building)
6. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres".
7. All terms, conditions, safeguards and stipulations made at the time of approval for SE/ZLL/PUD shall be binding upon the applicant or any successors in interest. Deviation from any portion of the approved master plan, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval or platting procedure shall render the SE/ZLL approval null and void upon determination by the City Council.

PLANNING COMMISSION RECOMMENDATION – December 1, 2021

The Planning Commission on a motion made by Commissioner Edmundson and seconded by Commissioner Robarts, by a vote of six (6) to zero (0) ***recommended approval*** of Special Exception for Planned Unit Development ***SE/PUD-20-03 (Blossom Trail (aka Nash Trail))***, as presented by staff.

CITY COUNCIL ACTION – January 3, 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Resolution 2021-31, SP-20-03**
Blossom Trail (aka Nash Trail)

BACKGROUND

A request from Yoan Machado of WGI, agent for multiple owners for a site and development plan approval of 76 single family homes with a zero lot line and 154 townhome units for approximately 33.06 acres. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South (5650 and 5696 52nd Drive South; 5141 and 5329 Nash Trail; 5690, 5601, and 5533 Carmel Lane; 5625 50th Way South; 5595 and 5519 Haverhill Road). Concurrent petitions for a zoning change (ZC-20-04), a small-scale future land use amendment (CPA--20-04) and special exception-planned unit development (SE-PUD-20-03) are concurrently under review by the City.

The Land Development Staff has reviewed this proposal and recommended approval, followed by the Local Planning Agency recommending approval by a vote of 6-0 at their meeting on December 1, 2021.

ANALYSIS

The applicant is proposing the construction of 76 townhouse dwelling units and 154 townhome units on this 33.06-acre site. The townhouse dwellings are attached in groups of eight (5 buildings), seven (10 buildings), six (4 buildings), and five (4 buildings), with each dwelling having its own lot under fee-simple ownership. The common areas of the project will be maintained by a Homeowners Association. The applicant has provided architectural elevations, which show a maximum building height of 30', and feature architectural details on all four elevations and will be finished with roofing, colors and materials to be compatible with the adjacent housing developments. Ingress and egress to the site will be provided from Nash Trail, and an egress only access point will be located on Haverhill Road, both will be gated.

FINANCIAL INFORMATION

N/A

LEGAL

Resolution 2021-31 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of SP-20-03 through the adoption of Resolution 2021-31.

RESOLUTION NO. 2021-31

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT 230 DWELLING UNITS (76 ZERO-LOT LINE HOMES AND 154 TOWNHOMES) IN A RESIDENTIAL MEDIUM-2 (RM-2) AND A RESIDENTIAL HIGH (RH) ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION BETWEEN SOUTH HAVERHILL ROAD AND NASH TRAIL WHICH IS APPROXIMATELY 1,400 FEET NORTH OF LANTANA ROAD, AS REQUESTED BY THE PETITIONER, WANTMAN GROUP INC., AGENT FOR THE OWNERS, ANN & FRED K MENOR, AARON & FRANCES LLC, AMERICAN GERMAN CLUB INC., ERNEST & LYNNE CHEETHAM, CLAUDIA, CORNEL & COSTEL DUMITRESCU, MATTHEW GREENE, MELODY & NOE MALDONADO, SHIPLEY ENTERPRISE INC., PHILIPPE SZE, VIRGINIA WALTER AND KFIR BARANES; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Wantman Group Inc., hereinafter "Petitioner", as agent for the owners, Ann & Fred Menor, Aaron & Frances LLC, American German Club Inc., Ernest & Lynne Cheetham, Claudia, Cornel & Costel Dumitrescu, Matthew Greene, Melody & Noe Maldonado, Shipley Enterprise Inc., Philippe Sze, Virginia Walter and Kfir Baranes, has made an application for a Site Plan approval to be located within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, located at the Northwest corner of the intersection between South Haverhill Road and Nash Trail is approximately 1,400 feet North of Lantana Road; and

WHEREAS, the petitioner presented this matter to the Land Development Staff of the City of Greenacres which provided comments to the Planning and Engineering Department which, in turn, recommended approval of the Site Plan to allow for 230 dwelling units (76 Zero Lot Line Homes and 154 Townhomes), with the conditions identified herein; and

WHEREAS, the Planning Commission held a public hearing on December 1, 2021, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 6-0; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan for 230 dwelling units (76 Zero Lot Line Homes and 156 Townhomes), within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, subject to the conditions of approval and staff recommendation at the January 3, 2022 Public Hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Petition, SP-20-03, a Site Plan is hereby APPROVED for 230 dwelling units (76 Zero Lot Line Homes and 154 Townhomes), within a Residential Medium Density-2 (RM-2) and a Residential High Density (RH) zoning district, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

Legal Description

PCNs: 00-42-44-35-00-000-5480, 00-42-44-35-00-000-5030, 00-42-44-35-00-000-5490,
00-42-44-35-00-000-5190, 00-42-44-35-00-000-5370, 00-42-44-35-00-000-5430,
00-42-44-35-00-000-5300, 00-42-44-35-00-000-5080, 00-42-44-35-00-000-5170,
00-42-44-35-00-000-5500, 00-42-44-35-00-000-5440, 00-12-44-35-00-000-5200,
00-12-44-35-00-000-5010, 00-12-44-35-00-000-5450

RESIDENTIAL HIGH DENSITY:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida. COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the POINT OF

Resolution No. 2021-31 | SP-20-03 Blossom Trail PUD

Page No. 3

BEGINNING, said point being the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence, following two (2) courses being along said West right-of-way line for Haverhill Road, South 02°08'51" West, for 414.28 feet to a point of curvature with a curve concave to the West, said curve having a radius of 18,154.93 feet and a central angle of 01°46'26"; Thence Southerly along said curve for 562.10 feet to the South line of land recorded in Official Records Book 25925, Page 1423, Public Records Palm Beach County, Florida; Thence North 88°57'52" West along said South line, for 267.93 feet to a point on the East line of lands recorded in Official Records Book 13006, Page 1083, Public Records Palm Beach County, Florida; Thence South 02°07'22" West along said East line, for 321.10 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 13006, Page 1083, Official Records Book 6071, Page 1082, Official Records Book 31027, Page 668, all being of the Public Records Palm Beach County, Florida, for 800.72 feet to a point for the southwest corner of the herein described tract; Thence, the following six (6) courses over and across the parent tracts North 02°02'59" East, for 131.04 feet to a point; South 88°51'32" East, for 126.94 feet to a point; North 02°02'51" East, for 151.39 feet to a point; North 02°04'46" East, for 580.02 feet to a point; South 89°08'37" East, for 148.49 feet to a point; North 00°43'29" East, for 429.52 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 813.76 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 25.145 acres, more or less.

Resolution No. 2021-31 | SP-20-03 Blossom Trail PUD

Page No. 4

RESIDENTIAL-MEDIUM DENSITY:

A parcel of land lying within a portion of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section 35, Township 44 South, Range 42 East, Palm Beach County, Florida.

COMMENCE at the East quarter corner (E 1/4) of Section 35; Thence South 02°08'51" West along the East line of the Southeast quarter (SE 1/4) of said Section 35, for 64.15 feet; Thence North 88°51'28" West departing said East line of Section 35, for 60.43 feet to the intersection of the South right of way line of the LWDD L-15 Canal according to Official Records Book 6495, Page 761, Public Records Palm Beach County, Florida, and the West Right-of-Way line for Haverhill Road, according to Official Record Book 12022, Page 197, Public Records Palm Beach County, Florida; Thence North 89°16'39" West, continuing along said South Right-of-Way Line, for 813.76 to the POINT OF BEGINNING; Thence, the following six (6) courses over and across the parent tracts South 00°43'29" West, for 429.52 feet to a point; North 89°08'37" West, for 148.49 feet to a point; South 02°04'46" West, for 580.02 feet to a point; South 02°02'52" West, for 151.39 feet to a point; North 88°51'32" West, for 126.94 feet to a point; South 02°02'59" West, for 130.04 feet to a point on the North Right-of-Way of Nash Trail, according to Official Records Book 1689, Page 895, Public Records of Palm Beach County, Florida; Thence North 88°51'36" West along said North Right-of-Way line for Nash Trail and a common South line of lands recorded in Official Records Book 27089 Page 440 of the Public Records Palm Beach County, Florida, for 170.02 to a point on the East Right-of-Way for 52nd Drive South (formally Myers Rd.) according to Deed Book 1088, Page 518, Public Records Palm Beach County, Florida; Thence North 02°02'51" East along said East Right-of-Way for 52nd Drive South, and a common West line of lands recorded in Official Records Book 27089, Page 440, Official Records Book 30058, Page 5, all being of the Public Records Palm Beach County, Florida, for 1,007.96 feet; Thence South 89°10'24" East along a common North line of lands recorded in Official Records Book 30058, Page 5, Palm Beach County Public Records, Florida, for 297.38 feet; The following Two (2) courses being along the West, North and East lines

Resolution No. 2021-31 | SP-20-03 Blossom Trail PUD

Page No. 5

of lands recorded in Official records Book 28980, Page 91, Official records Book 8925, Page 323, all being of the Public Records Palm Beach County; Thence North 02°04'22" East, for 281.16 feet to the South Right-of-Way line for LWDD L-15 canal; Thence South 89°16'39" East along said South Right-of-Way Line, for 138.39 feet to the POINT OF BEGINNING.

Said lands lying and situate in Palm Beach County, Florida and containing 7.915 acres, more or less.

The right-of-way adjacent thereto.

CONTAINING A TOTAL OF 33.059 ACRES MORE OR LESS.

SECTION 2. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated November 24, 2021, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
2. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
3. The project shall be subject to the City's required parks and recreation and governmental services land dedication in accordance with Article IV of the Subdivision Regulations. The requirements are 2 acres per 1,000 population for governmental services and 5 acres per 1,000 population for parks and recreation. Based upon 154 multi-family units x 2.2 persons per unit = 338 / 1,000 = .338 x (5 + 2) = 2.3716 acres. Based upon 76 single-family units x 3 persons per unit = 228 / 1,000 = .228 x (5 + 2) = 1.596 acres. The total acreage for the site is 3.9676 acres. Credit for private recreation amenities provided on this site is available through section 26-51. In lieu of land dedication, the developer shall be required to pay a fee equal to the combined value of the required land dedication to be determined in accordance with Sections 12-83 and 12-93 of the City's Subdivision Regulations. The fee shall be paid prior to approval of the plat. (Engineering)
4. Documentation establishing a Homeowners Association governing aspects of the project such as uniformity of exterior colors, coordinated roof replacement, access to the private road right-of-way and parking, uniformity in fencing and accessory structures such as screen enclosures, and prohibitions against habitable space additions shall be provided to the City in a form acceptable to the City Attorney prior to approval of the plat. (Engineering and City Attorney)
5. Permits from the South Florida Water Management District, the Lake Worth Drainage

Resolution No. 2021-31 | SP-20-03 Blossom Trail PUD

Page No. 6

District, Palm Beach County Land Development, and the City of Greenacres, as required, for the storm water management system must be obtained prior to approval of the plat. (Engineering)

6. A driveway connection and/or right-of-way construction permit from Palm Beach County Land Development must be obtained prior to approval of the plat. Any existing driveway connections on site which will become redundant shall be removed and the area restored to match adjacent conditions. (Engineering)
7. Complete drainage calculations addressing water quality and quantity in accord with the requirements of the SFWMD must be submitted for review along with complete paving and drainage, water and sewer construction plans prior to approval of the plat. (Engineering)
8. Permits from the Health Department for the water and sewer system must be obtained prior to approval of the plat. (Engineering)
9. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the approval of the plat. (Planning)
10. The site must be platted prior to the issuance of building permits except for a clearing permit. (Engineering and Building)
11. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), a Storm Water Pollution Prevention Plan, Owner/Operator Certification, and Notice of Intent shall be submitted and accepted by the City prior to the issuance of building permits. (Building and Public Works)
12. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning)
13. All new utilities shall be provided underground. Appurtenances to these systems which require above-ground installation must be effectively screened from view. (Engineering and Planning)
14. All existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the Blossom Trail PUD Homeowners Association to maintain the site free from invasive plants. (Planning and Building)
15. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in Table 16-1271 of the City of Greenacres Code. (Planning)

Resolution No. 2021-31 | SP-20-03 Blossom Trail PUD

Page No. 7

16. Fences shall not be allowed in any front yards. Fences in any side yards adjacent to the internal roadway shall be set back at least 1.5' from the property line. Fences shall be of a unified and harmonious design in the community. (Planning and Building)
17. All lighting on site shall conform with the City of Greenacres Zoning Code. A site lighting plan with photometric data shall be submitted for permit approval. (Planning and Engineering)
18. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2025 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Building and Planning)
19. Any existing overhead power lines and poles which will be rendered redundant by the development of the site shall be removed prior to issuance of the last Certificate of Occupancy. (Planning and Building)
20. Diversity in architectural elevations and exterior color schemes shall be achieved by compliance with the following (Planning):
 - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).
 - b. No more than three (3) homes with the same elevation shall be placed next to each other; and,
 - c. No more than three (3) homes with the same exterior color scheme may be placed next to each other.

A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation.
21. Additional models may be submitted as a Class I Site Plan Amendment for review by City staff to ensure that the residential units are of equal or better architectural quality, and of a compatible style as compared with the model submitted and that they provide 2 garage and 2 driveway parking spaces sized per Code. (Planning)
22. All units whose side and/or rear elevations abut the internal roadway, the lake, or Nash Trail shall feature architectural detailing of a quantity and quality equal to the front elevation on those abutting elevations.
23. Lake trees shall be provided in the lake bank areas throughout the PUD, planted at a rate of 1 per 50 lineal feet. Trees shall consist of a minimum of 25% Cypress, with the balance consisting of other appropriate species such as Red Maple, etc.
24. Screen enclosures with screen roofs and open patios may only be located in the rear yard and shall provide a minimum rear setback of 5' and may have a minimum side setback of 0' on the zero lot line(s), and shall not extend beyond the unit side wall on end units. All screen enclosures shall be consistent in color, materials, and style. Hard roof enclosures are not allowed. (Planning)

25. No more than 58 Certificates of Occupancy (25% of project total) shall be issued prior to start of construction of the recreation amenities and no more than 115 Certificates of Occupancy (50% of project total) prior to the completion of the recreation amenities. (Building)
26. The developer shall enter into a Traffic Control Jurisdiction Agreement with City of Greenacres to provide for the enforcement of parking and traffic regulations within the development. This agreement must be approved by the City prior to the issuance of more than 184 Certificates of Occupancy (80% of project total). (Building and PBSO)
27. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)

SECTION 3. This resolution shall be effective shall become effective on the effective date of Ordinance 2021-05.

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RESOLVED AND ADOPTED this 3rd of day of January 2022.

Voted:

Joel Flores, Mayor

John Tharp, Deputy Mayor

Attest:

Voted:

Quintella Moorer, City Clerk

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Jonathan Pearce, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

SP-20-03 (Resolution 2021-31)
Exhibit "A"
Date: November 24, 2021

Revised: 12/01/2021



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Subject/Agenda Item:

Resolution 2021-31: SP-20-03 Blossom Trail PUD (aka Nash Trail)

Consideration of Approval: A request from Yoan Machado of WGI, agent for approval of the proposed Blossom Trail PUD project. The project consists of seventy-six (76) single-family homes with a zero-lot line design and 154 townhome units within a planned unit development. The site is located on the west side of Haverhill Road, south of Lake Worth Drainage District L-15 Canal, north of Nash Trail and south of 52nd Drive South.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☐ Quasi-Judicial

☐ Legislative

☐ Public Hearing

Originating Department:

Planning & Engineering

Project Manager

Kara L. Irwin-Ferris, AICP

Reviewed By:

Director of Planning & Engineering

Kara L. Irwin-Ferris, AICP

Approved By:

City Manager

Andrea McCue

Public Notice:

☐ Required
☒ Not Required

Dates:

Paper:

Mailing

☐ Required
☒ Not Required
Notice Distance:

Attachments:

- Survey
- Development and Site Plans
- Aerial Map

City Council Action:

☐ Approval
☐ Approve with conditions
☐ Denial
☐ Continued to: _____

I. Executive Summary

The applicant is requesting approval for 76 single-family homes with a zero-lot line site design and 154 townhome units within a Planned Unit Development (PUD). The development is proposed as a gated community with a single access point from Nash Trail, and an egress only access point along Haverhill Road, a club house with amenities, a central lake along with a landscape buffer along the property lines. Concurrent petitions for a small-scale land use amendment (CPA-20-04), a zoning change (ZC-20-04) and a Special Exception (SE/PUD-20-03) are being processed.

II. Site Data

Existing Use:	Single-Family homes
Proposed Use:	Zero Lot Line Homes and Townhomes
Parcel Control Numbers:	18-42-44-35-00-000-5200, 18-42-44-35-00-000-5010, 18-42-44-35-00-000-5170, 18-42-44-35-00-000-5450, 18-42-44-35-00-000-5080, 18-42-44-35-0-000-5300, 18-42-44-35-00-000-5500, 18-42-44-35-00-000-5480, 18-42-44-35-00-000-5190, 18-42-44-35-00-000-5490, 18-42-44-35-00-000-5440, 18-42-44-35-00-000-5430, 18-42-44-35-00-000-5370, 18-42-44-35-00-000-5030
Parcel Size:	33.06 acres
Existing Future Land Use Designation:	PBC Medium Density 5 Units per Acre (MR5) and Low Residential (LR-1)
Proposed Future Land Use Designation:	City Residential Medium Density (RS-MD) and Residential High (RH)
Existing Zoning District:	PBC Agricultural Residential (AR) and Residential Estate (RE)
Proposed Zoning District:	City Residential Medium Density (RM-2) and Residential High Density (RH)

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Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Nautica Isles	Residential Low Density (RS-LD) (COG) Residential Low, 3 – 5 dwelling unit per acre	Planned Unit Development (PUD) with an underlying Residential Low (RL-3) (COG)
<i>South</i>	Commercial and Industrial Uses	Institutional (INST) (PBC), Commercial Low, with underlying Industrial (CL/IND) (PBC)	Institutional and Public Facilities (IPF), Multiple Use Planned Development (MUPD) Zoning District (PBC), Agricultural Residential (AR) (PBC)
<i>East</i>	Verona Estates (SF) and Verona Palms (Townhomes)	City Residential Medium (RM), 7 dwelling units per acre	Residential Medium – 2 (RM-2) (COG), Residential Medium -1 (RM-1)(COG)
<i>West</i>	Residential Community	Palm Beach County Medium Residential–5 (MR-5)	Agricultural Residential (AR) (PBC), Residential Estate (RE)(PBC)

III. Annexation/Zoning History

The approximately 33.06-acre site is located in the City of Greenacres. The site is comprised of fourteen (14) parcels of land, with nine (9) single-family homes and accessory uses. Three (3) of the parcels are owned by the adjacent homeowner and house residential accessory structures, such as barns and garages. Two (2) parcels are designated as undeveloped vacant properties. Concurrent petitions for a zoning change (ZC-20-04), a site and development plan (SP-20-03) and a Special Exception (SE/PUD-20-03) are being processed for the multiple sites.

Thirteen (13) of the fourteen (14) subject properties have a Palm Beach County Medium Residential–5 (MR-5) future land use designation, which permits a maximum density of 5 dwelling units per acre. One (1) of the properties, located at 5141 Nash Trail and a portion of the parcel located at 5696 52nd Drive South, has a Palm Beach County Low Residential (LR-1) future land use designation, which permits a maximum density of 1 dwelling unit per acre.

Thirteen (13) of the fourteen (14) subject properties have a PBC zoning designation of Agricultural Residential (AR) which permits single-family residential, recreational, and agricultural uses. One (1) of the properties, located at 5141 Nash Trail has a Palm Beach County Residential Estate (RE) district zoning designation which provides a transition between the agricultural and conservation areas and more urban residential communities and to create a residential environment wherein

natural constraints applicable to development are recognized and protected in a manner compatible with the needs of residents.

The subject properties were annexed into the City as petition ANX-20-01 through a referendum vote on August 18, 2020. Initially, the City received a letter of interest from a developer that represents property owners in the area requesting to annex into the City limits. The City staff determined that the best way to pursue the annexation was by an annexation referendum, so that the registered electors in the area could vote on the issue. A public notice letter was sent to each person who resides or owns property within the area to be annexed in accordance with Section 171.042 (3), Florida Statutes. The notice is required to be mailed no later than ten days prior to the first public hearing, or no later than June 19, 2020. The letters were mailed on June 9, 2020.

On July 13, 2020, Ordinance 2020-03 was adopted by the City Council to provide for a referendum on the question of annexation for the registered electors within the proposed annexation area. The City forwarded the Ordinance and referendum language to the Palm Beach County Supervisor of Elections to prepare for a referendum of the registered electors. The city held the referendum on annexation at the next regularly scheduled election, August 18, 2020. A majority of votes (+50%) cast by registered electors residing within the annexation area was required for the referendum to pass. The referendum passed with 75% of the registered electors and the Annexation Ordinance became effective ten (10) days after the referendum, on August 28, 2020.

IV. Applicable Code Provisions:

Sec. 16-196 through 16-202 Site and Development Plans

Sec. 16-331 through 16-342 pertaining to the RM district

Sec. 16-361 through 16-372 pertaining to the RH zoning district

Sec. 16-856 through 16-863 pertaining to Townhouse Development

Sec. 16-876 through 16-887 pertaining to Zero Lot Line Development

Sec. 16-931 through 16-994 pertaining to sign regulations

Sec. 16-1241 through 16-1312 pertaining to landscaping

Sec. 16-1331 through 16-1340 pertaining to off-street parking

V. Summary of Proposed Site and Development Plan Details:

The petitioner's site and development plan documents depict the following:

1. A total land area of 33.06 acres, with a net acreage of 25.6 acres.
2. A total of 76 detached single-family zero lot line dwelling units on individual platted lots.
3. A total of 154 fee simple townhome units.
4. The Residential Medium Density (RS-MD) future land use and Residential Medium-2 (RM-2) zoning designation area has a net density of 6.3593 units per net acre (5.05 units per gross acre). The Residential High Density (RS-HD) future land use and Residential High Density (RH) zoning designation area has a net density of 9.08 units per net acre (7.55 units per gross acre). The gross density for the entire site is 6.96 units per gross acre.

5. Access to Nash Trail, with a 40' wide private road right-of-way internal to the site.
6. A minimum of 3.5 parking spaces per unit, including garages and individual driveways, with each single-family dwelling meeting its own parking requirements.
7. One 0.97 acre recreation area with a clubhouse, pool, and play areas.
8. One 4.29 acre retention lake.
9. Perimeter buffers around the entire perimeter of the project.
10. Survey.
11. A sidewalk system providing access to each unit and Nash Trail.

Table 2: Proposed Site Data			
Area:	Square Footage:	Acreage:	Percentage:
Impervious area	872,633	20.03	60.60%
Water Surface Area	186,872	4.29	12.98%
Landscape Area	271,378	6.23	18.84%
Lot Area	109,335	2.51	7.58%
<i>Total</i>	<i>1,440,218</i>	<i>33.058</i>	<i>100%</i>

VI. Staff Analysis:

Background:

The applicant is proposing the construction of 76 townhouse dwelling units and 154 townhome units on this 33.06-acre site. The townhouse dwellings are attached in groups of eight (5 buildings), seven (10 buildings), six (4 buildings), and five (4 buildings), with each dwelling having its own lot under fee-simple ownership. The common areas of the project will be maintained by a Homeowners Association. The applicant has provided architectural elevations, which show a maximum building height of 30', and feature architectural details on all four elevations and will be finished with roofing, colors and materials to be compatible with the adjacent housing developments. Ingress and egress to the site will be provided from Nash Trail, and an egress only access point will be located on Haverhill Road, both will be gated.

The petition was reviewed by the Land Development Staff (LDS) on December 26, 2020 and went out for four (4) total rounds of comments.

Land Development Staff Comments:

Planning and Engineering Dept.:	Incorporated into the staff report.
Building Department:	Incorporated into the staff report.
Fire Rescue Department:	Incorporated into the staff report
Public Works Department:	No objections.

PBSO District 16:

Incorporated into the staff report.

Other Agencies:

PBC Traffic Division:
PBC Water Utilities:

Project meets traffic performance standards.
Service is available. The applicant must enter into a Standard Developers Agreement with Palm Beach County.

MPO / Palm Tran:
LWDD:

Incorporated into the staff report..
No objections.

Standards and Staff Findings:

1. Minimum Lot Requirements:

Project zero lot line lot area of 5,000 square feet **exceeds** the minimum lot area of 4,500 square feet. Townhome lot area of 2,000 square feet **meets** the minimum lot area of 2,000 square feet.

2. Maximum Lot Coverage:

Individual lot coverage **shall not exceed** the maximum 50% per Blossom Trail PUD agreement. The individual lot coverage for the townhomes **shall not exceed** the maximum 35% per the Cluster Development regulations.

3. Minimum Yard Requirements:

Zero Lot Line Building setbacks **meet** all yard requirements of 25' front, 10' rear, 15' side corner, and 10' side interior. Townhome Lot Line Building setbacks **meet** all yard requirements of 25' front, 20' rear, 15' side corner, and 10/0' side interior.

4. Height Restrictions:

The maximum building height of 30' **does not exceed** the maximum allowable height of 35'-0".

5. Off-Street Parking and Loading:

The 805 parking spaces provided **exceed** the minimum Code requirement of 804 spaces, based on 3 spaces required for each 3 bedroom unit and .5 space per guest parking.

6. Landscaping:

The landscaping plan **complies** with the landscape requirements of the Code.

7. Sign Regulations: Permits **shall be obtained** prior to installation of any signs.
8. Utilities: The proposed water, sanitary sewer, and drainage systems **will meet** Code requirements subject to final permitting.
9. Concurrency Considerations: Project traffic **meets** traffic concurrency. Water and sewer service and capacities **are available** to serve the site.
10. Comprehensive Plan Considerations: The proposed use **is consistent** with the Residential-Medium Density (RS-MD) future land use category and the Residential - High Density (RS-HD) future land use category, and the proposed densities of 6.36 (RS-MD) and 9.08 (RS-HD) units per net acre **is within** the maximum density of 7 (RS-MD) and 10 (RS-HD) dwelling units per net acre.
11. Color Scheme: The color of the buildings **shall be** in accord with the site and development plans submitted.

VII. Staff Recommendation:

Approval of SP-20-03 with the following conditions:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated November 24, 2021 and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
2. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
3. The project shall be subject to the City's required parks and recreation and governmental services land dedication in accordance with Article IV of the Subdivision Regulations. The requirements are 2 acres per 1,000 population for governmental services and 5 acres per 1,000 population for parks and recreation. Based upon 154 multi-family units x 2.2 persons per unit = 338 / 1,000 = .338 x (5 + 2) = 2.3716 acres. Based upon 76 single-family units x 3 persons per unit = 228 / 1,000 = .228 x (5 + 2) = 1.596 acres. The total acreage for the site is 3.9676 acres. Credit for private recreation amenities provided on this site is available through section 26-51. In lieu of land dedication, the developer shall be required to pay a

fee equal to the combined value of the required land dedication to be determined in accordance with Sections 12-83 and 12-93 of the City's Subdivision Regulations. The fee shall be paid prior to approval of the plat. (Engineering)

4. Documentation establishing a Homeowners Association governing aspects of the project such as uniformity of exterior colors, coordinated roof replacement, access to the private road right-of-way and parking, uniformity in fencing and accessory structures such as screen enclosures, and prohibitions against habitable space additions shall be provided to the City in a form acceptable to the City Attorney prior to approval of the plat. (Engineering and City Attorney)
5. Permits from the South Florida Water Management District, the Lake Worth Drainage District, Palm Beach County Land Development, and the City of Greenacres, as required, for the storm water management system must be obtained prior to approval of the plat. (Engineering)
6. A driveway connection and/or right-of-way construction permit from Palm Beach County Land Development must be obtained prior to approval of the plat. Any existing driveway connections on site which will become redundant shall be removed and the area restored to match adjacent conditions. (Engineering)
7. Complete drainage calculations addressing water quality and quantity in accord with the requirements of the SFWMD must be submitted for review along with complete paving and drainage, water and sewer construction plans prior to approval of the plat. (Engineering)
8. Permits from the Health Department for the water and sewer system must be obtained prior to approval of the plat. (Engineering)
9. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the approval of the plat. (Planning)
10. The site must be platted prior to the issuance of building permits except for a clearing permit. (Engineering and Building)
11. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), a Storm Water Pollution Prevention Plan, Owner/Operator Certification, and Notice of Intent shall be submitted and accepted by the City prior to the issuance of building permits. (Building and Public Works)
12. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning)

13. All new utilities shall be provided underground. Appurtenances to these systems which require above-ground installation must be effectively screened from view. (Engineering and Planning)
14. All existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the Blossom Trail PUD Homeowners Association to maintain the site free from invasive plants. (Planning and Building)
15. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in Table 16-1271 of the City of Greenacres Code. (Planning)
16. Fences shall not be allowed in any front yards. Fences in any side yards adjacent to the internal roadway shall be set back at least 1.5' from the property line. Fences shall be of a unified and harmonious design in the community. (Planning and Building)
17. All lighting on site shall conform with the City of Greenacres Zoning Code. A site lighting plan with photometric data shall be submitted for permit approval. (Planning and Engineering)
18. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2025 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Building and Planning)
19. Any existing overhead power lines and poles which will be rendered redundant by the development of the site shall be removed prior to issuance of the last Certificate of Occupancy. (Planning and Building)
20. Diversity in architectural elevations and exterior color schemes shall be achieved by compliance with the following (Planning):
 - a. No identical homes shall be placed next to one another (i.e. same elevation with same exterior color scheme).
 - b. No more than three (3) homes with the same elevation shall be placed next to each other; and,
 - c. No more than three (3) homes with the same exterior color scheme may be placed next to each other.

A monitoring report with updated information shall be submitted by the developer with each building permit application to ensure compliance with this condition. This obligation shall be included in the Homeowners Association's documentation.
21. Additional models may be submitted as a Class I Site Plan Amendment for review by City staff to ensure that the residential units are of equal or better architectural quality, and of a

- compatible style as compared with the model submitted and that they provide 2 garage and 2 driveway parking spaces sized per Code. (Planning)
22. All units whose side and/or rear elevations abut the internal roadway, the lake, or Nash Trail shall feature architectural detailing of a quantity and quality equal to the front elevation on those abutting elevations.
 23. Lake trees shall be provided in the lake bank areas throughout the PUD, planted at a rate of 1 per 50 lineal feet. Trees shall consist of a minimum of 25% Cypress, with the balance consisting of other appropriate species such as Red Maple, etc.
 24. Screen enclosures with screen roofs and open patios may only be located in the rear yard and shall provide a minimum rear setback of 5' and may have a minimum side setback of 0' on the zero lot line(s), and shall not extend beyond the unit side wall on end units. All screen enclosures shall be consistent in color, materials, and style. Hard roof enclosures are not allowed. (Planning)
 25. No more than 58 Certificates of Occupancy (25% of project total) shall be issued prior to start of construction of the recreation amenities and no more than 115 Certificates of Occupancy (50% of project total) prior to the completion of the recreation amenities. (Building)
 26. The developer shall enter into a Traffic Control Jurisdiction Agreement with City of Greenacres to provide for the enforcement of parking and traffic regulations within the development. This agreement must be approved by the City prior to the issuance of more than 184 Certificates of Occupancy (80% of project total). (Building and PBSO)
 27. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)

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PLANNING COMMISSION RECOMMENDATION – December 1, 2021

The Planning Commission on a motion made by Commissioner Robarts and seconded by Commissioner Edmundson, voting six (6) to zero (0), ***recommended approval*** of Site Plan ***SP-20-03*** (*Blossom Trail (aka Nash Trail)*), as presented by staff.

CITY COUNCIL ACTION – January 3, 2022



ITEM SUMMARY

MEETING DATE: January 3, 2022
FROM: Andrea McCue, City Manager
SUBJECT: Planning and Zoning Board of Appeals

BACKGROUND

Pursuant to City Code Chapter 16; Article II, Division 4, Section 16-101 through 16-105; states there is a new board named Planning and Zoning Board of Appeals/Local Planning Agency which shall consist of a five (5) member advisory board with two (2) alternate members to hear, consider, and make recommendations relating to applications for annexations, zoning site and development plans and special exceptions, all of whom shall be appointed by the Mayor upon advice and consent of the City Council. The basic term of office for members of the Board shall be three (3) years. Vacancies shall be filled by the Mayor upon advice and consent of the City Council for the unexpired term of any member whose seat has become vacant. All members of the Planning and Zoning Board of Appeals shall be residents of the city except to obtain members with technical and professional expertise from within Palm Beach County to serve on the Board.

ANALYSIS

There are currently five (5) regular member vacancies and two (2) alternate member vacancies. We have received a total of seven (7) applications of interested City residents.

1. Dannette Fitzgerald
2. Robert Clements
3. Betty Anne Litowsky
4. Ann Edmundson
5. Joan Hayes
6. Sydelle Neustein
7. Emily Jacobs - Roberts

FINANCIAL INFORMATION

N/A

LEGAL

The process was prepared in accordance with all applicable state statutes and City Code requirements.

STAFF RECOMMENDATION

Staff recommends appointing members to the Planning and Zoning Board of Appeals.

