



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

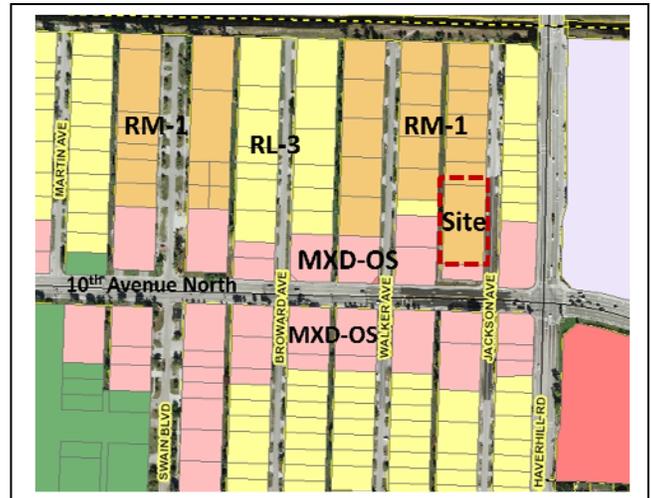
I. Project Description:

Project: Family Dollar

Petitioner: Thomas Engineering Group
125 West Indiantown Road
Jupiter, FL 33458
Agent for the owner:
G.P. and Louse C. Suggs

Request: Zoning Change from
Residential-Medium -1 (RM-1)
to Mixed Use Development –
Original Section (MXD-OS)

Location: 609 Jackson Avenue



II. Site Data:

Existing Use: Single-Family residence

Proposed Use: Retail

Parcel Control Number: 18-42-44-23-02-018-0010

Parcel Size: 0.746 acres (32,500 square feet)

Existing Future Land Use Designation: Residential-Medium Density (RS-MD)

Proposed Future Land Use Designation: Mixed-Use (MU)

Existing Zoning District: Residential Medium - 1 (RM-1)

Proposed Zoning District: Mixed Use Development – Original Section (MXD-OS)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Duplex	Residential-Medium Density (RS-MD)	Residential Medium-2 (RM-2)
<i>South</i>	Vacant	Mixed Use (MU)	Mixed Use Development - Original Section (MXD-OS)
<i>East</i>	Vacant Property and Single-family Homes	Mixed Use (MU) and Residential-Low Density (RS-LD)	Mixed Use Development - Original Section (MXD-OS) and Residential Low-3 (RL-3)
<i>West</i>	Triplex, Single-family home and vacant	Residential-Low Density (RS-LD), Residential-Medium Density (RS-MD), and Mixed Use (MU)	Residential Low-3 (RL-3), Residential Medium-1 (RM-1), and Mixed Use Development-Original Section (MXD-OS)

III. Annexation/Zoning History:

On October 18, 1999, the subject site was annexed into the City of Greenacres as petition ANX-99-05 (Ord. #99-36) through an Interlocal Agreement (County Resolution #R99-2414D) with Palm Beach County. On May 2, 2005, via petition CPA-05-02 (Ord. #2005-07), the subject site was given a land use designation of Residential-Medium Density (RS-MD) replacing the Palm Beach County High Residential 8 (PBC HR8) designation. The subject site was rezoned concurrently via petition ZC-05-02 (Ord. #2005-08) from Palm Beach County Residential Medium to City of Greenacres Residential Medium-1 (RM-1).

On January 26, 2001, a charrette was held to plan a new vision for the 10th Avenue North Corridor located within the "Original Section." Resulting from the charrette, the comprehensive plan was amended on May 6, 2002 to allow for a new zoning district consistent with the Mixed Use (MU) land use and on October 7, 2003 the Mixed Use Development-Original Section (MXD-OS) zoning district was created. This district is targeted for the area along or within 300 feet north and south of 10th Avenue North, between Haverhill Road and the Lake Worth Drainage District (LWDD) E-3 Canal.

Petitions for a comprehensive plan amendment (CPA-15-07), site plan (SP-15-05) and abandonment of a portion of the City's alley (AB-15-01) are being processed concurrently with the rezoning (ZC-15-07). The application for the site plan approval includes three additional parcels and is requesting approval to construct a single-story 8,687 square foot retail building. The proposed zoning change will provide for consistent Mixed Use Development – Original Section (MXD-OS) zoning of the subject site with the three other parcels within the proposed Family Dollar development. The subject site is 0.746 acres (32,500 square feet) and developed with a single-family home that was built in 1945.

IV. Applicable Comprehensive Plan Provisions:

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

1. Future Land Use Element

Objective 8, Policy c)

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 13 and 15 through 16 omitted for brevity) * * * *

- (14) Mixed Use Development-Original Section -- 20%-30% lot coverage, 0.30-0.35 FAR for Commercial and Office Uses, and 6 residential units per net acre for Residential use.

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.

V. Applicable City Code Provisions:

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

Division 16. Mixed Use Development–Original Section (Section 16-573 through 16-588)

The mixed use development-original section (MXD-OS) district is intended to provide a mix of commercial and residential uses to be located along 10th Avenue North, between Haverhill Road and the Lake Worth Drainage District E-3 Canal, that will serve the residents of the original section of the city, as well as provide for specific commercial uses with minimal adverse impacts to serve a greater area. The district is not intended for use by major or large scale commercial or service concerns. Professional and business offices and service establishments and uses that specifically address the needs of surrounding residents are encouraged. Orientation to, and compatibility with, the neighborhoods to be served are critical. The district shall be designed and regulated to eliminate potential land use conflicts that may impact surrounding residential areas.

The Mixed Use Development – Original Section (MXD-OS) is the zoning district designed specifically for the 10th Avenue North Corridor; therefore it is consistent with the proposed Mixed-Use land use designation for the site and compatible with the adjacent area.

VI. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on September 10, and September 17, 2015, and recommended for approval.

Planning and Engineering Dept.:	Incorporated into the staff report.
Building Department:	No objections.
Public Safety Department:	No objections.
Public Works Department:	No objections.

Summary of Proposed Site and Development Plan Details:

The petitioner's concept plan stamp-dated December 21, 2015 depicts the following:

1. A total land area of 1.636 acres (71,275 square feet).
2. A one-story 8,687 square foot retail building.
3. A total of 37 parking spaces, including 2 handicapped spaces.
4. Two vehicular access points, one on Jackson Avenue and one on Walker Avenue.
5. Three pedestrian access points, to the public sidewalk system, one each on Jackson Avenue, Walker Avenue and 10th Avenue North.
6. Landscape buffers around the perimeter of the project and landscaping internal to the site.

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 Residential Medium -1 (RM-1) to Mixed Use Development-Original Section (MXD-OS) is consistent with the City's future land use element of the Comprehensive Plan to promote infill and to use innovative land use techniques to promote the flexibility of development within the City. The proposed rezoning is within the 'target area' of the MXD-OS zoning district that was established when the zoning district was created in 2003. The proposed MXD-OS zoning is also consistent with the proposed Mixed Use (MU) future land use designation.

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

Finding: The proposed Mixed Use Development-Original Section (MXD-OS) zoning district is compatible with the existing mix of commercial, office, and residential uses in the area. This district was tailored specifically for this area of the City.

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

Finding: This proposed zoning change will not create an isolated zoning district. The change is consistent with the Mixed Use Development-Original Section (MXD-OS) zoning district of the adjacent parcels along 10th Avenue North. This district was envisioned to eventually encompass all of 10th Avenue North between the E-3 Canal and Haverhill Road to a depth of approximately 300 feet north and south of 10th Avenue North.

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

Finding: This site is surrounded by developed residential uses, commercial land uses and undeveloped parcels. The proposed impacts from the rezoning have been determined to not have a negative effect on existing public facilities.

In addition, the City undertook an extension of public sewer infrastructure in this area to encourage development and redevelopment as a furtherance of the goals set forth from the original Charrette in 2001 and subsequent comprehensive planning and zoning amendments for the 10th Avenue North Corridor. The extension of needed infrastructure has had the intended consequence of encouraging development along the corridor.

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

Finding: The existing district boundary creates conflicts between existing conditions and the City's new vision for the area and is therefore, no longer logical. The Mixed

Use Development – Original Section district is envisioned to eventually encompass all of 10th Avenue North between the E-3 Canal and Haverhill Road to support redevelopment efforts along the 10th Avenue North Corridor. The site will become part of a larger site envisioned for a cohesive development plan adjacent to 10th Avenue North.

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

Finding: The past history of the 10th Avenue North corridor through the Original Section shows that previous purely commercial suburban zoning designations have had only limited success. The City created the mixed-use district as a result of the January 2001 Charrette and the subject site specific request will help expand the district as intended. This rezoning is needed in order to have a consistent zoning designation with the other parcels that will make up the master development site for the Family Dollar retail building. This amendment is required in order to replace the existing Residential Medium – 1 (RM-1) zoning with the Mixed Use Development-Original Section (MXD-OS) district consistent within the 10th Avenue North Corridor.

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

Finding: the proposed zoning amendment will have no significant impacts on the roadway networks.

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

Finding: The proposed zoning change will not adversely affect living conditions in the area. The site will include adequate landscaping, setbacks, and buffering for any future projects and is consistent with uses already in the area. The MXD-OS district was specifically created to improve living conditions in the area by creating greater aesthetic harmony and economic vitality.

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

Finding: The past history of the 10th Avenue North corridor through the Original Section shows that previous purely commercial suburban zoning designations have had only limited success and changing conditions have made purely residential lots in close proximity to 10th Avenue North obsolete. The City created the mixed-use district as a result of the January 2001 Charrette and the subject site specific request will help further implement this district.

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

Finding: As evidenced by the findings above, the proposed zoning change does not constitute a special privilege for the property owner because the change is consistent with existing land use patterns, surrounding zoning designations, and the community's desire for positive change in this older commercial corridor.

VII. Staff Recommendation:

Approval of ZC-15-07 through the adoption of Ordinance 2016-02.

PLANNING COMMISSION RECOMMENDATION – January 6, 2016

The Planning Commission on a motion made by Commissioner Clements and seconded by Commissioner Chambers, by a vote of six (6) to zero (0), *recommended approval* of Zoning Change **ZC-15-07** (*Family Dollar*), as presented by staff.

CITY COUNCIL ACTION First Reading – January 19, 2016

CITY COUNCIL ACTION Adoption Hearing – February 1, 2016

Samuel J. Ferreri, Mayor

Attest:

Denise McGrew, City Clerk

Attachments:

1. Conceptual Site Plan
2. Survey
3. Aerial Location Map
4. Ordinance 2016-02