



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

I. Project Description:

Project: Southwest corner of Lake Worth Road and South Military Trail

Petitioner: City of Greenacres
Planning & Engineering Dept.
5800 Melaleuca Lane
Greenacres, FL 33463

Request: Zoning Change from Palm Beach County Urban Infill (UI) to City Commercial Intensive (CI)

Location: The southwest corner of Lake Worth Road and South Military Trail at 4558 and 4562 Lake Worth Road and 4065, 4101, and 4215 South Military Trail



II. Site Data:

Existing Use: Retail, Commercial, and Restaurant

Proposed Use: Retail, Commercial, and Restaurant

Parcel Control Numbers: 00-42-44-25-00-000-3050
00-42-44-25-00-000-3021
00-42-44-25-00-000-3070
00-42-44-25-00-000-3040
00-42-44-25-45-001-0000

Parcel Size: 7.493 acres (326,395 square feet)

Existing Future Land Use Designation: PBC Urban Infill (UI)

Proposed Future Land Use Designation: City Commercial (CM)

Existing Zoning District: PBC Urban Infill (UI)

Proposed Zoning District: City Commercial Intensive (CI)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	CVS Pharmacy and Mil-Lake Plaza	City Commercial (City CM)	City Commercial Intensive (City CI)
<i>South</i>	Countryside townhouses and Tax Collector's Service Center	PBC High Residential - 8 (PBC HR-8) and PBC Urban Infill (UI)	PBC Residential Medium (PBC RM) and PBC Urban Infill (UI)
<i>East</i>	Jiffy Lube, Auto Glass, Body Shop and Salvage Yard, Self-Storage, and Action Supply Company	Village of Palm Springs Commercial (VOPS COM), PBC Commercial High/8 (PBC CH/8), and PBC Urban Infill (PBC UI)	Village of Palm Springs Commercial General (VOPS CG), PBC Commercial General (PBC CG), and PBC Urban Infill (PBC UI)
<i>West</i>	Auto Zone and Countryside townhouses	City Commercial (City CM) and PBC High Residential - 8 (PBC HR-8)	City Commercial Intensive (City CI) and PBC Residential Medium (PBC RM)

III. Annexation/Zoning History:

The approximately 7.493 acres of land are located in unincorporated Palm Beach County within the identified Future Annexation Area of the City. The subject four (4) parcels are part of an area to be annexed that consists of five (5) individual parcels each having a Palm Beach County future land use designation of Urban Infill (PBC UI) and a Palm Beach County zoning designation of Urban Infill (PBC UI).

Concurrent petitions for a City-initiated annexation (ANX-16-02) for five parcels totaling 10.773 acres and a comprehensive plan amendment (CPA-16-04) for the four subject parcels totaling 7.493 acres are being processed.

Parcel 1 (4558 Lake Worth Road)

Aloha Shopping Center (commonly known as Office Depot Plaza) is a retail shopping center built in 1973 and consisting of 55,486 square feet according to the Palm Beach County Property Appraiser (57,142 square feet according to Palm Beach County approved case CA00-038). Uses on site include an Office Depot, a pet shop, a laundromat, and a Family Dollar and there are two ingress/egress points each on Lake Worth Road and South Military Trail. In addition, it contains a 150 foot tall cellular communications tower which was approved by Palm Beach County on January 28, 1998 as petition No. DRC96-123. Through various site plan amendments approved by the County, the tower is currently approved for 3 carriers with associated ground equipment including a generator. Since this use is only allowed by the City Zoning Code on property with a Government Use zoning designation, the cellular communications tower shall be considered a legal non-conforming use and must be removed in the event the use is discontinued.

Parcel 2 (4562 Lake Worth Road)

According to the Palm Beach County Property Appraiser's public records, the existing 3,692 square foot International House of Pancakes (IHOP) restaurant was built on this 0.2109-acre site in approximately 1976. The site has access through the Aloha Shopping Center, which has two ingress/egress locations each on Lake Worth Road and South Military Trail.

Parcel 3 (4065 S. Military Trail)

The 1.0392 acre site currently has a 10,000 square foot retail building under construction which was approved by Palm Beach County on August 29, 2014 as petition No. W2014-00288 through Resolutions 2014-1228 and 2014-1229 for an O’Reilly Auto Parts store. The site has direct access to S. Military Trail and is not connected to Aloha Shopping Center. In accord with the City’s past practice, the existing Palm Beach County approval will be accepted as a valid City approval and a case number will be assigned for filing purposes. Any changes to the use or site plan will be required to meet the City Code.

Parcel 4 (4101 S. Military Trail)

According to the Palm Beach County Property Appraiser’s public records, the existing Florida Power and Light (FPL) substation was built on this 0.7149-acre site in approximately 1980. The site has access directly onto South Military Trail and has no interconnectivity to the adjacent Aloha Shopping Center.

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 10 and 12 through 16 omitted for brevity) ****

- (11) Commercial Intensive – 30% lot coverage, 0.35 FAR

Objective 11, Policies a, b, & c)

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill and designating future land use densities based upon levels of services and the availability of services and facilities.

Policy a)

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. “Consistent and compatible with the established land use pattern” shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

Policy b)

Infill development shall be promoted within existing areas to discourage the harmful effects of leapfrog development.

Policy c)

Future timing of appropriate land use densities and intensities will be determined by the established levels of services and the availability of services and facilities to meet the established levels.

V. Applicable City Code Provisions:

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

Division 11. Commercial Intensive (*Section 16-496 through 16-506*)

The commercial intensive (CI) district is intended for intensive, highly automotive oriented uses that require a conspicuous and accessible location along thoroughfares designated as major arterials in the comprehensive plan. Permitted uses and special exceptions within this designation require larger land areas with ample off-street parking and off-street loading space. This district provides the greatest variety of uses among commercial districts and serves a geographical area that extends beyond the city limits. This district may accommodate certain light manufacturing, processing, wholesaling and storage and warehousing uses when it is clearly demonstrated that such uses are compatible with other uses in the district. It is not the intent of this district that it shall be used to encourage the extension of strip commercial areas.

VI. Staff Analysis:

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on June 16, 2016, and recommended for approval.

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

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 Commercial Intensive (CI) zoning will be consistent with the property's proposed Commercial future land use designation. The CI district is intended for intensive, highly automotive oriented uses and allows the provision of a large range of commercial uses in support of the Goals, Objectives, and Policies of the Comprehensive Plan directing commercial activity to major intersections.

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

Finding: The proposed Commercial Intensive (CI) zoning district is compatible with the existing mix of commercial uses in the area, both in the City and in the County. This designation is consistent with the predominant City Commercial Intensive (CI) zoning district along Lake Worth Road and South Military Trail and compatible with the County Urban Infill and Palm Springs Commercial General zoning districts nearby.

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

Finding: This proposed zoning change will not create an isolated zoning district. The parcels are located at the intersection of Lake Worth Road and South Military Trail at a commercialized intersection with existing commercial uses and designations on all four sides including an identical designation to the north and part of the west.

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

Finding: This developed site is surrounded by developed commercial land uses on 3 sides. Any future expansion or redevelopment of the site will be required to show that concurrency for all applicable agencies will be satisfied.

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

Finding: The properties are being annexed into the City and therefore require an appropriate City zoning designation.

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

Finding: The properties are being annexed into the City and therefore require an appropriate City zoning designation.

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

Finding: The proposed change will replace the existing County commercial-type zoning designation with a City commercial zoning designation which allows similar uses and less intensity of development. Thus traffic and public safety will not be negatively impacted. Furthermore, any redevelopment must satisfy Traffic Performance Standards as part of the site plan approval process.

- (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 parcels are currently developed and are expected to continue in their current use; any future projects will be required to include adequate landscaping, setbacks, and buffering in accordance with the City Zoning Code.

- (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, the property's proposed future land use, the surrounding zoning designations, and the existing County zoning designation.

VII. Staff Recommendation:

Approval of ZC-16-02 through the adoption of Ordinance 2016-24.

PLANNING COMMISSION RECOMMENDATION – August 3, 2016

The Planning Commission on a motion made by Commissioner Tronco and seconded by Commissioner Emmanuel, by a vote of six (6) to zero (0), ***recommended approval*** of Zoning Change ***ZC-16-02 (Lake Worth Road and South Military Trail)***, as presented by staff.

CITY COUNCIL ACTION First Reading – August 15, 2016

CITY COUNCIL ACTION Adoption Hearing – September 8, 2016

Samuel J. Ferreri, Mayor

Attest:

Denise McGrew, City Clerk

Attachments:

1. Aerial Location Map
2. Zoning Map
3. Ordinance 2016-24