

**CITY OF PALM BEACH GARDENS  
PLANNING, ZONING, AND APPEALS BOARD  
Agenda Cover Memorandum**

**Meeting Date: September 13, 2016  
Petition: ANN-16-05-000009**

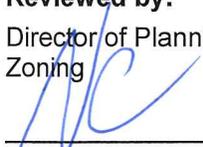
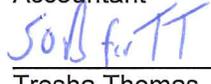
**Subject/Agenda Item:**

**ANNX-16-05-000009 – A 96.80-acre Parcel Annexation Request**

**Public Hearing & Recommendation to City Council:** A request from Salvatore J. Balsamo Trust for a Voluntary Annexation of a 96.80-acre parcel located on the north side of Northlake Boulevard approximately 3/4-quarter miles east of Coconut Boulevard.

**Recommendation to APPROVE**

**Recommendation to DENY**

<p><b>Reviewed by:</b> Director of Planning &amp; Zoning  _____ Natalie M. Crowley, AICP</p> <p>Development Compliance  _____ Bahareh Wolfs, AICP</p> <p>City Attorney  _____ R. Max Lohman, Esq.</p> <p><b>Approved By:</b> City Manager  _____ Ronald M. Ferris</p>	<p><b>Originating Dept.:</b> Planning &amp; Zoning: Project Manager  _____ Dawn C. Sonneborn, AICP, Principal Planner</p> <p><input checked="" type="checkbox"/> Quasi – Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Public Hearing</p> <p><b>Advertised:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 9/2/16 Paper: Palm Beach Post</p> <p><b>Affected parties:</b> <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required</p>	<p><b>Finance:</b> Accountant  _____ Tresha Thomas</p> <p><b>Fees Paid:</b> <u>N/A</u></p> <p><b>Funding Source:</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p> <p><b>Budget Acct.#:</b> <u>N/A</u></p> <p>Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p><b>PZAB Action:</b> <input type="checkbox"/> Rec. Approval <input type="checkbox"/> Rec. App. w/ Conds. <input type="checkbox"/> Rec. Denial <input type="checkbox"/> Continued to: _____</p> <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Development Application</li> <li>• Location Map</li> <li>• Map A.4 Potential Future Annexation Map</li> </ul>
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## **EXECUTIVE SUMMARY**

This is a request from the Salvatore J. Balsamo Trust for a 96.80-acre site for voluntary annexation. The land is located at the north side of Northlake Boulevard approximately 3/4-quarter miles east of Coconut Boulevard. The subject site is within unincorporated Palm Beach County and consists of vacant agricultural land. The voluntary annexation petition satisfies all criteria of Section 171.044, Florida Statutes, and the property is within a potential annexation area on the Map A.4. *Potential Future Annexation* of the City's Comprehensive Plan.

## **BACKGROUND**

The subject property is located on Map A.4.-*Potential Future Annexation* of the City's Comprehensive Map series. The Applicant is requesting voluntarily annexation into the City of Palm Beach Gardens. The 96.80 acres consists of one (1) parcel under single ownership. The City has received the owner's consent and signature. Therefore, it is eligible for annexation through the voluntary process per Chapter 171.044, F.S.

## **LAND USE & ZONING**

The subject site currently has a Palm Beach County Future Land Use designation of Rural Residential 1 unit/10 acres (RR-10), and a County zoning designation of Agricultural Residential (AR). The subject site is adjacent to the City's Sandhill Crane municipal golf course to the east, the Avenir Planned Community Development (PCD) district to the north and the west, and Northlake Boulevard to the south. The existing uses, zoning districts, and future land use designations of the adjacent properties are summarized in Table 1.

*(The remainder of this page left intentionally blank.)*

**Table 1. Existing Zoning and Land-Use Designations**

<b>EXISTING USE</b>	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<u>Subject Property</u> Vacant Agricultural Land	Agricultural Residential (AR) Palm Beach County	Rural Residential 1 unit/10 acres (RR-10) Palm Beach County
<u>North</u> Vacant Civic/Recreation Parcel G, Avenir PCD Palm Beach Gardens	MXD with Planned Unit Development (PCD) District Overlay Palm Beach Gardens	Mixed Use Development (MXD) Palm Beach Gardens
<u>West</u> Vacant Residential Parcel A, Avenir PCD Palm Beach Gardens	Mixed Use Development (MXD) with Planned Community Development (PCD) Overlay District Palm Beach Gardens	Mixed Use Development (MXD) Palm Beach Gardens
<u>South</u> Northlake Boulevard; Across Northlake Boulevard is Bay Hill Estates residential community Palm Beach County	Residential Estate (RE) Palm Beach County	Rural Residential 1 unit/2.5 acres (RR-2.5) Palm Beach County
<u>East</u> Golf Course Palm Beach Gardens	Public/Institutional (P/I) Palm Beach Gardens	Golf (G) Palm Beach Gardens

**CONSISTENCY WITH FLORIDA STATUTES**

Section 171.044, Florida Statutes, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

*(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.*

Staff Comment: The subject site is located within unincorporated Palm Beach County and is contiguous on three (3) sides to the City's municipal boundaries (north, east and west) and is reasonably compact. The parcel is concentrated in a single area and is included in the Map A.4.-Potential Future Annexation of the City's Comprehensive Plan. Therefore, the proposed annexation is consistent with this Section of the Florida Statutes.

*(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for two consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for*

*four (4) consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.*

Staff Comment: The subject property is under single-ownership and the City has received the signature of the property owner of the area to be annexed. Prior to the adoption of the Ordinance by the City Council for annexation, the notice (ad) will be published once each week for two (2) consecutive weeks in the City's local newspaper (The Palm Beach Post), as required by this Florida Statute.

*(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.*

Staff Comment: This requirement shall be satisfied within seven (7) days of adoption by the City Council of the Ordinance.

*(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.*

Staff Comment: Palm Beach County has been directly notified of the submission of this voluntary annexation petition. On July 26, 2016 the Preliminary Notification, as outlined in the Palm Beach County Voluntary Annexation Process Overview as governed by Chapter 177.044 F.S. and Ordinance 2007-018 was completed. This was accomplished through a letter mailed to Ms. Verdenia Baker, County Administrator, with copies to the Palm Beach County Planning Director Lorenzo Aghemo, Principal Planner Patricia Behn, and Planner Nicole Delsoin of the Palm Beach County Planning Division as instructed in the Palm Beach County overview documentation. In addition, Ordinance 2007-018 requires the City to hold the first reading of the Ordinance, and upon approval on first reading, the City must provide a copy of the Ordinance and a letter to the County Planning Director stating that the City has adopted the Ordinance on first reading. This is due to the subject site being located within the County's Unincorporated Protection Area as shown on Map ICE 1.1 of the County's Comprehensive Plan Map Series. The Palm Beach County Staff will present the agenda item to the Board of County Commissioners (BCC) at a public hearing. Upon a motion to approve with a super majority vote, the County Staff will provide a copy of the approved motion to the Palm Beach County City Clerk. Then the City must hold its second reading and adoption of the voluntary annexation Ordinance.

*(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.*

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b). The subject property is not enclosed and bounded on all sides by the City, and it is not enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. Northlake Boulevard, located to the south is located within unincorporated Palm Beach County.

*(6) Not fewer than ten (10) days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.*

Staff Comment: A copy of the notice will be provided via certified mail to the Board of County Commissioners no fewer than ten (10) days prior to publishing the ordinance notice in the Palm Beach Post as required.

## **LEVEL OF SERVICE ANALYSIS (LOS)**

### Water and Wastewater

The property is located within the Seacoast Utility Authority (SUA) sewer service area. Subject to prevailing fees, charges, policies and practices, SUA proposes to provide sanitary sewer service collection, distribution and treatment. Service for future development will be provided through the existing Interlocal Agreement between Palm Beach County and SUA for the Purchase and Sale of Bulk Potable Water and Wastewater Service. The Applicant has submitted companion Comprehensive Plan Map Amendment and Rezoning petitions for the subject property proposing a 97 single-family unit residential development. These petitions are currently under the Development Review Committee process. The proposed development will generate 33,000 of total gallons per day (GPD) of potable water and 24,000 GPD of sanitary sewer. SUA has issued a letter which indicates that SUA currently has sanitary sewer and potable water capacity to serve the proposed development. The proposed project meets the City's sanitary sewer LOS standard of 107 gallons per resident per day and the potable water LOS standard of 189 gallons per resident per day.

### Solid Waste

The property is located in the Solid Waste Authority of Palm Beach County (SWA) service area who is the provider of solid waste disposal and recycling services. SWA has provided a letter providing certification that SWA has disposal capacity available to accommodate the proposed 97-unit development. Capacity is available for the coming year, and the five- (5) year, and ten- (10) year planning periods. The North County Landfill has an estimated 25,557,627 cubic yards of landfill capacity remaining. SWA has completed construction of a second Waste-to-Energy facility and began operation of the facility in 2015. This will significantly extend the useful life of the landfill. The Applicant has sufficiently demonstrated that the proposed project will meet the City's LOS standard for solid waste of 7.13 lbs per day, twice per week.

### Recreation

The City's current citywide recreation and open space inventory total is approximately 348.39 acres. Based on the current population, the City exceeds the LOS of 5.0 acres per 1,000 population. Using the City's adopted 2.35 persons per household ratio, the proposed development will generate an estimated 228 residents or a total of 0.23 acres of improved neighborhood and community parks and other recreation and open space facilities. A letter from the City's Recreation Division dated August 25, 2016, 2016, confirming the LOS being met has been received.

### Drainage

The proposed surface water management system will be designed to meet the requirements of the South Florida Water Management District's Basis of Review, the City, the Northern Palm Beach County Water Control District, and all other applicable permitting agencies with jurisdiction over the proposed development. Legal positive outfall is available via discharge to the water management system in the adjacent Avenir residential development with ultimate outfall northeasterly to the water catchment area. A drainage statement has been provided that demonstrates the proposed development meets the LOS standard of the City for Drainage at a 3-day, 25-year event. The City Engineer has certified the drainage for the project can be provided.

### Public Safety

The Police Department (letter dated July 26, 2016) and Fire Department (letter dated July 20, 2016) have indicated they have the capacity to serve the proposed annexation area and proposed future development to maintain the police and fire Levels of Service.

### Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct, adverse impacts on the adopted Level of Service (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

## **CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN**

The proposed annexation area is included in the City's Potential Future Annexation Area (Map A.4.) as outlined in the City's Comprehensive Plan.

### **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of ANNX-16-05-000009 for the 96.80-acre parcel based upon the following findings of fact:

- The subject annexation request is consistent with Florida Statutes, Chapter 171.044

**CITY OF PALM BEACH GARDENS**  
**DEVELOPMENT APPLICATION**

**Planning and Zoning Department**  
**CITY OF PALM BEACH GARDENS**  
10500 North Military Trail  
Palm Beach Gardens, FL 33410  
(561) 799-4243 Fax (561) 799-4281

**Request:**

- |   |   |
|---|---|
| <input type="checkbox"/> Planned Community Development (PCD)            | <input checked="" type="checkbox"/> Annexation              |
| <input checked="" type="checkbox"/> Planned Unit Development (PUD)      | <input checked="" type="checkbox"/> Rezoning                |
| <input type="checkbox"/> Amendment to PCD, PUD or Site Plan             | <input type="checkbox"/> Site Plan Review                   |
| <input type="checkbox"/> Conditional Use                                | <input checked="" type="checkbox"/> Concurrency Certificate |
| <input checked="" type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension                     |
| <input type="checkbox"/> Administrative Approval                        | <input type="checkbox"/> Miscellaneous                      |
| <input type="checkbox"/> Administrative Appeal                          | <input type="checkbox"/> Other _____                        |
- Date Submitted: \_\_\_\_\_

**Project Name:** Balsamo Property

**Owner:** Salvatore J Balsamo Trust

**Applicant (if not Owner):** \_\_\_\_\_

**Applicant's Address:** 280 Tradewind Dr, Palm Beach, FL 33411 **Telephone No.:** 312-608-3445

**Agent:** Cotleur & Hearing

**Contact Person:** Kathryn Dewitt, AICP **E-Mail:** kdewitt@cotleur-hearing.com

**Agent's Mailing Address:** 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

**Agent's Telephone Number:** 561-747-6336 x 110

<b>FOR OFFICE USE ONLY</b>	
Petition Number: _____	Date & Time Received: _____
<b><u>Fees Received</u></b>	
Application \$ _____	Engineering \$ _____
Receipt Number: _____	



Architect: N/A

Engineer: Simmons & White

Planner: Cotleur & Hearing

Landscape Architect: Cotleur & Hearing

**Site Information:**

**Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.**

General Location: Northwest corner of the intersection of Northlake Blvd and Golf Course Road

Address: 11401 Northlake Blvd.

Section: 14 Township: 42 Range: 41

Property Control Number(s): 00-41-42-14-00-000-3010

Acreage: 97.3604 Current Zoning: PBC - AR Requested Zoning: RE

Flood Zone \_\_\_\_\_ Base Flood Elevation (BFE) – to be indicated on site plan \_\_\_\_\_

Current Comprehensive Plan Land Use Designation: PBC - RR-10

Existing Land Use: PBC - RR-10 Requested Land Use: RL

Proposed Use(s) i.e. hotel, single family residence, etc.: Residential

Proposed Square Footage by Use: N/A

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):  
97 Single Family Residences

**Justification**

Information concerning all requests (attach additional sheets if needed.)  
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: The Applicant is proposing to annex the subject property into the City of Palm Beach Gardens. Concurrent Future Land Use, Rezoning, Site Plan, and Concurrency applications have been submitted for Staff's Review.

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2. What will be the impact of the proposed change on the surrounding area?  
The proposed residential use is consistent with the existing and approved uses in the surrounding area.

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3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.  
The City's vision for the western portion of the City is for low density residential communities, which the proposed development is consistent with.

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4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

A detailed environmental application has been included with the concurrent Rezoning/Site Plan application submitted to the City.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

N/A

6. Has project received concurrency certification?

No.

Date Received: \_\_\_\_\_

**Legal Description of the Subject Property**

(Attach additional sheets if needed)

**Or see attached deed for legal description.**

**Location**

The subject property is located approximately 00 mile(s) from the intersection of Northlake Blvd and Golf Course Road, on the  north,  east,  south,  west side of Northlake Blvd. (street/road).

**Statement of Ownership and Designation of Authorized Agent**

Before me, the undersigned authority, personally appeared Salvatore J Balsamo  
\_\_\_\_\_ who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Annexation / FLU / Rezoning / Site Plan / Concurrency in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Cottleur & Hearing to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner Salvatore J Balsamo Trust

Signature of Owner \_\_\_\_\_

280 Tradewind Drive

Street Address \_\_\_\_\_

P. O. Box \_\_\_\_\_

312-608-3445

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

Sworn and subscribed before me this \_\_\_\_\_

4<sup>th</sup>

day of \_\_\_\_\_

April

2016

Brittany Lee  
Notary Public

My Commission expires:

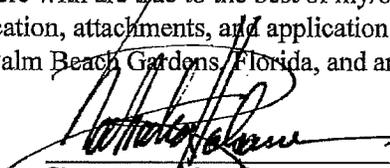
Nov 20, 2019



**Applicant's Certification**

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:

  
\_\_\_\_\_  
Signature of Applicant

Owner

Salvatore J Balsamo

\_\_\_\_\_  
Print Name of Applicant

Optionee

280 Tradewind Drive

\_\_\_\_\_  
Street Address

Lessee

Palm Beach, FL 33480

\_\_\_\_\_  
City, State, Zip Code

Agent

312-608-3445

\_\_\_\_\_  
Telephone Number

Contract Purchaser

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address



Palm Beach Gardens Planning and Zoning Department  
10500 North Military Trail, Palm Beach Gardens, FL 33410  
561-799-4230

Permit # \_\_\_\_\_

**Financial Responsibility Form**

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbusement purposes. All activities related to the pending permit(s) will cease until any outstanding invoices are paid.

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

[Signature]  
Owner signature

4/4/16  
Date

Salvatore J Balsamo  
Owner printed name

00-41-42-14-00-000-3010  
Property Control Number

**DESIGNEE/BILL TO:**  
Salvatore J Balsamo  
280 Tradewind Drive  
Palm Beach, FL 33480

\_\_\_\_\_  
Designee Acceptance Signature

**NOTARY ACKNOWLEDGEMENT**

STATE OF Florida  
COUNTY OF Palm Beach

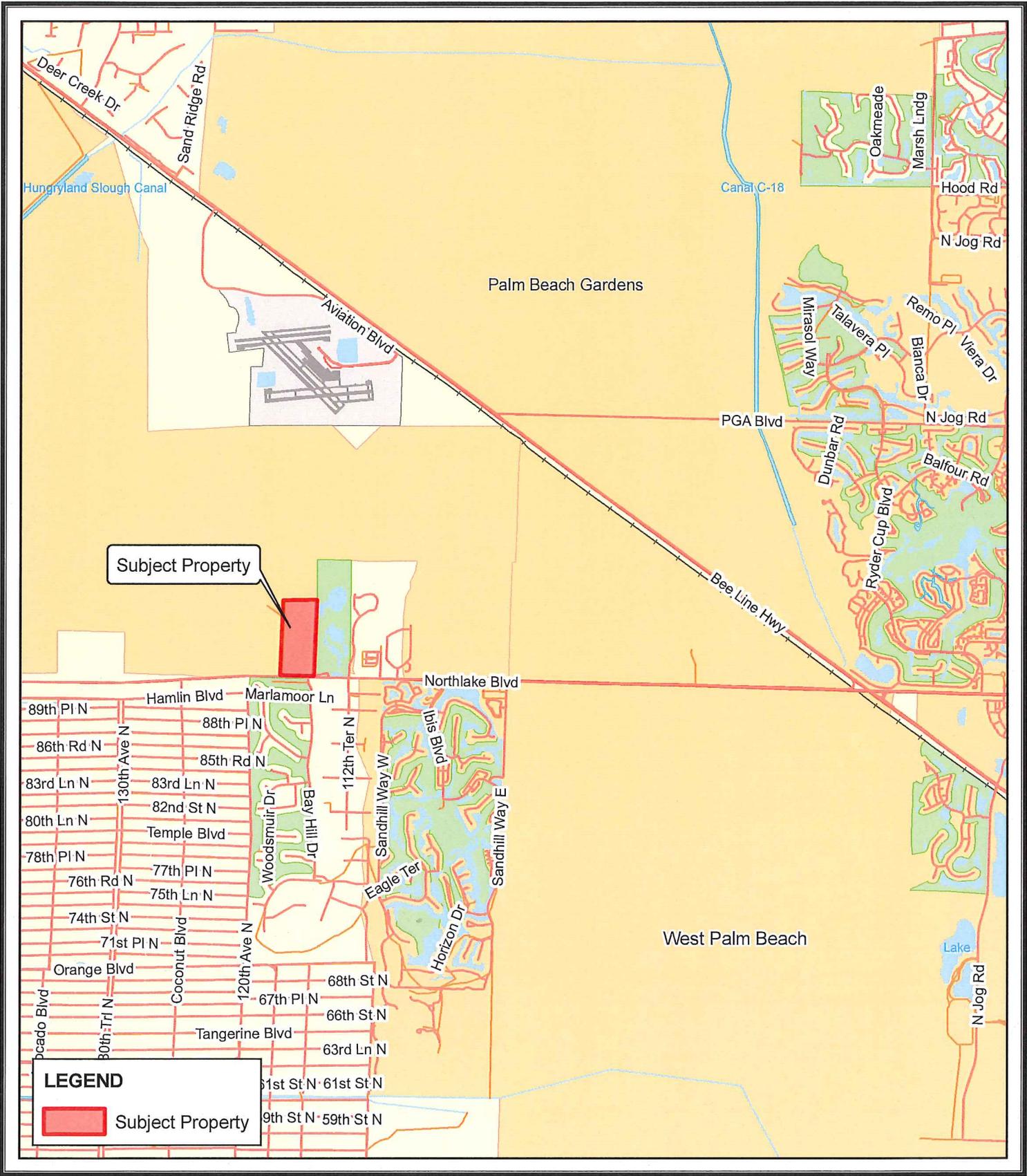
I hereby certify that the foregoing instrument was acknowledged before me this 4<sup>th</sup> day of April, 2016, by Salvatore J Balsamo. He or she is personally known to me or has produced Florida drivers license as identification.

[Signature]  
Notary public signature  
Brittany Lee  
Printed name



State of FL at-large

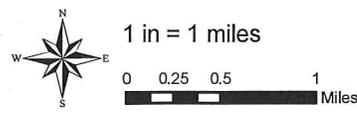
My Commission expires: Nov. 20, 2019



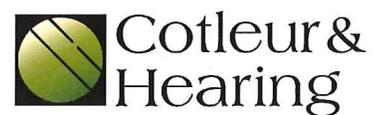
Subject Property

**LEGEND**

 Subject Property

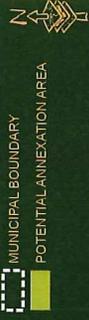
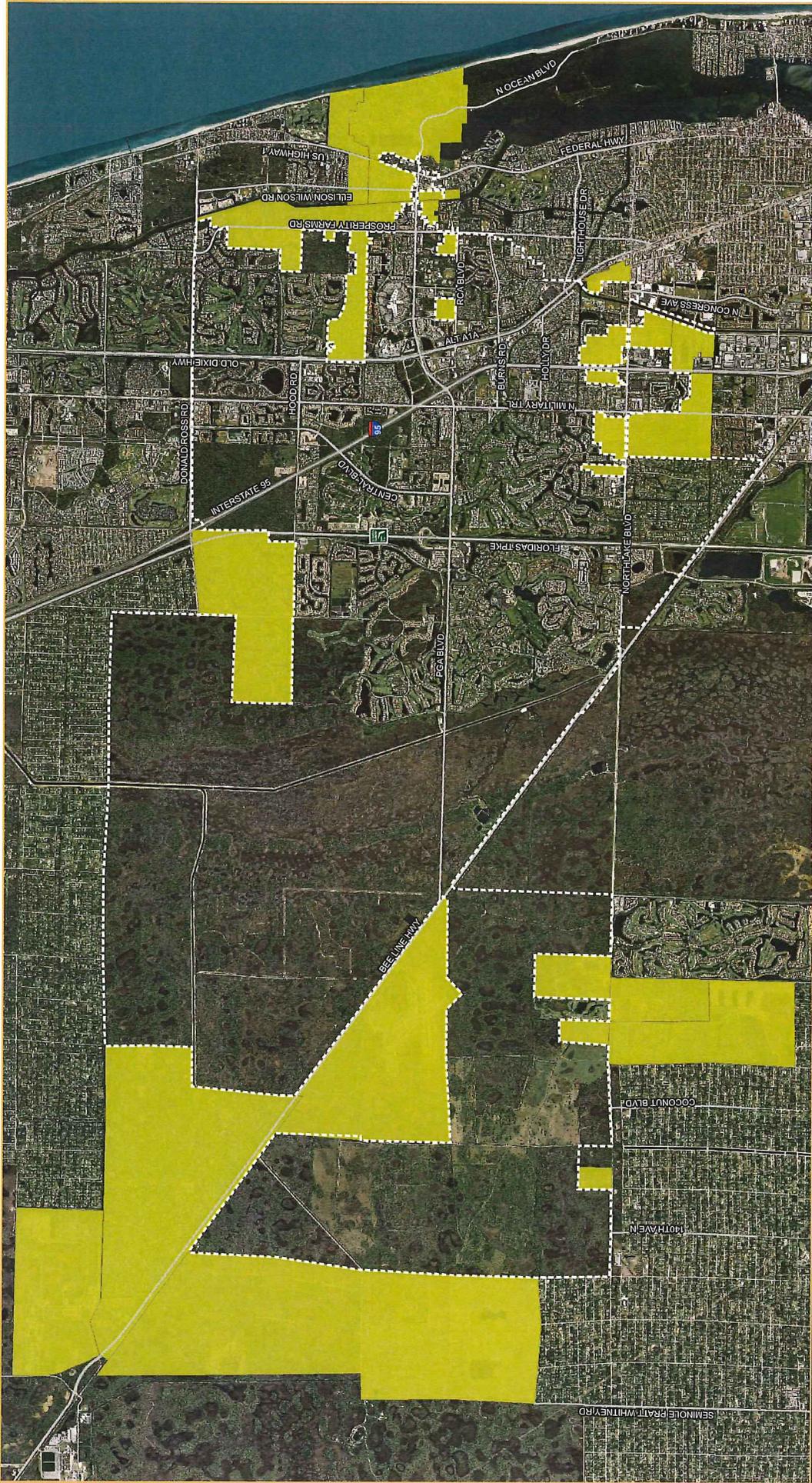


*Ancient Tree  
Location Map  
Palm Beach Gardens, FL*



1934 Commerce Lane · Suite 1 · Jupiter, FL · 33458  
561.747.6336 · 561.747.1377

Map Document:  
(F:\ArcMap\_Projects\15-0606 Balsamo Property)  
05/09/2016 -- 1:30:00 PM



MUNICIPAL BOUNDARY  
 POTENTIAL ANNEXATION AREA



**MAP A.4. POTENTIAL FUTURE ANNEXATION**  
 City of Palm Beach Gardens  
 Palm Beach County, Florida



Created March 5, 2014

Source: PBC Growth Management