

**CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
Agenda Cover Memorandum**

**Meeting Date: November 16, 2016  
Ordinance 10, 2016**

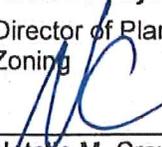
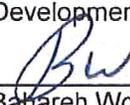
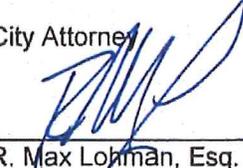
**Subject/Agenda Item:**

**Balsamo Parcel - A 96.80-acre Parcel Voluntary Annexation Request**

**Second Reading and Public Hearing:** 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 three-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>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>Finance:</b> Accountant  Tresha Thomas</p> <p><b>Fees Paid:</b> <u>Yes</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>City Council Action:</b> <input type="checkbox"/> Approval <input type="checkbox"/> App. w/ Conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____</p> <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Development Application &amp; Justification</li> <li>• Location Map</li> <li>• Map A.4 Potential Future Annexation Map</li> <li>• Ordinance 10, 2016</li> </ul>
<p><b>Approved By:</b> City Manager  Ronald M. Ferris</p>	<p><b>Advertised:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 11/1/16 &amp; 11/6/16 Paper: Palm Beach Post</p> <p><b>Affected parties:</b> <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required</p>		

## **EXECUTIVE SUMMARY**

This is a request from the Salvatore J. Balsamo Trust for Voluntary Annexation of a 96.80-acre parcel located on the north side of Northlake Boulevard, approximately three-quarters of a mile 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 voluntary annexation into the City of Palm Beach Gardens. The 96.80 acres consist of one (1) parcel under single ownership. The City has received the owner's consent and signature and meets the criteria set forth in Section 171.044, *Florida Statutes*.

## **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 Golf Club 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.

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

EXISTING USE	ZONING	FUTURE LAND USE
<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	Mixed Use Development (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 final reading and adoption by 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 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 171.044, Florida Statutes, 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. A copy of the Ordinance will be provided to the Palm Beach County Board of County Commissioners after second reading.

*(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), Florida Statutes. The subject property is bounded by the City on the east, west and north sides only. It is also not enclosed and bounded within the City and a natural or man-made 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 that 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 pounds per day, twice per week.

#### **Recreation**

The 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. The City's Recreation Division has confirmed in a letter dated August 25, 2016, that the LOS has been met.

### 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 LOS.

### 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, through the LOS analysis, the proposed annexation will not pose a negative impact on the public facilities in the area. The City has determined that adequate capacity exists.

## **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.

## **PLANNING, ZONING, AND APPEALS BOARD (PZAB)**

The PZAB reviewed the subject petition on September 13, 2016, and recommended approval to the City Council by a vote of 7 to 0.

## **CITY COUNCIL FIRST READING**

At the November 3, 2016, City Council meeting, the City Council approved Ordinance 10, 2016 on first reading by a vote of 5 to 0.

## **STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of Ordinance 10, 2016 for the 96.80-acre parcel based upon the following findings of fact:

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