

# PLANNING AND ZONING BOARD

## CITY OF DELRAY BEACH

---STAFF REPORT---

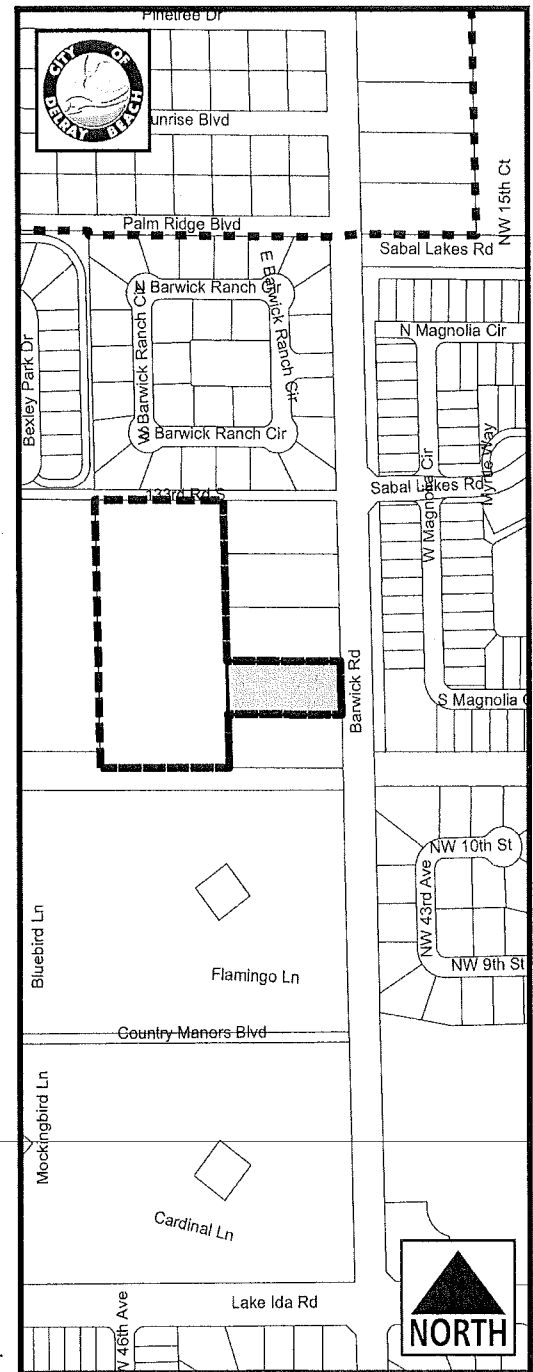
**MEETING DATE:** March 21, 2016

**ITEM:** A privately initiated voluntary Annexation, Future Land Use Map (FLUM) Amendment from County MR-5 (Medium Density 5 units per acre) to City LD (Low Density Residential 0-5 du/ac) and rezoning from County AR (Agricultural Residential) to City R-1-AAA (Single Family Residential) for a 0.88 acre parcel located at 14461 Barwick Road

**RECOMMENDATION** Approval to the City Commission

### GENERAL DATA:

Owner/Applicant.....	Joel Scott Bolling & Sandra I. Priest-Bolling
Location.....	14461 Barwick Road
Property Size.....	0.88 Acres
Existing County Future Land Use Map Designation .....	MR-5 (Medium Density 5 units per acre)
Proposed City Future Land Use Map Designation.....	LD (Low Density Residential 0-5 du/ac)
Existing County Zoning.....	AR (Agricultural Residential)
Proposed City Zoning.....	R-1-AAA (Single Family Residential)
Adjacent Zoning.....North:	R-1-AAA (Single Family Residential)
East:	PRD (Planned Residential Development)
South:	R-1-AAA (Single Family Residential)
West:	County AR (Agricultural Residential)
Existing Land Use.....	Single family residence
Proposed Land Use.....	Single family residence
Water Service.....	Municipal water service is available via connection to a 12" water main located along Barwick Road.
Sewer Service.....	Requires the extension of sewer main along Barwick Road.



## ITEM BEFORE THE BOARD

The action before the Board is voluntary Annexation, Future Land Use Map (FLUM) Amendment from County MR-5 (Medium Density Residential 5 units per acre) to City LD (Low Density Residential 0-5 du/ac) and rezoning from County AR (Agricultural Residential) to City R-1-AAA (Single Family Residential) requests for a 0.88 acre parcel located on 14461 Barwick Road.

Pursuant to Land Development Regulations (LDR) Section 2.2.2(E) (6), the Local Planning Agency (Planning & Zoning Board) shall review and make a recommendation to the City Commission with respect to annexation and FLUM amendment and Rezoning of any property within the City.

## BACKGROUND/PROJECT DESCRIPTION

The subject property is 0.88 acres located at 14461 Barwick Road. The property is located on the west side of Barwick Road, approximately 132 feet north of the LWDD L-31 Canal. It is bounded to the north and south by a single family residences located within the City of Delray Beach. To the west is a five acre tract which contains a single family residence and to the east is the Sabal Lakes subdivision. The subject property consists of one parcel which is privately-owned and contains a 1,900 sq. ft. single family residential structure.

The subject property is currently under the jurisdiction of Palm Beach County and it is in a designated annexation area for the City of Delray Beach, Annexation Area "E" (the North Military Trail Area, north of Lake Ida Road), as noted in the Future Land Use Element Policy B-3.5 of the Comprehensive Plan. The City has an advisory land use designation of LD (Low Density Residential 0-5 du/ac) that allows for residential development with a density between zero and five units per acre. The property owner has petitioned the City of Delray Beach for voluntary annexation. In conjunction with the annexation, a water service agreement was approved on February 10, 2016, to allow the property owner to immediately connect to City water services due to a failing well system.

## ANNEXATION ANALYSIS

### Florida Statutes Governing Voluntary Annexations:

Pursuant to the Florida Statutes 171.044 "the owner or owners of real properties in an unincorporated area of the 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".

The property is contiguous with the City and reasonably compact. The annexation of this parcel does not create an enclave.

### Land Development Regulations Governing Annexations:

Pursuant to the Land Development Regulations 2.4.5 (C) (1) "the owner of land may seek the annexation of contiguous property, under his ownership".

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

**Designated annexation area:** The territory to be annexed is located within the designated annexation area "E" located on the east side of Military Trail north of Lake Ida Road. Annexation of the subject territory is consistent with the Future Land Use Element Policy B-3.5, which calls

for annexation of eligible properties through voluntary annexations as the opportunities arise; and to address the annexation of improved property which lacks adequate sewer and water facilities through the Palm Beach County Annexation Incentive Program.

**CONCURRENCY: Provision of Services:** The provision of services to the subject property is discussed under the “Future Land Use Map Amendment Analysis” section of this report.

**Financial Impacts: Effect upon Annexed Property:** The following table depicts the current assessed value and a comparison of the total Palm Beach County taxes and City of Delray taxes for the subject property:

TAXABLE VALUE 2015	AD-VALOREM COUNTY TAXES	NON-ADVAL. COUNTY TAXES	TOTAL COUNTY TAXES	COUNTY MILLAGE	AD-VALOREM CITY TAXES	NON-ADVAL. CITY TAXES	CITY MILLAGE	TOTAL CITY TAXES	DIFFERENCE
\$184,659.00	\$3,437.17	\$361.00	\$3,798.17	18.6136	\$4,042.87	\$246.98	21.8937	\$4,289.85	\$491.68

For the 2015 tax year, the subject property had an assessed value of \$ 184,659.00. With the change from County to City jurisdiction, the following taxes and rates will be affected:

AD VALOREM TAXES	COUNTY TAXES \$	COUNTY MILLAGE	WITH ANNEXATION	CITY TAXES	CITY MILLAGE
Fire/Rescue MSTU	638.57	3.4581	Deleted	0.00	0
Palm Beach County Library	101.40	0.5491	Deleted	0.00	0
Palm Beach County Libra Debt.	9.12	0.0494	Deleted	0.00	0
Florida Inland Navigation	6.37	0.0345	No Change	6.37	0.0345
Health Care District	195.74	1.06	No Change	194.74	1.06
Palm Beach County	882.95	4.7815	No Change	882.95	4.7815
Palm Beach County Debt.	27.00	0.1462	No Change	27.00	0.1462
Children Service Council	123.30	0.6677	No Change	123.30	0.6677
Public Schools Local Board	461.28	2.498	No Change	461.28	2.498
Public Schools State Law	925.88	5.014	No Change	925.88	5.014
SFWMD District	26.94	0.1459	No Change	26.94	0.1459
SFWMD Basin	29.29	0.1586	No Change	29.29	0.1586
SFWMD Everglades Construction	9.34	0.0506	No Change	9.34	0.0506
City of Delray Beach	0.00	0	Added (City)	1,322.36	7.0611
City of Delray Beach Debt	0.00	0	Added (City)	50.89	0.2756
<b>Total</b>	<b>3,437.17</b>	<b>18.6136</b>		<b>4,042.87</b>	<b>21.8937</b>
<b>Difference</b>				<b>\$605.70</b>	<b>3.2801</b>

The following Non Ad Valorem taxes will continue to be applied to the property:

**Solid Waste Authority** – The Barwick Road area is serviced by Waste Management. Pursuant to Florida Statute 171.062 (4) (a) “if a party has an exclusive franchise which is in effect for at least six months prior to the initiation of an annexation, the franchise may continue to provide such services to the annexed area for five years or the remainder of the franchise term whichever is shorter”. The waste service provider will not change with annexation.

**Lake Worth Drainage District** – The Lake Worth Drainage District manages the water resources in southeast Palm Beach County and is supported by an annual non-ad valorem assessment. This fee will remain the same with annexation.

The following new non-ad valorem tax will apply upon annexation:

**Delray Beach Storm Water Utility** – This assessment is based upon the percentage of impervious area of the structures, buildings, parking areas, etc. If the property is developed as a multiple family complex or is subdivided for residential purposes, an assessment of \$63.96 per unit would be applied. A 25% discount from the assessment is available since the property is within the Lake Worth Drainage District. An additional 25% discount may be available if drainage is retained on site.

SUMMARY OF TOTAL TAXES ON THE PROPERTY WITH ANNEXATION		
<b>AD VALOREM TAXES 2016</b>		<b>\$4042.87</b>
<b>NON AD VALOREM TAXES 2016</b>		
Stormwater Assessment		\$31.98
Solid Waste Collection		\$170.00
Lake Worth Drainage District		\$45.00
<b>TOTAL TAXES</b>		<b>\$4,289.85</b>
SERVICE CONSIDERATIONS		
<b>Fire Response</b>	+	Fire service by the City
<b>Emergency Medical Services (EMS)</b>	+	Emergency Medical service by the City
<b>Police</b>	+	Better response based upon more officers in field; 14 patrol cars per shift daytime, 15 patrol cars during the night.
<b>Code Enforcement</b>	+	Pro-active vs reactive opportunity to work with property owners.

Fiscal Impacts to the City: For FY 2015/2016, the City operating millage of 7.0611 mills and debt rate of 0.2756 mills, the property will generate approximately \$4,042.87 in new ad valorem taxes per year and \$246.98 (non-ad valorem taxes) for a total of \$4,289.85. Additional revenues will be realized through the annual collection of the storm water assessment fee as well as Communication Service Tax (Cable and Telephone of 5.22%); Electric and Gas Tax of 10% and Utility Franchise Fee on Electric of 5.9%.

## FUTURE LAND USE MAP AMENDMENT ANALYSIS

**Current Land Use Designation:** The current Future Land Use Map designation for the property is County MR-5 (Medium Density Residential 5 units per acre). The current City “advisory” designation is LD (Low Density Residential 0-5 du/ac).

**Requested Land Use Designation:** The requested Future Land Use Map Designation is City LD (Low Density Residential 0-5 du/ac).

**Florida Statutes 163.3187 – Small Scale Land Use Map Amendments:** The Future Land Use Map Amendment is being processed as small scale development pursuant to Florida Statutes 163.3187. The statutes provides for the adoption of a small scale development amendment under the following conditions:

- a) The proposed amendment involves a use of 10 acres or fewer;
- b) The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does not exceed a maximum of 120 acres in a calendar year;
- c) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the Future Land Use Map for a site-specific small scale development activity; and,
- d) The property that is the subject of a proposed amendment is not located within an area of critical state concern.

The Future Land Use Map amendment involves a 0.88 acre site, thus the total area is less than the 10 acres maximum. This is the first small-scale amendment processed this year thus the maximum of 120 acres will not be exceeded. The amendment does not involve a text change to the Comprehensive Plan and is not located within an area of critical state concern. Given the above, the proposed FLUM amendment can be processed as a small scale amendment.

#### **Consistency Between the City and County Land Use Designations:**

The proposed City Land Use Map Designation for the property is LD (Low Density Residential 0-5 du/ac). The existing County Future Land Use Map Designation for the property is MR-5 (Medium Density Residential 5 units per acre). The proposed LD (Low Density Residential 0-5du/ac) is consistent with the County's designation as both provides for a maximum density of 5 units per acre. For unincorporated County parcels, the City's FLUM designation adopted on the City's Future Land Use Map by Ordinance 82-89, are deemed to be advisory until an official Future Land Use Map Amendment is processed.

#### **Adjacent Land Use Map Designations and Land Uses:**

The following zoning designations and uses about the subject property:

	<i><b>Land Use Map Designations</b></i>	<i><b>Use</b></i>
<b>North:</b>	LD (Low Density 0-5 du/ac)	Single Family Residence
<b>South:</b>	LD (Low Density 0-5 du/ac)	Single Family Residence
<b>East:</b>	MD (Medium Density Residential 5-12 du/ac)	Single Family Residences within a Planned Residential Development
<b>West:</b>	Unincorporated Palm Beach County (MR-5 Medium Density Residential 5 units per acre)	Single Family Residence

The subject property contains a single family residence which is allowed as a principal (permitted) use within the R-1-AAA District.

**REQUIRED FINDINGS:**

**LAND DEVELOPMENT REGULATIONS CHAPTER 3:**

Pursuant to LDR Section 3.1.1, prior to approval of Land Use applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

- ☐ **Future Land Use Map:** The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.

The proposed Single Family Residential (R-1-AAA) zoning district is consistent with the proposed LD (Low Density Residential 0-5 du/ac). The LD (Low Density Residential 0-5 du/ac) designation is typically applied to land which is developed or to be developed, at a density of five units per acre or less. The subject parcel size of 0.88 acres which accommodates one single family residence complies with the density limitations of the LD Future Land Use Map designation. Based on the above, positive findings can be made with respect to FLUM consistency.

- ☐ **Concurrency:** Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards.

**Provision of Services:** When annexation of property occurs, services are to be provided in a manner which is consistent with services provided to other similar properties already in the City (Future Land Use Element Policy B-3.1). The proposal involves amending the FLUM designation from County MR-5 (Medium Density Residential 5 units per acre) to City LD (Low Density Residential 0-5 du/ac) on a 0.88 acre-parcel. Concurrency findings with respect to Parks and Recreation, Police, Solid Waste, Traffic and Water and Sewer are discussed below:

Parks and Recreation: The City provides 127 acres of activity based recreation facilities such as tennis, baseball, basketball, soft ball and other similar sports. An additional 247 acres are considered resource based activities such as beaches and lakes for swimming, boating, picnicking, hiking, and other activities excluding golf courses. Within recreation areas, amenities and facilities are provided to meet the demand for leisure opportunities for all segments of the community. The City of Delray Beach provides a ratio of eight (8) acres of park and recreational facilities per 1,000 people while the current national ratio is 3 acres of park and recreational facilities per 1,000 people. This indicates that the City will have sufficient recreation facilities to accommodate any additional increase in the number of residents anticipated from this subject property.

Police: This property is currently serviced by the Palm Beach County Sheriff's Office, located at 345 South Congress, which serves the South County area. The subject property lies within Sheriff patrol zone 4. Zone 4 is bordered by El Clair Ranch Road on the west, the Atlantic Ocean on the east, Boynton Beach City limit on the north, and Atlantic Avenue to the south. One officer is assigned to a particular zone during a shift (three shifts per day). Additional response can be obtained from "Cover Cars" which patrol throughout zones randomly, depending on their availability in South County during that time.

The City of Delray Beach's Police Department has 14 cars per shift patrolling a 15 square mile area; and, as a consequence, significantly improved response time should be realized. Annexation will not require additional manpower as the City patrols the area currently in the city to the north, south, east, and west.

Fire and Emergency Services: With the adoption of the Interlocal Agreement with Palm Beach County on May 5, 2015, the City of Delray Beach Fire Department provides fire and emergency services to all unincorporated pockets lying the Delray Beach service area. The subject parcel will be served by Fire Station No. 4 (Barwick & Lake Ida Roads). The approximate response time is 3 minutes for the City's Fire Department (Fire Station No. 4 at Barwick and Lake Ida Roads). The annexation of this property will not result in the need for additional manpower.

Water: Municipal water service is available via connection to a 12" water main located along Barwick Road. A water service agreement was approved to allow for the immediate connection to City water services, while the annexation process is being undertaken.

Sewer: Sewer service exists along 133<sup>rd</sup> Road South. This parcel along with the four other properties lying to the north is served by individual septic systems. The provision of the extension of sewer services are being investigated for inclusion in the City's five year capital improvement plan for the five single family residences located on Barwick Road, south of 133<sup>rd</sup> Road South. Pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out.

Streets: The property can be accessed via Barwick Road. Barwick Road is under the jurisdiction of the City and the associated maintenance responsibility will not change upon annexation.

Solid Waste: The subject property contains a single family residence and will generate 1.99 tons of solid waste per year and therefore has a minor impact on this level of service standard. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047. As stated previously, the service provider will not change, with annexation.

- ☐ **Consistency:** The requested designation is consistent with the goals, objectives and policies of the most recently adopted Comprehensive Plan.

The following applicable Comprehensive Plan objective and policies are noted:

**Future Land Use Element Policy A-1.7:** Amendments to the FLUM must be based upon the findings listed below, and must be supported by data and analysis that demonstrate compliance with these findings:

**Demonstrated Need:** That there is a need for the requested land use. The need must be based upon circumstances such as shifts in demographic trends, changes in the availability of land, changes in the existing character and FLUM designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances. The need must be supported by data and analysis verifying the changing demographics or other circumstances. This requirement shall not apply to requests for the FLUM designations of Conservation or Recreation and Open Space; nor shall it apply to FLUM changes associated with annexations when the City's advisory

FLUM designation is being applied, or when the requested designation is of a similar intensity to the advisory designation. However, the findings described in the remainder of this policy must be addressed with all FLUM amendments:

The proposal is associated with the annexation of an unincorporated property and requires changing the FLUM designation from County to City. The current County FLUM designation is MR-5 (Medium Density Residential 5 units are acre) and the City designation is LD (Low Density Residential 0-5 du/ac). As the City's FLUM designation is being applied as part of an annexation, the requirement to provide justification for the demonstrated need does not apply. It is noted that the proposed LD designation would allow the same density (0-5 du/ac) as that currently allowed under the county designation of (MR-5).

***Future Land Use Element Objective A-1:*** Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate in terms of soil, topographic and other applicable physical considerations; is complimentary to adjacent land uses; and fulfills remaining land use needs:

The subject property does not have any unique environmental characteristics that would prohibit development of the site or require mitigation measures. The requested LD (Low Density), FLUM designation and zoning designation of R-1-AAA (Single Family Residential) district is compatible with the adjacent single family development patterns.

**Compatibility:** The requested designation will be compatible with the existing and future land uses of the surrounding area.

The proposed LD Land use designation and R-1-AAA zoning district is consistent with the prevailing land use patterns. The R-1-AAA zoning district is reserved for large lots and results in the least number of units for the single family district. The subject property contains 0.88 acres similarly to the abutting low density residential properties to the north and south, thus compatibility is not a concern.

**Compliance:** Development under the requested designation will comply with the provisions and requirements of the Land Development Regulations:

The subject property complies with the requirements of the R-1AAA zoning district with respect to lot size, building setbacks and building height. The floor area of the existing residence is 1,900 square feet which does not comply with the minimum required floor area of 2,220 sq. ft. This is acknowledged as an existing non-conforming condition. Any future redevelopment of the subject property will be reviewed for compliance with the LDRs during the building permit process.

## ZONING ANALYSIS

Future Land Use Map Consistency, Concurrency, Comprehensive Plan Consistency and Compliance with the development criteria of the LDRs were previously discussed under the "Future Land Use Map Amendment Analysis" section of this report. Compliance with the Land Development Regulations with respect to Standards for Rezoning Actions and Rezoning Findings are discussed below.

The proposed City zoning designation is R-1-AAA (Single Family Residential) while the current County zoning designation is AR (Agricultural Residential).



The surrounding zoning designations are: City of Delray Beach (R-1-AAA) to the north and south; City of Delray Beach PRD (Planned Residential Development) to the east; and Palm Beach County AR (Agricultural Residential) to the west.

**COMPREHENSIVE PLAN POLICIES:** Previously discussed under the “*Future Land Use Map Amendment Analysis*” section of this report.

**REQUIRED FINDINGS: (Chapter 3):** Previously discussed under the “*Future Land Use Map Amendment Analysis*” section of this report.

**COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:**

**CONSISTENCY:** Compliance with the performance standards set forth in LDR Section 3.2.2, along with the required findings in LDR Section 2.4.5(D) (5), shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

**Section 3.2.2 (Standards for Rezoning Actions):** Standard “A”, “B”, “C”, and “E” are not applicable with respect to this rezoning request. The applicable performance standard of Section 3.2.2 is as follows:

- D) That the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.

The proposed Single Family Residential (R-1-AAA) zoning district is consistent with the proposed LD Land Use designation (Low Density Residential 0-5 du/ac). Given the adjacent development pattern of large lots which are approximately 0.88 acres it is appropriate to recommend a zoning of R-1-AAA and thus being compatible with the abutting low density residential properties to the north.

The following zoning designations and uses border the property:

	<b><i>Zoning Designation</i></b>	<b><i>Use</i></b>
<b><i>North</i></b>	R-1-AAA (Single Family Residential)	Single Family Residence
<b><i>South:</i></b>	R-1-AAA (Single Family Residential)	Single Family Residence
<b><i>East:</i></b>	PRD (Planned Residential Development)	Single Family Residence
<b><i>West:</i></b>	Unincorporated Palm Beach County (AR Agricultural Residential)	Single Family Residence

**Section 2.4.5 (D) (5) (Rezoning Findings):**

Pursuant to Section 2.4.5 (D) (5), in addition to provisions of Chapter Three, the City Commission must make a finding that the rezoning fulfills one of the reasons for which the rezoning change is being sought. These reasons include the following:

- (a) That the zoning had previously been changed, or was originally established, in error;

- (b) That there has been a change in circumstances which make the current zoning inappropriate; or
- (c) That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

Items “b” and “c” are the basis for which the rezoning should be granted. The property is in the unincorporated area of Palm Beach County. However, it is also within the City of Delray Beach reserve annexation area. As the property is being annexed it is appropriate to apply City Land Use and zoning designations. The proposed R-1-AAA (Single Family Residential) zoning is compatible with the existing land use designations and the adjacent development pattern and zoning designations. Based upon the above, positive findings can be made with respect to LDR Section 2.4.5(D)(5).

### REVIEW BY OTHERS

The subject property is not in an area that requires review by the Community Redevelopment Agency (CRA) or Downtown Development Authority (DDA).

**Palm Beach County Notice:** On February 12, 2016, the Palm Beach County Planning Division was notified of the City’s intent to annex this property. Palm Beach County has indicated that there are no inconsistencies with have no objection to the proposed annexation.

**IPARC Notice:** On February 23, 2016, notice of the Future Land Use Amendment has also been provided to the Interlocal Plan Amendment Review Committee (IPARC) which distributes the information to adjacent municipalities. No opposition has been noted.

#### **Courtesy Notices:**

Special courtesy notices were provided to the following homeowners and civic associations:

- ☐ Delray Citizens Coalition
- ☐ Country Manor
- ☐ Sabal Lakes
- ☐ Barwick Ranch Estates

#### **Public Notice:**

Formal public notice has been provided to the owner of the subject property as well as property owners within a 500' radius of the subject property. Letters of support or objection, if any, will be presented at the Planning and Zoning Board meeting.

### ASSESSMENT AND CONCLUSION

Accommodating the annexation of this property is consistent with the City’s program for annexation of territory within its planning and service area. The City’s LD (Low Density Residential 0-5 du/ac) Future Land Use Map Designation is consistent with the County’s MR-5 designation in that it is compatible with the existing land use designations and the adjacent development pattern. This Future Land Use Map designation is being proposed concurrently with a request for initial zoning of R-1-AAA District which is also compatible with the surrounding development pattern.

The annexation will provide the parcel with better Police, Code Enforcement services. The property will not experience a significant increase in ad valorem taxes. If residential redevelopment of the site occurs, the site would be subject to a future park and recreation impact assessment fee.

The City will receive additional revenue from property taxes, in addition to storm water assessment fees, utility taxes, franchise fees, and licensing fees upon development. The total immediate revenue increase is approximately \$ (4,042.87 ad valorem) and \$246.98 (non ad valorem) for a total of \$4,289.85 per year. Based upon the above, the proposed Annexation, Future Land Use Map Amendment and associated Rezoning application should be approved.

### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move a recommendation of approval to the City Commission for the Annexation, FLUM Amendment from County MR-5 (Medium Density 5 units per acre) to City LD (Low Density Residential 0-5 du/ac), and the initial zoning designation of R-1-AAA (Single Family Residential) for **14461 Barwick Road**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with F.S. 171.044 in that the property is contiguous to the City, reasonably compact and does not create an enclave; consistent with the Comprehensive Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.
- C. Move a recommendation of denial to the City Commission for the Annexation, FLUM Amendment from County MR-5 (Medium Density 5 units per acre) to City LD (Low Density Residential 0-5 du/ac), and the initial zoning designation of R-1-AAA (Single Family Residential) for **14461 Barwick Road**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with F.S. 171.044; inconsistent with the Comprehensive Plan, and does not meet the criteria set forth in Sections 2.4.5(D) (5), 3.1.1 and 3.2.2 of the Land Development Regulations.

### RECOMMENDED ACTIONS

Move a recommendation of approval to the City Commission for the Annexation, FLUM Amendment from County MR-5 (Medium Density 5 units per acre) to City LD (Low Density Residential 0-5 du/ac), and the initial zoning designation of R-1-AAA (Single Family Residential) for the **14461 Barwick Road**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with F.S. 171.044 in that the property is contiguous to the City, reasonably compact and does not create an enclave; consistent with the Comprehensive Plan, and does meet the criteria set forth in Sections 2.4.5(D) (5), 3.1.1 and 3.2.2 of the Land Development Regulations.

*Attachments:*

*Survey*

*Existing County FLUM and Zoning Designation Maps*

*City of Delray Beach Future Land Use Maps (Existing and Proposed)*

*City of Delray Beach Zoning Maps (Existing and Proposed)*

*Letter from Palm Beach County Planning Department*

*Staff Report Prepared by: Jasmin Allen, Senior Planner*

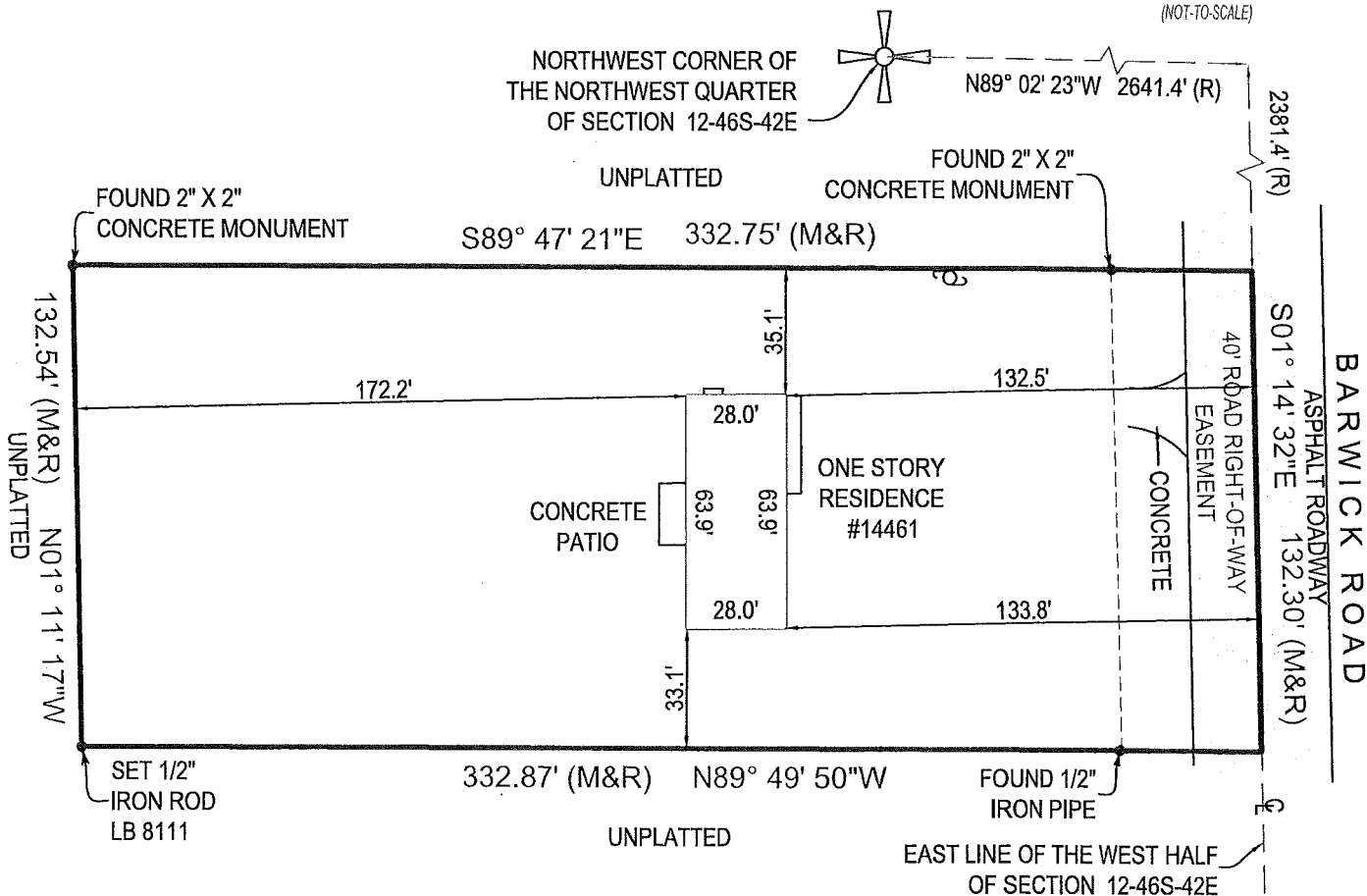
14461 BARWICK RD, DELRAY BEACH, FLORIDA 33445

## Boundary Survey



AERIAL PHOTOGRAPH  
(NOT-TO-SCALE)

NORTHWEST CORNER OF  
THE NORTHWEST QUARTER  
OF SECTION 12-46S-42E



## SURVEY NOTES:

- NO NOTABLE CONDITIONS FOUND

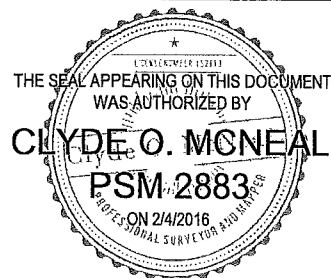
BEARING REFERENCE: EAST LINE OF THE WEST HALF OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 42 EAST  
AS N. 01°14'32" W. DERIVED FROM PALM BEACH COUNTY SURVEYING DEPARTMENT.

Sheet 1 of 2 (Sketch of Survey) - See Sheet 2 of 2 for Legal Description, Certifications, Property and other Survey related data. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

**NEXGEN**  
SURVEYING, LLC

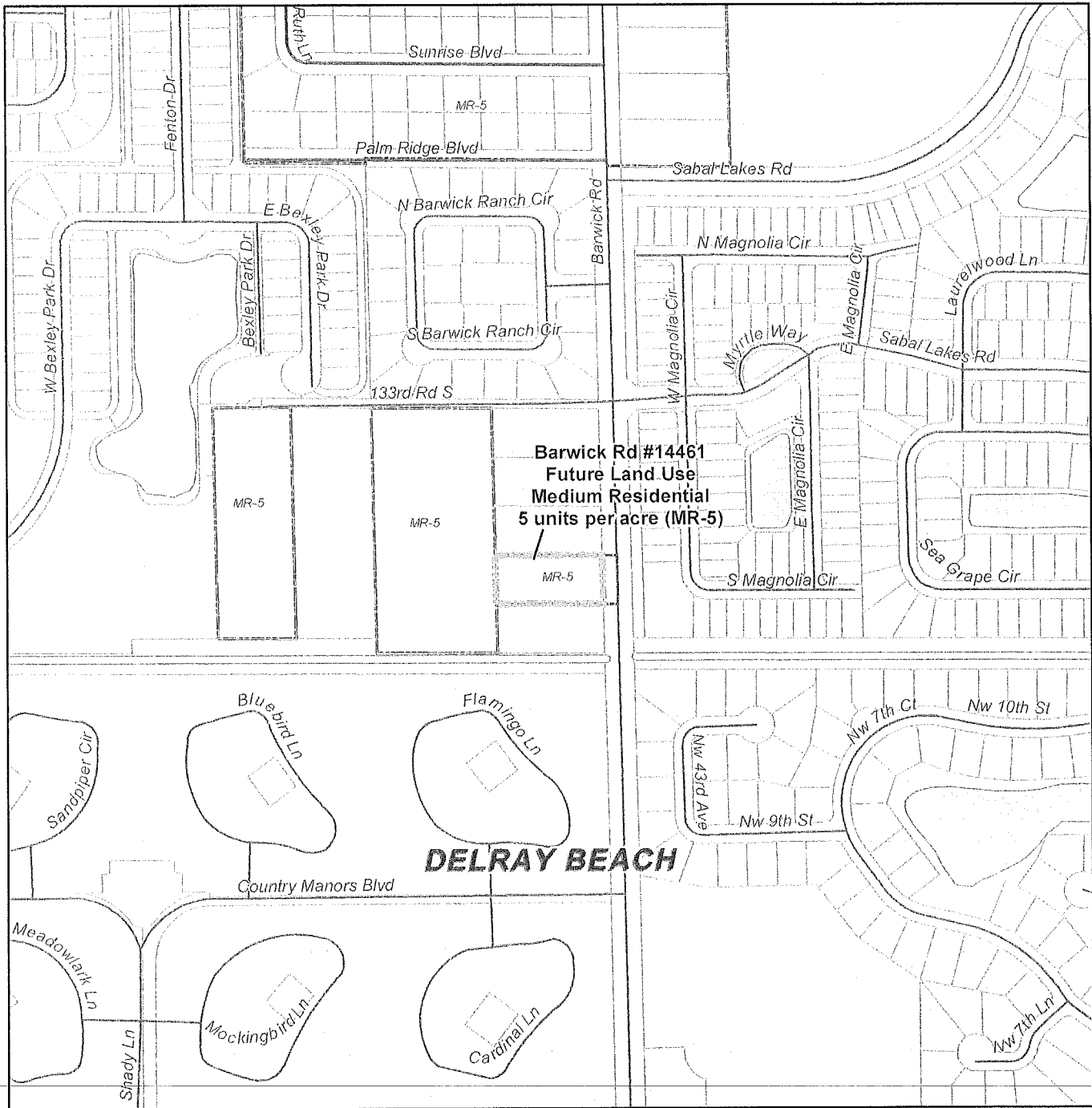
1973 PGA BLVD SUITE C  
NORTH PALM BEACH, FL 33408  
NexgenSurveying.com

PHONE: 561.508.6272  
FAX: 561.508.6309  
LB 8111



# Barwick Rd #14461

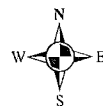
## Future Land Use - County



Future Land Use: Medium Res.  
5 units/acre (MR-5)

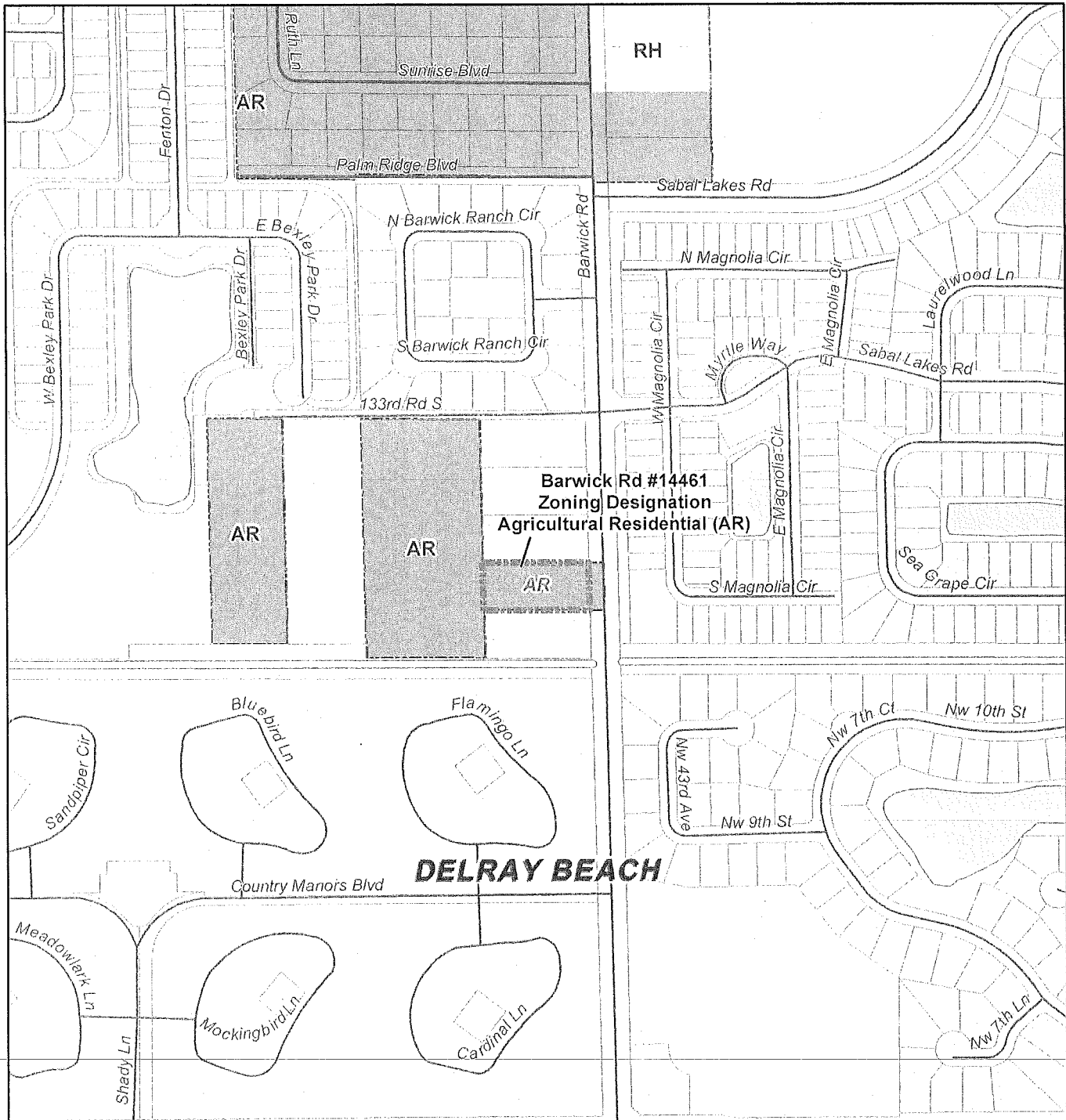
Municipality

Water



# Barwick Rd #14461

## County Zoning Designation



Zoning: Agricultural Residential (AR)

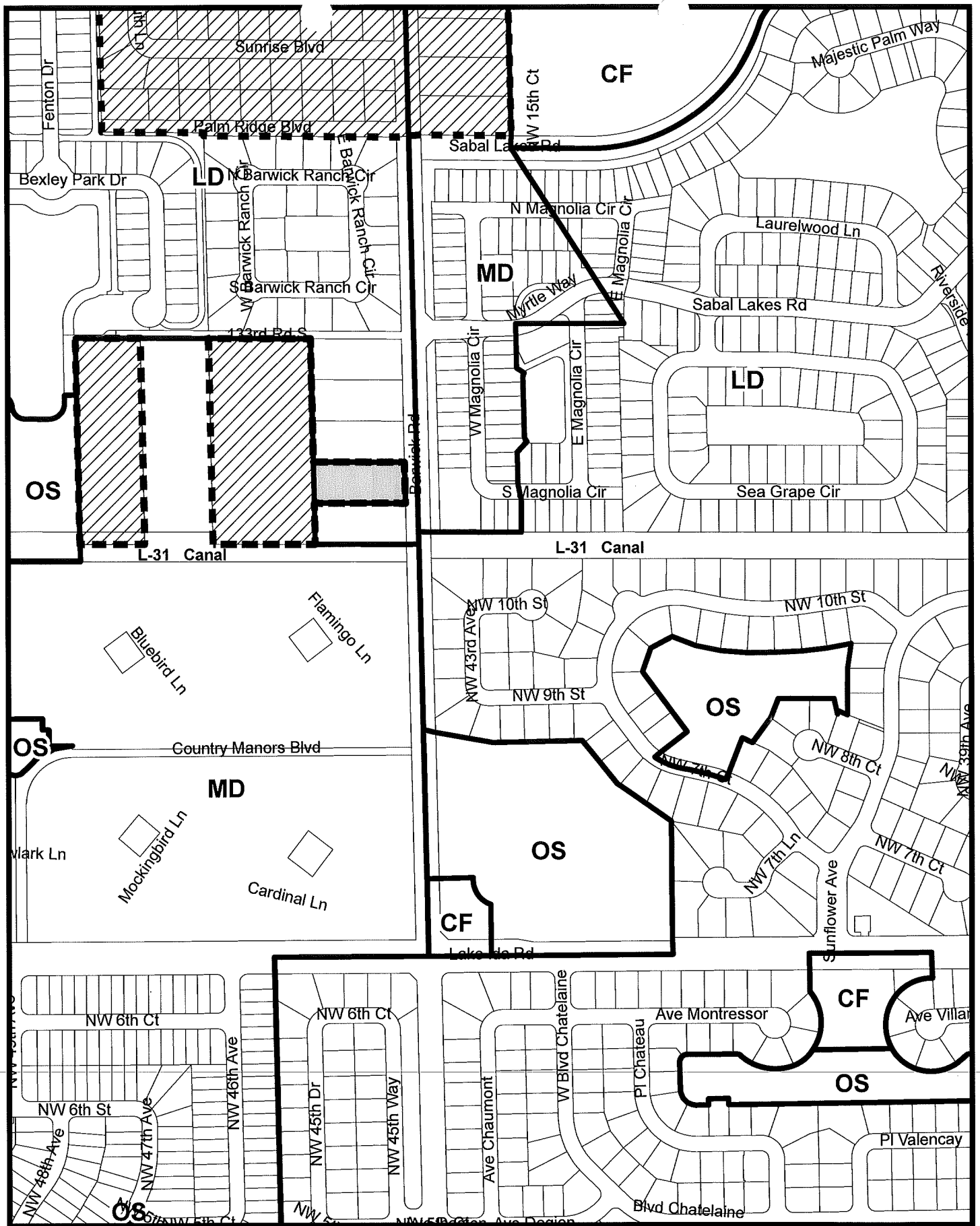


Municipality

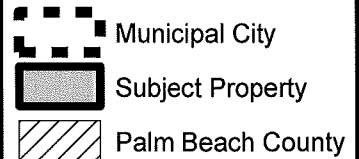


Water



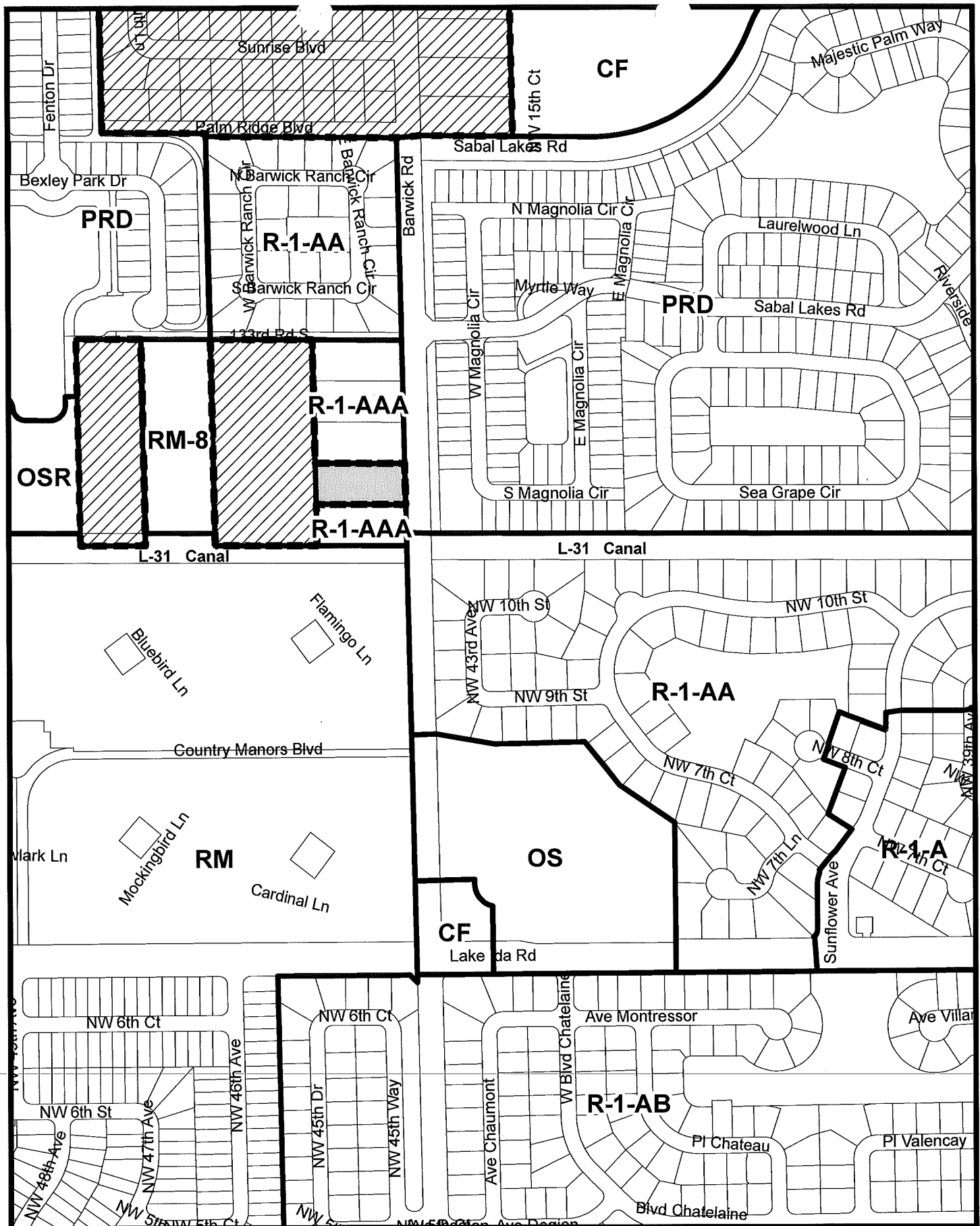


# **14461 BARWICK ROAD** **EXISTING FUTURE LAND USE MAP**









**14461 BARWICK ROAD**

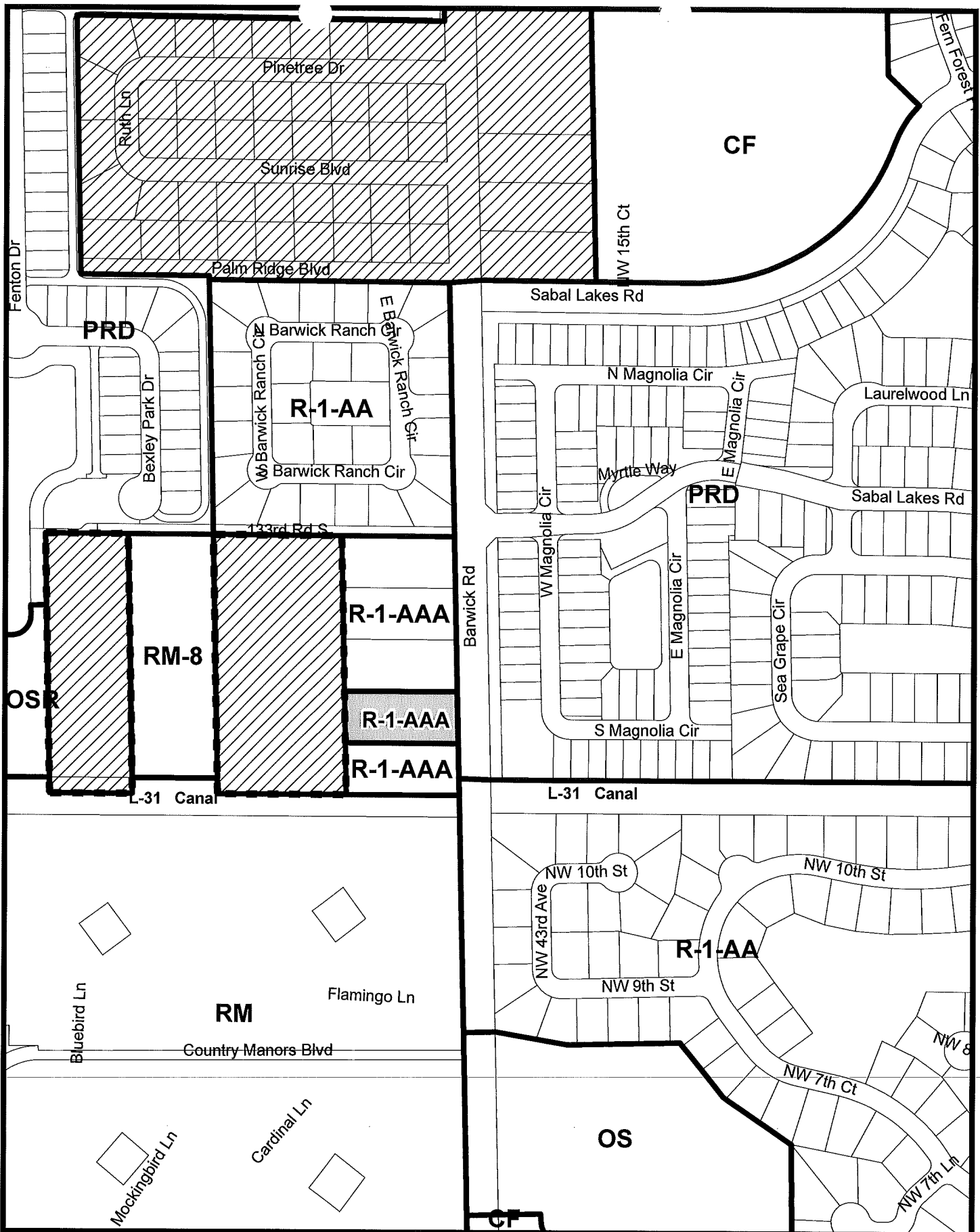
**EXISTING ZONING MAP**



Municipal City

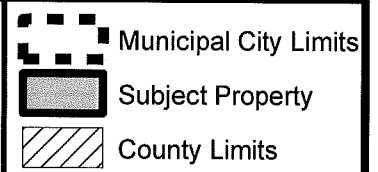
Subject Property

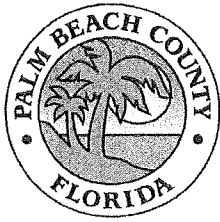
Palm Beach County



# 14461 BARWICK ROAD

## PROPOSED ZONING MAP





**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Mary Lou Berger, Mayor

Hal R. Valeche, Vice Mayor

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

**County Administrator**

Verdenia C. Baker

March 8, 2016

Jasmin Allen  
Senior Planner  
City of Delray Beach  
100 NW 1<sup>st</sup> Avenue  
Delray Beach, FL 33444

**RE: Proposed Annexation Barwick Rd #14461, 2016-12-001**

Dear Ms. Allen:

Thank you for providing the County advanced notice and the opportunity to review the annexation summarized below.

Name	Description
Barwick Rd #14461 2016-12-001	Acres: 0.88 Location: West side of Barwick Rd, north of Lake Ida Rd 1 <sup>st</sup> Reading: 4/19/2016      2 <sup>nd</sup> Reading: 5/3/2016

The proposed annexation was processed through the County's Annexation Review Process. After review County staff has not identified any inconsistencies with Chapter 171, Florida Statutes. The proposed annexation is located with an existing enclave and the annexation will reduce the size of the enclave. To ensure cost-effective service delivery, County staff recommends annexation of the remaining two small enclaves through an enclave Interlocal.

If you have any questions or comments, please contact Patricia Behn, Principal Planner, at 561-233-5332.

Sincerely,

Lorenzo Aghemo  
Planning Director

cc: Commissioner Steven L. Abrams, District 4  
Rebecca D. Caldwell, PZ&B Executive Director  
Bob Banks, Chief Land Use County Attorney  
Timothy Stillings, AICP, Planning & Zoning Director, Delray Beach

Donald Cooper, City Manager, Delray Beach  
Patricia Behn, Principal Planner, PBC Planning  
Tammy Lee, Engineering Dept. PBC

"An Equal Opportunity  
Affirmative Action Employer"