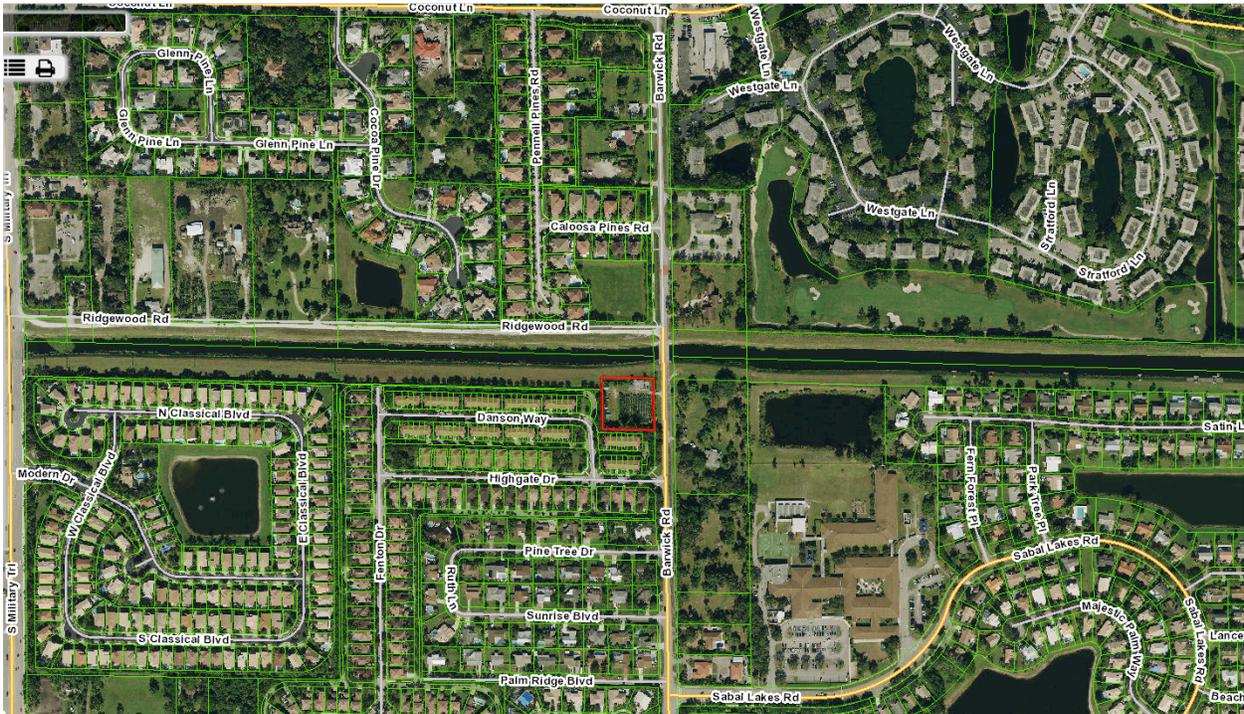




13029 Barwick Road
Annexation, Future Land Use Map Amendment, and Rezoning
Justification Statement

Robert and Andrea Keiser (“Applicant”) are the owners of the +/- 1.004 acre parcel, whose address is 13029 Barwick Road, Delray Beach, Florida 33445, which is located within Unincorporated Palm Beach County, Florida (“County”), and whose parcel control number is 00-42-46-12-00-000-3270 (“Property”). The Property is designated as Medium Residential (“MR-5”) on the County’s Future Land Use Map and is zoned Agricultural Residential (“AR”) on the County’s Zoning Map.



Previously, the Property was used as a tree farm and contained a prefabricated structure. Pursuant to an Encroachment Agreement with the Lake Worth Drainage District, the prefabricated structure was required to be demolished upon sale of the property to Applicant. As such, the Property is presently vacant. See photo below.



The Applicant desires to annex the Property into the City of Delray Beach (“City”) and correspondingly amend its future land use and zoning (“Project”). The Applicant proposes a future land use designation as Low Density Residential and a R-1-AA zoning. The intended use of the Property is single family residential.

<u>Element</u>	<u>Current</u>	<u>Proposed</u>
Future Land Use	Medium Residential	Low Density Residential
Zoning	Agricultural Residential	R-1-AA

Annexation

Pursuant to the City’s Land Development Regulations (“LDR”) Section 2.4.5(C)(4), the City must make findings that the annexation is consistent with Objective B-3 of the Land Use Element of the City’s Comprehensive Plan and complies with Florida Statute Chapter 171.

Objective B-3 of the Land Use Element

Objective B-3 of the Land Use Element was a provision of the City’s previous version of their comprehensive plan. On February 4, 2020, the City approved the adoption of a new

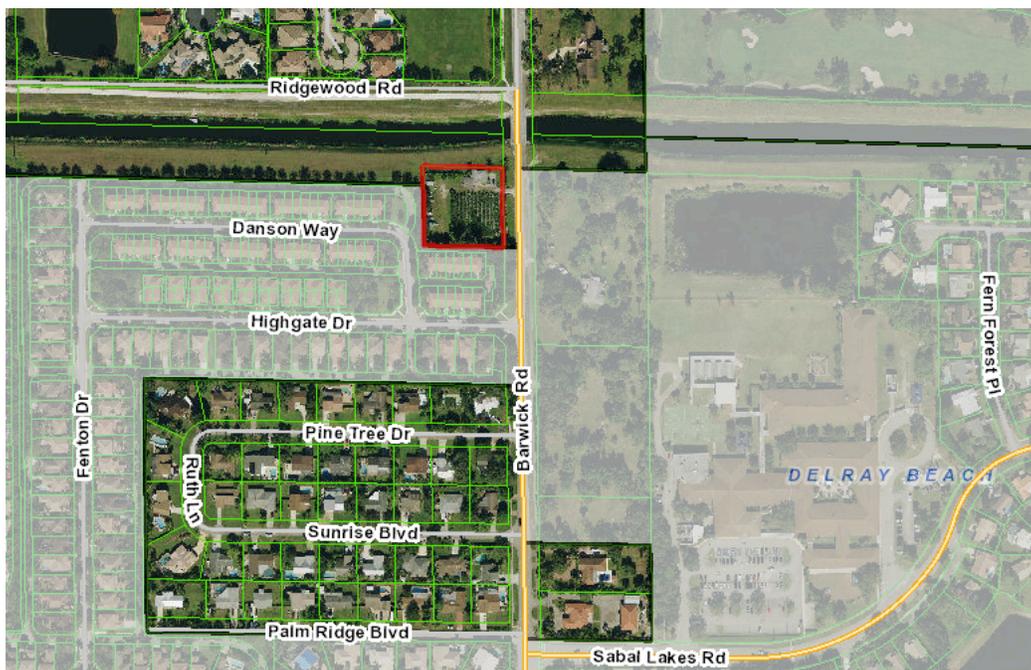


comprehensive plan entitled “Always Delray Comprehensive Plan” pursuant to Ordinance 19-19. This justification statement will address the goals, objectives, and policies with regard to annexation in the City’s new comprehensive plan.

Strategic Partnerships (“SPE”) - Policy SPE 1.1.8

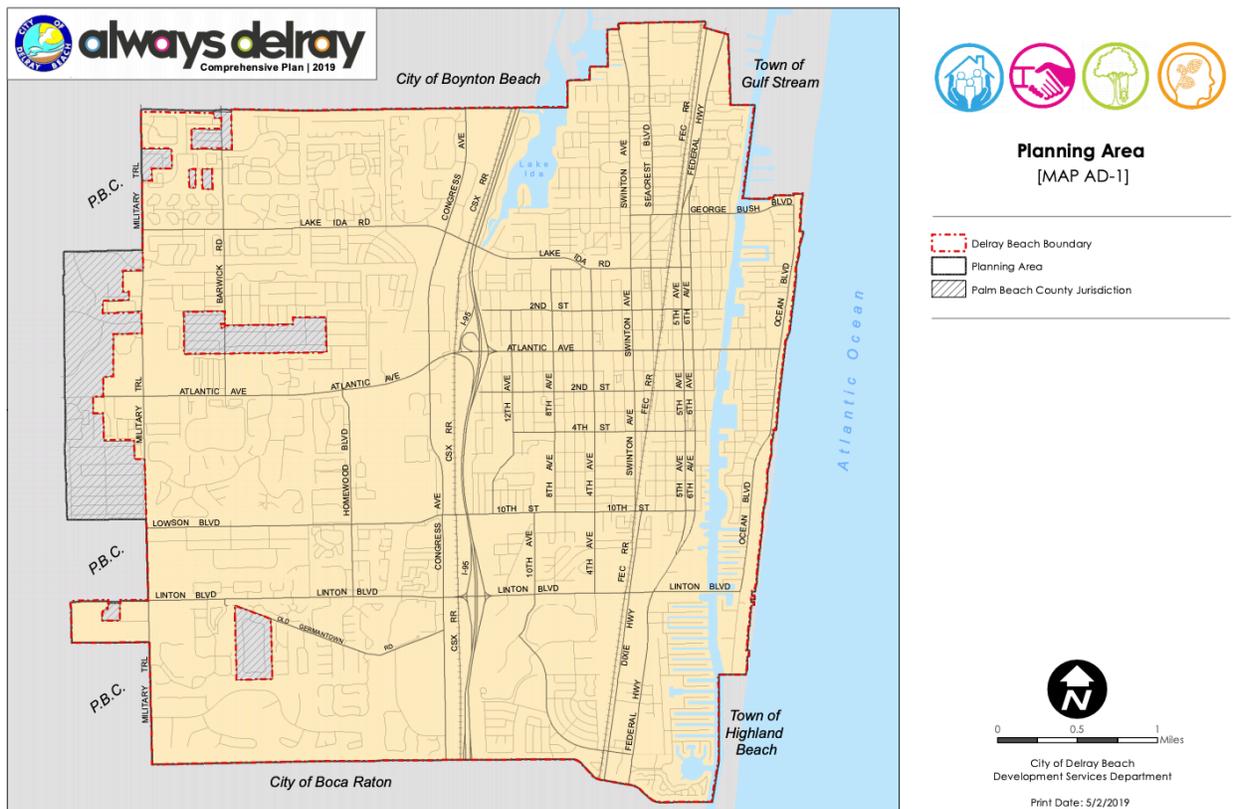
Policy SPE 1.1.8 states that the City continue to require that all annexations be supported by data and analysis of demonstrated need, consistency, compatibility, and compliance pursuant to the Neighborhoods, Districts, and Corridors Element, and the ability of the City to meet the individual services needs through coordination with other agencies and municipalities.

Throughout this justification statement, the Applicant will demonstrate through data and analysis the need, consistency, compatibility and compliance that justifies annexation into the City. First, there are four needs that justify annexation, which is discussed in detail below in the Future Land Use Map Amendment section of this justification statement. Second, the annexation is consistent with the City’s Comprehensive Plan also demonstrated in the section below. Third, annexation of the Property is compatible because the subject Property is a semi-enclave. But for the Lake Worth Drainage District’s canal located to the north, the Property is completely surrounded by the City of Delray Beach. See map below. Finally, the annexation complies with the Neighborhoods, Districts, and Corridors Element of the City’s Comprehensive Plan also demonstrated in the section below.



Neighborhoods, Districts, and Corridors (“NDC”) – Objective NDC 3.3

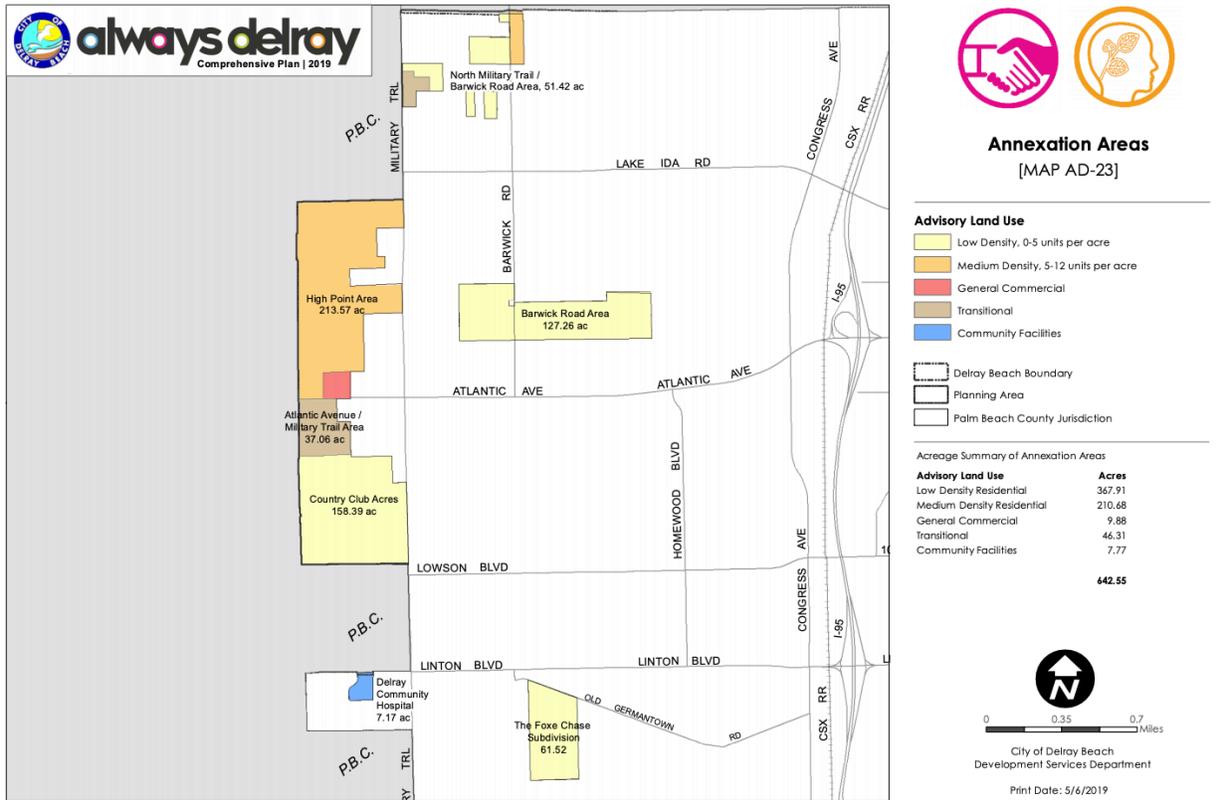
Objective NDC 3.3 states that the City shall continue to annex unincorporated areas within the City’s Planning Area. The subject Property is located within the City’s Planning Area. See Map AD-1 below.



Furthermore, the subject Property is specifically called out as an Annexation Area in Map AD-23 below pursuant to the City’s Comprehensive Plan. Because the subject Property is located within the City’s Planning Area and specifically identified as an Annexation Area, the Applicant’s request for annexation is eligible, appropriate, consistent, and compatible with the City’s Comprehensive Plan, and thus justified.



KEISER LEGAL



Policy NDC 3.3.2

Policy NDC 3.3.2 requires the City to apply its land use designation immediately upon annexation of a parcel and amend its Future Land Use Map and Comprehensive Plan to reflect the changes. The Applicant has submitted a Future Land Use Map Amendment and Rezoning Application concurrently with the Annexation Application to satisfy this policy.

Florida Statute Chapter 171

Florida Statute Chapter 171 provides the policies and procedures regarding annexation. Applicant's request for annexation is consistent with this Florida Statute. Chapter 171.043 requires that the total area to be annexed must be contiguous to the municipality's boundaries. As demonstrated above, the subject Property is a semi-enclave surrounded by the City on the east, west, and south sides of the Property. This chapter also requires that all or part of the area to be annexed must be used for urban purpose, and the intended use of the subject property (single family residential) is an urban purpose.



Future Land Use Map Amendment

The City's Comprehensive Plan governs the findings required for future land use map amendments.

Objective NDC 3.4 – Future Land Use Map Amendments

Objective NDC 3.4 requires the City to use a consistent set of standards to evaluate amendments to the Land Use Map. Those set of standards can be found in Policy NDC 3.4.1.

Policy NDC 3.4.1

Policy NDC 3.4.1 provides that an amendment to the land use map can occur only when there is a demonstrated *need* for the requested land use based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends, changes in the availability of land, changes in the existing character and land use map designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances, and the following findings can be determined:

- That the requested land use designation is *consistent* with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and
- That development at the highest intensity possible under the requested land use designation meets the adopted *concurrency* standards; and
- That the requested land use designation is *compatible* with the land use designations of the surrounding area; and
- That the requested land use designations are *compliant* with the provisions and requirements of the Land Development Regulations.

A. *Demonstrated Need:* First, there have been recent changes in the existing character and land use map designations of the surrounding area. The property directly located east of the subject property was recently annexed into the City and designated with residential land uses and zoning. Second, Applicant's request fulfills several comprehensive plan objectives and policies, which are discussed throughout this justification. Primarily, however, the City has identified the subject Property in its Comprehensive Plan as an area to be annexed into the City with a low density future land use designation as demonstrated above and seen in Map AD-23. Third, annexation into the City is an enumerated need in the City's Comprehensive Plan which justifies a future land use map amendment. Fourth and final, the Property lacks adequate sewer and water facilities, and the City is the closest municipality with the capacity to serve the Property's utility needs.



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- B. *Consistency:*** The Applicant’s requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan. As discussed above, the City’s Comprehensive Plan specifically identifies this subject Property as an area to be annexed with a future land use designation as low density residential, and the Applicant has requested same.
- C. *Concurrency:*** As mentioned above, the Applicant intends to use the property as a single family residential and Applicant’s requested zoning designation of R-1-AA reflects that same intent. As such, this type of use at its highest intensity possible can meet the adopted concurrency standards because a single family use for one property alone will have a de minimis effect on concurrency.
- D. *Compatibility:*** As mentioned above, Applicant’s requested future land use designation is specifically envisioned in the City’s Comprehensive Plan and designated as such because low density residential is compatible with existing and future land uses of the surrounding area, which is also primarily residential. Furthermore, the Applicant is requesting the lowest density possible, which will have little to no impact on adjacent and surrounding properties thus making it further compatible.
- E. *Compliance:*** The Applicant’s requested land use designation and future development is and will comply with the provisions and requirements of the City’s LDR as discussed throughout this justification.

Rezoning

Pursuant to the City’s LDR Section 2.4.5(D)(5), the City must make a finding that there is a valid reason for the rezoning, one of which is that there has been a change in circumstance that makes the current zoning inappropriate. Here, the change in circumstance is the annexation, which requires the Applicant to submit a zoning application, the City to consider the zoning application with the annexation, and the City to designate a zoning consistent with its Comprehensive Plan. Furthermore, as seen above in the City’s Annexation Area map AD-23, the City envisions a low density future land use for this Property, and the Applicant is requesting a zoning that is consistent with low density – R-1-AA, which is single family residential. Additionally, the subject Property is surrounded by residential communities only, including R-1-AA. See map below. As such, the requested zoning is also compatible with the adjacent and surrounding properties.

