



Legislation Details (With Text)

File #: 19-767 **Version:** 1 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 7/23/2019 **In control:** City Commission
On agenda: 8/20/2019 **Final action:** 8/20/2019

Title: ORDINANCE NO. 21-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE (1) PARCEL OF LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; COMPRISING APPROXIMATELY 3.57± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS ONE (1) PARCEL INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Ordinance No. 21-19, 3. 7-Eleven at Via Delray_PZB Staff Report, 4. 7-Eleven at Via Delray_Justification Statement, 5. Comprehensive Plan Map #1, Planning Area

Date	Ver.	Action By	Action	Result
8/20/2019	1	City Commission	approved on first reading	

TO: Mayor and Commissioners
FROM: Steve Tobias, Interim Development Services Director
THROUGH: Neal de Jesus, Interim City Manager
DATE: August 20, 2019

ORDINANCE NO. 21-19: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ANNEXING INTO THE CITY OF DELRAY BEACH, ONE (1) PARCEL OF LAND LOCATED IMMEDIATELY WEST OF SOUTH MILITARY TRAIL AND IMMEDIATELY SOUTH OF VIA DELRAY BOULEVARD, WITH THE SAME BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS HEREIN; COMPRISING APPROXIMATELY 3.57± ACRES IN SIZE AND SITUATED CONTIGUOUS TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF DELRAY BEACH; PROVIDING FOR INCLUSION OF THIS ONE (1) PARCEL INTO THE CITY AND A REDEFINITION OF THE CITY BOUNDARIES PURSUANT TO SUB-SECTION 171.044(2), FLORIDA STATUTES; PROVIDING FOR CONFORMANCE WITH ALL VOLUNTARY ANNEXATION PROCEDURES AS SET FORTH IN SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR FILING WITH PALM BEACH COUNTY AND THE DEPARTMENT OF STATE; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (FIRST READING).

Recommended Action:

Review and consider Ordinance No. 21-19 on first reading, a privately initiated request for annexation of 3.57± acres, subject to Florida Statutes Section 171 and the City of Delray Beach Land Development Regulations Section 2.4.5(C)(1).

Background:

The applicant has requested annexation from unincorporated Palm Beach County to the City of Delray Beach. Requests for Future Land Use Map amendment and rezoning are being considered concurrently.

The site currently has a 199 SF covered area with 4 fuel pumps with 8 fueling stations, a 700 SF convenience store (both built in 1984), and a 720 SF car wash (built in 1995). The applicant states the intention is to redevelop the site in a manner consistent with the 7-Eleven corporate model with a 4,500 SF convenience store, self-service car wash, and 8 fuel pumps with 16 fueling stations in the summer of 2019. The applicant indicates in the submitted Justification Statement (attached) that features of the new 7-Eleven corporate model include enhanced architecture, lighting, landscaping, and additional site security. The project described by the applicant will also require a Class V Site Plan and a Conditional Use approval.

Florida Statutes

Pursuant to F.S. 171.044 (5) "land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves." F.S. 171.031, Definitions - (13) defines "Enclave" as "(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality." The subject property is contiguous to the City of Delray Beach, and is surrounded on three sides by Palm Beach County. The site is accessible from both unincorporated Palm Beach County and the City of Delray Beach from Military Trail, and to unincorporated Palm Beach County from Via Delray Beach Boulevard. Therefore, granting this request will not create an enclave.

Land Development Regulations Governing Annexations

Pursuant to the Land Development Regulations Section 2.4.5 (C)(1), "the owner of land may seek the annexation of contiguous property, under his ownership" pursuant to Florida Statutes. The voluntary annexation petition was submitted by 7-Eleven, Inc., property owner, in accordance with Chapter 171, Florida Statutes, and the subject property is contiguous to the City of Delray Beach as noted above.

Comprehensive Plan Regulations Governing Annexation

Upon adoption of the 1989 Comprehensive Plan, the City's "reserve annexation area" was replaced by the boundaries of its "Official Planning Area". The Official Planning Area is the area for which most calculations and projections in the City's Comprehensive Plan are predicated upon. It is also considered the City's ultimate boundaries. The Planning Area is specifically delineated on Map #1, Future Land Use Element (attached). The subject property is not located within the Planning Area. However, Future Land Use Element Policy B-3.5, states that the City should "accommodate voluntary annexations as the opportunities arise." Section 171.044 of the Florida Statutes indicates that "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." A petition for voluntary annexation was submitted by Gunster, on behalf of 7-Eleven, Inc., the property owner of record. The parcel is contiguous to the City of Delray Beach along the east property line, which extends approximately 384 feet.

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 provision of services is provided below.

Police: Per Palm Beach Sheriff's Office (PBSO) communications, the location has had approximately 30 calls for service since November of 2018 and no significant calls for service. The estimated response service time by the City's Police Department is similar to all other locations' response times in Beat 7. The annexation of this site will not require additional staffing to facilitate service.

Fire and Emergency Services: Palm Beach County Fire Rescue Station #41 (located at Woolbright Road, just west of Military Trail) currently serves the site. The approximate response service time to currently serve the site is between 4-6 minutes. City of Delray Beach Fire Station No. 114 (located at the northeast corner of Lake Ida and Barwick Roads) will service the site. The City's Fire Department response service time to the site, provided by the City's Fire Department, would be 2-4 minutes. The annexation of this parcel will not require additional staffing to facilitate service to this site.

Water. The City's Water Atlas and the survey indicate water is already provided by the City to the site by a 12" water main located within the Military Trail right-of-way.

Sewer. The survey indicates sanitary sewer service is provided. The City's Sewer Atlas indicates that sewer service is not provided to the site by the City. Under Future Land Use Policy B-3.1, the City is not required to provide services upon annexation in areas that receive these services from Palm Beach County. Therefore, the property can remain on Palm Beach County sanitary sewer service, thereby there is no impact on City sanitary sewer facilities.

The Planning and Zoning Board Reviewed Ordinance No. 22-19 at the July 15, 2019 meeting and recommended approval (5-0).

City Attorney Review:

Ordinance No. 21-19 was approved to form and legal sufficiency on July 22, 2019.

Funding Source/Financial Impact:

If the annexation is approved, the City will receive approximately \$12,266.81 per year in ad valorem taxes.

Timing of Request:

N/A