



APR 10 2023

April 6, 2023

Ms. Verdenia C. Baker  
Palm Beach County Administrator  
301 N. Olive Avenue  
West Palm Beach, FL 33401

RE: TRANSMITTAL OF CITY OF PALM BEACH GARDENS URBAN SERVICES REPORT

Dear Ms. Baker:

Recently, the City of Palm Beach Gardens was approached by certain property owners along Northlake Boulevard south of the Avenir community expressing a desire to annex into the City of Palm Beach Gardens. Currently, there are no registered voters in the annexation area. Based on this, the City is moving forward with an involuntary annexation process without a referendum as set forth in Florida Statute Chapter 171.

Per the requirements of Section 171.042, Florida Statutes, the City of Palm Beach Gardens has prepared a report setting forth the plans to provide urban services ("Urban Services Report") prior to commencing formal annexation procedures for the areas on both sides of Northlake Boulevard between Bay Hill Estates and Grapeview Boulevard (A map of this area is included in the enclosed report). The first reading of the Annexation Ordinance is scheduled for April 24, 2023, with a second and final reading on May 4, 2023. The Urban Services Report is enclosed.

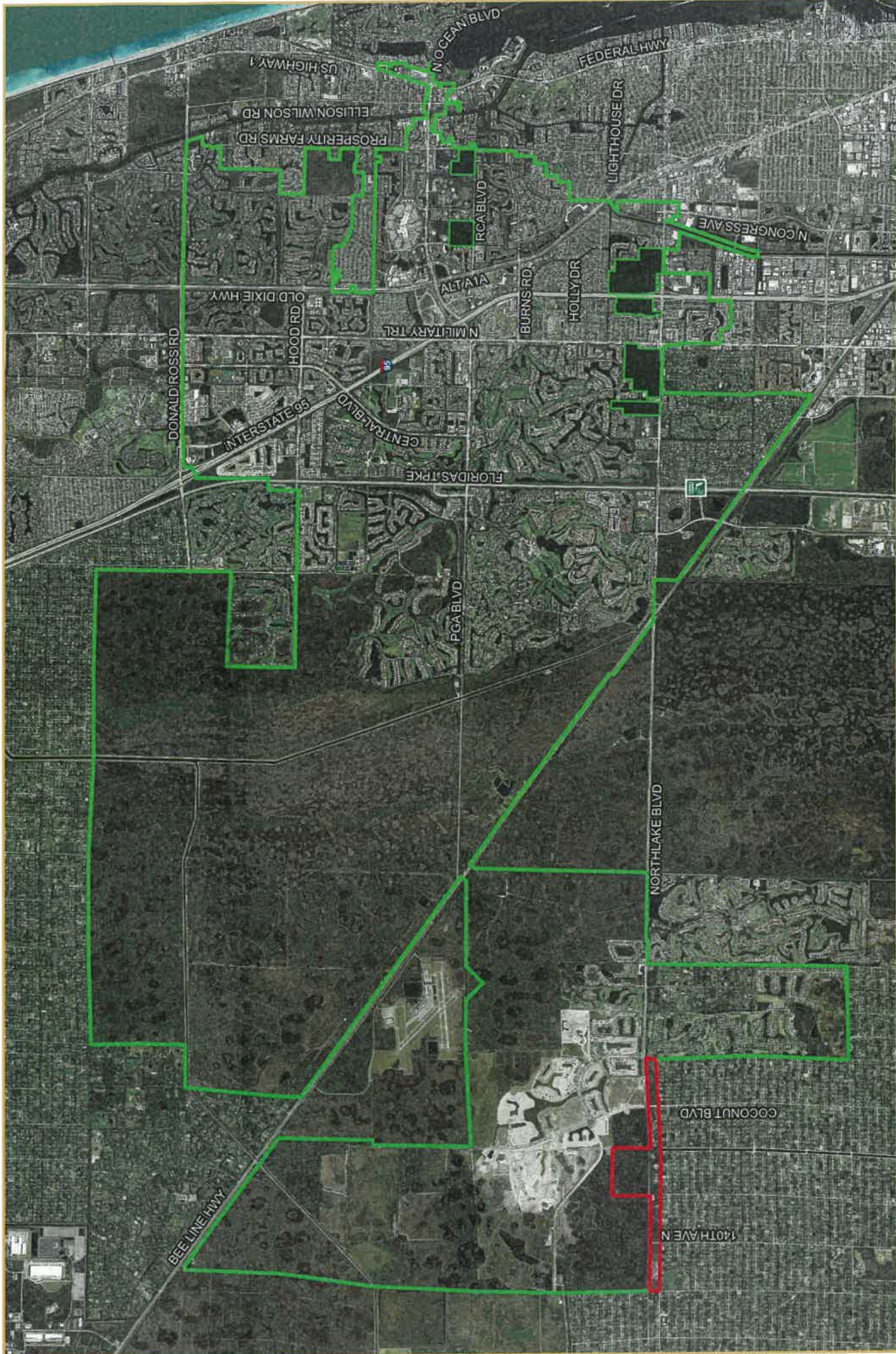
The City thanks you for your assistance and support during this process. Should you have any questions concerning this or require additional information, please feel free to contact me at (561) 799-4243.

Sincerely,

  
Natalie Crowley, AICP  
Director of Planning and Zoning

Enclosures (1)

cc: Mayor and City Council  
Ron Ferris, City Manager  
R. Max Lohman, City Attorney  
Patty Snider, City Clerk  
Martin L. Fitts, Planning Manager  
Kevin Fischer, Planning Division Director



Map 1: Annexation Area Location



- PROPOSED ANNEXATION AREA
- MUNICIPAL BOUNDARY
- UNINCORPORATED PEC





## Urban Services Report

For the Proposed Annexation of the West Northlake Boulevard Area  
Including parcels south of Northlake Boulevard and north of Hamlin  
Boulevard

April 6, 2023

Prepared by:

Planning and Zoning Department

10500 North Military Trail

Palm Beach Gardens, Florida 33410

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## **I. Introduction**

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This Urban Services Report sets forth a plan by which urban services will be provided to the sixteen parcels north of Hamlin Boulevard and west of Bay Hill Estates. The information contained in this document has been prepared pursuant to State Statute requirements for involuntary annexation contained in §171.042, F.S. As required by that section, the information listed must be provided or addressed in this urban services report.

- 1) A map of the City and adjacent territory showing the present and proposed municipal boundary.
- 2) A map of the general land-use pattern in the area proposed to be annexed.
- 3) A map indicating the location of existing major trunk mains for potable water and sanitary sewer interceptors and outfalls, and the proposed extension of such mains and outfalls, if required to serve the area proposed to be annexed.
- 4) A statement certifying that the area proposed to be annexed is reasonably compact, is contiguous to the City, and meets the test for being considered urban or is undeveloped but is located between the City limits and an area developed for urban purposes.
- 5) A statement that describes the City's plans for providing the area proposed to be annexed with those municipal services provided throughout the other areas of the City at the time of annexation.
- 6) A proposed timetable for constructing major water trunk mains and sewer mains to serve the area proposed to be annexed if existing water and sewer mains are not available to serve that area.
- 7) Plans on how the City will fund the municipal facilities and services needed to serve the area proposed to be annexed.

Section 171.042 F.S. also requires that a copy of this plan be submitted to the Palm Beach County Board of County Commissioners fifteen days prior to the City initiating formal proceedings.

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## **II. General Description of the Annexation Area**

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### **A. Location:**

The proposed annexation area is comprised of primarily vacant parcels on the north and south sides of Northlake Boulevard between the western edge of Bay Hill Estates and Grapeview Boulevard on the west. All parcels are located within unincorporated Palm Beach County. The 301.64-acre area is bounded on the north by the Avenir development and on the east by the Bay Hill Estates subdivision in the City of Palm Beach Gardens, and on the west and south by the unincorporated community The Acreage.

B. Subject Properties—Existing Land Use:

- 1) **Pierce Hammock Elementary School** is located in the western portion of the proposed annexation area and services the Western Northlake Boulevard area including the Avenir, Bay Hill Estates, Rustic Lakes, Osprey Isles, Carleton Oaks, and Ancient Tree communities within the City.
- 2) **The Shops at Indian Trail** is a currently vacant 29.53 parcel located at the southwest corner of the intersection of Coconut Boulevard and Northlake Boulevard. The parcel has been approved for 106,566 square feet of commercial uses including medical, financial institution, a 16-pump gas station with a convenience store, and restaurants. It is currently under consideration with the County to modify the plan to add a day care use and car wash use.
- 3) **Coconut Palm Plaza** are two currently vacant, parcels totaling approximately 11.25 acres located on the southeast corner of the intersection of Northlake Boulevard and Coconut Boulevard. The parcels have been approved for 49,005 square feet of retail including a 16-pump gas station with a convenience store.
- 4) **Q Broadcasting** is located in the northeast corner of the “Avenir cutout,” the five parcels on the north side of Northlake Boulevard bordered by Avenir on the north, west, and east sides. The 8.21-acre parcel contains a radio station broadcasting tower.
- 5) **Northlake Maintenance LLC** owns four parcels totaling approximately 75.38 acres that are currently vacant or contain conservation easements.
- 6) **Cingular Wireless** owns the middle parcel on the south side of Northlake Boulevard between Avocado Boulevard and 130<sup>th</sup> Ave N.
- 7) The remaining six parcels are owned by Palm Beach County (2 parcels, 23.81 acres), Myers Huong Pham family (2 parcels, 54.47 acres), and the Vishalaxmi Living Trust (2 parcels, 61.92 acres) and are currently vacant.

C. Subject Properties – Future Land Use:

- 1) **Pierce Hammock Elementary School** has a future land use of Rural Residential, 1 unit per 10 acres (RR-10).
- 2) **The Shops at Indian Trail** has a future land use of Commercial Low with an underlying Rural Residential, 1 dwelling unit per 5 acres (CL/RR-5).
- 3) **Coconut Palm Plaza** parcels have a future land use of Commercial Low, with an underlying Rural Residential, 1 dwelling unit per 20 acres (CL/RR-20).
- 4) **Q Broadcasting** and the four vacant parcels in the “Avenir cutout” have a future land use of RR-20.
- 5) **Northlake Maintenance LLC** has future land uses of RR-10 and RR-20.

- 6) The remaining 6 parcels have future land use designations of RR-10 (Palm Beach County parcels) and RR-20 (Myers Hough Pham family parcels and Vishalaxmi Living Trust parcels).

**D. Subject Properties – Zoning:**

- 1) **Pierce Hammock Elementary School** has a zoning designation of Agricultural Residential (AR).
- 2) **The Shops at Indian Trail** has a zoning of Multiple Use Planned Development (MUPD).
- 3) **Coconut Palm Plaza** has a zoning of Multiple Use Planned Development.
- 4) **Q Broadcasting** and the remaining four vacant parcels in the “Avenir cutout” have zoning designations of AR.
- 5) **Northlake Maintenance LLC** parcels have zoning designations of AR.
- 6) The remaining 6 parcels have zoning designations of AR.

**E. Surrounding Future Land Use Regulations and Zoning Districts:**

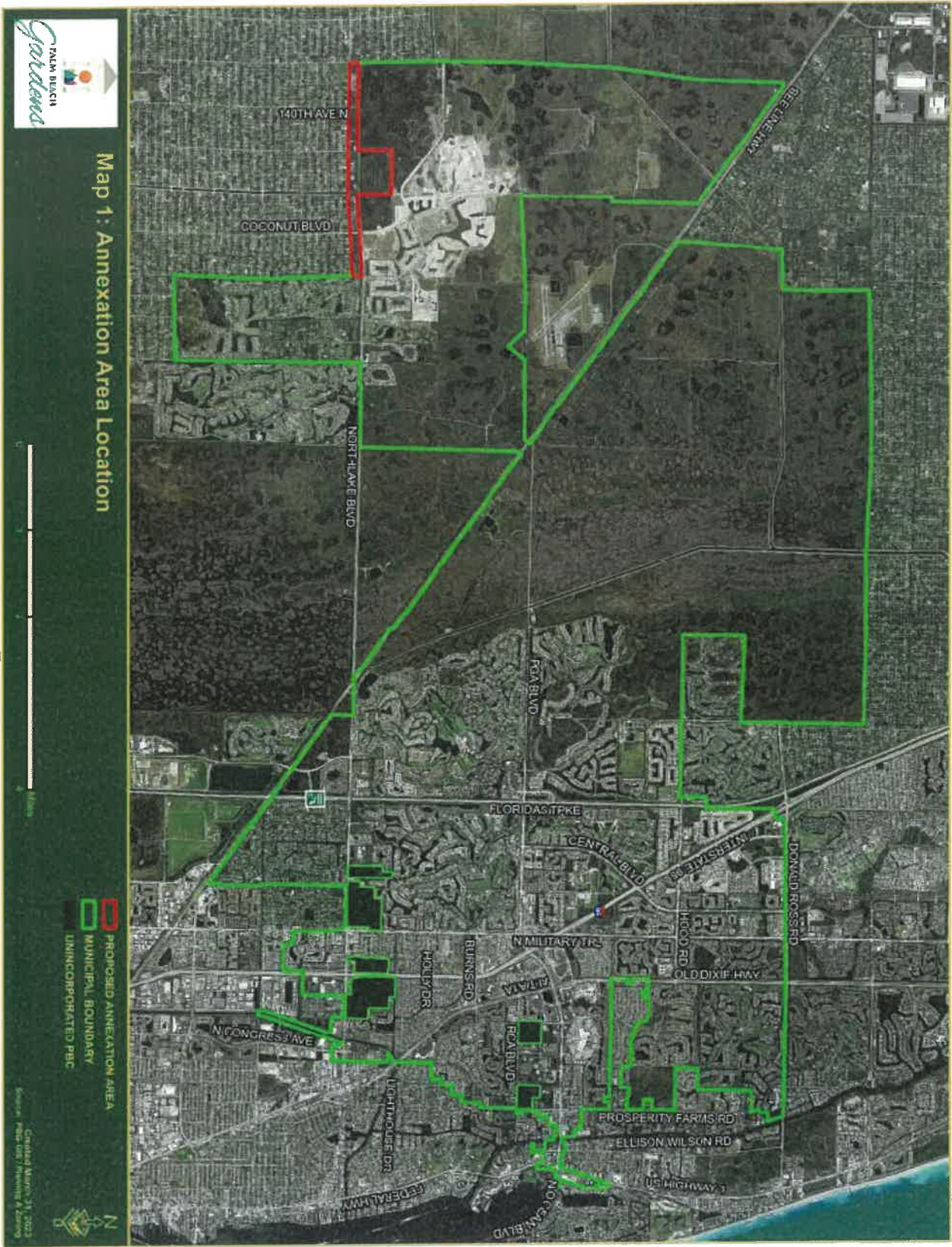
The proposed annexation area is bounded on the east by the Bay Hill Estates south of Northlake Boulevard and Avenir north of Northlake Boulevard, on the north by Avenir and the Acreage neighborhood on the west and south.

<b>Table 1: Surrounding Existing &amp; Future Land Uses &amp; Zoning Districts</b>		
<b>DIRECTION</b>	<b>LAND USE</b>	<b>ZONING</b>
<b>NORTH</b>	Mixed Use (MXD), (PBG)	Planned Community Development (PCD) (PBG)
<b>SOUTH</b>	Rural Residential, 1 unit per 2.5 acres (RR-2.5) (PBC)	Agricultural Residential (AR) (PBC)
<b>EAST</b>	Mixed Use (MXD), Residential Low (RL), (PBG)	Planned Community Development (PCD), Planned Unit Development (PUD) overlay with underlying Residential Low (RL-3) (PBG)
<b>WEST</b>	Mixed Use (MXD), (PBG) / Rural Residential, 1 unit per 2.5 acres (RR-10) PBC)	Planned Community Development (PCD) (PBG) / Agricultural Residential (AR) (PBC)

**F. Population:**

The existing population of the annexation area is estimated by multiplying the number of dwelling units by the average household size of 2.1265 as established by the University of Florida Bureau of Economic and Business Research (BEBR) population estimates. The Palm Beach County Property Appraiser’s database identifies a total of 0 dwelling units (single family). Thus, the population would be estimated at 0 people (0 X 2.1265 persons per household as established by BEBR).

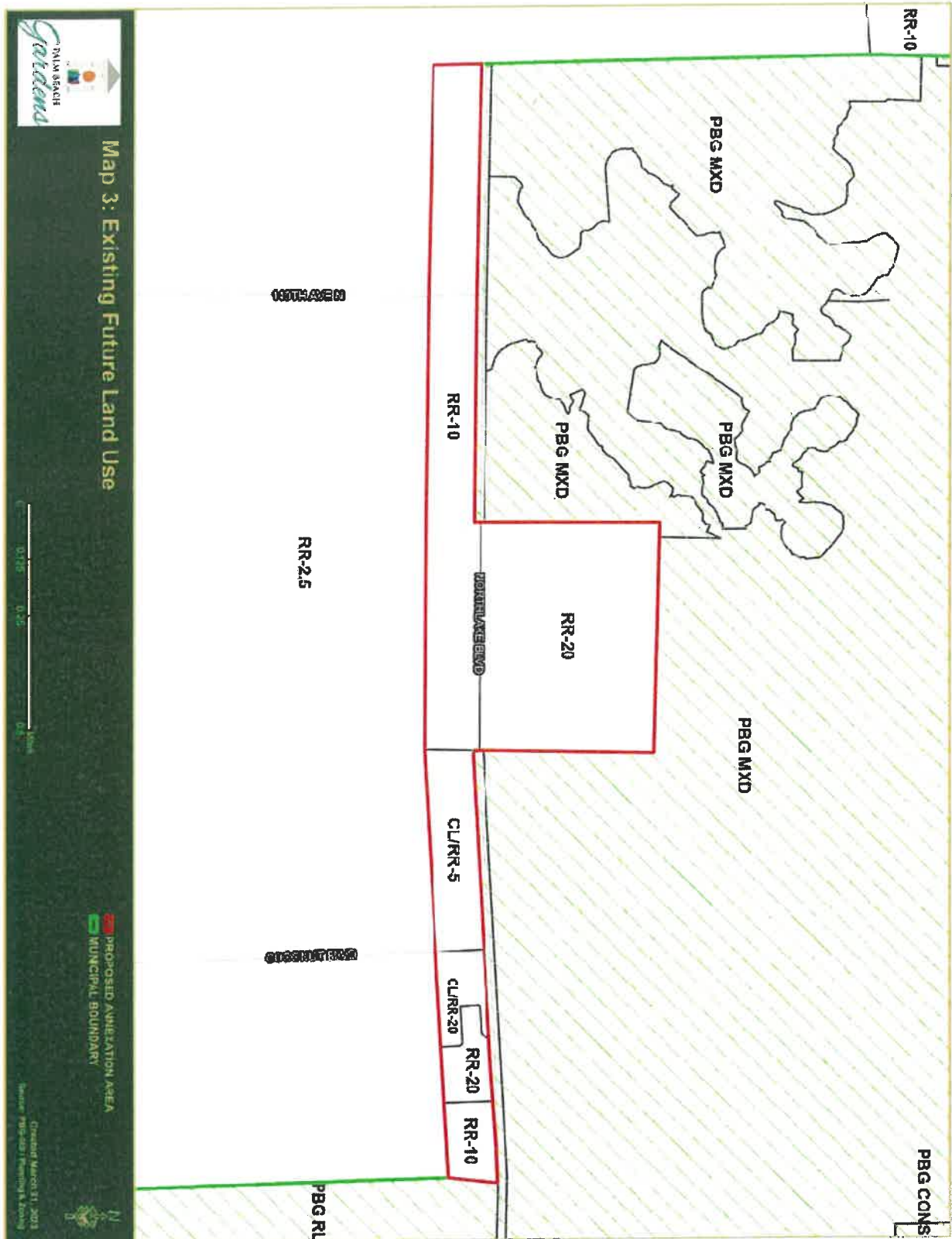
Map 1: Location Map



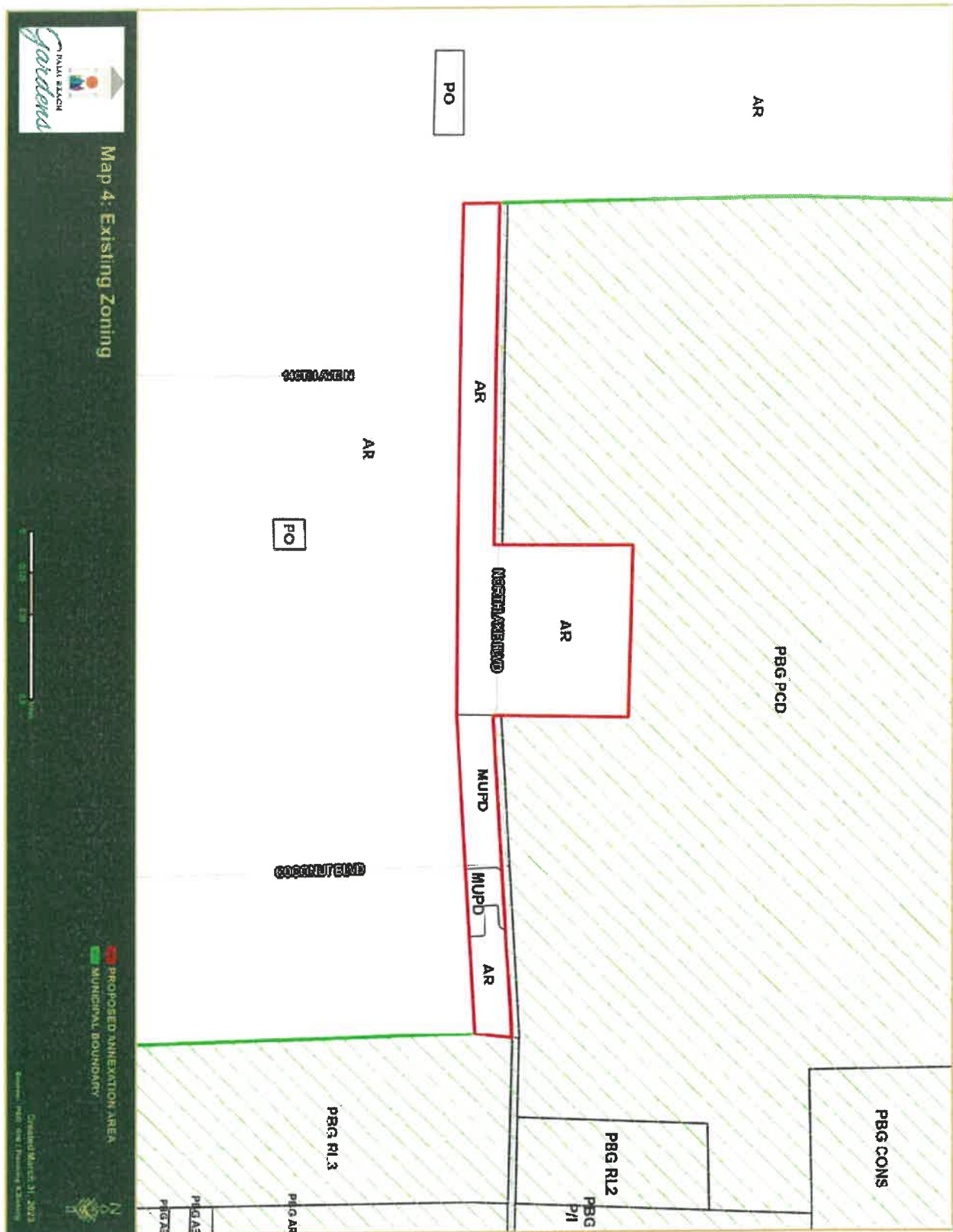
Map 2: Annexation Study Map



Map 3: Future Land Use Map



Map 4: Zoning Map



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### **III. Compliance with Florida Statutes, Character of the Area to be Annexed.**

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Chapter 171.043 Florida Statutes outlines the general criteria that an area being considered for annexation must satisfy before a municipal government can proceed with an annexation of an area by voter referendum. Chapter 171.043 requires that any annexation must be able to meet Subsections (1) and the requirement of either subsection (2) or subsection (3) as written below:

- 1) The total area to be annexed must be contiguous with the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.
- 2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as an area which meets any of the following standards.
  - a) It has a total residential population equal to at least two (2) persons for each acre of land included within its boundaries;
  - b) It has a total residential population equal to at least one (1) person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are one acre or less in size; or
  - c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.
- 3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:
  - a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or
  - b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

"Urban purposes" is defined in Chapter 171.031 as land used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

#### **Staff Response**

The proposed annexation area is compact and lies solely in Palm Beach County. The subject site is contiguous to the City of Palm Beach Gardens on the north and east. Thus, the first standard is met

because the proposed annexation area is not within any other municipal boundary, is contiguous with the City of Palm Beach Gardens' municipal boundary and is compact.

The proposed annexation area's external boundary is approximately 31,534.88 linear feet. The municipal boundary adjacent to the proposed annexation area is approximately 17,989.3 linear feet or 57.05% of the external boundary. The parcels to the south of the proposed annexation area are predominantly built out as single-family residential parcels ranging from 1.27 acres to 3.2 acres in size. These parcels are developed for urban purposes and are subdivided into lots or tracts of five acres or less. The total of the external boundary that is adjacent to any combination of the municipal boundary or areas developed for urban purposes is approximately 31,534.88 linear feet, or 100%. The proposed annexation area satisfies the criteria for Subsection 3) b) above.

**In summary, the proposed annexation satisfied the requirements of Chapter 171 concerning the character of the area to be annexed.**

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#### IV. Compliance with Florida Statutes, Annexation procedures

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Chapter 171.0413 Florida Statutes outlines the procedures for a referendum annexation, often referred to as an involuntary annexation. Subsection (1) requires the governing body hold at least two advertised public hearings prior to adopting an ordinance proposing the annexation. Subsection (5) requires that if more than 70 percent of the land in an area proposed to be annexed is owned by individuals, corporations, or legal entities which are not registered electors of such area, the consent of the owners of more than 50 percent of the land must be obtained prior to annexation.

<b>Table 2: Parcels acreage and consents received</b>			
PCN	Owner	Acres	Consent
00414215000005020	Cornerstone PBG LLC	9.20	Yes
00414215000005040	Cornerstone PBG LLC	2.05	Yes
00414215000005030	Northlake Maintenance LLC	22.10	Yes
00414215000007010	DKC Coconut Crossing LLC	29.53	No
00414216000007010	Northlake Maintenance LLC	33.97	Yes
00414216000005020	Q Broadcasting Corp. Inc.	8.21	No
00414216000005030	Myers Huong Pham	33.76	Yes
00414216000005040	Myers Huong Pham	20.71	Yes
00414216000005050	New Cingular Wireless PCS LLC	9.66	No
00414216000005060	Palm Beach County	13.86	No
00414216000005070	Palm Beach County	9.95	No
00414216000005080	Vishalaxmi Living Trust	20.00	Yes
00414216000007010	Vishalaxmi Living Trust	41.92	Yes
00414217000005010	School Board of PBC	14.92	No
00414217000005020	Northlake Maintenance LLC	11.69	Yes
00414217000005030	Northlake Maintenance LLC	7.48	Yes
<b>Total acreage</b>		<b>289.00</b>	

Subsection (6) states that if the area proposed to be annexed does not have any registered electors on the date the ordinance is adopted, a vote of electors is not required. However, the consents of the owners of more than 50 percent of the parcels proposed to be annexed must be obtained. The area proposed to be annexed contains no residents and therefore, no registered voters. Table 2 details the parcels and acreage in the annexation area and the letters of consent obtained. There are 16 parcels included in the proposed annexation area, of which, subsection (6) requires the City obtain the consent of the owners of more than 8 parcels. The City has obtained the consent of the owners of 10 parcels. Subsection (5) requires the City obtain the consent of the owners of at least 50 percent of the acreage or 144.50 acres ( $289 \text{ acres} / 2 = 144.5 \text{ acres}$ ). The city has received the consent of the owners of 202.87 acres.

**In summary, the proposed annexation satisfies the requirements of Chapter 171.0413 concerning the number of annexation consents to be received to allow annexation of areas without registered voters.**

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## V. Inventory of Public Service Facilities

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### A. Potable Water Service:

The areas identified to be annexed are within the water service area boundaries for the Palm Beach County Water Utilities Department (PBCWUD) south of Northlake Boulevard and the Seacoast Utility Authority (SUA) north of Northlake Boulevard. Potable water service for the Pierce Hammock Elementary School currently is provided through a water main on Hamlin Boulevard. A PBCWUD water main runs along the north side of Northlake from the eastern edge of the annexation area to 140<sup>th</sup> Avenue where it crosses to the north side of Hamlin Boulevard. Connections to the two approved commercial parcels at the corners of Northlake Boulevard and Coconut Boulevard have also been placed in preparation of development, along Northlake Boulevard. The two commercial lots along the northern boundaries of the Rustic Lakes subdivision will receive potable water service via the existing water main located on nearby Northlake Boulevard adjacent to the parcels.

### B. Sanitary Sewer Services:

The areas to be annexed are within the sanitary sewer service area boundaries of the Palm Beach County Water Utilities Department (PBCWUD) on the south side of Northlake Boulevard and the Seacoast Utility Authority (SUA) on the north side of Northlake Boulevard. Currently, the Pierce Hammock Elementary School is serviced through a force main along the south right-of-way line of Northlake Boulevard. The vacant parcels would be serviced through the same force main along the south right-of-way of Northlake Boulevard.

### C. Park and Recreation Services:

The subject area contains no residents and, therefore, will have no impact on the Level of Service (LOS) for Park and Recreation Services.

D. Police Protection:

Police protection for the annexation area is currently provided by the Palm Beach County Sheriff's Office. If the area is annexed, the City of Palm Beach Gardens will provide police protection. There are no residences in the proposed area and the commercially zoned parcels are currently vacant. The Pierce Hammock Elementary School is in the proposed annexation area and serves a student population of 447 students in pre-kindergarten through fifth grade. Although law enforcement services are provided to the school by the Palm Beach County School District Police, there would be a potential need for city law enforcement services for traffic-related issues and unusual or crisis responses.

The population estimate of the City of Palm Beach Gardens and the proposed annexation area is 60,675. The Police Level of Service is based on law enforcement calls for service, average response time for calls, planned activity/neighborhood patrols and resident-to-officer ratios with a minimum of two officers per 1,000 residents. While staffing levels for the proposed annexation are sufficient in its current state, the level of service will be reevaluated as future development occurs.

E. Fire Protection:

Palm Beach Gardens Fire Rescue is a full-service fire rescue agency providing fire suppression, advanced life support including transport, fire inspections, fire investigations and community education. The area identified to be annexed is currently serviced by West Palm Beach Fire Rescue and Palm Beach County Fire Rescue via the city's automatic mutual aid agreement. Palm Beach Gardens Fire Rescue will assume the role of primary emergency response to the proposed annexed areas once Palm Beach Gardens Fire Rescue Station 6 (Avenir) is operational. Fire Station 6 is fully funded through the 2023 CIP and is anticipated to be operational in 2024. The fire rescue department anticipates no initial impact to fire rescue services due to annexation of the proposed area of interest.

F. Code Enforcement:

Code Enforcement: The City of Palm Beach Gardens Neighborhood Services (Code Compliance) Division currently divides the 59-square-mile City into six (6) inspection zones. The neighborhood that is identified for the proposed annexation would be incorporated into Code Compliance Zone 6, which is a shared officer responsibility. The Division consists of five full-time Code Compliance Officers, one operations manager and seven marked vehicles. The City anticipates no adverse impact on the current workload by the proposed annexation.

G. Public Services:

*Public Services* means a broad public works type services that business and residents receive from the City. The LOS for Public Services is calculated by estimating annual expenses to provide the following primary elements within the annexation area:

- 1) Road/Sidewalks Maintenance,
- 2) Street Sweeping,
- 3) Mosquito Spraying,
- 4) Stormwater System Maintenance, and
- 5) Canal Maintenance.

The roads within the proposed annexation area, Northlake Boulevard (PBC), Coconut Boulevard (PBC), and 140<sup>th</sup> Avenue N (Indian Trails Improvement District) are owned and maintained by other governmental entities. The Indian Trail Improvement District maintains the responsibility for stormwater system maintenance within the annexation area and there are no canals within the annexation area.

Estimated cost of Public Services: \$0.00

#### H. Solid Waste:

Solid waste expenditures were based on fees set by the City's ordinance for Single-Family or Multi-Family residential units multiplied by the number of units in the proposed annexation areas (Single-Family or Multi-Family fee x Number of dwelling units). Revenues were calculated using the City's ordinance for franchise fee(s) per dwelling unit.

Estimated cost of Solid Waste removal: \$0.00

#### I. General Municipal Government:

The City currently provides community development services through the Planning and Zoning and Building Departments, which issue building permits, review site plans, issue certificates of occupancy, ensure that development complies with the City's Comprehensive Plan and manage other issues relating to the development of the City.

The Planning and Zoning Department also provides for zoning regulation and rezoning of City land areas. The land use and zoning of the area proposed for annexation may be redesignated within one to two years of the date of annexation. Particular care will be exercised in redesignation, to assure that full developmental rights will be preserved for newly annexed areas. Further information on the proposed annexation may be obtained through the Planning and Zoning Department.

The City's Administration provides overall coordination of all City services and support services including Human Resources, Purchasing, Finance, Legal, and Public Information for all City departments. The cost of providing general municipal services is calculated on a per capita basis. However, as there are no residents added to the City with this annexation, there is no anticipated additional general municipal costs due to the annexation. The extension of urban services to the proposed annexation areas will not require any additional overhead.

Estimated Total Costs: \$0

Map 5: Potable Water Mains Map



Map 6: Sanitary Sewer Water Main Map



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## VI. COST ESTIMATES FOR PROVIDING PUBLIC AND GENERAL MUNICIPAL GOVERNMENT SERVICES

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The preceding section indicates that the annexation of the proposed area properties will not require any additional funding to provide required urban services. As this report notes, this is because the annexation will not adversely affect established Levels of Service for parks and recreation, police and fire protection, and code enforcement. The additional costs to the City of Palm Beach Gardens will be for increased mosquito spraying, additional refuse collection, and general government services.

Table 2 below indicates the total estimated annual costs of providing additional public services to the proposed annexation areas at the time of annexation.

<b>TABLE 2: ESTIMATED COSTS OF PROVIDING ADDITIONAL PUBLIC SERVICES</b>	
<b>PUBLIC SERVICE</b>	<b>ESTIMATED COST</b>
Potable Water	\$ 0.00
Sanitary Sewer	0.00
Parks and Recreation	0.00
Public Services	0.00
Police Protection	0.00
Fire Protection	0.00
Refuse Collection	0.00
General Government	0.00
<b>TOTAL</b>	<b>0.00</b>

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## VII. Potential Sources of Revenue for Providing Public Services

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There are various sources of revenue available to the City for maintaining the urban services needed for the annexation area. These revenue sources include ad Valorem taxes, communications service tax, and franchise fees. Each of these revenue sources is based on real property values, utility service consumption, or population. If the west Northlake Boulevard parcels are annexed into the City of Palm Beach Gardens, each of these factors are anticipated to provide additional revenues.

### A. Ad Valorem Taxes:

It is estimated that the annual ad Valorem taxes that will be generated from annexing the proposed areas will be approximately \$68,971. This figure is calculated by multiplying the total assessable value of \$12,908,039.00 for the annexation areas, as determined by the Palm Beach County Property Appraiser multiplied by the City's current millage rate (0.00532) plus debt (0.000000) of 0.00532.

B. Franchise Tax:

Florida Power and Light (FP&L) collects and pays to the City a franchise fee of six percent of the total bill for parcels within the City. School properties, however, are exempt from franchise fee taxes. The remaining parcels are currently vacant or developed with communications towers. The revenue generated by the Franchise Tax as developed is negligible.

C. Communications Service Tax:

The City receives revenue from the Communications Service Tax (CST) for the sale of telecommunications services within the City. Government owned properties, including schools, are exempt from the CST. The two parcels with communications towers are not subject to the CST as they are not involved in the sales of telecommunications services, rather the transmission of telecommunications services. There is no anticipated revenue from the CST.

Table 4 shown below indicates the estimated annual revenue that the City of Palm Beach Gardens can expect to collect in the first year because of the proposed annexation. This table indicates the sources of revenue from ad valorem taxes, franchise taxes, and the communications service tax.

<b>TABLE 4: ESTIMATED FIRST YEAR REVENUE</b>	
<b>REVENUE SOURCE</b>	<b>ESTIMATED REVENUE</b>
Ad valorem taxes	\$68,971
Franchise tax	0
Communications service tax	0
<b>TOTAL</b>	<b>\$68,971</b>

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**VIII. Conclusion**

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In conclusion, this proposed annexation of the sixteen parcels along western Northlake Boulevard, as shown in this Urban Services Report, meets all the State requirements noted in Chapter 171, *Florida Statutes*, to qualify for annexation into the City of Palm Beach Gardens. The subject area is appropriate for annexation into the boundaries of the City of Palm Beach Gardens because the subject area is compact and contiguous to the existing borders of the City of Palm Beach Gardens on the north. In addition, the area can clearly be characterized as a compact urban location because at least 60 percent of the total linear feet of the external boundary of the proposed annexation area consists of a combination of the municipal boundary or an area that meets the definition of Urban purposes. Finally, the proposed annexation of the sixteen parcels on western Northlake Boulevard is financially feasible because the benefits of annexation will exceed and offset the cost of any capital project necessary to provide for extending urban services on the date of annexation in the same manner as such services are provided within the rest of the City.