

Panther Run Elementary School

STAFF REPORT

Petition Number(s)/Types:

2022-001 ANX / Annexation
2022-006 CPA / Future Land Use Map Amendment
2022-002 REZ / Zoning Map Amendment

Ordinance(s): 2022-31 Annexation
2022-32 CPA
2022-33 REZ

Resolution(s): None

Applicant/Agent: Palm Beach County School Board
C/O Planning & Intergovernmental Services Dept.
Attn: Kristin Garrison
3661 Interstate Park Rd. Suite 200
Riviera Beach, Florida 33404

Property Owner: Palm Beach County School Board

Site Address: 10775 Lake Worth Road

PCN(s): 00-41-44-25-09-001-0000

Future Land Use Designation:

Current – LR2 (County)
Proposed – Community Facilities (Wellington)

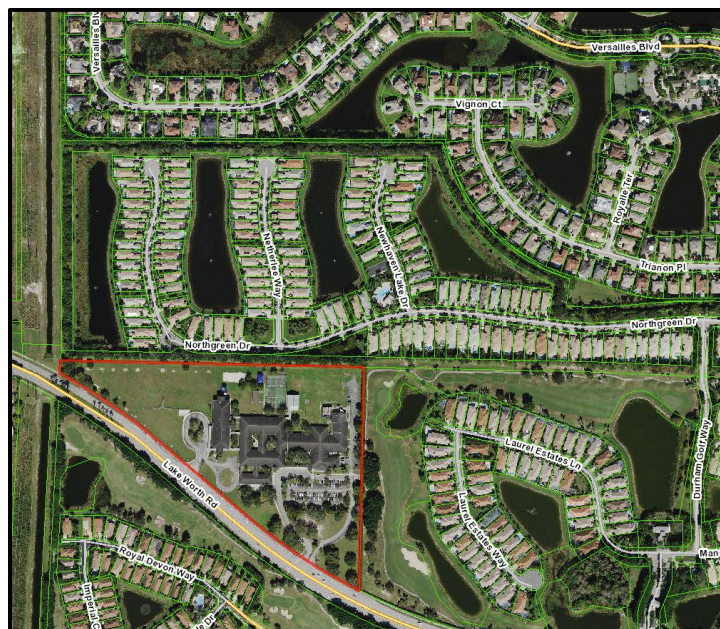
Zoning Designation: **Acres:**
AR (Agricultural Res.)- County 20 Acres

Request: Annex the property occupied by the Panther Run elementary school from unincorporated Palm Beach County into Wellington. Add same to the Wellington Future Land Use Map of the Comprehensive Plan as Community Facilities (CF) and to the Zoning Map as Community Facilities (CF).

Project Manager:

Bob Basehart, Sustainability and Regulatory Affairs Director
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Location Map:



Adjacent Property	FLUM	Zoning
North	LR2	RTS/SE/PUD
South	LR2	RS/SE/PUD
East	LR2	RS/SE/PUD
West	Acme Canal	Acme Canal

Boards, Committees, and Council:

	Date	Vote
PZAB	11/16/2022	4-0 Approval All 3
Council (1 st) Annex	1/10/2023	5-0 Approval
Council (2 nd) Annex	2/21/2023	5-0 Approval
Council CPA & Rez (1 st)	2/21/2023	5-0 Approval
Council CPA & Rez. (2 nd)	3/14/2023	Pending

Public Notice and Comments:

Sent	Returned	For	Opposed	No Reply
120		None	None	

Site History and Current Request:

The Wycliffe PUD, which surrounds the subject parcel on 3 sides, was approved as petition #86-104 on October 24, 1987 (resolution NO. R-87-429). Condition # 16 of the resolution required the applicant to convey 20 acres of land to the County within 90 days, to be used as a school site. That condition was met by the dedication of the subject site to the County. The County deeded the property to the School Board in 1990. The School Board constructed the Panther Run elementary school on the property immediately after acquiring it and it opened in 1991. Wycliffe is a completed project. The school site is not part of the HOA and there is no physical access between the school site and Wycliffe. Panther Run Elementary has operated continuously since 1991. There are no plans to make any physical or functional changes to the school.

This application package is a three-component request concerning the existing school. The first component is an application to annex the property from the unincorporated area of Palm Beach County into the Village of Wellington. The second component is an application to add the subject property to the Wellington Future Land Use Map (FLUM) as CF (Community Facilities), which is the appropriate designation for schools in the Comprehensive Plan (currently the property is designated LR-2 in the County FLUM). The third component is a rezoning application to change the County AR (Agricultural Residential) zoning to CF (Community Facilities) on the Wellington zoning map. These applications are not to change land use designations for a property already on the FLUM and zoning map, but rather is to assign an appropriate designation to an already existing use that is being brought into the community. These proposed designations are justified because they also comply with the review criteria of the LDR for FLUM and rezoning applications.

Staff Analysis:

1. Annexation

This request complies with all of the relevant requirements of Wellington and requirements set forth in Chapter 171.011- 171.094 of Florida Statutes, as follows:

Contiguity, compactness, and shape: The proposed annexation is a single property of regular shape (roughly triangular) that is physically adjacent to Wellington on one side (west). Further, nearly all land located to the north of the subject parcel for approximately three miles is within Wellington's boundaries, except for a portion of one neighborhood within the Wycliffe development. This neighborhood is contiguous with and has its access through another portion of Wycliffe, so that it will not create an enclave when the subject annexation is approved. In addition, the subject property is located within Wellington's Reserve Annexation Area as depicted within the Wellington Comprehensive Plan.

Unity of Interest and Logical Extension of Wellington's Boundaries: Both Wellington and the School Board have traditionally considered Panther Run to be a Wellington school. The majority of the school's attendance boundary is already within the municipal boundary and approximately 80% of the students attending the school are Wellington residents. The Wellington Council has annual grant programs to provide funding to their local schools and Panther Run has always received part of that funding because it is considered a local school. The subject property is clearly a logical extension of Wellington's boundaries. Beginning with the properties adjacent to the west, all land on both sides of Lake Worth Road, all the way

to the Everglades (approximately 6 miles) is currently within Wellington, and the adopted reserve annexation area extends more than 1½ miles to the east.

Growth Potential to Justify Extension of Services: No extension of municipal services will be necessary to accommodate the proposed annexation because the property is already developed and the services are already being provided by Wellington. By interlocal agreement with Palm Beach County the Acme Improvement District (Wellington) provides potable water and sewer services to all land west of S.R. 7, between Southern Boulevard and Lantana Road, whether within the Wellington boundaries or not. The property is provided with drainage via an adjacent Acme canal. Police and Fire services (Station 30) are provided by Wellington through contracts with Palm Beach County.

Deficit of Income against Expense: Schools pay utility bills just the same as any other use. Since the school on this property already exists and already pays utility bills to Wellington, there will be no new income or expense in that regard. The school is already being served by Palm Beach County Fire Rescue and Sheriff's departments and the School Board has its own police department which currently serves the school and will continue to do so. If there are any changes in the balance of income vs. expense, such will be minimal.

Advantages/Disadvantages: The primary advantage to both the School Board and Wellington is that annexation of the subject property will place it officially within the community that it primarily serves. There are no disadvantages. It should also be noted that there is potential for the Wycliffe development to someday annex into Wellington. Wycliffe residents have discussed this with Wellington in the past. If such an annexation were to be proposed, it would be necessary for the subject property to join in, so as not to create an enclave.

Provision of Services: Willingness and ability to provide Wellington services is not an issue because the subject site is already fully developed and Wellington already provides the services necessary for that development.

Consistent with the Comprehensive Plan: As noted above, the subject property is within the Reserve Annexation Area depicted in the Comprehensive Plan, meaning that it is within an area that Wellington has planned to ultimately include it within its municipal boundaries. By including applications to give the property both a Wellington Future Land Use Map and a Wellington zoning designation, compliance with both the Comprehensive Plan and the LDR is assured.

2. Comprehensive Plan Amendment (Future Land Use Map)

This application is not a request to change the land use designation of a property on the FLUM of the Wellington Comprehensive Plan from one land use category to another, because the property is not currently shown on the Wellington FLUM. Since the property is being annexed into Wellington it is desirable that it be given an appropriate designation on the FLUM of the Wellington Comprehensive Plan. The property has been completely developed since 1991, when the Panther Run Elementary School was constructed. No change to the use or development on the site is contemplated or being sought. The applicant is seeking to have the property added to the Wellington FLUM with a designation CF (Community Facilities). The CF land use designation is reserved for governmental, schools, infrastructure, utility and open space uses. The Comprehensive Plan limits development on

CF properties to a Floor Area Ratio (FAR) of 35%. The school that is already built on the property is 115,503 square feet of floor area, resulting in a FAR of 13.25%. Therefore, existing development on the site is consistent with the Wellington Comprehensive Plan with respect to both land use and physical construction.

Article 5 of the Wellington LDR provides that any FLUM amendment must meet at least one (1) of six (6) factors to qualify for consideration. These factors include changed projections, changed assumptions, data errors in the formulation of the original plan, new issues arising since the adoption of the plan, and/or a need for additional detail or data updates. While it can be argued that these factors should not apply for annexations, where a designation is being made to reflect the most appropriate fit for an existing use, this request can be justified under either or both changed assumptions or new issues. The property was developed and the school occupied five years before Wellington even incorporated. For reasons unknown the school was not included within the original boundaries. However, the school functions as an important part of the community and 80% of the student body are Wellington residents. The property is now being annexed into Wellington, making it physically part of the community, as well as functionally. The property becoming part of Wellington is certainly a new issue and it is proper for it to be added to the FLUM and the Zoning Map.

3. Zoning

In like fashion to the Future Land Use Map application discussed above, although this application is changing the property's zoning from the County designation of AR (Agricultural Residential) to the Wellington designation of CF (Community Facilities), in actuality it is merely a change to an appropriate Wellington zoning category to reflect the continuation of an existing use; due to the fact that the property is being annexed into Wellington. The existing school was built in 1991. The County LDR allows schools in residential zoning districts. The Wellington LDR does not allow schools in residential districts (except in planned developments), but does allow them in commercial zoning districts or in the CF district.

This proposed rezoning complies with the review criteria of the LDR for rezoning applications, as follows:

1. As explained above, the FLUM of the Comprehensive Plan is being changed by adding the subject property and designating it as CF. The appropriate zoning district in the LDR for CF FLUM designations is the CF Zoning District. Therefore, the proposed rezoning is consistent with the Comprehensive Plan.
2. The proposed request is not in conflict with any provisions of the LDR. The only regulations contained in the LDR for the CF zoning district are the use regulations matrix, which shows schools as a permitted use and a limitation on FAR of 35 %. The existing school on the property is 115,500 square feet on 20 acres of land, resulting in an existing FAR of only 13.25%.
3. There is no issue relative to the appropriateness or the compatibility of the proposed use with the surrounding properties (all of which is occupied by golf course land or single-family homes) because the proposed use is simply the continuation of the existing use, which has been there since 1991 (22 years). In fact, the existing use has been on the property since before most of the adjacent development was built. No changes are being proposed to the existing development on the property.
4. The changed conditions that require this rezoning are the annexation of the property into Wellington and its corresponding FLUM amendment.

5. The proposed change in zoning will not result in any change to the use or existing development on the property, so it will have no impact on the subject property or surrounding properties.
6. The subject request will not have any impact on the development pattern in the area because the property has already been developed for more than 20 years and all surrounding properties have been developed, also.
7. There are no neighborhood plans affecting the subject property or any of the surrounding properties. The nearest neighborhood with a neighborhood plan is Little Ranches, which is over 3 miles away.
8. The proposed rezoning complies with concurrency because it is already fully developed and the existing development therefore has vesting for that level of development. In addition, it should be noted that public schools are exempt from most concurrency requirements.

Staff Recommendation:

Based on the findings, consistency with Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of the following:

- **Ordinance 2022-31**, annexing a 20-acre property located on the north side of Lake Worth Road, approximately .66 mile west of S.R. 7, known as Panther Run Elementary School (Petition 2022-001 ANX).
- **Ordinance 2022-32**, a Comprehensive Plan Map Amendment (CPA) (Petition 2022- 006 CPA) to add the property to the Wellington Future Land Use Map with the designation of "Community Facilities" (CF) (Exhibit D – Proposed Future Land Use Map designation).
- **Ordinance 2022-33**, a Zoning Map Map Amendment (REZ) (Petition 2022-002 (2019-002 REZ) to add the property to the Wellington Zoning Map with the designation of "Community Facilities" (CF) (Exhibit E – Proposed Zoning Map designation).

The PZAB held a public hearing on all 3 applications on November 16, 2022 and recommended approval of all 3 by a unanimous vote on November 16, 2022. Council held a public hearing (1st.Reading) on the Annexation application on January 10, 2023 and voted unanimously in favor and gave final approval at 2nd Reading on February 21, 2023. Council also approved both the Comprehensive Plan amendment and rezoning applications by unanimous votes on First Reading on February 21, 2023.

List of Exhibits

Exhibit A	Legal Description
Exhibit B	Survey
Exhibit C	Panther Run ES Attendance Boundary
Exhibit D	Proposed Future Land Use Map designation
Exhibit E	Proposed Zoning Map designation
Exhibit F	Future Annexation Areas map
Exhibit G	Palm Beach County Approval Letter