To: Council Members

From: Staff

Date: December 12, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of West Palm Beach Comprehensive Plan
DCA Reference No. 08-2ER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of West Palm Beach has proposed text amendments to most of the elements of the City Comprehensive Plan, as well as one amendment to the Future Land Use Map (FLUM). The City has requested a formal review of the amendments by DCA.

The majority of the text amendments are pursuant to the recommendations in an Evaluation and Appraisal Report (EAR) that was adopted by the City on March 26, 2007, and found sufficient by the DCA on June 21, 2007. Some of the text amendments are to address statutory requirements (Chapter 373.0361(7) and 163.3177(6)(c), Florida Statutes) by providing coordination of the City’s 10-Year Water Supply Facility Work Plan (WSFWP) with the South Florida Water Management District (SFWMD) Lower East Coast Water Supply Plan (LECWSP).
The FLUM amendment is for a parcel of land that is being annexed. It is not related to the EAR or WSFWP text amendments.

**Evaluation**

**A. EAR-Related Amendments and Water Supply Amendments**

As part of the EAR process, local governments are to determine the major planning issues to be addressed. The City identified the following major issues:

1. Address the need for attainable/workforce housing.
2. Provide additional green space and linkage.
3. Encourage economic development.
4. Address the transportation system to meet the City’s existing and future needs.

Some of the highlights of the proposed EAR-related text amendments are:

1. **Introduction and Administration Element**
   - Revisions summarize the components of the comprehensive plan.
   - Includes a series of smart growth principles to guide future growth in the City and to be reflected in the goals, objectives and policies.
   - Includes provisions for EAR preparation and public participation.
   - Adds a significant number of terms to the definition section including Brownfields, complete streets, smart growth, green buildings; and sustainable development; and a differentiation between affordable, attainable, and workforce housing.

2. **Future Land Use Element**
   - Policy 1.1.3 is revised to define the Special Impact Zone notation for FLUM designations.
   - Revised Policy 1.5.1 is to annually update the Local Mitigation Strategies, Comprehensive Emergency Management Plan, and Flood Plain Management Plan.
   - New Objective 1.14 and three implementing policies are to develop and implement green and sustainability strategies.
   - Revised Objective 2.3 and implementing policies are to support the tenets of Crime Prevention Through Environmental Design as a way to reduce crime, improve neighborhoods and business environments, and improve the quality of life of its citizens.
   - New Goal 3 is to strengthen Quality of Life, Visibility and Positive Reputation by Creating a Highly Vibrant and Diverse Cultural Environment.
   - New Objective 3.1 under Goal 3 is for the City to be an active participant in supporting the on-going growth of culture in the community. Policies
under the objective address the development of an artist-friendly area, implementing a Cultural Education Program, funding of the operation of the Art in Public Places Committee and programs, and actions to encourage effective adoptive reuse of older buildings.

- New Goal 5 is to Create an Economically Viable Environment to Attract and Retain Businesses and Industries that Provide Employment Opportunities and Stimulate Redevelopment and Revitalization.
- New Objective 5.1 is to utilize incentives and programs and foster economic development and redevelopment/revitalization activities to improve economic conditions. Policies under the objective have to do with economic development strategies, incentive programs, and brownfields redevelopment.

3. Transportation Element

The background for this element sets forth the principles of the Transportation Vision of the City. These principles are:

a. Provide a wider choice of transportation options.

b. Promote the increased use of bicycles and pedestrian facilities as a viable alternate means of transportation to automobile.

c. Promote transit options through the City.

d. Develop complete streets.

e. Use of Transportation Demand Management and Transportation System Management measures to reduce congestion.

f. Develop a transportation network that emphasizes safety and aesthetics.

g. Evaluate the environmental impacts of transportation projects.

h. Plan for increased densities around designated nodes and corridors and more mixed land use.

A. Under Goal Area 1.0 (Public Transit), revisions include:

- More emphasis on connecting the western area of the City with the downtown.
- Working with employers on development of incentives for use of public transit and use of modes of transportation other than the single-occupant vehicle.
- Expansion of trolley routes.
- Incentives for developers to provide significant public transit facilities.
- Support for seamless integration of multi-modal transit services at the Downtown Intermodal Transit Facility.
- Coordination on adoption and implementation of the South Florida East Coast (FEC) Corridor Study regarding public transit options in the FEC Corridor.
• Increasing the percentage of City residents that live within ¼ mile of a transit route.
• Promoting the designation of land uses and densities which are supportive of mass transit in areas around public transportation corridors.
• Coordination with transit providers on improving the design and functionality of transit stations/stops.
• Coordination of transit routes with the location of major developments.
• Improved connections between Tri-Rail and other modes of transportation.

B. Under Goal Area 2.0

• Allow for proportionate fair share contributions toward transportation concurrency requirements.
• Listing of roadway segments/intersections designated as CRALLS.
• Continuation of the Coastal Residential Exception Area for areas east of I-95 as identified in the Palm Beach County Comprehensive Plan.
• Support for strategies/initiatives such as Transportation System Management and Transportation Demand Management to reduce reliance on automobiles.
• Utilization of land use and parking strategies to reduce reliance on automobiles, including a well-connected system of streets and increased number of park and ride facilities.
• Promotion of the increased use of bicycle and pedestrian facilities.
• Adoption of a pedestrian and bicycle master plan by 2011 and completion of the major system by 2020.
• Provide or require bicycle and pedestrian ways to connect residential areas with non-residential uses.
• Require bicycle facilities in all major developments.
• Promote the development of “complete streets” that accommodate automobile, transit, and non-motorized modes of travel.

The Transportation Element contains an Appendix A, which is a “List of Required Setback Lines (For Right-of-Way Designation) and Required Street Widths (Number of Lanes)”. The City is proposing to modify the title of the Appendix. More significantly, the City is proposing to delete some roadway segments from this list. Among these deletions are a segment of Roebuck Road (from State Road 7 to Jog Road); and State Road 7 north of Okeechobee Boulevard.
4. Housing Element

A. The City has included a series of new and revised policies under Objective 1.1 (Affordable Rental and Ownership Units) that address:

- Utility Fee Waivers.
- Expedited processing of development applications.
- Retention of existing housing stock.
- Raising income limits for State Housing Initiatives Partnership funds to 150% of the Median Family Income.
- Acquisition or construction of rental units.
- Down payment assistance.
- A brochure to describe available incentives.
- Reduction in County impact fees for affordable and attainable housing.
- Provision of City-owned land to developers of affordable and attainable housing units.

B. Revised Objective 2.1 is to ensure adequate acreage and distribution of land for residential uses to meet all income needs.

5. Utilities Element

- Revised Policy 1.3.1 is to promote xeriscape practices.
- Revised Policy 1.3.2 addresses water conservation programs.
- New Policy 1.3.4 is to continue structured water rates as an incentive to conserve water.
- New Policy 1.4.3 is to incorporate a capacity need and water delivery analysis for potable water by 2010.
- New Objective 1.5 and its supporting policies are to plan for future water supplies through implementation and updates to the 10-Year WSFWP and to incorporate alternative water supply projects identified in the SFWMD LECWSP as required by State Statutes. The City’s WSFWP is incorporated as a sub-element of the Utilities Element. New policies under this objective address coordination with the SFWMD on water supply planning and coordination on population projections and level of service standards with other local governments in the City’s water service area.

6. Coastal Management Element

- Objective 1.1 is revised to indicate the City shall protect, conserve, expand or enlarge coastal wetlands, living marine resources, and coastal wildlife habitats.
• Policy 1.1.4 is revised to address the removal of non-native vegetation on City owned land and encourage the use of native vegetation for new development.
• New Policy 2.1.4 addresses mapping of the Coastal High Hazard Area.

7. Conservation Element

• Revised Policy 2.1.3 indicates the City shall optimize the integrity of recharge areas and minimize degradation of the water supply.
• Revised Policy 2.1.5 supports consistency with the Comprehensive Everglades Restoration Plan (CERP) regarding groundwater recharge.
• Revised Policy 3.1.1 requires identification of the location and extent of wetland and native vegetation areas and measures to protect them.
• Revised Policy 3.2.6 requires a habitat and wildlife management plan for listed species concurrent with a site plan submittal.
• Revised Policy 5.1.6 commits the City to continued participation in CERP initiatives, specifically the Northern Palm Beach County Water Management Plan.

8. Recreation and Open Space Element

• New Goal 8 indicates the City shall assure the highest quality of service delivery and facility conditions in parks and open space throughout the City.
• New Objective 8.1 is to pursue accreditation from the National Recreation and Parks Association.

9. Intergovernmental Coordination Element

• Revised Policy 1.1.4 indicates the City will pursue interlocal agreements (including joint planning agreements) on coordinating comprehensive plans, water supply planning, and other land use, infrastructure, and service delivery considerations.
• New Policy 1.3.12 addresses coordination with the School Board of Palm Beach County regarding population projections and the siting of public schools.
• Revised Policy 1.5.4 pertains to continued coordination with Palm Beach County on the Downtown West Palm Beach Traffic Concurrency Exception Area.
B. FLUM Amendment

The proposed amendment is for a 14.0 acre property located at the southwest corner of Okeechobee Boulevard and Skees Road (see Exhibits 6 and 7) that is being annexed into the City. The property is currently vacant, and no site development plan was under consideration at the time of transmittal. The existing FLUM designation is Commercial Low Intensity (CL/5) under the County Comprehensive Plan. The proposed City designation is Commercial.

The surrounding land uses include the Riverwalk Residential Development to the north, a residential subdivision to the south, a gas station and concrete plant to the east, and an auto dealership, restaurant, and offices to the west. The surrounding FLUM designations are Special Impact Zone/Single Family Low Density to the north, Low Density Residential (Palm Beach County designation) to the south, and Commercial High Intensity (Palm Beach County designation) to the east and west. The City FLUM designation would allow a higher Floor Area Ratio (0.75) than allowed under the County Plan. The City indicates the proposed designation is consistent with surrounding uses and that concurrency standards can be met for development under the new designation.

Extrajurisdictional Impacts

Due to an oversight, the City did not provide a notification to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) prior to transmittal. A notification was provided after transmittal and was scheduled to be circulated by IPARC on November 5, 2008. The City provided a copy of the proposed amendments to surrounding local governments at the time of transmittal. Council staff sent out correspondence to surrounding local governments and Palm Beach County on November 4, 2008 requesting comments regarding any extrajurisdictional impacts or conflicts as a result of the City’s proposed amendments.

In response, Council has been copied on correspondence from the Village of Royal Palm Beach (see Attachment A) dated November 20, 2008 and from Palm Beach County (see Attachment B dated November 25, 2008 and Attachment C dated December 3, 2008). This correspondence contains a number of concerns regarding the City’s proposed deletion of segments of Roebuck Road and State Road 7 from Appendix A of the City’s Transportation Element.

Appendix A to the City’s Transportation Element is entitled “List of Required Setback Lines (For Right-of-Way Designation) and Required Street Widths (Number of Lanes)”. The City proposes to delete several roadway segments from the list, including the planned segment of Roebuck Road from State Road 7 to Jog Road and the segment of State Road 7 north of Okeechobee Road.

The formal written objection from the Village of Royal Palm Beach provides a brief history of matters that led to a 1994 interlocal agreement between the City of West Palm
Beach and Palm Beach County. The Village indicates that development ultimately approved by the City on lands annexed in the area along the northside of Okeechobee Boulevard could not have proceeded without the agreement to build the Roebuck Road extension from State Road 7 to Jog Road. According to the Village, concurrency reservations were based on the inclusion of Roebuck Road on the County Thoroughfare Improvement Map (TIM). The Village indicates this proposed amendment by the City of West Palm Beach is in violation of the agreement that was executed as a condition of dismissal of the lawsuit filed by the Village in 1994.

The letter dated November 25, 2008 from Palm Beach County indicates opposition to the City’s proposed deletion of the Roebuck Road extension from the City Comprehensive Plan because:

1) it is inconsistent with County Transportation Element Maps TE 1.1 and TE 14.1 (See Exhibits 8 and 9);

2) design and right-of-way acquisition for the segment are underway in 2007, and the segment is budgeted for construction in 2011;

3) the amendment conflicts with County efforts to improve mobility in the area;

4) the segment is critical to maintaining the adopted level of service on the roadway network system in the area. Roebuck Road will serve as a reliever to Okeechobee Boulevard, which already experiences traffic volumes that exceed established level of service standards;

5) it conflicts with the 2030 Long Range Transportation Plan of the Palm Beach Metropolitan Planning Organization (MPO); and

6) it violates the Interlocal agreement of November 21, 1994 (amended March 9, 1997) between West Palm Beach and Palm Beach County where commitments were made to take necessary actions to see that the roadway is completed.

The letter from Palm Beach County dated December 3, 2008 indicates the County’s opposition to the deletion of the State Road 7 extension north of Okeechobee Boulevard for similar reasons as the deletion of Roebuck Road. In addition, 1) the County supports the Florida Department of Transportation’s (FDOT) efforts to prepare an alignment Study for State Road 7 north of Okeechobee Boulevard; 2) funds are included in the MPO adopted FY 2009-2013 Transportation Improvement Program for engineering and construction of State Road 7 between Okeechobee Boulevard and Northlake Boulevard; and 3) the extension of State Road 7 represents a major linkage in the County highway network that is needed for north-south connectivity in an area that lacks connectivity. The extension is also considered critical for purposes of hurricane evacuation.
Both Royal Palm Beach and Palm Beach County have pointed out the failure of the City to provide notice of the amendments at least 30 days prior to the transmittal hearing as stipulated in the IPARC Interlocal Agreement.

**Effects on Significant Regional Resources or Facilities**

Analysis of the proposed amendments indicates that the proposed deletion of the segments of Roebuck Road and State Road 7 from Appendix A of the Transportation Element would have adverse effects on the regional roadway network.

**Analysis of Consistency with Strategic Regional Policy Plan**

In summary, the City has done an excellent job of preparing amendments to the comprehensive plan to carry out the recommendations of the EAR. The City is especially commended for proposed amendments to the Future Land Use Element regarding the implementation of green and suitability strategies, crime prevention through environmental design, and cultural activities and revitalization/redevelopment to improve economic conditions; and to the Transportation Element to implement the City transportation vision, increased use of public transit and other modes of transportation, transit in the FEC Corridor, transit oriented development, reduced reliance on automobile, “complete streets”, and bicycle and pedestrian facilities.

However, Council has concerns about the proposed deletion of segments of State Road 7 and Roebuck Road from the City list of roadways in the Transportation Element. City staff provided a response to the questions posed by TCRPC staff and the issues raised by Palm Beach County and the Village of Royal Palm Beach regarding the Roebuck Road extension. The correspondence concludes by indicating that:

- The City of West Palm Beach complied with all the requirements of the different agreements regarding placement of Roebuck Road on the Comprehensive Plan, and aiding in the acquisition of the ROW and drainage easements.
- The removal of Roebuck Road from the ROW Table in the Comprehensive Plan accurately reflects the City’s roadway expectations within its boundaries.
- The 20 square mile environmental preserve that would be transected by Roebuck Road is also the City’s primary water source and is of pristine quality, and as such, the City would be acting irresponsible if it were to allow for this road to be constructed.
- The removal of Roebuck Road from Appendix A of the Transportation Element is providing internal consistency with Goals, Objectives, and Policies of the Conservation Element which call for protection and enhancement of the City’s groundwater and environmental resources in and around the Grassy Waters Preserve/Water Catchment Area.

**Comments/Recommendations**

1. The SRPP calls for a balanced and integrated transportation system (Goal 7.1). Part of that system is a regional roadway network of predictably spread and
interconnected north-south streets that offer multiple route choices, disperse traffic, and discourage local travel on interstates and arterials (Policy 7.1.2.5). Where local governments have planned and constructed a good grid of local streets to complement the regional roadway network, traffic is dispersed and level of service standards can be maintained.

However, there are many locations in the region where the street network is incomplete and poorly connected. After development has occurred in these areas and level of service problems occur, it is difficult to improve the roadway grid or make new connections. The Okeechobee Boulevard Corridor west of the Turnpike is an area where the roadway system is inadequate. As a result, portions of Okeechobee Boulevard do not operate at an acceptable level of service, despite the current capacity of this arterial roadway (eight-lanes). Efforts have been made to improve the grid and provide alternate routes in the area, such as the proposed extensions of Roebuck Road, Jog Road and State Road 7. These roadways all impact a number of local governments in Palm Beach County, including the City of West Palm Beach.

While Council recognizes the authority and responsibility of a local government to establish a land use plan and transportation network to best carry out its vision, each local government also bears the responsibility to coordinate and cooperate on matters of multi-jurisdictional significance. The Roebuck Road and State Road 7 extensions are included in the Palm Beach County Comprehensive Plan, in the 2030 Long Range Transportation Plan of the Palm Beach County MPO, and on the Adopted Work Program of the FDOT. It is not appropriate for the City to remove segments of these roadway extensions from its comprehensive plan without going through a cooperative planning process with other local governments and agencies that would be impacted by such a decision. Correspondence from Palm Beach County and the Village of Royal Palm Beach indicates that the removal of the segment of Roebuck Road would be in conflict with an existing Interlocal Agreement. The removal of the State Road 7 and Roebuck Road extensions is not consistent with County and MPO plans, and would also compromise the ability of the State to maintain an adequate level of service on Strategic Intermodal System (SIS) facilities.

The proposed amendments would negatively impact the Regional Roadway Network, which includes all roadways on the County adopted thoroughfare plan that act to interconnect the regional roadway system. Council recognizes there are concerns regarding the potential environmental impacts of the extension of both Roebuck Road and State Road 7; and acknowledges the responsibility of the City of West Palm Beach to preserve and protect the Grassy Waters Preserve. However, development has occurred and plans have been made based on the connection of the arterial roadway network and construction of the Roebuck Road extension. The City must continue to work in a cooperative manner with the other local governments in Palm Beach County, the FDOT and the MPO to seek mutually agreeable solutions to transportation level of service issues in this area.
The City should not adopt the proposed amendments to Appendix A of the Transportation Element that delete segments of Roebuck Road and State Road 7. In the spirit of intergovernmental coordination, the City should work with the County and other local governments that would be impacted by the deletion of the roadway segments to achieve a solution that would be agreeable to all. Furthermore, the City should participate in the MPO Long Range Transportation Plan process to identify alternatives or mitigation that would meet City goals, yet provide for desired connectivity and adequate capacity for the roadway network of the area.

2. Modify Policy 2.1.1(h) or adopt a new policy to the Transportation Element to indicate the City’s intent to improve the jobs/housing balance to help alleviate heavy commuter flows that contribute to the need for designating CRALLS.

3. The City should include the statutory definition of the Coastal High Hazard Area (CHHA) in the Coastal Management Element, in association with policies that reference the mapping of the CHHA.

4. Revise proposed Policy 3.1.1 in the Conservation Element to reference native upland vegetation areas.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The City is commended for utilizing the EAR process in a very meaningful manner to determine how the City plan should be revised and updated, and to carry out the recommendations of the EAR by including new and revised objectives and policies on important regional issues such as land use/transportation balance, alternate transportation modes, provisions for affordable housing and intergovernmental coordination.

Council finds the proposed amendments to be CONSISTENT with the SRPP with the exception of the proposed amendments to Appendix A of the Transportation Element that would delete segments of Roebuck Road and State Road 7, which are considered to be INCONSISTENT with the SRPP.

Recommendation

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
List of Attachments

Attachments

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FORMAL WRITTEN OBJECTION

TO: Clearinghouse: Initiating Local Government; and Interlocal Plan Amendment Review Committee

FROM: David B. Farber, Village Manager Village of Royal Palm Beach

DATE: November 20, 2008

RE: West Palm Beach – Comprehensive Plan Amendment 08-2.01 IPARC # WPB-57

The Village of Royal Palm Beach (the Village”) hereby files a formal objection to the proposed City of West Palm Beach ("WPB") Comprehensive Plan Amendment Number IPARC # WPB-57 (WPBO8-2.01) for the following reasons:

1. WPB failed to provide the Village and the IPARC Clearinghouse with notification at least thirty (30) days prior to the transmittal hearing, as stipulated in the IPARC Interlocal Agreement 93-802.

2. One of the proposed changes in this amendment is to remove a segment of Roebuck Rd. between SR. 7 and Jog Rd (Roebuck Road Extension”) from the list of required thoroughfare right-of-way setbacks and required street widths (Appendix A). This change is inconsistent with the County’s Comprehensive Plan Map TE 1.1 and TE 14.1. Both Map TE 1.1 and TE 14.1 depict the subject segment as a major thoroughfare for mobility and planning purposes within Palm Beach County.

3. In order to fully understand this issue, the history of the development along the north side of Okeechobee Boulevard West of the turnpike is helpful. WPB annexed approximately 1,700 acres in this area sometime in 1993 in order to expand to the west and increase their tax base. Three (3) major developments were proposed to be built on the annexed property which were known as: Lenmar Homes (601.58 acres; 2,300 units plus commercial), Oakton Lakes (601 acres; 2,100 units) and Riverwalk (561 acres; 1,682 units). The Lenmar project consisted of 2,300 dwelling units and 150,000 sq. ft. of commercial where the previous
County zoning would have allowed a maximum number of 1,209 residential units and 26,163 sq. ft. of commercial. Lennar could not meet the Palm Beach County (the “County”) Traffic Concurrency Standards and, in fact was only approved by the County to build a maximum number of 488 dwelling units and nothing more.

4. When WPB attempted to approve Comprehensive Plan amendments, rezoning and PUD ordinances for the Lennar project without satisfying traffic concurrency, the Village instituted an administrative proceeding with the Florida Department of Community Affairs (the “DCA”) to halt the proceedings.

5. In order to allow WPB to go forward with development, Palm Beach County (the “County”) entered into an Interlocal Agreement dated December 20, 1994 with WPB regarding the placement of Roebuck Road on the County’s thoroughfare right-of-way identification map (“TIM”) and the appropriate alignment for same (the “Agreement”). The Agreement, which was adopted by County Resolution No. 94-1859D along with the adoption of an Ordinance by WPB incorporating all the terms and conditions of the Agreement, constituted the consideration for the Village dismissing its lawsuit against WPB regarding the Lennar Development’s failure to meet the mandates of the County Traffic Performance Standards Ordinance (“TPSO”).

6. Both the DCA and WPB along with Lennar Homes, Inc. were parties to the administrative hearing filed by the Village February 9, 1994 State of Florida DOAH Case No. 94-0969GM. All three (3) [DCA, WPB and Lennar Homes, Inc.] supported the settlement and dismissal of this lawsuit predicted upon the following:

A. WPB entering into the Agreement with the County to build Roebuck Road among other things; County Resolution No. 94-1859.
B. WPB revising its development order by Ordinance No. 2814-95 which incorporated all terms, conditions and requirements of the Interlocal at Section 10 of the Ordinance.

7. The concurrency reservations provided to the developments listed above could not have been issued without the inclusion of Roebuck Road on the County’s TIM and without the actual construction of same. In other words, the three (3) developments listed above could not have been built without the requirement of building Roebuck Road. The developers of the Projects, the County and WPB all understood the required commitments, agreed to them and the Projects were built conditioned on them.

8. WPB annexed the property to the West to increase its tax base and developed the Projects contingent upon Roebuck Road being built and now desires to renge on its Agreement by surreptitiously amending its comprehensive plan. WPB cannot spend years reaping all of the benefits of its Agreement with the County and then attempt to avoid all its responsibilities now that the time to build Roebuck Road has come.

9. DCA can not predicate its settlement of a lawsuit (DOAH Case No. 94-0969GM) upon the completion of certain items (one of which was the inclusion of Roebuck Road into WPB’s Comprehensive Plan) and then allow WPB to remove Roebuck Road from various sections of its comprehensive plan.
10. The proposed deletion of Roebuck Road by WPB is also inconsistent with the Palm Beach County Metropolitan Planning Organization's latest adopted 2030 Long Range Transportation Plan which was prepared in coordination with all local governments in the County.

This formal objection shall be transmitted to the Department of Community Affairs.

David B. Farber, Village Manager, Village of Royal Palm Beach

FOR USE BY CLEARINGHOUSE

Date of Receipt Signature of Clearinghouse Date

Local Government

Panel Meeting Scheduled For:

Panel Member 1
Panel Member 2
Panel Member 3

Cc: Mayor, Vice Mayor and Council, Village of Royal Palm Beach
    Raymond Liggins, P.E., Village Engineer, Village of Royal Palm Beach
    Mayor Luis Frankol and City Commissioners, City of West Palm Beach
    Charles Wu, Planning Director, City of West Palm Beach
    George Webb, County Engineer, Palm Beach County
    Lorenzo Aghemo, Planning Director, Palm Beach County
November 25, 2008

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RE: Comments for Proposed Comprehensive Plan Amendment
DCA Amendment # West Palm Beach 08-2ER
Proposed EAR-Based Amendment WPB 08-2.01

Dear Mr. Eubanks:

The purpose of this letter is to raise the County’s concern to the deletion of Roebuck Road from State Road 7 to Jog Road, as proposed by the above referenced plan amendment. Palm Beach County is against this deletion for the following reasons:

1. The proposed change in this amendment is to remove a segment of Roebuck Road between State Road 7 and Jog Road (“Roebuck Road Extension”) from the list of required thoroughfare right-of-way setbacks and required street widths. This change is inconsistent with the County’s Comprehensive Plan Map TE 1.1 and TE 14.1. Both Map TE 1.1 and TE 14.1 depict the subject segment as a major thoroughfare for mobility and planning purposes within Palm Beach County.

2. Palm Beach County has recently completed a mid-year adjustment to its 5-year road program in September 2008. Under this program, Roebuck Road Extension has been budgeted for construction in 2011. Furthermore, design and right-of-way acquisition for the subject segment are under way in 2008. The City’s proposed change is inconsistent with the County’s effort to improve mobility within the area according to its programmed road improvement schedule.

3. Palm Beach County has authority under the Charter to set the Level-Of-Service (LOS) on the arterial and collector network. Construction of Roebuck Road Extension is critical to maintaining the adopted LOS on the roadway network system in the area. In particular, Okeechobee Boulevard, which effectively runs parallel to the subject segment, currently already exceeds the adopted (non-CRALLS) peak hour directional volume LOS D standard and is expected to exceed the 2-way peak hour LOS D standard by the end of the 2011 year for the 9-lane cross section currently under construction. Roebuck Road Extension will serve as a reliever to Okeechobee Boulevard.
4. The City's proposed change also contradicts a regional transportation plan. The Palm Beach Metropolitan Planning Organization has the Roebuck Road Extension on its latest adopted 2030 Long Range Transportation Plan. The removal of the subject segment will negate the regional transportation plan which was prepared in coordination with all local governments within the County.

5. The City's proposed change violates the Interlocal Agreement dated November 21, 1994 (as amended March 8, 1999) between the City of West Palm Beach and Palm Beach County. This Agreement stated that "the City and County recognize that the connection of Roebuck Road and Jog Road would alleviate the traffic on Okeechobee Boulevard and are willing to take the necessary action to facilitate this project". Paragraph 8 of the Agreement also stated that "the City shall include Roebuck Road into its Comprehensive Plan at the next available opportunity". Moreover, paragraphs 2 and 3 of the Agreement recognized that the traffic concurrency of certain residential and commercial developments in the "Roebuck Area" was tied to the construction of Roebuck Road Extension and imposed certain requirements upon them to facilitate completion of the roadway.

6. The City failed to provide Palm Beach County and the IPARC Clearinghouse with notification at least 30 days prior to the transmittal hearing, as stipulated in the IPARC Interlocal Agreement 93-802.

In accordance with Palm Beach County's Comprehensive Plan Policy 3.1-b of the Intergovernmental Coordination Element, the County is currently participating in the Intergovernmental Plan Amendment Review Committee (IPARC) conflict resolution and mediation panel process.

If you have any questions, please contact Khurshid Mohyuddin, Principal Planner, at 561-233-5351.

Sincerely,

Lorenzo Aghemho
Planning Director

cc: Commissioner Karen T. Marcus, District 1
    Commissioner Jeff Koons, District 2
    Commissioner Shelley Vana, District 3
    Commissioner Mary McClarty, District 4
    Commissioner Bart Accorsi, District 5
    Commissioner Jess Santamaria, District 6
    Commissioner Addie L. Greene, District 7
    Vondria C. Baker, Deputy County Admin.

Tony Hens, Treasure Coast Reg. Planning Council
Charles Wu, Director, City of West Palm Beach
Barbara Atterman Esq., PSC P2B Executive Director
George Webb, PBC Engineering
Allan Ennis, PBC Engineering
Khurshid Mohyuddin, PBC Planning
December 3, 2008

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

RE: Comments for Proposed Comprehensive Plan Amendment
DCA Amendment # West Palm Beach 08-2ER
Proposed EAR-Based Amendment WPB 08-2.01

Dear Mr. Eubanks:

The purpose of this letter is to raise the County's concern to the deletion of State Road 7, as proposed by the above referenced plan amendment. This objection is supplemental to an earlier objection dated November 19, 2008. Palm Beach County is against this deletion for the following reasons:

1. The City failed to provide Palm Beach County and the IPARC Clearinghouse with notification at least 30 days prior to the transmittal hearing, as stipulated in the IPARC Interlocal Agreement 93-802.

2. One of the proposed changes in this amendment is to remove a segment of S.R. 7 north of Okeechobee Boulevard from the list of required thoroughfare right-of-way setbacks and required street widths (Appendix A). This change is inconsistent with the County's Comprehensive Plan Map TE 1.1 and TE 14.1. Both Map TE 1.1 and TE 14.1 depict the subject segment as a major thoroughfare for mobility and planning purposes within Palm Beach County.

3. Policy 1.4-m of the Transportation Element of the County Comprehensive Plan supports the Florida Department of Transportation (FDOT) in its efforts to prepare an alignment study for SR 7 northward from its terminus at Okeechobee Blvd and commits the County to amend, if necessary, its Thoroughfare Map to reflect the results.

4. The City's proposed change also contradicts a regional transportation plan. The Palm Beach Metropolitan Planning Organization has the SR 7 on its latest adopted 2030 Long Range Transportation Plan. The removal of the subject segment will negate the regional transportation plan which was
prepared in coordination with all local governments within the County.

5. Funds are included in the latest FY 2009-2013 Transportation Improvement Program (TIP) adopted by the Palm Beach County Metropolitan Planning Organization (MPO) for engineering and construction of SR 7 between Okeechobee Blvd and Northlake Blvd.

6. The extension of SR 7 from Okeechobee Blvd to Northlake Blvd represents a major linkage in the County’s highway network that is needed for north-south connectivity in an area of the County that has no such connection for an east-west distance of more than 5 miles. This extension will also be critical for purposes of hurricane evacuation.

In accordance with Palm Beach County’s Comprehensive Plan Policy 3.1-b of the Intergovernmental Coordination Element, the County is currently participating in the Intergovernmental Plan Amendment Review Committee (IPARC) conflict resolution and mediation panel process. The IPARC fact finding panel is currently scheduled for December 10, 2008.

If you have any questions, please contact Khurshid Mohyuddin, Principal Planner, at 561-233-5351.

Sincerely,

Lorenzo Agahemo
Planning Director

cc: Commissioner Karen T. Marcus, District 1
Commissioner Jeff Koons, District 2
Commissioner Sheri Vana, District 3
Commissioner Mary McCarty, District 4
Commissioner Kurt Knouse, District 5
Commissioner John Bertinetti, District 6
Commissioner Adolfo L. Greene, District 7
Vendanta C. Baker, Deputy County Admin.

Terry Hess, Treasure Coast Reg. Planning Council
Charles Wu, Director, City of West Palm Beach
Barbara Altman Esq., PBC P2B Executive Director
George Webb, PBC Engineering
Alan Ericks, PBC Engineering
Khurshid Mohyuddin, PBC Planning
From: A.Hansen@wpb.org
Sent: Thursday, December 04, 2008 4:03 PM
To: ihess@tcp.org
Cc: DMaloney@wpb.org, CWu@wpb.org
Subject: West Palm Beach Comp Plan Amendment

Terry:

Please see attached our "preliminary" response to your questions and the issues raised by the County and Royal Palm Beach. Please feel free to contact me if you have any questions.

(See attached file: TCRPC Transportation Issues.doc)

Thanks,
Alex Hansen, AICP
Senior Planner
City of West Palm Beach
(561) 822-1463
Roebuck Road

In March of 2007, the City of West Palm Beach completed the Evaluation and Appraisal Report (EAR) of the entire Comprehensive Plan with the primary purpose of identifying how the Comprehensive Plan should be amended by responding to changing conditions and trends, and to reflect the City’s future desires.

Among several other items, the EAR evaluated the City’s entire transportation system and Transportation Element in order to achieve the Transportation Element’s purpose of providing a transportation system that achieves the economic, social, and environmental goals of the City of West Palm Beach by fostering sustainability, livability, and economic success.

One of numerous amendments to the Transportation Element (TE) was a series of modifications to Appendix A, which lists Right-Of-Way setbacks for different roads, to remove Roebuck Road, from State Road 7 to Jog Road.

The concerns associated with Roebuck Road are longstanding. The City has been engaged in several discussions and is party to a 1994 interlocal agreement and a 1999 amendment to the Agreement between the County and the City regarding the alignment for a future Roebuck Road, a 1994 State of Florida Administrative Hearing Settlement, and a 2007 Stipulated Settlement Escrow Agreement.

The 1994 agreement resulted from the filing of an administrative hearing request and efforts to reach an agreement regarding the planning for a potential future alignment of Roebuck Road. The Agreement imposed conditions on the City to require developers to dedicate the designated right-of-way (ROW) to the County prior to commencement of construction of such roadway. In the Agreement, the City agreed to modify development orders to include the following: a) identification of ROW for Roebuck Road on master site plans; b) provide written notice to the County, SFWMD, and US Army Corp of Engineers, Northern Water Control District, and DEP of the modifications to the master site plan; c) dedicate ROW to the County and recording of plats with such ROW; d) accept drainage or water quality treated drainage for Roebuck; e) grant the County drainage easements for legal positive outfall into the developments drainage system; f) require that the developments assist in mitigation cost resulting from the location of Roebuck Road; g) require that construction phasing be tied to County’s TPS concurrency requirements for assured construction; and h) the City shall include Roebuck Road in its Comprehensive Plan.

The 1999 amendment to the 1994 Settlement Agreement was completed because permitting agencies, most specifically the South Florida Water Management District (SFWMD), determined that the original proposed location of the Roebuck road alignment impacted environmentally sensitive lands. The County agreed to realign to a more southerly alignment. In order to formalize the realignment, the 1994 Agreement was amended to reflect the more southerly alignment.
The 2007 Stipulated Settlement Agreement included the City’s opposition to any condemnation on numerous grounds, including the alleged failure of the County to properly consider environmental factors in its alignment, with the City reserving the right to challenge the issuance of any environmental permit for Roebuck given the change in the environmental conditions for this project.

In consideration of these discussions and legal documents, the City determined that it was not appropriate to keep Roebuck Road listed on Appendix A of the Transportation Element for the following reasons:

1) The construction of Roebuck Road would be environmentally unsound and irresponsible. The County’s proposed Roebuck Road would traverse through and directly impact environmentally sensitive areas of the City’s Grassy Waters Preserve (Water Catchment Area), a 20 square mile preserve that also serves as the City’s primary source of drinking water. Furthermore, keeping Roebuck Road in Table A causes an internal inconsistency of the Comprehensive Plan between the Transportation Element and the Conservation Element.

2) The purpose of Appendix A of the TE is to identify long range roads that may be needed and to secure ROW as part of the development approval process. The City has fulfilled the purpose of this table (securing ROW for Roebuck) through other legal means, documents and City actions including some outlined in the 1994 agreement, 1999 amended agreement, and 2007 stipulated settlement agreement.

Conclusion:
- The City of West Palm Beach complied with all the requirements of the different agreements regarding placement of Roebuck on the Comprehensive Plan, and aiding in the acquisition of the ROW and drainage easements.
- The removal of Roebuck Road from the ROW Table in the Comprehensive Plan accurately reflects the City’s roadway expectations within its boundaries.
- The 20 square mile environmental preserve that would be transected by Roebuck Road is also the City’s primary water source and is of pristine quality, and as such, the City would be acting irresponsible if it were to allow for this road to be constructed.
- The removal of Roebuck Road from Appendix A of the Transportation Element is providing internal consistency with Goals, Objectives, and Policies of the Conservation Element which call for protection and enhancement of the City’s groundwater and environmental resources in and around the Grassy Waters Preserve/Water Catchment Area. (See provisions and policies under Conservation Element Goals 2, 3, and 5, and Conservation Element Objectives 2.1, 3.1, 3.2, 5.1, and 5.2).
## List of Exhibits

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Exhibit 1
General Location Map
City of West Palm Beach
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