To: Council Members

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Boynton Beach Comprehensive Plan
DCA Reference No. 08-1ER

Background

On August 19, 2008, the City of Boynton Beach adopted text amendments to a number of elements of the City Comprehensive Plan. These amendments were pursuant to an Evaluation and Appraisal Report (EAR) adopted by the City on December 5, 2006. The City also adopted three Future Land Use Map amendments.

Council reviewed the proposed amendments at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments Report (ORC) on June 27, 2008.

Evaluation

A. Treasure Coast Regional Planning Council (TCRPC) Report

The report approved by Council on June 20, 2008 contained no recommendations for modification to the proposed amendments. The City was commended for addressing the issues of workforce housing in both the Future Land Use and Housing Elements. The amendments were considered consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

The DCA ORC Report contained objections relating to the following:

1. the absence of a level of service standards for hurricane evacuation time;
2. the failure to adopt appropriate level of service standards for I-95 and the connector road to the Tri-Rail Station; and
3. the lack of updated data and analysis in the Transportation Element.

C. City Response

1. To the TCRPC Report

   No response necessary.
2. To the DCA ORC Report

The City response to the DCA ORC Report is attached.

Conclusion

For information only.

Attachment
THE CITY OF BOYNTON BEACH RESPONSE TO O. R. C. REPORT

I. CONSISTENCY WITH RULE CHAPTER 9J-5, F.A.C., AND CHAPTER 163, F.S
Proposed Text Amendments

The Future Land Use Element (FLUE) and Coastal Management Element (CME) are proposed to be revised to include the following new policies:

- **FLUE Policy 1.11.2** prohibits the City from approving any increases in hotel/motel and residential densities in the Coastal High Hazard Area (CHHA) that would increase evacuation times above the adopted level of service for out-of-county hurricane evacuation for a category 5 storm event as measured on the Saffir-Simpson scale.

- **CME Policy 7.8.2** prohibits the City from approving any increases in hotel/motel and residential densities in the CHHA that would increase evacuation times above the adopted level of service for out-of-county hurricane evacuation for a category 5 storm event as measured on the Saffir-Simpson scale.

**OBJECTION:**

a. **Objection: Internal Inconsistency**—The Future Land Use and Coastal Management Policies 1.11.2 and 7.8.2, respectively reference an adopted level of service standard for an out-of-county hurricane evacuation time, but the City does not have a standard established in its comprehensive plan.

**Authority:** Sections 163.3177(2)(b), and 163.3178(2) and (9)(a), F.S., and Rule 9J-5.005(5) and 9J-5.012(2)(e), F.A.C.

**Recommendations:** If the City intends to adopt a hurricane evacuation time that is different from the hurricane evacuation times established in Section 163.3178(9)(a), F.S., then the City needs to establish and adopt an out-of-county hurricane evacuation time, based upon appropriate data and analysis to ensure the safe evacuation of the City’s residents out-of-county during a category 5 hurricane. The City may rely on the out-of-county evacuation time of 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale as provided in Section 163.3148(9)(a), F.S. If the latter is chosen, then the policies would need to be revised to delete the word “adopted” so that it is clear that the level of service standard that does not refer to a standard adopted in the comprehensive plan.

**CITY’S RESPONSE:**
The City will rely on the out-of-county evacuation time of 16 hours for a category 5 storm event as measured on the Saffir Simpson scale as provided in Section 163.3148(9)(a), F.S. as recommended. Policy language has been changed accordingly:

*Future Land Use Element*

"Policy 1.11.2 The City shall not approve any increases in hotel/motel and residential densities in the Coastal High-Hazard Area that would increase evacuation times above the adopted 16 hours level of service for out-of-county hurricane evacuation for a category 5 storm event as measured on the Saffir-Simpson scale as provided in Section 163.3148(9)(a), F.S."
Coastal Management Element

Policy 7.8.2 The City shall not approve any increases in hotel/motel and residential densities in the Coastal High-Hazard Area that would increase evacuation times above the adopted 16 hours level of service for out-of-county hurricane evacuation for a category 5 storm event as measured on the Saffir-Simpson scale as provided in Section 163.3148(9)(a), F.S.

b. Objection: Roadway Level of Service Standard--Interstate 95 (I-95) is a Strategic Intermodal System (SIS) facility and the connector from I-95 to Gateway Boulevard to High Ridge Road to the entrance of the Boynton Beach Tri-Rail Station hub is a SIS connector. The appropriate level of service (LOS) standards for these SIS facilities have not been established within the goals, objectives, and policies section of the City’s comprehensive plan for the subject roadway facility. Transportation Element Objective 2.1 specifies a LOS standard of “D” for I-95. According to the Florida Department of Transportation, LOS standard of “E” is the appropriate standard because of the parallel Tri-Rail transit facility. The appropriate level of service standard for the connector from I-95 to the Tri-Rail Station is “D”.

Authority: Sections 163.3177(3)(a)3, 163.3180(10), F.S.; Rules 9J-5.016(3)(c)4, and 9J-5.019(4)(b)3 and (c)1, F.A.C.

Recommendation: Revise Objective 2.1 and the appropriate objective or policy in the Capital Improvements Element to establish a LOS standard of “E” for that portion of I-95 that runs through the City and establish a LOS of “D” for the I-95 to Gateway Boulevard to High Ridge Road to the entrance of the Boynton Beach Tri-Rail Station.

CITY’S RESPONSE:

A LOS standard of “E” for that portion of I-95 that runs through the City has been added to Transportation Element Objective 2.1. Language has also been amended to identify the segment of roadway from I-95 to Gateway Boulevard to High Ridge road to the entrance of the Boynton Beach Tri-Rail Station as a facility with a LOS of “D”. Currently, Gateway Boulevard (identified in the Plan as “NW 22nd Avenue”) between I-95 and Congress Avenue has a LOS standard of “D”.

Objective 2.1 The City shall continue to provide a motor vehicle transportation network based on the following minimum level of service standards, except within the transportation concurrency exception area (TCEA) and designated constrained roadways at a lower level of service (CRALLS):

- Level of Service “D” or better and peak hour conditions on all unspecified City and collector highway facilities.
- Level of Service “D” for peak season peak hour conditions on all unspecified arterial facilities.
Level of Service "D" for I-95 through the City, Boynton Beach Boulevard from Old Boynton Road to I-95, NW 22nd Avenue Gateway Boulevard between Congress Avenue and I-95, High Ridge Road from Gateway Boulevard to the entrance to the Boynton Beach Tri-Rail Station, Congress Avenue between Boynton Beach Boulevard and NW 22nd Avenue Gateway Boulevard and Boynton Beach Boulevard east of I-95.

and,

Capital Improvements Element:

"Policy 9.2.6 The availability of public facilities shall be determined and measured for the required public facility types using the following Level of Service (LOS) standards:

The city shall provide a motor vehicle transportation network based on the following minimum level of service standards, except within the transportation concurrency exception area (TCEA) and designated constrained roadways at a lower level of service (CRALLS):

- Level of Service "D" or better for peak hour conditions on all unspecified City local and collector highway facilities.
- Level of Service "D" for peak season peak hour conditions on all unspecified arterial facilities.
- Level of Service "D" for I-95 through the City, Boynton Beach Boulevard from Old Boynton Road to I-95, NW 22nd Avenue Gateway Boulevard between Congress Avenue and I-95, High Ridge Road from Gateway Boulevard to the entrance to the Boynton Beach Tri-Rail Station, Congress Avenue between Boynton Beach Boulevard and NW 22nd Avenue Gateway Boulevard, and Boynton Beach Boulevard east of I-95.
- Level of Service "L" for I-95 through the City.
- Level of Service "Maintain" for all facilities that have been identified as Backlogged and Constrained (where Level of Service standards have been exceeded), except within TCEA and CRALLS."

Please note: The Capital Improvements Element, as adopted on January 2, 2008, was included with the EAR-based amendments for informational purposes only. The required text amendments to Policy 9.2.6, cited above, will not be included with the adoption of the EAR-based amendments, but will be included with the annual CIE update, which is scheduled for final adoption in November 2008.

c. Objection: Transportation Data and Analysis---The City has not updated the Transportation Element data and analysis to evaluate the roadway improvements that will be needed in the next five years and for the longer time period established in the comprehensive plan, including long-term transportation improvements identified in the 2030 Long Range Transportation Plan for the Palm Beach Metropolitan Planning Organization.
**Authority:** Sections 163.3164(32), 163.3177(3), 163.3177(6)(b), 173.3177(6)(j), F.S.; Rules 9J-5.005(2) and (4), 9J-5.016(1), (2), (3)(b)1, 3, 4, 5, (c)6, 8; and 9J-5.019(2), (3), (4)(b)2, 3, (c)7, 11, 13, and (5), F.A.C.

**Recommendation:** Revise the Transportation Element data and analysis to include an updated evaluation of the roadway improvements that will be needed in the next five years and for the longer time period established in the comprehensive plan, and include the long-term transportation improvements identified in the 2030 Long Range Transportation Plan for the Palm Beach Metropolitan Planning Organization. Revise the Capital Improvements Element to include any identified transportation facility improvements that will be needed in the next five years in a financially feasible Five-Year Schedule of Capital Improvements.

**CITY’S RESPONSE:**
The Evaluation and Appraisal report did not include recommendations for amendments to the City’s Transportation Element. The proposed changes to the Planned Development Thresholds table for TCEA (and the related Policy 2.1.10) reflect the amendments to the Palm Beach County Comprehensive Plan as adopted December 18, 2007. The changes pertain to the residential/office and residential/other non-residential development ratios (the original numbers were found deficient).

The last (extensive) data analysis for the Transportation Element was performed in 2005; it accompanied the establishment of the Transportation Concurrency Exception Area (TCEA). The other City’s “Special Transportation Area”, Constrained Roadways at a Lower Level of Service (CRALLS), was also established in 2005 – the analysis supporting the establishment of CRALLS was provided as part of the Palm Beach County Comprehensive Plan amendment.

The City has no major roadway improvement plan. Most roadway work shown in the 5-Year Capital Improvements Schedule concentrates on surface maintenance (the 2008 CIS update will be transmitted to the Department in the second round of the 2008 amendments). The CIS includes the Palm Beach County’s projects with impact on road capacity within the City’s boundaries as well as privately financed CRALLS mitigation projects.

Further, there are no long-term road improvements within the City’s boundaries as confirmed by the 2030 Long Range Transportation Plan for the Palm Beach Metropolitan Planning Organization. The City has been awarded MPO grants for bikepath construction in the Palmetto Greens Park and landscaping for a multi use path in Barton Memorial Park Green; both grants are reflected in 2007 CIS.

**COMMENTS**

a. A function of the Southeast Florida Transportation Council (SEFTC) is to identify regionally significant transportation facilities that could be eligible for Transportation Regional Incentive Program (TRIP) funds. Boynton Beach Boulevard is located within the City and could be eligible for TRIP funds. No TRIP projects have been programmed for this road; however, when and if TRIP funding is used to implement roadway improvements, the appropriate LOS standard identified in Chapter 14-94, F.A.C., should be adopted by the City for this road. Also, the project would need to be included in the schedule of capital improvements within the Capital Improvements Element.
CITY'S RESPONSE:

The portion of Boynton Beach Boulevard between Federal Highway and Old Boynton Road currently has a LOS standard of "D", which is the LOS required by Rule 14-94, F. A. C. for a TRIP FUNDED multi-lane facility in an urbanized area with population less than 500,000. At such time as funding becomes available, the remaining portion of the roadway, from Old Boynton Road to the western city limits, will be included in the LOS standards and the proposed project will be added to the schedule in City's Capital Improvement Element.

b. The City should add "Access Management Standards" to Future Land Use Element Policy 1.3.2 as a specific item to be addressed in the City's land development regulations.

CITY'S RESPONSE:

The City's Land Development Regulations, which includes the City's Engineering Design Handbook and Construction Standards, currently meet or exceed the "Access Management Standards" contained in the "Model Land Development and Subdivision Regulations That Support Access Management"; however, the requirement has been added to the policy.

Future Land Use Element
"Policy 1.3.2
The City shall continue to administer land development regulations that address and regulate the following:

a. All land uses identified on the Future Land Use Map;
b. The coordination of future land uses with the appropriate topography and soil conditions;
c. Compatibility of adjacent land uses and buffering and screening of uses;
d. The subdivision of land;
e. Signage;
f. Areas subject to seasonal or periodic flooding and provisions for drainage and stormwater management;
g. The protection of environmentally sensitive lands, water wellfields and aquifer recharge areas;
h. **Access Management**;
i. On-site vehicular circulation, parking lots and loading areas designed and sized to provide the maximum reasonable degree of safety and convenience;
j. The provision of open space;
k. The protection of known and discovered archaeological sites;
l. The recognition of historic properties;
m. The protection of natural resources; and,
n. The availability of facilities and services at adopted levels of service concurrent with the impacts of development."

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed text amendments to the Future Land Use Element (FLUE) and Coastal Management Elements CME) regarding proposed FLUE Policy 1.11.2 and CME Policy 7.8.2, do not adequately
address and further the following goals and policies of the State Comprehensive Plan Chapter 187, Florida Statutes, because they do not contain an out-of-county hurricane evacuation time that is referenced in both policies:

- 187.201(6)(b)22 and 23 pertaining to Public Safety and the preparation of advance plans for the safe evacuation of coastal residents and the adoption plans and policies to protect public and private property and human lives from the effects of natural disasters. These provisions relate to Objection a;

- 187.201(8)(a) pertaining to Coastal and Marine Resources to ensure that development does not endanger public safety. This provision applies to Objection a;

- 187.201(17)(b)3, 4, 5, 6, 7, 9 pertaining Public Facilities to ensure the provision of public facilities to meet the demands of development. These provisions relate to Objection b and c; and.

- Section 187.201(19)(b)2, 3, 7, 8, 9, 13 and 15 pertaining to Transportation to promote a comprehensive transportation planning process which coordinates state, regional, and local transportation plans. This provision applies to Objections b and c.

- Section 187.201(25)(b)7 pertaining to Plan Implementation to ensure that local plans implement and accurately reflect state goals and policies and address problems, issues, and conditions that are of particular concern in a region.

**Recommendation:** By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.
To: Council Members

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendment to the Village of North Palm Beach Comprehensive Plan
DCA Reference No. 08-1

Background

On August 28, 2008, the Village of North Palm Beach adopted one amendment to the Future Land Use Map of the Village Comprehensive Plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendment at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed Amendment on July 3, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC included two comments/recommendations for modification. They are shown in Attachment A.

B. DCA ORC Report

The DCA ORC Report contained objections relating to the following:

1. increasing residential development in the coastal high hazard area;
2. inconsistency of the proposed amendment with Policy 4.2 of the Future Land Use Element that requires all future high density residential development to be directed to areas west of U.S. 1; and
3. the future of the traffic impact analysis submitted with the amendment to evaluate traffic impacts based on the maximum development potential.

C. Village Response

1. To the TCRPC comments and recommendations

No response received. However, the Village has addressed the issues of hurricane evacuation and sheltering in response to the DCA objections.
2. To the DCA Objection

The Village response to the DCA Objection is shown in Attachment B.

**Conclusion**

For information only.

**Attachments**
Comments/Recommendations

1. Prior to adoption of the Domani Parcel amendment, the Village should document that there will be minimal impact to hurricane evacuation clearance times as a result of the amendment. If there are impacts, mitigation should be required.

2. Prior to adoption of the Domani Parcel amendment, the Village should ensure that there is adequate shelter space for residents expected to seek shelter during an event or required evacuation. Mitigation should be required if additional public or special needs shelter space is necessary.
I. Consistency with Rule 9J-5, F.A.C., and Chapter 163, F.S.

Objection 1: The proposed land use change increases residential development in the coastal high hazard area, which is contrary to Rule 9J-5.012(3)(b)6, F.A.C. Rule 9J-5.012(3)(b)6, F.A.C., requires local governments to direct population concentrations away from the coastal high hazard area. In addition, Rule 9J-5.012(3)(b)7, F.A.C., requires hurricane evacuation times to be maintained or reduced. The Village is proposing to increase residential density in the coastal high hazard area but has not included any data and analysis to demonstrate that hurricane evacuation times will be maintained if this land use change is adopted.

Section 163.3178(9)(a), F.S., allows local governments to comply with Rules 9J-5.012(3)(b)6 and 7, F.A.C., when considering a comprehensive plan amendment within the coastal high hazard area if:

1. The local government’s “adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event....and shelter space reasonably expected to accommodate the residents of the development contemplated by the proposed comprehensive plan amendment is available;” or

3. Appropriate mitigation, as outlined in the statute, is provided to satisfy one of these two provisions. “For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, but elect to comply with rule 9J-5.012(3)(b)6 and 7, Florida Administrative Code, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.”

The Village has not adopted a level of service standard for the safe out-of-county evacuation of its residents, including new residents that will live on the site of the amendment, nor has the Village included data and analysis to demonstrate that the hurricane evacuation times established in the Section 163.3178(9)(a), (b), and (c), F.S., can be met if this amendment is adopted.

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In addition, the Village has not mapped the coastal high hazard area based on the definition contained in Section 163.3178(2)(h), F.S., and as required by Section 163.3178(9)(c), F.S. The statute defines the coastal high hazard area as "the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model." Local governments are required to "amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map" by July 1, 2008.

**Authority:** Sections 163.3178(2)(h) and (9)(a), F.S.; Rules 9J-5.006(4)(b); 9J-5.012(2)(e), (3)(b)6 and 7, F.A.C.

**Recommendation:** Include data and analysis to demonstrate that the proposed amendment is consistent with the requirements of Rules 9J-5.012(3)(b)6 and 7, F.A.C. Alternatively, the Village could adopt a level of service standard for an out-of-county hurricane evacuation time for a category 5 storm event and ensure that the evacuation time is maintained. The level of service standard adopted by the Village must be supported by professionally accepted and applied data and analysis to demonstrate that the evacuation time will provide sufficient time for the Village’s residents to safely evacuate in a category 5 storm event. If the Village would prefer to use the default hurricane evacuation times established in the statute, then the Village would need to provide data and analysis to demonstrate that the evacuation times established in Section 163.3178(9)(a), F.S., can be met and maintained.

Include the statutory definition of the coastal high hazard area and a map of the coastal high hazard area, based on the statutory definition, in the Village’s comprehensive plan.

**Village Response:**

1. **General:**

   The Village has adopted the Palm Beach County Comprehensive Emergency Management Plan (County CEMP) by reference. The CEMP provides the general emergency management structure and guidance under which the Village of North Palm Beach Comprehensive Emergency Management Plan (Village CEMP) was formulated. As part of the Village CEMP, North Palm Beach adopted the 2008 Hurricane Plan, which establishes procedures to be followed in the event that a hurricane is expected to affect the corporate area.

   Should North Palm Beach appear in the predicted “cone of error” of a storm, as determined by the National Hurricane Center, and should a mandatory evacuation be ordered by Palm Beach County, the Village will, within 72 hours of predicted landfall, notify residents in the evacuation area through the use of public address speaker systems built into municipal vehicles, or by door-to-door notification, should time and manpower permit.

   Residents desiring to evacuate to a local shelter will be directed to either William T. Dwyer High School (Palm Beach Gardens) or Independence Middle School (Jupiter). William T. Dwyer High School is approximately 5.0 miles driving distance from the subject site via PGA Boulevard and
Military Trail, while Independence Middle School is located in Abacoa, approximately 7.0 miles driving distance via PGA Boulevard, Military Trail, Donald Ross Road and Greenway Drive.

Those choosing to evacuate the Village will be directed to either Northlake Boulevard or PGA Boulevard, both of which are designated Hurricane Evacuation Routes. Should traffic assistance be necessary, Village Public Safety officers will be stationed at the intersections of U.S. Highway No. 1 and PGA Boulevard and U.S. Highway No. 1 and Northlake Boulevard to assist with the flow of traffic.

2. Hurricane Evacuation and Shelter Services:

Neither North Palm Beach nor Palm Beach County has adopted a level-of-service (LOS) standard for hurricane evacuation. However, for those governments that have not adopted an LOS for evacuation to a shelter, F.S. 163.3178(9)(a) establishes the LOS standard at no greater than 12 hours for a Category 5 Storm event. If it is demonstrated that a proposed comprehensive plan amendment can comply with this standard, it shall be found in compliance with the state’s coastal high hazard provisions.

An analysis of the shelter evacuation time for proposed NPBCP Amendment 07-2.1 (DCA 08-1) is presented in the attached report entitled: “Village of North Palm Beach Comprehensive Plan Amendment 08-1 Domani Parcel Impact on Hurricane Evacuation Clearance Time and Compliance with Section 163.3178(9), Florida Statutes”, prepared by Kenneth Metcalf, AICP (Metcalf Study). The report concludes that proposed NPBCP Amendment 07-2.1 will result in a 2008 hurricane evacuation clearance time of 9.25 hours to a shelter and, therefore, complies with Section 163.3178(9)(a), Florida Statutes.

With the Village’s policy of notifying residents of a mandatory evacuation within 72 hours of landfall and the proximate location of designated shelters, the 12-hour maximum evacuation time to a shelter, per F.S. 163.3178(9)(a)2 can also easily be met by residents living at the subject site.

3. Coastal High Hazard Area Map:

The Village prepared an updated Coastal High Hazard Area (CCHA) map as part of its 2006 Evaluation and Appraisal Report (Ref: Map 7, page 55 of the EAR using information supplied by Palm Beach County). The map was the most currently available at the time of the EAR. Further, the EAR recommended amending Figure 3-17 of the Future Land Use Map Series as part of the EAR-based amendments, to reflect the current definition of the Coastal High Hazard Area, as depicted on Map 7. A copy of Map 7 from the EAR is attached hereto. However, according to Palm Beach County Emergency Management, the CCHA map will be further revised during the next year as part of the statewide update process. The Village’s map will be amended, as appropriate, following completion of the County’s updating process.
The EAR was found sufficient by FDCA on February 6, 2007. Subsequent to the finding of sufficiency, the Village requested and was granted an extension by FDCA, to February 6, 2009, to complete the EAR-based Comprehensive Plan amendments (copy of extension letter attached). If the County has revised its CCHA map by the time that the Village completes the EAR-based amendments, the revised map will be included therein.

The CCHA is currently defined in Objective 6 of the Coastal Management Element as “The evacuation zone for a Category 1 hurricane”. The definition will be amended, in both the Future Land Use and Coastal Management elements when the EAR-based amendments are enacted during fiscal year 2009 to read as follows: “The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.” The Village has applied for and received an extension to submit the EAR-based amendments by February 2009 and anticipates meeting that deadline.

**Objection 2:** Future Land Use Policy 4.2 requires all future high density residential development to be directed to areas west of U.S. Highway 1 in order to coordinate coastal population densities with the County Hurricane Evacuation Plan. The High Density Residential land use designation proposed in this amendment is located east of U.S. Highway 1. Therefore, the proposed amendment is inconsistent with Policy 4.2.

The proposed amendment site is located in Planning Area 2 and is subject to Future Land Use Policy 5.2. Special Policy 5.2 requires development in Planning Area 2 to be based on the Village’s mixed-use provisions of the Commercial Planned Unit Development Ordinance. The policy also limits residential density to 10 to 11 dwelling units per acre. The proposed land use change is inconsistent with Special Policy 5.2 because it is a single use land use category and the maximum density of 24 units per acre exceeds the maximum of 11 units per acre established for Planning Area 2.

**Authority:** Sections 167.3177(2) and 167.3187(2), F.S.; Rules 9J-5.005(5) and 9J-5.006(4)(c), F.A.C.

**Recommendation:** The Village should revise the proposed land use change to resolve Objection 1 and to be consistent with Future Land Use Policy 4.2 and Special Policy 5.2. Alternatively, if the Village chooses to adopt the proposed land use change and has adequately resolved the hurricane evacuation issues identified in Objection 1, then the Village should revise Future Land Use Policy 4.2 and Special Policy 5.2 so that the adopted land use change is not inconsistent with these two policies.

**Village Response:**

1. **Future Land Use Element Policy 4.2:**

   U.S. Highway No. 1 is a north-south Hurricane Evacuation Route collector road for its entire course through the Village. U.S. Highway No. 1 intersects both Northlake Boulevard and PGA Boulevard, which are designated Hurricane Evacuation Routes, with interchange access to I-95 and Florida’s Turnpike. Properties located on U.S. Highway No. 1, whether on its east or west
side, are afforded similar evacuation opportunities. This is particularly true in light of the narrow extent of the Village along the east side of the U.S. Highway No. 1 corridor in the Village. With regard to proposed NPBCP Amendment 07-2.1 (DCA designation of 08-1), the subject parcel has 467 feet of frontage along the east side of U.S. Highway No. 1 and will be afforded direct access thereto. Further, the property is located approximately 0.4 miles south of PGA Boulevard and thereby afforded convenient access to the designated east-west Hurricane Evacuation Route. It is determined that location on the east side versus the west side of U.S. Highway 1 makes no difference, in terms of hurricane evacuation opportunities in the Village.

During the comprehensive plan amendment review process, the Village Public Safety Department provided correspondence in support of this conclusion, stating that “no to minimal” adverse impacts to public safety concerning hurricane evacuation or storm surge are anticipated as a result of the proposed “Domani” development. On this basis, it was concluded in the staff report that the proposed amendment was not inconsistent with Policy 4.2 in that hurricane evacuation opportunities would not be adversely affected by the proposed development. Further, the Metcalf Study, discussed in the response to Objection 1, above, documents this conclusion.

Policy 4.2 currently reads: “All future high density residential development shall be directed to areas west of U.S. Highway No. 1 as a means of coordinating coastal area population densities with the County Hurricane Evacuation Plan.”

To address the FDCA determined inconsistency, as well as other similar circumstances along the U.S. Highway No. 1 corridor, Policy 4.2 shall be revised to read as follows (text underlined is to be added):

**Policy 4.2** All future high density residential development, with the following exceptions, shall be directed to areas west of U.S. Highway No. 1 as a means of coordinating coastal area population densities with the County Hurricane Evacuation Plan:

1. Properties located east of U.S. Highway No. 1 that are assigned a High Density Residential future land use designation as of August 28, 2008:

2. Properties that have frontage on and access to the east side of U.S. Highway No. 1, provided a determination is made by the Village, based upon a professionally competent study, that the hurricane evacuation provisions of F.S. 163.3178(9)(a) in effect on August 28, 2008 are complied with.

2. Future Land Use Element Special Policy 5.2

Special Policy 5.2 currently reads as follows: “Utilize the mixed-use provisions of the Village’s Commercial Planned Unit Development (CPUD) Ordinance as a means of developing that portion of Planning Area 2 located east of U.S. Highway No. 1 and north of Monet Road (i.e. delineated as Special Policy 5.2 on Figure 3-3 of the Future Land Use Map Series) in a transition mode from Commercial (i.e. compatible to the C-B Zoning District) to Residential (i.e. compatible to the R2 Zoning District) running from U.S. Highway No. 1 east to Lake Worth.
Maximum gross density shall not exceed 10-11 DU/AC. Development of the property shall be subject to the Village Council approval of site plan and PUD applications. The following uses shall be excluded from this development: (1) Golf club and its accessory uses such as restaurant, bar, driving range and equipment store; (2) bowling alley; (3) filling stations; (4) dry cleaning plants; (5) mobile home park; and (6) adult entertainment establishment.”

Pertinent Village interpretations of Special Policy 5.2 include:

- The geographical scope of Special Policy 5.2 is currently limited to that area indicated on Figure 3-3 of the Future Land Use Map Series; not the entirety of Planning Area 2.

- The geographical scope of Special Policy 5.2 can be revised by amending the area delineated on Figure 3-3, as proposed in Amendment 08-1 (i.e. NPBCP Amendment 07-2.1).

- Maximum residential density is 11 units per gross acre.

- Commercial development is expected to be clustered along U.S. Highway No. 1, with specific intensity determined by the application of Village land development regulations. (NOTE: more specific mixed-use intensity criteria have been approved by the Village in the recent U.S. Highway No. 1 Corridor Study – Phase II. These criteria will be incorporated within the Comprehensive Plan via the upcoming EAR-Based Amendments).

In addition to Special Policy 5.2, Policy 1.4 of the Future Land Use Element limits the maximum commercial floor-area-ratio (FAR) for commercial development north of the Parker Bridge, including the subject site, is 0.35.

Per the above discussion, it is the Village’s determination that the geographic extent of Special Policy 5.2 can be revised by a Future Land Use Map Series amendment to Figure 3-3, as is proposed by Amendment 08-1 (i.e. NPBCP Amendment 07-2.1). Further, to insure consistency between the amendment to Figure 3-3 and Special Policy 5.2, the following text amendment is proposed (text struck through is to be deleted):

**Special Policy 5.2:** Utilize the mixed-use provisions of the Village’s Commercial Planned Unit Development (CPUD) Ordinance as a means of developing that portion of Planning Area 2 located east of U.S. Highway No. 1 and north of Monet Road (i.e., the property delineated as “Special Policy 5.2 on Figure 3-3 of the Future Land Use Map Series) in a transition mode from Commercial (i.e., compatible to the C-B Zoning District) to Residential (i.e., compatible to the R2 Zoning District) running from U.S. Highway No. 1 east to Lake Worth. Maximum gross density shall not exceed 10-11 DU/AC. Non-residential development pods shall comply with the Floor-Area-Ratio standards listed in Policy 1.4 of the FUTURE LAND USE ELEMENT. Development of the property shall be subject to the Village Council approval of site plan and PUD applications. The following uses shall be excluded from this development: (1) Golf club and its accessory uses such as restaurant, bar, driving range and equipment store; (2) bowling alley; (3) filling stations; (4) dry cleaning plants; (5) mobile home park; and (6) adult entertainment establishment.
In addition, for the purposes of assessing the impacts of proposed Amendment 08-1, the following intensity determinations for the 7 acre parcel are made:

- **Current Future Land Use Designation (Mixed-Use):** Residential component - 77 dwelling units; and commercial component (equivalent to 2.333 acres per discussion with FDCA) - 35,574 sq. ft. of retail space (2.333 acres at a 0.35 FAR). These intensities are used to assess the traffic impacts of the proposed amendment in Objection 3, below.

- **Proposed Future Land Use Designation (Residential High Density):** 168 residential units.

**Objection 3:** The traffic impact analysis submitted with the proposed amendment evaluated the residential zoning applied to the site (11 dwelling units per acre or 77 total units) rather than the maximum development allowed by the land uses assigned to the site (Commercial and Medium Density Residential). The existing land use allows a portion of the seven acre site to be developed for Commercial use at an intensity of 0.35 floor area ratio and residential development at a maximum of 11 units per acre on the remaining portion of the site. In addition, the radius of influence for the traffic study needs to include all the major roads in the Village, not just the “first directly accessed major thoroughfare roadway”.

*Authority:* Sections 163.3164(32); 163.3177(3); and 163.3177(6)(a), (b), and (j), F.S.; Rules 9J-5.005(2); 9J-5.006(2), (3)(b)1 and (c)3; 9J-5.016(2), (3)(b)1, 2, 3, 4, 5(c)3, 6, and (4); 9J-5.019(2), (3), and (4)(b)2, 3, (c)1, F.A.C.

**Recommendation:** The traffic impact analysis needs to be revised to evaluate and compare the traffic impacts allowed by the existing land use and the proposed future land use. The existing land use allows a portion of the seven acre site to be developed for Commercial use at an intensity of 0.35 floor area ratio and residential development at a maximum of 11 units per acre on the remaining portion of the site. The Future Land Use designation allows 24 dwelling units per acre or 168 total units. The radius of influence for the traffic study should include all the major roads within the Village, not just the “first directly accessed major thoroughfare roadway”.

**Village Response:**

1. **Development Intensities:**

   *It was determined in the above discussion that development potential on the subject site under its existing future land use designation is a mixed-use development consisting of 77 residential units (i.e. 11 units per gross acre) and 35,574 sq. ft. of commercial development (i.e. 0.35 FAR on 1/3 of the 7 acre parcel), while development potential under the proposed future land use designation is 168 residential units (i.e. maximum of 24 units per acre on 7 acres).*
2. Revised traffic Study:

A copy of the revised traffic study, prepared by McMahon Transportation Engineers and Planners, is attached hereto. The analysis shows that the proposed future land use designation generates fewer daily and peak vehicular trips than the existing future land use designation. As a result, the trip distribution analysis is not necessary.

II. Consistency with Chapter 187, F.S., State Comprehensive Plan

The proposed amendment is inconsistent with the following provisions of Chapter 187, F.S.:

Section 187.201(6), Public Safety, Policy 22: Prepare advanced plans for the safe evacuation of coastal residents;

Section 187.201(15), Land Use, Policies 1, 3, and 5: To ensure development is located in areas with public facilities are available, encourage mixed-use development, and evaluate impacts of development on public facilities;

Section 187.201(17), Public Facilities, Policies 3, 4, 5, 6, 7, and 9: Encourage the development, use, and coordination of capital improvement plans by all levels of government to ensure the availability of public facilities;

Section 187.201(19), Transportation, Policies 2, 7, 9, 12, and 13: Ensure the availability of an efficient transportation system, but avoid transportation improvements that encourage or subsidize development in the coastal high hazard area; and

Section 187.201(25), Plan Implementation, Policy 7: Ensure that local plans implement and accurately reflect state goals and policies.

By addressing the concerns noted in Section I., these inconsistencies with Chapter 187, Florida Statutes, can be addressed.

Village Response:

By responding to Objections I-3, above, the inconsistencies with F.S. 187 are also addressed.
February 25, 2008

Mr. Jimmy Knight
Village Manager
Village of North Palm Beach
501 U.S. Highway 1
North Palm Beach, Florida 33408-4902

Dear Mr. Knight,

This is in response to your letter dated February 11, 2008, requesting a six-month extension for the adoption of the Evaluation and Appraisal Report (EAR) based amendments to the Village of North Palm Beach Comprehensive Plan.

The Department may grant a six-month extension for the adoption of the Evaluation and Appraisal Report based amendments, if the request is justified by good and sufficient cause pursuant to Section 163.3191(10), Florida Statutes. The Department has reviewed your request and accepts the reasons as sufficient cause and grants the Village of North Palm Beach the extension. Please submit the EAR-based amendments to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team by February 6, 2009.

If you have any questions concerning this matter, please do not hesitate to contact Bob Dennis, Regional Planning Administrator, at (850) 487-4545.

Sincerely,

Mike McDaniel
Chief of Comprehensive Planning

CC: Terry L. Hess, AICP, Planning Director
Treasure Coast Regional Planning Council
August 7, 2008

Jodi Nentwick, Village Planner
Village of North Palm Beach
501 U.S. Highway 1
North Palm Beach, FL 33408

Re: Domani Land Use Amendment

Dear Jodi,

Enclosed please find the revised Traffic Analysis for the existing land use. The analysis is based on the Village's interpretation of the uses allowable currently which are 77 residential units and 35,574 SF of commercial retail (Table 1).

In this scenario, the PM peak trips are greater in the existing land use vs. the proposed of 168 units. Per Table 1, the AM peak out trips (16 trips) are minimally increased and all other calculations indicate a reduction of trips based on the proposed 168 units. In summary, by including the currently allowed commercial use to the existing land use calculations, the daily traffic counts for the existing land use versus the proposed land use are drastically reduced with minor increases to the AM peak numbers.

Should you have any questions, comments or require any additional information, please do not hesitate to call me at (954) 202-7000. Thank you for your time and kind consideration with regards to this matter.

Sincerely,

BOHLER ENGINEERING, LLC

Ryan O. Thomas, P.E.
Branch Manager

cc: John Csapo, Kolter Communities
    Bob Vail, Kolter Communities

OTHER OFFICE LOCATIONS:

- Southborough, MA 508.480.9900
- Albany, NY 518.438.9900
- Purchase, NY 914.251.9800
- Ronkonkoma, NY 631.738.1200
- Warrenton, VA 703.709.9500
- Warrenton, VA 540.349.4500
- Bowie, MD 301.809.4500
- Center Valley, PA 610.709.9971

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**Note:**

(1) Palm Beach County Trip Generation Rates
To: Council Members

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
          Adopted Amendments to the Town of Ocean Breeze Park Comprehensive Plan
          DCA Reference No. 08-1

Background

On August 27, 2008, the Town of Ocean Breeze Park adopted text amendments to the Future Land Use, Infrastructure, Coastal Management, Conservation, Capital Improvements, and Intergovernmental Coordination Elements; and one Future Land Use Map amendment to the Town Comprehensive Plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on July 8, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC on June 20, 2008 contained eight comments/recommendations for modification to the proposed amendments. These are shown in Attachment A.

B. DCA ORC Report

The DCA ORC Report contained objections relating to the following:

1. The lack of data and analysis to support the criteria regarding the length of time housing units are to remain affordable in the Future Land Use Element Policy 1.11.
2. The lack of meaningful and predictable standards for the intensity bonus to be permitted for commercial redevelopment in Policy 1.6 of the Future Land Use Element.
3. The lack of water and wastewater level of service standards appropriate for the Town based on professionally accepted and applied methodologies. Lack of data and analysis.
4. The reduction in the amount of native vegetative communities to be preserved on site allowed in revised Policy 5.1 of the Conservation Element. Lack of data and analysis to demonstrate that new Policy 5.3 will provide for the protection of sufficient amounts of native habitat communities on site.
C. Town Response

1. To the TCRPC comments and recommendations

   The Town's response is included as Attachment B.

2. To the DCA ORC Report

   The Town's response to the DCA ORC Report is included as Attachment C.

Conclusion

For information only.

Attachments
Future Land Use Element

1. Approximately 34.95 acres (77.4 percent) of the 45.14-acre subject property is covered with barren, disturbed land, or exotic species; and 10.19 acres (22.6 percent) of the site is covered with native upland communities, including sand pine (4.52 acres), mixed pine (4.81 acres), and xeric oak (0.86 acres) (see Exhibit 4). All three of these native upland communities are forms of scrub, which occurs primarily along the well-drained elevated portions of the Atlantic Coastal Ridge. Scrub is considered to be a regionally endangered natural community, because most of it has been eliminated by development in the region.

The subject parcel also contains approximately 70 Gopher tortoise burrows (53 active and 17 inactive), which represents an estimated population of 43 tortoises (see Exhibit 5). The Gopher tortoise is listed as Threatened by the Florida Fish and Wildlife Conservation Commission (FWC). Permits from the FWC are required to relocate tortoises into on site or off site preserve areas.

The Town’s Conservation Element Policy 5.1 has been revised to recognize existing native upland communities on the property as environmentally sensitive and offer protection by requiring preservation where available along the Town’s border as part of native buffers and by micrositing to limit clearing in order to preserve 25 percent (approximately 2.55 acres) of the existing native scrub habitat. New Policy 5.3 states that native upland preserve areas shall first be arranged to ensure the protection of endangered or listed species in a continuous clustered fashion, where possible, and then adjacent to wetlands and other preserved habitat located on or off-site, and finally by lakes, natural waterbodies, or as perimeter buffer. Policy 5.3 also indicates that disturbed areas may be credited toward preserve requirements subject to a native planting program approved concurrent with the development plan and accompanied by monitoring and maintenance.

The Town’s policies provide inadequate protection for the regionally endangered scrub communities on the subject parcel. Furthermore, the policies do not guarantee protection of the gopher tortoise population on site. Implementation of these policies could result in the loss of regionally significant environmental resources. Because most of the gopher tortoises are located in the open disturbed areas, Policy 5.3 would allow a developer to obtain permits from the Florida Fish and Wildlife Conservation Commission to relocate the tortoise population off site. Policy 5.2 would allow only 2.55 acres of native scrub to be preserved within a 25 foot buffer along the edge of the property. This scenario would result in a narrow preserve area with limited ecological value as a remnant natural community and limited potential for providing wildlife habitat.

The Town’s policies are inconsistent with the following goals, strategies and policies contained in the Strategic Regional Policy Plan: **Goal 6.7:** Protection of upland natural communities and ecosystems; **Strategy 6.7.1:** Preserve and manage upland natural communities in order to maintain viable populations of all native plant and animal species, and representative stands of each habitat type; **Policy**
6.7.1.2: Development plans should be designed to maximize the amount of protected habitat; **Regional Goal 6.8:** Protection of endangered and potentially endangered species; **Strategy 6.8.1:** Preserve areas should be designed and established to protect endangered and potentially endangered species; and **Policy 6.8.1.2:** All Endangered and Potentially Endangered plant and animal populations should be protected and all habitat of significant value to existing populations of endangered and threatened species should be preserved and protected.

Recommendation: All opportunities to protect native scrub communities in the region should be taken advantage of, because these communities are considered to be regionally endangered. The first step in protecting these communities in the Town of Ocean Breeze Park would be to transfer the residential density to the disturbed portions of the site. Once the permitted density is transferred, the Town could establish and assign a Conservation FLUM designation to the native scrub areas. The majority of the scrub communities are consolidated on the west side of the property, which will simplify efforts to manage the preservation area and design it to be more suitable for gopher tortoises. Conservation Element Policies 5.1 and 5.3 should be revised to: 1) provide full protection of all 10.19 acres of the native scrub communities on the subject property; 2) provide a management plan for the scrub designed to optimize the habitat value for gopher tortoises; 3) provide for relocating gopher tortoises into the scrub preservation area on site until the carrying capacity of the preserve has been reached; and 4) provide for off site relocation of tortoises only for the portion of the population that can not be accommodated in the scrub preserve on site. In addition, the Town should expand the ecological value of the preservation area by coordinating with Martin County to encourage adjacent property owners to design contiguous preservation areas on the adjoining property to the south of the subject parcel.

2. Two new Residential FLUM designations (Low Density, Medium Density) are being established in revised Policy 1.4. The maximum density established for Low Density is 6 dwelling units per acre; the maximum for Medium Density is 10 units per acre. However, in both the Low Density and Medium Density categories, density can be increased to 15 units per acre for mobile home or recreational vehicle units. This is not appropriate and makes it difficult to determine potential development impacts. The Town has adopted a Mobile Home FLUM designation which allows up to 16.46 units per acre (based on the existing density of the mobile home park).

Recommendation: It would be more appropriate for the Town to reassign the Mobile Home Density designation by plan amendment to areas currently proposed to be designated Low or Medium Density, should that be necessary in the future. This will allow a better opportunity to assess concurrency impacts and other pertinent planning issues.

3. Proposed Policy 1.6(b) indicates an intensity bonus for land designated Commercial may be granted if development is proposed with “prominent quality architectural and site design attributes”. This language is subjective.

Recommendation: Conditions under which such a large intensity bonus (25 percent) could be granted should be better defined.
4. New Policy 1.11 allows a density bonus for the development of senior housing and housing for the low and moderate income. The affordable housing units must remain affordable to low and moderate income households for a minimum of 10 years.

Recommendation: In order to better address housing needs, the Town should extend the amount of time that the units must remain affordable.

5. Currently, there are no connections between the Commercial plaza and the remainder of the Town. Current residents must access the shopping facilities via Indian River Drive and Jensen Beach Boulevard.

Recommendation: The Town should add a policy in the Future Land Use Element requiring connectivity between the area west of the FEC and the commercial shopping plaza, as part of any development plans for the area. This connection should be well designed, and provide access for pedestrian, bicycle and vehicular traffic.

6. There are a number of potential street connections for the area west of the FEC (see Exhibit 3).

Recommendation: The Town should work closely with the County to determine which of those connections should be made and the best possible street system for the residential lands when development is proposed.

Conservation Element

1. New Policy 5.1 addresses the preservation of native upland habitat by requiring preservation along the Town’s border and by micrositing to limit clearing. The policy indicates the Town will seek to preserve 25 percent of the existing native habitat.

Recommendation: The Town should preserve all the remaining scrub habitat (10.2 acres), since it is a regionally endangered natural community and is necessary for the threatened gopher tortoise population found on site.

Intergovernmental Coordination

2. In a letter dated June 3, 2008, Martin County has identified some concerns with the proposed amendments.

Recommendation: Prior to adoption of the proposed amendments, the Town should meet with Martin County to discuss the issue of compatibility of residential densities and building heights. Preliminary discussions might also include the issue of street extension/connectivity.
1. Native Habitat Preservation

Original Comprehensive Plan: Preserve 65% of the scrub habitat (approximately three acres).

Original Proposal: Preserve 25% of native habitat regardless of type (approximately 2.5 acres).

TCRPC Recommendation: Preserve entire 10.19 acres of native habitat on site regardless of type.

Final Adoption: Preserve approximately three acres of scrub habitat in specific locations as directed by DCA.

2. Mobile Homes

Original Comprehensive Plan: Allows for mobile homes or multifamily units within the current future land use.

Original Proposal: maintains same allowance with increased densities.

TCRPC Recommendation: Separate mobile home uses from multifamily and other uses by different future land use districts.

Final Adoption: Maintain allowance for either mobile home or multifamily uses within the proposed Low or Medium Density Residential future land uses. If required, separation of unit types is to be accomplished via the PUD approval process.

3. Commercial Intensity Bonus

Original Comprehensive Plan: None.

Original Proposal: None.

TCRPC Recommendation: Provide greater specificity regarding what is required to obtain these intensity bonuses.

Final Adoption: Obtained language from TCRPC to provide the level of specificity requested.

4. Longer Period of Affordability

Original Comprehensive Plan: None.

Original Proposal: None.
TCRPC – FINAL RESOLUTION OF COMMENTS
OCEAN BREEZE PARK COMPREHENSIVE PLAN AMENDMENT
(DCA #08-1)

TCRPC Recommendation: Provide for a longer period of affordability for projects receiving the density bonus for affordable housing.

Final Adoption: Increased period of affordability to 20 years minimum and required deed restrictions to maintain affordability.

5. Interconnectivity from Commercial to Residential land uses.

Original Comprehensive Plan: None.

Original Proposal: None.

TCRPC Recommendation: Require Interconnectivity from Commercial to Residential land uses.

Final Adoption: Deferred to the upcoming re-write of the Town’s land development regulations and development review processes to address this issue.

6. Future Street Connections

Original Comprehensive Plan: None.

Original Proposal: None.

TCRPC Recommendation: Work with County to identify future street connections.

Final Adoption: Deferred to the upcoming re-write of the Town’s land development regulations and development review processes to address this issue. In that curb-cut permits will be required from Martin County, coordination is assured.

7. Native Habitat Preservation

Original Comprehensive Plan: Preserve 65% of the scrub habitat (approximately three acres).

Original Proposal: Preserve 25% of native habitat (approximately 2.5 acres).

TCRPC Recommendation: Preserve entire 10.19 acres of native habitat on site.

Final Adoption: Preserved approximately three acres of scrub habitat in specific locations as directed by DCA.

8. Density and Height Compatibility
Original Comprehensive Plan: Compatibility with Martin County was addressed by buffers, setbacks, and maximum density of six units per acre.

Original Proposal: Address the need to ensure compatibility through buffers and increased setbacks.

TCRPC Recommendation: Meet with County to discuss their concerns.

Final Adoption: Numerous conversations were held with the Planner in Charge of the County review who also attended the LPA public hearing. Final compatibility was ensured through mandated buffers, increased setbacks, and maximum building heights. At present the Town’s land development regulations limit building heights at the site’s perimeter to two stories, which is believed to be compatible with neighboring county land uses.
Objection 1: Future Land Use Policy 1.11 allows a 50% density bonus for affordable housing in the Low and Medium Density Residential land use categories provided that a minimum of 15% of the units are available for a minimum of 10 years to persons of very low or low income. The 10 year criteria is not supported by data and analysis to demonstrate that 10 years is an adequate timeframe for retaining affordable housing for very low and low income households.

Recommendation: The policy should be revised to ensure that the housing units remain affordable for a longer period of time. For example, the policy could require the units intended for affordable housing be subject to a recorded land use restriction for a period of not less than 20 years and included resale provisions to ensure long-term affordability for very low and low income homeowners and renters [see Section 380.06(19)(i), F.S.]

Action: Policy 1.11 containing the requirements for the timeframe of affordability has been revised to require that such affordability be maintained for a minimum of 20 years or for such longer period as set forth by a controlling grant or other affordable housing program such as the Martin County Local Housing Assistance Plan, and that such affordability be ensured through a recorded land use restriction. An excerpt of the revised Policy 1.11 as adopted by the Town of Ocean Breeze is provided below.

Policy 1.11: With the exception of mobile home development, group homes, foster homes, nursing care facilities and assisted living facilities, a 25% gross density bonus will be granted to residential development that is restricted to senior housing (either limited to occupancy by residents 62 years of age or older or to those intended and operated for occupancy by persons 55 years of age or older provided that at least 80 per cent of the occupied units are occupied by at least one person 55 years of age or older) or a 50% bonus will be granted to residential development that is committed to a proportion of owner occupied or rental housing meeting the definition of very low and low income as defined by the State of Florida guidelines for the State Housing Incentive Program (SHIP). Projects receiving a density bonus must further meet the criteria listed below.

a. The project must be subject to a Planned Unit Development Agreement.
b. For sites that share a common boundary with a single-family land use, a buffer must be provided.

c. Senior housing projects must include the following design standards:

1) at least one zero step entrance

2) all interior doors providing at least 31 ¾ inches of unobstructed passage space, and

3) at least a half bathroom on the main floor.

d. For affordable housing projects; a minimum of 15% of the proposed units must be allocated to persons of very low and/or low income as defined by the State of Florida Guidelines for the State Housing Incentive Program (SHIP), for a minimum period of ten 20 years or such longer period as set forth by a controlling grant or other affordable housing program such as the Martin County Local Housing Assistance Plan. The units intended for affordable housing shall be subject to a recorded land use restriction for not less than 20 years and shall include resale provisions to ensure long-term affordability for very low and/or low income homeowners and renters.

For the purpose of this policy, the density bonuses are not cumulative. For example, an affordable housing development dedicated to senior residents will be granted a total density bonus of 50% as a result of the 50% bonus for affordable housing. In this case, the 25% bonus for senior housing would not apply.
Objection 2: Revised Future Land Use Policy 1.6 allows a 25% intensity bonus to encourage redevelopment of the existing commercial area. The only guidelines for this redevelopment are for the project to be approved as a Planned Unit Development and "developed with prominent quality architectural and site design attributes." The policy does not establish meaningful and predictable standards for the redevelopment of the site or provide meaningful guidelines for the content of the more detailed land development regulations.

Recommendation: Revise Policy 1.6 to include meaningful and predictable standards for the redevelopment of the site and to provide meaningful guidelines for the content of the more detailed land development regulations.

Action: With the assistance of the Treasure Coast Regional Planning Council, Policy 1.6.b. has been revised to include meaningful and predictable standards for the redevelopment of the site and to provide meaningful guidelines for the content of the more detailed land development regulations.

Policy 1.6:

b. Redevelopment within the Commercial future land use designation may be granted an intensity bonus of 25% if developed with prominent quality architectural and site design attributes as set forth in the Town's land development regulations. At a minimum the land development regulations shall include but not be limited to the following criteria:

1) an integrated pedestrian system
2) a bus stop and shelter
3) bicycle racks
4) interconnections between complementary neighboring land uses
5) a clear definition of rights-of-way and streets
6) well defined open spaces
7) a variety of building types and uses

The Land Development Regulations shall also address architectural
standards, including but not limited to building fenestration, proportions of
openings, building massing and composition, building materials and
surface treatment and pitch of roofs.

Such development shall be approved via a Planned Unit Development.
Objection 3: Infrastructure Policy 1.4 establishes a potable water level of service standard of 100 gallons per capita per day for the planning time period 2000-2005 and a non-residential level of service standard for potable water of 0.1 gallons per square foot x 0.92 for the planning time period 2000-2005. This time period has expired and as a result the Town does not have a level of service standard for potable water, which is inconsistent with Rule 9J-5.0055(3), F.A.C. In addition, the Town has not included information to indicate that Martin County has sufficient capacity in its water treatment plant to meet the water supply needs of this site based on the maximum development potential of the site.

The Town has not provided any data and analysis to demonstrate that Martin County has sufficient capacity in its wastewater treatment plant to serve the site of the proposed amendment at the maximum development potential. In addition, Infrastructure Policy 1.1 establishes a sanitary sewer level of service standard of 90 gallons per capita per day for the planning period 2000-2005 and a non-residential level of service standard of 0.1 gallons per square foot x 0.90 for the planning period 2000-2005. This time period has expired and, as a result, the Town does not have a level of service standard for wastewater, which is inconsistent with Rule 9J-5.0055(3), F.A.C.

Recommendation: Policies 1.4 and 1.1 should be revised to include water and wastewater levels of service standards appropriate for the Town based on professionally accepted and applied methodologies. Include revised data and analysis evaluating water and wastewater demand for the site of the proposed amendment based on any revisions to the water and wastewater level of service standards. Include data and analysis to demonstrate that Martin County has capacity in its water and wastewater treatment facilities to serve the site.

If the Town wants to establish tiered level of service standards for future planning periods, the Town should establish these levels of service standards as objectives and include policies with specific programs and activities to be implemented by the Town to achieve the level of service standards. A monitoring system should be included to determine when the level of service standards are achieved and then the comprehensive plan policies should be revised, through the amendment process, to establish the new level of service standards as the standards for evaluating public facility impacts and planning for new and expanded public facilities.

Action: Policies 1.1 and 1.4 have been revised to include water and wastewater levels of service standards appropriate for the Town based on professionally accepted and applied methodologies. An excerpt of the revised Policies 1.1 and 1.4 is provided below. Also attached are excerpts of various Comprehensive Plan pages that address water and wastewater level of service standards which have also been revised to remain consistent with the proposed changes with Policies 1.1 and 1.4. Similarly, the Traffic Circulation chart in the Capital Improvements Element has been revised to eliminate expired time periods. Finally, enclosed as a separate document please find revised data and analysis to demonstrate that Martin County has capacity in its water
and wastewater treatment facilities to serve the site.

Policy 1.1 Sanitary Sewer - The LOS Aas established by Martin County's Comprehensive Growth Management Plan, the minimum levels of service for new development which will connect to the regional North County System will be as follows:
in the operation of a regional sewage treatment plant to serve Martin County (Residential - 100 gallons per capita per day for 1990 to 1995; 95 gallons per capita per day for 1995 to 2000; 90 gallons per capita per day for 2000-2005 / Non-Residential - 0.1 gallons/square foot x 1.00 for present to 1995; 0.1 gallons/square foot x 0.95 for 1995 to 2000; 0.1 gallons/square foot x 0.90 from 2000 to 2005) shall be applicable to all future development. All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. All new residential development shall be required to connect to the Martin County regional or municipal water and wastewater systems when such systems become available. The package plant currently serving 220 mobile home units shall continue to provide minimum 24,000 gallons per day LOS. The approximate one (1) acre effluent pond serving this package plant shall remain fenced and grassed to function as a polishing pond to slow the percolation through the permeable sand of the Jensen land ridge until the remaining homes east of the FEC railroad are connected to Martin County Utilities for sanitary sewer service or an equivalent alternative location is identified for this purpose.

Policy 1.4 Potable Water - No potable water wells shall be permitted in the areas designated Low or Medium Density Residential or Commercial on the future land use map future development area of the town so long as potable water is available from
a regional source. Water wells for purposes other than human consumption (such as lawn sprinkling) may be permitted where such wells would not adversely affect natural resources or increase saltwater intrusion. The minimum level of service for the developed Ocean Breeze mobile home park will be based upon current consumption patterns and shall be 150 gallons per mobile home unit per day. As established by the Martin County Comprehensive Growth Management Plan, the minimum levels of system service for all other areas of the Town shall will be as follows [9J-5.011(2)(c)2.d.]:

<table>
<thead>
<tr>
<th>Residential</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level of Service Standards</strong></td>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>120 gallons per capita per day</td>
<td>Present—1995</td>
</tr>
<tr>
<td>110 gallons per capita per day</td>
<td>1995-2000</td>
</tr>
<tr>
<td>100 gallons per capita per day</td>
<td>2000—2005</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Non-Residential</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Level of Service Standard</strong></td>
<td><strong>Year</strong></td>
</tr>
<tr>
<td>1 gallon / square foot x 1.00</td>
<td>Present—1995</td>
</tr>
<tr>
<td>1 gallon / square foot x 0.95</td>
<td>1995-2000</td>
</tr>
<tr>
<td>0.1 gallons / square foot x 0.92</td>
<td>2000—2005</td>
</tr>
</tbody>
</table>

The Town will coordinate with Martin County’s plan to set separate levels of service in the future for each regional water plants and its service area.
TABLE 2
ADOPTED WATER LEVEL OF SERVICE STANDARDS
FOR NEW DEVELOPMENT - 1989

Residential
Level of Service Standards Year
120 gallons per capita per day Present - 1995
110 gallons per capita per day 1995 - 2000
100 gallons per capita per day 2000 - 2005

Non-Residential
Level of Service Standard Year
0.1 gallons / square foot x 1.00 Present - 1995
0.1 gallons / square foot x 0.95 1995 - 2000
0.1 gallons / square foot x 0.92 2000 - 2005

Capital Improvement Element – page 206

SANITARY SEWER

As established by the Martin County Comprehensive Growth Management Plan, the minimum levels of service for new development which will connect to the regional North County system shall be as follows:

Residential

Level of Service Standard Year
100 gallons per capita per day Present - 1995
95 gallons per capita per day 1995 - 2000
90 gallons per capita per day 2000 - 2005
Non-Residential

Level of Service Standard ______ Year

0.1 gallons/square foot x 1.00 ______ Present - 1995

0.1 gallons/square foot x 0.95 ______ 1995 - 2000

0.1 gallons/square foot x 0.90 ______ 2000 - 2005

The LOS as established by Martin County in the operation of a regional sewage treatment plant to serve Martin County (100 gallons per capita per day for 1990 to 1995; 95 gallons per capita per day for 1995 to 2000) shall be applicable to all future development. All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. All new development shall be required to connect to regional or municipal wastewater systems when such systems become available. The package sewage treatment plant currently serving 220 mobile home units shall continue to provide minimum 24,000 gallons per day LOS. The package plant serving Ocean Breeze Plaza shopping center shall continue to provide minimum 30,000 gallons per day LOS.

Capital Improvement Element – page 208

POTABLE WATER

No potable water wells shall be permitted in the future development area of the town so long as potable water is available from a regional source. Wells for purposes other than human consumption (such as lawn sprinkling) may be permitted where such wells would not adversely affect natural resources or increase saltwater intrusion. The minimum level of service for the developed Ocean Breeze mobile home park will be based upon current consumption patterns and shall be 150 gallons per mobile home unit per day. As established by the Martin County
Comprehensive Growth Management Plan, the minimum levels of service for new development which will connect to the regional North County system will be as follows:

**Residential**

<table>
<thead>
<tr>
<th>Level of Service Standard</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>420 gallons per capita per day</td>
<td>Present - 1995</td>
</tr>
<tr>
<td>440 gallons per capita per day</td>
<td>1995 - 2000</td>
</tr>
<tr>
<td>100 gallons per capita per day</td>
<td>2000-2005</td>
</tr>
</tbody>
</table>

**Non-Residential**

<table>
<thead>
<tr>
<th>Level of Service Standard</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.1 gallons/square foot x 1.00</td>
<td>Present - 1995</td>
</tr>
<tr>
<td>0.1 gallons/square foot x 0.95</td>
<td>1995 - 2000</td>
</tr>
<tr>
<td>0.1 gallons/square foot x 0.92</td>
<td>2000-2005</td>
</tr>
</tbody>
</table>

with the potential for up to 528 new residents in the portion of the town west of the FEC railway, a gross projected additional water demand of 63,360 gallons per day can be made. Acquiring this the additional regional potable water service will be by way of contractual arrangements between the developer and Martin County.
<table>
<thead>
<tr>
<th>Capital Improvement Element – page 205</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRAFFIC CIRCULATION</td>
</tr>
<tr>
<td>(1) Indian River Drive (S.R. 707)</td>
</tr>
<tr>
<td>(2) Jensen Beach Blvd. (C.R. 707-A)</td>
</tr>
<tr>
<td>(3) Local roads in developed mobile home</td>
</tr>
<tr>
<td>park</td>
</tr>
<tr>
<td>undeveloped land west of East Coast</td>
</tr>
<tr>
<td>Railway.</td>
</tr>
</tbody>
</table>

- 110% Maintain is defined as existing volume, plus committed traffic, plus 10% of the sum of existing and committed. (Ref. proposed Martin County Comprehensive Growth Management Plan.)

If facilities within Martin County are shown to operate below their required levels of service, payment of the development's fair share contribution to the impacted roadway system in addition to the payment of the appropriate County impact fees shall be deemed adequate to meet the level of service standards of this Comprehensive Plan.
Objection 4: Revised Conservation Policy 5.1 reduces the amount of native vegetative communities to be protected on-site, including the regionally endangered scrub communities, from 65% to 25%. Data and analysis has not been provided to demonstrate that revised Policy 5.1 and new Conservation Policy 5.3 will protect sufficient amounts of native vegetative communities on-site to ensure they remain viable ecological communities and will ensure the protection of the listed species (e.g. gopher tortoises) found on the site.

Recommendation: Conservation Policy 5.1 should be retained without revision unless data and analysis is provided to demonstrate that the revised policy will provide equal or greater protection of the regionally endangered scrub communities located on the site. Proposed Policy 5.3 should be revised, based on professionally accepted and applied mythologies, to ensure that viable ecological communities and wildlife habitat remain on site for the gopher tortoises or provide for their relocation in accordance with guidelines established by the Florida Fish and Wildlife Conservation Commission. The Town is encouraged to coordinate with the Florida Fish and Wildlife Conservation Commission to develop a management plan for the gopher tortoises.

Action: After further consultation with the DCA, the Conservation Policy 5.1 has been revised to set aside a specific area of sand pine scrub habitat for preservation as part of any future development of the area west of the FEC Railroad. The area to be set aside is comparable in acreage to that which would be required under the current Comprehensive Plan but provides certainty and clarity over the existing language as to what will be preserved. The Proposed Policy 5.3 has also been revised to require that viable ecological communities and wildlife habitat remain on site for the gopher tortoises while requiring the Town to coordinate with Martin County to encourage the co-location of preserve areas adjacent to those required by the Town. Meanwhile, a new Policy 5.4 has been added to preserve gopher tortoises on site up to the carrying capacity of the required preserve area or provide for their relocation in accordance with guidelines established by the Florida Fish and Wildlife Conservation Commission. An excerpt of the revised Policies 5.1 and 5.3 and new proposed Policy 5.4 as adopted by the Town of Ocean Breeze is provided below. Also attached please find revised data and analysis to demonstrate that the level of preservation under the new proposed policies is equivalent to that required under the current policy.

Conservation Element – page 163 & 164

OBJECTIVE 5: To protect native upland vegetative communities through the site plan review process and negotiated planned development agreements.

POLICY 5.1: The Town hereby designates existing native forest as environmentally sensitive lands and will protect the ±5 acres of Sand Pine Scrub and similar associated native
upland vegetation by requiring a 25-foot preservation buffer along the property boundaries and micro-siting to limit clearing to no greater than 35% overall. (The Conservation Element Appendix 1 contains an environmental review of remaining vacant land in the Town.) [Reg. Goal 8.1.1 and 8.2.1] [9J-5.043(2)(c)3][9J-5.043(2)(c)9] The Town recognizes existing native vegetation communities as environmentally sensitive lands and will protect Sand Pine Scrub and similar associated native vegetation communities by requiring native upland preservation where shown on Figure 3 of the Future Land Use Element, available along the Town's border as part of native buffers and by micrositing to limit clearing in order to preserve 25% of the existing native habitat a further defined by Policy 5.3 within an area subject to a development application. Native habitat composition and coverage will be determined by a qualified biologist and submitted as part of an environmental assessment (EA) at time of development application.

POLICY 5.3 The Town shall coordinate with Martin County to encourage contiguous and connected preserve areas within Martin County along the common boundary between the Town and Martin County to maximize habitat value. Native upland preserve areas shall first be arranged to ensure the protection of endangered or listed species, in a continuous clustered fashion, where possible, and then adjacent to wetlands and other preserved habitat located on or off-site, and finally by lakes, natural water bodies, or as perimeter buffers. Disturbed areas may be credited toward preserve requirements subject to a native planting program approved concurrent with the development plan and accompanied by a long term monitoring and maintenance plan with survivability criteria. The use of disturbed areas to meet preservation requirements is intended for native areas required to be cleared for utility and drainage improvements.
or easements or for native perimeter buffers where such perimeters do not contain a preponderance of native vegetation. Not more than 33% of the required native preserve area can be met through native replanting. The minimum width for preserve areas shall be 25 feet.

Policy 5.4: Gopher tortoises shall be preserved on site to the extent of the carrying capacity of the required preserve as determined by applicable State permitting agencies. All remaining gopher tortoises shall be relocated off-site unless otherwise permitted by State permitting agencies.
Comment 1: Future Land Use Policy 1.4, as written, will allow 15 units per acre density for mobile homes and residential recreational vehicle units in the same low Density Residential land use category with site-built homes built at a density at 6 units per gross acre.

The Town should consider revising the Low Density Residential land use category to reduce the mobile home and residential recreational vehicle density to a density that is more consistent with the density of six units per acre allowed for site-built in the Low Residential Density land use category.

Alternatively, if the intention of Policy 1.4 is to subdivide the parcels within the Low and Medium Density Residential land use categories and allow the newly created parcels to development (sic) as separate site-built, mobile home, and residential recreational vehicle subdivisions, then the policy could be revised to clearly identify this intention. The Town may find it desirable to revise the densities allowed for mobile homes and residential recreational vehicles so that the 15 units per acre is not the same for the Low and Medium Density land use categories.

Action: We have elected to keep Policy 1.4 as proposed and address the location of mobile homes or recreational vehicles in proximity to site built homes within the land development regulations.

Comment 2: The Town is encouraged to include a policy in the comprehensive plan that would allow connectivity between the commercial plaza and the remainder of the Town. The Town should work closely with Martin County to determine other potential street connections in the area West of the Florida East Coast Railroad.

Action: The Town will continue to work with Martin County on issues of connectivity.

Comment 3: The Town’s 10 Year Water Supply Facilities Work Plan was required to be completed by January 12, 2008. The South Florida Water Management District recommends the Town use the District’s template located on their website to prepare its water supply plan. Since Martin County is the water supplier for the Town, the Town should utilize the data and analysis included in the Martin County 10-Year Water Supply Plan to complete the Town’s Water Supply Plan.

Action: Noted; the Town will address this requirement as part of the upcoming EAR process.

Comment 4: The Drainage Sub-element data and analysis is proposed to be revised to state: “A credit for impervious surface coverage may be provided with the use of pervious materials in site design.” The data and analysis should be revised to indicate
what type of "credit" is contemplated.

**Action:** The reference to obtaining a credit for the use of pervious materials has been deleted (see excerpt below).

**Water and Sewer Element – page 94**

Ocean Breeze Park does not have well designed detention and retention areas to promote filtration and slow down run-off. The soil in the area is a high grade white sand, with excellent percolation qualities that aids in the filtering process. The town does not have an adopted stormwater management ordinance for the existing mobile home park. In the future development area west of the FEC railroad tracks, all new development shall provide a surface water management system the zoning code provides that the stormwater retention and discharge requirements shall be in compliance with the most current South Florida Water Management District Standards which standards are incorporated in the zoning code by reference. The development of the land west of the FEC railroad tracks may consider the use of exfiltration pipe, underground wet and dry retention areas, baffle boxes or other stormwater control features in the design. The use of pervious concrete or other pervious materials shall be encouraged in the design of the land west of the FEC railroad to reduce impervious pavement, increase open space and improve stormwater management. A credit for impervious surface coverage may be provided with the use of pervious materials in site design.
To: Council Members

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
          Adopted Amendment to the City of Port St. Lucie Comprehensive Plan
          DCA Reference No. 08-D1 (formerly 07-D1)

Background

On August 25, 2008, the City of Port St. Lucie adopted one amendment to the Future Land Use Map (FLUM) of the City Comprehensive Plan. The amendment was directly related to the Reserve Development of Regional Impact (DRI).

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendment at a regular meeting held on October 19, 2007. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on November 9, 2007.

Evaluation

A. TCRPC Report

The report approved by the TCRPC on October 19, 2007 included three comments/recommendations for modification. These are shown as Attachment A.

B. DCA ORC Report

The DCA ORC Report contained objections relating to the following:

1. The City should not adopt the amendment until the traffic impact study and other transportation related issues identified by the City, the Florida Department of Transportation and the TCRPC have been resolved.

2. The absence of a City FLUM designation that would allow the variety of industrial and commercial uses proposed.
C. City Response

1. To the TCRPC Recommendations

In response to the Council comment regarding buffering of proposed industrial uses from existing residential uses, the City indicated that the proposed amendment was revised prior to adoption to assign a single FLUM designation (Commercial Service). Additional OSP land use has been added to buffer adjacent residential lands to the south.

In response to the Council consent on upland habitat preservation, the City indicates that the DRI was revised to address upland habitat preservation.

Relative to staff issues in comment number three, the City indicates a revised traffic study was approved by all parties and all traffic issues have been resolved as part of the NOPC process. The requirement for six-lanes on the St. Lucie West Bridge has been retained.

2. To the DCA ORC Report

The City response is included as Attachment B.

Conclusion

For information only.

Attachments
1. The City should ensure that existing residential uses are adequately buffered from new industrial uses. A light industrial or office designation would be most appropriate for lands bordering the Reserve PUD.

2. If the land to be designated as OSR is to be used by the landowner to fulfill part of the obligation for upland habitat preservation consistent with the referenced settlement agreement, the land should be preserved consistent with Regional Strategy 6.7.1, the preservation and management of viable populations of all native plant and animal species, and representative stands of each habitat type.

3. Prior to the adoption of this amendment, the City should ensure that the concerns and issues raised in Council’s letter dated May 2, 2007 (see Attachment A) are adequately addressed.
TO: BRIGET KEAN, PLANNING AND ZONING DEPARTMENT OF THE CITY OF PORT ST. LUCIE

CC: DEPARTMENT OF COMMUNITY AFFAIRS, NO. 07D1

PROJECT: CITY OF PORT ST. LUCIE PROJECT # P07-088

FROM: STEVE BALL, LAND PLANNING SYSTEMS, INC.

DATE: 7/16/2008

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Response to DCA Objection Issues – Port St. Lucie, No. 07D1

Objection, Recommendations, and Comments

Objection 1

It is the Department’s understanding that the City’s Engineering Department has requested that the traffic study submitted with the Notice of proposed Change (NOPC) application be revised. The NOPC application is “on hold” until the revised traffic analysis is completed. The Florida Department of Transportation and the Treasure Coast Regional Planning Council have also identified traffic and transportation related issues associated with the NOPC application (see attached comments). The attached comments include traffic methodology issues, potential impacts on Interstate 95 and the Crosstown Parkway, and the need to evaluate the impacts generated from the increase in office use among the issues to be addressed. Because of the concerns identified by the City, the Department of Transportation and the Regional Planning Council, the data and analysis for this amendment does not demonstrate that transportation facilities are adequate to support the land use change.

[Authority: Sections 163.3177(6) (i), F.S., and Rules 9J-5.005(2), 9J-5.019(3) (a), (f), (h), (i), (4) (b) 2, 3, and (c) 1, F.A.C.]

Recommendation

The City should not adopt this amendment until the traffic impact study and other transportation related issues identified by the City, the Florida Department of Transportation, and the Treasure Coast Regional Planning Council have been resolved.

(Response from applicant): The objection raised by DCA requests we delay the comprehensive plan amendment until transportation issues related to the NOPC are resolved.

The traffic issues have been resolved as part of the NOPC process. The request to reduce travel lanes for the bridge was removed. Other transportation issues have been resolved with the City and County planners, FDOT and RPC staff.

Objection 2

The amendment proposes to assign a future land use designation on the subject property by combining the Heavy Industrial, Light Industrial and Commercial Service land use categories. The City does not have a policy that establishes this multi-use or mixed use category that includes the type of land uses
allowed, the percentage distribution among the uses, or other objective measurement, or the densities and intensities that will be applied to this land use category.

[Authority: Sections 163.3161(3), and 163.3177(6) (a), F.S., and Rules 9J-5.006(3) (b) 10, 9J-5.006(3) (c) 5, and 9J-5006(4) (c), F.A.C]

Recommendation

The city must adopt a land use category as a policy in the Comprehensive Plan to allow the combination of uses proposed along with a percentage distribution among the mix of uses and the density and intensity for each use.

Objection 2

(Response from the Applicant): DCA objected to the use of multiple land use designations on the subject property even though this has historically been acceptable to DCA as well as the city.

In order to address these concerns, the applicant has removed the multiple land use designations and reduced the assigned land uses that were previously shown as HI/LI/CS (Heavy Industrial, Light Industrial, Commercial Service) to only be designated as CS, Commercial Service land use. This change, in combination with established buffer areas, should also address the concerns of the residential neighbors to the south of the subject properties. The applicant also added additional open space preserve (osp) land use as buffering adjacent to residential areas south of the amendment lands.
To: Council Members

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
        Adopted Amendments to the St. Lucie County Comprehensive Plan
        DCA Reference No. 07-2

Background

On December 18, 2007, St. Lucie County adopted one amendment to the Future Land Use Map (FLUM) and text amendments to the Future Land Use, Park and Recreation and Capital Improvements Elements of the County Comprehensive Plan. The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 19, 2007. On November 5, 2007, the Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments.

Evaluation

A. TCRPC Report

   The report approved by the TCRPC on October 19, 2007 included no comments or recommendations for modification.

B. DCA ORC Report

   The DCA ORC Report contained objections relating to the following:

   1. The proposed ordinance to update the Capital Improvements Element contains conflicting dates.

   2. The proposed FLUM amendment does not explain how traffic impacts will be mitigated in order to achieve and maintain the adopted level of service standards on affected roads. The County should coordinate with the Florida Department of Transportation to develop acceptable mitigation strategies and include roadway improvements in the financially feasible Five-Year Schedule of Improvements.
C. County Response

To DCA Objections:

1. The County response is shown in a letter dated September 12, 2008 (attached).

Conclusion

For information only.

Attachment
VIA CERTIFIED MAIL  
September 12, 2008

Mr. D. Ray Eubanks, Administrator  
Department of Community Affairs  
Division of Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

RE: ST. LUCIE COUNTY ADOPTED LARGE SCALE AMENDMENT 2007-2  
RESPONSE TO LETTER OF MAY 27, 2008

Dear Mr. Eubanks:

Per your letter of May 27, 2008, the following is for your information, review and comment:

- A formal response to the Objections, Recommendations and Comments Report of November 5, 2008 regarding the County’s Proposed Amendment 07-02. Our response is in the order presented in the Report and is as follows:

  Objection 1: Proposed Ordinance No. 07-018 Updating Capital Improvements Element (CIE) referencing varying fiscal years.

  Staff spoke with the Department regarding the correct fiscal years and it was determined that the Five-Year Schedule is from FY 2007/2008 to 2011/2012, rather than FY 2007/2008 to 2012/2013 as stated in Objection 1 of the ORC Report. Staff reviewed Ordinance No. 07-018 for consistency with fiscal years 2007/2008 to 2011/2012 and has made the required changes for consistency.

  Objection 2: Proposed Ordinance 07-025 Amendment to the Jenkins Road Special District Plan regarding traffic impacts on Orange Avenue, Kings Highway, I-95 and Jenkins Road will be mitigated.

  Staff spoke with the Department regarding the need for the Land Use Amendment demonstrating consistency and financial feasibility with County and State five-year work programs. A Technical Memorandum was provided by Jason B. Matson, P.E., with Kimley-Horn & Associates, Inc. to address the Objection. The Memorandum is attached for the Departments information and review.

- A “De Minimus” Impact Report:
All of the adopted amendments for the County's Comprehensive Plan 2007-02 Amendment Cycle represent a "de minimus" impact upon the roadway network within St. Lucie County. None of the impacted roadway facilities will require concurrency mitigation as part of their plan amendments.

- Response regarding Data and Analysis request for Ordinance No. 07-025:
  
  The County will rely on the data and analysis in support of the adopted amendment Ordinance 07-025.

- Legible Copies of Exhibits 3 through 7 for Ordinance No. 07-018
  
  Attached.

- Legible Copy of the Location Map:
  
  Attached.

Copies of the information, noted above, were sent to each of the local governments and government agencies, as before, on September 12, 2008. This letter and attachments are to complete the amendment package in order to allow its processing and subsequent review.

If you have any questions please contact, Peter W. Jones, AIA, Planning Manager, Comprehensive Planning at 772-462-2822 or e-mail jonesp@stlucieco.gov.

Sincerely,

Peter W. Jones, AIA
Planning Manager, Comprehensive Planning

Cc: St. Lucie County Board of County Commissioners
    Douglass M. Anderson, County Administrator
    Daniel S. McIntyre, County Attorney
    Lee Ann Lowery, Assistant County Administrator
    Treasure Coast Regional Planning Council
    Mark Satterlee, Director, Growth management
    Florida Department of Environmental Protection
    Florida Department of State
    City of Fort Pierce
    City of Port St. Lucie
    Town of St. Lucie Village
    Fort Pierce Utility Authority
    Martin County Growth Management
    Indian River County, Planning Division
Florida Department of Education
Department of State, Bureau of Historic Preservation
Florida Department of Transportation, District Four
South Florida Water Management District
Treasure Coast Regional Planning Council
Florida Fish and Wildlife
Department of Agriculture and Consumer Services
To: Council Members  
From: Staff  
Date: October 17, Council Meeting  
Subject: Local Government Comprehensive Plan Amendment Review  
       Adopted Amendments to the Palm Beach County Comprehensive Plan  
       DCA Reference No. 08-1

Background

On August 21, 2008, Palm Beach County adopted six amendments to the Future Land Use Map and text amendments to several elements of the County Comprehensive Plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments on July 11, 2008.

Evaluation

A. TCRPC Report

The report approved by the TCRPC on June 20, 2008 contained four comments/recommendations to the proposed text amendments (see Attachment A).

B. DCA ORC Report


C. County Response

1. To the TCRPC Comments/Recommendations

   a. Comment one regarding the Callery Judge amendment. No response necessary.
   b. Comment two regarding the removal of 140th Avenue North and 40th Street North from the TIM and Future 2020 Map Road System Map. In the DCA ORC Report response, the County indicates that since the roads exist today and are maintained by the Loxahatchee Groves Water Control District, removal from the maps will not hinder traffic circulation or roadway connectivity in the area to any substantial degree.
   c. Comment three regarding the Belvedere Road CRALLS text and map amendment. The six laning of the additional segment is in long range transportation plans. Intersection improvements are to be done in the near term to improve operational
capacity. Drexel Road will not be extended. The right-of-way is within the portion of land to be transferred from County ownership. It is proposed to be used as a buffer from residential development lying to the east.

d. Comment four regarding the SR7/Southern Boulevard Intersection CRALLS. The County does not intend to do a corridor study for this portion of SR 7.

2. To the DCA Objections

A summary of the DCA objections and the County responses is included as Attachment B.

Conclusion

For information only.

Attachments
Comments/Recommendations from Treasure Coast Regional Planning Council Report – June 20, 2007

Text and Map Series Amendments (Non-Transportation)

1. Callery Judge

These text and map series amendments are to be adopted under the Agricultural Lands Practices Act (see Attachment F). This law requires the County “to negotiate in good faith with the landowner to reach consensus on the land uses and intensities of use that are consistent with the uses and intensities of use of the industrial, commercial, or residential areas that surround the parcel”. The County must then transmit the amendments.

The Callery Judge property was an important component of the Central Western Communities (CWC) Sector Plan. Under this Sector Plan, a Development of Regional Impact (DRI) was proposed that would have resulted in a large, new town (10,000 dwelling units), with retail, employment and office uses and sites for new public schools and a university. The Sector Plan and DRI would have been the center of the CWC Sector Plan area. The Sector Plan and DRI were preferable from a regional planning perspective, since the plan would have allowed the Callery Judge property to become a mixed use, compact regional center for this growing area with residential, retail, office, civic and recreation use integrated in close proximity. This could have addressed a number of problems which resulted from the existing development pattern of the area. However, it would also have created a number of impacts the County was unwilling to accept. After a great deal of discussion, planning and consideration, the County decided not to adopt the Sector Plan or approve the DRI.

The proposed amendments would allow the property to be developed with less than 3,000 dwelling units and 235,000 square feet of commercial uses. Given what the new state law requires and what the County is willing to permit in the area, the proposed amendments represent the best scenario that can be expected.

Recommendation for modification: None. However, the County should ensure that an adequate interconnected street system is planned and constructed to disperse traffic, increase mobility, shorten trip lengths, and accommodate the impacts of the Callery Judge development, and other development projected for this area.

Transportation Element Text and Map Series Amendments

2. E Road/140th Avenue North and 40th Street North TIM and 2020 Map Amendments

The County Thoroughfare Right of way Identification Map (TIM) and Future 2020 Map Road System by Number of Lanes Map (2020 Map) depicts the location and size of the future roadway system in Palm Beach County. These are by nature, long-term planning documents.

Policy 7.1.2.5 in the SRPP is to develop a regional roadway system of predictably spaced and interconnected east-west, north-south streets. Ideally, streets should be spaced every one-quarter to one-half mile to offer multiple route choices, disperse traffic, and discourage
local travel on interstates and arterials. In addition, Policy 7.1.1.1 is to reserve and protect sufficient road right-of-way on the regional roadway network to provide for an efficient multi modal transportation system. Long term roadway plans can be modified as future needs become more recognizable. However, great care should be taken when proposing deletions from such plans unless preferred alternative corridors in a nearby location are added.

The County’s proposal to delete 140th Avenue North/E Road and 40th Street North from the TIM and 2020 Maps would remove a significant north/south corridor planned to connect Northlake Boulevard to Southern Boulevard in an area of the County where the roadway network is not very dense or well connected. The reasons advanced for this amendment are that the current roadway condition is poor, right of way is not available, and the ultimate construction and connection of the roadway would have a negative effect on existing neighborhoods and on the rural lifestyle of the residents of the Town of Loxahatchee Groves.

Council acknowledges that there would be challenges to completing an adequate, fully connected roadway in the southern portion of the corridor. E Road is currently unpaved, narrow and not directly connected to 140th Avenue North. However, the County has proposed no alternative to mitigate the effects of removal of the corridor. The area has grown significantly in recent years. A number of public schools have been built along the corridor and more development (e.g. Callery Judge) is proposed. The TIM and 2020 System Maps are long-range planning documents that should not be revised without mitigation or a change in the plan for the area that reduces density and intensity so the roadway would not be needed.

Recommendation for modification: The County should not adopt the amendment as proposed. The County should reduce the right of way on 140th Avenue North on the TIM to 60 feet and ensure that the roadway remains two lanes. Rural design standards appropriate for a two lane roadway should be considered. The County should not delete the portions of the corridor known as 140th Avenue North, and 40th Street North, from the TIM and 2020 Map. These roadway segments are important components of the regional roadway network.

3. Belvedere Road CRALLS Text and Map Amendment

Council has generally found proposed CRALLS amendments for the purpose of allowing additional development to be inconsistent with the SRPP, unless they are proposed to meet an important planning goal such as revitalization and redevelopment consistent with a special plan for an area. In this case, the CRALLS would allow additional development that appears to improve the land use mix in the area without the six laneing of Belvedere Road directly through the center of the Town of Haverhill. The six laneing of the roadway would not be consistent with the Haverhill Neighborhood Plan and is opposed by the Town of Haverhill.

Recommendation for modification: The County should consider extending the six lane portion of the roadway from Jog Road to Drexel Road. Also, the County should consider connecting Drexel Road to Southern Boulevard perhaps in conjunction with the workforce housing project that is one of the developments proposed that necessitate the CRALLS designation.

4. State Road 7/Southern Boulevard Intersection CRALLS
Council has consistently found CRALLS amendments to be inconsistent with the SRPP when they are being proposed primarily to allow development to occur prior to adequate roadway capacity being programmed and provided. Palm Beach County previously indentified a number of corridors for which a study was to be prepared to coordinate land use and transportation planning. A corridor planning study for SR 7 in this area has been under preparation for some time.

The County has acknowledged that the SR 7 Corridor suffers from poor planning, and is characterized by a large number of disconnected, gated subdivisions and large retail facilities. The SR 7 Corridor Study has identified some problems, including the maintenance of level of service or Strategic Intermodal System facilities. The County staff and Local Planning Agency both recommend denial of the amendment, and the Village of Royal Palm Beach objected to the amendment.

Council has been informed by the County that the landowner of the property that requires the CRALLS designation has agreed to all necessary future mitigation measures that have been identified by Palm Beach County, the Village of Wellington, and the Florida Department of Transportation as part of the corridor study. The development order for the project is to reflect this agreement.

Recommendation: The amendment is premature until the SR 7 Corridor Study is completed and the recommendations are implemented.
2.A. Related Text and Site Specific Amendments to the Future Land Use Atlas

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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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</table>
| 2.A.1 Callery Judge - Agricultural Enclave (LGA 2008-011) | Request: RR-10 to Agricultural Enclave  
Size: 3745.58 acres  
Location: East and West of Seminole Pratt Whitney Blvd., South of 60th St. N and North of 50th St. N. and Sycamore, East of Mead Hill Dr and 44th St North, East of 190th Terrace North, and West of 140th Ave North | Staff: Approval with a Modification to not expand Persimmon Blvd from 140th Ave North to RPB  
LPA: Approval of Staff’s Recommendation (8-3, with Mr. Lipp, Ms. Murray & Mr. Shannon dissenting).  
BCC: Motion to transmit by Comm. Santamaria, seconded by Comm. Aaronson passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |

Text & Map Series Amendments: To amend the Introduction & Administration, Future Land Use and Transportation Elements and the Map Series to:
- Establish definitions relating to Ag Enclaves and new urbanism;
- Establish the Agricultural Enclave future land use designation within the Rural Tier;
- Add policies to implement the Agricultural Lands And Practices Act; Section 163.3162, F.S.;
- Designate Agricultural Enclaves as Limited Urban Service Areas;
- Exempt the Callery-Judge Grove Agricultural Enclave from Policy 3.5-D Traffic Provisions;
- Designate Persimmon Boulevard, from 140th Avenue North to Seminole Pratt Whitney Road, and 140th Avenue North, from Persimmon Boulevard to 60th Street North, as Rural Parkways;
- Modify the Future 2020 Roadway System By Number Of Lanes Map TE 1.1 to expand:
  - Persimmon Blvd, from Seminole Pratt Whitney Rd to 140th Avenue North, from 2 Lanes to 4 Lanes; and
  - Southern Blvd, from Big Blue Trace to Forest Hill/Crestwood Blvd, from 6 Lanes to 8 Lanes;
- Modify Thoroughfare Right Of Way Identification Map TE 14.1 to update notes regarding Rural Parkways; and
- Modify Service Areas Map LU 2.1 to establish the Callery-Judge Grove Agricultural Enclave as a Limited Urban Service Area.
2.A.1 Gallery Judge – Agricultural Enclave (LGA 2008-011) continued....

DCA OBJECTIONS & STAFF RESPONSE:
There were seven objections concerning this amendment raised by DCA in the ORC Report. To address the objections, Planning staff and the applicant revised several components of the proposed amendment and provided additional data/analysis and discussion (see Exhibit 21 for the complete Response to ORC Report). Planning Staff and the applicant have met with DCA to present these changes/information, and based upon these discussions, the ORC Response Report and amendment changes (summarized below) should resolve the DCA's concerns.

1 – The ORC questioned whether there were 1,000 people per square mile at build-out within a 1 mile perimeter of the site, and stated that the density/intensity should also be ‘consistent’ with the density/intensity within 1 mile. The ORC Response highlights that a 1 mile standard is not articulated in the Statute, the applicant provided additional data/analysis to demonstrate that the enclave does meet the 1,000 people per square mile test and that the density requested was also consistent with density within 1 mile. The non-residential intensity is necessary to provide additional new urbanism components.

2 – The ORC included concerns regarding traffic exemptions in FLUE Policy 3.5-d exemption and the availability of water/sewer facilities. The ORC Response states that the exemption to 3.5-d does not exempt the project from concurrency, which will need to be obtained at the time of rezoning. At the request of DCA, a condition was added to limit development on the site to 115 units over the first 5 years. A letter was added from Seminole Improvement District to commit to any water/sewer resources needed.

3 – The ORC questioned the new urbanism components of the project and requested that the project include all 4 components mentioned in the Statute (clustering, mixed-use, rural villages, transfer of development rights). Additional discussion was provided to demonstrate that the project included all of these components. In addition, the project was revised to increase the percentage of units in the most ‘walkable’ zone, the Neighborhood Center, to a minimum of 20% of the units on a maximum of 10% of the land area.

4 – The ORC included concerns regarding the impacts on school facilities. In response, additional data and analysis is provided, including a letter from the School District stating that the applicant’s inclusion of a potential school site on the Conceptual Plan is sufficient at this time, and a statement assuring DCA that school concurrency must be obtained at the zoning level.

5 – The ORC included concerns regarding environmentally sensitive lands and open space. In response, additional discussion is provided to demonstrate that there are no environmentally sensitive lands on the site and that the Conceptual Plan meets the open space requirements of the ULDC. In addition, the amendment was revised to clarify language regarding the location and linkages of open space throughout the project and its accessibility for passive recreation, and to limit the Natural Transect credit for rural parkways to only the greenspace portions.

6 – The ORC recommended that County adopt the Conceptual Plan as part of the Comprehensive Plan Map Series. In response, a statement is provided to assure DCA that the Conceptual Plan will be adopted by ordinance as part of the site specific amendment, and can only be revised through a FLUA amendment.

7 – The ORC recommended that the density assigned to Agricultural Enclaves be removed, and that language be added to state that the density of each Ag Enclave must be consistent with the provisions of the Statute on a case-by-case basis. The amendment was revised accordingly.

2.B. Privately Initiated Amendments to the Future Land Use Atlas - which received objections and comments from the Department of Community Affairs

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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td>2.B.1</td>
<td>MLU &amp; MR-5 to CH/5</td>
<td>Staff: Approval with 4 Conditions</td>
</tr>
<tr>
<td>Military/Hypoluxo Commercial (LGA 2008-004)</td>
<td></td>
<td>LPA: Approval of Staff’s Recommendation</td>
</tr>
<tr>
<td>District: 3</td>
<td>Size: 24.02 acres</td>
<td>(10-0)</td>
</tr>
<tr>
<td></td>
<td>Location: Northeast corner of Military and Hypoluxo Road.</td>
<td>BCC: Motion to transmit by Comm. Kanjian, seconded by Comm. Koons passed in a 5-0 vote (with Comm. Marcus and McCarty absent) at the April 28, 2008 Public Hearing.</td>
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**DCA OBJECTIONS:** 1.A.3 - The objection to this amendment is related to the how conditions limiting development to a certain size, use, or intensity are documented to ensure that future development approvals on the site do not exceed the conditioned maximum of intensity/density. Therefore, DCA has recommended that site-specific amendments also include an amendment to the Future Land Use Element (FLUE) that would create a policy for each proposed land use change. This policy would create a duplicate record of an amendment’s development limitations and conditions. DCA also wanted to confirm that the Future Land Use Atlas (FLUA) include the appropriate notation to clearly indicate that development limitations apply to the sites.

**STAFF RESPONSE:** PBC Planning Staff has always agreed with the importance of documenting and monitoring conditions on land use amendment to ensure level of service protection. The County’s official Future Land Use Atlas is GIS based (I&A Element, Section C) and through the County’s ePZB and Geographic Information Systems the County ensures that conditions are identified during the development review process. This system permits Planning Staff to view adopted future land uses, adopted amendments, conditions, and ordinances for any property in unincorporated County, and to ensure that conditions are carried forward through the development order, and ultimately that the development of subject sites are limited to adopted amendment conditions. This process ensures that there is no risk of impacts on public facilities that would result in any level of service to drop below adopted standards.

**MOTION:** Motion by Comm. Kanjian, second by Comm. McCarty to adopt with conditions passed in a 5-0 vote at the August 21, 2008 Public Hearing (Commissioners Aaronson & Greene absent) amending the Future Land Use Atlas pursuant to the proposed Agenda Item 2.B.1.
### 2.B.2
Military/Hypoluxo Residential (LGA 2008-008)

<table>
<thead>
<tr>
<th>District: 3</th>
<th>Request: MR-5 to HR-8</th>
<th>Staff: Approval with 1 Condition</th>
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<tbody>
<tr>
<td>Size: 20.63 acres</td>
<td>Location: East side of Military Trail, 2/5th mile north of Hypoluxo Road</td>
<td>LPA: Approval with 2 Conditions (6-4)</td>
</tr>
<tr>
<td>DCA OBJECTIONS: I.A.3 - The objection to this amendment is related to the how conditions limiting development to a certain size, use, or intensity are documented to ensure that future development approvals on the site do not exceed the conditioned maximum of intensity/density. Therefore, DCA has recommended that site-specific amendments also include an amendment to the Future Land Use Element (FLUE) that would create a policy for each proposed land use change. This policy would create a duplicate record of an amendment's development limitations and conditions. DCA also wanted to confirm that the Future Land Use Atlas (FLUA) include the appropriate notation to clearly indicate that development limitations apply to the sites.</td>
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**STAFF RESPONSE:** PBC Planning Staff has always agreed with the importance of documenting and monitoring conditions on land use amendment to ensure level of service protection. The County's official Future Land Use Atlas is GIS based (I&A Element, Section C) and through the County's ePZB and Geographic Information Systems the County ensures that conditions are identified during the development review process. This system permits Planning Staff to view adopted future land uses, adopted amendments, conditions, and ordinances for any property in unincorporated County, and to ensure that conditions are carried forward through the development order, and ultimately that the development of subject sites are limited to adopted amendment conditions. This process ensures that there is no risk of impacts on public facilities that would result in any level of service to drop below adopted standards.

**MOTION:** Motion by Comm. McCarty, second by Comm. Koons to adopt with conditions passed in a 5-0 vote at the August 21, 2008 Public Hearing (Commissioners Aaronson & Greene absent) amending the Future Land Use Atlas pursuant to the proposed Agenda Item 2.B.2.

### 2.B.3
Belvedere/Jog Industrial (LGA 2008-014)

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<tr>
<th>District: 2</th>
<th>Request: LR-3 to IND</th>
<th>Staff: Approval with 1 Condition</th>
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<tbody>
<tr>
<td>Size: 67.16 acres</td>
<td>Location: Northwest Corner Jog Road &amp; Belvedere</td>
<td>LPA: Approval with 1 Condition (10-0)</td>
</tr>
<tr>
<td>DCA OBJECTIONS: I.A.3 - The objection to this amendment is related to the how conditions limiting development to a certain size, use, or intensity are documented to ensure that future development approvals on the site do not exceed the conditioned maximum of intensity/density. Therefore, DCA has recommended that site-specific amendments also include an amendment to the Future Land Use Element (FLUE) that would create a policy for each proposed land use change. This policy would create a duplicate record of an amendment's development limitations and conditions. DCA also wanted to confirm that the Future Land Use Atlas (FLUA) include the appropriate notation to clearly indicate that development limitations apply to the sites.</td>
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**STAFF RESPONSE:** PBC Planning Staff has always agreed with the importance of documenting and monitoring conditions on land use amendment to ensure level of service protection. The County's official Future Land Use Atlas is GIS based (I&A Element, Section C) and through the County's ePZB and Geographic Information Systems the County ensures that conditions are identified during the development review process. This system permits Planning Staff to view adopted future land uses, adopted amendments, conditions, and ordinances for any property in unincorporated County, and to ensure that conditions are carried forward through the development order, and ultimately that the development of subject sites are limited to adopted amendment conditions. This process ensures that there is no risk of impacts on public facilities that would result in any level of service to drop below adopted standards.

**MOTION:** Motion by Comm. McCarty, second by Comm. Kanjian to adopt with conditions passed in a 5-0 vote at the August 21, 2008 Public Hearing (Commissioners Aaronson & Greene absent) amending the Future Land Use Atlas pursuant to the proposed Agenda Item 2.B.3.
2.B.4
Logger's Run Civic Parcel
(LGA 2008-012)
District: 5

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<tr>
<th>Request: LR-1 to HR-12</th>
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<tr>
<td>Size: 6 acres</td>
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<tr>
<td>Location: A square shaped parcel located on the northwest corner of Cobblestone Way and N Ponderosa Drive</td>
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Staff: Denial
LPA: Approval with Conditions (11-0)
BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. McCarty passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing.

DCA OBJECTIONS: I.A.3 - The objection to this amendment is related to the how conditions limiting development to a certain size, use, or intensity are documented to ensure that future development approvals on the site do not exceed the conditioned maximum of intensity/density. Therefore, DCA has recommended that site-specific amendments also include an amendment to the Future Land Use Element (FLUE) that would create a policy for each proposed land use change. This policy would create a duplicate record of an amendment's development limitations and conditions. DCA also wanted to confirm that the Future Land Use Atlas (FLUA) include the appropriate notation to clearly indicate that development limitations apply to the sites.

STAFF RESPONSE: PBC Planning Staff has always agreed with the importance of documenting and monitoring conditions on land use amendment to ensure level of service protection. The County's official Future Land Use Atlas is GIS based (I&A Element, Section C) and through the County's ePZB and Geographic Information Systems the County ensures that conditions are identified during the development review process. This system permits Planning Staff to view adopted future land uses, adopted amendments, conditions, and ordinances for any property in unincorporated County, and to ensure that conditions are carried forward through the development order, and ultimately that the development of subject sites are limited to adopted amendment conditions. This process ensures that there is no risk of impacts on public facilities that would result in any level of service to drop below adopted standards.

MOTION: Motion by Comm. Aaronson, second by Comm. Koons to adopt with conditions passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioner McCarty absent) amending the Future Land Use Atlas pursuant to the proposed Agenda Item 2.B.4.

2.C. County Initiated & County Corrective Amendments to the Future Land Use Atlas - which did not receive objections and comments from the Department of Community Affairs

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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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<tr>
<td>2.C.1 Tri-County Humane Society (LGA 2008-020)</td>
<td>Request: HR-8 to Institutional/8</td>
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<tr>
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<td>Size: 14.53 acres</td>
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<td>Location: Southwest corner of Boca Rio Road and Via Ancho Road</td>
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<td>Justification: This proposed amendment will reflect the long term use of the site as an animal shelter.</td>
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<td>Staff: Approval</td>
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<td>LPA: Approval (9-0).</td>
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<td>BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. Kanjian passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing.</td>
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MOTION: Motion by Comm. Aaronson, second by Comm. Koons to adopt passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioners McCarty absent) amending the Future Land Use Atlas pursuant to the proposed Agenda Item 2.C.1.
2.D. County Initiated Amendments to the Future Land Use Atlas - which did not receive objections and comments from the Department of Community Affairs

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<th>ITEM</th>
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<tbody>
<tr>
<td>2.D.1 Santa Rosa Groves Subdivision (LGA 2008-022)</td>
<td>Request: RR-10 to RR-5 642 acres collectively 6 miles west of Seminole Pratt-Whitney Road, south of Louise Street, north of Marie Court, west of Carol Street and east of Dennis Street</td>
<td>Staff: Approval LPA: Approval (11-0) BCC: Motion to transmit by Comm. McCarty, seconded by Comm. Aaronson passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing.</td>
</tr>
<tr>
<td>District: 6</td>
<td>Justification: The proposed amendment will reflect the existing lot pattern of the subdivision.</td>
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MOTION: Motion by Comm. McCarty, second by Comm. Kanjian to adopt passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent) amending the Future Land Use Atlas pursuant to the proposed Agenda Item 2.D.1.

2.E. Transportation Amendments - which received objections and comments from the Department of Community Affairs

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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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<tbody>
<tr>
<td>2.E.1 E Road/140th Avenue North TIM &amp; 2020 Removal</td>
<td>The proposed amendment was initiated at the request of the Town of Loxahatchee Groves, and will revise the Future 2020 Roadway System by Number of Lanes Map (TE-1.1) &amp; the Thoroughfare Right of Way Identification Map (TE-14.1) to remove: All or segments of E Road/140th Avenue North; and 40th Street North from Royal Palm Beach Boulevard to E Road/140th Avenue North</td>
<td>Staff: Approval with a Modification to only delete the portion of E Rd/140th Ave North from Persimmon Blvd to Southern Blvd. LPA: Approval (10-1) with Mr. Weiner dissenting BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. Santamaria passed in a 5-0 vote (with Comm. Marcus &amp; McCarty absent) at the April 28, 2008 Public Hearing.</td>
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DCA OBJECTIONS: The proposed deletion of these roadways from TE Map Series exhibits (TE 1.1. and TE 1.14) are not consistent with the 2030 Cost Feasible Plan of the Metropolitan Planning Organization and the County has not included adequate data and analysis to demonstrate that the adopted level of service standards on the area's roadway network are maintained.

STAFF RESPONSE: The removal of E Road/140th Ave will be reflected in the MPO's 2035 Long Range Transportation Plan. The staff report also included data and analysis to show that the deletions will cause no or minimal impact on the area's roadway network.

MOTION: Motion by Comm. Aaronson, second by Comm. Kanjian to adopt passed in a 6-1 vote at the August 21, 2008 Public Hearing (Commissioner McCarty dissenting) amending the Map Series pursuant to the proposed Agenda Item 2.E.1.
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<th>ITEM</th>
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| E.2  | This proposed amendment will modify Policy TE 1.2-f.26 to amend the Constrained Roadway at Lower Level of Service (CRALLS) for roadway links on Belvedere Road from Jog Road to Military Trail exclusively for the purposes of concurrency for the following projects, Planet Kids, Duke Industrial (Belvedere/Jog Industrial), McCraney Property, Boys & Girls Club/PBC Workforce Housing Project (Linear Park). | Staff: **Denial**  
LPA: **Approval with Modification** (7-1 with Mr. Lipp dissenting).  

**DCA OBJECTIONS:** The proposed change would effectively lower the level of service on Belvedere which has not been shown that the proposed development would not cause a shift of additional traffic onto nearby State Roads and SIS facilities while at the same time allowing additional development and their resulting traffic on nearby roadways, including SIS facilities. The County did not include a cumulative traffic analysis of this amendment with other development recently approved in the vicinity and other proposed development associated with amendments contained in this amendment cycle.

**STAFF RESPONSE:** The proposed CRALLS is temporary which shall no longer be in effect after 2017 or if either of the corresponding segments of Southern Boulevard (SR 80), an SIS facility, or Okeechobee Boulevard operate below LOS D. A cumulative analysis with approved and proposed projects in the area is included in the report.

**MOTION:** Motion by Comm. McCarty, second by Comm. Kanjian to **adopt** passed in a 4-2 vote at the August 21, 2008 Public Hearing (Commissioners Marcus & Santamaria dissenting and Commissioner Aaronson absent) amending the Transportation Element pursuant to the proposed Agenda Item 2.E.2.
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<th>ITEM</th>
<th>DESCRIPTION</th>
<th>RECOMMENDATION</th>
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</table>
| 2.E.3 SR7/Southern BLVD Site-Specific CRALLS | This proposed amendment would modify Policy TE 1.2-f and update the map series to add designation of Constrained Roadway at Lower Level of Service (CRALLS) to the intersection of State Road 7 & Southern Blvd exclusively for the purposes of concurrency for the W & W V LLC Project. | Staff: **Denial**  
LPA: **Denial** (4-3 with Mr. Arnold, Mr. Koehler & Mr. Merin dissenting).  

**DCA OBJECTIONS:** The proposed change to the Future Land Use Element and Transportation Element to authorize the new CRALLS would lower the level of service on a SIS facility for which the County has no authority.

**STAFF RESPONSE:** Analysis presented in an August 11, 2008 from Kimley-Horn demonstrates that the intersection will operate without impacting the SR 80 east-west through traffic. Also, the Board of County Commissioners directed staff to discontinue the SR 7 Corridor Master Plan and therefore this CRALLS can no longer rely on completion of the SR 7 CMP. Furthermore, it is noted that this amendment meets the County Comprehensive Plan TE Policy 1.2-q, requiring the provision of mitigation measures for CRALLS designated after 2002.

**MOTION:** Motion by Comm. Kanjian, second by Comm. Koons to **adopt** passed in a 4-2 vote at the August 21, 2008 Public Hearing (Commissioners Marcus & Santamaria dissenting and Commissioner Aaronson absent) amending the Transportation Element & Map Series pursuant to the proposed Agenda Item 2.E.3.

| 2.E.4 Functional Classification Map & References Update | This proposed amendment to:  
- Update Future 2020 Functional Classification of Roads (Figure TE 3.1); and  
- Modify related policies to reflect changes in the references. | Staff: **Approval**  
LPA: **Approval** (10-0).  
BCC: **Motion to transmit** by Comm. Aaronson, seconded by Comm. Kanjian passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |

**DCA OBJECTIONS:** The proposed modifications to Figure TE 3.1 contain changes or dates that are not yet in effect thereby establishing the deletion of University and Riverside Drives prematurely, since the issues involving these roads has not been resolved. Therefore, the removal of these roads from the map is not appropriate because that amendment is not in effect.

**STAFF RESPONSE:** Subsequent to the transmittal of this report, road labels are added to Riverside Dr. and University Dr. on Map TE 3.1 for clarification purposes, these roads were not removed from this map.

**MOTION:** Motion by Comm. McCarty, second by Comm. Kanjian to **adopt** passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent) amending the Future Land Use Element, Transportation Element & Map Series pursuant to the proposed Agenda Item 2.E.4.
### 2.F. Transportation Amendments - which did not receive objections and comments from the Department of Community Affairs

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<th>RECOMMENDATION</th>
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| **2.F.1 URA TCEA Modification**<br> *Contains revisions not previously reviewed by DCA See Staff Report* | This proposed amendment will modify the adopted Urban Redevelopment Area (URA) Transportation Concurrency Exception Area (TCEA) surrounding the Congress Avenue corridor to:  
- Modify the Congress Ave TCEA boundary to extend west at Forest Hill Blvd to accommodate potential industrial employment centers;  
- Increase the industrial use along Congress Ave to accommodate potential industrial employment;  
- Revise the TCEA & CRALLS Map (TE 15.1) and the URA Regulating Plan Map (LU 9.1); and  
- Create TCEA Map (TE 15.5) to depict the updated TCEA boundaries. | Staff: **Approval**<br>LPA: **Approval** (11-0).<br>BCC: **Motion to transmit** by Comm. McCarty, seconded by Comm. Kanjian passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |
| **2.F.2 LOS Transportation** | The proposed amendment will update Tables TE 1a and 2a and clarify concurrency policies accordingly. | Staff: **Approval**<br>LPA: **Approval** (7-2, with Mr. Shannon and Ms. Murray dissenting).<br>BCC: **Motion to transmit** by Comm. McCarty, seconded by Comm. Aaronson passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |
| **2.F.3 Westgate TCEA Modification** | This proposed amendment will revise the Westgate-Belvedere Homes Community Redevelopment Area (Westgate CRA) Transportation Concurrency Exception Area (TCEA) to modify TE Policy 1.2-τ, to:  
- Indicate the existing land use totals;  
- Clarify the allowable daily traffic and the PM peak hour traffic trips;  
- Increase the allowable variance for hotel rooms; and  
- Eliminate the allowable land use ratios. | Staff: **Approval**<br>LPA: **Approval** (7-3).<br>BCC: **Motion to transmit** by Comm. Aaronson, seconded by Comm. Koons passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |

**MOTION:** Motion by Comm. McCarty, second by Comm. Kanjian to **adopt** passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent) amending the Transportation Element and Map Series pursuant to the proposed Agenda Items 2.F.1 – 2.F.3.
2.G. Proposed Text And Map Series Amendments - which received objections and comments from the Department of Community Affairs

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<th>RECOMMENDATION</th>
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| 2.G.1 | Water Supply Plan | This proposed amendment will modify the Utility, Capital Improvement, Intergovernmental Coordination, and Conservation Elements to:  
- Adopt the County’s 20-Year Water Supply Work Plan by reference and revise the Plan consistent with statutory requirements;  
- Clarify text to reflect new water concurrency requirements; and  
- Add Table 10A to the Capital Improvement Element. | Staff: Approval  
LPA: Approval (8-0).  
BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. Kanjian, passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |

*Contains revisions not previously reviewed by DCA  
See Staff Report

DCA OBJECTIONS: The Objections, Recommendations, and Comments Report issued by DCA on July 11th, 2008, included several objections to this amendment. The majority of DCA’s objections were focused on coordination or data sharing between the County and other water supply providers that service the County’s unincorporated areas. Specifically, DCA requires additional data and analysis to demonstrate water service at adopted level of service standards through the 2025 planning period will be satisfied; the population projections utilized by the County are properly coordinated; and that a formal coordination process be established to coordinate future water supply and concurrency issues.

STAFF RESPONSE: The County’s response to DCA reaffirmed the previous coordination efforts undertaken with water supply providers throughout unincorporated Palm Beach County. The County also provided additional data and analysis to further quantify this extensive effort. Existing policies of the Intergovernmental Coordination Element and Utility Element were further revised to formalize the County’s existing procedure for coordinating water supply planning with other providers.

MOTION: Motion by Comm. Koons, second by Comm. Kanjian to adopt passed in a 7-0 vote at the August 21, 2008 Public Hearing amending the Utility, Capital Improvement, Intergovernmental Coordination, and Conservation Elements pursuant to the proposed Agenda Item 2.G.1.
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| 2.G.2 | The proposed amendment will establish the State Road 7 Economic Development Overlay (EDO) on an area of large parcels with LR-2 future land use developed with low-density residential uses. The amendment will:  
• Foster the conversion of this area to employment uses by allowing individual property owners to amend their FLU and zoning to employment uses.  
• Promote the development of office, warehouse, flex space and light industrial uses,  
• Establish an exception to FLUE Policy 3.5-d with regard to traffic requirements. | Staff: Approval  
LPA: Denial (5-3 with Ms. Daversa, Mr. Lipp & Mr. Koehler dissenting)  
BCC: Motion to transmit by Comm. McCarty, seconded by Comm. Aaronson passed in a 5-0 vote (with Comm. Marcus and Kanjian absent) at the April 28, 2008 Public Hearing. |

**DCA OBJECTIONS:** The Economic Development Overlay will authorize further development along the SR 7 Corridor without the benefit of the SR 7 Corridor Master Plan (CMP) contrary to TE Policy 1.1-n which states that “in corridors where the adopted LOS may not be achieved pursuant to the 2025 Transportation Plan for Palm Beach County Highway Component prepared by the Palm Beach MPO, the County will institute a process to develop individual Corridor Master Plans to address each projected corridor failure.”

**STAFF RESPONSE:** The overlay does not authorize further development within its boundaries; the EDO is only the basic framework for Future Land Use amendments to occur, and does not grant any additional entitlements to the land, which remains designated as Low Residential with 2 dwelling units per acre (LR-2) in the County’s Future Land Use map. Traffic impacts will be determined and addressed as part of the development order process. While the SR7 Corridor Master Plan is not expected to be completed, Palm Beach County’s Comprehensive Plan does include several policies that ensure the proper monitoring and functioning of local roads. Exempting an application from policy 3.5-d does not exempt any of the area subject to the amendment from concurrency. Concurrency is regulated by Transportation Element Policy 1.1-b of the Comprehensive Plan and is demonstrated at the rezoning/development order stage, not the plan amendment stage. Policy 3.5-d is a local policy not required by chapter 163, and an exemption from that policy does not create an inconsistency with state concurrency requirements.

**MOTION:** Motion by Comm. McCarty, second by Comm. Kanjian to adopt passed in a 4-2 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent and Commissioners Marcus & Santamarina dissenting) amending the Future Land Use Element and Map Series pursuant to the proposed Agenda Item 2.G.2.
### 2.H. Proposed Text And Map Series Amendments - which did not receive objections and comments from the Department of Community Affairs

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<th>ITEM</th>
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| **2.H.1**  
URA Priority FLU Amendment | This proposed amendment will revise the Urban Redevelopment Area text in the Introduction and Administration and Future Land Use Elements to:  
- Add definitions for Form-based Code, Green Building, Liner Building, New Urbanism, Transect and Transect Zone;  
- Establish transect-based Future Land Use designations for the Priority Redevelopment Areas (PRAs): Urban Infill and Urban Center;  
- Include provisions to regulate density and intensity of the new designations, including new building types;  
- Direct the creation of a form-based code; and  
- Establish USGBC’s LEED certification and/or the FGBG standards as a method for incentive density and intensity in the PRAs.  
- Amend Map Series Map LU 9.1 to show further detail  
- Clarify and revise other URA policies | Staff: **Approval**  
LPA: **Approval** (8-0).  
BCC: **Motion to transmit** by Comm. Koons, seconded by Comm. Kanjian, passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |

**MOTION:** Motion by Comm. Kanjian, second by Comm. Koons to **adopt** passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent) amending the Future Land Use Element and Map Series pursuant to the proposed Agenda Item 2.H.1.

| **2.H.2**  
Commercial Location Policy Revisions | The proposed amendment will revise commercial location text in the Introduction & Administration and Future Land Use Elements, specifically to:  
- Update the references to the roadway classifications that regulate the intensity and location of commercial land use with limits by Tier.  
- Clarify appropriate locations for commercial within the Urban/Suburban Tier into three patterns:  
  - Commercial at intersection  
  - Commercial expansion of existing nodes  
  - Traditional commercial forms of development requirements.  
- Create a new Traditional Commercial Development Pattern called a Lifestyle Commercial Center. | Staff: **Approval**  
LPA: **Approval** (8-0)  
BCC: **Motion to transmit** by Comm. McCarty, seconded by Comm. Koons passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing. |

**MOTION:** Motion by Comm. Kanjian, second by Comm. Koons to **adopt with modifications** passed in a 5-1 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent and Commissioner Marcus dissenting) amending the Future Land Use Element and Map Series pursuant to the proposed Agenda Item 2.H.2.
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| **2.H.3 Manatee Protection Overlay** | This proposed amendment will:  
- Add a definition to the Introduction and Administration Element for Manatee Protection Plan (MPP), Boat or Marine Facility, and Boat Facility Siting Plan;  
- Revise Coastal Management Element Policy 1.1-m to incorporate by reference the MPP;  
- Revise CME Policy 1.4-a to show that the boat facility siting policies of the MPP will be used to determine appropriate location and design criteria for future boat facilities and expansion of existing facilities; and  
- Delete CME Policy 1.1-o. |
| **2.H.4 Definitions & References Update** | To hold a public hearing on a proposed ‘housekeeping’ amendment to:  
- Add definitions and language related to animal shelters;  
- Revise language regarding the Palm Beach International Airport (PBI) Overlay to update references and clarify text;  
- Clarify language regarding maximum floor area ratio for institutional land uses;  
- Delete redundant language and clarify density provisions for special needs housing; and  
- Clarify language related to Ag Reserve Preserves. |
| **2.H.5 Level of Service Wastewater Update** | This proposed amendment will update Utility Element Table 2 Level of Service Standards for Wastewater. |
| **2.H.6 Housing Data Update** | This proposed amendment will update existing Housing Element Policy 1.1-a, as a result of the findings of the County’s Affordable Housing Study (2006), in order to update the housing need projections for owned and rental housing countywide through the year 2010, and to add a table to the Element which contains this housing need projection data. In addition a new policy will be added to identify sites (County owned lands) adequate for workforce housing. |
| **2.H.7 Unincorporated Protection Area** | This proposed amendment will:  
- Add language to the Intergovernmental Coordination Element that identifies the Unincorporated Protection Area and Unincorporated Rural Neighborhoods pursuant to the adopted ordinance to establish the exclusive method of voluntary annexation.  
- Add a map to the Comprehensive Plan Map Series titled "ICE 1.1 Unincorporated Protection Area". |

**Staff:** Approval  
LPA: Approval (9-0).  
BCC: Motion to transmit by Comm. Kanjian, seconded by Comm. Aaronson passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing.  

**Staff:** Approval  
LPA: Approval (8-0).  
BCC: Motion to transmit by Comm. Kanjian, seconded by Comm. McCarty passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing.  

**Staff:** Approval  
LPA: Approval (9-0).  
BCC: Motion to transmit by Comm. Koons, seconded by Comm. Kanjian passed in a 6-0 vote (with Comm. Marcus absent) at the April 28, 2008 Public Hearing.  

**Staff:** Approval  
LPA: Approval (7-0).  

**MOTION:**  
Motion by Comm. Kanjian, second by Comm. Koons to adopt passed in a 6-0 vote at the August 21, 2008 Public Hearing (Commissioner Aaronson absent) amending the Comprehensive Plan and Map Series pursuant to the proposed Agenda Items 2.H.3 - 2.H.7.
To: Council Members

From: Staff

Date: October 17, 2008 Council Meeting

Subject: Local Government Comprehensive Plan Amendment Review
          Adopted Amendments to the City of Stuart Comprehensive Plan
          DCA Reference No. 08PEFE1

Background

On August 25, 2008, the City of Stuart adopted text amendments to the Intergovernmental Coordination and Capital Improvements Elements; and a new Public School Facilities Element to the City Comprehensive Plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on June 20, 2008. The Florida Department of Community Affairs (DCA) issued an Objections, Recommendations, and Comments (ORC) Report on the proposed amendments on July 11, 2008.

Evaluation

A. TCRPC Report

   The report issued by the TCRPC had no comments/recommendations for modification. The amendments were considered consistent with the Strategic Regional Policy Plan.

B. DCA ORC Report

   The DCA ORC Report of July 11, 2008 contained 14 objections.

C. City Response

   1. To the TCRPC Recommendations

      No response was necessary.

   2. To the DCA ORC Report

      The City response to the DCA Objections is shown in Attachment 1.

Conclusion

For information only.

Attachment
Response to the Department of Community Affairs
Objections Recommendations and Comments Report
City of Stuart Development Department
August, 2008

DCA Objection 1: The proposed Education Facilities Element (PEFE) is not based on data and analysis to address how public education facility level of service standards will be achieved and maintained because the following information is not included: the educational plant survey; an existing educational and ancillary plant map or map series; and information on development anticipated for the long-term planning period; and anticipated educational and ancillary plants with land area requirements.

[Authority: Rule 9J-5.005(2), F.A.C., and Section 163.3177(12)(c), F.S.]

Recommendation: Revise the Element to include the required data and analysis and revise the goals, objective, and policies in the element, as appropriate, based on the results of the revised data and analysis.

City Response to Objection 1:

The Goals, Objectives and Policies are based on the data and analysis provided in the adoption package. No revisions are necessary to the Goals Objectives and Policies. The Education Plant Survey is included with the adoption package. The existing educational and ancillary plant maps, and anticipated educational and ancillary plant maps, have been updated and are included within the Data and Analysis for Concurrency Planning report. Information on development anticipated for the long-term planning period has been addressed within the Growth and Development Trends report. The anticipated educational and ancillary plants land area requirements are stipulated in the evaluation matrix in the Interlocal Agreement, Exhibit A. See the attached Data and Analysis for Concurrency Planning, Education Plant Survey, and Growth and Development Trends reports. (It should be noted that all data and analysis supporting the City's proposed amendment has been provided as part of Martin County's final adoption package approved on August 5, 2008).

DCA Objection 2: The PEFE does not include data and analysis for each school facility because the following information is not included: existing school attendance zones; existing FISH capacity or other professionally accepted measure of capacity; surplus capacity based on site size requirements contained within Department of Education design criteria; existing levels of service, utilizing the five-year school district facilities work program adopted pursuant to Section 235.185, F.S., and the educational plant survey; projected enrollment by year for the initial five years of the planning period and projected enrollment district-wide by school type for the end of the long range planning period (according to the Department of Education, the student enrollment estimates are different from the most recent COFTE estimates dated August 2007); existing and projected school facility surpluses and deficiencies by concurrency service area by year for the five-year planning period; existing and projected school facility surpluses and deficiencies district-wide by school type for the end of the long range planning period based on projected enrollment; an analysis of the adequacy of the existing level of service conditions for each school facility in order to develop appropriate level of service standards; school facilities needed for each concurrency service area to accommodate projected enrollment at the adopted level of service standard for the five-year planning period; and school facilities needed for the end of the long range planning period, including ancillary plants and land area requirements.
Recommendation: Revise the School Element to include the required data and analysis and revise the goals, objective, and policies in the element, as appropriate, based on the results of the revised data and analysis.

City Response to Objection 2:

The Goals, Objectives and Policies are based on the data and analysis provided in the adoption package. No revisions are necessary to the Goals Objectives and Policies. The school attendance zone maps are included within the Data and Analysis for Concurrency Planning report.

The FISH capacity report is included as part of the adoption package.

In conversations by phone with DCA and DOE, the City in cooperation with Martin County and the Martin County School Board has described its methodology for calculating school capacity and levels of service. Objection #6 below contains the formula that the School District uses to establish the level of service. Capacity and levels of service are further addressed within the Data and Analysis for Concurrency Planning report. Please see documentation provided by Martin County.

The Educational Plant Survey is included as part of Martin County's adoption package.

The City's projected enrollment by year for the initial five years of the planning period, and projected enrollment district-wide by school type for the end of the long range planning period, is made using local demographic projections that employ the same model that the Department of Education uses. Any difference between DOE's numbers and City numbers is based on refinement and examination of local conditions.

Capacity, levels of service, projected enrollment, existing and projected school facility surpluses and deficiencies, analysis of the adequacy of the existing level of service conditions, and school facilities needed are all addressed within the Data and Analysis for Concurrency Planning report and the Education Plant Survey provided by Martin County.

DCA Objection 3: An analysis of problems and opportunities in collocating existing projected public school facilities with other public facilities such as parks, libraries and community centers and opportunities to locate public school facilities to serve as community focal points has not been addressed.

Recommendation: Revise the School Element to include the required data and analysis and revise the goals, objectives, and policies in the element, as appropriate, based on the results of the revised data and analysis.

City Response to Objection 3:

By Interlocal Agreement the City, County and School Board have agreed to evaluate the suitability of sites utilizing a matrix which measures and rates co-location opportunities. For an explanation of the
In addition the City has added new objective 10.7.A.6. as follows:

6. **Objective.** The City and School Board will explore opportunities to co-locate and share use of school facilities and civic facilities, such as libraries, parks, recreation facilities, community centers.

   **a. Policy:** Co-location and shared use opportunities will be considered by the City and School Board when preparing annual updates to their schedules of capital improvements and when planning and designing new, or renovating existing, community facilities.

   **b. Policy:** Where possible, commensurate with the School Board's acquisition of property for a school site, the City will be given an opportunity to consider simultaneously acquiring property for an adjoining park, library, recreation facility, or community center.

   **c. Policy:** Where possible, commensurate with the City's acquisition of property for a park, library, recreation facility, community center, auditorium, learning center, museum, performing arts center or stadium, the School Board will be given an opportunity to consider simultaneously acquiring property for an adjoining school site.

**DCA Objection 4:** The proposed Public Schools Facilities Element does not contain an objective to address correcting existing school facility deficiencies.

[Authority: Rule 9J-5.025(3)(b)], F.A.C.; and Section 163.3177(12)(d), ES.]

**Recommendation:** Include an objective for correcting existing school facility deficiencies.

**City Response to Objection 4:**

The City has added new policy 10.7.A.1.c. as follows:

   **c. Policy:** The School Board staff shall monitor each of the applicable levels of service within each concurrency service area to determine whether any deficiencies exist. In the event that one or more deficiencies are identified, the School Board shall initiate action to cure the deficiency by no later than the time of the next annual update of the Public School Facilities Element.

**DCA Objection 5:** The Public School Facilities Element does not include policies establishing guidelines and standards for modifying the school concurrency service areas and changes in the use of schools, taking into consideration, transportation costs, court approved desegregation plans, as well as other factors; and ensuring that the adopted level of service standards will be achieved and maintained by the end of the 5-year planning period.

[Authority: Rules 9J-5.025(3)[c] 1 and 7, F.A.C.; and Sections 163.3177(12)[f], and 163.3180(13)[6][2], FS.]
Recommendation: Include a policy that establishes guidelines and standards for modifying school concurrency service areas and changes in the use of schools; include procedures for modifying the school concurrency service areas, taking into account maximum utilization of schools, transportation costs, court approved desegregation plans, as well as other factors; and ensuring that the adopted level of service standards will be achieved and maintained by the end of the 5-year planning period.

DCA Objection 6: The proposed PEFE does not include a policy establishing level of service standards for public school facilities which can be achieved and maintained by the end of the 5-year planning period. Policy 10.7.A.1.b. and Capital Improvements Policy A3.1 establishes a methodology for evaluating level of service at elementary, middle, and high schools. Although the methodology implies a level of service standard of 100 percent of permanent FISH capacity, the level of service standard for schools in not specifically established in the policies.

[Authority: Rules 9J-5.025(3)(c) F.A.C.]

Recommendation: Revise the proposed PEFE Policy 10.7.A.1.b. and Capital Improvements Element Policy A11. to clearly establish the level of service standards for schools at 100 percent permanent FISH capacity.

City Response to Objections 5 and 6:

The City has included the following new policy 10.7.A.1.d.:

d. Policy: Level of Service standards will be applied by Concurrency Service Area. Concurrency service areas shall be documented in the data and analysis documentation. The boundaries of the Concurrency Service Areas and any modifications shall be based on the consideration of the following criteria:

(1) Maximum utilization of school facilities
(2) Future growth and demographic changes
(3) Demographic/Socioeconomic balance
(4) Transportation costs
(5) Minimizing the disruption to students and families related to attendance zone changes
(6) Capacity commitments
(7) The County’s Urban Service Districts

Modifications to the concurrency service area boundaries may be made by the School Board, only after review and a reasonable opportunity for comment by the City and County.

The PSFE includes policies establishing Level of Service standards for public school facilities that can be achieved and maintained by the end of the 5-year planning period. Section A3. 1., Capacity and Level of
Service, establishes the methodology for evaluating level of service at elementary, middle, and high schools. The methodology additionally is described further below as algebraic formulas and is included in amended policy A3.1 as follows:

a. Policy: The City hereby adopts the LOS standards as follows:

I. Elementary School LOS

100% of permanent FISH capacity, not to exceed a student capacity cap of 750 plus (450 a/b)

WHERE
a = Number of existing Elementary Schools in the CSA
b = Number of existing Elementary Schools in the District

II. Middle School LOS

100% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)

WHERE
a = Number of existing Middle Schools in the CSA
b = Number of existing Middle Schools in the District

III. High School LOS

100% of permanent FISH capacity, not to exceed a student capacity cap of 1,800 plus (1080 a/b)

WHERE
a = Number of existing High Schools in the CSA
b = Number of existing High Schools in the District

IV. Title I Elementary School LOS

85% of permanent FISH capacity, not to exceed a student capacity cap of 750, plus (450 a/b)

WHERE
a = Number of existing Elementary Schools in the CSA
b = Number of existing Elementary Schools in the District

V. Title I Middle School LOS

85% of permanent FISH capacity, not to exceed a student capacity cap of 1,200 plus (720 a/b)

WHERE
a = Number of existing Middle Schools in the CSA
b = Number of existing Middle Schools in the District

DCA Objection 7: Proposed Policy 10.7.A.4. b. does not clearly require the annual update of the Public School Element to include an update to the financially feasible public schools capital facilities program
and to coordinate the capital improvements program with the 5-year district facilities work plan, the plans for other local governments, and, as necessary, to update the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.

The proposed policies do not address the coordination of the annual review of the Public School Element, including the annual review of school enrollment projections, with the School Board, the County and applicable municipalities, and does not include procedures for the annual PEFE update process.

[Authority: Rule 9J-5.025 (3) (c) 2, and 3, F.A.C. and Section 163.3177(12) (g) (1) F.S.]

**Recommendation:** Revise Policy 10.7.A.4.b. to clearly require the annual Public School Element update to include an update to the financially feasible public schools capital facilities program and to coordinate the capital improvements program with the 5-year district facilities work plan, the plans for other local governments, and, as necessary, to update the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained. The policies should address coordinating the annual review of the Element with the School Board, the County and applicable municipalities, including the annual review of school enrollment projections, and include procedures for the annual review and update process.

**City Response to Objection 7:**

The City has amended this language, now labeled policy 10.7.A.4.a, as follows:

a. **Policy:** The City shall, no later than December 1st of each year, incorporate into the Capital Improvements Element the School District’s annually adopted Five-Year Capital Improvements Program and Five-Year Work Program. Update the Public Schools Facilities Element to include an update to the financially feasible public schools capital facilities program and to coordinate the capital improvements program with the 5-year district facilities work plan, the plans for other local governments, and, as necessary, to update the concurrency service area map. The annual plan amendments shall ensure that the capital improvements program continues to be financially feasible and that the level of service standards will continue to be achieved and maintained.

The City has added new objective 10.7.A.5. as follows:

5. **Objective.** The City in cooperation with the School Board shall annually review the Public Schools Facilities Element to ensure that it remains financially feasible.

a. **Policy:** Staff of the City, County and the School Board shall meet at least quarterly to discuss issues regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support schools and ensure safe student access.

b. **Policy:** The elected boards of the City, County and the School District will hold semi-annual joint meetings in the first and third quarters of each calendar year or as otherwise mutually agreed. A
representative of the Treasure Coast Regional Planning Council will also be invited to attend. The joint meetings will provide an opportunity for the representatives to hear reports, discuss policy, set direction, and reach understandings concerning issues of mutual concern regarding school budgets, coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, joint use opportunities, school concurrency, and other school planning issues. The Superintendent, County Administrator and City Manager or their designees shall be responsible, on a rotating basis amongst the three entities, for making meeting arrangements and providing notification, including notice to the general public.

1. The first semi-annual meeting shall occur after January 1st but within the first quarter of each year and generally include presentations as follows: (1) the City and County staff shall address population projections, summary of development activity, and large-scale development projects currently under review, and (2) the School District Staff shall address the most current Florida Department of Education ("DOE") Capital Outlay Full Time Equivalent ("CO-FTE") counts for each school grade, the fall student enrollment count by grade, any updates to the Five-Year Educational Plant Survey: Five-Year Work Program; and the School Board's Five Year Capital Improvement Plan.

2. The second semi-annual meeting shall occur prior to September 1st but within the third quarter of each year and generally include presentations as follows: (1) the City and County staff shall address the draft capital improvements programs of each local government and large-scale development projects currently under review, and (2) the School District Staff shall address the Five Year Capital Improvement Plan for the pending year and the spring enrollment count by grade. Additionally, all staffs shall work collaboratively to present legislative updates as they relate to the topics addressed in this Agreement.

DCA Objection 8: A policy addressing the provision of supporting infrastructure such as water and sewer, roads, drainage, and bus stops for existing and projected public school facilities and including measures to ensure compatibility and close integration between public school facilities and surrounding land uses is not included.

The Element lacks adequate policies that address coordination of school site selection, permitting, and collocation of school sites with other public facilities such as parks, libraries and community centers. Objective 3 of Section 10.7 reference the school siting procedures and school site plan review procedures in the Interlocal Agreement rather than including these procedures in the policies of PFEPE.

Intergovernmental Coordination Policy A1.12[5] does not adequately address coordination between the City and the School District for the implementation of sidewalks, bicycle paths, turn lanes, and signalization improvements.

The proposed PFEPE does not have policies that include specific programs and activities that will be utilized to ensure the provision of supporting infrastructure, including funding and implementation responsibilities, and to ensure compatibility and close integration between school facilities and surrounding land uses.

[Authority: Rule 9J-5.025(3) (c) 4, 5, and 10, F.A.C. and Section 163.3177(12) (g) (1), (2), (5), (6), and (7), F.S.]
Recommendation: Include a policy, or revise existing policies, to include specific programs and activities to address the provision of supporting infrastructure such as water and sewer, roads, drainage, and bus stops for existing and projected public school facilities and to include measures to ensure compatibility and close integration between public, school facilities and surrounding land uses.

Intergovernmental Coordination Policy A1.12(s) should be further revised to specifically address coordination procedures for collocating schools sites with such public facilities as parks, libraries, and community centers and specifically reference these public facilities in the policy.

Add policies to include the specific programs and activities that will be utilized to ensure the provision of supporting infrastructure, including funding and implementation responsibilities, and to ensure compatibility and close integration between the school facilities and surrounding land uses.

City Response to Objection 8:

By interlocal agreement the City and the School Board have agreed to evaluate the suitability of sites utilizing a matrix which measures and rates co-location opportunities, as well as availability of existing and planned supporting infrastructure. For an explanation of the matrix see the Interlocal Agreement; page 17, Section 4, School Siting Considerations and Procedures; and the PSFE, Section 10.5., Co-location and Infrastructure Needs.

See also new objectives and policies: 10.7.A.6., under Objection 3; 10.7.A.4., Objection 7; 10.7.A.3.d., Objection 9; 10.7.A.3.c.; Objection 12; and Intergovernmental Coordination Element.

In addition the City has amended policy A1.12(s) as follows:

1. The City in cooperation with the School Board shall address the provision of supporting infrastructure such as water and sewer, roads, drainage, and bus stops, including funding and implementation responsibilities, for existing and projected public school facilities and including measures to ensure compatibility and close integration between public school facilities and surrounding land uses.

2. The School Board shall prioritize the selection and collocation of sites with other public facilities such as parks, libraries and community centers.

3. The City shall prioritize its capital plan to coordinate capital improvements with the capital needs identified in the Five Year Capital Improvement Plan.

4. Policy: As an ongoing effort, the City shall coordinate with the School Board regarding the construction of sidewalks/bikepaths in order to facilitate travel to/from school/recreational facilities.

DCA Objection 9: A policy addressing coordination of the long range public school facility map with the local government's comprehensive plan, including the future land use map is not included in the Public Education Facilities Element.

[Authority: Rules 9J-5.025(3)(c)6 and 9J-5.025(4)(b), F.A.C., and Section 163.3177(12)(g)9, F.S.]

Recommendation: Include a policy to ensure coordination of the long range public school facility map with the local government's comprehensive plan, including the future land use map.
The policies should include specific programs and activities the City will use to coordinate with the School District to ensure coordination between the School District's long range public school facility map, the City's Comprehensive Plan and the Future Land Use Map.

City Response to DCA Objection 9:

The City has added new policy 10.7.A.3.d. as follows:

a. Policy: The City and the School District will coordinate review of the School District’s Long Range Public School Facilities Map to ensure it is consistent with the City’s Comprehensive Plan and Future Land Use Map. The City and School Board will consider any necessary changes during its annual review specified in Policy 10.7.A.5. Any changes to the School District’s Long Range Public School Facilities Map that are required to ensure consistency with the Comprehensive Plan will be processed as a Comprehensive Plan Amendment.

DCA Objection 10: A policy has not been included allowing development to proceed if the school facility level of service standard is exceeded for a project, but capacity exists in one or more contiguous school concurrency service areas. Although Policy 10.7.A.2.c. requires the City to establish a school concurrency review process in the Land Development Regulations that conforms to the concurrency review process in the Interlocal Agreement, the policy does not include the general standards and guidelines that will be utilized for the more specific concurrency review process that will be established in the Land Development Regulations.

In addition, six Elementary and Middle School Concurrency Service Areas are established; however, the Mid-County Zone has no schools in it and the North Zone has no middle school. There are five Concurrency Service Areas for High Schools, but the West County and Palm City Zones do not have high schools. The County has not indicated where students in these Concurrency Service Areas will attend school or provided data and analysis to demonstrate that capacity exists to meet student demands from within these Concurrency Service Areas.

[Authority: Rules 9J-5.005(6) and 9J-5.025 (3) (c) 8, F.A.C.]

Recommendation: Revise Policy 10.7.A.2.c. to include the meaningful guidelines for the school concurrency review process, consistent with the concurrency review process in the Interlocal Agreement, that will also guide the more detailed school concurrency review process that will be included in the Land Development Regulations. The policy must be revised to allow development to proceed if the level of service standard for a school facility is exceeded for a project, but capacity exists in one or more contiguous school concurrency service areas.

Include provisions in the policy to state what schools, the students living in the Mid-County Zone, the North Zone, the West County, and Palm City Zones will attend. Include data and analysis to demonstrate that capacity exists to meet student demands from within these Concurrency Service Areas. If school capacity does not exist to serve these students, include the appropriate revisions to coordinate with the School board to include school improvements to meet school concurrency requirements with the next five years.
City Response to Objection 10:

The City has added new policy 10.7.A.2.d as follows:

d. Policy: In the event that development would cause the applicable levels of service to be exceeded, then the City and the School Board shall review mitigation options in order to offset the impacts of a proposed development. Acceptable forms of mitigation may include:

1. The donation of funding for the construction and/or acquisition of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.

2. The creation of mitigation banking based on the funding of the construction of a public school facility in exchange for the right to sell excess capacity credits.

3. Charter schools may also be accepted by the School Board as mitigation under the provisions of this Agreement provided they meet the following operational and design standards:

   (a) The school has a charter approved by the School Board.

   (b) The charter school’s facilities to be accepted as mitigation shall be built according to the SREF standards set forth in Florida Administrative Code.

   (c) The charter school’s facilities to be accepted as mitigation adhere to the building policies and practices of the School Board, including but not limited to architecture, building materials, and structural hardening.

   (d) The core facilities for all charter schools, including but not limited to cafeteria, media center, administrative offices, and land area available for recreational uses, parking areas, and storm water retention, shall be sized to accommodate the standard educational facility sizes established by policy of the School Board as follows:

       Elementary School: 750 student stations  
       Middle School: 1,200 student stations  
       High School: 1,800 student stations  

   (e) All charter schools shall be located along publicly-owned roadways and accessible to any member of the general public.

   (f) Other mitigation as permitted by state law, including the donation of land and payment for land acquisition.

The City has added new policies 10.7.A.2.e as follows:

e. Policy: Within thirty (30) days after the School District Staff receives a completed public school impact form for amendments to the Comprehensive Plan future land use map, rezonings, developments of regional impact, and master site plans which include residential units, the School District Staff shall provide the local government with a general capacity analysis which indicates the generalized capacity
for all applicable school facilities. This analysis shall be used in the evaluation of the development proposals but shall not provide a guarantee of availability of services or facilities.

f. Policy: Upon receipt of a completed public school impact form for final site plans which include residential units, the School District Staff shall provide the local governments with a School Concurrency Review Report that states whether adequate school capacity exists for a proposed development, based on the LOS standards, CSAs, and other standards set forth in this Agreement, as follows:

(1) Calculate the aggregate Permanent Capacity and Temporary Capacity for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto. For purposes of this calculation, permanent and temporary capacities shall include the capacities of both existing school facilities, as well as those which are planned to be operational by no later than the conclusion of the third year of the School Board's Five Year Capital Improvement Plan. For purposes of this calculation, CSA's which are separated by rivers or other bodies of water shall only be deemed "adjacent" if connected by a publicly owned bridge accommodating vehicular traffic.

(2) Calculate available school capacity, by type of school and relevant CSA, by subtracting from the sums determined above:

a. Current student enrollment (determined by the District's October count) for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto:

b. Reserved capacity for student enrollment projected to be developed within three years from projects previously determined to have met school concurrency, and having met the requirements for a reservation of capacity for each type of school facility within the CSA within which the project is proposed to be located, and the CSA's which are adjacent thereto;

c. The demand on school facilities created by the proposed development shall be projected at the county-wide student generation rates specified in the School District's latest Educational Impact Fee report, as the same may be amended from time to time upon request of the School Board; provided that projects granted educational impact fee waivers pursuant to County ordinance shall be deemed to generate no students.

The City shall approve final site plans, which include residential units, only after the receipt of a School Concurrency Review Report from the School District Staff determining that adequate school capacity exists for the proposed development pursuant to the requirements of the Comprehensive Plan and Land Development Regulations.

In the event that development would cause the applicable levels of service to be exceeded in the concurrency service area where the development is located, a positive concurrency evaluation may be granted if capacity exists in one or more contiguous school concurrency service areas.

The City has added new policy 10.7.A.1.c. as follows:

c. Policy: In the event that a Concurrency Service Area lacks a school, (Elementary, Middle School, High School) students residing within that CSA shall attend a school in an adjacent CSA.
**DCA Objection 11:** Policies specifying the types of mitigation which the School Board will allow to meet concurrency are not included. In addition, policies assuring that any mitigation funds provided as a result of the school concurrency system are directed by the School Board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer’s agreement have not been included.

[Authority: Rule 9J-5.025(3) (c) 9, F.A.C.]

**Recommendation:** Revise the Element to include policies specifying types of mitigation which the Martin County School Board will allow to meet concurrency and providing for the mitigation to be directed toward identified school capacity improvements specified in the district’s 5-year work plan.

**City Response to Objection 11:**

*Specification of the types of allowable mitigation is addressed in the response to Objection 10. The City has added new policy 10.7.A.2.h as follows:*

*h. Policy: any mitigation funds provided as a result of the school concurrency system shall be directed by the School Board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer’s agreement.*

**DCA Objection 12:** Policy 10.7.A.3.c does not include the specific programs and activities that will be utilized by the City to address emergency preparedness issues with the school district and adjacent local governments.

[Authority: Rules 9J-5.005(6) and 9J-5.025(3) (c) 11, F.A.C., and Section 163.3177(12)(g)8, F.S.]

**Recommendation:** Revise Policy 10.7.A.3.c to include the specific programs and activities that will be utilized by the City to address emergency preparedness issues with the school district and adjacent local governments.

**City Response to Objection 12:**

*The City has amended and relabeled policy 10.7.A.2.i. as follows:*

1. **Policy:** The City, in conjunction with the School District and the municipalities within the County, shall identify issues relating to public school emergency preparedness, such as:

   1. The determination of evacuation zones, evacuation routes, and shelter locations.
   2. The coordination of efforts to design and use schools as emergency shelters.
   3. The consideration of all facilities owned by a local governmental body and all charter schools for enhancement as public shelters.
   4. The designation of sites other than public schools as long-term shelters, to allow schools to resume
normal operations following emergency events.

DCA Objection 13: A future conditions map depicting the planned general locations of public school facilities for the five and long-term planning periods including the locations of Elementary Schools "B" and "C" in 2009 and 2010, respectively, and High School "BBB" in 2013 is not included.

[Authority: Rule 9J-5.025(4) (a) and (b), F.A.C.; and Section 163.3177(12)(h), F.S.]

Recommendation: Include a future conditions map depicting the planned general locations of Elementary Schools "B" and "C" in 2009 and 2010, respectively, High School "BBB" in 2013, and the general location of any other planned public school facilities for the five and long-term planning periods.

City Response to Objection 13:

New maps have been created. See maps contained within the Data and Analysis for Concurrency Planning report submitted by Martin County.

DCA Objection 14: The Intergovernmental Coordination Element does not address the relationships and state principles and guidelines to be used to accomplish coordination of the adopted comprehensive plan with the plans of the school board; does not describe the joint processes for collaborative planning and decisions making on population projections and public school siting, and the location and extension of public facilities subject to concurrency; and does not state the obligations of the local government under the Interlocal Agreement.

[Authority: Section 163.3177(6) (h) (1), (2), and 4.a., F.S.]

Recommendation: Revise the Intergovernmental Coordination Element to include policies that address the relationships and state principles and guidelines to be used to ensure coordination of the adopted comprehensive plan with the plans of the school board; that describe the specific joint processes for collaborative planning and decisions making on population projections and public school siting, and the location and extension of public facilities subject to concurrency; and to state the obligations of the local government under the Interlocal Agreement.

City Response to Objection 14:

See new objectives and policies contained in the Intergovernmental Element and PSFE. Staff believes the new objectives and policies listed address coordination of the adopted comprehensive plan with the plans of the school board.