

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Regional Planning Council Members AGENDA ITEM 5K
From: Staff
Date: December 11, 2009 Regional Planning Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Riviera Beach Comprehensive Plan
DCA Reference No. 09-1ER

Introduction

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

Background

The City of Riviera Beach is proposing text amendments to all elements of the City Comprehensive Plan as well as several Future Land Use Map (FLUM) amendments. Most of the amendments are to carry out the recommendations of an Evaluation and Appraisal Report (EAR) that was adopted by the City on January 17, 2007 and found sufficient by the DCA on March 30, 2007. Additional text amendments are to address statutory requirements (Chapter 373.0361(7) and 163.3177(6)(a), Florida Statutes) by providing coordination of the City's 10-Year Water Supply Facility Work Plan (WSFWP) with the South Florida Water Management District's (SFWMD) Lower East Coast Regional Water Supply Plan.

Evaluation

Community Profile (from the City's EAR Report)

The City of Riviera Beach is located in Palm Beach County bordered on the south by the City of West Palm Beach, on the north by the Town of Lake Park, on the east by the Atlantic Ocean, and on the western edges, Palm Beach Gardens. In addition to the larger mainland area, portions of the barrier island (Singer Island) are within the corporate limits of the City.

The City is 8.37 square miles in land area. The most recent estimate of the City population was 35,150 (2008). The development pattern in the City varies from high-rise multi-family condominium units on Singer Island, to a variety of industrial residential units, and commercial uses on the mainland. Several industrial parcels have been annexed since 2001. With the implementation of the Community Redevelopment Area (CRA) plan, the City hopes to add approximately 2,000 units to the existing housing stock. Recreational facilities are located throughout the City, including the City's only municipal beach, which has a retail component known as the Ocean Mall.

The City has a well-established transportation network which includes I-95 (that traverses the City from north to south); SR 710 (a major east-west truck route into Okeechobee County); the CSX and FEC railroads and the Port of Palm Beach which is located within the City. Mass transit is also available through Palm Tran and Tri-Rail with various stops along the City's arterial roadways.

A. EAR-Based Amendments

There are a very significant number of amendments proposed as a result of the recommendations of the EAR. Some of the highlights of those amendments are summarized in the following:

1. Future Land Use Element
 - a. Revised Objective 1.2 (Redevelopment) indicates the City shall reconsider revisions to the 2001 CRA Plan by addressing issues and market conditions that have arisen.
 - b. New Policy 1.2.1 is for the City and CRA to revise the 2001 Redevelopment Plan in order to reshape the City into a desirable place to live, work, shop, recreate, relax and visit with special places, events, and experiences not available elsewhere in the area.
 - c. Revised Policy 1.2.11 indicates that CRA Plan revisions will include a comprehensive displacement and relocation policy for individuals, families and businesses that are displaced as a result of public action.

- d. Revised Policy 1.5.2 indicates the City has adopted an Emergency Management Plan which includes location times and routes for evacuees.
- e. New Policies 1.6.1 and 1.6.2 deal with the annexation of enclaves in accordance with an interlocal agreement with Palm Beach County.
- f. Policy 1.8.1 sets forth the FLUM designations, densities and intensities. It is revised to encourage businesses in the working waterfront and to indicate increased efforts to facilitate the development of the bioscience industry (Industrial Related Uses).
- g. New Objective 1.9 (Community Enhancement) is revised to indicate the City will continue its Neighborhood Enhancement Strategy consistent with the approach developed in 2004 and coordinated with the strategic neighborhood planning process.

2. Housing Element

- a. A new “Purpose” section is added to the Introduction of this element.
- b. New Objective 1.1 (New Construction) is to assist the private sector to meet additional housing needs and to operate City programs for new construction on vacant lands with a concentration on meeting the needs of residents between 50-120% of the area median income.
- c. New Policy 1.1.1 is to seek to the provision of at least 450 units of workforce housing to meet the tenure, type and affordability needs identified in the Housing Element.
- d. Revised Policy 1.1.2 is to utilize the vacant lot acquisition program in conjunction with the single family Infill Housing Program.
- e. New Policy 1.4.5 indicates the City will continue to provide Emergency Disaster Relief to residents where homes are severely impacted by hurricanes or extreme weather events.
- f. New Policy 1.5.2 indicates the City shall identify surplus lands and consider acquisition of properties for the purpose of promoting the provision of affordable housing.
- g. New Policy 1.5.4 indicates the City will utilize available funds to provide assistance to eligible employees by providing grants towards the purchase of housing.
- h. New Policy 1.6.1 indicates the City shall continue its Neighborhood Enhancement Strategy.
- i. New Policy 1.6.7 is to support and assist non-profit partners to provide mixed use redevelopment opportunities in the northwest section of the City to address blighted conditions.

- j. New Policy 1.10.3 indicates the City shall continue to support services to assist low and moderate income families to procure and maintain employment.

3. Transportation Element

- a. New Policy 1.3.10 recognizes the SR 710 (MLK, Jr. Boulevard) project as vital due to the corridor's importance and strategic significance. The City will continue to emphasize the importance of a design that includes pedestrian safety features and to coordinate with partners to provide opportunities for stakeholders to participate publicly in the planning and design process.
- b. Revised Policy 1.5.2 indicates the City will adopt and maintain street design standards and guidelines with typical sections that include treatments which foster all modes of transportation and complement adjacent land uses. The standards are to incorporate livable community features.
- c. Revised Objective 2.2 (Right-of-Way Dedication) indicates the City shall require the establishment and dedication of appropriate rights-of-way.
- d. Revised Policy 2.2.1 indicates the City shall assure that existing rights-of-way are maintained and enhanced and proposed rights-of-way are adequately sized and strategically located.

4. Infrastructure Element

- a. New Objective 1.2 (Water and Sewer Facilities) is to construct and maintain sufficient utility infrastructure in a manner to protect the public health and environment.
- b. Policies 1.2.3, 1.2.4 and 1.2.5 support Objective 1.2 by committing the City to maintain level of service standards, coordinate with the City of West Palm Beach to address industrial and sewage treatment and violations and to upgrade the City potable water treatment processes.
- c. New Policy 1.3.4 is to continue outreach programs to educate residents on reducing, reusing and recycling materials to reduce waste that must be landfilled.
- d. New Policy 1.4.10 is to continue to upgrade City stormwater system infrastructure via water quality and flood control improvements.
- e. New Policy 1.7.1 is to support various methods to protect aquifer through water conservation and functions of water recharge areas.

- f. New Policy 1.7.4 indicates that future wellfields will be developed consistent with the Palm Beach County Wellfield Protection Ordinance.

5. Recreation and Open Space Element

- a. New Policy 1.2.4 is to continue to upgrade parks and recreational facilities consistent with the Parks and Recreation Department's "Redevelopment Capital Strategy" completed in 2005.
- b. New Policy 1.2.10 is to preserve access to the waterfront and to provide comparable facilities in the event that Bicentennial Park must be replaced.
- c. New Objective 1.4 is to increase the availability of open space and to inventory the availability of open space to ensure the maintenance of the adopted level of service.
- d. New Policy 1.6.2 is to cooperate with Palm Beach County and the County Sheriff's Department to ensure a safer environment in recreational facilities within the City limits.

6. Conservation Element

- a. New Policy 1.2.2 is to continue to provide a citizen involvement/public education project relating to the environmentally-sensitive and unique estuarine mangrove habitat in the Lake Worth Lagoon at the northern end of Singer Island.
- b. New Policy 2.2.3 is to investigate the feasibility of a shuttle bus link between the public beaches to downtown and local neighborhoods to help reduce air pollution.
- c. New Policy 3.5.3 is to cooperate and participate in the Palm Beach County eradication program for removing non-native/invasive species.
- d. New Policy 4.1.3 is to review, incorporate and/or designate an updated policy that identifies allowable land uses in, near or adjacent to wellfield protection areas located within the City.
- e. New Policy 5.1.2 is to take measures that will achieve more favorable flood insurance rates for residents of the City.

7. Coastal Management Element

- a. New Policy 1.2.1 is to continue to coordinate with the Florida Department of Environmental Protection on implementation of the Coastal Construction Control Line.
- b. New Policy 1.3.1 indicates that only floating or fixed structures which are water dependent or residential and are allowable

under all applicable state and local laws, shall be permitted in, on, over, or upon estuarine systems.

- c. New Goal 2, (Coastal Development and Energy Management) is to (1) restrict development activities that would damage or destroy coastal resources; (2) protect human life by limiting public expenditures in areas subject to destruction by natural disasters within the coastal high hazard area; (3) maintain and implement a safe and effective emergency management program; and (4) provide for orderly redevelopment in a post-disaster period.
- d. New Policy 2.3.3 is to coordinate with representatives of Palm Tran and the Palm Beach County Department of Emergency Management to develop an Emergency Transit Evacuation Plan to safely evacuate areas with transit dependent populations.
- e. New Policy 2.4.3 is to continue to provide for hazard mitigation.
- f. New Policy 2.4.5 is to create a more disaster-resistant community via the implementation of the unsafe building abatement ordinance.

8. Intergovernmental Coordination Element

- a. Revised Policy 1.1.2 commits the City to participation in a number of multi-jurisdictional organizations/committees.
- b. New Objective 2.2 (Annexation Issues) indicates the City shall coordinate all annexation activities and resolve associated issues with adjacent jurisdictions.
- c. Revised Policy 3.1.6 indicates the City will continue to evaluate the potential for entering into interlocal or other agreements with adjacent municipalities regarding utilities or other issues.

9. Public Schools Facilities Element

- a. New Objective 1.1 and its implementing policies address consistency of the City Comprehensive Plan with the Florida Statutes and the Interlocal Agreement. Policies also commit to the incorporation of the School District Five Year Capital Improvement Schedule into the Comprehensive Plan, school concurrency, participation on the Technical Advisory Group and adoption of the School Concurrency Area Map.
- b. New Objective 1.3 and its implementing policies address school capacity and concurrency and level of service.
- c. New Policy 2.3-c is to provide the School District with information regarding Certificates of Occupancy issued for new residential units.

B. FLUM Amendments

The City is proposing five amendments to the FLUM. These amendments are not related to the EAR. Information on the proposed amendments is included in Table 1. The location and FLUM designations for the properties are shown on attached exhibits (2-12). All of the proposed amendments, with the exception of LU 08-01, are within the CRA and are considered to be consistent with the CRA Plan.

Table 1
Proposed Amendments to the Future Land Use Map
City of Riviera Beach Comprehensive Plan
DCA Reference No. 09-1ER

Amendment Number/Name	Approx. Acreage	Current FLUM Designation	Proposed FLUM Designation	Approximate Location
LU 07-01	1.8	Commercial	Medium Density Multiple Family Residential	Northeast corner of Congress Avenue and West 13 th Street.
LU 08-01	27.9	Single Family Residential (18.9 acres) Medium Density Multiple Family Residential (9 acres)	Community Facilities	South of Blue Heron Boulevard, east of Congress Avenue, north of 13 th Street and west of Avenue S.
LU 08-03	0.2	Single Family Residential	Commercial	2701 Old Dixie Highway
LU 08-05	32.2	Community Facilities	General Mixed Use (11.9 acres) Industrial (20.3 acres)	East of Old Dixie Highway, between 13 th Street and 10 th Street
LU 08-06	2.9	Community Facilities	General Mixed Use (2.0 acres) Single Family Residential (1.0 acres)	South of 30 th Street, west of Avenue A; north of 27 th Street and East of Broadway.
Total:	65.0			

Key to FLUM Designations

Single Family Residential	Maximum of 6 dwelling units per acre
Medium Density Multiple Family Residential	Maximum of 15 dwelling units per acre

1. LU-07-01

This property is currently vacant and is designated for commercial use. The FLUM designations on surrounding properties (see Exhibits 3-4) are:

North – Commercial, Single Family Residential
East – Single Family Residential, Community Facilities
South – Single Family Residential
West – Medium Density Residential

The property is to be used for a new church. The current location of the church is to be occupied by the new Suncoast Community High School. The City considers it a top priority to find a suitable site for the church in close proximity to its original location.

2. LU-08-01

This property, which currently includes a single family home, duplex, an apartment building and a church, is to be used for the new Suncoast Community High School. There are many FLUM designations on the lands surrounding this irregularly shaped property (see Exhibits 5-6). The School District of Palm Beach County is relocating and modernizing the Suncoast Community High School. The new school will be part of an educational campus which includes an elementary and a middle school.

3. LU-08-03

This small parcel is to be combined with two other parcels for a commercial development. The total property is 0.5 acres in size. Surrounding FLUM designations (see Exhibits 7-8) are:

North – Medium Density Residential, Commercial
East – Commercial
South – Commercial, Single Family Residential
West – Single Family Residential

The development will be a one-story building to contain a restaurant and three office units.

4. LU-08-05

This property contains light industrial, commercial and residential uses. It was assigned a Community Facilities FLUM designation previously in order to accommodate a new high school. Since the School District chose a different site for the school, the Community Facilities FLUM designation is

no longer appropriate. The FLUM designations on surrounding properties (see Exhibits 9-10) are:

North – Commercial, High Density Residential, Medium Density Residential
East – General Mixed Use, Port
South – Port
West – Industrial, Commercial

The City is initiating this FLUM amendment to encourage redevelopment in this area.

5. LU-08-06

This small property currently contains single-family residential uses. The property was previously assigned a Community Facilities designation to accommodate a park and boat ramp to be developed by Palm Beach County. This site is no longer under consideration for a park and boat ramp. The FLUM designations on surrounding properties (see Exhibits 11-12) are:

North – Single Family Residential
East – General Mixed Use, Single Family Residential
South – General Mixed Use
West – Single Family Residential

The City has initiated this FLUM amendment in order to encourage redevelopment in this area.

6. Text Amendments Related to Water Supply Facility Planning

Although the City has not differentiated between the EAR-based text amendments and the text amendments to address statutory requirements for water supply planning, the following amendments are related to the latter requirements:

1. Infrastructure Element

- a. New Policy 1.5.6 is to coordinate with the SFWMD in the development of the City's Water Supply Plan.
- b. New Policy 1.5.7 is to encourage and promote the use of water reclamation activities at the East Central Regional Water Reclamation Facility.
- c. New Objective 1.8 (Water Supply Planning) is to adopt and update the WSFWP and to incorporate alternative water supply projects identified in the SFWMD's regional water supply plan. Policies under this objective:

1. Commit to coordination with the SFWMD in implementing the WSFWP.
2. Adopt the water supply plan by reference and commit to update the WSFWP on a regular basis.
3. Coordinate with other water utility producers to encourage the planning and development of multi-jurisdictional water supply facilities.
4. Assist with the implementation of the Regional Water Supply Plan, Comprehensive Everglades Restoration Plan and other regional water resource management and restoration plans.
5. Coordination of efforts to optimize the functions of the East Coast Buffer and Water Preserve Area.
6. Give priority to water supply for native ecosystems.
7. Support the protection of aquifer recharge areas.

2. Conservation Element

- a. New Policy 4.1.1 is to work toward the provision of alternative future water supplies to ensure the conservation/preservation of existing water resources.
- b. New Policy 4.1.2 is to submit a permit application for desalinization tanks in the next 10 year planning period as an alternative to pumping and receiving water from existing aquifers.

Extrajurisdictional Impacts

The City provided copies of the amendment materials to Palm Beach County, North Palm Beach, West Palm Beach, Jupiter, Lake Park, Juno Beach and the Palm Beach County School District. Council sent a memorandum to each of those local governments and organizations seeking comments regarding conflicts or incompatibilities with the proposed amendments. Council was copied on a letter from the Palm Beach County Planning Division to the DCA expressing concerns regarding conflicts with some of the City's proposed EAR-related amendments and the County Comprehensive Plan. The concerns deal with the City's Transportation Concurrency Exception Area.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

Comments/Recommendations for Modification

1. The City utilizes the term “workforce housing” in Policy 1.1.1 of the Housing Element. However, there is no definition of workforce housing. The City should include a definition for workforce housing in the Definitions section of the Comprehensive Plan.
2. Objective 1.4 in the Recreation and Open Space Element regarding open space should be clarified. The second portion of the objective, calling for an inventory of open space acreage, may be more appropriate as a policy.
3. Revised Policy 4.1.8 of the Conservation Element is to conduct an analysis of potential development activities that may result in negative impacts to wellfield areas. The date to complete the analysis should be revised.
4. The City proposes to delete Policy 1.1.5 of the Intergovernmental Coordination Element regarding use of mediation services of the TCRPC. Given the requirements contained in Senate Bill 360 of 2009, the City should reconsider the deletion of this policy.
5. Prior to adoption of the proposed amendments, the City should meet with the County for the purpose of resolving the concerns expressed in the County letter to the DCA dated November 6, 2009 regarding conflicts between the amendments to the City Transportation Element and Policy 1.2-t of the Transportation Element of the County Comprehensive Plan.

Consistency with Strategic Regional Policy Plan

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP.

Recommendation

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments

List of Attachments

Attachment

- A November 6, 2009 letter from Lorenzo Aghemo, Planning Director, Palm Beach County, Comments Regarding Proposed City of Riviera Beach Comprehensive Plan EAR Amendments Transportation Element



Department of Planning,
Zoning & Building
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

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County Administrator

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November 6, 2009

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



**RE: Comments regarding Proposed City of Riviera Beach
Comprehensive Plan EAR Amendments Transportation Element**

Dear Mr. Eubanks:

The purpose of this letter is to express the County's concern over some of the proposed amendments to policies in the Transportation Element of the City of Riviera Beach's Comprehensive Plan.

Palm Beach County is opposed to the amendments for the following reasons:

- 1) The City was required to provide traffic mitigation measures in conjunction with the approval of the Riviera Beach Transportation Concurrency Exception Area (TCEA). The City's proposed amendments to their existing policies 1.2.6, 1.2.9, 5.2.2 and new policy 5.2.2 will cause inconsistencies with policy 1.2-t of the Transportation Element of the County's Comprehensive Plan which includes the required mitigation measures for the TCEA.
- 2) The language for policy 1.2.8 dealing with required traffic studies for developments within the TCEA on Singer Island has been amended to omit the requirement to consider "all other existing and committed development traffic within the TCEA on Singer Island". This requirement is included under policy 1.2-t of the County's Comprehensive Plan.

Palm Beach County staff is available for questions. Please contact Allan Ennis, Assistant Director, Palm Beach County Traffic Division at 561-684-4030, or Khurshid Mohyuddin, Principal Planner, Palm Beach County Planning Division, at 561-233-5351.

Sincerely,

Lorenzo Aghemo
Lorenzo Aghemo
Planning Director

- cc: Commissioner Karen T. Marcus, District 1
Commissioner Jeff Koons, District 2
Commissioner Shelley Vana, District 3
Commissioner Steven L. Abrams, District 4
Commissioner Burt Aaronson, District 5
Commissioner Jess Santamaria, District 6
Commissioner Priscilla Taylor, District 7
Verdenia C. Baker, Deputy County Admin.
- Members of City Council, City of Riviera Beach
Mary McKinney, Dir. Com. Dev. City of Riviera Beach
Terry Hess, Treasure Coast Reg. Planning Council
Barbara Alterman Esq., PBC PZB Executive Direct
Robert P. Banks, PBC Asst. Co. Atty.
George Webb, PBC Engineering
Allan Ennis, PBC Engineering
Khushid Mohyuddin, PBC Planning

List of Exhibits

Exhibit

- 1 General Location Map
- 2 Amendment Location Map
- 3 Current Land Use Map LU 07-01
- 4 Proposed Land Use Changes Map LU 07-01
- 5 Current Future Land Use Map LU 08-01
- 6 Proposed Future Land Use Map LU 08-01
- 7 Current Land Use Map LU 08-03
- 8 Proposed Change Land Use Map LU 08-03
- 9 Current Future Land Use Map 2009 - LU 08-05
- 10 Proposed Future Land Use Map 2009 - LU 08-05
- 11 Current Future Land Use Map 2009 - LU 08-06
- 12 Proposed Future Land Use Map 2009 - LU 08-06

Exhibit 1 General Location Map City of Riviera Beach

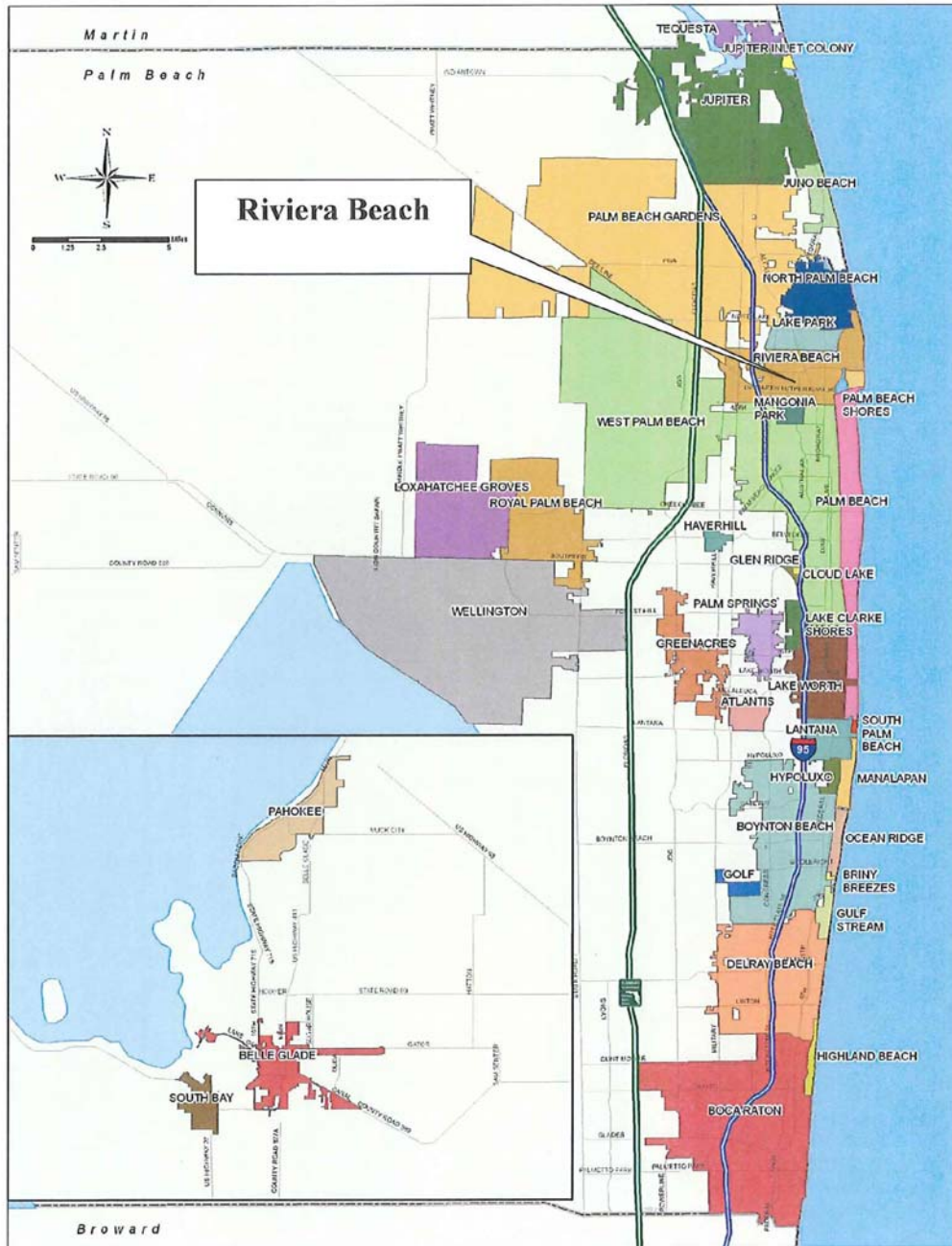


Exhibit 2 Amendment Location Map

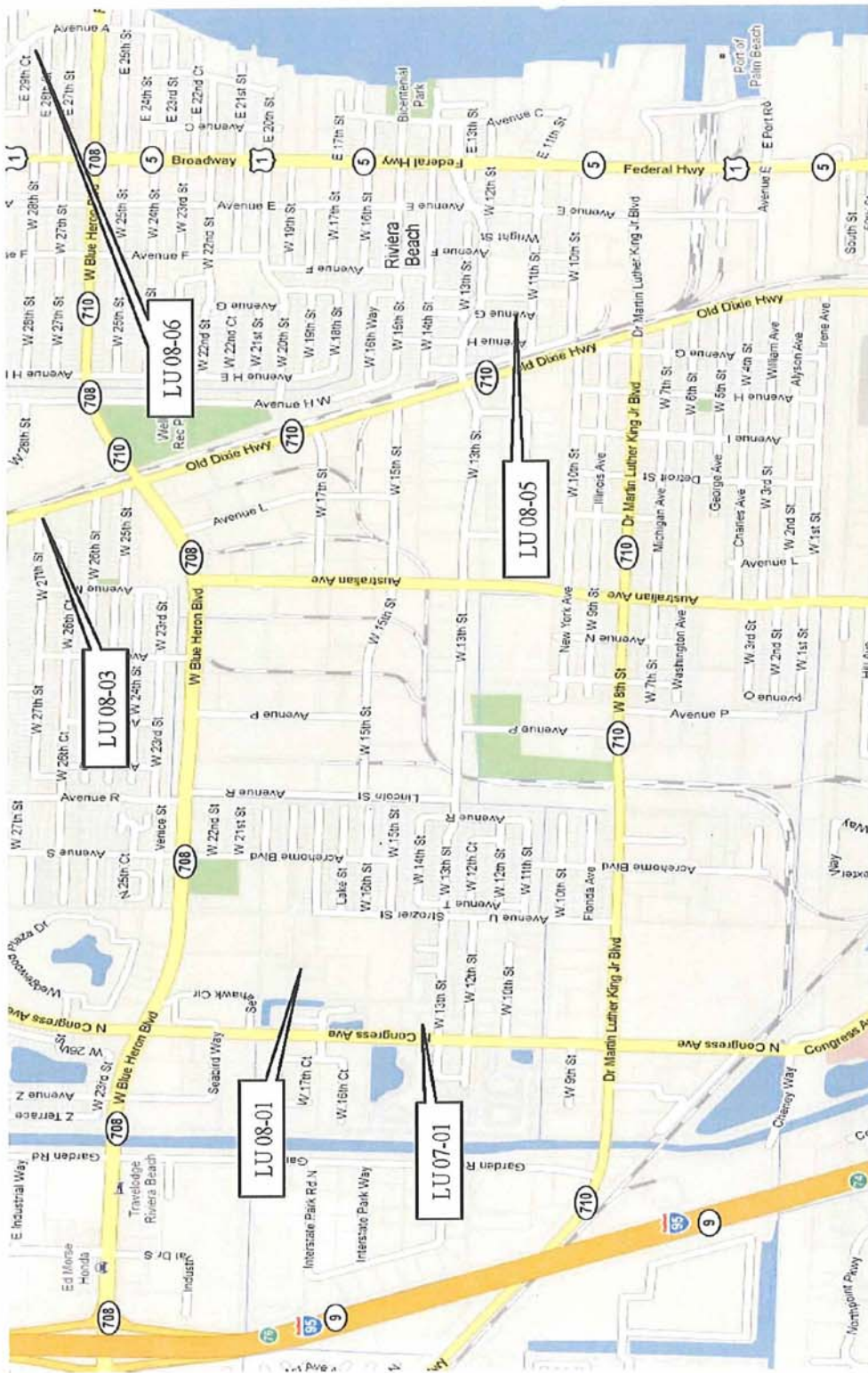


Exhibit 3 Current Land Use Map LU 07-01

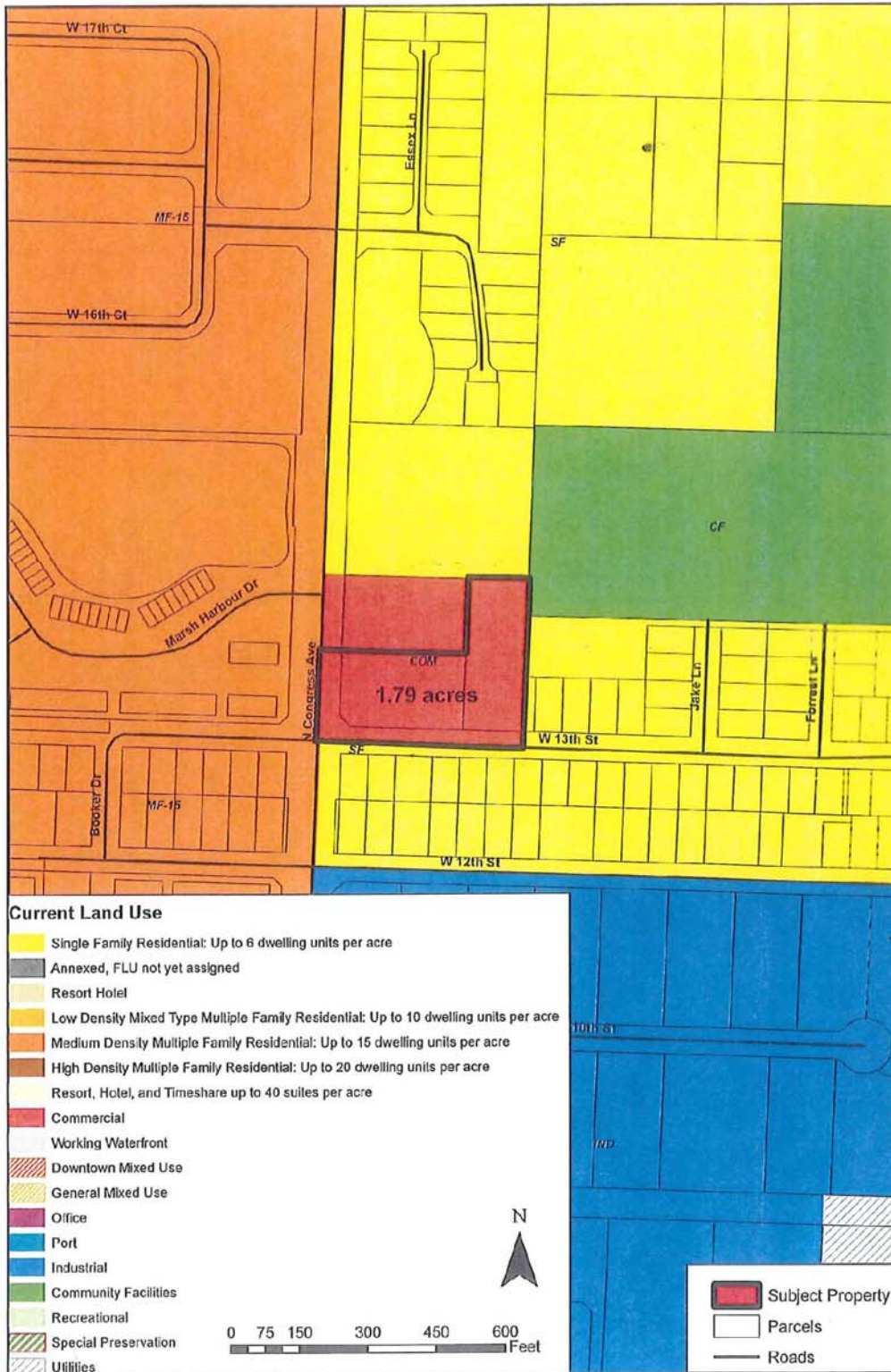
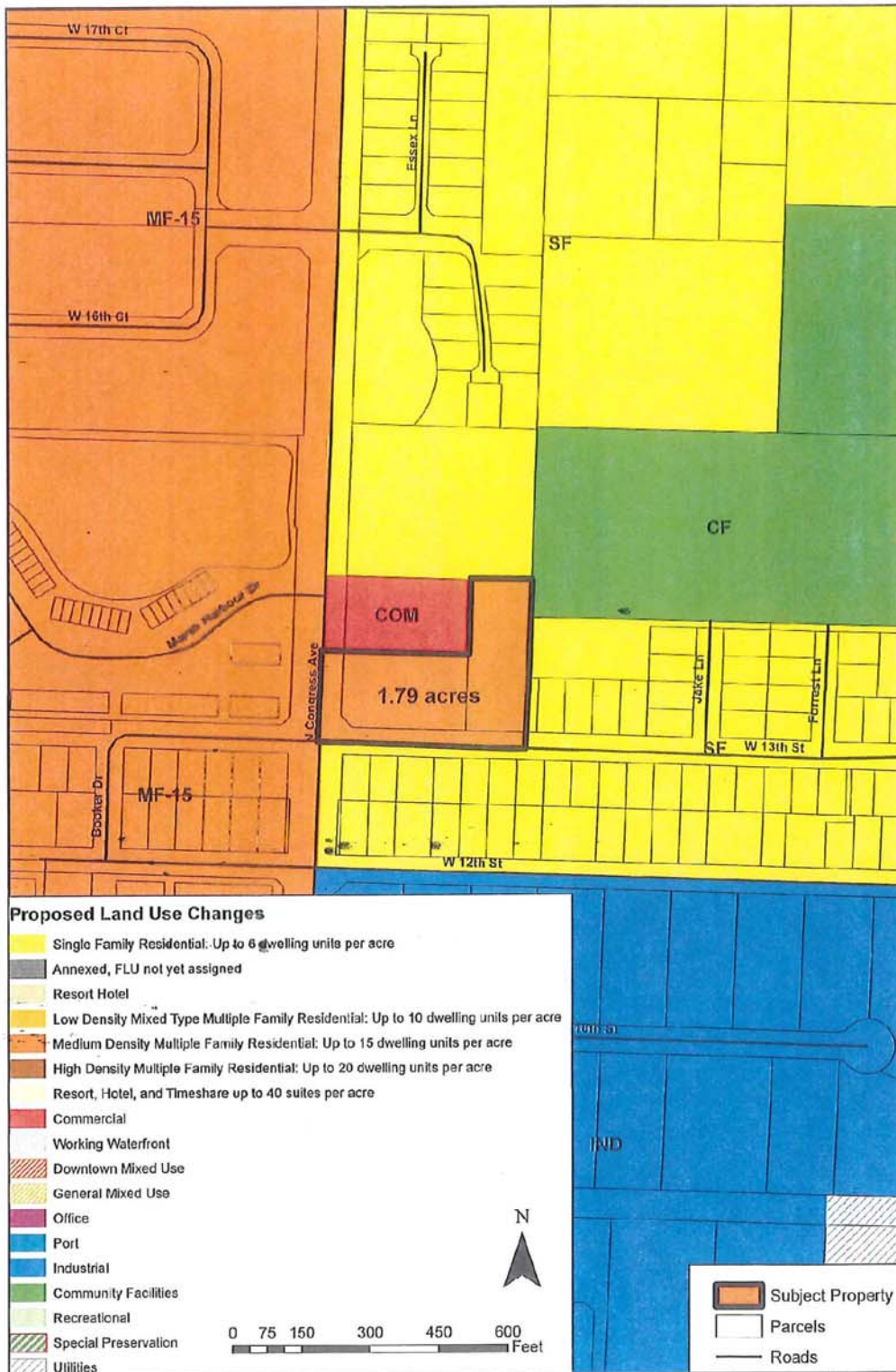
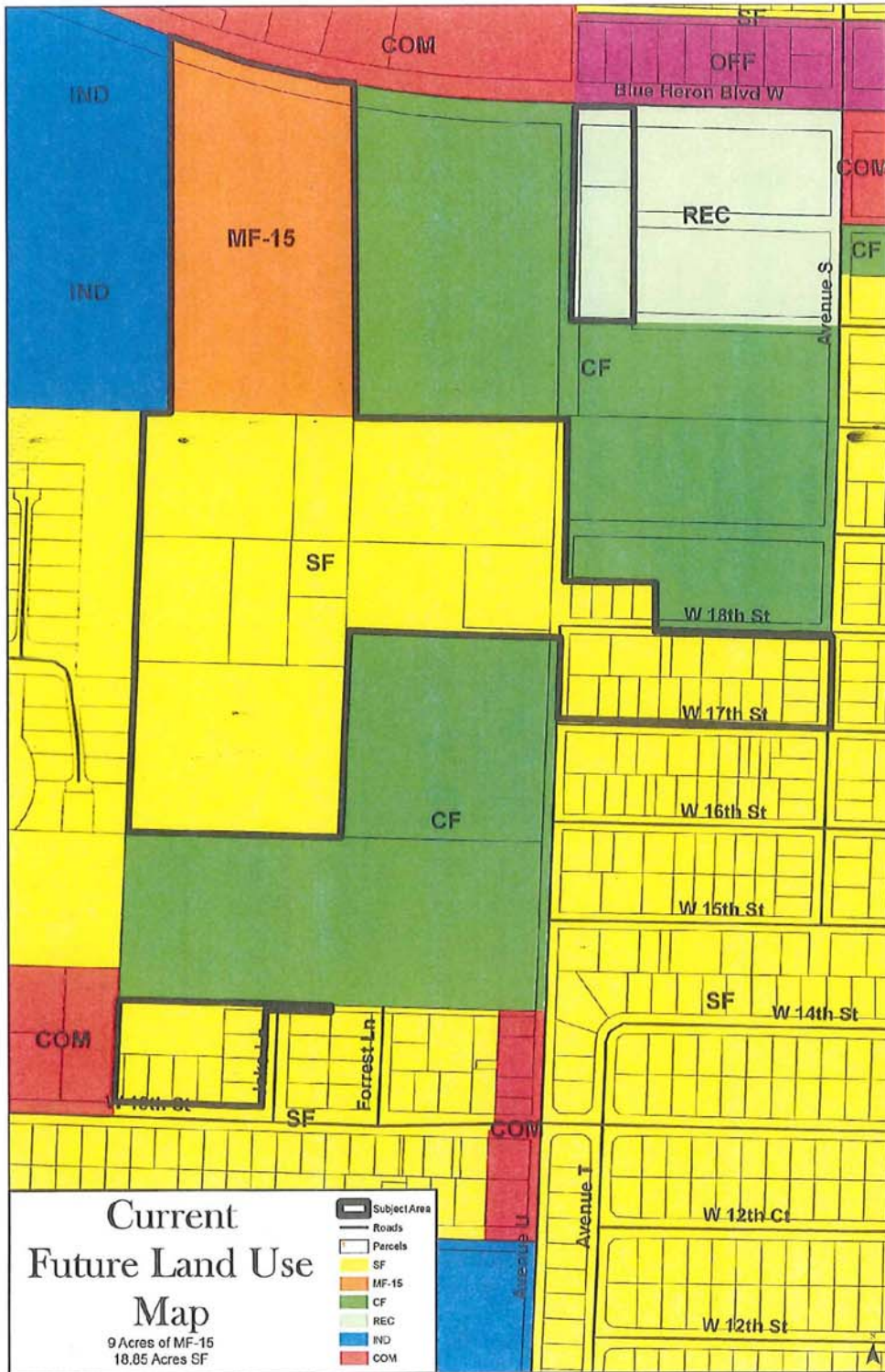


Exhibit 4 Proposed Land Use Changes Map LU 07-01



**Exhibit 5
Current Future Land Use Map LU 08-01**



**Exhibit 6
Proposed Future Land Use Map LU 08-01**

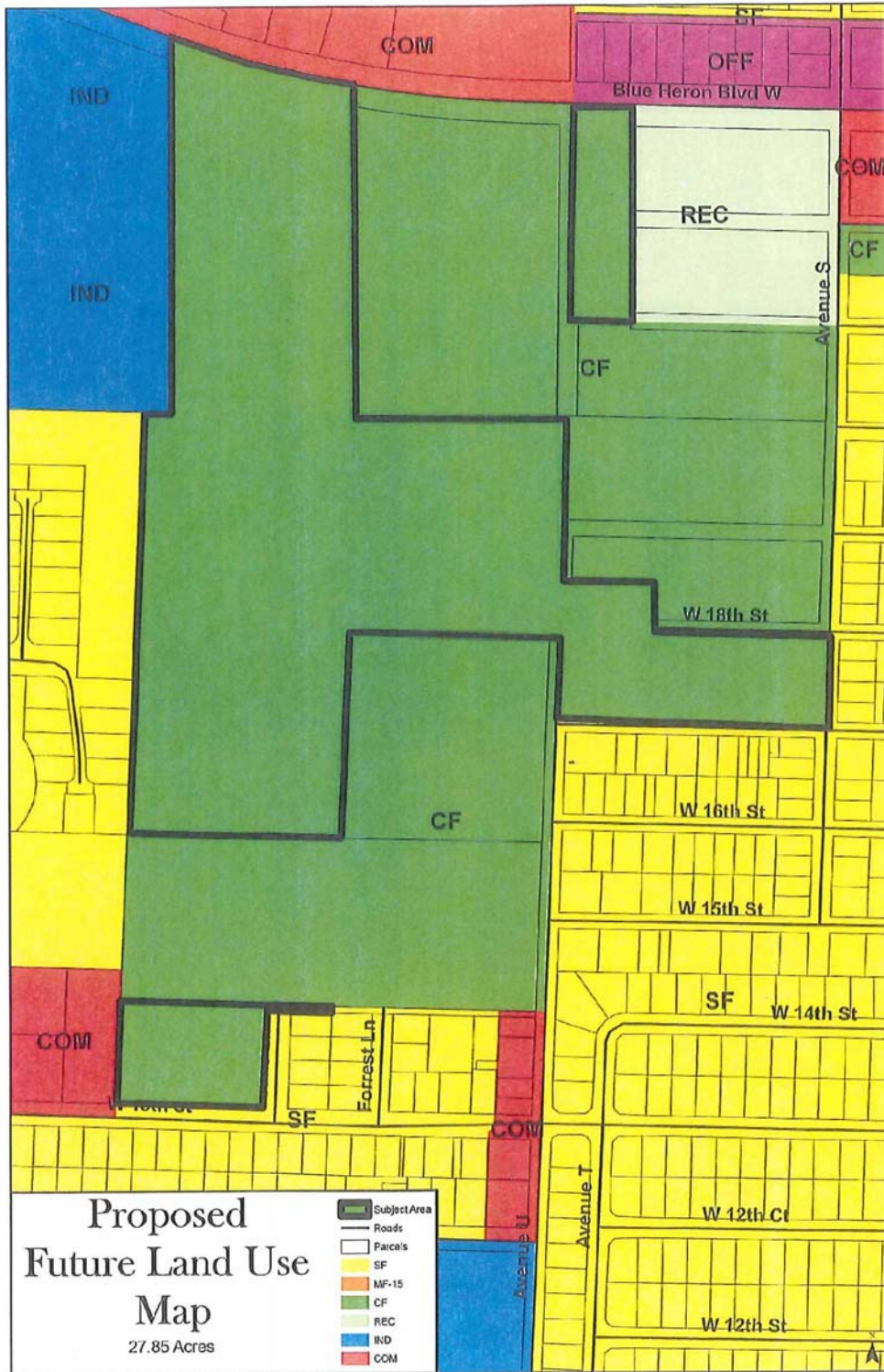


Exhibit 7
Current Land Use Map LU 08-03

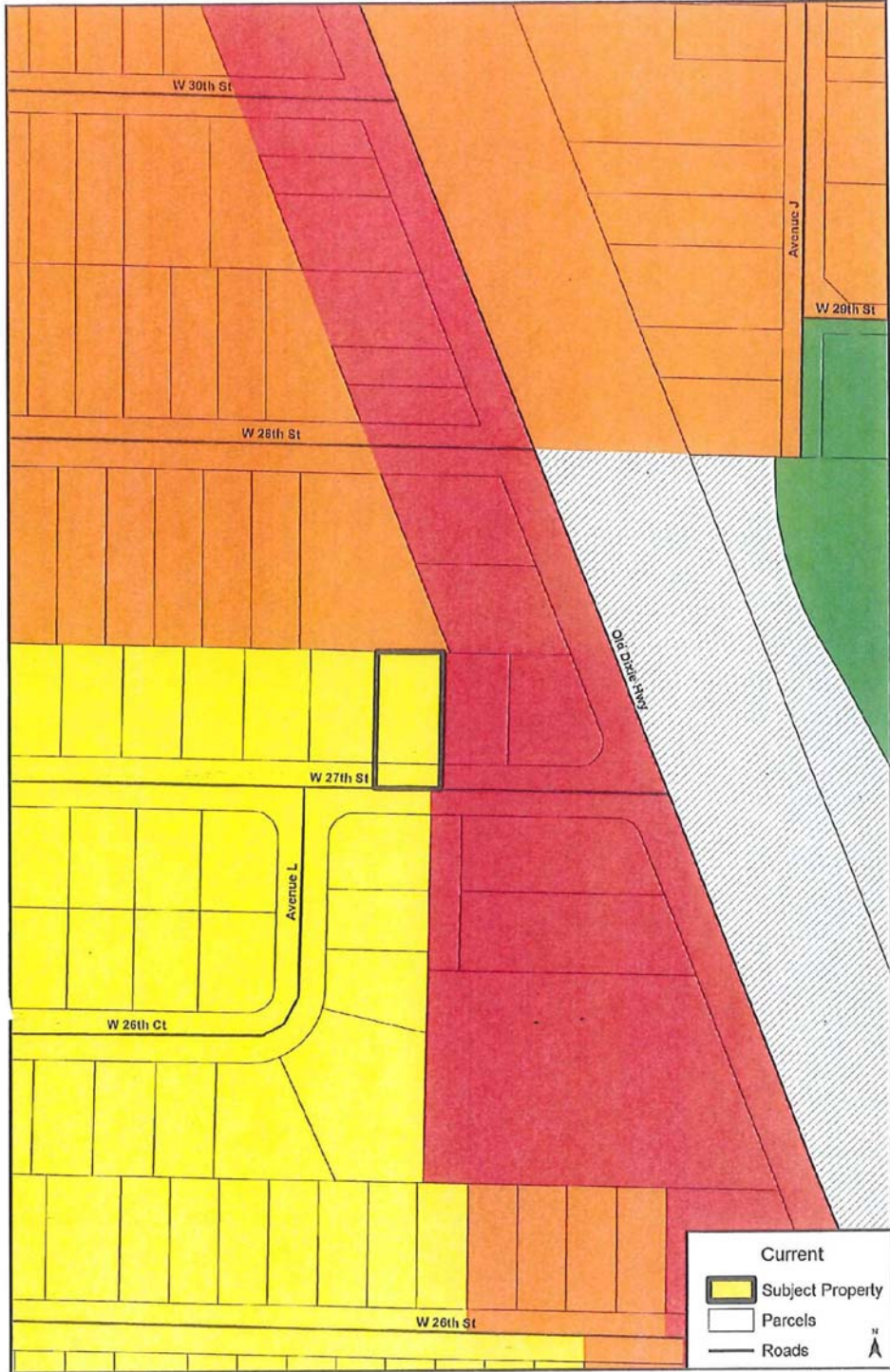


Exhibit 8
Proposed Change Land Use Map LU 08-03

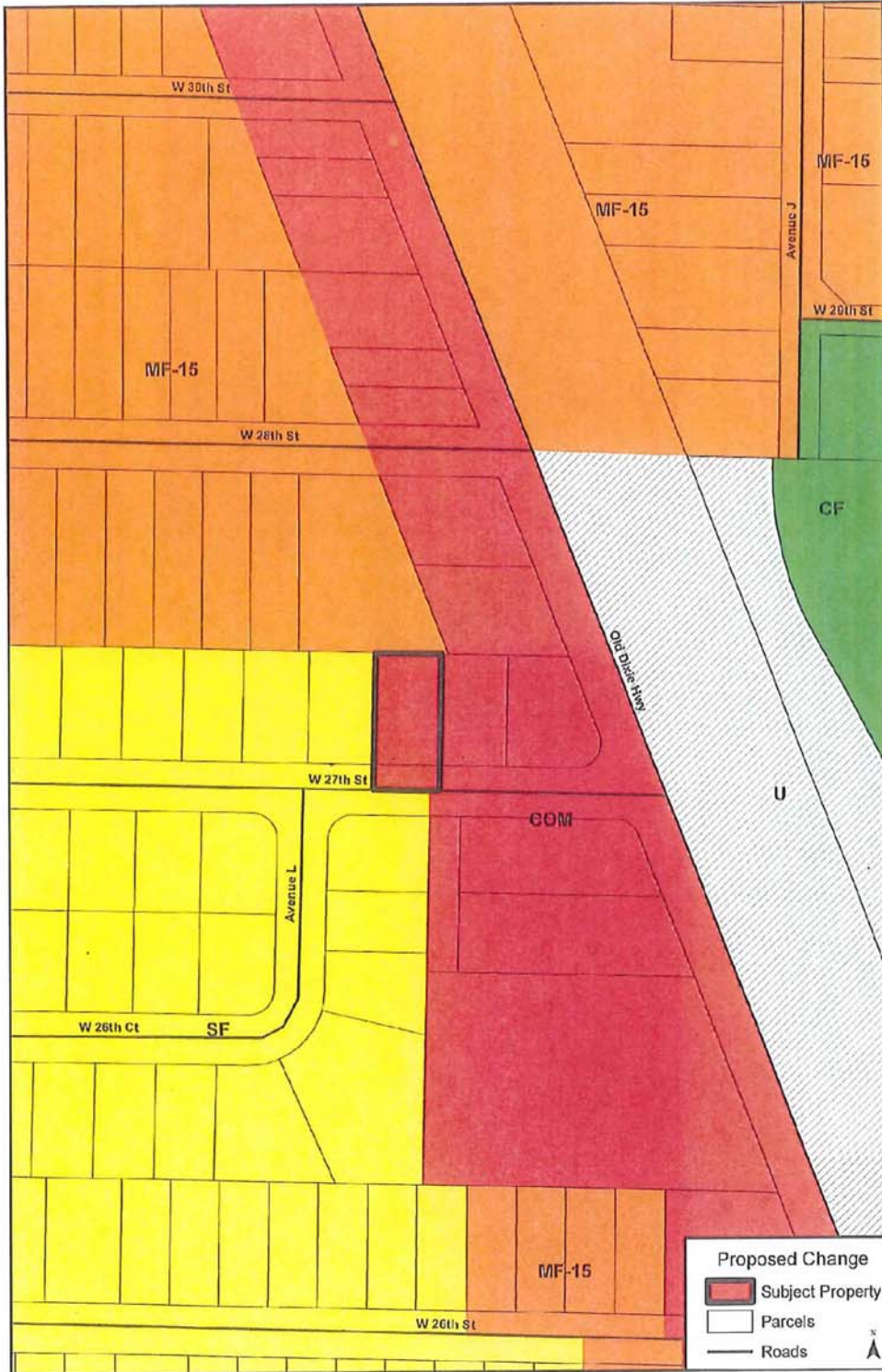


Exhibit 9 Current Future Land Use Map LU 08-05

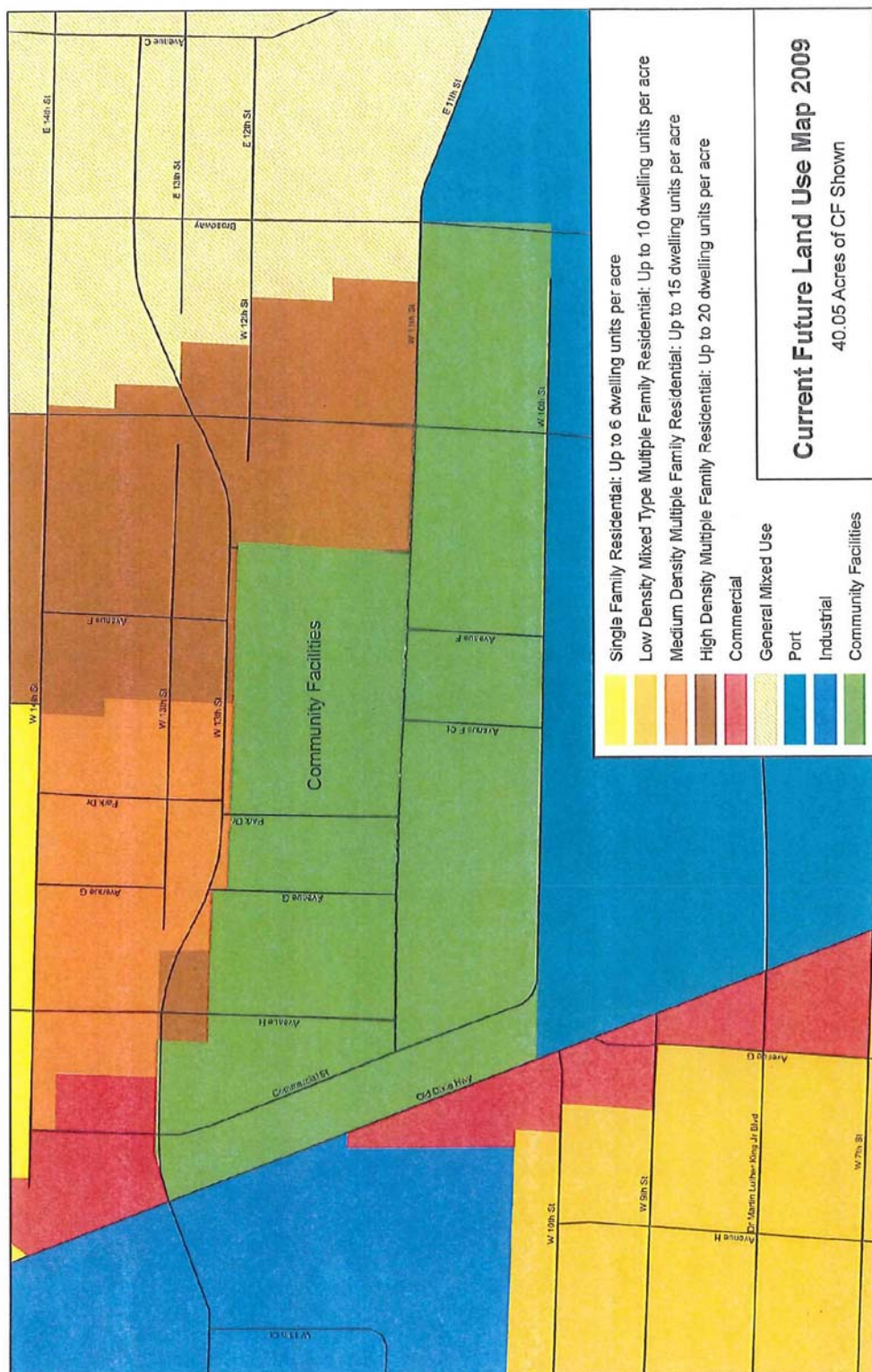
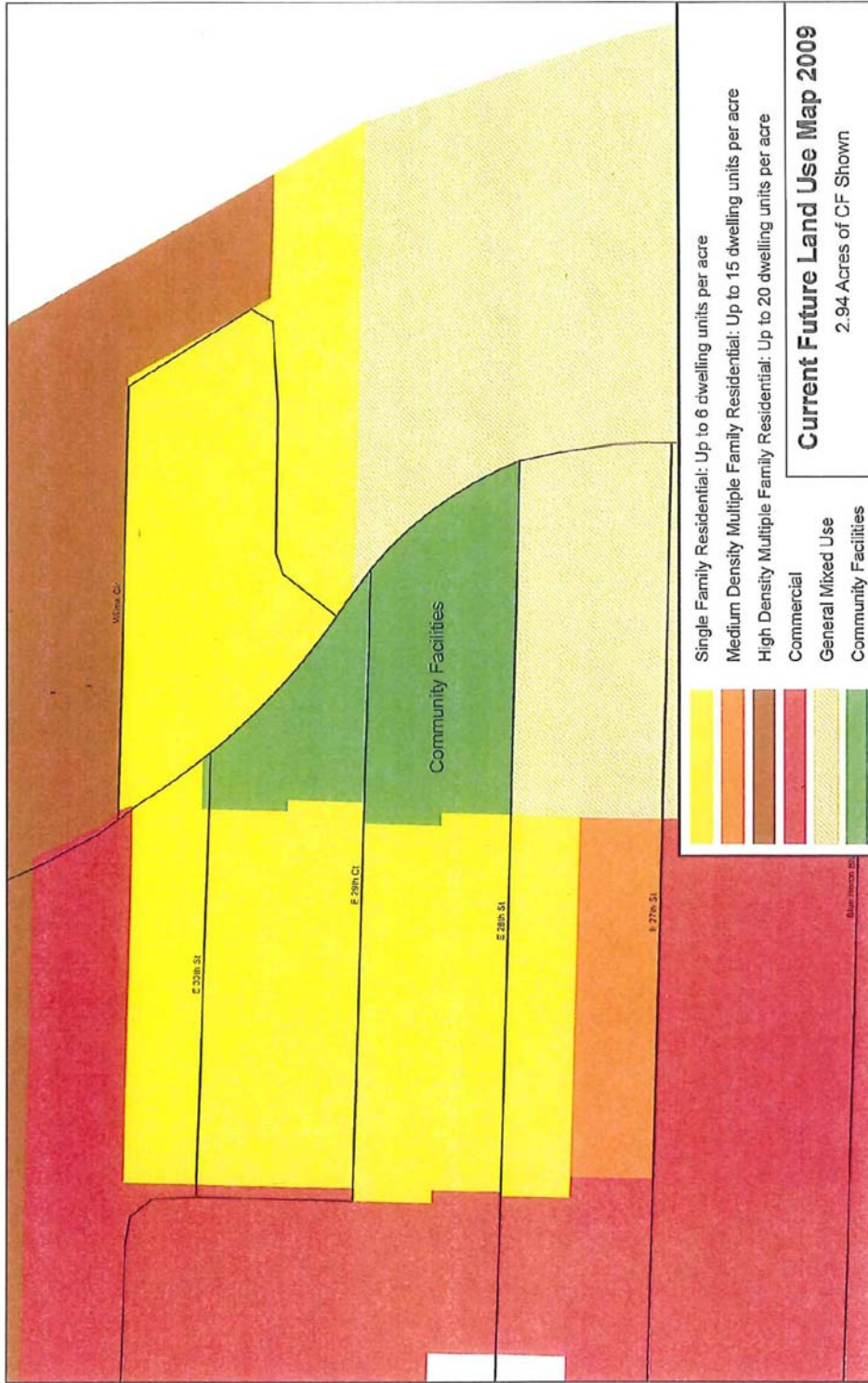


Exhibit 11 Current Future Land Use Map LU 08-06



**Exhibit 12
Proposed Future Land Use Map LU 08-06**

