To: Regional Planning Council Members
From: Staff
Date: September 18, 2009 Regional Planning Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of West Palm Beach Comprehensive Plan
DCA Reference No. 09-1

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 West Palm Beach is proposing the following amendments to the City Comprehensive Plan: 1) text amendments to the Future Land Use, Transportation, Historic Preservation and Downtown Master Plan Elements; 2) revisions to the Map Series; and 3) two amendments to the Future Land Use Map (FLUM). The City has requested that the DCA carry out a formal review of the amendments.

Evaluation

The proposed FLUM amendments are summarized on Table 1 and the locations are shown on the attached Exhibits.
A. Future Land Use Map Amendments

1. **4227-09 East Central Regional Water Reclamation Facility Site**

   This 300 acre property is located at the northeast corner of the Florida Turnpike and Roebuck Road (see Exhibits 2 - 4). It contains a wastewater treatment plant and reclaimed wastewater facility. No changes in the use is proposed.

   The land use on adjacent properties includes vacant lands to the north and east, a City wellfield site to the south, and the Florida Turnpike to the west, beyond which is the Grassy Waters Preserve. The FLUM designations on surrounding lands are Conservation and Single Family Residential to the north, Single Family Residential to the east, Conservation and Medium Density Residential (MR-5, a County designation) to the south and Conservation to the west.

   The amendment to assign the new Utility FLUM designation is considered corrective in nature.

2. **4228-09 West Palm Beach Wellfield Site**

   This 316 acre, City-owned property is located at the southeast corner of the intersection of the Florida Turnpike and Roebuck Road. It currently is a water wellfield, and serves as part of a wetlands-based water reclamation project. There is no change in the proposed use. The current FLUM designation of the property is Commercial. The proposed designation is Utility.

   The existing land use on surrounding lands includes the wastewater reclamation facility to the north, residential development to the east and south,
and the Florida Turnpike to the west, with residential development beyond. The FLUM designations on surrounding properties are Conservation to the north, Medium Density Residential and High Density Residential (both County designations) to the east, High Density Residential to the south and Single Family Medium Density to the west.

The amendment to assign the new Utility FLUM designation is considered corrective in nature.

B. Text Amendments

1. Future Land Use Element

   a. Policy 1.1.3, which lists the City’s FLUM designations and allowable densities and intensities in a table is modified by adding a new Utility designation, by removing residential as an allowable use under the Conservation designation, by allowing limited commercial uses under the Multi Family FLUM designation and some other minor revisions.

   - Additionally, new language is added to the policy to describe the FLUM designations and outline the general uses permitted in each designation.
   - According to the City, this is being done to provide better clarity and guidance regarding the designation of allowable uses.

   b. Policy 1.7.2.3 is revised to allow for a building height of 1 to 4 stories for a neighborhood scale grocery in the Currie Corridor Mixed Use District for properties with frontage on Dixie Highway.

2. Transportation Element

   a. Appendix A and TE-Map 8 are revised to reduce the number of ultimate lanes on portions of Parker Avenue (see Exhibits 5 and 6) from four to three lanes. The City indicates this is consistent with the Transportation Vision of the Transportation Element to improve the quality of life of residents and visitors and promote bicycle use, the development of a “complete street” and improve on safety and aesthetics. It is also considered consistent with a previous amendment that reduced another segment of Parker Avenue to three lanes.
3. Historic Preservation Element
   a. New Policy 4.1.1 commits the City (by 2011) to pursue the establishment of new zoning districts in order to protect the existing historic character of the City’s residential historic districts. These zoning districts are to ensure that new buildings are compatible with the existing urban fabric in terms of size, scale and mass. This policy is driven by concerns regarding the size of new construction in the City’s historic districts.

4. Downtown Master Plan Element
   a. Revisions to several policies in this element are primarily for clarification and consistency with the Downtown Master Plan urban regulations.

Extrajurisdictional Impacts

The City provided a notice to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) on June 15, 2009. A letter from Palm Beach County (Attachment A) to the DCA dated August 13, 2009 indicates opposition to some of the proposed amendments. A City response to the County correspondence is included as Attachment B. In correspondence dated September 4, 2009, the City indicated plans to hold a meeting with the County to discuss the County concerns.

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

Palm Beach County has provided a letter (see Attachment A) expressing concerns regarding the City’s proposed plan amendment to reduce laneage on segments of Parker Avenue from 4 to 3 lanes. The concerns include the potential impacts of the laneage reduction on Interstate 95 and the inconsistency of the laneage reduction with the MPO 2030 Long Range Transportation Plan and the County 2020 Lanes Map.

Parker Avenue is a local collector road serving the City of West Palm Beach (see Exhibits 7 and 8). It connects to major arterial roadways, including SR 704, Belvedere Road and SR 80. The proposed amendment is consistent with previous City action to reduce the segment of Parker Avenue between Southern Boulevard and Summit Boulevard from 4 to 3 lanes. The amendment, according to the City, is consistent with the vision set forth in the Transportation Element of the City Comprehensive Plan which includes the following principles: a) the promotion of increased use of bicycles as a viable alternate means of transportation to the automobile; b) the development of
“Complete Streets” that are designed, built and maintained to accommodate all modes of transportation, including pedestrians and bicyclists; and c) the development of a transportation network that emphasizes safety and aesthetics. Parker Avenue traverses an area containing residential neighborhoods, parks, schools and small scale non-residential uses. According to the City, the change to 3 lanes will still allow Parker Avenue to meet the City’s level of service standards for traffic. The amendment is considered to be internally consistent with the City’s Comprehensive Plan. It is also considered consistent with regional goals and policies that encourage streets to be designed/constructed so they are conducive to the use of different modes of transportation, including pedestrian and bicycle traffic. While Parker Avenue likely serves as an alternate route to I-95 during periods of severe congestion, the City should not be compelled to maintain certain characteristics of the street in order to be an efficient “reliever” to I-95 when there are more important local goals that an alternative street configuration would meet.

Recommendation: The City should carefully consider the accommodation of pedestrian, bicycle and bus traffic in the redesign of Parker Avenue; as well as the value of landscaping in improving the aesthetics of the street. Upon adoption of this amendment, the City should notify the MPO and the County so that appropriate changes can be made to the MPO Long Range Transportation Plan and the County Lanes Map.

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

<table>
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<tr>
<td>A</td>
<td>August 13, 2009 correspondence from Palm Beach County regarding Proposed Comprehensive Plan Amendment Proposed 09-1 Amendment WPB-60</td>
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<td>B</td>
<td>August 21, 2009 correspondence from the City of West Palm Beach regarding Palm Beach County Objections to West Palm Beach Comprehensive Plan Amendment Round 09-1 (WPB-60)</td>
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<td>C</td>
<td>September 16, 2009 letter from Palm Beach County regarding Comments for Proposed Comprehensive Plan Amendment Proposed West Palm Beach 09-1 Round</td>
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</tbody>
</table>
August 13, 2009

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32306-2100

RE: Comments for Proposed Comprehensive Plan Amendment
Proposed 09-1 Amendment WPB-60

Dear Mr. Eubanks:

The purpose of this letter is to raise the County's concern over the City of West Palm Beach proposed plan amendment as referenced above. Palm Beach County is opposed to the proposed amendment based on the following reasons:

1. The proposed reduction in laneage on Parker Avenue from Howard Park entrance (south of Okeechobee Blvd to Southern Blvd) from 4 to 3 on Appendix A and TE-Map 8 could potentially impact a parallel SIS facility (Interstate 95).

2. The proposed laneage for Parker Avenue differs from the adopted MPO 2030 Long Range Transportation Plan (LRTP) and the County Comprehensive Plan's 2020 Lanes Map.

3. The proposed reduction in laneage on Parker Ave is inconsistent with data and analysis (relying on 4 lanes) provided by the City of West Palm Beach for its TOEA.

4. The Proposed TE-Map 8 - Future (2018) Number of Proposed Through Lanes does not show the following roadways (although not being amended this round) that are also on MPO's 2030 LRTP and the County's 2020 Lanes Map and have funding included in the latest County 5-Year Road Program:
   a. SR 7 Extension from Okeechobee Blvd to 60th Street
   b. Roebuck Road from SR 7 to Jog Rd
   c. Jog Rd Extension from Roebuck Rd to 45th Street

TE-Map 8 also does not show the following roadway that is on MPO's 2030 LRTP and the County's 2020 Lanes Map:
   d. SR 7 Extension from 60th Street to Northlake Blvd

   The source for the City Comprehensive Plan Map TE-Map 8 is identified as the "Future 2020 Functional Classification of Roads" Map in the County Comprehensive Plan, which shows all of the above road segments. Importantly, these segments are reflected on Appendix A of the Transportation Element of the City's Comprehensive Plan, but not on TE-Map 8, resulting in internal inconsistency within the City's Comprehensive Plan.

Sincerely,

Lorenzo Agúamo
Planning Director

Attachments: IPARC Notice

Bob Dennis, Res. Planning Admin., DCA
Charles Wu, Planning Director, West Palm Beach
Terry Hatl, Treasure Coast Reg. Planning Council
Allan Erns, PBC Engineering
Khusroh Modyuddin, PBC Planning

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CLEARINGHOUSE NOTICE OF PROPOSED AMENDMENT

TO: Cloud Lake, Greenacres, Haverhill, Lake Worth, Mangonia Park, Palm Beach, Palm Beach Gardens, Riviera Beach, Royal Palm Beach, Palm Beach County, Indian Trail Improvement District, Northern Palm Beach County Improvement District, SFWMD, Palm Beach County School Board, TCRPC

FROM: Anna Yeskey, Clearinghouse Coordinator

DATE: June 22, 2009

As a participant local government, this memorandum serves as notice of the following comprehensive plan amendment(s):

Initiating Local Government: West Palm Beach

Reference #: WPB-60

Date of local planning agency hearing for the proposed amendment: July 14, 2009

Date of public hearing at which the proposed amendment will be transmitted: August 10, 2009

Nature of plan amendments as you have indicated is desired for review:

adjacent cities
Palm Beach County
amendments relating to traffic circulation or the roadway networks
amendments relating to affordable housing
Amendments related to the following elements:

X land use
traffic circulation
mass transit
ports and aviation
housing
infrastructure
coastal management
conservation
recreation and open space
intergovernmental coordination
capital improvements
other

Instructions: Should you have any objections to these proposed amendments, please respond at least 15 days prior to the transmittal hearing as scheduled.

To Bruce

[Signature]
document.
GENERAL INFORMATION

Initiating Government: City of West Palm Beach
Contact Person: Denise Malone, City Comprehensive Planner/Division Manager
401 Clematis Street
West Palm Beach, Florida 33402
Telephone/Fax (561) 822-1435/(561) 822-1460

PROPOSED COMPREHENSIVE PLAN AMENDMENT FOR ROUND 09

Proposed Comprehensive Plan Text Amendment
Proposed Text Amendments to the Future Land Use (FLU) Element providing for general policies updates, FLU designation descriptions, new Utility FLU designation and corrective amendment to designate Utility sites, Downtown Master Plan Element general updates, Historic Preservation Element general updates, and other Plan housekeeping items/general updates.

Proposed Future Land Use Map (FLUM) Amendment

Proposed City-initiated FLUM amendment to the new Utility FLU designation for the City of West Palm Beach wellfield site and potentially for the East Central Regional Water Reclamation Facility (ECRWRF) site.

Is Proposed Amendment a Development of Regional Impact? No.

COMPREHENSIVE PLAN AMENDMENT PROCESSING

Date/Time/Location Schedule for Local Planning Agency (LPA) Public Hearing:

Planning Board (LPA) Meeting, July 14, 2009 - 6:00 p.m. in the City Commission Chambers, 401 Clematis Street, West Palm Beach.

Date/Time/Location Schedule for Governing Body Public Hearing (Transmittal):

Tentative City Commission Transmittal Public Hearing August 10, 2009 - 4:01 p.m. in the City Commission Chambers, 401 Clematis Street, West Palm Beach.

Schedule Date for Transmittal to DCA: Tentative – August 20, 2009
August 21, 2009

Ms. Anna Yeskey
Palm Beach County Intergovernmental Coordination Program Clearinghouse
9835-16 Lake Worth Road, Suite 223
Lake Worth, FL 33467

Re: Palm Beach County Objections to West Palm Beach Comprehensive Plan Amendment Round 09-1 (WPB-60)

Dear Ms. Yeskey:

This letter is in response to Palm Beach County’s objection filed on August 13, 2009 to the above City amendments, and to your subsequent inquiry regarding convening an IPARC Fact Finding Panel to review the objections. After reviewing the Comprehensive Plan Amendment Coordinated Review Interlocal Agreement dated October 1st, 1993, the following provisions are applicable to this case:

- **Article VIII, Section 3.A.** states that at least thirty (30) days prior to the transmittal hearing the initiating local government shall furnish to the Clearinghouse an executive summary of the amendment along with additional materials, including hearing materials (emphasis added). The City of West Palm Beach met the requirement above as City Staff attempted to fax the above document to the Clearinghouse between June 15, 2009, and June 19, 2009; however, the Clearinghouse fax was inoperable. On June 19th, 2009, City Staff emailed the document to the Clearinghouse. On June 22, 2009, the IPARC Notice for this amendment was mailed by the Clearinghouse to all interested local governments (see attached). Since the City’s Transmittal Hearing for the amendments was held on August 10, 2009, all of the above dates comply with the 30-day notification requirement.

- According to Article VIII, Section 1.C., if a local government desires to object to another local government’s proposed plan amendment, the objecting local government shall do the following: (1) submit a written notice of intent to object to the Clearinghouse and the local government initiating the proposed plan amendment (2) meet with the proposed government transmitting the proposed plan amendment at least one time prior to that local government’s transmittal hearing (3) file a written objection to the Clearinghouse (4) participate in fact finding. The County did not comply with steps 1 and 2 above as they did not submit a written notice of intent to object and did not meet with City Staff prior to the transmittal hearing. As a result, steps 3 and 4 cannot proceed.

- **Article VIII, Section 1.C.(1)** indicates that “a written notice of intent to object must be filed no later than fifteen (15) days before the transmittal hearing” (emphasis added). As indicated, the County did not submit a written notice of intent to object.

"An Equal Opportunity Employer"
August 20, 2009
Page 2 – Palm Beach County Objections to West Palm Beach Comprehensive Plan Amendment
Round 09-1 (WPB-60)

- Article VIII, Section 3.8 states that the initiating local government shall meet with all objectors prior to the transmittal hearing “within fifteen (15) days of the submittal of the written notice of intent to object to the Clearinghouse.” The County did not submit a written notice nor did it request a meeting. The County telephoned our staff on August 13, 2009, to discuss the item and on that same date provided its letter of objection.

- Article VIII, Section 3.8 provides that “no later than fifteen (15) days after transmittal of the proposed plan amendment, a participant who filed a written notice of intent to object prior to transmittal may file a written objection to the proposed plan amendment to the Clearinghouse” (emphasis added). The County submitted to IPARC a formal written objection on August 13, 2009, without having filed a written notice of intent to object prior to the August 10, 2009, City Commission Transmittal Hearing. As such, the County violated this provision and their written objection is not valid according to the Interlocal Agreement.

Since the County’s objection was not filed pursuant to the Interlocal Agreement, the City takes the position that a fact finding panel is neither appropriate nor valid. If you have any questions, please contact me at 822-1455, Denise Malone at 822-1562, or Alex Hansen at 822-1463.

Sincerely,

Charles K. Wu, AICP
Planning and Zoning Director

C: Mayor and West Palm Beach City Commissioners
   Ed Mitchell, City Administrator
   Claudia Molenaar, City Attorney
   Lorenzo Aghemo, PBC Planning Director
   Brian Collins, City Traffic Engineer

Attachment: June 22, 2009 Clearinghouse Notice of Proposed Amendment for WPB-60

"An Equal Opportunity Employer"
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TO: Cloud Lake, Greenacres, Haverhill, Lake Worth, Mangonia Park, Palm Beach, Palm Beach Gardens, Riviera Beach, Royal Palm Beach, Palm Beach County, Indian Trail Improvement District, Northern Palm Beach County Improvement District, SFWMD, Palm Beach County School Board, TCRPC

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mass transit
ports and aviation
housing
infrastructure sub-elements
coastal management
conservation
recreation and open space
intergovernmental coordination
capital improvements
other

Instructions: Should you have any objections to these proposed amendments, please respond at least 15 days prior to the transmittal hearing as scheduled.
CITY OF WEST PALM BEACH
COMPREHENSIVE PLAN AMENDMENT
EXECUTIVE SUMMARY

June 15, 2009

GENERAL INFORMATION

Initiating Government: City of West Palm Beach
Contact Person: Denise Malone, City Comprehensive Planner/Facility Manager
401 Clematis Street
West Palm Beach, Florida 33402

Telephone/Fax (561) 822-1435/(561) 822-1460

PROPOSED COMPREHENSIVE PLAN AMENDMENT FOR ROUND 09

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Is Proposed Amendment a Development of Regional Impact? No.

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

RE: Comments for Proposed Comprehensive Plan Amendment
Proposed West Palm Beach 09-1 Round

Dear Mr. Eubanks:

The purpose of this letter is to provide additional comments regarding the comprehensive plan amendment proposed by the City of West Palm Beach as referenced above. Palm Beach County submitted a letter to the Department of Community Affairs on August 13, 2009 concerning the amendment.

Since that time, County staff met with City staff on September 15, 2009 to discuss the proposed amendment and raised the following concerns listed below:

1. The proposed reduction in laneage on Parker Avenue from Howard Park entrance (south of Okeechobee Blvd) to Southern Blvd from 4 to 3 on Appendix A and TE-Map 8 could potentially impact a parallel SIS facility (Interstate 95). Parker Avenue functions as a reliever road for Interstate 95.

2. The proposed laneage for Parker Avenue differs from the adopted MPO’s 2030 Long Range Transportation Plan (LRTP) and the County’s 2020 Lanes Map (Map TE 1.1 of the County’s Comprehensive Plan).

3. The proposed reduction in laneage on Parker Avenue is inconsistent with existing data and analysis; for example the data and analysis provided by the City of West Palm Beach for its previously approved TCEA relies on 4 lanes.

4. The proposed TE-Map 8 – Future (2018) Number of Proposed Through Lanes does not show the following roadways (although not being amended this round) that are also on MPO’s 2030 LRTP and the County’s 2020 Lanes Map and have funding included in the County’s latest 5-Year Road Program or in the MPO’s FY 2010-2014 Transportation Improvement Program:
   a. SR 7 Extension from Okeechobee Blvd to 60th Street
   b. Roebeck Rd from SR 7 to Jog Rd
   c. Jog Rd Extension from Roebeck Rd to 45th Street
   d. SR 7 Extension from 60th Street to Northlake Blvd

The source for the City Comprehensive Plan Map TE-Map 8 is identified as the “Future 2020 Functional Classification of Roads” Map in the County Comprehensive Plan, which shows all of the above road
segments. Importantly, these segments are reflected on Appendix A of
the Transportation Element of the City’s Comprehensive Plan, but not on
TE-Map B, resulting in internal inconsistency within the City’s
Comprehensive Plan.

During the September 15th meeting, City staff agreed to consider not reducing
the number of lanes for Parker Avenue on Appendix A and TE-Map B. In the
event that the City decides to continue with the reduction of lanes as shown in
the Appendix A and TE-Map B, then the County requests that the City do a
more comprehensive assessment. This comprehensive assessment should
account for other development as appropriate within the area, including but not
limited to the unbuilt portion of the West Palm Beach Traffic Concurrency
Exception Area (TCEA). The following methodology would be appropriate for
this purpose:

Data and Analysis for Comp Plan Amendment Traffic Projections
For Mid-range (City’s Comprehensive Plan Horizon Year) – Compare results from
following methods and select the option that best reflects the anticipated growth:

1. Method 1:
   - Use Traffic Performance Standards (TPS) database and unbuilt
development from West Palm Beach TCEA
   - Assume highway network assured (in 5-year CIE of County and State)
   - Adjust for any extraordinary circumstances (i.e., high vacancy rate in
   existing development)

2. Method 2:
   - Use MPO long-range model and interpolate to target year
     (Sub-area calibration of Model may be necessary if base year model
     volumes differ significantly from ground counts, based on FDOT
     standards.)

Should the City proceed with the proposed modification of its Comprehensive
Plan, then pursuant to Policy 3.1-c in the Intergovernmental Coordination
Element of the City’s Comprehensive Plan and the Florida Statutes Chapter
186.009, County staff will bring forth the conflict to the Board of County
Commissioners for determination of whether to proceed with conflict resolution
measures through the Treasure Coast Regional Planning Council.

If you have any questions, please contact Alan Ennis, Assistant Director, County
Traffic Division, at 561-884-4030 or Khurshid Mohyuddin, Principal Planner,
County Planning Division at 561-233-5351.

Sincerely,

[Signature]

Cecil Aguilera
Planning Director

cc: PBC Board of County Commissioners
    Verdenica C. Baker, Deputy County Admin.
    Barbara Allenmeyer, PBC P30 Director
    Amy Perkins, PBC Asst. Co. Attorney
    Robert P. Barta, PBC Asst. Co. Attorney
    George Waddell, PBC Engineering Director
    Bob Davis, Dep. Planning Admin., DCA
    Charles Yu, Planning Director, West Palm Beach
    Tony Hess, Treasure Coast Regional Planning Council
    Alan Ennis, PBC Engineering
    Khurshid Mohyuddin, PBC Planning
    Kevin Andrews, PBC Planning

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List of Exhibits

Exhibit

1. General Location Map
2. East Central Regional Water Reclamation Facility Site and West Palm Beach Wellfield Site Map
3. Existing Future Land Uses Central Regional Water Reclamation Facility Site and West Palm Beach Wellfield Site Map
4. Proposed Future Land Uses Central Regional Water Reclamation Facility and West Palm Beach Wellfield Site Map
7. Parker Avenue Location Map (North)
8. Parker Avenue Location Map (South)
9. District Map and Boundaries
Exhibit 2
East Central Regional Water Reclamation Facility Site and West Palm Beach Wellfield Site Map

Subject Properties outlined in white.
Exhibit 3
Existing Future Land Uses Central Regional Water Reclamation Facility Site and West Palm Beach Wellfield Site Map
Exhibit 4
Proposed Future Land Uses Central Regional Water Reclamation Facility Site and West Palm Beach Wellfield Site Map
Exhibit 5
Current TE-Map 8 – Future (2018)
Number of Proposed Through Lanes

CURRENT TE-MAP 8
FUTURE (2018) NUMBER OF PROPOSED THROUGH LANES
CITY OF WEST PALM BEACH

- 8-Lane Roadway
- 6-Lane Roadway
- 4-Lane Roadway
- 3-Lane Roadway
- 2-Lane Roadway
- City Limits

DATE: April 2008
Exhibit 6
Proposed TE-Map 8 – Future (2018)
Number of Proposed Through Lanes
Exhibit 9
District Map and Boundaries