TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

From: Staff

Date: March 21, 2014 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the City of West Palm Beach Comprehensive Plan
Amendment No. 14-1ESR

Introduction

The Community Planning Act, Chapter 163, Florida Statutes, requires that the Treasure Coast Regional Planning Council (TCRPC) review local government comprehensive plan amendments prior to their adoption. TCRPC comments are limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any local government within the Region. TCRPC must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the State Land Planning Agency.

The amendment package from the City of West Palm Beach includes one amendment to the Future Land Use Map of the comprehensive plan. This report includes a summary of the proposed amendment and TCRPC comments.

Summary of Proposed Amendment

The proposed amendment is to change the future land use designation from Multifamily (MF) to Commercial East (CE) on a 5.09-acre site referred to as the TRG property; and from Commercial (C) to Commercial East (CE) on a 13.99-acre site referred to as the Rybovich property. The two sites are part of a proposed 19.08-acre master-planned marina community located on the east side of North Flagler Drive, between 38th Street and 44th Street.

The subject property has 14.24 acres of upland property and 4.84 acres of submerged lands. The property consists of two existing developments that were previously approved independently. These include the Rybovich Marina Commercial Marine Planned Development (13.99 acres) and the TRG Residential Planned Development (5.09 acres). The developers of these properties have submitted a proposal that would replace the existing development approvals with a new integrated Commercial Marine Planned Development that has a master plan across the entire
19.08 acres. The newly proposed development would provide for the construction of a marina village that contains the following:

- 6 high-rise residential buildings totaling 1,059 dwelling units;
- 272-slip marina;
- 15,085 square feet of restaurant/beach club;
- 35,000 square feet of office;
- 10,000 square feet of retail; and
- 45,000 square feet of marine industrial uses.

The following table summarizes the difference in levels of development between the currently approved projects and the proposed marina village development:

<table>
<thead>
<tr>
<th>Currently Approved Developments</th>
<th>Proposed Development</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Dwelling Units</strong></td>
<td>Rybovich</td>
<td>TRG RPD</td>
</tr>
<tr>
<td>Marina Boat Slips (Wet)</td>
<td>147</td>
<td>-</td>
</tr>
<tr>
<td>Marina Boat Slips (Dry)</td>
<td>125</td>
<td>-</td>
</tr>
<tr>
<td>Marina Amenities</td>
<td>9,000 sq. ft.</td>
<td>-</td>
</tr>
<tr>
<td>Restaurant</td>
<td>10,800 sq. ft.</td>
<td>-</td>
</tr>
<tr>
<td>Office</td>
<td>14,000 sq. ft.</td>
<td>-</td>
</tr>
<tr>
<td>Retail</td>
<td>14,000 sq. ft.</td>
<td>-</td>
</tr>
<tr>
<td>Marine Industrial</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The future land use designations of properties adjacent to the subject property are Multifamily to the north; Community Service and Single Family to the west; and Multifamily to the south. Lake Worth Lagoon is directly adjacent to the east side of the subject property. Northboro Elementary School occupies the property designated as Community Service to the west of the subject property.

The amendment package includes a level of service analysis to determine if capacity is available to meet the additional demand caused by the new future land use designations. The City staff report examined if the proposed amendment would exceed the capacity of public facilities, including transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities. The level of development associated with the proposed amendment would increase the demand on various public facilities. However, the applicant has provided approvals from the various service providers indicating that sufficient capacity exists to accommodate the proposed development and/or has restricted the development potential on the site to ensure that development does not exceed the existing capacity. Any improvements or
enlargements to any public utility system necessary as a result of the proposed development will need to be done at the expense of the developer. Also, expansion of the in-water marina will require permitting by all applicable agencies, including the Florida Department of Environmental Protection.

The regional roadway network is the main regional facility that could be impacted by the substantial increase in development associated with the proposed amendment. However, because the request to change the future land use designation is primarily to allow the mixture of residential and non-residential uses, the applicant has proposed to restrict their development potential under the Commercial East designation such that it would not permit any development impacts beyond that which are allowed under the currently approved developments. The restriction is based on the number of daily traffic trips, which is currently limited to 14,640. The applicant has agreed to a restriction that would be recorded against the property and contained with the future land use amendment approval that would limit the maximum capacity of the site to 14,640 external daily trips.

The amendment package includes a letter from the Palm Beach County Department of Engineering and Public Works, which states that the site is located within the County designated “Coastal Residential Exemption Areas.” Therefore, the residential portion of the development plan is exempt from traffic concurrency, and the new trips associated with the non-residential portion of the development plan meet the Traffic Performance Standards of Palm Beach County.

The amendment package includes a master plan and design guidelines for the proposed marina village. The exhibits attached to this report provide details related to the proposed site plan; the location of proposed vehicular access points; open areas; pedestrian connections; the location of a proposed frontage road that connects vehicular access points and runs parallel and east of North Flagler Drive; and a massing diagram that outlines the maximum potential build-out that could occur on the subject property. The conclusion to this report describes a number of design features that could be incorporated into the master plan and design guidelines of the proposed development that would strengthen the safeguards for public access to the shoreline of Lake Worth Lagoon, provide public safety benefits, and enhance the transition to adjacent neighborhoods.

Extrajurisdictional Impacts

The proposed amendment was circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on September 21, 2013. No extrajurisdictional impacts have been identified.

Regional Impacts

The Florida Department of Transportation (FDOT) has provided a letter stating the traffic analysis provided with the proposed amendment does not adequately address potential adverse impacts to the Strategic Intermodal System (SIS) connector on U.S. Highway 1 and 45th Street. These roads connect the Port of Palm Beach, a SIS hub, to I-95, a SIS highway corridor. One of the key purposes of the SIS is to promote economic prosperity and competitiveness. U.S.
Highway 1 and 45th Street are part of the regional roadway network identified in the SRPP. The Department has recommended that a condition be added to the ordinance amending the future land use map to address the potential for unmitigated adverse impacts to the SIS connector on U.S. Highway 1 and 45th Street as the site is developed.

Conclusion

The proposed amendment is consistent with the SRPP. However, there are a number of design features that could be incorporated into the master plan and design guidelines of the proposed development that would strengthen the safeguards for public access to the shoreline of Lake Worth Lagoon, provide public safety benefits, and enhance the transition to adjacent neighborhoods. Council encourages the City to consider the following recommendations regarding the site plan and design guidelines for the subject property:

- Line all structured garages facing North Flagler Drive with habitable uses (residential and/or office) for the full height of the structures. This would provide a more appropriate transition to the adjacent neighborhoods. The current proposal provides virtually no natural surveillance along North Flagler Drive.

- Provide a minimum percentage of the north-south pedestrian promenade that will be adjacent to the water’s edge providing public access to the lagoon.

- Guarantee that the east-west public access points will not be gated or physically restrict access in the future. These access points should be recognized as publicly-accessible private space.

- Ensure that existing east-west neighborhood streets that terminate at North Flagler Drive will align with the public access points of the proposed development. The eastern view from these public streets should terminate with views to the water, rather than terminating with views to buildings.

- Ensure that the proposed frontage road on the western side of the proposed development is continuous for the entire length of the subject property and will provide pedestrian access along the eastern side of the roadway.

- Provide a time-certain deadline by which the pedestrian promenade and frontage road are completed, regardless of the build-out time for the entire project.

Council also recommends that the City coordinate with FDOT to: 1) resolve concerns with potential adverse impacts to the SIS connector on U.S. Highway 1 and 45th Street that connects the Port of Palm Beach to I-95, and 2) address other issues described in the attached letter from FDOT.
Recommendation

Council should approve this report and authorize its transmittal to the City of West Palm Beach and the Florida Department of Economic Opportunity.

Attachments
## List of Exhibits

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>General Location Map</td>
</tr>
<tr>
<td>2</td>
<td>Location and Roadway Network Map</td>
</tr>
<tr>
<td>3</td>
<td>Aerial Photo</td>
</tr>
<tr>
<td>4</td>
<td>Existing Future Land Use Designations Map</td>
</tr>
<tr>
<td>5</td>
<td>Proposed Future Land Use Designations Map</td>
</tr>
<tr>
<td>6</td>
<td>Proposed Master Plan</td>
</tr>
<tr>
<td>7</td>
<td>Vehicular Access and Open Areas Map</td>
</tr>
<tr>
<td>8</td>
<td>Frontage Road Map</td>
</tr>
<tr>
<td>9</td>
<td>Massing Diagram</td>
</tr>
<tr>
<td>10</td>
<td>Letter from the Florida Department of Transportation</td>
</tr>
</tbody>
</table>
Exhibit 2
Location and Roadway Network Map
Exhibit 4
Existing Future Land Use Designations Map
Exhibit 5
Proposed Future Land Use Designations Map

ATTACHMENT XV – Proposed Future Land Use Designations
WPB 14-1: The Marina Commercial Marine Planned Development
CE = Commercial East
CS = Community Service
MF = Multifamily
MU = Mixed Use
SF = Single Family
Exhibit 6
Proposed Master Plan
Vehicular Access and Open Areas Map

VII. ACCESS, OPEN AREAS, ROADWAYS, AND PEDESTRIAN CONNECTIONS

A. Vehicular Access and Open Areas

Vehicular access to the site is provided from North Flagler Drive. Ultimate build-out of the Marina CMFD shall include five (5) access points as identified below:
Exhibit 8
Frontage Road Map
Exhibit 9
Massing Diagram
March 10, 2014

Dear Mr. Greene:

SUBJECT: Proposed City of West Palm Beach Plan Amendment, DEO #14-1ESR

The Department has reviewed the proposed amendment to the City of West Palm Beach Comprehensive Plan. In accordance with subsection 163.3184(3)(b), Florida Statutes, the focus of our review was on major transportation issues, including adverse impacts to the Strategic Intermodal System (SIS).

The proposed amendment would change the future land use designations on a 19.08-acre site east of Flagler Drive between 38th and 44th Streets from Multifamily and Commercial to Commercial East (CE) to allow development of mixed-use marina village. The traffic and level of service analyses provided with the proposed amendment indicate trip generation could more than double with a CE designation on the site. The Department understands the proposed CE designation comes with a condition limiting the development potential on the site to the 14,640 average daily vehicular trips that could be generated under the current future land use designations on the site.

The Department understands and supports the intention behind the proposed amendment to promote redevelopment in the north end of the City. The traffic analysis provided with the proposed amendment, however, does not adequately address potential adverse impacts to the SIS connector on US 1 and 45th Street that connects to the Port of Palm Beach, a SIS hub, to I-95, a SIS highway corridor. One of the key purposes of the SIS is to promote economic prosperity and competitiveness. US 1 and 45th Street are part of the Regional Roadway Network identified in the Strategic Regional Policy Plan (SRPP) for the Treasure Coast Regional Planning Council and the Regional Transportation Network designated by the Southeast Florida Transportation Council (SEFTC). SEFTC includes the Palm Beach Metropolitan Planning Organization. The Port of Palm Beach is identified as a regionally significant facility/hub. Another factor is the need to maintain emergency vehicle and other access for St. Mary’s Hospital on 45th Street at Greenwood Avenue.
The latest available FDOT data regarding available capacity on the SIS connector on US 1 and 45th Street is provided in the table below. The Palm Beach County I-95 Interchange Master Plan currently under development will identify improvements needed to the I-95/45th Street interchange.

<table>
<thead>
<tr>
<th>Roadway</th>
<th>From</th>
<th>To</th>
<th>AADT 2012</th>
<th>PHPD 2012</th>
<th>Lanes</th>
<th>Capacity AADT</th>
<th>Capacity Available (AADT)</th>
<th>AADT LOS</th>
<th>Capacity PHPD</th>
<th>Capacity Available (PHPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>45th Street</td>
<td>1-95</td>
<td>Congress Avenue</td>
<td>48,000</td>
<td>2,600</td>
<td>6</td>
<td>50,000</td>
<td>2,900</td>
<td>D</td>
<td>2,520</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>Congress Avenue</td>
<td>Australian Avenue</td>
<td>41,000</td>
<td>2,200</td>
<td>6</td>
<td>50,000</td>
<td>9,000</td>
<td>D</td>
<td>2,520</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>Australian Avenue</td>
<td>Greenwood Avenue</td>
<td>24,500</td>
<td>1,100</td>
<td>4</td>
<td>32,400</td>
<td>7,900</td>
<td>D</td>
<td>1,630</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>Greenwood Avenue</td>
<td>Broadway Avenue</td>
<td>13,200</td>
<td>700</td>
<td>3</td>
<td>23,600</td>
<td>10,400</td>
<td>D</td>
<td>1,190</td>
<td>D</td>
</tr>
<tr>
<td>US I/ Broadway Avenue</td>
<td>5th Avenue</td>
<td>5th Avenue</td>
<td>23,000</td>
<td>1,200</td>
<td>4</td>
<td>32,400</td>
<td>9,400</td>
<td>D</td>
<td>1,630</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>E, 11th Street north of US 1 Skypass Bridge</td>
<td>5th Avenue</td>
<td>22,500</td>
<td>1,200</td>
<td>4</td>
<td>32,400</td>
<td>9,900</td>
<td>D</td>
<td>1,630</td>
<td>D</td>
</tr>
</tbody>
</table>

AADT – Average Annual Daily Trips, PHPD – Peak Hour Peak Direction (PM Peak Hour)

The Department recommends that a condition be added to the ordinance amending the future land use map to address the potential for unmitigated adverse impacts to the SIS connector on US 1 and 45th Street as the site is developed. That condition should require regular monitoring of available capacity on the SIS connector and provision of mitigation as warranted in coordination with the Department. Multimodal improvements would be one example of such mitigation. Emphasis should be placed on peak hour peak direction capacity and level of service.

The Department also recommends that the City consider the following:

- including transportation improvements identified in the resolution amending the Rybovic Spencer Commercial Marine Planned Development in the ordinance amending the City’s future land use map,
- exploring the role increased availability and use of public transit could play in reducing vehicular trips attracted to and generated by the site as it is developed; adding to the travel choices for the site’s residents, employees and visitors; and maximizing use of the pedestrian and bicycle facilities to be included on the site.
Richard Greene  
March 10, 2014  
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The Department appreciates the opportunity to participate in the review process. If you have any questions about this letter, please contact Lois Bush at (954) 777-4654. Please contact Lisa Dykstra at (954) 777-4360 for assistance regarding our SIS connector recommendation.

Sincerely,

Gerry O’Reilly, P.E.  
Director of Transportation Development  
District Four

GO:lb

cc:  John Roach, City of West Palm Beach  
     James Stansbury, DEO  
     Peter Merritt, TCRPC  
     Nick Uhren, Palm Beach Metropolitan Planning Organization  
     Jim Wood, FDOT Central Office  
     Maria Cahill, FDOT Central Office  
     Nancy Ziegler, FDOT District Four  
     Lois Bush, FDOT District Four  
     Lisa Dykstra, FDOT District Four