

**CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
Agenda Cover Memorandum**

Meeting Date: November 16, 2016  
Ordinance 8, 2016

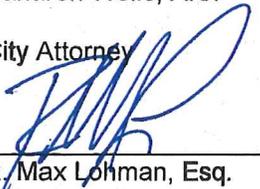
**Subject/Agenda Item:**

**City-initiated Evaluation and Appraisal Review (EAR-based) Comprehensive Plan Amendments**

**First Public Hearing and Transmittal:** A City-initiated Evaluation and Appraisal Review (EAR-based) Comprehensive Plan Amendment to all Elements including: Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Public Safety, Public School Facilities, Procedures for Accomplishing Monitoring and Evaluation Requirements, and Economic Development; and updated Comprehensive Plan Map Series.

Recommendation to APPROVE

Recommendation to DENY

<p><b>Reviewed by:</b> Director of Planning &amp; Zoning  Natalie M. Crowley, AICP</p> <p>Development Compliance <u>N/A</u> Bahareh Wolfs, AICP</p> <p>City Attorney  R. Max Lohman, Esq.</p>	<p><b>Originating Dept.:</b> Planning &amp; Zoning: Project Manager  Dawn C. Sonneborn, AICP, Principal Planner</p> <p><input type="checkbox"/> Quasi – Judicial <input checked="" type="checkbox"/> Legislative <input checked="" type="checkbox"/> Public Hearing</p> <p><b>Advertised:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 11/1/16 Paper: Palm Beach Post</p>	<p><b>Finance:</b> Accountant  Tresha Thomas</p> <p><b>Fees Paid:</b> <u>N/A</u></p> <p><b>Funding Source:</b> <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p> <p><b>Budget Acct.#:</b> <u>N/A</u></p> <p>Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p><b>City Council Action:</b> <input type="checkbox"/> Approval <input type="checkbox"/> App. w/ Conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____</p> <p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Ordinance 8, 2016 with updated Elements in strike-through-underline format and Updated Map Series</li> </ul>
<p><b>Approved By:</b> City Manager  Ronald M. Ferris</p>	<p><b>Affected parties:</b> <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required</p>		

## **EXECUTIVE SUMMARY**

The Florida Statutes, specifically Section 163.3191, requires the City to evaluate and appraise its Comprehensive Plan every seven (7) years and amend it accordingly through Evaluation and Appraisal Review (EAR)-based amendments. Staff has completed the evaluation for the City-initiated amendment to the Comprehensive Plan and Map Series. The amendments are for all elements of the Comprehensive Plan, including: Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservation, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Public Safety, Public School Facilities, Procedures for Accomplishing Monitoring and Evaluation Requirements, and Economic Development; and updated Comprehensive Plan Map Series.

## **BACKGROUND**

On August 21, 2008, the City Council adopted Ordinance 14, 2008, which adopted the EAR-based amendments and provided an update to all elements of the Comprehensive Plan and provided the necessary Data and Analysis documents for each element.

Since that time, the Florida Statutes were significantly amended to streamline the overall EAR process. Effective June 2, 2011, the City no longer is required to submit an Evaluation and Appraisal Report (EAR) to the Department of Economic Opportunity (DEO) for a sufficiency determination. Instead, the City must follow new requirements as follows:

1. At least every seven (7) years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, and the Evaluation and Appraisal Notification Schedule 2012-2018, the City must determine whether the need exists to amend the Comprehensive Plan to reflect changes in state requirements since the last time the Comprehensive Plan was updated. Notify the state land planning agency by letter of this determination. The evaluation and appraisal should address changes in state requirements since the last update of the Comprehensive Plan and update the plan based on changes to local conditions.
2. If the City determines amendments to the Comprehensive Plan are necessary, the City shall prepare and transmit the proposed amendments to the Department of Economic Opportunity within one (1) year of such determination.

With the statutory changes that have occurred, the City was required to send a letter to the DEO that acknowledged an Evaluation and Appraisal Review (EAR) of the Comprehensive Plan was completed and indicate whether or not any amendments to the Comprehensive Plan are necessary to comply with the statutory changes that have occurred since the City's previous EAR-based amendments that were adopted in 2008. The Planning and Zoning Department provided this letter to DEO on November 16, 2015, acknowledging that EAR-based amendments would be necessary. Upon receipt of the

City's letter, DEO provided the City with a letter acknowledging receipt and provided the deadline for any necessary EAR-based amendments to be transmitted to DEO, which is December 1, 2016.

Staff has completed the preparations of the EAR-based amendments, which include, but are not limited to, the updates required per State Statute, updated date-certain policies, new policies for the City's new Community Development Block Grant (CDBG) program, minor amendments to cleanup/clarify existing policies, new policies that address emerging trends such as Complete Streets, consideration for a future Mobility Fee and Mobility Plan, consideration for Impact Fee credits for workforce housing, and updated Map Series.

### **SUMMARY OF CHANGES TO THE COMPREHENSIVE PLAN**

The following summaries present the main changes and recommendations to the Comprehensive Plan Elements. Minor changes for clarity purposes are not listed:

#### **Future Land Use Element**

- Date-certain policies were either deleted due to completion or amended to provide a continuation policy.
- New policy to promote transit-oriented design. (Policy 1.3.5.4.)
- New policy to encourage new development and re-development of non-residential projects that are located adjacent to or nearby existing Palm Tran bus stops to provide bus shelters as part of the City's Art in Public Places requirements. (Policy 1.3.5.5.)

#### **Transportation Element**

- Provides updates to refer to current documents, maps, and tables, and provides consistency with terminology.
- Provides updated Tables 2A-1, 2A-2, 2B, 2C, and 2D for either clarification or to provide current data.
- Provides an updated goal and new policies for future consideration of a mobility fee and mobility plan for the City. Future consideration of a mobility fee and plan could replace the traditional traffic concurrency review process and guide the City with policies that focus on an emphasis of walking, biking, and transit use. (Goal 2.1, Policies 2.1.1.14 through 2.1.1.27., 2.2.2.3., 2.2.4.2., 2.2.8.4.)
- Provides new policies to guide the City in the evaluation of developing "Complete Streets" policies and guidelines. In September of 2014, the Florida Department of Transportation (FDOT) adopted a Complete Streets Policy, and then in December 2015 released its "Complete Streets Implementation Plan". After this took place, the Palm Beach County Metropolitan Planning Organization completed a Complete Street Policy, dated March 17, 2016. (Policy 2.2.1.4., and 2.2.8.4.)

- Removes specific right-of-way width for roadways described in Policy 2.2.3.2. The specific right-of-way widths are provided in the City's Land Development Regulations. In addition, "Marginal Access Roadways" has been included in this policy to be consistent with the LDRs.
- Date-certain policies were either deleted due to completion or amended to provide a continuation policy.

#### Housing Element

- Provides new policies pertaining to the City's new Community Development Block Grant (CDBG) Program. (Policies 3.2.1.7, 3.2.1.11, 3.2.1.12.)
- Updates policies that are no longer applicable with current Palm Beach County programs.
- Provides for a new policy to allow City staff to analyze and evaluate a waiver or partial waiver of impact fees, with City Council approval, to provide an incentive to developers to provide affordable and workforce housing. (Policy 3.2.2.9.)
- Date-certain policies were either deleted due to completion or amended to provide a continuation policy.

#### Infrastructure Element

- Date-certain policies have been deleted due to completion or amended to provide a continuation policy.
- Provides updates to refer to current documents.

#### Coastal Management Element

- Provides a new policy for the continuation of the City's participation in the Southeast Florida Regional Climate Change Compact. (Policy 5.1.1.7.)
- Provides a required update per State law (Ch. 163.3178(2), F.S.) to include a new policy to utilize best management practices to reduce flood risk in the coastal planning area which result from high tide event, storm surge, flash floods, storm water runoff, and the related impacts of sea-level rise. (Policy 5.1.1.8.)
- Updates an existing policy due to the updated FEMA flood zone maps and the significant reduction of the City's municipal boundary from the Coastal High Hazard Area. (Policy 5.2.1.4.)

#### Conservation Element

- Provides updates to current document references.
- Updates a policy in relation to the new policies in the Transportation Element regarding a possible future Mobility Fee and Mobility Plan. (Policy 6.2.1.6.)

### Recreation and Open Space Element

- Date-certain policies have been deleted due to completion or amended to provide a continuation policy.

### Intergovernmental Coordination Element

- Provides a required update to amend the voluntary reference to the dispute resolution process, per Section 163.3177(6)(h)1.b., *Florida Statutes*. This is now a mandatory State statute. (Policy 8.1.1.10.)
- Updates an objective and policy to the current status for the Bioscience Land Protection Advisory Board. (Objective 8.1.6. and Policy 8.1.6.1.)

### Capital Improvement Element

- Date-certain policies were either deleted due to completion or amended to provide a continuation policy.
- On June 7, 2012, the City Council adopted Ordinance 14, 2012, amending the text of the Comprehensive Plan, which included an amendment to the Level of Service for Fire/EMS in the Public Safety Element, Policy 10.1.2.1. However, Policy 9.1.4.2.(a) in the Capital Improvement Element, which is a list of all Levels of Service, was inadvertently omitted from the text amendment in Ordinance 14, 2012. With the EAR-based amendments, the Fire/EMS Level of Service has been updated again and have improved, based upon new data for response times during the City's 2016 re-accreditation review with the Commission on Fire Accreditation International (CFAI). The EAR-based amendments will update the Public Safety Element Policy 10.1.2.1. and will amend Capital Improvement Element Policy 9.1.4.2.(a), accordingly.

### Public Safety Element

- The Public Safety Fire/EMS LOS was adjusted and improved, based upon the recent 2016 re-accreditation process. This is also duplicated in the Capital Improvements Element. (Policy 10.1.2.1.)

### Public School Facility Element

- Updated for consistency with the current Palm Beach County Public School Facilities Element, which includes replacement of Table 11A and a partial amendment to Table 11B.
- An amendment to refer to the new date of the current interlocal agreement.
- Date-certain policies were either deleted due to completion or amended to provide a continuation policy.
- An update to the Map Series (PS 1.1, PS 2.1, and PS 3.1) portion of this element to be consistent with the Palm Beach County public school related Map Series.

### Procedures for Accomplishing Monitoring and Evaluation Requirements

- Updated to explain the new EAR procedures and remove outdated steps, due to statutory changes.

### Economic Development Element

- Updates a policy pertaining to bioscience uses to be consistent with the Land Development Regulations. (Policy 13.1.1.1.)
- Updates policies to be consistent with the City's existing Target Expedited Permitting Program (TEPP).
- Updates policies from date-certain policies to continuation policies.

### Maps

MAP A.0. Municipal Boundary Base Map. This map is not included in the adopted Comprehensive Plan Map Series and is no longer needed due to current digital map usage instead of hardcopy/transparency usage of years ago. This map is being deleted.

### ADOPTED MAP SERIES – A

A.1. Future Land Use. This map has been updated to include the specific Comprehensive Plan Map amendments to date.

A.2. Existing Land Use Map and A.3. Existing Vacant Land Use. Vacant lands are shown on both Map A.2 and A.3. Map A.3 depicts the Vacant lands only. Therefore, the changes to these maps are related to each other. The most substantial updates to these maps include, but are not limited to: a change of all existing platted conservation and preservation lands within the various residential, mixed-use, and golf designations citywide from their respective designations to Conservation on Map A.2; changed the recently approved 4,760-acre Avenir property from Agriculture to Vacant and Conservation on Map A.2, and the Vacant lands were added to Map A.3; changed approximately 490 acres along the Beeline Highway from Vacant to Conservation on Map A.2 due to their general conservation characteristics and the Vacant land was removed from Map A.3.

A.4. Potential Future Annexation. This map has been updated to remove three properties that have been annexed into the City to date.

A.5. Topography. This map was updated according to the latest U.S. Geological Survey National Elevation Dataset (USGS-NED), published March 14, 2016.

A.6. Bodies of Water. This map was updated to include the latest bodies of water within the City limits.

A.7. Flood Zones. This map was updated, based on the latest Federal Emergency Management Agency (FEMA) maps. This most significant change is a large amount of Zone AE was removed, thereby affecting Map A.8 Coastal Zones and reducing significant acreage out of the City's Coastal High Hazard Area (explained below).

A.8. Coastal Zones. Pursuant to F.S. 163.3178(2)(h), the Coastal Management Element must address the designation of a Coastal High-Hazard Area (CHHA) and the criteria for mitigation for a comprehensive plan amendment in a CHHA. The CHHA is defined as an 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 SLOSH computerized storm surge model has been recently updated and removed a significant amount of acreage within the City of Palm Beach Gardens out of the CHHA (a.k.a. Coastal Planning Area). The CHHA was reduced from 194 acres to 96 acres. This map is closely coordinated with Map A.7.

A.9. Coastal Evacuation Zones & Routes. This map has been updated to be consistent with the Palm Beach County Evacuation Zones map as shown in the Comprehensive Emergency Management Plan (CEMP).

A.10. Soils. This map has been updated according to the latest data from the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS)

A.11. Waterwells & Wellfield Zones. This map has been updated according to the latest Palm Beach County Environmental Resources Management 2014 data.

A.12. Wetlands. This map has been updated according to the latest U.S. Fish and Wildlife Services State Extracts, May 2015 data.

A.13. Wildlife Observations. This map has been updated according to the latest U.S. Fish and Wildlife Services data.

### Transportation Related Maps

With the assistance of the City's Traffic Consultants for the 2016 EAR-based amendments, there are four (4) existing maps that are proposed for deletion: A.14-Existing Levels of Service, A.17-Existing Traffic Circulation AM Peak Hour, A.18-Existing Traffic Circulation PM Peak Hour, and A.21-Projected 2030 Traffic & Laneage Projected Peak Hour. All data shown on these maps is outdated. The proposed amendments to the Transportation Element contains updated tables that provide the data previously mapped. Mapping this data is not a statutory requirement, and these maps have typically not been utilized for transportation concurrency purposes. Therefore, these maps are proposed for deletion and the remaining maps have been renumbered accordingly. In addition, map titles have been updated on some of the remaining transportation-related maps to better describe their data, as explained below.

A.14. Existing Roadway Network. This previous Map A.15 *Existing Traffic Circulation Daily* has now become Map A.14 due to the deletion of Map A.14 noted above. This map has been updated to remove the outdated traffic volumes, and it has been renamed to better describe the updated data. This map serves to provide information on the state, county and local collectors and arterials. The current traffic volumes are provided in the support documents.

A.15. Functional Classification. This previous Map A.16 *Existing Traffic Circulation Classification* has now become Map A.15 and has been renamed to better describe the updated data.

A.16. Conceptual Thoroughfare Plan (and corresponding Table 12A). The previous Map A.19 has not become Map A.16. No changes have been made to this map.

A.17. Mass Transit Routes & Regional Attractors. This previous Map A.20 has now become Map A.17 and has been updated to show the current Palm Tran transit routes and route numbers.

Map A.18. Future (2040) Roadway Network. This previous Map A.22 *Projected 2040 Traffic & Laneage-Daily Volume* has now become Map A.18. The title of this map has been updated to better describe the data shown. This map has also been updated to show the future 2040 roadway network based upon the Palm Beach Metropolitan Planning Organization (MPO) Cost Feasibility Plan dated August 11, 2016.

#### *MAP SERIES – B (City Center Linkages)*

These three (3) maps serve the purpose of providing multi-modal connectivity within the City's core, or "City Center", and supports numerous policies in the Comprehensive Plan.

B.O. City Center Base Map. As with Map A.0 described earlier, this map is not included in the adopted Comprehensive Plan Map Series and is no longer needed due to current digital map usage instead of hardcopy/transparency usage of years ago. This map is being deleted.

B.1. Vehicular Traffic Connection Classifications. This map has been updated to show current conditions.

B.2. Existing & Planned Vehicular Traffic Connections. This map has been updated to show current conditions.

B.3. Pedestrian/Bicycle Connection. This map has been updated to show current conditions.

**NEARBY LOCAL GOVERNMENT COMMENTS/OBJECTIONS**

Staff provided the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) notice on September 30, 2016, with an update on October 21, 2016. No comments have been received to date.

**COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)**

The subject petition was reviewed by members of the DRC, and there are no comments or objections.

**PLANNING, ZONING, AND APPEALS BOARD (PZAB)**

The PZAB reviewed the subject petition on October 13, 2016, and recommended approval to the City Council by a vote of 7 to 0.

**STAFF RECOMMENDATION**

Staff recommends APPROVAL of Ordinance 8, 2016 on First Reading, based upon the following findings of fact:

- 1) The proposed amendment is consistent with the existing overall Goals, Objectives, and Policies of the City's Comprehensive Plan.
- 2) The proposed amendment is consistent with the overall existing Goals, Objectives, and Policies of the Regional Strategic Policy Plan and State Comprehensive Plan.
- 3) The proposed Comprehensive Plan Map Amendment has demonstrated the proposed development meets the Level of Service standards for all service providers.
- 4) The proposed changes to the Future Land Use Map are compatible with the surrounding area based upon the proposed low residential density of 1.0 dwelling units per acre.