



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 22-A

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### DEO TRANSMITTAL REPORT, NOVEMBER 3, 2021

#### A. Amendment Summary

##### I. General Data

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**Project Name:** Westgate/Belvedere Homes CRA TCEA Modifications  
**Elements:** Transportation Element  
**Project Manager:** Khurshid Mohyuddin, AICP, Principal Planner  
**Commission District:** Commissioner Gregg K. Weiss, District 2  
 Commissioner Mack Bernard, District 7  
**Staff Recommendation:** Staff recommends **approval** based on the findings and conclusions presented in this report.

##### II. Item Summary

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**Summary:** This amendment proposes to revise the Transportation Element to delete the conditions associated with the Westgate/Belvedere Homes Community Redevelopment Area (CRA) Transportation Concurrency Exception Area (TCEA) because they are no longer appropriate in light of the proportionate share legislation.

**Assessment:** The conditions associated with this TCEA include the provisions for: maximum allowable trips, inclusionary housing, mix of uses, multimodal network, a greenway, and parking reduction. These conditions have been completed, are on-going, or implemented through the County's Unified Land Development Code (ULDC). Furthermore, requiring mitigation measures in this manner are no longer appropriate with the adoption of proportionate share legislation in ss. 163.3180 (5)(h), F.S. The Statutes require the local government to allow an applicant for a development to satisfy its transportation concurrency requirements if the applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements.

There are no subsequent ULDC revisions required for this amendment.

### III. Hearing History

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**Local Planning Agency:** *Approval*, motion by Rick Stopek, seconded by Glenn Gromann, passed in a 14 to 0 vote at the August 13, 2021 public hearing. Under discussion, Commission member asked whether the deleted conditions will be covered by the Unified Land Development Code (ULDC). Staff stated that some of the conditions have been completed, and some are implemented through the zoning/DRO process.

**Board of County Commissioners Transmittal Public Hearing:** *Transmit*, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. There was minimal Board discussion and no public comment.

**State Review Agency Comments:**

**Board of County Commissioners Adoption Public Hearing:**

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## **B. Introduction**

### **I. Intent**

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The intent of this amendment is to revise the Transportation Element, to modify a Comprehensive Plan policy related to the Westgate/Belvedere Homes Community Redevelopment Area (CRA) Transportation Concurrency Exception Area (TCEA) because they are no longer appropriate in light of the proportionate share legislation. This amendment will delete conditions associated with the TCEA. Specific changes are shown in strike-through and underlined format in Exhibit 1.

### **II. Background**

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The Westgate/Belvedere Homes CRA was established in 1989 pursuant to the Community Redevelopment Act of 1969 and described in the County's Comprehensive Plan in 1991 to encourage development and redevelopment. The CRA is geographically bounded by Florida Mango Road, Military Trail, Belvedere Road, and Okeechobee Boulevard (Exhibit 2) and managed by the Westgate/Belvedere Homes Community Redevelopment Agency (WCRA). Originally, the CRA Plan focused on improving the infrastructure and physical conditions of the neighborhood. Having accomplished many of the original goals, in 2017 the CRA reoriented their Master Plan to focus on 6 areas: economic redevelopment, market positioning, housing, community improvement, infrastructure and public space improvements, and planning for redevelopment.

In Round 02-1, the BCC adopted the Westgate/Belvedere Homes CRA TCEA in order to provide transportation concurrency relief as an incentive for development and redevelopment that could not materialize due to capacity restrictions on the roadway network. The TCEA was subsequently updated in Rounds 05-1, 07-2, 08-1, and 12-1 to provide for additional flexibility within the CRA. Most recently, in 2016, the county revised the TCEA to increase flexibility for the use of trips, deleted conditions that had been completed, and revised language to reflect changing conditions.

The TCEA currently includes conditions to manage additional traffic generated by new development. These conditions include provisions of inclusionary housing, mix of uses, multimodal network, a greenway, and parking reduction. WCRA annually provides an annual monitoring report with status updates of these conditions. The latest report was provided to the county on March 31, 2021.

### **III. Data and Analysis**

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As of the latest TCEA annual monitoring report dated March 31, 2021 submitted by the WCRA, The status of the TCEA conditions is summarized below. It is important, however, to note that requiring mitigation measures in this manner is no longer appropriate with the adoption of proportionate share legislation in ss. 163.3180 (5)(h) F.S. This subsection requires the government to allow an applicant for a development to satisfy its transportation concurrency requirements if the applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements.

## Status of the Conditions:

1. **Allowable trips.** The TCEA (Table TE-6) provides a maximum number of allowable trips (13,229 daily and 1,457 pm peak hour) from the development that has WCRA approval to use this pool. As of March 31, 2021, WCRA has successfully used or is in process of using 10,444 daily and 1,457 pm peak hour trips. The remaining trips still to be used under TCEA are 2,785 daily and 364 pm peak hour. The WCRA will continue to monitor and submit annual reports to the county's Planning Director as well as the County Engineer to ensure that the trip cap is not exceeded. The existing and projected traffic volumes and LOS on the area roadway network are provided in Exhibit 3.
2. **Inclusionary housing.** This condition requires the WCRA Board to continue to implement its inclusionary housing policy. Since the creation of this language, Palm Beach County has successfully implemented an Affordable Housing/Workforce Housing Policy. The standards and price ranges for rentals and purchase of these units are closely monitored and updated yearly by county staff, in coordination with representatives from the housing market. In 2020, the CRA requested amendments to the WCRAO Density Bonus Program (DBP) in the ULDC that revised code language (ULDC Art. 3.B.14.H.1.a.4) to be consistent with the county's Workforce Housing Program (WHP). These code amendments also addressed design, compliance, and enforcement provisions that have been refined and developed as a part of the County's effort to update the functionality of the WHP.
3. **Mix of uses.** This condition originally sought to incentivize mixing of at least 2 uses in each development within the WCRA. Mixed use is permitted in certain areas of the WCRA. Standalone non-residential is not permitted in two of the subareas. WCRA staff intends to continue working with the Planning and Zoning Divisions to identify obstacles that still exist and recommend more significant changes through the Comprehensive Plan and/or ULDC Amendment process to encourage developers to build mixed use projects along the Westgate Avenue corridor, and within the sub-areas of the WCRAO.
4. **Multimodal network.** This condition sought the provision of well-connected sidewalks and multimodal mobility options throughout the WCRA. Since then, the efforts to improve the sidewalk network throughout the community is ongoing. According to latest annual report, approximately 75% of the sidewalk in the Belvedere Homes neighborhood were replaced as part of the Belvedere Homes Infrastructure Improvement project. The report indicates that the WCRA was awarded \$6,791,581 in funding for several streetscape and roadway improvements projects through FDOT funding and the Palm Beach County Transportation Planning Agency's programs between 2018 and 2020.
5. **L-2 Canal Greenway.** The WCRA has been acquiring properties adjacent to the LWDD L-2 Canal and has completed some of the L-2 Canal improvements. According to latest annual report, WCRA continues to seek funding for L-2 Canal improvements and continues to make improvements as funding becomes available.
6. **Parking reduction.** Alternative transportation and pedestrian friendly strategies are provided in the ULDC and are applicable to the WCRAO area. These include shared parking, alternative parking locations and parking reduction elements. The WCRA staff indicates that it will continue to work with the County Engineering, Palm Tran, and Planning, Zoning, and Building Departments for compliance with this condition.

## IV. Public and Municipal Review

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states *“Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities...”*

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on July 27, 2021. At the time of the printing of this report, no calls or written requests for information or objections to the amendment had been received.
- B. Other Notice:** Notification of this amendment was sent to the City of West Palm Beach for review on July 23, 2021.

## V. Conclusions and Recommendation

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The conditions associated with this TCEA include the provisions for: maximum allowable trips, inclusionary housing, mix of uses, multimodal network, a greenway, and parking reduction. These conditions have either been completed, are on-going, or implemented through the County’s Unified Land Development Code (ULDC). Furthermore, requiring mitigation measures in this manner is no longer appropriate with the adoption of proportionate share legislation in ss. 163.3180 (5)(h) F.S. This subsection requires the government to allow an applicant for a development to satisfy its transportation concurrency requirements if the applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements.

As such, staff recommends **approval** of this amendment.

### Attachments

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Exhibit 1 – Proposed changes in strike out and underline format	E - 1
Exhibit 2 – TCEA Map	E - 3
Exhibit 3 – Existing and projected traffic conditions and LOS	E - 4

## Exhibit 1

### A. Transportation Element, to revise the Westgate/Belvedere TCEA

**REVISIONS:** To revise language in Policy 1.2-r deleting language associated with the TCEA. The deleted text is shown in ~~strikethrough~~ and added text is shown in underlined.

**REVISED Policy 1.2-r:** The Westgate-Belvedere Homes Community Redevelopment Area (Westgate CRA) Transportation Concurrency Exception Area (TCEA) is hereby established and designated. ~~Contiguous~~ Congruent with the boundaries of the CRA, the TCEA is bounded by Okeechobee Boulevard on the north side, Florida Mango Road on the east side, Belvedere Road on the South side, and Military Trail on the West side. The TCEA shall be limited to the maximum allowable total daily trips, and total pm peak hour trips identified in the Table TE-6 of this policy. A proposed project must be recommended for approval by the Community Redevelopment Agency to be eligible to benefit from this pool. Any project utilizing this TCEA and significantly impacting Interstate 95 shall be required to address its impacts pursuant to ULDC. ~~By August 2020, the TCEA may be modified by the BCC if the CRA achieves the developments shown in Table TE-6. The CRA shall submit an annual report to the County's Planning Director and County Engineer by March 31 to demonstrate compliance with the conditions set forth in this policy as well as provide data on the Existing Land Use Intensities by number of units, square footage of uses as well as the status of the total daily trips and total peak pm hour trips Table TE-6. Upon review by the Planning Director and the County Engineer, the annual report will be submitted to the Board of County Commissioners (BCC) for consideration. In the event that any of the conditions below is not met, the BCC may amend or rescind any or all of this policy. The conditions are:~~

- ~~1. Development approvals utilizing the TCEA shall remain at or below the maximum allowable total daily trips and total p.m. peak hour trips set by Table TE-6. No building permits shall be issued for new development when the applicable maximum allowable limit for that development is reached.~~

**Table TE-6**  
**Westgate/Belvedere Homes CRA –TCEA Monitoring Table**

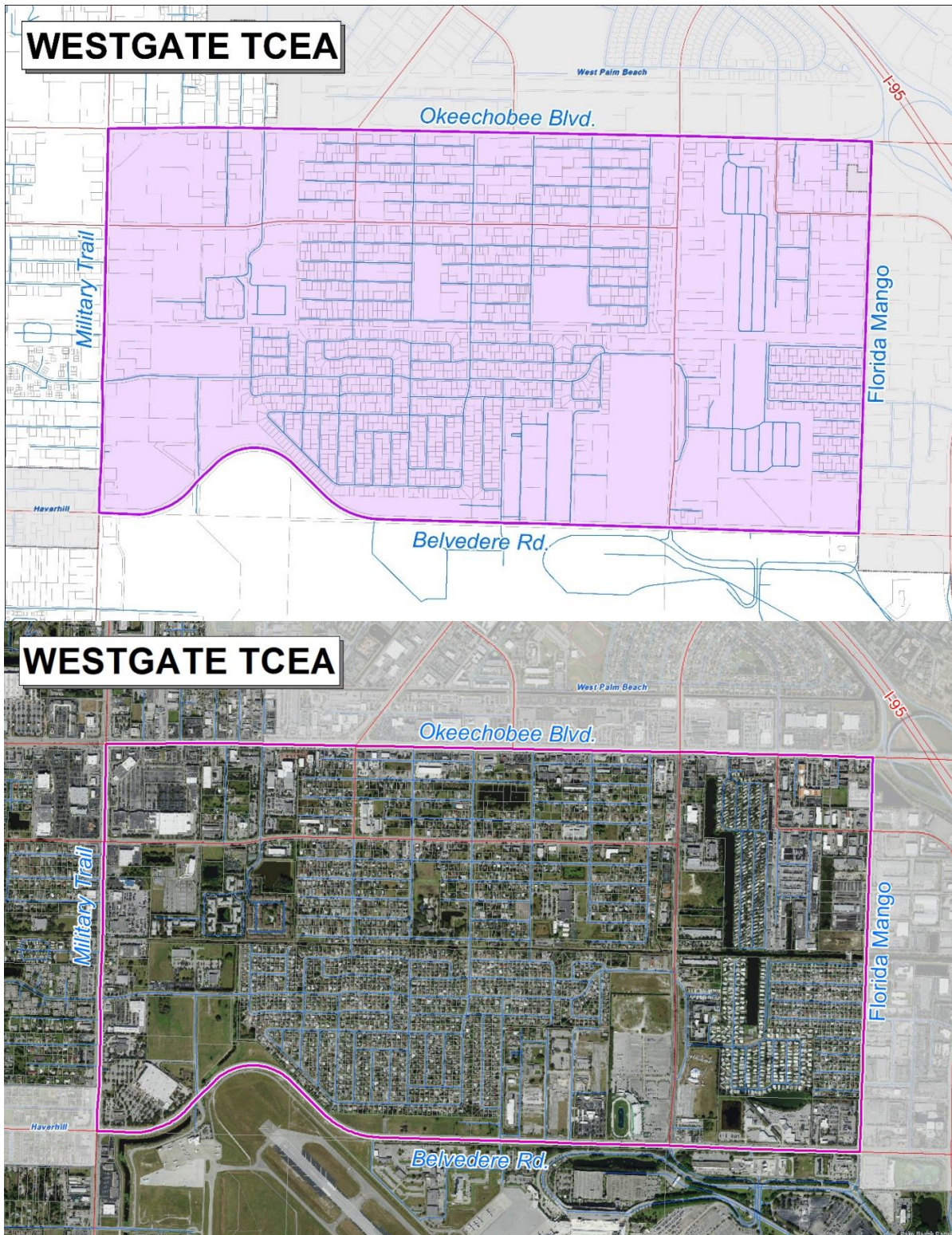
Allowable Vehicle Trips	Daily Traffic	PM Peak Hour Traffic
Planned Land Use Net New Trips <sup>1</sup>	13,229	1,457

1. As per justification report dated February 2005.

- ~~2. The CRA Board shall continue to implement its inclusionary housing policy that requires developers participating in the bonus density pool to set aside 40% of the density bonus units for middle to very low income households (150% of AMI and below). The annual report starting March 31, 2008 must also show the number of the density bonus units by household income created annually through the bonus density pool.~~
- ~~3. The CRA Board shall continue to implement an incentive program that rewards developers who mix two or more uses on one site for trip internalization.~~

4. ~~The CRA shall continue to coordinate with the County Engineering Department to improve the sidewalk network connections to Palm Tran stops, multi-modal opportunities and street features, including bus shelters, street furniture, lighting, way finding and other pedestrian amenities to create safe, balanced, livable streets that can be used for all forms of travel including non-vehicular modes of travel.~~
5. ~~The CRA shall continue to work to obtain rights to use property for the development of the greenway and shall complete the design of the greenway alongside the L-2 Canal. The design should show how the bike/walking path will connect the residential neighborhoods to the commercial corridors.~~
6. ~~The CRA shall continue to develop parking that will incorporate shared parking, structured parking and parking reduction programs tailored to encourage businesses, residents and visitors to use alternative mode of transportation by locating parking away from pedestrian and bike pathways, providing incentives for bikers and carpoolers, and by designing an environment that reduces dependency on automobiles.~~

## Exhibit 2 TCEA Map



# Exhibit 3 Traffic LOS Tables

Westgate TCEA Road LOS Analysis

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Road	From	To	Number of Lanes (Existing)	2020 Existing Traffic				2040 Projected Traffic				LOS D Capacity	Existing V/C (Existing Geometry)		2040 V/C	
				0.5% Yearly Growth		Committed Trips		Total Trips		EB			WB			
				EB	WB	EB	WB	EB	WB	EB	WB		EB	WB	EB	WB
Okeechobee Blvd*	Military Trl	Palm Beach Lakes Blvd	8LD	3,183	2,020	334	212	329	374	3,846	2,606	3,590	0.89	0.56	1.07	0.73
	Palm Beach Lakes Blvd	Spencer Dr	8LD	1,444	1,070	151	112	244	265	1,839	1,447	3,590	0.40	0.30	0.51	0.40
Okeechobee Blvd	Spencer Dr	N Congress Ave	8LD	1,444	1,070	151	112	294	295	1,889	1,477	3,590	0.40	0.30	0.53	0.41
Westgate Ave*	Military Trl	Wabasso Dr	5L	586	395	61	41	9	11	656	447	1,960	0.30	0.20	0.33	0.23
	Wabasso Dr	N Congress Ave	5L	392	247	41	26	151	216	584	489	1,770	0.22	0.14	0.33	0.28
Belvedere Rd	Military Trl	N Congress Ave	6LD	1,929	656	202	69	372	442	2,503	1,167	2,940	0.66	0.22	0.85	0.40
	Okeechobee Blvd	Elmhurst Rd	6LD	1,452	1,176	152	123	107	161	1,711	1,460	2,680	0.54	0.44	0.64	0.54
Military Trl*	Elmhurst Rd	Belvedere Rd	6LD	1,746	1,269	183	133	102	169	2,031	1,571	2,680	0.65	0.47	0.76	0.59
	Okeechobee Blvd	Westgate Ave	2L	301	162	32	17	31	47	364	226	810	0.37	0.20	0.45	0.28
N Congress Ave	Okeechobee Blvd	Westgate Ave	4LD	725	689	76	72	171	212	972	973	1,770	0.41	0.39	0.55	0.55
N Congress Ave	Westgate Ave	Belvedere Rd	4LD	725	689	76	72	225	231	1,026	992	1,770	0.41	0.39	0.58	0.56

\* 2019 Counts

PM																				
Road	From	To	Number of Lanes (Existing)	2020 Existing Traffic				2040 Projected Traffic								LOS D Capacity	Existing V/C (Existing Geometry)		2040 V/C	
				EB		WB		0.5% Yearly Growth				Committed Trips					Total Trips		EB	WB
				EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB					
Okeechobee Blvd*	Military Trl	Palm Beach Lakes Blvd	8LD	2,124	2,928	223	307	691	519	3,038	3,754	3,590		0.59	0.82	0.85	1.05			
Okeechobee Blvd	Palm Beach Lakes Blvd	Spencer Dr	8LD	1,198	1,704	126	179	305	372	1,629	2,255	3,590		0.33	0.47	0.45	0.63			
Okeechobee Blvd	Spencer Dr	N Congress Ave	8LD	1,198	1,704	126	179	343	437	1,667	2,320	3,590		0.33	0.47	0.46	0.65			
Westgate Ave*	Military Trl	Wabasso Dr	5L	502	852	53	89	13	10	568	951	1,960		0.26	0.43	0.29	0.49			
Westgate Ave	Wabasso Dr	N Congress Ave	5L	399	436	42	46	58	51	499	533	1,770		0.23	0.25	0.28	0.30			
Belvedere Rd	Military Trl	N Congress Ave	6LD	914	1,573	96	165	602	587	1,612	2,325	2,940		0.31	0.54	0.55	0.79			
Military Trl*	Okeechobee Blvd	Elmhurst Rd	6LD	1,464	1,576	154	165	226	164	1,844	1,905	2,680		0.55	0.59	0.69	0.71			
Military Trl*	Elmhurst Rd	Belvedere Rd	6LD	1,708	2,010	179	211	230	161	2,117	2,382	2,680		0.64	0.75	0.79	0.89			
Wabasso Dr	Okeechobee Blvd	Westgate Ave	2L	245	315	26	33	16	14	287	362	810		0.30	0.39	0.35	0.45			
N Congress Ave	Okeechobee Blvd	Westgate Ave	4LD	785	1,011	82	106	222	202	1,089	1,319	1,770		0.44	0.57	0.62	0.75			
N Congress Ave	Westgate Ave	Belvedere Rd	4LD	785	1,011	82	106	293	237	1,160	1,354	1,770		0.44	0.57	0.66	0.76			

\* 2019 Counts

Daily								
Road	From	To	Number of Lanes (Existing)	2020 Existing Traffic	2040 Traffic (0.5% Growth)	LOS D Capacity	Existing V/C (Existing Geometry)	2040 V/C
Okeechobee Blvd*	Military Trl	Palm Beach Lakes Blvd	8LD	67,032	74,063	67,300	1.00	1.10
Okeechobee Blvd	Palm Beach Lakes Blvd	Spencer Dr	8LD	36,027	39,806	67,300	0.54	0.59
Okeechobee Blvd	Spencer Dr	N Congress Ave	8LD	36,027	39,806	67,300	0.54	0.59
Westgate Ave*	Military Trl	Wabasso Dr	5L	14,159	15,644	33,200	0.43	0.47
Westgate Ave	Wabasso Dr	N Congress Ave	5L	9,112	10,068	33,200	0.27	0.30
Belvedere Rd	Military Trl	N Congress Ave	6LD	27,064	29,903	50,300	0.54	0.59
Military Trl*	Okeechobee Blvd	Elmhurst Rd	6LD	38,869	42,946	50,300	0.77	0.85
Military Trl*	Elmhurst Rd	Belvedere Rd	6LD	46,366	51,230	50,300	0.92	1.02
Wabasso Dr	Okeechobee Blvd	Westgate Ave	2L	6,426	7,100	15,200	0.42	0.47
N Congress Ave	Okeechobee Blvd	Westgate Ave	4LD	18,428	20,361	33,200	0.56	0.61
N Congress Ave	Westgate Ave	Belvedere Rd	4LD	18,428	20,361	33,200	0.56	0.61

\* 2019 Counts