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Agenda Item #:

4E

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 18, 2007

☐ Consent ☐ Regular
☒ Public Hearing

Department

Submitted By: COUNTY ATTORNEY
Submitted For: COUNTY ATTORNEY

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: adopt Ordinance ~~XX-XX~~, adopting a Remedial Comprehensive Plan Amendment, in accordance with the Stipulated Settlement Agreement between Palm Beach County and the Department of Community Affairs ("DCA") with the concurrence of Intervenor Lantana Farms Associates, Inc., in the administrative challenge styled, Department of Community Affairs, et al. vs. Palm Beach County et al., DOAH Case No. 06-4544GM, relating to the site-specific Comprehensive Plan Amendment adopted for the Lantana Farms Associates, Inc., property by Palm Beach County Ordinance No. 2006-029.

Summary: Palm Beach County adopted Comprehensive Plan Amendment No. LGA 2006-00010 ("Plan Amendment") by Ordinance No. 2006-029 on August 21, 2006. The Department of Community Affairs issued a Statement of Intent to find the Plan Amendment not "in compliance." A stipulated settlement agreement was proposed, which acknowledges the County's submission of additional documentation and analysis in support of the challenged amendment, and would require the adoption of a Remedial Plan Amendment, which would amend the current Tier Boundary for the Urban/Suburban Tier to address the DCA's objections regarding internal inconsistency with FLUE Policy 1.1-b and to avoid piecemeal or parcel-by-parcel tier re-designations. The Remedial Plan Amendment attached hereto would amend the current Tier boundary for the Urban/Suburban Tier to include two parcels due east of the Lantana Farm Associates, Inc. property to square off the Tier boundary. The property owners were contacted and had no objection to the Tier Boundary change for their property. The attached Ordinance fulfills the County's obligations under the Settlement Agreement to amend the Urban/Suburban Tier. The Board of County Commissioners considered and voted to reject the Stipulated Settlement Agreement and the associated Remedial Plan on November 26, 2007; however, it was determined that the Intervenor did not receive actual notice of the hearing and the Board voted to reconsider the Stipulated Settlement Agreement and associated Remedial Plan on December 18, 2007, to allow the Intervenor an opportunity to be heard on the matter. District 6 (ATP)

Continued on Page 3

Attachments:

1. Stipulated Settlement Agreement
2. Ordinance No. XX-XX

Recommended by: _____

County Attorney

Date

Approved by: _____

N/A

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

No fiscal impact
Ag. [Signature] 12-13-07
 12/13/2007 OFMB *am* 12-13-07 *CN* 12/13/07
[Signature] 12/14/07 Contract Development and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

Background and Justification: DCA issued a statement of intent to find the County's Comprehensive Plan Amendments passed on August 21, 2006, including the Plan Amendment for the Lantana Farm Associates, Inc. property, not in compliance with state law, and an administrative challenge was initiated, styled Department of Community Affairs, et al. vs. Palm Beach County et al., DOAH Case No. 06-4544GM. Rosa Durando and 1000 Friends of Florida, Inc., intervened in support of the DCA's initial determination that the Plan Amendment for the Lantana Farms Associates, Inc. property was not "in compliance." Conversely, Lantana Farms Associates, Inc., intervened in support of the challenged Plan Amendment.

A Settlement Agreement has been proposed that acknowledges the receipt of additional documentation and analysis in support of the challenged Plan Amendment. The proposed Settlement Agreement also requires the adoption of a Remedial Plan Amendment, which would address the DCA's objections regarding internal inconsistency with FLUE Policy 1.1-b and piecemeal or parcel-by-parcel tier re-designations, by amending the current Tier boundary for the Urban/Suburban Tier to include two parcels due east of the Lantana Farm Associates, Inc. property to square off the Tier boundary. The property owners were contacted and had no objection to the Tier Boundary change for their property. The attached Ordinance fulfills the County's obligations under the Settlement Agreement to amend the Urban/Suburban Tier.

The Board of County Commissioners considered and voted to reject the Stipulated Settlement Agreement and the associated Remedial Plan Amendment on November 26, 2007; however, it was determined that the Intervenor did not receive actual notice of the hearing and the Board voted to reconsider the Stipulated Settlement Agreement and associated Remedial Plan on December 18, 2007, to allow the Intervenor an opportunity to be heard on the matter.

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF COMMUNITY AFFAIRS,)	
)	
)	
Petitioner,)	
)	
and)	
)	
1000 FRIENDS OF FLORIDA, INC.;)	
ROSA DURANDO; WEST GUN CLUB)	
ROAD PROPERTY OWNERS)	
ASSOCIATION, INC.; GEORGE E.)	
HUMPHRIES; JAMES J. HARANGODY;)	
PAMELA G. RUSH; DEBRA EDWARDS)	
And WILLIAM BETTS,)	
)	
)	
Intervenors)	
)	
vs.)	DOAH Case No. 06-4544GM
)	
PALM BEACH COUNTY)	
)	
)	
Respondent,)	
)	
and)	
)	
JOSEPH N. CHENEY LAND TRUST;)	
SALVATORE J. BALSAMO; FLORIDA)	
FEDERAL LAND BANK ASSOCIATION,)	
FLCA; BOYNTON NATIONAL CHAPEL,)	
LLC; and LANTANA FARM)	
ASSOCIATES, INC.)	
)	
)	
Intervenors.)	
)	

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs (“Department”), Palm Beach County (“County”), and Lantana Farm Associates, Inc. (“Lantana”) as a complete

and final settlement of all claims regarding the Comprehensive Plan Amendment adopted by Palm Beach County Ordinance No. 2006-029 raised in the above-styled proceeding.

RECITALS

WHEREAS, the Department is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, *Florida Statutes*; and

WHEREAS, the County is a local government with the duty to adopt comprehensive plan amendments that are “in compliance;” and

WHEREAS, Lantana owns property which is within the boundary of the subject plan amendment, and is an Intervener in the above-styled case; and

WHEREAS, the County adopted Comprehensive Plan Amendment No. LGA 2006-010 (“Plan Amendment”) by Ordinance No. 2006-029, on August 21, 2006; and

WHEREAS, the Plan Amendment proposes to redesignate approximately 26.23 acres of land located off Lantana Road and SR 7/US 441 from Rural Residential to Low Residential and to include it in the Urban/Suburban Tier; and

WHEREAS, the Department issued its Statement and Notice of Intent, attached hereto as Exhibit “A,” regarding the Amendment on October 23, 2006; and

WHEREAS, as set forth in the Statement of Intent, the Department contends that the Amendment is not “in compliance” because it is internally inconsistent with text and policies of the adopted County Comprehensive Plan and it fails to demonstrate through adequate data and analysis that the impacts of the development will not cause a level of service failure in the short-range planning timeframe, and if improvements are necessary to maintain levels of service, how those improvements will be made and funded; and

WHEREAS, pursuant to Section 163.3184(10), *Florida Statutes*, the Department initiated the above-styled administrative proceeding challenging the Plan Amendment; and

WHEREAS, the County and Lantana dispute the allegations of the Statement of Intent regarding the Plan Amendment; and

WHEREAS, the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding under the terms set forth herein, and agree it is in their respective and mutual best interests to do so; and

WHEREAS, the Department, the County and Lantana agree that this Agreement is consistent with the provisions of the Act;

NOW, THEREFORE, in consideration of the mutual covenants and promises herein below set forth, and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby represent and agree as follows:

GENERAL PROVISIONS

1. Definitions. As used in this Agreement, the following words and phrases shall have the following meanings:

a. Act: The Local Government Comprehensive Planning and Land Development Regulation Act, as codified in Part II, Chapter 163, *Florida Statutes*.

b. Agreement: This stipulated settlement agreement.

c. Comprehensive Plan Amendment or Plan Amendment:

Comprehensive plan amendment No. LGA 2006-0010 adopted by the Local Government on August 29, 2006 as Ordinance No. 2006-029.

- d. DOAH: The Florida Division of Administrative Hearings.
 - e. In compliance or into compliance: The meaning set forth in Section 163.3184(1)(b), *Florida Statutes*.
 - f. Notice: The Notice of Intent issued by the Department to which was attached its statement of intent to find the Plan Amendment not in compliance.
 - g. Petition: The Petition for administrative hearing and relief filed by the Department in this case.
 - h. Remedial Action: A remedial amendment described in the statement of intent or this Agreement which must be completed to bring the plan amendment into compliance.
 - i. Remedial Amendment: An amendment to the plan, the need for which is identified in this agreement, including its exhibits, and which the County must adopt to complete all remedial actions. The remedial amendment adopted pursuant to this Agreement must, in the opinion of the Department, be consistent with and substantially similar in concept and content to the one identified in this Agreement or be otherwise acceptable to the Department.
 - j. Statement of Intent: The statement of intent to find the Plan Amendment not in compliance issued by the Department in this case.
 - k. Support Document: The studies, inventory maps, surveys, data, inventories, listings or analyses used to develop and support the Plan Amendment.
2. Department Powers. The Department is the state land planning agency and has power and duty to administer and enforce the Act and to determine whether the Plan Amendment is in compliance.

3. Negotiation of Agreement. The Department issued its Notice of Intent and Statement of Intent to find the Plan Amendment not in compliance, and filed the Petition in this case to that effect. Subsequent to filing the Petition, the parties conferred and agreed to resolve the issues in the Petition, Notice of Intent and Statement of Intent through this Agreement. It is the intent of this Agreement to resolve fully all issues between the parties in this proceeding.

4. Description of Basis for Not “in Compliance” Decision and Support Documents; Legal Effect of Agreement. Exhibit “A” to this Agreement is a copy of the Statement of Intent, which identifies the basis for the not in compliance decision. Exhibit “B” contains Remedial Actions needed for compliance and provides a discussion of how the Support Documents address the not in compliance decision. Exhibits “C” through “F” contain Support Documents which the County and Lantana are providing to the Department in order to fulfill their obligation under this Agreement. Exhibits “A” through “F” are incorporated in this Agreement by this reference. This Agreement constitutes a stipulation that based on the Remedial Action and Support Documents, the Plan Amendment will be found “in compliance.”

5. Dismissal. If the County completes the Remedial Actions required by this Agreement, and based on the Support Documents provided herein, the Department will issue a cumulative Notice of Intent addressing both the Remedial Amendment and the initial Plan Amendment subject to these proceedings. The Department will file the cumulative Notice of Intent with DOAH. The Department will also file a request to relinquish jurisdiction to the Department for dismissal of this proceeding or for

realignment of the parties, as appropriate under Section 163.3184(16)(f), *Florida Statutes*.

6. Remedial Actions to be considered for Adoption. The County agrees to consider for formal action of its governing body the Remedial Action described in Exhibit "B" no later than the time period provided for in this Agreement.

7. Adoption or Approval of Remedial Amendment. Within 60 days after execution of this Agreement, or at the time of execution of this Agreement by the parties, the County shall consider for adoption the Remedial Action or Amendment. This may be done at a single adoption hearing. Within 10 working days after adoption of the Remedial Amendment, the County shall transmit 5 copies of the Amendment to the Department as provided in Rule 9J-11.011(5), Florida Administrative Code. The County shall also submit one copy to the regional planning agency and to any other unit of local or state government that has filed a written request with the governing body for a copy of the Remedial Amendment and a copy to any party granted intervenor status in this proceeding. The Remedial Amendment shall be transmitted to the Department along with a letter which describes the Remedial Action adopted for the part of the plan amended, including references to specific portions and/or pages.

8. Review of Remedial Amendments and Notice of Intent. Within 30 days after receipt of the adopted Remedial Amendment, the Department shall issue a Notice of Intent pursuant to Section 163.3184, *Florida Statutes*, in accordance with this Agreement.

a. In Compliance: If the adopted Remedial Amendment satisfies this Agreement, the Department shall issue a cumulative Notice of Intent addressing both the Plan Amendment and the Remedial Amendment as being in compliance. The

Department shall file this cumulative notice with DOAH and shall move to realign the parties or to have this proceeding dismissed, as may be appropriate.

b. Not in Compliance: If the Remedial Amendment does not satisfy this Agreement, the Department shall issue a Notice of Intent to find the Remedial Amendment not in compliance and shall forward the notice to DOAH for consolidation with the pending proceeding.

9. Effect of Amendment. Adoption of any Remedial Amendment shall not be counted toward the frequency restrictions imposed upon plan amendments pursuant to Section 163.3187(1), Florida Statutes.

10. Purpose of this Agreement; Not Establishing Precedent. The parties enter into this Agreement in a spirit of cooperation for the purpose of avoiding costly, lengthy, and unnecessary litigation and in recognition of the desire for the speedy and reasonable resolution of disputes arising out of or related to the Plan Amendment. The acceptance of proposals for purposes of this Agreement is part of a negotiated agreement affecting many factual and legal issues and is not an endorsement of, and does not establish precedent for, the use of these proposals in any other circumstances or by any other local government.

11. Approval by Governing Body. This Agreement has been approved by the County's governing body at a public hearing advertised at least 10 days prior to the hearing in a newspaper of general circulation in the manner prescribed for advertisements in Section 163.3184(15)(e), *Florida Statutes*. This Agreement has been executed by the appropriate officer as provided in the County's charter or other regulations.

12. Other Persons Unaffected. Nothing in this Agreement shall be deemed to affect the rights of any person not a party to this Agreement. This Agreement is not intended to benefit any third party.

13. Attorney Fees and Costs. Each party shall bear its own costs, including attorney fees, incurred in connection with the above-captioned case and this Agreement.

14. Effective Date. This Agreement shall become effective immediately upon execution by the last party to the Agreement.

15. Filing and Continuance. This Agreement shall be filed with DOAH by the Department after execution by the parties. Upon the filing of this Agreement, the administrative proceeding shall be stayed by the Administrative Law Judge in accordance with Section 163.3184(16)(b), Florida Statutes.

16. Construction of Agreement. All parties to this Agreement are deemed to have participated in its drafting. In the event of any ambiguity in the terms of their Agreement, the parties agree that such ambiguity shall be construed without regard to which of the parties drafted the provision in question. The "Whereas" clauses are incorporated herein by reference and are considered an integral portion of this Agreement.

17. Entire Agreement. This is the entire agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.

18. Governmental Discretion Unaffected. This Agreement is not intended to bind the County in the exercise of governmental discretion which is exercisable in

accordance with law only upon the giving of appropriate public notice and required public hearings.

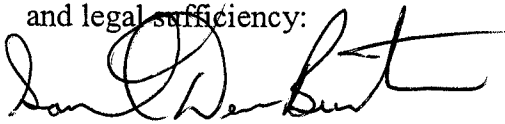
19. Multiple Originals. This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

20. Captions. The captions inserted in this Agreement are for the purpose of convenience only and shall not be utilized to construe or interpret any provision of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

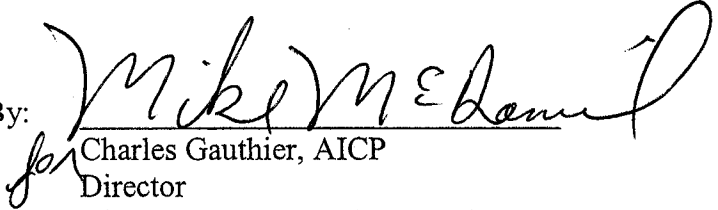
DEPARTMENT OF COMMUNITY AFFAIRS

Approved as to form
and legal sufficiency:



Sanvil Dean Burton, Esq.
~~Richard E. Shine, Esq.~~
Assistant General Counsel

By:



Charles Gauthier, AICP
Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100

Date:

10/18/07

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me on this 18th day of October, 2007, by ~~Charles Gauthier~~ ^{Mike McDaniel for} Director of Division of Community Planning, Department of Community Affairs. He is personally known to me ~~or has~~ ^{produced} ~~as identification and did~~ (did not) take an oath.


Notary Public

My Commission expires:



PALM BEACH COUNTY

Approved as to form
and legal sufficiency:


Attorney
Palm Beach County

By: _____
~~Chairman~~
Board of County Commissioners

ADDIE L. GREENE
CHAIRPERSON

Date: _____

ATTEST:

Sharon R. Bock
County Clerk

As authorized by the Board of County
Commissioners of Palm Beach County, on the ____
day of _____, 2007.

LANTANA FARM ASSOCIATES, INC.

By:

Vinette Godelier

Date:

10-22-07

STATE OF FLORIDA

COUNTY OF Leon

The foregoing instrument was acknowledged before me on this 22nd day of October, 2007, by Vinette Godelier on behalf of the corporation. He is personally known to me or has produced N/A as identification and did (did not) take an oath.



Lou Ann Kuehlke
Commission # DD307523
Expires July 31, 2008
Bonded Troy Fahn - Insurance, Inc. 800-386-7019

Lou Ann Kuehlke
Notary Public

My Commission expires:

Exhibit "A"

Statement of Intent to find Comprehensive Plan Amendment Not
"In Compliance"

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: PALM BEACH COUNTY COMPREHENSIVE PLAN AMENDMENTS ADOPTED BY ORDINANCE NOS. 2006-028, 2006-029, 2006-030, 2006-032, AND 2006-033 ON AUGUST 21, 2006	DOCKET NO. DCA 06-1-NOI- 5001
--	----------------------------------

STATEMENT OF INTENT TO FIND
A PORTION OF THE PALM BEACH COUNTY
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs hereby issues its Statement of Intent to find a portion of the Palm Beach County Comprehensive Plan Amendment 06-1 regarding five Future Land Use Map (FLUM) Amendments (LGA 2005-00034, LGA 2006-600010, LGA 2006-00014, LGA 2006-00002, and LGA 2006-00004), adopted by Ordinance Nos. 2006-28 through 2006-033 on August 21, 2006, Not In Compliance based upon the Objections, Recommendations, and Comments Report ("ORC Report") issued by the Department on June 23, 2006, which is hereby incorporated by reference. The Department finds the amendments not "in compliance" because they are not consistent with Chapter 163, Part II, Florida Statutes, the State Comprehensive Plan (Chapter 187, F.S.), the Treasure Coast Strategic Regional Policy Plan (Chapter 186, F.S.), and Fla. Admin. Code R. Rule 9J-5, for the following reasons:

CONSISTENCY WITH FLORIDA STATUTES CHAPTER 163, FLORIDA STATUTES AND
FLORIDA ADMINISTRATIVE CODE RULE 9J-5

I. FUTURE LAND USE MAP (FLUM) AMENDMENTS

A. Inconsistent provisions: The inconsistent provisions of the plan amendments under this subject heading follow:

1. Sections 163.3177(2) and 163.3187(2), F.S., require the several elements of the comprehensive plan to be consistent. Rule 9J-5.005(5), F.A.C., requires the required elements and any optional elements to be consistent with each other. The five FLUM amendments adopted by Ordinance Numbers 2006-28 through 2006-033 on August 21, 2006, are not consistent with adopted policies contained in the adopted comprehensive plan, specifically *Future Land Use Element (FLUE) Policy 1.1-b* because no study was performed as required to justify a change to a tier boundary (pertains to Ordinance Nos. 2006-028, 2006-029, and 2006-030), *FLUE Policies 1.4-f* and *2.2f* because the amendments do not comply with minimum road frontage requirements and would create piecemeal or residual parcels (pertains to Ordinance Nos. 2006-

028, 2006-029, and 2006-030), *FLUE Section III.G.10 Implementation* because the amendment is inconsistent with the Western Northlake Corridor Land Use Corridor Study (pertains to Ordinance Nos. 2006-028), *FLUE Policy 2.2-c* and *FLUE Section I—Introduction, A. Purpose, B. Assessment and Conditions*, and *C. County Directions* because the amendments are not shown to discourage urban sprawl and encourage infill development, compatible densities, neighborhood integrity, *FLUE Policies 2.2-d* and *2.2.1-b* because the amendments allow encroachment of incompatible land uses into rural areas thereby creating land use incompatibilities, *FLUE Policy 2.2-e* because the amendment would allow the encroachment of strip commercial along SR 7 (pertains to Ordinance No. 2006-030 only), *FLUE Policy 2.2-b* because the amendments have not met the plan's justification of need requirement as required (all amendments), *FLUE Policy 2.6-b* because the amendments did not show that the current land use was inappropriate or why the plan's Transfer of Development Rights provisions were not utilized (pertains to Ordinances Nos. 2006-00002 and 2006-00004), and *Capital Improvements Element Policy 1.1-a*, *Transportation Element Policies 1.1-b* and *1.1-e*, and *Public School Facilities Element Policies 1.1-a* and *1.1-d* because the amendments were not shown to be meeting adopted levels of service standards.

Citations: In addition to the internal inconsistencies cited immediately above, the Department finds that the plan amendments are inconsistent with the following rules, statutory, and SRPP provisions: *Regional Goal 1.1*, *Regional Strategy 1.1.2*, *Regional Policy 1.1.2.3*, *Regional Strategy 2.1.2*, *Regional Goal 4.1*, and *Regional Goal 6.1* of the Treasure Coast Strategic Regional Policy Plan, Sections 163.3161(2), 163.3177(6)(a), and 163.3187(2), Fla. Stat. (2006), and Fla. Admin. Code R. 9J-5.005(5), 9J-5.006(2)(b), (2)(c), (3)(b)8 and 5, 9J-5.025, and 9J-5.019(4)(b)2.

2. Sections 163.3177(1), (3)(a), and 163.3164(32), F.S., require that amendments address the need for and the location of public facilities in order to encourage the efficient utilization of needed facilities and to program them as needed to ensure that adopted level-of-service standards are achieved and maintained. The map amendments do not demonstrate through adequate data and analysis that the impacts of the development will not cause a level of service failure as a result of the amendments in the short-range planning timeframe or if improvements are necessary to achieve and maintain adopted levels of service, and if needed, when and how these improvements will be made and funded. Thus, the adopted amendments do not show the ability of the County to meet and maintain minimum levels of service through the short-range five-year planning timeframe or that these amendments are financially feasible. The amendments defer all short range facility analyses to the land development regulations and concurrency.

Citations: The Department specifically finds that the plan amendments are inconsistent with the following rule and statutory provisions: Section 163.3164(32), 163.3177((1), (2), (3)(a)5 and 6, (3)(b)1 and 2, (5)(a) (6)(a), (c), (e), and (j), (8) and (12), and 163.3180(12) and (16), F.S., and Rule 9J-5.005(6) and 9J-5.0055(2)(c), 9J-5.006(3)(c)3, 9J-5.011, and 9J-5.016(1) and (2), and (3)(a), (b), and (c), and (4) F.A.C.

B. Recommended Remedial Action(s): The above inconsistencies may be remedied by taking the following actions:

1. Palm Beach County should follow its own plan requirements and demonstrate that each amendment is consistent with all of the policies and text provisions cited above that are

contained in the adopted comprehensive plan. Specifically, the County should perform a Tier Analysis Study to determine the viability of modifying the tier boundary and if found to be premature, to not change the Tier. The County should follow its policies and procedures regarding County Directions and urban infill and sprawl, neighborhood integrity, encroachment of incompatible land uses into a rural area, compatibility, required commercial frontage requirements as appropriate, and justification of need. Evidence or documentation of these studies or analyses should be submitted with the amendments. The County should follow its own plan in all regards including school concurrency and perform an appropriate analysis that demonstrates that the adopted LOS can be met. Regarding the Lantana/SR 7 Residential amendment, the County should not create an irregular-shaped tier boundary in conflict with *Policy 2.2-f*. Pertaining to the Northlake Residential/Coconut—NE II amendment, the County should take into consideration its Special Areas studies, such as the WNCLUS, and follow its recommendations.

2. Prepare and include with the amendment sufficient data and analysis to demonstrate the proposed amendment impacts upon necessary public facilities, such as required to provide transportation (such as, Northlake Blvd., Lantana Road, SR 7, Okeechobee Blvd., and Jog Road), water, sewerage, and school facilities to serve the expected population increase and land uses being changed at adopted levels of service. This should be done for both the short-range planning horizon and if any deficiencies are noted, the measures to correct the deficiencies should be provided along with the timing and sources of funding to demonstrate financial feasibility as indicated above and previously raised in the objection. If, after adequate data and analyses are prepared, any needed improvements are necessary which are not currently programmed, then these facility improvements should be coordinated with other elements or facilities as needed and for the short-range planning horizon. Any necessary remedial revisions to accommodate needed facility improvements should be made to the CIS and CIE accordingly to incorporate such facilities and funding for the appropriate timeframe.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. The amendment is inconsistent with the State Comprehensive Plan, including the following provisions:

Florida Statutes Section 187.201(15) Land Use, Goal (a) and Policy (b)6.

Florida Statutes Section 187.201(17) Public Facilities, Goal (a) and Policy (b)1.

Florida Statutes Section 187.201(19) Transportation, Goal (a) and Policies (b)13, (b)14, and (b)15.

B. Recommended Remedial Action: These inconsistencies may be remedied by taking the following actions:

Revise the plan amendment as described in the recommended remedial actions described above.

III. CONSISTENCY WITH THE STRATEGIC REGIONAL POLICY PLAN

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Ordinance Nos. 2006-028 and 2006-029 are inconsistent with the Strategic Regional Policy Plan (SRPP), including the following provisions:

SRPP Regional Goal 1.1;
SRPP Regional Strategy 1.1.2;
SRPP Regional Policy 1.1.2.3;
SRPP Regional Strategy 2.1.2;
SRPP Regional Goal 4.1;
SRPP Regional Goal 6.1.

B. Recommended Remedial Action: These inconsistencies may be remedied by taking the following actions:

Revise the plan amendment as described in the recommended remedial actions described above.

CONCLUSIONS

1. The plan amendment is not consistent with the State Comprehensive Plan;
2. The plan amendment is not consistent with Rule 9J-5, Florida Administrative Code;
3. The plan amendment is not consistent with Chapter 163, Part II, Florida Statutes;
4. The plan amendment is not "in compliance," as defined in Section 163.3184(1)(b), Florida Statutes; and
5. In order to bring the plan amendment into compliance, the City may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 20 day of October, 2006, at Tallahassee, Florida.

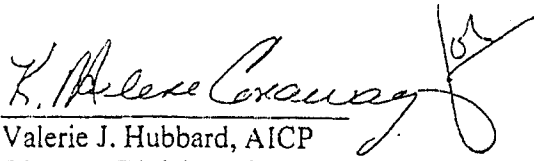

Valerie J. Hubbard, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Exhibit "B"

Description of Provisions Not in Compliance, Support Documents and
Remedial Action

The Remedial Action and Support Documents respond to the Statement of Intent as follows:

OBJECTION I

A. Inconsistent Provisions: The inconsistent provisions of the Plan Amendment under this subject heading follow:

1. Sections 163.3177(2) and 163.3187(2). F.S. require the several elements of the comprehensive plan to be consistent. Rule 9J-5.005(5), F.A.C., requires the required elements and any optional elements to be consistent with each other. The FLUM amendment adopted by Ordinance Number 2006-29 on August 21, 2006, is not consistent with adopted policies contained in the adopted comprehensive plan, specifically Future Land Use Element (FLUE) Policy 1.1-b because no study was performed as required to justify a change to a tier boundary, FLUE Policy 2.2f because the amendment would create piecemeal or residual parcels, FLUE Policy 2.2-c and FLUE Section I- Introduction, A. Purpose, B. Assessment and Conditions, and C. County Directions because the amendment is not shown to discourage urban sprawl and encourage infill development, compatible densities, neighborhood integrity, FLUE Policies 2.2-d and 2.2.1-b because the amendments allow encroachment of incompatible land uses into rural areas thereby creating land use incompatibilities, FLUE Policy 2.2-b because the amendments have not met the plan's justification of need requirement as required, and Capital Improvements Element Policy 1.1-a, Transportation Element Policies 1.1-b and 1.1-e, and Public Schools Facilities Element Policies 1.1-a and 1.1-d because the amendment was not shown to meet adopted level of service standards.

RESPONSE

Supplemental data and analysis which addresses each internal inconsistency objection is provided as Exhibit "C" to this Agreement.

The County will amend the Urban/Suburban Tier boundary of the Growth Management Tiers Map as depicted on Exhibit "C-1" to address the internal inconsistency objection to FLUE Policy 1.1-b and to avoid piecemeal or parcel-by-parcel tier redesignations.

2. Sections 163.33177(1), (3)(a), and 163.3164 (32), F.S. require that amendments address the need for and the location of public facilities in

order to encourage the efficient utilization of needed facilities and to program them as needed to ensure that adopted level-of-service standards are achieved and maintained. The map amendment does not demonstrate through adequate data and analysis that the impacts of the development will not cause a level of service failure as a result of the amendment in the short-range planning timeframe or if improvements are necessary to achieve and maintain adopted levels of service, and if needed, when and how these improvements will be made and funded. Thus, the adopted amendment does not show the ability of the County to meet and maintain minimum levels of service through the short-range five-year planning timeframe or that the amendment is financially feasible. The amendment defers all short range facility analyses to the land development regulations and concurrency.

RESPONSE

Composite Exhibit "D" to this Agreement is supplemental data and analysis in the form of a traffic analysis submitted in support of the Amendment, providing that the Amendment is insignificant having less than a 1 percent impact on transportation in the affected area. The traffic analysis reflects both a five-year (2011) and long-term (2025) projection for the applicable study area (Exhibit "D-1"); and an updated analysis describing the improvements included in the MPO's Long Range Transportation Plan which are expected to address level of service issues for the impacted roadways (Exhibit "D-2").

Exhibit "E" to this Agreement is supplemental data and analysis in the form of an Adequate School Facilities Determination letter from the Palm Beach County School District which provides that there is currently adequate capacity to accommodate the development proposed by the Amendment and that the Amendment will not cause a level of service failure.

Exhibit "F" to this Agreement is supplemental data and analysis in the form of a potable water and sanitary sewer capacity analysis which shows that the development proposed by the Amendment is insignificant as it is projected to use less than 1 percent of Palm Beach County's available water and sewer capacity for the short term timeframe and that the Amendment will not cause a level of service failure.

OBJECTION II

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. The amendment is inconsistent with the State Comprehensive Plan, including the following provisions:

- Florida Statutes Section 187.201(15) Land Use, Goal (a) and Policy (b) 6.
- Florida Statutes Section 187.201(17) Public Facilities, Goal (a) and Policy (b)1.
- Florida Statutes Section 187.201(19) Transportation, Goal (a) and Policies (b)13, (b)14, and (b)15.

RESPONSE

THE RESPONSES WITHIN THIS DOCUMENT ADDRESS THE IDENTIFIED DEFICIENCIES WITH RESPECT TO THE STATE COMPREHENSIVE PLAN.

OBJECTION III

CONSISTENCY WITH THE STRATEGIC REGIONAL POLICY PLAN

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Ordinance Nos. 2006-029 are inconsistent with the Strategic Regional Policy Plan (SRPP), including the following provisions:

*SRPP Regional Goal 1.1; SRPP Regional Strategy 1.1.2;
SRPP Regional Policy 1.1.2.3; SRPP Regional Strategy 2.1.2;
SRPP Regional Goal 4.1; SRPP Regional Goad 6.1.*

RESPONSE

**THE RESPONSES WITHIN THIS DOCUMENT ADDRESS
THE IDENTIFIED DEFICIENCIES WITH RESPECT TO THE
STRATEGIC REGIONAL POLICY PLAN.**

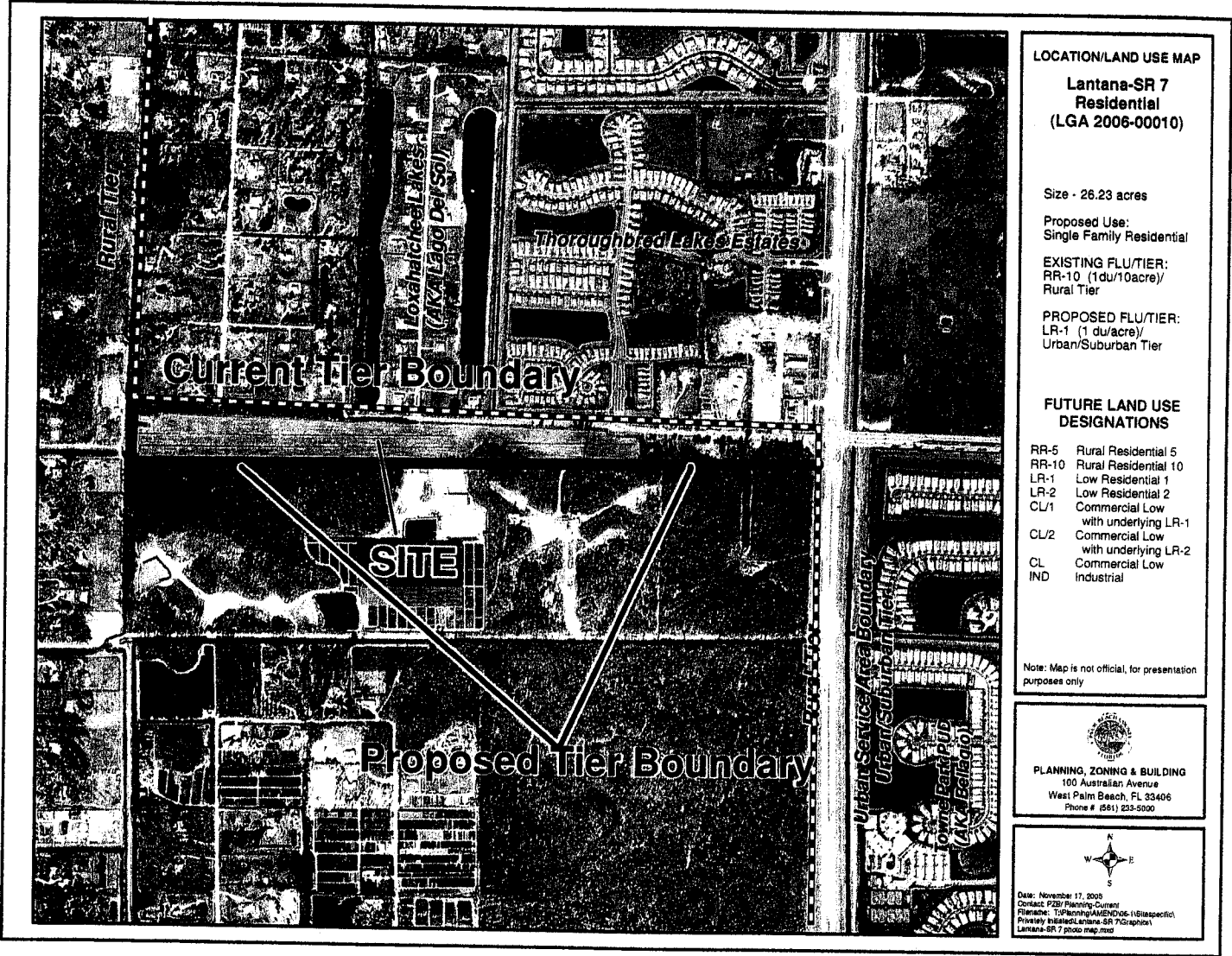


EXHIBIT C-1

Exhibit "C"

Internal Consistency Analysis

Objection:

Inconsistency

1. The proposed FLUM amendment is internally inconsistent with the following text and policies of the adopted Palm Beach County Comprehensive Plan Future Land Use Element [FLUE], Transportation Element [TE], and Capital Improvements Element [CIE]:

- FLUE Policy 1.1-*b* because no study was performed as required to justify a change to a tier boundary.

Response: As indicated in the ORC response submitted to DCA with the adoption package for this amendment, a tier change analysis was included in lieu of the requirement to perform a study. This analysis was based on the relationship of the subject property to existing and approved developments in the surrounding area, the size and scale of the proposed development, the need to accommodate workforce housing, and the development situation in this area, where the subject property is one of the few remaining small vacant parcels. (*Refer to attached Aerial Map 1*). The ORC response documentation, the responses to the ORC, and the following analysis should be considered as the study for the Tier re-designation.

This property, which is on the south side of Lantana Road, shares access with other developments including Thoroughbred Estates, Loxahatchee Lakes, and other commercial and industrial developments located at the corner of Lantana Road and SR 7. This Tier Change from Rural to Urban/Suburban is appropriate given the odd-shaped configuration and size of the subject property (approximately 26 acres), as well as the adjacency to the urban/suburban approved densities in the surrounding area, which include: Thoroughbred Lakes Estates PUD (2.99 dwelling units per acre); the Bellagio, also known as Town Park PUD (1.95 dwelling units per acre); the Country Cove (two (2) dwelling units per acre); Cypress Lakes Preserve (1.97 dwelling units per acre); and Woodwind PUD (1.84 dwelling units per acre). Directly adjacent to the subject property to the south is the Englert Wholesale Nursery and two telecommunication towers. Furthermore, directly adjacent to the east is a property that is zoned General Commercial, which is consistent with commercial designations within the Urban/Suburban Tier. This particular property was zoned General Commercial (GC) prior to the adoption of the Palm Beach County Growth Management Tier Standards.

As indicated on the Palm Beach County Comprehensive Plan Map Series, Future Land Use Atlas Map and the Growth Management Tiers Map, the entire north property line (approx. 3,863 feet) of the subject site is contiguous to the LR1 Future Land Use designation, as well as to the Urban/Suburban Tier both located adjacent to the property's northern boundary line. The County's Staff Report for the recent Tier Boundary Re-designation Future Land Use Element Amendments stated that compliance with the new required factors (contiguity to the potential tier) will protect against leapfrog development, urban sprawl, and piecemeal development. Additionally,

this requirement helps ensure land use compatibility and helps prevent inefficient land use patterns. Therefore, this request complies with the Growth Management Tier Change requirements in the Future Land Use Element.

- FLUE Policy 2.2-f because the amendment would create piecemeal or residual parcels.

Response: A study is required in the Plan “to determine the appropriate tier designation of the area and its surroundings, in order to avoid piecemeal or parcel-by-parcel designations.” As shown in this tier change analysis, a tier redesignation for this property would not trigger a piecemeal modification of the tier in this area. On the contrary, it is an opportunity to clarify and square off the boundaries in this area. Given the odd-shaped configuration and size of the subject property (approximately 26 acres), as well as the adjacency to the urban/suburban approved densities in the surrounding area, this Tier Redesignation is appropriate for this area. The property located directly to the east along Lantana Road is already zoned General Commercial (CG), which is an Urban/Suburban Zoning District. This tier analysis is also applicable to the two small parcels immediately east of this property, on the south side of Lantana Road. Staff is proposing to square off the boundary of the Urban/Suburban Tier in this area by incorporating the subject property along with those two properties in the Tier. *(See Location/Land Use Map indicating revised tier boundary attached as Exhibit “C-1”).* Therefore, this amendment to change the property’s Tier designation from Rural to Urban/Suburban will not create a piecemeal or residual parcel. As stated previously, the subject property is adjacent to the Urban/Suburban Tier along the entire northern property line (approx 3,863 feet). Based on the development trends that have altered the character of the area, the proposed request for a Tier Re-designation from Rural to Urban/Suburban and Future Land Use Amendment from RR-10 to LR1 is reasonable and consistent with the existing surrounding land uses and character of the surrounding neighborhoods, thus not contributing to the proliferation of urban sprawl or encouraging piecemeal development.

- FLUE Policy 2.2-c and its referenced FLUE Section I -Introduction, A Purpose, B Assessment & Conditions, and C. County Directions because the amendment is not shown to discourage urban sprawl and encourage infill development, compatible densities, neighborhood integrity; FLUE Policies 2.2-d and 2.2.1-b because the amendment allows encroachment of incompatible land uses into rural areas thereby creating land use incompatibilities;

Response: The proposed request for a Tier Redesignation from Rural to Urban/Suburban and Future Land Use Amendment from RR-10 to LR1 are reasonable and consistent with the surrounding land uses, thus not contributing to the proliferation of urban sprawl. *(See attached Aerial Map 1)* These requests will not have a negative impact on the existing lifestyle preferences and/or characters of the remainder of the Rural Tier, nor will it affect the maintenance of the physical contiguity of existing neighborhoods and land use compatibility. Several changes that have altered the character of the area include the approved Thoroughbred Lakes Estates Planned Unit Development (PUD) residential community located immediately north of the subject

site. The Thoroughbred Lakes Estates parcel was designated Low Residential (1) on the 1989 Land Use Atlas maps. In 1997, the property owner requested and received rezoning approval for a PUD together with a request for additional density through the Transfer of Development Rights program. As a result, the density was actually increased from a maximum of LR1 Low Residential 1 to 2.99 dwelling units per acre.

Another change that altered the character of the area was the Future Land Use Atlas amendment approval for an 8.15 acre parcel located on the east side of State Road 7/US441 and approximately 1,100 feet north of Lantana Road. This parcel received a Future Land Use designation amendment approval from LR2 to CL/2 to allow for the expansion of the existing CL-Commercial Low parcels to the south at the northeast corner of the intersection of Lantana Road and State Road 7. These parcels were consolidated into one unified commercial development now known as Mission Lakes MUPD. This MUPD is currently under construction and is approved with retail uses, including a Super Target anchor store together with several out parcels for banking, restaurant and additional retail opportunities. Overall, the MUPD was approved for a total of 234,000 square feet of building area. As a result of the aforementioned Land Use Amendment, the potential for a total of sixteen (16) residential dwelling units was removed from projected land inventory to accommodate non-residential development.

Another change to the area includes the Land Use Amendment changes to the east of the subject site at the northwest corner of the intersection of Lantana Road and State Road 7. As indicated on 1989 Land Use maps, only one parcel is designated IND-Industrial. This parcel contains a mix of light industrial uses/businesses, including Drawdy Construction, McPoyle's Painting, Inc., and South Florida Shavings and Hay. However, since 1989, additional non-residential approvals and development has taken place at the northwest corner of the aforementioned intersection. The T-shaped parcel located at the corner which was previously designated LR1, is now designated IND-Industrial. The parcel is 11.35 acres in size and as a result of its Industrial designation, eleven (11) residential dwelling units were removed from the County's housing inventory.

Other changes in the area include properties located just to the east of Mission Lakes. Immediately east of Mission Lakes MUPD is a proposed County District Park ("I") site. This site is designed to include active recreational facilities including ball fields and court activities and picnic shelters. Further east is the proposed Lantana Hills golf course which is located on a previous Solid Waste Authority dump site.

Given all of the changes mentioned above, it is reasonable to state that the character of the immediate area has been altered since the time of the adoption of the Comprehensive Plan. The changes mentioned above have made the proposed amendments to the subject site reasonable and consistent with the surrounding land uses. The non-residential land uses that exist or are proposed at both the northeast and northwest corners of the intersection of Lantana Road and State Road 7 provide convenient employment opportunities, recreational opportunities, and have been designed to be compatible with the surrounding residential developments. Therefore,

the proposed request for a Tier Redesignation from Rural to Urban/Suburban and Future Land Use Amendment from RR-10 to LR1 does not contribute to the proliferation of urban sprawl and is consistent with the surrounding development and residential neighborhoods to the north.

Urban Sprawl Indicator Responses are provided below: *Aerial Maps 1 and 2 (attached) provide context for the following discussion.*

9J-5.006.5.1: Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need.

Response: As demonstrated in the Market Analysis response (see below), there is a need for additional residential dwelling units in the vicinity of this property. Also due to the odd-shaped configuration and size of the property, low-density residential is the appropriate use for this site. Furthermore, the 26 residential units will complement the existing and future commercial uses to the east of the property.

9J-5.006.5.2: Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

Response: The subject property is surrounded by a mixture of urban/suburban uses. The proposed amendment is not leaping over undeveloped lands that are available and suitable for development. The site is surrounded by developed residential, commercial and industrial land making this property appropriate for residential development. Additionally, this site is conveniently located near a major intersection of State Road 7 and Lantana Road where a mix of commercial uses are located including retail uses, auto service and storage facility. Therefore this site is appropriate for these land use amendments as this infill property is the only remaining land suitable for residential in the area.

9J-5.006.5.3: Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.

Response: The proposed amendment will not promote or allow urban development in radial strip, isolated or ribbon patterns as there is no commercial being proposed and the residential use proposed is a continuation of the existing residential developments to the north, which have comparable densities to those proposed.

9J-5.006.5.4: As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, flood plains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

Response: The subject property does not contain significant natural areas as it is an open field and has previously been used for grazing cattle.

9J-5.006.5.5: Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

Response: The subject property is adjacent to existing residential development to the north and west. To the east is an existing General Commercial zoned property with no agricultural activities. To the south are two telecommunication towers and the Englert Wholesale nursery, and as indicated on *Aerial Map 1*, the primary growing area is located south of the center of the site. Therefore, the proposed residential development will not have a negative impact on the nursery property.

9J-5.006.5.6: Fails to maximize use of existing public facilities and services.

Response: The subject property is approximately 26 acres, which results in very minimal impacts on existing public facilities and services. All the necessary public facilities are adequately accessible to the subject property based on the location of this property in proximity to the Urban Service Boundary and to the intersection of SR 7 and Lantana Road.

9J-5.006.5.7: Fails to maximize use of future public facilities and services.

Response: The subject property is approximately 26 acres, which results in very minimal impacts on future public facilities and services. All the necessary public facilities are adequately accessible to the subject property based on the location of this property in proximity to the Urban Service Boundary and to the intersection of SR 7 and Lantana Road.

9J-5.006.5.8: Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, storm water management, law enforcement, education, health care, fire and emergency response, and general government.

Response: Public services and facilities are available and support the proposed LR1 future land use and thus, will not require an expenditure of additional government funding.

9-5.006.5.9: Fails to provide a clear separation between rural and urban uses.

Response: The subject property is located adjacent to urban and suburban uses. As indicated on the attached *Aerial Maps 1 and 2*, this site is located in an area that contains existing residential neighborhoods and existing commercial uses and other non-residential uses that are vital to the surrounding neighborhoods. Approval of this

request will allow the location of additional needed residential development on a parcel of land that is most appropriate for residential given the adjacent uses.

9J-5.006.5.10: Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Response: The subject amendment will fulfill the need for additional residential development in this area of the County. The subject property is the only remaining property with rural-like character in the area; this site is primed for residential development similar to the existing residential subdivisions located immediately to the north. In essence, this parcel is infill development and would be a logical expansion south of the existing neighborhoods to the north (Loxahatchee Lakes and Thoroughbred Lakes Estates).

9J-5.006.5.11: Fails to encourage an attractive and functional mix of uses

Response: The proposed residential development will complement the existing mix of non-residential/commercial land uses in the immediate area of the subject site, including the future development on the commercially zoned property immediately to the east.

9J-5.006.5.12: Results in poor accessibility among linked or related land uses.

Response: This property, which is on the south side of Lantana Road, shares access with other developments including Thoroughbred Estates, Loxahatchee Lakes, and other commercial and industrial developments located at the corner of Lantana Road and SR 7. The amendment does not impact accessibility among linked or related uses.

9J-5.006.5.13: Results in the loss of significant amounts of functional open space.

Response: The subject property is currently undeveloped. This site does not constitute functional open space and the proposed residential development at 1 unit per acre (maximum 26 units) will not impact the amount of functional open space in the County.

- FLUE Policy 2.2-*b* because the amendment has not met the plan's justification of need requirements.

Response: Market Analysis

The amendment requests a change in Land Use from RR10 to LR 1. This request to Low Residential development is consistent with development in this area of Palm Beach County. Currently the property is vacant, although at one time it was utilized for agricultural purposes. As indicated on *Aerial Map 1*, the entire northwest quadrant of the intersection of Lantana Road and State Road 7/441 has developed with a mix of uses including residential subdivisions (Thoroughbred Lakes Estates-immediately north of the subject site and the Multiple Use Planned Development to the east that includes "Security Self-Storage" and an automobile repair facility). The Thoroughbred Lakes

Estates residential PUD-Planned Unit Development is approved for a total of 283 dwelling units and a density of 2.99 dwelling units per acre. Immediately north of Thoroughbred Lakes Estates is the Cypress Lakes Preserve Planned Unit Development which was approved in 2000 with a total of 107 single-family dwelling units and a density of 1.97 dwelling units per acre, and just north of Cypress Lakes Preserve is the South Road PUD which was approved with 94 dwelling units at a density of 1.63 dwelling units per acre. Also directly north of the subject site is the Lago del Sol residential community which is comprised of 28 single-family lots with a density of 0.46 dwelling units per acre.

Based on the numerous changes that have taken place in the immediate area, it is reasonable to state that the subject site is appropriate for residential development at a density comparable to the adjacent developments Thoroughbred Lakes Estates and Lago del Sol which is built out across Lantana Road to the north.

At twenty six units the amendment proposes only a minor addition to the County's housing inventory.

- CIE Policy 1.1-a, TE Policies 1.1-b and 1.1-e and Public School Facilities Element Policies 1.1-a and 1.1-d because the amendment was not shown to meet adopted levels of service standards.

Response: Based on the size of this amendment (approximately 26 acres), the impact on the County's level of service is insignificant. At the LR1 Future Land Use designation being proposed, a maximum of 26 units can be developed on this site. This has minimal impacts on the services in the area, specifically related to traffic, schools, potable water and sewer capacity. Further analysis has been provided below:

Schools

School Student Generation Multipliers				
Housing Type	Elementary	Middle	High	Total
	K-5	6-8	9-12	K-12
Single-Family	0.15	0.06	0.08	0.29
Proposed LR1 FLU @ 26 acres =26 units	3.9	1.56	2.08	7.54

Based on the proposed Future Land Use Amendment to LR1 the proposed site of 26 acres will allow for 26 single family dwelling units. The above analysis demonstrates that the proposed 26 units will produce approximately 3.9 elementary students, 1.56 middle school students, and 2.08 high school students. Therefore, the estimated 8 total students generated by this development are insignificant. Furthermore, Palm Beach County requires that all residential development comply with the School Concurrency Standards as outlined in the PBC ULDC.

Additionally, an Adequate School Facilities Determination (School District of PBC Case: #07022601) was conducted by the School District Planning Staff and it was determined that there is currently adequate capacity to accommodate the project at the adopted level of service. *(See Exhibit "E" to the Stipulated Settlement Agreement.)*

Traffic

Currently, all roadway links within this area meet adopted levels of service. The proposed 26 units will generate 240 new net trips. Based on the Lantana/SR 7 Residential Comprehensive Plan Amendment Transportation Analysis prepared by Pinder Troutman Consulting, Inc., the proposed Land Use designation of LR1 is consistent with the Transportation Element of the Comprehensive Plan.

Additional analysis was conducted by Andrea Troutman of Pinder Troutman Consulting, Inc. During this analysis it was determined that planned roadway improvements in the area will address roadway capacity constraints and therefore the proposed land use does not significantly impact any roadway links. *(See Composite Exhibit "D" to the Stipulated Settlement Agreement.)*

Potable Water and Sanitary Sewer

Palm Beach County Water Utilities provided an assessment of the short term impacts of the Amendment on water and sewer capacity and determined that adequate capacity exists. *(See Exhibit "F" to the Stipulated Settlement Agreement.)*

Composite Exhibit "D"

Traffic Analysis

**LANTANA/SR 7 RESIDENTIAL
COMPREHENSIVE PLAN AMENDMENT
TRANSPORTATION ANALYSIS**

Prepared for

MECCA FARMS

**PINDER TROUTMAN CONSULTING, INC.
2324 South Congress Avenue, Suite 1H
West Palm Beach, FL 33406
(561) 434-1644**



Andrea M. Troutman, P.E.
Florida Registration #45409

**#PTC05-164
September 23, 2005**

EXHIBIT D-1

FIG

LANTANA/ SR 7 RESIDENTIAL COMPREHENSIVE PLAN AMENDMENT TRANSPORTATION ANALYSIS

INTRODUCTION

It is proposed to change the land use designation from Rural Residential (RR10) to Residential Low (LR1) on a site located in unincorporated Palm Beach County. The 26.23 acre site is located on the south side of Lantana Road west of SR 7. Access to the site will be via a driveway connection to Lantana Road.

The purpose of this analysis is to determine if the proposed land use designations are consistent with the Transportation Element of the Palm Beach County Comprehensive Plan. The Comprehensive Plan requires an analysis of existing traffic conditions, traffic conditions in 5 years and Year 2025 conditions.

TRANSPORTATION ELEMENT

Trip Generation

Article 13 of the Palm Beach County Unified Land Development Code, Impact Fees was the sole source of daily trip generation data utilized in this study. Daily trips generated by the existing designation as well as daily trips generated by the proposed land use designation are shown on Exhibit 1. Based on the net daily trip generation of 240, the directly accessed links are required to be analyzed.

Trip Distribution and Assignment

In order to determine the impact of the proposed development's traffic on the surrounding roadway network, a directional distribution was developed based upon estimated area travel patterns to be used in assigning traffic volumes associated with the project. Exhibits 2A and 2B provide the distribution and assignment for the existing future land use and the proposed future land use for the proposed development plan. No roadway links are significantly impacted by the proposed land use amendment.

Existing Traffic Conditions

Existing (2005) 24-hour peak season daily traffic volumes provided by the Palm Beach County Traffic Division are shown on Exhibit 3 for the directly accessed roadway links. Existing plus proposed project daily traffic volumes and levels of service are also shown on these Exhibits. All roadway links meet adopted level of service standards. Traffic count data is provided in Appendix A.

Roadway Improvements

The FY 2006-2010 Transportation Improvement Program from the MPO of Palm Beach County and the Palm Beach County Five Year Road Program were reviewed to determine if any roadways within the study area are scheduled to be improved. No improvements are programmed for the directly accessed roadway links.

Future Traffic Conditions

In projecting traffic conditions, historic growth trends must be analyzed. Historic growth data is provided in Appendix A. Exhibit 4 shows the projected 2010 traffic conditions with the proposed comprehensive plan amendment. The analysis shows that the directly accessed roadway links fail to meet the adopted daily LOS volume. The roadway links are not significantly impacted for the proposed development. Projected volumes present a conservative analysis because growth rates will not continue at this level.

Exhibit 5 shows Year 2025 traffic conditions with the proposed comprehensive plan amendment. Year 2025 net project traffic is total external traffic, generated by the proposed land use designation, less traffic generated by the existing land use designation. For the Year 2025 analysis, roadway lanes and traffic volumes were obtained from the Metropolitan Planning Organization (MPO) staff and are provided in Appendix B. Peak season factors are also provided in Appendix C. The directly accessed roadway links are projected to meet adopted LOS standards.

MASS TRANSIT ELEMENT

Mass Transit Provider and Facilities

Mass Transit service is available along SR 7 at Lake Worth Road.

CONCURRENCY QUESTIONNAIRE

Responses to the Comprehensive Plan Amendment Questionnaire are provided in Appendix C.

CONCLUSIONS

This analysis shows that the proposed land use designation is consistent with the Transportation Element of the Comprehensive Plan.

EXHIBITS

Exhibit 1
Lantana / SR7 Residential
Trip Generation

Existing Land Use Designation (RR10)

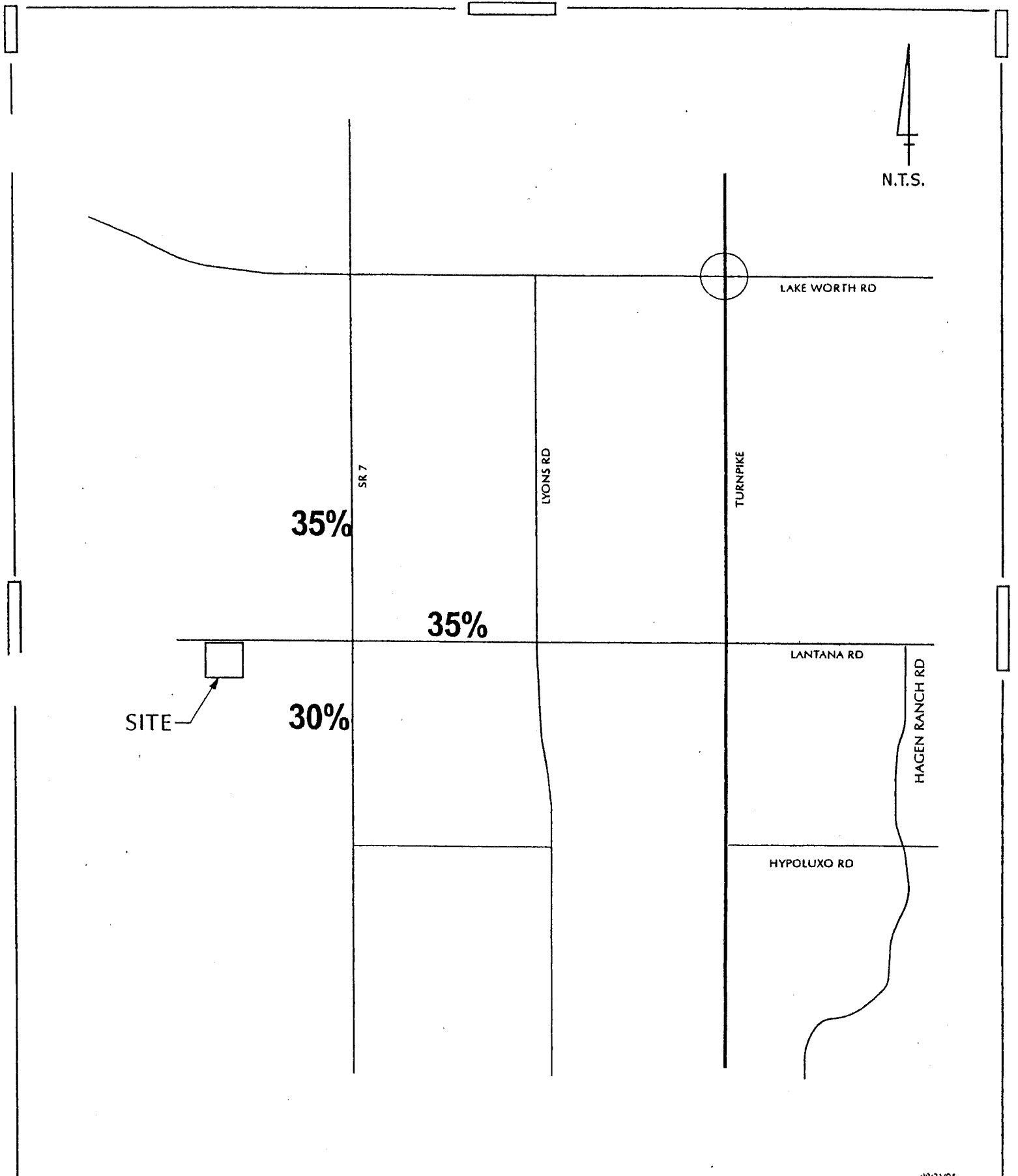
Land Use	Intensity	Trip Generation Rate (1)	Total Trips	External Trips	Pass-by Trips		New Trips
Residential Single Family (2)	2 Du	10 /DU	20	20	-	0%	20
Totals:			20	20	-		20

Proposed Land Use Designations (LR1)

Land Use	Intensity	Trip Generation Rate (1)	Total Trips	External Trips	Pass-by Trips		New Trips
Residential Single Family (3)	26 Du	10 /DU	260	260	-	0%	260
Totals:			260	260	-		260

Net New Trips	240
---------------	-----

(1) Source: Article 13, Fair Share Road Impact Fees, of the Palm Beach County Unified Land Development Code (ULDC).
(2) Based on 1 DU per 10 acres for 26.23 acres.
(3) Based on 1 DU per acre for 26.23 acres.



LANTANA / SR 7
RESIDENTIAL

EXHIBIT 2A
PROJECT TRAFFIC DISTRIBUTION

09/21/03
05-164

PTC

Exhibit 2B
Lantana / SR 7 Residential
Project Traffic Assignment

Proposed Land Use Designation

Roadway	Link	2025 Conditions						Net Project Traffic		Total Project Impact	Significant Impact? Y/N
		Lanes	2025 Volume (1)	Peak Season Factor	Adj 2025 Volume	LOS D Capacity	V/C	240	Daily Trips		
								% Dist			
SR7	Lake Worth Road to Lantana Road	6LD	48500	0.98	47530	49200	0.97	35%	84	0.17%	No
	Lantana Road to Hypoluxo Road	6LD	24000	0.98	23520	48200	0.49	30%	72	0.15%	No
Lantana Road	SR 7 to Lyons Road	6LD	35000	0.98	34300	49200	0.70	35%	84	0.17%	No

(1) Source: Palm Beach County MPO. Unadjusted volumes. See Appendix B.

Exhibit 3
Lantana / SR7 Residential
Existing (2005) Daily Traffic Conditions

Roadway	Link	Existing Lanes	Existing (2005) Traffic (1)	Peak Season Factor (2)	Proposed Project Traffic	Existing Plus Project	LOS 'D' Service Volume	LOS
SR7	Lake Worth Road to Lantana Road	6LD	42465	0.98	91	41707	49200	D
	Lantana Road to Hypoluxo Road	6LD	31171	0.98	78	30626	49200	D
Lantana Road	SR 7 to Lyons Road	4LD	19621	0.98	91	19320	32700	D

(1) Peak season count data. See Appendix A.
(2) See Appendix B.

Exhibit 4
Lntana / SR7 Residential
2010 Daily Traffic Conditions

Roadway	Link	Lanes	Existing (2005) Traffic (1)	Peak Season Factor (2)	Growth (2010)		Project	Total (2010)	Capacity	LOS (4)	Significant Impact? Y/N
					Volume	%/Year (3)					
SR7	Lake Worth Road to Lantana Road	6LD	42465	0.98	32284	12.17%	91	73990	49200	F	No
	Lantana Road to Hypoluxo Road	6LD	31171	0.98	23698	12.17%	78	54323	49200	F	No
Lantana Road	SR 7 to Lyons Road	4LD	19621	0.98	14917	12.17%	91	34236	32700	F	No

(1) Peak season count data. See Appendix A.
(2) See Appendix B
(3) See Appendix A.
(4) Roadway link not significantly impacted by proposed land use amendment. Projected volumes present a conservative analysis because growt rates will not continue at this level.

Exhibit 5
Lantana / SR7 Residential
2025 Daily Traffic Conditions

Roadway	Link	2025 Lanes	2025 Traffic(1)	Peak Season Factor (2)	Net Project Traffic(3)	Total 2025 Traffic	LOS 'D' Service Volume	LOS	% Net Project Impact
SR7	Lake Worth Road to Lantana Road	6LD	48500	0.98	84	47614	49200	D (4)	0.17%
	Lantana Road to Hypoluxo Road	6LD	24000	0.98	72	23592	49200	D (4)	0.15%
Lantana Road	SR 7 to Lyons Road	6LD	35000	0.98	84	34384	49200	D (4)	0.17%

(1) Source: Palm Beach County MPO. Unadjusted volumes. See Appendix B.
(2) See Appendix B.
(3) See Exhibit 2B.
(4) Roadway link not significantly impacted by proposed land use amendment.

APPENDIX A

			DAILY DATA			PEAK HOUR DATA					
STATION	STREETNAME	LOCATION	PEAK 2002*	PEAK 2005	Growth Rate	AM			PM		
						N/E APP	S/W APP	2WAY	N/E APP	S/W APP	2WAY
4401	LAKE WORTH RD	1500' E of SR-7	27890	36432	9.31%	1184	1535	2708	1718	1344	3062
4645	LAKE WORTH RD	750' W of Jog Rd	51220	53067	1.19%	1916	1691	3513	2236	2122	4295
4611	LAKE WORTH RD	500' E of Military Tr	44975	47121	1.57%	1988	1420	3133	1688	1956	3568
4627	LAKE WORTH RD	1200' W of Military Tr	43587	50676	5.15%	1656	1758	3232	2102	1682	3784
4609	LAKE WORTH RD	1300' E of Jog Rd	43394	45006	1.22%	1525	1550	3075	1700	1646	3333
4651	LAKE WORTH RD	1050' E of Congress Ave	25183	29118	4.96%	924	1223	2147	1102	1046	2166
4815	LAKE WORTH RD(LAKE	150' E of Dixie Hwy (US 1)	9540	10042	1.73%		805	805		572	572
4209	LANTANA RD	1500' W of I-95 Ent	37921	42461	3.84%	1209	1826	2825	1834	1444	3295
4403	LANTANA RD	200' E of SR-7		19621		920	689	1605	768	984	1711
4807	LANTANA RD	100' W of N 3rd St	17137	21493	7.84%	717	802	1472	831	772	1591
4605	LANTANA RD	800' E of Military Tr	38717	42958	3.53%	1374	2058	3400	2114	1470	3575
4311	LANTANA RD	1500' E of I-95 Ent	39392	41769	1.97%	1192	1609	2683	1584	1553	3079
4675	LANTANA RD	1000' W of Military Trail		43201		1263	2250	3513	2141	1610	3710
4619	LANTANA RD	400' E of Jog Rd		40005		1586	1452	3021	1870	1667	3512
4669	LANTANA RD	500' W of Jog Rd	30549	38587	8.10%	1224	1923	3147	1739	1513	3246
4207	LANTANA RD	50' E of Turnpike Overpass		38436		1843	1266	3098	1900	1541	3405
4665	LANTANA RD	450' W of Congress Ave	40225	47796	5.92%	1431	2292	3710	2438	1577	4006
4623	LANTANA RD	465' E of Congress Ave	37647	42455	4.09%	1147	1877	3024	1794	1611	3399
5204	LAWRENCE RD	1180' N of Old Boynton Rd		16110		716	426	1057	723	847	1564
4614	LAWRENCE RD	700' N of Gateway Blvd(22nd		15435		967	662	1582	611	939	1491
4608	LAWRENCE RD	800' N of Hypoluxo Rd		11828		462	794	1252	385	698	1183
5638	LAWRENCE RD	500' S of Boynton Bch Blvd		7854		366	283	566	316	427	745
4661	LE CHALET BL	200' W of Haverhill Rd	10150	10617	1.51%	327	501	826	544	439	946
5213	LINTON BL	700' W of I-95 Ent									

STATION	STREETNAME	LOCATION	DAILY DATA			PEAK HOUR DATA					
			PEAK 2002*	PEAK 2005	Growth Rate	AM			PM		
						N/E APP	S/W APP	2WAY	N/E APP	S/W APP	2WAY
5400	SR-7	5000' N of W Atlantic Av	14992	25797	19.83%	1993	1088	3061	930	1677	2547
6110	SR-7	50' N of Hillsboro Canal Brid	47931	51123	2.17%	2078	2185	4263	2452	1906	4301
3408	SR-7	2300' S of Southern Blvd	38699	55628	12.86%	1680	2309	3828	2177	2144	4321
5102	SR-7	400' N of Boynton Beach Blv		31431		2270	2315	4577	1065	850	1877
5402	SR-7	500' S of Boynton Beach Blv		27483		1937	925	2850	939	1685	2564
6400	SR-7	2000' S of Glades Rd	50260	58692	5.31%	2010	2370	4352	2325	2392	4651
3404	SR-7	500' S of Okeechobee Blvd	32082	47176	13.72%	2209	1145	3106	1862	1746	3574
4402	SR-7	500' S of Lantana Road		31171		2125	1212	3229	1081	2031	3096
4400	SR-7	500' N of Lantana Rd	27360	42465	15.78%	2279	1599	3864	1642	2070	3635
3406	SR-7	1500' N of Southern Blvd	43376	59099	10.86%	1825	2187	3925	2275	2385	4597
4102	SR-7	1300' S of Forest Hill Blvd	37412	51821	11.47%	1906	2204	3903	1998	2261	4244
6402	SR-7	1000' N of Glades Rd		51532		2111	1864	3954	2128	2053	4148
7004	SR-700	1000' NW of SR 80(new)	2688								
7026	SR-715	500' S of Ave 'E' (Belle Glade	13419								
7042	SR-715	500' S of Hooker Hwy (BG)	6732								
7029	SR-80	500' W of SR 715 (PERM)	21802	26355	6.53%	738	1089	1819	949	1151	2095
7015	SR-80	300' E of SR 15/US 441	11018								
7036	SR-80/S Main St	500' S of Ave 'G' (Belle Glade	27989								
2826	SR-811 (Alt A1A)	750' N of Burns Rd	24688	26262	2.08%	1229	936	2165	1018	1182	2174
2814	SR-811 (Alt A1A)	500' N of Northlake Blvd	22109	23192	1.61%	972	742	1714	947	1110	2039
1308	SR-811 (Alt A1A)	500' N of Donald Ross Rd		23574		1079	1030	2109	956	1076	2001
2830	SR-811 (Alt A1A)	500' S of Donald Ross Rd	27293	21258	-7.99%	1045	758	1803	955	1233	2188
1808	SR-811 (Alt A1A)	1500' S of Indiantown Rd(PE		32158		1342	1110	2383	1144	1504	2645
2824	SR-811 (Alt A1A)	800' S of PGA Blvd	26688	23755	-3.81%	1040	937	1972	866	1312	2124

#PTC05-007
growth 05-164 9-22-05jo
9/22/2005

Lantana / SR 7 Residential
Historic Growth

Roadway	Daily Volume		Growth Rate
	2002 (1)	2005	
SR 7			
North of Lantana Road	27,360	42,465	15.78% /Year
South of Lantana Road (2)	26,530	31,171	8.39% /Year
Lantana Road			
East of SR 7	12,189	19,621	17.20% /Year
AREAWIDE	66,079	93,257	12.17% /Year

(1) Average of 2001 - 2003 counts.
(2) Used available data from 2003 and 2005.

APPENDIX B

Print Date: Feb/08/2005

Florida Department of Transportation
Transportation Statistics Office
2003 Peak Season Factor Category Report

CEN.-W OF US1 TO SR7

Category: 9301

MOCF = 0.98

<u>Week</u>	<u>Dates</u>	<u>SF</u>	<u>PSCF</u>
1	01/01/2003 - 01/04/2003	0.97	0.99
2	01/05/2003 - 01/11/2003	0.99	1.01
3	01/12/2003 - 01/18/2003	1.00	1.02
4	01/19/2003 - 01/25/2003	0.99	1.01
5	01/26/2003 - 02/01/2003	0.99	1.01
* 6	02/02/2003 - 02/08/2003	0.98	1.00
* 7	02/09/2003 - 02/15/2003	0.97	0.99
* 8	02/16/2003 - 02/22/2003	0.97	0.99
* 9	02/23/2003 - 03/01/2003	0.97	0.99
* 10	03/02/2003 - 03/08/2003	0.97	0.99
* 11	03/09/2003 - 03/15/2003	0.97	0.99
* 12	03/16/2003 - 03/22/2003	0.97	0.99
* 13	03/23/2003 - 03/29/2003	0.97	0.99
* 14	03/30/2003 - 04/05/2003	0.98	1.00
* 15	04/06/2003 - 04/12/2003	0.98	1.00
* 16	04/13/2003 - 04/19/2003	0.98	1.00
* 17	04/20/2003 - 04/26/2003	0.99	1.01
* 18	04/27/2003 - 05/03/2003	0.99	1.01
19	05/04/2003 - 05/10/2003	1.00	1.02
20	05/11/2003 - 05/17/2003	1.00	1.02
21	05/18/2003 - 05/24/2003	1.01	1.03
22	05/25/2003 - 05/31/2003	1.01	1.03
23	06/01/2003 - 06/07/2003	1.02	1.04
24	06/08/2003 - 06/14/2003	1.02	1.04
25	06/15/2003 - 06/21/2003	1.03	1.05
26	06/22/2003 - 06/28/2003	1.05	1.07
27	06/29/2003 - 07/05/2003	1.07	1.09
28	07/06/2003 - 07/12/2003	1.08	1.10
29	07/13/2003 - 07/19/2003	1.10	1.12
30	07/20/2003 - 07/26/2003	1.08	1.10
31	07/27/2003 - 08/02/2003	1.06	1.08
32	08/03/2003 - 08/09/2003	1.03	1.05
33	08/10/2003 - 08/16/2003	1.01	1.03
34	08/17/2003 - 08/23/2003	1.01	1.03
35	08/24/2003 - 08/30/2003	1.01	1.03
36	08/31/2003 - 09/06/2003	1.01	1.03
37	09/07/2003 - 09/13/2003	1.01	1.03
38	09/14/2003 - 09/20/2003	1.01	1.03
39	09/21/2003 - 09/27/2003	1.00	1.02
40	09/28/2003 - 10/04/2003	1.00	1.02
41	10/05/2003 - 10/11/2003	0.99	1.01
42	10/12/2003 - 10/18/2003	0.98	1.00
43	10/19/2003 - 10/25/2003	0.99	1.01
44	10/26/2003 - 11/01/2003	0.99	1.01
45	11/02/2003 - 11/08/2003	1.00	1.02
46	11/09/2003 - 11/15/2003	1.00	1.02
47	11/16/2003 - 11/22/2003	0.99	1.01
48	11/23/2003 - 11/29/2003	0.99	1.01
49	11/30/2003 - 12/06/2003	0.98	1.00
50	12/07/2003 - 12/13/2003	0.98	1.00
51	12/14/2003 - 12/20/2003	0.97	0.99
52	12/21/2003 - 12/27/2003	0.99	1.01
53	12/28/2003 - 12/31/2003	1.00	1.02

561-684-1170 FAX 561-684-1170
561-684-1170 FAX 561-684-1170

FILE OF WELLINGTON FL
KIMLEY-HORN WPB FL
PSMPO

2012 000
PAGE 02

COMP PLAN BOB



METROPOLITAN PLANNING ORGANIZATION

Palm Beach MPO

F A X C O V E R

Date:	01/22/2004
Sent to:	Latin Blissett
Attention:	
Office location:	
Fax number:	561- 684-1170 882-0199
From:	Paul Larsen
Office location:	
Phone number:	

168 Australian Ave. Suite 201
West Palm Beach, FL 33408

Phone: 561-684-1170
Fax: 561-230-5644

Email: mpo@palm-beach.fl.us
Website: <http://www.pbcgov.com/mpo>

<input type="checkbox"/> AS REQUESTED	<input type="checkbox"/> REPLY 3500	<input type="checkbox"/> PLEASE COMMENT	<input type="checkbox"/> PLEASE REVIEW	<input type="checkbox"/> FOR YOUR INFORMATION
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TOTAL PAGES, INCLUDING COVER:

Comments:

Please see your attached Sheet #2 with 2025 Estimates for Turnpike as requested. Paul
--

01/20/2004 13:26 FAX 561 791 4080

01/22/04 THU 12:55 FAX 561 842 3697

01/22/04 THU 09:16 FAX 561 842 5687

12/01/2002 10:17 5612385654

11/19/03 THU 17:01 FAX 561 842 1807

VILL OF WELLINGTON PZB
KIMLEY-HORN WPB FL
PBPO

KIMLEY-HORN WPB FL

PBPO

KIMLEY-HORN WPB FL
PBPO

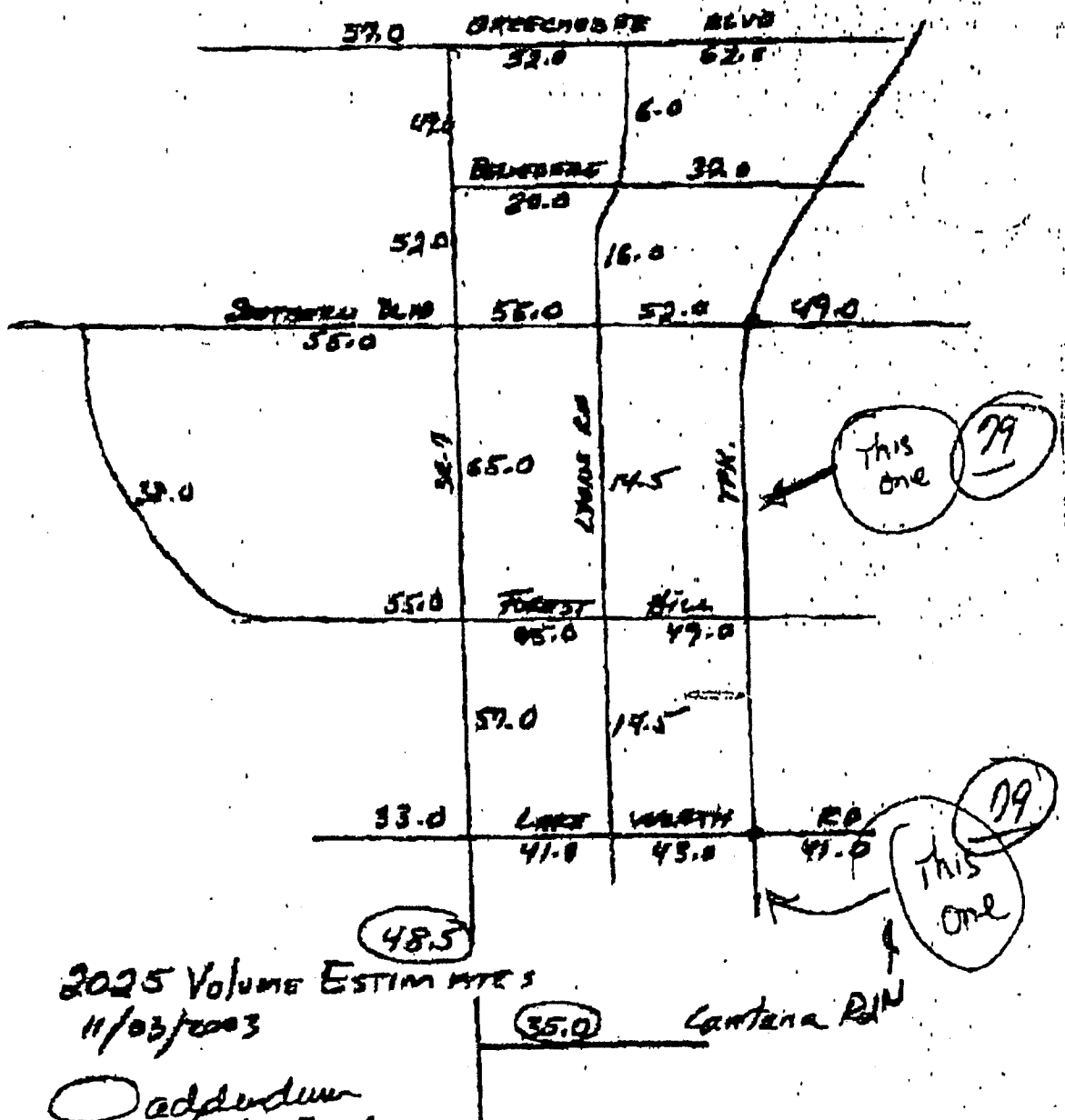
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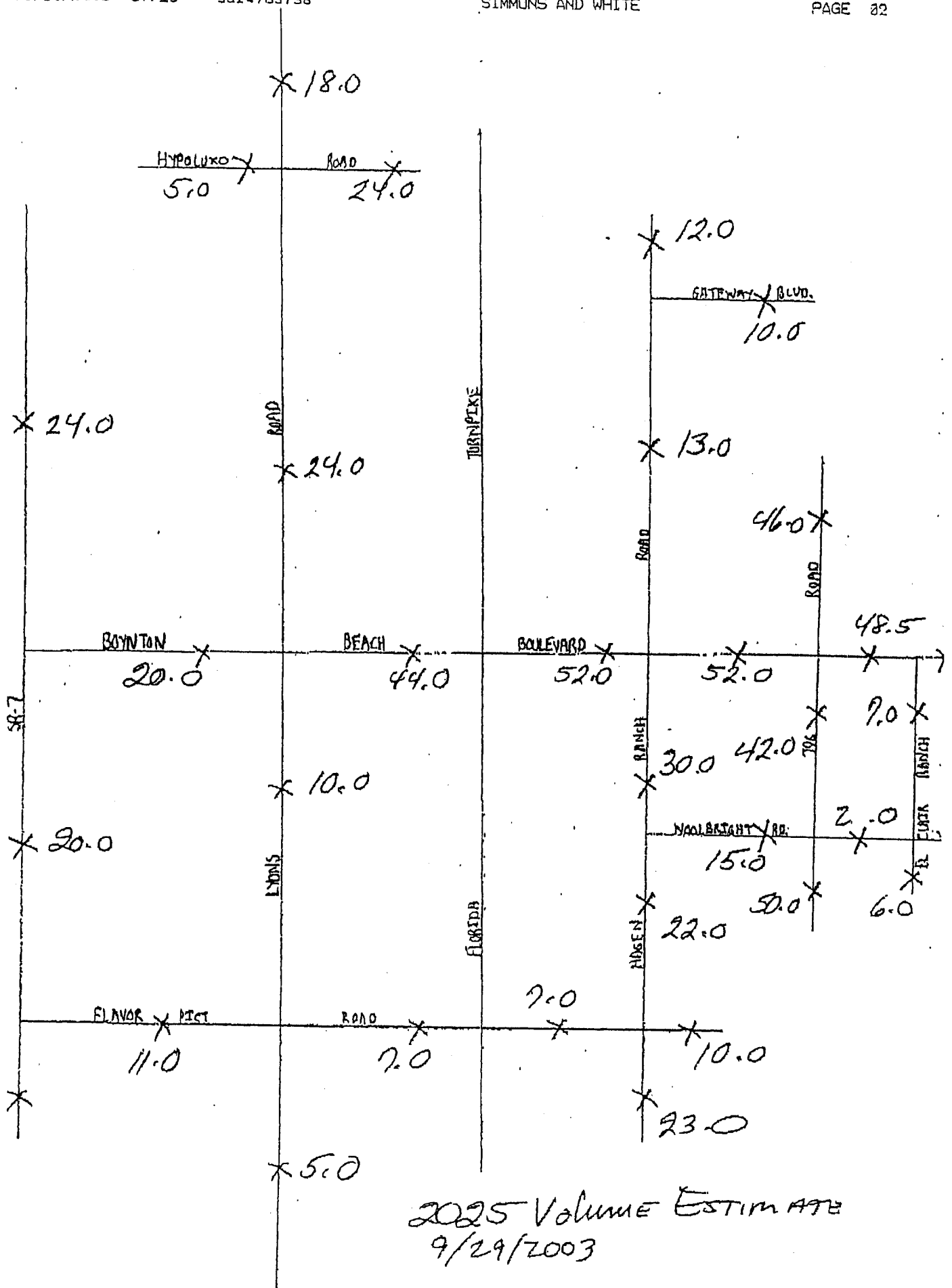
PBMPO

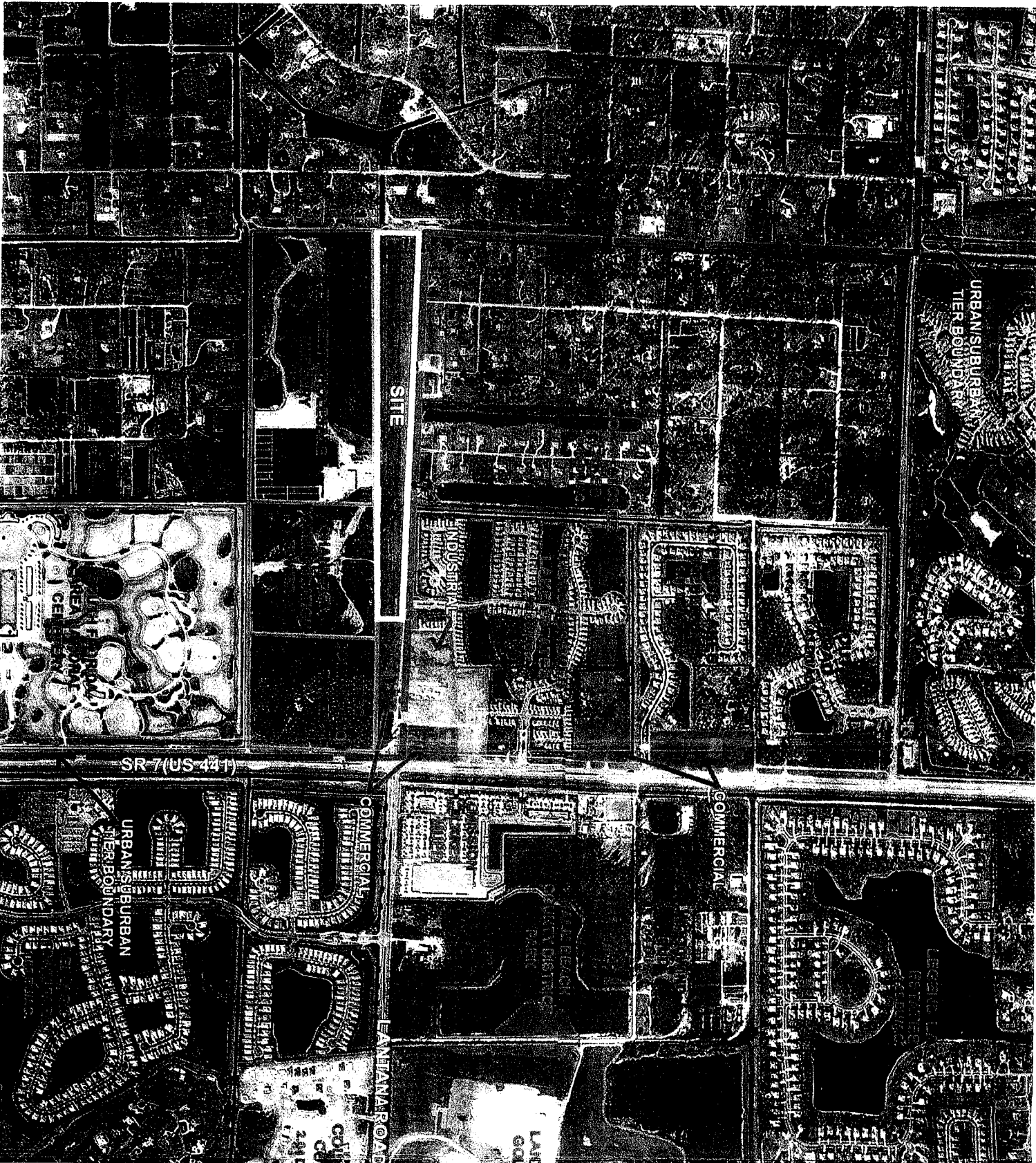
PAGE 04

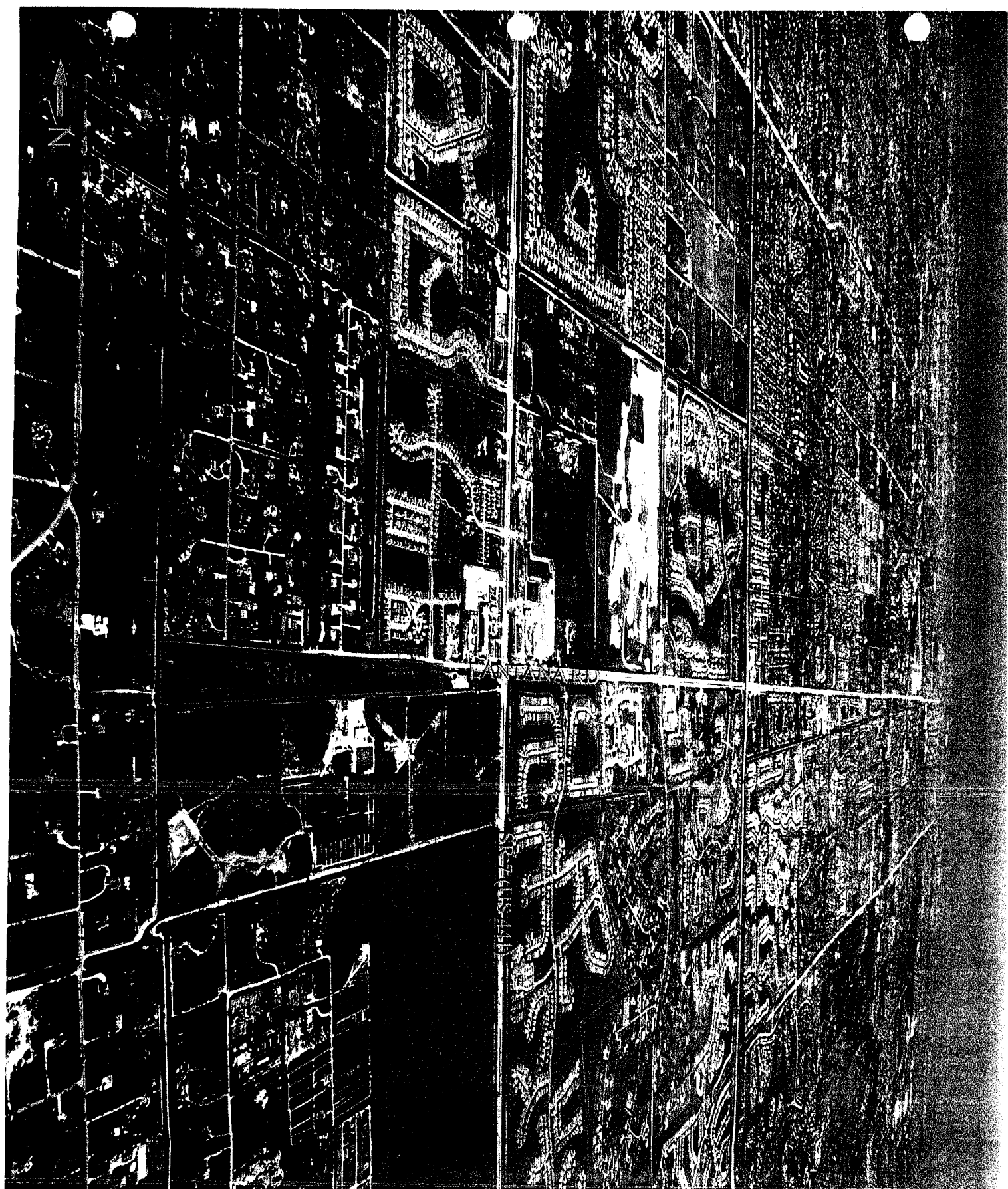
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SIMMONS AND WHITE

PAGE 02







APPENDIX C

CONCURRENCY/COMPLIANCE TRANSPORTATION

1. TRAFFIC DATA AND ANALYSIS REQUIREMENTS

a. Determine the trip generation for the current future land use designation.

For parcels with a residential FLU use the number of units calculated in Section II.C.5.a.1);

1) For parcels with a non-residential FLU, use the following:

- a. The typical square footage for the current FLU calculated in Section II.C.6.a.1; and
- b. The maximum square footage for the current FLU calculated in Section II.C.6.a.2.

The current future land use designation is RR10. The trip generation is detailed on Exhibit 1 of the traffic report.

b. Determine the trip generation for the proposed future land use designation.

1) For parcels requesting a residential FLU use the number of units calculated in Section II.C.5.a.2);

2) For parcels requesting a non-residential FLU, use the following:

- a. The typical square footage for the proposed FLU calculated in Section II.C.6.a.1; and
- b. The maximum square footage for the proposed FLU calculated in Section II.C.6.a.1.

The proposed future land use designation is LR1. The trip generation is detailed on Exhibit 1 of the traffic report.

c. Determine the net trip increase at typical square footage/density and maximum square footage/density (b-a).

The net trip generation is detailed on Exhibit 1 of the traffic report.

- d. Determine the project trip distribution at typical and at maximum project traffic.

Policy 3.5-d: The County shall not approve a change to the Future Land Use Atlas which:

1. results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon the MPO's 2025 Long Range Transportation Plan Dated March 18, 2002. Significant impact shall be as defined in Table 3.5-1.

Net Trip Generation**	Distance
1- 50	No significant impact
51 – 1,000	Only address directly accessed link on first accessed major thoroughfare*
1,001 – 4,000	1 mile*
4,001 – 8,000	2 miles*
8,001 – 12,000	3 miles*
12,001 – 20,000	4 miles*
20,000 - up	5 miles*

* A project has significant traffic: (1) when net trips increase will cause the adopted LOS for FHHS facilities to be exceeded; and/or (2) where net trips increase impacting roads not on the FHHS is greater than one percent (1%) for volume to capacity ratio (v/c) of 1.4 or more, two percent (2%) for v/c of 1.2 or more and three percent (3%) for v/c of less than 1.2 of the level of service "D" capacity on an AADT basis of the link affected up to the limits set forth in this table. The laneage shall be as shown on the MPO's 2025 Long Range Transportation Plan dated March 18, 2002.

** When calculating net trip increase, consideration will be given to alternative modes of transportation (i.e. bicycle lanes, bicycle paths, bus lanes, fixed rail, and light rail facilities) in reducing the number of net trips. These alternative modes must either be operating at the time of the change to the Future Land Use Atlas or be included in both the Transportation Element (Mass Transit) and the Capital Improvement Element of the Comprehensive Plan.

or;

2. results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b.

The net trip generation shown on Exhibit 1 of the traffic report results in 240 daily trips, which requires an analysis of the directly accessed link. The directly accessed links are not significantly impacted by the proposed amendment as shown on Exhibit 2B.

e. Determine LOS with existing traffic and at typical and at maximum project traffic.

- 1) Add the project traffic to existing traffic volumes for all roadways determined in (d.), based on the trip generation for the proposed future land use in (b).
- 2) Compare to LOS D for existing lanes.

Exhibit 3 of the traffic report provides the analysis of existing traffic. The directly accessed roadway links are projected to meet the adopted level of service standards.

f. Determine LOS with projected five year traffic at typical and at maximum project traffic.

- 1) Determine five year projected traffic volumes using the published historic growth rates and major project traffic.
- 2) Add the project traffic to all roadways determined in (d) based on the trip generation for the proposed future land use in (b).*
- 3) Compare to LOS D for existing and assured lanes.

Exhibit 4 of the traffic report provides the analysis of five year traffic. This analysis shows that the directly accessed roadway links fail to meet the adopted daily LOS volume. These links are not significantly impacted by the proposed amendment.

g. Determine LOS for 2025 with the increase in traffic due to the proposed land use amendment at typical and at maximum project traffic.

- 1) Provide 2025 traffic projections (documentation from MPO required).
- 2) Add the project traffic to all roadways determined in (d) based on the trip generation for the increase in traffic due to the proposed future land use in (c).
- 3) Provide the volume to capacity ratio for each link.
- 4) Provide the percentage of project traffic with respect to the capacity of roadway for each link and indicate significance of the project traffic based upon the sliding scale given in Table 3.5-1.
- 5) Compare the total traffic on the roadway segments to LOS D for the lane sin the 2025 roadway system.

Exhibit 5 of the traffic report provides the analysis of 2025 traffic. The directly accessed roadway links are projected to meet the adopted standards.

2. MASS TRANSIT DATA AND ANALYSIS REQUIREMENT

a. DATA REQUIREMENTS

- 1) **Mass transit provider:** Identify the mass transit provider for the property.
- 2) **Nearest mass transit facility:** Identify the location (street address) of the nearest bus shelter or stop, in tenths of a mile from the subject property, and the number of the nearest bus route that would service the property.
- 3) **Tri-County Commuter Rail Connection:** Identify whether the subject property has connections to the Tri-County Commuter Rail Feeder Bus Route.

MASS TRANSIT	
Mass Transit Provider	Palm Tran
Nearest Mass Transit Facility	Route 62, Bus Stop 2 miles at Lake Worth Road.
Commuter Rail Connection	Yes, Lake Worth Tri-Rail Station



Transportation Consultants

5114 Okeechobee Boulevard, Suite 210
West Palm Beach, FL 33417-3405
(561) 296-9698 Fax 296-9699
ptc@pindertroutman.com

February 21, 2007

Ms. Vinette Godelia, Esq.
Hopping Green & Sams, P.A.
123 S. Calhoun Street
Tallahassee, FL 32301

Re: Lantana / SR7 Residential - #PTC05-164

Dear Ms. Godelia:

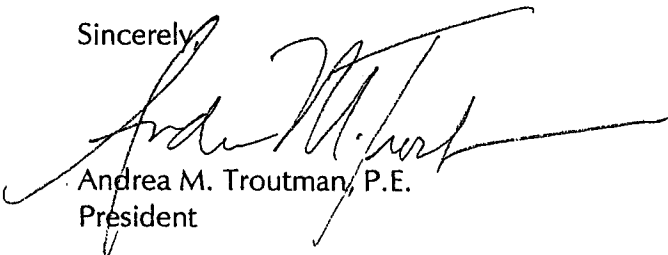
The purpose of this letter is to present information on the roadway network improvements in the surrounding area for the above referenced project. Existing and proposed laneage for the adjacent roadway links are shown below as well as project impact.

Roadway Link		Existing		Year 2025	
		Laneage	Project Impact	Laneage	Project Impact
Lantana Rd	SR 7 to Lyons Rd	4 Lane Divided	0.26%	6 Lane Divided	0.17%
SR 7	Lake Worth Rd to Lantana Rd	6 Lane Divided	0.17%	8 Lane Divided	0.13%

Planned roadway improvements in the area will address roadway capacity constraints. Additionally, as stated in the original analysis, the proposed land use amendment does not significantly impact any roadway links.

If you have any questions, please do not hesitate to contact this office.

Sincerely,



Andrea M. Troutman, P.E.
President

AMT/at

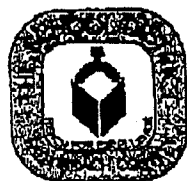
cc: Gary Smigiel
Damian Brink

EXHIBIT D-2



Exhibit "E"

School Capacity Analysis



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT

PLANNING DEPARTMENT
3300 FOREST HILL BOULEVARD, C-110
WEST PALM BEACH, FL 33406-5813
(561) 434-8020 FAX: (561) 434-8187
www.palmbeach.k12.fl.us

March 26, 2007

Mr. Damian A. Brink
Kilday & Associates
1551 Forum Place, Suite 100A
West Palm Beach, FL 33401

**RE: ADEQUATE SCHOOL FACILITIES DETERMINATION - CASE NUMBER
#07022601A - LANTANA ROAD & SR7 RESIDENTIAL**

Dear Mr. Brink:

The Palm Beach County School District has reviewed your application for an Adequate School Facility Determination for the above referenced project, located on South side of Lantana Road, approximately 1,500 feet West of State Road 7/441.

The proposed development is located in Concurrency Service Area (CSA) 18 and SAC 206B. Based on School District's adopted student multipliers for a dwelling unit, the proposed development consisting of 26 single-family residential units may generate 4 elementary school students, 2 middle school students and 3 high school students. The following table lists the current school's enrollment and utilization as well as the projected enrollment and utilization with additional numbers of students, which would be generated from the proposed development.

Schools	Class Size Reduction FSH (07/08)	Current Capacity (07/08)	Current Enrollment (07/08)	Current Utilization (07/08)	Projected Enrollment (07/08)	Projected Utilization (07/08)
Discovery Key Elementary School	1,211	1,276	1,262	99%	1,266	99%
Polo Park Middle School	1,633	1,648	1,089	66%	1,091	66%
John I. Leonard High School	2,676	2,500	2,361	94%	2,364	95%

": The current high school serving the area where the proposed development is located is Palm Beach Central High School. Palm Beach Central High School exceeds the adopted level of service in FY 2007-2008. However, John I. Leonard High School is located in the same CSA and the capacity is available at that school.

The Palm Beach County School District has determined that there is currently adequate capacity to accommodate the project at the adopted level of service. Please be advised that this correspondence does not constitute a concurrency determination, and the availability of capacity can change. A concurrency determination can be applied for simultaneously with a development application to the local jurisdiction.

If you have any questions regarding this determination, please contact me at (561) 434-8876.

Sincerely,



Joyce C. Cai
Senior Planner

Exhibit "F"

Potable Water & Sanitary Sewer Capacity Analysis

Lantana Road/SR 7 Parcel Water & Sewer Capacity Analysis
Provider – Palm Beach County Water Utilities

Current Potable Water Demand

Permitted Capacity	Average Daily Demand	Available Capacity	Adopted Level of Service	Project Average Daily Demand**	Project % of Capacity Used	Total % of Capacity Used
(M.G.D.)	(M.G.D.)	(M.G.D.)	(G.P.D.)	(G.P.D.)		
101	56	45	126	7666	<1	55.5%

126 gpd * 26.23 AC * 1 DU/AC * 2.34 population)

Projected Potable Water Demand

Year	Permitted Capacity (M.G.D.)	Projected Commitment (M.G.D.)	Project Demand (G.P.D.)	Project % of Capacity Used	Total % of Capacity Used
2011	107	77	7666	<1	72.0%
2020	123	97	7666	<1	78.9%

Current Wastewater Demand

Permitted Capacity	Average Daily Wastewater Flow	Available Capacity	Adopted Level of Service	Project Average Daily Flow**	Project % of Capacity Used	Total % of Capacity Used
(M.G.D.)	(M.G.D.)	(M.G.D.)	(G.P.D.)	(G.P.D.)		
56	45	11	100	6084	<1	80.4%

100 gpd * 26.23 AC * 1 DU/AC * 2.34 population

Projected Wastewater Demand

Year	Permitted Capacity (M.G.D.)	Outstanding Commitment (M.G.D.)	Project Flow (G.P.D.)	Project % of Capacity Used	Total % of Capacity Used
2011	59	49	6084	<1	83.1%

ORDINANCE NO. 2007 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR THE **LANTANA/SR 7 RESIDENTIAL (LGA 2006-00010) REMEDIAL COMPREHENSIVE PLAN AMENDMENT**, MODIFYING PAGE 80 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 26.23 ACRES, GENERALLY LOCATED ON THE SOUTH SIDE OF LANTANA ROAD, APPROXIMATELY 1,500 FEET WEST OF STATE ROAD 7 (US 441), FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO LOW RESIDENTIAL, 1 UNIT PER 1 ACRE (LR-1), AND THE **MAP SERIES** (TO MODIFY THE TIER & SERVICE AREA BOUNDARIES FROM THE RURAL TIER AND RURAL SERVICE AREA TO THE URBAN/SUBURBAN TIER AND URBAN SERVICE AREA FOR THE THREE PARCELS IDENTIFIED IN THE LANTANA/SR 7 SETTLEMENT AGREEMENT, INCLUDING THE SUBJECT SITE OF ORDINANCE 2006-029, TO AVOID PIECEMEAL TIER REDESIGNATIONS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County adopted an amendment to the Comprehensive Plan on August 21, 2006 in Ordinance No. 2006-029; and

WHEREAS, the Department of Community Affairs issued a statement of intent to find the Comprehensive Plan amendment in Ordinance 2006-029 not in Compliance on October 23, 2007; and

WHEREAS, Palm Beach County and State of Florida Department of Community Affairs entered into a stipulated settlement agreement with the Department of Community Affairs which identifies a remedial amendment to be enacted by Palm Beach County within 60 days following approval of the settlement agreement; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a single public hearing as provided in section 163.3184(16)(d), Fla. Stat. (1993) on November 26, 2007 to consider adoption of the Comprehensive Plan

1 amendment consistent with the terms of the stipulated settlement
2 agreement approved on December 18, 2007;

3 WHEREAS, this Ordinance repeals and replaces Ordinance No. 2006-
4 029 as adopted on August 21, 2006 that amended Palm Beach County's
5 Comprehensive Plan; and

6 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
7 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

8 Part I. Amendments to the 1989 Comprehensive Plan

9 A. Future Land Use Atlas page 80 is amended as follows:

10 Application No.: Lantana/SR 7 Residential (LGA 2006-
11 00010) Remedial Plan Amendment

12 Amendment: From Rural Residential, 1 unit per
13 10 acres (RR-10) to Low Residential, 1
14 unit per 1 acre (LR-1) for parcels

15 General Location: south side of Lantana Road,
16 approximately 1,500 feet west of State
17 Road 7 (US 441);

18 Size: Approximately 26.23 acres;

19 B. In the Map Series, to modify the Tier & Urban Service Area
20 Boundary on Map Series maps L.U. 1.1 & L.U. 2. to reflect a
21 change for three parcels (PCNs. 00-41-44-37-00-037-0021, 00-41-
22 44-37-00-037-0013, and 00-41-4437-00-037-0011) from the Rural
23 Tier and Rural Service Area to the Urban/Suburban Tier and the
24 Urban Service Area.

25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be
32 unconstitutional, inoperative or void, such holding shall not affect
33 the remainder of this Ordinance.

34 Part IV. Inclusion in the 1989 Comprehensive Plan

1 The provision of this Ordinance shall become and be made a part
2 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
3 Ordinance may be renumbered or relettered to accomplish such, and the
4 word "ordinance" may be changed to "section," "article," or any other
5 appropriate word.

6 **Part V. Effective Date**

7 The effective date of this plan amendment shall be the date a
8 final order is issued by the Department of Community Affairs or
9 Administration Commission finding the amendment in compliance in
10 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
11 applicable. No development orders, development permits, or land uses
12 dependent on this amendment may be issued or commence before it has
13 become effective. If a final order of noncompliance is issued by the
14 Administration Commission, this amendment may nevertheless be made
15 effective by adoption of a resolution affirming its effective status,
16 a copy of which resolution shall be sent to the Florida Department of
17 Community Affairs, Division of Community Planning, Plan Processing
18 Team. An adopted amendment whose effective date is delayed by law
19 shall be considered part of the adopted plan until determined to be
20 not in compliance by final order of the Administration Commission.
21 Then, it shall no longer be part of the adopted plan unless the local
22 government adopts a resolution affirming its effectiveness in the
23 manner provided by law.

24 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm
25 Beach County, on the _____ day of _____, 2007.

26
27 ATTEST:
28 SHARON R. BOCK, CLERK
29 & COMPTROLLER

30
31 PALM BEACH COUNTY, FLORIDA,
32 BY ITS BOARD OF COUNTY COMMISSIONERS

33
34 By: _____ By: _____
35 Deputy Clerk Addie L. Greene, Chairperson

36
37 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

38
39 
40 COUNTY ATTORNEY

41
42 Filed with the Department of State on the _____ day of
43 _____, 2007.

44 T:\planning\AMEND\07-2\reports\bccadopt\Other Items like settlement agreements etc\Lantana Farms Ordinance.doc

EXHIBIT 1

A. Future Land Use Atlas -

Amendment No.: Lantana/SR-7 Residential (LGA 2006-00010)

FLUA Page No.: 80

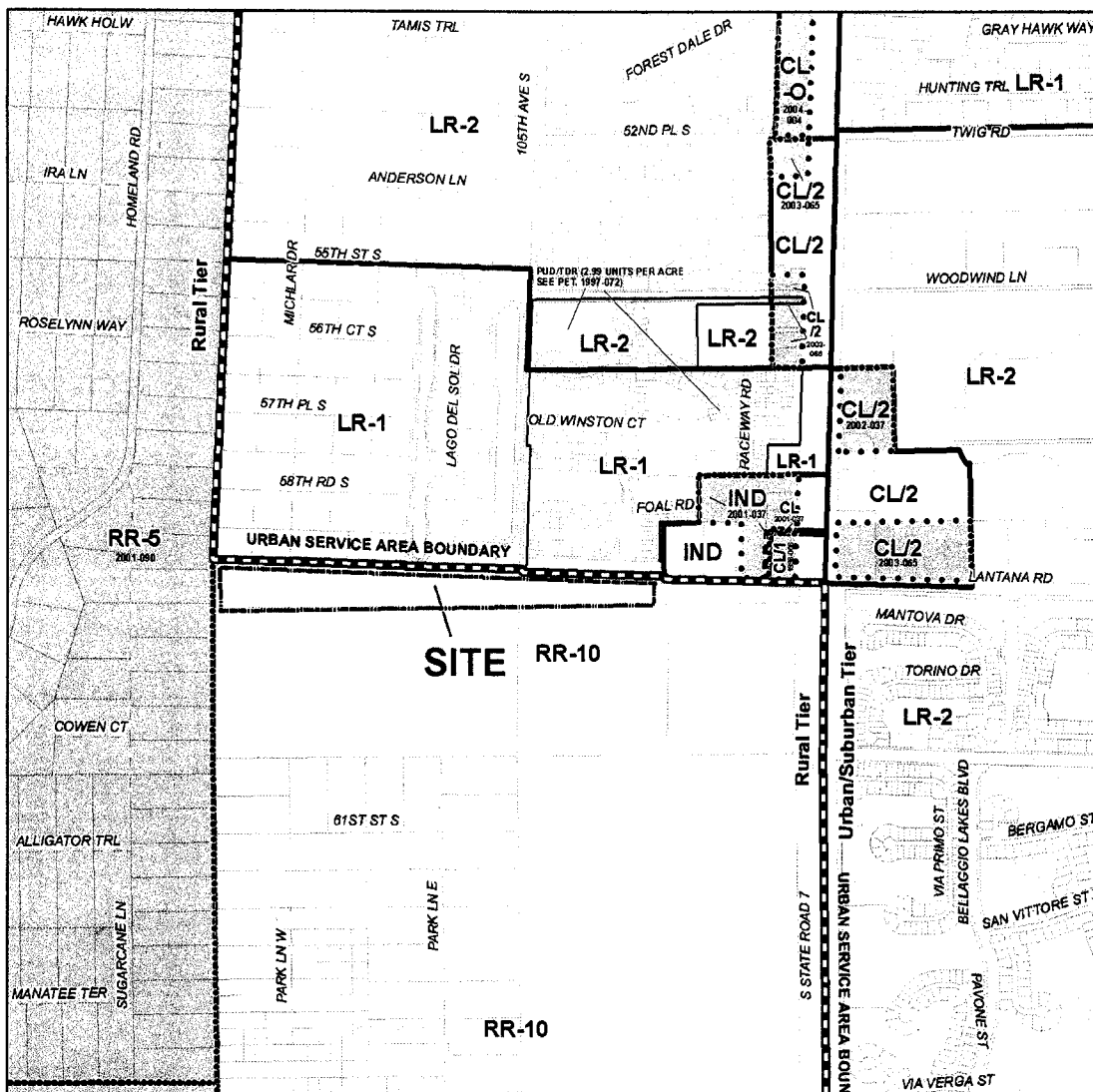
Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 1 unit per acre (LR-1)

Location: South side of Lantana Road, approximately 1,500 feet west of State Road 7/441

Size: Approximately 26.23 acres

Property No.: 00-41-44-37-00-037-0021

Legal Description: See attached



LEGAL DESCRIPTION:

A PARCEL OF LAND IN LOTS 2, 3, AND 4, BLOCK 37, LANTANA HIATUS, IN TOWNSHIP 44 1/2 SOUTH, RANGE 41 E, PALM BEACH COUNTY, FLORIDA, SAID PARCEL CONTAINING 26.0 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE U.S. GOVERNMENT LAND OFFICE MONUMENT MARKING THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 E, WHICH MONUMENT IS ALSO THE NORTHEAST CORNER OF SAID BLOCK 37 OF THE LANTANA HIATUS; RUN THENCE NORTH 88°08'25" WEST, ALONG THE NORTH LINE OF SAID BLOCK 37, WHICH LINE IS ALSO THE TOWNSHIP LINE, A DISTANCE OF 1529.00 FEET TO THE NORTHEAST CORNER AND POINT OF BEGINNING OF THE PARCEL; THENCE CONTINUE NORTH 88°08'25" WEST ON SAID TOWNSHIP LINE A DISTANCE OF 3872.67 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, BLOCK 37, THENCE RUN SOUTH 0°04'08" EAST ON THE WEST LINE OF SAID LOT 4, A DISTANCE OF 369.30 FEET TO THE SOUTHWEST CORNER THEREOF, THENCE RUN NORTH 89°42'20" EAST ON THE SOUTH LINE OF LOTS 4, 3 AND 2 OF SAID BLOCK 37, A DISTANCE OF 3863.82 FEET; THENCE RUN NORTH 01°37'50" EAST A DISTANCE OF 224.72 FEET TO THE POINT OF BEGINNING. (PROPERTY CONTROL NO. 00-41-44-37-00-037-0021).

LESS THAT PORTION DESCRIBED IN RIGHT OF WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 6473, PAGE 1608, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A PARCEL OF LAND IN LOT 2, BLOCK 37, LANTANA HIATUS, IN TOWNSHIP 44 1/2 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 41 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID BLOCK 37 OF THE LANTANA HIATUS:

THENCE RUN NORTH 88°08'25" WEST, ALONG THE NORTH LINE OF SAID BLOCK 37, WHICH LINE IS ALSO THE TOWNSHIP LINE, A DISTANCE OF 1529.00 FEET TO THE NORTHEAST CORNER AND THE POINT OF BEGINNING.

THENCE CONTINUE NORTH 88°08'25" WEST, ALONG SAID TOWNSHIP LINE, A DISTANCE OF 267.96 FEET; THENCE, SOUTH 83°13'05" EAST, A DISTANCE OF 208.63 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 1925 FEET, A CENTRAL ANGLE OF 01°47'46" AND A CHORD BEARING OF SOUTH 84°06'58" EAST; THENCE, EASTERLY, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 60.34 FEET TO THE END OF SAID CURVE; THENCE, NORTH 01°37'50" EAST, A DISTANCE OF 22.14 FEET TO THE POINT OF BEGINNING.