



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, NOVEMBER 30, 2017

A. Application Summary

I. General

Project Name:	Boynton Atrium CLF (SCA 2017-021)
Request:	CL/2 to INST/12 <i>with conditions</i>
Acres:	4.33 acres
Location:	East side of Military Trail, approx. 0.125 mile south of Golf Road
Project Manager:	Francis Forman, Planner I
Applicant:	Jim Gielda, JKM Boynton ALF, LLC
Owner:	Maria Mignano Trust, Blanca Moreda
Agent:	Josh Nichols, LEED AP
Staff Recommendation:	Staff recommends <i>approval</i> based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

The proposed amendment is a request to change the future land use designation on 4.33 acre site from Commercial Low with an underlying 2 units per acre (CL/2) to Institutional and Public Facilities with an underlying 12 units per acre (INST/12) designation in order to develop a Congregate Living Facility (CLF) Type 3. The subject site is located in a suburban area of the County and surrounded on all sides by residential development and a golf course. The site has been designated with the Commercial designation since 1989, but has not been zoned or utilized for commercial uses. The future land use amendment would allow up to 124 CLF beds, and the concurrent zoning application requests to purchase of 10 Transfer of Development Rights for up to 148 beds total.

As demonstrated in this report, the site's isolated, mid-block location render it inappropriate for commercial uses, and the proposed CLF use would be appropriate and compatible at this location provided that the site is limited by the proposed voluntary conditions of approval to restrict the increase in density to the CLF use, and to ensure that no other use than the CLF can be built on the site under the INST designation. Subject to the conditions of approval recommended by staff, the request is consistent with pertinent Policies in the Comprehensive Plan, does not constitute urban sprawl, is compatible with adjacent uses, and meets all levels of service standards. The amendment would replace an isolated mid-block Commercial Low land use with an institutional use compatible with surrounding residential uses.

III. Hearing History

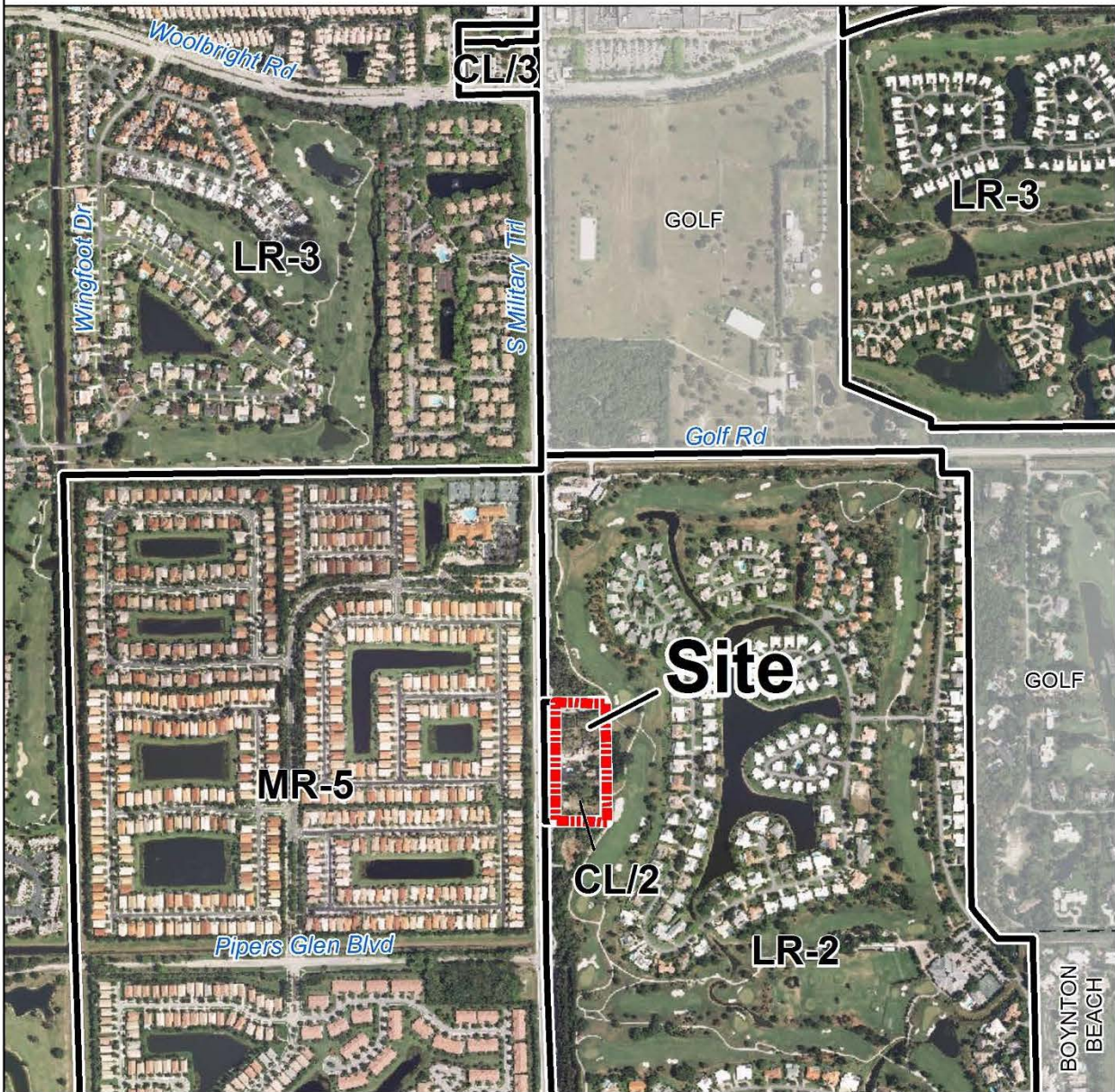
Local Planning Agency: *Denial*, motion by Katharine Murray, seconded by Sandra Greenberg, passed in a 7-6 vote (with Lori Vinikoor, Neil Merin, Michael Peragine, Angella Vann, Richard Ryles, and Edwin Ferguson dissenting). The Board expressed support for the proposed Congregate Living Facility Use, and discussed the proposed density of the proposal, compatibility with the adjacent properties, and that design features such as height and setback would be addressed by the Zoning Commission. Several Board members suggested that the residents and applicant continue to work together to achieve a solution prior to the BCC hearing. Four members of the public, including representatives from Delray Dunes and the Coalition of Boynton West Residential Associations, spoke in opposition, stating concerns regarding compatibility, scale and mass of the proposal stemming from the high density proposed, the small size of site, and building height. A letter of opposition from a nearby property owner was distributed at the meeting and added to Exhibit 7.

Board of County Commissioners Adoption Public Hearing:

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Future Land Use Atlas Amendment

Boynton Dunes CLF (SCA 2017-021)



Site Data

Size: 4.32 acres
 Existing Use: Retail Nursery
 Proposed Use: Type III Congregate Living Facility (CLF)
 Current FLU: Commercial Low/Low Residential, 2 units per acre (CL/2)
 Proposed FLU: Institutional/High Residential, 12 units per acre (INST/12)

Future Land Use Designations

LR-2 Low Residential, 2 units per acre
 LR-3 Low Residential, 3 units per acre
 MR-5 Medium Residential, 5 units per acre
 CL/2 Commercial Low, underlying LR-2
 CL/3 Commercial Low, underlying LR-3

Date: 2/7/2017
 Contact: Planning Division
 Filename: AMEND\17-SCA\Site\17-21
 Note: Map is not official, for presentation purposes only.



0 150 300 600 Feet

Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



B. Petition Summary

I. General Data

Project Name: Boynton Atrium CLF (SCA 2017-021)
Request: CL/2 to INST/12 *with conditions*
Acres: 4.33 acres
Location: East side of Military Trail, approx. 1/8th mile south of Golf Road
Project Manager: Name, Title
Applicant: Jim Gielda, JKM Boynton ALF, LLC
Owner: Maria Mignano Trust, Blanca Moreda
Agent: Josh Nichols, LEED AP

II. Site Data

Current Future Land Use

Current FLU: Commercial Low with an underlying Low Residential, 2 units per acre (CL/2)
Existing Land Use: Abandoned Retail Nursery
Current Zoning: Agricultural Residential (AR)
Current Dev. Potential Max: Commercial Retail, up to 41,491 sf (.25 FAR)

Proposed Future Land Use Change

Proposed FLU: Institutional and Public Facilities with an underlying High Residential, 12 units per acre, future land use designation (INST/12) *with a condition to limit the density to a congregate living facility*
Proposed Zoning: Planned Unit Development (PUD)
Dev. Potential Max/Conditioned: Congregate Living Facility up to 124 beds

General Area Information for Site

Tier/Tier Change: Urban Suburban Tier – No Change
Utility Service: City of Boynton Beach
Overlay/Study: West Boynton Area Community Plan
Comm. District: Steven L. Abrams, District 4

C. Introduction

I. Intent of the Amendment

The amendment is proposed to change the future land use designation on a 4.33 acre site from Commercial Low with an underlying Low Residential 2 units per acre (CL/2) to Institutional and Public Facilities with an underlying High Residential, 12 units per acre (INST/12) designation. The intent to develop a Congregate Living Facility (CLF) Type 3. The proposed amendment utilizing the INST/12 designation includes voluntary conditions of approval that limit the use of the proposed 12 unit per acre density to only a Congregate Living Facility (CLF), and limits the use of the site under the Institutional designation to only a CLF. Since the CLF is residential use, the maximum development potential is governed by density allowed per acre. The number of beds for a CLF Type 3 is calculated by multiplying the acreage of the site by the underlying residential density to calculate the number of allowable units, and then by multiplying by 2.39 units per acre to determine the number of beds. Under the current future land use designation, the underlying 2 unit per acre designation would allow up to 21 CLF beds (4.33 acres x 2 du/acre x 2.39). Under the proposed underlying 12 units per acre designation, the site could achieve up to 124 beds (4.33 acres x 12 du/acre x 2.39). The conditions limit any other residential use on the site to 2 units per acre density.

The amendment is being review concurrently with zoning application (PDD/R-2017-345) which proposes to revise the existing Agricultural Residential (AR) zoning to a Planned Unit Development (PUD). The property is eligible through the Transfer of Development Rights (TDR) program to purchase an additional 3 units per acre totally 13 potential units (or up to 31 beds). The zoning application includes a request to purchase an additional 10 TDR units, which equates to 24 beds (2.39 beds per unit), for a total of 148 beds. The Control number is 2012-433. The zoning application is scheduled for the November 2nd Zoning Commission meeting and the November 30th Board of County Commissioners adoption hearing concurrently with this amendment.

This amendment may be considered for the new Congregate Living Residential (CLR) future land use designation being created specifically for Congregate Living Facilities (CLF) Type 3. The CLR amendment is to be considered for adoption by the Board of County Commissioners on October 30th, 2017. The CLR designation will limit the use 12 units per acre density to a CLF Type 3, and any other residential uses would be limited to the existing underlying 2 unit per acre designation. The only non-residential uses allowed will be those allowed in residential zoning districts. The CLR designation is a residential category, and allows the use of the TDR Program and is governed by density per acre rather than floor area ratio which applies to non-residential future land use designations and uses.

II. Background/History

The subject site comprises three parcel totaling 4.33 acres on the east side of Military Trail approximately 1/8 mile south of Golf Road. The site was operated as a nursery from the late 1970s through 2016. Currently, the subject property supports an abandoned nursery structures, greenhouse material, and a single family residence. The site has not be the subject of a prior future land use amendment or rezoning, and has an Agricultural Residential (AR) zoning district. The site has held the Commercial Low with an underlying 2 units per acre (CL/2) future land use designation since the adoption of the 1989 Plan. At the time of the preparation of the 1989 Plan the subject site was a residual parcel wrapped by the Delray Dunes Golf Club on three sides and

a small property to the west of the site across Military Trail held a Commercial Neighborhood (CN) zoning district. Both of these properties were initially proposed to be assigned the commercial land use designation during the development of the 1989 Plan, but ultimately only the subject site received the commercial designation. In 2000, the CN property to the west was the subject of a rezoning to Planned Unit Development (PUD) and development order amendment to absorb the property into the Cascade Lakes community (Lester PUD Control 1998-055).

Overview of the Area

The site is located within the West Boynton Community Area Plan located in a suburban area with predominately low density residential development with future land use designations ranging from 2 to 8 units per acre. The Delray Dunes Golf and Country Club surrounds the site with a Low Residential, 2 units per acre designation and the Residential Medium (RM) zoning district. The Cascade Lakes community to the west, across Military Trail, has a future land use designation of Medium Residential, 5 units per acre. The Village of Golf and the City of Boynton Beach are located within 1 mile.

D. Consistency and Compatibility

I. Data and Analysis Summary

This section of the report examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of prevention of urban sprawl as defined by 163.3164(51), F.S.; (see Consistency with Florida Statutes)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

Applicant's Justification: The applicant has prepared a Justification Statement (Exhibit 2) which can be summarized as follows:

- *“The subject parcels are currently supporting a commercial low future land use designation which is not consistent with PBC Comprehensive policies relating to mid-block commercial development.*
 - *The subject parcels are surrounded by a golf course with no other commercial development in the vicinity.*
 - *Commercial land use for these parcels does not match with the residential nature of the surrounding properties.”*
- *“The subject parcels as commercial low are not compatible with the surrounding residential land uses. Over the years the property on the west side of Military Trail have been developed as residential planned developments which have further separated the subject property from any possibility for compatible commercial in the immediate vicinity.”*
- *“The general area has all been developed residentially to the north, south, east, and west of the subject property. The nursery use which once existed on the property is no longer viable and has since closed. The adjacent golf course to the east provides a mutually beneficial amenity for the proposed CLF to take advantage of for views and buffering.”*

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. As stated in the Background, the subject site has held a Commercial Low (CL/2) future land use designation since 1989, although there have been no commercial zoning or uses on the property. The subject site and a small Commercial Neighborhood (CN) parcel to the west were proposed for Commercial Low future land use with the preparation of the 1989 Comprehensive Plan and would have created a small commercial node. However, the CN parcel was rezoned to residential in 2000 and became part of Cascade Lakes, leaving the subject site as what is now considered to be an isolated, mid-block location. If the subject site did not hold the current Commercial Low designation, it would not meet current requirements for this designation since the current Comprehensive Plan policies discourage the creation of new mid-block commercial retail sites, and requires that requests for new commercial retail (Commercial Low or Commercial High) be located at intersections.

The existing Commercial Low future land use designation allows the full range of commercial uses on the site. The intensity allowed is up to .35 floor area ratio (FAR) for retail uses, or up to .50 FAR for sites with medical or professional offices or self-storage. The proposed amendment with conditions of approval to limit the use to residential Congregate Living Facility (CLF). Staff concurs that the subject parcel's existing commercial future land use designation is inappropriate, due to its mid-block location, size, lack of contiguity to other supporting commercial, and proximity to residential uses. Commercial land use for the subject parcels does not match with the residential nature of the surrounding properties. The proposed congregate living facility (CLF) use will complement the other residential uses in the vicinity. The adjacent golf course to the east provides serves as buffer from the residential low density to the east. The proposed voluntary conditions of approval require that for any other residential use of the property, the density will be limited to the existing underlying 2 units per acre density. This ensures that residential density does not exceed the currently adopted future land use designation. Further, the proposed condition to limit the use under the Institutional & Public Facilities designation to only a CLF will ensure that the site cannot be developed, or redeveloped in the future, with more intense institutional uses. Therefore, the applicant has met the requirements for an adequate justification.

2. **County Directions – FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

1. **Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*
2. **Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

Staff Analysis: The proposed amendment would contribute toward livable, sustainable communities, while respecting the low-density residential character of the area. The development of congregate living facility will provide opportunities for housing with the ability for health care on site. In this respect, the proposed amendment furthers the Livable Communities and Growth Management Directions and would not detract from any of the County directions. Thus, this proposed amendment supports the County Directions.

3. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The subject site is three parcels and surrounded by built environments. No parcel in same ownership is left out of proposed amendment. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel.

4. **Density Increases - Policy 2.4-b:** *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*

1. *an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
3. *an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
 - a. *West Lake Worth Road Neighborhood Plan.*

Staff Analysis: The applicant is proposing a Future Land Use Atlas amendment to increase residential density in order to increase number of beds for a CLF. Transfer of Development Rights (TDR) are not required for properties requesting an increase in density for a CLF provided that the proposed amendment includes a condition of approval limiting the increase in density to the CLF use. The applicant proposed such a condition be included. The applicant is proposing this future land use amendment in order to develop a CLF Type 3 with up to 124 beds which is not achievable under the current future land use designation. The associated zoning petition includes an additional request for 10 TDR units (24 beds) for the development of a 148 bed congregate living facility (CLF)

5. **Underlying Density - Policy 2.1-e:** *The Future Land Use Atlas may depict underlying residential densities or alternative designations as provided below. The County may initiate a land use amendment to remove the non-utilized future land use designation after the property is developed.*

3. *The Future Land Use Atlas may depict underlying/alternative residential future land uses for properties designated as Institutional and Public Facilities. If an underlying/alternative designation is not depicted on the Atlas, the Planning Director may assign an underlying density based on the densities of adjacent residential parcels without a land use amendment. Underlying densities that are higher than adjacent residential parcels shall only be assigned through the TDR Program, the Workforce Housing Program, the Affordable Housing Program, or a site-specific amendment to the Future Land Use Atlas or rezoning that is conditioned in the adopting ordinance or resolution to limit the additional density to an institutional use. (text regarding other FLU's omitted for brevity)*

Staff Analysis: Consistent with prior adopted amendments wherein the future land use density was increased for a Congregate Living Facility (CLF) use, the proposed amendment includes a condition of approval limiting the underlying density only for the CLF use. If developed residentially other than a CLF, the condition limits the density to 2 units per acre.

B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing

neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....”

1. ***Future Land Use Element Objective 2.1, Balanced Growth.*** *Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.*

Staff Analysis: The proposed amendment would accommodate a new CLF facility in an appropriate location. Therefore, the proposed amendment is consistent with this overall Objective.

2. ***FLUA Regulation Section, 6. Institutional and Public Facilities. Permitted Uses.*** *Uses permitted in the Institutional and Public Facilities future land use designation include a full range of regional and community uses such as educational; child care facilities and adult day care facilities; congregate living facilities; Animal Shelters, Animal Control Facilities, and Humane Societies, as defined by the ULDC, including co-located veterinary clinics which may offer services to the public; hospitals, public health clinics, emergency shelters; governmental, religious, cemetery, civic, cultural, judicial and correctional facilities; caretakers' quarters; accessory office; and accessory affordable housing.*

Staff Analysis: The proposed amendment is requesting a land use change for the development of a Congregate Living Facility (CLF) using Institutional and Public Facilities with an underlying High Residential, 12 units per acre (INST/12), future land use designation. The CLF is being reviewed under the underlying HR-12 future land use designation and is proposed to be approved as a Planned Unit Development (PUD) under this designation. Therefore, the amendment is consistent with this policy.

B. Consistency other Comprehensive Plan Elements

Housing Element Policy 1.4-c: *The County shall provide for foster care, group homes and other special needs facilities to be permitted in residential neighborhoods. Farm worker housing is currently permitted in the Agriculture Reserve (AGR), Agriculture Production (AP) and Special Agriculture (SA) land use categories.*

Staff Analysis: The proposed amendment is surrounded by residential neighborhoods including the communities of Delray Dunes Golf and Country Club and Cascade Lakes. The proposed amendment is to facilitate a Congregate Living Facility to be located in a predominantly residential area. Therefore, this amendment is consistent with this policy.

Housing Element Policy 1.4-d: *The location of special needs and farmworker housing shall be guided by the following principles and criteria. Special needs housing shall be located in proximity to the appropriate support infrastructure, services and facilities including Palm Tran and existing transportation disadvantaged programs. Special needs housing shall be permitted in all appropriate residential, commercial and institutional land use categories, through the use of group homes, Congregate Living Facilities (CLF's), accessory apartments and rental housing associated with places of worship. Farmworker housing shall be located in proximity to areas of agriculture employment and shall require a minimum of twenty-five (25) acres. The Department of Housing and Community*

Development, with the assistance of the Planning, Zoning, and Building Department and the Community Services Department, shall be responsible for establishing any additional principles and criteria as may be necessary.

Staff Analysis: The proposed amendment site is located within proximity to urban services and infrastructure, and to commercial, medical, and entertainment uses that would be utilized by the Congregate Living Facility. The site is located within 1 mile of a Fire Rescue Station #41 and 94 feet from the nearest Palm Tran stop that is within the service area of the Palm Tran Connection, which provides door-to-door travel assistance through existing transportation disadvantaged programs. Therefore, this amendment is consistent with this policy.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and FLU designations in Exhibit 2.

Surrounding Land Uses: Immediately abutting the site are the following:

North, South, and East: Directly abutting the site to the north, south, and east is the Delray Dunes Golf and Country Club with LR-2 future land use. This existing residential community was built in 1976 and is built out with 198 single family and 123 multi-family homes. The use immediately abutting the site is a golf course. The closest Delray Dunes residential property lines range from approximately 320 feet to 360 feet to the east of the site.

West: To the west of the subject site across Military Trail is the community of Cascade Lakes with MR-5 future land use. This existing residential community was built in 2001, encompassing approximately 150.79 acres and is built out with 600 single family homes. The nearest Cascade Lakes residential property line is approximately 170 feet to the west, across the approximately 120 foot wide Military Trail.

FLUE Policy 2.1-f states that *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b** states that *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

Staff Analysis: The amendment proposes to change the Commercial land use designation that allows the full range of commercial uses with up to .35 FAR for retail and up to .50 for medical and professional office or self-storage to a residential Congregate Living Facility (CLF) use. The site is adjacent on all sides to residential future land use designations. Institutional land use designations are generally compatible with residential designations; however, the residential density is the determining factor for CLF beds. The site's proposed underlying density (12 units per acre) is higher than the adjacent Cascade Lakes with Medium Residential, 5 units per acre, to the west and Delray Dunes with Low Residential, 2 units per acre, on three sides of the property. However, the site is separated from Cascade Lakes by the 6 lane Military Trail, and the homes within Delray Dunes are separated by the golf course. The proposed amendment, with condition of approval to

limit to a CLF, is compatible with the existing and planned development in the vicinity of the site. The concurrent zoning application proposes to rezone the site to Planned Unit Development (PUD) and for additional density through the purchase of 10 Transfer of Development (TDR) units (24 beds) as a Class A conditional use that would allow up to 148 beds on the site. The design, landscaping, and buffering, and related conditions of approval, will be addressed through the zoning application.

D. Consistency with County Overlays, Plans, and Studies

- 1. Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

Staff Analysis: The proposed amendment not located within an Overlay.

- 2. Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

The subject site is located within the boundaries of the West Boynton Area Community Plan (WBACP).

The WBACP was published in 1995 and adopted by both the County and the City of Boynton Beach as a joint vision for development of the west Boynton area. This community plan was created by representatives from the Coalition of Boynton West Residential Associations (COBWRA), the County, the City of Boynton Beach, the Hagen Ranch Road Association, the Rangeline Coalition, and other unaffiliated citizens. Staff reviewed the proposal in relation to the WBACP. The applicant plans to meet with the WBACP on October 3, 2017. The following recommendations of the WBACP applies to the subject site and the requested FLUA designation.

Recommendation 2 (Summary)

Prevent changes in future land use that result in strip commercial development.

Recommendation 29 (Summary)

Employ a map of "generalized future land uses" as a graphic portrayal of the plan's land use objectives.

Staff Analysis: The generalized future land uses map on page 53a of the WBACP serves as a cartographic interpretation of the recommendations in the WBACP regarding land use designations and uses. This map is consistent with the current zoning designation and both the current and proposed FLUA designations on the subject site. *Therefore, the requested amendment is consistent with the recommendations of the WBACP.*

E. Public Facilities and Services Impacts

The proposed amendment will change the Future Land Use designation from CL/2 to INST/12 on the 4.33 acre site. For the purposes of the public facilities impact analysis, impacts are based on

a change from an existing vacant nursery to a maximum potential of 148 bed Congregate Living Facility. Public facilities impacts are detailed in the table in Exhibit 4.

1. **Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

Staff Analysis: The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, School Board, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue

2. **Long Range 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 cumulative traffic comprised of the following parts a), b), c) and d):.....*

Staff Analysis: This amendment proposes a change from Commercial Low to INST/12 future land use with conditions of approval limiting the use of the site to a CLF Type 3. The maximum trip generation for INST/12 without the condition limiting the use is .45 FAR of medical office. The current CL/2 designation allows up to .50 FAR of medical office. The applicant provided a trip generation equivalency analysis that demonstrates that the proposed amendment would result in a reduction in trips, and therefore could not negatively impact the long range transportation plan. The proposed amendment as conditioned will generate even less trips than the existing Commercial Low future land use designation and will not violate Policy 3.5-d. The Traffic Analysis (see Exhibit 4) was prepared by Kimley-Horn and Associates, INC.

F. Florida Statutes

1. **Consistency with Urban Sprawl Rule:** The proposed amendment is not considered sprawl as it is within the Urban/Suburban Tier and within the Urban Service Boundary and provides an array of urban services and public facilities. This Tier is also the target of the County's redevelopment and revitalization strategies with the purpose of redirecting growth to older unincorporated areas, promoting mixed use development concepts, transit oriented developments, where feasible, all with the explicit purpose of reducing sprawl.

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 28, 2017. To date, no objections through the IPARC process to this amendment have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 26, 2017. In addition, the Planning Division notified the Delray Dunes HOA located to the north east, and south, the Cascade Lakes HOA to the west, the Tuscany Bay HOA to the west, the Indian Whalers HOA to the west, COBWRA, the City of Boynton Beach, and the Village of Golf. At the time of the publication of the Planning Commission Report, two letters of objection had been received provided in Exhibit 7 from Delray Dunes HOA and the Delray Dunes Golf & Country Club and the Village of Golf. The letters object to a change from commercial to the proposed density, incompatibility with the area, and the proposed floor area ratio in the associated zoning application of 0.73.
- C. Informational Meeting:** The Planning Division hosted a meeting on October 3, 2017 with area residents and interested parties to relay information regarding the proposed amendment, the Comprehensive Plan Amendment process, and the development review process. The two members of the public attended representing the Delray Dunes HOA and the Delray Dunes Golf & Country Club and expressed objection to the amendment as reflected in the attached letter.

III. Conclusions and Recommendation

The proposed amendment is a request to change the future land use designation on 4.33 acre site from Commercial Low with an underlying 2 units per acre (CL/2) to Institutional and Public Facilities with an underlying 12 units per acre (INST/12) designation in order to develop a Congregate Living Facility (CLF) Type 3. The subject site is located in a suburban area of the County and surrounded on all sides by residential development and a golf course. The site has been designated with the Commercial designation since 1989, but has not been zoned or utilized for commercial uses. The future land use amendment would allow up to 124 CLF beds, and the concurrent zoning application requests to purchase of 10 Transfer of Development Rights for up to 148 beds total.

As demonstrated in this report, the site’s isolated, mid-block location render it inappropriate for commercial uses, and the proposed CLF use would be appropriate and compatible at this location provided that the site is limited by the proposed voluntary conditions of approval to restrict the increase in density to the CLF use, and to ensure that no other use than the CLF can be built on the site under the INST designation. Subject to the conditions of approval recommended by staff, the request is consistent with pertinent Policies in the Comprehensive Plan, does not constitute urban sprawl, is compatible with adjacent uses, and meets all levels of service standards. The

amendment would replace an isolated mid-block Commercial Low land use with an institutional use compatible with surrounding residential uses.

Therefore, staff recommends **approval with conditions**.

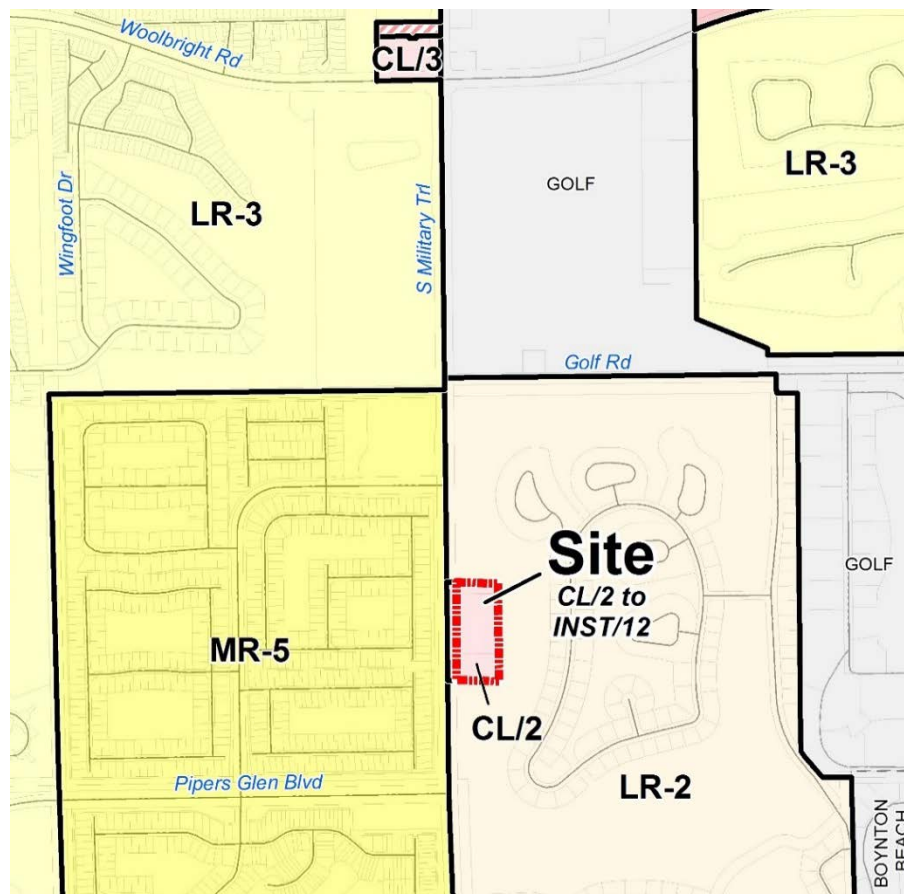
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification Statement	E-3
3. Applicant's Public Facility Impacts Table	E-8
4. Traffic Analysis	E-11
5. Water & Wastewater Provider LOS Letter	E-14
6. Applicant List and Disclosure of Ownership Interests	E-15
7. Correspondence	E-23

Exhibit 1

Amendment No:	Boynton Atrium CLF (LGA 2017-021)
FLUA Page No:	094
Amendment:	From Commercial Low with an underlying Low Residential, 2 units per acre, (CLF/2) to Institutional and Public Facilities with an underlying 12 units per acre (INST/12)
Location:	East side of Military Trail, approx. 1/8 th of a mile south of Golf Road
Size:	4.33 acres
PCN:	00-42-45-36-00-000-7020; 00-42-45-36-00-000-7050; 00-42-45-36-00-000-7040

Conditions: Development of the site is subject to the following conditions of approval:

1. The density associated with the underlying High Residential, 12 units per acre, designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2).
2. Development of the site under the Institutional and Public Facilities future land use designation is limited a Congregate Living Facility.



Legal Description

Parcel 1: THE SOUTH 180 FEET OF THE WEST $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

Parcel 2: THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

EXCEPT

THE SOUTH 180 FEET OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND THE NORTH 70 FEET OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

Parcel 3: THE NORTH SEVENTY FEET (70') OF THE WEST HALF (W $\frac{1}{2}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST; AND

THE SOUTH TEN FEET (10') OF THE WEST HALF (W $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS ROAD RIGHT-OF-WAY.

SAID LANDS ALL SIUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 4.323 ACRES, MORE OR LESS.

Exhibit 2

Applicant's Justification Statement, Consistency, and Compatibility

Palm Beach County (PBC) Future Land Use Atlas (FLUA) Amendment Submittal
Original Submittal: February 3, 2017
Resubmittal: March 7, 2017

Request

The 4.33-acre subject properties are composed of three parcels (PCN 00-42-45-36-00-000-7050; 7020; 7040) located on the east side of S. Military Trail approximately 1/8 mile south of Golf Road and approximately 1 mile north of Flavor Pict Road. Currently the subject properties support a Future Land Use Atlas (FLUA) designation of Commercial Low with an underlying two units per acre (CL/2). The subject parcels are currently within the Agricultural Residential (AR) Zoning District.

The subject properties currently support abandoned nursery structures along with some remnant greenhouse material and a single family residence on the northernmost parcel. The subject application for a small scale future land use map amendment is from CL/2 to Institutional with an underlying 12 dwelling units per acre (INST/12). The applicant is proposing to place a condition the FLUA application which will limit the use of the property to a Type III Congregate Living Facility (CLF).

A concurrent application to the PBC Zoning Division for an Official Zoning Map Amendment (rezoning) from the AR zoning district to the Planned Unit Development zoning district will be submitted along with requests for conditional use approval, Transfer of Development Rights, and site plan approval. The requested use will be for a Type III CLF with approximately 136 beds (includes TDRs).

Parcel 1: 00-42-45-36-00-000-7050
Owned by Maria Mignano
+/- 2.59 acres

Parcel 2: 00-42-45-36-00-000-7020
Owned by Maria Mignano
+/- 1.22 acres

Parcel 3: 00-42-45-36-00-000-7040
Owned by Blanca Moreda
+/- .5 acres

Consistency with the Comprehensive Plan & Florida Statutes

1. Justification: The applicant is requesting a future land use map amendment from CL/2 to Institutional & Public Facilities (INST) with an underlying 12 dwelling units per acre (HR-12).

1) Per Policy 2.1-f of the FLUE of the PBC Comprehensive Plan states that an applicant must provide adequate justification for the proposed future land use.

Response: The applicant has secured the subject parcels under contract for the development of a Type III Congregate Living Facility (CLF). The subject parcels are currently supporting a commercial low future land use designation which is not consistent with PBC Comprehensive policies relating to mid-block commercial development. The subject parcels are surrounded by a golf course with no other commercial development in the vicinity. Commercial land use for these parcels does not match with the residential nature of the surrounding properties.

2) Policy 2.1-f, requires the following criteria be met as a basis for the requested FLUA:

a) Changes in the FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site.

Response: There have not been any recent FLUA changes in the immediate vicinity, however, these parcels are on an island surrounded by the Delray Dunes golf course. The subject parcels as commercial low are not compatible with the surrounding residential land uses. Over the years the property on the west side of Military Trail have been developed as residential planned developments which have further separated the subject property from any possibility for compatible commercial in the immediate vicinity.

b) Changes in the access or characteristics of the general area and associated impacts on the subject site.

Response: The general area has all been developed residentially to the north, south, east, and west of the subject property. The nursery use which once existed on the property is no longer viable and has since closed. The adjacent golf course to the east provides a mutually beneficial amenity for the proposed CLF to take advantage of for views and buffering.

c) New information or change in circumstances which affect the subject site.

Response: The nursery use is no longer viable on the property and due to the property's lack of contiguity to other supporting commercial it has become apartment that redevelopment of the site is imperative and the proposed CLF will complement the other residential uses in the vicinity. In an effort to maximize the site we have requested the underlying 12 dwelling units per acre to create a viable base bed count for the property. The applicant also agrees to condition the subject properties to a Type III CLF.

d) Inappropriateness of the adopted FLU Designation

Response: The existing Commercial Low land use designation is not appropriate for the subject properties based on the surrounding land uses and ability to support any type of commercial in the future. The subject parcels are surrounded by a golf course on three sides and there is no supporting commercial in the immediate vicinity so the existing commercial is mid-block and is not compatible with the surrounding properties. The development pattern does not lend itself to the continuation of commercial land uses centralized on Military Trail between two collector roads to the north and south with residential and accessory golf course surrounding the parcels on all sides.

In addition to the above, PBC shall make a determination (PBC Comp Plan Policy 2.1-f) that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:

1. The natural environment, including topography, soils and other natural resources;
 - a. **Applicant's Description:** The subject properties were previously developed for what appears to be a single family residential dwellings and the property was later converted into a nursery where the structures became accessory structures to the nursery. The site was not subject to formal zoning approvals and has since ceased operation as a commercial nursery. The entire property was cleared at one point for the use as a nursery so there are no truly natural resources on the site. The topography across the property is flat.
2. The availability of facilities and services;
 - a. **Applicant's Description:** As part of the application process for the FLUA the applicant is required to provide level of service letters from the utility provider. In this case the City of Boynton Beach will be providing water/sewer service to the property. Below is more detailed information on each of those facilities and services:
 - i. **Traffic:** Please see the traffic study which indicates an insignificant increase in average daily trips based on the change from CL/2 to INS/12. The traffic study has been included as Application Attachment H.
 - ii. **Mass Transit:** The nearest Palm Tran Route is Route 3 (bus stop Id#1252), Boca Raton to Palm Beach Gardens via Military Trail. Route 3 provides riders with access to the greater system through timed transfers to Tri-Rail.
 - iii. **Potable Water and Wastewater:** Potable water and wastewater lines run within the right-of-way of Military Trail and capacity has been confirmed through the City of Boynton Beach utilities with the level of service letter found at Application Attachment I.
 - iv. **Drainage:** Outfall from the site will be connected to the LWDD L-28 canal. Please refer to the Statement of Legal Positive Outfall prepared by Schnars Engineering dated February 2, 2017 being included as Attachment J with this application for more details.
 - v. **Fire Rescue:** The nearest PBC Fire Rescue station is Station 41 located approximately 1 mile from the subject property. PBC Fire Rescue has determined that the amendment will have little impact on Fire Rescue.
3. The adjacent and surrounding development;
 - a. **Applicant's Description:** To the north, south, east and west of the subject property support existing single family residential as well as a golf course. Below are the existing FLUA designations for the surrounding properties:
 - i. **North:** LR-2
 - ii. **South:** LR-2
 - iii. **East:** LR-2
 - iv. **West:** MR-5

The proposed development will be compatible with the residential and non-residential uses that surround the subject property.

4. The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);
 - a. **Applicant's Description:** This request is to allow the redevelopment of a suburban property that will be serviced by public facilities and services and with access to Military Trail, which is a roadway that is classified as an Urban Principal Arterial (U-PA). The proposed project exemplifies the prevention of sprawl by utilizing previously developed property within the Urban/Suburban tier for redevelopment.
5. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
 - a. **Applicant's Description:** The subject properties do not reside within a special planning area or special study area.
6. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.
 - a. **Applicant's Description:** The subject property is within 1-mile of the Village of Golf and the City of Boynton Beach.
- **Policy 2.1-e:** The Future Land Use Atlas may depict underlying residential densities or alternative designations as provided below.
 - o The Future Land Use Atlas may depict underlying/alternative residential future land uses for properties designated as Institutional and Public Facilities. Underlying densities which are higher than adjacent residential parcels shall only be assigned through density bonus or a site-specific amendment to the Future Land Use Atlas or rezoning that is conditioned in the adopting ordinance or resolution to limit the additional density to an institutional use.

Response: The proposed FLUA change will be a site-specific request for underlying residential which is specific in order to create a sufficient number of beds for a financially feasible project. The request will be conditioned to the proposed use of a Type III Congregate Living Facility. This has also been noted within the application.

- **Policy 2.1-h:** The County shall not approve site specific FLUA Amendments that encourage piecemeal development.

Response: The site is surrounded by existing development which is currently built as golf course and single family residential. All of the property owned by the same entity has been submitted for review and is subject to the proposed FLUA amendment. The proposed amendment eliminates the mid-block commercial conflict which currently exists. The change will allow for a residential use to transition into the property which is compatible with the existing residential surrounding the property.

- **Policy 2.2.2-8:** Institutional and Public Facilities
- **Policy 2.2.8-d:** The County shall maintain the zoning code to provide for zoning districts to accommodate health and human service needs such as hospitals, public clinics, emergency health shelters, child care facilities, adult day care facilities, group homes, foster homes, congregate living facilities and other residential care.

Response: The proposed amendment seeks to introduce a Type III CLF to the property which will service the surrounding communities. The

surrounding demographic is comprised up of an aging population and typically these residents are supporting their aging parents and they want them close in a facility which can provide adequate amenities and facilities.

- Florida Statutes, Section 163.3177(6)(a)9.a: The indicators provided in this statute pertain to findings that would indicate a plan or plan amendment does not discourage the proliferation of urban sprawl. The subject FLUA change and subsequent redevelopment is within the urban service boundary and is the last developable site in the vicinity and seeks to reduce the presence of mid-block commercial development in a predominately residential area. This plan amendment seeks to bring residential development back to the east and start to fill in underutilized properties.
- The prevention of urban sprawl is also defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);

Response: The subject request is to allow redevelopment of property within the urban service boundary which is also surrounded by developed property which is able to be serviced by existing public facilities and services with access to Military Trail. The subject property exemplifies infill development by providing an institutional/residential service to the surrounding community.

In summary the requested FLUA amendment from CL/2 to INST/12 on the subject property is consistent with the surrounding properties as well as the County's Comprehensive Plan and the State of Florida's laws and policies.

Exhibit 3

Applicant's Public Facilities Table

VIII. Public Facilities Information

A. Traffic Information			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	2,188 AADT at .35 FAR retail 3,059 AADT at .50 FAR medical office	2,754 AADT at .45 medical office 306 AADT at 148 CLF beds	N/A
Trip Increase Max.	For medical office – reduction by 305 trips For CLF 148 beds – reduction by 2,753 trips		
Trip Inc. Conditioned or Concurrent	N/A		
Significantly impacted roadway segments that fail Long Range	None	None	N/A
Significantly impacted roadway segments for Test 2	None	None	N/A
Traffic Consultant	Adam Kerr, P.E., Kimley-Horn & Associates, Inc.		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	3, PBG – BCR via Military Trail		
Nearest Palm Tran Stop	Bus Stop # 1252, Military Trail & Cascades Lakes Blvd. This stop is approximately 94 feet from the subject properties.		
Nearest Tri Rail Connection	Route 3 connects to route 81 which connects to the Delray Beach Tri Rail station. This station is approximately 5.26 miles from the subject properties.		
C. Portable Water & Wastewater Information			
The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter. Please see Application Attachment I for the Level of Service letter from the City of Boynton Beach Water Utilities Department dated February 1, 2017 and the Utilities Statement for Potable Water and Wastewater prepared by Schnars Engineering.			

Potable Water & Wastewater Providers	The City of Boynton Beach will provide water and sewer service to the property.
Nearest Water & Wastewater Facility, type/size	Water Main: 12" DI water main exists within the westernmost travel lane on Military Trail. Wastewater: 8" gravity manhole NE corner of Golf Road and Military Trail, 1,970 north of the site.
D. Drainage Information	
The project is within the South Florida Water Management District C-15 Drainage Basin. The site will meet Legal Positive Outfall requirements by way of the LWDD L-28 canal. Drainage Statement as Application Attachment J .	
E. Fire Rescue	
Nearest Station	Station 41, 5105 Woolbright Road
Distance to Site	1 mile from the subject properties
Response Time	Anticipated response time is 4 min. 30 seconds.
Effect on Resp. Time	The 2016 average response time is 7:35. This request will increase the call volume by approx. 116 calls per year. Fire Response Letter included as Application Attachment K .
F. Environmental	
Significant habitats or species	The subject properties have been previously cleared for the purpose of operating a retail nursery. The northernmost property is still utilized as a single family residence and will be demolished as part of this application. There are some existing trees which remain on the site, however, due to the commercial use of the site, there are no significant habitats or species which remain on the property. An aerial image and overview has been provided as Application Attachment L .
Flood Zone*	The subject parcels reside within the X500 zone on the flood maps. Please see the County's flood map included at Application Attachment M .
Wellfield Zone*	The subject properties are not within a wellfield zone. The County's wellfield map has been included at Application Attachment M .
* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.	
G. Historic Resources	
Staff indicates that no historic or architecturally significant resources are located on or within 500 feet of the subject properties. Staff has identified no known archeological resources located on or within 500 feet of the subject properties. Response Letter provided as Application Attachment N .	

H. Parks and Recreation - Residential Only

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Morikami Park	0.00339	124	.42
Beach	Gulfstream Park	0.00035	124	.043
District	Caloosa Park	0.00138	124	.17

I. Libraries - Residential Only

Library Name	West Boynton Branch		
Address	9451 Jog Road		
City, State, Zip	Boynton Beach, FL 33437		
Distance	3.83 miles away from the site		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	124	248
Periodicals	5 subscriptions per 1,000 persons	124	.62
Info Technology	\$1.00 per person	124	\$124.00
Professional staff	1 FTE per 7,500 persons	124	.017
All other staff	3.35 FTE per professional librarian	124	.06
Library facilities	0.34 sf per person	124	42.16 s.f.

J. Public Schools - Residential Only

	Elementary	Middle	High
Name	N/A	N/A	N/A
Address	N/A	N/A	N/A
City, State, Zip	N/A	N/A	N/A
Distance	N/A	N/A	N/A

Exhibit 4

Traffic Analysis



December 28, 2016
Revised January 12, 2017
Revised January 27, 2017
Revised February 2, 2017
Revised March 6, 2017
Revised October 5, 2017

Jim Gielda
JKM Developers, LLC
2300 Glades Road, Suite 202E
Boca Raton, Florida 33431

**RE: 11824 South Military Trail
Comprehensive Plan Amendment
Palm Beach County, Florida
Kimley-Horn #144930002**

Dear Mr. Gielda:

Kimley-Horn has been retained to prepare a comprehensive plan land use amendment traffic analysis for the site located at 11824 South Military Trail in unincorporated Palm Beach County, Florida. The location of the site is illustrated in *Figure 1*. The site currently has a future land use (FLU) designation of Commercial (CL/2). The proposed underlying future land use designation is Institutional (INST/12). The proposed land use is Assisted Living Facility (ALF).

This analysis was conducted following existing, short-term, and long-term analysis procedures outlined in Policy 3.5(d) of the Palm Beach County Comprehensive Plan. This report summarizes the findings of the comprehensive plan land use amendment traffic analysis.

For the existing future land use, the maximum intensity allowed is commercial use at a maximum 0.50 FAR. As indicated in *Table 1*, this allows development of a maximum of 94,090 SF of commercial use on the 4.32-acre site. For the proposed future land use, the maximum intensity allowed is institutional use at a maximum of 0.45 FAR. This allows development of a maximum of 84,681 SF of institutional use on the 4.32-acre site. As indicated in *Table 2*, Medical Office was assumed to be the most intense development compared to 148 Assisted Living Facility beds; therefore, 94,090 SF of medical office was analyzed for the existing future land use and 84,681 square SF of medical office was analyzed for the proposed future land use.

Table 1: Maximum Development Intensities Summary

TABLE 1 MAXIMUM DEVELOPMENT INTENSITIES			
Scenario	Maximum Intensity	Acreage	Maximum Development
Existing Future Land Use <i>Commercial (CL)</i>	0.50	4.32	94,090 SF
Proposed Future Land Use <i>Institutional (INST)</i> <i>Assisted Living Facility</i>	0.45 -	4.32 -	84,681 SF 148 beds

kimley-horn.com

1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411

561 845 0665

TRIP GENERATION

The trip generation calculations are based on the trip generation rates published by the Palm Beach County Traffic Division. Trip generation calculations have been performed for the existing FLU and the proposed FLU.

Table 2 summarizes the trip generation potential for the existing development compared to the proposed FLU and the proposed land use of ALF. As indicated in Table 2, medical office is the most intense land use compared to the ALF and the net change in the trip generation potential of the proposed FLU compared to the maximum development intensity under the existing FLU is a decrease of 305 net new external daily trips, a decrease of 20 net new external AM peak hour trips, and a decrease of 22 net new external PM peak hour trips. The net change in the trip generation potential of the proposed land use of ALF compared to the maximum development intensity under the existing FLU is a decrease of 2,753 net new external daily trips, a decrease of 182 net new external AM peak hour trips, and a decrease of 223 net new external PM peak hour trips. Therefore, the trip generation potential of the proposed FLU results in a net reduction of trips compared to the existing FLU. The proposed FLU does not have significant impact on the surrounding roadway network and no further short-term or long-term analyses are required.

TABLE 2 MILITARY CLF TRIP GENERATION COMPARISON								
Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Existing FLU								
Medical Office	94.090 KSF	3,399	225	178	47	276	77	199
Pass-By Capture								
Medical Office	10.0%	340	23	18	5	28	8	20
Medical Office Driveway Volumes		3,399	225	178	47	276	77	199
Medical Office Net New External Trips		3,059	202	160	42	248	69	179
Proposed FLU								
Medical Office	84.681 KSF	3,060	202	160	42	251	70	181
Assisted Living Facility *	148 Beds	394	21	14	7	33	15	18
Pass-By Capture								
Medical Office	10.0%	306	20	16	4	25	7	18
Assisted Living Facility *	0.0%	0	0	0	0	0	0	0
Subtotal		306	20	16	4	25	7	18
Medical Office Driveway Volumes		3,060	202	160	42	251	70	181
Medical Office Net New External Trips		2,754	182	144	38	226	63	163
Trip Differential: Proposed FLU (Medical Office) - Existing FLU		-305	-20	-16	-4	-22	-6	-16
Trip Differential: Proposed FLU (ALF) - Existing FLU		-2,753	-182	-144	-38	-223	-62	-161
Land Use	Daily	AM Peak Hour			PM Peak Hour			Pass By
Medical Office	36.13 trips/1,000 sf	2.39 trips/1,000 sf (79% in, 21% out)			Ln(T) = 0.90*Ln(X)+1.53 (28% in, 72% out)			10.0%
Assisted Living Facility	2.66 trips/Beds	0.14 trips/Beds (65% in, 35% out)			0.22 trips/Beds (44% in, 56% out)			0.0%

*Assisted Living Facility trip generation included in the table to show Medical Office as the most intense land use; therefore, ALF trips are not included in the analysis.

K:\WPB_TPTO\1449\144930002 Military ALF\Military CLF\2017-10-04 military-clf-tripgen.xlsx\TripGenInput


CONCLUSION

The foregoing comprehensive plan traffic analysis has been conducted to evaluate the proposed future land use change from the existing commercial use to the proposed institutional use on the 4.32-acre site in unincorporated Palm Beach County, Florida. The applicant has proposed a voluntary restriction in the intensity of development of a 148-bed assisted living facility. The proposed FLU and the voluntary restriction in intensity result in a net decrease in trips compared to the existing FLU trip generation potential. Therefore, no further analysis is required and the change in future land use for the subject parcel meets applicable criteria for an amendment to Palm Beach County's comprehensive plan.

Should you have any questions regarding this analysis please contact me at (561) 840-0874 or at adam.kerr@kimley-horn.com.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Adam B. Kerr, P.E.

Transportation Engineer
05 Oct 2017

Florida Registration
Number 64773
Certificate of Authorization
Number 696

Attachments

k:\wpb_tpto\1449\144930002 military all\military clf\2017-10-05-military-clf-text.docx

Exhibit 5
Water & Wastewater Provider LOS Letter

The City of Boynton Beach



BOYNTON BEACH UTILITIES
124 East Woolbright Road
Boynton Beach, Florida 33435
Office: (561) 742-6400
Fax: (561) 742-6299
Website: www.boynton-beach.org

February 01, 2017

Via Email: Jim@Schnars.com

James W. Mahannah, P.E.
Schnars Engineering Corporation
947 Clint Moore Road
Boca Raton, FL 33487
Tel: 561-241-6455

RE: Property located at 11824 S. Military Trail, Boynton Beach

Dear Mr. James:

Please be advised that Boynton Beach Utilities does not have sanitary sewer service available to the above address. The nearest 8-inch sanitary sewer main, located at the east corner of Military Trail and Golf Road, is approximately 1,970 feet away as measured along a public right of way or easement. However, the site is within the utility service area and Utilities can provide sewer service to the project, but the off-site improvement will be at the developer's cost. The water connection would be the existing 12-inch water main on Military Trail near the west edge of the pavement. There is sufficient water and sewer capacity to serve the project.

"Boynton Beach Utilities" will be the Water Treatment Plant for the project. Its total permitted maximum day operating capacity of plants is 29.64 MGD and the total maximum day flow at plants as recorded on monthly operating reports during the past 12 months is 16.95 MGD. In addition, "South Central Regional Wastewater Treatment & Disposal Board" is the Wastewater Treatment Plant that will serve the project. Its maximum monthly average daily flow over the last 12 month period is 20.02 MGD and the maximum three-month average daily flow over the last 12 month period is 19.34 MGD.

I trust this letter meets your needs. If you need any further information, please contact me at (561) 742-6407

Sincerely yours,

BOYNTON BEACH UTILITIES

Milot Emile, E.I.
Associate Engineer

xc: File

America's Gateway to the Gulfstream

Exhibit 6

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
James S. Gielda, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

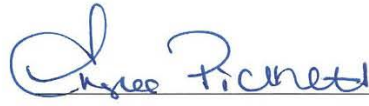
1. Affiant is the ☐ individual or ☒ Managing Member [position—e.g.,
president, partner, trustee] of JKM Boynton ALF LLC [name and type of entity -
e.g., *ABC Corporation, XYZ Limited Partnership*], (hereinafter, "Applicant").
Applicant seeks Comprehensive Plan amendment or Development Order approval
for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 2300 Glades Road, Suite 202F
Boca Raton, FL 33431
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Applicant.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of Applicant's
application for Comprehensive Plan amendment or Development Order approval.
Affiant further acknowledges that he or she is authorized to execute this Disclosure
of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Applicant that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and
to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.


James S. Gielda, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10 day of JANUARY, 20 17, by JAMES S. GIELDA, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.




Notary Public

Angela Pickett
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 4/17/2019

Exhibit "A"

PROPERTY

Address: 11852 S. Military Trail

PCN: 00-42-45-36-00-000-7050

Legal Description:

Parcel 1: THE SOUTH 180 FEET OF THE WEST $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

Address: 11824 s. Military Trail

PCN: 00-42-45-36-00-000-7020

Legal Description:

Parcel 2: THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

EXCEPT

THE SOUTH 180 FEET OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND THE NORTH 70 FEET OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

SAID LANDS ALL SIUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 3.810 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

JKM BOYNTON ALF CAPITAL, LLC		} 100% OF JKM BOYNTON ALF, LLC
2300 GLADES ROAD, SUITE 202E BOCA RATON, FL 33431		
JAMES S. GIERDA		} 33 1/3% OF JKM BOYNTON ALF CAPITAL, LLC
2300 GLADES RD, SUITE 202E, BOCA RATON, FL 33431		
ADAM P. FREEDMAN		} 33 1/3% OF JKM BOYNTON ALF CAPITAL, LLC
2300 GLADES RD, SUITE 202E, BOCA RATON, FL 33431		
JOHN K. MARLEY		} 33 1/3% OF JKM BOYNTON ALF CAPITAL, LLC
2300 GLADES RD, SUITE 202E, BOCA RATON, FL 33431		

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION
FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Caterina Viola, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

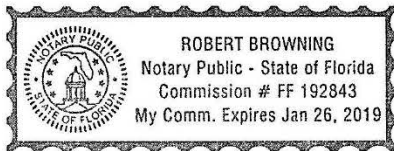
1. Affiant is the ☐ individual or M trustee [position - e.g.,
president, partner, trustee] of Maria Mignano Trust [name and type of
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.
2. Affiant's address is: 10715 Cambay Circle
Boynton Beach, FL 33437
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to
statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Caterina Viola
Caterina Viola, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 27 day of January, 2017, by Caterina Viola, [] who is personally known to me or ☒ who has produced FL Drivers License as identification and who did take an oath.



Robert Browning
Notary Public
Robert Browning
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: Jan 26, 2019

Exhibit "A"

PROPERTY

Address: 11852 S. Military Trail

PCN: 00-42-45-36-00-000-7050

Legal Description:

Parcel 1: THE SOUTH 180 FEET OF THE WEST ½ OF THE NW1/4 OF THE SW ¼ OF THE SW ¼ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

Address: 11824 s. Military Trail

PCN: 00-42-45-36-00-000-7020

Legal Description:

Parcel 2: THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 36, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THE WEST 60 FEET FOR ROAD RIGHT-OF-WAY.

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SAID LANDS ALL SIUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 3.810 ACRES, MORE OR LESS.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name**Address**

Giuseppe Mignano 4270 Cedar Creek Road
Slinger, WI 53086

Maria LaMasa 7871 Colony Lake Dr.
Boynton Beach, FL 33436

Caterina Viola 10715 Cambay Cir.
Boynton Bch, FL 33437

Exhibit 7

Correspondence



County Commissioners:
Paulette Burdick, Mayor – District 2
Melissa McKinlay, Vice Mayor - District 6
Hal R. Valeche - District 1
Dave Kerner - District 3
Steven L. Abrams - District 4
Mary Lou Berger - District 5
Mack Bernard - District 7
Jon MacGillis - Director, County Planning
Lorenzo Aghemo - Director, County Zoning
Carlos Torres – Project Manager, Site Planner II

Myrna Rosoff - President COBWRA
Steve Oseroff - COBWRA Growth Management
Marty Perry – Representing Delray Dunes Golf
and Country Club

July 28, 2017

RE: Boynton Dunes/Boynton Atrium Future Land Use Amendment

Dear Palm Beach County Commissioners, Staff and COBWRA Representatives:

The joint Boards of the Delray Dunes Country Club and the Delray Dunes HOA are submitting this formal objection to the request for a small scale future land use map amendment from CL/2 to Institutional, with an underlying 12 dwelling units per acre (HR-12) and the concurrent application to the PBC Zoning Division for an Official Zoning Map Amendment (rezoning) from the AR zoning district to the Planned Unit Development District (PUD), along with a request for conditional use approval of ten (10) Transfer of Development rights (TDR) for a 4.32 acre site composed of 3 parcels located on the east side of South Military Trail approximately 1/8 mile south of Golf Road. The 3 parcels are PCN 00-42-45-36-00-000-7050, -7020, and -7040. Since the Applicant is requesting the TDRs, this brings the total number of units per acre requested under this land use change application to 15 units per acre.

BACKGROUND

Palm Beach County Commissioners, staff and community members spent many hours developing our Comprehensive Plan as a guide for the future development of the County. Delray Dunes was one of the first large scale developments in the County, formed in the 1960's, and one of the original members of COBWRA. The goal of the Comprehensive Plan is to create some level of land use predictability both for developers and neighbors as growth occurs, and serve as a guide for decision makers when land use decisions come before them. While growth is inevitable, the County Comprehensive plan establishes parameters of development for that growth. The owners of land can still develop their land but they

certainly do not have an entitlement to land uses, densities and intensities beyond what is in the currently adopted Comprehensive Plan.

ANALYSIS OF POLICY COMPLIANCE

The Applicant has based his request on meeting various criteria set forth in the Comprehensive Plan, and we intend to show that in fact the Applicant does not meet these criteria and should be denied.

- 1) Policy 2.1-f of the FLUE of the PBC Comprehensive Plan states that an applicant must provide adequate justification for the proposed land use.

Applicant claims that subject parcels are currently supporting a commercial low future land use designation which is not consistent with the Palm Beach County Comprehensive plan relating to mid-block development, and commercial land use designation does not match the residential nature of the surrounding properties.

RESPONSE: The subject parcels, in addition to providing a successful agricultural nursery, also had a small retail component where plants and flowers were sold to the public for many years. The property is only available for sale due to the death of the owner. In this application, the Applicant fails to recognize that the Comprehensive Plan designation, which has been on the property for over 28 years, is Commercial Low (CL). The Commercial Low designation includes CN (Neighborhood Commercial), CC (Community Commercial), and CLO (Commercial Low Office). The CL category includes a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas. According to the Comp Plan, land development regulations developed pursuant to the CL category shall contain additional site design requirements in order to ensure compatibility with adjacent uses. The CLO district is specifically designed by the County to encourage development of low-intensity offices and integration of complementary uses to serve as a transition between residential and commercial areas. The CN designation is to provide a limited commercial facility of a convenience nature serving residential neighborhoods within a half mile radius, and the CC district is to provide a commercial facility of a community nature that services residential neighborhood within a three- to five-mile radius. All of these districts were **specifically** designed to provide an appropriate transition from intense commercial development and a residential neighborhood. This designation has specific safeguards for abutting residential properties, such as enhanced buffers, lower (Floor Area Ratio) FAR coverage etc., to protect the residential neighbors. Therefore the present land use classification already provides a better transitional use of the property as opposed to this request.

Additionally, the Applicant's claim that the current CL designation on the site is not consistent with PBC policies relating to mid-block commercial development fails to recognize that those policies are only directed at NEW requests for Commercial Low designation and therefore are not applicable to this site and this plan review request.

- 2) Policy 2.1-f requires the following criteria be met as a basis for the requested FLUA:
 - a) Changes in the FLU designations on adjacent properties or properties in the immediate area and associated impact on the subject site.

Applicant even states in his response that “There have NOT BEEN ANY CHANGES in the immediate vicinity” and he just repeats the assertion that Commercial Low land use is not compatible with the surrounding property. The County professional planning staff set forth this category as an appropriate transition zone and it was previously approved by the Board of County Commissioners as an appropriate transition zone for this site. We agree.

- b) Changes in the access or characteristics of the general area and associated impacts on the subject site.

Applicant claims: “The general area has all been developed residentially to the north, south, east and west of the subject property. The nursery use which once existed on the property is no longer viable and has since closed. The adjacent golf course to the east provides a mutually beneficial amenity for the proposed CLF to take advantage of views and buffering.”

RESPONSE: Again the statement that the nursery was no longer financially viable is an assumption, as the property only came on the market for resale due to the death of the present owner. As the adjacent golf course in question, we strongly object to the above statements. There is NO MUTUALLY BENEFICIAL result of this proposal. The prospect of this huge facility looming over our single family homes that have been here for over 50 years is an unacceptable intrusion into our privacy as this facility looks directly into our rear windows and backyards, as well as an enormous intrusion into the enjoyment of our golf course immediately adjacent to this proposed facility. In fact, as opposed to this use being “mutually beneficial”, approval of this request would result in an extremely NEGATIVE impact on the surrounding golf course and have the exact opposite effect as to what the Applicant is stating in this response. In the revised submittal the Applicant goes on to state, “The access and vistas of the adjacent golf course make this site optimal for a CLF development”. This statement might be correct if the Applicant owned the golf course. *But he does not own this property and he has no right to any “access and vistas” of our golf course and our homes.* The construction of this facility immediately adjacent to our property will impact our property values negatively, both in the short- and long-term time frame.

- c) New Information or change in circumstances which affect the subject site.

Applicant claims that the nursery is no longer viable on the property and due to the property’s lack of continuity to other supporting commercial uses, it has become apparent that redevelopment of the site is imperative and the proposed CLF will complement the other residential uses in the vicinity.

Response: Again the issue that the nursery is no longer viable is an assumption on the part of the Applicant. There are currently surrounding active commercial uses in the immediate vicinity of this site: there is a small strip shopping center only .5 miles to the south of this site and a large Publix Shopping center only .9 miles for this site, thereby negating the claim that there are no surrounding commercial uses.

Applicant goes on to state in his application: “In an effort to maximize the site we have requested the underlying 12 dwelling units per acre to create a viable base bed count for the property.” (Emphasis added) This statement indicates that the primary reason for this rezoning and comprehensive plan

change is only to maximize the financial viability of the project and not to construct what is compatible with the surrounding existing neighborhood.

d) Inappropriateness of the adopted FLU designation.

As justification, Applicant repeats his claims that the existing land use designation is not appropriate for the site and there is no commercial in the immediate vicinity as justification for this criterion.

RESPONSE: Applicant's claim that there are no commercial uses in the surrounding vicinity has already been rebutted by the data provided above. The claim that the new land use and zoning would provide a better transition on this site totally ignores the fact that the current land use designation of CL provides much better protection for the adjacent residential property owners than the proposed request. The current designation of CL provides for a maximum development of a FAR of only .35 and a building coverage of 25%, as opposed to this request of a massive building on site with a FAR of .80! Also the current Code would require more design elements such as significantly more buffering and landscaping adjacent to any residential development, thereby providing a much better transition for the adjacent residents.

CONSISTENCY

In addition to the above, Palm Beach County Commission shall make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.

1. DENSITY INCOMPATIBILITY

The request is to rezone to a PUD at the maximum allowed density of 12 units per acre plus the request for the additional 10 TDRs for a total of 15 units per acre and the proposed development plan submitted to the County has a FAR of .73 on the site with an overall building height at peak of roof of 39 feet, not including decorative chimneys and mechanical facilities. (Note: the County allows measuring roof height at mid-point not peak, which is why application only states height of 35'.)

The surrounding neighborhoods are low density residential communities which have been developed for many years and are relatively built out. Delray Dunes (immediately east of the proposed site) has an actual density of 1.1 units per acre, Village of Golf (the closest Municipality to the site) is at .37 units per acre, Quail Ridge is at 2 units per acre, Indian Springs is at 2.9 units per acre, Pipers Glenn is at 2.6 units per acre) and Cascade Lakes is at 3.2 units per acre.

The Palm Beach County Unified land Development Code (ULDC) requires consistency with the Plan as well as compatibility with surrounding land uses. Specifically, to receive approval it states, "The proposed amendment is compatible and generally consistent with existing uses and surrounding zoning districts and is the appropriate zoning district for the parcel of land (Ord. 2007-001)."

The Comprehensive Plan has shown this property **SINCE 1989** as low density (2 units /acre) or Low Commercial. As Myrna Rosoff said in a recent public hearing, "You have homeowner after homeowner sold on the expectation that density would be controlled." Dunes residents, as well as all of our

surrounding neighbors, bought our homes over the past 50 years with the understanding that the surrounding density and future uses of the surrounding property under the Plan would be allowed. As can be seen from the above survey of existing surrounding properties, there is nothing in the surrounding area that approaches this level of density being requested in this application. The subject property is now an abandoned nursery and we understand that change and development will occur on this property. However, the proposed change is far in excess of what we were expecting would occur on this site. We have hired Anna Cottrell & Associates to perform an analysis of the approved land use changes in the County for the past 3 years and none of them approach this level of requested change in density from 2 units an acre to 15 units per acre. Basically the total maximum underlying density will go from 8.64 units on the site to 64.8 units or an 8-fold increase!

While the majority of property in this area is built out, there are still several remaining vacant parcels as well as parcels that will be changing land use as property values increase in the future along Military Trail. Some of these parcels are quite large and if this request is approved at this level of density and intensity on this site, this sets an unacceptable precedent in our neighborhoods for additional development in PUDs at density levels of 12-15 units per acre. The Commercial development along Military Trail in our neighborhoods does not even approach this level of density. We would request that COBWRA and the County Commission seriously consider the precedent this approval would set in our neighborhoods. Approval paves the way for other developers to request and expect the same or similar opportunities.

County Policy 2.4-j for transfer of development rights (TDRs) states: to be eligible for the additional density, the receiving areas need to meet one or both of the following criteria to be eligible for an additional one (1) du/acre density bonus: 1) proximity to community services and amenities including parks, community commercial facilities, and mass transit; and/or 2) proximity to employment centers (defined as regional commercial facilities or major industrial facilities). The determination of the appropriate density increases shall be based upon location, compatibility with the surrounding land uses, and consistency with County Goals, Objectives and Policies.

This site is not in proximity to any County Parks, community commercial facilities or mass transit, nor is it in proximity to any employment center. We would also state that the resulting increase in density is NOT compatible with the surrounding land uses as shown in the above survey. Therefore, this Applicant violates this policy and should not be eligible to receive any additional TDRs to increase the density of the site.

2. INCOMPATIBLE INTENSITY OF USE

The Applicant states in his petition that "the existing Commercial low land use designation is not appropriate for the subject properties based on the surrounding land uses and the ability to support any type of commercial in the future."

This claim ignores the fact that under the current Commercial Low designation, maximum development intensity would be a FAR of .35 with building coverage of only 25 percent. Under the Institutional Zoning requested the maximum development intensity is an FAR of .45 with a building coverage of only 25

percent. So the Applicant has crafted a combination request to take advantage of various maximum densities and intensities that would never even be considered on its face if they were submitted without the PUD.

In 1996 a study was undertaken as part of the West Boynton Area Plan and per that study, the typical FAR ratios in the area range from .18 to .23. The maximum commercial FAR allowed in a PUD is only .35. The Applicant even states in his application that *“in an effort to maximize the site we have requested the underlying 12 dwelling units per acre to create a viable base bed count for the property.”* This statement indicates that the primary reason for this rezoning and comprehensive plan change is only to maximize the financial viability of the project and not what is compatible with the surrounding existing neighborhood. This request with a FAR of .73 is **almost double** the maximum allowed under the Commercial or Institutional categories and if approved at this level of intensity and lot coverage will establish a precedent for other parcels that are still remaining to be developed along Military Trail. Additionally this building as submitted is proposed with a roof peak height of 39 feet, while the surrounding residential properties are predominately only 1 story. There are no commercial 3-story buildings within a 2-mile radius of this site.

In order to obtain the increased density and intensity on this site the Applicant has to request a PUD designation at the maximum level allowed by the Code. According to the County Code, the purpose of a PUD is to provide opportunities for development patterns which exceed the expectations of the standard zoning districts and allow for the creative use of land. This site plan does not offer any unique or creative elements which would qualify for PUD bonuses. This site plan only meets minimum requirements for parking, landscaping, buffers etc., and does not provide any creative elements or innovative uses.

Also the additional density requested via the transfer of Development rights is not applicable to this site as discussed previously.

Policy 2.1-e of the Code allows for “underlying densities which are higher than adjacent residential parcels shall only be assigned through density bonus or site specific amendment to the Future Land use Atlas”. The Applicant’s response to this policy requirement that it is a site specific request, but however goes on to state “THE UNDERLYING RESIDENTIAL DENSITY REQUESTED IS SPECIFIC IN ORDER TO CREATE A SUFFICIENT NUMBER OF BEDS FOR A FINANCIALLY FEASIBLE PROJECT.” This Applicant has submitted a plan that grossly overdevelops this site to only maximize profit and not to be compatible with the surrounding community.

The County Code in policy 2.28-d sets forth the intent to accommodate health and human service needs such as hospitals, public clinics, emergency health shelters, child care facilities, adult day care facilities, group home, foster homes, congregate living facilities and other residential care to service the residents of the Community. While this is a good intent, there is no need for additional Adult Congregate Living Facilities in our neighborhood. There are currently 2 ACLFs located in the immediate vicinity of this site – (1) just east at the end of Golf Road and (2) Congress and Woolbright, both in the City of Boynton Beach. They are Sonata Senior Living at 2400 South Congress Avenue with 101 beds and Barrington Terrace at

1425 South Congress Avenue with 154 beds. These existing facilities, as well as another planned ACLF located even closer to the site at Military and Golf Road, are certainly adequate to service the needs of the population in the vicinity of this property and the local population is not missing any ACLF services.

SUMMARY AND CONCLUSION

As can be seen from the above data and analysis, this application does not meet the County criteria for a Comprehensive Plan change and rezoning. The current Comprehensive plan designation of CL serves as an excellent transitional category, is in fact appropriate for this property, and provides protection to the surrounding residential property in terms of buffers, design and landscape requirements and FAR lot coverage. This application violates Policy 2.2c (3) Ensuring compatibility with adjacent future land uses; and (4) Protecting residential areas from adverse impacts and undesirable effects from adjacent land uses. Additionally County Policy 2.1-f requires before approval of a future land use amendment, the Applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. The current land use is appropriate for this site for the various reasons stated above. There is an underlying presumption that the current Comprehensive Plan designation is correct and the local County residents relied on that presumption over the years for the investment in our homes and golf facilities. The Applicant has not met the standards to overturn that presumption with this request.

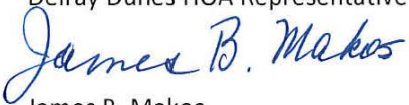
The Applicant has also grossly mischaracterized the meeting with the Delray Dunes HOA and Club. The HOA and Club specifically discussed the ongoing concerns regarding the density and the intensity of use on this property, as evidenced by our prior letter to County staff and to COBWRA. The massive size and height of the building are the visual representation of the result of such high density and intensity of use on this site. The Applicant is now also with this most recent submittal, implementing a major change from the renderings he has been showing area residential groups. The rendering shown at various neighboring communities such as Cascade Lakes and Delray Dunes depicted an "S" type Spanish tile roof and now the Architect is submitting a horizontal metal roof, which is not allowed as a design element in the West Boynton Area without an exception. The renderings the Applicant has developed and has been showing to the various neighborhood groups do not accurately reflect the final actual design of the building the Applicant is in fact requesting and we would request that this exception not be approved.

We would request that this application not be certified as in compliance with the Code and be denied. Thank you for your consideration.

Sincerely,



Carrie Parker Hill
Delray Dunes HOA Representative



James B. Makos
Delray Dunes Golf & Country Club Representative

AUG -1 2017



July 26, 2017

Commissioner Steve Abrams
Palm Beach County Commission
301 N. Olive Avenue, 12th Floor
West Palm Beach, FL 33401


Dear Commissioner Abrams,

The Village Council of the Village of Golf strongly objects to a recent rezoning proposal that will be presented shortly to COWBRA and is presently under staff review by staff at Palm Beach County Zoning. The proposed property is a 4.32 acre site just south of Golf Road on Military Trail. The current zoning allows only agricultural/ residential and the current Comp Plan designation only allows Commercial Low with an underlying land use of 2 units per acre and a maximum development intensity FAR of .35 with a building coverage 25 percent. The proposal titled Boynton Dunes is for an Adult Congregate Living Facility (ACLF). While we do not object to this land use, we have strong objections to the density and intensity of the use proposed for this site.

The developer is proposing a PUD at the maximum density of 12 units per acre, PLUS the purchase of TDRs at 3 units per acre, bringing the total density proposed for this site to 15 units per acre. Additionally the FAR of the current site plan is calculated at .80 quite a bit larger than currently allowable .35 or what would be allowed under the existing Commercial low land use designation at a .25 FAR. Additionally the building is proposed to be a height of 39 feet. There is nothing over one story within a 150-foot radius of the property and only a few two story buildings within a 2-mile radius of the property.

This amount of intense land use is not compatible with the surrounding neighborhoods. The surrounding areas are low density residential. Delray Dunes, immediately east of the proposed site has an actual density of 1.1 units per acre. The Village of Golf, the adjacent city east of the site is only at .37 units per acre and across the street, Quail Ridge is at 2 units per acre, Indian Springs is at 2.9 units per acre, Pipers Glenn is at 2.6 units per acre and Cascade Lakes is at 3.2 units per acre.

The County Unified Land Development Code states that amendments must be compatible with surrounding land uses and generally consistent with existing uses and surrounding zoning districts. The Village of Golf would submit that this use at this density and intensity level is NOT compatible with the surrounding existing uses that have been in place for over 50 years.

The Village of Golf would request that COBWRA deny this petition and continue to protect the existing low density/intensity development that has been a part of the West Boynton Area Community Plan since 1995 and that the County Staff and County Commission do the same.

Thank you,

Sincerely,


Mayor Tom Lynch
C: COWBRA

c: Patricia F.
cc: Harpman

ADMINISTRATION: 21 Country Road • Village of Golf, FL 33436-5299 • (561) 732-0236 •
FAX (561) 732-7024
SECURITY: (561) 734-2918 • UTILITIES: (561) 737-7995 • www.villageofgolf.org

J. Michael Pakradooni
11801 North Lake Drive
Boynton Beach, Florida 33436

RECEIVED
OCT 10 2017
PLANNING DIVISION

October 2, 2017

Dear Francis Forman,

This letter is in response to the Public Notice that you sent me dated September 26, 2017 (attached).

I own 2 properties 300 feet east of the CL/2 parcel being proposed for a land use change (SCA 2017-021). I purchased both properties knowing the neighboring property was zoned CL/2 and that my western exposure was and would always be unobstructed.

I have attached a recent picture of my sunset from my back yard.

My primary residence is 11801 N. Lake Drive and I live there year around and plan to for many years to come. My second property is 11859 N. Lake Drive. I purchased this property several months ago and have invested hundreds of thousands of dollars renovating it.

Please turn down this project and leave the zoning on this property as is.

J. Michael Pakradooni

