



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, DECEMBER 19, 2019

A. Application Summary

I. General

Project Name:	Holden of Delray Beach (SCA 2019-019)
Request:	INST to INST/CLR
Acres:	7.23 acres
Location:	North side of Morikami Park Road, approximately 275 feet west of Jog Road
Project Manager:	Melissa Michael, Senior Planner
Applicant:	Alliance Realty Partners, LLC
Owner:	Abraham Shaulson
Agent:	Dunay, Miskel and Backman, LLP
Staff Recommendation:	Staff recommends approval with modifications based upon the following findings and conclusions found in this report.

II. Assessment & Conclusion

The 7.23 acre subject site is requesting a future land use amendment from Institutional and Public Facilities (INST) to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR) (revised at the PLC hearing).

The site is currently approved for a 104,790 s.f. nursing and convalescent facility that is 3 stories with 180 beds (approximately .33 FAR). The concurrent Zoning application is requesting a development order amendment to allow a 218,279 s.f. Congregate Living Facility (CLF) Type 3 that is 3 and 4 stories with 207 beds (approximately .72 FAR).

While the proposed use is residential in nature the mass and scale of the proposed development, which is more than double the square footage of the current approval, is not compatible with the surrounding low density residential and recreational designations. Therefore, staff is recommending approval with a condition limiting the site to a maximum of height of 3 stories. In addition, staff is recommending the assignment of an underlying CLR designation rather than an underlying 12 units per acre to ensure that the density of the site is limited to a congregate living facility.

III. Hearing History

Local Planning Agency: *Approval of staff recommendation*, motion by Cara Capp, seconded by Barbara Roth, approved in an 9-6 vote (with Jim Knight, Kiley Harper-Larsen, Angella Vann, Marcia Hayden, Evan Rosenberg, and Edwin Ferguson dissenting) at the November 8, 2019 public hearing. A prior motion for Approval failed, motion by Spencer Siegel, seconded by Eric Royal, failed in a 7-8 vote (with Dagmar Brahs, Barbara Roth, Lori Vinikoor, Alex Garcia, David Dinin, Michael Peragine, Eric Royal and Cara Capp dissenting) at the November 8, 2019 public hearing. Board discussion included comments and questions regarding drainage, amendment conditions of approval, the square footage on the 4th floor, buffering, and line of sight. Five members of the public spoke. Three spoke in support of the project stating the applicant met with them several times to address their concerns, and two spoke in opposition stating concerns about height of the building, line of sight, drainage, and buffering.

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Institutional and Public Facilities (INST)
Existing Land Use: Vacant
Current Zoning: Multiple Use Planned Development (MUPD)
Current Dev. Potential Max/Conditioned: 0.45 FAR x 7.23 ac. = 141,726 SF

Proposed Future Land Use Change

Proposed FLU: Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR)
Proposed Use: Congregate Living Facility (CLF)
Proposed Zoning: No Change - Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned: Residential, up to 207 Congregate Living Beds (12 du/acre)

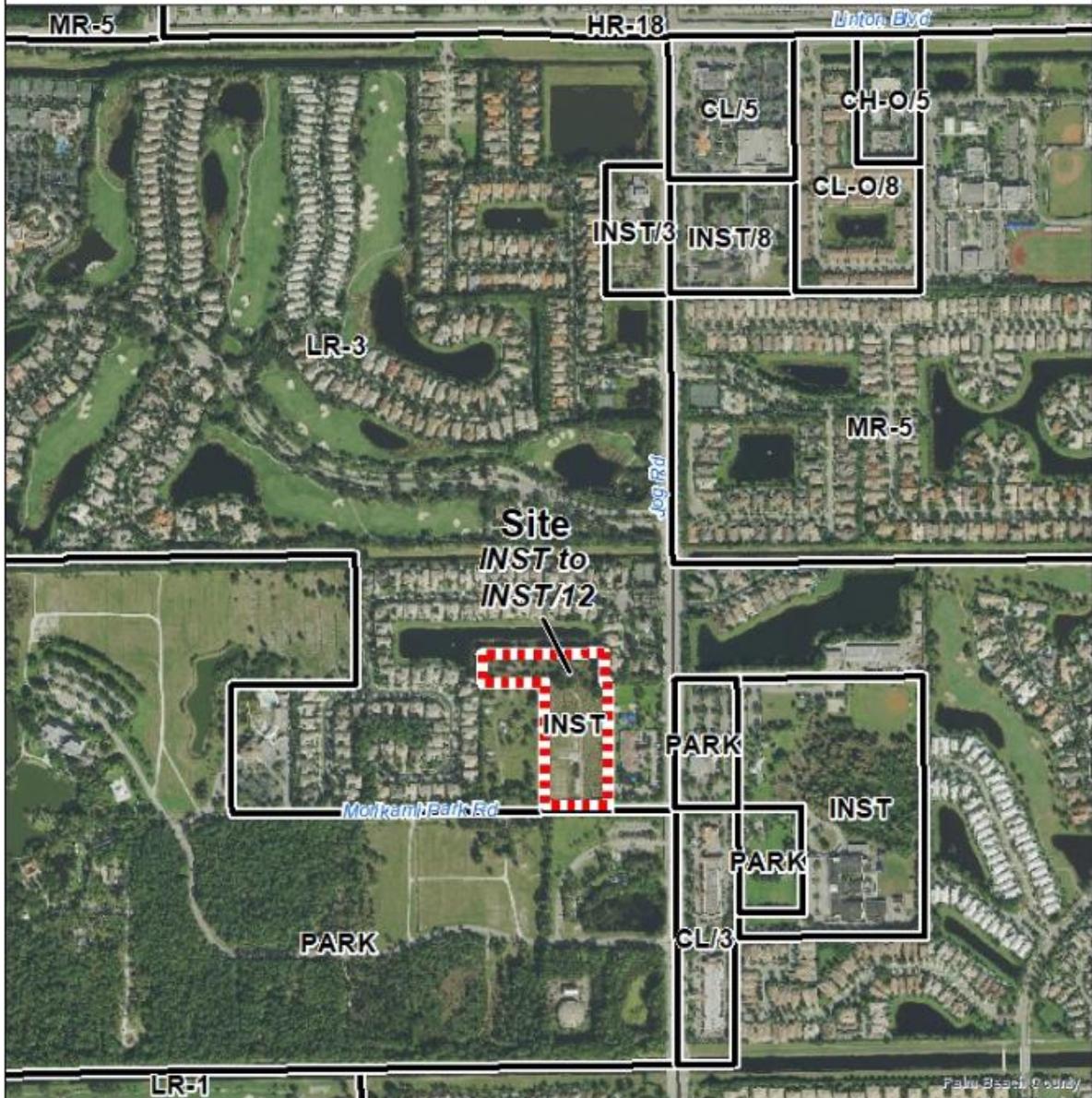
General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: None
Comm. District: Commissioner Mary Lou Berger, District 5



Future Land Use Atlas Amendment

Holden of Delray Beach (SCA 2019-019)



Site Data	Future Land Use Designations			
Size: 7.23 acres	LR-1	Low Residential, 1 unit/acre	CL/5	Commercial Low, underlying MR-5
Existing Use: Vacant	LR-3	Low Residential, 3 units/acre	CL-O/8	Commercial Low - Office, underlying HR-8
Proposed Use: CLF Type 3	MR-5	Medium Residential, 5 units/acre	CH-O/5	Commercial High - Office, underlying MR-5
Current FLU: Institutional (INST)	HR-18	High Residential, 18 units/acre	INST	Institutional
Proposed FLU: Institutional, underlying High Residential, 12 units/acre (INST/12)	PARK	Park	INST/3	Institutional, underlying LR-3
	CL/3	Commercial Low, underlying LR-3	INST/8	Institutional, underlying HR-8

Date: 5/29/19
 Contact: PBC Planning
 Filename: T:\Planning\AMEND 19-SCA\Site\Holden\Graphics
 Note: Map is not official, for presentation purposes only.

Site

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

C. Introduction & Review

I. Intent of the Amendment

Note to reader: *At the Planning Commissioner hearing, the applicant agreed to revise the request to an underlying Congregate Living Residential (CLR) designation, which allows the same maximum density for the purposes of a congregate living facility (12 units per acre). The cover page, petition summary, and Exhibit 1 have been changed to reflect the modification. All of the remainder of the report has been left as presented in the initial staff report since the analysis is the same.*

The amendment proposes to change the future land use designation on a 7.23 acres site from Institutional and Public Facilities (INST) to Institutional and Public Facilities with an underlying High Residential, 12 units per acre (INST/12). The applicant states that the underlying 12 units per acre density is proposed for the purpose of calculating congregate living facility (CLF) beds, and the amendment includes a condition of approval that limits the use of the underlying density to only a CLF. The number of beds for a Type 3 CLF is calculated by multiplying the acreage of the site by the residential density (proposed 12 units per acre) and multiply by 2.39. The amendment proposes to allow up to 207 beds (7.23 acres x 12 du/acre x 2.39 = 207 beds).

Background. The site was the subject of a small scale amendment (Jog/Morikami INST, SCA-2008-00031) that changed the original future land use designation from Low Residential, 3 units per acre (LR-3), to INST that was adopted on May 28, 2009 by Ord. 2009-011. Concurrently, the site was approved for a rezoning from Agricultural Residential (AR) zoning to Multiple Use Planned Development (MUPD) by PDD-2008-01035 (Resolution No. R-2009-0897). The site is currently approved for a 104,790 s.f. nursing and convalescent facility within a 3 story building up to 35' in height and 180 beds (approximately .33 FAR). The Control Number is 2008-00133.

Zoning Application. The concurrent Zoning application (ZV/PDD/CA- 2019-00327) is requesting a rezoning to Planned Unit Development (PUD) to allow a 218,279 s.f. Congregate Living Facility (CLF) Type 3 within 3 and 4 story buildings up to 50 feet in height and 207 beds (approximately .72 FAR). There are two associated variances, one requesting to reduce building setback for a building higher than 35 ft. PUD setbacks are measured from the buffer not the property line, and a second to allow the PUD on a roadway that is not an arterial or collector.

II. Data and Analysis Summary

This section of the report provides a summary of the consistency of the amendment with the County's Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

Overview of the Area. The site is located on the north side of Morikami Park Road, approximately 275 feet west of Jog Road and is within the Urban/Suburban Tier. The site is surrounded on three sides by low density residential homes (LR-3) and to the south by a park. Morikami Park Road is used as the main ingress and egress to Morikami Museum and Gardens as well as The Slomin Family Center for Autism. The intersection of Morikami Park Road and Jog Road is signalized. Low intensity commercial and institutional uses can be found on the east side of Jog Road.

Appropriateness of the Amendment. The subject site is located along a suburban corridor with a variety of uses including single-family residential, low and high density commercial, and institutional. The amendment will not change the type of use allowed on the site, rather the amendment proposes to change the underlying future land use designation in order to allow the calculation of a higher bed count for a CLF.

Compatibility. The subject site is surrounded on all sides by low density future land use designations. The proposed CLF request is for 3 and 4 stories within close proximity to single family residential, a park, and a daycare. While the current approval on the site does include 3 stories the FAR is increasing from .33 to .72, which results in the 3 story CLF being much closer to the adjacent low density development.

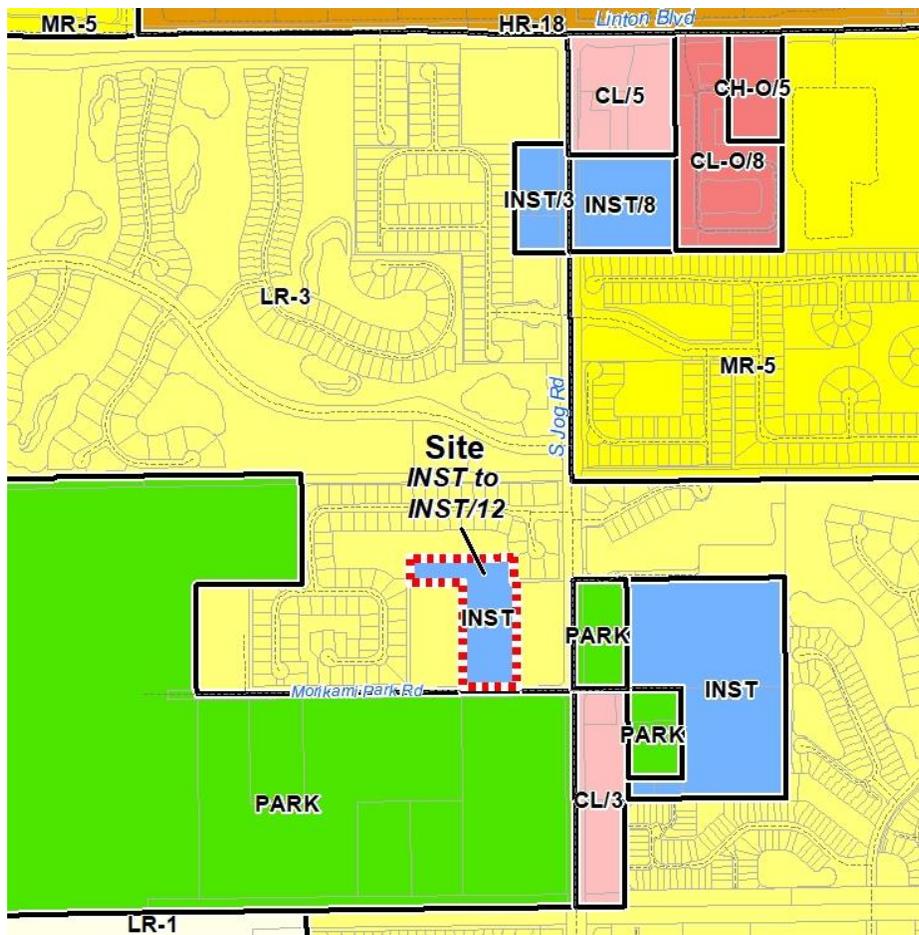
Assessment and Recommendation. While the proposed use is residential in nature the mass and scale of the proposed development, which is more than double the square footage of the current approval, is not compatible with the surrounding low density residential and recreational designations. Therefore, staff is recommending approval with a condition to limit the site to a maximum height of 3 stories. In addition, staff is recommending the assignment of an underlying CLR designation rather than an underlying 12 units per acre to ensure that the density of the site is limited to a congregate living facility.

Staff recommends ***approval with modifications*** based upon the findings within this report.

Exhibits	Page
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Exhibit 1

Amendment No:	Holden of Delray Beach (SCA 2019-019)
FLUA Page No:	103
Amendment:	From Institutional and Public Facilities (INST) to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR)
CLF Density:	The Congregate Living Residential future land use designation allows a density of 12 units per acre for a Congregate Living Facility (CLF) use.
Location:	North side of Morikami Park Road, approx. 275 feet west of South Jog Road
Size:	7.23 acres approximately
Property No:	00-42-46-27-30-001-0000
Conditions: Development of the site is limited to a maximum of three stories.	



Legal Description

TRACT "A", MORIKAMI NURSING CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 122, PAGES 123 AND 124, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
 SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.
 CONTAINING 314,949 SQUARE FEET (7.23 ACRES) MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

This Exhibit 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 urban sprawl as defined by 163.3164(51), F.S.;*
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)*

The applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- *The proposed amendment is based on changes in characteristics of the general area and associated impacts. Along the South Jog Rd corridor, there has been significant change since the Plan adoption in 1989. The area has changed from primarily agricultural production uses to residential uses and suburban development, thus creating the need for additional CLF facilities for the County residents to have a greater range of housing choices as they age.*
- *The proposed amendment will allow the provision of vital CLF services to nearby residents and their families, allowing for County residents to “age in place” in a location that is close to family and friends.*
- *The existing INST designation does not provide the opportunity for development of a housing option other than a nursing home and limits the County's ability to provide locations for compact residential development as the needs of residents' change. Further, the existing INST allows for a much more intense hospital use, which would create significantly higher traffic generation than the proposed Type 3 CLF.*

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.

The subject site has an Institutional and Public Facilities (INST) future land use designation and is seeking a future land use amendment to Institutional and Public Facilities with an underlying 12 units per acre (INST/12), for the purposes of increasing the allowable number of CLF beds. The applicant states that the proposed amendment is an appropriate location for a CLF, furthers County Directions to provide for a greater variety of housing, and provides an opportunity for the county's population to “age in place”.

The proposed application includes 3 and 4 stories directly abutting single story, low intensity uses and is more than double the square footage of the current approval. The mass and scale of the proposed amendment is out of character and is not compatible with the surrounding uses. Therefore, staff is recommending a condition of approval limiting the site to a maximum of 3 stories.

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.

Direction 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.*

Direction 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.*

Direction 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Staff Analysis: The proposed amendment furthers **Direction 1, Livable Communities**, by fostering additional housing opportunities for ‘aging in place’ for existing and future residents of the Urban/Suburban Tier. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, comprises certain characteristics that either the existing surrounding community exhibits or the proposed designation on the subject site will enhance, create, or maintain. Characteristics as stated under this section, which pertain to the subject site, include the following: civic uses such as schools, places of worship, libraries, parks, and government services; health facilities, adult and childcare, and a diverse mix of housing for a wide range of family and household types. In addition, the proposed amendment furthers the **Direction 2, Growth Management**, by encouraging a sustainable and balanced land use pattern through providing an alternative means to approve congregate living facilities in the Tier. **Direction 4, Land Use Compatibility**, is discussed in the Compatibility section of this report.

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 comprised of a single parcel and no adjacent parcels are under the same ownership. A concurrent zoning application has been submitted which includes a site plan conveying development of the whole site. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel.

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. **FLUE Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*
1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
 2. *Providing for affordable housing and employment opportunities;*
 3. *Providing for open space and recreational opportunities;*
 4. *Protecting historic, and cultural resources;*

5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: The proposed amendment would expand the current living options in the immediate area, allowing the local population to age in place. Staff is recommending approval with modifications in order for this amendment to be compatible with the scale, mass, intensity of use, height and character of the surrounding suburban communities. For those reasons, this amendment is consistent with Policy 1.2-a.

2. Policy 2.2.1-I: Congregate Living Residential. *The purpose of the Congregate Living Residential (CLR) future land use designation is to facilitate the review of proposed Congregate Living Facilities (CLF) Type 3 that require a future land use amendment to increase residential density. The CLR designation is subject to the following:*

1. *Proposed future land use amendments requesting an increase in density for the purposes of developing a CLF Type 3 shall apply for the CLR designation **unless the site is proposed within a project that has multiple or mixed land uses.** Amendments requesting to be co-located non-residential uses may apply for a non-residential future land use designation with an underlying CLR and be subject to the location requirements of the non-residential designation.*

Staff Analysis: The requested amendment proposed to assign an underlying future land use designation allowing up to 12 units per acre to a site with Institutional and Public Facilities (INST) future land use for the purpose of calculating additional CLF beds. The proposed amendment includes voluntary conditions of approval that limit the use of the proposed 12 units per acre density to only a CLF. Initially the site was proposing to retain the Multiple Use Planned Development (MUPD) zoning district, and therefore, was allowed to process the site utilizing an underlying residential designation. However, subsequently the zoning application was revised to rezone to Planned Unit Development District in order to allow the site to develop with greater than .45 FAR (the cap for square footage under Institutional MUPD per the Plan). Consequently, staff is recommending that the amendment be assigned an underlying Congregate Living Residential (CLR) designation consistent with this policy.

C. Consistency with 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 in a predominately residential area and staff is recommending approval with modifications. Therefore, this amendment is consistent with this policy.

D. 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 surrounding land uses immediately abutting the site are the following:

- **North:** The property immediately north of the subject site is developed as the 89 dwelling unit Grande Orchid Estates single family residential community, with a Low Residential, 3 units per acre (LR-3) designation, is located within the Residential Transitional Suburban (RTS) zoning district, and was approved for a Planned Unit Development through Control No. 1996-00030. The +/- 4.94 acre retention pond for Grande Orchid Estates is located contiguous to the northern boundary of the Subject Property.
- **South:** The property located across Morikami Park Road to the south of the subject site is a +/- 18.26 acre park with a Parks and Recreation (PARK) future land use designation and is located within the Public Ownership (PO), zoning district. The rezoning to PO took place in 2015 via Resolution Number R-2015-0694, Control Number 2010-00336.
- **East:** The property located immediately east of the subject site is approved for and developed as a +/- 4.37 acre 250 child day care known as Get Ready Set Grow Academy, which is

designated LR-3, located within the RTS zoning district, and was approved through Control No. 1982-00184.

- **West:** There is a single family residence and nursery as well as the Grande Orchid Estates community located immediately west of the Subject Property. The single family residential/nursery property is +/- 5 acres, designated LR-3, located within the Agricultural Residential (AR) zoning district, and has never received County zoning approvals.

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.”*

Applicant’s Comments: The applicant states that the *“summary of surrounding uses demonstrate that the proposed land use will be compatible with overall surrounding land uses and promote development that will make a positive contribution to the character of the locality”,* and that *“the proposed Type 3 CLF use on the Subject Property is consistent and compatible with the surrounding FLU designations”.*

Staff Analysis: The proposed amendment will assign an underlying future land use designation allowing up to 12 units per acre to a site with Institutional and Public Facilities (INST) future land use for the purpose of calculating additional congregate living facility (CLF) beds. Directly abutting the site are low residential, institutional, and recreational uses.

While the proposed use is compatible with the surrounding land uses, the vastly higher density of 12 units per acre is not compatible with the adjacent uses. The subject site is surrounded on all sides by low density future land use designations. The proposed CLF request is for 3 and 4 stories within close proximity to single family residential, a park, and a daycare. While the current approval on the site does include 3 stories the FAR is increasing from .33 to .72, which results in the 3 story CLF being much closer to the adjacent low density development. Staff is recommending a condition of approval to cap the development of the site to a maximum of 3 stories to achieve a development that is an appropriate mass and scale to the character of the surrounding area.

E. 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 is not located within any overlay, plan, or study area.

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.....”*

Staff Analysis: The proposed amendment is not located within any overlay, plan, or study area.

F. Public Facilities and Services Impacts

The proposed amendment will assign an underlying future land use designation allowing up to 12 units per acre to a site with Institutional and Public Facilities (INST) future land use for the purpose of calculating additional congregate living facility (CLF) beds. The existing INST future land use designation allows up to .45 FAR (141,726 s.f. of hospital or medical center uses. The public facilities impacts are much greater for the existing designation than the maximum of 207 CLF beds proposed by the amendment. 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 was distributed to the County service departments for review. 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:

Mass Transit (Palm Tran), Potable Water & Wastewater (Seacoast Utilities), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning), Land Development (Engineering), School Board, Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

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: The existing INST future land use designation allows up to .45 FAR (141,726 s.f. of hospital or medical center uses). The public facilities impacts are much greater for the existing designation than the maximum of 207 CLF beds proposed by the amendment. According to the County's Traffic Engineering Department (see letter dated February 13, 2019 in Exhibit 5) the amendment would not result in an increase of net daily trips. The letter utilizes the CLR acronym which yields the same density (12 units per acre) as proposed amendment.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan."*

The Traffic Study was prepared by Christopher W. Heggen at Kimley-Horn, 1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://www.pbcgov.com/pzb/planning/activeamend/>

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 was sent to the County's Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, and the City of Boca Raton, on November 8, 2019. At the time of the printing of the Planning Commission Report, no municipal correspondence had been received.
- B. Other Notice:** Public notice by letter was mailed to the owner of properties within 500' of the perimeter of the site on November 8, 2019. Also on November 8, 2019, the Planning Division notified the following interested parties: West Boca Community Council, Alliance of Delray Residential Association, Azura HOA, Grande Orchid Estates HOA, Crystal Bay at Polo Club HOA, Addison Reserve Master POA, Mizner Preserve HOA, Bristol Pointe HOA, Newport Bay Club, and Polo Club of Boca Raton POA. At the time of the printing of the Planning Commission Report, three letters of correspondence have been received. Two letters in support from the neighbors to the north of the subject site, Grande Orchid Estates HOA, and one letter opposed from the neighbor to the east of the site, Ready Set Grow. Correspondence received is added to the exhibits.

- C. Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on October 30, 2019. One members of the public attended the meeting citing concerns about line of site, types of landscape used for the buffer, lighting, and traffic turning onto Morikami Park Road and the need for a turn lane.

Exhibit 3

Applicant's Justification

INTRODUCTION

This Future Land Use Atlas ("FLUA") amendment request is necessary in order to amend the Future Land Use ("FLU") designation of a +/- 7.23-acre site, known as "Holden of Delray Beach" (herein referred to as the "Subject Property") in Unincorporated Palm Beach County ("County") for the applicant's proposed use as discussed more fully below. As shown on Attachment F, Built Features Inventory and Map, the Subject Property is located at 6895 Morikami Park Road, which is generally located on the North side of Morikami Park Road, approximately 275 feet west of Jog Road. The Subject Property is comprised of one (1) parcel, which is currently designated INST, Institutional, on the County's FLUA and located within the MUPD, Multiple Use Planned Development, zoning district. The Subject Property is referenced by parcel control number: (PCN) 00-42-46-27-30-001-0000. The Subject Property is located in a predominantly residential and recreational context and is currently approved for use as a Nursing Home.

REQUEST

On behalf of Alliance Residential, LLC ("Applicant"), Dunay, Miskel and Backman, LLP ("Agent") respectfully submits this application requesting a FLUA Amendment in order to facilitate future development of the Subject Property for residential uses. The request is to amend the current FLU designation of INST to INST/12, Institutional with an underlying High Residential, 12 dwelling units per acre. The purpose of the County's Residential FLU designations (including the proposed HR-12 FLU) is to provide predominantly for the purposes of housing and to facilitate residential uses such as a Congregate Living Facility ("CLF") defined by FLUE Policy 2.2.1-c as a type of housing with individual or shared housing units that typically share a common dining room, recreational room, or other facilities and provide housing, meals, and personal services for a period exceeding 24 hours to one or more persons who are not relatives of the owner or administration. The Subject Property will retain the original INST FLU designation to be used along with the HR-12 FLU to allow a Type 3 CLF residential use including a mix of independent living units, assisted living units, and memory care units, which will provide more diversified housing options for the County's residents. The HR-12 FLU designation allows a maximum density of 12 dwelling units per acre. The maximum density allowed for the proposed INST/12 designation is 207 beds/residents.

PROJECT HISTORY

Since the adoption of the 1989 Comprehensive Plan, the FLUA designation on the Subject Property has changed once as reflected on the most recently updated Future Land Use Atlas Map Number 76. On May 28, 2009 the Board of County Commissioners ("BCC") adopted Ordinance 2009-011 (Application No. SCA-2008-00031) approving a Small Scale Future Land Use Atlas ("FLUA") Amendment to change the future land use designation of the Property from LR-3, Low Residential – 3 dwelling units per acre, to INST, Institutional.

Per the records available through the County's Zoning Division, there have been several prior Zoning approvals for the Property. On May 28, 2009, the BCC approved Resolution R-2009-0897 (Zoning Application PDD-2008-01035) allowing an Official Zoning Map Amendment from the AR, Agricultural Residential, zoning district to the MUPD, Multiple Use Planned Development, zoning district ("Rezoning"). Prior to the adoption of the FLUA Amendment and Rezoning, on August 7, 2008 the Zoning Commission approved ZR-2008-051 allowing a Type 2 Variance (Stand Alone) (Application ZV-2008-01033) to allow the elimination of frontage and access on an arterial or collector street ("Variance"). On May 13, 2015, a DRO Application (DRO/DRO-2015-00124), was approved to: (1) finalize the plans approved by the BCC for the Rezoning and Variance applications, (2) allow administrative modifications to the Site Plan approved by the BCC to add and relocate square footage, (3) allow a Nursing/Convalescent Facility, and (4) approve architectural elevations. The Rezoning and Variance approvals initially required that development commence by December 31, 2012; however, several time extensions were approved pursuant to State Statute and established a deadline to commence development of August 2, 2022.

G.1 JUSTIFICATION

The Applicant is requesting to amend the FLU designation of the Subject Property from INST to INST/12. Per Policy 2.1-f of the FLUE of the PBC Plan an applicant must provide adequate justification for the proposed future land use.

1) **The proposed use is suitable and appropriate for the Subject Property.**

The proposed INST/12 FLU designation is suitable and appropriate for the Subject Property. The Subject Property is in an ideal geographic location to apply the INST/12 land use designation to provide for a Type 3 CLF use and the proposed mix of independent living, assisted living, and memory care beds. The Subject Property is surrounded by residential uses to west and north and will provide a transitional use between the existing commercial day care use to the east and the existing residential uses to the north and west. The Park use to the south is a passively used parcel that is buffered by significant existing vegetation. Given the Subject Property's location within the Urban/Suburban Tier and adjacency to existing residential uses, the proposed use will provide a much-needed service to the residents in the immediate area and County at large by allowing an alternative housing option for residents requiring additional care to be located in close vicinity of their family and friends. Considering the compatibility of the proposed FLU with the surrounding area and the key location of the Subject Property in close proximity to traditional residential uses and recreational facilities, the proposed INST/12 FLU is suitable and appropriate for the Subject Property.

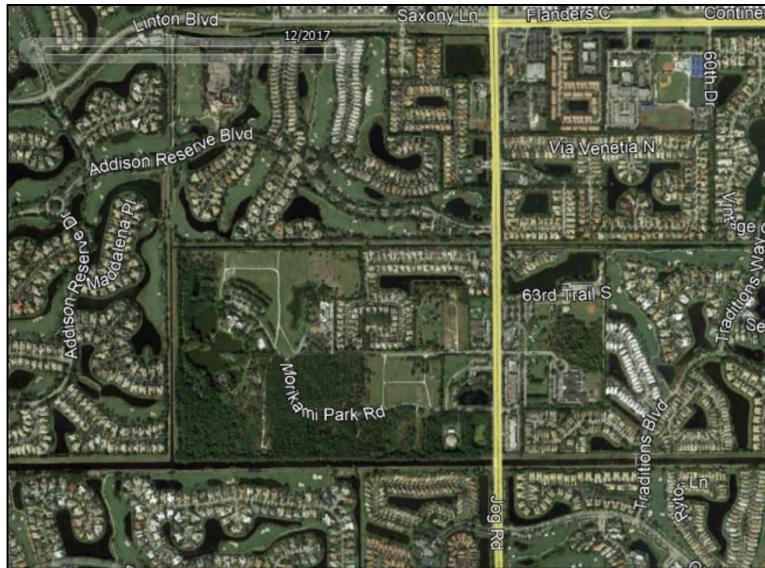
2) **There is a basis for the proposed FLU change for the Subject Property based upon one or more of the following:**

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

The proposed amendment to the change in the FLU of the Subject Property is based on changes in characteristics of the general area and associated impacts on the Subject Property. Along the South Jog Rd corridor, there has been significant change since the Plan adoption in 1989. The general area has changed from primarily agricultural production uses to residential uses and suburban development, thus creating the need for additional CLF facilities for the County residents to have a greater range of housing choices as they age. The aerial imagery below clearly demonstrates the changes in the use of the surrounding area from primarily agricultural in 1995 to today's predominantly residential context.



Aerial of Surrounding Property in 2017



The proposed amendment will allow the provision of vital CLF services to nearby residents and their families, allowing for County residents to “age in place” in a location that is close to family and friends. Considering the significant changes in characteristics in the general area, the proposed FLU amendment is appropriate for the Subject Property.

- **New information or change in circumstances which affect the subject site.**

The proposed amendment to change in the FLU of the Subject Property is based on a change of circumstances which affect the Subject Property. As demonstrated above, the circumstances in the general area have changed significantly from agricultural production to suburban residential uses since the adoption of the Plan. As such, the existing institutional use is viable but there is a need for a greater range of housing and care options for the County’s aging population in close proximity to the residences of their family and friends. Considering the change in circumstances affecting the Subject Property, the proposed FLU amendment is appropriate for the subject property.

- **Corresponding FLU designation.**

The proposed amendment to change the FLU of the Subject Property is based on the fact that the existing INST FLU designation is appropriate; however, inadequate for the Subject Property. The Subject Property is approved for use as a nursing home and has never been developed for that use or residential uses. The Subject Property is located in close proximity to a number of planned single family residential communities. A greater range of housing and care options is needed as the population ages in this area so that aging residents may stay close to their family and friends. The existing INST FLU designation does not provide the opportunity for development of a viable housing option and limits the County’s ability to provide locations for compact development as the needs of residents change. Considering the County’s need for housing options for aging residents and the significant number of single family residential developments in close proximity, the Subject Property is suitable for residential development under the HR-12 use.

G.2 RESIDENTIAL DENSITY INCREASES

Residential Density Increases: In accordance with FLU Element Policy 2.4-b Applicant will demonstrate that there is a need for the proposed FLU amendment and the current FLUA designation is inappropriate.

- **There is a need for the amendment.**

There is a need for the proposed amendment. As detailed above, the Subject Property is located in an area that is developed predominantly with single family residential uses. As the County’s population ages, a greater range of housing options is needed to meet the varying needs of residents. In order to promote compact development, prevent sprawl and allow residents to remain within their community of family and friends, it is necessary to provide locations for alternative housing choices. The proposed amendment is needed in order to allow the density on the Subject Property required in order to serve an appropriate number of residents. The basis for the proposed amendment is predicated upon the current trend and necessity for housing options for residents of all ages.

- **The current FLUA designation is inappropriate.**

The current FLUA designation is inappropriate for the Subject Property. The Subject Property is located in close proximity to a number of planned single family residential communities. A

greater range of housing and care options is needed as the population ages in this area so that aging residents may stay close to their family and friends. The existing INST FLU designation does not provide the opportunity for development of a housing option other than a nursing home and limits the County's ability to provide locations for compact residential development as the needs of residents' change. Further, the existing INST FLU allows for a much more intense hospital use, which would create significantly higher traffic generation than the proposed Type 3 CLF. In addition, the prior FLU amendment application provided for a nursing home, which is a higher employment and traffic generating use than the proposed Type 3 CLF. This nursing home was intended to be utilized by the Delray Medical Center, which ultimately locate the nursing home beds needed in a different location. As such, development of the Subject Property for nursing home use is no longer a viable option. Considering the County's need for housing options for aging residents, the significant number of single family residential developments in close proximity, the unviability of the approved nursing home use and the high traffic generation of the prior use, the Subject Property is not suitable for nursing home or hospital use and the INST FLU designation is inappropriate.

The County's Zoning Code exempts CLF facilities from the provisions of the Workforce Housing and Affordable Housing programs. As such, it is not possible to increase density on the Property utilizing these programs or the Transfer of Development Rights as workforce housing is a mandatory component of each.

G.3 COMPATIBILITY WITH SURROUNDING USES

The surrounding uses are consistent and compatible with the proposed development program. The following is a summary of the uses surrounding the Subject Property. Additional information is included on the Built Features Inventory and Map at Attachment F.

Adjacent Lands	Uses	FLU	Zoning
North	Single Family Residential	LR-3 - Low Residential (3 Dwelling Units / Acre)	RTS - Residential Transitional Single Family District
South	Forest / Park / Recreational	Park	PO – Public Ownership
East	Private School / College & Single Family Residential	LR-3 - Low Residential (3 Dwelling Units / Acre)	RTS - Residential Transitional Single Family District
West	Single Family Residential	LR-3 - Low Residential (3 Dwelling Units / Acre)	RTS-Residential Transitional & AR-Agriculture Residential District

- North: There property immediately north of the Subject Property is developed as the 89 dwelling unit Grande Orchid Estates single family residential community, which is designated LR-3 on the County's FLUA, is located within the RTS zoning district, and was approved for a Planned Unit Development through Control No. 1996-00030. The +/- 4.94 acre retention pond for Grande Orchid Estates is located contiguous to the northern boundary of the Subject Property.
- South: The property located across Morikami Park Road to the south of the Subject Property is a +/- 18.26 acre park which is designated Park on the County's FLUA and is located within the PO, Public Ownership, zoning district. The rezoning to PO took place in 2015 via Resolution Number R-2015-0694, Control Number 2010-00336.
- East: The property located immediately east of the Subject Property is approved for and developed as a +/- 4.37 acre 250 child day care known as Get Ready Set Grow Academy, which is designated LR-3 on the County's FLUA, located within the RTS zoning district, and was approved through Control No. 1982-00184.
- West: There is a single family residence and nursery as well as the Grande Orchid Estates community located immediately west of the Subject Property. The single family residential/nursery property is +/- 5 acres, designated LR-3 on the County's FLUA, located within the AR zoning district, and has never received County zoning approvals.

The foregoing table and summary of surrounding uses demonstrate that the proposed land use will be compatible with overall surrounding land uses and promote development that will make a positive contribution to the character of the locality. The proposed Type 3 CLF use on the Subject Property is consistent and compatible with the surrounding FLU designations.

G.4 CONSISTENCY WITH COMPREHENSIVE PLAN

The following summary details the requested FLUA amendment compliance with the County's Comprehensive Plan.

- **Objective 1.2:** The Urban/Suburban Tier is intended to accommodate the bulk of the County's population along with the services and facilities consistent with the needs of urban and suburban development.
- **Applicant's Description:** The change to the FLU designation from INST to INST/12 will allow for additional housing and care options needed to accommodate the growing and aging population of the County within the Urban/Suburban Tier. Based on 2013 population projections provided by the State of Florida Office of Economic and Demographic Research (ODER) and the Bureau of Economic and Business Research (BEBR), as shown in the PBC 2015 Population Allocation Model, the medium projections show the population in PBC growing by over 300,000 people between 2015 and 2035 (from 1,377,300 to 1,678,700). According to the U.S. Census Bureau, between 794 to 1,581 residents located within the 005937 census tract, where the Subject Property is located, are aged 65 and older. This exemplifies the need for alternative living facilities for those who cannot inhabit single family homes any longer and require housing options that provide personal and medical services on site. The Subject Property's location along Morikami Park Road provides a great opportunity to allow for community serving residential uses in an area that is generally lacking care facilities relative to other portions of the County. The Subject Property is already approved to be operated as a nursing home under the current FLU and zoning designations as its size and frontage along Morikami Park Road makes it attractive to residential consumers and those seeking assisted care. The property presents a great opportunity for a Type 3 CLF as a transitional use between the existing commercial daycare and busy Jog Road thoroughfare and the surrounding residential uses.
- **Objective 2.1:** This objective states that PBC shall designate on the FLUA sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth.
Applicant's Description: Allowing the requested FLUA designation to permit a Type 3 CLF use will accommodate the expected growth in and aging of the population of the County.
- **Policy 2.1-a:** Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.
Applicant's Description: As shown in Attachments H through O the Subject Property is adjacent to and able to connect to all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit opportunities, fire rescue services, etc.
- **FLUE Policy 2.1-f:** Before approval of a FLU amendment, the applicant shall provide an adequate justification for the proposed FLU amendment. Please see below for details regarding the impact of the proposed FLUA on the items listed:
 - The natural environment, including topography, soils and other natural resources;
Applicant's Description: Please see Attachment L for the Environmental Inventory.
 - The availability of facilities and services;
Applicant's Description: Below is more detailed information on the availability of each of those facilities and services:
 - a. *Traffic:* Please see Attachment H for the Comprehensive Plan Amendment Transportation Analysis prepared by Kimley Horn and Associates, Inc.
 - b. *Mass Transit:* The nearest Palm Tran bus route is Route 88 at Linton Boulevard and South Jog Road, which stops approximately 0.85 miles from the Subject Property at the intersection of Linton Blvd and South Jog Road). The closest Tri-Rail connection is Palm Tran Route 88, which connects to the Delray Beach Tri-Rail stop located at 345 South Congress Ave.
 - c. *Potable Water and Wastewater:* Please see Attachment I for the Level of Service letter from the PBC Water Utilities Department
 - d. *Drainage:* Please see Attachment J for the Drainage Statement
 - e. *Fire Rescue:* Please see Attachment K for the Fire Rescue Letter confirming availability of service.

- The adjacent and surrounding development;
Applicant's Description: Please refer to the surrounding uses section above.
- The future land use balance;
Applicant's Description: As stated previously, the proposed FLU Amendment to INST/12 on the Subject Property will be in conformance with all of the provisions of FLUE Policy 2.1-f. As such, amending the FLU designation on the Subject Property will continue to provide a balanced FLU in the area as it will allow a CLF residential use that is consistent with the surrounding residential uses and needed to continue to meet the needs of the County's growing and aging population.
- Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
Applicant's Description: Not applicable.

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.

Applicant's Description: The proposed amendment would modify the existing INST FLU designation to allow development of a Type 3 CLF in close proximity to existing single family residential developments. The approved nursing home does not provide the highest and best use of the land. Therefore, the proposed amendment would utilize an underdeveloped parcel within the Urban/Suburban Tier and contribute to livable communities and help balance land uses that are within the character of the community, and further these Directives.

- **Policy 2.1-h:** The County shall not approve site specific FLUA amendments that encourage piecemeal development.
Applicant's Description: The Subject Property is surrounded by parcels currently developed and used for residential, commercial, and recreational purposes and is located along Morikami Park Road, which is not a heavily traveled corridor. As such, the proposed infill amendment does not encourage piecemeal development, nor does it create residual parcels.
- **Policy 2.2.8-d:** The County shall maintain the Unified Land Development 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.
Applicant's Description: The proposed amendment is consistent with this policy as the uses proposed are compatible with the purpose of the Urban/Suburban Tier and is consistent with the INST/12 future land use allowed through the Residential Use Matrix identified in Table 4.B.1.A of the ULDC with a Class A Conditional Approval from the BCC.

G. 5. CONSISTENCY WITH FLORIDA STATUTES

The following summary details the requested FLUA amendment compliance with Florida Statutes.

- **Florida Statutes, Section 163.3177.(6).(a).9.a:** The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the Applicant's descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.
- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
Applicant's Description: **The Applicant is requesting to change the FLU of the Subject Property from INST to INST/12 for the purpose of providing additional housing and care options in close proximity to existing single family residential communities. By allowing the proposed CLF to be developed on the Subject Property the County is promoting redevelopment of an underutilized infill parcel strategically located close to the community of friends and family in the nearby existing residential community.**

- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development

Applicant's Description: The Subject Property is within the Urban/Suburban Tier surrounded by non-rural lands. The Subject Property is located in close proximity to urban areas which include urban services such as police, fire rescue and water/wastewater/drainage utilities.
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

Applicant's Description: The proposed development is not isolated in nature as existing development exists to the north, south, east, and west within the Urban/Suburban Tier.
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

Applicant's Description: This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system.
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

Applicant's Description: The Subject Property is located within the Urban/Suburban tier. It is not located within any zoning district or overlay which would mandate the continued use of the Subject Property for agriculture, and, in fact, those activities many times are not compatible with the types of uses already existing in the surrounding area. As such, the proposed FLUA Amendment does not fail to adequately protect said activities.
- Fails to maximize use of existing public facilities and services.

Applicant's Description: The Subject Property is located with access to the necessary public facilities and services. The existing single family home and nursery use does not maximize the existing capacity and promotes a pattern of sprawl. The FLUA amendment will allow greater density for a Type 3 CLF, which will maximize the use of the existing public facilities and promote compact, smart growth.
- Fails to maximize use of future public facilities and services.

Applicant's Description: The FLUA amendment will maximize the use of future public facilities and services as the Subject Property is located so as to concentrate the use of the facilities within an urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing and future facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Applicant's Description: Considering the existing development located within this area, the proposed amendment will not increase the costs of providing services as they already exist in the area. The additional tax revenue and impact fees generated by the proposed development will aid in maintaining the existing infrastructure. Also, the proposed development will address stormwater management on the Subject Property and no significant off-site roadway improvements are anticipated due to the insignificant amount of traffic anticipated to be created by the proposed use. Therefore, the proposal discourages the proliferation of Urban Sprawl.
- Fails to provide a clear separation between rural and urban uses.

Applicant's Description: Allowing a Type 3 CLF on the Subject Property is consistent with the style of development in the Urban/Suburban Tier, as well as adjacent areas. The Subject Property is located within the Urban/Suburban Tier of the County and is not envisioned to be a rural area. Therefore, the proposal discourages the proliferation of Urban/Sprawl.
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Applicant's Description: This amendment will allow for what could be considered infill development as urban/suburban styles of development have occurred and/or been approved on all sides of the Subject Property while it has been underutilized as a vacant parcel.

- Fails to encourage a functional mix of uses.
Applicant's Description: As previously discussed the Subject Property is currently underutilized having been left vacant since its approval for use as a nursing home. The proposed Type 3 CLF on the Subject Property, which is compatible with surrounding uses, will provide additional housing options and services to surrounding residents.
- Results in poor accessibility among linked or related land uses.
Applicant's Description: The development will be designed with pedestrian interconnectivity through required pathways along the major roadways. As such, this will provide for an interconnected pedestrian environment. Therefore, the proposal discourages the proliferation of Urban Sprawl.
- Results in the loss of significant amounts of functional open space.
Applicant's Description: This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.
- **Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:
 - Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
Applicant's Description: This amendment does not fail to protect and conserve natural resources as the Subject Property is vacant of natural resources.
 - Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
Applicant's Description: This FLUA amendment will maximize the use of future public facilities and services existing and within an urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.
 - Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
Applicant's Description: The development will be designed with pedestrian interconnectivity required along the major roadway. As such, this will provide for an interconnected pedestrian environment. Therefore, the proposal discourages the proliferation of Urban Sprawl.
 - Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
Applicant's Description: The proposed amendment would modify the existing INST FLU designation and provide additional housing types and options by utilizing an infill parcel within an area that is mostly developed. Therefore, the proposed amendment would utilize an undeveloped parcel within the Urban/Suburban Tier and contribute to livable communities and help balance land uses that is within the character of the community.

In conclusion, the requested FLU Amendment from INST to INST/12 on the Subject Property is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

Exhibit 4
Applicant's Public Facility Impacts Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Hospital (610) – 13.22 trips/1000SF	Hospital (610) – 13.22 trips/1000SF
Maximum Trip Generation	1,874 trips per day	Maximum - 1,874 trips per day
Net Daily Trips:	Maximum: 1,874 tpd – 1,874 tpd = 0 trips per day	
Net PH Trips:	AM Maximum: 135 pht – 135 pht = 0 peak hour trips PM Maximum: 132 pht – 132 pht = 0 peak hour trips	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Christopher W. Heggen, P.E. – Kimley-Horn	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 88 at Linton Blvd. and South Jog Road, approximately 0.85 miles from the subject site	
Nearest Palm Tran Stop	Stop 7509 & 7504 (Intersection of Linton Blvd and South Jog Road approximately 0.85 miles from the amendment site)	
Nearest Tri Rail Connection	Palm Tran Route 88 to Delray Beach Tri-Rail, 345 South Congress Ave	
C. Potable Water & Wastewater Information		
Please refer to Application Attachment I, Potable Water & Wastewater Level of Service (LOS) Letter , which states the site is located within Palm Beach County Water Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for potable water and wastewater service at the current FLUA designation and for the proposed designation of Institutional/High Residential, 12 dwelling units per acre (INST/12). There is an 8" watermain located within the Morikami Park Road right of way adjacent to the subject property and an 8" watermain located northeast of the subject property. In addition, there is a 4" forcemain within Morikami Park Road right of way adjacent to the subject property.		
Potable Water & Wastewater Providers	Water & Wastewater service will be provided by Palm Beach County Water Utilities.	
Nearest Water & Wastewater Facility, type/size	There is an 8" watermain located within Morikami Park Road right of way adjacent to the subject property and an 8" watermain located northeast of the subject property. In addition, there is a 4" forcemain within Morikami Park Road right of way adjacent to the subject property.	
D. Drainage Information		
The project is within the jurisdiction of South Florida Water Management District (SFWMD) C-15 Drainage Basin, Lake Worth Drainage District (LWDD) and Palm Beach County Land Development. The project will discharge via control structure through a piped connection directly into the existing off-site lake at the northwest corner of the property (via drainage easement OR Book 23590/ Page 165), the point of legal positive outfall, which ultimately discharges to LWDD L-37 Canal. Please refer to the Drainage Statement prepared by Kimley Horn, which is included as Application Attachment J, Drainage Statement with this application for more details.		

E. Fire Rescue				
Nearest Station	Fire Rescue Station #45 located at 15450 South Jog Road, Delray Beach, FL 33446			
Distance to Site	1.75 miles from the subject site			
Response Time	Estimated response time is 6 minutes			
Effect on Resp. Time	This amendment is anticipated to have some effect on response time. Please refer to Application Attachment K .			
F. Environmental				
Significant habitats or species	Kimley-Horn prepared a Listed Species Technical Memorandum, dated January 15, 2019 (see Application Attachment L), to evaluate the subject property with respect to any listed animal and/or plant species and habitats of significant value that utilize the property. Based on the results of this review, there were no wetlands, surface waters or other habitat resources observed on the property. No listed species occurrences were documented and there does not appear to be any listed species involvement based on the site-specific habitat characteristics.			
Flood Zone	The property is within Flood Zone X. This information is obtained from FEMA panel number: 12099C0967F Flood Zone X are areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.			
Wellfield Zone	The site is located in a Wellfield Protection Zone 4. Please see Application Attachment M .			
G. Historic Resources				
In a letter dated January 14, 2019, the PBC Archaeologist confirmed no known cultural (historical or archaeological) resources are identified within 500 feet of the Subject Property. Please refer to Application Attachment N, Historic Resource Evaluation Letter .				
H. Parks and Recreation – Residential Only				
Please see below for the name and location of each of the applicable parks.				
Park Type	Name & Location	Level of Svc. (ac. Per person)	Population Change	Change in Demand
Regional	Morikami Park and Japanese Gardens	0.00339	+ 207	0.702
Beach	Milani	0.00035	+ 207	0.072
District	Green Cay Wetlands	0.00138	+ 207	0.286
I. Libraries – Residential Only				
Please see below for the name and location of the closest County Library.				
Library Name	Palm Beach County Library – Hagen Ranch Road Branch			
Address	14350 Hagen Ranch Road			
City, State, Zip	Delray Beach, FL, 33446			
Distance	The Hagen Ranch Road Branch is approximately 2.56 miles from the site.			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	+ 207	+ 414	
Periodicals	5 subscriptions per 1,000 persons	+ 207	+ 1.035	
Info Technology	\$1.00 per person	+ 207	+ \$207	
Professional staff	1 FTE per 7,500 persons	+ 207	+ 0.028	
All other staff	3.35 FTE per professional librarian	+ 207	+ 0.092	
Library facilities	0.34 sf per person	+ 207	+ 70.38	

Exhibit 5

Palm Beach County Traffic Division Letter



February 13, 2019

**Department of Engineering
and Public Works**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

Christopher W. Heggen, P.E.
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, FL 33411

**RE: Morikami Health Center
FLUA Amendment Policy 3.5-d Review
Round 2019-B2**

Dear Mr. Heggen:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised February 6, 2019, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	West of Jog Road, about 0.7 miles south of Linton Blvd	
PCN:	00-42-46-27-30-001-0000	
Acres:	7.23 acres	
	Current FLU	Proposed FLU
FLU:	INST	INST/CLR
Zoning:	MUPD	MUPD
Density/ Intensity:	0.45 FAR	0.45 FAR
Maximum Potential:	Hospital = 141,726 SF	Hospital = 141,726 SF
Proposed Potential:	N/A	Hospital = 141,726 SF or CLR = 207 Beds
Net Daily Trips:	-1,323 (proposed-current) as CLR	
Net PH Trips:	29 (19/10) AM, 46 (20/26) PM (proposed) as CLR	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i>		

■

**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

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Christopher W. Heggen, P.E.
February 13, 2019
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meets** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential intensity/density shown above.

If you have any questions regarding this determination, please contact me at 561-684-4030 or email QBari@pbcgov.org.

Sincerely,

A handwritten signature in black ink that reads "Quazi Bari".

Quazi Bari, P.E.
Senior Professional Engineer
Traffic Division

QB:HA/dd

cc: Hanane Akif, E.I., Project Coordinator II, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
F:\TRAFFIC\Development Review\Comp Plan\19-B\Morikami Health Center (2).docx

Exhibit 6
Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

printed on sustainable
and recycled paper

March 7, 2019

Kimley Horn
600 N Pine Island Rd. Suite 450
Plantation, FL

RE: Holden of Delray Beach
Service Availability Letter

Dear Mr. Balaban,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current FLUA designation and for the proposed designation of INST/12, Institutional with an underlying Residential High, 12 dwelling units per acre.

There is an 8" watermain located within Morikami Park Road right of way adjacent to the subject property and an 8" watermain located northeast of the subject property. In addition, there is a 4" forcemain within Morikami Park Road right of way adjacent to the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink that reads "Jackie Michels".

Jackie Michels, P.E,
Plan Review Manager

Exhibit 7

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 Michael J. Ging as Vice President of Alliance Realty Partners, LLC, 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 Vice President [position—e.g., president, partner, trustee] of Alliance Residential, 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: 1800 North Military Trail, Suite 250, 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.

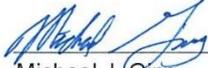
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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.

Disclosure of Beneficial Interest - Applicant form
Page 1 of 4

Revised 08/25/2011
Web Format 2011

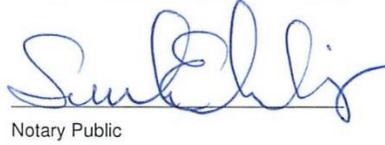
FURTHER AFFIANT SAYETH NAUGHT.



Michael J. Ging, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31 day of January
20 19, by Michael J. Ging, who is personally
known to me or [] who has produced _____
as identification and who did take an oath.





Notary Public

Sarah Ehlinger
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 2/21/2020

EXHIBIT "A"
PROPERTY

Tract "A", Morikami Nursing Center, according to the Plat thereof as recorded in Plat Book 122, Pages 123 and 124, of the Public Records of Palm Beach County, Florida.

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
Bruce Ward - 2525 E. Camelback Road, #500, Phoenix, AZ 85016 - 34%	
Robert Hutt - 2525 E. Camelback Road, #500, Phoenix, AZ 85016 - 17%	
<u>Jay Hiemenz - 2525 E. Camelback Road, #500, Phoenix, AZ 85016 - 18%</u>	
John Rippel - 2525 E. Camelback Road, #500, Phoenix, AZ 85016 - 34%	

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 Abraham Stavitsky as Manager of AYS Holdings, LLC, Manager of 6595, LLC, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

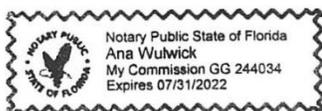
1. Affiant is the [] individual or [] Manager _____ [position - e.g., president, partner, trustee] of AYS Holdings, LLC, Manager of 6595, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached 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: 10800 Biscayne Blvd.
Suite 600
Miami, FL 33161
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.


Abraham Shaulson, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29 day of January 2019, by Abraham Shaulson, who is personally known to me or who has produced N/A as identification and who did take an oath.




Notary Public
Ana Wulwick
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 7/31/2022

EXHIBIT "A"
PROPERTY

TRACT "A", MORIKAMI NURSING CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 122, PAGES 123 AND 124, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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
Abraham Shaulson	10800 Biscayne Blvd
	Suite 600
	Miami, FL 33162
Manuel Scharf	1575 50th Street
	Suite 201
	Brooklyn, NY 11219
Chada foundation	1421 52nd Street
	Brooklyn, NY 11219
D & E Scharf Trust	3839 Flatlands Ave
	Suite 201
	Brooklyn, NY 11234

Exhibit 8
Correspondence

GRAND ORCHID ESTATES HOMEOWNERS' ASSOCIATION, INC.

September 27, 2019

Board of County Commissioners
Palm Beach County
301 North Olive Ave., Suite 1201
West Palm Beach, FL 33401

RE: Grande Orchid Estates Support for Holden of Delray Beach

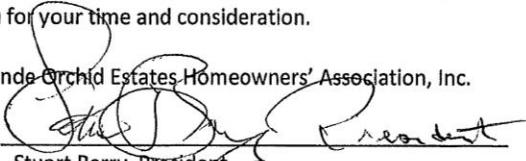
Dear Mayor and Commissioners:

Grande Orchid Estates Homeowners' Association, Inc. ("Grande Orchid") is an 89 home single-family community located on the west side of Jog Road approximately half a mile south of Linton Boulevard in unincorporated Palm Beach County. Grande Orchid is ideally located to promote a high quality of life for its residents as the community is a short distance from area beaches, shopping centers, top rated schools, and also benefits from easy access to I-95, Florida Turnpike and Palm Beach International and Fort Lauderdale International airports.

Grande Orchid was approached by the contract purchaser / developer nearly a year ago to discuss the proposed redevelopment of the +/- 7.23-acre site located at 6895 Morikami Park Road, which is contiguous to the south side of the Grande Orchid storm water retention lake. It is our understanding that they are seeking approvals for a planned development that includes a 207 bed Type 3 Congregate Living Facility with independent living, assisted living, and memory care components and associated amenities. Grand Orchid Board members have met with and spoken to the purchaser/developer and its representatives on several occasions since first learning about the proposed development. The Grande Orchid Board is pleased with the information and plans that have been reviewed. The developer and its representatives have been responsive in addressing questions and concerns of the Grande Orchid Board members that have been raised during the meetings held to date.

The Grande Orchid Board members believe that the proposed development will complement the existing community and surrounding area. As such, the Grande Orchid Board fully supports the pending applications and all material features of the project, including the use/density, height, scale, massing and location of the building. The availability of high-quality independent living, assisted living, and memory care options within a single community, such as the project, is a configuration that will allow a continuum of care and ease residents' transition as they age. This project will help to meet the local community need for comfortable residences with on-site medical care for the aging population in the County. Considering the anticipated long-term community benefits of the proposal, the members of the Grande Orchid Board of Directors respectfully request that you approve this important project. Thank you for your time and consideration.

Grande Orchid Estates Homeowners' Association, Inc.

By: 
Stuart Berry, President

GRANDE ORCHID ESTATES HOMEOWNERS' ASSOCIATION, INC.

October 25, 2019

Board of County Commissioners
Palm Beach County
301 North Olive Ave., Suite 1201
West Palm Beach, FL 33401

RE: Grande Orchid Estates Support for Modified Holden of Delray Beach Project

Dear Mayor and Commissioners:

Grande Orchid Estates Homeowners' Association, Inc. ("Grande Orchid") is an 89 home single-family community located on the west side of Jog Road approximately half a mile south of Linton Boulevard in unincorporated Palm Beach County. Grande Orchid is ideally located to promote a high quality of life for its residents as the community is a short distance from area beaches, shopping centers, top rated schools, and also benefits from easy access to I-95, Florida Turnpike and Palm Beach International and Fort Lauderdale International airports.

A letter dated September 27, 2019 was submitted expressing Grande Orchid's Board of Directors support for the Holden of Delray Beach Type 3 Congregate Living Facility project proposed on the +/- 7.23-acre site located at 6895 Morikami Park Road. At this time, it is our understanding that the developer is proposing to modify the 4th story to relocate units originally proposed along the south and west façade of the building to the north and east sides of the pool courtyard to address concerns raised by the developer of the proposed single-family community to the west. The Board of Directors of Grande Orchid is aware and supportive of the proposed changes to the 4th story as generally shown on the revised site plan attached hereto as Exhibit "A", and, on behalf of the Board of Directors, we respectfully request that you approve this important project. Thank you for your time and consideration.

Grande Orchid Estates Homeowners' Association, Inc.

By: _____

Stuart Berry, President


President GOE
HOA



RECEIVED
OCT 23 2019

October 24, 2019

To: Melissa Michael, Senior Planner
Palm Beach County

I am writing you regarding your October 18, 2019 public notice of a proposed Future Land Use Amendment by Holden of Delray Beach (SCA 2019-019) sent to EALC Investments LLC. , owner of an adjacent parcel to the east of the project.

Regarding the upcoming October 30th informational meeting to answer questions I will not be able to attend that meeting due to its short notice and conflicts with other commitments made earlier. Nevertheless I have been in touch with Robert Hall, a member of the Holden group, who has been helpful by providing me some documents and information on the project for our consideration. We do have every intention of attending the meetings on November 7, 8, and 25 to voice our concerns on these variances requested.

Since this matter is significant to our daycare and is quite complex involving numerous zoning and planning issues that are technically beyond the scope of our daycare management's expertise, we are seeking to engage a professional to assist us. Accordingly, we will inform the county of who will be representing us at these upcoming meetings shortly.

In the interim we will be returning the certified notice we received marking that we are in opposition to the variances requested due to the traffic safety and security concerns we have for the 250 daycare children (ages 1-5) who attend this facility. We would like also to note that we have had a very significant portion of our children's parents voice their personal opposition to this project and the threats it poses.

I may be reached by calling cell# 201-396-6700 if you have any pertinent information or questions of me. Thank-you

Eileen Cuti

EALC Investments/GRSG Hldgs (dba Get Ready Set Grow Academy)

Member / President

16687 Jog Road, Delray Beach, FL 33446 - Phone: 561-865-2223 Fax: 561-865-2203

THE SPEAR GROUP

November 6, 2019

Board of County Commissioners
Palm Beach County
301 North Olive Ave., Suite 1201
West Palm Beach, FL 33401

RE: Delray Estate Homes Support for Holden of Delray Beach

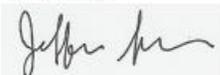
Dear Mayor and Commissioners:

The Spear Group, through an affiliate Waverley SP, LLC, is the contract purchaser of the property at 6655 Morikami Park Road, adjacent to the west side of the Holden of Delray Beach project proposed on the +/- 7.23-acre site located at 6895 Morikami Park Road. We are proposing, under the application name Delray Estate Homes, to develop the property we have under contract as a 15-home luxury single family residential community. We understand from discussions with the Holden developer that they are seeking approvals for a planned development that includes a 207 bed Type 3 Congregate Living Facility with independent living, assisted living, and memory care components and associated amenities.

We believe that that the proposed Holden of Delray Beach development will complement our proposed community and the surrounding area by providing high-quality independent living, assisted living, and memory care options within a single community. As such, we are in support of the pending applications, the proposed use, density, height, scale, massing, etc. I have asked that the fourth floor of the building be reconfigured to relocate the units located along the west façade in accordance with the attached Exhibit "A" to increase the separation between our community and the 4th story dwellings, but have no objection to the main building entrance at the southwest corner of the building being 4 story with units at this corner. Also Holden has agreed to remove the balconies on the 3 units on all levels above the main entrance units along the southwest façade and include additional landscaping along the western property line. I understand the Holden developer is willing to make these changes and appreciate their willingness to design a project that will serve the surrounding community.

As such, I fully support the Holden of Delray Beach project and request your vote to approve this development.

Sincerely,



Jeffrey Spear, Managing Member
Waverley SP, LLC