



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 19-B2

DEO TRANSMITTAL, JULY 22, 2019

A. Application Summary

I. General Data

Project Name:	Poet's Walk II (LGA 2019-018)
FLUA Summary:	AGR to CLR/AGR
Text Summary:	To amend the Comprehensive Plan to allow the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier for Congregate Living Facility Type 3 up to 8 units per acre subject to criteria.
Acres:	9.73 acres
Location:	Northeast corner of Lyons Road and Linton Boulevard
Project Manager:	Stephanie Gregory, Senior Planner
Applicant:	Lyons Road Senior Real Estate, LLC
Owner:	Cindy D Jacob, Cynthia Dudwick and Greg E Jacob/Jacobs Trust
Agent:	Jeff Brophy and Lindsay Libes, Wantman Group, Inc.
Staff Recommendation:	Staff recommends approval with modifications based upon the conclusions contained within this report

II. Assessment & Conclusion

The applicant proposes a future land use amendment on a 9.73 acre site and text amendment to the Comprehensive Plan to allow the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier, specifically for the development of congregate living facilities (CLF) subject to the following criteria:

- Limit the location to within 1 mile of the intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road;
- Allow up to 8 units per acre (2.39 beds per unit); and
- Require 55% of the site be open space rather than preserve area.

Although CLFs are allowed in the Tier within Ag Reserve Planned Unit Developments (AGR-PUD), they are currently limited to 1 unit per acre to calculate the maximum number of beds and are required to have a 60 or 80% preserve area. Staff concurs that CLF Type 3 facilities provide a variety of services such as independent living, assisted living, and memory care that would not likely develop in the Tier due to the density constraints. Staff supports the concept of the text amendment to allow congregate living facilities in the Ag Reserve Tier by allowing the CLR future land use designation, and supports the proposed future land use amendment to CLR/AGR on the subject site. However, staff recommends that congregate living facilities be subject to the same 60% minimum preserve area requirement consistent with planned unit developments in the Tier.

III. Hearing History

Local Planning Agency: *Denial*, motion Cara Capp, seconded by Barbara Roth passed in a 7 to 6 vote (with Lori Vinikoor, Jim Knight, Kiley Harper-Larsen, Angella Van, Marcia Hayden and Edwin Ferguson dissenting) at the June 14, 2019 public hearing. An initial motion to require 30% preserve area and 30% onsite open space was withdrawn. Board discussion included comments regarding the density proposed, that CLFs should be located only in the Urban Suburban Tier, the differences between open space and preserve area, that the increase in density was enough to offset the financial impact of the required preserve area, that commercial sites of this size were exempt from preserve requirements, and that this amendment would encourage additional facilities in the Tier. Four members of the public spoke in opposition to development in the Agricultural Reserve, but in support of the 60% preserve area requirement if approved.

Board of County Commissioners Transmittal Public Hearing: *Transmit per staff recommendation*, motion by Commissioner Berger, seconded by Commissioner Weiss, passed in a 4 to 2 vote (with Commissioners McKinlay and Weinroth dissenting and Vice Mayor Kerner absent) at the July 22, 2019 public hearing. The Board directed staff to continue working with the applicant and community organizations prior to the adoption hearing. The applicant proposed a modification to require 30% preserve and 30% open space and new locational criteria along Lyons Road for one mile north and south of Boynton Beach Blvd and Atlantic Ave. Commissioners commented on the need for a preserve area, increased building height if the preserve is onsite, the classification of CLF as a residential use, and differences between preserve area and open space, and the impact of CLFs on Fire Rescue. Public speakers consisted of a representative of the Coalition of Boynton West Residential Associations speaking in opposition to the applicant's original proposal and a representative the Delray Alliance speaking in support of the applicant's modified 30% preserve/30% opens space proposal.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

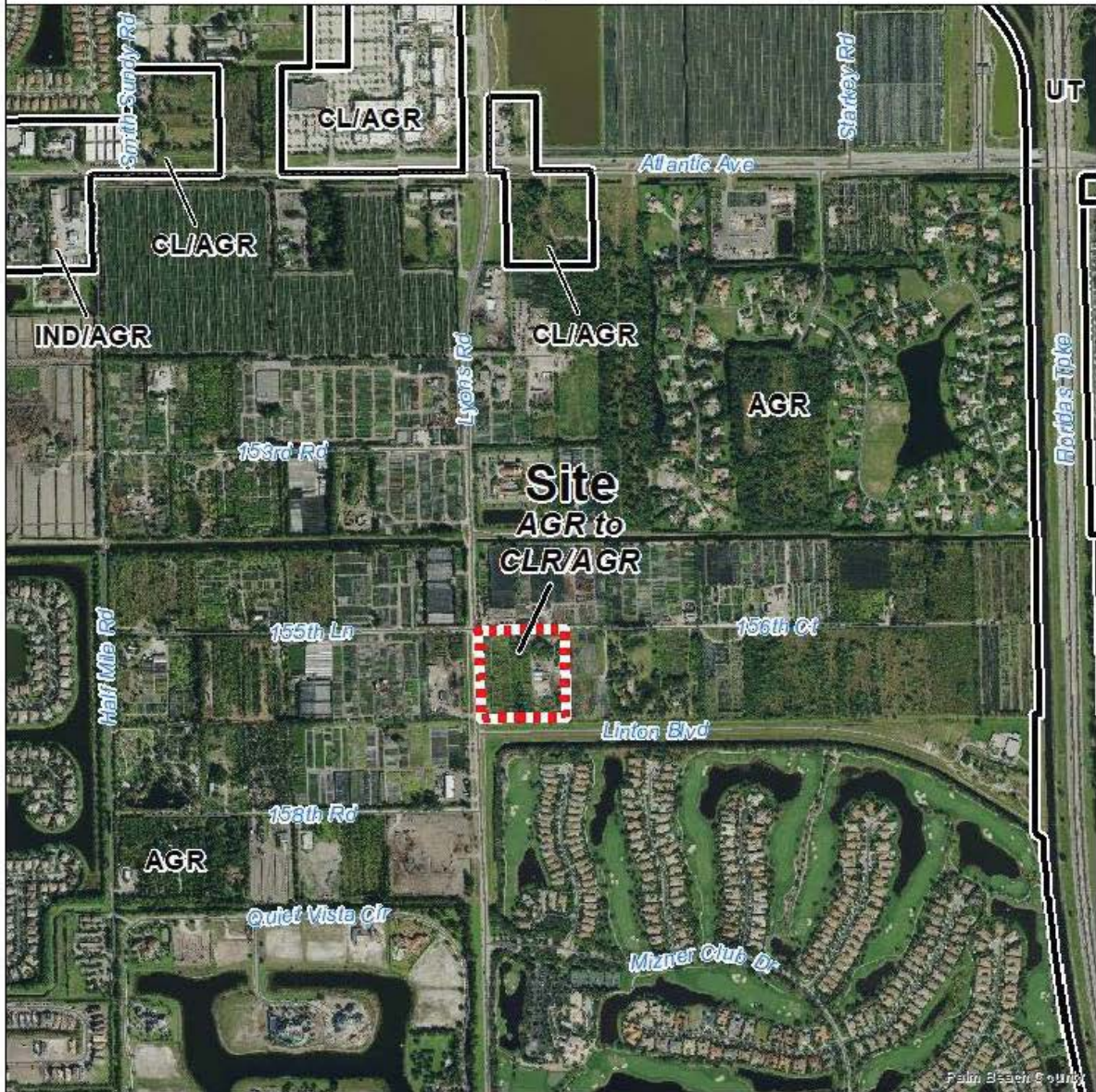
I. Site Data

Current Future Land Use	
Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Nursery
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 63,576 sf (0.15 FAR)
Proposed Future Land Use Change	
Proposed FLU:	Congregate Living Residential with underlying Ag. Reserve (CLR/AGR)
Proposed Use:	Congregate Living Facility, Type 3
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Congregate Living Facility Type 3 up to 186 beds (approximately 8 units per acre * 2.39)
General Area Information for Site	
Tier:	Agricultural Reserve Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan
Comm. District:	Mary Lou Berger, District 5



Future Land Use Atlas Amendment

Poets Walk II (LGA 2019-018)



Site Data

Size: 9.73 acres
 Existing Use: Agricultural/Nursery
 Proposed Use: Congregate Living Facility
 Current FLU: Agricultural Reserve (AGR)
 Proposed FLU: Congregate Living Residential, underlying AGR (CLR/AGR)

Future Land Use Designations

MR-5 Medium Residential, 5 units/acre
 AGR Agricultural Reserve
 CL/AGR Commercial low, underlying AGR
 CH/5 Commercial High, underlying MR-5
 IND/AGR Industrial, underlying AGR
 UT Utilities and Transportation

Date: 3/20/2019
 Contact: PBC Planning
 Filename: AMEND/19-A2/19-18
 Note: Map is not official, for presentation purposes only.



Site

325 0 325 650 Feet



Planning, Zoning & Building
 2000 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



C. Introduction

I. Intent of the Amendment

The subject site is located in the central portion of the Agricultural Reserve Tier, on the north side of Linton Boulevard and east of Lyons Road. The 9.73-acre site is currently utilized as a nursery and is owned by the Jacobs Trust. The applicant is proposing a future land use and text amendment to the Comprehensive Plan as summarized below.

- **Text Amendment.** The text amendment was initiated by the BCC on April 29, 2019. The proposed text amendment would add a policy to the Future Land Use Element to allow the CLR future land use designation in the Agricultural Reserve Tier to develop Congregate Living Facilities with the following criteria:
 - Limit the location to within 1 mile of the intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road;
 - Allow up to 8 units per acre (2.39 beds per unit); and
 - Require 55% of the site be open space rather than preserve area.
- **Future Land Use Amendment.** The proposed future land use amendment is a request for a change from the Agricultural Reserve (AGR) future land use designation to the newly created Congregate Living Residential (CLR) future land use designation, with an underlying AGR, in order to develop a Congregate Living Facility Type 3 with 186 beds. This figure is equivalent to 8 units per acre.

Although CLFs are allowed in the Tier within Ag Reserve Planned Unit Developments (AGR-PUD), they are currently limited to 1 unit per acre to calculate the maximum number of beds and are required to have a 60 or 80% preserve area.

Amendment Background: The site was the subject of a previous land use amendment in 2017 and was reviewed concurrently with a similar application called Clint Moore Allegro CLF. The prior Poet's Walk amendment was transmitted by the BCC on May 2, 2018 but subsequently withdrawn by the property owner before the adoption hearing. The applicant for Clint Moore Allegro CLF withdrew the amendment prior to the May 2, 2018 BCC Transmittal Hearing. The original amendment was presented at Planning Commission and Board of County Commissioners public hearings as summarized in Exhibit 9.

Zoning Application: The concurrent zoning application (SV/PDD/CA-2019-00715) with Control Number 2012-00424 is requesting to rezone the site from the Agricultural Reserve (AGR) zoning to Multiple Use Planned Development (MUPD). As of May 16, 2019, the application is requesting a 148,328 square feet. Congregate Living Facility Type 3 with 186 beds.

II. Background/History

A. Agricultural Reserve Tier

The subject site is located within the Agricultural Reserve Tier, an area of the County with specific limitations on development options in the Comprehensive Plan that were largely established to implement the Agricultural Reserve Master Plan that was completed in 1999 through the adoption of policies in 2001. The purpose of the Tier is captured in the adopted Objective 1.5.

OBJECTIVE 1.5, The Agricultural Reserve Tier. *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

More recently, the Agricultural Reserve was the subject of a year-long “Roundtable” process directed by the Board of County Commissioners (BCC) to consider changes to policies in the Tier. At the March 2015 Workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with specific actions and Plan amendments. The concept proposed by this amendment was not addressed during the Roundtable process.

B. Residential Land Use in the Agricultural Reserve

Residential development in the Ag Reserve Tier, excluding farmworker housing and grooms quarters, is limited to one of the following:

- 1 dwelling unit per 5 acres or
- 1 dwelling unit per 1 acre clustered onto either 20% or 40% of the land area, with 80% or 60% preserve area through the Ag Reserve Planned Development (AGR-PUD) options.

The majority of the residential development that has occurred in the Tier since the Master Plan policies were adopted has been through 60/40 AGR-PUDs, with the residential development clustered onto 40% of the land area. The resulting net density of the development areas is typically 2.5 to 3 units per acre and constructed in zero lot line or single family housing types. The two planned mixed use developments approved at the commercial nodes of the Tier (Canyon Town Center at Boynton Beach Boulevard and Lyons Road, and Delray Market Place at Atlantic Avenue and Lyons Road) have approvals for residential multifamily development, but the approvals have not been constructed.

C. Congregate Living Facilities

The Comprehensive Plan and Unified Land Development Code (ULDC) define a congregate living facility (CLF) as a residential use governed by a property’s future land use designation density (units allowed per acre). The ULDC uses density to establish the maximum development potential for a CLF Type 3 through maximum residents (or beds) per acre. This is calculated using the maximum density allowed on the site, multiplied by the acreage of the property, and multiplied by 2.39 residents per dwelling unit. The 2.39 multiplier is derived from the average persons per household based on decennial Census data. Often newly proposed CLFs in the Urban/Suburban Tier seek future land use designation changes to increase the residential density to 8 or 12 units per acre in order to achieve the number of beds needed for the projects. Development of a CLF Type 3 is allowed in the ULDC Use Matrix in the Ag Reserve Planned Development, but due to the low density allowed in the AGR future land use designation, and the preserve area requirements, development of such a facility has not occurred.

III. 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.

A. Overview of the Area. The subject site is located in the central portion of the Agricultural Reserve Tier, on the north side of Linton Boulevard and east of Lyons Road. This portion of Lyons Road, south of Atlantic Avenue, consists of Agricultural Reserve Planned Unit Developments, agricultural and nursery uses as well as several approved institutional uses including places of worship and schools.

B. Appropriateness of the Amendment.

1. Suitability of Congregate Living Facilities in the Ag Reserve Tier. This application brings forward a proposal that would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would *“serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.”* This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County tax payers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. Specifically, the Master Plan anticipated that 20% of residential units in the vicinity of the mixed use centers would be multi-family. However, to date there are no built multi-family units in these areas or within the Tier. The final document prepared by the Ag Reserve consultants, the Phase II Plan, indicates that the recommendation was for a wide range of housing, including Congregate Care facilities, to be allowed in the Tier. However, in the final Master Plan document, there is no discussion or direction provided for congregate living facilities.

Currently, there are approximately 10,000 dwelling units with zoning approval in the Tier with up to an additional 2,500 or so allowable units (depending on future AGR-PUD approvals). This totals 12,500 dwelling units and a roughly 30,000 to 40,000 ultimate build-out population. All of the built and approved residential units are single family or zero lot line developments. Additional forms of institutional uses and housing opportunities were cited in the Master Plan as necessary for a balanced and thriving community, and the need for alternative forms of housing for the aging population who may want to “age in place” is needed both today and will expand in the future as the build out of the residential development in the Tier continues. The concept of allowing expanded opportunities for congregate living facilities within the Tier is warranted.

2. CLF density at 8 units/acre density in the Ag Reserve. The Comprehensive Plan sets the maximum development potential for residential future land use designations and uses by setting a maximum density (dwelling units per acre). Currently, the Unified Land Development Code (ULDC) uses density to establish

the maximum development potential for a Congregate Living Facility (CLF) Type 3 through maximum residents (or beds) per acre. This is calculated using the maximum density allowed on the site, multiplied by the acreage of the property, and multiplied by 2.39 residents per dwelling unit. The 2.39 multiplier is derived from the average persons per household (PPH) based on decennial Census data. As noted by the applicant in the Justification Statement, often newly proposed CLFs in the Urban/Suburban Tier seek future land use designation changes to increase the residential density 8, or 12 units per acre in order to achieve the number of beds needed for the projects. In unincorporated County, these future land use changes are nearly always accompanied by a condition of approval limiting the increase in density to only the CLF.

Residential development in the Agricultural Reserve Tier is limited to either one dwelling unit per 5 acres or through a Planned Development, 1 dwelling unit per acre clustered onto a portion of the site with a preserve area. However, the applicant has indicated that this density, combined with the preserve area requirements, renders the construction of a congregate living facility in the Tier to be unviable. Under the current rules a 9.73-acre site would yield approximately 23 beds for an AGR-PUD with a 60% preserve area requirement. Typically, these uses seek an underlying density of 8 to 12 units per acre (19 to 28 beds per acre) in the Urban Suburban Tier. The 8 units per acre is higher than the surrounding residential developments which average 2 to 3 units per acre. Higher net densities are approved, but unbuilt, within the two mixed use centers. Canyons Town Center and Delray Marketplace have the ability to develop up to 96 and 93 multi-family units, respectively.

3. **Preserve Area Requirement vs. Open Space.** The Comprehensive Plan requires that residential development in the Agricultural Reserve Tier is developed at either 1 unit per 5 acres or at 1 unit per acre within planned unit developments (PUD) that require a minimum of a 60% preserve area. Commercial planned developments, called Multiple Use Planned Developments (MUPDs), also require a preserve area, but only for sites greater than 16 acres per policy adopted by the Board in 2016. The applicant is requesting a text amendment to allow the CLR designation and CLFs in the Tier subject to the MUPD preserve requirement which would exempt the subject site from the 60% preserve requirement since the site is less than 16 acres in size. However, the applicant is proposing to offset the preserve requirement by providing additional open space on site as the applicant's basis is that CLFs are not truly residential or commercial, but a hybrid between the two. Whereas staff considers CLFs as a residential use and, therefore recommends that the CLR designation be subject to a minimum 60% preserve area requirement consistent with the requirements of an AGR-PUD.

- C. **Compatibility.** The amendment to the Congregate Living Residential (CLR) future land use designation is proposing a CLF with 186 beds, which equates to 8 units per acre. Considering the active agriculture surrounding the site and the residential development to the south, this amendment may result in compatibility issues with the surrounding uses. As stated previously, the proposed 8 units per acre may yield a project that is much more intense than the surrounding low density development. In addition, the maximum development potential proposed by the applicant is much greater than the typical AGR-PUD, which has a density of approximately 2.5 to 3 units per acre in the development

area. However, the proposed 50' setback to agriculture uses requirement and .35 floor area ratio would mitigate compatibility concerns.

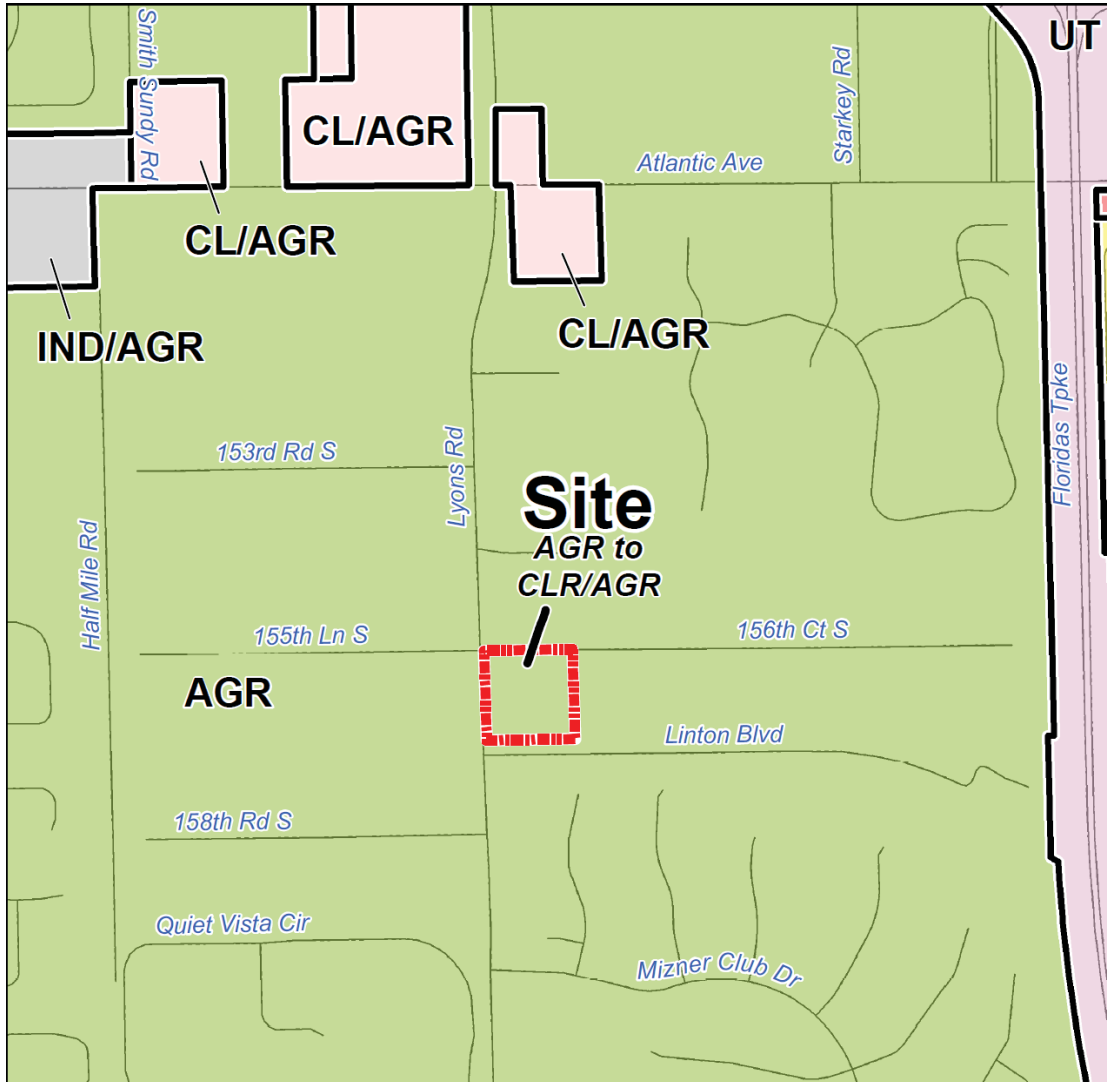
- D. Assessment and Recommendation.** Staff supports the concept of the text amendment to allow congregate living facilities in the Ag Reserve Tier by allowing the CLR future land use designation, and supports the proposed future land use amendment to CLR/AGR on the subject site. However, staff recommends that congregate living facilities be subject to the same 60% minimum preserve area requirement consistent with planned unit developments in the Tier.

As such, staff recommends ***approval with modifications*** based upon the findings within this report.

Exhibits	Page
1A. Future Land Use Map & Legal Description	E-1
1B. Applicant's Proposed Text Amendment	E-3
2. Consistency with Comprehensive Plan	E-5
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-14
4. Applicant's Public Facility Impacts Table	E-35
5. Palm Beach County Traffic Division Letter	E-38
6. Water & Wastewater Provider LOS Letter	E-40
7. Applicant's Disclosure of Ownership Interests	E-41
8. Urban Sprawl Analysis	E-56
9. Prior Poet's Walk Amendment (2017) Public Hearing Summary	E-58
10. March 22 nd BCC Memo regarding CLFs in the Agricultural Reserve	E-59
11. Correspondence	E-65

Exhibit 1-A

Amendment No:	Poet's Walk II (LGA 2019-018)
FLUA Page No:	102
Amendment:	From Agricultural Reserve (AGR) to Congregate Living Residential with an underlying Agricultural Reserve (CLR/AGR)
Location:	Northeast corner of Lyons Road and Linton Boulevard
Size:	9.73 acres
Property No:	00-42-46-20-01-000-0820; 00-42-46-20-01-000-0810
Conditions: None	



Legal Description

DESCRIPTION:

PARCEL 1:

TRACT 81, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

LESS AND EXCEPT THAT PARCEL IN ORDER OF TAKING RECORDED IN O. R. BOOK 18414, PAGE 774, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN TRACT 81, BLOCK 20, PALM BEACH FARMS CO. PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, IN THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT SOUTHWEST CORNER OF SAID TRACT 81, THENCE NORTH 01 DEGREES 52 MINUTES 21 SECONDS WEST, ALONG THE WEST LINE OF SAID TRACT 81, A DISTANCE OF 667.98 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 19 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACT 81, A DISTANCE OF 45.01 FEET; THENCE SOUTH 01 DEGREES 52 MINUTES 21 SECONDS EAST, ALONG A LINE 45.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE WEST LINE OF SAID TRACT 81, A DISTANCE OF 667.98 FEET; THENCE SOUTH 89 DEGREES 23 MINUTES 19 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT 81, A DISTANCE OF 45.01 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE WEST LINE OF BLOCK 20 HAVING AN ASSUMED BEARING OF NORTH 01 DEGREES 52 MINUTES 21 SECONDS WEST.

PARCEL 2:

TRACT 82, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

TOTAL 9.729, ACRES, 423808 SQUARE FEET.

Exhibit 1-B

Proposed Text Amendment

A. Future Land Use Element, Poet's Walk CLF

REVISIONS: To add a policy and related language to allow properties to be designated with a Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier. The revisions are numbered below, and shown with the added text underlined.

A.1 **NEW Policy 1.5-u:** The Congregate Living Residential (CLR) future land use designation is allowed in the Agricultural Reserve Tier subject to the following:

1. **Density.** The maximum density is up to 8 units per acre.
2. **Uses.** Uses are limited to congregate living facilities (with no less than 25% of beds/residents dedicated to memory care services) and skilled nursing facilities;
3. **Location.** Sites are limited to locations within one mile of the Atlantic Avenue and Lyons Road or Boynton Beach Boulevard and Lyons Road intersections, and shall provide a setback 50' from any agricultural use.

Applicant Proposed

4. **Preserve Area.** The preserve area requirements for AGR-Multiple Use Planned Developments (Policy 1.5.1-q) shall apply. Properties 16 acres or less that are exempt from the preserve requirement shall provide 55% of the site as open spaces as defined by the ULDC.

Staff Proposed

4. **Preserve Area.** The preserve area requirements for AGR-Residential Planned Developments (Policy 1.5.1-i) shall apply.

A.2. REVISE Table 2.2.1-g.1

Residential Future Land Use Designation Maximum Density

Future Land Use Designation		Dwelling Units per Gross Acre
		Maximum
<i>Unaltered text omitted for brevity</i>		
Congregate Living Residential	CLR	<u>8/12³</u>
<i>Unaltered text omitted for brevity</i>		

1. and 2. *unaltered text omitted for brevity*
3. The CLR future land use designation allows a maximum density for a CLF Type 3 of up to 12 units per acre in the Urban/Suburban Tier, and up to 8 units per acre in the Agricultural Reserve Tier.

- A.3. REVISE Policy 2.2.1-j:** Table 2.2.1-j.1 establishes the consistent residential zoning and planned development district for the Residential Future Land Use Designations. In addition, within the Urban/Suburban Tier of the Glades Tier, the Agricultural Residential and Agricultural Production zoning districts are consistent with all residential future land use designations.

Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency¹

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
<i>Unaltered text omitted for brevity</i>		
High Residential	RE, RT, RS, RM, RH	PUD, TND, MHPD
Congregate Living Residential	RM	PUD, TND, TMD, MUPD, MXPD ³

Note:

1. & 2. *Unaltered text omitted for brevity*
3. The CLR designation is consistent with the TND, TMD, MUPD and MXPD ~~when applied as an underlying designation for a mixed or multiple use project.~~ Such planned developments shall utilize the ULDC property development regulations for Institutional and Public Facilities future land use MUPD and the uses allowed shall be those allowed by the RM zoning district.

A.4. REVISE

TABLE III.C, FUTURE LAND USE DESIGNATION BY TIER

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA ¹
Unaltered text omitted for brevity.						
Congregate Living Residential	CLR	X	---	---	--- <u>X</u>	---
Unaltered text omitted for brevity.						

1. *Notes are unaltered text omitted for brevity*

A.5. REVISE

**TABLE III.C.2
Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses**

Future Land Use	FLU Category	Tier				
		Urban/Suburb	Exurban	Rural	Ag Reserve	Glades
Residential	All Residential Categories	.35 (Low Density) .45 (Medium & High Density)	.20	.20	.15 ¹²	.20
Institutional & Public Facilities ⁸		.1-.45	.20	.10	.15 .35 ⁶	.10

Notes:

1 through 11 unaltered text omitted for brevity

12. The maximum FAR for the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier is .35.

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, 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.; (See Consistency with Florida Statutes)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (See Public and Municipal Review Section)*

The applicant provides a Justification Statement (Exhibit 3) which states that the amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan. The applicant provides further justification to support the request and is summarized as follows:

- With regard to the site-specific FLUA amendment, the applicant states that the development patterns within the Agricultural Reserve have shifted *"in uses, from primarily farmland and agricultural, to a balanced mix of housing and necessary services for residents in this sector of PBC."* Therefore, the proposed future land use designation *"will promote the development of a CLF within the AGR Tier, while maintaining the density restrictions for traditional residential uses."*
- With regard to the text amendment, the applicant indicates that allowing CLF sites in the Tier with Congregate Living Residential (CLR) future land use to calculate development potential based on 8 units per acre will provide *"a more diverse type of housing, more specifically housing and services for the aging population."* Although CLF uses are allowed by the ULDC within AGR-PUDs in the Agricultural Reserve Tier, the low density (1 unit per acre) and preserve requirement (60 or 80% of the land area) *"restricts the potential bed count, due to the preserve requirement."* As a result, no CLFs have been approved or built in the Tier, and the Agricultural Reserve Tier *"is home to several age-restricted residential developments. At such time residents of these developments, or their families, make the decision to pursue a CLF for housing and care, there are limited options available within the Tier."*

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. With regards to justification, there are several themes presented by this amendment that are discussed individually.

This application brings forward a proposal that would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would “*serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.*” This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County tax payers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. The final document prepared by the Ag Reserve consultants, the Phase II Plan, indicates that the recommendation was for a wide range of housing, including Congregate Care facilities, to be allowed in the Tier. However, in the final Master Plan document, there is no discussion or direction provided for congregate living facilities.

Currently, there are approximately 10,000 dwelling units with zoning approval in the Tier with up to an additional 2,500 or so allowable units (depending on future AGR-PUD approvals). This totals 12,500 dwelling units and a roughly 30,000 to 40,000 ultimate build-out population. All of the built and approved housing is single family or zero lot line development. Additional forms of institutional uses and housing opportunities were cited in the Master Plan as necessary for a balanced and thriving community, and the need for alternative forms of housing for the aging population who may want to “age in place” is needed both today and will expand in the future as the build out of the residential development in the Tier continues. The concept of allowing expanded opportunities for congregate living facilities within the Tier is warranted.

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 Agricultural Reserve Tier. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, which comprises certain characteristics which either the existing surrounding community exhibits or the proposed Congregate Living Residential (CLR) 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 child care and a diverse mix of housing for a wide range of family and household types. As the amendment is to allow for the development of a Congregate Living Facility which will provide a new housing option in the AGR Tier, the proposed amendment furthers this direction. 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 – FLUE 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 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: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

B. Consistency with Agricultural Tier Requirements

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....”*

OBJECTIVE 1.5 The Agricultural Reserve Tier

1. **Objective:** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of*

farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.

Staff Analysis: The objective of the Agricultural Reserve Tier, as stated above, is to foster the preservation of farmland and wetlands through *'limiting uses to agriculture and conservation with residential development restricted to low densities'*. The Tier allows residential development clustered (as discussed previously), commercial uses at select locations, and institutional uses located east of SR7. Although technically congregate living facilities are allowed within the Agricultural Reserve Tier as clustered within the Development Area of an AGR-PUD, the current density based method of calculating beds yields an unviable low number of beds in the Tier. The text amendment proposes to allow congregate living facilities with a Congregate Living Residential (CLR) to develop at a density of 8 units per acre. The objective seeks to foster the preservation of the Agricultural Reserve Tier as "primarily for agricultural use" through the Planned Development options allow 1 unit per 1 acre density clustered onto a portion of the development (20 or 40%) with a preserve set aside area of 60 or 80% of the land. The Comprehensive Plan requires that residential development in the Agricultural Reserve Tier is developed at either 1 unit per 5 acres or at 1 unit per acre within planned unit developments (PUD) that require a minimum of a 60% preserve area. Commercial planned developments, called Multiple Use Planned Developments or MUPDs, also require a preserve area, but only for sites greater than 16 acres per an amendment adopted by the Board in 2016. The applicant is requesting a text amendment to allow the CLR designation and CLFs in the Tier subject to the MUPD preserve requirement which would exempt the subject site from the 60% preserve requirement since the site is less than 16 acres in size. The applicant's basis is that CLF facilities Type 3 are not truly residential or commercial, but a hybrid between the two, and proposing to offset the preserve requirement by providing additional open space on site considering the unique nature of the use. Staff considers CLFs as a residential use and, therefore, recommends that the CLR designation be subject to a minimum 60% preserve area requirement consistent with the requirements of an AGR-PUD.

SUB-OBJECTIVE 1.5.1 Planned Developments

3. Policy 1.5.1-q: AGR-Multiple Use Planned Development. *New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:*

1. *Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right of Way Identification Map;*
2. *Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map;*
3. *The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and*
4. *Required Preserve Areas shall be subject to the standards and requirements of an AgR-TMD preserves.*

Staff Analysis: This policy requires that new AGR-MUPDs meet certain criteria. Since the concurrent application is pursuing the AGR-MUPD zoning district, this policy applies to the subject site. The applicant is proposing to develop the site as an AGR-MUPD but be exempt from the preserve requirement since the site is less than 16 acres. The applicant proposes to apply these regulations to the subject site as developed as an AGR-MUPD. However, staff recommends the PUD and not the MUPD requirements apply.

4. Proposed Text Amendment. The specific proposed text changes are shown in Exhibit 1-B in strike out and underline. In addition to the policy changes referenced above, the proposed private text amendment requests the following changes:

- **Table III.C, Future Land Use Designations by Tier**, to revise to allow the CLR future land use designation in the Agricultural Reserve Tier.
- **Table 2.2.1-g.1, Residential FLU Designation Maximum Density**, to revise to allow CLR future land use to achieve up to 8 units per acre in the Ag Reserve Tier.
- **New Policy 1.5-u**, to add a new policy establishing the regulations and requirements for the CLR future land use designation in the Ag Reserve Tier as follows:

NEW Policy 1.5-u: The Congregate Living Residential (CLR) future land use designation is allowed in the Agricultural Reserve Tier subject to the following:

1. **Density.** The maximum density is up to 8 units per acre.
2. **Uses.** Uses are limited to congregate living facilities (with no less than 25% of beds/residents dedicated to memory care services) and skilled nursing facilities;
3. **Location.** Sites are limited to locations within one mile of the Atlantic Avenue and Lyons Road or Boynton Beach Boulevard and Lyons Road intersections, and shall provide a setback 50' from any agricultural use.
4. **Preserve Area.** The preserve area requirements for AGR-Multiple Use Planned Developments (Policy 1.5.1-q) shall apply. Properties 16 acres or less that are exempt from the preserve requirement shall provide 55% of the site as open spaces as defined by the ULDC.

Staff Analysis: These applicant proposed policy changes would allow the Congregate Living Residential (CLR) designation in the Ag Reserve to allow the development of congregate living facilities (CLF) at up to 8 units per acre, through future land use amendment limited to within 1 mile of the two major intersections of the Tier. The policy requires that no less than 25% of the beds are for memory care, ensuring that the CLFs are not limited to independent living only. The proposed policy also requires a 50 foot set back from agriculture, consistent with the PUD requirements, and applies the same preserve exemption for sites less than 16 acres as commercial MUPDs, but adds an open space requirement of 55% onsite.

Density. The applicant has indicated that the current maximum density in the Ag Reserve of 1 unit per acre, combined with the preserve area requirements, renders the construction of a congregate living facility in the Tier to be unviable. Under the current rules a 9.73-acre site would yield approximately 23 beds for an AGR-PUD and a 60% preserve area. Typically, these uses seek an underlying density of 8 to 12 units per acre (19 to 28 beds per acre) in the Urban Suburban Tier to build the desired product. Higher net densities are approved, but unbuilt, within the two mixed use centers. Canyons Town Center and Delray Marketplace have the ability to develop up to 189 multi-family units over the two

properties. As discussed under the Justification Statement, the concept of allowing a mechanism for achieving a higher density for congregate living facilities within the Tier is warranted.

Location Requirements. The Ag Reserve Master Plan established two primary nodes for commercial and mixed uses – the intersection of Lyons Road and Boynton Beach Boulevard, and Lyons Road and Atlantic Avenue. The applicant proposes language to limit the CLR designation to within 1 mile of these intersections. Limiting the CLF use to one mile radius of two nodes is reflective of the hybrid character of this use, and ensures that institutional intensity is centered within a logical radius of the established nodes, while preserving the transition to residential and agricultural.

Preserve Exemption. The applicant is requesting that the CLR designation be exempt from the Preserve Area requirements consistent with the commercial exemption, but that a new provision is added for CLR designations to provide 55% open space.

The applicant's basis (see Exhibit 3) is that the modern CLF is a type of use that is somewhere in between 'residential' and 'institutional', or a combination of the two, and therefore warrants the creation of a 'hybrid' regulation. The applicant states that Type 3 CLF's represent a hybrid use that cannot be solely defined as either residential or nonresidential use. They are a blend of both uses, providing residential housing and nonresidential services – which include both healthcare services and more traditional personal services, such office space, a salon and the like. A typical residential apartment building allocates 75% to 80% of the square footage to residential living areas. In comparison, a typical CLF facility allocates 40% to 50% to residential living area. The remainder may include: nursing areas, medical rooms, central kitchen, dining rooms, doctor rooms, employee staff rooms, laundry rooms, wellness center, salon and lifestyle activity rooms. Most CLFs coming forward today include a range of housing from 'independent living', 'assisted living', and 'memory care', where residents can move to adjoining facilities that offer progressively more care. Typically, 'independent living' is similar to multi-family residential development, but the attributes of the 'assisted living' and 'memory care' areas reflect more of an institutional type setting. The applicant states that the hybrid nature of this use requires a new approach to ensuring that the existing development pattern of the Agricultural Tier is preserved, creating regulations that are conducive to this use.

Staff's assessment is that additional open space may add aesthetic appeal to the site, but does not meet the objective of the Ag Reserve Tier for preserving land for agriculture or environmental purposes. Therefore, staff recommends that rather than applying the preserve requirement for AGR-MUPDs (with an exemption for sites less than 16 acres) that the preserve area requirements of the AGR-PUDs apply (minimum 60% preserve). Staff proposes the following language in lieu of the Applicant's proposed item 4 for new policy 1.5-u.

Staff Proposed Item #4

4. **Preserve Area.** The preserve area requirements for AGR-Residential Planned Developments (Policy 1.5.1-i) shall apply.

5. **ULDC Implications:** ULDC amendments may be required.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3.

Surrounding Land Uses: Surrounding the subject site are the following:

- **North** – Directly north of the subject site are active agricultural uses with an Agricultural Reserve (AGR) designation. Further north of that is the St Mary's Orthodox Church also with an Agricultural Reserve designation.
- **East** – East of the subject site are active agricultural uses extending to the Florida's Turnpike with an Agricultural Reserve (AGR) designation.
- **South** – South of Linton Boulevard is the Mizner Country Club 60/40 Planned Unit Development with an Agricultural Reserve (AGR) designation.
- **West** – West of the subject site beyond Lyons Road are active agricultural uses with an Agricultural Reserve (AGR) designation. In addition, a recently approved school site known as Divine Savior Academy is located just north of Stone Creek Ranch with an AGR designation.

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

Staff Analysis: The applicant indicates that the proposed Congregate Living Residential (CLR) future land use designation is consistent and compatible with the surrounding development pattern. The amendment to the CLR designation is proposing a CLF with 186 beds, which equates to 8 units per acre. Considering the active agriculture surrounding the site and the residential parcels to south, this amendment may result in compatibility issues with the surrounding uses. As stated previously, the proposed 8 units per acre may yield a project that is much more intense than the surrounding low density development. In addition, the maximum development potential proposed by the applicant is much greater than the typical AGR-PUD, which has a density of approximately 2.5 to 3 du/ac in the development area. However, the proposed 50' setback to agricultural uses and .35 FAR would mitigate compatibility concerns. In addition, the site is in close proximity to Atlantic Avenue and Lyons Road a major intersection that has more intense uses as anticipated in the Master Plan.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The proposed amendment is not located within an overlay.

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

Staff Analysis: The property is not located within a neighborhood plan. It is located within the Ag Reserve Tier, which was the subject of the Ag Reserve Master Plan for which policies have already been adopted in the Comprehensive Plan in order to implement the Master Plan recommendations.

E. Public Facilities and Services Impacts

The proposed amendment was reviewed at the proposed Congregate Living Facility Type 3 with up to 12 units per acre, higher than the proposed maximum of 8 units per acre. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue, School 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 Traffic Division reviewed this amendment at a maximum of 279 beds at a maximum of 12 units per acre, higher than the 8 units per acre maximum proposed by the applicant which would yield a maximum of 186 CLF beds. According to the County's Traffic Engineering Department (see letter dated November 7, 2018 in Exhibit 5) the

amendment would result in a reduction of 310 trips per day if the site was developed at the current maximum development potential of a Nursery Garden Center.

The Traffic letter concludes *“Based on the review, the Traffic Division has determined that the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential intensity.”*

The Traffic Study dated October 5, 2018 was prepared by Dr. Juan Ortega, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on May 23, 2019. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on May 22, 2019. In addition, interested parties were notified by mail including the Alliance of Delray Residential Associations, Coalition of Boynton West Residential Associations, Stone Creek Ranch HOA, Mizner Country Club and Delray Lakes Estates. Letters are added to Exhibit 11 as they are received during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on June 6, 2019. No members of the public attended.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

I. INTRODUCTION

The subject site, known as "Poet's Walk", is located on the east side of Lyons Road, approximately 0.76 miles south of the Atlantic Avenue and Lyons Road intersection. The +/- 9.73 acre property is comprised of two parcels identified by a Future Land Use (FLU) designation of AGR (Agricultural Reserve) and a Zoning designation of AGR (Agricultural Reserve) and located within the County's Agricultural Reserve (AGR) Tier. The site's property address is 8892 156th Court South, and Property Control Numbers (PCNs) are as follows:

PCN	Owner Information	Address
00-42-46-20-01-000-0810	Cindy and Greg Jacob	N/A
00-42-46-20-01-000-0820	Cynthia Dudwick and Greg E Jacob	8892 156TH CT S

II. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

On behalf of the property owners Cindy Jacob, Cynthia Dudwick, and Greg Jacob and the Applicant, Lyons Road Senior Real Estate, LLC., WGI (hereinafter referred to as the Agent) prepared and submitted an application to request a Comprehensive Plan Text Amendment-Poet's Walk (hereinafter referred to as the subject site) on the northeast corner of Lyons Road and Linton Boulevard on December 30, 2016.

Proposed Amendment Language

The purpose of this Comprehensive Plan Text Amendment request is to amend the Plan to allow for the development of Congregate Living Facilities (CLF) within the AGR Tier, under the Congregate Living Residential (CLR) designation, as part of an AGR MUPD.

Currently, the number of beds permitted within a CLF are regulated by FLU designation density allowances, with a conversion of 2.39 beds per one dwelling unit. When developing CLF's, the current conversion factor requires higher residential FLU designations, in order to reach a viable bed count for development. As such, many CLF sites retain a FLU designation of either HR-8 or HR-12. Such FLU designations are permitted in other areas of PBC, such as the Urban Suburban Tier, but are not within the AGR Tier, based on current density restrictions (which limit residential development to one dwelling unit per acre). Furthermore, development of a CLF under the PUD regulations further restrict the potential bed count, due to preserve area requirements. The proposed modifications to the aforementioned policies and density requirements are consistent with the way in which PBC has approved CLF's at similar densities. By modifying the policies and density requirements and restricting these amendments to CLF's, viable bed counts are supported and the current density pattern is maintained, as non-CLF densities remain restricted to current AGR Tier requirements.

Justification for Text Amendment

Over the past several decades, the AGR Tier has seen tremendous growth in both residential and non-residential development. The original development pattern established for the Tier as part of the 1989 Comprehensive Plan has seen a shift in uses, from primarily farmland and agricultural, to a balanced mix of housing and necessary services for residents in this sector of PBC. The shift in development pattern is evident by the existing and approved planned residential developments located throughout the Tier and both developed and approved non-residential uses (the BCC approved a cap of 980,000 square feet in April 2016). The influx of both residential and non-residential uses is an acknowledgement of the previously unforeseen growth potential and changing pattern of an area that was once primarily agricultural.

While certain aspects of the original Agricultural Reserve Master Plan have been maintained, there have been modifications over its evolution. The change in uses and development within the Tier is evident along the Lyons Road segment in which the proposed CLF use is located (between Atlantic Avenue and Clint Moore Road). Along this segment of Lyons Road, there are more than 2,800 existing and approved residential units and more than 125,000 square feet of non-residential uses that include retail, pharmacy, restaurants, church/synagogue and office uses. The following table summarizes existing and proposed projects as shown in the PBC TPS database.

Project Name	Approval	% Complete
Feurring Commercial MUPD	<ul style="list-style-type: none"> 12,236 square feet of retail 12,900 square feet of pharmacy 4,500 square feet quality restaurant 4,500 square feet fast food restaurant 	0%
St. Mary Coptic Orthodox Church	42,300 SF Church/Synagogue	50%
Mizner Country Club	471 Single Family Detached	98%
Divine Savior Academy	<ul style="list-style-type: none"> 11,572 square feet church/synagogue 392 students (K-8 Private School) 11,120 SF (Day Care) 	0%
Bridges North AGR-PUD	591 Single Family Detached	95%
Hyder AGR-PUD	1,340 Single Family Detached	19%
Bridges South AGR-PUD	417 Single Family Detached	0%
Hyder PUD S Civic	28,244 SF of General Office	0%

The following aerial graphically depicts the project locations, with blue indicating residential and red indicating non-residential.



- 1. Feurring Commercial MUPD**
- 2. St. Mary Coptic Orthodox Church**
- 3. Mizner Country Club**
- 4. Divine Savior Academy**
- 5. Bridges North AGR-PUD**
- 6. Hyder AGR-PUD**
- 7. Bridges South AGR-PUD**
- 8. Hyder PUD S Civic**

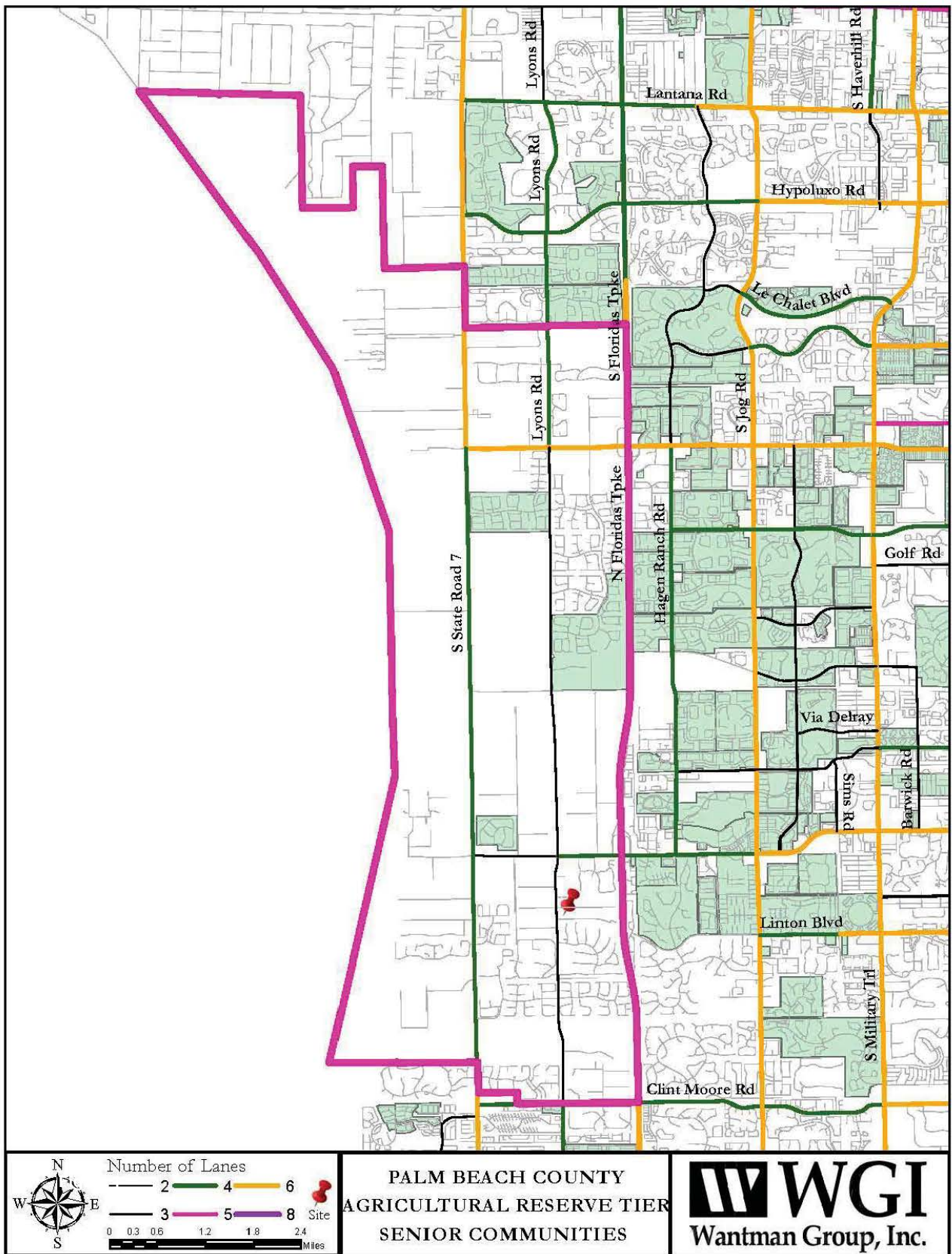
One of the results of this new development landscape is a need for a more diverse type of housing, more specifically housing and services for the aging population in the area, in the form of Congregate Living Facilities. CLF's offer a variety of services to the aging population in the form of independent living, assisted living and or/skilled nursing and memory support. Often times, this type of facility offers a transitional approach to services, so seniors can begin with one level of care and then transition as needed. The existing development pattern of the AGR Tier supports the development of this type of facility (at the proposed density of 8 du/acre), as there are thousands of residential homes existing today, and approved for the future (a significant percentage of which are age-restricted). Furthermore, the proposed location along Lyons Road represents an ideal location in which to situate such a use. Lyons Road is the "main street" of the AGR Tier, with the majority of development clustered along both sides of the roadway. Further, locating the proposed CLF along Lyons Road is consistent with the location criteria in other Tiers within PBC. Thus, the following will be examined within this Justification Statement:

- 1) The current need for CLF uses within the AGR Tier and allowance of those uses in the Agricultural Reserve Planned Development Districts (specifically the AGR-MUPD Zoning District) to be approved for up to a maximum density of 8 dwelling units per acre; and
- 2) The location along Lyons Road being the most suitable in which to locate such a use within the AGR Tier.

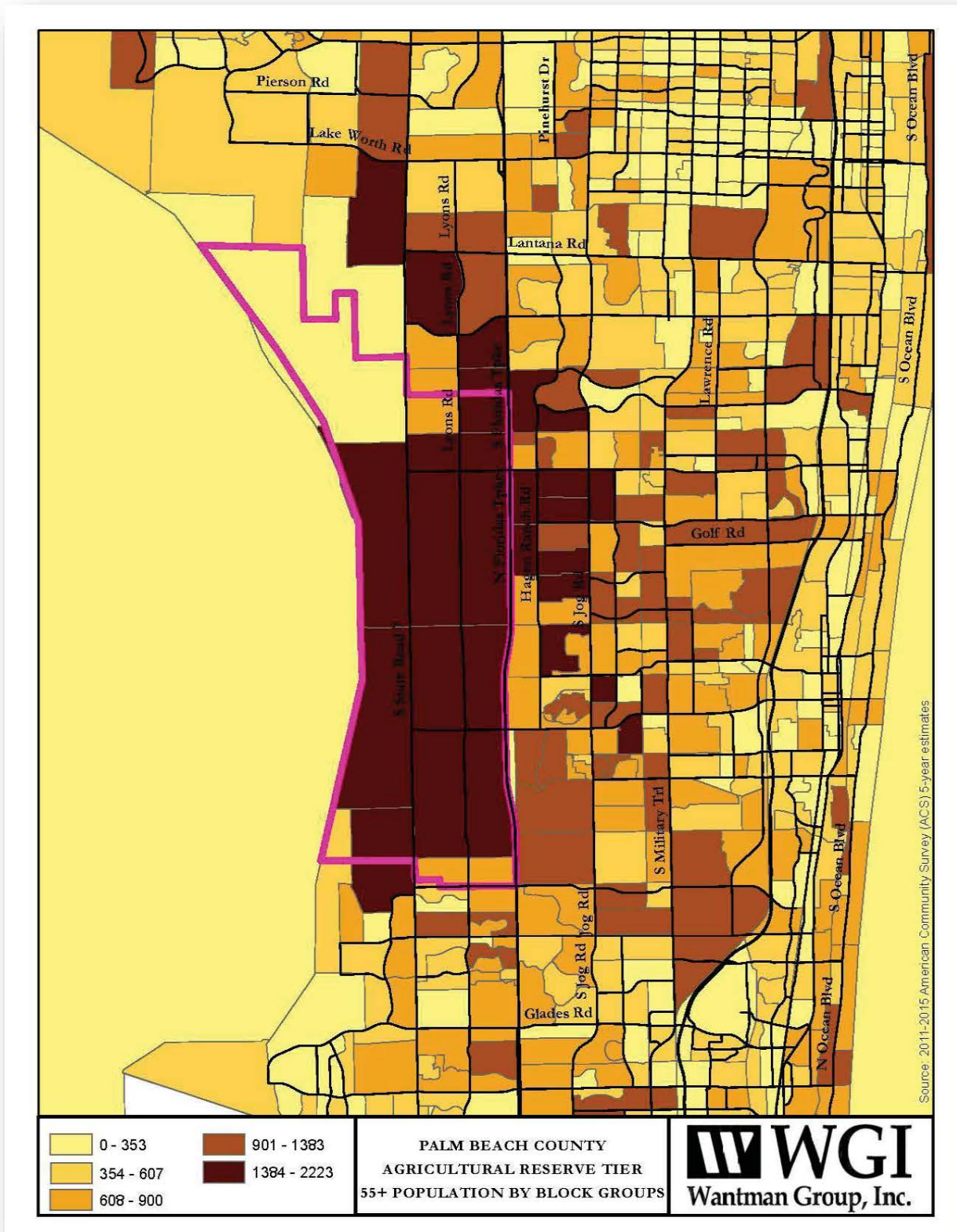
CLF Use and Density

The last several decades have been subject to tremendous growth throughout PBC, including within the Agricultural Reserve Tier. The established and approved uses within this Tier have shifted from what was once primarily either agricultural activity or uses that supported agricultural activities, to a more suburban style of development, with low density residential developments and non-residential uses that provide needed services to residents of the Tier. As land became less available, development pressures within PBC were pushed westward, resulting in development occurring in areas outside of the Urban Suburban Tier. In an effort to control the type of development that occurred and to preserve the character of the Tier, PBC developed requirements that created development controls for projects, which included use restrictions, preserve area requirements, maximum densities and a cap on non-residential square footage. As the development within the Tier continues to grow and evolve, PBC will be faced with the need for uses within the area that were not anticipated with the original adoption of the Comprehensive Plan. One of the uses that were not originally anticipated, but are very much needed in the area, is CLF's. PBC is home to a large amount of "Baby Boomers" that wish to "age in place". The Agricultural Reserve Tier is home to several age-restricted residential developments. At such time residents of these developments, or their families, make the decision to pursue a CLF for housing and care, there are limited options available within the Tier. While the use is currently allowed within the Tier, it must follow the AGR-PUD requirements for size and preserve area. Coupled with the low bed ratio for CLF's (2.39 beds per acre), as opposed to those CLF's outside of the AGR Tier (typically 19 beds per acre), development of the use is economically and realistically impossible without an amendment to the Comprehensive Plan.

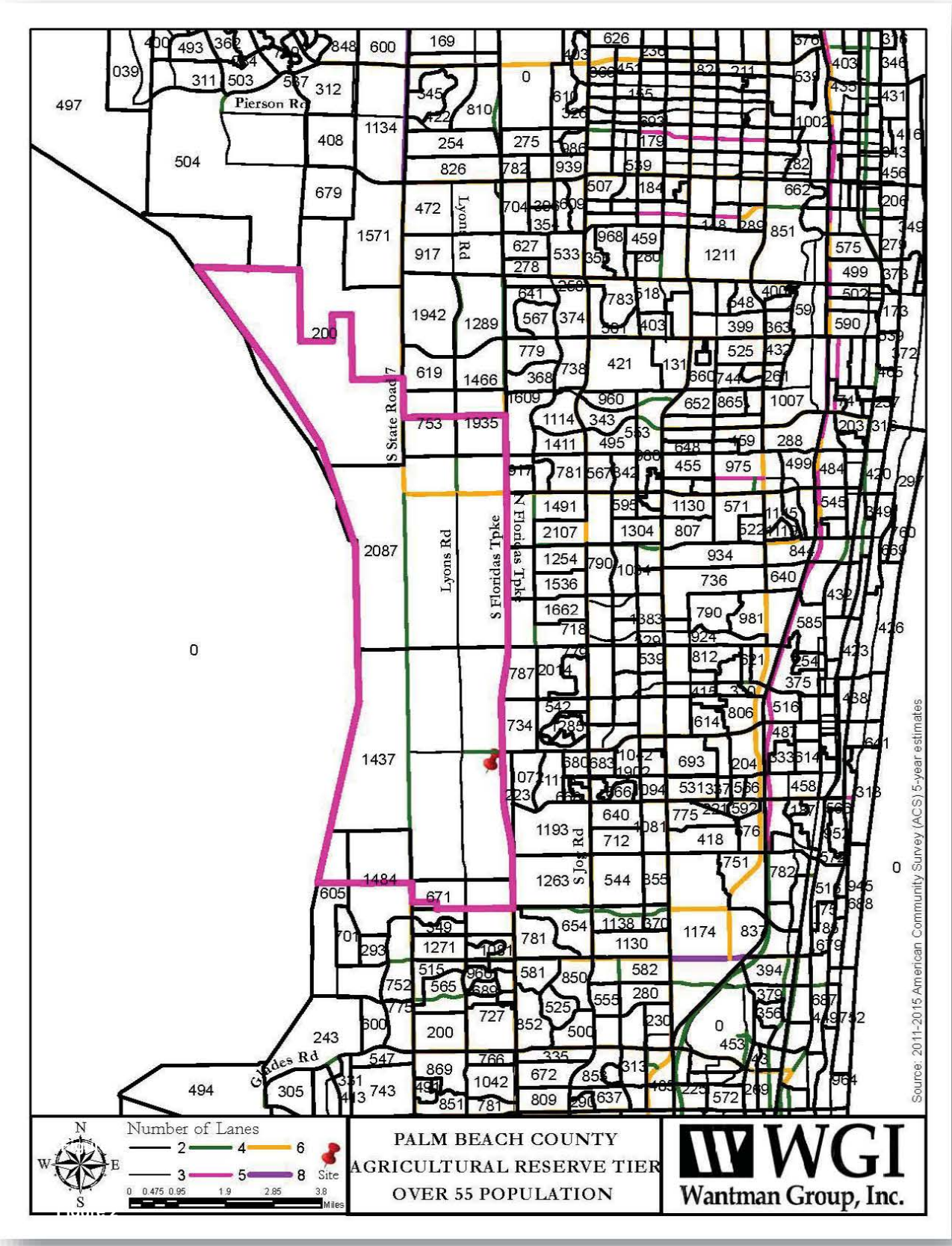
According to the "Residential Projects Inventory" prepared by PBC and dated April 13, 2017, there are 10,570 dwelling units approved within the Agricultural Reserve Tier. Of those 10,570 dwelling units, 1,641 are considered age-restricted senior communities. This results in approximately 15% of the approved residential communities housing exclusively senior citizens (this percentage is higher, as seniors also reside in communities that are not age restricted). While there are a substantial number of senior communities in the AGR Tier, an even greater concentration exists just outside the Tier's boundaries. As outlined in **Figure 1** below, the highest concentration of senior communities within PBC in relationship to the AGR Tier, is just east of the Tier boundary west of Military Trail and between Linton Boulevard and Hypoluxo Road. Most of them are located on Hagen Ranch Road, Jog Road and El Clair Ranch Road.



In addition to a high concentration of senior communities, the age of the population of the residents within the AGR Tier was analyzed, based on “2011-2015 American Community Survey (ACS) 5-year Estimates”. As outlined in **Figure 2**, the highest concentration of residents in PBC 55 years of age and older reside within the AGR Tier.



Finally, **Figure 3** provides statistical data related to the number of residents 55 years of age and older provided within the graphic by block group.



The preceding figures support the need for senior housing in this sector of PBC, as the AGR Tier is home to a substantial senior population that creates a need for a diversity of housing choices and level of care.

As part of the current request, congregate living facilities are proposed to be permitted as AGR-MUPDs and utilizing the CLR/AGR FLU with a density of 8 du per acre. The development of this type of use at a maximum density of eight dwelling units per acre will sufficiently accommodate the required density for viable CLF uses, while maintaining the existing development patterns already established in the AGR Tier. Furthermore, development under the AGR-MUPD Zoning District will allow developments of CLF uses, under a certain acreage, to develop without being subjected to preserve area requirements, which would otherwise further restrict this type of use. As the project moves through the site design process, special attention will be paid to site design elements, in order to ensure that no negative impacts result as part of this request, as well as to promote compatibility with surrounding uses within the Tier.

The proposed density for CLF uses of eight dwelling units per acre is consistent with similar CLF approvals within PBC, as outlined in the table below.

Project Name	Control	Location	Ac.	FLU	Zoning	Beds	Density
Allegro at Boynton Beach	97-0075	Woolbright Rd. & Hagen Ranch Rd.	7.50	INST/8	MUPD	140	7.8 du/ac
Lake Worth Road CLF	81-0013	Lake Worth Rd. & Hedjes Dr.	6.05	CH/8	MUPD	165	11.4 du/ac
Lake Worth Senior Living	05-0122	State Rd. 7 & Woodward Rd.	6.86	HR-8	PUD	134	8.17 du/ac
Cobblestone Place CLF	75-0068	Palmetto Park Rd. & Ponderosa Dr.	6.00	HR-12	PUD	168	11.71 du/ac

As outlined in the table above, recently approved CLF's within PBC have FLU designations with densities that are consistent with that being proposed for the subject site.

Location Criteria

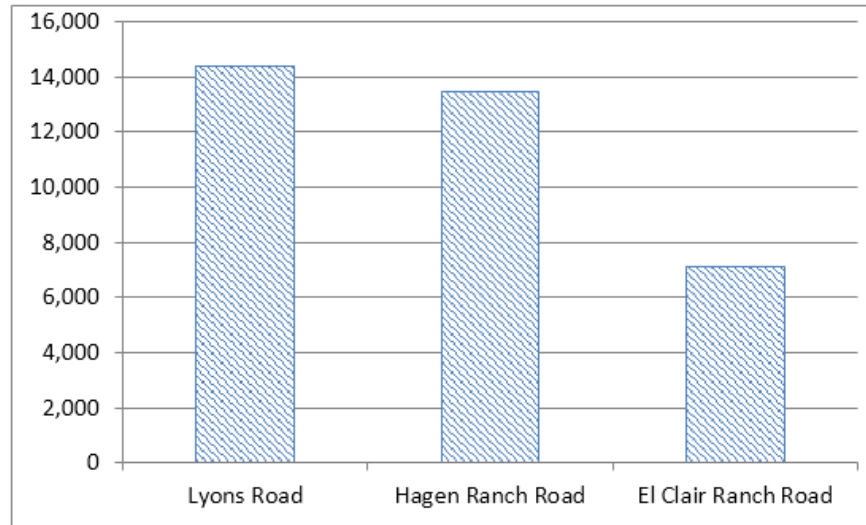
The intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road are established as commercial activity nodes within the Agricultural Reserve Tier. Development at these intersections is of higher intensity and nonresidential in nature. As development extends outward from these intersection, land use and intensity transitions from that of commercial, to institutional, residential and agricultural. Locating the CLF use within a one mile radius of both intersections ensures that institutional type intensity is concentrated within a logical radius of the established development nodes, while preserving the transition that has developed within the Tier, to residential and agricultural. Other institutional uses, such as Happy Hollow Charter School have been developed within the proposed radius from the identified intersections.

The Lyons Road corridor can be considered the main thoroughfare or "hub" for development with the AGR Tier. The central location of Lyons Road, between Florida's Turnpike to the east and State Road 7 to the west makes it the heart of the Tier and the most suitable location in which to situate development. The proposed CLF is expected to be located on the east side of Lyons Road, about 0.7 mile south of Atlantic Avenue. This segment of Lyons Road has experienced a 19.28% increase in traffic over the last three (3) years, with the 2016 Daily Traffic for this segment being 15,629 vehicles as a two (2) lane road facility. Lyons Road from Clint Moore Road to Atlantic Avenue is funded for widening to four (4) lanes this fiscal year in the PBC Five Year Road Program, as shown on the following table.

Annual Update - Adopted - December 20, 2016

	PROJECT	LIMITS	DESCRIPTION	FY 2017	
				Cost	Phase
	Florida Mango Rd.	Edgewater Drive to Barbados Rd.	0.6 mi, 3 L (L.W.D.D. L-8 Canal Bridge Replacement)	50	R
	Florida Mango Rd.	Barbados Rd. to N. of Myrica Rd.	0.7 mi, 3 L (L.W.D.D. L-7 Canal Culvert)	430	D
	Florida Mango Rd.	N. of Myrica Rd. to Summit Blvd.	0.5 mi, 3 L (L.W.D.D. L-6 Canal Bridge Replacement - Culvert)		
	Florida Mango Rd.	over L.W.D.D. L-5 Canal	Bridge Replacement-Culvert	100	D/R
	Forest Hill Blvd.	Military Tr.	Intersection Improvements	150	P
	Gateway Blvd.	Military Trail	Intersection Improvements	500	R
	Gateway Blvd.	High Ridge Rd	Intersection Improvements		
	Glades Area	R&R Throughout the Glades	Repair/Reconstruction	700	C
	Glades Rd.	Butts Rd.	Intersection Improvements	30	D
	Gun Club Rd.	over L.W.D.D. E-3 Canal	Bridge Improvements	900	C
	Haverhill Rd.	N. of Caribbean Blvd. to Bee Line Hwy.	1.6 mi, 5 L	9,000	C
	Hood Rd.	E. of Florida's Turnpike to W. of Central Blvd.	1.2 mi, 4 L	12,650	C
	Hood Rd.	Central Blvd.	Intersection Improvements	1,300	C
	Indiantown Rd.	Jupiter Farms Rd.	Intersection Improvements	1,250	C
	Jog Rd.	over Florida's Turnpike	Slope Stabilization		
	Jog Rd.	Roebuck Rd.	Intersection Improvements	920	D/C
	Kirk Rd.	S. of L.W.D.D. L-7 Canal to Pot O'Gold St.	0.1 mi, 3 L (L.W.D.D. L-7 Canal Bridge Replacement - Culvert)	1,500	C
	Kirk Rd.	over L.W.D.D. L-5 Canal	Bridge Replacement-Culvert	650	C
	Lake Worth Rd.	Jog Rd.	Intersection Improvements		
	Lawrence Rd.	Ponza Place to Lantana Road	0.7 mi, 3 L	300	D/R
	Linton Blvd.	Military Tr.	Intersection Improvements		
	Lyons Rd.	Hillsboro Canal to S.W. 18th Street	0.3 mi, 6 L	2,300	C
	Lyons Rd.	Clint Moore Rd. to Atlantic Ave.	3.0 mi, 4 L	9,700	C

The traffic volumes for Lyons Road were analyzed and compared to roadways that support similar developments in the direct vicinity. The following figure examined the average traffic volumes for 2015 on Lyons Road (from Hypoluxo Road to Atlantic Avenue), Hagen Ranch Road (from Hypoluxo Road to Atlantic Avenue), and El Clair Ranch Road (from Boynton Beach Boulevard to Atlantic Avenue). Lyons Road is located within the AGR Tier while Hagen Ranch Road and El Clair Ranch Road are located outside of the Tier boundaries, within the Urban Suburban Tier. Upon analyzing these roadway segments data demonstrated that, despite the fact that Hagen Ranch Road is currently a larger roadway, at four (4) lanes divided from Boynton Beach Boulevard to Atlantic Avenue, Lyons Road, which is a two (2) lane road, carries more traffic than Hagen Ranch Road and about twice as much as El Clair Ranch Road.

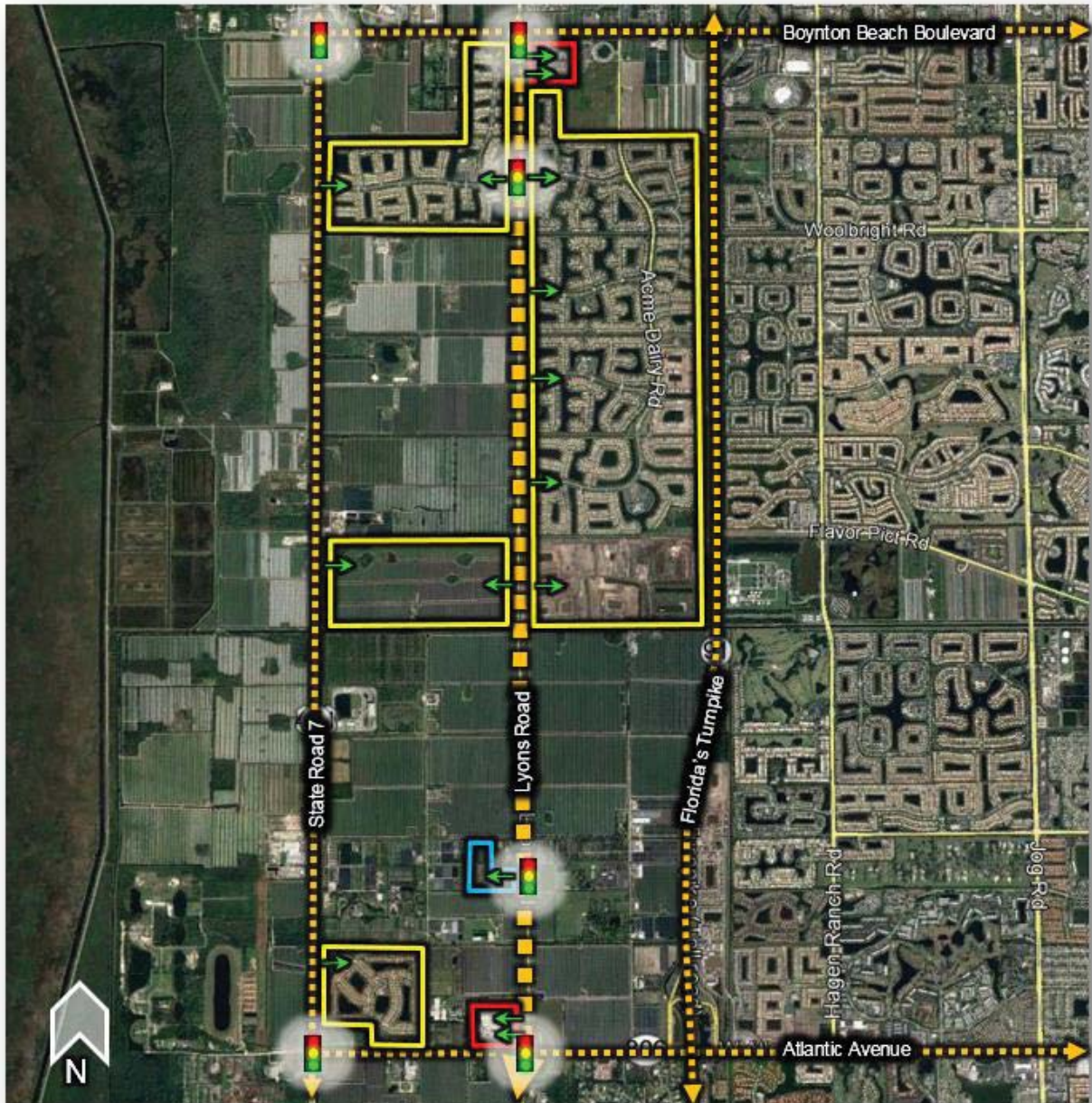


2015 Average Daily Traffic

The character of Lyons Road is becoming that of a “main street” of the AGR Tier. As demonstrated with the following aerals, the majority of development within the AGR Tier has occurred along both the east and west sides of Lyons Road, and include both residential and non-residential developments. The majority of developments located along State Road 7 are located on the east side, as major development is not encouraged on the west side of the roadway. Further, the Lyons Road location between State Road 7 and Florida’s Turnpike, makes it an easily accessible thoroughfare within the heart of the Tier.

Boynton Beach Boulevard to Atlantic Avenue Segment

The Lyons Roadway segment, from Boynton Beach Boulevard to Atlantic Avenue is analyzed below. Multiple factors were taken into consideration, including built and approved development projects, access points and traffic lights.



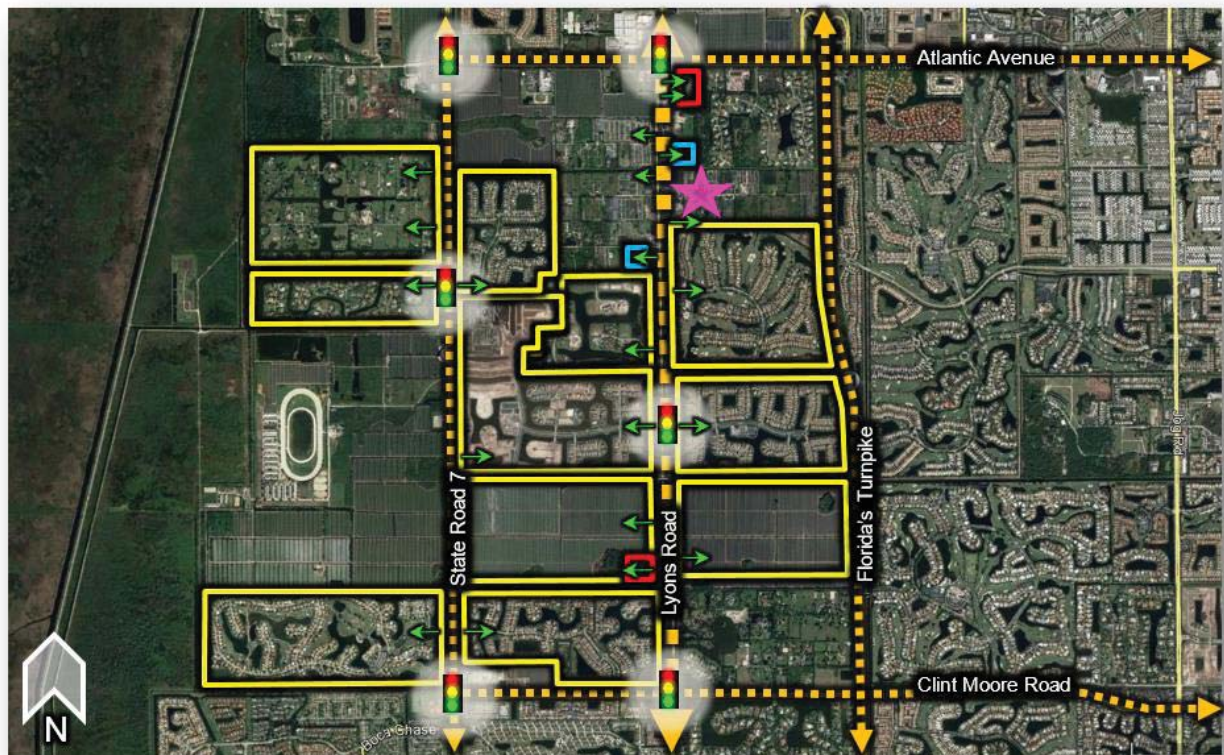
Lyons Road (Boynton Beach Boulevard to Atlantic Avenue Segment)

Boynton Beach Boulevard to Atlantic Avenue	Lyons Road	State Road 7
Developments with Direct Access	6	3
Access Points	12	3
Traffic Lights	4	2

As demonstrated in the table above, the Lyons Road thoroughfare double the amount of built and approved developments, four times the amount of access points and double the amount of existing or planned traffic lights. This data confirms that Lyons Road is the existing development hub within this roadway segment.

Atlantic Avenue to Clint Moore Road Segment

Like the previously analyzed roadway segment, Lyons Roadway, from Atlantic Avenue to Clint Moore Road is analyzed below. Multiple factors were taken into consideration, including built and approved development projects, access points and traffic lights.



Lyons Road (Atlantic Avenue to Clint Moore Road Segment)

Atlantic Avenue to Clint Moore Road	Lyons Road	State Road 7
Developments with Direct Access	10	6
Access Points	12	7
Traffic Lights	3	3

The table above demonstrates that Lyons Road is the busier roadway, with clustered development on both sides. Lyons Road has more development with direct access and access points and are the same in relation to the number of traffic lights along the roadway.

Preserve Area Requirement

Residential developments and MUPD's in excess of 16 acres in size are required to provide preserve area onsite. Type 3 CLF's represent a use that cannot be solely defined under either residential or

nonresidential use categories. They are instead a blend of both uses, providing residential housing and nonresidential services – which include both healthcare services and more traditional personal services, such office space, a salon and the like. For comparison purposes, a typical apartment design typically allocates 75% to 80% of the building square footage to residential living areas. In comparison, a typical CLF facility allocates 40% to 50% to residential living area. The remainder of the area includes uses such as nursing areas, medical rooms, central kitchen, dining rooms, doctor rooms, employee staff rooms, a chef room, laundry rooms, a wellness center, a salon and lifestyle activity rooms. CLF's within the AGR Reserve Tier will include a mix of levels of care, and will not be exclusively independent living in nature.

The hybrid nature of this use, coupled with the land area typically associated with it requires a new approach to ensuring that the existing development pattern of the Agricultural Preserve Tier is preserved, while creating regulations that are conducive to this type of development, which is needed within the Tier.

The Applicant is proposing an amendment to the preserve area requirements, to exempt CLF's from complying with the 60% preserve area. However, a regulation to require 60% open space (to be provided onsite) has been added to the language, ensuring that the development pattern resulting from the development of CLFs within the Tier is in line with the intent of the Plan. Additional setbacks and landscape buffers will also aid in achieving the desired layout of this use within the Tier.

Consistency

This proposed Comprehensive Plan Text Amendment request is consistent with the intent, objectives and policies of the Comprehensive Plan, as proposed to be amended, based on the following:

Objectives – The proposed Text Amendment furthers the County's objectives as further described below.

Objective 1.5 The Agricultural Reserve Tier

General: *The Agricultural Reserve area is a portion of the County that encompasses unique farmland and wetlands. Based on policy direction adopted by the Board of County Commissioners in 1995, it is to be preserved primarily for agriculture. To preserve the area for agricultural use, several programs are offered, including unique development options targeted to achieve the goal of farmland protection and agricultural perpetuation. It is through this combination of public action and private development that a viable program for the protection of farmlands and the perpetuation of agriculture will occur.*

Response: The AGR Tier remains a unique area in PBC, as important agricultural land and activities are concentrated within the Tier boundaries. However, as the development landscape of PBC evolved over the last few decades, so has the development pattern of the AGR Tier. What was once farmland and predominantly agricultural uses, has evolved into a well-planned residential area, with carefully planned and monitored non-residential uses to support the expanding population. All of these uses continue to exist in harmony with remaining agricultural uses within the Tier. The proposed Comprehensive Plan Text Amendment does not cause any conflicts within the Tier, as locating a CLF within the AGR Tier accommodates an underserved use, by providing necessary services to the aging population. The current proposal to utilize density remains consistent with the historical approvals for CLF uses in PBC. Allowing the CLF density under the CLR FLU designation further preserves the character of the Tier, by limiting density above the currently established one dwelling unit per acre, to CLF uses. The location of the proposed CLF along Lyons Road is consistent with the established development pattern, as this thoroughfare is the main street for development within the Tier. Continuing the trend of development along Lyons Road will relieve development pressures along State Road 7.

Objective: *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

Response: The proposed amendment to the PBC Comprehensive Plan to allow for a CLF along Lyons Road is not in conflict with this objective. The development of a CLF in this location lends itself as a unique opportunity to provide needed services to the population of the AGR Tier, as a significant percentage of residents within the Tier (and directly outside the boundaries of the Tier) are senior citizens. With currently limited options available within the Tier for diverse housing choices and skilled care for the elderly, AGR Tier residents who require such housing and care are forced to look for options outside of their familiar community. The CLF use along Lyons Road is not out of character with the established pattern of development, nor does it represent a negative impact on agriculture, as the subject site is small in size, utilized as nursery sales, has direct frontage on a major roadway and clustered along a developed corridor.

Policies – The proposed Comprehensive Plan Text Amendment furthers the County's policies as further described below.

Policy 1.5-r: *Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7. Institutional related uses, including but not limited to, churches and social service facilities shall be allowed within the AGR Zoning District as a part of the continuation of the Tier.*

Response: The proposed amendment to the PBC Comprehensive Plan to allow for a CLF along Lyons Road is consistent with Policy 1.5-r. The placement of this use along the frontage also limits the amount of development on the agricultural uses behind it. As has been discussed throughout this Justification Statement, Lyons Road has been established as the hub for development, as the majority of development is concentrated along the east and west sides of the roadway. The current development proposal to locate the CLF on the east side of Lyons Road, furthers this policy, as it continues this development pattern along Lyons Road and preserves the land west of State Road 7 within the AGR Tier.

Institutional and Public facilities

Policy 1.5-s: *This policy refers to Institutional uses in the Tier that existed prior to the establishment of the Agricultural Reserve Tier.*

Response: The proposed Text Amendment to the PBC Comprehensive Plan will not impact this policy.

Conclusion

The information presented in this Justification Statement demonstrates that there is a need, given the existing, aging population within the AGR Tier and immediately surrounding area, that the proposed use is consistent with the existing development patterns of the Tier and that the Lyons Road corridor represents the best location in which to develop such a use, as it is an established development hub within the Tier. Furthermore, the proposed density of eight dwelling units per acre under CLR FLU designation for CLF uses, is consistent with PBC approvals for similar projects.

III. PROPOSED FLUA MAP AMENDMENT

Request

On behalf of the Applicant, WGI, is respectfully requesting a Future Land Use Atlas (FLUA) Amendment, in order to modify the land use designation from AGR to CLR (Congregate Living Residential) with an underlying FLU of AGR (CLR/AGR).

Compatibility and Surrounding Uses

The surrounding uses vary and are found to be compatible with the proposed amendment. The site is near existing residential uses, and is bordered on the western property boundary by Lyons Road, which provides access to Atlantic Avenue and Clint Moore Road.

The following is a summary of the uses surrounding the subject site:

	FLU Designation	Zoning District	Existing Use
North	AGR	AGR	Agricultural, Nursery
South	AGR	PUD	Linton Boulevard ROW, Residential
East	AGR	AGR	Agricultural, Nursery, Residential
West	AGR	AGR	Lyons Road ROW, Agricultural, Nursery

North: Immediately north of the subject site is an agricultural nursery with a FLU designation and Zoning designation of AGR. Further north, there is an existing place of worship located adjacent to Lyons Road with FLU and Zoning designations of AGR.

South: Immediately south of the subject site is the Linton Boulevard ROW. Further south is the residential PUD community known as Mizner Country Club. This community retains a FLU designation of AGR and a Zoning designation of PUD.

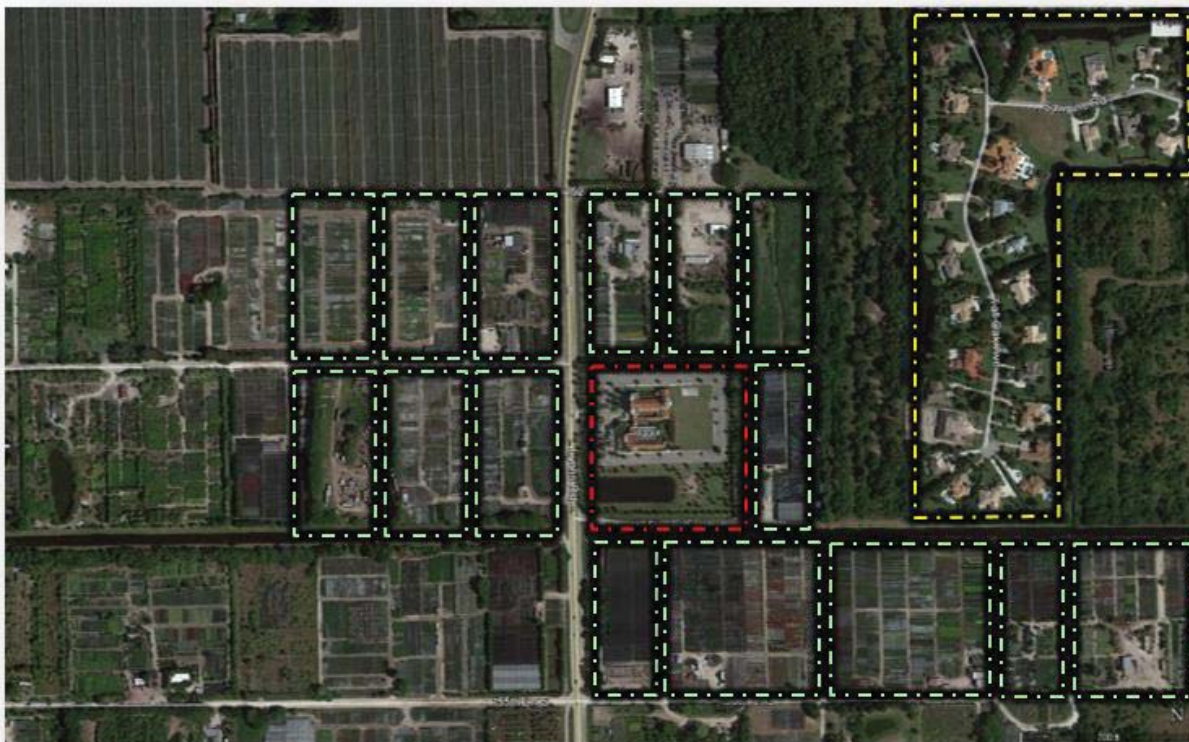
East: East of the subject site are agricultural nursery uses and low density residential. Both uses retain a FLU design and Zoning designation of AGR.

West: Immediately west of the subject site is the Lyons Road ROW. Just west of this road is an agricultural nursery, known as Landworks Depot, which retains a FLU designation and a Zoning designation of AGR.

Compatibility

The proposed CLF use is compatible with the surrounding uses and is complimentary to the existing development pattern along the Lyons Road corridor. As demonstrated in the data and figures provided earlier in this report, the Lyons Road corridor is concentrated with development on both the east and west sides, from Boynton Beach Boulevard south to Clint Moore Road, with a large population of residents aged 55 years and older. The CLF use addresses an existing need for this sector of PBC, by providing necessary services and housing options to the aging population. Both the CLR/AGR FLU designation and proposed Type 3 CLF use are compatible with the surrounding area, both immediately adjacent to the site and along the Lyons Road corridor. The development of a CLF at this location, under the CLR/AGR is not out of character with approved and constructed establishments along the same corridor (Lyons Road, from Atlantic Avenue to Clint Moore Road), of which many are surrounded by agricultural and nursery activity.

- St. Mary Coptic Orthodox Church (Control # 2005-00509): Approved for a Place of Worship.
- Delray Lakes Estates (Control # 1979-00031): Approved for residential.
- Both developments surrounded by agricultural and nursery type uses, as shown below.



St. Mary Coptic Orthodox Church

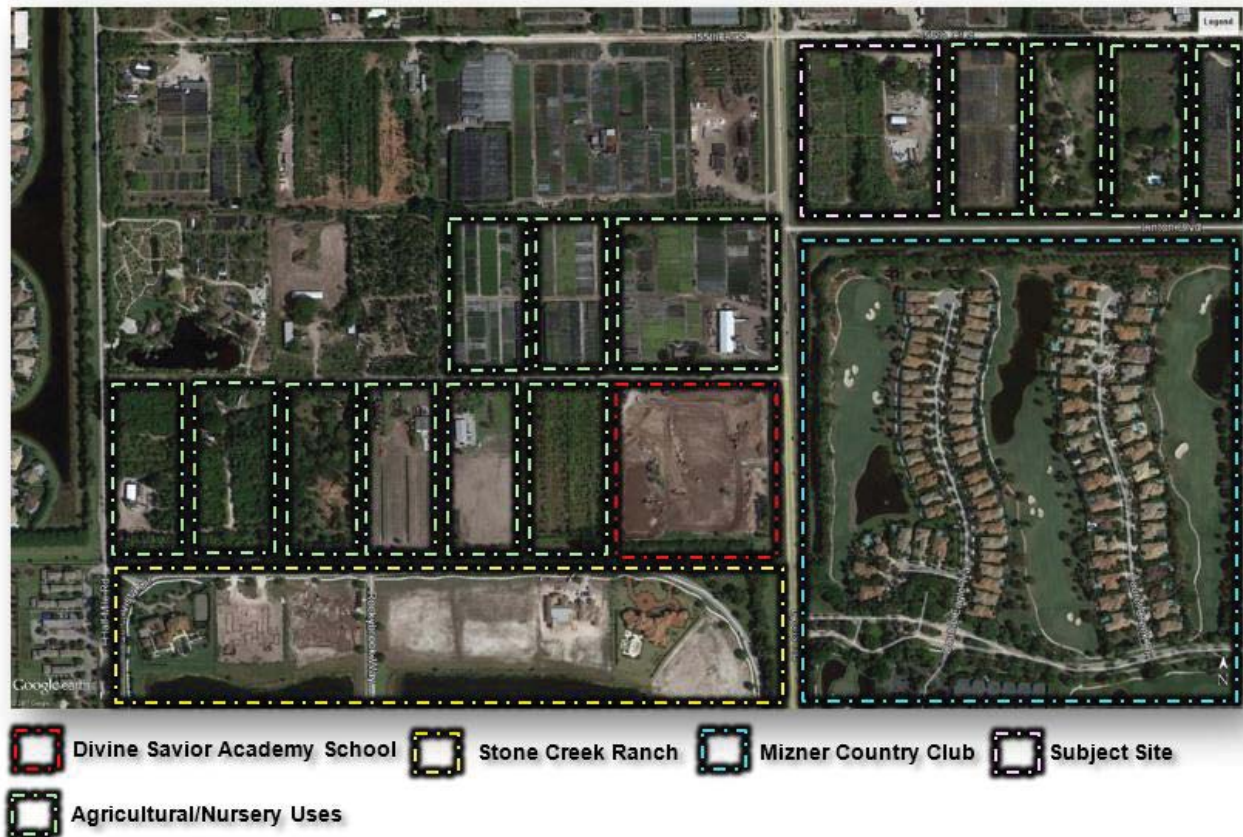


Delray Lakes Estates



Agricultural/Nursery Uses

- Divine Savior Academy School (Control # 2013-00168): Approved for a Place of Worship, Private School and Daycare.
- Stone Creek Ranch (Control #1999-00031): Approved for residential.
- Mizner Country Club (Control #1987-00007): Approved for residential.
- Surrounded by agricultural and nursery type uses, as shown below.



As demonstrated in the graphics above, both institutional and residential uses exist along the corridor, adjacent to agricultural and nursery type uses. The current development proposal is consistent and compatible with the development pattern already established in the vicinity and will not create any adverse impacts. The extent to which the uses transition from one to another are often mitigated by the use of property development regulations including setbacks, height limitations and landscape buffer requirements.

Project History

The subject site has no previous Comprehensive Plan Text Amendments or FLUA Amendments. Below is a zoning summary history of each parcel consisting of the subject site:

- **00-42-46-20-01-000-0810:** This parcel has a Control Number of 2012-00424 with a DRO approval for a Compositing Facility under Application Number PCN-2012-1942.
- **00-42-46-20-01-000-0820:** This parcel has no zoning summary history.

Justification for Future Land Use Atlas Amendment

The FLUA Amendment is to modify the FLU from AGR to CLR/AGR. A concurrent application has been submitted to amend the text of the PBC Comprehensive Plan.

Compliance with Comprehensive Plan FLUE Policy 2.1-F

The proposed FLUA Amendment must be found to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Future Land Use Element **Policy 2.1-f** requires that adequate justification for the proposed FLU be provided. The proposed FLUA Amendment to modify the FLU from AGR to CLR/AGR is in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

1. The proposed use is suitable and appropriate for the subject site; and

The request does not include the removal of the parcel from the AGR Tier, thus, promoting a compatible mix of land uses that does not compromise the integrity of the Tier. The property development regulations contained in the ULDC will require the project to meet buffering and setback requirements to ensure compatibility between the proposed uses and the existing and future residential uses nearby.

2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:

- **Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;**

Overtime, the AGR Tier has seen a shift in development patterns; from what was once primarily agricultural production and farmlands, to residential developments with nearby commercial uses. This is a result of numerous residential PUD's that have been approved and constructed on both the east and west sides of Lyons Road. Additional development approvals have also been granted that are yet to commence construction consisting of commercial development, specifically located at the intersection of Atlantic Avenue and Lyons Road.

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

As has been discussed throughout this Justification Statement, development within the Tier has changed drastically over the last several decades. This is a result of development pressures pushing westward. In addition to the development of residential uses within the Tier, the area has also seen an increase in non-residential and institutional uses, with schools, churches and commercial uses receiving approval and providing necessary services to residents of the Tier. The Lyons Road location is an ideal area in which to approve a CLR/AGR FLU designation, as the proposed use is consistent with surrounding development and continues the development pattern that is occurring along the roadway. The CLR/AGR FLU designation will allow for the development of a CLF use at a density of eight dwelling units per acre, only if developed as a CLF. This allowance will promote the development of a CLF within the AGR Tier, while maintaining the density restrictions for traditional residential uses. The use it is not out of character and it diversifies housing options within the area.

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

The influx of residential PUD within the AGR Tier has resulted in not only an increased population base for the Tier, but one which includes a large senior citizen base. This, combined with the increase in non-residential uses within the Tier, supports the CLR/AGR FLU designation and subsequent development of a CLF.

- **Inappropriateness of the adopted FLU designation; or,**

The proposed request does not propose the removal of the subject site from the AGR Tier, nor does it remove the AGR FLU designation; rather it provides for an overlaying CLR designation. The CLR designation offers a mechanism for a CLF to be developed in such a manner that will serve the needs within the community in an effective manner, without impacting the existing density pattern within the Tier. It is important to maintain the balance between community services and agricultural production within this Tier. The amendment of the FLU to CLR/AGR is needed in order to address and subsequently rectify the existing AGR FLU, which is no longer appropriate. The inappropriateness of the existing AGR FLU is a result of a shift in the development patterns within the Tier since the time of initial adoption. While AGR FLU designations are appropriate in other areas within the Tier, the subject site location along Lyons

Road represents a logical opportunity to assign FLU designations of compatible density to support the surrounding community.

- **Whether the adopted FLU designation was assigned in error.**

The adopted AGR FLU designation was not assigned in error.

Compliance with Florida Statutes Chapter 163.3177

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1) (f) states, “all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue.”

The data and analysis presented in this application and justification statement support the request for amendment of the FLUA and demonstrate consistency with the Florida Statutes.

163.3177 – 6.a. Requires that a local government’s future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The proposed amendment is consistent with the character of the surrounding and future uses of the AGR Tier and is demonstrated in this Justification Statement. Overtime, the change in development within the Tier has necessitated amendments to the original FLU designations, in order to support the growing populations and needs of the Tier. The inappropriateness of the existing AGR FLU is the result in the unanticipated development of the Tier throughout the last several decades. While agricultural uses and farmland still represents appropriate uses for the Tier, the small size of the site and location along the east side of Lyons Road, does not represent a suitable location for agricultural activities.

Consistency with Directives, Goals, Objectives, and Policies of the PBC Comprehensive Plan

The Future Land Use Element (FLUE) of the Comprehensive Plan establishes the framework for future development within Unincorporated Palm Beach County and includes Goals, Objectives and Policies which guide this future growth. Section I.C of the FLU Element also establishes County Directions which reflect the type of community residents wish to see within Palm Beach County. The Directions particularly relevant to this application include:

- **Livable Communities;**
- **Growth Management;**
- **Infill Development;**
- **Land Use Compatibility;**
- **Neighborhood Integrity; and**
- **Housing Opportunity.**

The following analysis demonstrates the proposal’s consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report.

Consistency with the PBC Future Land Use Element

Goals – The proposed FLUA Amendment furthers the County’s goals as further described below.

- **Land Planning** – “It is the GOAL of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.”

Response: The assignment of the land with a FLU of CLR/AGR and subsequent development of a CLF addresses a need for a diversity of housing and level of care options for the aging population of the AGR Tier and immediate area.

Objectives – The proposed FLUA Amendment furthers the County’s objectives as further described below.

- **Objective 1.5 The Agricultural Reserve Tier**

General: “The Agricultural Reserve area is a portion of the County that encompasses unique farmland and wetlands. Based on policy direction adopted by the Board of County Commissioners in 1995, it is to be preserved primarily for agriculture. To preserve the area for agricultural use, several programs are offered, including unique development options targeted to achieve the goal of farmland protection and agricultural perpetuation. It is through this combination of public action and private development that a viable program for the protection of farmlands and the perpetuation of agriculture will occur.”

Response: This request is consistent with this Object as the Institutional land use is allowed in the Agricultural Reserve Tier.

Objective: “Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within in it.”

Response: The proposed amendment to the FLUA to assign the subject site a FLU designation of CLR/AGR does not create a conflict with this objective. To the contrary, the designation of this site with the CLR/AGR FLU allows for the development of a CLF at an appropriate location, along a major roadway that is already established as a corridor for development within the Tier. By concentrating development along an already established roadway, larger tracts of land in more appropriate areas can be preserved for farmlands and agricultural activities.

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

Response: The proposed FLUA Amendment furthers this objective, by promoting balanced growth and providing a diversity of housing choices and level of care options for residents of the AGR Tier and locating development along established corridors. The population data provided in this Justification Statement supports the conclusion that the development of a CLF addresses an underserved use within the Tier.

- **Objective 2.2 Future Land Use Provisions – General** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provision of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

Response: The proposed FLUA Amendment is consistent with the County’s diverse character and future land use designations as the proposed use will offer needed services to the area that are currently under represented. Furthermore, as demonstrated within this section, the proposed amendment is consistent with the applicable Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan.

- **Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

Response: The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area. Furthermore, the proposed use will provide additional services to the community to help protect the health, safety and welfare of its residents.

Policies – The proposed FLUA Amendment furthers the County’s policies as further described below.

- **Policy 1.5-r:** “Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7. Institutional related uses, including but not limited to, churches and social service facilities shall be allowed within the AGR Zoning District as a part of the continuation of the Tier.”

Response: The proposed FLUA Amendment is consistent with this policy, as the proposed use is permitted in an AGR MUPD and is proposed to be located east of State Road 7. The Policy is clear that other institutional uses, not just limited to churches and social services, are permitted.

- **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.”

Response: The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the

area, allowing land within the Tier more appropriate for agricultural activities to be preserved.

- **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.”

Response: The proposed FLUA Amendment would allow for an CLR/AGR FLU designation along the Lyons Road corridor, and will provide needed services to existing and future residents in the vicinity. This helps to balance the needs created by the development of AGR PUD’s in this area of the County and the associated increase in population – more specifically the senior citizen population.

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

Response: The subject site is surrounded by existing residential developments, as well as being located at the northeast corner of Lyons Road and Linton Boulevard. As such, the proposed amendment does not encourage piecemeal development, nor does it create residual parcels. To the contrary, the CLF is proposed at a suitable location and of a compatible density.

- **Policy 2.2.2-8: Institutional and Public Facilities.**

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.”

Response: The proposed FLUA Amendment request is consistent with this policy as the use proposed will be compatible with the purpose of the Agricultural Reserve Tier as the proposed AGR MUPD is consistent with the proposed CLR/AGR Future Land Use.

Conclusion

The data presented in this Justification Statement, supports the request to amend the PBC FLUE to allow for a CLF within the AGR Tier of PBC, and for such use to develop at an eight dwelling unit per acre density. The continued expansion of residential and non-residential uses within the Tier create a need for a diversity of housing and level of care choices for senior citizens. The requested FLUA Amendment from AGR to CLR/AGR on the subject site is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

On behalf of the Applicant, WGI, respectfully requests approval of these requests for Comprehensive Text Amendment and to amend the FLUA designation on the subject site.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Retail Nursery (ITE 817) Rate: 108.1	Assisted Living Facility (ITE 254) Rate: 2.66
Maximum Trip Generation	1,052	742
Net Daily Trips:	<u>310</u> (maximum minus current) <u>310</u> (proposed minus current)	
Net PH Trips:	12 AM, 17 PM (maximum) 12 AM, 17 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Dr. Juan F. Ortega, PE – JFO Group, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route Name: DLB X-TWN via ATLANTIC Route Number: 81	
Nearest Palm Tran Stop	Stop Name: ORIOLE PLZ @ RODS REST SVC RD Stop Number: 6409 Distance: Approximately 2.3 miles	
Nearest Tri Rail Connection	Route 81 / Delray Beach Station	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	PBCWUD	
Nearest Water & Wastewater Facility, type/size	The nearest potable water and wastewater lines are located in Lyons Road, adjacent to the property. The property is located in PBC Mandatory Reclaimed Water Service Area.	

D. Drainage Information

The existing agricultural lots have no formal drainage system. The proposed development will drain by a series of interconnected inlets and culverts to the proposed on-site dry detention pond. Water quality and quantity criteria will be met in the proposed dry detention pond and exfiltration trench prior to discharging via control structure through a piped connection directly into the roadside swale along the north side of Linton Blvd, the point of legal positive outfall. Historical drainage of the adjacent properties will be unaffected. Drainage Statement as **Application Attachment J**.

E. Fire Rescue

Nearest Station	PBC Fire-Rescue Station #42 (14276 Hagen Ranch Road, Delray Beach, FL 33446)
Distance to Site	The subject property is approximately 3.50 miles from the station.
Response Time	The estimated response time to the subject property is 9 minutes and 30 seconds. For fiscal year 2016, the average response time (call received to on scene) for this stations zone is 7:12.
Effect on Resp. Time	Changing the land use will increase the call volume to this area by approximately 173 call a year, and there will be an extended response time to this property of approximately 9 minutes and 30 seconds. There are plans in the Fire Rescue Capital Improvement Plan for a new station in this area that could potentially help lower the response time to this location. Application Attachment K .

F. Environmental

Significant habitats or species	No significant habitat occurs on the assessed parcel. No state or federal listed plant or animal species were located within the assessment area. Application Attachment L .
Flood Zone*	X500
Wellfield Zone*	The subject site is not located within a wellfield protection zone. Application Attachment M .

G. Historic Resources

Staff's review has identified no historic or architecturally significant resources on or within 500 feet of the subject property. In addition, no known archaeological resources located on or within 500 feet of the subject property have been identified. **Application Attachment N**.

H. Parks and Recreation

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	West Delray Regional Park	0.00339	+186	0.63
Beach	Gulfstream Park	0.00035	+186	0.06
District	Caloosa Park	0.00138	+186	0.25

I. Libraries			
Library Name	Hagen Ranch Road Branch		
Address	14350 Hagen Ranch Road		
City, State, Zip	Delray Beach, FL 33446		
Distance	Approximately 3.00 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+186	372
Periodicals	5 subscriptions per 1,000 persons	+186	0.93
Info Technology	\$1.00 per person	+186	\$186.00
Professional staff	1 FTE per 7,500 persons	+186	0.02
All other staff	3.35 FTE per professional librarian	+186	0.005
Library facilities	0.34 sf per person	+186	63.24 SF
J. Public Schools			
	Elementary	Middle	High
Name	Morikami Park	Omni	Spanish River Community
Address	6201 Morikami Park Rd	5775 Jog Road	5100 Jog Road
City, State, Zip	Delray Beach, FL 33484	Boca Raton, FL 33496	Boca Raton, FL 33496
Distance	Approx. 5 miles	Approx. 5.50 miles	Approx. 6 miles

Exhibit 5 Traffic Division Letter



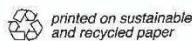
**Department of Engineering
and Public Works**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor
Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator
Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



November 7, 2018

Dr. Juan F. Ortega, P.E.
JFO Group, Inc.
11924 Forest Hill Boulevard, Suite 10A-123
Wellington, FL 33414

**RE: Jacob's Pond
FLUA Amendment Policy 3.5-d Review
Round 2019-B**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Impact Analysis for the proposed Future Land Use Amendment for the above referenced project, dated October 05, 2018, 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:	NE Corner of Linton Boulevard and Lyons Road	
PCN:	00-42-46-20-01-000-0820/-0810	
Acres:	+/- 9.73 acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Residential (AGR)	Congregate Living Residential (CLR)/Agricultural Residential (AGR)
Zoning:	Agricultural Reserve (AR)	TBD
Density/ Intensity:	0.15 FAR	12 du/ac
Maximum Potential:	Nursery (Garden Center) = 9.73 acres	Assisted Living Facility = 279 Beds
Proposed Potential:	N/A	N/A
Net Daily Trips:	-310 (maximum – current)	
Net PH Trips:	39 (25/14) AM, 61 (27/34) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities in the zoning application.</i>		



Dr. Juan F. Ortega, P.E.
November 7, 2018
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 density shown above.

Please contact me at 561-684-4030 or email to QBari@pbcgov.org with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Quazi Bari".

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

QB:DS/dd

cc: Dominique Simeus – 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
N:\TRAFFIC\Development Review\Comp Plan\19-B\Jacob's Pond.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) 493-6113
www.pbcwater.com



**Palm Beach County
Board of County
Commissioners**

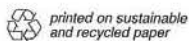
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Mary Lou Berger
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



January 17, 2017

WGI
2035 Vista Parkway
West Palm Beach, FL 33411
Attn: Ms. Courtney O'Neill

RE: 10 Acres on NE corner of Lyons Road and Linton Blvd
Future Land Use Amendment
PCN: 00-42-46-20-01-000-0810, -0820

Dear Ms. O'Neill,

This is to confirm that Palm Beach County Water Utilities Department (PBCWUD) is the potable water, wastewater and reclaimed water service provider for the referenced property.

PBCWUD is able to maintain the current level of service standards and will be able to meet the utility needs at the increased intensity of the propose amendment, based on the current FLU Designation of Agricultural Reserve (AGR) and proposed FLU Designation of "Institutional and Public Facilities" (INST), with a maximum development potential of 148,344 square feet of hospital uses.

The nearest potable water and wastewater lines are located in Lyons Road, adjacent to the property. Please note that the property is located in PBC Mandatory Reclaimed Water Service Area.

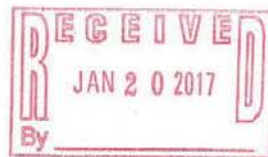
If you have any questions, please call me at (561)493-6122.

Sincerely,

A handwritten signature in blue ink that reads "Adam Galicki".

Adam Galicki
Manager of Technical Services

AG/mb



FORM # 08


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

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

- Disclosure of Beneficial Interest - Applicant form
Page 1 of 4

Revised 08/25/2011
Web Format 2011

FURTHER AFFIANT SAYETH NAUGHT.

ma 
Lyons Road Senior Real Estate, LLC By: Lyons Road Senior Investors, LLC, its Manager
Larry D. Silver, President and CEO, Affiant By: Silver Capital Advisors, Inc., its Manager

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 21st day of December, 2016, by Larry D. Silver, President & CEO of Lyons Senior Real Estate, [☒] who is personally known to me or [☐] who has produced _____ as identification and who did take an oath.




Notary Public


(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 5/27/18

EXHIBIT "A"
PROPERTY

Parcel 1:

TRACT 81, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

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BEARINGS ARE BASED ON THE WEST LINE OF BLOCK 20 HAVING AN ASSUMED BEARING OF NORTH 01 DEGREES 52 MINUTES 21 SECONDS WEST.

Parcel 2:

TRACT 82, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGE 26, LYING WITHIN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST.

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
Cindy D Jacob _____, 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 ☒ _____ Co-Trustee _____ [position - e.g.,
president, partner, trustee] of _____ Jacob Trust _____ [name and type of
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.
2. Affiant's address is: 21167 Sweetwater Lane North
Boca Raton, FL 33428

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.

Cindy D. Jacob
Cindy D. Jacob, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1st day of March, 2017, by Cindy D. Jacob, [] who is personally known to me or [x] who has produced a FL driver's license as identification and who did take an oath.



Michele Ethridge
Notary Public

Michele Ethridge
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires May 27, 2018

EXHIBIT "A"**PROPERTY**

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STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Cynthia Dudwick, 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 ☒ Co-Trustee *[position - e.g.,
president, partner, trustee]* of Jacob Trust *[name and type of
entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
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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.

Cynthia D
Cynthia Dudwick, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1st day of March, 2017, by Cynthia Dudwick, [] who is personally known to me or [x] who has produced a FL driver's license as identification and who did take an oath.

Michele Ethridge
Notary Public



Michele Ethridge
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: May 27, 2018

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STATE OF FLORIDA
COUNTY OF PALM BEACH

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Greg E Jacob, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

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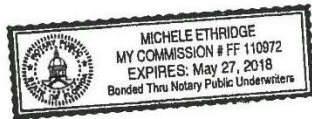
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.




Greg E. Jacob, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1st day of March, 2017, by Greg E. Jacob, [] who is personally known to me or [x] who has produced a FL driver's license as identification and who did take an oath.





Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

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FURTHER AFFIANT SAYETH NAUGHT.




Greg Jacob, Affiant
(Print Affiant Name)

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Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

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Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce new housing opportunities in the Ag Reserve.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
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	The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
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	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The amendment will not impact adjacent agricultural areas.	No
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. The ULDC provides for regulations that are intended to allow for continuation of agriculture and implement the provisions in the Plan for the Tier.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater will be available.	No
Fails to maximize use of future public facilities and services.	The AGR Tier allows for a mix of urban and rural levels of service. Future development east of State Road 7 would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No
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.	The site is within the AGR Tier, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

Exhibit 9

Prior Poet's Walk Amendment (2017) Hearing Summary

The prior amendment was presented at Planning Commission and Board of County Commissioners hearings as summarized below.

PLC Public Hearing. The Commission recommended denial, motion David Freudenberg, seconded by Kiley Harper-Larsen passed in a 6-5 vote (with Lori Vinikoor, Angella Vann, Michael Peragine, Edwin Ferguson, and Arthur Goldzweig dissenting) at the November 17, 2017 public hearing. The Planning Commission also made a separate motion to recommend that the County pursue a County Initiated amendment to consider Congregate Living Residential future land use in the Ag Reserve Tier. Board discussion centered on the need for congregate living facilities, the recently adopted Congregate Living Residential future land use designation, Ag Reserve preserve requirements, and broader policy implications. There was no public comment.

BCC Transmittal Public Hearing #1: At the first transmittal hearing for the Clint Moore CLF and Poet's Walk applications on January 31, 2018, the Board directed staff to prepare options for a County Initiated amendment for CLFs in the Tier and return to the Board with options. Both amendments were postponed by the BCC at the request of the applicants.

BCC Zoning Meeting: Staff returned to the Board with options to consider for CLFs in the Ag Reserve Tier on March 22, 2018 (see backup as Exhibit 10). Upon discussion the Board directed that the two applications be addressed at the May 2nd transmittal hearing independently.

BCC Transmittal Public Hearing #2: The BCC transmitted the amendment by substitute motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 4 to 3 vote (with Comm. Burdick, Comm. Bernard, and Comm. Berger dissenting) at the May 2, 2018 public hearing. The Clint Moore CLF amendment withdrew at the hearing. An initial motion for denial was made by Comm. Burdick, seconded by Comm. Bernard. Board discussion included comments regarding the need for CLF provisions in the Tier to be discussed further with regards to public benefits and the importance of preserve area requirements, and that transmittal would allow more time for the applicant to work with residents and staff and for this concept to be discussed further. Four members of the public spoke in opposition citing that the proposed use was out of character with the Ag Reserve Tier, and did not support the Tier since it did not provide a preserve area. One member of the public spoke in support of CLFs in the Ag Reserve.

Changes Subsequent to Transmittal: Following the Transmittal of the amendment, the applicant continued to work on the proposed text amendment to address some of the comments made by the BCC & the public on the general topic of CLFs in Ag Reserve, and the recommendations made by staff on March 22nd & May 2nd. The applicant has revised the proposed text amendment and provided additional supporting justification. The revisions and justification are summarized on the table on the following page. These changes propose to allow CLFs in the Ag Reserve and recognize that this use is a hybrid between commercial and residential, therefore limiting their location to within 1 mile of each of the commercial nodes and applying modified open space requirements. These changes match the staff recommendation for CLFs in the Tier with the exception of 60% off site preserve.

BCC Adoption Public Hearing: The BCC postponed the amendment at the request of the applicant, motion by Comm. Burdick, seconded by Comm. Kerner, passed in a 7 to 0 vote at the July 23, 2018 public hearing. There was minimal discussion and no public comment.

Withdrawal Following Postponement: Subsequent to the adoption hearing, the applicant and the contract purchaser could not reach an agreement on proceeding with the applicant, the postponement fee was not paid, and the application was administratively withdrawn.

Exhibit 10

March 22nd BCC Memo Regarding CLFs in Ag Reserve



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

**Palm Beach County
Board of County
Commissioners**

Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor

Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator

Verdenia C. Baker

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MEMORANDUM

TO: The Honorable Melissa McKinlay, Mayor
and Members of the Board of County Commissioners

FROM: Lorenzo Aghemo, Planning Director *Lorenzo Aghemo*

DATE: Monday, March 5, 2018

RE: **March 22nd BCC Zoning Hearing - Congregate Living Facilities in the Ag Reserve Tier Discussion**

The item before the Board is to consider allowing congregate living facilities (CLF) and use of the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier through text amendments to the Comprehensive Plan.

On January 31, 2018, under discussion for postponements for two privately proposed text and future land use amendments to the Comprehensive Plan, the Board directed staff to evaluate whether to allow CLFs in the Agricultural Reserve. The proposed amendment were to allow the CLR designation in the Tier called Poet's Walk and Clint Moore Allegro. The Board identified policies to discuss including location, size, number of beds per acre, and preserve requirements in the Comprehensive Plan. Staff indicated that preliminary information would be presented to the Board for direction at the March 22nd BCC Zoning Hearing. If initiated by the Board, staff would proceed with the preparation of text amendments for public hearings in Amendment Round 18-C for an Planning Commission public hearing on April 13th and BCC Transmittal hearing on May 2nd.

Currently the Comprehensive Plan allows residential development in the Agricultural Reserve Tier at a maximum of 1 unit per acre for Agricultural Reserve Planned Unit Developments (AGR-PUDs) that cluster the residential units onto a development area while preserving the remaining land. The AGR-PUDs require either a 60/40 or 80/20 ratio of preserve area to development area. The applications for the two privately proposed text amendment, Poet's Walk and Clint Moore Allegro, have requested to allow the new Congregate Living Residential (CLR) future land use designation in the Tier for the purposes of developing two new congregate living facilities. The applications are requesting to utilize the Multiple Use Planned Development (MUPD) zoning with no preserve area and up to 8 units per acre.

This memo serves to provide an overview of the residential development opportunities in the Tier, along with options for Board consideration. Staff will present the item for discussion under Planning Director's Comments at the March 22, 2018 BCC Zoning Hearing.

Options for Consideration

The following outlines three potential policy options for Board consideration and discussion on March 22nd.



BCC Options:

1. Make no changes related to CLFs in the Agricultural Reserve Tier.

Discussion Points. This option would require the two privately proposed text amendments to include additional land area in order to achieve density for requested beds and a minimum 60% preserve area, and require these projects to become part of an existing or new AGR-PUD to meet the minimum 250 acres required.

- Poet's Walk, for 186 beds would require 74 total acres with 45 acre preserve
- Clint Moore Allegro, for 244 beds would require 98 total acres with 59 acre preserve

2. Consider private text amendments on a case by case basis, thereby considering the Poet's Walk and Clint Moore Allegro applications individually on May 2nd.

Discussion Points. This option would result in each of the private text and future land use amendments to be considered individually at the May 2nd BCC Comprehensive Plan Transmittal Public Hearing.

3. Initiate a text amendment to the Comprehensive Plan to allow new CLFs in the Tier subject to specific criteria.

Discussion Points. This option would require Board direction on each one of the policy consideration discussed in Exhibit 1, including preserve area, density, location, acreage, future land use, zoning, floor area ratio, and open space. Allowing a diversity of housing in the Tier was supported by the consultants developing the Agricultural Reserve Master Plan, and supported by the Board, through the establishment of two mixed use centers. The emphasis for a mix of housing types and inclusion of institutional and civic uses was placed upon these centers as Traditional Marketplace Developments (TMDs) located at the intersections of Boynton Beach Boulevard and Lyons Road, and at Atlantic Avenue and Lyons Road. Subsequent to the completion of the Master Plan and adoption of implementing policies in the Comprehensive Plan, the Board of County Commissioners changed the approach for these locations to limit each intersection to only one TMD at each intersection. Each approval included a minimal amount of multi-family housing, none of which has been built through today. Allowing additional opportunities for CLF uses in the Tier would be consistent with the intent of the Master Plan.

If you have any questions, please feel free to contact me at (561) 233-5467 or Lisa Amara, Principal Planner at (561) 233-5334.

Attachments: *Policy Considerations for CLFs in the Ag Reserve Tier*

cc: Verdenia C. Baker, County Administrator
Patrick Rutter, PZB Executive Director
BCC Commissioner Aides
Patricia Behn, Deputy Planning Director
Lisa Amara, Principal Planner

Faye W. Johnson, Assistant County Administrator
Robert Banks, Chief Land Use County Attorney
Jon MacGillis, Zoning Director

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Exhibit 1 - Policy Considerations for Congregate Living Facilities in the Agricultural Reserve Tier

The following policies considerations are presented to the Board of County Commissioners for discussion on whether to revise the Comprehensive Plan standards for Congregate Living Facilities in the Agricultural Reserve Tier.

- **Preserve Area**

- **Alternative 1.** Require same 60% or 80% preserve as other residential developments by requiring approval as an AGR-PUD, or
- **Alternative 2.** Require same preserve as commercial development (no preserve less than 16 acres and require locations within the original planned 'mixed use centers' which are ¼ mile of Boynton Beach Boulevard and Lyons Road, and Atlantic Avenue and Lyons Road, or other roadways).
- **Discussion Points:** All residential development allowed in the Agricultural Reserve Tier at the maximum 1 unit per acre density is required to establish either a 60% or 80% preserve area. The purpose of this requirement is to foster the preservation in the Tier, one of the fundamental purposes of the Tier. In 2015, the Board allowed the consideration and processing of new commercial requests for sites located within ¼ mile of the two locations identified in the Master Plans as the mixed use centers intended to ensure a balanced mix of commercial, civic, and housing diversity. Considering the small size of the commercial requests, the Board did not require the commercial parcels less than 16 acres to provide a preserve area requirement.
- **Staff Recommendation:** Since a congregate living facility is a residential, not a commercial use, the use of the same preserve requirements as all other residential uses is warranted and appropriate.

- **Density**

- **Alternative 1.** Allow up to 5 units per acre for development area, or
- **Alternative 2.** Allow up to 8 units per acre for development area.
- **Discussion Points.** Over the past 20 years the density requested for congregate living facilities inside the Urban Suburban Tier has been increasing from 5, to 8, to 12, and up to 15 units per acre. The new Congregate Living Residential designation in the Urban Suburban Tier allows up to 12 units per acre. The two private applications in the Ag Reserve Tier are requesting 8 units per acre.
- **Staff Recommendation.** If a preserve area is required, it is appropriate to establish a density of 8 units per acre since the higher density can be offset by the provision of the preserve to support the goals, objectives, and policies of the Tier. However, if there is no preserve area requirement, the maximum density should be limited to 5 dwelling units per acre.

- **Location Requirements**

- **Alternative 1.** Require same location requirements as 60/40 residential developments by requiring approval as an AGR-PUD, including prohibiting west of SR7, or
- **Alternative 2.** Require same location requirements as commercial development limit to clustering within ¼ mile of Boynton Beach Boulevard and Lyons or Atlantic Avenue and Lyons Road, or adjacent to a pre-existing commercial property.

- **Discussion Points:** During the preparation of the Master Plan, and with the implementing policies in the Comprehensive Plan and ULDC, great consideration was made regarding the appropriate locations for AGR-PUDs in the Tier. For commercial and mixed uses, the County has consistently focused more intense uses in the Tier within the two locations identified in the Master Plan as the mixed use centers intended to ensure a balanced mix of commercial, civic, and housing diversity, and along Boynton Beach Boulevard and Atlantic Avenues. Additional factors such as adjacency to certain land uses can be included in the policy requirements or be considered during the compatibility analysis during the future land use or zoning approval processes.
- **Staff Recommendation:** Since congregate living facilities are a residential use, requiring the use to be with the same location requirements as an AGR-PUD is warranted and appropriate. However, since these facilities would be on smaller tracts of land and represent an increase in density greater than a typical AGR-PUD, additional location criteria to focus these uses on or close to Boynton Beach Boulevard and Atlantic Avenue is appropriate.
- **Acreage Requirements**
 - **Alternative 2.** Require a minimum acreage for development area, or
 - **Alternative 2.** Require a minimum acreage for total land area (with minimums for preserve area and for development area).
 - **Discussion Points.** Currently the Comprehensive Plan requires a minimum of 60% preserve area for AGR-PUDs and a minimum land area of 250 acres. The high minimum acreage has made it difficult for some of the remaining land available in the Tier to enter the planned development process, and would be far to high for a proposed congregate living facility.
 - **Staff Recommendation.** Reducing the minimum acreage for an AGR-PUD that is for the development of a CLF from 250 acres down to 20 acres would establish a minimum preserve area of 12 acres and minimum development area of 8 acres. These figures would ensure adequate land area for new CLFs while ensuring a minimum of preserve area is maintained.
- **Future Land Use**
 - **Alternative 1.** Allow proposed CLFs with an AGR future land use designation to achieve 8 units per acre within a pod of an AGR-PUD that meets the 250 minimum acre requirement, or
 - **Alternative 2.** Require proposed CLFs to apply for the CLR future land use designation.
 - **Discussion Points.** The future land use amendment process allows the Board to consider land use changes by legislative action. Requiring a future land use amendment would ensure that each request would be evaluated comprehensively. Allowing existing and new AGR-PUDs with AGR future land use to achieve up to 8 units per acre for the CLF portion of the project would allow CLFs to be incorporated into planned residential areas.
 - **Staff Recommendation.** The Board could allow one or both of the above alternatives. If the Board supports the CLR designation in the Tier for small sites, it is appropriate to also allow 8 units per acre on the CLF portions of existing and new AGR-PUDs that meet the 250 minimum acreage requirement without applying for a land use change.

- **Zoning District**

- **Alternative 1.** Require CLFs to utilize AGR-PUD (with reduce minimum acreage), or
- **Alternative 2.** Require CLFs to utilize AGR-MUPD.
- **Discussion Points.** All residential development allowed in the Agricultural Reserve Tier at the maximum 1 unit per acre density is required to be developed as either a 60/40 or 80/20 AGR-PUD. The regulations for the AGR-PUD have been carefully reviewed to ensure that the locations, buffering, and other factors ensure that the goals to protect and preserve agriculture are maintained. The regulations for an AGR-MUPD do not require the buffering and other development standards appropriate for residential uses existing within close proximity to agriculture.
- **Staff Recommendation.** Since a congregate living facility is a residential, not a commercial use, the use of the same AGR-PUD zoning requirements as all other residential uses is warranted and appropriate.

- **Floor Area Ratio**

- **Alternative 1.** Establish no maximum FAR as with other residential uses, or
- **Alternative 2.** Establish a maximum FAR of .35 (maximum for hospital with Institutional future land use), or
- **Alternative 3.** Establish a maximum FAR of .15 (maximum for schools and places of worship)
- **Discussion Points.** Residential uses are not subject to floor area ratio (FAR) since they are governed by maximum density.
- **Staff Recommendation.** If a maximum density of 5 or 8 units per acre is established (per other option) then no maximum FAR is necessary. However, the applicants for the two private text and future land use amendments have proposed a maximum FAR of .35 consistent with the hospital FAR for the Institutional and Public Facilities future land use designation. The Board could establish this figure to establish an additional limitation on the size of this use in the Tier.

- **Open Space**

- **Alternative 1.** Require same percentage as other residential planned developments (40%) by requiring approval as an AGR-PUD, or
- **Alternative 2.** Establish no minimum open space requirements as with commercial developments.
- **Discussion Points.** All residential development in the form of a planned development requires a minimum of 40% open space within the development area. A CLF is a residential use.
- **Staff Recommendation.** Since a congregate living facility is a residential, not a commercial use, the use of the same AGR-PUD zoning requirements (including minimum Open Space) as all other residential uses is warranted and appropriate.

Congregate Living Facilities in Ag Reserve Tier Alternatives

Policy	Alternative 1	Alternative 2	Staff Recommendation
Preserve	Same as AGR-PUD 60% or 80% Preserve	Same as Commercial None for sites less than 16 acres	Same as AGR-PUD since CLF is a residential use
Density	Up to 5 units per acre on Development Area	Up to 8 units per acre on Development Area	With Preserve, 8 units per acre Without Preserve 5 units per acre
Location	Same as 60/40 AGR-PUD East of SR 7 with frontage on SR 7, Atlantic Ave, Boynton Beach Blvd, Lyons Rd (north of Boynton Beach Blvd), Lyons Rd (south of Atlantic Ave), Acme Dairy Rd (south of Boynton Beach Blvd to L-28 Canal) & Clint Moore Road	Same as Commercial Within ¼ mile of the intersections of Boynton Beach Blvd / Lyons Rd and Atlantic Ave / Lyons Rd	Same as AGR-PUD since CLF is a residential use in order to apply. Consider compatibility and adjacent land uses as part of review and recommendation process after submittal.
Acreage	Establish a minimum acreage for Development Area	Establish a minimum acreage for Total Area (Development and Preserve)	20 acres Total Area with 8 acres Development Area and 12 acres Preserve Area
Future Land Use	AGR future land use only within AGR-PUDs that meet the 250 acre minimum	CLR future land use designation (requiring amendments)	Within AGR in an AGR-PUD meeting 250 acre minimum since CLF is a residential use, and as independent site with CLR future land use designation
Zoning	AGR-PUD to include buffering and other residential requirements	AGR-MUPD with no 50 foot buffer between residents and ag uses	Same as AGR-PUD since CLF is a residential use
Open Space	Same as AGR-PUD 40% within Development Area	Same as AGR-MUPD (or none)	Same as AGR-PUD since CLF is a residential use
Floor Area Ratio (FAR)	No maximum FAR since none required for residential uses	.35 FAR like a Hospital with INST future land use Alternative 3 – .15 FAR like a School with AGR future land use	Same as AGR-PUD since CLF is a residential use (No maximum FAR)

Exhibit 11
Correspondence
