FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT
AMENDMENT ROUND 18-D

BCC ADOPTION PUBLIC HEARING, JANUARY 24, 2019

A. Application Summary

I. General

Project Name: Villages of Windsor CLF (LGA 2018-024)
Request: LR-2 to CLR/2
Acres: 12.12 acres
Location: Southeast corner of Hypoluxo Road and Lyons Road
Project Manager: Scott Rodriguez, Senior Planner
Applicant: Civic Hypoluxo Holding LLC
Owner: Civic Hypoluxo Holding LLC
Agent: J Morton Planning & Landscape Architecture

Staff Recommendation: Staff recommends approval with condition based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

The amendment proposes to change the future land use (FLU) designation from Low Residential, 2 units per acre (LR-2) to Congregate Living Residential with an underlying 2 units per acre (CLR/2). The intent is to develop a Type 3 Congregate Living Facility with a maximum of 347 beds. This amendment would allow the CLF to be developed as an alternative to civic uses. The underlying residential designation of LR-2 would remain in order to allow uses allowed within the current designation as an alternative to the proposed CLF. The site is currently approved as a civic pod of the Villages of Windsor PUD.

The subject site is located in a suburban area of the County located within the West Boynton Community Area Plan and the Coalition of Boynton West Residential Associations (COBWRA). The site is located at an intersection with two approved commercial sites to the north, and a built congregate living facility to the west. The surrounding area is predominately planned residential developments with a variety of housing types.

The proposed amendment will offer increased opportunities for independent and assisted living in the area. The request is compatible with the surrounding land uses and in character with the overall residential uses and densities in the vicinity. This amendment request is consistent with all applicable policies in the Comprehensive Plan including all level of service standards.
III. Hearing History

**Local Planning Agency: Approval with Condition**, motion by Barbara Roth, seconded by Dr. Lori Vinikoor, passed in a 10-0 vote at the June 29th public hearing. The Board asked staff to clarify the purpose of proposed condition. The condition will ensure congregate living facility beds and density cannot be double counted as density for the remainder of the Planned Development. A representative from COBWRA spoke in support.

**Board of County Commissioners Transmittal Public Hearing:** Transmit, motion by Comm. Kerner, seconded by Comm. Berger, passed in a 7 to 0 vote at the July 23rd public hearing. There was minimal Board discussion. A representative from COBWRA spoke in support of the amendment, and a member of the public spoke regarding drainage and access.

**State Review Comments:** The State Land Planning Agency issued a letter dated August 31, 2018 stating the Agency "identified no comment related to important state resources and facilities within the Department's authorized scope of review that would be adversely impacted by the amendment if adopted." There were no other state agency comments received regarding this amendment.

**Board of County Commissioners Adoption Public Hearing:**
### B. Petition Summary

#### I. General Data

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#### II. Site Data

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<th><strong>Current Future Land Use</strong></th>
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<td><strong>Current FLU:</strong></td>
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<td><strong>Overlay/Study:</strong></td>
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<td><strong>Comm. District:</strong></td>
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C. Introduction

I. Intent of the Amendment

The amendment proposes to change the future land use designation (FLU) on a 12.12-acre site from Low Residential, 2 units per acre (LR-2) to Congregate Living Residential with an underlying 2 units per acre (CLR/2). The intent is to develop a Congregate Living Facility Type 3.

The number of residents (beds) for a CLF Type 3 is calculated by multiplying the acreage of the site by the residential density allowed by the future land use designation, and then by 2.39 persons per unit (the standard persons per household total) to determine the number of residents allowed. The current LR-2 designation would allow up to 24 residential dwelling units or up to 57 CLF beds (24 x 2.39). The proposed CLR designation allows up to 12 units per acre for the purposes of calculating CLF beds for a total of 347 beds (12.12 acres x 12 du/acre x 2.39), thereby increasing the allowable beds by 290.

The subject site is located within the Villages of Windsor Planned Unit Development (PUD) (Control Number 1996-0081) as one of two civic pods. The PUD has a gross total of 587.31 acres with 564.81 acres of LR-2 and 22.50 acres of High Residential, 8 units per acre (HR-8). The County adopted a future land use amendment LR-2 to HR-8 acre for the 22.5 acre portion of the PUD (located immediately west of the site) in 2011 for a 410 bed congregate living facility and 100 bed nursing home. The current future land use residential development potential for the PUD is currently a total of 1,130 dwelling units on the 564.81 acre LR-2 portion and 430 congregate living facility beds on the 22.20 acre HR-8 portion. The residential portion of the PUD is approved and built with 1,087 dwelling units. The development potential for the remainder of the PUD would be reduced by this amendment from 1,130 dwelling units to 1,105 dwelling units since density for the subject site and the CLF to the west cannot be double counted for both CLF beds and density.

The subject site is currently approved as a civic pod with a 250 child daycare and 350-student private school since 2010 (R-2010-1170). The associated zoning application (ABN/DOA/CA-2018-0964) is requesting to abandon these uses and obtain approval for the 347 bed Congregate Living Facility (CLF). The proposed CLF will remain a private PUD civic pod of the PUD.

II. Background/History

The 12.12-acre site is currently vacant and located on the southeast corner of Hypoluxo Road and Lyons Road within the Urban/Suburban Tier. The subject site has not been a topic of a previous Future Land Use Atlas (FLUA) amendment.

Overview of the Area

The subject site is located within the boundaries of the West Boynton Area Community Plan (WBACP) which is included in the Coalition of Boynton West Residential Associations (COBWRA). The site is located at an intersection with two approved commercial sites to the north, and a built CLF to the west. The built CLF is part of the Villages of Windsor PUD. In 2010, a FLUA Amendment was adopted (Villages of Windsor Institutional; Ordinance 2010-029) changing the FLU from LR-2 to HR-8 with a condition limiting the development to a CLF. The surrounding area is predominately planned residential developments with a variety of housing types.
D. Consistency and Compatibility

I. Data and Analysis Summary

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

A. Consistency with the Comprehensive Plan - General

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

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

   Applicant’s Justification: The applicant has prepared a Justification Statement (Exhibit 2) which can be summarized as follows:
   • The subject site is in a suitable location to provide additional housing and long-term care opportunities for the aging population and would contribute to lower traffic impacts to the intersection;
   • A combination of proposed mixed-use developments, increased residential housing, and approval of the Villages of Windsor PUD within the area, have changed the circumstances affecting the subject site; and,
   • The proposed future land use amendment and use represents an appropriate and efficient use of land that is compatible with the surrounding uses.

   Staff Analysis: This policy is the umbrella policy over the entire amendment analysis and many of the items are addressed elsewhere in this report as identified above.

   This site is located within the Villages of Windsor PUD that has a predominately future land use designation of LR-2, and is currently approved for a 250 child day care and 350 student private school. The LR-2 residential potential on the subject site would allow 2 units per acre (24 dwelling units or up to 57 CLF beds) the proposed CLR designation would allow up to 12 units per acre (347 beds) solely for the development of a congregate living facility.

   The subject site is located in an area with predominately residential communities and a range of housing types from Single Family to Zero Lot Line. The proposed amendment will add opportunities for independent and assisted living housing within the PUD. The amendment is compatible with the area, and would represent a more efficient use of land. Therefore, the applicant has met the requirements for an adequate justification.

2. County Directions – FLUE Policy 2.1-q: 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 would contribute toward livable, sustainable communities, by expanding the housing opportunities available in the area. The development of a congregate living facility will provide increased opportunities for housing with the ability for health care on site. In this respect, the proposed amendment furthers the Livable Communities, Growth Management and Land Use Compatibility Directions and would not detract from any of the County directions. Thus, this proposed amendment is consistent with the County Directions.

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

**Staff Analysis:** The definition of piecemeal development in the Comprehensive Plan describes "A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole." The subject site is part of an approved PUD and there is no other parcel in the same ownership that is left out of this proposed amendment. Therefore, the proposed amendment is not piecemeal development according to the definition.

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

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that "Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers….." The property is located in the Urban/Suburban Tier. The Comprehensive Plan contains several policies addressing future land uses in the Urban/Suburban Tier.

1. **Policy 1.2-a:** Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:
   1. Allowing services and facilities consistent with the needs of urban and suburban development;
   2. Providing for affordable housing and employment opportunities;
   3. Providing for open space and recreational opportunities;
   4. Protecting historic, and cultural resources;
   5. Preserving and enhancing natural resources and environmental systems; and,
   6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.

**Staff Analysis:** The subject site is located within the Urban/ Suburban Tier and part of the approved and mostly developed Villages of Windsor PUD. Generally, the character of the area will not be adversely impacted with the proposed amendment and development of the Type 3 CLF and is consistent with the intent of this policy.

2. **Policy 2.2.1-l: Congregate Living Residential.** The purpose of the Congregate Living Residential (CLR) future land use designation is to facilitate the review of proposed Congregate Living Facilities (CLF) Type 3 that require a future land use amendment to increase residential density. The CLR designation is subject to the following:
1. Proposed future land use amendments requesting an increase in density for the purposes of developing a CLF Type 3 shall apply for the CLR designation unless the site is proposed within a project that has multiple or mixed land uses. Amendments requesting to be co-located non-residential uses may apply for a non-residential future land use designation with an underlying CLR and be subject to the location requirements of the non-residential designation.

2. Proposed future land use amendments to the CLR designation shall retain the original residential future land use designation as an underlying residential density to be used if the site is developed with residential uses other than a CLF Type 3.

3. Proposed future land use amendments to the CLR designation for a CLF Type 3 are subject to the maximum density depicted in FLUE Table 2.2.1-g.1. The maximum density for individual sites may be limited through the future land use amendment process to ensure compatibility with surrounding land uses. In order to determine the compatible maximum density and design of the site, proposed CLR amendments require a zoning application to be submitted within the amendment review process.

**Staff Analysis:** The proposed amendment is to change the future land use designation of the site from Low Residential, 2 units per acre (LR-2) to the CLR FLU in order to develop a Type 3 CLF. The CLR FLU designation allows Type 3 CLF facilities to be developed up to 12 units per acre. This amendment would increase the number of beds on the subject site from 57 beds to 347 beds. The subject site is not located within a multiple use project as required by FLU Policy 2.2.1-l and a zoning application will be submitted within this amendment review process. Therefore, the proposed amendment is consistent with the policy. Although the applicant did not request an underlying residential density, the 2 unit per acre underlying density has been retained administratively for residential uses other than a CLF consistent with Policy 2.2.1-l.

**C. Consistency other Comprehensive Plan Elements**

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

**Staff Analysis:** The subject site is located in the Villages of Windsor PUD which promotes a residential living environment and is seeking to be developed as a Type 3 CLF. The proposed amendment is surrounded primarily by residential neighborhoods that includes Bellagio, Sherbrooke, Villaggio, Isola Bella, Isola Bella Estates, Savannah Estates, and Valencia Shores. Therefore, this amendment is consistent with the intent of this policy.

**D. Compatibility**

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use.

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

**North:** Vacant 40-acre parcel with a Multiple Land Use (MLU) with CH, CH-O, and LR-2 FLU and MUPD and PUD Zoning designation. A Privately Initiated Large Scale FLUA is currently in process (Town Commons MLU, LGA 2018-018). The amendment proposes to change the current FLU designation to MLU with CH/2 in order to develop about 125,000 square feet of retail and 80 residential units, utilizing TDRs and the WHP.

**Northwest:** Vacant 40-acre parcel with a Multiple Land Use (MLU) with CH, LR-2 FLU and Mixed Use Planned Development (MXPD) Zoning designation. A Privately Initiated Large Scale FLUA is currently in process (Windsor Place, LGA 2018-021). The amendment proposes to change the current FLU designation to HR-8 on 34 acres and CH/8 on 6 acres in order to develop about 131,000 square feet of commercial and up to 320 residential units.

**South:** 454-acre Valencia IV PUD with a LR-2 FLU that includes 1,143 Single Family and Zero Lot Line units. The Valencia Shores community is developed at 2.54 units per acre including additional TDR units.
Southeast: 70-acre Diamond Shamrock (aka Savannah Estates) PUD with a LR-2 FLU that includes 140 Single Family units. The Savannah Estates community is developed at 1.99 units per acre.

East: Vacant 15-acre parcel with a LR-2 FLU and Agricultural Residential (AR) Zoning designation. The parcel is not part of the Villages of Windsor PUD. Further east is the Villages of Windsor PUD public civic site with an existing approval for PBC fire station #48.

West: 22.5-acre Southwest Civic Pod in the Villages of Windsor PUD with a HR-8 FLU. In 2010, a FLUA Amendment was adopted (Villages of Windsor Institutional; Ordinance 2010-029) changing the FLU from LR-2 to HR-8 with a condition limiting the development to a CLF. The site is currently developed as a Type 3 CLF with a maximum of 410 residents and Nursing Facility with a maximum of 100 beds.

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

Applicant’s Comments: The applicant lists the surrounding uses and designations in Exhibit 2. The applicant indicates several factors on how the proposed FLU and CLF are compatible:

- The CLR FLU is a residential land use designation and generally consistent with the surrounding residential FLUs;
- The proposed Type 3 CLF would provide a transition of intensity between non-residential and residential developments;
- A Type 3 CLF is located west of the subject site; and,
- Location and access of the subject site would limit adverse impacts related to traffic.

Staff Analysis: The proposed CLR/2 (with potential for 12 units per acre for 347 beds) is surrounded by institutional, low residential (LR-2), high residential (HR-8) future land use designations within and outside of the Villages of Windsor PUD. The subject site is also situated at the southwest corner of Lyons Road and Hypoluxo Road. Another approved Type 3 CLF is adjacent to the subject site at the SW corner of Lyons Road and Hypoluxo Road and also part of the PUD. Immediately to the north and the northwest are proposals for mixed use projects that are intended to serve the residents of the neighboring residential developments. Generally, the subject site is compatible with the surrounding developments.

E. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The proposed amendment is not located within 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 subject site is located within the boundaries of the West Boynton Area Community Plan which is included in the Coalition of Boynton West Residential Associations (COBWRA). The County considers the objectives and recommendations of all Community and Neighborhood Plans prior to the approval of a land use amendment. The WBACP is analyzed for consistency with the proposed amendment under the Consistency with County Overlays, Plans, and Studies section of this report.

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

**WBACP Recommendation 29 (Summary)**

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

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

**F. Public Facilities and Services Impacts**

The proposed amendment will change the Future Land Use designation from LR-2 to CLR/2 on the 12.12-acre site. Public facilities impacts are detailed in the table in Exhibit 3.

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. Based upon the responses, there are adequate public facilities and services available to support the amendment. In addition, 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, School Board, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue

2. **Long Range Traffic - Policy 3.5-d:** The County shall not approve a change to the Future Land Use Atlas which:

   1) results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d): 

**Staff Analysis:** The Traffic Division reviewed this amendment at a maximum of a 347 bed CLF Type 3 at the requested CLR amendment. According to the County’s Traffic Engineering Department (see letter dated February 27, 2018 in Exhibit 5) the amendment would result in an increase of 53 net daily trips and 9 (5/4) AM and 25 (14/11) PM net peak hour trips.

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

The Traffic Study (see Exhibit 4) was prepared by Adam B. Kerr, 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://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx
II. Public and Municipal Review

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

A. Intergovernmental Coordination: Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on May 21, 2018. To date, no objections through the IPARC process to this amendment have been received.

B. Other Notice: Public notice by letter was mailed to the owners of properties within 500’ of the perimeter of the site on June 8, 2018. In addition, the Planning Division notified the Bellagio Residents Association, Coalition of Boynton West Residential Association (COBWRA), Isola Bella HOA, Savannah Estates HOA, Valencia Shores Master Association, Villages of Windsor HOA, and Villaggio at Villages of Windsor HOA.

C. Informational Meeting: The Planning Division hosted a meeting on Wednesday, June 20, 2018 with area residents and interested parties to relay information regarding the proposed amendment, the Comprehensive Plan Amendment process, and the development review process. One member of the public attended and asked questions regarding the project.

III. Conclusions and Recommendation

The amendment proposes to change the future land use designation from Low Residential, 2 units per acre (LR-2) to Congregate Living Residential with an underlying 2 units per acre (CLR/2). The intent is to develop a Type 3 Congregate Living Facility with a maximum of 347 beds. This amendment would allow the CLF to be developed as an alternative to civic uses. The underlying residential designation of LR-2 would remain in order to allow uses allowed within the current designation as an alternative to the proposed CLF. The site is currently approved as a civic pod of the Villages of Windsor PUD.

The subject site is located in a suburban area of the County located within the West Boynton Community Area Plan and the Coalition of Boynton West Residential Associations (COBWRA). The site is located at an intersection with two approved commercial sites to the north, and a built congregate living facility to the west. The surrounding area is predominately planned residential developments with a variety of housing types.

The will offer increased opportunities for independent and assisted living in the area. The request is compatible with the surrounding land uses and in character with the overall residential uses and densities in the vicinity. This amendment request is consistent with all applicable policies in the Comprehensive Plan including all level of service standards.

Therefore, staff recommends approval with condition.

Exhibits

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<td>2. Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes</td>
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<td>3. Applicant’s Public Facility Impacts Table</td>
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<td>4. Applicant’s Traffic Study <em>(available to the LPA/BCC upon request)</em></td>
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<td>5. Palm Beach County Traffic Division Letter</td>
<td>E-22</td>
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<td>6. Water &amp; Wastewater Provider LOS Letter</td>
<td>E-24</td>
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<td>7. Applicant’s Disclosure of Ownership Interests</td>
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<td>8. Correspondence</td>
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### Exhibit 1

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<td>CLF Density:</td>
<td>The Congregate Living Residential future land use designation allows a density of 12 units per acre for a Congregate Living Facility (CLF) use exclusively on the land area subject to this FLUA amendment ordinance.</td>
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#### Conditions:
The underlying 2 unit per acre density is for the purposes of density calculations for residential uses other than a CLF on the subject site only. This density cannot be assigned to other portions of the PUD.

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**Legal Description**

PARCEL A, VILLAGES OF WINDSOR PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 138 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, CONTAINING 528,046 SQUARE FEET OR 12.122 ACRES, MORE OR LESS.
Exhibit 2  
Applicant’s Justification Statement, Consistency, and Compatibility

Introduction
On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the Villages of Windsor SE Civic Property to amend the future land use designation from Low Residential, 2 units per acre to Congregate Living Residential with an underlying 2 units per acre (CLR/2). The Villages of Windsor SE Civic Property is approximately 12.12 acres and is located at the southeast corner of Hypoluxo Road and Lyons Road (“Property”). The Property currently has a Future Land Use designation of Low Residential, 2 units per acre (LR-2) and a zoning designation of Planned Unit Development (PUD). The Property is one of two approved civic pods for the Village of Windsor Planned Unit Development. The Property is currently vacant and has a valid site plan approval for a 250 child daycare and 350 student private school.

I. PROPOSED FLUA MAP AMENDMENT
The Applicant is requesting a Future Land Use Amendment from Low Residential, 2 units per acre (LR-2) to Congregate Living Residential with an underlying 2 units per acre (CLR/2). The current future land use designation would allow for the development of civic uses such as those currently approved, 24 residential units or a 58 bed congregate living facility. The proposed future land use designation would allow for the property to be developed with civic uses, 24 residential units or a congregate living facility with a maximum of 347 beds. This proposed application will allow the Applicant to develop a congregate living facility while remaining consistent with the rules that govern private civic pods for planned unit developments.

Description of Site Vicinity
As previously mentioned the Property is located within the Villages of Windsor Planned Unit Development which is 587.3 acres and approved for 1,087 residential units. The Property is one of two private civic parcels approved for that PUD. The Property is also located within the West Boynton Neighborhood Plan area.

The area surrounding the Property is a mixture of residential and non-residential uses. All four corners of the intersection of Hypoluxo and Lyons Roads are non-residential. The north side of the intersection has been approved for two mixed use projects. The property directly to the north has only been developed with the commercial component of the mixed use development while the property located at the northwest corner remains vacant. To the west of the Property across Lyons Road is the other private civic parcel for the Villages of Windsor which has been approved for the development of a 510 bed congregate living facility that is currently under construction. To the south of the property is Valencia PUD. Valencia PUD is an age restricted project that is developed with 389 single family and 754 zero lot line homes. To the east of the property is a vacant parcel with no entitlements that is currently being utilized for agricultural purposes. Farther to the east is land owned by Palm Beach County which is currently developed with a fire station and slated for the future development of a County park.

Land uses of the properties directly abutting the Project include the following:

<table>
<thead>
<tr>
<th>Adjacent Property</th>
<th>Land Use Designation</th>
<th>Zoning Designation</th>
<th>Existing Use</th>
<th>Control Number</th>
<th>Resolution Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>2000-039</td>
<td>PUD</td>
<td>MUPD</td>
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<td>R-05-818</td>
</tr>
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<td>South</td>
<td>MUPD</td>
<td>PUD</td>
<td>2000-052</td>
<td>R-03-1760</td>
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<tr>
<td>East</td>
<td>AR</td>
<td>Agriculture</td>
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<td></td>
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<tr>
<td>West</td>
<td>HR-8</td>
<td>PUD</td>
<td>Type III Congregate Living Facility – Villages of Windsor SW Civic</td>
<td>1996-081</td>
<td>R-2011-573 &amp; R-2011-574</td>
</tr>
</tbody>
</table>

18-D FLUA Amendment Staff Report E - 2 Villages of Windsor CLF (LGA 2018-024)
History
The Villages of Windsor PUD is built out and has no more units available at the current future land use designation of Low Residential, 2 units per acre (LR-2). This area has undergone significant changes over the recent years. The properties on the north side of Hypoluxo have been the subject of several comprehensive plan amendments to allow mixed use developments and subsequent modifications to those approvals to address changing market trends and conditions. The western Boynton area has seen a significant amount of residential growth. A majority of the communities within the western Boynton area are active adult communities. The property to the west has also been the subject of a previous land use amendment to increase to density for the purpose of developing a congregate living facility to serve this area of the County.

The Property was previously the subject of a zoning application to amend the existing approval of a 250 child daycare and a 350 student private school to increase the capacity of the private school to 1,500 students. That application was eventually withdrawn by the contract purchaser at the time.

G.1 Justification
Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

1. The proposed use is suitable and appropriate for the subject site.
   Response: The proposed future land use designation of CLR/2 is suitable and appropriate for the Property. The Property is located in an ideal geographic area of Palm Beach County to provide for a congregate living facility that will provide additional housing and long-term care opportunities for the aging population in the West Boynton area. Additionally, the Property is located within the Urban/Suburban Tier along major rights-of-way that provide easy access to I-95 as well as Florida’s Turnpike.

   The area to the south is primarily residential while the intersection is devoted to more intense commercial and institutional uses. The existing fire station to the east of the Property will provide appropriate services to the proposed facility. Additionally, the future park will provide additional recreational opportunities to the residents that desire to take advantage of the recreation amenities. The proposed facility will provide jobs to the residents of the western Boynton area as well as complementary services to the assisted living facility under construction to the west across Lyons Road.

   The Property’s location at the major intersection of Hypoluxo Road and Lyons Road will allow for easy access for those working, visiting and living in the facility. Congregate living facilities employ people with a variety of skill levels ranging from doctors to nurses to household cleaning/cooking staff. The western Boynton area has a significant amount of residential uses which means that the working population has to travel well outside of their neighborhood for employment. This proposed application will bring additional employment opportunities to the immediate area thus reducing travel times for employees living in the western Boynton area.

   The aging population within the West Boynton area will need additional housing opportunities and long-term care facilities that are located within close proximity to where they currently live. This will provide for a transition of housing while maintaining their friendships and continuing with activities in the community as well as continue utilizing the commercial establishments that they have become familiar with. The proposed use is more suitable and appropriate for the subject site than the approved daycare and charter school. The residential communities in the immediate vicinity are age restricted and do not have school age children living with them. The proposed use will also generate less traffic than the existing approved daycare and charter school which will ensure that the existing constrained intersection continues to function at an acceptable level of service as the other properties on the north side of Hypoluxo Road build out with their approved developments.

2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:
   a. Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site.
Response: As previously mentioned several changes have occurred in the immediate vicinity of the Property. The approved mixed-use developments on the north side of Hypoluxo Road have been the subject of several amendments that modified the mix of uses as well as the conditions of approval. In 2010, a comprehensive plan amendment was approved for the property to the west to amend the future land use designation from Low Residential, 2 units per acre (LR-2) to High Residential, 8 units per acre (HR-8) with a condition of approval that limits the density associated with the High Residential, 8 units per acre to be utilized only for a congregate living facility. These changes indicate that the need for commercial development is declining and the need for residential is increasing. This area of Palm Beach County continues to draw residents as a place to retire as well as to raise a family. According to US Census Data within metropolitan areas, the national average of people aged 65 and older is 13% of the total population. However, the number of retirement aged people in Palm Beach County is double the national average, with a percentage of 26% of the total population. As Palm Beach County’s number of seniors grows, the number of seniors looking to down-size and move into independent and assisted living facilities grows as well.

Based upon the increased development of both age restricted and non-age restricted residential communities in the western Boynton area, the population within this area of Palm Beach County is rapidly increasing. This population will continue to age, and as they do the seniors will look to transition into facilities that provide the care and services that they need while remaining within the same geographic area that they are familiar with.

b. Changes in the access or characteristics of the general area and associated impacts upon the subject site.
Response: The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The area has been built out with residential development, most of which has been dedicated as age restricted housing. As shown in the following aerial photographs from 2002 and 2017 the Hypoluxo Road corridor from the Turnpike to State Road 7 has dramatically changed. Hypoluxo Road has been extended over the turnpike and lands previously utilized for agriculture have been cleared and developed for residential and non-residential uses. This change in access added another major east-west connector roadway and important corridor for the west Boynton area as well as for the County.

Additionally, the mixed-use projects on the north side of Hypoluxo Road have been the subject of several comprehensive plan amendments that are aimed at making the developments more marketable to better meet the changing demands of the surrounding area, which include reducing the commercial square footage, reducing the institutional square footage and increasing the residential density. As mentioned, the parcel to the west received approval for an increase in density to accommodate a congregate living facility, which is currently under construction. The proposed amendment will allow for the development of another congregate living facility that will supplement the existing facility and provide more housing options to the residents in the area allowing them to “age in place”.
c. New information or change in circumstances which affect the subject site.

Response: The proposed future land use amendment to CLR/2 is warranted because of a change in circumstances that directly impact the Property. At the time of the adoption of the Comprehensive Plan the surrounding area was identified with low and medium residential future land use designations. The residential development that occurred in the area was primarily age restricted. The Villages of Windsor Planned Unit Development was approved with two large private civic parcels. The type of development that can occur within a civic pod of a planned unit development is limited. Schools and daycares are some of the allowable uses as evidenced and already approved for the Property. Congregate living facilities, such as that proposed by the Applicant, are another type of use that is permitted within a private civic pod. The proposed amendment will provide a service to the residents in the immediate area as they continue to age and look to relocate into an assisted living facility within their own neighborhood that is close to their friends and family as well as to the adjacent commercial that provides services that they have become familiar with.
The approved school and daycare provide services to those communities that are not age restricted and are farther away from the Property. These types of uses would bring the additional peak hour traffic of parents picking up and dropping off their children into the area and through the busy intersection of Lyons Road and Hypoluxo Road. The proposed application to allow a congregate living facility will be a use that better serves the specific needs of the community while not impacting the existing services and infrastructure that is already in place.

d. Inappropriateness of the adopted FLU designation.
Response: The existing LR-2 future land use designation is not the only appropriate designation for the Property as evidenced by the existing land use designations at this intersection with High Residential, 8 units per acre to the west. Mixed Land Uses including Commercial High and Commercial High Office to the northeast and northwest. The Property is designated as a civic pod and is included within an existing approved Planned Unit Development. Palm Beach County only permits the development of institutional and community serving uses such as schools, daycares, libraries, places of worship, congregate living facilities, nursing homes, parks, and places of assembly in civic pods. Additionally, the Property cannot be designated as a commercial pod for the Planned Unit Development as it is located on the perimeter of the approved development with frontage on public arterial/collector roadways.

The Villages of Windsor PUD has already been approved and developed utilizing the Property’s acreage to calculate density for the Planned Unit Development, therefore the Applicant cannot remove this land from the boundaries of the project. The intent of the Applicant is to develop the Property consistent with the approved Planned Unit Development while providing needed services to the residents. The Applicant does not desire to increase density for the approved project but rather provide an additional community serving facility that will complement the other uses in the immediate area.

e. Whether the adopted FLU designation was assigned in error.
Response: N/A

G.2 Residential Density Increases
This proposed FLU amendment is not requesting to increase residential density for the purpose of developing additional residential units. Additionally, Palm Beach County’s Unified Land Development Code exempts congregate living facilities from the provisions of the Workforce Housing Program. As such, it is not possible to increase density on the Property utilizing this program of the Transfer of Development Rights Program as workforce housing is a mandatory component of each.

G.3 Compatibility
Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition”. With this definition in mind, the requested change would make the subject property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.
Primary access is available from Hypoluxo and Lyons Roads, both rights-of-way designated as Urban Arterial roads, thus directing traffic away from local roads in the vicinity.

The Property is located at a major intersection within the central area of Palm Beach County. Mixed use projects are approved on the north side of Hypoluxo Road at this intersection and civic/institutional uses are approved on the south side, both sets of uses are ultimately designated as such to serve the needs of the community. On this basis, the proposed development concept at this location is determined to be compatible.

The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the Hypoluxo Road corridor.

The proposed congregate living facility will provide a transition of intensity from the arterial roadways and adjacent commercial developments and be compatible in uses to the residential developments to the south and east. The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

The Congregate Living Residential (CLR) future land use designation is a residential land use that is compatible with the surrounding residential future land use designations to the south as well as the existing congregate living facility to the west. In fact, this congregate living facility to the west demonstrates that such uses are compatible with single family residential development. Below are several aerial photographs of approved congregate living facilities that have been developed directly adjacent to single family residential.
Windward Palms – East side of Gateway Boulevard, south of Le Chalet Boulevard – Directly adjacent to Palm Shores

Allegro – East side of Hagen Ranch Road, south of Woolbright Road – Directly adjacent to Valencia Isles
G.4 Comprehensive Plan
The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below. Furthermore, the proposed amendment is consistent with the West Boynton Area Community Plan goals, objectives, and policies.

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

• Balanced Growth – “…to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”
  Response: Approval of this proposed FLU amendment will allow for the development of a congregate living facility that will provide additional housing options for the existing and future residents of the western Boynton area. As previously mentioned the ratio of retirement aged people to total population in Palm Beach County exceeds the national average. This area of Palm Beach County has a significant number of active adult communities already developed and these residents will likely stay in the area if and when they decide to move into an independent/assisted living facility.

• Land Planning – “…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, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”
  Response: The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property is part of an approved Planned Unit Development and has been set aside for the development of private civic uses. Given the demographics of the surrounding area, the existing approved uses of a private school and daycare are not the best uses to serve the immediate community. These approved uses could potentially increase trips by bringing people that do not live within the surrounding neighborhoods to this busy intersection. The proposed congregate living facility is a use that will better serve the immediate and future needs of the community without negatively impacting traffic on Lyons and Hypoluxo Roads.

• Community Planning and Design – “…to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight.”
  Response: Approval of the proposed FLU amendment will allow for the development of an approved civic pod of the Villages of Windsor Planned Unit Development. This parcel has been vacant for many years as the market interest in developing a 350 student private school and 250 child daycare is waning given the aging population in the surrounding communities. The proposed congregate living facility will provide additional options for those looking to relocate to independent and assisted living. It is anticipated that the proposed facility will supplement the congregate living facility to the west of the Property.

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

• Objective 1.2 Urban/Suburban Tier – “Palm Beach County shall plan to accommodate approximately 90% of the County’s existing and projected population through the long-range planning horizon within the Urban/Suburban Tier. The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the Service Areas Map in the Map Series. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.
  Response: The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property is part of an approved Planned Unit Development and has been set aside for the development of private civic uses. Given the demographics of the surrounding area, the existing approved uses of a private school and daycare are not the best uses to serve the immediate community. These approved uses could potentially increase trips by bringing people that do not live within the surrounding neighborhoods to this busy intersection. The proposed congregate living facility is a use
that will better serve the immediate and future needs of the community without negatively impacting traffic on Lyons and Hypoluxo Roads.

- **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 proposed future land use amendment to Congregate Living Residential (CLR) will allow for the development of an existing civic pod of a Planned Unit Development that will better fit into the existing development pattern of the surrounding area. A congregate living facility will serve the residents of the neighboring communities better than the existing approved school and daycare while reducing the peak hour traffic impacts on the adjacent rights-of-way, thus having a positive impact on the safety and welfare of the existing residents.

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

- **Policy 1.2-a:** “Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:
  1. Allowing services and facilities consistent with the needs of urban and suburban development;
  2. Providing for affordable housing and employment opportunities;
  3. Providing open space and recreational opportunities;
  4. Protecting historic and cultural resources;
  5. Preserving and enhancing natural resources and environmental systems; and
  6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.”

  **Response:** The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Property is part of an approved Planned Unit Development and has been set aside for the development of private civic uses. The proposed congregate living facility is a use that will serve the immediate and future needs of the community better than the approved private school and daycare. The proposed use will allow for new development that will provide for employment opportunities and additional housing options while not negatively impact traffic on Lyons and Hypoluxo Roads.

- **Policy 2.2.1-l:** “Congregate Living Residential” The purpose of the Congregate Living Residential (CLR) future land use designation is to facilitate the review of proposed Congregate Living Facilities (CLF) Type 3 that require a future land use amendment to increase residential density. The CLR designation is subject to the following:
  1. Proposed future land use amendments requesting an increase in density for the purposes of developing a CLF Type 3 shall apply for the CLR designation unless the site is proposed within a project that has a multiple or mixed land uses. Amendments requesting to be co-located non-residential uses may apply for a non-residential future land use designation with an underlying CLR and be subject to the location requirements of the non-residential designation.
  2. Proposed future land use amendments to the CLR designation shall retain the original residential future land use designation as an underlying residential density to be used if the site is developed with residential uses other than a CLF Type 3.
  3. Proposed future land use amendments to the CLR designation for a CLF Type 3 are subject to the maximum density depicted in FLUE Table 2.2.1-g.I. The maximum density for individual sites may be limited through the future land use amendment process to ensure compatibility with surrounding land uses. In order to determine the compatible maximum density and design of the site, proposed CLR amendments require a zoning application to be submitted within the amendment review process.”

  **Response:** The proposed future land use atlas amendment for a Congregate Living Residential designation will allow for the development of a congregate living facility on an existing approved civic pod of the Villages of Windsor Planned Unit Development without impacting the adjacent residential community. The Applicant is proposing to retain the existing underlying Low Residential, 2 units per acre (LR-2) future land use designation.
A zoning application will also be submitted by the Applicant to ensure that the design of the facility will not impact the neighbors and adjacent communities.

- **Policy 4.1-c:** “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 rezoning, conditional use or Development Review Office approval...”

  **Response:** The Property is located within Subarea 1 of the West Boynton Area Community Plan (WBACP). The WBACP specifically calls for the aggregation of health care facilities and attracting new employment opportunities. The proposed FLU amendment would allow for the development of a congregate living facility within proximity of the population it would serve as well as supplement the services provided by the assisted living facility to the west. This new congregate living facility would also provide employment opportunities for those living in the area. Thus, the Applicant’s request is consistent with the WBACP.

**G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Application Attachment H (Traffic Letter and Study), J ( Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Application Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant’s descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  
  **Response:** The applicant is requesting to change the FLU of the property from LR-2 to CLR while retaining the underlying future land use of LR-2 for the purpose of developing a congregate living facility which will provide additional services along the Hypoluxo Road and Lyons Road corridors. The amendment does not promote low intensity/density or single-use development.

- 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.

  **Response:** The property is located in the Urban/Suburban Tier and within the Hypoluxo Road corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The proposed FLU amendment maximizes the development options for the approved civic parcel.

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

  **Response:** The development is not isolated in nature as existing development exists to the north, south, east & west. Specifically, commercial uses have been developed and approved on the north side of Hypoluxo Road, a congregate living facility is under construction to the west of the Property, and residential uses are developed to the south of the Property. This proposed change would ultimately provide for infill development along a rapidly changing roadway corridor.

- 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.

  **Response:** This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The site, although currently undeveloped, has been previously approved for development and does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As
required by the ULDC, any native plant material will be addressed during the zoning approval process.

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** The property is located within the Urban/Suburban Tier and does not currently support agriculture uses of any kind.

- Fails to maximize use of existing public facilities and services.
  - **Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in private civic parcels, it is anticipated that the proposed congregate living facility will have much less impact on public facilities and services.

- Fails to maximize use of future public facilities and services.
  - **Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in private civic parcels, it is anticipated that the proposed congregate living facility will have much less impact on public facilities and services.

- 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.
  - **Response:** Public services and facilities are already available in the immediate vicinity. The proposed amendment will fit in with the existing land use pattern. The proposed congregate living facility will provide a transitional use between the non-residential uses on the north side of Hypoluxo Road and the existing residential to the south of the Property.

- Fails to provide a clear separation between rural and urban uses.
  - **Response:** The Property is located within the Urban/Suburban Tier and not adjacent to any other Tiers therefore defining a clear separation between rural and urban uses. Therefore, the proposal discourages the proliferation of Urban Sprawl.

- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** This amendment will allow for what could be considered infill development as development exists both east and west of the Property. In addition, the Applicant will be able to develop the Property in conformance with the approved Master Plan for Village of Windsor while serving the needs for the surrounding communities.

- Fails to encourage a functional mix of uses.
  - **Response:** Approval of this proposed amendment will allow the redevelopment of an existing civic pod of an approved Planned Unit Development and encourage a functional mix of uses for the Hypoluxo Road and Lyons Road corridors.

- Results in poor accessibility among linked or related land uses.
  - **Response:** The development will be designed with pedestrian connections as required through the site plan approval process.

- Results in the loss of significant amounts of functional open space.
  - **Response:** This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.

**Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
• **Response:** The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.

• Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

• **Response:** The development will be designed meeting the requirements for a Planned Unit Development (PUD) which includes pedestrian connections, bike racks, transit stops, if needed, and other elements that support a compact development.

• Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

• **Response:** The Property is an existing private civic pod of the Villages of Windsor Planned Unit Development. The proposed amendment will remain as a private civic pod, but the proposed uses will better serve the surrounding residential community than the uses currently approved for the Property.

**Conclusion**

As described above, the proposed FLU amendment from Low Residential, 2 units per acre (LR-2) to Congregate Living Residential (CLR/2) is consistent with the Goals, Objectives, and Policies of Palm Beach County’s Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the existing Villages of Windsor Planned Unit Development approval and the proposed congregate living facility is a use allowed within the civic pod that will provide a much needed service to the area residents that will not negatively impact service provision.

**II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan future land use atlas amendment.

**Exhibit 3**  
**Applicant’s Public Facilities Table**

<table>
<thead>
<tr>
<th>VIII. Public Facilities Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Traffic Information</strong></td>
</tr>
<tr>
<td>Current FLU</td>
</tr>
<tr>
<td>Max Trip Generation</td>
</tr>
<tr>
<td>Trip Increase Max.</td>
</tr>
<tr>
<td>Trip Inc. Conditioned or Concurrent</td>
</tr>
<tr>
<td>Significantly impacted roadway segments that fail Long Range</td>
</tr>
<tr>
<td>Significantly impacted roadway segments for Test 2</td>
</tr>
</tbody>
</table>

| **B. Mass Transit Information** |
| Current FLU | Maximum | Conditioned or Concurrent |
| Nearest Palm Tran Route (s) | There is no Palm Tran Route within close proximity of the Property. Route 71 is the closest route. | | |
C. Portable Water & Wastewater Information

See Application Attachment I for Potable Water & Wastewater Level of Service (LOS) comment letter.

<table>
<thead>
<tr>
<th>Potable Water &amp; Wastewater Providers</th>
<th>Palm Beach County Water Utilities Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearest Water &amp; Wastewater Facility, type/size</td>
<td>A 24” potable water main and an 8” wastewater forcemain are located within Hypoluxo Road right-of-way. A 42” watermain and a 12” forcemain are located within Lyons Road right-of-way.</td>
</tr>
</tbody>
</table>

D. Drainage Information

The drainage system for the proposed project will consist of culverts, structures, and dry detention areas, which will have a legal positive outfall through the existing Villages of Windsor PUD stormwater management and roadway systems. The Property is located within the SFWMD C-16 Basin, and the site will comply with the C-16 Basin requirements of discharge as well as with the existing SFWMD Permit No. 50-00422-S-02 that governs the Villages of Windsor PUD. See Application Attachment J for Drainage Statement.

E. Fire Rescue

<table>
<thead>
<tr>
<th>Nearest Station</th>
<th>Palm Beach County Fire-Rescue Station # 48, located at 8560 Hypoluxo Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance to Site</td>
<td>0.75 miles</td>
</tr>
<tr>
<td>Response Time</td>
<td>Average response time 7:58</td>
</tr>
<tr>
<td>Effect on Resp. Time</td>
<td>The proposed amendment will have minimal impact on the response time for Station # 48. See Application Attachment K.</td>
</tr>
</tbody>
</table>

F. Environmental

<table>
<thead>
<tr>
<th>Significant habitats or species</th>
<th>The Property was previously cleared and has been vacant for many years. There are no significant habitats or species present on the Property. Please see Map provided as Application Attachment L.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Zone*</td>
<td>Zone X – Property is not within a Flood Zone.</td>
</tr>
<tr>
<td>Wellfield Zone*</td>
<td>The Property is not located within a Wellfield Protection Zone. See Application Attachment M.</td>
</tr>
</tbody>
</table>

G. Historic Resources

There are no significant historic resources present on the Property. See Application Attachment N for letter.

H. Parks and Recreation - Residential Only

<table>
<thead>
<tr>
<th>Park Type</th>
<th>Name &amp; Location</th>
<th>Level of Svc. (ac. per person)</th>
<th>Population Change</th>
<th>Change in Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional</td>
<td>Okeehelee Park 7715 Forest Hill Boulevard West Palm Beach, FL 33411</td>
<td>0.00339</td>
<td>+290 people</td>
<td>+0.98 ac.</td>
</tr>
<tr>
<td>Beach</td>
<td>Ocean Inlet Park 6990 N. Ocean Boulevard Ocean Ridge, FL 33435</td>
<td>0.00035</td>
<td>+290 people</td>
<td>+0.10 ac.</td>
</tr>
<tr>
<td>District</td>
<td>Canyon District Park 8802 Boynton Beach Boulevard Boynton Beach, FL 33437</td>
<td>0.00138</td>
<td>+290 people</td>
<td>+0.40 ac.</td>
</tr>
</tbody>
</table>

I. Libraries - Residential Only

<p>| Library Name | West Boynton Branch |</p>
<table>
<thead>
<tr>
<th>Component</th>
<th>Level of Service</th>
<th>Population Change</th>
<th>Change in Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection</td>
<td>2 holdings per person</td>
<td>+290 people</td>
<td>+580</td>
</tr>
<tr>
<td>Periodicals</td>
<td>5 subscriptions per 1,000 persons</td>
<td>+290 people</td>
<td>+1.45</td>
</tr>
<tr>
<td>Info Technology</td>
<td>$1.00 per person</td>
<td>+290 people</td>
<td>+$290.00</td>
</tr>
<tr>
<td>Professional staff</td>
<td>1 FTE per 7,500 persons</td>
<td>+290 people</td>
<td>+0.04</td>
</tr>
<tr>
<td>All other staff</td>
<td>3.35 FTE per professional librarian</td>
<td>+290 people</td>
<td>+0.13</td>
</tr>
<tr>
<td>Library facilities</td>
<td>0.34 sf per person</td>
<td>+290 people</td>
<td>+98.6</td>
</tr>
</tbody>
</table>

### J. Public Schools - Residential Only

<table>
<thead>
<tr>
<th></th>
<th>Elementary</th>
<th>Middle</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City, State, Zip</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx
Exhibit 5
Traffic Division Letter

February 27, 2018

Adam B. Kerr, P.E.
Kimley-Horn & Associates, Inc.
1620 Winkler Way
West Palm Beach, FL 33411

RE: Villages of Windsor Congregate Living Facility
FLUA Amendment Policy 3.5-d Review
Round 2018-D

Dear Mr. Kerr:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised February 15, 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:

<table>
<thead>
<tr>
<th>Location</th>
<th>SE corner of Hypoluxo Road and Lyons Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCN</td>
<td>00-42-45-08-08-001-0000</td>
</tr>
<tr>
<td>Acres</td>
<td>12.12 acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FLU:</th>
<th>Current FLU</th>
<th>Proposed FLU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Residential, 2 units per acres (LR-2)</td>
<td>Congregate Living Residential (CLU/ LR Residential, 2 units per acres (LR-2)</td>
<td></td>
</tr>
<tr>
<td>Zoning:</td>
<td>Planned Used Development (PUD)</td>
<td>Planned Used Development (PUD)</td>
</tr>
<tr>
<td>Density/ Intensity:</td>
<td>2 duels</td>
<td>12 duels</td>
</tr>
<tr>
<td>Maximum Potential:</td>
<td>Single Family Detached Total: 24 DIAs</td>
<td>Congregate Living Residential Total: 146 DIAs</td>
</tr>
<tr>
<td>Proposed Potential:</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Net Daily Trips:</td>
<td>53 (maximum - current)</td>
<td></td>
</tr>
<tr>
<td>Net PH Trips:</td>
<td>9 (6/4 AM, 25 (14/11) PM (maximum)</td>
<td></td>
</tr>
</tbody>
</table>

*Maximum indicates typical PAR and maximum trip generator. Proposed indicates the specific cases and hypothetical densities in the zoning application.

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 akerr@pbcgov.com with any questions.

Sincerely,

[Signature]

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

18-D FLUA Amendment Staff Report E - 17 Villages of Windsor CLF (LGA 2018-024)
January 26, 2018

Morton
3810 RCA Boulevard
Palm Beach Gardens, Fl. 33410

RE: SE Corner of Hypoluxo Road & Lyons Road
PCN 00-42-45-08-08-001-0000
Service Availability Letter

Dear Ms. McCollam:

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBC/WUD) utility service area. PBC/WUD has the capacity to provide the level of service required for the current land use and the proposed land use change from LR-2 to CLR for the development of a 250 bed Congregate Living Facility.

A 24" potable water main and an 8" wastewater force main are located within Hypoluxo Road right of way adjacent to the subject property. In addition, a 42" watermain and a 12" force main are located within Lyons Road right of way adjacent to the subject property.

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

If you have any questions, please give me a call at (561)463-6118.

Sincerely,

Jackie Michelis, P.E.
Plan Review Manager
Exhibit 7
Disclosure of Ownership Interests

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

[Name]
above, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [ ] Manager, [ ] position - e.g., president, partner, trustee of [ ] Cost Signature Holding, LLC, [ ] name and type of entity - e.g., ABC Corporation, XYZ [Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is:

[Address]

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 is not applicable to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 97, 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.

Disclosure of Beneficial Interest - Ownership Interests

Page 1 of 4

Revised 09/25/2011
Web Format 2011
7. Under penalty of perjury, Affiant declares that Affiant has examined the affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIRM SAYETH NAUGHT.

[Signature]
Alexander Nest
Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me the 24th day of January, 1981, by Alexander Nest, known to me to be the person who has produced as identification and who did take an oath.

[Signature]
Laura McCollom
Notary Public

(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 7/18/81

18-D FLUA Amendment Staff Report E - 20 Villages of Windsor CLF (LGA 2018-024)
EXHIBIT "A"

PROPERTY

DESCRIPTION:
PARCEL A, VILLAGES OF WINDSOR, PLAT THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 98, PAGES 131 THROUGH 135, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Said lands situated in Palm Beach County, Florida,
containing 34,000 square feet or 1.232 acres, more or less.
EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ronzi, Akei</td>
<td>5300 W. Atlantic Ave Suite 505</td>
</tr>
<tr>
<td></td>
<td>Deerfield Beach, FL 33441</td>
</tr>
<tr>
<td>(Catering)</td>
<td>TRA 100%</td>
</tr>
</tbody>
</table>
Exhibit 8
Correspondence