



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 21-B2

BCC ADOPTION PUBLIC HEARING, APRIL 28, 2022

A. Application Summary

I. General Data

Project Name:	All Seasons Delray Beach (LGA 2021-009)
FLUA Summary:	AGR to INST/CLR
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 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, Principal Planner
Applicant:	Peter Odorico, All Seasons of Delray Beach, LLC (contract purchaser)
Owner:	Cindy D Jacob, Cynthia Dudwick and Greg E Jacob/Jacobs Trust
Agent:	Jeff Brophy, Wantman Group, Inc.
Staff Recommendation:	Staff recommends approval with conditions 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 from Agricultural Reserve (AGR) to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR). The request also includes a text amendment to the Comprehensive Plan to allow the 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 sites fronting Lyons Road between Atlantic Ave and Linton Boulevard;
- Require a minimum of 5 acres;
- Allow up to 8 units per acre (2.39 beds per unit); and
- Require 50% offsite and 10% onsite preserve areas (civic uses) for multiple use projects.

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 Agricultural Reserve Tier by allowing the CLR future land use designation, and supports the proposed future land use amendment to INST/CLR on the subject site. Staff also acknowledges that if developed as a multiple use project, the opportunity for the inclusion of civic uses on the site could provide a service to the residents, consistent with Tier Objective 1.5. Staff is recommending two conditions of approval: to require the preserve area acreages consistent with the companion text amendment and also requiring that the adoption of the future land use amendment and zoning application are held on the same date.

III. Hearing History

Local Planning Agency: *Denial*, motion by Evan Rosenberg, seconded by Barbara Roth, passed in a 10 to 4 vote with Spencer Siegel, Glenn Gromann, Penny Pompei and Angella Vann dissenting at the April 23, 2021 public hearing. The first motion (for Approval) by Spencer Siegel, seconded by Penny Pompei, failed 4 to 10, and a substitute motion to Approve with a condition requiring the preserve to be secured prior to adoption, also failed 4 to 10. Under discussion, Commission members discussed the proposed text amendment that would allow other parcels along Lyons Road to apply for the Congregate Living Residential future land use designation and the benefit of a collocated fire rescue station on the congregate living facility site. Several Commissioners expressed support for the request, but concern for lack of a secured preserve at this time. Three members of the public spoke in support, including a representative from the Alliance of Delray.

Please Note: *At the time the Planning Commission heard this item, the applicant was in discussions with the County to utilize a 5.09 acre County owned parcel as the offsite preserve area. The applicant would also provide land area within the INST/CLR site for a fire rescue station in order to meet the requirements of the proposed text amendment. Staff recommended denial as the offsite preserve area was not secured; thus resulting in the amendment being premature.*

Board of County Commissioners Transmittal Public Hearing: *Transmit as recommended by staff*, motion by Commissioner Bernard, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the July 28, 2021 public hearing. The motion included changes made as part of the Add/Delete to remove 5.b.2.d from Policy 1.5-u which would have allowed the off-site preserve to retain AGR Zoning which has been reflected in the DEO transmitted report. There was minimal Board discussion. Four members of the public spoke on the item, including three speakers in support (including the property owner). A representative from the Sierra Club spoke in opposition and read a letter into record (see Exhibit 11).

State Review Comments: The State Land Planning Agency reviewed this amendment under Round 21-05ESR and issued a letter dated September 3, 2021 stating that the Agency had no comment on the proposed amendment. There were no negative comments received from state agencies.

Changes Subsequent to Transmittal: The condition requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in double strikethrough. In the proposed text amendment shown in Exhibit 1-B, was modified for typographical errors. Additional text from proposed Policy 1.5-u was modified to remove the civic use requirement in the onsite preserve as the applicant is no longer proposing a fire rescue station on site. A sentence was also added to clarify that the MUPD design elements in Policy 1.5.1-r are not applicable for this site as the request is not a commercial or mixed use development. Finally, on February 4, 2022, the Planning Director notified the Department of Economic Opportunity that the County agreed to extend the adoption date for this amendment to August 29, 2022 (see Exhibit 11).

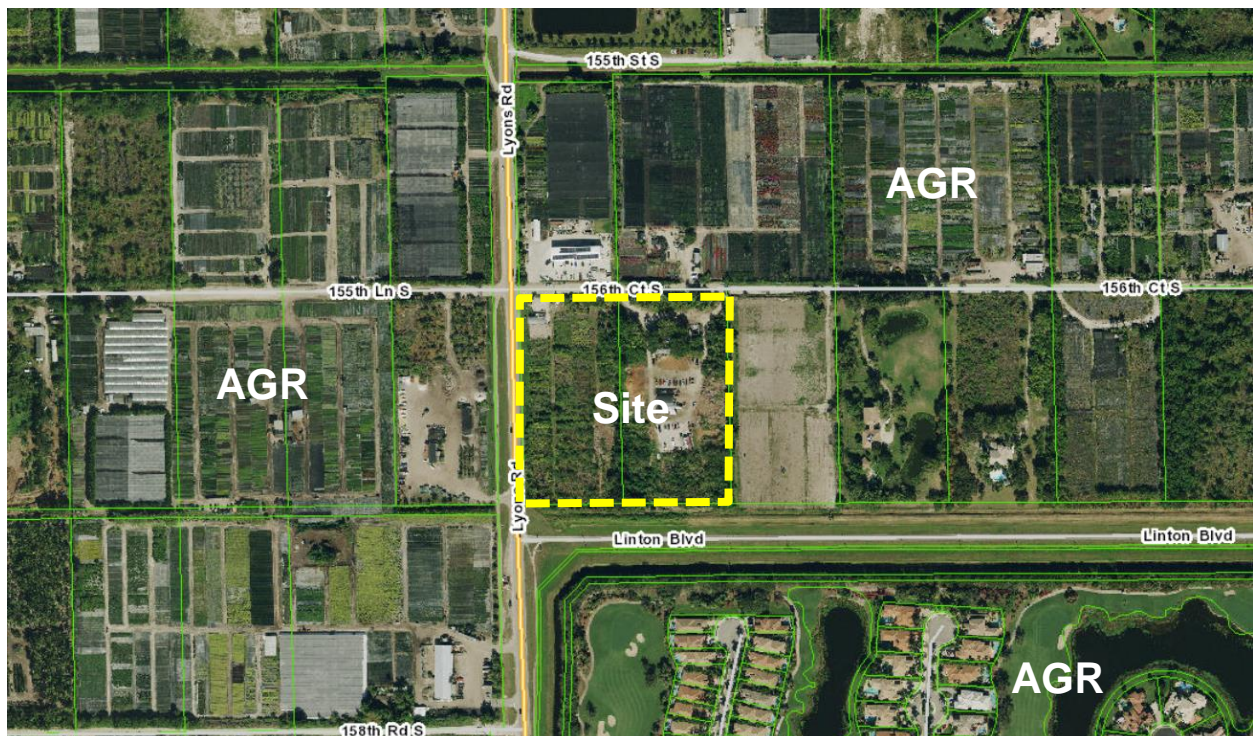
Board of County Commissioners Adoption Public Hearing:

T:\Planning\AMEND\21-B2\Reports-Agendas\4-BCCAdopt\04-26-22 BCC Zoning Adopt\AllSeasons-Adopt-Rpt.docx

B. Petition Summary

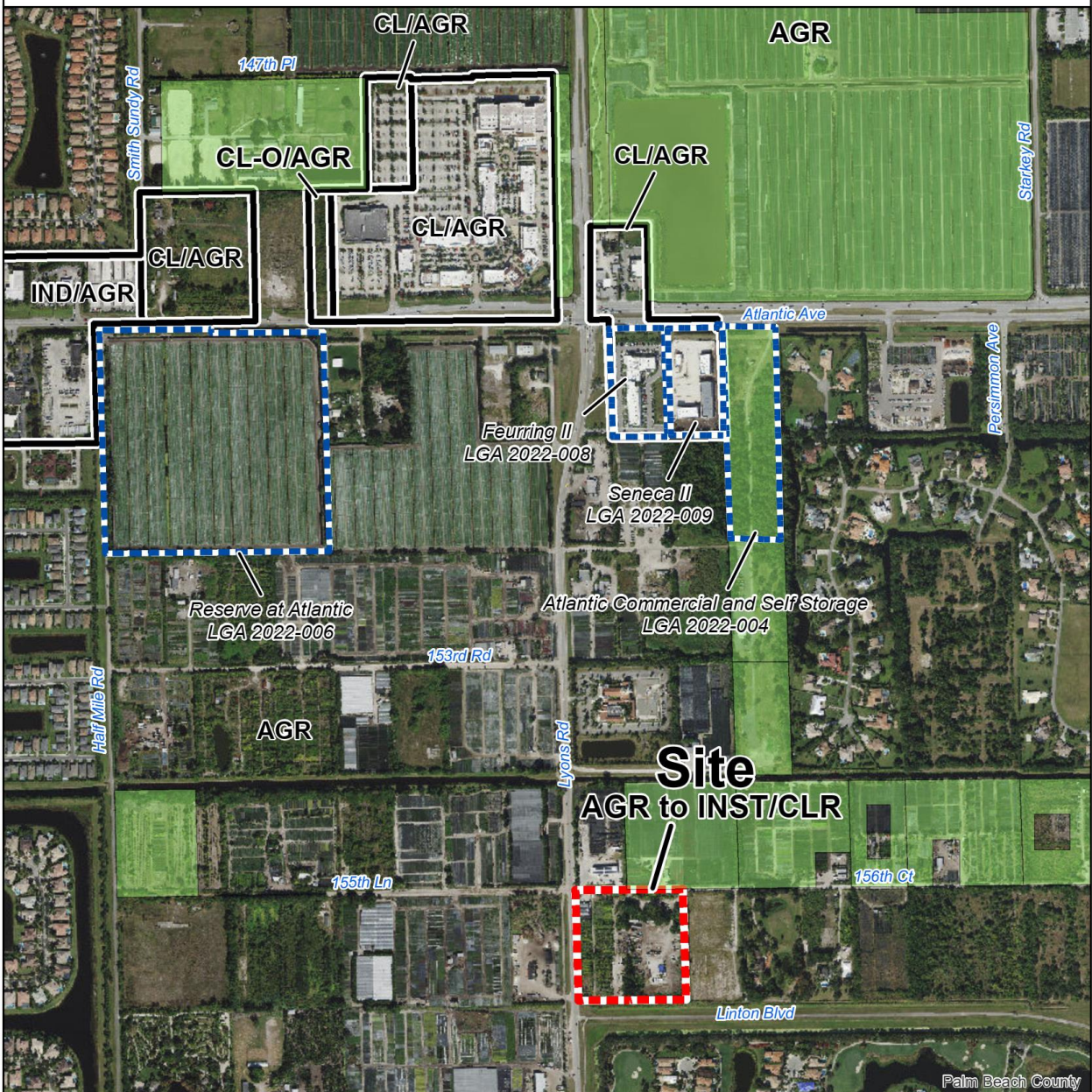
I. Site Data

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:	Institutional & Public Facilities with an underlying Congregate Living Residential (INST/CLR)
Proposed Use:	Congregate Living Facility Type 3
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Congregate Living Facility up to 186 beds (8 units per acre * 2.39) with civic uses, or up to 148,344 square feet of institutional uses
General Area Information for Site	
Tier:	Agricultural Reserve Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	None
Comm. District:	Commissioner Maria Sachs, District 5



Future Land Use Atlas Amendment

All Seasons Delray (LGA 2021-009)



Site Data

Size: 9.73 acres (Parent Site)
5.09 acres (Off-site Preserve)
Existing Use: Agricultural/Nursery
Proposed Use: Congregate Living Facility and Preserve
Current FLU: AGR
Proposed FLU: INST/CLR

Future Land Use Designations

AGR Agricultural Reserve
CL/AGR Commercial Low, underlying AGR
CL-O/AGR Commercial Low Office, underlying AGR
IND/AGR Industrial, underlying AGR

Date: 3/1/2022
Contact: PBC Planning
Filename: 22-A2/Site/22-004
Note: Map is not official, for presentation purposes only.

Site
 Amendments in Process
 AGR Preserve

225 0 225 450 Feet



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



C. Introduction

I. Intent of the Amendment

Please note: This item was initially presented at the May 5, 2021 BCC Transmittal hearing, but postponed by the Board. This staff report has been modified to reflect the elimination of a potential fire rescue preserve area and replacement with a different site. The motion to postpone was made by Commissioner Sachs, seconded by Commissioner McKinlay and passed in a 6 to 0 vote with Mayor Kerner absent. Under discussion, Commissioners questioned whether there is a need for congregate living facilities in this area, and whether there is a need for a preserve area to have a fire rescue station or obtain another preserve site. Four members of the public spoke on this item. Representatives of Sierra Club and the Coalition of Boynton West Residential Associations (COBWRA) spoke in opposition. Two members of the public spoke in support.

The 9.73 acre 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 section of Lyons Road, south of Atlantic Avenue, consists of predominately Ag Reserve Planned Unit Developments, agricultural and nursery uses as well as several approved institutional uses including places of worship and schools.

Background. The site is currently utilized as a nursery and is owned by the Jacobs Trust. This is the third land use amendment request as the site has been subject of two amendment requests in 2017 and 2019 and are summarized below. In addition, the prior Planning Commission and Board of County Commissioners public hearing discussions are further detailed in Exhibit 9.

- **Poet's Walk (LGA 2017-015):** The 9.73 acre subject site was the subject of a previous land use amendment in 2017. The applicant was requesting a future land use designation change to CLR/AGR for the development of a 186 bed congregate living facility totaling 148,328 square foot. The proposed text amendment allowed for the CLR designation at a density of 8 units per acre in the Agricultural Reserve and exempted sites with the CLR designation from the 60% preserve requirement and instead required 60% open space onsite. Staff recommended denial of the application and sought direction from the Board as to whether staff should pursue a County Initiated text amendment to the Comprehensive Plan addressing this concept on a broader scale due to the multiple application requests (i.e. Clint Moore Allegro CLF) for higher bed count CLFs in the Tier. The Board transmitted Poet's Walk text and future land use amendment on May 2, 2018 with direction for staff and the applicant to discuss preserve area requirements. The amendment was scheduled for an adoption public hearing on July 23, 2018, but was postponed due to a dispute between the property owner and contract purchaser, and later withdrawn in August of 2018. The amendment was reviewed concurrently with a similar application called Clint Moore Allegro CLF. Ultimately, the applicant for Clint Moore Allegro CLF withdrew the amendment prior to the May 2, 2018 Board of County Commissioners (BCC) Transmittal Hearing because of strong neighborhood opposition.
- **Poet's Walk II (LGA 2019-018).** The site was also the subject of a previous land use amendment in 2019. On April 29, 2019, the Board of County Commissioners initiated a private text amendment to consider allowing the Congregate Living Residential (CLR) future land use in the Agricultural Reserve at the request of the applicant. As with the prior request, the applicant was proposing a future land use change to CLR/AGR for the development of a 186 bed congregate living facility totaling 200,000 square foot. The proposed text amendment allowed for the CLR designation at a density of 8 units per acre

in the Ag Reserve. At the July 22, 2019 BCC Transmittal Hearing, the applicant proposed 30% onsite preserve and 30% open space in lieu of the 60% staff recommended preserve requirement. A summary of the discussion at the Planning Commission (June 14, 2019) and BCC transmittal hearing (July 22, 2019) is provided in Exhibit 9. Ultimately, that application was withdrawn and resubmitted as the proposed All Seasons Delray application that is the subject of this report.

- **Current request.** The current text amendment request by the applicant has been slightly modified from the 2019 application to change the preserve requirement to 10% onsite and 50% offsite, calculated by using the acreage of the 9.73 acre CLR “parent” site. The applicant has revised the concurrent zoning application to utilize a 5 acre parcel located west of State Road 7 as the offsite preserve area as well as provide 1.18 acres on the parent site to satisfy the onsite preserve area requirement. As a result, staff is recommending a condition of approval to reflect the required preserve area acreages consistent with the companion text amendment. Staff is also recommending a condition requiring that the adoption of the future land use amendment and zoning application are held on the same date. Both conditions will help to ensure that the development of the site is consistent with the proposal as presented. The applicant is proposing a future land use and text amendment to the Comprehensive Plan as well as a zoning map amendment, which are all summarized below.

Text Amendment. 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 for the purposes of calculating a higher bed count for Congregate Living Facilities (CLFs) subject to specific criteria as detailed in Exhibit 1-B and summarized below:

- Limit the location to parcels fronting Lyons Rd between Atlantic Ave and Linton Blvd;
- Allow up to 8 units per acre for the purposes of calculating CLF beds; and
- Allow CLR as an underlying designation to the Institutional & Public Facilities future land use designation with a requirement for an onsite preserve area for civic uses (10%) and an offsite preserve area (50% of CLR acreage). Single use projects would be required to provide 60% preserve with uses consistent with AGR-PUD preserve areas.

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 Institutional and Public Facilities, with an underlying Congregate Living Residential (INST/CLR), in order to develop a Congregate Living Facility Type 3 with 186 beds. This figure is equivalent to 8 units per acre.

Typically, land use amendment requests seeking a CLF use will request the Congregate Living Residential in order to increase density for the purposes of calculating beds. CLFs are currently allowed within Ag Reserve Planned Unit Developments (AGR-PUD), but are currently limited to one unit per acre and are required to have a 60% or 80% preserve area. As the applicant is proposing the Multiple Use Planned Development (MUPD) zoning district for this project, the Zoning Division has determined that applying for MUPD with an INST future land use and underlying CLR will allow this application to proceed without the need for a concurrent Privately Initiated Amendment (PIA) to the Unified Land Development Code. The proposed INST future land use allows for the applicant to obtain a CLF use without code amendments and the underlying CLR future land use increases the allowable density to 8 units per acre for the purposes of calculating beds.

Zoning Application. The associated zoning application (SV/PDD/CA-2021-00460) with Control Number 2012-00424, is requesting to rezone the site from Agricultural Reserve (AGR) zoning to

Multiple Use Planned Development (MUPD) for the 9.73 parent site. The request also includes approval for:

- Class A Conditional Use to allow a Type 3 Congregate Living Facility;
- Subdivision Variance to allow access onto Lyons Road;
- Type 2 Variance to allow for the elimination of a 15 foot Type 2 Incompatibility buffer between the proposed CLF and recreational area;
- Type 2 Waiver to allow a six-foot hedge instead of a wall along the eastern property line; and
- 5 acre AGR-PDD preserve area west of SR7.

As of the writing of this report, the proposed site plan shows a 260,000 square foot, 3 story congregate living facility with 112 Independent Living and 74 Assisted Living beds, and a 1.18 acre onsite preserve.

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 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 as 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 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. Although a CLF Type 3 is allowed in the ULDC Use Matrix in the Ag Reserve Planned Development, 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 Agricultural 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 Agricultural 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 community" 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 Agricultural 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) utilizes 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, as described on page 8. 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.

Residential development in the Agricultural Reserve Tier is limited to either one dwelling unit per 5 acres or through a Planned Development, one dwelling unit per acre clustered onto a portion of the site with a preserve area. Typically, CLF uses exist with a 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.

In addition, higher net densities within the Agricultural Reserve Tier 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.** The Comprehensive Plan requires that residential development in the Agricultural Reserve Tier is developed at either one unit per 5 acres or at one unit per acre within planned unit developments (PUD) and include a minimum of a 60% preserve area. For a 9.73 acre development, a 60% preserve requirement would result in a 14.60 acre offsite preserve area. However, the applicant is requesting a text amendment to allow the CLR designation in the Tier subject to a 10% onsite and 50% offsite preserve requirement. The 10% onsite preserve area is proposed to allow the same uses as an AGR-TMD and dedicated for civic uses. Both the onsite and offsite preserve areas are proposed to be calculated based on the land area of the CLR designation, which for this amendment is 9.73 acres.

The proposed preserve requirement is not a true 60/40 preserve calculation, which is typical for residential development in the Tier. However, the applicant is proposing to offset the preserve requirement by providing the onsite preserve for civic use dedication at 10% of the land area of the CLR parent site due to the unique nature of the use.

- 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 from agriculture uses could mitigate compatibility concerns.
- D. **Assessment and Recommendation.** 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 INST/CLR on the subject site. Staff also acknowledges that if developed as a multiple use project, the opportunity for the inclusion of civic uses on the site could provide a service to the residents, consistent with Tier Objective 1.5. Staff is recommending two conditions of approval: to require the preserve area acreages consistent with the companion text amendment and also requiring that the adoption of the future land use amendment and zoning application are held on the same date.

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

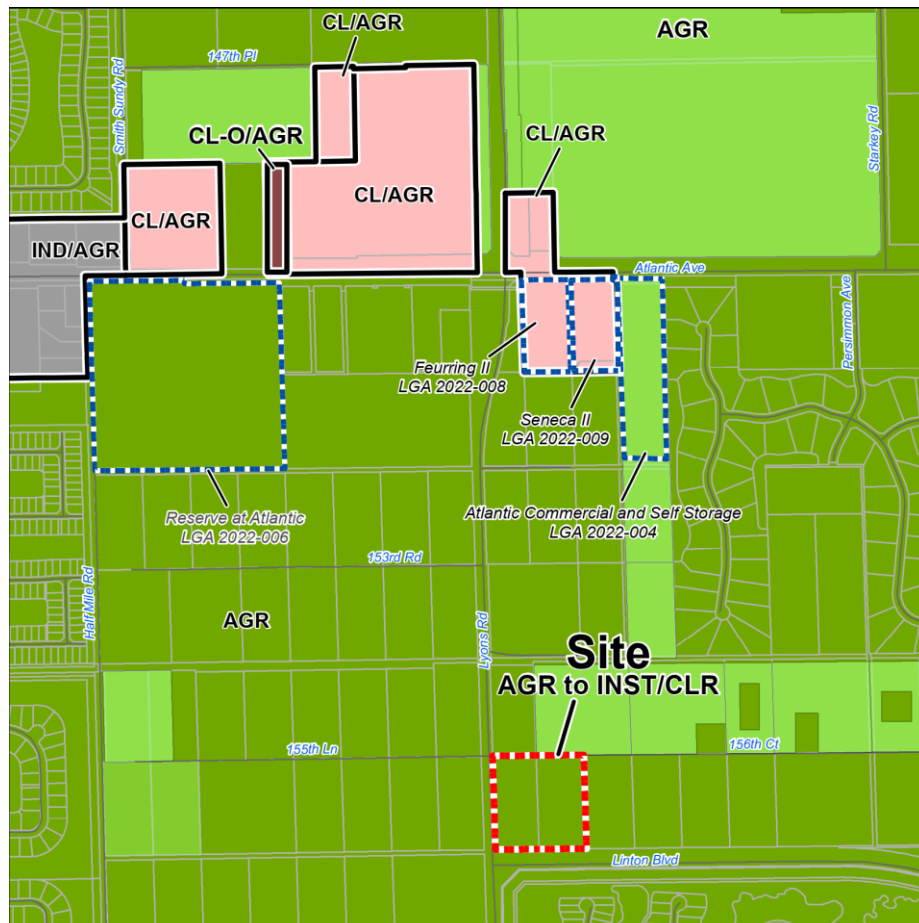
Exhibits	Page
1A. Future Land Use Map & Legal Description	E-1
1B. Applicant's Proposed Text Amendment	E-3
2. Consistency with Comprehensive Plan	E-5
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-15
4. Applicant's Public Facility Impacts Table	E-37
5. Palm Beach County Traffic Division Letter	E-40
6. Water & Wastewater Provider LOS Letter	E-42
7. Applicant's Disclosure of Ownership Interests	E-55
8. Urban Sprawl Analysis	E-55
9. Prior Poet's Walk Amendment (2017) Public Hearing Summary	E-57
10. Prior Poet's Walk Amendment (2019) Public Hearing Summary	E-58
11. Correspondence	E-59

Exhibit 1-A

Amendment No:	All Seasons Delray Beach (LGA 2021-009)
FLUA Page No:	102
Amendment:	From Agricultural Reserve (AGR) to Institutional & Public Facilities with an underlying Congregate Living Residential (INST/CLR) with conditions
CLF Density:	The Congregate Living Residential future land use designation allows a maximum density of up to 8 units per acre for a Congregate Living Facility (CLF) use on this site.
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:

1. Development of the site with a CLF shall provide a minimum of 4.87 acres of offsite preserve area and 0.97 acres of onsite preserve area.
- ~~2. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.~~



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, All Seasons CLF

REVISIONS: To add a policy and related language to allow the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier subject to criteria. 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 within in the Agricultural Reserve Tier subject to the following:

1. **Density.** The maximum density is up to 8 units per acre for the land area assigned the CLR designation for the purposes of calculating congregate living facility beds.
2. **Separation.** Residential uses shall be setback 50 feet from any agricultural use.
3. **Location.** Sites are limited to locations fronting Lyons Road between Atlantic Avenue and Linton Boulevard.
4. **Minimum Acres.** The minimum acreage for the CLR future land use designation is 5 acres.
5. **Preserve Area.** Preserve Areas are required as provided below.
 - a. **Single Use Project.** Projects utilizing the AGR-PUD option shall be subject to the preserve percentage and use requirements of Policy 1.5.1-i, and may represent a portion of a larger AGR-PUD.
 - b. **Multiple Use Project.** Projects utilizing CLR as an underlying designation to Institutional and Public Facilities (INST) future land use designation for a multiple use project shall be subject to the following:
 - 1) **Preserve Area Uses.** Uses allowed shall be those permitted within AgR-TMD preserves by Policy 1.5.1-n.
 - 2) **Preserve Area Acreage.**
 - a) A minimum of 10% of the land area with the CLR designation shall be Onsite Preserve Area ~~dedicated to civic uses per Policy 1.5.1-n~~; and
 - b) A minimum acreage equivalent to 50% of the acreage of the CLR designation shall be provided as Offsite Preserve Area.
 - c) Offsite Preserve Area may retain AGR future land use provided that no density or intensity is transferred to the Development Area and that the preserve is subject to a conservation easement which restricts uses allowed to those permitted within AgR-TMD preserves by Policy 1.5.1-n.
 - 3) **Design Elements.** An MUPD with an INST/CLR FLU is exempt from Policy 1.5.1-r.

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</u> /12 ⁴
<i>Unaltered text omitted for brevity</i>		

1. to 3. *unaltered text omitted for brevity*

4. The CLR future land use designation allows a maximum density for a Congregate Living Facility 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. See Congregate Living Residential Policy 2.2.1-l.

A.3. REVISE Policy 2.2.8-e: Institutional Future Land Use. Uses allowed in the Institutional and Public Facilities future land use designation include a full range of institutional uses including, but not limited to, the following:

1. to 6. *Unaltered omitted for brevity*

7. Residential uses including congregate living facilities, group homes, and accessory affordable housing. Mixed or multiple use planned developments may utilize up to 100% of the underlying residential density and the institutional intensity subject to the requirements of this Element.

8. to 10. *Unaltered omitted for brevity*

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 RSA¹
Unaltered text omitted for brevity.						
Congregate Living Residential	CLR	X	---	---	--- X	---
Unaltered text omitted for brevity.						

1. *Notes are unaltered text omitted for brevity*

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 portion of Palm Beach County"* Therefore, the proposed future land use designation of INST/CLR *"allows the site to be developed with a CLF, while maintaining the existing density patterns associated with traditional residential development within the Tier."*
- 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 *"by providing necessary services and housing options to the aging population"* of the Tier. 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 *"a large population of residents aged 55 years and older."*

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 Agricultural 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 community” 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. Further, allowing the Institutional and Public Facilities future land use designation and uses is suitable and appropriate at this location along the Lyons Road corridor south of Atlantic Avenue.

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 community’ 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 INST/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 SR-7. 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 (1 unit per acre clustered onto 40 or 20 percent of the land area) yields an such a low number of beds that constructing a CLF rather than single family is not likely to occur. 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 one unit per 5 acres or at one 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 requirement for multiple use projects to provide 10% onsite preserve for civic uses and 50% offsite preserve. The proposed preserve requirement is not a true 60/40 preserve calculation, which is typical for residential development in the Tier. However, the applicant is proposing to offset the preserve requirement by providing the onsite preserve for civic use dedication at 10% of the land area of the CLR parent site due to the unique nature of the use.

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. The subject site is less than 16 acres. However, the applicant is proposing through the associated text amendment to require a 10% onsite and 50% offsite preserve area.

4. **Proposed Text Amendment – Congregate Living Facilities.** 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.
- **Policy 2.2.8-e: Institutional Future Land Use,** to clarify that residential uses within an Institutional and Public Facilities future land use (such as the proposed CLF use) are not subject to the floor area ratio restrictions by non-residential future land use designations by adding language. The same language and concept already applies to commercial future land use designations.
- **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 within in the Agricultural Reserve Tier subject to the following:

1. **Density.** The maximum density is up to 8 units per acre for the land area assigned the CLR designation for the purposes of calculating congregate living facility beds.
2. **Separation.** Residential uses shall be setback 50 feet from any agricultural use.
3. **Location.** Sites are limited to locations fronting Lyons Road between Atlantic Avenue and Linton Boulevard.
4. **Minimum Acres.** The minimum acreage for the CLR future land use designation is 5 acres.
5. **Preserve Area.** Preserve Areas are required as provided below.
 - a. **Single Use Project.** Projects utilizing the AGR-PUD option shall be subject to the preserve percentage and use requirements of 1.5.1-i, and may represent a portion of a larger AGR-PUD.
 - b. **Multiple Use Project.** Projects utilizing CLR as an underlying designation to Institutional and Public Facilities (INST) future land use designation for a multiple use project shall be subject to the following:
 - 1) **Preserve Area Uses.** Uses allowed shall those permitted within AgR-TMD preserves by Policy 1.5.1-n.
 - 2) **Preserve Area Acreage.**
 - a) A minimum of 10% of the land area with the CLR designation shall be Onsite Preserve Area dedicated to civic uses per Policy 1.5.1-n; and

- b) A minimum acreage equivalent to 50% of the acreage of the CLR designation shall be provided as Offsite Preserve Area.
- c) Offsite Preserve Area may retain AGR future land use provided that no density or intensity is transferred to the Development Area and that the preserve is subject to a conservation easement which restricts uses allowed to those permitted within AgR-TMD preserves by Policy 1.5.1-n.

Staff Analysis: The applicant's proposed policy changes would allow the Congregate Living Residential (CLR) designation in the Ag Reserve for the development of congregate living facilities (CLF) at up to 8 units per acre with the adoption of a future land use amendment. Each of the components of the proposed policy is discussed below.

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 practically impossible. 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. The applicant proposes language to limit the CLR designation to those parcels fronting Lyons Road and located between Atlantic Avenue and Linton Boulevard. As discussed in the Applicant's Justification Statement, *"institutional and residential uses exist along the corridor, adjacent to agricultural and nursery type uses."* Limiting the CLF to this location is reflective of the hybrid character of this use, and ensures that institutional intensity is centered within a logical extension of non-residential uses along this corridor, while preserving the transition to residential and agricultural.

Separation and Minimum Acreage. The proposed language retains the 50 foot separation from agricultural uses as required by residential uses within AGR-PUD zoning. The 5 acre minimum is proposed to ensure that proposed CLF sites meet the minimum acreage for the Multiple Use Planned Development (MUPD) zoning district.

Preserve Area. The applicant proposes two options for the assignment of the CLR designation as discussed below.

- **Residential Project.** The applicant proposes to allow a portion of an AGR-PUD to be assigned the CLR future land use designation in order to incorporate a congregate living facility use. Through this option, the density calculation for the land area for the CLF use with CLR future land use would be 8 units per acre, and any other requirement for the AGR-PUD would remain the same (minimum acreage, preserve area, preserve uses, etc.)
- **Multiple Use Project.** The modern CLF is a type of use that is somewhere in between 'residential' and 'institutional', or a combination of the two, and could therefore warrant the creation of a 'hybrid' regulation. As they are a blend of both uses, providing residential housing and nonresidential services, CLFs include both healthcare services

and more traditional personal services, such office space, and salons, for example. 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 modern CLFs 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. Due to the hybrid nature of this use, a new approach to ensure that the existing development pattern of the Agricultural Tier is preserved as well as creating regulations that are conducive to this use are warranted.

5. **Institutional , Policy 1.5-s:** *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.*

Staff Analysis: As discussed above, the applicant is proposing text amendments to allow congregate living facilities in the Agricultural Reserve Tier with 8 units per acre utilizing the Congregate Living Residential (CLR) future land use. The future land use amendment is requesting an Institutional & Public Facilities future land use with an underlying CLR (INST/CLR). The Comprehensive Plan currently allows the INST designation in the Agricultural Reserve at a floor area ratio of .15 and east of State Road 7.

Current INST future land uses in the Tier include the Bethesda Hospital West/Baptist Health at the northeast corner Boynton Beach Boulevard and State Road 7 and just north of the hospital is Faith Farm. Also along Boynton Beach Boulevard and west of Acme Dairy Road is Caridad Center and east of State Road 7 is Eternal Light Cemetery, both with INST future land use designations.

Institutional uses are allowed in all future land use designations, east of State Road 7 in the Agricultural Reserve Tier. As a result, there are a few institutional uses fronting Lyons Road corridor, nearby the subject site. Just north of the site is a place of worship and south of the site across Lyons Road from the Mizner Country Club is Divine Savior Church and Academy.

6. **ULDC Implications:** The Zoning Division has determined that applying for MUPD with an INST future land designation and underlying CLR will allow this application to proceed without the need for a concurrent Privately Initiated Amendment (PIA) to the Unified Land Development Code.

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 would mitigate compatibility concerns. In addition, the site is in close proximity to Atlantic Avenue and Lyons Road, which is 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 8 units per acre and the maximum development allowed under the INST designation (148,344 square feet of hospital use). 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 potential of a 148,344 square feet of hospital use. According to the County’s Traffic Engineering Department (see letter dated April 14, 2021 in Exhibit 5) the amendment would result in an increase of 798 trips per day if the site was developed at the current maximum development potential of a 5 acre Nursery Garden Center and 4.73 Wholesale Nursery.

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

The Traffic Study dated March 26, 2021 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:

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 March 19, 2021. 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 March 19, 2021. 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 10 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 March 30, 2021. No members of the public attended.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

INTRODUCTION

On behalf of the Applicant, All Seasons Delray Beach LLC., WGI is requesting a **Comprehensive Plan Text Amendment** to allow for the development of Congregate Living Facilities (CLF) within the AGR Tier, under the Institutional and Public Facilities future land designation with an underlying Congregate Living Residential (INST/CLR) with the use of the Institutional Multiple Use Planned Development (MUPD) zoning district. In addition, the petitioner is requesting a **Large-scale Future Land Use (FLU) Atlas Amendment** to modify the FLU designation of a 9.729-acre tract of land from the Agricultural Reserve (AGR) land use designation to the Institutional and Public Facilities future land designation with an underlying Congregate Living Residential (INST/CLR) with the use of the Institutional Multiple Use Planned Development (MUPD) zoning district.

The subject site, known as "All Seasons Delray", is located on the east side of Lyons Road, approximately 0.76 miles south of the Atlantic Avenue and Lyons Road intersection. The 9.729-acre property is comprised of two parcels identified by a FLU designation and zoning designation of AGR, and located within Palm Beach County's Agricultural Reserve Tier. The site's property address is 8892 156th Court South, and is further identified by the following Property Control Numbers (PCNs) as follows:

PCN	Owner Information	Address
00-42-46-20-01-000-0810	Cindy and Greg Jacob	8892 156TH CT S
00-42-46-20-01-000-0820		

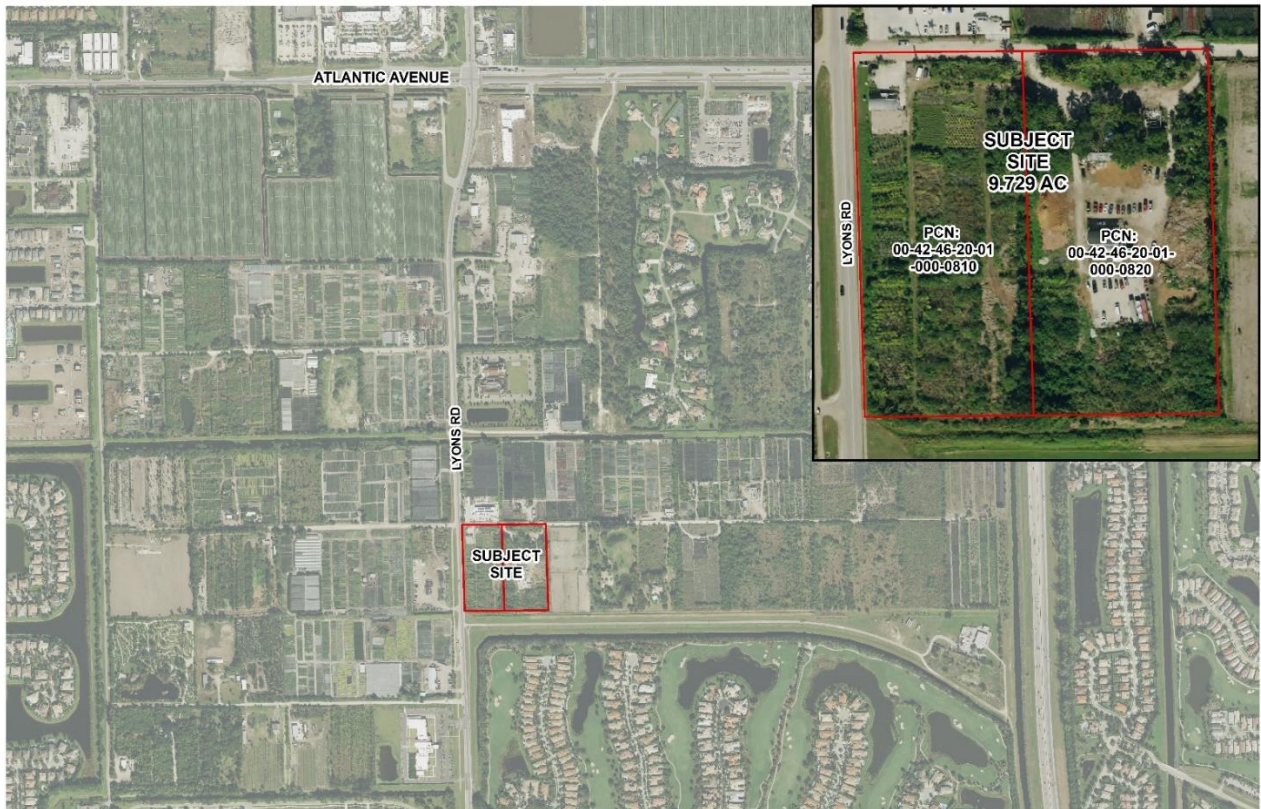


Exhibit 1: Location Map

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.

G.1 Justification

As required by the Future Land Use Element Policy 2.1.-f, the following sections provide justification for the proposed amendments and comply with the following controls:

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

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). 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.

The Agricultural Reserve Tier functions to preserve and balance the rural and agricultural nature of the westernmost areas of the County with compatible residential and non-residential development for the residents of the Tier. In order to ensure the sustainable growth and preservation of the Tier, the Plan sets forth objectives to situate development areas east of State Road 7 "in order to protect the environmentally sensitive lands surrounding the Loxahatchee National Wildlife Refuge" (FLUE Objective 1.5). The Plan also encourages residential development be restricted to low densities and for non-residential development to be limited to uses serving the needs of the residents of the Tier. The proposed development for a Type 3 CLF in the Tier, specifically along the Lyons Road corridor, represents both a necessary use for the Tier and the appropriate location on which to situate this use. Furthermore, it is the intent of the Applicant to incorporate site design elements such as added open space, preserve areas, and enhanced buffers and setbacks to ensure that this development remains compatible and representative of sustainable non-residential development in the Tier.

2. There is a basis for the proposed amendment 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;**
- b. Changes in the access or characteristics of the general area and associated impacts on the subject site;**
- c. New information or change in circumstances which affect the subject site;**
- d. Inappropriateness of the adopted FLU designation; or**
- e. Whether the adopted FLU designation was assigned in error.**

The Agricultural Reserve Tier functions to preserve and balance the rural and agricultural nature of the westernmost areas of the County with compatible residential and non-residential development for the residents of the Tier. In order to ensure the sustainable growth and preservation of the Tier, the Plan sets forth objectives to situate development areas east of State Road 7 “in order to protect the environmentally sensitive lands surrounding the Loxahatchee National Wildlife Refuge” (FLUE Objective 1.5). The Plan also encourages residential development be restricted to low densities and for non-residential development to be limited to uses serving the needs of the residents of the Tier. The proposed development for a Type 3 CLF in the Tier, specifically along the Lyons Road corridor, represents both a necessary use for the Tier and the appropriate location on which to situate this use. Furthermore, it is the intent of the Applicant to incorporate site design elements such as added open space, preserve areas, and enhanced buffers and setbacks to ensure that this development remains compatible and representative of sustainable non-residential development in the Tier.

The Need for a Type 3 CLF in the Tier

According to the U.S. Department of Housing and Urban Development, by the year 2050, the population of individuals who are 65 and older is projected to double nation-wide. In consideration of this projection, it is without a doubt that Palm Beach County will be impacted by a rapidly aging population as many of the County’s residents enter retirement age. This reality will not only put a strain on the residential housing stock county-wide, but specifically impose an increased demand for facilities that are able to serve the elderly. It will be vital that these facilities provide a wide range of services in close proximity to the residents that will require elderly care. The proposed development for a Type 3 CLF use in the Agricultural Reserve Tier will provide a variety of elderly care services in an area of the County that is currently underserved and unprepared for the projected exponential growth of retirement-aged residents.

The following analysis provides an in-depth account of the current age distribution within the Tier, showing how the Agricultural Reserve Tier is home to largest concentration of elderly residents in all of Palm Beach County. Furthermore, the analysis will illustrate how this use is underrepresented in the Tier, where the demographic make-up of the Tier clearly supports and necessitates this use.

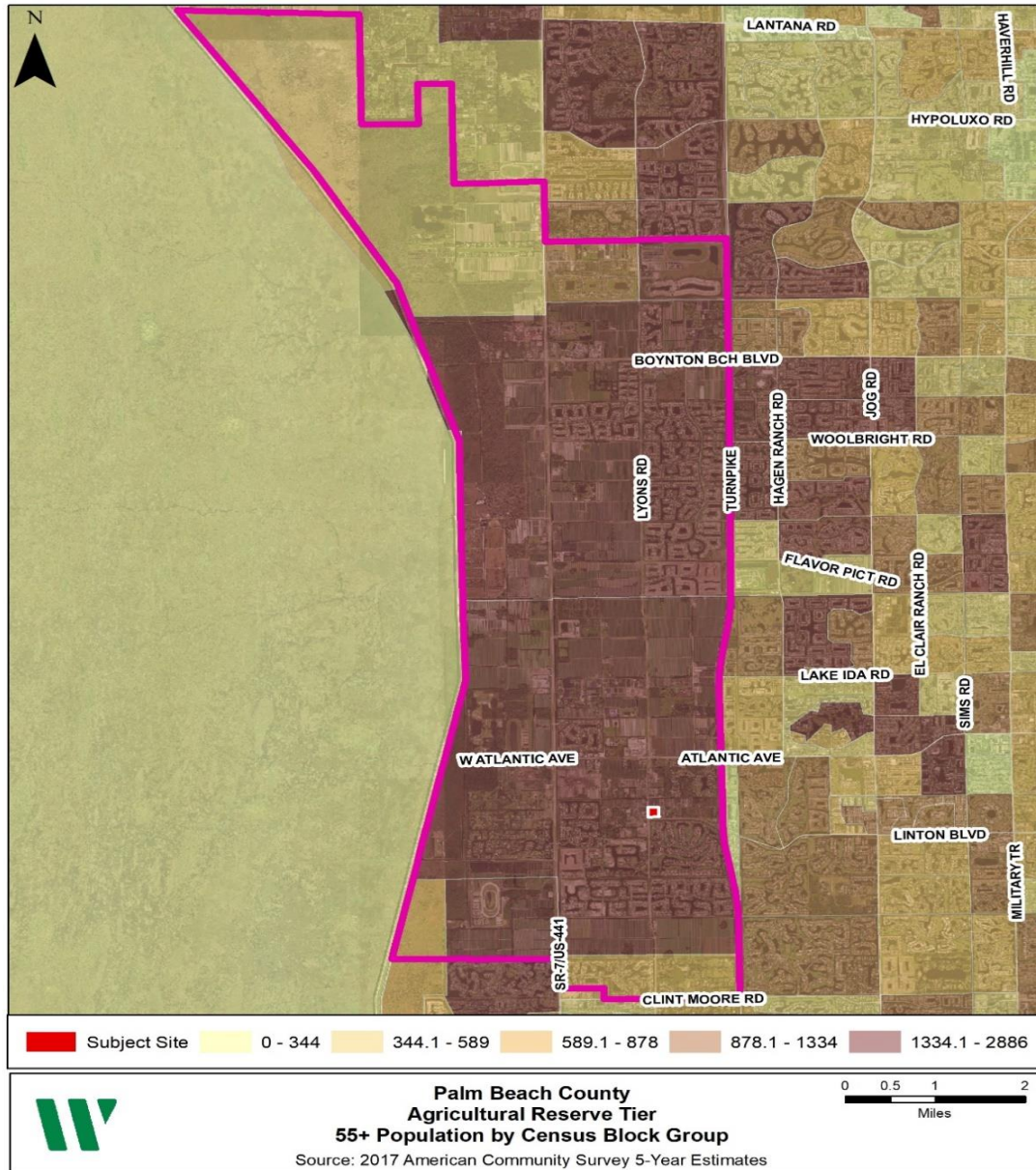


Exhibit 2: Concentration of 55+ Residents in Palm Beach County

As shown in the exhibit above, according to the U.S. Census Bureau, the highest concentration of elderly population (ages 55+) in Palm Beach County actually resides within or adjacent to the Agricultural Reserve Tier. This analysis utilized the 2017 5-Year American Community Survey estimates provided by the Census Bureau. The aforementioned analysis examined the demographic composition of the County using the most granular geographic unit available for population data- the census block group. This dataset provided population counts by age group for each census block group in the County, where the map above shows the concentration of residents aged 55 or older across the County.

This assessment of population distribution across the County reveals that currently, the highest concentration of elderly residents already reside within or adjacent to the Agricultural Reserve Tier. In consideration of this, and in light of the 2050 projections, the Agricultural Reserve Tier as well as the adjacent communities to the Tier, will experience increased pressure and demand to provide housing and services for elderly. Alternatively, the lack of housing and facilities for the elderly in the Tier presents

a disproportionate and growing inequity in these sectors for the constituents already living in the Tier. The proposed uses for the subject site will directly serve the residents of the Tier and help alleviate the growing need for Congregate Living Facilities in the Tier. This provision of a necessary use in the Agricultural Reserve Tier directly supports and undeniably reinforces Objective 1.5 of the Plan- that non-residential uses in the Tier be developed and provided to serve the residents of the Tier.

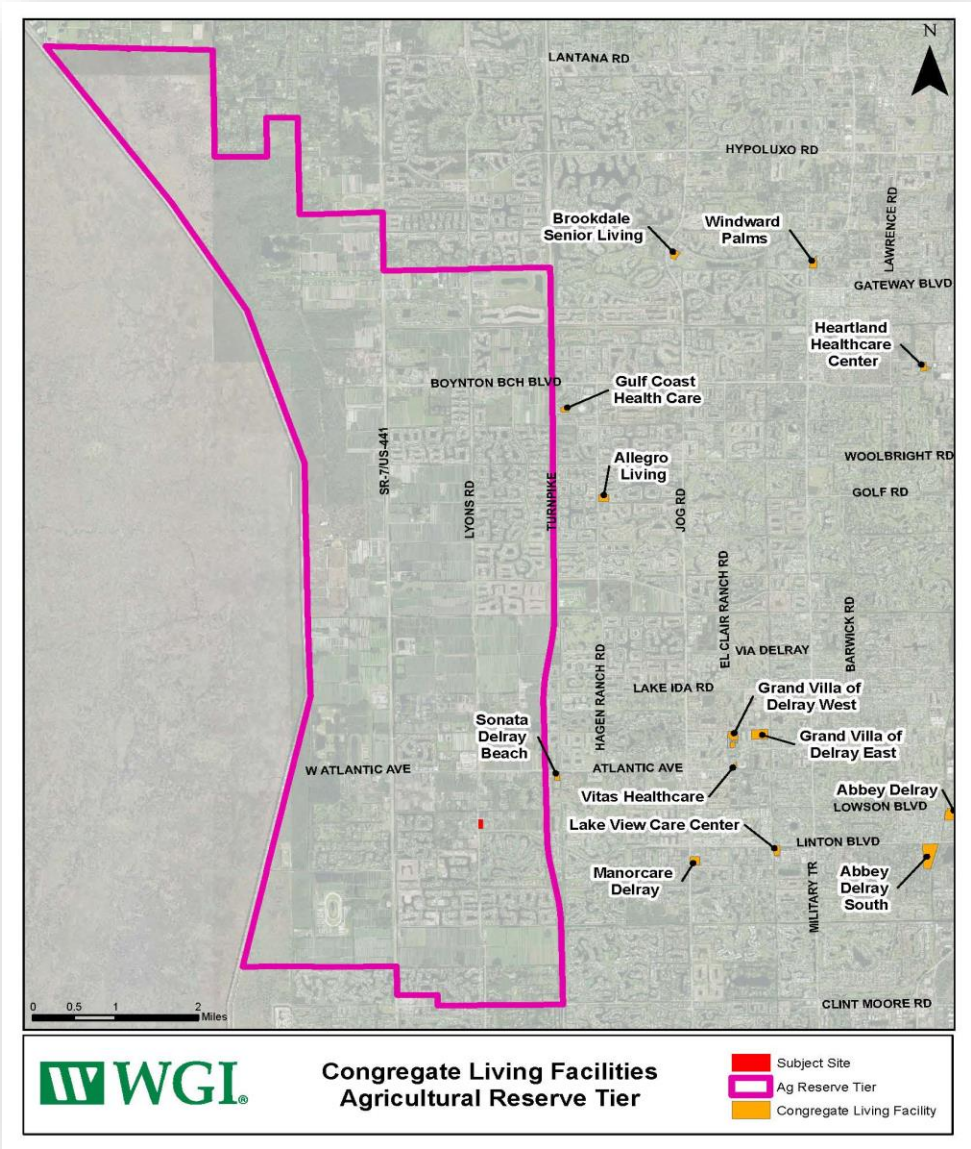


Exhibit 3: CLF Location – Southern PBC

To further justify the need for this use in the Agricultural Reserve Tier, the map above shows the location of congregate living facilities in relation to the Tier. As shown, these facilities are not currently provided within the Tier. While the map depicts facilities adjacent to the Tier, it should be noted that these facilities do not provide the full spectrum of elderly care, with the exception of Independent Living, in comparison to the proposed All Seasons Delray development.

The table below illustrates the levels of care associated with each congregate living facility for the elderly in the southern portion of the County. As shown below, while there are facilities located within 10 miles

of the Tier, there are no facilities that provide the full spectrum of care in close proximity to the residents of the Tier. The only two facilities that provide the full spectrum of elderly care, Brookdale Senior Living and Abbey Delray, are located between 8 and 10 miles from the Tier.

Facility	Distance from AGR Tier	Type 3 Congregate Living Facility			Nursing/Convalescent Facility
		Independent Living	Assisted Living	Memory Care	Skilled Nursing
<i>Poet's Walk</i>	-		✓	✓	✓
<i>Sonata Delray Beach</i>	2 miles		✓	✓	
<i>Vitas Healthcare</i>	4 miles				✓
<i>Lake View Care Center</i>	5.6 miles				✓
<i>Manorcare Delray</i>	5 miles				✓
<i>Allegro Living</i>	6 miles	✓	✓	✓	
<i>Brookdale Senior Living</i>	10 miles	✓	✓	✓	✓
<i>Windward Palms</i>	12 miles	✓			
<i>Heartland Healthcare Center</i>	9 miles				✓
<i>Grand Villa of Delray West</i>	4.5 miles	✓	✓	✓	
<i>Grand Villa fo Delray East</i>	5 miles	✓	✓	✓	
<i>Abbey Delray South</i>	8 miles	✓			✓
<i>Abbey Delray</i>	8 miles	✓	✓	✓	✓

Given future population projections, the current demographic composition of the Tier, and the reality that this use is overwhelmingly underrepresented in the Tier, the proposed use of a Type 3 CLF will represent a suitable use type for the Tier. With the addition and inclusion of code compliant site design features and enhanced compatibility measures, this use will help to alleviate the growing need for this use in the Agricultural Reserve Tier and remain compatible with the surrounding character.

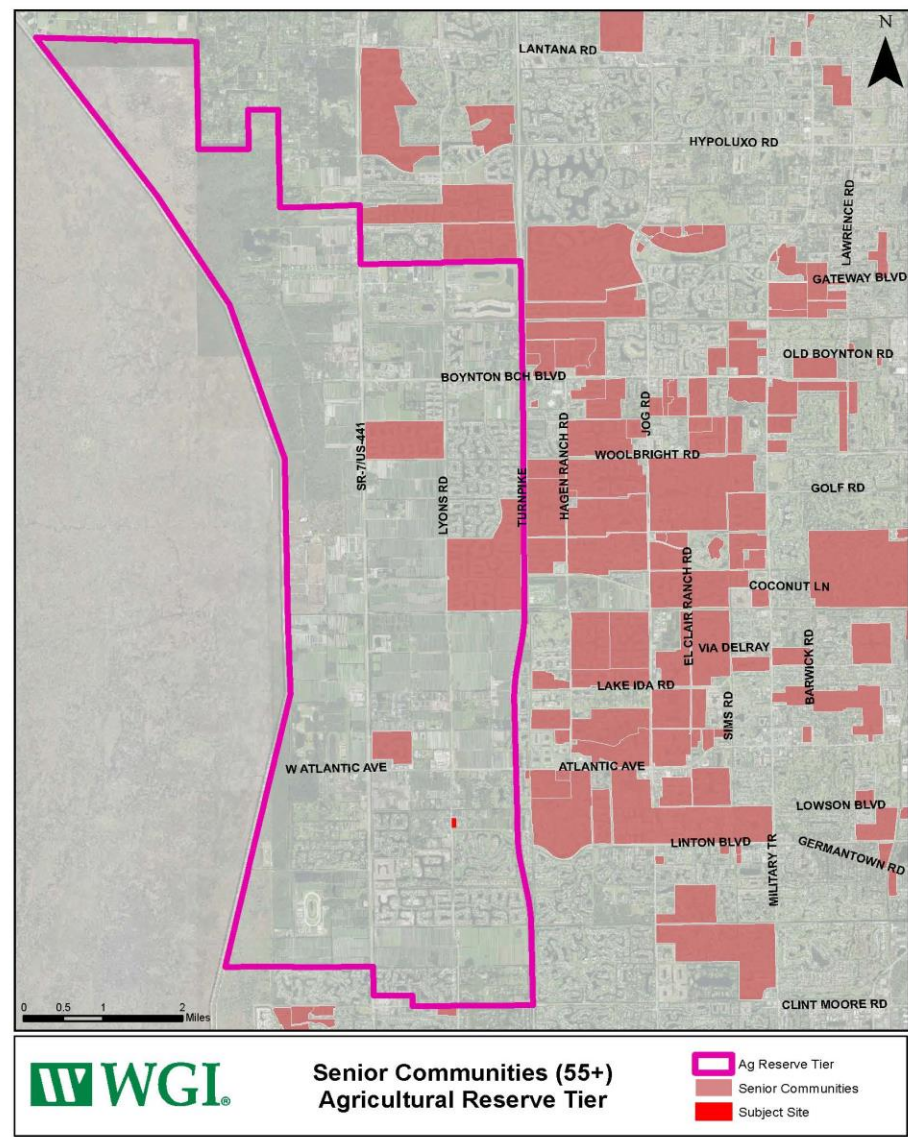


Exhibit 4: Senior Communities Map

The need for this use is further justified when analyzing the distribution of “senior communities” within and adjacent to the Agricultural Reserve Tier. Senior Communities, as defined by the Palm Beach County Planning, Zoning, and Building Department, are the geographic boundaries of communities determined to house a population of seniors where census data shows that 75% or greater are aged 55 or over. This dataset was examined using Geographic Information Systems (GIS), as shown in the map above, to illustrate the spatial distribution of these communities in the southern and western portions of the County.

This County dataset reveals that several defined senior communities currently exist within the Tier. Furthermore, the highest concentration of senior communities in the entire county can be seen to be situated directly adjacent to the Tier. The current and projected residents of these defined and distinct age-restricted developments will require elderly-care services as the progress in age and the proposed development will help to alleviate the increased demand that this health care sector will face in the coming years.

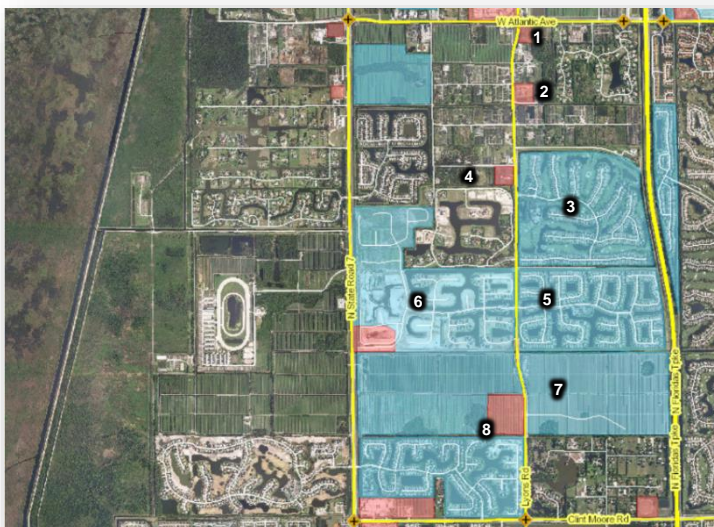
Over the past several decades, the AGR Tier has seen tremendous growth in both residential and non-residential development. The original development pattern established for the Tier as part of the 1989

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 portion of Palm Beach County. The shift in development pattern is evident by the existing and approved planned residential developments located throughout the Tier, as well as both developed and approved non-residential uses. 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 uses are 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	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	30%
St. Mary Coptic Orthodox Church	42,300 SF Church/Synagogue	50%
Mizner Country Club	471 Single Family Detached	98%
Divine Savior Academy	11,572 square feet church/synagogue 392 students (K-8 Private School) 11,120 SF (Day Care)	100%
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**

As previously mentioned, as a result of shifting development trends and demographics in the Tier, there is a growing need for elderly care 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 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 the proposed use. Lyons Road is the main corridor of the Tier, with the majority of development clustered along both sides of the roadway.

G.2 Residential Density Increases

The last several decades have been subject to tremendous growth throughout Palm Beach County, 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 the County 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, Palm Beach County 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, the County will be faced with the increased demand for uses within the area that were not anticipated with the original adoption of the Comprehensive Plan and establishment of zoning districts. One of the uses that were not originally anticipated but are very much needed in the area are senior living facilities.

Palm Beach County is home to a large amount of "Baby Boomers" that wish to "age in place". As shown throughout the aforementioned analyses, the Agricultural Reserve Tier is truly conducive for the proposed use. At such time residents of these developments, or their families, make the decision to pursue senior living facilities for housing and care, there are very limited options available within or in close proximity to 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 these uses (2.39 beds per acre), as opposed to those outside of the Agricultural Reserve Tier (typically 19 beds per acre), development of the use is economically and realistically impossible without an amendment to the Comprehensive Plan and reassignment of the current zoning district to MUPD.

The text amendment is proposing language to allow Congregate Living Facilities within the Tier to achieve a density of eight dwelling units per acre. The development of these types of uses at a maximum density of eight dwelling units per acre will sufficiently accommodate the required density for viable uses, while maintaining the existing development patterns already established in the Agricultural Reserve Tier. 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 approvals within Palm Beach County, 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	SR 7 & Woodwind 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
Gardens CLF	96-112	Palamino Drive & SR 7	8.27	INST/8	MUPD	144	7.28 du/ac
Vista Center Parcel 6	84-130	Vista Parkway & Okeechobee Blvd	22.10	IND/5	PIPD	378	7.16 du/ac
Tuscan Gardens	05-506	Sims Road & Frost Lane	7.57	CLR/8	PUD	217	11.99 du/ac

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

G.3 Compatibility

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

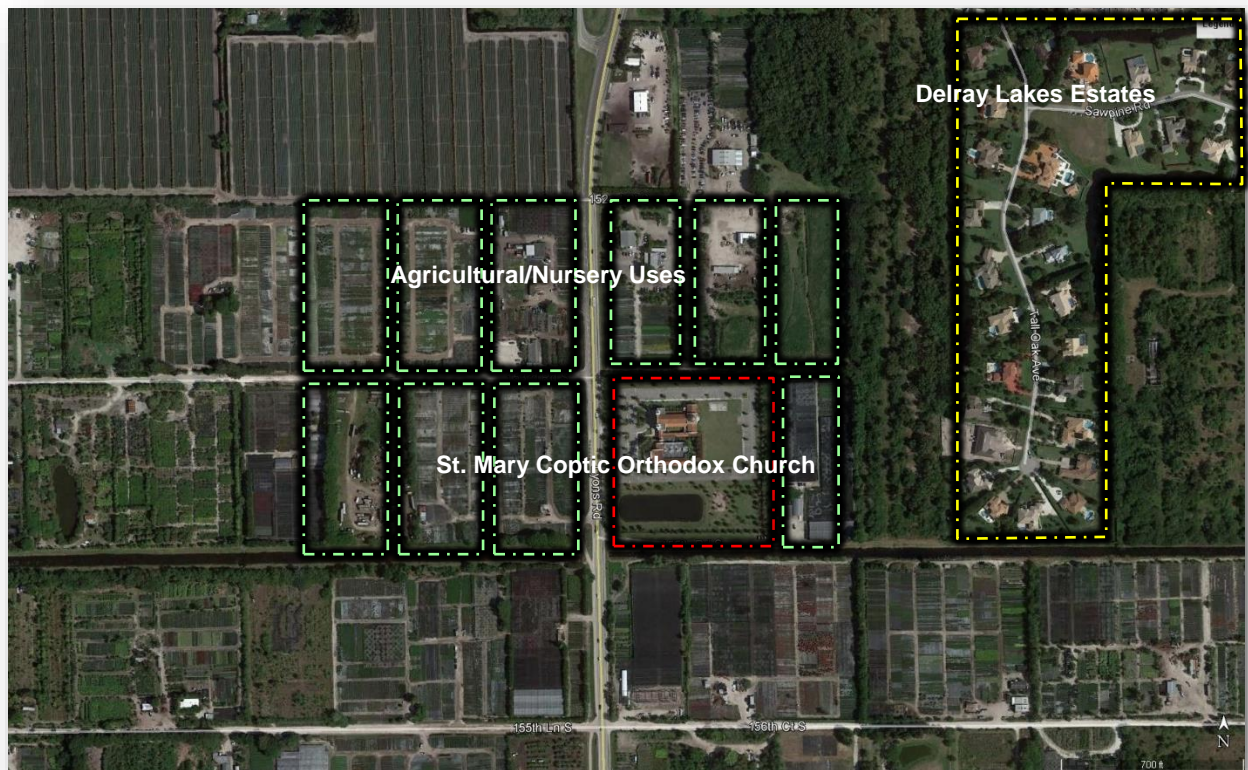
North: Immediately north of the subject site is an agricultural nursery with a FLU designation and Zoning designation of AGR. Further north, there is an existing place of worship located adjacent to Lyons Road with FLU and Zoning designations of AGR.

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.

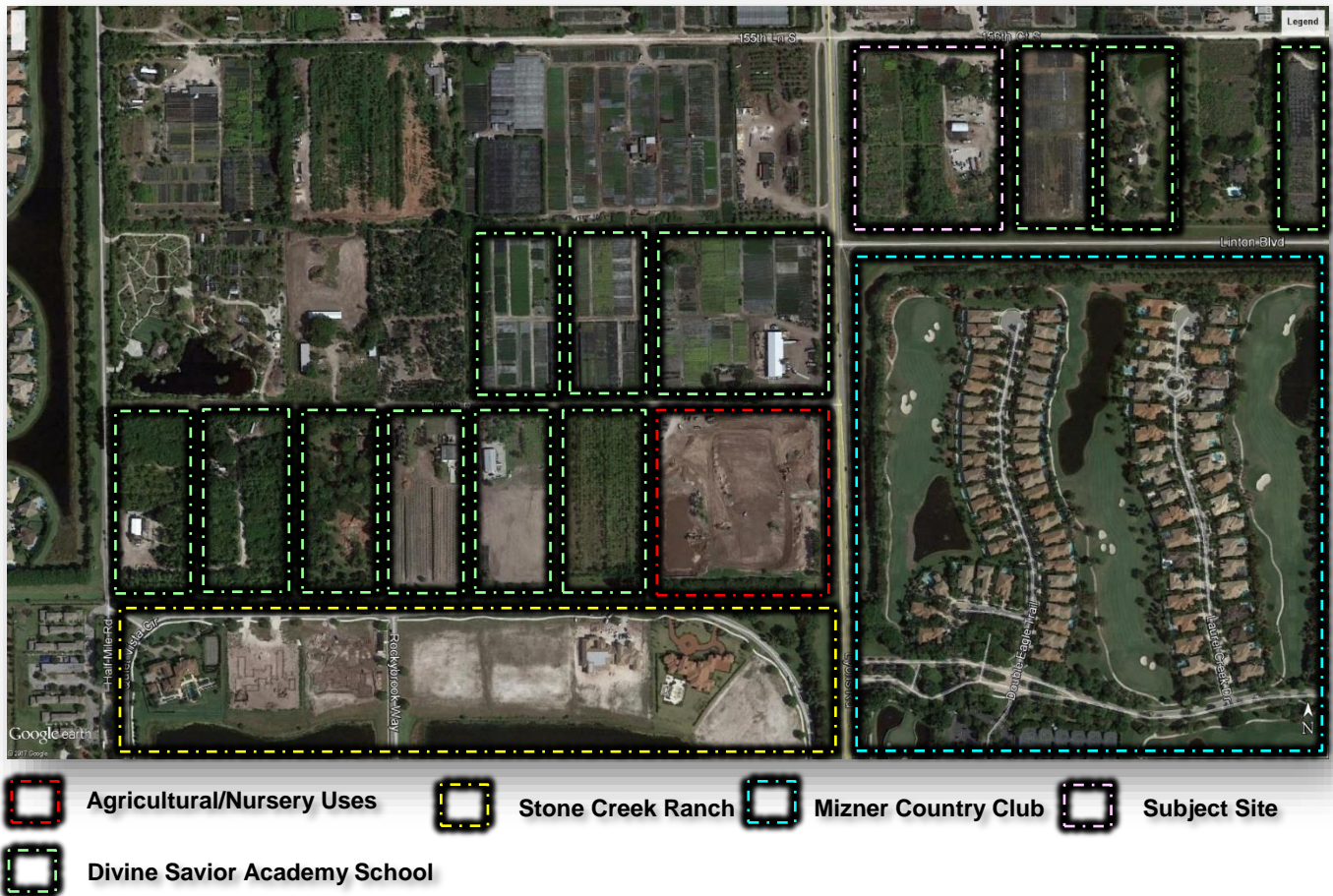
East: East of the subject site are agricultural nursery uses and low density residential. Both uses retain a FLU design and Zoning designation of AGR.

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.

The proposed CLF 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 INST/CLR 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 INST/CLR 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.
- 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.

G.4 Comprehensive Plan 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 Tier encompasses unique farmland and wetlands that are to be preserved primarily for agriculture based on policy direction adopted by the Board of County Commissioners in 1995. The Agricultural Tier Objective and Policies were revised in 2001 to incorporate the findings contained within the Ag Reserve Master Plan dated October 2000. This document was a summary of consultant and staff recommendations, and Board direction, for the Ag Reserve Master Planning effort which took place over a period of years with several phases. The purpose of the Master Planning effort was: "To preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve, and produce a master development plan compatible with these goals."

Response: The Agricultural Reserve 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 Agricultural Reserve 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 Agricultural Reserve 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 proposed future land 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 Agricultural Reserve Tier, as a significant percentage of residents within the Agricultural Reserve 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, Agricultural Reserve 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-s

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-s. 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 Agricultural Reserve Tier.

The information presented in this Justification Statement demonstrates that there is a need, given the existing, aging population within the Agricultural Reserve 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.

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 INST/CLR is in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

1. The natural environment, including topography, soils and other natural resources;

The proposed request has minimal effect on the natural environment, such as but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment. There are no environmental issues associated with this application beyond compliance with PBC regulations. Any existing vegetation on site will be preserved to the greatest extent possible.

2. The availability of facilities and services;

Concurrent with this request, the Applicant is applying for a Concurrency Reservation to accommodate the proposed development. Adequate facilities and services are available.

3. The adjacent and surrounding development;

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 a roadway providing direct access to Atlantic Avenue. 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.

The proposed CLF use is compatible with the surrounding uses and is complimentary to the existing development pattern along the Lyons Road corridor. 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 INST/CLR 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 INST/CLR FLU designation 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, as demonstrated on Pages 2 and 3 of this report. Also outlined earlier in this report (Page 22), there have been several recent Type 3 CLF's approved and adjacent to similar uses. The proposed CLF at this location is consistent with the established uses and current development pattern along the Lyons Road corridor. Furthermore, the following aerials identify the aforementioned approved CLF's within MUPD Zoning Districts, and demonstrate their relationship with existing uses are similar to that of the subject site.

Gardens CLF

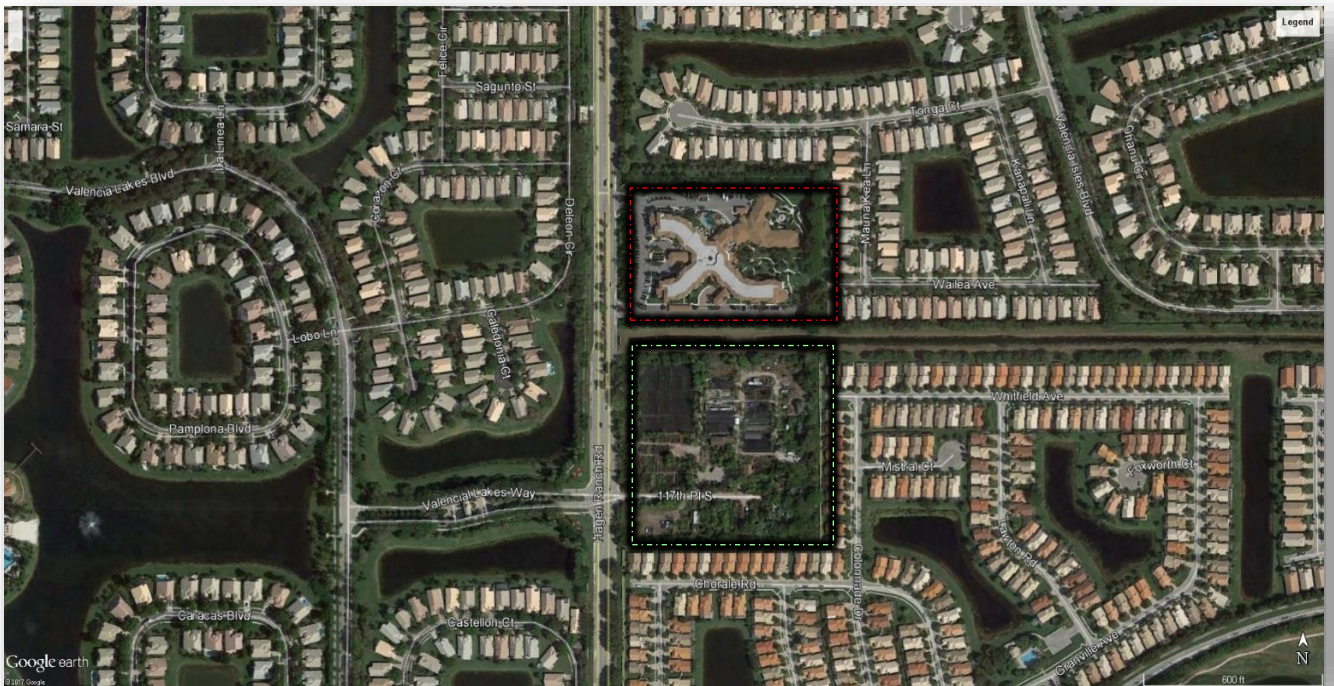


Gardens CLF MUPD



Agricultural/Nursery Uses

Allegro at Boynton Beach



Allegro at Boynton Beach MUPD



Agricultural/Nursery Uses

4. The future land use balance;

The AGR Tier has seen tremendous growth in both residential and non-residential development since its inception. The original development pattern established for the Tier has undergone a transition of 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 Linton Boulevard). 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. Recently, there have been several developments approved within the Tier and in close proximity to the subject site. The re-designation of the site with a FLU designation of INST/CLR provides for a complimentary continuance of the existing development pattern and allows the site to be developed with a CLF, while maintaining the existing density patterns associated with traditional residential development within the Tier.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

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. Over time, 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.

6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and

The subject site is located within PBC's Agricultural Reserve Tier. 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.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

Not applicable.

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 INST/CLR 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 Tier encompasses unique farmland and wetlands that are to be preserved primarily for agriculture based on policy direction adopted by the Board of County Commissioners in 1995. The Agricultural Tier Objective and Policies were revised in 2001 to incorporate the findings contained within the Ag Reserve Master Plan dated October 2000. This document was a summary of consultant and staff recommendations, and Board direction, for the Ag Reserve Master Planning effort which took place over a period of years with several phases. The purpose of the Master Planning effort was: "To preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve, and produce a master development plan compatible with these goals.*

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 in it.*

Response: The proposed amendment to the FLUA to assign the subject site a FLU designation of INST/CLR does not create a conflict with this objective. To the contrary, the designation of this site with the INST/CLR 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-s:** *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 INST/CLR 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 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.*

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 is proposed at a suitable location and of a compatible density.

- **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 INST/CLR Future Land Use.

- **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.*

Response: The development proposal includes a 1.4786 acre preserve parcel at the southeast corner of the site, where a fire station will be located. In addition, a 5.0946 acre preserve parcel, identified by PCN 00-42-46-20-01-000-0860, has been used to satisfy preserve area comments.

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 INST/CLR 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	Nursery (Garden Center) (ITE 817) Rate: 108.1 Nursery (Wholesale) (ITE 818) Rate: 19.5	Assisted Living Facility (ITE 254) Rate: 2.6 Fire and Rescue Station Rate: 4.8
Maximum Trip Generation	633	546
Net Daily Trips:	<u>-149 (maximum minus current)</u> <u>-97 (proposed minus current)</u>	
Net PH Trips:	35 (22/13) AM, 48 (18/30) PM (maximum) 41 (24/17) AM, 54 (20/34) (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 - Residential Only (Including CLF)				
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 - Residential Only (Including CLF)				
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	

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**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor
Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

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Affirmative Action Employer"



April 14, 2021

Dr. Juan F. Ortega, P.E.
JFO Group, Inc.
6671 W Indiantown Road, Suite 50-324
Jupiter, FL 33458

**RE: All Seasons Delray FKA Poet's Walk
FLUA Amendment Policy 3.5-d Review
Round 2020-21-B**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Impact Analysis for the proposed Future Land Use Amendment for the above referenced project, revised March 26, 2021, 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:	00-42-46-20-01-000-0810 (<i>Other on file</i>)	
Acres:	+/- 9.729 acres (Parent Parcel) 5.09 acres (Off-side Preserve)	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Institutional/Congregate Living Residential (INST/CLR)
Zoning:	Agricultural Reserve (AGR)	Agricultural Reserve Multiple Use Planned Development (AGR MUPD)
Density/ Intensity:	0.15 FAR	0.35 FAR
Maximum Potential:	Nursery (Garden Center) = 5 acres Nursery (Wholesale) = 4.73 acres	Hospital = 148,344 SF
Proposed Potential:		Assisted Living Facility = 186 Beds Fire and Rescue Station = 11,952 SF
Net Daily Trips:	798 (maximum – current) -92 (proposed – current)	
Net PH Trips:	119 (81/38) AM, 130 (41/89) PM (maximum) 41 (24/17) AM, 54 (20/34) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		

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



Dr. Juan F. Ortega, P.E.
April 14, 2021
Page 2

of the Palm Beach County Comprehensive Plan at **maximum potential** density shown above.

Please note the proposed change will have no significant impact for both the Long-Range and Test 2 analyses.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", is written over a horizontal line.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS/rb

cc: Addressee
Quazi Bari, P.E., PTOE – Manager – Growth Management, 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\21-B\All Seasons Delray FKA Poet's Walk.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



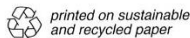
**Palm Beach County
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Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



December 22, 2020

WGI
2035 Vista Parkway
West Palm Beach, FL 33411

RE: Congregate Living Facility (186 beds)
00424620010000810 & 00424620010000820
Service Availability Letter

Dear Mr. Muller,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service for the existing land use AGR (Agricultural Reserve) and for the proposed change to CLR (Congregate Living Residential).

The nearest potable water and wastewater lines are located in Lyons Road adjacent to the subject property. This property is located in a PBC Mandatory Reclaimed Service Area.

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,
Plan Review Manager

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)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of August, 2020 by Cindy D. Jacob (name of person acknowledging). He/she is personally known to me or has produced N/A (type of identification) as identification and ☒ did not take an oath (circle correct response).

Peter J. Snyder
(Name - type, stamp or print clearly)

Peter J. Snyder
(Signature)

My Commission Expires on: 1/9/2024


 PETER J. SNYDER
Commission # GG 942537
Expires January 9, 2024
Bonded Through Budget Notary Services

EXHIBIT "A"

PROPERTY

PARCEL 1 (00-42-46-20-01-000-0810):

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 (00-42-46-20-01-000-0820):

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 "B"


DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

NONE



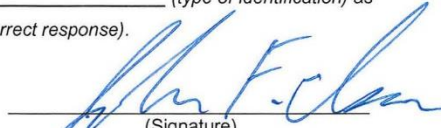
Peter L. Odorico, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☐ physical presence or
☐ online notarization, this 5th day of November, 2020 by
Peter L. Odorico (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

John F. Ison
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 3/17/21

NOTARY'S SEAL OR STAMP
John F Ison
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG060998
Expires 3/17/2021



EXHIBIT "A"**PROPERTY**

PARCEL 1 (00-42-46-20-01-000-0810):

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RANGE 42 EAST.

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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
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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 (00-42-46-20-01-000-0820):

TRACT 82, THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF
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TOTAL 9.729, ACRES, 423,808 SQUARE FEET.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

Name**Address**

Paola M. Luptak 1800 NW Corporate Blvd, Ste 101, Boca Raton, FL 33431

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

STATE OF FLORIDA
COUNTY OF PALM BEACH

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
Greg E. 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.



Greg E. Jacobs, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of August, 2020 by Greg E. Jacobs (name of person acknowledging). He/she is personally known to me or has produced N/A (type of identification) as identification and ☒ did not take an oath (circle correct response).

Peter J. Snyder
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 1/9/2024



PETER J. SNYDER
Commission # GG 642907
Expires January 9, 2024
Bonded Thru Budget Notary Service

EXHIBIT "A"

PROPERTY

PARCEL 1 (00-42-46-20-01-000-0810):

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 (00-42-46-20-01-000-0820):

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 "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

NONE

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

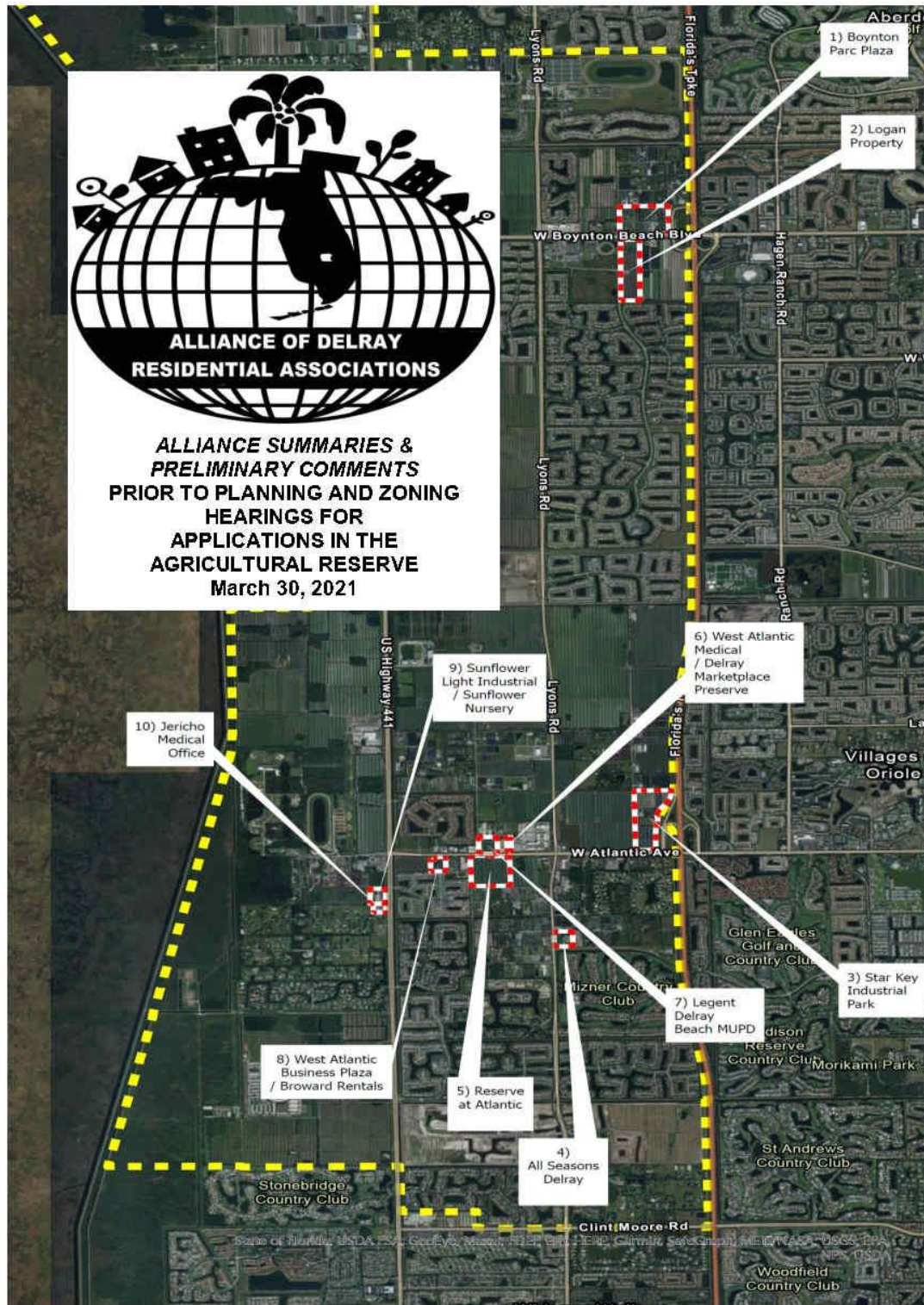
Prior Poet's Walk Amendment (2019) Hearing Summary

Prior Discussion 2019 Poet's Walk

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.

21-B2 Amendment Staff Report



Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.4694
www.allianceofdelray.com



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- *Serving more than 100 communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*

ALLIANCE SUMMARIES & PRELIMINARY COMMENTS PRIOR TO PLANNING AND ZONING HEARINGS FOR APPLICATIONS IN THE AGRICULTURAL RESERVE REFER TO ATTACHED MAP FOR LOCATION

The Alliance understands that one of the original goals of the Master Plan for the Agricultural Reserve was to limit the pace of growth, not completely stop it. For 25 years the Alliance has worked toward protecting the sensitive lands in the Tier with smart development that would benefit the residents of the west Delray area. Keeping in mind that the Agricultural Reserve Master Plan was never adopted by the Board of County Commissioners as part of the County's Comprehensive Plan; rather, certain provisions of the Master Plan were incorporated into the Comprehensive Plan and Land Development Code, this has led to revisions to both over the years. The Alliance participated in the analysis of the needs of the farmers and residents during the Agricultural Reserve Roundtable discussions and supported the County's resulting amendments from that process.

In the years since the Roundtable discussions, other amendments have been proposed and some have been approved.

Currently there are ten projects in the Planning/Zoning application stage, even after improvements in design by the developer during the application process, some are not acceptable by the Alliance and its member communities, others have enough benefit to the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that they be favorably considered for the changes and amendments requested.

1. BOYNTON PARC PLAZA – Boynton Beach

Location: Northeast Corner of Boynton Beach Boulevard and Acme Dairy Road

Acres: 47.21 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Multiple Land Use –Industrial & High Residential, 8 units per acre (MLU/IND/HR-8)

Proposed Zoning: Multiple Use Planned Development (MUPD)

Dev. Potential Max/Conditioned: 348 units 300,000 SF industrial

Alliance: Any changes or amendments resulting from this application from the Boynton Beach area of the Agricultural Reserve will impact other applications and future projects along the Atlantic Avenue and State Road /441 corridor in Delray Beach.

2. LOGAN PROPERTY - Boynton Beach

Location: Southeast Corner of Boynton Beach Boulevard and Acme Dairy Road

Acres: +/- 39.29 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)
Proposed FLU: Multiple Land Use (MLU)
Proposed Zoning: Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned: 342,294 SF of Commercial including Retail, Restaurant, Grocer, Office, Theater, and Fitness Center. **Proposed Potential:** 432 Residential DU + 261,360 SF Commercial (or mix of Retail, Restaurant, Grocer, Office, Theater, Hotel, Light Industrial and Fitness Center with equivalent trip generation)

Alliance: Any changes or amendments resulting from this application from the Boynton Beach area of the Agricultural Reserve will impact other applications and future projects along the Atlantic Avenue and State Road /441 corridor in Delray Beach.

3.STAR KEY INDUSTRIAL – Delray Beach LGA 2021-015 Control No. 1985-50131

Location: Northwest corner of Fl. Tpk & Atlantic Avenue

Acres: 50.99 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Industrial with an underlying Agricultural Reserve (IND/AGR)

Proposed Zoning: Light Industrial (IL)

Dev. Potential Max/Conditioned: Industrial, up to 999,506 sf (0.45 FAR)

*Alliance: The magnitude of this regional distribution center indicates that the services proposed are not primarily for the residents of the Agricultural Reserve. The Master Plan of the Agricultural Reserve clearly states "Staff recommended that, consistent with the recommendations of the Commercial Needs Assessment for the Sector Plan area, nonresidential, nonagricultural uses in the Ag Reserve should be limited to serving only the demand of residents of the Ag Reserve at the neighborhood and community level; all other demands of residents of the Ag Reserve should be met in the Urban/Suburban Tier and not in the Ag Reserve." Further taking into account traffic safety and the timeline for Atlantic Avenue widening in this area which calls for construction beginning toward the end of the decade, this project is **UNACCEPTABLE**.*

4. ALL SEASONS DELRAY – Delray Beach LGA 2021-009 Control No. 2012-00424

Location: Northeast corner of Lyons Road & Linton Boulevard, 0.76 miles south of Atlantic Avenue

Acres: 9.729 acres (Parent Site) 5.09 acres (Off-site Preserve)

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Institutional with an underlying Congregate Living Residential (INST/CLR) on 9.73 ac. and AGR on 5.09 ac.

Proposed Zoning: Multiple Use Planned Development (MUPD)

Dev. Potential Max/Conditioned: Congregate Living Facility, up to 186 beds, Fire Rescue Station, and 5.09 offsite preserve area

*Alliance: The Palm Beach County Agricultural Reserve Master Plan Phase II Final Report dated November 1999 states that adult congregate care facilities should not be prohibited in the Agricultural Reserve. More than two years have passed since the original Poet's Walk application was submitted which proposed to limit the location to within 1 mile of the intersections of Lyons Road and Boynton Beach Boulevard and Lyons Road and Atlantic Avenue. **The Alliance continues to support that [circumference] limitation.** Through the Alliance's suggestions, several improvements have been made to the site design of the project with offsite preserve area being added and a desperately needed fire station proposed to be included on the subject parcel. Alliance communities need this fire station to improve fire rescue response time. Being centrally located in the Tier, our Boynton Beach neighbors to the north would also benefit from this project. This project provides enough benefit to*

*the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that this application be **FAVORABLY [with conditions]** considered for the changes requested.*

5. RESERVE AT ATLANTIC— Delray Beach Future Land Use Atlas Amendment/Text Amendment Application

Location: Southeast corner of Atlantic Avenue and Half Mile Road

Acres: 39.77 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Agricultural Reserve (AGR) on +/- 35 acres & Industrial (IND) on +/- 5 acres

Proposed Zoning: Agricultural Reserve Planned Unit Development (AgR-PUD) on +/- 35 acres & Light Industrial (IL) on +/- 5 acres

Dev. Potential Max/Conditioned: 520 units & +/- 85,000 SF industrial

Details: This text amendment along with proposed changes to the Unified Land Development Code would reduce the 250 minimum acres for a 60/40 AgR-PUD to 70 minimum acres; the density calculation is up to 8 units per acre for the total land area. This proposes 25% on-site workforce housing. The Preserve Area minimum acreage would be reduced from 150 to 40 acres.

The developer is proposing development on this 39.77 acre site. The development would contain 548 units including three story multifamily buildings, daycare, self storage, and car wash.

*Alliance: The Alliance has been working with the applicant since the original text amendment which was presented last summer. The number of proposed units at that time was 480. The Alliance suggested a decrease in density on the 39.77 acre site and a preserve component. With this FLU Atlas Amendment, the applicant increased the density by proposing 548 units on the 39.77 acre site. The Alliance is in full support of the County's Workforce Housing Program, however, the proposed change is far in excess of any acceptable density permitted within the AGR Tier and is therefore **UNACCEPTABLE**.*

6. WEST ATLANTIC MEDICAL— Delray Beach Future Land Use Amendment

Location: North side of Atlantic Avenue, approximately 1,500 feet west of Lyons Road

Acres: 2.04 acres

Current FLU: Traditional Marketplace Development (TMD)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Commercial Low-Office with an underlying Ag Reserve (CL-O/AGR)

Proposed Zoning: Community Commercial (CC)

Dev. Potential Max/Conditioned: Commercial uses up to .10 FAR (8,930) sf or 17,860 square feet (.20 FAR).

Details: This parcel is located near the corner of Atlantic Avenue and Lyons Road, adjacent to and west of the Delray Marketplace (see photo). The applicant is requesting to replace the preserve area with a parcel west of State Road 7/441. The development will be limited to 17,860 square feet. Medical office is expected to be built on the site. This site meets the commercial location requirements for the Agricultural Reserve Tier.

*Alliance: The commercial cap of square footage in the Tier would not be raised with approval of this application since 28,000 square feet of commercial space became available on July 30, 2020 through a separate approved application within the Tier. The preserve area will be replaced with a parcel west of State Road 7/441. The project provides enough benefit to the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that this application be **FAVORABLY [with conditions]** considered for the changes and amendments requested.*

7. LEGENT DELRAY BEACH – Delray Beach MUPD Zoning App. # PDD/CA-2020-0283

Location: Northeast corner W. Atlantic Avenue and Smith Sundry Road,

Acres: 11.25 acres

Current FLU: CL/AGR

Current Zoning: General Commercial/ Agricultural Reserve (CG/AGR)

Application Request: To rezone from the General Commercial (CG) and Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) District to allow a Hospital.

Details: "Micro Hospital & Medical Office" 120,000 sf; 23 patient rooms; operating rooms, emergency department. Up to 3 stories.

Alliance: The Agricultural Reserve Master Plan, and subsequently adopted policies in the Plan, specifically limit commercial development to "uses which serve the needs of the farm worker community, existing and future residents in order to discourage commercial in the Tier from exceeding local demand, thereby drawing customers from outside the Tier".

*There is no need for another hospital in the Agricultural Reserve. We have Bethesda Hospital West and Delray Medical Center, a Level 1 Trauma Center minutes away which is well equipped with 24 hour emergency room and, among other specialties, advanced orthopedic care. The needs of the residents of the Agricultural Reserve are already met. This project is **UNACCEPTABLE**.*

8. WEST ATLANTIC BUSINESS PLAZA (formerly Broward Rentals) – Delray Beach DOA-2019-02323

Location: South side of Atlantic Avenue, east of State Road 7

Acres: 10.53 acres

Current Zoning is MUPD & Current Future Land Use is IND/AGR

Application Request: Changes to the original approved site plan.

Changes proposed:

- The 2019 site plan indicates a total square footage of 163,926. The revised 2021 site plan shows a total square footage of 106,139. This is a 35% decrease in square footage.
- The 2019 site plan indicates 3 story development. The revised 2021 site plan shows all 1 story buildings. This is a decrease of two stories in height.
- The 2019 site plan indicates a Floor to Area Ratio (FAR) of 0.36. The revised 2021 site plan shows a FAR of 0.13. This is a 36% decrease in the FAR.
- The 2019 project indicates the traffic data Average Daily Trips (ADT) as 1,237. The revised 2021 site plan indicates the ADT as 845. This is a decrease in ADT of 32%.
- The 2019 site plan places the Repair & Maintenance, Heavy Building in the rear of the property adjacent to residential development. The revised 2021 site plan places the building adjacent to Atlantic Avenue further from the residential development.
- The applicant is requesting some conditions from the initial application which are no longer applicable be removed.

*Alliance: The changes appear to be an improvement. The project provides enough benefit to the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that this application be **FAVORABLY** considered for the changes requested.*

9. SUNFLOWER LIGHT INDUSTRIAL– Delray Beach – LGA 2021-016 Control No. 1999-30168

Location: West side of State Road 7, approximately 0.27 miles south of Atlantic Avenue

Acres: 8.19 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Industrial with an underlying Agricultural Reserve (IND/AGR)

Proposed Zoning: Light Industrial (IL)

Dev. Potential Max/Conditioned: Industrial uses, up to 160,540 sf (.45 FAR)

Alliance: This farmer-owned nursery has been in existence for thirty years. During the Agricultural Reserve Roundtable discussions that began circa 2014, the consensus was to "help the farmer." As a result one particular application, Homrich Nursery (LGA 2016-019), with an existing Future Land

Use of Agricultural Reserve and located adjacent to industrial uses, was granted a Future Land Use Atlas Amendment with limitations on Light Industrial. The Sunflower Application presents a similar situation being located near industrial uses and the intersection of Atlantic Avenue and State Road 7/441. The processing of this application should be in the spirit of the intent of the consensus of the Agricultural Reserve Roundtable. The Alliance has been working with the Applicant on the following conditions of approval:

The following uses of the site are prohibited:

Contractor Storage Yard; Distribution Facility; Equestrian Waste Management Facility; Recycling Center; Recycling Plant; Towing Service and Storage; Truck Stop; Adult Entertainment; Marina; Potting Soil Manufacturing; Crematory; Funeral Home; Homeless Resource Center; Chipping and Mulching; Composting Facility; Solid Waste Transfer Station; Water or Wastewater Treatment Plant; Communication/Cell Tower.

Maximum FAR: Decreased from .45 FAR to .35 FAR

Maximum Height: 1 Story

*If the above conditions are included in the approval of the application, the Alliance would request of the Commissioners that this application be **FAVORABLY [with conditions]** considered for the changes requested.*

10. JERICO—Delray Beach FLU Atlas Amendment Application Control Number: 2007-00003
Location: 1/2 mile south of Atlantic Avenue and State Road 7 intersection on the west side of State Road 7/441

Acres: 3.63 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Commercial Low Office (CL-O)

Proposed Zoning: Multiple Use Planned Development (MUPD)

Dev. Potential Max/Conditioned: Medical Office: 31,625 SF

Staff statement: "The Agricultural Reserve is the only Tier or other geography in the County where there is a finite cap placed on the amount of development. The cap was identified as a necessity as part of the development of the Agricultural Reserve Master Plan in order to establish that the amount of commercial in the Tier would not exceed the demand projected for the population stemming from the 1 unit per acre residential development potential of the Tier. The Master Plan, and subsequently adopted policies in the Plan, specifically limit commercial development to uses which serve the needs of the farm worker community, existing and future residents, in order to discourage commercial in the Tier from exceeding local demand, thereby drawing customers from outside the Tier."

*Alliance: The Alliance of Delray does not support any increase in the Commercial Cap in the Agricultural Reserve at this time. Further, it does not support the concept of dental and medical offices being exempted from the commercial cap nor does it support smaller parcels less than four acres being exempted from the commercial cap. This project is **UNACCEPTABLE**.*

Bob Schulbaum

Bob Schulbaum, President

Date: March 30, 2021

Diane Costello and Fred Costello Trust

dyanisport@gmail.com

8782 156th Court South (and 8838)

Delray Beach, Florida 33446

PCN # 00 42 46 20 01 000 0840

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May 4, 2021

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RE; May 5 Public Hearing - 4 A 1 All Seasons (LGA 2021-009)

Property DIRECTLY adjacent to my 10 acres home

Dear Commissioners

Initially, let me thank you for the enormous and exceptional focus you have for the years you offer the county as a commissioner. Its intense.

To get directly to the point – I oppose the proposed amendments on this ALL SEASONS request as does the STAFF assessment – Denial - and the Planning Commission – Denial. Probably for all the same reasons, sometimes more - as I am next to it every day as a residential homeowner with \$30,000.00 in property taxes yearly.

- started as lower square footage years ago and continually increases every year
- originally was 2 story – now suggesting 3 story
- 186 beds plus people numbers for care staff, medical staff, therapy staff, restaurant staff, maintenance staff, admin staff, visitors for 186 bed residents – traffic estimates at 700 – 800 day trips - probably low- with 2 ½ shifts daily on a 24/7 running business.
- only approx. 9.7 acres so definitely a preserve problem – with the last suggestion/application offering an **additional FIRE station** on the same site and using the 5 acre PBC owned fire station property on 0860 PCN as the preserve.
- as a humorous side issue – originally started with a 6 foot buffer wall between proposed site and my home properties – now have reverted to a 6 foot hedge only and added a fire station!
- was contacted about 4 days ago (initial contact) by present buyer/agent to ‘discuss’ their needs and offered a letter of intent to sell ½ of my homesite (5 acres next to site) - conditional on you, PBC giving site plan approval at whatever date/ year that happens. (No ongoing discussion on this with them -as either all sold with immediate close or not).
- either - this 9.7 acres is not in the correct section eg Boynton and Lyons or Atlantic and Lyons to warrant the traffic pattern daily they will incorporate or they need to buy my entire property and home, so this isn’t a daily traffic and noise problem, at least for me. Either way they need more preserve, wherever they will ultimately build.
- I love my home. Thanks for thinking about this.

Sincerely



Diane Costello

Cc Stephanie Gregory Senior Planner, atty,

From: Diane Costello <dyanisport@gmail.com>

Sent: Wednesday, July 28, 2021 1:37:16 AM

To: Dave Kerner M.; Robert Weinroth S.; Mack Bernard; Gregg Weiss; Maria Marino G.; Melissa McKinlay; Maria Sachs; Beth Rappaport

Cc: Stephanie Gregory; dyanisport

Subject: "ALL SEASONS LGA 2021-009"

Dear PBC Commissioners;

As an abutting 10 acre homeowner of the All Seasons project - I do [**not believe that the first CLF in the Aq Reserve should be crammed into the projected area proposed above.**](#)

It is not at a main corridor intersection - nearly a mile away.

The traffic it generates with three staff shifts, medical , services, deliveries, visitors etc, is extremely heavy and unwarranted in an area next to Mizner Country Club traffic and Divine Savior school traffic already.

Why are there 3 three stories instead of the approved two only?

This is a **186 Bed community** - considered for institutional Land use - thus Institutional Public Facility (non residential). 186 bed community on about 9 acres allowing for right of ways. (And you just approved a 24 bed facility(on 11 acres) , **on Atlantic**, with , I believe a great deal of contention?).

I have other items that are questionable on this, but please let us start here.

Please see my attachment below also. Thank you for your time.

Sincerely,

Diane Costello

cc



Diane Costello <dyanisport@gmail.com>

Property Discussions & ALL SEASONS LGA 2021-009

Diane Costello <dyanisport@gmail.com>

Tue, Jul 27, 2021 at 5:00 PM

To: Peter Odorico <podorico@beztak.com>

Cc: "Markus Jakobson (mjakobson@mac.com)" <mjakobson@mac.com>, Paola Luptak <PLuptak@beztak.com>, dyanisport <dyanisport@gmail.com>

Hi Peter

This letter is just a formality to advise you and all below - that there have been No discussions between you and I since May 20, 2021 with regard to your initial contact of April 28, 2021 and on, in an email sending a letter of intent for purchasing my 10 acres home property which abuts ALL SEASONS proposed CLF.

As I had informed you on May 20, all correspondence and or questions must be in writing and, then, only a purchase contract on my properties would suffice going forward. (All per my legal counsel).

As a residential homeowner here since purchasing the property in 1985 and then my husband (a licensed GC luxury home builder) building our home here from 1988-1990; we have of course watched Mizner Country Club being built by Toll, Lyons road extended into Boca, a road behind us built by Mizner on PBC property (about 2000) (Linton dead end) - which is just now being finally handled and widened and updated by PBC (probably in advance of Linton overpass over the turnpike as a few engineers have told me).

Change is (usually) always excellent and definitely constant as we go forward. I believe that CLFs will come to the Ag Reserve in time and they are needed everywhere.

With that said, as a residential homeowner abutting your property proposal of ALL SEASONS - I don't believe that the FIRST CLF in the AG RESERVE should be at PCN 0820 and 0810.

You are NOT at a commercial intersection / crossroads of eg Atlantic/ Lyons or Atlantic/441 or Lyons/Boynton etc. Being one mile away from one of these crossroads shouldn't be a text amendment! The traffic alone with staff shifts, services ,medical, deliveries, visitors and on warrants a heavy buildup.

You have also asked for a waiver in putting up a hedge instead of a wall between your proposal and my property. Why would any homeowner want that massive traffic noise with at least not a wall?!

I would hope the commissioners hear this (or I will be extremely busy in the next 2-4 months).

Sincerely

Diane Costello

PCN # 00424620010000840 00424620010000830

cc all commissioners

cc Stephanie Gregory

cc COBWRA - President Rappaport

cc SIERRA Club - Drew

cc Palm Beach Post

cc Sun Sentinel

cc atty/ acct

From: shecal711@gmail.com

Date: July 27, 2021 at 9:44:07 PM EDT

To: "Dave Kerner M." <DKerner@pbcgov.org>, "Robert Weinroth S." <RWeinroth@pbcgov.org>, "Maria Marino G." <MMarino@pbcgov.org>, Gregg Weiss <GWeiss@pbcgov.org>, Maria Sachs <MSachs@pbcgov.org>, Melissa McKinlay <MMcKinlay@pbcgov.org>, Mack Bernard <MBernard@pbcgov.org>

Cc: Verdenia Baker <VBaker@pbcgov.org>

Subject: 7/28/21 Board of Palm Beach County Planning Commissioners meeting.

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Attention of Mayor Kerner, Vice Mayor Weinroth and Commissioners Marino, Weiss, Sachs McKinlay and Bernard:

Once again I am unable to attend the meeting and wish my comments presented in this letter to be included in the record. It is with great distress that I must continue to object to any proposals to change the existing agriculturally designated land use as follows:

Proposed by Sunflower Light Industrial (LGA 2021-016) ----- From Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR) .

All Seasons (LGA 2021-009)-- Proposed FLUA Amendment: From Agricultural Reserve (AGR) to Institutional & Public Facilities with an underlying Agricultural Reserve (INST/AGR)

The preservation of the Agricultural Preserve was voted on overwhelmingly in 1999 by issuance of a bond which would allow the purchase of land in the Ag Reserve to be used for agriculture in perpetuity. Clearly this vote of the people of Palm Beach County has been ignored over the many years since by the constant zone changes allowing development of homes, businesses and in fact a school to be built right in the midst of land being farmed and a nursery. At the time I strongly objected and still believe that it is time to STOP any further development.

The thing about the Ag Reserve that seems to escape our elected officials is that once it's gone, **it is** gone. The revenue, the jobs, the food source, the environment being sustained by the Ag Reserve will no longer be viable as long as the zone changes continue to be made.

Thank you for your attention and I am hoping that you will hear our voices and deny the any further development in the Ag Reserve as has been proposed today and will be proposed in the future by the Kushner family along Atlantic Avenue – West of the Turnpike.

Respectfully,

Sheila Calderon

Sierra Club Loxahatchee Group
EXCOM Conservation Committee
Shecal711@gmail.com



February 4, 2022

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**

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

D. Ray Eubanks, Planning Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399
Email: ray.eubanks@deo.myflorida.com

**RE: Palm Beach County Comprehensive Plan Amendment
All Seasons Delray (LGA 2021-009) Time Extension**

Dear Mr. Eubanks:

The purpose of this letter is to notify the Department of Economic Opportunity (DEO) that Palm Beach County has agreed to extend the adoption for a privately proposed site-specific Future Land Use Atlas (FLUA) and text amendment known as All Seasons Delray (LGA 2021-009). The amendment was transmitted as part of Amendment Round 21-B2 / 21-05ESR. The DEO issued a review letter for this Round dated September 3, 2021 stating that the Department had *"no comment on the proposed amendment."* Pursuant to Section 163.3184(3)(c)1, F.S., the second hearing is required to be held within 180 days of receipt of DEO comments or shall be considered withdrawn unless extended by agreement with notice to DEO.

This proposed amendment was transmitted by the Board of County Commissioners with a condition of approval to return for adoption at the same hearing as the associated zoning application. Delays with the zoning application have prevented the amendment from proceeding to an adoption hearing within the allocated 180 days of receipt of the State comments (by Wednesday, March 2, 2022). The applicant has requested, and the County has agreed, to extend the adoption time frame for an additional 180 days (through August 29, 2022).

If you have any questions, please contact me at (561) 233-5332 or Stephanie Gregory, Principal Planner, at (561) 233-5388.

Sincerely,

Patricia Behn, Planning Director

cc: Patrick Rutter, Assistant County Administrator
Ramsay J. Bulkeley, PZB Executive Director
Kevin Fischer, Deputy Planning Director
Robert Banks, Chief Land Use County Attorney
Darren Leiser, Assistant County Attorney
Lisa Amara, Zoning Director
Stephanie Gregory, Principal Planner
Jeff Brophy, Agent

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