



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 23-B

BCC ADOPTION PUBLIC HEARING, OCTOBER 26, 2023

A. Application Summary

I. General Data

Project Name:	Erickson <u>Senior Living</u> Boynton Beach CCRC (LGA 2023-018)
FLUA Summary:	AGR to INST/CLR on 62.33 acres and AGR on 31.17 acres
Text Summary:	To amend the Comprehensive Plan to allow the subject site to be eligible for the Congregate Living Residential (CLR) future land use designation and revise permitted uses within the required onsite preserve area.
Acres:	93.51 acres
Location:	Southside of Boynton Beach Blvd., approx. 0.6 miles east of Lyons Road
Project Manager:	Stephanie Gregory, Principal Planner and Jerry Lodge, Planner II
Applicant:	Erickson Living Properties, LLC (Steven Montgomery) contract purchaser
Owner:	William A. Mazzoni Rev. Trust (Patricia A. Mazzoni and Thomas A. Smith)
Agent:	J. Morton Planning and Landscape Architecture
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 93.51 acre site from Agricultural Reserve (AGR) to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR) on 62.33 acres and Agricultural Reserve on 31.17 acres. The request also includes a text amendment to the Comprehensive Plan to:

- Allow additional sites to be eligible for the CLR FLU, including parcels fronting Boynton Beach Boulevard between the Florida's Turnpike and Acme Dairy Road; and
- To allow the required preserve area to be provided onsite and allow the same preserve uses as those within the Essential Housing (EH) FLU (up to 10% of preserve area to contain a water management area with enhanced environmental benefits).

The applicant is proposing 1,192 congregate living facility beds and 70 nursing home beds. Staff concurs that congregate living facilities (CLF) provide a variety of services such as independent living, assisted living, and memory care that would assist with providing housing diversity within the Tier. Staff supports the INST/CLR FLU on the subject site as it is consistent with the Agricultural Reserve Master Plan consultant's recommendation for a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. The proposed request is also compatible with surrounding future land uses and provides a large separation distance to existing homes due to the required preserve area. Staff is recommending two conditions of approval: to limit the site to the CLF and Nursing Home beds in the zoning application and requiring that the adoption of the future land use amendment and zoning applications are held on the same date.

III. Hearing History

Local Planning Agency: **Approval with conditions**, motion by Barbara Roth, seconded by Dagmar Brahs, passed in a 10 to 0 vote at the April 14, 2023 public hearing. Board discussion included comments regarding the provision of fire rescue services for the project due to the proposed use, the size of the required preserve area, clarification of how CLF beds are calculated and concerns regarding infrastructure in the area, particularly traffic along Boynton Beach Boulevard and Acme Dairy Road. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: **Transmit**, motion by Commissioner Bernard, seconded by Commissioner Marino, passed in a 7 to 0 vote at the May 3, 2023 public hearing. Board discussion included questions regarding the property's current development potential, future land use applications in process near the subject site and traffic impacts in the area. Two members of the public spoke in opposition, representing the Sierra Club

Loxahatchee Group, citing concerns regarding the loss of agricultural land and concerns with traffic.

State Review Comments: The State Land Planning Agency reviewed this amendment under Round 23-06 ESR and issued a letter dated June 15, 2023 stating that the Agency had no comment on the proposed amendment. The Florida Department of Transportation provided technical assistance comments that the traffic analysis “indicates roadways links are significantly impacted by the project traffic during the AM and PM peaks hours” and that it does not “evaluate potential impacts to Florida’s Turnpike.” In addition, the Treasure Coast Regional Planning Council expressed concern regarding “the overall trend in the reduction of agricultural uses in the Agricultural Reserve...because the conversions result in the net loss of a regional resource that may never be recovered.” (See Exhibit 10).

Subsequent to Transmittal: Condition #2 in Exhibit 1-A 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 addition, the photo map and background information throughout the staff report was updated to reflect the adopted status of two nearby amendment sites - BC Commerce and Logan Ranch Residential. Finally, staff and the applicant worked together to revise Policy 1.5-u to clarify the calculation of the required preserve area. Previously, the calculation was based on the acreage of the INST/CLR portion of the site instead of over the entire gross acreage. This revision is consistent with preserve calculations for other future land use designations in the Tier. The changes as shown in ~~double-strikethrough~~ and double underline in Exhibit 1-B and throughout the report.

Board of County Commissioners Adoption Public Hearing:

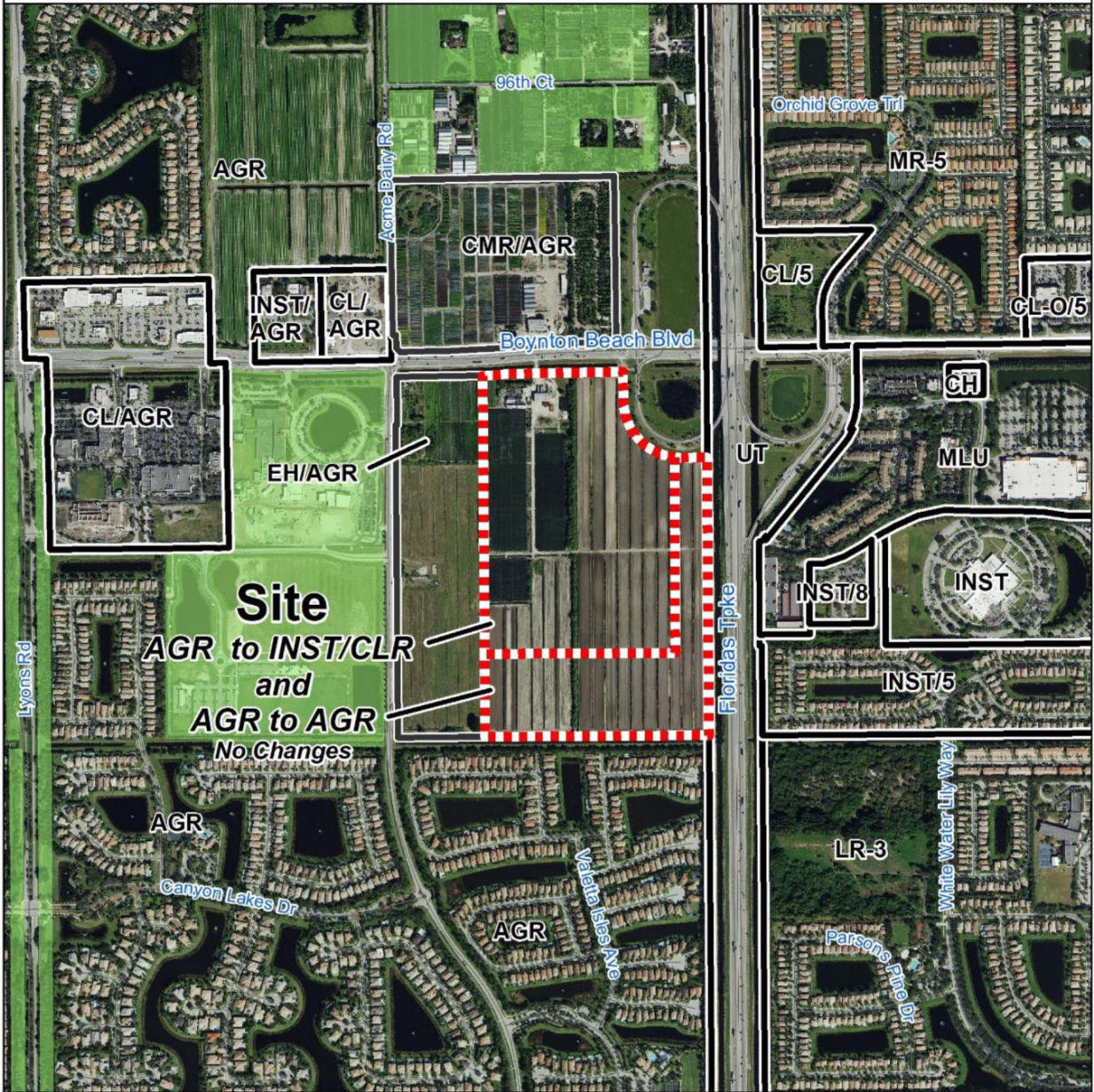
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B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Agriculture
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 610,961 square feet (0.15 FAR)
Proposed Future Land Use Change	
Proposed FLU:	Institutional & Public Facilities with an underlying Congregate Living Residential (INST/CLR) on 62.33 acres and Agricultural Reserve (AGR) on 31.17 acres
Proposed Use:	Congregate Living Facility and Nursing Home
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Congregate Living Facility up to 1,192 beds and Skilled Nursing, 70 beds (by condition)
General Area Information for Site	
Tier:	Agricultural Reserve Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan
Comm. District:	Vice Mayor Maria Sachs, District 5

Future Land Use Atlas Amendment
Erickson Senior Living (LGA 2023-018)



Site Data		Future Land Use Designations			
Size:	93.51 acres	LR-3	Low Residential, 3 units/acre		
Existing Use:	Agriculture	MR-5	Medium Residential, 5 units/acre		
Proposed Use:	Congregate Living Facility	AGR	Agricultural Reserve		
Current FLU:	AGR	CL/5	Commercial Low, underlying MR-5		
Proposed FLU:	INST/CLR (62.33 acres) & AGR (31.17 acres)	CL/AGR	Commercial low, underlying AGR		
		CL-O/5	Commercial Low Office, underlying MR-5		
		CH	Commercial High		
		MLU	Mixed Land Use		
		INST	Institutional		
		INST/5	Institutional, underlying MR-5		
		INST/8	Institutional, underlying HR-8		
		INST/AGR	Institutional, underlying AGR		
		UT	Utilities and Transportation		

Date:10/2/23
Contact: PBC Planning
Filename:T:\Planning\AMEND\23-B\Site\23-18\Graphics
Note: Map is not official, for presentation purposes only.



Site



AGR Preserve

300 0 300 600 Feet



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



C. Introduction

I. Intent of the Amendment

The 93.51 acre subject site is located south of Boynton Beach Boulevard and west of the Florida's Turnpike within the Agricultural Reserve Tier. This section of Boynton Beach Boulevard, east of Acme Dairy Road, has several sites with active amendments in process for Commerce, Essential Housing and Congregate Living Facility future land uses as further described in Section III, Data and Analysis Summary.

Amendment Background. The site was the subject of a previous text amendment request:

- **Boynton Technology Park Text (2020).** In 2020, this privately proposed text amendment for initiation requested to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The subject site consisted of 140 acres located on the north and south sides of Boynton Beach Boulevard, adjacent to Florida's Turnpike. The applicant proposed 185,000 square feet of commercial and industrial uses, a 140 room hotel and up to 420 residential units. At the June 12, 2020 public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the applicant prior to the June 29, 2020 BCC Transmittal Hearing.

Proposed Text Amendment. This privately proposed text amendment proposes to revise policies in the Agricultural Reserve Tier related to the Congregate Living Residential (CLR) future land use (FLU) designation, specifically:

- To allow additional sites to be eligible for the CLR FLU, including parcels fronting Boynton Beach Boulevard between the Florida's Turnpike and Acme Dairy Road; and
- To allow the required preserve area to be provided onsite and allow the same preserve uses as those within the Essential Housing (EH) FLU (up to 10% of preserve area to contain a water management area with enhanced environmental benefits).

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) on 62.33 acres, in order to develop a Congregate Living Facility with up to 1,192 beds. This figure is equivalent to 8 units per acre. In addition, the Institutional future land use allows for up to 950,283 square feet (0.35 FAR) for a hospital use or up to 2,715 nursing home beds. The remaining 31.17 acres will retain the existing Agricultural Reserve (AGR) future land use.

Zoning Application. The associated zoning application (PDD/CA-2023-00378) with Control Number 2018-00187, is requesting to rezone the site from Agricultural Reserve (AGR) zoning to Multiple Use Planned Development (MUPD) in order to develop 1,192 congregate living facility beds and 70 nursing home beds. The zoning application also includes a Class A Conditional Use request for a congregate living facility.

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 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.*

B. Congregate Living Residential (CLR) Future Land Use

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 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. In order to establish the number of beds desired for a project, applicants often apply for density increases through the FLUA amendment process to achieve a higher density at 8 to 12 units per acre. Each proposed FLUA amendment included a condition of approval limiting the proposed density to a CLF use only to ensure consistency with the Comprehensive Plan's mandatory Transfer of Development Rights Program.

Beginning around 2016, the Planning Division saw an increase in amendment requests for additional density to be utilized by proposed CLFs. Staff recognized at the time that increasing a site's density through a FLUA amendment with a condition limiting the density to a CLF only, is problematic as it assigns entitlement on a site that is not fully available to the property owner. Therefore, staff proposed a new residential future land use designation called Congregate Living Residential (CLR). In 2017, the Board adopted text amendments establishing the CLR future land use designation, limited to the Urban/Suburban Tier for up to 12 units per acre. The purpose of the FLU is to allow the County to review and adopt proposed increases in density for newly proposed CLFs without the condition of approval to limit the density increase to only the CLF, and ensure that the FLUA accurately reflects the use of the property.

C. CLR Introduction into Agricultural Reserve Tier

In 2017, at the same time the Board was considering the CLR text amendment for the Urban/Suburban Tier, three privately initiated amendments were in process to allow congregate living facilities within the Agricultural Reserve Tier. The applicability of the CLR designation in the Agricultural Reserve Tier was deemed by staff to be appropriate for the Board's consideration during the review of the privately proposed CLF amendments. Ultimately, two of the three amendments were withdrawn as summarized below:

- **Morning Star MLU (LGA 2017-008).** The 50.99 acre site is located at the northeast corner of Atlantic Avenue and Starkey Road, west of the Florida's Turnpike. The amendment proposed a text amendment to allow up to 8 units per acre for a CLF in the Tier as part of the Multiple Land Use designation. The applicant withdrew the text and FLUA amendment on December 20, 2017.
- **Clint Moore CLF (LGA 2017-007).** The 12.77 site is located north of Clint Moore Road and west of the Florida's Turnpike. The amendment proposed text amendment to allow CLFs to utilize up to .45 FAR per acre to calculate maximum development potential in the Agricultural Reserve with a companion FLUA amendment to INST. The applicant withdrew the text and FLUA amendment on May 1, 2018.

The third amendment in process at the time known as **Poet's Walk (LGA 2017-015)** evolved over several years to **Poet's Walk II (LGA 2019-018)** concluding as **All Seasons Delray Beach (LGA 2021-009)** which is located at the northeast corner of Lyons Road and Linton Boulevard. The final version of the application proposed a future land use amendment on 9.73 acres from Agricultural Reserve to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR). The request also included a text amendment to the Comprehensive Plan to allow the CLR designation in the Agricultural Reserve Tier, with criteria to limit the CLR FLU to sites fronting Lyons Road between Atlantic Avenue and Linton Boulevard at 8 units per acre; require a minimum of 5 acres; and require a minimum of 10 percent onsite and 50 percent offsite preserve areas (utilizing the acreage of the CLR site) for multiple use projects. The Board of County Commissioners on April 28, 2022 adopted the applicant's request for a FLUA and text amendment and the amendment became effective on June 2, 2022. As a result, the All Seasons Delray site is the only parcel in the Tier with the CLR future land use.

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. West of the Florida's Turnpike, the Boynton Beach Boulevard corridor consists of a mix of future land use designations on the north and south sides of the road including Agricultural Reserve (AGR), Commercial Low (CL), ~~and~~ Institutional (INST), Essential Housing (EH) and Commerce (CMR). Institutional uses are located west of the site, across Acme Dairy Road, including an elementary school, middle school and a district park. Commercial uses are primarily located at the intersection of Boynton Beach Boulevard and Lyons Road. Currently, there are two additional amendments in process in the immediate area, as summarized below:

- **Logan Ranch Residential (LGA 2023-014)** – Directly west of the subject site, at the southwest corner of Boynton Beach Boulevard and Acme Dairy Road, is an amendment in process to change 39.24 acres of land from Agricultural Reserve (AGR) to Essential Housing with underlying AGR (EH/AGR) in order to develop up to 314 units. The Planning Commission recommended approval in a 9 to 0 vote on January 13, 2023 and the Board transmitted the amendment in a 7 to 0 vote on February 1, 2023. The Board adopted the amendment on August 24, 2023.
- **BC Commerce Center (LGA 2023-003)** - North of the subject site, at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road is an amendment in process to change 47.21 acres from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR) in order to develop up to 719,764 square feet of light industrial uses (.35 FAR by condition). The Planning Commission recommended approval in a 9 to 0 vote on January 13, 2023 and the Board transmitted the amendment 7 to 0 vote on February 1, 2023. The Board adopted the amendment on August 24, 2023.

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. 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.

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. 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 with an AGR FLU 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. In addition, higher densities within the Agricultural Reserve Tier are allowed through the Essential Housing future land use designation of up to 8 units per acre with a 25% workforce housing onsite requirement for sites with frontage on Boynton Beach Boulevard and Atlantic Avenue from the Florida's Turnpike to one half mile west of Lyons Road. Therefore, this site would be eligible to apply for the EH designation with up to 748 multi-family units.

3. **Preserve Area Requirement.** The Comprehensive Plan requires that sites within the Agricultural Reserve Tier provide 50% of the acreage designated with the CLR future land use to be provided as "offsite preserve" and 10% of the acreage designated with the CLR future land use to be provided as "onsite preserve." The proposed preserve requirement is not a true 60/40 preserve calculation, which is typical for residential development in the Tier. However, the Board adopted this policy in April 2022 for the All Seasons Delray FLUA and text amendment due to the unique nature of the CLF use. The applicant is proposing to require ~~60%~~ 40% of the total gross acreage ~~designated with the CLR future land use~~ to be provided as onsite preserve. The request for the 93.51 acre site includes 62.33 acres of INST/CLR and the remaining portion of the site will retain the AGR FLU.

Currently, uses permitted within the required preserve of a site with an INST/CLR future land use designation includes those allowed within an AGR-TMD preserve. Specifically, these uses include bona fide agriculture, nursery, stables, passive parks, government service and schools. The applicant is requesting as part of the text amendment request to allow 10% of the preserve area to contain water management features that provide an environmental benefit (see Exhibit 9).

- C. **Compatibility.** The amendment to the Congregate Living Residential (CLR) future land use designation is proposing a CLF with 1,192 beds, which equates to 8 units per acre as well as utilizing the intensity from the INST future land use designation for 70 nursing home beds. The development plan proposed by the applicant is greater than the AGR-PUD to the south, which typically has a density of approximately 2.5 to 3 units per acre in the development area. However, the required preserve area is proposed to be located at the south end of the site allowing for a significant separation from the south property line to the nearest proposed building. In addition, the site to the west is in process for a land use amendment, known as Logan Ranch Residential, requesting the Essential Housing future land use, which allows up to 8 units per acre. This amendment was transmitted by the Board of County Commissioners in February 2023 and adopted in August 2023.
- D. **Assessment and Recommendation.** Staff concurs that congregate living facilities (CLF) provide a variety of services such as independent living, assisted living, and memory care that would assist with providing housing diversity within the Tier. Staff supports the INST/CLR FLU on the subject site as it is consistent with the Ag Reserve Master Plan consultant's recommendation for a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. The proposed request is also compatible with surrounding future land uses and provides a large separation distance to existing homes due to the required preserve area. 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-4
2. Consistency with Comprehensive Plan	E-5
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Exhibit 1-A

Amendment No:	Erickson <u>Senior Living</u> Boynton Beach <u>CCRC</u> (LGA 2023-018)
FLUA Page No:	89
Amendment:	From Agricultural Reserve (AGR) to Institutional & Public Facilities with an underlying Congregate Living Residential (INST/CLR) on 62.33 acres and Agricultural Reserve (AGR) on 31.17 acres 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:	Southside of Boynton Beach Blvd., approx. 0.6 miles east of Lyons Road
Size:	93.51 acres approximately
Property No:	00-42-43-27-05-054-0022; 00-42-43-27-05-054-0050

Conditions: Development of the site under the INST/CLR future land use designation is subject to the following:

1. Development is limited to 1,192 congregate living facility beds and 70 nursing home beds.
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

INST/CLR FLU:

BEING A PORTION OF TRACTS 2, 3, 31, 34, 59, 60, 61, 62 AND 63, BLOCK 54, ALL OF TRACTS 35 THROUGH 38, BLOCK 54 AND TRACTS 27 THROUGH 30, BLOCK 54 AND TRACTS 4 THROUGH 6, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRAILS AT CANYON - PLAT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGES 1 THROUGH 7 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRAILS AT CANYON - PLAT FOUR, N00°23'24"W, A DISTANCE OF 46.20 FEET TO THE NORTHEAST CORNER OF TRACT 66, BLOCK 54, AS SHOWN ON SAID THE PALM BEACH FARMS CO. PLAT NO. 3; THENCE N00°24'55"W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, S89°36'22"W, A DISTANCE OF 1,650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACT 59, BLOCK 54, N00°25'41"W, A DISTANCE OF 612.98 TO THE POINT OF BEGINNING; THENCE ALONG SAID WEST LINE OF SAID TRACTS 59 AND 38, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND THE WEST LINE OF TRACTS 27 AND 6, BLOCK 54, N00°25'41"W, A DISTANCE OF 2,055.73 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N03°33'25"W, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE EASTERLY ALONG THE ARC AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 107, AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 00°22'31", A DISTANCE OF 50.93 FEET; THENCE ALONG A LINE 84.48 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 3, 4, 5, AND 6, BLOCK 54, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 24, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, N89°02'57"E, A DISTANCE OF 984.35 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF PARCEL 100, AS RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 317, AND OFFICIAL RECORDS BOOK 6269, PAGE 403 OF SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY LINE, S00°57'03"E, A DISTANCE OF 205.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 426.00 FEET AND A CENTRAL ANGLE OF 82°38'43"; THENCE SOUTHEASTERLY ALONG THE ARC AND ALONG SAID WESTERLY LINE, A DISTANCE OF 614.48 FEET; THENCE S00°07'33"E, A DISTANCE OF 1,446.43 FEET; THENCE S89°41'55"W, A DISTANCE OF 1,404.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,715,200 SQUARE FEET/62.3324 ACRES, MORE OR LESS.

AGR FLU:

BEING A PORTION OF TRACTS 2, 31, 34, 59, 60, 61, 62 AND 63, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRAILS AT CANYON - PLAT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGES 1 THROUGH 7 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRAILS AT CANYON - PLAT FOUR, N00°23'24"W, A DISTANCE OF 46.20 FEET TO THE NORTHEAST CORNER OF TRACT 66, BLOCK 54, AS SHOWN ON SAID THE PALM BEACH FARMS

CO. PLAT NO. 3; THENCE N00°24'55"W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54 AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, S89°36'22"W, A DISTANCE OF 1,650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACT 59, BLOCK 54, N00°25'41"W, A DISTANCE OF 612.98 FEET; THENCE N89°41'55"E, A DISTANCE OF 1,404.71 FEET; THENCE N00°07'33"W, A DISTANCE OF 1,446.43 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL 100, AS RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 317, AND OFFICIAL RECORDS BOOK 6269, PAGE 403 OF SAID PUBLIC RECORDS AND TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N06°24'14"E, A RADIAL DISTANCE OF 426.00 FEET; THENCE EASTERLY ALONG THE ARC AND ALONG SAID SOUTHERLY LINE, THROUGH A CENTRAL ANGLE OF 06°48'12", A DISTANCE OF 50.58 FEET; THENCE ALONG SAID SOUTHERLY LINE, N89°36'02"E, A DISTANCE OF 187.16 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 2, BLOCK 54; THENCE ALONG THE EAST LINE OF SAID TRACTS 2 AND 31, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND THE EAST LINE OF SAID TRACTS 34 AND 63, BLOCK 54, S00°25'49"E, A DISTANCE OF 2,054.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,357,878 SQUARE FEET/31.1726 ACRES, MORE OR LESS.

Exhibit 1-B

Proposed Text Amendment

A. Future Land Use Element, Erickson Boynton Beach

REVISIONS: To add a policy and related language to revise the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier to allow additional sites to be eligible for the CLR FLU and allow for water management features within the required preserve area. The revisions are numbered below, and shown with the added text underlined.

REVISED 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:
 - a. Lyons Road between Atlantic Avenue and Linton Boulevard; or,
 - b. Boynton Beach Boulevard between the Florida Turnpike and Acme Dairy Rd.
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 – Offsite Preserve Option.** 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; 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 Features.** A development with INST/CLR future land use is not considered mixed use and is not subject to the Design Elements in Policy 1.5.1-r or Usable Open Space Requirements for Multiple Use Planned Development (MUPD) in the ULDC.
 - c. **Multiple Use Project – Onsite Preserve Option.** 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 EH preserves by Policy 1.5.1-j;
 - 2) **Preserve Area Acreage.** A minimum acreage equivalent to 60% of the acreage of the CLR designation shall be provided as Onsite Preserve Area; A minimum of 40% of the total gross acreage less right-of-way dedication shall be provided as Onsite Preserve Area; and
 - 3) **Design Features.** A development with INST/CLR future land use is not considered mixed use and is not subject to the Design Elements in Policy 1.5.1-r or Usable Open Space Requirements for Multiple Use Planned Development (MUPD) in the ULDC.

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 corridor that have occurred since the adoption of the County's Comprehensive Plan, including recent requests for the Essential Housing FLU to the west. 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 *“locating higher-density, cluster development on major corridors in proximity to essential needs found in the marketplaces and major medical facilities nearby and will limits trips outside the Agricultural Reserve, thereby reducing traffic. The proposed future land use designation of “INST/CLR” to allow for independent and assisted living along with memory care in a Multiple Use Planned Development, with density exceeding 1 dwelling unit per acre is suitable and appropriate for the Property.”*
- With regard to the text amendment, the applicant indicates that *“the proposed text amendment will support the County’s objectives of providing additional opportunities for senior housing in appropriate locations while preserving a transition between residential and non-residential uses.”*

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.

Until recently, all of the built or 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 adjacent to the Florida's Turnpike along Boynton Beach Boulevard.

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 housing diversity 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 primarily 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 and commerce uses at select locations, and institutional uses located east of State Road 7. The text amendment proposes to revise the location criteria for the Congregate Living Residential (CLR) FLU in the Agricultural Reserve Tier, which a density of 8 units per acre for the purpose of calculating CLF beds. The objective seeks to foster the preservation of the Agricultural Reserve Tier through the Planned Development options which allows a density of 1 unit per acre clustered onto a portion of the development (40% or 20%) with a required preserve area of 60% or 80% of the total land. The Comprehensive Plan requires that residential development in the Tier with an AGR FLU is developed at either 1 unit per 5 acres or at 1 unit per acre within planned unit developments (PUD) that require a minimum of a 60% preserve area. Commercial planned developments, called Multiple Use Planned Developments (MUPDs), also require a preserve area, but only for sites greater than 16 acres per an amendment adopted by the Board in 2016. Multiple use projects requesting CLR as an underlying future land use to the INST designation in the Tier are subject to the requirement to provide 10% onsite preserve and 50% offsite preserve. However, the proposed text amendment is proposing an “onsite” preserve option for this project, which would require a ~~60%~~ 40% preserve area based on the total gross acreage and would allow the same preserve uses as those permitted within the Essential Housing (EH) future land use designation. This provides for a sizeable preserve area with a limited portion to contain water management areas with enhanced environmental benefits. Therefore, the amendment is consistent with this objective in providing for the preservation of environmental and water resources and open space.

SUB-OBJECTIVE 1.5.1 Planned Developments

2. **FLUE 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 more than 16 acres and subject to a preserve requirement consistent with FLUE policy 1.5-u. The Agricultural Reserve Design Elements do not apply as this is not

a mixed use project. However, the required preserve area is subject to the standards and requirements of an AgR-TMD preserve.

3. **FLUE 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.

Staff Analysis: The second sentence of this policy was added with the All Seasons Delray text amendment. The policy allows mixed or multiple use planned developments to utilize 100% of the underlying residential density and the institutional intensity. For this site, that would mean that the development potential could utilize the maximum density of the CLR FLU designation as well as the maximum intensity of the INST designation.

The maximum allowable number of CLF beds are based on density, whereas nursing home beds are calculated based on intensity. The Unified Land Development Code (ULDC) permits one nursing home bed per 1,000 square foot of lot area. This site has a maximum development potential of up to 1,192 CLF beds under the CLR FLU and up to 950,283 square feet (0.35 FAR) for a hospital use or up to 2,715 nursing home beds under the INST FLU. However, staff is proposing a condition of approval to limit the site based on the zoning application of 1,192 CLF beds and 70 skilled nursing beds.

4. **Proposed Text Amendment – Congregate Living Facilities.** The specific proposed text changes are shown in Exhibit 1-B in strike out and underline. The proposed private text amendment requests the following changes:

- **FLUE Policy 1.5-u,** revisions to allow additional sites to be eligible for the CLR FLU, specifically parcels fronting Boynton Beach Boulevard between the Florida's Turnpike and Acme Dairy Road; and to allow an additional development option for projects with an INST/CLR future land use which provide the required preserve area onsite. This option would require a ~~60%~~ 40% onsite preserve area based on the total gross acreage and would allow the same preserve uses as those permitted within the Essential Housing (FLU), which includes up to 10% of the preserve area to contain a water management area with enhanced environmental benefits.

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.

Location. Currently, within the Agricultural Reserve Tier, the CLR designation is limited to sites that are a minimum of five acres fronting Lyons Road between Atlantic Avenue and Linton Boulevard. The applicant is requesting to revise the text to include parcels fronting Boynton Beach Boulevard between the Florida's Turnpike and Acme Dairy Road. The amendment does not assign the CLR designation to these sites but rather would allow these additional parcels to be eligible to apply for a land use amendment to CLR with subsequent public hearings and consideration of adoption by the Board of County Commissioners. However, the other sites that would be eligible for the CLR future land use with the proposed text amendment include the BC Commerce Center and Logan Ranch Residential sites, which ~~have active amendments in process proposing~~ were recently adopted with the Commerce and Essential Housing FLUs, respectively. Therefore, the subject site is the only property anticipated to request the CLR FLU.

Preserve Area Uses. Currently, the uses allowed within the required preserve area for multiple use projects with a CLR FLU is limited to those uses which are permitted within AgR-TMD preserves. This includes AGR-PDD preserve uses such as bonafide agriculture, nursery, passive park as well as governmental services and schools. The applicant is requesting to add the uses allowed in the preserve areas for the EH FLU, which includes community gardens and allows up to 10% of the preserve area to contain water management features with enhanced environmental benefits.

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 a congregate living facility in the Agricultural Reserve Tier at 8 units per acre utilizing the Congregate Living Residential (CLR) future land use. The applicant is also requesting Institutional & Public Facilities future land use for the nursing home component of the request. The Comprehensive Plan currently allows the INST designation in the Agricultural Reserve east of State Road 7 and at a floor area ratio of .15 or up to .35 with a hospital use.

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. The All Seasons Delray FLU amendment to INST was adopted by the Board in 2022.

6. **ULDC Implications:** There are no ULDC revisions anticipated as a result of this amendment.

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** – North of the subject site, across Boynton Beach Boulevard is a 47.21 acre parcel with an agricultural use and is in process for a future land use amendment, known as BC Commerce Center (LGA 2023-003), to change the designation from which the BCC adopted an amendment in August 2023 from AGR to the recently adopted Commerce with underlying AGR (CMR/AGR) in order to develop up to 925,440 719,764 square feet of light industrial uses.
- **East** – East of the subject site is the Florida's Turnpike and the Urban/Suburban Tier.
- **South** – To the south of the subject site is Canyon Trails AGR PUD (Control 2006-0550), a residential development with an Agricultural Reserve (AGR) future land use designation developed as a 60/40 AGR-PUD. The AGR-PUD consists of 579 single family homes.
- **West** – Directly west of the subject site, at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road, is an amendment ~~in process~~ adopted by the Board in August 2023 to change 39.24 acres of land from Agricultural Reserve (AGR) to Essential Housing with underlying AGR (EH/AGR) in order to develop up to 314 multi-family units.

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 Congregate Living Residential (CLR) future land use designation is proposing a CLF with 1,192 beds, which equates to 8 units per acre as well as utilizing the intensity from the INST future land use designation for 70 nursing home beds. The development plan proposed by the applicant is greater than the AGR-PUD to the south, which typically has a density of approximately 2.5 to 3 units per acre in the development area. However, the required preserve area is proposed to be located at the south end of the site allowing for a significant separation from the south property line to the nearest proposed building. In addition, the site to the west ~~is in process for a land use amendment,~~ known as Logan Ranch Residential, requesting received a land use amendment to the Essential Housing future land use, which allows up to 8 units per acre. This amendment was transmitted by the Board of County Commissioners in February 2023 and adopted in August 2023.

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 Agricultural Reserve Tier, which was the subject of the Agricultural 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 with up to 8 units per acre and the maximum development allowed under the INST designation (950,283 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 the School District.

PBC Fire Rescue provided the following comment – “This property is primarily served by Palm Beach County Fire Rescue Station #47, located at 7950 Enterprise Center Circle. The subject property is approximately 1.75 miles from the station. The estimated response time to the subject property is 6 minutes. In fiscal year 2022, the average response time for this station zone is 7:52. Changing the land use will have an impact on Fire Rescue, since Assisted Living and Congregate Living facilities usually generate a significant number of calls for Fire Rescue.”

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum potential of 1,192 CLF beds and 950,283 square feet of hospital use. In addition, the Division reviewed the amendment at a proposed potential of 1,192 CLF beds and 70 nursing home beds. According to the County’s Traffic Engineering Department (see letter dated March 20, 2023 in Exhibit 5) the amendment at the proposed potential would result in an increase of 2,840 trips per day if the site was developed at the current maximum development potential of a 5 acre Nursery Garden Center and 88.51 acre 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 **potential** densities shown above. As such, a condition of approval is required to restrict this amendment to the proposed development potential or equivalent trips.”*

The Traffic Study dated March 10, 2023 was prepared by Christopher W. Heggen, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on March 24, 2023. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties and homeowners associations within 500' of the perimeter of the site on March 24, 2023. In addition, interested parties were notified by mail including the Coalition of Boynton West Residential Associations. Notification of this amendment and other amendments related to the Ag Reserve Tier was provided to the Agricultural Reserve email list of interested parties on March 6, 2023 and August 25, 2023. Correspondence is added to Exhibit 9 as it is received during the course of the amendment process.

Applicant's Justification/Consistency with Comprehensive Plan

Introduction

I. PROPOSED FLUA TEXT AND MAP AMENDMENT

The current future land use designation would allow for the development of nineteen (19) dwelling units (1 du/5 acres x 93.51 ac.) or 610,94 square feet (0.15 FAR x 93.51 ac.) of agricultural uses, based on the total Site Area. The proposed future land use designation will allow for a maximum of 1,192 beds per the CLR designation (62.33 acres x 8 units/acre x 2.39 persons) and a maximum intensity of 950,283 square feet (0.35 x 62.33 acres) or 2,715 beds (62.33 acres x 43,560 sf/1,000 sf).

Description of Site Vicinity

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	AGR	AGR	Agriculture Use and Florida State DOT right-of-way for the Florida Turnpike.	1980-50124 2010-00072 2016-0163	N/A
South	AGR	AGR-PUD	Canyon Trails PUD/579 Units/1 Du per acre	2006-550	R-2011-224

2 The proposed total bed count is inclusive of a voluntary restriction as further described within the Traffic Study submitted with this application.

East	AGR; UT (Utilities and Transportation)	AR	Florida State DOT right-of-way for the Florida Turnpike.	N/A	N/A
West	AGR (Proposed EH)	AGR	Agriculture Use and warehouse	2004-471 2018-187	R-2019-1951, R-2019-1952

History

The Agricultural Reserve Master Plan was originally developed to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve related Comprehensive Plan policies, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents as well as good planning practices, have spurred additional necessary changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects that serve the residents, allowing 5-acre standalone preserve parcels, and allowing smaller commercial projects to develop without the need to provide preserve acreage. Additional changes have been approved to allow the development of congregate living facilities within the Ag Reserve. While the first “80/20” Planned Unit Developments “PUDs” came about in 1980 (per the Agricultural Reserve Chronology document prepared by Palm Beach County Planning Division) we are now more than 40 years past and those initial residents have aged and are now looking for housing that affords them the ability to remain local and age in place. The Comprehensive Plan has mechanisms in place for Congregate Living Facilities in the Urban Suburban Tier, but up until recently, there wasn’t a land use designation that would allow a CLF in the Agricultural Reserve. After first considering CLF in the Agricultural Reserve in 2019, the BCC adopted a private text amendment and future land use amendment for the All Seasons Delray, allowing for one Congregate Living Facility in the Agricultural Reserve. The All Seasons project was adopted on April 28, 2022, and the Future Land Use Designation of Congregate Living Residential was applied to the site specific All Seasons project. The Future Land Use Designation of Congregate Living Residential will diversify housing opportunities by allowing for a senior housing option to serve the needs of existing residents and be in close proximity to related uses such as the Baptist Health Bethesda Hospital West, within proximity to the Property. Further, applying the CLR designation as underlying to the Institutional land use designation allows a Congregate Living Facility to offer care for residents allowing them to age in place, from independent living and assisted living to memory care.

G.1 Justification

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

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

***Response:** The Property is located along the south side of Boynton Beach Boulevard, just west of the Florida State Turnpike and approximately 0.67 miles east of Lyons Avenue. Boynton Beach Boulevard is a major east/west right-of-way providing easy access to Florida’s Turnpike, State Road 7 and I-95. The property is oriented toward and currently takes access from Boynton Beach Boulevard. This section of Boynton Beach Boulevard includes a mix of agricultural, commercial, and public facility uses. Recognized by the BCC, with the adoption of the Essential Housing (“EH”) land use designation, as an area that is in transition, the Property in addition to the immediately adjacent and abutting Logan Ranch Property, are identified as potential for an EH designation allowing 8 dwelling units per acre. While the INST designation will allow for use as assisted living, skilled nursing and memory care, as defined in the Comprehensive Plan, the underlying CLR designation will also allow for assisted living, but just as necessary, independent living. Similar in density to the EH land use designation, the CLR land use designation allows a density of 8 dwelling units per acre. Locating higher-density, cluster development on major corridors in proximity to essential needs found in the marketplaces and major medical facilities nearby and will limit trips outside the Agricultural Reserve, thereby reducing traffic. The proposed future land use designation of “INST/CLR” to allow for independent and assisted living along with memory care in a Multiple Use Planned Development, with density exceeding 1 dwelling unit per acre is suitable and appropriate for the Property.*

Congregate Living Residential in the Tier furthers the County objectives of Growth Management, providing for sustainable communities and lifestyle choices. Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The residential option within the Agricultural Reserve is comprised of predominately single family homes; and does not include housing that serves the needs of the aging population. This is a homogeneous development pattern that will not sustain as our population ages. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for current residents in the Agricultural Reserve that are older or those that would like to move their aging family members nearby. The Property is well suited for increased density and Congregate Living Residential as it is proximate to major regional thoroughfares, has frontage and access on Boynton Beach Boulevard, and does not divide an existing residential community. Further, the Property is located just east of the recently built and expanding Baptist Health Bethesda West Hospital campus. The proposed Congregate Living Residential project will provide a transition between those intense uses on Boynton Beach Boulevard and the existing and future single-family uses to the south and west.

The density increase to 8 units per acre is necessary to accommodate the development of a congregate living facility which provides for independent living, assisted living and memory care. A similar congregate living facility, All Seasons Delray, was recently approved within the Agricultural Reserve allowing for a density consistent with 8 units per acre. Additionally, the recently initiated Congregate Living Residential private Text Amendment for the Property will allow for an additional land use designation of "INST/CLR" and the density of 8 units per acre at this Property. A required Preserve area is provided; and the density is needed to offset the cost of providing preserve land.

The recent adoption of Policy 1-5-u already allows additional density to accommodate CLFs in the Tier, however the location is limited to one geographic area in the central part of the Tier along Lyons Road between Atlantic Avenue and Linton Boulevard. The recently initiated private text amendment for the Property adds an additional location for CLFs under Policy 1.5-u on a relatively short section of Boynton Beach Boulevard between the Florida Turnpike and Acme Dairy Road in the northern portion of the Tier. This corridor is already characterized by existing commercial and institutional uses between Acme Dairy Road and Lyons Road to the west. The nature of the proposed amendment is such that future development will be clustered in a part of the Tier where the established development pattern is able to support increased densities without adversely impacting the remainder of the Tier. Additionally, the proposed inclusion of the option for CLFs to provide the preserve area entirely onsite is consistent with the more typical 60/40 calculations for preserve areas for planned developments in the Tier.

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

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

Response: *As previously mentioned, significant changes to the original master plan have been approved within the Agricultural Reserve. Most relevant is the All Seasons Delray Project on April 28, 2022, the Board of County Commissioners approved the private text amendment and future land use amendment allowing a congregate living facility within the Agricultural Reserve. In addition, the recent adoption by the Board of County Commissioners, for the project Reserve at Atlantic, for development of 476 multi-family residential units and a daycare for 120 children. The Reserve at Atlantic Project was also the catalyst for the Board of County Commissioners to direct staff to initiate the Future Land Use Amendment for Essential Housing. The Essential Housing Future Land Use Designation will allow for development of multi-family housing at a density of 8 units per acre. The subject Property was one of the four properties identified as appropriate for an Essential Housing land use designation, including the adjacent and abutting property to the west, which is currently in the process requesting a Future Land Use Amendment to Essential Housing.*

Continued residential growth has created a need for additional services within the Agricultural Reserve. The additional services that have been approved and developed along Boynton Beach Boulevard and in the immediate area. In addition, as the population

within the Agricultural Reserve ages, there's a need for additional housing options that provide specialized services to the aging population. The residents of the single-family homes within the Agricultural Reserve will have a need for additional housing options in the future for themselves and for their families, which can be served by a congregate living facility.

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

***Response:** The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur along the major roadways and at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Contributing factors to this development pattern that were not anticipated include, several large farming families ceasing operations and no longer farming, including Mazzonni, Whitworth, Winsberg, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single-family homes and do not provide for the housing options for residents to age in place. This Tier has until recently been void of congregate living facilities that provide an option to age in place.*

In the twenty years that have passed since the creation of the Agricultural Reserve Master Plan, the population has significantly increased. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years. In fact, not only has the population increased, the U.S. Department of Housing and Urban Development projects that by 2050 Palm Beach County's population of persons 65 and older will double. The U.S. Census Bureau identifies the highest concentration of population over 55 to be located within or adjacent to the Agricultural Reserve Tier. Currently the need for congregate living facilities is only being met by developments within the Urban/Suburban Tier and being further exacerbated by the current development pattern and density limitations within the Agricultural Reserve.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated Traditional Marketplace Developments (TMDs) located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including an approximately 170,000 square feet of medical office buildings, several private and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. Allowing for Congregate Living Residential within proximity to the institutional uses such as the hospital, and other non-residential uses, allows for the County objectives of sustainable growth to occur.

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

***Response:** The Agricultural Reserve Master Plan recognized the need for sustainable development within the Tier by allowing and encouraging vertical and horizontal integration of residential units within the TMDs. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.*

The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed FLUA and text amendment will allow for development to occur along Boynton Beach Boulevard in an area originally designated by the Master Plan as a location for multi-family development.

Recently, the Board of County Commissioners approved a multi-family development, Reserve at Atlantic, with a density of 8 dwelling units to the acre providing for a total of 476 residential dwelling units; and a daycare for 120 children. This project is seen as a catalyst for the County Board of Commissioner's direction to staff and ultimate adoption of the Essential Housing designation within the Agricultural Reserve. The Essential Housing Future Land Use Designation creates a higher-density category with a significant workforce housing requirement and a preserve requirement, helping to create livable communities while recognizing the unique characteristics of the area. In addition, in April of this year the Board of County Commissioner's approved the All-Seasons Project which located the first Congregate Living Residential designation within the Agricultural Reserve. Then in August of this year, the Board of County Commissioners initiated the proposed text amendment to add an additional location for the CLR designation, for this Property. The proposed congregate living facility will be located on major corridors with proximity to the marketplaces limiting trips. In addition, a congregate living facility provides for most of the residents needs on site, with medical services, personal care services, daily meals and dining options, thereby limiting the need to travel off site for those services.

The development of congregate living facilities will not occur in the Tier unless density rates are increased. Initially, Congregate Living Residential was intended to locate at one location in Delray. The congregate living facility has yet to be constructed. The proposed project will provide additional housing options within the Tier. This congregate living facility will be located within close proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.

d. Inappropriateness of the adopted FLU designation.

Response: AGR is not the most appropriate FLUA designation for the Property to create an appropriate balance of land uses within the Agricultural Reserve. The Project brings forward a proposal that will promote a sustainable land use pattern in the Agricultural Reserve, with residential living options for residents to age in place. Although, a Congregate Living Facility Type 3 is allowed in the ULDC Use Matrix in the Agricultural Reserve Planned Development, due to the low density permitted and preserve area requirements, development of a facility hasn't yet occurred in the Agricultural Reserve utilizing the AGR Future Land Use designation. Allowing an increase in density will allow for the original intent of the Master Plan which included a variety of housing types including congregate living facilities to be realized. The existing density of 1 du/acre will not allow for the development of a congregate living facility in the Agriculture Reserve. 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 recently adopted EH Future Land Use category that allows multi-family development identifies four properties where the EH designation is appropriate, the Property being one of them in addition to the adjacent and abutting property to the west, which is currently in the process for a FLUA to EH. In terms of appropriateness, the Property is in the ideal location to receive an increased density, based on the identified appropriate properties eligible for the EH land use designation as well as the need for congregate living facilities in the Agricultural Reserve.

e. Whether the adopted FLU designation was assigned in error.

Response: N/A

G.2 Residential Density Increases

Per Future Land Use Element Policy 2.4-b, the proposed request for a density increase is consistent with the following criteria:

- Demonstrate a need for the amendment.
- Demonstrate that the current FLUA designation is inappropriate.
- Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

a. Demonstrate a Need for the Amendment

Response: As discussed above, Palm Beach County is in the middle of a housing crisis. There is a significant deficit of senior housing options available to the aging population in Palm Beach County, but specifically within and adjacent to the Agricultural Reserve. The Density

Bonus and Transfer of Development Rights as a means to increase density is not appropriate for this site as it is not permitted in the AGR and not appropriate for a Congregate Living Facility. However, the Project will be increasing density through the requested amendment to the Future Land Use Designation of Institutional /Congregate Living Residential (“INST/CLR”). The proposed amendment will further the County Directions by providing additional locations for existing and future residents of the Agricultural Reserve Tier to age in place. Approval of this proposed text amendment and FLUA amendment will continue to implement recent strategies to provide for a more diverse community and variety of land uses to meet the needs of residents in the Agricultural Reserve Tier. It will ensure opportunity is provided to meet the need for additional housing choices as the needs of the aging population change over time. This proposed text amendment and FLUA amendment will ensure that the Agricultural Reserve Tier remains a diverse community that can meet the needs of existing and future residents within the Tier.

b. Demonstrate that the Current FLUA Designation is Inappropriate

Response: *The current FLUA designation is Agricultural Reserve and does not permit the development of a congregate living facility, nor does it provide the density required to develop a congregate living facility that allows its residents the option to age in place. The recent adoption of Policy 1-5-u already allows additional density to accommodate CLFs in the Tier, however limits the location to one geographic area in the central part of the Tier along Lyons Road between Atlantic Avenue and Linton Boulevard. The proposed text amendment adds an additional location for CLFs under Policy 1.5-u on a relatively short section of Boynton Beach Boulevard between the Florida Turnpike and Acme Dairy Road in the northern portion of the Tier. This corridor is already characterized by existing commercial and institutional uses between Acme Dairy Road and Lyons Road to the west. The nature of the proposed amendment is such that future development will be clustered in a part of the Tier where the established development pattern is able to support increased densities without adversely impacting the remainder of the Tier. Additionally, the proposed inclusion of the option for CLFs to provide the preserve area entirely onsite is consistent with the more typical 60/40 calculations for preserve areas for planned developments in the Tier.*

Explanation of Why TDR, WHP and AHP Cannot be Utilized to Increase Density on the Property

Response: *The Agricultural Reserve is a sending area for the Transfer of Development Rights (TDR) Program. The adopted Future Land Use Designation CLR, will provide the desired density 8 dwelling units per acre. Therefore, the proposed amendment is the appropriate means for providing these units.*

G.3 Compatibility

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

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

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.

- Access is available from Boynton Beach Boulevard, a right-of-way designated as an arterial road, thus directing traffic away from local roads in the vicinity.
- Boynton Beach Boulevard is currently developed with a mix of institutional, commercial, residential, and agricultural uses. The proposed MLU will provide for additional housing

opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.

- The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

G.4 Comprehensive Plan

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

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

- **Balanced Growth** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

Response: Approval of the proposed text and FLU amendments will allow for the development of a congregate living facility at the Property. Single-family residential development in the Agricultural Reserve has been growing substantially without any alternative housing options provided. Residents within the Agricultural Reserve and adjacent, continue to age and require additional housing options. The proposed FLU amendment will bring additional housing opportunities to the Agricultural Reserve catering to the aging population within and adjacent to the Tier thus enhancing the quality of life for those that have chosen to live within the western Boynton Beach area.

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

Response: Allowing additional housing options within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single-family homes, that do not provide the additional services that come with a congregate living facility. This is a homogeneous development pattern that does not take into account the inevitable aging population. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for those that are aging and require additional services are offered.

- **Strategic Planning** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

Response: The proposed text and FLUA amendment furthers this goal, by promoting balanced growth and providing a diversity of housing choices and level of care options for residents of the Tier and locating development along established corridors. The recent adoption of Policy 1.5-u supports the need to address an underserved use in the Tier and the proposed text amendment will establish an additional location for development of CLFs to meet that need.

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

- **FLUE 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 provisions 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: A change to the Policy 1.5-u will allow for the development of an additional CLF use to support the growing and aging residential communities within the Agricultural Reserve by providing additional opportunities for senior housing in close proximity to existing services and major transportation routes.

- **FLUE 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 Property is located within the Agricultural Reserve which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation route with access/frontage on Boynton Beach Boulevard, within a mile of State Road 7 and Florida Turnpike contribute to timely, cost-effective service provision. The proposed project will better serve the immediate and future needs of the community as it will provide additional housing opportunities for the aging population. Traffic on the east-west roadways in the Agricultural Reserve is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment will allow for development of a congregate living facility that provides housing options for independent living, assisted living and memory care. Further, the facility will provide for the needs of those residents from medical appointments, personal care appointments and provides on-site food options and dining, thus reducing the amount of residents leaving the Tier for those services and needs.

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

- **FLUE 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 text amendment is consistent with this policy as it does not make any changes to the institutional uses allowed in the Tier.
- **FLUE 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:
 6. **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.
 7. **Separation.** Residential uses shall be setback 50 feet from any agricultural use.
 8. **Location.** Sites are limited to locations fronting Lyons Road between Atlantic Avenue and Linton Boulevard.
 9. **Minimum Acres.** The minimum acreage for the CLR future land use designation is 5 acres.
 10. **Preserve Area.** Preserve Areas are required as provided below.
 - d. **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.
 - e. **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.**
 - d) A minimum of 10% of the land area with the CLR designation shall be Onsite Preserve Area; and
 - e) A minimum acreage equivalent to 50% of the acreage of the CLR designation shall be provided as Offsite Preserve Area.
 - f) 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 Features.** A development with “INST/CLR” future land use is not considered mixed use, and is not subject to the Design Elements in Policy 1.5.1-r or Usable Open Space Requirements for Multiple Use Planned Development (MUPD) in the ULDC.”

***Response:** This policy is the subject of the proposed text amendment. The only proposed changes are to allow an additional location for CLF uses utilizing the “INST/CLR” FLU designation, make available the option for development to provide its required preserve area entirely onsite, and to ensure preserve area uses are consistent with the proposed preserve area permitted uses for other higher density FLU categories. The density, separation and minimum acreage requirements of the policy are unchanged. The proposed text amendment will support the County’s objectives of providing additional opportunities for senior housing in appropriate locations while preserving a transition between residential and non-residential uses.*

- **FLUE 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:** Preserve areas for any future development resulting from the proposed text amendment that will utilize an MUPD zoning will comply with this policy.*

- **FLUE Policy 2.1-1:** “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 proposed text and FLUA amendment will include property on Boynton Beach Boulevard between the Florida Turnpike and Acme Dairy Road that is near all of the necessary urban services including, but not limited to, a hospital, the roadway network, water/wastewater and drainage facilities, mass transit opportunities, etc. Development resulting from the proposed text amendment will sufficiently utilize the existing urban services within the area, allowing land elsewhere 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:** As discussed, the proposed text and FLUA amendment will allow for the “INST/CLR” FLU designation on Boynton Beach Boulevard between the Florida Turnpike and Acme Dairy Road, providing much needed additional senior housing opportunities to existing and future residents in the Agricultural Reserve Tier. The allocation of additional land area as suitable for future CLF uses will assist with countering somewhat the imbalance of homogenous single family uses created by the development of AgR-PUDs in the Agricultural Reserve and provide additional opportunity for residents (existing and future) of the Agricultural Reserve to “age in place”.*

- **Policy 2.2.1-b:** “Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained 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.”

Response: *The proposed text and FLUA amendment is consistent with this policy as it maintains the separation, density and minimum acreage requirements as recently adopted in Policy 1.5-u. These requirements have been established to ensure adequate regulations are in place to address compatibility with surrounding uses. Additionally, the proposed inclusion of an option to provide the entire preserve area onsite will provide an additional mechanism to address compatibility.*

- **FLUE 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 text and FLUA amendment is consistent with this policy as it will provide additional opportunities for CLFs, which are a permitted use in the AgR-MUPD zoning district.*

G.5 Florida Statutes

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

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
 - **Response:** *The applicant is requesting to change the FLU of the Property from AGR to “INST/CLR” and an associated text amendment which will provide additional housing opportunities within the Agricultural Reserve. The Agricultural Reserve is an existing area of low intensity/density and single-use development. The proposed amendment will provide housing options not currently in existence within the Boynton Beach Boulevard corridor of the Agricultural Reserve. The proposed text change will allow for the development of congregate living facility at a second location within the Agricultural Reserve.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - **Response:** *The Property is located in the Agricultural Reserve which is a Limited Urban Service Area (LUSA) and along the Boynton Beach Boulevard corridor which is not rural in nature. Urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - **Response:** *The development is not isolated in nature as development surrounds the Property along the Boynton Beach corridor and to the south with a residential PUD. Specifically, commercial uses have been approved and developed at the intersection of Boynton Beach Boulevard and Lyons Road just to the west of the Property. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial/industrial projects along a rapidly changing roadway corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

- **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process. Further, the amendment will require preservation of 40% of the Property with Off-site and On-site preservation.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - **Response:** *The Property is located within the Agricultural Reserve. Although it is currently utilized as agriculture row crops, the Property is not designated as a preserve parcel. The Property's location along a major right-of-way, bordered by development to the south and the Florida Turnpike to the east, is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, industrial, and residential).*
- Fails to maximize use of existing public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. It is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in the 8 du/ac planned unit developments, it is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
 - **Response:** *The Property is located within the Agricultural Reserve which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services employment, and alternative housing options in close proximity to where people live.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - **Response:** *This amendment will allow for infill development. The property to the south is developed as single-family residential; and the properties to the west and north are in the process for development as Essential Housing and Commerce. The Florida Turnpike right-of-way borders the property to the east. The proposed project will serve the current and future needs for the surrounding communities and will also provide a much needed alternative housing option.*
- Fails to encourage a functional mix of uses.
 - **Response:** *Approval of the proposed amendments will allow for a mix of residential uses from independent living and assisted living to skilled nursing and memory care. The proposed amendment will allow for the development of an alternative housing type within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses along the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past.*
- Results in poor accessibility among linked or related land uses.
 - **Response:** *The proposed development will be designed with pedestrian connections as required through the zoning process.*
- Results in the loss of significant amounts of functional open space.
 - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space. Additionally, the proposed text and FLUA amendment will still provide for the required preservation land.*

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
 - **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - **Response:** *The request for a text and FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating residential development near goods, services and employment adjacent to existing public infrastructure.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - **Response:** *The development will be designed meeting the requirements for a planned development (PDD) project which includes pedestrian connections, bike racks, multi-use paths, and other elements that support a compact development.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - **Response:** *Approval of this proposed amendment will allow the development of a congregate living facility within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses within the Agricultural Reserve which has been relatively homogeneous in the past. The proposed uses will better serve the surrounding residential community as well as provide a much-needed housing option for the aging population and employments for workers in the medical and senior living field within the Agricultural Reserve.*

Conclusion

As described above, the proposed future land use amendment from Agricultural Reserve (AGR) to Institutional /Congregate Living Residential (“INST/CLR”) and Comprehensive Plan Text Amendment to add a second location for a Congregate Living Facility within the Agricultural Reserve is consistent with the Goals, Objectives, and Policies of Palm Beach County’s Comprehensive Plan and the Florida State Statutes. The proposed amendments are also compatible with the surrounding area. The proposed amendments do not contribute to urban sprawl. The amendments are consistent with the Agricultural Reserve Master Plan as well as provide a much-needed service and alternative housing options to the area residents and workers that will not negatively impact service provision.

Exhibit 4

Applicant’s Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	<p>Nursery (Garden Center) (ITE 817) Daily: 108.1 trips/acre AM Peak Hour: 2.82 trips/acre PM Peak Hour: 8.06 trips/acre</p> <p>Nursery (Wholesale) (ITE 818) Daily: 19.5 trips/acre AM Peak Hour: 0.23 trips/acre PM Peak Hour: 0.36 trips/acre</p>	<p>Assisted Living Facility (CLR/INST) (ITE 254) Daily: 2.6 trips/bed AM Peak Hour: 0.18 trips/bed PM Peak Hour: 0.24 trips/bed</p> <p>Nursing Home (INST) (ITE 620) Daily: 3.06 trips/bed AM Peak Hour: 0.14 trips/bed PM Peak Hour: 0.14 trips/bed</p> <p>Hospital (INST) (ITE 610) Daily: 10.77 trips/1,000 SF AM Peak Hour: 0.82 trips/1,000 SF PM Peak Hour: 0.86 trips/1,000 SF</p>
Maximum Trip Generation	<p>Max Daily: 2,267 trips Max AM Peak: 34 trips Max PM Peak: 96 trips</p>	<p>CLR/INST (with Hospital as INST use, Unrestricted): Max Daily: 12,310 trips Max AM Peak: 916 trips Max PM Peak: 1,021 trips</p> <p>CLR/INST (with Hospital as INST use, Proposed Voluntary Restriction): Max Daily: 5,274 trips Max AM Peak: 381 trips Max PM Peak:460 trips</p> <p>CLR/INST (with ALF + Nursing Home as INST use, Unrestricted): Max Daily: 10,181 trips Max AM Peak: 695 trips Max PM Peak:921 trips</p> <p>CLR/INST (with ALF + Nursing Home as INST use, Proposed Voluntary restriction): Max Daily: 5,275 trips Max AM Peak: 356 trips Max PM Peak:468 trips</p>
Net Daily Trips:	<p>10,043 (Maximum with Hospital as INST use minus Current Maximum) 3,007 (Vol. Restriction with Hospital as INST use minus Current Maximum)</p> <p>7,914 (Maximum with ALF + Nursing Home as INST use minus Current Maximum) 3,008 (Vol. Restriction with ALF + Nursing Home as INST use minus Current Maximum)</p>	
Net PH Trips:	<p>882 AM, 925 PM (Max with Hospital as INST use minus Current Max) 347 AM, 364 PM (Vol. Restr. With Hospital as INST use minus Current Max)</p> <p>661 AM, 825 PM (Max with ALF + Nursing Home as INST use minus Current Max)</p>	

	322 AM, 372 PM (Vol. Restr. With ALF + Nursing Home as INST use minus Current Max)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Christopher W Heggen, Kimley-Horn and Associates, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 73 – BYB X-Town via Boynton Beach.	
Nearest Palm Tran Stop	Stop #6781 – Boynton Beach Blvd at Acme Dairy Road, Southeast corner of Boynton Beach Boulevard and Acme Dairy Road.	
Nearest Tri Rail Connection	Via Route 73 - Boynton Beach Tri-Rail Station, west side of I-95, approximately 0.2 miles east of High Ridge Road, approximately 9.4 miles to the northeast of the Property.	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. See Attachment I for letter from Palm Beach County Water Utilities Department. See Attachment I for Potable Water & Wastewater Level of Service (LOS) comment letter.	
Nearest Water & Wastewater Facility, type/size	A 42” potable water main and a 24” sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the property.	
D. Drainage Information		
The drainage system for the proposed project will consist of dry detention area, exfiltration trenches, and outfalls to the Lake Worth Drainage District L-24 Canal that runs along the north side of the property, and L-25 Canal that runs along the south side of the property. The Property is located within the SFWMD C-16 Basin, and the site will comply with the C-16 Basin requirements of discharge of 62.6 cubic feet per square mile. See Attachment J for Drainage Statement.		
E. Fire Rescue		
Nearest Station	Palm Beach County Fire-Rescue Station # 47, located at 7950 Enterprise Center Circle.	
Distance to Site	1.75 miles	
Response Time	Average response time is 7:36	
Effect on Resp. Time	Fire Rescue is not able to determine the impact on the proposed land use change of this property. However, Assisted Living and Congregate Living Facilities usually generate a significant number of calls for Station # 47. See Attachment K.	
F. Environmental		
Significant habitats or species	There are no significant habitats or species on the Property. The site has previously been utilized for agricultural row crops. An aerial of the Property is provided as Attachment L.	
Flood Zone*	The Property is located in Zone X, which is not a flood zone.	
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment M.	
G. Historic Resources		

There are no significant historic resources present on the Property. See Attachment N for letter.				
H. Parks and Recreation - Residential Only (Including CLF)				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	John Prince Park 2700 6 th Avenue South Lake Worth, FL 33461	0.00339	+ 3,017	+10.22 acres
Beach	Ocean Ridge Hammock Park 6620 North Ocean Boulevard Ocean Ridge, FL 33435	0.00035	+ 3,017	+1.05 acres
District	Canyon District Park 8802 Boynton Beach Blvd. Boynton Beach, FL 33472	0.00138	+ 3,017	+4.16 acres
I. Libraries - Residential Only (Including CLF)				
Library Name	West Boynton Branch			
Address	9451 Jog Road			
City, State, Zip	Boynton Beach, FL 33437			
Distance	2.0 miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	+ 3,017	+6,034 holdings	
All staff	0.6 FTE per 1,000 persons	+ 3,017	+1.81 FTE	
Library facilities	0.6 square feet per person	+ 3,017	+1,810 sf	
J. Public Schools - Residential Only (Not Including CLF)				
	Elementary	Middle	High	
Name	N/A	N/A	N/A	
Address				
City, State, Zip				
Distance				

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

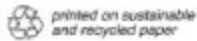
**Palm Beach County
Board of County
Commissioners**

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



March 20, 2023

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

**RE: Erickson Boynton Beach CCRC
FLUA Amendment Policy 3.5-d Review
Round 2022-23-B**

Dear Mr. Heggen:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised March 20, 2023, 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:	South side of Boynton Beach Boulevard, west of FL Turnpike and approximately 0.63 mile east of Lyons Road	
PCN:	00-42-43-27-05-054-0022 <i>(other on file)</i>	
Acres:	93.505 acres <i>(31.18 acres to be designated as Preserve)</i>	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Congregate Living Residential (CLR)/Institutional (INST)
Zoning:	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)
Density/ Intensity:	0.15 FAR	8 units per acre
Maximum Potential:	Nursery (Garden Center) = 5.0 acres Nursery (Wholesale) = 88.51 acres	Assisted Living Facility = 1,192 beds Hospital = 950,283 SF <i>(Based on 62.33 acres)</i>
Proposed Potential:	None	Assisted Living Facility = 1,192 beds Nursing Home = 729 beds <i>(Based on 62.33 acres)</i>
Net Daily Trips:	10,043 (maximum – current) 2,840 (proposed – current)	
Net PH Trips:	916 (599/317) AM, 1,021 (369/652) PM (maximum) 307 (195/112) AM, 378 (143/235) 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>		



Christopher W. Heggen, P.E.
March 20, 2023
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** densities shown above. As such, a condition of approval is required to restrict this amendment to the **proposed** development potential or equivalent trips.

Please do not hesitate to reach out with any questions or concerns at 561-684-4030 or DSimeus@pbcgov.org.

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", followed by a horizontal line.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:jb

cc:

Quszi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Lisa Amari – Director, Zoning Division
Bryan Davis – Principal Planner, Planning Division
Stephanie Gregory – Principal Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Kathleen Chang – Senior Planner, Planning Division
David Wiloch – Senior Planner, Planning Division
Alberto Lopez Tagle – Technical Assistant III, Traffic Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\23-B\Erickson Boynton Beach CCRC.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



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

■

**Palm Beach County
Board of County
Commissioners**

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

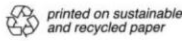
Maria G. Marino
Dave Kerner

Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



April 5, 2022

Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: Mazzoni Property
PCN 00-42-43-27-05-054-0050 & 00-42-43-27-05-054-0022
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed land use amendment from Agricultural Reserve (AGR) to CLR subject to a Capacity Reservation Agreement with PBCWUD. The proposed change will allow for the development of an assisted living and congregate living facility.

The nearest point of connection is a 42" potable water main and a 24" sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the subject property. There is a 12" reclaimed water main located within Acme Dairy Road approximately 1100 feet from the subject property. This property is located within a Mandatory Reclaimed Area.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

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.,
Project Manager

Exhibit 7
Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared PATRICIA A. MAZZONI, Successor Trustee 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 ☒ PATRICIA A. MAZZONI, Successor Trustee [position - e.g., president, partner, trustee] of William A. Mazzoni Revocable Trust dated 6/4/92 [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: 9634 CAPTIVA CIRCLE
BOYNTON BEACH, FL 33437
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Patricia A. Mazzoni
PATRICIA A. MAZZONI, 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 22nd day of JUNE, 2022 by PATRICIA A. MAZZONI, SUCCESSION T. ADRIAN (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).

 (Name - type, stamp or print clearly)

 (Signature)

My Commission Expires on: _____

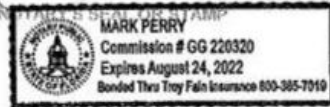


EXHIBIT "A"

PROPERTY

BEING A PORTION OF TRACTS 2 AND 3, ALL OF TRACTS 4 THROUGH 6, ALL OF TRACTS 27 THROUGH 31, ALL OF TRACTS 34 THROUGH 38, AND ALL OF TRACTS 59 THROUGH 63, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 15 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRAILS AT CANYON - PLAT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGES 1 THROUGH 7 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRAILS AT CANYON - PLAT FOUR, N00° 23'24"W, A DISTANCE OF 46.20 FEET TO THE NORTHEAST CORNER OF TRACT 66, BLOCK 54, AS SHOWN ON SAID THE PALM BEACH FARMS CO. PLAT NO. 3; THENCE N00° 24'55"W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54, AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, S89° 36'22"W, A DISTANCE OF 1650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACTS 59 AND 38, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND THE WEST LINE OF SAID TRACTS 27 AND 6, BLOCK 54, N00° 25'41"W, A DISTANCE OF 2668.71 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N03° 33'25"W, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE EASTERLY ALONG THE ARC AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 107, AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 00° 22'31", A DISTANCE OF 50.93 FEET; THENCE ALONG A LINE 84.48 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 3, 4, 5, AND 6, BLOCK 54, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 24, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, N89° 02'57"E, A DISTANCE OF 984.35 FEET; THENCE ALONG THE WESTERLY LINE OF PARCEL 100, AS RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 317, AND OFFICIAL RECORDS BOOK 6369, PAGE 403 OF SAID PUBLIC RECORDS, S00° 57'03"E, A DISTANCE OF 205.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 426.00 FEET AND A CENTRAL ANGLE OF 89° 36'55"; THENCE SOUTHEASTERLY ALONG THE ARC AND ALONG SAID WESTERLY LINE OF PARCEL 100, A DISTANCE OF 465.04 FEET; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL 100, N89° 36'02"E, A DISTANCE OF 187.16 FEET; THENCE ALONG THE EAST LINE OF SAID TRACTS 2 AND 31, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND THE EAST LINE OF SAID TRACTS 34 AND 63, BLOCK 54, S00° 25'49"E, A DISTANCE OF 2,051.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,073,078 SQUARE FEET/93.5050 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
PADUCCIA A. MAZZONI	9634 CAPTIVA CIR. BOYNTON BEACH, FL 33437
LISA A. MAZZONI	9714 CAPTIVA CIR. BOYNTON BEACH, FL 33437

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

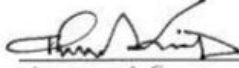
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared THOMAS A. SMITH, SUCCESSOR CO-TRUSTEE, 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 ☒ THOMAS A. SMITH, SUCCESSOR CO-TRUSTEE (position - e.g., president, partner, trustee) of WILLIAM MAZZONI REVOCABLE TRUST d/p/a/s JUNE 4, 1992 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: 916 NE 4TH AVENUE
DELMAR BEACH, FL 33483
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.


THOMAS A. SMITH, 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 7th day of July, 2022 by THOMAS A. SMITH, Successor CO-TRUSTEE (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).

MARK H. PERRY
 (Name - type, stamp or print clearly)


 (Signature)

My Commission Expires on: _____

NOTARY'S

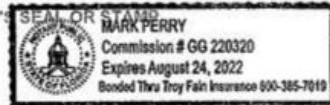


EXHIBIT "A"

PROPERTY

BEING A PORTION OF TRACTS 2 AND 3, ALL OF TRACTS 4 THROUGH 6, ALL OF TRACTS 27 THROUGH 31, ALL OF TRACTS 34 THROUGH 38, AND ALL OF TRACTS 59 THROUGH 63, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRAILS AT CANYON - PLAT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGES 1 THROUGH 7 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRAILS AT CANYON - PLAT FOUR, N00° 23'24"W, A DISTANCE OF 46.20 FEET TO THE NORTHEAST CORNER OF TRACT 66, BLOCK 54, AS SHOWN ON SAID THE PALM BEACH FARMS CO. PLAT NO. 3; THENCE N00°24'55"W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54 AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, S89°36'22"W, A DISTANCE OF 1650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACTS 59 AND 38, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND THE WEST LINE OF SAID TRACTS 27 AND 6, BLOCK 54, N00°25'41"W, A DISTANCE OF 2668.71 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N03° 33'25"W, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE EASTERLY ALONG THE ARC AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 107, AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 00°22'31", A DISTANCE OF 50.93 FEET; THENCE ALONG A LINE 84.48 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 3, 4, 5, AND 6, BLOCK 54, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 24, ACCORDING TO CHANCERY CASE 107, AS RECORDED IN OFFICIAL RECORDS BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, N89°02'57"E, A DISTANCE OF 984.35 FEET; THENCE ALONG THE WESTERLY LINE OF PARCEL 100, AS RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 317, AND OFFICIAL RECORDS BOOK 6269, PAGE 403 OF SAID PUBLIC RECORDS, S00°57'03"E, A DISTANCE OF 205.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 426.00 FEET AND A CENTRAL ANGLE OF 89°36'55"; THENCE SOUTH EASTERLY ALONG THE ARC AND ALONG SAID WESTERLY LINE OF PARCEL 100, A DISTANCE OF 665.04 FEET; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL 100, N89°36'02"E, A DISTANCE OF 187.16 FEET; THENCE ALONG THE EAST LINE OF SAID TRACTS 2 AND 31, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND THE EAST LINE OF SAID TRACTS 34 AND 63, BLOCK 54, S00°25'49"E, A DISTANCE OF 2,054.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,073,078 SQUARE FEET / 3.5050 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
PATRICIA A. MAZZONI	9634 CAPTIVA CIR, BOYNTON BEACH, FL 33437
LISA A. MAZZONI	9714 CAPTIVA CIR, BOYNTON BEACH, FL 33437

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Steven Montgomery, 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 [x] Vice President _____ [position—e.g., president, partner, trustee] of Erickson Living Properties, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 701 Maiden Choice Lane
Baltimore, MD 21228
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.


Steven Montgomery, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF MARYLAND
COUNTY OF BALTIMORE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 23rd day of May, 2022 by
Steven Montgomery (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did take an oath (circle correct response).


(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 12-25-2023

NOTARY'S SEAL OR STAMP

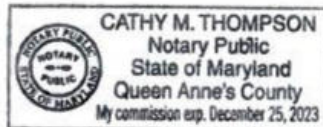


EXHIBIT "A"

PROPERTY

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CONTAINING 4,073,078 SQUARE FEET/93.5050 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Erickson Living Holdings, LLC,	701 Maiden Choice Lane, Baltimore, MD 21228 - 100% member

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared PATRICK A. MAZZONI, Successor Trustee 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 ☒ PATRICK A. MAZZONI, Successor Trustee [position - e.g., president, partner, trustee] of William A. Mazzoni Revocable Trust dated 6/4/92 [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: 9634 CAPTIVA CIRCLE
BOYNTON BEACH, FL 33437
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.


PATRICIA A. MAZZONI, 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 22nd day of JUNE, 2022 by PATRICIA A. MAZZONI, SUCCESSION T. ADRIAN (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).

 (Name - type, stamp or print clearly)

 (Signature)

My Commission Expires on: _____

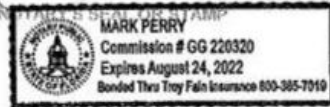


EXHIBIT "A"

PROPERTY

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CONTAINING 4,073,078 SQUARE FEET/93.5050 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
PADUCCIA A. MAZZONI	9634 CAPTIVA CIR. BOYNTON BEACH, FL 33437
LISA A. MAZZONI	9714 CAPTIVA CIR. BOYNTON BEACH, FL 33437

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

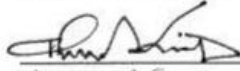
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared THOMAS A. SMITH, SUCCESSOR CO-TRUSTEE, 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 ☐ THOMAS A. SMITH, SUCCESSOR CO-TRUSTEE (position - e.g., president, partner, trustee) of WILLIAM MAZZONI REVOCABLE TRUST d/p/a/s JUNE 4, 1992 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: 916 NE 4TH AVENUE
DELMAR BEACH, FL 33483
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.


THOMAS A. SMITH, 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 7th day of July, 2022 by THOMAS A. SMITH, SUCCESSION CO-TRUSTEE (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).

MARK H. PERRY
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: _____

NOTARY'S

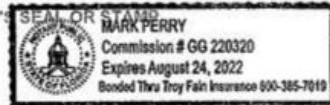


EXHIBIT "A"

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EXHIBIT "B"

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Name	Address
PATRICIA A. MAZZONI	9634 CAPTIVA CIR, BOYNTON BEACH, FL 33437
LISA A. MAZZONI	9714 CAPTIVA CIR, BOYNTON BEACH, FL 33437

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Steven Montgomery, 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 [x] Vice President _____ [position—e.g., president, partner, trustee] of Erickson Living Properties, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 701 Maiden Choice Lane
Baltimore, MD 21228
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.


Steven Montgomery, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF MARYLAND
COUNTY OF BALTIMORE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 23rd day of May, 2022 by
Steven Montgomery (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did take an oath (circle correct response).


(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 12-25-2023

NOTARY'S SEAL OR STAMP

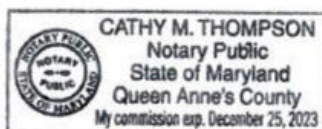


EXHIBIT "A"

PROPERTY

BEING A PORTION OF TRACTS 2 AND 3, ALL OF TRACTS 4 THROUGH 6, ALL OF TRACTS 27 THROUGH 31, ALL OF TRACTS 34 THROUGH 38, AND ALL OF TRACTS 59 THROUGH 63, BLOCK 54, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF TRAILS AT CANYON - PLAT FOUR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 115, PAGES 1 THROUGH 7 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID TRAILS AT CANYON - PLAT FOUR, N00° 23'24"W, A DISTANCE OF 46.20 FEET TO THE NORTHEAST CORNER OF TRACT 66, BLOCK 54, AS SHOWN ON SAID THE PALM BEACH FARMS CO. PLAT NO. 3; THENCE N00° 24'55"W, A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 63, BLOCK 54 AND THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID TRACTS 59 THROUGH 63, BLOCK 54, S89° 36'22"W, A DISTANCE OF 1650.03 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 59, BLOCK 54; THENCE ALONG THE WEST LINE OF SAID TRACTS 59 AND 38, BLOCK 54 AND THE NORTHERLY PROLONGATION THEREOF AND THE WEST LINE OF SAID TRACTS 27 AND 4, BLOCK 54, N00° 25'41"W, A DISTANCE OF 2668.71 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N03° 33'25"W, A RADIAL DISTANCE OF 7,774.44 FEET; THENCE EASTERLY ALONG THE ARC AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF PARCEL 107, AS RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721 OF SAID PUBLIC RECORDS, THROUGH A CENTRAL ANGLE OF 00° 22'31", A DISTANCE OF 50.93 FEET; THENCE ALONG A LINE 84.48 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 3, 4, 5, AND 6, BLOCK 54, AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT LATERAL NO. 24, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6895, PAGE 761 OF SAID PUBLIC RECORDS, N89° 02'57"E, A DISTANCE OF 984.35 FEET; THENCE ALONG THE WESTERLY LINE OF PARCEL 100, AS RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 317, AND OFFICIAL RECORDS BOOK 6369, PAGE 403 OF SAID PUBLIC RECORDS, S00° 57'03"E, A DISTANCE OF 205.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 426.00 FEET AND A CENTRAL ANGLE OF 89° 36' 20"; THENCE SOUTH EASTERLY ALONG THE ARC AND ALONG SAID WESTERLY LINE OF PARCEL 100, A DISTANCE OF 665.06 FEET; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL 100, N89° 36'02"E, A DISTANCE OF 187.16 FEET; THENCE ALONG THE EAST LINE OF SAID TRACTS 2 AND 31, BLOCK 54 AND THE SOUTHERLY PROLONGATION THEREOF AND THE EAST LINE OF SAID TRACTS 34 AND 63, BLOCK 54, S00° 25'49"E, A DISTANCE OF 2,054.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,073,078 SQUARE FEET/93.5050 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Erickson Living Holdings, LLC,	701 Maiden Choice Lane, Baltimore, MD 21228 - 100% member

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
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

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
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

Applicant's Environmental Statement



ENGINEER'S ENVIRONMENTAL STATEMENT
ERICKSON BOYNTON BEACH CCRC
PCN: 00-42-43-27-05-054-0050 and 00-42-43-27-05-054-0022.
PALM BEACH COUNTY, FLORIDA

EXISTING SITE CONDITIONS

The 93.51-acre subject property is located on the southwest corner of the intersection of Boynton Beach Boulevard and Florida's Turnpike in unincorporated Palm Beach County, Florida. The parcel control numbers (PCNs) of the property are 00-42-43-27-05-054-0050 and 00-42-43-27-05-054-0022. The existing project site is currently used for agricultural purposes.

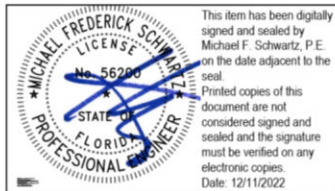
PROJECT DESCRIPTION

The project will consist of the construction of 8 three to four-story residential buildings inclusive of maximum of 3,907 beds in the proposed land use designation of INST/CLR. The project also includes a gatehouse, a pool, enhanced landscaping, stormwater management facilities, ancillary drive aisles, and associated surface parking within the 62.33 developed area.

A 31.17 preserve area will be provided within the property. A portion of the preserve area will be considered active with paths and gathering areas for the community and the public. The preserve area will include lakes.

All of the lakes, including the lakes within the preserve area, will include a variety of habitat types, such as upland open grassed areas, lakes and upland forested areas. The proposed stormwater management facilities will include littoral planting areas to enhance the water quality and environmental aspects to promote natural habitat conditions. Therefore, this natural area will provide suitable habitat for a variety of wildlife species including listed species, such as wood stork, Florida sandhill crane, American kestrels, and others. The natural area will be planted with native trees, shrubs and groundcovers, again which will provide habitat for wildlife.

In addition, this site lies within the South Florida Water Management District (SFWMD) C16 Drainage Basin, which is listed as an Impaired Water Body. In accordance with SFWMD requirements, the site will provide additional water quality treatment prior to discharge which will provide an additional layer of water quality treatment prior to discharge to the adjacent Lake Worth Drainage District Canal.



Michael F. Schwartz, P.E.
Florida Registration # 56200
Kimley-Horn and Associates, Inc.
1920 Wekiva Way, Suite 201
West Palm Beach, Florida 33411
Phone: 561-404-7247

Authorization No. CA 00000696

This item has been digitally signed and sealed by Michael F. Schwartz on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Exhibit 10

Correspondence

From: Sam H <shamdeh@live.com>
Sent: Tuesday, March 28, 2023 9:41 AM
To: Jerry Lodge J. <GLodge@pbcgov.org>
Subject: Proposed future land use

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Good Morning Mr. Lodge,

Thank you for sending the letter about the change in zoning. I would like to state my dissatisfaction in the proposed changes, specifically the atlas amendment for Erickson senior living and Logan ranch. I live in canyon trails and these changes would essentially ruin the family environment of the area. This area is a safe and relaxing place for kids and adults. It is one of the last places in south Florida where you can see nature. We don't want to lose the small city vibe of west Boynton. These changes will create a lot of traffic on an already small road of acme dairy, it will decrease property values and increase crime. These are not the changes that should be done next to a middle school, elementary school, and soccer park where kids can walk free and safe. Please don't ruin the last pieces of sanctuary and peace in south Florida. I urge you and the board to reject these changes and preserve the agricultural preserve status. Don't be blinded by the requests of businesses trying to make a profit at the expense of kids safety and preservation of our environment.

Thank you,
Sam Hamdeh

Correspondence Received after the May 3, 2023 BCC Transmittal Hearing

Stephanie Gregory

From: Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>
Sent: Thursday, June 15, 2023 2:58 PM
To: DCPexternalagencycomments; Kevin Fischer
Cc: Stephanie Gregory; Bryan Davis; Khurshid Mohyuddin; VNeilson@palmbeachtpa.org; Andrew Uhler; Stephanie Heidt; Naselius, Ben; Scott, Carol; Samson, Kim C.; Krane, John; Fasiska, Christine; Walia, Kent; Bush, Lois; Stroh, Justin; Shanmugam, Raj
Subject: Palm Beach County 23-6ESR - FDOT District Four Review Comments

This Message Is From an External Sender

This message came from outside your organization.

The Florida Department of Transportation (Department) has completed its review of the Palm Beach County Comprehensive Plan amendments (23-06 ESR), in accordance with Sections § 163.3184(1)(c) and § 163.3184(3) of the Florida Statutes. The reviewed amendments include (B.1) Erickson Boynton Beach FLUA and Text; and (B.2) Indian Trails Grove Agricultural Reserve Exchange. The Department recommends Palm Beach County consider the following technical assistance comments and recommendations provided in accordance with § 163.3168(3).

These technical assistance comments are not intended to form the basis of a challenge. These comments are intended to strengthen the County’s Comprehensive Plan to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II.

B.1: Erickson Boynton Beach FLUA and Text

The amendment proposes a future land use change on a 93.51 acre site from Agricultural Reserve (AGR) to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR) use on 62.33 acres and Agricultural Preserve area on 31.17 acres.

Technical Assistance Comment #1

The transmitted amendment does not demonstrate compliance with the adopted level of service (LOS) listed in Policy 1.1-a and Policy 1.1-b under the Transportation Element of the Palm Beach County Comprehensive Plan and Unified Land Development Code. Specifically, the amendment does not address that the transportation infrastructure and services needed to serve the proposed development will be in place prior to or concurrent with the impacts of development. The traffic analysis provided with the proposed land use plan amendment in Tables 4 and 5: *Short-Range (Year 2027) Peak Hour Significance Analysis*, indicates roadway links are significantly impacted by the project traffic during the AM and PM peak hours. Coupled with Table 9: *Long-Range (Year 2045) Daily Significance Analysis*, the information indicates that sections of Boynton Beach Boulevard will exceed the LOS D service volume by 2045 with and without the proposed amendment.

Recommendation for Comment #1

The County should coordinate with the Palm Beach Transportation Planning Agency (TPA) to ensure that the land use data in the Southeast Regional Planning Model (SERPM) is consistent with planned development in the county. This will help facilitate a continuing, comprehensive and cooperative planning process supporting the

development of the TPA's Long Range Transportation Plan and prioritization of long range transportation projects to address the potential impact of the proposed land use change (Comprehensive Plan Objective 1.13).

Technical Assistance Comment #2

Recommendation for Comment #2

B.2: Indian Trails Grove Agricultural Reserve Exchange

The transmitted amendment does not demonstrate how the County will maintain the adopted level of service (LOS) standard in the long-range planning horizon referenced in Policy 1.1-a and Policy 1.1-b under the Transportation Element of the Palm Beach County Comprehensive Plan and Unified Land Development Code. Specifically, the transportation infrastructure and services needed to serve the proposed West Hyder Overlay (WHO) development will be in place prior to or concurrent with the impacts of development. As such, the amendment does not address the projected 2045 long term failure “LOS F” to SR-7 from the project entrance to SR-806 (Atlantic Avenue).

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B5

From: Staff

Date: June 9, 2023

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Palm Beach County Comprehensive Plan
Amendment No. 23-06ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Palm Beach County was received on May 26, 2023 and contains amendments to the Future Land Use Element (FLUE), map series, and Future Land Use Map (FLUM) of the County’s comprehensive plan. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

Biltmore Acres Lantana Rural Enclave Overlay

In 2018, the Board of County Commissioners (BOCC) adopted *FLUE Policy 2.2.1-p Rural Enclaves in the Urban Service Area* to recognize that rural enclaves within the Urban/Suburban Tier provide a valuable contribution to the housing diversity and lifestyle choices in the County. The request, which was proposed by the Pioneer Road Property Owners Association, originated from concerns regarding future land use amendments seeking density increases within the Pioneer Road area, which is located generally south of Southern Boulevard and west of Jog Road with properties consisting of low residential densities. The criteria for an area to be identified as a “rural enclave” include having a Low Residential future land use designation on large lots with an average of one home per acre or greater, and with an Agricultural Residential (AR), Residential Estate (RE), or Residential Transitional (RT) zoning district. Three general areas of the County (Pioneer Road, Lantana Road/State Road 7, and Hypoluxo Road) were identified as

meeting the criteria for Rural Enclaves. In February 2022, the BOCC adopted the first Rural Enclave Overlay for the Pioneer Road area.

The intent of the proposed amendment is to add a new sub-objective and policies to establish the Biltmore Acres Lantana Rural Enclave Overlay along the north side of Lantana Road east of the Turnpike and add the boundaries of the overlay to the Special Planning Areas Map (LU 3.1). The County staff report indicates that this will support the continuation and preservation of the character of the area. Additionally, the report states that the proposed amendment will establish policies that encourage the continuation of existing agricultural use and the retention of native vegetation, and encourage low residential densities within the overlay by requiring an enhanced level of Board approval for proposed residential density increases within the boundaries. The proposed text amendment is provided in ~~strikeout~~ and underline format and included as Exhibit 2. The boundary of the overlay is depicted in exhibit 3A. The revised Special Planning Areas Map is included as Exhibit 3B.

Commerce Future Land Use Designation Text Updates

The proposed amendment revises the Commerce (CMR) future land use designation within the Agricultural Reserve Tier by 1) adding additional clarification to the location criteria, and 2) revising the allowable floor area ratio (FAR). The CMR future land use designation allows light industrial uses and includes location criteria to ensure that each project is appropriately located and compatible with adjacent land uses, and ensures that the approval does not introduce heavy industrial uses that may not be appropriate at a particular location. As with the other industrial future land use designations, the CMR future land use designation is allowed in the Urban/Suburban Tier and not within the Rural and Exurban Tiers. The CMR future land use designation is also allowed within the Agricultural Reserve Tier with location requirements and limits any industrial requests in the Tier to the CMR designation. The revised policies will apply to new applications requesting the CMR future land use designation. However, the Board's legislative authority allows for reductions on maximum allowable square footage through the future land use amendment for sites currently in process. The proposed text amendment is provided in ~~strikeout~~ and underline format and included as Exhibit 4.

Erickson Boynton Beach FLUM and Text Amendments

The proposed future land use amendment changes the future land use designation on 62.33 acres of a 93.50 acre site from the Agricultural Reserve (AGR) future land use designation to Institutional and Public Facilities, with an underlying Congregate Living Residential (INST/CLR) designation. The remaining 31.17 acres of the subject site will retain the existing Agricultural Reserve (AGR) future land use. The subject site is located south of Boynton Beach Boulevard and west of the Florida's Turnpike within the Agricultural Reserve Tier. The request also includes a text amendment to the Comprehensive Plan to:

- allow additional sites to be eligible for the CLR future land use designation, including parcels fronting Boynton Beach Boulevard between the Florida's Turnpike and Acme Dairy Road; and
- allow the required preserve area be provided onsite and allow the same preserve uses as those within the Essential Housing (EH) future land use designation (up to 10% of

preserve area to contain a water management area with enhanced environmental benefits).

The proposed text amendment is provided in ~~strikeout~~ and underline format and included as Exhibit 5, and the proposed FLUM amendment is included as Exhibit 6.

The applicant is proposing a congregate living facility with 1,192 beds and 70 nursing home beds, which is equivalent to 8 units an acre per the Unified Land Development Code calculations for maximum development potential for a congregate living facility. In addition, the Institutional future land use allows for up to 950,283 square feet (0.35 FAR) for hospital use or up to 2,715 nursing home beds.

The County staff report indicates that congregate living facilities provide a variety of services such as independent living, assisted living, and memory care that would assist with providing housing diversity within the Tier. The report states that the proposed future land use amendment and text amendment to add a second location for a Congregate Living Facility within the Agricultural Reserve is consistent with the Goals, Objectives, and Policies of the County's comprehensive plan and Florida State Statutes. Additionally, it is indicated in the report that the proposed amendments are compatible with the surrounding area; do not contribute to urban sprawl; are consistent with the Agricultural Reserve Master Plan; provide a much-needed service and alternative housing options to the area residents and workers; and will not negatively impact service provision. County staff recommended approval of the proposed amendment with conditions, which are included as Exhibit 7.

Indian Trails Grove Agricultural Reserve Exchange Amendments

The privately proposed amendments would modify previously adopted conditions of approval for the Indian Trails Grove Site (4,866.10 acres); modify the Western Communities Residential Overlay (WCRO), the Western Communities Residential (WCR) future land use designation, and existing polices; and establish new Agricultural Reserve Tier policies.

The text amendment proposes to revise Future Land Use Element policies to allow approximately 1,600 acres of land in the WCRO to be used as Preserve Area for Agricultural Reserve Planned Unit Developments (AGR-PUDs), and allow a portion of the previously approved development rights to be clustered within the development areas in the Agricultural Reserve. This would allow residential development rights previously approved for the WCRO to be allocated to and built within the Agricultural Reserve Tier. The proposed text amendments are included in ~~strikeout~~ and underline format as Exhibit 8 and summarized below:

- Revise the policies of the WCRO & WCR to allow for a 532-acre expansion of Water Resource/Agricultural uses and establish an exchange of development potential for use in the County's Agricultural Reserve Tier;
- Revise Agricultural Reserve Tier Sub-Objective 1.5.1 to allow for specific AGR-PUDs to utilize WCRO land to partially fulfill the 60/40 preserve requirements;
- Establish a new Sub-Objective for an Overlay in the Agricultural Reserve Tier in the West Hyder (included as Exhibit 9) area to allow for a new AGR-PUD with 1,277 units and institutional uses west of SR-7, using WCRO land as preserve area for AGR-PUDs; and

- Revise the Map Series Special Planning Areas Map LU 3.1 to create a new overlay within the Agricultural Reserve Tier for the West Hyder Overlay area. The updated map is included as Exhibit 10.

The FLUM amendment proposes to modify previously adopted conditions of approval for the Indian Trails Grove 4,866.10 acre site located approximately three miles west of the intersection of Seminole Pratt Whitney Road and Orange Boulevard. The specific conditions of approval proposed for revision and Future Land Use Map are included as Exhibits 10 and 11 and are summarized below:

- Decrease the maximum number of dwelling units to be built on the WCRO site from 3,897 to 2,612, a 1,285-unit reduction;
- Decrease the maximum allowable commercial square footage within the WCRO site from 350,000 sq. ft. to 233,500 sq. ft., a reduction of 116,500 sq. ft.; and
- Decrease the workforce housing obligation from 390 units to be provided onsite in the WCRO to 261 units.

The County staff report indicates that the proposed amendments would increase the number of units potentially allowed in the Agricultural Reserve Tier by 1,277 units (approximately a 10% increase). As of March 2023, there are 11,959 approved units in the Tier (of which 10,145 are built) and 582 acres of uncommitted lands. The latest estimate is that the total buildout in the Tier will be approximately 13,200 units, however this estimate was developed prior to the adoption of the Essential Housing FLU, which allows for higher density residential development with a workforce housing component in a limited geographic area of the Agricultural Reserve Tier.

In the WCRO, the amendment would reduce the allowable number of units by 33% (1,285 units); expand the Water Resource/Agriculture area on the Conceptual Plan to 1,600 acres (up from 1,068 acres); and allow this acreage to serve as the preserve areas for the AGR-PUDs. This increased Water Resource/Agriculture acreage is the primary benefit identified by the applicant.

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on July 6, 2022, February 15, 2023, and March 24, 2023. No extrajurisdictional impacts have been identified.

Conclusion

With respect to the Erickson Boynton Beach and Indian Trails Grove Agricultural Reserve Exchange amendments, the proposed amendments would reduce the potential for agricultural-related uses in the Agricultural Reserve. The overall trend in the reduction of agricultural uses in the Agricultural Reserve is of concern, because the conversions result in the net loss of a regional

resource that may never be recovered. The Tier remains an important production area, with agricultural sales estimated at \$120 million per year in 2017. Council encourages the County to take a strong position in protecting agricultural use in the Agricultural Reserve; every approval of non-agricultural uses reduces land available for farming and threatens the viability of the remaining farming.

For the Indian Trails Grove Agricultural Reserve Exchange amendments, the staff report indicates that the proposed amendment will reduce some of the public benefits required in the originally approved conditions for the Indian Trails Groves, such as a reduced trail network and a reduction in workforce housing units in the Rural Tier. Additionally, the staff report expresses concern about the introduction of the concept of transferring/sending/exchanging density between tiers outside of the Urban/Suburban Tier and how that could create a domino effect of other proposals to do this. However, the staff report also notes that the proposal has considerable potential for a future water resources facility that could improve the conveyance of water; address the storage of water during periods of inundation; and improve water issues within the County.

During Council's review of the Indian Trails Grove development proposed in 2016, significant concerns were expressed about the thousands of new dwelling units proposed for an essentially unserved agricultural area with no transportation, utilities, government services, or workplaces. By reducing the approved development there by 1,285 units, these concerns are reduced by the proposed exchange. While the Agricultural Reserve is also not the best place for new development due to displacement of productive agricultural land, at least the proposed exchange sites are served by roadways and utilities and are much closer to the urbanized area of the County.

Council asks the County to continue to carefully consider the potential benefits and potential adverse impacts of the proposed amendments while they balance competing needs. The County should also consider whether the pathways and equestrian trails required in the Western Communities Residential Overlay (aka Indian Trails Grove) should be allowed to be reduced as proposed. There are ways to incorporate these features into future water management areas. In addition, the County should consider what land preparation should be performed by the developer prior to conveyance of the 1,600 acres to the County – such as clearing, grading, stabilization, etc. – and require that as part of approving the valuable new development ability in the Agricultural Reserve facilitated by the exchange.

Recommendation

Council should approve this report and authorize its transmittal to Palm Beach County and the Florida Department of Economic Opportunity.

Council Action – June 16, 2023

Commissioner Smith from Martin County moved approval of the staff report. Councilmember Parrish, Gubernatorial appointee from St. Lucie County, seconded the motion, which carried unanimously.

Attachments