

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	19-B2	<b>Intake Date</b>	February 6, 2019
<b>Application Name</b>	Poet's Walk	<b>Concurrent?</b>	Yes
<b>Acres</b>	9.73 acres	<b>Text Amend?</b>	Yes
<b>PCNs</b>	00-42-46-20-01-000-0810; 00-42-46-20-01-000-0820		
<b>Location</b>	Northeast corner of Lyons Rd & Linton Blvd, 0.76 miles south of Atlantic Ave.		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve	Agricultural Reserve	
<b>Use</b>	Agricultural/Nursery	Type 3 CLF	
<b>Zoning</b>	AGR – Agricultural Reserve	AGR - MUPD (Multiple Use Planned Development)	
<b>Future Land Use Designation</b>	AGR – Agricultural Reserve	CLR/AGR (Congregate Living Residential, underlying AGR)	
<b>Underlying Future Land Use Designation</b>	None	AGR (Agricultural Residential)	
<b>Conditions</b>	None	TBD	

## B. Development Potential

	Current FLU	Proposed FLU
<b>Density/ Intensity:</b>	AGR - 0.20 DU per acre	CLR - 8 DU per acre
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)		8 du/acre x 9.73 ac. = 78 DU
<b>Maximum Beds (for CLF proposals)</b>		78 max du x 2.39 = 186 Beds
<b>Population Estimate</b>		78 max du x 2.39 = 186
<b>Maximum Square Feet</b> (non-residential designations)	0.15 FAR x 9.73 ac. = 63,576 SF	____ FAR x ____ ac. = _____
<b>Proposed or Conditioned Potential</b>	None	Type 3 Congregate Living Facility: 117 DU (279 beds)
<b>Max Trip Generator</b>	Retail Nursery (ITE 817) Rate: 108.1	Assisted Living Facility (ITE 254) Rate: 2.66
<b>Maximum Trip Generation</b>	1,052	742
<b>Net Daily Trips:</b>	<u>310</u> (maximum minus current) <u>310</u> (proposed minus current)	
<b>Net PH Trips:</b>	12 AM, 17 PM (maximum) 12 AM, 17 PM (proposed)	

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Jeff Brophy   Edwin Muller
<b>Company Name</b>	WGI
<b>Address</b>	2035 Vista Parkway
<b>City, State, Zip</b>	West Palm Beach, FL 33411
<b>Phone / Fax</b>	561-537-4507
<b>Email Address</b>	Jeff.Brophy@wginc.com   Edwin.Muller@wginc.com

### B. Applicant Information

<b>Name</b>	Larry D. Silver, CEO Silver Capital Advisors, Inc.	Cindy D Jacob (Co-Trustee of Jacob Trust)	Cynthia Dudwick (Co-Trustee of Jacob Trust)	Greg E Jacob (Co-Trustee of Jacob Trust)
<b>Company Name</b>	Silver Capital Advisors, Inc., Manager of Lyons Road Senior Real Estate, LLC			
<b>Address</b>	1001 East Telecom Drive	21167 Sweetwater Lane North	21167 Sweetwater Lane North	21167 Sweetwater Lane North
<b>City, State, Zip</b>	Boca Raton, FL 33431	Boca Raton, FL 33428	Boca Raton, FL 33428	Boca Raton, FL 33428
<b>Phone / Fax Number</b>				
<b>Email Address</b>				
<b>Interest</b>	Contract Purchaser	Owner (-0810)	Owner (-0820)	Owner (-0821;-0820)

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	Built features on the property include an Agriculture Nursery, known as Sunquest Nursery. Surrounding built features include an Agriculture Nursery; Residential, known as Mizner Country Club; Agricultural, Wholesale Nursery, Landscape Service; and another Agricultural Nursery. Inventory & map as <b>Application Attachment F</b> .
<b>PCN</b>	00-42-46-20-01-000-0810; 00-42-46-20-01-000-0820
<b>Street Address</b>	8892 156 <sup>th</sup> Court
<b>Frontage</b>	Approximately 636 feet of frontage along Lyons Road, approximately 632 feet of frontage along Linton Boulevard, and approximately 632 feet of frontage along 156 <sup>th</sup> Court South, and 636 feet of depth.
<b>Legal Access</b>	Current access is off of 156 <sup>th</sup> Court South. Proposed access is off of Lyons Road (main access) and Linton Boulevard (emergency and loading access only).
<b>Contiguous under same ownership</b>	None
<b>Acquisition details</b>	The property is under contract purchase from Greg E. Jacob and Cynthia Dudwick Jacob.
<b>Size purchased</b>	+/- 9.73 acres under contract purchase. Deeds as <b>Application Attachment A</b> .

### III. Development History

<b>Previous FLUA Amendments</b>	None
<b>Zoning Approvals, Control Number</b>	PCN 00-42-46-20-01-000-0810 received DRO approval in 2012 under Application Number PCN-2012-1942 for approval of a Composting Facility. The parcel has a Control Number of 2012-00424. PCN 00-42-46-20-01-000-0820 has no zoning summary history.
<b>Concurrency</b>	None
<b>Plat, Subdivision</b>	ORB 10928 / PG 1137, PALM BEACH FARMS CO PL 1 SUB IN PB 2 PGS 26 TO 28 INC



# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 4. Consistency

### A. Consistency

<b>Justification</b>	Over time, the AGR Tier has seen a shift in development patterns; from what was once primarily agricultural production and farmlands, to residential developments with nearby commercial uses. This is a result of numerous residential PUD's that have been approved and constructed on both the east and west sides of Lyons Road. Additional development approvals have also been granted that are yet to commence construction consisting of commercial development, specifically located at the intersection of Atlantic Avenue and Lyons Road.
<b>Residential Density Increases</b>	Development within the Tier has changed drastically over the last several decades. This is a result of development pressures pushing westward. In addition to the development of residential uses within the Tier, the area has also seen an increase in non-residential and institutional uses, with schools, churches and commercial uses receiving approval and providing necessary services to residents of the Tier. The Lyons Road location is an ideal area in which to approve a CLR/AGR FLU designation, as the proposed use is consistent with surrounding development and continues the development pattern that is occurring along the roadway. The CLR/AGR FLU designation will allow for the development of a CLF use at a density of twelve dwelling units per acre, only if developed as a CLF. This allowance will promote the development of a CLF within the AGR Tier, while maintaining the density restrictions for traditional residential uses. The use it is not out of character and it diversifies housing options within the area.
<b>Compatibility</b>	The proposed CLF use is compatible with the surrounding uses and is complimentary to the existing development pattern along the Lyons Road corridor. As demonstrated in the data and figures provided earlier in this report, the Lyons Road corridor is concentrated with development on both the east and west sides, from Boynton Beach Boulevard south to Clint Moore Road, with a large population of residents aged 55 years and older. The CLF use addresses an existing need for this sector of PBC, by providing necessary services and housing options to the aging population. Both the CLR/AGR FLU designation and proposed Type 3 CLF use are compatible with the surrounding area, both immediately adjacent to the site and along the Lyons Road corridor. The development of a CLF at this location, under the CLR/AGR is not out of character with approved and constructed establishments along the same corridor (Lyons Road, from Atlantic Avenue to Clint Moore Road), of which many are surrounded by agricultural and nursery activity.
<b>Comprehensive Plan</b>	The request does not include the removal of the parcel from the AGR Tier, thus, promoting a compatible mix of land uses that does not compromise the integrity of the Tier. The property development regulations contained in the ULDC will require the project to meet buffering and setback requirements to ensure compatibility between the proposed uses and the existing and future residential uses nearby.
<b>Florida Statutes</b>	The proposed amendment is consistent with the character of the surrounding and future uses of the AGR Tier and is demonstrated in this Justification Statement. Overtime, the change in development within the Tier has necessitated amendments to the original FLU designations, in order to support the growing populations and needs of the Tier. The inappropriateness of the existing AGR FLU is the result in the unanticipated development of the Tier throughout the last several decades. While agricultural uses and farmland still represents appropriate uses for the Tier, the small size of the site and location along the east side of Lyons Road, does not represent a suitable location for agricultural activities.

## B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
North	<u>Agriculture, Nursery</u> PALM BEACH FARMS CO PL 1	AGR	AGR
South	<u>Residential (aka Mizner Country Club)</u> DELRAY TRAINING CENTER PL 1 Control #: 1987-00007 Approved Density: 471 du (1.32 du/ac)	AGR	PUD
East	<u>Agriculture, Wholesale Nursery, Landscape Service</u> PALM BEACH FARMS CO PL 1 Control #: 2014-00098	AGR	AGR
West	<u>Agriculture, Nursery</u> PALM BEACH FARMS CO PL 1	AGR	AGR

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 5. Public Facilities Information

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

## D. Drainage Information

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

## E. Fire Rescue

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

## F. Environmental

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

## G. Historic Resources

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

## H. Parks and Recreation - Residential Only

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

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





# Poet's Walk FLUA Amendment

## Built Feature Inventory & Map







**Poet's Walk**  
**BUILT FEATURES INVENTORY**

	EXISTING USE	FLU	ZONING
<b>SUBJECT SITE</b>	<u>Agriculture, Nursery</u> <u>(aka Sunquest Nursery)</u> Control #: N/A Resolution: N/A	CLR w/ underlying AGR	AGR MUPD
<b>North</b>	<u>Agriculture Nursery</u> Control #: N/A Resolution: N/A	AGR	AGR
<b>South</b>	<u>Residential</u> <u>(aka Mizner Country Club)</u> Control #: 1987-00007 Approved Density: 471 du (1.32 du/ac)	AGR	PUD
<b>East</b>	<u>Agriculture, Wholesale Nursery,</u> <u>Landscape Service</u> Control #: 2014-00098 Resolution: N/A	AGR	AGR
<b>West</b>	<u>Agriculture, Nursery</u> Control #: N/A Resolution: N/A	AGR	AGR



**JUSTIFICATION STATEMENT  
LARGE SCALE FUTURE LAND USE ATLAS AMENDMENT  
AMENDMENT ROUND 19-B2**

**Poet's Walk**

**ATTACHMENT G**

*Prepared by:*

WANTMAN GROUP, INC.  
2035 Vista Parkway  
West Palm Beach, FL 33411  
(561) 478-8501 – Fax (561) 478-5012  
[www.wantmangroup.com](http://www.wantmangroup.com)

Initial Submittal: February 6, 2019



**Palm Beach County - Planning Division**

*2300 North Jog Road, WPB, FL 33411, (561) 233-5300*



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## I. INTRODUCTION

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

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

## II. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

On behalf of the property owners Cindy Jacob, Cynthia Dudwick, and Greg Jacob and the Applicant, Lyons Road Senior Real Estate, LLC., WGI (hereinafter referred to as the Agent) prepared and submitted an application to request a Comprehensive Plan Text Amendment - Poet’s Walk (hereinafter referred to as the subject site) on the northeast corner of Lyons Road and Linton Boulevard on February 6, 2019. The Comprehensive Plan Text Amendment language is proposed as follows:

### Proposed Amendment Language

The purpose of this Comprehensive Plan Text Amendment request is to amend the Plan to allow for the development of Congregate Living Facilities (CLF) within the AGR Tier, under the Institutional FLU designation, as part of an AGR MUPD. This requires the modification of Policy 1.5-i, Policy 1.5-q and Table 2.2.1-g.1: Residential Future Land Use Designation Maximum Density. The modified are proposed as follows:

**Policy 1.5-i:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table III.C.1, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre. Congregate living facilities within Agricultural Reserve Planned Development Districts may be approved for up to a maximum density of 8 dwelling units per acre.

**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 Area shall be subject to the standards and requirements of an AgR-TMD preserves;
5. Congregate Living Facilities are permitted as AgR-MUPDs with Commercial Low or Institutional and Public Facilities subject to the density maximums identified in Policy 1.5-i.

**TABLE 2.2.1-g.1**

The following amendment is proposed to the density requirements for CLF uses within the Agricultural Reserve (AGR) Future Land Use.

**Table 2.2.1-g.1**  
**Residential Future Land Use Designation Maximum Density**

Future Land Use Designation		Dwelling Units per Gross Acre	
		Standard	Maximum
Agricultural Reserve	AGR	0.20	1 <sup>1</sup>
Agricultural Enclave <sup>2</sup>	AGE	---	---
Rural Residential, 1 unit per 20 acres	RR-20	0.05	
Rural Residential, 1 unit per 10 acres	RR-10	0.10	
Rural Residential, 1 unit per 5 acres	RR-5	0.20	
Rural Residential, 1 unit per 2.5 acres	RR-2.5	0.40	
Western Communities Residential	WCR	0.80	
Low Residential, 1 unit per acre	LR-1	1	
Low Residential, 2 unit per acre	LR-2	1.5	2
Low Residential, 3 unit per acre	LR-3	2	3
Medium Residential, 5 unit per acre	MR-5	4	5
High Residential, 8 unit per acre	HR-8	6	8
High Residential, 12 unit per acre	HR-12	8	12
High Residential, 18 unit per acre	HR-18	8	18

1. The Entitlement density is 1 unit per lot or as follows: Rural Residential 0.05 du/acre; Western Communities Residential 0.05 du/acre; Low Residential 0.10 du/acre; Medium Residential 0.20 du/acre; and High Residential 0.40 du/acre, whichever is greater.
2. The density of an Agricultural Enclave shall be determined utilizing the provisions of s. 163.3162(5), Florida Statutes, and shall be clearly indicated in the Site Data of the adopted Conceptual Plan for each Agricultural Enclave.
3. For congregate living facilities, see policy 1.5-i.

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

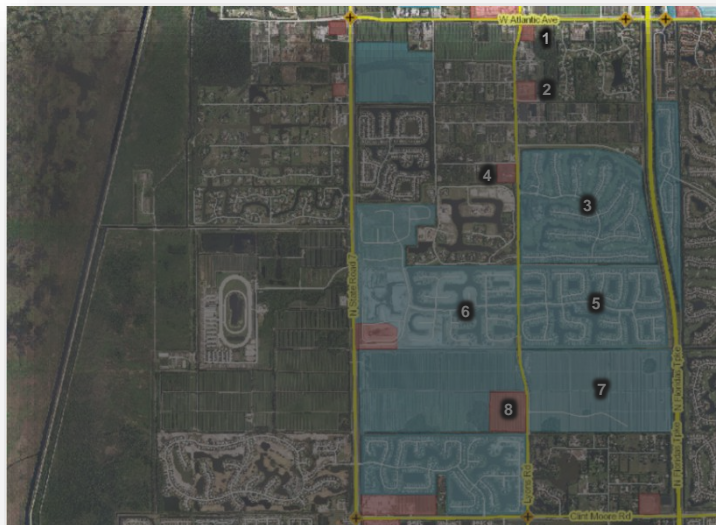
### Justification for Text Amendment

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

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

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

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



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

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

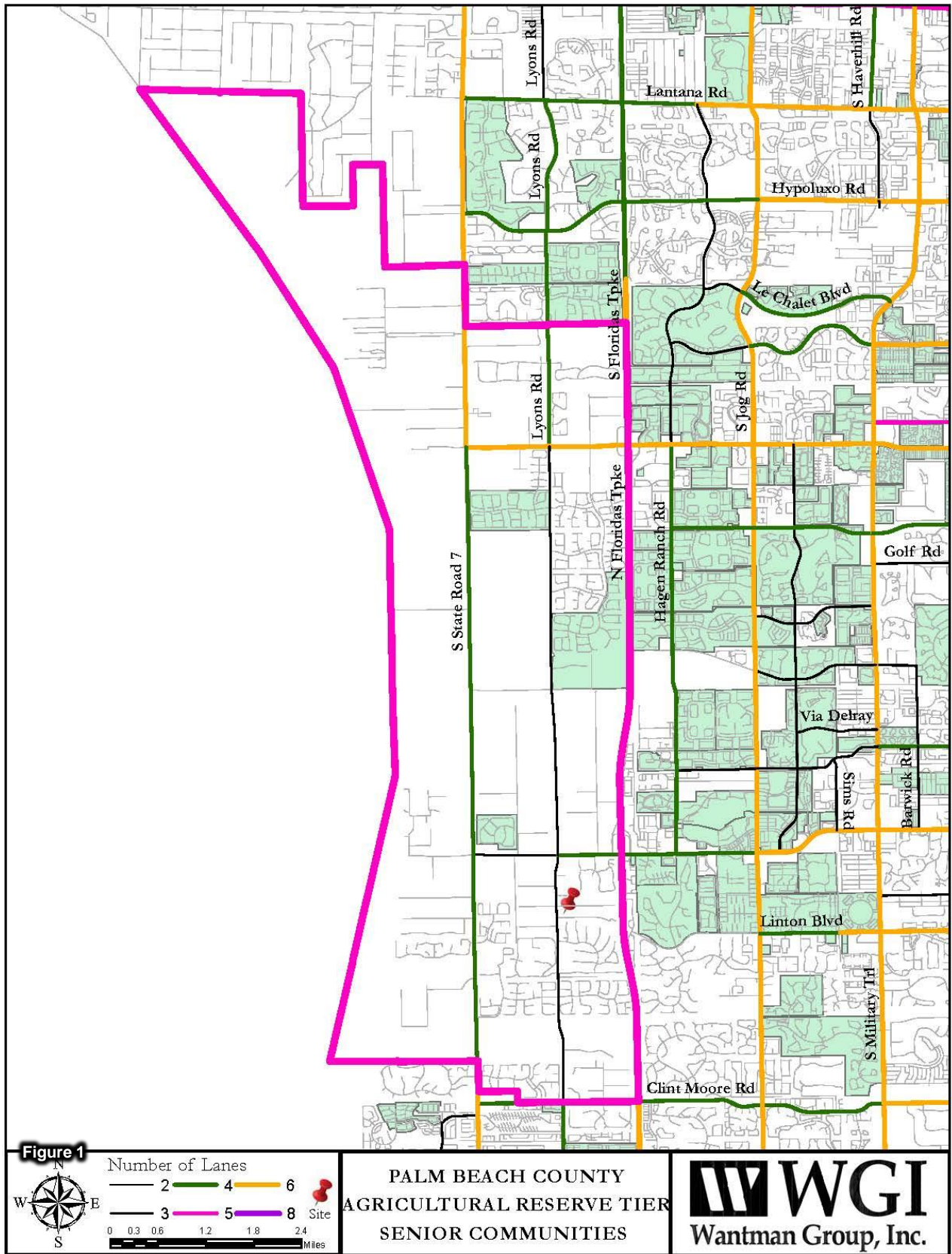
- 1) The current need for CLF uses within the AGR Tier and allowance of those uses in the Agricultural Reserve Planned Development Districts (specifically the AGR-MUPD Zoning District) to be approved for up to a maximum density of 8 dwelling units per acre; and
- 2) The location along Lyons Road being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

#### *CLF Use and Density*

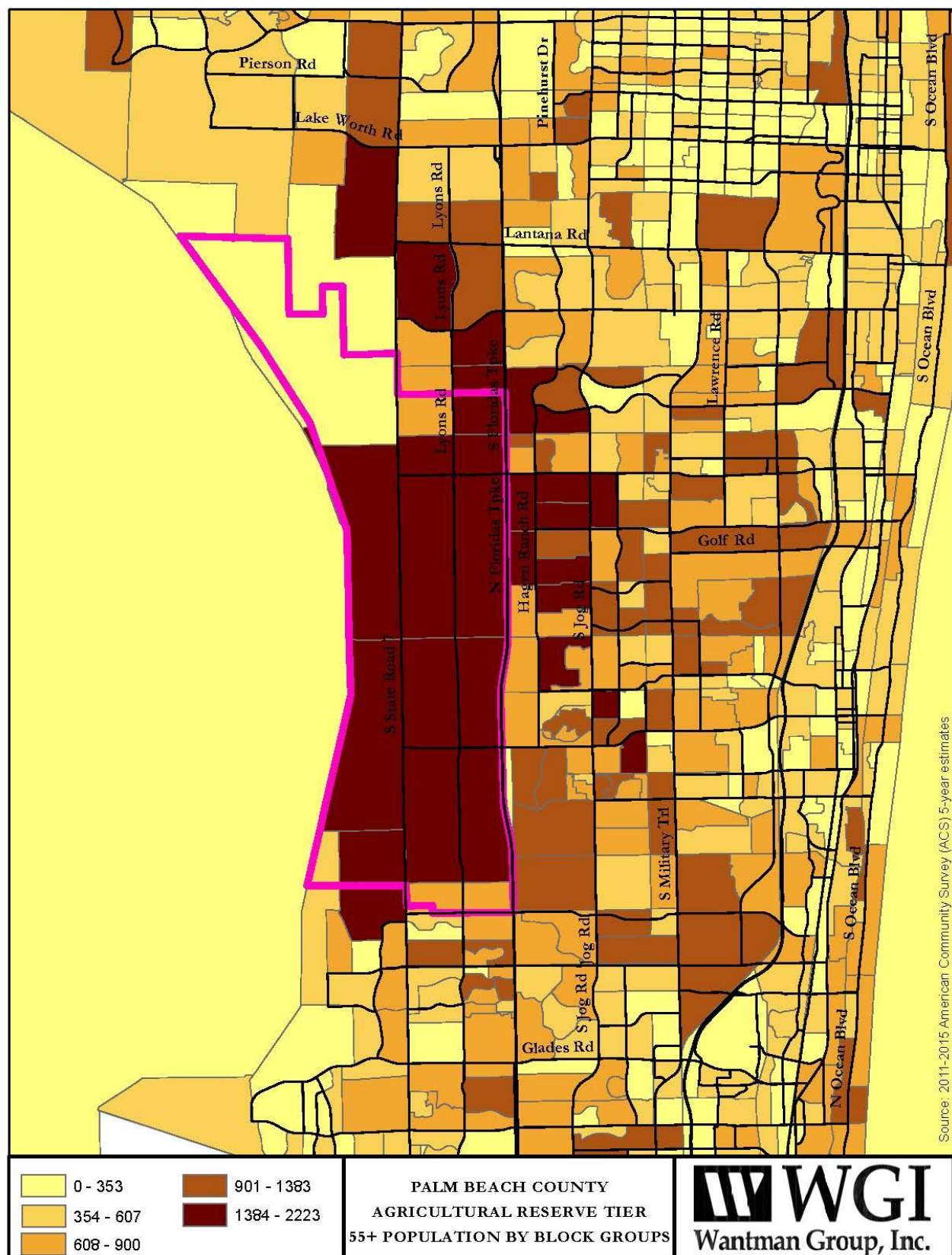
The last several decades have been subject to tremendous growth throughout PBC, including within the Agricultural Reserve Tier. The established and approved uses within this Tier have shifted from what was once primarily either agricultural activity or uses that supported agricultural activities, to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

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



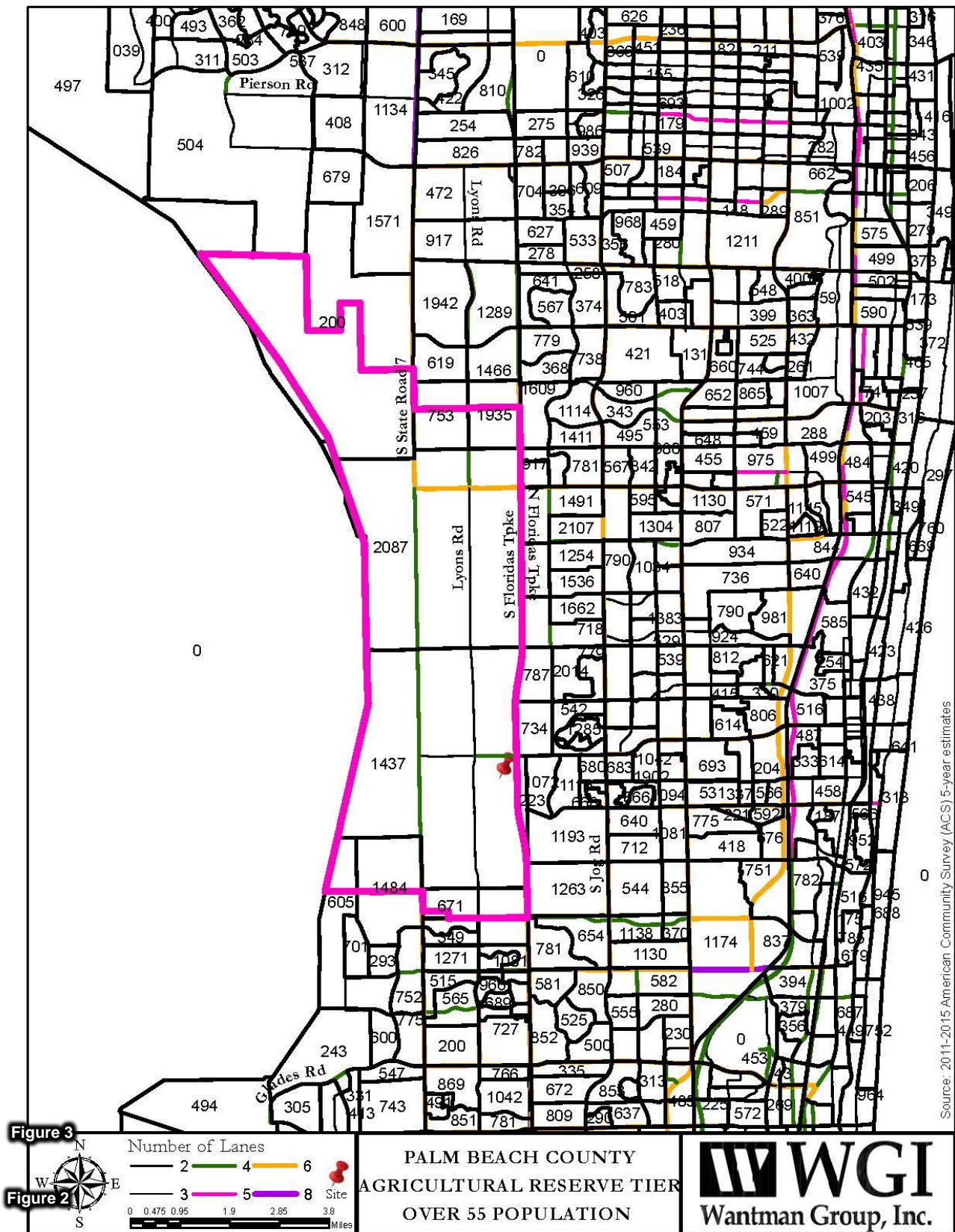


In addition to a high concentration of senior communities, the age of the population of the residents within the AGR Tier was analyzed, based on “2011-2015 American Community Survey (ACS) 5-year Estimates”. As outlined in **Figure 2**, the highest concentration of residents in PBC 55 years of age and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





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





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

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

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

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

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

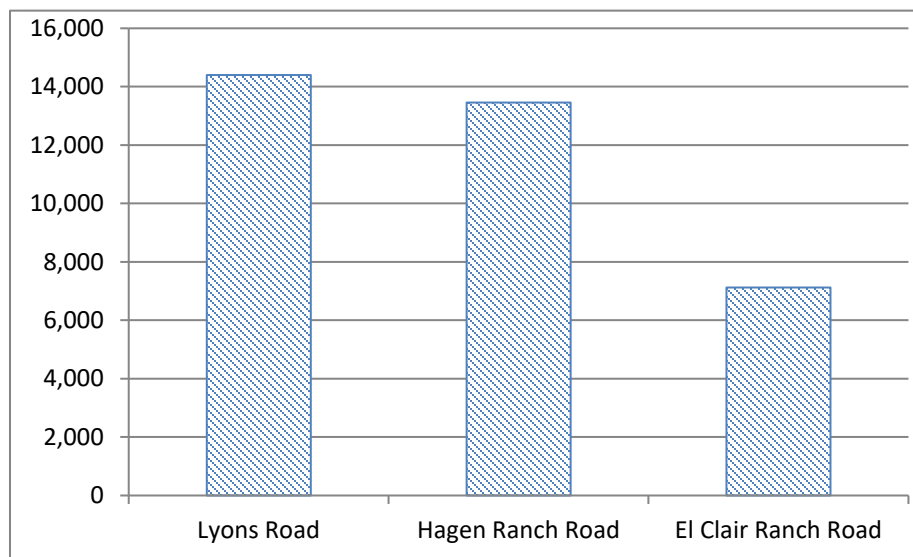
#### *Lyons Road Location*

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

Annual Update - Adopted - December 20, 2016

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

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

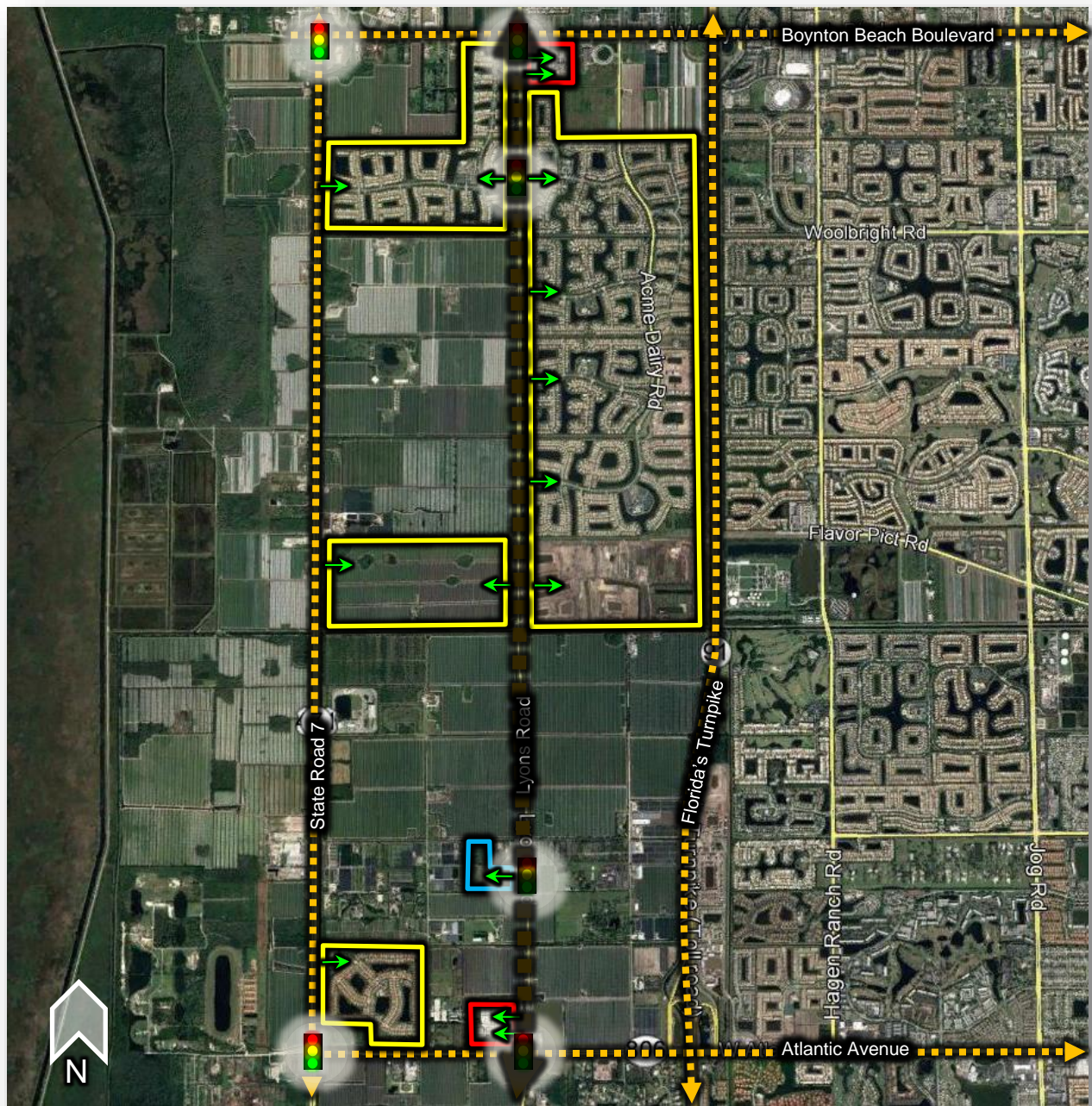


2015 Average Daily Traffic

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

#### *Boynton Beach Boulevard to Atlantic Avenue Segment*

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



Lyons Road (Boynton Beach Boulevard to Atlantic Avenue Segment)

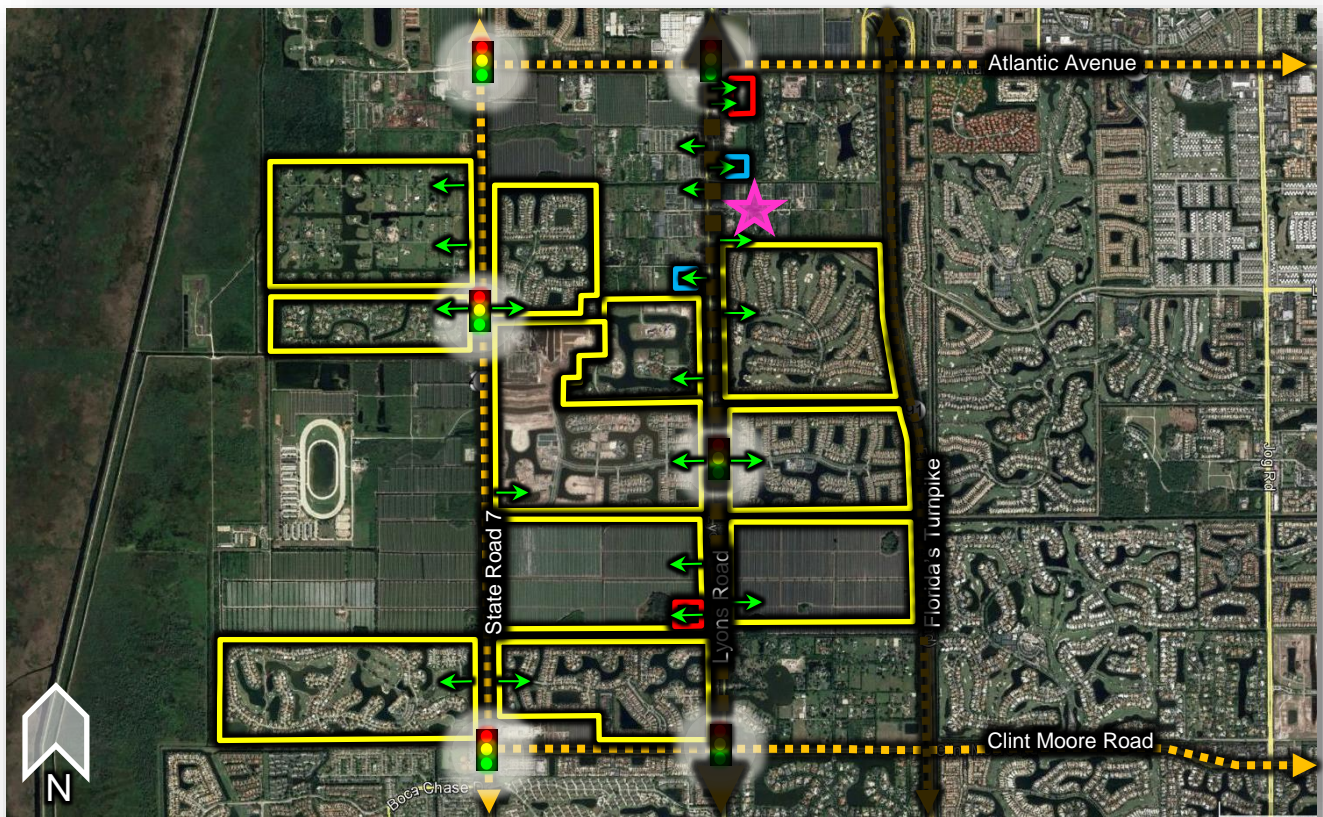


Boynton Beach Boulevard to Atlantic Avenue	Lyons Road	State Road 7
Developments with Direct Access	6	3
Access Points	12	3
Traffic Lights	4	2

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

#### *Atlantic Avenue to Clint Moore Road Segment*

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



Lyons Road (Atlantic Avenue to Clint Moore Road Segment)

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

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

## **Consistency**

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

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

### **Objective 1.5 The Agricultural Reserve Tier**

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

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

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

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

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

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

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

### **Institutional and Public facilities**

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

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

### **Conclusion**

The information presented in this Justification Statement demonstrates that there is a need, given the existing, aging population within the AGR Tier and immediately surrounding area, that the proposed use is consistent with the existing development patterns of the Tier and that the Lyons Road corridor represents the best location in which to develop such a use, as it is an established development hub within the Tier.

## **III. PROPOSED FLUA MAP AMENDMENT**

### **Request**

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

### **Compatibility and Surrounding Uses**

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

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

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

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

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



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

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

#### *Compatibility*

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

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



-  St. Mary Coptic Orthodox Church    Delray Lakes Estates    Agricultural/Nursery Uses

- 
- Legend**
- Divine Savior Academy School
  - Stone Creek Ranch
  - Mizner Country Club
  - Subject Site
  - Agricultural/Nursery Uses

## Project History

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

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



### **Compliance with Comprehensive Plan FLUE Policy 2.1-F**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The adopted AGR FLU designation was not assigned in error.

#### **Compliance with Florida Statutes Chapter 163.3177**

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

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

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

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

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

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

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

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

#### **Consistency with the PBC Future Land Use Element**

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

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

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

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

- **Objective 1.5 The Agricultural Reserve Tier**

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Policy 2.1-a:** “Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.”

**Response:** The subject site is located near all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit, opportunities, etc. The proposed development will sufficiently utilize the existing urban services within the area, allowing land within the Tier more appropriate for agricultural activities to be preserved.

- **Policy 2.1-g:** “The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.”

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

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

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

- **Policy 2.2.2-8: Institutional and Public Facilities.**  
**Policy 2.2.8-d:** “The County shall maintain the Unified Land Development Code to provide for zoning districts to accommodate health and human service needs such as hospitals, public clinics, emergency

health shelters, child care facilities, adult day care facilities, group homes, foster homes, congregate living facilities and other residential care.”

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

### **Conclusion**

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

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



**Water Utilities Department  
Engineering**

8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6113  
www.pbcwater.com



**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor

Hal R. Valeche

Dave Kerner

Steven L. Abrams

Mary Lou Berger

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

January 17, 2017

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

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

Dear Ms. O'Neill,

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

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

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

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

Sincerely,

Adam Galicki  
Manager of Technical Services

AG/mb





**REVISED DRAINAGE STATEMENT**

for

**POET'S WALK****8892 156th Ct S, Delray Beach, Florida****PCN: 00-42-46-20-01-000-0810, 00-42-46-20-01-000-0820****August 25, 2017**

Poet's Walk is a proposed Congregate Living Facility with approximately 96,737 square feet of building area with parking, driveways and a dry detention pond on a 9.729-acre parcel of land within Section 20, Township 46 South, Range 42 East, in unincorporated Palm Beach County (PBC). The site is bound to the south by Linton Blvd, to the west by Lyons Road, to the east by an agricultural wholesale nursery and landscape service, and to the north by 156th Ct S. The site is located in the South Florida Water Management District (SFWMD) C-15 drainage basin and within the Lake Worth Drainage District (LWDD).

The existing parcels are currently used as agricultural land in the form of a nursery. There is an existing one story building, trailer and associated gravel drives and parking areas on the parcel. The existing agricultural lots have no formal drainage system. The proposed development will drain by a series of interconnected inlets and culverts to the proposed on-site dry detention pond. Water quality and quantity criteria will be met in the proposed dry detention pond and exfiltration trench prior to discharging via control structure through a piped connection directly into drainage infrastructure in Lyons Road, the point of legal positive outfall. Off-site drainage does not exist at this site.

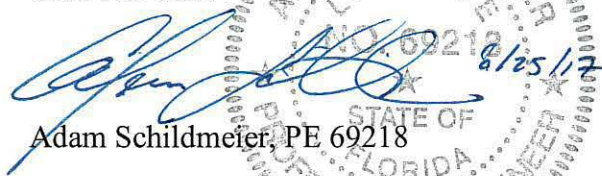
The surface water management system will be designed to meet the requirements of PBC Land Development Division, LWDD and SFWMD, including:

- Water quality—greater of 1" runoff or 2 ½ times the percentage of imperviousness;
- Pre-treatment—1/2" runoff;
- Driveways and Parking—3-year, 1-day event or 3 year, 1-hour for exfiltration systems;
- Perimeter and Discharge Controls—25-year, 3-day event with allowable discharge of 70.0 CSM; and
- Finished Floors—100-year, 3-day event with zero-discharge or the 100-year flood plain elevation, whichever is more restrictive.

Respectfully submitted,

**WANTMAN GROUP, INC.**

Cert. No. 6091

  
Adam Schildmeier, PE 69218

C:\pwworking\wgi\brian.amold\0586682\2445 Drainage Statement.docx



February 6, 2019

**Fire Rescue**

Interim Chief Michael Mackey

405 Pike Road

West Palm Beach, FL 33411

(561) 616-7000

www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Melissa McKinlay, Mayor

Mack Bernard, Vice Mayor

Hal R. Valeche

Paulette Burdick

Dave Kerner

Steven L. Abrams

Mary Lou Berger

**County Administrator**

Verdenia C. Baker

WGI

Attention: Edwin Muller

2035 Vista Parkway

West Palm Beach, FL 33411

Re: Poet's Walk

Dear Edwin Muller:

Per your request for response time information to the subject property located in Palm Beach County, and identified by parcel numbers 00-42-46-20-01-000-0810 & 00-42-46-20-01-000-08200. This property is served currently by Palm Beach County Fire-Rescue station #42, which is located at 14276 Hagen Ranch Road. The subject property is approximately 3.25 miles from the station. The estimated response time to the subject property is 9 minutes. For fiscal year 2018, the average response time (call received to on scene) for this stations zone is 7:12.

There is a new station in the Fire Rescue Capital Improvement Plan to serve this area which will lower the response time to this location in the future.

Changing the land use of this property will have some impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Allan".

Cheryl Allan, Planner  
Palm Beach County Fire-Rescue





**POET'S WALK  
CPA ENVIRONMENTAL REPORT  
Section 20, Township 46S, and Range 42E  
February 4, 2019**

**INTRODUCTION**

The subject parcel is located on the southeast corner of the intersection of Lyons Rd. and 156<sup>th</sup> Court South in unincorporated Palm Beach County, Florida (Section 20, Township 46S, Range 42E). The assessment area is approximately 9.73 acres in size. See Exhibit A, Location Map.

**METHODOLOGY**

WGI environmental staff visited the subject site on February 1, 2019. An aerial photograph was used to pinpoint specific points of interest. An on-site review of the subject site's conditions was performed by walking and driving transects through the site while noting plant species, ecosystems (wetlands and uplands), and other potential environmental factors.

**SITE CONDITIONS**

The subject property consists of an active tree nursery. The western half of the property holds rows of ornamental trees in varying sizes. The eastern half holds an office building, storage barns, and stockpiles of mulch and soil for use on the nursery as well as some ornamental tree rows. Please see Exhibit B, FLUCCS Map.

The site is bound to the north by 156<sup>th</sup> Ct. S and a plant nursery beyond, to the east by a plant nursery, to the south by Linton Blvd. and a residential development beyond, and to the west by Lyons Rd. and a plant nursery beyond.

**COASTAL RESOURCES**

The subject property is not located within an area that contains coastal resources.

**HURRICANE VULNERABILITY ZONE OR COASTAL HIGH HAZARD AREA**

The subject property is not located in a Hurricane Vulnerability Zone or a Coastal High Hazard Zone.

## **VEGETATION INVENTORY**

The parcel is dominated by a tree nursery. There are a few shade trees and pines located around the perimeter of the property and the office building however the majority of vegetation is part of the nursery operation.

<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Designation</u></b>
Live Oak	<i>Quercus virginiana</i>	Native
Strangler Fig	<i>Ficus aurea</i>	Native
Elderberry	<i>Sambucas nigra</i>	Native
Weeping Fig	<i>Ficus benjamina</i>	Non-native
Mother's Tongue	<i>Albizia lebbek</i>	Non-native
Black Olive	<i>Bucida buceras</i>	Non-native
Royal Poinciana	<i>Delonix regia</i>	Non-native
Rubber Tree	<i>Ficus elastica</i>	Non-native
Hong Kong Orchid Tree	<i>Bauhinia blakeana</i>	Non-native
Castor Bean	<i>Ricinus communis</i>	Non-native
Senegal Date Palm	<i>Phoenix reclinata</i>	Non-native
Sylvester Palm	<i>Phoenix sylvestris</i>	Non-native
Coconut Palm	<i>Cocos nucifera</i>	Non-native
Brazilian Pepper	<i>Schinus terebinthifolius</i>	Non-native
Elephant Grass	<i>Pennisetum purpureum</i>	Non-native

## **SOILS**

The following are the soils and their descriptions found throughout the project site according to the Soil Survey of Palm Beach County published by the US Department of Agriculture Soil Conservation Service (1979). See Exhibit C, Soil Survey Map.

### **21 – Myakka sand:**

This is a nearly level, poorly drained, deep sandy soil that has a dark colored layer, weakly cemented with organic matter, above a depth of 30 inches. It is in broad, flatwoods areas in the eastern part of the survey area. Under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months in most years. It is within a depth of 10 to 40 inches for 6 months or more in most years and recedes to below 40 inches during extended dry periods. Natural vegetation is slash pine, saw palmetto, inkberry, fetterbush, pineland three awn, and many other grasses.

## **SIGNIFICANT HABITATS/SPECIES**

No significant habitat occurs on the assessed parcel. No state or federal listed plant or animal species were located within the assessment area.

### **WELLFIELD PROTECTION ZONE**

The subject property is not located within a zone of influence in Palm Beach County. Please see Exhibit D, Wellfield Protection Zone of Influence Map by Palm Beach County Department of Environmental Resources Management.

### **POLLUTION SOURCES**

No obvious pollution sources (storage tanks, vents, 55 gallon drums, etc.) were observed on the property.

### **JOHN D. MACARTHUR/JOHNATHAN DICKINSON OVERLAY**

The subject property is located a distance in excess of 660 feet from the property lines of both the John D. MacArthur and Jonathan Dickinson State Parks.

### **HISTORIC AND ARCHAEOLOGICAL RESOURCES**

It is not anticipated that any resources will be present on this site due to the previous intense agricultural uses. See Exhibit E, Resource Data Review Verification Letter.

### **SURFACE WATERS AND WETLANDS**

There does not appear to be any wetlands or surface waters located on the property. The site has been historically filled to support the agricultural processing activities. There are several detention/retention swales around the property but all were dry and no wetland indicators were observed. This determination would need to be confirmed by the South Florida Water Management District (State) and the US Army Corps of Engineers (Federal) as the wetland regulatory agencies.

### **TRASH AND DEBRIS**

There are piles of mulch and soil in the southeastern corner of the property. These piles appear to be used for the nursery operations and do not include other trash or debris. Small pieces of irrigation lines were observed throughout the property.

## **CONCLUSION**

There are few environmental issues of great significance on the subject property. The lack of habitat makes it improbable for any listed animal species to occur on the site. No upland preservation area would be required according to PBC ULDC Article 14 because there are no native habitats identified. There are very few native trees that would require mitigation through the County tree removal approval process. There appear to be no jurisdictional wetlands located on the property however this will need to be verified by SFWMD and USACE.





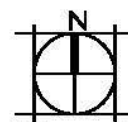
Source: Google Earth

# POET'S WALK

EXHIBIT A

PREPARED FOR SILVER COMPANIES

## LOCATION MAP

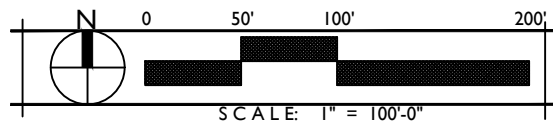


SCALE: NTS



DRAWN BY:	RMH
DRAWING #:	Location, Soil Survey, FLUCCS Maps.dwg
FILE #:	2445.00
DATE:	02/04/2019





**FLUCCS CODE**  
**241 - Tree Nursery - 9.73 ac.**  
**Total Acreage = 9.73**

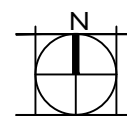
Source: PBC GIS Aerials

**POET'S WALK**

**EXHIBIT B**

PREPARED FOR SILVER COMPANIES

**FLUCCS MAP**



SCALE: 1" = 100'0"

**WGI**

<b>DRAWN BY:</b>	RMH
<b>DRAWING #:</b>	Location, Soil Survey, FLUCCS Maps.dwg
<b>FILE #:</b>	2445.00
<b>DATE:</b>	02/04/2019





**Soil Series**  
**21 - Myakka sand**

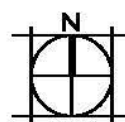
*Source: USDA Soil Survey of Palm Beach County, 1978*

**POET'S WALK**

**EXHIBIT C**

PREPARED FOR SILVER COMPANIES

**SOIL SURVEY**

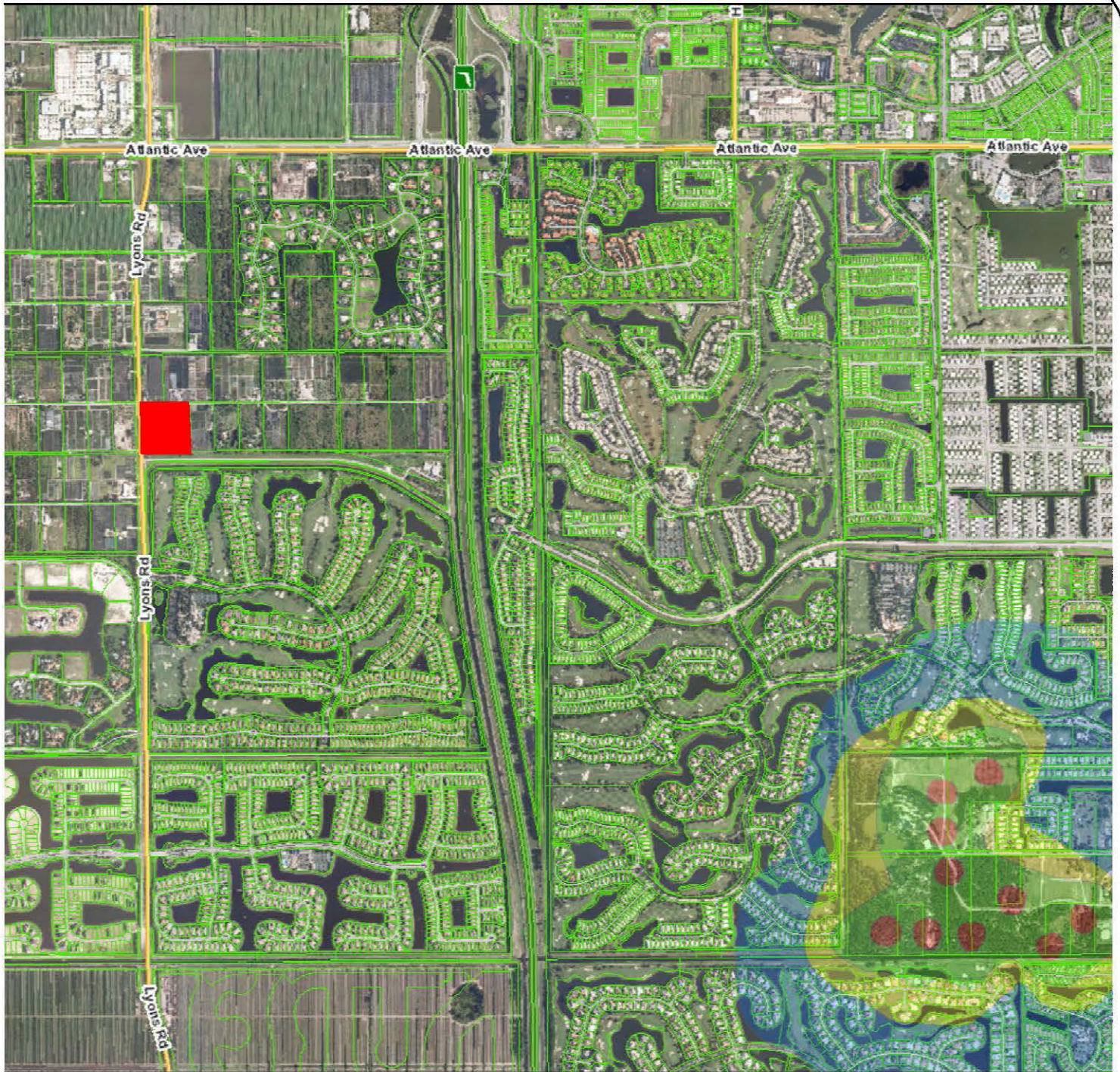


SCALE: NTS

**WGI**

<b>DRAWN BY:</b>	RMH
<b>DRAWING #:</b>	Location, Soil Survey, FLUCCS Maps.dwg
<b>FILE #:</b>	2445.00
<b>DATE:</b>	02/04/2019





Map Legend  
2006 Zones

- 1
- 2
- 3
- 4

**Property not located within  
a wellfield protection zone.**

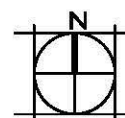
Source: PBC GIS

**POET'S WALK**

**EXHIBIT D**

PREPARED FOR SILVER COMPANIES

**WELLFIELD PROTECTION MAP**



SCALE: NTS

**WGI**

DRAWN BY: RMH  
DRAWING #: Location, Soil Survey, FLUCCS Maps.dwg  
FILE #: 2445.00  
DATE: 02/04/2019





**Department of Planning,  
Zoning & Building**

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

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



**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

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printed on sustainable  
and recycled paper

February 1, 2019

WGI  
Mr. Edwin Muller  
2035 Vista Parkway  
West Palm Beach, FL 33411

**RE: Historical and Archaeological Resource Review for project named:  
Poet's Walk, PCN's: 00-42-46-20-01-000-0810 and 00-42-46-20-01-  
000-0820.**

This correspondence is in reply to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

Staff's review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced properties.

Lastly, should skeletal remains be encountered during construction, per Florida Statue 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport MA, RPA  
Palm Beach County Archeologist

cc: Patricia Behn, Interim Director, PBC Planning Division  
Bryan Davis, Principal Planner, PBC Planning Division

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\WGI\Poets Walk\_PCN-00-42-46-20-01-000-0810, 0820 Ltr 02-01-2019 .doc



## Site Photographs



View of property from the south property line.

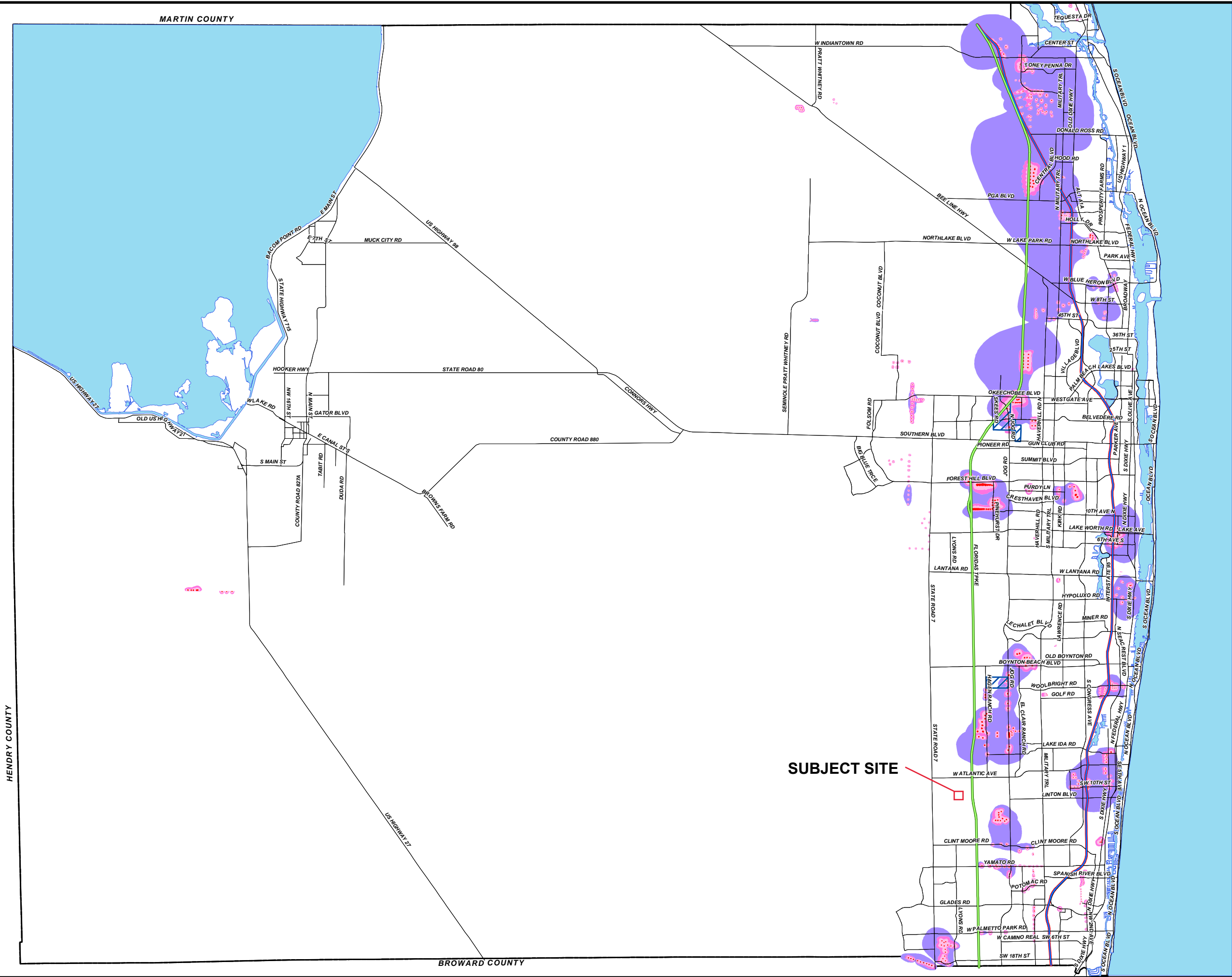


View of nursery field.










View of offices at nursery.



**MAP LU 4.1**  
**WELLFIELD PROTECTION**  
**ZONES IN PALM BEACH**  
**COUNTY, FLORIDA**

-  Zone 1
-  Zone 2
-  Zone 3
-  Zone 4
-  Turnpike Aquifer Protection Overlay

9J-5.006(4)(B)1  
SOURCES:  
PBC Dept. of Environmental Resources Management  
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.  
The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.



**PALM BEACH COUNTY**  
**COMPREHENSIVE PLAN**  
**MAP SERIES**



1 0 1 2 3 4 Miles

Effective Date: 10/29/04  
Filename: N:\Map Series\MXD\Adopted  
Contact: PBC Planning Dept.





**Department of Planning,  
Zoning & Building**

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

Planning Division 233-5300  
Zoning Division 233-5200  
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**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



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and recycled paper

February 1, 2019

WGI  
Mr. Edwin Muller  
2035 Vista Parkway  
West Palm Beach, FL 33411

**RE: Historical and Archaeological Resource Review for project named:  
Poet's Walk, PCN's: 00-42-46-20-01-000-0810 and 00-42-46-20-01-  
000-0820.**

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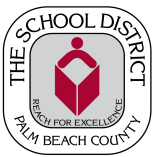
Should you have any questions or comments, please contact me at (561) 233-5331.

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Christian Davenport MA, RPA  
Palm Beach County Archeologist

cc: Patricia Behn, Interim Director, PBC Planning Division  
Bryan Davis, Principal Planner, PBC Planning Division

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\WGI\Poets Walk\_PCN-00-42-46-20-01-000-0810, 0820 Ltr 02-01-2019 .doc



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
PLANNING AND INTERGOVERNMENTAL RELATIONS

The School District of Palm Beach County  
Planning & Intergovernmental Relations  
3661 Interstate Park Road, N, Building 200  
Riviera Beach, FL 33402  
Phone: 561-434-8042

## School Capacity Availability Determination (SCAD) Application

**Instructions:** At least 30 days prior to seeking approval from County/local government, please submit a complete application to the School District for SCAD review. A determination will be provided within twenty (20) days of receipt of a complete application. A determination is not transferable and is valid for one year from the date of issuance. Once a Development Order (DO) is issued, the SCAD determination shall be valid for the life of the DO.

**Choose the type(s) of application:** Fees: \$200.00 for 20 units and more or \$100.00 for under 20 units

☐ Re-Zoning ☒ Future Land Use Atlas (FLUA) Amendment ☐ Development Order (D.O.) or Amendment to D.O. ☐ No Impact

### PART I - PROJECT INFORMATION

PROJECT NAME Poet's Walk		MUNICIPALITY Unincorporated Palm Beach County	
PROPERTY CONTROL NUMBER(s) 00-42-46-20-01-000-0820; 00-42-46-20-01-000-0810			
PROPERTY ADDRESS 8892 156th	CITY Lake Worth	STATE FL	ZIP CODE 33463
GENERAL LOCATION Northeast corner of Lyons Road and Linton Boulevard, 0.76 miles south of Atlantic Avenue			
PROPERTY ACREAGE 9.73 AC	SAC 219A	PLANNING AREA 33	

**Complete the following table(s) according to your request(s). Please also provide agent consent form, a copy of the warranty deed and a brief statement on project description & development history on a separate sheet.**

☐ **For Re-Zoning**

Existing Use of Land		Proposed Use of Land	
Current Zoning Designation		Proposed Zoning Designation	
Total No. of Units Permitted		Max No. of Units Permitted	
<b>Net Increase in Number of Units</b>			

☒ **For Future Land Use Atlas (FLUA) Amendment**

Existing Use of Land	Agriculture/Nursery	Proposed Use of Land	Type 3 CLF
Current FLU Designation	AGR	Proposed FLU Designation	CLR
Total No. of Units Permitted	0 DU	Max No. of Units Permitted	279 Beds ( <b>only 186 beds are proposed</b> )
<b>Net Increase in Number of Units</b>		186 Beds	

☐ **For Development Order (D.O.) or Amendment to D.O.**

Project Information		Unit Type	Number of Units
Total Number of Units Proposed		Single-Family	
Are there previous approval(s)* (Y/N)		Multi-Family (other than Apartments)	
Will the Project be Phased?*** (Y/N)		Apartments (3 stories or less)	
		High Rise Apartments (4 stories or more)	
		Age Restricted (Adults Only)**	

\* If applicable, please attach previous approval letter(s).

\*\* A Restrictive Covenant is required for age restricted communities.

\*\*\* If applicable, please attach a Phasing Plan showing the number and type of units to receive certificate of occupancy yearly.

### Ownership/Agent Information:

OWNER'S NAME Larry D. Silver, CEO, Silver Capital Advisors (APPLICANT - see additional info.)		OWNER'S EMAIL ADDRESS		TELEPHONE NUMBER	
AGENT'S NAME Jeff Brophy		AGENT'S EMAIL ADDRESS Jeff.Brophy@wginc.com		TELEPHONE NUMBER 561-687-2220	
MAILING ADDRESS 2035 Vista Parkway		CITY West Palm Beach		STATE FL	ZIP CODE 33411

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge.

Owner or Owner's Agent Signature

2/4/2019

Date

**School Capacity Availability Determination (SCAD) Application, Continued**

PROJECT NAME <div></div>	OWNER'S NAME <div></div>	AGENT'S NAME <div></div>
-----------------------------	-----------------------------	-----------------------------

**PART II - LOCAL GOVERNMENT REVIEW**

DATE APPLICATION FILED <div></div>	PETITION # - RE-ZONING <div></div>	PETITION # - FLU <div></div>	PETITION # - D.O. <div></div>	PETITION # - NO IMPACT <div></div>
REVIEWED BY (Please print) <div></div>			EMAIL ADDRESS <div></div>	
Did the applicant pay the filing fee to you? <input type="checkbox"/> YES (Please attach proof of payment) <input type="checkbox"/> NO (Applicant must pay to the School District)				

_____	_____	_____
<i>Government Representative Signature</i>	<i>Title</i>	<i>Date</i>

**PART III - SCHOOL DISTRICT REVIEW**

Case Type	Case Number	Date Application Received	Date Application Completed	Date SCAD Letter Issued	Notes
Re-Zoning					
FLU					
D.O.					
No Impact					

**\*Please refer to the SCAD Letter(s) for District staff determination.**

**Additional Information**

Applicant is Larry D. Silver, CEO  
Silver Capital Advisors, Inc., Manager of Lyons Road Senior Real Estate, LLC (Contract Purchaser)

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	19-B2	<b>Intake Date</b>	February 6, 2019
<b>Application Name</b>	Poet's Walk	<b>Concurrent?</b>	Yes
<b>Acres</b>	9.73 acres	<b>Text Amend?</b>	Yes
<b>PCNs</b>	00-42-46-20-01-000-0810; 00-42-46-20-01-000-0820		
<b>Location</b>	Northeast corner of Lyons Rd & Linton Blvd, 0.76 miles south of Atlantic Ave.		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve	Agricultural Reserve	
<b>Use</b>	Agricultural/Nursery	Type 3 CLF	
<b>Zoning</b>	AGR – Agricultural Reserve	AGR - MUPD (Multiple Use Planned Development)	
<b>Future Land Use Designation</b>	AGR – Agricultural Reserve	CLR/AGR (Congregate Living Residential, underlying AGR)	
<b>Underlying Future Land Use Designation</b>	None	AGR (Agricultural Residential)	
<b>Conditions</b>	None	TBD	

### B. Development Potential

	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>Density/ Intensity:</b>	AGR - 0.20 DU per acre	CLR - 8 DU per acre
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)		8 du/acre x 9.73 ac. = 78 DU
<b>Maximum Beds (for CLF proposals)</b>		78 max du x 2.39 = 186 Beds
<b>Population Estimate</b>		78 max du x 2.39 = 186
<b>Maximum Square Feet</b> (non-residential designations)	0.15 FAR x 9.73 ac. = 63,576 SF	____ FAR x ____ ac. = _____
<b>Proposed or Conditioned Potential</b>	None	Type 3 Congregate Living Facility: 117 DU (279 beds)
<b>Max Trip Generator</b>	Retail Nursery (ITE 817) Rate: 108.1	Assisted Living Facility (ITE 254) Rate: 2.66
<b>Maximum Trip Generation</b>	1,052	742
<b>Net Daily Trips:</b>	<u>310</u> (maximum minus current) <u>310</u> (proposed minus current)	

<b>Net PH Trips:</b>	12 AM, 17 PM (maximum) 12 AM, 17 PM (proposed)
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# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Jeff Brophy   Edwin Muller
<b>Company Name</b>	WGI
<b>Address</b>	2035 Vista Parkway
<b>City, State, Zip</b>	West Palm Beach, FL 33411
<b>Phone / Fax</b>	561-537-4507
<b>Email Address</b>	Jeff.Brophy@wginc.com   Edwin.Muller@wginc.com

### B. Applicant Information

<b>Name</b>	Larry D. Silver, CEO Silver Capital Advisors, Inc.	Cindy D Jacob (Co-Trustee of Jacob Trust)	Cynthia Dudwick (Co-Trustee of Jacob Trust)	Greg E Jacob (Co-Trustee of Jacob Trust)
<b>Company Name</b>	Silver Capital Advisors, Inc., Manager of Lyons Road Senior Real Estate, LLC			
<b>Address</b>	1001 East Telecom Drive	21167 Sweetwater Lane North	21167 Sweetwater Lane North	21167 Sweetwater Lane North
<b>City, State, Zip</b>	Boca Raton, FL 33431	Boca Raton, FL 33428	Boca Raton, FL 33428	Boca Raton, FL 33428
<b>Phone / Fax Number</b>				
<b>Email Address</b>				
<b>Interest</b>	Contract Purchaser	Owner (-0810)	Owner (-0820)	Owner (-0821;-0820)

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 7. Text Amendment Application

### A. Proposed Text Amendment Summary

<b>Elements &amp; Policies to be revised</b>	<ul style="list-style-type: none"> <li>• <b>Policy 1.5-h</b></li> <li>• <b>Policy 1.5.1-q</b></li> <li>• <b>Table III.C</b></li> <li>• <b>Table 2.2.1-g.1: Residential Future Land Use Designation Maximum Density</b></li> <li>• <b>Table 2.2.1-j.1: Residential Future Land Use – Zoning Consistency</b></li> </ul>
<b>Purpose</b>	The purpose of this text amendment request is to amend the Plan to allow for the creation of Congregate Living Facilities within the Agricultural Reserve Tier, under the CLR FLU designation.
<b>Justification</b>	<p>On behalf of the property owners Cindy Jacobs, Cynthia Dudwick, and Greg Jacob and the applicant, Lyons Road Senior Real Estate, LLC., WGI (hereinafter referred to as the agent) has prepared and respectfully submits this application to request a Comprehensive Text Amendment for a 9.73 acre property (hereinafter referred to as the subject property) on the northeast corner of Lyons Road and Linton Boulevard. The subject property currently has a Future Land Use Atlas (FLUA) designation of Agriculture Reserve (AGR). The subject property is comprised of the following two (2) parcel control numbers (PCN), and their respective ownership is listed.</p> <ol style="list-style-type: none"> <li>1. 00-42-46-20-01-000-0810 Owned by: Cindy and Greg Jacob</li> <li>2. 00-42-46-20-01-000-0820 Owned by: Alternate Educational Systems Property 4, LLC</li> </ol> <p>The applicant is requesting approval of the following:</p> <p>The purpose of this Comprehensive Plan Text Amendment request is to amend the Plan to allow for the development of Congregate Living Facilities (CLF) within the AGR Tier, under the recently adopted Congregate Living Residential (CLR) FLU designation, as part of an AGR MUPD, at a density of up to eight dwelling units per acre. This requires the modification of Policy 1.5-h, Policy 1.5.1-q, Table III.C, Table 2.2.1-g.1: Residential Future Land Use Designation Maximum Density and Table 2.2.1-j.1: Residential Future Land Use – Zoning Consistency.</p> <p>Note that a Future Land Use Atlas Amendment (FLUA) will be forthcoming to amend the FLUA designation of 9.73 acre subject property from Agriculture Reserve (AGR) to Congregate Living Residential (CLR) with an underlying future land use of Agricultural Reserve (AGR).</p> <p>The Applicant is proposing a maximum density of 8 dwelling units per acre, which is consistent with the CLF use. The development of this type of use at this proposed density will sufficiently accommodate the needed intensity for CLF uses, while maintaining the existing development patterns already established in the Ag Reserve Tier. As the project moves through the site design process, special attention will be paid to site design elements, in order to ensure that no negative impacts result as part of this request, as well as to promote compatibility with surrounding uses within the Tier.</p>
<b>Consistency</b>	<p>This Proposed Text Amendment request is consistent with the intent, objectives and policies of the Comprehensive Plan, as proposed to be amended, based on the following:</p> <p><b>OBJECTIVE 1.5 The Agricultural Reserve Tier</b></p> <p><b>General:</b> The Agricultural Reserve area is a portion of the County that encompasses unique farmland and wetlands. Based on policy direction adopted by the Board of County Commissioners in 1995, it is to be</p>

preserved primarily for agriculture. To preserve the area for agricultural use, several programs are offered, including unique development options targeted to achieve the goal of farmland protection and agricultural perpetuation. It is through this combination of public action and private development that a viable program for the protection of farmlands and the perpetuation of agriculture will occur.

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

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

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

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

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

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

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

<p><b>Text Changes</b></p>	<p><b>Policy 1.5-h:</b> Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD) , Agricultural Reserve Multiple Use Planned Development (AgRMUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre. <u>Congregate living facilities within Agricultural Reserve Planned Development Districts may be approved for up to a maximum density of 8 dwelling units per acre. Congregate living facilities within the Agricultural Reserve Tier must be located within one mile of the Atlantic Avenue and Lyons Road or Boynton Beach Boulevard and Lyons Road intersections.</u></p> <p><b>Policy 1.5.1-q: AGR-Multiple Use Planned Development.</b> New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:</p> <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and</li> <li>4. Required Preserve Area shall be subject to the standards and requirements of an AgR-TMD preserves;</li> <li>5. <u>Congregate Living Facilities (CLF) are permitted within AgR-MUPDs within Congregate Living Residential (CLR) future land use subject to the density in Table 2.2.1-g.1;</u></li> <li>6. <u>Congregate Living Facilities are exempt from the Preserve Area requirements but shall be required to provide a minimum of 55% Open Space onsite; and</u></li> <li>7. <u>Congregate Living Facilities in the Tier shall have no less than 25% of all beds proposed shall be dedicated to memory care services and are required to be setback 50' from any agricultural use.</u></li> </ol>
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**TABLE III.C  
FUTURE LAND USE DESIGNATION BY  
TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA <sup>1</sup>
	RR-20, RR-10	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---
Urban Residential	LR, MR, HR	X	---	---	---	---
	CLR	X	---	---	X	---
	AP	---	---	---	---	X
	SA	X	X	X	X	--- <sup>3</sup>
	AgR	---	---	---	X	---
	Ag Enclave	---	---	X	---	---
	CL-O	X	X	X	X	---
	CL	X	X	X	X	---
	CH-O	X	---	---	---	---
	CH	X	---	---	---	---
	IND	X	---	---	X	---
	EDC	X	---	---	---	---
Commercial Recreation		X	---	X	X	X
Parks & Recreation		X	X	X	X	X
Conservation		X	X	X	X	X
Institutional & Public Facilities		X	X	X	X	---
Spoil		X	---	---	---	X
Transportation & Utilities		X	X	X	X	X
Traditional Town Development & Multiple Land Use		X	---	---	---	---

1. Within the rural towns of Lake Harbor and Canal Point, the following additional future land use designations shall be allowed: Residential from RR-2.5 through MR-5; CL; CL-O; IND; EDC; and INST.
2. Within the Glades Area Protection Overlay, 138.31 acres of EDC future land use designation is allowed.
3. Special Agriculture future land use is allowed in the Glades Tier only for the Equestrian Waste Recycling Pilot Project described in Policy 2.2.5-c.

**TABLE 2.2.1-g.1**

The following amendment is proposed to the density requirements for CLF uses within the Agricultural Reserve (AGR) Future Land Use.

**Table 2.2.1-g.1****Residential Future Land Use Designation Maximum Density**

Future Land Use Designation		Dwelling Units per Gross Acre <sup>5</sup>
Agricultural Reserve	AGR	0.20/1 <sup>3</sup>
Agricultural Enclave <sup>2</sup>	AGE	---
Rural Residential, 1 unit per 20 acres	RR-20	0.05
Rural Residential, 1 unit per 10 acres	RR-10	0.10
Rural Residential, 1 unit per 5 acres	RR-5	0.20
Rural Residential, 1 unit per 2.5 acres	RR-2.5	0.40
Western Communities Residential	WCR	0.80
Low Residential, 1 unit per acre	LR-1	1
Low Residential, 2 unit per acre	LR-2	2
Low Residential, 3 unit per acre	LR-3	3
Medium Residential, 5 unit per acre	MR-5	5
High Residential, 8 unit per acre	HR-8	8
High Residential, 12 unit per acre	HR-12	12
High Residential, 18 unit per acre	HR-18	18
Congregate Living Residential	CLR	<u>8</u> /12 <sup>4</sup>

1. The Entitlement density is 1 unit per lot or as follows: Rural Residential 0.05 du/acre; Western Communities Residential 0.05 du/acre; Low Residential 0.10 du/acre; Medium Residential 0.20 du/acre; and High Residential 0.40 du/acre, whichever is greater.
2. The density of an Agricultural Enclave shall be determined utilizing the provisions of s. 163.3162(5), Florida Statutes, and shall be clearly indicated in the Site Data of the adopted Conceptual Plan for each Agricultural Enclave.
3. See Agricultural Reserve Policy 1.5-h.
4. The CLR future land use designation allows a maximum density for a Congregate Living Facility Type 3 of up to 12 units per acre in the Urban/Suburban Tier, and up to 8 units per acre in the Agricultural Reserve Tier. See Congregate Living Residential Policy 2.2.1-l.
5. For the purposes of calculating the percentage of Workforce Housing Program units, the following units per acre are considered 'standard density' for each future land use designation: 1.5 for LR2; 2 for LR-3; 4 for MR-5; 6 for HR-8; and 8 for HR-12 and HR-18. The remaining density shall be considered planned unit development density.

**Table 2.2.1-j.1  
Residential Future Land Use - Zoning Consistency<sup>1</sup>**

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
Rural Residential	AR, RE	RR-PUD, MHPD, RVPD
Western Communities Residential	AR	PUD
Low Residential	RE, RT, RTS, RS	PUD, TND, MHPD
Medium Residential	RE, RT, RS, RTU, RM/RH <sup>2</sup>	PUD, TND, MHPD
High Residential	RE, RT, RS, RM, RH	PUD, TND, MHPD
Congregate Living Residential	RM	PUD, TND, TMD, MUPD, MXPDP <sup>3</sup>

**Notes:**

1. The RTS, RTU, and RH zoning districts and the Special Exception for a PUD have been discontinued. Properties with these districts shall not be required to rezone and shall utilize the property development regulations of their equivalent districts which are as follows: RTS equals RT; RTU equals RS; RH equals RM, Special Exception for a PUD equals a PUD.
2. The RM District is consistent with the MR-5 designation only for those areas zoned RM or RH prior to the Plan's August 31, 1989 adoption.
3. The CLR designation is consistent with the TND, TMD, MUPD and MXPDP when applied as an underlying designation for a mixed or multiple use project, and for properties in the Agricultural Reserve Tier. Such planned developments shall utilize the ULDC property development regulations for Institutional and Public Facilities future land use MUPD and the uses allowed shall be those allowed by the RM zoning district

<b>ULDC Changes</b>	None
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**JUSTIFICATION STATEMENT  
TEXT & MAP AMENDMENT REQUEST FORM  
AMENDMENT ROUND 19-B2**

**Poet's Walk**

*Prepared by:*

WANTMAN GROUP, INC.  
2035 Vista Parkway  
West Palm Beach, FL 33411  
(561) 478-8501 – Fax (561) 478-5012  
[www.wantmangroup.com](http://www.wantmangroup.com)

February 6, 2019  
*Revised March 11, 2019*



**Palm Beach County - Planning Division**

*2300 North Jog Road, WPB, FL 33411, (561) 233-5300*



## I. INTRODUCTION

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

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

## II. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

On behalf of the property owners Cindy Jacob, Cynthia Dudwick, and Greg Jacob and the Applicant, Lyons Road Senior Real Estate, LLC, WGI (hereinafter referred to as the Agent) prepared and submitted an application to request a Comprehensive Plan Text Amendment - Poet’s Walk (hereinafter referred to as the subject site). The Comprehensive Plan Text Amendment has been modified as follows:

### **Proposed Amendment Language**

The purpose of this Comprehensive Plan Text Amendment request is to amend the Plan to allow for the development of Congregate Living Facilities (CLF) within the AGR Tier, under the recently adopted Congregate Living Residential (CLR) FLU designation, as part of an AGR MUPD, at a density of up to eight dwelling units per acre. This requires the modification of Policy 1.5-h, Policy 1.5.1-q, Table III.C, Table 2.2.1-g.1: Residential Future Land Use Designation Maximum Density and Table 2.2.1-j.1: Residential Future Land Use – Zoning Consistency. The modifications are proposed as follows:

**Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD) , Agricultural Reserve Multiple Use Planned Development (AgRMUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre. Congregate living facilities within Agricultural Reserve Planned Development Districts may be approved for up to a maximum density of 8 dwelling units per acre. Congregate living facilities within the Agricultural Reserve Tier must be located within one mile of the Atlantic Avenue and Lyons Road or Boynton Beach Boulevard and Lyons Road intersections.

**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 Area shall be subject to the standards and requirements of an AgR-TMD preserves;
5. Congregate Living Facilities (CLF) are permitted within AgR-MUPDs within Congregate Living Residential (CLR) future land use subject to the density in Table 2.2.1-g.1;
6. Congregate Living Facilities are exempt from the Preserve Area requirements but shall be required to provide a minimum of 55% Open Space onsite; and
7. Congregate Living Facilities in the Tier shall have no less than 25% of all beds proposed shall be dedicated to memory care services and are required to be setback 50’ from any agricultural use.

**TABLE III.C  
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA <sup>1</sup>
	RR-20, RR-10	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---
Urban Residential	LR, MR, HR	X	---	---	---	---
	CLR	X	---	---	X	---
	AP	---	---	---	---	X
	SA	X	X	X	X	---
	AgR	---	---	---	X	---
	Ag Enclave	---	---	X	---	---
	CL-O	X	X	X	X	---
	CL	X	X	X	X	---
	CH-O	X	---	---	---	---
	CH	X	---	---	---	---
	IND	X	---	---	X	---
	EDC	X	---	---	---	---
Commercial Recreation		X	---	X	X	X
Parks & Recreation		X	X	X	X	X
Conservation		X	X	X	X	X
Institutional & Public Facilities		X	X	X	X	---
Spoil		X	---	---	---	X
Transportation & Utilities		X	X	X	X	X
Traditional Town Development & Multiple Land Use		X	---	---	---	---

1. Within the rural towns of Lake Harbor and Canal Point, the following additional future land use designations shall be allowed: Residential from RR-2.5 through MR-5; CL; CL-O; IND; EDC; and INST.
2. Within the Glades Area Protection Overlay, 138.31 acres of EDC future land use designation is allowed.
3. Special Agriculture future land use is allowed in the Glades Tier only for the Equestrian Waste Recycling Pilot Project described in Policy 2.2.5-c.

**TABLE 2.2.1-g.1**

The following amendment is proposed to the density requirements for CLF uses within the Agricultural Reserve (AGR) Future Land Use.

**Table 2.2.1-g.1****Residential Future Land Use Designation Maximum Density**

<b>Future Land Use Designation</b>		<b>Dwelling Units per Gross Acre<sup>5</sup></b>
Agricultural Reserve	AGR	0.20/1 <sup>3</sup>
Agricultural Enclave <sup>2</sup>	AGE	---
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Rural Residential, 1 unit per 10 acres	RR-10	0.10
Rural Residential, 1 unit per 5 acres	RR-5	0.20
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Congregate Living Residential	CLR	<u>8</u> /12 <sup>4</sup>

1. The Entitlement density is 1 unit per lot or as follows: Rural Residential 0.05 du/acre; Western Communities Residential 0.05 du/acre; Low Residential 0.10 du/acre; Medium Residential 0.20 du/acre; and High Residential 0.40 du/acre, whichever is greater.
2. The density of an Agricultural Enclave shall be determined utilizing the provisions of s. 163.3162(5), Florida Statutes, and shall be clearly indicated in the Site Data of the adopted Conceptual Plan for each Agricultural Enclave.
3. See Agricultural Reserve Policy 1.5-h.
4. The CLR future land use designation allows a maximum density for a Congregate Living Facility Type 3 of up to 12 units per acre in the Urban/Suburban Tier, and up to 8 units per acre in the Agricultural Reserve Tier. See Congregate Living Residential Policy 2.2.1-l.
5. For the purposes of calculating the percentage of Workforce Housing Program units, the following units per acre are considered 'standard density' for each future land use designation: 1.5 for LR2; 2 for LR-3; 4 for MR-5; 6 for HR-8; and 8 for HR-12 and HR-18. The remaining density shall be considered planned unit development density.

**Table 2.2.1-j.1  
Residential Future Land Use - Zoning Consistency<sup>1</sup>**

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
Rural Residential	AR, RE	RR-PUD, MHPD, RVPD
Western Communities Residential	AR	PUD
Low Residential	RE, RT, RTS, RS	PUD, TND, MHPD
Medium Residential	RE, RT, RS, RTU, RM/RH <sup>2</sup>	PUD, TND, MHPD
High Residential	RE, RT, RS, RM, RH	PUD, TND, MHPD
Congregate Living Residential	RM	PUD, TND, TMD, MUPD, MXPD <sup>3</sup>

**Notes:**

1. The RTS, RTU, and RH zoning districts and the Special Exception for a PUD have been discontinued. Properties with these districts shall not be required to rezone and shall utilize the property development regulations of their equivalent districts which are as follows: RTS equals RT; RTU equals RS; RH equals RM, Special Exception for a PUD equals a PUD.
2. The RM District is consistent with the MR-5 designation only for those areas zoned RM or RH prior to the Plan's August 31, 1989 adoption.
3. The CLR designation is consistent with the TND, TMD, MUPD and MXPD when applied as an underlying designation for a mixed or multiple use project, and for properties in the Agricultural Reserve Tier. Such planned developments shall utilize the ULDC property development regulations for Institutional and Public Facilities future land use MUPD and the uses allowed shall be those allowed by the RM zoning district

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

**Justification for Text Amendment**

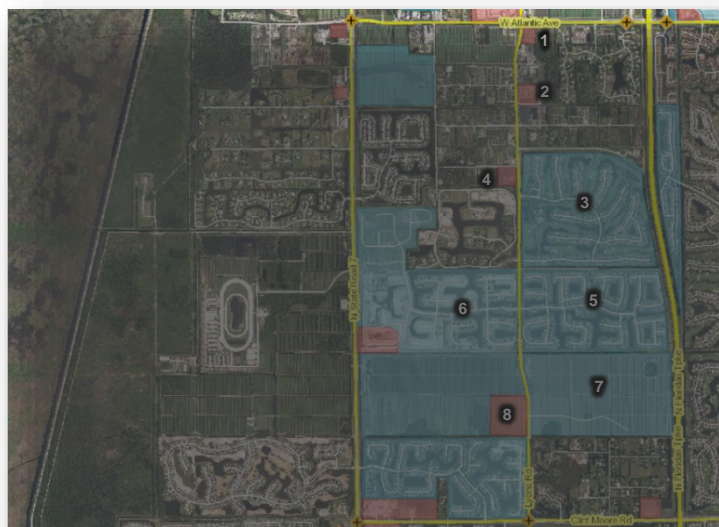
Over the past several decades, the AGR Tier has seen tremendous growth in both residential and non-residential development. The original development pattern established for the Tier as part of the 1989 Comprehensive Plan has seen a shift in uses, from primarily farmland and agricultural, to a balanced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

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



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

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



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

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

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

The PBC BCC recently adopted a new CLR FLU designation that accommodates up to 12 dwelling units per acre for CLF's in the Urban Suburban Tier. The recent adoption of this new FLU designation demonstrates that the County has recognized the need to accommodate a higher density for CLF uses and this text amendment is consistent with the current trend of this use type.

#### *CLF Use and Density*

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

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

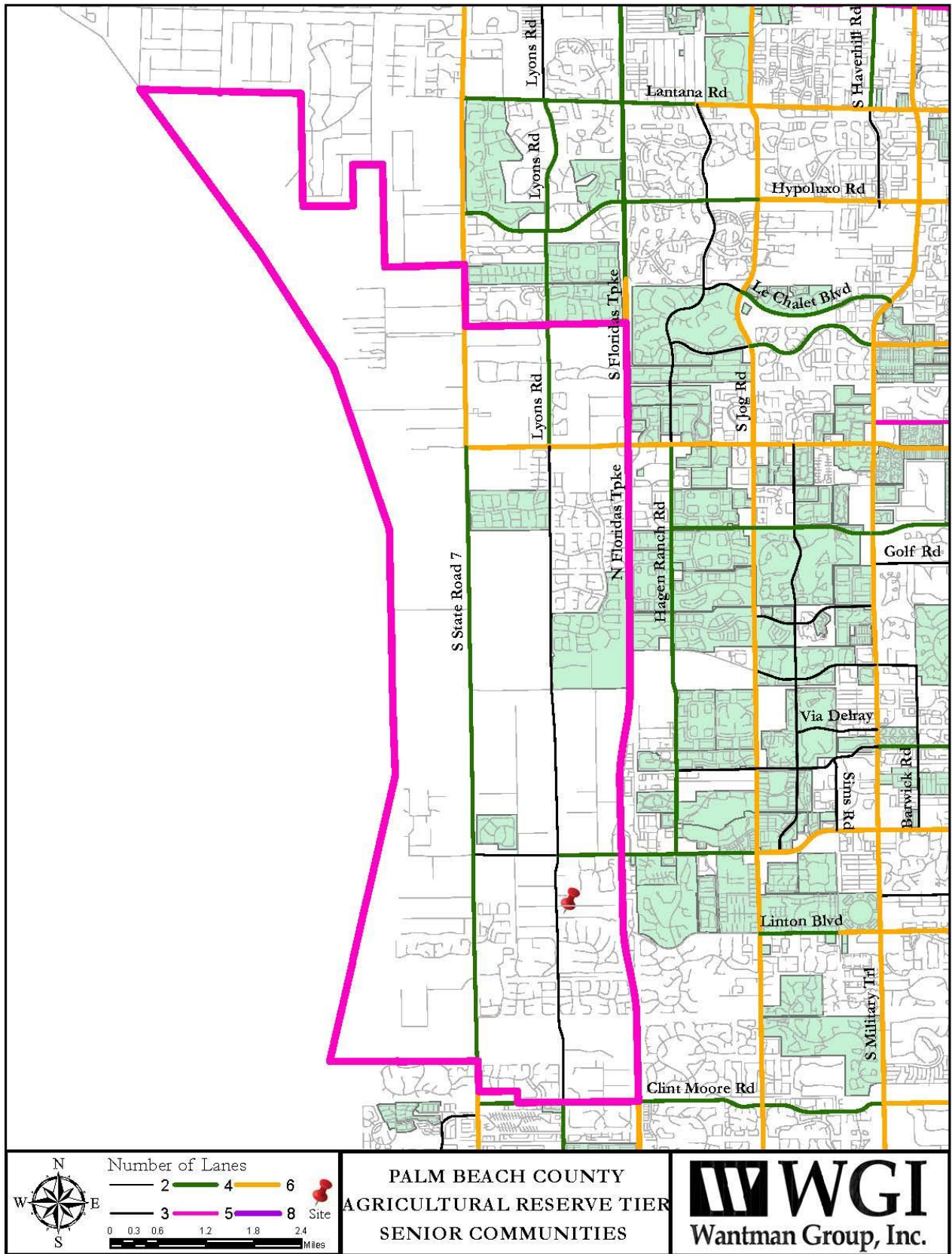
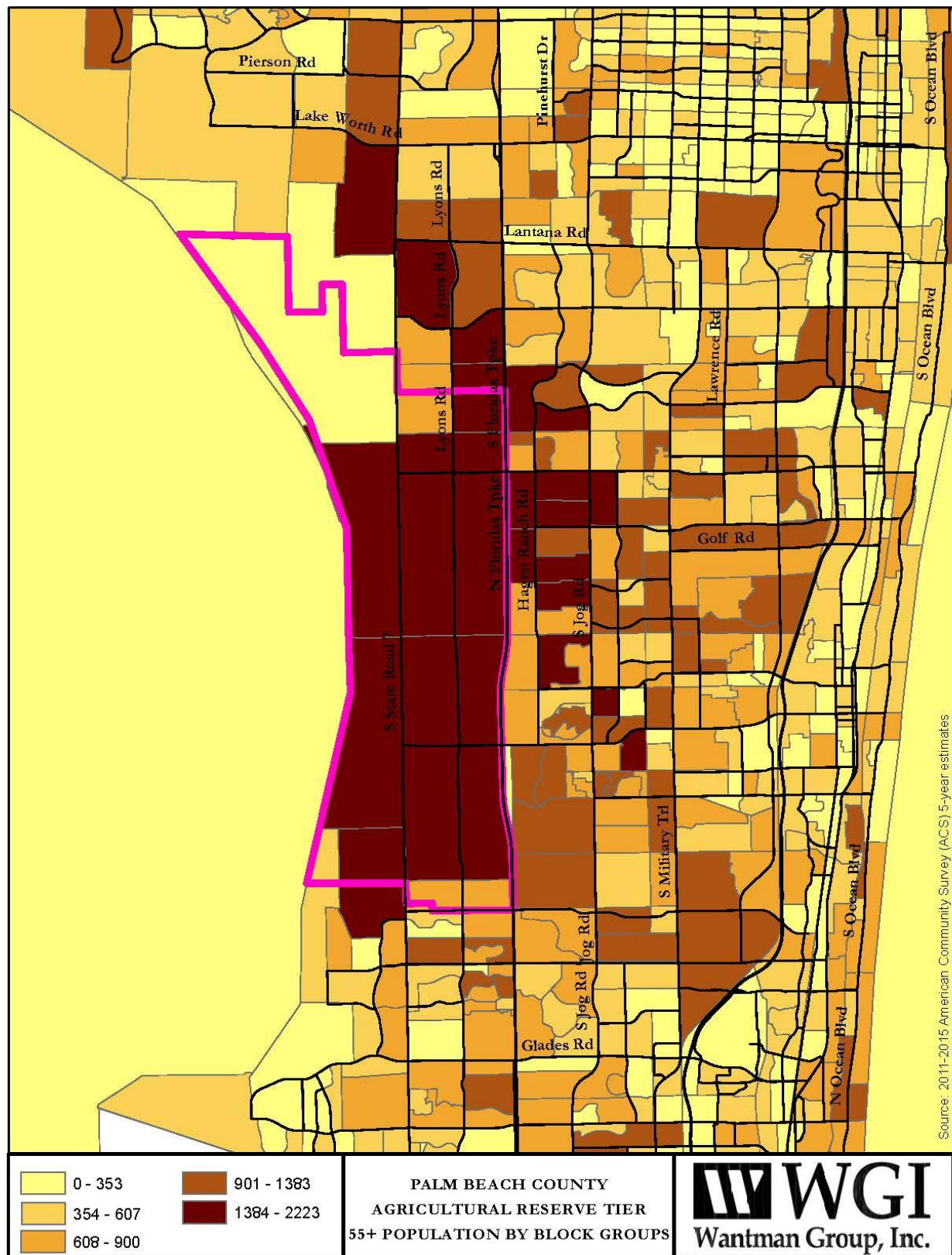


Figure 1



In addition to a high concentration of senior communities, the age of the population of the residents within the AGR Tier was analyzed, based on “2011-2015 American Community Survey (ACS) 5-year Estimates”. As outlined in



**Figure 2**



**PALM BEACH COUNTY  
AGRICULTURAL RESERVE TIER 1  
OVER 55 POPULATION**

**WGI  
Wantman Group, Inc.**

Source: 2011-2015 American Community Survey (ACS) 5-year estimates

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

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

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

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

#### *Location Criteria*

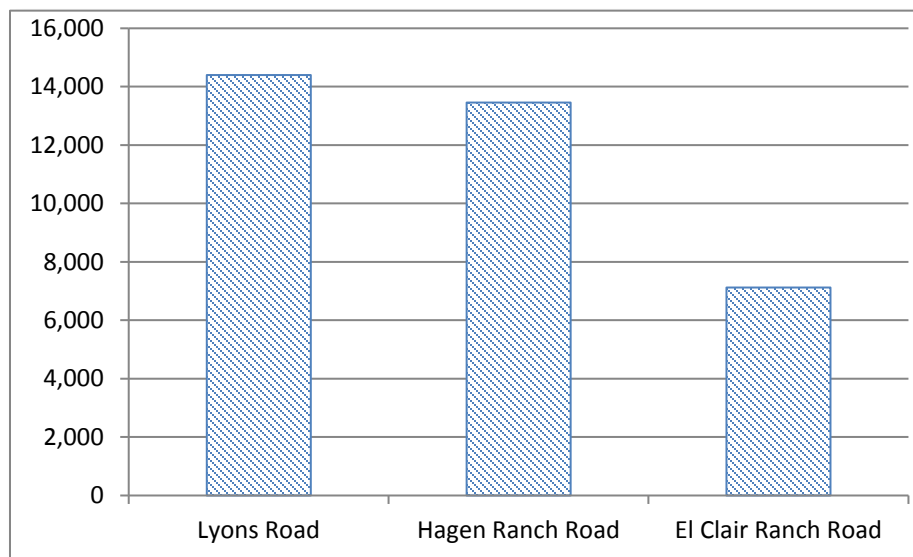
The intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road are established as commercial activity nodes within the Agricultural Reserve Tier. Development at these intersections is of higher intensity and nonresidential in nature. As development extends outward from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

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

Annual Update - Adopted - December 20, 2016

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

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



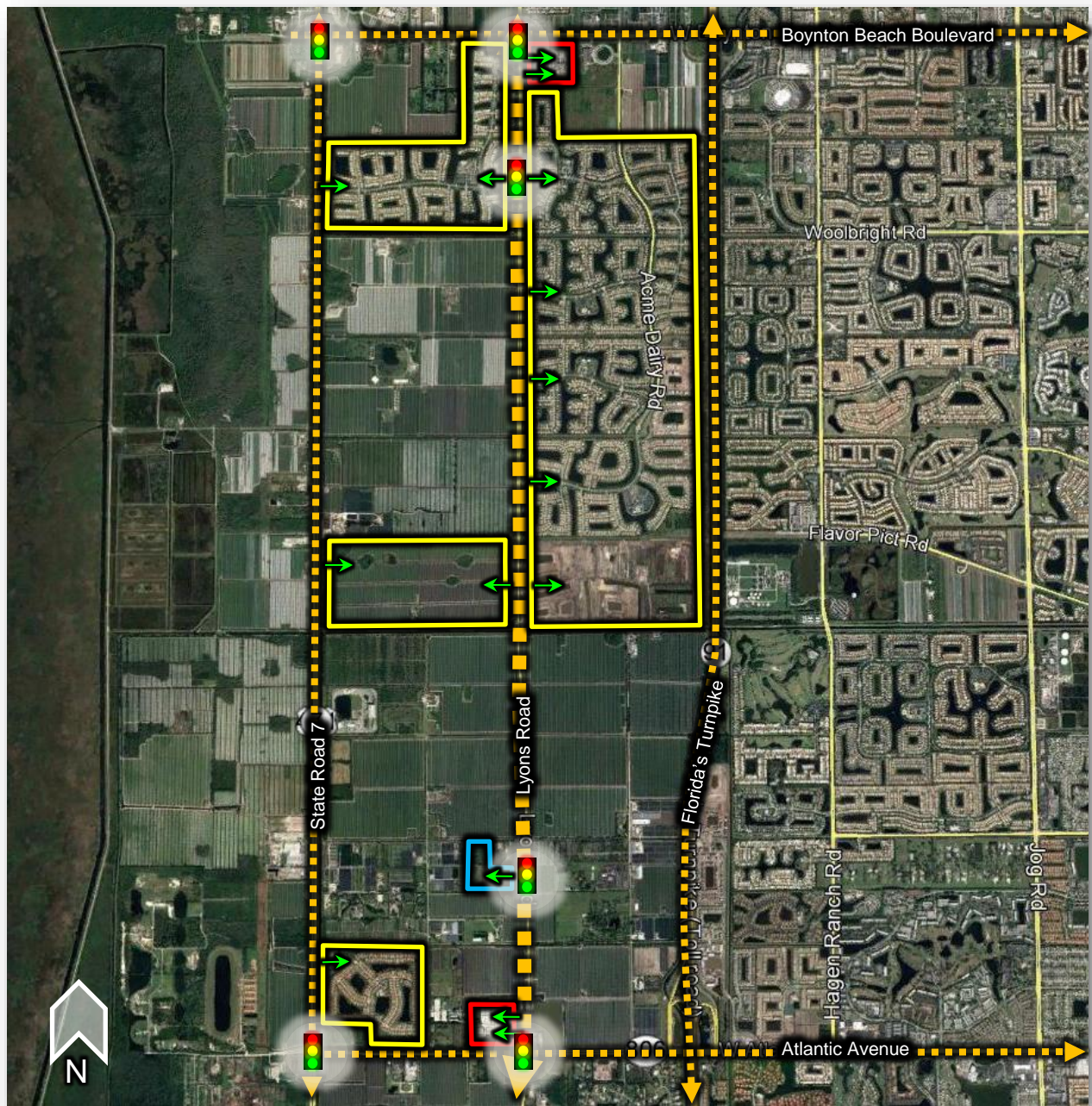
2015 Average Daily Traffic



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

#### *Boynton Beach Boulevard to Atlantic Avenue Segment*

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



Lyons Road (Boynton Beach Boulevard to Atlantic Avenue Segment)

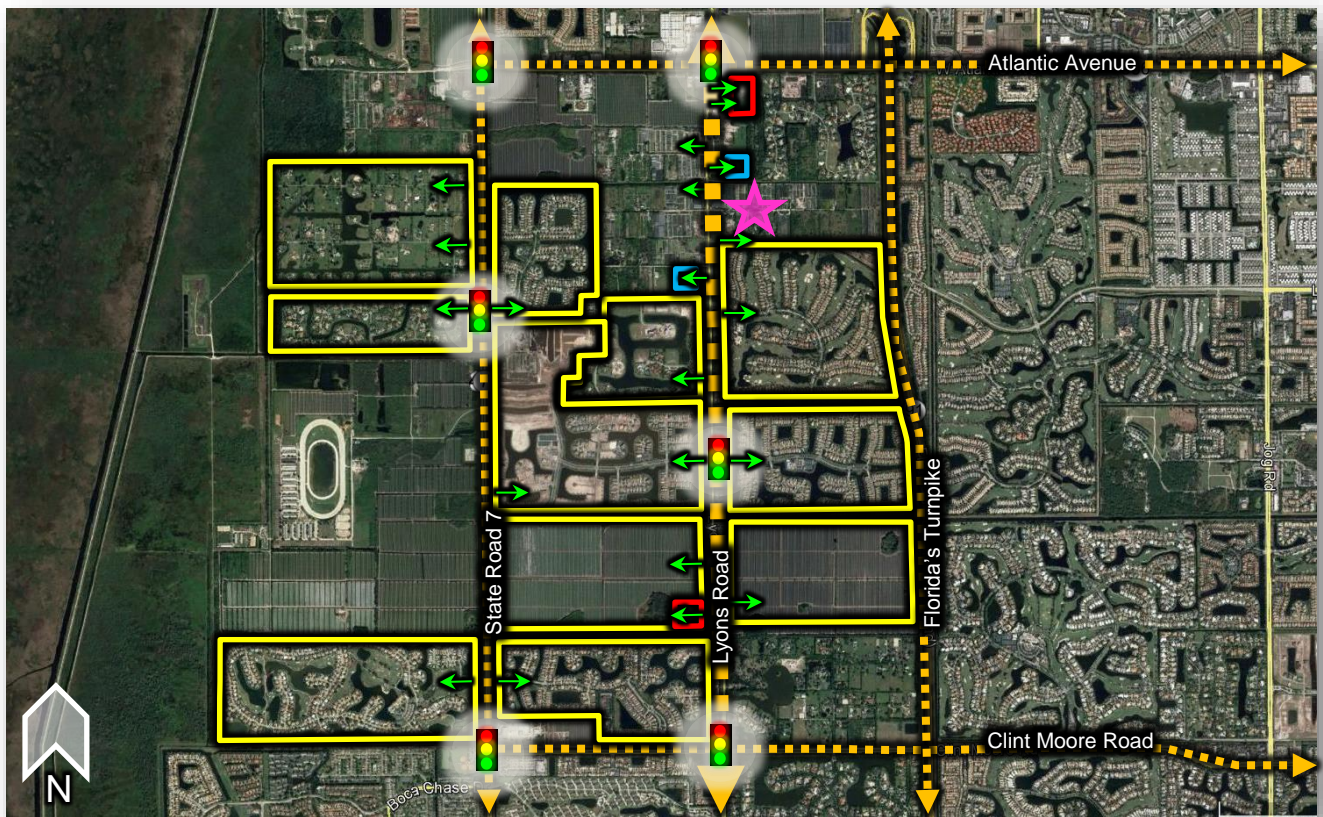


Boynton Beach Boulevard to Atlantic Avenue	Lyons Road	State Road 7
Developments with Direct Access	6	3
Access Points	12	3
Traffic Lights	4	2

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

#### *Atlantic Avenue to Clint Moore Road Segment*

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



Lyons Road (Atlantic Avenue to Clint Moore Road Segment)

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

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

### *Preserve Area Requirement*

Residential developments and MUPD's in excess of 16 acres in size are required to provide preserve area onsite. Type 3 CLF's represent a use that cannot be solely defined under either residential or nonresidential use categories. They are instead a blend of both uses, providing residential housing and nonresidential services – which include both healthcare services and more traditional personal services, such office space, a salon and the like. For comparison purposes, a typical apartment design typically allocates 75% to 80% of the building square footage to residential living areas. In comparison, a typical CLF facility allocates 40% to 50% to residential living area. The remainder of the area includes uses such as nursing areas, medical rooms, central kitchen, dining rooms, doctor rooms, employee staff rooms, a chef room, laundry rooms, a wellness center, a salon and lifestyle activity rooms. CLF's within the AGR Reserve Tier will include a mix of levels of care, and will not be exclusively independent living in nature.

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

The Applicant is proposing an amendment to the preserve area requirements, to exempt CLF's from complying with the 60% preserve area. However, a regulation to require 55% open space (to be provided onsite) has been added to the language, ensuring that the development pattern resulting from the development of CLFs within the Tier is in line with the intent of the Plan. Additional setbacks and landscape buffers will also aid in achieving the desired layout of this use within the Tier.

### **Consistency**

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

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

### **Objective 1.5: The Agricultural Reserve Tier**

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

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

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

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

**POLICIES** – The proposed Comprehensive Plan Text Amendment furthers the County’s policies as further described below.

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

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

### **Institutional and Public facilities**

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

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

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

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



**Response:** The proposed text amendment to allow the CLR FLU in the AGR Tier is consistent with the CLR policy listed above. The proposed use is a Type 3 CLF with a proposed density of 8 dwelling units per acre (given the location in the AGR Tier). The original FLU designation of AGR is being retain as an underlying FLU.

*Conclusion*

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