



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

PLANNING COMMISSION PUBLIC HEARING, MAR. 13, 2020

A. Application Summary

I. General

| | |
|------------------------------|--|
| Project Name: | Boynton Beach Assisted Living Facility (SCA 2020-008) |
| Request: | CL/3 to CL-O/CLR |
| Acres: | 3.59 acres |
| Location: | South side of Woolbright Road, 250 feet west of South Jog Road |
| Project Manager: | Gerald Lodge, Planner 1 |
| Applicant: | HDRS, LLC |
| Owner: | Hardial Sibia |
| Agent: | Gentile Glas Holloway O'Mahoney & Associates, Inc. |
| Staff Recommendation: | Staff recommends approval with conditions based upon the following findings and conclusions contained in this report. |

II. Assessment & Conclusion

The amendment proposes to change the future land use designation on a 3.59 acre site from Commercial Low with an underlying Low Residential, 3 units per acre (CL/3) to Commercial Low-Office with an underlying Congregate Living Residential (CL-O/CLR) to facilitate the development of a congregate living facility (CLF). The amendment proposes to change the allowable density from 3 to 8 units per acre for the calculation of a higher bed count, for a maximum of 69 beds. The applicant is proposing a condition to limit the site to a maximum of 8 units per acre, for the purposes of calculating CLF beds.

In addition, the amendment proposes to change the commercial future land use from CL to CL-O. In 2007, the CL designation was approved with a condition limiting the site to a maximum of 50,000 sq. ft. of non-retail uses only. The applicant wants to retain a Commercial designation for the option to develop office uses as an alternative. The proposed CL-O designation allows office uses and the adopted condition limiting the site to non-retail uses only under the CL designation would no longer be necessary as retail uses are not allowed under the CL-O designation. Therefore, the applicant is also requesting the deletion of the condition in Ordinance 2007-019.

The proposed amendment to increase the allowable density for the calculation of CLF beds is appropriate given the site's location along an urban collector roadway and the CLR provides a transition from the commercial designation at the intersection of Jog and Woolbright Road to the adjacent low density residential. The amendment is consistent with relevant policies in the Comprehensive Plan, is compatible with adjacent uses, and meets all level of service standards.

III. Hearing History

Local Planning Agency:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Commercial Low / Low Residential, 3 units per acre (CL/3)
Existing Land Use: Vacant
Current Zoning: Multiple Use Planned Development (MUPD)
Current Dev. Potential Max: Commercial Office, up to 50,000 sf (by condition) or Residential, up to 11 dwelling units

Proposed Future Land Use Change

Proposed FLU: Commercial Low Office with an underlying Congregate Living Residential (CL-O/CLR)
Proposed Use: Congregate Living Facility, Type 3 (CLF)
Proposed Zoning: Residential Multifamily (RM)
Dev. Potential Max/Conditioned: Commercial Office, up to 54,000 sf or Congregate Living Facility, up to 8 units per acre/69 beds (by condition)

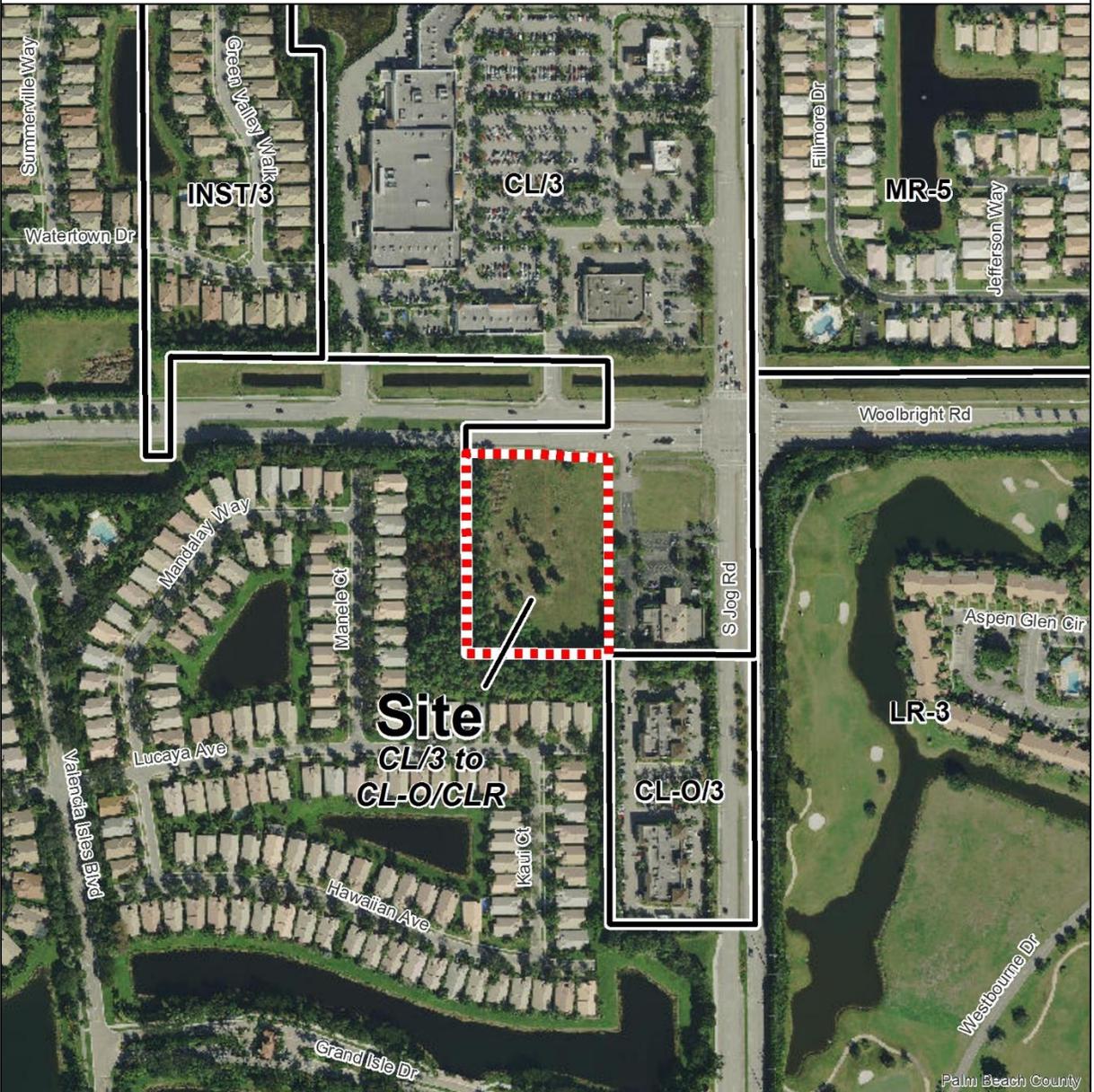
General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: None
Comm. District: Commissioner Mary Lou Berger, District 5



Future Land Use Atlas Amendment

Boynton Beach Assisted Living Facility (SCA 2020-008)



Site Data

Size: 3.59 acres
 Existing Use: Vacant
 Proposed Use: Congregate Living Facility
 Current FLU: Commercial Low, underlying LR-3
 Proposed FLU: Commercial Low Office/CLR

Future Land Use Designations

LR-3 Low Residential, 3 units/acre
 MR-5 Medium Residential, 5 units/acre
 CL/3 Commercial Low, underlying LR-3
 CL-O/3 Commercial Low - Office, underlying LR-3
 INST/3 Institutional, underlying LR-3

Date: 8/14/2019
 Contact: PBC Planning
 Filename: AMEND/20-SCA/Site/20-08
 Note: Map is not official, for presentation purposes only.



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



C. Introduction & Overview

I. Intent of the Amendment

The amendment proposes to change the future land use designation on a 3.59 acre site from Commercial Low with an underlying Low Residential, 3 units per acre (CL/3) to Commercial Low-Office with an underlying Congregate Living Residential (CL-O/CLR) to facilitate the development of a congregate living facility (CLF). The number of beds allowed for a CLF Type 3 is calculated by multiplying the acreage of the site by the residential density and then 2.39 persons per unit to determine the number of beds. Under the current future land use designation, the 3 units per acre designation would allow up to 26 CLF beds (3.59 acres x 3 units/acre x 2.39). The amendment to CLR future land use designation would change the allowable density to 8 units per acre for the calculation of a higher bed count, for a maximum of 69 beds. The applicant proposes a condition to limit the site to a maximum of 8 units per acre, for the purposes of calculating CLF beds.

In addition, the amendment also proposes to change the commercial future land use from Commercial Low to Commercial Low Office. In 2007, the current Commercial Low future land use designation was adopted with a condition limiting the site to a maximum of 50,000 sq. ft. of non-retail uses only. The applicant wants to retain a Commercial designation for the option to develop office uses as an alternative. The proposed CL-O designation allows office uses and the adopted condition limiting the site to non-retail uses only under the CL F designation LU would no longer be necessary as retail uses are not allowed under the CL-O designation. Therefore, the applicant is also requesting the deletion of the condition in Ordinance 2007-019.

Background. The site was the subject of a small scale amendment known as Woolbright/Jog Office (SCA-2006-029) which changed the future land use designation from Low Residential, 3 units per acre (LR-3), to Commercial Low, with an underlying 3 units per acre (CL/3). The amendment was adopted on October 25, 2007 by Ord. 2007-019 with a condition limiting the site to a maximum 50,000 s.f. of non-retail uses. Concurrently, the site was approved for a rezoning from Agricultural Residential (AR) zoning to Multiple Use Planned Development (MUPD) via Resolution 2007-1880 for a two-story 50,000 sq. ft. office and medical office building (.32 FAR). The Control Number is 2006-0305.

Zoning Application. The concurrent Zoning application (Z/CA-2019-00515) is requesting a rezoning from Multiple Use Planned Development (MUPD) to Residential Multifamily (RM) to allow a one story 43,400 sq. ft. CLF Type 3 with 64 beds.

II. Data and Analysis Summary

This section of the report provides a summary of the consistency of the amendment with the County's Comprehensive Plan. The sections in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

Overview of the Area. The site is located on the south side of Woolbright Road near the intersection of Jog Road within the Urban/Suburban Tier. There is a commercial node on the southwest and northwest corner with Commercial Low and Commercial Low Office future land use designation. The surrounding area is predominately low and medium density residential planned unit developments.

Appropriateness of the Amendment. The amendment proposes to change the underlying residential future land use designation from LR-3 to CLR for the purpose of achieving a higher calculation of beds for a Congregate Living Facility Type 3. The proposed amendment to allow additional congregate living facility beds is appropriate given the site's location along an urban collector roadway and adjacency to a commercial node. The proposed CLR designation allows for a transition from the Commercial Low designations at the intersection of the Jog and Woolbright Road to the residential planned unit to the west, Valencia Isles, which has a Low-Residential, 3 units per acre FLU. In addition, as the applicant desires to retain a commercial designation as an alternative for commercial office uses, the previously adopted condition limiting the site to 'non-retail' uses only under the CL designation is no longer necessary as the proposed CL-O designation does not allow retail uses.

Compatibility. The subject site is currently vacant and has prior approvals for a two story 50,000 sq. ft. medical office use. The site is located adjacent to a commercial node. Specifically, directly east and adjacent to the subject site is the Beth Israel Memorial Chapel, with a Commercial Low with underlying 3 units per acre (CL/3) future land use designation. Just south of the Chapel and fronting Jog Road is the Jog Medical Center, with a Commercial Low Office with an underlying 3 units per acre (CL-O/3) future land use. At the northwest corner of Jog and Woolbright Road is an over 20 acre shopping plaza with a CL/3 designation. Also in the area are large planned unit developments with Low Residential, 3 units per acre and Medium Residential, 5 units per acre future land uses. The proposed CLR/CL-O designation serves as a transition from the Commercial Low and Commercial Low Office land uses at the intersection of Woolbright and Jog Road to the residential PUD (Valencia Isles) to the south and west. In addition, the homeowners association of Valencia Isles owns the approximately 135 foot wide heavily vegetated buffer which bounds the southern and western sides of the subject site. This furthers compatibility between the subject site and the residential uses. In addition, the site plan proposes a one-story CLF building which is similar to the one story homes within Valencia Isles. In conclusion, the proposed congregate living facility serves as an alternative to the commercial office uses currently approved and is compatible with adjacent residential and commercial uses and the suburban character of the area.

Assessment and Recommendation. The proposed amendment to increase the allowable density for the calculation of CLF beds is appropriate given the site's location along an urban collector roadway and the CLR designation provides a transition from the commercial designations at the intersection of Jog and Woolbright Road to the adjacent low density residential. The amendment is consistent with relevant policies in the Comprehensive Plan, is compatible with adjacent uses, and meets all level of service standards.

Staff recommends ***approval with conditions*** based upon the findings within this report.

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| 2. Consistency with Comprehensive Plan | E-4 |
| 3. Applicant's Justification/Consistency with Comprehensive Plan | E-11 |
| 4. Applicant's Public Facility Impacts Table | E-15 |
| 5. Palm Beach County Traffic Division Letter | E-17 |
| 6. Water & Wastewater Provider LOS Letter | E-19 |
| 7. Applicant's Disclosure of Ownership Interests | E-20 |
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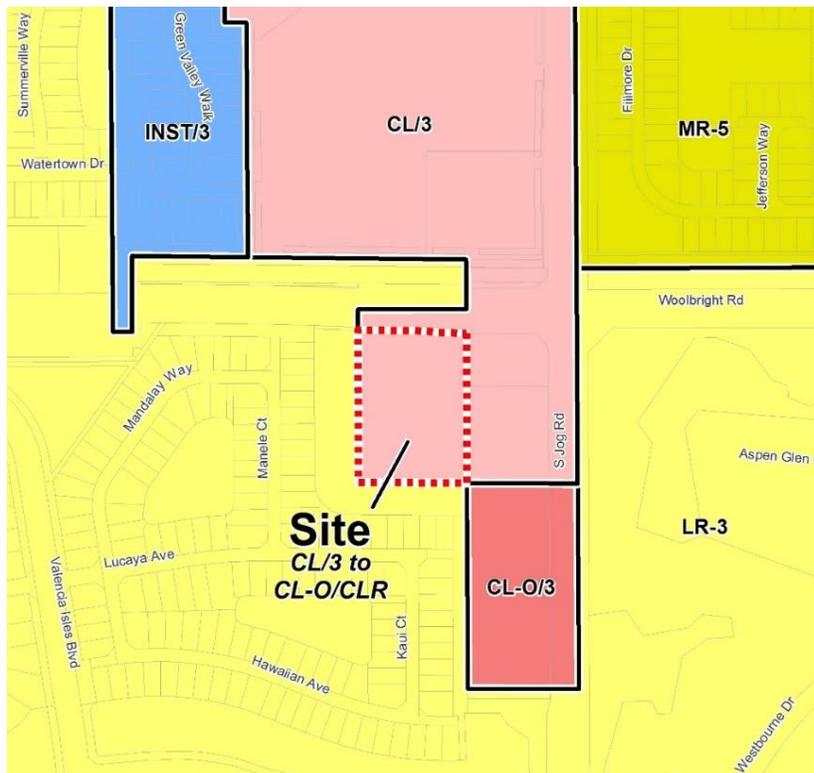
Exhibit 1

| | |
|----------------------|---|
| Amendment No: | Boynton Beach Assisted Living Facility (SCA 2020-008) |
| FLUA Page No: | 94 |
| Amendment: | From Commercial Low with an underlying 3 units per acre (CL/3) to Commercial Low-Office with and underlying Congregate Living Residential (CL-O/CLR) |
| Location: | South side of Woolbright Road, approx. 275 feet west of South Jog Road |
| Size: | 3.59 acres approximately |
| CLF Density: | The Congregate Living Residential future land use designation allows a maximum density of up to 8 units per acre for a Congregate Living Facility (CLF) use on this site. |
| Property No: | 00-42-45-34-29-001-0000 |

Conditions: The following condition adopted by Ordinance 2007-019 is proposed to be revised with the deletion in strike out and addition in underline below:

~~To limit the subject parcel to a maximum 50,000 sq. feet of non-retail uses only.~~

The maximum density for a CLF on the subject site is up to 8 units per acre.



Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 (FEE):

THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 51 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY,

LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 'OS15' OF "VALENCIA ISLES-PLAT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°11'20" WEST ALONG THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE- QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN SAID PLAT OF "VALENCIA ISLES-PLAT ONE", A DISTANCE OF 136.19 FEET; THENCE SOUTH 89°25'00" EAST, ALONG A LINE 51 .00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN DEED BOOK 113, PAGE 227, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, A DISTANCE OF 334.76 FEET TO A POINT ON THE WEST LINE OF TRACT "D", 'WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGE 83-84 AND ALSO BEING THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE SOUTH 00°11'57" EAST ALONG SAID WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD", A DISTANCE OF 152.01 FEET TO A POINT BEING THE SOUTHWEST CORNER OF TRACT "C" AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE NORTH 86°42'46" WEST, A DISTANCE OF 335.37 FEET TO THE POINT OF BEGINNING.

ALSO LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "OS15" OF THE PLAT OF VALENCIA ISLES-PLAT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THENCE WITH A BEARING OF SOUTH 86° 42' 46" EAST ALONG THE SOUTHERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN O.R. BOOK 16469, PAGE 1118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 335.37 FEET TO A POINT LYING ON THE WESTERLY BOUNDARY OF THE PLAT OF "WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGES 83-84 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT "C" AND THE NORTHWEST CORNER OF TRACT "A" OF SAID PLAT; THENCE WITH A BEARING OF SOUTH 00° 11' 57" EAST ALONG THE WESTERLY LINE OF TRACT "A" OF SAID PLAT OF "WOOLBRIGHT JOG MUPD", FOR A DISTANCE OF 0.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89° 25' 33" WEST FOR A DISTANCE OF 80.04 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 82° 16' 00" WEST FOR A DISTANCE OF 43.78 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89° 04' 54" WEST FOR A DISTANCE OF 211.40 FEET TO A POINT LYING ON THE EASTERLY LINE OF THE PLAT OF "VALENCIA ISLES PLAT ONE" AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A BEARING OF NORTH 00° 11' 26" WEST ALONG SAID EASTERLY LINE OF THE PLAT OF "VALENCIA ISLES PLAT ONE", FOR A DISTANCE OF 9.38 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY HAS BEEN RE-PLATTED AND IS NOW DESCRIBED AS FOLLOWS:

ALL OF THE PLAT OF WOOLBRIGHT OFFICE CENTER-MUPD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, PAGE 179, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2 (EASEMENT): NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS AS SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT DATED FEBRUARY 10, 2005, AND RECORDED IN OFFICIAL RECORDS BOOK 18127, PAGE 1044 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3 (EASEMENT): NON-EXCLUSIVE UNDERGROUND POTABLE WATER AND SANITARY SEWER UTILITY EASEMENT SET FORTH IN THAT CERTAIN UTILITY CROSS EASEMENT AND AGREEMENT DATED JUNE 28, 2001 AND RECORDED IN OFFICIAL RECORDS BOOK 12947, PAGE 987 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINS 3.59 ACRES

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

The applicant has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- *The proposed project is located within the West Boynton Area Community Plan identified in the Special Planning Area Map (LU 3.1). The West Boynton Area Community Plan report outlines its large population of elderly and retired residents and the concern of having enough hospital and ancillary facilities to service its aging population.*
- *The proposed project will help service the West Boynton area by providing its rising aging population with a congregate living facility to house those in need of daily living assistance.*

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

The amendment proposes a residential use as an alternative to commercial uses at an existing commercial node. This intersection and larger area were designated entirely as residential with the adoption of the 1989 Comprehensive Plan. Changes in the area since the adoption the 1989 Plan have occurred, as the commercially designated sites to the north and west of the subject site received commercial future land use designations in 1996 and 1998, respectively. The subject site was also approved for a commercial designation in 2007.

The amendment proposes to change the allowable density from 3 units per acre to 8 units per acre for the purpose of calculating a higher bed count for a congregate living facility. The applicant is proposing to cap the allowable beds to a maximum of 8 units per acre, resulting in 69 CLF beds. With the proposed change to CLR, the only residential use allowed on the site will be a CLF. The amendment to increase the allowable density for the calculation of CLF beds is appropriate given the site's location along an urban collector roadway and adjacency to a commercial node. The proposed CLR designation allows for a transition from the Commercial Low FLUs at the intersection of the Jog and Woolbright Road to the low density residential to the south and west.

In addition, the amendment also proposes to change the commercial future land use from Commercial Low to Commercial Low Office. In 2007, the current Commercial Low future land use designation was adopted with a condition limiting the site to a maximum of 50,000 sq. ft. of non-retail uses only. The applicant wants to retain a Commercial designation for the option to develop office uses as an alternative. The proposed CL-O designation allows office uses and the adopted condition limiting the site to non-retail uses only under the CL designation would no longer be necessary as retail uses are not allowed under the CL-O designation. Therefore, the applicant is also requesting the deletion of the condition in Ordinance 2007-019. Development of office uses under the CL-O designation would also serve as a transition use in between the existing commercial to the east and residential to the west.

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

Direction 1. Livable Communities. *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*

Direction 2. Growth Management. *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

Direction 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Staff Analysis: The proposed amendment furthers **Direction 1, Livable Communities**, by fostering additional housing opportunities for 'aging in community' for existing and

future residents of the Urban/Suburban Tier. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, comprises certain characteristics that either the existing surrounding community exhibits or the proposed designation on the subject site will enhance, create, or maintain. Characteristics as stated under this section, which pertain to the subject site, include the following: civic uses such as schools, places of worship, libraries, parks, and government services; health facilities, adult and childcare, and a diverse mix of housing for a wide range of family and household types. In addition, the proposed amendment furthers the **Direction 2, Growth Management**, by encouraging a sustainable and balanced land use pattern through providing an alternative means to approve congregate living facilities in the Tier. **Direction 4, Land Use Compatibility**, is discussed in the Compatibility section of this report.

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

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The subject site is comprised of a single parcel and no adjacent parcels are under the same ownership. A concurrent zoning application has been submitted which includes a site plan conveying development of the whole site. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel.

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

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....”

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

Staff Analysis: The proposed amendment would expand the current living options in the immediate area, allowing the local population to “age in community”. The proposed amendment is compatible with the scale, mass, intensity of use and character of the surrounding suburban communities. For those reasons, this amendment is consistent with Policy 1.2-a.

2. **Policy 2.2.1-I: 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:*

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

Staff Analysis: The proposed future land use amendment is requesting to change the future land use designation from Commercial Low, underlying three units per acre (CL/3) to Commercial Low-Office, with an underlying Congregate Living Residential (CL-O/CLR) with the intent of increasing the maximum potential bed count for a congregate living facility (CLF). The proposed amendment includes a voluntary condition of approval that limits the density of the site to 8 units per acre for calculating beds. The only residential use allowed on the site will be a CLF. In addition, the homeowners association of Valencia Isles owns the approximately 135 foot wide heavily vegetated buffer which bounds the southern and western sides of the subject site. This furthers compatibility between the subject site and the residential uses. In addition, the concurrent Zoning application proposes a one-story CLF building which is similar to the one story homes within Valencia Isles. In conclusion, the proposed congregate living facility serves as an alternative to the commercial office uses currently approved and is compatible with adjacent residential and commercial uses and the suburban character of the area. For the reasons outlined in this section, staff finds this amendment consistent with this policy.

C. Consistency with other Comprehensive Plan Elements

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

Staff Analysis: The proposed amendment is located along Woolbright and is surrounded by a residential neighborhood to the west and south. The proposed amendment is to facilitate a Congregate Living Facility to be located in a predominantly residential area. Therefore, this amendment is consistent with the intent of this policy.

D. Compatibility

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

The surrounding land uses immediately abutting the site are the following:

- **North:** The property immediately north of the subject site, across Woolbright Road is a 23.85 acre, Publix anchored shopping plaza named Valencia Square (Control 1998-0078). This site

was the subject of a future land use amendment (Ordinance 1996-041) which changed the future land use from Low Residential, 3 units per acre (LR-3) to CL/3. Also included in this amendment was the 10 acre property to the immediate west of Valencia Square, which amended the future land use from LR-3 to Institutional with an underlying 3 units per acre (INST/3). Ultimately this was developed as part of Hagen Assemblage (Control 2002-0065).

- **South and West:** South and west of the subject site is a 793 unit planned unit development (PUD) named Valencia Isles (Control 1997-0074). This low density (LR-3) single-family home community is situated on 302.58 acres. The homeowners association for Valencia Isles owns the approximately 135 foot wide vegetative buffer which bounds the southern and western sides of the subject site.
- **East:** There are two parcels (Control 1999-0035) totaling 2.65 acres located immediately east of the subject site which are under the same ownership. The northern parcel (0.92 ac.) is on the southwest corner of Woolbright Road and Jog Road and is currently vacant, however has an approval for a restaurant with outside dining. The southern parcel (1.73 ac.) contains an existing funeral home. These parcels were the subject of a future land use amendment via Ordinance 1998-018 which changed the future land use designation from LR-3 to CL/3.

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

Applicant’s Comments: The applicant states that the proposed amendment is compatible with adjacent and surrounding uses.

Staff Analysis: The subject site is currently vacant and has prior approvals for a two story 50,000 sq. ft. medical office use. The site is located adjacent to a commercial node. Specifically, directly east and adjacent to the subject site is the Beth Israel Memorial Chapel, with a Commercial Low with underlying 3 units per acre (CL/3) future land use designation. Just south of the Chapel and fronting Jog Road is the Jog Medical Center, with a Commercial Low Office with an underlying 3 units per acre (CL-O/3) future land use. At the northwest corner of Jog and Woolbright Road is an over 20 acre shopping plaza with a CL/3 designation. Also in the area are large planned unit developments with Low Residential, 3 units per acre and Medium Residential, 5 units per acre future land uses. The proposed CLR/CL-O designation serves as a transition from the Commercial Low and Commercial Low Office land uses at the intersection of Woolbright and Jog Road to the residential PUD (Valencia Isles) to the south and west. In addition, the homeowners association of Valencia Isles owns the approximately 135 foot wide heavily vegetated buffer which bounds the southern and western sides of the subject site. This furthers compatibility between the subject site and the residential uses. In addition, the site plan proposes a one-story CLF building which is similar to the one story homes within Valencia Isles. In conclusion, the proposed congregate living facility serves as an alternative to the commercial office uses currently approved and is compatible with adjacent residential and commercial uses and the suburban character of the area.

E. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The proposed amendment is located within the West Boynton Area Community Plan (Neighborhood Plan). This neighborhood plan was published in 1995 and is the product of County, Municipal (Boynton Beach) and citizen efforts to plan the areas described as West Boynton.

The subject site of this amendment is within Sub-Area 1 of the neighborhood plan as shown in the boundaries map previously described. During the planning process, it was determined that the key land use recommendation for the subject site and the properties in the vicinity would be to have future commercial and low to medium (3 to 5 du/ac) density residential development. Although the proposed density of 8 du/ac is greater the neighborhood plans recommendation, the density is utilized only for the calculation of CLF beds. Therefore, staff finds this proposed amendment to be consistent with the West Boynton Area Neighborhood Plan.

F. Public Facilities and Services Impacts

The proposed amendment will assign a future land use designation of CL-O/CLR allowing up to 12 units per acre (8 per condition) for calculating congregate living facility (CLF) beds. The existing CL/3 future land use designation allows up to 50,000 sq. ft. of non-retail uses per Ord. 2007-017. Public facilities impacts are detailed in the table in Exhibit 4.

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

Staff Analysis: The proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received.

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

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

Staff Analysis: The existing CL/3 future land use designation allows up to 0.35 FAR (50,000 s.f. of non-retail uses by condition). The public facilities impacts are much greater for the existing designation than the maximum of 69 CLF beds proposed by the amendment. According to the County's Traffic Engineering Department (see letter dated October 25, 2019 in Exhibit 5) the amendment would not result in an increase of net daily trips.

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

The Traffic Study (September 18, 2019) was prepared by Rebecca Mulcahy at Pinder Troutman Consulting, 2005 Vista Parkway, Suite 111, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.com/pzb/planning/activeamend/>

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification was sent to the County's Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments on February 21, 2020. At the time of the printing of the Planning Commission Report, no municipal correspondence had been received.
- B. Other Notice:** Public notice by letter was mailed to the owner of properties within 500' of the perimeter of the site on February 21, 2020. Also on February 21, 2020, the Planning Division notified the following interested parties: the Coalition of Boynton West Residential Associations (COBWRA), Madison Lakes HOA, Valencia Pointe and Valencia Isles. At the time of the printing of the Planning Commission Report, no correspondence had been received. Correspondence received is added to the Exhibits throughout the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on March 3, 2020. No members of the public attended regarding this amendment.

Exhibit 3

Applicant's Justification

Request

The 3.59-acre (Parcel Control Number [PCN] 00-42-45-34-29-001-0000) parcel is located on the south side of Woolbright Road just west of the Jog Road intersection. The subject property is currently vacant and adjacent to residential and commercial developments. The property was platted in the Woolbright Office Center MUPD Plat recorded in Palm Beach County plat book 113 on pages 179 and 181. The current future land use of the property is commercial low (CL/3) allowing three residential dwelling units per acre, and the Zoning Designation is Multiple Use Planned Development (MUPD).

A FLUA Amendment to change the underlying density from CL/3 to CL-O/CLR is requested to allow buildout of a Type 3 Congregate Living Facility to accommodate a 64-bed, 43,400 square foot memory care facility. As part of this application, we request the deletion of the previous condition which limited the site to 50,000 sq. ft. of non-retail uses only. The applicant will accept a condition of approval to limit the property to a Congregate Living Facility (CLF). If developed residentially other than as a CLF, the density shall be limited to the Low Residential, 3 units per acre (LR3) future land use designation.

The accessory application to the PBC Zoning Division for a Development Order Amendment and Class A use will be submitted to meet the submittal schedule.

History

On October 25, 2017 a Small Scale Amendment was approved by Ordinance No. 2007-019 to change the future land use designation from Low Residential, 3 units per acre (LR-3) to Commercial Low Intensity, with an underlying Residential of 3 dwelling units per acre (CL/3). The Small Scale Amendment was approved with a condition of approval stating: To limit the subject parcel to a maximum of 50,000 sq. feet of non-retail uses only.

The MUPD was originally approved by the Palm Beach County (PBC) Board of County Commissioners (BCC) on November 19, 2007 via Resolution R-2007-1880. The most recent amendment was approved on April 1, 2014 to correct inadvertent errors of the previous resolution and limit the maximum non-retail commercial building area to 50,000 square feet (0.35 FAR).

Justification, Consistency, and Compatibility

G.1 – Justification:

The applicant is requesting to amend the Future Land Use Atlas designation of the subject property from CL/3 to CL-O/8. Per Policy 2.1-f of the Future Land Use Element (FLUE) of the Palm Beach County Comprehensive Plan an applicant must provide adequate justification for the proposed future land use. For the land use amendment to be considered sufficient, the justification must demonstrate consistency with the following factors, items one and two, below.

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

As previously stated, approvals were granted in 2007 to allow a 50,000 non-retail commercial building. The proposed CL-O/CLR use will allow the congregate living facility to house 64 memory care residents where it would only be able to house 26 residents in the current CL/3 use.

2. There is a basis for the proposed amendment 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;

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

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

Inappropriateness of the adopted FLU designation; or

Whether the adopted FLU designation was assigned in error.

As previously stated, approvals were granted in 2007 to allow a 50,000 non-retail commercial building. The proposed CL-O/CLR use will allow the 43,400 square foot, 64-bed congregate living facility.

Future land use Element (FLUE) Policy 2.1-f:

The following details the impact, if any, of the proposed FLUA per policy 2.1-f.

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

There are no listed or endangered species of animals or plants within the subject property. Furthermore, the tree conservation area on the western portion of the property will remain unimpacted during the development of the property.

The availability of facilities and services;

The facilities have been confirmed within this FLUA application and are summarized below. Traffic: Please see Attachment H for the FLUA Amendment Traffic Analysis prepared by Pinder Troutman Consulting, Inc which concluded that no roadway links will be significantly impacted by the proposed FLU designation.

Mass Transit: The nearest Palm Tran bus routes are Route 3 and Route 73 at the Boynton Beach/ Military Trail stop.

Potable Water and Wastewater: Please see the Level of Service letter from the Palm Beach County Water Utilities Department provided in Attachment I which confirms that the proposed FLUA can be accommodated by the existing utility facilities.

Drainage: Stormwater runoff from the property is tributary to Lake Worth Drainage District Canal L-26 and has legal positive outfall to the secondary drainage system along Woolbright Road. Stormwater attenuation and water quality are to be provided by onsite retention/detention system to meet Palm Beach County and South Florida Water Management District criteria.

Fire Rescue: The nearest Palm Beach County Fire Rescue Station is Station #41 located at 5105 Woolbright Road which is approximately 1.75 miles from the property.

The adjacent and surrounding development;

The property is adjacent to the commercial development within the Woolbright Jog MUPD to the east which currently consists of a 54,800 square foot funeral home and vacant land tract. The residential common area of the Valencia Isles PUD residential development is adjacent to the property to the west and south. To the north is the 147,000 square foot commercial retail development within the Shoppes of Madison MUPD across the Woolbright Road 152' ultimate right-of way.

The future land use balance;

Since the property has previously been approved to construct up to 50,000 square feet of non-retail commercial use, the Future Land Use balance will remain unchanged for the 43,4000 square foot, 64-bed congregate living facility.

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

The request is not in conflict with the Florida Statute. The commercial use is already serviced by existing utility infrastructure and is not adjacent to any rural uses.

G.2 – Residential Density Increases:

Future land use Element (FLUE) Policy 2.4-b:

The following details the necessity to amend the Future Land Use Atlas per FLUE Policy 2.4-b.

Demonstrate a need for the amendment.

A Future Land Use Amendment (FLUA) is required to allow the development of up to 50,000 non-retail commercial square feet, as allowed by Resolution R-2014-0376. The proposed commercial use for the property will consist of a 64-bed congregate living facility (Type 3) with a total building area of 43,400 square feet, less the allowable maximum commercial building area.

Demonstrate that the current FLUA designation is inappropriate.

The current future land use of CL/3 is inappropriate as it imposes limitations to the residential density and does not allow the congregate living facility to fully utilize the allowable commercial building area as approved by Resolution R-2014-0376.

Provide an explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase the density on the site.

The Workforce housing and Affordable Housing Programs cannot be utilized for the proposed congregate living facility use to provide memory care facilities to the Boynton Beach community. The property has previously been vested for non-retail commercial space of up to 50,000 square feet and therefore the proposed congregate living facility will not increase the total commercial square footage previously approved for the property.

G.3 – Compatibility:

The proposed FLUA amendment is compatible with the surrounding and adjacent land uses. The proposed FLU designation to increase the density from CL/3 to CL-O/CLR will create no change or impact to the adjacent commercial and residential uses along Woolbright Road. Lastly, the proposed building area will not exceed the allowed commercial building area as approved in Resolution R-2014-0376.

G.4 – Comprehensive Plan:

The proposed project is located within the West Boynton Area Community Plan identified in the Special Planning Area Map (LU 3.1). The West Boynton Area Community Plan report outlines its large population of elderly and retired residents and the concern of having enough hospital and ancillary facilities to service its aging population. The proposed project will help service the West Boynton area by providing its rising aging population with a congregate living facility to house those in need of daily living assistance.

Exhibit 4
Applicant's Public Facility Impacts Table

| A. Traffic Information | | |
|---|--|---|
| | Current | Proposed |
| Max Trip Generator | Office: $\ln(T)=0.97\ln(X)+2.50$ Residential, Single Family: 10/DU | Medical Office: 34.8/1000 SF Assisted Living Facility: 2.6/Bed Proposed: Assisted Living Facility: 2.6/Bed |
| Maximum Trip Generation | 491 | Maximum Potential: 1,881 Proposed Potential: 166 |
| Net Daily Trips: | 1,390 (maximum minus current) -325 (proposed minus current) | |
| Net PH Trips: | 149 AM, 185 PM (maximum) 12 AM, 17 PM (proposed) | |
| Significantly impacted roadway segments that fail Long Range | None currently | No significantly impacted roadway links per transportation analysis |
| Significantly impacted roadway segments for Test 2 | None currently | Woolbright Rd from Site to Jog Rd. Meets standard. |
| Traffic Consultant | Pinder Troutman Consulting, Inc. | |
| B. Mass Transit Information | | |
| Nearest Palm Tran Route (s) | Route 3 (Military Trail) and Route 73 (Boynton Beach Blvd.) are the nearest Palm Tran Routes that could service the property. | |
| Nearest Palm Tran Stop | The nearest bus stops are on Route 73 (Boynton Beach Blvd), approximately 1.2 miles from site, 0.2 miles west of S. Jog Blvd. | |
| Nearest Tri Rail Connection | The nearest connection to the Tri-County Commuter Rail Feeder Bus Route is at the Boynton Beach/Military Trail stop along Route 73 which is 2.6 miles from the site. Nearest Tri Rail station is at Gateway Blvd and I-95. | |
| C. Potable Water & Wastewater Information | | |
| Potable Water & Wastewater Providers | The PBC WUD provided a letter (see Application Attachment I). This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current FLUA designation and for the proposed designation. | |

| | |
|---|--|
| Nearest Water & Wastewater Facility, type/size | There is an 8" watermain located northeast of the subject property and an 8" watermain located west of the subject property within Woolbright Road right of way. There is an 8" gravity sewer manhole located south east of the subject property. The engineer will need to confirm if this is a suitable connection point. In addition, there is an 8" sanitary sewer forcemain located within Jog Road right of way. |
| D. Drainage Information | |
| The drainage statement in Application Attachment J states Stormwater runoff from the property is tributary to Lake Worth Drainage District L-26 Canal. Post development runoff will be collected on site by area drains and inlets and conveyed to an underground retention system/infiltration trench stormwater management system designed to meet the storm water attenuation and water quality requirements of Palm Beach County and the South Florida Water Management District. | |
| E. Fire Rescue | |
| Nearest Station | Palm Beach County Fire Rescue Station #41, located at 5105 Woolbright Road, provides service to the site. |
| Distance to Site | The above referenced fire-rescue station is 1.75 miles from the site. |
| Response Time | The average response time of the above referenced fire-rescue station is 7 minutes and 21 seconds.. |
| Effect on Resp. Time | Changing the land use will have some impact on Fire Rescue per the Fire Rescue Letter provided as Application Attachment K. |
| F. Environmental | |
| Significant habitats or species | No listed animal, plant species, nor habitats of significant value are present on the property. Please see Application Attachment L for the environmental report prepared by Storm L. Richards & Associates. |
| Flood Zone* | Site is located completely outside of flood zones. |
| Wellfield Zone* | The site is located in Wellfield Protection Zones 3 and 4 per County Department of Environmental Resources Management Map LU 4.1. The map has been provided as Application Attachment M. |
| G. Historic Resources | |
| No historic or architecturally significant structures nor archeological resources are located on or within 500 feet of the property per the Historic Resource Evaluation Letter provided as Application Attachment N. | |

Exhibit 5

Palm Beach County Traffic Division Letter



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

**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

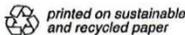
Mary Lou Berger

Melissa McKinlay

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



October 25, 2019

Rebecca Mulcahy, P.E.
Pinder Troutman Consulting, Inc.
2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411

**RE: Boynton Beach ALF
FLUA Amendment Policy 3.5-d Review
Round 2020-A2**

Dear Ms. Mulcahy:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Transportation Analysis for the proposed Future Land Use Amendment for the above referenced project, revised September 18, 2019, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

| | | |
|--|---|--|
| Location: | South of Woolbright Road, west of S Jog Road | |
| PCN: | 00-42-45-34-29-001-0000 | |
| Acres: | 3.6 acres | |
| | Current FLU | Proposed FLU |
| FLU: | Commercial Low (CL)/Low Residential, 3 units per acre (LR-3) | Commercial Low Office (CL-O)/Congregate Living Residential, (CLR) |
| Zoning: | Multiple Use Planned Development (MUPD) | Multifamily Residential (RM); Class A Conditional Use for Congregate Living Facility, Type 3 |
| Density/ Intensity: | 3 units per acre/0.25 FAR | 8 units per acre/0.35 FAR |
| Maximum Potential: | Residential – Single Family = 11 DUs Office = 39,204 SF | Assisted Living Facility = 69 Beds Medical Office = 54,886 SF |
| Proposed Potential: | | Assisted Living Facility = 64 Beds |
| Net Daily Trips: | 1,390 (maximum – current) -325 (proposed – current) | |
| Net PH Trips: | 149 (11 ⁴ /35) AM, 185 (53/132) PM (maximum) 12 (8/4) AM, 17 (6/11) PM (proposed) | |
| <i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i> | | |



Rebecca Mulcahy, P.E.
October 25, 2019
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. The proposed change will have an insignificant impact for the long range analysis.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", is written over the word "Sincerely,".

Dominique Simeus, P.E.
Project Coordinator II
Traffic Division

DS/QB:rb
ec:

- Quazi Bari, P.E. – Manager – Growth Management, Traffic Division
- Steve Bohovsky – Technical Assistant III, Traffic Division
- Lisa Amara – Senior Planner, Planning Division
- Khurshid Mohyuddin – Principal Planner, Planning Division
- Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\20-A2\Boynton Beach ALF.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



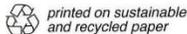
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Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



August 6, 2019

Burkett Engineering
105 E. Robinson Street, Suite 501
Orlando, Florida 32801

RE: Boynton Beach Assisted Living Facility/ 3.59 Acre Woolbright
Office Center MUPD
PCN 00-42-45-34-29-001-0000
Service Availability Letter

Dear Mr. Magee,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current FLUA designation and for the proposed designation of CL/HR8.

There is an 8" watermain located northeast of the subject property and an 8" watermain located west of the subject property within Woolbright Road right of way. There is an 8" gravity sewer manhole located south east of the subject property. The engineer will need to confirm if this is a suitable connection point. In addition, there is an 8" sanitary sewer forcemain located within Jog Road right of way.

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

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

Sincerely,

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

Jackie Michels, P.E,
Plan Review Manager

Exhibit 7

Disclosure of Ownership Interests

Attachment E Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the individual or Manager [position—e.g., president, partner, trustee] of RAC Alternative Investments LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 274 E EAU GALLIE BLVD # 378
INDIAN HARBOR BEACH, FL 32937
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



 TROY M. COX, Affiant
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 24 day of JULY, 2019,
 by TROY M. COX, [X] who is personally
 known to me or [] who has produced N/A
 as identification and who did take an oath.



 Notary Public

DAWN C. GOURLEY

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: January 30, 2021

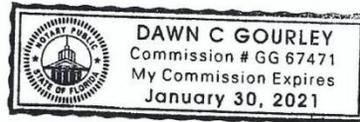


EXHIBIT "A"**PROPERTY**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 (FEE):
 THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 51 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY, LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF TRACT 'OS15' OF "VALENCIA ISLES-PLAT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°11'20" WEST ALONG THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE- QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN SAID PLAT OF "VALENCIA ISLES-PLAT ONE", A DISTANCE OF 136.19 FEET; THENCE SOUTH 89°25'00" EAST, ALONG A LINE 51 .00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN DEED BOOK 113, PAGE 227, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, A DISTANCE OF 334.76 FEET TO A POINT ON THE WEST LINE OF TRACT "D", "WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGE 83-84 AND ALSO BEING THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE SOUTH 00°11'57" EAST ALONG SAID WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD", A DISTANCE OF 152.01 FEET TO A POINT BEING THE SOUTHWEST CORNER OF TRACT "C" AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE NORTH 86°42'46" WEST, A DISTANCE OF 335.37 FEET TO THE POINT OF BEGINNING.

ALSO LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS FOLLOWS:
 A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER (N.W. 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHEAST CORNER OF TRACT "OS15" OF THE PLAT OF VALENCIA ISLES-PLAT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
 THENCE WITH A BEARING OF SOUTH 86° 42' 46" EAST ALONG THE SOUTHERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN O.R. BOOK 16469, PAGE 1118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, FOR A DISTANCE OF 335.37 FEET TO A POINT LYING ON THE WESTERLY BOUNDARY OF THE PLAT OF "WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGES 83-84 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT "C" AND THE NORTHWEST CORNER OF TRACT "A" OF SAID PLAT; THENCE WITH A BEARING OF SOUTH 00° 11' 57" EAST ALONG THE WESTERLY LINE OF TRACT "A" OF SAID PLAT OF "WOOLBRIGHT JOG MUPD", FOR A DISTANCE OF 0.23 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89° 25' 33" WEST FOR A DISTANCE OF 80.04 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 82° 16' 00" WEST FOR A DISTANCE OF 43.78 FEET TO A POINT; THENCE WITH A BEARING OF NORTH 89° 04' 54" WEST FOR A DISTANCE OF 211.40 FEET TO A POINT LYING ON THE EASTERLY LINE OF THE PLAT OF "VALENCIA ISLES PLAT ONE" AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WITH A BEARING OF NORTH 00° 11' 26" WEST ALONG SAID EASTERLY LINE OF THE PLAT OF "VALENCIA ISLES PLAT ONE", FOR A DISTANCE OF 9.38 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY HAS BEEN RE-PLATTED AND IS NOW DESCRIBED AS FOLLOWS:
 ALL OF THE PLAT OF WOOLBRIGHT OFFICE CENTER-MUPD, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 113, PAGE 179, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2 (EASEMENT):
 NON-EXCLUSIVE EASEMENT FOR VEHICULAR INGRESS AND EGRESS AS SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT DATED FEBRUARY 10, 2005, AND RECORDED IN OFFICIAL RECORDS BOOK 18127, PAGE 1044 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3 (EASEMENT):
 NON-EXCLUSIVE UNDERGROUND POTABLE WATER AND SANITARY SEWER UTILITY EASEMENT SET FORTH IN THAT CERTAIN UTILITY CROSS EASEMENT AND AGREEMENT DATED JUNE 28, 2001 AND RECORDED IN OFFICIAL RECORDS BOOK 12947, PAGE 987 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
 CONTAINS 3.59 ACRES

DISCLOSURE OF OWNERSHIP INTERESTS -- PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

HDRS LLC.

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

2. Affiant's address is: 5224 W SR 46 Suite 375
Sanford, FL 32771

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

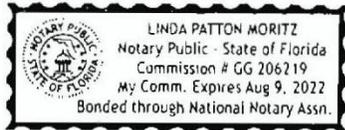
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

H.S.B.A.
HARDIAL SIBIA Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 6th day of March, 2019, by HARDIAL SIBIA, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Linda Patton Moritz
Notary Public

Linda Patton Moritz
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 9 August 2022

EXHIBIT "A"

PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PALM BEACH, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1 (FEE):
 THE WEST HALF (1/2) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST, LESS THE NORTH 51 FEET FOR THE LAKE WORTH DRAINAGE DISTRICT L-26 CANAL RIGHT-OF-WAY,
 LESS THAT CERTAIN PARCEL CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BEING DESCRIBED AS:
 BEGINNING AT THE NORTHEAST CORNER OF TRACT 'OS15' OF "VALENCIA ISLES-PLAT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 3, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 00°11'20" WEST ALONG THE WEST LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE- QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN SAID PLAT OF "VALENCIA ISLES-PLAT ONE", A DISTANCE OF 136.19 FEET; THENCE SOUTH 89°25'00" EAST, ALONG A LINE 51.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 34 AS RECORDED IN DEED BOOK 113, PAGE 227, PALM BEACH COUNTY, FLORIDA PUBLIC RECORDS, A DISTANCE OF 334.76 FEET TO A POINT ON THE WEST LINE OF TRACT "D", "WOOLBRIGHT JOG MUPD", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGE 83-84 AND ALSO BEING THE WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE SOUTH 00°11'57" EAST ALONG SAID WEST LINE OF THE EAST ONE-HALF (E 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 34, TOWNSHIP 45 SOUTH, RANGE 42 EAST AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD", A DISTANCE OF 152.01 FEET TO A POINT BEING THE SOUTHWEST CORNER OF TRACT "C" AS RECORDED IN SAID PLAT OF "WOOLBRIGHT JOG MUPD"; THENCE NORTH 86°42'46" WEST, A DISTANCE OF 335.37 FEET TO THE POINT OF BEGINNING.
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Exhibit 8
Correspondence
