To: Council Members

From: Staff

Date: August 26, 2019

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the Palm Beach County Comprehensive Plan
Amendment No. 19-09ESR

Introduction

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

The amendment package from Palm Beach County was received on July 31, 2019 and contains one text amendment and one Future Land Use Atlas (FLUA) amendment. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendment

The proposed FLUA amendment is to change the future land use designation on a 9.73-acre parcel of land from Agricultural Reserve (AGR) to Congregate Living Residential with underlying Agricultural Reserve (CLR/AGR). The existing designation allows the construction of 9 dwelling units or a 23 bed congregate living facility. This request is being made in order to develop a Congregate Living Facility (CLF) Type 3 with 186 beds. The subject property is located in the central portion of the Agricultural Reserve Tier on the north side of Linton Boulevard and east of Lyons Road. The property is currently utilized as a nursery. Adjacent future land use designations are all Agricultural Reserve (AGR). Uses on this portion of Lyons Road, south of Atlantic Avenue, consist of Agricultural Reserve Planned Unit Developments, agricultural and nursery uses, as well as several approved institutional uses including places of worship and schools. The staff report indicates that there will be no adverse impacts to roadways, potable water and wastewater services, school capacity, or drainage as a result of the amendment. With respect to Fire-Rescue services, it is estimated that the future land use designation change will increase the call volume to this area by approximately 173 calls per year.
and there will be an extended response time. However, Palm Beach County Fire-Rescue has indicated there are plans in the Fire Rescue Capital Improvements Plan for a new station that could potentially lower the response time to the location.

The intent of the text amendment is to add a policy to the Future Land Use Element to allow the CLR future land use designation in the Agricultural Reserve Tier, specifically for the development of CLFs, subject to the following criteria:

- Limit the location to within 1 mile of the intersections of Boynton Beach Boulevard with Lyons Road and Atlantic Avenue with Lyons Road;
- Allow up to 8 units per acre (2.39 beds per unit); and
- Require 55% of the site be open space rather than requiring a preserve area of at least 60%.

Although CLFs are allowed in the Tier within Agricultural Reserve Planned Unit Developments (AGR-PUD), they are currently limited to 1 unit per acre to calculate maximum beds allowed and are required to have a 60 or 80% preserve area. County staff has indicated that they support the concept of the text amendment to allow CLFs in the Agricultural Reserve Tier, and support the proposed future land use designation of CLR/AGR on the subject site; however, staff recommends that CLFs be subject to the same 60% minimum preserve area requirement consistent with planned unit developments in the Tier.

At the transmittal hearing on July 22, 2019, the Palm Beach County Board of County Commissioners directed staff to work with the applicant and community organizations prior to the adoption hearing to come to an agreement regarding the preserve and open space requirements. At that time, the applicant proposed modifying their request to require 30% preserve and 30% open space and a new locational criteria along Lyons Road for one mile north and south of Boynton Beach and Atlantic Boulevards.

Regional Impacts

The Agricultural Reserve is recognized in the Economic Development section of the SRPP as a significant regional resource, because of its unique potential for agricultural production important for providing food resources locally and nationally. The Agricultural Reserve provides a two billion dollar industry that produces 28 percent of the fruits and vegetables farmed in the county, and supports many jobs. The Agricultural Reserve is approximately 22,000 acres of unincorporated land west of the Florida Turnpike and north of the Broward County line. The Agricultural Reserve was established in 1980 to facilitate preservation and growth of the agricultural industry. In 1998, the Palm Beach County Board of County Commissioners directed the development of a master plan with the goal of preserving and enhancing agricultural activity and environmental and water resources in the Agricultural Reserve. In support of these goals, a Conservation Bond Referendum was passed in 1999 with $100 million to protect property in the Agricultural Reserve. In 2001 the county’s comprehensive plan was revised to incorporate the findings contained in the Agricultural Reserve Master Plan. Approximately 2,400 acres in the Agricultural Reserve were protected through the bond issue, and another 7,000 acres have been preserved for agriculture on privately owned parcels.
In 2014 and 2015, the County held roundtable workshops to consider changes to the provisions of the Agricultural Reserve. In April 2016, the County amended the FLU Element to allow private future land use amendments for commercial land use to be reviewed on a case by case basis, including increasing the cap on commercial retail and office uses within the Agricultural Reserve from 750,000 square feet to 980,000 square feet. Because of the development approved in the Agricultural Reserve since April 2016, the cap on commercial development has been reached. In October of 2017, the County created a new future land use designation called Congregate Living Residential (CLR) to distinguish this use from other similar uses such as nursing homes and to emphasize the residential nature of the use. While CLR is allowed to be used in the Agricultural Reserve, the density used to calculate the number of beds is currently limited to the Agricultural Reserve density of 1 unit per acre to ensure compatibility. The density increases proposed in the amendment were not contemplated as part of the extensive roundtable process.

The proposed amendment would reduce the potential for agricultural-related uses in the Agricultural Reserve. The direct impact of the proposed amendment on the potential for agricultural production in the Agricultural Reserve is small, because the proposed change only affects about 9.73 acres of the approximately 22,000 acres in the Agricultural Reserve. However, the approval of this amendment will create a “domino effect” for the adjacent properties along Lyons Road and Linton Boulevard whereby it will be very difficult to deny their conversion to intense residential or commercial use also. The overall trend in the reduction of agricultural uses in the Agricultural Reserve is of concern, because the conversions result in the net loss of a regional resource that may never be recovered. Council encourages the County to take a strong position in protecting agricultural use in the Agricultural Reserve.

**Extrajurisdictional Impacts**

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on May 23, 2019. No extrajurisdictional impacts have been identified.

**Conclusion**

The proposed intensity is not compatible with the density allowed in the surrounding Agricultural Reserve and, since the site is surrounded by active agricultural uses, there are significant compatibility concerns. Additionally, the proposed amendment would reduce the potential for agricultural-related uses in the Agricultural Reserve and degrades the integrity of the process used to guide development activity in the Agricultural Reserve by creating yet another “special case” revision to the general rules. Council finds this proposed amendment inconsistent with **SRPP Regional Goal 3.2** to expand agricultural activities and have a sufficient agricultural land base to increase the sustainability, expansion, and diversification of agricultural activities throughout the Region. Therefore, Council encourages the County to take a strong position in protecting agricultural use in the Agricultural Reserve and deny the Poets Walk II application.
Recommendation

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

Council Action – September 20, 2019

Commissioner Smith from Martin County moved approval of the staff recommendation. Commissioner O’Bryan from Indian River County seconded the motion, which carried unanimously.

Attachments
List of Exhibits

Exhibit

1  General Location Map
2  Aerial Location Map
3  Future Land Use Designation Map
4  Proposed Amendments in Strikeout and Underline Format
Exhibit 1
General Location Map
Exhibit 2
Aerial Location Map

<table>
<thead>
<tr>
<th>Amendment No:</th>
<th>Poet’s Walk II (LGA 2019-018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLUA Page No:</td>
<td>102</td>
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<tr>
<td>Amendment:</td>
<td>From Agricultural Reserve (AGR) to Congregate Living Residential with an underlying Agricultural Reserve (CLR/AGR)</td>
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<tr>
<td>Location:</td>
<td>Northeast corner of Lyons Road and Linton Boulevard</td>
</tr>
<tr>
<td>Size:</td>
<td>9.73 acres</td>
</tr>
<tr>
<td>Property No:</td>
<td>00-42-46-20-01-000-0820; 00-42-46-20-01-000-0810</td>
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<tr>
<td>Conditions:</td>
<td>None</td>
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Exhibit 3
Future Land Use Designation Map
Proposed Text Amendment

A. Future Land Use Element, Poet’s Walk CLF

REVISIONS: To add a policy and related language to allow properties to be designated with a Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier. The revisions are numbered below, and shown with the added text underlined.

A.1 NEW Policy 1.5-u: The Congregate Living Residential (CLR) future land use designation is allowed in the Agricultural Reserve Tier subject to the following:

1. **Density.** The maximum density is up to 8 units per acre.
2. **Uses.** Uses are limited to congregate living facilities (with no less than 25% of beds/residents dedicated to memory care services) and skilled nursing facilities;
3. **Location.** Sites are limited to locations within one mile of the Atlantic Avenue and Lyons Road or Boynton Beach Boulevard and Lyons Road intersections, and shall provide a setback 50’ from any agricultural use.

**Applicant Proposed**

4. **Preserve Area.** The preserve area requirements for AGR-Multiple Use Planned Developments (Policy 1.5.1-q) shall apply. Properties 16 acres or less that are exempt from the preserve requirement shall provide 55% of the site as open spaces as defined by the ULDG.

**Staff Proposed**

4. **Preserve Area.** The preserve area requirements for AGR-Residential Planned Developments (Policy 1.5.1-i) shall apply.

A.2. REVISE

**Table 2.2.1-g.1**

Residential Future Land Use Designation Maximum Density

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Dwelling Units per Gross Acre</th>
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<tbody>
<tr>
<td></td>
<td>Maximum</td>
</tr>
<tr>
<td>Unaltered text omitted for brevity</td>
<td></td>
</tr>
<tr>
<td>Congregate Living Residential</td>
<td>CLR</td>
</tr>
<tr>
<td>Unaltered text omitted for brevity</td>
<td></td>
</tr>
</tbody>
</table>

1. and 2. unaltered text omitted for brevity
3. The CLR future land use designation allows a maximum density for a CLF 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.
A.3. **REVISE Policy 2.2.1-j**: Table 2.2.1-j.1 establishes the consistent residential zoning and planned development district for the Residential Future Land Use Designations. In addition, within the Urban/Suburban Tier of the Glades Tier, the Agricultural Residential and Agricultural Production zoning districts are consistent with all residential future land use designations.

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Consistent Zoning</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Zoning District</td>
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<td></td>
</tr>
<tr>
<td>High Residential</td>
<td>RE, RT, RS, RM, RH</td>
</tr>
<tr>
<td>Congregate Living Residential</td>
<td>RM</td>
</tr>
</tbody>
</table>

**Note:**
1. & 2. Unaltered text omitted for brevity
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. 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.

**A.4. REVISE**

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

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>FLU Category</th>
<th>Urban/Sub &amp; Glades USA</th>
<th>Exurban</th>
<th>Rural</th>
<th>Ag Reserve</th>
<th>Glades RSA¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congregate Living Residential</td>
<td>CLR</td>
<td>X</td>
<td>---</td>
<td>---</td>
<td>___X</td>
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</tbody>
</table>

Unaltered text omitted for brevity.

**A.5. REVISE**

**TABLE III.C.2**

**Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses**

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>FLU Category</th>
<th>Tier</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Urban/Suburb</td>
<td>Exurban</td>
</tr>
<tr>
<td>Residential</td>
<td>All Residential Categories</td>
<td>35 (Low Density)</td>
</tr>
<tr>
<td>Institutional &amp; Public Facilities¹</td>
<td>.1-.45</td>
<td>.20</td>
</tr>
</tbody>
</table>

Notes:
1 through 11 unaltered text omitted for brevity
12. The maximum FAR for the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier is .35.