

Alliance of Delray Residential Associations, Inc.

Serving the Membership ♦ Improving the Community Lifestyle ♦ Working Toward Sustainable Development

Applying Resilience Thinking to Our Natural Resources

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April 2021 issue of The Alliance Connection

ZOOMCAST Meeting

Wednesday April 7, 2021 10 AM

State Attorney Dave Aronberg

COVID-19 Scams & Other Fraud-Related Alerts

Plus Updates from PBSO, PBCFR, and our Elected Officials

HERE IS THE LINK:

<https://us02web.zoom.us/j/82829734091>

also

Go to www.allianceofdelray.com for link to meeting
& phone-in directions



Dave Aronberg was elected State Attorney for the 15th Judicial Circuit in November 2012 and re-elected without opposition in 2016 and 2020. He is a former Assistant Attorney General, White House Fellow and Florida Senator.

As State Attorney, Aronberg leads a team of 120 prosecutors and 220 professional staff in five offices throughout Palm Beach County. Aronberg's leadership has led to a significant increase in conviction rates for both felonies and misdemeanors, a decrease in the number of juveniles direct filed into adult court, and a greatly improved working relationship with local, state and federal law enforcement agencies.

In July 2016, he created a Sober Homes Task Force that has made more than 105 arrests for patient brokering and insurance fraud in the rehab industry, and has led to new Florida laws and regulations that have become the model for other states. Aronberg's efforts also convinced Google to restrict advertisements and improve screening for addiction treatment. The crackdown in rogue sober homes and corrupted drug treatment led to a 40% decrease in opioid overdose deaths in Palm Beach County in 2018, compared to 2017.

OFFICERS AND DIRECTORS OF THE ALLIANCE

Robert Schulbaum, President

Lori Vinikoor, Executive Vice President

Norma Arnold, Vice President. Allen Hamlin, Vice President. Arnold Katz, Vice President, Ken Markowitz, Vice President

Evelyn Spielholz, Secretary Deborah Borenstein, Treasurer

Directors: Rob Cuskaden, Paul Finkelstein, Carol Klausner, Phyllis Levine, Susan Zuckerman,

Assistants to the President: Rose DeSanto, John Gentithes, Rhoda Greifer, Joel Vinikoor,

Legal Counsel: Joshua Gerstin



Alliance Inspires Florida Fruit Safari Book

Professor Pepper Pelican Florida Fruit Safari is authored by Alliance Executive Vice President Lori Vinikoor and Illustrated by Donna Lerner, the Alliance's graphic artist. By joining Professor Pepper Pelican on his fruit safari, readers explore many exotic tropical fruits that can be grown in south Florida. They also learn when harvest time is for the fruit and when the fruit is ripe for eating. Many fruits can be enjoyed "out of hand" (unprepared with no extra ingredients) or easily made in the kitchen with the recipes provided. Tips on planting and pruning trees are also included in the book. The book is fun for readers ages 8 to 98.

This book was inspired by the conservation and preservation efforts of the Alliance of Delray, the original protectors of the Agricultural Reserve and the author's interest in ecology. Lori Vinikoor holds a degree in Zoology from Rutgers College and a doctorate in Podiatric Medicine. She lives on a farm at the edge of the Everglades in western Delray Beach cultivating exotic fruit trees and training horses. The book is available at Amazon.com.



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Legent Application for a Hospital in the Agricultural Reserve

a. Consistency with the Plan: This project is not consistent with the Comprehensive Plan.

Policy 1.5-k of the Future Land Use Element (FLUE) of the Comprehensive Plan states, “Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier and designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents of the Tier”. The Master Plan, and subsequently adopted policies in the Plan, specifically limit commercial development to uses which serve the needs of the farm worker community, existing and future residents in order to discourage commercial in the Tier from exceeding local demand, thereby drawing customers from outside the Tier.

The proposed micro hospital with specialty elective procedures will have a regional draw that far exceeds the local demand of the farm worker community, existing and future residents.

FLUE Policy 1.5.1-m states, “All commercial and mixed use Planned Developments are intended to provide one or more uses in a manner that is compatible with the scale and character of the surrounding residential uses and designed to promote a sense of place. The commercial and mixed use Planned Developments provide uses that can include shopping, entertainment, business, services, employment, cultural, civic, schools, places of worship, government services, and/or housing opportunities in a manner that increases a sense of community by creating a stronger pedestrian orientation through design, placement and organization of buildings connected to a common public space, while dispersing parking and respecting and maintaining the character of the surrounding area. The commercial and mixed use Planned Developments are intended to provide neighborhood and community serving scaled uses. Regional and large-scale big-box uses are not permitted”

The proposed project does not increase a sense of community or strong pedestrian orientation nor does it provide neighborhood and community serving scaled uses.

b. Consistency with the Code: This project is in conflict with the purpose and intent of the Code.

Article 3 of the Code states that, “The project must demonstrate that it exceeds minimum requirements in the ULDC and in the event of a conflict between the project’s development standards or design guidelines and the existing ULDC requirements, the more restrictive requirement shall prevail.”

The existing commercial site is limited to a .10 FAR. With the zoning change to MUPD, a .20 FAR would be allowed. The applicant is attempting to develop a project containing a .35 FAR thereby exceeding the ULDC guidelines.

c. Compatibility with Surrounding Uses: The proposed use is not compatible with the uses and in character with the Agricultural Reserve Tier.

The relative proximity of the proposed hospital to the existing Bethesda West Hospital (existing in the same Agricultural Reserve Tier at the northeast corner of Boynton Beach Blvd and State Road 7 will not allow both institutions to stably co-exist. The proposed hospital project would directly and indirectly negatively impact the existing hospital. Further, the needs of the farm workers and residents and future residents are already met with a saturation of new medical emergency clinics along the Atlantic Avenue and Boynton Beach Boulevard corridors and the Mission Medical Center in Our Lady Queen of Peace and Caridad Center.

The proposed change in zoning would not further the Goals, Objectives, and Policies of the Plan.

d. Design Minimizes Adverse Impact: The design is in contravention to established criteria in the Agricultural Reserve Tier.

Again, this proposal is in direct violation of FLUE Policy 1.5-k, which states that, “Commercial and mixed uses in the Agricultural Tier shall be located central to the Tier and designed at a neighborhood or community scale in order to be limited to serving the needs of the farm worker community, existing residents, and future residents of the Tier.”

The urban/suburban design and form of the proposed use is not at a neighborhood or community scale and will have an adverse effect on the community lifestyle in the Agricultural Reserve Tier. The visual impact and intensity of the proposed project is in direct contravention of the FLUE Objective “limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farm workers and residents of the Tier.”

e. Design Minimizes Environmental Impact: This project design would negatively impact the environment. The existing approval did not require preserve land and currently has an approved square footage of 86,744 square feet.

The proposed rezoning and resulting development would increase the intensity by 28% (to 120,000 square feet) without providing for the preservation of any additional lands within the Tier.

f. Development Patterns: The application does not present a logical, orderly, or timely development pattern. The development patterns of the Atlantic Avenue corridor include the Delray Marketplace, and a mix of residential and neighborhood scale commercial uses including restaurants. The industrial land is beginning to be developed with services that benefit the local residents including repair shops and storage. Additionally, there are several gas stations, dental and urgent care centers servicing the needs of the area residents. There is already an existing hospital serving the Agricultural Reserve minutes away on Boynton Beach Blvd. And 441. Further, the Delray Medical Center, a Trauma 1 hospital, is also minutes away from the subject location and is well equipped to address all surgical, especially orthopedic, needs.

The proposed rezoning and Class A Conditional Use applications are illogical and not timely; the applicant is too late to propose a hospital in an area already abundantly served by the medical and surgical facilities existing in the Agricultural Reserve and Urban Suburban Tiers.

g. Adequate Public Facilities: The application does not meet the criteria for adequate public facilities. The delay in widening of Atlantic Avenue from Lyons Road to State Road 7/441 is of great concern to the residents of the Agricultural Reserve and further justifies a denial of rezoning for more commercial intensity at this time. Further, the existing CRALLS at the Turnpike and Atlantic Avenue and the delay in widening of the Avenue from east of Lyons to Jog Road until the end of the decade are overwhelming motorists. The rezoning is inappropriate at this time.

h. Changed Conditions or Circumstances: There are no changed site conditions or circumstances that could justify a zoning change.

Subsequent to the completion of the Master Plan (dated October 2000), the Tier has largely been developed as anticipated and the home of 25,000 residents. Most recently, the Agricultural Reserve was the subject of a year-long “Roundtable” process directed by the Board of County Commissioners (BCC) to consider changes to policies in the Tier.

Staff states that the Tier has largely been developed as anticipated and a few policy changes were made. The subject site benefitted from the changes following the “Roundtable” process to obtain a Commercial designation on the entire 11.15 acre parcel with an approved square footage of 86,744. Raising the FAR beyond that allowed within an MUPD and increasing the square footage to 120,000 is a vast departure from the policies of the Tier and should not be considered.

The applicant has not provided an adequate justification for a rezoning to MUPD to allow a hospital with a .35 FAR greater than is allowed in an MUPD in the Agricultural Reserve. Nor has the applicant demonstrated that the current zoning is inappropriate.

The Alliance of Delray strongly opposes the above referenced Legent Delray Beach MUPD application. The proposed rezoning from CG/AGR to MUPD and request for Class A Conditional Use or a hospital represents a significant departure from the current Agricultural Reserve Objective and Policies in the Comprehensive Plan that were reaffirmed by the Board of County Commissioners in 2016. Further, the application does not comply with the ULDC for the Agricultural Reserve and fails to meet the standards required in ULDC Article 2.B.7.B.2



Investing in the Hearts of Our Community

The **Palm Beach Health Network** would like to share some exciting news that is close to our hearts. Over the next few months, we are enhancing our award-winning cardiac services at Delray Medical Center and Palm Beach Gardens Medical Center.

New Cardiac Electrophysiology and Cardiac Catheterization Lab

Delray Medical Center is expanding our state-of-the-art facilities to include a brand new electrophysiology and cardiac catheterization lab that will feature the latest in cardiac imaging and technology available for the treatment of patients with cardiovascular disease, including atrial fibrillation and chronic heart failure.

New Cardiac Catheterization and Vascular Lab

Palm Beach Gardens Medical Center is upgrading their cardiac catheterization and vascular lab system to the latest, advanced high resolution imaging technology, which offers the lowest radiation exposure, creating a safer and high quality environment during cardiac and vascular procedures.

Addition of Advanced Life-Saving Services, Such As Extracorporeal Membrane Oxygenation Therapy (ECMO)

The addition of ECMO therapy continues to expand our life-saving services by providing one of the highest levels of support for patients who have advanced and life-threatening heart and/or lung failure.



To learn more or to find a doctor, please visit palmbeachhealthnetwork.com.

ALLIANCE MEETING SUMMARY March 3, 2021

Lori Vinikoor, Executive Vice President of the Alliance, opened the Zoom meeting at 10:00 am. She referred to the letter from Bob Schulbaum, President, that was sent to the Palm Beach County Commissioners regarding the Alliance's concern for the Agricultural Reserve on several key issues. The application for a hospital on the Northeast corner of Smith Sundry Road and Atlantic Avenue was found to be unacceptable. The needs of the communities are already being well met. Application for the land on the Northwest corner of Atlantic Avenue and the Florida Turnpike was also deemed unacceptable. It plans to build a distribution center on the close to million square feet of space, which is not what the Ag Reserve was intended for. In addition, there is an application for high-density housing for the Southeast corner of Half Mile Road and Atlantic Avenue which the Alliance also opposes.

Captain Rob Sandt of the PBC Sheriff's Office warned of a new fraud scam in which a phone call is made informing the intended victim that he/she is an executive with Amazon Prime, and the victim is due for a refund. But first the 'exec' needs "Team Viewer Tech Support" to be downloaded. Do NOT do that! Captain Sandt again reminded his audience to always lock their car doors. Good news is that car crashes are down 41%.

Tony Tozzi, Chief of PBC Fire Rescue, reported receiving many calls. Representative Emily Slosberg announced that the government has expanded Covid19 vaccine accessibility. There are 2 bills that are to be voted on: consumer protection regarding the vaccine, and a bill limiting Covid19 liability for businesses. Now there are only a few bills that are moving through the legislature.

Maria Sachs, PBC Commissioner, affirmed that the Commission has received the letter from the Alliance concerning the applications (see above). She also informed us that the ski lake has been denied. Karen Brill, PBC Board of Education, announced that 50% of the school workers are eligible for the vaccine. There have been complaints about having the students participate in the standardized testing this year. Also, it was ruled that public schools must share money with charter schools, which effectively eliminates 'home rule'. Mayor of PBC Dave Kerner showed a video that enumerated numerous aspects of services and offerings to residents of the county. He said that Covid 19 affected PBC, but that generally we had a low positivity rate, ahead of all the other counties in Florida. The Commission took many measures to curb the transmission.

Next month the Alliance will welcome State Attorney Dave Aronberg who will discuss Covid19 scams. That meeting will be held on April 7, 2021. Lori adjourned the meeting at 11:05 am.

Submitted by Carol Klausner, Director, Alliance of Delray Residential Associations

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Forum on Policing in Palm Beach County Provides New Scam Alerts

Capt. Rob Sandt provides monthly reports at Alliance meetings. He also was a panelist in the recent Forum on Policing in Palm Beach County presented by the Palm Beach County Criminal Justice Commission. At the meeting which was held at the Hagen Ranch Road Library on March 10, 2021, Captain Sandt provided information on a new scam involving debit cards where the victim is called on the phone and told that his/her debit card has been compromised and a representative will be coming to the home to pick up the card and have a form signed by the potential victim. Capt. Sandt reported that one of the ringleaders of these debit card scams was "taken down by detectives and good police work." Attendees were also informed of the "Scratch-off Card" scam. For example, the phone caller claims to be from the Power Grid and tells the potential victim, "if you don't send \$1000 worth of scratch-off cards to the address provided, we'll shut off your electricity." The "grandparent scam" was also reviewed where a caller states that a grandchild is in trouble and needs money wired. The advice is to not send any money to anyone who you can not identify and do not be embarrassed to validate the story by contacting other family members.

Alliance Requests Funding for Flood Resiliency Study

The Alliance of Delray strongly supports our Palm Beach County Board of County Commissioners' Resolution which it passed on February 25, 2021. The resolution urges the United States Congress to provide appropriate sufficient funding for the United States Army Corps of Engineers (USACE) to conduct the Central and Southern Florida (C&SF) Flood Project Flood Risk Management Infrastructure Resiliency Plan Study including funding for an immediate Work Plan for the Army Civil Works program to follow.

The residents of Palm Beach County rely on the C&SF system to protect properties from flooding and to protect public water supply from depletion and saltwater intrusion. In the nearly 70 years from the commencement of the C&SF Project, new challenges have surfaced including an enormous increase in development and population. Climate changes and sea Level Rise are adding to the immediate need for flood protection in Palm Beach County.

In a letter dated May 6, 2020 to Colonel Andrew Kelly District Commander U.S. Army Corps of Engineers, Jacksonville District, Palm Beach County Mayor Dave Kerner described these water issues as an "unprecedented global emergency." In a March 12, 2020 presentation, the South Florida Water Management District described the extent of the emergency with illustrations of Impacts already being observed which include, "Sunny Day" flooding, "extreme rainfall flooding, saltwater intrusion, and is supporting the need for the C&SF Review Study due to changed physical conditions.

The Alliance requested that this be a high priority issue. The Federal Government's resources are currently addressing immediate concerns such as the COVID-19 pandemic, however if this environmental issue is not swiftly addressed, the resiliency and sustainability of Palm Beach County is at risk.

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West Atlantic Business Plaza Update

It is most important that the development of the industrial node at the corner of west Atlantic Avenue and State Road 7/441 is carefully followed and the Alliance continues to encourage smart growth of the area. The Alliance has been working to encourage a better plan for the now-referred-to West Atlantic Business Plaza (formerly Broward Rentals). The 10.53 acre site is located on the south side of Atlantic Avenue about half way between State Road 7/441 and Half Mile Road in the industrial zone. J. Morton Planning represents the applicant for the latest requested change to the site plan. The photo demonstrates the 2019 approved site plan compared to the 2021 certified preliminary site plan. The improved changes are as follows:

Approved Preliminary Site Plan (7/2019)



Certified Preliminary Site Plan (2/2021)



- The 2019 site plan indicates a total square footage of 163,926. The revised 2021 site plan shows a total square footage of 106,139. This is a 35% decrease in square footage.
- The 2019 site plan indicates 3 story development. The revised 2021 site plan shows all 1 story buildings. This is a decrease of two stories in height.
- The 2019 site plan indicates a Floor to Area Ratio (FAR) of 0.36. The revised 2021 site plan shows a FAR of 0.13. This is a 36% decrease in the FAR.
- The 2019 project indicates the traffic data Average Daily Trips (ADT) as 1,237. The revised 2021 site plan indicates the ADT as 845. This is a decrease in ADT of 32%.
- The 2019 site plan places the Repair & Maintenance, Heavy Building in the rear of the property adjacent to residential development. The revised 2021 site plan places the building adjacent to Atlantic Avenue further from the residential development.

The applicant is requesting some conditions from the initial application which are no longer applicable be removed.

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Proposed Congregate Living Facility Includes Fire Station



All Seasons Delray Beach Site Plan



Beztak, an established congregate living facility developer, is proposing a 186 bed independent and assisted living facility called All Seasons at the corner of Linton Boulevard and Lyons Road in the Agricultural Reserve. The ten acre site will contain a new fire station for the Agricultural Reserve.

Of the 186 beds, 112 will be independent living and 74 will be for assisted living. 147 parking spaces are allotted for the project. There is expected 484 daily trips generated from this facility.

The facility will have an Anglo-Caribbean architectural design.

The application is expected to be heard at the April 9, 2021 Planning Commission meeting.



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Important Information Contained in this Newsletter

TO:

Alliance of Delray Residential Associations, Inc

Meeting Reminder

ZOOMCAST Meeting

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COVID-19 Scams & Other Fraud-Related Alerts

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