

Alliance of Delray Residential Associations, Inc.

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- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*

March 17, 2021

Palm Beach County Board of County Commissioners
301 N. Olive Avenue Ste. 1201
West Palm Beach, Florida 33401

Re: Request for Denial of Zoning & Class A Conditional Use Application for
Legent MUPD. Application Number: PDD/CA-2020-02083

Dear Commissioners:

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 for 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

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 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 farmworkers 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.

For the aforementioned reasons, we respectfully request that you deny this application.

Thank you.

Sincerely,

Bob Schulbaum

Bob Schulbaum, President

Recipients: Mayor D. Kerner, Vice Mayor R. Weinroth, Commissioners M. Sachs, M. McKinlay, M. Bernard, G. Weiss, & M. Marino, PBC Administrator V. Baker, Assistant Administrator P. Rutter, PZB Executive Director R. Bulkeley, Deputy PZB Director W. Carroll, Zoning Director J. MacGillis

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