

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV/DOA/R-2016-01826
Application Name.: The Falls Commercial MUPD
Control No.: 1985-00155
Applicant: Max Realty Corporation
Owners: Max Realty Corporation
Agent: Shutts and Bowen, LLP - Charles Millar and Harvey E Oyer
Telephone No.: (561) 671-5853, (561) 650-8517
Project Manager: Yoan Machado, Site Planner II

TITLE: a Development Order Amendment **REQUEST:** to reconfigure the Site Plan; add square footage; modify and delete square footage; and, modify and delete Conditions of Approval (Architectural, Engineering, Planned Development, Signs). **TITLE:** a Requested Use **REQUEST:** to allow Retail Gas and Fuel Sales with a Convenience Store.

APPLICATION SUMMARY: Proposed is a Development Order Amendment and a Requested Use for the Falls Commercial MUPD. The 3.5-acre parcel was last approved by the Board of County Commissioners on January 7, 2016 for a rezoning from the Commercial Recreation (CRE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and to allow a Type I Restaurant with a Drive-through.

The Applicant is requesting to reconfigure the Site Plan to delete the previously approved Retail Use building and replace it with a Retail Gas and Fuel Sales with a Convenience Store Use. The request also included modifications to the Architectural, Engineering, Planned Development and Signs Condition of Approval to address the changes on the site. The Preliminary Site Plan (PSP) indicates two buildings for a total of 10,926 square feet (sq. ft.) (-8,087 sq. ft.). Building 1 is a 4,926 sq. ft. of Gas and Fuel Sales with a Convenience Store with 8 pumps and 16 fueling positions and Building 2 a total of 6,000 sq. ft., comprising of 3,350 sq. ft. (-650 sq. ft.) of General Retail use and 2,650 sq. ft. (+650 sq. ft.) of Type I Restaurant including the outdoor seating with a total of 40 seats. A total of 79 parking spaces will be provided and three access points to the site, one from Jog Road and two on Hypoluxo Road. During the review of the Application the request for Type II Variances was withdrawn.

SITE DATA:

Location:	Northwest corner of Jog Road and Hypoluxo Road.
Property Control Number(s)	00-42-45-03-01-000-0020
Existing Future Land Use Designation:	Commercial Low (CL)
Proposed Future Land Use Designation:	No proposed change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No proposed change
Total Acreage:	3.51 acres
Affected Acreage:	3.51 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Lantana

RECOMMENDATION: Staff recommends approval of the requests subject to 27 Conditions of Approval as indicated in Exhibit C-1, 6 Conditions of Approval as indicated in Exhibit C-2, and 6 Conditions of Approval as indicated in Exhibit C-3.

ACTION BY THE ZONING COMMISSION (ZC): At the July 6, 2017 ZC hearing this item was on the Consent Agenda. No one from the public was present to speak on the item and the Agent accepted all the Conditions of Approval. The ZC made a recommendation of approval for the Development Order Amendment and Requested Use by a vote of 7-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
SE-1985-00155	A Special Exception to allow a private Recreation Facility and Club including a Golf Course, swimming pool, and tennis courts.	R-1986-241	02/25/1986
Z/ABN-2014-01337	An Official Zoning Map Amendment to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Commercial Recreation (CRE) Zoning District.	R-2014-1890	12/04/2014
	A Legislative Abandonment to abandon the Special Exception to allow a private recreation facility and club including a golf course, swimming pool, and tennis courts granted under R-86-241.	R-2014-1891	12/04/2014
PDD/R-2015-00545	An Official Zoning Map Amendment to allow a rezoning from the Commercial Recreation (CRE) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.	R-2016-0131	01/07/2016
	A Requested Use to allow a Type I Restaurant with a drive-through.	R-2016-0132	01/07/2016

SURROUNDING LAND USES:

NORTH and WEST:

FLU Designation: Commercial Recreational (CR/5)
 Zoning District: Commercial Recreational (CRE)
 Supporting: Recreational (The Falls Country Club, Control No. 1985-00155)

SOUTH:

FLU Designation: Commercial Low, with an underlying LR-3 (CL/3)
 Zoning District: Multiple Use Planned Development District (MUPD)
 Supporting: Commercial (Charleston Square Shopping Center, Control No. 1995-00101)

EAST:

FLU Designation: Low Residential (LR-3)
 Zoning District: Single-Family Residential District (RS)
 Supporting: Residential (Winston Trails PUD, Control No. 1987-00112)

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ Consistency with the Comprehensive Plan: The proposed use and amendment are consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

○ Prior Land Use Amendments: The site was the subject of a previous Land Use amendment known as The Falls Commercial SCA 2015-007, which amended the land use from CR/5 to CL and was adopted with no conditions via Ord. 2016-15,

○ Intensity: The maximum Floor Area Ratio (FAR) of 0.25 is allowed for the proposed CL FLU designation with PDD in the Urban Suburban Tier (3.511 acres or 152,939.16 sq. ft. x0 .25 maximum FAR = 38,234.79 sq. ft.maximum). The request for a total of 10,476 sq. ft. equates to a FAR of approximately 0.07 (10,476 / 3.511 acres or 152,939.16 sq. ft. = 0.068).

○ Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

2. Consistency with the Code - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The Applicant is requesting to reconfigure the site plan by deleting square footage from the overall MUPD, deleting the previously proposed 13,013 sq. ft. retail building and replace it with a proposed Retail Gas and Fuel with Convenience Store, and increase the site of the previously approved Type I Restaurant with Drive-through.

DOA Overall MUPD-General

○ Design Objectives: The proposed reconfiguration of the subject site keeps it a non-residential development. The site has an unusual shape, by having only three sides, two fronting major streets and the rear backing up to an existing Golf Course. The buildings have been oriented and located to facilitate a continuous pedestrian path and safe vehicular circulation due to the vehicle oriented uses proposed. Adverse impacts to residential uses have been addressed through perimeter buffers, it should be noted that the nearest residential structure is approximately 600 ft. from the proposed uses. As previously mentioned, the site is an irregular shape and the adjacent property is an existing Golf Course, therefore, no interconnectivity is present to adjacent properties.

○ *Pedestrian Circulation and Maneuvering:* The Applicant is proposing 5-foot sidewalks around Building 1 and 5- to 7 ft. wide sidewalks on three of the four sides of Building 2. There is also a sidewalk connection throughout the development including connections to existing sidewalks on Jog Road and Hypoluxo Road.

○ Hours of Operation: The Applicant has opted to comply with Code for hours of operations. The property to the east has a residential FLU that runs to the center line of Jog Road. If the Applicant chooses to run the Convenience Store 24 hours, a variance must be requested as the use will fall within the 250 ft. as established in Article 5 of the ULDC.

○ Parking: The PSP indicates a total of 56 parking spaces are required and 79 (+23) spaces are provided for the entire MUPD. The ULDC allows a range of parking from 4 spaces per 1,000 sq. ft. to 6 spaces per 1,000 sq. ft. for an MUPD. The PSP indicates that two loading zones will be provided on site, for Building 1, the loading is adjacent to the building and the Applicant is requesting a waiver to reduce the length from 55 ft. to 41.5 ft. (-13.5 ft.), and Building 2 has the loading zone across a drive aisle as approved by previous development order. Staff has determined the proposed number of spaces complies with the current Code requirement.

○ Landscaping: The Preliminary Site Plan indicates a 20-foot Right-of-Way buffers along the east and south property lines along Jog Road and Hypoluxo Road. The west property line depicts a 5-foot Compatibility buffer. The proposed request will include increase planting material for 100 ft. of the south buffer in front of Building 2 per previous condition of approval.

○ Architecture: The Preliminary Architectural Elevations have been reviewed by Staff and found to be in compliance with Article 5.C Design Standards. The proposed Convenience Store (Building 1) has a different architectural style from the previously approved elevations, with a predominant sloped metal roof. Building 2 was architecturally modified to include architectural features and materials used in the Convenience Store. Some of these features include a stone waterline at the base of the

buildings, standing seam metal roof canopies above all entrances, wall siding and window details. These modifications took place to have architectural compatibility between the buildings in the MUPD.

- Signage: The Preliminary Master Sign Plan (PMSP) depicts four freestanding ground mounted signs for the property, two along Hypoluxo Road and two along Jog Road. The Applicant asked to amend signage conditions of approval only to make modifications to the sign program to include Type 3 Electronic messages signs for the sale of gas and fuel. One of the signs along each frontage will be for the display of gas and fuel sales and the second for tenant occupancy. Each building will have wall signage in compliance with the Code. See Figure 6 for additional details.

Type I Restaurant with Drive-through modifications

- The Type I Restaurant in Building 2 was approved by the previous Development Order with 2,000 sq. ft. of floor area and 90 seats. With the reconfiguration of the site, the Applicant proposes to increase the square footage of the Restaurant to 2,200 sq. ft. (+200 sq. ft.) and 450 sq. ft. of outdoor seating but reduce the number of seats to 40 (-50). Although the previous resolution that allowed the Type I Restaurant did not have a limitation on the square footage, the change was analyzed for consistency with the Code and the development order revised to reflect the changes to the plan. The new All Petitions Conditions of Approval of the new adopted resolution will make reference to the updated plans.

Retail Gas and Fuel with a Convenience Store

Approval Criteria – Prior to approving a Conditional or Requested Use for Retail Gas and Fuel, the BCC shall make a finding that the use is appropriately located. In making the determination that the use is appropriately located, the BCC shall consider whether or not:

1. Adequate ingress and egress have been provided.

YES. The PSP indicates that the subject site has been designed with three access points, one on Jog Road and two on Hypoluxo Road. Internal circulation of the site has also been taken in consideration when reviewing this standard. Therefore, Staff finds that there is adequate means of ingress and egress from adjacent Rights-of-Way's (ROW) being provided and from internal drives within the MUPD.

2. Adequate buffering and setbacks from residential areas have been provided.

YES. The buffer and setback requirements have been met to screen the Retail Gas and Fuel Sales with a Convenience Store building from the nearby residential development. The proposed building is approximately 550 ft. from the nearest residential property line and approximately 600 ft. to the nearest residential structure. The subject site has been designed with 20-foot ROW buffers on the east and south property lines and a 5-foot Compatibility buffer along the northwest property line where the irregular shape of the property is adjacent to the Golf Course. Staff finds that there is adequate buffering and setbacks from the residential areas have been provided with the inclusion of additional landscaping on the east property line.

3. Sufficient vehicle stacking, circulation, access, and area for turning movements have been provided.

YES. The proposed Retail Gas and Fuel Sales with a Convenience Store has been designed to accommodate the necessary turning movements for all vehicles including the fuel delivery trucks. The plans show one stacking space behind each pump station in accordance with the Code. The proposed use has provided sufficient vehicle stacking, circulation, access and area for turning movements that meet the intent of the Code. The PSP indicates a minimum of 25 ft. drive aisles are shown around the building with ingress and egress from a right in and out turn from Jog Road and tow means of ingress/ egress from Hypoluxo Road. Staff finds that the proposed design meets this requirement.

4. The number of fueling positions proposed is excessive.

YES. The proposed number of fueling positions has been found acceptable for site with a Commercial Low designation. Convenience Store with Gas Sales that have 16 fueling positions are more commonly found in higher intensity commercial sites and urban locations. Staff conducted a review of similar requests, and found that recent applications with the same Land Use Designation

have been submitted and found consistent with the Code (Reference Control Number 1977-00048, 1999-00029, 2004-00034). The Applicant has provided an exhibit with only one other Convenience Store with Gas Sales in a one-mile radius around the site, while it may seem like an excessive number of pumps at this time, the proposed number of pumps may be appropriate and adequate to meet the demands of the surrounding communities and is consistent with prior approvals with the same Land Use Designation. Therefore, Staff finds the number of fueling positions not excessive as proposed.

5. There are an excessive number of similar stations in the vicinity.

YES. Pursuant to Article 5.E.2.B., a maximum of two Retail Gas and Fuel Sales establishments may be allowed at an intersection. There is only one other existing gas station located at can be found as an outparcel to a larger MUPD on the southwest corner of Jog Road and Hypoluxo Road which is an outparcel to the Charleston Square Shopping Center which is currently developed with four pumps and eight fueling positions. Staff finds that the number of stations and pumps at this intersection is not excessive and appropriate to meet the demand of the communities nearby.

Retail Gas and Fuel Supplementary Requirements

The following are summaries of specific requirements of the Code.

- Floor Area: The PSP indicates two buildings with a total of 10,926 sq. ft. A Convenience Store is limited to a maximum of 5,000 sq. ft. and the proposed Convenience Store is 4,926 sq. ft. (Building 1). In addition, the Applicant is re-allocating square footage for Building 2, previously approved with a total of 6,000 sq. ft. The Retail portion of the building is being reduced from 4,000 sq. ft. to 3,350 sq. ft. and the Type I Restaurant with drive-through increased from 2,000 sq. ft. to 2,200 sq. ft. with an additional 450 sq. ft. of outdoor seating.
- Location Criteria: A maximum of two Retail Gas and Fuel Sales are allowed at an intersection, as stated above this will be the second one at this intersection. In addition to the intersection criteria, this development has a CL FLU, which requires this use to be located at a major intersection; Jog Road and Hypoluxo Road meets this requirement.
- Parking and Loading: One half of the required parking spaces are required to be directly adjacent to the building. With a floor area of 4,926 sq. ft., thirteen spaces are required to be immediately adjacent to the building and the PSP indicates that 26 spaces are provided, therefore, all of the required parking plus an additional one space are proposed.

The Applicant has requested that the loading space for Building 1 be reduced in size subject to a Type I Waiver, the location of the loading is adjacent to the building on the west façade screened from the ROW by the building. Building 2, had received a Type I Waiver for the dimensions and location of the loading previously as indicated in the PSP.

3. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

As proposed and subject to the recommended Conditions of Approval, the proposed reconfiguration of the site, Retail Gas and Fuel Sales with a Convenience Store and modification of the Type I Restaurant is generally consistent with the use and the character of the land surrounding the neighboring residential and commercial properties as defined in the ULDC. Any potential impacts with the use and character of the land surrounding and the vicinity of the land proposed for development have been addressed by building setbacks, increased landscaping along Hypoluxo Road, and will be subject to the Landscape Condition of Approval 3.

4. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The proposed request will visually impact the surrounding uses as the modifications will take the site from its existing state with maintenance buildings to new buildings facilitating the proposed uses. The external appearance of the site will change, but any existing or proposed issues with regard to compatibility have been addressed through the required perimeter landscaping buffers; therefore, the

design of the use minimizes adverse effects, including visual impact and intensity of the use on adjacent lands.

- 5. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has been previously cleared for a golf course maintenance facility and no longer supports significant amounts of native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located with Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- 6. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed development will result in a logical, orderly and timely development pattern within the surrounding area. The parcel is located at the northwest corner of the intersection of Jog Road and Hypoluxo Road and located in the center of three residential Planned Unit Developments (Winston Trails, Lake Charleston and Villages of Windsor). The proposed development would serve the residential communities to the north, south and east. The property to the south is also an MUPD, which is an established commercial plaza known as Charleston Square Shopping Center.

- 7. Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

Build-out of the project is expected to be December 31, 2019. The proposed development is expected to generate 3,203 daily, 276 AM, and 231 PM peak hour trips .

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards. Right turn lanes will be constructed at the entrance of Jog Rd and the eastern entrance on Hypoluxo Rd. A proportionate share for the cost of a signal at the western entrance on Hypoluxo Rd will be required from the Property Owner for a possible signal. Note that a signal is currently warranted at this location.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Hypoluxo Rd from Hagen Ranch Rd to Jog Rd

Existing count: Eastbound=1100, Westbound=1191

Background growth: Eastbound=130, Westbound=130

Project Trips: Eastbound=23, Westbound=23

Total Traffic: Eastbound=1253 , Westbound=1344

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS "D" capacity: 1960 per direction

Projected level of service: LOS D or better in each direction

Segment: Jog Rd from Hypoluxo Rd to Winston Trails Blvd

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BCC District 3

Control No. 1985-00155

Project No. 00510-001

Existing count: Northbound=1766, Southbound=1308
Background growth: Northbound=214, Southbound=212
Project Trips: Northbound=29, Southbound=29
Total Traffic: Northbound=2009 , Southbound=1548
Present laneage: 3 in each direction
Assured laneage: 3 in each direction
LOS "D" capacity: 2,680 per direction
Projected level of service: LOS D or better in each direction

The Property Owner shall obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

The Property Owner shall construct right turn lane on Jog Road and the eastern entrance on Hypoluxo Road prior to the issuance of the certificate of occupancy.

The Property Owner shall install landscaping within the median of Jog Road along the project frontage in accordance with OTIS.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Department of Health requirements.

FIRE PROTECTION: The proposed request has been reviewed by the Fire Department and there are no issues at this time.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The proposal is a new development intending to serve the needs of the surrounding residential developments while remaining consistent with the commercial development to the south. The development pattern in the area has triggered the need for this type of development as stated by the Applicant. The proposed Retail Gas and Fuel Sales with a Convenience Store would be the second one within a 1-mile radius of this intersection. This request constitutes the changed circumstances affecting the subject property. The proposed modifications are consistent with the surrounding and on site development patterns and the request necessitates the proposed DOA modification.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need of change and the potential impacts generated by this change; therefore, Staff is recommending approval of the DOA and Requested Use. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-1, C-2, and C-3.

CONDITIONS OF APPROVAL

Exhibit C-1

Development Order Amendment- Overall MUPD

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-131, Control No.1985-00155, which currently states:

The approved Preliminary Site, Regulating, and Master Sign Plans are dated October 15, 2015; the Preliminary Architectural Elevations are dated May 22, 2015; and the Preliminary Landscape Plan is dated December 7, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated April 24, 2017; and Preliminary Regulating, Master Sign Plans, and the Preliminary Architectural Elevations are dated May 11, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2016-0131 (Control 1985-00155), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2016-131, Control No.1985-00155, which currently states:

At time of submittal for Final Approval by the DRO, the Architectural Elevations for Buildings #1 and #2 shall be submitted for final approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated May 22, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements.

Is hereby amended to read:

At time of submittal for Final Approval by the DRO, the Architectural Elevations for Buildings #1 and #2 shall be submitted for final approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated May 11, 2017. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code.

(BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2016-131, Control No.1985-00155)

3. The Property Owner shall construct a right turn lane, east approach at the Project's east access point on Hypoluxo Road, and a driveway connection to serve as additional project access that aligns with the Charleston Square commercial driveway on Hypoluxo Road approximately 850 feet west of Jog Road.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained. (BLDGPMPT: MONITORING - Engineering)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2016-131, Control No.1985-00155)

4. The Property Owner shall reconstruct / extend the northbound and southbound left-turn lanes at the intersection of Hypoluxo Road and Jog Road by reducing the tapers to 50 feet for single left-turn lane and 100 feet for dual left-turn lanes.

a. Prior to the issuance of the first building permit, permits required from Palm Beach County for this construction shall be obtained. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2016-131, Control No.1985-00155)

5. Prior to final approval of the Site Plan by the DRO, the Property Owner shall obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2016-131, Control No.1985-00155)

6. Prior to final approval of the Site Plan by the DRO, the Concurrency Box included in the Site Plan needs to be consistent with the land uses included in the Traffic Study. (DRO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2016-131, Control No.1985-00155)

7. The Property Owner shall construct a right turn lane, north approach on Jog Road at the Project's entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMPT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

8. Property Owner shall construct a 5 foot wide concrete sidewalk along the south property line of the project as shown on the approved site plan. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

9. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall provide a traffic signal proportionate payment of \$75,000 to the Palm Beach County Engineering Department's Traffic Division towards the installation of a traffic signal at the western-most access connection on Hypoluxo Road that aligns with the median opening of the shopping center to the south. (BLDGPMPT/CO: MONITORING - Engineering)

10. The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Jog Road. This landscaping and irrigation shall strictly conform

to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Jog Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDG/PMT: MONITORING - Engineering)

ENVIRONMENTAL

1. Prior to Final Plan approval by the Development Review Officer, the Property Owner shall submit an application for the Preservation of Native Vegetation to the Department of Environmental Resources Management (ERM). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to Final Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit (select one or more: Site Plan, Subdivision Plan, Landscape Plan or Alternate Landscape Plan) with a Tree Disposition Chart for review and approval. All vegetation that is subject to be preserved, relocated, replaced or mitigated shall be clearly identified on the Plan(s) and the Tree Disposition Chart, per Technical Manual, Title 4. The Plan(s) shall show:

a) the temporary location for the relocated vegetation and identify what type of tree barricades will be utilized;

b) the location of all preserved vegetation and identify what type of the permanent tree barricades/ protection devices will be utilized;

c) a Justification Statement describing the maintenance of the relocated vegetation prior to the installation of the vegetation to a new location, and the length of time associated with the temporary storage of the relocated vegetation; and

d) the above requirements (a thru c) shall be updated in the Tree Disposition Chart.

(DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. No vegetation shall be removed or relocated and no Preservation of Native Vegetation permit; pursuant to ULDC Article 14.C, shall be issued until ERM conditions 1 and 2 are satisfied. (ONGOING: ERM-ERM)

LANDSCAPE - GENERAL

1. At time of submittal for Final Approval by the DRO, the Property Owner shall submit a Landscape Plan for final review and approval by the Zoning Division, for compliance with the exception criteria for a Type I Restaurant. The Plan(s) shall be in compliance with all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2016-131, Control No.1985-00155)

2. All palms or pines required to be planted on the property shall meet the following minimum standards at installation:
- a. palm or pine heights: Fourteen (14) feet clear trunk;
 - b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. credit may be given for existing or relocated palms or pines provided they meet current Unified Land Development Code requirements. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2016-131, Control No.1985-00155)

LANDSCAPE - PERIMETER

3. LANDSCAPING ALONG THE SOUTH AND EAST PROPERTY LINES (FRONTAGE OF JOG ROAD AND HYPOLUXO ROAD) In addition to the Code requirements, landscape buffering along the south and east property lines shall be upgraded to include:
- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. one (1) palm or pine for each for each thirty (30) linear feet of the property line.
 - c. palm or pines heights: fourteen (14) feet clear trunk;
 - d. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - e. credit may be given for existing or relocated palms or pines provided they meet current Unified Land Development Code requirements. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2016-131, Control No.1985-00155)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to Final DRO Approval, LWDD will require the Site Plan and the Survey to depict the L-18 Canal Right-of-Way with labeling, tying to an accepted control, either horizontal or plat, and dimension the width of the canal and show the following recording information, including dimensioning said easements/deed: ORB 1585 PG 505; ORB 3289 PG 49; and LWDD quit claimed to PBC per ORB 6698 PG 360. (DRO: ENGINEERING - Lake Worth Drainage District) (Previous LAKE WORTH DRAINAGE DISTRICT Condition 1 of Resolution R-2016-131, Control No.1985-00155)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Site and Regulating Plans shall be revised to show a minimum of one pedestrian amenity to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:
- a) public art;
 - b) clock tower;
 - c) water feature/fountain;
 - d) outdoor patio, courtyard or plaza; and
 - e) tables with umbrellas for open air seating in common areas and not associated with tenant use (i.e. restaurant use) or outdoor furniture.
- The amenity and location shall be approved by the DRO. (DRO/ONGOING: ZONING - Zoning) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2016-131, Control No.1985-00155)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2016-131, Control No.1985-00155, which currently states:
- 1. Ground Mounted Freestanding signs fronting on Jog Road shall be limited as follows:
 - a) Maximum number: two (2)
 - b) Maximum sign location and dimensions:
 - i) Sign A near the northern ingress and egress: twelve (12) feet in height and one-hundred and fifty (150) square feet sign face area;
 - ii) Sign B, within 150 feet of the intersection of Jog and Hypoluxo: six (6) feet in height and sixty (60) square feet sign face area;
 - c) All sign heights shall be measured from finished grade to highest point;
 - d) no additional out-parcel signage shall be permitted; and
 - e) style - monument style only.

Is hereby amended to read:

1. Ground Mounted Freestanding signs fronting on Jog Road shall be limited as follows:
 - a) Maximum number: two (2)
 - b) Maximum sign location and dimensions:
 - i) Sign #1, near the northern ingress and egress: twelve (12) feet in height and one-hundred and fifty (150) square feet sign face area;
 - ii) Sign #2, within 150 feet of the intersection of Jog and Hypoluxo: six (6) feet in height and sixty (60) square feet sign face area;
 - c) All sign heights shall be measured from finished grade to highest point;
 - d) no additional out-parcel signage shall be permitted; and
 - e) style - monument style only.
 (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

2. Previous SIGNS Condition 2 of Resolution R-2016-131, Control No.1985-00155, which currently states:

Ground Mounted Freestanding signs fronting on Hypoluxo Road shall be limited as follows:

- a) Maximum number: two (2)
- b) Maximum sign locations and dimensions:
 - i) Sign C near the western ingress egress: fifteen (15) feet in height and one-hundred and fifty (150) square feet sign face area;
 - ii) Sign D shall be located within 150 feet of the intersection of Hypoluxo Road and Jog: six (6) feet in height and sixty (60) square feet;
- c) sign height shall be measured from finished grade to highest point;
- d) no additional out-parcel signage shall be permitted; and
- e) style - monument style only.

Is hereby amended to read:

Ground Mounted Freestanding signs fronting on Hypoluxo Road shall be limited as follows:

- a) Maximum number: two (2)
 - b) Maximum sign locations and dimensions:
 - i) Sign #3 ,near the western ingress egress: fifteen (15) feet in height and one-hundred and fifty (150) square feet sign face area;
 - ii) Sign #4, shall be located within 150 feet of the intersection of Hypoluxo Road and Jog: six (6) feet in height and sixty (60) square feet;
 - c) sign height shall be measured from finished grade to highest point;
 - d) no additional out-parcel signage shall be permitted; and
 - e) style - monument style only.
- (BLDGPMT: BUILDING DIVISION - Zoning)

USE LIMITATIONS

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

(ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-2

Development Order Amendment – Type I Restaurant with Drive-through

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2016-132, Control No.1985-00155, which currently states:

The approved Preliminary Site, Regulating, and Master Sign Plans are dated October 15, 2015; the Preliminary Architectural Elevations are dated May 22, 2015; and the Preliminary Landscape Plan is dated December 7, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Site Plan is dated April 24, 2017; and Preliminary Regulating, Master Sign Plans, and the Preliminary Architectural Elevations are dated May 11, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2016-0132 (Control 1985-00155), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

LANDSCAPE – PERIMETER

1. Landscaping along Hypoluxo Road shall be increased to provide a screenwall of vegetation in a combination of hedges and shrubs for a minimum length of 100 feet in front of the Type I Restaurant Drive-through location. The screenwall location and plant material shall be reviewed and approved by the Zoning Division at Final DRO. (DRO/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2016-132, Control No.1985-00155)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in

accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

Exhibit C-3

Requested Use – Retail Gas and Fuel Sales

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 24, 2017; and Preliminary Regulating, Master Sign Plans, and the Preliminary Architectural Elevations are dated May 11, 2017. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Gas station canopy shall be designed consistent with the following standards:

- a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and,
- lighting for the gas station canopy shall be flush mounted or recessed. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
- The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
- A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
- Referral to Code Enforcement; and/or
- Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

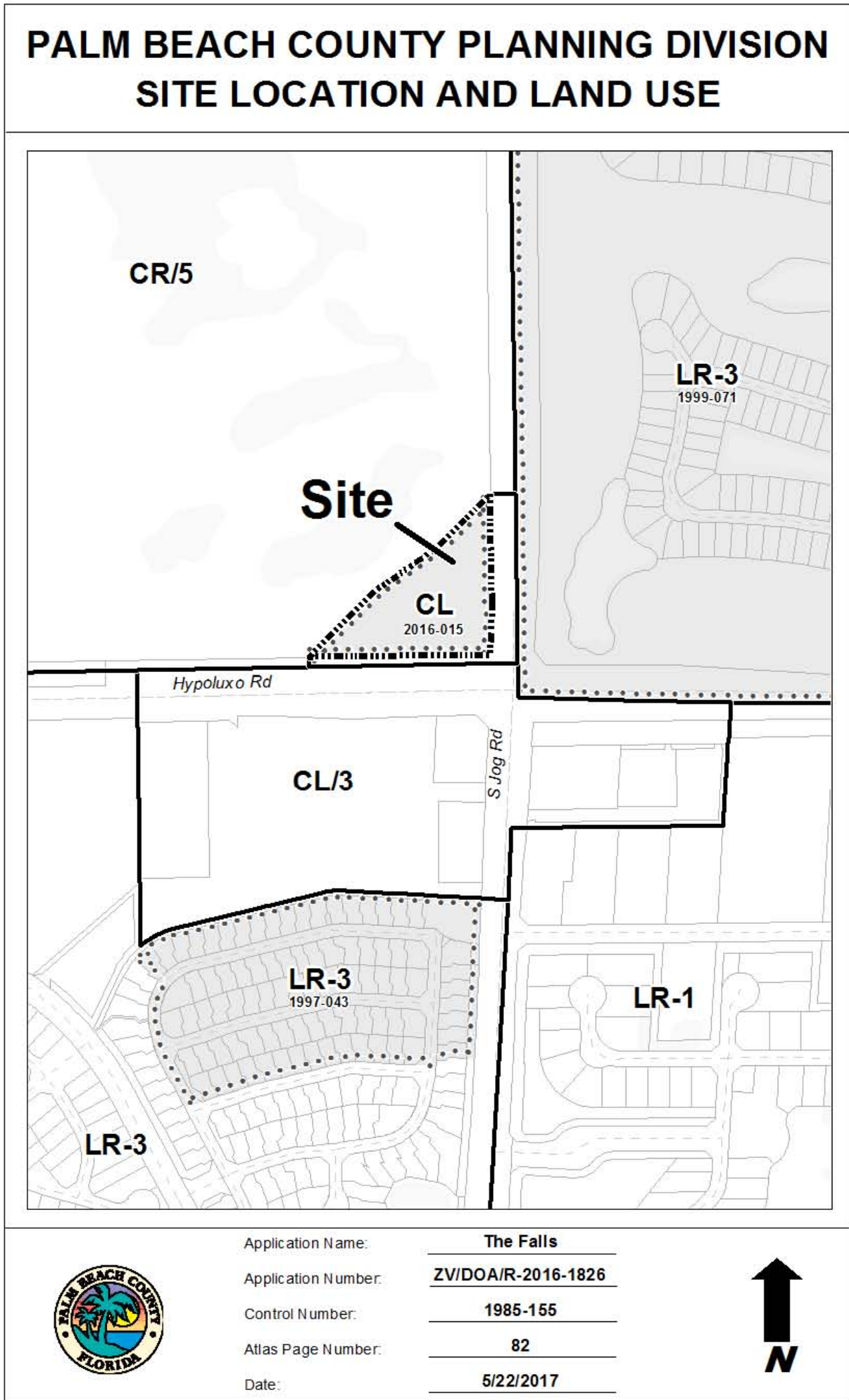


Figure 2 - Zoning Map

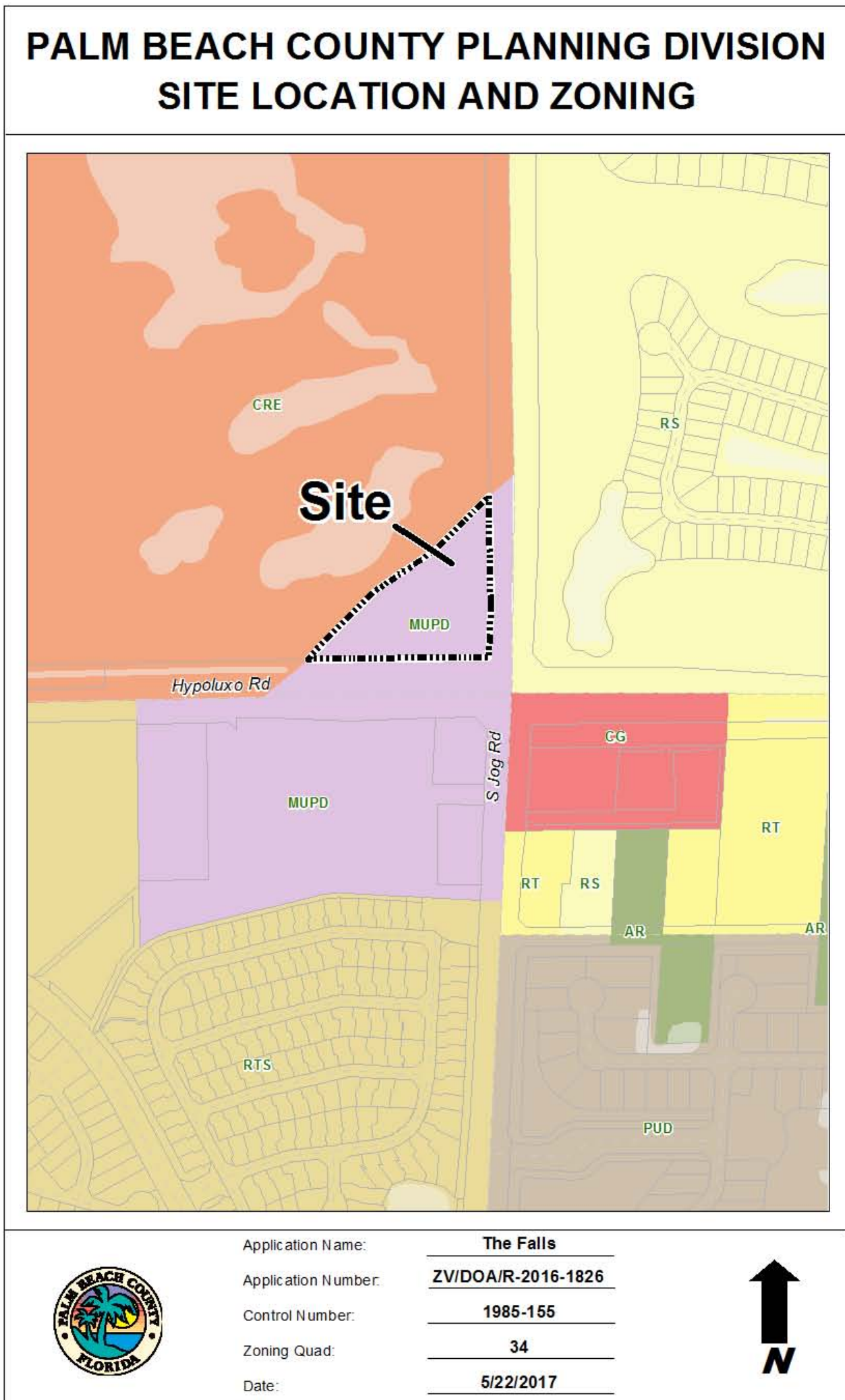
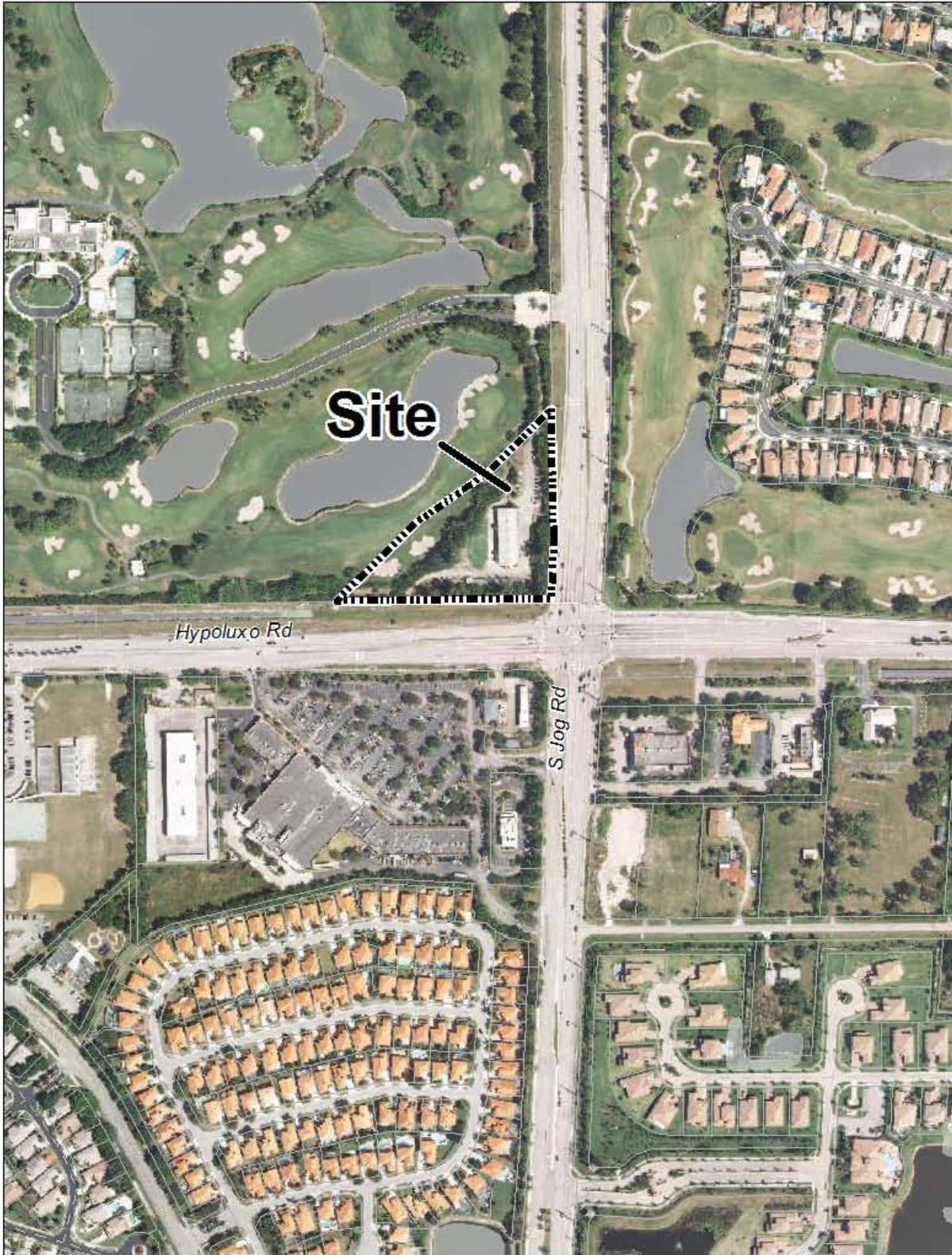


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	The Falls
Application Number:	ZV/DOA/R-2016-1826
Control Number:	1985-155
Atlas Page Number:	82
Date:	5/22/2017



Figure 5 Preliminary Regulating Plan dated May 11, 2017 (2 of 2)

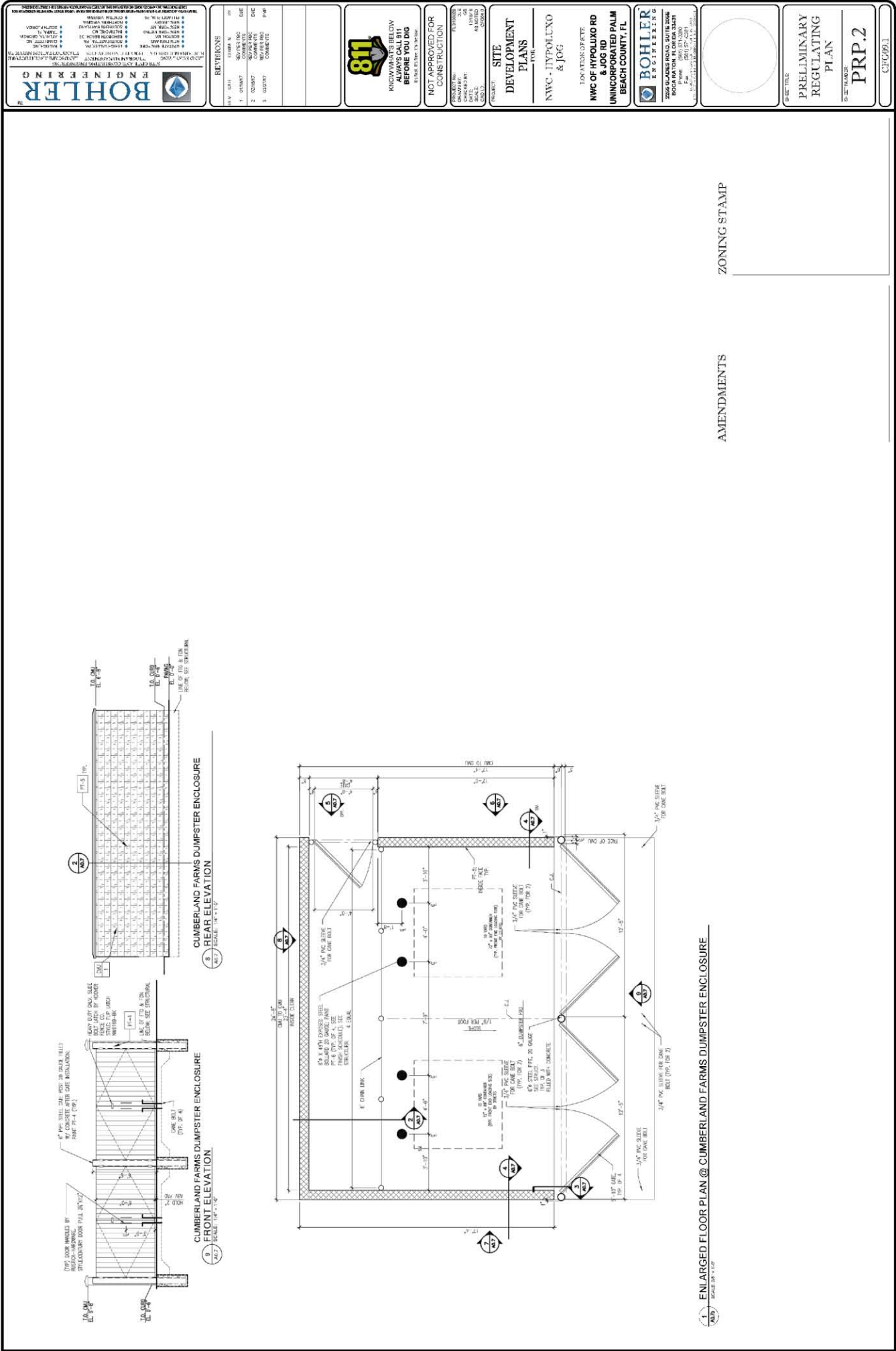
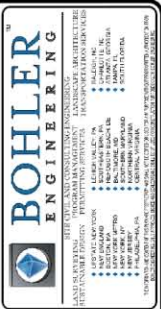


Figure 6 Preliminary Master Sign Plan dated May 11, 2017 (1 of 2)



REVISIONS			
REV.	DATE	COMMENT	BY
1	01/15/17	REV PER PBC COMMENTS	DUE
2	01/15/17	REV PER PBC COMMENTS	DUE
3	03/20/17	REV PER PBC COMMENTS	PMF



NOT APPROVED FOR CONSTRUCTION

SITE DEVELOPMENT PLANS
FOR
NWC - HYPOLUXO & JOG

LOCATION OF SITE
NWC OF HYPOLUXO RD & JOG RD
UNINCORPORATED PALM BEACH COUNTY, FL

BOHLER ENGINEERING
2255 GLADES ROAD, SUITE 305E
DOCA RATON, FLORIDA 33431
Phone: (561) 571-0200
Fax: (561) 571-0201
Approved Address: 100' of P.O. Box 95, 1996



PRELIMINARY MASTER SIGN PLAN

PROJECT NUMBER
PMSP.1

CFG13.0

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 JOHN J HOECKER, 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 PRESIDENT [position - e.g., ~~president~~, partner, trustee] of MAX DEVELOPERS [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: 401 SOUTH DIXIE HWY
SUITE 300
W. P.B., FL 33401

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.
John J. Hoecker
JOHN J. HOECKER Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 20 day of January, 2017, by John Hoecker, [] who is personally known to me or [] who has produced as identification and who did take an oath.

Samantha Northcutt
Notary Public

Samantha Northcutt
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____
Samantha Northcutt
Commission # FF943769
Expires: January 5, 2020
Bonded thru Aaron Notary



EXHIBIT "A"
PROPERTY

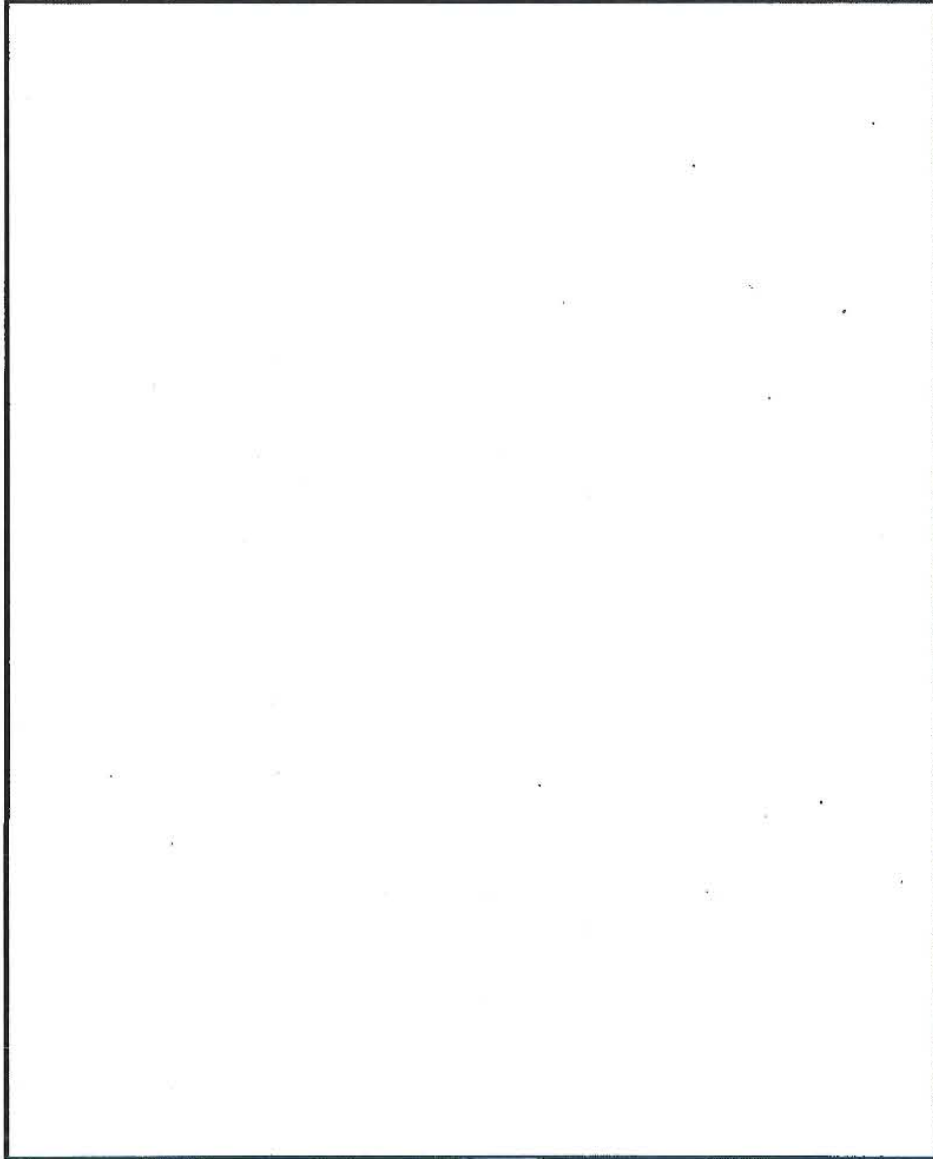


EXHIBIT "B"

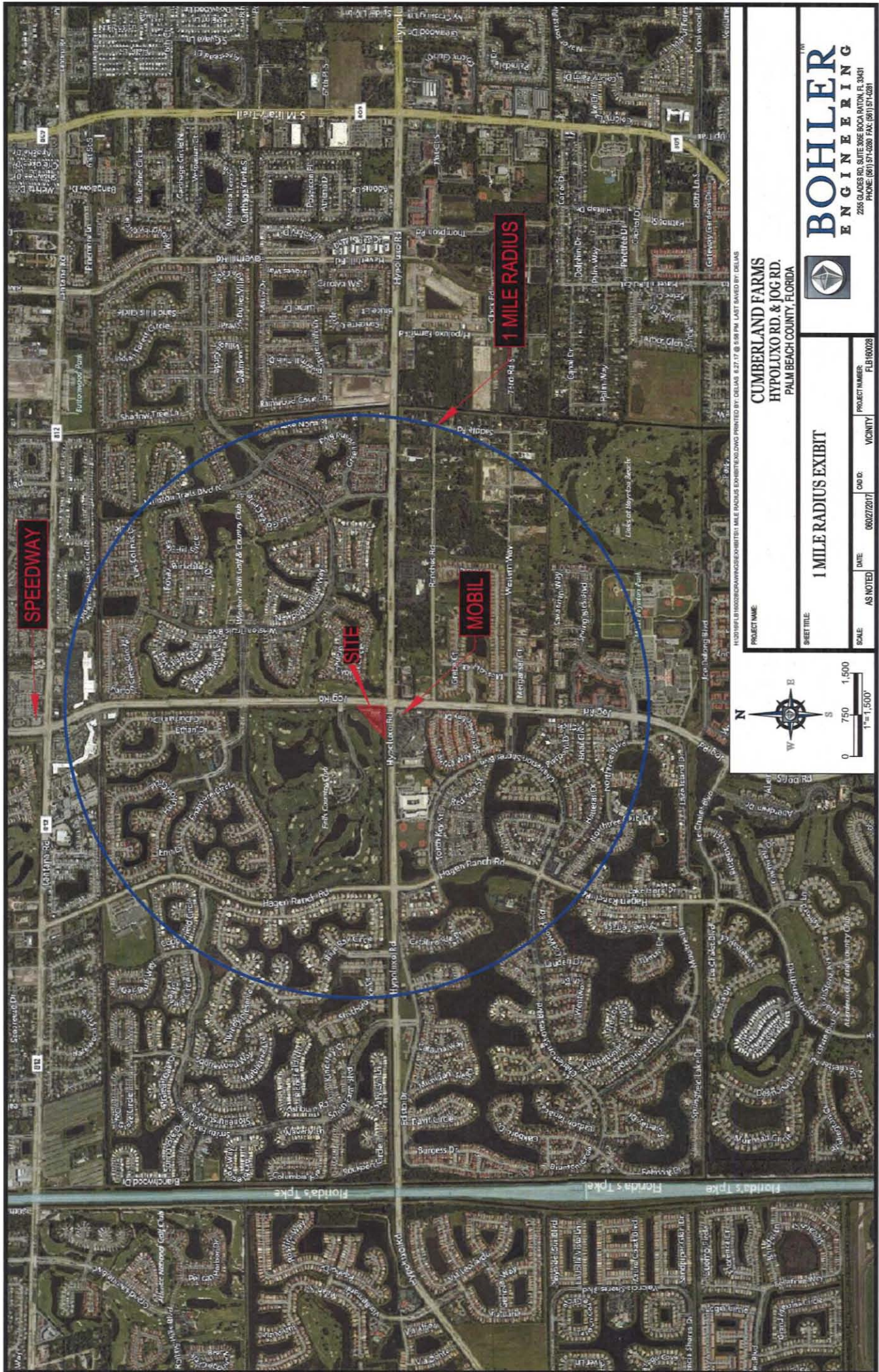
DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. 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.

508
508

Name	Address
John J Hoecker	401 South Dixie Hwy, 300 W.P.B., FL 33401
N. Kent Wilmer	401 South Dixie Hwy, 300 W.P.B., FL 33401

Exhibit E – 1-mile radius map



PROJECT NAME
 CUMBERLAND FARMS
 HYPOLUXO RD. & JOG RD.
 PALM BEACH COUNTY, FLORIDA

SHEET TITLE
 1 MILE RADIUS EXHIBIT

SCALE: AS NOTED **DATE:** 06/27/2017 **CAD ID:** VICINITY **PROJECT NUMBER:** FLB160028

BOHLER ENGINEERING
 255 GLENDALE RD, SUITE 300 BOCA RATON, FL 33481
 PHONE: (561) 974-6200 FAX: (561) 974-6281