



**PALM BEACH COUNTY
ZONING APPLICATION STAFF REPORT**

ZONING COMMISSION, OCTOBER 3, 2024

A. Application Summary

I. General

Application Name:	Elan Palm Reserve MUPD, ABN/DOA/CAW-2024-00891
Control Name:	Okean Office MUPD (2001-00005)
Applicant:	Wellington Regional Medical Center, LLC - Cheryl Ramagano
Owner:	Fuqua BCDC Hypoluxo Project Owner, LLC El Car Wash Military, LLC; Storage of Lake Worth, LLC Elan Palm Reserve Commercial Owner, LLC; Elan Palm Reserve Owner, LLC
Agent:	JMorton Planning & Landscape Architecture - Lauren McClellan & Maryori Velasco
Project Manager:	Donna Adelsperger, Senior Site Planner

Title: a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Type 1 Restaurant with Drive-through (Building F) approved by Resolution No 2021-962 on 31.98 acres.
Title: a Development Order Abandonment **Request:** to abandon a Class A Conditional Use for a Type 1 Restaurant with Drive-through (Building G) approved by Resolution No 2021-961 on 31.98 acres.
Title: a Development Order Amendment **Request:** to reconfigure the Overall Site Plan to add square footage; and to add and delete Uses on 31.53 acres. **Title:** a Class A Conditional Use **Request:** to allow a Hospital on 31.53 acres. **Title:** a Type 2 Waiver **Request:** to allow extended hours of operation for business within 250 feet of a parcel of land with a Residential Future Land Use designation or use on 31.53 acres.

Application Summary: The proposed application is for Elan Palm Reserve MUPD development. The site was approved by the Board of County Commissioners (BCC) on July 22, 2021 for a Multiple Use Planned Development (MUPD) with a mix of residential and non-residential uses. The site was last approved by the BCC on November 29, 2023 to modify the site plan and abandon a Convenience Store with retail gas and fuel use and add a Class A Conditional Use for a Type 1 Restaurant.

The requests include the abandonment of two unbuilt Type 1 Restaurants with drive-through and to reconfigure the site plan to add square footage to allow a Class A Conditional Use for a Hospital. In addition, application requests a Type 2 Wavier to allow 24-hour operation for the Hospital within 250 feet of a residential FLU designation or use. No changes are proposed to the residential portion.

The Preliminary Site Plan (PSP) indicates six commercial buildings with a total of 128,063 square feet (sq. ft.) and 162 parking spaces; and 384 Multi-family units and 655 parking spaces. Access will remain from Hypoluxo Road and Military Trail.

II. Site Data

Acres:	31.53 acres
Location:	Northeast corner of Military Trail and Hypoluxo Road
Parcel Control:	00-42-45-01-24-002-0000; 00-42-45-01-24-012-0000; 00-42-45-01-24-001-0010; 00-42-45-01-24-001-0020 00-42-45-01-24-001-0030; 00-42-45-01-24-001-0040 00-42-45-01-24-001-0050; 00-42-45-01-24-001-0060 00-42-45-01-24-001-0070; 00-42-45-01-24-001-0080
Future Land Use:	Commercial High, with an underlying 5 units per acre (CH/5)
Zoning District:	Multiple Use Planned Development District (MUPD)
Tier:	Urban/Suburban
Utility Service:	Palm Beach County
Overlay/Study:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Comm. District:	District 2, Commissioner Gregg K. Weiss

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B.7.B, 2.B.7.C. and 2.B.7.D and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibits C-1 through C-3.

STAFF RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-3.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one contact from the public regarding this application.

IV. Hearing History

ZONING COMMISSION: *Scheduled for October 3, 2024*

BCC HEARING: *Scheduled October 24, 2024*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A - Future Land Use Map



Exhibit A - Zoning Map

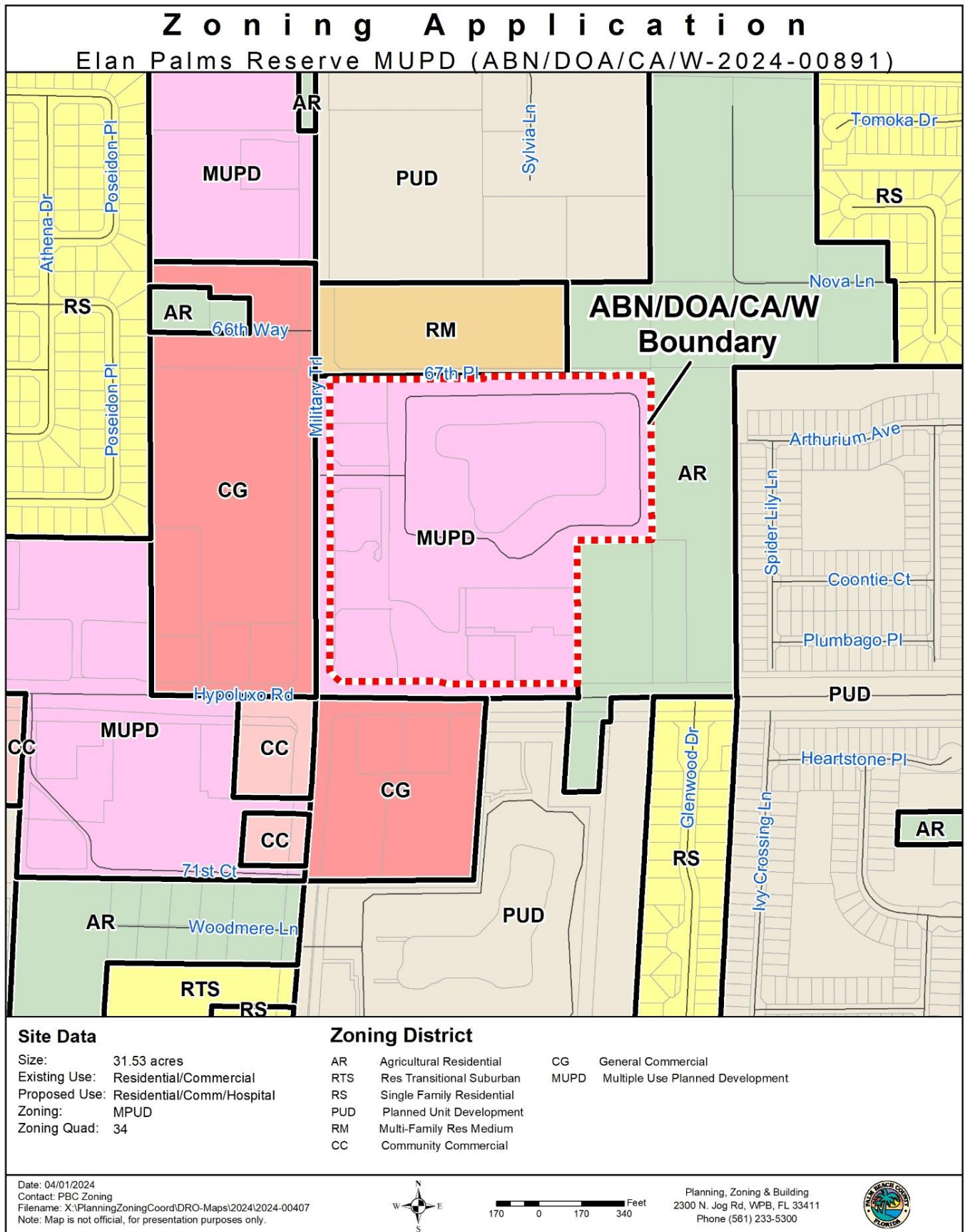


Exhibit B - Standards Analysis & Findings

FINDINGS:

Development Order Abandonment

When considering an ABN application, the BCC and ZC shall consider the Standards indicated below.

a. **Consistency with the Plan** - *The proposed abandonment is consistent with the Plan*

The proposed Development Order Abandonments are consistent with the County's Comprehensive Plan. The Property has a future land use designation of Commercial High, with an underlying 5 dwelling units per acre (CH/5). The CH/5 future land use designation allows for a maximum FAR of 0.85 within the Urban/Suburban Tier. The Applicant is requesting to abandon two previously approved and unbuilt Type 1 Restaurants with drive-through uses in order to develop the Hospital.

b. **Consistency with the Code** - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed Development Order Abandonments are consistent with the stated purpose and intent of the County Unified Land Development Code. The residential portion of the MUPD is currently under construction. The property has frontage and access on both Hypoluxo Road and Military Trail. The abandonment with the two Conditional Uses will not be in conflict with the Code and the purpose and intent. The abandonments will not create any non-conformities.

c. **Adequate Public Facilities** *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards) Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed Development Order Abandonments will not negatively impact public facilities. Any modification of the use requires a new evaluation and reservation for Concurrency.

d. **Changed Conditions or Circumstances** *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The Applicant is requesting a Development Order Abandonment of two previously approved Type 1 Restaurants with drive-throughs. The Applicant states in the Justification "*the Applicant is requesting a Development Order Abandonment to the Elan Palm Reserve MUPD to allow for reconfiguration of the site plan and modification to the commercial uses. The proposed hospital will better serve the needs of the community as it will provide employment opportunities and services. The need for a hospital will better contribute to the functional mix of uses within Hypoluxo Road and Military Trail corridors*".

Exhibit B - Standards Analysis & Findings

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF) are not subject to these Standards, and are subject to Art. 5.G.1.B.2.e.2)b). A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

The following analysis is provided for the proposed Development Order Amendment and the Class A Conditional Use for a Hospital.

a. 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.*

○ *Prior Land Use Amendments:* The subject site has been subject to numerous Future Land Use Amendments. The most recent amendment was a 24.02-acre portion within the overall 31.96-acre site known as Military Hypoluxo Commercial (LGA-2021-002; Ord. 2021-03) to revise conditions of approval previously adopted by Ordinance 2008-020, and subject to the following condition of approval, which will be carried forward in the Zoning approval. The condition is as follows:

1. Development under the Commercial High future land use designation is limited to a maximum of 366,200 square feet of commercial retail development or up to the equivalent number of daily trips.

The overall 31.98 acre project has a future land use designation of Commercial High, with an underlying 5 units per acre (CH/5). Portions of the project, 24.02 acres, are subject to Ordinance 2021-003, which are limited by the above condition. However, there is also an 8.08-acre square-shaped parcel at the southwest corner of the overall site that is not subject to the Ordinance condition. The boundaries, and uses within each, are depicted on PRP-12.

The request consists of 128,843 square feet (sq. ft.) of non-residential uses (including 780 sq. ft. outdoor dining) and 384 dwelling units, and is expected to generate 3,593 daily trips. The 24.02-acre north and east portions of the site, subject to the Ordinance condition above, consists of 116,569 sq. ft. of nonresidential uses and 372 units, which is less than the maximum permitted, and is therefore consistent with the Ordinance condition (366,200 sq. ft. of retail use equates to 10,423 daily trips). The 8.08-acre portion located at the southwest corner, not subject to the ordinance condition, contains a corner of a Multi-family building with 12 units, a 2,557 sq. t. Type 1 Restaurant with Drive-Through, an 8,937 sq. ft. portion of the Self-storage, approximately 3.27 acres of upland preserve, and usable open space.

Prior to the amendment discussed above, the site was the subject of two prior amendments. The first, known as Military/Hypoluxo 00-82 MLU 1 (Ord. 2000-044), adopted the designation Multiple Land Use with an underlying Medium Residential, 5 units per acre (MLU/5), on 19.18 acres and subject to five conditions of approval. A subsequent amendment added 4.86 acres of Medium Residential, 5 units per acre, fronting on Hypoluxo Road, and was known Military/Hypoluxo Commercial (LGA 2008-0004, Ord. 2008-020, subject to 5 conditions), which amended approximately 24 acres to CH/5, eliminated the prior ordinance conditions, replacing them with new conditions. Note that approximately 8 acres located at the corner of Military Trail and Hypoluxo Rd. has maintained a CH/5 future land use designation since the adoption of the 1989 Comprehensive Plan, and is not subject to any ordinance conditions limiting development.

○ *Intensity:* The 24.02-acre north and eastern portion of the site is limited by a Future Land Use Amendment Ordinance condition, as previously discussed. The request for 128,063 sq. ft. (excluding outdoor dining) equates to a FAR of approximately 0.09 (128,063 / 1,393,048 sq. ft. or 31.98 acres = 0.091). Without the condition limitations, the maximum Floor Area Ratio (FAR) of 0.85 is allowed for the CH future land use designation in the Urban Suburban Tier (1,393,048 sq. ft. or 31.98 acres x 0.85 maximum FAR = 1,184,090 sq. ft. maximum). Further, per the Future Land Use Element (p. 134 FLUE), in addition to commercial uses allowed, "Mixed or multiple use planned developments may utilize up to 100% of the underlying residential density and the commercial intensity subject to the requirements of this element."

○ *Density & Workforce Housing Program (WHP):* There are no changes being proposed to the residential component of this development through this application. All prior conditions of approval relating to the residential units will be carried forward and continue to be monitored for compliance. The Planning Division previously reviewed the request for 384 residential units on the subject 31.98-acre site utilizing

the Medium Residential, 5 units per acre (MR-5) land use designation, including the utilization of both the Workforce Housing Program (WHP) and Transfer of Development Rights (TDR) Bonus Density programs.

- *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.
- *Planning Conditions:* Planning conditions are applied are to carry forward the land use amendment condition and prior conditions of approval as they relate to the Workforce Housing Program.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

The proposed Development Order Amendment to the approved MUPD is consistent with the stated purpose and intent of the County Unified Land Development Code. The development has frontage and access on both Hypoluxo Road and Military Trail. The proposed structure meet the required setbacks from Hypoluxo Road.

The request includes the elimination of two buildings (Buildings F and G, depicted in Exhibit H) that were for two Type 1 Restaurants with drive-through and Retail uses (9,460 sq. ft.). The modifications to the overall development will reduce the number of buildings and modify the circulation of that portion of the site. The proposed hospital will be within one building with a total of 11,864 sq. ft. Although and increase in square footage, the layout and function, along with the projected traffic will improve. The proposed development will have an overall increase of 2,477 in square footage to the MUPD.

- *Use criteria - Hospital:* Article 4.B.4.C.11 indicates that a Class A approval is required for the proposed 11,864 square foot Hospital, and will be required to be licensed by the State of Florida. The proposed use is in compliance with the minimum lot size and frontage (five acres and 200 feet). The MUPD exceeds the lot size as the parcel is 31.53-acres and the frontage along Hypoluxo Road is 935 +/- feet. In order to minimize the impact that the use may have upon the residential units to the north and east, due to the noise and visual impacts from sirens and flashing strobe emergency lights from medical transportation vehicles, Staff is recommending a Condition of Approval that prohibits sirens or flashing strobe emergency lights from any medical transportation vehicle upon entering the subject property. (See Use Condition 1 of Exhibit C-2)

- *Architectural:* The Commercial portion of the site has not commenced construction. The Applicant indicated during the review of the prior application that elevations for the commercial and residential components would be provided at time of Building Permit. The residential component has commenced construction and elevations for those buildings have been reviewed and approved. The Applicant has provided the Elevations for the Type 1 Restaurant, Building D, as required by prior Condition of Approval for which they have been reviewed and approved. All proposed structures within the commercial component are required to be consistent with each via colors, style, texture etc. Each set of elevations will be reviewed against all commercial structures when they are submitted for Building Permit and comply with Article 5.C of the ULDC.

- *Parking:* The proposed development requires a total of 875 parking spaces (768 for residential portion and 107 for the non-residential portion), and the Preliminary Site Plan indicates a total 817 parking spaces (655 for the residential portion and 162 for the non-residential portion). A Type 1 Waiver requesting a reduction of 113 parking spaces for the residential component was granted The Applicant has chosen to park the development using Article 6 parking requirements, which parks based on the use versus using the PDD parking allowance.

- *Landscaping:* The Applicant is not proposing any modifications to the landscape buffers with this request. The landscaping will remain as previously conditioned or as described by the ULDC. The PSP indicates for proposed building the required foundation planting.

- *Signage:* to accommodate the change in uses the Master Sign Plan has been amended with regards to placement of wall signage for the Hospital. There are no proposed changes to the freestanding signs. There are no other proposed ground mounted signs proposed.

c. 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.*

The existing MUPD zoning was determined to be compatible with uses and character of the land surrounding and in the vicinity of this site. The proposed request is to modify the uses to remove two buildings for Type 1 Restaurants and Retail, and replace with a 24-hour Hospital.

The property is surrounded by a mix of uses, including Commercial, Institutional and Residential. The location of the proposed use is at the southeast corner of the development, fronting on Hypoluxo Road.

The proposed one-story, 35 foot tall building will be consistent in architecture with the development and its adjacent buildings, as required by the ULDC. The landscape buffering required by code and conditioned provides for screening of the non-residential uses to the residential use to the east. The right of way buffering along the south property line is not proposed change and remains consistent for the development as a whole. The institutional use is compatible with the other uses in the area. The proposed building placement, circulation, and site elements are designed to reduce any impacts on the neighboring properties and not create undesirable health, safety, or aesthetic effects. Primary access will remain unchanged from Hypoluxo Road and Military Trail.

d. 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 Development Order Amendment will minimize adverse effects, including visual impact and intensity of the proposed buildings to adjacent lands. The proposed design will maintain the functionality of the overall MUPD. Requirements in Article 5.C will be met at time of permitting which among others will required compatibility with the proposed and existing structures within the MUPD. The proposed changes to the MUPD does not impact the residential portion of the development, or the preserve and recreation areas. The request modifies a portion of the commercial development that directly fronts Hypoluxo Road the southeast corner of the development by abandoning the two Conditional Uses and removal of some retail square footage. The design will be modified by creating one building with the majority of the parking and drop off along the western and northern sides of the building.

The proposed Class A Conditional Use will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The Hospital is oriented towards Hypoluxo Road and is separated from existing residential district to the south by 172 feet across Hypoluxo Road and 140 feet to the residential parcel to the east. The height for the Hospital is proposed to be one story with a maximum height of 35 feet. The proposed Hospital structure will be blocked from the on-site residential structures to the north by the Limited Access Self-Service Storage Facility, which is 3-story and 35-feet in height.

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

○ *Vegetation Protection:* There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.

○ *Wellfield Protection Zone:* This property is not located within 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. 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.

f. Development Patterns – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed Development Order Amendment to the approved MUPD and the Class A Conditional Use will result in a logical, orderly, and timely development pattern. As the site is already approved for commercial development at this location and this request is to allow for an alteration of uses within the approved commercial and institutional area. The major intersection of Military Trail and Hypoluxo Road has been designated with a Commercial High future land use designation. The future land use and zoning maps show this intersection as a commercial node, surrounded by residential, and the proposed changes are requested to meet market demand. The proposed Hospital with a freestanding emergency department will provide additional services to the surrounding communities and will keep the emergency care close to the residents in the area and reduce the travel time to obtain emergency services.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed revised site plan is expected to generate 1,062 less net daily trips, 111 less net AM peak trips, and 82 less net PM peak hour trips. Overall, the revised site is expected to generate 3,593 net daily trips, 279 net AM peak hour trips, and 306 net PM peak hour trips.

Since the revised site plan generates less trips as compared to those already approved, the project continues to meet Palm Beach County Traffic Performance Standards with all previous Conditions of Approval carried forward to the revised site plan.

There are no new proposed Engineering Conditions of Approval at this time.

DRAINAGE DISTRICT: The overall development is located within the Lake Worth Drainage District and South Florida Water Management District C-16 Basin. The Applicant's engineer states, "The subject property is located within the boundaries of the Lake Worth Drainage District (LWDD) and the South Florida Water Management District (SFWMD) C-16 Drainage Basin. Additionally, the project site is located within a FEMA Flood Zone X as shown on the FEMA FIRM Map Number 12099C0778F with an effective date October 5, 2017.

The proposed runoff will be collected via drainage inlets which will flow through a series of drainage pipes to an on-site lake. Legal positive outfall is through the proposed control structure, a series of outfall drainage pipes which discharge to the LWDD L-18 Canal located on the south side of Hypoluxo Road utilizing the Palm Beach County Engineering Right of Way Construction Process established by PPM# EL-O-3607." (Exhibit J) Prior to the issuance of any building permits, the Applicant must obtain applicable permits and approvals from the District.

PALM BEACH COUNTY HEALTH DEPARTMENT:

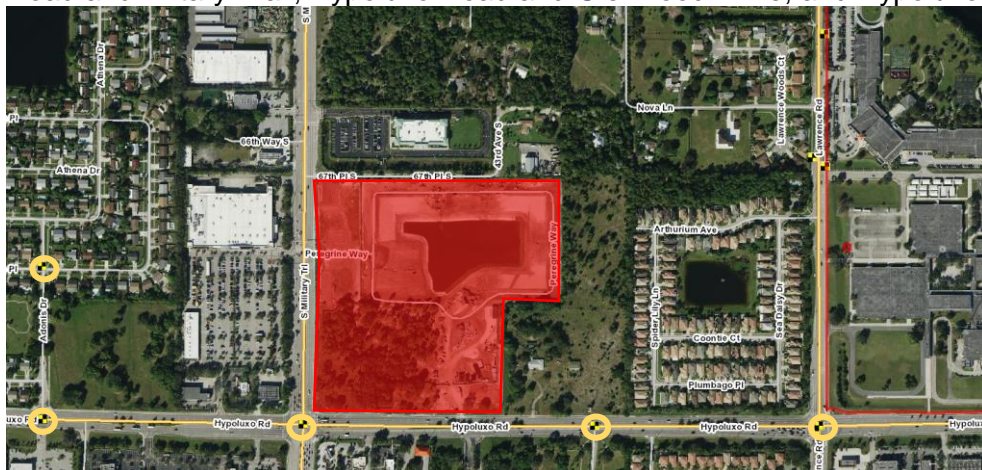
This project has met the requirements of the Florida Department of Health. The Hospital will be required to obtain any/all necessary permits/licensing required by the State of Florida prior to operating the Hospital.

WATER AND WASTEWATER PROVIDER:

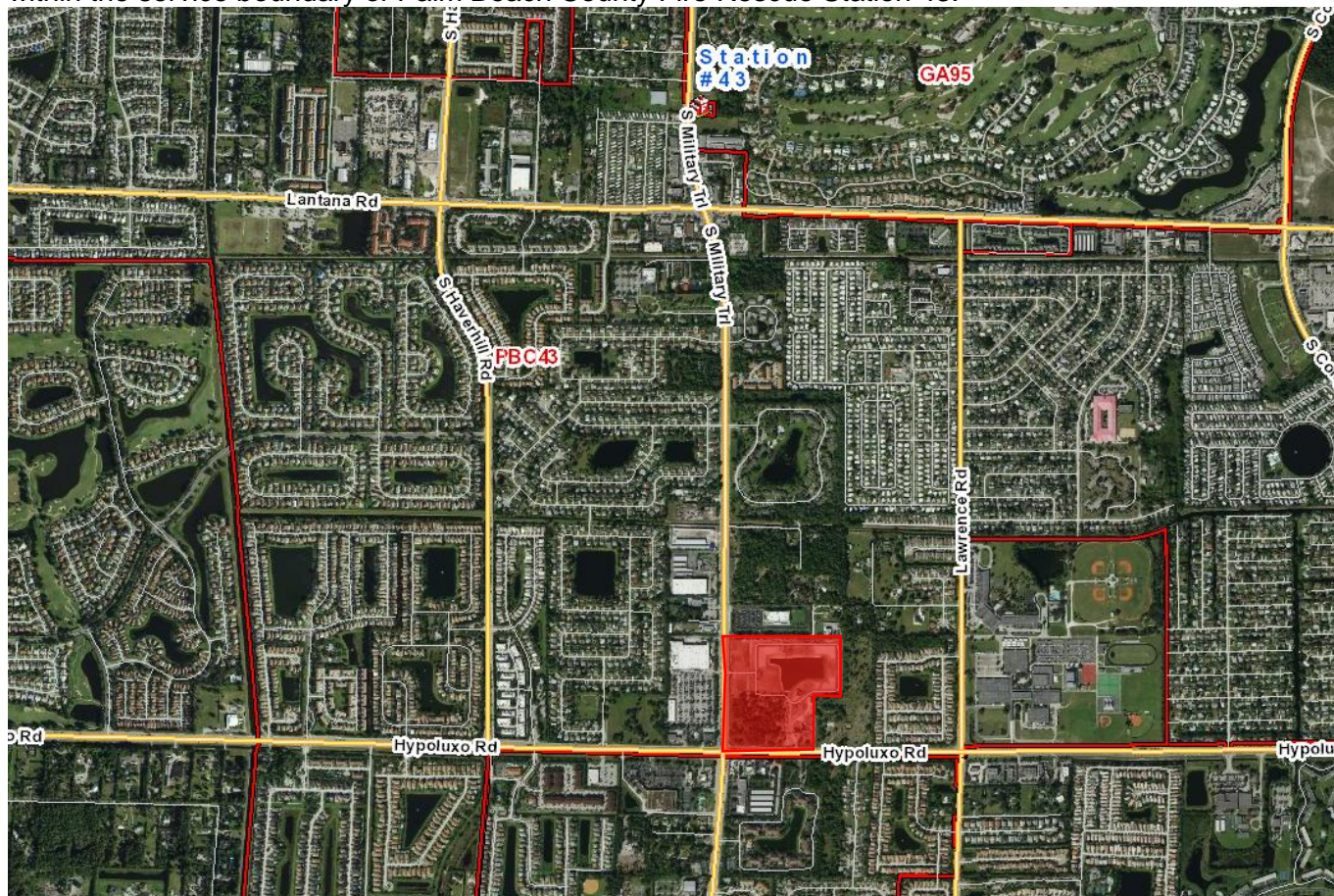
The Water and Wastewater provider is Palm Beach County Water Utilities. (Exhibit K) As stated in their letter service is available for both water and wastewater, however upgrades and extensions to the existing infrastructure may be required. Prior to the issuance of any building permits, the Applicant must obtain applicable permits and approvals from the District.

PARKS AND RECREATION: Parks and Recreation has no comment regarding the non-residential portion of this application. The existing development remains compliant with the LOS for Countywide and local parks and recreation requirements.

SCHOOL IMPACTS: The School Board has no requirements regarding the non-residential portion of this application. The development is less than a ½ mile to the east of Santaluces High School and Royal Palm School located at the intersection of Hypoluxo Road and Lawrence Road. The School Board has bus stops in proximity to the subject property at the intersections of Hypoluxo Road and Adonis Drive, Hypoluxo Road and Military Trail, Hypoluxo Road and Glenwood Drive, and Hypoluxo Road and Lawrence Road.



FIRE PROTECTION: Staff has reviewed this application and have no comment. The development is within the service boundary of Palm Beach County Fire Rescue Station 43.



h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant’s Justification Statement indicates the following justification for their changed circumstances for the requests below:

Development Order Amendment: “The Development Order Amendment is necessary to change two (2) of the uses on site to meet market demand and specific tenants secured for the development. Both Buildings F and G were approved for retail and type 1 restaurants with drive thru. As the developer sought to fill these locations, they were approached by a hospital (free standing emergency department) in order to develop an alternate use to meet market demand in the area. The proposed building will utilize the approved immediate development area of the previous two buildings not affecting other commercial buildings, the residential tract or the preserve and recreation tracts of the approved site plan.”

Class A Conditional Use: “The Applicant is requesting Class A Conditional Use approval for a Hospital. This area of the County has become an area for infill and redevelopment. There are several long-established residential neighborhoods and some older commercial plazas in the area. There has been an identified need for additional emergency medical care in this area by the applicant and this site is ideally suited for more intense uses due to the Property’s location with frontage on both Hypoluxo Road and Military Trail and proximity to other commercial and residential uses.”

Exhibit B - Standards Analysis & Findings

FINDINGS:

Type 2 Waivers:

Article 2.B.7.D.3, Standards for a Type 2 Waiver, and any other Standards specific to a Type 2 Waiver are indicated below with Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

The Applicant is requesting a Type 2 Waiver to extend the hours of operation for the Hospital by seven hours from 11:00 p.m. to 6:00 a.m. Per Art. 5.E.5.A, Proximity to Residential, Institutional, Public and Civic uses within 250 feet of a parcel of land with a residential FLU or use are limited to the hours of operation of 6:00 a.m. to 11:00 pm. The waiver requests the hours of operation to be 24 hours.

ULDC SECTION	REQUIRED	PROPOSED	WAIVER
Article 5, Table 5.E.5.A Hours of Operation	Hours of Operation: Institutional, Public and Civic uses within 250 feet of a parcel of land with a residential FLU designation or use is 6:00 a.m. to 11:00 p.m.	Hours of Operation: Hospital use with 24-hour operation	Extend the hours of operation to 24-hours for the Hospital

- a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning District or Overlay.**

Applicant's Response: *The granting of the waiver does not create additional conflicts with other sections of the ULDC. The MUPD zoning district allows for a mix of residential and commercial uses. A hospital is one of the uses that is allowed within MUPD. Hospitals, specifically ones that are free-standing emergency rooms, such as the one proposed, are open 24 hours a day, 365 days a year. The gravity of the waiver is consistent with the stated purpose and intent for the zoning district.*

Staff Analysis: YES. The granting of the waiver does not create additional conflicts with other sections of the ULDC. This property was previously rezoned to MUPD and allows for a mix of residential, commercial and Institutional, Public and Civic uses. A Hospital is one of the many uses that are allowed within the MUPD subject to a Class A Conditional Use approval, which the Applicant is requesting with this application. Hospitals are open 24 hours a day, 365 days a year. The proposed Hospital is a single-story structure, which is similar in size and scale of the other commercial structures within the center.. The parcel located to the east has a residential FLU designation and currently supports a Single Family Residence (SFR). The placement of the proposed Hospital is 123 feet inside the existing development and 285 feet from the existing SFR to the east. The parcel to the south across Hypoluxo Road, a six lane road, is a residential development where the FLU is within 250-feet of the proposed Hospital. Adjacent to Hypoluxo Road is a 40 foot Lake Worth Drainage Canal and a 40-foot right-of-way buffer, an additional recreation area and then the residential units which are setback over 500 feet from the proposed Hospital. With the conditioned buffer along the developments south and east property lines; the placement of the Hospital, with the majority of the drop-off taking place on the west side of the proposed structure, and Fire Rescue drop off on the north side; and the Use Limitation Condition requiring the sirens and flashing lights to be turned off upon entering the development these elements will help to negate any impact to the adjacent residential developments. The waiver is consistent with the stated purpose and intent for the zoning district.

- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development.**

Applicant's Response: *The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project. The proposed 24 hours operation have been approved for other MUPD developments that include a hospital. The hospital is ideally situated along the Hypoluxo frontage and adjacent to vacant residential land to the east. It is the Applicant's understating that a non-residential project has been submitted for the property to the east. Locating emergency services within proximity of the major intersection of Hypoluxo Road and Military Trail ensures that future patients will be able to easily access these emergency services. The 24 hour hospital use will be in harmony with the general site layout and design details of the development.*

Staff Analysis: YES. The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project. The Hospital is an Institutional Use that is allowed subject to the require approval process within an MUPD. The proposed Hospital is ideally situated at a major arterial collector intersection and located on the exterior edge of the MUPD and the 24 hour operation will provide for emergency services within the development as well as the surrounding uses.

- c. ***The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.***

Applicant's Response: *If granted, the alternate design will not adversely impact users of the project or adjacent properties. The 24 hour hospital is ideally located along a major arterial roadway, Hypoluxo Road. The proposed MUPD internally transitions to the high density Multifamily to the north, which transitions externally to medium and low density. The development pattern that has occurred is consistent with generally accepted planning principles.*

Staff Analysis: YES. If granted, the alternate hours of operation will not adversely impact users of the project or adjacent properties. The 24 hour Hospital is ideally located along a major arterial roadway, Hypoluxo Road. The PSP shows a 20-foot Right-of-Way Buffer along the south property line; and a 20-foot Type 3 Incompatibility Buffer to the east that will further aide in the impact of the 24 hour Hospital operation. This along with the placement of the Hospital with the majority of the drop-off taking place on the west side of the Hospital, with only Emergency Vehicles utilizing the drop-off on the north facing the Self-Service Storage Facility, the distance to the actual residential units on adjacent properties and the Condition of Approval requiring that the sirens and flashing lights be turned off upon entering the development will have no impact on the adjacent properties.

Exhibit C-1 - Conditions of Approval

Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2023-1743, Control No.2001-00005, which currently states:

The approved Preliminary Site Plan is dated September 13, 2023. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Site Plan is dated August 14, 2024. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2023-1743, Control No.2001-00005, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2021-0956 (Control No. 2001-00005), 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, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2023-01743 (Control No. 2001-00005), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. The development shall comply with the requirements of Article 5.C and submit elevations for review and approval no later than at time of Building Permit application, with the exception of Building D which is required at time of Final Development Review Officer Approval, as required per Condition of Approval Architectural Review 1 for the Class A Conditional Use for the Type 1 Restaurant. (BLDGPMT: BUILDING DIVISION - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. All ground and roof mounted air conditioning; mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

ENGINEERING

1. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Hypoluxo Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related

documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. The Property owner shall construct:

- I) Right turn lane south approach on Military Trail at the project's main entrance road;
- II) Extend the existing left turn lane north approach on Military Trail at the projects entrance road to a minimum of 345 feet plus the appropriate paved taper.
 - a) 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.
 - b) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - c) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

3. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

Building Permits for more than 38,650 square foot Medical Office plus the 5,000 square feet Drive in Bank shall not be issued until construction commences on Hypoluxo as a 6 lane section from Congress Avenue Military Trail plus the appropriate paved tapers. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements, and the acquisition of all required permits. (BLDG PERMIT: MONITORING-Eng) (COMPLETE)

The mix of allowable Commercial uses, as permitted by the Zoning Division, listed above may be adjusted by the County Engineer only if based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2023-1743, Control No.2001-00005)

4. Landscape Within the Median of Military Trail

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Military Trail. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]
- 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) [Note: COMPLETED]
- 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 Military Trail. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2023-1743, Control No.2001-00005)

5. 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, 2025, or as amended. 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) (Previous ENGINEERING Condition 5 of Resolution R-2023-1743, Control No.2001-00005)

6. The Property Owner shall construct i) right turn lane east approach on Hypoluxo Road at project's eastern entrance ii) right turn lane south approach on Military Trail at project's southern entrance iii) right turn lane south approach on Military Trail at project's main entrance iv) the lengthening to the maximum length feasible, as approved by the County Engineer, of the left turn lane north approach on Military Trail at the main project entrance by adjusting the taper length.

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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2023-1743, Control No.2001-00005)

7. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the Property Owner shall provide to Palm Beach County Right of Way Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on Military Trail at both project entrances. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet, or as approved by the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2023-1743, Control No.2001-00005)

8. Landscape Within the Median of Hypoluxo Road

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Hypoluxo 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

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) [Note: COMPLETED]

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 Hypoluxo 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2023-1743, Control No.2001-00005)

9. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Military Trail, 60 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2023-1743, Control No.2001-00005)

10. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of Hypoluxo Road and Military Trail along the property frontage; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project's system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2023-1743, Control No.2001-00005)

ENVIRONMENTAL

1. The native preserve area(s) shall be surrounded by a permanent barrier (e.g., a fence) with a minimum height of four feet and utilize signage on all sides to indicate the area is under preservation. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. The understory within the native preserve area(s) shall be restored and reestablished with native species typically found in its respective land cover classification and/or as approved ERM, and shall remain in perpetuity. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

3. Any landscape material that is planted adjacent to the native preserve area(s) shall be native to Florida. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 3 of Resolution R-2023-1743, Control No.2001-00005)

4. A Conservation Easement with a minimum cumulative acreage of 1.51 acres shall be submitted, reviewed and recorded prior to final site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 4 of Resolution R-2023-1743, Control No.2001-00005)

5. A Preserve Management Plan and fee, shall be submitted and approved prior to final site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) [Note: COMPLETED] (Previous ENVIRONMENTAL Condition 5 of Resolution R-2023-1743, Control No.2001-00005)

6. The littoral zone within the water management tract shall be shown on the Final Site Plan prior to Technical Compliance. (TC: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 6 of Resolution R-2023-1743, Control No.2001-00005)

HEALTH

1. Generation and disposal of any hazardous effluent into sanitary sewer system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and the agency responsible for sewage works are constructed and used by project tenants or owners generating such effluent. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2023-1743, Control No.2001-00005)

2. Any toxic or hazardous waste which may be generated at this site shall be handled and disposed of in accordance with Rule 62-730 FAC. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2023-1743, Control No.2001-00005)

LANDSCAPE - PERIMETER-LANDSCAPE AND BUFFERING ALONG THE SOUTH 375 LINEAR FEET OF EAST PROPERTY LINE

1. Prior to final approval by the Development Review Officer, the Plans shall be revised to indicate a Type 3 Incompatibility Buffer along the south 375 feet of the east property line. The revised Plan shall indicate a removable section of the fence, a minimum of 20 ft. in width, to provide for future cross-access to the property to the east, should the lands to the east be re-developed. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

LANDSCAPE - PERIMETER-LANDSCAPE AND BUFFERING ALONG THE NORTH PROPERTY LINE

2. The eastern 100 feet of the north landscape buffer shall include 1 Live Oak per 20 linear feet (5 total). Further, in addition to Code requirements, a 6 ft. high Cocoplum Hedge shall also be installed within this 100 foot buffer area. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

LANDSCAPE - PERIMETER-LANDSCAPE - PERIMETER- LANDSCAPE AND BUFFERING ALONG EAST PROPERTY LINE

3. The northern 100 feet of the east landscape buffer shall include 1 Live Oak per 20 linear feet (5 total). Further, in addition to Code requirements, a 6 ft. high Cocoplum Hedge shall also be installed within this 100 foot buffer area. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2023-1743, Control No.2001-00005)

PLANNED DEVELOPMENT

1. Prior to platting, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings, signage and project identification. Consistency shall include, at a minimum, an overall unified image and character created by the use of common elements such as building materials, roof lines, muted colors, fenestration, architectural features, and architectural elements. The covenant shall be recorded in a form and manner acceptable to the Zoning Division and County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (PLAT: ZONING - County Attorney) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. Prior to platting, the property owner shall record a covenant in the public record indicating that all structures, uses and parking areas within the project are part of a single unified planned development, regardless of ownership. The covenant shall be recorded in the public record in a manner and form acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRO: ZONING - County Attorney) [Note: COMPLETED] (Previous PLANNED DEVELOPMENT Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

PLANNING

1. Per LGA 2021-002 condition 1: Development under the Commercial High Future Land Use designation is limited to a maximum of 366,200 square feet of commercial retail development or up to the equivalent number of daily trips. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. The subject request for 384 units with a 88-unit Workforce Housing Program (WHP) obligation was calculated based on Full Incentive Development Option with the WHP units to be rental and will be provided onsite. The following density bonuses were utilized: a 80% WHP density bonus, or 128 units, and a TDR bonus of 96 units. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

3. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 3 of Resolution R-2023-1743, Control No.2001-00005)

4. Prior to the release of the 3rd Building Permit (192 units), Fifty percent of WHP units (44) must receive certificates of occupancy. (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 4 of Resolution R-2023-1743, Control No.2001-00005)

5. Prior to the release of the 5th Building Permit (326 units), All WHP units (88) must receive Certificates of Occupancy (CO). (BLDGPM: MONITORING - Planning) (Previous PLANNING Condition 5 of Resolution R-2023-1743, Control No.2001-00005)

6. Prior to the release of the first building permit, the Developer shall provide documentation demonstrating compliance with the required design standards: compatible exteriors, provision of a dry model. (BLDGPM: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2023-1743, Control No.2001-00005)

7. The Developer shall notify Planning and DHES at the commencement of leasing. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 7 of Resolution R-2023-1743, Control No.2001-00005)

SCHOOL BOARD

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board) [Note: COMPLETED] (Previous SCHOOL BOARD Condition 2 of Resolution R-2023-1743, Control No.2001-00005)

SITE DESIGN

1. Residential Buildings 1, 2 and 3, and non-residential building A, shall be limited to a maximum of 35 feet in height, as defined in Art. 1.C.4.C.1, Building Height. (BLDG/PMT/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

2. Previous SITE DESIGN Condition 2 of Resolution R-2023-1743, Control No.2001-00005, which currently states:

The pedestrian access system shall provide for interconnectivity of all uses per the Preliminary Site Plan dated September 13, 2023.

Is hereby amended to read:

The pedestrian access system shall provide for interconnectivity of all uses per the Preliminary Site Plan dated August 14, 2024. (DRO/ONGOING: ZONING - Planning)

3. Prior to final approval by the Development Review Officer, the Site Plan shall be revised to provide for 15 ft. R-O-W Buffer along the west 965 ft. of the north property line. An 8 ft. high concrete panel wall shall be provided for within the overall north buffer (R-O-W and Incompatibility Buffer), a minimum of 7.5 ft. from the Base Building Line or property line, as applicable. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 3 of Resolution R-2023-1743, Control No.2001-00005)

4. Prior to final approval by the Development Review Officer, the Applicant shall submit revised Plans identifying a future vehicular cross access to the property to the east to the north of Building G. Cross-access will only be required should the property to the east be rezoned or redeveloped for non-residential development. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 4 of Resolution R-2023-1743, Control No.2001-00005)

5. Prior to final approval by the Development Review Officer, the Applicant shall submit revised Plans identifying a 6 ft. high fence along the north 655 ft. of the east property line. The fence shall be located to the west of the Type 1 Incompatibility buffer, between the proposed parking and the required buffer. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 5 of Resolution R-2023-1743, Control No.2001-00005)

USE LIMITATIONS

1. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the Self-Service Storage Facility. (ONGOING: CODE ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2023-1743, Control No.2001-00005)

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 of Approval; 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.

Exhibit C-2 Conditions of Approval

Class A Conditional Use - Hospital

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 14, 2024. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. No sirens or flashing strobe emergency lights from any medical transportation vehicles shall be utilized when within the subject property. (ONGOING: CODE ENF - 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 of Approval; 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.

Exhibit C-3 Conditions of Approval

Type 2 Waiver - Hospital

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 14, 2024. 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 as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (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 of Approval; 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.

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
Z-1992-007	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Multifamily Residential (RM) Zoning District and the General Commercial (CG) Zoning District to the Community Commercial (CC) Zoning District	R-1993-515	Adopted	09/24/1992
SE-1992-007	Title: Special Exception Request: to allow a Planned Commercial Development (PCD) including a Fast Food Restaurant with drive-thru, Auto Service Station (automatic) and Financial Institution with 3 drive-up tellers	R-1993-516	Adopted with conditions	09/24/1992
SR-1992-0007	Title: Status Report Request: to amend Conditions including but not limited to extension of build out date and amended square footages	R-1996-826	Adopted with conditions	06/24/1996
SR-1992-007.3	Title: Status Report Request: to amend Conditions	R-2000-1228	Adopted with Conditions	08/24/2000
00-082 MLU 1	Title: Large Scale Future Land Use Amendment Request: to amend the Future Land Use from Medium Residential 5 (MR-5) to Multiple Land Use with an underlying/alternative 5 units to the acre (MLU/5)	ORD 2000-044	Adopted with conditions	12/6/2000
SR-1992-007.4	Title: Status Report Request: to amend Conditions	R-2001-1354	Adopted with Conditions	08/23/2001
SR-1992-007.9	Title: Status Report Request: to revoke the SE granted under R-1993-516	R-2009-717	Adopted	04/23/2009
PDD-2001-00005	Title: Official Zoning Map Amendment Request: to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District with 2 Daycares, General; and a Congregate Living Facility, Type III	R-2001-02067	Adopted with Conditions	11/29/2001
LGA-2021-00002	Title: Military/Hypoluxo Commercial, Large Scale Future Land Use Amendment Request: To amend previously adopted conditions of approval in Ordinance 2008-020.	2021-00003	Adopted With Conditions	01/25/2021
ZV/PDD/DOA/CA-2020-02096	Title: a Type 2 Variance Request: to eliminate a Type 2 Incompatibility Buffer.	ZR-2021-00018	Adopted With Conditions	07/01/2021
	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Community Commercial (CC) and the Agricultural Residential (AR) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.	R-2021-00955	Adopted	07/22/2021
	Title: a Development Order Amendment Request: to reconfigure the Site Plan, add land area, units and access points; and, to modify uses, buildings, square footage and Conditions of Approval.	R-2021-00956	Adopted With Conditions	07/22/2021
	Title: a Class A Conditional Use Request: to allow a Transfer of Development Rights (TDR).	R-2021-00957	Adopted With Conditions	07/22/2021
	Title: a Class A Conditional Use Request: to allow Workforce Housing Program (WHP) Density Bonus greater than 50 percent	R-2021-00958	Adopted With Conditions	07/22/2021
	Title: a Class A Conditional Use Request: to Retail Gas and Fuel Sales with a Convenience Store	R-2021-00959	Adopted With Conditions	07/22/2021
	Title: a Class A Conditional Use Request: to allow a Type 1 Restaurants with Drive-through (Building B)	R-2021-00960	Adopted With Conditions	07/22/2021

	Title: a Class A Conditional Use Request: to allow a Type 1 Restaurants with Drive-through (Building F)	R-2021-00961	Adopted With Conditions	07/22/2021
	Title: a Class A Conditional Use Request: to allow a Type 1 Restaurants with Drive-through (Building G)	R-2021-00962	Adopted With Conditions	07/22/2021
ABN/DOA/CA-2023-00668	Title: a Development Order Abandonment Request: to abandon the Retail Gas and Fuel Sales with Convenience Store on 31.98-acres	R-2023-01742	Adopted	11/29/2023
	Title: a Development Order Amendment Request: to reconfigure the Site Plan, to add and delete uses, and modify Conditions of Approval on 31.98-acres	R-2023-01743	Adopted With Conditions	11/29/2023
	Title: a Class A Conditional Use Request: to allow a Type 1 Restaurant with drive-through on 31.98-acres	R-2023-01744	Adopted With Conditions	11/29/2023

Exhibit E - Preliminary Site Plan

Elan Palm Reserve MUPD

Palm Beach County, Florida

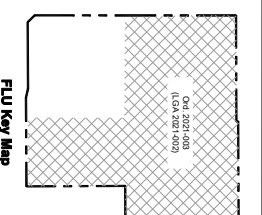
Application Name	Control No.	Project No.	Staff BCC Approval	Final Land Use	Planning District	Property Control Number	Map ID
Elan Palm Reserve MUPD	2021-24-005	ABND04/CA/04/00021-0000	November 29, 2024	Future Use	CHS	004-24-501-24-001-0000, 004-24-501-24-002-0000, 004-24-501-24-003-0000, 004-24-501-24-004-0000, 004-24-501-24-005-0000, 004-24-501-24-006-0000, 004-24-501-24-007-0000, 004-24-501-24-008-0000, 004-24-501-24-009-0000, 004-24-501-24-010-0000	MUPD

Site Data
 The northern portion of the site is subject to Ord. 2021-03 Cond. 1 as follows:
 • Development under the Commercial High Future land use designation is restricted to a maximum of 365,300 square feet of commercial retail development to up to the equivalent number of fully types.

Proposed Uses	Yield	Yield	Yield	Yield	Yield	Yield	Yield	Yield	Yield
Yield	1384 DU	1384 DU	1384 DU	1384 DU	1384 DU	1384 DU	1384 DU	1384 DU	1384 DU

Building	Area	Area	Area	Area	Area	Area	Area	Area	Area
Building 1	1,198,843 SF	6,955 SF	2,870 SF	3,217 SF	3,029 SF	3,337 SF	2,870 SF	3,217 SF	3,029 SF

Building	Area	Area	Area	Area	Area	Area	Area	Area	Area
Building 2	1,198,843 SF	6,955 SF	2,870 SF	3,217 SF	3,029 SF	3,337 SF	2,870 SF	3,217 SF	3,029 SF



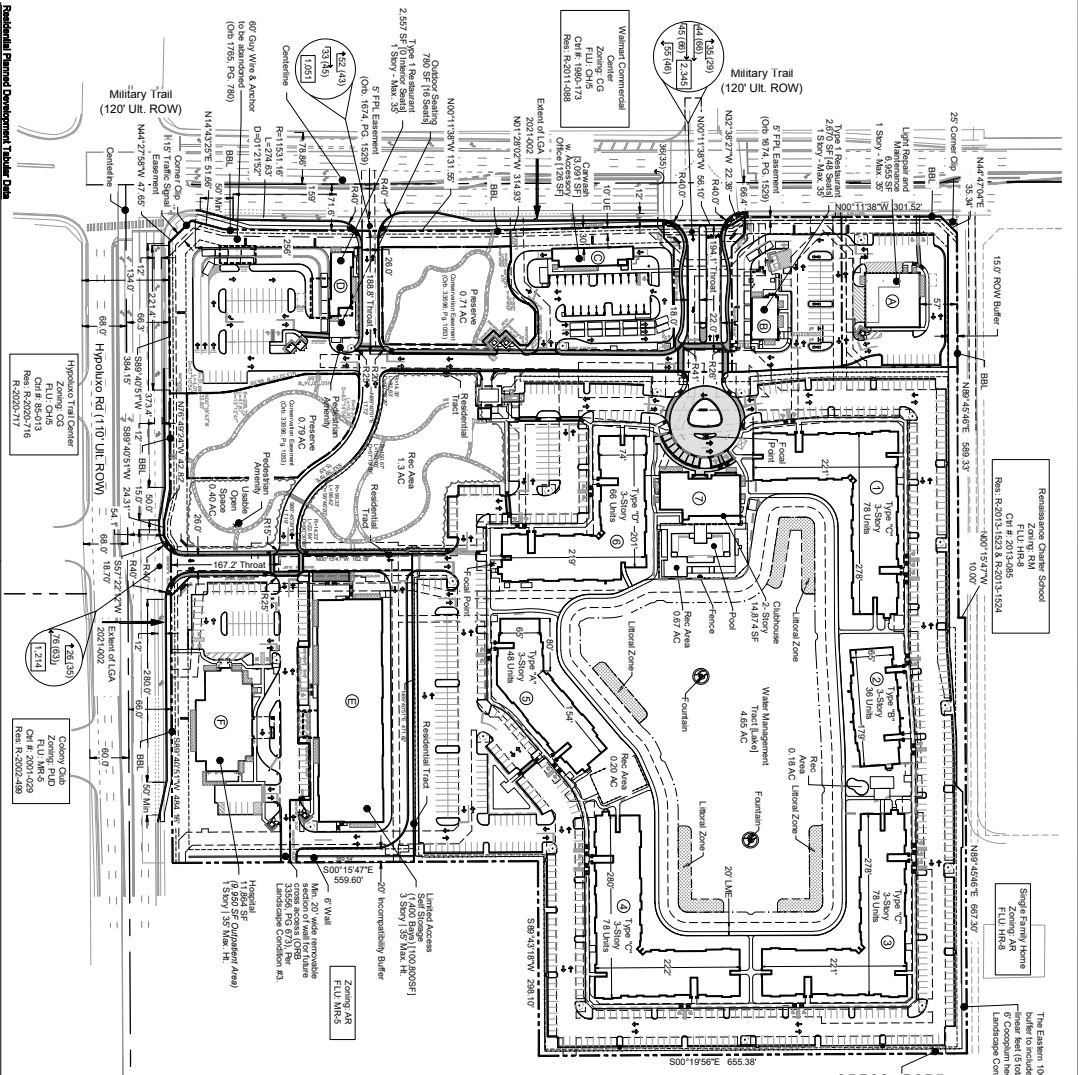
FLU Key Map
 Site Plan to include Area Within Concurrent Land Use Amendment, Per Ord. 2022-0015 (CA 2021-002). For more detail refer to PFR #72.

Table B.1.B.	Min. Parking and Loading Requirements	Required	Provided	Variance	Approval Date
Table B.1.B.	Min. Parking and Loading Requirements	Required	Provided	Variance	Approval Date

Table C.1.C.	Hours of Operation	Required	Provided	Variance	Approval Date
Table C.1.C.	Hours of Operation	Required	Provided	Variance	Approval Date

Table D.1.D.	Hours of Operation	Required	Provided	Variance	Approval Date
Table D.1.D.	Hours of Operation	Required	Provided	Variance	Approval Date

NOTE
 Planning District on PFR #2 and PFR #3.

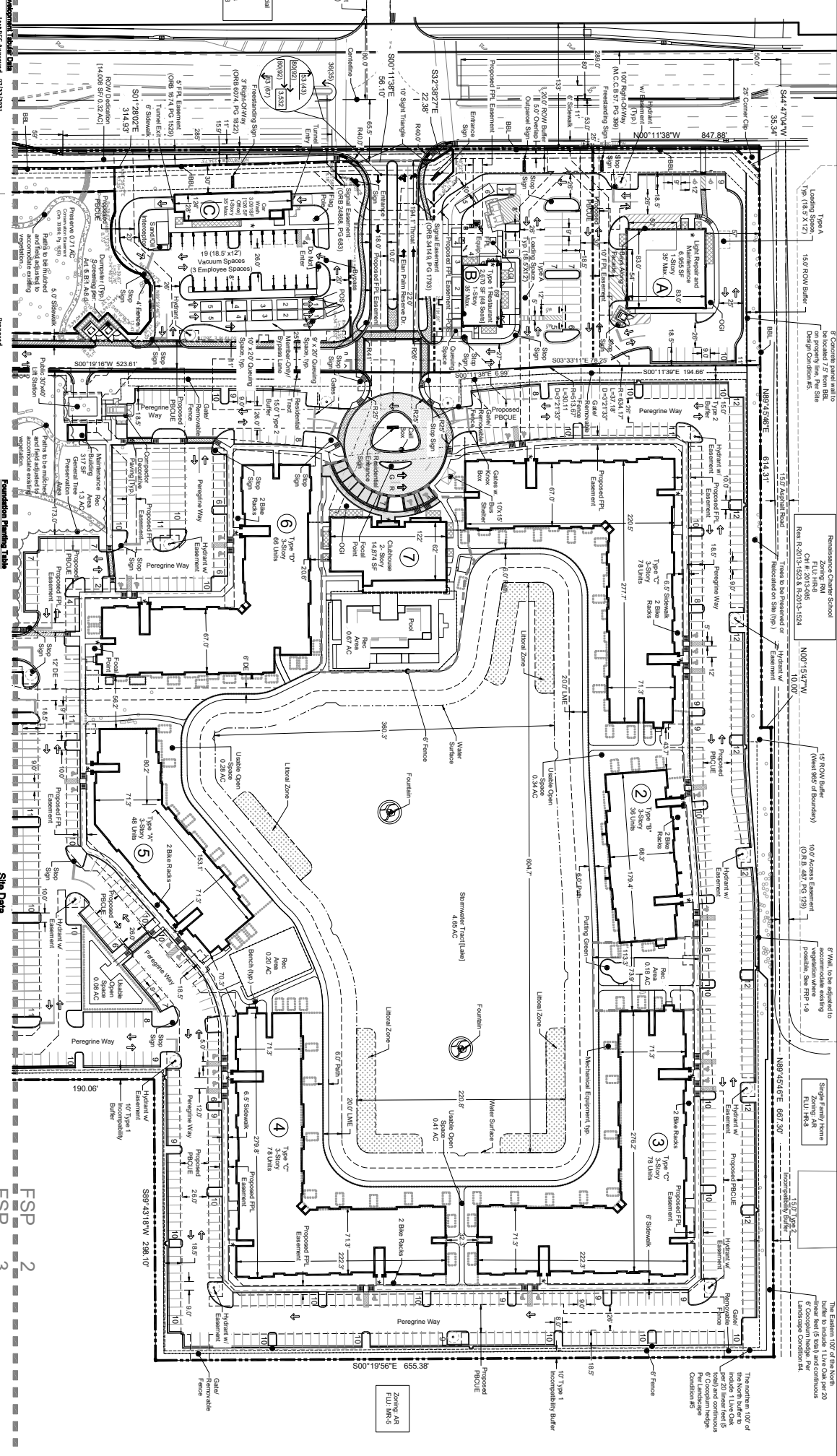


Post Type and Name	Reg. Area	Gross Area (AC)	Type	Unit #	Density	Height Class	Post Type and Name	Reg. Area	Gross Area (AC)	Type	Unit #	Density	Height Class	Attached	Change
Substitution	N/A	17.29 AC	N/A	394	12.00 DU/AC	N/A	Residential	N/A	17.29 AC	N/A	394	12.00 DU/AC	N/A	N/A	N/A

Per Palm Beach County UDC:
 It is the developer's intent to substitute the property pursuant to the platting exemption of Article 11, A.83
 C:\Users\kayron.Vassallo\My Documents\Projects\03_17-24\CA\1310 Elan Palm Reserve Develop Order Amend\CA\SP-Site-Sub-243 for day



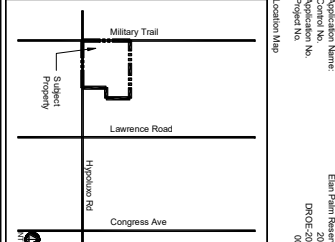
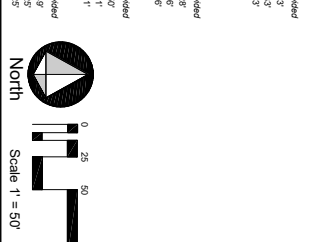
Military Trail (120' Ult. ROW)



Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class	Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Residential	17.23 AC	MF	384	12.00 DU/AC	Residential	17.23 AC	MF	384	12.00 DU/AC	Residential	17.23 AC
Non-Residential	2.20 AC	N/A	N/A	N/A	Non-Residential	2.20 AC	N/A	N/A	N/A	Non-Residential	2.20 AC
Commercial	2.20 AC	N/A	N/A	N/A	Commercial	2.20 AC	N/A	N/A	N/A	Commercial	2.20 AC

Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Residential	17.23 AC	MF	384	12.00 DU/AC	Residential
Non-Residential	2.20 AC	N/A	N/A	N/A	Non-Residential
Commercial	2.20 AC	N/A	N/A	N/A	Commercial

Act. Use	Approved Use	Footprint	Area	Units	Density	Act. Use	Approved Use	Footprint	Area	Units	Density
Commercial	150' x 150'	150' x 150'	22500 SF	1	1	Commercial	150' x 150'	150' x 150'	22500 SF	1	1
Commercial	150' x 150'	150' x 150'	22500 SF	1	1	Commercial	150' x 150'	150' x 150'	22500 SF	1	1



Act. Use	Approved Use	Footprint	Area	Units	Density	Act. Use	Approved Use	Footprint	Area	Units	Density
Commercial	150' x 150'	150' x 150'	22500 SF	1	1	Commercial	150' x 150'	150' x 150'	22500 SF	1	1
Commercial	150' x 150'	150' x 150'	22500 SF	1	1	Commercial	150' x 150'	150' x 150'	22500 SF	1	1

NOTE
 Application Name: Elan Palm Reserve MUPD
 Application No: DR02-2023-01684
 Application No: 00821-000
 * Fr Entry Entrance

NOTE
 Application Name: Elan Palm Reserve MUPD
 Application No: DR02-2023-01684
 Application No: 00821-000
 * Fr Entry Entrance

NOTE
 Application Name: Elan Palm Reserve MUPD
 Application No: DR02-2023-01684
 Application No: 00821-000
 * Fr Entry Entrance

Revision	Description	Date
1	Initial	03/26/2024
2	Revised	03/26/2024
3	Revised	03/26/2024

Elan Palm Reserve MUPD

Prepared for Elan Palm Reserve LLC
 Palm Beach County, Florida

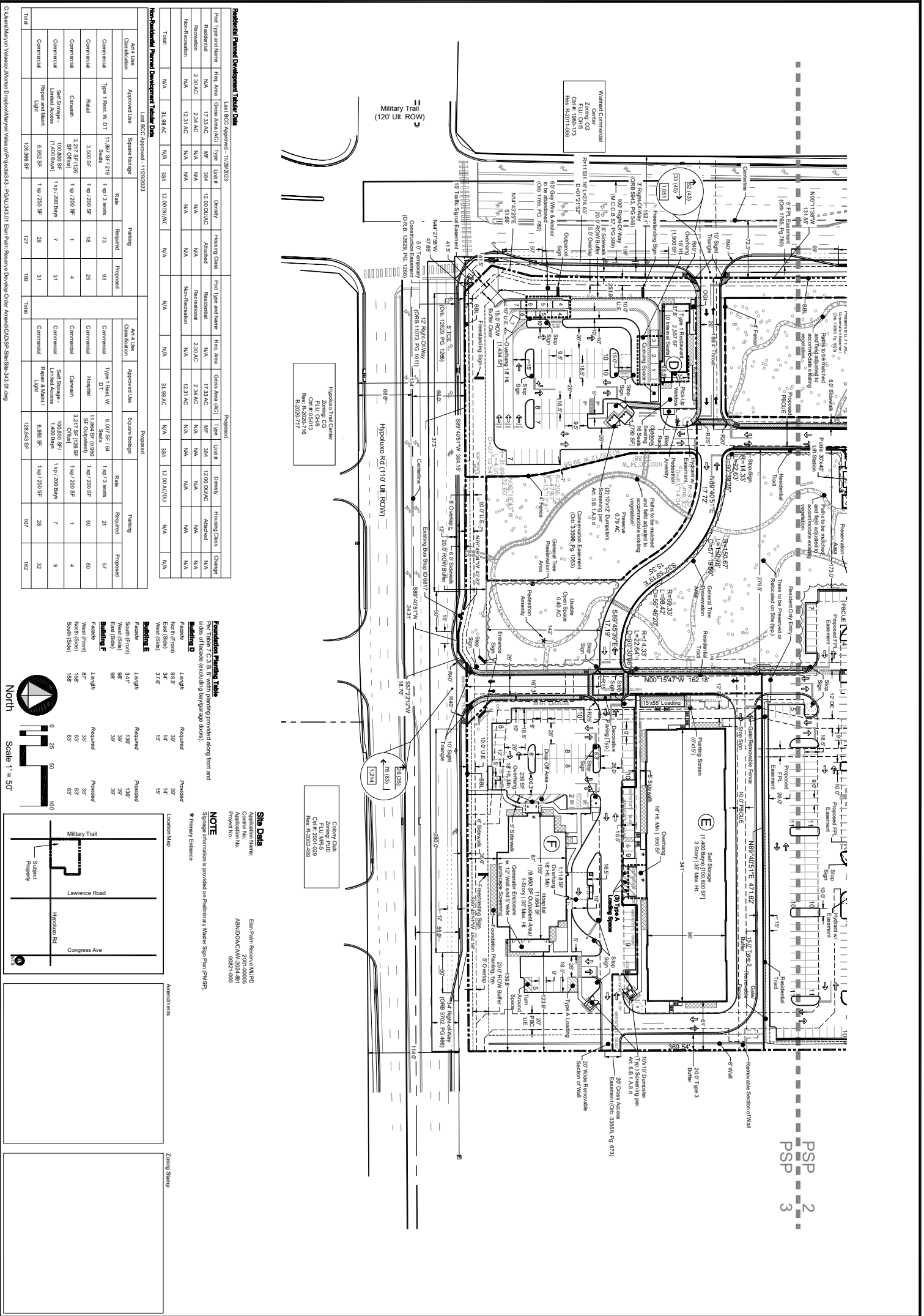


Elan Palm Reserve MUPD
 Palm Beach County, Florida

Revisions	
2/24/23	02/28/2023
1/11/23	01/11/2023
1/11/23	01/11/2023

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Drawn By:	MB
Checked By:	MD/AM
Date:	2/28/2023
File:	586-343.01

PSP
 Sheet **3 of 3**



Proposed Planned Development Trailer Data

Pod Type and Name	Reg. Area (Gross Area) (sq ft)	Type	Unit #	Density	Pod Type and Name	Reg. Area (Gross Area) (sq ft)	Type	Unit #	Density
Residential	17.23 AC	MF	384	12.072/DU/AC	Residential	17.23 AC	MF	384	12.072/DU/AC
Residential	2.32 AC	NA	NA	NA	Residential	2.32 AC	NA	NA	NA
Non-Residential	NA	NA	NA	NA	Non-Residential	12.31 AC	NA	NA	NA
Total:	31.88 AC	NA	384	12.00/DU/AC	NA	NA	384	12.00/AC/DU	NA

Non-Residential Planned Development Trailer Data

Art 4 Use Classification	Approved Use	Square Footage	Parking Required	Proposed	Art 4 Use Classification	Approved Use	Square Footage	Parking Required	Proposed
Commercial	Type 1 Retail W/ DT	11,927 SF (279 Seats)	73	93	Commercial	Type 1 Retail W/ DT	6,027 SF (64 Seats)	21	57
Commercial	Retail	3,500 SF	16	25	Commercial	Hospital (SF Occupant)	149,200 SF	50	60
Commercial	Cowman	3,217 SF (28 100/200 Bays)	1	4	Commercial	Cowman (SF Occupant)	3,217 SF (28 100/200 Bays)	1	4
Commercial	Self Storage (Limited Access)	1,400 Bays	7	31	Commercial	Self Storage (Limited Access)	1,400 Bays	7	32
Commercial	Repair and Maint. Light	6,932 SF	28	180	Commercial	Repair & Maint. Light	6,985 SF	28	122
Total		128,366 SF	127	180	Total		128,643 SF	107	122

Proposed Planned Building Data

Building	Length	Width	Area	Volume	Height
Building 1	34'	37'	1,258 SF	12,580 CU FT	37'
Building 2	34'	37'	1,258 SF	12,580 CU FT	37'
Building 3	34'	37'	1,258 SF	12,580 CU FT	37'
Building 4	34'	37'	1,258 SF	12,580 CU FT	37'
Building 5	34'	37'	1,258 SF	12,580 CU FT	37'

Site Data

Site Data
 Application Name: Elan Palm Reserve MUPD
 Application No.: ABND0000000202481
 Project No.: 00821000

NOTE

Site information is provided on Preliminary Master Site Plan (PMS-P).
 * Primary Entrance

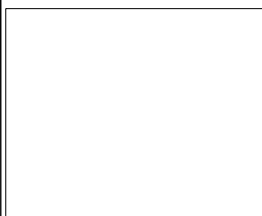
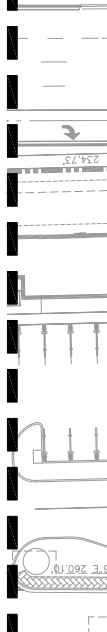
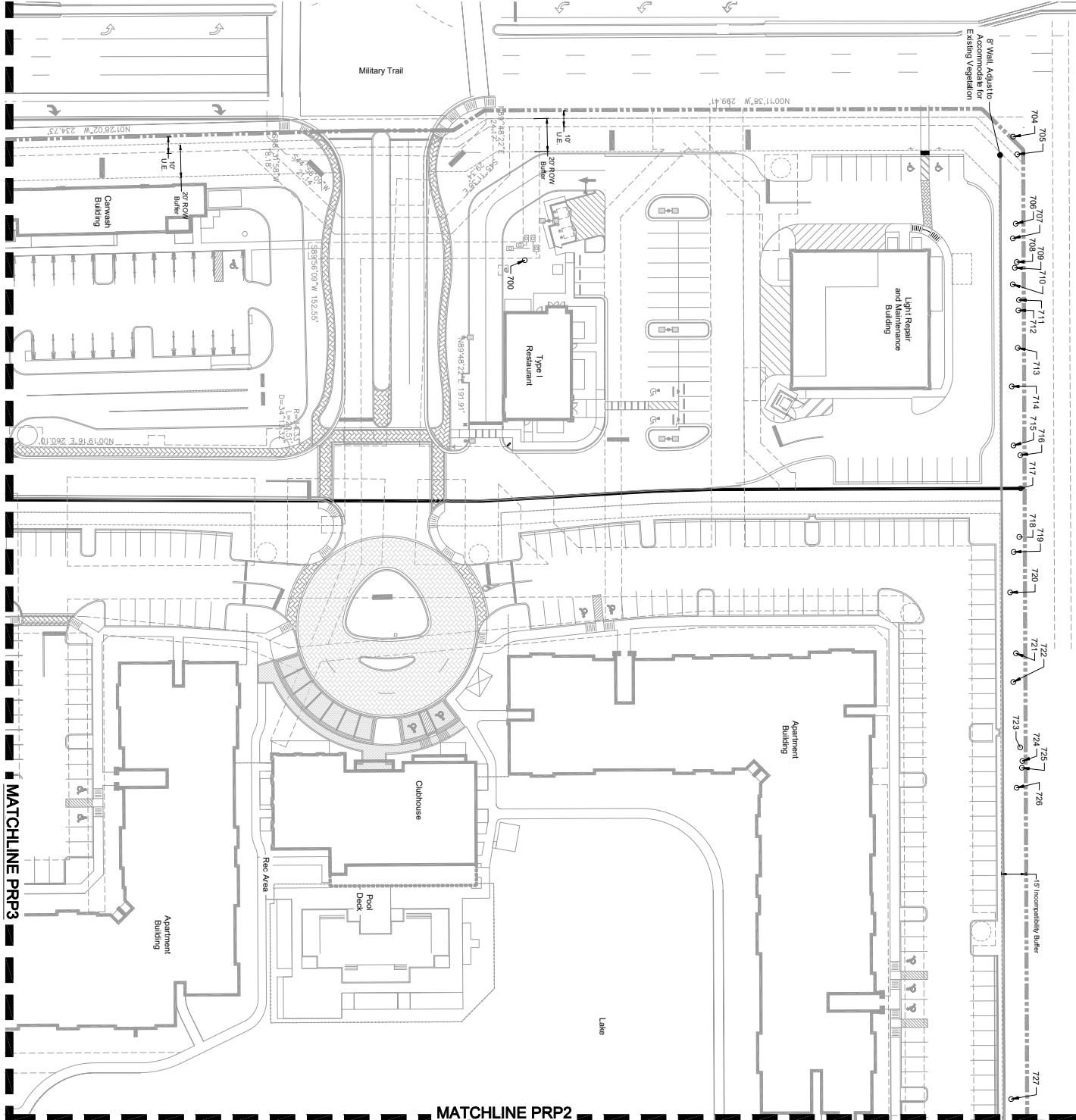


Exhibit F - Preliminary Regulating Plan



Site Data
 Project Name: Elan Palm Reserve MUPD
 Control No.: 2001-00005
 Application No.: ABN00ACAMW-2024-081
 Project No.: 00821-000

Scale: 1" = 30'
 North

Amendments

Amendment	Date	By	For

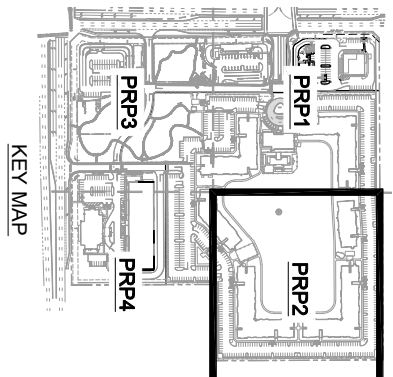
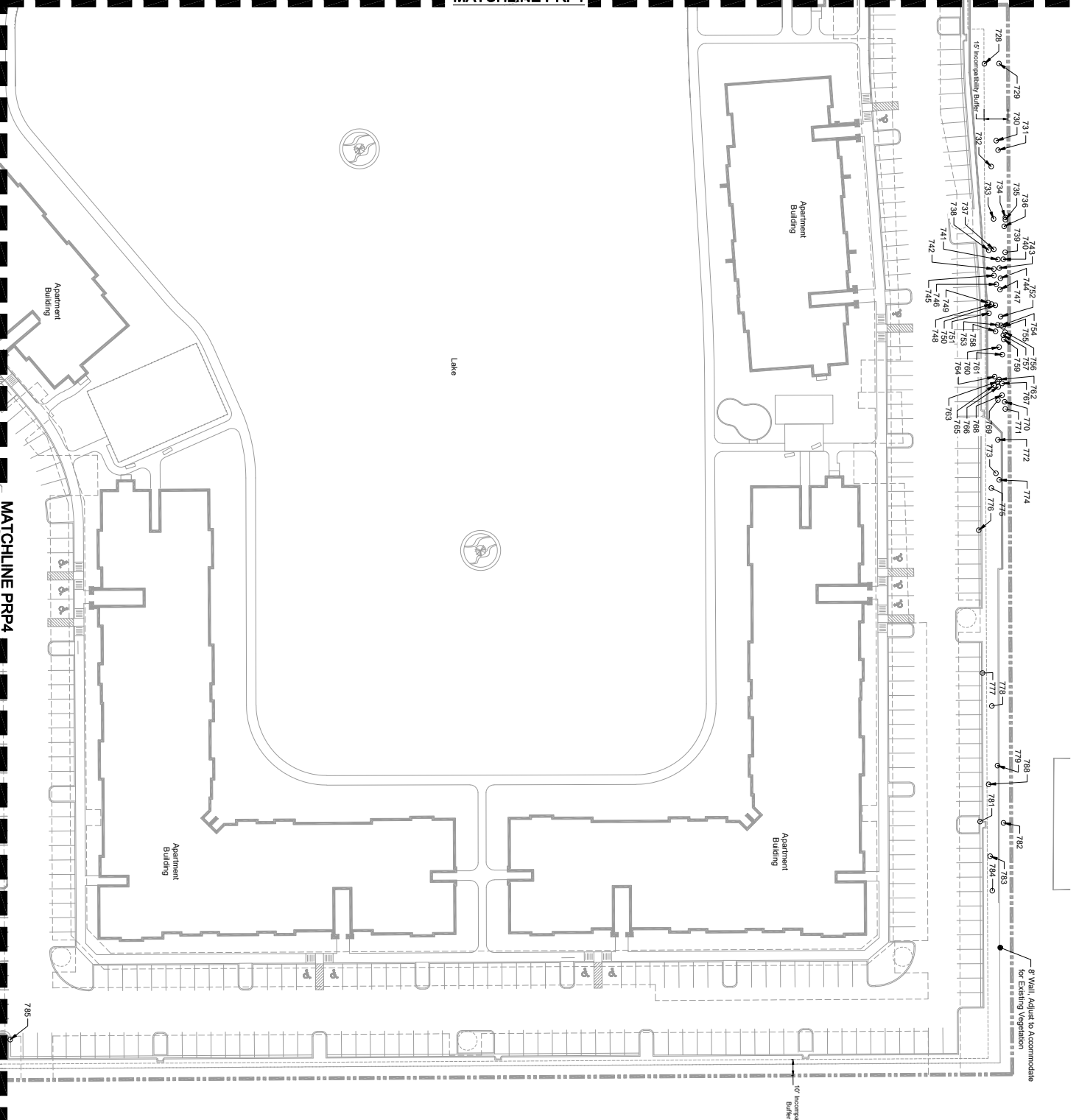
Revisions	
No.	Description

Elan Palm Reserve MUPD

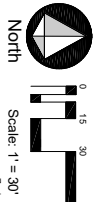
Palm Beach County, Florida

Morton
 PLANNING | LANDSCAPE ARCHITECTURE
 3910 RCA Blvd., Suite 1015 | Palm Beach Gardens, FL 33410
 (561) 500-5060 | info@mortonna.com

MATCHLINE PRP1



Site Data
 Application Name: Elan Palm Reserve MUPD
 Control No.: 2007-00305
 Project No.: AB/NOCA/CAV/0002-1/00



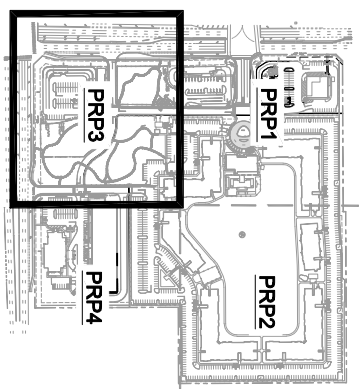
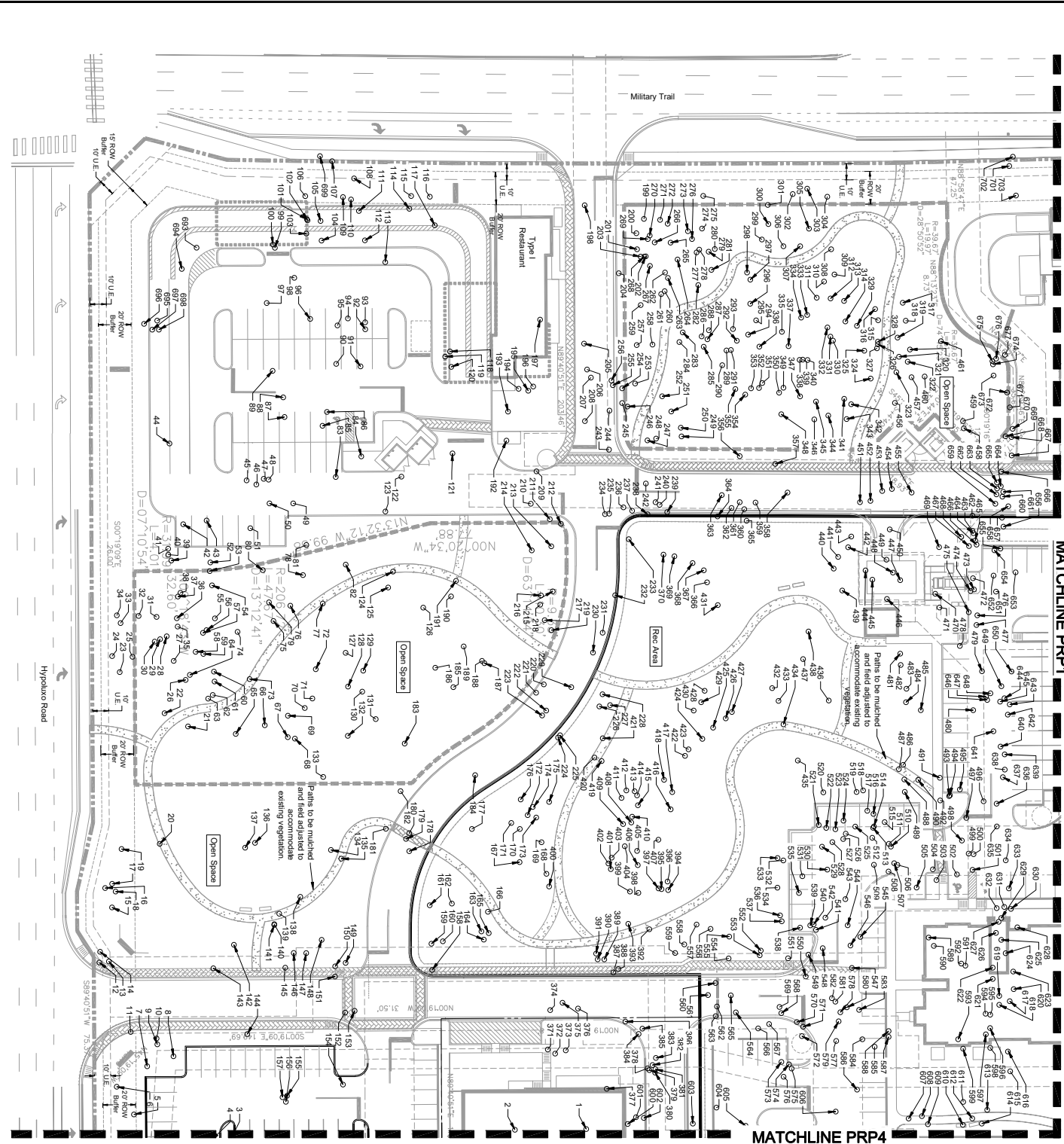
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PRP
 2 of 12
 Sheet

Elan Palm Reserve MUPD
 Palm Beach County, Florida





Site Data
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 Application No: 2007-00005
 A&P/COA/CW/2024-881
 Project No: 00821-000

North

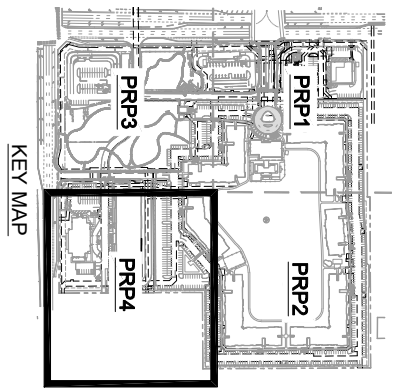
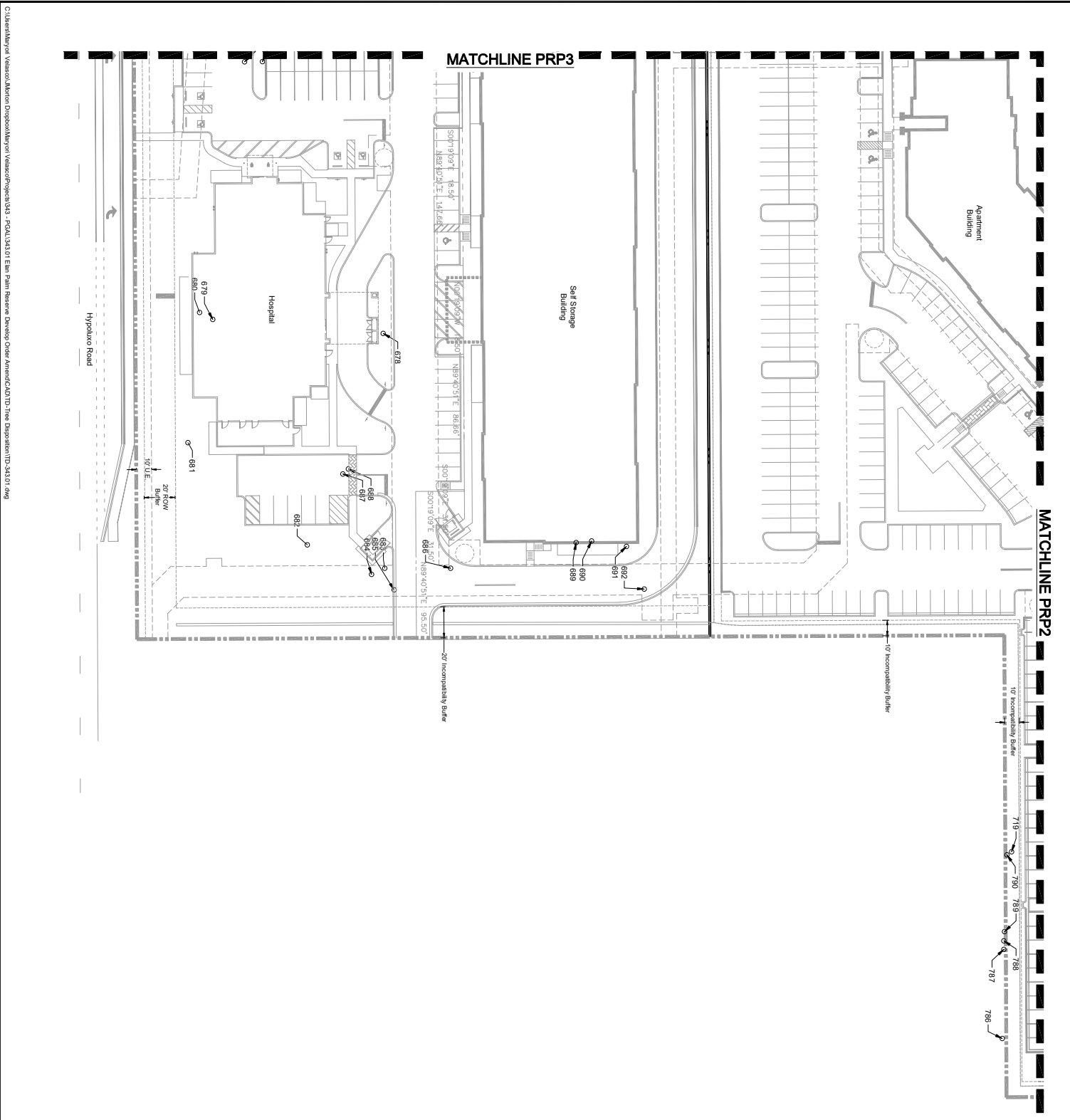
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Zoning Stamp

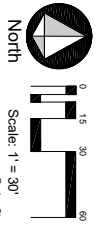
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2	03/07/2024	MD	REVISED

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Checked By:	M.D.
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File:	11D-343-01

PRP
 3 of 12



Site Data
 Application Name: Elan Palm Reserve MUPD
 Application No.: ABND0A0AVW-2024-4891
 Project No.: 000821-000



Amendments



Elan Palm Reserve MUPD
 Palm Beach County, Florida

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 Checked By: MLD
 Date: 2024.08.14
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Elan Palm Reserve MUPD

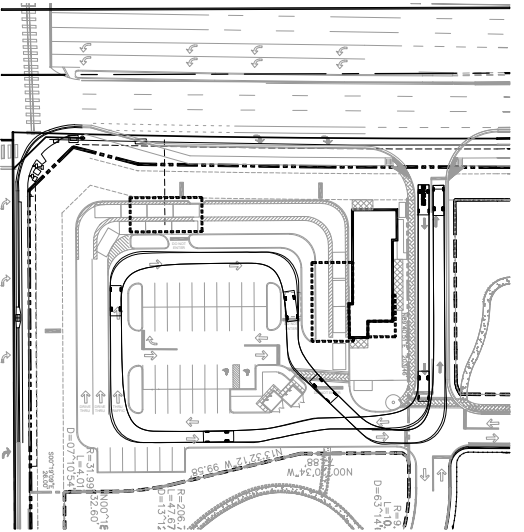
Palm Beach County, Florida



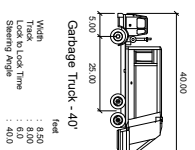
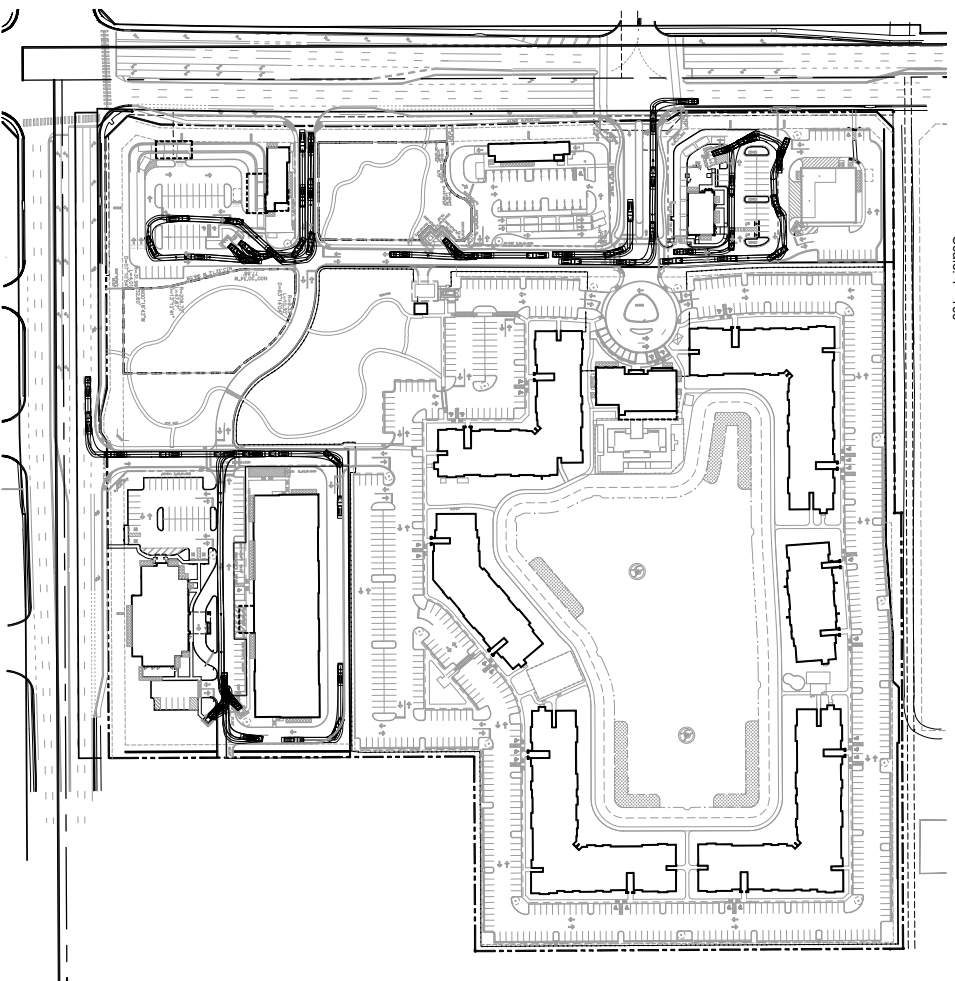
Vegetation Disposition Chart table with columns: Tag No., Species Name (Common), Species Name (Botanical), Size, ERM, Zoning, Proposed Disposition, ERM, Zoning, Credit, Notes.

Vegetation Disposition Chart table with columns: Tag No., Species Name (Common), Species Name (Botanical), Size, ERM, Zoning, Proposed Disposition, ERM, Zoning, Credit, Notes.

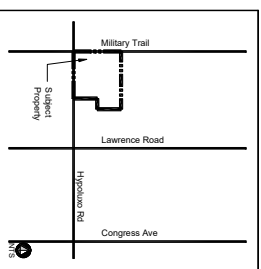
Delivery Truck Turn Analysis
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Garbage Truck Turn Analysis
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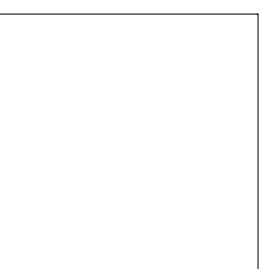
Location Map



Amendments



Zoning Stamp



Site Data
 Project Name: Elan Palm Reserve MUPD
 Control No.: 2001 00005
 Application No.: ABND00CAW/2024-851
 Project No.: 06241-000

Elan Palm Reserve MUPD
 2001 00005
 ABND00CAW/2024-851
 06241-000

Revisions

No.	Date	Description
1	02/09/2024	Final
2	02/15/2024	Final

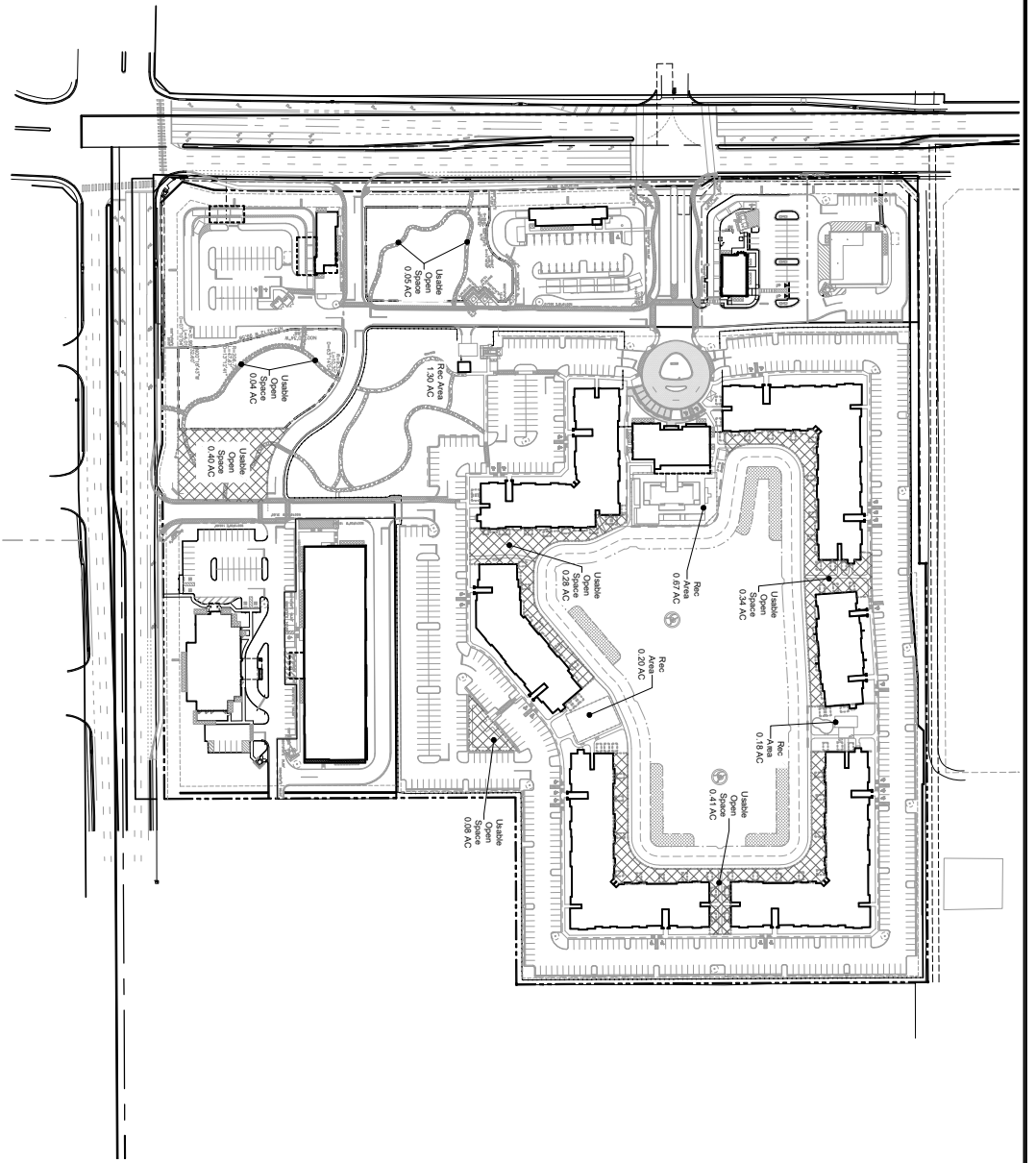
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Elan Palm Reserve MUPD
Palm Beach County, Florida

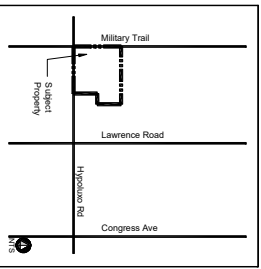


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Usable Open Space:
 Usable Open Space (Required for All) 1.00 AC
 Usable Open Space (Optional) 1.09 AC

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Location Map

Site Data

Application Name:
 Control No. No
 Project No.

Elan Palm Reserve MUPD
 ASB/DQA/CA/ 200700005
 ASB/DQA/CA/ 02871-000

Amendments

Zoning Stamp



Revision	Date	Description
1	02/09/2014	Initial
2	02/10/2014	Revised
3	02/10/2014	Revised
4	02/10/2014	Revised
5	02/10/2014	Revised
6	02/10/2014	Revised
7	02/10/2014	Revised
8	02/10/2014	Revised
9	02/10/2014	Revised
10	02/10/2014	Revised
11	02/10/2014	Revised
12	02/10/2014	Revised
13	02/10/2014	Revised
14	02/10/2014	Revised
15	02/10/2014	Revised
16	02/10/2014	Revised
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19	02/10/2014	Revised
20	02/10/2014	Revised

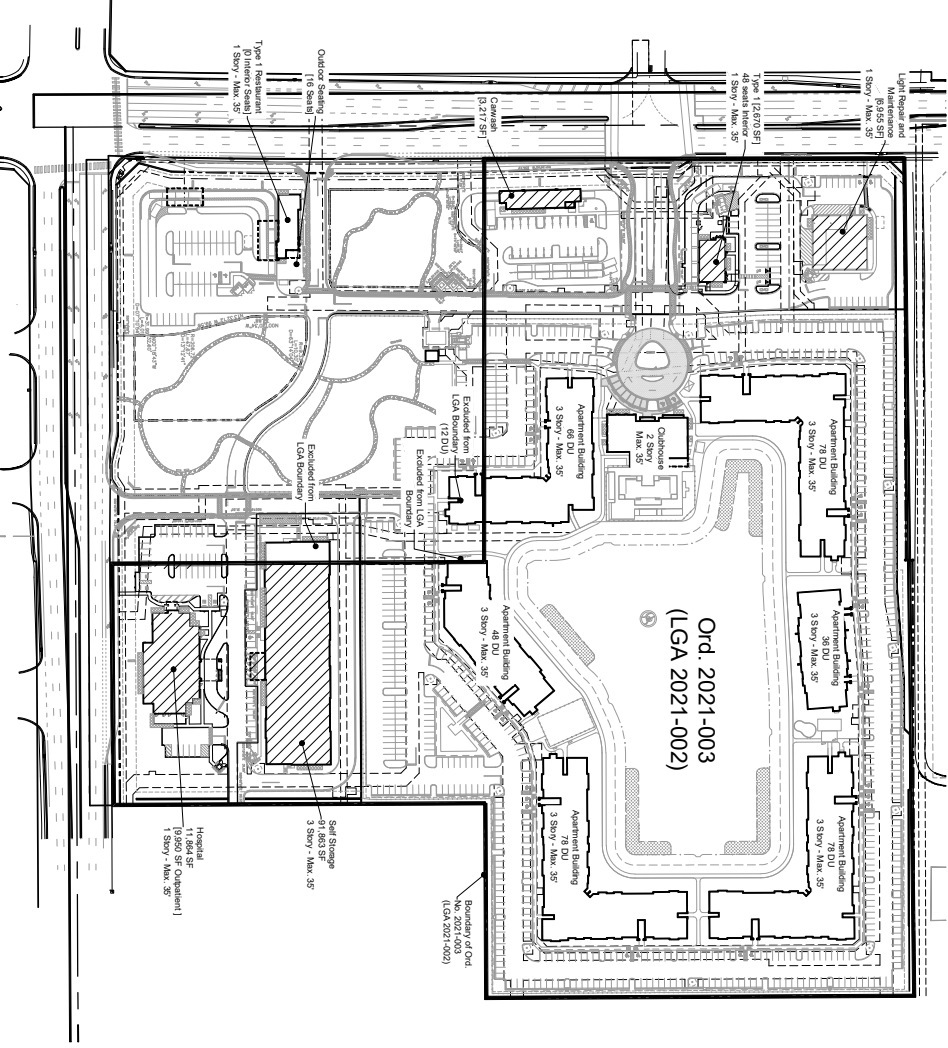
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Drawn By	KB
Checked By	MDLM
Date	2014/02/14
File	Site-243.01

PRP
 Sheet 11 of 12

Elan Palm Reserve MUPD
 Palm Beach County, Florida



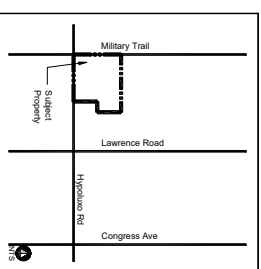
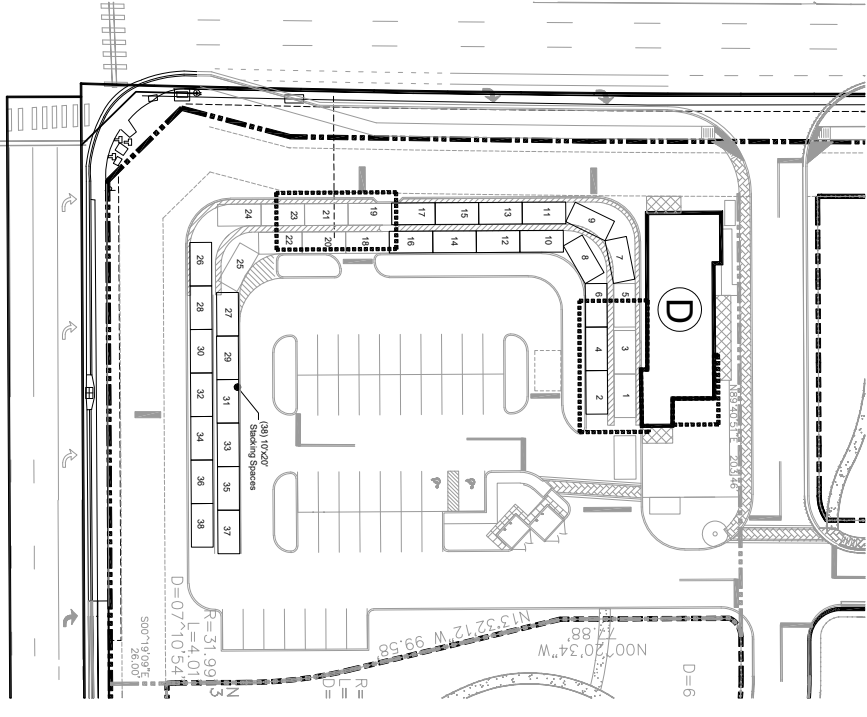
FLU Key Map
Scale: 1" = 100'



FLU Key Map

Site Plan to include Area Within Containment
 See Site Plan Attachment for Ord. 2021-003 (LGA 2021-002).
 Ord. 2021-003 (LGA 2021-002) - Development under the Commercial Right of Use designation is limited to a maximum of 386,200 square feet of commercial space development or up to the equivalent number of jobs.
 Total Non-Residential (CN) Square Footage within LGA Boundary
 116,998 SF
 91,863 SF
 25,135 SF
 148 Stalls
 2,670 SF
 Type 1 Restaurant
 3,217 SF
 14,674 SF
 Clubhouse
 14,674 SF
 0/0
 Total Dwelling Units (MRS) in LGA Boundary
 372 DU

Building D Stacking Exhibit
Scale: 1" = 30'



Location Map

Amendments

Zoning Stamp

Site Data
 Name: Elan Palm Reserve MUPD
 Center No.: ABND0CAW-52024-891
 Application No.: 00227000
 Project No.:

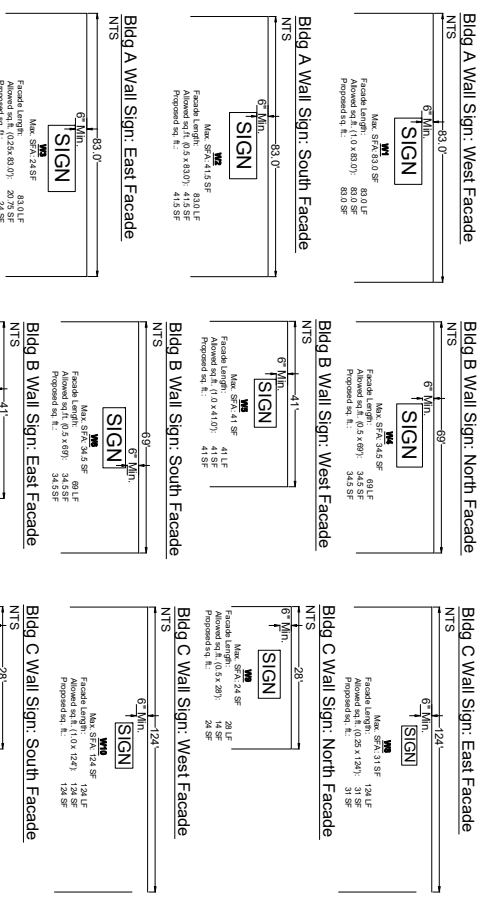
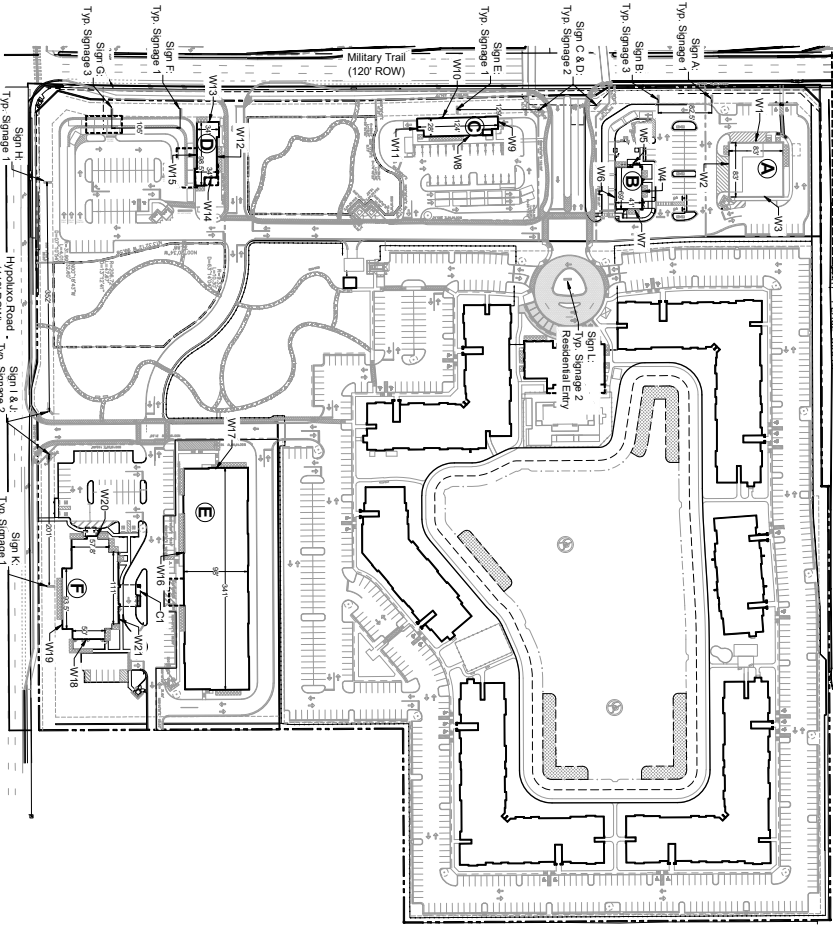
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3	06/16/2024	AS/STW
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38	06/16/2024	AS/STW
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40	06/16/2024	AS/STW

PRP
 Sheet 12 of 12

Elan Palm Reserve MUPD
Palm Beach County, Florida

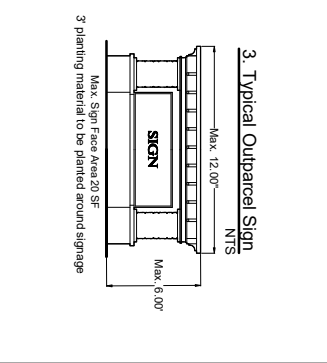
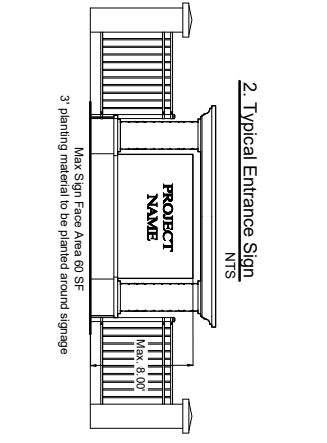
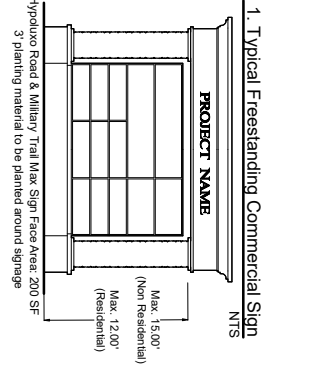


Exhibit G - Preliminary Master Sign Plan



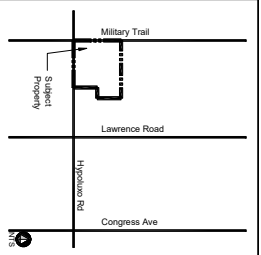
UDOC Requirements per Table 8.6.1.A - Wall Sign Standards		Proposed Sign Dimensions	
Sign ID	Sign Location	Sign Width	Sign Height
W1	Front	83.0 SF	-
W2	-	-	41.5 SF
W3	-	-	24.0 SF
W4	-	-	34.5 SF
W5	-	-	41.0 SF
W6	-	-	34.5 SF
W7	-	-	24.0 SF
W8	-	-	31.0 SF
W9	-	-	24.0 SF
W10	-	-	124.0 SF
W11	-	-	24.0 SF
W12	-	-	48.25 SF
W13	-	-	24.0 SF
W14	-	-	24.0 SF
W15	-	-	98.5 SF
W16	-	-	341.0 SF
W17	-	-	48.0 SF
W18	-	-	24.0 SF
W19	-	-	46.25 SF
W20	-	-	57.8 SF
W21	-	-	24 SF
W21	-	-	31.45 SF

Street Name/Length of Project Frontage	Max. No. per Project Frontage	Freestanding Signs - UDOC Table 8.6.2.A		Freestanding Signs - UDOC Table 8.6.2.B		Min. Spacing
		Allowed	Proposed	Allowed	Proposed	
Military Trail (11.95 LF)	3	600 SF	600 SF	8'	8'	50'
Sign A	-	200 SF	200 SF	15'	5'	50'
Sign B	-	200 SF	200 SF	15'	5'	50'
Sign C	-	200 SF	200 SF	15'	5'	50'
Hypoculus Road (950 LF)	3	200 SF	400 SF	-	5'	50'
Sign H	-	200 SF	200 SF	15'	5'	36'
Sign K	-	200 SF	200 SF	12'	5'	20'



Site Data

Application Name: Elan Palm Reserve MUPD
 Control No.: 2001-00005
 Application No.: ABND000CAW02024891
 Project No.: 0425-000

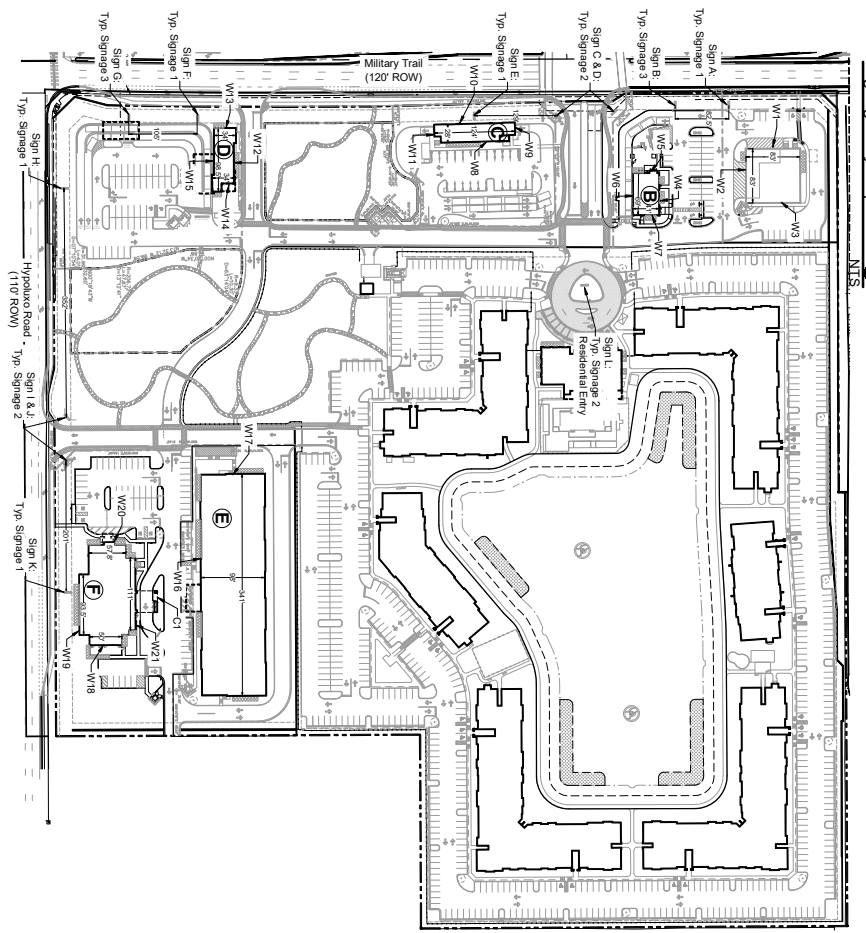


Amendments

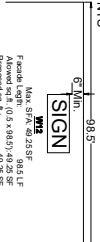
Amendment	Approved	Proposed
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100	Allowed	Proposed



Signage Key Map



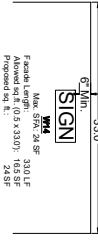
Bldg D Wall Sign: North Facade



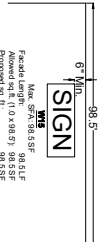
Bldg D Wall Sign: West Facade



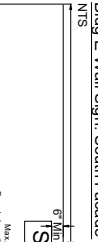
Bldg D Wall Sign: East Facade



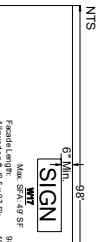
Bldg D Wall Sign: South Facade



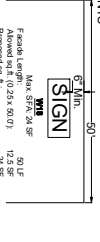
Bldg E Wall Sign: South Facade



Bldg E Wall Sign: West Facade



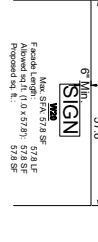
Bldg F Wall Sign: East Facade



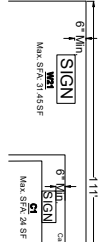
Bldg F Wall Sign: South Facade



Bldg F Wall Sign: West Facade



Bldg F Wall Sign: North Facade

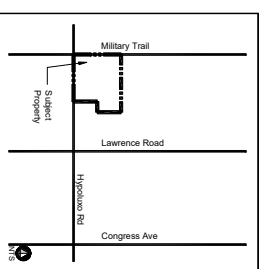


Site Data
 Application Name: Elan Palm Reserve MUPD
 Control No.: 0001-00025
 Project No.: ABN/DCA/CVA/10082-1-000

Revisions

No.	Date	Description
1	02/09/2024	Final
2	02/15/2024	Final

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 Drawn By: KB
 Checked By: MJA
 Date: 2/22/24
 File: SPS-24.01

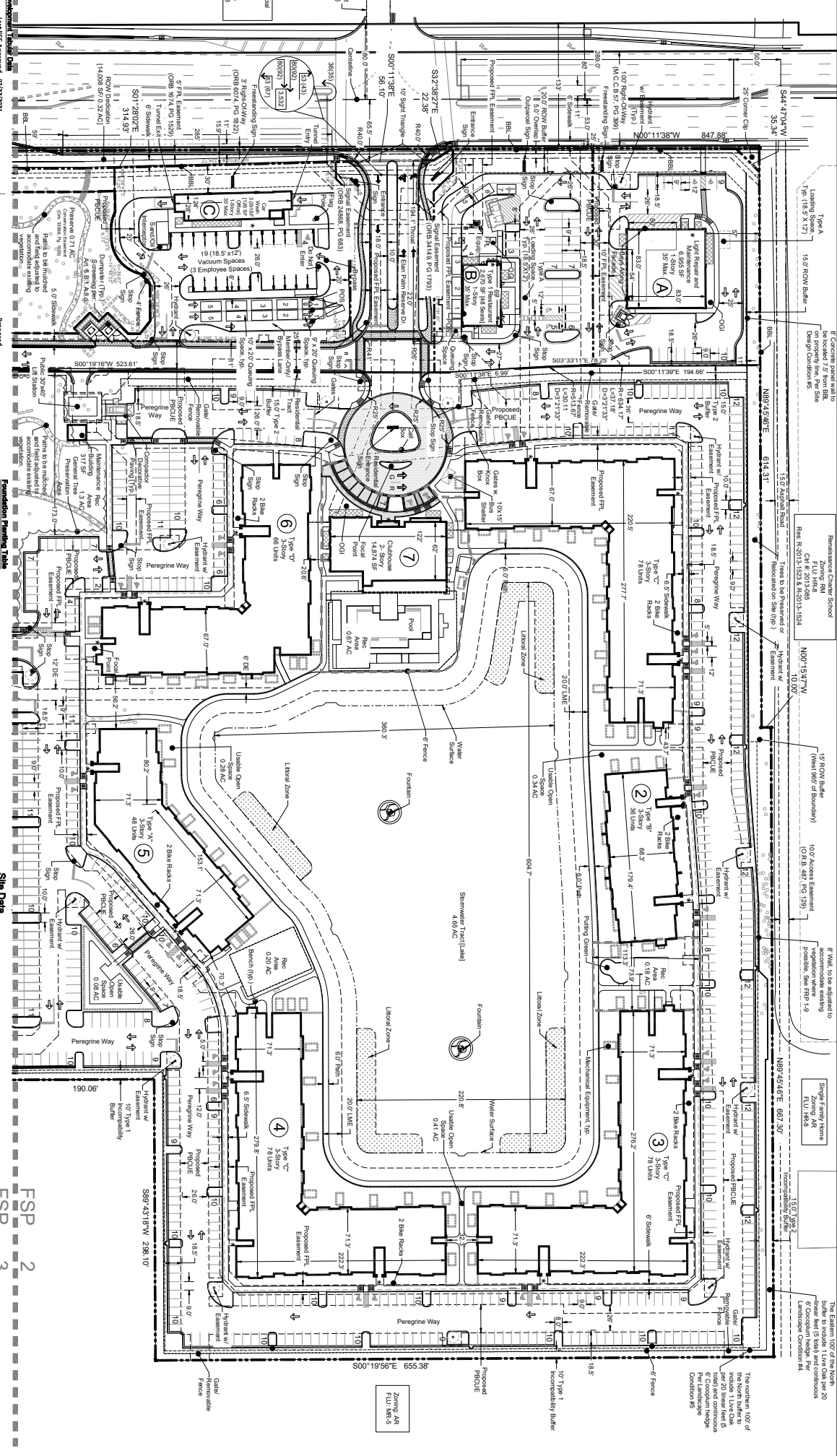


Elan Palm Reserve MUPD
 Palm Beach County, Florida



Exhibit H - Previously Approved Site Plan

Military Trail (120' Ult. ROW)



Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class	Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Residential	17.23 AC	MF	384	12.00 DU/AC	Residential	17.23 AC	MF	384	12.00 DU/AC	Residential	17.23 AC
Non-Residential	2.20 AC	N/A	N/A	N/A	Non-Residential	2.20 AC	N/A	N/A	N/A	Non-Residential	2.20 AC
Commercial	2.20 AC	N/A	N/A	N/A	Commercial	2.20 AC	N/A	N/A	N/A	Commercial	2.20 AC

Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Commercial	3.80 AC	MF	115	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial

Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial

Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial

Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial

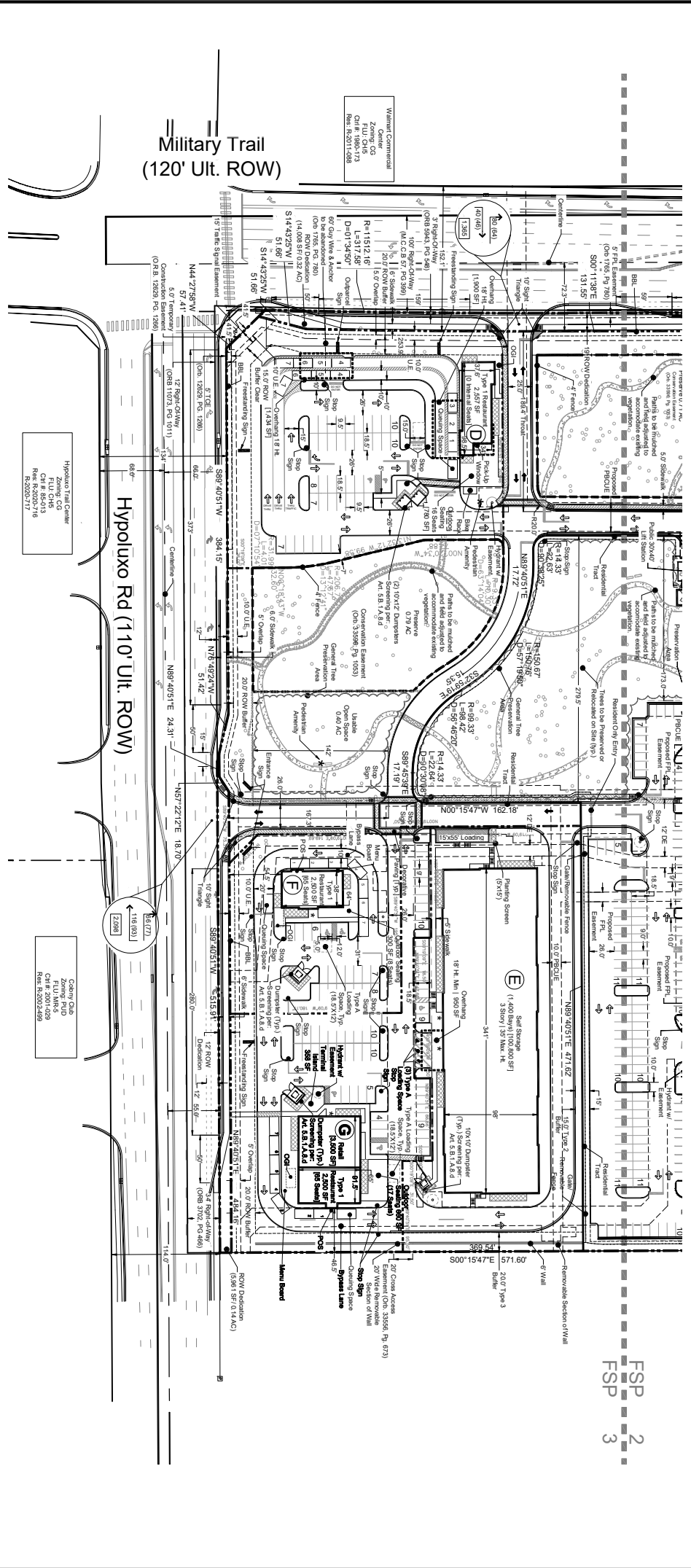
Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial

Foot Type and Name	Area (Acres)	Type	Units	Density	Housing Class
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial
Commercial	1.20 AC	MF	36	30.00 DU/AC	Commercial

NOTE
 Application Name: Elan Palm Reserve MUPD
 Application No: DR02-2023-01684
 Application No: 00821-000
 * Fr Entry Entrance
 Amendments:
 ZAR-2024-00304 03/26/2024 TH
 Project No: 00821-000
 Control No: 2001-00005
 Application #: DR02-2023-01684
 Resolution #: R-2023-01743
 R-2023-01744
 Exhibit No: 17 (page 2 of 3)
 Superseded No: 13 (page 2 of 3)
 Date Approved: 12/22/2023
 Project Manager: D. Adelsperger

Elan Palm Reserve MUPD

Prepared for Elan Palm Reserve LLC
 Palm Beach County, Florida



Permitted Planned Development Table

Required Gross Area	Type	Units	Density	Height	Post Type and Name	Required Gross Area	Type	Units	Density	Height	Post Type and Name
N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential	N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential
2.38 AC	Commercial	2.38 AC	N/A	N/A	Commercial	2.38 AC	Commercial	N/A	N/A	N/A	Commercial
N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential	N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential
N/A	Total	N/A	31.58 AC	388	12.00 DU/AC	N/A	Total	N/A	31.58 AC	388	12.00 DU/AC

Proposed Planned Development Table

Required Gross Area	Type	Units	Density	Height	Post Type and Name	Required Gross Area	Type	Units	Density	Height	Post Type and Name
N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential	N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential
2.38 AC	Commercial	2.38 AC	N/A	N/A	Commercial	2.38 AC	Commercial	N/A	N/A	N/A	Commercial
N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential	N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential
N/A	Total	N/A	31.58 AC	388	12.00 DU/AC	N/A	Total	N/A	31.58 AC	388	12.00 DU/AC

Per Table 7-C.3.3.8 with parking provided along front and side of vehicle (excluding bay/pedestrian).

Building	Length	Required	Provided
Building A	341'	136'	136'
Building B	98'	38'	38'
Building C	98'	38'	38'
Building D	38'	15'	15'
Building E	37.8'	14'	14'
Building F	37.8'	15'	15'
Building G	15'	15'	15'
Building H	15'	15'	15'
Building I	15'	15'	15'
Building J	15'	15'	15'
Building K	15'	15'	15'
Building L	15'	15'	15'
Building M	15'	15'	15'
Building N	15'	15'	15'
Building O	15'	15'	15'
Building P	15'	15'	15'
Building Q	15'	15'	15'
Building R	15'	15'	15'
Building S	15'	15'	15'
Building T	15'	15'	15'
Building U	15'	15'	15'
Building V	15'	15'	15'
Building W	15'	15'	15'
Building X	15'	15'	15'
Building Y	15'	15'	15'
Building Z	15'	15'	15'

Site Data

City: Palm Beach
County: Palm Beach
Zoning: PUD
Map No.: 2001-00005
Application No.: DR0E-2023-01684
Project No.: 00821-000

Amendments

ZAR-2024-00304 03/26/2024 TH

Zoning Stamp

Project No: 00821-000
Control No: 2001-00005
Application #: DR0E-2023-01684
Resolution #: R-2023-01743
R-2023-01744

Exhibit No: 17 (page 3 of 3)
Superseded No: 13 (page 3 of 3)
Date Approved: 12/22/2023
Project Manager: D. Adelsperger

Permitted Planned Development Table

Required Gross Area	Type	Units	Density	Height	Post Type and Name	Required Gross Area	Type	Units	Density	Height	Post Type and Name
N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential	N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential
2.38 AC	Commercial	2.38 AC	N/A	N/A	Commercial	2.38 AC	Commercial	N/A	N/A	N/A	Commercial
N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential	N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential
N/A	Total	N/A	31.58 AC	388	12.00 DU/AC	N/A	Total	N/A	31.58 AC	388	12.00 DU/AC

Proposed Planned Development Table

Required Gross Area	Type	Units	Density	Height	Post Type and Name	Required Gross Area	Type	Units	Density	Height	Post Type and Name
N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential	N/A	Residential	N/A	1.58 AC	12.00 DU/AC	Residential
2.38 AC	Commercial	2.38 AC	N/A	N/A	Commercial	2.38 AC	Commercial	N/A	N/A	N/A	Commercial
N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential	N/A	Non-Residential	N/A	1.23 AC	N/A	Non-Residential
N/A	Total	N/A	31.58 AC	388	12.00 DU/AC	N/A	Total	N/A	31.58 AC	388	12.00 DU/AC

Per Table 7-C.3.3.8 with parking provided along front and side of vehicle (excluding bay/pedestrian).

Building	Length	Required	Provided
Building A	341'	136'	136'
Building B	98'	38'	38'
Building C	98'	38'	38'
Building D	38'	15'	15'
Building E	37.8'	14'	14'
Building F	37.8'	15'	15'
Building G	15'	15'	15'
Building H	15'	15'	15'
Building I	15'	15'	15'
Building J	15'	15'	15'
Building K	15'	15'	15'
Building L	15'	15'	15'
Building M	15'	15'	15'
Building N	15'	15'	15'
Building O	15'	15'	15'
Building P	15'	15'	15'
Building Q	15'	15'	15'
Building R	15'	15'	15'
Building S	15'	15'	15'
Building T	15'	15'	15'
Building U	15'	15'	15'
Building V	15'	15'	15'
Building W	15'	15'	15'
Building X	15'	15'	15'
Building Y	15'	15'	15'
Building Z	15'	15'	15'

Site Data

City: Palm Beach
County: Palm Beach
Zoning: PUD
Map No.: 2001-00005
Application No.: DR0E-2023-01684
Project No.: 00821-000

Amendments

ZAR-2024-00304 03/26/2024 TH

Zoning Stamp

Project No: 00821-000
Control No: 2001-00005
Application #: DR0E-2023-01684
Resolution #: R-2023-01743
R-2023-01744

Exhibit No: 17 (page 3 of 3)
Superseded No: 13 (page 3 of 3)
Date Approved: 12/22/2023
Project Manager: D. Adelsperger

Exhibit I - Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT


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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
CHERYL K. RAMAGANO, 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 [x] TREASURER [position—e.g., president, partner, trustee] of WELLINGTON REGIONAL MEDICAL CENTER, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 367 SOUTH GULPH ROAD
KING OF PRUSSIA, PA 19406
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.


CHERYL K. RAMAGANO, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

Pennsylvania
STATE OF ~~FLORIDA~~
COUNTY OF ~~PALM BEACH~~ Montgomery

The foregoing instrument was acknowledged before me by means of [] physical presence or
[] online notarization, this 4th day of JUNE, 2024 by
Cheryl K. Ramagano (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did did not take an oath (circle correct response).

MARSIGLIA T. MOSCIA
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 4-5-2027

NOTARY'S SEAL OR STAMP

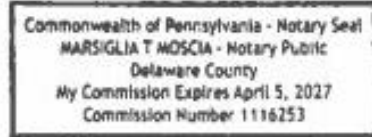


EXHIBIT "A"

PROPERTY

Tracts A, B and L, "Elan Palm Reserve M.U.P.D.", according to the plat thereof, as recorded in Plat Book 134 at pages 110 through 112 of the Public Records of Palm Beach County, Florida.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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.

Name	Address
UHS of Delaware, Inc.	367 South Gulph Road, King of Prussia, PA 19406
- sole member of Applicant	
Universal Health Services, Inc.	367 South Gulph Road, King of Prussia, PA 19406
- a publicly traded company and owner of UHS of Delaware, Inc.	

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 Ana Pedrajo, 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 Authorized Representative [position - e.g., president, partner, trustee] of Elan Palm Reserve Commercial Owner, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 465 Meeting Street
Suite 500
Charleston, SC 29403
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.
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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.

Ana Pedrajo
Ana Pedrajo, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3rd day of June, 2024 by Ana Pedrajo (name of person acknowledging). He/she (s personally known) to me or has produced _____ (type of identification) as identified _____ (type of identification correct response).



Christie L. Kielty
(Signature)

My Commission Expires on: 11/12/2025

NOTARY'S SEAL OR STAMP

EXHIBIT "A"

PROPERTY

Tracts A, B and L, "Elan Palm Reserve M.U.P.D.", according to the plat thereof, as recorded in Plat Book 134 at pages 110 through 112 of the Public Records of Palm Beach County, Florida.

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.

Name	Address
	Elan Palm Reserve Owner, LLC - 465 Meeting Street, STE 500, Charleston, SC 29403
100% Elan Palm Reserve Owner, LLC	
Michael C. Pascucci 22.51%	
Christopher S. Pascucci 22.85%	
Ralph P. Pascussi 9.64%	
Owner individuals (directly or indirectly), each owning less than 5%, and to the	
knowledge of the undersigned, in his/her capacity, none of such individuals	
is a government employee or an elected official (or their respective spouses)	
for of within Palm Beach County	

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

2. Affiant's address is: 465 Meeting Street
Suite 500
Charleston, SC 29403

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.

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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.

Ana Pedrajo
Ana Pedrajo, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3rd day of June, 2024 by Ana Pedrajo (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).



CKielty
(Signature)

My Commission Expires on: 11/12/2025

NOTARY'S SEAL OR STAMP

EXHIBIT "A"

PROPERTY

Tracts A, B and L, "Elan Palm Reserve M.U.P.D.", according to the plat thereof, as recorded in Plat Book 134 at pages 110 through 112 of the Public Records of Palm Beach County, Florida.

EXHIBIT "B"

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Name	Address
	Elan Palm Reserve Owner, LLC - 465 Meeting Street, STE 500, Charleston, SC 29403
100%	Elan Palm Reserve Owner, LLC
Michael C. Pascucci	22.51%
Christopher S. Pascucci	22.85%
Ralph P. Pascussi	9.64%
Owner individuals (directly or indirectly), each owning less than 5%, and to the	
knowledge of the undersigned, in his/her capacity, none of such individuals	
is a government employee or an elected official (or their respective spouses)	
for of within Palm Beach County	

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 Jeff Fuqua, 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 Fuqua BCDC Hypoluxo Project Owner LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 3575 Piedmont Road NE
Suite 800
Atlanta, GA 30305
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.
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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.

Jeff Fuqua
Jeff Fuqua, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 4th day of June, 2024 by Jeff Fuqua (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did take an oath (circle correct response).

Jennifer Ledbetter
(Name - type, stamp or print clearly)

Jennifer Ledbetter
(Signature)

My Commission Expires on: 3/4/25

Jennifer Ledbetter
Notary Public, Fulton County, Georgia
My Commission Expires 03/04/2025

EXHIBIT "A"

PROPERTY

Tracts A, B and L, "Elan Palm Reserve M.U.P.D.", according to the plat thereof, as recorded in Plat Book 134 at pages 110 through 112 of the Public Records of Palm Beach County, Florida.

EXHIBIT "B"

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Name	Address
Fuqua Development, LP	3575 Piedmont Rd., NE Suite 800 Atlanta, Georgia 30305 (100% onwership interest)

Exhibit J - Drainage Statement



THOMAS ENGINEERING GROUP
1000 CORPORATE DR., STE. 250
FORT LAUDERDALE, FL 33334
P: 954-202-7000
F: 954-202-7070

Drainage Statement Elan Palm Reserve MUPD

Prepared by: Thomas Engineering Group, LLC

The subject property consists of three parcels of land totaling approximately 31.51-acres with Property Control Numbers (PCN's) 00-42-45-01-24-001-0010, 00-42-45-01-24-001-0020, 00-42-45-01-24-001-0030, 00-42-45-01-24-001-0040, 00-42-45-01-24-001-0050, 00-42-45-01-24-001-0060, 00-42-45-01-24-001-0070, 00-42-45-01-24-001-0080, 00-42-45-01-24-002-0000 and 00-42-45-01-24-012-0000. The proposed mixed-use development includes 384-unit multi-family residential development, commercial out parcels, and common area with conservation areas. The subject property is located within the boundaries of the Lake Worth Drainage District (LWDD) and the South Florida Water Management District (SFWMD) C-16 Drainage Basin. Additionally, the project site is located within a FEMA Flood Zone X as shown on the FEMA FIRM Map Number 12099C0778F with an effective date October 5, 2017.

The proposed runoff will be collected via drainage inlets which will flow through a series of drainage pipes to an on-site lake. Legal positive outfall is through the proposed control structure, a series of outfall drainage pipes which discharge to the LWDD L-18 Canal located on the south side of Hypoluxo Road utilizing the Palm Beach County Engineering Private Utility Permit Process established by PPM# EL-O-3607.

The proposed stormwater management design for the project will meet the following criteria:

- The 3-year 1-day storm stages below the proposed parking lot elevations.
- A perimeter berm will be constructed around the site to contain the 25-year 3-day rainfall event.
- The building finished floor elevations will be above the 100-year 3-day storm event without discharge.
- Allowable discharge and water quality requirements to be in accordance with the LWDD and SFWMD criteria.
- Commercial parcels to provide 1/2" dry pretreatment.

The drainage system will be maintained and operated by each respective property owner and a reciprocal easement agreement in accordance with SFWMD's requirements and guidelines has been executed to provide for the required maintenance, operation, and remedy emergencies to the systems.

Applicable required permits for the proposed work will be sought from SFWMD, LWDD, PBCLDD, and FDEP and no work will commence until these permits are received.

Digitally signed by Michael Troxell
DN: c=US, o=Florida,
dnQualifier=4014100000017614818EA
80000515, cn=Michael Troxell
Date: 2024.06.06 10:57:36 -04'00'

Michael Troxell

Michael A. Troxell, P.E.
Florida P.E. License # 50572
Certificate of Authorization No. 27528

Michael A. Troxell, State of Florida, Professional Engineer, License No. 50572. This item has been digitally signed and sealed by Michael A. Troxell, P.E. on 06/06/2024. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

CIVIL ENGINEERS - PROJECT MANAGERS - LAND PLANNING - LANDSCAPE ARCHITECTS

WWW.THOMASENGINEERINGGROUP.COM

Exhibit K - Utility Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

printed on sustainable
and recycled paper

March 23, 2020

Morton
3910 RCA Boulevard
Palm Beach Gardens, Fl. 33410

RE: NE Corner of Hypoluxo Road & Military Trail
PCN 00-42-45-01-00-000-5071, 00-42-45-01-00-000-5060 & 00-42-45-01-
00-000-5030
Service Availability Letter

Dear Ms. McClellan:

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the existing future land use designation of Commercial High with underlying 5 units per acre (CH/5). The proposed land use change will allow for the maximum development of 696,524 SF of commercial uses. Upgrades and extensions to the existing infrastructure may be required.

A 10" potable water main and a 12" wastewater forcemain are located within Military Trail right of way adjacent to the subject property. Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

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

Sincerely,

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

Jackie Michels, P.E,
Plan Review Manager

Exhibit L – Justification Statement dated August 14, 2024



JUSTIFICATION STATEMENT

Elan Palm Reserve MUPD

Development Order Amendment; Class A Conditional Use; and Development Order Abandonment

Initial Submittal: June 18, 2024

Resubmittal: July 22, 2024

Resubmittal: August 14, 2024

OVERVIEW

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting the following:

- Development Order Amendment (DOA) to a Multiple Use Planned Development (MUPD) to reconfigure the site plan to add square footage and modify uses;
- Class A Conditional Use Approval of a Hospital;
- Development Order Abandonment to remove two (2) Type 1 restaurants with drive thru (Buildings F & G); and
- Approval of Type 2 Waiver to allow 24-hour operations for business within 250 LF of residential use.

SITE CHARACTERISTICS

The subject site is 31.98 acres and is located at the northeast corner of Military Trail and Hypoluxo Road ("Property"). The commercial portion of the MUPD is approved for 126,366 sq. ft of commercial including 4 type 1 restaurants, light repair and maintenance, carwash, retail, and self-storage. The residential portion of the MUPD is approved for 384 dwelling units. The Property has frontage and access to Hypoluxo Road and Military Trail within the Urban/ Suburban Tier.

The proposed Development Order Amendment only impacts Buildings F & G. No changes are proposed to the other commercial outparcels, the preserve or residential properties. The residential portion of the MUPD is under construction as shown in the recent aerial photo below.



3910 RCA Blvd. Suite 1015 | Palm Beach Gardens, FL 33410 | 561.500.5060 | office@jmortonla.com email

Project History

The Property was approved through 8 resolutions in 2021 to establish the Elan Palm Reserve MUPD. There have been various changes to the site during development of the commercial outparcels as prospective tenants have been acquired. In 2023, a development order amendment was approved as well as several conditional uses to eliminate the retail gas and fuel sales use (Building D) and replace that use with a type 1 restaurant with drive-thru. Additionally, Building A was modified from retail to a light repair and maintenance use.

Reso. / Ord. No.	App. No.	Status	Type	Description
R-1993-516	1992-007	Approved	Special Exception	Special Exception for Planned Commercial Development (PCD) with drive-thru fast food restaurant, auto service station, and drive-thru financial institution
R-1993-515	1992-007	Approved	Rezoning	Rezoning from Multifamily residential (RM) and General Commercial (CG) to Community Commercial (CC)
R-1996-826	1992-007	Approved	Status Report	Amended conditions including but not limited to extension of build out date and amended square footages
Ord. No. 2000-044	00-82 -MLU 1	Approved	Land Use Amendment	Future Land Use Amendment from MR-5 to MLU/5 with Conditions
R-2001-2067	2001-005	Approved	Rezoning & Special Exception	Rezoning from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) and special exception approval of 2 daycares and a type 3 congregate living facility
R-2001-1354	1992-007	Approved	Status Report	Amended conditions of approval requiring compliance with architectural guidelines
R-2000-1228	1992-007	Approved	Status Report	Amended condition of approval related to signage
Ord. No. 2008-020	LGA 2008-004	Approved	Land Use Amendment	Future Land Use Amendment from MLU/5 & MR-5 to CH/5 with Conditions
R-2009-717	1992-007	Revoked	Status Report	Revoked previous approval for Planned Commercial Development (PCD) with drive-thru fast food restaurant, auto service station, and drive-thru financial institution
Ord. No. 2021-003	LGA 2021-002	Approved	Land Use Amendment	Amend conditions of approval to delete site design related conditions.
R-2021-955	ZV/PDD/DOA CA 2020-2096	Approved	Rezoning	Rezoning from Agricultural Residential (AR) and Community Commercial (CC) to Multiple Use Planned Development (MUPD).
R-2021-956	ZV/PDD/DOA CA 2020-2096	Approved	Development Order Amendment	DOA to add land area to previously approved MUPD and reconfigure site plan.
R-2021-957	ZV/PDD/DOA CA 2020-2096	Approved	Conditional Use Approval	Class A conditional use approval of TDRs.
R-2021-958	ZV/PDD/DOA CA 2020-2096	Approved	Conditional Use Approval	Class A conditional use approval of workforce housing density bonus greater than 50%.
R-2021-959	ZV/PDD/DOA CA 2020-2096	Approved	Conditional Use Approval	Class A conditional uses approval of Convenience Store with Gas Sales.
R-2021-960	ZV/PDD/DOA CA 2020-2096	Approved	Conditional Use Approval	Class A conditional uses approval of Type I Restaurant with drive-thru (Building B).
R-2021-961	ZV/PDD/DOA CA 2020-2096	Approved	Conditional Use Approval	Class A conditional uses approval of Type I Restaurant with drive-thru (Building F).
R-2021-962	ZV/PDD/DOA CA 2020-2096	Approved	Conditional Use Approval	Class A conditional uses approval of Type I Restaurant with drive-thru (Building G).
ZR-2021-018	ZV/PDD/DOA CA 2020-2096	Approved	Variance	Variance to eliminate type 2 incompatibility buffer

R-2023-1742	ABN/DOA/ CA 2023-668	Approved	Abandonment of Conditional Use	Abandon Class A conditional use for Convenience Store with Gas Sales.
R-2023-1743	ABN/DOA/ CA 2023-668	Approved	Development Order Amendment	DOA to reconfigure the site plan, add and delete uses, and modify conditions of approval.
R-2023-1744	ABN/DOA/ CA 2023-668	Approved	Conditional Use Approval	Class A conditional uses approval of Type I Restaurant with drive-thru (Building D).

REQUEST

The Applicant requests a DOA to two (2) approved buildings within the MUPD:

Building	Approved Use	Approved Square Footage	Proposed Use	Proposed Square Footage
F	Type I restaurant with Drive-thru	2,500 with 65 seats (indoor) & 300 SF with 8 seats (outdoor)	Hospital	11,864 SF (including 9,950 SF outpatient treatment area)
G	Type I restaurant with Drive-thru	2,500 with 65 seats (indoor) & 660 SF with 17 seats (outdoor)	No Building G	No Building G

Surrounding Properties

The Property is located at the major intersection of Military trail and Hypoluxo Road thus surrounded by more intense uses such as commercial and high residential. A breakdown of the surrounding uses is provided below.

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	HR-8	RM	Trails Charter School	2013-085	R-2013-1523 & R-2013-1524
		AR	SF Residential		
South	CH/5	CG	Hypoluxo Trail Center (including fast food restaurant, drycleaners, and other commercial uses)	85-013	R-2020-716 & R-2020-717
	MR-5	PUD	Colony Club Apartments PUD	2001-029	R-2002-499
East	MR-5	AR	Single Family Residence & vacant property	N/A	N/A
West	CH/5	CG	Wal-Mart Plaza (including gas station)	1980-173	R-2011-088

DEVELOPMENT ORDER AMENDMENT DEVELOPMENT STANDARDS

As part of this application, the Applicant is requesting a Development Order Amendment to the existing approved Multiple Use Planned Development (MUPD). Article 2.B.7.B. requires that eight (8) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all eight (8) criteria standards, as provided below.

A. Consistency with the Plan

The proposed Development Order Amendment to the approved MUPD is consistent with the County's Comprehensive Plan. The Property has a future land use designation of Commercial High, with an underlying 5 dwelling unit per acre (CH/5). The CH/5 future land use designation allows for a maximum FAR of 0.85 within the Urban/Suburban Tier. Ordinance No. 2021-03 was adopted and includes the following conditions:

- Development under the Commercial High future land use designation is limited to a maximum of 366,200 square feet of commercial retail or up to the equivalent number of daily trips.

The proposed square footage (128,843 SF) and total number of trips (3,593) is less than that restricted by this condition as demonstrated by the attached traffic equivalency statement. The initial approved amount of daily trips were 10,423 trips and previously approved daily trips were 4,655 trips and the proposed Development Order Amendment will reduce the number of daily trips to 3,593 trips.

B. Consistency with the Code

The proposed Development Order Amendment to the approved MUPD is consistent with the stated purpose and intent of the County Unified Land Development Code. The Property has frontage and access on both Hypoluxo Road and Military Trail.

As described above, the Applicant is requesting to amend Building F from type 1 restaurant with drive-through and replace it with a hospital (free-standing emergency department). Building G is proposed to be eliminated altogether. The parking is being reconfigured for these two outparcels to support the singular hospital use. The Master Sign Plan has been updated to reflect singular hospital use.

Per Art. 3.E.1.C.1. Planned Developments shall comply with the following objectives:

- Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;
Response: The development is located at the Northeast corner of Military Trail (Urban Principal Arteria) and Hypoluxo Road (Urban Minor Arteria). The site meets all of the minimum dimensions for a MUPD.
- Provide a continuous, non-vehicular and pedestrian circulation systems which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;
Response: The previously approved pedestrian and vehicular circulation, and the amount of recreation and open spaces will generally remain the same. No changes are proposed to the access points for the MUPD. Minor changes to site circulation to accommodate the hospital are proposed, however those changes will not impact the access points to the MUPD or other uses within the project.
- Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;
Response: All of the proposed and approved uses have pedestrian connections between them.
- Preserve existing native vegetation and other natural/historic features to the greatest possible extent;
Response: The previously approved preserve area, recreation areas and useable open space are not being affected with this application. All changes will take place within the previously approved development areas.
- Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;
Response: All dumpsters are screened from view by walls and opaque gates. The only loading area is located next to Building A and is located at the rear of the building. All maintenance bays in Building A are located behind the proper screening from view. Building F only has a Type A loading space that does not require screening. A generator is proposed on the east side of the hospital, entirely enclosed by a screen wall.

- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs, and other primary elements to minimize the potential for any adverse impact on adjacent properties;
Response: Adjacent properties are properly screened from view with the required landscape buffers and the proposed commercial buildings are 1 story. The only one to exceed 1-story is the previously approved self-storage at 3 stories (under 35 feet high).
- g. Minimize parking through shared parking and mix of uses;
Response: The site utilizes a reduction in the parking requirements through the previously approved type 1 waiver.
- h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and,
Response: The previously approved usable open space and recreation areas are centrally located to allow pedestrian connectivity between uses through pathways covered with mature trees proposed to remain.
- i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere.
Response: Per the proposed site plan, 128,843 square feet is being proposed. 126,439 square feet was previously approved, requiring two pedestrian amenities located within the Southeast section of the site. Both of these amenities are proposed to remain.

Per Art. 3.E.1.C.2. Planned Development shall also comply with the following standards:

a. Access and Circulation

- 1) Minimum Frontage
PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street.
Response: The project has frontage of at least 200 feet on two arterials roads.
- 2) PDDs shall have legal access on an Arterial or Collector Street;
Response: The Property has access on Hypoluxo Rd and Military Trail.
- 3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;
Response: Vehicular circulation is designed to minimize hazards to pedestrians with the use of pavers within pedestrian crosswalks, separated sidewalks, and connections to the right-of-way along both Military Trail and Hypoluxo Rd.
- 4) Traffic improvements shall be provided to accommodate the projected traffic impact;
Response: All required traffic improvements shall be provided as necessary from street.
- 5) Cul-de-sacs
The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of Local Streets that can terminate in cul-de-sacs, the Applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Art. 1, General Provisions of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.
 - a) 40 percent of the Local Streets in a PDD may terminate in a cul-de-sac or a dead end by right.
Response: No cul-de-sacs are proposed.
- 6) Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;

Response: The AR zoned vacant parcel to the East has a future cross access point proposed and provided as a condition of approval in the current ordinance. It was recorded after previous approvals (ORB 33556 PG 675) and remains in place when development occurs on the adjacent property. Cross access is not proposed and was not previously required to 67th place along the north property line.

- 7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and,

Response: Streets are designed to properly handle site drainage. Most site drainage is handled by the water management tract within the residential parcel which is not proposed to change.

- 8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

Response: No public streets are proposed as part of this project.

b. Street Lighting

Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.

Response: Streetlights and photometric will be provided with the building permits and will comply with all standards in Art. 5.E.

c. Median Landscaping

Refer to the most recent Engineering and Public Works Operations – Streetscape Standards available from the PBC Engineering Department.

Response: Landscape condition 8 requires the planting and maintenance of landscaping within the median of Hypoluxo Rd. This condition is proposed to remain in effect.

d. Street Trees

Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping, and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows:

- 1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Art. 7, Landscaping and Engineering and Public Works Operations – Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center.
- 2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable.
- 3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.F.2.B.1, Developments with Phasing. For residential PDDs, planting of street trees shall be completed prior to the issuance of the final Certificate of Occupancy within that phase or pursuant to Conditions of Approval.
- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art. 11, Subdivision, Platting, and Required Improvements.

Response: The project will meet the requirement for street trees per the Code requirement.

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting, and Required Improvements.

Response: No streets within the development are 80 feet or greater.

f. Mass Transit

All non-residential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

- 1) The location of a Bus Stop Boarding and Alighting Area shall be shown on the Master Plan and/or Final Site Plan prior to approval by the DRO, unless written conflicts that one is not required. The

purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;

- 2) Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,
- 3) All PDDs with more than 100 units shall comply with the following requirement:
Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved mass transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

Response: Palm Tran bus stops are already in place with stops on both Military and Hypoluxo via routes 3 and 71 respectively.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

Response: Utility easements are provided along the rights-of-way as required to accommodate underground installation.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Non-Residential Uses

Non-residential uses located within a PDD may apply the parking standards indicated in Table 6B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

5) Location – Non-Residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

Response: Parking has been provided throughout the project which is convenient to all uses and buildings. Parking areas have been designed to provide for safe and efficient flow of traffic. Parking is provided on the rear and sides of the non-residential structures within the MUPD as required. The redesign of the hospital area has approximately half of the parking provided near the front entrance (west) and the other half on the north and east sides of the building.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

Response: There are no proposed off-site directional signs proposed.

j. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, Nursing or

Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.

Response: No CLF or PDD Clubhouse more than 20,000 square feet are proposed, therefore Emergency generators are not required as part of this application.

Per Art. 3.B.MUPDs shall comply with the following objectives and standards:

1. Design Objectives. An MUPD shall comply with the following objectives:

- a. Allow for both residential and non-residential uses within a project that is designed to incorporate vertical or horizontal integration of residential uses, to foster compatibility within and adjacent to the project;

Response: This project is mixed use with horizontal integration of residential and commercial buildings.

- b. Provide innovative building location and orientation;

Response: The building orientation throughout the site stems from the requirement to keep many of the trees within the recreation and preserve areas. The residential buildings are provided away from the major streets, but within walking distance to all of the commercial businesses within the development.

- c. Protect adjacent residential uses from potential adverse impacts;

Response: All required landscape buffers and building separations have been provided between all adjacent residential uses. The proposed changes to the site plan do not affect those previously approved protections to the adjacent properties.

- d. Provide a continuous, non-vehicular and pedestrian circulation system which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the MUPD;

Response: Pedestrian pathway has been provided connecting all of the buildings as well as the pedestrian pathways along the rights-of-way.

- e. Allow for landscape design that enhances the appearance of the project; and,

Response: The landscape design will meet all code requirements and incorporate many of the large existing trees on site.

- f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution, and storage of products.

Response: Not Applicable.

2. Performance Standards. An MUPD shall comply with the following standards:

- A. Non-Vehicular Circulation. An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation system throughout the development.

- 1) Sidewalks. Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

Response: All sidewalks through the development have a connection to Military Trail and Hypoluxo Rd. Decorative paving is provided for all crosswalks within the Property.

- B. Landscape Buffers. A Type 3 Incompatibility Buffer shall be provided along the property lines of an MUPD, where mixed-use and non-residential uses are adjacent to a residential use type or undeveloped land with a residential FLU designation.

Response: The property line where commercial is adjacent to residential, a type 3 incompatibility buffer has been provided. Landscape condition #3 has provided for additional trees adjacent to the multi-family residential tract. There are no proposed changes to the landscape buffers with this application.

- C. Cross Access. Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

Response The future cross-access connection point has been provided on the site plan in

compliance with Landscape condition #1 and Site Design condition #4.

D. Parking. On-site parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7, Landscaping, and the following:

1) Parking Areas

- a) Ground cover or small shrubs 18 to 24 inches in height at installation and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians.
- b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.
- c) 20 percent of the required parking shall be located at the side or rear of non-residential uses, unless all spaces are provided within a parking structure per Art. 6.B.2.E, Parking Structures.
- d) All required on-site parking shall be located within 400 feet of a public entrance to any non-residential or individual access points of a residential building within the development.

Response: The landscaping within the medians will be provided during permitting in compliance with the shrub requirements. All of the pathways within a landscape area are built of decorative pavers. All commercial development parcels are designed with at least 20 percent of the parking in the side or rear of the building.

- 2) Loading Area Screening. Internally oriented loading areas or loading areas between a building and an adjacent residential use, shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

Response: Loading areas have been provided as required and screened as required.

C. Compatibility with Surrounding Uses

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses. Several factors lead to the conclusion that the proposed Development Order to the existing MUPD will continue to be compatible with neighboring uses.

- Primary access is available from Hypoluxo Road, a major east-west arterial road, and Military Trail, a major north-south arterial road, thus directing traffic away from local roads in the vicinity.
- The Property has been designated as an appropriate location for commercial based upon the existing Commercial High future land use designation. The property to the west and South are also designated as Commercial High with an existing Walmart and other commercial. A charter school exists to north of the property and vacant agricultural residential exists to the East. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed uses are consistent with the existing development pattern and the adjacent uses that have developed along both roadways.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structures will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects. All changes to previously approved plans do not create any new incompatibility with surrounding uses as all changes are occurring along the roadways within the commercial tract of the Property.

D. Design Minimized Adverse Impact

The proposed Development Order Amendment will minimize adverse effects, including visual impact and intensity of the proposed buildings to adjacent lands. The proposed design will maintain the functionality of the overall MUPD. Requirements in Article 5.C will be met at time of building permit

approval. The proposed changes to the MUPD do not affect the residential tract currently under construction nor the preserve and recreation tracts. Two commercial buildings, and their surrounding parking lots have been significantly amended from the previously approved site plan and combined into one hospital use with required parking. Furthermore, no adverse impacts will occur on adjacent properties, as the new building will not make any changes to all requirements regarding setbacks, buffers, and separation. In fact, the proposed hospital building has a much larger setback than previously provided to the type 1 restaurant from the east property line.

E. Design Minimizes Environmental Impact

The proposed Development Order Amendment to the approved MUPD will not result in significantly adverse impacts on the natural environment. The approved site plan has been developed to preserve as many trees as possible and there are no proposed alterations to the preserve, recreation and useable open space tracts. The remainder of the site development area has been cleared and no zoning required plant material has been installed that will necessitate removal and further impact the environment.

F. Development Patterns

The proposed Development Order Amendment to the approved MUPD will result in a logical, orderly, and timely development pattern. As previously mentioned, the site is already approved for development at this location and this application is for the alteration of uses within the approved development area. The major intersection of Military Trail and Hypoluxo Road has been designated with a Commercial High future land use designation. The future land use and zoning maps show this intersection as a commercial node, surrounded by residential and the proposed changes are requested to meet market demand. Therefore, the proposed Development Order Amendment is consistent with the previously approved site plan, the existing future land use designation, and the development patterns in the area.

G. Adequate Public Facilities

The proposed Development Order Amendment will not negatively impact public facilities. The Elan Palm Reserve MUPD was previously approved, and the site has adequate public facilities in place to support the proposed changes. Traffic impacts to the adjacent roadways have been considered (see traffic equivalency statement) in the approval of the existing site plan and the proposed amendment. All necessary road improvements were previously made during the construction of residential portion of the MUPD per conditions of approval.

H. Changed Conditions or Circumstances

The Development Order Amendment is necessary to change two (2) of the uses on site to meet market demand and specific tenants secured for the development. Both Buildings F and G were approved for retail and type 1 restaurants with drive thru. As the developer sought to fill these locations, they were approached by a hospital (free standing emergency department) in order to develop an alternate use to meet market demand in the area. The proposed building will utilize the approved immediate development area of the previous two buildings not affecting other commercial buildings, the residential tract or the preserve and recreation tracts of the approved site plan.

Based on the above justification and attached information, the Applicant respectfully requests approval of this Development Order Amendment.

CONDITIONAL USE APPROVAL STANDARDS (Hospital)

As part of this application, the Applicant is requesting Class A Conditional Use Approval for a Hospital. Article 2.B.7.B. requires that seven (7) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all seven (7) criteria standards, as provided below.

A. Consistency with the Plan

The proposed Class A Conditional Use (Hospital) is consistent with the County Comprehensive Plan. The current Future Land Use designation of the portion of the Property where this use is proposed is

Commercial High. The Commercial High Future Land Use designation is intended for such intense uses.

B. Consistency with the Code

The proposed use is consistent with the supplemental use regulations as indicated in Article 4 – Use Regulations. The proposed use is a Hospital where patients are provided with emergency care and is licensed as a hospital with the State of Florida, therefore not consistent with the definition of medical office. There is no in-patient care, therefore there are no beds associated with the use and intensity is calculated based on out-patient treatment area. The Elan Palm Reserve MUPD meets the requirements for a Hospital use listed in Art.4.B.4.C.11 which requires a minimum of 5 acres, 200 feet of street frontage. There is no incinerator proposed.

Emergency vehicles and patients can utilize the north drive-thru for emergency drop off. This area is large enough to fit all emergency vehicles with a 19 ft one-way drive aisle and 18 ft high canopy. Per the previously approved regulating sheet the out turn for large vehicles can be accommodated with the proposed revision to add the Hospital.

The parking required for the two (2) type 1 restaurants plus the self-storage use was fifty-nine (59) spaces with seventy-two (72) provided in the immediate area for all three uses. Parking for all uses within a MUPD is shared and will continue to be shared with the Hospital use added. The proposed Hospital and self-storage together required 57 parking spaces and seventy (70) spaces are proposed in the immediate area, providing plenty of parking for both uses.

C. Compatibility with Surrounding Uses

The Property is located within the Hypoluxo Road corridor and surrounded with a mix of commercial and residential uses. The proposed Hospital has been designed to ensure appropriate separation and landscaping between the newly constructed multi-family buildings. Additionally, the access points and circulation around the Hospital have been designed to minimize traffic conflicts within the other higher traffic generating uses within the MUPD as well as impacts on the roadways. The proposed hospital is located close to Hypoluxo Road to avoid negative impacts on the surrounding residential uses.

D. Design Minimized Adverse Impact

The proposed Hospital is located along Hypoluxo Road within the MUPD to minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. Requirements in Article 5.C will be met at the time of permitting. Furthermore, no adverse impacts will occur on adjacent properties, as the site design meets or exceeds all requirements regarding setbacks, buffers, and separation. Access has been designed from interior accessways within MUPD. The emergency vehicle access has been located on the north side of the building and the regular patient entrance has been located on the western side of the building in order to minimize adverse visual impacts and distractions for those traveling along Hypoluxo Road.

E. Design Minimizes Environmental Impact

The proposed use will not result in significantly adverse impacts on the natural environment. The proposed Hospital is located within the commercial portion of an approved MUPD which was previously reviewed and approved. The approved site plan has been developed to preserve as many trees as possible and there are no proposed alterations to the preserve, recreation and useable open space tracts. A majority of the Property has already been cleared and is currently under construction with necessary infrastructure and accessways to support the residential units. The remainder of the commercial site development area has been cleared and no zoning required plant material has been installed that will necessitate removal and further impact the environment.

F. Development Patterus

The proposed Class A Conditional Use will result in a logical, orderly, and timely development pattern. As previously mentioned, the Property is located at the major intersection of Military Trail and Hypoluxo

Road. The major intersection of Military Trail and Hypoluxo Road has been designated with a Commercial High future land use designation. The future land use and zoning maps show this intersection as a commercial node, surrounded by residential and the proposed changes are requested to meet market demand. The proposed hospital (free standing emergency department) will provide additional services needed by the surrounding community.

Additionally, residential development has increased along the Hypoluxo Road corridor and more residential development along Military Trail is proposed. As more dwelling units are developed, more services are needed. These services are best accommodated at the established intersection of Military Trail and Hypoluxo Road to keep emergency care close to the residents in the area and reduce the travel distance to services.

G. Adequate Public Facilities

The proposed Class A Conditional Use will not negatively impact public facilities. Traffic impacts of the development have been completed showing adequacy for the proposed project. Other public and private utility infrastructure is already in place along Hypoluxo Road to accommodate the proposed development including these proposed uses.

H. Changed Conditions or Circumstances

The Applicant is requesting Class A Conditional Use approval for a Hospital. This area of the County has become an area for infill and redevelopment. There are several long-established residential neighborhoods and some older commercial plazas in the area. There has been an identified need for additional emergency medical care in this area by the applicant and this site is ideally suited for more intense uses due to the Property's location with frontage on both Hypoluxo Road and Military Trail and proximity to other commercial and residential uses.

Based on the above justification and attached information, the Applicant respectfully requests approval of the Class A Conditional Use request for a Hospital.

DEVELOPMENT ORDER ABANDONMENT STANDARDS

As part of this application, the Applicant is requesting a Development Order Abandonment of Resolution Nos. 2021-961 & 2021-962. Article 2.B.7.F.6. requires that four (4) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all four (4) criteria standards, as provided below.

A. Consistency with the Plan

The proposed Development Order Abandonment of the two Class A Conditional Uses for a Type 1 Restaurants with Drive Thru is consistent with the County's Comprehensive Plan. The Applicant and current contract purchaser of the eastern portion of the Site Plan is seeking to develop a hospital building in the location of the two approved Type 1 Restaurants (Buildings F & G) on the Site Plan. The proposed hospital building is in response to the recent increase in residential development in the area.

The above objectives and policies from the County Comprehensive Plan encourage the provision of commercial uses. Additionally, by abandoning the previous Class A Conditional Uses, the Applicant can develop the site with much needed medical use.

B. Consistency with the Code

The proposed Development Order Abandonment of the Class A Conditional Uses is consistent with the stated purpose and intent of the County Unified Land Development Code. This Class A Conditional Use has not yet been implemented and the proposed abandonment will not impact any of the previously approved conditions of approval as new conditions will be applied to the concurrent site plan amendment discussed further below. There is no reliance on other parties or properties to abandon these Class A Conditional Uses. Abandonment of these development orders will not create a non-conformity.

Concurrent with this Development Order Abandonment request is a Development Order Amendment to reconfigure the site plan to accommodate the proposed hospital building. The approved access, landscape buffers, street circulation and conditions of approval are not proposed to be modified. The proposed hospital building will generate substantially fewer daily trips than that of the two approved Type 1 Restaurants with Drive Thru.

C. Adequate Public Facilities

The proposed Development Order Abandonment of the Class A Conditional Uses will not impact public facilities and availability to the development as there has yet to be construction on the type 1 restaurants, but concurrency has been secured for their connection.

D. Changed Conditions or Circumstances

Due to the changed conditions and circumstances, the Applicant is requesting a Development Order Abandonment to the Elan Palm Reserve MUPD to allow for reconfiguration of the site plan and modification to the commercial uses. The proposed hospital will better serve the needs of the community as it will provide employment opportunities and services. The need for a hospital will better contribute to the functional mix of uses within Hypoluxo Road and Military Trail corridors.

Based on the above justification and attached information, the Applicant respectfully requests approval of this Development Order Abandonment.

TYPE 2 WAIVER – 24-HOUR OPERATION OF BUSINESS WITHIN 250 LF OF RESIDENTIAL USE (TABLE 5.E.5.A)

The Applicant is requesting 24-hour business hours be permitted within 250 LF of residential use. The request for this Type 2 Waiver satisfies the general standards as set forth by the ULDC Article 2.B.7.D.:

1. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay;

The granting of the waiver does not create additional conflicts with other sections of the ULDC. The MUPD zoning district allows for a mix of residential and commercial uses. A hospital is one of the uses that is allowed within MUPD. Hospitals, specifically ones that are free-standing emergency rooms, such as the one proposed, are open 24 hours a day, 365 days a year. The gravity of the waiver is consistent with the stated purpose and intent for the zoning district.

2. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,

The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project. The proposed 24 hours operation have been approved for other MUPD developments that include a hospital. The hospital is ideally situated along the Hypoluxo frontage and adjacent to vacant residential land to the east. It is the Applicant's understating that a non-residential project has been submitted for the property to the east. Locating emergency services within proximity of the major intersection of Hypoluxo Road and Military Trail ensures that future patients will be able to easily access these emergency services. The 24 hour hospital use will be in harmony with the general site layout and design details of the development.

3. The alternate design option recommended as part of the Waiver approval, if granted, will not adversely impact users of the project or adjacent properties.

If granted, the alternate design will not adversely impact users of the project or adjacent properties. The 24 hour hospital is ideally located along a major arterial roadway, Hypoluxo Road. The proposed MUPD internally transitions to the high density Multifamily to the north, which transitions externally to medium and low density. The development pattern that has occurred is consistent with generally

accepted planning principles.

Based on the above justification and attached information, the Applicant respectfully requests approval of the Type 2 Waiver for 24-Hour Operation of Business within 250' LF of Residential Use.