

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

Application No.: ABN/DOA/CA-2023-00668
Application Name: Elan Palm Reserve MUPD
Control No./Name: 2001-00005 (Okean Office MUPD) (Elan Palm Reserve MUPD)
Applicant: Elan Palm Reserve Commerical Owner LLC
Elan Palm Reserve Owner LLC
Fuqua Asquistions II
Owners: Elan Palm Reserve Owner LLC
Elan Palm Reserve Commerical Owner LLC
Agent: JMorton Planning & Landscape Architecture, Alex Ahrenholz & Lauren McClellan
Telephone No.: (561) 721-4463
Project Manager: Donna Adelsperger, Senior Site Planner

Title: a Development Order Abandonment **Request:** to abandon the Retail Gas and Fuel Sales with Convenience Store on 31.98-acres

Title: a Development Order Amendment **Request:** to reconfigure the Site Plan; add and delete uses, and modify Conditions of Approval on 31.98-acres

Title: a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with drive-through on 31.98-acres

APPLICATION SUMMARY: The proposed requests are for the 31.98-acre Elan Palm Reserve MUPD development. The development was last approved by the Board of County Commissioners (BCC) on July 22, 2021.

The request will modify the site plan in order to reconfigure the development to add and delete uses, square footage, access points, and Conditions of Approval. The Preliminary Site Plan (PSP) indicates seven commercial buildings for a total of 126,366 square feet (sq. ft); and six residential buildings consisting of 384 Multi-family units plus a club house of 14,874 sq. ft. for the residents. The commercial buildings include a mix of commercial uses, including: three Type 1 Restaurants with drive-throughs and outdoor seating, a Light Repair Maintenance, one Car Wash, Retail and Limited Access Storage (all previously approved) and one proposed 2,557 sq.ft. Type 1 Restaurant with drive-throughs and outdoor seating. In addition, the previously approved Retail Gas and Fuel Sales use is proposed to be abandoned and replaced with a fourth Type 1 Restaurant with drive-through and outdoor seating. No changes are proposed to the residential portion of the development. The plan indicates a total of 835 parking spaces with access from Hypoluxo Road and Military Trail.

SITE DATA:

Location:	Northeast corner of Military Trail and Hypoluxo Road
Property Control Number(s)	00-42-45-01-24-002-0000; 00-42-45-01-24-001-0000 00-42-45-01-24-012-0000
Future Land Use Designation:	Commercial High, with an underlying 5 units per acre (CH/5)
Zoning District:	Multiple Use Planned Development District (MUPD)
Total Acreage:	31.98 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Atlantis, Boynton Beach
Future Annexation Area	Lantana
BCC District	District 2, Mayor Greg K. Weiss

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled November 2, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY: The north 19.19-acres was previously approved by the Board of County Commissioners (BCC) on November 29, 2001 for an Official Zoning Map Amendment to allow a rezoning from Agricultural Residential (AR) to MUPD, with two General Daycares and a Type III Congregate Living Facility. On July 1, 2021 the ZC heard this application for a Type 2 Variance to eliminate a Type 2 Incompatibility Buffer, then on July 22, 2021 the BCC heard this application for an Official Zoning Map Amendment 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; a Development Order Amendment to reconfigure the Site Plan, add land area, units and access points; and, to modify uses, buildings, square footage and Conditions of Approval; a Class A Conditional Use to allow three Type 1 Restaurants with drive-throughs; Retail Gas and Fuel Sales with a Convenience Store; Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, Transfer of Development Rights (TDR).

FINDINGS:

DEVELOPMENT ORDER ABANDONMENT

When considering an Abandonment application, the BCC or ZC shall consider the Standards indicated below.

A. Consistency with the Plan

The proposed Development Order Abandonment is 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 the previously approved Retail Gas and Fuel sales with Convenience Store use in order to develop the Type 1 Restaurant with 2 drive-through lanes.

B. Consistency with the Code

The proposed Development Order Abandonment is 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. While the Retail Gas and Fuel sales with Convenience Store met the location and separation criteria the proposed Type 1 Restaurant will also meet this criteria as discussed further in the justification statement.

C. Adequate Public Facilities

The proposed Development Order Abandonment will not negatively impact public facilities. Traffic impacts of the development have been completed showing adequacy for the proposed project. Other public infrastructure is already in place along Military Trail and Hypoluxo Road to accommodate the proposed development.

D. Changed Conditions or Circumstances

The Applicant is requesting a Development Order Abandonment of a previously approved Retail Gas and Fuel sales with Convenience Store. The previously approved use is no longer desired by the new developer as the outparcel is constrained by the proposed preserve area as well as access points. Additionally, there are several other gas stations within the immediate area thereby receiving no interest from any gas station tenants and necessitating the abandonment. This area has evolved into a commercial and residential area over the past 15 years. This intersection will better serve the residents within the MUPD as well as within the immediate area as a Type 1 Restaurant rather than the Retail Gas and Fuel sales with Convenience Store.

FINDINGS:

The following analysis is provided for the proposed Development Order Amendment and, the Class A Conditional Use for a Type 1 Restaurant with two drive-through lanes.

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

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- 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.***

○ *Consistency with the Comprehensive Plan:* The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, 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:

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 project area has a future land use designation of Commercial High, with an underlying 5 units per acre (CH/5) on 31.98 acres. Portions of the proposed project, totaling 24.02 acres, are subject to Ordinance 2021-003, which is limited by the above condition. The request consists of 126,366 square feet of non-residential uses and 384 dwelling units, and is expected to generate 4,655 daily trips. However, the 24.02-acre north and east portion of the site is subject to the Ordinance condition above, which consists of 112,101 square feet of nonresidential uses and 372 units (as shown on PRP-12), which is less than the maximum permitted, and is therefore consistent with the above Ordinance condition (366,200 square feet of retail use equates to 10,423 daily trips). The amendment condition will be carried forward in the zoning process as it was approved by the BCC. Additionally, an 8.08-acre portion located at the southwest corner of the project is not subject to the ordinance condition, and contains 2,557 square foot Type 1 Restaurant with Drive-Through, along with approximately 3.27 acres of upland preserve and usable open space.

Prior to the amendment discussed above, that is currently in effect, 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 in detail above. The request for 124,626 square feet (excluding outdoor dining) equates to a FAR of approximately 0.09 (124,626 / 1,393,048 square feet or 31.98 acres = 0.089). 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 square feet or 31.98 acres x 0.85 maximum FAR = 1,184,090 square feet maximum). The current request represents a 2,844 square foot decrease in nonresidential uses and a reduction of 440 daily trips from the prior approval.

○ *Density & Workforce Housing Program (WHP):* 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. 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.

○ *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 being 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 Property has frontage and access on both Hypoluxo Road and Military Trail.

The Applicant is requesting to amend Building A from Retail to Repair and Maintenance, Light. Building D is proposed to amend the entire building and parking lot layout to accommodate the proposed Type 1 Restaurant with two drive-through lanes. The Type 1 Restaurant located within Building F is being

amended to add outdoor seating which increases the overall square footage. The Type 1 Restaurant located within Building G is decreasing the amount of outdoor seating. Various other site elements and parking configurations have been amended around the site with an overall decrease in square footage.

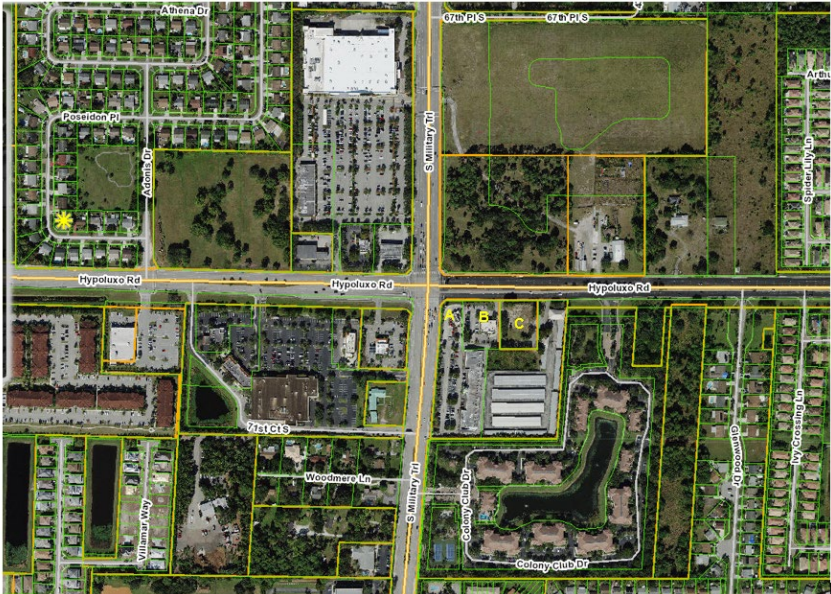
The Applicant is requesting modifications to four of the approved commercial buildings within the MUPD as indicated in the table below:

Building	Approved Use	Approved Square Footage	Proposed Use	Proposed Square Footage
A	Retail	7,250 SF	Repair and Maintenance, Light	6,952 SF
D	Retail Gas & Fuel Sales with Convenience store	4,700 SF and 10 fuel stations	Type 1 restaurant with two drive-through lanes	2,557 sf (indoor) & 780 sf with 16 seats (outdoor)
F	Type 1 Restaurant with drive-through	2,500 SF with 65 seats (indoor)	Type 1 Restaurant with drive-through	2,500 with 65 seats (indoor) & 300 SF with 8 seats (outdoor)
G	Type 1 Restaurant with drive-through	2,500 with 65 seats (indoor) & 960 SF with 25 seats (outdoor)	Type 1 Restaurant with drive-through	2,500 with 65 seats (indoor) & 660 SF with 17 seats (outdoor)

- *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 Elevations for the proposed Type 1 Restaurant, which have been reviewed for compliance with Article 4 and Article 5.C (see figure 6). 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 submit for Building Permit. Staff has included a Condition of Approval that the elevations for Building D be finalized at time of Final DRO approval.
- *Parking:* The prior approved Site Plan showed 922 required and 829 provided parking spaces with a Type 1 Waiver reduction for the residential component. With the proposed change in uses the Site Plan shows 895 required and 835 provided with the prior Type 1 Waiver for the residential component.
- *Landscaping:* The Applicant is not proposing any modifications to the landscape buffers with the request. The landscaping will remain as previously conditioned or as described by the ULDC.
- *Signage:* to accommodate the change in uses the Master Sign Plan has been amended with regards to placement of wall signage. There are no proposed changes to the freestanding signs.
- *Use criteria (Type 1 Restaurant with drive-through):* The newly proposed Type 1 Restaurant with drive through for Building D requires a Class A Conditional Use approval within the MUPD Zoning District when over 5,000 sq ft and providing a drive-through. To prevent a proliferation of Type 1 Restaurants at intersections location criteria is contained within Article 4.B.2.C.31.f Location Criteria.

Location Criteria analysis

In addition the request is subject to the Location Criteria provisions Art. 4.B.2.C.33.f, Location Criteria. At this time there are three existing Type 1 Restaurants on the south side of Hypoluxo Road: Checkers (A), Dunkin Donuts (B) and Chipotle (C); and a total of four are proposed within this development, of which three were previously approved.



- **Intersection Criteria:** a Maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Article 5.E.2.B Intersection Criteria. (see definition below)

B. Intersection Criteria: Applicable uses shall be limited within 1,000 feet of any intersection, measured from the intersection of the centerlines of each street to the nearest exterior wall or outdoor dining area of the use.

- **Separation Criteria:** A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Art [5.E.2.C.2](#) Separation Criteria (see definition below)

C. Separation Criteria: Any use within 1,000 feet of an intersection pursuant to the location criteria above shall be exempt from this requirement. A use shall meet the following separation criteria of any other same and existing or approved use, measured by drawing a straight line between the nearest point of the exterior wall or outdoor dining area of the proposed use to the same for an existing or approved use:

1. 1,000 feet; or
2. 500 feet

Exceptions:

a) Design Criteria

The Applicant seeks to utilize the location exemption criteria per Art.4.B.2.33.f.3. Exceptions. A Type 1 Restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive-through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design, and architectural treatment.

The proposed drive-through has been designed so that the queuing is not visible from the adjacent streets as appropriate screening will be accomplished through the landscape material provided within the right-of-way buffer. Additionally, all the required parking spaces are located within close proximity of the restaurant.

b) MUPD

A Type 1 Restaurant located within an MUPD may be exempt from the location criteria of Art 4.B.2.C.31.f.1) Intersection Criteria, and Art 4.B.2.C.31.f.2) Separation Criteria, when in compliance with 1) and 2) below.

At the intersection of Hypoluxo Road and Military Trail, there are several fast food restaurants with drive-thru already approved within 1,000 feet of the intersection. Specifically, these existing restaurants are located at the southeast corner of the intersection. The approved MUPD previously included 3 restaurants with drive thru. The subject application is proposing to add one additional restaurant with drive-thru. Although buildings B, D, F & are located within 1,000 feet of the intersection, per the exception criteria as further described below, the MUPD is exempt from the location criteria as follows:

- 1) Required perimeter landscape buffers, where located between all Type 1 Restaurant areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and

Response: *The required ROW landscape buffers will be provided along Military Trail to screen the use and the building screens the queuing from the entrance to the development. Landscape plans have been submitted and approved for these buffers. The developer of the residential portion of the MUPD is in the process of installing these required buffers.*

- 2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn lanes, and pedestrian connectivity.

Response: *There is an entrance immediately to the north of the proposed use from Military Trail for the development, but no direct access is provided to the type 1 restaurant itself. No direct access is provided to any type 1 restaurant with drive-thru within the project.*

Architecture elevations have been provided for the proposed fast food restaurant to ensure consistency with the other buildings within the MUPD (see Figure 6). Due to the specific location of the outparcel and its isolated location to the west and south of the existing preserve area, there is no anticipated conflict between the proposed restaurant and the other approved restaurants.

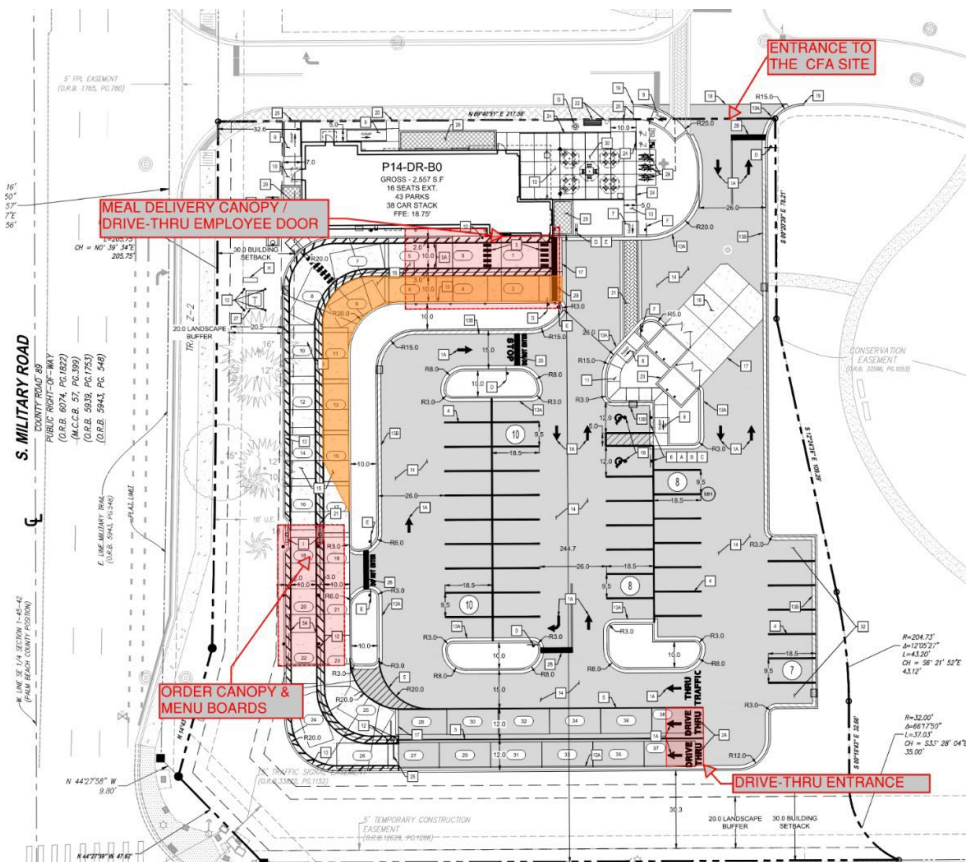
The applicant is seeking to develop a one (1) story building of approximately 2,557 square foot fast food restaurant with drive-through service. The proposed access into the property is via one internal ingress/egress driveway located on the northeast corner of the restaurant parcel adjacent to internal drive

for the Elan Palm Reserve MUPD. The property will operate with one internal driveway from Elan Palm Reserve MUPD and as such does not have a direct connection to the public right-of-way

The building includes 16 exterior seats and has been designed with two (2) isolated drive thru lanes. These are placed on the perimeter of the site, therefore isolating the drive thru operations from the interior site circulation for customers looking for curbside pick-up service or for outdoor dining. Chick-fil-A has found that this greatly improves the efficiency of the Chick-fil-A operations and provides a much safer pedestrian experience.

The vehicles looking for drive thru service enter the drive thru lanes at the southeast portion of the site, and double stack until the order points. After placing the order, the vehicles may merge into a single lane until they reach the drive thru pick up point. The two menu boards for placing orders are pictures shown in the image below as well as the drive thru entrance, order canopy and bypass lane for ease of reference. During peak hours the store operator may deploy team members to collect face to face orders past the menu boards to facilitate the drive-thru operations.

Figure 1 Site Plan, Page C-2.0 from civil set



Chick-fil-A, unlike traditional quick service restaurants, has re-designed their buildings to have a drive thru door instead of the typical drive thru cockpit with a single window. This allows Chick-fil-A to create multiple delivery points for the drive thru, where team members can physically exit the building and walk upstream of the drive thru lanes to deliver orders that are ready. This creates a very functional bypass lane, highlighted in orange in the above image. This Type 1 Restaurant is being designed with a thirty-eight vehicle queuing space capacity.

Staff has evaluated the Applicants request and its compliance with Art. 4.B.2.C.33.f, Location Criteria. Similar to Retail Gas and Fuel Sales, as the subject site is an MUPD, the exception criteria (which allows more than two Type 1 Restaurants with a Drive-Through at an intersection) identified in Art. 4.B.2.C.33.f.3.b, MUPD apply. The Applicant is providing Code compliant buffers and the proposed Type 1 Restaurant as well as the current approved Type 1 Restaurants will not have direct access for each out parcel of the MUPD. As such the Location criteria is exempt.

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.

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

The Property is located at a major commercial intersection, where all four corners are designated as Commercial High on the Future Land Use Map. The MUPD access points have been designed so as to align with the existing approved project to the west as well as ensure appropriate driveway spacing from the intersection. This will minimize traffic conflicts with adjacent projects as well as impacts on the roadways.

The commercial uses have been located along Hypoluxo Road and Military Trail where a majority of the other commercial uses are located along these two corridors. The multi-family residential use is located in the northeast quadrant of the Property adjacent to the single-family homes and charter school. The proposed Type 1 Restaurant with drive-through is located adjacent to Military Trail and Hypoluxo Road which will ensure consistency and compatibility with the character of the surrounding area.

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. The proposed changes to the MUPD does not affect the residential tract currently under construction nor the preserve and recreation tracts. Only three commercial buildings, and their surrounding parking lots have been significantly amended from the previously approved site plan. 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.

The proposed Type I Restaurant is located within the MUPD and on the hard corner of two major roadways with minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. Requirements in Article 5.C have been met. Staff is including a Condition of Approval to finalize the Elevations at the time of Final Development Review Officer approval. Furthermore, no adverse impacts will occur on adjacent properties, as the site design meets or exceeds all requirements regarding setbacks, buffers and separation. The development of a Type 1 Restaurant in lieu of a Retail Gas and Fuel sales will yield in a reduction in traffic by 372 daily trips, per the traffic statement

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:** The project is currently being development (i.e. other portions of the project). There are two preserve areas and two tree preservation areas on the project. The proposed use and site configuration meet the 50-foot building intensity setback to the preserves and the relocatable vegetation within the subject project's area have been relocated to an appropriate area onsite. The application request does not impact to native vegetation. The few minor tabular changes from the prior approval are to match existing field conditions.

○ **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 use or 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 development at this location and this application is for the alteration of uses within the approved commercial 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 Property was approved for a Retail Gas and Fuel sales and will now be a Type 1 Restaurant with drive through. Both uses are intensive and belong at the corner of major intersections.

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

ENGINEERING COMMENTS:

The modification to the previously approved mixed use project is expected to generate 440 less net daily trips, 30 less net AM peak trips, and 13 less net PM peak hour trips compared to that of the previous approval. Overall, the modified site plan will generate 5,095 net daily trips, 420 net AM peak hour trips, and 401 net PM peak hour trips. The buildout of the project, as previously estimated, would be by 2025.

This project was previously approved with higher intensity development plan. This reduced intensity plan will continue to meet PBC Traffic Performance Standards with lesser impact. All conditions of approval for the previously approved project will continue to apply for the modified plan.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Military Trail from Hypoluxo Rd to Lantana Rd

Existing count: Northbound=1436, Southbound=1296

Background growth: Northbound=299, Southbound=299

Project Trips: Northbound=53, Southbound=64

Total Traffic: Northbound=1788, Southbound=1659

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS “D” capacity: 2940

Projected level of service: LOS D or better in both directions

Segment: Boynton Beach Blvd from Military Trail to Lawrence Rd

Existing count: Eastbound=1961, Westbound=2105

Background growth: Eastbound=92, Westbound=97

Project Trips: Eastbound=44, Westbound=53

Total Traffic: Eastbound=2097, Westbound=2255

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS “D” capacity: 2940

Projected level of service: LOS D or better in both directions

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 Private Utility Permit Process established by PPM# EL-O-3607.” (Exhibit E) Prior to the issuance of any building permits, the Applicant must obtain applicable permits and approvals from the District.

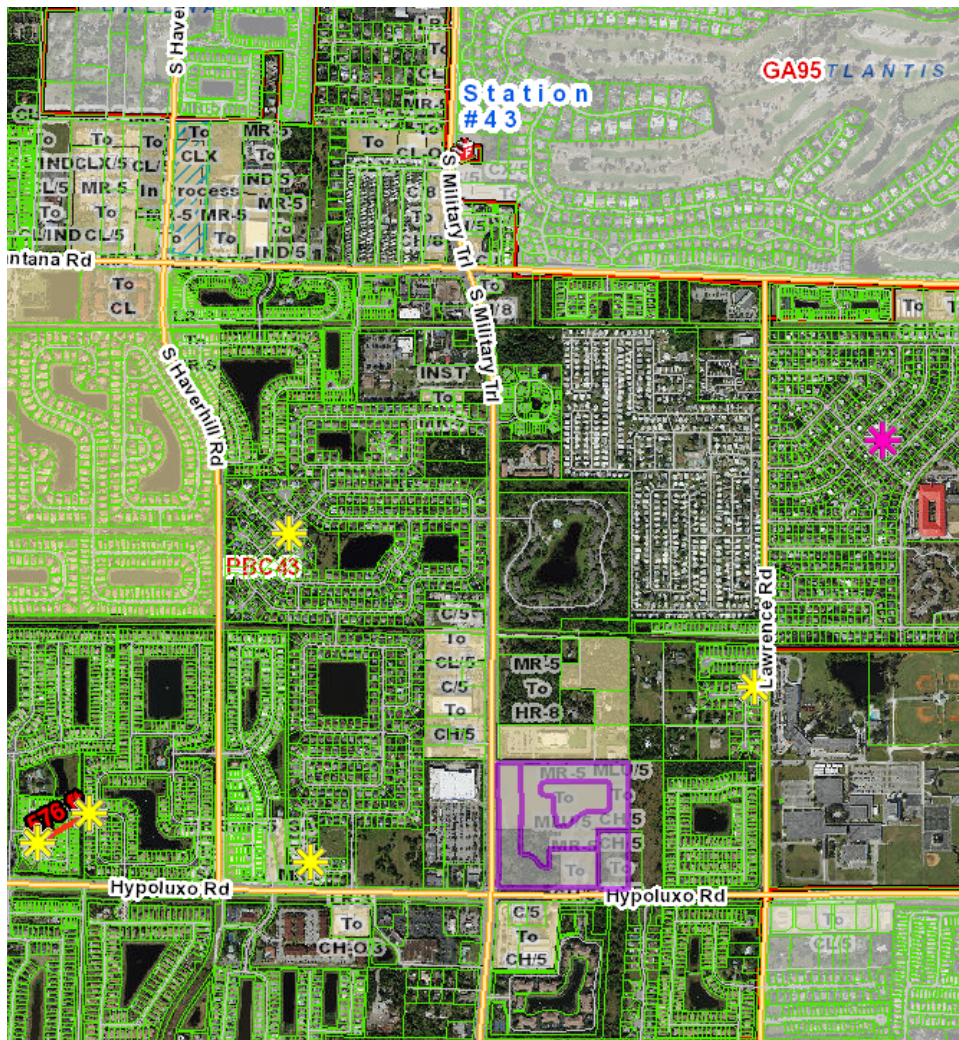
PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

WATER AND WASTEWATER PROVIDER:

The Water and Wastewater provider is Palm Beach County Water Utilities. (Exhibit F) 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.

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.



SCHOOL IMPACTS: The School Board has no comment regarding the non-residential portion of this application.

PARKS AND RECREATION: Parks and Recreation has no comment regarding the non-residential portion of this application.

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 states that the proposed Development Order Amendment and Conditional Use are necessary to change two of the uses on site to meet market demand and specific tenants secured for the development. Both Buildings A and D were approved as retail and fuel sales respectively. As the developer sought to fill these locations, they were approached by tenants for the uses presented on this amendment. To accommodate those changed tenants, the Light Repair and Maintenance use is being proposed for Building A and the Type 1 Restaurant with drive-through is proposed for Building D. Both buildings are utilizing the approved immediate development areas of the previous uses and not affecting other buildings, the residential tract or the preserve and recreation tracts of the approved site plan will remain unchanged. The Justification Statement concludes that in response to changes in the market needs and customers habits the proposed restaurant will not have indoor dining area, rather it proposes a drive- through only with small outdoor seating for the residents and employees within the MUPD as well as those within the immediate area.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B, and determined that there is a balance between the need for change and the potential impacts generated by Elan Palm Reserve MUPD Development. Therefore, Staff is recommending approval of the requests subject to Conditions of Approval as indicated in Exhibits C1 and C2.

CONDITIONS OF APPROVAL

EXHIBIT C-1:

Development Order Amendment- Overall MUPD

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2021-956, Control No.2001-00005, which currently states:

The approved Preliminary Site Plan is dated May 24, 2021. 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 or the Zoning Commission.

Is hereby amended to read:

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. (ONGOING: ZONING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2021-956, Control No.2001-00005, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2001-2067 (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 or Zoning Commission, unless expressly modified.

Is hereby amended to read:

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. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2021-956, Control No.2001-00005, which currently states:

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.

Is hereby amended to read:

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. (BLDGPMT: BUILDING DIVISION - Zoning)

3. 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 3 of Resolution R-2021-956, 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-2021-956, 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. (CO: Monitoring-Eng) (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2021-956, 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. (DATE: Monitoring-Eng) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2021-956, 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2021-956, 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-2021-956, 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) any required modification to the existing right turn lane east approach on Hypoluxo Road at Military Trail to accommodate project's in-only entrance within this right turn lane v) 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. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2021-956, 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. (BLDGPM/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2021-956, 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. (BLDGPM: 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. (BLDGPM/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-2021-956, 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-2021-956, 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. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2021-956, 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-2021-956, 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-2021-956, 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-2021-956, 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-2021-956, 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-2021-956, 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-2021-956, Control No.2001-00005)

HEALTH

- 1. Previous HEALTH Condition 1 of Resolution R-2021-956, Control No.2001-00005, which currently states:

Architectural plans must be submitted to the Institutional Child Care Section, Palm Beach County Health Department in accordance with Rule 64E-13 FAC. (BLDGPMPT: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: No longer applies.]

- 2. Previous HEALTH Condition 2 of Resolution R-2021-956, Control No.2001-00005, which currently states:

Any biomedical waste which may be generated at this site shall be properly handled and disposed of in accordance with Rule 64E-16FAC (ONGOING: HEALTH DEPARTMENT - Health Department)

Is hereby deleted. [REASON: No longer applies]

- 3. 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-2021-956, Control No.2001-00005)
- 4. 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-2021-956, 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 3 of Resolution R-2021-956, 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. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 4 of Resolution R-2021-956, 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. (BLDGPMT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2021-956, 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-2021-956, 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-2021-956, 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 9 of Resolution R-2021-956, 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 10 of Resolution R-2021-956, 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. (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 11 of Resolution R-2021-956, 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. (CO: MONITORING - Planning) (Previous PLANNING Condition 12 of Resolution R-2021-956, 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). (CO: MONITORING - Planning) (Previous PLANNING Condition 13 of Resolution R-2021-956, 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. (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 14 of Resolution R-2021-956, Control No.2001-00005)

7. The Developer shall notify Planning and DHES at the commencement of leasing. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 15 of Resolution R-2021-956, 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-2021-956, 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) (Previous SCHOOL BOARD Condition 2 of Resolution R-2021-956, Control No.2001-00005)

SITE DESIGN

2. 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. (BLDGPM/ONGOING: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2021-956, Control No.2001-00005)

4. Previous SITE DESIGN Condition 4 of Resolution R-2021-956, Control No.2001-00005, which currently states:

The pedestrian access system shall provide for interconnectivity of all uses per the Preliminary Site Plan dated May 25, 2021.

Is hereby amended to read:

The pedestrian access system shall provide for interconnectivity of all uses per the Preliminary Site Plan dated September 13, 2023. (DRO/ONGOING: ZONING - Planning)

5. 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 5 of Resolution R-2021-956, Control No.2001-00005)

6. 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 6 of Resolution R-2021-956, Control No.2001-00005)

7. 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 7 of Resolution R-2021-956, 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-2021-956, 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.

CONDITIONS OF APPROVAL

Exhibit C-2:

Class A Conditional Use Type 1 Restaurant Bldg D

ALL PETITIONS

1. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type 1 Restaurant, Building D, shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated August 28, 2023. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: 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.

Figure 1 - Land Use Map



Figure 2 - Zoning Map

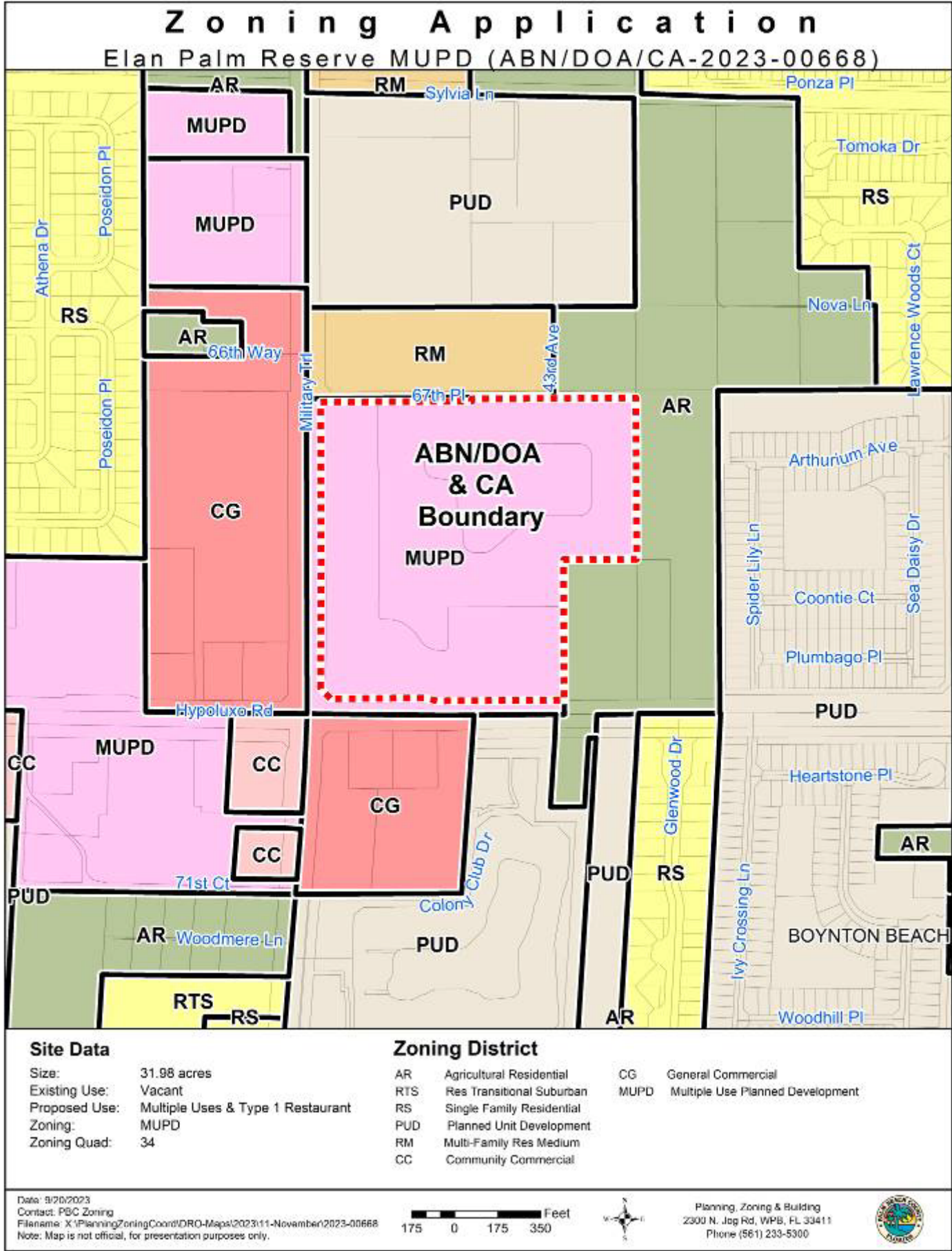


Figure 3 – Preliminary Site Plan dated September 13, 2023 (page 1 of 3)

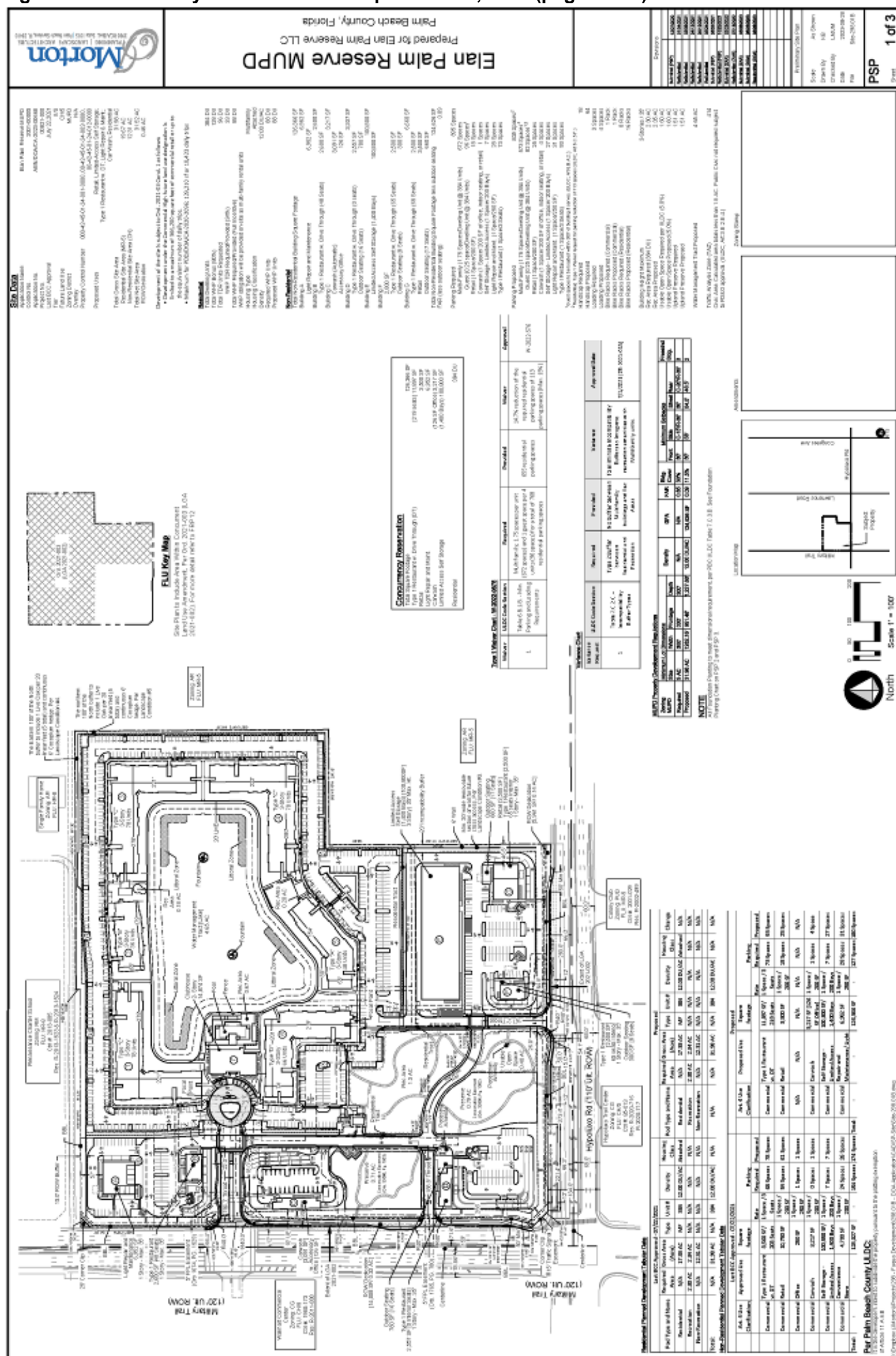


Figure 3 – Preliminary Site Plan dated September 13, 2023 (page 2 of 3)

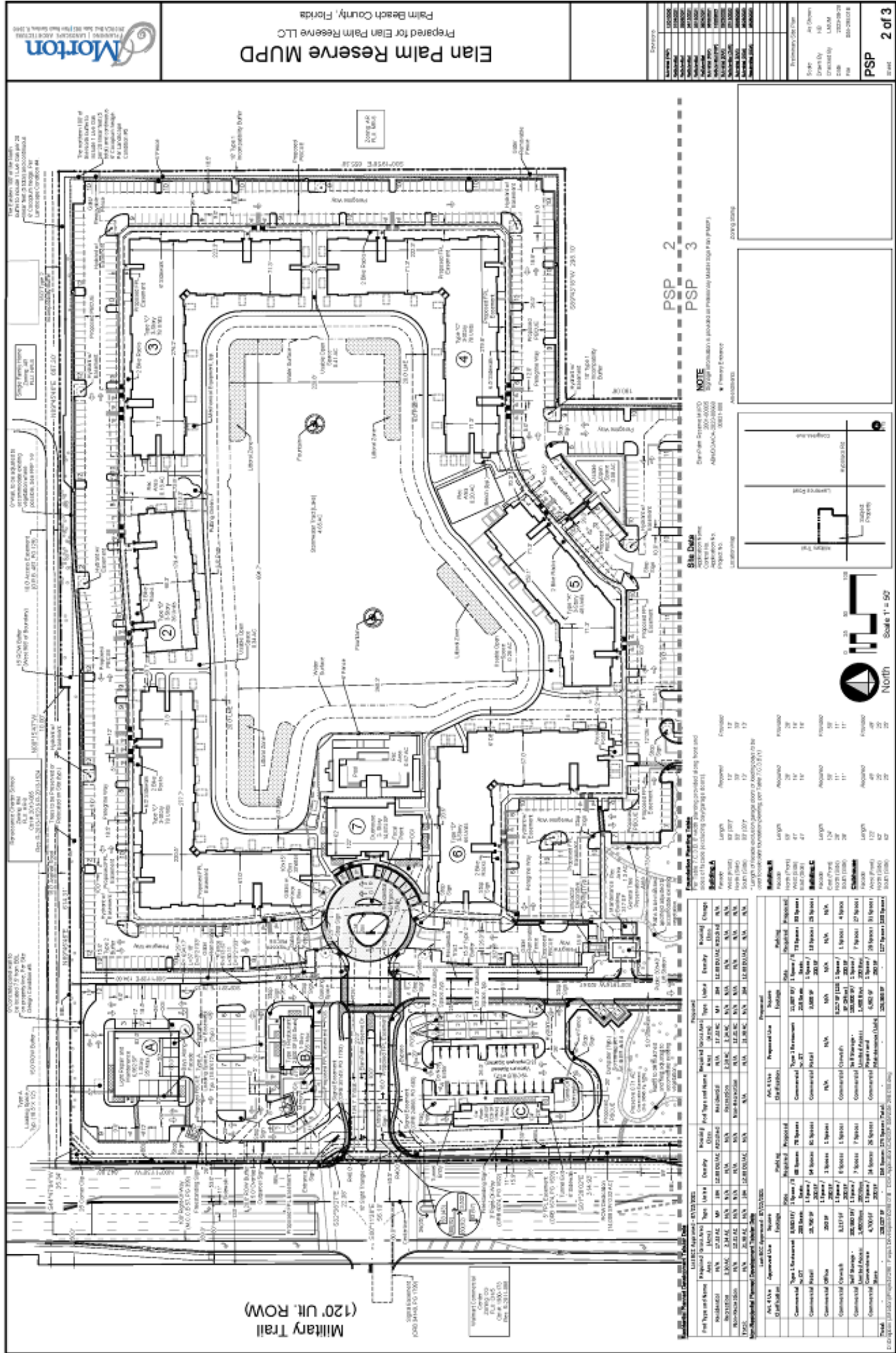


Figure 3 – Preliminary Site Plan dated September 13, 2023 (page 3 of 3)

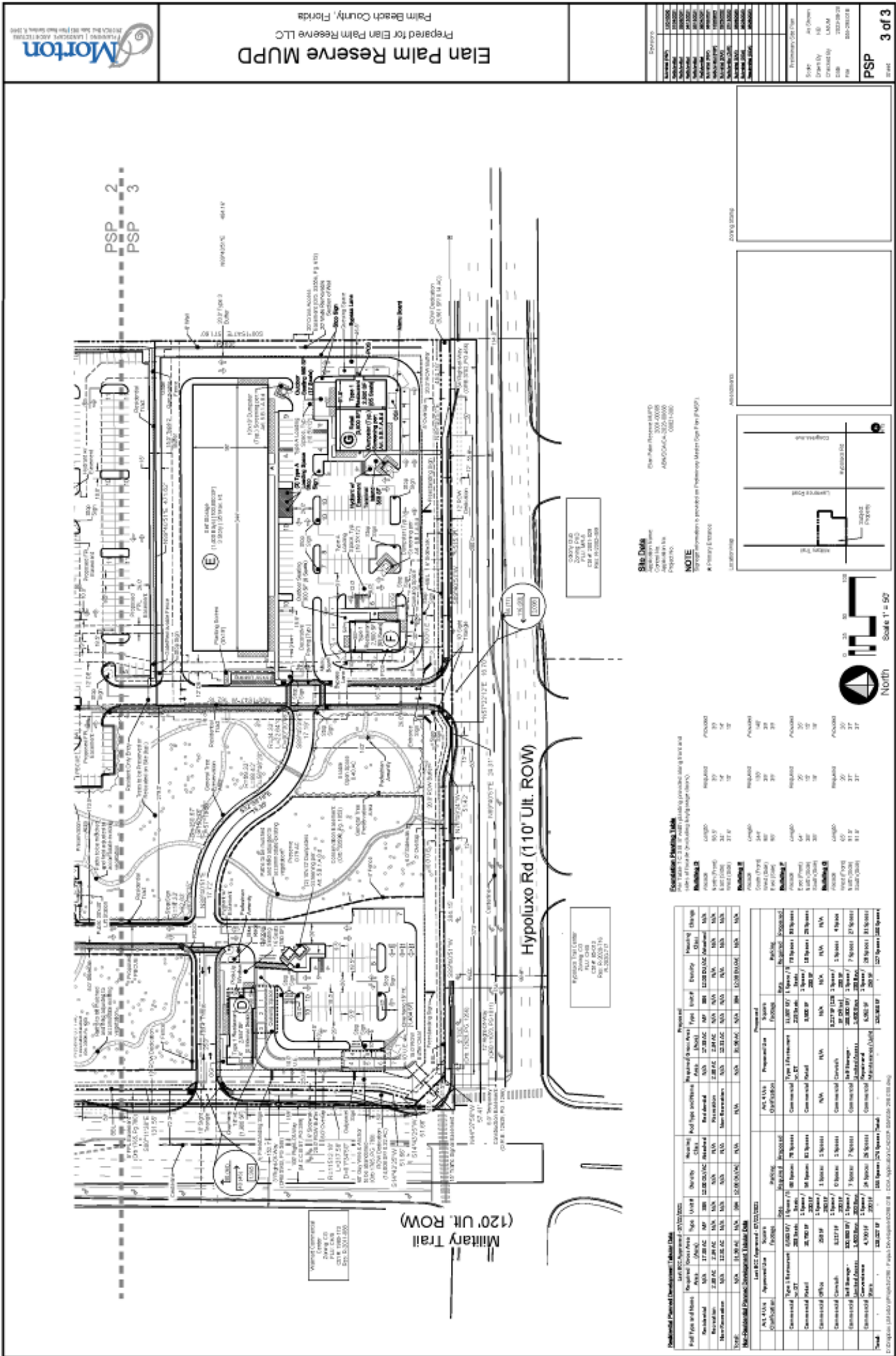


Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 1 of 12)

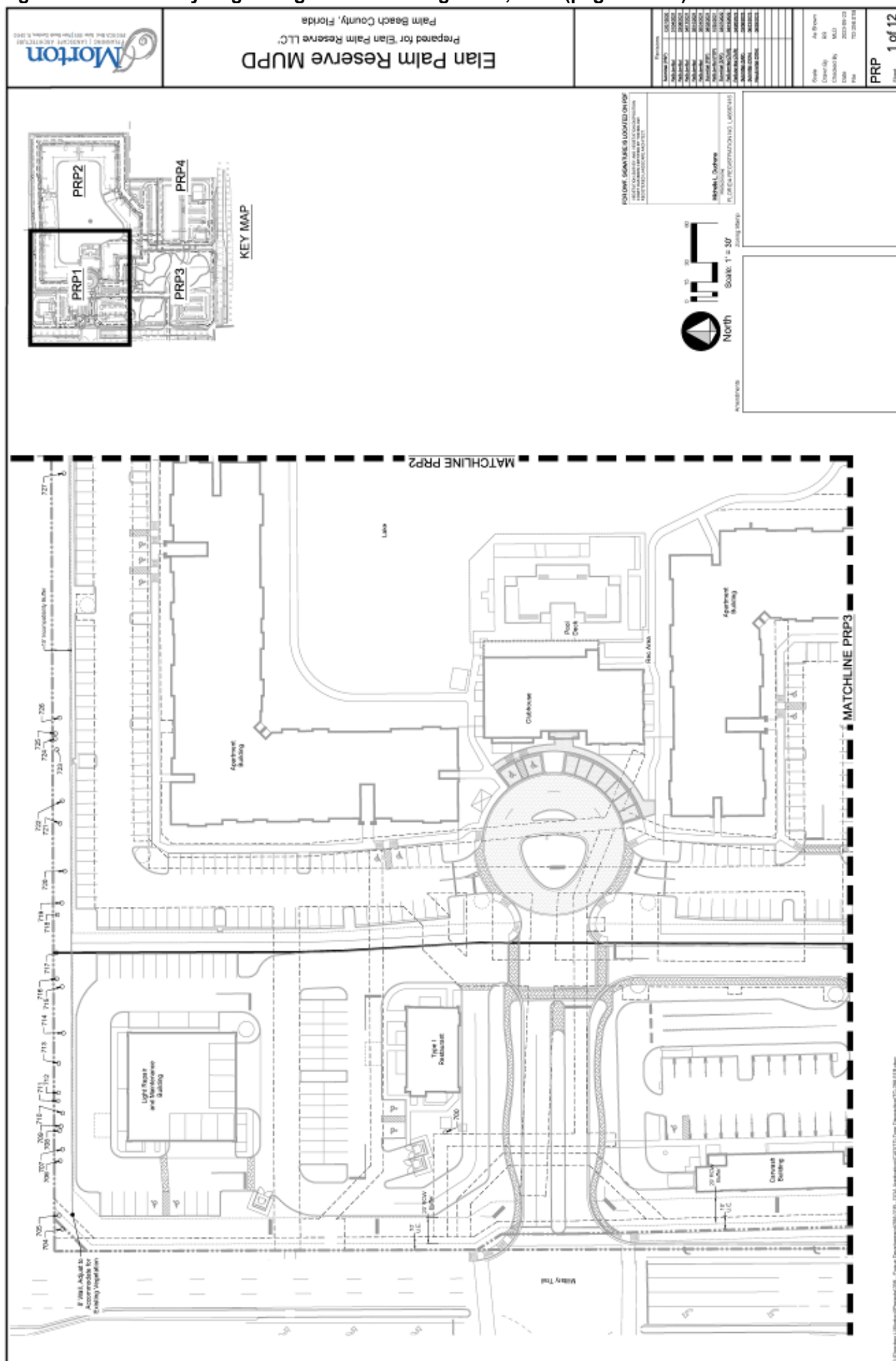


Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 2 of 12)

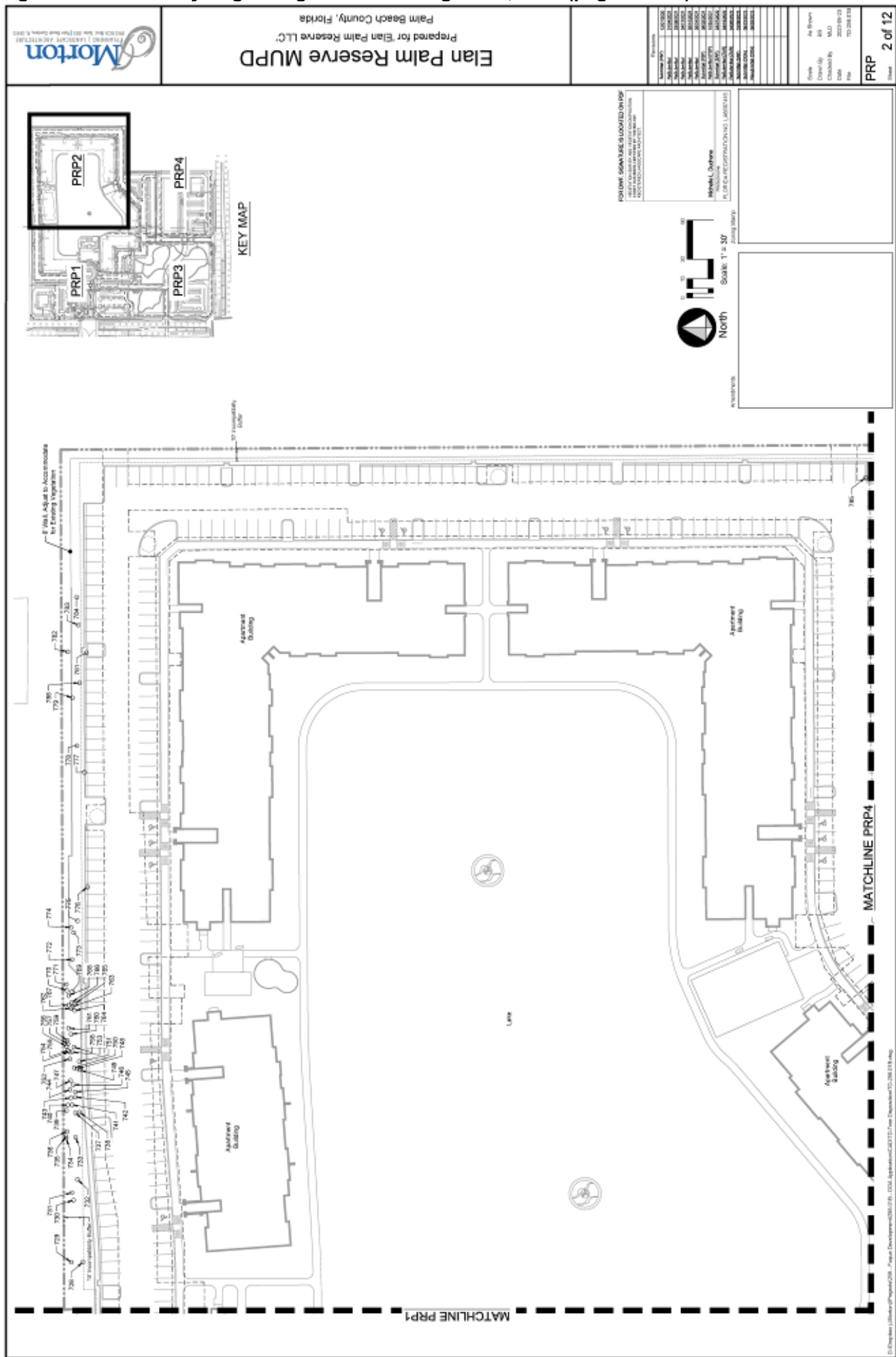


Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 3 of 12)

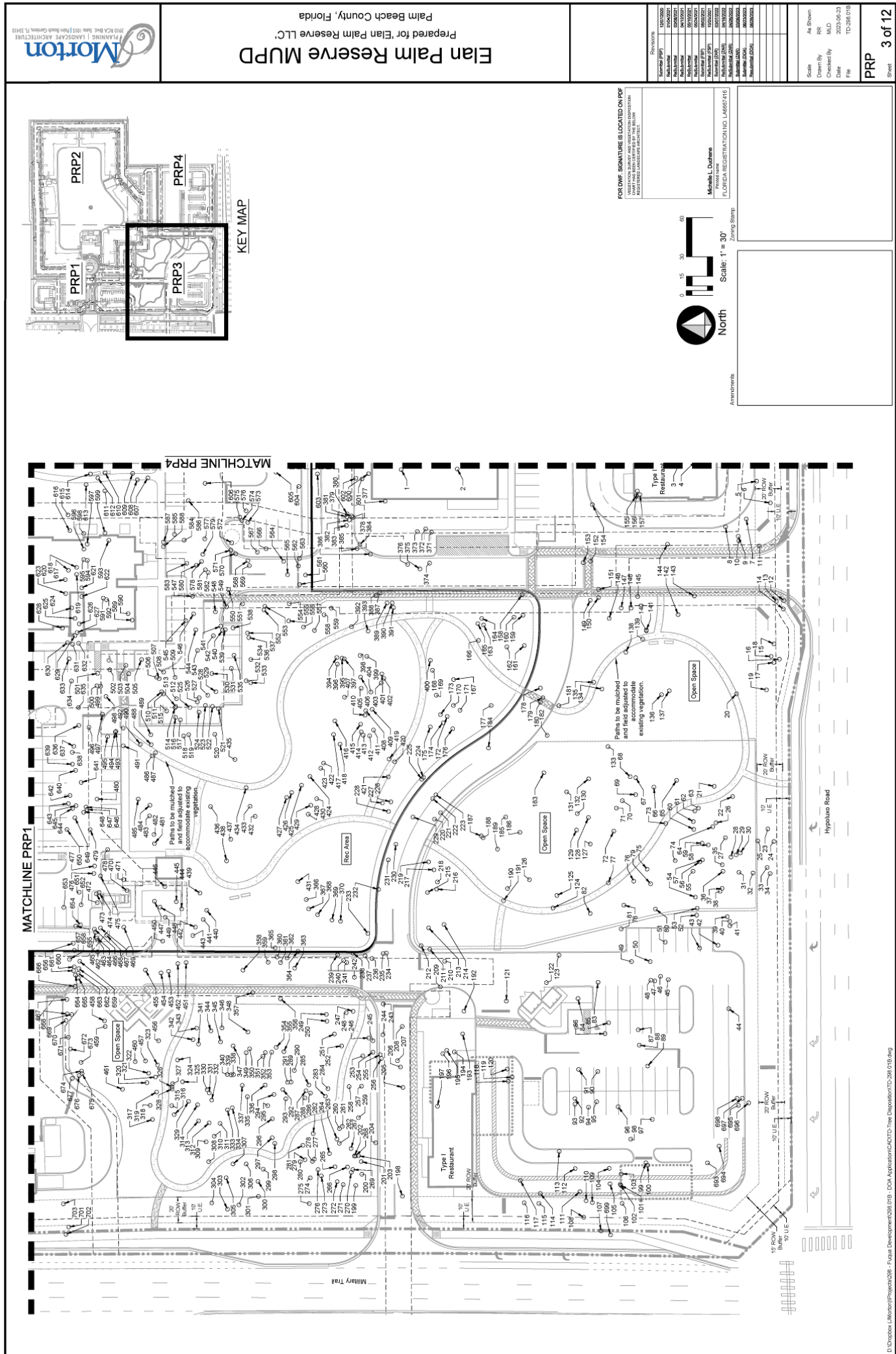


Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 4 of 12)

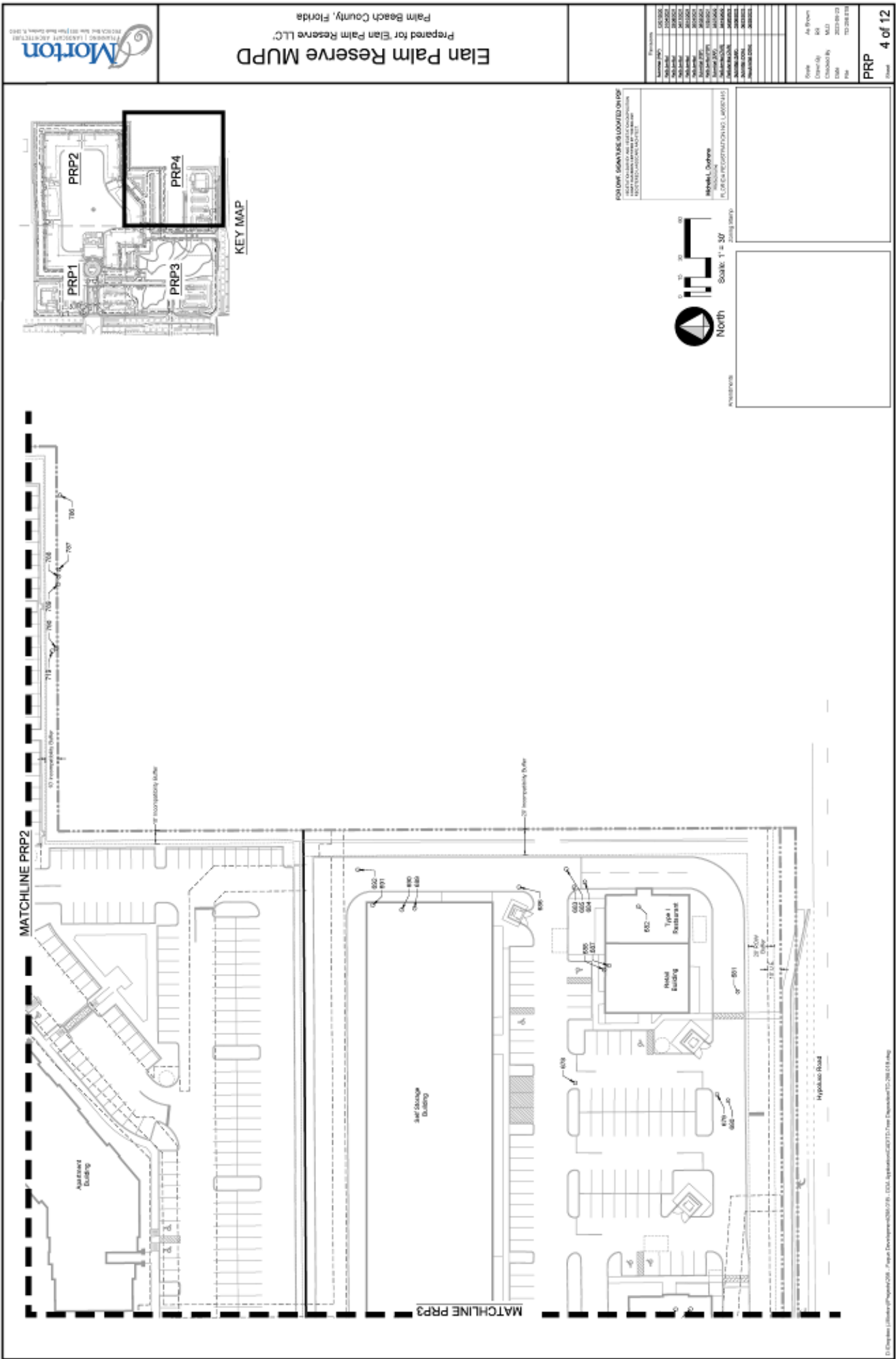


Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 5 of 12)

[illegible]

Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 6 of 12)

[illegible]

Figure 4 – Preliminary Regulating Plan dated August 28, 2023 (page 7 of 12)

[illegible]

Figure 4 – Preliminary Regulating Plan dated September 13, 2023 (page 8 of 12)

[illegible]

Figure 4 – Preliminary Regulating Plan dated September 13, 2023 (page 9 of 12)

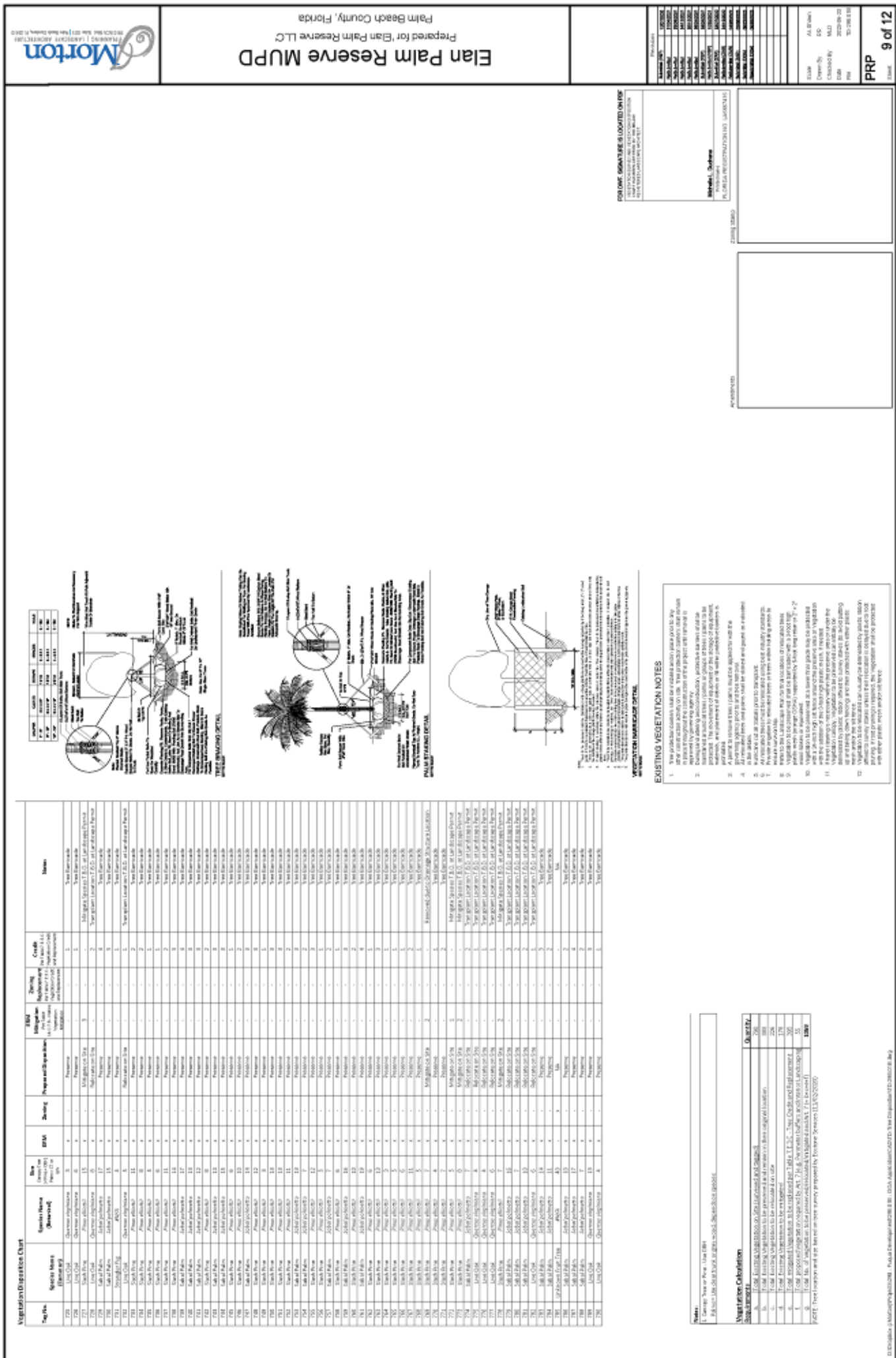


Figure 4 – Preliminary Regulating Plan dated September 13, 2023 (page 10 of 12)

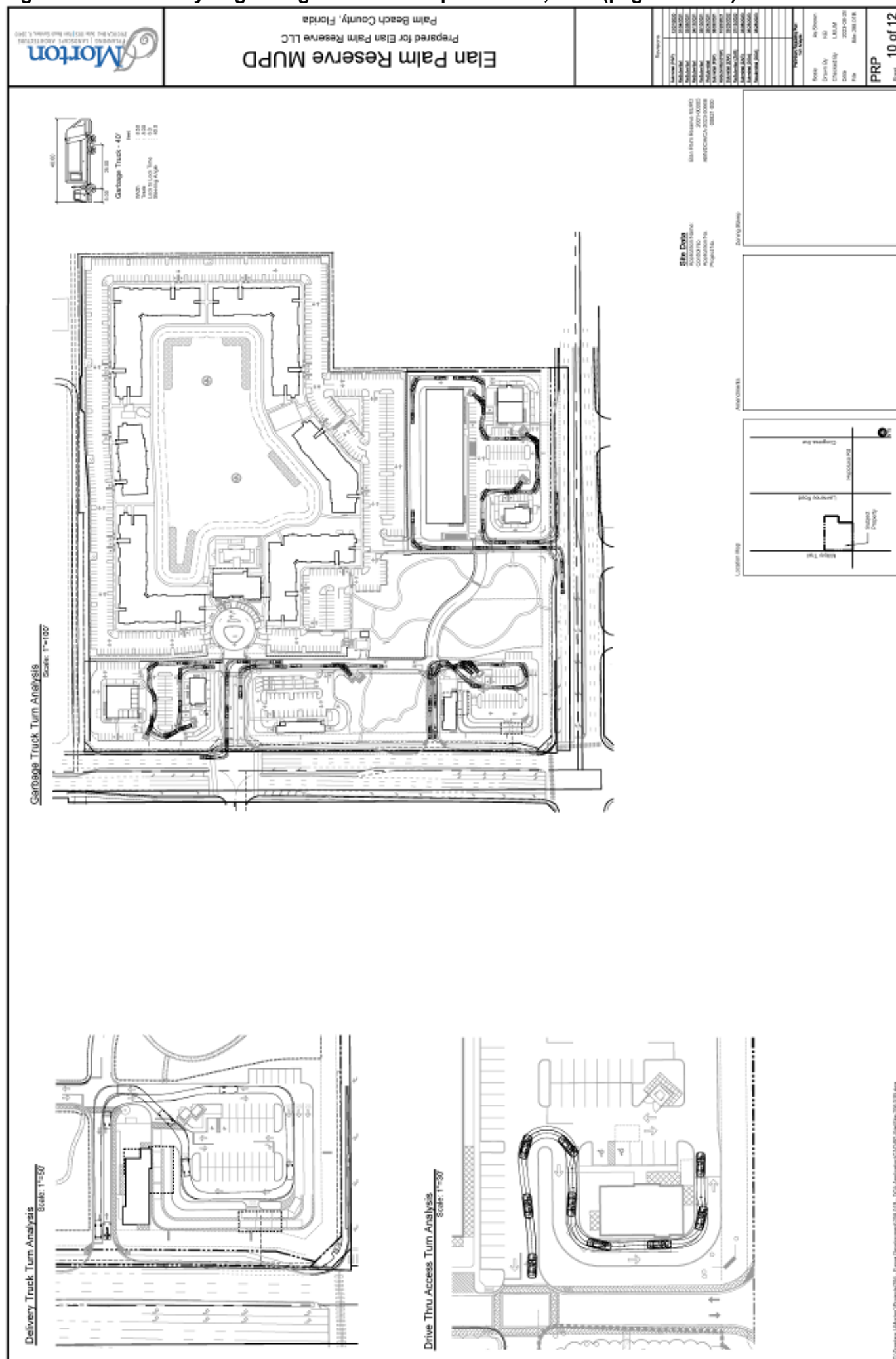


Figure 4 – Preliminary Regulating Plan dated September 13, 2023 (page 11 of 12)

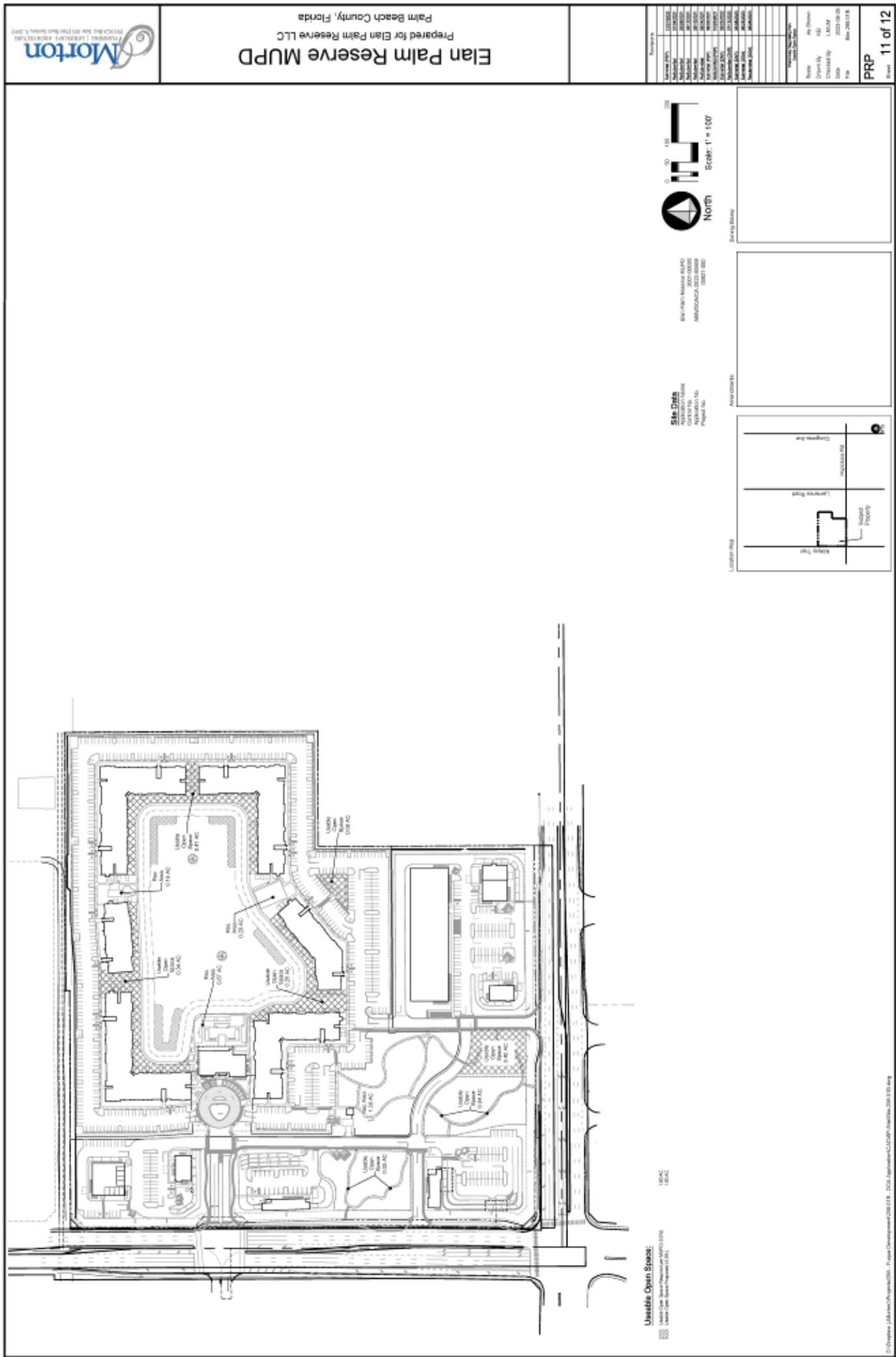


Figure 4 – Preliminary Regulating Plan dated September 13, 2023 (page 12 of 12)

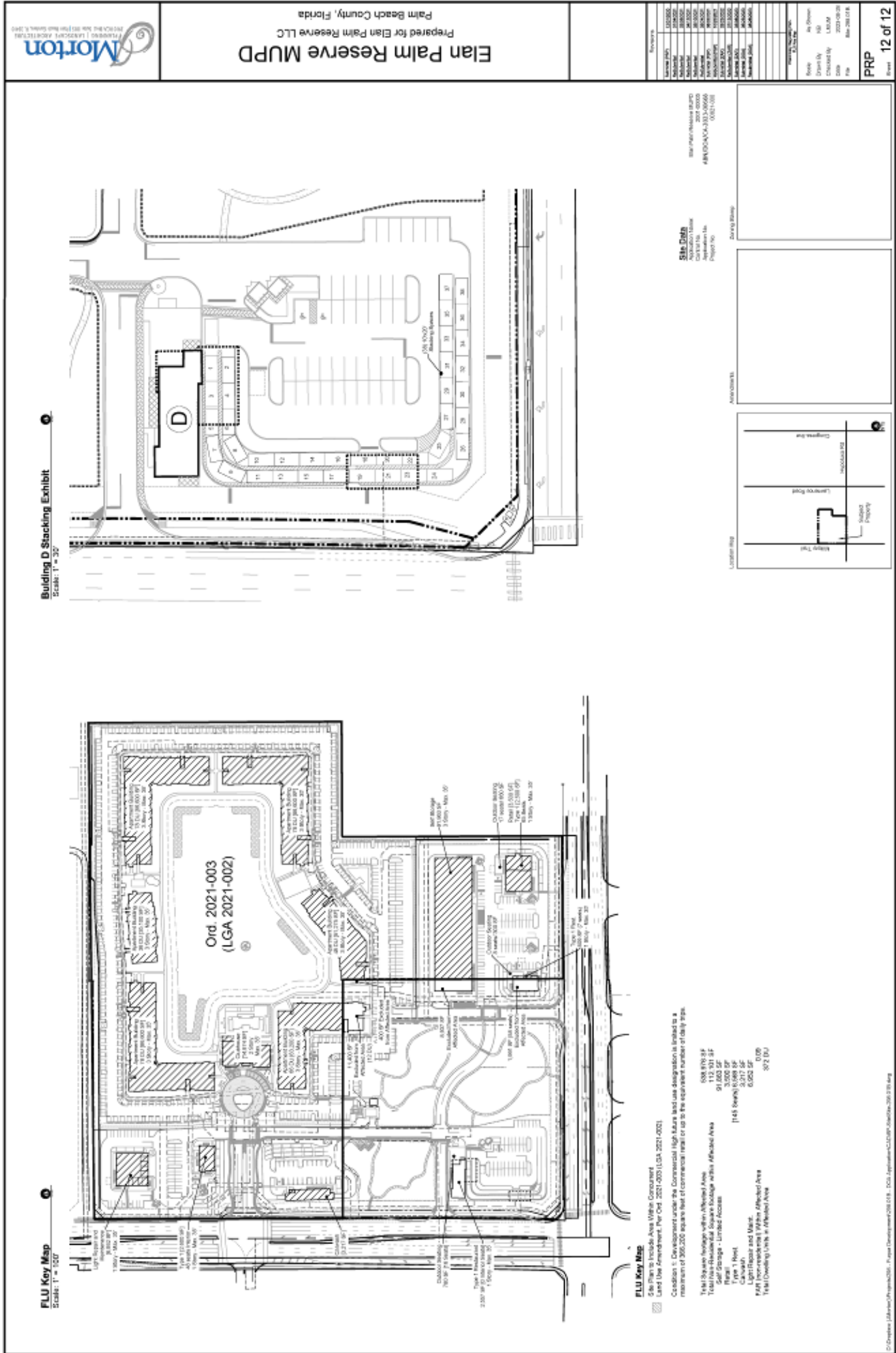


Figure 5 – Preliminary Master Sign Plan dated August 28, 2023 (page 1 of 2)

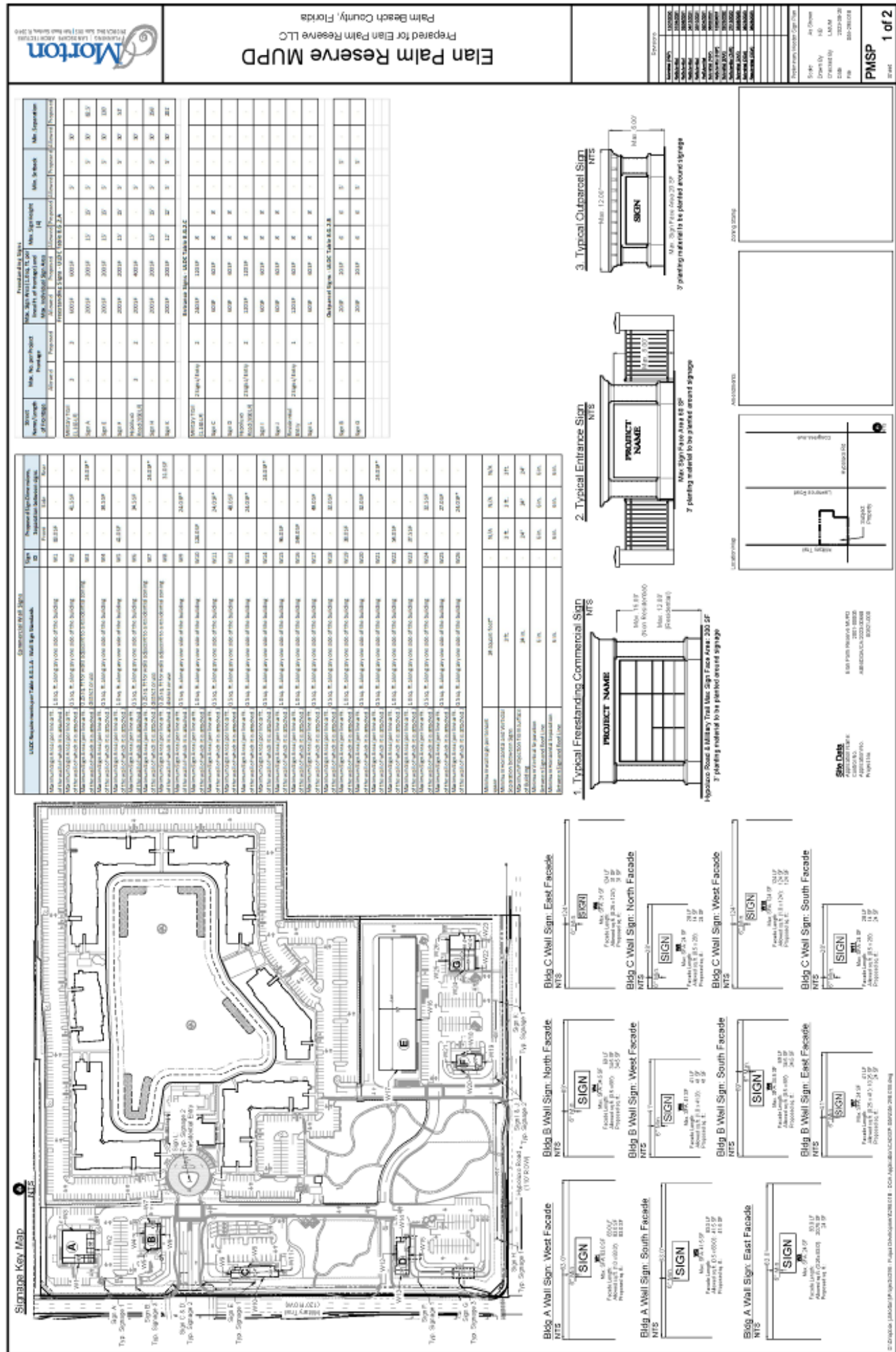
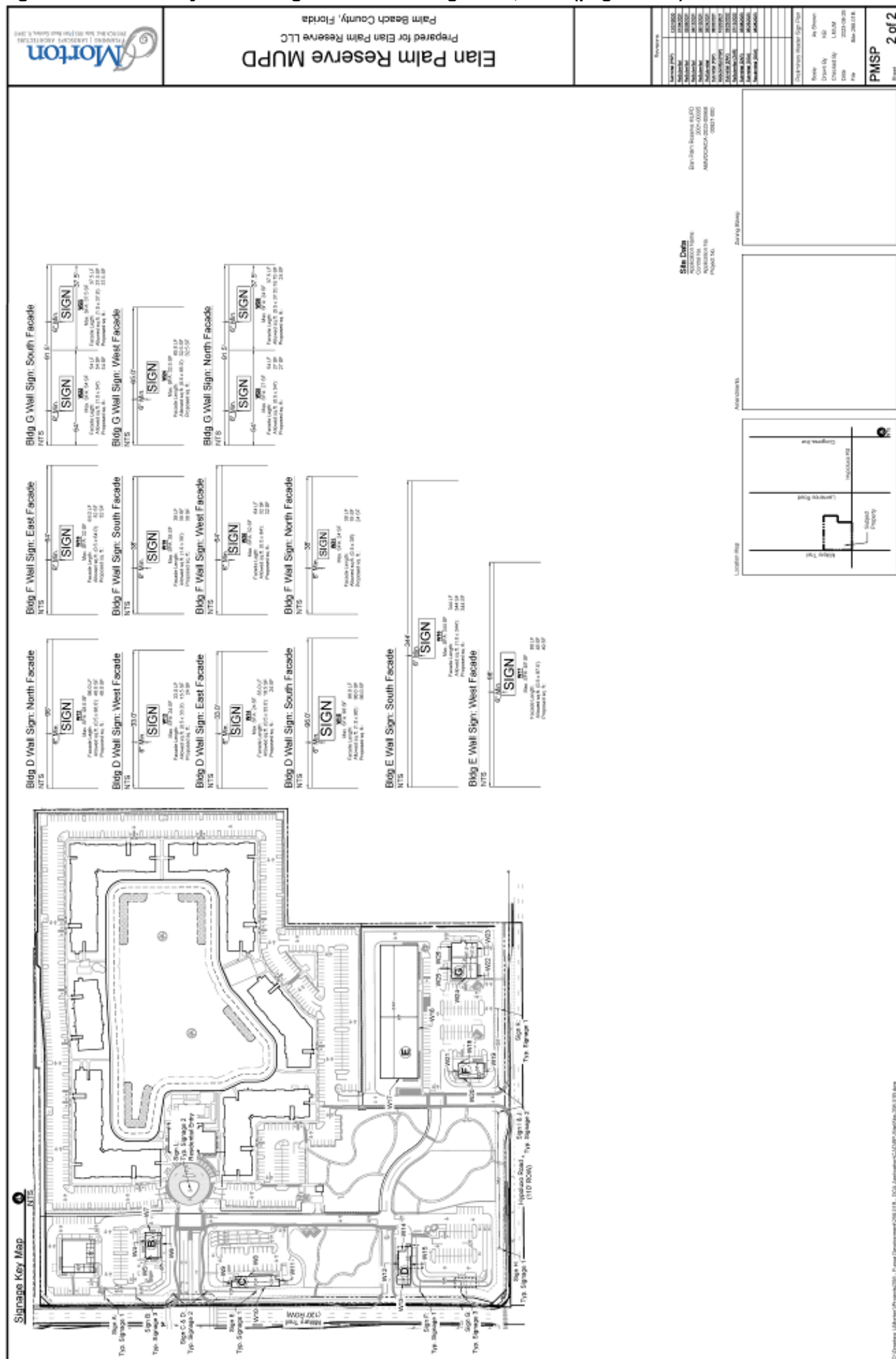


Figure 5 – Preliminary Master Sign Plan dated August 28, 2023 (page 2 of 2)



Zoning Commission
Application No. ABN/DOA/CA-2023-00668

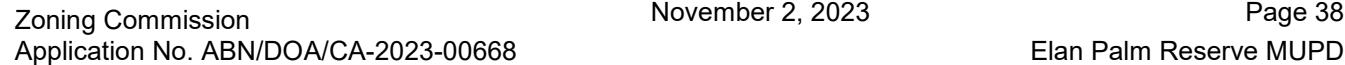


Figure 7: Aprproved Final Site Plan dated May 25, 2023 (page 1 of 3)

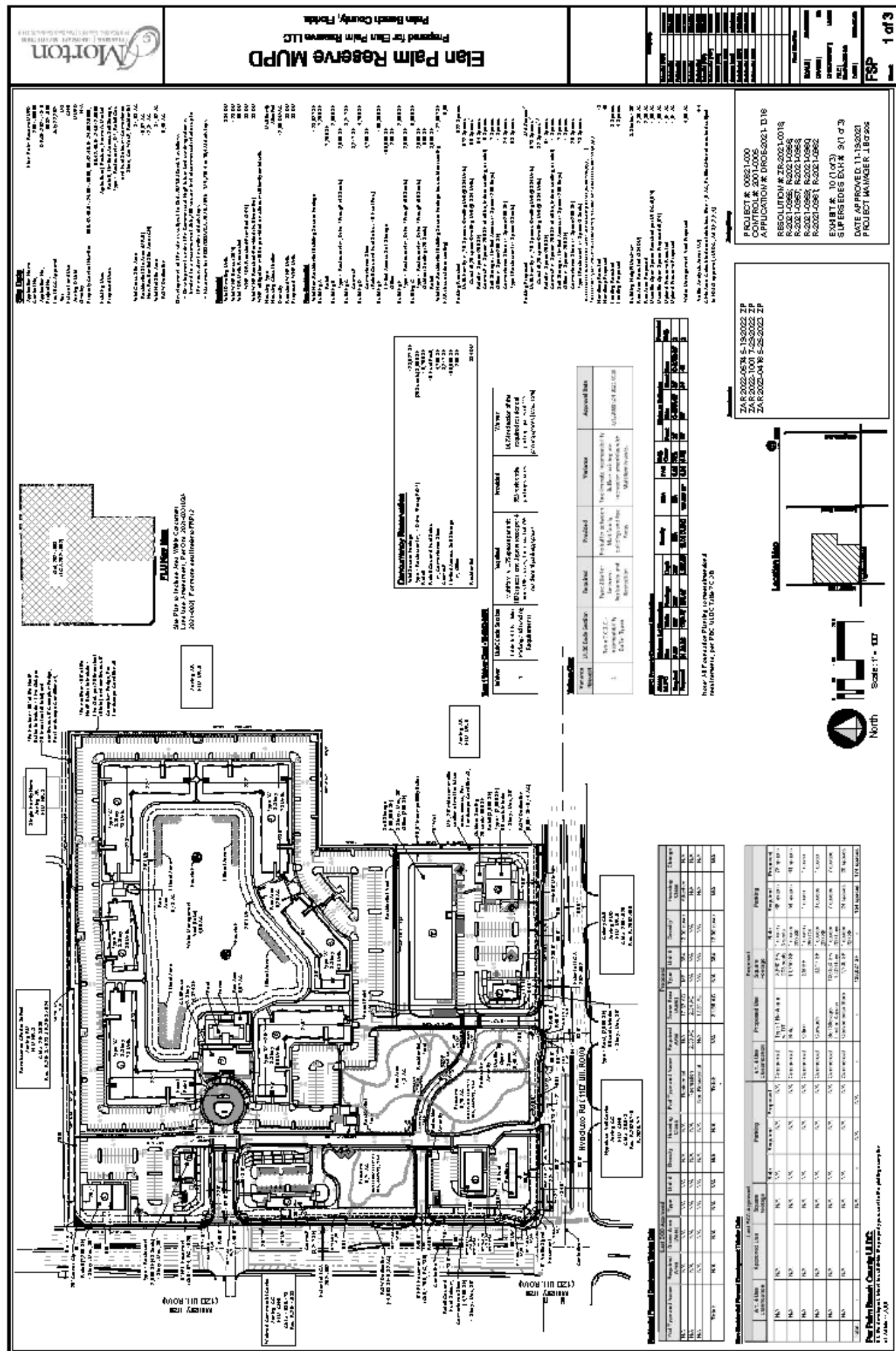


Figure 7: Aprproved Final Site Plan dated May 25, 2023 (page 2 of 3)

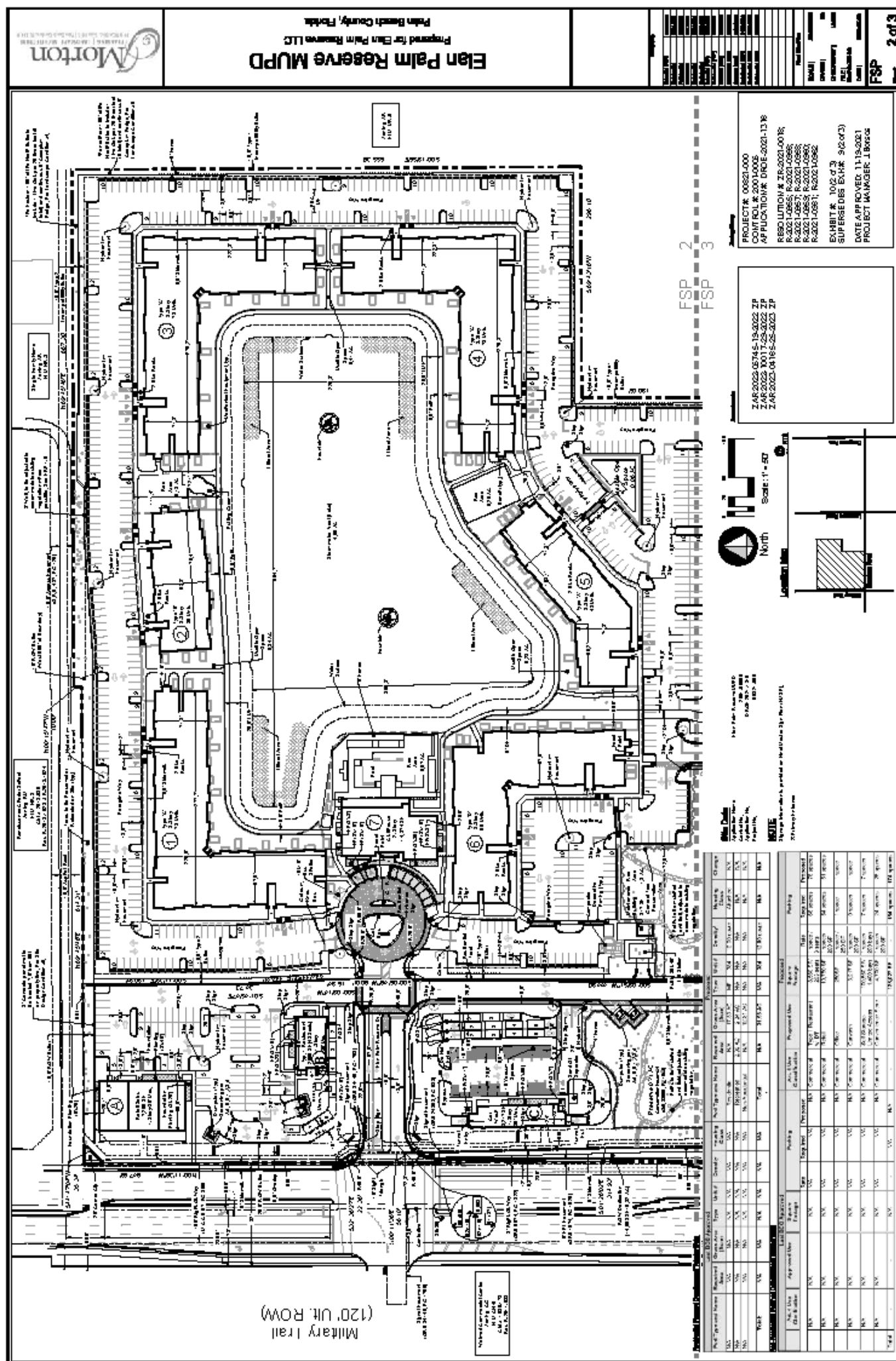


Figure 7: Aprproved Final Site Plan dated May 25, 2023 (page 3 of 3)

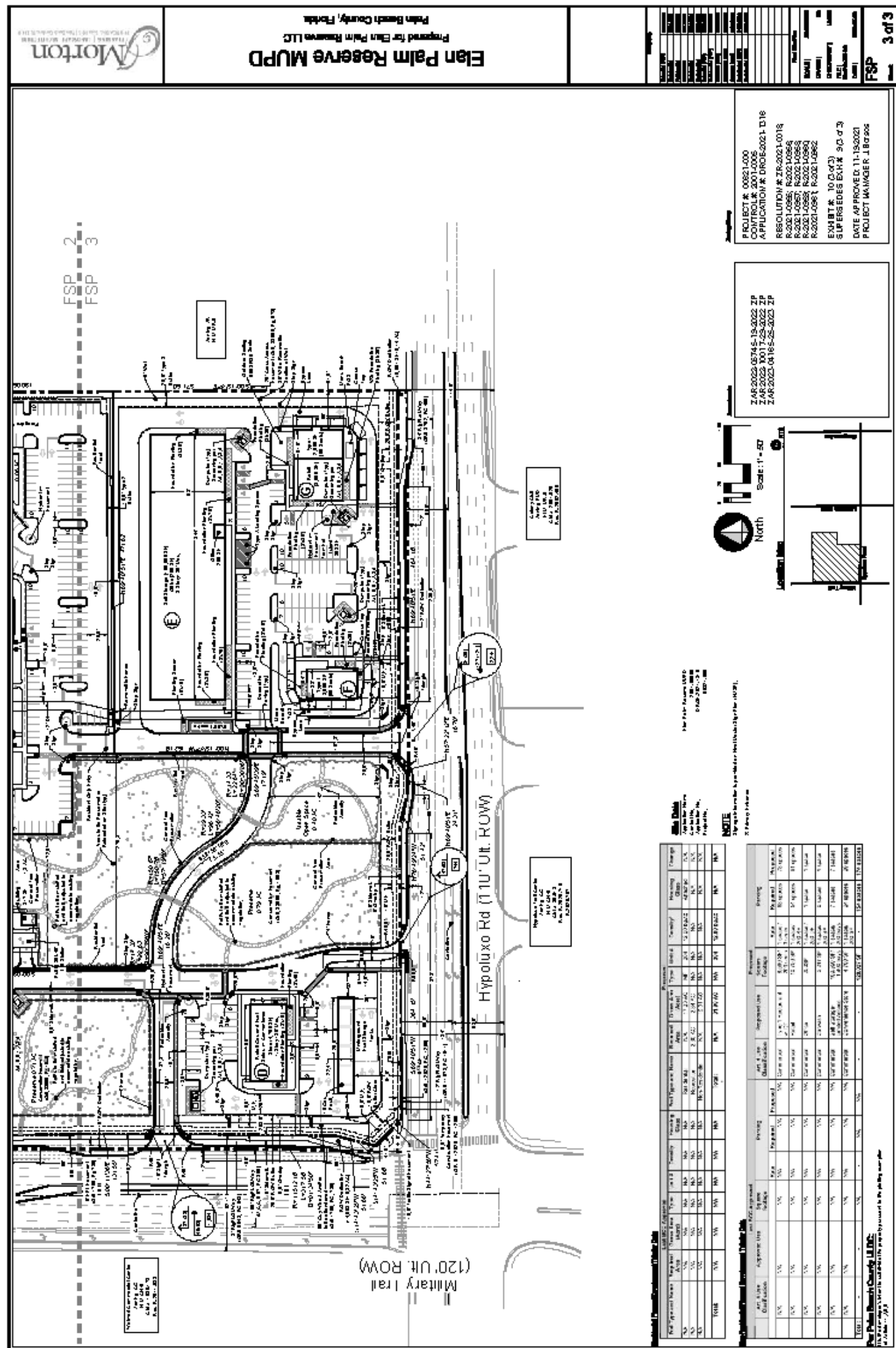


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

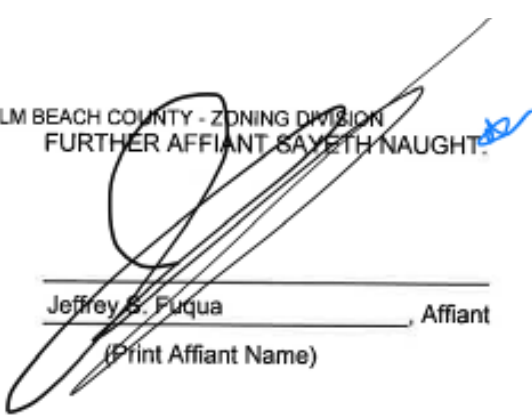
[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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 Jeffrey S. 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 ☒ Manager [position—e.g., president, partner, trustee] of Fuqua Acquisitions II, LLC, a Georgia limited liability company [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: 3575 Piedmont Rd., NE
Suite 800
Atlanta, Georgia 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 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.



Jeffrey S. 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 25th day of July, 2023 by
Jeffrey S. Fuqua (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).

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"

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

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.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Ana C. 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 [4 physical presence or () online notarization, this 10 day of June, 2023 by Ana Pedrajo (name of person acknowledging). He/she is personally known to me or has produced Driver's License (type of identification) as identification and did not take an oath (circle correct response).

[Signature]
 (Name - type, stamp or print clearly)

Steven Wong
 (Signature)

My Commission Expires on: 04/11/2027



STEVEN WONG
 Commission # HH 385145
 Expires April 11, 2027

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, STE500 Charleston,SC 29403
100% Elan Palm Reserve Owner, LLC	
Michael C. Pascucci	22.51%
Christopher S. Pascucci	22.85%
Ralph P. Pascucci	9.64%
Other 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 or 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
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3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Ana C. 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 15 day of June, 2023 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).

Christie Kielty
 (Name - type, stamp or print clearly)

CKielty
 (Signature)

My Commission Expires on: 11/12/25

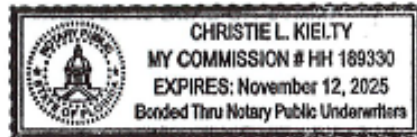


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PROPERTY

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Name	Address
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100% Elan Palm Reserve Owner, LLC	
Michael C. Pascucci	22.51%
Christopher S. Pascucci	22.85%
Ralph P. Pascucci	9.64%
Other 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 or within Palm Beach County	



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) 00-42-45-01-24-001-0000, 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, four (4) commercial out parcels and 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 ½" 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.

**Michael
Troxell**

Digitally signed by Michael Troxell
DN: c=US, o=Florida,
dnQualifier=A01410D0000017A148
18EA600003313, cn=Michael Troxell
Date: 2023.05.12 16:21:08 -04'00'

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 electronically signed and sealed by Michael A. Troxell, P.E. on 05/12/2023 using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

CIVIL ENGINEERS - PROJECT MANAGERS - LAND PLANNING - LANDSCAPE ARCHITECTS

WWW.THOMASENGINEERINGGROUP.COM

Exhibit F –Water and Wastewater letter from PBCWUD dated March 23, 2020



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

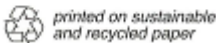
**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator
Verdenla 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

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