

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

Application No.: ABN/DOA/CA-2022-01397
Application Name: Polo Gardens MUPD
Control No./Name: 2013-00296 (Polo Gardens MUPD)
Applicant: Elan Polo Gardens Owner LLC
 Cardiovascular Centers of America
 The Ferber Company
Owners: Homes Divosta
 Elan Polo Gardens Owner Llc
Agent: JMorton Planning & Landscape Architecture, Jennifer Morton; Lauren McClellan
Telephone No.: (561) 721-4463, (561) 371-9384
Project Manager: Jordan Jafar, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Type 1 Restaurant on 25.04 acres

TITLE: a Development Order Amendment **REQUEST:** to reconfigure the site plan and change uses on 25.04 acres

TITLE: a Class A Conditional Use **REQUEST:** to allow a Hospital on 25.04 acres

APPLICATION SUMMARY: The proposed request is for the 25.79-acre Polo Gardens MUPD development. The site was last approved by the Board of County Commissioners (BCC) on April 22, 2021 allowing a multiple use development with 284 Multifamily dwelling units and 26,707 square feet (sq. ft.) of commercial uses (retail and restaurants).

The request will modify a portion of the development specifically related to the commercial. The residential portion will remain with no modifications. The Preliminary Site Plan will be reconfigured to remove the two one-story commercial structures (27,707 sq. ft.). The plan indicates two two-story buildings, one for a Hospital (30,968 sq. ft.) and the other a Medical Office (23,084 sq. ft.) for a total of 54,952 sq. ft. In addition the PSP indicates a total of 754 parking spaces. Access is from Lake Worth Road and Polo Road.

SITE DATA:

Location:	Southeast corner of Lake Worth Road and Polo Club Road
Property Control Number(s)	00-42-43-27-05-028-0041; 00-42-43-27-05-028-0042 00-42-44-29-05-001-0010; 00-42-44-29-05-001-0020 00-42-44-29-05-001-0030
Future Land Use Designation:	Multiple Land Use (MLU) Commercial High, with an underlying LR-2 (CH/2) Medium Residential (MR-5) ;Low Residential (LR-2)
Zoning District:	Multiple Use Planned Development (MUPD)
Total Acreage:	25.04 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Greenacres
Commissioner District	District 6, Commissioner Sara Baxter

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

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

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
ZV-2016-01037	To allow the elimination of compatibility buffers and the required landscape material; to allow a reduction of the quantity of interior landscape islands and driver medians; and to allow a reduction of the required pervious surface area.	R-2016-0045	September 9, 2016

Application No.	Request	Resolution	Approval Date
LGA-2018-00023	To change a future land use designation from Commercial High with an underlying Low Residential, 2 units per acre (CH/2) to Commercial High with an underlying Low Residential, 2 units per acre (CH/2) with conditions	2018-0029	October 31, 2018
ZV/PDD/CA-2020-00788	To eliminate a Type 2 Incompatibility Buffer.	R-2021-0009	March 4, 2021
	To allow a Transfer of Development Rights (TDR); a Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, a Type 1 Restaurant with Drive-through.	R-2021-0554	April 22, 2021
	To allow a Transfer of Development Rights (TDR); a Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, a Type 1 Restaurant with Drive-through.	R-2021-0555	April 22, 2021
	To allow a Transfer of Development Rights (TDR); a Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, a Type 1 Restaurant with Drive-through.	R-2021-0556	April 22, 2021
	To allow a Transfer of Development Rights (TDR); a Workforce Housing Program (WHP) Density Bonus greater than 50 percent; and, a Type 1 Restaurant with Drive-through.	R-2021-0557	April 22, 2021
2021-00005	Change the Future Land use designation from Parcel A: Commercial High, with underlying 2 units per acre(CH/2) on 8.83 acres and Medium Residential, 5 units per acre (MR-5) on 16.96 acres to Multiple Land Use with an underlying Commercial High and 5 units per acre(MLU/CH/5) on 25.79 acres with conditions.	R-2021-0012	April 22, 2021

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6, Standards.

As part of the request, the Applicant is seeking an abandonment of a Development Order granted for a Type 1 Restaurant with a Drive-through, previously approved under Resolution R-2021-0555, on April 22, 2021. This approval consisted of 25.79 acres and encompassed the area of the subject development.

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

The proposed abandonment of the Type 1 Restaurant with a Drive-through will not create any inconsistencies with the Goals, Objectives and Policies of the Comprehensive Plan. The use was never implemented.

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

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the DO for the Type 1 Restaurant with a Drive-through use does not create any non-conformities as the DO for the Type 1 Restaurant with a Drive-through was not implemented.

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

The proposed abandonment of the DO will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval for the proposed amendment, as the previous approvals were never implemented.

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

The subject site currently has an approval for a Type 1 Restaurant with a Drive-through as part of a Multiple Use Planned Development. The Applicant states in the Justification Statement that the abandonment of a Type 1 Restaurant with a Drive-through is warranted as a Hospital and Medical Office will better serve the needs of the community as it will provide more employment opportunities and services.

FINDINGS:

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.

The Applicant is requesting a Class A Conditional Use approval for a Hospital and a Development Order Amendment to reconfigure the commercial portion of the Preliminary Site Plan. The analysis below is for both the Conditional Use and the Development Order Amendment.

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.*

PLANNING DIVISION COMMENTS

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

○ *Concurrent Land Use Amendments:* The site was the subject of a prior Land Use amendment known as Polo Gardens MLU (LGA-2021-005, Ord. 2021-012) which amended the land use from Commercial High with underlying 2 units per acre (CH/2) on 8.83 ac and Medium Residential, 5 units per acre (MR-5) on 16.97 acres, to Multiple Land Use with Commercial High and Medium Residential 5 (MLU/CH, MR-5) on the total of 25.79 acre site. Development of the site is subject to the following conditions:

1. The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 s.f. of non-residential uses or equivalent traffic generating uses. The CH future land use designation and associated uses are limited to the 8.83 acres of CH identified in Ord. 2018-029. This land area is limited to a maximum of 145,790 s.f. commercial retail or equivalent traffic generating uses, with the remaining 154,210 s.f. assigned to the remainder of land area within Ord. 2009-028.
2. At a minimum, 5% of the property must be committed to useable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space.
3. Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028.
4. No single retail tenant shall exceed 65,000 sq. ft.
5. Residential dwelling units shall be limited to a maximum of 284 residential dwelling units with no further density increases through the density bonus programs. There is no maximum land area for residential uses.
6. The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) that are generated by the 8.83-acre portion of the site as workforce housing units. These workforce housing units shall to be built onsite (within the overall project) pursuant to the Workforce Housing Program in the ULDC.
7. A minimum of 38 TDR units shall be purchased and constructed. No more than 34% of the TDR units shall be purchased at the Workforce Housing Program (WHP) rate and shall apply to the minimum number of workforce housing units required by this ordinance.

8. All structures shall be limited to a maximum of 3 stories in height.
9. The completion of the 60 foot roadway connecting Polo Road to Hooks Road is required in order to provide connectivity identified within the West Lake Worth Road Neighborhood Plan.

The request is for 54,952 sq. ft. of medical uses (23,984 sq. ft. medical office and 30,968 sq.ft. hospital), 4.10 acres of Usable Open Space, 284 dwelling units with a 65 unit WHP obligation, the purchase of 52 TDR s, no structures above three stories, and shows pedestrian and vehicular connectivity throughout the site and to the east. The proposed development is consistent with the conditions in Ordinance 2021-012.

Per condition 9 of Ordinance 2021-012, conditions are being imposed within the Zoning Development Order to address the required 60-foot connector road from Polo Road to Hooks Road consistent with the Neighborhood Plan Master Plan which depicts the connectivity between these two ROW s.

- *Prior Land Use Amendments:* Portions of the overall 25.97acre site have been the subject of numerous land use amendments. The first amendment known as Lake Worth/Turnpike SW Commercial (LGA 2009-006) included this parcel and parcel to the east and was adopted by Ord. 2009-028. In 2018 the site was subject to amendment called Haley Farms (LGA 2018-023) which eliminated conditions of approval related to site design of the property as well as assign proportionate shares of the commercial square footage to each Property Owner. The southern 16.97-acre portion was part of Multiple Land Use amendments along with several other parcels and were previously included in Ordinance 2010-026, 2014-010 and 2016-025.

- *Intensity:* The non-residential intensity of the site is limited to the northern 8.83-acre portion of the subject site with a maximum of 145,790 sq. ft. of commercial retail or equivalent traffic generating uses per Condition 1 of Ordinance 2021-012. The proposed request for 54,952 sq. ft. of medical uses on the northern 8.83 acres is less than the maximum permitted.

- *Density:* The subject site has a prior approval for 284 residential units, through resolution R-2021-0554, on the subject 25.79-acre site, with a Workforce Housing obligation of 65 units. The Covenant was recorded April 25, 2022 (Orb.33497 Pg. 1927). There are no changes proposed for the previously approved units or WHP obligation.

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* This site is within the boundaries of the West Lake Worth Neighborhood Plan which is administered by the Lake Worth Road Coalition, Inc. The Applicant was advised to meet with the neighborhood group. No correspondence has been received by Staff regarding the request.

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.*

- *Hospital Use Criteria:* The proposed Class A Conditional Use for a Medical or Dental Office and a Hospital is consistent with the Code. Pursuant to ULDC Table 4.B.4.A, Commercial Use Matrix and Art. 4.B.4.C.11, Hospital, the proposed use is subject to BCC approval in the MUPD Zoning District with a Commercial High (CH) FLU. The Preliminary Site Plan (PSP), indicates one building with a total of 30,968 sq. ft. As required by Article 4.B.4.C.11.b, Licensing, the proposed Hospital Use will be required to be licensed by the State of Florida.

- *Architectural Review:* The proposed development is in compliance with ULDC Art. 5.C, Design Standards. Pursuant to ULDC 5.C.1.H.c.1.a), Recesses and Projections and as indicated on the PSP, recesses and projections have been incorporated into the building's front, northern side, and rear façades contiguous to a public street and residential zoning district. The development shall comply with all applicable design standards at Final DRO or Building Permit review, as applicable.

- *Property Development Regulations:* The parcel meets the minimum lot size for MUPD Zoning District as well as the frontage and depth. The proposed building meets or exceeds the setbacks from all parcel lines, as well as the maximum building coverage.

- *Parking:* The proposed Hospital use requires one space per two beds; plus 1 space per 200 sq. ft of outpatient treatment area and the proposed Medical Use requires 1 space per 200 square feet. The Hospital building with eight beds and 6,800 sq. ft. of Outpatient Treatment Area requires 38 spaces, and the Medical Office requires 120 spaces with a combined total of 158 required parking spaces for the two uses. The Preliminary Site Plan indicates 164 proposed parking spaces for the proposed Hospital and Medical Office uses while the parking for the Multi-Family portion of the site remains unchanged with 568 parking provided.

- *Landscape/Buffering:* The Preliminary Site Plan indicates the required Primary Buffers for the West Lake Worth Neighborhood Plan (WLWRNP) and the required Type 2 Incompatibility Buffers per Article 7 – Landscaping of the ULDC. No changes have been made to the buffers from the previous approval. In addition, previous Type 2 Variances to eliminate the required Type 2 Incompatibility Buffer requirements between a Residential and Commercial use and a Residential and Recreation Use have already been on a previous application. As the Prior Variance approvals were not tied to a Site Plan with a specific design, layout, and uses, the proposed changes in the Commercial Area of the Subject Site do not affect the previous Type 2 Variance approvals.

o *Signage:* There are no proposed changes to previously approved signage. Furthermore, the proposed changes do not affect any prior variances for signage.

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

The Subject Site is located within the Lake Worth Road corridor and is immediately surrounded to the east and west with mixed use projects containing both commercial and residential uses. The commercial uses on the subject site have been located along Lake Worth Road within the portion of the Property currently designated with the Commercial High Future Land Use designation.

To the north of the subject site (across Lake Worth Road) at the corner of Blanchette Trail and Lake Worth Road is Ternion MUPD, which is to be developed with multiple Medical Offices. Directly to the east of the subject site, adjacent to the proposed Commercial Development is a vacant parcel of land that has yet to go through development proposals. To the east of the site adjacent to the proposed Residential development is the Catalina at Lake Worth PUD which consists of Multifamily Uses. To the south of the Subject Site is the Fields of Gulfstream Polo PUD with a mixture of both Multifamily and Single Family Residential Uses.

As stated above, the Lake Worth Road Corridor has had considerable development over the past few years. The lands to the north are in the process of being redeveloped for Commercial purposes, while the lands to the west have already been approved for a mix of Residential and Commercial uses. To the east and south are approved Residential PUDs, with Catalina at Lake Worth and Fields of Gulfstream Polo PUD approved for Multifamily Uses. The proposed DOA for a Hospital and Medical Office use will not impact the previously approved residential component of the subject site and will be compatible with the contextual character of the surrounding uses along the Lake Worth Corridor.

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 Class A Conditional Use for a Hospital and Development Order Amendment to reconfigure the site plan to modify uses to add a Medical Office meets all requirements regarding setbacks, buffers and separation and will Minimize Adverse impact on the adjacent lands.

The Applicant will be providing perimeter buffers that will be consistent with the WLWRNP requirements that exceed Art. 7, Right-of-Way Buffer requirements. As shown the Preliminary Site Plan, the Applicant is providing a 30 ft. Primary Buffer along Lake Worth Road and Polo Road that is in accordance with the WLWRNP requirements, which includes a 6 ft. wide meandering sidewalk. This exceeds Art. 7 R-O-W buffer requirements for a roadway exceeding 100 ft. in width, which would generally require a 20 ft. buffer. The subject site is also providing a 20 ft. Secondary Buffer along the south property line adjacent to the proposed collector road and adjacent to Hooks Road at the south-east of the site, which also exceeds Art. 7 requirements, and is consistent with the WLWRNP.

On the east side of the property, the PSP provides for a 15 ft. Type 2 Incompatibility Buffer, which is consistent with Table 7.C.2.C, Incompatibility Buffer Types. All perimeter buffers meet or exceed the requirements of the ULDC for buffering adjacent uses.

Internal to the development, although Commercial and Residential uses generally require a Type 2 Incompatibility Buffer, the Design Objectives and Performance Standards for this Zoning District support and integration of the two uses, as is also outlined in the Multiple Land Use policies within the Comprehensive Plan (Policy 4.4.7-a). This is also applicable to Residential and Recreational Uses that generally require a Type 2 Incompatibility Buffer between the uses. A Type 2 Variance to eliminate the required buffers has already been approved on a previous application.

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*

- o **VEGETATION PROTECTION:** The application request does not impact native vegetation.
- o **WELLFIELD PROTECTION ZONE:** This property is not located within Wellfield Protection Zone.
- o **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.

o **ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with Unified Land Development Code (ULDC) requirements.

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

The proposed DOA to reconfigure the site plan to eliminate the previously approved Type 1 Restaurant with a Drive-through will allow for the development of a Medical Office and a Class A Conditional Use for a Hospital will result in a logical, orderly and timely development pattern. The subject site is located within the Lake Worth Road Corridor and West Lake Worth Road Neighborhood Plan. The Master Plan was previously approved with a commercial component on the north portion of the plan, and the proposed DOA and Class A Conditional Use will not change the commercial character of the existing approval. The surrounding properties have been approved for mixed use projects including Commercial, Multi-Family and Townhouses. As previously stated, To the north of the subject site (across Lake Worth Road) at the corner of Blanchette Trail and Lake Worth Road is Ternion MUPD, which is to be developed with multiple Medical Offices. Furthermore, the Lake Worth Road Corridor has had considerable development over the past few years. The lands to the north are in the process of being redeveloped for Commercial purposes, while the lands to the west have already been approved for a mix of Residential and Commercial uses with a Hotel, Hospital and Medical Offices

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

ENGINEERING COMMENTS:

The proposed modification in the development plan of the already approved mixed use project is expected to result in decrease of 1,094 net daily trips, decrease of 115 net AM peak trips, and decrease of 81 net PM peak hour trips. The build out of the project is assumed to be by 2025.

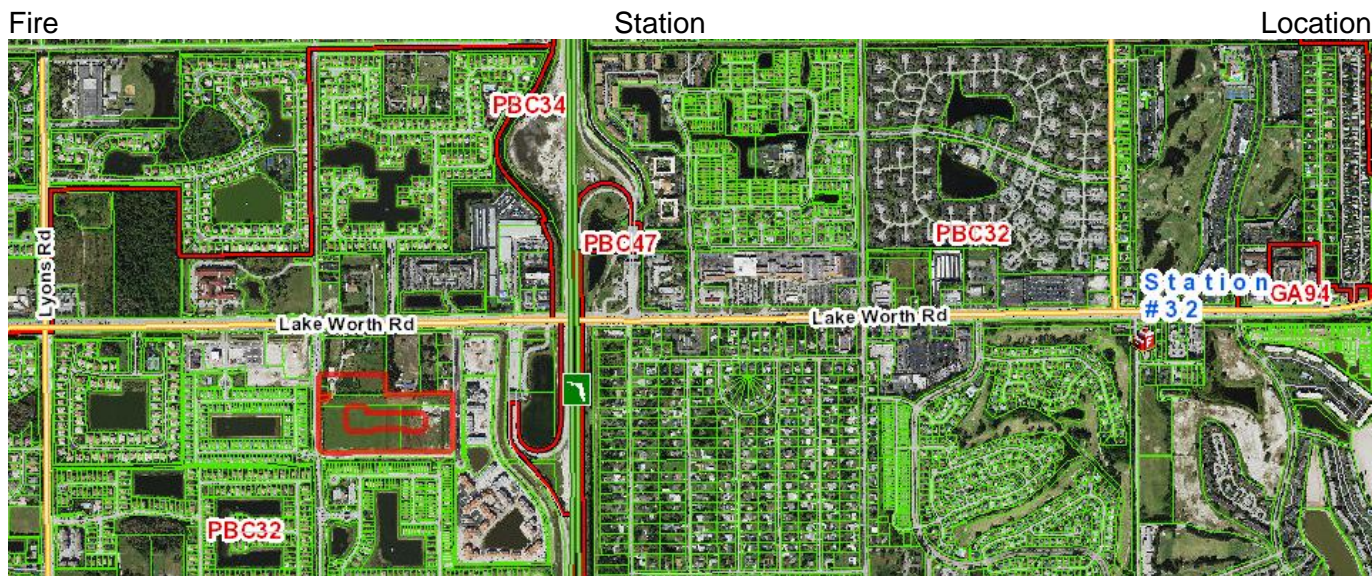
Since the revised plan of development will generate less trips compared to that of the previously approved plan of development, the project continues to meet Palm Beach County Traffic Performance Standards. All previous conditions of approval will continue to apply for this modified plan of development.

PALM BEACH COUNTY HEALTH DEPARTMENT:

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

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is located within the boundaries of PBC Fire Station No 32



SCHOOL IMPACTS:

The School Board has no issues with the proposal requests, as they only affect the commercial portion of the site.

PARKS AND RECREATION:

This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

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

According to the Applicant’s Justification Statement, the proposed medical office will better serve the needs of the community and will provide a less intensive use than what was previously approved. The proposed Hospital and Medical Office will allow the Residents in the area to have convenient access to a multitude of Healthcare Services as opposed to the previously approved Retail, Type 1 and Type 2 Restaurant Uses. The Applicant has therefore, demonstrated changed circumstances that necessitate the request for a Class A Conditional Use for a Hospital and a Development Order Amendment to reconfigure the site plan and modify uses.

CONCLUSION: Staff has evaluated the standards listed under Article (2.B.7.B.2), (2.B.7.C.2) and (2.B.7.F.2) and determined that there is a balance between the need for change and the potential impacts generated by (*Polo Gardens MUPD* for instance Development Order Amendment and Class A Conditional Use). Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C -1 - Development Order Amendment

ALL PETITIONS

1. The approved Preliminary Site Plan is dated January 3, 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)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 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 1 of Resolution R-2021-554, Control No.2013-00296)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2021-554, Control No.2013-00296)

3. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Lake Worth Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of fifteen feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2021-554, Control No.2013-00296)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2021-554, Control No.2013-00296)

5. The Property Owner shall construct a right turn lane west approach on Lake Worth Road at the project entrance.

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. Construction shall be completed prior to issuance of the first Certificate of Occupancy within the commercial portion of the site. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2021-554, Control No.2013-00296)

6. The Property Owner shall construct a left turn lane north approach on Polo Road at the project entrance road.

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. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the entire condition shall be considered satisfied. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2021-554, Control No.2013-00296)

7. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall modify the site plan to relocate the Polo Road south approach taper for dual right turn lanes out of the driveway and modify the radius return of the driveway to connect with the tangent of the northbound through lane. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2021-554, Control No.2013-00296)

8. The Property Owner shall do the following on Lake Worth Rd:

i) Lengthen the existing left turn lane east approach on Lake Worth Road at the Polo Road intersection. This turn lane shall be lengthened to a minimum 560 ft in length plus 50 ft paved taper, or as approved by the Florida Department of Transportation and the County Engineer.

ii) Eliminate the existing eastbound left turn lane on Lake Worth Rd at Cypress Isles Way

iii) Modify the existing median opening on Lake Worth Rd at Cypress Isles way to allow only southbound left turns out from the north approach. Modification work will also involve eliminating the existing westbound u-turn lane.

iv) Extend the eastbound left turn lane on Lake Worth Rd at Hooks Rd intersection to at least 280 ft plus 50 ft taper or as approved by the FDOT and County Engineer.

v) Any associated pavement markings, signage, etc. modifications required as part of the above improvements.

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. Above improvements may be impact fee creditable at the discretion of the County Engineer.

a. Permits required for improvements identified above shall be obtained from the Florida Department of Transportation 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)

c. Once part "a" of this condition is deemed complete, Conditions and 9 and 10 will be deemed complete and will be closed. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2021-554, Control No.2013-00296)

9. The Property Owner shall construct dual left turn lanes east approach on Lake Worth Road at the Polo Road intersection. 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. If the above is constructed by the Property Owner, the cost of construction may be impact fee creditable at the discretion of the County Engineer.

a. Permits required for improvements identified above shall be obtained from the Florida Department of Transportation 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) [Note: COMPLETED]

c. Once part "a" of this condition is deemed complete, Condition 8 will be deemed complete and will be closed. (ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2021-554, Control No.2013-00296)

10. The Property Owner shall construct dual southbound receiving lanes for the dual left turn lanes required in Engineering Condition 9. 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. If the above is constructed by the Property Owner, the cost of construction may be impact fee creditable at the discretion of the County Engineer.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first building permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2021-554, Control No.2013-00296)

11. Any modification to the lane configuration at the intersection of Lake Worth Road and Blanchette Trail/Polo Road resulting in an offset between Polo Rd and Blanchette Trail shall have that offset approved by the County Engineer prior to construction. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2021-554, Control No.2013-00296)

12. The Property Owner shall make the following Proportionate Share payments, based on the following schedule. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later condition. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area.

a. No Building Permits for more than 185 multi-family units or development combination that generates 50 directional peak hour trips shall be issued until the Property Owner makes a proportionate share payment of \$483,933.00. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2021-554, Control No.2013-00296)

13. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2021-554, Control No.2013-00296)

PLANNING

1. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 1: The land area within Ordinance No. 2009-028 is limited to a maximum of 300,000 square feet of non-residential uses or equivalent traffic generating uses. The CH future land use designation and associated uses are limited to the 8.83 acres of CH identified in Ord. 2018-029. This land area is limited to a maximum of 145,790 square feet commercial retail or equivalent traffic generating uses, with the remaining 154,210 square feet assigned to the remainder of land area within Ord. 2009-028. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2021-554, Control No.2013-00296)

2. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 2: At a minimum, 5% of the property must be committed to useable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2021-554, Control No.2013-00296)

3. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 3: Vehicular and pedestrian cross access shall be provided to the parcel to the east within Ord. 2009-028. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2021-554, Control No.2013-00296)

4. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 4: No single retail tenant shall exceed 65,000 sq. ft. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 4 of Resolution R-2021-554, Control No.2013-00296)
5. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 5: Residential dwelling units shall be limited to a maximum of 284 units with no further density increases through density bonus programs. There is no maximum land area for residential uses. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 5 of Resolution R-2021-554, Control No.2013-00296)
6. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 6: The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) that are generated by the 8.83-acre portion, as workforce housing units, pursuant to the Workforce Housing Program in the ULDC. These workforce housing units shall be built onsite anywhere within the overall project. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 6 of Resolution R-2021-554, Control No.2013-00296)
7. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 7: A minimum of 38 TDR units shall be purchased and constructed. No more than 34% of the TDR units shall be purchased at the Workforce Housing Program (WHP) rate and shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 7 of Resolution R-2021-554, Control No.2013-00296)
8. Per LGA 2021-005 (Parcel A, Exhibit 1-A) condition 8: All structures shall be limited to a maximum of 3 stories in height. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 8 of Resolution R-2021-554, Control No.2013-00296)
9. Prior to final approval by the Development Review Officer (DRO), all applicable plans, documents and the TDR pricing and contracts shall be updated to be consistent with what was adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2021-554, Control No.2013-00296)
10. The subject request for 284 units with a 65-unit Workforce Housing Program (WHP) obligation was calculated for two portions of the site as follows: Per LGA 2001-005, Condition 6, the WHP on the 8.83 acres of the site shall be calculated at 25% of the total units requested, or 24 required WHP ($97.13 \times 0.25 = 24.28$ or 24 rounded down). The WHP obligation for the 16.97-acre portion is 41 WHP unit and is 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 68 units, and a TDR bonus of 34 units, with all 12 TDRs to be purchased and deed restricted as WHP. Therefore, the overall WHP obligation is $24 + 41 = 65$ WHP units with 36 of those required to be provided on site (based on 24.28 from the condition of approval, and 11.54 from the TDR code on-site requirement, for those TDR WHP units not already counted within the 25% condition). A total of 38 TDR's (cond. 7) are required to be purchased and built onsite with no more than 34% purchased at the WHP pricing. 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-2021-554, Control No.2013-00296)
11. 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-2021-554, Control No.2013-00296)
12. Prior to the release of the 4th Building Permit (142 units), Fifty percent of WHP units (33) must receive certificates of occupancy. (BLDGPMT: MONITORING - Planning) (Previous PLANNING Condition 12 of Resolution R-2021-554, Control No.2013-00296)
13. Prior to the release of the 7th Building Permit (241 units), All WHP units (65) must receive certificates of Occupancy. (BLDGPMT: MONITORING - Planning) (Previous PLANNING Condition 13 of Resolution R-2021-557, Control No.2013-00296)
14. 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-2021-554, Control No.2013-00296)
15. The developer shall notify Planning and DHES at the commencement of leasing. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 15 of Resolution R-2021-554, Control No.2013-00296)

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: ZONING - 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: ZONING - 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 – Hospital on 25.04 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 15, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

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

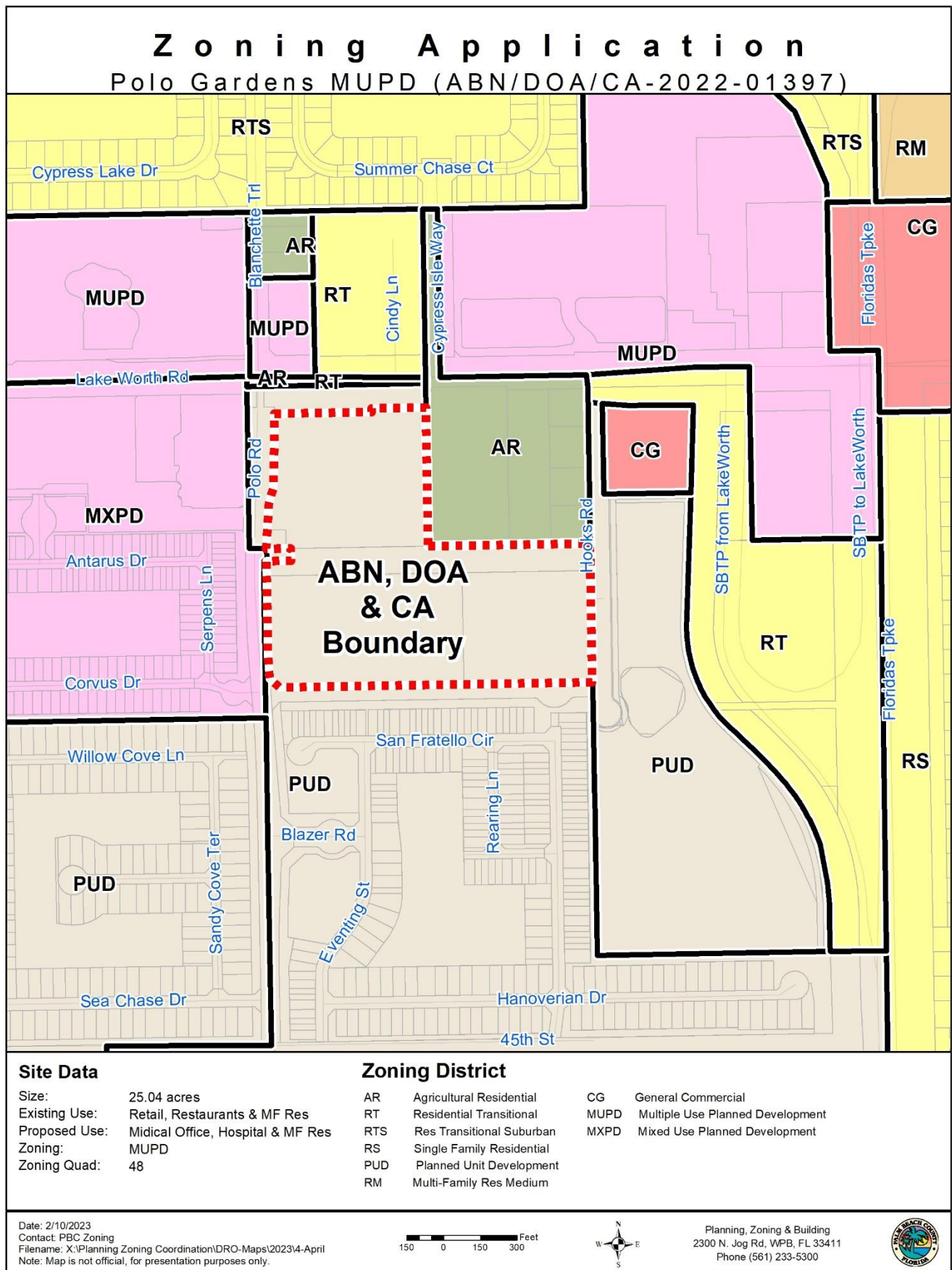


Figure 3 – Preliminary Site Plan Dated January 23, 2023 (Page 1 of 3)

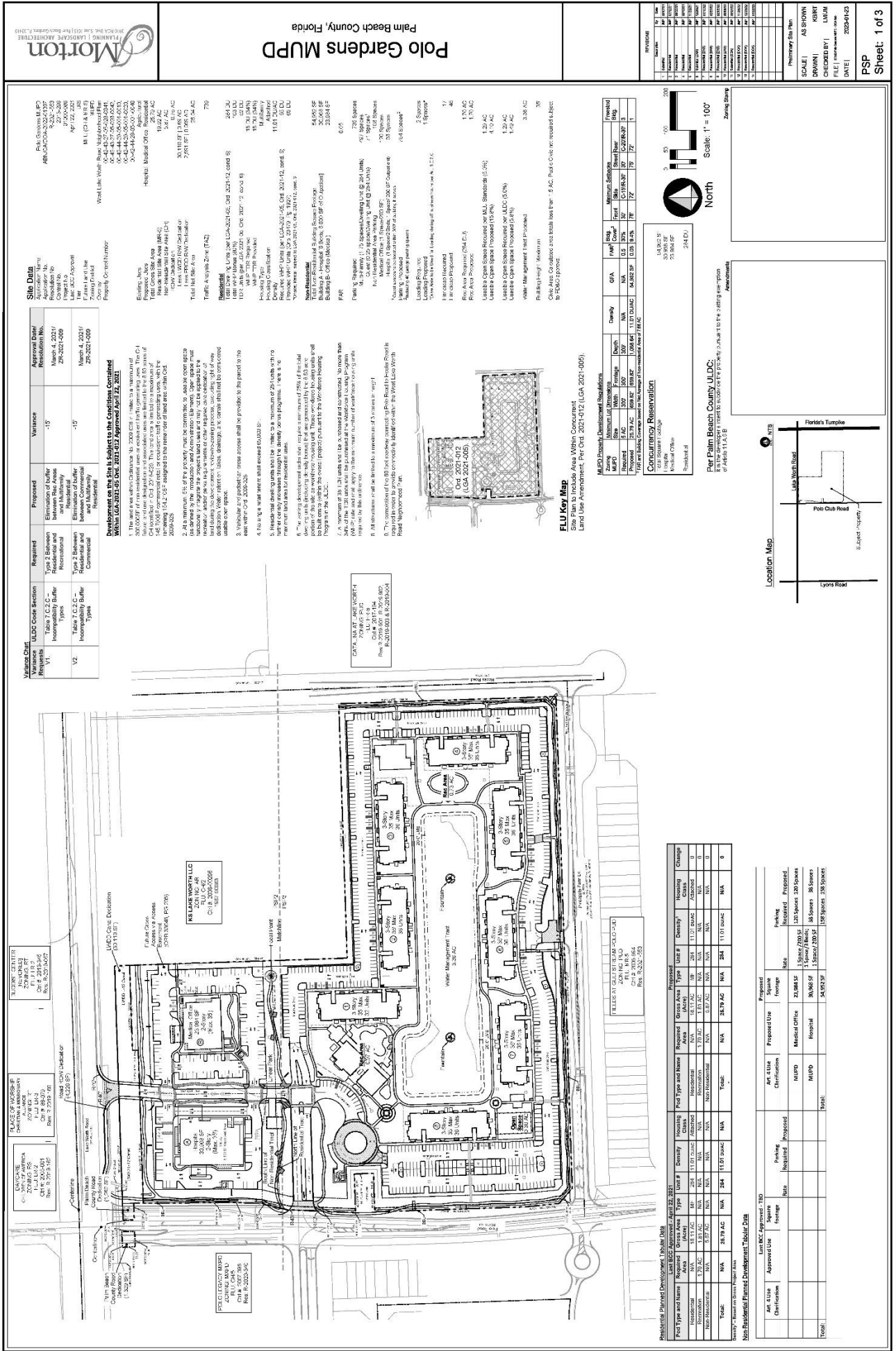


Figure 3 – Preliminary Site Plan Dated January 23, 2023 (Page 2 of 3)

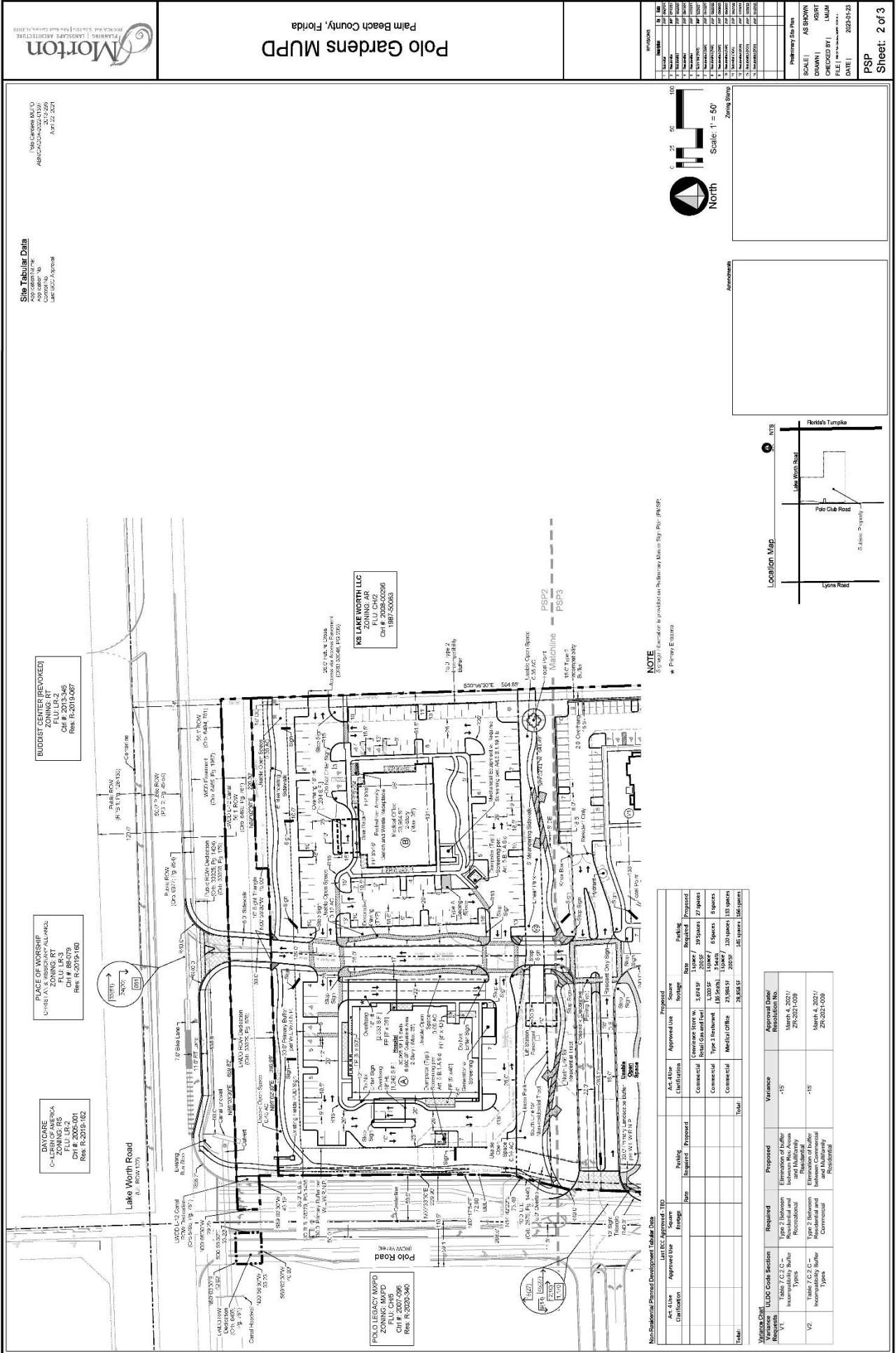


Figure 3 – Preliminary Site Plan Dated January 23, 2023 (Page 3 of 3)



Figure 5 – Preliminary Master Sign Plan Dated January 23, 2023

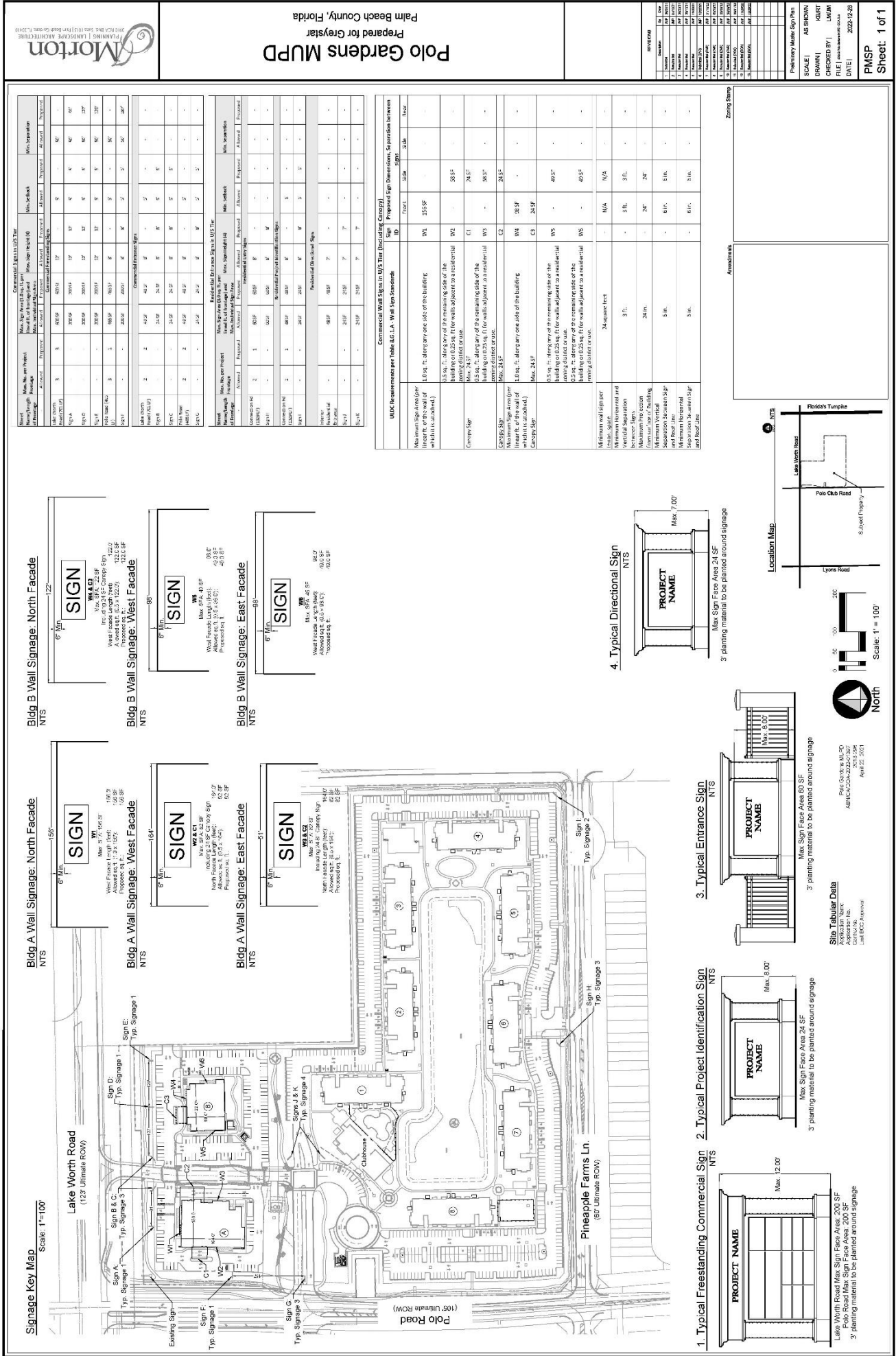


Figure 6 – Preliminary Regulating Plan Dated December 28, 2022 (Page 1 of 10)

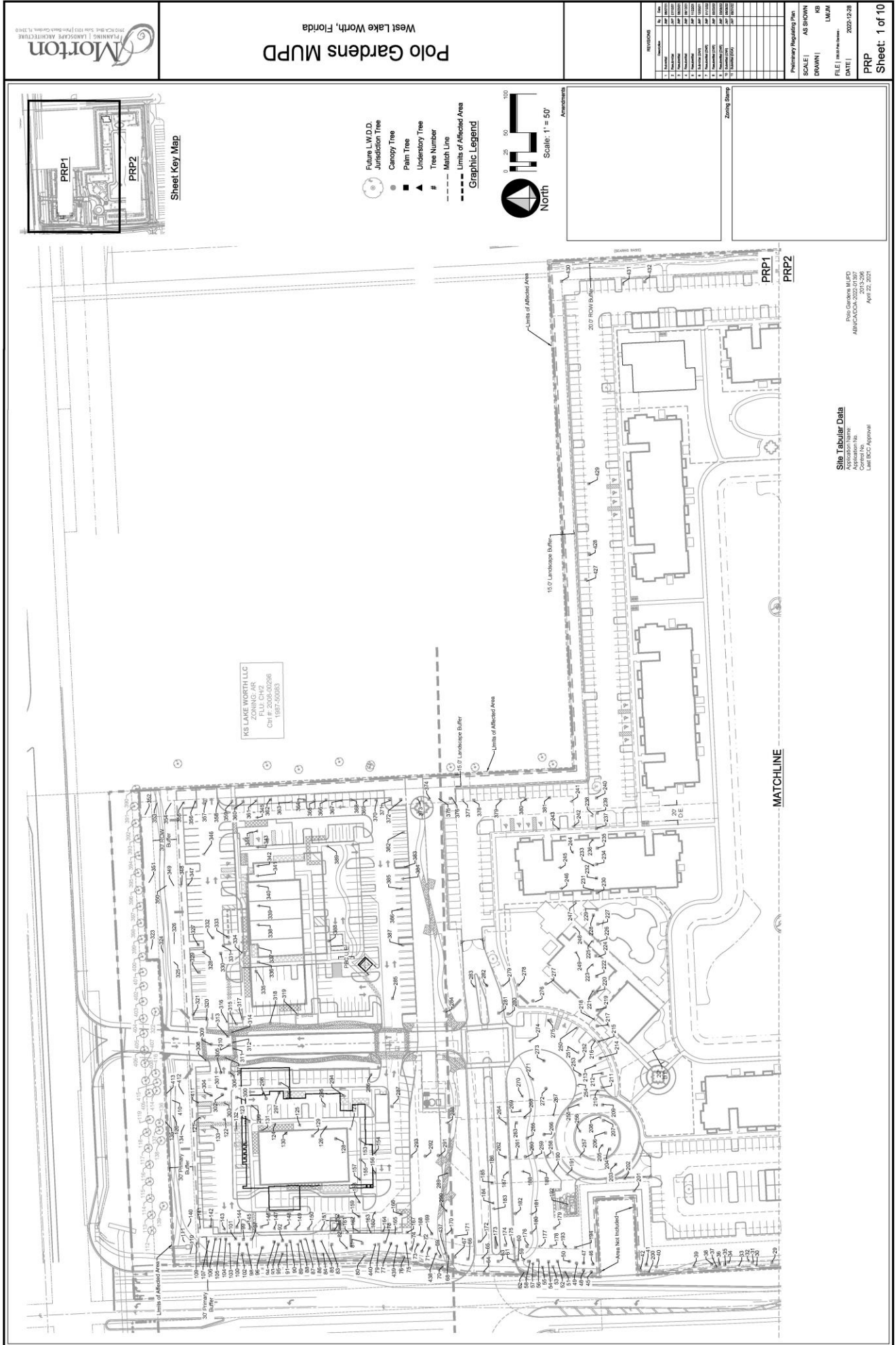


Figure 6 – Preliminary Regulating Plan Dated December 28, 2022 (Page 2 of 10)

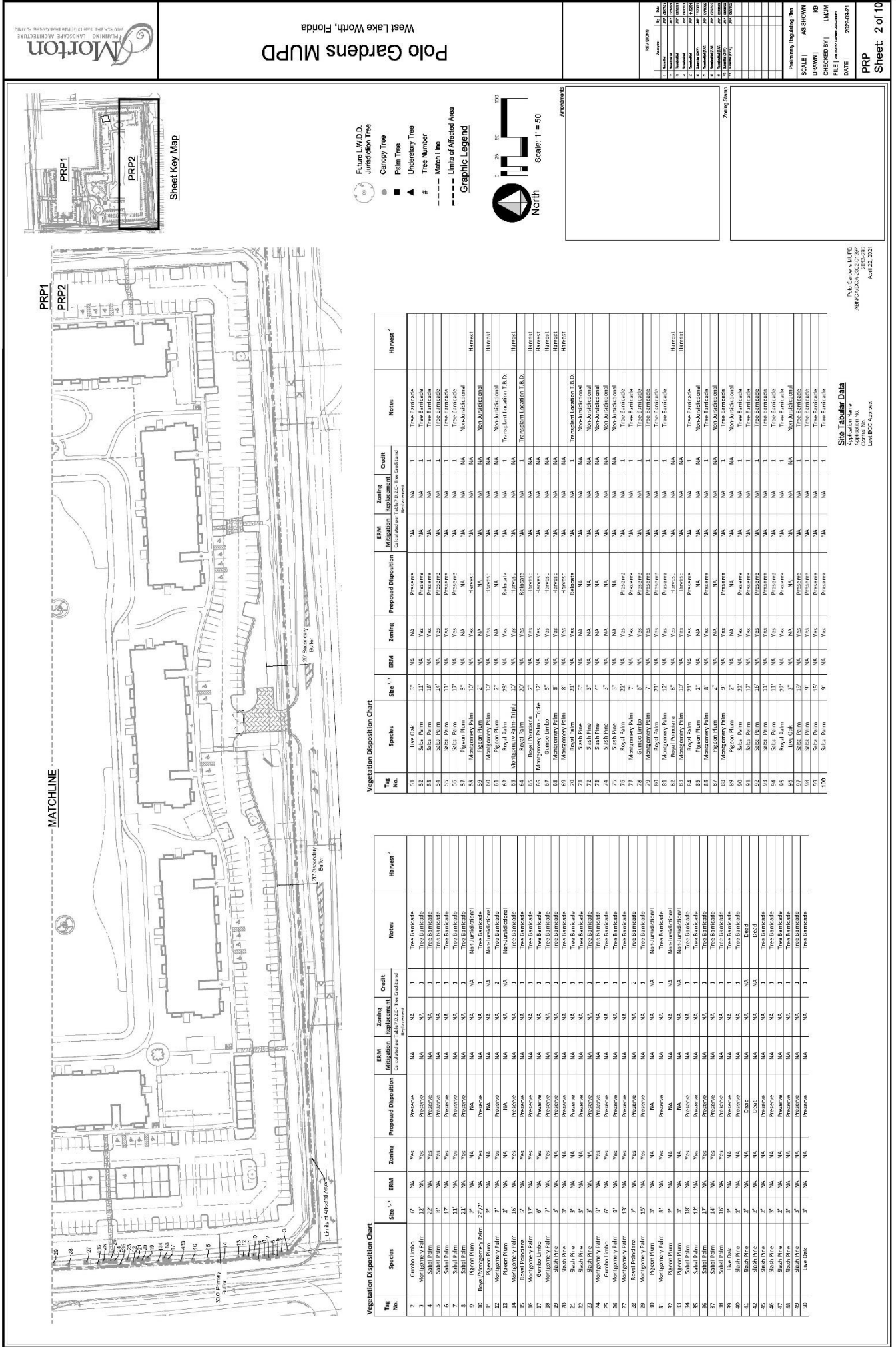


Figure 7 – Preliminary Regulating Plan Dated September 21, 2022 (Page 4 of 10)

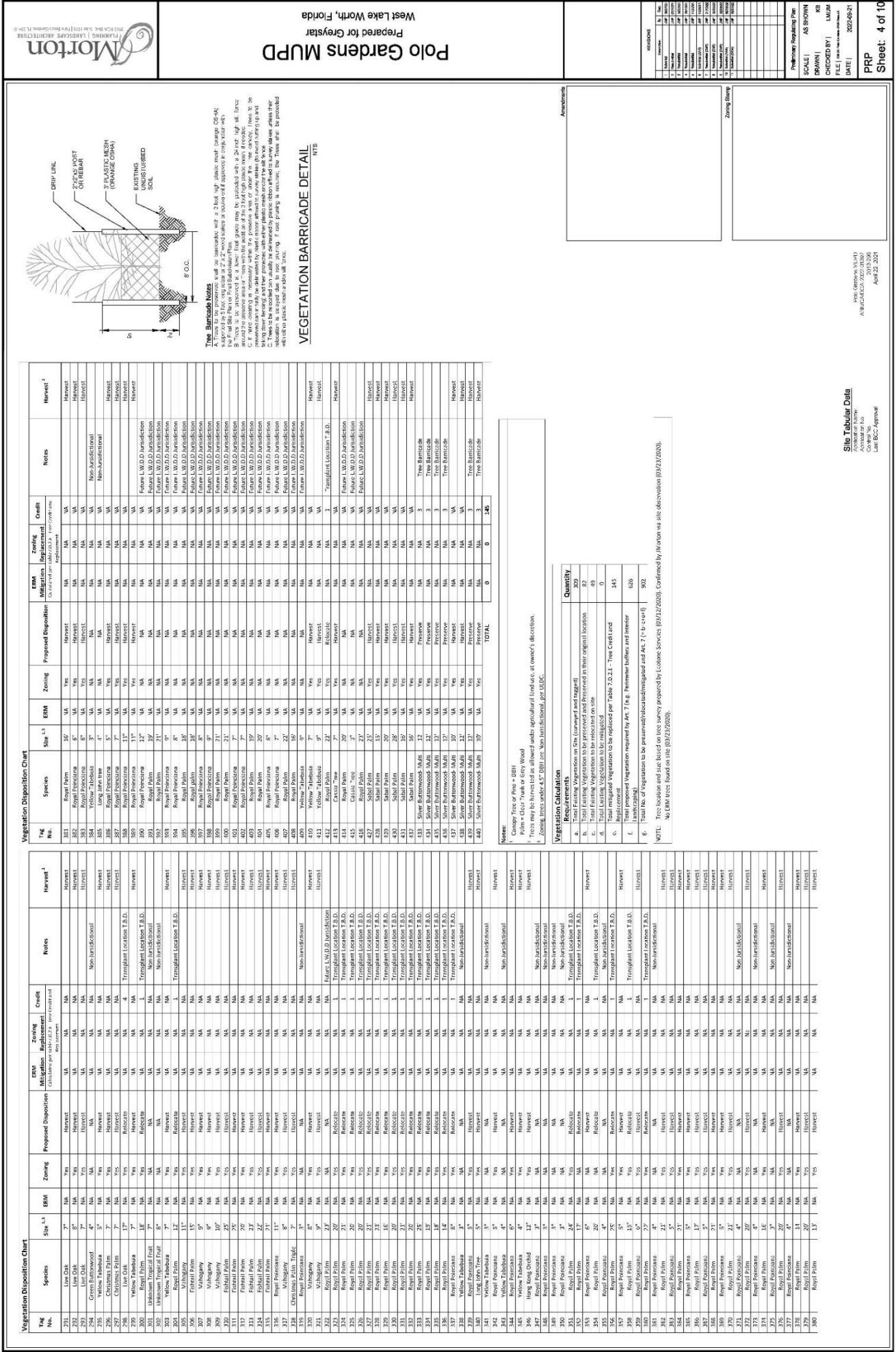


Figure 6 – Preliminary Regulating Plan Dated December 28, 2022 (Page 5 of 10)

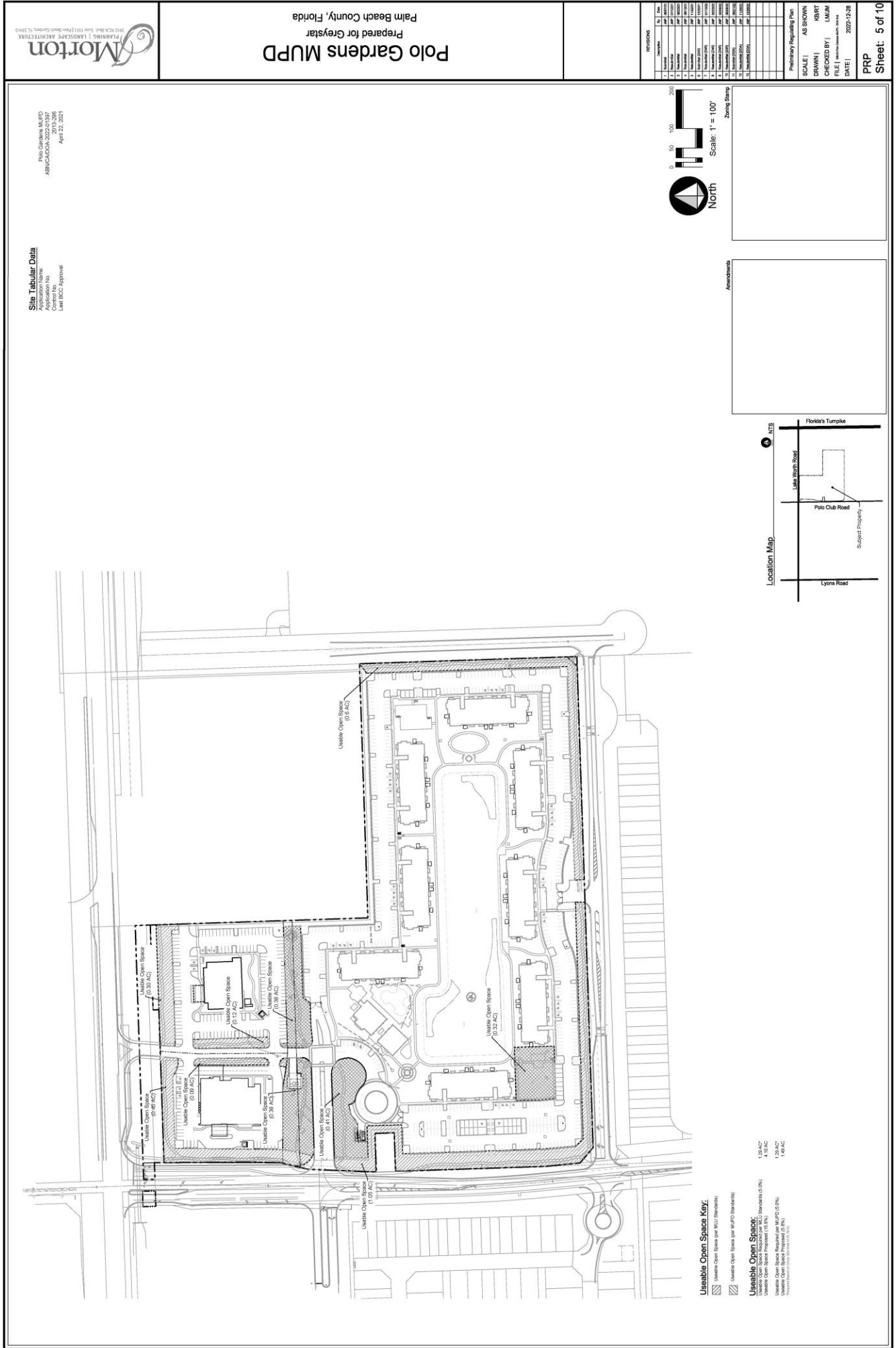


Figure 6 – Preliminary Regulating Plan Dated December 28, 2022 (Page 6 of 10)

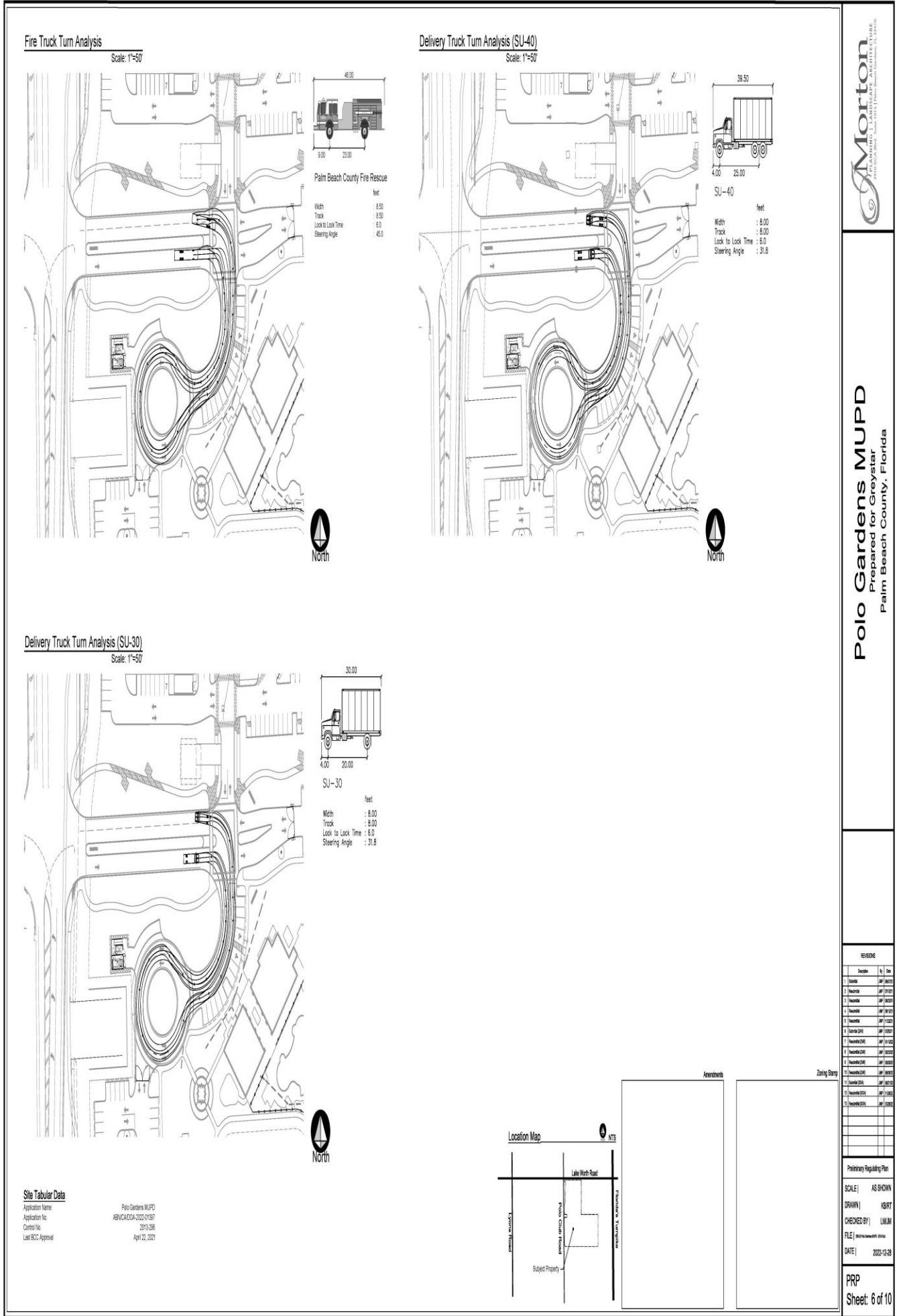


Figure 6 – Preliminary Regulating Plan Dated September 21, 2022 (Page 8 of 10)

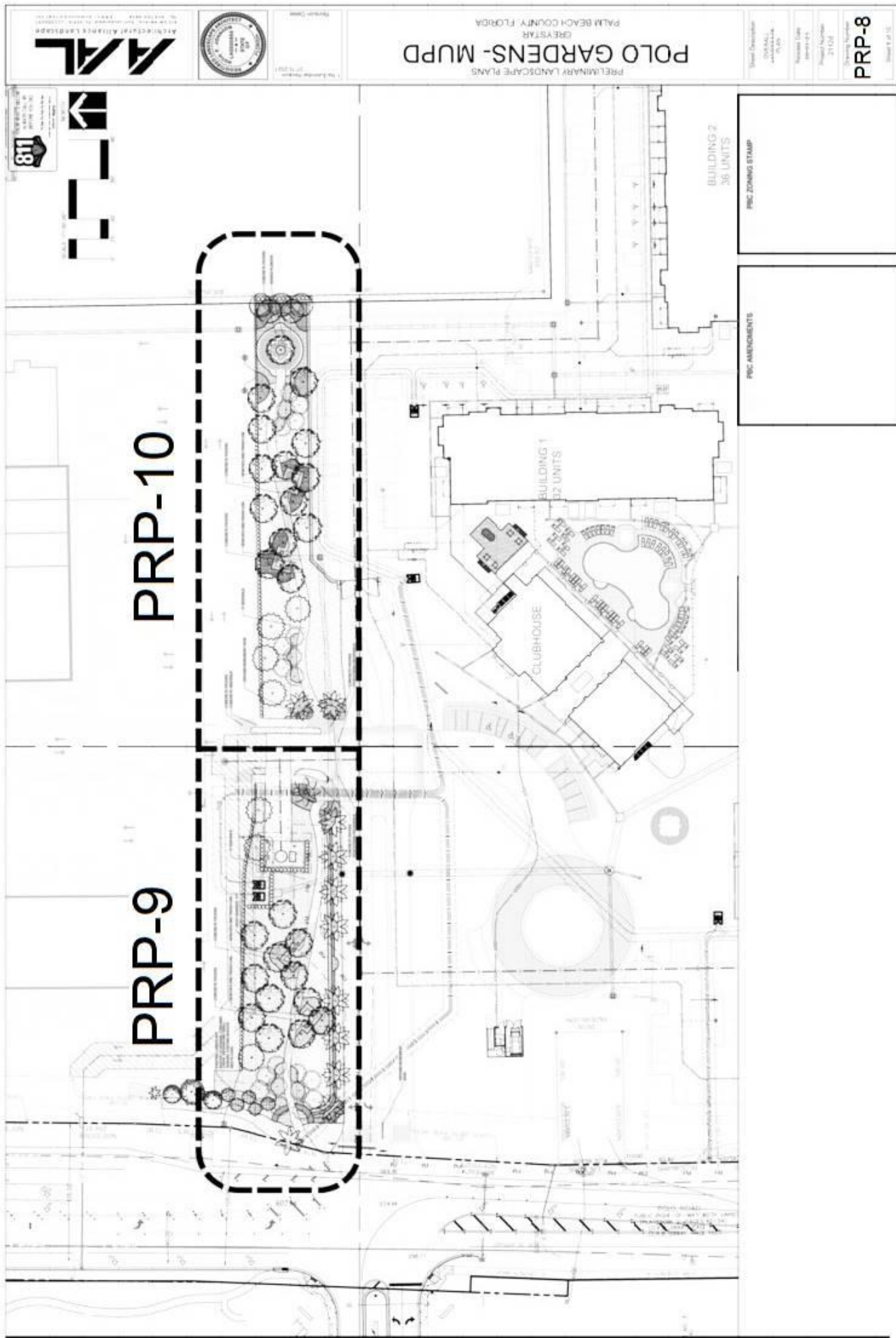


Figure 6 – Preliminary Regulating Plan Dated September 21, 2022 (Page 9 of 10)

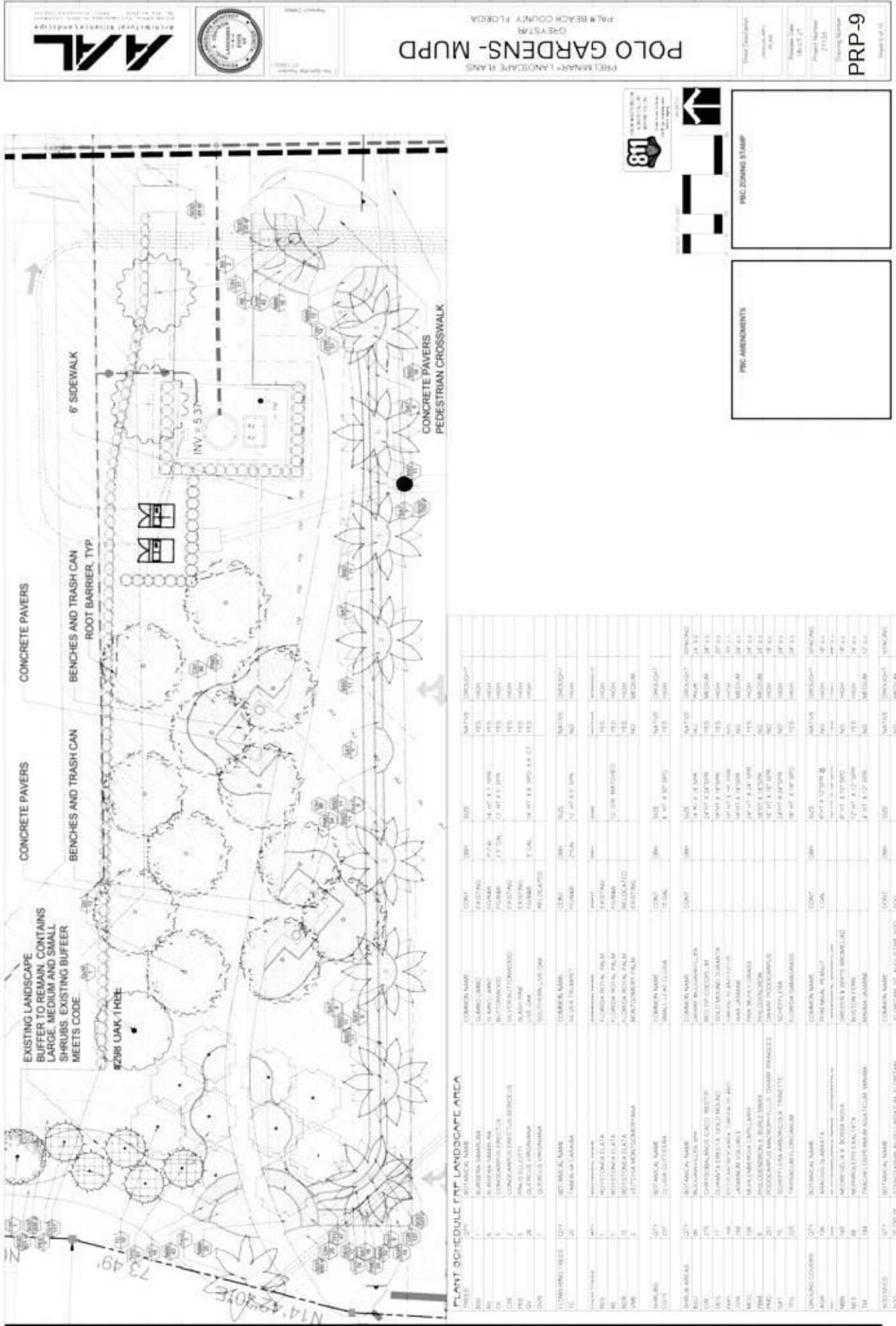
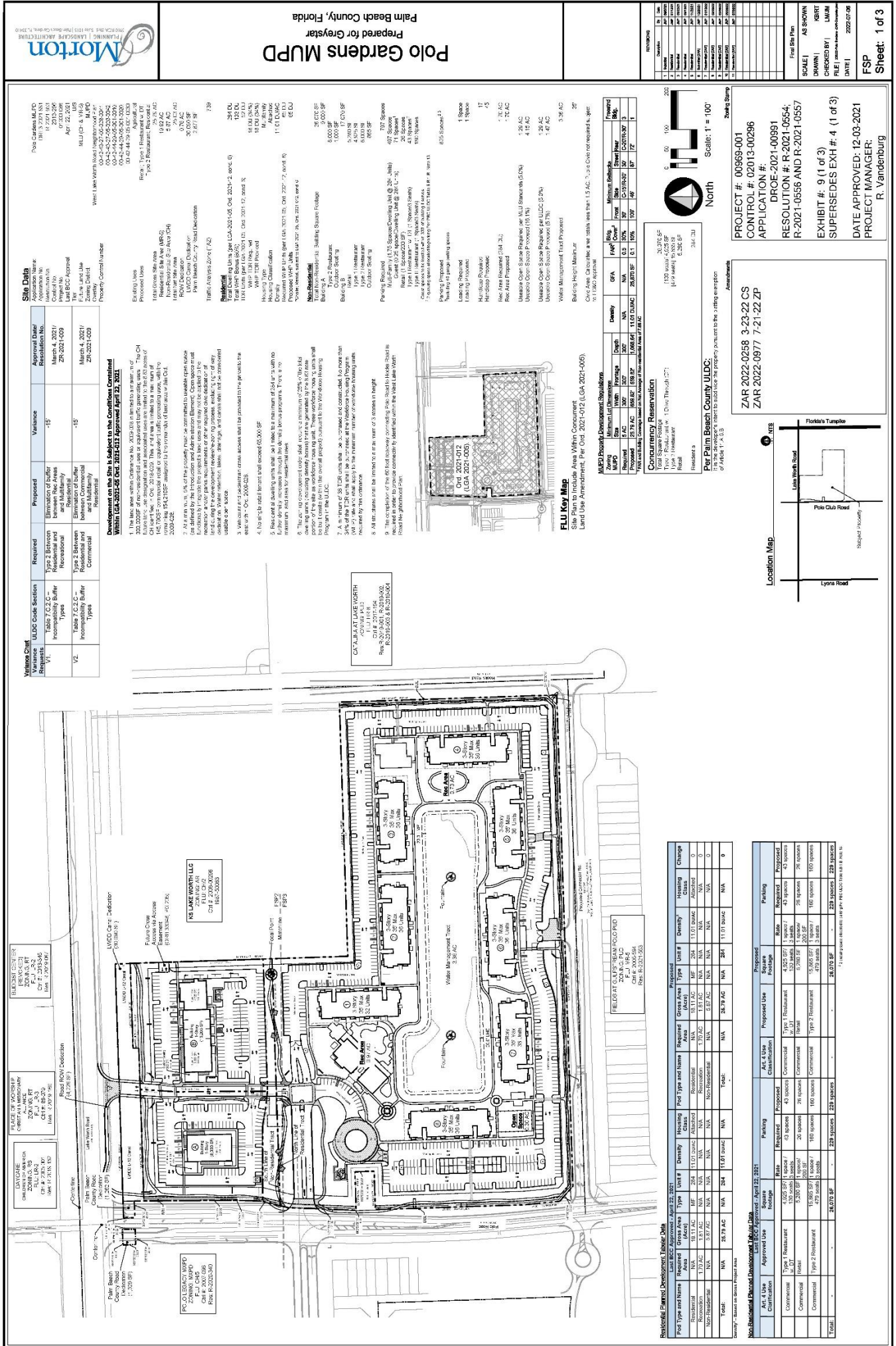


Figure 6 – Approved Site Plan Dated December 3, 2021 (Page 1 of 3)



REV	DATE	DESCRIPTION
1	07/01/2022	Final Plan
2	07/01/2022	Final Plan
3	07/01/2022	Final Plan
4	07/01/2022	Final Plan
5	07/01/2022	Final Plan
6	07/01/2022	Final Plan
7	07/01/2022	Final Plan
8	07/01/2022	Final Plan
9	07/01/2022	Final Plan
10	07/01/2022	Final Plan
11	07/01/2022	Final Plan
12	07/01/2022	Final Plan
13	07/01/2022	Final Plan
14	07/01/2022	Final Plan
15	07/01/2022	Final Plan
16	07/01/2022	Final Plan
17	07/01/2022	Final Plan
18	07/01/2022	Final Plan
19	07/01/2022	Final Plan
20	07/01/2022	Final Plan
21	07/01/2022	Final Plan
22	07/01/2022	Final Plan
23	07/01/2022	Final Plan
24	07/01/2022	Final Plan
25	07/01/2022	Final Plan

Proposed	Required	Permitted	Change
Residential	Residential	Residential	Residential
Commercial	Commercial	Commercial	Commercial
Industrial	Industrial	Industrial	Industrial
Office	Office	Office	Office
Public	Public	Public	Public
Religious	Religious	Religious	Religious
Education	Education	Education	Education
Health	Health	Health	Health
Amusement	Amusement	Amusement	Amusement
Recreation	Recreation	Recreation	Recreation
Transportation	Transportation	Transportation	Transportation
Utilities	Utilities	Utilities	Utilities
Other	Other	Other	Other

AT-4 Use Classification	AT-4 Use Approved Use	Approved Use	Proposed Use	Change
Commercial	Commercial	Commercial	Commercial	Commercial
Residential	Residential	Residential	Residential	Residential
Industrial	Industrial	Industrial	Industrial	Industrial
Office	Office	Office	Office	Office
Public	Public	Public	Public	Public
Religious	Religious	Religious	Religious	Religious
Education	Education	Education	Education	Education
Health	Health	Health	Health	Health
Amusement	Amusement	Amusement	Amusement	Amusement
Recreation	Recreation	Recreation	Recreation	Recreation
Transportation	Transportation	Transportation	Transportation	Transportation
Utilities	Utilities	Utilities	Utilities	Utilities
Other	Other	Other	Other	Other

AT-4 Use Classification	AT-4 Use Approved Use	Approved Use	Proposed Use	Change
Commercial	Commercial	Commercial	Commercial	Commercial
Residential	Residential	Residential	Residential	Residential
Industrial	Industrial	Industrial	Industrial	Industrial
Office	Office	Office	Office	Office
Public	Public	Public	Public	Public
Religious	Religious	Religious	Religious	Religious
Education	Education	Education	Education	Education
Health	Health	Health	Health	Health
Amusement	Amusement	Amusement	Amusement	Amusement
Recreation	Recreation	Recreation	Recreation	Recreation
Transportation	Transportation	Transportation	Transportation	Transportation
Utilities	Utilities	Utilities	Utilities	Utilities
Other	Other	Other	Other	Other

Figure 6 – Approved Site Plan Dated December 3, 2021 (Page 2 of 3)

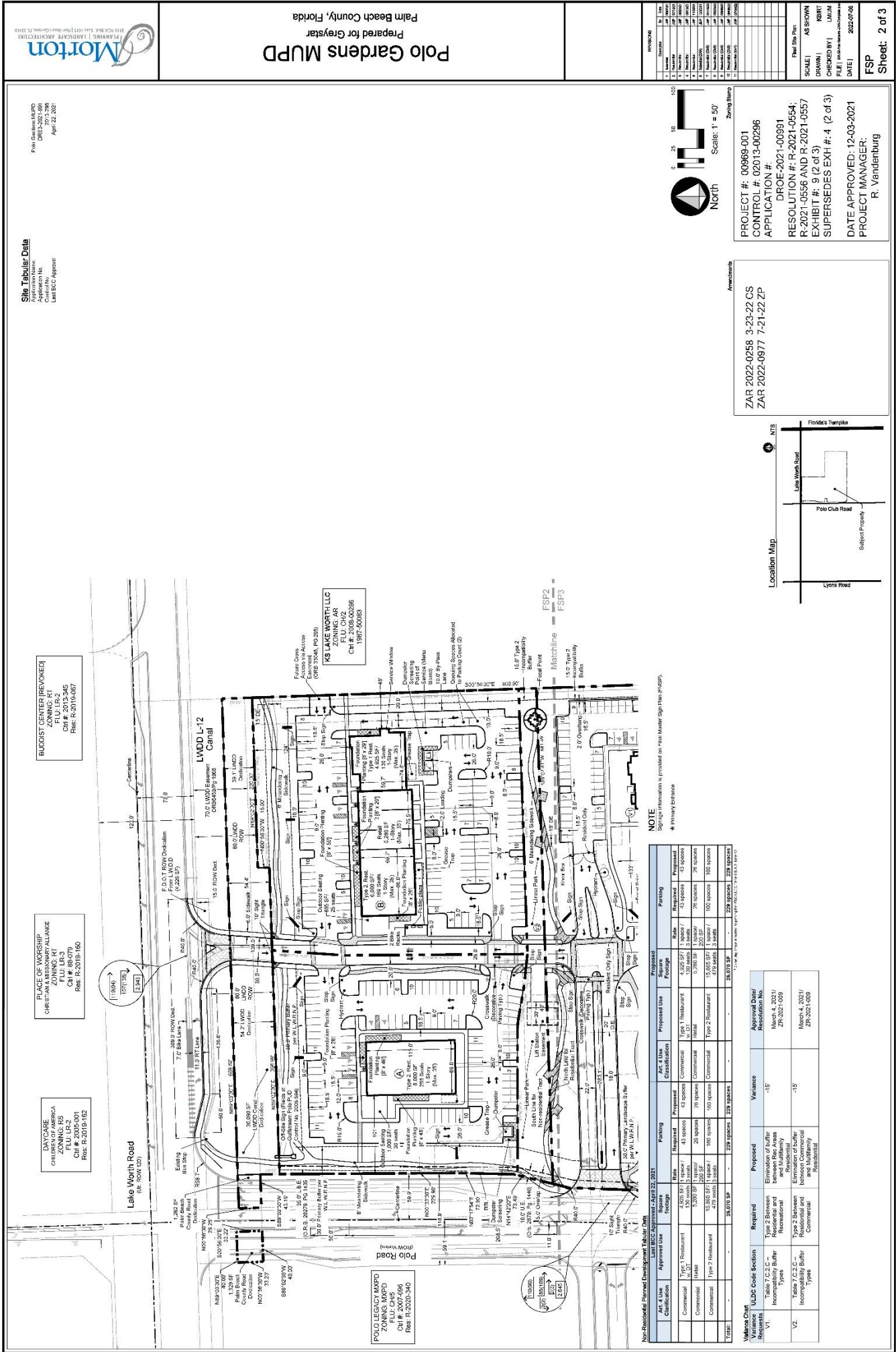


Figure 6 – Approved Site Plan Dated December 3, 2021 (Page 3 of 3)

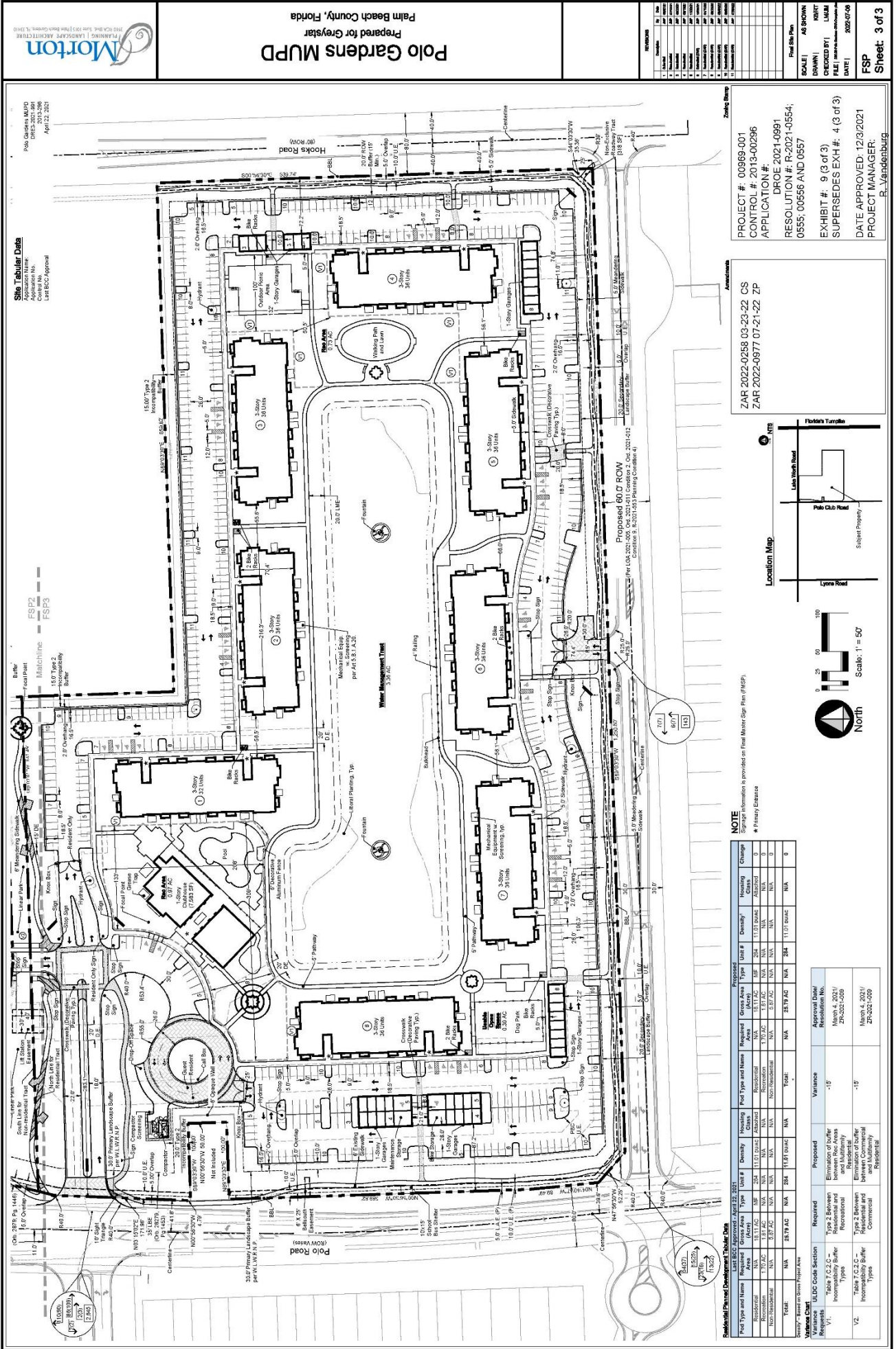


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT


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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Stephen Krasner, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] Manager of MSFB Co. Advisory Paper Corp [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: 5401 S. CONGRESS AVENUE, STE 102 ATLANTIS, FL 33462
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.


Stephen Krasner, 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 13 day of September, 2022 by
Marquita Williams (name of person acknowledging). He/she is personally
known to me or has produced Drivers License (type of identification) as
identification and did/did not take an oath (circle correct response).

Marquita Williams
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 07/08/2024

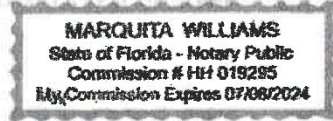


EXHIBIT "A"**PROPERTY**

A PORTION OF PARCEL A, FIELDS OF GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACT 4, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA , MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.00°56'30"E., ALONG THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 564.74 FEET TO A POINT OF THE NORTHEAST CORNER OF FIELDS AT GULFSTREAM POLO PUD - PLAT EIGHT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 133, PAGE 116 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE LEAVING SAID EAST LINE, S.89°03'30"W. ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, A DISTANCE OF 1275.60 FEET; THENCE N.47°56'30"W. ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, A DISTANCE OF 52.25 FEET TO THE WEST LINE OF SAID PARCEL A; THENCE ALONG THE WEST LINE OF SAID PARCEL A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; N.04°40'47"W., A DISTANCE OF 89.49 FEET; THENCE N.00°56'30"W., A DISTANCE OF 389.82 FEET; THENCE N.89°03'30"E., A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W., A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., ALONG THE SOUTH LINE OF SAID TRACT 4, BLOCK 28, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W., ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF POLO ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 28941, PAGE 7 OF SAID PUBLIC RECORDS, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; N.03°15'02"E., A DISTANCE OF 171.96 FEET; THENCE N.14°42'20"E., A DISTANCE OF 73.49 FEET; THENCE N.02°17'54"E., A DISTANCE OF 72.90 FEET; THENCE N.00°33'30"E., A DISTANCE OF 229.90 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 33329, PAGE 876 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 396.99 FEET; THENCE N.00°56'30"W., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET; THENCE N.89°02'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 220.30 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 28; THENCE S.00°56'30"E., ALONG SAID EAST LINE, A DISTANCE OF 564.85 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL A; THENCE N.89°03'30"E. ALONG SAID NORTH LINE, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,090,894 SQUARE FEET/25.0435 ACRES, MORE OR LESS.

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
Dr. Stephen E. Krasner	15964 DAlene Drive, Delray Beach, FL 33446
Dr. Michael B. Lakow	255 Murray Road, West Palm Beach, FL 33405
Dr. Scott Midwall	16575 Chesapeake Bay Ct., Delray Beach, FL 33446
Dr. Lawrence Lovitz	11614 Sunrise View Lane, Wellington, FL 33449
Dr. Albert Musaffi	16276 Andalucia Lane, Delray Beach, FL 33446
Dr. Walter M. Pinedo	6685 S Calumet Circle, Lake Worth, FL 33467
Dr. Mark Rothenberg	6 Turtle Grove Lane, Boynton Beach, FL 33436
Dr. Mark A. Simon	16498 Braeburnn Ridge Trail, Delray Beach, FL 33446
Dr. Nagavardhan Vasuki	4520 Island Reef Drive, Wellington, FL 33449
Robert "Bob" Souaid	3860 Bermuda Lane, No 5, Gulf Stream, FL 33483
Dr. Christopher Hawk	1111 George Bush Blvd, Apt F, Delray Beach, FL 33483
Dr. Joshua M. Gottsegen	15505 Take Off Place, Wellington, FL 33414
Dr. Meir Gare	7153 San-Sebastian Drive, Boca Raton, FL 33433
Dr. Alexander Chernobelsky	833 Forest Glen Lane, Wellington, FL 33414
Dr. Daniel A. Amaez	14828 Horseshoe Trace, Wellington, FL 33414
Dr. Andrew S. Krasner	9060 Moriset Court, Delray Beach, FL 33446
Dr. Anderson Penuela	6446 Duckweed Road, Lake Worth, FL 33449

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 Paul S. Ferber, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or President *[position—e.g., president, partner, trustee]* of The Ferber Company Inc *[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: 151 Sawgrass Corners Drive, Suite 202
Ponte Vedra Beach, FL 32082
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.




Paul S. Ferber, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF ST JOHNS

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization, this 2nd day of August, 2022 by
Paul S. Ferber (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).

Janet R. Coulther (Name - type, stamp or print clearly) 
(Signature)

My Commission Expires on: May 26, 2026



EXHIBIT "A"

PROPERTY

A PORTION OF PARCEL A, FIELDS OF GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACT 4, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.00°56'30"E., ALONG THE EAST LINE OF SAID PARCEL A, A DISTANCE OF 564.74 FEET TO A POINT OF THE NORTHEAST CORNER OF FIELDS AT GULFSTREAM POLO PUD - PLAT EIGHT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 133, PAGE 116 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE LEAVING SAID EAST LINE, S.89°03'30"W. ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, A DISTANCE OF 1275.60 FEET; THENCE N.47°56'30"W. ALONG THE NORTH BOUNDARY LINE OF SAID PLAT, A DISTANCE OF 52.25 FEET TO THE WEST LINE OF SAID PARCEL A; THENCE ALONG THE WEST LINE OF SAID PARCEL A, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; N.04°40'47"W., A DISTANCE OF 89.49 FEET; THENCE N.00°56'30"W., A DISTANCE OF 389.82 FEET; THENCE N.89°03'30"E., A DISTANCE OF 100.00 FEET; THENCE N.00°56'30"W., A DISTANCE OF 50.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., ALONG THE SOUTH LINE OF SAID TRACT 4, BLOCK 28, A DISTANCE OF 100.00 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 4, BLOCK 28; THENCE N.00°56'30"W., ALONG THE WEST LINE OF SAID TRACT 4, A DISTANCE OF 4.79 FEET; THENCE ALONG THE EAST RIGHT-OF-WAY LINE OF POLO ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 28941, PAGE 7 OF SAID PUBLIC RECORDS, THE FOLLOWING FIVE (5) COURSES AND DISTANCES; N.03°15'02"E., A DISTANCE OF 171.96 FEET; THENCE N.14°42'20"E., A DISTANCE OF 73.49 FEET; THENCE N.02°17'54"E., A DISTANCE OF 72.90 FEET; THENCE N.00°33'30"E., A DISTANCE OF 229.90 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-12 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 33329, PAGE 876 OF SAID PUBLIC RECORDS; THENCE N.89°02'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 396.99 FEET; THENCE N.00°56'30"W., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET; THENCE N.89°02'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 220.30 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 4, BLOCK 28; THENCE S.00°56'30"E., ALONG SAID EAST LINE, A DISTANCE OF 564.85 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID PARCEL A; THENCE N.89°03'30"E. ALONG SAID NORTH LINE, A DISTANCE OF 659.82 FEET TO THE POINT OF BEGINNING.

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CONTAINING 1,090,894 SQUARE FEET/25.0435 ACRES, MORE OR LESS.

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
<u>Paul S. Ferber -</u>	<u>151 Sawgrass Corners Drive, Suite 202, Ponte Vedra Beach, FL 32082</u>
<u>P. Shields Ferber, Jr -</u>	<u>2655 North Ocean Drive, Suite 401, Singer Island, FL 33404</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 Lewis Stoneburner, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] Authorized Representative [position - e.g., president, partner, trustee] of Elan Polo Gardens 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, South Carolina 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.

[Signature]
Lewis Stoneburner, 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 16th day of September, 2022 by _____ (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).

Lauren McClellan
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



EXHIBIT "A"**PROPERTY**

A PORTION OF PARCEL A, FIELDS OF GULFSTREAM POLO PUD - PLAT ONE, AS RECORDED IN PLAT BOOK 123, PAGES 80 THROUGH 95, TOGETHER WITH A PORTION OF TRACT 4, BLOCK 28, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 29, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Name	Address
Michael C. Pascucci;	270 S. Service Road, Suite 45, Melville, NY 11747
MCPREIA, LLC;	270 S. Service Road, Suite 45, Melville, NY 11747
Christopher S. Pascucci;	270 S. Service Road, Suite 45, Melville, NY 11747
CSPREIA, LLC;	270 S. Service Road, Suite 45, Melville, NY 11747
Ralph P. Pascucci;	270 S. Service Road, Suite 45, Melville, NY 11747
RPPREIA, LLC;	270 S. Service Road, Suite 45, Melville, NY 11747
WLNY Investment Associates LLC;	270 S. Service Road, Suite 45, Melville, NY 11747
Sebonack Holdings LLC;	270 S. Service Road, Suite 45, Melville, NY 11747
DPR Polo Gardens, LLC;	270 S. Service Road, Suite 45, Melville, NY 11747
GS Elan Polo Gardens Holdings (US Dev) I, LLC;	465 Meeting Street, Ste 500, Charleston, SC 29412
GS US Development Aggregator 2021, LLC;	465 Meeting Street, Ste 500, Charleston, SC 29412
Greystar Global Strategic Partners I (US Non-REIT), LP;	465 Meeting Street, Ste 500, Charleston, SC 29412

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