

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

Application No.: DOA/CAW-2022-00995
Application Name: Tropical World Nursery
Control No./Name: 2005-00452 (Wyndsong Ranch PUD)
Applicant: KT Boynton Tropical LLC
Owners: KT Boynton Tropical LLC
Agent: Cotleur & Hearing, Inc. - Melissa Kostelia and Don Hearing
Telephone No.: (561) 747-6336
Project Manager: Joyce Lawrence, Senior Site Planner

Title: a Development Order Amendment **Request:** to reconfigure the Master Plan to add and delete uses; and to modify Conditions of Approval on 8.94 acres **Title:** a Class A Conditional Use **Request:** to allow a Congregate Living Facility on 8.94 acres **Title:** a Type 2 Waiver **Request:** to reduce the separation between Congregate Living Facilities on 8.94 acres

APPLICATION SUMMARY: The subject site, known as Tropical World Nursery, was last approved on April 22, 2010 by the Board of County Commissioners (BCC) to allow an amendment to the previously Planned Unit Development (PUD) for 26 residential detached units, however, the Development Order was never implemented. The site was perviously utilized as a nursery and currently vacant.

The request will modify the PUD by reconfiguring the plan, and modifying the use and Conditions of Approval to eliminate the approval for detached residential units to develop a Congregate Living Facility (Independent Living) with 256 beds. In addition, the Preliminary Site Plan indicates one building that is two and three-stories in height, with a total square footage (sq. ftg.) of 310,644 square feet (sq. ft.), a 0.11-acre Recreation Area, and a Lake (1.43 ac). Access to the site will be from Hagen Ranch Road.

SITE DATA:

Location:	West side of Hagen Ranch Rd, approx. 0.5 miles south of Woolbright Rd
Property Control Number(s)	00-42-43-27-05-058-0701
Future Land Use Designation:	Low Residential, 3 units per acre (LR-3)
Existing Zoning District:	Planned Unit Development (PUD)
Total Acreage:	8.94 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Boynton Area Community Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commissioner District	District 5, Vice Mayor Maria Sachs

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated Exhibits C-1, C-2 and C-3.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled September 07, 2023.*

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

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD-2005-1233	Official Zoning Map Amendment to a Planned Development District to allow Rezoning from the RTS Zoning District to the PUD Zoning District	R-2006-0522	March 23, 2006
R- 2005-2006	Requested Use to allow the Transfer of Development Rights for five units	R-2006-0523	March 23, 2006
PDD/R/TDR/W-2005-1233	A Waiver of Objectives and Standards – to allow deviation from Cul-de-sac and/or dead end restriction in the PUD	R-2006-0524	March 23, 2006
R/TDR-2006-0742	Corrective Resolution of R-2006-0522 (Exhibit C-1)	R-2006-0742	March 23, 2006
ABN/DOA-2009-03922	Revoked (Resos: R-2006-523, and R-2006-0742) - Requested use to allow the TDR for 5 units	R-2010-0672	April 22, 2010
ABN/DOA-2009-03922	Development Order Amendment – to reconfiguration of the Preliminary Master Plan, deletion of land area, reduction of units, and modify Conditions of Approval in the PUD	R-2010-0673	April 22, 2010

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.

As part of the analysis described below Staff has evaluated both the amendment to the PUD (Development Order Amendment) and the use approval (Class A Conditional Use), pursuant to these standards described below in accordance with Art 2.B.7.

- 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:* Should the BCC approve the amendment request, then the proposed use and amendment to the previously approved PUD would be consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
 - *Concurrency Land Use Amendment:* The site is the subject of a concurrent Small Scale amendment known as Tropical World Nursery (SCA-2023-13). The request is to amend the land use from Low-residential, three units per acre (LR-3), to Congregate Living Residential with an underlying three units per acre (CLR/3) with two conditions. The concurrent FLUA amendment will be heard by the Local Planning Agency (LPA) at a public hearing on August 10, 2023. The two conditions are as follows:
 1. Development of the site as a Congregate Living Facility is limited to a maximum of 256 beds/residents. Any other residential use is limited to the Low Residential, 3 units per acre (LR-3) designation.
 2. Development of the site shall be limited to a maximum of three stories in height.

The request for 256 residents/beds and 1 three story building is consistent with the amendment conditions.

- **Density:** applicant is requesting 256 residential beds. Per FLUE Table 2.2.1-g.1, the maximum allowable density for the CLR FLU designation is up to 12 units per acre. The Applicant identified in the justification statement that the request for 256 CLF beds is based on the utilization of 12 dwelling units/acre. Furthermore, ULDC Art. 4.B.1.C.1.d, Maximum Occupancy, maximum CLF occupancy is determined by multiplying the maximum allowable density by 2.39 (note that a dwelling unit is equivalent to 2.39 beds or residents). The maximum number of beds is calculated as follows:

At the requested 12 du/ac:
(8.94 acres x 12* du/ac) x 2.39* = 256.3 or 256 beds/residents

The request for a CLF with 256 beds/residents would be consistent with the proposed CLR Future Land Use designation.

- **Special Overlay District/ Neighborhood Plan/Planning Study Area:** The property is located within Zoning Commission
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the West Boynton Area Community Plan. The request is not inconsistent with the neighborhood plan recommendations. The Applicant met with the Coalition of Boynton West Residences Association (COBWRA) and, in an email dated June 22, 2023, gave a recommendation of approval for the subject request for a CLF with 256 beds/residents would be consistent with the proposed CLR Future Land Use designation.

- **Compatibility:** County Direction #4 establishes that Land Use Compatibility is one of the eighteen directions that are the basis for the Goals, Objectives and Policies of the Comprehensive Plan. The directive reads as follows: *“Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.”* Several policies within the Plan’s Future Land Use Element (FLUE) further address compatibility through the ULDC and development review process. FLUE Policy 2.2-c establishes that the ULDC is consistent with the Plan, and that consistency shall *“ensure compatibility with adjacent future land uses.”* Further, FLUE Policy 4.3-i indicates (in part) that *“the Development Review process shall also consider the compatibility of the density or intensity of proposed development with adjacent future land uses.”* The Planning Division has reviewed the proposed development application and determined the amendment and the use is compatible with adjacent and surrounding Future Land uses.

- **Planning Conditions:** Planning conditions are being applied to carry forward the amendment conditions.

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 PUD was previously approved pursuant to Application ABN/DOA-2009-03922 or 26 Single Family Zero Lot Line residential Unit. However, the approval was never implemented, nor received Final approval by the Development Review Officer. Monitoring Section records indicated that the buildout date had expired on October 15, 2021. The Applicant is proposing to modify the prior approval for the residential PUD and request for the CLF development with 100% independent living to accommodate a maximum of 256 beds/residents.

- **Design Objectives and Performance Standard:** The proposed development is in compliance with the PDD Design Objectives and Performance Standards pursuant to Art. 3.E.1.C, PDD objective and Standards, along with Art. 3.E.2.B, Objectives and Standards for a PUD. With the proposed modifications, the site remains predominantly residential with a circulation system that wraps the building connecting the parking and recreational areas to the building. Staff is recommending a Condition of Approval, that at time of final approval by the Development Review Officer (DRO), the Applicant shall revise the plan to indicate the locations for the focal points.

- **Property Development Regulations:** The property is located within the Residential Planned Unit Development Zoning District. It is in compliance with the Property Development Regulations. The proposal have exceeded Code requirements for the minimum lot dimensions, in size, width and frontage, depth, setbacks, and is below the maximum building Coverage.

- **Drop off area:** A drop-off area has been provided for group transportation and shall comply with Code requirements.

- **Location Criteria for the Congregate Living facilities (CLF):** The CLF use must comply with a minimum separation criteria of 1,200 feet or 10 lots, whichever is greater from another similar facility, pursuant to Art. 4.C.1.e., Location. The proposed location is not in compliance with Code requirements for the separation, due to the adjacent property to the north, Allegro at Boynton Beach which supports an existing similar CLF use (140 beds). Thus, the Applicant is requesting a Type 2 Waiver, to reduce the separation between the proposed use, and the existing adjacent use to the north of the property.

- **Architectural Review:** The use is required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. The Applicant has submitted a preliminary elevation(s) of the building. The elevations proposed indicates a three-story structure with heights indicated at 31 feet. Maximum height may be allowed at 35 feet in accordance with the ULDC. However, at time of final approval by the Development Review Officer (DRO), the final elevations shall be submitted for final approval in compliance with Art. 5.C – Architectural Guidelines. Modifications to the elevations consistent with the approved elevations may be allowed through the building permit process.

- **Parking:** Pursuant to Art 6.B.1.B, Minimum Parking Requirements, the site is in compliance, and have exceeded the required parking spaces required by Code. The proposed use is required to have a total of 80 parking spaces, and a total of 172 parking spaces (+92) are provided. Staff is recommending 2 Conditions of Approval, that at time of Final DRO approval,

- 1) the Applicant shall revise the Plan to delete the four parking spaces to the northwest corner of the site to minimize any adverse impact within the area of accessing and exiting of the site, and
- 2) for the site to be limited to a minimum of 40 grass parking spaces, from the additional 88 spaces above Code requirements.

○ **Loading:** The site is in compliance with the loading standards. A 12-foot wide by 45 feet long loading zone is provided at the west of the building, and this exceeds the minimum Code requirements.

○ **Landscape/Buffering:** The project is surrounded by perimeter buffers that are in compliance with Code requirements; thereby minimizing any impacts of this application on the surrounding and adjacent properties. To the north, is a Type 1 Compatibility Buffer (10 feet wide), directly adjacent to a 100 feet wide Lake Worth Drainage District (LWDD), L-27 Canal, creating additional buffering of the proposal and the existing development. Along the south, and the east perimeter of the property, is a 15-foot wide, Type 2 Incompatibility Buffer. To the west of the property line, adjacent to the Hagen Ranch Road, a 15-foot wide Right of Way (ROW) landscape buffer is provided.

○ **Signs:** A monument style sign is proposed within the median of the main entrance into the site. At time of Final Development Review Officer (DRO) approval, a typical detail will be required, and shall be in compliance with Code requirements, Art. 8.G.2.A., Freestanding Sign.

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.*

To the north, across from the Lake Worth Drainage District (LWDD), L-27 Canal, the land supports a similar use, Type 3 CLF, Control No. 1997-00075, with a MUPD Zoning District. A 10-foot wide Compatibility Buffer is provided along the north perimeter of the property.

Adjacent to the remaining property lines are a residential PUD. To the south, and the east of the property is the Jones PUD, Control No. 1995-00019. A Type 2 incompatibility buffer is provided along these property lines. To the west across from the Hagen Ranch Road ROW, is the Worthington Trails PUD, Control No. 1995-00040. A 15-foot ROW buffer is provided along this property line. Subject to the conditions of approval, staff anticipates no adverse impacts to the surrounding properties from the requests.

The proposed amendment to the PUD, relating to the modifications of the design and layout, as well as the change of use is consistent with the surrounding uses and the character of the land within the vicinity of the proposed CLF. The Compatibility between the proposed use and the design, have been addressed by the location of the building, parking and other site elements including required buffer and proposed Conditions of Approval to provide enhanced design adjacent to the one-story Zero Lot Line homes.

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 boundaries of the PUD have not changed. Because the use has changed from residential PUD to a CLF, the layout of the development has significantly changed. There will not be internal roads, but will have driveways and surface parking. The location of the building is to the north and western portions of the site. The visual impact analysis in Exhibits E provides cross sections of the structure relating to the existing Zero Lot Line homes to the east and south. The PUD provides for a water management track along the south and east property lines providing it as an amenity to the proposed residents and a buffer to the residents at the south and east.

Staff is recommending that at time of final DRO approval, the Plan shall be revised to delete the four parking spaces that are closest to the northwest property lines. This should alleviate the back out movements, and minimize any potential adverse impacts within the area of the northern access point. As stated above, a Condition of Approval will also be proposed to limit the reserved parking spaces (27) indicated on the plan, along the east property line and adjacent to residential to be grass parking only. Grass parking will provide some reduction in heat, rather than providing more asphalt. The parking exceeds the minimum spaces required and thus providing grass in this location assists in minimizing effects.

Staff has also included conditions of approval for Pine trees to be used in place of Palm trees where required by the ULDC. Pine trees are a more effective tree in the reduction of CO₂, rather than Palms. In addition, with the parking to the southwest portion of the site, Staff has included conditions to provide for canopy trees and pines to be installed a taller heights and additional pine cluster to reduce visual impact over time. Staff has determined that with the recommended Conditions of Approval, the proposed design will not create any adverse impact and will mitigate any negative impact to the adjacent existing residential developments.

- 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 site is an existing nursery. There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The water management tracts, and open space have been located to maximize onsite preservation. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.

- o *Site Contamination:* Based on the Phase I Environmental Site Assessment, dated June 11, 2015: prepared by Terracon Consultants, Inc., the soil and groundwater qualities at the subject property have been impacted by its former use as a nursery. An analysis of the samples detected the presents of arsenic in the soil and groundwater. The Property Owner will need to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C. During the DRO process, ERM will confirm that the applicant is coordinating with FDEP. NOTE: Facility/Site ID: ERIC_10660.
 - o *Wellfield Protection Zone:* This property is located within Wellfield Protection Zone 4.
 - 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 Prevention Ordinance No. 93-15.
 - o *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 request will not change the Zoning District. As proposed, the development will be compatible with the surrounding uses, and should result in a logical, orderly and timely development pattern.

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

ENGINEERING COMMENTS:

The proposed 256 Bed Assisted Living Facility on the existing Wholesale Nursery site is expected to generate 492 net daily trips, 47 net AM peak hour trips, and 63 net PM peak hour trips. The build out of the project is assumed to be by 2027.

The project will have an insignificant impact (as per the definition of PBC Traffic Performance Standards) on the area roadways and therefore meets the Traffic Performance Standards.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour
Segment: Hagen Ranch Rd from Flavor Pict Rd to Woolbright Rd
Existing count: Eastbound=642, Westbound=584
Background growth: Eastbound=82, Westbound=102
Project Trips: Eastbound=20, Westbound=20
Total Traffic: Eastbound=744, Westbound=706
Present laneage: 2 in each direction
Assured laneage: 2 in each direction
LOS "D" capacity: 1960 per direction
Projected level of service: LOS D or better in the both directions

The Property Owner shall plat the property prior to the issuance of the first building permit.

DRAINAGE DISTRICT

The subject site is within the Lake Worth Drainage District Service Boundaries. In accordance with their Drainage Statement (Exhibit F) their Engineering states, *"The site is located within the boundaries of the Lake Worth Drainage District and the South Florida Water Management District C-15 Drainage Basin. It is proposed that runoff be directed to on-site lake by means of paved or grass swales and/or inlets and*

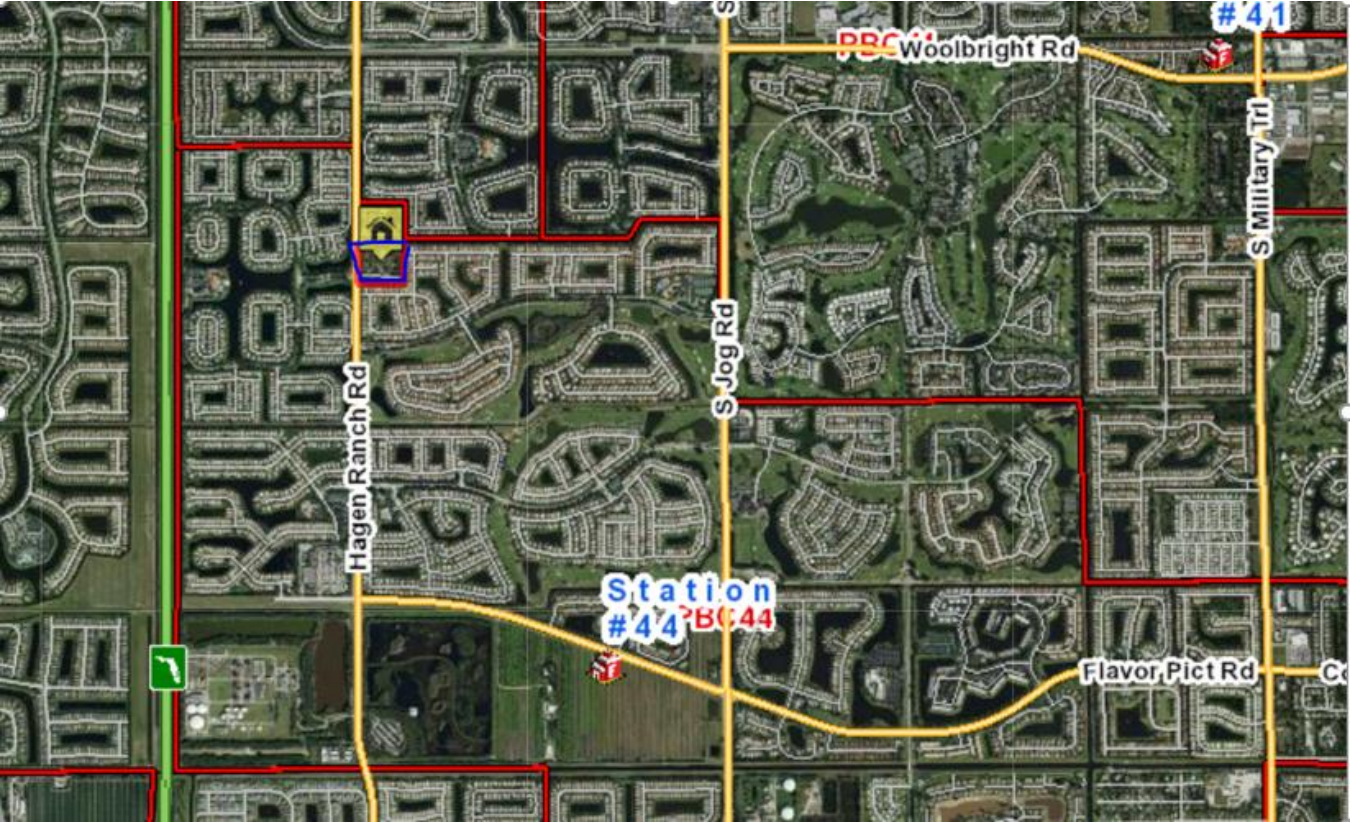
storm sewer. Legal positive outfall for overflow and bleed-down is available discharge to the Lake Worth Drainage District L-27 Canal adjacent to the north property line of the subject parcel. Existing drainage infrastructure connected to the Lake Worth Drainage District canal is proposed to be removed, and affected area to be restored to the canal design section. This site is not within a FEMA Special Flood Hazard Area. ...”

Prior to the issuance of any building permits for this Development Order, the Applicant must obtain approvals from Lake Worth Drainage District and South Florida Water Management District.

PALM BEACH COUNTY HEALTH DEPARTMENT:
This project has met the requirements of the Florida Department of Health.

The subject site is within the Palm Beach County Water Utilities Department Service Boundaries. They indicated in Exhibit G, that Water and Sewer lines are adjacent to the property within Hagen Ranch Road. Any future development will need to connect to their services and obtain their approval.

FIRE PROTECTION:
Staff has reviewed this application and have no comment. The subject site is located within the service boundaries of PBC Fire Station #44.



SCHOOL IMPACTS:
The School Board has no issues with the proposed CLF for senior citizens.

PARKS AND RECREATION:
Project is a proposed 256 bed CLF, requiring 0.64 acres of onsite recreation, 0.65 acres of onsite recreation have been provided, therefore the recreational requirement is satisfied.

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 states in the Justification Statement that there is a growing need for senior housing in the area. The Applicant is also proposing a FLU Amendment from the LR-3 to the CLR/3 in order to develop the proposed CLF facility. With the change to the FLU, the proposed request would allow the proposed CLF use at the site with a corresponding Conditional use approval. Staff finds that there are demonstrated changes in conditions and circumstances that necessitate the amendment.

FINDINGS:

Type 2 Waivers:

When considering a Development Order application for a Type 2 Waiver, the BCC shall consider the Standards listed under in Article 2.B.7.D.3, Standards for a Type 2 Waiver, and any other Standards specific to a Type 2 Waiver. The Standards and Staff Analyses are indicated below. A Type 2 Waiver that fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved.

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

YES. A Type 2 Waiver is to allow flexibility where alternative solutions can be allowed, subject to performance criteria or limitations. Pursuant to the ULDC, Art. 4.C.1.e. Location, the proposed request, shall be located a minimum of 1,200 feet from an existing Community Residence, Recovery Community, or other CLF with more than 14 residents. The separation requirement in this Section shall be measured in linear feet from the closest points between the property lines. The proposed use is 100 feet from the closest existing facility. Although the Applicant is requesting a CLF pursuant to the ULDC, the proposed use is 100% Independent Living, meaning that it will not be licensed by the agencies of the State of Florida. Pursuant to the Plan, Independent Living is part of the Plans definition for permissible housing within the CLR FLU. The use of this site adjacent to the CLF to the north acts like a Continued Care, where the two uses complement each other providing long term housing and care for this neighborhood.

The requested Waiver does not create additional conflicts with the other requirements of the ULDC and will remain consistent with the stated purpose and intent of the proposed CLF use with PUD Zoning District.

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

YES. The waiver will not cause detrimental effects on the overall design and development standards of the project. To the north property line, and the closest proximity to the adjacent existing CLF use, is a 100 feet wide LWDD, L-27 canal, that provides additional setbacks/separation between the 2 uses. No other site modifications are needed to accommodate the development of the site.

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

YES. No alternative design option will be associated with the proposed request. The proposed building is oriented closer to the open space, and it has exceeded the setbacks from adjacent existing residential uses.

Conclusion: Staff has evaluated the standards listed under Articles 2.B.7.B and 2.B.7.D.3 and has determined that there is a balance between the need for change and the potential impacts generated by Tropical World Nursery for the Development Order Amendment, a Class A Conditional Use, and a Type 2 Waiver. Therefore, Staff is recommending approval subject to the Conditions of Approval as indicated in Exhibit C-1 through C-3.

CONDITIONS OF APPROVAL

EXHIBIT C-1: Development Order Amendment on 8.94 acres

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0522 (Control 2005-452), and R-2006-0742 (Control 2005-452) 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 (ULDC) 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-2010-0673 (Control 2005-452) 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 (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2010-673, Control No.2005-00452, which currently states:

The approved preliminary master plan is dated January 15, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Master is dated August 24, 2023, and the Preliminary Regulating Plan is dated May 22, 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 DRO as established in the ULDC, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

Prior to final approval by the Development Review Officer (DRO), architectural elevations for any project school bus shelter, gazebo, and cabana/pool area shall be submitted for review and approval by the Architectural Review section.

Is hereby amended to read:

Prior to final approval by the Development Review Officer (DRO), architectural elevations plans shall be submitted for review and approval. (DRO: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

Previous Condition E1 of Resolution R-2006-522, Control No. 2005-452, which currently states:

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

No Building Permits for the site may be issued after January 1, 2009. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

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, 2014. 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 Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

Is hereby amended to read:

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, 2026, 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)

2. Previous Condition E2 of Resolution R-2006-522, Control No. 2005-452, which currently states:

On or before June 1, 2007 the property owner shall convey to Palm Beach County sufficient 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 Hagen Ranch Road along the property frontage; and a maximum 800 feet of these adjacent roadway(s). 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 retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as 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. 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. (DATE:MONITORING-Eng)

Is hereby deleted. [Reason: No Longer Required] (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2010-673, Control No.2005-00452)

3. Landscape Within the Median of Hagen Ranch Road

a. The property owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Hagen Ranch 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 property owner shall be perpetually maintained by the property owner, his successors and assigns, without recourse to Palm Beach County, unless property owner provides payment for maintenance as set forth in Paragraph d below.

b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

d. At the 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.

e. Alternately, at the option of the property owner, and prior to the issuance of a Building Permit, the property owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along Hagen Ranch 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. [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2010-673, Control No.2005-00452)

4. Prior to technical compliance for the first plat, the property owner shall convey a roadway construction easement to Palm Beach County. This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this property owners road right of way. Construction within this easement shall conform to Palm Beach County Standards. (TC: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2010-673, Control No.2005-00452)

5. Any and all costs associated with the signal modification at Valencia Lakes Way/Tropical World Way and Hagen Ranch Rd intersection 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 the issuance of the first Certificate of Occupancy.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMT: MONITORING - Engineering)

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

c. In order to request release of the surety for the traffic signal modifications at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the signal modifications have been completed and requesting that a final inspection be conducted. After final inspection and acceptance, the Traffic Division shall return the surety within 30 days. (ONGOING: ENGINEERING - Engineering)

6. 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. (BLDGPMT: MONITORING - Engineering)

HEALTH

1. Prior to the issuance of a Building Permit, the property owner shall provide written verification issued by the Florida Department of Environmental Protection affirming that environmental contamination assessment and if necessary cleanup of the site are satisfactorily addressed, thus reducing the potential for exposure of construction workers and future residents to any contaminated soil or polluted water. (BLDGPMT: MONITORING - Health Department) (Previous HEALTH Condition 1 of Resolution R-2010-673, Control No.2005-00452)

2. Prior to the issuance of a Building Permit, the property owner must submit results of an asbestos containing materials (ACM) survey to the Palm Beach County Health Department. (BLDGPMT: MONITORING - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 2 of Resolution R-2010-673, Control No.2005-00452)

3. Prior to the final plan approval by the Development Review Officer, the property owner must submit all Site Assessment Reports and Remedial Action Plan(s) to the Palm Beach County Health Department. All such reports and plans must be signed and sealed by the appropriate registered professional pursuant to Rule 62770.690, FAC (DRO: HEALTH DEPARTMENT - Health Department) [Note: COMPLETED] (Previous HEALTH Condition 3 of Resolution R-2010-673, Control No.2005-00452)

LANDSCAPE - GENERAL

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2010-673, Control No.2005-00452)

2. A minimum of seventy-five (75) percent of canopy trees to be planted in the landscape buffers shall be native and meet the following minimum standards at installation:

a. tree height: fourteen (14) feet;

b. trunk diameter: to meet grade and standards;

c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2010-673, Control No.2005-00452)

3. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2010-673, Control No.2005-00452)

4. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing

vegetation. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2010-673, Control No.2005-00452)

LANDSCAPE - PERIMETER-ZONING - LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING HAGAN RANCH ROAD)

5. (Previous LANDSCAPE - PERIMETER Condition 5 of Resolution R-2010-673, Control No.2005-00452) which currently states:

In addition to code requirements and the proposed landscaping buffer along the west property line shall be upgraded to include:

- a. a continuous three (3) foot high berm;
- b. an opaque concrete wall to be located on the plateau of the berm. Both sides of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. Shop drawings of the wall shall be reviewed and approved by the Arch Review/Landscape Section prior to the issuance of a building permit. (BLDGPMPT: ZONING - Zoning)

Is hereby deleted: [Reason - Redesign of the site].

LANDSCAPE - PERIMETER-ZONING – LANDSCAPING ALONG THE PERIMETERA OF THE PROPERTY

6. In order to implement policies for a sustainable land use pattern, where palms or pines are required, pursuant to Article 7, no more than 25% shall be planted as Palms. The Property Owner shall use Pines or canopy trees. (ONGOING/BLDG PERMIT: ZONING – Zoning)

PALM TRAN

1. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING - Palm-Tran) (Previous PALM TRAN Condition 1 of Resolution R-2010-673, Control No.2005-00452)

2. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM-TRAN - Palm-Tran) (Previous PALM TRAN Condition 2 of Resolution R-2010-673, Control No.2005-00452)

PARKING

- 1. The site shall be limited to a minimum of forty grass parking. (ONGOING: ZONING - Zoning)
- 2. Prior to Final Approval by the Development Review Officer, the Plan shall be revised to delete the four parking spaces that are adjacent to the northwest property line. (DRO/ONGOING: ZONING - Zoning)

PLANNING

- 1. Per SCA-2023-013, condition 1. Development of the site as a Congregate Living Facility is limited to a maximum of 256 beds/ residents. Any other residential use is limited to the Low Residential, 3 units per acre (LR-3) designation. (ONGOING: PLANNING - Planning)
- 2. Per SCA-2023-013, condition 2. Development of the site shall be limited to a maximum of three stories in height. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

1. Previous SCHOOL BOARD Condition 1 of Resolution R-2010-673, Control No.2005-00452, which currently states:

Prior to the issuance of the first Certificate of Occupancy (CO), the school bus shelter shall be constructed by the petitioner 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(s) shall be the responsibility of the residential property owner. (CO: MONITORING - School Board)

Is hereby deleted. [REASON: This site is a CLF and is not the typical residential development that would require a school bus shelter.]

2. Previous SCHOOL BOARD Condition 2 of Resolution R-2010-673, Control No.2005-00452, which currently states:

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 be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD) (Previous Condition SCHOOL BOARD 2 of Resolution R-2006-0522, Control No. 2005-452)
(ONGOING: SCHOOL BOARD - School Board)

Is hereby deleted. [REASON: This site is a CLF and is not the typical residential development that would generate K-12 public school students.]

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD-PBCWUD) (Previous Utilities Condition 1 of Resolution R-2010-0673).

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 on 8.94 acres

ALL PETITIONS

1. The approved Preliminary Master is dated August 24, 2023, and the Preliminary Regulating Plan is dated May 22, 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 or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENVIRONMENTAL

1. Prior to Final Approval by the Development Review Officer, a Phase II Environmental Site Assessment shall be submitted to the Department of Environmental Resources Management (ERM). If the results of the Phase II Environmental Site Assessment indicate areas of on-site contamination, the project shall be referred to the Florida Department of Environmental Protection (FDEP) for the development of a mitigation plan and to oversee the remediation on the site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to final approval by the Development Review Officer, a Tree Preservation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. All mitigation plantings shall be planted on-site or as approved by ERM. (ONGOING/VEGPMT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

USE LIMITATIONS

1. No condo conversion shall be allowed without an approval by the Board of County Commissioners. (ONGOING: ZONING-Zoning)

2. The Congregate Living Facility (CLF) shall be limited to a maximum of 256 beds/residents. (ONGOING: ZONING-Zoning)

3. Prior to final approval by the Development Review Officer, the Applicant shall revise the plan to indicate the locations for the focal points. (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: 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-3: Type 2 Waiver on 8.94 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated May 22, 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 or the Zoning Commission. (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 Master Plan dated August 24, 2023

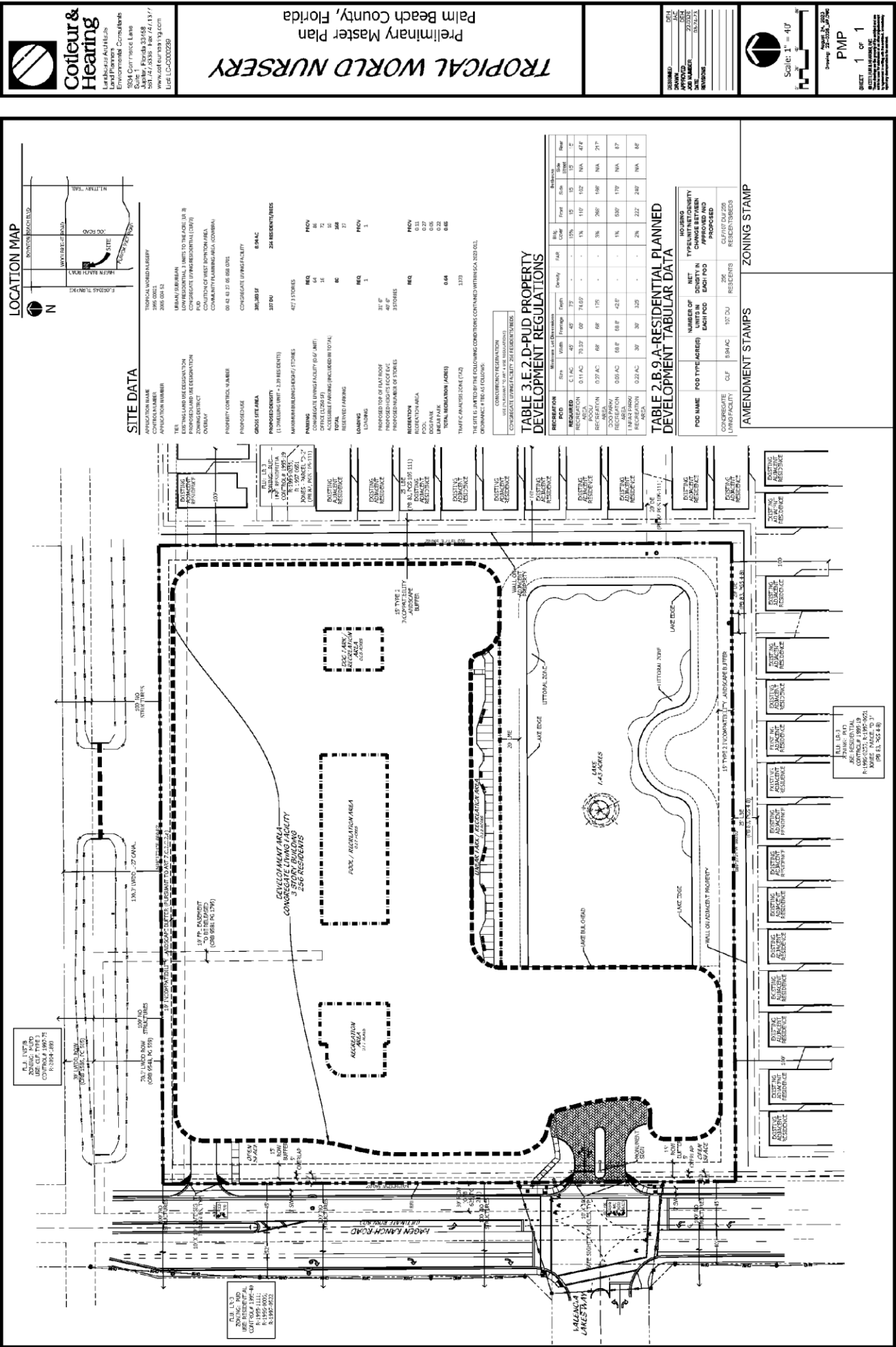


Figure 4: Preliminary Site Plan dated May 22, 2023

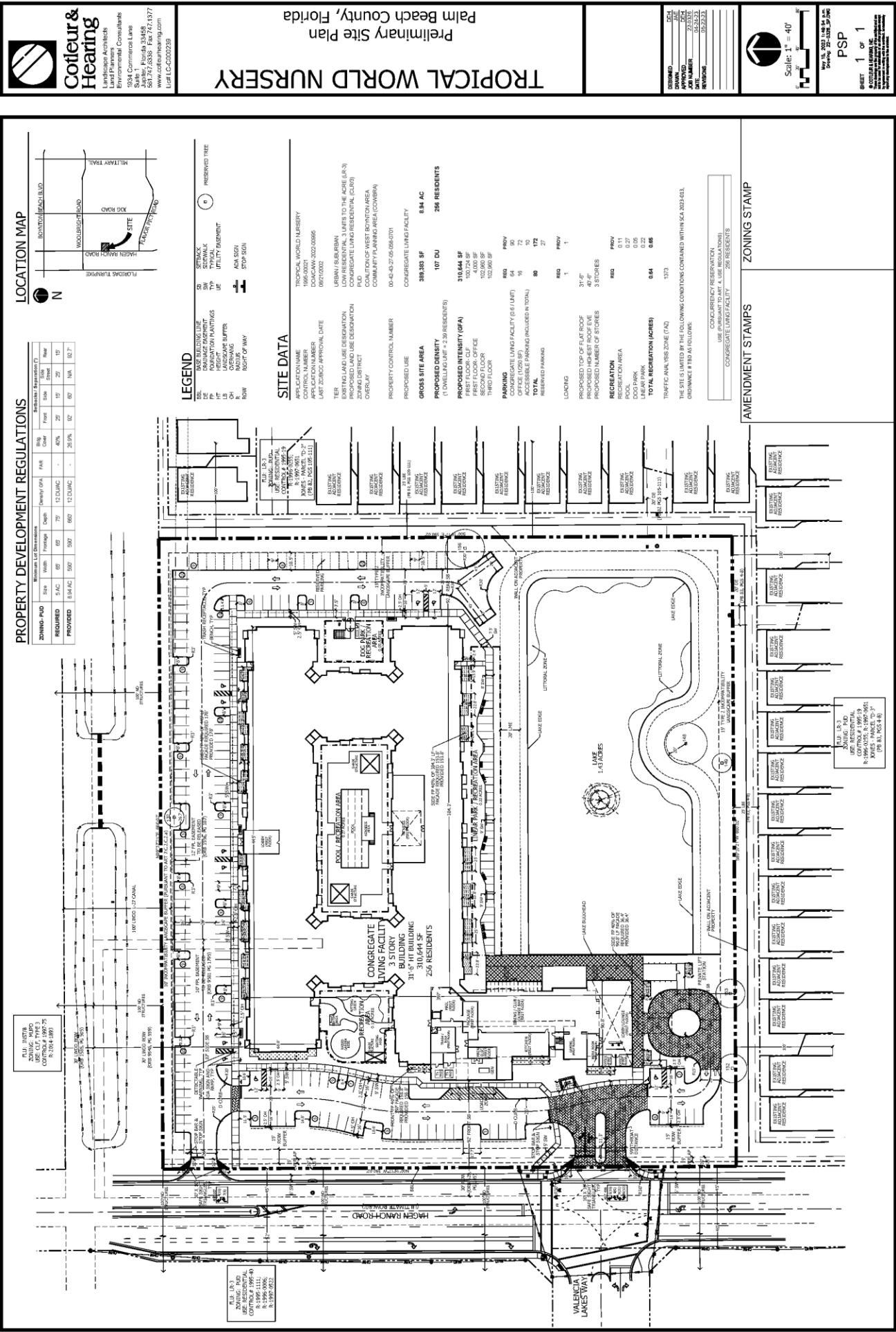


Figure 5: Preliminary Regulating Plan dated May 22, 2023

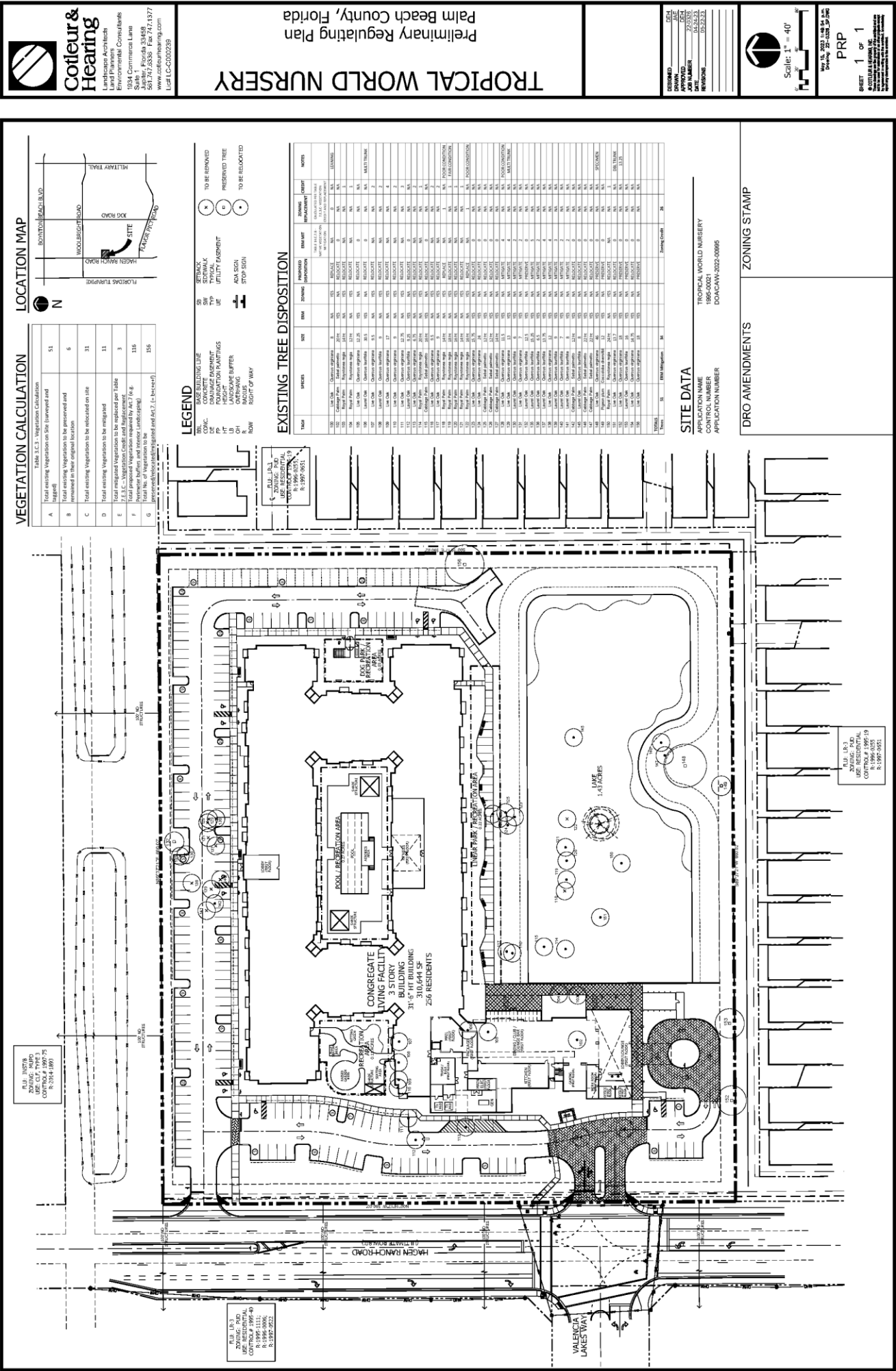


Exhibit D – Disclosure of Ownership

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 Devin Radkay, 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 The Kotler Group LLC, manager of KT Boynton Tropical LLC [position - e.g., president, partner, trustee] of [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: 105 NE 1st Street, Delray Beach, FL 33444
- 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.


 Devin Radkay, 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 31st day of March, 2022 by Devin Radkay (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).

Allison Babiak
 (Name - type, stamp or print clearly)


 (Signature)

My Commission Expires on: 7/22/25

NOTARY'S SEAL OR STAMP

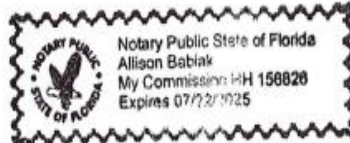


EXHIBIT "A"

PROPERTY

PCN 00424327050580701

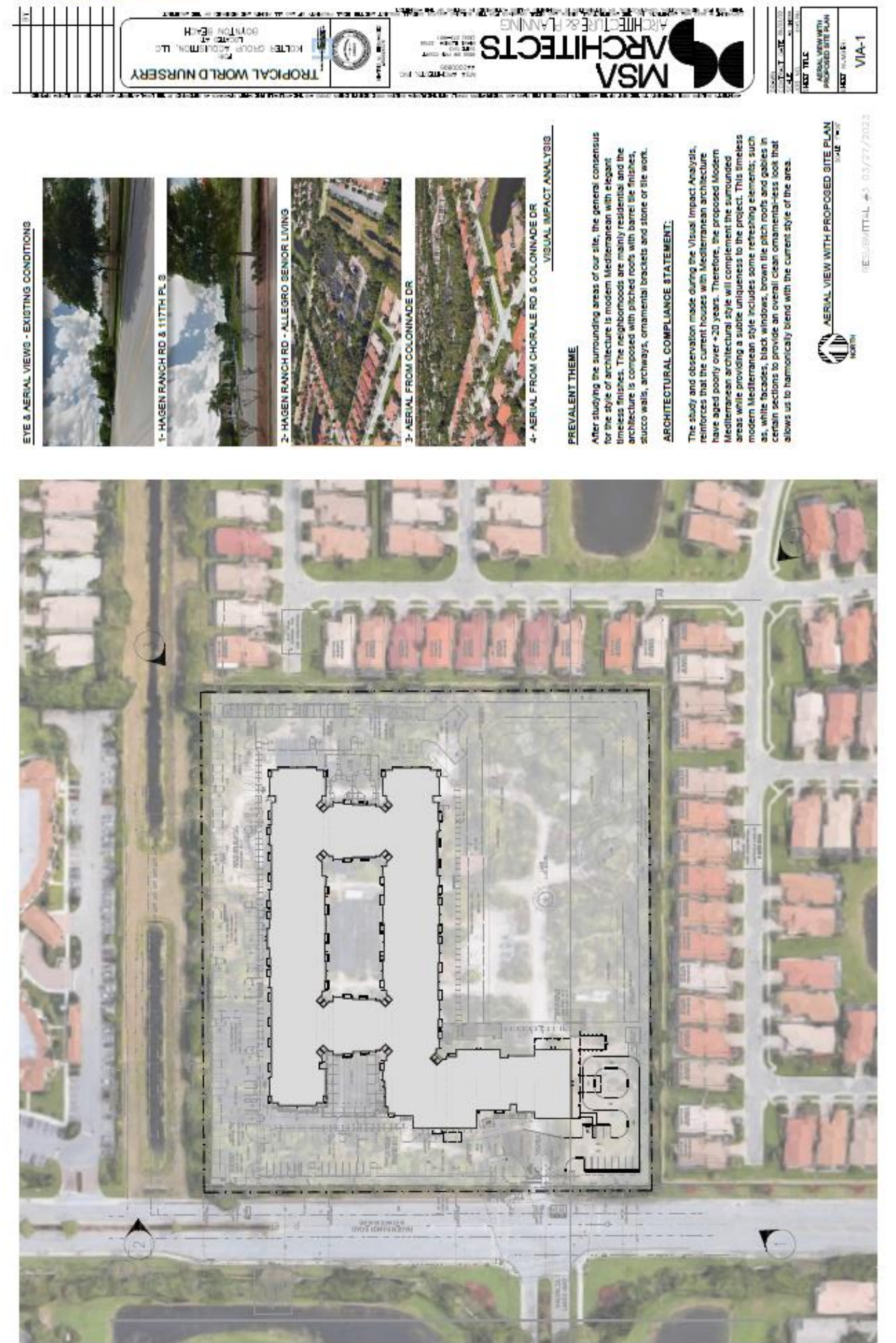
TRACTS 72, 71 AND THE WEST 30 FEET OF TRACT 70, INCLUSIVE, BLOCK 58, "PALM BEACH FARMS COMPANY PLAT NO. 3" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE NORTH 70 FEET THEREOF, AND THE WEST 30 FEET OF SAID TRACT 72, BLOCK 58. SAID LANDS LAYING IN THE COUNTY OF PALM BEACH, FLORIDA, AND CONTAIN 8.939 ACRES, MORE OR LESS.

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
KT Holdco LLC,	105 NE 1st Street, Delray Beach, FL 33444
TKG Residential LLC,	105 NE 1st Street, Delray Beach, FL 33444
Robert Julien,	105 NE 1st Street, Delray Beach, FL 33444



EYE & AERIAL VIEWS - EXISTING CONDITIONS



1- HAGEN RANCH RD & 117TH PL S



2- HAGEN RANCH RD - ALLEGRO SENIOR LIVING



3- AERIAL FROM COLONNADE DR



4- AERIAL FROM CHORALE RD & COLONNADE DR

VISUAL IMPACT ANALYSIS

PREVALENT THEME

After studying the surrounding areas of our site, the general consensus for the style of architecture is modern Mediterranean with elegant timeless finishes. The neighborhoods are mainly residential and the architecture is composed with pitched roofs with barrel tile finishes, stucco walls, archways, ornamental brackets and stone or tile work.

ARCHITECTURAL COMPLIANCE STATEMENT:

The study and observation made during the Visual Impact Analysis, reinforces that the current houses with Mediterranean architecture have aged poorly over +20 years. Therefore, the proposed Modern Mediterranean architectural style will complement the surrounded areas while providing a subtle uniqueness to the project. This timeless modern Mediterranean style includes some refreshing elements; such as, white facades, black windows, brown tile roofs and gables in certain sections to provide an overall clean ornamentalness look that allows us to harmonically blend with the current style of the area.



AERIAL VIEW WITH PROPOSED SITE PLAN
SCALE 1"=40'

RESUBMITTAL #3 03/27/2023





March 24, 2023
Job No. 22-105
Revised 4/11/2023

DRAINAGE STATEMENT

KT Boynton Tropical CLF
Palm Beach County, Florida

SITE DATA

The subject parcel is located at the southeast corner of Hagen Ranch Road and the Lake Worth Drainage District L-27 Canal in Palm Beach County, Florida and contains approximately 8.95 acres. The Property Control Number for the parcel is 00-42-43-27-05-058-0701. The site is currently developed as a landscape nursery. Proposed site redevelopment consists of a 256 unit Congregate Living Facility. For additional information concerning site location and layout please refer to the Site Plan prepared by Cotleur & Hearing.

PROPOSED DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District and the South Florida Water Management District C-15 Drainage Basin. It is proposed that runoff be directed to on-site lake by means of paved or grass swales and/or inlets and storm sewer. Legal positive outfall for overflow and bleed-down is available discharge to the Lake Worth Drainage District L-27 Canal adjacent to the north property line of the subject parcel. Existing drainage infrastructure connected to the Lake Worth Drainage District canal is proposed to be removed, and affected area to be restored to the canal design section. This site is not within a FEMA Special Flood Hazard Area. Drainage design is to address the following:

1. On-site retention of the runoff from the 3 year, 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year, 3 day rainfall event.
3. Building floor elevations to be at or above the level produced by the 100 year, 3 day rainfall event.

Drainage Statement
Job No. 22-105
March 24, 2023 – Page 2
Revised 4/11/2023

PROPOSED DRAINAGE (CONTINUED)

- 4. Parking lots to be protected from flooding during a 3 year, 24 hour event or the 5 year, 24 hour event if exfiltration trench is used.
- 5. Allowable discharge to be in accordance with South Florida Water Management District and Lake Worth Drainage District Basin criteria.
- 6. Due consideration to water quality.

Required permits/approvals shall include the following:

- 1. Palm Beach County Building Department On-Site Drainage Approval
- 2. Lake Worth Drainage District Permit
- 3. South Florida Water Management District Environmental Resource Permit

Digitally signed
by Jesse J Parrish
IV
Date: 2023.04.11
15:04:54 -04'00'

Jesse J. Parrish, IV, P.E.
FL Reg. No. 85433

Jesse J. Parrish IV, P.E., State of Florida,
Professional Engineer, License No. 85433

This item has been digitally signed and sealed by
Jesse J. Parrish, IV, P.E., on 04/11/2023 .

Printed copies of this document are not considered signed
and sealed and the signature must be verified on
any electronic copies.

sa: x:/docs/trafficanddrainage/ds.22105.rev

2581 Metrocentre Boulevard West Suite 3 West Palm Beach Florida 33407
T: 561.478.7848 F: 561.478.3738 www.simmonsandwhite.com
Certificate of Authorization Number 3452

Exhibit G: WUD Letter



**Water Utilities Department
Engineering**

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



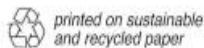
**Palm Beach County
Board of County
Commissioners**

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



May 3, 2022

Cotleur & Hearing
1934 Commerce Lane Suite 1
Jupiter, Fl. 33458

Attn: David Milledge

RE: 7401 Tropical World Way
PCN 00-42-43-27-05-058-0701
Service Availability Letter

Dear Mr. Milledge,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to accommodate the existing FLU designation and the proposed FLU designation of Congregate Living Residential (CLR) with an underlying High Residential (HR-12)

The nearest point of connection is a 42" potable water main and a 42" sanitary sewer forcemain adjacent to the subject property within Hagen Ranch Road. Offsite improvements and a lift station will be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

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
Project Manager