

PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION

**Application No.:** PDD/CAW-2021-01526  
**Application Name:** Lake Worth Crossing MUPD  
**Control No./Name:** 2008-00296 (Lake Worth/Turnpike Commercial)  
**Applicant:** KS Lake Worth, LLC  
**Owners:** KS Lake Worth, LLC  
**Agent:** JMorton Planning & Landscape Architecture - Jennifer Morton and Lauren McClellan  
**Telephone No.:** (561) 371-9384 , (561) 721-4463  
**Project Manager:** Donna Adelsperger, Senior Site Planner

**TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District on 9.34-acres

**TITLE:** a Class A Conditional Use **REQUEST:** to allow a Hospital on 9.34-acres

**TITLE:** a Type 2 Waiver **REQUEST:** to allow extended hours of operation for business within 250 feet of a parcel of land with a Residential Future Land Use on 9.34-acres

**APPLICATION SUMMARY:** The proposed requests are for the 9.34-acre Lake Worth Crossing Development. The site was previously developed with an Agricultural use (equestrian use).

The request will allow a rezoning to the Multiple Use Planned Development (MUPD) Zoning District. As part of the proposal the Applicant is requesting a conditional use that will allow a Hospital. In addition, the proposed Hotel use includes a request for a Type 2 Wavier to allow extended hours of operation for business within 250 feet of a parcel of land with a Residential Future Land Use.

The Preliminary Site Plan (PSP) indicates three commercial buildings totaling 109,808 square feet (sq. ft.) for the Hospital, Hotel, and Medical Office with 391 parking spaces and access from Lake Worth Road and Hooks Road.

The requests are contingent upon a concurrent application Small Scale Future Land Use Amendment, application SCA-2022-00011, to modify Conditions of Approval under Ordinance 2009-028.

**SITE DATA:**

Location:	Southwest corner of Lake Worth Road and Hooks Road
Property Control Number(s)	00-42-43-27-05-028-0031; 0032; 0033; 0034; 0035; 0036
Existing Future Land Use Designation:	Commercial High, with an underlying LR-2 (CH/2)
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Multiple Use Planned Development (MUPD)
Total Acreage:	9.34 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan (WLWRNP)
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Greenacres
BCC District:	District 6, Commissioner Sara Baxter

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

**PLANNING COMMISSION RECOMMENDATION:** The site is the subject of a concurrent Future Land Use Amendment (SCA-2022-011) to modify the Conditions of Approval from ORD-2009-028. The Planning Commission at the April 14, 2023 hearing recommended approval of the amendment by a vote of 10-0.

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

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**PROJECT HISTORY:**

The site has an agricultural and equestrian use. The site was part of a prior Future Land Use Amendment (Lake Worth/Turnpike SW Commercial LGA 2009-006) to change the Future Land Use (FLU) from Low Residential (LR-2) to Commercial High with an underlying Low Residential 2 (CH/LR-2) was approved under ORD-2009-028 subject to Conditions of Approval. There were no prior Zoning Applications for the site.

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**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 analysis below is for both the Rezoning to the Planned Development District and the Class A Conditional Use.

**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 or 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 is the subject of a concurrent Small Scale amendment known as Lake Worth Crossing (SCA-2022-011), requesting to revise previously adopted conditions contained in Ordinance 2009-028. The site will retain its existing Commercial High with underlying 2 units per acre Future Land Use (FLU) designation.

The conditions below were adopted by Ordinance 2009-028, and are to be revised through the concurrent amendment. The revisions proposed below apply to the subject site only, and are shown with the deleted text in strike out and added text in underline format. Prior Ordinance condition 2 pertaining to the Lifestyle Commercial Center (LCC) is not shown as it is proposed to be deleted in its entirety. For additional information, refer to the staff report for the companion Small Scale amendment.

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. This land area is limited to a maximum of 154,210 s.f. of commercial retail or equivalent traffic generating uses and is assigned to the land area within the subject ordinance, with the remaining 145,790 s.f. assigned to the land area within Ord 2009-028.
2. Vehicular and pedestrian connections shall be provided to the parcel to the west within Ord. 2009-028.
3. No single retail tenant shall exceed 65,000 square feet.

The request is for 109,808 sq. ft. of non-residential uses, with the largest single tenant at 51,899 sq. ft., and the site plan depicts vehicular and pedestrian connectivity through the site west. The request is therefore consistent with the proposed Ordinance conditions.

- *Prior Land Use Amendments:* The subject site was subject to a prior land use amendment known as Lake Worth/Turnpike SW Commercial (LGA 2009-006, Ord. 2009-028), which included this parcel and the 8.83-acre parcel to the west. It amended the land use designation from Low Residential, 2 units per acre (LR-2) to Commercial High, with underlying low residential, 2 units per acre (CH/2) subject to conditions.
- *Intensity:* The non-residential intensity of the site is limited to a maximum of 154,210 square feet of commercial retail or equivalent traffic generating uses per Condition 1 of SCA-2022-011. The request for 109,808 non-residential square feet is less than the maximum permitted, and results in a Floor Area Ratio (FAR) of approximately 0.27 (109,808 sq. ft. / 406,753 surveyed sq. ft. or 9.34 acres = 0.27).

○ *Relevant Comprehensive Plan Policies:* Future Land Use Element (FLUE) policies 4.3-g and 4.3-k employ planning techniques to facilitate uses with similar or like land uses to provide interconnectivity which reduced potential traffic conflicts along the primary roadway.

- Policy 4.3-g: Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites)
- Policy 4.3-k: The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.

The subject site incorporates a cross access point to the adjacent parcel to the west, as required by condition of approval on the accompanying land use amendment. Staff is recommending conditions of approval to record a cross access easement in the indicated location prior to final approval by the DRO, and pave to the property line prior to issuance of the Certificate of Occupancy.

○ *Special Overlay District/Neighborhood Plan/Planning Study Area:* This site is within the boundaries of the West Lake Worth Neighborhood Plan (WLWRNP), which is administered by the Lake Worth Road Coalition, Inc. The Neighborhood Plan was received by the BCC November 19, 2009 (R-2009-2018) and is one of the County's neighborhood plans and study areas recognized in FLUE Policy 4.1-c. The Applicant was advised to meet with the neighborhood group. No correspondence from the neighborhood group has been received by Planning 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.*

#### **Rezoning to the MUPD Zoning District**

The proposed rezoning is consistent with the ULDC regulations regarding, Planned Development District (PDD) Purpose and Intent (Article 3.E.1.A.1), FAR, Density and use (Article 3.E.1.B.1) and Objective Standards (Article 3.E.1.C.1) and Multiple Unit Development Plan (MUPD in regards) to Purpose and Intent (Article 3.E.3.A), Objectives Standards (Article 3.E.3.B), and Property Development Regulations (PDR's) concerning lot size, width, depth and setbacks as well as the Purposes and Intents (Article 3.E.3.A) and Design Objectives and Standards (Article 3.E.3.B) for a Multiple Planned Unit Development.

○ *Design Objectives and Performance Standard:* The Preliminary Site Plan indicates adequate pedestrian circulation within the site connecting all buildings entrances and parking areas as well as providing a pedestrian pathway to the sidewalks connection to Lake Worth Road and Hooks Road and the parcel to the west.

○ *Property Development Regulations (PDR):* PDR's are regulated under Table 3.E.3.D, MUPD Property Development Regulations. The site exceed the 200 ft minimum required for width and frontage and the minimum 3 acres size requirement. In addition, the proposed development complies with the required access, maximum Building Converge and the proposed buildings are within the required setbacks.

The Preliminary Site Plan (PSP) indicates three access points for the proposed development. One access point on Lake Worth Rd., and two on Hooks Rd. and a 25-foot Cross Access is proposed to the parcel to the west

○ *Parking:* Article 3.E.1.C.h.2) regulates the parking allocation within PDD's. Two methods are allow; by individual use (individual parking ratio) further regulated in Article 6, Table 6.B.1.B or by using the minimum/maximum parking standards calculation (min/max). The Applicant has chosen the individual parking ratio for the Hotel use and min/max calculation indicated on Article 3.E.1.C.h.2)a) PDD Performance Standards Parking Non-Residential Uses, for the Medical Office and Hospital uses. The Preliminary Site Plan indicates a total of 391 parking spaces.

- Hotel 1.25 spaces per room (127 Rooms) = 159 spaces
- Medical Office and Hospital 4 to 6 spaces per 1,000 (57,909 sq.ft.). = 232 to 347 spaces
- Total required parking spaces = 391 to 506
- Total Provided = 391 spaces (including 15 motorcycle spaces)

○ *Loading:* Article 6, Table 6.B.1.B and Table 6.E.4.A regulates the Loading areas and dimension of the required loading areas. The Applicant is allowed to use the Standard "A", which requires a 12-foot wide by 18.5-foot long loading space for all the proposed uses. For the proposed development 5 loading spaces are required. The PSP indicates 3 Standard "A" loading spaces (two for the Hotel and one for the

Hospital), The Applicant is proposing an Alternative Design Option under Article 6.E.3.C) for the required Medical Office which allows to utilize the drive aisles for loading during off business hours.

- *Architectural Review:* The uses are required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. Architectural elevations have been provided and reviewed for compliance with Article 5.C. Staff is recommending a Condition of Approval (Architectural Review Condition No.1 of Exhibit C-1) requiring Architectural Elevations be submitted for final review and approval, consistent with the elevations dated March 8, 2023 (Figures 7, 8 and 9), at the time of final approval by the Development Review Officer.
- *Landscape/Buffering:* Landscape and buffering requirements are regulated under Article 3.E.3.B.2.b Landscape buffers and Article 7. PSP indicates a 30-foot Right-of-Way (ROW) (Primary Buffer) along Lake Worth Road and a 20 foot ROW (Secondary Buffer) along Hooks Road as required by the West Lake Worth Road Neighborhood Plan (WLWRNP) both exceed the minimum ROW Buffers specified in Table 7.C.2.A. The parcel immediately to the south and partially to west is the residential component of Polo Gardens MUPD. The PSP indicates a 20-foot wide Type 3 Incompatibility Buffer along the south and the +/- 196 feet of the south-west corner of the property lines as required under Article 3.E.3.B.2.b when non-residential uses of MUPD's abut residential uses. Staff recommends Landscape Condition 1 in Exhibit C-1 that prohibits any easement encroachment to ensure the residential uses to the south and west are screened from the proposed commercial use(s). (See Landscape 1 in Exhibit C-1)
- *Signage:* The Preliminary Master Sign Plan (PMSP), indicates a total of three outparcel signs as permitted per Table 8.G.2.A, along Lake Worth Rd., two entrance signs at the Lake Worth Rd entrance, two at the northern entrance on Hooks Rd and one at the southern entrance on Hooks Rd. The Applicant is not proposing any Freestanding signs and Staff is recommending Conditions of Approval prohibiting freestanding signs Lake Worth Rd. and Hooks Rd. This will limit signage along Lake Worth Rd to outparcel signs; and limiting the number of entrance signs to two on Lake Worth Rd and three on Hooks Rd. (See Signage Conditions Exhibit C-1.)

The Applicant is proposing wall signage on Buildings A, B and C as permitted by Table 8.G.1.A. Buildings B (Hospital) and C (Medical Office) have wall signs facing the residential to the south. The Applicant is complying with the sign area for those wall signs. Staff is recommending Conditions limiting the signage on the south façade of Building B to a maximum of thirty-eight and one quarter (38.25) sq ft combined thus allowing for a minor shift in sq ft between the wall sign and canopy sign; and for Building C to limit the location of the sign to the one story portion of the building. (See Signage Conditions Exhibit C-1.)

#### **Use specific criteria (Hospital)**

The Hotel and Medical Office uses are permitted uses in the MUPD with CH FLU and have no specific frontage or access requirements.

The proposed 11,000 square foot Hospital according to Article 4. Requires a Class A approval thus this request and will be required to be licensed by the State of Florida. The proposed use is in compliance with the minimum lot size and frontage (five acres and 200 feet). The MUPD exceeds the lot size as the parcel is 9.34-acres; and as noted above under PDRs has more than 200-feet of frontage on either road (660 ft on Lake Worth Rd and 629 ft on Hooks Rd). In order to minimize the impact that the use may have upon the residential units to the south and southwest staff due to the noise and visual impacts from sirens and flashing strobe emergency lights from medical transportation vehicles Staff is recommending a Condition of Approval that prohibits sirens or flashing strobe emergency lights from any medical transportation vehicles upon entering the subject property. (See Use Condition 1 of Exhibit C-3)

- *Architectural Review:* The uses are required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. Architectural elevations have been provided and reviewed for compliance with Article 5.C. Staff is recommending a Condition of Approval (Architectural Review Condition No.1 of Exhibit C-1) requiring Architectural Elevations be submitted for final review and approval, consistent with the elevations dated March 8, 2023 (Figures 7, 8 and 9), at the time of final approval by the Development Review Officer.
- *Emergency Generator:* The PSP indicates one generator to be provided for the Hospital use. The proposed Generator meets the screening requirement, as it will be located behind Building B, and it is in compliance in regards to location and setbacks, as it exceeds the setbacks of the zoning district, as required per Article 5.B.1.A.19.b.1)b) Screening and Article 5.B.1.A.19.b.1)d) Location and Setbacks.

**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 proposed use and rezoning is generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. The Property is located within the Lake Worth Road corridor. It is immediately surrounded to the south, east and west with residential and commercial uses, and to the north across Lake Worth Road with commercial uses.

There are multiple existing and approved three-story and four-story buildings along the Lake Worth Road corridor. A large 350,000 square foot medical office complex has been approved at the northeast corner of Lake Worth Road and Lyons Road. Two of the buildings have been approved as 57-foot-tall four-story buildings and one building has been approved as a 43 foot tall three-story building. Also, on the north side of Lake Worth Road just west of the Turnpike is a 4-story hotel.

The hospital building on site is located in closed proximity to Lake Worth Road and more than 300-feet from the residential uses to the south. Therefore, the proposed project will be consistent and compatible with other commercial and residential projects approved and built within this 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 will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The Hospital is oriented towards Lake Worth Road and is separated more than 300 feet from the residence to the south. Its height has been kept to one story (20 feet high). In addition the Applicant is proposing a type 3 incompatible buffer with a 6 feet tall wall along the South and partially east property line abutting the residential development. The design will be compatible with existing developments within the area, while maintaining the functionality of the overall MUPD. As the proposed structures meet or exceeds setbacks, buffers, and separation, no adverse impacts will occur on adjacent properties.

**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 horse farm, and residence. There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated to elsewhere on the site or being mitigated for. Several specimen-sized native species are proposed to be relocated and an Arborist Report has been provided to ensure the viability of the relocations. 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.

- **WELLFIELD PROTECTION ZONE:** This property is not located within a Wellfield Protection Zone.

- **IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

- **ENVIRONMENTAL IMPACTS:** There are not significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed rezoning to MUPD will result in a logical, orderly, and timely development pattern. As previously mentioned, the Property is located within the Lake Worth Road corridor and West Lake Worth Road Neighborhood Plan which anticipated the development of commercial uses on the Property. The Property is one of the last undeveloped parcels in the area and the proposed commercial development would be considered as infill development. The properties to the east and west have been approved for mixed use projects including commercial, multi-family and townhouse residential uses.

In addition, residential development has increased in recent years around the immediate area to the south. As more dwelling units are developed, more commercial services such as hotel, Hospital and Medical Offices are needed. These services are best accommodated at the established intersection of Lake Worth Road and Polo Club Road in order to keep residents in the area and reduce the number of trips on Lake Worth Road headed east of the Florida Turnpike or west to State Road 7. The addition of the proposed hotel will fit in with the current development pattern due to the Property's close proximity to the Florida Turnpike. There is a hotel located on the north side of the Florida Turnpike to the east of the Property that has very low vacancy rates, thus indicating that an additional hotel would also serve the community. The addition of the large medical office (Cleveland Clinic) and emergency room/hospital to the west will potentially draw patients, doctors, and nurses to the area as well. These individuals would be served by the proposed hotel

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

**ENGINEERING COMMENTS:**

The proposed medical office/hotel/emergency department project is expected to generate 2,431 net daily trips, 173 net AM peak trip, and 213 net PM peak hour trips. The build out of the project is assumed to be by 2026.

Portions of Lake Worth Rd will be background deficient without the project traffic. As per Florida Statutes 163.3180, the project meets PBC Traffic Performance Standards. Both the intersections of Lake Worth Rd/Polo Rd and Lake Worth Rd/Turnpike West will operate at the adopted Level of Service (LOS) with optimized signal timing plan (for Polo Rd intersection only). The property Owner will have to construct a right turn lane at the entrance on Lake Worth Rd.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Traffic volumes are in vehicles per hour  
Segment: Lake Worth Rd from Lyons Rd to FL Turnpike  
Existing count: Eastbound=1,970, Westbound=2,223  
Background growth: Eastbound=862, Westbound=895  
Project Trips: Eastbound=85, Westbound=43  
Total Traffic: Eastbound=2,917, Westbound=3,161  
Present laneage: 3 in each direction  
Assured laneage: 3 in each direction  
LOS "D" capacity: 2680 per direction  
Projected level of service: Worse than LOS D both directions

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

**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 proposed development is located within the boundary of PBC Fire Station 32.





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

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.*

The Applicant is requesting a rezoning to Multiple Use Planned Development (MUPD). The proposed development will consist of hotel, hospital, and medical office uses. Development of an MUPD will also allow the Applicant to create different outparcels (consistent with Article 11) within one cohesive project with shared parking, drainage facilities and access. This type of cohesive project allows for a more efficient use of land and minimizes impacts on adjacent rights-of-way.

This area of Palm Beach County has recently transitioned from a rural area that housed polo fields to a suburban area with a variety of housing types and numerous commercial and service uses including medical office, child care facilities, retail, gas stations and restaurants. The proposed MUPD will add more services to meet the needs of the existing and future residents as this area continues to transition away from agriculture and into a suburban community.

**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.

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

ULDC SECTION	REQUIRED	PROPOSED	WAIVER
Article 5, Table 5.E.5.A Hours of Operation	Hours of Operation: Commercial 6:00 a.m. to 11:00 p.m.	Hours of Operation: Commercial 24-hours	Extend the hours of operation to 24-hours

**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** - The granting of the waiver does not create additional conflicts with other sections of the ULDC. This property is proposed to rezone to MUPD. The MUPD zoning district allows for a mix of residential and commercial uses. A hotel is one of the uses that is allowed within MUPD. Hotels are open 24 hours a day, 365 days a year. The proposed hotel is three stories, which is similar size and scale of the adjacent three story residential apartment buildings. The gravity of the waiver is consistent with the stated purpose and intent for the zoning district.

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

**YES** - The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project. The proposed 24 hours operation have been approved for other MUPD developments, especially MUPD with sales and services. The hotel is ideally situated near the Florida Turnpike.

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

**YES** - If granted, the alternate design will not adversely impact users of the project or adjacent properties. The 24 hour hotel is ideally located along a major arterial roadway, Lake Worth Road. The proposed commercial MUPD transitions to the high density Multifamily to the south, which transitions to medium and low density. The development pattern that has occurred is consistent with generally accepted planning principles. The PSP shows a 20-foot Incompatible Buffer with wall and a water management tract along the south and southwest property lines that will further aide in the impact of the 24 hour hotel operation.

d. ***For the purpose of Medical Marijuana Dispensing Facility in Art. 4.B.2.C.35.1, the BCC shall make the determination that the location of a medical marijuana dispensing facility promotes the health, safety and welfare of the community.***

**N/A:** This standard does not apply as the request is not for a Medical Marijuana Dispensing Facility.

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**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 Lake Worth Crossing for an Official Zoning Map Amendment, a Class A Conditional Use and a Type 2 Waiver. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C-1 through C-3.



## CONDITIONS OF APPROVAL

### EXHIBIT C-1: Non Residential Planned Development District on 9.34 acres

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 21, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated March 8, 2023. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

#### ENGINEERING

1. 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. The Property Owner shall construct right turn lane west approach on Lake Worth Rd at project entrance. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

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

3. 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)

4. Prior to the Final Site Plan approval by the Development Review Officer, the Property Owner shall update the site plan with bearings and distances on the lot lines being created by the subdivision exemption. (DRO: ENGINEERING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all access easements shown in conflict with the existing or proposed structures. (BLDGPMT: MONITORING - Engineering)

#### ENVIRONMENTAL

1. Prior to final approval by the Development Review Officer, the Plans shall be revised identify the general relocation areas of the native specimen trees to be relocated. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the issuance of the first Certificate of Occupancy, the native specimen oaks and Ficus aurea (i.e., Tree No. 33 - a 31 inch D.B.H. Live Oak, Tree No. 38 - a 33 inch D.B.H. Live Oak, and Tree No. 35 - an 80 inch Ficus aurea) shall be either (A.) preserved in place or (B) relocated to an appropriate area on site, or as approved by ERM. (CO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

#### LANDSCAPE - PERIMETER-ALONG SOUTH AND SOUTHWEST PROPERTY LINES ABUTTING RESIDENTIAL

1. A Type 3 Incompatibility Buffer shall be provided along the south and southwest property lines abutting residential. No buffer reduction or easement encroachment shall be allowed. (ONGOING: ZONING - Zoning)

#### PLANNING

1. Per SCA 2022-011, Condition 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. This land area is limited to a maximum of 154,210 s.f. of commercial retail or equivalent traffic generating uses and is assigned to the

land area within the subject ordinance, with the remaining 145,790 s.f. assigned to the land area within Ord 2009-028. (ONGOING: PLANNING - Planning)

2. Per SCA 2022-011, Condition 2: Vehicular and pedestrian connections shall be provided to the parcel to the west within Ord. 2009-028. (ONGOING: PLANNING - Planning)

3. Per SCA 2022-011, Condition 3: No single tenant shall exceed 65,000 square feet. (ONGOING: PLANNING - Planning)

4. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the Site Plan. (DRO: PLANNING - Planning)

5. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official Records Book and Page number for the recorded cross access easement. (DRO: PLANNING - Planning)

6. Prior to the release of the Certificate of Occupancy (CO), the Property Owner shall construct, and pave to the property line, the cross access as shown on the Final Site (CO: MONITORING - Planning)

## **SIGNS**

1. Ground Mounted Freestanding signs fronting on Lake Worth Road and Hooks Road are prohibited. (ONGOING: ZONING - Zoning)

2. Entrance signs shall be limited as follows:

- a. maximum sign height eight (8) feet, measured from finished grade to highest point;
- b. maximum sign face area per sign - sixty (60) square feet;
- c. maximum number of signs - two (2) Lake Worth Road and three (3) Hooks Road; and,
- d. style - monument style only. (BLDGPM/ONGOING: BUILDING DIVISION - Zoning)

3. Outparcel signs fronting on Lake Worth Road shall be limited as follows:

- a. maximum sign height six (6) feet, measured from finished grade to highest point;
- b. maximum sign face area per side - twenty (20) square feet;
- c. maximum number of signs - three (3); and,
- d. sign type: Outparcel Sign
- e. style - monument style only.

(BLDGPM/ONGOING: ZONING - Zoning)

4. Wall Signage (W6) and Canopy Signage (C2) along the south facade of Building B shall not exceed a combined total square footage of thirty-eight and one quarter (38.25) square feet. (BLDGPM/ONGOING: ZONING - Zoning)

5. Wall Signage (W10) along the south facade of Building C shall not exceed twenty-four (24) square feet. (BLDGPM/ONGOING: ZONING - Zoning)

6. Wall signage (W10) located on the side (south) facade of Building C shall be limited to a maximum height of twenty (20) feet. (BLDGPM/ONGOING: ZONING - Zoning)

## **COMPLIANCE**

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

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

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

- e. Imposition of entitlement density or intensity.

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

**DISCLOSURE**

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

## **CONDITIONS OF APPROVAL**

### **EXHIBIT C-2: Class A Conditional Use – Hospital on 9.34 acres**

#### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated February 21, 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)

#### **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: MONITORING - Zoning)

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

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

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

#### **DISCLOSURE**

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

## **CONDITIONS OF APPROVAL**

### **EXHIBIT C-3: Type 2 Waiver – Hours of Operation (Hotel)**

#### **ALL PETITIONS**

1. The approved Preliminary Site Plan is dated February 21, 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)

#### **COMPLIANCE**

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

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

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

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

#### **DISCLOSURE**

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

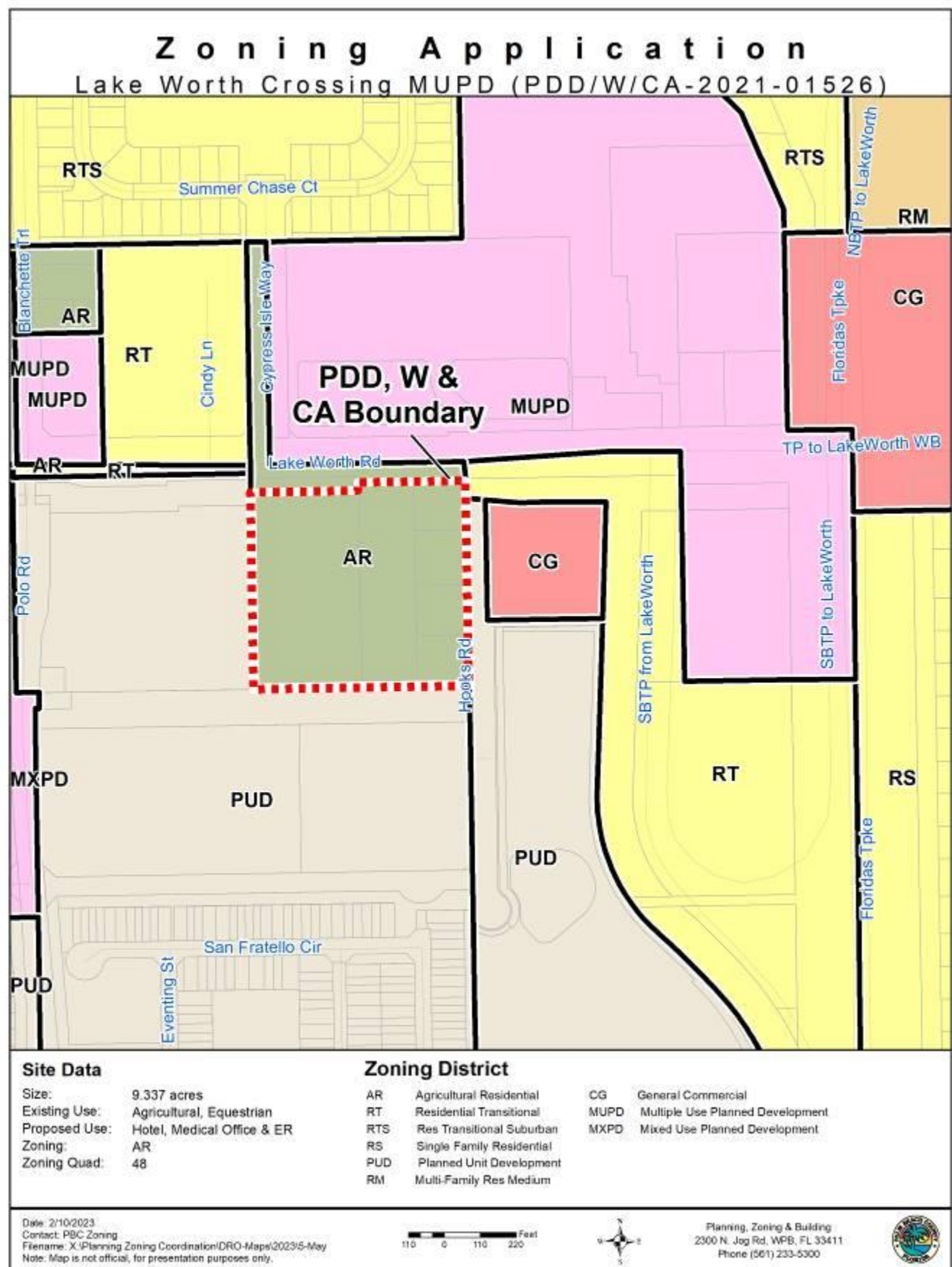


Figure 1 - Land Use Map





Figure 2 - Zoning Map





**Figure 3 – Preliminary Site Plan dated February 21, 2023**

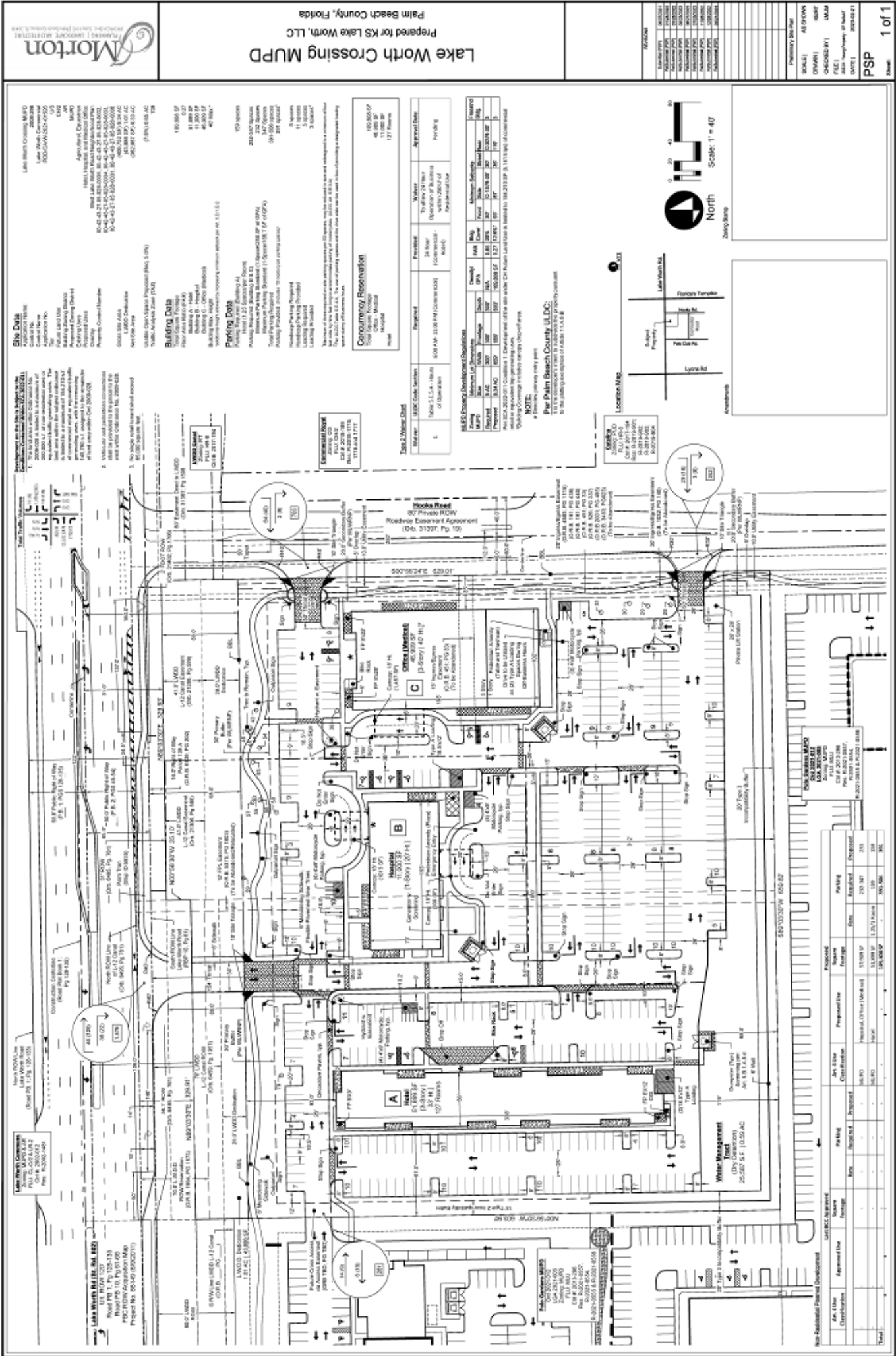
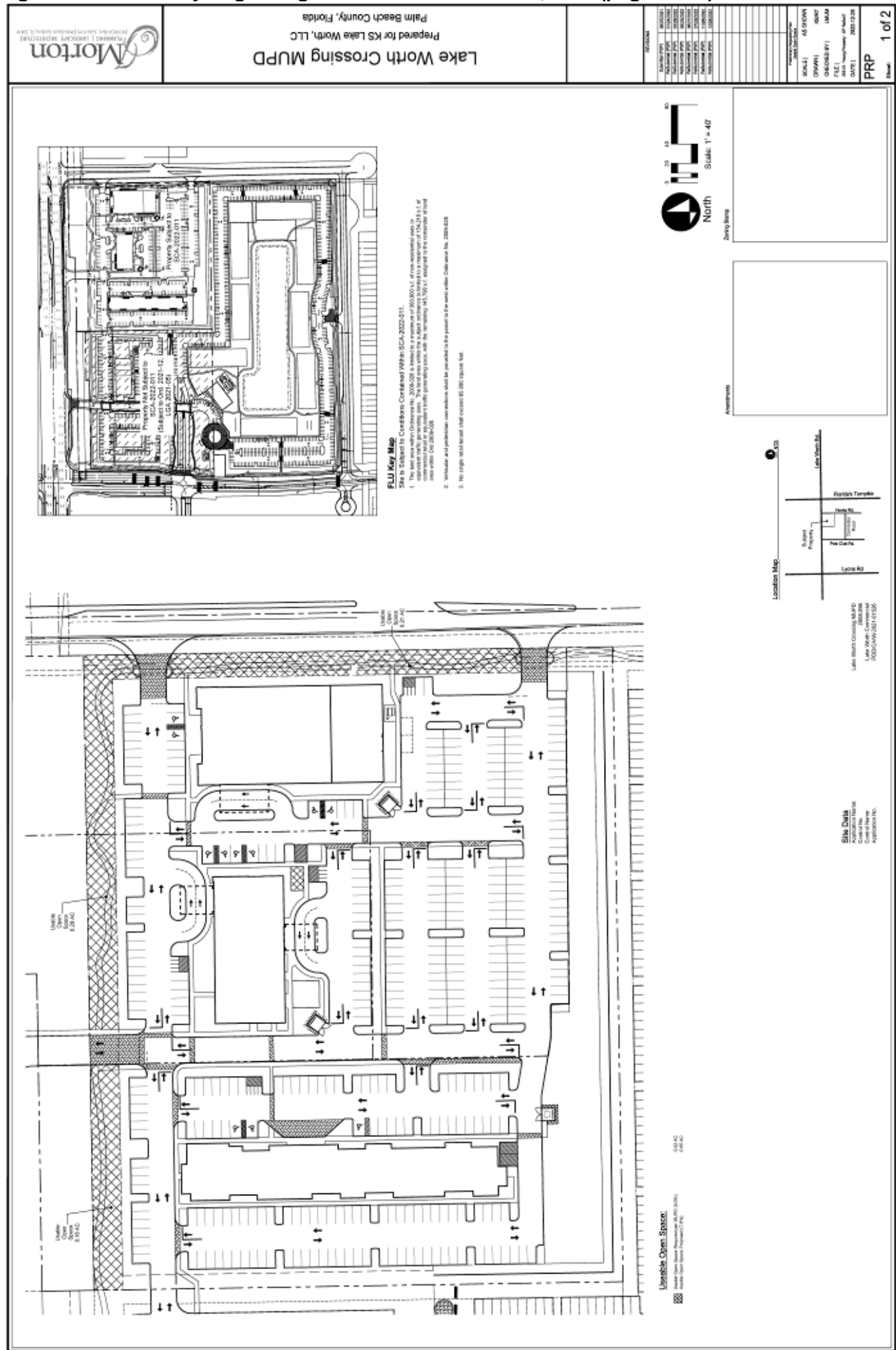
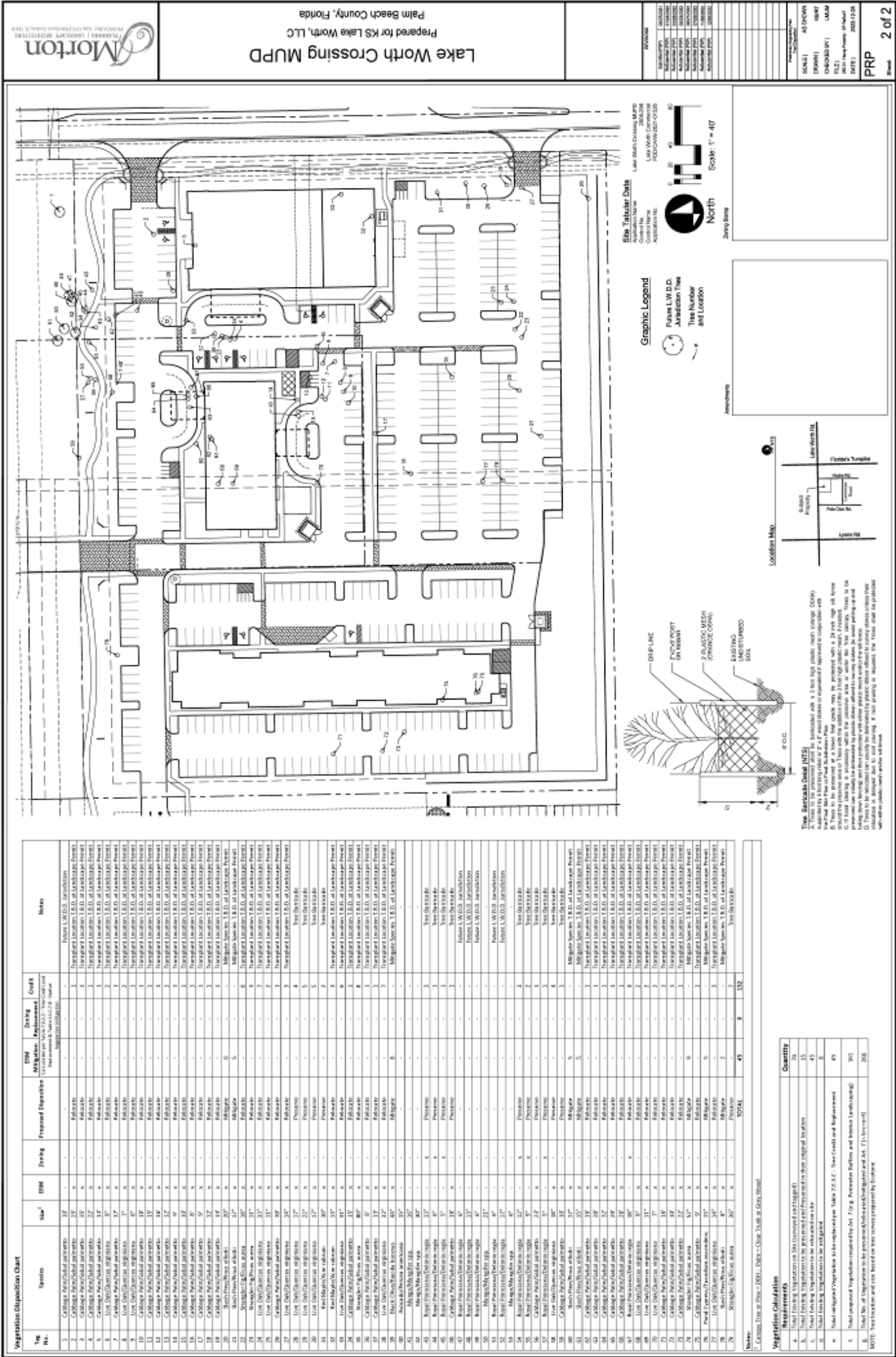


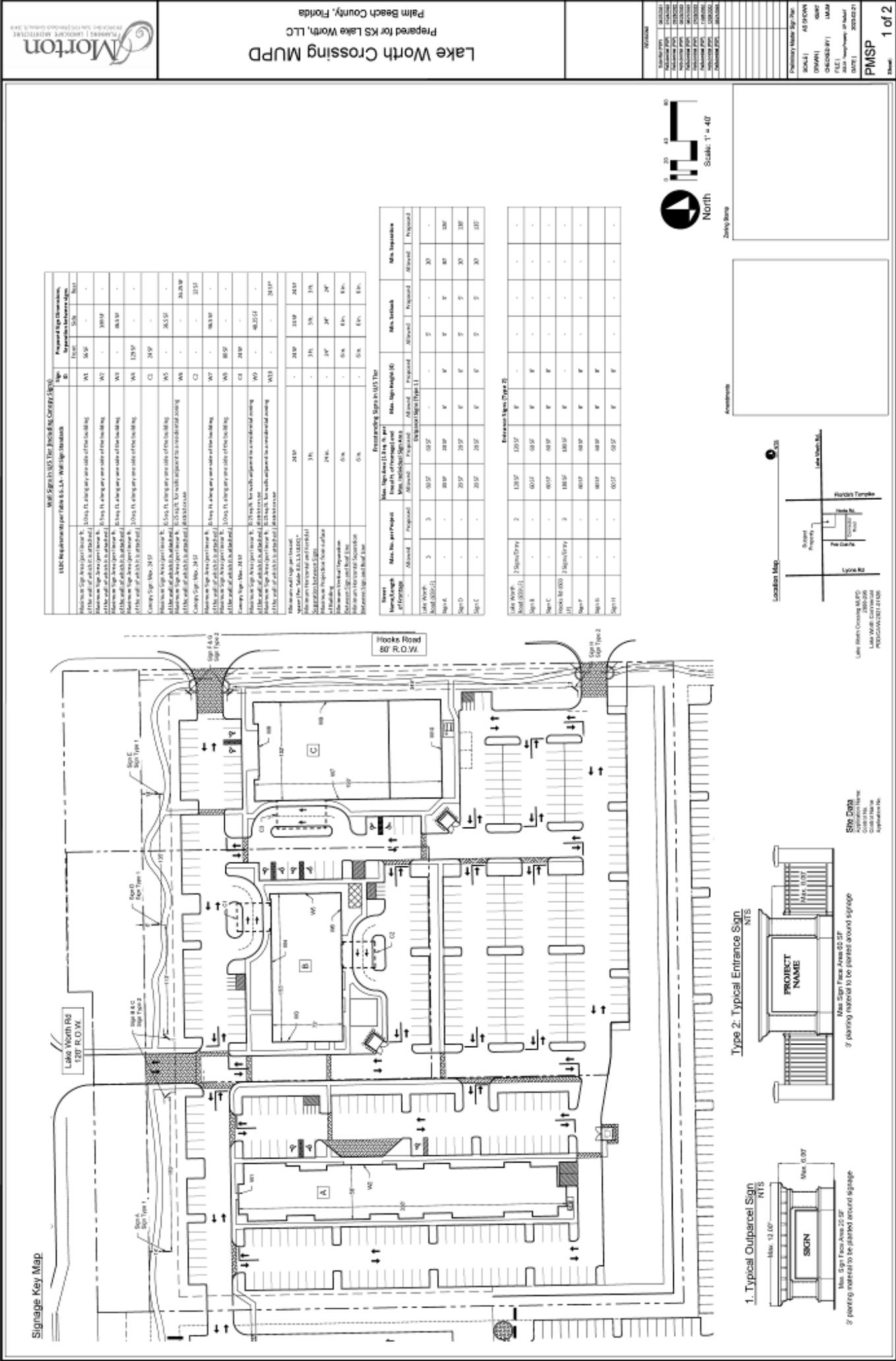
Figure 4 – Preliminary Regulating Plan dated December 28, 2022 (page 1 of 2)



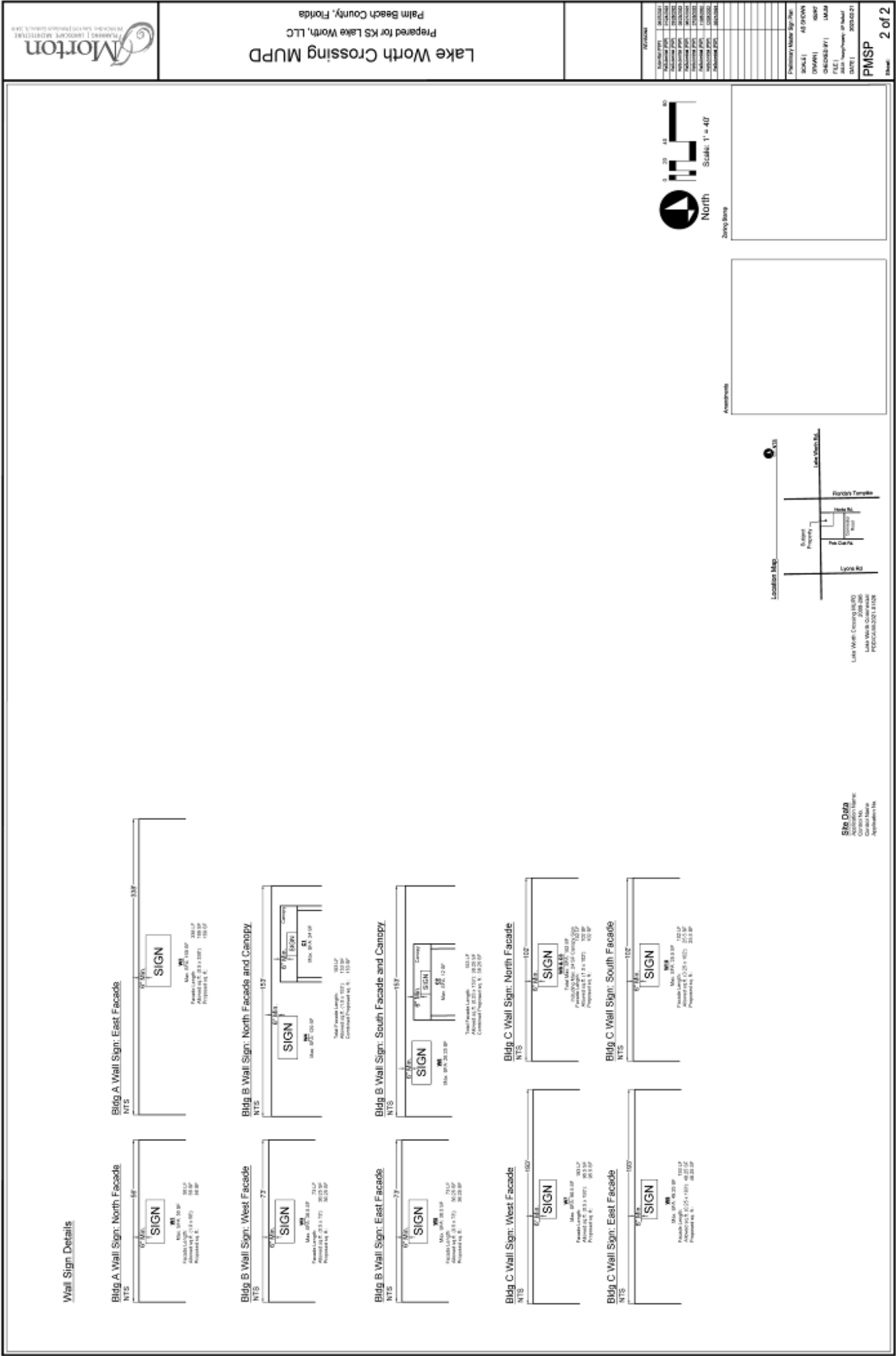
**Figure 4 – Preliminary Regulating Plan dated December 28, 2022 (page 2 of 2)**



**Figure 5 – Preliminary Master Sign Plan dated February 21, 2023 (page 1 of 2)**

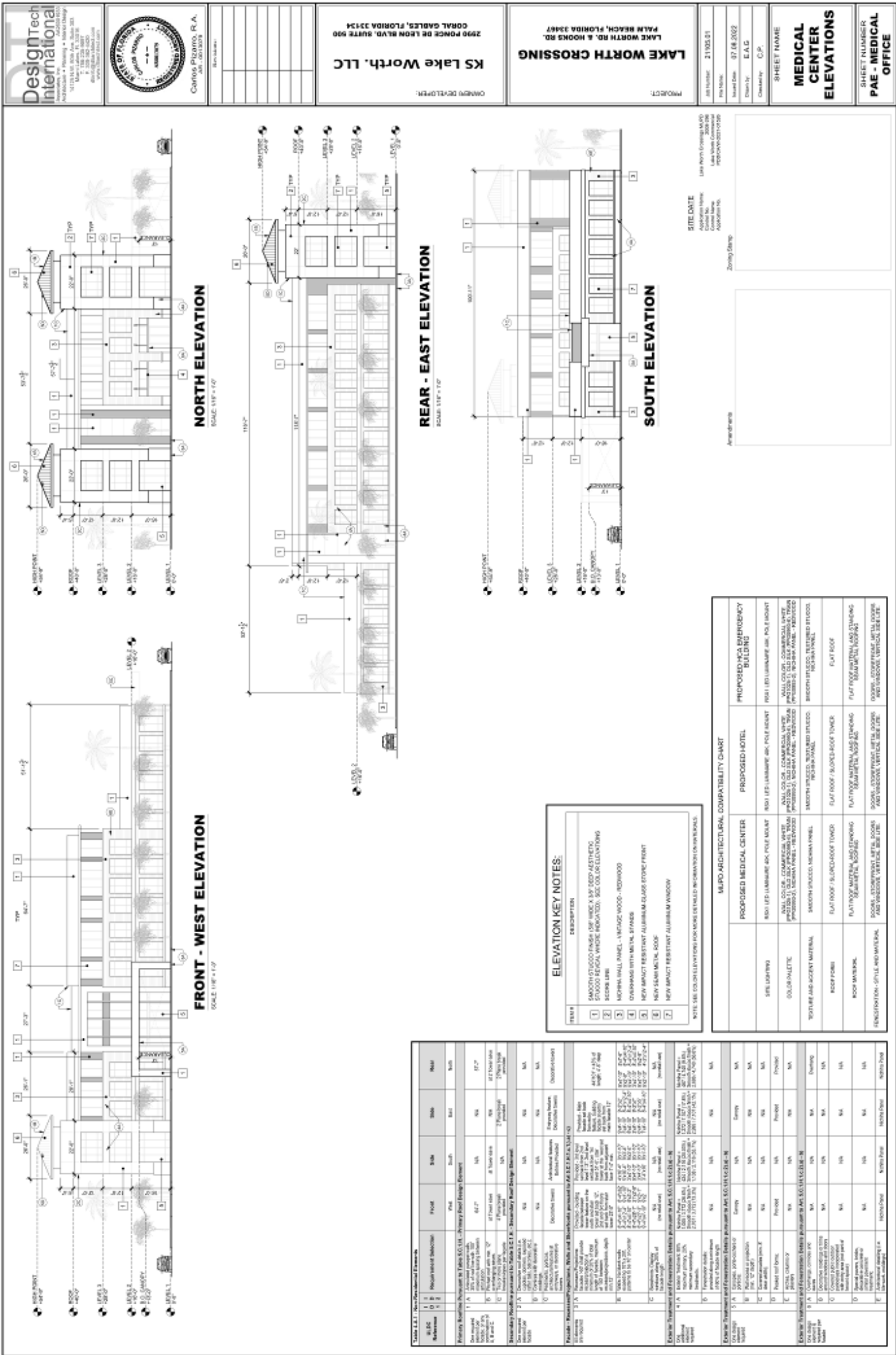


**Figure 5 – Preliminary Master Sign Plan dated February 21, 2023 (page 2 of 2)**





**Figure 7 – Preliminary Architectural Elevations Medical Office dated March 8, 2023**





**Figure 9 – Preliminary Architectural Elevations Hospital dated March 8, 2023**

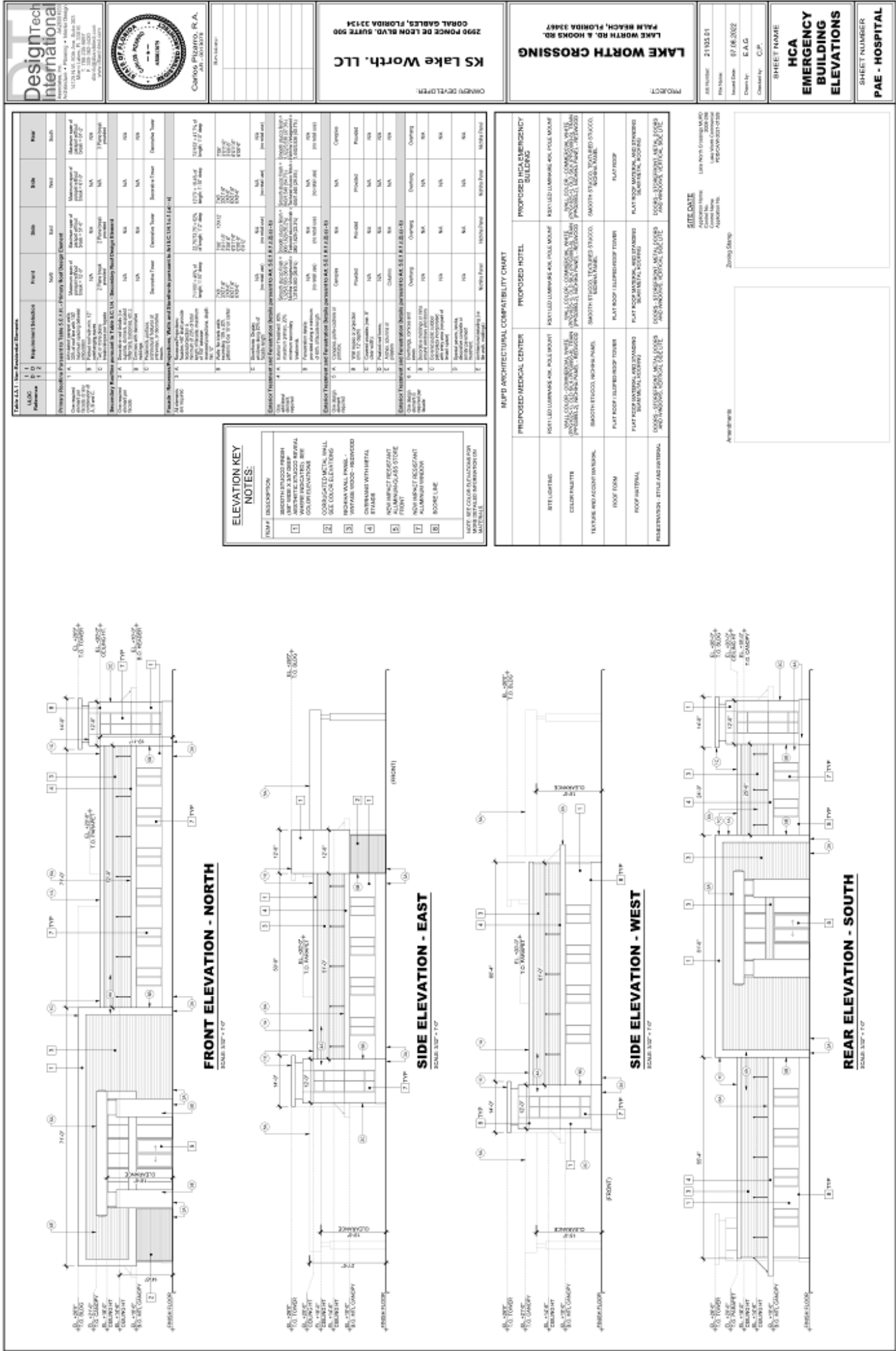


Exhibit D – Disclosure of Ownership

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 Nita Yeung, 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 KS Lake Worth 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: 4531 Ponce De Leon Blvd Suite 300 Miami, FL 33146
- 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.

  
 \_\_\_\_\_, 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 25 day of AUGUST, 20 21 by NITA YOUNG (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)

 **JOHANA GRANADA**  
 Commission # HH 114390  
 Expires April 6, 2025  
 (Name, Title, Stamp or print clearly)

(Signature)

My Commission Expires on: 04/06/2025

NOTARY'S SEAL OR STAMP

**EXHIBIT "A"****PROPERTY**

A PORTION OF TRACT 3, 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL A; THENCE S.89°03'30"W., ALONG THE NORTH LINE OF SAID PARCEL A, A DISTANCE OF 659.82 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 3, BLOCK 28; THENCE N.00°56'30"W. ALONG THE WEST LINE OF SAID TRACT 3, BLOCK 28, A DISTANCE OF 603.90 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 6495, PAGE 761 OF SAID PUBLIC RECORDS; THENCE N.89°03'30"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 659.82 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID TRACT 3, BLOCK 28; THENCE S.00°56'30"E., ALONG SAID EAST LINE, A DISTANCE OF 603.90 FEET TO THE POINT OF BEGINNING.

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

CONTAINING 398,465 SQUARE FEET/9.1477 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
Hoi Sang Yeung 2011 Family Trust	
	4531 Ponce de Leon Blvd, Suite 300
	Coral Gables, FL 33146
Hing Yu Yeung 2011 Family Trust	
	4531 Ponce de Leon Blvd, Suite 300
	Coral Gables, FL 33146



Exhibit E – Applicant’s Justification Statement dated March 8, 2023

JUSTIFICATION STATEMENT

Lake Worth Crossing MUPD  
Rezoning to Multiple Use Planned Development (MUPD)  
Submittal: September 7, 2021  
Resubmittal: January 24, 2022  
Resubmittal: March 28, 2022  
Resubmittal: May 23, 2022  
Resubmittal: June 27, 2022  
Resubmittal: July 25, 2022  
Resubmittal: February 21, 2023  
Resubmittal: March 8, 2023

REQUEST

- On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting the following:
- Rezone Property from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD)
  - Approval of a Class A Condition Use for a Hospital Use in the MUPD Zone.
  - Approval of Type 2 Waiver to allow 24-hour operations for business within 250 LF of residential use

SITE CHARACTERISTICS

The property is 9.34 acres and is located south of Lake Worth Road, west of Hooks Road (“Property”). The Property is currently utilized for agricultural/equestrian purposes. The Property has frontage on Lake Worth Road and Hooks Road. The Property is located within the Urban/Suburban Tier as well as within the West Lake Worth Road Neighborhood Plan. The Property is comprised of six parcels with Property Control Numbers (PCN) 00-42-43-27-05-028-0031, 00-42-43-27-05-028-0032, 00-42-43-27-05-028-0033, 00-42-43-27-05-028-0034, 00-42-43-27-05-028-0035, 00-42-43-27-05-028-0036. The current future land use designation for the Property is Commercial High, with an underlying Low Residential of 2 units per acre (CH/2), and the current Zoning designation is Agricultural Residential (AR).

The Applicant is requesting a concurrent Comprehensive Plan Amendment to modify conditions from Ordinance No. 2009-028.

Surrounding Properties

To the north of the Property are commercial uses which include a construction company, an insurance agency, a property management company, an accountant office, an investment service office, a gold dealer, and a beauty salon. To the east of the Property are commercial and residential uses. To the south and the west of the Property is undeveloped property currently being used for agriculture purposes.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	CL-O/2 & LR-2	MUPD & AR	Commercial (Lake Worth Commons)	2002-012	R-2002-1481
South	MLU (CH & MR-5)	MUPD	Agriculture (Approved Polo Gardens MUPD)	2013-296	R-2021-0557, R-2021-0554, R-2021-0555 & R-2021-0556
East	HR-8	PUD	Residential (Catalina)	2017-194, 2018-189	R-2019-901, R-2019-902, R-2019-903 & R-2019-904
	CH/2	CG	Commercial (Commercial Royale)	2017-194	R-2018-1715, R-2018-1716, & R-2018-1717
West	MLU (CH & MR-5)	MUPD	Agriculture (Approved Polo Gardens MUPD)	2013-296	R-2021-0557, R-2021-0554, R-2021-0555 & R-2021-0556

REZONING TO MUPD STANDARDS

The Applicant is requesting to rezone the Property from Agricultural Residential (AR) to the Multiple Use Planned Development (MUPD). Article 2.B.7.B. requires that seven (7) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all seven (7) criteria standards, as provided below.

#### A. Consistency with the Plan

The proposed rezoning from AR to MUPD is consistent with the County's Comprehensive Plan. The Property has a future land use designation of Commercial High with an underlying Low Residential of 2 units per acre (CH/2). The MUPD zoning district is compatible with the existing CH/2 Future Land Use designation. The proposed Project is inclusive of a variety of commercial uses, including a hotel, hospital (emergency room), and medical office, that will better serve the needs of the surrounding community. The proposed Project will provide desirable services and employment opportunities that serve the immediate and future needs of the community. The Property will be developed with commercial uses which will utilize the existing services and infrastructure already in place at an intensity consistent with the property's future land use designation, and the applicable Goals, Objectives, and Policies of the County's Comprehensive Plan.

The existing conditions of approval (Ordinance No. 2009-028) are no longer appropriate for the proposed Project as they were established to implement a previous approval for a lifestyle center. Only a few lifestyle centers have been built in Palm Beach County, they have all struggled to retain commercial tenants, attract homebuyers and other residents. Examples of such projects include Delray Marketplace, Legacy Place, City Place and Downtown at the Gardens. The request to eliminate the existing conditions imposed by the previous ordinances would not change the suitability of the Property for the Commercial High Future Land Use designation.

The Applicant is requesting a Future Land Use Amendment to modify the following conditions imposed by Ordinance 2009-028 as follows:

1. The subject site 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 land area within the subject ordinance is limited to a maximum of 154,210 s.f. of commercial retail or equivalent traffic generating uses, with the remaining 145,790 s.f. assigned to the remainder of land area within Ord 2009-028.

2. Vehicular and pedestrian connections shall be provided to the parcel to the west within Ordinance No. 2009-028.

~~The development of the subject site shall adhere to the following design guidelines and shall be developed as a Lifestyle Commercial Center (LCC) consistent with FLUE Policy 2.2.2-c:~~

~~• The project shall have a mix of at least three of the following uses: retail including restaurant, office, institutional, hotel, work/live and residential. One of these uses must be work/live or residential. Flexibility with the site's allocation and location of identified uses may be considered as permitted by the ULDC.~~

~~• The project shall provide public usable open space and/or institutional uses that may promote social and cultural activities. At least 5% of the project shall be prominently located and designated as public usable open space to create squares, greens and/or plazas.~~

~~• The interconnected vehicular and pedestrian circulation system shall provide on-street parking and access to transit stops and off-site pedestrian and bicycle systems where feasible.~~

~~• The internal street network shall form a block structure to facilitate the pedestrian-oriented design of the project. The largest block perimeter shall measure no more than 1,800 linear feet. At least three full block structures shall be created. Building mass, placement, and build-to lines shall be utilized to provide a spatial definition along streets. The design shall incorporate human-scale elements along streets and in common areas that includes but is not limited to seating, landscaping, lighting and water or art features.~~

~~• Parking shall be located in structured parking, or shall require hardscape (e.g. sidewalks, arcades, arbors) and landscape treatments that enhance the pedestrian environment and preserve the spatial definition along streets created by building placement. Parking and access in front of buildings shall be limited to no more than one double row of pull-in parking accessed via a two-lane drive aisle and dispersed to strengthen the pedestrian system.~~

~~• The project shall demonstrate a vertical as well as horizontal integration of uses.~~

3. No single retail tenant shall exceed 65,000 square feet. ~~Single large tenants must have architectural facade treatments or liner tenants to reduce large single-use frontage facades along streets. All buildings shall provide four-sided architecture.~~

The proposed square footage for the Lake Worth Crossing is 109,808 SF square feet and is inclusive of a 51,899 SF 3-story hotel, an 11,000 SF 1-story emergency room (defined as a Hospital in ULDC), and a 46,909 SF 3-story medical office building. The proposed 108,808 total square feet of area is well below the permitted (per Ordinance No. 2009-028) 154,210 square foot limitation, further considering that the hotel, emergency room and medical office are not commercial retail area. Therefore, the proposed project meets the limitation imposed by the existing condition.

The Property is located with the West Lake Worth Road Neighborhood Plan. Consistency with the neighborhood plan is discussed further below.

#### B. Consistency with the Code

The proposed rezoning from AR to MUPD is consistent with the stated purpose and intent of the County Unified Land Development Code, as the MUPD zone *provides for the efficient use of land by the integration*



of multiples uses. The Project proposes multiple uses inclusive of hotel, hospital and medical office space. As required for all MUPD's and as described in Art. 3.E.1.C. the Property meets the minimum frontage and access requirements. The Property has approximately 660 lineal feet of frontage on the south side of Lake Worth Road and 629 lineal feet of frontage on the west side of Hooks Road. Access is provided with one ingress/egress along Lake Worth Road and two ingress/egress points along Hooks Road. The project contains sufficient depth, width, and frontage on public streets which adequately accommodates the proposed use and design. The project provides a continuous, non-vehicular, and pedestrian circulation system which connects uses, public entrances to buildings, amenities, and usable open space. The project will also provide cross access to Polo Gardens MUPD to the west.

The proposed MUPD also meets the objectives and standards as described in Art. 3.E.3.B. The project contains multiple uses that have been designed in a manner to foster compatibility internal to the project as well as with the adjacent residential use to the east. Pedestrian connections have been provided between all buildings within the project as well as to Lake Worth Road and Hooks Road.

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

a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;

*Response: The Property has approximately 660 feet of frontage on Lake Worth Road and 629 feet of depth (along Hooks Road).*

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

*Response: A continuous 6' wide meandering sidewalk along the ROW frontage adjacent to the public entrances connects to an internal walkway system provided throughout the entire project connecting all commercial buildings. Additionally, crosswalks have been added between the parking area in the middle of the surface lot to connect the parking to the commercial buildings.*

c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

*Response: As mentioned above, sidewalks are provided throughout the entire project connecting all uses and buildings. Further, parking has been provided throughout the project which is convenient to all uses and buildings. Additionally, crosswalks have been added between the parking area in the middle of the surface lot to connect the parking to the commercial buildings.*

d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;

*Response: Multiple existing large trees are proposed to be preserved and/or relocated on the Property where feasible.*

e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;

*Response: Dumpsters, loading areas, etc. have been screened from public view as required.*

f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs, and other primary elements to minimize the potential for any adverse impact on adjacent properties;

*Response: The project has been designed to locate most of the structures closer to Lake Worth Road.*

g. Minimize parking through shared parking and mix of uses;

*Response: The project is a multiple use planned development with a variety of uses.*

h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and,

*Response: Pedestrian network has been provided throughout the entire project that connects the multiple commercial uses. The pedestrian network also connects to the adjacent roadways.*

i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere.

*Response: A pedestrian plaza has been provided as required on the west side of Building B to serve the Hospital. A table and trash receptacle has been located on the south side of Building C to serve the Office use. Additional benches may be provided for the Hospital building and Hotel building during the permitting process and will be determined by those specific tenants occupying that building.*

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

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street.

*Response: The Property has approximately 660 feet of frontage on Lake Worth Road and 629 feet of depth (along Hooks Road).*

2) PDDs shall have legal access on an Arterial or Collector Street;

*Response: The Property has access on Lake Worth Road and Hooks Road.*

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

*Response: Pedestrian circulation has been designed to avoid conflicts with vehicular traffic as much as possible. Crosswalks have been provided to ensure safety of the pedestrians at various intersections.*

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

*Response: A right turn lane from Lake Worth Road will be provided in accordance with FDOT requirements.*

5) Cul-de-sacs

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of Local Streets that can terminate in cul-de-sacs, the Applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Art. 1, General Provisions of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.

a) 40 percent of the Local Streets in a PDD may terminate in a cul-de-sac or a dead end by right.

*Response: Proposed project is non-residential, no cul-de-sacs are proposed.*

6) Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;

*Response: Cross access is proposed with the project to the west as requested by condition of approval.*

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

*Response: The project will provide appropriate drainage as required by the Engineering Department. On-site retention and detention areas are provided.*

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

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

b. Street Lighting

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

*Response: Lighting on-site will comply with code requirements.*

c. Median Landscaping

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

*Response: Required median landscape improvements will be met as required by Engineering.*

d. Street Trees

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

1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Art. 7, Landscaping and Engineering and Public Works Operations – Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center.

2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable.

3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.F.2.B.1, Developments with Phasing. For residential PDDs, planting of street trees shall be completed prior to the issuance of the final Certificate of Occupancy within that phase or pursuant to Conditions of Approval.

4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art. 11, Subdivision, Platting, and Required Improvements.

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

e. Bike Lanes

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

*Response: Land Development and FDOT will determine if bike lanes are needed within the existing adjacent rights-of-way. Bike racks have been provided throughout the project to accommodate proposed bicyclists.*

f. Mass Transit

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

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

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

2) Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,

3) All PDDs with more than 100 units shall comply with the following requirement:

Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved mass transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.  
*Response: Palm Tran has an existing stop located within the Lake Worth Road right-of-way north of the LWDD Canal.*

g. Utilities

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

*Response: Utility easements are provided along the Hooks Road right-of-way as required to accommodate underground installation.*

h. Parking

1) Residential Uses

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

2) Non-Residential Uses

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

3) Design

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

4) Cross Access

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

5) Location – Non-Residential PDDs

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

6) Distance

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

*Response: Parking is provided consistent with the requirements of Art.6.B.1.A.1 and Table 6.B.1.B, throughout the surface parking lot, which is convenient to all uses and buildings. Parking areas have been designed to provide for safe and efficient flow of traffic and are primarily located to the south (rear) and west (side) of the non-residential structures within the MUPD as required. Pursuant to Art.6.B.1.A.1 Multiple Uses, the sum of the required parking for each use as if provided separately. As such, the proposed hotel, which does not contain a restaurant or convention area over 2,000 square feet, will provide parking at a rate of 1.25 spaces per room for a total of 159 spaces. The proposed hospital and medical office building will provide a minimum/maximum parking ratio of 1 space per 250 Gross Square Foot area (minimum) and 1 space per 166.7 Gross Square Foot area (maximum), resulting in a total required number of 228 parking spaces. The Applicant is providing a total of 419 parking spaces, exceeding the required 387 parking spaces.*

*Building A, the hotel building, requires two (2) Type A Loading Spaces which have been located to the south of the building. Building B, the hospital building has a total of 11,000 square feet and provide a loading space (per Table 6.E.4.A). Deliveries are expected during off-business hours. Delivery trucks will likely utilize the drive aisle at the rear of the building. The proposed medical office, Building C, has a drop off area that will serve customers during business hours and any small delivery trucks during off-business hours.*

i. Way Finding Signs

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

*Response: No way finding signs are proposed as part of the Master Sign Plan included with this application.*

j. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.

*Response: No CLF or PDD Clubhouse in excess of 20,000 square feet are proposed, therefore Emergency generators are not required as part of this application. A generator is being proposed for the proposed Hospital Use and will meet all requirements for screening and setbacks per Art. 5.B.1.A.19.b.1)b) and 5.B.1.A.19.b.1)d).*

**C. Compatibility with Surrounding Uses**

The Property is located within the Lake Worth Road corridor and immediately surrounded to the east with residential and commercial uses, to the west and south with multi-family and commercial uses, and to the north across Lake Worth Road with commercial uses.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition”. With this definition in mind, the multiple use project the Applicant intends to develop will have a variety of commercial uses that will better serve the needs of the surrounding community.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

There are multiple existing and approved 3-story and 4-story buildings along the Lake Worth Road corridor. A large 350,000 square foot medical office complex has been approved at the northeast corner of Lake Worth Road and Lyons Road. Two of the buildings have been approved as 57-foot-tall four-story buildings and one building has been approved as a 43 foot tall three-story building. Also, on the north side of Lake Worth Road just west of the Turnpike is a 4-story hotel. Further, a 304-foot distance is provided between the residential uses to the south of the Property and the hospital building on site. Therefore, the proposed project will be consistent and compatible with other commercial and residential projects approved and built within this important corridor.

**D. Design Minimized Adverse Impact**

The proposed rezoning will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The design will be compatible with existing developments within the area, while maintaining the functionality of the overall MUPD. Requirements in Article 5.C will be met. Furthermore, no adverse impacts will occur on adjacent properties, as the site design meets or exceeds all requirements regarding setbacks, buffers, and separation.

**E. Design Minimizes Environmental Impact**

The Property is currently being utilized for agricultural/equestrian purposes. The proposed rezoning will not result in significantly adverse impacts on the natural environment. Most of the Property has previously been cleared and utilized for equestrian purposes. There are no protected habitats or species on the Property.

**F. Development Patterns**

The proposed rezoning to MUPD will result in a logical, orderly, and timely development pattern. As previously mentioned, the Property is located within the Lake Worth Road corridor and West Lake Worth Road Neighborhood Plan. This Master Plan anticipated the development of commercial uses on the Property. The Property is one of the last remaining undeveloped parcels in the area and the proposed commercial development would be considered as infill development. The properties to the east and west have been approved for mixed use projects including commercial, multi-family and townhouse residential uses.

Additionally, residential development has increased in the immediate area to the south. As more dwelling units are developed, more services such as hotel, emergency room and medical offices are needed. These services are best accommodated at the established intersection of Lake Worth Road and Polo Club Road in order to keep residents in the area and reduce the number of trips on Lake Worth Road headed east of the Florida Turnpike or west to State Road 7. The addition of the proposed hotel will fit in with the current development pattern due to the Property’s close proximity to the Florida Turnpike. There is a hotel located on the north side of the Florida Turnpike to the east of the Property that has very low vacancy rates, thus indicating that an additional hotel would also serve the community. The addition of the large medical office (Cleveland Clinic) and emergency room/hospital to the west will potentially draw patients, doctors, and

nurses to the area as well. These individuals would be served by the proposed hotel. Additionally, the hotel that is situated at the Florida Turnpike has low vacancy rates therefore the additional hotel is needed by the surrounding community.

**G. Adequate Public Facilities**

The proposed rezoning to MUPD will not negatively impact public facilities. Traffic impacts of the development have been completed showing adequacy for the proposed project. Other public and private utility infrastructure is already in place along Lake Worth Road to accommodate the proposed MUPD.

**H. Changed Conditions or Circumstances**

The Applicant is requesting a rezoning to Multiple Use Planned Development (MUPD). The proposed development will consist of hotel, hospital, and medical office uses. Development of an MUPD will also allow the Applicant to create different outparcels (consistent with Article 11) within one cohesive project with shared parking, drainage facilities and access. This type of cohesive project allows for a more efficient use of land and minimizes impacts on adjacent rights-of-way.

This area of Palm Beach County has recently transitioned from a rural area that housed polo fields to a suburban area with a variety of housing types and numerous commercial and service uses including medical office, child care facilities, retail, gas stations and restaurants. The proposed MUPD will add more services to meet the needs of the existing and future residents as this area continues to transition away from agriculture and into a suburban community.

***Based on the above justification and attached information, the Applicant respectfully requests approval of this rezoning to Multiple Use Planned Development (MUPD).***

**CONDITIONAL USE APPROVAL STANDARDS (Hospital)**

As part of this application, the Applicant is requesting Class A Conditional Use Approval for a Hospital. Article 2.B.7.B. requires that eight (8) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all eight (8) criteria standards, as provided below.

**A. Consistency with the Plan**

The proposed request for a Hospital is consistent with the County's Comprehensive Plan. The Property has a future land use designation of Commercial High with an underlying Low Residential of 2 units per acre (CH/2). The instant request includes a rezone from AR to MUPD, compatible with the existing CH/2 Future Land Use designation.

The proposed Project is inclusive of a variety of commercial uses, including a hotel, hospital (emergency room), and medical office, that will better serve the needs of the surrounding community. The proposed Project will provide desirable services and employment opportunities that serve the immediate and future needs of the community. The Property will be developed with commercial uses which will utilize the existing services and infrastructure already in place at an intensity consistent with the property's future land use designation, and the applicable Goals, Objectives, and Policies of the County's Comprehensive Plan.

**B. Consistency with the Code**

The proposed request for a hospital is consistent with the stated purpose and intent of the County Unified Land Development Code. The proposed 11,000 square foot Hospital is licensed by the State of Florida. The hospital meets the lot size requirement by being located on the Property with a Gross Site Area of 9.34 acres. Further, the Property has approximately 650 lineal feet of frontage along Lake Worth Road.

**C. Compatibility with Surrounding Uses**

The Property is located within the Lake Worth Road corridor and immediately surrounded to the east with residential and commercial uses, to the west and south with multi-family and commercial uses, and to the north across Lake Worth Road with commercial uses.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of "compatibility" under the repealed Rule 9J-5, FAC, is "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition". With this definition in mind, the multiple use project the Applicant intends to develop will have a variety of commercial uses that will better serve the needs of the surrounding community.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping

requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

A large 350,000 square foot medical office complex has been approved at the northeast corner of Lake Worth Road and Lyons Road. Further, Building B/Hospital is located more than 300 feet from the residential uses to the south. Therefore, the proposed project will be consistent and compatible with other commercial and residential projects approved and built within this important corridor.

**D. Design Minimized Adverse Impact**

The proposed request for a hospital will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The design will be compatible with existing developments within the area, while maintaining the functionality of the overall project. Requirements in Article 5.C will be met. Furthermore, no adverse impacts will occur on adjacent properties, as the site design meets or exceeds all requirements regarding setbacks, buffers, and separation.

**E. Design Minimizes Environmental Impact**

The Property is currently being utilized for agricultural/equestrian purposes. The proposed rezoning will not result in significantly adverse impacts on the natural environment. Most of the Property has previously been cleared and utilized for equestrian purposes. There are no protected habitats or species on the Property.

**F. Development Patterns**

The proposed request for a hospital will result in a logical, orderly, and timely development pattern. The As previously mentioned, the Property is located within the Lake Worth Road corridor and West Lake Worth Road Neighborhood Plan. This Master Plan anticipated the development of commercial uses on the Property. The Property is one of the last remaining undeveloped parcels in the area and the proposed commercial development would be considered as infill development. The properties to the east and west have been approved for mixed use projects including commercial, multi-family and townhouse residential uses.

Additionally, residential development has increased in the immediate area to the south. As more dwelling units are developed, more services such as hotel, hospital and medical offices are needed. These services are best accommodated at the established intersection of Lake Worth Road and Polo Club Road in order to keep residents in the area and reduce the number of trips on Lake Worth Road headed east of the Florida Turnpike or west to State Road 7. The addition of the hospital will potentially draw patients, doctors, and nurses to the area as well. These individuals would be served by the proposed hotel on site and surrounding residential uses.

**G. Adequate Public Facilities**

The proposed hospital will not negatively impact public facilities. Traffic impacts of the development have been completed showing adequacy for the proposed project. Other public and private utility infrastructure is already in place along Lake Worth Road to accommodate the proposed MUPD.

**H. Changed Conditions or Circumstances**

The Applicant is requesting Class A Conditional Use approval for Hospital. Development of a hospital will allow the Applicant to bring a much needed medical services to the surrounding area.

This area of Palm Beach County has recently transitioned from a rural area that housed polo fields to a suburban area with a variety of housing types and numerous commercial and service uses including medical office, child care facilities, retail, gas stations and restaurants. The proposed hospital will add more services to meet the needs of the existing and future residents as this area continues to transition away from agriculture and into a suburban community.

***Based on the above justification and attached information, the Applicant respectfully requests approval of these Class A Conditional Use Approval for hospital***

**CONSISTENCY WITH NEIGHBORHOOD PLANS**

The West Lake Worth Road Neighborhood Plan was adopted in 2009. The Property was recognized as a Commercial High property that would support the development of a commercial project to serve the needs of the western Lake Worth Road corridor. The very definition of a well-planned community is one that is compact and self-contained with a mix of uses providing for the daily needs to live, work, play, worship, dine, and shop. Additionally, commercial uses would provide needed services to those living and working within the immediate community that are not being provided in the existing and future regional commercial centers farther to the east along the Lake Worth corridor or to the west in Wellington.

The Neighborhood Plan envisioned that the Property would be commercial and commercial office. The Neighborhood Plan has not been updated by the Coalition to reflect subsequent amendments in the area. Palm Beach County has recently approved the Catalina at Lake Worth (Lake Worth Royale) project which

included a future land use amendment for the 30 acre property located at the southwest corner of Lake Worth Road and the Florida Turnpike to increase the density from Low Residential, 2 units per acre to High Residential, 8 units per acre (HR-8). This approval was based upon that property’s proximity to the Florida Turnpike as well as a critical need for workforce housing.

The Property’s cross-access requirements will allow for patrons of the proposed MUPD to utilize the new signalized intersection of Lake Worth Road and Polo Club Road will ensure appropriate access to Lake Worth Road, Polo Club Road, and Lyons Road allowing traffic generated by the proposed application various routes to north/south and east/west collector rights-of-way.

The proposed landscape buffers along Lake Worth Road and Hooks Road meet the Neighborhood Plan requirements for Primary and Secondary Landscape buffers, respectively.

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

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

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

The granting of the waiver does not create additional conflicts with other sections of the ULDC. This property is proposed to rezoned to MUPD. The MUPD zoning district allows for a mix of residential and commercial uses. A hotel is one of the uses that is allowed within MUPD. Hotels are open 24 hours a day, 365 days a year. The proposed hotel is three stories, which is similar size and scale of the adjacent three story residential apartment buildings. The gravity of the waiver is consistent with the stated purpose and intent for the zoning district.

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

The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project. The proposed 24 hours operation have been approved for other MUPD developments, especially MUPD with sales and services. The hotel is ideally situated near the Florida Turnpike. During Polo season, the need for hotels becomes crucial to the equestrian industry, as it continues to expand and grow in popularity. The 24 hour hotel use will be in harmony with the general site layout and design details of the development.

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

If granted, the alternate design will not adversely impact users of the project or adjacent properties. The 24 hour hotel is ideally located along a major arterial roadway, Lake Worth Road. The proposed commercial MUPD transitions to the high density Multifamily to the south, which transitions to medium and low density. The development pattern that has occurred is consistent with generally accepted planning principles.

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