

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

**Application No.:** ZV/PDD/DOA-2021-00111  
**Application Name:** Harbor Chase of Wellington Crossing MUPD  
**Control No./Name:** 2004-00009 (Harbor Chase at Wellington Crossing MUPD)  
FKA Harbor Chase at Wellington Crossing PUD  
**Applicant:** SGD Wellington Crossing, LLC  
**Owners:** SGD Wellington Crossing, LLC  
**Agent:** Urban Design Studio - Joni Brinkman & Jan Polson  
**Telephone No.:** (561) 366-1100  
**Project Manager:** Ryan Vandenburg, Senior Site Planner

**TITLE:** a Type 2 Variance **REQUEST:** to reduce Right-of-Way (R-O-W) Buffer Landscape Requirements. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to rezone from the Planned Unit Development (PUD) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. **TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Site Plan; and, to add uses, access points, buildings and square footage.

**APPLICATION SUMMARY:** Proposed is a Type 2 Variance, Official Zoning Map Amendment, and a Development Order Amendment for the Harbor Chase of Wellington MUPD. The site is currently approved with a 132,445 square foot (sq. ft.), 156 bed Type 3 Congregate Living Facility (CLF).

The Applicant is proposing to rezone the overall site to the MUPD Zoning District, to allow for the addition of a 3-story, 60,000 sq. ft. Medical Office on the vacant eastern portion of the site. Overall, the Preliminary Site Plan (PSP) indicates a total of two buildings for a total of 192,445 sq. ft., 406 (+265) parking spaces, a 0.40-acre existing recreation area (for the existing Type 3 CLF), and an expansion to the existing Lake Management Tract. No changes are proposed for the Type 3 CLF. 1 access point is provided from Blanchette Trail, as well as 1 existing and 1 proposed access to Lake Worth Road. Lastly, the Applicant is seeking a Type 2 Variance to eliminate the requirement for 19 palms/pines within the east R-O-W buffer.

This application is also the subject of a concurrent Large-Scale Future Land Use Amendment (LGA 2021-00011) under review by the Planning Division, to amend the Future Land Use Atlas from Institutional, with an underlying Medium Residential, 5 units per acre (INST/5), to Multiple Land Use with Commercial Low-Office and underlying 5 units per acre (MLU, CL-O/5), which is consistent with the proposed Zoning District.

**SITE DATA:**

Location:	Northwest corner of Lake Worth Road and Blanchette Trail.
Property Control Number(s):	00-42-44-29-03-001-0000; 00-42-44-29-03-023-0000
Existing Future Land Use Designation:	Institutional, with an underlying MR-5 (INST/5)
Proposed Future Land Use Designation:	Multiple Land Use with Commercial Low-Office and underlying 5 units per acre (MLU, CL-O/5)
Existing Zoning District:	Planned Unit Development District (PUD)
Proposed Zoning District:	MUPD
Total Acreage:	17.8 acres
Affected Acreage:	17.8 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile:	Wellington
Future Annexation Area:	Greenacres, Wellington

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

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received 0 contacts from the public regarding this application.

**PROJECT HISTORY:** On November 17, 2005, the BCC approved an Official Zoning Map Amendment to rezone the subject site from Agricultural Residential to the Residential Transitional (RT) Zoning District (Resolution R-2005-2276). Further, the BCC approved a Class A Conditional Use to allow a Place of Worship (Resolution R-2005-2277).

On April 16, 2015, the Zoning Commission approved a Subdivision Variance to allow direct access to a major street (Lake Worth Road).

On April 23, 2015, the BCC approved an abandonment of the Class A Conditional Use for a Place of Worship (Resolution R-2015-0533), approved a rezoning from RT to PUD (Resolution R-2015-0534), as well as a Requested Use (Type A Conditional Use) for a Type 3 Congregate Living Facility (Resolution R-2015-0535).

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Low Residential (LR-3)  
Zoning District: Planned Unit Development (PUD)  
Supporting: Residential (Cypress Lakes, Control No. 1986-00098)

**SOUTH (across Lake Worth Road):**

FLU Designation: Medium Residential (MR-5)  
Zoning District: Mixed Use Planned Development (MXPD)  
Supporting: Commercial and Residential Mixed-Use (Polo Legacy, Control No. 2007-00096)

**EAST (across Blanchette Trail, north area of subject site):**

FLU Designation: Low Residential (LR-2)  
Zoning District: Single-Family Residential (RS)  
Supporting: Residential (Control Name and No. N/A)

**EAST (across Blanchette Trail, south area of subject site):**

FLU Designation: Commercial Low-Office with an underlying LR-2 (CL-O/2)  
Zoning District: Multiple Use Planned Development (MUPD)  
Supporting: Commercial (The Quartet MUPD, Control No. 2005-0001)

**WEST:**

FLU Designation: Commercial Low with an underlying LR-3 (CL/3)  
Zoning District: Multiple Use Planned Development (MUPD)  
Supporting: Commercial (Project Institute, Control No. 1998-00077)

**TYPE 2 VARIANCE SUMMARY:**

	ULDC Article	Required	Proposed	Variance
V.1	Table 7.C.2.A – R-O-W Buffer Landscape Requirements.	1 palm or pine per 30 linear feet (19 palms/pines)	0 palms/pines	-19 palms/pines (100 percent reduction)

**FINDINGS:** Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. ***Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:***

**YES.** The Applicant is requesting the elimination of 19 pines/palms that are a requirement per Table 7.C.2.A – R-O-W Buffer Landscape Requirements. The R-O-W buffer along the east property line was established through the previous approval for the subject site (SV/ABN/PDD/R-2014-01882) which included the rezoning to a PUD and the Requested Use for the Type 3 CLF. At the time of that approval, the R-O-W Buffer along the east property line did not include a requirement for both canopy trees and palms/pines. The Code at the time required the planting of 1 canopy tree per 25 lineal feet. The Applicant was able to plant palms in groups of 3 or more and could be counted as one required canopy tree, up to a maximum of 25 percent of all trees required in a buffer. When the east R-O-W buffer was approved, the Applicant provided the required Canopy Trees. With the rezoning to an MUPD, the overall site, as well as the existing buffers are subject to review. As this east buffer has already been established, Staff are supportive of the Variance request and have provided a Condition of Approval requiring that the 19 palms/pines that would be required by Code today be provided to the west of the detention buffer located in the northeast corner of the site. The additional plantings within this area will provide additional visual buffering to the residential homes to the north.

- b. ***Special circumstances and conditions do not result from the actions of the Applicant:***

**YES.** The overall development was previously approved as a Planned Development (PUD) with the approval in 2015 (Resolution R-2015-0534). With that approval, the Applicant planted a R-O-W buffer that met the requirements of the Code at that time. Since this time, the Code has been modified requiring additional plantings. The Applicant wants to remain as a Planned Development, but switch it from a PUD to an MUPD, and with this zoning change Staff review the overall site. The planting of the additional trees within the R-O-W buffer may have a detrimental effect on the existing and established trees, and the Applicant has agreed to a Condition placing the 19 palms/pines in another location.

- c. ***Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:***

**YES.** The subject site was already approved as a Planned Development when the subject site was rezoned to a PUD on April 23, 2015 through application SV/ABN/PDD/R-2014-01882. If the subject site was not being rezoned, the buffer would have been vested for development within the PUD. But as the Applicant has requested the rezoning, the variance request is necessary. With an already established buffer along Blanchette Trail, the Applicant will be relocating the required trees as previously noted. The Variance will not grant any special privilege.

- d. ***Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:***

**YES.** As the buffer along Blanchette Trail is already established, for the Applicant to meet today's Code requirements, they would be required to remove already established foliage from the buffer to make adequate room for the new plantings. By doing so, there is a high probability that the existing foliage may not live, and new plantings would be required in place. As the Buffer met code at the time of approval for the PUD, forcing a new buffer to be created in place of the existing one would be an undue hardship.

- e. ***Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:***

**YES.** The 19 palms/pines are the only vegetation missing from the existing buffer that doesn't currently meet today's code requirements for a R-O-W buffer that is 80 feet in width, per Table 7.C.2.A – R-O-W Buffer Landscape Requirements. As has been noted, the Applicant is proposing to locate these trees closer to the north property line, which will provide additional visual buffering to the land owners to the north of the site. When the buffer was approved for the PUD, it met Code

requirements at that time. The granting of the variance will allow the site to develop with the 60,000 sq. ft. medical office and will continue to provide adequate buffering to the subject site.

**f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:**

**YES.** The purpose of the R-O-W buffer is to provide adequate visual buffering from the roadway, as well as provide a softened view into the site rather than immediate hardscaping. The site already has an established PDD buffer that was approved for the overall site when the Type 3 CLF and the rezoning to the PUD took place. The palms/pines that are to be eliminated from the buffer are going to be located in the north-east corner of the site, providing further visual buffering to the residential development to the north. The proposed variance is consistent with the goals and objectives of the Code.

**g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**YES.** As noted, the buffer along the east property line has already been established. To require the additional planting could involve removing the existing plant material. This would be more injurious to the existing buffer than allowing the Applicant to relocate these trees to a location that would provide a greater buffer to the existing residential development. The granting of the Variance will not be injurious to the area and the relocation of the trees will be a benefit to the residential development to the north.

**FINDINGS:** The following analysis is provided for the proposed rezoning from PUD to MUPD and the Development Order Amendment to the Requested Use for a Type 3 Congregate Living Facility.

Standards for a Development Order Amendment and a Rezoning to a PDD: When considering a DO application for a Conditional Use, a Development Order Amendment, or a Rezoning to a PDD or TDD, the BCC or ZC shall consider Standards a – h listed in ULDC Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

PLANNING DIVISION COMMENTS:

○ *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 Amendment:* The 17.80-acre site is the subject of a concurrent Large Scale Future Land Use Amendment known as Harbor Chase (LGA 2021-011), to amend the Future Land Use designation from Institutional with an underlying 5 units per acre (INST/5) to Multiple Land Use (MLU) consisting of Commercial Low Office with underlying MR-5 (MLU, CL-O/5), and to amend the previously approved conditions as follows:

1. The density associated with the underlying Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2).
2. The commercial intensity and uses associated with the underlying CL-O designation are limited to a maximum of 6.05 acres (see legal description) with up to a maximum of 70,000 square feet.

The Planning Commission sitting as the Local Planning Agency heard the item on April 23, 2021 and recommended the BCC approve transmittal of the item with conditions by a unanimous vote. At the May 5, 2021 BCC Transmittal public hearing, the BCC voted to transmit the amendment to the state by a 6-0 vote.



○ *Prior Land Use Amendment:* The 17.80-acre site was the subject of a previous Large Scale Future Land Use Amendment known as (LGA 2015-001) Harbor Chase of Wellington Crossing, adopted April 23, 2015 (Ord. 2015-009). The request amended the Future Land Use designation from Low Residential 2 units per acre (LR-2), to Institutional and Public Facilities with an underlying 5 units per acre (INST/5) with conditions, which are being amended with the concurrent FLUA application.

The subject request consists of a previously approved, and built, 156 resident Congregate Living Facility (CLF) and the proposed 60,000 square feet of Office, which is generally consistent with the proposed conditions of the concurrent Land Use Amendment, that limits the utilization of the MR-5 to construct a CLF and a maximum of 70,000 square feet for Office.

○ *Density:* No changes are proposed to the existing 132,445 sq.ft. Type 3 CLF building with 156 residents, which is less than the maximum 213 residents permitted for a PDD with the underlying MR-5 land use (5 dwelling units x 17.80 acres = 89 dwelling units; and, 89 dwelling units x 2.39 residents = 212.7 or 213 residents). Therefore, the existing density associated with the MR-5 FLU is consistent with Condition 1 of the proposed amendment.

○ *Intensity:* Amendment Condition 2 limits the use of the CL-O to a 6.05-acre portion of the site and a maximum of 70,000 square feet. Therefore, the proposed 60,000 sq. ft. medical building within the 6.05-acre eastern portion of the site is consistent with the revised Condition 2 of the amendment.

While CLF residential uses are not subject to FAR, and the use of the CL-O is limited to the eastern 6.05-acre portion of the site, it is worth noting that the combined 192,445 square feet of gross floor area, (132,445 sq. ft. Type 3 CLF + proposed 60,000 sq. ft. medical building), equates to a FAR of approximately .25 (192,445 / 775,205 square feet or 17.80 acres = .248).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* This site is within the boundaries of the West Lake Worth Neighborhood Plan. The Neighborhood Plan was received by the BCC via Resolution 2009-2018 on November 19, 2009 as recognition of the document articulating the desires and consensus of the community.

The request complies with the design guidelines of the neighborhood plan, specifically: architectural design in the Mediterranean or Florida vernacular style, and a 30-foot primary buffer along Lake Worth Road inclusive of a meandering pedestrian pathway. The Applicant states in the justification statement that they have reached out to the neighborhood group, but no response from the group has been received to date.

**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.***

○ *Design Objectives and Performance Standards:* As the subject site is being rezoned from a PUD to an MUPD, the project is required to meet the Design Objectives and Performance Standards for a Planned Development District (per Art. 3.E.1.C) and Multiple Use Planned Development (per Art. 3.E.3.B). The Applicant has provided the necessary design features which includes: a continuous pedestrian system throughout the development connecting parking areas to the building; preservation of existing vegetation; screening of objectionable features; minimizing visual impacts; and, decorative paving to meet the intent of this section of the Code.

○ *Property Development Regulations (PDR):* The proposed development will meet all minimum PDR's as required by Art. 3.E.3.D – MUPD Property Development Regulations. The overall site exceeds the minimum lot width, frontage and depth requirements, and the new Medical Office will exceed the minimum setback requirements from all property lines.

○ *Overlays:* The subject site is within the West Lake Worth Road Neighborhood (WLWRD) Plan area, and the Design Guidelines are contained within the WLWRD Neighborhood Plan which was formally received by the BCC via Resolution 2009-2018 on November 19, 2009. The request is generally consistent with the conditions and the Design Guidelines.

○ *Landscape/Buffering:* Per the requirements of the WLWRNP, the PSP indicates a 30 foot primary buffer with meandering pathways along Lake Worth Road. A 15 ft. R-O-W buffer has been provided along Blanchette Trail and is subject to a Variance for the elimination of 19 palms/pines,

which is supported by Staff. Along the north property line to the east of the Conservation Area is a Type 3 Incompatibility Buffer that will include a 6 ft. panel wall. The 19 palms/pines that are not to be part of the east R-O-W buffer will be located between the Conservation Area and the Dry Detention area (to the south of the Type 3 Incompatibility Buffer) to provide additional buffering to the existing homes to the north. No changes are proposed to the buffers to the north, west and south of the Type 3 CLF, as there are no proposed changes in these areas and are vested from the prior approval (SV/ABN/PDD/R-2014-01882).

- **Parking:** As noted in the Application Summary, the Medical Office use is providing a total of 265 new parking spaces, with the overall site providing a total of 406 parking spaces. The Type 3 CLF utilizes the parking requirements within Table 6.B.1.B, Minimum Parking and Loading Requirements, while the Medical Office use is utilizing the PDD Parking standards outlined in Art. 3.E.1.C.2.h, Parking. As identified within the Site Data on the PSP, the term “Unit” is only for the purposes of calculating the required parking per Art. 6, and is not considered a dwelling unit for density calculation purposes, as defined in Art. 1 of the Code.

- **Architectural Review:** The Applicant has requested to obtain architectural review approval at time of application for Building Permits for the proposed structure. No Architectural elevations have been provided at this time.

- **Signs:** The Applicant has requested one new freestanding sign that will be located along Lake Worth Road, to the south of Building B (See Figure 11, Preliminary Master Sign Plan). An existing freestanding sign (Sign A) is located along Lake Worth Road that serves the Type 3 CLF use. All signage is consistent with Art. 8, Signage, as well as Technical Manual Requirements outlined in Title 5, Signage. No wall signage has been proposed with this application.

- **Variance:** As previously noted, the Applicant is requesting the elimination of 19 pines/palms that are a requirement per Table 7.C.2.A – R-O-W Buffer Landscape Requirements. Staff are supporting of this request. A Condition of Approval has been provided that requires the placement of the 19 pines/palms that will not be planted within the R-O-W buffer to be placed to the west of the detention area located in the northeast corner of the site. The Applicant is supportive of this Condition, and a note is placed on the PSP indicating the tree placement.

**c. Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The rezoning of the subject site to an MUPD will be compatible with the surrounding uses. To the north of the subject site is the Cypress Woods PUD (Control No. 1086-00088). When this PUD was established, a 25 ft. PUD Buffer was approved along its south property line (to the north of the subject site). Along the north property line of the subject site, a 20 ft. Type 3 Incompatibility Buffer will be provided between the east property line and the Conservation Area. The 19 palms/pines that are not being included in the east R-O-W buffer will also be provided just to the south of the Incompatibility Buffer, to the west of the dry detention area.

The lands to the south of the subject site (Polo Legacy MXPd) have already been approved as a mixed use development that will consist of 51,000 sq. ft. of Non-Residential uses along Lake Worth and Polo Road, as well as 184 Residential units, which will consist of Multifamily and Townhouses.

At the south-east corner of Lake Worth Road and Polo Road is the Polo Gardens MUPD (Control No. 2013-00296). This recently approved development will consist of a range of commercial and residential uses, with two commercial structures totalling 26,070 sq. ft. approved parallel to Lake Worth Road.

To the east of the subject site (across Blanchette Trail) is The Quartet MUPD, which is to be developed with 11,076 sq. ft. of medical offices in four one-storey buildings. This site was recently approved for a rezoning to MUPD on December 22, 2020.

To the west of the site is the approved but not yet constructed Project Institute development (Control No. 1998-00077). This site is currently vacant, but was approved for a rezoning to an MUPD for the

purposes of building a Medical Office through application PDD/W-2018-01541. At the northeast corner of Lyons Road and Lake Worth Road is an existing Retail Gas and Fuel Sales with a Convenience Store and Car Wash. With the lands to the east, west and south-east being zoned MUPD, the lands to the south being zoned MXPDP, and the existing a proposed buffer for the PUD to the north, the subject site is Compatible with Surrounding Uses.

- 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 rezoning of the subject site to an MUPD will have minimal impacts to adjacent lands. The Applicant will be providing the required 30 ft. WLWRNP buffer along Lake Worth Road, which exceeds Art. 7, R-O-W Buffer requirements. This buffer will also include a 6 ft. wide meandering sidewalk as shown in Figure 4. Along the east property line, there is an established 15 ft. R-O-W buffer that was provided for through application SV/ABN/PDD/R-2014-01882. While the Applicant has requested a Variance to eliminate the requirement for the palms/pines, these trees will be relocated between the Conservation Area and the dry detention area located in the north-east corner of the site. The addition of these trees, as well as the Type 3 Incompatibility Buffer that will be placed along the north property line in this area will provide substantial visual buffering between the existing residential homes and the proposed Medical Office. No changes are proposed to the Type 3 CLF, and the buffers to the north and west of this use will remain unchanged.

- e. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: There is an existing preserve on the site. Existing native vegetation has been preserved in place and incorporated into the site plan.

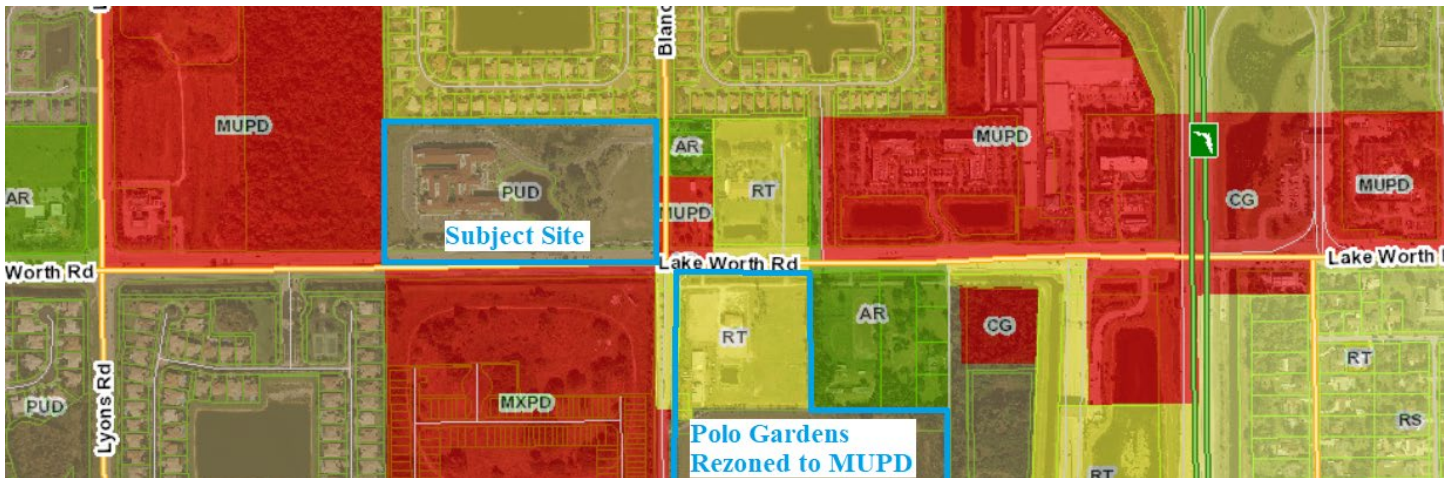
WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

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 Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed rezoning to an MUPD and the development of a 60,000 sq. ft. Medical Office will result in a logical development pattern along the Lake Worth Road corridor. As previously mention in Standard C. Compatibility with Surrounding Uses, the Lake Worth Corridor has been transitioning to Commercial uses along this roadway. This is evident in recent development approvals to the south, east, and southeast of the subject site. To the south, the BCC has approved the Polo Legacy MXPDP (Control No. 2007-0096), which is a mix of Commercial uses along Lake Worth and Polo Road, as well as multifamily development to the south of the approved Commercial development. To the east is the Quartet MUPD (Control No. 2005-0001), which will consist of 4, single story medical office buildings that was recently approved by the BCC. At the south-east corner of Lake Worth Road and Polo Road, the BCC also recently approved a rezoning to MUPD, which includes a mix of commercial and residential development. As can be seen below, Zoning along the Lake Worth corridor is primarily Commercial and PDD zoning districts.



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

ENGINEERING COMMENTS: The Property Owner shall dedicate R-O-W to be consistent with the PBC Thoroughfare Identification Map and configure the property into a legal lot of record 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.

SCHOOL IMPACTS: Staff has reviewed this application and have no comment.

PARKS AND RECREATION: Project proposes 156 beds, requiring 0.39 acres of onsite recreation, 0.40 acres are provided, therefore the recreational requirement is satisfied.

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

The Lake Worth Road Corridor has experienced significant changes over the past number of years. As previously noted, the lands to the south and south-east were recently approved for mixed use development (Polo Legacy MXPD and Polo Gardens MUPD). Further, the lands across Blanchette Trail to the east was also recently rezoned to MUPD for the purposes of a developing 4, 1-story medical office buildings. All lands surrounding the subject site, with exception to the north, are zoned for Planned Developments. The rezoning of the subject site will allow the vacant easterly portion of the site to be developed with a use that is consistent with development along this corridor. The approval of the concurrent DOA will bring the CLF use into compliance with the overall development. With the changes in zoning along Lake Worth Road for neighboring properties to commercial and Planned Development districts, there are demonstrated circumstances that necessitate the proposed rezoning.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval subject to the Conditions of Approval in Exhibit C.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1: Type 2 Variance - Concurrent

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### VARIANCE

1. At time of submittal of the building permit for the medical office, a Landscape Plan shall be submitted for review and approval providing for the addition of 19 palms and/or pines to be located on the north side of the east-west drive aisle, to the west of the dry detention pond located in the north-east corner of the site. (BLDGPM: BUILDING DIVISION - Building Division)

#### COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; 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: Official Zoning Map Amendment

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2024, 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. LAKE WORTH ROAD AND BLANCHETTE TRAIL SIGNALIZATION

The Property Owner shall provide funds towards the cost of signal installation if warranted as determined by the County Engineer at Lake Worth Road and Blanchette Trail. Signalization shall be a mast arm structure installation.

a. The Property Owner shall provide surety for \$34,360 to the Traffic Division prior to the issuance of the first Building Permit [NOTE: COMPLETED] (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: 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. (BLDGPM: MONITORING - Engineering)

4. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for the expanded intersection of Polo Road and Lake Worth Road plus the corner clip. The dedication will be approximately 15 feet in width from the east property line to the west side of the eastern most driveway on Lake Worth Road on an alignment approved by the FDOT or County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include



where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMPT: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Lake Worth Road at the project's eastern entrance. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney s opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMPT: MONITORING - Engineering)

6. The Property Owner shall construct a right turn lane east approach on Lake Worth Road at the east entrance. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPMPT/CO: MONITORING - Engineering)

**ENVIRONMENTAL**

1. All existing native vegetation, including understory, depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2005-2276, Control No.2004-00009)

2. A complete Standard Vegetation Permit Application For Protection of Native Vegetation Approval, including the appropriate fee, shall be submitted to the Department of Environmental Resources Management (ERM) prior to the final approval of the plan by the Development Review Officer (DRO). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**PLANNING**

1. Per LGA 2021-011, condition 1: the density associated with the underlying Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2). (ONGOING: PLANNING - Planning)

2. Per LGA 2021-011, condition 2: The commercial intensity and uses associated with the underlying CL-O designation are limited to a maximum of 6.05 acres (see legal description) with up to a maximum of 70,000 square feet. (ONGOING: PLANNING - Planning)

3. Prior to final approval by the Development Review Officer (DRO), all applicable plans, documents shall be updated to be consistent with what was adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning)

**USE LIMITATIONS**

1. Deliveries shall not occur prior to 7:00 a.m. or later than 9:00 p.m. (ONGOING: CODE ENF - Zoning)

**COMPLIANCE**

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

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

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

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

**DISCLOSURE**

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



## CONDITIONS OF APPROVAL

### EXHIBIT C-3: Development Order Amendment (Type 3 Congregate Living Facility)

#### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2015-535, Control No.2004-00009, which currently states:

The approved Preliminary Master Plan is dated April 14, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

#### Is hereby amended to read:

The approved Preliminary Site Plan is dated April 26, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Congregate Living Facility 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 November 13, 2014. 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) [Note: COMPLETED] (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2015-534, Control No.2004-00009)

#### PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2015-535, Control No.2004-00009, which currently states:

Per LGA 2015-001; The density associated with the Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2). (ONGOING: PLANNING - Planning)

**Is hereby deleted.** [REASON: No longer applicable.]

#### 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

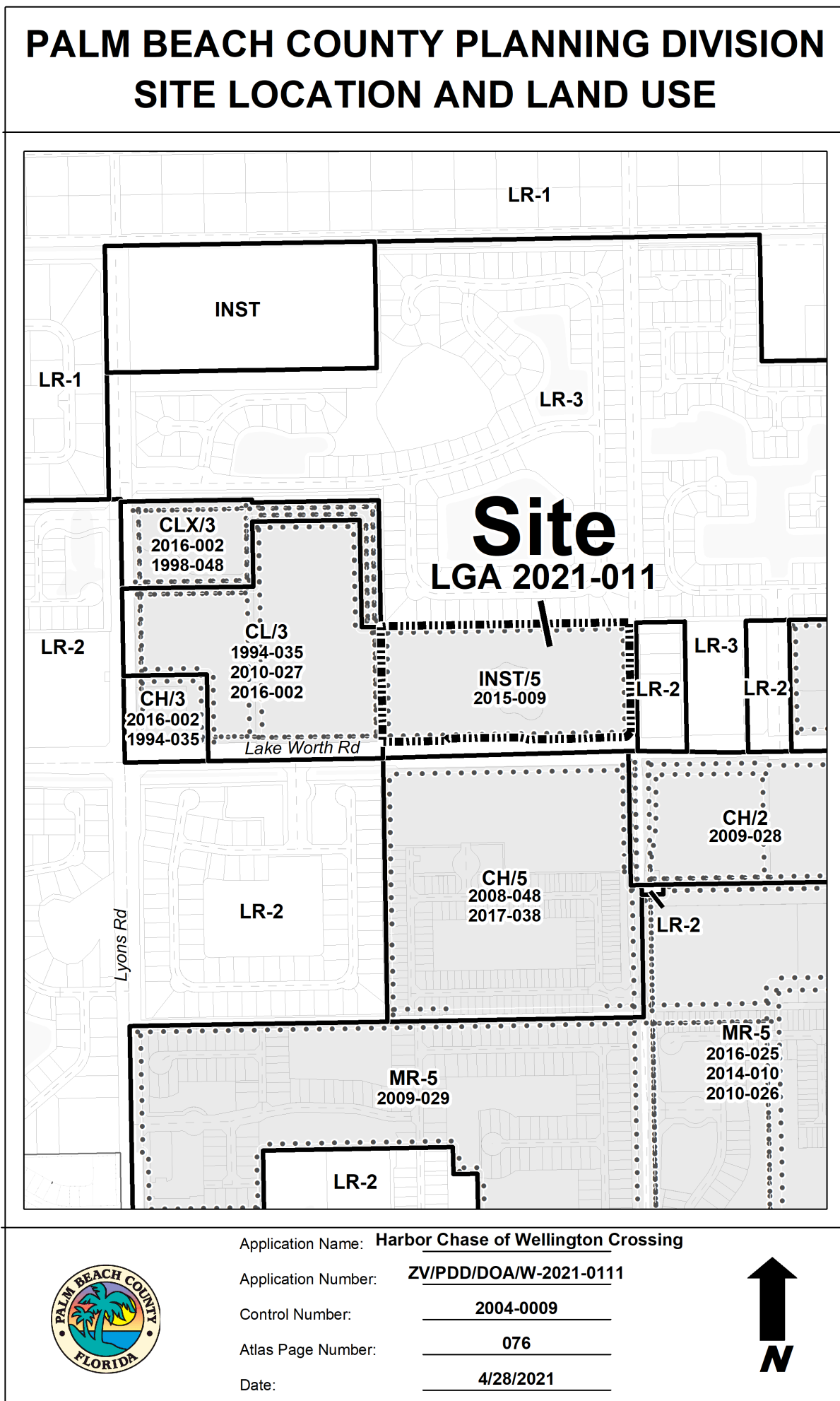
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to 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.

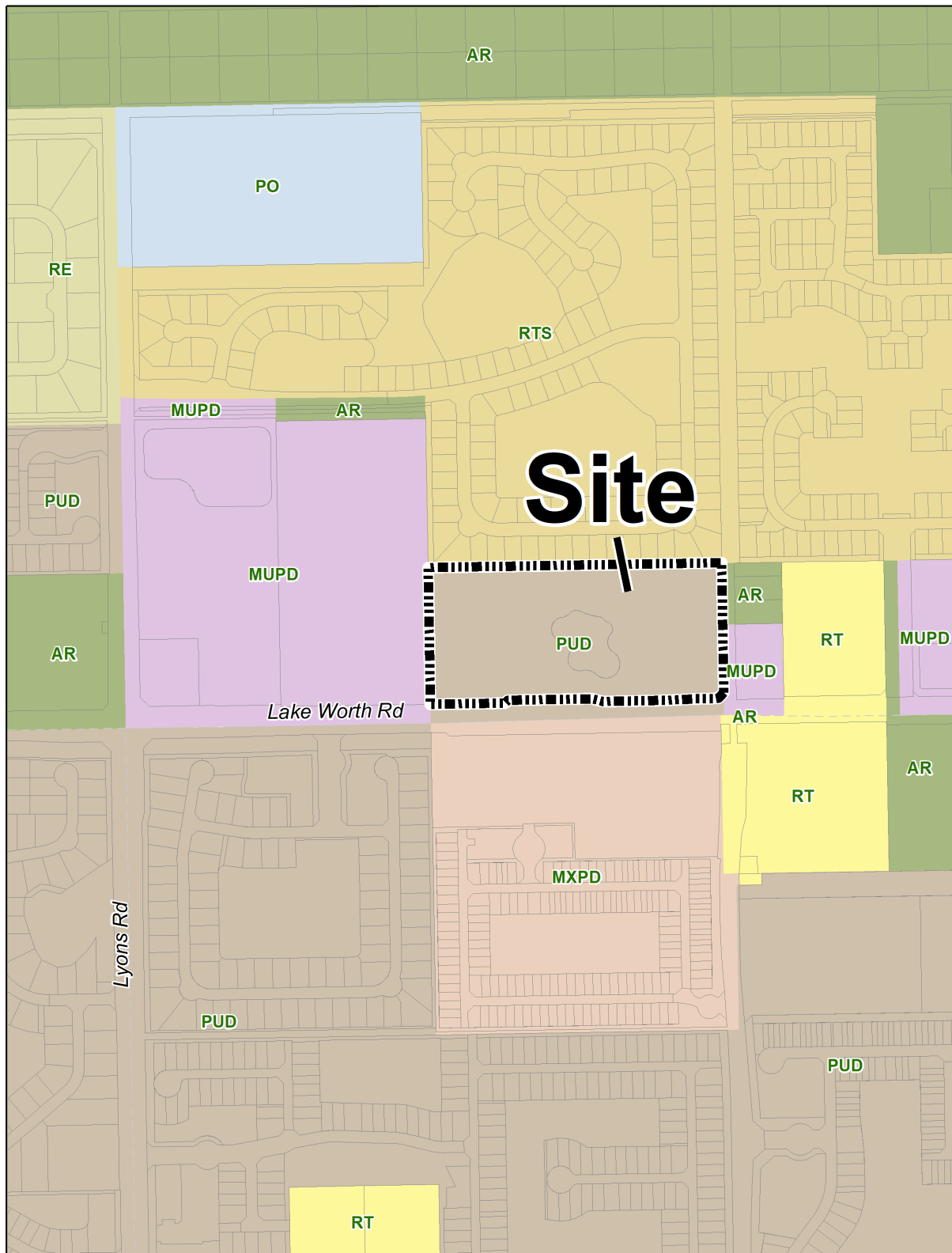
### Figure 1 - Land Use Map



### Figure 2 - Zoning Map

# PALM BEACH COUNTY PLANNING DIVISION

## SITE LOCATION AND ZONING



Application Name: **Harbor Chase of Wellington Crossing**

Application Number: **ZV/PDD/DOA/W-2021-0111**

Control Number: 2004-0009

Zoning Quad Number: 048

Date: 4/28/2021





### Figure 3 – Aerial

# PALM BEACH COUNTY PLANNING DIVISION

## SITE LOCATION



Application Name: **Harbor Chase of Wellington Crossing**

Application Number: **ZV/PDD/DOA/W-2021-0111**

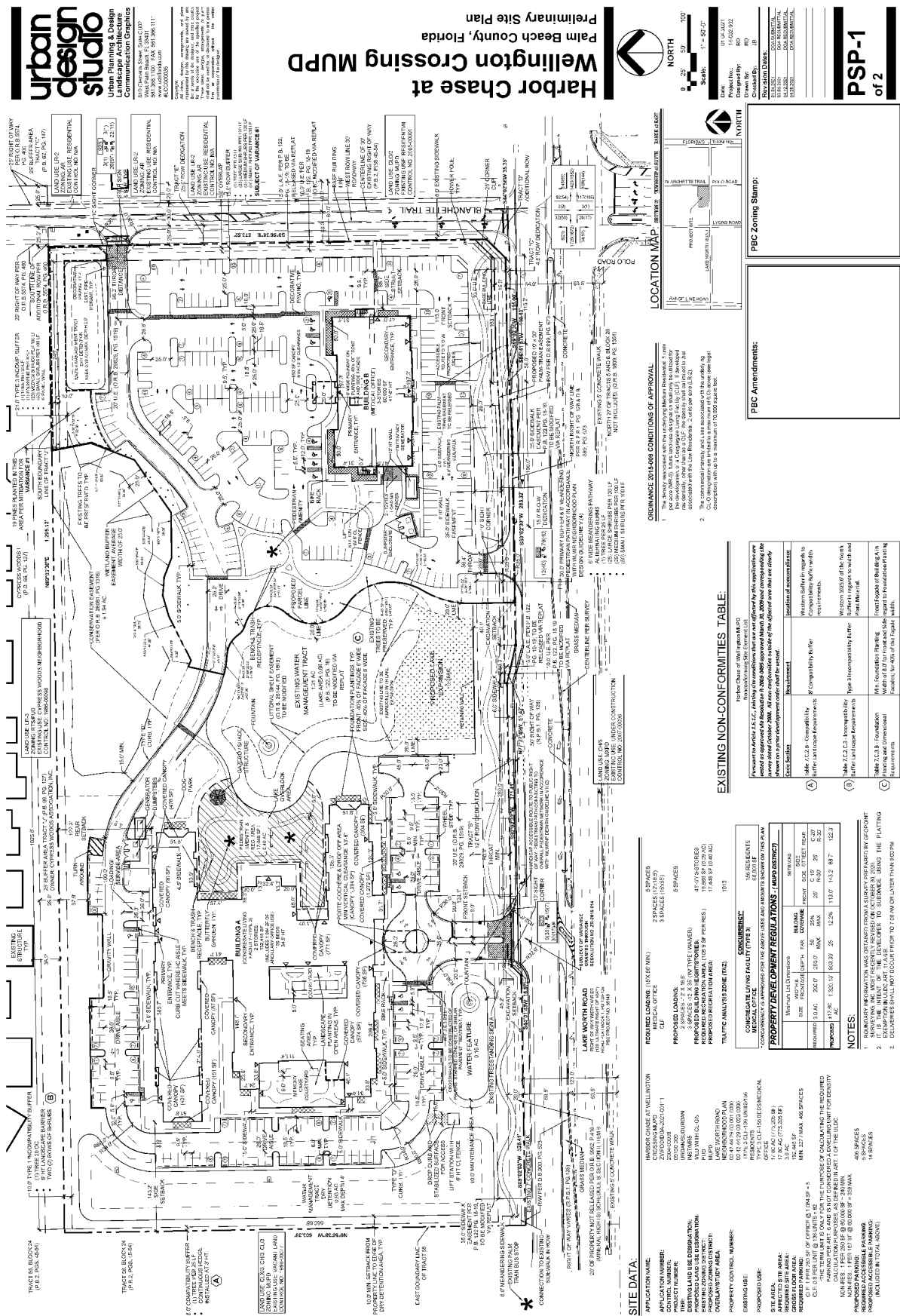
Control Number: 2004-0009Atlas Page Number: 076

Date: 4/28/2021





**Figure 4 – Preliminary Site Plan (PSP 1 of 2) dated April 26, 2021**



**Figure 5 – Preliminary Site Plan (PSP 2 of 2) dated April 12, 2021**

[illegible]

**PRO TYPE I WAIVER TABLE**

GRANTED THROUGH  
 2015-2016 FISCAL YEAR

**SUBVIVOR VARIANCE TABLE - PENSION/RETIREMENT**

GRANTED THROUGH  
 2015-2016 FISCAL YEAR

		Pre-1982		Post-1982		Variance	
		Spouse	Survivor	Spouse	Survivor	Spouse	Survivor
1	Participant's Name						
2	Participant's Social Security Number						
3	Participant's Date of Birth						
4	Participant's Date of Death						
5	Participant's Date of Retirement						
6	Participant's Date of Termination						
7	Participant's Date of Death						
8	Participant's Date of Retirement						
9	Participant's Date of Termination						
10	Participant's Date of Death						
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97	Participant's Date of Death						
98	Participant's Date of Retirement						
99	Participant's Date of Termination						
100	Participant's Date of Death						

Requested Type 2 Variance:	Required	Proposed	Variance
<p>UDC Dec-2022</p> <p>Right-of-way</p> <p>Landscaping</p> <p>Lighting</p> <p>Signage</p> <p>Permitting</p> <p>Architectural</p> <p>East PCV Buffer</p>		15 Palms/Fence	100%



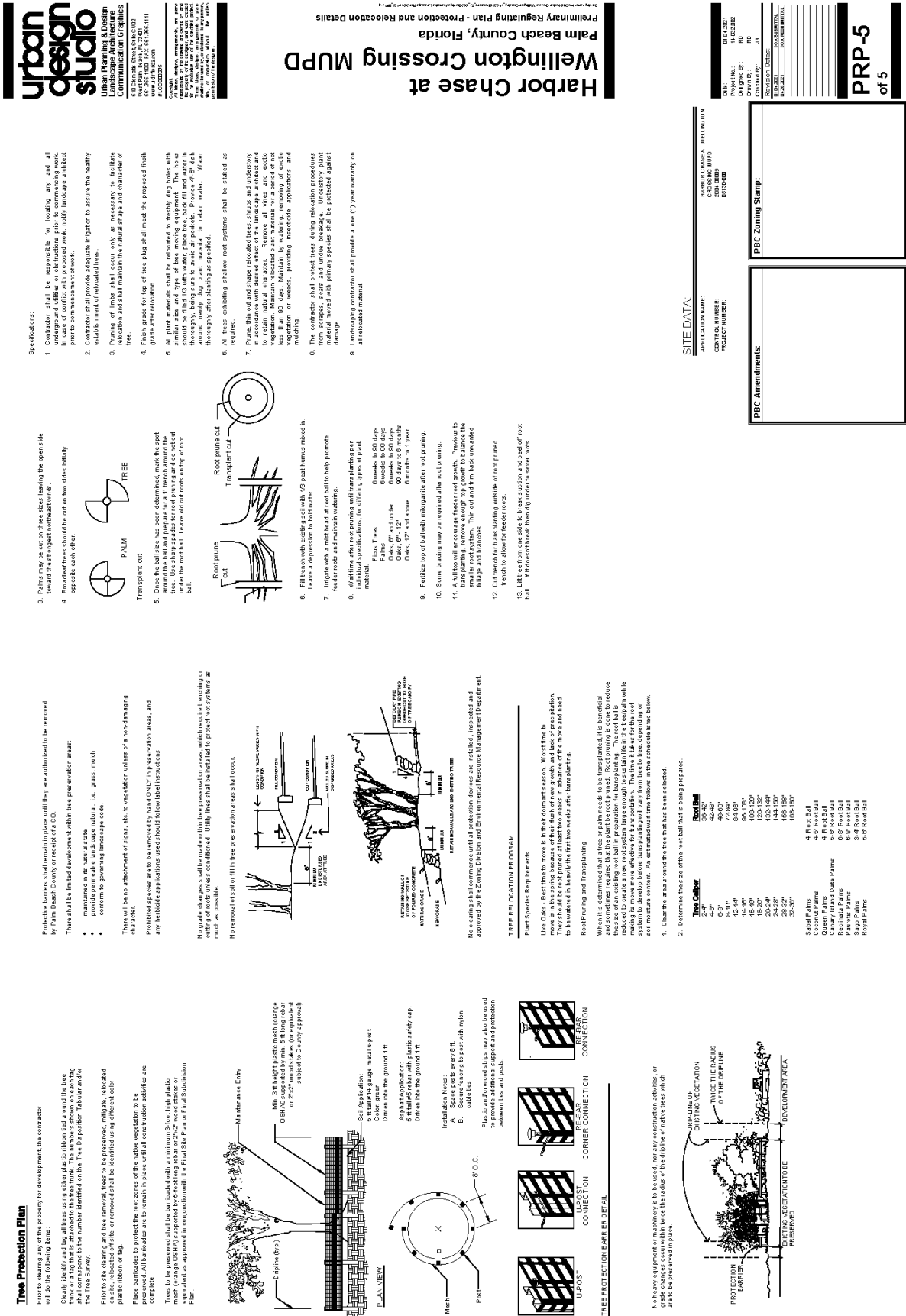








**Figure 10 – Preliminary Regulating Plan (PRP 5 of 5) dated April 26, 2021**





Zoning Commission  
Application No. ZV/PDD/DOA-2021-00111  
Harbor Chase at Wellington MUPD

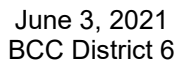


Exhibit D – Disclosure of Ownership

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 Christopher T. Porter, 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] President/CFO [position - e.g., president, partner, trustee] of SGD Wellington Crossings, LLC by SGD Senior Living, LP [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: 3710 Rawlins Street  
Dallas, Texas 75219
- 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.  
  
\_\_\_\_\_  
Christopher T. Porter, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

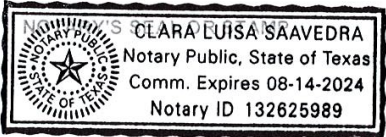
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of November, 2020 by Christopher T. Porter (name of person acknowledging). He/she is personally known to me or has produced personally known (type of identification) as identification and did did not take an oath (circle correct response).

Clara Saavedra  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 08/14/2024





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

TRACT "A" AND WATER MANAGEMENT TRACT 1, HARBOR CHASE AT WELLINGTON CROSSING, P.U.D.  
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 18 AND 19,  
INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING: 775,205 SQUARE FEET OR 17.796 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
SGD Senior Living LP (100%)	3700 Rawlins Street Suite 800 Dallas Tx 75219
Golden Driller, LP (90%)	5910 N Central Expressway Suite 1200 Dallas Tx 75206
Oklahoma Teachers Retirement System (89.99%)	2500 N. Lincoln Blvd., 5th Floor Oklahoma City, Oklahoma 73105

**SGD SENIOR LIVING, LP  
WRITTEN CONSENT OF EXECUTIVE COMMITTEE  
IN LIEU OF A MEETING**

**April 1, 2018**

The undersigned members of the Executive Committee (the “*Executive Committee*”) of SGD Senior Living, LP, a Delaware limited partnership (the “*Partnership*”), constituting at least one Representative of the General Partner and one Representative of the L&B Limited Partner, hereby consent in writing, in lieu of a meeting of the Executive Committee of the Partnership, to the taking of the following actions and to the adoption of the following resolutions:

WHEREAS, the business and affairs of the Partnership are governed by that certain Limited Partnership Agreement dated as of July 18, 2014, together with all amendments thereto (as amended to date, the “*Partnership Agreement*”) (capitalized terms used but not defined herein shall have the respective meanings set forth in the Partnership Agreement); and

WHEREAS, in order to comply with the provisions of the Partnership Agreement, the General Partner has requested that the Executive Committee approve of: (a) the removal of each individual currently serving as an officer of a Project Entity from all offices so held by such individual with respect to such Project Entity; and (b) the appointment of the individuals set forth on Schedule I attached hereto as the officers of each Project Entity in the capacities set forth on Schedule I (the foregoing actions described in clauses (a) and (b), the “*Officer Changes*”); and

WHEREAS, the undersigned have determined that the consummation of the Officer Changes is in the best interest of the Partnership and each of the Project Entities;

NOW, THEREFORE, BE IT RESOLVED, that the consummation of the Officer Changes with respect to each Project Entity is hereby approved and authorized in all respects; and further

RESOLVED, that any and all actions taken, done or performed in connection with the authority granted by the foregoing resolutions, as well as any and all actions, of any nature whatsoever, heretofore taken by the General Partner and the officers, agents, attorneys or other representatives of the Partnership and the General Partner incidental to, contemplated by, arising out of or in connection with, or otherwise relating to, in any manner whatsoever, the subject of the foregoing resolutions, are hereby approved, ratified and confirmed in all respects as the act and deed of the Partnership.

*Signatures appear on the following page*

20361173v.1

IN WITNESS WHEREOF, the undersigned have executed this written consent to be effective as of the date first written above.

**L&B LIMITED PARTNER  
REPRESENTATIVES:**

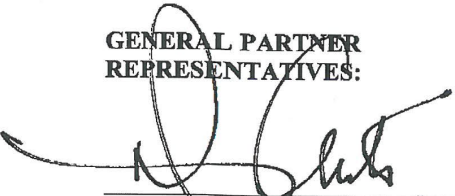
  
\_\_\_\_\_

CHRISTIAN METTEN

  
\_\_\_\_\_

DANIEL PLUMLEE

**GENERAL PARTNER  
REPRESENTATIVES:**

  
\_\_\_\_\_

DENNY ALBERTS

  
\_\_\_\_\_

RICK SHEPPARD

**SCHEDULE I  
OFFICERS**

<u>Name</u>	<u>Office(s) Held</u>
Dennis H. Alberts	Chairman and Chief Executive Officer
Frederick N. Sheppard	Vice Chairman and Chief Investment Officer
Christopher T. Porter	President and Chief Financial Officer
Thomas E. Dwyer	Managing Director – Development
Robert H. Zeiller	Managing Director – Development
Rosanne G. McAdam	Senior Vice President – Asset Management and Development
Jamie Hart	Senior Vice President – Construction
Mary Jane Schuster	Vice President and Controller



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

### Detail by Entity Name

Foreign Limited Liability Company  
SGD WELLINGTON CROSSING, LLC

### Filing Information

<b>Document Number</b>	M15000004025
<b>FEI/EIN Number</b>	47-4064285
<b>Date Filed</b>	05/21/2015
<b>State</b>	DE
<b>Status</b>	ACTIVE

Principal Address

3710 Rawlins St.  
Dallas, TX 75219

Changed: 05/13/2020

Mailing Address

3710 Rawlins St.  
Dallas, TX 75219

Changed: 05/13/2020

**Registered Agent Name & Address**

C T CORPORATION SYSTEM  
1200 SOUTH PINE ISLAND ROAD  
PLANTATION, FL 33324

### Authorized Person(s) Detail

## Name &amp; Address

Title Member

SGD Senior Living, LP  
3710 Rawlins St.  
Dallas, TX 75219

## Annual Reports

Report Year	Filed Date
2018	04/11/2018
2019	03/21/2019
2020	05/13/2020

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=Entit...> 10/28/2020

Document Images	
<a href="#">05/13/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/21/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/11/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/04/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/21/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/21/2015 -- Foreign Limited</a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations

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Harbor Chase at Wellington Crossing MUPD  
Rezoning to MUPD  
Development Order Amendment  
Type 2 Concurrent Variance  
Control Name Change  
Control Number: 2004-00009  
Application No.: DOA/PDD/ZV-2021-00111  
Submittal: January 4, 2021  
Re-Submittal: March 8, 2021  
Re-Submittal April 12, 2021



**OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION**

On behalf of the property owner, SGD Wellington Crossing, LLC, Urban Design Studio (UDS) has prepared and hereby respectfully submits this application for this Development Order Abandonment (DOA), Rezoning, Development Order Amendment to a Class A Conditional Use for a Type 3 Congregate Living Facility (CLF), Type 2 Variance, and Control Name Change for Harbor Chase at Wellington Crossing (the “Project”). The subject 17.80+ acre property is located in unincorporated Palm Beach County (PBC) at the northwest corner of Lake Worth Road and Blanchette Trail and is situated in the Urban/Suburban Tier within the County’s Urban Service Area. The subject property currently has a Future Land Use Atlas (FLUA) designation of Institutional & Public Facilities with underlying Medium Residential 5 (INST/MR5) and is currently zoned Planned Unit Development (PUD). The project is also located within the boundaries of the West Lake Worth Road (WLWRD) Neighborhood Plan. The site is identified in the Palm Beach County Property Appraisers records under Property Control Numbers 00 42 44 29 03 001 0000 and 00 42 44 29 03 023 0000. The site previously received approval from the Board of County Commissioners to allow the development of a 132,445 SF Type 3 Congregate Living Facility for 156 residents. The Type 3 Congregate Living Facility is constructed and currently operating on the site. The applicant proposes to add a 60,000 square foot Medical Office Use in the eastern portion of the site. The entire 17.80-acre site is considered the affected area due to the rezoning request proposed on the entire site from PUD to the MUPD zoning designation. However, the affected proposed to be redesigned area includes approximately 7.99 acres located on the eastern portion of the 17.80 acres site. This includes the expansion of the existing water management tract. The prior approved master plan for the previously approved Planned Unit Development will be negated via the approval of the rezoning to the MUPD and the approval of the DOA.

A Large Scale Land Use Map Amendment (Application No. LGA-2021-00011) to the County’s Comprehensive plan was filed with the Palm Beach County Planning Department on November 10, 2020 requesting to amend the land use designation from Institutional with underlying MR-5 (INST/MR5) to allow for a Multiple Land Use (MLU) designation consisting of 6.045 acres, rounded up to 6.05 acres, of Commercial Low Office (CL-O) with underlying MR5, with the balance of the property, 11.75 acres, retaining only the MR5 designation, supporting the existing CLF. The submittal of this request is necessary in order for the Comprehensive amendment to be processed by the Planning Division and the application is currently scheduled

West Palm Beach Office: 610 Clematis Street, Suite CU-02, West Palm Beach, FL 33401 P: 561-366-1100  
Boynton Beach Office: 508 E. Boynton Beach Blvd., Boynton Beach, FL 33435 P: 561-736-8838  
www.udsfllorida.com LA0001739



for the April 23, 2021 Planning Commission meeting, as there was not a quorum present at the originally scheduled March 12<sup>th</sup> meeting.

Specifically, this request includes the following:

- Rezoning from Planned Unit Development (PUD) to Multiple Use Planned Development (MUPD);
- Development Order Amendment to a Class A Conditional Use for a Type 3 Congregate Living Facility (CLF),
- Reconfigure the site plan to add a 60,000 SF Medical Office use;
- Concurrent Type 2 Variance request from Article 7.C.2.A. Right-of-Way landscape buffer requirements;
- Change of Control Name from Harbor Chase at Wellington PUD to Harbor Chase at Wellington MUPD.

While not a request that requires a formal action, the applicant is also requesting the DRO not require vehicular or pedestrian connection between the MUPD and the approved MUPD to the west. The justification for this allowance is provided later in this narrative. As a result of this request and the concurrent land use plan map amendment, the prior Planning Conditions of approval that were incorporated into the existing development order will be revised, consistent with those ultimately incorporated into the approving land use plan amendment ordinance. The proposed changes are outlined below in an underline/strike through format:

1. The density associated with the underlying Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2).

2. The commercial intensity and uses associated with the underlying CL-O designation are limited to a maximum of 6.05 acres (see legal description) with up to Development of the site ~~is limited to a maximum of 240,000~~ 70,000 square feet of hospital or equivalent number of generated trips.

Please note that the prior approval included loading space size reduction waiver approval for the CLF that is not being impacted with this request. The waiver approval information is being carried forward with this request.

## HISTORY

On January 22, 2015, the Board of County Commissioners approved a Large-Scale Comprehensive Land Use Plan amendment (LGA 2015-001) to re-designate the subject site from the Low Residential 2 (LR-2) land use designation to the Institutional and Public Facilities designation with an underlying 5 dwelling units per acre (INST/5). Per Ordinance No. 2015-009, the approval included two (2) conditions of approval which are provided as follows:

1. The density associated with the Medium Residential, 5 units per acre (MR-5), future land use designation shall only be utilized for the development of a Congregate Living Facility

- (CLF). If developed residentially, other than as a CLF, the density shall be limited to that associated with the Low Residential, 2 units per acre (LR-2).
2. Development of the site is limited to a maximum of 240,000 square feet of hospital or equivalent number of generated trips.

Again, this request proposes the aforementioned revisions to these conditions.

On April 23, 2015, the Board of County Commissioners approved the abandonment of a previous approval of a Place of Worship, rezoning from the Residential Transitional (RT) zoning designation to the Planned Unit Development (PUD) zoning designation, a Requested Use approval for a Type 3 Congregate Living Facility (Type 3 CLF) and a Subdivision Variance to allow direct access to a major street (Lake Worth Road) and to allow access on both a lower and higher classification of streets. The Development Review Officer (DRO) final approved site plan, Exhibit no. 23 was approved on December 9, 2015.

The table provided below reflects the previous approvals granted by Palm Beach County for the subject site:

Control No.	Request	Action	Date	Resolution/ Ordinance No.
2004-00009	Amend Low Residential 2 (LR-2) to the Institutional and Public Facilities designation with an underlying 5 units per acre (INST/5)	Approved	January 22, 2015	Ord. 2015-009
2004-00009	Abandonment of Place of Worship	Approved	April 23, 2015	R-2015-533
2004-00009	Rezone RT to PUD	Approved	April 23, 2015	R-2015-534
2004-00009	Requested Use – Type 3 CLF	Approved	April 23, 2015	R-2015-035
2004-00009	Subdivision variance to allow direct access to a major street (Lake Worth Road) and to allow access on lower and higher classification of streets	Approved	April 23, 2015	ZR-2015-014

STATUS OF CONDITIONS OF APPROVAL

A status of the conditions of approval have been included with this application for all current zoning resolutions (reflected above). No formal request to modify any conditions of approval is being requested for this application as the land use change and the rezoning will result in staff-initiated revisions to conditions of approval.

SURROUNDING USES

The following information is provided for the surrounding uses and previous approvals in the vicinity of the subject site:

Adjacent Property	FLU	Zoning District	Existing Use	Approved Use	Existing Sq. Ft. or CU/AC	Approved Sq. Ft. or DU/AC	Control # (FKA Petition #)	Resolution # R_
<b>North</b>	Low Residential, 3 units per acres (LR-3)	RTS- Residential Transitional Suburban District (PUD)	Cypress Lakes Planned Unit Development- Residential Single-Family Use	Residential Single-Family Use	Single Family Units-373 2.5 DU/AC	Single Family Units-373 2.5 DU/AC	Control No. 1986-00098	R-1987-0425 R-1987-0424
<b>South</b>	Commercial High (CH) with underlying Medium Residential, 5 units per acre (MR-5)	MXPD-Mixed Use Planned Development	Polo Legacy Mixed Use Planned Development-	Mixed Use Planned Development-	Vacant	GFA-510,100 SF <ul style="list-style-type: none"> <li>Retail-32,929 SF</li> <li>Convenience Store-3,000 SF</li> <li>Type 2 Restaruant- 5,660 SF</li> <li>Type 1 Restaurant w/o Drive thru-2,411 SF</li> <li>Type 1 Restaurant w/Drive thru- 5,000 SF</li> <li>Gas Fuel Sales-16 fueling positions</li> <li>Dwelling Units- 184/4.77du/ac (Multifamily - 32 units Townhouse-152 units)</li> </ul>	Control No. 2007-00096	R-2020-0339 R-2020-0340 R-2020-0341

HARBOR CHASE AT WELLINGTON CROSSING MUPD

April 12, 2021

Justification Statement

<b>East</b>	Commercial Low-Office (CL-O)	MUPD - Multiple Use Planned Development	Single Family Dwelling/PB Farms Company Plat #3	Medical Offices	1780 SF SFD- 1 du/1.60 acre	11,076 SF- Medical Office	Control No. 2005-00001	R-2021-1929 R-2021-1930 R-2021-1931
	Low Residential 2(LR-2)	AR- Agricultural Residential	Single Family Dwelling PB Farms Company Plat #3	Single Family Dwelling	1384 SF-SFD- 1 du/.51 acre	1384 SF-SFD- 1 du/.51 acre	None	None
	Low Residential 2(LR-2)	AR- Agricultural Residential	Single Family Dwelling /PB Farms Company Plat #3	Single Family Dwelling	1320 SF-SFD- 1 du/.51 acre	1320 SF-SFD- 1 du/.51 acre	None	None
	Low Residential 2(LR-2)	AR- Agricultural Residential	Single Family Dwelling /PB Farms Company Plat #3	Single Family Dwelling	768 SF-SFD 1 du/.29 acre	768 SF-SFD 1 du/.29 acre	None	None

West	Commercial High (CH) with underlying Low Residential 3 (CH/3)&  Commercial Low, with underlying Low Residential 3 (CL/3) &  Commercial Low, with Cross Hatching with underlying Low Residential 3 (CLX/3)	MUPD- Multiple Use Planned Development	Project Institute/Village Corner-MUPD	C-Store with Gas Sales- 3,900 SF/12 fueling stations  Car Wash-900 SF  350,000 SF of Medical Offices	C-Store with Gas Sales-3,900 SF/12 fueling stations  Car Wash-900 SF	C-Store with Gas Sales-3,900 SF/12 fueling stations  Car Wash-900 SF  350,000 SF of Medical Offices	Control No. 1998-00077	R-2019-0263 R-2019-0264
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- **North:** To the north of the subject property is one (1) property (details below):
  - **PCN 00-42-44-19-07-007-0000:** Directly to the north of the subject property is a portion of the 25' wide PUD perimeter buffer of the Cypress Woods development that is currently owned by Cypress Woods Association, Inc. This property has a FLUA designation of Low Residential, up to three (3) du per acre (LR-3), and is within the PUD Zoning District. This property is a part of a 373-unit residential PUD (Control No. 86-98) known as the Cypress Woods PUD that straddles Blanchette Trail. The eastern portion of Cypress Woods PUD was constructed at 2.6 du per acre.
- **South:** To the south of the subject property, across Lake Worth Road (a right-of-way classified as an Urban Principal Arterial with an ultimate width of 120'), is one (1) property (details below):
  - **PCN 00-42-44-29-13-001-00 and Various:** This approximately 38.54-acre parcel is currently owned by Mattamy Palm Beach, LLC, has a FLUA designation of Commercial High, with an underlying MR-5 (CH/5) and is within the

Mixed Use Planned Development (MXPDP) zoning district. The northern approximately 13.93 acres is approved for commercial uses including Convenience Store with Fuel Sales, and Type 1 and Type 2 Restaurants. Also included in this parcel is a 32-unit multi-family building. The balance of the property to the south is approved for

- 152 townhome units. The property was recently platted (PB 130/138 recorded June 25, 2020).
- **East:** To the east of the subject property, across Blanchette Trail (a right-of-way with an ultimate width of 80') are four (4) properties (details below):
  - **PCN 00-42-43-27-05-024-0613:** This is an approximately 0.29-acre property owned by Jose M. & Stephanie Marrero, has a FLUA designation of LR-2 and is within the AR Zoning District. This property appears to support a single-family residence and, per the Property Appraiser of Palm Beach County's web site, this property is taxed as a single-family residential use. There are no prior zoning approvals on this property;
  - **PCN 00-42-43-27-05-024-0614:** This is an approximately 0.51-acre property owned by Eric Aanonsen, has a FLUA designation of LR-2 and is within the AR Zoning District. This property appears to support a single-family residence and, per the Property Appraiser of Palm Beach County's web site, this property is taxed as a single-family residential use. There are no prior zoning approvals on this property;
  - **PCN 00-42-43-27-05-024-0615:** This is an approximately 0.51-acre property owned by Sandra J. Aanonsen & Miriam L. Connors, has a FLUA designation of LR-2 and is within the AR Zoning District. This property appears to support a single-family residence and, per the Property Appraiser of Palm Beach County's web site, this property is taxed as a single-family residential use. There are no prior zoning approvals on this property; and
  - **PCN 00-42-43-27-05-024-0617:** This is an approximately 1.6-acre property owned by 8475LWR, LLC, has a FLUA designation of CL-O and is within the MUPD Zoning District. . On December 22, 2021, The PBC BCC granted approval to abandon a previously approved Day care Center and granted approval to allow the rezoning of the subject site to the MUPD district, currently with the adoption of Ordinance 2020-029 which granted the CL-O land use on the parcel. The project is known as the Quartet MUPD. The FDRO site plan is currently pending review by the Development Review Officer. The pending FSP proposes the development of 11,076 square feet of Medical Office uses
- **West:** To the west of the subject property is one (1) property (details below):
  - **PCN 00-42-43-27-05-024-0550:** This approximately 19.1-acre property is currently owned by Cleveland Clinic FL Heath System Nonprofit, has a FLUA designation of Commercial Low, with an underlying LR-2 (CL/2) and is within the MUPD Zoning District. This property, combined with PCN's 00-42-44-19-08-001-0010 and 00-42-44-19-08-023-000, also under Cleveland Clinic's ownership, and combined with PCN 00-42-44-19-08-001-0020, under the ownership of Lyons Petroleum, equate to 36.98 acres and have MUPD Zoning. The land use for the 1.75 gas station parcel is CH/3, with the balance of the property being CL/3 and CLX/3. The approval allowed for buildings up to four stories in height for medical office use.

Based on the intensity of the non-residential uses to the south, approved and pending approvals, the proposed medical office to the east, the proposed use is compatible with the development pattern in the area. In regard to the existing residential to the east and north, as part of the zoning process, buffering, setbacks, etc. will be addressed to assure there is no negative impact to those residents. The existing property already has installed buffers on the

east and north property lines as part of the CLF requirements. The less intense use of medical office is compatible as it will function as a transitional use between the Lake Worth Road right of way and the residential to the north.

**WEST LAKE WORTH ROAD NEIGHBORHOOD PLAN (WLWRD)**

Below are descriptions of how the proposed project is in compliance with the following Design Guidelines of the WLWRD Neighborhood Plan which was formally received by the BCC via Resolution 2009-2018 on November 19, 2009. The applicant met with the WLRWRD Coalition to review a similar proposal on January 8, 2020. That request never moved forward as the contract purchaser elected to not continue on with the project. However, at that time, the Coalition expressed concern with the 6-foot opaque fence proposed along the north property line in the event of a hurricane or wind event. The Coalition was in support of a 6-foot panel wall in lieu of the proposed 6-foot opaque fence. The Coalition also requested that the 19 palms/pines which are the subject of a Type 2 Variance request from the right-way landscape buffer requirements along Blanchette Trail be provided adjacent to the north property line to further mitigate and screen the residents to the north of the site. The application is in compliance with the WLRWRD Coalition request. The applicant has made attempts to schedule a meeting to coordinate with the WLRWRD Coalition to review this proposal and hopes to receive a letter of support from the Coalition. Copies of the attempts to contact the group's representative to schedule a meeting have been included in these materials, some of which included the District Commissioner's office on the email requests. The letter will be provided once received and the Planning Division provided with the date of that meeting as soon as/if the meeting can be scheduled.

*Zoning Uses*

The future development will comply with the ULDC requirements in regards to uses. None of the prohibited uses included in the WLWRD Design Guidelines are proposed in this request.

*Landscape Buffers*

The landscape buffers were previously approved and installed per the approval for the CLF Type 3. The buffers were designed with a natural looking appearance, which includes meandering pathways, the clustering of plant materials, the use of native plant material, and existing trees where possible. Please refer to Landscape Buffers in this narrative for additional information regarding the landscape buffers. Please note, with the site plan as proposed adding an additional access point from Lake Worth Road, with a turn lane, the existing buffer in that area will need to be reconfigured to accommodate the improvements. However, it will continue to comply with the buffer standards included in the Neighborhood Plan.

*Lighting*

All lighting will comply with ULDC, Article 5.E.4.E, Outdoor Lighting and lighting requirements in Article 3, for Planned Development Districts (PDD)

*Signage*

All proposed signage will comply with the requirements of the ULDC, Article 8. Signage shall be limited to the maximum permitted by the ULDC or may be further restricted by conditions of approval. Signage will be compatible with the prevailing architecture theme of the development.



*Recreation/Public Amenities*

No modification is proposed to the recreation and site amenities previously approved for the Type 3 CLF. The proposed institutional/residential uses will continue the integration of uses throughout the Corridor. The proposed internal walkway system will allow for efficient pedestrian circulation and will connect to the existing pedestrian walkways along Lake Worth Road and Blanchette Trail. Pedestrian pathways shall to the greatest extent possible, meander around vegetation and buffers within the Corridor. The proposed walkways, especially in the 30' buffer along the property's frontage on Lake Worth Road, will meander around vegetation and buffers.

*Built Form and Site Design*

The architectural design of the proposed medical office building will be consistent with the existing CLF on site and in compliance with the Neighborhood Plan's goals of Mediterranean or Florida Vernacular architecture. While the proposed three-story building height of 41.6' exceeds the recommendation of the plan to limit buildings to two stories/35' in height, it is not inconsistent with other recently approved projects in the area, specifically the Cleveland Clinic to the west. That MUPD included two 4-story buildings and one 3-story building. The building is being proposed to be located in the southeastern portion of the site far removed from the residential to the north and east. With the proposal to allow medical office to the east of the property, the use is not inappropriate as currently designed along a major roadway corridor in Palm Beach County.

**CONCURRENCY**

Concurrency is being requested for the additional 60,000 Square feet Medical Office building proposed by this request. Included with this request are the following documents related to the impact of the proposed project on public facilities:

**Drainage:** Please see Drainage Statement prepared by Simmons & White in which the details of the proposed drainage system are provided. This does result in an increase to the previously platted water management tract which will be required to be re-platted.

**Traffic:** Please see Traffic Statement prepared by Simmons & White in which the concludes that the proposed project is in compliance with the Palm Beach County Traffic Performance Standards.

**Water/Wastewater:** A letter from Palm Beach County Water Utilities Department dated November 10, 2020 has been included with this request that confirms the subject site is located within the Palm Beach County utility service area and has capacity to provide the level of service required to add a 60,000 square foot medical office building.

**PARKING & LOADING**

As referenced above, the western portion of the site was previously developed as a Type 3 CLF and is in compliance with the specific parking requirements in affect at the time of the approval for Type 3 CLF. The parking for the CLF, which is considered a residential use was calculated under the initial approval based on the following:

1 parking space per 200 SF of Office space at 1,084 Square Feet = 5 spaces

1 parking space per CLF unit at 136 units= 136 parking spaces\*

“\*The term ‘unit’ is only for the purpose of calculating the required parking per Article 6 and is not considered a dwelling unit for density calculation purposes, as defined in Article 1 of the ULDC”.

The applicant proposes utilizing split parking calculations since the CLF is a residential use and is completely built-out, but is not included in the affected area. The parking for the affected area has been provided on the site plan utilizing the minimum and maximum parking standards provided in Article 3. E.1.C.2.h.2.a Planned Development District, Parking-Non-Residential Uses. The minimum parking spaces required for the medical office use is 240 parking spaces and the maximum is 359 parking spaces. The parking was calculated based on the gross square footage of the proposed 60,000 square feet for Medical Office uses. A minimum total of 381 parking spaces are required for both the Type 3 CLF and 406 spaces are provided on the overall MUPD which is in compliance with parking requirements provided in the ULDC.

Per the requirements of Table 6. E.2. B.1. Dimensions, Loading Standards of the ULDC, a total of two (2) 12' by 18.5' loading spaces are required for the proposed medical office use on the subject site. The previous approved site plan reflects the approval of three (3) loading spaces for the CLF use. A Type I Waiver was approved previously to allow the reduction of three (3) loading space sizes from 15' X 55' to 12' X 35'. No changes are proposed to the CLF loading spaces. Two additional 12' by 18.5' loading spaces has been provided on-site to serve the Medical Office use meeting code requirements. No additional loading space reductions are proposed or requested.

#### **SITE DESIGN**

The main access to the 17.80± acre property is currently existing from the south via an ingress/egress point from/to Lake Worth Road (a R-O-W with an ultimate width of 120 feet and defined as an Urban Principal Arterial). A secondary access to the subject property is existing from the east via an ingress/egress point from/to Blanchette Trail (a R-O-W with an ultimate width of 80 feet). An additional third ingress/egress point is proposed for the eastern portion of the site from Lake Worth Road to allow direct access to the proposed medical office use, relieving reliance upon the loan connection to Blanchette Trail. These access points will provide access to the existing and proposed parking lot, loading spaces and dumpster. A 1.31-acre lake was previously approved to provide on-site drainage. Modifications to the lake and the addition of dry retention are reflected on the proposed site plan to accommodate the new development, which will result in the necessity to re-plat the parcel. A right turn lane/east approach is provided for the additional access point.

The area unaffected by any site redesign includes the existing 132,445 square foot Type 3 CLF consisting of 156-beds., accessory office space, on-site dining facilities, gathering rooms, etc. Based on the MR5 future land use designation, the maximum beds possible in the CLF is 213 (5 X 17.80ac= 89du) (89 du X 2.39 beds/residents = 212.7). There is also a variety of on-site recreational opportunities for the residents including a dog park, an approximately 17,019 square foot pedestrian amenity and recreation area and a meandering pathway along Lake Worth Road, as required by the WLWRD Neighborhood Plan.

The 60,000 square foot medical office building is proposed on the eastern 7.99 acres of the subject site. The proposed 3 story medical office building exceeds the required setbacks as reflected on the Property Development Regulations chart included on the Preliminary Site Plan. The building is set back approximately 335± feet from the north property line, approximately 113. feet from the south property line located on Lake Worth Road, and 88.7± feet from the side corner (Blanchette Trail). The building includes an entrance on the south elevation and a north covered entrance and drop-off area. Foundation plantings are provided as required along the front and side facades. The loading area, dumpster, emergency generator and lift station are all located along the west elevation. Pedestrian walkways have been conveniently located adjacent to the building and parking areas. Please refer to the parking and loading portion of the narrative for more information regarding parking and loading and the for the subject site. Landscape buffers are described as follows:

### **LANDSCAPE BUFFERS**

Below is a description of the perimeter landscape that the applicant is proposing to buffer the subject property from adjacent properties to the north, south, east and west.

**North:** A Type 1 incompatibility buffer currently exists adjacent to the north property line and is a vested nonconformity in the unaffected area of the site. Based on discussions with staff at/post to our pre-application meeting, a non-conformity chart has been included as the improvements were constructed per the previous approval. However, the Alternative Landscape Plans do reflect the existing condition of the buffer and the resolution referenced it was approved under. The proposed Medical office is classified as a commercial use and is proposed in the affected area of the site as reflected on the Preliminary Site Plan included with this request. A Type 3 MUPD landscape buffer is proposed adjacent to the north property line in the redesigned affected area as a residential use currently exist to the north of the site. The WLWRD Coalition was in support of a 6-foot panel wall on the property line when a similar request was previously presented, but not in favor of the wall being replaced with a fence, based on a previous meeting. The Coalition also requested that the 19 palms/pines which are the subject of a Type 2 Variance request from the right-way landscape buffer requirements along Blanchette Trail be provided adjacent to the north property line to further mitigate and screen the residents to the north of the site. The proposed site plan, however, has been revised to provide for the code required buffer in this area and also depicts the location of the 19 palms/pines in the area north of the proposed seven (7) parking spaces, south of the landscape buffer.

**South:** Since this portion of the property abuts a right-of-way with an ultimate width of 120' a 20' Right-of-Way Landscape Buffer would normally be required; however, per the WLWRD Neighborhood Plan, a 30' Landscape Buffer with a meandering walkway was required and currently exist under the initial approval. While an additional turn lane is proposed to access the medical office building directly off of Lake Worth Road, the buffer width will be maintained and any relocation/replacement of the sidewalk and existing plant material will be accommodated in the redesign. Please refer to preliminary site plan included in this submittal for additional information regarding the landscape buffer along Lake Worth Road.

**East:** As referenced above, the development of a Type 3 CLF was completed on January 22, 2019 and the landscape code in effect at that time differs from that in effect today. On January

25, 2018, the Palm Beach County Board of County Commissioners approved Ordinance No. 2018-002 which amended Article 7 Landscaping to require additional plantings of one palm or pine per 30 linear feet of right-of-way buffer (Table 7.C.2.A.). The landscape buffers were completed with the construction of the Type 3 CLF per the requirements in affect at that time. Since this portion of the property abuts a right-of-way with an ultimate width of 80' (Blanchette Trail) a 15' Right-of-Way Landscape Buffer has been provided and is built. A variance has been requested from this additional planting requirement. The applicant met with the WLRWRD Coalition as referenced previously in this statement. The Coalition requested and the applicant agreed that the 19 palms/pines required along Blanchette Trail, which are the subject of a Type 2 Variance request, be provided in the area adjacent to the north property line to further mitigate and screen the residents to the north of the subject site. They are reflected to the north of the parking spaces, which have been reduced in number, on the preliminary site plan. The variance request is supported as well by the fact that there are existing FPL poles/lines along Blanchette Trail in this area and any materials installed need to be in compliance with the FPL Right Tree Right Place guidelines. Please see Type 2 Variance justification included in this narrative for more information.

**West:** A 5-foot Compatibility Landscape Buffer was required and provided adjacent to the west property line since residential uses existed on the adjacent property at the time the Type 3 CLF was approved. However, "Project Institute" received approval from the Board of County Commissioners on February 28, 2019 to allow a rezoning from CG-General Commercial/PUD to the MUPD-Multiple Use Planned Development, to allow the development of 350,000 square feet of medical offices for the Cleveland Clinic Campus. The land use designations for the site includes CH/3 for an existing gas station, with the balance of the property being CL/3 and CLX/3.

The west buffer remains unchanged and is located in the area of the development unaffected by redesign as reflected on the non-conformity chart on PSP-2. Based on discussions with staff at our pre-application meeting, a non-conformity chart has not been included as the improvements are constructed. However, the Alternative Landscape Plans do reflect the existing condition of the buffer and the resolution referenced it was approved under. There is also an existing retention area located along Harbor Chase's west property line is in excess of 50 feet in width and extends along the entire length of the west property line.

#### **PLATTING**

The property was previously platted in conjunction with the CLF. However, a replat will be required in order to reflect the expanded water management tract, and the dry retention areas as they will now be part of a shared stormwater management system. However, as the boundary of the plat will not be impacted, the site plan does include the platting exemption notation to allow for the transfer of the 'outparcel' via a metes and bounds transfer, prior to the recordation of the amended plat if permitted by land development.

#### **CROSS ACCESS**

Cross access for the MUPD zoning designation is required in Article 3.B.2.d. Cross Access of the Unified Land Development Code and provides the following requirement:

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

On December 9, 2015, the Harbor Chase at Wellington PUD received approval of the FDRO site plan, Exhibit no. 23 after receiving the approval of a rezoning to PUD and a Type 3 Congregate Living Facility from the Board of County Commissioners on April 23, 2015 (see history section of this narrative for additional information). The FDRO site plan included a 132,445 SF CLF and also included a .93-acre dry detention area adjacent to the entire length of the west property line. At the time of the consideration and approval of Harbor Chase, the property to the west was assigned the AR-Agricultural Residential zoning designation. The Harbor Chase justification statement provided at that time advised the County that the placement of the dry retention area along the west property line served to further buffer any potential residential uses in the future. The CLF was developed on the site per the FDRO site plan approval and received the certificate of occupancy per Permit No. T-2016-013673 on January 22, 2019.

On February 28, 2019, the BCC approved a rezoning to the MUPD designation to allow Cleveland Clinic medical offices on the property located to the west of Harbor Chase of Wellington Crossing. The project known as Project Institute did not propose a cross access to Harbor Chase PUD. The applicant's justification statement for Project Institute stated that it was not feasible to provide cross access to the east (Harbor Chase) as their retention area is located between the uses.

Please note that the existing retention area located along Harbor Chases west property line is in excess of 50 feet in width and as previously mentioned extends along the entire length of the west property line. Adding a cross access adjacent to the west is not feasible due to the existing location of the retention area for Harbor Chase. In addition, the site plan approved by the BCC for the Project Institute was approved with no excess in provided parking. The design of that project would not allow for the addition of a vehicular connection without redesign to try and recoup the spaces lost as a result or a reduction in square footage. As the code reads the parking lots and vehicular circulation areas are to be designed with cross access with adjacent parcel, if required by the DRO, the applicant is requesting that the DRO take into account the existing site conditions recently constructed to support the built and operating CLF, as well as the impact to the approvals previously granted to the property to the west and make a determination that cross access is not required or warranted in this specific situation.

**OFFICIAL ZONING MAP AMENDMENT (REZONING) TO A PLANNED DEVELOPMENT DISTRICT AND DEVELOPMENT ORDER AMENDMENT (DOA):**

**This request is consistent with the standards required per Article 2.B.7.B.2. as provided below:**

**1. 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.**

The applicant is processing a concurrent request to amend the land use designation from Institutional with underlying MR-5 (INST/MR5) to allow for a Multiple Land Use (MLU) designation consisting of 6.045 acres, rounded up to 6.05 acres, of Commercial Low Office (CL-O) with underlying MR5, with the balance of the property, 11.75 acres, retaining only the MR5 designation, supporting the existing CLF. A prior applicant/contract purchaser had pursued a privately initiated text amendment (PIA) to the Comprehensive Plan to permit the Medical/Dental Office use on the property via language to allow co-location with a Type 3 CLF in Amendment Round 20-B. That request was well received by Planning Staff and presented to the Board of County Commission (BCC) on October 28, 2019, with a staff recommendation to initiate the amendment. The BCC heard the request and agreed to allow the request to move forward to the Phase 2 process as part of the PIA. That request never moved forward as the contract purchaser elected to not continue on with the project. Now, the owner of the property has elected to request to utilize the MLU, rather than propose a change to the text of the Plan. No increase in residential density is proposed with this request. The land use plan amendment application and supporting documentation supports the premise that the use will have no negative impact on the natural environment, there exists available facilities and services to support the development, is compatible with the surrounding uses, provides for a balance of land uses in the area and does not create urban sprawl. The proposed addition of the medical office use, and the proposed conditions associated with this request is not inconsistent with the majority of the WLWR Neighborhood Plan and the existing built facility incorporated requirements of the plan including the oversized buffer along Lake Worth Road and building design. As an MUPD, any new building will be required to be architecturally consistent with the CLF. If the current amendment is approved, the proposed rezoning and proposed uses will be consistent with the Comprehensive Plan and the goals, objectives and policies of the Urban/Suburban Tier which allows for services and facilities consistent with the needs of urban and suburban development. Please note that the land use amendment staff report does support the requested change.

**2. Consistency with the Code: The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.**

The proposal is not in conflict with any portion of the Code, with the granting of the variance, as vesting of the non-conformities associated with the existing built CLF. No increase in residential density is proposed with this request and the proposal is in compliance with the floor area ration for the CL-O use of medical office and the density for the CLF. The parking provided is also within the limitations of the Code and all Code required setbacks associated with the proposed building are met. The proposed uses will comply with applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The rezoning itself to MUPD is permitted within the MR5 and CL-O land use categories proposed as part of the MLU request in process.

**3. 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**

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. **FLUE Policy 2.2.1-b states that** “Areas designated for Residential Use shall be protected from encroachment of incompatible future land uses. Non-Residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives and Policies of the Plan.” The proposed amendment is compatible with the adjacent and surrounding properties specifically because the Medical Offices is proposed adjacent to the existing Type 3 CLF at an intersection which meets the requirements of the code to allow for commercial office uses. Additionally, the intersection of Lake Worth Road and Blanchette Trail is being signalized, and with the recently approved medical office uses to both the west and east, the use is appropriate for the area. The medical office will be a good neighbor to the surrounding residential and non-residential uses. Additionally, the ULDC will require appropriate buffers, setbacks, etc., to mitigate any impact on the remaining residential uses. The surrounding uses are consistent and compatible with the proposed development program. The placement of the building in the southeastern portion of the site serves to decrease any perceived impact to the existing residential in the area as well, as does the newly proposed access point on Lake Worth Road. Please refer to the surrounding uses discussion provided above for a description of the uses on the adjacent properties:

**4. Design Minimizes Adverse Impact. The design of the proposed use minimizes environmental impacts, including visual impact and intensity of the proposed use on adjacent lands.**

The design of the subject property has incorporated the required perimeter buffers, including the enhanced 30' Buffer along Lake Worth Road per the WLWNP. Furthermore, where adjacent to the residential uses to the north in the affected area the applicant has provided the required Type 3 Incompatible landscape buffer. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer, which are subject to a Type 2 variance, are proposed to be located in this area north the new parking spaces to further mitigate and screen the residents to the north of the subject site. The Coalition requested the 19 palms/pines, which are the subject of the Type 2 Variance, being placed in this area to further mitigate and screen the residents to the north of the site along the east 245 feet of the north buffer. The proposed office building is setback approximately 335 feet from the north property line. The design of the proposed use minimizes environmental impacts, including visual impact and intensity of the proposed use on adjacent lands.

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

The subject property was designed to preserve the existing wetland located adjacent to the north property line and to preserve as many trees located on the site. Existing trees



will be relocated and/or mitigated. A tree disposition chart has been included and coordination with ERM and landscape will be ongoing during the project review.

**6. Development Patterns:**

Along the Lake Worth Road Corridor in the immediate area there are varying residential densities and a mix of non-residential future land use designations near the subject site. Changes since the current land use was granted on the parcel in early 2015 include numerous land use map amendments that served to increase density and the demand for services in the area, including the subject parcel itself. These include:

- Izzy Lizzy (LGA 2017-016) LR2 to MR5
- Lake Worth Commercial (LGA 2017-013) CH/2 to CH/5
- Gulfstream Polo Properties (LGA 2016-007) LR2 to LR3 & LR2 to MR5
- Andalucia Residential (LGA 2016-032) LR3 to MR5
- Rubin Communities (LGA 2015-003) LR2 to MR5
- Lake Worth Royale (LGA 2018-015) LR2 to HR8

Prior amendments that have also impacted the area include Palm Tree Farms (LGA 2014-002), Gulfstream Properties (LGA 2014-001) and Lake Worth/Lyons Residential (LGA 2009-007). These amendments, in conjunction with previously approved and constructed development in the area, have dramatically increased the number of dwelling units and the need for services nearby.

The 36.98-acre property located immediately west of the subject site and on the (northeast corner of Lyons Road and Lake Worth Road) received approval from the Board of County Commissioners on February 28, 2019 to allow a rezoning from CG-General Commercial/PUD to the MUPD-Multiple Use Planned Development, to allow the development of 350,000 square feet of medical offices for the Cleveland Clinic Campus and allowed for buildings up to four stories in height. The site has both the Commercial Low and Commercial High land use designations. The previous approval for a Class A Conditional Use for 3000 square feet of Convenience Store with Gas Sales and car wash on the subject site were retained on site. With the approval of the Cleveland Clinic campus, a demand for medical office space is anticipated to serve the residential communities in the area. Medical office buildings located near hospital campuses are common in the market and tend to support the hospital campus. Overall, the current and projected growth of the medical industry within the region has created a need for medical uses in the area.

Two land use plan amendment applications were approved recently in the immediate area. Additional information is provided below for Polo Gardens (LGA 2021-005 and Quartet Medical Office (SCA 2020-014).

**Polo Gardens:** Polo Gardens is 25.79 acres in size and located at the southeast corner of the intersection and is requesting a change from CH/2 in part and MR5 in part to CH/8. That application is also requesting an increase of density associated with a workforce housing density bonus and transfer of development rights (TDR). This application was transmitted by the BCC on October 28, 2020, with a recommendation

of approval for a change to MR5 resulting in a potential maximum of 284 units with an 80% density bonus and full TDR purchase. Application No. ZV/PDD/CA 2020-00788 is currently pending Zoning Commission and Board of County Commission review in March 2021 and the application requests a Type 2 Variance to eliminate a Type 2 Incompatibility Buffer, a rezoning from the Residential Transition (RT) and Planned Unit Development (PUD) Zoning Districts to the Multiple Use Planned Development (MUPD) District, a Class A Conditional Use to allow a Transfer of Development Rights (TDR); a Workforce Housing Program (WHP) Density Bonus greater than 50%; and, a Type 1 Restaurant with Drive-through. It is anticipated the multifamily buildings will be limited to a height of three (3) stories.

**Quartet Medical:** Quartet Medical was approved at December 22, 2020 Board of County Commission Hearing. The property is located directly to the east of the subject property, is 1.61-acres in size, and located at the northeast corner of the intersection of Blanchette Trail and Lake Worth Road. The land use was changed from LR2 to CLO/2 and the property rezoned to MUPD. The project was granted a variance to the minimum lot size for an MUPD by the Zoning Commission on October 1, 2020 and is proposing 11,076 square feet of medical office use. While the project is proposed at one story, it is on a much smaller parcel and required to comply with floor area limitations, as well as the required parking. Of note, that project, also an MUPD, was granted approval to utilize a six-foot opaque fence, rather than a wall along the north property line adjacent to existing residential.

The approved land use amendments in the area, as well as the two applications currently being considered, support the premise that this corridor of Lake Worth Road, west of the turnpike to Lyons Road, has been evolving over time and due to the increase in density in the area, the premise of the office uses permitted in CL-O are compatible with the area and warrant consideration of the requested amendment.

Additionally, the prior dedications by the applicant and other developer(s) to the south of Lake Worth Road has allowed the intersection of Blanchette Trail, Polo Club Road and Lake Worth Road to be aligned and with the development of the approved Polo Legacy MXPD and the ultimate development of Polo Gardens MUPD with commercial and the anticipated development on the northeast corner of the intersection, the impact on the subject parcel is such that the southwest area of the site is now ideally positioned for this type of proposed use. Additionally, conditions of approval exist that will require that this intersection, due to the amount of anticipated development in the area, will be signalized as surety is in place for that to take place. As development pressures continue in the Urban/Suburban Tier of Palm Beach County, it will become more and more important to make efficient use of the land area available. These changes and impacts in the area warrant the proposed changes as requested. As such, the introduction of medical office is not out of character with the existing and proposed uses within this corridor.

**7. Adequate Public Facilities: The proposed amendment complies with Art. 2.F. Concurrency (Adequate Public Facility Standards)**

Concurrency is being requested for the additional 60,000 Square feet Medical Office building proposed by this request and is in compliance with the land use condition of approval on the property in that regard. The Traffic Impact Statement being submitted includes the above referenced existing and proposed uses. The subject parcel is located within the boundaries of the South Florida Water Management District and Lake Worth Drainage District. Public water and sanitary sewer service currently exist to serve the site per the Palm Beach County Water Utilities confirmation included with this submittal. There are no adverse impacts on public facilities anticipated from this development.

**8. Changed Conditions or Circumstances: There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.**

A changed condition and circumstances affecting this request is the change in development patterns in this area promoting medical services, as well as the increase in residential units in the area. A changed circumstance exists in relation to other land use and zoning changes in the area, specifically the zoning approvals granted for Polo Legacy to the south and the two recent applications for Polo Gardens MLU and Quartet Medical. Polo Gardens already possess the CH designation on 8.8+ acres which will ultimately be developed. The recent approval for the Cleveland Clinic to the west of the subject site serves to make the properties fronting on this section of the Lake Worth Road Corridor between the Turnpike and Lyons Road predominately non-residential in nature. The realignment of Polo Club Road and the future signalization of the intersection are physically property changes in the area that warrant consideration of this request.

It should be noted that the original developer of the CLF purchased more land area than necessary to provide the density needed for the existing facility and envisioned from initial design the potential for an additional use on the property that would be compatible with the CLF. While a Type 3 CLF is staffed with professional staff to provide limited medical services for the residents, the residents often require specialized care from doctors that require transportation of residents of a CLF to their medical specialists. Transportation can become complicated and costly to the resident. Locating medical and dental office uses adjacent to a Type 3 CLF will provide more convenience, less cost to the CLF resident and less impact to the environment. Most importantly it will provide a safer care option for the resident, their family and the CLF faculty. These are demonstrated changed conditions that warrant approval of this request.

**PLANNED DEVELOPMENT DISTRICT:**

Article 3.E.1.C. requires all planned developments to comply with the following Design objectives and standards. Please note that the property is already an approved PDD as a PUD. However, the rezoning from PUD to MUPD requires the following standards be re-addressed based on the inclusion of the new medial office use/site improvements. Responses are provided below:

**1. Design Objectives**

**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;**

The proposed PDD contains sufficient depth, width and frontage on a Lake Worth Road in compliance with the MUPD requirements. Additionally, Lake Worth Road is reflected on the PBC Thoroughfare Identification Map as a 120-foot right of way.

- 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;**

The proposed PDD includes a continuous non-vehicular and pedestrian circulation system which connects the uses and public entrances to the existing and proposed buildings on the site. Recreation areas, amenities, open space will remain unchanged on-site to support the previously approved and existing Type 3 CLF.

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

Continuous pedestrian and non-vehicular circulation systems throughout the development is provided. The internal sidewalk system connects with an existing six (6) foot wide meandering pedestrian pathway located in an enhanced 30' buffer located along the property's frontage on Lake Worth Road and an internal connection is also provided internal to the project between the two uses/buildings.

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

The subject property was designed to preserve the existing wetland located adjacent to the north property line and to preserve as many trees located on the site. Existing trees will be relocated and/or mitigated. The applicant has previously met with ERM and landscape in regard to design to preserve as many of the existing trees as possible. A conservation easement was previously recorded over the wetlands in the center of the site along the north property line and remains in place with this request.

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

All mechanical equipment will be screened including loading/delivery areas, storage areas, dumpsters and compactors from public view and control objectionable sound.

- 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;**

The site was previously found in compliance with this requirement which resulted in the development of a Type 3 CLF. The proposed office building has been

designed and located to comply with these requirements and minimize the potential for any adverse impact on the adjacent properties.

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

The site is in compliance with the parking requirements as discussed previously.

**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,**

The proposed internal walkway system will allow for efficient pedestrian circulation throughout the site and will connect to the existing pedestrian walkways and sidewalk along Lake Worth Road and the sidewalk on Blanchette Trail.

**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. Suggested amenities include, but are not limited to:**

- 1) public art;**
- 2) clock tower;**
- 3) water feature/fountain;**
- 4) outdoor patio, courtyard, or plaza; and,**
- 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e., restaurant) or outdoor furniture.**

The approved site plan was in compliance for the CLF as it reflected pedestrian amenities which includes fountains, butterfly garden, and dog park. A second amenity is being proposed to the west of the medical office building which reflects the preservation of a large existing tree and the addition of outdoor furniture which also will provide a view of the lake/fountain.

**2. Performance Standards**

**Planned developments shall 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 unless stated otherwise herein;**

The site exceeds the minimum of 200 linear feet of frontage along Lake Worth Road which is classified as an Urban Principal Arterial Street.

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

Legal access is provided via Lake Worth Road which is classified as an Urban Principal Arterial Street.

**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;**

Vehicular access and circulation have been designed to comply with this requirement.

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

Traffic Improvements will be provided to accommodate the project traffic impact.

**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.

This standard is not applicable to this project.

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

The only adjacent and accessible non-residential use is located west of the subject site. The subject site includes a dry retention area that is located along the entire length of the west property line, making it impossible to provide cross access to the west. Please refer to the "Cross Section Access" section of this narrative for additional information. Due to the existing built environment on the subject property, we hereby request from the DRO that a cross connection not be required for between Harbor Chase of Wellington Crossing and Project Institute to the west. There are no other adjacent non-residential uses that require cross access.

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

The proposed development will comply with this requirement.

**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.**

This standard is not applicable to this project as no public streets are located in the 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.

Although no streets are proposed, the development will comply with ULDC lighting standards.

**c. Median Landscaping**

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

This standard is not applicable to this project as the Median Landscaping currently exist within the median on Lake Worth Road.

**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**

This standard is not applicable to this project as no public streets are located in the project.

**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.**

This standard is not applicable to this project.

**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.**

This standard is not applicable to this project as no public streets are located in the project.

**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.**

The project is in compliance with this requirement as a relocated Palm Tran Easement is depicted on Lake Worth Road in front of the site, to accommodate the construction of the new turn lane.

**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.**

**1) Exceptions**

- a) Primary facilities and high voltage wires.**
- b) Lift stations, transformers, and other above-ground structures necessary for the function of utility services. Such above-ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.**

The project will comply with this requirement.

**h. Parking**

**1) Residential Uses**

**Parking for residential uses shall comply with Art. 6, Parking. 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.A.1.B, Minimum Off-Street 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.**

**a) Minimum/Maximum Parking Standards**

**(1) Minimum: one space per 250 square feet of GFA (4/1,000)**

**(2) Maximum: one space per 166.66 square feet of GFA (6/1,000)**

As referenced above, the western portion of the site was previously developed as a Type 3 CLF and is in compliance with the specific parking requirements in affect at the time of the approval for Type 3 CLF. The parking for the CLF was calculated as follows:

1 parking space per 200 SF of Office space at 1,084 Square Feet = 5 spaces

1 parking space per CLF unit at 136 units= 136 parking spaces\*

“\*The term ‘unit’ is only for the purpose of calculating the required parking per Article 6 and is not considered a dwelling unit for density calculation purposes, as defined in Article 1 of the ULDC”.

The parking for the affected area has been provided on the site plan and utilizes the minimum and maximum parking standards provided in Article 3. E.1.C.2.h.2.a. The minimum parking spaces required is 240 parking spaces and the maximum is 359 parking spaces. The parking was calculated based on the gross square footage of the proposed 60,000 square feet for Medical Office uses. A total of 381 parking spaces are required for both the Type 3 CLF and 406 spaces are provided for the overall MUPD. Please refer to the Parking and loading section of this narrative for more information regarding compliance with the required parking standards.

**b) Exceptions MLU/EDC**

**Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1,000).**

This standard is not applicable to this project.

**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.**

The project will comply with this requirement.

**4) Cross Access**

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

The project will comply with this requirement between the existing CLF and proposed medical office.

**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.**

The project complies with this requirement.

**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.**

**a) Remote Parking Areas**

**Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.**

The project complies with this requirement.

**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.**

This standard is not applicable to this project.

**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.**

The project complies with this requirement for the previously approved Type 3 CLF. It does not apply to the proposed Medical Office building. However, an emergency generator has been included on the site for the medical office building in compliance with generator regulations contained in Article 5 of the ULDC.

**MULTIPLE USE PLANNED DEVELOPMENT DESIGN OBJECTIVES AND PERFORMANCE STANDARDS – ARTICLE 3.E.3.B.**

The proposed MUPD complies with the following Objectives and Performance Standards as provided below:

- 1. Design Objectives: The proposed project meets the design objectives of the ULDC for MUPD’s as follows:**
  - a. Allow for both residential and no-residential uses within a project that is designed in a manner to foster compatibility within and adjacent to the project;**

The project consists of an existing previously approved Type 3 CLF and a proposed 60,000 Medical Office Building, containing uses permitted per the ULDC and prior zoning approvals. Table 4.B.1.A. Residential Use Matrix provides that residential uses within an MUPD may only be permitted when density is available through an underlying Residential or Agricultural Reserve Future Land Use Designation. The site has an underlying future land use designation of Medium Residential, 5 units per acre (MR-5). The previously approved Type 3 CLF and the proposed 60,000 square feet medical office is designed in such a manner to foster compatibility within and adjacent to the project as discussed previously in this statement. Therefore, this proposal is in compliance with this requirement.
  - b. Provide innovative building location and orientation;**

The previously approved Type 3 CLF is currently existing on the western portion of the subject site and was designed and site to allow for additional development on the parcel. This request for a Medical office building is proposed on the eastern portion of the site as reflected on the Preliminary Site Plan. The site is of sufficient size to accommodate both buildings and provide open spaces and a lake area between Type 3 CLF and the future medical office use.
  - c. Protect adjacent residential uses from potential adverse impacts;**

The proposed office building has been placed appropriately to mitigate any perceived negative impacts to the adjacent residential uses and the screening provided. A code compliant Type 3 Incompatibility Buffer is provided along the east 245 feet of the north buffer in the affected area of the development. The 19

palms/pines required in the Blanchette Trail right-of-way landscape buffer which are subject to a Type 2 variance are proposed to be located in this area north of the new parking spaces to further mitigate and screen the residents to the north of the subject site. The design of the subject property has incorporated the required perimeter buffers consistent with the previous approval, including the enhanced 30' Buffer along Lake Worth Road. The proposed medical office is located approximately 335 feet south of the north property line. Furthermore, where adjacent to the residential uses to the north the applicant has provided approximately 40 feet of additional separation between the required landscape buffer and provided parking spaces to minimize the impact on those residences.

**d. Provide interconnection between uses in and adjacent to the project.**

The only adjacent and accessible non-residential use is located west of the subject site. The subject site includes a dry retention area that is located along the entire length of the west property line, making it impossible to provide cross access to the west. Please refer to the "Cross Section Access" section of this narrative for additional information. Due to the existing built environment on the subject property, we hereby request from the DRO that a cross connection not be required for between Harbor Chase of Wellington Crossing and Project Institute to the west. There are no other adjacent non-residential uses that require cross access. Cypress Woods PUD located north of the subject site is a fully developed residential community with no options to allow interconnection between the uses. There are no other adjacent uses that could provide interconnection of uses. A continuous pedestrian and non-vehicular circulation systems is proposed throughout the proposed development. The internal sidewalk system connects with an existing six (6) foot wide meandering pedestrian pathway located in an enhanced 30' buffer located along the property's frontage on Lake Worth Road.

**e. Allow for landscape design that enhances the appearance of the project.**

The affected area will include updated landscape buffers along the east 245 feet of the north property line, landscape islands and foundation planting areas as required by code for the proposed medical office. Landscape plans will be provided at the time of building permits which will continue to enhance the appearance of the project.

**f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution and storage of products**  
Not applicable.

**Performance Standards: The Performance Standards for MUPD's are addressed below:**

**a. Freestanding Buildings: - A total of three (3) freestanding buildings, in addition to the primary building, are allowed in an MUPD with an INST land use.**

According to Article 3.E.3.B. 2. 1., this section shall not apply to mixed use or residential structures. Further, Table 3.E.3.B. – Freestanding Buildings provides that 1 freestanding building is allowed in the Commercial Low-Office FLU

designation. Currently a Type 3 CLF is existing on the subject site and is exempt from this requirement as it is classified as a residential use in the ULDC. The proposed medical office is the only freestanding building proposed in the MUPD. The proposed project is in compliance with this requirement. Please note that the ULDC is being amended to remove this freestanding building limitation from the Code.

- b. **Non-Vehicular Circulation – A MUPD shall be designed to provide for pedestrian and bicycle-oriented circulation system throughout the development. Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete or similar pavement treatment.**

The internal sidewalk system connects with an existing six (6) foot wide meandering pedestrian pathway located in an enhanced 30' buffer located along the property's frontage on Lake Worth Road and the existing six (6) foot wide sidewalk existing along Blanchette Trail. Any new, crosswalks within the affected area will be accented with special pavers, bricks, decorative concrete, stamped concrete or similar decorative treatment as required. The proposed buildings have been designed to be pedestrian friendly by providing the requirement for parking in close proximity to the proposed building.

- c. **Landscape Buffers – A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation.**

Pursuant to Article 3.E.3.B.2.c. Landscape Buffers, a Type 3 Incompatibility Buffer shall be required along the property lines of an MUPD, where a mixed use and non-residential uses are adjacent to a residential use type or undeveloped land with a residential FLU designation. The unaffected area of the site is developed with a previously approved Type 3 CLF which is classified as a residential use under the ULDC. A Type 1 incompatibility buffer currently exist adjacent to the north property line and is a vested nonconformity. The proposed Medical office is classified a commercial use and is proposed in the affected area of the site as reflected on the Preliminary Site Plan included with this request. A code compliant Type 3 landscape buffer is proposed adjacent to the north property line in the affected area as a residential use currently exist to the north of the site.

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

The only adjacent and accessible non-residential use is located west of the subject site. The subject site includes a dry retention area that is located on the entire length of the west property line, making it impossible to provide cross access to the west. Please refer to the "Cross Section Access" section of this narrative for additional information. Due to the existing built environment on the subject property, we hereby request from the DRO that a cross connection not be required for between Harbor Chase of Wellington Crossing and Project Institute to the west. There are no other adjacent non-residential uses that require cross access.

Also, please note, “Project Institute” received approval from the Board of County Commissioners on February 28, 2019 to allow a rezoning from CG-General Commercial/PUD to the MUPD-Multiple Use Planned Development, to allow the development of 350,000 square feet of medical offices for the Cleveland Clinic Campus. The land use designations for the site includes CH/3 for an existing gas station, with the balance of the property being CL/3 and CLX/3.

The west buffer remains unchanged and is located in the area of the development unaffected by redesign as reflected on the non-conformity chart on PSP-2. Based on discussions with staff at our pre-application meeting, a non-conformity chart has not been included as the improvements are constructed. The existing retention area located along Harbor Chase's west property line is in excess of 50 feet in width and extends along the entire length of the west property line. Adding a cross access adjacent to the west MUPD is not feasible due to the existing location of the retention area for Harbor Chase.

**e. Parking and Loading – Off street parking areas shall comply with Article 6, Parking, Article 7, Landscaping.**

As referenced above, the western portion of the site was previously developed as a Type 3 CLF and is in compliance with the specific parking requirements in affect at the time of the approval for Type 3 CLF. The parking for the CLF was calculated as follows:

- 1 parking space per 200 SF of Office space at 1,084 Square Feet = 5 spaces
- 1 parking space per CLF unit at 136 units= 136 parking spaces\*

“\*The term ‘unit’ is only for the purpose of calculating the required parking per Article 6 and is not considered a dwelling unit for density calculation purposes, [as defined in Article 1 of the ULDC](#)”.

The parking for the affected area has been provided on the site plan and utilizes the minimum and maximum parking standards provided in Article 3. E.1.C.2.h.2.a. The minimum parking spaces required is 240 parking spaces and the maximum is 359 parking spaces. The parking was calculated based on the gross square footage of the proposed 60,000 square feet for Medical Office uses. A total of 381 parking spaces are required for both the Type 3 CLF and 406 spaces are provided for the overall MUPD.

The previous approved site plan reflects the approval of three (3) loading spaces for the CLF use. A Type I Waiver was approved to allow the reduction of the loading space size from 15’ X 55’ to 12’ X 35’. Two (2) additional 12’ X 18.5’ loading spaces have been provided to serve the Medical Office use. No additional loading space reductions are proposed are requested. The proposed Site Plan complies with all Parking and loading Area requirements for the affected area.

**TYPE 2 (CONCURRENT) ZONING VARIANCE**  
A Concurrent Type 2 Zoning Variance is being requested from the following Palm Beach County ULDC Provisions.

Variance	ULDC Section	Required	Proposed	Variance
1.	<b>Table 7.C.2.A. – Right-of-way Landscape Requirements</b> Landscape Requirements  Affected Area East ROW Buffer	19 Palms/Pines	0	100%

The existing landscape right-of-way buffer located along the east property line was completed with the final inspections of the CLF, in compliance with code at the time. On January 25, 2018, the Palm Beach County Board of County Commissioners approved Ordinance No. 2018-002 which amended Article 7 Landscaping to include plantings of one palm or pine per 30 linear feet of right-of-way buffer (Table 7.C.2.A.). As this buffer is now included in the affected area, and as the plant material previously required, as well as an irrigation system, has been installed, rather than the potential of impacting the existing, sufficient plant material in place, the applicant is requesting a variance to this code requirement.

In further support of the variance, the 10' area available for planting is immediately adjacent to a 10' utility easement that contains FPL facilities. During the initial design of this project, oak trees were originally anticipated to be installed in this buffer. However, with the improvements in the Blanchette Road right of way, and the relocation of the power poles, the FPL Right Tree/Right Place limitations did not allow for the installation of oaks and the plans were amended to reflect Silver Buttonwood trees, which are in compliance. Based on input from our in-house landscape architects, the installation of pines/palms in this area would be problematic as a result of these limitations as well. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer, which are subject to a Type 2 variance are proposed to be located in the area north of the seven new parking spaces to further mitigate and screen the residents to the north of the subject site.

1. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district:**  
A special circumstance exists in that the development of the Type 3 CLF was completed on January 22, 2019 and the landscape code in effect at that time differs from that in effect today. On January 25, 2018, the Palm Beach County Board of County



Commissioners approved Ordinance No. 2018-002 which amended Article 7 Landscaping to require additional plantings of one palm or pine per 30 linear feet of right-of-way buffer (Table 7.C.2.A.). The landscape buffers were completed with the construction of the Type 3 CLF per the requirements in affect at that time. There is concern with the impacts to the existing landscape/irrigation that could occur with the installation of additional plant material. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer which are subject to the Type 2 variance are proposed to be located in the area adjacent to the north property line to further mitigate and screen the residents to the north of the subject site.

Additionally, a special condition exists in regard to the proximity of the FPL facilities to this buffer and the limitations associated with Right Tree/Right Place. These are special circumstances/conditions that are peculiar to the parcels of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.

**2. Special circumstances and conditions do not result from the actions of the applicant:**

As referenced above, the development of a Type 3 CLF was completed on January 22, 2019 and the landscape code in effect at that time differs from that in effect today. On January 25, 2018, the Palm Beach County Board of County Commissioners approved Ordinance No. 2018-002 which amended Article 7 Landscaping to require additional plantings of one palm or pine per 30 linear feet of right-of-way buffer (Table 7.C.2.A.). The landscape buffers were completed with the construction of the Type 3 CLF per the requirements in affect at that time. Likewise, the impact of the location of the power lines with the expanded Blanchette Trails is not a result of the actions of the applicant.

**3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings, or structures in the same district:**

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved Type 3 CLF to provide additional services to the CLF and the residents in the surrounding area. The proposed variance will not negatively affect any adjacent properties. The landscape buffers were approved by Palm Beach County and completed with the construction of the CLF per the code requirements in affect at that time. No special privilege is being provided via the granting of the variance as the variance approval process is available to all and individual requests may be approved by the Zoning Commission based on the project's specific criteria.

**4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:**

As referenced above, the development of a Type 3 CLF was completed on January 22, 2019 and the landscape code in effect at that time differs from that in effect today. On January 25, 2018, the Palm Beach County Board of County Commissioners approved Ordinance No. 2018-002 which amended Article 7 Landscaping to require additional

plantings of one palm or pine per 30 linear feet of right-of-way buffer (Table 7.C.2.A.). The landscape buffers were completed with the construction of the Type 3 CLF per the requirements in affect at that time. A literal interpretation and enforcement of the terms and provisions of the ULDC would result in undue hardship as the landscape buffer was completed and received final inspection approval along with the CLF and could impact the existing plant material/irrigation system. The existing buffer is also in compliance with FPL requirements/limitations. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer which are subject to a Type 2 variance are proposed to be located in the area north of the new parking spaces to further mitigate and screen the residents to the north of the subject site. Additionally, the code requires that foundation planting be provided along the eastern side of the proposed medical office building, which will further soften the view of the building façade from the right of way, in addition to the 88.7' setback. The intent of the ULDC is being met with the existing plant material deemed sufficient via the prior code requirements.

**5. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

As referenced above, the development of a Type 3 CLF was completed on January 22, 2019 and the landscape code in effect at that time differs from that in effect today. On January 25, 2018, the Palm Beach County Board of County Commissioners approved Ordinance No. 2018-002 which amended Article 7 Landscaping to require additional plantings of one palm or pine per 30 linear feet of right-of-way buffer (Table 7.C.2.A.). The landscape buffers were completed with the construction of the Type 3 CLF per the requirements in affect at that time. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer which are subject to a Type 2 variance are proposed to be located in the area north of the new parkin to further mitigate and screen the residents to the north of the subject site. Granting this variance is the minimum variance that will allow the property owner to make reasonable use of the land and avoid impact to existing plant material. All other required landscaping plantings are being met on site and in compliance with FPL limitations.

**6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code:**

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved Type 3 CLF to provide additional services to the CLF and the residents in the surrounding area. The proposed variance will not negatively affect any adjacent properties. The original landscape buffers were approved by Palm Beach County and completed with the construction of the CLF per the code requirements in affect at that time. The existing landscape buffer provides adequate buffering to Blanchette Trail and adjacent properties and is in compliance with FPL limitations. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer which are subject to a Type 2 variance are proposed to be located north of the new parking to further mitigate and screen the residents to the north of the subject site.

**7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

The proposed variance will not negatively affect any adjacent properties. The original landscape buffers were approved by Palm Beach County and completed with the construction of the CLF per the code requirements in affect at that time. The existing landscape buffer provides adequate buffering to Blanchette Trail and adjacent properties. The 19 palms/pines required in the Blanchette Trail right-of-way landscape buffer which are subject to a Type 2 variance are proposed to be located north of the new parking area to further mitigate and screen the residents to the north of the subject site. The proposal to install the plant material in the northern portion of the site, to provide further screening/buffering to the adjacent residential is beneficial. The requested variance will not be injurious to the area involved or detrimental to the public welfare.

On behalf of property owner, SGD Wellington Crossing, LLC, Urban Design Studios requests consideration for approval of a Rezoning from Planned Unit Development (PUD) to Multiple Use Planned Development (MUPD), a Development Order Amendment to reconfigure the site plan to include a 60,000 SF Medical Office Use, a Concurrent Type 2 Variance, and a Control Name Change. The project managers at Urban Design Studio are Joni Brinkman, Robert Dinsmore, and Jan Polson.

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