

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

Application No.:	Z/CA-2021-01817
Application Name:	Encompass Health Rehabilitation Hospital of Lake Worth
Control No./Name:	1997-00048 (Eastwood Mulch)
Applicant:	Eastwood Lantana LLC Stan Crooks Encompass Health Rehabilitation Hospital
Owners:	Eastwood Lantana LLC Stan Crooks
Agent:	Gentile Glas Holloway O'Mahoney & Assoc Inc. - Pat Lentini Gentile Glas Holloway O'Mahoney & Assoc Inc. - George Gentile Gentile Glas Holloway O'Mahoney & Assoc Inc. - Ben Dolan
Telephone No.:	(561) 575-9557
Project Manager:	Imene Haddad, Senior Site Planner Wendy N. Hernández, Deputy Zoning Director

TITLE: an Official Zoning Map Amendment REQUEST: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Institutional and Public Facilities (IPF) Zoning District TITLE: a Class A Conditional Use REQUEST: to allow a Hospital

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment and Class A Conditional Use on a 8.21-acre site. A portion of the site had a previous approval for a Wholesale Nursery, pursuant to Control 1997-00048.

Concurrent with an application for a Small Scale Amendment, SCA 2022-00012, the request proposes to rezone the site from the Agricultural Residential (AR) Zoning District to the Institutional and Public Facilities (IPF) Zoning District, along with a Class A Conditional Use in order to develop a Hospital.

The Preliminary Site Plan (PSP) indicates a two phased development, with 54,642 square feet (sq. ft.) and 50 beds within Phase 1, and 21,407 sq. ft and 30 beds in Phase 2. The total square footage will be 70,049 sq. ft with 80 beds. A total of 147 parking spaces are proposed with access from Lantana Road.

SITE DATA:

Location:	North side of Lantana Road, approximately 0.26 miles east of SR7/44
Property Control Number(s)	00-42-43-27-05-034-0431 and 00-42-43-27-05-034-0432
Existing Future Land Use Designation:	Low Residential (LR-2)
Proposed Future Land Use Designation:	Institutional with an underlying Low Residential (LR-2) (INST/2)
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	IPF
Total Acreage:	8.21 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Greenacres, Lantana
Commission District	District 6, Commissioner Melissa McKinley

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

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

PROJECT HISTORY: The eastern portion of the property is developed with a Single Family residence through a building permit process. The western portion of the development was previously approved, through Control 1997-00048, with a Wholesale Nursery with accessory chipping and mulching.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Low Residential (LR-2)
Zoning District: Public Ownership District (PO)
Supporting: Recreation (PBC Mosquito Control Complex Redevelopment, Control No 1983-00090)

SOUTH:

FLU Designation: Low Residential (LR-2)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Bellagion PUD, Control No 1995-00116)

EAST:

FLU Designation: Low Residential (LR-2)
Zoning District: Public Ownership District (PO)
Supporting: Recreation (PBC Mosquito Control Complex Redevelopment, Control No 1983-00090)

WEST:

FLU Designation: Commercial Low, with an underlying LR-2 (CL/2)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Commercial (Mission Lakes MUPD, Control No 2003-00007)

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan - *The proposed 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 Amendments:* The site is the subject of a concurrent Small Scale site-specific amendment known as Encompass Health of Lake Worth (SCA-2022-012). The request is to amend the future land use designation from Low Residential, 2 units per acre (LR-2) to Institutional with an underlying Low Residential, 2 units per acre (INST/2). For additional information, refer to the summary on the accompanying Small Scale amendment.
- *Relevant Comprehensive Plan Policies:* The Comprehensive Plan’s Future Land Use Element (FLUE) Policy 4.3-g establishes the framework for requiring development proposals to employ access management techniques between complementary developments. The policy reads as follows:

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

The Preliminary Site Plan indicates a proposed vehicular and pedestrian cross access point with the westerly adjacent property (Mission Lakes MUPD, Control No. 2003-00007). This adjacent property has a land use designation of Commercial Low, with an underlying Low Residential, 2 units per acre (CL/2), and an approved site plan indicating 245,640 sq. ft. of commercial uses. There is an existing cross access easement through the Mission Lakes MUPD, terminating at the western property line of the subject site as recorded in ORB 17416, PG 1813. Staff is recommending conditions of approval with the conditional use request for a hospital in order to secure and implement vehicular and pedestrian cross access between the two complementary developments.

- *Intensity:* The maximum Floor Area Ratio (FAR) for non-residential projects utilizing the INST land use designation in the Urban Suburban Tier is 0.45 (357,759 surveyed sq. ft. or 8.21 acres x 0.45 maximum FAR = 160,991.55 sq. ft. maximum). The request for a total of 76,049 sq. ft. equates to a FAR of 0.21 (76,049 / 357,759 surveyed sq. ft. or 8.21 acres = 0.21). Thus, the requested intensity is consistent with the proposed INST land use designation.
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or planning study areas as identified in the Comprehensive Plan.

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.*

modify the Official Zoning Designation. The IPF district is to provide land in appropriate locations for a variety of regional and community uses that are either publicly or privately operated. The analysis prepared by the Planning Division as part of the concurrent application to modify the FLU, concludes that the INST FLU is appropriate for the subject location. The IPF District, proposed, is consistent with the INST FLU, and with the proposed use, is more appropriate than the other districts.

- *Property Development Regulations:* The subject site is comprised of two properties, with existing uses. In order to develop the property for the Conditional Use the site will be required to plat, through the requirements of Article 11 to combine the two lots. The proposed combination of lots will result with one lot that meets the property development regulations for the IPF Zoning District.
- *Overlays:* The subject site is not located within any Overlays.
- 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 proposed rezoning will be consistent with the proposed INST FLU. The Planning Division in their analysis to modify the FLU have stated that the INST FLU is compatible with the institutional/civic and recreational use of a park to the north and east, the 553.87 residential PUD to the south, and the Commercial Shopping Plaza to the west

The proposed zoning district is located on an arterial roadway within the county, within proximity of the intersection of 441/Lantana. The alternative district to IPF, would be PO or AR. The proposed use however would not be appropriate in those zoning districts. Based on the proposed amendment to the FLU, the location of the site, IPF is compatible with the surrounding districts for this parcel of land.

- d. **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:* The site supports some native species, which are located in sporadic areas through the site.
- *Site Contamination:* The site is contaminated as identified in the Phase II Environmental Site Assessment dated, December 07, 2021. The Property Owner will need to continue to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C.
- *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 application beyond compliance with ULDC requirements, or as stated above.
- e. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed IPF Zoning District will be consistent with the proposed modification to the FLU. Pursuant to the Planning Division Staff analysis, for SCA-2022-00012, of the modification to the INST FLU, furthers the Policies and Directions of the Plan, and encourages a sustainable and balanced land use pattern within the mix of uses in the area. The proposed modification as it relates to Livable Communities, Growth Management, Land Use Compatibility and Economic Diversity and Prosperity. The Zoning District must be consistent with the FLU, and therefore the modification to IPF will be consistent with the FLU and is a timely and logical development pattern.

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

ENGINEERING COMMENTS:

The proposed hospital project is expected to generate 723 net daily trips, 60 net AM peak hour trips, and 66 net PM peak hour trips. The build out of the project is expected to happen by 2026.

All the significantly impacted roadways meet adopted LOS. The intersection of Lantana Rd and Lyons Rd will need improvements to mitigate background deficiencies without the proposed project traffic. The mitigated intersection will satisfy County Traffic Performance Standards. Note that the background deficiency mitigation is the responsibility of the maintaining agency, as per Florida Statutes.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Lantana Rd from SR-7 to Lyons Rd
Existing count: Eastbound=881, Westbound=695
Background growth: Eastbound=241, Westbound=202
Project Trips: Eastbound=27, Westbound=18
Total Traffic: Eastbound=1149, Westbound=915
Present laneage: 2 in each direction
Assured laneage: 2 in each direction
LOS "D" capacity: 1770 per direction
Projected level of service: LOS D or better in east direction

The Property Owner shall reconfigure the existing signal at their entrance prior to the issuance of the certificate of occupancy.

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 additional comments. The subject site is within the boundary of Fire Station #48.



SCHOOL IMPACTS:

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

PARKS AND RECREATION:

The hospital is being constructed adjacent to a future county district park, once complete the park will feature lighted athletic facilities and there will be traffic and noise from park patrons.

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

The Applicant states that the need to modify the zoning is to IPF would allow private institutional use that will serve the area. The changed circumstance for support of the rezoning is required to ensure the Zoning District is consistent with the FLU. The alternative districts would not allow for the private use proposed with the concurrent request. This proposed district is appropriate as a transition between the Commercial to the west and the recreational use to the north and east.

FINDINGS:

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

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

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

Consistency with the Comprehensive Plan: Should the BCC approve the amendment request, then the proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Concurrent Land Use Amendments:* The site is the subject of a concurrent Small Scale site-specific amendment known as Encompass Health of Lake Worth (SCA-2022-012). The request is to amend the future land use designation from Low Residential, 2 units per acre (LR-2) to Institutional with an underlying Low Residential, 2 units per acre (INST/2). For additional information, refer to the summary on the accompanying Small Scale amendment.

○ *Relevant Comprehensive Plan Policies:* The Comprehensive Plan's Future Land Use Element (FLUE) Policy 4.3-g establishes the framework for requiring development proposals to employ access management techniques between complementary developments. The policy reads as follows:

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

The Preliminary Site Plan indicates a proposed vehicular and pedestrian cross access point with the westerly adjacent property (Mission Lakes MUPD, Control No. 2003-00007). This adjacent property has a land use designation of Commercial Low, with an underlying Low Residential, 2 units per acre (CL/2), and an approved site plan indicating 245,640 sq. ft. of commercial uses. There is an existing cross access easement through the Mission Lakes MUPD, terminating at the western property line of the subject site as recorded in ORB 17416, PG 1813. Staff is recommending conditions of approval with the conditional use request for a hospital in order to secure and implement vehicular and pedestrian cross access between the two complementary developments.

○ *Intensity:* The maximum Floor Area Ratio (FAR) for non-residential projects utilizing the INST land use designation in the Urban Suburban Tier is .45 (357,759 surveyed sq. ft. or 8.21 acres x .45 maximum FAR = 160,991.55 sq. ft. maximum). The request for a total of 76,049 sq. ft. equates to a FAR of 0.21 (76,049 / 357,759 surveyed sq. ft. or 8.21 acres = 0.21). Thus, the requested intensity is consistent with the proposed INST land use designation.

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or planning study areas as identified in the Comprehensive Plan.

- 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.*

○ *Code Enforcement:* Previous Code Enforcement violations were resolved in 2021 for both properties. Violations related to the use and inconsistencies with the approvals.

○ *Property Development Regulations:* In addition to meeting the minimum lot requirements for the IPF Zoning District, a Hospital is required to be located on a minimum of five acres, of which the proposed lot will be 8.21, once combined. The lot on which the use is located must have a minimum of 200 feet of frontage, or as required by district whichever is greater. Once combined, the lot will have approximately 660 feet of frontage along Lantana Road.

○ *Use specific regulations:* The hospital will be licensed by the State of Florida, as required by the use. If a Hospital were to have an incinerator additional setbacks for the incinerator would be required based on the pounds per hour of waste. The Applicant states in their justification statement that no incinerator is proposed.

- *Architectural Review:* The Applicant requested that Architectural Elevations be reviewed at time of Building Permit. Staff however is proposing a Condition of Approval that requires the elevations for Phase 1 be provided at time of Final Approval by the DRO. When Phase 2 is submitted for building permit, the elevations may be submitted at that time, consistent with the approved elevations.
- *Parking:* The use requires 46 parking spaces for the 80 bed hospital. The Preliminary Site Plan indicates 147 proposed spaces. Staff is recommending that 20 of the additional 101 parking spaces, located along the east side of the building and property line (northern most) be converted to grass parking or constructed of pervious pavement.
- *Landscape/Buffering:* The subject development is adjacent to a Commercial Shopping Plaza to the west, a park along the north and east and residential development along the south. The Preliminary Site Plan indicates eight foot compatibility buffers along the north, east and west property lines. The Hospital will also be separated from the park to the north by the proposed 45,000 sq. ft. retention area. Additional conditions for landscaping for the norther property line, around the detention area to address concerns regarding lighting of athletic fields for the park, under the compatibility standard.

As part of the landscape Conditions of Approval, Staff is requiring that a conceptual landscape buffer detail for the right of way along Lantana Road be provided prior to final approval of the site plan. The right of way buffer shall incorporate a similar landscape design as provided in the buffer to the west, and details within the buffer to the south. The principals is to have similar appearance, but creating a full lush, natural buffer, with design that creates an appearance of a berm, with meandering and staggered heights of trees, palms, pines and hedges.

The Preliminary Regulating Plan depicted in Figure 5 indicates several existing canopy, palms and pines that will be maintained or relocated on site.

- *Signs:* The Preliminary Master Sign Plan proposed by the Applicant indicates three freestanding signs 20 feet in height and 200 sq. ft. in area each. However, only one ground mounted sign is indicated on the Master Sign Plan on the eastern side of the entrance. Given the site is a single use, Staff recommends that the number of ground mounted signs be restricted two, and be no larger than 10 feet in height. The second sign is not required, but is optional if desired. The Master Sign Plan also does not indicate any Building Mounted signage, however, Staff recognizes there may be a need for this type of signage. With the Architectural Elevations being required at time of Final approval, the Applicant shall revise the final Master Sign Plan to update the plan consistent with the conditions, along with proposed building mounted signage.

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

As described under the Summary of Surrounding Land Uses, the site is surrounding by a mix of Commercial, Recreational and Residential Uses. The proposed institutional use is generally consistent with the use and character of land surrounding this site. The hospital will be licensed by the State and has direct access to a major street, while providing cross access to the Commercial Shopping Plaza. The proposed development will be preserving in place or relocating existing vegetation on site. The buffering proposed will be consistent along the right of way as those developments to the west and south. The park to the north has plans to construct athletic fields which will have additional lighting. Staff recommends that additional canopy trees, palms and pines be planted on the south side of the proposed 45,000 sq. ft. retention area to provide additional screening from the proposed use. This plant material may include vegetation that is relocated, as depicted on the Preliminary Regulating Plan (Tree disposition). The material may vary in height from eight feet to 16 feet for canopy trees and 12 to 16 feet for pines and palms.

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 layout aligns the entrance with Bellagio Lakes Boulevard with one access point for ingress and egress. The structure is proposed to be constructed in two phases, with a approximately 55,000 sq. ft and 50 beds in the first phase, and approximately 19,000 sq. ft and 30 beds in Phase 2. The structure is centrally located with the majority of the parking along the front, with two emergency drop off areas. The site provides a larger special distance to the north from the proposed park. Additionally, the design will incorporate existing vegetation, and a future analysis of wetlands will be provided to ERM. The building placement is similar in alignment along Lantana Road with the commercial retail structure to the west, and height proposed consistent with the commercial structure to the west.

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

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- *Vegetation Protection:* The site supports some native species, which are located in sporadic areas through the site.
 - *Site Contamination:* The site is contaminated as identified in the Phase II Environmental Site Assessment dated, December 07, 2021. The Property Owner will need to continue to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C.
 - *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.
 - *Wetland Determination:* Staff has completed a site visit and reviewed the existing site conditions against what is surrounding the site, however additional information is needed to determine if there are potential wetlands. Therefore, Staff is recommending a condition of approval that requires the Applicant to submit a copy of a wetland jurisdictional determination from the Department of Environmental Protection (DEP), South Florida Water Management District (SFWMD) and/or the Army Corps of Engineers (ACE) shall be provided to ERM. If it is determined there are additional wetlands, the site may need to be reconfigured to preserve the wetland, or to address requirements by DEP, SFWMD, or ACE.
 - *Environmental Impacts:* There are no significant environmental issues associated with this application beyond compliance with ULDC requirements, or as stated above.
- f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed use will be consistent with the development pattern of the area. The use is appropriate within the proposed FLU and Zoning District. The area includes a mix of residential uses to the south, along with commercial, and recreational uses along the north side of Lantana Road. The Planning Division Staff analysis, for SCA-2022-00012, of the modification to the INST FLU, states the modification furthers the Policies and Directions of the Plan, and encourages a sustainable and balanced land use pattern within the mix of uses in the area. The proposed modification as it relates to Livable Communities, Growth Management, Land Use Compatibility and Economic Diversity and Prosperity. The rezoning as analyzed above is consistent with the proposed FLU, and the proposed Hospital is a use that will provided service to the residents of the community.

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

ENGINEERING COMMENTS:

The proposed hospital project is expected to generate 723 net daily trips, 60 net AM peak hour trips, and 66 net PM peak hour trips. The build out of the project is expected to happen by 2026.

All the significantly impacted roadways meet adopted LOS. The intersection of Lantana Rd and Lyons Rd will need improvements to mitigate background deficiencies without the proposed project traffic. The mitigated intersection will satisfy County Traffic Performance Standards. Note that the background deficiency mitigation is the responsibility of the maintaining agency, as per Florida Statutes.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Lantana Rd from SR-7 to Lyons Rd

Existing count: Eastbound=881, Westbound=695

Background growth: Eastbound=241, Westbound=202

Project Trips: Eastbound=27, Westbound=18

Total Traffic: Eastbound=1149, Westbound=915

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS "D" capacity: 1770 per direction

Projected level of service: LOS D or better in east direction

The Property Owner shall reconfigure the existing signal at their entrance prior to the issuance of the certificate of occupancy.

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:

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

PARKS AND RECREATION:

The hospital is being constructed adjacent to a future county district park, once complete the park will feature lighted athletic facilities and there will be traffic and noise from park patrons.

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

The Applicant has requested modifications to the future land use from LR-2 to Institutional/2. The modification of the FLU is supported by Planning Staff and state in their analysis that it is furthering the policies and goals of the plan for diverse and livable communities. The FLU and Zoning proposed is a logical transition to the recreation to the north and east. The proposed use as a private hospital is an appropriate use. The Applicant states in their justification that this use will meet the needs for the residents in the area.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and determined that there is a balance between the need for change and the potential impacts generated by the change. Therefore, Staff is recommending approval of the requests. Staff has determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Official Zoning Map Amendment

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 14, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Hospital (Phase 1) 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). Phase 2 may be submitted at time of Building Permit, and shall be consistent with the approved elevations. (DRO: 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, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall record a non-exclusive utility easement across the Lantana Road frontage. The easement shall be approved by Land Development prior to recordation. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall permit, fund, install, and have operational any and all necessary modifications to the traffic signal at Lantana Boulevard and Bellagio Lakes Boulevard, including any necessary easements. Signalization shall be a mast arm structure installation. The cost of signalization shall be paid by the Property Owner and shall also include all design costs and any required utility relocation and right of way or easement acquisition.

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

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

ENVIRONMENTAL

1. Prior to the final approval by the Development Review Officer, a copy of a wetland jurisdictional determination from the Department of Environmental Protection, South Florida Water Management District and/or the Army Corps of Engineers shall be provided to ERM. Any native vegetation that is not within a jurisdictional wetland will be regulated in accordance with the ULDC, Article 14.C.7.C. and the applicable vegetation North of the proposed retention area shall be preserved in place or as approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - INTERIOR

1. Prior to the issuance of a building permit, the landscape plan shall include the following along the entire south side of the 45,000 sq. ft retention area:

- a. quantity canopy trees: one for every 20 lineal feet;
- b. average heights canopy trees: 12 feet, with minimum 8 foot height
- c. quantity pines or palms: one for every 20 lineal feet;
- d. minimum height: 12 feet (BLDGPM/DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER-SOUTH PROPERTY LINE (FRONTAGE OF LANTANA ROAD)

1. Prior to final DRO, a conceptual Right of Way buffer detail shall be provided on the Final Regulating Plan. The plans shall incorporate The Right of Way shall incorporate a similar landscape design as provided in the buffer to the west, and within the buffer to the south. The principals is to have similar appearance, but creating a full lush, natural buffer, with design that creates an appearance of a berm, with meandering and staggered heights of trees, palms, pines and hedges. (BLDGPM/DRO: ZONING - Zoning)

PARKING

1. The northern most 20 parking spaces, located on the east side of the building be converted to grass parking or constructed of pervious pavement. (BLDGPM/DRO: ZONING - Zoning)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the site plans. (DRO: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)
3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the final site plan. (CO: PLANNING - Planning)

SIGNS

1. Ground Mounted signs fronting on Lantana Road shall be limited as follows:
 - a. maximum sign height: ten feet, measured from finished grade to highest point;
 - b. maximum sign face area per side: - 100 square feet; and,
 - c. maximum number of signs - two. (BLDGPMT: BUILDING DIVISION - Zoning)
2. Prior to final approval by the Development Review Officer, the Master Sign Plan shall be revised to be consistent with conditions of approval, and include any proposed building mounted signs. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Zoning Commission
Application No: Z/CA-2021-01817

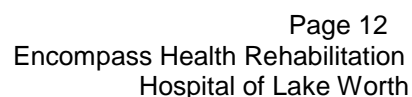
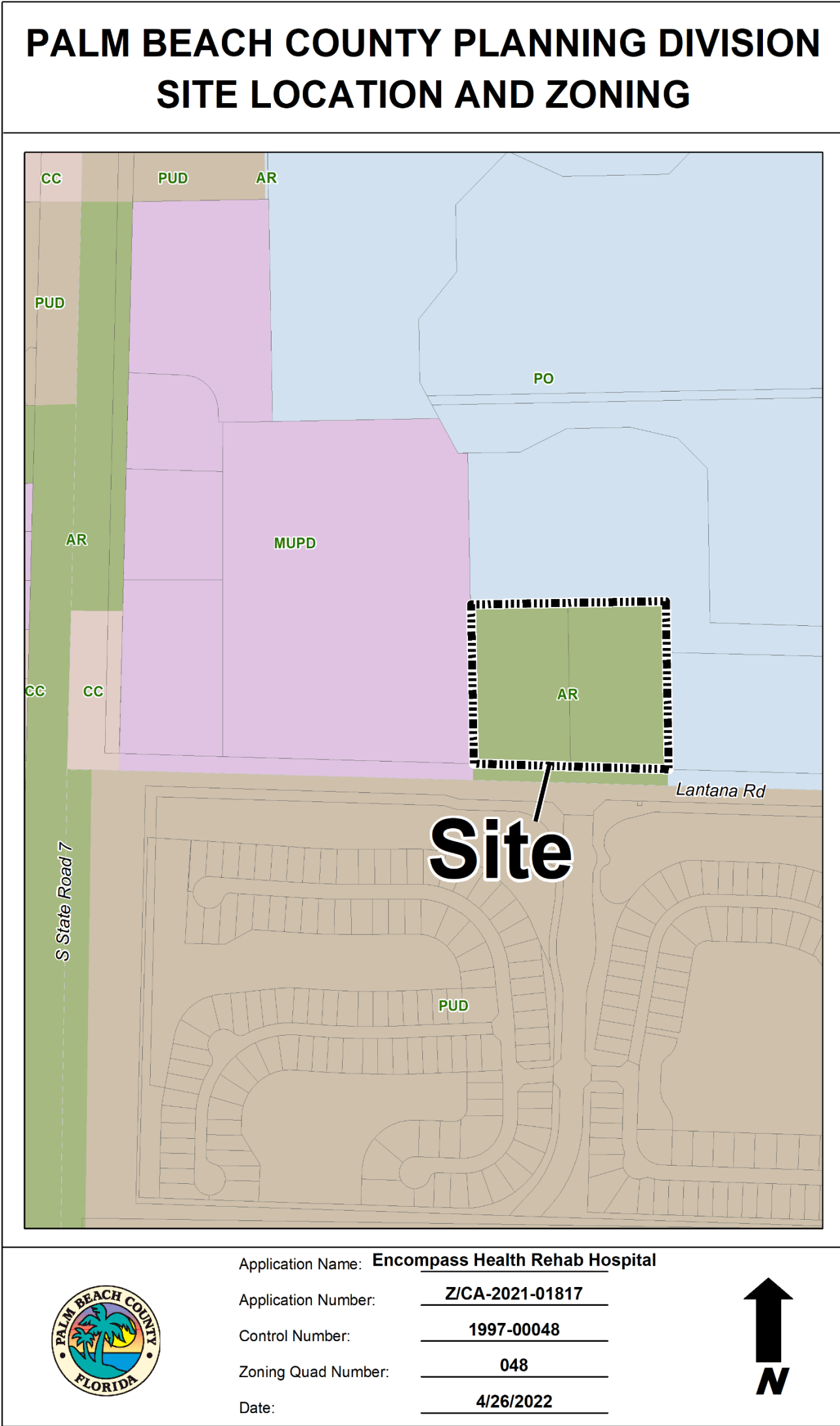


Figure 2 - Zoning Map



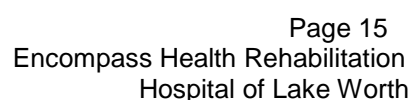
Zoning Commission
Application No: Z/CA-2021-01817



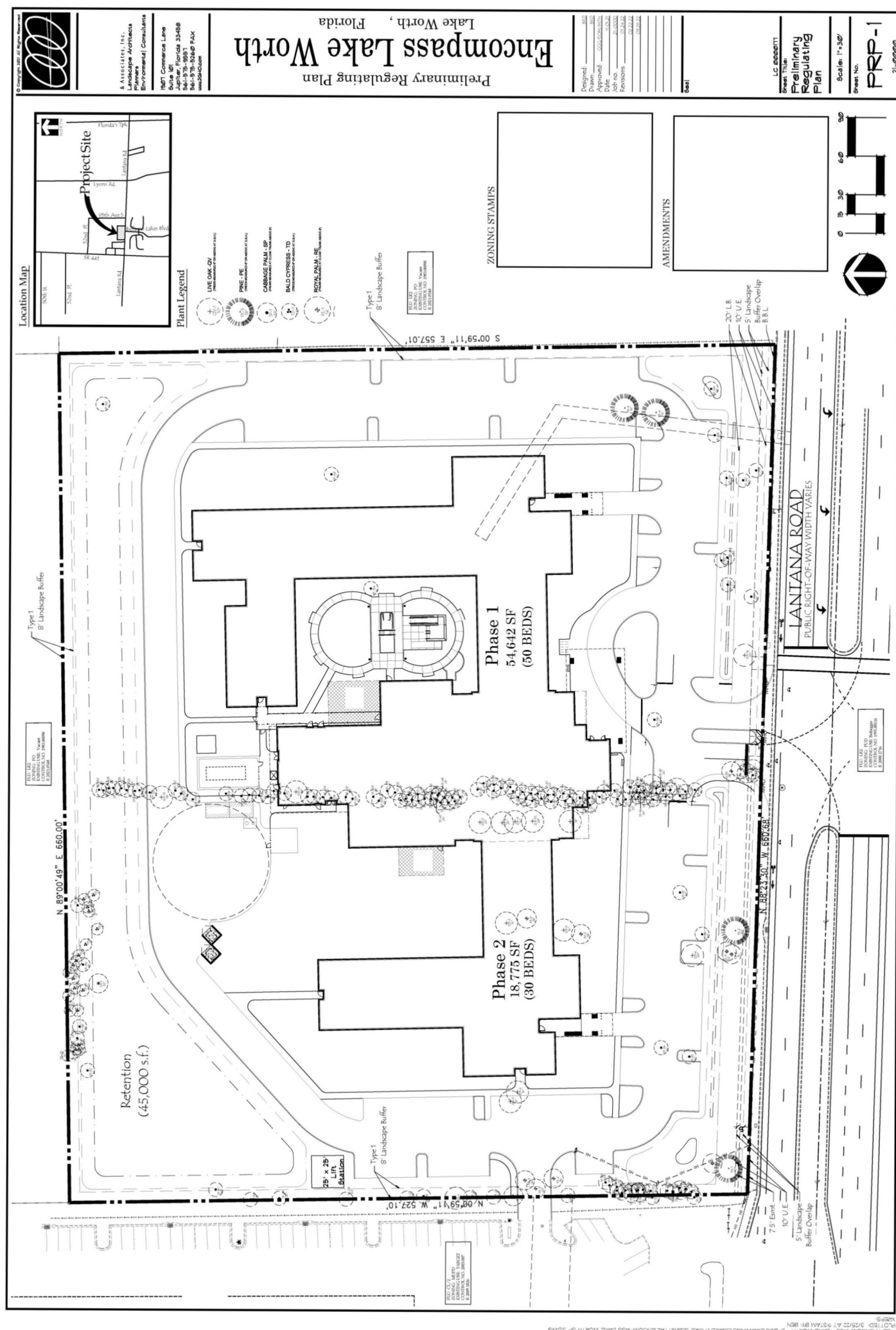
Application Name:	<u>Encompass Health Rehab Hospital</u>
Application Number:	<u>Z/CA-2021-01817</u>
Control Number:	<u>1997-00048</u>
Atlas Page Number:	<u>081</u>
Date:	<u>4/26/2022</u>



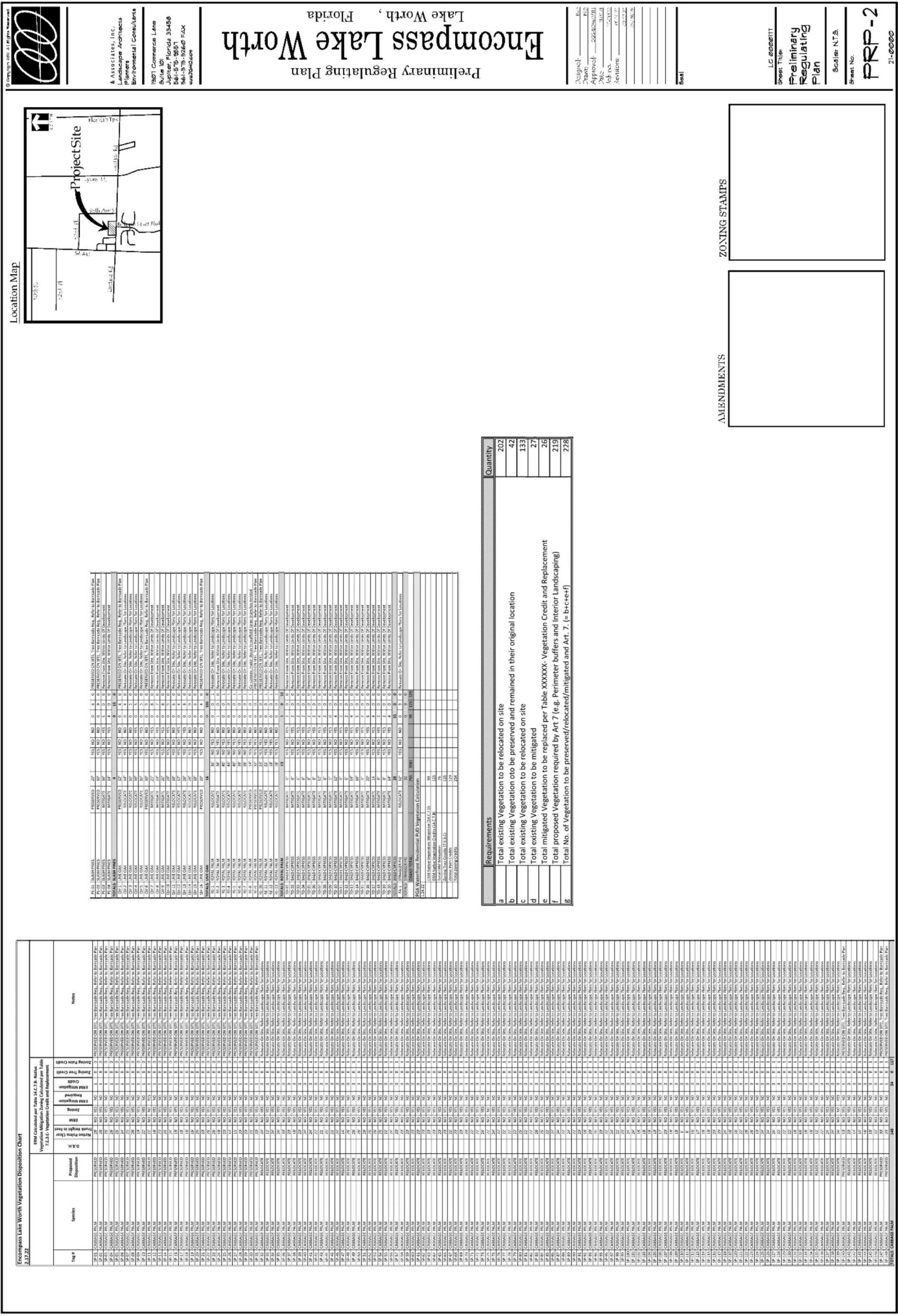
Zoning Commission
Application No: Z/CA-2021-01817



Page 16
Encompass Health Rehabilitation
Hospital of Lake Worth



Zoning Commission
Application No: Z/CA-2021-01817



Zoning Commission
Application No: Z/CA-2021-01817

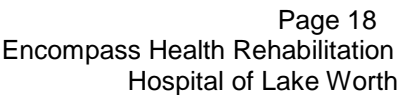


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

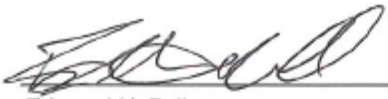
[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Edmund H. Ball, 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] Encompass Health Rehabilitation Hospital of Lake Worth LLC [position—e.g., president, partner, trustee] of Vice President [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 9001 Liberty Parkway - Real Estate 4th Floor
Birmingham AL 35242
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.



Edmund H. Ball, 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 13th day of December, 2021 by
Edmund H. Ball (name of person acknowledging). He/she is personally
known to me or has produced a state issued driver's license (type of identification) as
identification and ~~did~~ did not take an oath (circle correct response).

Mia K. Haynes
(Name - type, stamp or print clearly)

Mi K. Hay
(Signature)

My Commission Expires on: 5/9/23

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

PARCEL 1

THE EAST ONE-HALF (1/2) OF TRACT FORTY-THREE (43), LESS THE SOUTH 40 FEET ROAD RIGHT-OF-WAY, BLOCK THIRTY-FOUR (34), PALM BEACH FARMS CO. PLAT NO. 3; AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION DESCRIBED IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 11368, PAGE 475, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

PARCEL 2

THAT PART OF THE WEST HALF OF TRACT 43, BLOCK 34, LYING NORTH OF THE RIGHT-OF-WAY FOR LANTANA ROAD, THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS ADDITIONAL RIGHT-OF-WAY FOR LANTANA ROAD CONVEYED TO PALM BEACH COUNTY IN OFFICIAL RECORDS BOOK 11213, PAGE 937, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 357,759 SQUARE FEET OR 8.213 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Encompass Health Rehabilitation Hospital of Lake Worth LLC.

9001 Liberty Parkway - Real Estate 4th Floor Birmingham AL 35242

[illegible]

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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 Evangeline C. Aguirre, 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 ☐ _____ *[position - e.g., president, partner, trustee] of _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.*
2. Affiant's address is: 9645 Lantana FL 33467

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.

Evangeline C. Aguirre, 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 15th day of September, 2021 by Evangeline C. Aguirre (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).

Ruth A Sturtevant
(Name - type, stamp or print clearly)

Ruth A Sturtevant
(Signature)

My Commission Expires on: 3/24/24

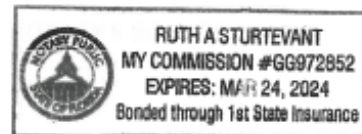


EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION
PARCEL 1

THE EAST ONE-HALF (1/2) OF TRACT FORTY-THREE (43), LESS THE SOUTH 40 FEET ROAD RIGHT-OF-WAY, BLOCK THIRTY-FOUR (34), PALM BEACH FARMS CO. PLAT NO. 3; AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION DESCRIBED IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 11368, PAGE 475, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Evangeline C. Aguirre 9645 Lantana FL 33467

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 Stan L. Crooks, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [X] individual or [] [position - e.g., president, partner, trustee] of [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 9645 Lantana FL 33467
- 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.
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- 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.

Stan L. Crooks
 Stan L. Crooks, 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 15th day of September, 2021 by Stan L. Crooks (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).

Ruth A Sturtevant
 (Name - type, stamp or print clearly)

Ruth A Sturtevant
 (Signature)

My Commission Expires on: 3/24/24

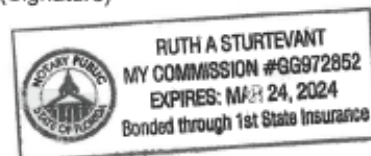


EXHIBIT "A"

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Name	Address
Stan L. Crooks	9645 Lantana FL 33467