

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

Application No.: DOA-2022-00830
Application Name: Johns Glades West MXPDP
Control No./Name: 2004-00459 (Johns Glades West MXPDP)
Applicant: Glades 95th Owner LLC
Owners: Uptown FL Partners LLC
Glades 95th Owner LLC
Agent: Dunay, Miskel and Backman, LLP - Beth Schrantz
Dunay, Miskel and Backman, LLP - Scott Backman
Telephone No.: (786) 763-0565 , (561) 368-7700
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: a Development Order Amendment **REQUEST:** to modify the Master Plan and Site Plan; and add square footage and a use on 37.99 acres **TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Theater Performance Venue use and modify Conditions of Approval on 37.99 acres

APPLICATION SUMMARY: The proposed request is for a Development Order Amendment for the 37.99 acres-acre Johns Glades West Development, and more specifically, Building C3 of the Commercial Pod. The Site was last approved by the Board of County Commissioners (BCC) on October 24, 2019.

The request will modify the Site Plan in order to add 12,494 square feet (sq. ft.) to Building C3 and adjust the outdoor seating areas on site. The Preliminary Site Plan (PSP) indicates a total of 206,157 sq. ft. for the Commercial Pod of the MUPD with 1,306 parking spaces. The Residential Pod is not being modified. Access is from Glades Road and 95th Avenue South.

SITE DATA:

Location:	Southwest corner of Glades Road and 95th Avenue South
Property Control Number(s)	00-42-47-18-24-001-0000; 00-42-47-18-24-002-0000; 00-42-47-18-24-023-0000
Existing Future Land Use Designation:	Multiple Land Use (MLU)
Existing Zoning District:	Mixed Use Planned Development District (MXPDP)
Total Acreage:	37.99 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	N/A
Commission District	District 5, Commissioner Maria Sachs

RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit 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:

Application No.	Request	Resolution	Approval Date
ZV/PDD/R-2016-00845	Type 2 Variance to allow a reduction of the front setback for Building C5	ZR-2017-0013	April 6, 2017
ZV/PDD/R-2016-00845	Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential (AR) Zoning District to the Mixed Use Planned Development (MXPDP) Zoning District	R-2017-0692	May 25, 2017
	Requested Use to allow a Type I Restaurant with Drive-through (Building C6)	R-2017-0693	May 25, 2017
	Requested Use to allow a Type I Restaurant with Drive-through (Building C7)	R-2017-0694	May 25, 2017

Application No.	Request	Resolution	Approval Date
	Requested Use to allow a Theater performance venue (Building C3)	R-2017-0695	May 25, 2017
	Requested Use to allow workforce Housing Density Bonus in excess of 30 percent	R-2017-0696	May 25, 2017
ZV/ABN/DOA-2018-01725	Abandonment for a Requested Use to allow a Type I Restaurant with Drive-through (Building C-6)	R-2019-0253	February 28, 2019
	Development Order Amendment to reconfigure the Site Plan to modify Conditions of Approval (Architecture and Planning)	R-2019-0254	February 28, 2019
	Development Order Amendment to reconfigure the Site Plan; add square footage; add and delete uses; and, modify Conditions of Approval (Architecture and Planning)	R-2019-0255	February 28, 2019
	Development Order Amendment to reconfigure the Site Plan to add square footage and, to modify Conditions of Approval (Architecture and Planning)	R-2019-0256	February 28, 2019
DOAW-2019-01125	Development order Amendment to reconfigure the Master Plan and site Plan; and, to add square footage	R-2019-1695	October 24, 2019
	Type 2 Waiver to extend hours of operation for a Non-Residential Use located within 250 feet of a Residential Use or Future Land Use designation	R-2019-1696	October 24, 2019
ZV/ABN/DOA-2018-01725	Type 2 Variance to reduce Front Setback and eliminate Foundation Planting	ZR-2019-0005	February 7, 2019
ZV-2020-00787	Type 2 Variance to increase maximum wall sign area	ZR-2020-0041	October 1, 2020
DOA/ZV-2021-01942	Type 2 Variance to increase wall sign area (Building C3)	ZR-2022-0020	June 2, 2022
	Development Order Amendment to modify Conditions of Approval	ZR-2022-021	June 2, 2022

FINDINGS:

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

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

The subject analysis encompasses the review of two Development Order Amendments, one for the overall MUPD rezoning approval, and the second to modify a Conditional Use for Theater Performance Venue.

- 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:

- o *Consistency with the Comprehensive Plan:* 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.
- o *Prior Land Use Amendment:* The site was the subject of a Large Scale Land Use amendment known as Johns Glades West MLU, LGA 2017-003 (Ordinance 2017-14), that amended the land use from LR-3 to MLU (Multiple Land Use Commercial High and High Residential 8 units per acre) with conditions as detailed below.

Part A of the Ordinance contains a Land Use Matrix as follows:

Land Use	Acres		Intensity/Density ¹	
	Minimum	Maximum	Minimum	Maximum
CH	5	20	50,000 square feet	200,000 square feet
HR-8	15	32	114	304 ¹
Usable Open Space	3.79 ac. minimum		-----	

Note: 1. excluding any additional units obtained through the County’s bonus density programs.

Part B contains a reference to a Conceptual Plan demonstrating the proposed land use mixes, residential and nonresidential pods, and delineation of open space areas. The subject request to add nonresidential square footage is generally consistent with the adopted Conceptual Plan and configuration of spaces and uses.

Part C contains the following five conditions, which are carried forward within the Zoning Development Order:

1. Development of the site is limited to residential dwelling units and non-residential square footage that is equal to or less than, a maximum net daily trips of 11,164 and a maximum net peak hour trips of 567AM and 900 PM. Dwelling units on the site over the initial 304 units that are obtained through the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs are not subject to this limitation.
2. A minimum 10% of the property must be committed to Usable Open Space. Usable Open Space is defined as pervious, vegetated areas, parks and squares as well as impervious hardscaped areas which are openly accessible to the public, such as plazas, squares, and courtyards. This open space can be used for passive or active recreation as well as formal and informal gatherings; however, credit shall not be given for; any indoor or climate-controlled spaces, road rights-of-way, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious green area not intended for passive or active recreation or gathering of a formal or informal nature.
3. The Zoning development order shall require at least 25% of the residential units as workforce housing units subject to the following requirements:
 - a. The Developer shall provide these units on site, and between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80-100%, >100-120%, >120%-140%); and
 - b. The workforce house units shall be provided in all unit types.
4. Certificates of occupancy shall not be issued for more than 50% of the commercial square footage until it is demonstrated that at least 50% of the residential units are under construction as defined in the Zoning development order.
5. A minimum of four (4) residential dwelling units shall be constructed with accessibility components as defined in the Zoning development order.

The subject request is generally consistent with Parts A through C of the Ordinance. As demonstrated on the Preliminary Master and Site Plans, the proposed nonresidential square footage of 195,427 sq. ft. (exclusive of outdoor dining area square footage) is less than the maximum conditioned 200,000 sq. ft. on intensity, and the acreage utilizing the CH FLU designation has not changed. The plans also indicate 5.62 acres of Usable Open Space as defined by the Comprehensive Plan Introduction and Administration Element. There are no changes proposed to the residential portion of the development.

- *Intensity.* The request for a total of 195,427 sq. ft. (excluding outdoor dining areas) equates to a FAR of approximately 0.23 (195,427 / 860,310 sq. ft. or 19.75 acres = 0.227 or 0.23). While the maximum Floor Area Ratio (FAR) of 0.50 is allowed for the CH FLU designation with a PDD Zoning in the Urban Suburban Tier, the site is limited by the conditions and Land Use Matrix Table contained within the adopting Ordinance to a maximum of 200,000 sq. ft. of intensity. Therefore, the request is consistent with the conditions in the Ordinance and the Comprehensive Plan.
- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study area 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.*

- *Zoning District:* The site was originally approved as a Mixed Use Planned Development District (MXPD) pursuant to Resolution R-2017-0692. The current site improvements have a mix of commercial uses totaling 193,663 sq. ft. and 456 residential units.

The MXPD Zoning District now corresponds to an MUPD Zoning District pursuant to Art.3.A.3.E.2.b. Planned Development Districts and the analysis of the proposed request are provided for the MUPD Zoning District. The proposed amendments as indicated on the Preliminary Site Plan, seeks to modify the Site Plan to modify Building C3 to include 12,494 sq. ft. of additional building area, totaling 66,483 sq. ft., with 33,686 sq. ft. of Retail and 32,281 sq. ft. (650 sets) of Theater. The proposed overall commercial square footage is 206,157 sq. ft. including outdoor seating area. No changes are requested to the existing Residential Pod.

- *Property Development Regulations:* The site was previously approved as an MXPD, and subject to the property development regulations of Art 3, Table 3.E.3.D – MUPD Property Development Regulations. The property meets Code requirements for minimum lot dimensions of five acre size, 300 ft. of width and frontage, and 300 ft. of depth, as the site is 37.99 acre lot, as depicted in Figure 4 Preliminary Site Plan. Frontage is from Glades Road and 95th Place South, with access from the same, continuing to meet the requirements for the Planned Development District. The proposed modifications for Buildings C3 also meet the PDR requirements and is remain setback 231 ft. from the front property line abutting Glades Road and setback 62.3 ft. from the side property line. The additional square footage does not exceed the overall building coverage allowed or the maximum FAR.

In addition, the Applicant has requested to modify the outdoor seating area square footage throughout several buildings within the Commercial Pod. More specifically, the outdoor seating area square footages for Building C1, C3, C4, and C5 will be modified as indicated in the table. The proposed changes does not increase the overall outdoor seating area presented and have no adverse impact in the design.

Building No.	Approved Square footage	Proposed Square Footage
C1	2,170	2,745 (+575)
C2	1,900	1,900
C3	400	500 (+100)
C4	1,500	1,400 (-100)
C5	1,625	1,050 (-575)
C6	1,825	1,825
C7	710	710
C8	600	600
	Total sq. ft = 10,730	Total sq. ft = 10,730

- *Specific Use Requirements Theater and Performance Venue:* The Theater use was approved for 786 seats under Resolution R-2017-0695. The second proposed amendment seeks to reduce the number of seats to 650 seats and meets the use requirements as indicated under Article 4.B.2.C.39.

- *Architectural Review:* The overall site is required to comply with the Architectural Guidelines pursuant to Article 5.C, Design Standards. Elevations are required to be consistent in Architectural Character. No Architectural elevations have been provided at this time. The Applicant indicated they intend to obtain Architectural review approval at time of building permit.

- *Parking:* Pursuant to Art. 3.E.1.C.2.h. Parking (Non-Residential Uses), a use within a Planned Development District (PDD) may utilize the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The Applicant has requested to utilize the minimum and maximum parking requirements per Article 3.

The total number of required parking spaces is a minimum of 825 spaces and a maximum of 1,237 spaces. The PSP indicates a total of 1,036 parking spaces and five Loading spaces.

- *Landscape/Buffering:* The proposed amendment does not require modifications to the approved perimeter landscape buffers. The PSP indicates a 20 ft. wide Right-of-Way (R-O-W) Buffer along the northern property line abutting the Glades Road. A 10 ft. wide Compatibility Buffer is provided along the southern property line adjacent to the residential, with a combination of a 15 ft. Incompatibility Buffer adjacent to the civic use. A 20 ft. wide R-O-W Buffer is provided along 95th Avenue South of the east property line. A 15 ft. Incompatibility Buffer is provided along the western property line. No changes are proposed to the interior landscaping.

- *Signs:* The Applicant has submitted a Preliminary Master Sign Plan (PMSP), which is provided under Figure 5. However, no changes to the signage are proposed as part of this request. Previously approved variances, pursuant to ZR-2022-0020 and ZR-2022-0021 remain in effect.

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

The proposed amendment to the overall MXPD will still be consistent and compatible with the surrounding

area. There are other commercial developments with commercial FLUs directly west, northwest, southwest, and northeast of the site and along the Glades Road corridor. The amendments to the overall MXPDP will provide additional square footage with the same previously approved commercial use and does not alter the character of the already approved Site thus maintain compatibility with surrounding uses. The proposed Site changes will not affect the existing buffers and landscape materials, which help maintain compatibility between the uses of the development and the lands in close proximity.

The proposed amendment to the Theater and Performance Venue will remain compatible with the surrounding area. The use was previously approved and now seeks to reduce the square footage and seating area of the use to allow for additional retail space. The requested modifications for said use are confined to a single building (Building C3) and is consistent and compatible with the adjacent commercial properties.

- 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 amendments to the overall development will minimize adverse impacts to the adjacent properties. The development meets all the minimum PDRs including setbacks. The 12,494 sq. ft. addition will be confined to Building C3 only. The building will be required to maintain the 50 ft. height and architectural style which is consistent with the prior approval. Further, the internal site modifications of Building C3 and the outdoor seating areas will have no impacts on the perimeter buffering which helps provide visual screening to adjacent properties.

Although the proposed uses within Building C3 include Theater and retail, the concurrency analysis and traffic calculations were based on the most intensive traffic generating use for the building which is Retail. The traffic analysis based on the Retail use allows the Site to be reviewed for compliance as it relates to traffic concurrency if the Theater use is ever exchanged for a different permitted by right use with a less restrictive use approval process. The analysis helps ensure that the intensity is accounted for proposed uses and potential change of use to not requiring a higher level of approval. The overall amendments for the overall MXPDP and Theater use will minimize adverse visual and intensity impacts.

- 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.*

The modifications to the overall MUPDP and the Conditional Use for the Theater and Performance Venue will not create any environmental impacts as the layout seeks to add additional square footage to a single Building and modify but not increase the overall outdoor seating areas.

- *Vegetation Protection:* No native vegetation species are being removed as a result of this application.
- *Wellfield Protection Zone:* This property is not located within a Wellfield Protection Zone.
- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The requests to modify the approved MUPDP and the Conditional Use for a Theater and Performance Venue will not alter the general development pattern of this overall area. The requests meet a logical, orderly and timely development pattern of the surrounding properties. The modifications will provide additional square footage to existing uses previously approved within a single building of the overall development. The continuation and minor increase of said use is still consistent with the development patterns of the MUPDP and the surrounding lands.

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

ENGINEERING COMMENTS:

The proposed modification to the already approved and constructed site plan is expected to generate 293 additional net daily trips, 9 less net AM peak hour trips, and 103 additional net PM peak hour trips. The build out is expected to happen by 2026.

The significantly impacted roadway link of Glades Rd meets the adopted Level of Service standards. The intersections of Glades Rd/SR-7 and Glades Rd/Lyons Rd will however will have background deficiency, without the project traffic. The project meets the Traffic Performance Standards using Florida Statute 163.3180.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

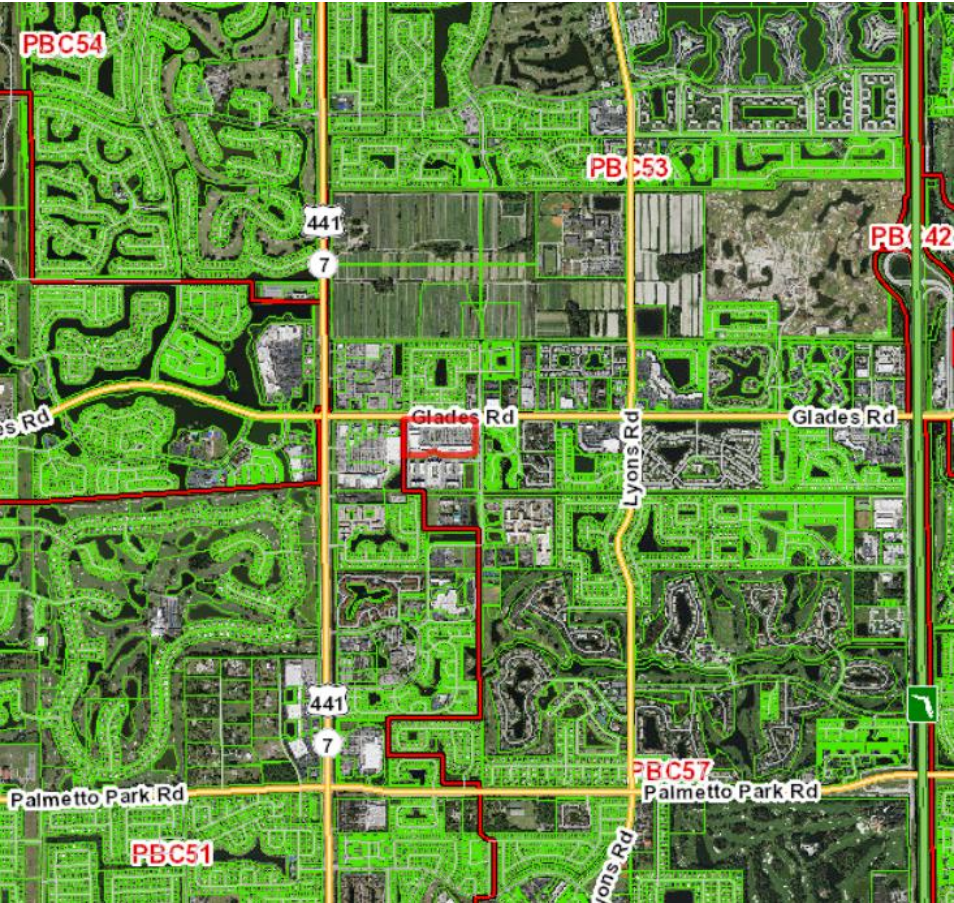
Segment: Glades Rd from SR-7 to Lyons Rd
Existing count: Eastbound=1464, Westbound=1768
Background growth: Eastbound=679, Westbound=730
Project Trips: Eastbound=36, Westbound=33
Total Traffic: Eastbound=2179, Westbound=2531
Present laneage: 3 in each direction
Assured laneage: 3 in each direction
LOS "D" capacity: 2680 per direction
Projected level of service: LOS D or better in both directions

There are no proposed conditions of approval with this application.

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

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The site is located within PBC Fire Station 57 service area.



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

PARKS AND RECREATION: The request is to expand existing non-residential square footage, therefore the Parks and Recreation Department's ULDC provisions do not apply. There are no proposed modifications to the Residential Pod.

- 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 DOA to the overall MXPDP and to the Conditional Use for the Theater and Performance Venue necessitates the requested modifications. The Applicant seeks to add additional square footage to a single building within the development and modify the outdoor seating areas. The amendment to the Building C3 will also modify the previously approved Conditional Use for the Theater and Performance Venue in order to reduce the number of seats and incorporate Retail. Should the site seek to modify the use of Building C3 with another permitted by right use, the concurrency analysis has been evaluated based on the most intensive use, being Retail which will have the traffic counts and intensity accounted for. The requested modifications of the site layout and existing use demonstrate a change in circumstances which warrant the amendments.

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 is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1:

Development Order Amendment (Overall MXPB)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-1695, Control No.2004-00459, which currently states:

The approved Preliminary Master Plan is dated July 22, 2019, and the approved Preliminary Site Plan is dated June 10, 2019. 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 Master Plan is dated October 13, 2022, and the approved Preliminary Site Plan is dated October 13, 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: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2019-1695, Control No.2004-00459, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-255 (Control 2004-00459), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-1695 (Control 2004-00459), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2019-1695, Control No.2004-00459, which currently states:

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, 2021. 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)

Is hereby amended to read:

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

a. No Building Permits for the site may be issued after December 31, 2026. 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 configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2019-1695, Control No.2004-00459)

3. Prior to the issuance of the first building, the Property Owner shall provide to Palm Beach County Right of Way Acquisition Section of Roadway Production Division by warranty deed additional right of way for the construction of a right turn lane on 95th Avenue South at both of the project's entrance roads. 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 the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County 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 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. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2019-1695, Control No.2004-00459)

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 80ft feet, measured from centerline of the proposed right of way of Glades 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 along the project's entire frontage 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2019-1695, Control No.2004-00459)

5. The Property Owner shall construct and receive final inspection from FDOT for:

- i. a right turn lane west approach on Glades Road at the west Project's entrance.
- ii. a right turn lane west approach on Glades Road at the east Project's entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2019-1695, Control No.2004-00459)

6. The Property Owner shall construct:

- a right turn lane north approach on 95th Avenue South at the project's north entrance.
- a right turn lane north approach on 95th Avenue South at the project's south entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

- a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
- b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2019-1695, Control No.2004-00459)

7. The Property Owner shall fund the construction plans and the construction to lengthen the existing right turn lane west approach on Glades Road at the intersection of 95th Avenue South. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper or as approved by the FDOT and the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2019-1695, Control No.2004-00459)

8. The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of Glades Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires County Engineer approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from the Florida Department of Transportation prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPMT/CO: MONITORING - Engineering) [Note: COMPLETED]

c. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to Palm Beach County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Glades Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2019-1695, Control No.2004-00459)

9. 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 Glades Road at both the project's entrance roads. 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. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2019-1695, Control No.2004-00459)

10. The Property Owner shall make the following Proportionate Share payments, based on the following schedule. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in Condition 11. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area.

a. No Building Permits for more than 274 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,116,485.42. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

b. No Building Permits for more than 24,050 sf of commercial use shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,519,249.97. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

c. No Building Permits for more than 70,444 sf of commercial use shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,530,254.97. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2019-1695, Control No.2004-00459)

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

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

Where,

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

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

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

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 11 of Resolution R-2019-1695, Control No.2004-00459)

LANDSCAPE - INTERIOR

1. Special planting treatment shall be provided, within the divider medians to all means of ingress and egress to the site. The following planting shall be installed on both sides of the access point and consist of the following:

- a. A minimum of one (1) specimen palm per planter; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
- b. A minimum of two (2) flowering trees; and,
- c. Appropriate shrub or hedge materials and ground cover.

(BLDGPMT/DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 1 of Resolution R-2019-1695, Control No.2004-00459)

LANDSCAPE - PERIMETER

2. In addition to the ULDC requirements, the landscaping and buffering along the north property line Right-of-Way Buffer shall include:

- a. One (1) palm for each for each twenty-five (25) linear feet of the property line.
- b. Clusters of 3-5 with staggered heights twelve (12) to sixteen (16)-feet.
- c. Minimum clear trunk or gray wood height of twelve (12)-feet.
- d. Maximum spacing of seventy (70) feet on center between clusters. A group of three (3) palms shall not be substituted for a perimeter canopy tree. (BLDGPMT/DRO: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2019-1695, Control No.2004-00459)

3. Special planting treatment shall be provided at the intersection of Glades Road and 95th Avenue South. Planting shall consist of the following:

- a. A minimum of three (3) specimen palm; (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section)
- b. A minimum of five (5) flowering trees; and,
- c. Appropriate shrub or hedge materials and ground cover.

(BLDGPMT/DRO: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 3 of Resolution R-2019-1695, Control No.2004-00459)

PLANNING

1. Per LGA 2017-003 Condition C.1: Development of the site is limited residential dwelling units and non-residential square footage that is equal to or less than, a maximum net daily trips of 11,164 and a maximum net peak hour trips of 567 am and 900 pm. Dwelling units on the site over the initial 304 units that are obtained through the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs are not subject to this limitation. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2019-1695, Control No.2004-00459)

2. Per LGA 2017-003 Condition C.2: A minimum 10% of the property must be committed to Usable Open Space. Usable Open Space is defined as pervious, vegetated areas, parks and squares as well as impervious hardscaped areas which are openly accessible to the public, such as plazas, squares, and courtyards. This open space can be used for passive or active recreation as well as formal and informal gatherings; however, credit shall not be given for; any indoor or climate-controlled spaces, road rights-of-way, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious

green area not intended for passive or active recreation or gathering of a formal or informal nature. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2019-1695, Control No.2004-00459)

3. Per LGA 2017-003 Condition C.3: A minimum of 25% of the residential units are to be deed restricted for the Workforce Housing Program(WHP), and are subject to the following requirements:

- a. The Property owner shall provide these units on site, and between 60-140% of the Area Median Income ranges for the County, in four ranges (60-80%, >80-100%, >100-120%, >120%-140%); and
- b. The workforce house units shall be provided in all unit types. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2019-1695, Control No.2004-00459)

4. Per LGA 2017-003 Condition C.5. States, Four (4) of the residential units shall be constructed with the following components:

- a. Minimum 44 inch wide hallways within the units for easier wheelchair accessibility;
 - b. All bathrooms shall be Type B bathrooms;
 - c. Accessible kitchen islands;
 - d. A minimum 36 inch wide section of the kitchen countertop at ADA height;
 - e. Grab bars shall be installed at time of construction; and
 - f. Movable ramps within the units for wheelchair access to unit balconies shall be installed at the request of a tenant and at no expense to the tenant.
- (ONGOING: PLANNING - Building Division) (Previous PLANNING Condition 4 of Resolution R-2019-1695, Control No.2004-00459)

5. Per LGA 2017-003 Condition C.4: Certificates of occupancy shall not be issued for more than 50% of the commercial square footage until it is demonstrated that at least 50% of the residential units are under construction as defined in the Zoning development order. Therefore, Prior to the release of the Certificate of Occupancy for 75,804 square feet of the non-residential uses, 3 (3 buildings =~228 units) Building permits, with slab inspection, shall be approved for the residential portion of the project. (CO: MONITORING - Planning) (Previous PLANNING Condition 5 of Resolution R-2019-1695, Control No.2004-00459)

6. Prior to Final approval by the Development Review Officer, provide a recorded Unity of Control over the non-residential portion of the project as required by FLUE Policy 4.2.2.b.6. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 6 of Resolution R-2019-1695, Control No.2004-00459)

7. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants consistent with all of the requirements of LGA 2017-003 Condition C.3, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPMT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 7 of Resolution R-2019-1695, Control No.2004-00459)

8. On an annual basis, beginning April 1, 2020, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. The annual report shall include documentation regarding the occupancy of those units constructed beyond ADA requirements. (DATE/ONGOING: MONITORING - Planning) (Previous PLANNING Condition 8 of Resolution R-2019-1695, Control No.2004-00459)

9. Prior to Final approval by the Development Review Officer (DRO), the property owner shall record a cross access easement agreement at the northwest corner of the site for future pedestrian and vehicular access, as depicted on the Conceptual Land Use Plan and the Preliminary Site Plan, with approval by the County Attorney. (DRO/ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 9 of Resolution R-2019-1695, Control No.2004-00459)

10. Prior to the issuance of the Certificate of Occupancy or Completion for Phase 1 (Commercial portion) of the MXPD, whichever occurs first, the cross-access at the northwest corner, which shall include a minimum five (5) foot wide pedestrian sidewalk and vehicular driveway shall be installed to the property line. Until the connection has been built on the adjacent property, this side of the cross access may be utilized for other purposes, such as, but not limited to parking. (CO: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 10 of Resolution R-2019-1695, Control No.2004-00459)

11. Prior to final DRO approval, detailed OS plans shall be required to ensure consistence with FLUE policy 2.2.4-b (pg 97) which outlines the requirements for a MLU, the Conceptual Master Plan and design requirements, including the Usable Open Space and pedestrian systems. The Usable Open Space shall be consistent with the

Definitions in the Introduction and Administration Element of the Comprehensive Plan(pg 29). (DRO: PLANNING - Planning) (Previous PLANNING Condition 11 of Resolution R-2019-1695, Control No.2004-00459)

12. Prior to Final approval by the Development Review Officer (DRO), submit a revised Master Plan and Site plan to update the Usable Open Space as approved by the BCC. (DRO: PLANNING - Planning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to:
- a) Include clear delineation of the Outparcel buildings.
 - b) A minimum of two pedestrian amenities, such as but not limited to benches, trash receptacles and trellis along the path in the open space south of the Parking Garage (G1).
 - c) A focal point such as but not limited to, a Fountain, Monument, Statue, or similar in each round about entrance of the residential development.
 - d) Revise the five foot pedestrian path around the lake on the southeast portion of the site to be of an ADA compliant surface. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-2019-1695, Control No.2004-00459)

COMPLIANCE

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

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

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

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2: Development Order Amendment (Theater Performance Venue)

ALL PETITIONS-INDOOR THEATER (BUILDING C3)

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-256, Control No.2004-00459, which currently states:

The approved Preliminary Site and Regulating Plans are dated December 10, 2018. 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.

Is hereby amended to read:

The approved Preliminary Site and Regulating Plans are dated October 13, 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: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2019-256, Control No.2004-00459, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2017-693 (Control 2004-00459), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified.

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-256 (Control 2004-00459), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

COMPLIANCE

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

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

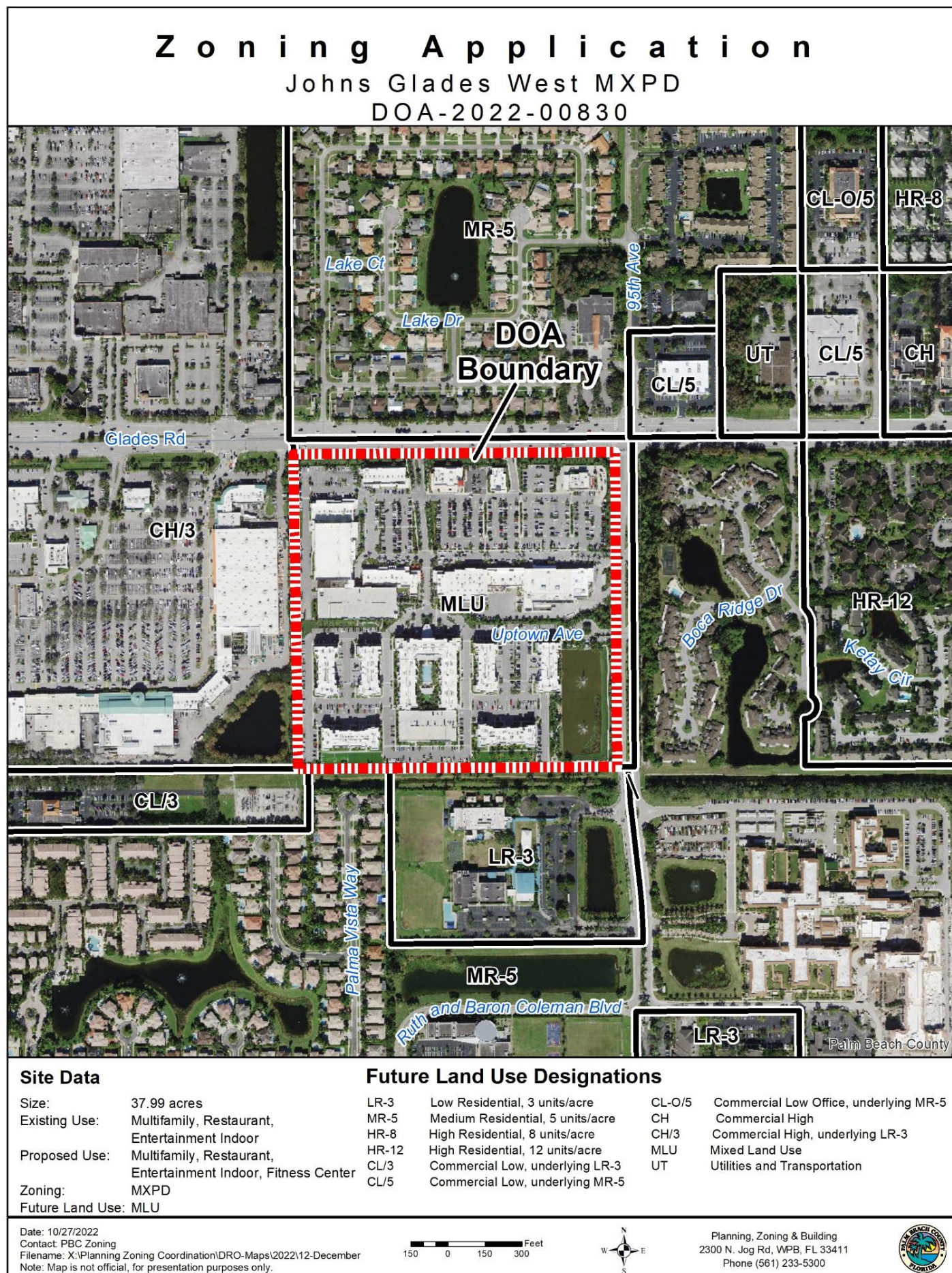
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property;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

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

DISCLOSURE

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

Figure 1 - Land Use Map



Zoning Application

Johns Glades West MXP

DOA-2022-00830

The map displays a zoning application area for Johns Glades West. A red dashed line outlines the 'DOA Boundary'. The area is divided into several zoning districts: CG (General Commercial) in pink, CS (Commercial Specialized) in light red, PUD (Planned Unit Development) in light grey, RS (Single Family Residential) in yellow, RM (Multi-Family Res Medium) in orange, RTS (Res Transitional Suburban) in light yellow, CC (Community Commercial) in light pink, MUPD (Multiple Use Planned Development) in light purple, and MXPD (Mixed Use Planned Development) in light blue. Streets shown include Glades Rd, Lake Ct, Lake Dr, Carousel Cir, 95th Ave, Boca Ridge Dr, Kelay Cir, Uptown Ave, Palma Vista Way, and Ruth and Baron Coleman Blvd. A scale bar at the bottom indicates distances up to 300 feet.

Site Data

Size: 37.99 acres
Existing Use: Multifamily, Restaurant, Entertainment Indoor
Proposed Use: Multifamily, Restaurant, Entertainment Indoor, Fitness Center
Zoning: MXP
Zoning Quad: 53

Zoning District

AR	Agricultural Residential	CG	General Commercial
RTS	Res Transitional Suburban	CS	Commercial Specialized
RS	Single Family Residential	MUPD	Multiple Use Planned Development
PUD	Planned Unit Development	MXP	Mixed Use Planned Development
RM	Multi-Family Res Medium		
CC	Community Commercial		

Date: 10/27/2022
Contact: PBC Zoning
Filename: X:\Planning Zoning Coordination\DOA-Maps\2022\12-December
Note: Map is not official, for presentation purposes only.

150 0 150 300 Feet

Planning, Zoning & Building
2300 N. Jog Rd, WPB, FL 33411
Phone (561) 233-5300

Figure 3– Preliminary Master Plan (PMP-1) dated October 13, 2022

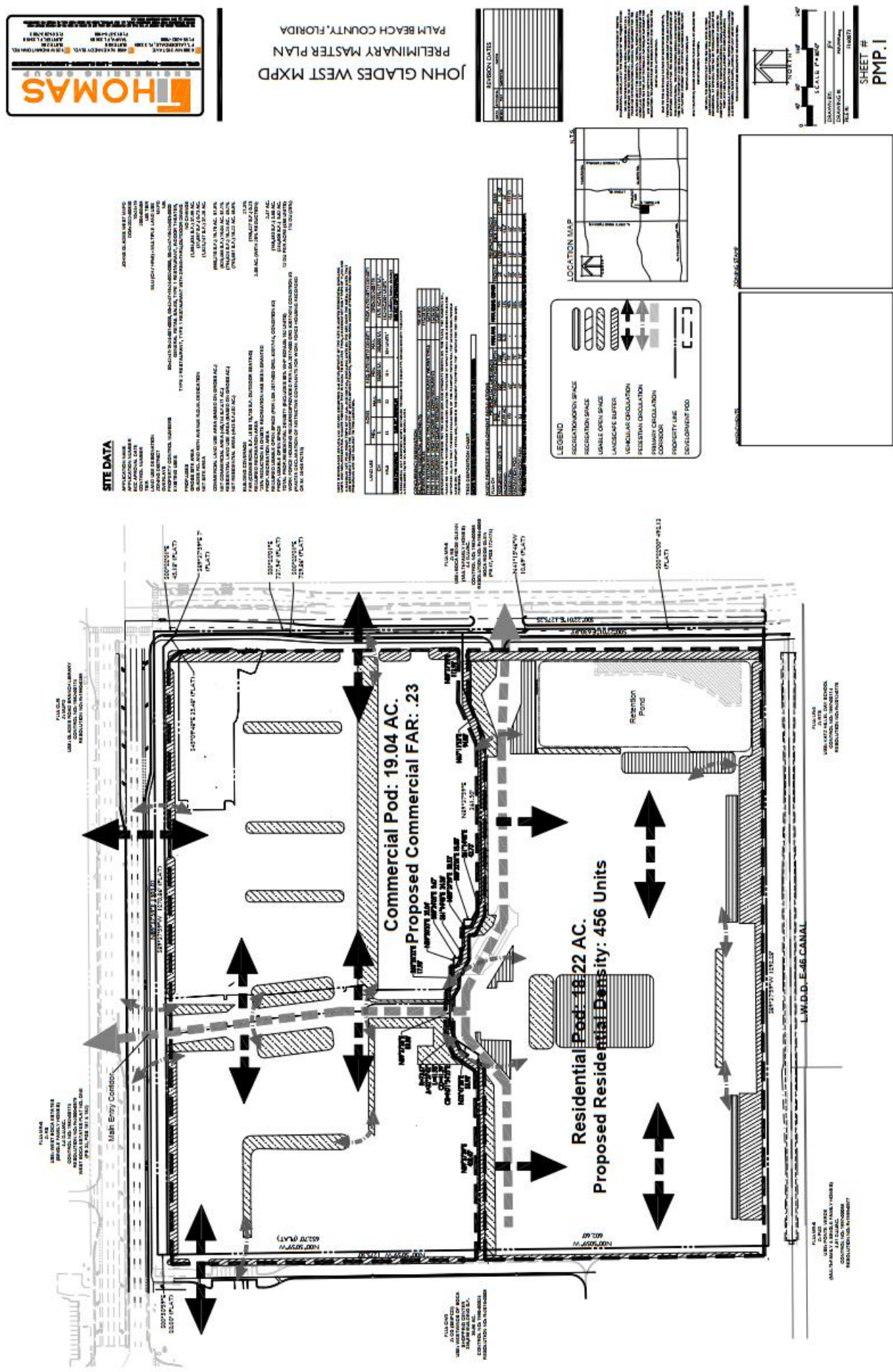


Figure 4 – Preliminary Site Plan (PSP-1) dated October 13, 2022

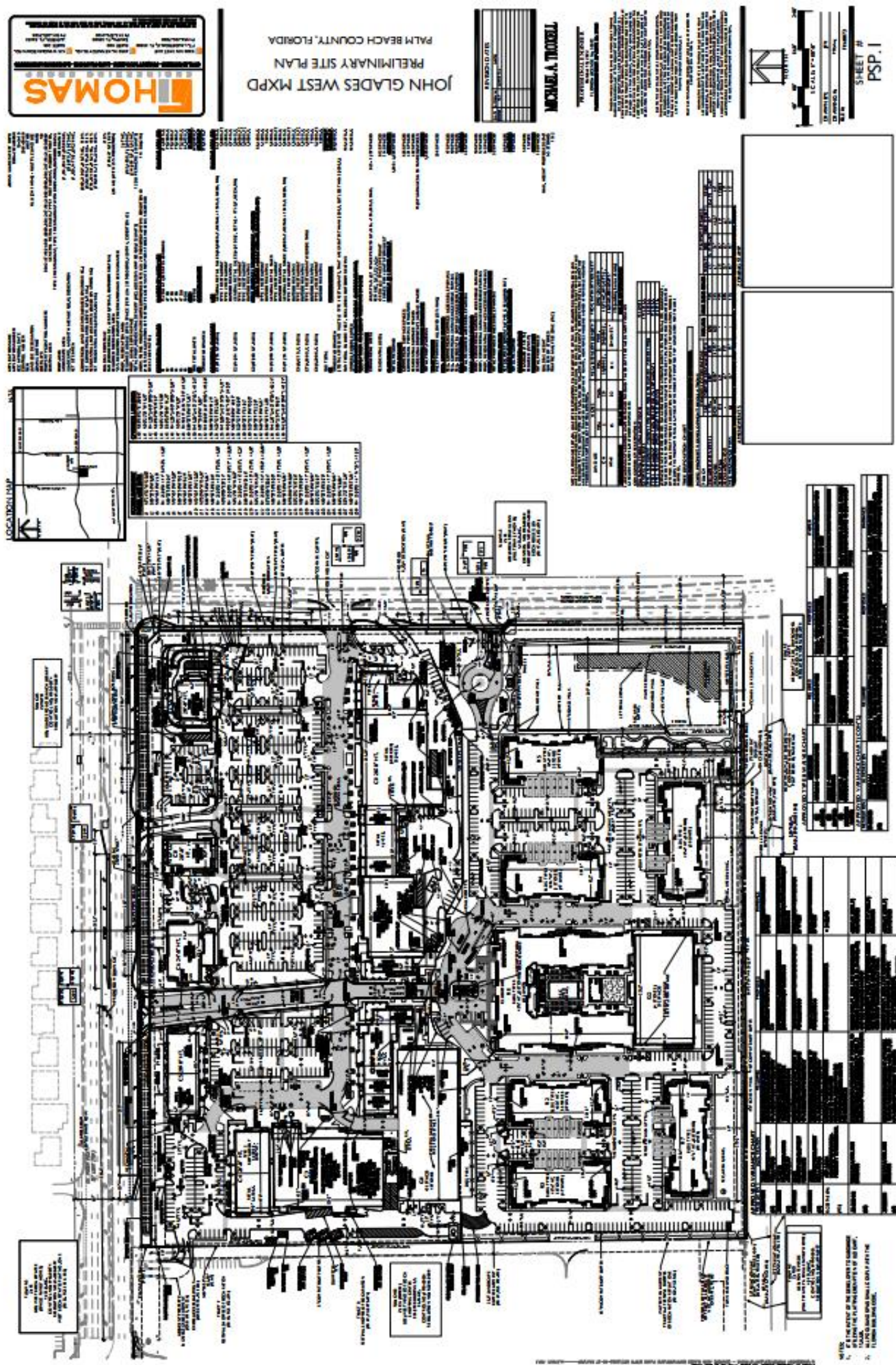


Figure 5 – Preliminary Regulating Plan (PRP-2 of 4) dated October 13, 2022

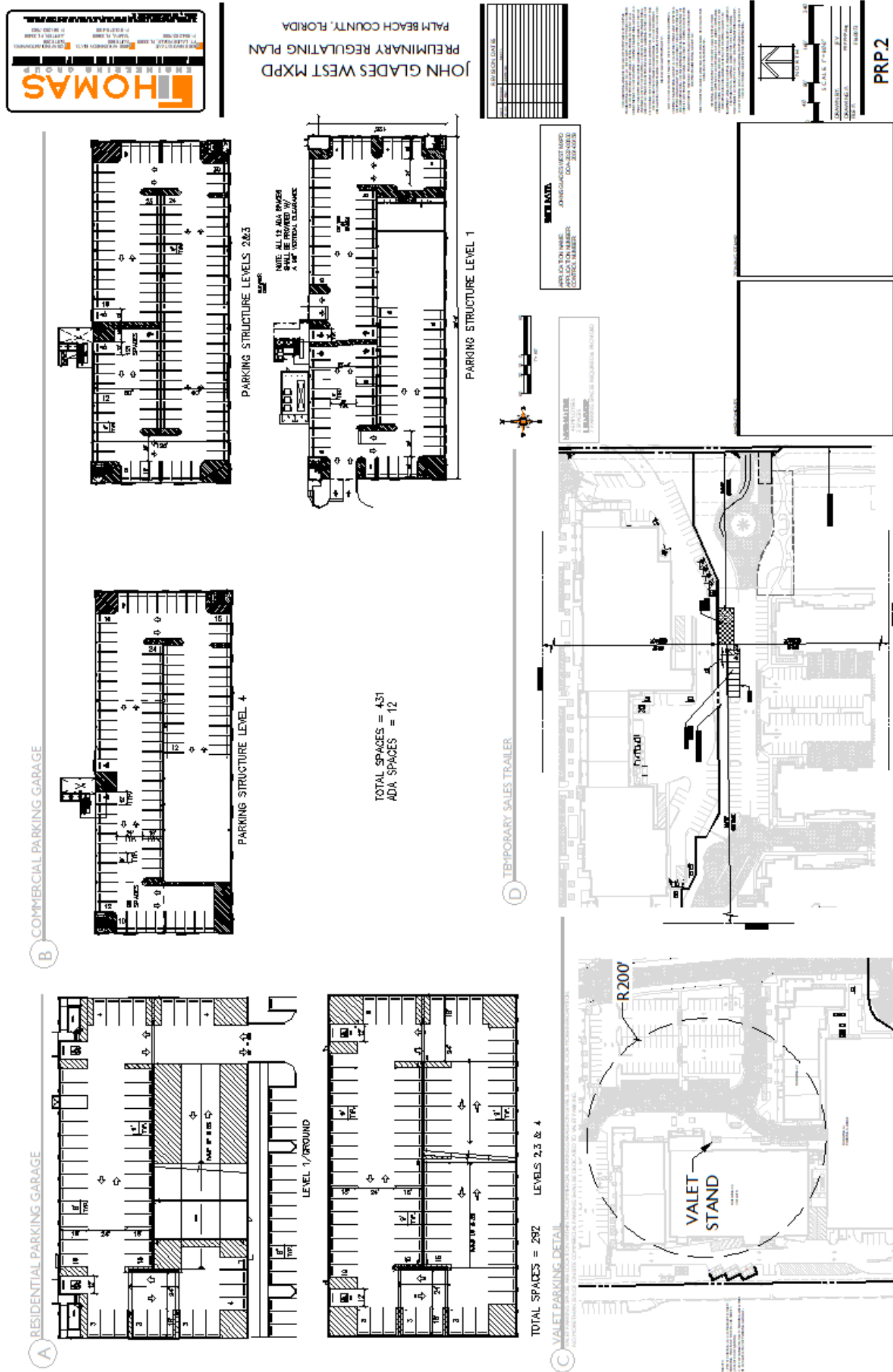


Figure 5 – Preliminary Regulating Plan (PRP-3 of 4) dated October 13, 2022

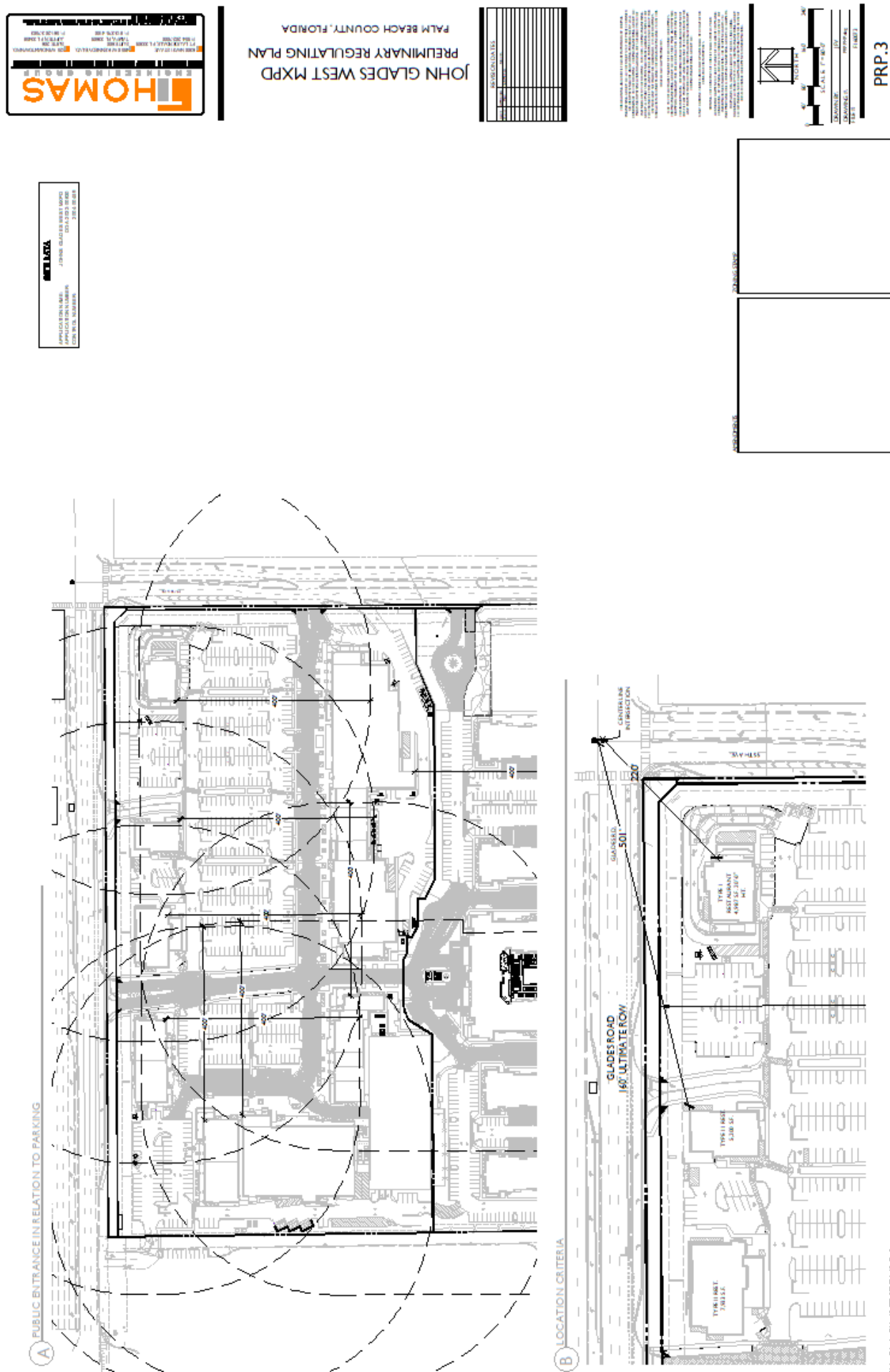


Figure 5 – Preliminary Regulating Plan (PRP-4 of 4) dated October 13, 2022

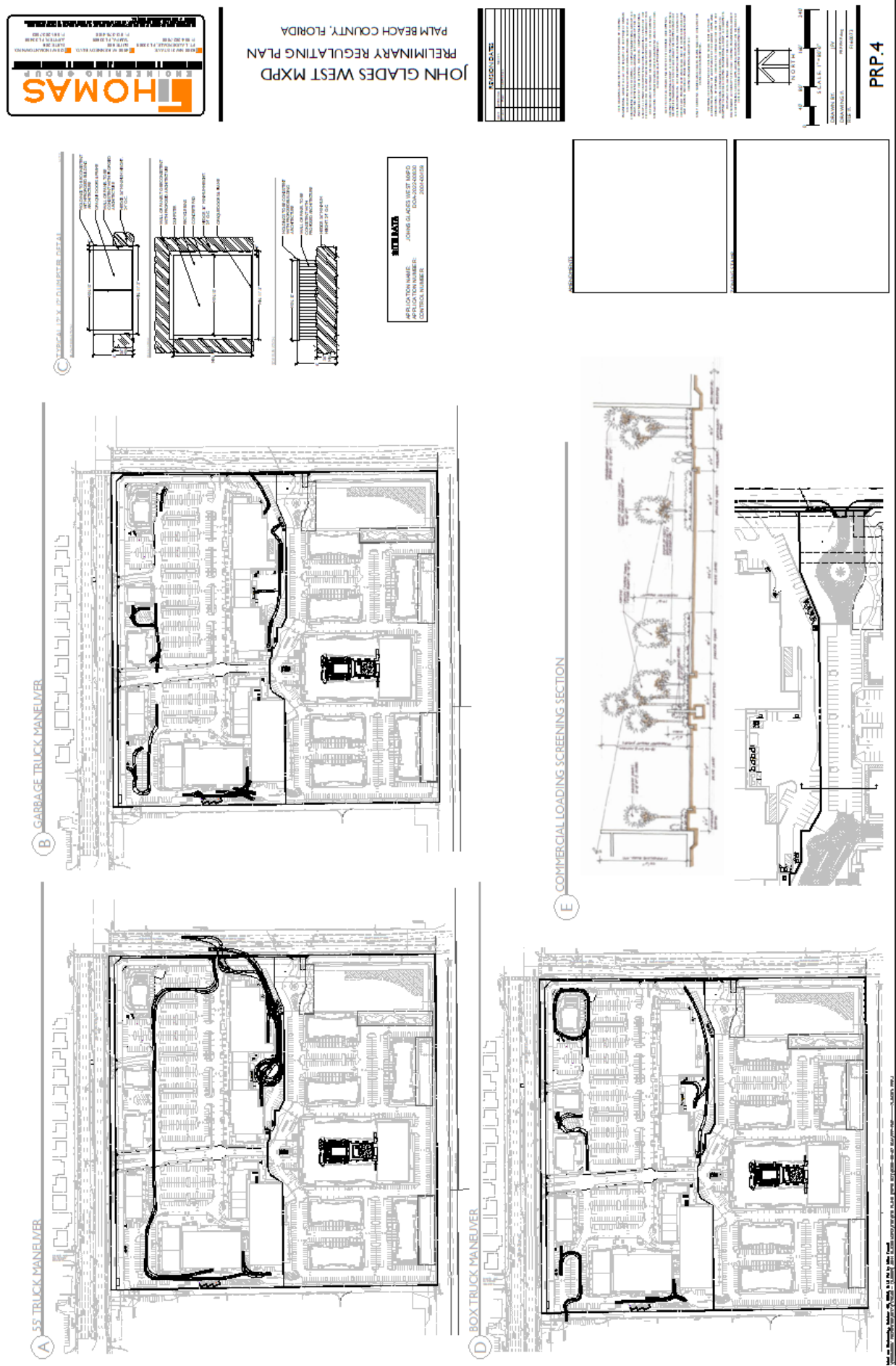
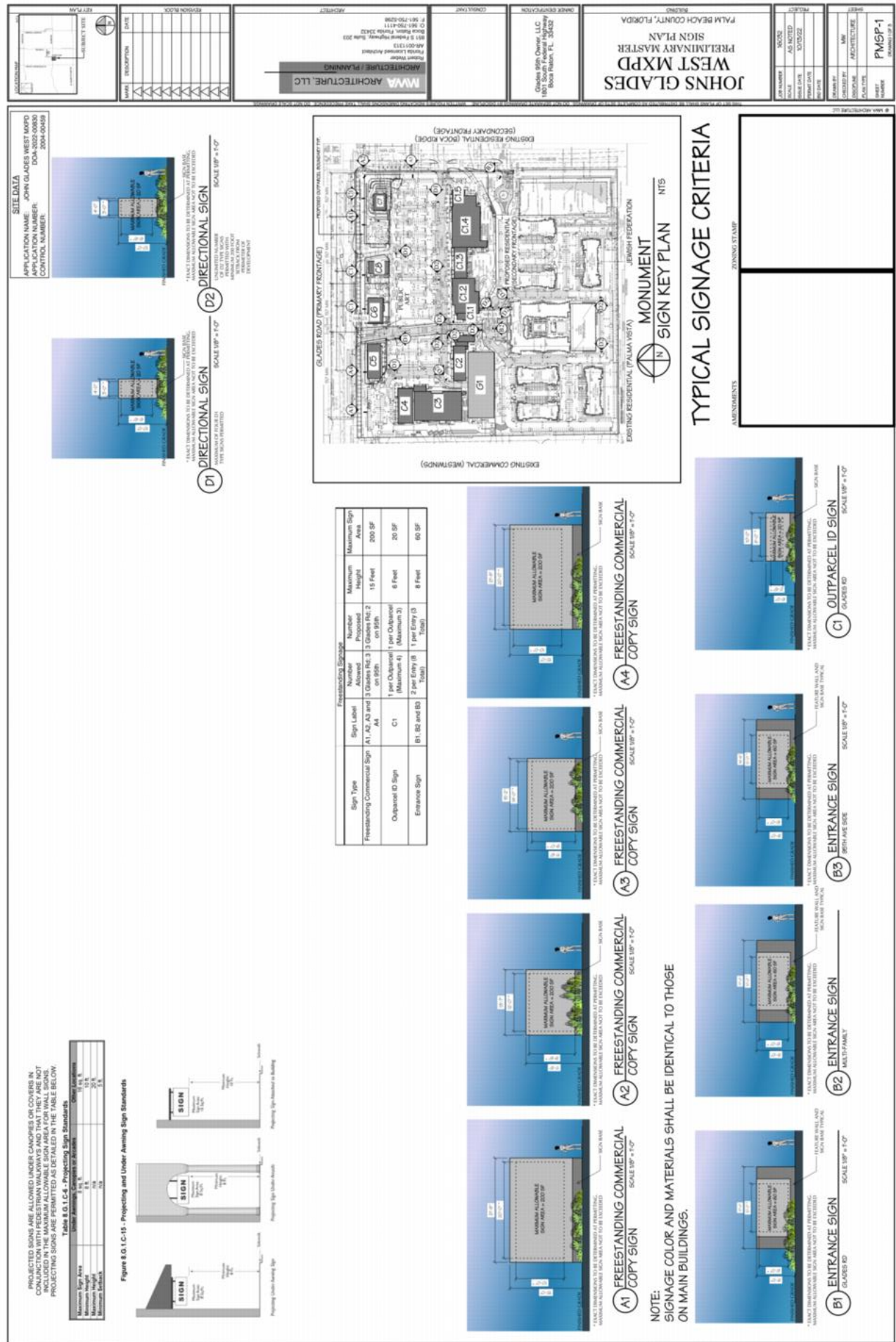


Figure 7 – Preliminary Master Sign Plan (PMSP-1 of 3) dated October 13, 2022



BUILDING WALL SIGN AREA LOCATIONS

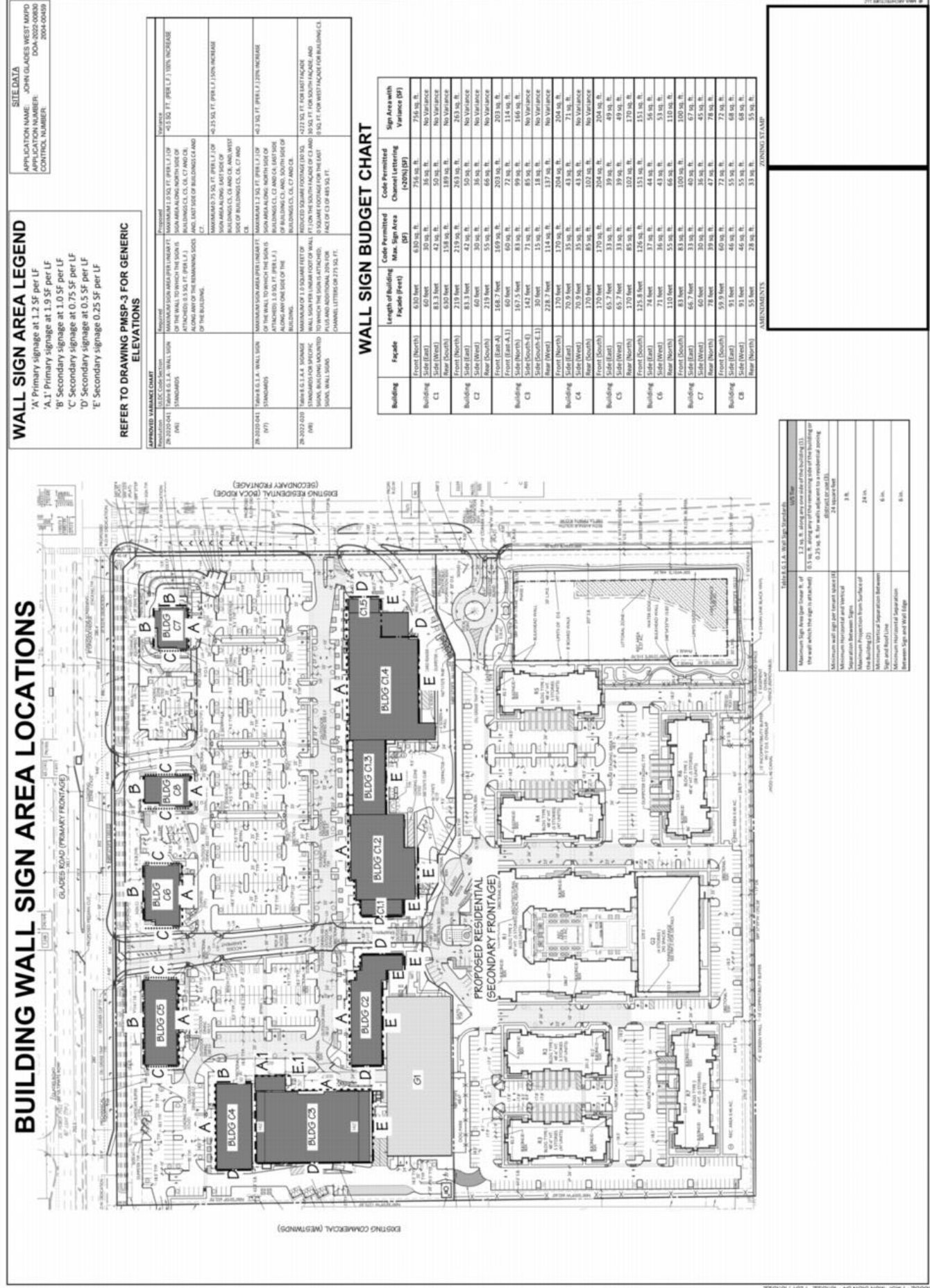


Figure 7 – Preliminary Master Sign Plan (PMSP-2 of 3) dated October 13, 2022

Figure 8 – Approved Site Plan (FSP-1 of 1) dated December 22, 2021

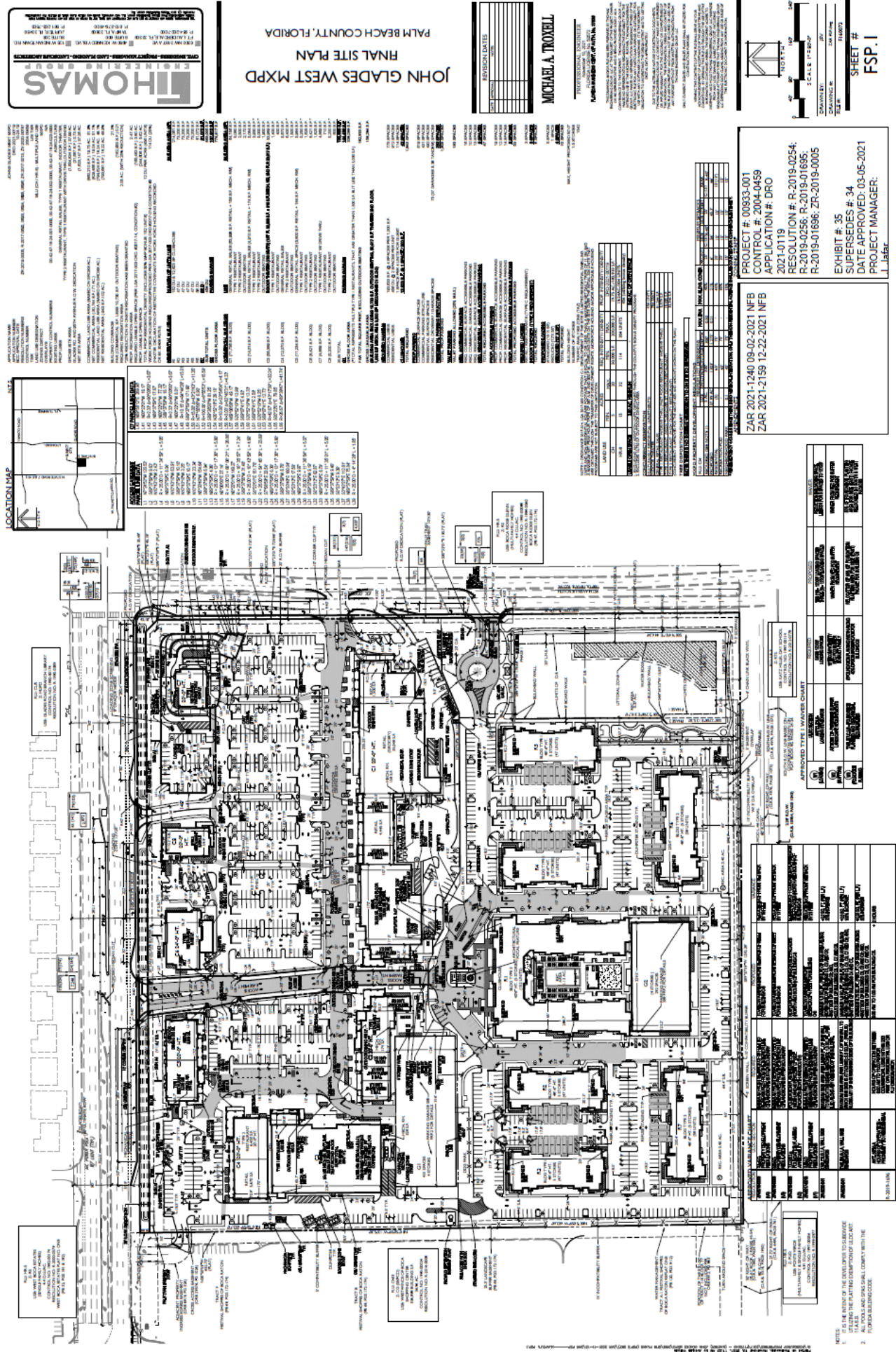


Figure 9 – Approved Architectural Elevations for Building C3 (FAE-2) dated December 22, 2021

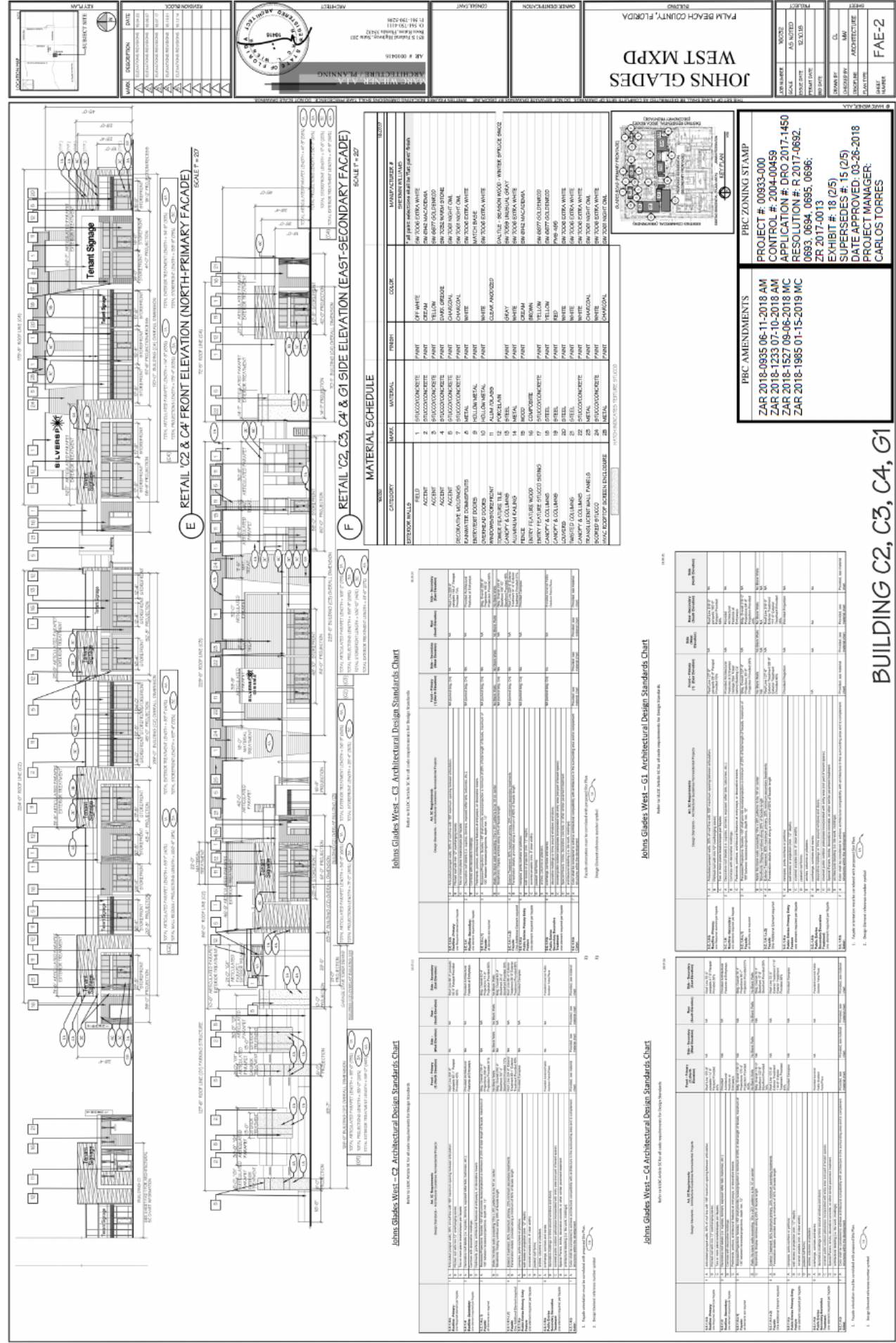


Exhibit D – Disclosure of Ownership

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 Richard Stephano, 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 ☒ Authorized Representative (position - e.g., president, partner, trustee) of Glades 95th Owner LLC (name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership) that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 1801 S Federal Highway
Boca Raton, FL 33432

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.

Richard M. Stephano
Richard Stephano, 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 17th day of May, 2022 by Richard Stephano (name of person acknowledging). He/she is personally known to me or has produced (type of identification) as identification and did not take an oath (circle correct response).

CAROL M ZOLDOS
(Name - type, stamp or print clearly)

Carol M Zoldos
(Signature)

My Commission Expires on: 6/15/22

NOTARY'S SEAL OR STAMP

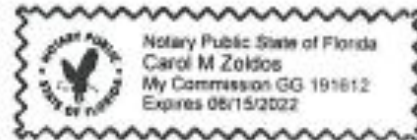


EXHIBIT "A"

PROPERTY

DESCRIPTION:

TRACT 1:
PARCELS A AND B AND TRACT W OF JOHNS GLADES WEST MXPd, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 127, PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 2:
A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF A PORTION OF TRACT 1 DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN THE ACCESS EASEMENT BETWEEN EZON INVESTMENT COMPANY AND YOLAND ELIZABETH SPRATT RINGGER, ET AL., RECORDED IN OFFICIAL RECORDS BOOK 6919, PAGE 326 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 3:
PERPETUAL NONEXCLUSIVE EASEMENT GRANTED BY AND BETWEEN PARCEL A AND B OF TRACT 1 DESCRIBED ABOVE, CREATED BY AND MORE PARTICULARLY DESCRIBED IN MAINTENANCE AND EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 30449, PAGE 726 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TRACT 1 CONTAINING 1,623,147 SQUARE FEET/37.2623 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
WS-UB, LLC (80.6%)	660 Steamboat Road, 3rd Floor
	Greenwich, CT 06830

Remaining 19.4% interest is held by individuals owning less than 5% ownership interest in the property.
