

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

Application No.: ABN/Z/CA-2022-00218
Application Name: Brentwood of Wellington
Control No./Name: 2005-00454 (Brentwood of Wellington)
Applicant: Palm Beach Recovery 2016, LLC
AHC Acquisitions, LLC
HRS Palm Beach, LLC
Owners: Palm Beach Recovery 2016, LLC
HRS Palm Beach, LLC
Agent: Insite Studio - Brian Terry
Telephone No.: (561) 249-0940
Project Manager: Jerome Ottey, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Type 3 Congregate Living Facility on 9.17 acres

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Community Commercial (CC) Zoning District on 1.05 acres and the Planned Unit Development (PUD) Zoning District on 9.17 acres to the Residential Multifamily (RM) Zoning District on 10.22 acres

TITLE: a Class A Conditional Use **REQUEST:** a Class A Conditional Use to allow a combined density increase with the Workforce Housing Program and Transfer of Development Rights Program in excess of two units per acre on 10.22 acres.

APPLICATION SUMMARY: The proposed requests are for the 10.22-acre Brentwood of Wellington development. The development had prior separate approvals in 2007 and 2009 in order to allow for a Type 3 Congregate Living Facility on the PUD portion of the site and a Financial Institution on the Community Commercial portion of the site. Both approvals were never implemented.

The proposed requests will abandon the previously approved Congregate Living Facility CLF use and Conditional Overlay Zone in order to allow the rezoning RM Zoning District, for the development of Multifamily residential dwelling units. In addition, the Applicant is requesting a Class A Conditional Use approval for a combined density bonus increase exceeding 2 units per acre through the Workforce Housing Program and Transfer of Development Rights Programs. This will provide for a density of 12.9 dwelling units/acre. The Preliminary Site Plan (PSP) indicates 132 Multifamily units and 343 parking spaces, with access from State Road 7.

The northeast parcel with the Commercial Community (CC) Zoning District currently has an approval for a Financial Institution and a Conditional Overlay Zone (COZ) that was applied as part of the previous rezoning from the Agricultural Residential (AR) Zoning District to the CC Zoning District. The COZ is required to be abandoned to allow for the parcel to be developed with the 132 Multifamily units. Application, ABN-2023-00247, to abandon the COZ will be approved concurrently with this application by the BCC at the March 23, 2023 Zoning Hearing.

SITE DATA:

Location:	West side of State Road 7, approximately 0.5 miles north of Lantana Road
Property Control Number(s)	00-41-44-36-11-000-0020; 00-41-44-36-11-001-0000 00-41-44-36-11-002-0000; 00-41-44-36-11-003-0000 00-41-44-36-11-023-0000
Existing Future Land Use Designation:	Commercial Low, with an underlying LR-2 (CL/2); Commercial Low, with an underlying HR-8 (CL/8); and, High Residential (HR-8)
Proposed Future Land Use Designation:	High Residential, 8 units per acre (HR-8)
Existing Zoning District:	Residential Planned Unit Development (PUD), Community Commercial (CC)
Proposed Zoning District:	Residential Multifamily (RM)
Total Acreage:	10.22 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Wellington
Future Annexation Area	N/A
Commission District	District 6, Commissioner Sara Baxter

RECOMMENDATION: To recommend approval of the requests 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:

Control Number	Application No.	Request	Resolution	Approval Date
2005-00454	W/PDD/R-2008-01902	a Type 2 Waiver to allow a reduction in the required frontage for a Planned Development District (PDD)	R-2009-0509	March 30, 2009
		an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Development Zoning (PDD) District	R-2009-0508	March 30, 2009
		a Requested Use to allow a Type III Congregate Living Facility	R-2009-0507	March 30, 2009
	ZV-2007-01503	a Type 2 Variance to allow a reduction in the required frontage for a Multiple Use Planned Development (MUPD)	ZR-2007-0058	November 1, 2007
	Z-2005-01330	an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District and the General Commercial (CG) Zoning Districts to the Residential Transitional (RT) Zoning District	R-2006-1544	August 23, 2006
2006-00368	DOA-2008-01195	a Development Order Amendment (DOA) to reconfigure the Site Plan	R-2008-2257	December 4, 2008
	Z-2006-00963	an Official Zoning Map Amendment from the General Commercial (CG) Zoning Districts to the Commercial Community (CC) Zoning District	R-2007-0425	March 22, 2007

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6, Standards.

As part of the request, the Applicant is seeking an abandonment of a Development Order granted for a Type 3 Congregate Living Facility (CLF), previously approved under Resolution R-2009-0509, on March 30, 2009. This approval consisted of 9.17 acres and encompasses the western parcels of the subject development that are currently zoned PUD. Subsequent to the approval of the CLF, a Financial Institution was approved on the CC zoned northeast parcel. There is a concurrent abandonment of the Conditions Overlay Zone for that property, as the site is being rezoned and developed as a whole. The use approval will be abandoned administratively for the Financial Institution.

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

The proposed abandonment of the CLF will not create any inconsistencies with the Goals, Objectives and Policies of the Comprehensive Plan. The abandonment is necessary for the Applicant to request a rezoning with the Class A Conditional Use requests to increase density through the Transfer Of Development Rights Program and the Workforce Housing Programs.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the Development Order (DO) for the CLF use does not create any non-conformities as the DO for the CLF was not implemented. The proposed request would allow for the development of 132 Multifamily units, and is required to comply with all current code requirements.

c. Adequate Public Facilities – *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards) Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment of the DO will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval for the proposed development, as the previous approvals were never implemented.

d. Changed Conditions or Circumstances - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The subject site currently has an approval for a Type 3 CLF as part of a Planned Unit Development. The Applicant states in the Justification Statement that the abandonment of a CLF is warranted as there is an existing 134-bed CLF directly to the east. The existence of a CLF in proximity to the subject site, coupled with changed market conditions have reduced the feasibility for a CLF in the area. The Applicant also states that the need for more affordable housing solutions in Palm Beach County has influenced the proposal for a Multifamily development. The concurrent rezoning to the Residential Multifamily (RM) Zoning District and Class A Conditional Use for the combined density bonus is contingent upon the approval of the abandonment will facilitate the creation of additional housing for Palm Beach County. The Applicant has demonstrated the need for the abandonment as the abandonment is no longer feasible and is required in order to request for the Multifamily development.

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.

The Applicant proposes to rezone the subject parcels from the CC and PUD Zoning Districts to the RM Zoning District to allow for the development of 132 Multifamily Units.

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

○ *Consistency with the Comprehensive Plan:* Should the BCC approve the FLUA amendment request, then the proposed Zoning request would be 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 Large Scale Amendment known as Brentwood of Wellington (LGA 2022-020). The overall 10.22-acre site contains multiple future land use designations: High Residential, 8 units per acre (HR-8) on 8.44 acres, Commercial Low with an underlying 2 units per acre (CL/2) on 1.05 acres, and Commercial Low with an underlying 8 units per acre (CL/8) on 0.73 acres. The request seeks to amend these designations to HR-8 on the entire 10.22-acre site. The request also seeks to delete the conditions of approval contained within Ord. 2009-005 for the 8.44-acre HR-8 portion of the site.

The Planning Commission, sitting as the Local Planning Agency, heard the original request for a 194 units on April 8, 2022 and recommended the BCC deny the item by a 6 to 5 vote. At the May 4, 2022 BCC Transmittal hearing the BCC postponed the request. At a subsequent Transmittal hearing, September 1, 2022, the Applicant presented a revised request for 132 dwelling units, which the BCC voted to Transmit by a 7-0 vote with the following conditions:

The conditions adopted by Ord. 2009-005 will be deleted and replaced with the following:

1. The subject site shall be limited to a maximum of 132 dwelling units.
2. A minimum of 20 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. Thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance.
3. The zoning development order shall require a minimum of 25% of the total dwelling units to be built

as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC.

4. Structures on the site shall be limited to a maximum of two stories in height.

The current request for 132 units includes the purchase of 20 TDRs and is providing 25% (33 du) of the total units as WHP. The plans show two-story structures consistent with the conditions outlined in the ordinance.

○ *Prior Land Use Amendments:* The western 9.17 acres of the subject site was the subject of a previous Land Use amendment known as SR7/Carlyle CLF (SCA 2009-004; Ord. 2009-005). The amendment was adopted with the following condition:

1. The density associated with the High Residential, 8 units per acre (HR-8), future land use designation shall only be utilized for the development of the property with a Congregate Living Facility (CLF). If developed residentially, other than as a CLF, the density shall be limited to low Residential, two units per acre (LR-2).

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

Rezoning to the RM zoning District is contingent upon the approval of the FLUA to HR-8 (LGA-2022-00020). Should the amendment be denied the rezoning would not be permitted as it is inconsistent with a portion of the site that is CL/2, and the density for Multifamily use would be limited to LR-2, as previously conditioned.

○ *Property Development Regulations (PDRs):* The Applicant is seeking to rezone the subject properties from the Commercial Community (CC) and Planned Unit Development (PUD) Zoning Districts to the RM Zoning District. As the request includes a rezoning to the RM Zoning District and proposes to add 132 Multifamily units to the subject site, the PDRs for the RM Zoning District pursuant to Table 3.D.1.A., Property Development Regulations, for lot width, depth, maximum building coverage and setbacks are required to be utilized. The proposed development meets all minimum PDRs, as outlined in the PDR chart on the PSP (Figure 4), and will be required to be re-platted into a single lot.

○ *Access:* Access and frontage of the subject site is proposed to be from State Road 7. State Road 7 is a Collector Street, which satisfies the requirement of Art. 11.A.8.B.2., Legal Access.

○ *Uses:* The Applicant intends to develop the site with Multifamily residential. The rezoning is contingent upon the approval of the FLUA. Multifamily is an allowable use within the RM Zoning District, with up to 15 units through the building permit process, or 16 units to 199 units through the Administrative Process; and 200 units or greater through Public Hearing approval.

○ *Conditional Overlay Zone (COZ):* Article 3.B.3 indicates that the purpose of a COZ is to modify or restrict the use and site development regulations authorized in the underlying Standard Zoning District to prevent, minimize, or mitigate adverse impacts upon the surrounding land uses. Conditions shall be included if the applicable regulations are inadequate to protect the surrounding land uses. In application of the COZ, the BCC shall find that the proposed Rezoning is appropriate only if the applicable regulations are modified. As required under Article 3.B.3.C the BCC shall find one or more of the following reasons for the COZ district:

1. Potential impact to surrounding land uses requires mitigation;
2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and PDRs are modified; and/or
3. Intensity limits reflect available capacity of public facilities

Planning Staff is recommending a COZ, as part of the rezoning request, to ensure that the Property Owner limits the total amount of units to 132 with a minimum of 20 to be under the TDR program with a 25% of this units to be built on site. These correspond to Reason 1 and 3 under Article 3.B.3.C and listed above for a COZ District (Reduce the impact to surrounding Land uses and intensity limits reflect available capacity of public facilities). Planning Staff deemed it necessary to require the condition as part of the rezoning request. Zoning Staff have included a condition for landscaping for the south property line to further compatibility of the proposed zoning district with the existing residential development. The Applicant is in agreement and voluntarily agrees with the recommended Planning Conditions of Approval and the COZ with this rezoning.

○ *Architectural Review, Parking, Landscaping and Signage:* Though the Applicant has provided a Preliminary Site Plan, the use of Multifamily with less than 200 units is reviewed through the Administrative Review Process, if the BCC adopts the change to the Future Land Use. The Applicant has provided a wider buffer (15 feet) along the southwestern portion of the development to address compatibility with the

residential development to the south. Architectural Review, parking, landscaping, and signage will be incorporated into the site plan in accordance with the ULDC.

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 RM Zoning District and Multifamily use is generally compatible and consistent with the surrounding residential zoning districts and uses. To the north of the subject site is a PUD, consisting of the 107-unit Cypress Lake Preserve development. To the west and south is the Thoroughbred Lakes PUD, comprised of 168 Zero Lot Line homes. To the east is a 134-bed Congregate Living Facility, within the PUD Zoning District. The proposed rezoning to the RM Zoning District is therefore, consistent and generally compatible with the surrounding residential zoning districts.

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.*

○ *Vegetation Protection:* The site is vacant and supports a mixture of exotic and native vegetation. There are native slash pines, cypress, oaks, and native Ficus species. The Applicant has agreed to preserve in place and relocate several specimen native species and create an on-site mitigation area. An application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.

○ *Wellfield Protection Zone:* This property is not located within 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.

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

The proposed rezoning will result in a logical, orderly and timely development pattern. The location of the proposed development has frontage on State Road 7 which is a logical location for the development and is consistent with the current residential development pattern in the area. As mentioned, to the north, west and south, residential developments exist with a mix of Single Family and Zero Lot Line homes within the PUD Zoning District. The PUD Zoning District also exists to the east and northeast and supports higher density residential developments of a CLF and a 202-unit Multifamily development respectively. To the north, south and southeast, currently exists Multiple Use Planned Development Zoning Districts which consists of businesses that will help support the needs of future residents of the proposed Multifamily development. The proposed development will provide additional housing opportunities that are contemplated by the Comprehensive Plan and complements the existing zoning districts and uses, and will be consistent with development pattern of the area.

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

ENGINEERING COMMENTS:

The proposed 132 dwelling unit multi-family residential project is expected to generate 966 net daily trips, 61 net AM peak trip, and 74 net PM peak hour trips. The build out of the project is assumed to be by 2026.

The project meets Traffic Performance Standards without the need for any roadway improvements. A directional median break on SR-7 at the proposed project entrance will be created.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: SR-7 from Lake Worth Rd to Lantana Rd

Existing count: Northbound=2449, Southbound=1869

Background growth: Northbound=620, Southbound=494

Project Trips: Northbound=28, Southbound=19

Total Traffic: Northbound=3097, Southbound=2382
Present laneage: 3 in each direction
Assured laneage: 3 in each direction
LOS "D" capacity: 2940 per direction
Projected level of service: Slightly worse than LOS D in the northbound direction but better in in the southbound direction

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

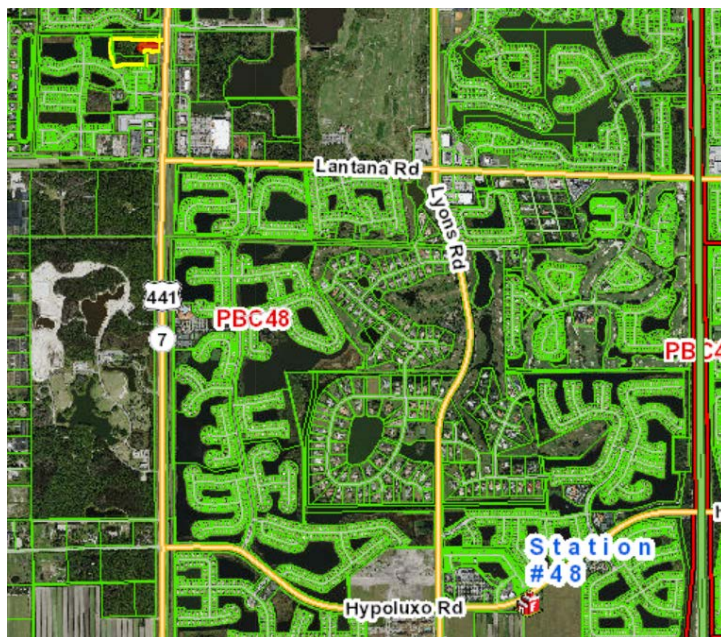
Staff has reviewed this application and have no comment. The subject site is located within the boundaries of PBC Fire Station #48.

SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 132 residential units had been approved on September 1, 2022 (SCAD Case #22071901D). The subject property is located in SAC 206B.

This project is estimated to generate approximately four (4) public school students. The schools currently serving this project area are as follows:

- 1. Discovery Key Elementary School
- 2. Polo Park Middle School
- 3. Palm Beach Central High School.



The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the elementary and high school levels. The additional two (2) elementary school students generated by this proposal will increase the utilization percentage of Discovery Key Elementary School to 110%. The additional high school student generated by this proposal will increase the utilization percentage of Palm Beach Central High School to 115%.

The revised Preliminary Site Plan (dated 12/28/22) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION:

Project proposes 132 dwelling units requiring 0.79 acres of onsite recreation, 0.87 acres of onsite recreation are provided, therefore, the recreational requirement is satisfied.

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 has indicated in the Justification Statement, that there has been an increase of residents to the County. As the County and because of this increase there has been need for housing to keep pace with the growth, especially in affordable housing. The proposed development seeks to help in satisfying the County’s housing need by providing Multifamily units, which is allowed with the RM Zoning District. The subject request is contingent upon the approval of the modification to the future land use, and if approved the request to rezone would be consistent with the HR-8 FLU designation. The Applicant has therefore, demonstrated the changed circumstances that necessitate the need for the amendment.

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 Applicant seeks to acquire additional density for the subject application through the TDR and WHP density bonus. The combined density for both density bonus programs exceeds two units per acre and therefore, requires approval by the BCC pursuant to Art. 5.G.3.K.3.d., Review Process. The 10.22-acres site, through this application, yields 82 units by right, using the proposed future land use of HR-8. To arrive at the proposed 132 total units for the application, 20 TDRs will be bought; 13 at the market rate Multifamily price and 7 at the Workforce rate. Thirty additional units will be allocated through the WHP, with 15 percent of the 20 TDR units being required to be built as Workforce units. A total of 33 units will be built onsite through Condition of Approval.

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.

○ **Density and Workforce Housing Program (WHP):** The Planning Division reviewed the request for 132 residential units on the subject 10.22 ac site utilizing the proposed High Residential 8 units per acre (HR-8) future land use designation (FLUA). The proposed HR-8 FLUA designation could yield 82 units (10.22 x 8 = 81.76 or 82 rounded up); therefore, the proposed 132 units will be utilizing an additional units from both Bonus Density Programs. While the amendment conditions require the purchase of 20 TDR's, and that 25% of the total units be deed restricted for Workforce housing, the Applicant's request, as shown below, represents the minimum required Workforce housing for the 132 units to be calculated under the Limited Incentive Development Option, a 37% WHP density bonus and 20 TDRs.

<u>Proposed Density:</u>	<u>WHP required:</u>
61.32 Standard units	1.53 WHP units (2.5%)
20.44 Maximum units	1.64 WHP units (8%)
30.25 WHP Bonus units (37%)	5.14 WHP units (17%)
<u>20 TDR Bonus units</u>	<u>6.80 WHP units (34%)</u>
132.01 or 132 units total (rounded down)	*15.11 or 15 required WHP (rounded down)

*However, condition 3 of the amendment requires that 25% or 33 units (132 x .25 = 33) be obligated for Workforce Housing. The Applicant is in agreement with the proposed conditions to provide 25% of total units for Workforce Housing as on-site rentals.

○ **Workforce Housing (WHP) Program:** The WHP has both a mandatory and a voluntary component. This program requires that a percentage of units in new residential developments of 10 or more units are to be provided as workforce housing, affordable to income qualified households having 60 to 140% of area Median Family Income (MFI). The program is applicable in the Urban/Suburban Tier of the unincorporated County and in other areas where required by conditions of approval. The program's optional component allows for a density bonus in exchange for a portion of the additional units being dedicated as workforce housing.

○ **Workforce Housing (WHP) Program Pricing & Income Categories:** The current request was submitted while the 2021 WHP pricing was in effect. In Palm Beach County, the 2021 area Median Family Income (MFI) is \$80,200 for a family of four (per US Department of Housing and Urban Development [HUD]). The following are the current sales and rental prices per income category for 2021 in Palm Beach County (based on the date of application and the pricing then in effect). The income categories are the same for both programs.

○ **WHP Sales Prices:** The sales prices are based on HUD annual median income figure.

WHP Income Category			2021 (WHP) Sales Prices
Low	60 -80% of MFI	\$48,120 - \$64,160	\$168,420
Moderate 1	>80 -100% of MFI	>\$64,160 - \$80,200	\$216,540
Moderate 2	>100 -120% of MFI	>\$80,200 - \$96,240	\$264,660
Middle*	>120 -140% of MFI	>\$96,240 - \$112,280	\$312,780

*Does not apply to WHP units in projects approved under WHP Code adopted 8/22/2019.

○ **WHP Rental Prices:** The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms and any Utility Allowances are applied against gross maximum rent. WHP prices are set annually, based on the provisions of Article 5.G.1.A.3.c.2 of the Unified Land Development Code. The following are the **2021 Rental Prices for projects approved under the Workforce Housing code that was adopted August 22, 2019.**

WHP Income Category 2021			1 BR	2 BR	3BR	4BR
Low	60-70% of MFI	\$48,120 – \$56,140	\$963 - \$1,124	\$1,156 - \$1,349	\$1,335 - \$1,558	\$1,489 - \$1,738

WHP Income Category 2021			1 BR	2 BR	3BR	4BR
	>70-80% of MFI	>\$56,140 - \$64,160	\$1,124 - \$1,285	\$1,349 - \$1,542	\$1,558 - \$1,781	\$1,738 - \$1,986
Moderate 1	>80-90% of MFI	>\$64,160 – \$72,180	\$1,285 - \$1,446	\$1,542 - \$1,735	\$1,781 - \$2,004	\$1,986 - \$2,235
	>90-100% of MFI	>\$72,180 - \$80,200	\$1,446 - \$1,606	\$1,735 - \$1,928	\$2,004 - \$2,226	\$2,235 - \$2,483
Moderate 2	>100-110% of MFI	>\$80,200 – \$88,220	\$1,606 - \$1,767	\$1,928 - \$2,121	\$2,226 - \$2,449	\$2,483 - \$2,731
	>110-120% of MFI	>\$88,220 - \$96,240	\$1,767 - \$1,927	\$2,121 - \$2,313	\$2,449 - \$2,671	\$2,731 - \$2,979
Middle	>120-130% of MFI	>\$96,240 – \$104,260	\$1,927 - \$2,088	\$2,313 - \$2,506	\$2,671 - \$2,894	\$2,979 - \$3,227
	>130-140% of MFI	>\$104,260 - \$112,280	\$2,088 - \$2,248	\$2,506 - \$2,698	\$2,894 - \$3,116	\$3,227 - \$3,475

○ *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan 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.*

○ *Density Bonus:* The Applicant is requesting an increase in density through the Workforce Housing Program and the Transfer of Development Rights Program. Both requests result in a combined density in excess of two units per acre. Each request considered separately would not require a Class A Conditional Use request, however, per Art. 5.G.3.K.3.d., Review Process, when both combined density bonus requests exceed two units per acre, a Class A Conditional Use approval is required. The application is also subject to a concurrent Large Scale Amendment (LGA), through the Planning Division where the BCC transmitted the application limited the total number of units to 132. The proposed density through the density bonus programs would allow for an additional 5.2 du/acre above the 8 du/acre for a total of 12.92 du/acre. The total number of additional units through the density bonus programs is 50; 30 units through the WHP and 20 through the TDR Program.

○ *Workforce Housing Program (WHP):* Twenty five percent or 33 of the total number of units are required to be Workforce units and be built on site as rental units, under the Limited Incentive Development Option of Art. 5.G.1.B.1., Limited Incentive Option as the percentage of Workforce Housing does not exceed 50%.

○ *Transfer of Development Rights (TDR) Program:* Per Art. 5.G.3.1., Purpose and Intent, “The TDR Program is designed to redistribute population densities, or development potential, to encourage the most appropriate and efficient use of resources, services, and facilities”. The Planning Division has determined that the subject site is appropriate and meets the requirements of becoming a designated receiving area for density bonus through the TDR Program. Through the Transmittal process, The BCC approved a total of 20 TDR units. The use of 20 units through the TDR Program is the maximum number that may be requested and is, therefore, in compliance with Policy 2.4-b of the Comprehensive Plan Future Land Use Element.

TDR Receiving Areas: Development rights shall only be transferred to those parcels that meet the qualifications for designation as receiving areas. There are five criteria the Applicant must comply with in order to qualify as a TDR Receiving Area:

- a. Be located within the U/S Tier;
- b. Be compatible with surrounding land uses and consistent with the Plan;
- c. Meet all concurrency requirements;
- d. Meet all requirements as outlined in the Code; and,
- e. Be compatible with adjacent Environmentally Sensitive Lands

The Brentwood of Wellington development complies with all the requirements to qualify as a Receiving Area for TDRs. Proposed Conditions of Approval are included in Exhibit C-3 to implement the required documentations and payment for the transfer of the units.

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 combined density bonus through the TDR program and WHP will add 50 Multifamily units to the development for a total of 132 units. The proposed Multifamily units fit in character with the higher density Multifamily development to the northeast, which has an approval for 158 onsite Workforce housing

units with a density of 5.5 du/ac. A 134-bed CLF exist directly to the east of the subject site. Through Conditions of Approval, compatibility and consistency between the subject development and the lower density residential developments to the north, northwest, west and southwest will be ensured as the units will be restricted to 2 stories and a maximum of 132 units. This reduces the height and number of units from the initially requested 4 stories and 194 units respectively. The proposed amendment has therefore, been revised to be more compatible and consistent with the surrounding residential uses.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The Applicant has proposed a six foot high fence, and an increased landscape buffer of 15 feet along the south property line, immediately adjacent to residential units of the Thoroughbred Lakes PUD. A proposed 10 foot landscape buffer along the north and west property lines, along with the approximately 362-foot wide lake of the Thoroughbred Lakes development, and the canal along the north property line, provides for increased separation between the lower density residential developments. The aforementioned fence, landscape buffers, increased separations, and the Condition of Approval to restrict the Multifamily Buildings to 2 stories minimizes adverse effects of the increase in the number of units through the combined density bonus programs.

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.*

See analysis under the Official Zoning Map Amendment (Rezoning) to a Standards District, (Effect on Natural Environment), the proposed use does not create an additional impacts beyond the analysis provided to rezoning the development

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

In accordance with the Planning Staff Report for LGA-2022-00020, Brentwood of Wellington, Planning Staff analyzed the request to modify prior conditions of approval and modify the future land use for the entire 10.22 acres to HR-8, to be appropriate and compatible relating to the overview of the area. The Staff Report states that the subject site is surrounded by single family community with density of 3 units per acre to the south and west; Commercial Low with underlying LR-2 to the east, and across State Road 7, a 134 bed CLF, which has an HR-8 FLU (equates to 82 units).

When the subject request was presented to the BCC for Transmittal, Planning Staff's recommendation was to allow 178 total units, however the Applicant subsequently reduced the number of units to 132. The proposed development, because of its location along an arterial roadway, and prior recommendations, is a logical development pattern. Being in the Urban Suburban Tier of the County, Workforce Housing is required for all new developments proposing 10 or more units pursuant to Art. 5.G.1.A.2.b., Thresholds and TDRs are allowed for residential developments to acquire additional density pursuant to Art. 5.G.3.C., Applicability. The increased density through the combined density bonus requests are therefore, consistent with the current and future development pattern of the area and will result in a logical, orderly and timely development pattern.

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

See analysis under the Official Zoning Map Amendment (Rezoning) to a Standards District, f. Adequate Public Facilities, as described above for the proposed rezoning, the increase in density does not create any additional impacts on the provision of public facilities, beyond the analysis above, and thus complies with Concurrency. The use of the site will be reviewed through the Administrative approval process for the proposed 132 units.

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

In the Justification Statement, the Applicant states that data from the Office of Economic and Demographic Research shows there has been a drastic increase in the number of residents to Florida between April 2020 and April 2021, with approximately 13,000 persons migrating to Palm Beach County. This increase has influenced the need for higher density housing developments and more affordable housing solutions. The subject application seeks to help in satisfying this need through the provision of 132 Multifamily units, of which 33 are proposed to be developed onsite as more affordable Workforce Housing units. The Applicant has therefore, demonstrated changed circumstances that necessitate the request for additional density through the TDR and WHP programs.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.A.2 and Article 2.B.7.B.2, and determined that there is balance between the need for change and the potential impacts generated by the Official Zoning Map Amendment and the Class A Conditional Use. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Official Zoning Map Amendment- Conditional Overlay Zone

LANDSCAPING

1. The Landscape Buffer along the south property line, shall be a minimum of fifteen feet in width. (DRO/BLDG PERMIT: ZONING – Zoning)

PLANNING

1. Per LGA 2022-020, condition 1: The subject site shall be limited to a maximum of 132 dwelling units. (ONGOING: PLANNING - Planning)

2. Per LGA 2022-020, condition 2: A minimum of 20 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. Thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)

3. Per LGA 2022-020, condition 3: The Zoning Development Order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC. (ONGOING: PLANNING - Planning)

COMPLIANCE

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

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

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

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2

Class A Conditional Use Density bonus through the WHP and TDR Programs

ALL PETITIONS

1. The approved Site Plan is dated December 28, 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)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall construct:

- i) right turn lane north approach on SR-7 at the proposed project entrance.
- ii) a new directional median break on SR-7 in front of the proposed project entrance, allowing right-in, right-out, and left -in only movements
- iii) left turn lane south approach on SR-7 at proposed project entrance at the new directional median break in ii above.

All the construction above shall follow the conditions contained in the FDOT Variance Committee Review letter, dated August 4, 2022 or as amended through subsequent driveway approval letters, if any. All the turn lane lengths shall be as required by the FDOT requirements. 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 the FDOT 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 the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

3. A cross access easement shall be recorded for the adjacent property to the south before the final site plan approval. (DRO: MONITORING - Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

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

ENVIRONMENTAL

1. Provide 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. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, the plans shall be revised to indicate the general relocation area of each native specimen tree to be relocated. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

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

4. Prior to the final approval by the Development Review Officer, the plans shall be revised to indicate a Tree Preservation Area in the open space area located between the parking lot for Building #1 and the ingress/egress road (a.k.a. Carlyle Village Road). (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

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

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

PLANNING

1. The subject request for 132 units with a 33-unit Workforce Housing Program (WHP) obligation is subject to the conditions contained in amendment (LGA2022-20) conditions 1-3, which limit the total units to 132 du, require 25% WHP onsite (33du) and require the purchase of 20 TDR's. (ONGOING: PLANNING - Planning)

2. The Developer shall notify the Planning Division and the Department of Housing and Economic Development (DHED) at the commencement of leasing. (ONGOING: PLANNING - Planning)

3. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Workforce Housing Restrictive Covenant, in a form acceptable to the Palm Beach County Attorney. 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. (BLDGPM: MONITORING - Planning)

4. Prior to the release of the first residential Building Permit, the Developer shall provide documentation demonstrating compliance with the required design standards: compatible exteriors, provision of a dry model. (BLDGPM: MONITORING - Planning)

5. Prior to the release of the 5th Building Permit (66 units), Fifty percent of WHP units (17) must receive Certificates of Occupancy (CO). (BLDGPM: MONITORING - Planning)

6. Prior to the release of the 12th Building Permit (112 units), All WHP units (33) must receive Certificates of Occupancy (CO). All Plans and covenants must be consistent with what has been constructed, and shall be amended if necessary. (BLDGPM: MONITORING - Planning)

7. Should more than 50% of the Building Permits be issued simultaneously, then the initial Certificate of Occupancies (CO's) that are released will be attributable to the WHP obligation. (ONGOING: PLANNING - Planning)

8. Prior to Final DRO, the Property Owner shall submit all of the applicable documents and plans to match what the BCC approves. (DRO: PLANNING - Planning)

TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department.

The Contract for Sale and Purchase of the TDRs shall accommodate a maximum of 20 TDR units at a total selling price of \$327,075 (13 TDR units to be purchased at the Market Rate Multifamily price of \$24,500 per unit (\$318,500) and 7 TDR units to be purchased at the Workforce rate of \$1,225 per unit (\$8,575).

Upon execution, the Property Owner shall submit the Contract to the Palm Beach County Clerk of Court for recordation, and a copy shall be provided to the Zoning Division. (DRO: ZONING - PLANNING)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, signed by the Developer and/or Property Owner, in order that it is signed by the Executive Director of Planning, Zoning and Building Department. (DRO: ZONING - Zoning)

3. Prior to technical compliance of the plat or issuance of the first Building Permit, whichever occurs first, the Property Owner shall pay one hundred (100) percent of the Funds, pursuant to the recorded Contract of Sale and Purchase of TDRs, to the Board of County Commissioners through the Zoning Division. (BLDGPM/TC: ZONING - Zoning)

4. Prior to the issuance of the first Building Permit, except Sales Models or temporary Real Estates Sales and Management Offices, the Zoning Division provide the Developer and/or Property Owner the executed Transfer of Development Rights Deed, in order for the Property Owner to submit the TDR Deed to the Palm Beach County Clerk of Court for recordation, and a copy of the recorded TDR Deed shall be provided to the Zoning Division. (BLDG/PMT: 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: ZONING - Zoning)

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

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

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

DISCLOSURE

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

Figure 1 - Land Use Map



Figure 2 - Zoning Map

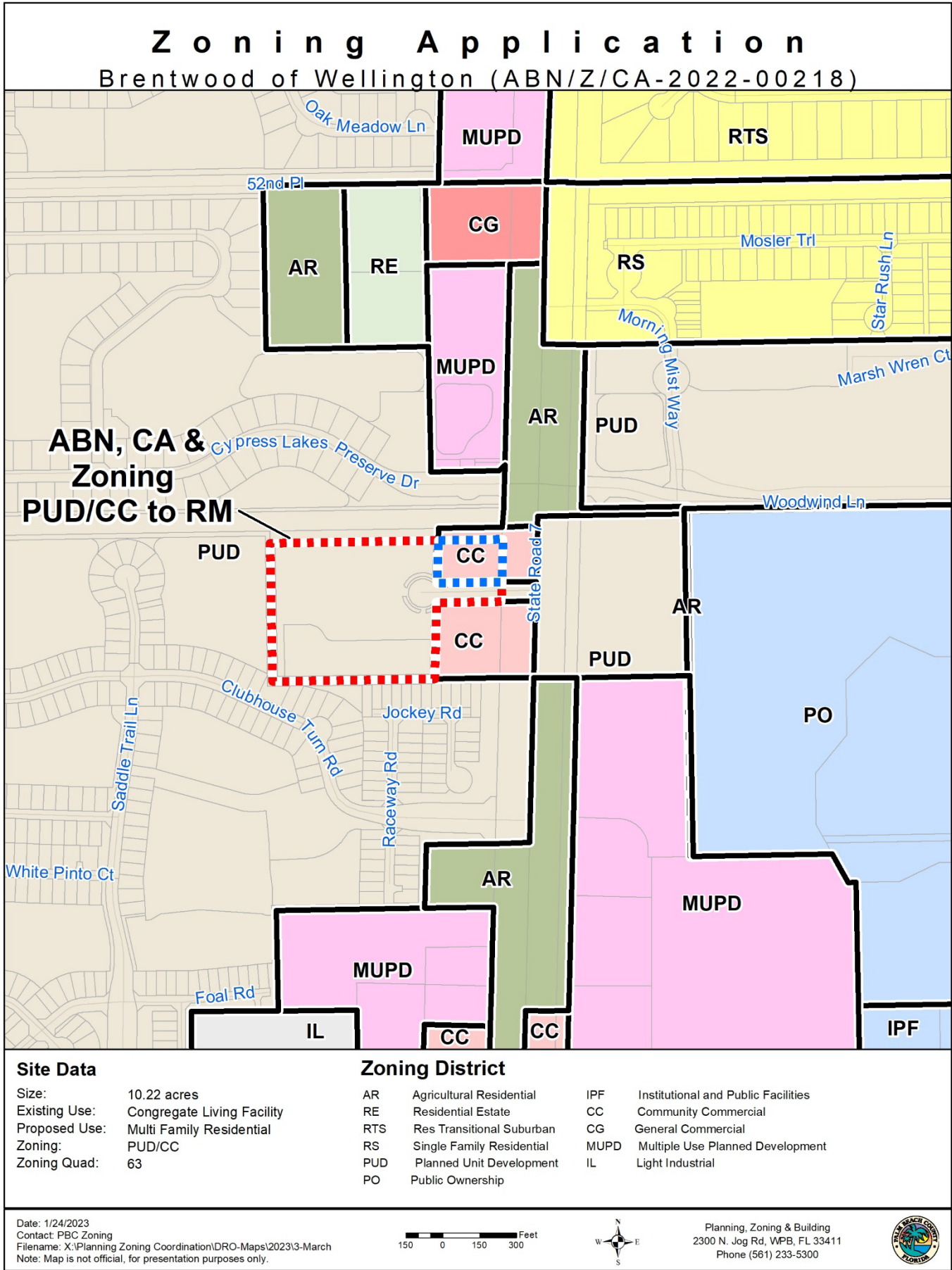
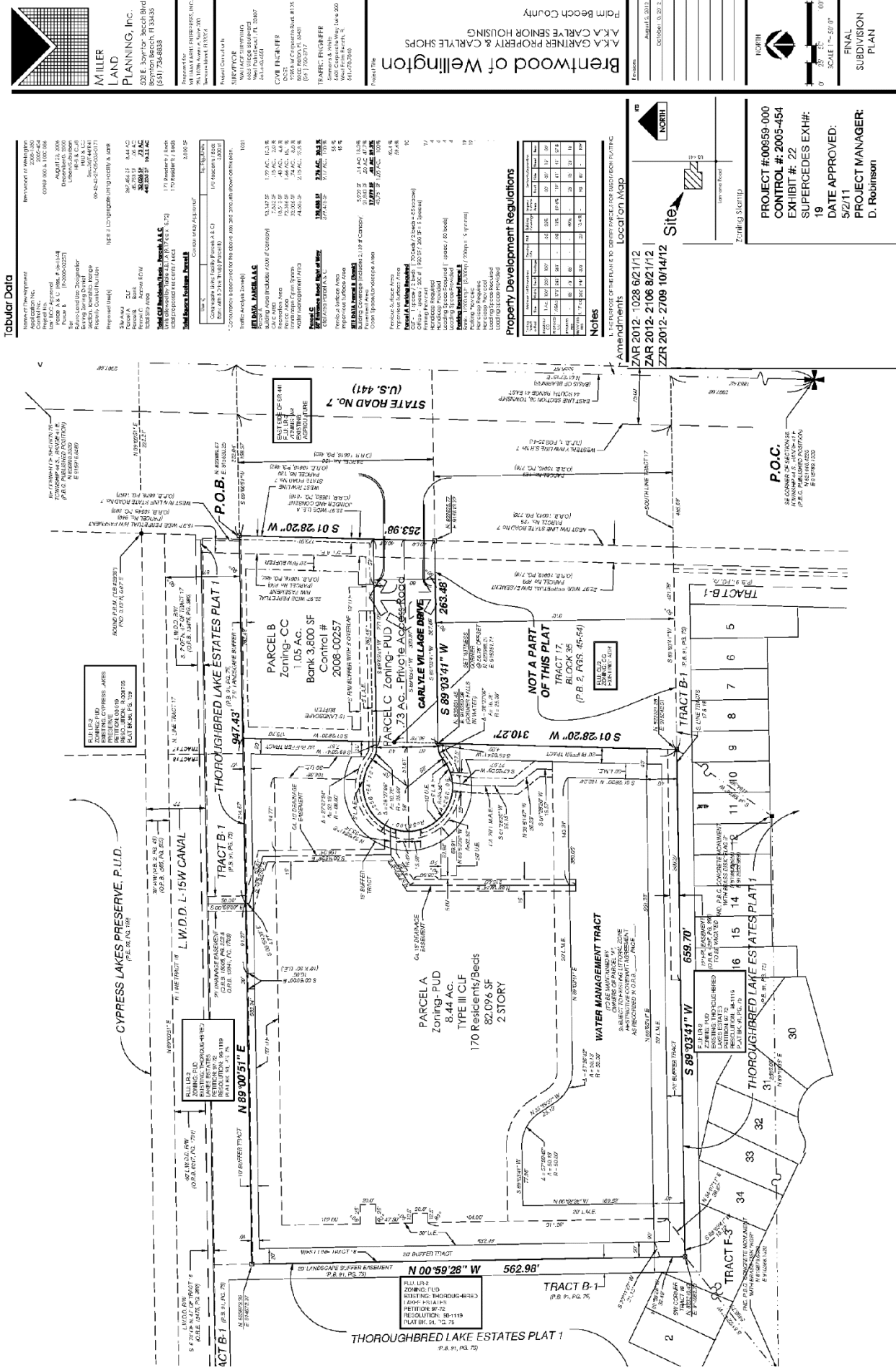


Figure 3 – Previously Approved Final Subdivision Plan dated May 2, 2011



Miller Land Planning, Inc.
 202 E. Bayshore Blvd
 Suite 100
 Palm Beach, FL 33485
 (561) 248-8833

William Earl Enterprises, Inc.
 7010 N.W. 11th Street
 Suite 100
 Fort Lauderdale, FL 33309

Shirley Fox
 3800 S.W. 11th Street
 Suite 100
 Fort Lauderdale, FL 33309

Carlyle Properties
 2200 N.W. Corporate Blvd, #124
 Suite 100
 Fort Lauderdale, FL 33309
 (954) 700-2177

Traffic Proffer
 Summers & White
 West Palm Beach, FL 33411
 561-920-7580

Brentwood of Wellington
 AKA GARTNER PROPERTY & CARLYLE SHOPS
 Palm Beach County

Property Development Regulations

Regulation	Requirement
1.0	Minimum Lot Area: 1.05 AC
1.1	Minimum Lot Width: 100.00 FT
1.2	Minimum Lot Depth: 100.00 FT
1.3	Minimum Front Setback: 10.00 FT
1.4	Minimum Side Setback: 5.00 FT
1.5	Minimum Rear Setback: 5.00 FT
1.6	Maximum Building Height: 20.00 FT
1.7	Maximum Floor Area Ratio: 0.25
1.8	Maximum Number of Units: 170
1.9	Maximum Number of Stories: 2
1.10	Maximum Number of Bed Rooms: 2
1.11	Maximum Number of Bathrooms: 2
1.12	Maximum Number of Parking Spaces: 170
1.13	Maximum Number of Driveways: 2
1.14	Maximum Number of Entrances: 2
1.15	Maximum Number of Exits: 2
1.16	Maximum Number of Stairways: 2
1.17	Maximum Number of Elevators: 2
1.18	Maximum Number of Ramps: 2
1.19	Maximum Number of Balconies: 2
1.20	Maximum Number of Terraces: 2
1.21	Maximum Number of Decks: 2
1.22	Maximum Number of Pools: 2
1.23	Maximum Number of Spas: 2
1.24	Maximum Number of Hot Tubs: 2
1.25	Maximum Number of Fireplaces: 2
1.26	Maximum Number of Stoves: 2
1.27	Maximum Number of Sinks: 2
1.28	Maximum Number of Dishwashers: 2
1.29	Maximum Number of Freezers: 2
1.30	Maximum Number of Refrigerators: 2
1.31	Maximum Number of Washers: 2
1.32	Maximum Number of Dryers: 2
1.33	Maximum Number of Air Conditioners: 2
1.34	Maximum Number of Heaters: 2
1.35	Maximum Number of Water Heaters: 2
1.36	Maximum Number of Sump Pumps: 2
1.37	Maximum Number of Generators: 2
1.38	Maximum Number of Pools: 2
1.39	Maximum Number of Spas: 2
1.40	Maximum Number of Hot Tubs: 2
1.41	Maximum Number of Fireplaces: 2
1.42	Maximum Number of Stoves: 2
1.43	Maximum Number of Sinks: 2
1.44	Maximum Number of Dishwashers: 2
1.45	Maximum Number of Freezers: 2
1.46	Maximum Number of Refrigerators: 2
1.47	Maximum Number of Washers: 2
1.48	Maximum Number of Dryers: 2
1.49	Maximum Number of Air Conditioners: 2
1.50	Maximum Number of Heaters: 2
1.51	Maximum Number of Water Heaters: 2
1.52	Maximum Number of Sump Pumps: 2
1.53	Maximum Number of Generators: 2
1.54	Maximum Number of Pools: 2
1.55	Maximum Number of Spas: 2
1.56	Maximum Number of Hot Tubs: 2
1.57	Maximum Number of Fireplaces: 2
1.58	Maximum Number of Stoves: 2
1.59	Maximum Number of Sinks: 2
1.60	Maximum Number of Dishwashers: 2
1.61	Maximum Number of Freezers: 2
1.62	Maximum Number of Refrigerators: 2
1.63	Maximum Number of Washers: 2
1.64	Maximum Number of Dryers: 2
1.65	Maximum Number of Air Conditioners: 2
1.66	Maximum Number of Heaters: 2
1.67	Maximum Number of Water Heaters: 2
1.68	Maximum Number of Sump Pumps: 2
1.69	Maximum Number of Generators: 2
1.70	Maximum Number of Pools: 2
1.71	Maximum Number of Spas: 2
1.72	Maximum Number of Hot Tubs: 2
1.73	Maximum Number of Fireplaces: 2
1.74	Maximum Number of Stoves: 2
1.75	Maximum Number of Sinks: 2
1.76	Maximum Number of Dishwashers: 2
1.77	Maximum Number of Freezers: 2
1.78	Maximum Number of Refrigerators: 2
1.79	Maximum Number of Washers: 2
1.80	Maximum Number of Dryers: 2
1.81	Maximum Number of Air Conditioners: 2
1.82	Maximum Number of Heaters: 2
1.83	Maximum Number of Water Heaters: 2
1.84	Maximum Number of Sump Pumps: 2
1.85	Maximum Number of Generators: 2
1.86	Maximum Number of Pools: 2
1.87	Maximum Number of Spas: 2
1.88	Maximum Number of Hot Tubs: 2
1.89	Maximum Number of Fireplaces: 2
1.90	Maximum Number of Stoves: 2
1.91	Maximum Number of Sinks: 2
1.92	Maximum Number of Dishwashers: 2
1.93	Maximum Number of Freezers: 2
1.94	Maximum Number of Refrigerators: 2
1.95	Maximum Number of Washers: 2
1.96	Maximum Number of Dryers: 2
1.97	Maximum Number of Air Conditioners: 2
1.98	Maximum Number of Heaters: 2
1.99	Maximum Number of Water Heaters: 2
2.00	Maximum Number of Sump Pumps: 2

Notes:

1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

Amendments:

- ZAR 2012-1028 6/21/12
- ZAR 2012-2108 8/21/12
- ZZR 2012-2709 10/14/12

Location Map:

Site location shown on map of Palm Beach County.

Project Information:

- PROJECT #: 00659-000
- CONTROL #: 2005-454
- EXHIBIT #: 22
- SUPERCEDES EXH#: 19
- DATE APPROVED: 5/2/11
- PROJECT MANAGER: D. Robinson

Figure 5 – Preliminary Regulating Plan dated December 28, 2022 (Page 1 of 2)

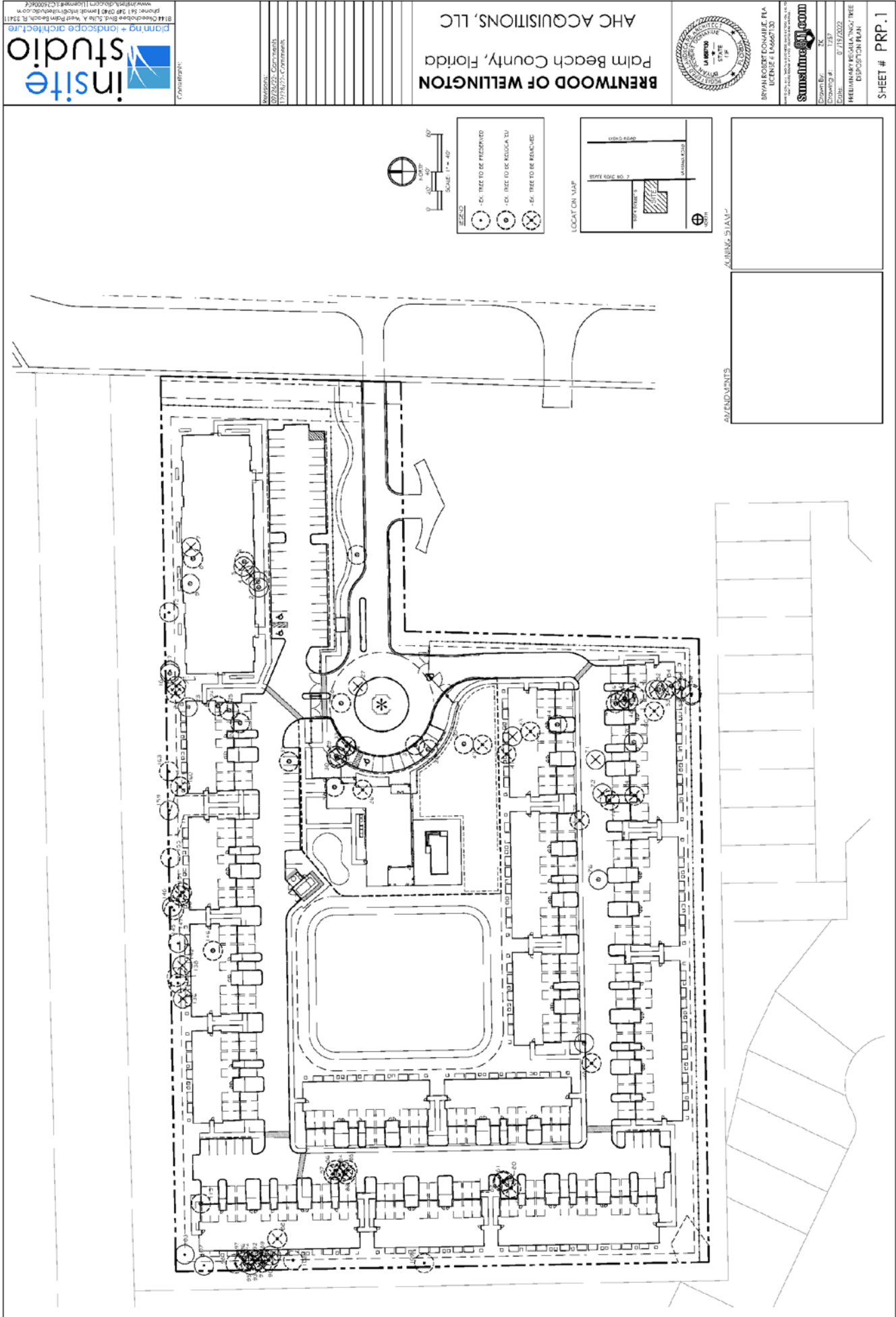


Figure 6 – Preliminary Master Sign Plan dated November 28, 2022

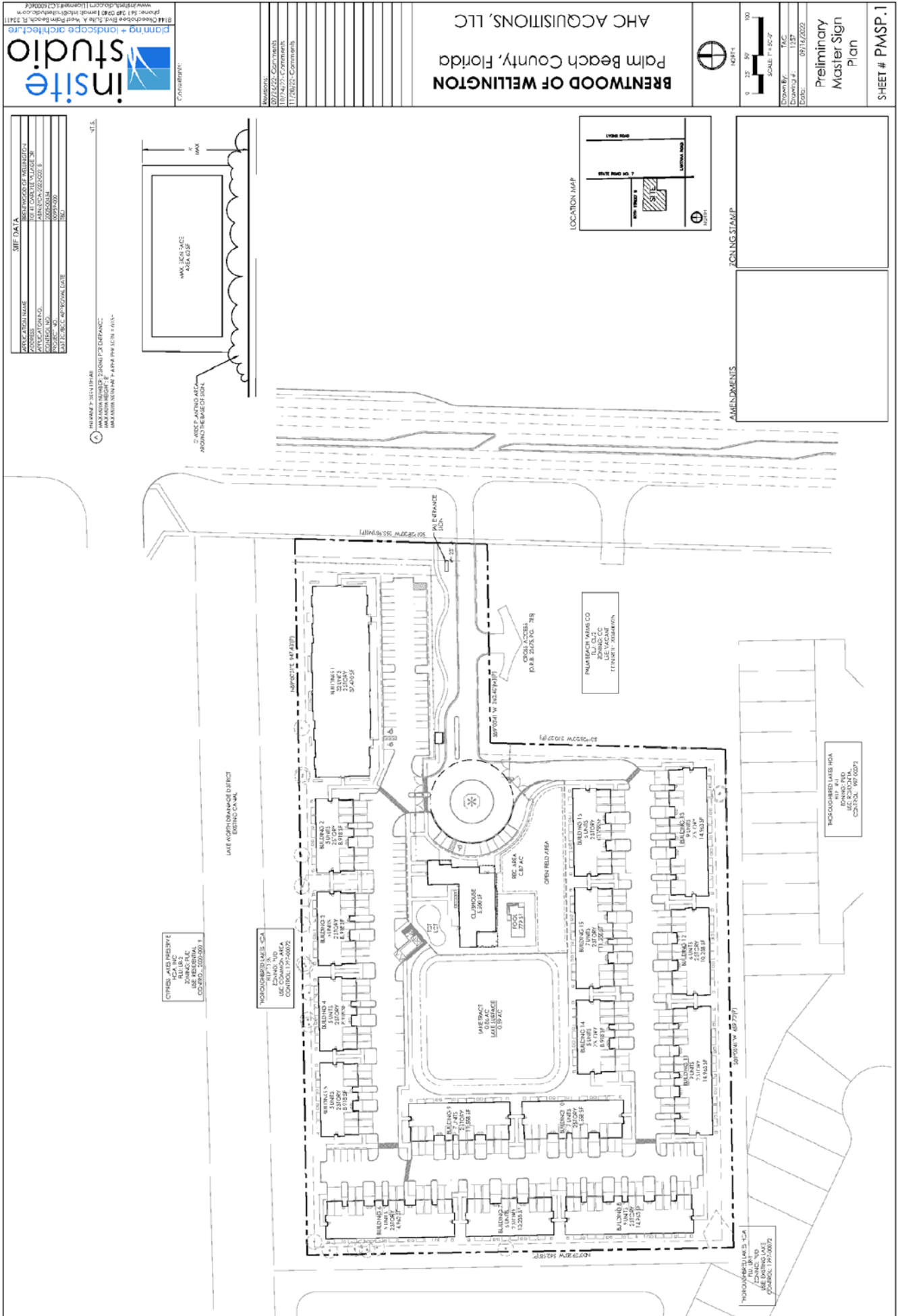


Figure 7 – Preliminary Architectural Elevations dated December 28, 2022

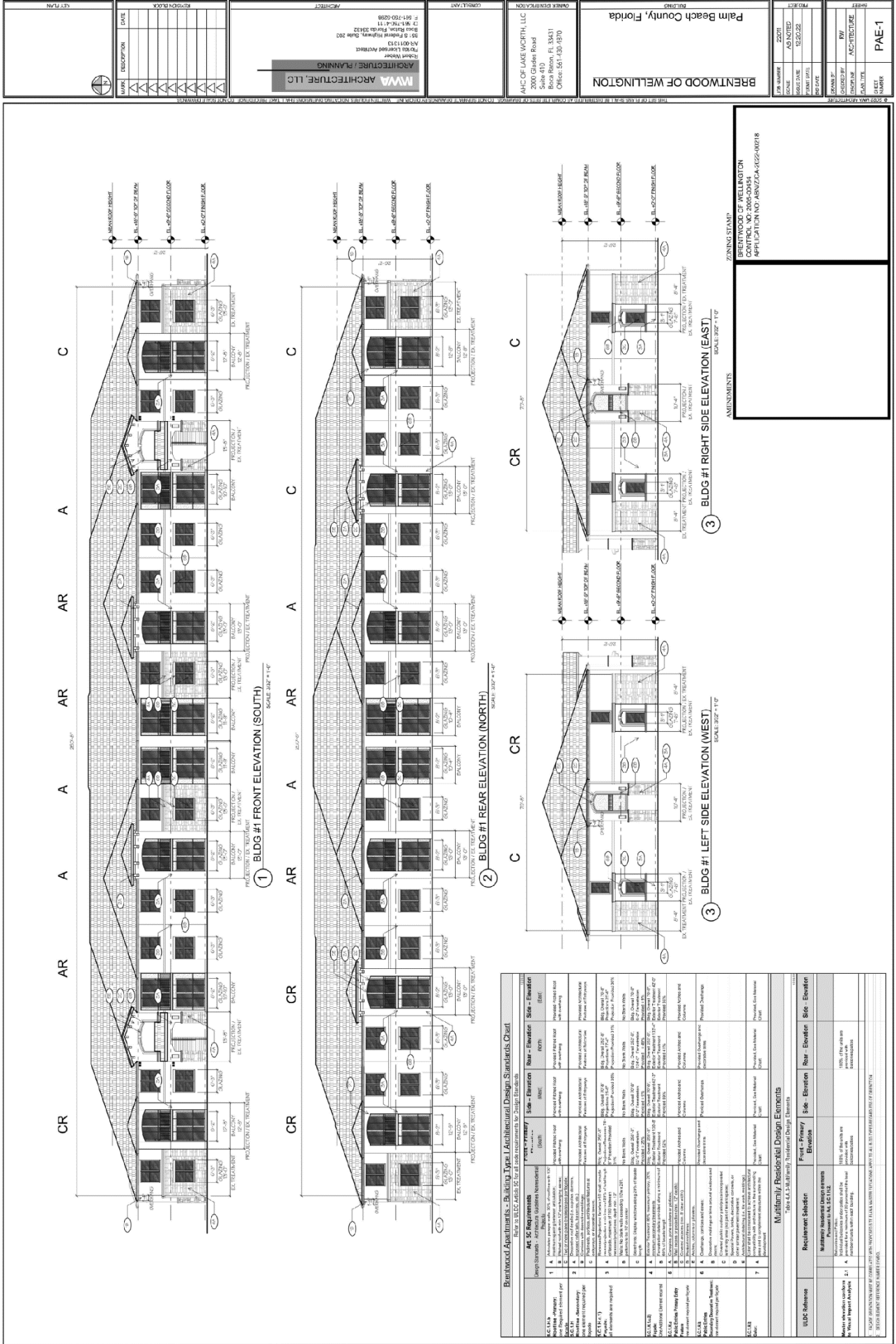


Exhibit D – Disclosure of Ownership

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 Charles Scardina, JR, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] Manager of AHC of Lake Worth, LLC [position - e.g., president, partner, trustee] of AHC of Lake Worth, 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: 2000 Glades Rd, Suite 410 Boca Raton, FL 33431
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.

[Signature]
Charles Scardino, Jr. Manager
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 8th day of February, 2022 by Charles Scardino, Jr. Manager (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

[Signature]
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 7-31-25

NOTARY PUBLIC



EXHIBIT "A"

PROPERTY

BEGINNING AT THE NORTHEAST CORNER OF BRENTWOOD OF WELLINGTON, P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 117, PAGES 177 THROUGH 180, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE N.89°00' 51"E., ALONG THE NORTH LINE OF SAID PLAT, A DISTANCE OF 947.43 FEET TO THE NORTHEAST CORNER OF SAID PLAT, THENCE S.0128'20"W., ALONG THE EAST LINE OF PARCELS B AND C, A DISTANCE OF 253.98 FEET TO THE SOUTHEAST CORNER OF PARCEL C, THENCE S.89°03'41"W., ALONG THE SOUTH LINE OF PARCEL C, A DISTANCE OF 263.48 FEET TO THE EAST LINE OF A 20 FOOT BUFFER TRACT AS DEPCITED IN SAID PLAT, THENCE S.0128'20"W., ALONG THE EAST LINE OF SAID BUFFER TRACT A DISTANCE OF 310.27 FEET TO THE SOUTHEAST CORNER OF SAID PLAT, THENCE S.89°03'41"W., ALONG THE SOUTH LINE OF SAID PLAT, A DISTANCE OF 659.70 FEET TO THE SOUTHWEST CORNER OF SAID PLAT, THENCE N.00°59'28"W., ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 562.98 FEET TO THE POINT OF BEGINNING.

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

Charles Scardina, Jr - 7593 Boynton Beach Blvd, Suite 220, Boynton Beach, FL 33437
