

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

Application No.: ABN/PDD/W-2020-00433
Application Name: The Quartet MUPD
Control No./Name: 2005-00001 (Children of America - LWR Campus)
Applicant: 8475 LWR LLC
Owners: 8475 LWR LLC
Agent: Insite Studio - Brian Terry
Telephone No.: (561) 249-0940
Project Manager: Ryan Vandenburg, Senior Site Planner

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Class A Conditional use to allow a General Day Care. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) District **TITLE:** a Type 2 Waiver **REQUEST:** to substitute a six foot high opaque wall for a six foot high fence within a Type 3 Incompatibility Buffer.

APPLICATION SUMMARY: Proposed is a Development Order Abandonment, an Official Zoning Map Amendment, and a Type 2 Waiver for the Quartet MUPD development. The 1.6 acre site was originally approved by the Board of County Commissioners (BCC) on January 24, 2019, for a rezoning from Agricultural Residential (AR) to the Single Family Residential (RS) Zoning District, with a Class A Conditional Use to allow a General Day Care. The site was last approval by the Zoning Commission (ZC) on October 1, 2020 for a Standalone Type 2 Variance to allow for a reduction in minimum lot depth and size. The site currently supports a Single Family residence.

The Applicant is seeking to abandon the previously approved Class A Conditional Use for a Daycare in order to rezone the subject site from RS to MUPD. The Preliminary Site Plan indicates 11,076 square feet of Medical Offices in four (4) one-story buildings, with two proposed access points to Blanchette Trail. Further, the Applicant has requested a Type 2 Waiver to substitute a six ft. high fence within a Type 3 Incompatibility Buffer, where a six ft. high opaque wall is required.

This application is the subject of a concurrent Small-Scale Future Land Use Amendment (SCA 2020-000014) under review by the Planning Division, to amend the Future Land Use (FLU) designation from Low Residential, 2 units per acre (LR-2), to Commercial Low-Office with an underlying LR-2 (CL-O/2), which is consistent with the proposed Zoning District.

This application was reviewed for compliance with Unified Land Development Code Ordinance 2003-067, Supplement No. 27.

SITE DATA:

Location:	Northeast corner of Lake Worth Road and Blanchette Trail.
Property Control Number(s):	00-42-43-27-05-024-0617
Existing Future Land Use Designation:	Low Residential (LR-2)
Proposed Future Land Use Designation:	Commercial Low-Office with an underlying LR-2 (CL-O/2)
Existing Zoning District:	RS
Proposed Zoning District:	MUPD
Total Acreage:	1.6 acres
Affected Acreage:	1.6 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	West Lake Worth Road Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile:	Wellington
Future Annexation Area:	Greenacres, Wellington

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

ACTION BY ZONING COMMISSION (ZC): At the November 5, 2020 ZC Hearing, this item was on the Consent Agenda. There was no one from the public to speak on the item and no discussion among the Commissioners. Commissioner Beatty made a motion to approve the Consent Agenda, which was seconded by Commissioner Kern. The motion carried by a vote of 6-0-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 1 contact from the public; a letter of support from the Lake Worth Road Coalition, Inc. for the proposed variance, noting that the proposed development is consistent with the Neighborhood Plan.

PROJECT HISTORY: The subject site was previously approved by the BCC on January 24, 2019, for a rezoning from Agricultural Residential to the Single Family Residential (RS) Zoning District (Resolution R-2019-0161), and a Class A Conditional Use to allow a General Day Care (Resolution R-2019-0162).

The site was last approved by the Zoning Commission for a Type 2 Variance to reduce the minimum lot size and depth on October 1, 2020 (Resolution ZR-2020-0042).

SURROUNDING LAND USES:

NORTH:

FLU Designation: Low Residential, 2 units per acre (LR-2)
Zoning District: Agricultural Residential (AR)
Supporting: Residential - Single Family Residence

SOUTH (across Lake Worth Road):

FLU Designation: Commercial High, with underlying Low Residential, 2 units per acre (CH/2)
Zoning District: Residential Transition (RT)
Supporting: Residential and Agricultural (Palm Beach Farms, Control No. 2013-00296)

EAST:

FLU Designation: Low Residential, 3 units per acre (LR-3)
Zoning District: Residential Transition (RT)
Supporting: Institutional - Place of Worship (Christian & Missionary Alliance Church of L.W., Control No. 1988-00079)

WEST (across Blanchette Trail):

FLU Designation: Institutional, with underlying MR-5 (INST/5)
Zoning District: Planned Unit Development (PUD)
Supporting: Residential - Type 3 Congregate Living Facility (Harbour Chase of Wellington Crossing PUD, Control No. 2004-00009)

FINDINGS:

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

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

○ *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.

○ *Concurrent Land Use Amendments:* The site is the subject of concurrent Small Scale Future Land Use amendment known as The Quartet Medical Office (SCA 2020-014). The request is to amend the land use from Low Residential, 2 units per acre (LR-2) to Commercial Low-Office, with an underlying 2 units per acre (CL-O/2). Staffs recommendation is for approval with no conditions.

○ *Intensity:* The site has a prior approval for 19,290 square feet of daycare uses. Contingent upon the adoption of the concurrent land use amendment, the maximum FAR of 0.35 is allowed for the Commercial Low-Office (CL/O) future land use designation in the Urban Suburban Tier (69,921 sq. ft. or 1.61 acres x 0.35 maximum FAR = 24,472 sq. ft. maximum). The request for a total of 11,076 sq. ft. equates to a Floor Area Ratio (FAR) of approximately 0.159 (11,076 / 69,921 or 1.61 acres = 0.159).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is located within the boundaries of the West Lake Worth Road Neighborhood Plan (WLRNP). The purpose of the WLRNP is to ensure that development is designed and constructed to preserve and define the Character of the West Lake Worth Road Corridor Area. Specifically, the WLRNP addresses land uses, mobility, traffic and connectivity, environmental concerns, parks and recreation, beautification, and built form and site design, as areas of concern, with the bulk of the recommendations related to design requirements to be implemented through the Zoning process. In this regard, the WLRNP design criteria, recommends a 30-ft. primary buffer along Lake Worth Road. The Preliminary Site Plan depicts the recommended primary buffer. In addition, the Applicant states in the justification statement that the Lake Worth Road Coalition, Inc., supports development of the subject site with office uses, a use that is not consistent with in an Institutional designated site, as envisioned in the WLRNP. The Lake Worth Coalition, Inc., which is charged with monitoring, maintaining, and updating and revising the Plan as necessary, provided a letter in support for the request dated January 15, 2020.

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.*

○ *Property Development Regulations:* The subject site is required to meet Table 3.E.3.D, MUPD Property Development Regulations, for a property that has a CLO Future Land Use (being processed concurrently). As previously noted, the Applicant was approved on October 1, 2020 through the Zoning Commission for a Type 2 Variance for a reduction in lot depth and lot size, to accommodate for the rezoning to MUPD (Application ZV-2020-00430). The proposed development is below the maximum building coverage of 25% (11,076 sq. ft. of building coverage/69,921 sq. ft. site area = 16% building coverage). Further, the proposed development meets all minimum setback requirements.

○ *Design Objectives:* As the proposal is for a rezoning to an MUPD, the proposed development is required to continue to be consistent with Article 3.E.1.C.1, PDD Design Objectives, and Art. 3.E.1.C.2, Performance Standards. As required by the PDD Objectives and Standards, the proposed development will include adequate pedestrian circulation within the site connecting all buildings and parking areas, and well as providing a 5 ft. sidewalk along Blanchette Trail, and a 6 ft. wide meandering sidewalk along Lake Worth Road, which is a recommendation of the Lake Worth Neighborhood Plan. Per Art. 3.E.1.C.1.d, Preservation of Native Vegetation, a Vegetation Disposition Plan was submitted that indicates the preservation of native species to the greatest extent possible. Objectionable Features such as Loading Areas and Dumpster Areas have been adequately screened, as required by Art. 3.E.1.C.1.e. The proposal is also required to be consistent with Art. 3.E.3.B, Objectives and Standards. Staff are satisfied that the proposed redevelopment sufficiently meets the Design Objectives and Performance Standards for an MUPD development.

○ *Parking:* Per Art. 6.B.1.B, Minimum Parking and Loading Requirements, the proposed development containing 11,076 sq. ft. of Medical Office use is required to provide 1 parking space per 200 sq. ft. As such, the proposed development is required to provide 55 parking spaces. The PSP indicates 57 total spaces. Further, the Applicant is providing a 12 ft. x 18.5 loading space on the south side of Building 1, which is properly screened from Blanchette Trail.

○ *Landscape/Buffering:* The proposed development will meet the Landscaping and Buffering requirements, per Art. 7 – Landscaping. Along the north property line will be the Type 3 Incompatibility Buffer which is a requirement for an MUPD when proposed non-residential development is adjacent to existing residential uses. This buffer will include a six ft. high opaque

fence, which is subject to the Waiver request and is supported by Staff. The Applicant is providing an 8 ft. Compatibility buffer along the east property line, as the subject site is adjacent to an existing Place of Worship. Along the south property line is a proposed 26 ft. wide R-O-W Buffer which includes a 6 ft. wide meandering sidewalk. This will meet the ULDC requirements for a R-O-W buffer along Lake Worth Road, as well as the recommendations of the West Lake Worth Road Neighborhood Plan. Along Blanchette Trail, the Applicant will be providing a 15 ft. R-O-W buffer.

- *Signs:* The proposed development will include three Freestanding monument signs; 2 along Blanchette Trail and 1 along Lake Worth Road. The proposed signage will meet all requirements for Freestanding signs per Table 8.G.2.A, Freestanding Sign Standards.

- *Variance:* As previously noted, the Applicant was approved for a Type 2 Variance on October 1, 2020 by the Zoning Commission for a reduction in minimum lot depth (250 ft. in depth required for MUPD, approved 210 ft.) and minimum lot area (3 acres required for MUPD, approved 1.6 acres).

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

The proposed rezoning from RS to MUPD is compatible and consistent with the surrounding zoning districts and uses. To the north is a Single Family residence, with AR zoning. Per Art. 3 MUPD Landscaping standards, a Type 3 Incompatibility buffer is being provided along the north property line, which is proposed to include a six ft. high opaque fence in combination with required trees and shrubs, providing visual buffering between the two uses.

To the south, across Lake Worth Road at the southeast corner of Lake Worth and Polo Road, are lands that are currently utilized for a single family residence and equestrian uses. These lands are currently subject to a Public Hearing application (PDD/CA-2020-00788, Polo Gardens MUPD), to rezone from the Residential Transition Zoning district to MUPD, and a Class A Conditional Use for a Type 1 Restaurant with drive-through. The overall development is currently requesting 348 residential units, and 23,790 sq. ft. of commercial space. At the southwest corner of Lake Worth Road and Polo Road is the previously approved Polo Legacy MXP (Control No. 2007-0096). This development is a mix of commercial and residential uses, which includes a total of 184 residential units and 51,000 sq. ft. of non-residential development.

To the east of the subject site is an existing Place of Worship; Christian & Missionary Alliance Church of Lake Worth (Control No. 1998-00079). The subject site will have an 8 ft. Compatibility Buffer along the east property line which will provide a buffer between the proposed Medical Offices and the existing church.

To the west is the Harbour Chase of Wellington Crossing PUD (Control No. 2004-00009), which contains a Type 3 Congregate Living Facility. These lands are zoned Planned Unit Development (PUD) district, which is compatible zoning district with the proposed MUPD.

Based on the surrounding land uses, the proposed rezoning and the development of the medical offices is an appropriate zoning district for the parcel of land.

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 development will have insignificant adverse impact on adjacent lands. The lands to the north are utilized as a Single Family residence and zoned AR. Because the Applicant is proposing to rezone to an MUPD, the subject site is required to provide a Type 3 Incompatibility Buffer along the north property line. The Applicant will be providing the necessary planting requirements for a Type 3 buffer per Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements, while Staff are supportive of the Type 2 Waiver request to allow for a six ft. opaque fence in place of a six ft. opaque wall within said buffer. The proposed medical offices are located a minimum of 87 feet from the north property line, providing a substantial distance above the minimum 15 ft. side setback requirements for a structure within an MUPD, which lessens visual impacts to the Single Family residence.

As previously noted, the development will provide an 8 ft. Compatibility buffer along the east property line, a 15 ft. R-O-W buffer along Blanchette Trail, and a 26 ft. R-O-W buffer along Lake Worth Road. As indicated by the Applicant in the Justification Statement, the proposed use “will function as a neighborhood medical office, and ensure compatible design and architecture with the community character.”

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

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is primarily cleared of vegetation and only supports isolated trees.

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

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

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

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

As indicated in the Justification Statement submitted by the Applicant, the subject site is no longer appropriate for a Single Family residence, and the previously approved Daycare use is no longer a viable option. As such, the Applicant is seeking to rezone to MUPD to allow for the medical offices. As can be seen on the Zoning map below, the lands along Lake Worth Road are a mix of residential and commercial uses, and the proposed development is intended to provide low intensity commercial uses which typically provide for the needs of residents in the surrounding communities. As previously indicated the lands directly south of the site are currently zoned Residential Transition (RT), but are currently subject to a rezoning to MUPD to allow for residential and non-residential development.



Staff have also received the aforementioned letter from the Lake Worth Road Neighborhood Coalition in support of the development proposal, and fit within the community.

As the development patterns along Lake Worth Road are predominantly commercial in nature, the proposed rezoning will result in a logical development pattern.

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

ENGINEERING COMMENTS:

The proposed 11,076 sf Medical Office Facility on the currently vacant site is expected to generate 346 net daily, 28 net AM and 34 net PM peak hour trips. Build-out of the project is expected to be by 2025.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards. The project will have insignificant traffic impacts.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Lake Worth Rd from Lyons Rd to FL Turnpike

Existing count: Eastbound=1988, Westbound=2047

Background growth: Eastbound=617, Westbound=597

Project Trips: Eastbound=11, Westbound=11

Total Traffic: Eastbound=2616, Westbound=2655

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 each direction

The Property Owner shall dedicate ROW on Lake Worth Road to be consistent with the PBC Thoroughfare Identification Map, dedicate ROW on Blanchette Trail, configure the property into a legal lot of record and obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

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

FIRE PROTECTION: Staff has reviewed the application and has no comment.

SCHOOL IMPACTS: Staff has reviewed the application and has no comment.

PARKS AND RECREATION: This is a non-residential project, therefore the Park and Recreation Department's ULDC standards do not apply.

h. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The Lake Worth Road Corridor has experienced significant changes over the past number of years. As noted in the Applicants Justification Statement, "The only three remaining parcels within a Residential Zoning District are on the North side of the subject property and the two which are immediately east, of which one is a Place of Worship."

The subject site was approved for a Daycare in 2019. However, due to the significant changes along the Lake Worth Corridor and the surrounding area, and approval of the Cleveland Clinic campus at the northeast corner of Lake Worth and Lyons Road, the Applicant indicates the site was determined to no longer be appropriate for a the Daycare use. With the changes in zoning along Lake Worth Road for neighboring properties to commercial and Planned Development districts, there are demonstrated circumstances that necessitate the proposed rezoning.

TYPE 2 WAIVER SUMMARY

#	ULDC Article	Required	Proposed	Waiver
W.1	Table 7.C.2.C.3 – Incompatibility Buffer Landscape Requirements	Six ft. opaque wall within a Type 3 Incompatibility Buffer	Six ft. opaque fence within Type 3 Incompatibility Buffer	Six ft. opaque fence

Type 2 Waiver: When considering a Development Order application for a Type 2 Waiver, the BCC shall consider the Standards in ULDC Article 2.B.7.D.3, Standard for a Type 2 Waiver. The Standards and Staff Analyses are indicated below. A Type 2 Waiver, which fails to meet any of the standards, shall be deemed adverse to the public interest and shall not be approved.

- a. **The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning District or Overlay;**

YES: The purpose of the required six foot high opaque wall within a Type 3 Incompatibility Buffer is to provide sufficient visual buffering from the proposed use (medical offices) to adjacent uses. In this specific case, the property to the north has a Single Family residence. Generally, a Type 2 Incompatibility Buffer is required between commercial and single family residential development per Table 7.C.2.C, Incompatibility Buffer Types. For a Type 2 Incompatibility Buffer, a six foot high fence or hedge is required within the buffer. As the Applicant is proposing to rezone the subject site to MUPD, Art. 3.E.3.B.2.c, Landscape Buffers apply, which states that non-residential development adjacent to residential uses requires a Type 3 Incompatibility Buffer. Staff are satisfied that the proposed Waiver is consistent with the intent of the Zoning District and Overlay, and that the opaque fence will provide the necessary visual buffering which is the intent of the Code.

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

YES: The proposed Waiver will not have a detrimental effect on the proposed development. The Applicant will provide the minimum Landscaping and visual screening for a Type 3 Incompatibility Buffer along the north property limits, as required by Art. 3.E.3.B.2.c. The overall development will continue to meet the standards for an MUPD development, as outlined in Art. 3.E.3.

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

YES: The alternative design will allow the Applicant to substitute a six foot opaque fence in place of a six foot opaque wall. The proposed fencing will continue to provide the required visual buffering to the adjacent Single Family residence directly to the north of the site. As previously noted, the Applicant will still be responsible to provide all planting requirements as outlined in Table 7.C.2.C.3 – Incompatibility Buffer Landscape Requirements. The proposed development will have a Commercial Low-Office Future Land Use designation, and as such the subject site has limited non-residential development uses that are permitted by right, such as Medical/Dental Offices, Office, Business or Professional, and Work/Live Space. The proposed development will also be limited to hours of operation outlined in Table 5.E.5.A, Hours of Operation, as the subject site is within 250 feet of a parcel of land with a residential use. As the proposed development has a lower impact than other MUPD developments with a Future Land Use that allows for more intense development by right, Staff are satisfied that the approval of the Waiver will not adversely impact adjacent lands.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval as per the Conditions of Approval in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

Exhibit C-1: Non-Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 14, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall 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)

3. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along the east side of Blanchette Trail from Lake Worth Road to the north property line. 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. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPM/CO: MONITORING - Engineering)

4. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Blanchette Trail, 40 feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way 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. 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 not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

5. 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 Lake Worth Road, 76 feet, measured from centerline of the proposed right of way on an alignment approved by the FDOT or County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. 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. (BLDGPM/ONGOING: MONITORING - Engineering)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

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: Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 14, 2020. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer, the Site Plan shall be revised to extend the six foot high opaque fence within the north Type 3 Incompatibility Buffer to the center of the Right-of-Way Buffer along Blanchette Trail. (DRO: ZONING - Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1: Future Land Use Map

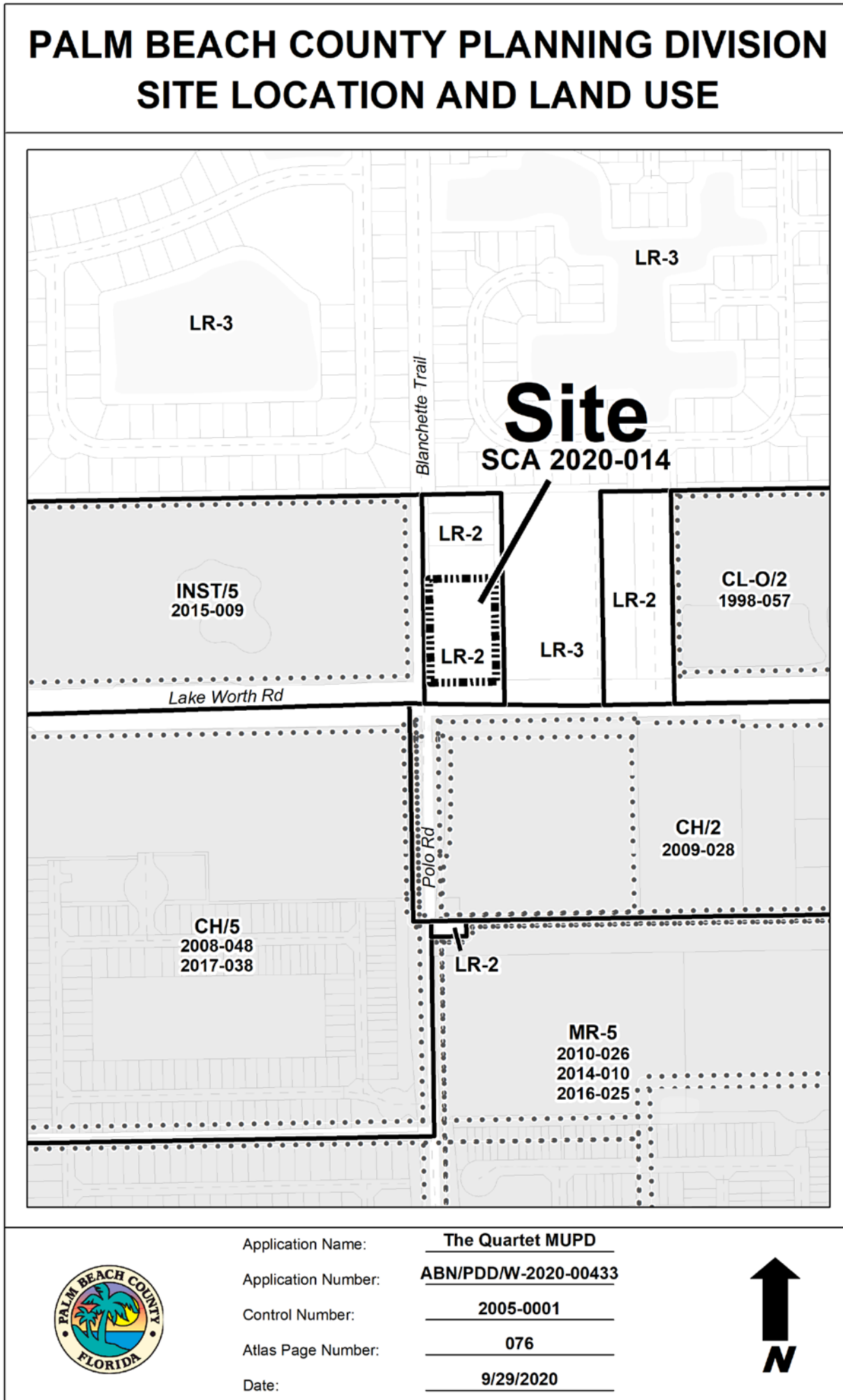
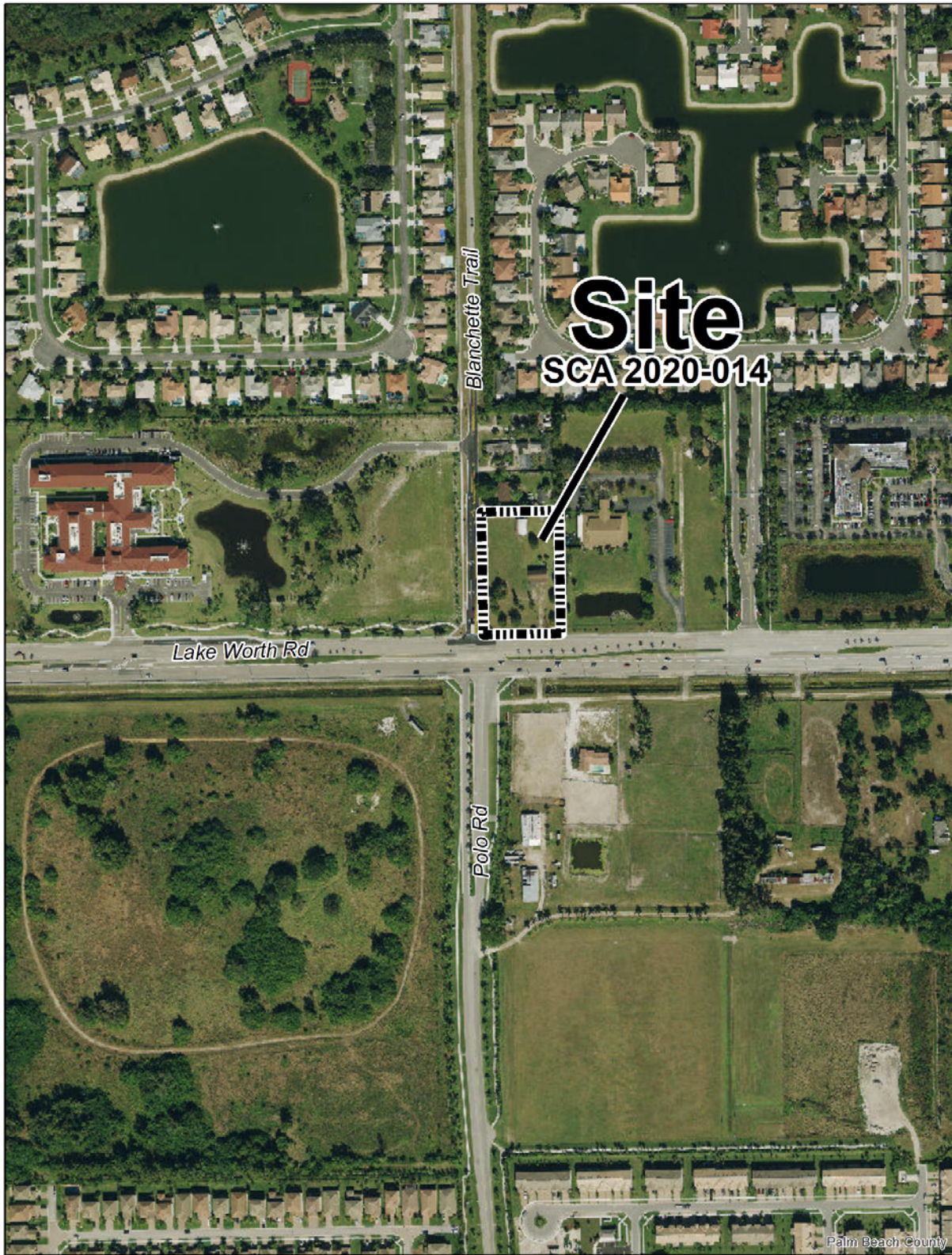


Figure 2: Zoning Map



Figure 3: Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>The Quartet MUPD</u>
Application Number:	<u>ABN/PDD/W-2020-00433</u>
Control Number:	<u>2005-0001</u>
Atlas Page Number:	<u>076</u>
Date:	<u>9/29/2020</u>



Figure 5: Preliminary Regulating Plan Tree Disposition (PRP.1) dated August 10, 2020

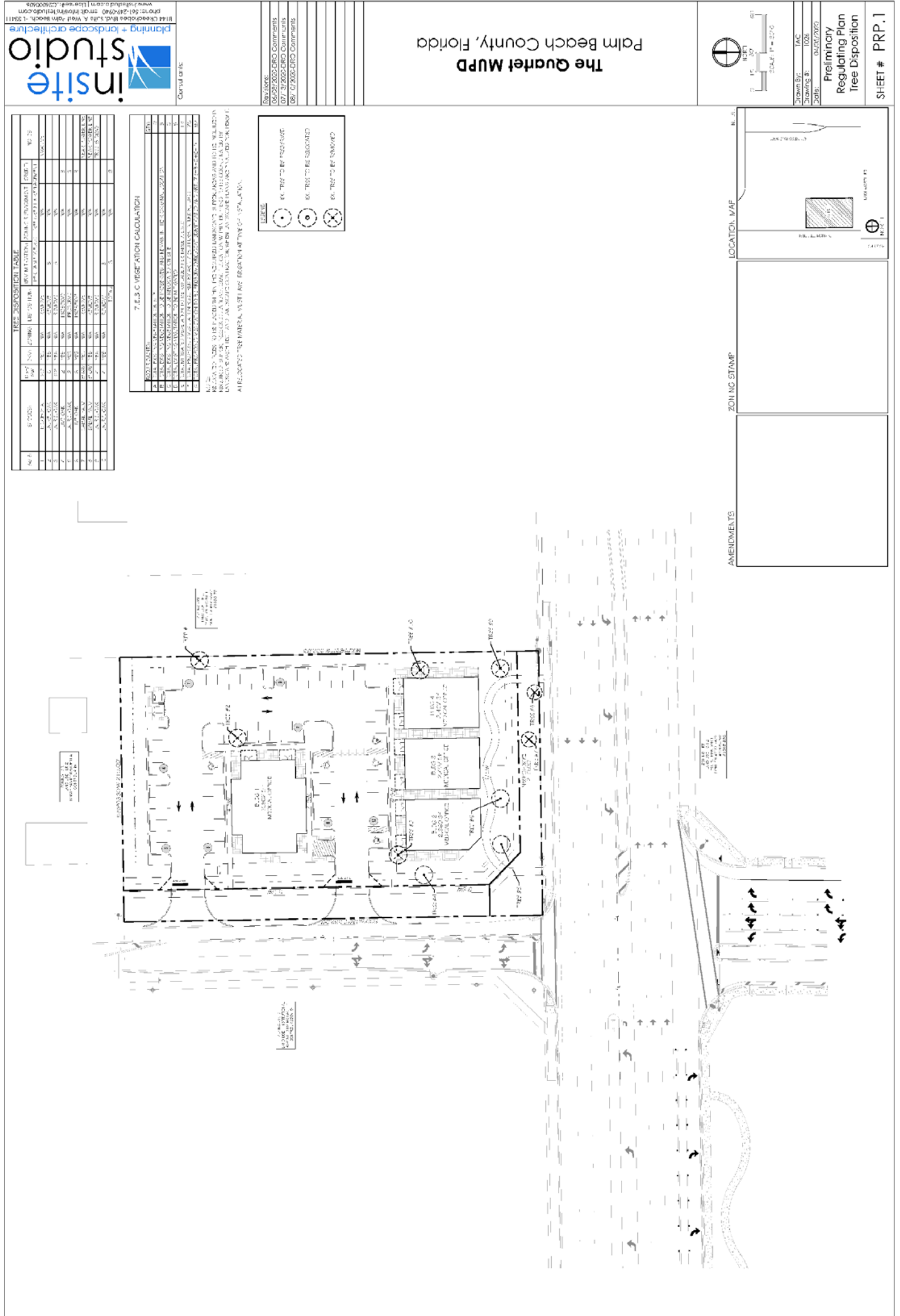


Exhibit D: Disclosures

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 Everett Waldman, 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 8475LWR, 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").
2. Affiant's address is: 13465 Fountain View Blvd, Wellington, FL 33414, (561) 512-7399
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.
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.
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.

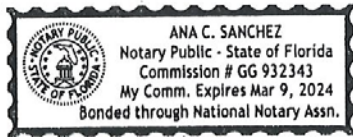
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

FEW 435-005-72-408.0

A. Everett Waldman
A. Everett Waldman, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 5 day of JUNE, 2020, by AMON EVERETT WALDMAN, who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Ana C Sanchez
Notary Public
ANA C. SANCHEZ
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: March 09, 2024

EXHIBIT "A"
PROPERTY

THE WEST 210 FEET OF TRACT 61, BLOCK 24, PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECOVERED IN PLAT BOOK 2, PAGES 45 TO 54, LESS THAN NORTH 270 FEET THEREOF AND LESS THAT PART OF TRACT 61, LYING SOUTH OF AND ADJACENT TO THE NORTH RIGHT-OF-WAY LINE OF S.R. NO. 902 (ALSO KNOWN AS LAKE WORTH ROAD), ALSO LESS AND EXCEPTING THE LANDS CONVEYED TO PALM BEACH COUNTY RECORDED IN DEED BOOK 899, PAGE 673.

SAID LANDS CONTAINING 69,921 SQUARE FEET OR 1.605 ACRES, MORE OR LESS.

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

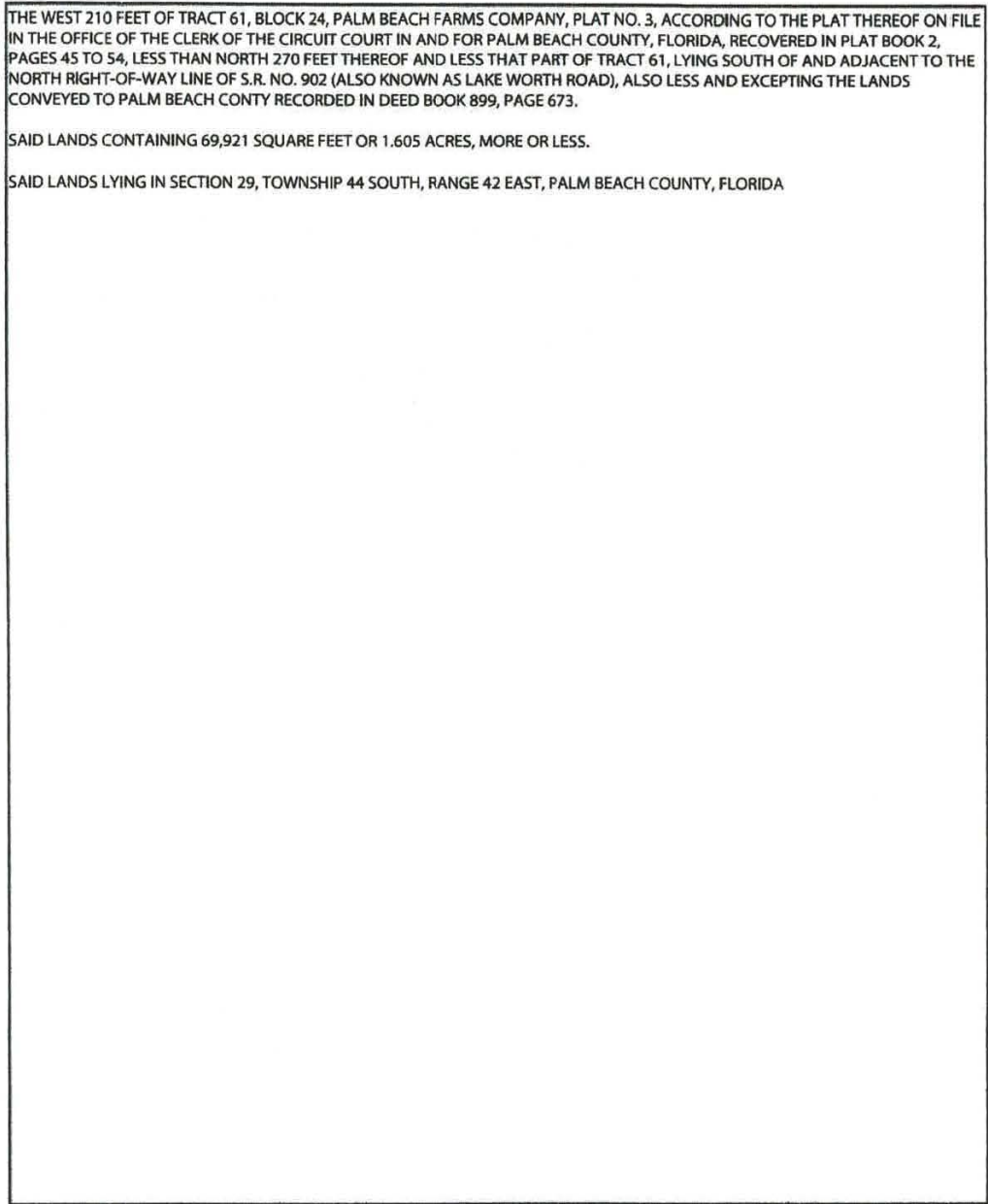


EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
A.E. Waldman (8475LWR, LLC)	13465 Fountain View Blvd. Wellington, FL 33414
Sole Owner	

Exhibit E: Justification Statement



The Quartet
Rezoning
September 2020

The Quartet MUPD
Rezoning Application
Submittal Date: March 3, 2020
Resubmittal Date: September 14, 2020

Owner/Applicant: 8475LWR LLC
13465 Fountain View Blvd
Wellington, FL 33414

Agent / Planner: Brian Terry
Insite Studio, Inc.
8144 Okeechobee Blvd, Suite
West Palm Beach, FL 33411

Engineer: Ron Last
Last Davenport, Inc.
1860 Old Okeechobee Rd, Suite 504
West Palm Beach, FL 33409

Traffic: Juan F. Ortega
JFO Group Inc.
11924 Forest Hill Blvd, Ste 10A-123
Wellington, FL 33414

8144 Okeechobee Blvd, Suite A, West Palm Beach, FL 33411
www.insitestudio.com | 561.249.0940

Page 1 of 19

Property Location

The property is located at 8475 Lake Worth Rd, on the northeast corner of the intersection of Lake Worth Rd and Blanchette Trail. It is identified by property control number 00-42-43-27-05-024-0617 and consists of 1.6 acres.

Property History

The subject property currently has a Future Land Use designation of Low Residential (LR) – 2 within the Single Family Residential (RS) Zoning District. The site is under Unincorporated Palm Beach County jurisdiction and lies within the boundaries of the Lake Worth Road Coalition. Historically, the property has been utilized as residential with one (1) single family dwelling unit located on the property.

On January 24, 2019, the Palm Beach County Board of County Commissioners (BCC) approved a Zoning Map Amendment from Agricultural Residential (AR) Zoning District to the Single Family Residential (RS) Zoning District via Resolution 2019-0161. On the same day, the BCC adopted Resolution No. 2019-0162 approving a Class A Conditional Use to allow a Day Care General use. During this time, the property was under contract and the prospective buyer initiated and requested both the Zoning Map Amendment and Class A Condition Use approval referenced above. Since then, the property has fallen out of contract and therefore prompted the application requests below, by the property owner.

Application Request

The petitioner has submitted this application to request rezoning of the subject site, from PBC Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. The property is located along the north side of Lake Worth Road corridor, which is primarily Commercial, and Office uses fronting the roadway west of the Florida's Turnpike. The rezoning request to a MUPD is consistent with the Commercial, Office and Institutional uses that are both approved or proposed, along Lake Worth Road. Specifically, the surrounding area to the southwest is within the MXPD Zoning District, and the parcels less than ¼ mile east and west are within the MUPD Zoning District. Included in this application is a Development Order Abandonment request of Resolution No. 2019-0162 which approved a Class A Conditional Use to allow a General Daycare and a Type 2 Waiver request to allow a 6' high fence, rather than a 6' high opaque wall required for a Type 3 Incompatibility buffer.

Additional applications have been filed concurrent to this request. Two standalone Type 2 Variances from the minimum lot size and lot depth required in the MUPD Zoning District with a CLO FLU designation (Table 3.E.3.D). Specifically, the request includes variances from the following:

- 1) Minimum lot size of 3-acres to 1.6-acres.
- 2) Minimum lot depth of 250 feet to 210 feet.

The Applicant / property owner believes the rezoning to a MUPD and FLUA to CL-O is the most sensible and useful transition for the subject parcel, as the Lake Worth Rd & Blanchette Trail intersection is projected to be signalized. The installation of a traffic light at this intersection is also a recommendation from the West Lake Worth Road Neighborhood Plan. The proposed zoning district and FLU designation are also congruent with the vision of the leaders of the West Lake Worth Road Coalition.

The petitioner has also requested a Small-Scale Future Land Use Amendment to the Palm Beach County Comprehensive Plan. The proposed intent is to amend the FLU designation of the 1.6 acre parcel of land from a Palm Beach County FLU designation of Low Residential (LR) - 2 to Palm Beach County Commercial Low Office (CL-0) / 2 FLU designation. The applicant is requesting this change in Land Use to accommodate for the development of Medical / Professional Office buildings.

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

North: Identified by PCN: 00-42-43-27-05-024-0615, located in Unincorporated Palm Beach County. The property directly north of subject site consists of approximately 0.51 acres and has one (1) single-family dwelling unit. The property has a Low Residential (LR) - 2 FLU designation and is within the Agricultural Residential (AR) Zoning District.

South: Identified by PCN: 00-42-43-27-05-028-0041, located in Unincorporated Palm Beach County. The properties consist of 9.62 acres and currently has an equestrian/barn use. The property has a Commercial High (CH) FLU designation and is within the Residential Transitional (RT) Zoning District.

East: Identified by PCN: 00-42-43-27-05-024-0611, located in Unincorporated Palm Beach County. The property consists of approximately 4.66 acres and is currently a place of worship use. The property has a Low Residential (LR) - 3 FLU designation and is within the Residential Transitional (RT) Zoning District.

West: Identified by PCN: 00-42-44-29-03-001-0000, located in Unincorporated Palm Beach County. The properties consist of approximately 16.48 acres total and currently is an assisted living facility. The property has an Institutional (I) FLU designation and is within the Planned Unit Development (PUD) Zoning District.

Official Zoning Map Amendment Standards

ULDC Section 2.B.7.B.2

Pursuant to ULDC Section 2.B.7.B.2, the applicant shall demonstrate that the requested rezoning from PBC Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District is consistent with the County's standards.

a) Consistency with the Plan

Approval of a Rezoning request from Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, is consistent with the Goals, Objectives and Policies of the County's Comprehensive Plan including standards for intensities of use.

The proposed intensity of the project is consistent with Table III.C.2 of the FLUE, which specifies a maximum Floor Area Ratio (FAR) of 0.35 for Commercial Low Office (CL-O) FLU within the MUPD Zoning District. The proposed project has a FAR of 0.159 (11,076 sf).

b) Consistency with the Code

Article 3

Multiple Use Development District - ULDC Section 3.E.3

Approval of a Rezoning request from Single Family Residential (RS) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, complies with the applicable standards and provisions of the County ULDC for use, layout, function and general development characteristics. The proposed project is consistent with the stated purpose and intent of the MUPD Zoning District which is *to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning and site design.*

The subject site is generally consistent with the required property regulations within the MUPD Zoning District, outlined in Table 3.E.3.D. Notably, the site does not comply with the minimum lot size of 3 acres required for a property within the MUPD Zoning District and a Commercial Low-Office (CL-O) FLU designation. This inconsistency was discussed in the Pre-Application meeting on December 23, 2019, and as a result the petitioner has filed a standalone Variance (Application No. ZV-2020-00430) to allow the rezoning of the 1.6-acre lot to a MUPD. Due to the smaller lot size than what is required for a MUPD, the property is naturally unable to comply with the minimum lot dimensions required. Thus, included in the Variance application is a variance request from the minimum lot depth requirement of 250' to allow a lot depth of 210'. The property does comply with the remaining minimum lot dimension requirement of a 200' width, by providing a lot width of approximately 333'. The proposed site plan shall also comply with the maximum allowable Building Coverage of 25%, by providing a building coverage of 15.9%.

The proposed plan adheres to the following setback requirements a property within the MUPD Zoning District with a CL-O FLU designation according to Table 3.E.3.D – MUPD Property Development Regulations.

Setbacks		
	Required	Proposed
Front	25'	28'
Side	15'	87'
Side Street	25'	31'
Rear	20'	20'

Article 4

Medical Office Use Regulations – ULDC Section 4.B.2.C.24

According to Article 4.B.2.A, the Medical Office use is permitted by right within the MUPD Zoning District with a CL-O FLU designation. There are no further applicable specific regulations for the proposed use on the subject site.

Article 5

Supplementary Standards – ULDC Section 5.B.1.A & 5.C.1.B

According to ULDC Article 5.B.1.A.8, all dumpsters, trash compactors and recycling containers, shall meet the following standards:

- a. **Storage Area: A minimum of one refuse container and one recycling container shall be provided for each nonresidential project and per Multifamily project with 16 units or more. All refuse containers shall be stored in a storage area. Storage areas shall have a minimum dimension of ten feet by ten feet.**

The proposed nonresidential project has provided one refuse container.

- b. **Location: Containers shall be located to minimize turning and back up movements by pick-up and removal vehicles. Dumpster shall not encroach into easements or landscape buffers.**

The proposed dumpster is located near the northeast corner of the property, in a well maneuverable area where the pick-up/removal vehicle will not require to turn around or back up. The dumpster also does not encroach into an easement or landscape buffer.

- c. **Setback**
 - 1) **Dumpsters located in a Commercial Pod of a PUD shall comply with Art. 3.E.2.E.2.b, Design.**
 - 2) **In all other zoning districts, dumpsters shall be set back a minimum of 25 feet from all property lines.**

The proposed dumpster has been setback 25' from the property line.

- d. **Screening: Containers shall be screened from view by a solid opaque enclosure. The open end of the enclosure shall have an opaque gate which provides a minimum of ten feet of clearance when open for service. All exposed exterior sides of the enclosure, other than the open end, shall be landscaped with one 36-inch-high shrub planted 24 inches on center.**

The proposed plan includes 3' dumpster screening and shall comply with the landscape requirements described above.

Article 6

Parking, Loading & Circulation – ULDC Section 6.B.1.B

As outlined in ULDC Article 6.B.1.B, the plan adheres to the parking requirements for the proposed Medical Office use.

Parking Standards		
Required		
Medical Office	1 space per 200 sf	56spaces
Total Required		56 spaces
Provided		
Standard Parking		53 spaces
HC Parking		5 spaces
Total Provided		58 spaces

Article 7

Landscaping – ULDC Section 7.C.2

The proposed development shall comply with the landscape requirements outlined in the PBC ULDC Article 7. According to ULDC Section 7.C.2.A.3, the required landscape buffer along a ROW with a width greater than 100' (Lake Worth Rd) is 20'. However, the Lake Worth Road Neighborhood Plan requires a 30' primary buffer (WLWR V.4). The plan exceeds the PBC requirement, as the development has provided a 26' Primary Buffer along the south property line. The applicant has had discussions with the Lake Worth Road Coalition regarding the reduction from a 30' primary buffer to a 26' R-O-W Buffer due to the 17' ROW Dedication (FDOT) required for the future right turn lane along Lake Worth Road. The Coalition has no objection to the reduction from a 30' primary buffer to a 26' R-O-W Buffer, which is in compliance with the

secondary buffer requirement (WLWR V.6). Please see attached Letter of Support from the LWRC. Additionally, a 6' meandering walkway is located within the 26' R-O-W buffer.

According to Table 7.C.2.A of the ULDC, the ROW buffer requirement for a ROW with a width between 41-99' (Blanchette Trail) is 15' and has been provided for on the plan along the west property boundary. In addition, an 8' compatibility buffer has been provided along the east property line and a Type III Incompatibility buffer along the north property boundary.

The proposed development shall comply with ULDC Table 7.C.3.A, which outlines interior landscaping requirements. In addition, the development shall comply with Foundation Planting requirements outlined in ULDC Section 7.C.3.B.

Article 8

Signage – ULDC Section 8.F.1

According to ULDC Section 8.F.1.B, all permanent signs shall be setback 5 feet from the base building line., which the two proposed signs along Blanchette Trail and one along Lake Worth Rd adhere to. The plan has proposed three freestanding monument signs, one along Lake Worth Rd and two along Blanchette Trail, which is the maximum allowable number of three, as outlined in Table 8.G.2.A of the ULDC. A Signage Data Chart is also located on the preliminary site plan.

c) Compatibility with Surrounding Uses

The proposed Multiple Use Planned Development (MUPD) Zoning District designation is compatible with the adjacent land uses. Although, the proposed FLU amendment will interrupt the contiguous FLU pattern of two adjacent properties to the east, the request shall demonstrate compatibility. These two parcels consist of +/- 6 acres and have Low Residential FLU designations. However, the FLU designations to the south and west are primarily Commercial High (CH) and Commercial Low/Office (CL/CL-O). Notably the property west of the subject site, on the west side of Blanchette Trail has an Institutional FLU designation with an existing Assisted Living Facility use. Although it is not a commercial FLU designation, the site has been subject to Pre-Application meetings discussing the potential to rezoning to the MUPD Zoning District in order to allow Medical Office buildings. A formal application request has not been submitted; however, this demonstrates a consistent demand for the proposed Medical Office use. Furthermore, the applicant will ensure compatibility by adhering to setback, height, screening, buffering and landscape requirements required by Palm Beach County ULDC.

d) Design Minimizes Adverse Impact

The design of the proposed use does not adversely affect adjacent lands, and has minimal visual impact and intensity on the surrounding area. The proposed plan complies with buffering and screening requirements outlined in PBC ULDC, and has incorporated additional design elements due to the proposed rezoning to a MUPD. The proposed use will function as a neighborhood medical office, and ensure compatible design and architecture with the community character.

c) Effect on the Natural Environment

The subject site has been previously cleared with limited existing vegetation of 7 Oak trees, a few clusters of palms and other miscellaneous trees. The applicant intends to preserve the existing trees on site to the best of their abilities.

f) Development Patterns

The existing site's use as a single-family property, is not consistent with the general character of the area near the site, being of higher intensity and density character. The proposed MUPD Zoning District is suitable and appropriate for the subject site. The site consists of approximately 1.6 acres, allowing adequate capacity for a Commercial use, specifically four (4) medical office buildings. The proposed MUPD Zoning change will allow the Medical Office use, which is consistent with the surrounding Commercial make-up of the area. Approximately ¼ mile west of the subject site on the north side of Lake Worth Rd are two parcels within the MUPD Zoning District. Additionally, the Florida turnpike is approximately ½ mile east of the subject site and within that distance along Lake Worth Rd, the properties are within the MUPD and CG Zoning Districts. The proposed change will continue the pattern of commercial development along the Lake Worth Road corridor.

Due to ongoing growth in the surrounding area, there is a demand for additional development in close proximity to neighboring established services. Palm Beach County, specifically areas near SR7/441, have become a major center for large scale medical and commercial uses. Therefore, the property's proposed use of medical office's creates a balance of land uses, complementing the surrounding development.

g) Adequate Public Facilities

The proposed development shall provide connections to the existing public services and utilities. The Rezoning approval will not have adverse effect on the ability of the County to provide adequate public facilities to the surrounding area.

h) Changed Conditions or Circumstances

As noted above, the majority of the surrounding properties, along Lake Worth Rd east of Lyons Rd are within Commercial Zoning designations, ranging from MUPD, MXPB and CG. The only three remaining parcels within a Residential Zoning District are on the North side of the subject property and the two which are immediately East, of which one is a Place of Worship. The changed circumstances and use approvals on the surrounding property supports the requested modification for the subject site of 1.6 acres. In addition, and as stated in the PBC ULDC Article 3, the minimum lot size for a Planned Unit Development is 5 acres. Therefore, the applicant has proposed a FLU amendment to a commercial designation, as single-family and multi-family uses are not compatible or consistent with the development pattern along Lake Worth Rd.

With the approval of the Cleveland Clinic campus proposed on the property at the NE corner of Lake Worth Road and Lyons, it is anticipated that there will be a demand for office space in proximity to this major Hospital. The health care industry has been expanding within the region and specifically along the SR7/441, extending from Southern Blvd to Lake Worth Road. Medical office buildings located near hospital campuses tend to feature performance which correlates with the overall financial health and desirability of the hospital campus. Overall, the current and projected growth of the medical industry within the region has created a need for medical uses. Additionally, there would be minimal impact to the overall area residents as the proposed rezoning request is consistent with the surrounding area, and properties along Lake Worth Rd.

The site was recently subject to an approval to allow a Class A Conditional Use of a Daycare facility. However, due to the growing nature of the Medical Industry in this area, as well as the existing FLU and Zoning designations of neighboring parcels and along Lake Worth Rd, have prompted the request of Rezoning from Single-Family Residential (RS) to Multiple Use Planned Development (MUPD) and FLUA to the Commercial Low (CL-O/2) designation. Additionally, since the approval in 2019, the Daycare use has not been sought for development on this site. There are alternative approvals within proximity to this site location that are moving forward which has diminished the desirability for the Daycare approval on this site. Due to this new information and changes within the surrounding market conditions, the Medical Office use is the most appropriate long-term use of the land.

Development Order Abandonment Standards

ULDC Section 2.C.5.G.5

Pursuant to ULDC Section 2.C.5.G.5, the applicant shall demonstrate that the requested development order abandonment of Resolution No. 2019-0162 which approved a Class A Conditional Use to allow a General Daycare, is consistent with the County's standards.

a) Consistency with the Plan

The proposed abandonment is consistent with the is consistent with the Goals, Objectives and Policies of the County's Comprehensive Plan, including standards for intensities of the proposed use. As stated above, the proposed intensity of the project is consistent with Table III.C.2 of the FLUE, which specifies a maximum Floor Area Ratio (FAR) of 0.35 for Commercial Low Office (CL-O) FLU within the MUPD Zoning District. The proposed project has a FAR of 0.159 (11,076 sf).

b) Consistency with the Code

The proposed abandonment is not in conflict with any portion of Palm Beach County's Land Development Code, and is consistent with the stated purpose and intent of this Code. Resolution No. 2019-0162 approved a Class A Conditional Use to allow a General Daycare, however the development plan did not move forward, and the site still has an existing single-family dwelling unit.

c) Adequate Public Facilities

The proposed development order abandonment shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). Furthermore, the proposed development shall provide connections to the existing public services and utilities. The Rezoning approval will not have adverse effect on the ability of the County to provide adequate public facilities to the surrounding area.

d) Changed Conditions or Circumstances

The only approved development order on the site, is the resolution subject to this request and therefore the abandonment will not have effect on any other development orders on site.

On January 24, 2019, the Palm Beach County Board of County Commissioners (BCC) adopted Resolution No. 2019-0162 approving a Class A Conditional Use to allow a Day Care General use. During this time, the property was under contract and the prospective buyer initiated and requested both the Zoning Map Amendment and Class A Condition Use approval referenced above. Since then, the property has fallen out of contract and therefore prompted the application requests outlined in this narrative, by the property owner.

Planned Development District
Design Objectives & Performance Standards
ULDC Section 3.E.1C.1 & 2

The proposed development plan shall comply with the design objectives and standards for a planned development district, outlined below.

1. Design Objectives

Planned developments shall comply with the following objectives:

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

The proposed access to the development is along Blanchette Trail, which has been confirmed a collector roadway and provides sufficient accommodation for the proposed use and design.

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

The proposed plan provides walkways and crosswalks internally in order to provide interconnectedness within the development. In addition the plan proposed a 5' sidewalk along Blanchette Trail and meandering 6' walkway north of the proposed landscape buffer, along Lake Worth Rd. An additional pedestrian amenity has been added to the northeast of Building 4. This area includes a walkway and benches.

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

The proposed parking areas have been situated towards the northeast portion of the site, while providing internal pedestrian area, as well as sidewalks along Blanchette Trail and a meandering walkway along the south boundary. This orientation provides pedestrian connection from existing walkways, as well as logical and efficient vehicular circulation internal to the development. An additional pedestrian amenity has been added to the northeast of Building 4. This area includes a walkway and benches.

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

The applicant will preserve existing vegetation / trees to the greatest extent possible. The existing native vegetation that requires removal / relocation will be accommodated for.

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

All required screening measures will be provided for objectionable features.

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

The proposed plan has been designed to minimize the potential for any adverse impact on adjacent properties.

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

The proposed development complies with parking requirements for Medical Office uses.

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

As noted above, a 5' sidewalk has been provided along Blanchette Trail as well as a 6' meandering walkways north of the landscape buffer, along Lake Worth Rd. An additional pedestrian amenity has been added to the northeast of Building 4. This area includes a walkway and benches.

- i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:**

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

As shown on the plan, a pedestrian amenity has been added to the northeast of Building 4. This area includes a walkway and benches.

2. Performance Standards

Planned developments shall comply with the following standards:

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street unless stated otherwise herein;

The proposed development complies with the minimum frontage requirement outlined above by providing approximately 333' of frontage along the collector roadway, Blanchette Trail.

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

The proposed development proposed legal access along the collector roadway, Blanchette Trail.

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

The proposed vehicular access and circulation of the development has been designed to minimize hazards to pedestrians, nonmotorized forms of transportation and other vehicles.

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

The proposed development includes a 17' FDOT ROW dedication along Lake Worth Rd for the future turn-lane.

5) Cul-de-sacs

This is code standard is not applicable to the proposed development.

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

At this time, the subject development will not propose cross access to the adjacent properties, as the north property is a single-family residential use and the east property is a place of worship use that has not expressed interest in cross access.

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

The proposed development has been designed to not adversely impact drainage in or adjacent to the projects.

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

The proposed development proposed connection to the existing collector roadway, Blanchette Trail.

b. Street Lighting

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

The proposed street lighting shall comply with the standard above.

c. Median Landscaping

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

The proposed development does not include median landscaping.

d. Street Trees

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

The proposed development complies with the standards and regulations outline in Article 7 for the proposed development, including the street tree requirement above.

e. Bike Lanes

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

An existing bike lane is located along Lake Worth Rd.

f. Mass Transit

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

The proposed development is less than 5 acres.

g. Utilities

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

h. Parking

The proposed development complies with the minimum parking requirements for a Medical Office use.

i. Way Finding Signs

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

The proposed development shall comply with Way Finding Sign regulations outlined above.

j. Emergency Generators

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

The proposed development does not require an emergency generator.

Multiple Use Planned Development

Design Objectives & Performance Standards

ULDC Section 3.E.3.B.1 & 2

The proposed development plan shall comply with the design objectives and standards for a mixed use planned development, outlined below.

1. Design Objectives

An MUPD shall comply with the following objectives:

- a. Allow for both residential and non-residential uses within a project that is designed in a manner to foster compatibility within and adjacent to the project;**

The proposed development proposes only a non-residential use.

- b. Provide innovative building location and orientation;**

The proposed development has been orientated and designed in a manner to be consistent with the overall character of the area.

- c. Protect adjacent residential uses from potential adverse impacts;**

The adjacent north property is an existing residential use, and a Type III Incompatibility Buffer has been provided in order to prevent adverse impact from the proposed development.

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

The proposed plan has provided internal walkways and cross walks, a 5' sidewalk along Blanchette Trail and a meandering walkway along Lake Worth Rd, which all provide interconnectedness within the development, as well as externally. An

additional pedestrian amenity has been added to the northeast of Building 4. This area includes a walkway and benches.

e. Allow for landscape design that enhances the appearance of the project; and,

The proposed plan complies with all the landscape requirements outlined in Palm Beach County's Land Development Code, as well as the landscape recommendations in the Lake Worth Road Neighborhood Plan.

2. Performance Standards

An MUPD shall comply with the following standards:

a. Freestanding Buildings

The maximum number of freestanding buildings in a MUPD with continuous vehicular circulation on all four sides is indicated in Table 3.E.3.B, Freestanding Buildings.

According to Table 3.E.3.B, the maximum number of freestanding buildings with continuous vehicular circulation on all four sides, permitted on a site with a CL-O FLU designation is one. The proposed plan does not have a building that would provide continuous vehicular circulation on all four sides.

b. Non-Vehicular Circulation

An MUPD shall be designed to provide for a pedestrian and bicycle-oriented circulation system throughout the development.

1) Sidewalks

Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

As stated above, a 5' sidewalk is provided along Blanchette Trail and 6' meandering walkway along Lake Worth Rd. In addition to internal walkways and paved cross walk sections.

c. Landscape Buffers

A Type 3 Incompatibility Buffer shall be provided along the property lines of an MUPD, where mixed use and non-residential uses are adjacent to a residential use type or undeveloped land with a residential FLU designation.

A 20' Type III Incompatibility Buffer has been provided along the north property line where the site abuts the adjacent single-family residential lot.

d. Cross Access

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

The plan does not propose cross access with the east adjacent property.

e. Parking

Off-street parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7, Landscaping, and the following:

1) Parking Areas

- a) Groundcover or small shrubs 18 to 24 inches in height at installation, and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians.**

The proposed development shall comply with the requirement above.

- b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.**

The proposed development shall comply with the requirement above.

2) Loading Area Screening

Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

The proposed plan includes a 3' screening with foundation planting for the loading area.

Type 2 Waiver Standards

ULDC Section 2.B.7.D.3

The Applicant has requested a waiver from the Type 3 Incompatibility Landscape requirement of a 6' high opaque wall (ULDC Section 7.C.2.C.3), to allow a 6' high fence along the north property line. The proposed fence with the required vegetation will provide sufficient screening for the property. In addition, the north property has ample existing vegetation of trees and shrubs that provide additional screening and privacy.

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

The Waiver will not create additional conflict with other requirements of the ULDC and is consistent with the purpose and intent of the MUPD Zoning District. The plan will comply with the additional landscape requirements for a Type 3 Incompatibility Buffer.

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

details of the development; and,

The Waiver will not cause detrimental effect on the overall design and development standards of the project and will be in harmony with the general site layout and design details of the development. The proposed fence will be amply lined with trees and shrubs, creating sufficient screening as well as landscape enhancements to the property.

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

The alternative design of a 6' high fence will not adversely impact adjacent properties. As stated above, the fence will be lined with trees and shrubs as required in ULDC Section 7.C.2.C.3. In addition, the current conditions of the south property line of the north neighbor provide ample screening and privacy, as it exists. In this circumstance, locating a wall in this area along the subject site's north property line could create a less appealing means of screening than the existing natural vegetation on the neighbor's property and the proposed landscape enhancements along the north property line.

West Lake Worth Road Neighborhood Plan

According to the West Lake Worth Road (WLWRD) Neighborhood Plan Master Plan, Resolution No. 2009-2018, the subject

site is depicted as an Institutional use. However, due to the growth pattern and use composition of the area, the proposed Multiple Use Planned Development (MUPD) Zoning District makes more logical use of the land and is creates consistency with the uses along the Lake Worth Rd corridor. Furthermore, the applicant has met with the president of the Lake Worth Road Coalition to

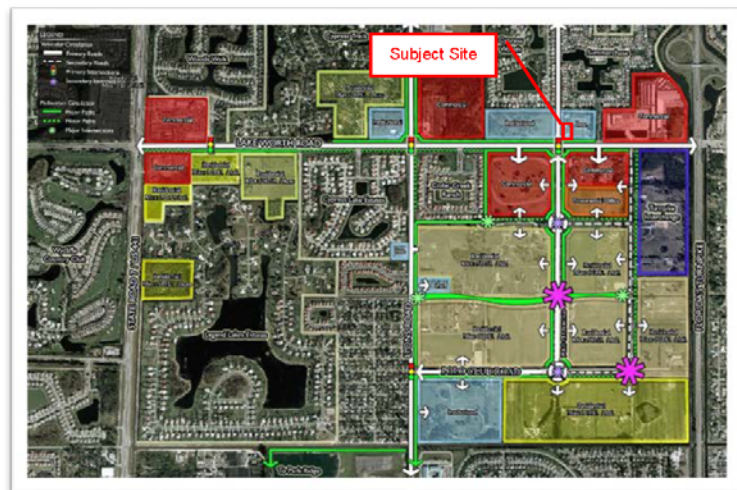


Figure 1: Lake Worth Road Corridor Master Plan

discuss the goals and intentions of the proposed project. These discussions included the applicant's intent to submit a FLUA, rezoning and variance application. As a result of said meetings, the

Coalition has expressed their support of the project which is documented with the attached letter. Please refer to the attachment, Letter – Lake Worth Road Coalition.

As mentioned above, The applicant has had discussions with the Lake Worth Road Coalition regarding the reduction from a 30' primary buffer (WLWR V.4) to a 26' R-O-W Buffer due to the 17' R-O-W Dedication (FDOT) to account for the future right turn lane along Lake Worth Road. The Lake Worth Road Coalition has no objection to the reduction from a 30' primary buffer to a 26' R-O-W Buffer, which is in compliance with the secondary buffer requirement (WLWR V.6). A 6' meandering walkway is located within the 26' R-O-W buffer. Pursuant to Article 7 (Table 7.C.2.A), the applicant is still in compliance with the Palm Beach County Unified Land Development Code (ULDC) which requires a 20' R-O-W Landscape Buffer.