

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

Application No.: PDD/R-2015-00755
Application Name: Providence Living in Delray Beach
Control No.: 2005-00506
Applicant: Providence I Investments LLC
Owners: Green Giant Landscape Inc
 Stacey Telenzak
Agent: Wantman Group Inc. - Jennifer Vail
Telephone No.: (561) 478-8501
Project Manager: Christine Stivers, Senior Site Planner

TITLE: an Official Zoning Map Amendment to a Planned Development District **REQUEST:** to allow a rezoning from Agriculture Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District. **TITLE:** a Requested Use **REQUEST:** to allow a Type 3 Congregate Living Facility

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment and Requested Use for the Providence Living in Delray Beach Development. The 7.57-acre site is currently developed with a single family residence and a wholesale nursery.

The Applicant is requesting a rezoning from the AR Zoning District to the PUD Zoning Districting and a Requested Use for a Type 3 Congregate Living Facility (CLF). The Master Plan has one Residential Pod and one Recreation Pod. The Preliminary Site Plan indicates a 142,100 square foot (sq. ft.) building that contains accessory office space and 144 beds for memory care, independent living and, assisted living. The site plan indicates 87 parking spaces provided. There is one primary access point to the site from Sims Road. Additionally, there is an emergency access point from Frost Lane.

SITE DATA:

Location:	Approximately 0.5 mile north of Atlantic Avenue on the west side of Sims Road.
Property Control Number(s)	00-42-46-14-00-000-3080, 00-42-46-14-00-000-3081, 00-42-46-14-00-000-3100, 00-42-46-14-00-000-3082
Existing Land Use Designation:	High Residential (HR-8)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Planned Unit Development (PUD)
Acreage:	7.57 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	City of Delray Beach
Future Annexation Area	N/A

RECOMMENDATION: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C-1 and 8 Conditions of Approval as indicated in Exhibit C-2.

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

PROJECT HISTORY: The subject site consists of 4 parcels. Parcel Control Number (PCN) 00-42-46-14-00-000-3082 under Control Number 1983-00164 is the sole parcel with development history. Application R-1984-0521 had a denial for a Special Exception to allow a private utility service, including a commercial television, microwave transmission and relay tower including accessory equipment buildings. The Application was denied for the Special Exception as it involved service and

office activities of a commercial nature; was a non-conforming agricultural building on a substandard lot size; and was inconsistent with the developing character of the surrounding neighborhood.

SURROUNDING LAND USES:

NORTH:

FLU Designation: High Residential (HR-8)
Zoning District: Planned Unit Development District (PUD)
Supporting: Residential (Aspen Square PUD, Control No 2003-00085)

SOUTH:

FLU Designation: Medium Residential (MR-5)
Zoning District: Single-Family Residential District (RS)
Supporting: Residential (Aspen, Control No 1986-00036)

EAST:

FLU Designation: High Residential (HR-8)
Zoning District: Planned Unit Development District (PUD)
Supporting: Residential (Highpoint of Delray, Control No 1974-00066)

WEST:

FLU Designation: High Residential (HR-8)
Zoning District: Agricultural Residential District (AR)
Supporting: Commercial (Landscape Service Control No NA)

FINDINGS:

Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

The proposed amendment to the PUD Zoning District is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use. See further analysis under the Requested Use Standards.

1. **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.*

The proposed rezoning is consistent with the Unified Land Development Code (ULDC) PUD property development regulations in regard to lot size, width, depth and setbacks as well as the Design Objectives for a Planned District Development.

- **Frontage and Access:** Sims Road is the frontage and access for the proposed development. A PUD must be located on an arterial or collector road. The Land Development Director determined this road to be a Planned Collector type road.

- **Pods:** The proposed development consists of a single use, a Congregate Living Facility Type 3. The Master Plan indicates two Pods, 1 Residential and 1 Recreation. The Civic Pod was not required by the Palm Beach County Facilities Development and Operations Department as the acreage is less than the required threshold. The Master Plan is subject a Condition of Approval as shown in Exhibit C-1 to remove interior driveway and sidewalk indications.

- **Exemplary Design:** This includes access onto a planned collector street, residential uses connected by sidewalk to local neighborhood streets, internal pedestrian connections to the development's amenities, screening of objectionable features such as dumpsters, mechanical equipment and loading areas with required landscaping buffers and an opaque wall, specimen

landscaping as a focal point at the entrance to the CLF facility, entry signage, decorative pavement at the development entrance as well as having direct access to the recreation pod.

o Landscape buffers are per the ULDC buffer requirements for Right-of-Way buffers along Sims Road and Frost Lane as well as a small portion of Aspen Ridge Circle. Type II Incompatibility Buffers are indicated for a Type 3 CLF adjacent to Residential uses, zoning districts or a Commercial Use. In addition to the ULDC requirements, landscape buffers are subject to the Conditions of Approval as shown in Exhibit C-1.

2. **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 is compatible with the surrounding zoning districts. The Type 3 CLF is considered a residential use and is adjacent in all directions to residentially zoned parcels. The north and south bordering properties are existing residential planned unit developments (PUD) with a High Residential-8 (HR-8) Future Land Use (FLU); the parcel to the east has an HR-8 FLU. The parcel to the west is an existing Commercial Landscape Service with a FLU of HR-8 but has a residential zoning designation of Agriculture Residential (AR).

3. **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 majority of site has been previously developed as a single family residence and an agricultural nursery.

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

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

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

The land uses immediately surrounding the site are consistent with the proposed use and the zoning request to the PUD. The proposed development promotes a logical development pattern by utilizing a residential PUD for an infill development surrounded by residential uses.

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

The proposed rezoning complies with Article 2.F, CONCURRENCY (Adequate Public Facilities).

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

The local area that was once agricultural in nature has evolved into diverse residential communities with varying densities and intensities. The uses that surround the site are residential in nature not agricultural as they once were. The proposed rezoning to a residential PUD continues the transition into a residential use.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or

Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

The proposed Cogregate Living Facility is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

- o Density: The applicant is requesting a total of 144 beds on this 7.57 acre site, which is the maximum number of beds permitted for the site with the current HR-8 FLU designation. The HR-8 FLU designation permits a maximum of 8 units per acre and CLF beds are calculated at 2.39 beds per unit (7.57 acres X 8 units per acre = 60.56 units per acre, 60.56 units X 2.39 beds per unit = 144 beds).

1. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The project meets all relevant ULDC requirements for a Type 3 CLF.

- o Maximum Occupancy: The number of beds requested, 144 beds, is the maximum permitted for a PDD with a FLU of HR-8.

- o Frontage and Access: In addition to a PUD being located on an arterial or collector road, a Type 3 CLF use also includes requirements to be located on an arterial or collector road. This has been met as the site has access and frontage on Sims Road which is a planned collector road.

- o Fire Rescue Station: The site is located approximately 2 miles from a local fire rescue station which is less than the maximum distance permitted of 5 miles.

- o Design and Compatibility: The Applicant submitted and requested the Architectural Elevations be reviewed for compliance with Article 5.C. Figure 7 indicates the Preliminary Architectural Elevations. The Proposed building is 142,100 square feet in size. The northeast wing consists of independent living quarters and the southern wing consists of assisted living quarters. Both wings are 3 stories in height. The memory care and common areas including the accessory office area are 1 story. Architectural Elevations are subject to the Conditions of Approval as shown in Exhibit C-2.

- o The maximum height of the CLF cannot exceed one story greater than any structure within 150 feet of the proposed building. In Figure 6, Preliminary Regulating Plan, the Building Height Separation Detail indicates that the existing 1 story building to the south east of the site is not within the 150 feet limitation. The building to the west is a 2 story structure that is within the 150 feet limitation of the 3 story portion of the CLF facility. The portions of the CLF that are 3 stories meet the requirements of the ULDC height limitation.

- o Parking and Loading: The Preliminary Site Plan indicated a total of 87 parking spaces and 3 required loading spaces. The Reserve Parking area has been indicated on the Preliminary Site plan to meet the parking regulations should the CLF use ever be converted to a Multi-Family use.

- o Landscape Buffers: As stated in the Rezoning Standards, the required buffers are indicated on the Preliminary Site Plan. Right-of-Way Buffers are proposed along Sims Road and Frost Lane and Type II Incompatibility Buffers are proposed along the west and south property lines which meets the ULDC requirements.

- o Signage: The Preliminary Site Plan indicates one entry monument sign located on Sims Road and the directional signage internal to the development. The Master Sign Program was included on the Preliminary Regulating Plan (Figure 6) and the details are in accordance with ULDC standards.

The CLF is restricted to 1 freestanding identification sign no more than 32 square feet in face area and 8 feet in height.

2. **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 residential use is compatible and generally consistent with the surrounding residential uses. The subject parcel is considered a residential use and is adjacent in 3 directions to residential uses. The parcel to the west is commercial use but has residential zoning designation. Additional buffer requirements have been added along the western property line as a Condition of Approval, as shown on Exhibit C-2, to address the differences in use between the residential and commercial parcels.

3. **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 design of the proposed use minimizes adverse impact by orienting the frontage and main drop off area towards Sims Road. There is an access point from Frost Lane to be utilized by emergency vehicles only. A 15' wide Incompatibility buffer is proposed to screen the subject parcel from the existing single family residence to the southeast of the site. Additionally an opaque wall is proposed to screen the loading spaces from the western adjoining property. The existing use of the adjoining property is commercial in use but has a residential zoning district.

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

VEGETATION PROTECTION: The majority of site has been previously developed as a single family residence and an agricultural nursery.

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

CONTAMINATION ASSESSMENT: Due to the pre-existing nursery operation, a Phase I Environmental Audit was required prior to certification for public hearing. The Audit recommended further assessment prior to development. The submittal of a Phase II Environmental Audit will be required prior to DRO Site Plan approval as subject to conditions in Exhibit C-2.

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.

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

The proposed use will result in a logical, orderly and timely development pattern to utilize a residential use in an infill parcel to be more compatible to the surrounding residential uses. The development of this residential use is consistent with the residential development pattern of the area. This use, though residential is also a good transitional use to other low intense non-residential uses due to its allowance in institutional and commercial districts as well. Additionally there is a similar use existing along Sims Road approximately 1100 feet south of the subject parcel

6. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2, F, Concurrency.*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

Total net new traffic expected from this project is 350 daily trips, 17 AM and 29 PM peak hour trips. This traffic is subject to review for compliance with the Unified Land Development Code Article 12 - Traffic Performance Standards (TPS). A 2020 buildout date was analyzed in the traffic study. There are no improvements to the roadway system required for compliance with TPS because this project has an insignificant impact on the surrounding roadway network; it contributes less than one percent of the adopted level of service on all links within the radius of development influence.

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The Property Owner shall obtain a Right of Way Permit from the Palm Beach County Engineering Department, Permit Section, for access onto, or work within Sims Road and Frost Lane.

Engineering comments are subject to the Conditions of Approval as shown on Exhibit C-1.

PALM BEACH COUNTY HEALTH DEPARTMENT: The project meets all Department of Health requirements at this time. Future permitting may be necessary at the time of building permit. All phases of construction shall be subject to the conditions in Exhibit C-2.

FIRE PROTECTION: Staff has reviewed the project and has no issue with the proposed project.

SCHOOL IMPACTS: Staff has reviewed the request and it is not subject to the requirements of School Concurrency.

PARKS AND RECREATION: Based on the proposed 144 CLF beds 0.36 acres of onsite recreation is required. The plan submitted indicates there will be 0.37 acres of recreation provided, therefore the Parks and Recreation Department requirements are satisfied.

7. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

As discussed in Rezoning Standards, the local area that was once agricultural in nature and has evolved into diverse residential communities with varying densities and intensities. The uses that surround the site are residential in nature not agricultural as they once were. The proposed rezoning to a residential PUD continues the transition into a residential use.

CONDITIONS OF APPROVAL

Exhibit C-1

PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Master Plan is dated July 15, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the 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, 2020. 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 issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for: Frost Lane, twenty five (25) feet, measured from centerline of the proposed right of way on an alignment approved by the County Engineer

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit 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 Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. 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. Palm Beach County will prepare 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. (BLDGPMT: MONITORING - Engineering)

4. The Property Owner shall fund the construction plans and construction of Frost Lane from the west limits of the property to Sims Road to be consistent with Palm Beach County standards for a fifty (50) right of way local street, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

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

5. Property Owner shall construct a five (5) foot concrete sidewalk along both sides of Frost Lane and the west side of Sims Road along the property's north and east sides, or as approved by the County Engineer. 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. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Prior to Final Approval by the Development Review Officer, the Master and Site Plan shall be revised to show, in addition to the other buffer requirements, a Type 2 Incompatibility Buffer along the interior of the recreation pod. (DRO: ZONING - Zoning)

2. Prior to the issuance of a Building Permit, the Property Owner shall submit a Landscape Plan to the Landscape section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDG/PMT: BUILDING DIVISION - Zoning)

PLANNED DEVELOPMENT

1. Prior to Final Approval by the Development Review Officer, the Master Plan shall be revised to remove any indication of interior driveways and sidewalks from the Master Plan. (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; 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

Requested Use- Type 3 Congregate Living Facility

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 15, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Type 3 Congregate Living Facility shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated July 15, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO/ONGOING: ZONING - Zoning)

ENVIRONMENTAL

1. Submit a Phase II Audit, consistent with Florida Department of Environmental Protection best management practices, prior to DRO site plan approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

HEALTH

1. The Property Owner shall adhere to the requirements pursuant to the approved Dust Control Letter during all applicable phases of construction. The Letter shall be posted alongside the Building Permit on the construction site.

LANDSCAPE – PERIMETER

1. LANDSCAPING ALONG THE WESTERN PROPERTY LINE

In addition to the Code requirements, The landscape buffer along the western property line shall be upgraded to include:

- a. No width reduction or easement encroachment shall be permitted;
- b. One (1) palm or pine for each for each thirty (30) linear feet of the property line. (BLDGPMNT: 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 Land Use Map

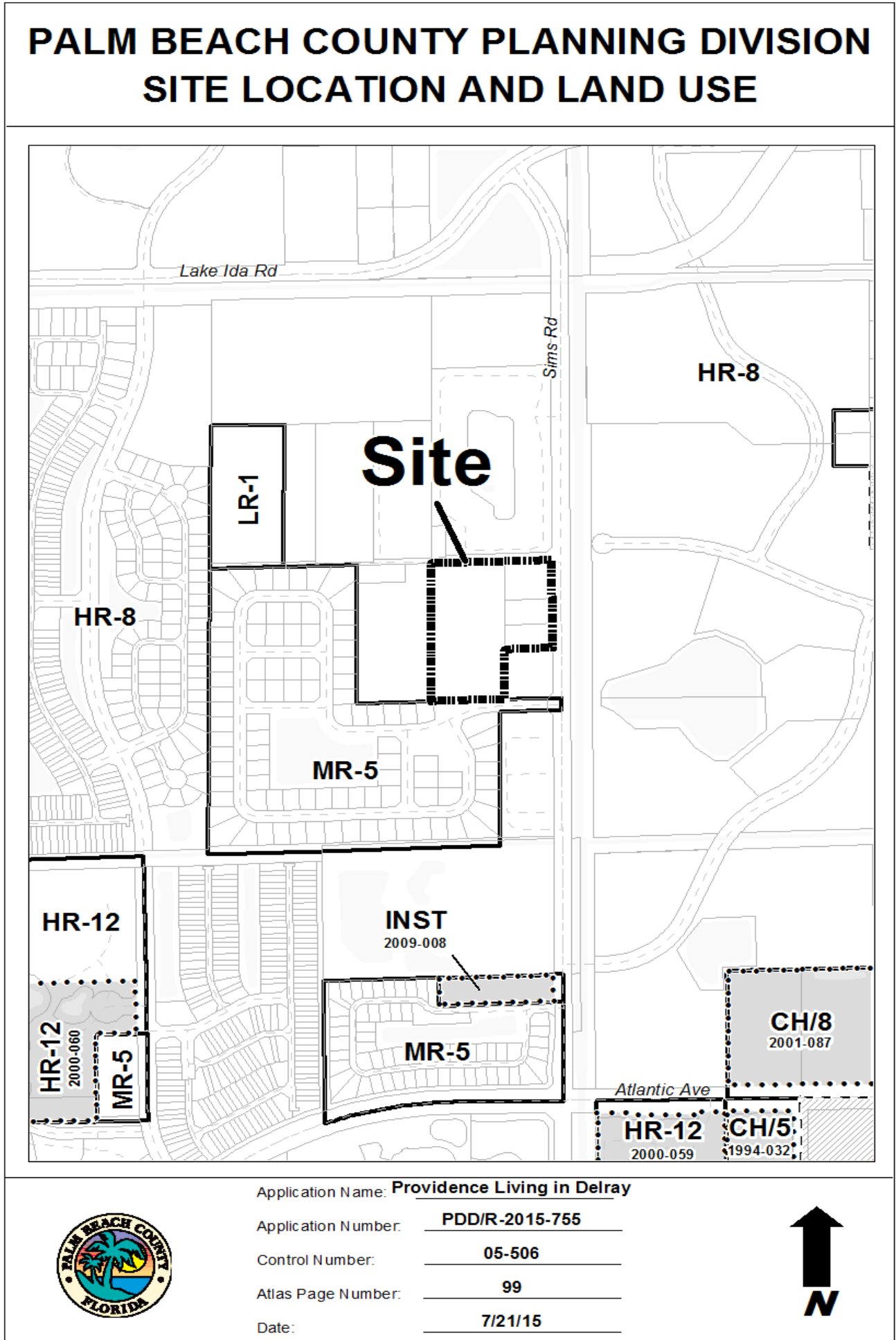


Figure 2 Zoning Map

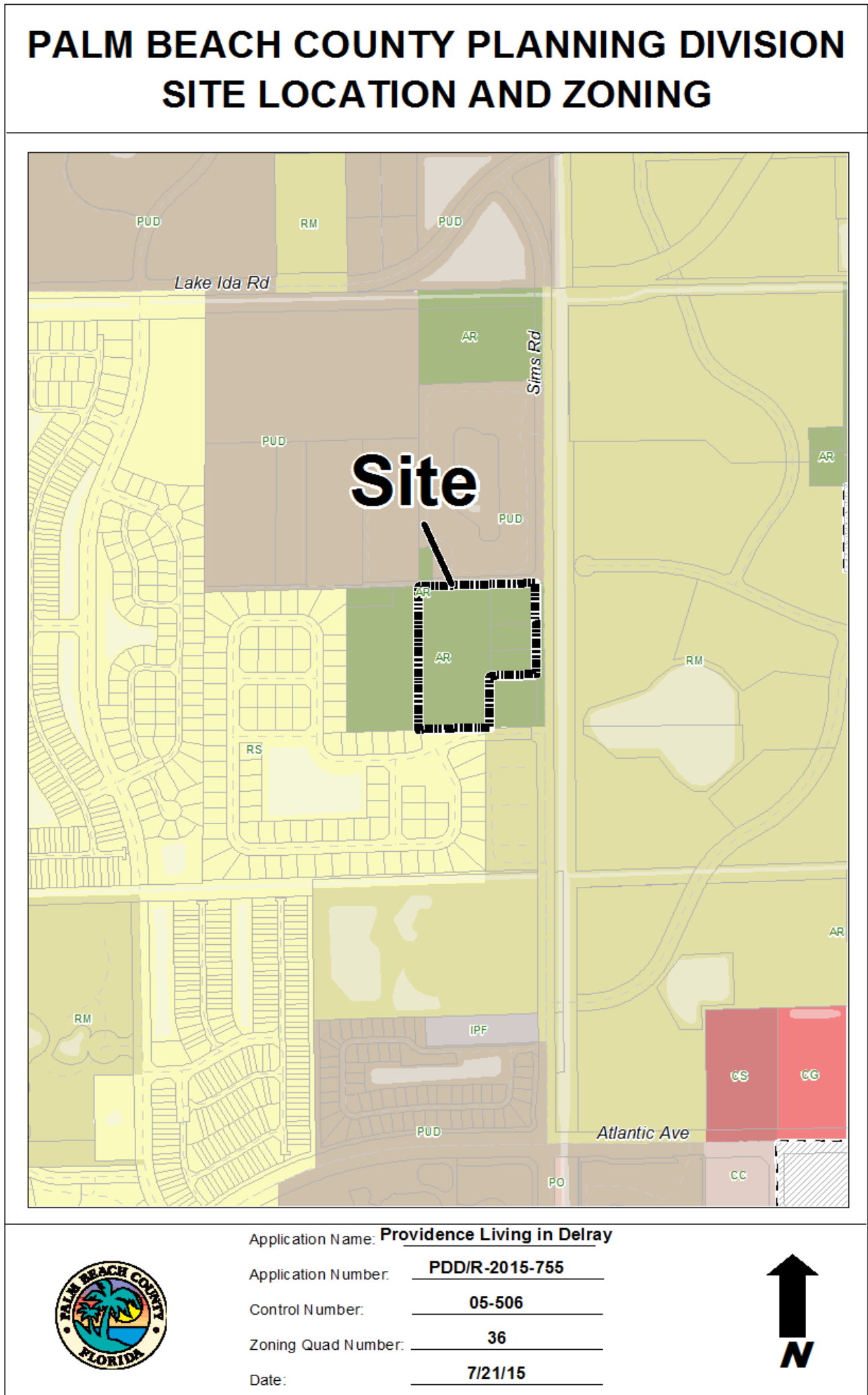


Figure 3 Aerial

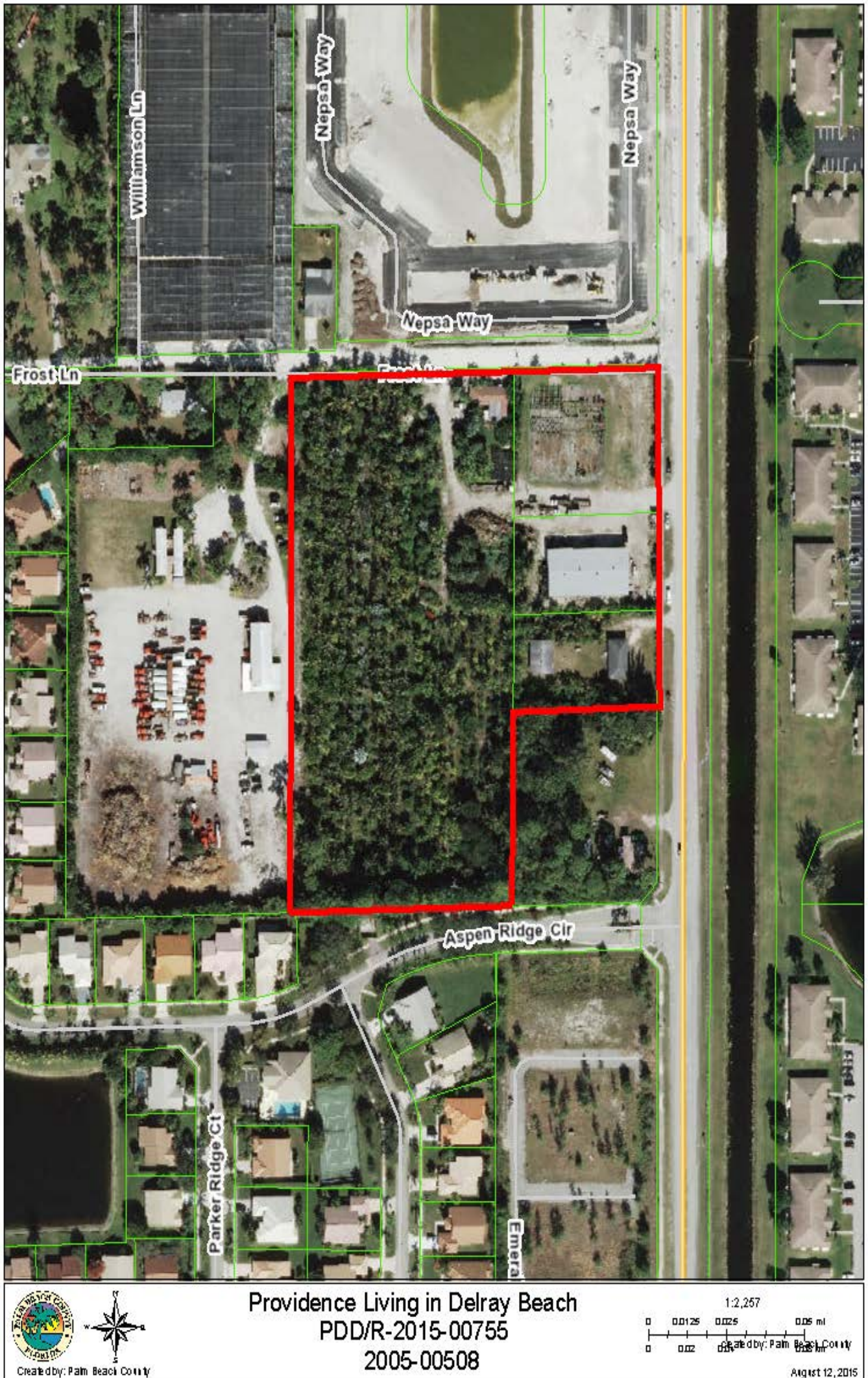
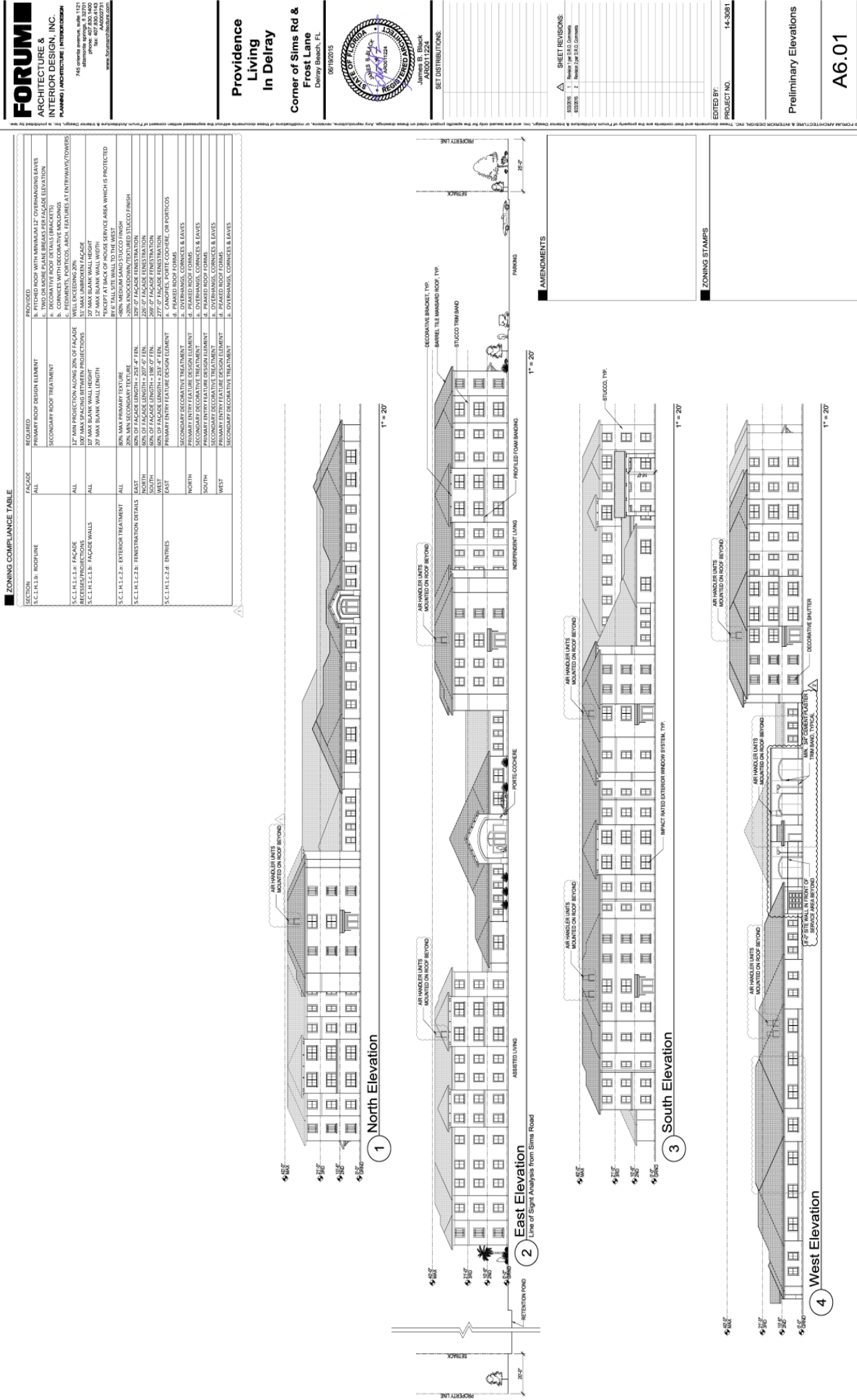


Figure 7 Preliminary Architectural Elevations dated July 15, 2015....



DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared April 10, 2015, 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 VICE PRESIDENT [position—e.g., president, partner, trustee] of PROVIDENCE INVESTMENTS, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 400 COLONIAL CENTER PKWY
SUITE 120
LAKE MARY, FL 32746
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Michelle Pierce

MICHELLE PIERCE, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10th day of April,
2015, by Michelle Pierce, [] who is personally
known to me or [] who has produced _____
as identification and who did take an oath.

Sharon F. Zad

Notary Public



SHARON F. ZAD
(Print Notary Name)

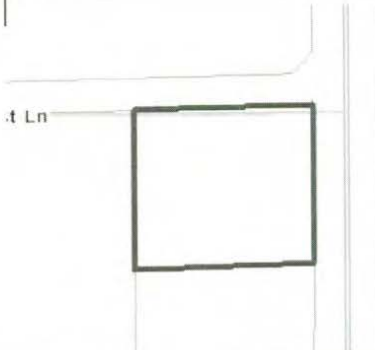
NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 3/24/16

EXHIBIT "A"
PROPERTY

SEE ENCLOSED PROPERTY SUMMARY FOR
PARCEL CONTROL NUMBER 00-42-46-14-00-000-3080,
00-42-46-14-00-000-3081,
00-42-46-14-00-000-3082 AND
00-42-46-14-00-000-3100

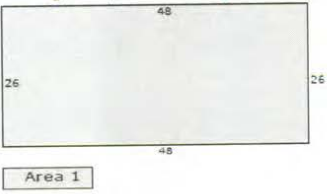
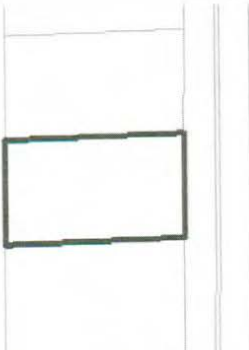
Property Detail	
Parcel Control Number:	00424614000003080
Location Address:	SIMS RD
Owners:	TELENZAK STACEY ,TELENZAK SUSANNE
Mailing Address:	122 MARLIN DR,BOYNTON BEACH FL 33435 3311
Last Sale:	NOV-2002
Book/Page#:	14469 / 1612
Price:	\$10
Legal Description:	14-46-42, N 179.47 FT OF E 1/2 OF SE 1/4 OF NW 1/4 (LESS E 40 FT E-3 CNL R/W & W 80 FT OF E 120 FT SIMS RD R/W)
2014 Values (Current)	2014 Taxes
Improvement Value	\$0
Land Value	\$77,755
Total Market Value	\$77,755
Assessed Value	\$2,800
Exemption Amount	\$0
Taxable Value	\$2,800
All values are as of January 1st each year	
Ad Valorem	\$53
Non Ad Valorem	\$45
Total Tax	\$98
2014 Qualified Exemptions	No Details Found
Applicants	No Details Found
Building Footprint (Building 1)	Subarea and Square Footage (Building 1)
No Image Found	Description Area Sq. Footage
	No Data Found.
	Extra Features
	Description Unit
	No Extra Feature Available
Structural Details (Building 1)	Acres 0.80
No Description	MAP
	

Owner: TELENZAK STACEY ,TELENZAK SUSANNE PCN: 00424614000003080 1 of 1

<http://www.co.palm-beach.fl.us/papa/Asps/PropertyDetail/PropertyPrintNew.aspx?pvalue...> 4/10/2015

GARY R. NIKOLITS, CFA PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 4/10/2015

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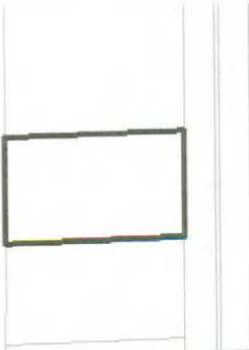
Property Detail														
Parcel Control Number:	00424614000003081	Location Address:	14321 SIMS RD											
Owners:	TELENZAK STACEY ,TELENZAK SUSANNE													
Mailing Address:	14321 SIMS RD,DELRAY BEACH FL 33484 2569													
Last Sale:	Not available	Book/Page#:	17941 / 1632	Price:	Not available									
Legal Description:	14-46-42, N 125 FT OF S 375 FTOF E 1/2 OF NE 1/4 OF SE 1/4 OF NW 1/4 (LESS E 40 FT E-3 CNL R/W & W 80 FT OF E 120 FT S													
2014 Values (Current)			2014 Taxes											
Improvement Value	\$72,061	Ad Valorem	\$1,507											
Land Value	\$70,951	Non Ad Valorem	\$365											
Total Market Value	\$143,012	Total Tax	\$1,872											
Assessed Value	\$75,862	2014 Qualified Exemptions												
Exemption Amount	50	No Details Found												
Taxable Value	\$75,862	Applicants												
All values are as of January 1st each year			No Details Found											
Building Footprint (Building 1)			Subarea and Square Footage (Building 1)											
			<table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> <th>Sq. Footage</th> </tr> </thead> <tbody> <tr> <td>BAS BASE AREA</td> <td>1</td> <td>1248</td> </tr> <tr> <td colspan="2"></td> <td>Total Square Footage : 1248</td> </tr> </tbody> </table>			Description	Area	Sq. Footage	BAS BASE AREA	1	1248			Total Square Footage : 1248
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		Total Square Footage : 1248												
			Extra Features											
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Description	Unit													
GARAGE	1200													
			Unit may represent the perimeter, square footage, linear footage, total number or other measurement.											
Structural Details (Building 1)			Acres 0.73											
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Owner: TELENZAK STACEY ,TELENZAK SUSANNE PCN: 00424614000003081 1 of 1

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GARY R. NIKOLITS, CFA PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 4/10/2015

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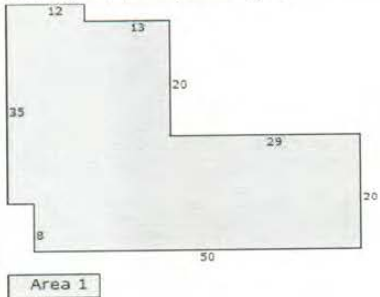

Property Detail																		
Parcel Control Number: 00424614000003082	Location Address: 14535 SIMS RD																	
Owners: GREEN GIANT LANDSCAPE INC																		
Mailing Address: 5570 FROST LN, DELRAY BEACH FL 33484 2502																		
Last Sale: JAN-1995	Book/Page#: 08575 / 1881 Price: \$85,000																	
Legal Description: 14-46-42, N 125 FT OF S 500 FT OF E 1/2 OF NE 1/4 OF SE 1/4 OF NW 1/4 (LESS E 40 FT E-3 CNL R/W & W 80 FT OF E 120 FT S																		
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Owner: GREEN GIANT LANDSCAPE INC PCN: 00424614000003082 1 of 1

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GARY R. NIKOLITS, CFA PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 4/10/2015

<http://www.co.palm-beach.fl.us/papa/Asps/PropertyDetail/PropertyPrintNew.aspx?pvalue...> 4/10/2015

Property Detail														
Parcel Control Number: 0042461400003100	Location Address: 5570 FROST LN													
Owners: GREEN GIANT LANDSCAPE INC														
Mailing Address: 5570 FROST LN, DELRAY BEACH FL 33484 2502														
Last Sale: DEC-2013	Book/Page#: 26533 / 1177 Price: \$10													
Legal Description: 14-46-42, W 1/2 OF NE 1/4 OF SE 1/4 OF NW 1/4 (LESS N 12.5 FT RD R/W)														
2014 Values (Current) Improvement Value \$78,018 Land Value \$477,219 Total Market Value \$555,237 Assessed Value \$51,776 Exemption Amount \$0 Taxable Value \$51,776 All values are as of January 1st each year	2014 Taxes Ad Valorem \$1,298 Non Ad Valorem \$562 Total Tax \$1,860 2014 Qualified Exemptions No Details Found Applicants No Details Found													
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Owner: GREEN GIANT LANDSCAPE INC PCN: 0042461400003100 1 of 1

GARY R. NIKOLITS, CFA PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 4/10/2015

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<http://www.co.palm-beach.fl.us/papa/Asps/PropertyDetail/PropertyPrintNew.aspx?pvalue...> 4/10/2015

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
PROVIDENCE I INVESTMENTS, LLC, IS OWNED BY:	
MICHELLE PIERCE, 50%	838 CHATFIELD WAY HEATHROW, FL 32746
AND	
TOM GREEN, 50%	1864 OAKBROOK DRIVE LONGWOOD, FL 32779

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 STACEY TELENZAK, 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 CEO [position - e.g., president, partner, trustee] of Green Giant Landscape Inc 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: 5570 Frost Ln.
Delray Bch. 33484

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.

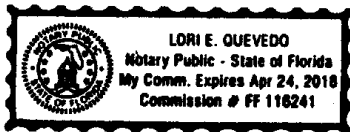
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.


FURTHER AFFIANT SAYETH NAUGHT.



STACEY TELENZAK, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14th day of April, 2015, by Stacey Telezak, [who is personally known to me or [] who has produced _____ as identification and who did take an oath.





Notary Public
Lori E. Quevedo
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 4/24/2018

EXHIBIT "A"
PROPERTY

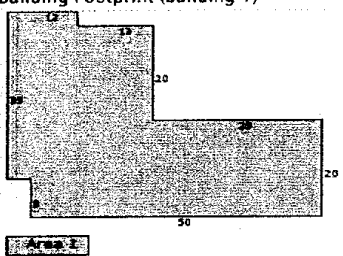
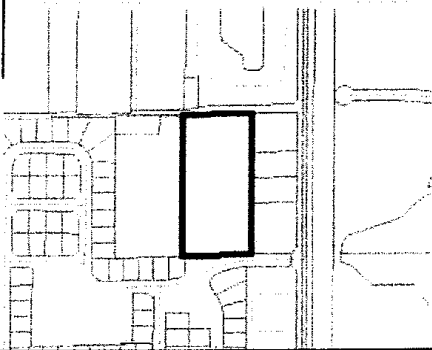
SEE ENCLOSED PROPERTY SUMMARY FOR
PARCEL CONTROL NUMBER 00-42-46-14-00-000-30P2
AND 00-42-46-14-00-000-3100

EXHIBIT "B"

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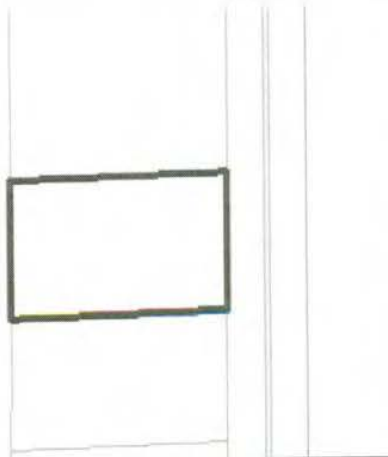
Name	Address
GREEN GIANT LANDSCAPE INC.	5520 FROST LANE DELRAY BEACH, FLORIDA 33484
100% OWNER	

Property Detail																
Parcel Control Number: 00424614000003100	Location Address: 5570 FROST LN															
Owners: GREEN GIANT LANDSCAPE INC																
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Owner: GREEN GIANT LANDSCAPE INC PCN: 00424614000003100 1 of 1

GARY R. NIKOLITS, CFA PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 4/10/2015

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Property Detail													
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Owner: GREEN GIANT LANDSCAPE INC PCN: 00424614000003082 1 of 1

<http://www.co.palm-beach.fl.us/papa/Asps/PropertyDetail/PropertyPrintNew.aspx?pvalue...> 4/10/2015

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 STACEY TELENIAK AND SUSANNE TELENIAK hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ^{PLC} individual ^S or _____ [position - e.g., president, partner, trustee] of _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 5570 FRONT LN DELRAY BEACH, FL 33484 STACEY
122 MARLIN DR, OCEAN RIDGE FL 33435 SUSANNE

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.


STACEY TELENZAK, Affiant
(Print Affiant Name)


SUSANNE TELENZAK

The foregoing instrument was acknowledged before me this 14th day of April, 2015, by Stacey Telezak + Susanne Telezak, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.




Notary Public
Lori E. Quevedo
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 4/24/2018

EXHIBIT "A"
PROPERTY

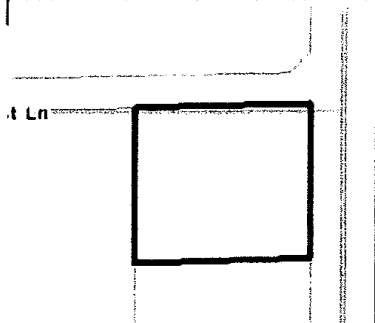
SEE ENCLOSED PROPERTY SUMMARY FOR
PARCEL CONTROL NUMBER 00-42-46-14-00-000-3080
AND 00-42-46-14-00-000-3081

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

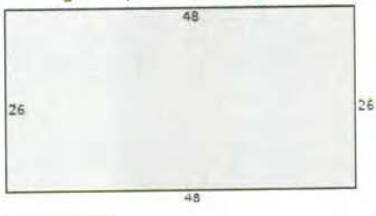
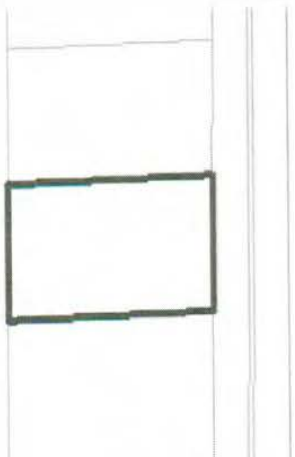
Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, 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
ITALY TELENZAK	5570 FRONT LANE
	DELRAM BEACH, FLORIDA 33484
	UNDIVIDED 1/2 INTEREST
SUSANNE TELENZAK	122 MAULIN DR.
	OCEAN RIDGE, FLORIDA 33435
	UNDIVIDED 1/2 INTEREST

Property Detail	
Parcel Control Number: 00424614000003080	Location Address: SIMS RD
Owners: TELENZAK STACEY, TELENZAK SUSANNE	
Mailing Address: 122 MARLIN DR, BOYNTON BEACH FL 33435 3311	
Last Sale: NOV-2002	Book/Page#: 14469 / 1612 Price: \$10
Legal Description: 14-46-42, N 179.47 FT OF E 1/2 OF SE 1/4 OF NW 1/4 (LESS E 40 FT E-3 CNL R/W & W 80 FT OF E 120 FT SIMS RD R/W)	
2014 Values (Current) Improvement Value \$0 Land Value \$77,755 Total Market Value \$77,755 Assessed Value \$2,800 Exemption Amount \$0 Taxable Value \$2,800 All values are as of January 1st each year	2014 Taxes Ad Valorem \$53 Non Ad Valorem \$45 Total Tax \$98 2014 Qualified Exemptions No Details Found Applicants No Details Found
Building Footprint (Building 1) <p style="text-align: center; font-size: 1.2em;">No Image Found</p>	Subarea and Square Footage (Building 1) Description Area Sq. Footage No Data Found. Extra Features Description Unit No Extra Feature Available
Structural Details (Building 1) No Description	Acres 0.80 MAP 

Owner: TELENZAK STACEY, TELENZAK SUSANNE PCN: 00424614000003080 1 of 1

<http://www.co.palm-beach.fl.us/papa/Asps/PropertyDetail/PropertyPrintNew.aspx?pvalue...> 4/10/2015

Property Detail														
Parcel Control Number: 00424614000003081	Location Address: 14321 SIMS RD													
Owners: TELENZAK STACEY ,TELENZAK SUSANNE														
Mailing Address: 14321 SIMS RD,DELRAY BEACH FL 33484 2569														
Last Sale: Not available	Book/Page#: 17941 / 1632 Price: Not available													
Legal Description: 14-46-42, N 125 FT OF S 375 FTOF E 1/2 OF NE 1/4 OF SE 1/4 OF NW 1/4 (LESS E 40 FT E-3 CNL R/W & W 80 FT OF E 120 FT S														
2014 Values (Current) Improvement Value \$72,061 Land Value \$70,951 Total Market Value \$143,012 Assessed Value \$75,862 Exemption Amount \$0 Taxable Value \$75,862 All values are as of January 1st each year	2014 Taxes Ad Valorem \$1,507 Non Ad Valorem \$365 Total Tax \$1,872 2014 Qualified Exemptions No Details Found Applicants No Details Found													
Building Footprint (Building 1)  <p>Area 1</p>	Subarea and Square Footage (Building 1) <table border="1"> <thead> <tr> <th>Description</th> <th>Area</th> <th>Sq. Footage</th> </tr> </thead> <tbody> <tr> <td>BAS BASE AREA</td> <td>1</td> <td>1248</td> </tr> <tr> <td colspan="2" style="text-align: right;">Total Square Footage :</td> <td>1248</td> </tr> </tbody> </table> Extra Features <table border="1"> <thead> <tr> <th>Description</th> <th>Unit</th> </tr> </thead> <tbody> <tr> <td>GARAGE</td> <td>1200</td> </tr> </tbody> </table> <p>Unit may represent the perimeter, square footage, linear footage, total number or other measurement.</p>	Description	Area	Sq. Footage	BAS BASE AREA	1	1248	Total Square Footage :		1248	Description	Unit	GARAGE	1200
Description	Area	Sq. Footage												
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Total Square Footage :		1248												
Description	Unit													
GARAGE	1200													
Structural Details (Building 1) <table border="1"> <thead> <tr> <th>No</th> <th>Description</th> <th></th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>BAS BASE AREA</td> <td>1248</td> </tr> </tbody> </table>	No	Description		1.	BAS BASE AREA	1248	Acres 0.73 MAP 							
No	Description													
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Owner: TELENZAK STACEY ,TELENZAK SUSANNE PCN: 00424614000003081 1 of 1

<http://www.co.palm-beach.fl.us/papa/Asps/PropertyDetail/PropertyPrintNew.aspx?pvalue...> 4/10/2015