

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

**Application No.:** ABN/ZV/PDD/DOA/R-2013-02361  
**Application Name:** Palm Beach Marketplace  
**Control No.:** 1988-00029  
**Applicant:** Palm Beach Marketplace LLC  
**Owners:** Okee Property LLC  
Palm Beach Marketplace LLC  
Okee Property East LLC  
Okee Property West LLC  
**Agent:** Cotleur & Hearing, Inc. - Alessandria Palmer  
**Telephone No.:** (561) 747-6336  
**Project Manager:** Carrie Rechenmacher, Senior Site Planner

TITLE: a Development Order Abandonment REQUEST: to abandon Resolution ZR-2013-016.  
TITLE: A Type II Concurrent Variance REQUEST: to allow an increase in setback from the Build-to-line; a reduction of the percentage of Building Frontage; to allow an increase in height and sign area for an Outparcel Sign; to allow an additional Freestanding sign; and, to allow a reduction in width of the foundation plantings for Buildings 4 and 5. TITLE: an Official Zoning Map Amendment to a Planned Development District REQUEST: to allow rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. TITLE: a Development Order Amendment REQUEST: to modify the Site Plan; and, add land area, square footage, and uses. TITLE: a Requested Use REQUEST: to allow a Hotel, a General Daycare; and, a Type I Restaurant.

**APPLICATION SUMMARY:** Proposed are an Abandonment, Type II Variance, Rezoning, Requested Use, and Development Order Amendment for the Palm Beach Market Place. The project is located within the Westgate Community Redevelopment Area Overlay. The subject site had two previously approved Development Orders. The eastern 1.91-acre development (Okeechobee Place) was last approved by the Zoning Commission on July 3, 2013 to allow 18,342 square feet (sq. ft.) of retail, Type I Restaurant and General Daycare uses. The western 5.85-acre development (Palm Beach Marketplace) was last approved by the BCC on December 5, 2012 to allow 56,166 sq. ft. of multiple commercial uses including Retail and Type I and II Restaurants.

The Property Owner is requesting to abandon the previous resolution for Okeechobee Place ZR-2013-016. Additionally, they requested an amendment to add land area (1.91 acres, Okeechobee Place and 2.42 acres, vacant) to the Palm Beach Market Place development for a total of 10.18-acres. This requires a rezoning of 4.33-acres of land from the General Commercial Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. The Development Order Amendment will combine these land areas together, reconfiguring the site layout, increasing square footage and adding uses. The Property Owner is requesting to add 3 Requested Uses: a 120-room 5-story hotel (new), General Daycare (existing) and Type I Restaurant (existing).

The daycare and restaurant were previously approved in the Okeechobee Place development. The last request includes seven Type II Variances: to allow an increase in setback from the build-to-line; a reduction of the percentage of Building Frontage; to allow an increase in height and sign area for an Outparcel Sign; to allow an additional Freestanding sign; and, to allow a reduction in width of the foundation plantings for Buildings 4 and 5. The Preliminary Site Plan indicates a total 148,923 sq. ft. of mixed retail, restaurant, day care and hotel uses, and a total of 495 parking spaces. Three access points to the site will remain from Okeechobee Boulevard and 3 access points from Frank Street are indicated on the Preliminary Site Plan.

**SITE DATA:**

Location:	South side of Okeechobee Road, starting approximately 400 feet west of the I-95 interchange, and located generally east of Frank Street.
Property Control Number(s)	00-43-43-29-00-000-3350; 3380; 3390; 3400; 3410; 3420;

	3440; 3450; 3470; 3480; 3700; 3850;3920; 3930; 3370; 3690; and, 00-43-43-29-06-000-0010
Existing Land Use Designation:	Commercial High, with an underlying IND (CH/IND)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	MUPD and General Commercial District (CG)
Proposed Zoning District:	MUPD
Acreage:	10.18 acres
Tier:	Urban/Suburban
Overlay District:	Westgate Community Redevelopment Agency Overlay (WCRAO) Revitalization/Redevelopment and Infill Overlay (RRIO) Urban Redevelopment Area (URA)
Neighborhood Plan:	NA
CCRT Area:	NA
Municipalities within 1 Mile	West Palm Beach
Future Annexation Area	West Palm Beach

**RECOMMENDATION:** Staff Recommends approval of the requests subject to 19 Conditions of Approval as indicated in Exhibit C-2; 1 Condition of Approval in Exhibit C-3; 1 Condition of Approval in C-4; 1 Condition of Approval in Exhibit C-5; and, 1 Condition of Approval in Exhibit C-6.

**ACTION BY THE ZONING COMMISSION:** At the September 04, 2014 ZC hearing, this application was on the Consent Agenda. No one from the public was present to speak on the application. The Agent spoke on behalf of the Applicant agreeing to the Conditions of Approval, with need to clarify a couple of conditions prior to the BCC hearing. The Zoning Commission recommended approval of the requests with a vote of 6-0.

The County Engineering and Zoning staff met with the Applicant and Applicant's Agent and Engineer, to discuss Conditions of Approval that may no longer be applicable to the project due to Code changes, and Conditions that could be modified or deleted due to the combination of the multiple parcels. The meeting was held after the Zoning Commission hearing on September 16, 2014. A number of conditions were modified as a result of this meeting and Applicant's request (Exhibit H).

**ACTION BY THE BOARD OF COUNTY COMMISSIONERS:** At the September 30, 2014 BCC the Applicant requested a 30 day postponement to the October 23, 2014 hearing to allow the Applicant additional time discuss Engineering Conditions. The BCC agreed to the postponement with a vote of 7-0. At time of publication the Agent has not resolved concerns with the Engineering Conditions of Approval.

At the October 23, 2014 BCC the Applicant requested an additional 30 day postponement to the December 04, 2014 hearing to allow the Applicant additional time to further discuss Engineering Conditions. The BCC agreed to the postponement with a vote of 6-0.

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

**PROJECT HISTORY:**  
**Okeechobee Place: Control No 1981-094**

Application No.	Request	Resolution	Approval Date
SE-1981-00094	A Special Exception to allow a Commercial New and Used Automobile Sale and Repair Facility	R-1981-0877;	September 21, 1981
ZV/CB/ABN-2007-00335	To allow a Type I Restaurant	ZR-2007-0053;	October 4, 2007
ZV/CB/ABN-2007-00335	Type II Variances to allow an increase from the build to line and reduction in setbacks	ZR-2007-0054;	October 4, 2007
ZV/CB/ABN-2007-	To abandon the Special Exception granted	R-2007-1875;	October 25, 2007

00335	under R-1981-0877		
ZV-2008-00282	To allow 100% palms in the north right-of-way buffer, east compatibility buffer, buffer adjacent to the parking area, and to allow signage on a facade not facing a right-of-way.	ZR-2008-0021	April 3, 2008
DOA-2008-00283	To modify two conditions of approval for a Class B Conditional Use	ZR-2008-0044	June 5, 2008
ZV/DOA/CB-2013-00502	Modify Site Plan, add Square Footage and allow a Daycare General for 180 children	ZR-2013-016	July 3, 2013

**Palm Beach Market Place Control No. 1988-029**

Application No.	Request	Resolution	Approval Date
1988-00029	Amend PCD to increase Building SF Special Exception for a Planned Commercial Development, including a Large Scale Community Shopping Center in excess of 50,000 square feet, and an Auto Service Station for the installation of car telephones. (Which Extinguished a SE for a Hotel approved under Control 83-145)	R-1989-956	05/27/1988
1988-00029 (A)	Amend PMP to increase Square Footage	R-91-0368	03/26/1991
1988-00029 (B)	DOA to amend Master Plan to add an access point	R-1994-04	01/03/1994
2009-01358	To delete Conditions of Approval	R-2009-893	05/25/2009
2009-01358	Abandon SE for an Auto Service Station	R-2009-892	05/25/2009
2009-01358	Abandon SE for an Auto Service Station	R 2009-1225	05/25/2009
2012-00985	To reconfigure the Site Plan to add an access point and modify a Condition of Approval (Signage)	R-2012-1860	12/05/2012

**SURROUNDING LAND USES:**

**NORTH:**

City of West Palm Beach  
Multiple Commercial Uses

**SOUTH:**

FLU Designation: Commercial High, with an underlying IND (CH/IND)  
Zoning District: General Commercial District (CG) with a Special Exception  
Supporting: Truck Rental, SE for Planned Industrial District (Control No 1979-247 and 1985-00157, BH Vaugh)

Multiple parcels:

FLU Designation: Commercial High, with an underlying IND (CH/IND)  
Zoning District: General Commercial District (CG)  
Supporting: Warehouse

**EAST:**

FLU Designation: Commercial High, with an underlying IND (CH/IND)  
Zoning District: General Commercial District (CG)  
Supporting: General Retail- Equipment rental

City of West Palm Beach  
FLU Designation: Industrial  
Zoning District: Industrial  
Supporting: Warehouse

**WEST:**

FLU Designation: Commercial High, with an underlying IND (CH/IND)

Zoning District: General Commercial District (CG)  
 Supporting: Repair and Maintenance (Oil Connection, Control No 1984-066)

FLU Designation: Commercial High, with an underlying IND (CH/IND)  
 Zoning District: General Commercial District (CG) with Special Exception  
 Supporting: Auto Sales and Paint and Body Shop (James Nemec , Control No 1976-088)

FLU Designation: Commercial High, with an underlying IND (CH/IND)  
 Zoning District: General Commercial District (CG)  
 Supporting: Office/Personal Service

FLU Designation: Commercial High, with an underlying IND (CH/IND)  
 Zoning District: General Commercial District (CG)  
 Supporting: Truck Rental (BH Vaughn, Control No 1979-00247)

**CONCURRENT VARIANCES:** The following Variances were approved by the Zoning Commission at the September 4, 2014 hearing.

Variance No.	Code Section	Required	Proposed	Variance
V.1	Table 3.B.14.F – WCRAO Building Frontage (Bldgs 1-9)	60 percent (493 feet)	49 percent (402 feet)	-11 percent (91 feet)
V.2	14.F.2.a – WCRAO Build to Line (Bldg #4)	10 feet	82 feet	-72 feet
V.3	Table 7.C .3- Minimum Tier Requirements Side Foundation Planting (Bldg #4 East)	5 feet	0 feet	-5 feet
V.4	Table 7.C .3- Minimum Tier Requirements Side Foundation Planting (Bldg #5 East)	5 feet	0 feet	-5 feet
V.5	Table 8.G.2.A Freestanding Sign Standards- Maximum Number Per Project Frontage (Sign C)	3 Signs	4 Signs	+1 Sign
V.6	Table 8.G.2.B Freestanding Outparcel Identification Sign- Maximum Height (Sign D)	6 feet	10 feet	+4 feet
V.7	Table 8.G.2.B Freestanding Outparcel Identification Sign- Maximum Sign Area (Sign D)	20 SF	60 SF	+40 SF

**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 rezoning consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use. The request is to rezone 4.33 acres from the CG Zoning District to the MUPD Zoning District and add it to the existing 5.85-acre site, resulting in a 10.18-acre MUPD.

The Westgate CRA has reviewed and recommended approval for past Palm Beach Market Place and Okeechobee Place applications, the current application to combine both sites into a MUPD is consistent with the approved WCRA Redevelopment Plan. **(Exhibits E, F, and G)** The CRA has noted in their approval letter to the Applicant that any change in use, building size, or intensity shall

require re-evaluation by the WCRA. The site is located in the Urban Redevelopment Area (URA) but not located within a Primary Redevelopment Area (PRA).

**2. 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 not in conflict with the Code. The MUPD Zoning District is consistent with the site's CH/IND land use designation. The parcel will be incorporated in to Control No. 1988-00029, and meets and exceeds the minimum 5 acre lot size and dimensions for the MUPD Zoning District. The proposed addition of lands area creates a more unified commercial planned development.

**3. 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 non-residential uses and districts surrounding the project and is compatible with the character of land surrounding the development.

**4. 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 has been previously developed.

**WELLFIELD PROTECTION ZONE:** The property is not located with 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:** The site has no outstanding contamination issues. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements. The proposed amendment will not have adverse impacts on the natural environment.

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

The proposed rezoning from the CG Zoning District to the MUPD Zoning District will not alter the existing development pattern in the vicinity. The existing shopping Center and the added vacant land will provide for a more unified planned development. The shopping center design is consistent with the adjacent property and properties on the north side of Okeechobee Boulevard.

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

Concurrency has been approved for a total of 148,923 square feet of Retail, Restaurant, 170 person Day Care and 120 room Hotel. The rezoning will have no effect on the concurrency for the existing uses. See Development Order Amendment Standards.

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

In meeting with Staff during the review of previous Development Order requests, the combination of these two developments and the vacant parcel to the south was suggested to provide a more unified commercial Planned Development. With this rezoning action the greater goal of the Code is met as

the Applicant has agreed to combine the parcels together. The WCRA has sent a letter in support of the proposed changes.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-2.

**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. Consistency with the Comprehensive Plan:*

The proposed uses and amendment are consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Intensity: The request for a total of 148,923 square feet equates to a FAR of approximately 0.34 (148,923 / 443,364 square feet or 10.178 acres = 0.335). The maximum Floor Area Ratio (FAR) of .50 for an MUPD is allowed for a non-residential project with a CH FLU designation in the Urban/Suburban Tier (10.178 acres x 43,560 square feet per acre x .50 maximum allowed FAR = 221,676.84square feet maximum).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The property is located within the Revitalization, Redevelopment and Infill Overlay (RRIO), Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO) and Urban Redevelopment Area (URA) .

The Westgate CRA has reviewed and recommended approval for past Palm Beach Market Place and Okeechobee Place applications, the current application combines both sites into a MUPD and is consistent with the approved WCRA Redevelopment Plan. The CRA has noted in their approval letter to the Applicant that any change in use, building size, or intensity shall require re-evaluation by the WCRA.

The site is located in the Urban URA but is not located within a Primary Redevelopment Area (PRA). The Applicant in the past has incorporated pedestrian and vehicular interconnectivity to comply with Policy: 1.2.2-h. Since the two developments are being combined into one unified development, the Applicant has incorporated a centrally located connection for better access between the existing and proposed uses of the development. The Applicant has also noted on the Site Plan, a future location for vehicular and pedestrian cross access along the eastern property line.

- 2. 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 proposed amendment is to combine parcels of land into a unified commercial planned development. The combination of these parcels will provide for better site circulation/function, cross connectivity and a unified development. There are several existing structures and uses that will remain, one structure proposed for expansion, and two new buildings. The table below identifies uses and buildings as described in the Preliminary Site Plan depicted in Figure 4.

Building Number	Uses	Square Footage	Status
1	Retail and Restaurants	19,676	Constructed
2	Retail	10,462	Constructed
3	Retail and Restaurants	16,350	Constructed
4	Restaurants	Approved: 5,290 Proposed: 6,440 (+1,150)	Proposed
5	Restaurants	Approved: 6,050 Proposed: 7,400 (+1,350)	Constructed and proposed expansion
6	Restaurant	1,770	Constructed
7	Retail	6,465	Constructed
8	Daycare	10,107	Constructed
9	Hotel	70,000, 120 room	Proposed

With the combination of the existing commercial Development (Okeechobee Place) with Palm Beach Market Place and the rezoning to the MUPD district the Applicant has included in the request use approvals for the Daycare and Type I Restaurant compliant with the new Zoning District. No changes are proposed for these uses beyond what was previously permitted. The proposal also carries forward previous Conditions of Approval for these uses.

Subject to the approval of the Variances for building placement and dimensions of foundation plantings for Building 4, the proposed 6,050 sq. ft. building proposes to be developed with a Type II restaurant, as permitted by the Development Review Officer. The building placement on the lot mirrors the location of the existing Building 5 new main entrance to the development.

The Applicant proposes to expand Building 5 to be a total of 7,400 sq. ft (5,800 sq. ft. indoor and 1,600 sq. ft. outdoor seating). A variance to the foundation planting requirements is also proposed for this structure.

The Preliminary Site Plan indicates a 5-story, 70,000 sq. ft., 120 room Hotel (Building 9), located at the rear of the site on a vacant parcel. The proposed use is consistent with the Code and complies with all applicable portions of Article 4.B Supplementary Use Standards.

WCRA-Overlay standards: The subject site is located with the WCRA overlay and is compliant with ULDC Article 3.B.14, which provides certain provisions to encourage redevelopment to enhance the Westgate Area and Okeechobee Road corridor of unincorporated Palm Beach County. The Property Owner, through previous approvals, has already renovated much of the 2 centers and has attracted new tenants.

Landscaping: The Property Owner has received previous variances in 2012 to allow Royal Palms along Okeechobee Blvd. instead of Canopy Trees. The current request includes variances on Foundation planting for Side Foundation plantings for Buildings 4 and 5. The remainder of the parking area will meet current Code and notations were added to the plan to reflect these provisions. Also nonconformities and variance charts are provided on the plan to address other deviations from current code

Parking/Loading: The Applicant is utilizing Table 3.B.14.1 WCRA overlay mixed use parking deviations for all existing and proposed uses. The Applicant states that Buildings 1-5 are parked at the Commercial rate of 2.5 spaces per 1,000 square feet. Building 6 is a Type I Restaurant parked at one space per 4 seats and Building 7 is parked at the Retail rate of three spaces per 1,000 square feet. The ULDC allows Building 8 to be parked at the Daycare rate of one space per 10 persons with one drop off space per 20 persons (17 spaces and 9 drop off). Building 9, the Hotel is parked at 1.25 spaces per 120 rooms (150 spaces). Article 3.E of the ULDC allows 1 space per 250 square feet of building area. The remaining 68,816 square feet requires 275 spaces or a total of 442 parking spaces. The Applicant is proposing to reconfigure the site plan to add 152 parking spaces for a total of 495 spaces.

WCRA-O also provides for the relocation, reduction of the size or exemption of loading zones. The Applicant has received approval for 3 proposed loading zones and one is an existing nonconformity. Three loading zones are required and Westgate has also provided letters approving the loading configurations.

Nonconformities: The lots that make up the MUPD were purchased individually and combined by the Applicant. As in many infill redevelopment projects the lots were land locked and have development surrounding them, making a typical parcel configuration very difficult. To encourage redevelopment in infill areas, additional flexibility in property development regulations and WCRA provisions support successful redevelopment.

Signage:

Wall Signs: The Applicant has received approval for Type II Variances to increase the sign area for Buildings 1-5 (ZR 2012-030), which allows the wall sign area to be calculated as two square feet per each linear feet of building frontage; and, Building 7 (ZR-2013-015) allows one square foot per linear foot of building frontage. The wall sign Variance for Building 4, is no longer applicable due to the demolition of that structure and the new layout and location. Buildings 4, 6, 8 and 9 must comply with the calculation for wall signage as described in the ULDC and the Master Sign Plan.

Ground Mounted Signs: As previously discussed with the proposed Variances, the Applicant is proposing additional signage along Okeechobee Boulevard. The Preliminary Site and Sign Plan indicate 4 Freestanding Signs and 1 Outparcel Sign. Freestanding Monument Sign B is an existing sign approved via variance (ZR-2012-030); the sign is 35 feet tall and 336 square feet. Freestanding Monument Sign E is an existing nonconformity for height due to the rezoning of the property to MUPD.

Architecture: The Applicant has requested that the review for compliance with Article 5.C building completed at time of Building Permit.

**3. 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 amendments are compatible with the non-residential uses surrounding the project and are compatible with the commercial uses and characters of land surrounding the development, subject to Type II Variances and Conditions of Approval.

The proposed Requested Uses will not create any compatibility issues with the surrounding properties and use as the requested uses are consistent with previous approvals for the site. In addition, the proposal to add additional land area to combine previous approvals for one overall development will likely have a positive impact to the appearance of the site. Any issues with regard to compatibility have been addressed previously through Conditions of Approval.

**4. 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 amendment to reconfigure the Site Plan, and combine two related commercial developments and add a Hotel and Type I Restaurant minimizes adverse effects on the adjacent lands. The request to modify the signage, subject to the approval of the variances, will provide signage that is visible to drive-by traffic from the right of way that is over 100 feet in width and within close proximity to the I-95 interchange.

**5. 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 property has been previously developed.

WELLFIELD PROTECTION ZONE: The property is not located with 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:** The site has no outstanding contamination issues. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements. The proposed amendment will not have adverse impacts on the natural environment.

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

The proposed amendments will renovate the existing shopping center that has been approved since 1989. The Rezoning and Requested Uses allows for a MUPD with multiple uses with cross access, drainage, parking, landscaping and signage. The Applicant is proposing a mix of commercial uses, consistent with the development pattern of the area.

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

**TRAFFIC IMPACTS**

The Property Owner has estimated the build-out of the project to be December 31, 2018. Previously approved traffic from this project was 3976 trips per day, 346 trips in the PM peak hour. Additional traffic expected from the proposed project is 919 trips per day, 69 trips in the PM peak hour, for grand total impact of 4895 daily and 415 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards.

**ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)**

Segment: Okeechobee Blvd from Congress Ave to I-95

Existing count: eastbound=2121, Westbound=2550

Background growth: eastbound=165, Westbound=184

Project Trips: Eastbound=21, Westbound=20

Total Traffic: Eastbound=2307, Westbound=2754

Present laneage: 8 Lanes

Assured laneage: 8 Lanes

LOS "D" capacity: 3590 vehicles per hour (directional)

Projected level of service: LOS D or better

The Property Owner shall obtain a Right of Way Permit from the Florida Department of Transportation for access onto Okeechobee Boulevard.

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.

The Property Owner shall obtain a Drainage Review from the Permit Section of Land Development Division.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

**VEGETATION PROTECTION:** The property has been previously developed.

**WELLFIELD PROTECTION ZONE:** The property is not located with 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:** The site has no outstanding contamination issues. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**FIRE PROTECTION:** No Staff Review Analysis

**SCHOOL IMPACTS:** No Staff Review Analysis

**PARKS AND RECREATION:** No Staff Review Analysis

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

On December 05, 2012, the 5.85-acre Palm Beach Market Place site was approved for 56,766 square feet within 5 buildings with a mix of commercial, retail, and restaurant uses. Additionally, the site was approved for seven Type II Variances to deviate from the requirements for Perimeter Landscape Buffers, plant material type for Pedestrian Circulation areas, square footage limitations for Building Mounted and Ground Mounted Signs, and height restrictions for Ground Mounted Signs. The addition of the 1.91-acre Okeechobee Place Commercial Development which was last approved for the General Daycare Use and the addition of the 2.42-acre parcel to support the Hotel provides substantial modifications to the original site plan but will provide an overall cohesive development 10.18-acre MUPD. See also Rezoning Standard 7.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-2 through C-6.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1:

#### Type II Variance - Concurrent

#### VARIANCE

1. The Preliminary Site and Master Sign Plan are dated July 30, 2014 and August 6, 2014. 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)
2. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ABN/ZV/PDD/DOA/R-2013-02361. (ONGOING: MONITORING - Zoning)
3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (ONGOING: ZONING - Zoning)
4. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: ZONING - Zoning)
5. 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: ZONING - Zoning)

#### DISCLOSURE

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

## CONDITIONS OF APPROVAL

### EXHIBIT C-2:

#### Development Order Amendment

#### ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2009-0893 (Control 1988-029), have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

#### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2012-1860 (Control 1988-029), and Resolution ZR-2013-017-1 (Control 1981-00094) have been consolidated as contained herein. The Property Owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated July 30, 2014. 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. Previous ENGINEERING condition 1 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

Prior to June 1, 1995, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent median(s) of all abutting rights-of-way. When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen (14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected for the following list:

Trees: Laurel Oak, Live Oak, Slash Pine; Ground cover: Wedilia, Bahia Grass, Sabal Palmetto

a. Alternative species may be allowed subject to approval by the County Engineer. All plant material shall be installed and selected according to xeriscape principles and shall conform with the following:

1. All plants shall be container grown or field collected and transplanted from the project site.
2. All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification. (DATE:MONITORING - Eng) (Previous Condition Engineering 1.a of Resolution R-2009-0893, Control No. 1988-029) (DATE: MONITORING - Engineering)
- b. All required median landscaping, including watering, shall be the perpetual maintenance obligation of the petitioner and its successors, legal heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association, and shall be installed on or before August 1, 1995. (DATE:MONITORING - Engineering) (Previous Condition Engineering 1.b of Resolution R-2009-0893, Control No. 1988-029) (DATE/ONGOING: MONITORING - Engineering)

c. Declaration of Covenants and Restriction Documents shall be established or amended as required, prior to June 1, 1995 to reflect this obligation. Maintenance shall be in accordance with the issued permits. (DATE:MONITORING - County Attorney) (Previous Condition Engineering 1.c of Resolution R-2009-0893, Control No. 1988-029) [Note:Completed] (DATE: MONITORING - County Attorney)

**Is hereby deleted.** [REASON: Completed by City of West Palm Beach.]

2. Previous ENGINEERING condition 2 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

Prior to issuance of a building permit for new building square footage, the property owner shall create a legal lot of record in accordance with Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING - Eng)

**Is hereby amended to read:**

Prior to issuance of a building permit for new building square footage for the hotel, the Property Owner shall create a legal lot of record in accordance with Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

3. Changes to the Okeechobee Boulevard driveway connections (e.g. throat distance, width, radii, location, etc.) which do not conform to the construction standards specified in Section 300-5 of the Design Standards Manual must be approved by the County Engineer pursuant to Article 11.B.8.C prior to final DRO certification. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING condition 3 of Resolution R-2012-1860, Control No.1988-00029)

4. Previous ENGINEERING condition 4 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

Prior to final approval of the Site Plan by the DRO, the property owner shall provide or obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall. (DRO: ENGINEERING - Engineering)

**Is hereby deleted.** [REASON: No longer required when Maintenance and Use Documents are submitted for the MUPD.]

5. 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, 2018. 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. (BLDGPMT/DATE: MONITORING - Engineering)

6. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall change the Okeechobee Boulevard driveway connections (e.g. throat distance, width, radii, location, etc.) as follows:

i. The driveway located 510 feet east of Frank Street shall be revised to provide a 35 feet minimum inbound radius.

ii. The westbound left turn lane for the driveway located 300 feet east of Frank Street shall be improved to meet the demand (weekday and weekend). A traffic study shall be provided to present the driveway volumes and to determine the required left turn lane storage.

iii. All improvements must be as required and approved by the County Engineer and FDOT. (BLDGPMT/CO: MONITORING - Engineering)

## HEALTH

1. Owners and operators of facilities generating hazardous, industrial, or toxic wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP), the

Palm Beach County Health Department and the agency responsible for sewage works are used. (ONGOING: CODE ENF - Health Department) (Previous HEALTH condition 1 of Resolution R-2012-1860, Control No.1988-00029)

#### **LANDSCAPE - GENERAL-SOUTHEAST BOUNDARY**

1. Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2012-1860, Control No.1988-00029 which currently states:

The landscape strip along the southeast boundary of the property, where the site abuts residential uses, shall be supplemented with four (4) fourteen foot native canopy trees and a continuous opaque hedge. Hedge material shall be installed at thirty-six (36) inches in height and shall be maintained at a minimum height of forty-eight (48) inches within one year of installation. (ONGOING: LANDSCAPE - Zoning))

**Is hereby deleted.** [REASON: Now abuts Industrial and Commercial uses]

#### **LANDSCAPE - GENERAL-SOUTH AND EAST PERIMETER OF SITE**

2. Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

The hedge along the entire south and east perimeters of the entire subject property shall be maintained at a minimum height of forty eight (48) inches. (ONGOING: LANDSCAPE - Zoning)

**Is hereby deleted.** [REASON: Condition no longer applicable with combination of parcels for the Development Order Amendment.]

3. Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained in accordance with Unified Land Development (ULDC) standards. (ONGOING: LANDSCAPE - Zoning)

**Is hereby deleted.** [REASON: Code requirement to maintain tree height and not hatrack.]

#### **LANDSCAPE - GENERAL-NORTH, EAST AND SOUTHEAST PERIMETER OF SITE**

4. Prior to final approval by the Development Review Officer, the Property Owner shall obtain approval for an Alternative Landscape Plan, incorporating Conditions of Approval as contained herein and as approved by the Zoning Commission with the Type II Variance. (DRO: LANDSCAPE - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - GENERAL condition 4 of Resolution ZR-2011-30, Control No.1988-00029)

#### **PLANNING**

1. Prior to Site Plan approval or December 26, 1990, the petitioner shall revise the Concurrency Reservation for this project to reflect the actual capacity needed for the proposed project. This Concurrency Reservation application (90-07-18-009C) should be reduced by 3,825 square feet. (ONGOING: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING condition 1 of Resolution R-2012-1860, Control No.1988-00029)

2. Prior to Platting, the Property Owner shall record all cross access easement as shown on the Certified Site Plan, in a form acceptable to the County Attorney's Office, the Planning Division and the Traffic Division. (PLAT: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING condition 2 of Resolution R-2012-1860, Control No.1988-00029)

3. Prior to August 31, 2013, all vehicular and pedestrian cross access locations shown on the Certified Site Plan shall be designed in a manner to promote health and safety for all pedestrian and vehicular traffic, and paved to the property line. (DATE: MONITORING - Planning) [Note: COMPLETED] (Previous PLANNING condition 3 of Resolution R-2012-1860, Control No.1988-00029)

## **SIGNS**

1. Previous SIGNS condition 1 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

No off-premise signs shall be permitted on site. (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Combination of parcels now include an Off-Premise sign.]

2. Previous SIGNS condition 2 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

Prior to Final Site Plan approval, the Property Owner shall provide signage information on the Final Plans which specifies the existing signs locations and sizes.

**Is hereby amended to read:**

Prior to Final Site Plan approval, by the Development Review Officer (DRO) the Property Owner shall provide signage information on the Master Sign Program which specifies the existing signs locations and sizes. (DRO/ONGOING: ZONING - Zoning)

3. Previous SIGNS condition 3 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

No new Ground Mounted Signs shall be allowed on site without Board of County Commissioner approval.

**Is hereby amended to read:**

No new Ground Mounted Signs shall be allowed on site without Board of County Commissioner approval and subject to a Type II Variance, as applicable. (ONGOING: ZONING - Zoning )

4. Previous SIGNS condition 4 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

The Preliminary Master Sign Plan dated September 20, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the Signs beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC) must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). Signs shall be installed in accordance with the Plan and the Type II Variance granted by the Zoning Commission. (ONGOING: ZONING - Zoning)

**Is hereby amended to read:**

The Preliminary Master Sign Plan is dated July 30, 2014. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the Signs beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC) must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). Signs shall be installed in accordance with the Plan and the Type II Variances granted by the Zoning Commission. (ONGOING: ZONING - Zoning )

## **SITE DESIGN**

1. Previous SITE DESIGN condition 1 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

No outdoor speaker or public address systems which are audible from the exterior of the site, shall be permitted. (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Residential uses are no longer directly adjacent to the site. Code also has standards that address nuisance noise]

2. Previous SITE DESIGN condition 2 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

All new mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area. (ONGOING: CODE ENF - Zoning)

**Is hereby deleted.** [REASON: Allow AC on ground with screening per ULDC requirements.]

3. Previous SITE DESIGN condition 3 of Resolution R-2012-1860, Control No.1988-00029, which currently states:

Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, rights-of-way or interior drives. (ONGOING: BUILDING DIVISION - Zoning)

**Is hereby deleted.** [REASON: This is a Code requirement.]

4. Previous Site Design Condition 1 of Resolution ZR-2013-017-1 Control 1981-00094) which currently states:

Prior to final approval by the Development Review Officer, the Preliminary Site Plan shall be revised to indicate a six (6) foot high concrete wall surrounding the outdoor play area for the day care. The wall shall be given a similar architectural treatment that is generally consistent and compatible with the principal building. (DRO: ZONING - Zoning)

**Is hereby deleted:** [REASON: Condition no longer applicable, alternative fence approved]

#### **SOLID WASTE AUTHORITY**

1. The Property Owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products, as programs are available. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous SOLID WASTE AUTHORITY condition 1 of Resolution R-2012-1860, Control No.1988-00029)

#### **COMPLIANCE**

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

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

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

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

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

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.



Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - 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-3: Non Residential Planned Development District

#### 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-4: Requested Use-Hotel

#### 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-5: Requested Use-General Daycare

#### 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-6: Requested Use-Type I Restaurant

#### 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

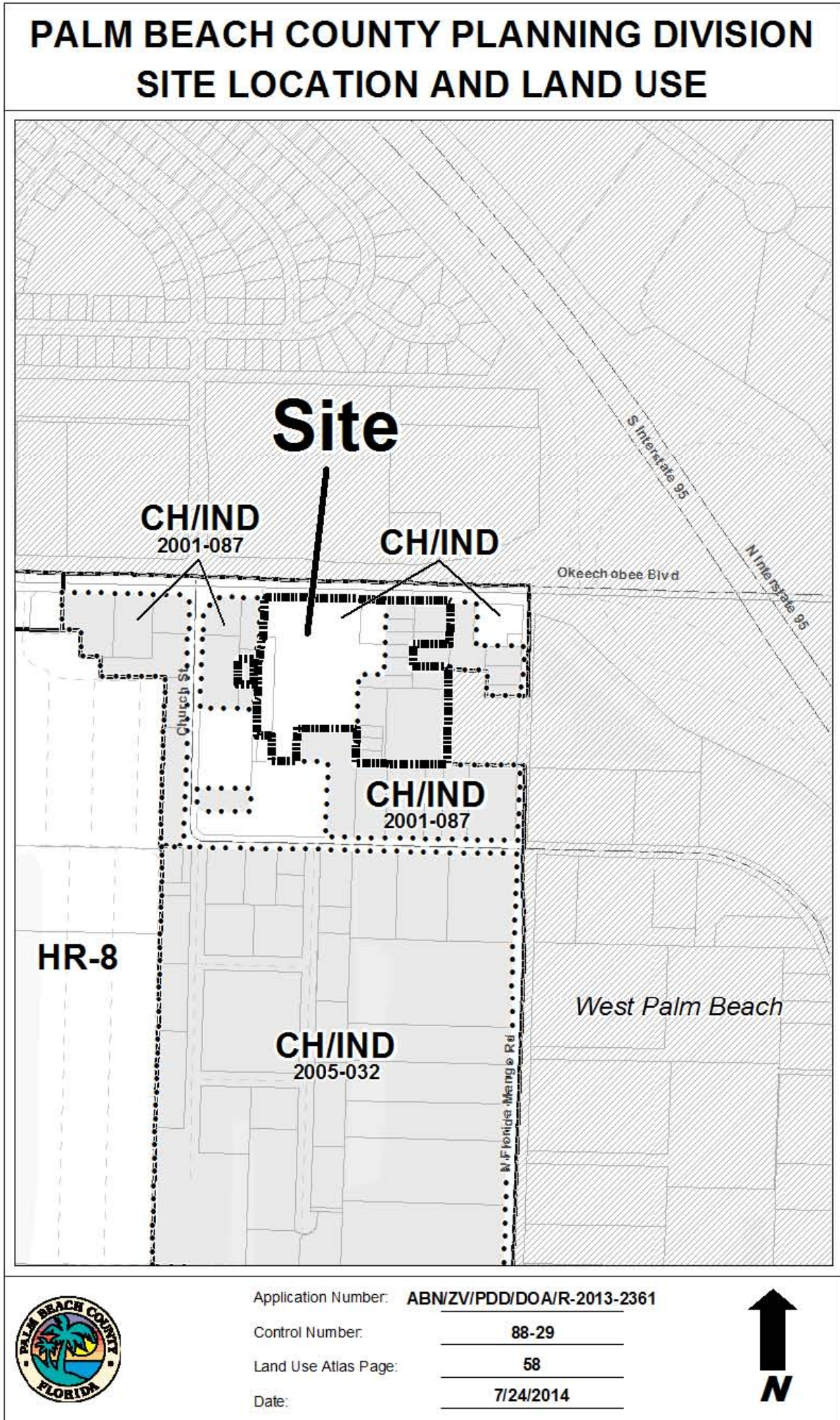


Figure 2 Zoning Map

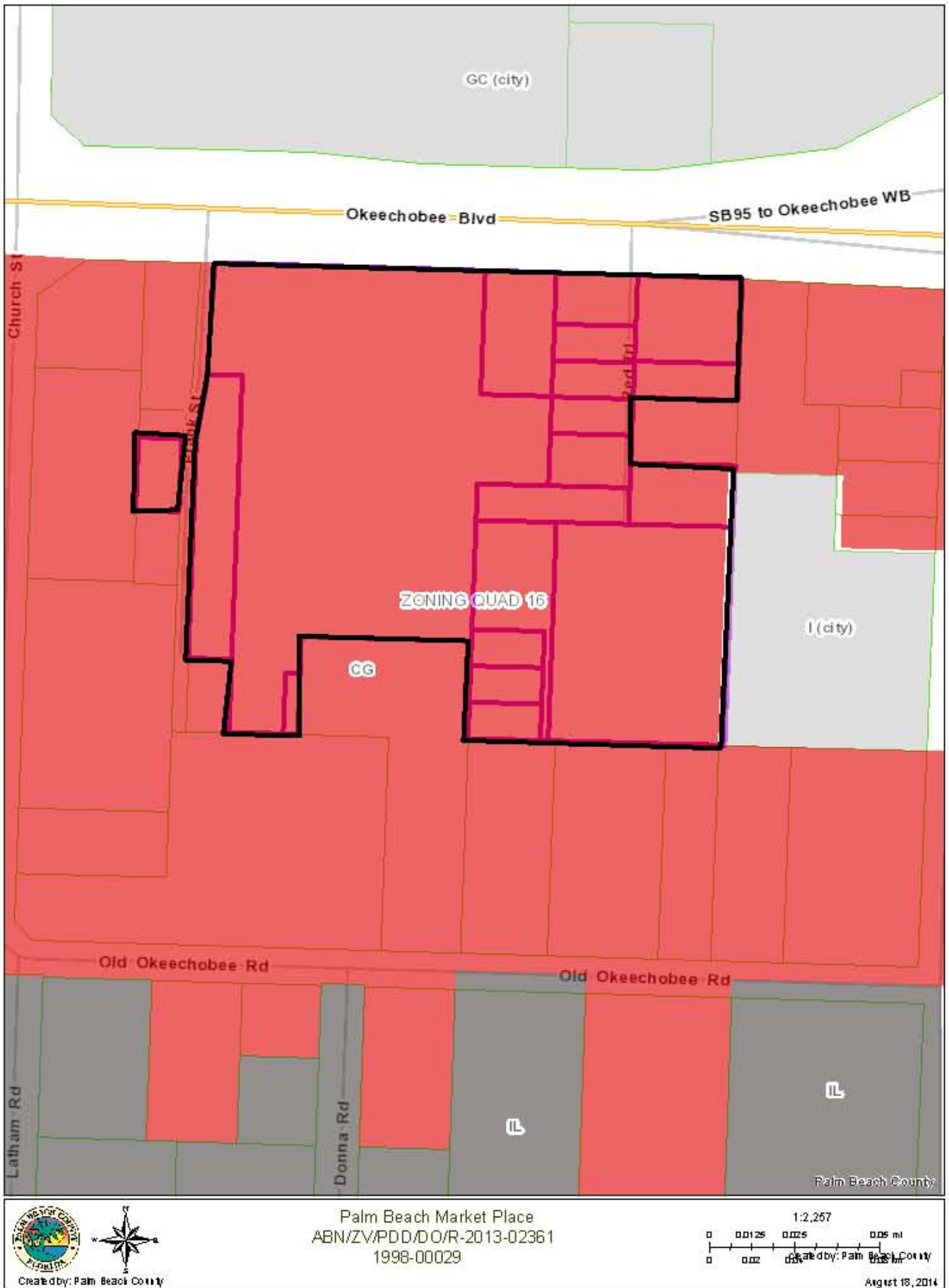


Figure 3 Aerial

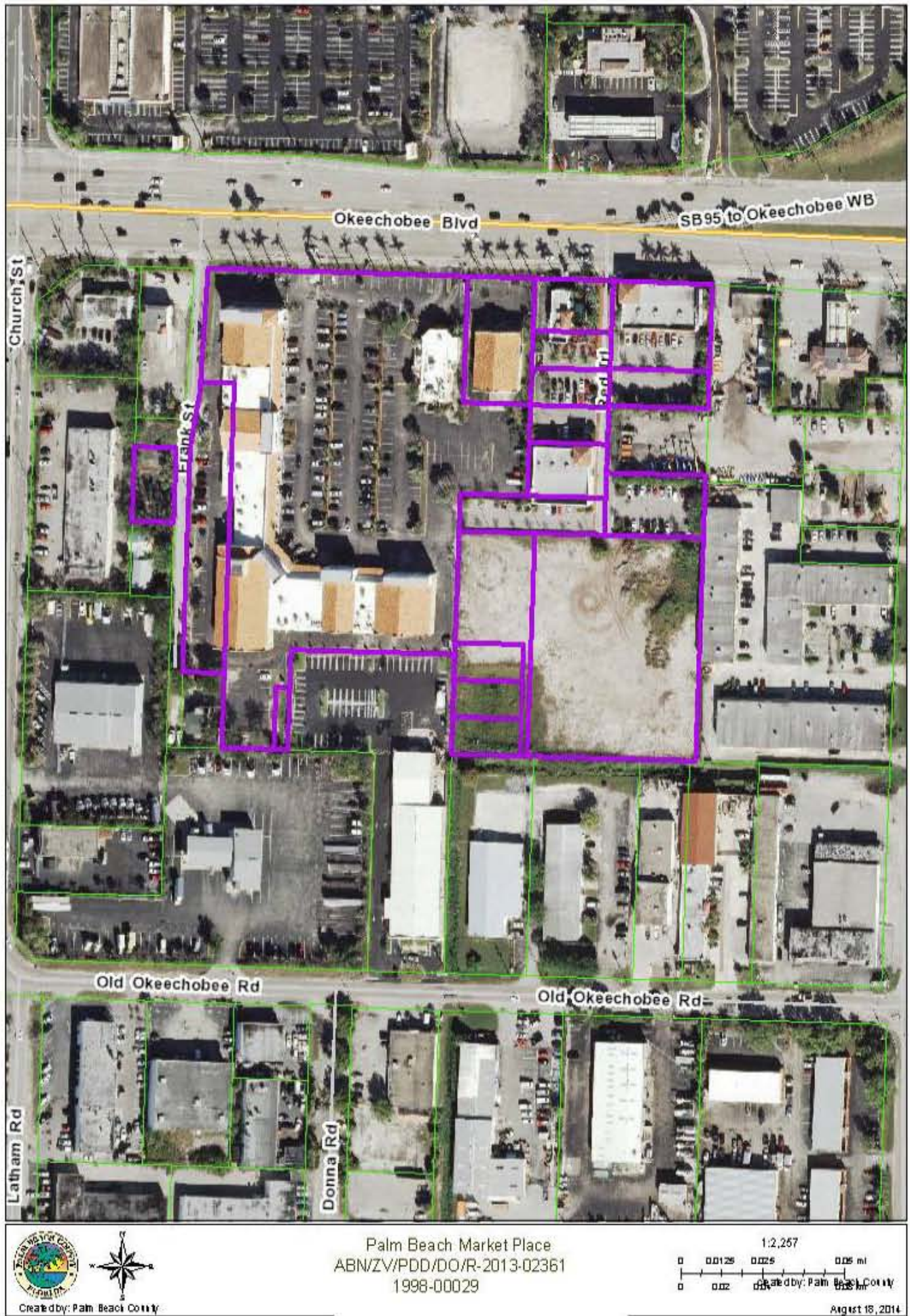




Figure 4 Preliminary Site Plan Dated July 30, 2014



**Cotleur & Hearing**  
 Landscape Architects  
 Land Planners  
 Environmental Consultants  
 1934 Commerce Lane  
 Suite 1  
 Jupiter, Florida 33458  
 561.747.6336 Fax 747.1377  
 www.cotleurhearing.com  
 Lic# LC-000029

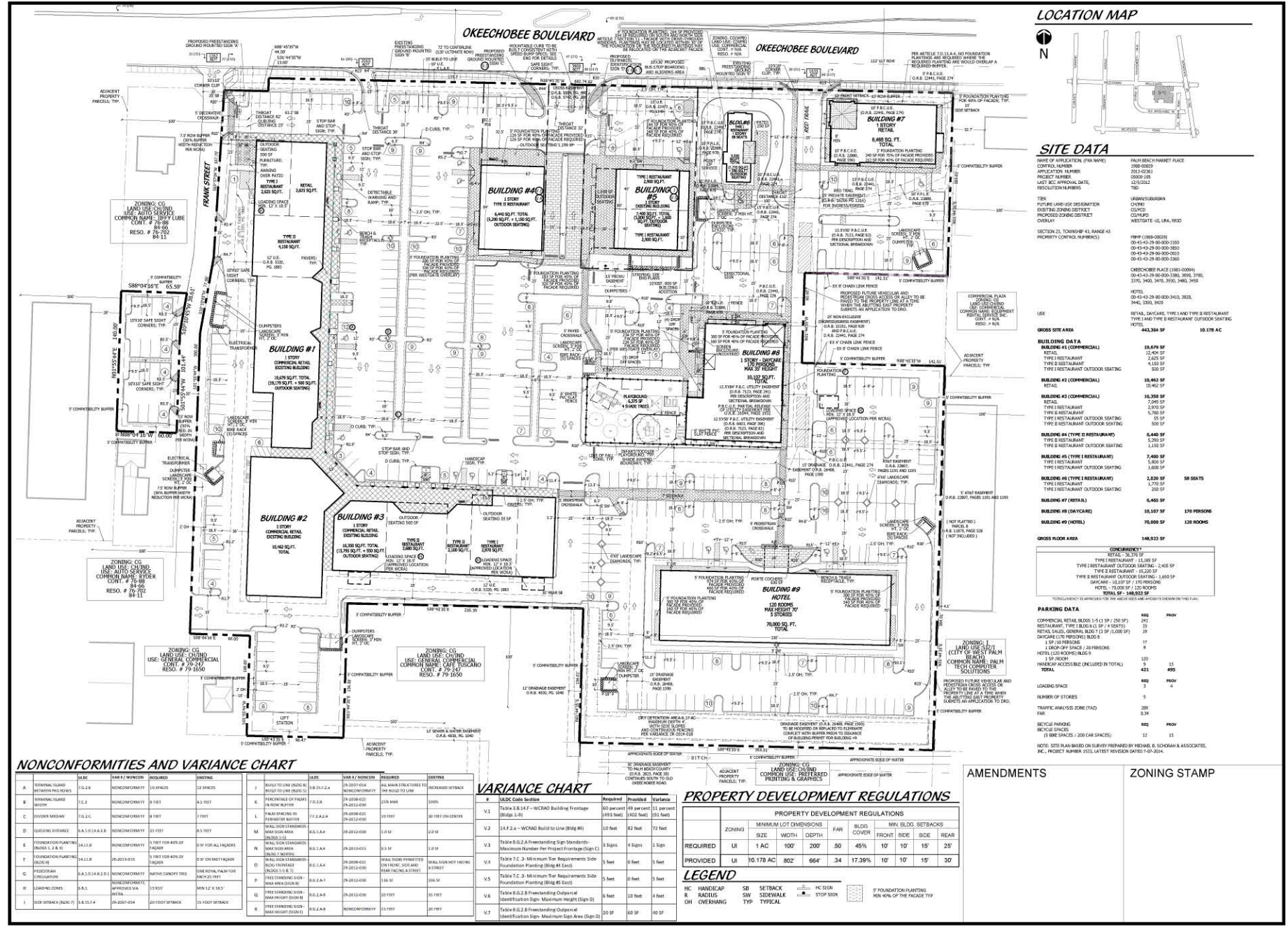
**Palm Beach Marketplace**  
 Deziel & Company  
 Preliminary Site Plan  
 Palm Beach County, Florida

DESIGNED	DHD
DRAWN	DHD
APPROVED	DHD
JOB NUMBER	13-0413
DATE	07-10-13
REVISIONS	11-20-13
	01-27-14
	02-26-14
	03-31-14
	04-28-14
	05-23-14
	07-10-14
	07-24-14

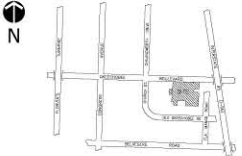
Scale: 1" = 40'

July 30, 2014 9:01:58 a.m.  
 Drawing: 13-0413.PSD

**SHEET 1 of 1**  
 COTLEUR & HEARING, INC.  
 This drawing was prepared by the company of the architect and is not to be construed as the work of another architect unless specifically noted on this drawing.



**LOCATION MAP**



**SITE DATA**

DATE OF APPLICATION (THIS DRAWING)  
 CONTROL NUMBER  
 APPLICATION NUMBER  
 PROJECT NUMBER  
 LAST DEC. APPROVAL DATE  
 RESOLUTION NUMBER

TIER  
 FUTURE LAND-USE DESIGNATION  
 EXISTING ZONING DISTRICT  
 PROPOSED CONCEPT OVERLAY

SECTION 22, TOWNSHIP 43, RANGE 33

PROPERTY CONTROL NUMBER(S)

ORCHIDOREE PLACE (1981-0009)  
 00-41-43-20-00-000-100, 100L, 100R, 3300, 3400, 3450, 3500, 3600, 3650, 3700, 3750, 3800, 3850, 3900, 3950, 4000

HOTEL  
 00-41-43-20-00-000-300L, 300R, 3400, 3500, 3600, 3650, 3700, 3750, 3800, 3850, 3900, 3950, 4000

USE  
 RETAIL, DANCARE, TYPE I RESTAURANT TYPE II RESTAURANT OUTDOOR SEATING HOTEL

GROSS SITE AREA **443,364 SF** **10,178 AC**

**BUILDING DATA**

BUILDING #	TYPE	AREA (SF)	SEATS
BUILDING #1 (COMMERCIAL)	RETAIL	10,679 SF	
BUILDING #1	TYPE I RESTAURANT	2,435 SF	
BUILDING #1	TYPE I RESTAURANT	4,153 SF	
BUILDING #1	TYPE I RESTAURANT OUTDOOR SEATING	938 SF	
BUILDING #2 (COMMERCIAL)	RETAIL	10,462 SF	
BUILDING #2	RETAIL	13,942 SF	
BUILDING #3 (COMMERCIAL)	RETAIL	16,359 SF	
BUILDING #3	RETAIL	2,945 SF	
BUILDING #3	TYPE I RESTAURANT	1,785 SF	
BUILDING #3	TYPE I RESTAURANT OUTDOOR SEATING	18 SF	
BUILDING #3	TYPE I RESTAURANT OUTDOOR SEATING	500 SF	
BUILDING #4 (TYPE I RESTAURANT)	TYPE I RESTAURANT	6,440 SF	
BUILDING #4	TYPE I RESTAURANT	3,296 SF	
BUILDING #4	TYPE I RESTAURANT OUTDOOR SEATING	1,150 SF	
BUILDING #5 (TYPE I RESTAURANT)	TYPE I RESTAURANT	7,400 SF	
BUILDING #5	TYPE I RESTAURANT	1,606 SF	
BUILDING #5	TYPE I RESTAURANT OUTDOOR SEATING	1,600 SF	
BUILDING #6 (TYPE I RESTAURANT)	TYPE I RESTAURANT	2,030 SF	58 SEATS
BUILDING #6	TYPE I RESTAURANT	1,275 SF	
BUILDING #6	TYPE I RESTAURANT OUTDOOR SEATING	258 SF	
BUILDING #7 (RETAIL)	RETAIL	6,405 SF	
BUILDING #8 (DAYCARE)	DAYCARE	10,167 SF	170 PERSONS
BUILDING #9 (HOTEL)	HOTEL	70,000 SF	120 ROOMS
<b>GROSS FLOOR AREA</b>		<b>148,923 SF</b>	

**CONVERTIBILITY\***

RETAIL: 36,731 SF  
 TYPE I RESTAURANT: 11,038 SF  
 TYPE II RESTAURANT: 15,220 SF  
 TYPE I RESTAURANT OUTDOOR SEATING: 1,465 SF  
 DAYCARE: 10,167 SF / 170 PERSONS  
 HOTEL: 70,000 SF / 120 ROOMS  
**TOTAL SF: 148,923 SF**

\*CONVERTIBILITY IS APPROVED FOR THE ABOVE USES AND IS SHOWN ON THIS PLAN.

**PARKING DATA**

COMMERCIAL RETAIL BLDG #1 (41 SP)	41	PROV
RETAIL	242	
RESTAURANT TYPE I BLDG #1 (4 SEATS)	15	
RETAIL SALES OFFICE BLDG #2 (3 SP / 1,000 SF)	3	
DAYCARE (70 PERSONS) BLDG 8	17	
1 SP / PERSON	8	
1 DROP-OFF SPACE (38 PERSONS)	38	
HOTEL LOCKER ROOMS BLDG 9	9	
1 SP / ROOM	120	
HOTEL LOBBY ACCESSIBLE (INCLUDED IN TOTAL)	9	15
<b>TOTAL</b>	<b>415</b>	<b>495</b>
LOADING SPACE	80	PROV
NUMBER OF STORES	3	
TRAFFIC ANALYSIS IDENTIFIED	304	
FAIR	80	PROV
BIKEWAY PARKING	12	15
BIKEWAY SPACES (5 BICYCLES / 200 CAR SPACES)	12	15

NOTE: SITE PLAN BASED ON LAYOUT PREPARED BY THEWALE, B. SCHWAB & ASSOCIATES, INC. PROJECT NUMBER: 2013-01-001-DAYCARE 07-24-14

**NONCONFORMITIES AND VARIANCE CHART**

NO.	DESCRIPTION	SECTION	REQUIREMENT	PROVIDED	VARIANCE
A	REARLAND	10-10-05	10-10-05	10-10-05	
B	FRONTLAND	10-10-05	10-10-05	10-10-05	
C	OVERSIGHT	10-10-05	10-10-05	10-10-05	
D	OVERSIGHT	10-10-05	10-10-05	10-10-05	
E	FOUNDATION	10-10-05	10-10-05	10-10-05	
F	FOUNDATION	10-10-05	10-10-05	10-10-05	
G	FOUNDATION	10-10-05	10-10-05	10-10-05	
H	LOADING	10-10-05	10-10-05	10-10-05	
I	SETBACK	10-10-05	10-10-05	10-10-05	

**VARIANCE CHART**

NO.	DESCRIPTION	REQUIREMENT	PROVIDED	VARIANCE
V-1	Table 3.3.4 - WCAD Building Frontage	100 percent	100 percent	
V-2	Table 3.3.4 - WCAD Building to Line (Bldg #1)	10 feet	82 feet	72 feet
V-3	Table 3.3.4 - WCAD Building to Line (Bldg #2)	10 feet	82 feet	72 feet
V-4	Table 7.2.3 - Minimum Sign Requirements Side	5 feet	5 feet	5 feet
V-5	Table 7.2.3 - Minimum Sign Requirements Side	5 feet	5 feet	5 feet
V-6	Table 7.2.3 - Minimum Sign Requirements Side	5 feet	5 feet	5 feet
V-7	Table 7.2.3 - Minimum Sign Requirements Side	5 feet	5 feet	5 feet

**PROPERTY DEVELOPMENT REGULATIONS**

ZONING	PROPERTY DEVELOPMENT REGULATIONS									
	MINIMUM LOT DIMENSIONS	MIN. BLDG. SETBACKS	MIN. BLDG. SETBACKS	MIN. BLDG. SETBACKS	MIN. BLDG. SETBACKS	MIN. BLDG. SETBACKS	MIN. BLDG. SETBACKS	MIN. BLDG. SETBACKS		
REQUIRED	UI	1 AC	100'	200'	50'	40%	10'	10'	15'	20'
PROVIDED	UI	10,178 AC	802'	664'	34'	17.39%	10'	10'	15'	30'

**LEGEND**

- HC HANDICAP
- R RADIUS
- OH OVERHANG
- SB SETBACK
- SW SIDEWALK
- TYP TYPICAL
- FC SIDE
- STOP SIGN
- FOUNDATION PLANTING
- MIN 4% OF THE FACADE TYPE

**AMENDMENTS**

NO AMENDMENTS

**ZONING STAMP**

NO ZONING VIOLATIONS

BCC  
 Application No.  
 ABN/ZV/PDD/DOA/R-2013-02361  
 Control No. 1988-00029  
 Project No. 05000-105

December 04, 2014  
 BCC District 2





Figure 7 Preliminary Regulating Plan Dated July 30, 2014



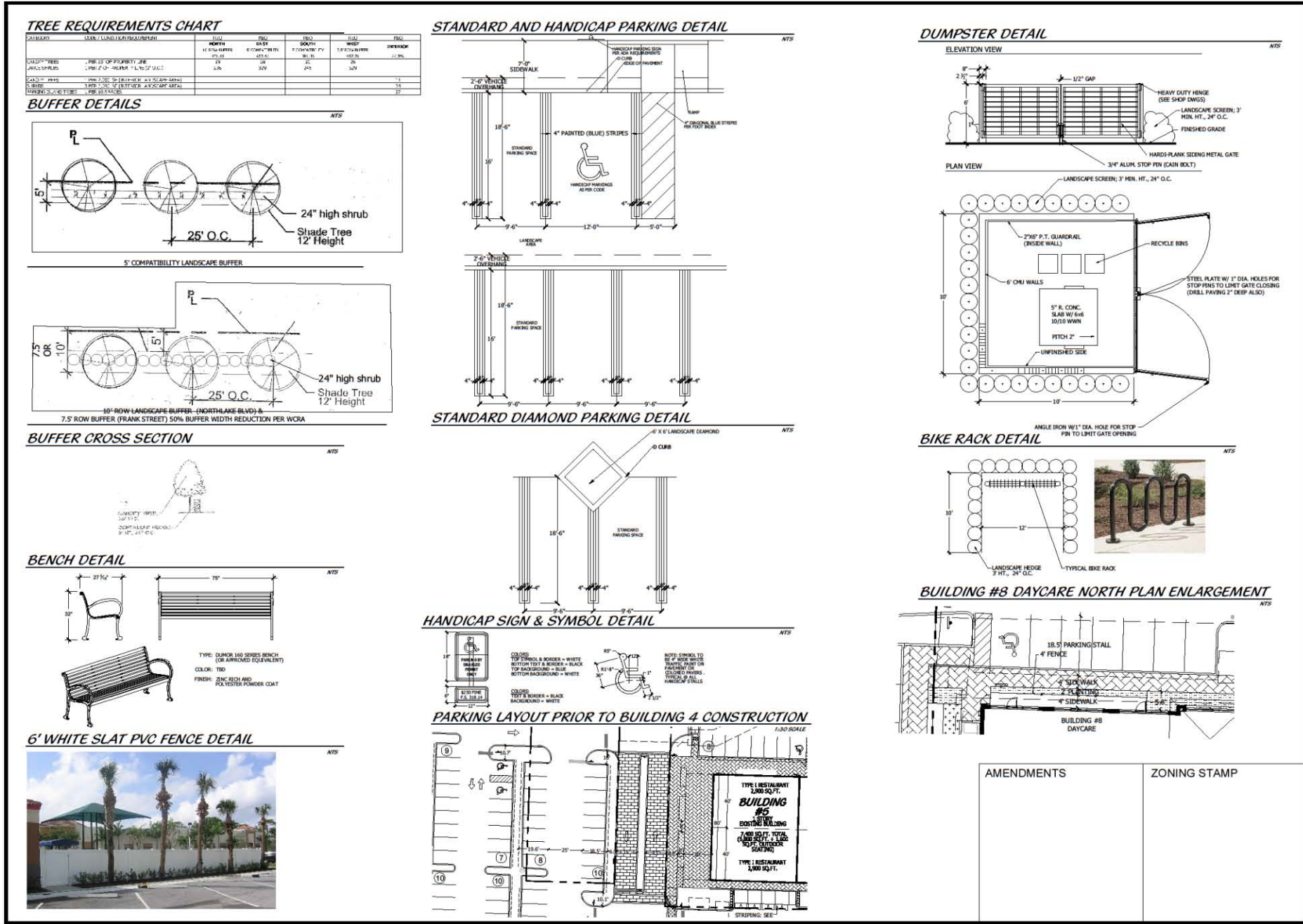
**Cotleur & Hearing**  
Landscape Architects  
Land Planners  
Environmental Consultants  
1934 Commerce Lane  
Suite 1  
Jupiter, Florida 33458  
561.747.8338 • Fax 747.1377  
www.cotleurhearing.com  
Lic# LC-000239

**Palm Beach Marketplace**  
Deziel & Company  
Preliminary Regulating Plan  
Palm Beach County, Florida

DESIGNED	DEH
DRAWN	NEP
APPROVED	DEH
JOB NUMBER	11-04-13
DATE	09-18-13
REVISIONS	11-20-13
	02-28-14
	03-31-14
	04-28-14
	06-25-14
	07-10-14
	07-29-14

July 30, 2014 11:20:51 a.m.  
Drawing: 11-0413 PRF.DWG

SHEET 1 OF 1  
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BCC  
Application No.  
ABN/ZV/PDD/DOA/R-2013-02361  
Control No. 1988-00029  
Project No. 05000-105

December 04, 2014  
BCC District 2

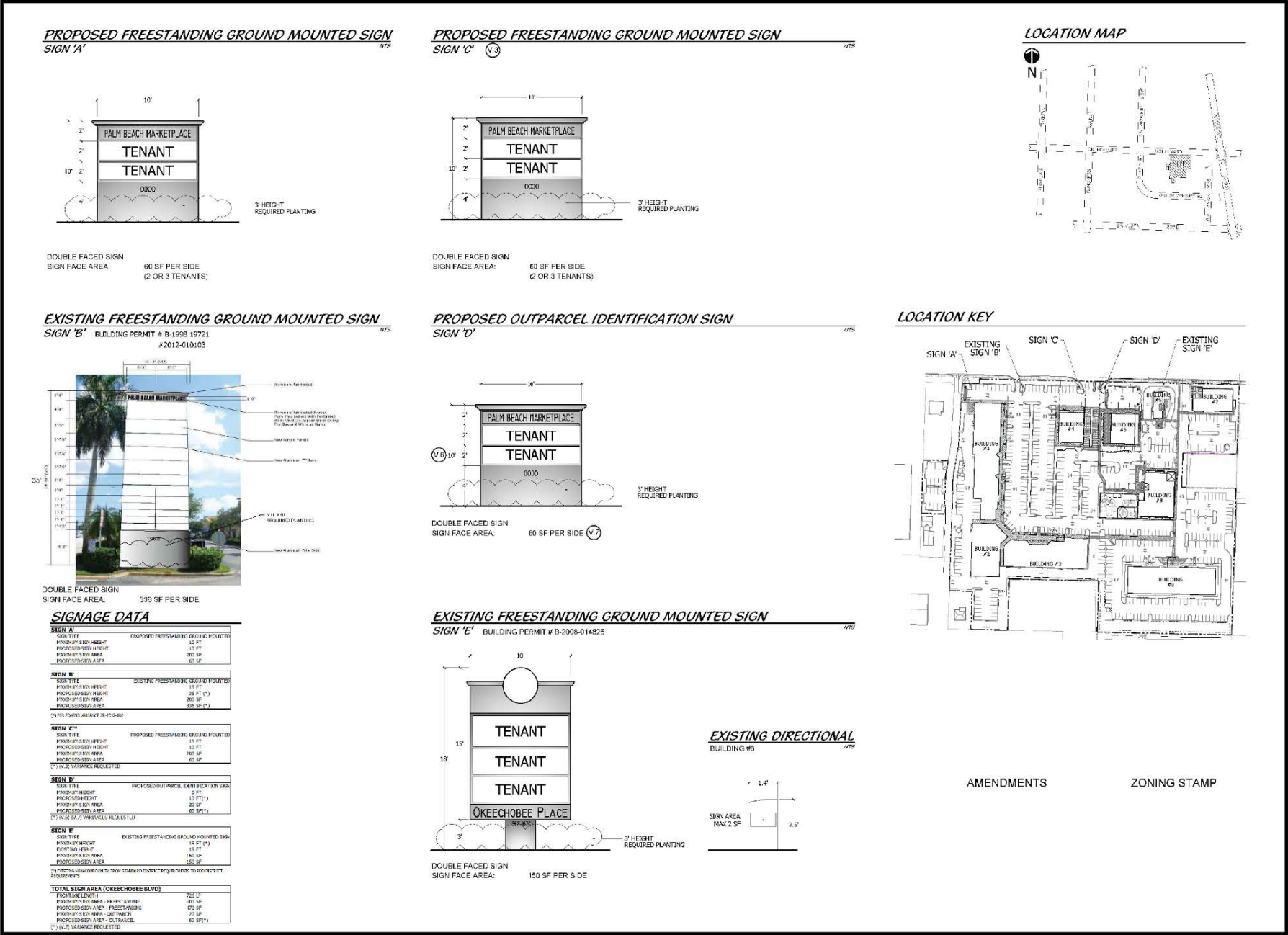


**Palm Beach Marketplace**  
Deziel & Company  
Preliminary Master Sign Plan  
Palm Beach County, Florida

DESIGNED	12-01
DRAWN	1-8-1
APPROVED	1-15-13
SUB NUMBER	02-15-13
DATE	02-15-13
REVISIONS	1-27-13
	02-28-13
	03-11-14
	08-23-14
	07-23-14
	08-06-14

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SHEET 1 OF 4



**SIGNAGE DATA**

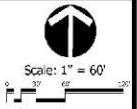
SIGN #	SIGN TYPE	PROPOSED FREESTANDING GROUND MOUNTED SIGN
SIGN 'A'	SIGN TYPE	PROPOSED FREESTANDING GROUND MOUNTED SIGN
	FACE/PLACEMENT HEIGHT	10' FT
	PROPOSED SIGN HEIGHT	10' FT
	FACE/PLACEMENT AREA	200 SF
	PROPOSED SIGN AREA	60 SF
SIGN 'B'	SIGN TYPE	EXISTING FREESTANDING GROUND MOUNTED SIGN
	FACE/PLACEMENT HEIGHT	10' FT
	PROPOSED SIGN HEIGHT	336 FT (*)
	FACE/PLACEMENT AREA	200 SF
	PROPOSED SIGN AREA	336 SF (*)
(*) PER 20040 MARSHALL 20-210-460		
SIGN 'C'	SIGN TYPE	PROPOSED FREESTANDING GROUND MOUNTED SIGN
	FACE/PLACEMENT HEIGHT	10' FT
	PROPOSED SIGN HEIGHT	10' FT
	FACE/PLACEMENT AREA	200 SF
	PROPOSED SIGN AREA	60 SF
(*) (V.3) VARIANCE REQUESTED		
SIGN 'D'	SIGN TYPE	PROPOSED OUTPARCEL IDENTIFICATION SIGN
	FACE/PLACEMENT HEIGHT	5' FT
	PROPOSED SIGN HEIGHT	10' FT (*)
	FACE/PLACEMENT AREA	20 SF
	PROPOSED SIGN AREA	60 SF (*)
(*) (V.6) (V.7) VARIANCE REQUESTED		
SIGN 'E'	SIGN TYPE	EXISTING FREESTANDING GROUND MOUNTED SIGN
	FACE/PLACEMENT HEIGHT	10' FT
	EXISTING SIGN HEIGHT	150 FT (*)
	FACE/PLACEMENT AREA	150 SF
	PROPOSED SIGN AREA	150 SF
(*) PER 20040 MARSHALL 20-210-460		
<b>TOTAL SIGN AREA (OKEECHOBEE BLVD)</b>		
FACE/PLACEMENT AREA	200 SF	
PROPOSED SIGN AREA - FREESTANDING	60 SF	
PROPOSED SIGN AREA - FREESTANDING	470 SF	
PROPOSED SIGN AREA - OUTPARCEL	20 SF	
PROPOSED SIGN AREA - OUTPARCEL	60 SF (*)	
(*) (V.3) VARIANCE REQUESTED		



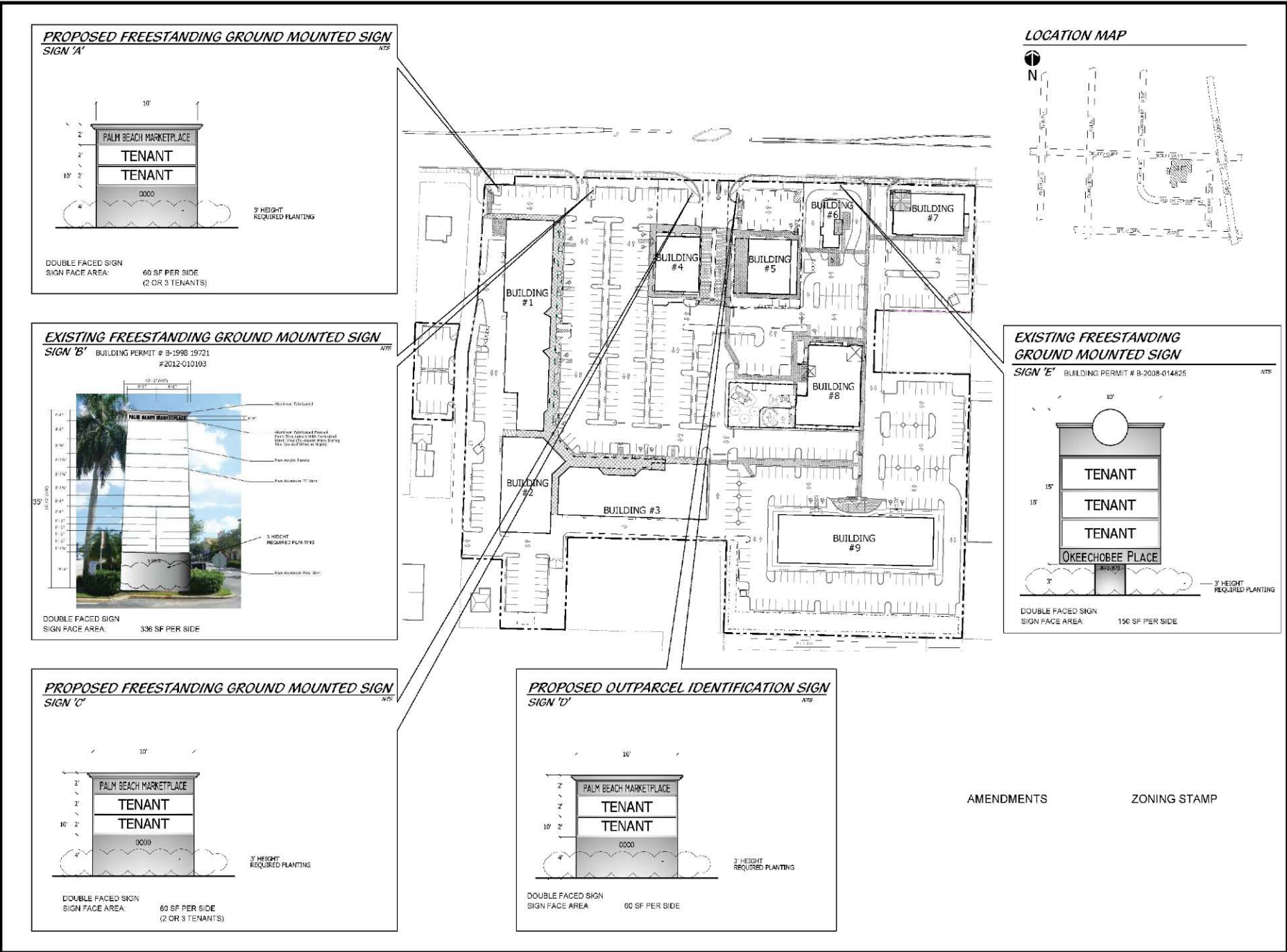
**Cotleur & Hearing**  
 Landscape Architects  
 Land Planners  
 Environmental Consultants  
 1504 Commerce Lane  
 Suite 1  
 Jupiter, Florida 33458  
 561.747.8338 Fax 561.747.1377  
 www.cotleurhearing.com  
 Lic# LC-000039

**Palm Beach Marketplace**  
 Deziel & Company  
 Preliminary Master Sign Plan  
 Palm Beach County, Florida

DESIGNED	LBH
DRAWN	LBH
APPROVED	CSH
JOB NUMBER	11-0413
DATE	07-30-14
REVISIONS	



SHEET 1A OF 4  
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www.cotleurhearing.com  
Lic# LC-C000239

**Palm Beach Marketplace**  
Deziel & Company  
Preliminary Master Sign Plan  
Palm Beach County, Florida

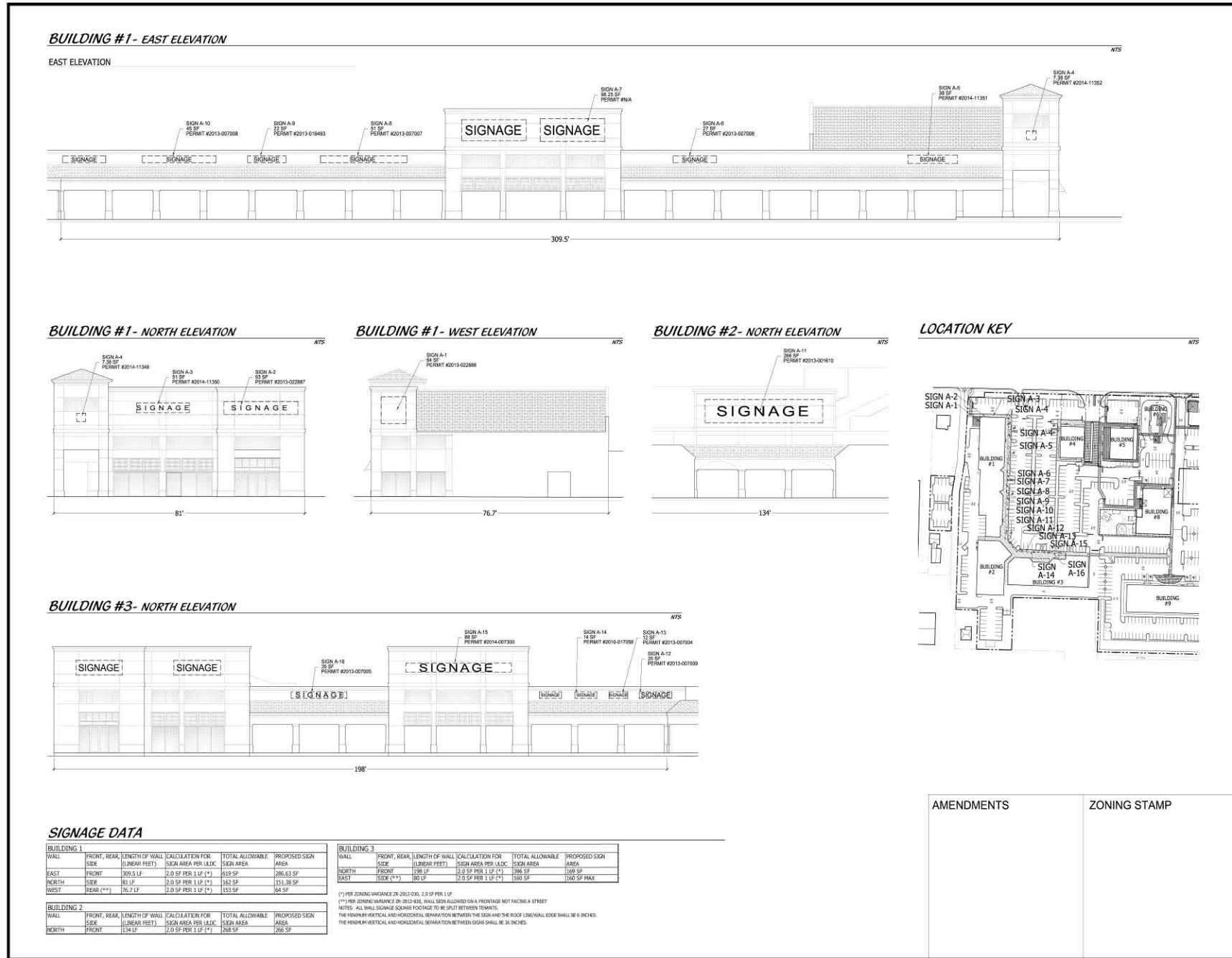
DESIGNED	DEH
DRAWN	NBP
APPROVED	DEH
JOB NUMBER	11-0413
DATE	09-19-13
REVISIONS	11-21-13
01-27-14	02-26-14
03-31-14	04-28-14
06-23-14	07-10-14
07-30-14	08-05-14

August 06, 2014 5:46:54 a.m.  
Drawing: 11-0413 PMPF.DWG

SHEET 2 OF 4

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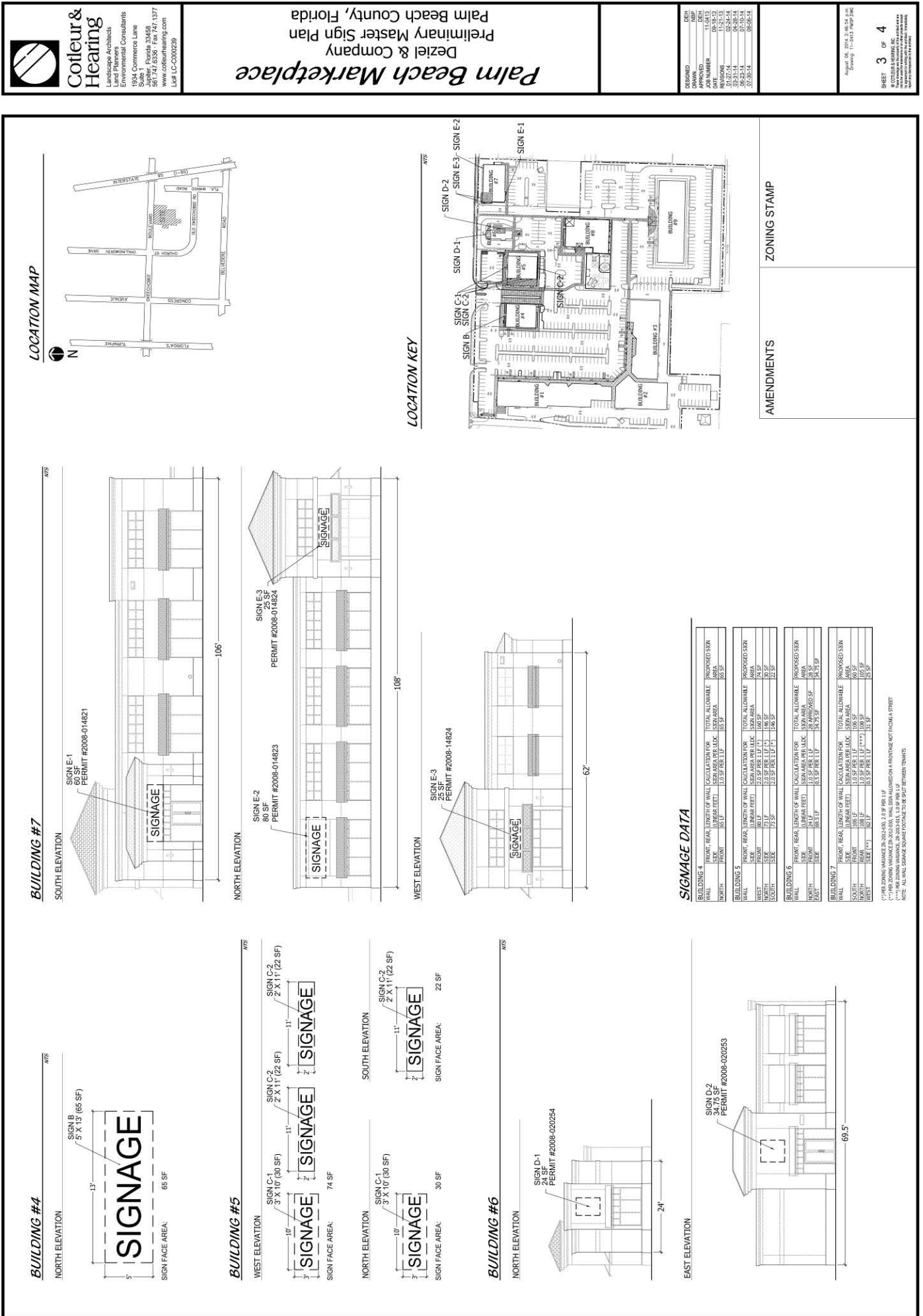
Figure 8 Preliminary Master Sign Plan Dated August 06, 2014: Page 2



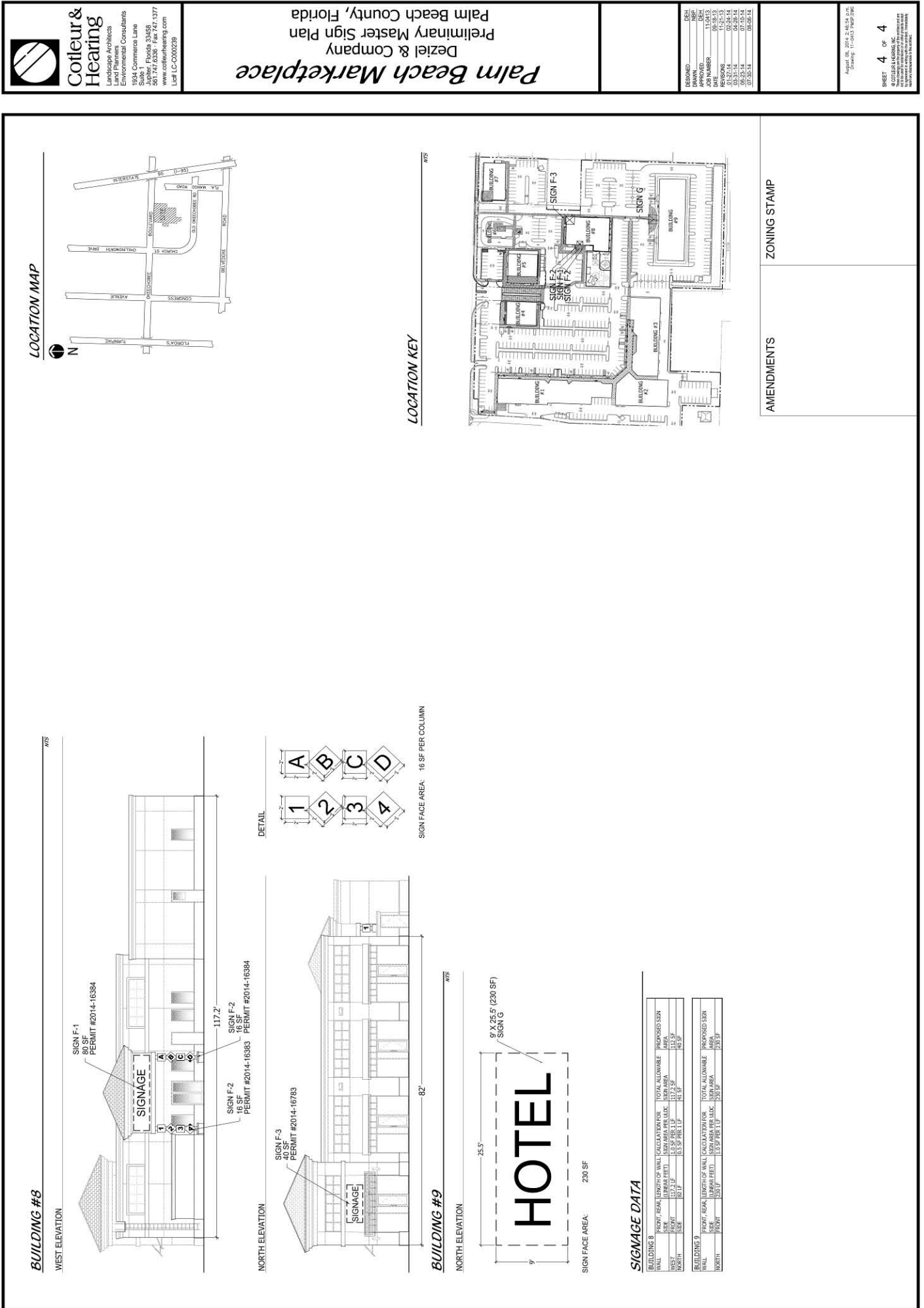
BCC  
Application No.  
ABN/ZV/PDD/DDOAR-2013-02361  
Control No. 1988-00029  
Project No. 05000-105

December 04, 2014  
BCC District 2

Figure 8 Preliminary Master Sign Plan Dated August 06, 2014: Page 3







**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 ROBERT DEZIEL, 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  MANAGING MEMBER *[position - e.g., president, partner, trustee]* of OKEE PROPERTY EAST, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
2. Affiant's address is: ONE NORTH CLEMATIS STREET  
SUITE 100  
WEST PALM BEACH, FL 33401
  
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.

Robert Deziel  
Robert Deziel, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of April, 2013, by Robert Deziel,  who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.



SARAH WEST YOUNG  
MY COMMISSION # EE 185062  
EXPIRES: April 1, 2016  
Bonded Thru Budget Notary Services

Sarah West Young  
Notary Public  
sarah west young  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 4/1/16

**EXHIBIT "A"**  
**PROPERTY**

**LAND DESCRIPTION**

**PARCEL 1:**

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING OF A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 764 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 110 FEET ; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 112.5 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 110 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE RIGHTS-OF-WAY FOR DRAINAGE CANALS AND LESS THE RIGHT OF WAY FOR OKEECHOBEE BOULEVARD.

**PARCEL 2:**

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 764 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78 WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 110 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST ON A LINE PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 112.5 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH SECTION LINE OF SECTION 29, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING.

**PARCEL 3:**

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH LINE OF SAID SECTION 29, WHICH IS 764 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH LINE OF SAID SECTION 29; RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF THE PARCEL HEREBY CONVEYED; THENCE CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING.

**PARCEL 4:**

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 262 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 102.5 FEET; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 102.5 FEET TO THE POINT OF BEGINNING.

**PARCEL 5:**

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH LINE OF SAID SECTION 29, WHICH IS 764 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH LINE OF SAID SECTION 29; RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 210 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF THE PARCEL HEREBY CONVEYED; THENCE CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 52 FEET; THENCE RUN EAST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 52 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 112.5 FEET TO THE POINT OF BEGINNING.

**PARCEL 6:**

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 334 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 210.5 FEET; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 210.5 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "A"**

**PROPERTY**

PARCEL 11:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING OF A POINT ON THE NORTH SECTION LINE OF SECTION 29 TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 1019 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 142.5 FEET; THENCE RUN NORTH, ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH LINE OF SECTION 29, THENCE RUN EAST, ALONG THE NORTH LINE OF SECTION 29, A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR ROAD KNOWN AND USED AS OKEECHOBEE ROAD (BOULEVARD) AND RIGHTS-OF-WAY FOR DRAINAGE CANALS.

PARCEL 13:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 1019 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGE 78 AND REPLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 160 FEET TO THE POINT OF BEGINNING AND NORTHEAST CORNER OF THE PARCEL HEREBY CONVEYED; THENCE CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET; THENCE RUNNING WEST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET; THENCE RUNNING NORTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET; THENCE RUNNING EAST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREBY CONVEYED.

PARCEL 14:

ALL THAT CERTAIN PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 1019 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 13, PAGE 78 AND REPLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 300 FEET TO THE POINT OF BEGINNING; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 84 FEET; THENCE RUNNING WEST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET; THENCE RUNNING NORTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 84 FEET; THENCE RUNNING EAST PARALLEL TO THE NORTH LINE OF SECTION 29 A DISTANCE OF 142.5 FEET TO THE POINT OF BEGINNING.

(HANCOCK PARCEL)

A PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 282 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 102.5 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING RUN SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 72 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCELS OF LAND CONTAINS 1.91 ACRES MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER RED TRAIL FORMERLY KNOWN AS OKLAWAHA AVENUE, A 25 FOOT WIDE PRIVATE STREET DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 864 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 27 FEET TO A POINT ALONG THE ULTIMATE RIGHT-OF-WAY LINE OF OKEECHOBEE BLVD AND THE POINT OF BEGINNING HEREUNDER; THENCE RUNNING SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 357 FEET TO A POINT ALONG THE NORTH LINE OF THE PROPERTY DESCRIBED UNDER PARCEL 5 ABOVE; THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 25 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 357 FEET TO A POINT ALONG THE ULTIMATE RIGHT-OF-WAY LINE OF OKEECHOBEE BLVD.; THENCE WEST ALONG THE ULTIMATE RIGHT-OF-WAY LINE OF OKEECHOBEE BLVD., A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING.

PARCEL 15:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 876.5 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 334 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 210.5 FEET; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 210.5 FEET TO THE POINT OF BEGINNING.



**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 ROBERT DEZIEL, 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 [] MANAGING MEMBER \_\_\_\_\_ [position - e.g., president, partner, trustee] of OKEE PROPERTY WEST, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1 N CLEMATIS STREET, SUITE 100, WEST PALM BEACH, FL  
33401-5551
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.

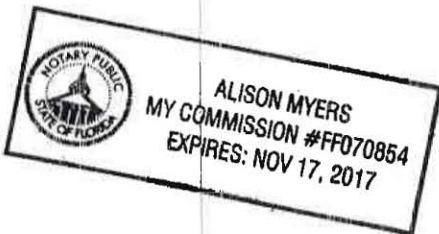
FURTHER AFFIANT SAYETH NAUGHT.

Robert Deziel

ROBERT DEZIEL, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this      day of SEPTEMBER, 2013, by ROBERT DEZIEL, [] who is personally known to me or [] who has produced \_\_\_\_\_ as identification and who did take an oath.



Alison Myers  
Notary Public

Alison Myers  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 11/17/17



**EXHIBIT "A"**

**PROPERTY**

(TRACT C)

FIVE PARCELS OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 7:

THE NORTH 150 FEET OF THE WEST 120 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 384 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 150 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET; THENCE RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 150 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH SECTION LINE OF SECTION 29, A DISTANCE OF 253 FEET; THENCE RUN NORTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 300 FEET; THENCE RUN WEST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 353 FEET TO THE POINT OF BEGINNING.

PARCEL 8:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 534 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET; THENCE RUN NORTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

PARCEL 9:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 584 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET; THENCE RUN NORTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "A"**

**PROPERTY**

PARCEL 10:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 634 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET; THENCE RUN NORTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING.

APPRENTICESHIP AND TRAINING FUND PARCEL:

FROM A POINT ON THE NORTH SECTION LINE OF SAID SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, WHICH POINT IS 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29, RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 384 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING CONTINUE SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 150 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 100 FEET; THENCE RUN SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 150 FEET; THENCE RUN EAST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 253 FEET; THENCE RUN NORTH, PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 300 FEET; THENCE RUN WEST, PARALLEL TO THE NORTH LINE OF SECTION 29, A DISTANCE OF 353 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THE NORTH 150 FEET OF THE WEST 120 FEET OF THE ABOVE DESCRIBED LAND.

EASEMENT PARCEL:

TOGETHER WITH A NON-EXCLUSIVE RIGHT OF INGRESS AND EGRESS OVER RED TRAIL FORMERLY KNOWN AS OKLAWAHA AVENUE, A 25 FOOT WIDE PRIVATE STREET DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 864 FEET EAST OF THE EAST LINE OF MADRID PARK, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 13, PAGE 78, WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 27 FEET TO A POINT ALONG THE ULTIMATE RIGHT-OF-WAY LINE OF OKEECHOBEE BLVD AND THE POINT OF BEGINNING HEREUNDER; THENCE RUNNING SOUTH, PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 357 FEET TO A POINT ALONG THE NORTH LINE OF THE PROPERTY DESCRIBED UNDER PARCEL 6 ABOVE; THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 25 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 357 FEET TO A POINT ALONG THE ULTIMATE RIGHT-OF-WAY LINE OF OKEECHOBEE BLVD.; THENCE WEST ALONG THE ULTIMATE RIGHT-OF-WAY LINE OF OKEECHOBEE BLVD., A DISTANCE OF 25 FEET TO THE POINT OF BEGINNING.



**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 ROBERT DEZIEL, 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 [] MANAGER \_\_\_\_\_ [position - e.g., president, partner, trustee] of PALM BEACH MARKETPLACE LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
2. Affiant's address is: 1 N CLEMATIS STREET, SUITE 100, WEST PALM BEACH, FL  
33401-5551
  
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.

*Robert Deziel*  
ROBERT DEZIEL, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of SEPTEMBER, 2013, by ROBERT DEZIEL,  who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.



SARAH WEST YOUNG  
MY COMMISSION # EE 185062  
EXPIRES: April 1, 2016  
Bonded Thru Budget Notary Services

*Sarah West Young*  
Notary Public

Sarah West Young  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 4/1/16

**EXHIBIT "A"**

**PROPERTY**

**TRACT D:**

**PARCEL 1: (FEE SIMPLE)**

LOT 1, PLAT OF SMITHVIEW, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 112, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL 2: (FEE SIMPLE)**

A PARCEL OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE PLAT OF MADRID PARK, AS RECORDED IN PLAT BOOK 13, PAGE 78, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, WITH THE NORTH LINE OF SAID SECTION 29; THENCE SOUTH 88°45'36" EAST ALONG THE NORTH LINE OF SAID SECTION 29 (THE NORTH LINE OF SAID SECTION 29 IS ASSUMED TO BEAR SOUTH 88°45'36" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO) A DISTANCE OF 293.87 FEET TO THE POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF FRANK STREET AS SHOWN ON THE PLAT OF SMITHVIEW, AS RECORDED IN PLAT BOOK 23, PAGE 112, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 03°37'04" WEST ALONG SAID EXTENSION A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD AS SHOWN IN ROAD PLAT BOOK 4, PAGE 221, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND; THENCE CONTINUE SOUTH 03°37'04" WEST ALONG THE EAST LINE OF FRANK STREET A DISTANCE OF 192.78 FEET; THENCE SOUTH 10°11'09" WEST A DISTANCE OF 77.00 FEET; THENCE SOUTH 01°55'44" WEST A DISTANCE OF 300.00 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF SAID PLAT OF SMITHVIEW; THENCE SOUTH 88°04'16" EAST ALONG THE SOUTH LINE OF SAID LOT 6 A DISTANCE OF 60.00 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 01°55'44" WEST ALONG THE EAST LINE OF LOT 5 OF SAID PLAT OF SMITHVIEW, A DISTANCE OF 100.00 FEET TO THE SOUTHEAST CORNER THEREOF AND TO A POINT ON THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 931, PAGE 380, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 88°43'36" EAST ALONG THE FOREMENTIONED NORTH LINE A DISTANCE OF 76.46 FEET; THENCE NORTH 01°44'54" EAST ALONG THE WEST LINE OF A PARCEL OF LAND DESCRIBED IN DEED BOOK 861, PAGE 542, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA A DISTANCE OF 84.43 FEET; THENCE SOUTH 88°45'36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 20.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 50.00 FEET; THENCE SOUTH 88°45'36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 235.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 216.00 FEET; THENCE SOUTH 88°45'36" EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 98.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 124.00 FEET; THENCE NORTH 88°45'36" WEST PARALLEL WITH THE NORTH LINE OF SAID SECTION 29 A DISTANCE OF 98.00 FEET; THENCE NORTH 01°44'54" EAST PARALLEL WITH THE EAST LINE OF SAID PLAT OF MADRID PARK, A DISTANCE OF 195.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD; THENCE NORTH 88°45'36" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 372.62 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 126 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7416, PAGE 1470; AND LESS AND EXCEPT RIGHT-OF-WAY FOR OKEECHOBEE ROAD, AS DESCRIBED IN DEED BOOK 919, PAGE 403, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

**EXHIBIT "A"**

**PROPERTY**

PARCEL 3: (FEE SIMPLE)

ALL THAT CERTAIN PLOT OR PARCEL OF LAND IN SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SAID SECTION 29, RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET FOR A POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET; THENCE RUN SOUTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 50 FEET; THENCE RUN WEST ON A LINE PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 98 FEET; THENCE RUN NORTH ON A LINE PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING

AND

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 666 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK A DISTANCE OF 160 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 48 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 48 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD

AND

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, THIS POINT BEING 714 FEET EAST OF THE EAST LINE OF MADRID PARK WHERE IT ADJOINS THE NORTH SECTION LINE OF SECTION 29; THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 50 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 160 FEET TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE A DISTANCE OF 50 FEET TO THE POINT OR PLACE OF BEGINNING, EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AND USED AS OKEECHOBEE ROAD.

LESS AND EXCEPTING THEREFROM THE LAND SHOWN AS PARCEL NO. 127 AS CONTAINED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7416, PAGE 1470.

PARCEL 4:

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR SEWER AND WATER IN, ON, OVER, AND ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN O.R.B. 4830, PAGE 1040, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5:

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR DRAINAGE, ON, OVER, ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE DRAINAGE EASEMENT AGREEMENT RECORDED MARCH 27, 1986 IN O.R.B. 4830, PAGE 1048, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**EXHIBIT "A"**

**PROPERTY**

**PARCEL 6:**

A PERPETUAL, NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR STORM DRAINAGE, ON, OVER, ACROSS AND UNDER THAT PORTION DESCRIBED IN EXHIBIT "C" IN THE DRAINAGE EASEMENT AGREEMENT RECORDED MARCH 27, 1986, IN O.R.B. 4830, PAGE 1032, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL 7: (LEASEHOLD INTEREST)**

AS TO A LEASEHOLD ESTATE CREATED BY THE UNRECORDED LEASE DATED APRIL 3, 1986, BY AND BETWEEN B AND B LEASING, INC., A FLORIDA CORPORATION , (LESSOR) AND D.S.K. ASSOCIATES, A FLORIDA LIMITED PARTNERSHIP, (LESSEE) AND AS EVIDENCED BY THE MEMORANDUM OF LEASE RECORDED IN OFFICIAL RECORDS BOOK 8995, PAGE 606 AND AS ASSIGNED TO PBM ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP BY THAT CERTAIN ASSIGNMENT AND ASSUMPTION OF LEASE RECORDED IN OFFICIAL RECORDS BOOK 8995, PAGE 593, AS TO THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 40 FEET OF LOT A, PLAT OF SMITHVIEW, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 112, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL 8: (INTENTIONALLY DELETED)**

**PARCEL 9:**

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY THOSE CERTAIN UNITY OF CONTROL AGREEMENTS RECORDED AUGUST 1, 1989 AND AUGUST 18, 1989 IN OFFICIAL RECORDS BOOK 6148, PAGE 299, AND BOOK 6167, PAGE 493, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL 10:**

TOGETHER WITH NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF THE ABOVE DESCRIBED PARCELS 1,2 AND 3, AS CREATED BY AND SET FORTH IN THAT CERTAIN DECLARATION OF ACCESS EASEMENT AGREEMENT BY OKEE PROPERTY EAST, LLC, A FLORIDA LIMITED LIABILITY COMPANY RECORDED NOVEMBER 26, 2007 IN OFFICIAL RECORDS BOOK 22274, PAGE 1501, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**PARCEL 11 (O.R.B. 24611, PG. 1956)**

THE SOUTH 84.43 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE WEST 20 FEET OF THAT PARCEL OF LAND WHICH IS SET FORTH IN THAT CERTAIN DEED DATED MAY 7, 1946, GIVEN BY GENERAL J. HANCOCK AND GERTRUDE L. HANCOCK, HIS WIFE, RECORDED IN DEED BOOK 763, PAGE 131, DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A POINT ON THE NORTH SECTION LINE OF SAID SECTION 29, TOWNSHIP 43 SOUTH, RANGE 43 EAST, 411 FEET EAST OF THE EAST LINE OF MADRID PARK, WHERE IT ADJOINS THE NORTH SECTION LINE OF SAID SECTION 29, THENCE RUNNING SOUTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 684 FEET; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION 29, A DISTANCE OF 180 FEET; THENCE NORTH PARALLEL TO THE EAST LINE OF MADRID PARK, A DISTANCE OF 684 FEET, TO THE NORTH SECTION LINE; THENCE WEST ALONG THE NORTH SECTION LINE, A DISTANCE OF 180 FEET TO THE POINT OF BEGINNING. EXCEPTING THEREFROM THE RIGHT-OF-WAY FOR THE ROAD KNOWN AS OKEECHOBEE ROAD.



**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**

ROBERT E. DEZIEL IRREVOCABLE TRUST u/a/d 12-02-2011

One North Clematis St.- Suite 100, West Palm Beach, FL 33401

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April 15, 2014

Ms. Alessandria Palmer  
Cotleur & Hearing, Inc.  
1934 Commerce Lane, Suite 1  
Jupiter, FL 33458

**RE: Palm Beach Marketplace**  
**Control Number 1988-00029/Application Number 2013-02361**  
**PCN: 00-43-43-29-00-000-3350/-3370/-3380/-3390/-3400/-3410/-3420/-3440/-3450/-3470/**  
**-3480/-3690/-3700/-3850/-3920/-3930 and 00-43-43-29-06-00-0010**

Dear Ms. Palmer:


Please be advised that this letter is prepared to address the requirement of Article 3.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The CRA reviewed the supportive documents, preliminary site plan, regulating, and master sign plan by your office, dated March 31, 2014, boundary survey sketches (last field work 10/12/13, not signed or sealed) by Michael B. Schorah & Associates, Inc., at its April 14, 2014 meeting. Based on the documents submitted, the following requests for the above referenced property have been determined to be generally consistent with the WCRA Redevelopment Plan approved by the Board of County Commissioners and the CRA's Zoning Overlay.

1. Development Order Amendment (DOA) add land area, additional square footage, modify conditions, and reconfigure the site plan; and,
2. Final DRO site plan approval for the reconfiguration of the site plan to accommodate the requested new Type I and II restaurants and hotel, associated parking, and cross access to the adjacent Okeechobee Place to the east.
3. Rezone the additional land area from the General Commercial (CG) Zoning District to a Multiple Use Planned Development District (MUPD);
4. Requested Uses for the Type I restaurants and 120 room, 70,000 square foot hotel; and,
5. Type II Variance application for the following:
  - a. Elimination of the build to line requirement (Buildings #4 and #9);
  - b. Elimination of the building frontage requirement (Buildings #4 and #9);
  - c. Elimination of required foundation planting (Buildings #4 and #5);
  - d. Reduction of the required 4:1 slope within the drainage area (SD 142); and,
  - e. Any additional variances as necessary, including but not limited to setbacks, site design and layout and/or landscaping requirements, to implement the proposed development proposal.

We appreciate the interest you have in redeveloping in our area. If you need additional assistance, feel free to contact me at (561) 640-8181.

Sincerely,

  
Thuy Shutt, AIA  
Assistant Director

cc: CRA Board of Commissioners  
Elizee Michel, WCRA Executive Director (via email)  
Wendy Hernandez, Zoning Manager (via email)  
file

G:\Westgate CRA\Consistency with CRA Plan\Palm Beach Marketplace Hotel (DOA-MUPD-R-ZV-DRO).doc  
1280 N. Congress Avenue, Suite 215 • West Palm Beach, Florida 33409 • 561.640.8181 • Fax 561.640.8180



May 27, 2014

Robert Deziel  
Deziel & Company, LLC  
One North Clematis, Suite 100  
West Palm Beach, FL 33401

**RE: Okeechobee Place Redevelopment Loading Option**  
**Control Number 1981-094**  
**PCN: 00-43-43-29-00-000-3370/-3380/-3400/-3450/3470/-3480/-3690/-3700 & -3930**

Dear Mr. Deziel:

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.I.2.c, Approval Letter and Documentation, of the Unified Land Development Code (ULDC), as amended.

The CRA reviewed Okee Property East, LLC's supportive documents, dated May 27, 2014 and has determined that the proposed loading option for the existing 1,770 square foot Type I restaurant (Starbucks Coffee), 6,465 square foot retail building (AT&T Store), and 10,000 square foot 170 children daycare (The Learning Experience) meets the standards of Article 3.B.14.I.2.b, Redevelopment Loading Option.

A recommendation of approval will be forwarded to the PBC Zoning Division for the alternative loading area located at the eastern parking area immediately adjacent to the daycare or Building #3 (see attachment). This recommendation of approval will only be applicable to the uses as indicated above. Any change in use, building size, or intensity (e.g. number of children) shall require a re-evaluation by the WCRA.

We appreciate the interest you have in redeveloping in our area. If you need additional assistance, feel free to contact me at (561) 640-8181, ext. 105 or [tshutt@pbcgov.org](mailto:tshutt@pbcgov.org).

Sincerely,



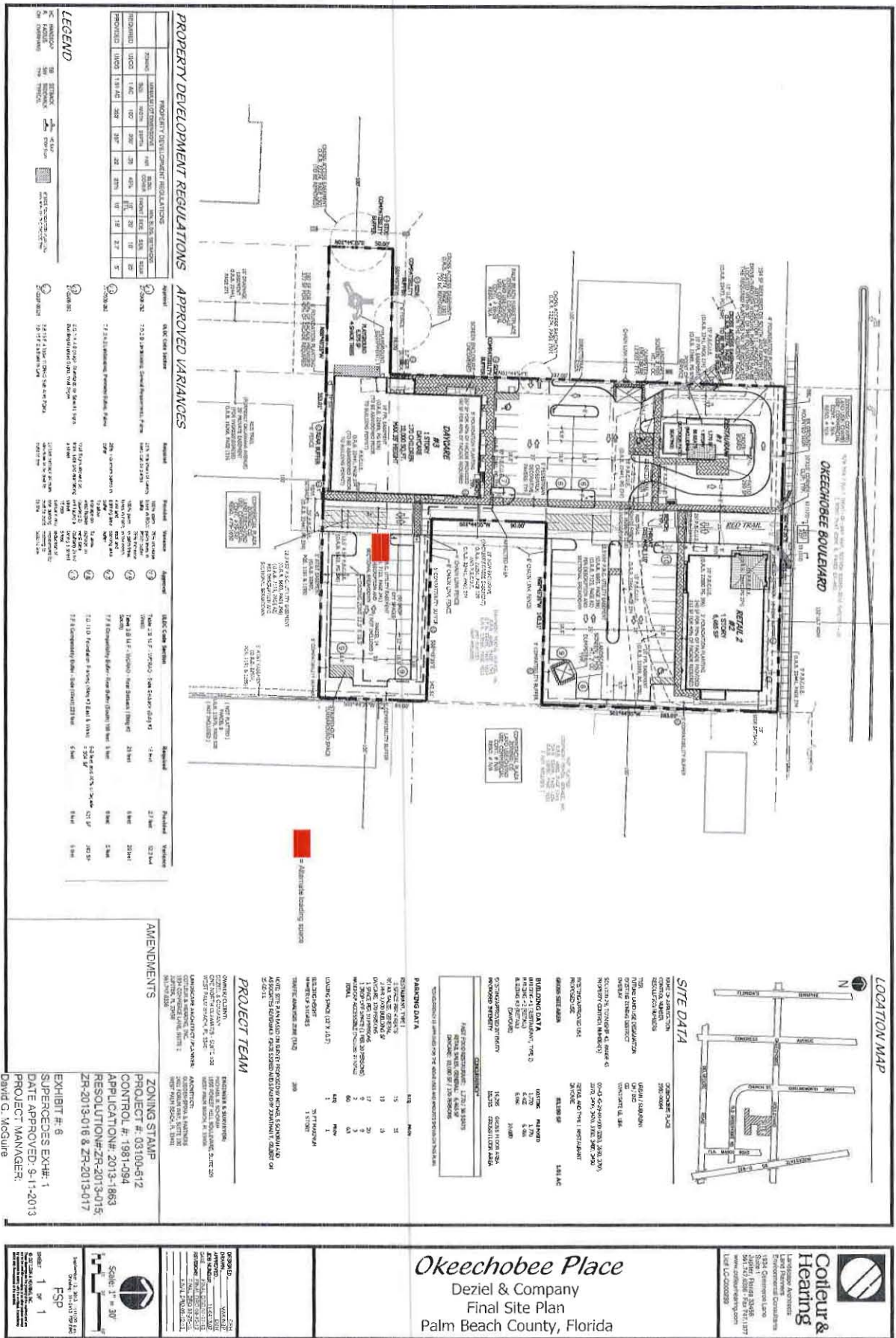
Thuy Shutt, AIA  
Assistant Director

attachment

cc: CRA Board of Commissioners  
Elizée Michel, WCRA Executive Director (via email)  
Wendy Hernandez, Zoning Manager (via email)  
file

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1280 N. Congress Avenue, Suite 215 • West Palm Beach, Florida 33409 • 561.640.8181 • Fax 561.640.8180



**PROPERTY DEVELOPMENT REGULATIONS APPROVED VARIANCES**

Item	Requested	Approved	Notes
1. SETBACK	10 FT	5 FT	As per Section 17.02.010
2. HEIGHT	35 FT	30 FT	As per Section 17.02.020
3. AREA	100,000 SQ FT	120,000 SQ FT	As per Section 17.02.030
4. LOT COVERAGE	40%	50%	As per Section 17.02.040
5. SIGNAGE	Standard	Special	As per Section 17.02.050
6. USE	Office	Office/Residential	As per Section 17.02.060
7. PARKING	100 Spaces	120 Spaces	As per Section 17.02.070
8. EASEMENTS	None	Utility	As per Section 17.02.080
9. UTILITIES	Standard	Special	As per Section 17.02.090
10. OTHER	None	Various	As per Section 17.02.100

**AMENDMENTS**

**ZONING STAMP**  
 PROJECT #: 03100-012  
 CONTROL #: 1981-094  
 APPLICATION#: 2013-1863  
 RESOLUTION#: ZR-2013-015  
 ZR-2013-016 & ZR-2013-017

**EXHIBIT # 6**  
 SUPERSEDES EXH# 1  
 DATE APPROVED: 9-11-2013  
 PROJECT MANAGER:  
 David G. McGuire

**PARKING DATA**

Category	Count	Notes
STANDARD	15	
ADA	10	
BIKE	10	
TOTAL	35	

**PROJECT TEAM**

**OWNER:** Okeechobee Place, LLC  
**ARCHITECT:** Deziel & Company  
**ENGINEER:** [Name]  
**PLANNING:** [Name]

**Okeechobee Place**  
 Deziel & Company  
 Final Site Plan  
 Palm Beach County, Florida

**Coleur & Hearing**  
 Landscape Architects  
 Environmental Consultants  
 Planning Consultants  
 1000 S. US Highway 1, Suite 100  
 West Palm Beach, FL 33411  
 www.coleurhearing.com  
 Lic# LC-000088



June 13, 2014

Robert Deziel  
Deziel & Company, LLC  
One North Clematis, Suite 100  
West Palm Beach, FL 33401

**RE: Okeechobee Place Redevelopment Loading Option  
Control Number 1988-00029  
PCN: 00-43-43-29-06-000-0010 and 00-42-43-29-00-000-3350**

Dear Mr. Deziel:


Please be advised that this letter is prepared to address the requirements of Article 3.B.14.1.2.c, Approval Letter and Documentation, of the Unified Land Development Code (ULDC), as amended.

The CRA reviewed Palm Beach Marketplace, LLC's supportive documents, dated June 12, 2014 and has determined that the proposed loading option for the existing two story 10,462 square foot Building #2 (supporting of retail uses) and the existing one story 15,795 square foot Building #3 (consisting of 7,045 square foot of retail use, 2,970 square foot of Type I restaurant use with 55 square foot of outdoor dining, and 5,780 square foot of Type II restaurant use with 500 square foot of outdoor dining) meets the standards of Article 3.B.14.1.2.b, Redevelopment Loading Option.

A recommendation of approval will be forwarded to the PBC Zoning Division for the alternative loading areas located to the rear of Building #3 and along the south property line (see attachment). This recommendation of approval will only be applicable to the uses as indicated above. Any change in use, building size, or intensity shall require a re-evaluation by the WCRA.

We appreciate the interest you have in redeveloping in our area. If you need additional assistance, feel free to contact me at (561) 640-8181, ext. 105 or [tshutt@pbcgov.org](mailto:tshutt@pbcgov.org).

Sincerely,

  
Thuy Shutt, AIA  
Assistant Director  
attachment

cc: CRA Board of Commissioners  
Elizee Michel, WCRA Executive Director (via email)  
Wendy Hernandez, Zoning Manager (via email)  
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Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane • Suite 1 • Jupiter, Florida • 33458 • Ph 561.747.6336 • Fax 561.747.1377 • www.cotleurhearing.com • Lic # LC-C000239

**Palm Beach Marketplace MUPD**  
**Request for Amended Conditions of Approval**  
ABN/ZV/PDD/DOA/R-2013-02361 (Control# 1988-00029)

On behalf of the applicant and property owner, the following is a request to amend additional Conditions of Approval in the pending 2014 Resolution for Palm Beach Marketplace. The applicant and project team met with PBC Land Development and Community Development Departments on September 16, 2014 to discuss the questions from the applicant as stated at the Zoning Commission public hearing. The majority of the revisions are requested to delete previous conditions of approval per Resolution 2012-1860 that are either no longer applicable or stated within the ULDC.

**ENGINEERING**

4. Prior to final approval of the Site Plan by the DRO, the property owner shall provide or obtain and record proper drainage easements to allow for drainage from project site to connect to point of legal positive outfall. (DRO: ENGINEERING -Engineering) (Previous ENGINEERING condition 4 of Resolution R-2012-1860, Control No.198800029)

REQUEST: Include “[Note: COMPLETED]”, within the condition. The engineer of record Michael LaCoursiere, with Schorah and Associates, confirmed the legal positive outfall and all applicable drainage easements are in place.

5. 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, 2018. 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. (BLDGPMT/DATE: MONITORING -Engineering)

REQUEST: To be modified for clarification purposes:

a. No Building Permits for new building square footage for the hotel ~~the site~~ may be issued after December 31, 2018. 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. (BLDGPMT/DATE: MONITORING -Engineering)

6. Changes to the Okeechobee Boulevard driveway connections (e.g. throat distance, width, radii, location, etc.) which do not conform to the construction standards specified in Section 300-5 of the Design Standards Manual must be approved by the County Engineer pursuant to Article 11.B.8.C prior to final DRO certification for addition of the hotel site. (DRO: MONITORING -Engineering)

Palm Beach Marketplace  
CH# 11-0413  
Requested Amendment to Conditions of Approval  
September 17, 2014

REQUEST: To be deleted. The traffic engineer of record Adam Kerr, Kimley Horn, coordinating with FDOT to confirm driveway modifications including the throat distance, width, radii and location is not required. Richard Creed the District Roadway Design Engineer from FDOT provided an email dated August 18, 2014 stating as such.

**LANDSCAPE -GENERAL-WESTERN PORTION OF THE SITE AND FRANK STREET**

1. Concurrent with Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval to address landscaping along Frank Street and the south west portion of the site. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO: LANDSCAPE -Zoning) (DRO/ONGOING: LANDSCAPE -Zoning)

REQUEST: To be deleted. The Landscape plans shall be submitted at the time of permit.

**LANDSCAPE -GENERAL-SOUTHEAST BOUNDARY**

2. The landscape strip along the southeast boundary of the property, where the site abuts residential uses, shall be supplemented with four (4) fourteen foot native canopy trees and a continuous opaque hedge. Hedge material shall be installed at thirty-six (36) inches in height and shall be maintained at a minimum height of forty-eight (48) inches within one year of installation. (ONGOING: LANDSCAPE -Zoning) (Previous LANDSCAPE -GENERAL condition 1 of Resolution R-2012-1860, Control No.198800029)

REQUEST: Include "Is hereby deleted." at the end of the condition. The new MUPD boundary is adjacent to Industrial and no longer applicable.

**LANDSCAPE -GENERAL-SOUTH AND EAST PERIMETER OF SITE**

3. The hedge along the entire south and east perimeters of the entire subject property shall be maintained at a minimum height of forty eight (48) inches. (ONGOING: LANDSCAPE -Zoning) (Previous LANDSCAPE -GENERAL condition 2 of Resolution R-2012-1860, Control No.1988-00029)

REQUEST: Include "Is hereby deleted." at the end of the condition. The new MUPD boundary is adjacent to Industrial and no longer applicable.

4. Previous LANDSCAPE -GENERAL condition 3 of Resolution R-2012-1860, Control No.1988-00029, which currently states:  
Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained according to Arbor Society Standards and Landscape Code requirements.

**Is hereby amended to read:**

Trees shall be allowed to reach a minimum height of fifteen (15) feet and shall be maintained in accordance with Unified Land Development (ULDC) standards. (ONGOING: LANDSCAPE -Zoning)

REQUEST: Include "Is hereby deleted." at the end of the condition. Article 7- Landscaping, Section 5 Maintenance limits pruning until the tree reach a minimum 20 foot required height and is more restrictive than the proposed condition.



Palm Beach Marketplace  
CH# 11-0413  
Requested Amendment to Conditions of Approval  
September 17, 2014

**SIGNS**

1. No off-premise signs shall be permitted on site. (ONGOING: CODE ENF -Zoning) (Previous SIGNS condition 1 of Resolution R-2012-1860, Control No.1988-00029)

REQUEST: Include “Is hereby deleted.” at the end of the condition. The applicant has an existing approved billboard located on the Okeechobee Place site. All other signs shall comply with ULDC requirements.

**SITE DESIGN**

1. No outdoor speaker or public address systems which are audible from the exterior of the site, shall be permitted. (ONGOING: CODE ENF -Zoning) (Previous SITE DESIGN condition 1 of Resolution R-2012-1860, Control No.1988-00029)

REQUEST: Include “Is hereby deleted.” at the end of the condition, however the applicant shall comply with all ULDC requirements or noise Ordinances regarding outdoor speaker or public address systems.

2. All new mechanical and air-conditioning equipment shall be roof mounted and screened within parapets or be contained within an enclosed loading and service area. (ONGOING: CODE ENF -Zoning) (Previous SITE DESIGN condition 2 of Resolution R2012-1860, Control No.1988-00029)

REQUEST: Include “Is hereby deleted.” at the end of the condition. The subject site is adjacent to commercial and industrial uses. The applicant requests to comply with the screening requirements per Article 5- Supplementary Standards requiring a Type I waivers, if no screening is requested in the future and note screening is exempt is solar energy systems are utilized.

3. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles shall be allowed in landscaped areas, rights-of-way or interior drives. (ONGOING: BUILDING DIVISION -Zoning) (Previous SITE DESIGN condition 3 of Resolution R-2012-1860, Control No.1988-00029)

REQUEST: Include “Is hereby deleted.” at the end of the condition. The ULDC prohibits parking in landscape areas, rights-of-way or interior drives.

On behalf of the applicant, we wish to thank Palm Beach County staff for meeting with us to discuss these conditions. If you have any questions, please contact the agent, Donaldson Hearing or Melissa Kostelia with Cotleur & Hearing, Inc. 561.747.6336 ext 102 and 114, respectively.