

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

**Application No.:** DOA-2019-00325  
**Application Name:** Lee Square  
**Control No./Name:** 1981-00186 (Lee Square)  
**Applicant:** Revenue Properties Lantana, Inc.  
Revenue Properties Lantana  
Spilan Parcel, LLC.  
Hess Realty, LLC.  
**Owners:** Revenue Properties Lantana, Inc.  
Revenue Properties Lantana  
Hess Realty, LLC.  
Spilan Parcel, LLC.  
**Agent:** Dunay, Miskel and Backman, LLP - Scott Backman  
Insite Studio - Brian Terry  
**Telephone No.:** (561) 249-0940, (561) 368-7700  
**Project Manager:** Ryan Vandenburg, Senior Site Planner

**TITLE:** a Development Order Amendment **REQUEST:** to reconfigure the Final Site Plan; delete uses; add Multifamily Residential use; and, modify Conditions of Approval.

**APPLICATION SUMMARY:** Proposed is a Development Order Amendment (DOA) for the Lee Square Development. Lee Square is a 38.19 acre Multiple Use Planned Development (MUPD) that was originally approved by the Board of County Commissioners (BCC) on December 22, 1981 for a rezoning from Agricultural to the General and Specialized Commercial Zoning Districts, with a Special Exception to allow a Planned Commercial Development. The overall site was last approved by the BCC on June 27, 2011 for a DOA to reconfigure the Site Plan, relocate Requested Uses, modify Conditions of Approval, and, add a Requested Use approval for a Type 1 Restaurant.

The Applicant is requesting a DOA to delete approved but unconstructed uses within the vacant northeast 10.76 acres of the subject site, to allow for the development of 148 residential units. The Preliminary Site Plan indicates that the residential development will include 120 Multifamily apartment units and 28 Townhouse units, 0.90 acres of Recreation Area which will include a 3,000 square foot (sq. ft.) clubhouse and pool, a 1,200 sq. ft. leasing office, and 339 parking spaces. Additional changes include a new 11,173 sq. ft. pedestrian transition zone between the proposed residential and existing commercial development, and a 19,920 sq. ft. linear park and transition space which will also act as a buffer between the commercial and residential development.

No additional access points are proposed, with the 3 existing access points to Lantana Road and 4 existing access points to Jog Road to remain in their current configuration.

This application was reviewed for consistency with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 24.

**SITE DATA:**

Location:	Northeast corner of South Jog Road and Lantana Road.
Property Control Number(s)	00-42-44-34-38-001-0010, 0020, 0030, 0040, 0050, 0060, 0070
Existing Future Land Use Designation:	Commercial High, with an underlying MR-5 (CH/5)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No Change
Total Acreage:	38.19 acres
Affected Acreage:	38.19 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A

CCRT Area:	Lee Crossing – Homes of Lantana
Municipalities within 1 Mile	Greenacres
Future Annexation Area	Greenacres, Lantana

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

**ACTION BY THE ZONING COMMISSION:** At the January 8, 2020 ZC Hearing, this item was moved from the Regular Agenda to the Consent Agenda, as there was no one from the public that wished to speak on the application. The Agent agreed to the all of the Conditions of Approval. Commissioner Caliendo made a motion to recommend approval (as amended), seconded by Commissioner Beatty. The motion carried by a vote of 8-0-0.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 9 contacts (5 phone calls, 2 Courtesy Notice responses, and 2 Letters) from the public regarding this project. Three of the phone calls were general inquiries about the project, and requesting information on density. Two phone calls stated concerns with traffic backing up onto Lantana Road related to the existing Chick-fil-A at the southeast corner of the overall site, with the callers questioning if existing traffic issues will affect the new development. Staff received two Courtesy Notice responses, both in opposition to the project. Reasons for opposition cited were traffic concerns and decreased property values. Staff also received two letters of support for the application. Staff received letters of support from the Lee’s Crossing Home Owners Association (HOA) which is directly to the north of the subject site, and from Brentwood Lakes HOA, which is to the east of the subject site.

Staff attended a public meeting on December 18, 2019 to discuss the development proposal with residents that live within the Lee Crossing – Homes of Lantana CCRT (Countywide Community Revitalization Team) area. The applicant did a presentation on the proposal, and took in comments and concerns from area residents. There were a number of concerns related to buffering of the proposed development, potential for reduced property values, traffic into the proposed development and along Lantana Road, and the density of the development. Further to the meeting, staff contacted Palm Beach County Traffic Division and Land Development Division to inform them of these concerns. Staff informed the residents of the upcoming ZC and BCC hearings, and that they have an opportunity at said meetings to voice their concerns for the proposal should they choose to do so.

**PROJECT HISTORY:**

Application No.	Request	Resolution	Approval Date
Z/SE-1981-00186	Rezoning from Agricultural to General Commercial and Specialized Commercial Zoning District with a Special Exception to Allow a Planned Commercial Development including a large scale community shopping center in excess of 510,000 sq. ft., recreation facilities and club, automotive service centers and a child daycare center.	R-1981-1621 R-1981-1622 R-1981-1623	December 22, 1981
SE-1981-00186 (A)	Amend the Site Plan for a previously approved PCD to re-design the site, increase square footage, and permit a financial institution with 3 drive-up tellers.	R-1991-0592	May 7, 1991
Z-1981-00186 (B)	Rezoning from CS and CG to CSH for the whole of the lands.	R-1991-0841	June 25, 1991
Z/SE-1981-00186 (C)	Rezoning from CSH to CG, and a SE to amend the site plan for Lees Square PCD to redesign the site	R-1992-0360 R-1992-0361	March 10, 1992

	and increase building square footage.		
DOA-1981-00186 (D)	To amend Conditions Resolution R-92-361, for a Planned Commercial Development.	R-1993-0399	March 25, 1993
DOA/R-2010-02573	DOA to reconfigure the Site Plan, relocate requested uses, and modify/delete conditions of approval, and for a Requested Use to allow a Type 1 Restaurant	R-2011-0959 R-2011-0960	June 29, 2011
Z-1981-00186 (B)	Rezoning to correct a technical deficiency in a previous petition for a SE	R-2011-0970	June 29, 2011

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Medium Residential, 5 Units per Acre (MR-5)  
 Zoning District: Single Family Residential Zoning (RS)  
 Supporting: Residential (Multifamily Residences, Concept Homes at Lantana PUD, Control No. 1979-286)

**EAST:**

FLU Designation: Medium Residential, 5 Units per Acre (MR-5)  
 Zoning District: Single Family Residential Zoning (RS)  
 Supporting: Residential (Single Family Residences, Concept Homes at Lantana PUD, Control No. 1979-286)

**WEST:**

FLU Designation: Low Residential, 3 Units per Acre (LR-3)  
 Zoning District: Single Family Residential Zoning (RS)  
 Supporting: Residential (Single Family Residences, Fountains South PUD, Control No. 1981-114)

**SOUTH:**

FLU Designation: Commercial High (CH)  
 Zoning District: Multiple Use Planned Development (MUPD)  
 Supporting: Commercial (Pinewood Square, Control No. 1986-8)

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**FINDINGS:**

Development Order Amendments:

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

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

PLANNING DIVISION COMMENTS:

Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Relevant Comprehensive Plan Policies: The following Future Land Use Element (FLUE) policies relate to the use and implementation of both the residential and nonresidential Future Land Use designations associated with the subject site. The policies provide for and encourage for the transition between uses through design and configuration. The subject site provides this transition by

incorporating a multi-family residential use, wrapping it around the commercial use and separating them both via a drive and internal buffers.

FLUE Policy 4.4.7-b: MUPD Design Objectives, items 3 and 4 identify interconnectivity and the encouragement of developing both residential and nonresidential uses within one MUPD. The subject site demonstrates the use of both pedestrian and vehicular connectivity while remaining separate but contiguous within the overall MUPD.

Additionally, in the FLUE Part III Regulation: Commercial, item 9 indicates that Mixed or multiple use planned developments may utilize up to 100% of the underlying residential density and the commercial intensity the subject to the requirements of this Element or the following

Intensity: The site has a prior approval for 290,265 square feet of commercial uses. The maximum Floor Area Ratio (FAR) of .50 is allowed for non-residential uses utilizing the CH/5 FLUA designation in the Urban Suburban Tier (1,663,425 surveyed square feet or 38.187 acres x .50 maximum FAR = 831,712.5 square feet maximum). The request for a total of 290,265 square feet equates to a FAR of approximately 0.17 (290,265 / 1,663,425 surveyed square feet or 38.187 acres = 0.174). It should be noted that the residential uses do not count toward the FAR.

Density & Workforce Housing Program (WHP): The Planning Division reviewed the request for 148 residential units on the subject 38.19-acre site utilizing the underlying Medium Residential, 5 units per acre (MR-5) land use designation, which is less than the 191 dwelling units the MR-5 designation permits (38.19ac x 5du/ac = 190.95 or 191 rounded up). The applicant is not seeking to use any additional Bonus Density. The 148-unit project, per the WHP requirements is obligated to designate, and deed restrict, 4 units as Workforce Housing. The applicant has identified the WHP units will be provided on site.

The request for a total of 148 units on the subject 38.19-acres, with the WHP program requirements in effect prior to the October 2019 changes, the MR-5 land use designation, utilizing the Limited Incentive Development Option, was achieved as follows:

Standard, Max & Bonus Density:	Workforce Housing (WHP):
148 Standard units	3.70 WHP units (2.5%)
0 Maximum units	0 WHP units (8%)
148 units total	3.7 or 4 required WHP (rounded up)

Workforce Housing (WHP) Program: The mandatory WHP program requires that a percentage of units be deed restricted for a specified term to be sold or rented. All designated WHP units will be offered to income qualified households with incomes from 60 percent to 140 percent of area medium income (AMI). In Palm Beach County, the 2018 median income is \$74,300 for a family of four (per HUD). The following are the current sales and rental prices per income category for 2018 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher price, and any Utility Allowances are to be applied against gross maximum rent and the rental prices.

WHP Sales Prices: The sales prices are based on US HUD annual median income figure. Based on the 2019 Median Family Income of \$75,400, the following are the WHP for sale prices:

WHP Income Category:	WHP Income Ranges:	2019 Sales Prices
Low (60-80% of AMI)	\$45,240 - \$60,320	\$158,340
Moderate-1 (>80-100% of AMI)	>\$60,320 - \$75,400	\$203,580
Moderate-2 (>100-120% of AMI)	>\$75,400 - \$90,480	\$248,820
Middle (>120-140% of AMI)	>\$90,480 - \$105,560	\$294,060

WHP Rental Prices: The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms. The rental prices at 100% are determined by Planning Division staff. Any Utility Allowances are applied against gross maximum rent.

WHP Income Category	2019 WHP Household Ranges
Low (60-80% of AMI)	\$45,240 - \$60,320
Moderate-1 (>80-100% of AMI)	>\$60,320 - \$75,400
Moderate-2 (>100-120% of AMI)	>\$75,400 - \$90,480
Middle (>120-140% of AMI)	>\$90,480 - \$105,560

WHP Rental Prices:				
Income %	1 BR	2 BR	3 BR	4 BR
60%	\$ 941	\$1,129	\$1,304	\$1,455
80%	\$1,255	\$1,506	\$1,739	\$1,940
>80%	\$1,255	\$1,506	\$1,739	\$1,940
100%	\$1,569	\$1,883	\$2,174	\$2,425
>100%	\$1,569	\$1,883	\$2,174	\$2,425
120%	\$1,882	\$2,259	\$2,608	\$2,910
>120%	\$1,882	\$2,259	\$2,608	\$2,910
140%	\$2,196	\$2,635	\$3,043	\$3,395

Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is located within the Countywide Community Revitalization Team (CCRT) Area #74 Lees Crossing Homes of Lantana Area. The Office of Community Revitalization (OCR) serves as the CCRT neighborhood liaison office for Palm Beach County. The applicant met with OCR staff June 5, 2019. No letters in support or objection have been received as of the writing of this report.

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

The applicant has provided adequate justification that the proposed DOA complies with the applicable standards and provisions of the ULDC for use, layout, function, and general development characteristics. Pursuant to Ordinance No. 2019-005, which was adopted by the BCC on January 24, 2019, Multifamily and Townhouse uses are permitted in a MUPD with a Future Land Use designation of Commercial High, when density is available through an underlying Residential Future Land Use designation. The existing Shopping Center is designated CH/5 on the County's Future Land Use Map, which would permit a maximum density of five (5) dwelling units per acre. As such, the proposal meets the density requirements of ULDC Table 4.B.1.A, Residential Use Matrix, as the total density proposed is 3.88 dwelling units per acre.

The Townhouse component of the Project is consistent with the criteria for Townhouses as required by ULDC Art. 3.D.2.A – Property Development Regulations for Townhouses, as demonstrated below.

1. *Ownership*

a. *Common Area*

All proposed common areas within the townhome component of the Project will be controlled by either the Property Owner's Association or by the individual lot owners. In the event that the common areas are owned by the individual lot owners, each lot owner will have an undivided interest in the common area which shall not be conveyed separately from the ownership of the lot.

b. *Individual Lot*

The area conveyed to the lot owner will be no less than one hundred percent (100%) of the total ground floor building area of the dwelling unit. A Property or Home Owners Association will be formed to ensure compliance with exterior area maintenance regulations.

2. *Height*

The proposed Townhouses are two-stories and will not exceed thirty-five feet in height.

3. *Accessory Buildings and Structures*

Should any detached accessory buildings or structures other than permitted fences or walls be proposed, they will be located on a lot greater than thirty feet in width.

The subject site is a PDD, and as such, the applicant had to provide justification that the redevelopment would be consistent with Article 3 - PDD Design Objectives (Art. 3.E.1.C.1) and Performance Standards (Art. 3.E.1.C.2). As required by the Objectives and Standards, the proposed development will include adequate pedestrian circulation. A continuous pedestrian pathway is included throughout the development. Further, with the creation of a new 11,173 sq. ft. transition open space area to the south of Commercial Building B, residents within the new community will have a safer and more visually pleasant connection to the existing commercial development (See Figure 8). A Vegetation Disposition Plan was submitted that indicates the preservation or relocation of native species to the greatest extent possible, and the proposal exceeds Landscape Buffers (see Standard d. – Design Minimizes Adverse Impact for more discussion on Landscape Buffers).

The applicant also had to justify consistency with the MUPD Design Objectives (Art. 3.E.3.B.1) and Performance Standards (Article 3.E.2.B.2). The applicant has strived in their design to incorporate both the residential and non-residential areas of the site, adequately buffering one from another, while providing sufficient means for residents to utilize the non-residential areas without the need of their vehicles. The proposed Multifamily buildings will be limited to 40 feet in height, and are setback a minimum of 83 feet from the property line. 25 foot, Type 3 Incompatibility Landscape Buffers will be provided along the north and east property limits, which exceeds the buffer requirements for Multifamily residential to an adjacent residential use (Art. 3.E.3.B.2.c. – Landscape Buffers). Staff are making the Type 3 Incompatibility Buffers a Condition of Approval for the residential development area, where an 8 ft. Compatibility Buffer would be required along the north property line, and a Type 1 Incompatibility Buffer would be required along the east property line. These buffers and the setback distance will help mitigate any adverse visual impacts on the existing residential development to the north and east.

As the area of development was originally approved for commercial development, the orientation of the existing commercial development and its loading areas were a matter of concern. Working with Zoning staff, the applicant has adequately addressed these concerns and the requirements of the ULDC as it relates to screening of loading areas (Art. 3.E.3.B.2.e.2, Loading Area Screening). Additional landscaping will be provided along the north and west side (the rear of the commercial buildings) along the access drive aisle (see Figure 7 & 8). In addition, the existing loading area for Building A (Home Depot) will be buffered by a new 6 foot opaque wall on the east side of the access drive aisle, as well as a 15 ft. Landscape Buffer, that will provide adequate screening to proposed Multifamily Building 1. To help mitigate visual impacts from the rear of the commercial development, a 15 foot Landscape buffer will run adjacent to the north and west side of the access drive aisle that will also act as a transitional open space area (See Figure 7 & 8). This Landscape buffer has also been made a Condition of Approval.

MUPD Performance Standards for Residential (Art. 3.E.3.B.2.f. Residential) have been adequately addressed as the applicant has provided the required pedestrian circulation requirements, has included a transition zone between the residential and non-residential site elements, and has provided sufficient usable open space.

The applicant has further demonstrated compliance with all other code requirements, and as such, is consistent with the ULDC.

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

The subject site borders existing residential development to the north and east (Lees Crossing – Homes of Lantana, Control No. 1979-0286). To the north are single family attached homes. These homes are orientated east-west, so the side of the homes will face the proposed development. Only two single family attached homes in the north-east corner of the subject site are orientated north-south, with the rear yards facing the proposed development. All existing residential development to the north of the proposed residential development have an existing 25 foot buffer on the north side of the subject sites property line. In addition to the existing 25 foot buffer, the applicant will provide a 25 foot, Type 3 Incompatibility Buffer within their property limits. Generally, the proposed residential development would require a Compatibility Buffer of 8 feet wide, which the applicant is exceeding. The nearest Multifamily structure being proposed (Building 1) will be 83 feet from the property line, exceeding the setback requirements for a structure 40 feet in height.

Adjacent to the east side of the property line exists single family residential development. Similar to the residential development to the north, a 25 foot Type 3 Incompatibility Buffer will continue to mitigate any visual impacts to the proposed development. The nearest residential structure (Townhouse Building 7) being proposed will be 79 feet from the east property line. The Multifamily Townhouses that will be nearest to the east property line will be limited to 35 feet in height. Generally, a Type 1 Incompatibility Buffer is required between Single Family Residential and Multifamily Residential. The applicant has exceeded these requirements.

To the south is an existing fast food restaurant (Chick-fil-A). Staff required the applicant to provide a Type 2 Incompatibility Buffer between the residential development use and the restaurant use. A sidewalk connection will be provided between the two uses for resident's ease of accessing the restaurant. Staff are proposing a Condition of Approval for the Type 2 Incompatibility Buffer between the proposed residential development area, and the existing Chick-fil-A restaurant.

To the west is the existing commercial development. Pursuant to Ordinance No. 2019-005, which was adopted by the BCC on January 24, 2019, Multifamily and Townhouse uses are permitted in a MUPD with Future Land Use designation of Commercial High when density is available through an underlying Residential Future Land Use designation. The applicant has worked closely with Zoning staff to provide a development proposal that softens the visual impact of the existing commercial development through additional landscaping and open space areas (See Figure 7-9). The applicant will provide a 15 ft. Landscape buffer on the west side on the drive aisle, which will also act as a linear park. Further, the applicant will provide additional landscaping on the east side of the drive aisle, where possible, as shown on Exhibit 7. Staff are recommending Conditions of Approval with regards to the Landscaping on the east and west side of the drive aisle. As required, the proposal incorporates a new 11,173 sq. ft. transitional open space area between the existing commercial and proposed residential development for pedestrian connectivity for the residents. Further, a new sidewalk connection to Lantana Road and public transit has also been included for the proposal.

As such, the applicant has provided sufficient justification and plans that proposes a development that will be compatible with surrounding uses.

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

As described in Standard b. Consistency with the Code, and Standard c. Compatibility with Surrounding Uses, the proposed design minimizes adverse impacts by providing buffering and landscaping over and above code requirements to the existing development to the north, south, east and west. The proposed development also provides additional buffering to mitigate visual and noise impacts from existing loading areas within the commercial development. The proposed structures are set back a greater distance than required from the property lines to help mitigate any visual impacts to the current residents that own homes to the east and north. No additional accesses are proposed as a part of this development proposal, and will utilize existing accesses to Jog Road and Lantana Road. The proposed development will provide a transition between the existing commercial development and the existing residential development to the north and east. Conditions of Approval are being requested for buffering on both sides of the existing access drive aisle to help mitigate any impacts from the commercial development.

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

**ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

**VEGETATION PROTECTION:** The new property that is being added to the existing commercial center still supports various native trees that are scattered around the property. A significant number of these trees have been preserved on the proposed site plan. The remainder will be relocated or mitigated on the site.

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

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

**ENVIRONMENTAL IMPACTS:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements. ERM and Landscaping staff met on site with the applicant in late October to identify trees that are to be removed, relocated or preserved in place. Staff and the applicant came to a consensus on all trees, and an updated Tree Disposition Plan was provided and supported by both ERM and Landscaping staff.

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

The applicant is proposing to introduce a residential component to the existing Lee Square Shopping Center. The variety of uses within the Shopping Center will allow future residents to meet multiple daily needs within the Shopping Center. As demonstrated above in the “Surrounding Uses” section, the proposed residential uses are consistent and compatible with the land uses immediately surrounding the Shopping Center. As such, the proposal contributes to establishing a consistent and well-planned overall pattern of development in the area. The DOA promotes a logical development pattern by encouraging infill development and by complementing the surrounding land uses. As such, the proposed DOA will result in a logical, orderly and timely development pattern.

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

**ENGINEERING COMMENTS:**

The proposed modification to the approved non-residential development site plan into a residential development on the currently vacant site is expected to result in a net reduction of 498 daily, a net reduction of 23 AM peak hour, and a net reduction of 57 PM peak hour trips. Build-out of the project is expected to be by 2023.

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

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

Traffic volumes are in vehicles per hour

Segment: Lantana Rd from Jog Rd to Haverhill Rd

Existing count: Eastbound=1719, Westbound=1787

Background growth: Eastbound=377, Westbound=404

Project Trips: Eastbound=39, Westbound=20

Total Traffic: Eastbound=2135, Westbound=2211

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS “D” capacity: 2,940 per direction

Projected level of service: LOS D or better in each direction

The Property Owner shall replat the property and obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

The Property Owner shall extend the existing left turn lane on Jog Road prior to the issuance of the first certificate of occupancy for the residential portion of the site.

**PALM BEACH COUNTY HEALTH DEPARTMENT:**

**FIRE PROTECTION:**

**SCHOOL IMPACTS:** In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 148 residential units (28 Multifamily units, 120



apartment units) had been approved on September 25, 2019 (SCAD Case #19090502D). The subject property is located in SAC 218.

This project is estimated to generate approximately twenty-six (26) public school students. The schools currently serving this project area are: Indian Pines Elementary School, Woodlands Middle School and Santaluces Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District middle and high school levels. The additional six (6) middle school students generated by this proposal will increase the utilization percentage of Woodlands Middle School to 119% while the seven (7) high school students generated by this proposal will increase the utilization percentage of Santaluces Community High School to 113%.

The revised Preliminary Site Plan (dated 2/11/19) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION: Project is proposing 148 dwelling units requiring 0.89 acres of onsite recreation, plan shows 0.90 acres of onsite recreation, therefore the recreational requirement has been satisfied.

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

The Shopping Center was originally approved in 1981. Since this time, there have been several modifications to the Shopping Center since the original approvals, but the Residential Parcel has remained undeveloped. Since the Shopping Center was originally approved, the surrounding area has evolved into a mix of residential and commercial developments with varying intensities and densities. Moreover, as previously noted, the BCC recently adopted amendments to the ULDC that allow residential uses within MUPDs having density available through an underlying Residential Future Land Use designation such as the Shopping Center, which further demonstrates changed conditions and circumstances that support proposals such as this project, which seek to introduce residential uses into MUPDs. As such, there are changed conditions and circumstances that allow for the modification to the existing site.

## **CONCLUSION:**

Staff has evaluated the standards listed under Article 2.B.7.B.2, Standards, and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff are recommending approval as per the Conditions of Approval in Exhibit C.

## CONDITIONS OF APPROVAL

### Exhibit C: Development Order Amendment

#### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-98-8 (Control 1981-186), 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 or Zoning Commission, unless expressly modified.

#### Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2011-0959 (Control 1981-186), 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 or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The approved Preliminary Site Plan is dated February 14, 2011. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

#### Is hereby amended to read:

The approved Preliminary Site Plan is dated November 12, 2019. Modifications to the development order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

#### ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All mechanical equipment for buildings in the portion of the site lying north and east of the rear drive aisle and all outparcels shall be roof mounted and screened from view on all sides in a manner consistent with the color and character of the principle structure.

All mechanical equipment associated with the main retail center (Buildings A - G) shall be roof mounted and screened from view and/or painted on all sides in a manner consistent with the color and character of the principle structure.

#### Is hereby amended to read:

All mechanical equipment associated with the main retail center (Buildings A - G) shall be roof mounted and screened from view and/or painted on all sides in a manner consistent with the color and character of the principle structure. (BLDGPM: ARCHITECTURAL REVIEW - Architectural Review)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All structures shall have a similar architectural treatment on all sides.

**Is hereby amended to read:**

All commercial structures shall have a similar architectural treatment on all sides. (BLDGPM: ARCHITECTURAL REVIEW - Architectural Review)

3. Previous ARCHITECTURAL REVIEW Condition 3 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The maximum height, from grade to roof line, for all structures shall not exceed thirty-five (35) feet.

**Is hereby amended to read:**

The maximum height, from grade to roof line for commercial structures, shall not exceed thirty-five (35) feet. (DRO: ARCHITECTURAL REVIEW - Architectural Review)

4. The maximum height for residential and related accessory structures, measured from finished grade to highest point for buildings 1, 2 and 3, shall not exceed forty (40) feet, and for buildings 5, 6, 7, 8 and 9, shall not exceed thirty-five (35) feet in height. (BLDGPM: BUILDING DIVISION - Zoning)

**ARCHITECTURAL REVIEW-ARCHITECTURAL FOCAL POINT**

5. Prior to site plan certification, the site plan shall be amended to indicate typical tree planter details, subject to approval by the Zoning Division, for Conditions K.1. and K.2. [Note: COMPLETED] (DRO: ZONING - Architectural Review) (Previous ARCHITECTURAL REVIEW Condition 4 of Resolution R-2011-959, Control No.1981-00186)

**ENGINEERING**

1. Install signalization, when warranted as determined by the County Engineer, at the project's east turnout and Lantana Road, but in no event shall it be later than five (5) years from the issuance of the last certificate of occupancy.

a. Prior to the issuance of the next building permit, the Property Owner shall make a one-time payment to the Palm Beach County Board of County Commissioners in the amount of \$140,000.00 toward the following improvements to Lantana Road:

i. Extend the west-approach left-turn lane on Lantana Road at the Project's eastern driveway to a minimum of 280 feet in storage length and a taper length of 50 feet or as approved by the County Engineer;

ii. Close the east-approach left-turn lane on Lantana Road at the western driveway of Pinewood Square;

iii. Extend the east approach dual left-turn lanes on Lantana Road at Jog Road to a minimum of 450 feet of storage length and a taper length of 100 feet or as approved by the County Engineer; and

iv. Install signalization at Lantana Road and the Project's eastern driveway entrance. Signalization shall be a span wire installation or as approved by the County Engineer.

The improvements identified in subparagraphs (i) through (iv), above, are collectively Lantana Road Improvements." No credit against road impact fees shall be provided for this contribution. [Note: COMPLETED]

b. In the event the County does not commence construction of the Lantana Road Improvements by June 30, 2013 or within 2 years of receipt of payment, whichever occurs last, the County shall refund the \$140,000.00 to the Property Owner. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits. (DATE/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Deleted per Resolution R-2011-959 (Previous ENGINEERING Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from storm-water runoff from the remainder of the site. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. Prior to August 1, 1991, or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Roadway Production Division by road right-of-way warranty deed for the construction of a right turn lane on:

- a. Jog Road and the project's main entrance 700 feet north of Lantana Road;
- b. Lantana Road at the project's main entrance 400 feet east of Jog Road.

This right of way shall be a minimum of 150 feet in storage length, twelve feet in width and a taper length of 180 feet. (DATE/BLDG PERMIT: MONITORING - Eng) (Previous Condition E.6. of Resolution R-98-8, Control No. 1981-186)

[Note: COMPLETED] (BLDGPMT/DATE: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2011-959, Control No.1981-00186)

5. The Property owner shall construct a right turn lane on Jog Road and the project's main entrance and on Lantana Road at the project's main entrance concurrent with on-site paving and drainage improvements. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. [Note: COMPLETED] (CO: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2011-959, Control No.1981-00186)

6. The property owner shall pay a Fair Share Fee in the amount and manner required by the Fair Share Contribution for Road Improvements Ordinance” as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project at the time of the Building Permit presently is \$592,295.00 (10,769 trips X \$55.00 per trip). Credit for previous road work done by the developer for his participation in the Jog Road/Lantana Road improvements shall be considered and approved as determined by the County Engineer. [Note: COMPLETED] (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2011-959, Control No.1981-00186)

7. Prior to issuance of any building permits, developer shall provide to County a boundary plat, including all access points, present and future, for said parcel and referencing the Unity of Control Covenants. All review of site plans and/or master plan shall be through the Site Plan Review Committee. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-959, Control No.1981-00186)

8. Deleted per Resolution R-2011-959 (Previous ENGINEERING Condition 8 of Resolution R-2011-959, Control No.1981-00186)

9. Detailed signing and striping plans shall be approved by the Traffic Division prior to the issuance of a building permit for the main center. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2011-959, Control No.1981-00186)

10. Prior to site plan certification, the applicant shall amend the site plan to indicate the new location of the median break on Jog Road. The location and construction date shall be approved by Engineering. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2011-959, Control No.1981-00186)

#### 11. LANDSCAPE WITHIN MEDIAN

The property owner shall contribute \$34,000 (Thirty-four Thousand Dollars) to Palm Beach County for the landscaping and maintenance of the medians on Jog Road and Lantana Road adjacent to this site. The \$17,000 (Seventeen Thousand) presently held in escrow will be released to the County prior to January 1, 1998. The remaining \$17,000 shall be paid to the County over a four year period according to the following schedule:

- 1. \$4,250 (Four Thousand Two Hundred Fifty Dollars) to be paid to the Land Development Division yearly prior to December 1, 1999, 2000, 2001 and 2002. [Note: COMPLETED]

OR

2. A total of \$8,500 (Eight Thousand Five Hundred Dollars) (taking into account prior payments referred to in paragraph #1 above) shall be paid to the County prior to the issuance of a building permit for each of the two outparcels fronting on Jog Road  
(DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2011-959, Control No.1981-00186)

12. 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, 2015. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2011-959, Control No.1981-00186)

13. Within ninety (90) days of a request by the County Engineer, the Property Owner shall provide to Palm Beach County Traffic Division an easement for the construction of a traffic signal on Lantana Road at the project's eastern driveway. The area of the easement shall be based upon the design of the signal, shall extend within the driveway approaching Lantana Road a sufficient length to accommodate detector loops, shall be the area required to accommodate signalization so as not to encroach into paved parking areas and avoid conflicts with existing utility encroachments, shall be free of all encumbrances and encroachments which would prevent signalization, and may overlap required buffers, all as determined by the County Engineer. In the event the high voltage lines crossing the project's eastern driveway and extending north along the west side of the driveway must be moved to accomplish signalization, and the cost is excessive as determined by the County Engineer, the property owner and County Engineer shall review the feasibility of signal installation. The Property Owner shall not record the required documents. After final acceptance of the location, legal sketches and easement documents, Palm Beach County shall record all appropriate documents. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2011-959, Control No.1981-00186)

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

15. The Property Owner shall fund the construction plans and the construction to lengthen the existing left turn lane north approach on Jog Road at the Project entrance road. This turn lane shall be lengthened to a minimum 280 feet in length plus 50 foot paved taper, or as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMT: MONITORING - Engineering)

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

16. The Property Owner shall submit an access easement to the County that provides access to the commercial portion of the approval from Lantana Road.

a. The easement shall be approved by the County Attorney and Land Development prior to the recordation of the plat. (PLAT: ENGINEERING - Engineering)

b. If alternative development-suitable access becomes available to either of the parcels above, the Property Owner may release the portion of the easement which is not needed to serve as access for the parcel. (ONGOING: ENGINEERING - Engineering)

17. 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, 2023, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

## **ENVIRONMENTAL**

1. Secondary containment for stored Regulated Substances -fuels, oils, solvents, or other hazardous chemicals - is required. Environmental Resources Management Department staff shall provide guidance on appropriate protective measures. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Plans for underground storage tanks must be signed off by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 2 of Resolution R-2011-959, Control No.1981-00186)

## **HEALTH**

1. Operators and owners of facilities generating toxic, hazardous, or industrial 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 is used. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 4 of Resolution R-2011-959, Control No.1981-00186)

## **LANDSCAPE - GENERAL**

1. Prior to site plan certification, the petitioner shall submit a Landscape Master Plan for review and approval by the Zoning Division. The Landscape Master Plan shall demonstrate conformance to all Landscape Code requirements and conditions of approval. [NOTE: COMPLETED for the perimeter buffers and the portion of the site south and west of the rear drive aisle.] (DRO: ZONING - Zoning) (Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2011-959, Control No.1981-00186)

## **LANDSCAPE - INTERIOR-PARKING AREA SOUTH AND WEST OF THE REAR DRIVE AISLE ONLY**

2. One landscape island, planted with a minimum of one native canopy trees or two native palm trees, and appropriate ground cover, shall be provided for every twelve (12) parking spaces utilizing 90 degree angle parking dimensions. [NOTE: COMPLETED.] (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. Landscaped divider medians shall be provided between abutting rows of parking spaces utilizing 60 degree angle parking dimensions. The minimum width of this median shall be five (5) feet. One native canopy tree or two native palm trees, and appropriate ground cover, shall be planted for each thirty (30) linear feet of the divider median, with a maximum spacing of sixty (60) feet on center. [NOTE: COMPLETED.] (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. Previous LANDSCAPE - INTERIOR Condition 4 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Landscaped terminal islands shall be provided for all rows of parking. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code Requirement.]

5. Previous LANDSCAPE - INTERIOR Condition 5 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Fifty percent (50%) of all trees within the interior parking area shall be twelve (12) feet in height or greater. The remaining fifty percent (50%) shall be ten (10) feet in height or greater. (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Current ULDC Requirements are more restrictive.]

6. Seventy-five percent (75%) of all trees within the interior parking area shall be shade trees. (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 6 of Resolution R-2011-959, Control No.1981-00186)

#### **LANDSCAPE - INTERIOR-BUILDING A**

7. Previous LANDSCAPE - INTERIOR Condition 7 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to site plan certification, the applicant shall amend the site plan to indicate a three foot wide landscape strip behind the large scale building supply store. The length of this strip shall be the linear distance between the compactor and loading area behind the store. This landscape strip shall include:

a. Thirty-six (36) inch high wax myrtles spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of forty-eight (48) inches. [Note: COMPLETED]

**Is hereby amended to read:**

Prior to Final Approval by the Development Review Officer, the Landscape Plans shall be amended to indicate additional landscape areas and planting along the north, south and east facades of Buildings A, B, C and E as indicated on the Preliminary Site Plan dated November 12, 2019 and the Design Detail Exhibits 1, 2 and 3, dated October 15, 2019, and shall be expanded to include previously conditioned divider median east of Building D, connecting to the Lantana Road R-O-W Buffer. (DRO: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR-AUTO SERVICE STATION (NO REPAIR) OUTPARCEL**

8. A minimum of fifteen percent (15%) of the gross paved area of the gas station out-parcel shall be devoted to interior landscaping. If the landscaped area is moved to the perimeter of the out-parcel, it shall be designed as an integral part of the adjacent landscape buffers. In addition, one (1) native canopy tree shall be planted in the adjacent interior landscape areas for each 250 square feet of paved vehicular use area. [Note: COMPLETED.] (ONGOING: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 8 of Resolution R-2011-959, Control No.1981-00186)

#### **LANDSCAPE - INTERIOR-REAR DRIVE AISLE DIVIDER MEDIANS**

9. Previous LANDSCAPE - INTERIOR Condition 9 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Landscaping along both sides of the rear drive aisle shall be upgraded to include twelve (12) foot tall native canopy trees planted twenty (20) feet on center and a continuous opaque hedge

a. twenty-four (24) inches in height and planted twenty-four (24) inches on center on the south and west side (existing Phase 1); and

b. thirty-six (36) inches in height and a maximum spacing of thirty (30) inches with appropriate ground cover on the north and east side of the drive aisle (affected area). (BLDG PERMIT: LANDSCAPING-Landscaping)

**Is hereby amended to read:**

Landscaping within the rear drive aisle divider median on the west side of Building O shall be upgraded to include:

- a. twelve (12) foot tall native canopy trees planted twenty (20) feet on center; and,
- b. a continuous opaque hedge thirty-six (36) inches in height and a maximum spacing of thirty (30) inches with appropriate ground cover.

(BLDGPM: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR-PREVIOUS PEDESTRIAN ACCESS FROM LEE'S CROSSING PUD**

10. Prior to final approval by the Development Review Officer (DRO), the property owner shall apply for a building permit to close the existing wall opening in the east perimeter buffer and restore the wall and buffer plantings pursuant to the release of easement previously granted in ORB7197/PG1783. (DRO: ZONING - Zoning) (Previous LANDSCAPE - INTERIOR Condition 10 of Resolution R-2011-959, Control No.1981-00186)

#### **LANDSCAPE - INTERIOR**

11. Landscaping within the Transition Open Space Area shall be upgraded to include the following:

- a. a minimum of one pergola structure shall be provided. A fountain feature is required to be incorporated under the pergola structure, as shown on Detail Design Exhibit 2, dated October 15, 2019.
- b. a minimum five (5) foot wide pedestrian walkway paved of precast paving blocks, stamped concrete or other decorative surface shall be provided between the residential development and the commercial development. The width of the walkway shall be expanded around the pergola structure as shown on Detail Design Exhibit 2, dated October 15, 2019, and on the Preliminary Site Plan dated November 12, 2019. (DRO/ONGOING: ZONING - Zoning)

#### **LANDSCAPE - INTERIOR-INTERIOR SOUTH AND WESTERN BUFFER OF RESIDENTIAL ABUTTING SERVICE ACCESSWAY**

12. A landscape buffer strip shall be installed along the south and western boundary of the residential portion of the subject site abutting the service access aisle behind Buildings A, B, C and E, shall be as follows:

- a. Minimum of 15 feet in width, with a maximum five foot easement encroachment;
- b. One canopy tree per 20 linear feet (existing canopy trees shall count towards this requirement);
- c. One palm or pine per 30 linear feet;
- d. One row of each:
  - 1) Small shrubs - one per two linear feet;
  - 2) Medium shrubs - one per four linear feet; and,
- e. Six foot high opaque hedge.

(ONGOING: ZONING - Zoning)

#### **LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)**

13. Previous LANDSCAPE - PERIMETER Condition 12 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to the issuance of a Building Permit for the residential development area, the approved Landscape Plan dated November 20, 1992 for the east approximately 740 feet of the north perimeter buffer shall be amended to replace prohibited plant species with non-prohibited plant species. All plant materials in the north perimeter buffer shall be installed prior to the commencement of construction activities for the residential development. (BLDGPM: ZONING - Zoning)

**Is hereby deleted.** [REASON: Buildings K, L and M superseded by new request for residential structures.]

#### **LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

14. Previous LANDSCAPE - PERIMETER Condition 13 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Buffering shall include a six (6) foot high concrete wall, painted on both sides with a color consistent with the shopping center. (Previous Condition L.2 of Resolution R-98-8, Control No. 1981-186)



**Is hereby amended to read:**

Buffering shall include a six (6) foot high concrete wall, painted on both sides a color consistent with the commercial development, along the north and east property line. (BLDGPMPT: ZONING - Zoning)

**LANDSCAPE - PERIMETER**

15. A twenty five (25) foot landscaped buffer strip shall surround the entire perimeter of the subject property. (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 11 of Resolution R-2011-959, Control No.1981-00186)

**LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

16. Previous LANDSCAPE - PERIMETER Condition 14 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The following landscape requirements shall be installed on the exterior side of the buffer:

a. Native canopy trees spaced no more than twenty (20) feet on center. The minimum height of these trees shall be as follows:

- 1) Fifty percent (50%) - fourteen (14) feet.
- 2) Twenty-five percent (25%) - twelve (12) feet.
- 3) Twenty-five percent (25%) - ten (10) feet.

b. One twelve (12) foot tall native palm tree for each thirty (30) linear feet.

c. Thirty-six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center. (BLDGPMPT: ZONING - Zoning)

**Is hereby deleted.** [REASON: Superseded by new Condition.]

**LANDSCAPE - PERIMETER-PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH AND EAST PROPERTY LINES (ABUTTING RESIDENTIAL)**

17. In addition to code requirements, the Property Owner shall provide a minimum 25 foot Type 3 Incompatibility Buffer along the eastern 740 feet of the north property line, and the northern 1045 feet of the east property line. (BLDGPMPT: ZONING - Zoning)

**LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG NORTH PROPERTY LINE (ABUTTING RESIDENTIAL)**

18. Previous LANDSCAPE - PERIMETER Condition 15 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Thirty-six (36) inch high shrubs or hedge material, spaced no more than twenty four (24) inches on center, shall be installed on the interior side of the required buffer. (BLDGPMPT: ZONING - Zoning)

**Is hereby deleted.** [REASON: Superseded by new Condition.]

**LANDSCAPE - PERIMETER-LANDSCAPING ALONG SOUTH PROPERTY LINE (ABUTTING LANTANA ROAD)**

19. Landscaping within the landscape buffer abutting Lantana Road shall be upgraded to include:

a. Native canopy trees spaced an average of twenty (20) feet on center. The minimum height of these trees shall be as follows:

- 1) Fifty percent (50%) - fourteen (14) feet.
- 2) Twenty-five percent (25%) - twelve (12) feet.
- 3) Twenty-five percent (25%) - ten (10) feet.

b. One twelve (12) foot tall native palm tree for each thirty (30) linear feet.

c. Thirty-six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-two (42) inches within eighteen months, or a minimum forty-two (42) inch high hedge/berm combination. [Note: COMPLETED.] (BLDGPMPT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 16 of Resolution R-2011-959, Control No.1981-00186)

**LANDSCAPE - PERIMETER-LANDSCAPING AND BUFFERING ALONG EAST PROPERTY LINE (ABUTTING RESIDENTIAL)**

20. Previous LANDSCAPE - PERIMETER Condition 17 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to the issuance of a building permit for any building lying in the portion of the site north or east of the rear drive aisle, landscaping and buffering along the east property line shall be installed in accordance with the Alternative Landscape Plan approved on March 14, 2007 and an approved phasing plan. (BLDG PERMIT: LANDSCAPE-Landscape) (BLDGPMT: ZONING - Zoning)

**Is hereby deleted.** [REASON: Superseded by new Condition.]

21. Previous LANDSCAPE - PERIMETER Condition 18 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Buffering shall include a six (6) foot high concrete wall painted on both sides a color consistent with the shopping center.

**Is hereby deleted.** [REASON: Completed and superseded by new Condition.]

22. Previous LANDSCAPE - PERIMETER Condition 19 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The following landscape requirements shall be installed on the exterior side of the buffer:

- a. Native canopy trees spaced no more than twenty (20) feet on center. The minimum height of these trees shall be as follows:
  - 1) Fifty percent (50%) - fourteen (14) feet.
  - 2) Twenty-five percent (25%) - twelve (12) feet.
  - 3) Twenty-five percent (25%) - ten (10) feet.
- b. One twelve (12) foot tall native palm tree for each thirty(30) linear feet.
- c. Thirty-six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center. [COMPLETED - ALP dated March 14, 2007.] (BLDGPMT: ZONING - Zoning)

**Is hereby deleted.** [REASON: Superseded by new Condition.]

23. Previous LANDSCAPE - PERIMETER Condition 20 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Thirty-six (36) inch high shrubs or hedge material, spaced no more than twenty four (24) inches on center, shall be installed on the interior side of the required buffer.

**Is hereby deleted.** [REASON: Superseded by new Condition.]

#### **LANDSCAPE - PERIMETER-LANDSCAPING ALONG WEST PROPERTY LINE (ABUTTING JOG ROAD)**

24. Landscaping within the landscape buffer along Jog Road shall be upgraded to include:

- a. Native canopy trees spaced an average of twenty (20) feet on center. The minimum height of these trees shall be as follows:
  - 1) Fifty percent (50%) - fourteen (14) feet.
  - 2) Twenty-five percent (25%) - twelve (12) feet.
  - 3) Twenty-five percent (25%) - ten (10) feet.
- b. One twelve (12) foot tall native palm tree for each thirty (30) linear feet.
- c. Thirty-six (36) inch high shrubs or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-two (42) inches within eighteen months, or a minimum forty-two (42) inch high hedge/berm combination. [Note: COMPLETED.] (BLDGPMT: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 21 of Resolution R-2011-959, Control No.1981-00186)

#### **LIGHTING**

1. All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed away from adjacent properties and streets. (BLDGPMT: BUILDING DIVISION - Building Division) (Previous LIGHTING Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. Lighting fixtures within the portion of the site lying north and east of the rear drive aisle and within two hundred (200) feet of the property boundary shall not exceed fifteen (15) feet in height In addition to ULDC requirements. (BLDGPMPT: BUILDING DIVISION - Building Division) (Previous LIGHTING Condition 2 of Resolution R-2011-959, Control No.1981-00186)

## **PARKING**

1. Previous PARKING Condition 1 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All uses shall utilize shared parking and circulation arrangements acceptable to the Planning, Zoning and Building Department. Shared parking and cross access agreements which are acceptable to the County Attorney shall be recorded in the public record prior to site plan certification.

### **Is hereby amended to read:**

All commercial uses shall utilize shared parking and circulation arrangements acceptable to the Planning, Zoning and Building Department. Shared parking and cross access agreements which are acceptable to the County Attorney shall be recorded in the public record prior to site plan certification. [COMPLETED - ORB 6955, PG 1384] (ONGOING: ZONING - Zoning)

2. Vehicle parking shall be limited to the parking areas designated on the approved site plan. No parking of vehicles shall be permitted in landscaped areas, right-of-way or interior drives. (ONGOING: ZONING - Zoning) (Previous PARKING Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within the loading and delivery areas designated on the site plan. (ONGOING: ZONING - Zoning) (Previous PARKING Condition 3 of Resolution R-2011-959, Control No.1981-00186)

## **PARKS**

1. The recreational amenities shall be complete and open to the residents prior to the issuance of the 31<sup>st</sup> Certificate of Occupancy, unless a phasing plan is submitted and approved by the Parks and Recreation Department. (CO: PARKS AND RECREATION - Monitoring)

## **PLANNED DEVELOPMENT**

1. Prior to issuance of a building permit, the petitioner shall record a copy of a Restrictive Covenant in the public record indicating that all out-parcels, structures and uses within the PCD are part of a single unified planned development, regardless of ownership. This covenant shall not be removed, altered, changed or amended without written approval from the County and shall be in a form acceptable to the County Attorney. [COMPLETED - ORB 6955, PG 1384] (ONGOING: ZONING - County Attorney) (Previous PLANNED DEVELOPMENT Condition 1 of Resolution R-2011-959, Control No.1981-00186)

## **PLANNING**

1. Prior to the issuance of the first Building Permit, the property owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants, in a form acceptable to the Palm Beach County Attorney, which includes but is not limited to the following:

Guarantees the attainability of all required workforce units required per ULDC Article 5.G. These units are to be distributed among the categories (low, moderate 1, moderate 2, and middle) consistent with the requirements in ULDC Article 5.G. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning.

(BLDGPMPT: MONITORING - Planning)

2. On an annual basis, beginning January 2, 2023, or as otherwise stipulated in the Declaration of Restrictive Covenants, the owner of the WHP unit shall submit to the Planning Director, or designee, on a form provided by the County, an annual report containing information and documentation to demonstrate continued compliance with the WHP and a copy of any monitoring information provided to and received from the appropriate funding agency/source. (DATE/ONGOING: MONITORING - Planning)

## **SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

### **"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner. (CO: MONITORING - School Board)

## **SITE DESIGN**

1. Receptacles for the storage and disposal of trash, garbage or vegetation (i.e. dumpsters) shall not be located within seventy-five (75) feet of the north or east property lines. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 2 of Resolution R-2011-959, Control No.1981-00186)

2. Previous SITE DESIGN Condition 3 of Resolution R-2011-959, Control No.1981-00186, which currently states:

All areas or receptacles for the storage and disposal of trash, garbage or vegetation (dumpsters only) shall be screened by an enclosure constructed of brick, decorative concrete, other decorative masonry consistent with the architectural character of the development, or comparable wood or steel. The open end of the enclosure shall have an obscure opaque gate. All exterior sides, except the open end, shall be landscaped with thirty-six (36) inch high shrubs and hedges planted at two (2) foot intervals, or an alternative acceptable to the Zoning Director. This provision shall not apply to litter containers provided for the convenience of pedestrians. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code Requirement.]

3. Previous SITE DESIGN Condition 4 of Resolution R-2011-959, Control No.1981-00186, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Preliminary Site Plan dated February 14, 2011 shall be revised to delete the pedestrian access point from Lee's Crossing PUD pursuant to the release of the existing pedestrian easement created in ORB7197/PG1783. (DRO: ZONING - Zoning)

**Is hereby deleted.** [REASON: Pedestrian easement released and deleted on PSP.]

4. Proposed loading zones shall be screened with wing walls and mechanical equipment shall be roof-mounted and screened with solid barriers. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 5 of Resolution R-2011-959, Control No.1981-00186)

5. Prior to site plan certification, the site plan shall be amended to reflect the location of shopping cart storage and retrieval areas within the parking areas adjacent to the shopping center. (DRO: ZONING - Zoning) (Previous SITE DESIGN Condition 6 of Resolution R-2011-959, Control No.1981-00186)

## **SOLID WASTE AUTHORITY**

1. All property owners and/or lessee's's shall participate in recycling programs when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass

products. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous SOLID WASTE AUTHORITY Condition 1 of Resolution R-2011-959, Control No.1981-00186)

**USE LIMITATIONS-AUTO SERVICE STATION (NO REPAIR)**

1. The convenience store shall be limited to a maximum of 750 square feet in total gross floor area. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-959, Control No.1981-00186)

2. There shall be no repair or maintenance of vehicles on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2011-959, Control No.1981-00186)

3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-959, Control No.1981-00186)

4. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (ONGOING: CODE ENF - Code Enforcement) (Previous USE LIMITATIONS Condition 4 of Resolution R-2011-959, Control No.1981-00186)

5. The car wash facility shall utilize a 100% water recycling system. (ONGOING: CODE ENF - Building Division) (Previous USE LIMITATIONS Condition 8 of Resolution R-2011-959, Control No.1981-00186)

**USE LIMITATIONS-DAY CARE CENTER**

6. Previous USE LIMITATIONS Condition 9 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The day care center shall be limited to a maximum of 100 students and 5,000 square feet of floor area. (ONGOING: ZONING-Zoning) (ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: No longer applicable as the daycare is no longer proposed.]

7. Previous USE LIMITATIONS Condition 12 of Resolution R-2011-959, Control No.1981-00186, which currently states:

The outdoor activity area shall have a minimum area of 7,500 square feet and shall be screened by a six (6) foot high wood fence. The exterior side of the fence shall be landscaped with twelve (12) foot tall high native canopy trees planted no more than thirty (30) feet on center and thirty-six (36) inch high shrubs or hedge material planted twenty-four (24) inches on center.

**Is hereby deleted.** [REASON: No longer applicable as the daycare is no longer proposed.]

8. Previous USE LIMITATIONS Condition 13 of Resolution R-2011-959, Control No.1981-00186, which currently states:

One twelve (12) foot high native canopy tree per seven-hundred fifty (750) square feet of outdoor activity area shall be provided. All trees required by this condition shall be planted within the interior of the outdoor activity area and in compliance with HRS requirements.

**Is hereby deleted.** [REASON: No longer applicable as the daycare is no longer proposed.]

**USE LIMITATIONS-PORION OF THE SITE LYING NORTH AND EAST OF THE REAR DRIVE AISLE**

9. Previous USE LIMITATIONS Condition 14 of Resolution R-2011-959, Control No.1981-00186, which currently states:

No outdoor activities shall be allowed on the portion of the site lying north and east of the rear drive aisle, including deliveries, prior to 6:00 a.m. nor continue later than 10:00 p.m.

**Is hereby deleted.** [REASON: No longer applicable as this area will be for residential development.]

### **COMPLIANCE**

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

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

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

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

### **DISCLOSURE**

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

Figure 1: Future Land Use Map

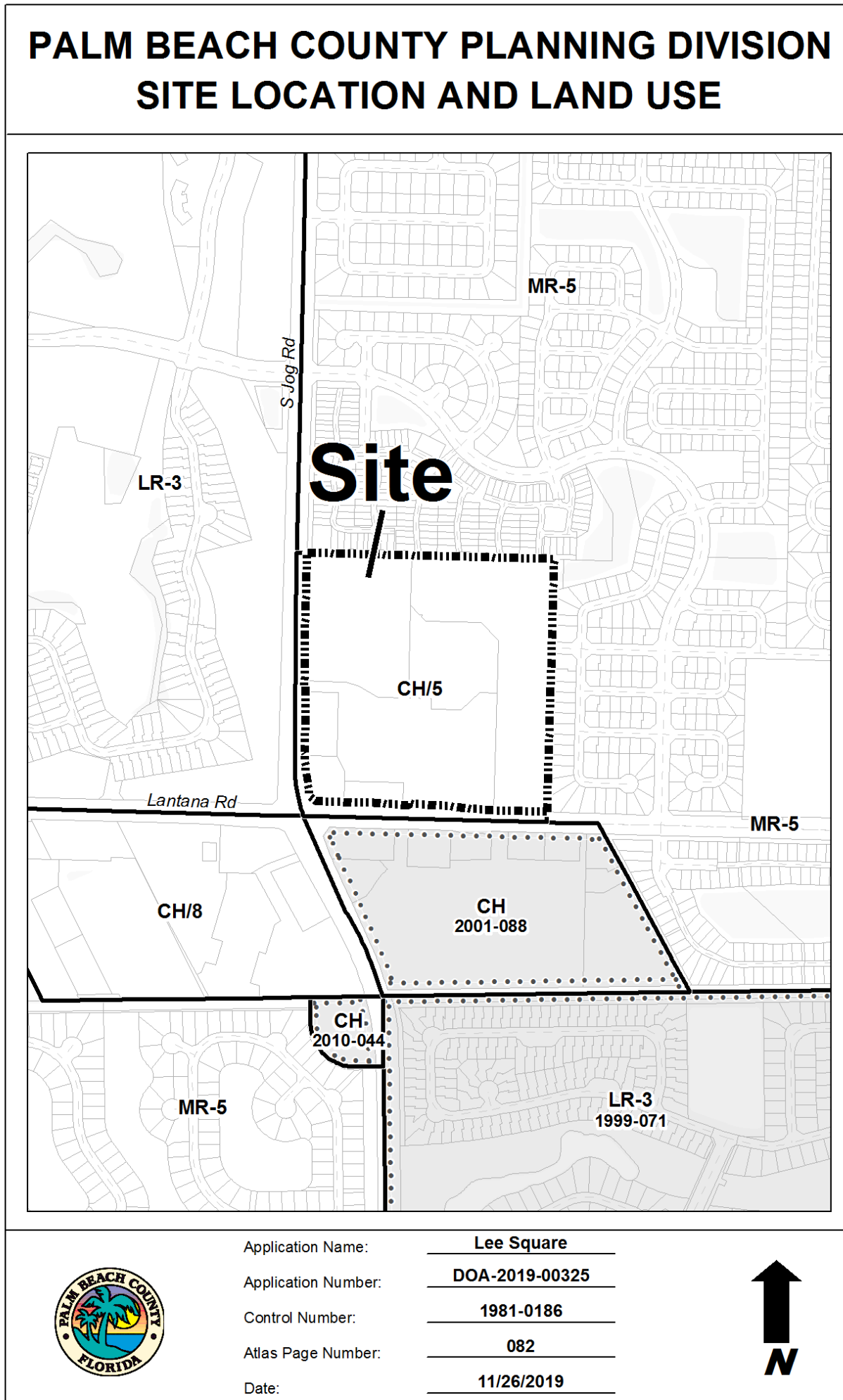


Figure 2: Zoning Map

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING



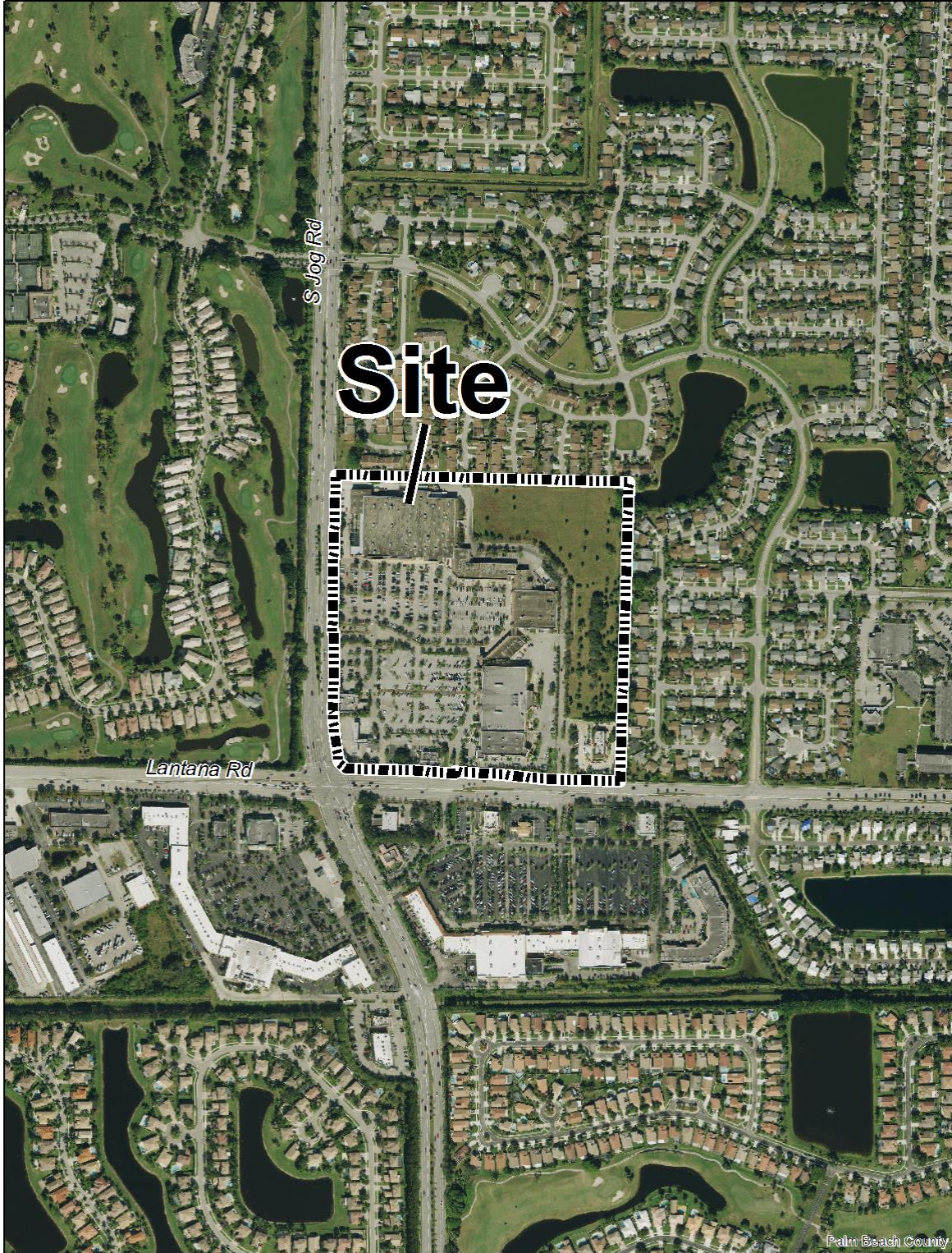
Application Name:	<u>Lee Square</u>
Application Number:	<u>DOA-2019-00325</u>
Control Number:	<u>1981-0186</u>
Zoning Quad Number:	<u>033</u>
Date:	<u>11/26/2019</u>





Figure 3: Aerial

# PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Lee Square</u>
Application Number:	<u>DOA-2019-00325</u>
Control Number:	<u>1981-0186</u>
Atlas Page Number:	<u>082</u>
Date:	<u>11/26/2019</u>









Figure 7: Design Detail Exhibit 1 (EX.1) dated October 15, 2019

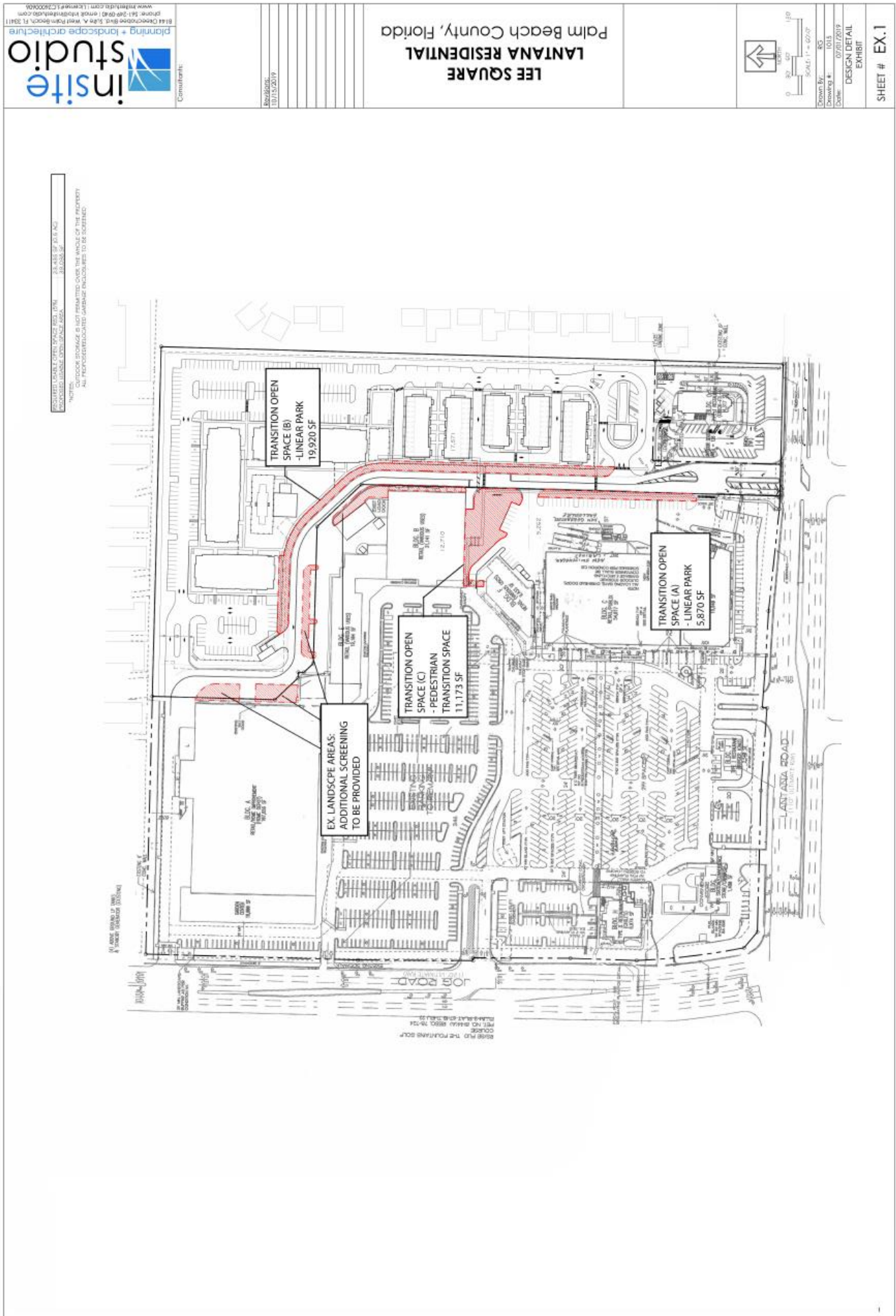






Figure 10: Previously Approved Final Master Site Plan, dated November 14, 2011

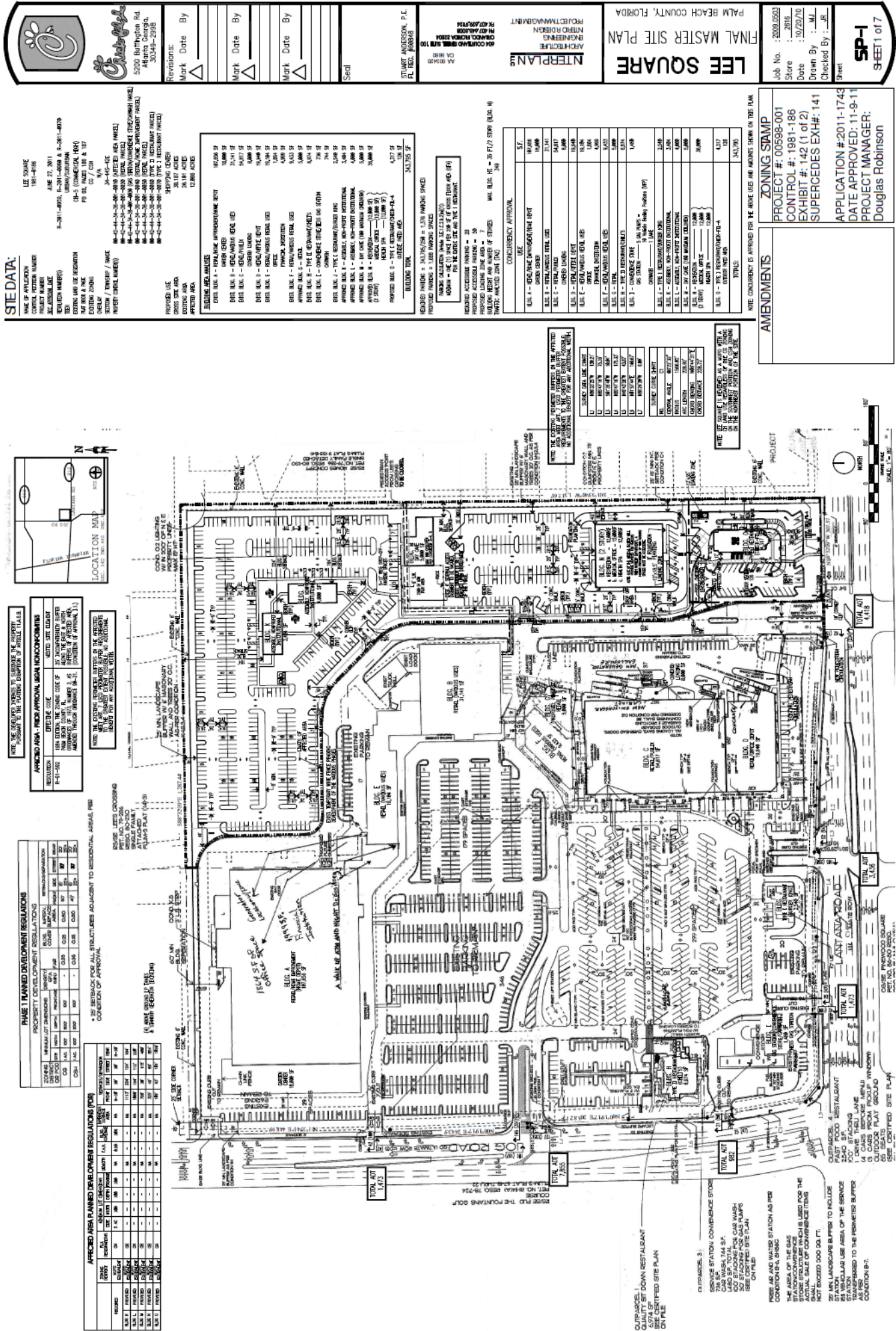




Exhibit D: Disclosures

**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

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

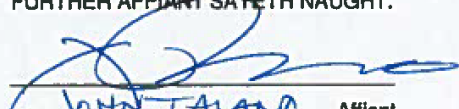
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared John Talano, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

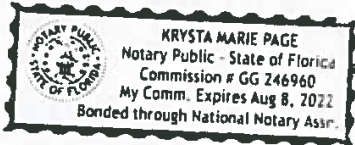
1. Affiant is the [ ] individual or [] Vice President - CFO \_\_\_\_\_ [position - e.g., president, partner, trustee] of Revenue Properties Lantana, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the 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: 8305 Airline Dr. Metairie, LA 70003  
\_\_\_\_\_  
\_\_\_\_\_
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.

  
JOHN TALANO, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 30 day of MAY, 2019, by John Walsh,  who is personally known to me or  who has produced \_\_\_\_\_ as identification and who did take an oath.



Krysta Marie Page  
Notary Public

Krysta Marie Page  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 08-08-2022

**EXHIBIT "A"**

A portion of the plat of Lee Square, according to the plat thereof on file in the Office of the Clerk of Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 68, Pages 186 and 187, being more particularly described as follows:

Commencing at the South Quarter corner of said Section 34; Thence North  $01^{\circ} 35' 40''$  East along the North-South Quarter section line, a distance of 1371.61 feet; thence South  $88^{\circ} 32' 09''$  East, a distance of 80.00 feet to a point on the Easterly right of way line of Jog Road and the Point of Beginning; thence South  $88^{\circ} 32' 09''$  East, a distance of 546.44 feet; thence South  $01^{\circ} 35' 40''$  West, a distance of 259.93 feet; thence South  $43^{\circ} 24' 20''$  East, a distance of 111.83 feet; thence South  $88^{\circ} 24' 20''$  East, a distance of 290.00 feet; thence South  $43^{\circ} 24' 20''$  East, a distance of 130.00 feet; thence South  $01^{\circ} 35' 40''$  West, a distance of 885.64 feet to a point on the Northerly right of way line of Lantana Road; thence North  $88^{\circ} 32' 09''$  West, a distance of 27.57 feet; thence North  $83^{\circ} 55' 17''$  West, a distance of 217.47 feet; thence North  $86^{\circ} 33' 23''$  West, a distance of 130.21 feet; thence North  $85^{\circ} 47' 16''$  West, a distance of 75.35 feet; thence South  $01^{\circ} 35' 40''$  West, a distance of 10.01 feet; thence North  $85^{\circ} 47' 16''$  West, a distance of 25.03 feet; thence North  $01^{\circ} 35' 40''$  East, a distance of 116.57 feet; thence North  $88^{\circ} 24' 20''$  West, a distance of 306.26 feet; thence North  $01^{\circ} 35' 40''$  East, a distance of 54.41 feet; thence North  $28^{\circ} 24' 20''$  West, a distance of 85.76 feet; thence North  $01^{\circ} 35' 40''$  East, a distance of 331.09 feet; thence North  $88^{\circ} 24' 20''$  West, a distance of 171.41 feet to a point on the Easterly right of way line of Jog Road; thence North  $00^{\circ} 19' 17''$  East, a distance of 30.01 feet; thence North  $88^{\circ} 24' 20''$  West, a distance of 6.00 feet; thence North  $00^{\circ} 19' 17''$  East, a distance of 244.35 feet; thence North  $01^{\circ} 35' 40''$  East, a distance of 448.99 feet to the Point of Beginning.

AND

A portion of the plat of Lee Square, according to the plat thereof on file in the Office of the Clerk of Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 68, Pages 186 and 187, being more particularly described as follows:

Commencing at the Northwest corner of said plat of Lee Square; thence South  $88^{\circ} 32' 09''$  East along the North line of said plat of Lee Square, a distance of 593.40 feet; thence South  $01^{\circ} 27' 51''$  West, a distance of 307.69 feet to the Point of Beginning; thence South  $88^{\circ} 24' 20''$  East, a distance of 11.85 feet; thence South  $01^{\circ} 35' 40''$  West a distance of 11.85 feet; thence North  $43^{\circ} 24' 20''$  West a distance of 16.75 feet to the aforementioned Point of Beginning.

Formerly Parcel 1 (Lantana)

