

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

Application No.: EAC-2014-00086
Application Name: Seminole Orange Plaza MUPD
Control No.: 2006-00012
Applicant: Loxahatchee Venture 34, LLC
Owners: Seminole Orange Plaza Association, Inc.
15910 Loxahatchee, LLC
Parcel East, LLC
SR Loxahatchee, LLC
Loxahatchee Venture 34, LLC
Agent: Land Design South, Inc. - Brian Terry
Telephone No.: (561) 478-8501
Project Manager: Carol Glasser, Site Planner II

TITLE: an Expedited Application Consideration **REQUEST:** to modify a Condition of Approval (Planning).

APPLICATION SUMMARY: Proposed is an Expedited Application Consideration (EAC) for the 9.87-acre Seminole Orange Plaza Multiple Use Planned Development (MUPD). The development was originally approved by the Board of County Commissioners (BCC) on October 25, 2007 for the development of 50,000 square feet (sq. ft.) in six buildings; and, amended on July 24, 2008 to modify an Engineering Condition of Approval. On May 23, 2013, the BCC approved a Development Order Amendment and a Requested Use for a Type I Restaurant in Building #3.

The applicant requests to modify Planning Condition 3 to delete the requirement for pervious or semi-pervious parking spaces; and, to modify the requirement for a centrally located pedestrian gathering area to allow pedestrian gathering areas to be provided throughout the site. No changes to the previously approved 50,000 sq. ft. in six buildings are proposed.

The Preliminary Site Plan indicates 266 parking spaces. Access points will remain as previously approved from Seminole Pratt Whitney Road (1) and Orange Boulevard (4).

SITE DATA:

Location:	Southeast corner of Seminole Pratt Whitney Road and Orange Boulevard.
Property Control Number(s)	00-41-42-31-01-001-0010; -0020; -0030; -0040; -0050; -0060; and, 00-41-42-31-01-023-0000
Existing Land Use Designation:	Commercial Low, with an underlying Rural Residential, 1 unit per 2.5 acres (CL/RR-2.5)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Proposed Zoning District:	No proposed change
Acreage:	9.87 acres
Tier:	Exurban
Overlay District:	N/A
Neighborhood Plan:	Acreage Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A

RECOMMENDATION: Staff recommends approval of the request subject to 34 Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contacts from the public regarding this project.

PROJECT HISTORY:

Application No.	Resolution and Request	Approval Date
PDD-2006-00502	R-2007-1871 to allow a rezoning from the Agriculture Residential (AR) Zoning District to the MUPD Zoning District for the development of 50,000 sq. ft. in 6 buildings.	October 25, 2007
ZV-2008-00460	ZR-2008-031 to allow a reduction in the required pervious area	May 1, 2008
DOA/EAC-2008-00628	R-2008-1362 for an EAC to modify an Engineering Condition of Approval to delete a traffic signal requirement due to the Biotech Research Park abandonment on the Mecca property.	July 24, 2008
DOA/R-2012-01578	R-2013-0655 and R-2013-656 for a Development Order Amendment and Requested Use to reconfigure the site plan and add a Type I Restaurant.	May 23, 2013

SURROUNDING LAND USES:

NORTH:

FLU Designation: CL/RR-2.5

Zoning District: MUPD

Supporting: General Retail, Type I Restaurant, Gas Sales, Government Services (Public Library) (Pratt & Orange MUPD, Control No. 1998-00023)

SOUTH:

FLU Designation: RR-2.5

Zoning District: AR

Supporting: Vacant and Single Family

EAST:

FLU Designation: RR-2.5

Zoning District: AR

Supporting: Single Family

WEST:

FLU Designation: RR-2.5

Zoning District: AR

Supporting: Vacant

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.*

This request is consistent with the proposed companion site-specific Future Land Use Atlas (FLUA) amendment, if adopted.

Intensity: Per condition of approval of Land Use Amendment Ordinance 2005-037, Condition 3.a which states, "the site shall be limited to a maximum of 50,000 square feet of non-residential uses." There is no change in requested square footage for the site. The site plan has an approval for 49,645

square feet for the overall MUPD, which equates to a FAR of approximately 0.10 (49,645 / 517,928 square feet or 11.89 acres = 0.096).

Prior Land Use Amendments: The site is the subject of a current FLUA amendment in process known as LGA 2013-00007, Seminole Orange Plaza. The request seeks to modify conditions relating to the centrally located pedestrian gathering area and to delete a requirement for pervious parking area. The subject request went to the Planning Commission on November 8, 2013. The Planning Commission recommended approval with modifications to the Staff alternate recommendation (which imposed additional minimums on gathering area sizes). The Board Of County Commissioners voted to Transmit the amendment with the Planning Commission's modified conditions on January 27, 2014.

The site was the subject of a previous Large Scale Land Use Amendment known as LGA 2005-00005 Seminole Pratt-Whitney Orange SE which amended the land use from RR-2.5 to CL/RR-2.5. The Amendment was adopted via ORD. 2005-037, containing three Conditions of Approval, which were carried forward in the subsequent zoning resolutions. The conditions require crosshatching on the south and east buffers, limit the site to a maximum of 50,000 square feet, several design requirements and that the site should contain a centrally located pedestrian gathering area for civic activities. The pedestrian gathering area has been relocated farther to the east and generally retains the overall shape and dimensions and as such are generally consistent with the conditions.

Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is located within the 1996 Acreage Neighborhood Plan that is identified in the Comprehensive Plan. As there are no specific recommendations in the ANP that pertain to pedestrian gathering areas or pervious surface areas, there are therefore no issues with the proposed amendment of the condition. It should be noted that the ANP was subsequently amended in 2007 and accepted by the BCC in 2008 to modify specific recommendations related to petroleum facilities; however, that change has no implications on this proposed condition modification.

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 to amend a Planning Condition of Approval does not create any inconsistency with the Code. No changes to the use, layout, function, or general development characteristics are proposed on the Preliminary Site Plan (Figure 4).

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 amendment does not create any incompatibility with the uses or character of the land surrounding and in the vicinity of the development.

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.*

No changes to the previously approved intensity or uses are proposed with the request to modify Planning condition 3.

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.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: A portion of the property has already been developed. Native upland trees shall be preserved on the site or mitigated pursuant to ULDC Article 14.C.

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

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

The proposed amendment does not have an impact on the existing development pattern in the vicinity of the commercial node on the east side of Seminole Pratt Whitney Road, north and south side of Orange Boulevard.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

There would be no traffic impact resulting from this petition.

PALM BEACH COUNTY HEALTH DEPARTMENT: No Staff Review Analysis

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

Concurrency was previously approved for 14,469 square feet of General Retail Sales (Building 1); 4,361 square feet of Type I Restaurant with 90 seats (Building 3); 3,920 square feet of Financial Institution (portion of Building 4); and, 27,120 square feet of permitted commercial uses in a MUPD with a CL land use designation (Buildings 2, 4, 5, and 6).

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

The request to modify Planning Condition 3 to delete the requirement for pervious or semi-pervious parking spaces; and, to modify the requirement for a centrally located pedestrian gathering area to allow pedestrian gathering areas to be provided throughout the site is necessary to be consistent with the proposed companion site-specific FLUA amendment (LGA-2013-00007 Seminole Orange Plaza MUPD).

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 DOA 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-1.

CONDITIONS OF APPROVAL

Expedited Application Consideration

ALL PETITIONS

1. Previous ALL PETITIONS condition 1 of Resolution R-2013-655, Control No.2006-00012, which currently states:

The approved Preliminary Site Plan is dated March 14, 2013. 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.

Is hereby amended to read:

The approved Preliminary Site Plan is dated March 13, 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)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate all the existing drainage and utility easements. The site plan shall also indicate the easements to be retained or abandoned. (Previous ALL PETITIONS condition 2 of Resolution R-2013-655, Control No.2006-00012) (DRO: ZONING - Zoning)

3. Prior to the issuance of a building permit, all easements that conflict with the location of a proposed structure or a landscape buffer shall be abandoned or relocated. (Previous ALL PETITIONS condition 3 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: BUILDING DIVISION - Zoning)

4. Previous ALL PETITIONS condition 4 of Resolution R-2013-655, Control No.2006-00012, which currently states:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2008-1362 (Control 2006-012), 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 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-2013-0655 (Control 2006-012), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for The Seminole Orange Plaza MUPD shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (Previous ARCHITECTURAL REVIEW condition 1 of Resolution R-2013-655, Control No.2006-00012) (DRO: ZONING - Zoning)

2. Design of gutters and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (Previous

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property owner shall be restricted to the following phasing schedule:
 - a. No building permits for the site shall be issued after December 31, 2016. 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 Article 2.E of the Unified Land Development Code. (Previous ENGINEERING condition 1 of Resolution R-2013-655, Control No.2006-00012) (DATE: MONITORING - Engineering)
2. The Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for:
 - a. Orange Boulevard 43 feet from center line (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
 - b. An Expanded Intersection at Seminole Pratt Whitney Road and Orange Boulevard. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
 - c. All right of way deed(s) and associated documents shall be provided and approved prior to December 3, 2007 or prior to the issuance of a Building Permit whichever shall first occur. (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
 - d. Right of way conveyance shall be along the entire frontage and shall be free of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right-of-way conveyances shall be consistent with palm Beach County's Thoroughfare Right of Way Identification Map an shall include where provisions for a "Corner Clip." The Property Owner shall not record these required deeds or related documents. After final acceptance, Palm Beach County shall record all appropriate deeds and documents, (Previous ENGINEERING condition 2 of Resolution R-2013-655, Control No.2006-00012) (BLDGPMT/DATE: MONITORING - Engineering) [Note: COMPLETED]
3. Prior to issuance of the first building permit, the Property Owner shall provide a temporary roadway construction easement along both Seminole Pratt Whitney Road and Orange Boulevard to Palm Beach County This roadway construction easement shall contain an isosceles trapezoid connecting the required corner clips across this Property Owners entrance road. Construction within this easement shall conform to Palm Beach County Standards The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (Previous ENGINEERING condition 3 of Resolution R-2013-655, Control No.2006-00012) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]
4. Landscape Within the Median of Seminole Pratt Whitney Road
 - a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of Seminole Pratt Whitney Road. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]
 - b. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

- c. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING - Engineering) [Note: COMPLETED]
- d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: MONITORING - Engineering) [Note: COMPLETED]
- e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beatification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's frontage along Seminole Pratt Whitney Road. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (Previous ENGINEERING condition 4 of Resolution R-2013-655, Control No.2006-00012) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

5. The Property Owner shall construct:

- a. on Seminole Pratt Whitney Road at the Project's entrance road, a right turn lane south approach
- b. 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.
- c. Permits required for this improvement shall be obtained by Palm Beach County prior to the issuance of the first Building Permit.
- d. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (Previous ENGINEERING condition 5 of Resolution R-2013-655, Control No.2006-00012) (BLDGPMT: MONITORING - Engineering) [Note: COMPLETED]

HEALTH-WATER AND SEWER

- 1. The site shall be served by sanitary sewer and a community water system. Neither an onsite sewage treatment and disposal system (OSTDS) nor non-community potable water wells shall be approved for use on the property. All existing OSTDS shall be abandoned in accordance with Chapter 64E-6, FAC and Palm Beach County ECR-I. All existing onsite potable water supply systems shall be abandoned in accordance with Chapter 64E-8, FAC, and Palm Beach County ECR-II. (Previous HEALTH condition 1 of Resolution R-2007-1871, Control No.2006-00012) (ONGOING: CODE ENF - Health Department)

LANDSCAPE - GENERAL

- 1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with the conditions of approval as contained herein. (Previous LANDSCAPE - GENERAL condition 1 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: LANDSCAPE - Zoning)

- 2. A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,

d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (Previous LANDSCAPE - GENERAL condition 2 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: LANDSCAPE - Zoning)

3. All palm or pine trees required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms or pines provided they meet current ULDC requirements. (Previous LANDSCAPE - GENERAL condition 3 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: LANDSCAPE - Zoning)

4. Field adjustment of plant material may be permitted to provide pedestrian sidewalks/ bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (Previous LANDSCAPE - GENERAL condition 4 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: LANDSCAPE - Zoning)

5. Special planting treatment shall be provided within a median at the central access point from Orange Boulevard, as shown on the site plan dated March 14, 2013. Planting shall consist of the following:

- a. a minimum of three (3) native palms or flowering trees;
- b. appropriate ground cover and native shrubs;
- c. all plant materials shall be planted in a naturalistic and meandering pattern. (Previous LANDSCAPE - GENERAL condition 5 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: BUILDING DIVISION - Zoning)

LANDSCAPE - INTERIOR

6. A divider median shall be provided between each adjacent drive-thru lane of any building or use as follows:

- a. a minimum width of five (5) feet excluding curb. This median shall extend a minimum distance of five (5) feet beyond the boundaries of the overhead canopy;
- b. the extensions of these median beyond the overhead canopy shall be planted with a palm having a minimum grey wood height of ten (10) feet and appropriate ground cover; and,
- c. the remaining portions of this median lying beneath the overhead canopy shall be surfaced with brick, precast paver block, or other decorative paving surface. (Previous LANDSCAPE - INTERIOR condition 6 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: BUILDING DIVISION - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING ORANGE BOULEVARD)

7. In addition to Code requirements, the landscape buffer along the north property line shall be upgraded to include:

- a. a minimum of one (1) palm or slash pine for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (Previous LANDSCAPE - PERIMETER condition 7 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: LANDSCAPE - Zoning)

LANDSCAPE - PERIMETER-LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING SEMINOLE PRATT WHITNEY ROAD)

8. In addition to Code requirements, the landscape buffer along the west property line shall be upgraded to include:

- a. one (1) palm or slash pine for each twenty (20) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (Previous LANDSCAPE - PERIMETER condition 8 of Resolution R-2013-655, Control No.2006-00012) (BLDGPMT: LANDSCAPE - Zoning) [Note: COMPLETED]

LIGHTING

1. All outdoor lighting shall be extinguished no later than 11:30 p.m., excluding security lighting only. (Previous LIGHTING condition 1 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: CODE ENF - Zoning)

2. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (Previous LIGHTING condition 2 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: CODE ENF - Zoning)

PALM TRAN

1. The location of an easement for a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). The purpose of this easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (Previous PALM TRAN condition 1 of Resolution R-2013-655, Control No.2006-00012) (DRO: PALM TRAN - Palm Tran) [Note: COMPLETED]

2. Prior to Plat Recordation, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran. (Previous PALM TRAN condition 2 of Resolution R-2013-655, Control No.2006-00012) (PLAT: PALM TRAN - Palm Tran) [Note: COMPLETED]

3. The location of a Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to the approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (Previous PALM TRAN condition 3 of Resolution R-2013-655, Control No.2006-00012) (DRO: PALM TRAN - Palm Tran) [Note: COMPLETED]

PLANNING

1. The southernmost 50 feet of the site north of the right-of-way and the easternmost 100 feet of the site shall be crosshatched, limited to drainage and landscaping. (Previous PLANNING condition 1 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: PLANNING - Planning)

2. The site shall have no vehicular access to 69th Court North. (Previous PLANNING condition 2 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: PLANNING - Planning)

3. Previous PLANNING condition 3 of Resolution R-2013-655, Control No.2006-00012, which currently states:

Development shall be in the form of a Village Center that:

A. Is limited to a maximum of 50,000 square feet of non-residential uses; and

B. Provides for neighborhood shopping, entertainment, services and cultural opportunities by allowing a mix of retail, office, and institutional uses; and

C. Promotes a mix of uses in a manner that creates a strong pedestrian-orientation through design, placement and organization of buildings, pedestrian gathering areas, common open space and dispersed parking; and

D. At a minimum, complies with the following design requirements:

Building design and landscaping shall be designed to reflect the rural character of the community.

The building height shall not exceed 30 feet;

All ground floor commercial frontages must have a minimum of 70% transparent glazed area which provides views into a commercial use or window display;

Parking shall be located to the rear of buildings, to the greatest extent possible. Consistent with the rural character of this area, at least 15% of the parking spaces shall have pervious or semi-pervious surfaces;

Parking areas shall be landscaped with at least one canopy tree planted for every six parking spaces; At least 50% of sidewalk surfaces shall be shaded or covered;

All outdoor lighting must be fully shielded and shall be a maximum of 20 feet in height; and

A centrally located pedestrian gathering area of sufficient size to promote civic activities shall be included. At least 50% of this area shall be shaded by landscaping or shade structures. (ONGOING: PLANNING - Planning) (Previous Planning Condition 3 of Resolution R-2008-1362, Control No. 2006-012)

Is hereby amended to read:

Development shall be in the form of a Village Center that:

- (A) Is limited to a maximum of 50,000 square feet of non-residential uses;
- (B) Provides for neighborhood shopping, entertainment, services and cultural opportunities by allowing a mix of retail, office and institutional uses;
- (C) Promotes a mix of uses in a manner that creates a strong pedestrian orientation through design, placement and organization of buildings, pedestrian gathering areas, common open space and dispersed parking;

(D) At a minimum, complies with the following design requirements:

1. Building design and landscaping shall be designed to reflect the rural character of the community.
2. The building height shall not exceed 30 feet.
3. All ground floor commercial footages must have a minimum of 70% transparent glazed area, which provides views into a commercial use or window display.
4. Parking shall be located to the rear of the buildings to the greatest extent possible.
5. Parking areas shall be landscaped with at least one canopy tree planted for every six parking spaces.
6. At least 50% of sidewalk surfaces shall be shaded or covered.
7. All outdoor lighting must be fully shielded and shall be a maximum of 20 feet in height.
8. A total of 6,015 square feet of pedestrian gathering space(s) shall be provided in one or more locations. The minimum size of any gathering space is 350 square feet. A minimum of 50% of the square footage in gathering spaces shall be within gathering spaces of 1,500 square feet or greater.

(ONGOING: PLANNING - Planning)

SIGNS

1. Freestanding signs fronting on Seminole Pratt Whitney Road shall be limited as follows:

- a. maximum sign face area per side - 100 square feet;
- b. maximum number of signs - one (1);
- c. style - monument style only;
- d. location - within fifty (50) feet of the access point measured from edge of pavement. [Permit B-2010-004894] (Previous SIGNS condition 1 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: BUILDING DIVISION - Zoning) [Note: COMPLETED]

USE LIMITATIONS

1. Outdoor retail business activities shall not be allowed on the property, excluding deliveries and drive-thru activities only. (Previous USE LIMITATIONS condition 1 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: CODE ENF - Zoning)

2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site, except within designated loading and delivery areas. (Previous USE LIMITATIONS condition 2 of Resolution R-2013-655, Control No.2006-00012) (ONGOING: CODE ENF - Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1 Land Use Map

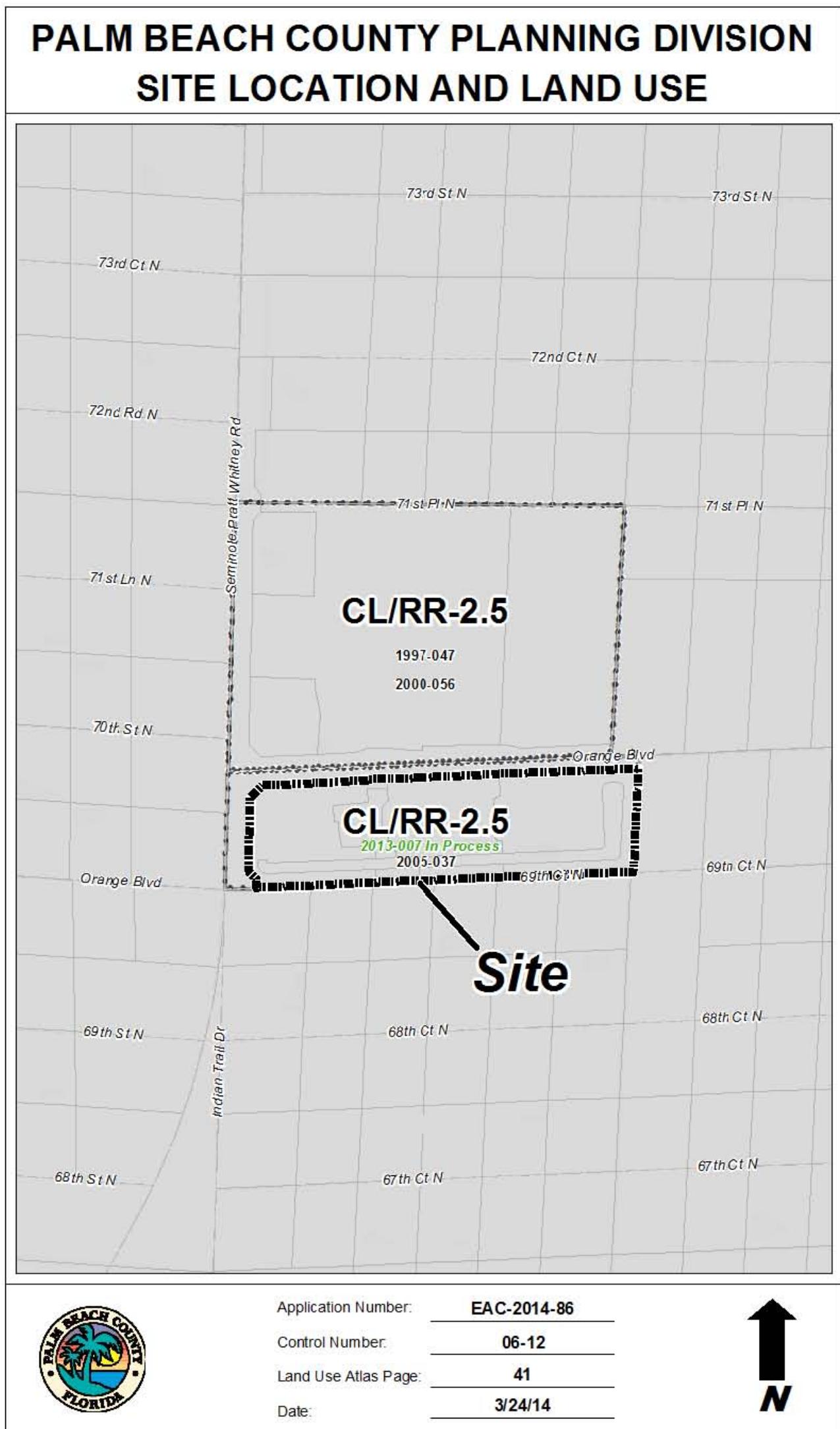


Figure 2 Zoning Map



Figure 3 Aerial



Figure 4 Preliminary Site Plan dated March 13, 2014

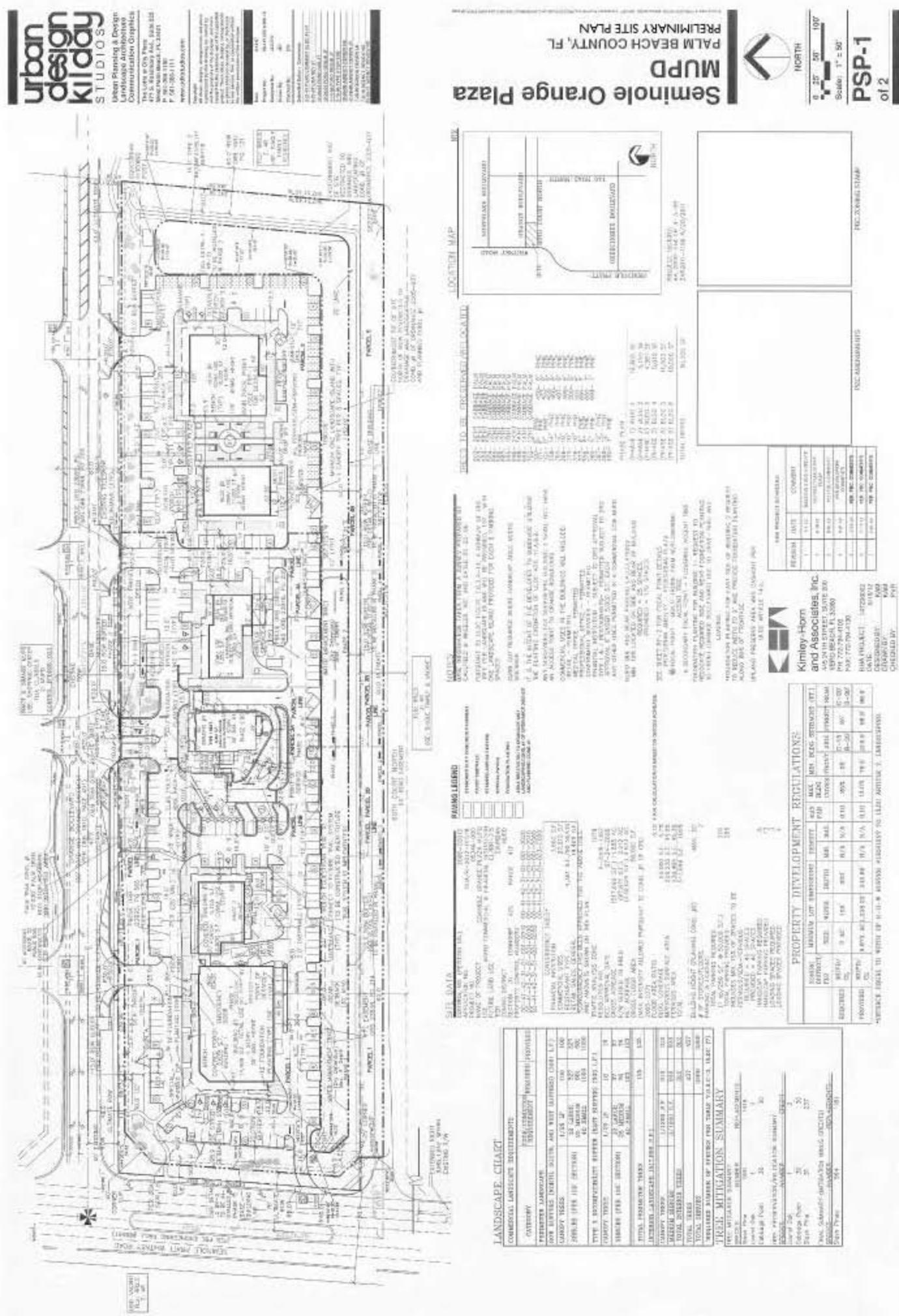


Figure 5 Preliminary Regulating Plan page 1 dated March 13, 2014

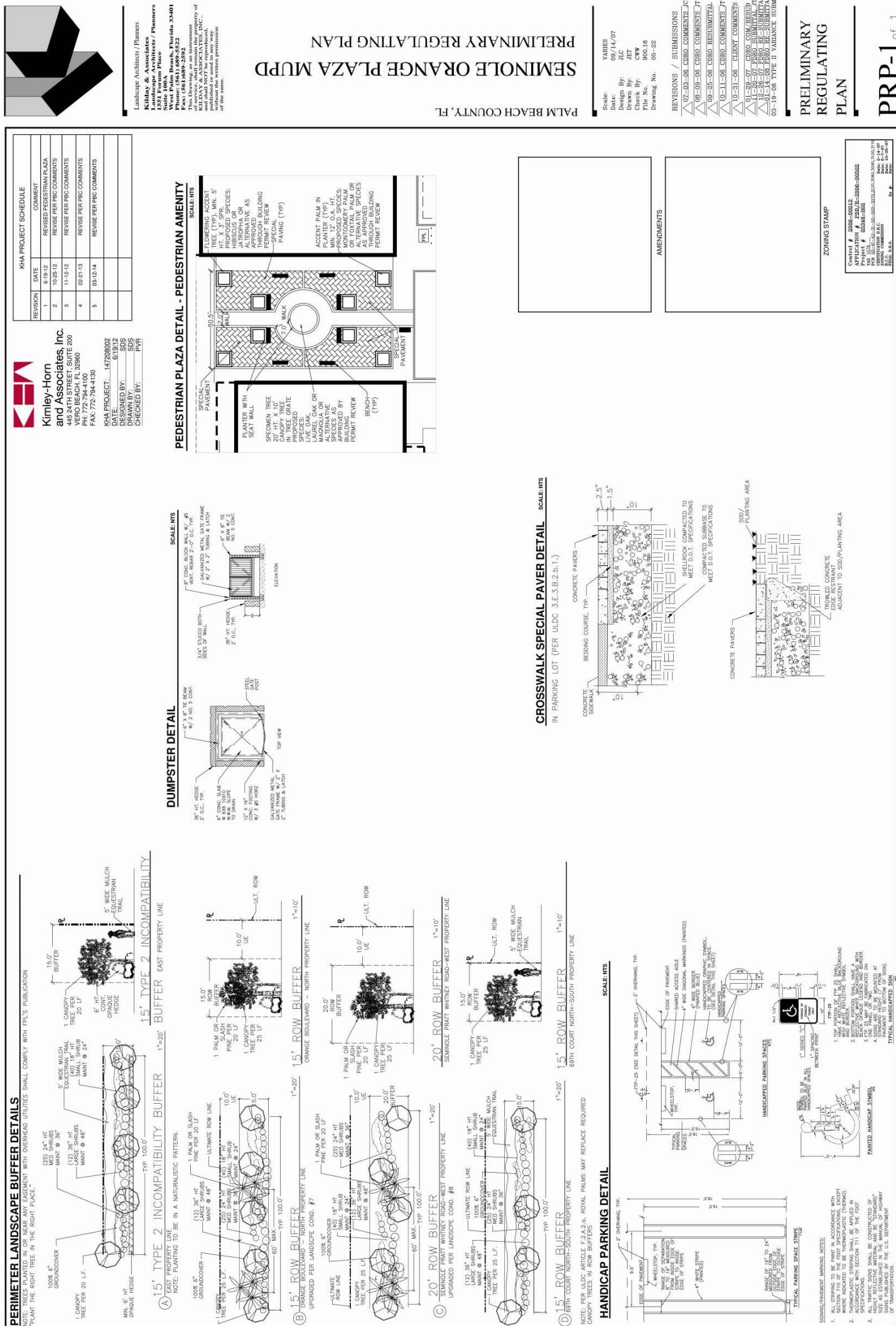


Figure 6 Preliminary Regulating Plan page 2 dated March 13, 2014

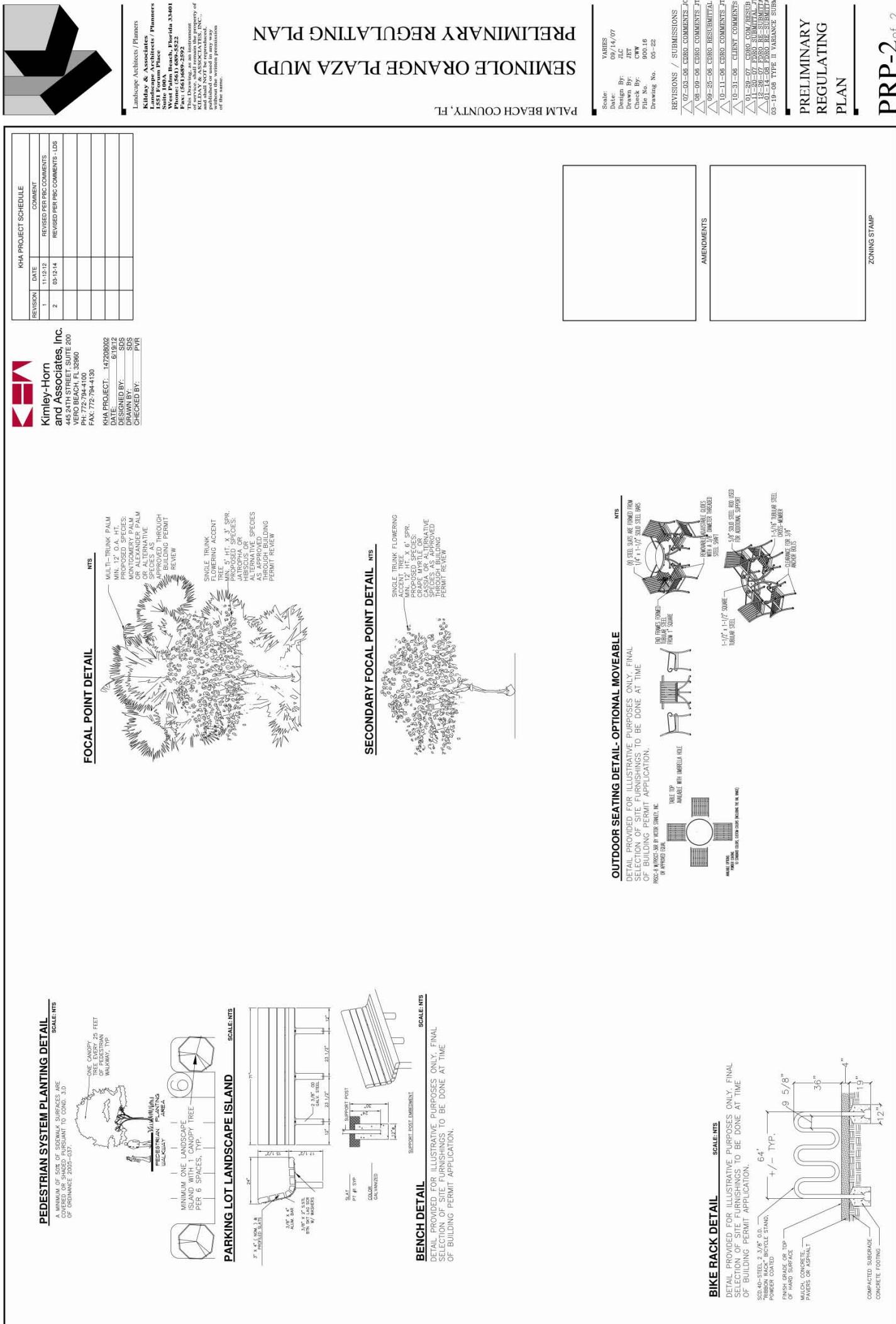


Exhibit D Disclosure(s)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

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 Erwin Sredni, 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 15910 Loxahatchee, LLC [position - e.g., president, partner, trustee] of 15910 Loxahatchee, 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.
* Managing Member of Loxahatchee Venture, LLC, Managing Member of Retail Concepts, Inc.
2. Affiant's address is: 2875 NE 191 Street, PH 1
Aventura, Florida 33180
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.

Erwin Sordi, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 7th day of March, 20 14, by Erwin Sordi, who is personally known to me or who has produced _____ as identification and who did take an oath.

Michelle Delahaye

Notary Public

Michelle Delahaye

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 10-7-16



EXHIBIT "A"

PROPERTY

SEMINOLE ORANGE PLAZA MUPD PAR A (LESS ELY 828.62 FT K/A PAR 3, WLY 408.71 FT AS IN
ORB 24394 PG 558 & ELY 142.05 FT OF WLY 533.69 FT LYG S OF & ADJ TO TR W) A/K/A PT OF
PAR 2 AS IN ORB 24387 PG 459

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
------	---------

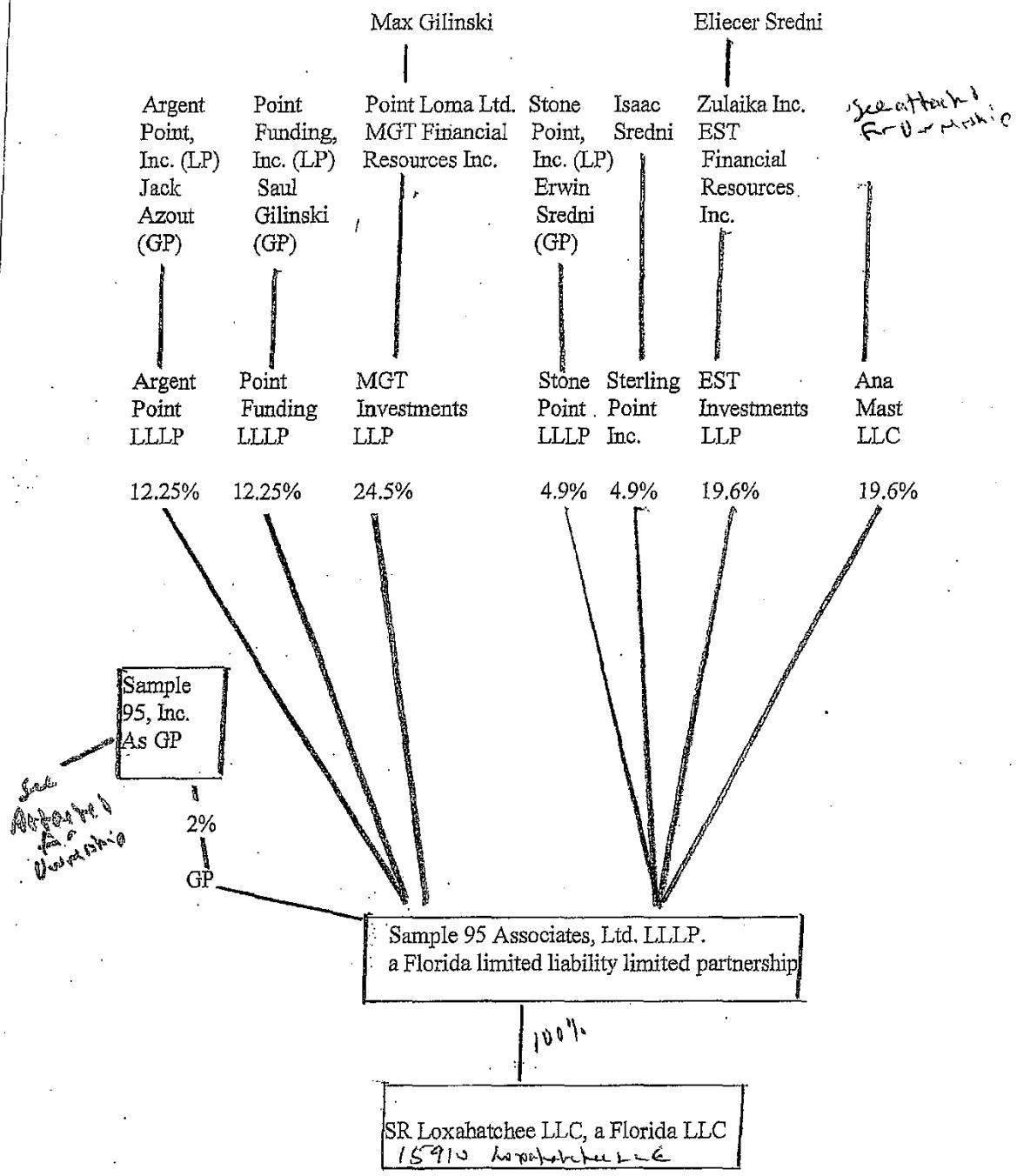
Erwin Sredni, Manager 2875 NE 191 Street, PH 1B, Aventura, FL 33180

Isaac Sredni, Manager 2875 NE 191 Street, PH 1B, Aventura, FL 33180

Jack Azout, Manager 2875 NE 191 Street, PH 1B, Aventura, FL 33180

Saul Gilinski, Manager 2875 NE 191 Street, PH 1B, Aventura, FL 33180

See attached ownership chart

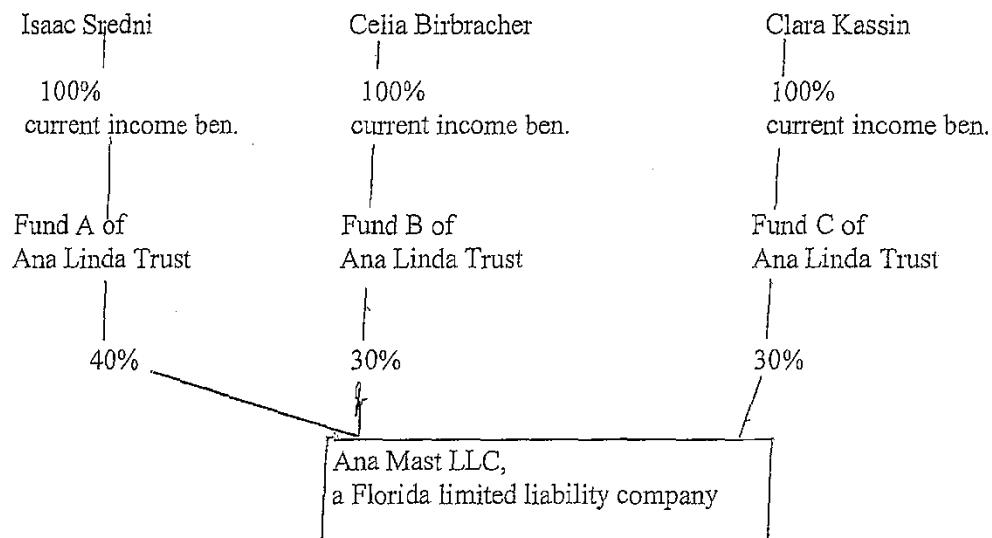


Ownership of Sample 95, Inc.

Argent Point, Inc. 12.5%
Point Funding, Inc. 12.5%
MGT Investments LLP 25%

Stone Point, Inc. 5%
Sterling Point, Inc. 5%
EST Investments LLP 20%
Ana Mast, LLC 20%

ANA MAST LLC



Ana Mast LLC owns the following:

20% of the stock of Sample 95, Inc.
20% partnership interest in Park Central Industrial LLP
19.6% limited partnership interest in Sample 95 Associates, Ltd.
20% partnership interest in Crossroads Business Park Associates LLP

The Ana Linda Trust was created by Ana Sredni as Trustee and Integro Trust (BVI) Limited as Trustee. Ana Sredni is deceased and Isaac Sredni, Celia Birbracher and Clara Kassin are the children of Ana Sredni. Hamilton Trust & Management Company Limited is the Trust Protector.

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 Jim Zengage, 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 President [position - e.g., president, partner, trustee] of *Parcel 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.
* Managing Member of Loxahatchee Venture, LLC, Managing Member of Retail Concepts, Inc.
2. Affiant's address is: 1120 S. Federal Highway, Ste. 200
Delray Beach, FL 33483
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.

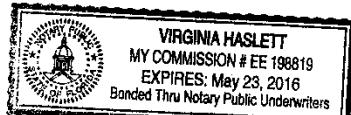

Jim Zengage, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 28 day of February,
20 14, by Jim Zengage, [] who is personally
known to me or [] who has produced _____
as identification and who did take an oath.



Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"

PROPERTY

SEMINOLE ORANGE PLAZA MUPD ELY 456.56 FT OF PAR A IN OR24786P462

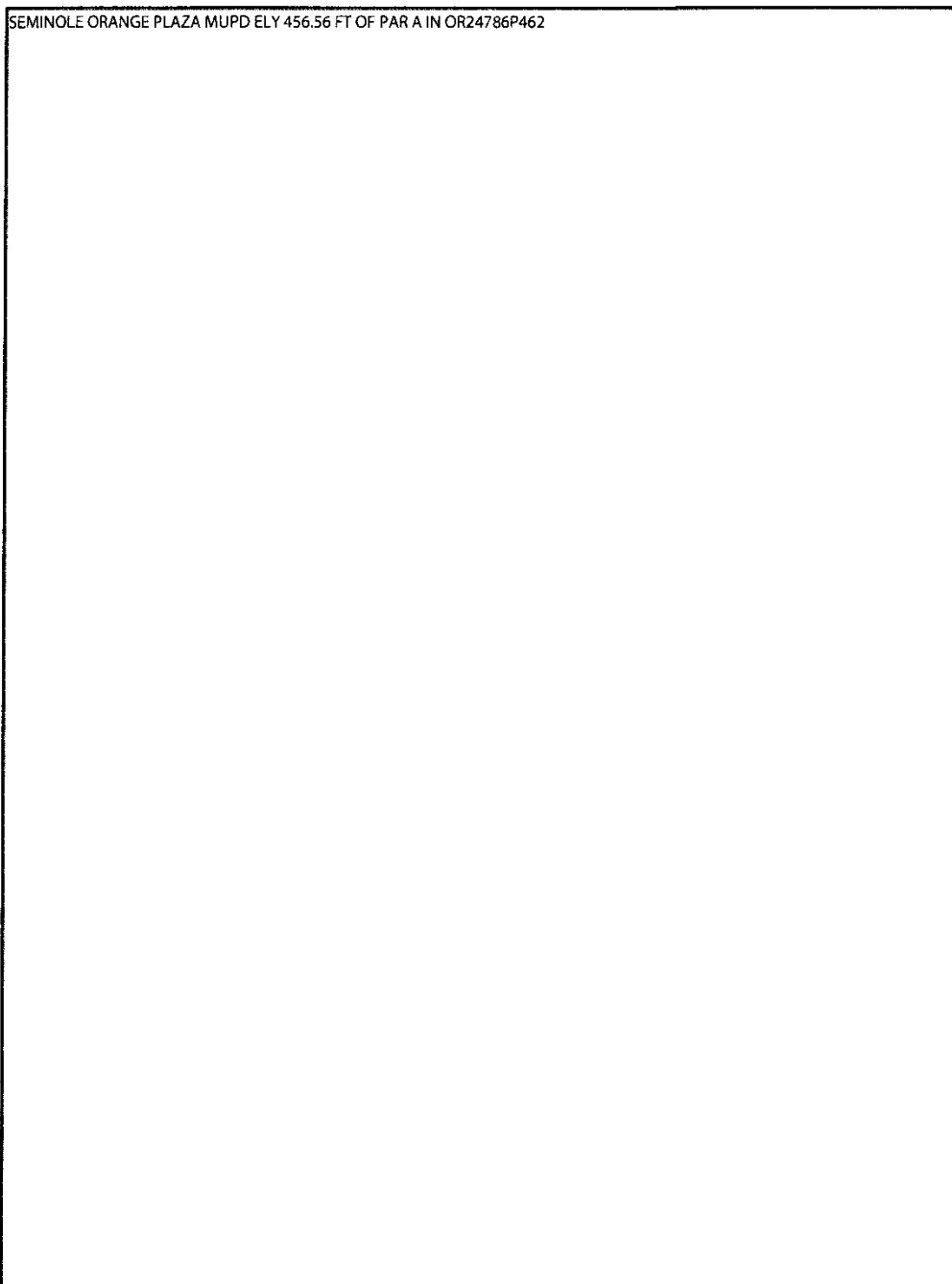


EXHIBIT "B"

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** _____

JAMES A ZENGAGE DECLARATION OF TRUST

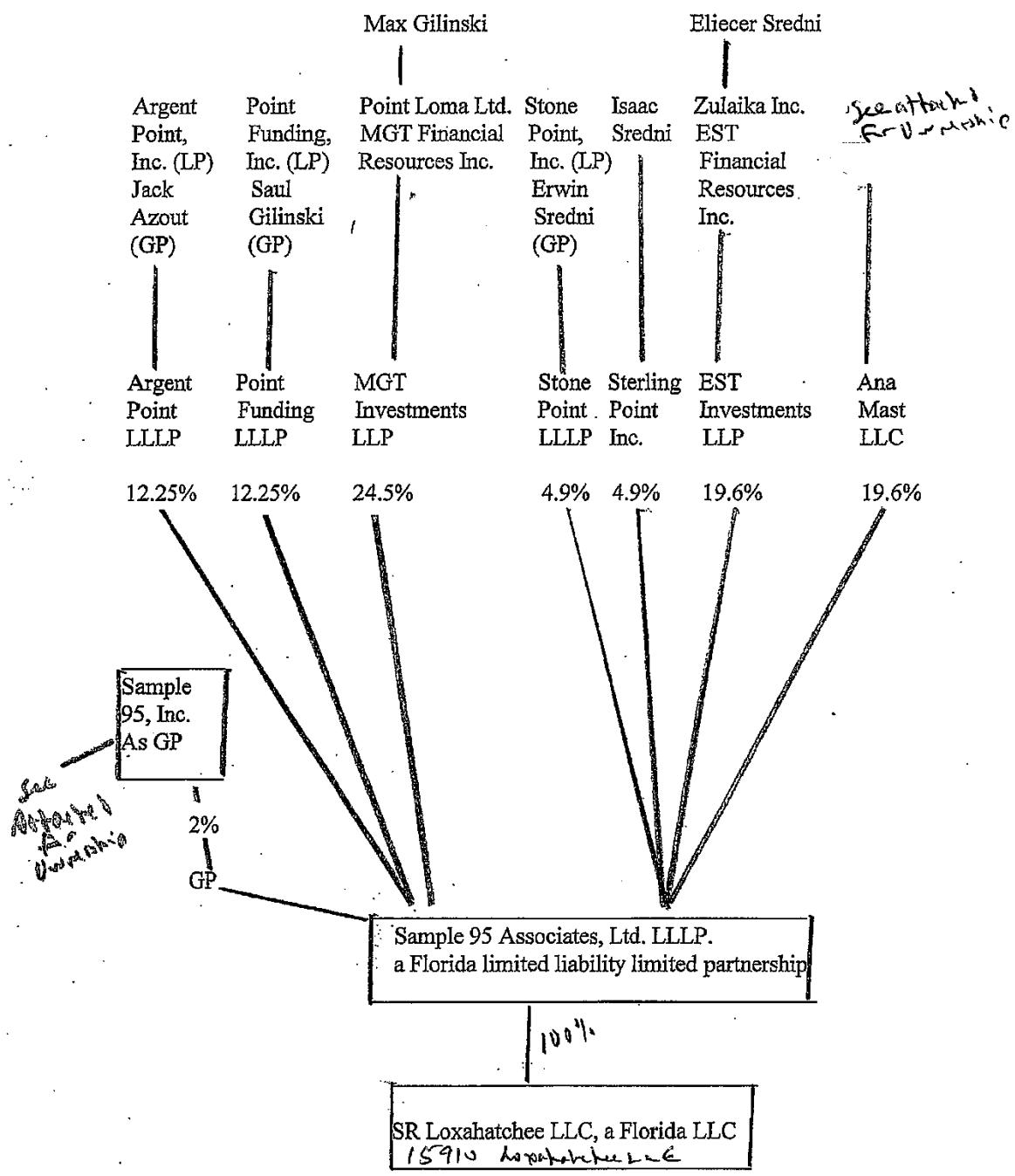
DATED APRIL 3, 1998

1120 S FEDERAL HIGHWAY, SUITE 200

DELRAY BEACH, FL 33483

Disclosure of Beneficial Interest - Ownership form
Page 4 of 4

Revised 08/25/2011
Web Format 2011



Ownership of Sample 95, Inc.

Argent Point, Inc. 12.5%
Point Funding, Inc. 12.5%
MGT Investments LLP 25%

Stone Point, Inc. 5%
Sterling Point, Inc. 5%
EST Investments LLP 20%
Ana Mast, LLC 20%

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 Jim Zengage, 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 [] President _____ [position - e.g., president, partner, trustee] of Seminole Orange Plaza Association, 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: 1120 South Federal Highway
Delray Beach, FL 33483
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.
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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.

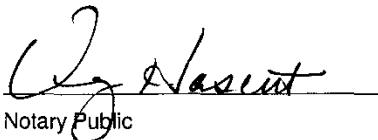
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

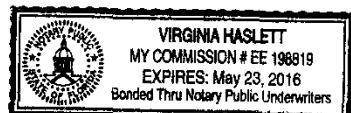
FURTHER AFFIANT SAYETH NAUGHT.


Jim Zengage, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 28 day of February, 2014, by Jim Zengage, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.


Virginia Haslett
Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"

PROPERTY

Seminole Orange Plaza MUPD TR W K/A Stormwater Management

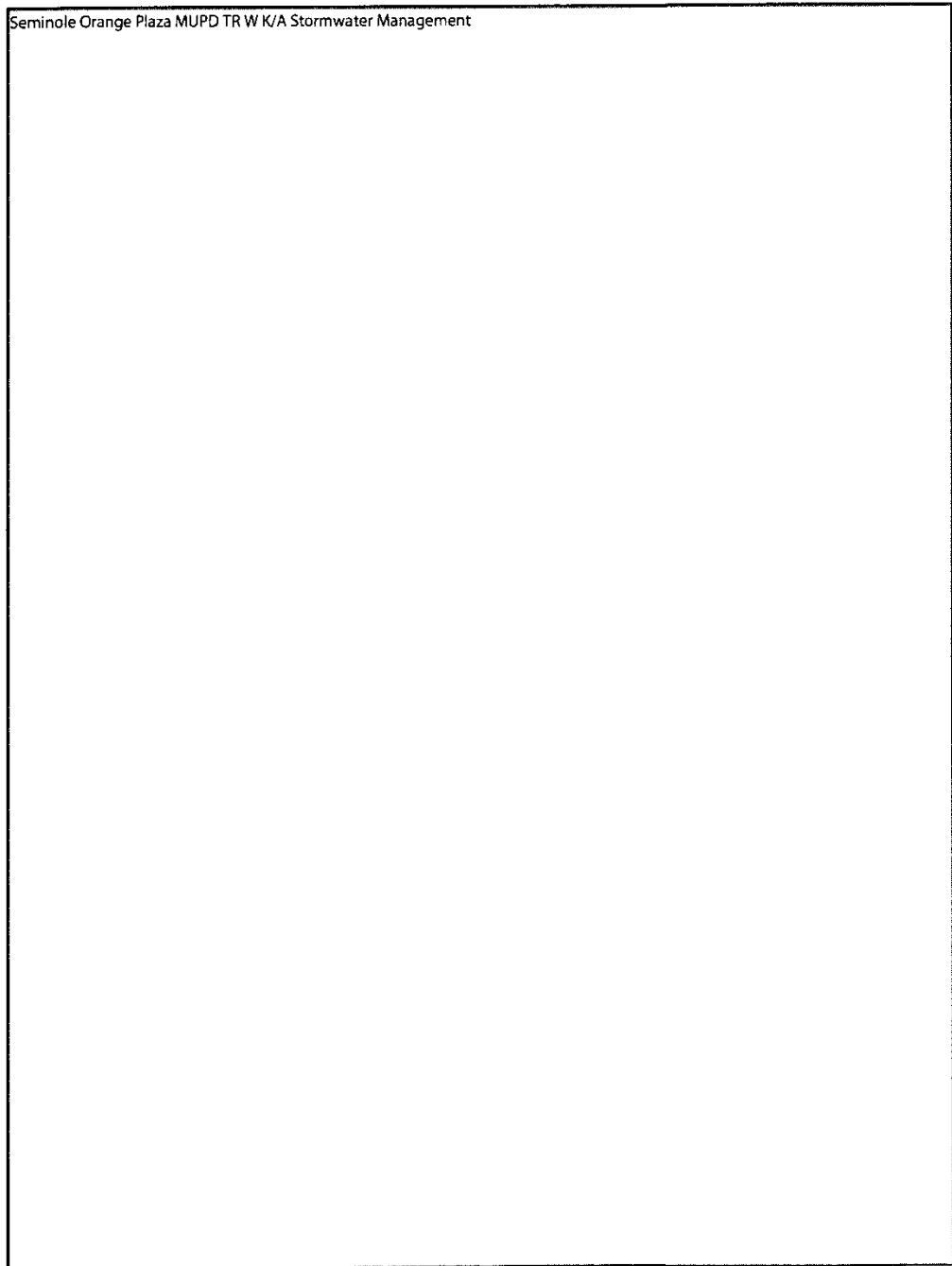


EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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Name _____ Address _____

Seminole Orange Plaza Association, Inc. is Not-for-Profit

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 Erwin Srendi, 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 [✓] Member [position - e.g., president, partner, trustee] of SR Loxahatchee, 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: 2875 NE 191 Street, PH 1
Aventura, Florida 33180

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.
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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.

Erwin Sredn, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 7th day of March, 2014, by Erwin Sredn, who is personally known to me or who has produced _____ as identification and who did take an oath.

Michelle Delahaye

Notary Public

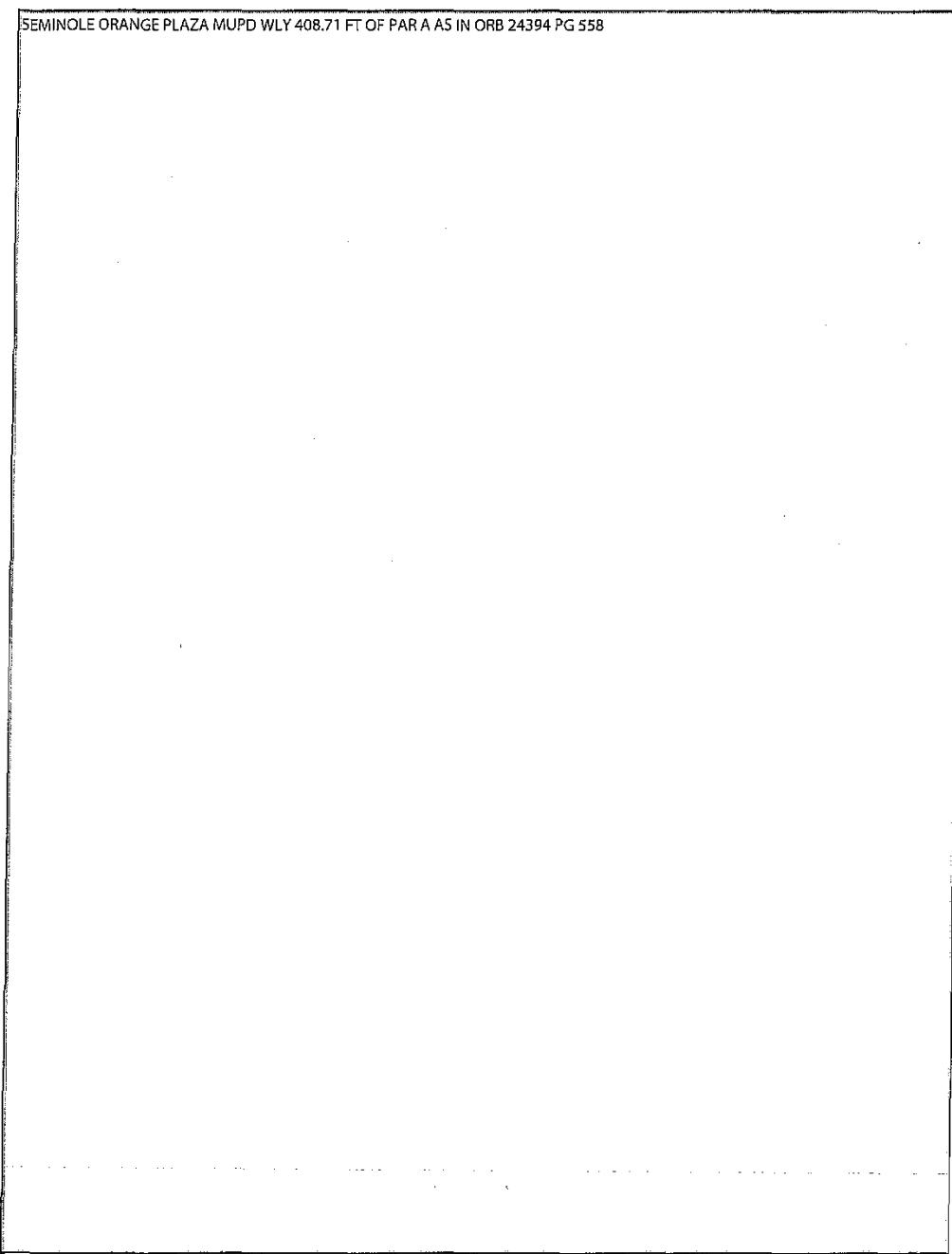
Michelle Delahaye
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 10-7-16



EXHIBIT "A"

PROPERTY

SEMINOLE ORANGE PLAZA MUPD WLY 408.71 FT OF PAR A AS IN ORB 24394 PG 558



Disclosure of Beneficial Interest - Ownership form
Page 3 of 4

Revised 08/25/2011
Web Format 2011

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
------	---------

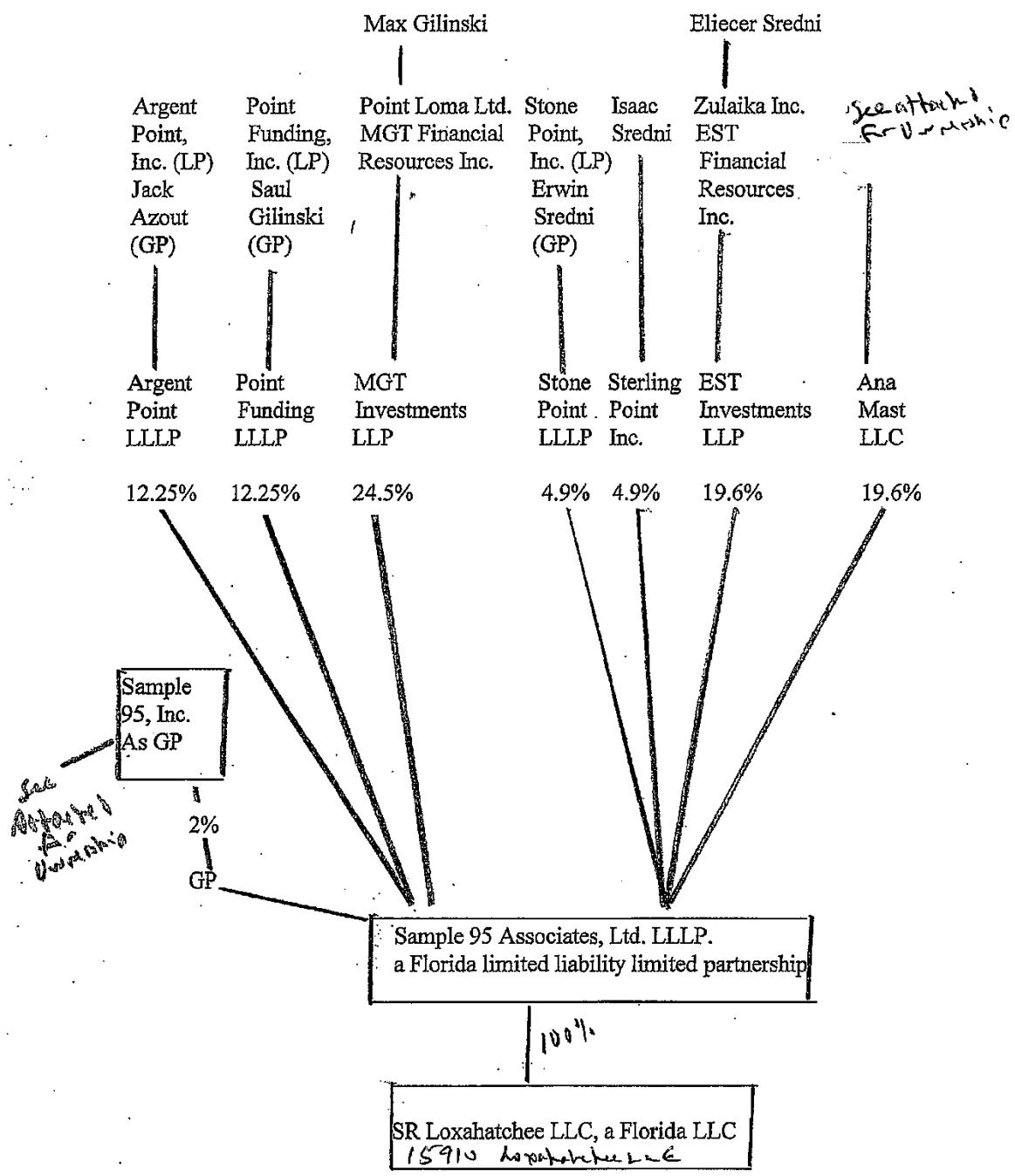
Erwin Sredni, Manager 2875 NE 191 Street, PH 1, Aventura, FL 33180

Isaac Sredni, Manager 2875 NE 191 Street, PH 1, Aventura, FL 33180

Jack Azout, Manager 2875 NE 191 Street, PH 1, Aventura, FL 33180

Saul Gilinski, Manager 2875 NE 191 Street, PH 1, Aventura, FL 33180

See attached ownership chart



Ownership of Sample 95, Inc.

Argent Point, Inc. 12.5%
Point Funding, Inc. 12.5%
MGT Investments LLP 25%

Stone Point, Inc. 5%
Sterling Point, Inc. 5%
EST Investments LLP 20%
Ana Mast, LLC 20%

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Jim Zengaro, President of Retail Concepts, Inc., managing member of Loxahatchee Venture, LLC, managing member of Loxahatchee Venture 34, LLC, 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 [] President Retail Concepts, Inc., managing member of Loxahatchee Venture, LLC, managing member of Loxahatchee Venture 34, LLC [position—e.g., president, partner, trustee] of Loxahatchee Venture 34, 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: 1120 S. Federal Highway, Suite 200
Delray Beach, Florida 33483.

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.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

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.


 Loxahatchee Venture 34, LLC by Loxahatchee Venture, LLC, its managing member, by
 Retail Concepts, Inc. its managing member, Affiant
 Jim Zengage, President
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 25 day of February,
 20 13, by Jim Zengage, President of Retail Concepts, Inc., managing member of Loxahatchee Venture, LLC, [✓] who is personally
 known to me or [] who has produced _____
 as identification and who did take an oath.


 Notary Public

(Print Notary Name)
 NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: _____

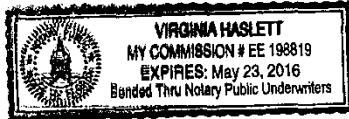


EXHIBIT A PAGE 1 OF 4
PROPERTY

NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF N87°37'21"E. ALONG THE SOUTH LINE OF PARCEL A, SEMINOLE ORANGE PLAZA MUPD.
4. THE "LAND DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

DESCRIPTION:

A PORTION OF PARCEL "A", "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE S 87° 37' 21" W, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 686.75 FEET TO THE POINT OF BEGINNING; THENCE S 02° 22' 42" E, A DISTANCE OF 74.98 FEET TO A POINT OF A CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS POINT BEARS S 05° 28' 50" W; THENCE SOUTHWESTERLY ALONG SAID CURVE HAVING A RADIUS OF 16.07 FEET, A CENTRAL ANGLE OF 50° 20' 33" AND AN ARC LENGTH OF 14.12 FEET; THENCE S 02° 28' 22" E, A DISTANCE OF 163.70 FEET; THENCE S 87° 37' 21" W, A DISTANCE OF 79.85 FEET; THENCE S 02° 22' 42" E, A DISTANCE OF 18.37 FEET TO A POINT ON THE NORTH LINE OF TRACT "W," "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE S 87° 37' 21" W, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 31.03 FEET; THENCE N 02° 33' 45" W, A DISTANCE OF 43.39 FEET; THENCE S 87° 37' 15" W, A DISTANCE OF 22.80 FEET; THENCE N 02° 22' 40" W, A DISTANCE OF 53.34 FEET; THENCE S 87° 38' 00" W, A DISTANCE OF 17.07 FEET; THENCE N 02° 22' 14" W, A DISTANCE OF 59.94 FEET TO A POINT OF CURVATURE TO THE RIGHT HAVING A RADIUS OF 30.01 FEET, A CENTRAL ANGLE OF 73° 03' 01", AND AN ARC LENGTH OF 38.26 FEET; THENCE N 02° 22' 40" W, A DISTANCE OF 76.11 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL "A"; THENCE N 87° 37' 21" E, ALONG SAID NORTH LINE, A DISTANCE OF 141.87 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF PARCEL "A", "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE S 87° 37' 21" W, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 562.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 87° 37' 21" W ALONG SAID SOUTH LINE, A DISTANCE OF 142.04 FEET; THENCE N 02° 22' 20" W, A DISTANCE OF 45.13 FEET TO A POINT ON THE SOUTH LINE TRACT "W," "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE N 87° 37' 21" E, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 142.04 FEET; THENCE S 02° 22' 20" E, A DISTANCE OF 45.13 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 40,827 SQUARE FEET / 0.9373 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

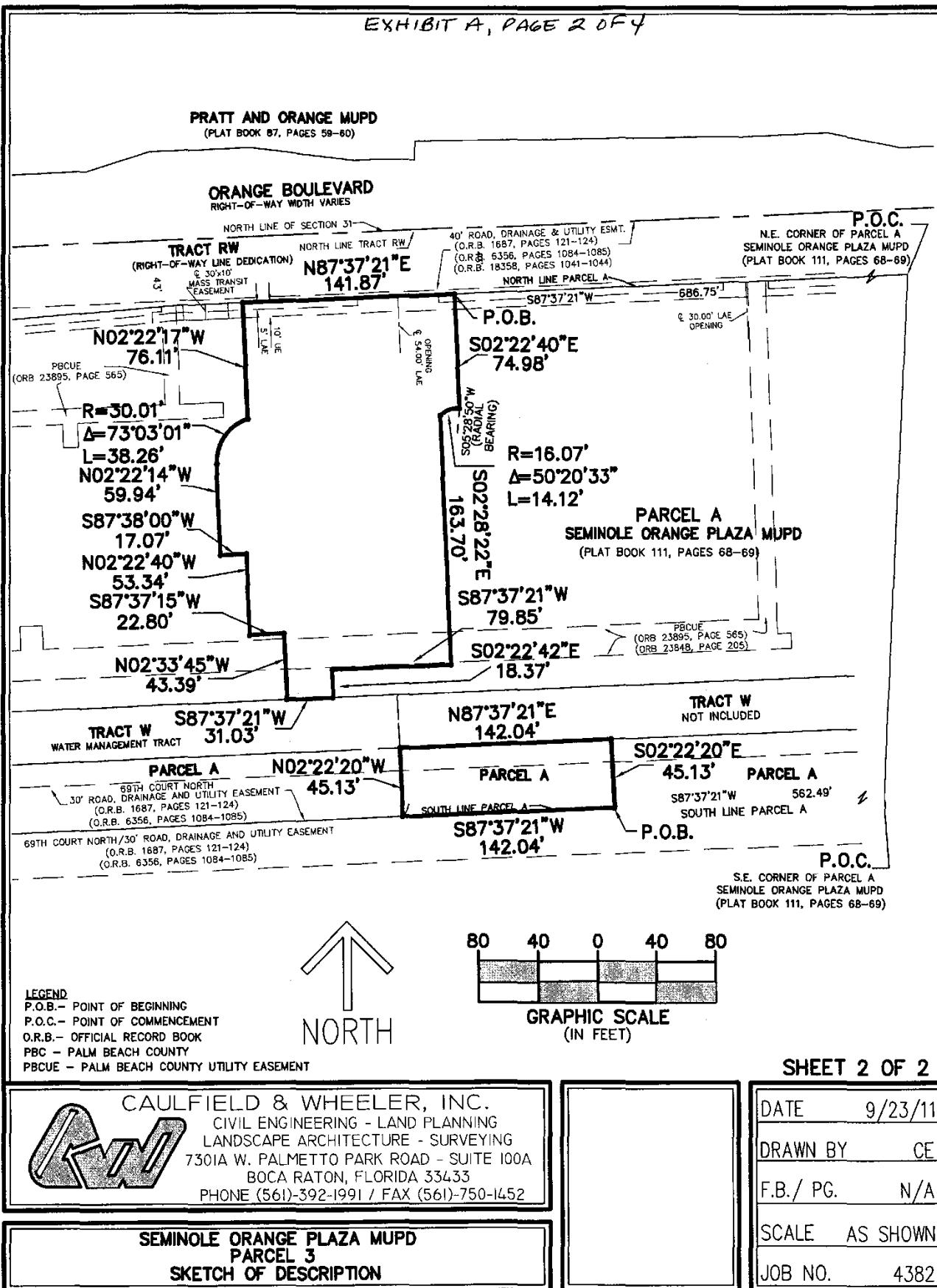
CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION ON SEPTEMBER 23, 2011. I FURTHER CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

SHEET 1 OF 2

 <p>CAULFIELD & WHEELER, INC. CIVIL ENGINEERING - LAND PLANNING LANDSCAPE ARCHITECTURE - SURVEYING 7301A W. PALMETTO PARK ROAD - SUITE 100A BOCA RATON, FLORIDA 33433 PHONE (561)-392-1991 / FAX (561)-750-1452</p>	<p>DAVID P. LINDLEY REGISTERED LAND SURVEYOR NO. 5005 STATE OF FLORIDA L.B. 3591</p>	<p>DATE 9/23/11 DRAWN BY DPL F.B./ PG. N/A SCALE AS SHOWN JOB NO. 4382</p>
<p>SEMINOLE ORANGE PLAZA MUPD PARCEL 3 SKETCH OF DESCRIPTION</p>		

EXHIBIT A, PAGE 2 OF 4



NOTES:**EXHIBIT A, PAGE 3 OF 4**

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
3. BEARINGS SHOWN HEREON ARE RELATIVE TO A BEARING OF N 87° 37' 21" E ALONG THE SOUTH LINE OF PARCEL A, SEMINOLE ORANGE PLAZA MUPD.
4. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
5. DATA SHOWN HEREON WAS COMPILED FROM THE INSTRUMENT OF RECORD AND DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.

DESCRIPTION:

A PORTION OF PARCEL "A", "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE S 87° 37' 21" W, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 456.56 FEET TO THE POINT OF BEGINNING; THENCE S 02° 22' 40" E, A DISTANCE OF 72.50 FEET; THENCE S 78° 54' 38" W, A DISTANCE OF 8.11 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 82° 39' 55", AND AN ARC LENGTH OF 21.64 FEET TO A POINT OF TANGENCY; THENCE S 02° 22' 52" E, A DISTANCE OF 119.25 FEET TO A POINT OF CURVATURE TO THE LEFT HAVING A RADIUS OF 10.24 FEET, A CENTRAL ANGLE OF 79° 44' 55", AND AN ARC LENGTH OF 14.25 FEET TO A POINT OF TANGENCY; THENCE N 87° 36' 52" E, A DISTANCE OF 11.34 FEET; THENCE S 02° 22' 40" E, A DISTANCE OF 43.27 FEET TO A POINT ON THE NORTH LINE OF TRACT "W", "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE S 87° 37' 21" W, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 321.50 FEET; THENCE N 02° 22' 40" W, A DISTANCE OF 18.37 FEET; THENCE N 87° 37' 21" E, A DISTANCE OF 79.85 FEET; THENCE N 02° 28' 22" W, A DISTANCE OF 163.70 FEET TO A POINT OF CURVATURE TO THE RIGHT WHOSE RADIUS POINT BEARS S 44° 51' 51" E, HAVING A RADIUS OF 16.07 FEET, A CENTRAL ANGLE OF 50° 20' 33", AND AN ARC LENGTH OF 14.12 FEET; THENCE N 02° 22' 40" W, A DISTANCE OF 74.98 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL "A"; THENCE N 87° 37' 21" E, ALONG SAID NORTH LINE, A DISTANCE OF 321.19 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PORTION OF PARCEL "A", "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 31, TOWNSHIP 42 SOUTH, RANGE 41 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL "A"; THENCE S 87° 37' 21" W, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 426.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 87° 37' 21" W ALONG SAID SOUTH LINE, A DISTANCE OF 136.00 FEET; THENCE N 02° 22' 20" W, A DISTANCE OF 45.13 FEET TO A POINT ON THE SOUTH LINE TRACT "W", "SEMINOLE ORANGE PLAZA MUPD", AS RECORDED IN PLAT BOOK 111, PAGES 68 AND 69, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE N 87° 37' 21" E, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 136.00 FEET; THENCE S 02° 22' 20" E, A DISTANCE OF 45.13 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 1.5385 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

SHEET 1 OF 2

 <p>CAULFIELD & WHEELER, INC. CIVIL ENGINEERING - LAND PLANNING LANDSCAPE ARCHITECTURE - SURVEYING 7301A W. PALMETTO PARK ROAD - SUITE 100A BOCA RATON, FLORIDA 33433 PHONE (561)-392-1991 / FAX (561)-750-1452</p>		<p>DATE 9/23/11 DRAWN BY DPL F.B. / PG. N/A SCALE AS SHOWN JOB NO. 4382</p>
<p>SEMINOLE ORANGE PLAZA MUPD PARCEL 4 SKETCH OF DESCRIPTION</p>		

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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	Percentage of Interest
James A. Zengage Declaration of Trust dated 04/03/98.	1120 S. Federal Highway, Suite 200	99%
	Delray Beach, FL 33483	

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007