

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

**Application No.:** ZV/DOA/W-2023-00372  
**Application Name:** Lyons Glades Center  
**Control No./Name:** 1979-00106 (Lyons Glades Center)  
**Applicant:** Glades Road West Investments LLC  
Boca Pier Assoc Ltd  
**Owners:** Glades Road West Investments LLC  
Boca Pier Assoc Ltd  
**Agent:** JMorton Planning & Landscape Architecture Jennifer Morton & Lauren McClellan  
**Telephone No.:** (561) 721-4463 , (561) 371-9384  
**Project Manager:** Donna Adelsperger, Senior Site Planner

**Title:** a Type 2 Variance **Request:** to allow a reduction in the width of a right-of-way buffer, Type 3 Incompatibility buffer, landscape islands, divider medians, and foundation planting; reduction in the building and freestanding sign setback; to allow an easement overlap of landscape islands and right-of-way buffer; and, to eliminate landscape protection measures and trees in landscape islands; and, to eliminate a wall within a Type 3 Incompatibility buffer on 4.86 acres

**Title:** a Development Order Amendment **Request:** to reconfigure the site plan, to add and delete uses, and to add square footage on 4.86 acres

**APPLICATION SUMMARY:** The proposed requests are for the 4.86-acre Lyons Glades Center development. The site was last approved by the Board of County Commissioners (BCC) on January 24, 2019.

The request will modify the site plan in order to reconfigure the development to add and delete uses, square footage. The Preliminary Site Plan (PSP) indicates four commercial buildings for a total of 36,088 square feet (sq ft). These buildings include a mix of commercial uses consisting of a Financial Institution with drive-through lanes;, Professional Office, Retail (all existing) and Medical office (one existing and one proposed). In addition the Applicant is also requesting a total of twelve Type 2 Variances as described in the request. In addition the plan indicates 149 parking spaces with two access points from Lyons Road and one from Glades Road.

**SITE DATA:**

Location:	Northwest corner of Glades Road and Lyons Road
Property Control Number(s)	00-42-43-27-05-077-0961, 00-42-43-27-05-077-0962, 00-42-43-27-05-077-0963, 00-42-43-27-05-077-0951
Future Land Use Designation:	Commercial High, with an underlying 5 units per acre (CH/5)
Zoning District:	Multiple Use Planned Development District (MUPD)
Total Acreage:	4.86 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
BCC District	District 5, Vice Mayor Maria Sachs

**RECOMMENDATION:** Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C1 and C2.

**ACTION BY THE ZONING COMMISSION (ZC):** *Scheduled November 2, 2023.*

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

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
Z/SE-1979-00106	To allow a rezoning from AG-Agricultural District to CG- General Commercial	R-1979-0700	June 5, 1979
	For a Further special exception To allow a Financial Institution with Drive through Teller	R-1979-0701	June 5, 1979
SE-1979-00106 (A)	A special exception to ammend the Site Plan for a Financial Institution with Drive through Teller windows to increase building Square fottage	R-1989-0946	May 23, 1989
EAC-2011-00402	An Expedited Application Consideration to delete a Condition of Approval (Engineering) in the General Commercial/Special Exception (CG/SE) Zoning District	R-2011-0789	May 31.2011
ZV/ABN/PDD/W-2018-00548	a Type 2 Variance to reduce the width of a Right-of-Way (R-O-W) Buffer, landscape islands, and divider medians; reduce required foundation planting dimensions, building and freestanding sign setback, and lot size for a Multiple Use Planned Development; to allow easement overlap of landscape islands and a R-O-W Buffer; and, to eliminate landscape protection measures and trees in landscape islands	ZR-2019-003	January 4, 2019
	To revoke an Special Exception for a Financial Institution with Drive-up Teller Windows, as amended by Resolution R-1989-946, as amended by Resolution R-2011-0789	R-2019-0168	February 4, 2019
	To allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District	R-2019-0169	February 4, 2019
	To allow Type 2 Waiver to allow an alternative Landscape Buffer to reduce the width and eliminate a 6- foot high wall	R-2019-0170	February 4, 2019

TYPE II VARIANCE SUMMARY

To allow a reduction in the width of a right-of-way buffer, landscape islands, divider medians, and foundation planting; reduction in the building and freestanding sign setback; to allow an easement overlap of landscape islands and right-of-way buffer; to eliminate landscape protection measures and trees in landscape islands; and, to reduce a Type 3 Incompatible Bufer width and eliminate the wall on 4.86 acres.

	ULDC Article	Required	Proposed	Variance
V1	7.C.2.A.3 Width of Right-of-Way (ROW) Buffer	20-feet (ft.) Minimum width of R.O.W. Buffer, where Right-of-Way (R-O-W) is greater than or equal to 100 ft. (Lyons Road)	Minimum width of 11.8 ft. along Lyons Road R-O-W	Reduction of 8.2 feet in width
V2	7.C.4.A Landscape Islands	Minimum width of 8 ft	0 ft for existing islands	Reduction of 8 ft
V3	7.C.4.A Divider Medians	10-foot wide divider medians	8.5 foot divider medians (existing)	Reduction of 1.5 feet in width for existing divider medians
V4	7.C.3.B Foundation Planting and Dimensional Requirements	Foundation Planting width and facades	Foundation Planting width Bldg 1 - 7.7 ft wide;	Reduction of 0.3 ft wide Foundation planting for Bldg 1 -
			Bldg 2 no Foundation planting on east facade;	Elimination of Foundation planting for Bldg 2 east facade
			Bldg 3 no Foundation planting on south and west facades	Elimination of Foundation planting for Bldg 3 on south and west facades
V5	3.E.3.D MUPD PDR	Rear Setback adjacent to Residential 30-feet	Rear Setback adjacent to Residential 20-feet	Reduction of 10-feet rear setback
V6	8.G.2.A Freestanding Sign Standards	5-foot setback (Sign B)	0-foot setback (Sign B)	Elimination of 5-foot setback (Sign B)
V7	3.E.3.D MUPD PDR	Minimum lot size 5-acres	4.86 acres	Reduction of 0.14 ac.
V8	7.C.4.A Landscape Islands width	8-foot wide excluding curbs, easements and sidewalks. Increase width for more than 10-spaces	No increase in width where exceeding 10-spaces	No increase in width where exceeding 10-spaces

	ULDC Article	Required	Proposed	Variance
V9	7.C.5 Easements in Landscape Buffers	Easement overlap no greater than 5 ft	10 foot easement overlap along Lyons Road	to allow 10 foot easement overlap along Lyons Road
V10	7.C.4.A Landscape Islands – required curbing	Landscape areas subject to vehicle encroachment 6-inch non-mountable curb	Landscape areas subject to vehicle encroachment no non- mountable curb	Elimination of 6-inch non-mountable curbing where existing
V11	7.C.4.A Landscape Islands – required planting	1 tree per island	No trees where existing PBCWUD easements	Elimination of trees where existing PBCWUD easements
V12	3.E.3 MUPD, Multiple Use Planned Development Performance Standarts	Type 3 Incompatibility Buffer 20-feet in width with a wall	Type 3 Incompatibility Buffer 15-feet in width and no wall	Reduction of 5-feet in width and elimination of the wall

**a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

**V1 and V9 (R-O-W Buffer width reduction and easement overlap) YES:** When the original 4.11 acre portion of the subject site was approved in 1979, the Site Plan indicated a 25-ft. landscape buffer with no easement encroachment along the Lyons Road frontage. In 1989, the BCC approved a DOA to the original portion (Resolution R-1989-946) of the site to add approximately 15,000 building sq. ft. subject to Conditions of Approval that the Property Owner should convey a portion of the frontage to a County to widen the Lyon's Road R-O-W. As a result, the width of the landscape buffer was reduced to its current minimum width of approximately 11.55 ft. As a result, the R-O-W Buffer width varies from 20-ft. at the northeast corner to 11.55 ft. at the southeast corner.

Since 1989, utilities have been installed along Lyons Road. However, easements were not recorded. During the review of the prior application and the current, Land Development Staff required the Applicant to show a 10-ft. utility easement (U.E.) along both frontages. As the R-O-W Buffer was already reduced to 11.55-ft and the ULDC allows easements to overlap landscape buffers up to five feet, the requirement to provide a U.E. along Lyons Road has necessitated this request. Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

**V6 (Freestanding Sign Setback) YES:** A minimum 5-ft. setback is required for freestanding signs. All of the existing signs meet this requirement with the exception of Signs B and D. The previously approved Site Plan indicates the signs met setbacks prior to the Lyons Road R-O-W dedication. The PSP indicates that Sign D is not setback from the property line, and Sign B is setback four feet. Staff supports this Variance for Sign B, because the sign was approved at its current location prior to additional R-O-W dedication for the corner clip. However, the latest approved Site Plan dated February 24, 2011, indicates that Sign D was proposed in a different location from where it was installed and from where indicated on the PSP dated September 13, 2023. The location where was approved meet the setbacks required. Therefore, Staff is recommending approval of this Variance, subject to Signs Conditions of Approval 1 and 2, in Exhibit C-2, requiring that Sign D be relocated to meet the required setback, as previously approved. Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

**V2, V3, V4, & V10 (Landscape islands, divider medians and foundation planting dimensions) YES:** The ULDC was amended to require that divider medians be a minimum width of 10-ft. The current Code also requires landscape islands in the Urban Suburban Tier to be a minimum width of eight feet and that all required landscape areas adjacent to vehicle use areas be protected with a continuous curb or wheel stops. This site was approved and implemented prior to these provisions being required. The previously approved plan indicates landscape islands and divider medians that vary in width and do not conform to current Code. There are no curbs around several landscape islands around Building 1, which was approved in 1979. The Applicant is proposing to add continuous curbing around several parking lot islands in the southern portion of the site, except where there are mature trees that would not survive the installation. Finally, the current Code when in the US Tier requires eight feet foundation planting along 40 percent of the front and sides of buildings. However, the Site Plan was approved with little to no foundation planting areas around Buildings 2 and 3.

Article 1.E Prior Approvals, allows non-conforming site elements, elements approved under a previous version of the land development code, clearly shown of the Site Plan outside the affected area to be considered vested. However, because the Applicant had requested to rezone the development, the entire site was considered the affected area and therefore must comply with the Code in place. These Variances would bring these non-conformities into compliance with this Code. Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

**V5 & V7 (MUPD PDRs) YES.** The Owner/Applicant added a .074-ac. remnant parcel, that by itself did not meet the minimum dimensions or lot size to be able to be developed on its own, to the original site. The proposed 4.85 ac. is 0.15 ac. less than the minimum 5 acres required. The subject property is composed of four contiguous parcels. All of the parcels, individually are irregularly shaped, or would not on their own, meet minimum Property Development Regulations (PDRs) for commercial lot size, frontage and/or depth. The three parcels on the northwest corner of Lyons Road and Glades Road were subdivided and sold in 1989 but that subdivision was never reflected on a Land Development plat or on the Zoning Site Plan.

For the purposes of setbacks, the Applicant may determine which property line is considered the side or rear. When the DOA was approved in 1989, the north property line was considered the rear of the property, with a minimum 20-ft. setback. Building 3 was built 20-ft. from the north property line. Were this property to remain in the CG Zoning District, it would comply with current PDRs for lot size and setbacks. What is unique to this site is, with the rezoning to MUPD, the Code requires additional setbacks to mitigate adverse impacts to adjacent residential uses. The Applicant has labeled the north property line as the rear. In the MUPD Zoning District, the rear setback is 30-ft. when adjacent to a residential use or district. The majority of the site is built out and the existing buildings are not being modified, and the residential PUD to the north sited it's a Civic Pod that abut the subject site. Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

**V8 & V11 (Easement encroachment and trees in landscape islands) YES:** The majority of this site is built out and that includes the underground utilities throughout the site. While there are several easements indicated on the Survey that do not encroach on interior landscape islands, in the review of the prior application and this application, Palm Beach County Water Utilities Department (PBCWUD) noted the presence of underground utilities that were installed around Building 3 without an easement. PBCWUD requested an easement but noted that, as they were already installed, it is unlikely they will need to do anything further on the site around the existing structure. The Variances would allow the easements to be recorded without requiring the Property Owner to enlarge the landscape islands or replace the trees should the utilities require the removal of the existing trees. Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

**V12 YES: (Multiple Use Planned Development Performance Standards)** Article 3.E.3.B.2.b Performance Standard requires a Type 3 Incompatibility Buffer along properties lines of an MUPD where missed-use and non-residential uses are adjacent to a residential use type. The Property received site plan approval for a commercial plaza in 1979. At that time the County Code required a minimum 10 ft. wide landscape buffer for the exterior property lines, as reflected on the approved site plan. Since that time a multi-family residential community was developed on the property to the north and the ULDC has undergone several modifications that now require increased buffer widths for incompatible land uses. The intent of the Unified Land Development Code is to ensure that appropriate buffers and screening are provided between incompatible uses. The existing commercial development predates most of the adjacent development in the surrounding area. The adjacent multi-family residential development was approved and constructed after this commercial project Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

***b. Special circumstances and conditions do not result from the actions of the Applicant:***

**V1-12 YES:** The Variance requests are not a result of the actions of the Applicant. Although the Applicant could have opted to make no changes to the site by proposing the Medical Office, the conditions necessitating the Variances can be attributed to the requirements of R-O-W dedication, and evolving land development regulations that make it challenging for older developments to comply with current Code provisions. In addition, the prior rezoning made the entire site the affected area and must be brought up to Code to the greatest extent possible. Under the prior application the Applicant requested the same variance however as the prior application did not receive Final approval by the DRO, the variances became Null and Void.

***c. Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:***

**V1-V12 YES:** Pursuant to Article 2.B.7.E.8.b. Conforming, approval of a variance shall render a parcel of land, building or structure to be conforming. The ZC has granted similar Variances to other parcels, structures and buildings in both CG and MUPD Zoning District. The number of Variances being requested is unusual. However, granting all of them would not confer any special privilege to the Applicant, as the requests are not individually unique and have been granted to other Applicants in the same zoning district.

**d. *Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:***

**V1, V6 and V9 YES:** At the time of the 1989 amendment to the approved Site Plan, the Zoning Code required a 15-ft. wide Landscape Strip along Lyons Road. Current Code requires a 20-ft. buffer. The approved Site Plan indicates a 15-ft. wide buffer along the northern third of the property line and a 17-ft wide buffer along the southern two-thirds with an additional 4-ft. reservation for future R-O-W dedication, per an Engineering Condition of Approval. This additional dedication area reduced the buffer to 13-ft. making the buffer non-conforming and reduced the setback for Sign B to +/-4 ft. During the review of this application, the Applicant was required to show additional R-O-W dedication for the Lyons Road intersection expansion, requiring a further reduction of the buffer to 11.55 ft. at its narrowest. In addition, the Applicant was required to show a 10-ft. U.E. along the R-O-W. The design alternative would work an undue hardship on the Applicant as it would have required the elimination of all of the parking spaces along Lyons Road, potentially necessitating a Variance to reduce the number of parking spaces below what the Code requires. To accommodate a 20-ft. buffer, with new easements in compliance with the provisions of this Code would require additional reconfiguration of an established development, largely built in compliance with a previous Code and made non-compliance through required dedications working an unnecessary and undue hardship.

**V2, V3, V4, & V10 YES:** The developed portion of the site was reviewed for compliance with a prior Code wherein the minimum landscape island and divider median width was five feet. Current Code requirements are eight and ten feet respectively in the U/S Tier. Two of the islands around Buildings 2 and 3 were designed and built at the lesser width. The landscape islands around Building 1, approved in 1979, were built without curbs. Although the Applicant is proposing to install curbs around two of the islands, three of the others have large canopy trees with mature root systems that the installation of curbing cause unnecessary damage and diminish the viability of the trees.

The Code in place in 1989 did not require foundation planting. Therefore the Site Plan shows Buildings 2 and 3 were approved without the foundation planting area the Code currently requires. Literal interpretation of this Code would require the Property Owner to reconfigure the parking lot, sidewalks and possibly building footprints to meet the minimum requirements, causing an unnecessary or undue hardship.

**V5 & V7 YES:** Despite currently being subdivided into three parcels, the approved, built portion of the development has shared parking, access drainage and cross access. Although it was not approved as a Planned Commercial Development, it was designed similar to one. At 4.11 ac., it does not meet the minimum acreage for a MUPD. The Applicant acquired the 0.74 acre parcel adjacent, which cannot be developed without being combined into the larger development. However, literal interpretation of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship because similar Variances have been granted to projects in the same zoning district, Planned Development District (PDD) provided greater design flexibility and the rezoning process ensures compliance with the land development code and potential for alternatives to the lengthy platting process.

**V8 & V11 YES:** The easements required by PBCWUD upon review of this application run perpendicular to the existing islands around Building 3. The only way to reconfigure or widen the islands to accommodate the required landscape area and trees would be to extend the islands either toward the building, which would reduce the required sidewalks, or into the drive aisle. According to PBCWUD Staff, the utilities are already in place, but an easement was not recorded when they were installed. Because trees are not permitted in U.E. the Applicant is requesting a Variance to not have to replace the trees, should they have to be removed. Because there is no other way to accommodate the required trees, literal interpretation would work an undue hardship.

**V12 YES:** The Property received site plan approval for a commercial plaza in 1979. At that time the County Code only required a 10-foot-wide landscape buffer for the northern property line. Since then, a multi-family residential PUD has been developed on the property to the north (Control No. 1995-00088, Promenade at Boca Raton). Although the property to the north is in the PUD Zoning District, a Private Civic Pod and a parking tract abut the subject site for its entire width. In addition, there is a 15-ft. wide mature Landscape Buffer and a 6-ft. high decorative fence within the PUD's south property line. The subject site can accommodate a 15-ft. wide Landscape Buffer, 5 ft. wider than the existing buffer, which complies with the Code for standard commercial zoning districts adjacent to residential uses, however there is not sufficient room to add the required wall and plantings on each side of the wall.

**e. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**V1 – V12 YES:** The Applicant is requesting Variances that are narrowly focused on specific areas throughout the site. Furthermore, the majority of the Variances are to make non-conforming site elements approved under a prior Code or made non-conforming through Conditions of Approval into conformance with the current Code provisions. None of the undeveloped portion of the site where the Medical Office is proposed is subject to the Variances request, with the exception of V7. Therefore, the variance requests are the minimum that will allow reasonable use of the land.

**f. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**V1-V12 YES:** The ULDC requires modifications in the affected area of a site plan subject to modification to comply with the provisions of the current code to the greatest extent possible. With the prior rezoning for the site to MUPD, the entire site was/is the affected. The Applicant is proposing site improvements to bring parts of the developed portion of the site, including: relocating the dumpster from the northwest corner of the site further away from the residential PUD to the north, adding additional landscape islands where there were more than 10 spaces or 100 ft. between islands, adding landscape protection measures along the parking lot around Building 1, improving ADA accessible parking throughout the site, creating a continuous pedestrian circulation network throughout the site with decorative pavers or striping, the addition of amenities such as benches and bike racks throughout the site and removing dead and invasive vegetation from the site.

The granting of the Variances is consistent with the purposes goals and objectives and policies of the Comprehensive Plan and this Code because the Code allows a Property Owner to seek Variance relief; the requests are the minimum required to allow the site to continue to exist and function consistent with how it was previously approved and provides enhanced unifying features required for all PDDs.

**g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

**V1-V12 YES:** Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare as it is unlikely the effects of the variance will be seen from outside the site. The majority of the Variances are to make existing non-conforming site elements consistent with current Code. They affect existing structures, islands, divider medians, landscape buffers and signs that are already in place and are not subject to modification with this application.

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**FINDINGS:**

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that 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.**

○ **Consistency with the Comprehensive Plan:** The proposed 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:** Future Land Use Element (FLUE) policies 4.3-g and 4.3-k employ planning techniques to facilitate uses with similar or like land uses to provide interconnectivity which reduced potential traffic conflicts along the primary roadway.

- Policy 4.3-g: Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage interconnectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

- Policy 4.3-k: The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.

The subject site incorporates a vehicular and pedestrian cross access point to the adjacent parcel to the west of the subject site for future interconnectivity as encouraged by the aforementioned policies. Staff are recommending conditions of approval to record a cross access easement in the indicated location prior to Final Approval by the DRO, and to pave to the property line prior to issuance of the Certificate of Occupancy.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for a nonresidential project with a Commercial High, 5 units per acre (CH/5) future land use (FLU) designation in the Urban Suburban Tier (211,548 surveyed sq. ft. or 4.86 acres x 0.85 maximum FAR = 179,815 sq. ft. maximum). The request for a total of 36,088 sq. ft. equates to a FAR of approximately 0.17 (36,088 / 211,548 surveyed sq. ft. or 4.86 acres = 0.17).

○ *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

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

The proposed Medical Office building is an allowable use when located within the MUPD-CH Zoning District. The proposed use will consist of approximately 6,000 sq.f.t one story structure. It will be constructed on the western parcel of land that was added to the site, along with the expansion of the parking area. The locations and uses of the existing buildings are not proposed to change. Improvements will be made to the existing parking lot to accommodate ADA requirements and provide for enhanced landscaping around the site.

Variances have been requested, as noted above, to the existing site elements that cannot be improved to current ULDC standards. Should the variances be approved for the Landscaping as noted above the development will be in compliance with the ULDC for buffers, interior islands, divider medians, etc. The development has requested two Property Development Regulation (PDRs) variances, one for lot size and one for rear setback for an existing structure. The development meets all other PDRs for an MUPD.

As the proposed structure is located within an MUPD the structure will need to be architecturally consistent with the remaining structures which the Applicant will need to demonstrate. This can be done by colors, textures, style etc.

The proposed changes meet the objectives and standards as described in Art. 3.E.3.B. The project is a non-residential project that has been designed so as to protect the adjacent multi-family residential development to the north as all buildings are oriented to Glades and Lyons Roads with no loading areas abutting that residential project.

Pedestrian connections have been provided between all buildings, existing and proposed within the project as well as to Lyons Road and Glades Road. Interconnectivity cannot be accommodated to the Place of Worship to the west due to the existing site constraints, but a future cross access is shown on the proposed Site Plan. A majority of the Property was previously approved and constructed, thus limiting where new development can be located and how it is oriented. The existing Place of Worship, on the adjacent parcel to the west, is oriented with the rear and sides of the buildings facing this Property with no potential locations for pedestrian connectivity.

This application requires that landscape buffers be brought into compliance with the current code requirements where feasible. Though there is existing plant material along the property lines, trees will need to be replaced if dead or dying to meet the current minimum tree requirements. The variance requests for width reduction and easement overlap will not affect the amount of plant material that will be provided to meet the minimum code requirements. With the variance approvals, all of the landscape buffers will be considered in compliance. New landscape buffers to be provided along the west and south property lines.

**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 Property is bordered to the east and south with Commercial zoning and Future Land Use designations. The residential to the north is a high-density residential PUD which was approved and developed approximately 25 years after this commercial plaza was approved and developed. The property to the west is developed as a Place of Worship in the CG Zoning District. According to the Applicant's

Justification Statement, the proposed amendment will not impact the adjacent property to the west as the new building meets the minimum side back of 15 feet and the landscape buffer will be installed, in accordance with the code, where currently none exists. Also the proposed amendment will not impact the adjacent property to the north as the new building exceeds the rear setback by 22 feet and the landscape buffer will be installed where currently none exists.

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

The proposed Development Order Amendment will minimize any adverse effects, including visual impact and intensity of the proposed medical office use on adjacent lands. The proposed design maintains the functionality of an MUPD and the surrounding land uses by providing additional landscape materials where feasible and bring a previously approved and developed property into conformance with code as much as feasible. No adverse impacts will occur on adjacent properties, as the new building meets or exceeds all requirements regarding setbacks, buffers, and separation. The location of the medical office building in the northwest corner of the site, is not visible from Lyons Road and slightly visible across the existing lake from Glades Road. The northwest corner has some trees that will be affected, but the majority of that area is an old access road that will be replaced with the proposed building.

**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.*

○ **Vegetation Protection:** The site is an existing plaza. There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The water management tracts, and open space have been located to maximize onsite preservation. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C. A Condition of Approval have been added to have all mitigation plantings to be planted on-site or as approved by ERM

○ **Wellfield Protection Zone:** This 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

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

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

Currently, three of the four corners of the Glades Road and Lyons Road intersection have either CG or MUPD Zoning District. Furthermore, the Glades Road corridor is completely built out or approved for development, between Interstate 95 and State Road 7. The inclusion of a medical office building will be infill to an existing commercial property. Most of the land along Glades Rd is developed and the Property Owner has identified a need in the community for additional medical office uses. The proposed amendment is consistent with the previously approved site plan, the existing future land use designation, and the development patterns in the area.

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

**ENGINEERING COMMENTS:**

The proposed addition of 6,000 sf of Medical Office to an existing shopping plaza is expected to generate additional 257 net daily trips, 18 net AM peak trips, and 24 net PM peak hour trips. The build out of the project is assumed to be by 2025. Overall, the modified plan will generate 1,187 net daily trips, 99 net AM peak hour trips, and 174 net PM peak hour trips.

Additional trips will have an insignificant impact on area roadways (as per the definition in the PBC Traffic Performance Standards) and the project meets Traffic Performance Standards without any roadway improvement requirements.

The Property Owner shall plat the property prior to the issuance of the first building permit for the proposed development.

**DRAINAGE:** The subject site is located in the Lake Worth Drainage District (LWDD) and South Florida Water Management District (SFWMD) drainage boundaries. As stated in the Engineers Drainage Statement (Figure E): *...The subject site was permitted for the addition of Buildings 2 and 3 with the Lake Worth Drainage District (LWDD) under Permit No. 89-1055D.01 on July 18th, 1989. There are no known South Florida Water Management District (SFWMD) permits for this property. The Applicant is proposing Building 4, a 6,000 SF Medical Office to the northwestern corner of the subject property with associated parking, landscaping, lighting and infrastructure improvements.*

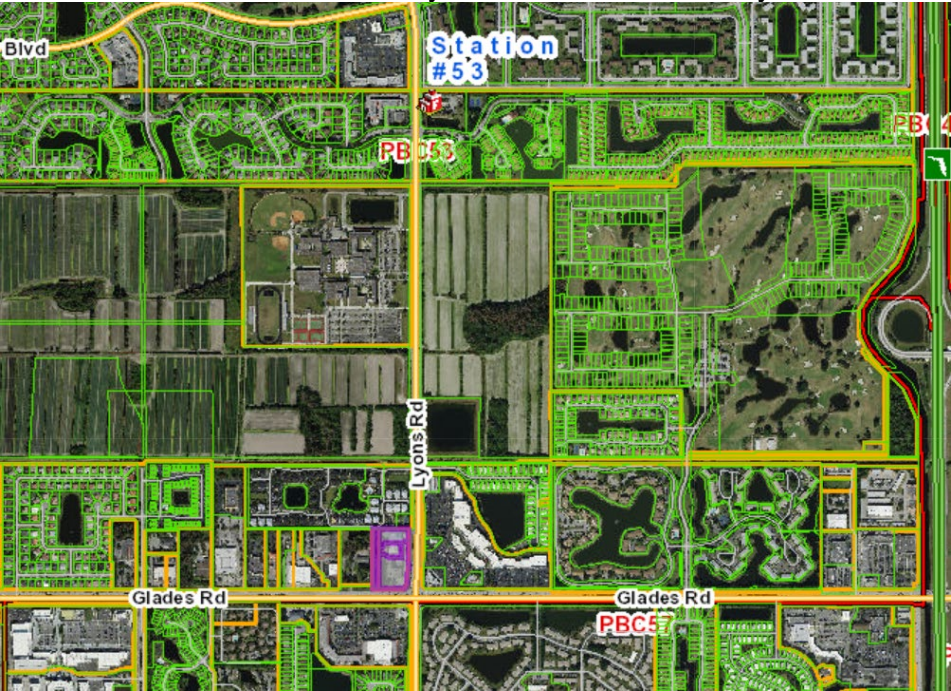
*The existing shopping center has a series of stormwater inlets, which connect to the on-site wet retention system. The Applicant will be submitting for a new Environmental Resource Permit through SFWMD for the proposed development.. The proposed drainage system will consist of additional inlets, drainage infrastructure, and a wet detention system onsite, which will be regraded and expanded to provide additional capacity and will provide an overflow structure that will provide legal positive outfall to Glades Rd. above the 25-year/3-day storm peak stage. The proposed stormwater management system will comply with all agency design requirements.*

Prior to the issuance of any building permits, the Applicant/Property Owner will need to obtain permits and approval from the Districts.

**WATER AND WASTEWATER:** The water and wastewater provider is Palm Beach County Water Utilities Department (PBC WUD). (see Figure F) Prior to the issuance of any building permits, the Applicant/Property Owner will need to obtain permits and approval to connect to water and wastewater services from PBC WUD.

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

**FIRE PROTECTION:** Staff has reviewed this application and have no comment. The development is located in the Palm Beach County Fire Station 53 boundary.



**SCHOOL IMPACTS:** The School Board has no comment regarding this non-residential application.

**PARKS AND RECREATION:** Non-residential project therefore, Park and Recreation ULDC requirements do not apply.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The prior rezoning to MUPD was never implemented. The Development Order Amendment is necessary in order to implement a new site plan that encompasses the additional parcel as well as a change of use. The Property received site plan approval for a Commercial Plaza in 1979, since that time a multi-family residential community has been developed on the property to the north. The 0.8 acres previously incorporated with the existing commercial project was previously an access point for the residential parcels to the north. A residential planned unit development has since been developed on these parcels without utilizing this access point.

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B, and determined that there is a balance between the need for change and the potential impacts generated by Lyons Glades Center Development. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibits C1 and C2.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1:

#### Type 2 Variance - Concurrent

#### ALL PETITIONS

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated September 13, 2023. Only minor modifications by Zoning Commission or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)

#### VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT/ONGOING: ZONING - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO/ONGOING: ZONING - Zoning)

3. Prior to the issuance of a Certificate of Completion, the Property Owner shall install any missing or dead landscaping to mitigate the potential impacts as a result of the Variance approvals. (CO: BUILDING DIVISION - Zoning)

Property Owner

4. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/DOA/W-2023-00372. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

#### COMPLIANCE

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

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

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

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

#### DISCLOSURE

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

## CONDITIONS OF APPROVAL

### Exhibit C-2:

#### Development Order Amendment

##### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2019-169, Control No.1979-00106, which currently states:

The approved Preliminary Site Plan is dated November 13, 2018. 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 September 13, 2023. 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. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2019-169 (Control 1979-00106), 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, unless expressly modified. (ONGOING: MONITORING - Zoning)

##### ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2019-169, Control No.1979-00106, which currently states:

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, 2019. 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)

##### Is hereby amended to read:

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

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

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2019-169, Control No.1979-00106)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Lyons Road to meet the expanded intersection requirements of Lyons Road and Glades Road as approved by the County Engineer. This dedication shall also include the forty (40) foot corner clip at the intersection as needed.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County

meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2019-169, Control No.1979-00106)

4. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall remove the existing driveway located within the sixty (60) foot access easement. In addition to removal of the driveway, the Property Owner shall also restore the area to match adjacent property. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2019-169, Control No.1979-00106)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, the access easement located over the west sixty (60) feet of the site. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2019-169, Control No.1979-00106)

**ENVIRONMENTAL**

1. All mitigation plantings shall be planted on-site or as approved by ERM. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

**LANDSCAPE - GENERAL**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2019-169, Control No.1979-00106, which currently states:

Prior to July 24, 2019, the Property Owner shall replace all dead and missing plant materials on the entire subject property.

**Is hereby amended to read:**

Prior to May 29, 2024, Property Owner shall replace all dead and missing plant materials on the entire subject property. (DATE: MONTORING/ZONING - Zoning)

**LANDSCAPE - PERIMETER**

2. Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2019-169, Control No.1979-00106, which currently states:

Should the trees within the utility easement indicated on the Preliminary Site Plan dated November 13, 2018 along the Lyons Road frontage require removal, the Property Owner shall submit an Alternative Landscape Plan to the Zoning Division indicating where the tree(s) shall be replaced within the same buffer or the interior of the site. Replacement of vegetation shall be in accordance with Article 7 Landscaping Tree Credit and Replacement standards.

**Is hereby amended to read:**

Should the trees within the utility easement indicated on the Preliminary Site Plan dated September 13, 2023 along the Lyons Road frontage require removal, the Property Owner shall submit an Alternative Landscape Plan to the Zoning Division indicating where the tree(s) shall be replaced within the same buffer or the interior of the site. Replacement of vegetation shall be in accordance with Article 7 Landscaping Tree Credit and Replacement standards. (ONGOING: ZONING - Zoning)

**PLANNING**

1. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney s Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the Site Plan. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official Records Book and Page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy (CO), the Property Owner shall construct, and pave to the property line, the cross access as shown on the Final Site Plan. (CO: MONITORING - Planning)

**SIGNS**

1. Replacement or relocation of the existing freestanding signs fronting on Lyons Road shall be in compliance with requirements of this Code as amended. (BLDGPMPT: BUILDING DIVISION - Zoning) (Previous SIGNS Condition 1 of Resolution R-2019-169, Control No.1979-00106)
2. Previous SIGNS Condition 2 of Resolution R-2019-169, Control No.1979-00106, which currently states:

At time of the issuance of the first Building Permit for Building 4, as indicated on the Preliminary Site Plan dated November 13, 2018, Ground Mounted Freestanding Sign D fronting on Lyons Road shall relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback, and:

a. Prior to Final Site Plan approval by the DRO, the Site Plan shall be amended to indicate Ground Mounted Freestanding Sign D fronting on Lyons Road relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback.

**Is hereby amended to read:**

2. Prior to Final Site Plan approval by the DRO, the Site Plan shall be amended to indicate Ground Mounted Freestanding Sign D fronting on Lyons Road relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback. (DRO: ZONING - Zoning)
3. At time of the issuance of the first Building Permit for Building 4, as indicated on the Preliminary Site Plan dated September 13, 2023, Ground Mounted Freestanding Sign D fronting on Lyons Road shall relocated 10 feet to the north, or the distance required to meet a minimum 5-foot setback. (BLDGPMPT: BUILDING DIVISION - Zoning)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

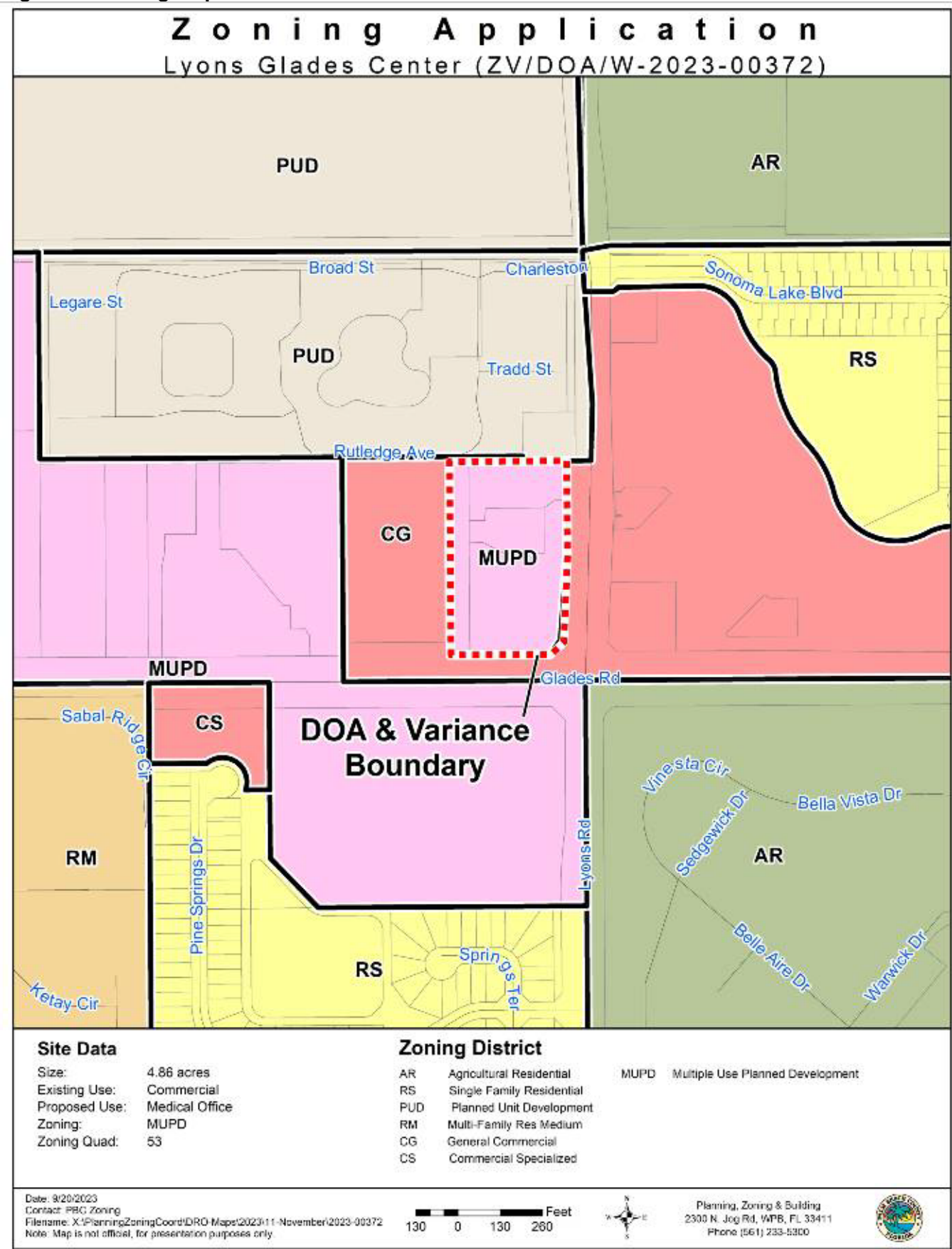
**DISCLOSURE**

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

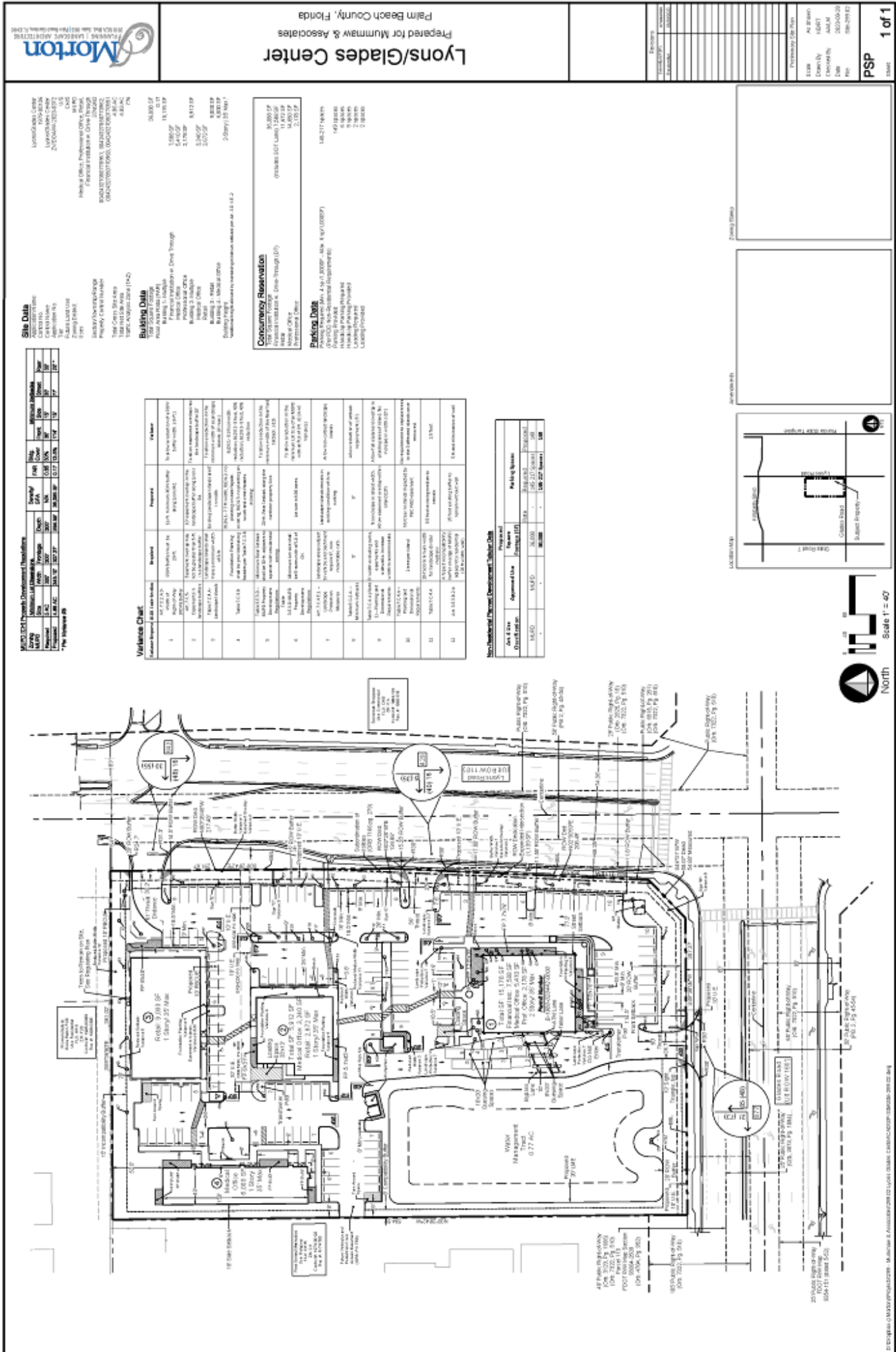
Figure 1 - Land Use Map



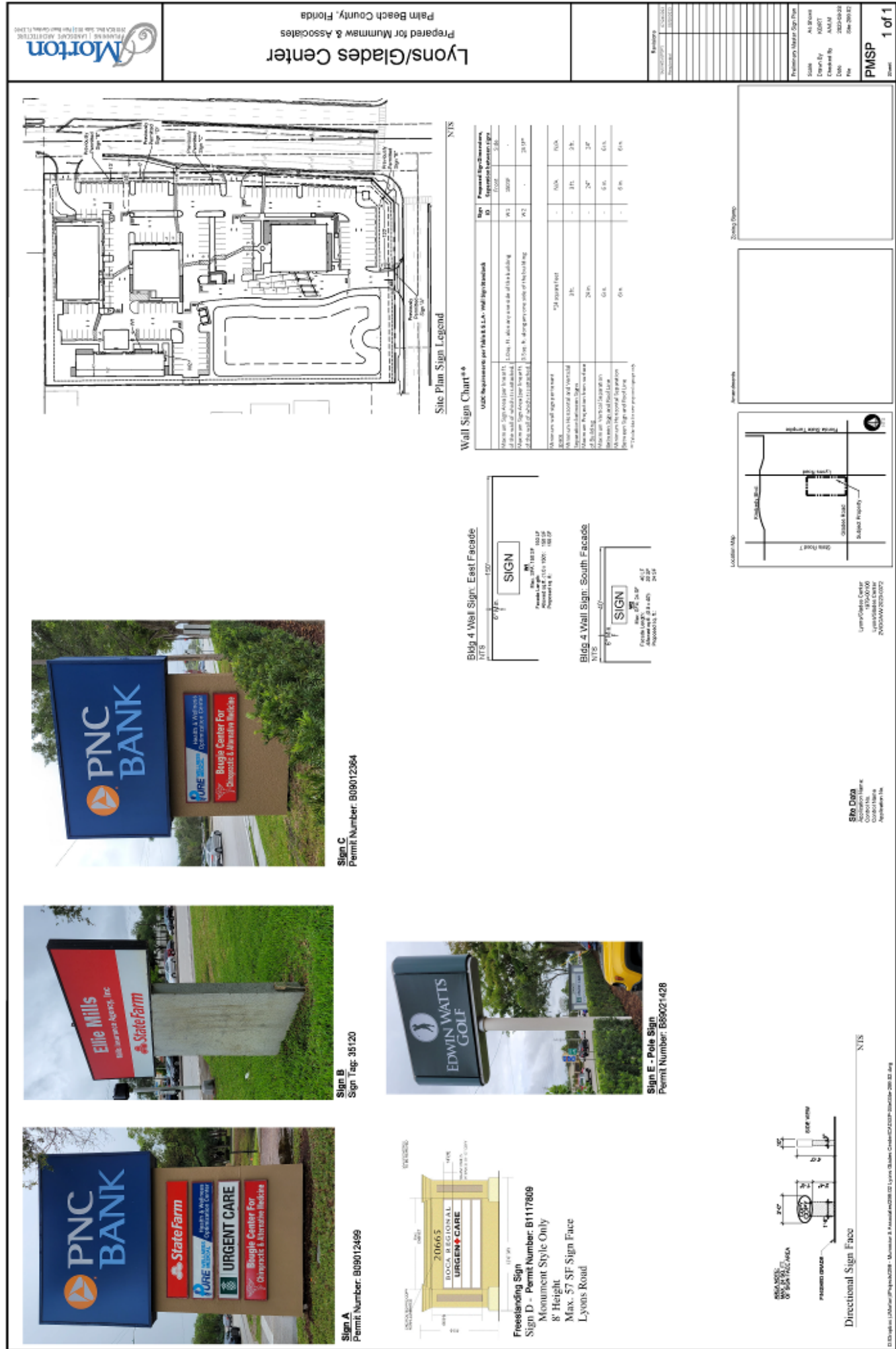
Figure 2 - Zoning Map



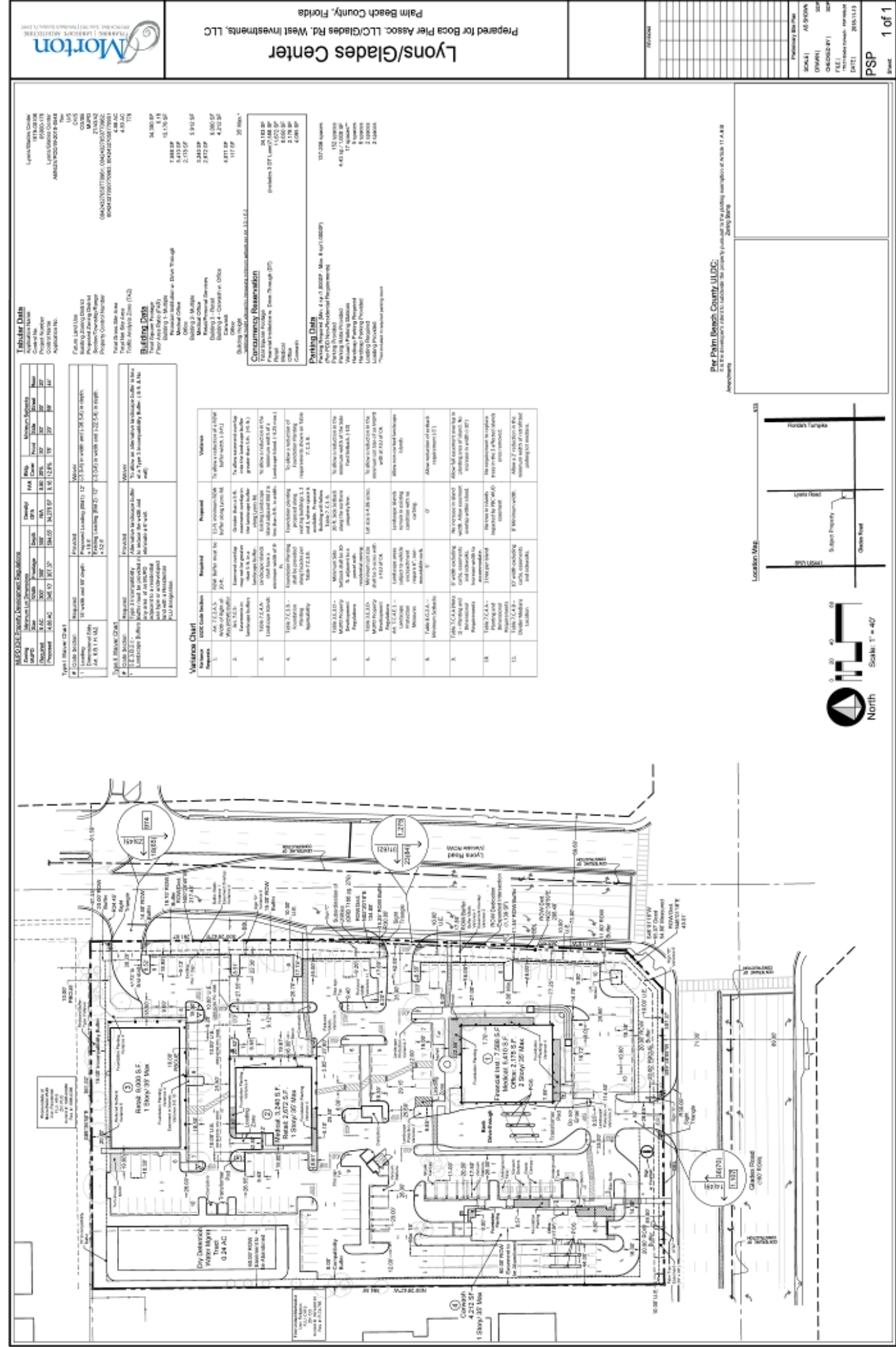
**Figure 3 – Preliminary Site Plan dated September 13, 2023**



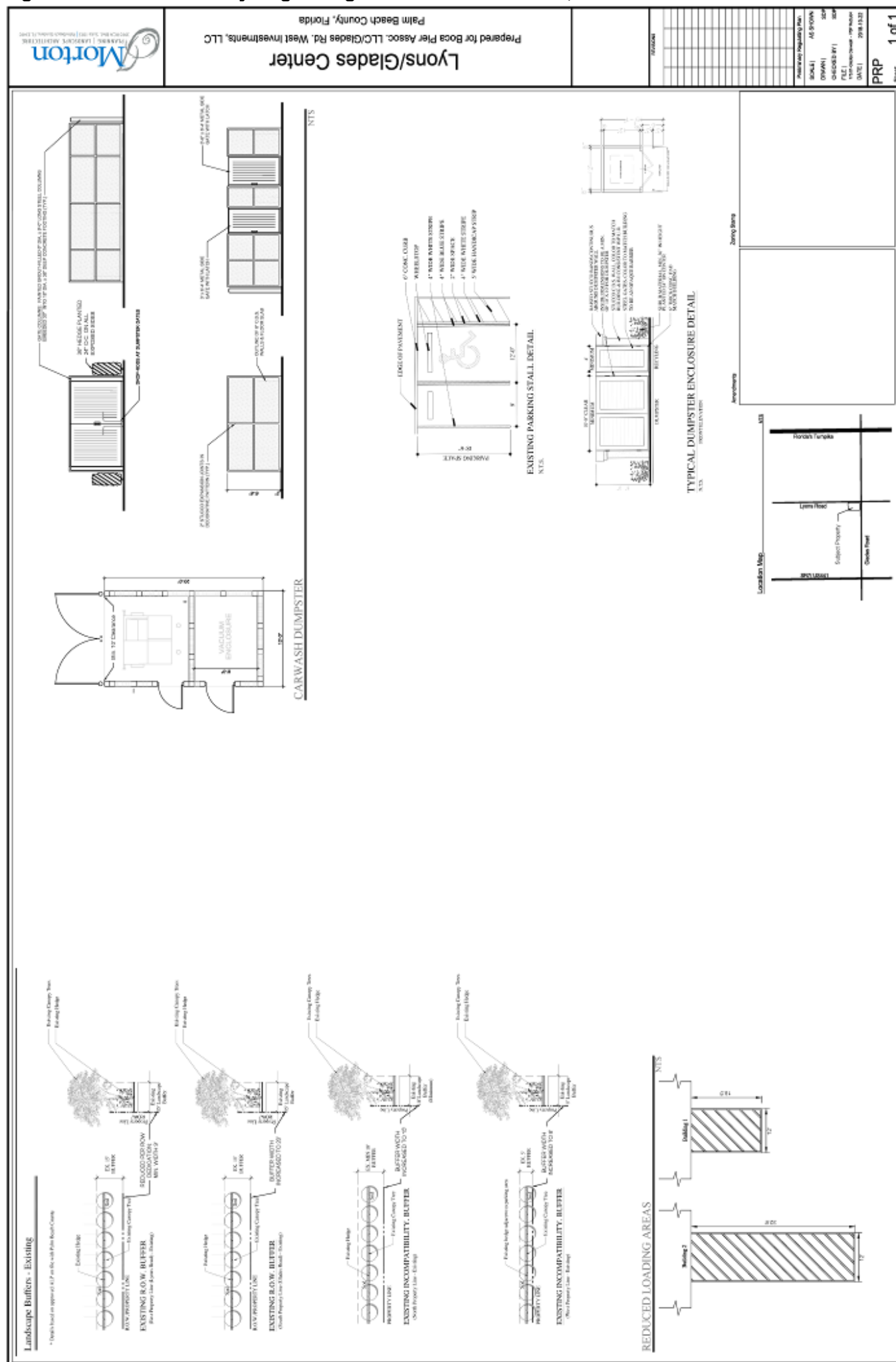
**Figure 4 – Preliminary Master Sign Plan dated August 28, 2023**



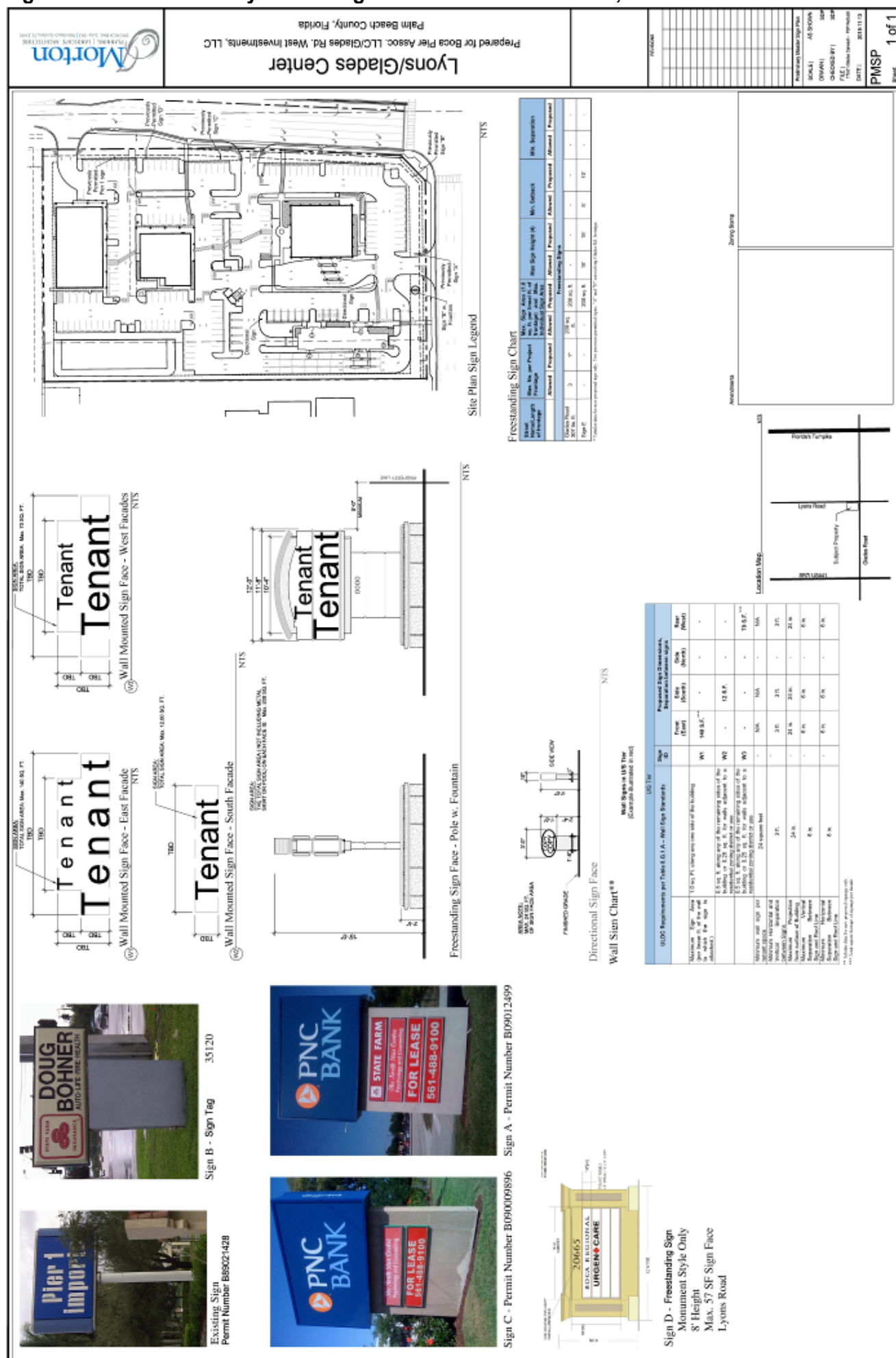
**Figure 5 – BCC Preliminary Site Plan dated November 13, 2018**



**Figure 6– BCC Preliminary Regulating Plan dated October 22, 2018**



**Figure 7– BCC Preliminary Master Sign Plan dated November 13, 2018**



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 James H. Batmasian, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Manager [position - e.g., president, partner, trustee] of Boca Pier Associates LTD [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: 215 N Federal Highway  
Boca Raton, FL 33432
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.

James H. Batmasian, Affiant  
(Print Affiant Name)

## NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐] online notarization, this 27 day of January, 2023 by James H. Batmasian (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Ihaly Morales  
(Name - type, stamp or print clearly)

[Signature]  
(Signature)

My Commission Expires on: 8/2/2025

NOTARY'S SEAL OR STAMP



EXHIBIT “A”

PROPERTY

PARCEL OF LAND LYING WITHIN TRACT 96, BLOCK 77, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA. RECORDED IN PLAT BOOK 2, PAGE 45, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 96, BLOCK 77; THENCE NORTH 89 DEGREES 57'17" EAST ALONG THE NORTH LINE OF SAID TRACT 96, A DISTANCE OF 301.08 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 55 DEGREES 27'25" WEST, A DISTANCE OF 42.59 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, A DISTANCE OF 141.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 62 DEGREES 45'40" WEST, A DISTANCE OF 76.33 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 43.14 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 96; THENCE NORTH 00 DEGREES 00'22" WEST ALONG SAID WEST LINE OF TRACT 96, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, PUBLIC RECORDS OF PALM BEACH COUNTY, HAVING A BEARING OF SOUTH 00 DEGREES 00'22" EAST

ALSO DESCRIBED AS

TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 29 FEET AND THE SOUTH 65 FEET THEREOF, ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN O.R. BOOK 6515, PAGE 281, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL AS RECORDED IN O.R. BOOK 28079, PAGE 868, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE EAST 60 FEET OF TRACT 95, BLOCK 77, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 65 FEET THEREOF FOR ROAD RIGHT OF WAY.

ALSO KNOWN AS

A PORTION OF TRACTS 95 AND TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 60.00 FEET OF SAID TRACT 95; THENCE N.89° 36'50"E. ALONG THE NORTH LINE OF SAID TRACTS 95 AND 96, A DISTANCE OF 361.02 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 2825, PAGE 18 OF SAID PUBLIC RECORDS; THENCE S.00°28'42"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 291.67 FEET; THENCE S.02°31'18"W. ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 265.55 FEET; THENCE S.46°01'18"W ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 54.80 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD(STATE ROAD 808), AS RECORDED IN OFFICIAL RECORD BOOK 3129, PAGE 1606 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS; THENCE S.89°38'08"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 307.37 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF AFORESAID EAST 60.00 FEET OF TRACT 95; THENCE N.00° 28'42"W. ALONG SAID WEST LINE, A DISTANCE OF 594.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 211,548 SQUARE FEET/4.8565 ACRES MORE OR LESS.

LYING IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Name	Address	
James Batmasian	215 N. Federal Hwy	50%
	Boca Raton FL 33432	

Marta Batmasian	215 N. Federal Hwy	50%
	Boca Raton, FL 33432	

**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  
James H. Batmasian, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Manager [position -  
e.g., president, partner, trustee] of Glades Road West Investments 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: 215 N Federal Highway  
Boca Raton, FL 33432
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.

James H. Batmasian, Affiant  
(Print Affiant Name)

**NOTARY PUBLIC INFORMATION:****STATE OF FLORIDA  
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27 day of January, 2023 by James H. Batmasian (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Ihaly Morales  
(Name - type, stamp or print clearly)

[Signature]  
(Signature)

My Commission Expires on: 8/2/2025

NOTARY'S SEAL OR STAMP



EXHIBIT “A”

PROPERTY

PARCEL OF LAND LYING WITHIN TRACT 96, BLOCK 77, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA. RECORDED IN PLAT BOOK 2, PAGE 45, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 96, BLOCK 77; THENCE NORTH 89 DEGREES 57'17" EAST ALONG THE NORTH LINE OF SAID TRACT 96, A DISTANCE OF 301.08 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF LYONS ROAD, AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 120.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 55 DEGREES 27'25" WEST, A DISTANCE OF 42.59 FEET; THENCE SOUTH 00 DEGREES 00'22" EAST, A DISTANCE OF 141.00 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 120.00 FEET; THENCE NORTH 62 DEGREES 45'40" WEST, A DISTANCE OF 76.33 FEET; THENCE SOUTH 89 DEGREES 59'38" WEST, A DISTANCE OF 43.14 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 96; THENCE NORTH 00 DEGREES 00'22" WEST ALONG SAID WEST LINE OF TRACT 96, A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 2825, PAGE 18, PUBLIC RECORDS OF PALM BEACH COUNTY, HAVING A BEARING OF SOUTH 00 DEGREES 00'22" EAST

ALSO DESCRIBED AS

TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE EAST 29 FEET AND THE SOUTH 65 FEET THEREOF, ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN O.R. BOOK 6515, PAGE 281, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL AS RECORDED IN O.R. BOOK 28079, PAGE 868, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE EAST 60 FEET OF TRACT 95, BLOCK 77, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 65 FEET THEREOF FOR ROAD RIGHT OF WAY.

ALSO KNOWN AS

A PORTION OF TRACTS 95 AND TRACT 96, BLOCK 77, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST 60.00 FEET OF SAID TRACT 95; THENCE N.89° 36'50"E. ALONG THE NORTH LINE OF SAID TRACTS 95 AND 96, A DISTANCE OF 361.02 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 2825, PAGE 18 OF SAID PUBLIC RECORDS; THENCE S.00°28'42"E. ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 291.67 FEET; THENCE S.02°31'18"W. ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 265.55 FEET; THENCE S.46°01'18"W ALONG THE WEST RIGHT-OF-WAY LINE OF LYONS ROAD, AS RECORDED IN OFFICIAL RECORD BOOK 6515, PAGE 281 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS, A DISTANCE OF 54.80 FEET TO A POINT OF INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADES ROAD(STATE ROAD 808), AS RECORDED IN OFFICIAL RECORD BOOK 3129, PAGE 1606 AND OFFICIAL RECORD BOOK 7322, PAGE 510 ALL OF SAID PUBLIC RECORDS; THENCE S.89°38'08"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 307.37 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF AFORESAID EAST 60.00 FEET OF TRACT 95; THENCE N.00° 28'42"W. ALONG SAID WEST LINE, A DISTANCE OF 594.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 211,548 SQUARE FEET/4.8565 ACRES MORE OR LESS.

LYING IN SECTION 18, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
James Batmasian	215 N. Federal Hwy	50%
	Boca Raton FL 33432	
Marta Batmasian	215 N. Federal Hwy	50%
	Boca Raton, FL 33432	

Exhibit E – Drainage Statement dated July 21, 2023



Dynamic Engineering Consultants, PC  
www.dynamiccc.com  
100 NE 5<sup>th</sup> Avenue, Suite B2  
Delray Beach, FL 33483  
T: 561-921-8570

July 21, 2023

Palm Beach County  
Land Development - Engineering & Public Works  
2300 North Jog Road 3<sup>rd</sup> Floor  
West Palm Beach, FL 33411

**Re: Drainage Statement**  
**Lyons/Glades Center**  
**NWC of Glades Road and Lyons**  
**Road Boca Raton, FL 33432**  
**Parcel #: 00-42-43-27-05-077-0962,**  
**00-42-43-27-05-077-0963,**  
**00-42-43-27-05-077-0961,**  
**00-42-43-27-05-077-0951**

To Whom It May Concern;

On behalf of our client and the applicant, Investments Limited, please accept this drainage statement for the above referenced project. The subject site is generally located at the NWC of Glades Road and Lyons Road in Boca Raton, FL 33432 under the folio numbers 00-42-43-27-05-077-0962, 00-42-43-27-05-077-0963, 00-42-43-27-05-077-0961, 00-42-43-27-05-077-0951. The subject project site covers a total area of ±4.86 AC per the survey completed by Caulfield & Wheeler, Inc. dated 12/14/2022, and consists of three (3) existing buildings and one (1) proposed building. As shown on the Preliminary Site Plan, Building 1 consists of 7,588 SF of Financial Institution with Drive Through, 5,410 SF of Medical Office, and 2,178 SF of Office, Building 2 consists of 3,240 SF of Medical Office and 2,672 SF of Retail, and Building 3 consists of 9,000 SF of Retail with parking, landscaping, and utility infrastructure. The subject site was permitted for the addition of Buildings 2 and 3 with the Lake Worth Drainage District (LWDD) under Permit No. 89-1055D.01 on July 18<sup>th</sup>, 1989. There are no known South Florida Water Management District (SFWMD) permits for this property. The applicant is proposing Building 4, a 6,000 SF Medical Office to the northwestern corner of the subject property with associated parking, landscaping, lighting and infrastructure improvements.

The existing shopping center has a series of stormwater inlets, which connect to the on-site wet retention system. Per the LWDD record drawings associated with Permit No. 89-1055D.01, the minimum FFE is set at 21.15 NGVD (19.61 NAVD), the minimum inlet elevation is set at 18.38 NGVD (16.84 NAVD), the perimeter berm along Lyons and Glades Rd is ±19.50 NGVD (18.00 NAVD).

Per the FEMA FIRMette Panels 12099C1155F and 12099C1156F dated October 5, 2017 the project site is located in an area of minimal flood hazard, Zone X. The following criteria is to be followed as required by SFWMD, LWDD and Palm Beach County (PBC):

- Per SWERP Applicant Handbook Volume II, whichever is the greater of the following governs treatment criteria:
  - The first inch of runoff from the entire contributing area.
  - 2.5 inches times the percentage of imperviousness for the contributing area.
  - If a retention system is proposed, 50% of volume required per the above is required.

The applicant will be submitting for a new Environmental Resource Permit through SFWMD for the proposed development. The proposed minimum building F.F.E. is anticipated to be 20.00 NAVD based on the 100-yr/3-day storm peak stage, and the minimum perimeter berm is anticipated to remain ±18.00 NAVD based on the 25-year/3-day storm peak stage. The proposed drainage system will consist of additional inlets, drainage infrastructure, and a wet detention system onsite, which will be regraded and expanded to provide additional capacity and will provide an overflow structure that will provide legal positive outfall to Glades Rd. above the

---

1904 Main Street, Lake Como, NJ 07719 T. 732-974-0198	
245 Main Street, Suite 110, Chester, NJ 07930 T. 908-879-9229	100 NE 5 <sup>th</sup> Avenue, Suite B2, Delray Beach, FL 33483 T. 561-921-8570
8 Robbins Street, Suite 102, Toms River, NJ 08753 T. 732-974-0198	14521 Old Katy Road, Suite 250, Houston, TX 77079 T. 281-789-6400
790 Newtown Yardley Rd., Suite 425, Newtown, PA 18940 T. 267-685-	1301 Central Expressway South, Suite 210, Allen, TX 75013 T. 972-534-2100



Dynamic Engineering Consultants, PC  
www.dynamiccc.com  
100 NE 5<sup>th</sup> Avenue, Suite B2  
Delray Beach, FL 33483  
T: 561-921-8570

25-year/3-day storm peak stage. The proposed stormwater management system will comply with all agency design requirements.

Please feel free to call us at 561.921.8570 or email [apinero@dynamiccc.com](mailto:apinero@dynamiccc.com) with any questions or concerns you might have, or should you require additional information.

Sincerely,

Dynamic Engineering Consultants, PC

Digitally signed by Angel Pinero  
Lugo

Date: 2023.07.21 17:30:51-04'00'

Ángel Piñero, P.E.  
P.E. License No. 88047  
Principal

ANGEL PINERO LUGO, STATE OF FLORIDA PROFESSIONAL ENGINEER, LICENSE NO. 88047. THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ANGEL PINERO LUGO, P.E. ON 07/21/2023. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

1904 Main Street, Lake Como, NJ 07719 T. 732-974-0198

245 Main Street, Suite 110, Chester, NJ 07930 T. 908-879-9229

8 Robbins Street, Suite 102, Toms River, NJ 08753 T. 732-974-0198

790 Newtown Yardley Rd., Suite 425, Newtown, PA 18940 T. 267-685-

100 NE 5<sup>th</sup> Avenue, Suite B2, Delray Beach, FL 33483 T. 561-921-8570

14521 Old Katy Road, Suite 250, Houston, TX 77079 T. 281-789-6400

1301 Central Expressway South, Suite 210, Allen, TX 75013 T. 972-534-2100

Exhibit F – Water and Wastewater letter dated February 16, 2023



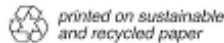
**Water Utilities Department  
Engineering**  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com

**Palm Beach County  
Board of County  
Commissioners**

Gregg K. Weiss, Mayor  
Maria Sachs, Vice Mayor  
Maria G. Marino  
Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**  
Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



February 16, 2023

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: Glades Lyons Center  
PCN 00-42-43-27-05-077-0961, 00-42-43-27-05-077-0963, 00-42-43-27-05-077-0962, and 00-42-43-27-05-077-0951  
Service Availability Letter

Dear Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area.

The nearest point of connection is a 16" potable water main and a 4" sanitary sewer force main located adjacent to the subject property within Lyons Road. Offsite improvements including possible forcemain extensions/upsizing may be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,  
  
Jackie Michels, P.E.,  
Project Manager

**Exhibit G – Applicant’s Justification Statement dated September 13, 2023**

**JUSTIFICATION STATEMENT**

Lyons Glades Center  
Development Order Amendment, Type II Variances  
*Initial Submittal: April 19, 2023*  
*Resubmittal: July 24, 2023*  
*Resubmittal: September 13, 2023*

**OVERVIEW**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting the following for the property located on the northwest corner of Lyons and Glades Roads (“Property”):

- Development Order Amendment (DOA) to a Multiple Use Planned Development (MUPD) to add 6,000 SF of medical office;
- Twelve (12) Type 2 Variances related to existing landscape buffers, minimum lot size, minimum landscape island width/curbing, rear setback, and signage.

**SITE CHARACTERISTICS**

The Property is 4.856-acres located at the northwest corner of Lyons and Glades Roads within the Urban/Suburban Tier. The Property is comprised of four (4) parcels which are currently designated as Commercial High with an underlying 5 dwelling units per acre (CH/5) on the County’s Future Land Use Atlas map. The Property is located along a predominantly commercial corridor within the western Boca Raton area. The Property has previously been approved and developed with commercial, medical and professional offices, as well as a drive-thru financial institution. The control number given to the property is 1979-00106

**Development History**

The Lyons/Glades Center was approved by the Board of County Commissioners on May 24, 1979 for an Official Zoning Map Amendment to rezone the 4.0-acre parcel of land from the Agricultural (AG) Zoning District to the Commercial General (CG) Zoning District (Resolution No. R-1979-700) and a Special Exception to allow a financial institution with drive-up tellers (Resolution No. R-1979-701). This rezoning only encompassed three of the four subject PCNs.

On May 26, 1989, the Board of County Commissioners approved a Special Exception (Resolution No. R-1989-946) to amend the site plan for a financial institution with drive-thru and to allow an increase in square footage for the project. On May 31, 2011, the Board of County Commissioners approved a Development Order Amendment (Resolution No. R-2011-789) to delete a condition of approval which limited the square footage and prohibited a medical office use.

In 2018, the Property Owner acquired the 0.82 acre private access road to the immediate west of the original development (PCN 00-42-43-27-05-077-0951). The Property Owner submitted an application to incorporate the new property to the existing site and add a carwash. The carwash was proposed in the southwest corner of the site with the existing retention pond being relocated to the northwest corner. The application had eleven (11) variance requests (all for existing non-conformities), Type II waiver and a Type I waiver. Approvals were granted via the following resolutions:

- R-2019-0168 (legislative abandonment of original resolution R-1979-701;
- R-2019-0169 (Zoning map amendment from CG to MUPD);
- R-2019-0170 (Type 2 Waiver for landscape buffer width);
- ZR-2019-003 (Type 1 Waiver for loading zone dimensions).

After approval by the Board of County Commissioners, the final DRO plans were never submitted. All approvals, except the MUPD rezoning, expired and are no longer valid. As a result, the majority of the conditions of approval included in the previous application can be carried over with this request. The only condition no longer needed was Engineering Condition 3 of R-2019-0169 for the dedication of right-of-way for Lyons Road. The remaining conditions either need an updated date or will be unchanged. A status of conditions for R-2019-0169, R-2019-0170 and ZR-2019-003 are provided with this application for reference.

**Request**

Though the carwash site plan was never fully approved, the Property was successfully rezoned to MUPD and the previous approvals have been abandoned. This application is for a 6,000 square foot medical office building in the northwest corner of the Property and the carwash use is no longer being requested. To adequately address the on-site drainage, the existing retention pond is proposed to remain and a new dry detention area, measuring approximately 0.31 acres will be constructed to its immediate west bank.

The medical office building will be built west of all parking spaces underutilized by the current development. After reconfiguration of the current non-conforming parking lot, and the addition of a new parking area, there is no overall net increase in parking spaces. Per the PDD parking regulations allowing a minimum of 4/1000 spaces for the entire plaza, the total 36,088 sq. ft.results in 145 spaces required and 149 spaces are provided.

There are twelve (12) instances on the currently built site that require variances which are further described below. All variances are the result of previously constructed, as-built conditions that are not the current result of this application and are matching the 1979 approved site plan.

**Surrounding Properties**

The Property is located at the major intersection of Glades Road and Lyons Road thus surrounded by more intense uses such as commercial and high residential. Additionally, it is important to note that Glades Road is a major east-west transit corridor in the southern part of Palm Beach County that links Federal Highway and State Road 7. Other commercial plazas are located at the northeast and southwest corners of this intersection. Although currently developed as a church, the property to the west has a commercial land use and zoning designation. To the north of the Property is a multi-family development, although the recreation pod of this development is directly adjacent to the north property line. A breakdown of the surrounding uses is provided below.

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	HR-8	PUD	Multi-family Residential – Savannah Place	1995-088	R-1996-0396
South	CH/5	MUPD	Commercial Plaza – Boca Lyons Shopping Plaza	1978-220	R-2012-1350
East	CH/5	CG	Commercial Plaza – Somerset Shoppes	1984-132	R-1990-0518
West	CH/5	CG	Place of Worship – Boca West Methodist Church	1974-122	R-1999-1683

**DEVELOPMENT ORDER AMENDMENT DEVELOPMENT STANDARDS**

As part of this application, the Applicant is requesting a Development Order Amendment to the existing approved Multiple Use Planned Development (MUPD). Article 2.B.7.B. requires that eight (8) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all eight (8) criteria standards, as provided below.

**A. Consistency with the Plan**

The proposed Development Order Amendment to the approved MUPD is consistent with the County’s Comprehensive Plan. The Property has a future land use designation of Commercial High, with an underlying 5 dwelling unit per acre (CH/5). The CH/5 future land use designation allows for a maximum FAR of 0.5 within the Urban/Suburban Tier. The proposed medical office use, existing retail, office and financial institution uses, and total square footage are consistent with the existing Palm Beach County Future Land Use designation of Commercial High.

**B. Consistency with the Code**

The proposed Development Order Amendment to the approved MUPD is consistent with the stated purpose and intent of the County Unified Land Development Code. The Property has frontage and access on both Lyons and Glades Roads.

As described above the Property was originally approved and developed under the regulations of an early version of the Palm Beach County ULDC. The Property was developed in conformance with the approved site plan of record. Because of the new use, the Applicant must apply for several variances where existing legally non-conforming situations exist (i.e. setback, landscape buffers, minimum lot size, landscape island width).

The proposed medical office building will be constructed on the western parcel of land being added to the site, along with expanding the parking area from the existing limits. The locations and uses of the existing buildings are not proposed to change. Improvements will be made to the existing parking lot to accommodate ADA requirements and provide for enhanced landscaping around the site where feasible. Variances have been requested below to the existing site elements that cannot be improved to current ULDC standards.

The proposed MUPD changes meet the objectives and standards as described in Art. 3.E.3.B. The project is a non-residential project that has been designed so as to protect the adjacent multi-family residential development to the north as all buildings are oriented to Glades and Lyons Roads with no loading areas abutting that residential project. The project does not exceed the maximum number or freestanding buildings as the proposed medical office and existing Building 3 are not freestanding buildings.

Pedestrian connections have been provided between all buildings, existing and proposed within the project as well as to Lyons Road and Glades Road. Interconnectivity cannot be accommodated to the place of worship to the west due to the existing site constraints, but a future cross access has been shown as previously approved. A majority of the Property was previously approved and constructed, thus limiting where new development can be located and how it is oriented. The existing place of worship is oriented with the rear and sides of the buildings facing the Property with no potential locations for pedestrian connectivity.

This application will require that landscape buffers be brought into compliance with the current code requirements where feasible. Though there is existing plant material along the property lines, trees may need to be replaced if dead or dying to meet the current minimum tree requirements. The variance requests for width reduction and easement overlap will not affect the amount of plant material that will be provided to meet the minimum code requirements. With the variance approvals, allow all of the landscape buffers will be considered in compliance. New landscape buffers will be provided along the west and south property lines where the new parcel is being added to the site plan.

Per Art. 3.E.1.C.1. Planned Developments shall comply with the following objectives:

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

**Response:** *The Property has approximately 556 feet of frontage on Lyons Road and 307 feet of frontage on Glades Road.*

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

**Response:** *A continuous sidewalk has been provided throughout the entire project connecting all commercial buildings.*

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

**Response:** *As mentioned above, sidewalks are provided throughout the entire project connecting all uses and buildings. Additionally, parking has been provided throughout the project which is convenient to all uses and buildings.*

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

**Response:** *Vegetation will be addressed as part of the site plan approval process. The existing retention pond and landscape area located at the southwestern portion of the Property will not be impacted. The proposed DOA will remain consistent with that previous approval.*

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

**Response:** *Dumpsters, loading areas, etc. have been screened from public view as required.*

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

**Response:** *The project is existing and the additional medical office building is being proposed where appropriate so as to have minimal impacts on the existing retention pond and existing landscape materials. The addition of the office to the Property has been designed to ensure the MUPD remains compatible with the residential to the north..*

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

**Response:** *The project is a multiple use planned development with a variety of uses. The previously approved Site Plan utilized the MUPD parking range to calculate required parking. The proposed DOA will continue to meet that parking requirement.*

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

**Response:** *Pedestrian network has been provided throughout the entire project that connects the commercial various uses. The pedestrian network also connects to the adjacent roadways.*

- i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere.

**Response:** *A majority of the project has already been developed. Pedestrian amenities were not required when this project was already developed. A bench will be provided at the medical office in order to meet this requirement.*

Per Art. 3.E.1.C.2. Planned Development shall also comply with the following standards:

- a. Access and Circulation
  - 1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street.

**Response:** *The Property has approximately 556 feet of frontage on Lyons Road and 307 feet of frontage on Glades Road.*

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

**Response:** *The Property has access on Lyons Road and Glades Road.*

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

**Response:** *Pedestrian circulation has been designed to avoid conflicts with vehicular traffic as much as possible. Crosswalks have been provided to ensure safety of the pedestrians at various intersections.*

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

**Response:** *Multiple turn lanes are provided into the Property from Lyons Road. Additional right-of-way has already been provided as part of the prior approvals.*

5) Cul-de-sacs

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of Local Streets that can terminate in cul-de-sacs, the Applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Art. 1, General Provisions of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.

a) 40 percent of the Local Streets in a PDD may terminate in a cul-de-sac or a dead end by right.

**Response:** *No cul-de-sacs are proposed.*

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

**Response:** *There are no adjacent properties to provide cross access.*

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

**Response:** *The project will provide appropriate drainage as required by the Engineering Department. On-site retention and detention areas are provided.*

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

**Response:** *No public streets are proposed as part of this project.*

b. Street Lighting

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

**Response:** *Lighting on-site will comply with code requirements.*

c. Median Landscaping

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

**Response:** *Required median landscape improvements will be met as required by Engineering.*

d. Street Trees

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

1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Art. 7, Landscaping and Engineering and Public Works Operations – Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center.

2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable.

3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.F.2.B.1, Developments with Phasing. For residential PDDs, planting of street trees shall be completed prior to the issuance of the final Certificate of Occupancy within that phase or pursuant to Conditions of Approval.

4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art. 11, Subdivision, Platting, and Required Improvements.

**Response:** *The project will meet the requirement for street trees per the Code requirement.*

e. Bike Lanes

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

**Response:** *Land Development and FDOT will determine if bike lanes are needed within the existing adjacent rights-of-way. Bike racks have been provided throughout the project to accommodate proposed bicyclists.*

f. Mass Transit

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

- 1) The location of a Bus Stop Boarding and Alighting Area shall be shown on the Master Plan and/or Final Site Plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;
- 2) Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,
- 3) All PDDs with more than 100 units shall comply with the following requirement:

Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved mass transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

**Response:** *Palm Tran bus stops are already in place as this property has been developed for over 40 years.*

g. Utilities

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

**Response:** *Utility easements are provided along the rights-of-way as required to accommodate underground installation.*

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Non-Residential Uses

Non-residential uses located within a PDD may apply the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

5) Location – Non-Residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

**Response:** *Parking has been provided throughout the project which is convenient to all uses and buildings. Parking areas have been designed to provide for safe and efficient flow of traffic. Parking is provided on the rear and sides of the non-residential structures within the MUPD as required.*

i. Way Finding Signs

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

**Response:** *No way finding signs are proposed as part of the Master Sign Plan included with this application.*

j. Emergency Generators

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

**Response:** *No CLF or PDD Clubhouse in excess of 20,000 square feet are proposed, therefore Emergency generators are not required as part of this application.*

Per Art. 3.B.MUPDs shall comply with the following objectives and standards:

1. Design Objectives. An MUPD shall comply with the following objectives:

a. Allow for both residential and non-residential uses within a project that is designed to incorporate vertical or horizontal integration of residential uses, to foster compatibility within and adjacent to the project;

**Response:** *The MUPD is only comprised of commercial uses.*

b. Provide innovative building location and orientation;

**Response:** *The Property is constrained as it is bounded by rights-of-way on all four sides. Building design and layout has been restricted as the center has already been developed and the proposed medical office building can only be accommodated at the northwest corner of the Property due to the location of the existing retention pond.*

c. Protect adjacent residential uses from potential adverse impacts;

**Response:** *The proposed DOA will not locate any new buildings closer to residential property lines than what currently exists.*

d. Provide a continuous, non-vehicular and pedestrian circulation system which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the MUPD;

**Response:** *Pedestrian pathway has been provided connecting all of the buildings as well as the pedestrian pathways along the rights-of-way.*

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

**Response:** *The Property was originally developed and constructed under a prior zoning code ordinance. The Applicant is proposing to enhance landscape where feasible. Multiple variances are being requested where the existing landscape does not meet code and cannot be brought into compliance with current regulations.*

f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution, and storage of products.

**Response:** *Not Applicable.*

2. Performance Standards. An MUPD shall comply with the following standards:

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

- 1) Sidewalks. Internal sidewalks shall connect to sidewalks located along adjacent streets. Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

**Response:** *Pedestrian pathway has been provided connecting all of the buildings as well as the pedestrian pathways along the rights-of-way. Decorative paving has been provided as required.*

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

**Response:** *Buffers have already been installed and approved along the north, east, and south property lines. Variances are being requested where these buffers do not meet code requirements for width and easement overlap. The buffer along the west property line meets code requirements as it will be a new buffer.*

**C.** Cross Access. Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

**Response:** *The Property is constrained as it is bounded by rights-of-way on two sides and existing development on the north and west.*

**D.** Parking. On-site parking areas shall comply with Art. 6, Parking, Loading, and Circulation, Art. 7, Landscaping, and the following:

1) Parking Areas

- a) Ground cover or small shrubs 18 to 24 inches in height at installation and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians.
- b) Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.
- c) 20 percent of the required parking shall be located at the side or rear of non-residential uses, unless all spaces are provided within a parking structure per Art. 6.B.2.E, Parking Structures.

- d) All required on-site parking shall be located within 400 feet of a public entrance to any non-residential or individual access points of a residential building within the development.

*Response: Landscape has been proved were feasible and in conformance with requested variances..*

- 2) Loading Area Screening. Internally oriented loading areas or loading areas between a building and an adjacent residential use, shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

*Response: Loading areas have been provided as required and screened as required. Drive aisles proposed to be utilized for loading and unloading during off hours for all buildings not providing designated loading area as permitted by Art. 6.E.3.C. The medical office uses rarely need more then a large van for deliveries of materials and equipment. The retail locations utilize the loading spaces by building 2 for deliveries from a larger box truck. Backing into the space services building 2 and pulling straight in leaves the back door open for deliveries across the drive aisle to building 3.*

### **C. Compatibility with Surrounding Uses**

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses. Several factors lead to the conclusion that the proposed Development Order to the existing MUPD will continue to be compatible with neighboring uses.

- Primary access is available from Glades Road, a major east-west arterial road, and Lyons Road, a major north-south arterial road, thus directing traffic away from local roads in the vicinity.
- The Property has been designated as an appropriate location for commercial based upon the existing Commercial High future land use designation. The property to the west is also designated as Commercial High although it is currently developed as a place of worship. Multi-family residential exists to north of the property. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed uses are consistent with the existing development pattern and adjacent uses that have occurred along the glades Road corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structures will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

### **D. Design Minimizes Adverse Impact**

The proposed Development Order Amendment will minimize adverse effects, including visual impact and intensity of the proposed medical office use on adjacent lands. The proposed design will maintain the functionality of the overall MUPD. Requirements in Article 5.C will be met. The MUPD will further enhance the project's compatibility with surrounding land uses by providing additional landscape materials where feasible and bring a previously approved and developed property into conformance with code as much as feasible. Furthermore, no adverse impacts will occur on adjacent properties, as the new building will meets or exceeds all requirements regarding setbacks, buffers, and separation. The location of the medical office building is in the north west corner of the site, not visible from Lyons road and slightly visible across the existing lake from Glades Rd. The northwest corner has some trees that will be affected, but the majority of that area is an old access road that will be replaced with the proposed building.

### **E. Design Minimizes Environmental Impact**

The proposed Development Order Amendment to the approved MUPD will not result in significantly adverse impacts on the natural environment. The existing commercial plaza has been developed and in operation on the Property for many years. As part of this application process, the Applicant is proposing to increase the amount of landscaping within the parking area thus improving the Property and having a positive impact on the natural environment. The existing retention pond will not be impacted by the proposed development.

### **F. Development Patterns**

The proposed Development Order Amendment to the approved MUPD will result in a logical, orderly, and timely development pattern. As previously mentioned, the commercial plaza was previously approved within the CG zoning designation. The inclusion of a medical office building will be infill to an existing commercial property. Most of the vacant land along Glades Rd has developed and the Property Owner has identified a need in the community for additional medical office uses. The Glades Road and Lyons Road intersection is an intense intersection that has been designated with Commercial High and High Residential, 8 units per acre future land use designations at all corners. Therefore, the proposed Development Order Amendment is consistent with the previously approved site plan, the existing future land use designation, and the development patterns in the area.

### **G. Adequate Public Facilities**

The proposed Development Order Amendment will not negatively impact public facilities. The Glades/Lyons Plaza was previously approved, and site still has adequate public facilities in place to support the proposed redevelopment. Traffic impacts on the development have been completed showing adequacy for the site

with the existing and proposed addition of a medical office building. Infrastructure is already in place to accommodate the existing and future planned development in the area.

**H. Changed Conditions or Circumstances**

The prior rezoning to MUPD was never implemented and expired. The Development Order Amendment is necessary in order to implement a site plan that encompasses an additional development parcel. The Property received site plan approval for a commercial plaza in 1979, since that time a multi-family residential community has been developed on the property to the north. The 0.8 acres previously incorporated with the existing commercial project was previously an access point for the residential parcels to the north. A residential planned unit development has since been developed on these parcels without utilizing this specific access point. Since the access was abandoned, the land has sat vacant. Incorporating the parcel into the existing commercial center is a logical update.

Based on the above justification and attached information, the Applicant respectfully requests approval of this Development Order Amendment.

**TYPE II VARIANCE STANDARDS**

Article 2.B.7.E.6 requires that seven (7) criteria related to variances are addressed prior to approval by the Zoning Commission. The Applicant is in compliance with all seven (7) criteria standards, as provided below.

As previously mentioned, the commercial plaza was approved within the CG zoning district under a previous ULDC version. The Applicant desires to construct a new medical office building meeting all code requirements and these variances are required to address the existing site conditions.

**Variance # 1 – Width of ROW Buffer (Eastern Property Line):**

As part of this application, the Applicant is requesting a Type II Variance from Article 7.C.2.A.3. The Applicant is requesting approval to allow a reduced ROW buffer of 11 feet where 20 feet is required. Variance of 9 feet in width.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979. At that time the County Code only required a 15-foot-wide right-of-way buffer for Lyons Road as evidenced by the previously approved site plan and landscape plans. Since that time dedication of additional right-of-way is being required for the widening of the Lyons Road & Glades Road intersection. This additional right-of-way dedication will eliminate a portion of the existing landscape buffer. Additional landscaping cannot be provided without completely reconfiguring the existing parking area and thus losing a significant amount of parking spaces. This existing condition is unique to the Property.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has approved many residential and commercial projects within the Lyons Road and Glades Road corridors. These various development projects have generated an increased amount of traffic on the roadways thus necessitating the widening of Lyons Road and Glades Road, thus reducing the original buffer width.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for reduced ROW landscape buffers for existing commercial plazas throughout the entire County when appropriate. These situations often occur when a property has been developed in conformance with an approved site plan and the additional landscape requirements cannot be accommodated without having to reconfigure the existing parking area that would ultimately result in a significant loss of parking spaces. The Applicant is simply requesting for the same approval for impacted areas of the Property that has been granted to others. The Applicant will accommodate the required landscape buffers in unaffected areas of the such, such as along the southern property line. However, the Applicant is not able to accommodate the ROW buffer along the eastern property line without reconfiguring the existing parking area and eliminating a significant amount of parking.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation of the code would work an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer development from adjacent right-of-way. The literal interpretation of this section of the ULDC would negatively impact the previously approved project and site

plan by requiring the reconfiguration of the site, which would significantly impact the existing parking and circulation areas of the Property.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the reduction of the ROW landscape buffer will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. If the Applicant were required to meet the landscape buffer requirement along the eastern property line, a significant portion of the approved site plan would be impacted resulting in a loss of parking and functionality of the existing commercial plaza. This variance along the eastern property line will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code. The width of the buffer is an existing condition that does not currently create a detriment to the public welfare.

**Variance # 2 – Easement & Landscape Buffer Overlap (Eastern Property Line):**

As part of this application, the Applicant is requesting a Type II Variance from Article 7.C.5. The Applicant is requesting approval to allow for the proposed utility easement to overlap the existing landscape buffer along the eastern property line by ten (10) feet where five (5) feet is permitted. Variance is five (5) feet of overlap.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval in 1979 prior to the requirement for utility easements being installed along all rights-of-way. The landscape buffer was approved without any utility easements in place. The entire Property is being required to comply with current zoning standards, including the installation of utility easements. In addition, dedication of right-of-way is required along the eastern Property boundary. The combination of the two requirements being applied to the existing site has resulted in extremely limited space along portions of the eastern boundary. Where feasible the Applicant is proposing to provide additional landscape materials. Unfortunately, since the Property was approved and developed prior to the utility easement and expanded right-of-way requirement, the only way to accommodate both the landscape buffer and easement is to reconfigure the existing parking area and potentially lose needed parking space.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County's zoning code has undergone numerous significant changes related to landscape requirements. These changes are not the result of the Applicant. Easements are now required to be provided at time of site plan approval to ensure that landscape buffers are not negatively impacted. Combined with the required right-of-way dedication, space is extremely limited and the current requirements cannot be accommodated on the Property without significant impacts to parking areas. This older commercial project was approved and developed prior to these requirements thus necessitating the need for this variance.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for the encroachment of easements within landscape buffers throughout the entire County when appropriate. These situations often occur when a property's configuration limitations cannot accommodate large landscape buffers and utility easements or where a property was previously developed consistent with a prior zoning code. The Applicant is simply requesting for the same approval granted to others and the Applicant will accommodate the required landscape buffer along the remaining portion of the eastern property line.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The

literal interpretation would work an unnecessary and undue hardship. The intent of the Unified Land Development Code is to appropriately buffer development from adjacent compatible uses while accommodating required utility easements. The literal interpretation of this section of the ULDC would negatively impact the previously approved project and site plan by requiring the reconfiguration of the site and significantly impact the existing parking and circulation areas of the Property.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the encroachment of a proposed utility easement within the existing approved landscape buffer will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to install the required utility easement and right-of-way buffer along the remaining eastern property line where there is no existing FPL easement. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. If the Applicant were required to meet the landscape buffer requirement along the eastern property line, a significant portion of the approved site plan would be impacted, and the functional use area of the Property would be greatly reduced. This variance along the eastern property line will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. The variances will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 3 – Landscape Island:**

As part of this application, the Applicant is requesting a Type II Variance from Table 7.C.4.A. The Applicant is requesting approval to allow existing landscape islands to be less than the required 8-foot minimum width. The Applicant is requesting the variance to accommodate all of the existing landscape islands to remain. Though the width varies around the site, the maximum variance in width is 8 feet.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979. At that time the County Code did not require the landscape islands to have minimum width of 8 feet. The ULDC was recently amended to increase the required landscape island width to 8 feet to accommodate the installation of required trees. The Applicant is able to accommodate many new landscape islands throughout the existing site and where the medical office is being proposed. Although a majority of the Property is not physically “affected” or impacted by the proposed new construction, the Applicant is proposing to bring a majority of the parking lot into compliance where feasible and many parking spaces have been eliminated to accommodate this requirement. The Applicant recently made site improvements to accommodate ADA compliance issues. Requiring an 8 foot wide landscape island adjacent to the ADA parking space and ramp would require the Applicant to relocate both the space and the ramp. It is difficult to bring existing sites into conformance with ADA standards due to site grading and maximum ramp slope ratios.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned, the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has adopted new landscape code requirements. This situation is not the result of the Applicant. The Applicant has been able to accommodate the required landscape islands where the new medical office is being proposed and in many other locations throughout the Property where feasible. The existing islands cannot be increased without impacting the parking spaces and site circulation.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for reduced landscape island widths for existing commercial plazas throughout the entire County when appropriate. These situations often occur when a property has been developed in conformance with a previously approved site plan and the new additional landscape requirements cannot be accommodated without having to reconfigure the existing parking and circulation areas. The Applicant is simply requesting for the same approval granted to others and the Applicant will

accommodate the required landscape islands where feasible without impacting existing ADA and standard parking spaces.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of this section of the Unified Land Development Code is to ensure that trees planted within the landscape islands have enough space to grow and thrive. This commercial plaza has been developed for over 30 years and the trees throughout the parking area are healthy. The Applicant recently made site improvements to accommodate ADA compliance issues. Requiring that the existing landscape islands comply with the minimum width standards would necessitate the Applicant to relocate both parking spaces and ADA ramps. It is difficult to bring existing sites into conformance with ADA standards due to site grading and maximum ramp slope ratios. This would impose a significant hardship on the Applicant to provide many updates around the site.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the reduction of the width for existing landscape islands will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to add new landscape islands and improve existing landscape islands throughout the site, where feasible. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 4 – Foundation Planting:**

As part of this application, the Applicant is requesting a Type II Variance from Table 7.C.3.B. The Applicant is requesting approval to allow reduction of foundation plantings for Buildings 1, 2, and 3.

Per Table 7.C.3.B. of the ULDC:

Within the Urban/Suburban Tier, buildings are required to have a minimum of 8 feet of foundation planting.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979. At that time the County Code did not require the minimum width of foundation planting to be 8 feet. The ULDC was recently amended to increase the required foundation planting width to 8 feet to accommodate the installation of required trees and other landscape materials. The existing buildings were constructed without foundation planting and with sidewalks directly abutting the buildings. Additionally, water lines were installed without easements being dedicated to Palm Beach County Water Utilities. The Applicant is now required to dedicate an easement over the existing water line that serves Building 3 and this easement will overlap into the existing foundation planting along the eastern site of the building. It is also important to note that a majority of the Property is not proposed to be “affected” by the proposed new construction and requiring that all foundation plantings be brought into conformance with the new landscape standards would result in the loss of sidewalks and potential reconfiguration of the parking area resulting in a significant loss of parking.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. The Applicant is requesting that a variance be granted to recognize the existing situations as follows:

- a. Building 1 - maximum foundation planning width of 7.7 feet;
- b. Building 2 - no foundation planting along front façade and 5.1 feet along side façades; and
- c. Building 3 - no foundation planting along the south side or front façades.

Since the Property was originally approved in 1979, the County has adopted new landscape code requirements. This situation is not the result of the Applicant. The Applicant can accommodate the required

foundation planting where the new medical office is being proposed and in other locations throughout the Property where feasible without requiring the removal of sidewalks or other parking areas.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for reduced foundation planting widths for existing commercial plazas throughout the entire County when appropriate. These situations often occur when a property has been developed in conformance with an approved site plan and the additional landscape requirements cannot be accommodated without having to reconfigure the existing sidewalks, parking and circulation areas. The Applicant is simply requesting for the same approval granted to others and the Applicant will accommodate the required foundation planting where feasible without resulting in the encroachment of existing utilities or the loss of sidewalks and parking spaces.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of this section of the Unified Land Development Code is to ensure that buildings are appropriately screened and landscaped. Requiring the installation of new foundation planting areas where sidewalks are currently installed would negatively impact site circulation and potentially cause a loss in parking spaces. The literal interpretation of this section of the ULDC would negatively impact the previously approved project and site plan by requiring the reconfiguration of the site and the potentially negatively impact the site circulation and create a loss in parking spaces.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the reduction in foundation planting areas will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. If the Applicant were required to meet the foundation planting area width where existing buildings and sidewalks are not being affected a significant amount of parking would be lost. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 5 – Rear Setback:**

As part of this application, the Applicant is requesting a Type II Variance from Table 3.E.3.D. The Applicant is requesting approval to allow reduction of the required rear setback for an existing building for twenty (20) feet, where thirty (30) feet is required adjacent to residential. Variance of ten (10) feet.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979 under the CG zoning designation requirements. At that time the County Code did not have regulations regarding planned developments. This variance is necessary to accommodate the existing building setback as is was developed in conformance with the CG zoning regulations in place in 1979. It is not feasible for the existing building to be demolished or relocated to accommodate the required 30-foot setback. This existing condition is unique to the Property.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County's zoning code has undergone numerous significant changes related to planned developments. If the Property were to develop under the current regulations, County Staff would likely require the Applicant to develop the commercial project as a planned development to allow cross parking and access for the various parcels. The building that is the subject of this variance request was

approved and constructed in compliance with the former code regulations. All new buildings and structures are proposed to comply with MUPD setback requirements.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for existing buildings to encroach into setback requirements. The Applicant is simply requesting for the same approval granted to others and the Applicant will meet setback requirements for all new proposed buildings and structures.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of the Unified Land Development Code is to ensure that buildings are located appropriately in relation to adjacent uses and properties. It is not feasible to require that the existing buildings comply with setback requirements if they were previously approved and constructed in conformance with previous code requirements. The Applicant would have to demolish the existing building to comply with the new setback requirements which would work an undue hardship on the Applicant.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for a reduced setback for an existing building will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to meet all setback requirements for proposed new buildings and structures. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. The rear setback cannot be met for the existing building as the building will not be demolished or relocated. This is the minimum variance necessary to make reasonable use of the Property.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of the MUPD in the zoning code.

**Variance # 6 – Minimum Lot Size:**

As part of this application, the Applicant is requesting a Type II Variance from Table 3.E.3.D. The Applicant is requesting approval to allow reduction in minimum lot size from 5 acres to 4.86 acres. Variance of 0.14 acres of land.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979 under the CG zoning designation requirements. At that time the County Code did not have regulations regarding planned developments. The Property was developed as a planned development with shared parking and access. The Property has also been divided into parcels the same way as many MUPDs have been.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County's zoning code has undergone numerous significant changes related to planned developments. If the Property were to develop under the current regulations, County Staff would likely require the Applicant to develop the commercial project as a planned development to allow cross parking and access for the various parcels. The addition of this land area increases the total project acreage closer to the minimum lot size requirement of 5 acres.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for existing projects that are being redeveloped to not meet minimum lot dimensions. The Applicant is improving the existing situation by adding land area to the project.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The project has been developed in the same fashion as planned developments are developed under the current code requirements. The addition of the former right-of-way will increase the total project size.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for a reduced lot size will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. By adding land area to the existing approved project, the Applicant is making the existing situation better. This is the minimum variance necessary to make reasonable use of the Property.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 7 – Non-curbed terminal island:**

As part of this application, the Applicant is requesting a Type II Variance from Art. 7.C.4.E.1. The Applicant is requesting approval to allow for existing non-curbed terminal landscape islands adjacent to Building 1 where a 6 inch, non-mountable curb is required. Variance to allow for non-curbed landscape islands.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979 under the CG zoning designation requirements. At the time that the Property was developed curbing was not required for all landscape areas. The Applicant has been able to accommodate the installation of curbing where feasible. Mature shade trees currently thrive within the landscape islands adjacent to Building 1. The installation of curbing within these islands would negatively impact these large healthy trees.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County's zoning code has undergone numerous significant changes related to planned developments. Curbing or wheel stops are proposed to protect all other landscape areas throughout the Property. The mature trees within the landscape islands adjacent to Building 1 were planted many years ago and provide shaded parking to those patrons of the financial institution and offices. The numerous code changes that have occurred over the years are not the result of the Applicant.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to accommodate existing projects that are being redeveloped and cannot meet all current landscape requirements. Requiring curbing within the terminal islands for Building 1 would require the removal of existing mature trees that currently provide shade for the existing parking lot and buildings.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The project was approved and developed in conformance with the code that was in effect at the time and trees were planted throughout the Property to provide shade as well as screening. Over the years, these trees have grown and become mature with a large canopy. Requiring the installation of curbing would damage the existing roots and possibly kill the tree. Otherwise the trees would need to be removed and replaced with a smaller canopy tree that will not reach full maturity for at least 5-10 years. The Applicant desires to retain these mature trees as they currently improve the site aesthetics as well as contribute to the reduction of heat island effect for the Property.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for non-curbed terminal islands will make reasonable use of the Property and will not create any adverse impacts on surrounding uses. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. The Applicant has been able to upgrade the existing situation of the commercial plaza where appropriate and feasible. These terminal islands house mature trees that already provide the shading and screening as intended by the ULDC.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The granting of this variance will be consistent with the purposes, goals, objectives, and policies of the Plan and the Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. Variances have been granted to allow for existing projects that are being redeveloped. The Applicant is improving the much of the existing parking lot by adding new landscape islands where feasible and accommodating pedestrian connectivity as required. As previously mentioned, requiring curbing for the terminal islands adjacent to Building 1, would damage and potentially kill the existing mature trees that currently provide needed shade for the parking area.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or otherwise detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. Additionally, this variance would allow for the existing landscape to remain undisturbed. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 8 – Setback of ground mounted sign:**

As part of this application, the Applicant is requesting a Type II Variance from Table 8.G.2.A. The Applicant is requesting approval to allow a zero (0) foot setback to an existing ground mounted sign (Sign D along Lyons Rd) where a five (5) foot setback is required. Variance of 5 feet.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979. At that time Lyons Road was not the major 6-lane right-of-way that it is today with multiple left and right turn lanes. Signs were permitted and installed in accordance with the zoning regulations in place at the time. The previously permitted signage would be allowed to continue to exist as constructed if the Applicant were not proposing to add land area along the western property line. As part of this application, Palm Beach County is requiring the further dedication of land area to accommodate additional right-of-way needed for the expanded intersection of Lyons Road and Glades Road. This right-of-way dedication is further impacting the existing signage for the project. Sign B will be located 4 feet and Sign D will be located 10 inches from the newly established property line.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has expanded the Lyons Road right-of-way to accommodate the increased traffic in the southern portion of Palm Beach County. Signs B and D were previously permitted and constructed in accordance with the sign code in effect at the time. Additional right-of-way was needed to accommodate the development that occurred in the surrounding area in accordance with the County's Comprehensive Plan and Future Land Use Atlas.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted in cases where previous existing permitted/constructed signage no longer met setback requirements due to right-of-way expansions, dedications and takings.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The tenants of the commercial plaza received building permits for signage in accordance with the sign code that was in effect at the time. Since that time, the County has widened Lyons Road thus restricting the location for ground mounted signage within the existing right-of-way buffer. Potentially eliminating this signage would negatively impact the retail tenant in a market where brick and mortar retail sales are already struggling to compete with online retail sales.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow setback of ground mounted sign makes reasonable use of the Property and will not create any adverse impact on surrounding uses. This is the minimum variance necessary to make reasonable use of the Property. Typically, when amending a previously approved site plan, the Applicant is required to conform to the current code requirements to the greatest extent possible. The signs subject of this variance request were constructed in accordance with approved building permits as identified on the Master Sign Plan.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The granting of this variance will be consistent with the purposes, goals, objectives, and policies of the Plan and the Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. Variances have been granted to allow for existing projects that are being redeveloped where right-of-way expansions have negatively impacted specific site components such as signage and landscaping.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or otherwise detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. Additionally, this variance would allow for the existing ground mounted signage to remain. This variance will bring the Property into compliance with the current zoning code signage standards as it was approved prior to the widening of Lyons Road and Glades Road intersection.

**Variance # 9 – Landscape Island:**

As part of this application, the Applicant is requesting a Type II Variance from Table 7.C.4.A, note 1. The Applicant is requesting approval to allow an easement to overlap an existing landscape islands south of Building 3 to accommodate a utility easement for an existing water line. Variance of 100% overlap within 8-foot landscape islands, including fire hydrants.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979 and water lines were subsequently installed to provide service to the building and the fire hydrants. At that time, it was common for commercial projects to be developed without utility easements correctly located on approved site plans as well as landscaping to be installed over water and sewer lines. Although a majority of the Property is not physically “affected” or impacted by the new construction, the Applicant is proposing to provide a utility easement over the existing water lines as requested by Palm Beach County Water Utilities.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has adopted new landscape code requirements and stricter regulations regarding utility easements as well as increasing landscape island widths from 5 feet to 8 feet. This situation is not the result of the Applicant. The Applicant has been able to accommodate the required landscape island plantings where the new medical office is being proposed and in many other locations throughout the Property where feasible. The existing islands adjacent to Building 3 cannot accommodate meet the minimum width standards excluding the new easement as the existing water line has been installed directly under the existing parking spaces and landscape islands adjacent to the building.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for easements to encroach existing landscape islands when they conflict with existing utility lines on older approved projects throughout the entire County when appropriate.

These situations often occur when a property has been developed in conformance with an approved site plan and utilities are subsequently installed to serve those uses without accommodating the landscape requirements of the zoning code. The Applicant is simply requesting for the same approval granted to others.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Lyons Glades Center has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of this section of the Unified Land Development Code is to ensure that planting materials can be installed within landscape islands without conflicting with easements. This commercial plaza has been developed for over 30 years with an overlap of the landscape islands and water line. It would be a significant hardship to require the Applicant to relocate the water line or eliminate the parking and parking islands adjacent to Building 3. This portion of the Property is generally not considered as an “affected area” by Palm Beach County Water Utilities, therefore Staff has agreed that existing planting material that may conflict with PBCWUD policies can remain but cannot be replanted in the future.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the easement to encroach with the existing landscape islands adjacent to Building 3 will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to add new landscape islands and improve existing landscape islands throughout the entire project. The only location that it is not feasible is adjacent to Building 3 in order to avoid a conflict with the existing utility line. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 10 – Landscape Island:**

As part of this application, the Applicant is requesting a Type II Variance from Table 7.C.4.A. The Applicant is requesting approval to eliminate the trees within the three (3) landscape islands abutting the south side of Building 3 to accommodate a utility easement for an existing water line. Variance of one (1) tree lost per landscape island.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979 and water lines were subsequently installed to provide service to the building and the fire hydrants. At that time, it was common for commercial projects to be developed without utility easements correctly located on approved site plans as well as landscaping to be installed over water and sewer lines. Although a majority of the Property is not physically “affected” or impacted by the new construction, the Applicant is proposing to provide a utility easement over the existing water lines as requested by Palm Beach County Water Utilities. Water Utilities has stated that the existing trees can remain in the easement area within the landscape islands but cannot be replaced in the future should they die.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has adopted new landscape code requirements and stricter regulations regarding utility easements. This situation is not the result of the Applicant. The Applicant has been able to accommodate the required landscape island plantings where the new medical office is being proposed and in many other locations throughout the Property where feasible. The existing islands adjacent to Building 3 cannot accommodate the required trees due to the location of the existing water line that was installed many years ago.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for the elimination of trees within existing landscape islands when they conflict with existing utility lines on older approved projects throughout the entire County when appropriate. These situations often occur when a property has been developed in conformance with an approved site plan and utilities are subsequently installed to serve those uses without accommodating the landscape requirements of the zoning code. The Applicant is simply requesting for the same approval granted to others.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Lyons Glades Center has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of this section of the Unified Land Development Code is to ensure that trees are planted within the landscape islands. This commercial plaza has been developed for over 30 years with an overlap of the landscape islands and water line. It would be a significant hardship to require the Applicant to relocate the water line or eliminate the parking and parking islands adjacent to Building 3. This portion of the Property is generally not considered as an “affected area” by Palm Beach County Water Utilities, therefore the existing trees can remain but new ones cannot be re-planted.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the elimination of trees within the landscape islands adjacent to Building 3 will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to add new landscape islands and improve existing landscape islands throughout the entire project. The only location that it is not feasible is adjacent to Building 3 in order to avoid a conflict with the existing utility line. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance # 11 – Landscape Divider Median:**

As part of this application, the Applicant is requesting a Type II Variance from Table 7.C.4.A. The Applicant is requesting approval to allow existing landscape divider medians to be less than the required 10-foot minimum width. The Applicant is requesting the variance to accommodate all of the existing divider medians and allow them to remain. Though the width varies around the site, the maximum variance in width is 1.5 feet.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979. At that time the County Code did not require the landscape divider medians to have minimum width of 10 feet. The ULDC was recently amended to increase the required divider median width to 10 feet to accommodate the installation of required trees. Although a majority of the Property is not physically “affected” or impacted by the proposed new construction, the Applicant is proposing to bring a majority of the parking lot into compliance where feasible and many parking spaces have been eliminated to accommodate this requirement. Requiring a 10 foot wide divider median would require the Applicant to shift an entire drive aisle of parking which is not feasible due to the minimum 26 foot width currently provided.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned, the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has adopted new landscape code requirements. This situation is not the result of the Applicant. The Applicant has been able to accommodate the required landscaping where the new medical office is being proposed and in many other locations throughout the Property where feasible. The existing medians cannot be increased without impacting the parking spaces and site circulation.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for reduced divider median widths for existing commercial plazas throughout the entire County when appropriate. These situations often occur when a property has been developed in conformance with a previously approved site plan and the new additional landscape requirements cannot be accommodated without having to reconfigure the existing parking and circulation areas. The Applicant is simply requesting for the same approval granted to others and the Applicant will accommodate the required landscape medians where feasible without impacting existing drive aisle widths.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of this section of the Unified Land Development Code is to ensure that trees planted within the divider medians have enough space to grow and thrive. This commercial plaza has been developed for over 30 years and the trees throughout the parking area are healthy. Requiring that the existing divider medians comply with the minimum width standards would necessitate the Applicant to reduce a drive aisle width below 26 feet and be in violation of a different code section. This would impose a significant hardship on the Applicant.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the reduction of the width for existing divider medians will make of reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to provide code-compliant landscape areas and improve existing landscape islands throughout the site, where feasible. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code.

**Variance #12 - Type 3 Incompatibility Landscape Buffer (Northern Property Line)**

The Applicant is requesting a Type 2 Variance to allow a 15 foot wide landscape buffer without a wall along the north property line. Per Art. 3.E.3.B.2.b., a Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type of undeveloped land with a residential FLU designation. A Type 3 incompatibility buffer per Table 7.C.2.C.3. requires 20 feet in width with a 6 foot high wall.

**A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district.**

Special conditions and circumstances exist for this Property that are not applicable to other properties in the same zoning district. The Property received site plan approval for a commercial plaza in 1979. At that time the County Code required a minimum 10 ft wide landscape buffer for the exterior property lines, as reflected on the approved site plan. Since that time a multi-family residential community has been developed on the property to the north and the ULDC has undergone several modifications that now require increased buffer widths for incompatible land uses. The intent of the Unified Land Development Code is to ensure that appropriate buffers and screening are provided between incompatible uses. The existing commercial development predates most of the adjacent development in the surrounding area. The adjacent multi-family residential development was approved and constructed after this commercial project.

**B. Special circumstances and conditions do not result from the actions of the Applicant.**

As previously mentioned, the Property has an existing approved site plan. Since the Property was originally approved in 1979, the County has adopted new landscape code requirements. This situation is not the result of the Applicant as the site was meeting the landscape code at the time of original approval and has not changed.

**C. Granting the variance shall not confer upon the Applicant any special privilege denied by the**

**Plan and this Code to other parcels of land, buildings, or structures, in the same district.**

The granting of this variance will not confer any special privilege denied by the comprehensive plan or the unified land development code to other parcels of land, buildings, or structures in the same zoning district. Variances have been granted to allow for reduced buffer widths for existing commercial plazas throughout the entire County when appropriate. These situations often occur when a property has been developed in conformance with a previously approved site plan and the new additional landscape requirements cannot be accommodated without having to remove mature vegetation, currently providing adequate screening. The Applicant is simply requesting for the same approval granted to others and the Applicant will accommodate the required landscape where feasible without impacting existing site elements.

**D. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district and would work an unnecessary and undue hardship.**

The Glades/Lyons Plaza has an approved site plan for the Property that has been in place since 1979. The literal interpretation would work an unnecessary and undue hardship. The intent of this section of the Unified Land Development Code is to ensure that trees planted within the buffer that can grow to a reasonable size. This commercial plaza has been developed for over 30 years and the trees throughout the existing landscape buffer are healthy. Requiring that the existing buffers comply with the minimum width standards would necessitate the Applicant to remove mechanical equipment at the rear of the building. The inclusion of the wall, would require removal and replacement of all mature trees currently within the buffer. This would impose a significant hardship on the Applicant.

**E. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

This request for a variance to allow for the reduction of the width of the landscape buffer and elimination of the wall in order to keep the existing dense, mature landscaping along the existing property boundary. This is the minimum necessary to make reasonable use of the Property and will not create any adverse impacts on surrounding uses. The Applicant is proposing to provide code-compliant landscape areas and improve existing landscape islands throughout the site, where feasible. This variance will allow the Applicant to comply with the code to the greatest extent possible and retain the appropriate use of this area.

**F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

The proposed variance will be consistent with the purposes, goals, objectives and policies of the Plan and this Code. Through this application, the Applicant will be bringing the Property into code compliance to the best extent possible. The commercial uses serve the residents of the surrounding community, western Boca Raton, and others in Palm Beach County.

**G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

The proposed variance, if granted, will not be injurious to the area involved or detrimental to the public welfare. The Applicant is adding a medical office use, thus triggering the need for the variance. A dense landscape area has grown between the commercial and residential developments over the past 35-40 years. Requiring the construction of a wall within this existing landscape buffer would require the elimination of this mature vegetation barrier. This variance will bring the Property into compliance with the current planned development standards as it was approved prior to the establishment of many MUPD design standards and requirements in the zoning code, including the type 3 incompatibility buffer adjacent to residential.

***Based on the above justification and attached information, the Applicant respectfully requests approval of these twelve (12) variances related to landscaping, setbacks, signage and lot dimensions.***