

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



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**Application No.:** DOA/R-2011-00921  
**Control No.:** 1978-00005  
**Applicant:** Bellino Equities Boca LLC  
**Owners:** Zell Enterprises Llp  
Bellino Equities Boca LLC  
**Agent:** David L. Carpenter & Assoc. - David Carpenter  
**Telephone No.:** (561) 686-9520  
**Project Manager:** Joyce Lawrence, Site Planner II

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**Location:** South of Yamato Road at the southwest corner of Kimberly Boulevard and Lyons Road (Hamptons at Boca PUD)

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**TITLE:** a Development Order Amendment **REQUEST:** to modify the site plan **TITLE:** a Requested Use **REQUEST:** to allow an Indoor Entertainment

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**APPLICATION SUMMARY:** Proposed is a Development Order Amendment (DOA) for the Hampton at Boca Raton Planned Unit Development (PUD). The 12.15-acre parcel of land is a commercial pod within the Hamptons at Boca Raton PUD, originally approved by the Board of County Commissioners (BCC) on January 8, 1970. The applicant is proposing to modify the site plan to replace a General Retail space with a 2,400-square foot Indoor Entertainment Use, as a Requested Use.

The applicant is proposing to modify the Site Plan to replace a General Retail space with a Requested Use for a 2,400-square foot Indoor Entertainment Use. The existing Commercial Pod has 57,554 square feet of General Retail uses, 20,931 square feet of Professional Offices, 10,000 square feet of Restaurant uses, 8,057 square feet of Financial Institution, and 4,500 square feet Place of Worship for an overall total of 101,042 square foot development. A total of 628 parking spaces are provided and 3 access points to the site will remain from Lyons Road (2) and Kimberly Boulevard (1).

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**ISSUES SUMMARY:**

o Project History

On January 8, 1970, the Board of County Commissioners (BCC) approved via Resolution No. R-3-57 a Conditional Use Approval for a Planned Unit Development (PUD). The BCC amended the Master Plan for the PUD in March 1973, Resolution No (R-78-218) pursuant to the Conditional Use approval of January 8 1970. On August 1990, the BCC approved a Special Exception to amend the Master Plan to allow a Day Care, General in a commercial Pod (R-1990-1428). On October 28, 1993, the BCC approved via Resolution No. R-1993-1370, a Requested Use to allow a Day Care Center for 125 children. On March 27, 1997, the BCC approved a Development Order Amendment (DOA) to delete land area (-2.72 acres), (R-1997-374). On September 23, 1999, the BCC approved a DOA to allow a Place of Worship, (R-1999-1683.1). On January 27, 2011, the BCC approved an Expedited Application Consideration (EAC) to modify Conditions of Approval for Building and Site Design.

- o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and determined that the request is consistent with the subject site’s High Residential 8 units per acre (HR-8) Future Land Use (FLU) designation of the Comprehensive Plan. The subject site is in the Urban/Suburban Tier. See Staff Review and Analysis for additional information from the Planning Division.

- o Compatibility with Surrounding Land Uses

**NORTH:**

FLU Designation: (Park)  
 Zoning District: Residential Planned Unit Development District (PUD)  
 Supporting: Golf Course (Control No 78-005)

**SOUTH:**

FLU Designation: Low Residential (LR-3)  
 Zoning District: Residential Transitional District (RT)  
 Supporting: Residential – Brentwood Place (Control No 80-009)

**EAST:**

FLU Designation: High Residential (HR-8)  
 Zoning District: Residential Planned Unit Development District (PUD)  
 Supporting: Residential - Hamptons at Boca Raton PUD (Control No 78-005)

**WEST:**

FLU Designation: Low Residential (LR-3)  
 Zoning District: Residential Planned Unit Development District (PUD)  
 Supporting: Residential - Hamptons at Boca Raton PUD (Control No 78-005)

Hampton Square is a commercial pod within Hamptons at Boca Raton PUD. The proposed Indoor Entertainment use is proposed within an existing building previously designated as a permitted retail use and compatibility issues were addressed during prior approvals. Subject to the recommended Conditions of Approval, staff does not anticipate any adverse impact to the surrounding properties from the request.

- o Traffic

See Staff Review and Analysis for additional information from the Traffic Division.

- o Landscape/Buffering

There will be no change to the existing perimeter landscape buffers as the proposed request is for use change only and should not affect the external boundaries of the site.

- o Signs

No additional signage is proposed with this request. Staff recommends that any wall signs shall comply with the Unified Land Development Code, Wall sign requirements.

**TABULAR DATA**

	EXISTING	PROPOSED
<b>Property Control Number(s)</b>	00-42-47-07-14-001-0010 00-42-47-07-14-001-0020	Same
<b>Land Use Designation:</b>	High Residential (HR-8)	Same
<b>Zoning District:</b>	Planned Unit Development (PUD)	Same

<b>Tier:</b>	Urban/Suburban	Same
<b>Use:</b>	Retail Sales, General Office, Business or Professional Place of Worship Financial Institution Entertainment, Indoor Restaurant, Type I	Same Plus Indoor Entertainment
<b>Acreage:</b>	12.15 acres	Same
<b>FAR:</b>	0.18	Same
<b>Square Footage</b>	101,042 Square Feet	Same
<b>Parking:</b>	628 spaces	Same
<b>Access:</b>	Kimberly Blvd (1) and Lyons Road (2)	Same

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

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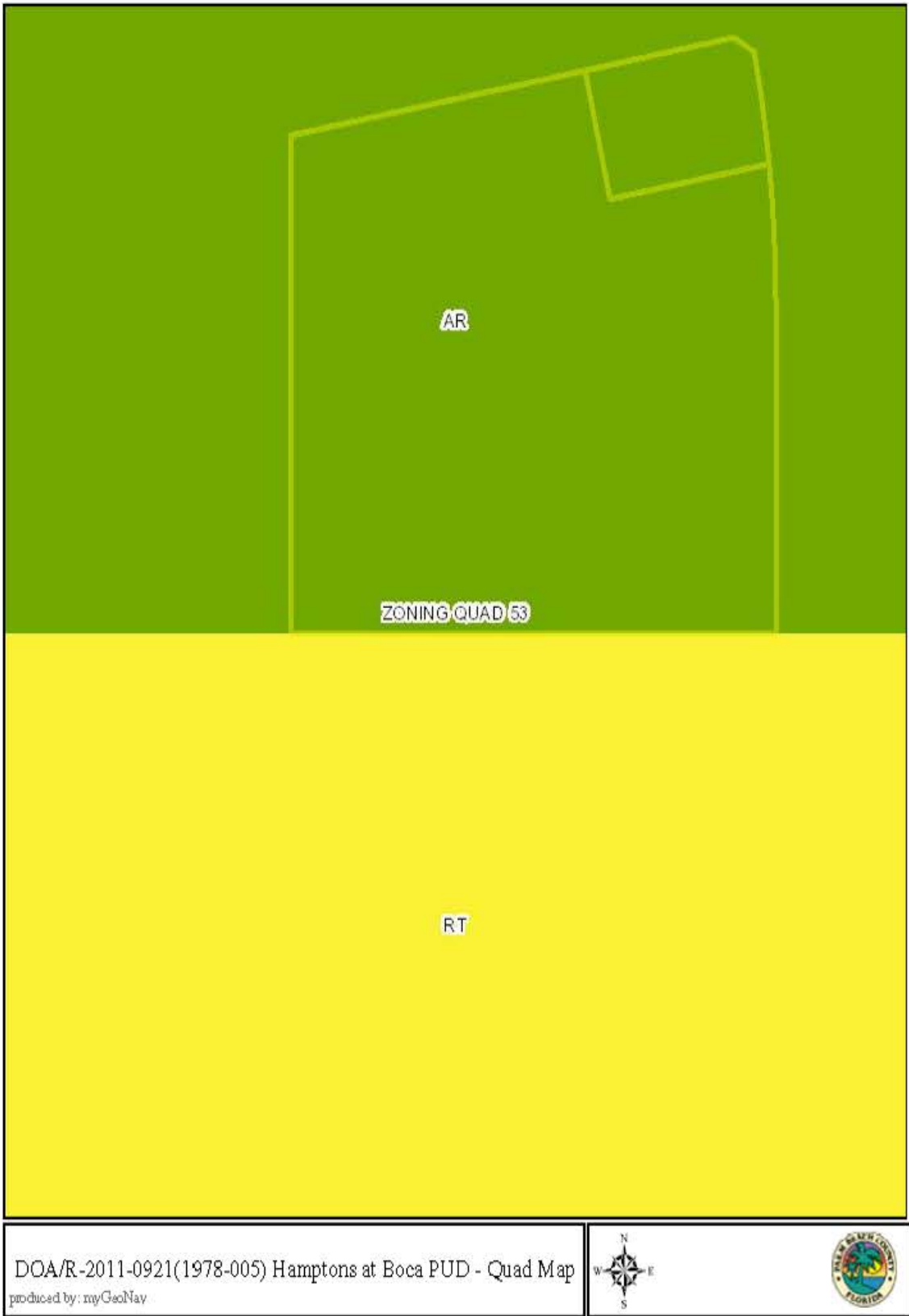
**RECOMMENDATION:** Staff recommends approval of the requests subject to 40 Conditions of Approval as indicated in Exhibit C-1 and 4 Conditions of Approval as indicated in Exhibit C-2.

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**MOTION:** To recommend approval of a Development Order Amendment to modify the site plan subject to Conditions of Approval as indicated in Exhibit C-1.

**MOTION:** To recommend approval of a Requested Use approval to allow an Indoor Entertainment use subject to Conditions of Approval as indicated in Exhibit C-2.

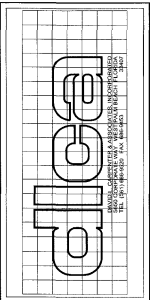




**Figure 2 Zoning Quad Map**



Figure 3 Aerial



# HAMPTONS AT BOCA RATON PUD (INCLUDING CENTURY VILLAGE WEST) PRELIMINARY MASTER PLAN

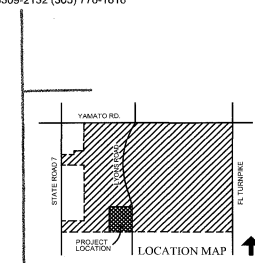
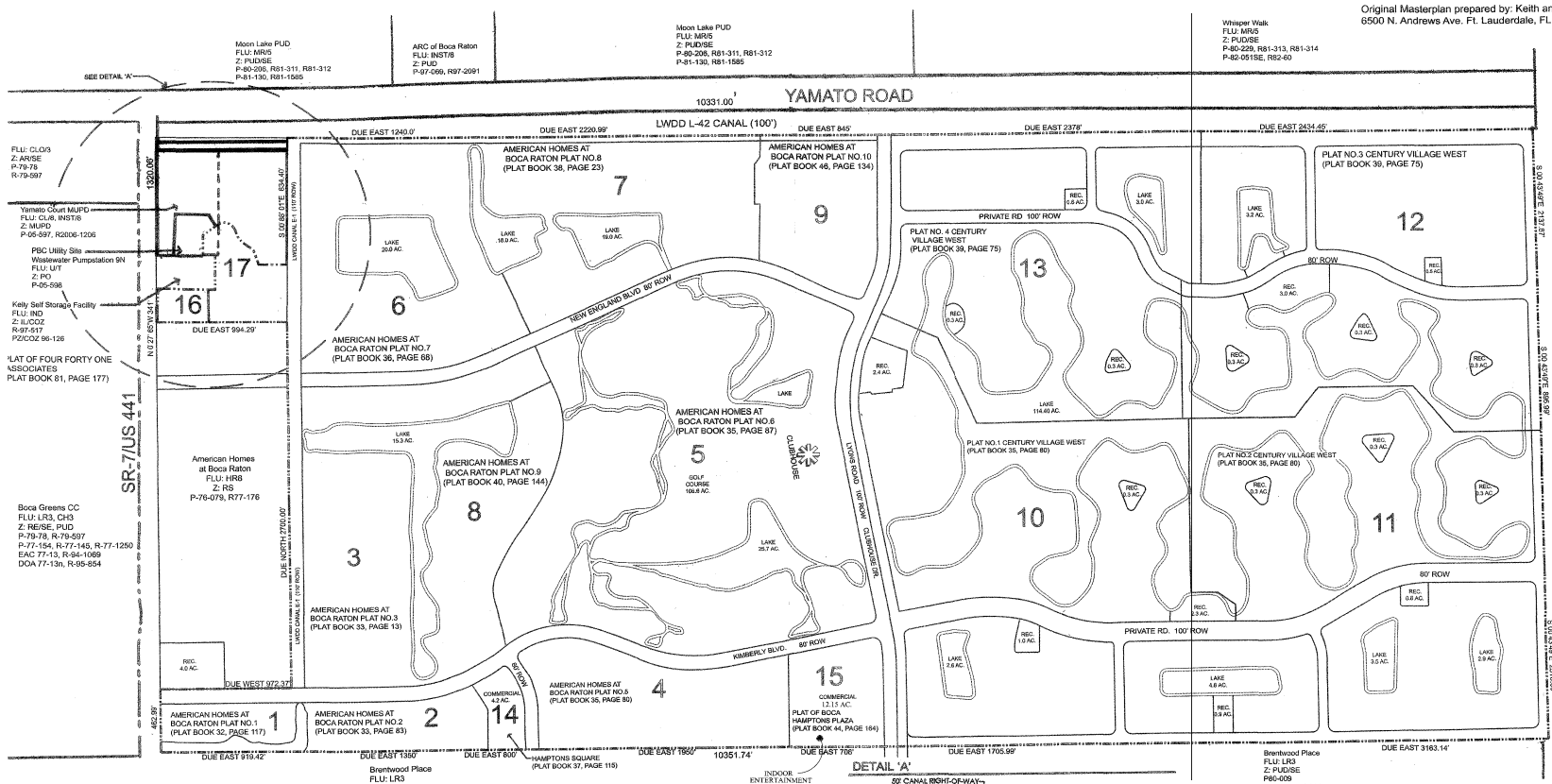
RevisionS:

North Arrow

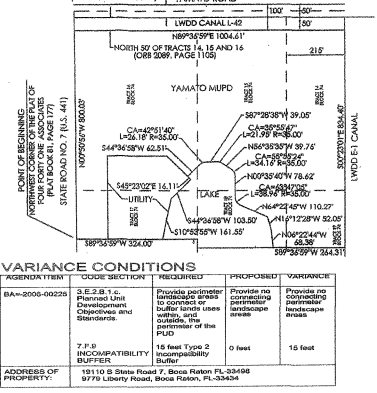


SHEET 1 OF 1

Original Masterplan prepared by: Keith and Schnars, P.A.  
6500 N. Andrews Ave. Ft. Lauderdale, FL 33309-2132 (305) 776-1616



Boca West PUD  
FLU LR-3  
Z: ARISE  
P-85-007  
R-85-061



PLAT AREA	PUD TYPE	ACRES	LATEST REC. UNIT APPROVAL (MONTH AND YEAR)	PROPOSED DENSITY		REV. SUBMITTAL		CHANGE	PERCENT DISTRIBUTOR
				TYPE	# OF UNITS	DENSITY	CLASS		
1	SP	0.84	24	SP	54	4.11 U/A			0.3%
2	SP	11.60	48	SP	48	2.87 U/A			0.7%
3	SP	31.60	190	SP	190	3.76 U/A			2%
4	SP	26.19	107	SP	107	3.89 U/A			2%
5	REC.	146.74		REC.					
6	SP	77.16	294	SP	294	3.81 U/A			3%
7	SP	12.48	168	SP	168	3.52 U/A			2%
8	SP	36.59	65	SP	65	1.81 U/A			1%
9	SP	19.84	72	SP	72	3.67 U/A			1%
10	SP	155.57	1992	SP	1992	3.19 U/A			13%
11	SP	122.07	1942	SP	1942	3.18 U/A			16%
12	MF	122.18	1426	MF	1426	12.05 U/A			28%
13	MF	198.26	1922	MF	1922	12.17 U/A			28%
14	COM.	4.2		COM.					
15	COM.	12.15		COM.					
16	HOUSHP.	1.3		HOUSHP.					
17	CHP.	3.41		CHP.					
TOTAL		533.65	6,577		6,577				

**SITE DATA**  
 PETITION NO./CONTROL NO. 9979-000 / 8-106-000  
 PROJECT NO. 8-106-000  
 RESOLUTION NO. 8-106-000  
 PROJECT NAME: HAMPTONS AT BOCA RATON  
 PARCEL NUMBER: PARCEL 348-3  
 USE: RESIDENTIAL  
 ZONING DISTRICT: UR-55  
 SECTION/CONSERVATION RANGE: EFFECTED AREA RECORDED PLAT # 800229/21  
 DATE: 02/28/2011

**CONCURRENCE APPROVAL**  
 SINGLE FAMILY: 848 DU  
 MULTIFAMILY: 1,728 DU  
 TOTAL: 2,576 DU

**CONCURRENCE IS APPROVED FOR THE ABOVE USES AND AMENITIES SHOWN ON THIS PLAN**  
 TAX: 71,072  
 TOTAL ACREAGE: 623.92 AC.  
 TOTAL DENSITY UNITS: 4,577 DU  
 TOTAL GROSS FLOOR AREA: 1,728,000 SQ. FT.  
 TOTAL LOT AREA: 1,728,000 SQ. FT.  
 MULTI-FAMILY UNITS: 1,728 UNITS  
 SINGLE-FAMILY UNITS: 848 UNITS  
 EXISTING CLUMBERE PAVING: 100,000 SQ. FT.  
 EXISTING HAMPSON PUD CLUMBERE PAVING: 6,577 SQ. FT.

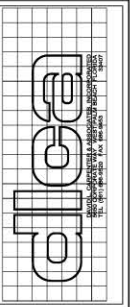
**NOTES**  
 HOMEOWNERS ASSOCIATION  
 NON-ROOF OF WAY  
 BOARD OF ADJUSTMENTS  
 S.W. 1/4 SECTION 17, T. 31 N., R. 18 E., S. 17

**VARIANCE CONDITIONS**  
 PROPOSED: 15' SIDE SETBACK  
 VARIANCE: 10' SIDE SETBACK  
 PROPOSED: 15' FRONT SETBACK  
 VARIANCE: 10' FRONT SETBACK  
 PROPOSED: 15' REAR SETBACK  
 VARIANCE: 10' REAR SETBACK  
 PROPOSED: 15' CORNER SETBACK  
 VARIANCE: 10' CORNER SETBACK

Figure 4 Preliminary Master Plan dated June 27, 2011

ZC  
 Application No. DOAR-2011-00921  
 Control No. 1978-00005  
 Project No. 00194-001

September 01, 2011  
 BCC District 05

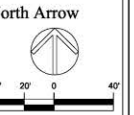


# HAMPTONS AT BOCA RATON

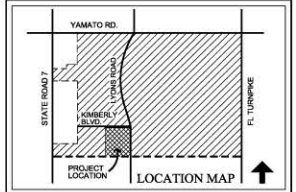
Commercial Tract

## PRELIMINARY SITE PLAN

Revision S:



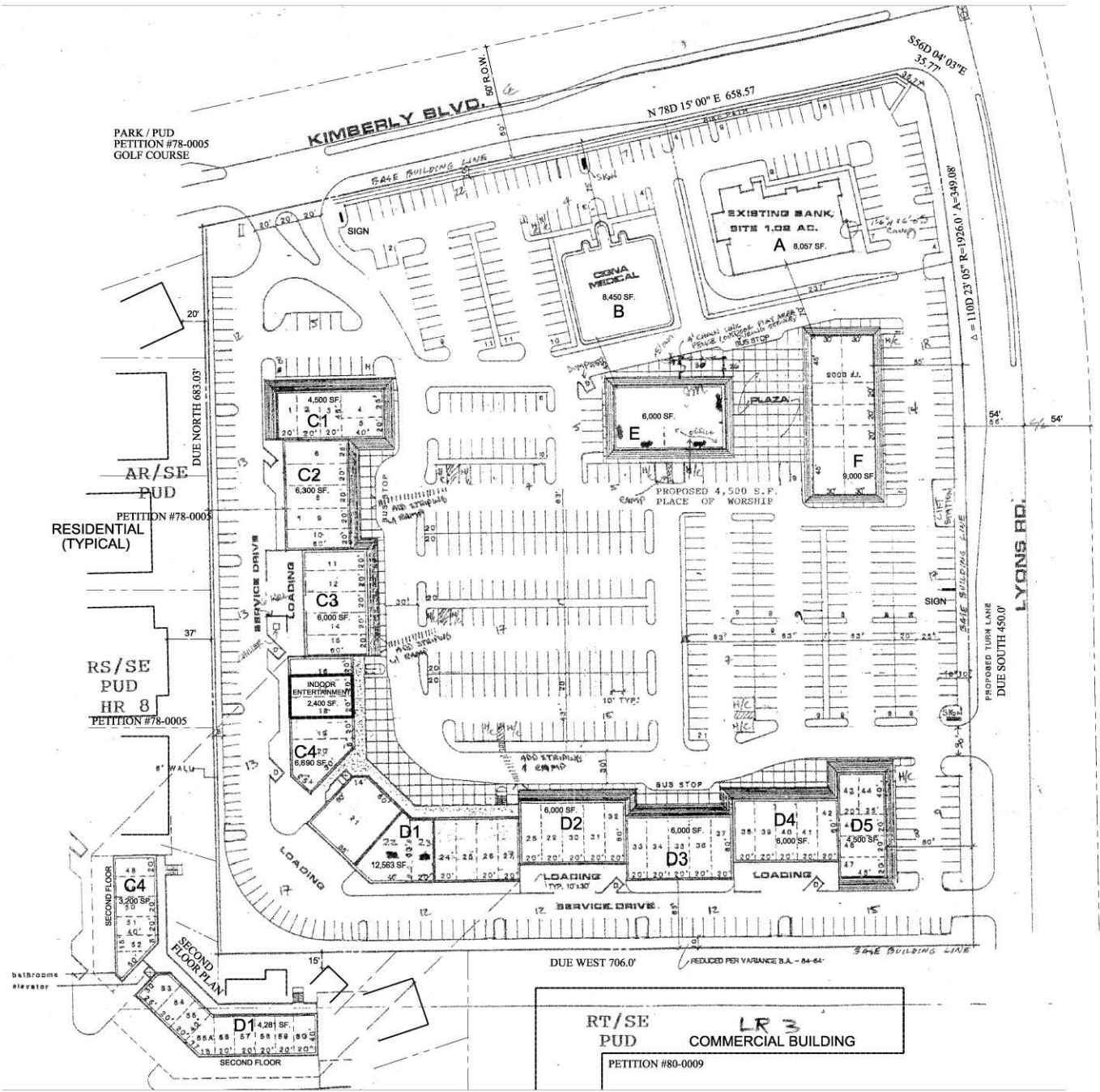
SHEET 1 OF 2



SITE DATA	
APPLICATION NAME	HAMPTONS AT BOCA RATON COMMERCIAL TRACT
APPLICATION NUMBER	DOA/R 2011-00921
CONTROL NUMBER	78-0005
PROJECT NUMBER	00194-000
BCC APPROVAL	06/22/06
RESOLUTION NUMBER	R-2006-1203
TIER	URBAN / SUBURBAN
EXISTING LAND USE	HR8
PROPOSED LAND USE	HR8
EXISTING ZONING	PUD
PROPOSED ZONING	PUD
SECTION / TOWNSHIP / RANGE	07 / 47 / 42
PROPERTY CONTROL NUMBERS	0042470714001/00010 0042470714001/00020
OUT PARCEL	COMMERCIAL
EXISTING / APPROVED / PROPOSED USE	COMMERCIAL
REQUIRED / PROVIDED GROSS SITE AREA	12.15 ACRES
REQUIRED / PROVIDED NET SITE AREA	11.13 ACRES
EXISTING / APPROVED / INTENSITY	92,985 S.G.C. F.T
REQUIRED PARKING	603
PROPOSED PARKING	628
REQUIRED ACCESSIBLE PARKING	14
PROPOSED ACCESSIBLE PARKING	14
REQUIRED LOADING	2
PROPOSED LOADING	4
MAXIMUM BUILDING HEIGHT	35 FT.
EXISTING BUILDING HEIGHT	29 FT.
TRAFFIC ANALYSIS ZONE	772
CONCURRENCY:	
RETAIL	55,154 S.F.
INDOOR ENTERTAINMENT	2,400 S.F.
OFFICE	20,951 S.F.
RESTAURANTS	10,000 S.F.
PLACE OF WORSHIP	4,500 S.F.
FINANCIAL INSTITUTION	8,057 S.F.
* CONCURRENCY IS APPROVED FOR USE AND AMOUNTS AS SHOWN ON THIS PLAN	
TOTAL BUILDING AREA	97,541 S.F.
RETAIL	55,154 S.F.
INDOOR ENTERTAINMENT	2,400 S.F.
OFFICE	20,951 S.F.
RESTAURANTS	10,000 S.F.
PLACE OF WORSHIP	4,500 S.F.
FINANCIAL INSTITUTION	8,057 S.F.
BUILDING A	8,057 S.F.
BUILDING B	8,450 S.F.
BUILDING C-1	4,500 S.F.
BUILDING C-2	6,300 S.F.
BUILDING C-3	6,000 S.F.
BUILDING C-4 FIRST FLOOR	6,980 S.F.
BUILDING C-4 SECOND FLOOR	3,200 S.F.
BUILDING D-1 FIRST FLOOR	12,563 S.F.
BUILDING D-1 SECOND FLOOR	4,281 S.F.
BUILDING D-2	6,000 S.F.
BUILDING D-3	6,000 S.F.
BUILDING D-4	6,000 S.F.
BUILDING D-5	4,500 S.F.
BUILDING D-6	6,000 S.F.
BUILDING F	9,000 S.F.
NOTE: ALL AREA DATA SQUARE FOOTAGE, AND ALL SITE INFORMATION TAKEN FROM APPROVED SITE PLAN FOR PETITION 78-0005 BY L.R.M. CERTIFIED ON 08/05 BY PALM BEACH COUNTY	

ADMINISTRATIVE AMENDMENTS:	
120206	ADD CAPACITY TO BANK COUNTERS; BETH McCall
121406	Provide to city area for children during services, not to be used as daycare facility. They shall:
041502	Change building H from 37 to 35' - add per zoning director C. McNameester
052302	Add sign to north entrance; narrow one parking space; provide bike racks
060202	Rework handicap parking, add striping; add access to roadway; and remove signage; add sign to reflect handicap area
040702	Add other equipment (copies of all signs) and remove wall if needed by B.A. Beth McCall

HR 8 / PUD  
PETITION #78-0005  
RESIDENTIAL

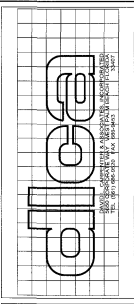


RT/SE PUD LR 3  
COMMERCIAL BUILDING  
PETITION #80-0009

Figure 5 Preliminary Master Plan dated July 18, 2011

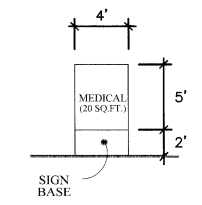
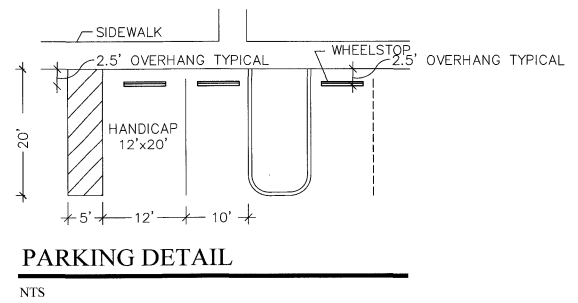
ZC  
Application No. DOA/R-2011-00921  
Control No. 1978-00005  
Project No. 00194-001

September 01, 2011  
BCC District 05

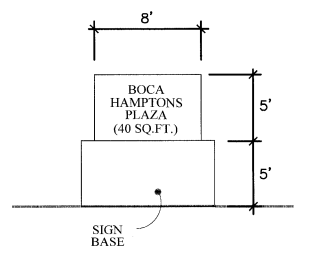


**HAMPTONS AT BOCA RATON**  
PRELIMINARY REGULATING PLAN

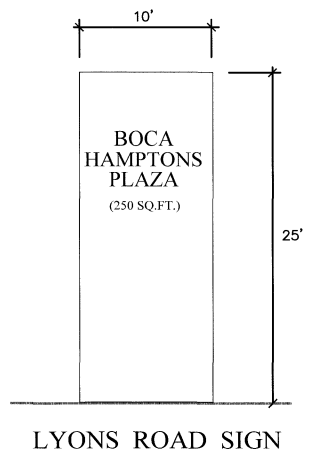
RevisionS:
SHEET 2 OF 2



**KIMBERLY BOULEVARD SIGN**



**ENTRANCE SIGN  
AT ENTRANCES ON LYONS ROAD  
AND KIMBERLY BOULEVARD**



**LYONS ROAD SIGN**

**MASTER SIGN PROGRAM**

**Figure 6 Preliminary Regulating Plan dated June 27, 2011**

ZC  
Application No. DOAR-2011-00921  
Control No. 1978-00005  
Project No. 00194-001

September 01, 2011  
BCC District 05

## STAFF REVIEW AND ANALYSIS

### **PLANNING DIVISION COMMENTS:**

FUTURE LAND USE (FLU) PLAN DESIGNATION: High Residential 8 units per acre (HR-8).

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is not within the future annexation area of any municipality.

INTERGOVERNMENTAL COORDINATION: The subject site is not within 1 mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Amendment to allow 2,400 SF of Indoor Entertainment uses within a bay of an existing Commercial Development and staff has found the request to be consistent with the land use designation.

The proposed request seeks to utilize 2,400 square feet of an existing 97,541 square foot plaza. The maximum Floor Area Ratio (FAR) of .45 is allowed for a project with a HR-8 FLU designation (12.15 ac x 43,560 x .45 = 238,164.3 s.f. maximum). The built commercial plaza consisting of 97,541 square feet equates to an FAR of 0.18. (97,541 / 529,254 = 0.18).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: None

FINDINGS: The request is consistent with the HR-8 Future Land Use designation of the Palm Beach County Comprehensive Plan.

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### **ENGINEERING COMMENTS:**

#### REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit for additional impervious area.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for modifications to accesses onto Kimberly Blvd and Lyons Road.

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### **PALM BEACH COUNTY HEALTH DEPARTMENT:**

No Comment.

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### **ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:**

VEGETATION PROTECTION: The property has previously been developed.

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

CONTAMINATION ISSUES: The Florida Department of Environmental Regulation (FDEP) is presently investigating a previous contamination issue at the golf course maintenance facility and its impacts to nearby properties. The investigation is ongoing and the FDEP has no conclusions at this time.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that

results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

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

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**OTHER:**

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

SCHOOL IMPACTS: No Comment.

PARKS AND RECREATION: No Comment.

CONCURRENCY: Concurrency has been approved for 57,554 square feet of General Retail uses, 20,931 square feet of Professional Offices, 10,000 square feet of Restaurant uses, 8,057 square feet of Financial Institution, and 4,500 square feet Place of Worship for an overall total of 101,042 square foot development.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD).

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

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**FINDINGS:**

**Development Order Amendment and Requested Use:**

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

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

The proposal is generally consistent with the site's High Residential with an underlying 8 units per acre (HR/8) Future Land Use (FLU) designation. The proposal to reconfigure the site plan to replace a General Retail use with a Requested Use, Indoor Entertainment, is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.

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

The proposal will utilize existing vacant spaces that previously supported General Retail uses with no external modification to the site. The proposed amendment and Requested Use is not in conflict with any portion of the ULDC, and are consistent with the stated purpose and intent of the ULDC.

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

The proposed Requested Use is compatible as defined in the Code and is generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

In addition the site has been developed and is the subject of previous approvals that were determined to be generally consistent with the uses and character of the land surrounding and in the vicinity of the site. Any incompatibility issues beyond ULDC considerations have been addressed by Conditions of Approval.

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

The subject site has been developed and applicant is not proposing any changes to the exterior of the buildings. Therefore, the proposal to convert an existing General Retail into a Requested Use for Indoor Entertainment should not create any additional adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

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

The subject site has been previously been cleared and developed. Staff has determined that there are no significant environmental issues associated with this petition beyond compliance with ULDC requirements and the proposal will not result in any adverse environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.

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

The proposed Requested Use will replace an existing permitted General Retail use within an existing building and should have no effect on the development patterns.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

The subject site is not located within the boundaries of any neighborhood plan.

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

Concurrency has been approved for 57,554 square feet of General Retail uses, 20,931 square feet of Professional Offices, 10,000 square feet of Restaurant uses, 8,057 square feet of Financial Institution, and 4,500 square feet Place of Worship for an overall total of 101,042 square foot development. The proposed request to convert the use should not create any additional impact on the public facilities, which previously complies with the ULDC Article 2.F., Concurrency (Adequate Public Facility Standards).

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

The applicant states in the Justification Statement that the proposal to convert from General Retail use to Indoor Entertainment use resulted from a change in the market conditions. In addition the applicant is unable to retain tenant to occupy General Retail spaces and is therefore requesting the alternative use to occupy vacant spaces. With the site being surrounded by existing residential properties, the approval of the Indoor Entertainment use at this location will address the need in the community as well to provide an alternative option for entertainment.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1

#### Development Order Amendment

#### ALL PETITIONS

1. Previous All Petitions Condition 1 of Resolution R-2011-089, Control No. 78-005 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-R-2006-1203 (Control No. 78-005), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-99-1683.1, (Control No. 78-005), R-2006-1203 (Control No. 78-005), R-2011-089, (Control No. 1978-005), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners (BCC) or Zoning Commission (ZC), unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous All Petitions Condition 2 of Resolution R-2011-089, Control No. 78-005 which currently states:

The Preliminary Master Plan is dated December 13, 2010. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING - Zoning)

Is hereby amended to read:

The Preliminary Master Plan is dated July 27, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC) or the Zoning Commission (ZC). (ONGOING: ZONING - Zoning)

3. Development of the site for the Place of Worship Petition 78-05(F) is limited to the uses and site design as approved by the Board of County Commissioners (BCC). The approved Site Plan is dated June 24, 1999. All modifications must be approved by the Board of County Commissioners (BCC) unless the proposed changes are required to meet Conditions of approval or are in accordance with the Unified Land Development Code (ULDC). (ONGOING: ZONING-Zoning) (Previous All Petitions Condition 3 of Resolution R-2011-089, Control No. 78-005).

4. The Preliminary Site Plan for Commercial Pod 14 is dated December 16, 2010. 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 (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC). (ONGOING: ZONING - Zoning). (Previous All Petitions Condition 4 of Resolution R-2011-089, Control No. 78-005)

## ARCHITECTURAL REVIEW

1. All future development shall be consistent with Article 5.C of the Unified Land Development Code (ULDC), the Development Review Officer (DRO) approved site plan, all applicable Conditions of Approval, and all ULDC requirements. (BUILDING PERMIT: ARCH REVIEW - Zoning)

## ENGINEERING

1. Palm Beach County Engineering Department to provide design and drainage for Lyons Road to State Road 808 and said road shall be constructed by the developer. (ONGOING: ENGINEERING - ENG) (Previous condition E1 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

2. Developer shall improve and signalize the intersections of State Road No.7 and development entrance roads, when recommended by the Department of Transportation. Developer shall provide State Road No. 7 by- pass. (ONGOING: ENGINEERING - Eng) (Previous condition E2 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

3. Developer shall construct Lyons Road within the property. (ONGOING: ENGINEERING - Eng) (Previous condition E3 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

4. Developer shall construct Lyons Road from the south property line to Glades Road as a two-lane section. Palm Beach County Engineering Department shall provide design and drainage for this section of road. (ONGOING: ENGINEERING - Eng) (Previous condition E4 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

5. Developer shall construct Lyons Road within the project limits as a four-lane section; the alignment of which shall be approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E5 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

6. Developer shall construct a left turn lane, west approach, a right turn lane, east approach, and a right turn lane and dual left turn lane, north approach, at the intersection of Lyons Road and Glades Road. The construction of a second left turn lane, north approach, shall be required when determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E6 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

7. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R. 7. (ONGOING: ENGINEERING - Eng) (Previous condition E7 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

8. Developer shall signalize the intersection of Kimberly Boulevard and SR 7 when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E8 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

9. Developer shall construct a left turn lane, north approach, and a right turn lane, south approach, at the intersection of New England Boulevard and SR 7. (ONGOING: ENGINEERING - Eng) (Previous condition E9 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

10. Developer shall construct left and right turn lanes at the west, north and south approaches at the intersection of Kimberly Boulevard and Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E10 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

11. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E11 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

12. Developer shall construct a left turn lane, south approach, and a left turn lane, west approach, at the intersection of New England Boulevard and Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E12 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

13. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E13 of Resolution No. R-2011-089, Control No. 1978-005)

14. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E14 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

15. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E15 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

16. Developer shall signalize the intersection of Lyons Road and Glades Road when warranted as determined by the County Engineer. Developer's participation in this requirement shall be limited to a pro-rata share of total cost based upon traffic volumes at the time the traffic warrant is met, as determined by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E16 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

17. Developer shall construct a left turn lane, east approach, at the intersection of Kimberly Boulevard and the shopping center entrance. The entrance shall be located a minimum of six hundred sixty (660) feet from the centerline of Lyons Road. (ONGOING: ENGINEERING - Eng) (Previous condition E17 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

18. Developer shall construct a left turn lane, south approach, at the intersection of Lyons Road and the shopping center entrance. The location of the entrance road shall be approved by the County Engineer. (ONGOING: ENGINEERING - Eng) (Previous condition E18 of Resolution No. R-2011-089, Control No. 1978-005) [Note: COMPLETED]

19. The main entrances to the shopping center on both Kimberly Boulevard and Lyons Road shall be two (2) lanes in and two (2) lanes out. (ONGOING: ENGINEERING - Eng) (Previous condition E19 of Resolution No. R-2011-089, Control No. 1978-005)

## HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH-Health) (Previous Condition Health 1 of Resolution R-2011-089; Control 1978-005)

2. Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH-Health) (Previous Condition Health 2 of Resolution R-2011-089; Control 1978-005)

## PROPERTY & REAL ESTATE MANAGEMENT

1. Developer shall dedicate two (2) percent of the project area to Palm Beach County or other civic use as allowed by the Code to be determined by Palm Beach County. (ONGOING: PREM - PREM) (Previously PREM Condition 1 of Resolution R-2011-089, Control No. 78-005) [NOTE:COMPLETED]

2. Developer shall provide an additional fifty (50) acres of recreation area to be comprised of an eight (8) foot bike path system throughout the project; a passive linear park system forty (40) feet in width around the lake frontage; and three (3) piers for boating access to the lake, one (1) being located on each of the major recreation areas on the lake. In addition, within ninety (90) days of the Amendment of the Master Plan approval the Developer shall donate fifty thousand dollars (\$50,000.00) to Palm Beach County to be utilized offsite in the Boca Greens Park dedication area. (ONGOING: PREM - PREM) (Previously PREM Condition 2 of Resolution R-2011-089, Control No. 78-005) [NOTE:COMPLETED]

## SOLID WASTE AUTHORITY

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: SWA - SWA) (Previous Solid Waste Authority Condition 1 of Resolution R-2011-089, Control No. 78-005)

## USE LIMITATIONS-DAY CARE-COMMERCIAL POD

1. Prior to certification, the site plan shall be amended to indicate the following:

- a. The proposed structure for the day care center, shall be labeled as "two-story".
- b. The dumpster, if located outside, shall be completely screened by a six foot (6') high solid fence and located away from the outdoor play area. (DRO: ZONING-Zoning) (Previous Use Limitations-Day Care Condition 1 of Resolution R-2011-089, Control No. 78-005)

2. The day care center shall be limited to a maximum of 220 children. (ONGOING: ZONING Zoning) (Previous Use Limitations- Day Care Condition 2 of Resolution R-2011-089, Control No. 78-005)

3. No outdoor loud speaker system shall be permitted on site. (ONGOING: ZONING Zoning) (Previous Use Limitations- Day Care Condition 3 of Resolution R-2011-089, Control No. 78-005)

4. The petitioner shall install adequate sign area to indicate the drop-off parking stalls and the parking spaces for the employees. (ONGOING: ZONING Zoning) (Previous Use Limitations- Day Care Condition 4 of Resolution R-2011-089, Control No. 78-005)

5. Adequate directional sign area shall be installed to enable users to access and leave the site in a controlled manner. (ONGOING: ZONING Zoning) (Previous Use Limitations- Day Care Condition 5 of Resolution R-2011-089, Control No. 78-005)

6. The landscaping along the six foot (6') fence, on the south perimeter of the outdoor play area, shall be upgraded to include a minimum of ten foot (10') tall native canopy trees spaced twenty feet (20') on-center. A minimum of one (1) twelve foot (12') tall tree shall be planted for each 500 square feet of outdoor activity area. (BLDG PERMIT: LANDSCAPE Zoning) (Previous Use Limitations- Day Care Condition 6 of Resolution R-2011-089, Control No. 78-005)

## USE LIMITATIONS-PLACE OF WORSHIP - RECREATION POD

1. Use of and access to parking for the recreation pod shared with the place of worship, and other uses including recreational activities, shall not be roped off, specially designated, or restricted in any manner. (ONGOING: CODE ENFORCEMENT - Zoning) (Previous Use Limitations- Place of Worship Condition 1 of Resolution R-2011-089, Control No. 78-005)

2. Foundation planting or grade level planters shall be provided along the front and side facades of the structure to consist of the following:

- a. The minimum width of the required landscape areas shall be five (5) feet;
- b. The length of the required landscaped areas shall be no less than 40% of the total length of each side of the structure; and,
- c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRO: LANDSCAPE Zoning) (Previous Use Limitations- Place of Worship Condition 2 of Resolution R-2011-089, Control No. 78-005)

3. Additional signage shall be limited to directional and wall signs only. Wall signs shall be limited to one sign with a maximum fifty (50) square feet sign face area to be located on the south facade only (front of the building facing the parking lot) (CO: BLDG - Zoning) (Previous Use Limitations- Place of Worship Condition 3 of Resolution R-2011-089, Control No. 78-005)

## 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 (CO); 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; 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 (ULDC) 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)

EXHIBIT C-2  
Requested Use

ALL PETITIONS

1. The Preliminary Site Plan for Commercial Pod 15 is dated July 21, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer (DRO) as established in the Unified Land Development Code (ULDC), must be approved by the Board of County Commissioners (BCC). (ONGOING: ZONING - Zoning) (Previous All Petitions Condition 4 of Resolution R-2011-089, Control No. 78-005).

SIGNS

1. Prior to Final Site Plan approval by the Development Review Officer (DRO), the Master Sign Plan shall be revised to include the sign for the affected area.

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 (CO); 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; 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 (ULDC) 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)

Print Form

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

**DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT**

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 Michael Bellino, 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 [✓] See Rider attached [position—e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 112 Phyllis Court Elmont, New York 11003

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Michael Bellino, 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 [X] See Rider Attached [position—  
e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of  
entity—e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership  
interest in real property legally described on the attached Exhibit "A" (the "Property").  
The Property is the subject of an application for Comprehensive Plan amendment or  
Development Order approval with Palm Beach County.

2. Affiant's address is: 112 Phyllis Court, Elmont, New York 11003

3. Attached hereto as Exhibit "B" is a complete listing of the names and  
addresses of every person or entity having a five percent or greater interest in the  
Property. Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant to  
Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm  
Beach County policy, and will be relied upon by Palm Beach County in its review of  
application for Comprehensive Plan amendment or Development Order approval  
affecting the Property. Affiant further acknowledges that he or she is authorized to  
execute this Disclosure of Ownership Interests on behalf of any and all individuals or  
entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this  
disclosure to reflect any changes to ownership interests in the Property that may occur  
before the date of final public hearing on the application for Comprehensive Plan  
amendment or Development Order approval.

Disclosure of Beneficial Interest Ownership form


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

**RIDER**

**BELLINO EQUITIES BOCA, LLC, a Delaware limited liability company**

By: **BELLINO EQUITIES BOCA MANAGER  
LLC, a Delaware limited liability company,  
its sole member**

By: **BELLINO EQUITIES, LLC, a New  
York limited liability company, its  
sole member**

By:   
**Michael Bellino,  
Managing Member**

c/o Bellino Equities Boca, LLC  
112 Phylis Court  
Elmont, NY 11003  
United States of America  
516-354-6583

EXHIBIT "A"

PROPERTY

ALL THE PLAT OF BOCA HAMPTONS  
PLAZA, PB 49 PG 169, LESS THE  
NORTHERLY 180 FEET OF THE  
EASTERLY 237.24 FEET

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address	Percentage of Interest
Michael Bellino	112 Phyllis Court Elmont, NY 11003	50%
Stephen Bellino	112 Phyllis Court Elmont, NY 11003	50%