

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

Application No.: DOA-2020-00116
Application Name: Hamptons Square
Control No./Name: 1978-00005 (Hamptons Square)
Applicant: M.C.T. Properties, Inc.
Owners: M.C.T. Properties, Inc.
Agent: WGINC - Edwin Muller
 WGINC - Doug Murray
Telephone No.: (561) 687-2220
Project Manager: Travis Goodson, Planner II

TITLE: a Development Order Amendment to a Planned Development District and a Requested Use
REQUEST: to reconfigure the Site Plan; modify uses and square footage; add children (Daycare); and, amend Conditions of Approval.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) for the Hamptons at Boca Raton Planned Unit Development (PUD), and a General Daycare facility located within Commercial Pod 14 (aka Hamptons Square). The 982.66-acre PUD was originally approved by the Board of County Commissioners (BCC) on January 8, 1970 for a Conditional Use to allow a PUD. The PUD was last approved by the BCC on September 26, 2011 for a DOA to modify the Master and Site Plans, and a Requested Use to allow an Indoor Entertainment establishment.

The Applicant is proposing to expand an existing 5,454 square foot (sq. ft.) General Daycare for 97 children located within Building C of Hamptons Square, to 7,958 sq. ft. (+2,504 sq. ft.) and 147 children (+50). The expansion will be located within adjacent Building D, which will result in a reduction of an existing 5,036 sq. ft. Fitness Center, to 2,532 sq. ft. (-2,504 sq. ft.). No additional changes to the PUD are proposed.

The Preliminary Site Plan for Pod 14 indicates a total of 29,778 sq. ft. of commercial uses as follows: 8,232 sq. ft. of Retail; a 2,532 sq. ft. Fitness Center; a 6,810 sq. ft. Place of Worship; a 1,804 sq. ft. Type 2 Restaurant with 45 seats; a 2,442 sq. ft. Convenience Store with Gas Sales with 3 dispensers; and, a 7,958 sq. ft. Daycare with 147 children. No changes are proposed to the overall Master Plan. Access to the site will remain unchanged, with one access point from Kimberly Drive and one access point from Hampton Drive.

SITE DATA:

Location:	Southwest corner of Kimberly Boulevard and Hampton Drive, approximately 0.5 miles east of State Road 7.
Property Control Number(s)	00-42-47-07-11-000-0000
Existing Future Land Use Designation:	Low Residential, 3 units per acre (LR-3)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Agricultural Residential (AR), with a Conditional Use for a Planned Unit Development (PUD)
Proposed Zoning District:	No Change
Total Acreage:	982.66 acres
Affected Acreage:	4.20 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

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

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
SE-1978-00005	Amend the Master Plan	R-1978-0218	02/21/1978
SE-1983-00074	Special Exception to allow wholesale chemicals	R-1983-0998	08/30/1983
DOA-1978-00005	Special Exception to amend the master plan to include a day care center	R-1990-1428	08/28/1990
DOA-1978-00005	Requested Use to allow a day care center	R-1993-1370	10/28/1993
DOA-1978-00005	Amend the Master Plan to delete land area	R-1997-0374	03/27/1997
DOA-1978-00005	To allow a Place of Worship	R-1999-1683.1	09/23/1999
DOA-2005-01733	To amend the Master Plan to delete land area	R-2006-1203	06/22/2006
EAC-2010-02234	To modify Conditions of Approval	R-2011-0089	01/27/2011
DOA/R-2011-00921	To amend the Master Plan	R-2011-1451	09/26/2011
DOA/R-2011-00921	To allow an Indoor Entertainment	R-2011-1452	09/26/2011

SURROUNDING LAND USES (Affected Area):

NORTH (across Kimberly Boulevard):

FLU Designation: High Residential (HR-8)
 Zoning District: Agricultural Residential (AR), with a Conditional Use for a PUD
 Supporting: Residential (Control No 1978-0005, Hamptons at Boca Raton)

SOUTH:

FLU Designation: Low Residential (LR-3)
 Zoning District: Residential Transitional (RT), with a SE for a PUD
 Supporting: Residential (Control No 1980-00009, Brentwood Place PUD)

EAST (across Hampton Drive):

FLU Designation: Low Residential (LR-3)
 Zoning District: Agricultural Residential (AR), with a Conditional Use for a PUD
 Supporting: Residential (Control No 1978-0005, Hamptons at Boca Raton)

WEST:

FLU Designation: Low Residential (LR-3)
 Zoning District: Agricultural Residential (AR), with a Conditional Use for a PUD
 Supporting: Residential (Control No 1978-0005, Hamptons at Boca Raton)

FINDINGS:

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

- a. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

PLANNING DIVISION COMMENTS:

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

 - *Relevant Comprehensive Plan Policy:* The proposed DOA for a reallocation of the existing building square footage to expand an existing use falls in line with the purpose of Policy 1.2-b: Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse. The existing site allows commercial use in a residential land use (Low Residential-3) as it complies with Planned Residential Development (PRD) Policy 4.4.3-a: The County shall allow Planned Residential Developments to include a limited amount of low intensity commercial and institutional uses intended to serve the residential development. The existing site plan complies with policy point number 1 that allows a commercial pod, but must be integrated into the development. The integration of the commercial pod into the Hamptons Square residential PUD has not changed with this DOA.

 - *Intensity:* The request does not seek to change the previously approved 29,778 square feet, which equates to a FAR of approximately 0.16 (29,778 / 182,766 square feet or 4.2 acres = 0.163). The maximum Floor Area Ratio (FAR) of .35 is allowed for the LR-3 future land use designation in the Urban Suburban Tier (182,766 square feet or 4.2 acres x .35 maximum FAR = 63,968.1 square feet maximum).

 - *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 amendment to the previously approved PUD and Requested Use for a Daycare complies with the ULDC for use, layout, function and general development characteristics. The amendment proposes to expand an existing 5,454 sq. ft. General Daycare for 97 children located within Building C to 7,958 sq. ft. (+2,504 sq. ft.) and 147 children (+50). The 2,504 sq. ft. expansion will be located within adjacent Building D, which will result in a reduction of an existing 5,036 sq. ft. Fitness Center to 2,532 sq. ft. (-2,504 sq. ft.). The request also includes de minimis site modifications to add two drop off spaces and two standard parking spaces, in addition to Code-required Foundation Planting and Landscape Islands, on the east side of Building D in order to support the expansion of the Daycare. No additional changes to the overall PUD, its previously approved Master Plan, or existing uses or site elements within the subject Commercial Pod 14 are proposed. Conditions of Approval associated with the request are being modified accordingly to account for these developmental changes.

- c. Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed modifications are limited to within Commercial Pod 14 of the PUD, and no other changes are proposed outside of this affected area. The DOA as described above does not add nor delete previously approved uses to the existing Commercial Pod, nor does it alter prior findings of compatibility with surrounding residential and recreational uses. Any potential impacts have been mitigated accordingly through modified and ongoing Conditions of Approval, and through requirements stipulated by the Code. Considering the minor changes proposed and the built out conditions of the surrounding area, the proposed modifications continue to be compatible and generally consistent with the uses and character of the land surrounding the subject property.

- 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 DOA does not alter previously approved building placement, building height, or result in significant modification of the site. The subject site has been developed and the Applicant is not proposing any changes to the exterior of the buildings, with the exception of two drop off spaces and two standard parking spaces being added to the east side of Building D. As such, Staff finds that the

proposal to expand the Daycare to the adjacent Building D and add 50 children will not result in adverse impacts to the previously approved uses, adjacent lands, or surrounding community.

- e. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- o *Vegetation Protection:* The site is fully developed with landscape vegetation.
- o *Wellfield Protection Zone:* The property is not located within a Wellfield Protection Zone.
- o *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.
- o *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.*

The proposed development plan is and will continue to be consistent with the built-out development pattern of the area, as the land uses surrounding the site are generally compatible. Residential uses exist in the immediate vicinity of the subject Commercial Pod, with recreational and other commercial uses at the peripheries along thoroughfare roads. The amendment to the Commercial Pod of the PUD will contribute to and support the established uses and pattern of development of the area. As such, Staff are satisfied that the proposed amendments result in a logical, orderly and timely development pattern.

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

ENGINEERING COMMENTS: The proposed modification to the existing shopping center by converting 2,504 sf of fitness center use to a 50 children daycare facility is expected to increase 25 net daily trips, increase 14 net AM peak hour trips, and increase 10 net PM peak hour trips.

There are no roadway improvements required to meet Traffic Performance Standards, since the proposed modification will have an insignificant impact, as per TPS definitions.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the requirements of the Florida Department of Health.

FIRE PROTECTION: No Staff Review Analysis.

SCHOOL IMPACTS: No Staff Review Analysis.

PARKS AND RECREATION: This is a non-residential project, therefore the Parks and Recreation ULDC provisions do not apply.

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

According to the Applicant’s Justification Statement, the requested amendments are necessary to accommodate an expansion of the existing daycare to allow for the supervision of more children, and are indicative of the increased demand for the service within the surrounding area. The location of

the daycare within an established commercial pod of a PUD is appropriate for the Use and will continue to serve the surrounding community.

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 this change. Staff is recommending approval of the request, subject to the recommended Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

Exhibit C: Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2011-1451, Control No.1978-00005, which currently states:

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)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2011-1451, (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. The Preliminary Master Plan is dated June 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) (Previous ALL PETITIONS Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

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-2011-1451, Control No.1978-00005)

4. Previous ALL PETITIONS Condition 4 of Resolution R-2011-1451, Control No.1978-00005, which currently states:

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 DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The Preliminary Site Plan for Commercial Pod 14 is dated January 25, 2021. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. All future development shall be consistent with Article 5.C of the ULDC, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (BLDGPM: ARCHITECTURAL REVIEW - Zoning) (Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 1 of Resolution R-2011-1451, Control No.1978-00005)
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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2011-1451, Control No.1978-00005)
3. Developer shall construct Lyons Road within the property. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2011-1451, Control No.1978-00005)
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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2011-1451, Control No.1978-00005)
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: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-1451, Control No.1978-00005)
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. [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-2011-1451, Control No.1978-00005)
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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-2011-1451, Control No.1978-00005)
7. Developer shall construct a right turn lane, south approach, at the intersection of Kimberly Boulevard and S.R. 7. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2011-1451, Control No.1978-00005)
8. Developer shall signalize the intersection of Kimberly Boulevard and SR 7 when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-2011-1451, Control No.1978-00005)
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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-2011-1451, Control No.1978-00005)
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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-2011-1451, Control No.1978-00005)
11. Developer shall signalize the intersection of Kimberly Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-2011-1451, Control No.1978-00005)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 12 of Resolution R-2011-1451, Control No.1978-00005)

13. Developer shall signalize the intersection of New England Boulevard and Lyons Road when warranted as determined by the County Engineer. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 13 of Resolution R-2011-1451, Control No.1978-00005)

14. Developer shall construct a left turn lane, south approach, at the main entrance to the golf course clubhouse on Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 14 of Resolution R-2011-1451, Control No.1978-00005)

15. Developer shall construct a right turn lane, south approach, at the intersection of the north entrance road and Lyons Road. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-2011-1451, Control No.1978-00005)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 16 of Resolution R-2011-1451, Control No.1978-00005)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 17 of Resolution R-2011-1451, Control No.1978-00005)

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 - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 18 of Resolution R-2011-1451, Control No.1978-00005)

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 - Engineering) (Previous ENGINEERING Condition 19 of Resolution R-2011-1451, Control No.1978-00005)

20. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall modify the site plan to add stop control striping and signage to the adjacent drive aisles to the driveway connections to allow a free flow ingress pattern from the Kimberly Boulevard and Hampton Drive rights-of-way. (DRO: ENGINEERING - Engineering)

21. The Property Owner shall fund the construction plans and the construction to lengthen the existing right turn lane west approach on Kimberly Boulevard at the Project entrance road. This turn lane shall be lengthened to a greatest extent possible as approved by the County Engineer. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

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

HEALTH

1. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Water service is available to the property. Therefore no well shall be permitted on the site to provide potable water. (ONGOING: HEALTH DEPARTMENT - Health Department) (Previous HEALTH Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

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: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) [Note: COMPLETED] (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

SOLID WASTE AUTHORITY

1. The property owner shall participate in a recycling program when available in the area. The program shall include paper, plastic, metal and glass products as programs are available. (ONGOING: SOLID WASTE AUTHORITY - Solid Waste Authority) (Previous SOLID WASTE AUTHORITY Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

USE LIMITATIONS - DAY CARE-COMMERCIAL POD 14

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) [Note: COMPLETED] (Previous USE LIMITATIONS - DAY CARE Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

2. Previous USE LIMITATIONS - DAY CARE Condition 2 of Resolution R-2011-1451, Control No.1978-00005, which currently states:

The day care center shall be limited to a maximum of 97 children.

Is hereby amended to read:

The day care center shall be limited to a maximum of 147 children. (ONGOING: ZONING - Zoning)

3. No outdoor loud speaker system shall be permitted on site. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS - DAY CARE Condition 3 of Resolution R-2011-1451, Control No.1978-00005)

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-2011-1451, Control No.1978-00005)

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-2011-1451, Control No.1978-00005)

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. (BLDGPM: ZONING - Zoning) [Note: COMPLETED] (Previous USE LIMITATIONS - DAY CARE Condition 6 of Resolution R-2011-1451, Control No.1978-00005)

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 ENF - Zoning) (Previous USE LIMITATIONS Condition 1 of Resolution R-2011-1451, Control No.1978-00005)

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. (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 2 of Resolution R-2011-1451, Control No.1978-00005)

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). (ONGOING: ZONING - Zoning) (Previous USE LIMITATIONS Condition 3 of Resolution R-2011-1451, Control No.1978-00005)

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

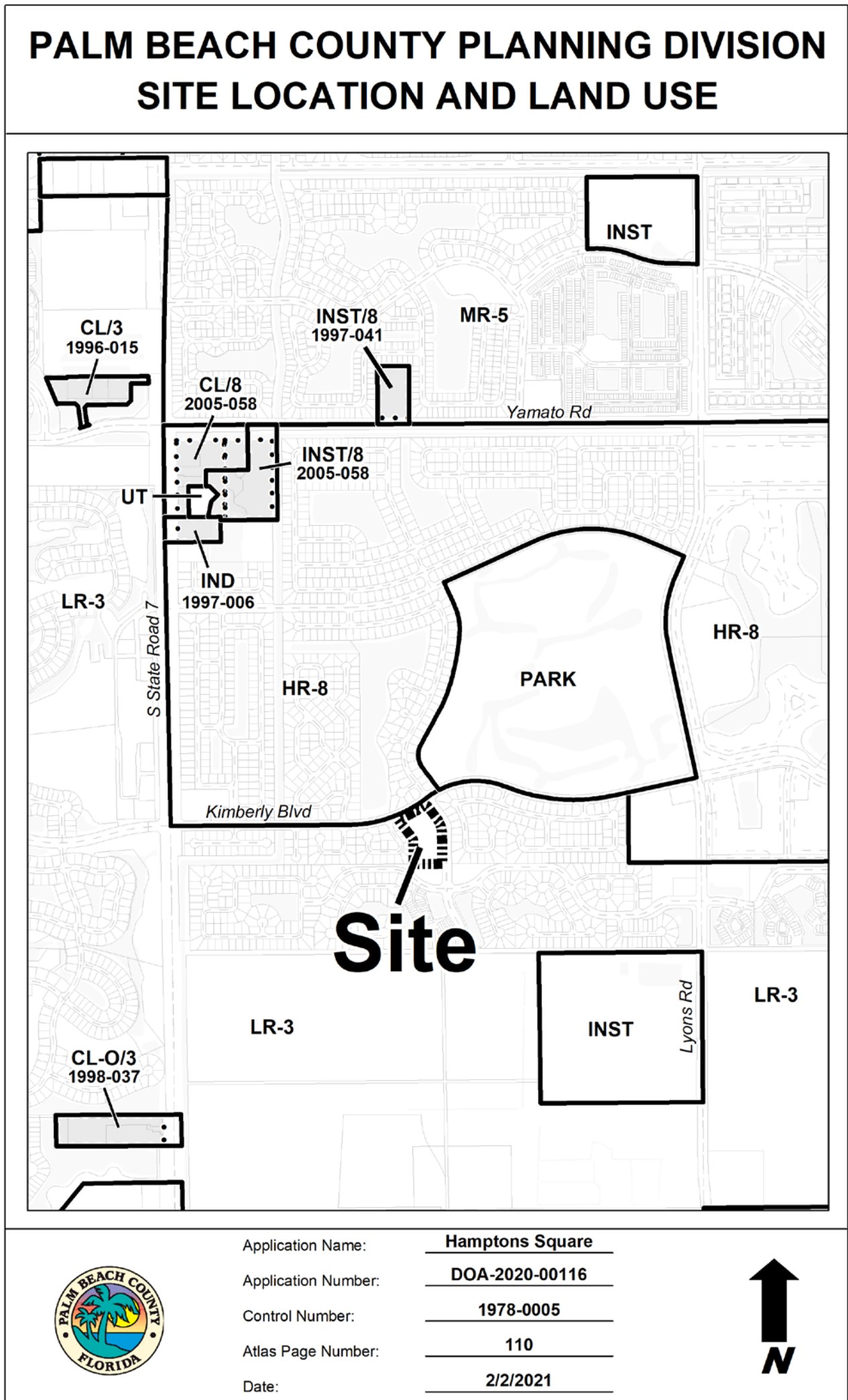
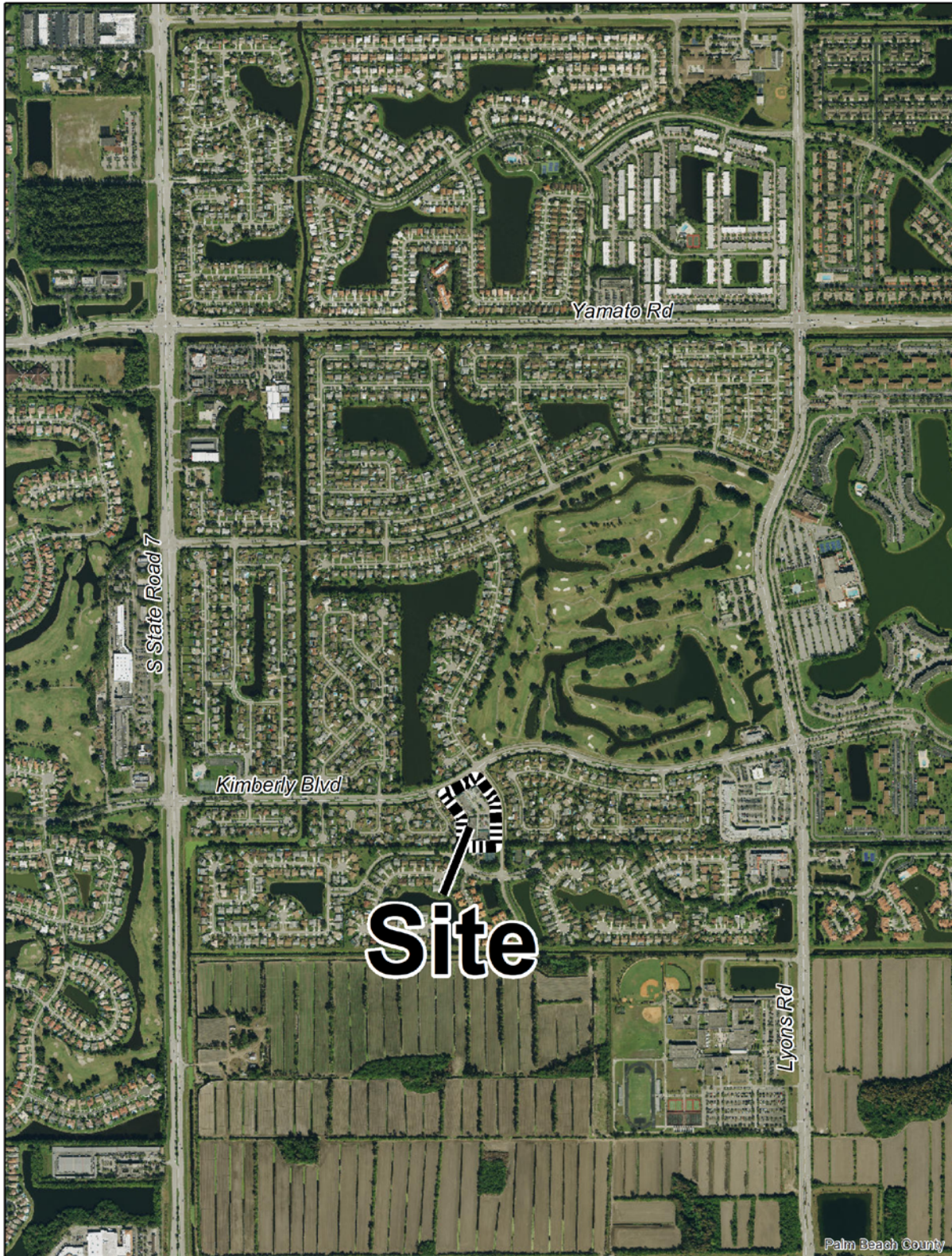


Figure 2 - Zoning Map



Figure 3 – Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Hamptons Square</u>
Application Number:	<u>DOA-2020-00116</u>
Control Number:	<u>1978-0005</u>
Atlas Page Number:	<u>110</u>
Date:	<u>2/2/2021</u>



Exhibit D – Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 Michael Candan, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or President *[position - e.g., president, partner, trustee]* of M.C.T. Properties, Inc. *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 88-30 51st Avenue, Suite MGMT
Elmhurst, NY 11373
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.

[Signature]
MICHAEL CANDAN, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ *New York*
COUNTY OF ~~PALM BEACH~~ *Kings*

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 4th day of November, 2020 by MICHAEL CANDAN (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).

CAROL A. VITKAY
(Name - type, stamp or print clearly)

Carol A. Vitkay
(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP

CAROL A. VITKAY
Notary Public, State of New York
No. 24-4830832
Qualified in Kings County
Commission Expires Dec. 17, 2021

EXHIBIT "A"

PROPERTY

Hamptons Square, as recorded in Plat Book 37, Page 115 of the Public Records of 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
Nisan Minakyan	119 Whistler Rd., Manhasset, NY 11030
Lisa Tanal	6 Luguer Rd., Plandome Manor, NY 11030
Michael Candan	88-30 51st Ave, Suite MGMT, Elmhurst NY 11373