PALM BEACH COUNTY PLANNING, ZONING AND BUILDING DEPARTMENT ZONING DIVISION

Application No.: Z-2020-02117 **Application Name:** Lantana Shoppes

Control No./Name: 1996-00127 (Lantana Plaza)

Applicant: SR7 Lantana LLC **Owners:** SR7 Lantana LLC

Agent: WGINC - Jeff Brophy & Edwin Muller

Telephone No.: (561) 687-2220

Project Manager: Timothy Haynes, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Community Commercial (CC) Zoning District.

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment for the Lantana Plaza development. The 1.03-acre site has no previous zoning approvals and is currently vacant.

The Applicant is requesting to rezone the subject site from the AR Zoning District to the CC Zoning District. The Applicant indicates that there is no proposed development at this time. Subsequently, a Site Plan is not required and the location of any access points will be determined at the time a development application is made.

This application is also the subject of a concurrent Large-Scale Future Land Use Amendment (LGA 2021-00013) under review by the Planning Division, to amend the Future Land Use Atlas from Rural Residential, 1 unit per 10 acres (RR-10), to Commercial Low (CL), which is consistent with the proposed Zoning District.

SITE DATA:

Location:	Southwest corner of State Road 7 and Lantana Road.
Property Control Number(s)	00-41-44-37-00-037-0011
Existing Future Land Use Designation:	Rural Residential (RR-10)
Proposed Future Land Use Designation:	No Change
Existing Zoning District:	Agricultural Residential District (AR)
Proposed Zoning District:	Community Commercial District (CC)
Total Acreage:	1.03-acres
Affected Acreage:	1.03-acres
Tier:	Rural
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 a Conditional Overlay Zone and 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: As noted in the application summary, the subject site has no previous zoning approvals and is currently vacant. There is no plans for development of the site at this time and as such, no Site Plan has been provided.

SURROUNDING LAND USES:

NORTH (across Lantana Road):

FLU Designation: Commercial Low-Office, with an underlying LR-1 (CL-O/1)

Zoning District: Community Commercial (CC)

Supporting: Commercial (Hess, Control No. 2010-00372)

FLU Designation: Industrial (IND)

Zoning District: Multiple-Use Planned Development (MUPD)

Supporting: Commercial US 441 Land Trust MUPD, Control No. 2002-00027)

SOUTH:

FLU Designation: Rural Residential (RR-10) Zoning District: Agricultural Residential (AR)

Supporting: Communication (WPEC Television Tower, Control No. 1997-114)

EAST (across State Road 7/US 441):

FLU Designation: Low Residential (LR-2)

Zoning District: Residential Planned Unit Development District (PUD) Supporting: Residential/Commercial (Bellaggio PUD, Control No. 1995-116)

WEST:

FLU Designation: Rural Residential (RR-10) Zoning District: General Commercial (CG)

Supporting: Residential (SPMW-2005-00540, Control No 2005-00209)

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District: When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An 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 amendment is consistent with the Plan.

PLANNING DIVISION COMMENTS:

- o Consistency with the Comprehensive Plan: Should the BCC approve the amendment request, then 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.
- Concurrent Land Use Amendment: The site is the subject of a concurrent Large Scale Amendment known as Lantana Road SR7 (LGA 2021-013) to amend the land use from Rural Residential 1 unit per 10 acres (RR-10) to Commercial Low with an underlying Rural Residential 1 unit per 10 acres (CL/RR-10) on the 1.03 acre site. The Board of County Commissioners transmitted the amendment with no conditions on May 5, 2021. If the Board adopts the amendment, the rezoning to CC will be consistent with the proposed CL/RR-10 future land use designation.
- o Prior Land Use Amendment Applications: The site was the subject of three prior amendment requests for a Future Land Use designation of Commercial Low (CL). The first two (SCA 80 COM 1; 00-80 COM 1) were withdrawn prior to public hearing. The third (LGA-2018-005) was denied by the BCC at Transmittal.
- o Intensity: The request does not include a site plan with proposed uses or square footage. The maximum Floor Area Ratio (FAR) of .10 is allowed for the Commercial Low future land use designation in the Rural Tier (44,897 square feet or 1.03 acres x .10 maximum FAR = 4,489.7 or 4,490 square feet maximum).
- o Special Overlay District/ Neighborhood Plan/Planning Study Area: The property is not located within any Special Overlay District, Neighborhood Plan or Planning Study Area as identified within 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 subject site is currently zoned Agricultural Residential (AR) which is consistent with the current FLU designation of RR-10. The proposed rezoning to Community Commercial (CC) is consistent with the proposed FLU amendment to Commercial Low with an underlying Rural Residential 1 unit per 10 acres (CL/RR-10) pursuant to Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts (1)(3).

Conditional Overlay Zone (COZ): The Applicant has not presented a site plan indicating any development proposal at this time. Zoning Staff is recommending a COZ as part of the rezoning request. The COZ is to ensure that a Cross Access Easement Agreement will be obtained prior to Final DRO or Site Plan approval to permit SR7 Access through the adjacent property to the south.

Per Art.3.B.3.C, the BCC shall find one or more of the following reasons for the COZ district:

- 1. Potential impact to surrounding land uses requires mitigation;
- 2. Compatibility will be furthered between the requested zoning district and adjacent zones if uses and property development regulations (PDRs) are modified; and/or,
- 3. Intensity limits reflect available capacity of public facilities.

It has been determined by Staff, that there are potential impacts of the proposed rezoning as it relates to access and traffic flow of the site with the surrounding land uses and requires mitigation, thus necessitating the COZ. As such, Staff is recommending approval of the rezoning request subject to the Conditions of Approval in Exhibit C-1.

- Property Development Regulations: The subject site is in compliance with Table 3.D.1.A Property Development Regulations and meets the minimum frontage and access required for the Community Commercial Zoning District. As proposed, the property meets Code requirements for minimum lot dimensions of 1-acre size, 100 ft. of width and frontage, and 200 ft. of depth, as the site is a 1.03 acre lot, has 136 ft. of width and frontage, and is 316.54 ft. in depth.
- Access: The subject site is a corner lot fronting both SR7 and Lantana Road. After discussion with Staff and the Applicant, it was determined by the Zoning Director that the frontage for the site would be contingent on a Cross Access Easement. If cross-access is obtained from the adjacent property to the south, then SR7 would be determined as the primary frontage to the site. As such, the Applicant proposes primary frontage along SR7 which will be accessed through a cross access easement from the property to the south. Secondary access to the site will also be available from Lantana Road.

However, should the property to the south deny the requested cross access, the subject sites primary frontage and access would then be required from Lantana Road. Although the lot line along Lantana Road would be able to maintain a 316.54 ft. frontage and width dimension which exceeds the 100 ft. requirement for the CC district, the side property lines (SR7) would not be able to meet the required 200 ft. lot depth, as the new configuration would only maintain 136.04 ft. in depth on the east property line and 147.92 ft. in depth on the west property line; requiring a variance. If the Applicant desires to apply for the Type 2 Variance for the lot depth and the variance gets denied, the site must be rezoned to Neighborhood Commercial (CN), as this is a compatible zoning designation with the CL FLU and would not require a variance for PDRs.

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 property is surrounded by a mix of commercial, industrial, and residential uses and similar Zoning Districts, making the amendment compatible and appropriate for the parcel. To the north is a gas station (Hess, Control No. 2010-00372) which has a CC zoning designation which is consistent with the proposed rezoning. Northwest of the site is an MUPD containing a shopping center with numerous tenents and other commercial buildings and uses consisting of warehouse, auto paint/body shop, automobile repair and maintenance, limited self service storage, all of which will be compatible

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To the south is a parcel within the AR Zoning district supporting a Communication Tower (WPEC Television Tower, Control No. 1997-114) which is a permitted commercial use in the ULDC. This use will be compatible with the subject site's proposed zoning and land use changes.

East of the subject site is a residential PUD (Bellaggio PUD, Control No. 1995-116). The residential use will be separated from the proposed commercial development by the a canal, Right-of-Way (R-O-W) buffering, and the SR7 main arterial roadway. It is important to note that the surrounding commercial use also service the neighboring residential development.

To the west is a is a parcel of land zoned General Commercial (CG) which was originally approved for a FEMA watchman trailer (SPMW-2005-00540, Control No 2005-00209). The site is currently supporting a one story structure.

d. 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, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: There are no significant amounts of native vegetation on the site.

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

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

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

e. Development Patterns – The proposed amendment will result in a logical, orderly, and timely development pattern.

The proposed amendment will result in a logical development pattern that is consistent with the surrounding properties. As stated in standard c. Compatibility with Surrounding Uses, the subject parcel is surrounded by commercial uses directly adjoining and/or adjacent to the site on the north, south, east, and west sides. The request seeks the same CC Zoning district on the southwest corner of SR7 and Lantana Road which is also on the northwest corner of the same intersection.

Further, the current AR zoning designation with RR-10 FLU doesn't not allow for the minimum density for development permitted because the site is well under the 10 acre minimum. As such, to retain the best use for the site while acknowledging the lot size limitations and to remain consistent with the developmental patterns of the surrounding areas, the Applicant has appropriately requested the rezoning and Future Land Use amendment to a commercial district that could meet all ULDC requirements. The surrounding lands have obtained development approval consisting of mainly commercial uses and as such, the proposed rezoning to a commercial zoning district will follow logical and orderly development.

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

ENGINEERING COMMENTS:

This is a rezoning only application with no site plans or traffic impact study submitted. Traffic impacts/access will be evaluated when appropriate studies are submitted in the future as the project moves forward in the later stages of the approval process.

The Property Owner shall reconfigure the property into a legal lot of record and dedicate a 25 foot corner clip at the southwest corner of the intersection of State Road 7 and Lantana Road prior to the issuance of a building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project meets the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

Staff has reviewed this application and have no comment.

PARKS AND RECREATION:

This is a non-residential project, therefore Parks and Recreation Department ULDC requirements do not apply.

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

The Applicant's Justification states that the changes in the overall area surrounding the site to allow commercial uses necessitate the need for the proposed rezoning and FLU change. The intersection of SR7 and Lantana Road contains development of several non-residential facilities including shopping centers with multiple tenants, gas fuel and sales, retail, automobile repair and maintenance, and warehouse uses. The subject site does not meet the minimum acreage to develop even one single family dwelling unit. As such the existing land use creates an undevelopable lot. The existing unusable restrictive land use along with the commercial development of the surrounding area has created changed conditions and circumstances that warrant the rezoning and future land use amendment.

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. Therefore, Staff are recommending approval subject to the Conditions of Approval in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C: Official Zoning Map Amendment

ENGINEERING

- 1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING Monitoring)
- 2. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for a 25 foot corner clip at the southwest corner of the intersection State Road 7 and Lantana Road as approved by the FDOT or County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within 90 days of the request of the County Engineer. Right of way conveyance shall be along the project s entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney s opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT/ONGOING: MONITORING - Engineering)

SITE DESIGN

1. Prior to final approval of a use on the subject site, a Cross Access Easement Agreement must be obtained through the adjacent property to the south to permit frontage to be along State Road 7. If Cross Access is not obtained, the subject site must seek the appropriate Variances for lot depth or rezone to the Neighborhood Commercial (CN) Zoning District. (DRO/ONGOING: ZONING - 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

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- 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

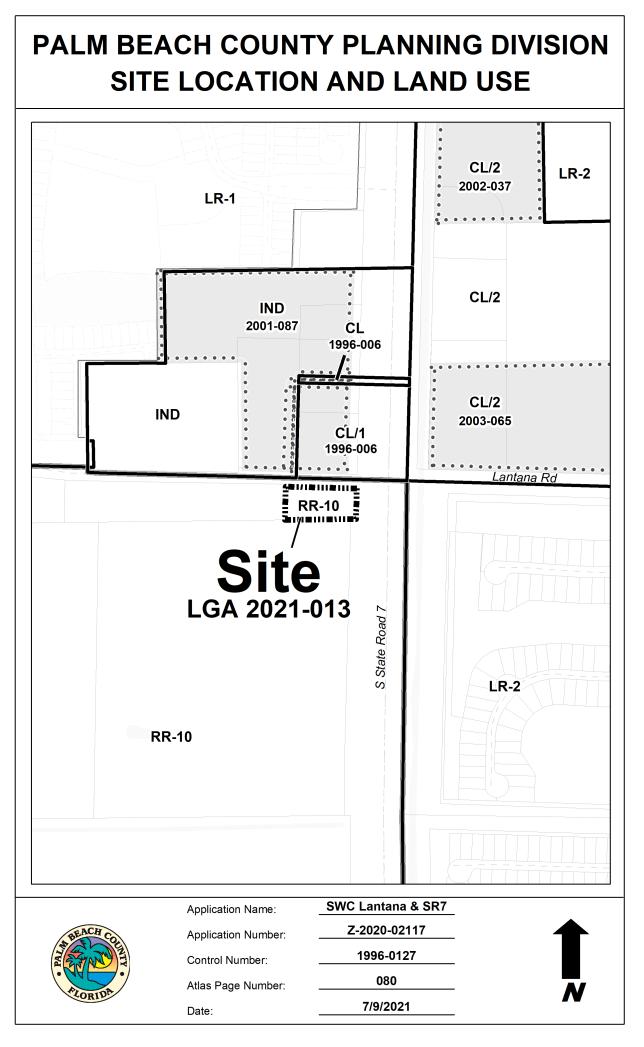


Figure 2 - Zoning Map

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING PO PUD MUPD MUPD IL CC Lantana Rd Site S State Road 7 PUD AR SWC Lantana & SR7



Application Name:

Z-2020-02117 Application Number:

Control Number:

Date:

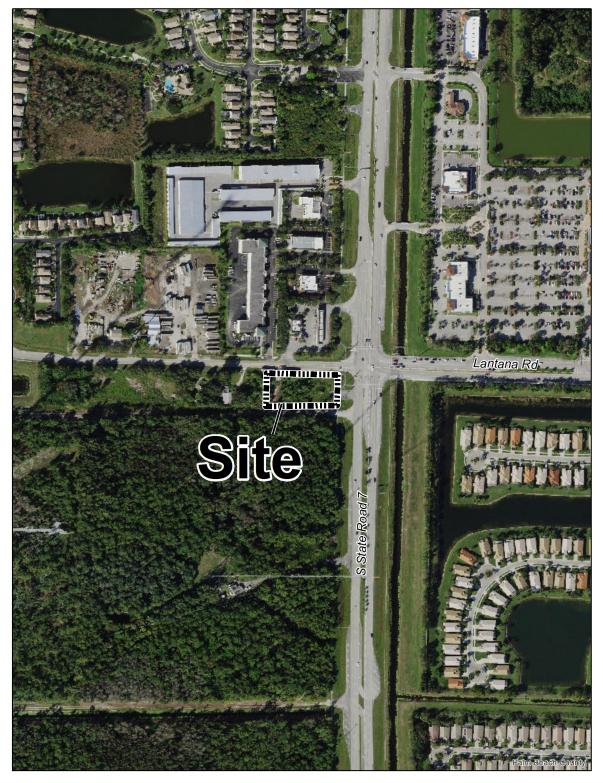
Zoning Quad Number:

063 7/9/2021



1996-0127

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION





Application Name: SWC Lantana & SR7

Application Number: Z-2020-02117

Application Number: **Z-2020-0211**Control Number: **1996-0127**

Atlas Page Number: 080

Date: 7/9/2021



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]

PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE STATE OF FLORIDA COUNTY OF PALM BEACH ME, BEFORE the undersigned authority, this day personally appeared Randy Tulepan _____, 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 [] Registered Agent e.g., president, partner, trustee] of SR7 Lantana LLC 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: 8903 Glades Road, A-14 Boca Raton, FL 33434

- 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.

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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.

Randy Tolepan, Affiant (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA COUNTY OF PALM BEACH

> Notary Public Sta Richard C Bittn

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EXHIBIT "A"

PROPERTY

A parcel of land in Lot 1, Block 37, LANTANA HIATUS, in Township 44 1/2 South, Range 41 East, more particularly described as follows:

From the U.S. Government Land Office concrete monument marking the Southeast corner of Section 36, Township 44 South, Range 41 East, which monument is also the Northeast corner of said Tract 37, run thence N. 88°08'25" W., along the North line of said Tract 37, which is the Township line, a distance of 64.65' to a point on the Westerly Right-of-Way line of State Road 7, as the same is now laid out and in use, said point being the Northeast corner and POINT OF BEGINNING of the parcel herein conveyed; thence; continue North 88°08'25" West, along said North line of Tract 37, a distance of 475' to the Northwest corner of the property herein conveyed; thence run South 1°37'50" West, a distance of 187.92' to a point on the South line of said Lot 1, in said Tract 37, the Southwest corner of the property herein conveyed; thence run North 89°42'20" East along said South line of Lot 1, Tract 37. a distance of 474.68' to a point on the said Westerly Right-of-Way line of said State Road 7, the Southeast corner of the property herein conveyed; thence run North 1°50 '10" East, along said Westerly Right-of-Way line of State Road 7, a distance of 170.06' to the POINT OF BEGINNING. LESS and EXCEPT the following described property as contained in that Order of Taking recorded in O.R. Book 10086, Page 1191, Public Records of Palm Beach County, Florida, described as follows: That part of Lot 1, Tract 37 or Section 37, Township 44 1/2 South, Range 41 East, Hiatus between Township 44 South and Township 45 South, Range 41, all in Palm Beach County, Florida, said part being more particularly described as follows:

Commence at the found General Land Office Brass Disc in concrete marking the Northeast corner of said Tract 37 or Section 37; thence North 88°33'26" West along the North line of said Tract 37 or Section 37, a distance of 19.897 meters (65.28 feet) to the POINT OF BEGINNING; thence continue North 88°33'26" West along the North line of said Tract 37 or Section 37, a distance of 144.780 meters (475.00 feet); thence South 01°15'39" West, a distance of 12.192 meters (40.00 feet); thence North 88°33'26" East, a distance of 96.570 meters (316.83 feet); thence South 01°28'04" West, a distance of 41.154 meters (135.02 feet) to the South line of said Lot 1; thence North 89°16'04" East along the South line, a distance of 48.204 meters (158.15 feet) to a point on the Westerly Existing Right of Way line for State Road 7 (U.S. 441); thence North 01°27'57" East along said Westerly Existing Right of Way line, a distance of 51.517 meters (169.02 feet) to the POINT OF BEGINNING.

Subject to existing easements, rights-of-way, covenants, reservations and restrictions of record, if any.

Said lands contain 1.03 acres, more or less.

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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	Addre	ess	
The Kerin	Roberts Trust	4 E. 80th Street, New York, N	y 1007s
The Kirk	C Roberts Trust	4 E. 80th Street, New York, NY	10075
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