

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

Application No.: DOA-2022-01247
Application Name: Babcock PUD
Control No./Name: 1985-00054 (Babcock PUD)
Applicant: PS Florida One, Inc.
Owners: Waterways at Delray HOA Inc
Waterways at Delray HOA
SCT Properties LLC
Agent: GLG Government Law Group - Neil Schiller
BOHLER Engineering - Chris Lall
Telephone No.: (561) 771-9330 , (561) 571-0280
Project Manager: Jordan Jafar, Senior Site Planner
Carlos A Torres, Principal Site Planner

Title: a Development Order Amendment **Request:** to modify the Master Plan, modify Conditions of Approval, and to delete 1.93 acres from the previously approved 42.03 acre PUD.

APPLICATION SUMMARY: The proposed request is for the Badcock PUD development. The PUD was aproved 27, 1985 and in August of 2022 a Type 2 Variance was approved by the Zoning Commision to eliminate the required frontage for a PUD.

The request will modify the 42.03 acre Master Plan to delete 1.93 acres, known as Parcel F, from the development order for a final revised acres equaling 40.01 acres. The Master Plan depicted this parcel as future development with no assigned density or intensity. In August of 2022 a Type 2 Variance to reduce frontage for the PUD was approved, with the pending request to delete the land area that fronted on Atlantic Avenue. Access to the existing development will remain from Atlantic Avenue. Application ZV/Z/CA-2022-01246, Public Storage - Tranquility, is proposing to rezone the 1.93 acres to the Community Commercial (CC) zoning district with a request for a variance on building coverage and Class A request for Self Service Storage.

SITE DATA:

Location:	Southwest corner of West Atlantic Avenue and Tranquility Lake Drive
Property Control Number(s)	00-42-46-20-04-001-0000; 00-42-46-20-01-000-0021 00-42-46-20-05-001-0000; 00-42-46-20-06-001-0000 00-42-46-20-09-001-0000
Existing Future Land Use Designation:	Medium Residential (MR-5) and Commercial High, with an underlying 5 units per acre (CH/5)
Proposed Future Land Use Designation:	Medium Residential (MR-5)
Zoning District:	Planned Unit Development (PUD)
Existing Acreage:	42.03 acres
Proposed:	40.01 acres remaining for the PUD 1.93 acres (to be deleted)
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
Commission District	District 5, Vice Mayor Maria Sachs

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 no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
SE-1985-00054	ACLF	None	June 27, 1985
Z/SE-1985-00054	Rezoning from AR to RS	R-1985-1226	June 27, 1985
Z/SE-1985-00054	Special Exception to allow a Planned Unit Development	R-1985-1227	June 27, 1985
SE-1985-00054	Delete acreage/ in tandem with petition 91 – 56.	None	January 3, 1992
SE-1985-00054	Deletion of acreage from the PUD to allow proposed rezoning to CL Community Commercial and special exception for a service station (no repairs), convenience store, car wash and fast food restaurant with no drive through window	R-1992-1099	Denied
ZV-2022-00505	To eliminate Planned Development District Frontage	ZR-2022-00299	August 4, 2022

FINDINGS:

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

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

PLANNING DIVISION COMMENTS:

- *Consistency with the Comprehensive Plan:* The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Density:* The existing PUD has a prior approval for 189 units by R-1985-1227, which is built out and complete. The request to remove Parcel F containing 1.93acres, from the overall PUD, will reduce the overall acreage for the PUD to 40.01 acres. The PUD contains a Future Land Use of MR-5, which would permit a maximum of 200 units for the 40.01acres, and thus the previously approved 189 units remains consistent with its land use designation. The approval in 1985 predates the Workforce Housing Program.
- *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 modification to delete land area exceeds the allowance as an administrative approval and requires the request to be processed as a Development Order Amendment. The PUD was originally approved in 1985, pursuant to the requirements of the 1973 land development regulations, as amended for Planned Developments. The proposed amendment is not in conflict with any portion of the current Code, and is consistent with the stated purpose and intent of this Code. The Master Plan will remain in compliance with the ULDC, with the previous approval of frontage and access for a Planned Development District. No changes to the total unit within the development is proposed with of a total of 189 units.

- *Master Plan:* The proposed amendment will modify the northwestern corner of the development, thus reducing the development from 42.03 acres to 40.01 acres. The development was approved with eight Parcels (Pods), labeled A-H. The subject request will delete Parcel F, leaving the remaining Pods with no proposed modifications. Parcel A includes 35 residential units, Parcel B 35 Residential Units; Parcel C 36 units; Parcel D Recreation Area, Parcel e 42 dwelling units, Parcel G 41 Units, and Parcel H is recreation. With the deletion of a perimeter parcel on the north, Parcel F, Parcel D, which is labeled for recreation will be the northern perimeter Pod of the development. Prior to final approval by the Development Review Officer, the Applicant will need to demonstrate that the perimeter buffer is compliant with the ULDC.

- *Unified Control:* With the proposed deletion of land area from the PDD, the Applicant and HOA will be required to modify the Unity of Control for the Planned Development prior to final approval by the DRO. A condition of approval has been included to ensure the documents are submitted and approved prior to that decision.
- *Property Development Regulations:* The applicant received an approval for Type 2 variance that allowed the Site to eliminate the required frontage. The proposed amendment still in compliances with the required PDR's for PUD's as indicated on Table 3.E.2.D.
- *Recreation and Civic:* With the deletion of land area, no new recreation and civic areas are required.
- *Landscape/Buffering:* The approved Master Plan indicates a 25 feet wide Type D Buffer along the west (abutting Florida Turnpike) and north property line and partially to the east. The proposed amendment will eliminate the buffer along the North (Atlantic Avenue). The Applicant will be required to provide a type 2 Incompatibility buffer along the new north property line located on the Recreation area or Parcel D.
- *Signs:* No new signs are proposed and all existing signs remain untouched.

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

The proposed amendment to the plan is to reduce the northern boundary line by 1.93 acres. The proposed amendment will still be compatible with the surrounding uses and remain generally consistent with the character of the land surrounding and in the vicinity of the land nor does it alter or change previously approved uses. All of the previously approved site elements will remain on the plan, including buffers, easements and uses.

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

The proposed amendment seeks to delete 1.93 acres of the previously approved site. The development is keeping the previously approved setbacks, buffers, easements and uses and is not proposing any new square footage or building coverage. A perimeter buffer will be installed along the northern boundary of Parcel D.

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

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.
- *Irrigation Conservation Concerns and Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed amendment will result in a logical, orderly and timely development pattern. The existing PUD is already fully developed. The proposed amendment does not increase any density or intensity for the PUD, but deletes land area. The subject site for deletion has been vacant since the approval of the PUD. In 1991, there was a request to delete this land from the PUD, however was denied by the BCC. The BCC did, however modify the future land use at that same time to include a Commercial High designation, thereby envisioning either residential or commercial uses for this parcel. The subject parcel for deletion is at the intersection for the Florida's Turnpike and Atlantic Avenue. The development pattern includes many residential developments that may utilize the site for the proposed self-storage use. Therefore, the amendment does not altered the development patterns.

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

ENGINEERING COMMENTS:

This application is for deleting one parcel from the Masterplan of the PUD. This deleted parcel will have a new self-storage facility. Traffic impacts of the new facility has been documented on a separate application.

There are no proposed Engineering conditions of approval with this application.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

SCHOOL IMPACTS:

The School Board has no issues with the application request.

PARKS AND RECREATION: The recreation for the existing PUD remains unchanged. Therefore, the recreational requirement is satisfied

FIRE PROTECTION:

Staff has reviewed this application and have no comment. The subject site is located within the boundaries of PBC Fire station #42.



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

The Applicant has stated that the area has experienced tremendous growth fueled by new residential product coming to market. The Applicant states that additional changed circumstances include the completion of the expanded Atlantic Avenue Exit from Florida’s Turnpike; the construction of multiple residential units within five (5) miles of the property, which include all of the Valencias on Lyons Road North, the Bridges communities on Lyons Road South and other communities located on 441 and east of the Property on Atlantic Avenue (Villagio, Atlantic Commons, Emerald Pointe).

The removal of the 1.93 acres from the PUD is necessary for the applicant to proceed with the concurrent application for a commercial zoning district and self-storage use.

CONCLUSION: Staff has evaluated the standards listed under Article (Article 2.B.7.C.2) and determined that there is a balance between the need for change and the potential impacts generated by the Development Order Amendment. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C-1.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment on 42.03 acres

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-1985-1227 (Control 1985-00054), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: ZONING - Zoning)
2. The approved Preliminary Master Plan is dated February 21, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)
3. Prior to final approval by the Development Review Officer, the Applicant will need to demonstrate that the perimeter buffer is compliant with the ULDC. (DRO: ZONING – Zoning)
4. Prior to final approval by the DRO, the property owner shall record a Unity of Control with the adjacent Babcock PUD. Form and content of this Unity of Control shall be approved by the County Attorney. (DRO: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 4 of Resolution R-1985-1227, Control No.1985-00054, which currently states:

This development shall retain onsite the first one inch of the stormwater runoff per Palm Beach County Subdivision and Platting Ordinance 73-4, as amended.

Is hereby deleted. [REASON: Code requirement]

2. The Property owner shall convey for the ultimate right-of-way of Delray West Road, 60 feet from centerline, approximately 7 feet, within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm Beach County prior to issuance of first Building Permit. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 5 of Resolution R-1985-1227, Control No.1985-00054)
3. The Property owner shall align the project's entrance with the entrance to the Florida Turnpike, this shall be accomplished by this developer acquiring the adjacent property to the east or by reconstructing the Turnpike entrance per the Florida Department of Transportation & County Engineers approval. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 6 of Resolution R-1985-1227, Control No.1985-00054)
4. The Property owner shall construct concurrent with the construction of the projects entrance road onto Delray West Road:
 - a) Left Turn Lane East Approach and Right Turn Lane West Approach.
 - b) Signalization modifications as required by the County Engineer. (BLDGPM: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-1985-1227, Control No.1985-00054)
5. The Property owner shall provide Palm Beach County with a road drainage easement with sufficient retention/detention capacity through this project's internal lake system to legal positive outfall for the road drainage of Delray West Road. This drainage easement shall be subject to all governmental agency requirements. (BLDGPM/ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 8 of Resolution R-1985-1227, Control No.1985-00054)
6. The Property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$114,650. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 9 of Resolution R-1985-1227, Control No.1985-00054)

7. Based on the amount of traffic generated by this development, the Developer has agreed to contribute an additional \$28,663 toward Palm Beach County's existing Roadway Improvement Program, these total funds (\$143,313) to be paid prior to the issuance of the first Building Permit however in case later than January 1, 1986. (BLDGPM/DATE: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 10 of Resolution R-1985-1227, Control No.1985-00054)

8. If the "Pair Share Contribution for Road Improvements Ordinance" is amended to increase the Fair Share Fee, this additional amount \$28,663 shall be credited toward the increased Fair Share Fee. (ONGOING: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 11 of Resolution R-1985-1227, Control No.1985-00054)

9. The Property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Delray West Road. (BLDGPM/DATE: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 13 of Resolution R-1985-1227, Control No.1985-00054)

10. Property owner shall convey an access easement to the public for the property owners to the south and east per the County Engineer's approval. This property owner shall also pave this easement per the County Engineer's approval. Construction may be phased concurrent with the filing of the plats. The access easement shall be recorded prior to Site Plan Certification of the Master Plan. (DRO: ENGINEERING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 15 of Resolution R-1985-1227, Control No.1985-00054)

11. The Property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently, the Fair Share Fee for this project is \$114,650. (Previous SITE DESIGN Condition 8 of Resolution R-1985-1227, Control No.1985-00054)

ENVIRONMENTAL

1. The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management) (Previous ENVIRONMENTAL Condition 3 of Resolution R-1985-1227, Control No.1985-00054)

SITE DESIGN

1. Prior to site plan certification the site plan shall be revised to include:

- a) Unit type description per section 402.7 (Site Plan Review Committee).
- b) Creation of additional parcel(s) to the proposed "Parcel A" for multi-family residences in order to aid in regulating the phases of development. If Parcel A is to be developed in phases, the Master Plan shall delineate this.
- c) Conceptual layout of the proposed pedestrian systems.
- d) Abandonment of 30 foot plated road running east-west through the site. [Note: COMPLETED] (Previous SITE DESIGN Condition 1 of Resolution R-1985-1227, Control No.1985-00054)

2. Access to Parcels B and C (Single Family Attached Unit Types) shall be from a service drive separate from the primary PUD loop roadway system to reduce the impact of vehicular traffic upon single family attached residences. [Note: COMPLETED] (Previous SITE DESIGN Condition 2 of Resolution R-1985-1227, Control No.1985-00054)

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) (ONGOING: ZONING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Figure 1 - Land Use Map

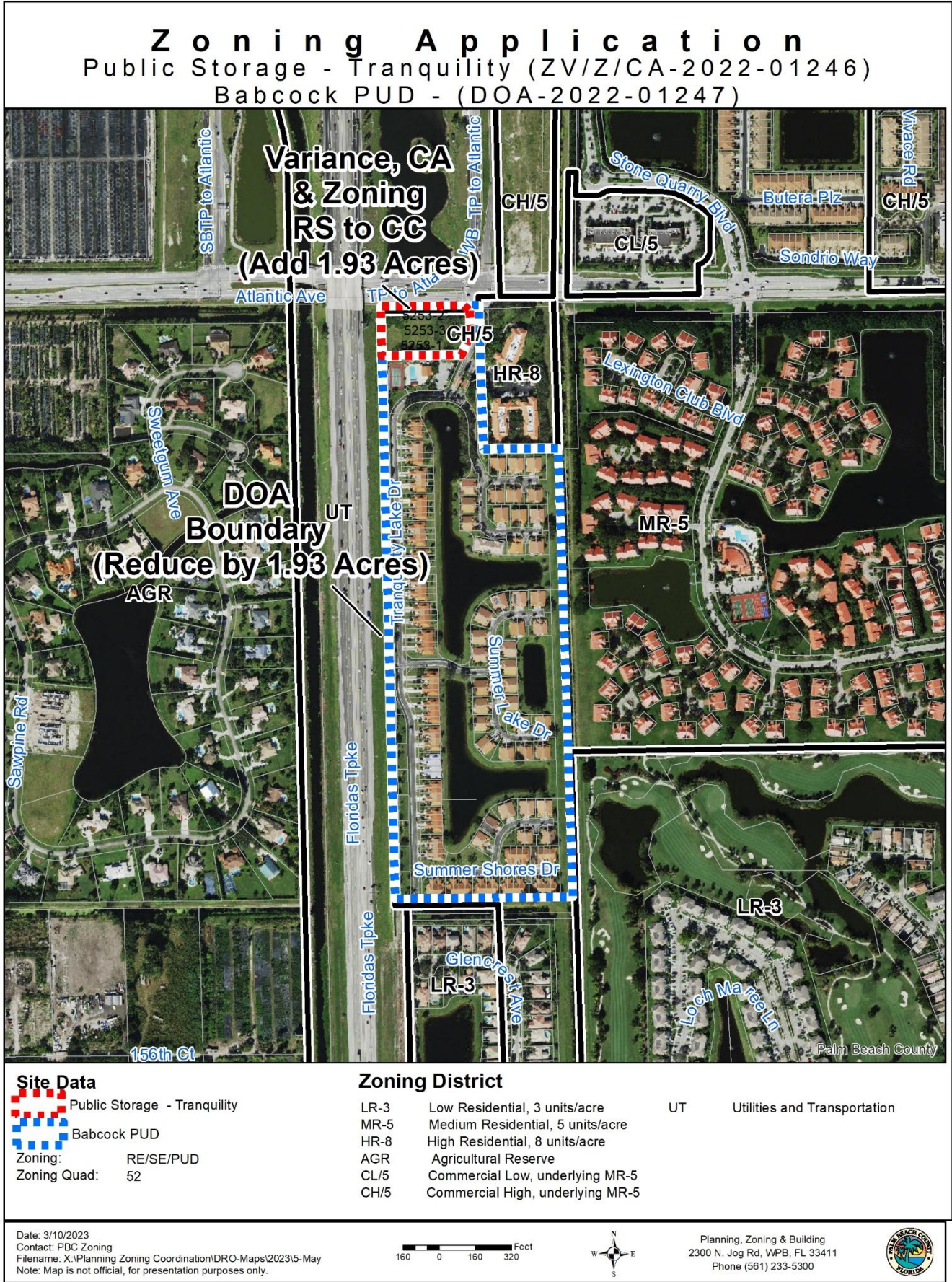


Figure 2 - Zoning Map

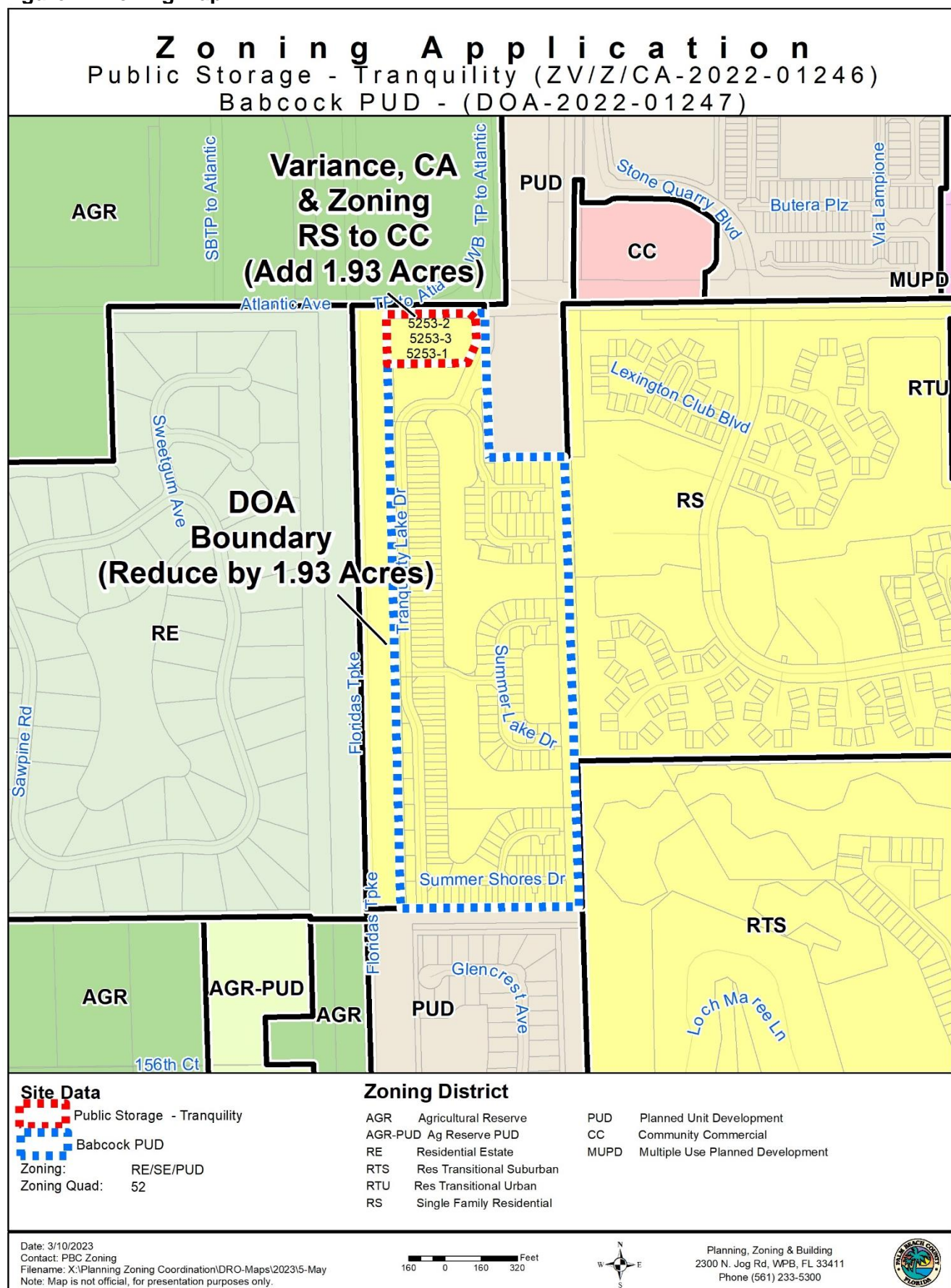
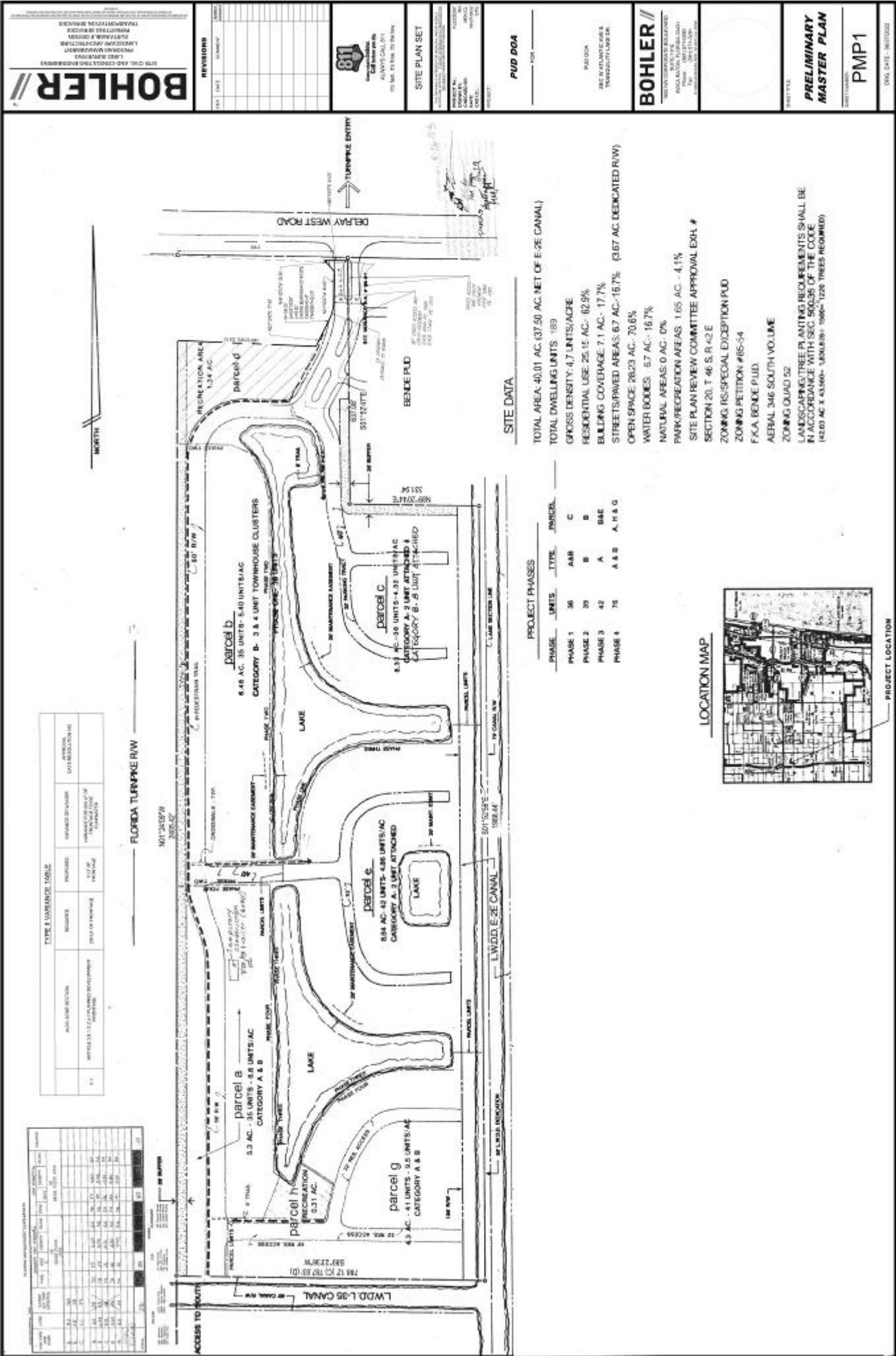


Figure 3 – Preliminary Master Plan dated February 21, 2023



Zoning Commission
Application No. DOA-2022-01247

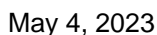


Exhibit D – Disclosure of Ownership Property Owner

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

1. Affiant is the ☐ individual or ☒ Manager [position -
e.g., president, partner, trustee] of SCT Properties, LLC [name
and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an
ownership interest in real property legally described on the attached Exhibit "A" (the
"Property"). The Property is the subject of an application for Comprehensive Plan
amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 5600 NW 25th Street, Suite 2A,
Miami, FL 33172
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.

Ally J. Olin
Ally J. Olin Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION: STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [4] physical presence or [] online notarization, this 18th day of January, 20 22 by Ally J. Olin (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).

Matthew Estevez (Name - type, stamp or print clearly) *Matthew Estevez* (Signature)

My Commission Expires on: 7/20/2023 NOTARY'S SEAL OR STAMP

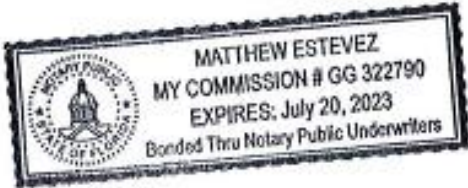


EXHIBIT "A"

LEGAL DESCRIPTION

(O.R.B. 17843 PG. 75)

A PORTION OF TRACTS "B", "D", "G", AND "L1" OF THE PLAT ENTITLED "THE BABCOCK -P.U.D. - PARCEL C" AS RECORDED IN PLAT BOOK 61, PAGE 198 THROUGH 200, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST (N.W.) CORNER OF SAID TRACT "G"; THENCE SOUTH 01°24'09" EAST, ALONG THE WESTERLY LINE OF SAID TRACT "G", A DISTANCE OF 218.74 FEET; THENCE NORTH 89°22'39" EAST, A DISTANCE OF 353.72 FEET TO A POINT LYING ON THE WESTERLY LINE OF TRACT "A" OF SAID PLAT; THENCE NORTH 23°13'41" EAST, A DISTANCE OF 77.42 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 25°06'29", A DISTANCE OF 43.82 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°52'47" WEST, A DISTANCE OF 80.82 FEET; THENCE NORTH 45°42'15" WEST, A DISTANCE OF 35.36 FEET TO A POINT LYING ON THE NORTHERLY LINE OF SAID TRACT "G" (THE LAST FOUR (4) DESCRIBED COURSES BEING COINCIDENT WITH THE WESTERLY LINE OF SAID TRACT "A"); THENCE SOUTH 89°18'07" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 369.71 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PLAT WAS VACATED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RECORDED IN OFFICIAL RECORDS BOOK 6427, PAGE 183 AND OFFICIAL RECORDS BOOK 7082, PAGE 1415, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (O.R.B. 17843 PG. 75) TOGETHER WITH THE BENEFIT OF CERTAIN CROSS ACCESS EASEMENT AGREEMENTS RECORDED IN OFFICIAL RECORDS BOOK 5866, PAGE 1085.

TOGETHER WITH BENEFIT OF THAT AMENDMENT TO CROSS ACCESS AND UTILITY EASEMENT AGREEMENT FROM WATERWAYS AT DELRAY HOMEOWNERS ASSOCIATION INC., RECORDED IN OFFICIAL RECORDS BOOK 11469, PAGE 1835.

BEING THE SAME PREMISES CONVEYED TO SCT PROPERTIES, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, BY SPECIAL WARRANTY DEED, FROM UNIVERSAL AMERICAN REALTY CORPORATION, A DLEAWARE CORPORATION, DATED DECEMBER 3, 2004 AND RECORDED DECEMBER 6, 2004 IN THE PALM BEACH COUNTY CLERK'S OFFICE IN BOOK 17842, PAGE 0075. 1784275

BEING MORE PARTICULARLY DESCRIBED AS:

(MEASURED BOUNDARY; NAD83/1990)

BEGINNING AT A REBAR WITH CAP FOUND AT THE INTERSECTION OF THE NORTHWEST (N.W.) CORNER OF SAID PROPERTY WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROUTE 806 AND THE WEST LIMITS OF FLORIDA'S TURNPIKE; THENCE SOUTH 01°25'06" EAST, ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 218.74 FEET TO A REBAR WITH CAP FOUND, SAID REBAR MARKING THE SOUTHWEST CORNER OF SAID PROPERTY WITH THE NORTHWEST CORNER OF TRACT G, WATERWAYS AT DELRAY - PHASE I AS RECORDED IN PLAT BOOK 67 PAGE 180; THENCE NORTH 89°21'42" EAST, A DISTANCE OF 353.72 FEET TO A IRON PIPE FOUND LYING ON THE WEST LINE OF TRACT "A" OF SAID PLAT BOOK 61, PAGE 198 THROUGH 200; THENCE NORTH 23°12'45" EAST, A DISTANCE OF 77.42 FEET TO THE NAIL & DISK FOUND (LB.2936) MARKING THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 25°06'32", A DISTANCE OF 43.82 FEET TO THE IRON PIPE FOUND MARKING THE POINT OF TANGENCY; THENCE NORTH 01°53'44" WEST, A DISTANCE OF 80.82 FEET TO A REBAR FOUND; THENCE NORTH 45°43'12" WEST, A DISTANCE OF 35.36 FEET TO A REBAR WITH CAP FOUND LYING ON THE SOUTH LINE OF SAID STATE ROUTE 806; THENCE SOUTH 89°17'10" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 369.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 84,253 SQUARE FEET OR 1.934 ACRES.

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
SCT Properties, LLC; 9600 NW 25th St, Suite 2A, Miami, FL 33172	
PS Florida One, Inc; 701 Western Ave, Glendale, CA 91201	
which is wholly owned by PS Florida, Inc., 701 Western Ave, Glendale, CA 91201	
which is wholly owned by Public Storage, 701 Western Ave, Glendale, CA 91201	
which is a publicly traded company.	

Exhibit E – Disclosure of Ownership Applicant

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT 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 Mike Vahle, 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] Vice President [position—e.g., president, partner, trustee] of PS Florida One, Inc [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: 701 Western Ave
Glendale, CA 91201
- 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.
- 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.

Mike Vahle
Mike Vahle, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ Georgia
COUNTY OF ~~PALM BEACH~~ Gwinnett

The foregoing instrument was acknowledged before me by means of ☒ physical presence or
☐ online notarization, this 6th day of may, 2022 by
Mike Vahle (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).

Anita Pegram
(Name - type, stamp or print clearly)

Anita Pegram
(Signature)

My Commission Expires on: 04/26/2025



EXHIBIT "A"**PROPERTY**

LEGAL DESCRIPTION OF PARCELS AND PREMISES, SITUATE, LYING AND BEING IN THE CITY OF DELREY BEACH, COUNTY OF PALM BEACH AND DESCRIBED AS FOLLOWS: MORE PARTICULARS DESCRIBED AS FOLLOWS AT DEED RECORDS HAS BEEN DESCRIBED IN PLAT BOOK 67, PAGE 180, T18S18N, R42E, S18W, DELREY BEACH, FLORIDA - PARCELS AS DESCRIBED IN PLAT BOOK 68, PAGES 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

RECORDED IN OFFICIAL RECORDS BOOK 6427, PAGE 183 AND OFFICIAL RECORDS BOOK 7082, PAGE 66, BEING THE SAME PREMISES CONVEYED TO SCT PROPERTIES, L.L.C. , A FLORIDA LIMITED LIABILITY COMPANY, BY SPECIAL WARRANTY DEED, FROM UNIVERSAL AMERICAN REALTY CORPORATION, A DELAWARE CORPORATION, DATED DECEMBER 3, 2004 AND RECORDED DECEMBER 6, 2004 IN THE PALM BEACH COUNTY CLERK'S OFFICE IN BOOK 17842, PAGE 0075.1784275

EXHIBIT “B”

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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
PS Florida One, Inc;	701 Western Ave, Glendale, CA 91201
	which is wholly owned by PS Florida, Inc., 701 Western Ave, Glendale, CA 91201
	which is wholly owned by Public Storage, 701 Western Ave, Glendale, CA 91201
	which is a publicly traded company.

PS FLORIDA ONE, INC.
CERTIFICATE OF SECRETARY

The undersigned, Nathaniel A. Vitan, hereby certifies that she is the duly elected, qualified and acting secretary of PS Florida One, Inc., a Delaware corporation (the “Company”), with access to the books and records of the Company, and its affiliates, and that:

1. Andres Friedman, Senior Vice President, and Mike Vahle, Regional Vice President are each duly elected or appointed officers or employees of the Company and, as such, are each authorized, acting alone, to execute and deliver on behalf of the Company any and all applications, pre-application submittals, permits, notices (including notices of commencement and completion notices), letters, authorizations (including letters of authorization), easements, dedications, covenants, agreements, bonds, certificates or related or similar municipal or county documents or forms as may be reasonably required by any governmental or quasi-governmental authority having jurisdiction over any property owned by the Company or any of their respective departments or political subdivisions, including, without limitation, the departments of building and safety, public works and planning, as applicable, in connection with the redevelopment of any property owned by the Company.
2. This certificate remains in effect for one year unless a notice or certificate of revocation is issued earlier.

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IN WITNESS WHEREOF, the undersigned has signed this certificate on this 13th day of
September 2021.



Nathaniel A. Vitan
Secretary

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