

Agenda Item # ÜÄH

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING FOR SECOND READING AND ADOPTION OF ORDINANCE NO. 1003 AN APPLICATION BY JESS R. SANTAMARIA. THE APPLICANT IS SEEKING A CHANGE OF LAND USE DESIGNATION FOR A PARCEL OF LAND TOTALING 12.28± ACRES, MORE OR LESS, FROM THE VILLAGE'S COMMERCIAL (COM) LAND USE DESIGNATION TO THE VILLAGE'S MULTIFAMILY LOW DENSITY RESIDENTIAL (MFL), LOCATED APPROXIMATELY 850 FEET NORTH OF OKEECHOBEE BOULEVARD AND APPROXIMATELY 500 FEET WEST OF ROYAL PALM BEACH BOULEVARD; BY MARIA BOLIVAR OF WGI.

Issue:

The Applicant is seeking a Large Scale Future Land Use Map Amendment to change the Land Use Designation for four (4) parcels of land totaling approximately 12.28± acres of land from Commercial (COM) Land Use Designation to Multi-Family Low Density Residential (MFL) Land Use Designation. This site is currently vacant land. The Applicant has indicated in their justification statement that the ultimate goal is to develop the property for 100 townhouse dwelling units (a proposed density of 8.14 units per acre).

Staff is recommending denial of Application No. 19-120 (LSCPA), and Ordinance No. 1003, given that the proposed future land use map amendment is incompatible with the adjacent commercial uses. The proposed amendment fails to identify how the residential use will be sufficiently buffered from the existing commercial uses; fails to identify how it will not negatively impact the existing commercial uses; and fails to identify how it will protect the health, safety and welfare of pedestrians and bicyclists along the residential entrance drive.

The Village Council considered Ordinance No. 1003 on first reading on June 18, 2020, and recommended Approval by a vote of 4-1.

The Local Planning Agency considered the application on June 23, 2020, and recommended Approval by a vote of 3-0.

Recommended Action:

Staff is recommending Denial of Application 19-120 (LSCPA) and Ordinance No. 1003.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	08-20-2020	Action

Z:\Project Files 12-11-02\Waterway Plaza (15-02) (15-06)\19-120 (CPA) Lakeside Landing\Agenda Items\19-120 Waterway Plaza aka Waterway Plaza (LSCPA) Agenda Item VC-2.docx

ORDINANCE NO. 1003

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., FLORIDA STATUTES, PURSUANT TO A PRIVATELY INITIATED APPLICATION # 19-120 (LSCPA) WHICH PROVIDES FOR AN AMENDMENT TO THE VILLAGE LAND USE MAP DESIGNATING 12.28 ± ACRES, MORE OR LESS, OF REAL PROPERTY AS “MFL – MULTIFAMILY LOW DENSITY RESIDENTIAL”; WHICH PROPERTY IS LOCATED NORTHWEST OF THE INTERSECTION OF OKEECHOBEE BOULEVARD AND ROYAL PALM BEACH BOULEVARD, INFORMALLY KNOWN AS “LAKESIDE LANDING”; FURTHER PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt comprehensive development plans to provide thorough and consistent planning with regard to land within their corporate limits; and

WHEREAS, all amendments to the comprehensive development plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the Village of Royal Palm Beach, Florida, has carefully prepared an amendment to its comprehensive development plan in order to adopt a map amendment concerning a proposed Multifamily Low Density Residential (MFL) land use designation; and

WHEREAS, the Village of Royal Palm Beach has held all duly required public hearings; both prior to submission of the proposed amendment of the plan to the State Department of Economic Opportunity and after the proposed amendment of the plan was returned to the Village of Royal Palm Beach, in accordance with Chapter 163.3184, Florida Statutes; and

WHEREAS, the Village Council desires to adopt the amendment to the current comprehensive development plan to guide and control the future development of the Village, and to preserve, promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT:

Section 1: The Village of Royal Palm Beach Comprehensive Plan is hereby amended by adopting this amendment to its current Comprehensive Development Plan dated July 4, 2009, as amended. This amendment specifically changes the land use designation for four (4) parcels of property from the Village “COM - Commercial” land use designation to the Village “MFL – Multifamily Low Density Residential” land use designation, and further amends the Village’s Future Land Use Map accordingly. Said parcels comprise approximately 12.28 ± acres, more or less, and are more particularly described on the attached Exhibit “A.” The amended Village Future Land Use Map, which shows the new land use designation for these parcels, is attached hereto as Exhibit “B” and made a part hereof and of the current comprehensive development plan.

Section 2: A copy of the comprehensive development plan, as amended, is on file in the office of the Village Clerk, Village of Royal Palm Beach, Florida.

Section 3: The Village’s Planning and Zoning Director is hereby directed to transmit within ten (10) working days after adoption one (1) paper copy and two (2) electronic PDF format copies of the amendment to the current comprehensive development plan to the State Land Planning Agency, along with one copy to any other agency or unit of local government that timely provided comments in accordance with Section 163.3184(3)(c)2, Florida Statutes.

Section 4: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 5: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 6: This plan amendment shall not become effective until 31 days after the state land planning agency notifies the Village that the plan amendment is complete. If timely challenged, this amendment does not become effective until the state land planning agency or Administration Commission enters a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(3)(c)4, Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

FIRST READING this 18th day of June, 2020.

SECOND AND FINAL READING this 20th day of August, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

EXHIBIT A
LEGAL DESCRIPTION

Immediately Below is Parcel 1's Legal Description

PARCEL 1:

A parcel of land being a portion of Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Begin at the Southeast corner of Tract "C-2", Waterway Plaza Plat No. 2, according to the plat thereof, as recorded in Plat Book 71, Page 82, said Public Records. Thence, North 88°23'14" West, along the boundary of said Tract "C-2", a distance of 21.89 feet; thence, South 46°36'46" West, continuing along said boundary for this and the next five courses, a distance of 35.36 feet; 2) South 01°36'46" West, a distance of 7.48 feet; 3) North 88°23'14" West, a distance of 204.10 feet; 4) South 89°17'57" West, a distance of 93.13 feet; 5) North 01°36'46" East, a distance of 47.87 feet to a point on the boundary of said Tract "C", of Waterway Plaza; thence along said boundary for the next ten (10) courses, 1) South 48°04'54" West, a distance of 4.44 feet; 2) South 83°04'55" West, a distance of 101.12 feet; 3) North 71°41'17" West, a distance of 104.40 feet; 4) North 19°48'01" West, a distance of 273.90 feet; 5) North 82°40'37" West, a distance of 100.50 feet; 6) South 85°54'09" West, a distance of 100.50 feet; 7) South 88°45'01" West, a distance of 100.12 feet; 8) South 65°02'52" West, a distance of 111.80 feet; 9) South 39°10'53" West, a distance of 147.33 feet; 10) South 01°33'56" West, a distance of 170.24 feet; thence, South 88°23'14" East, departing said boundary, a distance of 201.02 feet; thence, South 01°36'46" West, a distance of 306.04 feet to a corner on said boundary; thence, South 88°23'14" East, along said boundary, a distance of 485.92 feet; thence, North 01°36'46" East, continuing along said boundary for this and the remaining three courses, a distance of 285.00 feet; thence, South 88°23'14" East, a distance of 419.00 feet to the point of curvature of a curve concave South, having a radius of 48.00 feet; thence, Easterly, along said curve, through a central angle of 40°13'42", a distance of 33.70 feet to the end of said curve; thence, North 01°36'46" East, a distance of 95.84 feet to the point of beginning.

Immediately Below is Parcel 2's Legal Description

PARCEL 2:

A parcel of land lying in Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Tract "C", thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 223.60 feet for a point of beginning; Thence, continue North 01°33'56" East, along said West line of Tract "C", a distance of 434.61 feet; thence South 88°23'14" East, departing said West line, a distance of 200.65 feet to the intersection thereof with the East line of said Tract "C", thence, South 01°36'46" West, along said East line, a distance of 434.61 feet; thence, North 88°23'14" West, departing said East line, a distance of 200.29 feet to the point of beginning.

Less the following Tract:

Commencing at the Southwest corner of said Tract "C", thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 223.60 feet for a point of beginning. Thence, continue North 01°33'56" East, along said West line a distance of 15.74 feet; thence, North 88°10'42" East, departing said West line, a distance of 200.67 feet to the intersection thereof with the East line of said Tract "C"; thence, South 01°36'46" West, along said East line, a distance of 27.76 feet; thence, North 88°23'14" West, departing said East line, a distance of 200.29 feet to the point of beginning.

Immediately Below is Parcel 3's Legal Description

PARCEL 3:

A parcel of land lying in Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Tract "C"; thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 658.21 feet for a point of beginning; Thence, continue North 01°33'56" East, along said West line, a distance of 21.81 feet; thence, South 88°23'14" East, departing said West line, a distance of 200.67 feet to the intersection thereof with the East line of said Tract "C"; thence, South 01°36'46" West, along said East line, a distance of 21.81 feet; thence, North 88°23'14" West, departing said East line, a distance of 200.65 feet to the point of beginning.

Immediately Below is Parcel 4's Legal Description

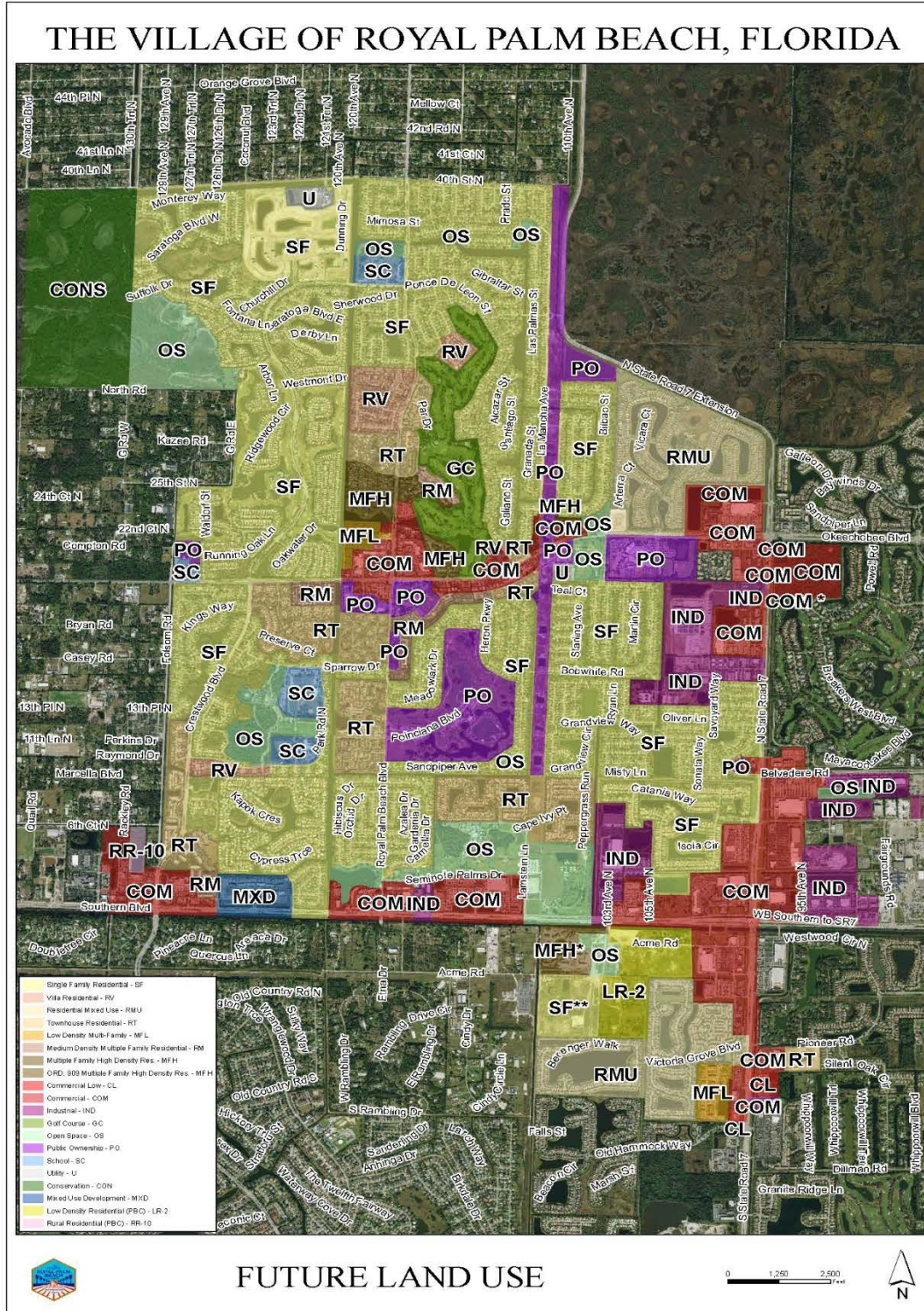
PARCEL 4:

A parcel of land lying in Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Tract "C", thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 680.02 feet for a point of beginning. Thence, continue North 01°33'56" East, along said West line, a distance of 434.20 feet; thence, South 88°23'14" East, departing said West line, a distance of 201.02 feet; thence, South 01°36'46" West, a distance of 306.04 feet to a boundary corner on the Easterly boundary of said plat; thence, continue South 01°36'46" West, along said Easterly boundary, a distance of 128.16 feet; thence, North 88°23'14" West, departing said Easterly boundary, a distance of 200.67 feet to the point of beginning.

EXHIBIT B VILLAGE'S REVISED FUTURE LAND USE MAP

BELOW IS A FUTURE LAND USE MAP



Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Lakeside Landings

Application: 19-120 (LSCPA) (Ordinance No. 1003)

Applicant/Owner: Jess R. Santamaria
675 Royal Palm Boulevard
Royal Palm Beach, FL 33411

Agent: Wantman Group, Inc
Maria Bolivar
2035 Vista Parkway
West Palm Beach, FL 33306

Request: Large Scale Comprehensive Plan Amendment (CPA) from the
Commercial (COM) future land use (FLU) designation to Multifamily Low
Density Residential (MFL)

Hearings:	Planning and Zoning Commission:	June 23, 2020
	Village Council (First Reading)	June 18, 2020
	Village Council (Second Reading):	August 20, 2020

Recommendation: Denial

II. Site Data:

Site Area: 12.85± acres

Property Control Numbers: 72-41-43-23-12-003-0010
72-41-43-23-12-003-0030
72-41-43-23-12-003-0040
72-41-43-23-12-003-0050

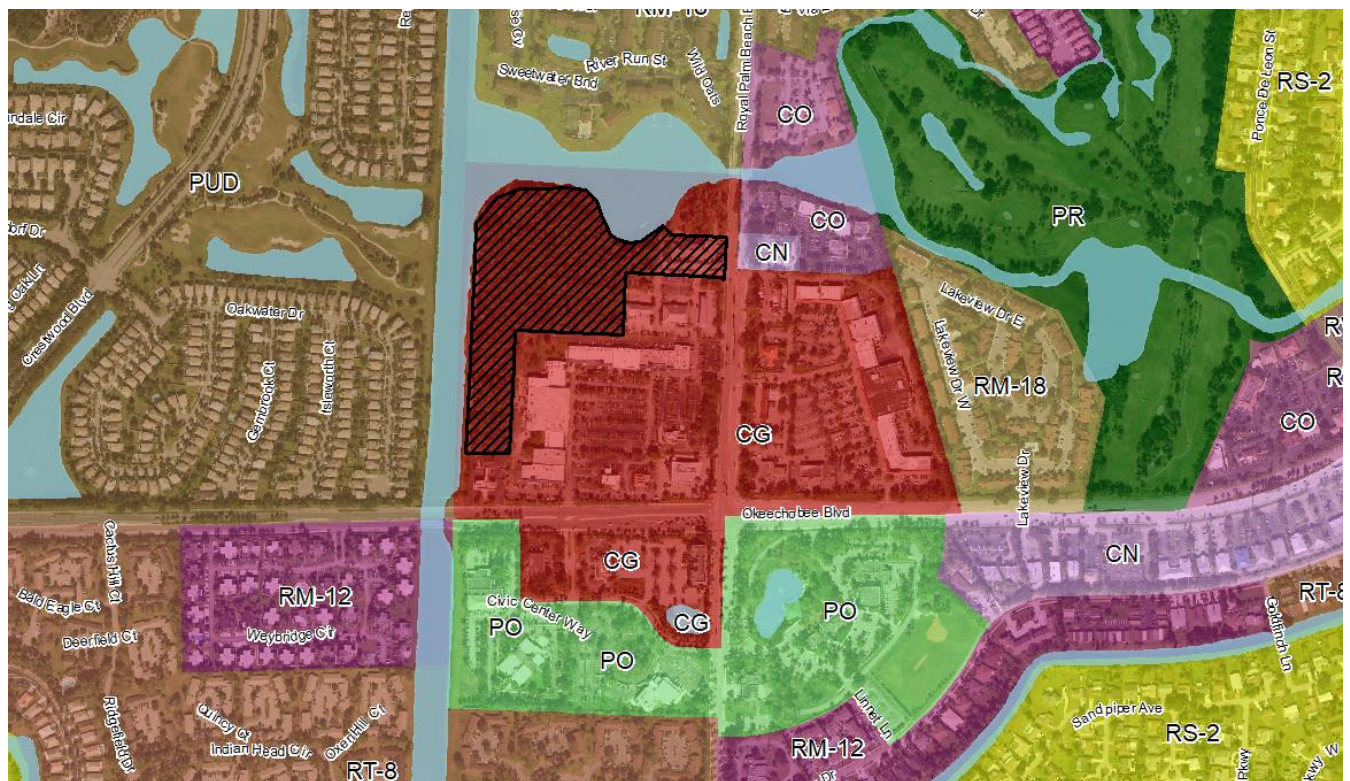
Existing Land Use: Vacant

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Village of Royal Palm Canal and multi-family residential (Verse Apartments)	Multi-Family High Density (MFH)	Residential Multi-family (RM-18)
South	Waterway Plaza	Commercial (COM)	General Commercial (CG)
East	Lakeview Center	Commercial (COM)	Office Commercial (CO)
West	Indian Trail Improvement District canal; Madison Green Golf Course; and Single Family Residential (Fairfax and Wyndam)	Single-Family Residential (SF)	Planned Unit Development (PUD)

Directly Below is A Map Showing the Location of the Site



III. Intent of Petition:

The Applicant is seeking a Large Scale Future Land Use Map Amendment to change the Land Use Designation for four (4) parcels of land totaling approximately 12.28 acres of land from Commercial (COM) Land Use Designation to Multi-Family Low Density Residential (MFL) Land Use Designation. This site is currently vacant land. The Applicant has indicated in their justification statement that the ultimate goal is to develop the property for 100 townhouse dwelling units (a proposed density of 8.14 units per acre).

In reviewing the proposed Future Land Use Map Amendment designating the parcels as Multi-Family Low Density Residential (MFL), Village Staff considered compatibility with adjacent land uses; consistency with the Village's Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space.

IV. History:

The Waterway Plaza Planned Commercial Development (PCD) was originally approved through the approval of Application 154-157 by the Village Council on September 28, 1988. Waterway Plaza (PCD) was approved per the application, for 144,525 square feet of a specialty shopping center that is water oriented and "It will have a "Park Like" atmosphere. This approval also included approval for a gas station. Later on February 19, 1998 another gas station was approved and located between the M-1 canal and the Village Shoppes Shopping Center. A Special Exception was later approved to allow hotel suites in two of the buildings within Waterway Plaza (PCD) on March 15, 2000. Several modifications to the original Site Plan were approved over the years to include a Dunkin Donuts, Car wash, and a Car Care Center.

V. Analysis:

The Applicant is seeking a Large Scale Future Land Use Map Amendment to change the Land Use Designation for four (4) parcels of land totaling approximately 12.28 acres of land from Commercial (COM) Land Use Designation to Multi-Family Low Density Residential (MFL) Land Use Designation. This site is currently vacant land. The Applicant has indicated in their justification statement that the ultimate goal is to develop the property for 100 townhouse dwelling units (a proposed density of 8.14 units per acre).

In reviewing the proposed Future Land Use Map Amendment designating the parcels as Multi-Family Low Density Residential (MFL), Village Staff considered compatibility with adjacent land uses; consistency with the Village's Comprehensive Plan; and whether the action requested will exacerbate any existing public facility capacity deficits in regards to the roadway network, sanitary sewer, solid waste, drainage, potable water, and recreation and open space.

The Applicant asserts that the proposed Future Land Use Map Amendment is consistent with the Village of Royal Palm Beach's Comprehensive Plan and Section 26-32 (f) (2) b. Below is a summation of the findings and assertions by the Applicant contained with the application.

FUTURE LAND USE ELEMENT

GOAL LU-1: A mix of compatible land uses which meets the needs of the village residents, maintains and enhances the community character, does not adversely impact existing neighborhood and is developed concurrently with the needed infrastructure and facilities.

Per the applicant, the proposed FLU amendment to MFL will create an efficient and viable opportunity to support the Village's demand for diversity in housing stock options. Through thoughtful and efficient site design, the project will maintain and enhance the community character within the Village and will not adversely impact the existing surrounding neighborhood. As mentioned previously, the proposed development for 100 townhouse units, along the Okeechobee Boulevard and Royal Palm Beach Boulevard corridors, represents a desired and needed use in an appropriate location on which to situate this type of development. The residential properties directly surrounding the site are single-family home and apartment type developments, which range from 3.04 dwelling units per acre to

12.97 dwelling units per acre; while the proposed development has a density of 8.14 dwelling units per acre. The MFL FLU designation will allow for a maximum development potential of 110 units; however, the Applicant is proposing 100 units.

The proposed multifamily residential development will help to add diversity to the Villages' housing stock, which is currently represented by either low-density or high-density residential development typologies. The proposed density and housing type will provide additional housing opportunities for the residents of the Village of Royal Palm Beach and provide the Village with a more robust housing stock.

OBJECTIVE LU-1.1: Development orders and permits for development and redevelopment activities shall be issued only in those areas where suitable topography and soil conditions exist to support such development.

Per the applicant, the subject site has suitable topography and soil conditions for development as outlined in the Environmental Report and Soils Analysis. Therefore, development orders and permits for development activities may be supported by the Village.

POLICY LU-1.1.1: All proposed development shall include a soils analysis prepared by a professional, licensed to prepare such an analysis which shall include the ability of the soil structure to support the proposed development.

Per the applicant, a Soils Analysis was provided to the Village as part of the CPA submittal, and demonstrates that the soil structure is sufficient to support the proposed development.

POLICY LU-1.1.2: All proposed development shall be located in a manner such that the natural topographic features of a site are not adversely altered so as to negatively affect the drainage of neighboring properties or visual aesthetics of the area.

Per the applicant, the proposed development will be designed in a manner, as to not impede on the natural topographic features of the site. Any trees or environmental areas that meet the Village's preservation requirements will be preserved where possible. No adverse impacts related to the drainage of neighboring properties will be created. A Drainage Statement was provided to the Village as part of the CPA submittal to reiterate that no negative drainage impacts will be created by the proposed development.

OBJECTIVE LU-1.2: Development orders and permits for development and redevelopment activities shall be issued only in areas where public facilities necessary to meet level of service standards (which are adopted as part of the Capital Improvements Element of this Comprehensive Plan) are available concurrent with the impacts of development.

Per the applicant, the proposed development meets all level of service (LOS) requirements for 100 units. Letters from the appropriate service providers verifying capacity at the proposed density have been requested from providers and provided to the Village.

POLICY LU-1.2.1: The development of residential, commercial and industrial land shall be timed and staged in conjunction with provision of supporting community facilities and services identified as being required such as:

- a. Potable water;
- b. Sanitary sewers;
- c. Solid waste removal;
- d. Vehicular and pedestrian circulation;
- e. Public safety;
- f. Recreation;
- g. Public schools; and
- h. Electricity.

Per the applicant, the proposed development meets all LOS requirements for 100 units. Letters from the appropriate service providers verifying capacity at the proposed density have been requested from providers and provided to the Village.

POLICY LU-1.3.2: Land development regulations adopted to implement this Plan shall allow new residential development to be permitted only at densities equal to or less than the following:

D. MFL – Multi-Family Low Density Residential – a maximum of 9.0 dwelling units per gross acre;

Per the applicant, the proposed development of 100 units on the 12.28-acre site equates to 8.14 dwelling units per acre. This density is within the allowable maximum threshold of 9.0 dwelling units per acre.

OBJECTIVE LU-1.4: Development orders and permits for development or redevelopment activities shall be issued only if the protection of natural resources is insured and consistent with the Goals, Objectives, and Policies of the Conservation Element of this Comprehensive Plan.

Per the applicant, the proposed development does not negatively impact natural resources, and is consistent with the conservation element of the Village's Comprehensive Plan. An Environmental Report was provided to the Village as part of the CPA submittal.

POLICY LU-1.4.3: The Village shall protect potable water wellfields and prime aquifer recharge areas through the implementation of the Palm Beach County Wellfield Protection Ordinance.

Per the applicant, the subject site is not located within a Wellfield Protection Area. An exhibit of the Wellfield Zones Map, located in the Environmental Report, has been provided as part of the CPA submittal.

POLICY LU-1.4.4: The developer/owner of any site shall be responsible for the management of run-off consistent with the Goals, Objectives, and Policies of the Drainage Sub- Element of this Comprehensive Plan.

Per the applicant, the developer/owner understands that drainage requirements for the proposed development must be met in accordance with the Goals, Objectives and Policies of the Village's Comprehensive Plan. A Drainage Statement was provided to the Village as part of the CPA submittal.

POLICY LU-1.4.5: Extraction of natural resources shall be permitted when compatible with existing and proposed land uses and in a manner consistent with the Goals, Objectives, and Policies of the Conservation Element of this Comprehensive Plan.

Per the applicant, any extraction or removal of natural resources will be done so in accordance with permitting requirements and will be consistent with the Goals, Objectives and Policies of the Village's Comprehensive Plan.

POLICY LU-1.4.6: The Village, through its land development regulations and other appropriate mechanisms, shall require the eradication of invasive exotic plant species concurrent with the commencement of development activity.

Per the applicant, any invasive exotic plant species that must be eliminated, will be done so in accordance with Village requirements, and will be concurrent with the commencement of development activity.

OBJECTIVE LU-1.5: Urban sprawl shall be discouraged by directing future growth, development and redevelopment to appropriate areas as depicted on the Future Land Use Map, consistent with: the protection of existing neighborhoods from incompatible uses; sound planning principles; minimal natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character.

Per the applicant, the proposed development is consistent with prior developments within the Village and the surrounding area, and does not contribute to urban sprawl or incompatibility issues. The subject site promotes sound planning principles by identifying currently underutilized commercial lands, and proposing a sustainable residential development option, such as the proposed MFL FLU. The subject site is currently vacant and surrounded by developed land, but is approved for commercial uses as a portion of the Waterway Plaza PCD. As part of the

approved Waterway Plaza, the subject site included buildings 2 thru 7 which totaled 125,050 square feet of motel suites, retail space, and office space. All buildings of the approved Waterway Plaza have been built, except for buildings 2 thru 7 which are located on the subject site. Redeveloping the subject properties from approved commercial uses, to proposed MFL, will provide for the protection of existing neighborhoods, by providing a compatible land use designation and preventing the oversaturation of commercial uses in the area.

The proposed development for 100 townhouse units is surrounded on two sides by single-family and multi-family residential to the north and west, and is located in close proximity to commercial uses to the east and south. The residential properties directly surrounding the site are Madison Green PUD and Hidden Harbor Apartments, which range from 3.04 dwelling units per acre to 12.97 dwelling units per acre; while the proposed development has a density of 8.14 dwelling units per acre. The MFL FLU designation will allow for a maximum development potential of 110 units; however, the Applicant is proposing 100 units.

The proposed development will be designed with the future of the Village in mind, and will further the Objectives, Goals and Policies of the Village's Plan, by creating a well-planned, compatible community that will diversify the Village's housing stock.

POLICY LU-1.5.3: Residential neighborhoods shall be designed to include an efficient system of internal circulation, including the provision of collector streets to feed traffic onto arterial roads and highways.

Per the applicant, the proposed development will be designed to include an efficient internal circulation system, by providing sidewalks and crosswalks where appropriate for pedestrians and one point of ingress/egress, off of Royal Palm Beach Blvd, to accommodate for vehicles. The vehicular circulation system is designed to take into account access to the surrounding roadway network, as well as cross access to surrounding properties.

POLICY LU-1.6.1: Development orders, and permits for future development and redevelopment activities shall be issued only in areas possessing the appropriate Future Land Use designation and that are consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

Per the applicant, the proposed use of townhouses and proposed FLU designation of MFL is consistent with the Future Land Use Goals, Objectives and Policies of the Village's Comprehensive Plan, as it relates to multifamily residential developments and the MFL FLU designation.

OBJECTIVE LU-1.10: The Village shall ensure that new development and redevelopment is consistent with, and does not negatively impact, existing neighborhoods and uses, and that existing uses and neighborhoods are maintained in a manner that does not diminish community character or negatively impact the surrounding area.

Per the applicant, as mentioned previously, the proposed townhouses are consistent with the surrounding neighborhoods and represents a necessary use in an appropriate location on which to situate this type of development. The subject site is surrounded by single-family and multi-family residential to the north and west, in addition to being in close proximity to non-residential uses to the east and south. The residential properties directly surrounding the site are Madison Green PUD and Hidden Harbor Apartments, which range from 3.04 dwelling units per acre to 12.97 dwelling units per acre; while the proposed development has a density of 8.14 dwelling units per acre. The MFL FLU designation will allow for a maximum development potential of 110 units; however, the Applicant is proposing 100 units.

TRANSPORTATION ELEMENT

POLICY T-1.1.2: Review all proposed development in order to identify and address potential transportation impacts and otherwise ensure consistency with the Goals, Objectives and Policies of this Plan.

Per the applicant, a Traffic Statement and TPS letter have been submitted as part of this Application.

POLICY T-1.1.3: Review access points and driveways associated with development for safety and for compatibility with the existing and future roadway network through the land development review process defined in the Village of Royal Palm Beach Code of Ordinances.

Per the applicant, the development has one point of ingress and egress, located off of Royal Palm Beach Boulevard. The proposed access points and driveways are designed for safety and compatibility, per the Village's Code of Ordinances.

POLICY T-1.3.1: Require all Future Land Use amendments to demonstrate that roadway improvements required to maintain levels of service identified in Policy T-1.1.6 will be in place to accommodate projected traffic impacts through participation in the Countywide Palm Beach County Traffic Performance Standards Ordinance.

Per the applicant, a Traffic Statement and TPSO letter have been submitted as part of this Application.

OBJECTIVE T-2.1: Review all development applications relative to access and provide for motorized and non-motorized on-site parking needs.

Per the applicant, the proposed development will be designed to include an efficient internal circulation system, by providing sidewalks and crosswalks where appropriate for pedestrians and one point of ingress/egress, off of Royal Palm Beach Blvd, to accommodate for vehicles. The vehicular circulation system is designed to take into account access to the surrounding roadway network, as well as cross access to surrounding properties.

The total number of parking required on-site is 200 spaces for the dwelling units and 40 guest spaces, for a total of 240 spaces (2 spaces for each dwelling unit, plus an additional 20% of the total number of required spaces for guests). The Applicant is proposing to provide 259 spaces on-site.

POLICY T-2.1.1: Assure that required number of on-site parking spaced for each new site development and adequate lane geometry has been provided through the land development review process defined in the Village of Royal Palm Beach Code of Ordinances.

Per the applicant, the total number of parking required on-site is 200 spaces for the dwelling units and 40 guest spaces, for a total of 240 spaces (2 spaces for each dwelling units, plus an additional 20% of the total number of required spaces for guests). The Applicant is proposing to provide 259 spaces on-site.

OBJECTIVE T-3.1: Review all development applications for consistency with the transportation system to appropriately accommodate bicycle and pedestrian roadway design and facility requirement.

Per the applicant, the project will be designed in such a way as to accommodate bicycle and pedestrian circulation as it will follow closely the design requirements of the Village's Zoning Code.

POLICY T-3.1.5: View all site plans for bicycle and pedestrian consideration.

Per the applicant, the project will be designed in such a way as to accommodate bicycle and pedestrian circulation as it will follow closely the design requirements of the Village's Zoning Code.

HOUSING ELEMENT

GOAL H-1: Provide decent, safe and sanitary housing at affordable costs to meet the needs of the present and future residents of the Village.

Per the applicant, central Palm Beach County is one of the fastest developing residential and business areas in the County, serving a wide variety of local business and office needs. The population in the Village is growing at a consistent rate. The development proposal aims to help provide housing options for the steadily growing population in the area. The proposed development will follow and maintain the Village's planning requirements, thus creating a safe and sanitary housing option.

POLICY H-1.1.4: The Village shall require the use of landscaping or other buffers between residential areas and major arterials or more intensive land uses.

Per the applicant, adequate landscaping and buffering will be provided. Currently proposed, the Applicant is providing a 5 foot buffer along the north and west property lines, which overlap the 25 foot maintenance easement. Furthermore, a 25 foot buffer is proposed to be provided along the south and east property lines. The proposed buffers have been planned accordingly to provide as much screening as possible along the most sensitive boundaries of the subject site. For example, buffer widths are proposed to be greater on the boundaries closest to the Royal Palm Beach Boulevard and Okeechobee Boulevard right-of-ways, and smaller in width along the vast canal to the west and north.

POLICY H-1.1.5: The Village shall require extensive use of landscaping and open space for all new developments and encourage the same for all existing developments.

Per the applicant, adequate landscaping and open space will be provided. As previously mentioned, the Applicant is proposing to provide a 5-foot buffer along the north and west property lines, which overlap a 25-foot maintenance easement. Furthermore, a 25-foot buffer is proposed to be provided along the south and east property lines. The Applicant will provide adequate landscaping for the proposed buffers.

POLICY H-1.1.6: The Village shall enforce development regulations that promote long-term sound housing and aesthetically pleasing neighborhood environments.

Per the applicant, the proposed development of townhouse units will provide for additional housing options, by providing well planned, aesthetically pleasing neighborhood environments and safe housing choices for current and future Village residents.

POLICY H-1.1.10: Encourage new residential development and redevelopment to incorporate energy saving design and construction features, such as adequate insulation, solar power, less heat-absorbent roofing materials, and increased tree canopies, into design, construction and site development plans.

Per the applicant, the development proposes to incorporate energy saving design and construction features into the development, as well as increased tree canopies.

OBJECTIVE H-1.2: The Village shall promote a full range of housing types to meet the existing and future needs of all income and special needs groups in the Village.

Per the applicant, as mentioned previously, the primary goal of the Future Land Use Element of the Comprehensive Plan is to provide a mix of compatible land uses which meet the needs of the Village residents. The proposed FLU designation of MFL allows for a maximum density of nine dwelling units per acre. The proposed development of townhouse residential units will provide an additional housing option to the area that is priced mid-range, in addition to providing a full range of housing types to meet the existing and future needs of the residents within the Village.

POLICY H-1.2.5: The Village shall utilize the appropriate mechanisms to encourage the provision of a range of housing types and costs in proximity to employment and services, and in proportions commensurate to demand as indicated by the assessment of housing needs and cost burdened households contained in the most recent evaluation and appraisal report. These strategies should be

in accordance with and supportive of the strategies contained in the treasure coast strategic regional policy plan, and may include but not be limited to accessory dwelling units, the reduction of regulatory barriers, inclusionary zoning density bonuses, community land trusts, impact fee assistance, and trust funds.

Per the applicant, the subject site, while immediately surrounded by residential uses, is located in very close proximity to a high amount of non-residential uses, and as such, the proposed residential development will complement the existing developments that surround the site. The proposed residential development is situated in close proximity to commerce and employment opportunities, furthering this vision of this policy. To further illustrate the current development proposals' potential employment and service opportunities a Market Study has been provided with this submittal.

POLICY H-1.4.4: Within the Village, new development shall be permitted only when central water and/or central sewer systems are available or will be provided concurrent with the impacts of development.

Per the applicant, the proposed project will be developed in accordance with the Village's development standards.

Policy C-1.1.2: At a minimum, environmentally sensitive areas shall contain one or more of the following natural resources:

- a. Rare, threatened, and endangered wildlife and vegetation, a complete list of which is defined by the U.S. Fish and Wildlife Service, Florida Game and Freshwater Fish Commission and the Treasure Coast Regional Planning Council;
- b. Wetlands;
- c. Artifacts of archaeological or historic significance;
- d. Within public water supply system wellfield cone(s) of influence; and,
- e. Within floodways and areas subject to flooding.

Per the applicant, the subject site, as mentioned in the provided Environmental Report, does not contain any of the features listed for environmentally sensitive lands per Section 18-42 of the Village's Code of Ordinances. There are no listed species or suitable habitat that have been observed on-site during the field reviews, wetlands were not identified during the field reviews, the assessment area is likely to not contain artifacts, and there are no unique geological features within the assessment area. Furthermore, the subject site is not located in any wellfield protection areas and is not within a floodplain.

Lastly, the subject property is heavily infested with exotic vegetation to the extent that the natural community types have been impacted.

Policy C-1.1.3: In addition to other conservation policies, any development proposed to be located within an area designated as environmentally sensitive shall adhere to the following guidelines as well:

- a. Development projects to be located within an environmentally sensitive area as defined by the Village must submit as part of the site plan approval process an environmental assessment report. The report should contain as a minimum:
 - 1. An inventory of existing vegetation and wildlife based on a field survey;
 - 2. An identification of wildlife or vegetation listed as endangered, threatened or species/plant of special concern;
 - 3. An analysis of the functional viability and quality of the various habitats;
 - 4. A discussion of impacts, both positive and adverse on the resources;
 - 5. A discussion of how the proposed development plan will adversely impact the environment;
 - 6. A discussion concerning whether there are any irreplaceable or irretrievable environment; and,
 - 7. A mitigation plan that describes actions to be taken that replace those functions and values of the ecological community/communities lost as a result of site development.
- b. Areas formally designated environmentally sensitive shall be designated on the approved site plan.
- c. Those environmentally sensitive areas identified as worthy of preservation will require transfer of existing density to more suitable areas for development. No

development should be permitted other than footpaths or entryways to the waterways.

Per the applicant, as mentioned previously and provided in the Environmental Report, the subject site does not contain any of the features for environmentally sensitive lands. There are no listed species or suitable habitat that have been observed on-site during the field reviews, wetlands were not identified during the field reviews, the assessment area is likely to not contain artifacts, and there are no unique geological features within the assessment area. Furthermore, the subject site is not located in any wellfield protection areas and is not within a floodway.

Staff Analysis and Recommendation:

Staff is recommending denial of the proposed future land use map amendment from the Village's Commercial Land Use Designation (COM) to the Multi-Family Low Density (MFL) Land Use Designation because the proposed residential use is incompatible with the existing commercial uses immediately adjacent to the development site.

Goal LU-1 of the Village's Comprehensive Plan outlines a goal for "A mix of compatible land uses which meets the needs of the village residents, maintains and enhances the community character, does not adversely impact existing neighborhood and is developed concurrently with the needed infrastructure and facilities."

In implementing Goal LU-1, Objective LU-1.10 of the Village's Comprehensive Plan provides that the "Village shall ensure that new development and redevelopment is consistent with, and does not negatively impact, existing neighborhoods and uses, and that existing uses and neighborhoods are maintained in a manner that does not diminish community character or negatively impact the surrounding area." See also Policy IC-1.2.2 ("New development should continue to be compatible with and complimentary to surrounding land uses, and should not negatively affect existing approved activities.")

Similar to the Village Comprehensive Plan's requirements for "compatibility," Section 163.3164(9), Florida Statutes, defines "compatibility" as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."

In addressing both Goal LU-1 and Objective LU-1.10, the Applicant simply describes how the proposed development is compatible with the existing residential neighborhoods across the M-1 Canal water body to the north and west of the property, and Staff generally agrees with that assessment.

However, the Justification Statement wholly fails to mention or address how the proposed residential land use is compatible with the existing commercial uses that are immediately adjacent to, and surrounding, a large portion of the proposed development site. In reviewing the proposed land use map amendment, Staff has identified the following incompatibility deficiencies with the proposal, and are offered in support of Staff's recommendation of denial:

A. The Proposed Future Land Use Map Amendment Fails to Identify How The Residential Use Will Be Sufficiently Buffered From the Existing Commercial Uses.

Policy H-1.1.4 of the Village's Comprehensive Plan provides that the "Village shall require the use of landscaping or other buffers between residential areas and major arterials or more

intensive land uses.” Policy LU-1.7.2 further provides that “regulations for buffering incompatible land uses shall be set forth in the Village’s land development regulations.” See also Policy LU-1.5.4 (“Subdivisions shall be designed so that...lots along the periphery are buffered from major roads and incompatible land uses.”)

In accordance with the Village’s Comprehensive Plan, Section 15-1(i) of the Village’s Landscaping Code seeks to utilize vegetation to promote compatibility of otherwise incompatible land uses in close proximity, “particularly residential developments that are adjacent to commercial ... developments by buffering such development.” Therefore, per Village Code, residential developments adjacent to commercial developments are inherently incompatible, but that compatibility may be improved through sufficient buffering of the residential development. In other words, establishing incompatibility buffers will help protect the residential use from the more intense commercial use by creating a separation between the two. Commercial developments that are separated from a residential area by a buffer will not eliminate the incompatibility entirely, but may be considered less intrusive than commercial development that directly abuts a residential area without a buffer, or a significantly reduced buffer.

Section 15-131(b)(1) of the Village’s Landscaping Code (Buffering of Nonresidential Uses Adjacent to Residential Uses) and Section 26-84(4)(e)4 of the Village’s Zoning Code (RM-9 – Multifamily Residential District) both outline the buffering requirements between residential and commercial uses that satisfy the compatibility goals, objectives, and policies outlined in the Village’s Comprehensive Plan.

Specifically, Section 15-131(b)(1) requires that commercial properties located adjacent to residential uses have a perimeter landscape buffer along the entire abutting property line, and such buffer shall be a **minimum** of 25 feet in width. Section 26-84(4)(e)4 requires a second **minimum** 25 foot buffer be installed on the residential property where it borders a nonresidential use. Reading these two sections together, Village Code intended for the burden of the 50 foot perimeter landscape buffer to address the incompatibility issue be shared between the commercial and residential property owners, with 25 feet to be installed on each side.

Waterway Plaza, however, was developed as a single commercial property, and was not originally designed to have residential uses. As a result, no 25 foot landscape buffer was ever installed along the borders of the proposed residential development. Therefore, the entirety of the 50 foot landscape buffer will need to be installed on the proposed residential property in order to meet the Village Comprehensive Plan and Village Code’s compatibility thresholds.

In addressing Policy H-1.1.4, the applicant says it only intends to install a 25 foot buffer along the south and east property lines of the existing commercial uses, in lieu of the 50 feet required. Additionally, the applicant has failed to identify how it will be satisfy the 50 foot buffer requirement along the entrance drive into the residential development since the entire entrance drive is bounded on the north and south sides by commercial uses. The roadway is existing, and is only fifty feet in width, meaning there is insufficient width to meet the buffering requirements.

The applicant has indicated that it intends to request a waiver to Section 15-131(b)(1) and a variance to Section 26-84(4)(e)4 in order to deal with the Village’s buffer requirements. However, Village Staff does not believe a waiver or variance to these requirements will meet the compatibility goals, objectives, and policies outlined in the Village’s Comprehensive Plan.

B. The Proposed Future Land Use Map Amendment Fails to Identify How It Does Not Negatively Impact the Existing Commercial Uses.

As stated above, Objective LU-1.10 of the Village's Comprehensive Plan requires that the Village ensure new development does not negatively impact existing uses. Similarly, Section 163.3164(9), F.S., provides that a use is not compatible if it "unduly negatively" impacts another use either directly or indirectly.

The applicant's proposed land use map amendment seeks to remove a portion of the entrance drive to the existing Waterway Plaza Shopping Center, change the land use of that portion from commercial to residential, and incorporate said portion into the proposed residential development. This proposal effectively cuts off Tracts C-1 and C-2 of the Waterway Plaza Plat No. 2 (P.B. 71, Page 82), from the remainder of the shopping center.

This proposal not only unduly negatively impacts Tract C-1 and C-2, but the other commercial tracts within the Waterway Plaza Shopping Center as well.

1. The Proposed Land Use Map Amendment May Place The Burden Of Providing the 50 Foot Perimeter Buffer On The Existing Commercial Properties Within The Waterway Plaza Shopping Center.

The existing commercial uses were constructed in reliance on the the shared-use entrance drive into the shopping center remaining a commercial land use, and the proposed residential project site remaining a commercial land use. If the proposed land use map amendment is approved, and the applicant fails to provide for the required 50 foot buffer along any of the residential perimeter boundary lines, and/or along the entrance drive boundary lines, then the burden of installing those buffers will fall to the commercial property owners, if and when they seek a site plan modification. Accommodating such buffers on the existing commercial sites may result in a loss of parking spaces, and/or the loss of developable land. In essence, approving the proposed land use map amendment, and the variances/waivers for buffering, will automatically make the existing commercial properties non-conforming with respect to the Village's buffering requirements.

For example, if the owner of Tract C-2 (currently a Dunkin Donuts) seeks to redevelop the site, but the required 50 foot buffer is not provided within the residential entrance drive, then the full 50 feet will be required to go on Tract C-2.

Village Staff cannot recommend approval of a land use change to residential when such change will impact existing commercial uses in this manner.

2. The Proposed Land Use Map Amendment Creates A Prohibited Off-Premises Shopping Center Sign.

There is an existing shopping center sign for the entire Waterway Plaza Shopping Center located on Tract C-2. This shopping center sign exists pursuant to a private easement between Jess R. Santamaria, and the owner of Tract C-2 (O.R.B. 7790, Page 439). Per the easement, the fourth and fifth spaces at the bottom of the sign are reserved for the businesses located on Tract C of Waterway Plaza.

If the proposed land use map amendment is approved, and the entrance drive bifurcates Tracts C-1 and C-2 from the remainder of the Waterway Plaza Shopping Center, then the shopping center sign located on Tract C-2 will become an off-premises sign with respect to the Waterway Plaza Shopping Center owners/tenants to the south of the entrance drive. It may also become an off-premises sign for the commercial owners/tenants on Tract C-1 to the north depending on how that site is developed. See Section 20-41(1) of the Village's Code of Ordinances (off-premise signs are prohibited). Variances cannot be sought for prohibited signs.

The applicant has wholly failed to address how the transformation of the currently permitted shopping center sign into a prohibited off-premises sign does not unduly negatively impact the existing commercial owners/tenants in Waterway Plaza that currently utilize that sign for business identification purposes.

Village Staff cannot recommend approval of a land use change to residential when such change will impact existing commercial uses in this way.

C. The Proposed Future Land Use Map Amendment Fails to Identify How It Will Provide For Pedestrian Safety And Connectivity To Waterway Plaza And To Royal Palm Beach Boulevard.

Policy T-1.1.3 of the Village's Comprehensive Plan requires that the Village review access points and driveways associated with development for safety and for compatibility with the existing and future roadway network. Additionally, Objective T-3.1 of the Village's Comprehensive Plan requires that the Village review all development applications for consistency with the transportation system to appropriately accommodate bicycle and pedestrian roadway design and facility requirement.

The existing entrance proposed to be incorporated into the residential development is fifty feet wide. There is insufficient room to accommodate the required drive-aisle width, sidewalks, bike lanes, curbing and gutters. See Sections 22-50(a)(6) (sidewalk requirements), and 22-51 (street construction specifications) of Village Code. The applicant has failed to address how it will be able to provide sidewalks and bike lanes within the existing entrance drive, and still meet all Village roadway design requirements.

This may create a safety concern for residents seeking to walk or ride their bikes to either the Waterway Plaza Shopping Center, or out to Royal Palm Beach Boulevard. This problem is exacerbated by the fact that commercial vehicular traffic is not going to be prohibited from continuing to use the existing entrance drive into the commercial shopping areas, thereby resulting in the encroachment of commercial traffic onto a local residential roadway, and encroachment of an incompatible use into a residential area.

For these reasons, Village Staff cannot recommend approval of a land use change to residential when the safety of future Village residents is not being adequately addressed.

D. Conclusion.

Staff is recommending denial of Application No. 19-120(LSCPA), and Ordinance No. 1003, given that the proposed future land use map amendment is incompatible with the adjacent commercial uses. The proposed amendment fails to identify how the residential use will be sufficiently buffered from the existing commercial uses; fails to identify how it will not negatively

impact the existing commercial uses; and fails to identify how it will protect the health, safety and welfare of pedestrians and bicyclists along the residential entrance drive.

VI. Disposition Options:

Approval of the application;

Denial of the application.

VII. Staff Recommendation:

Staff is recommending Denial of Application 19-120 (LSCPA) and Ordinance No. 1003.

VIII. Hearing History:

Planning and Zoning Commission:

The Local Planning Agency considered the application on June 23, 2020, and recommended Approval by a vote of 3-0.

Village Council (First Reading):

The Village Council considered Ordinance 1003 on first reading on June 18, 2020, and recommended Approval by a vote of 4-1.

**Attachment A
Legal Description
Lakeside Landing
19-120 (LSCPA)
Ordinance 1003**

LEGAL DESCRIPTIONS:

Below is Parcel 1's Legal Description

PARCEL 1:

A parcel of land being a portion of Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Begin at the Southeast corner of Tract "C-2", Waterway Plaza Plat No. 2, according to the plat thereof, as recorded in Plat Book 71, Page 82, said Public Records. Thence, North 88°23'14" West, along the boundary of said Tract "C-2", a distance of 21.89 feet; thence, South 46°36'46" West, continuing along said boundary for this and the next five courses, a distance of 35.36 feet; 2) South 01°36'46" West, a distance of 7.48 feet; 3) North 88°23'14" West, a distance of 204.10 feet; 4) South 89°17'57" West, a distance of 93.13 feet; 5) North 01°36'46" East, a distance of 47.87 feet to a point on the boundary of said Tract "C", of Waterway Plaza; thence along said boundary for the next ten (10) courses, 1) South 48°04'54" West, a distance of 4.44 feet; 2) South 83°04'55" West, a distance of 101.12 feet; 3) North 71°41'17" West, a distance of 104.40 feet; 4) North 19°48'01" West, a distance of 273.90 feet; 5) North 82°40'37" West, a distance of 100.50 feet; 6) South 85°54'09" West, a distance of 100.50 feet; 7) South 88°45'01" West, a distance of 100.12 feet; 8) South 65°02'52" West, a distance of 111.80 feet; 9) South 39°10'53" West, a distance of 147.33 feet; 10) South 01°33'56" West, a distance of 170.24 feet; thence, South 88°23'14" East, departing said boundary, a distance of 201.02 feet; thence, South 01°36'46" West, a distance of 306.04 feet to a corner on said boundary; thence, South 88°23'14" East, along said boundary, a distance of 485.92 feet; thence, North 01°36'46" East, continuing along said boundary for this and the remaining three courses, a distance of 285.00 feet; thence, South 88°23'14" East, a distance of 419.00 feet to the point of curvature of a curve concave South, having a radius of 48.00 feet; thence, Easterly, along said curve, through a central angle of 40°13'42", a distance of 33.70 feet to the end of said curve; thence, North 01°36'46" East, a distance of 95.84 feet to the point of beginning.

Below is Parcel 2's Legal Description

PARCEL 2:

A parcel of land lying in Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Tract "C", thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 223.60 feet for a point of beginning; Thence, continue North 01°33'56" East, along said West line of Tract "C", a distance of 434.61 feet; thence South 88°23'14" East, departing said West line, a distance of 200.65 feet to the intersection thereof with the East line of said Tract "C", thence, South 01°36'46" West, along said East line, a distance of 434.61 feet; thence, North 88°23'14" West, departing said East line, a distance of 200.29 feet to the point of beginning.

Less the following Tract:

Commencing at the Southwest corner of said Tract "C", thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 223.60 feet for a point of beginning. Thence, continue North 01°33'56" East, along said West line a distance of 15.74 feet; thence, North 88°10'42" East, departing said West line, a distance of 200.67 feet to the intersection thereof with the East line of said Tract "C"; thence, South 01°36'46" West, along said East line, a distance of 27.76 feet; thence, North 88°23'14" West, departing said East line, a distance of 200.29 feet to the point of beginning.

Below is Parcel 3's Legal Description

PARCEL 3:

A parcel of land lying in Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Tract "C"; thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 658.21 feet for a point of beginning; Thence, continue North 01°33'56" East, along said West line, a distance of 21.81 feet; thence, South 88°23'14" East, departing said West line, a distance of 200.67 feet to the intersection thereof with the East line of said Tract "C"; thence, South 01°36'46" West, along said East line, a distance of 21.81 feet; thence, North 88°23'14" West, departing said East line, a distance of 200.65 feet to the point of beginning.

Below is Parcel 4's Legal Description

PARCEL 4:

A parcel of land lying in Tract "C", Waterway Plaza, according to the plat thereof, as recorded in Plat Book 69, Page 88, Public Records, Palm Beach County, Florida; said parcel of land being more particularly described as follows:

Commencing at the Southwest corner of said Tract "C", thence, North 01°33'56" East, along the West line of said Tract "C", a distance of 680.02 feet for a point of beginning. Thence, continue North 01°33'56" East, along said West line, a distance of 434.20 feet; thence, South 88°23'14" East, departing said West line, a distance of 201.02 feet; thence, South 01°36'46" West, a distance of 306.04 feet to a boundary corner on the Easterly boundary of said plat; thence, continue South 01°36'46" West, along said Easterly boundary, a distance of 128.16 feet; thence, North 88°23'14" West, departing said Easterly boundary, a distance of 200.67 feet to the point of beginning.