Item:

FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, FEBRUARY 28, 2019

A. Application Summary

I. General

Project Name:	**Amicus Medical Center (SCA 2018-014)**
Request:	**MR-5 to CL-O/5**
Acres:	1.51 acres
Location:	East side of Hagen Ranch Road, .25 mile south of Boynton Beach Boulevard
Project Manager:	Inna Stafeychuk, Planner II
Applicant:	Amicus Realty Holdings, LLC - David R. Rodriguez
Owner:	Amicus Realty Holdings, LLC
Agent:	Arc Development Global, LLC
Staff Recommendation:	Staff recommends ***approval*** based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

The amendment is proposed to change the future land use designation on a 1.51 acre site from Medium Residential 5 units per acre (MR-5) to Commercial Low-Office with underlying 5 units per acre (CL-O/5) in order to develop office uses.

The subject site is the last vacant parcel contiguous to a large commercial node, south of the intersection of Boynton Beach Boulevard and Hagen Ranch Road. The amendment to office will foster the development of the site with a designation consistent with the adjacent office use to the north, and a cross access easement has been recorded to ensure connectivity between these parcels. The proposed amendment is compatible with adjacent residential and non-residential uses, and would represent an appropriate use of land on an infill parcel. The proposed amendment is suitable and appropriate on the subject site, meets public facilities requirements, and is consistent with amendment policies in the Comprehensive Plan.

III. Hearing History

Local Planning Agency: ***Approval***, motion by Lori Vinikoor, seconded by Neil Merin, passed in a 11-0 vote at the January 11, 2019 public hearing. One Board member expressed concern regarding the traffic impacts of the request. There was no public comment.

Board of County Commissioners Adoption Public Hearing:

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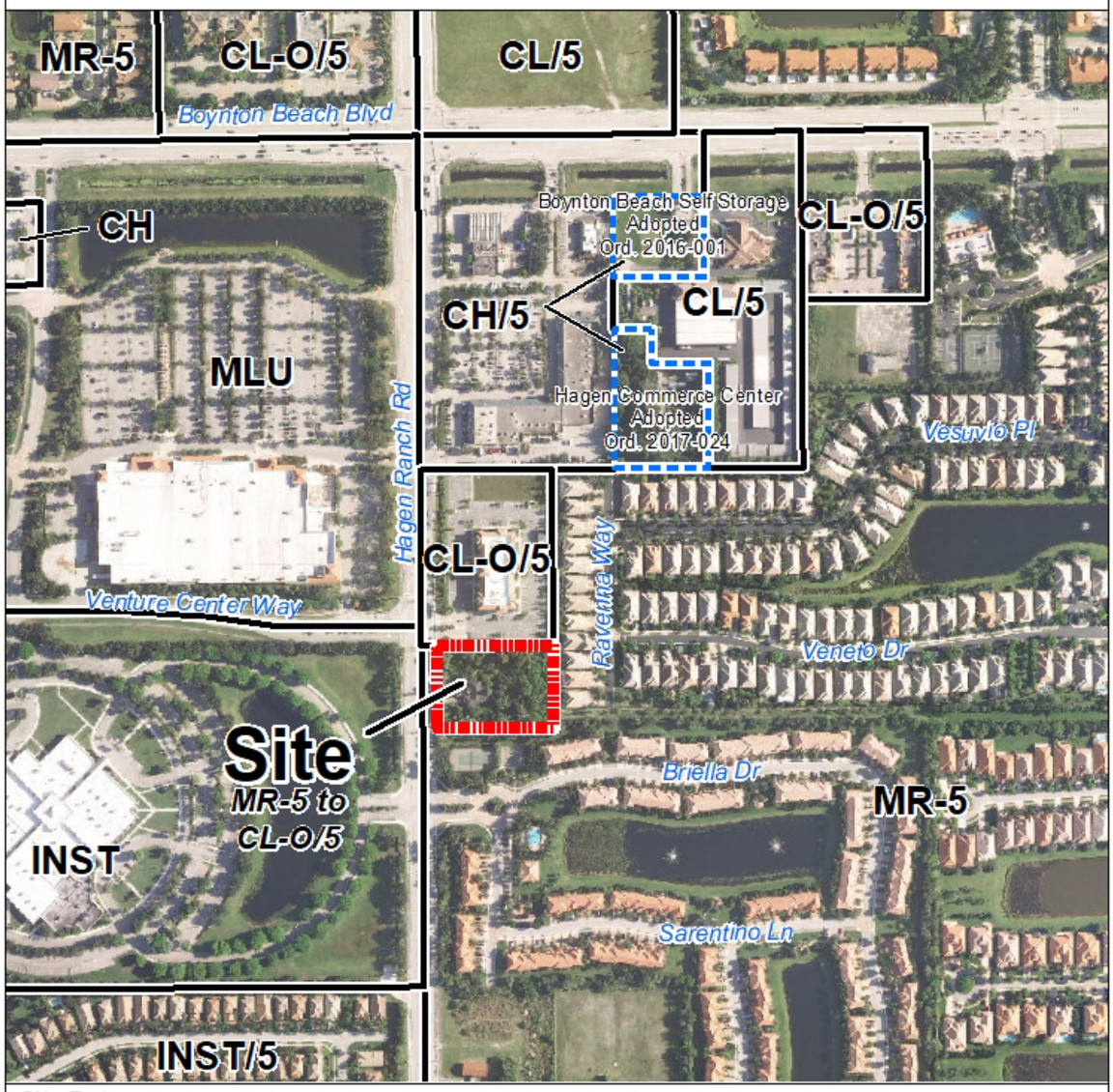
B. Petition Summary

I. Site Data

	Current Future Land Use
Current FLU:	Medium Residential, 5 units per acre (MR-5)
Existing Land Use:	Vacant
Current Zoning:	Agricultural Residential (AR)
Current Dev. Potential Max:	Residential, up to 7 dwelling units
	Proposed Future Land Use Change
Proposed FLU:	Commercial Low Office with an underlying 5 units per acre (CL-O/5)
Proposed Use:	Professional and Medical Office
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Medical office, up to 22,925 SF (0.35 FAR)
	General Area Information for Site
Tier/Tier Change:	Urban/Suburban Tier - No change
Utility Service:	Lake Worth Drainage District
Overlay/Study:	West Boynton Area Community Plan
Annexation Area:	Commissioner Mary Lou Berger, District 5
Comm. District:	Urban/Suburban Tier - No change

Future Land Use Atlas Amendment

Amicus Medical Center (SCA 2018-014)



Site Data

Size:	1.51 acres
Existing Use:	Vacant
Proposed Use:	Medical Office
Current FLU:	Medium Residential 5 units per acre
Proposed FLU:	Commercial Low - Office, underlying MR-5

Future Land Use Designations

MR-5	Medium Residential, 5 units per acre
CL-O/5	Commercial Low Office, underlying MR-5
CL/5	Commercial Low, underlying MR-5
CH	Commercial High
CH/5	Commercial High, underlying MR-5
MLU	Multiple Land Use
INST	Institutional and Public Facilities

Date: 9/20/2018
Contact: Planning
Filename: Planning\AMEND\18-SCA\Site\18-14
Note: Map is not official, for presentation purposes only.

SITE

0 100 200 400 Feet

Planning, Zoning & Building
2300 N. Jog Rd, WPB, FL 33411
Phone (561) 233-5300

C. Introduction

I. Intent of the Amendment

This privately proposed amendment for a 1.51 acre site to change the future land use designation from Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office, with an underlying 5 units per acre (CL-O/5) to facilitate the development of office uses. The amendment will change the development potential on the site from 7 residential dwelling units to up to 22,925 square feet (.35 floor area ratio) of office uses.

The site is located in Urban/Suburban Tier within Coalition of Boynton West Residential Associations (COBWRA) boundary and the West Boynton Area Community Plan (WBACP), specifically on the east side of Hagen Ranch Road, .25 mile south of Boynton Beach Boulevard. To the north, the site is contiguous to a large commercial node at the intersection of Boynton Beach Boulevard and Hagen Ranch Road. The property is developed with a single family home and previously was utilized as a nursery. The site has not been the subject of a prior future land use amendment.

The site has a concurrent zoning application in process that will be presented to the Board for adoption at the same public hearing as this small scale amendment. Application number ZV/PDD-2018-00138, Amicus Medical Center, Control Number 2015-00055, is requesting rezoning from Agricultural Residential (AR) Zoning District to Multiple Use Planned Development District (MUPD) Zoning District for the development of 15,536 sf of Professional and Medical Office, and multiple variance requests.

II. Data and Analysis Summary

This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans. The substantive factors from Exhibit 2 are summarized below.

Appropriateness of the Amendment. The subject site is the last undeveloped parcel in the vicinity of the large commercial node at the intersection of Boynton Beach Blvd and Hagen Ranch Rd. The proposed office designation is consistent with office designation to the north, and the recorded cross access easement with this property access will ensure that connectivity is achieved. The site meets the Comprehensive Plan requirements for the office designation.

> **Compatibility:** The request is compatible with the adjacent uses. The site is isolated and buffered from the adjacent residential developments to the east (Mizner Falls) and to the south (Briella) which is further separated by a recreation area.

Assessment and Recommendation

The amendment is proposed to change the future land use designation on a 1.51-acre site from Medium Residential 5 units per acre (MR-5) to Commercial Low-Office with underlying 5 units per acre (CL-O/5) in order to develop office uses.

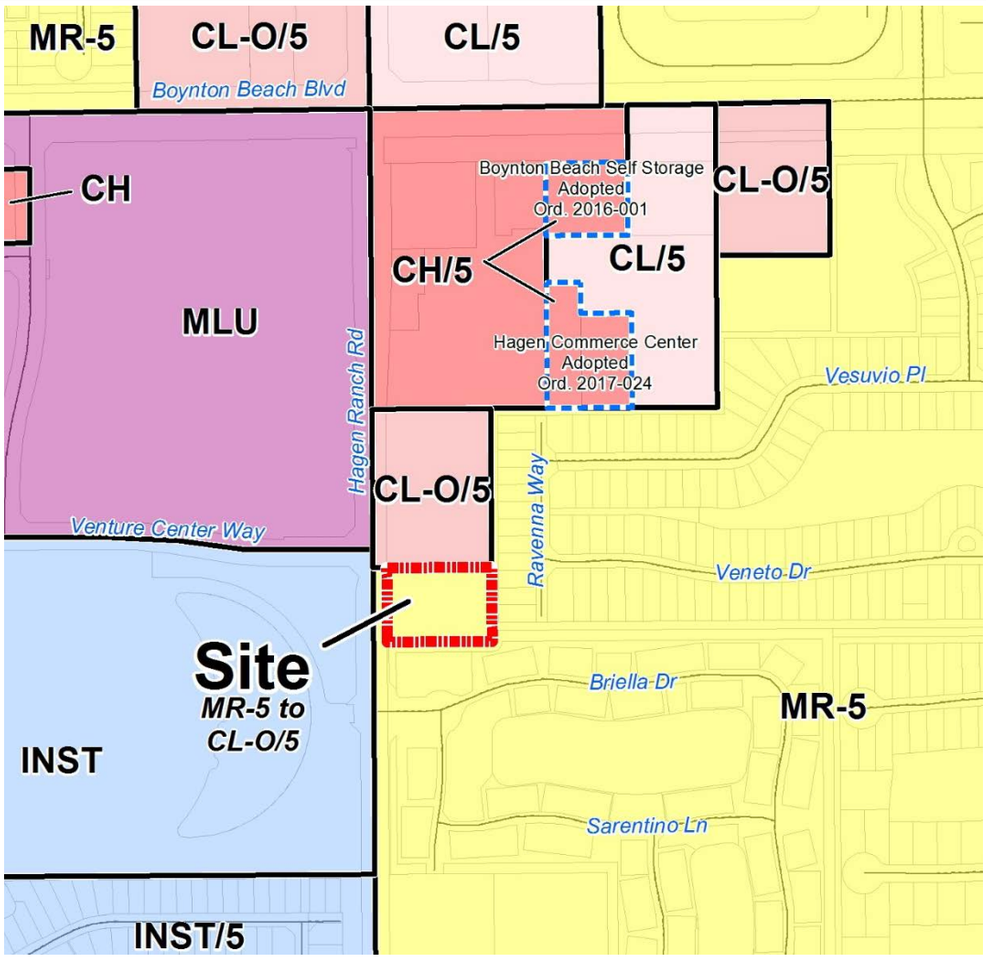
The subject site is the last vacant parcel contiguous to a large commercial node at the intersection of Boynton Beach Boulevard and Hagen Ranch Road. The amendment to office will foster the development of the site with a designation consistent with the adjacent office use to the north, and a cross access easement has been recorded to ensure connectivity between these parcels. The proposed amendment is compatible with adjacent residential and non-residential uses, and would represent an appropriate use of land on an infill parcel. The proposed amendment is suitable and appropriate on the subject site, meets public facilities requirements, and is consistent with amendment policies in the Comprehensive Plan.

Staff recommends ***approval*** based upon the findings within this report.

Exhibits		Page
1.	Future Land Use Map & Legal Description	E-1
2.	Consistency with Comprehensive Plan	E-3
3.	Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-11
4.	Applicant's Public Facility Impacts Table	E-17
5.	Applicant's Traffic Study *(available to the LPA/BCC upon request)*	E-19
6.	Palm Beach County Traffic Division Letter	E-20
7.	Water & Wastewater Provider LOS Letter	E-22
8.	Applicant's Disclosure of Ownership Interests	E-23
9.	Correspondence	E-31

Exhibit 1

Amendment No:	**Amicus Medical Center (SCA 2018-014)**
FLUA Page No:	89
Future Land Use:	From Medium Residential, 5 units per acre (MR-5) to Commercial Low Office with an underlying 5 units per acre (CL-O/5)
Location:	On the east side of Hagen Ranch Rd, .25 mile south of Boynton Beach Blvd
Size:	1.51 acres approximately
PCN:	00-42-43-27-05-055-0252
Conditions: None	



Legal Description

The South 200 feet of Tract 25, less the 25 feet thereof, Block 55, PALM BEACH FARMS CO. PLAT NO.3, according to the Plat thereof, recorded in Plat Book 2, Pages 45 through 54, inclusive of the Public Records of Palm Beach County, Florida and the North 15 feet of abandoned road right of way lying south of adjacent to Block 55.

Said lands lying in Palm Beach County, Florida and containing 65,503 square feet (1.5037 acres) more or less.

Exhibit 2

Consistency with Comprehensive Plan

This Exhibit examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. Justification: FLUE Policy 2.1-f: *Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources;* (see Public Facilities Section)
2. *The availability of facilities and services;* (see Public Facilities Section)
3. *The adjacent and surrounding development;* (see Compatibility Section)
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.;*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and* (see Neighborhood Plans and Overlays Section)
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.* (see Public and Municipal Review Section)

The Applicant has prepared a Justification Statement (Exhibit 3). Main points of the applicant's justification are as follows:

- Since the adoption of the Comprehensive Plan in 1989 the surrounding area has been changed, including the 3.22 acre site immediately to the north (Hagen Ranch Medical Plaza) that was amended to CLO/5 in 2006.
- The proposed amendment promotes interconnectivity with the office property immediately to the north.
- The proposed office designation is consistent with the adopted amendments on properties in the area.

Staff Analysis: This policy is the umbrella policy over the entire amendment analysis and many of the items are addressed elsewhere in this report.

With regards to the justification, the applicant states that the change on the site from a development potential of up to 7 residential units not including any density bonus units to commercial office is appropriate considering the other amendments that have been adopted by the County at this intersection since the adoption of the 1989 Comprehensive Plan. The intersection of Boynton Beach Boulevard and Hagen Ranch Road has been the subject of several commercial future land use amendments that have established this intersection as a large commercial node. Beginning in 1996, the County adopted amendments from residential to commercial on all four corners of the intersection. In addition, the County adopted an amendment from residential to institutional for a 39.6-acre property across the Hagen Ranch Road for a hospital use. Immediately north of the site, the County adopted an amendment to commercial office in 2006. In addition, residential developments to the east (Mizner Falls) and south (Briella) have developed in a manner that have isolated the subject site. Any residential development of the site would require direct access to Hagen Ranch Road. However, office development on the site is proposed to be limited to cross access with the office property immediately to the north. The proposed site plan has no direct access to the Hagen Ranch Road. The amendment would represent an appropriate use of land on an infill parcel as it is surrounded by the established uses and would use existing public services. Additionally, expansion of the office uses is a suitable and appropriate change in use considering the unique characteristics of the site. Therefore, the requirement of adequate justification has been met.

2. County Directions – FLUE Policy 2.1-g: *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area*

that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.

Staff Analysis: Several County Directions are relevant to the proposed amendment:

> **Direction 1. Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*
>
> **Direction 2. Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*
>
> **Direction 4. Land Use Compatibility.** *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*
>
> ***Staff Analysis:*** The proposed amendment would contribute towards livable, sustainable communities, by allowing low intensity office uses consistent with the character and development pattern of this particular area. The development of a medical office will serve local needs and provide for additional employment opportunities. The proposed amendment is also consistent with Direction 4 Land Use Compatibility as discussed in the Compatibility section of this report. In this respect, the proposed amendment furthers the Livable Communities and Growth Management Directions and would not detract from any of the County Directions.

3. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

Staff Analysis: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

4. **Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines residual parcel as *"a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties."* As there are no other properties under related ownership, the proposed amendment would not result in a residual parcel. Therefore, the proposed amendment is consistent with this policy.

5. **Strip Commercial – FLUE Policy 2.2.2-d:***The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.*

Staff Analysis: The proposed amendment does not exhibit the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan, and would not result in or encourage the proliferation of strip commercial development. The proposed site is contiguous to the existing commercial node. The access is provided by a cross access easement to the site to the north and will have no direct access to Hagen Ranch Road. Therefore, the proposed amendment is consistent with this policy.

6. Cross access connectivity – FLUE Policy Policy 4.3-g: *Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).*

Policy 4.3-k: *The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.*

Staff analysis: The proposed amendment is consistent with these two policies as the "Declaration of Cross Access Agreement" was recorded (ORB:22891; PG: 0676) to ensure that subject site has vehicular access from Hagen Ranch Road through the office site to the north which will promote the establishment of pedestrian linkages and the strengthening of the relationship among buildings and their relationship to the street to increase pedestrian and transit accessibility.

B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that **"**Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers….."

1. Policy 1.2-a: *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*

1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
2. *Providing for affordable housing and employment opportunities;*
3. *Providing for open space and recreational opportunities;*
4. *Protecting historic, and cultural resources;*
5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: The amendment site is located along Hagen Ranch Road in an area with a variety of residential and non-residential future land use designations. The proposed commercial office designation is consistent with land uses allowed to be located within the Urban/Suburban Tier and would serve as a transitional use from Hagen Ranch Road and Hospital use to the residential to the east. The amendment would allow for additional office uses consistent with the needs of urban and suburban development and would provide employment opportunities. Therefore, this amendment is consistent with this policy.

2. Policy 2.2.2-a: *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovative mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:*

- *Intersection Location:*
  - *Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
- *Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or*

- *Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.

Staff Analysis: The subject site meets the location requirements for commercial office development since commercial is allowed on arterial and collector roadways. Hagen Ranch Road is urban collector roadway. Therefore, the proposed amendment is consistent with this policy.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use.

FLUE Policy 2.1-f states that "*the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity."* And **FLUE Policy 2.2.1-b** states that *"Areas designated for residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan."*

Surrounding Land Uses: Immediately abutting the site are the following:

North: To the north is the Hagen Ranch Road Office. In 2005, this site was subject to an amendment for to change the future land use designation from Medium Residential 5 units per acre (MR-5) to Commercial Low Office with an underlying 5 units per acre (CL-O/5) (Ordinance 2006-001). Further north is Hagen Ranch Commerce Center. The 7.48-acre site has a future land use designation of Commercial High with an underlying 5 units per acre (CH/5). The site is fully developed with retail, restaurants, service uses, a gas station, and fast food with drive-thru. On the southwest corner of Boynton Beach Blvd. and Hagen Ranch Road is the New Albany MLU which was approved in 2003 via Ord. 2003-039. The 61.04 acre site includes Commercial High (CH), Commercial High Office (CH-O), Industrial (IND), Medium Residential 5 units per acre (MR-5), and Conservation (CON) future land use designations.

East: To the east is the residential neighborhood known as Mizner Falls. This residential neighborhood has a future land use designation of Medium Residential 5 units per acre (MR-5) and has been developed with zero lot line homes.

West: To the west is Bethesda Hospital across the Hagen Ranch Road. The 39.6-acre site has Institutional future land use designation of Commercial High with an underlying 5 units per acre (CH/5). The site is developed with hospital use and medical offices.

South: To the south is the residential neighborhood known as Briella. This residential neighborhood has a future land use designation of MR-5 developed with townhomes.

Applicant's Comments: The applicant's justification statement indicates *"The Commercial Low Office designation is an appropriate future land use designation for the subject site and has no negative impact the balance of FLU designations in the surrounding Urban/Suburban tier."*

Staff Analysis: The subject site is contiguous to a large commercial node at the intersection of Boynton Beach Boulevard and Hagen Ranch Road to the north, institutional use (Bethesda Memorial Hospital) to the west across the Hagen Ranch Road, and adjacent on south and east sides to the Briella and Mizner Falls communities. The proposed future land use is compatible with existing developments in the immediate vicinity given that there are long established commercial and institutional future land use designations to the north and west. Immediate to the south is a recreation area of the Briella residential community that provides for sufficient separation from the residential homes. The amendment site would provide transition from Hagen Ranch Road and hospital use to the Mizner Falls development located to the east. Additionally, separation from the proposed medical office building is approximately the same as building constructed to the north. The proposed amendment is compatible with surrounding properties.

E. Consistency with County Overlays, Plans, and Studies

Neighborhood Plans and Studies – FLUE Policy 4.1-c states *"The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval……"*

Staff Analysis: The site is located within Coalition of Boynton West Residential Associations (COBWRA) boundary and the West Boynton Area Community Plan (WBACP). The WBACP was created in 1995 and was prepared in partnership with Palm Beach County and COBWRA in response to rapid growth and serves as a guide for new development. The WBACP is available at the following link:

http://discover.pbcgov.org/pzb/planning/Pages/Publications.aspx
The relevant recommendations of the WBACP for this amendment are:

Recommendation 2: Prevent any additional future land use designation approvals that result in strip commercial development along major and minor arterials. This includes all commercial and office future land use categories that do not contribute to established or designated commercial nodes, as outlined within this plan. Exceptions involve commercial office future land use designations that "round out" a commercial node while not exceeding the proposed commercial management criteria outlined within this plan.

> **Staff Analysis:** As discussed in the previous section related to FLUE Policy 2.2.2-d, this amendment will not encourage strip commercial development.

Recommendation 21: Create a 'proper balance' of land uses within the plan area that encourage continued residential, commercial and employment based development, managed within a framework where excesses in each category are avoided. ('Proper balance' means that commercial uses would be primarily confined to aggregated nodes at intersections, that non-residential uses would avoid strip development patterns along major and minor arterials, and the ratio of non-residential uses would correspond to the overall residential population so as to achieve a desirable (not over-built) market for goods, services and jobs.)

> **Staff Analysis:** The proposed amendment would change the existing future land use from MR-5 to CL-O/5 resulting in a commercial development maximum of up to 22,925 square feet. This amendment will add the commercial future land use designation at the aggregated commercial node of Boynton Beach Blvd and Hagen Ranch Road. Therefore, the amendment will not change the balance of future land uses within the area.

F. Public Facilities and Services Impacts

The proposed amendment will change the FLU designation from MR-5 to CL-O/5. For the purposes of the public facilities impact analysis, the maximum intensity is based on 22,925 square feet. Public facilities impacts are detailed in the table in Exhibit 4.

1. Facilities and Services – FLUE Policy 2.1-a: *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

Staff Analysis: The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue.

2. **Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*

1) results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d):…….

Staff Analysis: The Traffic Division reviewed this amendment at a maximum of 22,925 square feet of medical office. According to the County's Traffic Engineering Department (see letter dated September 11, 2018 in Exhibit 6) the amendment would result in an increase of 675 net daily trips and 49 (39/10) AM and 69 (20/49) PM net peak hour trips.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined that the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the proposed potential use."*

The Traffic Study (see Exhibit 5) was prepared by Anna Lai of Simmons and White. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx

3. **Zoning implications:** Various Type II variances are requested thru ZV/PDD-2018-00138 zoning application.

II. Public and Municipal Review

The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *"Palm Beach County will continue to ensure coordination between the County's Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities….."*

A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on December 21, 2018. To date, no comments have been received.

B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on December 21, 2018. In addition, on December 21, 2018, three HOAs, and the Coalition of Boynton West Residential Associations (COWBRA) were notified by mail. To date, no letters or emails were received. Any additional letters received will be added to Exhibit 9 during the course of the amendment process.

C. **Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on January 3, 2019. No members of the public was in attendance.

Exhibit 3

Applicant's Justification Statement, Consistency, and Compatibility

Project Name: Amicus Medical

Request:
On behalf of the applicant (Amicus Realty Holdings, LLC.) we are requesting a Small Scale Comprehensive Plan Amendment for the 1.51-acre property located at the Southeast corner of Hagen Ranch Road, at the east terminus of Venture Center Way within Unincorporated Palm Beach County. The subject property is further legally described in the Palm Beach County Property Appraiser's records under property control number: 00-42-43-27-05-055-0252.

The 1.51-acre parcel of land has a Zoning designation of Agricultural Residential (AR), with a Future Land Use of Medium Residential – 5 (Max 5 units per acre). The property was previously a Wholesale Nursery, currently has one single-family dwelling to be demolished. The applicant is requesting to modify the Future Land Use designation of the subject property on the Palm Beach County Future Land Use Atlas Map. Approval of this request would change the future land use designation from MR-5 to Commercial Low - Office (CLO). The CLO FLU designation is consistent with the proposed concurrent Rezoning request to rezoning the property from Agricultural Residential (AR) to Multiple Use Planned Development (MUPD) Zoning designation. The property owner is proposing a Professional Medical Office Use on site. In accordance with Art.4 of the Unified Land Development Code (ULDC), Professional Medical Office is a ***"Permitted Use"*** in the MUPD Zoning designation.

The property owner is requesting a Small-Scale Future Land Use Amendment from MR-5 to CLO. The proposed Use of Professional Medical Office is consistent with the Comprehensive Plan. In accordance with the Comprehensive Plan, the CLO Future Land Use is described as,
"The CL-O category shall include a limited range of neighborhood-oriented office and accessory uses intended to provide services to adjacent residential areas."

Justification Statement

Consistency & Compatibility with the Comprehensive Plan Element 2.1-f:
Proposed FLUA Amendments must be found to be consistent with the Goals, Objectives and Policies of the Comprehensive Plan. FLU Element 2.1 requires an applicant to provide adequate justification for the proposed FLU Amendment, and states that Palm Beach County shall designate on the FLUA sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth.

In accordance with Comprehensive Plan Element 2.1-f, a justification statement must be provided which illustrates the FLU Amendment is warranted, and must demonstrate the following two factors to be considered adequate:

1. The proposed Use is a suitable and appropriate for the subject site:
   Response: The proposed change in the Future Land Use designation from MR-5 to CLO is appropriate for the subject site. Proposed FLU Amendment is a result of the current property owner's request to abandon current approved Wholesale Nursery (Jasmine Wholesale Nursery; Zoning Control# 2000-030) and receive Zoning site plan approval to development the site as a Professional Medical Office use. Current Unified Land Development Code (ULDC) regulations prohibit Professional Medical Office within the Agricultural Residential (AR) Zoning District. Therefore, the property must be rezoned to a Zoning Designation which allows Professional Medical Office. As a result, the current FLU must be amended to be consistent with the Zoning designation. The adjacent property to the North has a FLU designation of CLO/5, it is Zoned MUPD and is a Professional Medical Office Use. The approval of the property owner's request to amend the FLU from MR-5 to CLO on the subject property is necessary to accommodate the proposed Professional Medical Office use, and is consistent with existing FLU designation of the adjacent property to the north.

2. There is a basis for the proposed FLU change for the particular subject site based upon one of the following:
   - Changes in FLU Designations on adjacent properties or properties in the immediate area and associated impacts on the subject site.
     Response: The 3.2 acre parcel of land immediately to the north of the subject site previously received a FLU Designation of CLO to allow the development of a

Medical Office Use (Hagen Ranch Medical; Zoning Control# 2005-237). The subject site is the only parcel of land between Boynton Beach Blvd. to south east of Venture Center Way which does not have a FLU that is Commercial or Institutional in nature.

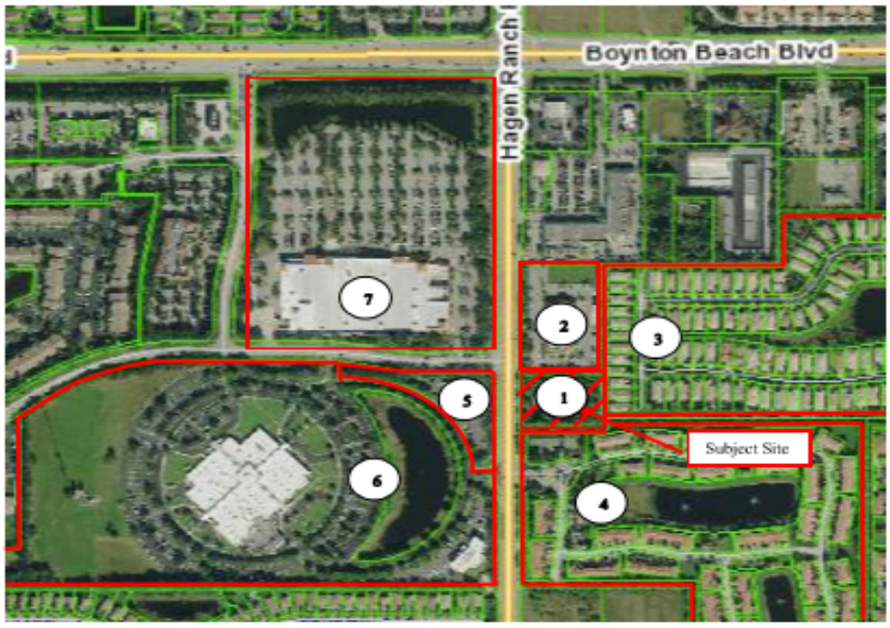
- Changes in access or characteristics of the general area and associated impacts on the subject site.
  Response: As a result of the approval and development of the 3.2 acre Professional Medical Office project immediately to the North of the subject site (Hagen Ranch Medical Office; Control#2005-237). A "Declaration of Cross Access Agreement" (Reference ORB:22891; PG: 0676) was required to ensure the existing Wholesale Nursery (Jasmine Wholesale Nursery) and any future development would have vehicular access from Hagen Ranch Road. The proposed FLUA promotes interconnectivity with the property immediately to the North, with a vehicular Cross-Access Easement which connects the south property line of the Hagen Ranch Medical Office parcel with the subject properties north property line which will also be a Professional Medical Office Use. The change in FLU, Zoning Designation, and Use of the property to the North to allow Professional Medical Office Use, changed the characteristics of the surrounding area by allowing the development of the only Professional Medical Office use on the east side of Hagen Ranch Road. The FLU Designation of the 39.58 acre parcel of land (Bethesda Health Care MUPD; Zoning Control#1993-035) on the west side of Hagen Ranch Road has a FLU of INST, with a Zoning Designation of MUPD and also consists of various Professional Medial Office Uses.

- New information or change in circumstances which affect the subject site.
  Response: In 2006 the 3.22 acre site immediately to the north (Hagen Ranch Medical Plaza) received Zoning Site Plan approval for a 35,544 Medical Plaza, The Future Land Use Designation was changed to CLO/5 with a Zoning Designation of MUPD (Reference Zoning Control# 2005-237).

- Inappropriateness of the adopted FLU designation.
  Response: Not applicable – The current FLU designation is consistent with the current Zoning designation

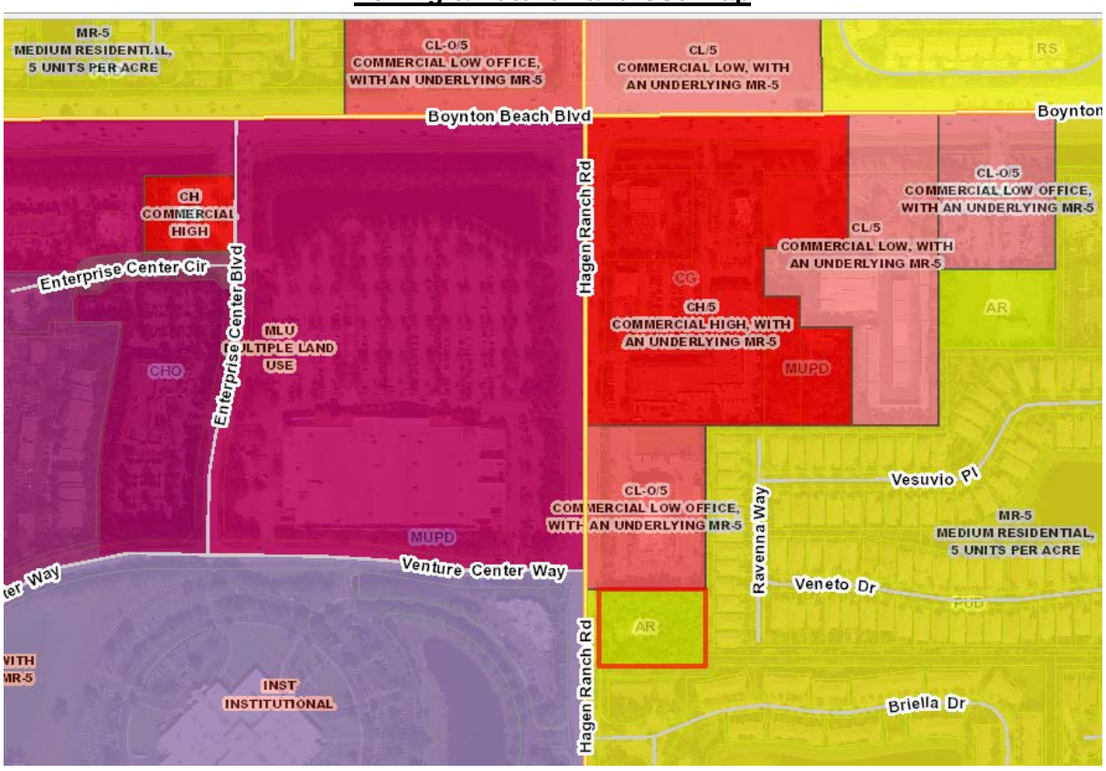
- Whether the adopted FLU designation was assigned in error.
  Response: Not applicable – Current FLU designation was not assigned in error.

Surrounding Uses & Designation Map



	Zoning	FLUM	Use
1	AR	MR-5	Vacant (Previous Wholesale Nursery)
2	MUPD	CLO/5	Medical Office (Hagen Rach Medical)
3	PUD	MR-5	Residential PUD (Mizner Falls PUD)
4	PUD	MR-5	Residential PUD (Briella PUD)
5	MUPD	INST	Medical Office (Bethesda Health Care)
6	MUPD	INST	Medical Office (Bethesda Health Care)
7	MUPD	MLU	Retail (Target)

Zoning & Future Land Use Map



The Commercial Low Office CLO is an appropriate FLU designation for the subject site and has no negative impact the balance of FLU designations in the surrounding Urban/Suburban tier. Approval of the FLUA would allow for the development of a Professional Medical Office Use consistent with the existing developments to the immediate North and West of the subject site. In addition, verification of adequate Public Facilities and services has been received (Reference Attachments: H, I, J and K).

Policy 2.1-a: Future Land Use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.

Response:

The subject property is adjacent to and able to connect to all of the necessary public facilities and services including, but not limited to, the roadway network, water/wastewater and drainage facilities, Mass Transit, Fire Rescue, etc. (Refer to Attachments H through N).

Policy 2.1-f: Impacts of the proposed FLUA is as follows:

Response (Natural environment, including topography, soils and other natural resources):

Environmental Assessment prepared by EW Consultants Inc. found in Attachment L, "there are ***no*** significant environmental resources or habitat existing on the property." Furthermore, the assessment states that, "no significant impacts to natural resources are anticipated to result from this land use amendment." Refer to Attachment L for the Environmental Assessment.

Response (Availability of Public Facilities and Services):

Traffic:

Refer to Attachment H for the Comprehensive Plan Amendment Traffic Analysis prepared by Simmons and White and corresponding Traffic Approval from PBC Traffic Division.

Mass Transit:

Palm Tran Rout 73 traverse Boynton Beach Blvd from State Road 7 to Federal Highway.

Potable Water and Wastewater:

Refer to Attachment I for the Level of Service letter from Palm Beach County Water Utilities, which provides proof of existing capacity for the proposed development.

Drainage:

Please see Application Attachment J for Drainage Statement prepared by Simmons and White.

Fire Rescue:

Please see Application Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #47, the station is located approximately .75 miles from the subject property and that the estimated response time to the subject property is approximately 4 minutes.

School: Not Applicable to this FLUA Application.

Adjacent and Surrounding Development:

Refer to the Surrounding Uses and Designation Map above.

Future Land Use Balance:

The proposed FLUA from MR-5 to CLO is in compliance with all the provisions and intents of the Comprehensive Plan. As illustrated herein, all existing Future Land Use and Zoning Designations along Hagen Ranch extending West and North from the subject site are consistent in nature and character with the proposed CLO Future Land Use Designation.

Policy 2.2.2-a:

In accordance with Comprehensive Plan Policy2.2.2 "Commercial" the proposed FLUA must discourage strip commercial development and foster interconnectivity in the Urban Service Area.

Response: The proposed FLUA is a contiguous to a series of lots starting from the intersection of Boynton Beach Blvd. extending south to the terminus of Hagen Ranch Road and Venture Center Way, which currently have Commercial Future Land Use designations. In addition, the proposed FLUA promotes interconnectivity with the property immediately to the North (Hagen Ranch Medical Office). Hagen Ranch Medical Office was approved May 24, 2006 (Zoning Petition: 2005-237) with a future vehicular connection which connects the south property line of the Hagen Ranch Medical Office parcel with the subject parcel's north property line. This vehicular cross-access was further legally established with a Cross-Access Easement Agreement recorded with the Palm Beach County Clerk's Office (Refer to ORB: 22891 PG:0676).

Policy 2.2.2-b:

All new Commercial High future land use designations shall be located on a roadway classified as an arterial on Figure TE 3.1 – Functional Classification of Roads.

Response:

The subject site will have a FLU of CLO. This Section of the Comprehensive Plan is not applicable.

Policy 2.2.2-c: (Relocated to Policy 4.4.4-d in Round 17-A)

Lifestyle Commercial Center (LCC) Lifestyle Commercial Center is a type of Traditional Marketplace Development (TMD) that allows an individual tenant to occupy up to 100,000 sq. feet. The LCC is only allowed in the in the Urban Suburban Tier and only on the sites assigned a

commercial future land use designation and condition of approval requiring the use of the LCC by Ordinance 2008-048 and 2009-028.

Response:

The subject site will be development as a stand-alone Professional Medical Office Use. This Section of the Comprehensive Plan does not apply.

Policy 2.2.2-d:

The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.

Response:

The subject site is located between a Professional Medical Office Use to the North (Hagen Ranch Medical Office) and a Residential PUD to the South (Briella PUD) along Hagen Ranch Road (Refer to the Zoning & Future land Use Map above). The proposed development is a stand-alone Professional Medical Office Use. The approval of the FLUA and the subsequent development of the proposed Medical Office Use eliminates the possibility of strip commercial development.

Compliance with the Florida Statutes:

Florida Statute, Section 163.3177, provides indicators which pertain to findings that would indicate a plan or plan amendment does not discourage the proliferation of urban sprawl. The subject FLUA and subsequent development is within the urban service boundary and is the last developable site in the vicinity; and the proposed Professional Medical Office Use is another Commercial Low development on road where all uses are commercial in nature. Other factors outlined in the above referenced Florida Statues include but are not limited to, Character of undeveloped land and Availability of Public Facilities. The proposed Professional Medical Office Use is consistent with the other existing Medical Office Uses in the immediate vicinity. The Use will be smaller in scale than the other Medical Uses; however, the Character of the proposed development is the same. The subject site is located in an area where are needed public facilities required to support the FLU Amendment and the proposed Medical Office Use are available (Reference Attachments: H, I, J and K).

The subject site is approved as wholesale nursery use on a portion of Hagen Ranch Road which is solely consists of Professional Medical Office and Commercial Retail uses.

Conclusion

The information provided in this statement demonstrates compliance with the Palm Beach County Comprehensive plan, Florida's State Statutes, and compatibility with all surrounding uses. On behalf of the applicant we respectfully request County staff's review and recommendation of approval of this FLU Amendment application request.

Exhibit 4

Applicant's Public Facility Impacts Table

VIII. Public Facilities Information

A. Traffic Information			
	Current FLU	**Maximum**	**Conditioned or Concurrent**
Max Trip Generation	70 trips per day	992 trips per day	N/A
Trip Increase Max.	922 trips per day		
Trip Inc. Conditioned or Concurrent	N/A		
Significantly impacted roadway segments that fail Long Range	None	None	N/A
Significantly impacted roadway segments for Test 2	None	None	N/A
Traffic Consultant	Kyle Duncan – Simmons & White, Inc.		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Palm Tram Route 73 traverse Boynton Beach Boulevard from State Road 7 to Federal Highway		
Nearest Palm Tran Stop	Bethesda West Hospital		
Nearest Tri Rail Connection	Boynton Beach Tri-Rail		
C. Portable Water & Wastewater Information			
Potable Water & Wastewater Providers	Palm Beach County Water Utilities will be the utility service providers		
Nearest Water & Wastewater Facility, type/size	There is an 8" water main stubbed out along the north property line and an 8" gravity sewer main along the south side of the subject parcel.		
D. Drainage Information			
The drainage providers will be South Florida Water Management District and Lake Worth Drainage District. Legal Positive Outfall for the subject parcel is available via discharge to the Hagen Ranch Road drainage system with ultimate outfall to the E-2-East Canal. Drainage Statement as Application Attachment J.			
E. Fire Rescue			
Nearest Station	Fire Station #47. Located at 7950 Enterprise Center Circle, Boynton Beach FL 33437.		
Distance to Site	.75 Miles		
Response Time	Estimated time 4 min., Average Response time: 6 min 55 sec		
Effect on Resp. Time	The estimated response time to the subject site is 2 min 55 sec. faster than the average response time for Fires Station#47. Therefore, the development of the subject site has no negative impacts on the response time. See Application Attachment: K.		
F. Environmental			

Significant habitats or species	The site consists mostly of the native plants that were installed. The site does consist of potted plants which is consistent with the current Zoning approved wholesale Nursery Use. The scattered remaining native trees will be evaluated for preservation, relocation, or mitigation. See Application Attachment L.
Flood Zone*	The subject parcel is located in Flood Zone AH as shown on FEMA Flood Rate Insurance Panel 185 of 245 (Palm Beach County)
Wellfield Zone*	The subject parcel is not located within a Wellfield Protection Zone

G. Historic Resources

The County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified **no** historic or architecturally significant resources on or within 500 feet of the above referenced property.
See Application Attachment: N

Exhibit 5
Traffic Study

Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx

Exhibit 6
Palm Beach County Traffic Division Letter

Department of Engineering and Public Works
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

Palm Beach County Board of County Commissioners
Melissa McKinlay, Mayor
Mack Bernard, Vice Mayor
Hal R. Valeche
Paulette Burdick
Dave Kerner
Steven L. Abrams
Mary Lou Berger

County Administrator
Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

printed on sustainable and recycled paper

September 11, 2018

Anna Lai, P.E.
Simmons & White, Inc.
2581 Metrocentre Boulevard, Suite 3
West Palm Beach, FL 33407

RE: Amicus Medical Office
FLUA Amendment Policy 3.5-d Review
Round 2018-C

Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised September 6, 2018, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	SEC of Venture Center Way and Hagen Ranch Road	
PCN:	00-42-43-27-05-055-0252	
Acres:	1.5037 acres	
	Current FLU	**Proposed FLU**
FLU:	Medium Residential, 5 dwelling units per acre (MR-5)	Commercial Low Office (CL-O)
Zoning:	Agricultural Residential (AR)	Multiple Used Planned Development (MUPD)
Density/ Intensity:	5 du/ acres	0.35 FAR
Maximum Potential:	Single Family Detached Total: 7 dwelling units	Medical Office Total: 22,925 SF
Proposed Potential:	N/A	N/A
Net Daily Trips:	675 (maximum-current)	
Net PH Trips:	49 (39/10) AM, 69 (20/49) PM (maximum)	

** **Maximum** indicates typical FAR and maximum trip generator. **Proposed** indicates the specific uses and intensities/densities in the zoning application.*

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meets** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential intensity shown above.

If you have any questions regarding this determination, please contact me at 561-684-4030 or email QBari@pbcgov.org.

Sincerely,

Quazi Bari, P.E.
Senior Professional Engineer
Traffic Division

QB:HA/dd
ec: Hanane Akif, E.I., Project Coordinator II, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
F:\TRAFFIC\Development Review\Comp Plan\18-C\Amicus Medical Office (2).docx

Exhibit 7
Water & Wastewater Provider LOS Letter

Water Utilities Department
Engineering
8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com

Palm Beach County
Board of County
Commissioners

Paulette Burdick, Mayor
Melissa McKinlay, Vice Mayor
Hal R. Valeche
Dave Kerner
Steven L. Abrams
Mary Lou Berger
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

printed on recycled paper

October 31, 2017

Arc Development Global, LLC

Attn: Aaron M. Taylor

RE: 10234 Hagen Ranch Road
Service Availability Letter

Dear Mr. Taylor,

This is to confirm that Palm Beach County Water Utilities Department (PBCWUD) is the potable water, wastewater and reclaim water service provider for the referenced property and this property is located within the Mandatory Reclaimed Water Area. Water, sewer and reclaim services are available, subject to a capacity reservation agreement with PBCWUD.

A potable water main is located within Hagen Ranch Road right of way adjacent to the subject property. Connections to a potable watermain are also available at the properties north and south boundary. A gravity sewer connection is available south of the subject property. A reclaim water main is located within Hagen Ranch Road adjacent to the property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

Jackie Michels
Plan Review Manager

Exhibit 8

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION FORM # 09

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 David R. Rodriguez, 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 [✓] Managing Member *[position - e.g., president, partner, trustee]* of Amicus Realty Holdings, 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:
   14201 W. Sunrise Blvd., Unit: 207
   Sunrise, FL 33323

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.

Disclosure of Beneficial Interest - Ownership form
Page 1 of 4

Revised 08/25/2011
Web Format 2011

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.

David R. Rodriguez, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1st day of November, 2017, by David Rodriguez, [✓] who is personally known to me or [ ] who has produced _____ as identification and who did take an oath.

ANGIE HAMMER
Notary Public - State of Florida
Commission # FF 223502
My Comm. Expires Aug 15, 2019
Bonded through National Notary Assn.

Notary Public

Angie Hammer

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: Aug. 15, 2019

EXHIBIT "A"

PROPERTY

10234 HAGEN RANCH RD

PCN: 00424327050550252

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**

N/A - There are no other ownerhip interests in the property described in Exhibit "A"

Exhibit 9
Correspondence