



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 18-C

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### BCC ADOPTION PUBLIC HEARING, JULY 23, 2018

#### A. Application Summary

##### I. General Data

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<b>Project Name:</b>	<b>Central Park Commerce Center II (LGA 2018-027)</b>
<b>Amendment:</b>	To revise a condition of approval in Ord. 2016-26, to extend time allowed for development to commence before considering initiation of an amendment to change the Future Land Use
<b>Acres:</b>	138.31 acres
<b>Location:</b>	North side of Southern Blvd/SR 80, west of the L-8 Canal, approx. 3 miles west of Seminole Pratt Whitney Road
<b>Project Manager:</b>	Maria Bello, Principal Planner
<b>Applicant:</b>	PBA Holdings, Inc.
<b>Owner:</b>	PBA Holdings, Inc.
<b>Agent:</b>	Ernest A. Cox
<b>Staff Recommendation:</b>	Staff recommends <i>approval</i> based upon the conclusions contained within this report

##### II. Assessment & Conclusion

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The proposed amendment affects a site which was granted the Economic Development Center Future Land Use (EDC FLU) designation in 2016 to facilitate the development of a regional “data center.” Due to the site’s location, a condition was imposed to require that if development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site does not commence prior to June 30, 2019, then County staff would bring back to the Board of County Commissioners (BCC) for consideration of initiation an amendment to change the designation to an appropriate future land use designation.

The applicant is requesting this amendment to revise this condition to extend the date to June 30, 2022. This revision would allow for a development commencement timeframe which coincides with deadlines established in 2017 State legislation, which created the opportunity for a sales tax exemption for data centers.

Staff concurs that the date extension would enable the full use of the timeframe established in the Statute, if needed. Staff also concurs that, given that there are no other large data centers in Florida, the extension allows more leeway to address any unanticipated issues for this unprecedented large-scale use. Further, the proposed amendment is not changing the future land use designation, allowable uses, or development potential of the site.

### III. Hearing History

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**Local Planning Agency: Approval,** motion by Michael Peragine, seconded by Barbara Roth passed in a 12-0 vote at the April 13th public hearing. One Board member questioned the need for the time extension, and another sought clarification on the data center. There was minimal discussion and no public comment.

**Board of County Commissioners Transmittal Public Hearing: Transmit,** motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 7 to 0 vote at the May 2nd public hearing. There was minimal discussion. Two members of the public spoke in opposition.

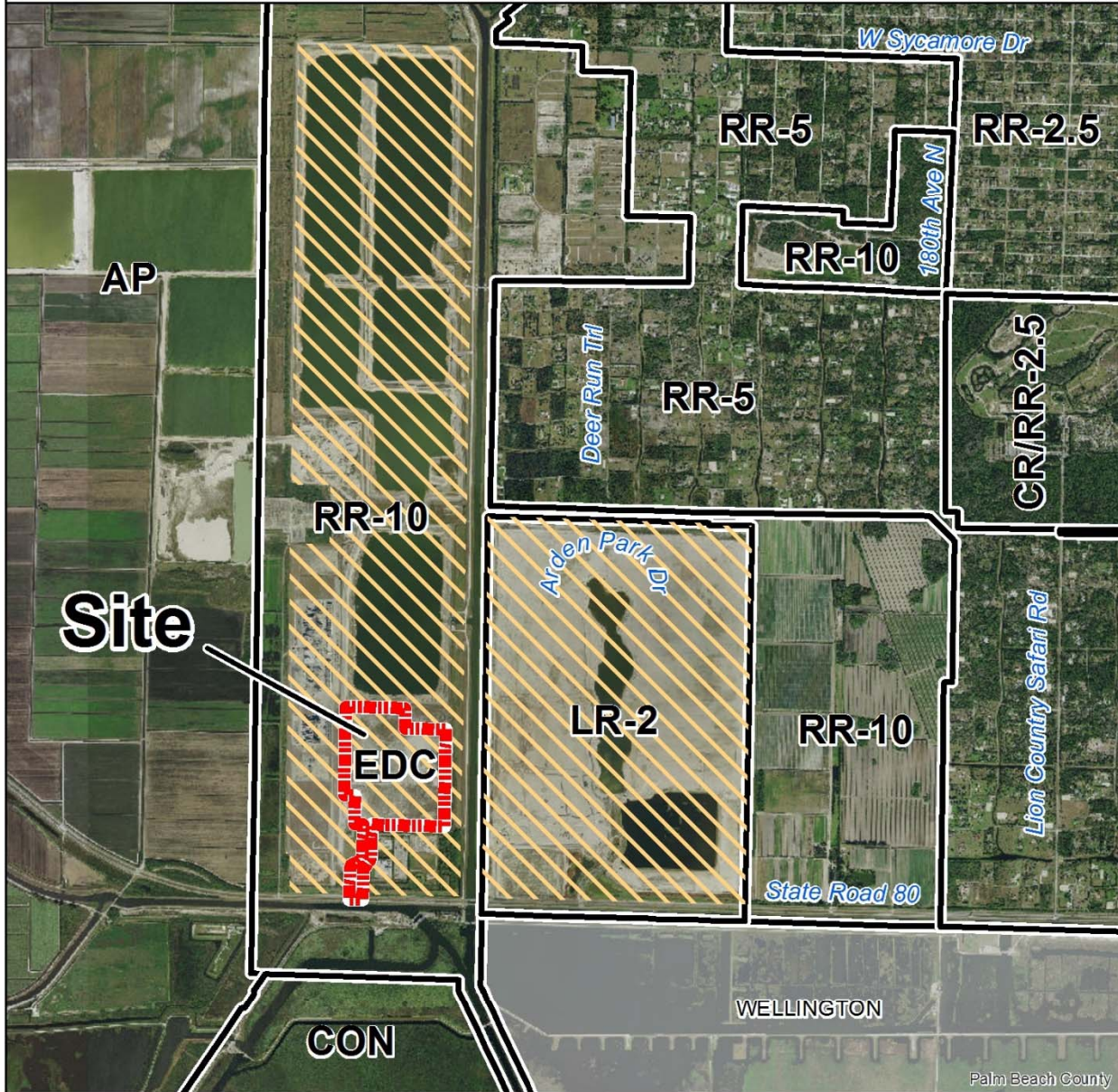
**State Review Comments:** The State Land Planning Agency issued a letter dated June 8, 2018 stating the Agency *“identified no comment related to important state resources and facilities within the Department’s authorized scope of review that would be adversely impacted by the amendment if adopted.”* There were no other state agency comments received regarding this amendment.

**Board of County Commissioners Adoption Public Hearing:**

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# Future Land Use Atlas Amendment

Central Park Commerce II (LGA 2018-027)



### Site Data

Size: 138.31 acres  
 Existing Use: Vacant  
 Proposed Use: Employment Center  
 Current FLU: EDC  
 Proposed FLU: EDC (revise conditions)

### Future Land Use Designations

LR-2 Low Residential, 2 units per acre  
 RR-2.5 Rural Residential, 1 unit per 2.5 acres  
 RR-5 Rural Residential, 1 unit per 5 acres  
 RR-10 Rural Residential, 1 unit per 10 acres  
 CR/RR-2.5 Community Recreation, underlying RR-2.5

AP Agricultural Production  
 CON Conservation  
 EDC Economic Development Center

Date: 3/16/2018  
 Contact: Planning  
 Filename: Planning\AMEND\18-C\Site\18-27  
 Note: Map is not official, for presentation purposes only



0 500,000 2,000 Feet

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



## B. Petition Summary

### I. General Data

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<b>Project Name:</b>	<b>Central Park Commerce Center II (LGA 2018-027)</b>
<b>FLUA Summary:</b>	To revise a condition of approval in Ord. 2016-26, to extend time allowed for development to commence before considering initiation of an amendment to change FLU.
<b>Acres:</b>	138.31 acres
<b>Location:</b>	North side of Southern Blvd/SR 80, west of the L-8 Canal, approx. 3 miles west of Seminole Pratt Whitney Road
<b>Project Manager:</b>	Maria Bello, Principal Planner
<b>Applicant:</b>	PBA Holdings, Inc.
<b>Owner:</b>	PBA Holdings, Inc.
<b>Agent:</b>	Ernest A. Cox

### II. Site Data

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#### Current Future Land Use

<b>Current FLU:</b>	Economic Development Center (EDC)
<b>Existing Land Use:</b>	Mining - Vacant
<b>Current Zoning:</b>	Multiple Use Planned Development (MUPD)
<b>Current Dev. Potential Max:</b>	Light industrial 491,749 sf and Warehouse 2,786,577 sf

#### Proposed Future Land Use Change

<b>Proposed FLU:</b>	Economic Development Center (EDC) – <b>NO CHANGE</b>
<b>Proposed Use:</b>	Light Industrial, Warehouse, Employment Center – <b>NO CHANGE</b>
<b>Proposed Zoning:</b>	Multiple Use Planned Development (MUPD) – <b>NO CHANGE</b>
<b>Dev. Potential Max/Conditioned:</b>	Light industrial 491,749 sf and Warehouse 2,786,577 sf – <b>NO CHANGE</b>

#### General Area Information for Site

<b>Tier:</b>	Glades Tier – <b>NO CHANGE</b>
<b>Utility Service:</b>	Palm Beach County Water Utilities Department
<b>Overlay/Study:</b>	Glades Area Protection Overlay (GAPO)
<b>Comm. District:</b>	Commissioner McKinlay, District 6

## **C. Introduction**

### **I. Intent of the Amendment**

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This amendment is proposed to change a condition of approval for the Central Park Commerce Center site, which was granted Economic Development Center (EDC) future land use (FLU) in 2016 for the purpose of facilitating the development of a regional “data center.” The site was subsequently rezoned to Multiple Use Planned Development (MUPD) through Resolution 16-0551, and has received Site Plan, Subdivision Plan and Master Plan approval for Phase 1 of the project.

The EDC FLU was approved on the basis that the site’s unique attributes made it ideally suited for location of a data center. The amendment granting the EDC FLU included several conditions, including a requirement that if development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site does not commence prior to June 30, 2019, then County staff would bring back to the Board of County Commissioners for consideration of initiation an amendment to change the designation to an appropriate future land use designation.

The applicant is requesting this amendment to revise this condition, in order to extend the date to June 30, 2022. The applicant has indicated that this revision would allow for a development commencement timeframe which coincides with deadlines established in State legislation adopted in 2017.

Note that since this proposed amendment is not changing the future land use designation, allowable uses, or development potential of the site, the following sections of the staff report are not applicable and not included in this report: Compatibility, County Directions, Piecemeal and Residual Parcels, Industrial FLU, Glades Tier, Glades Area Protection Overlay, Neighborhood Plans, Public Facilities and Services Impacts, and Florida Statute Consistency. These items were addressed in the 2016 amendment.

### **II. Background/History**

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#### **Location**

The 138.31-acre subject site is located near 20-Mile Bend, generally north of Southern Boulevard, west of the L-8 Canal and adjacent to a wildlife corridor, south of the South Florida Water Management District (SFWMD) L-8 Flow Equalization Basin, and east of the Florida Power and Light (FPL) West County Energy Center. The site is located at the eastern edge of the Glades Tier of the Managed Growth Tier System, and within the Glades Area Protection Overlay (GAPO) of the Comprehensive Plan.

#### **2016 Amendment**

In 2016, the Board of County Commissioners approved a future land use amendment and text amendments to the Comprehensive Plan, to change the FLU of the subject site from RR-10 to Economic Development Center (EDC), with several conditions of approval. The intent of the amendment was to allow for development of an employment center on the site, to include a large-scale “data center,” a centralized computer storehouse that provides information technology infrastructure for single or multiple commercial or government clients. These facilities are heavy power users, both for the computer operations and the required cooling of the equipment, and typically include uninterruptable or redundant power sources. These facilities are also often

developed with enhanced construction to address natural disaster and security concerns. Per the applicant, the subject site offers certain functional advantages for a data center use due to its proximity to a direct power source and its increased elevation.

## Current Request

Through this amendment, the applicant is requesting to extend the date in the condition relating to commencement of development to June 30, 2022. The State legislation adopted in 2017 created Section 212.08(5)(s), F.S., and opened a window until June 30, 2022 for qualifying data centers to apply for a temporary tax exemption certificate. The data center must then meet all requirements for the exemption within 5 years. The certificate creates a permanent sales tax exemption on the lease or purchase of “data center property,” including items used to construct, outfit, operate, power, or secure a data center. The applicant is requesting the change in the County’s condition in order to be able to make full use of the timeframe established in the Statute, if needed.

The applicant’s amendment request required the approval of an additional 2018 Comprehensive Plan amendment intake, as all intake dates for 2018 had passed at the time of the applicant’s request. The Board approved the additional intake date, by a super majority vote as required by the Comprehensive Plan, on the February 22, 2018 BCC Zoning Hearing agenda.

## D. Consistency and Compatibility

### I. Data and Analysis Summary

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This section of the report examines the consistency of the amendment with applicable provisions of the County’s Comprehensive Plan.

#### 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, 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.; (See Consistency with Florida Statutes)*
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 provided a Justification Statement (Exhibit 2) addressing the appropriateness of the proposed change. The applicant's points are as follows: Legislation has passed which helps make Florida competitive with other states such as Virginia, Alabama, North Carolina, and Texas and in attracting a large data center:

- Legislation was approved in the 2016 Session and signed by the Governor to clarify provisions for economic development tax exemptions for large data centers for local government consideration.
- Legislation was approved in the 2017 Session and signed by the Governor to allow for sales tax exemptions for data center property along with criteria, definitions and procedures to qualify for the exemption for large data centers. This legislation has a June 30, 2022 deadline in it. The Department of Revenue has published rules implementing this sales tax exemption. (These rules have been approved by the Governor and Cabinet, and are expected to become effective April 12, 2018.)

Substantial progress has been made at the local and regional level to secure the approvals needed for site development:

- The Final Site Plan, Final Subdivision Plan and Final Master Plan for Phase 1, which consists of three large data center buildings, new entrance and security, storm water system and substations for the data centers, has been reviewed and approved by the County.
- Coordination is ongoing with Engineering, Florida Department of Transportation, County Utilities, and South Florida Water Management District for required permits and approvals.
- Coordination is ongoing with FPL on design and engineering of the substations, easements and power agreements.

**Staff Assessment:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items may be addressed elsewhere in this report. With regard to justification, staff concurs that the applicant has demonstrated valid reasons for the date extension, to allow for a development commencement timeframe that coincides with that outlined in the State's sales tax exemption legislation. Staff also concurs that an extension is justified given that there are no other large data centers currently in Florida. The additional timeframe allows more leeway to address any unanticipated issues for this unprecedented large-scale use, and also allows additional time for all approvals to be put in place before attracting a data center, which will increase the appeal of the site and the level of comfort with a Florida location.

## II. Public and Municipal Review

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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 March 27, 2018. To date, no comments have been received.

- B. Other Notice:** Public notice of this amendment and the upcoming informational meeting was mailed to the owners of properties within 1000' of the perimeter of the site on March 23, 2018. Any comments received are provided in Exhibit 4.
- C. Informational Meeting:** The Planning Division hosted a meeting on April 3, 2018 to relay information regarding Round 18-C amendments and the amendment and development approval process. One member of the public attended in regard to this amendment.

### III. Conclusions and Recommendation

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The proposed amendment affects a site which was granted the Economic Development Center Future Land Use (EDC FLU) designation in 2016 to facilitate the development of a regional “data center.” Due to the site’s location, a condition was imposed to require that if development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site does not commence prior to June 30, 2019, then County staff would bring back to the Board of County Commissioners (BCC) for consideration of initiation an amendment to change the designation to an appropriate future land use designation.

The applicant is requesting this amendment to revise this condition to extend the date to June 30, 2022. This revision would allow for a development commencement timeframe which coincides with deadlines established in 2017 State legislation, which created the opportunity for a sales tax exemption for data centers.

Staff concurs that the date extension would enable the full use of the timeframe established in the Statute, if needed. Staff also concurs that, given that there are no other large data centers in Florida, the extension allows more leeway to address any unanticipated issues for this unprecedented large-scale use. Further, the proposed amendment is not changing the future land use designation, allowable uses, or development potential of the site.

Staff recommends **approval** of the applicant’s request.

<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Applicant’s Justification	E-5
3. Applicant’s Disclosure of Ownership Interests	E- 6
4. Correspondence	E-10

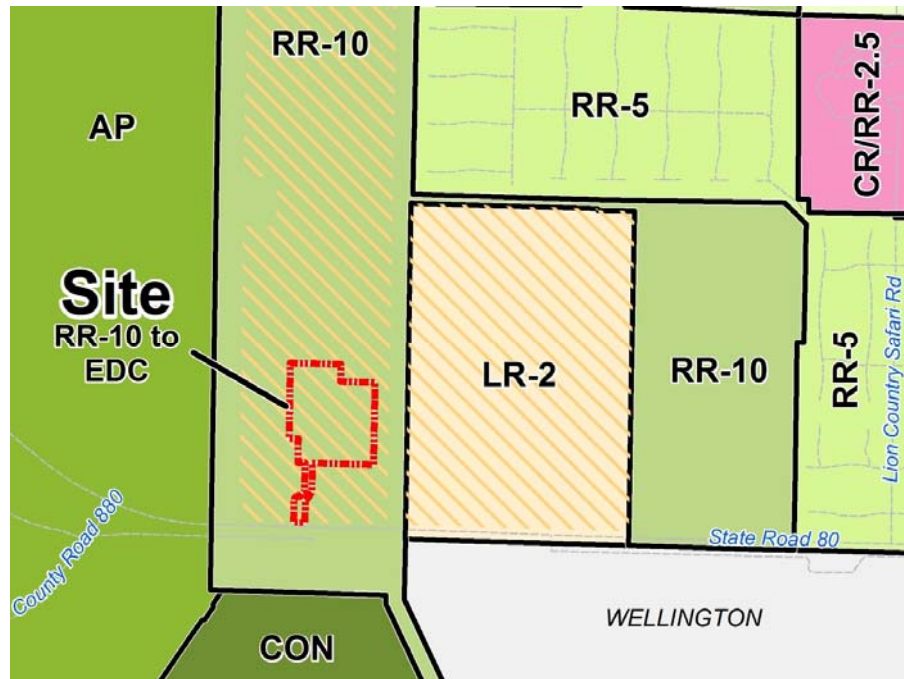


## Exhibit 1

<b>Amendment No:</b>	<b>Central Park Commerce Center LGA 2018-027</b>
<b>FLUA Page No:</b>	52, 59
<b>FLUA:</b>	Economic Development Center
<b>Location:</b>	North side of Southern Blvd/SR 80, west of the L-8 Canal, approx. 3 miles west of Seminole Pratt Whitney Road
<b>Size:</b>	138.31 acres
<b>Property No:</b>	00-40-43-32-00-000-1030 (Portion); 00-40-43-32-00-000-1070 00-40-43-29-00-000-5020

**Conditions:**

1. Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips.
2. If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber optic availability, does not commence prior to June 30, 2049~~22~~, then County staff shall bring back to the Board of County Commissioners for consideration of initiation an amendment to change the designation to an appropriate future land use designation.
3. Residential uses (except security or caretakers' quarters) are prohibited.



## Legal Description

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**DESCRIPTION:** FURNISHED BY FIRST AMERICAN TITLE INSURANCE COMPANY, TITLE COMMITMENT 5011612-1062-3193683. DATED JULY 17, 2015. AND DESCRIPTIONS SENT BY JOSEPH VERDONE, NOVEMBER 12, 2015

THE SUBJECT PARCELS ARE LAYING WITHIN PART OF SECTION 29 AND PART OF SECTION 32, BOTH OF TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST; WHICH IS THE SAME AS THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE NORTH 88°20'18" WEST 918.66' ALONG THE SOUTH LINE OF SAID SECTION 29 TO THE WEST LINE OF A 400 FEET WIDE WILDLIFE CORRIDOR AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1076 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF PARCEL 1; THENCE NORTH 0°57'24" EAST 468.66 FEET ALONG SAID WEST LINE OF THE WILDLIFE CORRIDOR; THENCE NORTH 88°27'45" WEST 933.05 FEET; THENCE NORTH 0°57'24" EAST 467.02 FEET; THENCE NORTH 88°27'45" WEST 1376.21 FEET TO THE EAST LINE OF THE PALM BEACH AGGREGATES HAUL ROAD; THENCE ALONG THE EAST LINE OF SAID HAUL ROAD WHICH IS PARALLEL WITH THE WEST LINE OF SAID SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST, SOUTH 0°49'13" WEST 930.70 FEET TO THE SOUTH LINE OF SAID SECTION 29; THENCE SOUTH 0°56'55" WEST 1761.41 FEET INTO SECTION 32 ALONG SAID EAST LINE OF THE HAUL ROAD, WHICH IS PARALLEL WITH THE WEST LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, THENCE SOUTH 88°23'35" EAST 2306.83 FEET TO THE WEST LINE OF THE AFOREMENTIONED WILDLIFE CORRIDOR; THENCE NORTH 0°57'24" EAST 1759.20 FEET ALONG THE WEST LINE OF SAID WILDLIFE CORRIDOR TO THE POINT OF BEGINNING.

CONTAINING: 132.66 ACRES.

TOGETHER WITH

PARCEL 2:

LYING IN SECTION 32 TOWNSHIP 43 SOUTH, RANGE 40 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 23120-2515, WITH THE WEST LINE OF THE WILDLIFE CORRIDOR AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1076, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°28'14" WEST 1839.11 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL 2; THENCE NORTH 1°31'46" EAST 598.83 FEET TO THE BEGINNING OF NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 585.00 FEET; THENCE NORTHEASTERLY 323.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°38'07" TO THE END OF SAID CURVE ON A NON-TANGENT LINE; THE SUBTENDED CHORD BEARS NORTH 33°34'54" EAST FOR A DISTANCE OF 318.91 FEET; THENCE NORTH 0°56'55" EAST 747.16 FEET ALONG A LINE PARALLEL WITH THE WEST LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST TO THE SOUTH LINE OF PARCEL 1 DESCRIBED ABOVE;

THENCE NORTH 88°23'35"WEST 200.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL 1; THENCE SOUTH 0°56'55" WEST 742.78 FEET ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 32 TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 395.00 FEET; THENCE SOUTHWESTERLY 142.67 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°41'41" TO THE END OF SAID CURVE ON A NON-TANGENT LINE; THE SUBTENDED CHORD BEARS SOUTH 35°35'51" WEST FOR A DISTANCE OF 141.90 FEET; THENCE SOUTH 45°55'57"WEST 64.02 FEET ALONG SAID NON-TANGENT LINE; TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 125.00 FEET; THENCE WESTERLY AND SOUTHWESTERLY 224.90 FEET ALONG THE ARC OF SAID CURVE TO A TANGENT LINE THROUGH A CENTRAL ANGLE OF 103°05'12", THE SUBTENDED CHORD BEARS SOUTH 53°04'22"WEST FOR A DISTANCE OF 195.77 FEET; THENCE SOUTH 1°31'46"WEST 588.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 23120-2515; THENCE SOUTH 88°28'14" EAST 308.38 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 TO THE POINT OF BEGINNING.

CONTAINING: 9.34 ACRES.

THE TOTAL AREA OF PARCELS 1 AND 2 IS: 142.00 ACRES.

**LESS AND NOT INCLUDING:  
PARCEL PBA-3 DUMP SITE**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA: THENCE SOUTH 0°56'55"WEST 1763.40 FEET ALONG THE WEST LINE OF SAID SECTION 32, THENCE SOUTH 88°23'35"EAST 1945.15 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE HAUL ROAD EASEMENT; THENCE CONTINUE SOUTH 88°23'35" EAST 130.01 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE HAUL ROAD EASEMENT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, (WHICH IS ALSO THE POINT OF BEGINNING OF THE OFFICE SITE). THENCE CONTINUE SOUTH 88°23'35"EAST 247.05 FEET ALONG A LINE WHICH IS THE SAME AS THE NORTH LINE OF THE OFFICE SITE; THENCE NORTH 0°56'55"EAST 650.00 FEET ALONG A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID SECTION 32; THENCE NORTH 88°23'35" WEST 247.05 FEET TO THE EAST LINE OF THE HAUL ROAD EASEMENT; THENCE SOUTH 0°56'55"WEST 650.00 FEET ALONG THE EAST LINE OF THE HAUL ROAD EASEMENT AND SAID LINE ALSO BEING PARALLEL WITH THE WEST LINE OF SAID SECTION 32 TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 3.6862 ACRES (160571.4159 SQ. FT.).

**TOTAL AREA REVISED:**

**PARCEL 1 + PARCEL 2 LESS PARCEL PBA-3 = 138.31 ACRES**

**DATUM AND BASIS OF BEARINGS:**

BEARINGS AND DISTANCES SHOWN ON THIS DESCRIPTION ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE AND ARE FURTHER REFERENCED TO THE 1983 NORTH AMERICAN DATUM, 1998 ADJUSTMENT. THE WEST LINE OF WILDLIFE CORRIDOR BEARS NORTH 0°57'24"EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO...

DISTANCES SHOWN ON THIS SURVEY ARE GRID DISTANCES, UNLESS SHOWN OTHERWISE.

TO CONVERT GRID DISTANCES TO GROUND DISTANCES THE SCALE FACTOR IS: 0.999990714; AND GRID DISTANCE DIVIDED BY SCALE FACTOR=GROUND DISTANCE.

THE DIFFERENCE BETWEEN GRID AND GROUND DISTANCES IS 0.05' IN 5280' OR 1 FOOT IN 107,688 FEET.

**ACCURACY:** THE PRESENT USE OF THE SUBJECT LANDS IS RURAL.

THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, (5J-17.051 FAC) REQUIRE A MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF SURVEY OF 1 FOOT IN 5,000 FEET. THIS SURVEY MEETS SAID REQUIREMENTS.

**CERTIFICATION:**

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER WHOSE NAME APPEARS BELOW, THIS REPORT AND MAP OF BOUNDARY SURVEY ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT VALID. I HEREBY CERTIFY THAT THE PROPERTY SHOWN AND DESCRIBED HEREON WAS SURVEYED UNDER MY DIRECTION ON AUGUST 6, 2015 AS INDICATED ON THIS PLAT. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES AND CHAPTER 5J-17.051 FLORIDA ADMINISTRATIVE CODE.

FERNANDO GONZALEZ, P.S.M.  
FLORIDA LICENSE NO.4994

## Exhibit 2

### Applicant's Justification/Consistency with Comprehensive Plan

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Since the April 2016 approval of the comprehensive plan amendment for the Central Park Commerce Center (LGA 2016-005), we have been working diligently with the County, State and others to move forward with the myriad of items needed for the development of the project as contemplated, and specifically with Phase 1 of the project as a large data center. A brief summary of the progress is provided below.

- Legislation was approved in the 2016 Session and signed by the Governor to clarify provisions for economic development tax exemptions for large data centers for local government consideration.
- Legislation was approved in the 2017 Session and signed by the Governor to allow for sales tax exemptions for data center property along with criteria, definitions and procedures to qualify for the exemption for large data centers. This legislation has a June 30, 2022 deadline in it.
- The Department of Revenue has published rules implementing the 2017 sales tax exemption.
- Submittal, review and approval by the County of Final Site Plan, Final Subdivision Plan and Final Master Plan for Phase 1, which consists of three large data center buildings, new entrance and security, storm water system and substations for the data centers.
- Submittal, review and follow up with engineering, Florida Department of Transportation, County Utilities, South Florida Water Management District for required permits and approvals.
- We have also been working closely with FPL on design and engineering of the substations, easements and power agreements.

We are hopeful that everything will be finalized so that the land development permit will be issued in April or May of 2018, which will be approximately two years from the comprehensive plan and zoning approvals.

With all of this in place, we will be in a position to compete with other states such as Virginia, Alabama, North Carolina, Texas and others to land a large data center for our community. Since there are no other large data centers like this one currently in Florida, all of the approvals must be in place before anyone is interested in locating here – we are really just now ready to compete and still that will be a challenge.

Based on the above time and effort in pursuit of a specialized site for a large data center, we are requesting that the June 30, 2019 deadline in the comprehensive plan and zoning conditions to make use of the unique attributes of the site be extended to June 30, 2022 to match the deadline in the 2017 legislation. The site specific request that we are making is set forth below:

If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber optic availability, does not commence prior to June 30, ~~2019~~2022, then County staff shall bring back to the Board of County Commissioners for consideration of initiation an amendment to change the designation to an appropriate future land use designation.

This change will allow us to complete the work ahead and continue our recruitment efforts with certainty, building upon the master plan and site plan that have been specifically designed for a large data center facility.

# Exhibit 3

## 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

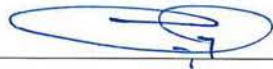
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Enrique A. Tomeu, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the  individual or  President [position - e.g., president, partner, trustee] of PBA Holdings, Inc, a FL Corporation [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: PO Box 700, Loxahatchee, FL 33470
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

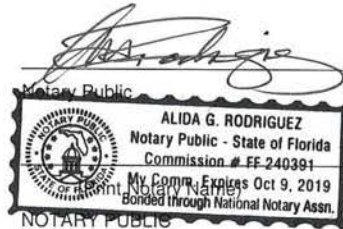
FURTHER AFFIANT SAYETH NAUGHT.



Enrique A. Tomeu, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of March, 2018, by Enrique A. Tomeu, [X] who is personally known to me or [ ] who has produced as identification and who did take an oath.



NOTARY PUBLIC

State of Florida at Large

My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**  
**PROPERTY**

THE SUBJECT PARCELS ARE LAYING WITHIN PART OF SECTION 29 AND PART OF SECTION 32, BOTH OF TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL 1:**

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST; WHICH IS THE SAME AS THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE NORTH 88°20'18" WEST 918.66' ALONG THE SOUTH LINE OF SAID SECTION 29 TO THE WEST LINE OF A 400 FEET WIDE WILDLIFE CORRIDOR AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1076 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE POINT OF BEGINNING OF PARCEL 1; THENCE NORTH 0°57'24" EAST 468.66 FEET ALONG SAID WEST LINE OF THE WILDLIFE CORRIDOR; THENCE NORTH 88°27'45" WEST 933.05 FEET; THENCE NORTH 0°57'24" EAST 467.02 FEET; THENCE NORTH 88°27'45" WEST 1376.21 FEET TO THE EAST LINE OF THE PALM BEACH AGGREGATES HAUL ROAD; THENCE ALONG THE EAST LINE OF SAID HAUL ROAD WHICH IS PARALLEL WITH THE WEST LINE OF SAID SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST, SOUTH 0°49'13" WEST 930.70 FEET TO THE SOUTH LINE OF SAID SECTION 29; THENCE SOUTH 0°56'55" WEST 1761.41 FEET INTO SECTION 32 ALONG SAID EAST LINE OF THE HAUL ROAD, WHICH IS PARALLEL WITH THE WEST LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, THENCE SOUTH 88°23'35" EAST 2306.83 FEET TO THE WEST LINE OF THE AFOREMENTIONED WILDLIFE CORRIDOR; THENCE NORTH 0°57'24" EAST 1759.20 FEET ALONG THE WEST LINE OF SAID WILDLIFE CORRIDOR TO THE POINT OF BEGINNING.  
CONTAINING: 132.66 ACRES.

**TOGETHER WITH PARCEL 2:**

LYING IN SECTION 32 TOWNSHIP 43 SOUTH, RANGE 40 EAST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 23120-2515, WITH THE WEST LINE OF THE WILDLIFE CORRIDOR AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1076, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°28'14" WEST 1839.11 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL 2; THENCE NORTH 1°31' 46" EAST 598.83 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 585.00 FEET; THENCE NORTHEASTERLY 323.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°38' 07" TO THE END OF SAID CURVE ON A NON-TANGENT LINE; THE SUBTENDED CHORD BEARS NORTH 33°34' 54" EAST FOR A DISTANCE OF 318.91 FEET; THENCE NORTH 0°56' 55" EAST 747.16 FEET ALONG A LINE PARALLEL WITH THE WEST LINE OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST TO THE SOUTH LINE OF PARCEL 1 DESCRIBED ABOVE; THENCE NORTH 88°23' 35" WEST 200.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL 1; THENCE SOUTH 0°56'55" WEST 742.78 FEET ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 32 TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 395.00 FEET; THENCE SOUTHWESTERLY 142.67 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°41' 41" TO THE END OF SAID CURVE ON A NON-TANGENT LINE; THE SUBTENDED CHORD BEARS SOUTH 35°35' 51" WEST FOR A DISTANCE OF 141.90 FEET; THENCE SOUTH 45°55' 57" WEST 64.02 FEET ALONG SAID NON-TANGENT LINE; TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 125.00 FEET; THENCE WESTERLY AND SOUTHWESTERLY 224.90 FEET ALONG THE ARC OF SAID CURVE TO A TANGENT LINE THROUGH A CENTRAL ANGLE OF 103°05' 12" , THE SUBTENDED CHORD BEARS SOUTH 53°04' 22" WEST FOR A DISTANCE OF 195.77 FEET; THENCE SOUTH 1°31' 46" WEST 588.75 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 23120-2515; THENCE SOUTH 88°28'14" EAST 308.38 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 TO THE POINT OF BEGINNING.

CONTAINING: 9.34 ACRES.

THE TOTAL AREA OF PARCELS 1 AND 2 IS: 142.00 ACRES.

**LESS AND NOT INCLUDING:****PARCEL PBA-3 DUMP SITE**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 0°56'55" WEST 1763.40 FEET ALONG THE WEST LINE OF SAID SECTION 32, THENCE SOUTH 88°23'35" EAST 1945.15 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE HAUL ROAD EASEMENT; THENCE CONTINUE SOUTH 88°23'35" EAST 130.01 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE HAUL ROAD EASEMENT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL, (WHICH IS ALSO THE POINT OF BEGINNING OF THE OFFICE SITE). THENCE CONTINUE SOUTH 88°23'35" EAST 247.05 FEET ALONG A LINE WHICH IS THE SAME AS THE NORTH LINE OF THE OFFICE SITE; THENCE NORTH 0°56'55" EAST 650.00 FEET ALONG A LINE WHICH IS PARALLEL WITH THE WEST LINE OF SAID SECTION 32; THENCE NORTH 88°23'35" WEST 247.05 FEET TO THE EAST LINE OF THE HAUL ROAD EASEMENT; THENCE SOUTH 0°56'55" WEST 650.00 FEET ALONG THE EAST LINE OF THE HAUL ROAD EASEMENT AND SAID LINE ALSO BEING PARALLEL WITH THE WEST LINE OF SAID SECTION 32 TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 3.6862 ACRES (160571.4159 SQ. FT.).

**TOTAL AREA:**

PARCEL 1 + PARCEL 2 LESS PARCEL PBA-3 = 138.31 ACRES



**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Shareholders:	
W.T. Phillips, Sr. 2005 Irrevocable Family	22501 State Road 52
GSTT Trust u/t/a/ Dated April 28, 2005	Land O' Lakes, FL 34639
Bank of America, NA, Michael S. Klein and Peter Grossman as Co-TTEES Sam W. Klein UTA Dated 01/24/2007 As Amended	P.O. Box 842056 Dallas, TX 75284-2056
Enrique A. Tomeu	8615 S. Flagler Drive West Palm Beach, FL 33430
Michael S. Klein	P.O. Box 317, Sonoma, CA 95476

**Exhibit 4**  
**Correspondence**