

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

Application No.: ZV/ABN/CA-2016-00444
Application Name: Tire Kingdom
Control No.: 1984-00048
Applicant: Rex & Rex Unlimited Inc
Owners: Rex & Rex Unlimited Inc
Agent: Cotleur & Hearing, Inc. - Don Hearing
 Cotleur & Hearing, Inc. - Yexsy Schomberg
Telephone No.: (561) 747-1377, (561) 747-6336
Project Manager: Carlos Torres, Site Planner II

TITLE: a Type II Variance **REQUEST:** to allow a reduction in the width of Right of Way and Compatibility buffers; to allow easements overlap in perimeter buffers and foundation planting; a reduction in setbacks; an increase in wall signage; and reduction of lot depth. **TITLE:** a Development Order Abandonment **REQUEST:** to abandon Resolution R-1984-1843 **TITLE:** a Class A Conditional Use **REQUEST:** to allow General Repair and Maintenance.

APPLICATION SUMMARY: Proposed are Type II Variances, a Development Order Abandonment, and a Class A Conditional Use for the Tire Kingdom development. The 1.05-acre parcel was last approved by the Board of County Commissioners (BCC) on July 30, 1984 for a rezoning from the Residential Multiple Family (RM) Zoning District to the General Commercial (CG) Zoning District, and a Special Exception (SE) to allow a Planned Commercial Development (PCD), approved by Resolution R-84-1843.

The Applicant is requesting to abandon the last Development Order, and is proposing to redevelop the site in order to construct a one-story 6,544 square foot (sq. ft.) General Repair and Maintenance use. The request also includes five Type II Variances to allow a reduction in the width of Right of Way and Compatibility buffers; a reduction in setbacks; an increase in wall signage; and reduction of lot depth. The proposed Preliminary Site Plan illustrates one building with a total of 27 parking spaces and one loading area. Two access points are proposed from Silverthorne Drive (2)

SITE DATA:

Location:	Northeast corner of Northlake Boulevard and Silverthorne Drive.
Property Control Number(s)	00-43-42-18-00-000-7530
Existing Land Use Designation:	Commercial High (CH), with an underlying HR-8 (CH/8)
Proposed Land Use Designation:	No proposed change
Existing Zoning District:	General Commercial District (CG)
Proposed Zoning District:	No proposed change
Acreage:	1.05 acres
Tier:	Urban/Suburban
Overlay District:	Northlake Corridor Overlay, Northlake Boulevard Overlay Zone (NBOZ)
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Lake Park, Riviera Beach, North Palm Beach, Palm Beach Gardens
Future Annexation Area	Palm Beach Gardens

RECOMMENDATION: Staff recommends approval of the requests subject to 13 Conditions of Approval as indicated in Exhibit C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 27 contacts from the public regarding this project 24 in opposition and 3 in favor of the project. Those in opposition stated concerns regarding values of their homes, noise, quality of life, increased traffic, congestion on the roads and blocking driveways and sidewalks, and another store being in the area.

ACTION BY THE ZONING COMMISSION (ZC): On July 7, 2016, this item was on the Regular Agenda. Staff and the Agent made presentations. Two people from the public requested to speak on the project. The concerns brought to the Board by the public were in relation to trucks being park in the Right-of-Way (ROW) loading and un-loading cars and the increase in noise and traffic. One resident presented a video, and the second requested the ZC postpone the item so they may meet with the residents. The Agent stated to the ZC that they had made attempts to meet with the residents, but they did not want to meet. The residents stated that they couldn't meet due to changing of their Board members. The ZC stated that the residents need to make themselves available to meet before the BCC hearing. The Agent agreed to meet with them again. Commissioner Kanel requested more information regarding the need for additional signage and Staff's recommendation. Commissioner Brumfield made a motion to approved Variances 1-6 subject to the Conditions in Exhibit C-2, seconded by Commissioner Beatty and was approved with a vote of 8-0. Commissioner Brumfield made a motion to deny Variance #7 (Signage) as it did not meet the criteria standards. Commissioner Beatty seconded the motion and it passed with a vote of 8-0. The ZC approved Variances 1 thru 6 subject to 9 Conditions of Approval as indicated in Exhibit C-1 and recommended approval of the Development Order Abandonment and the Class A Conditional Use subject to 11 Conditions of Approval as indicated in Exhibit C-2.

PROJECT HISTORY: On December 11, 1984, the BCC approved an Official Zoning Map amendment to rezone from RM to CG through Resolution R-1984-1842 and a SE to allow a PCU through Resolution R-1984-1843.

SURROUNDING LAND USES:

NORTH:

FLU Designation: High Density Residential (HR-8)

Zoning District: Multi-Family Residential (RM)

Supporting: Residential (Sun Terrace at The Gardens, No Control Number)

SOUTH:

FLU Commercial High (CH)

Zoning District: General Commercial (CG)

Supporting: Commercial (Napleton Kia, Control Number 1987-00041)

EAST:

FLU Designation: Commercial High (CH), with an underlying HR-8 (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Northlake Business Park, Control Number 1985-00099)

FLU Designation: Commercial High (CH), with an underlying High Density Residential (HR-8) (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Walter and Camille Schief Rezoning, Control Number 1976-00046)

WEST:

FLU Designation: Commercial High (CH), with an underlying High Density Residential (HR-8) (CH/8)

Zoning District: General Commercial District (CG)

Supporting: Commercial (Napleton North Palm Auto Park, Control Number 1984-00015)

TYPE II VARIANCE SUMMARY: At the November 3, 2016 Hearing the Variances 1 to 6 were approved and Variance 7 was denied.

	ULDC Article	Required	Proposed	Variance
V.1	3.D.1.A Lot Depth	Minimum Lot Depth: 200 feet	Proposed Lot Depth: 76.47 feet	123.53 feet
V.2	3.D.1.A.5 Front setback	Minimum Front Setback: 50 feet	Proposed Front Setback: 10 feet	40 feet
V.3	7.F.7.A R-O-W Buffer - Width	R.O.W Buffer Width 0'-99' (Silverthorne Drive): minimum 15 feet	10 feet ⁽¹⁾	15 feet
V.4	7.F.7.A R-O-W Buffer - Width	R.O.W Width >100 feet (Northlake Blvd): minimum 20 feet	10 feet. ⁽²⁾	20 feet
V.5	7.F.8 Compatibility Buffer	The minimum width of a compatibility buffer is five feet.	0 feet	5 feet
V.6	7.D.12 Landscape in Easements	Easements may overlap a required landscape buffer by a maximum of five feet, provided there remains a minimum of five clear feet for planting.	10 feet overlapping buffer; 0 feet clear for planting.	5 feet
V.7	8.G.1.A.4 Signage, Standards for Specific Signs, Building Mounted Signs, Wall Signs.	Maximum Wall Sign area: 50 sq. ft.	Proposed South Wall Sign area 72 sq. ft.	22 sq. ft.

Notes:

(1) Buffer width varies along Silverthorne Drive between 10 and 15 feet. Plant material shall be provided where landscape areas are available and subject to easement release agreement of Utility holder.

(2) Buffer width varies along Northlake Boulevard between 10 and 15 feet. Plant material shall be provided where landscape areas are available and subject to easement release agreement of Utility holder.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

○ *Consistency with the Comprehensive Plan:* The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of .35 is allowed in a CH/8 FLU designation in the Urban/Suburban Tier with CG zoning (1.05 acres x 43,560 sq. ft. x .35 maximum FAR = 16,008.3 sq. ft. maximum). The request for a total of 6,544 sq. ft. equates to a FAR of approximately 0.14 (6,544 / 45,880 sq. ft. or 1.05 acres = 0.143).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The request is located within and is consistent with the Northlake Corridor Overlay which is regulated by Northlake Boulevard Overlay Zone (NBOZ) Design Guidelines. The NBOZ District serves to unify commercial development along the corridor and provide a positive collective identity for the corridor. These regulations were prepared under the guidance of the Northlake Boulevard Corridor Task Force

(NBCTF) - an intergovernmental task force created by Interlocal agreement composed of two representatives each from Palm Beach County, the Town of Lake Park, the Village of North Palm Beach and the City of Palm Beach Gardens. The regulations are implemented through the ULDC.

2. Consistency with the Code - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

- o Property Development Regulations: The proposed development complies with all the Property Development Regulations with the exception of minimum front setback for which the Applicant has requested a Variance. Staff has evaluated the Variance for Front Setback and is recommending approval

	PROPERTY DEVELOPMENT REGULATIONS											
	Zoning District Overlay	MINIMUM LOT DIMENSIONS			DENSITY		MAX FAR	MAX BLDG. COVERAGE	MIN. SETBACKS			
		SIZE	FRONTAGE	DEPTH	MIN	MAX			FRONT	SIDE	SIDE STREET/CORNER	REAR
REQUIRED	CG	1 ac	100'	200'	-	-	0.35	25%	50'	15'	15' Equal ROW Buffer Width	20'
REQUIRED	NBOZ	N/A	N/A	N/A	-	-	-	-	30'	20'	40'	25'
PROVIDED	CG & NBOZ	1 ac	558.68'	76.47'	-	-	0.14	16.5%	10'	310.9'	111'	27.6'

- o Overlays: The project is located within the Northlake Boulevard Overlay Zone (NBOZ). The proposed use is permitted on this area.

- o Type I Waiver Northlake Boulevard Overlay Zone Summary: The Applicant is requesting six (6) Type I Waivers from this Overlay zone. The requested Type I Waivers are Administrative analyzed pursuant to Article 2.B.2.G.3.a, b & c. The requested Waivers must comply with the following standards; Standard 1: The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning district or Overlay. Standard 2: The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details for the development and Standard 3: The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.

Staff has analyzed the Waivers under the above three standards and found all these in compliance therefore, recommends approval.

Waiver No.	ULDC Article	Required	Proposed	Variance
W.1	3.B.8 Northlake Boulevard Overlay Zone	Sect. 6-2 Building Orientation and Placement Front Parking Setback: 10 feet	7.5 feet	(-2.5 feet)
W.2	3.B.8 Northlake Boulevard Overlay Zone	Central District Side Corner Building Setback: 40 feet	10 feet	(-30 feet)
W.3	3.B.8 Northlake Boulevard Overlay Zone	Sect. 5.8 Business Sign Monument Sign Max. Height: 8 feet	20 feet	(+12 feet)
W.4	3.B.8 Northlake Boulevard Overlay Zone	Sect.5-6 Business Sign Monument Sign Max. Sign Area: 36 sq. ft.	72 sq. ft.	(+36 sq. ft.)
W.5	3.B.8 Northlake Boulevard Overlay Zone	Sect. 5-6 Business Sign Wall Mounted Side Wall (Silverthorne Drive) Max.: 37.5 sq. ft.	71.87 sq. ft.	(+34.37 sq. ft.)
W.6	3.B.8 Northlake Boulevard Overlay Zone	Sect. 4-11 Minimum of 8-foot landscape buffer and planting requirements perimeter Buffer (East)	5.5 feet ⁽¹⁾⁽²⁾	(-2.5 feet)

Notes:

- (1) Buffer width varies and plant material shall be provided where green spaces are available
- (2) This lot is not considered a Legal Lot of Record. A condition of Approval to plat is being given.

- **Enclosed Repair Activities and Storage:** The proposed repair facility depicts all activities and storage within the enclosed structure.
- **Setback for Use:** The repair and maintenance building is proposed to be 395 feet from the adjacent residential district to the north.
- **Baydoor Orientation:** All baydoors are proposed to be oriented away from Northlake, Silverthorne Drive and the residential zoning district.
- **Architectural Review:** Preliminary Architectural Elevations have been provided and reviewed by Staff and found to be in compliance with Article 5.C. At time of final approval by the DRO the Applicant will submit the final elevations for approval.
- **Parking:** The ULDC requires twenty-six (26) parking spaces the proposed plan provides Twenty-seven (27) parking spaces. In addition, two (2) handicap spaces and one (1) 15 feet x 38 feet loading space are provided on site. A Type I Waiver has been requested for the reduced length of the loading space. This request will be reviewed at time of final approval by the DRO.
- **Landscape/Buffering:** As required by the ULDC, the site must meet all of the required ROW and perimeter landscape buffers, internal island, and building foundation planting standards. Since the site falls under the NBOZ Central District, it shall also follow the NBOZ Landscape Design criteria. Per Article 3 Overlay NBOZ, the most restrictive section of these Codes shall prevail.


For the north, south and west ROW buffers, the ULDC is more restrictive and for the west perimeter buffer, the NBOZ is more restrictive. Due to the size and configuration of the site and the numerous encroachments (existing/proposed easements, existing structure, proposed sidewalks, etc.) into the landscape buffers, two ULDC Landscape ROW Buffers variances for the Northlake Blvd (south) and Silverthorne Drive (west) ROWs and one NBOZ Landscape Perimeter Type I Waiver for the east landscape perimeter buffer are being requested as part of this application. These variances are not seeking to eliminate any landscape buffer in its entirety, but reduce necessary width and some of the plant material and quantities due to the above mentioned constraints. A five foot landscape buffer overlaps into the north, south and west PBC proposed non-exclusive 10' UE and Seacoast existing/recorded exclusive easements. In addition, the proposed east double-driveway and limited landscape buffer encroach into the Seacoast and FPL existing/recorded easements. These last two entities have agreed to review their easements' language from exclusive to non-exclusive with Land Development Staff during the Plat approval process. Both Seacoast Utility and FPL have reviewed the proposed landscape material to be installed on their easements and have agreed to it with conditions. Refer to the Preliminary Landscape Plan provided with this application.

Staff has analyzed the requested Waivers and recommends approval.

- **Signs:** The Applicant proposed one monument sign; one wall sign facing Northlake Blvd; two wall signs facing Silverthorne Drive; one small logo sign facing the internal perimeter buffer; and one small logo sign facing 91st Street. The proposed signs can be found on Figure 7 of this report.


SIGN TYPE I FREESTANDING SIGN (Northlake Boulevard)			
	REQUIRED		PROVIDED
NBOZ - Table 5-6			
MAXIMUM NUMBER OF SIGNS (MIN. 300 LF) 1 PER PARCEL	1		1
MAXIMUM TOTAL SIGN AREA (MAX. SIGN AREA PER FACE)	36	SF	72 SF
MAXIMUM HEIGHT	8	FT	20 FT
MIN SETBACK	5	FT	10 FT

ULDC - Table 8.G.2.A			
MAXIMUM NUMBER OF SIGNS (< 200 LF) (Based on 86.77 Frontage LF)	1		1
MAXIMUM TOTAL SIGN AREA (1.0 SF per lineal ft. of frontage) (Based 86.77' LF)	86.77'	SF	72 SF
MAXIMUM INDIVIDUAL SIGN AREA (1 Sign = 200 SF per sign face)	200	SF	72 SF
MAXIMUM HEIGHT (C/C - S ≥ 110' ROW)	20	FT	20 FT
MIN SETBACK	5	FT	10 FT

 Most Restrictive

There is one existing approved monument sign (Permit # B-2013-00485-0000) located on the corner of Northlake and Silverthorne Drive. This sign must be relocated east of its present location due to Corner Clip and Utility Easement requirements. The proposed sign does not comply with the NBOZ requirements for monumental signs; however, is in compliance with the requirement of the monumental signs as established in the ULDC. The Applicant is requesting a Type I NBOZ Waiver for the increase in size and height.

The Applicant is also requesting one Type II Variance from the ULDC for the sign area for the South Elevation to increase the square footage from 50 sq. ft.. to 72 sq. ft., and a Type I Waiver from the NBOZ to increase the allowable area for the West signs from 37.5 sq.ft. to 71.87 sq. ft.. Staff analyzed the request and justification for the Variance and Waiver provided by the Agent and is recommending approval for both the Variance and the Waiver.

SIGN TYPE II WALL SIGNS								
Wall	Front, Rear, Side	Length of wall (Linear Feet)	ULDC Table 8.G1.A (Max. 1 Sign per Elevation) (1 Faces per Sign)	ULDC Table 8.G1.A Total Allowable Sign Area (in SF)	NBOZ Table 5-6 (Max. 2 Signs per Building) (1 Faces per Sign)	NBOZ Table 5-6 Total Allowable Sign Area (in SF)	PROPOSED	
South Elevation (Northlake Blvd)	Front	50' LF	1 SF per 1.0 LF of Bldg Frontage	50 SF	1.5 SF per 1 LF of Bldg Frontage	75 SF	72	SF
East Elevation	Side	137.7' LF	0.5 SF per 1.0 LF of Bldg Frontage	68.85 SF	50% Less of Frontage Area	37.5 SF	17.43	SF
West Elevation (Silverthorn Drive)	Side	137.7' LF	0.5 SF per 1.0 LF of Bldg Frontage	68.85 SF	50% Less of Frontage Area	37.5 SF	71.87	SF
North Elevation (91st Street)	Rear	50' LF	0.25 SF per 1.0 LF of Bldg Frontage	12.5 SF	25% Less of Bldg Frontage	18.75 SF	12.5	SF
Most Restrictive								

All additional signage illustrated on the Preliminary Master Sign Plan has been analyzed and found in compliance with both codes the ULDC and the NBOZ Guidelines.

o Variance: The Applicant requested seven Type II Variances see summary above, and the ZC approved Variances 1 through 6 and denied Variance number 7 on November 3, 2016

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

The proposed development is surrounded by compatible uses to the south (Vehicle Sales and Rental), east (General Retail Sales), and west (Vehicle Sales and Rental) and an incompatible use (Residential PUD). The Applicant is taking additional measurements to prevent any impact to the north side of the parcel where the Residential use is located. Relevant measures taken to prevent negative impact are discussed below under Standard # 4 Design Minimizes Adverse Impact

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

The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands. The Applicant has implemented the following measures in order to comply with Standard 4 of minimizing adverse impact to the adjacent lands:

- a. ROW Landscape Buffer requirements along 91st Street are met 100%;
- b. All future possible ingress/egress access from 91st Street has been completely eliminated by adding a small detention area on the north portion of the side facing the residential area
- c. The building is proposed to be located as further south as possible, approximately 400 ft. away from the nearest residential home;
- d. All bay doors have been designed to face east instead of north and west as previously proposed, not facing the residential area
- e. A continuous 6-foot wide sidewalk has been added that connects Northlake Blvd to Silverthorne Drive and curves east on 91st Street towards the residential PUD and stopping at the northeast corner of the property line
- f. The proposed building architecture and perimeter landscape material shall provide the pedestrians and drivers of the residential PUD with an improved, visually pleasant walk/drive as they access their community.

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

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property has been previously cleared and developed.

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

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

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

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

The proposed use or amendment will result in a logical, orderly and timely development pattern. This application requests 6,544 sq. ft. of Repair and Maintenance General use with eight (8) bay doors facing east on a one-story, modern architectural style building. The site has two (2) ingress/egress accesses on Silverthorne Drive only. Customers will be encouraged to access the site through the south access, as this is the main customer entrance location. There is full vehicular circulation interior to the site. Most of the parking is located to the north side of the parcel which can be accessed from within the site. A future cross-access on the southeast corner is proposed. Pedestrian connectivity via sidewalk is proposed throughout the entire site and to/from the building to the adjacent ROWs. Two small detention areas are proposed on the north side of the site. that will serve as an additional protection to the residential area to the north. All the required foundation planting material will be provided.

7. Adequate Public Facilities – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The build out of the property is expected to be by December 31, 2019. Net new traffic from the existing furniture store on the site is 48 trips per day, 4 trips in the PM peak hour. Additional traffic expected from the redeveloped tire store on the site is 69 trips per day, 15 trips in the PM peak hour, for grand total impact of 117 daily and 19 PM peak hour trips. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Northlake Blvd from I-95 to Congress Ave

Existing count: Eastbound=2090, Westbound=2730

Background growth: Eastbound=569, Westbound=629

Project Trips: Eastbound=4, Westbound=4

Total Traffic: Eastbound=2663, Westbound=3363

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2680 (normal), 3890 (CRALLS)

Projected level of service: Eastbound=LOS D or better, Westbound=Worse than LOS D with normal Service Volume, but better than LOS D with CRALLS volumes.

The Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code.

The Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures.

The Property Owner shall dedicate additional right of way for two corner clips.

The Property Owner shall landscape and maintain the adjacent median of Northlake Boulevard.

The Property Owner shall construct sidewalks within the adjacent roadways.

The Property Owner shall obtain a Right of Way Permit from the Palm Beach County Engineering Department, Permit Section, for access onto or work within Northlake Boulevard, Silverthorne Drive, and 91st Street North.

The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Florida Department of Health requirements.

FIRE PROTECTION: Staff has analyzed the project and has no further issue with the proposed request.

SCHOOL IMPACTS: Staff has analyzed the project and has no further issue with the proposed request.

PARKS AND RECREATION:

This is a nonresidential project, therefore Park and Recreation Department ULDC standards do not apply.

8. Changed Conditions or Circumstances – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

There are demonstrated changed conditions or circumstances that necessitate a modification. The existing use (Furniture Store) was approved in 1984 through a Rezoning from Residential Multiple Family District (RM) to General Commercial (GC) zoning district designation via Resolution R-1984-0842. Along with the rezoning, a Special Exception to a Planned Commercial Development (PCD) was also approved via Resolution R-1984-1843. This application requests the abandonment of the SE to PCD Resolution R-1984-1843, as it is no longer applicable for the proposed development.

The proposed Repair and Maintenance General use is allowed as a Class A requested use under the GC zoning district designation. The existing site design configuration, building footprint, architecture, parking, interior/perimeter landscape, and utilities are not comparable with today's Code standards, and as such, the existing building will need to be demolished and the site will need to be reconfigured in order to accommodate, to the fullest extent, an updated development that complies to today's building code standards and all of the required land dedication; utility easements; as well as the ULDC requirements and the NBOZ Design Guidelines.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Staff is recommending approval of one Type II Variance; the rezoning; and the Class A Conditional Use. Potential impacts and incompatibility issue will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

Exhibit C-1

Type II Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan and Landscape Plan are dated October 13, 2016, Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

LANDSCAPE - GENERAL

1. Concurrent with the submittal for Final DRO, the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. All the landscape material shall be incorporated in the buffers in accordance with Article 7 regardless of final buffer width. All plant material shall be incorporated in all landscape areas throughout the site. (DRO/ONGOING: ZONING - Zoning)

2. A landscaping inspection shall be completed prior to the issuance of any tree removal or building permits to ensure preserved trees are properly marked and protection devices are installed. (ONGOING: ZONING - Zoning)

VARIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

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

3. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated October 13, 2016. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: CODE ENF - Zoning)

4. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO/ONGOING: ZONING - Zoning)

5. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for ZV/ABN/CA-2016-00444 Tire kingdom. (ONGOING: MONITORING - Zoning)

DISCLOSURE

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

CONDITIONS OF APPROVAL

Exhibit C-2 Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan Plan and Landscape Plan are dated October 13, 2016. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the General Repair and Maintenance shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated April 4, 2016. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

ENGINEERING

1. The Property Owner shall provide to the Palm Beach County Right of Way Acquisition Section of Roadway Production Division a road right of way deed and all associated documents as required by the County Engineer for a 25' corner clip at the northeast corner of Northlake Boulevard and Silverthorne Drive and a 25' corner clip at the southeast corner of Silverthorne Drive and 91st Street North.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM/ONGOING: MONITORING - Engineering)

3. Property Owner shall construct a 5' foot wide concrete sidewalk (6' minimum if adjacent to raised curb) along the east side of Silverthorne Drive from Northlake Boulevard to 91st Street North and along the south side of 91st Street north from Silverthorne Drive to the east property line. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first building permit. (BLDGPM/ONGOING: MONITORING - Engineering)

4. Landscape Within the Median of Northlake Boulevard

The Property Owner shall design, install, and perpetually maintain median landscape within the median of all abutting right of way of Northlake Boulevard. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by the Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

c. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING - Engineering)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, (OTIS) program, unincorporated thoroughfare beautification program prior to the issuance of the first Building Permit. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and shall be based on the project's front footage along Northlake Boulevard. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (BLDGPM/ONGOING: MONITORING - Engineering)

5. Prior to the issuance of the first building permit, the Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the existing or proposed structures. (BLDGPM: MONITORING - Engineering)

6. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Concurrent with the submittal for the Development Review Officer (DRO) final approval], the Property Owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein under the Variance request and shall be in accordance with the approved Variance. (DRO/ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Hours for loading and unloading of materials shall be limited to 7:30 a.m. to 6:00 p.m. Monday through Friday. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application

process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Figure 1 - Land Use Map



Figure 2 – Zoning Map

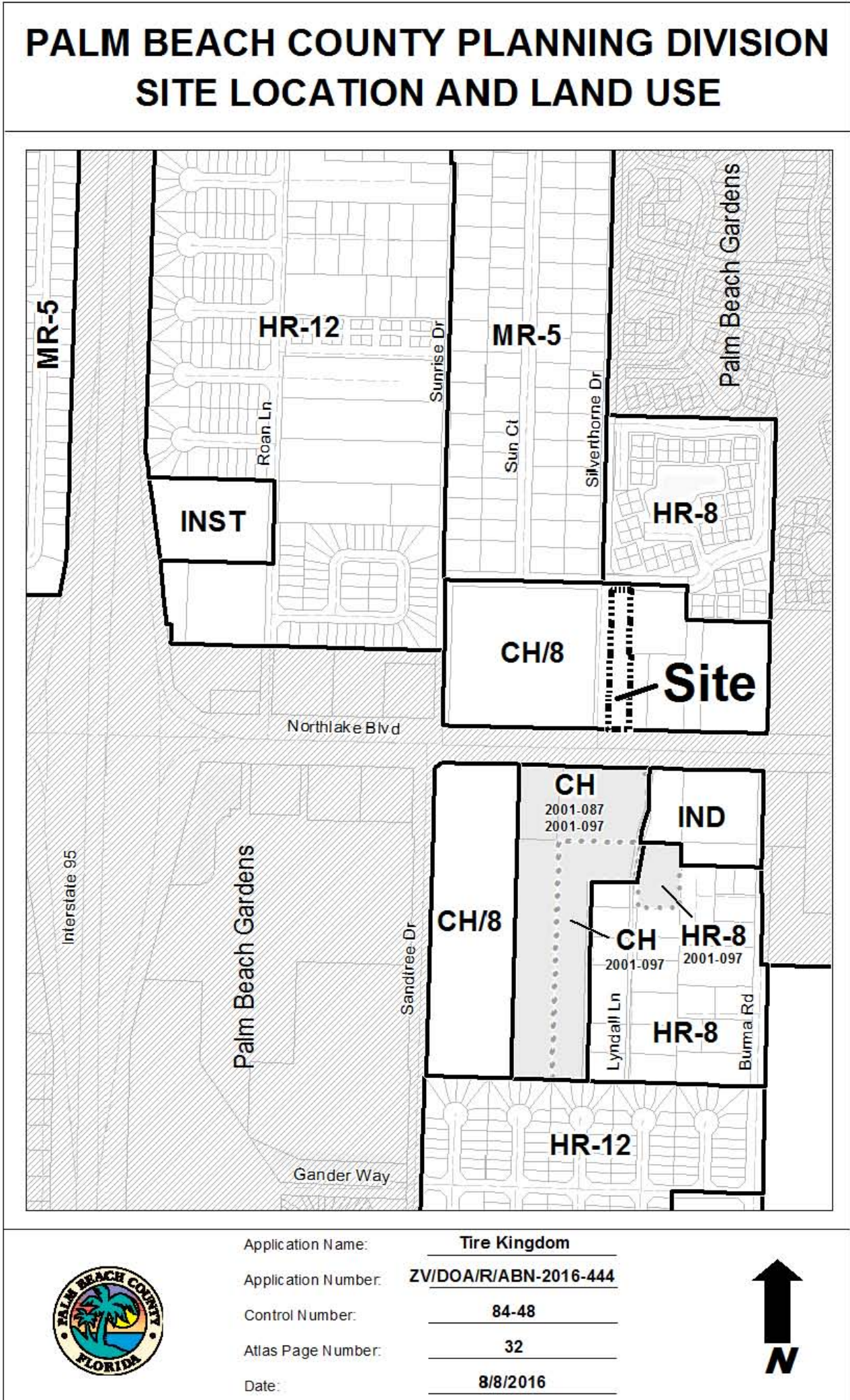
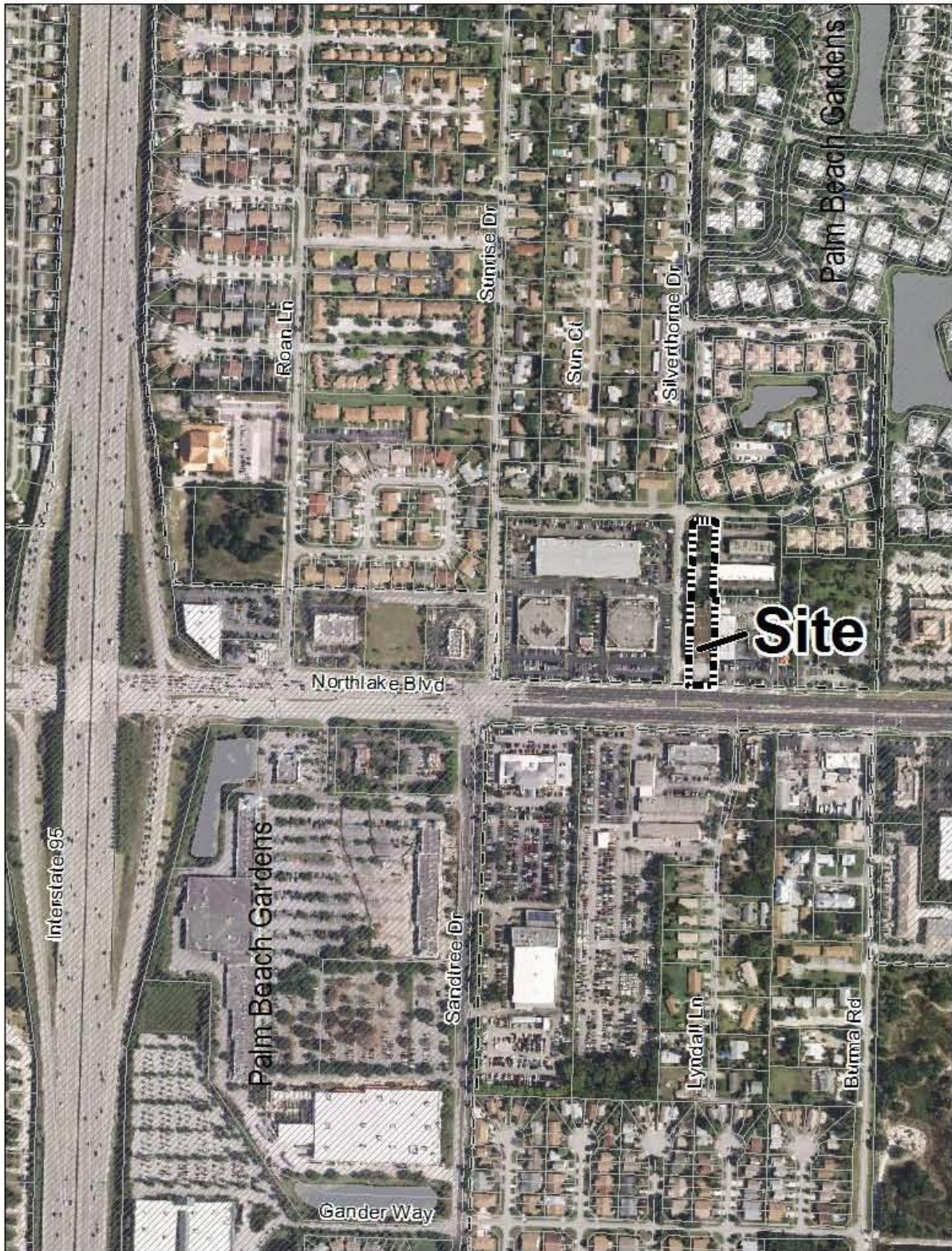


Figure 3- Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Tire Kingdom</u>
Application Number:	<u>ZV/DOA/R/ABN-2016-444</u>
Control Number:	<u>84-48</u>
Atlas Page Number:	<u>32</u>
Date:	<u>8/8/2016</u>

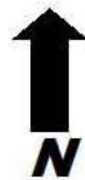
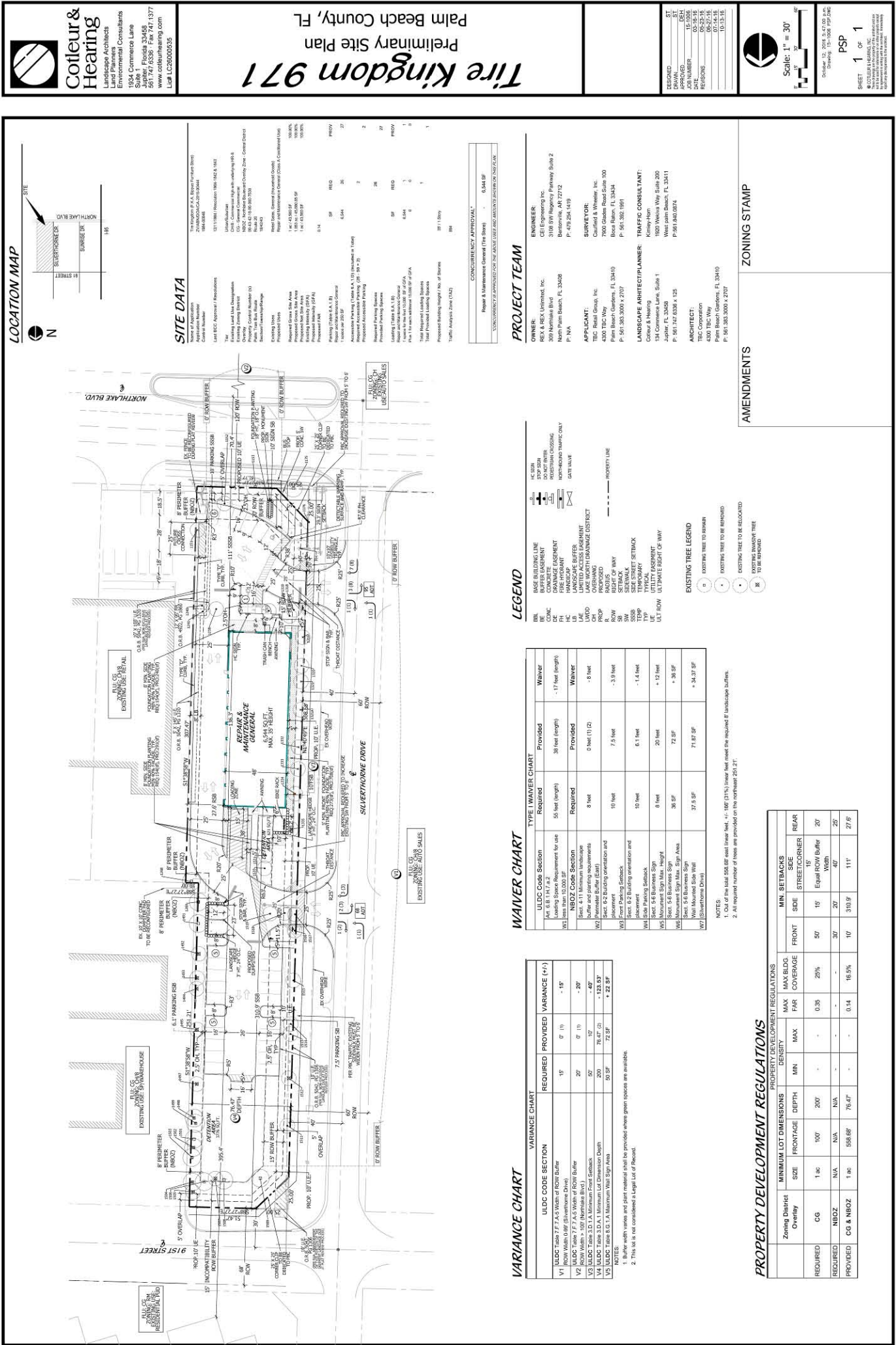


Figure 4 - Preliminary Site Plan dated October 13, 2016



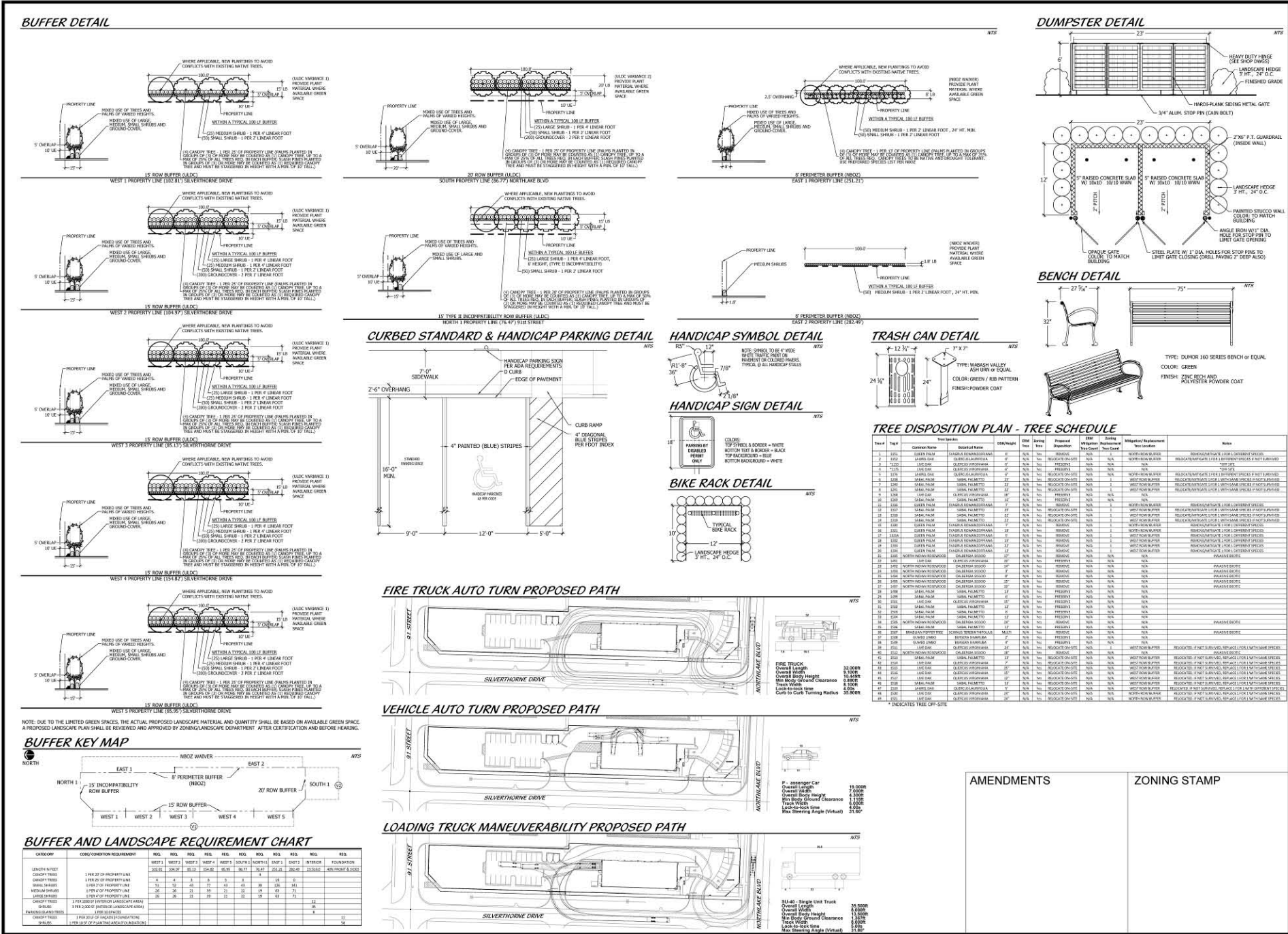


Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants

1934 Commerce Lane
Suite 1
Jupiter, Florida 33488
561.747.6336 Fax 747.3177
www.cotleurhearing.com
Lic# LC26000533

Tire Kingdom 971
Preliminary Regulating Plan
Palm Beach County, FL

Figure 5 - Preliminary Regulating Plan dated October 13, 2016



DESIGNED	ST
DRAWN	ST
APPROVED	DEH
JOB NUMBER	15-1008
DATE	03-16-16
REVISIONS	04-29-16 06-27-16 10-13-16

AMENDMENTS

ZONING STAMP

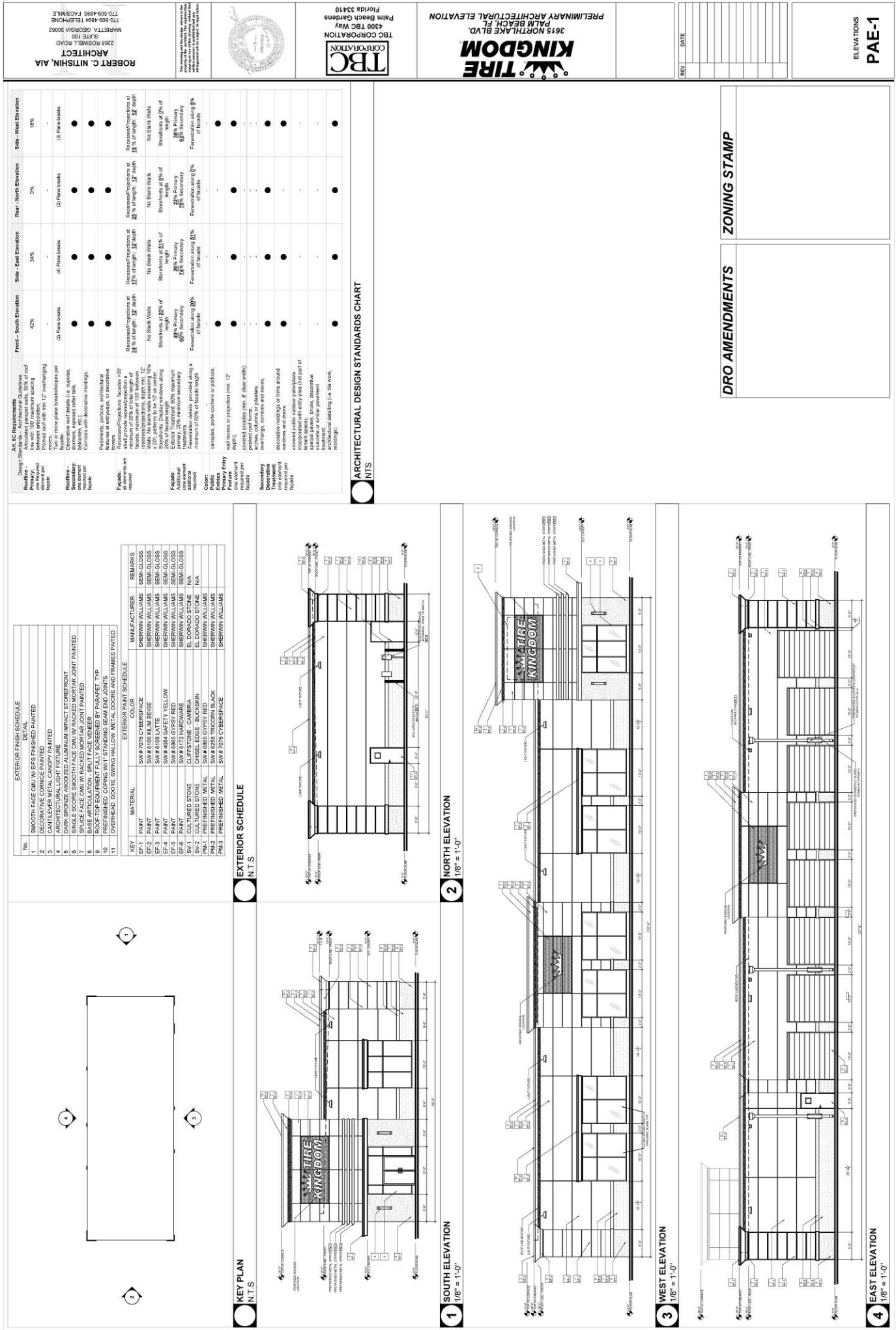
October 12, 2016 7:00:55 a.m.
Drawing: 11-1008_PRRP.DWG
PRP
SHEET 1 of 1
COTLEUR & HEARING, INC.
1934 COMMERCE LANE SUITE 1 JUPITER, FL 33488
561.747.6336 FAX 747.3177
WWW.COTLEURHEARING.COM

BCC
Application No. ZV/ABN/CA-2016-00444
Control No. 1984-00048
Project No. 05000-315

December 7, 2016
BCC District 1

Page 231

Figure 6 - Preliminary Architectural Elevations dated May 23, 2016



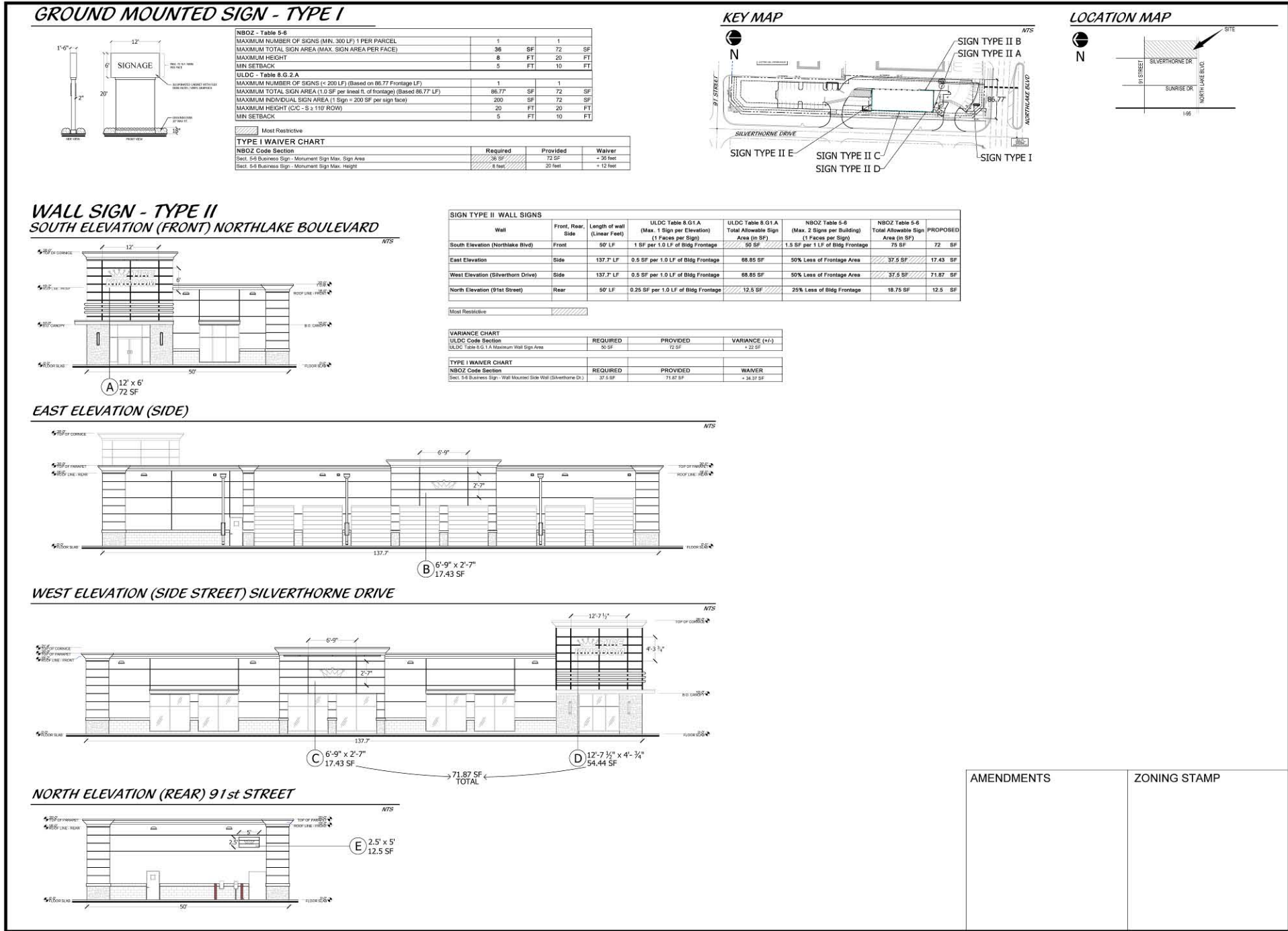


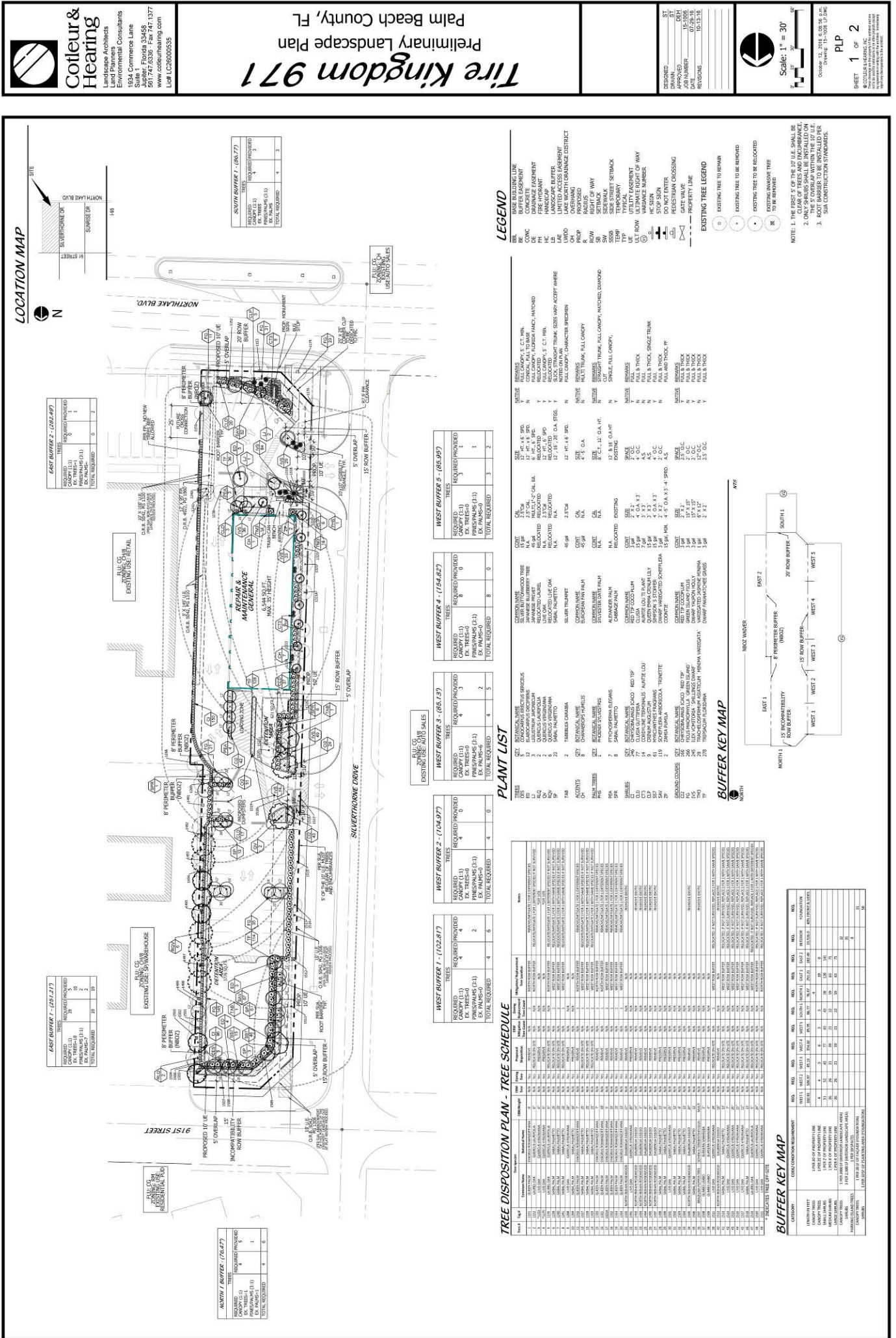
Figure 7 - Preliminary Master Sign Plan date June 27, 2016

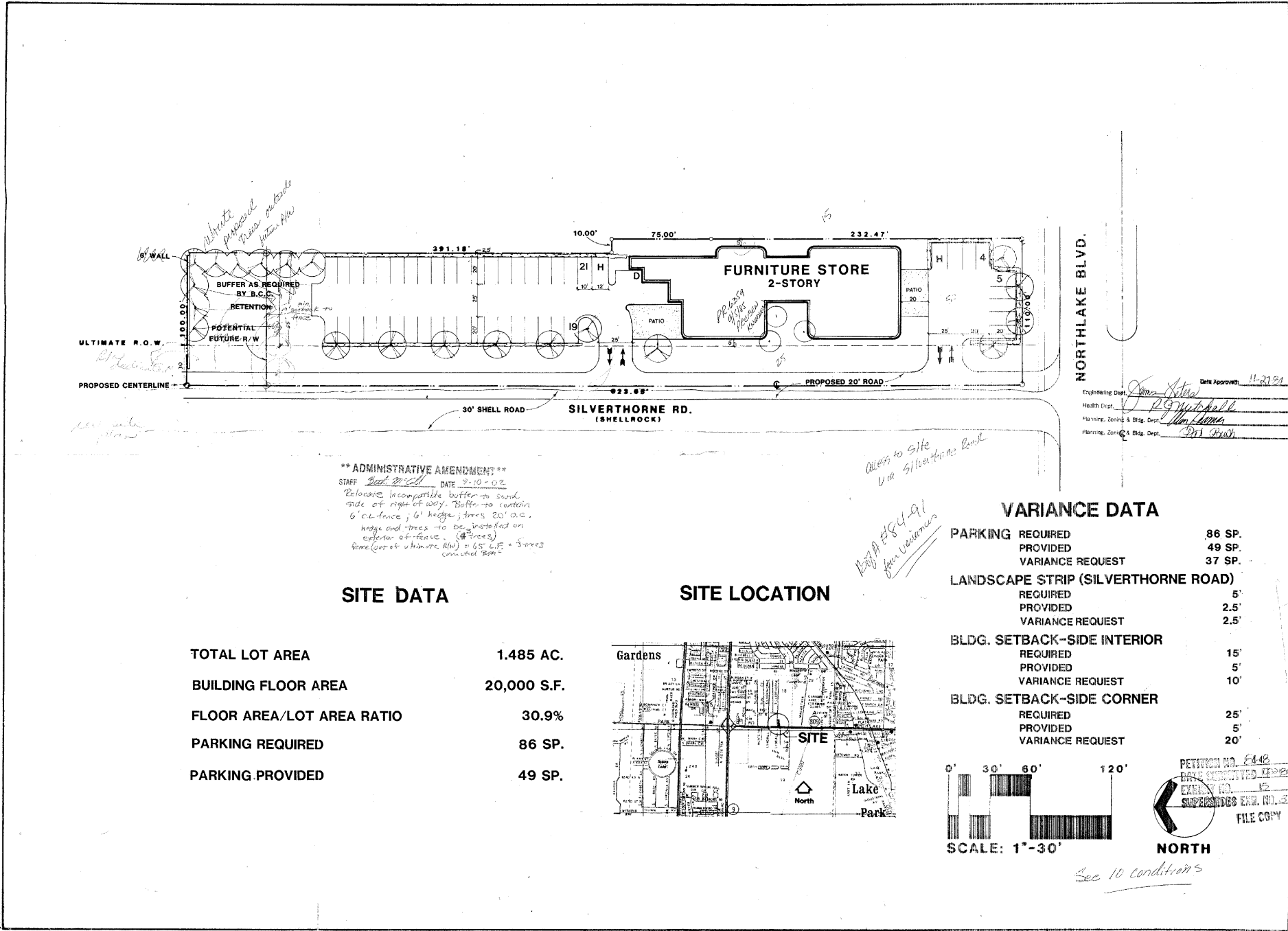
Cotleur & Hearing
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 Jupiter, Florida 33458
 561.747.6336 Fax 747.1377
 www.cotleurhearing.com
 Lic# LC26000535

Tire Kingdom 971

Preliminary Master Site Plan
 Palm Beach County, FL

Figure 7- Preliminary Landscape Plan (1 of 2)





Kilday & Associates
 Landscape Architects / Planners
 1451 North Pine
 Suite 500
 West Palm Beach, Florida 33411
 1-904-889-5272

FURNITURE STORE
 PALM BEACH COUNTY, FLORIDA
 SITE PLAN

Sheet _____ of _____

Scale: 1"=30'
 Date: 1-20-84
 Drawn By: JLN
 File No.: EPT 1984-00048
 Drawing No.: 24

Figure 9- Approved Final Site Plan dated February 28, 1984

Exhibit D Disclosures

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

- 1. Affiant is the [] individual or [X] Secretary of TBC Corporation...
2. Affiant's address is: 4300 TBC Way, Palm Beach Gardens, FL 33410
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy...
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests...
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...
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.



Brian Maciak, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15th day of March, 2016, by Brian Maciak, who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public

Lee Ann Williford Meltzer

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____



EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

THE SOUTHERLY 698.65 FEET OF THE WEST 100.00 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LESS THE SOUTHERLY 75.00 FEET THEREOF FOR ROADWAY PURPOSES;

TOGETHER WITH THE WEST 10.00 FEET OF THE SOUTH 307.47 FEET OF THE WEST 230.00 FEET OF THE EAST 560.00 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LESS THE SOUTHERLY 75.00 FEET THEREOF FOR ROADWAY PURPOSES;

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING WITHIN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, SAID PARCEL HAVING THE WEST LINE COMMON WITH THE EAST LINE OF THE WEST 100.00 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 18, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 88°27'22" WEST, ALONG THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 566.78 FEET; THENCE NORTH 01°40'49" EAST, A DISTANCE OF 75.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF NORTHLAKE BOULEVARD, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°40'49" EAST A DISTANCE OF 623.65 FEET; THENCE SOUTH 88°27'22" EAST, A DISTANCE OF 6.53 FEET; THENCE SOUTH 01°38'06" WEST A DISTANCE OF 316.18 FEET; THENCE SOUTH 01°40'49" WEST, A DISTANCE OF 307.47 FEET; TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE NORTH 88°27'22" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 6.78 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE NORTH 75.00 FEET OF THE SOUTH 382.47 FEET OF THE WEST 10.00 FEET, OF THE WEST 230.00 FEET, OF THE EAST 560.00 FEET, OF THE EAST ONE-HALF, OF THE SOUTHEAST ONE-QUARTER, OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE WESTERN 30 FEET AND THE NORTHERN 60 FEET OF THE ABOVE DESCRIBED PROPERTY FOR ROAD RIGHT-OF-WAY AND LESS THE NORTH 4.96 FEET OF THE SOUTHERLY 698.65 FEET OF THE WEST 100 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, OF THE SOUTHWEST ONE-QUARTER, OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address

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 Sunil Khetarpal, 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 REX & REX Unlimited, Inc. [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: 309 Northlake Boulevard
North Palm Beach, FL 33408

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.

Sunil Khetarpal

_____, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14 day of March, 2016, by Sunil KHETARPAL, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Notary Public

Theresa M. Grant

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 3-3-2017



THERESA M. GRANT
MY COMMISSION # EE 879604
EXPIRES: March 3, 2017
Bonded Thru Budget Notary Services

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

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TOGETHER WITH THE WEST 10.00 FEET OF THE SOUTH 307.47 FEET OF THE WEST 230.00 FEET OF THE EAST 560.00 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LESS THE SOUTHERLY 75.00 FEET THEREOF FOR ROADWAY PURPOSES;

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SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE WESTERN 30 FEET AND THE NORTHERN 60 FEET OF THE ABOVE DESCRIBED PROPERTY FOR ROAD RIGHT-OF-WAY AND LESS THE NORTH 4.96 FEET OF THE SOUTHERLY 698.65 FEET OF THE WEST 100 FEET OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER, OF THE SOUTHWEST ONE-QUARTER, OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

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Name	Address	%
REX & REX UNLIMITED, INC.	309 NORTHLAKE BLVD NORTH PALM BEACH, FL 33408	100