



PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 24-B

BOARD OF COUNTY COMMISSIONERS MEETING, NOV. 1, 2023

I. General Data

Project Name:	Central Park Commerce Center III Text Initiation
Proposed Text Amendment:	<p>This privately proposed text amendment is to revise Future Land Use Element policies, table, and Map Series regarding Limited Urban Service Areas (LUSAs) and Economic Development Center (EDC) future land use. This amendment is proposed in order to allow for a site-specific future land use amendment that would enable the expansion of the adjacent Central Park Commerce Center (CPCC). Specifically, this amendment proposes to:</p> <ul style="list-style-type: none"> • Revise Future Land Use Element Policy 1.8-c and Policy 3.3-a.5 to increase the acreage of the LUSA to incorporate the subject site; • Revise the Map Series Managed Growth Tier System Map, LU 1.1, and Service Area Map, LU 2.1 to incorporate the subject site within the LUSA; and • Revise Table III.C (Note 2) to increase the acreage of EDC future land use permitted in the Glades Area Protection Overlay (GAPO).
Proposed FLUA Amendment:	<p>If the text amendment is initiated, the applicant will proceed with a concurrent future land use (FLU) amendment request to change the FLU designation on up to 75 acres, from Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center (EDC), consistent with the FLU designation of the adjacent CPCC Multiple Use Planned Development (MUPD) approval.</p>
Applicant/Owner:	Enrique Tomeu, PBA Holdings, Inc
Project Manager:	Maria Bello, Principal Planner
Staff	
Recommendation:	Staff recommends to initiate the proposed text amendment

II. Item Summary

Initiation Phase I: The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered "Phase I". If the amendment is initiated, staff will accept the associated FLU amendment, and return to the Board with the amendments through the public hearing process as part of "Phase II".

Staff Assessment: Staff supports the initiation of the proposed text amendment to provide an opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated FLU amendment. Staff would prepare data and analysis, and present the final recommendation on the text and FLU amendment at subsequent public hearings.

III. Meeting History

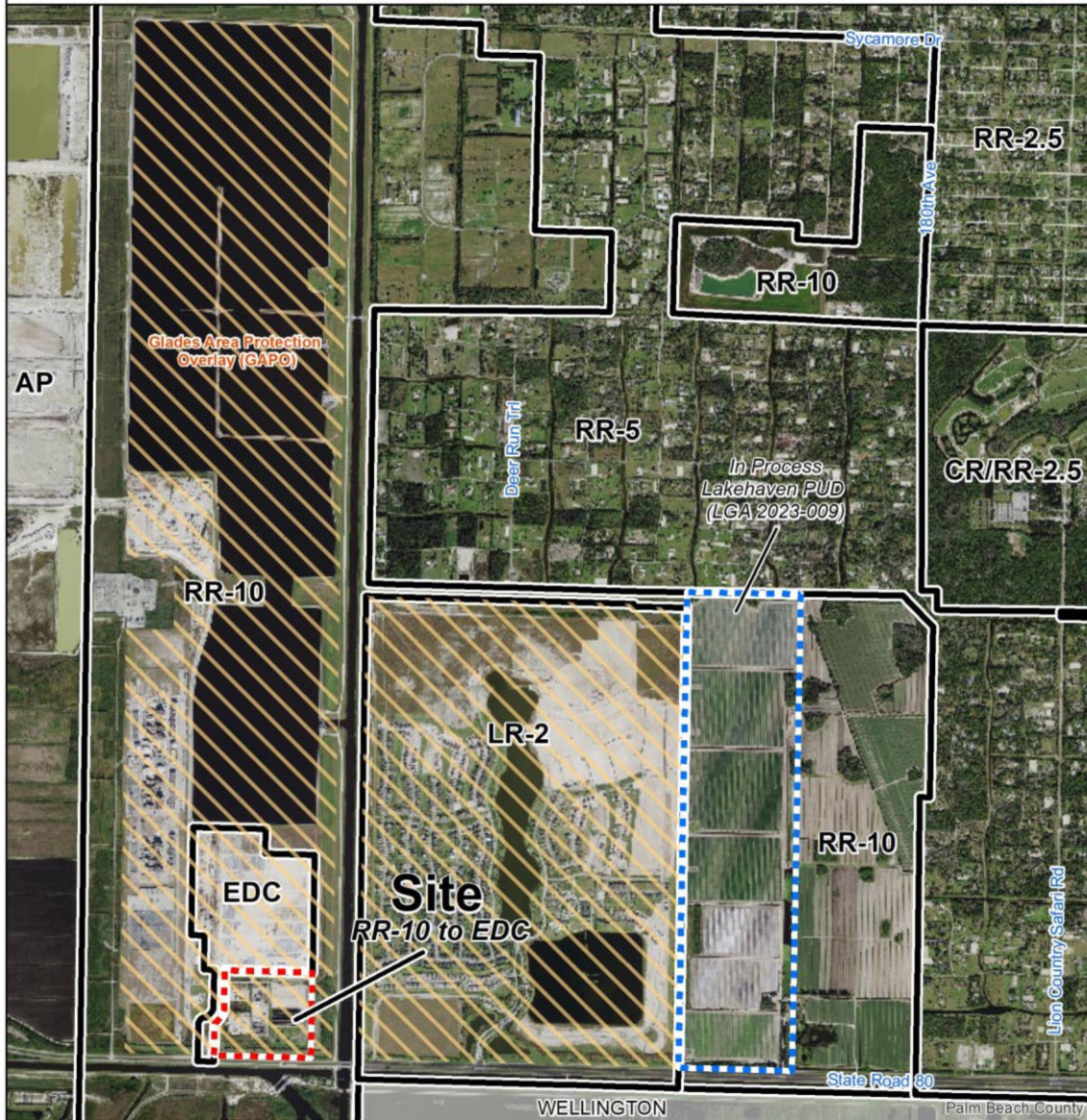
Local Planning Agency/Planning Commission (LPA/PLC): *To be provided in final agenda.*

Board of County Commissioners (BCC):

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Future Land Use Atlas Amendment

Central Park Commerce Center



Site Data

Size: 64.46 acres
 Existing Use: Aggregate Processing
 Proposed Use: Light Industrial & Warehouse
 Current FLU: RR-10
 Proposed FLU: EDC

Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	CR/RR-10	Commercial Recreation, underlying RR-10
RR-5	Rural Residential, 1 unit/5 acres	CR/RR-2.5	Commercial Recreation, underlying RR-2.5
RR-2.5	Rural Residential, 1 unit/2.5 acres	EDC	Economic Development Center
LR-2	Low Residential, 2 units/acre		
AP	Agricultural Production		

Date: 08/29/2023
 Contact: PBC Planning
 Filename: /24-B/Text-Private
 Note: Map is not official, for presentation purposes only.



830 0 830 1,660 Feet



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



IV. Private Text Amendment Request

The subject site, which will comprise up to 75 acres, is located on the north side of Southern Boulevard west of the South Florida Water Management District L-8 Canal, approximately 3.5 miles west of Seminole Pratt Whitney Road, in the area generally known as 20 Mile Bend. The subject site is adjacent on its west and north boundaries to an existing LUSA and the CPCC MUPD approval.

The intent of this privately proposed text amendment to the Comprehensive Plan and subsequent FLU amendment and rezoning is described below.

Proposed Text Amendment. The text amendment proposes to:

- Revise Future Land Use Element Policy 1.8-c and Policy 3.3-a.5, to expand the acreage of the LUSA to incorporate the subject site
- Revise the Map Series to incorporate the subject site within the LUSA on the Managed Growth Tier System Map, LU 1.1 and on the Service Area Map, LU 2.1
- Revise Table III.C (Note 2) to increase the acreage of the EDC FLU designation permitted in the GAPO

Associated Future Land Use Amendment and Zoning Application These text amendments would allow the processing of a FLU amendment for the subject site, to change from RR-10 to EDC. The applicant currently controls 64.46 acres of the subject site, but may acquire additional adjacent acreage prior to the FLU amendment request. Therefore, this proposed text amendment references “up to” 75 acres. The EDC FLU is the same FLU designation of the adjacent CPCC MUPD approval, allowing for expansion of that project onto the subject site through a concurrent zoning development order amendment.

V. Policy Background

A. Glades Area Protection Overlay

The subject site is located within the 3,000-acre GAPO, which spans both sides of the L-8 canal and includes portions of both the Rural and Glades Tiers. The purpose of the GAPO is to protect the Agricultural Production Area in the Glades, also known as the Everglades Agricultural Area (EAA), from encroachment by urban and other uses that would be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects.

The GAPO was adopted by the Board of County Commissioners in 2004, part of a strategy to prevent the voluntary annexation of Palm Beach Aggregates' properties into the Village of Wellington. The Board also adopted amendments designating a portion of the GAPO east of the L-8 Canal as a LUSA, allowing Palm Beach Aggregates, now PBA Holdings Inc., to pursue a FLUA amendment from Rural Residential, 1 unit per 10 acres (RR-10), to Low Residential, 2 units per acre (LR-2) for the area east of the L-8 canal. That amendment included conditions of approval that required the execution and recordation of a restrictive covenant in favor of the County on Palm Beach Aggregates lands within the overlay, providing for restrictions on annexation and limitations on uses. This portion east of the L-8 Canal was subsequently approved as the 1,200 acre Arden project, which is currently under development.

For the area west of the L-8 canal, the GAPO initially limited development to the existing uses, a proposed FPL power plant and related cooling areas, and related uses. In 2016, as discussed below, the Board approved text and FLU amendments allowing employment centers and the EDC FLU designation in the GAPO west of the L-8 canal, and changing the FLU of 138 acres to EDC. These 138 acres were subsequently approved for the CPCC MUPD.

Policy considerations in those 2016 amendments included enhancing employment opportunities in the central and western areas of the county where they were lacking, and where additional residential uses had been approved and continued to be proposed. In addition, with the FPL Energy Center to the west of the subject site, and with mining operations to the north, the EDC FLU proposed for the 138-acre CPCC site was not introducing the first intense use to the GAPO, nor would it be located along the western edge of the GAPO. Further, the proposed EDC FLU use category limited uses to light industrial, addressing concerns regarding siting heavy industrial uses in that location. The site's elevation and other site characteristics were not considered suitable for agricultural use, but enhanced its attractiveness for development making use of the infrastructure already existing in proximity to the site.

The proposed amendment seeks to increase the acreage of the EDC FLU allowed in the GAPO; the amendment does not propose to modify the boundaries or purposes of the GAPO.

B. Limited Urban Service Area

The subject site is adjacent on its west and north side to the CPCC MUPD and LUSA for that site.

The Comprehensive Plan establishes service areas, including Urban, Limited Urban, and Rural Service Areas, in consideration of the density and intensity of land uses, the cost and feasibility of extending services, the necessity to protect natural resources, and the objective of encouraging revitalization and redevelopment. Limited Urban Service Areas allow for a mix of urban and rural levels of service, and are specifically designated in the Plan, in Policy 3.3-a, and depicted in the

Map Series. The Comprehensive Plan establishes factors for consideration when designating a LUSA, including whether the proposed facility in the LUSA addresses a need, furthers County policy goals, provides public benefits, and is better suited for location in the Urban Service Area. Presently, the Comprehensive Plan designates seven LUSAs, including the area containing the CPCC MUPD project adjacent to the subject site.

In 2016, the Board approved privately proposed text amendments and a FLU amendment for the CPCC site. The amendments designated a LUSA, added EDC to the list of FLU designations permitted in the Glades Tier only in the GAPO, and changed the FLU designation for the 138-acre site from Rural Residential, 1 unit per 10 acres (RR-10) to EDC. The intent of the amendment was to allow for development of an employment center on the site, including a large-scale “data center” providing information technology infrastructure for single or multiple commercial or government clients. A second amendment in 2018 extended the deadline for development to commence through June 2022. In March of 2022, the condition was deemed to have been met. To date, according to the applicant, plats have been recorded and the master plan and subdivision plans have been approved. In addition, the final site plan has been approved for two data center buildings of 100,000 sf each and accessory office of 6,000 sf, and a third 1,200,000 sf warehouse building inclusive of 25,000 sf of accessory office. Per the site plan, there remains 614,000 of warehouse square footage or equivalent trips to be developed on the remainder and the additional subject site.

The designation of the LUSA and approval of the FLU change was in part based on the recommendations of the Sector Plan process, which the County undertook in 1999 to address long range planning and land use imbalances in the 50,000+ acre Central Western Communities area. The Sector Plan was adopted in 2005, and contained recommendations for approximately 2 million sq. ft. of non-residential uses, including a 943,000 sq. ft. employment center for the Leonard-Fleming properties, located between 20 mile-bend and Seminole Pratt Whitney Road. The Sector Plan was ultimately rescinded by the County after it was found not in compliance by the Florida Department of Community Affairs, but the recommendation for an employment center near 20 Mile Bend was a consideration in the 2016 approval of the LUSA for the CPCC project. The proposed LUSA addressed the need identified in the Sector Plan for an employment center that would provide opportunities for residents of the CWC as well as the Glades communities.

The proposed amendment seeks to expand the acreage of the existing LUSA designated in 2016 for the CPCC, to incorporate up to 75 acres adjacent to the CPCC MUPD for the purpose of expanding that project.

D. Proposed Text Amendment

The amendment language as provided in Exhibit 1 requests to revise Future Land Use Element policies, table, and Map Series regarding LUSAs, to expand an existing LUSA and increase the permissible EDC acreage in the GAPO, allowing for a FLU amendment to enlarge the adjacent CPCC project.

The applicant has submitted a basis for the amendment (See Exhibit 2) which is largely based upon the expansion of the existing CPCC MUPD to provide additional employment generation in the western communities.

E. Unified Land Development Code (ULDC) Implications

If approved, the amendment would allow the subject site to apply for the EDC FLU designation. If the County adopts the EDC designation on the site, then the site would be subject to all of the EDC policies and regulations in the Plan and in the ULDC. No ULDC amendment is necessary to implement the proposed text and Map Series amendments to the Plan, or the subsequent FLU amendment.

VI. Issues and Implications

The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment, for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. The policy considerations are discussed below.

The proposed amendment represents an expansion of existing designations previously approved by the Board, for both the LUSA and the requested EDC FLU designation. The proposed language does not propose new policy concepts, create new future land use designations or zoning districts, or seek to modify the boundaries or purposes of the GAPO. The crux of the request is whether the Board should authorize the initiation to allow the processing of the associated FLU amendment to EDC, thereby allowing approximately 75 additional acres of EDC in this location.

The public facilities impact analysis and full policy analysis for consistency with the Comprehensive Plan would proceed with the review of the proposed FLU amendment in Phase II if this text amendment is initiated by the Board. The traffic impacts of this request have not been established (as this is Phase I) and the applicant has not requested an exemption from the FLU amendment requirements in Future Land Use Element Policy 3.5-d.

VII. Staff Recommendation

The privately proposed text amendment requests to expand the existing LUSA and allowable EDC acreage adjacent to the subject site in order to allow up to 75 acres to apply for a FLU amendment to change from RR-10 to EDC. This FLU change would allow for expansion of the existing CPCC onto the subject site.

The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered “Phase I”. If the amendment is initiated, staff will accept the associated FLU amendment, and return to the Board with the two amendments through the public hearing process as part of “Phase II”.

Staff supports the initiation of the proposed text amendment to provide opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated FLU amendment. Staff would prepare data and analysis, and present the final recommendation on the text and FLU amendment at subsequent public hearings.

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Exhibit 1

Applicant's Proposed Text Amendment

A. Future Land Use Element, Central Park Commerce Center III

Objective 1.8 Glades Area Protection Overlay

1. **REVISE Policy 1.8-c:** Policy 1.8-c: The area within the Overlay located east of the SFWMD L-8 Canal and ~~138.31 acres~~ a land area not to exceed 213 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the "Service Areas Map" contained in the Comprehensive Plan Map Series.

Objective 3.3 Limited Urban Service Areas (LUSAs)

2. **REVISE Policy 3.3-a:** The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

...

5. the area east of the SFWMD L-8 Canal and ~~138.31 acres~~ a land area not to exceed 213 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;

...

III. Future Land Use Regulation

3. Table III.C, Future Land Use Designation by Tier (Note 2)

...table omitted for brevity...

2. Within the Glades Area Protection Overlay, ~~138.34~~ up to 213 acres of EDC future land use designation is allowed.

B. Map Series, Central Park Commerce Center III

REVISIONS. To modify the following maps in the Map Series of the Comprehensive Plan to incorporate the subject site:

1. LU 1.1 – Managed Growth Tier System, to depict as a Limited Urban Service Area
2. LU 2.1 – Service Area Map, to depict as a Limited Urban Service Area

Exhibit 2

Applicant's Justification

Elements & Policies to be revised	Future Land Use Element Policy 1.8-c, Policy 3.3-a.5, and Managed Growth Tier System Map LU1.1 and Service Area Map LU2.1
Purpose	The amendment will allow for the expansion of the existing Central Park of Commerce MUPD to create additional employment opportunities in the western communities. This requires that the Limited Urban Service Area (LUSA) within the Glades Protection Area Overlay be expanded to include the MUPD expanded land area.
Justification	The requested text change will allow for a companion land use plan amendment application to expand the land area currently associated with the Central Park of Commerce Economic Development Center (EDC) Multiple Use Planned Development (MUPD). The request will be to change the land use on the expanded area from Rural Residential 10 (RR-10) to EDC, as was done for the original approvals for the MUPD. This will allow for the increase in land area to provide for additional employment generation in the western communities. A concurrent zoning application will be processed to delete Condition 2 of Ordinance 2018-012 as that condition has been deemed satisfied.
Consistency	<p>OBJECTIVE 1.8 Glades Area Protection Overlay</p> <p>General: The Purpose of the Overlay is to protect the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier.</p> <p>Response: This request is consistent with this Objective as the proposed EDC land use designation for the property does not threaten the EAA to the west. The GAPO includes not only the subject property, but also the FP&L Power Plant to the west. The west boundary of the GAPO will remain intact with the proposed change and no additional development potential is extended to the west as a result of this amendment. The subject land area is not suitable for agricultural development as it has not been utilized in the recent past for agricultural production (nor is the land use on the property AP – Agricultural Production). The proposal also does not propose the expansion of urban and suburban activities into the Glades Tier. Of note, however, is that services have been extended to the immediate vicinity of the property.</p> <p>Objective: The Purpose of the Glades Area Protection Overlay (GAPO) shall be to protect the Agricultural Production Area in the Glades also known as the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. This overlay complements existing provisions in the Comprehensive Plan by creating a barrier to the expansion of urban and suburban activities into the Agricultural Production areas in the Glades Tier, beyond the western limits of this overlay, while providing the opportunity to recognize existing uses and new uses within the overlay.</p> <p>Response: Again, the proposal is consistent with this Objective. The proposal does not negate the barrier created by the Plan to prevent the expansion of urban and suburban activities <u>into</u> the Agricultural Production areas to the west. It also is consistent with the objective to provide opportunity to recognize existing uses and the expansion of new uses within the overlay.</p>

Policy 1.8-a: The Glades Area Protection Overlay, generally described, as the area north of State Road 80 (SR-80), approximately 2.25 miles west of Seminole Pratt Whitney Road directly south of the Deer Run rural subdivision, to approximately 2.0 miles west of the SFWMD L-8 Canal, encompassing the western portions of sections 8 and 17, all of sections 20, 28, 29 and 32, and the northern portion of section 33, Township 43, Range 40, with an approximate total acreage of 3,063.66 acres, is depicted on the Special Planning Areas Map in the Map Series. The boundaries of the Glades Area Protection Overlay shall not be modified or expanded to incorporate areas other than the ones described in this policy.

Response: The request is consistent with this policy as it does not propose to change the boundary of the GAPO.

Policy 1.8-b: The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.

Response: The request is consistent with this policy as the uses proposed have already been deemed compatible with the overall via the prior EDC amendment approval and subsequent approval of the master plan and site plan for the existing EDC/MUPD. No residential is proposed as part of this request, which is also consistent with the policy.

Policy 1.8-c: The area within the Overlay located east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the "Service Areas Map" contained in the Comprehensive Plan Map Series.

Response: With the changes as proposed to this text, the subsequent land use plan amendment will be consistent with this portion of the policy. The applicant has not identified any provision in the Plan that would prohibit the proposed changes to this text.

OBJECTIVE 3.3 Limited Urban Service Areas (LUSAs)

Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. Designation of an area as a LUSA shall be based upon consideration of the following factors:

- The need for the proposed facilities;

Response: Utilities already exist in the vicinity of the subject land area, specifically to the existing EDC/MUPD which is located to the west and north of the area subject to the future land use plan amendment.

- The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and

Response: The applicant believes that the location of this property, on Southern Boulevard, a major east/west State Road, provides unique advantages and opportunities for the expansion of the previously approved employment generating uses. There are relatively few parcels of a size significant to attract warehousing and light industrial uses within the Urban Suburban Tier, especially on this State Road. The proposal meets various policy goals as outlined in this consistency assessment as previously determined when the LUSA was amendment for the MUPD.

	<ul style="list-style-type: none"> • The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits. <p>Response: As mentioned above, the size and location of the property on a major east/west State Road has already been determine to provide for the potential to create a major economic impact for not only central Palm Beach County, but also the tri-city Glades area. The creation of jobs located to take advantage of mass transit will provide for additional job opportunities for the residents of Palm Beach County.</p> <p>Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:</p> <ol style="list-style-type: none"> 1. the area described as the United Technology - Pratt and Whitney Overlay; 2. the area defined as the General Aviation Facility/ North County Airport; 3. the Agricultural Reserve; and 4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation; 5. the area east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay; 6. an Agricultural Enclave pursuant to Policy 2.2.5-d; 7. the Western Communities Residential Overlay; and 8. the Trotting Center Overlay <p>Response: With the changes as proposed to this text, the subsequent land use plan amendment will be consistent with this portion of the policy. The applicant has not identified any provision in the Plan that would prohibit the proposed changes to this text.</p> <p>In addition, the request to add this property to the LUSA's of Palm Beach County is consistent with the placement of the designation on both the United Technology and General Aviation Facility areas. Both of these areas are envisioned to provide for job creation/employment opportunities for the residents of the County, as will the subject parcel. Amending the text associated with item 5 is permitted to be requested and, in part, reflects the installation of utilities already in existence in the vicinity of the subject parcel. The designation would also fill in the 'hole in the donut' in this area north of Southern Blvd. with the LUSA already in place to the west and north with the existing MUPD land use, and would remove the existing RR-10 designation on the property that could be considered incompatible with the adjacent uses.</p> <p>Policy 3.3-b: The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as a LUSA except those areas where the BCC has entered or enters into a written agreement that provides utility service area rights within a LUSA to another public or privately owned potable water, reclaimed water and wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law.</p> <p>Response: The Palm Beach County Water Utilities would be the provider in this case and utilities have already been extended to the area.</p>
Text Changes	<p>Policy 1.8-c: The area within the Overlay located east of the SFWMD L-8 Canal and 138.31 acres <u>a land area not to exceed 213 acres</u> with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the "Service Areas Map" contained in the Comprehensive Plan Map Series.</p>

	<p>Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:</p> <p>5. the area east of the SFWMD L-8 Canal and 138.31 acres <u>a land area not to exceed 213 acres</u> with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;</p>
Map Changes	<p>Amend Map Series FLU 1.1 Map: Managed Growth Tier System, to depict the Limited Urban Service Area and;</p> <p>Amend Map Series FLU 2.1 Map: Service Areas, to depict the Limited Urban Service Area</p>
ULDC Changes	<p>It is not anticipated that any revisions to the ULDC will be required in order to affect this text change.</p>

Exhibit 3

Applicant's Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 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 PBA Holdings, Inc. [position - e.g., president, partner, trustee] of PBA Holdings, 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: 20125 State Road 80
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.



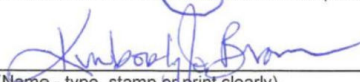
Enrique Tomeu, Affiant

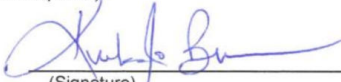
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of August, 2023 by Enrique Tomeu (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).


(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 10-19-23

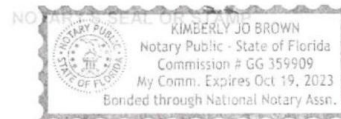


EXHIBIT "A"**PROPERTY****ROFO PARCEL**

A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 7842, PAGE 1757 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LOCATED WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT OS-5, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN PLAT BOOK (P.B.) 135, PAGE 101 OF THE PALM BEACH COUNTY RECORDS (P.B.C.R.); THENCE SOUTH 88°23'35" EAST FOR 919.41 FEET ALONG THE SOUTHERLY LINE OF TRACT B OF SAID CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE DEPARTING FROM SAID SOUTHERLY LINE OF TRACT B SOUTH 00°57'24" WEST FOR 1615.97 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST FOR 1097.23 FEET ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, THE FOLLOWING THREE (3) COURSES BEING ALONG THE EASTERLY LINES OF SAID CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80 NORTH 01°31'46" EAST FOR 599.86 FEET TO THE POINT OF BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 585.00 FEET AND FROM SAID POINT A RADIAL LINE BEARS NORTH 40°36'01" WEST; THENCE NORTHERLY ALONG SAID CURVE FOR 323.00 FEET THROUGH A CENTRAL ANGLE OF 31°38'07"; THENCE NORTH 00°56'55" EAST FOR 747.16 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH;

D1 & D2 PARCELS (OVERALL)

A PORTION OF THE LANDS DESCRIBED IN ORB 7842, PAGE 1757, LOCATED WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT B, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN P.B. 135, PAGE 101 P.B.C.R.; THENCE SOUTH 00°57'24" WEST FOR 1614.87 FEET, ALONG THE WEST LINE OF TRACT NO. VF-100-007, AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1081 P.B.C.R. TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, BEING 203.00 FEET WIDE, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST FOR 741.88, ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE OF STATE ROUTE 80 NORTH 00°57'24" EAST FOR 1615.97 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID TRACT B; THENCE SOUTH 88°23'35" EAST FOR 741.89 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING. SAID TOTAL LANDS CONTAINING 64.462 ACRES, MORE OR LESS.

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
W.T. Phillips, Sr.	22501 State Road 52
Family Trust u/t/a/ Dated April 28, 2005	Land O'Lakes, FL 34639
Bank of America, NA, Michael S. Klein and	PO Box 842056
Peter Grossman as Co-TTEES Sam W. Klein	Dallas, TX 75284-2056
UTA Dated 1/24/2007 As Amended	
Enrique A. Tomeu	6815 S. Flagler Dr.
	West Palm Beach, FL 33430
Michael S. Klein	PO Box 317, Sonoma, CA 95476