



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT BOARD OF COUNTY COMMISSIONERS, JULY 15, 2026

A. Application Summary

I. General

Application Name:	Project Tango, DOA/ZV-2025-01602
Control Name:	Central Park Commerce Center MUPD (2015-00085)
Applicant:	PBA Holdings, Inc.
Owner:	PBA Holdings, Inc.; WPB Logistics Owner, LLC; and Central Park Commerce Center Master Association, Inc.
Agent:	Joe Verdone, Carlton Fields and Doug Murray, WGI
Project Manager:	Wendy N. Hernández, Zoning Director

Title: a Development Order Amendment **Request:** to amend the previously approved Master Plan of the overall Economic Development Center MUPD to add square footage and modify phasing on 202.67 acres

Title: a Type 2 Variance **Request:** to allow a reduction in parking calculation for Data Information and Processing Use on 202.67 acres

Application Summary: The proposed application is for the Central Park Commerce Center Development. The site was originally approved on April 28, 2016, concurrently and contingent on the approval of the Future Land Use amendment from Rural Residential 10 du/acre (RR-10) to Economic Development Center (EDC). The last approval by the Board of County Commissioners (BCC) was on January 30, 2025, to allow a rezoning of approximately 64.46 acres to the Multiple Use Planned Development (MUPD) and a Development Order Amendment to add land area (64.46 acres) and modify Conditions of Approval. The approved Master Plan indicates 2,020,000 square feet (sq. ft.) of Warehouse, Accessory Office, and Uses Permitted in an EDC MUPD.

The request submitted and proposed in October 2025 is to modify the overall Master Plan to add square footage (+1,672,000 sq ft), modify uses and Conditions of Approval, and amend the phasing of development. Also requested is a Type 2 Variance to allow the reduction in the calculation for the number of parking spaces for the Data and Information Processing use (Data Center) to modify the calculation from 1 space per 100 sq. ft. to 1 space per 2,000 sq. ft. A Variance was previously approved by the Zoning Commission in 2016 to reduce the parking calculation for the Data Information Processing use on 138 acres of the MUPD. The application certified for the December 2025 Zoning Commission and Board of County Commissioners public hearings indicated on the Preliminary Master Plan 1,900,000 sq. ft. of Warehouse use, 1,792,000 sq. ft. of Data Information Processing (Data Center), and a Minor Utility use for a total of 3,692,000 sq. ft. as allowed via Planning ORD-2025-003.

The existing/approved uses on site consist of Warehouse, Data and Information Processing, and three non-conforming Type 3 Excavation accessory uses (a concrete plant, an asphalt plant, and a contractor storage yard); along with the FPL grid infrastructure resiliency laydown yard. These previously approved uses are allowed to remain on site until they are replaced with EDC uses. Access to the development will remain from Southern Boulevard (SR-80).

The Applicant submitted revisions to the request on April 27, 2026. The revised Preliminary Master Plan indicates 2,346,564 sq. ft. of Warehouse use, 1,032,000 sq. ft. of Data Information Processing use (Data

Center), and 216,000 sq. ft. for Minor Utility use for a total of 3,594,564 sq. ft. The square footage of uses was modified, increasing for warehouse and decreasing for Data Information and Processing, as well as decreasing the overall square footage proposed by 97,436 sq. ft. With this resubmittal, the Applicant has also provided a Preliminary Sound Impact Assessment and revisions to the General Application, Concurrency, Justification Statement, and Traffic Study.

II. Site Data

Acres:	202.67 acres
Location:	North side of Southern Boulevard, west of the L-8 Canal, approximately 3.4 miles west of Seminole Pratt Whitney Road
Parcel Control:	00-40-43-29-01-001-0000, 00-40-43-29-01-002-0020, 00-40-43-29-01-002-0030, 00-40-43-29-01-015-0000, 00-40-43-29-01-023-0000, 00-40-43-32-01-012-0030, 00-40-43-29-01-002-0010, 00-40-43-29-01-002-0050, 00-40-43-32-00-000-1030, 00-40-43-32-00-000-1050, 00-40-43-29-01-002-0040
Future Land Use:	Economic Development Center (EDC)
Zoning District:	Multiple Use Planned Development District (MUPD)
Tier:	Glades
Utility Service:	PBC Water Utilities
Overlay/Study:	Glades Area Protection Overlay (GAPO)
Neighborhood Plan:	N/A
CCRT Area:	N/A
Comm. District:	6, Mayor Sara Baxter

III. Staff Assessment & Recommendation

ASSESSMENT: Staff have evaluated the standards listed under Article 2.B. and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C-1 and C-2.

STAFF RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received several contacts from the public, requesting information regarding the application and providing documentation in opposition of the request.

IV. Hearing History

ZONING COMMISSION: At the December 4, 2025 Zoning Commission Hearing, this item was pulled from the Consent Agenda. The Applicant made a presentation regarding the proposed requests. Staff followed with a brief summary of the request and proposed conditions of approval.

Twelve public comment cards were submitted in opposition to the request, concerns cited included the placement of the item on the agenda, the use and the impacts on water, proximity to residential, noise, traffic, property values, impacts of the noise on the environment and the children at the school, traffic, access to the residential development, fire and the exposure of chemicals/fumes, and intensity of the development. All of the Commissioners discussed the application request citing concerns on the use, fire

location, location, noise decibels, berm and sound wall, LEED Standard building, and the determination of the type of cooling systems

Commissioner Vinikoor made a motion to approve the Type 2 Variance, seconded by Commissioner Caliendo, in which the motion passed by a vote of 8-1-0, with Commissioner Mendoza dissenting. For the Development Order Amendment request, Commissioner Vinikoor made the motion to recommend approval, with conditions mitigating the sound, and was seconded by Commissioner Caliendo; the motion passed for the DOA with a vote of 7-2-0, with Commissioners Mendoza and Kammerer dissenting.

ZONING COMMISSION: At the July 2, 2026 Zoning Commission Hearing, this item was on the Regular Agenda. The Applicant made a presentation, followed by Staff. Fifty-one comment cards were submitted by the public, all in opposition to the request. Three representatives were given ten minutes to speak on behalf of their clients; Tara Duh, Esq represented WPB Logistic Owner and Central Park of Commerce Center Master Association, Inc., John R. Eubanks, Jr represented Arden HOA, and Christina Reichert represented Western Palm Beach Community Alliance.

Ms. Duh requested that the application be tabled as her client does not consent to the request and states they will be affected by the proposed changes. The ZC discussed her request and the County Attorney provided advisement. Mr. Eubanks stated Arden's opposition to the project that the use would impact his client, he cited concerns that there is a question on due process, stating the noise study is incomplete and stating that the use is not a light industrial use. Ms. Reichert, with Earthjustice, submitted documentation prior to the hearing that was included in the Staff Report under Correspondence Exhibit G. She argued that the use of a server farm is not the same as a hyperscale AI data center as mentioned in the 2016 Planning Staff Report. She also discussed the topic of the existing AI Center in Memphis, air cooling closed-loop system, the use of grey water and concentrated pollution, the use creating a heat island effect, creation of algae blooms, low frequency sound, and the use doesn't create additional jobs.

In addition, 48 comment cards were submitted by interested parties. Forty people spoke and eight submitted their comments for the record. The interested parties spoke in opposition to the request citing concerns on the low-frequency noise, 24 hour operation, health and safety, the use was not light industrial, when does the project become a new project, salt water intrusion to drinking fresh water, creation of a moratorium, noise, water and air quality for animals and wild animals, lack of information regarding the type of equipment, 4-foot berm on the east versus 15 foot berm on the south, compatibility of the use, noise, AI data center is not employee generating use, NDA prohibits questions and due process, mental and literacy of effects of AI data Centers, insurance companies not consulted and will impact homeowner insurance rates, heavy industrial use, fire and ability to fight fires or let it burn, burden of proof is responsibility of applicant not residents, environmental risks, need to table the application for further review, heat and increase around data centers, drainage, impact on bald eagle nest near project, location is in an incorrect place, staff and board need to listen to residents and not policy, building heights, what happens to water when we are in a drought, and request to move the site to the old Moroso development.

BCC HEARING: BCC HEARING: At the December 10, 2025 BCC Zoning Hearing, this item was on the Regular Agenda. The Applicant requested a postponement of the application to the ~~January~~ February 26, 2026 BCC hearing. Several members of the public were present to speak on the application and request to postpone. The residents that spoke were in opposition to the request and the allowance of Data Centers at this location. Following the public comment and Board discussion, the Applicant requested a modification to the request to postpone to the April 23, 2026 hearing. Vice Mayor Woodward made the motion to approve the postponement and was seconded by Commissioner Weiss. The motion passed 7-0.

BCC HEARING: At the April 23, 2026 BCC hearing, this item was on the Postponement Agenda, administratively postponed to the July 15, 2026 BCC hearing.

BCC HEARING: *Scheduled for July 15, 2026*

B. Data & Analysis

I. Exhibits

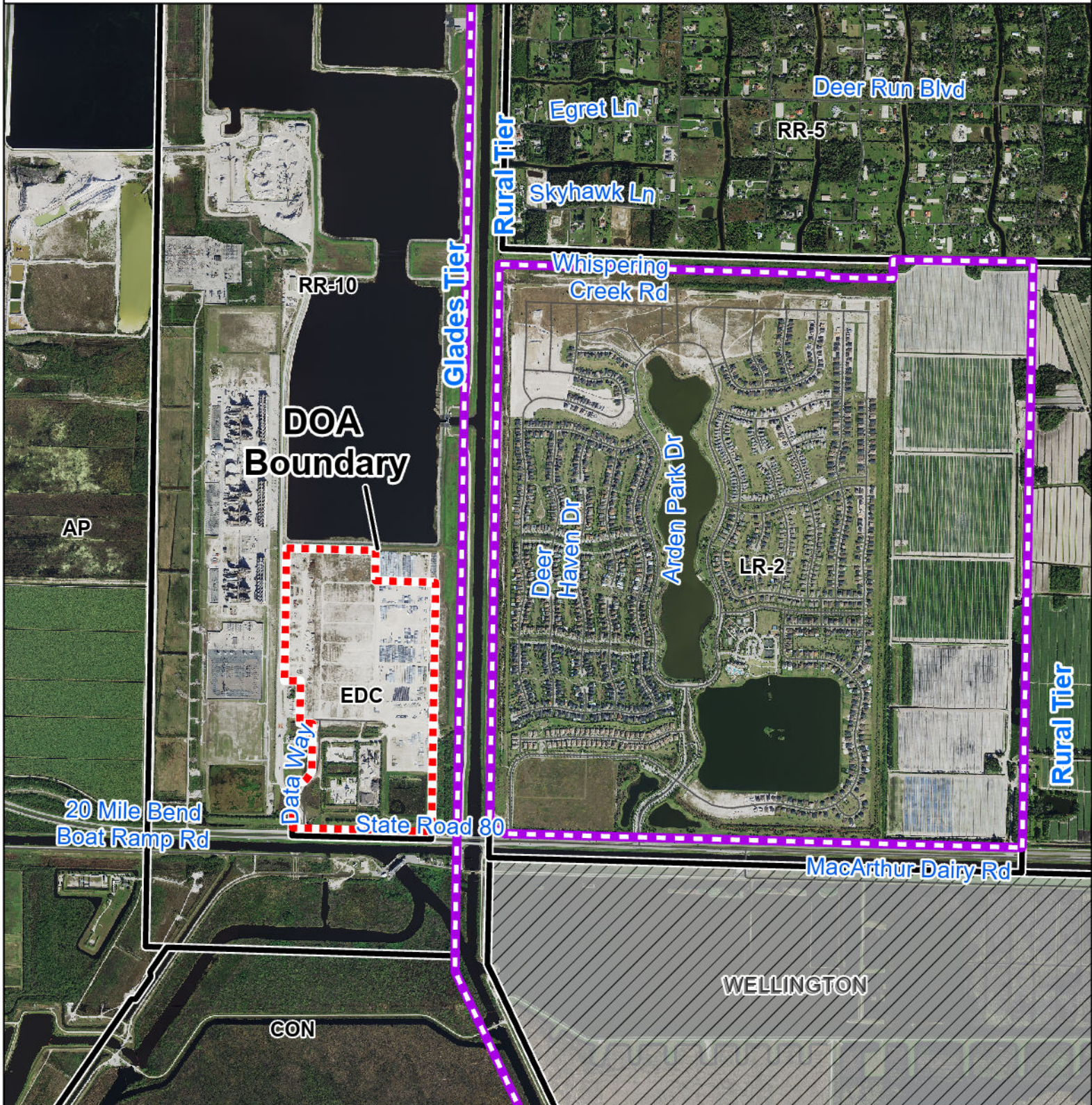
The supporting data and analysis are provided within the following Exhibits.

No.	Exhibit Name	Page
A-1	Future Land Use Map	6
A-2	Zoning Map	7
B-1	Standards Analysis & Findings Development Order Amendment	8
B-2	Standards Analysis & Findings Type 2 Variance	27
C-1	Conditions of Approval Development Order Amendment	30
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D.	Project History	40
E-1	<u>Public School Bus Stop Map</u>	
E-2	<u>Mass Transit Map</u>	
E-3	<u>Fire Rescue Map</u>	
E-4	<u>PBC School Board Letter</u>	
F.	Applicants Exhibits	
F-1	<u>Preliminary Master Plan – June 8, 2026</u>	F.1
F-2	Preliminary Master Plan – November 25, 2025	F.2
F-3	<u>Preliminary Site Plan – June 8, 2026 – Information Only</u>	F.3
F-4	Preliminary Site Plan – November 4, 2025 – Information Only	F.4
F-5	<u>Preliminary Regulating Plans – June 8, 2026 and April 27, 2026</u>	F.5
F-6	Preliminary Regulating Plan – October 21, 2025	F.6
F-7	Preliminary Phasing Plan dated November 4, 2025	F.7
F-8	Previously Approved Final Master Plan – April 24, 2025	F.8
F-9	Previously Approved Final Site Plans – February 4, 2022	F.9
F-10	Previously Approved Final Regulating Plans	F.10
F-11	Disclosure of Ownership	F.11
F-12	Drainage Statement – October 17, 2025	F.12
F-13	Utility Service Availability Letter – October 8, 2025	F.13
F-14	<u>Applicant's Justification Statement – April 27, 2026</u>	F.14
F-15	Applicant's Justification Statement – November 4, 2025	F.15
F-16	<u>Data Center Cooling Water Concepts June 8, 20206</u>	F.16
F-17	Data Center Cooling Options Memo dated January 23, 2024	F.17
F-18	Parking Demand Study – November 3, 2025	F.18
F-19	<u>Total Estimated Water Usage June 8, 2026</u>	F.19

No.	Exhibit Name	Page
F-20	<u>Fire Protection Study June 8, 2026</u>	F.20
F-21	<u>Phase 1 Environmental Site Assessment June 8, 2026</u>	F-21
F-22	<u>Sound Impact Assessment June 17, 2026 and June 23, 2026</u>	F-22
F-23	<u>Traffic Study June 8, 2026</u>	F-23
F-24	<u>Response to School Board Letter June 19, 2026</u>	F-24
<u>G</u>	<u>Correspondence</u>	G
G-1	<u>Earth Justice</u>	
G-1	<u>Earth Justice file attachments</u>	
G-2	<u>Letter from Senator Berman</u>	
G-2	<u>Letter from State Representative Weinberger</u>	
G-3	<u>Resolution from Acreage Landowners Association</u>	
G-4	<u>Resolution from Arden Property Owners Association</u>	
G-5	<u>Resolution from the City of Westlake</u>	
G-6	<u>Resolution from Fox Trail Property Owners Association</u>	
G-7	<u>Resolution from Town of Loxahatchee Groves</u>	
G-8	<u>Resolution from Palm Beach County Democratic Party</u>	
G-9	<u>White Paper on Data Centers by LMEIC</u>	
G-10	<u>John Eubanks, Attorney Representing Arden Residents</u>	
G-11	<u>Tara Duhy, Attorney Representing WPB Logistics Owner, LLC; and Central Park Commerce Center Master Association, Inc</u>	
G-12	<u>Sustainable PBC</u>	
G-13 to G-24	<u>General Correspondence from Residents and Interested Parties</u>	

Exhibit A-1 - Future Land Use Map

Project Tango (DOA/ZV-2025-01602)



Site Data

Size: 202.67 acres
Existing Use: Industrial
Proposed Use: Industrial
Zoning: MUPD
Zoning Quad: 107

Future Land Use Designations

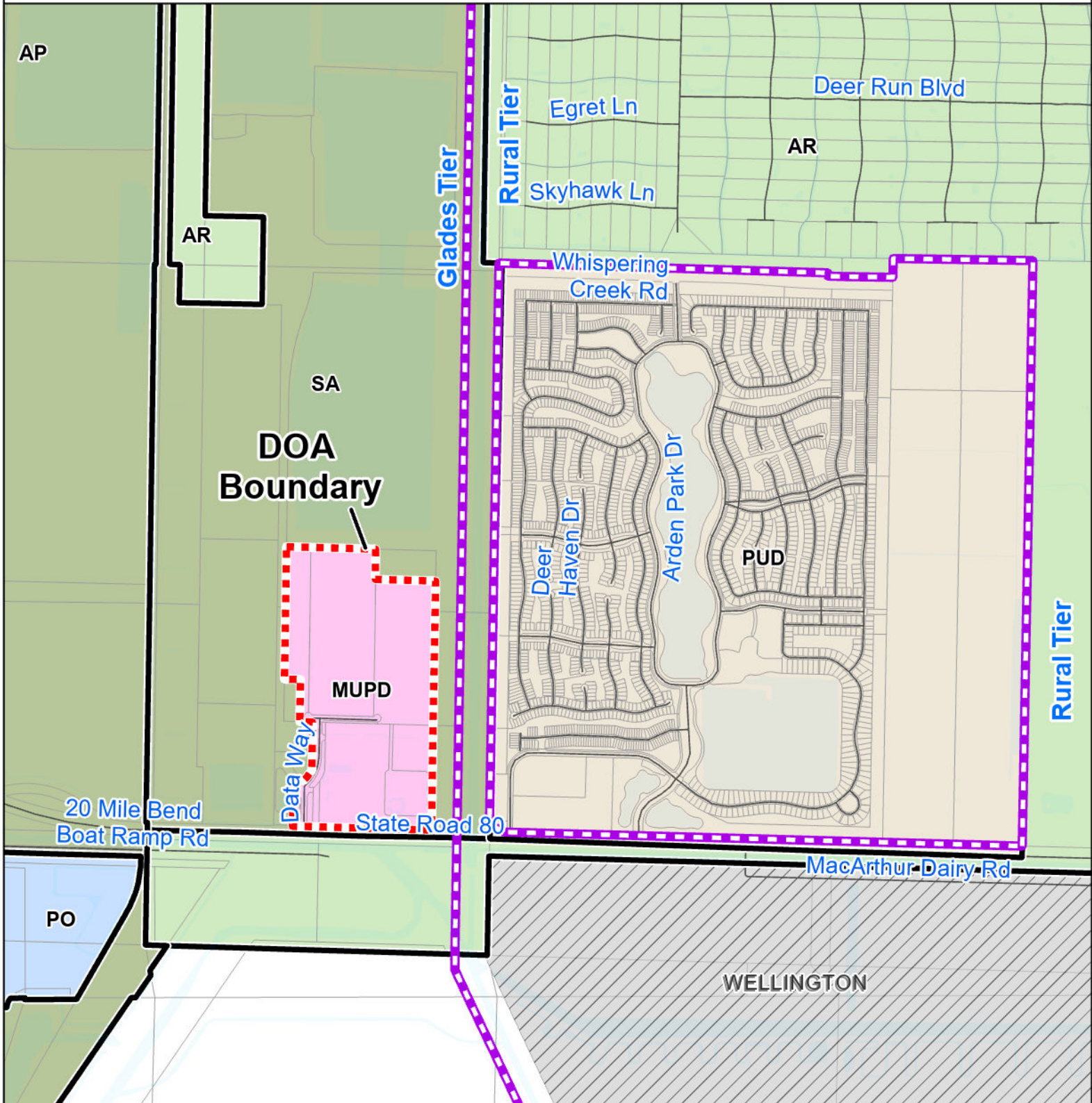
RR-10 Rural Residential, 1 unit/10 acres
RR-5 Rural Residential, 1 unit/5 acres
LR-2 Neighborhood Commercial
AP Agricultural Production
EDC Economic Development Center

CON Conservation



Exhibit A-2 - Zoning Map

Project Tango (DOA/ZV-2025-01602)



Site Data

Existing Use: Industrial
Proposed Use: Industrial
Zoning: MUPD
Zoning Quad: 107

Zoning District

AP	Agricultural Production	MUPD	Multiple Use Planned Development
SA	Special Agricultural		
AR	Agricultural Residential		
PUD	Planned Unit Development		
PO	Public Ownership		



Exhibit B-1 - Standards Analysis & Findings

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP) are not subject to these Standards and are subject to 5.G.1.B.2.e.2)b) Factors for Consideration. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

a. Consistency with the Comprehensive 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* - Should the BCC approve the request, then the proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities, and intensities of use.

⊖ *Concurrent & Prior Land Use Amendments:* The site has been the subject of 2 three prior Future Land Use Amendments. ~~The most recent, and in effect, was (LGA 2024-006) which added 64.46 acres of land area and amend the prior conditions contained in Ordinance 2016-26. The BCC adopted the request via Ord. 2025-03 with the following conditions: The first land use amendment was a Large Scale FLUA and Text amendments known as Central Park Commerce Center (LGA 2016-005; Ordinance 2016-026), which amended the land use from Rural Residential 1 unit per 10 acres (RR-10), to Economic Development Center (EDC) on 138.31 acres. The second amendment (LGA 2018-027; Ordinance 2018-012) extended the date for commencement of development from June 30, 2019, to June 30, 2022. The most recent was (LGA 2024-006), which added 64.46 acres of land area and amended the prior conditions contained in Ordinance 2016-026. The BCC adopted the request via Ordinance 2025-003, which is currently in effect, with the following conditions applicable to the entire 202.79 acres:~~

- 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. Residential uses (except security or caretakers' quarters) are prohibited*

~~The first land use amendment was a Large Scale FLUA and Text amendments known as Central Park Commerce Center (LGA 2016-005; Ord. 2016-26), which amended the land use from Rural Residential 1 unit per 10 acres (RR-10), to Economic Development Center (EDC).~~

~~The 491,749 sq. ft. of light IND equates to 1,434 trips, and the 2,786,577 sq. ft. of warehouse uses equates to 3,301 trips. The request (DOA 2025-01602) for 1,792,000 sq. ft. Data Center (Light IND) equates to 878 trips and 1,900,000 sq. ft. Warehouse equates to 2,318 trips. There are no residential uses proposed.~~

The 491,749 square feet of light industrial use equate to 1,434 net daily trips, and the 2,786,577 square feet of warehouse use equate to 3,301 net daily trips, resulting in a total of 4,735 net daily trips. The request (DOA 2025-1602) for 1,032,000 sq. ft. of data center equates to 593 net daily trips, and 2,346,564 sq. ft. of warehouse equates to 2,886 net daily trips, resulting in a combined total of 3,479 net daily trips. There are no residential uses proposed, and the 216,000 sq. ft. of minor utility has no trips associated with it. This request (DOA 2025-1602) results in 1,256 fewer net daily trips.

The request (DOA 2025-1602) would reallocate square feet from warehouse to Data Center, which has a lower trip generation rate. It will also be separated from the adjacent residential land uses by approximately 1,150 feet, including a 400-foot-wide wildlife corridor, the 500-foot-wide SFWMD L-8 Canal, and a 250-foot-wide berm.

○ *Relevant Comprehensive Plan Policies:* The subject request is located within the Glades Area Protection Overlay established by Objective 1.8 of the Future Land Use Element (FLUE), with policy 1.8-b(a) (p.55) identifying that areas west of the L-8 Canal may contain the Economic Development Center (EDC) future land use designation.

FLUE Policy 2.2.4-c (p.78) defines the EDC future land use designation and identifies that it is intended to accommodate employment opportunities, research parks, and employment centers. It is also intended to be developed as a planned development to promote internal circulation and buffering from surrounding land uses. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.

FLUE Policy 2.2.4-d (p.79) distinguishes between light and heavy industrial uses, and reads as follows:

Policy 2.2.4-d: Industrial Uses. Industrial uses shall be considered either Light or Heavy as defined below.

Light Industrial. Light industrial development's typical operation is not likely to cause undesirable effects, danger, or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. Examples of Light Industrial uses include: storage, warehouse, research, laboratories, dispatch, landscape service, flex space, media production, and light manufacturing and processing.

Heavy Industrial. Heavy industrial development's typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. These effects will be minimized through the application of performance standards established in the Unified Land Development Code (ULDC). Heavy industrial uses can include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions. Examples of heavy industrial uses include, but are not limited to, salvage and junkyards, storage of regulated substances, asphalt and concrete mixing and product manufacturing, heavy manufacturing, construction and demolition recycling, and equestrian waste management.

It is key to note that Heavy Industrial uses are those that generally involve manufacturing, hazardous materials, have some sort of noxious result of the use on the parcel, and/or are otherwise recognized as offensive uses. Light Industrial uses are those uses that are typically contained within buildings, and generally, any effects do not go beyond the property lines of the use, and therefore do not have negative impacts on adjacent parcels. Staff previously determined the data center/Data Information Processing use to be a light industrial use, even though it is not specifically listed in either category. This is because the use itself is understood to be wholly contained within the building, and that any external equipment necessary to support the use is governed by the provisions of Article 5.E.4. Nuisances of the ULDC (p.59ff.). Further, ULDC Table 4.B.5.A - Industrial Use Matrix, indicates the Warehouse and Data and Information Processing uses are "Light Industrial Uses" (cf. ULDC Art. 4, p.91).

Planning Division staff also noted that there is an existing, vested approval on-site for a "Concrete Batch Plant," which corresponds to the "Heavy Industry" use in the ULDC. This is a prior approval and in time, the proposed development would completely replace and extinguish this heavy industrial use, a use which is inconsistent with and predates the adopted EDC future land use designation. This elimination of the heavy industrial use would further comply with Comprehensive Plan policy, specifically FLUE Policy 2.2-d (p.64), which reads as follows:

Policy 2.2-d: The County shall encourage the elimination or reduction of existing or previously approved land uses, and activities, which were lawful before the adoption of the Plan but are prohibited, regulated or restricted under the terms of this Plan. This shall be accomplished by limiting the enlargement, expansion, or extension of non-conforming future land use activity unless the action decreases the nonconformity. Non-conforming uses shall only be permitted to expand under limited circumstances specified in the Palm Beach County Unified Development Code, which are designated to curtail any substantial investment in non-conforming uses to preserve the integrity of the Comprehensive Plan.

○ ***Planning Conditions of Approval:*** The Planning Division will carry forward the amended conditions consistent with the concurrent land use amendment request.

○ ***Intensity:*** The maximum square footage is limited by Condition 1 of the Ordinance to 491,749 square feet of light industrial uses and 2,786,577 sq. ft. of warehouse uses, or other uses that do not exceed the equivalent traffic-generating trips. The current request is for ~~3,692,000 sq. ft.~~ 3,594,564 square feet equates to a FAR of ~~0.42 (3,692,000 / 8,828,087~~ 0.41 (3,594,564 / 8,828,087 surveyed sq. ft. or 202.67 acres = ~~0.418 or 0.42~~ 0.407 or 0.41 rounded-up). Without the amendment condition limitation, the maximum Floor Area Ratio (FAR) of 0.85 is allowed for the proposed Economic Development Center (EDC) future land use designation utilizing the Urban Suburban Tier per note 11 of table 2.2-e.1 (8,828,087 surveyed sq. ft. or 202.67 acres x 0.85 maximum FAR = 7,503,874 sq. ft. maximum). The subject site is located within a Limited Urban Service area, which utilizes the Urban Suburban Tier FAR standards. –

Since the Board postponed the request (DOA 2025-1602) in December 2025, the Applicant provided a resubmittal to address concerns by reducing the data center square footage and increasing square footage of the warehouse use. These changes resulted in a decrease in overall square footage by 97,436 square feet from 3,692,000 square feet to 3,594,564 square feet and an overall net increase in total daily trips by 283 trips. The increase in trips was caused by the reallocation of square footage to increase the warehouse use.

Submittal	Use	Square feet	Total trips
November 4, 2025	Data Center	1,792,000sq. ft.	878 trips
	Warehouse	1,900,000sq. ft.	2,318 trips
	Minor Utility	0	0
	Total SQ. FT.	3,692,000sq. ft.	3,196 total daily trips
June 8, 2026	Data Center	1,032,000sq. ft.	593 trips
	Warehouse	2,346,564sq. ft.	2,886 trips
	Minor Utility	216,000sq. ft.	0
	Total SQ. FT.	3,594,564sq. ft.	3,479 total daily trips
Changes Since December	Data Center	760,000sq. ft. (reduction)	285 trips (reduction)
	Warehouse	446,564sq. ft. (increase)	568 trips (increase)
	Minor Utility	216,000sq. ft. (increase)	0
Overall Change		97,436sq. ft. overall reduction	283 trips Overall increase in total daily trips

○ ***Special Overlay District/ Neighborhood Plan/Planning Study Area:*** The request is located in and is consistent with the Glades Area Protection Overlay (GAPO). The GAPO was intended to protect the EAA from encroachment by urban and other uses detrimental to agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. On the west side of the L-8 canal, the GAPO prohibits residential development and limits development to only the existing uses, mining, excavation and related uses consistent with the Overlay and for Everglades restoration and water management purposes; Conservation, including wildlife corridors; FPL power plant and related cooling

areas; and Employment Center. the proposed FPL power plant and related cooling areas, and related uses.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

- Development Order and Development Permit: The ULDC defines a Development Order as:

Development Order

a. Any order granting, granting with conditions, or denying an application for a Development Permit through procedures required by the Code which establishes the specific use or uses of land, sets the density, and involves an active and specific consideration by PBC of particular detailed development concept. A Development Order typically involves the submission and review of a plan, but may not necessarily involve such. It shall not include land use designations or amendments established by the Comprehensive Plan and Rezoning initiated by PZB pursuant to direction of the BCC. [Ord. 2010-022]

b. For the purposes of Art. 2.F, Concurrency (Adequate Public Facility Standards), any Concurrency Reservation that applies to lands that are owned by a unit of Local, State, or Federal Government and utilized for buildings or facilities that are owned by a government entity and support government services or delivery of public services. [Ord. 2007-013]

Development Permit – includes any Building Permits, Zoning Permits such as Rezoning, Conditional Uses, Development Order Amendments, DRO/Administrative Approvals, Special Permits, deviations, Waivers, Variances, subdivisions, or any other official action of PBC having the effect of permitting the development of land or the specific use of land.

While the BCC approved the Future Land Use in three prior applications, as described under a. Consistency with the Plan, the approval of that land use is not considered a Development Order. Those actions were Legislative and subject to the conditions adopted in those ordinances, compliant with the Plan and Florida State Statutes.

Pursuant to Article 2.A, a Development Order request for an Official Zoning Map Amendment to rezone a property to a Planned Development District, specifically the Multiple Use Planned Development (MUPD) requires a decision by the Board of County Commissioners (BCC). A Preliminary Master Plan is a required document that must be submitted with a request to rezone a property to MUPD with an Economic Development Center Future Land Use, which is approved by the BCC.

Article 4 indicates the different uses that are allowed for a property that has an MUPD/EDC Zoning. Article 4 describes the process and supplemental standards for the specific uses allowed in a Zoning District. Uses approved through a public hearing process such as a Class A or Class B Conditional use, or through the Administrative Review processes by the Development Review Officer. A Preliminary Site Plan is a required document that is submitted for a Development Order request for a use approval by the BCC, Zoning Commission, or Development Review Officer. Article 4 states Development Orders with a Final Master Plan shall receive approval of a Final Site Plan or Subdivision Plan by the Development Review Officer pursuant to Art. 2.C, Administrative Processes and Art 2.G Decision Making Bodies.

The subject development has a Development Order approving a Master Plan by the Board of County Commissioners which was most recently approved in January 2025. In addition, the site has Development Orders for Variances approved by the Zoning Commission in 2016 and 2017. The Master Plan approved 2,020,000 sq ft of uses allowed in a MUPD-EDC Zoning District (Warehouse, Accessory Office and Uses, and Uses permitted in an EDC MUPD). The Development Review Officer has the authority pursuant to Article 2, Article 3, and Art 4 to approve subsequent Development Orders for uses, allowed administratively in the Zoning District, in compliance with the Development Order and Master Plan approved by the BCC. In addition, pursuant to Article 3.E and 2.C., modifications to plans approved by the BCC can be completed administratively by the Development Review Officer if the requests meet the standards described in Article

3.E and 2.C.

For this zoning application, the Applicant is requesting a new Development Order that amends the prior Development Order adopted in 2016 and revised in 2025, for a Development Permit to allow a rezoning to the Multiple Use Planned Development District. Those Development Orders included the submission Plans, including a Master Plan and Regulating Plans, as required pursuant to Article 2. A of the ULDC.

○ Article 1.E Prior Approvals and Modifications to Prior Approvals: In accordance with Article 1.E, Prior Approvals of the ULDC. “All Development Orders, permits, enforcement orders, ongoing enforcement actions, and all other actions of the BCC, the ZC, the DRO, Enforcement Boards, all other PBC decision-making and advisory boards, Special Masters, Hearing Officers, and all other PBC Officials, issued pursuant to the procedures established by prior PBC land development regulations, shall remain in full force and effect. The uses, site design, intensity, density, and tabular data shown on a Development Permit that was approved in accordance with a prior Ordinance, shall not be subject to the requirements of this Code for any information clearly shown. This information may be carried forward onto subsequent plans if necessary to implement the previously approved plan.” “Modification of Prior Approval. A Development Order or Permit, which was approved under prior Code provisions, shall comply with the current review process for any modifications...”

The approved Development Order for the Master Plan approved by the Board of County Commissioners in January 2025, pursuant to Resolution R-2025-122 and R-2025-123. The Master Plan for that Development Order 2,020,000 sq. ft. of Warehouse, Accessory Office and Uses, and Uses permitted in an EDC MUPD. That Development Order also recognized Ancillary Mining Uses that are allowed to continue until the Type 3 Excavation (Mining) operation ceases or are replaced by MUPD-EDC allowable uses.

Modifications to the Development Order are allowed to be requested pursuant to the requirements of Article 2, and those modifications shall comply with the current code. Vestiture of information must have been clearly shown on the prior Development Order. Staff is in receipt of the request to remove Consent from the Property Owner, WPB Logistics Owner, LLC of the approximately 59.58 acres, for the proposed application request. They would be vested for information clearly indicated on the Development Order for their property. Because their property was not called out on the approved Master Plan and the Master Plan does not indicate Pods, the approval of the overall square footage of 2,020,000 sq. ft. applies to the entire boundary of the Master Plan as part of the Development Order approved in 2025. They are vested for the Development Order for the use approval granted by the Development Review Officer for 1,200,000 sq. ft. of Warehouse use, which is included in the Master Plan for the 2,020,000 sq. ft.

The current request is to modify the Development Order of the entire MUPD to increase the square footage for the overall boundary of the Master Plan. Exhibit F-1 Preliminary Master Plan indicates one Industrial Pod with 193.51 acres that would account for the overall proposed square footage of 3,594,564 sq. ft., of which 1,032,000 sq. ft. is Data and Information Processing with an accessory office, 2,346,564 sq. ft. of Warehouse with an accessory office, and 216,000 sq. ft. of Minor Utility. The proposed increase in square footage is 1,574,564 sq. ft.

○ Concurrent Applications Under Review: With the proposed public hearing application in process to request and increase in the overall square footage for the MUPD, Staff have received requests to process three administrative applications.

1. **Application DRO-2025-01675** This request was submitted by PBA Holdings, Inc. The proposed application is for the Central Park Commerce Center Development. This application request is **dependent and contingent** upon a decision by the Board of County Commissioners for application DOA/ZV-2025-01602.

The current approved site plan indicates two buildings of Data Information Processing (Data Center) Building A 100,000 sq. ft and Building B 100,000 sq. ft., one Warehouse with accessory office within Building C 1,200,000 sq. ft., and one Office use within Building D at 6,000 sq. ft for a total 1,406,000 sq. ft.

This request is modifying the previously approved site plan to reconfigure the site plan, add square footage, and modify uses. The Preliminary Site Plan indicates a three-phase development. Phase 1 includes one building with 1,175,000 sq. ft of Warehouse with 25,000 sq. ft of accessory office for a total of 1,200,000 sq. ft. Phase 2 includes eight buildings. Three buildings are depicted each with 122,000 sq. ft of data information and processing (Data Center) and 18,000 sq. ft. of office, for a total of 140,000 sq ft per building. Three buildings are minor utility buildings; each depict 72,000 sq. ft. each. And two buildings are depicted each with 288,000 sq. ft of Data Information and Processing (Data Center) and 18,000 sq. ft. of office, for a total of 306,000 sq ft per building. The total square footage in Phase 2 is 1,248,000 sq. ft. Phase 3 indicates five buildings with 1,043,374 sq. ft. of Warehouse and 103,190 sq. ft. of accessory office, with a total of 1,146,564 sq. ft. The total square footage proposed is 3,594,564 sq. ft.

As previously stated, the decision of this application is **dependent and contingent** upon a decision by the Board of County Commissioners for application DOA/ZV-2025-01602

2. **Application DRO-2025-00966** This request was submitted by PBA Holdings, Inc. The proposed application is for the Central Park Commerce Center Development. This application request is a modification to the **current** approved Development Order and site plan, which must be consistent with the Master Plan approved by the Board of County Commissioners on January 30, 2025.

The current approved site plan indicates two buildings of Data Information Processing (Data Center) Building A 100,000 sq. ft and Building B 100,000 sq. ft., one Warehouse with accessory office within Building C 1,200,000 sq. ft., and one Office use within Building D at 6,000 sq. ft for a total 1,406,000 sq. ft.

This request is modifying the previously approved site plan to reconfigure the site plan and add square footage. The Preliminary Site Plan indicates five proposed buildings. Building 1 indicates a 1,175,000 sq. ft of Warehouse with 25,000 sq. ft of accessory office for a total of 1,200,000 sq. ft. Building 2 and Building 3 indicates are depicted each with 288,000 sq. ft of Data Information and Processing (Data Center) and 18,000 sq. ft. of office, for a total of 306,000 sq ft per building. Building 4 indicates a 122,000 sq. ft of data information and processing (Data Center) and 18,000 sq. ft. of office, for a total of 140,000 sq ft. and Building 5 indicates a 68,000 sq. ft. Minor Utility. The total square footage proposed is 2,020,000 sq. ft, consistent with the currently approved Master Plan.

3. **ABN/DRO-2026-01058** This request was submitted by WPB Logistics Owner, LLC and is currently under review for sufficiency. The proposed application is for the Central Park Commerce Center Development. This application request is a modification to the **current** approved Development Order and site plan, which must be consistent with the Master Plan approved by the Board of County Commissioners on January 30, 2025.

The request proposes to abandon the Warehouse use; to allow an administrative modification to the Final Site Plan (FSP) to modify the layout, delete and modify uses; and to add land area (64.64 acres) depicted on the approved Master Plan to reflect the total acreage of the MUPD as 202.67 acres.

The proposed Site Plan includes the elimination of 1,200,000 sq. ft. of Warehouse with Accessory Office use, located within Building 1, and replacing it with four buildings, each with a total of 294,250 sq. ft., comprised of 289,250 sq. ft. of Data and Information Processing and 5,000 sq. ft. of Accessory Office. The total square footage being 1,177,000 sq. ft. The modifications also include the addition of a 20,000 sq. ft. water treatment building, generator yards, minor utilities area, a security building, and a guard house.

While the proposed Master Plan attached as Exhibit F-1 indicates 1,032,000 sq. ft. of Data Information and Processing use (Data Center) the Property Owner, WPB Logistics Owner, LLC proposes to modify the 1,200,000 sq ft Warehouse to 1,177,000 sq. ft of Data Center, which would bring the total proposed Data Center use, to 2,209,000 sq. ft, if application 2026-01058 is approved.

○ **Property Development Regulations:** Proposed is a modification to the overall Master Plan to add square footage in the EDC-MUPD. The last application that was approved in January 2025 added land area. The development boundaries are not changing with the subject request and remain consistent with the minimum lot size, width, and frontage for a Planned Development District with access and frontage on an Arterial Road.

⊖ **EDC MUPD:** An EDC MUPD is only required to submit a Preliminary Master Plan for review by the Board of County Commissioners. The proposed plan indicates one Industrial Pod for Light Industrial Uses, including a Minor Utility, Warehouse (1,900,000 2,346,564 sq. ft.) and Data Center (Data Information and Processing) (1,792,000 1,032,000 sq. ft.). It should be noted that while the Master Plan indicates these uses, the Property Owner (s) may modify the uses administratively, subject to the standards of the Code, compliance with the Development Order approved by the Board of County Commissioners, compliance with the Plan, Compliance with the Ordinance for the Land Use, and other applicable laws. The Applicant is proposing to develop the site in two ~~four~~ phases. The Preliminary Site Plan indicated in Exhibit F-3 is for information purposes and is under review contingent upon a decision by the BCC.

If the BCC approves the modification to increase square footage, the Development Review Officer may complete the review of that plan (DRO-2025-1675) subject to the conditions and Code. If the BCC denies the subject request to increase square footage, the current Development Order remains the Applicant may seek Site Plan approval in accordance with the Code and the uses allowed in the MUPD/EDC as described below. It is important to reiterate that the site has a Development Order for 2,020,000 sq. ft. of industrial uses and denial of the request to increase square footage would not deny the current approval. The Preliminary Site Plan is, that are still under review through the administrative review process, depict the following:

- ~~Phase 1: One building developed as Warehouse with accessory Office 1,200,000 sq. ft.~~
- ~~Phase 2: Three buildings developed as Data Center. Each of the three buildings are proposed to be 119,068 sq. ft., with a total of 357,204 sq. ft.~~
- ~~Phase 3: Eight buildings developed as Data Center. Each of the eight buildings are proposed to be 143,772 sq. ft. with a total of 1,150,176 sq. ft.~~
- ~~Phase 4: No assigned square footage for uses, but the remaining square footage is 700,000 sq. ft. for Warehouse and 284,620 for Data Center, as described on the Preliminary Master Plan.~~

The Preliminary Master Plan is also carrying forward the existing ancillary Concrete Batch Plant previously approved as part of the PB Aggregates Type 3B Excavation that will remain in operation until the excavation operations cease or this Master Plan and uses are implemented. No changes to the layout of that use are proposed at this time.

○ **Design Objectives:** A Multiple Use Planned Development has specific design objectives and performance standards that are to allow for efficient use of land. While the BCC does not review the site plan, the development is still required to comply with the Purpose and Intent and the Objectives and Standards for this district. Some of the objectives include innovative building location and orientation and protection of adjacent residential use from potential adverse impacts, and landscape design that enhances the appearance of the project. Further below in the Staff Analysis are proposed Conditions of Approval to address the objectives of the zoning district.

○ **Uses allowed within the MUPD with an EDC Future Land Use**

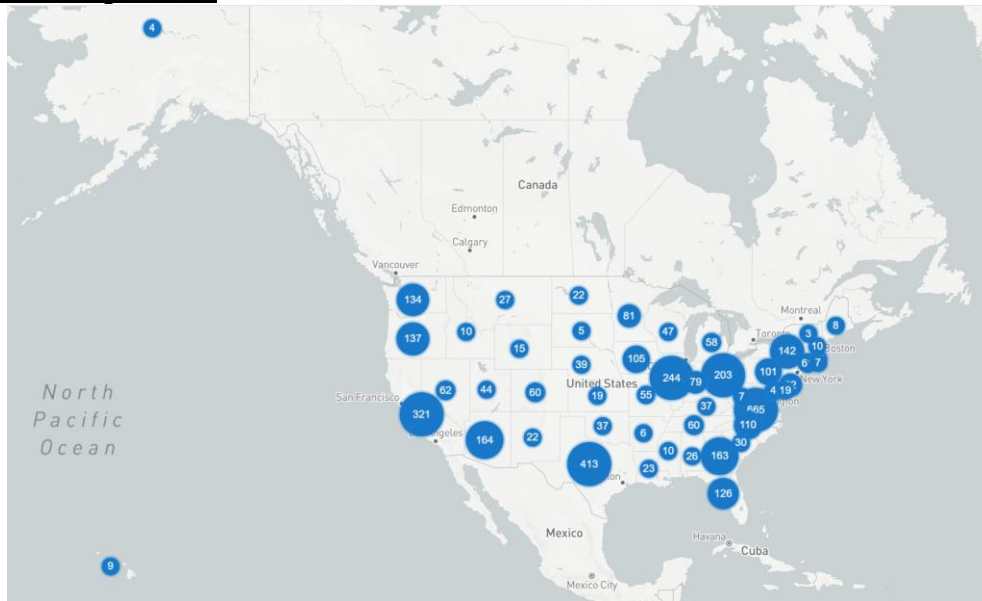
<u>Use Type</u>	<u>Use</u>	<u>Process²</u>	<u>Authority</u>
Residential:	No residential uses are allowed in the MUPD/EDC Zoning District.		
Commercial:	<u>Landscape Service</u>	<u>Administrative</u>	<u>Development Review Officer</u>
	<u>Vocational Institution</u>	<u>Administrative</u>	<u>Permitted¹</u>

Use Type	Use	Process²	Authority
<u>Recreation:</u>	<u>Fitness Center</u>	<u>Administrative</u>	<u>Development Review Officer</u>
	<u>Passive Park</u>	<u>Administrative</u>	<u>Development Review Officer</u>
<u>Institutional:</u>	<u>Government Services</u>	<u>Administrative</u>	<u>Permitted¹</u>
<u>Industrial:</u>	<u>Contractor Storage Yard</u>	<u>Administrative</u>	<u>Development Review Officer</u>
	<u>Data Information and Processing (inc. Data Center)</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Manufacturing and Processing</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Medical or Dental laboratory</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Multi-Media Production</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Recycling Center</u>	<u>Administrative</u>	<u>Development Review Officer</u>
	<u>Research and Development</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Warehouse</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Wholesaling</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Distribution Center</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Ag Research and Development</u>	<u>Administrative</u>	<u>Permitted¹</u>
<u>Agricultural</u>	<u>Ag Transshipment</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Community Vegetable Garden</u>	<u>Administrative</u>	<u>Permitted¹</u>
	<u>Electric Distribution Substation</u>	<u>Administrative</u>	<u>Development Review Officer</u>
<u>Utility</u>	<u>Electric Transmission Substation</u>	<u>Public Hearing</u>	<u>Board of County Commissioners</u>
	<u>Minor Utility</u>	<u>Administrative</u>	<u>Development Review Officer</u>
	<u>Renewable Energy Solar Facility</u>	<u>Administrative</u>	<u>Development Review Officer</u>
	<u>Renewable Energy Wind Facility</u>	<u>Public Hearing</u>	<u>Board of County Commissioners</u>
	<u>Airport</u>	<u>Public Hearing</u>	<u>Board of County Commissioners</u>
	<u>Heliport</u>	<u>Public Hearing</u>	<u>Board of County Commissioners</u>
<u>Communication Tower</u>	<u>Landing Strip</u>	<u>Public Hearing</u>	<u>Board of County Commissioners</u>
	<u>Stealth</u>	<u>Public Hearing - Administrative</u>	<u>BCC, ZC, or DRO. Depends on height of Tower</u>
	<u>Camouflage</u>	<u>Public Hearing - Administrative</u>	<u>BCC, ZC, or DRO. Depends on height of Tower</u>
	<u>Monopole</u>	<u>Public Hearing - Administrative</u>	<u>BCC, ZC, or DRO. Depends on height of Tower</u>
	<u>Self Support</u>	<u>Public Hearing - Administrative</u>	<u>BCC, ZC, or DRO. Depends on height of Tower</u>
	<u>Guyed</u>	<u>Public Hearing - Administrative</u>	<u>BCC, ZC, or DRO. Depends on height of Tower</u>
¹ Permitted by Right after confirmation use meets requirements for the Development Order and all provisions of the ULDC and after a site plan approved by the Development Review Officer.			
² Where a Master Plan is approved by the Board of County Commissioners, a Final Site Plan must be approved by the Development Review Officer for all Development within a MUDP with an EDC Future Land Use.			

- *Use specific criteria:*
 - **Warehouse:** This use does not have specific requirements within the EDC-MUPD. It allows for a maximum of 30% accessory office. With a proposed 1,900,000 2,346,564 sq. ft. of Warehouse, the development could have 570,000 703,969.2 sq. ft. of accessory office, though the Master Plan indicates a proposed 90,000 sq. ft. The Preliminary Site Plan, under review, is proposing 1,200,000 sq. ft. of office in Phase 1, of which 25,000 sq. ft. is accessory office. This is roughly 2% of the proposed square footage. If the office area increases, the associated parking will be required to increase.

- **Data Information and Processing:** This use does not have specific requirements within the EDC-MUPD. The Applicant is proposing the use to be developed in phases within Phase 2 and 3 at this time, ~~with square footage available for Phase 4, when it comes in for site plan approval.~~ The Data Center use is a relatively new use for the Palm Beach County land development regulations for the unincorporated area. According to [USA Data Centers.com](https://www.usadatacenters.com), there are 4,213 facilities within the United States with 1,748 Operators. In Florida 126 Data Centers, with two located in West Palm Beach.

Governor Ron DeSantis, signed [Chapter 2026-65](#), (SB 484), relating to Data Centers on May 7, 2026 and will take effect on July 1, 2026. All new Data Centers are required to comply with this new legislation.



Although the use could be considered similar to warehouse, as it is storing/housing equipment, it is very different than a warehouse. Staff research indicates the biggest issues surrounding this use include: increased use of power, heat from the equipment, excessive water usage, and noise. Because this application is requesting an increase in square footage for Data Center from 206,000 sq. ft. to 1,792,000 1,032,000 sq. ft., Staff have included Conditions of Approval to address the MUPD Purpose and Intent and the Design Objections to address potential impacts of the increased square footage and the issues identified throughout the US with this use.

Currently, the Preliminary Master Plan indicates 1,032,000 sq. ft. of Data Center. Staff has an application under review, ABN/DRO-2026-01058 for more Data Center, as previously discussed, which if that is approved would bring the Total Data Center use to 2,209,000 sq. ft. and reducing the Warehouse use to 1,146,564 sq. ft. Though it isn't requested at this time, Property Owners could modify the Data Information and Processing Use and/or Warehouse Use to any of the allowable uses noted above, *Uses allowed within the MUPD with an EDC Future Land Use.* Meaning, the site could end up with 100% Data Center uses totaling 3,594,564 sq. ft.

- **Architecture:** The Preliminary Master Plan does not indicate any buildings but includes a notation in the site data that the height is 35 feet but may increase height pursuant to Article 3 provided there are increased setbacks. The Preliminary Site Plan that is being reviewed concurrently indicates that the Data Center Buildings are two stories, with a height of 75 feet. The Data Center uses will have equipment on the interior as well as equipment on the exterior. The use and the equipment is known throughout the Country to produce noise. In order to assist with the reduction of noised a Condition of approval has been included Prior to submission of a Building Permit, the Property Owner shall submit a design analysis report by an licensed architect or engineer that demonstrates that all buildings and equipment are designed to

operate and comply with Article 5.C noise and sound standards including the County Maximum Sound Level enumerated in Table 5.E.4.B and the Conditions contained herein. All Buildings shall be designed to incorporate materials that will assist in dampening the sound generated by the use.

Staff has also included Conditions of Approval heights within 100 feet of the east property line, limiting them to a height of 45 feet. In addition, land development regulations adopted across the country recognize 500 to 1,000-foot setbacks for Data Center uses from residential uses. Staff has included a condition to include an 850-foot setback from the east property line. The east property line is 900 feet from the Arden residential development and the Saddle View Elementary School; the additional 850-foot setback for Data Information and Processing buildings would lend itself for a separation of approximately 1,750 feet.

○ *Parking:* There are 844 parking spaces on the current approved site plan. The Applicant is proposing a variance to reduce the parking calculation of a Data Center use. The calculation would be 1 space per 2000 sq. ft. rather than 1 per 100 sq. ft., resulting in fewer parking spaces. The number of spaces provided for the Data Center use is dependent upon the proposed square footage of the Data Center use. The Master Plan indicates ~~1,792,000~~ 1,032,000 sq. ft. If they modify the develop- less square footage, they can still utilize the parking calculation. ~~If more square footage is proposed in the future a new variance would be required.~~ The total parking will be indicated on the final Site Plan.

○ *Landscaping:* The site has some existing landscaping along the south property line abutting Southern Boulevard, as it was originally part of the Development Order for the Palm Beach Aggregates development. There are existing Conditions of approval for perimeter buffers that include a 25-foot Type 3 Alternative Incompatible buffer (no wall provided) along the North, East, and West property lines, which consists of: a 2-foot-high berm, a 10-foot-high fence, a 6-foot-high hedge, and a canopy and pines or palm trees.

Staff have included revised landscape buffer conditions for the MUPD to address the previously added land area and the conditions that were a part of the Palm Beach Aggregates approval for the south property line. The Conditions for the north and west property lines will remain the same. Staff have included a new condition of approval for the east property line, which abuts SFWMD, an LWDD Canal, and the Wildlife Corridor, to address the potential design and compatibility impacts of the possible EDC-MUPD uses and outdoor activities along the eastern property line. The east buffer ~~remains with a 25-~~ will be increased to include a width of 30 feet-foot buffer width, additional design is included to address the noise from the proposed use including a berm and wall. The new conditions are as follows:

LANDSCAPE – PERIMETER – SOUTH PROPERTY LINE (SOUTHERN BLVD)

3. In addition to the Code requirements for a right-of-way buffer, landscaping along the south property line shall be upgraded to include:

- a. A minimum 15-foot-high continuous berm, graded at a 3:1 slope. The slope and height of the berm shall diminish proportionately to connect to the four-foot berm required along the east property line at the southeast corner of the development.
- b. The plateau of the berm shall include a double row of canopy trees planted fifteen feet on center, with 50 percent of the trees planted at a minimum height of 14 feet.
- c. The berm slopes shall be planted with native grasses and ground cover. (ONGOING/BLDGPMPT: ZONING - Zoning)

LANDSCAPE – PERIMETER – EAST PROPERTY LINE

4. In addition to the requirements of a Type 3 Incompatibility buffer, landscaping along the east property line shall be upgraded to included:

- a. A minimum width of ~~25~~ 30 feet.
- b. A continuous berm a minimum of five ~~four~~-foot high, graded at a 3:1 slope. The slope and height of the berm shall increase proportionately to connect to the 15-foot-high berm required along the south property line at the southeast corner of the development.

- c. An opaque barrier that consists of an 86-foot-high chain-link fence wall with a 6-foot hedge, ~~as previously approved in a Type 2 Waiver.~~
- d. The canopy tree requirement shall be a large species and planted at a minimum height of 15 feet.
- e. One pine tree for every 30 lineal feet and planted at a minimum height of 14 feet.
- f. One everglade palm tree for every 20 lineal feet and planted at a minimum height of 14 feet.
- g. All shrubs shall be 100% native.
- h. The berm slopes shall be planted with native grass and ground cover. (ONGOING/BLDGPMPT: ZONING - Zoning)

○ *Hours of Operation:* The Uses within the EDC-MUPD will be allowed to operate 24 hours per day as they are more than 250 feet from a residential use and Zoning District.

○ *Noise and Vibration:* The Data Center use has been attributed across the Country to creation of noise. The ULDC has a limitation on noise for Industrial uses to 75dB. Conditions of approval have been included to ensure the buildings and equipment are designed to operate and comply with Article 5 and maximum sound levels relating to the A-Weighted Sound but limitations on the low frequency sounds. The Applicant submitted a Preliminary Sound Impact Assessment included as Exhibit F-22. The Assessment is preliminary. Conditions of approval have been included to address the background noise and vibration and annual monitoring with requirements.

○ *Phasing:* The Applicant is including a Phasing Plan as part of the approval by the BCC. This request will restart the Commencement of Development for the Development Order. Two Four-Phases are proposed. In accordance with Article 2, each phase has four years to commence development. As each phase commences, the time clock starts for the next phase. Time extensions are allowed via Article 2.E procedures. The Applicant has the ability to shift Phase lines administratively. A condition of approval has been included for the Applicant to correct the Phasing Plan to reflect the site information consistent with the Preliminary Master Plan.

c. 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 DOA to the overall development is generally compatible and consistent with the surrounding uses and character of the surrounding lands, only when subject to the Conditions of Approval. The uses to the north and west are industrial in nature, and the use to the east is the Arden PUD residential development which will be buffered by a 400-foot-wide wildlife corridor and a 500-foot-wide L-8 Canal. Staff have included conditions of approval relating to Architecture, lighting, noise, building placement, and landscaping to address compatibility issues.

d. 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.*

This amendment proposes to modify the uses to add square footage for Warehouse and Data Center uses in this development. While the uses meet the square footage limitations and traffic requirements as described by the land use conditions, Staff have included additional conditions to address the impacts created by the increase in square footage ~~for the Data Center Use.~~ At this time, the application is proposing Warehouses and Data Information Processing Uses (including Data Center), those uses may be modified to other uses allowed in the EDC-MUPD. While the buildings are setback from the east property line, there are additional concerns that need to be addressed as it relates to noise. Additional conditions to create more landscape barriers, lighting, noise, and building placement from the residential to the east, and

sound-dampening construction material and barriers will assist in minimizing adverse effects on adjacent lands.

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

- *Vegetation Protection:* The application request does not impact native vegetation.
- Site Contamination: Based on the Phase I Environmental Site Assessment, dated May 26, 2026, prepared by WGI, Inc., under Recognized Environmental Conditions (RECs), "There is no evidence of a release, likely release, or a material threat of a release of a hazardous substance or petroleum product on the subject property." The final recommendation of the report concluded that "Based on the absence of RECs, WGI recommends no further investigation." Should any constituents be found in the soil and/or groundwater that exceed applicable clean-up levels, the property owner will need to work with the Florida Department of Environmental Protection to resolve any discovered contamination issues, as per Chapter 62-780, F.A.C. ERM will confirm that the Applicant is coordinating with FDEP as needed.
- *Wellfield Protection Zone:* This property is not located within 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 Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the storm water system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- Environmental Impacts: Staff have evaluated the environmental impacts of the proposed development as it relates to noise and lighting. Staff has included a condition of approval requiring down-shielded lighting to be provided to minimize adverse lighting impacts of the subject site to the Loxahatchee National Wildlife Refuge to the south and the SFWMD corridor to the east. Further, Staff has also included a condition of approval that the Supplemental Sound Monitoring report Dated June 2026, prepared by Jacobs, be submitted and updated prior to final DRO approval. The noise study (originally dated April 2026) showed that the proposed sound projections would not exceed the maximum levels set forth in the ULDC. However, it did not provide the existing sound levels directly south of the subject site for Loxahatchee National Wildlife Refuge. The June 2026 report provided existing sound readings more reflective to the environmental areas that would be impacted within the stormwater treatment area (STA) and within the Loxahatchee National Wildlife Refuge. However, this study did not include the proposed sound projections of the proposed development as shown in the previous report. Staff is requiring the updated sound study to be submitted with the off-the-board (site plan) application..

The Water Resource Manager has also coordinated with the Applicant and WUD for water use concerns based on the development request. The applicable water usage conditions have been provided by WUD.

There are no known significant environmental issues associated with this petition beyond compliance with ULDC. requirements.

REQUIREMENTS FOR THE BATTERY ENERGY STORAGE SYSTEM (BESS)

During the postponement, the Applicant resubmitted documents as provided in Exhibit F-16, F-19, and F-20 to supplement what was submitted in Exhibit F-17. These documents were reviewed by PBCWUD, ERM, and Fire Rescue Review Staff. An additional analysis is provided below:

- Buffer From Other Buildings. The BESS shall be located at a minimum distance from other buildings of the larger of (45 feet) and what is required by all applicable codes.
- Buffer Between BESS Storage Units. The minimum spacing between the battery storage units shall be the larger of **10** feet and what is recommended/required by NFPA855 and any other applicable code.
- Battery Chemistry. The BESS shall only use Lithium Iron Phosphate (LFP) chemistry-based batteries supplied in containerized systems
- Minimum Elevation of BESS Storage Units. The floor elevation of the container shall be at an elevation based on the 3-Day 100-Year event plus 3 feet, which is consistent with PBC ULDC Section 3.D Critical Facilities requirements, unless amended.

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

The proposed amendment will increase the square footage by 4,672,000 1,574,564 sq. ft. The MUPD has been approved since 2016, but has not commenced development. The Applicant is proposing to restart the commencement of development timing, including the creation of phasing. The BCC approved the Future Land Use in 2016, and revised in 2025, establishing this site with an Economic Development Center Land use which would allow different types of industrial uses, as previously described under Consistency with the Code above. The location of these uses was unique due to the proximity to the Type 3 Excavation and the FPL Power plant. When the development was approved, residential development to the east, beyond the canal was already approved with the LR-2 Future land use. The Future Land Use was conditioned with limitations on square footage or equivalent traffic trips. The proposed increase in square footage implements the land use and the timing of development is requested to be restarted for commencement. The request will result in a logical development pattern with the existing uses and the expansion of EDC uses for the added parcel. The existing accessory uses for the adjacent Type 3 Excavation will remain in operation until redevelopment of the EDC uses occur that will further result in a logical, orderly and timely development pattern for this area of unincorporated County.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The subject development is located within the Glades Tier and the Glades Area Protection Overlay. Certain areas of Palm Beach County are designated a Limited Urban Service Areas (LUSA), as prescribed by the Plan. In addition to compliance with Urban levels of service for traffic, mass transit, etc., as described in the Plan the Limited Urban Services also requires urban levels of service for sanitary sewer and potable water service.

Applicant's response to Adequate Public Facilities in the November Justification Statement
"Adequate Public Facilities"

The proposed master plan amendments are supported by the amended concurrency application and the pending traffic approval, which is intended to demonstrate that the project meets all adequate public facility and traffic requirements. Water and Sewer services are provided by PBC Utilities, drainage by SFWMD, Palm Tram serves the site with an adjacent bus route and stop, Fire is served by PBC Fire House 20 & 21, and Police service is by PBCSO.

Although not directly related to concurrency the applicant is also proposing to utilize grey water, if feasible, to reduce the potable water consumption needed for cooling the facility and they will be seeking approval

from the FDEP to construct a deep well injection system or treatment facility on site to treat or dispose of any affluent cooling water from the Data Center consistent with applicable regulations.”

Applicant's response to Adequate Public Facilities in the April 27, 2026 Justification Statement

“Adequate Public Facilities

The changes to the data table meet all concurrency requirements. Traffic is consistent with the equivalency for the Property included in Ordinance 2025-003. Water and sewer services are provided by PBC Water Utilities, drainage is through the South Florida Water Management District permitting (the applicant recognizes that future development may require modification to existing permits), Palm Tram serves the Property with an adjacent bus route and stop, Fire Rescue is served by PBC Fire House 20 & 21, and Police service is by PBCSO.”

TRAFFIC DIVISION:

The Department of Engineering and Public Works Traffic Division Review Staff were provided with this application for review. They provided comments throughout the review of this application and requested that modifications be incorporated by the Applicant. The proposed industrial development, including a data center, is expected to generate ~~3,196~~ 3,479 net daily trips, ~~319~~ 318 net AM peak trips, and ~~337~~ net PM peak hour trips. This is less than the already approved trips through the previously approved comprehensive plan amendment for the site. The build out of the project is assumed to be 2035.

Intersection of Southern Blvd and CR 880 meets adopted Level of Service (LOS). However, the intersection of Southern Blvd and Seminole Pratt Whitney Rd will have a background failure without this project. Addition of this project will add minimal delays to the intersections. The Applicant submitted a revised traffic study that was reviewed with the proposed modifications and the TPS analysis for roadway links shows background deficiencies for Test 1 for all the impacted links, east of Seminole Pratt Whitney Road, and background deficiencies for Test 2 east of Big Blue Trace for significantly impacted links, regardless of addition of this project. However, in Test 2, Southern Blvd from Binks Forest Dr to Big Blue Trace in the eastbound direction in the PM peak hour fails because of the addition of this project. As allowed by the Florida Statutes 163.3180, this project will meet the transportation concurrency by paying a proportionate share of improvement cost to meet the adopted LOS. The Applicant will pay \$136,881 as proportionate share for the improvement of this segment from the current 6 lanes to 8 lanes.

Currently, there are both eastbound left turn lane and westbound right turn lane on Southern Blvd at the unsignalized project entrance. The Property Owner shall be responsible for extension of both of these turn lanes, modifying the north approach (entrance) to widen it with two left turn lanes and a right turn lane, and posting surety for a possible signal in the future.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Southern Blvd from Arden Lake Way to Lion Country Safari

Existing count: Eastbound=723, Westbound=905

Background growth: Eastbound=746, Westbound=929

Project Trips: Eastbound=228, Westbound=76

Total Traffic: Eastbound=1697, Westbound=1910

Present lineage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2940

Projected level of service: LOS D or better in both directions

MASS TRANSIT:

The subject site is adjacent to Bus Route 40. The closest bus stop is to the east at Seminole Pratt Whitney Road and State Road 80.

LAND DEVELOPMENT DIVISION:

The Department of Engineering and Public Works Land Development Division were provided with this application for review. They provided comments throughout the review of this application and requested that modifications be incorporated by the Applicant. The site is located within SFWMD S-5A basin and will comply with SFWMD as well as Palm Beach County regulations. The proposed drainage system will be swales, inlets, and piping, discharging into a proposed onsite dry detention pond. This pond will provide pretreatment and detention prior to discharge into the MUPD and PBA Hydro systems, ultimately connecting to the PBA Holdings master system. The new pond will be hydraulically linked to the existing PBA Hydro dry detention pond, requiring a new drainage easement. Discharge is permitted in SFWMD ERP number 50-00281-S and provided by an existing pump station discharging through an existing culvert beneath SR 80 into the SFWMD L-12 canal.

The property associated with the application was found to comply with the regulations and code requirements of the ULDC under the authority of the Land Development Division, subject to the following conditions of approval:

The Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the proposed structures. These easements shall be abandoned prior to the issuance of the building permit that would conflict with the encroachments. (BLDGPM: MONITORING - Engineering)

Each secondary system facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system. (ONGOING: ENGINEERING - Engineering)

Prior to the issuance of the first building permit, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (BLDGPM: MONITORING - Engineering)

DRAINAGE:

The Applicant has indicated in the drainage statement: *"The site is within the South Florida Water Management District (SFWMD) S-5A Basin, which is upstream and west of the C-51 Basin, and served by the master storm water management system of the PBA Holdings property permitted in SFWMD Environmental Resource Permit (ERP) 50-00281-S. Historical drainage was addressed during MUPD Phase 1 through recorded easements across the MUPD, PBA Hydro, and PBA Holdings systems, establishing legal positive outfall. For Project Tango, a new easement is required to accommodate drainage from adjacent SFWMD parcels east of the site, which currently discharge into a ditch along the southern boundary. Proposed improvements will redirect this flow east and south outside the MUPD boundary. As the SFWMD parcels and ditch form a closed basin retaining the 100-year, 3-day storm, no additional easements through the MUPD systems are necessary.*

Runoff from Project Tango will be managed using swales, inlets, and piping, discharging into a proposed onsite dry detention pond. This pond will provide pretreatment and detention prior to discharge into the MUPD and PBA Hydro systems, ultimately connecting to the PBA Holdings master system. The new pond will be hydraulically linked to the existing PBA Hydro dry detention pond, requiring a new drainage easement. A public drainage easement is also proposed to accommodate historical flows from PBA Holdings west of the MUPD. Ultimately, water quality and flood storage will be provided by the existing 138-acre dry retention pond within the PBA Holdings system, permitted for the 100-year, 3-day storm under ERP Number 50-00281-S. A portion of this pond will be platted and a new easement established for conveyance and legal positive outfall." The Property Owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

WATER AND WASTEWATER:

The subject site is within the PBC Water Utilities service area. Palm Beach County Water Utilities Department (PBCWUD) Review Staff were provided with this application for review, and they provided comments during the review. PBCWUD provided a Service Availability (Exhibit ~~E-9~~ F-13) for this request to increase square footage in the MUPD. A final Concurrency Reservation approval is required at time of final approval of the site plan in accordance with Article 2 Adequate Public Facilities. The Applicant provided in its justification statement with this request, that provided in Exhibit ~~E-10~~ F-14 and F-15, and their response to this standard is provided above.

The site is located within the Limited Urban Service Area (LUSA), and in accordance with Policy 3.3-b:

The PBCWUD shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as a LUSA.

Article 2 states that in order to sign off on Concurrency for water and wastewater services, the Applicant shall meet standards for Concurrency. This requires that the proposed development have sufficient services based on the LOS for facilities are in place, or under construction and bonded; or the subject of a binding and executed contract; or are included in the PBC's Capital Improvement Annual Budget.

This type of use houses equipment that produces a lot of heat. This heat can be cooled in different ways including: Air Cooling, Evaporative Cooling, Direct Liquid Cooling, and Liquid Submersion Cooling. ~~How the equipment will be cooled has not been determined yet with this request, but will need to be finalized in order to issue a Concurrency Reservation.~~

The Applicant indicated that they will be building a type of closed-loop system of water use, ~~but has not completed the analysis.~~ At this time, the Applicant has reserved 314.3 ERC (1 ERC = 5,600 gallons per month). Modifications to the requested ERC after issuance of a Concurrency Reservation will require a new Concurrency Review.

Staff is recommending a Condition of Approval that the Data Center Use utilize grey water or other water-saving technologies, to the greatest extent possible in order to reduce the use of potable water. The use of grey water must be reviewed and approved by WUD and FPL. Cooling wastewater can be accepted by WUD if treated and complies with PBCWUD and the City of WPB ordinance and Industrial Pre-treatment programs. This must be reviewed prior to the issuance of a Concurrency Reservation. Any wastewater not accepted by PBCWUD will need to obtain permits from the State of another means of disposal, i.e. deep well injections. Deep Injection Wells are a considerable investment.

During the postponement, the Applicant resubmitted documents as provided in Exhibit F-16, F-19, and F-20 to supplement what was submitted in Exhibit F-17. These documents were reviewed by PBCWUD, ERM, and Fire Rescue Review Staff. An additional analysis is provided below:

○ Daily Flow Limits: Based on the available hydraulic capacity of the existing PBC WUD pipeline and existing demands the daily flow shall not exceed 100,000 gallons per day. Daily water needs greater than 100,000 gpd would require assessment by PBD WUD and likely funding of the required capital costs for increased capacity. The instantaneous rate shall not exceed 1000 gpm. Large withdrawals (daily or instantaneously) require a withdrawal plan approved by PBC WUD. If higher flow rates are required for post-construction flushing the volume required additional volume will need to be provided by either permanent or temporary storage or a combination of both.

○ Water For Firefighting: Based on the available hydraulic capacity of the existing PBC WUD pipeline and existing demands analysis would be required before PBC could commit to providing 1,000 gpm of firefighting water. However, the site requires 2,000 gpm which is much more than PBC WUD can supply. With the site requiring 2,000 gpm of firefighting water the site will need to provide its own firefight water as the complexity and liability of PBC WUD providing part of the firefight is unacceptable to PBC

WUD. Specifically, the project shall provide the required storage volume, pumping capacity, and required backup power to meet the fire water needs mandated by the applicable codes/regulations.

○ *Requirements To Prevent Discharge Into PBC WUD Wastewater Sewer:* To ensure that PBC WUD Wastewater Sewer System (WWSS) does not receive releases from the CLCS and minimize the risk of substantive releases to the stormwater system the project will meet the following requirements:

The floor drains for the interior of building with CLCS will be completely separate from PBC WUD WWSS and shall have appropriately sized containment tanks. The tanks shall be sized to hold a volume that is *at least* one hundred twenty-five percent of the volume of the largest section of the CLCS partially or completely within the interior building that can be isolated.

For CLCS located outside the buildings, on roofs, in utility buildings, and utility sections of buildings with open roofs, these areas shall not be drained to PBC WUD WWSS. The design shall provide a description of the equipment and telemetry that shall monitor for leaks and the staffing and notification system that will ensure timely response. The description shall include the pressure or wet well stage monitoring and the corresponding precision in volume loss measurement. The operation plan shall include a monthly walkdown inspection of the CLCS piping.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The subject development is required to connect water and wastewater services. The Health Department review staff have no comments on this application. With the new legislation from the State for large load/hyperscale data centers, Zoning Staff recommends coordinating with the Health Department in case there are new procedures and permits required as a result of the new legislation.

SCHOOL IMPACTS:

The School Board has no requirements regarding this non-residential application. Bus stops are outside a ½ mile of the project, but in proximity that serves residents and students who live in Arden PUD. Palm Beach County School Board provided a letter of concern regarding *"the potential long-term consequences of placing a hyperscale artificial intelligence facility in such close proximity to a public school."* And share community concerns *regarding industrial noise, environmental impacts on human health, public safety, emergency response capabilities, and the potential strain on local infrastructure.*

PARKS AND RECREATION:

This is a non-residential project; the requirements for the provision of level of service for Regional, District, Beach and Local Parks and the Park and Recreation ULDC standards do not apply.

FIRE PROTECTION:

The subject development is located within the PBC Fire Rescue service boundaries #20. This application is reviewed concurrently with administrative application DRO-2025-1675 in which Fire Rescue had no comments. On June 8, 2026 the Applicant submitted a Technical Study called Project Tango Tesla Megapack2 XL Fire Protection Study, prepared by Johnathon Cagle-Grove, a Licensed Professional Engineer in the State of Florida. The study was conducted to provide information on the Battery Energy Storage System (BESS) and the arrangement for the proposed Data Center Site. PBC Fire Rescue Staff were provided with the study along with the other resubmitted documents and had no additional comments beyond what reviewed in coordination with PBCWUD and ERM, as written under Design Minimizes Environmental Impact. It should be noted that when the development Property Owner/Applicant submits for construction permits the development will be required to comply with all applicable Fire Codes.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant has indicated the following in their Justification Statement as their demonstrated changed site conditions or circumstances: *“When the last DOA was approved only the overall MUPD acreage was increased, and the prior approved development intensity was maintained. The applicant is now seeking to increase the permitted intensity to be consistent with the prior LGA approval.*

This previously approved LGA maximum intensity approval was based on the maximum development of the previous 138-acre site. The proposal did not add or include any additional intensity for the additional land area. The current proposal is intended to utilize the maximum previously approved intensity approved for the prior 138 acres on the entire 202-acre MUPD site.

Changes such as the recent technological breakthroughs and chip advances have now made it feasible to deliver a modern Hyperscale AI Data use on the property, which necessitates the need to amend the master plan consistent with the established LGA approval intensity limits within Ordinance 25-003, so that a modern Hyperscale AI Data facility can now be designed and built on site.

More importantly, at great expense, the ownership has advanced the possibility of bringing a class-leading Hyperscale AI Data Facility to PBC by actively pursuing and obtaining a binding power service agreement with FPL. This FPL power agreement has strict timelines to develop the required substations and AI use needed to accept the power, and to begin utilizing the power. This agreement is also a critical prerequisite to develop and operate the proposed AI Data Facility on site and the clock has started to execute the development necessary to utilize the allocated power.

These changes in circumstances are also justified by the physical development and increase in population associated with the Arden PUD, and the City of Westlake. Therefore, these relatively new residential developments should be considered in support of this request.

This request will allow for additional employment-generating development to provide for increase employment opportunities for the residents of Palm Beach County and the western communities.”

The Applicant has identified several changed conditions and circumstances that support the requested amendment. Since approval of the previous Development Order Amendment, significant advancements in hyperscale artificial intelligence (AI) computing technology and associated data center infrastructure have created new development opportunities and operational requirements that were not anticipated at the time of the prior approval. These technological advancements have increased the feasibility and demand for hyperscale AI data facilities, which require greater development intensity and supporting infrastructure than previously contemplated.

The Applicant has also stated that it has secured a binding power service agreement with Florida Power & Light (FPL), which is a need for a hyperscale AI Data Center. The agreement establishes specific infrastructure and implementation timelines that did not exist at the time of the previous approval and represents a change in the development potential of the property.

With the approval of Arden and Artistry Lakes, the surrounding area has experienced residential growth. This population growth has increased the demand for employment opportunities within the western portion of Palm Beach County and supports the introduction of additional employment-generating uses consistent with the County's economic development objectives for an Economic Development Center. While a Data Center may not have large number of employees, this type use is permissible in the FLU/Zoning, along with the other uses proposed.

Staff acknowledges that there are different types of Data Information and Processing (Data Center Uses, including Enterprise, Colocation, Hyperscale, and Accessory) and that the request is to increase square footage by approximately 1.5 million sq. ft., which could be any of the uses allowed in the MUPD with the EDC Future Land Use. The circumstances described by the Applicant primarily reflect changes in market

demand, technological capabilities, and the Applicant's business objectives rather than changes to the physical characteristics or regulatory conditions affecting the subject property.

Based on the information provided by the Applicant and Staff's review, Staff finds that the Applicant has demonstrated changed conditions and circumstances that warrant a modification to increase the square footage for the development to allow for multiple types of uses within the EDC- MUPD district.

Exhibit B-2 - Standards Analysis & Findings

FINDINGS:

Type II Concurrent Variance Standards:

Article 2.B.7.E.6, Standards for Zoning Variance are indicated below with Applicant's Response from the Justification Statement and Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

Variance No.	ULDC Article	Required	Proposed	Variance
V.1	6.A.1.B-1 Minimum Parking	Data and Information Processing (Data Center) - 1 parking space per 250 square feet	Data and Information Processing (Data Center) - 1 parking space per 2,000 square feet	Data and Information Processing (Data Center) 1 parking space per 2,000 square feet

1. **Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same zoning district:**

Applicant's Response: *Special circumstances exist in regard to the proposed data center and parking rates. The ULDC requires 1 space per 250 square feet, which anticipates a high employee count traditionally associated with Data and Information Processing uses like telemarketing centers or corporate centers. The proposed data center will have a much lower employee count than what the ULDC anticipates, as it will house a high number of computer servers and related equipment, and low number of employees.*

Staff Analysis: V.1 – YES: There is a special circumstance regarding the parking generation created by the proposed Data Center as described by the Applicant. The Data and Information Processing use within the ULDC anticipates a very high employee count that being more traditionally associated with data input or call center type uses. In this situation, the proposed structures will house a vast number of computers, with a reduced number of employees when compared to the typical data and information processing uses.

2. **Special circumstances and conditions do not result from the actions of the Applicant:**

Applicant's Response: *Special circumstances and conditions do not result from the actions of the Applicant. The requested variance is based on the nature of and industry practices for data centers. Stated previously, since data centers operate mainly on computer servers and supporting equipment, they do not require as much parking as other Data and Information Processing uses.*

Staff Analysis: V.1 – YES: The special circumstance in regard to the parking demand for the proposed use is not the result of the actions of the Applicant, but the result of changing industry design and innovations associated with the unique use of Data Center.

3. **Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district:**

Applicant's Response: *Granting the variance will not confer upon the Applicant any special privilege denied by the Plan or Code to other parcels of land, buildings, or structures in the same district. Any proposed development in the MUPD zoning district may apply for the same variance and address the seven criteria.*

Staff Analysis: V.1 – YES: The Data Center use was previously determined to be a Data Information and Processing Use in the ULDC. The parking requirements do not address the Data Center type use which does not require an extensive number employees for the development to operate. Other jurisdictions such as Miami or as far as San Diego have addressed the same issue or have similar uses with the same outcome as in this staff report. The City of El Segundo, CA for a Data Center requires 1 space per 3,500 sq ft. The use was envisioned at this site since 2016, and more recently with the expansion of land area in January 2025. A special privilege will not be conferred to the Applicant.

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship:**

Applicant's Response: *Literal interpretation of the code, requiring the 1 space per 250 square feet parking ratio, would create a hardship for the Applicant. To meet the standard parking requirement for Data and Information Processing Uses, a large portion of the site would be dedicated to parking, creating excess impervious area and parking that will be underutilized. Granting the variance for a reduced parking rate will allow for better design of the facility and reduce excess impervious area and parking.*

Staff Analysis: V.1 – YES: The literal interpretation of the code would create an excessive amount of parking which would be unused. The additional pavement and required parking impacts our natural resources exacerbating heat from the pavement and would encourage conflicts with the intent of the ULDC to preserve and enhance with most appropriate use of land.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

Applicant's Response: *The proposed variance is the minimum variance that will make possible the reasonable use of the parcel of land. The proposed variance requests a parking ratio that is appropriate for the proposed data center use and its operations.*

Staff Analysis: V.1 – YES: The requested parking modification for the Data and Information Processing, more specifically the Data Center use, is the minimum necessary for the proposed use and reasonable use of the land as a Data Center.

6. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

Applicant's Response: *Granting the Variance will be consistent with the purposes, Goals, Objectives, Policies of the Plan, and this code. The proposed design meets the intent of the EDC Future Land Use and MUPD Zoning District by providing mixed-use industrial development and increased employment opportunities for residents of Palm Beach County and western communities.*

Staff Analysis: V.1 – YES: The granting of this variance will be consistent with the purposes, goals and objectives of the plan and the code that allow for the Data Center proposed.

7. **Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare:**

Applicant's Response: *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The proposed development and variance request are compatible with the surrounding industrial uses to the west and north. Additionally, a wildlife corridor, L-8 Canal, and landscape*

buffer are located between the proposed development and existing residential development known as Arden PUD to the east.

Staff Analysis: V.1 – YES: The granting of this variance will not be injurious to the area or detrimental to the public welfare. The reduction in parking is in line with the needed parking for the proposed use. The required parking would be more injurious to the area creating unused area of pavement, impacts on natural resources, and increased heat.

Exhibit C-1 - Conditions of Approval

Development Order Amendment – Overall MUPD

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2025-123 (Control 2018-00085), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 1 of Resolution R-2025-123, Control No.2015-00085, which currently states:

The approved Preliminary Master Plan and Regulating Plan are dated October 4, 2024. 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.

Is hereby amended to read:

The approved Preliminary Master Plan is dated ~~November 25, 2025~~ June 8, 2026, the Preliminary Phasing Plan is dated November 4, 2025, and the Preliminary Regulating Plans are dated ~~October 21, 2025~~ June 8, 2026 (pg 1 & 3) and April 27, 2026 (pg 2). 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. (ONGOING: ZONING - Zoning)

3. Prior to Final Approval by the Development Review Officer (DRO) for the Final Master Plan, the Regulating Plan(s) shall be revised to include a trip concurrency equivalency table. The format of the table shall be reviewed and approved by the DRO. (ONGOING: ZONING - Zoning) (Previous ALL PETITIONS Condition 2 of Resolution R-2025-123, Control No.2015-00085)

4. Previous ALL PETITIONS Condition 3 of Resolution R-2025-123, Control No.2015-00085, which currently states: 2026

The approved Final Site Plans are dated March 22, 2016, November 6, 2019, and October 13, 2022. 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.

Is hereby amended to read:

The approved Final Site Plans are dated April 24, 2025 (JBM Services, East Coast Paving, Adonel Concrete Batch Plant). 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. (ONGOING: ZONING - Zoning)

5. The proposed development will be completed in two ~~four~~ phases. Commencement of the Development of Phase 1 shall start four years from the effective date of the approval of ZV/DOA-2025-01602) Each

additional phase will have four years to commence from the date of prior commencement as described in Article 2.E (DATE: MONITORING - Zoning)

6. Prior to final approval of the Master Plan by the Development Review Officer, the Preliminary Phasing Plan is dated November 7, 2025 and shall be updated to correct the number of phases and the site tabular information consistent with the Preliminary Master Plan and Regulating Plan. (DRO:ZONING – Zoning)

ARCHITECTURAL REVIEW

1. Prior to submission of a Building Permit, the Property Owner shall submit a design analysis report by an licensed architect or engineer that demonstrates that all buildings and equipment are designed to operate and comply with Article 5.C noise and sound standards including the County Maximum Sound Level enumerated in Table 5.E.4.B and the Conditions contained herein. All Buildings shall be designed to incorporate materials that will assist in dampening the sound generated by the use. A noise and vibration study shall be completed annually from the date of the first certificate of occupancy. (BLDGPMPT: ZONING – Zoning)

2. The maximum height of all buildings within 100 feet of the east property lines shall be limited to a maximum of 45 feet. (BLDGPMPT: ZONING – Zoning)

BUILDING

1. Prior to the issuance of a building permit, the Construction documents for a Data Center use, shall include information depicting the location and compliance with the following:

a. Buffer From Other Buildings. The Battery Energy Storage System (BESS) shall be located at a minimum distance from other buildings of the larger of (45 feet) and what is required by all applicable codes.

b. Buffer Between BESS Storage Units. The minimum spacing between the battery storage units shall be the larger of **10** feet and what is recommended/required by NFPA855 and any other applicable code.

c. Battery Chemistry. The BESS shall only use Lithium Iron Phosphate (LFP) chemistry-based batteries supplied in containerized systems

d. Minimum Elevation of BESS Storage Units. The floor elevation of the container shall be at an elevation based on the 3-Day 100-Year event plus 3 feet, which is consistent with PBC ULDC Section 3.D Critical Facilities requirements, unless amended. (BLDGPMPT: MONITORING – FIRE RESCUE)

2. All Buildings with a Data Information and Processing use (Data Center) shall be setback a minimum of 850 feet from the east property line. (DRO/BLDGPMPT: ZONING – Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2025-123, Control No.2015-00085, which currently states:

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 6, 2035. 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 Article 2, Section E of the Unified land Development Code. (DATE: MONITORING - Engineering)

b. Building Permits for more than 120,000 sq. ft. of Industrial, 180,000 sq. ft. of Warehouse, and 20,000 sq. ft. of office use or equivalent peak hour directional trips shall not be issued until the contract has been let for the assured construction of Southern Blvd as a 6-lane divided facility from Lion Country Safari Rd to Forest Hill Blvd. (BLDGPMPT: MONITORING - Engineering) [Note: COMPLETED]

Is hereby amended to read:

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

a. Pursuant to the Traffic Analysis, the Buildout Date is December 31, 2035. No Building Permits for the site may be issued after December 31, 2035. 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)

b. Building Permits for more than 120,000 sq. ft. of Industrial, 180,000 sq. ft. of Warehouse, and 20,000 sq. ft. of office use or equivalent peak hour directional trips shall not be issued until the contract has been let for the assured construction of Southern Blvd as a 6-lane divided facility from Lion Country Safari Rd to Forest Hill Blvd. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED]

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property and the offsite water management tract into legal lot(s) of record in accordance with the provisions of Article 11 of the Unified Land Development Code. This includes any residual parcels created by this subdivision. (BLDGPM: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 2 of Resolution R-2025-123, Control No.2015-00085)

3. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering) [Note: COMPLETED]

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination. (PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 3 of Resolution R-2025-123, Control No.2015-00085)

4. Prior to recordation of the plat, the Property Owner record all drainage easements necessary to provide legal positive outfall. (PLAT: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 4 of Resolution R-2025-123, Control No.2015-00085)

5. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the County Engineer at Project Entrance on Southern Blvd. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

a. No Building Permits shall be issued until the developer provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. However, the Property Owner shall also be obligated to post the above surety within 90 days of the request by the County Engineer. (BLDGPM: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2025-123, Control No.2015-00085)

6. The Property Owner shall construct a) right turn lane 590 ft storage and 50 ft taper or as approved by the FDOT, east approach on Southern Blvd at Project Entrance b) left turn lane 415 ft storage and 50 ft taper or as approved by the FDOT, west approach on Southern Blvd at Project Entrance.

This construction shall be concurrent with the paving and drainage improvements for the site. 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.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2025-123, Control No.2015-00085)

7. The project's stormwater management system shall be designed to accept all historical onsite flows. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2025-123, Control No.2015-00085)

8. Prior to the issuance of the first building permit for development within the additional 64.46 acres, 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 or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2025-123, Control No.2015-00085)

9. The Property Owner shall abandon or release, and relocate if necessary, any and all easements shown in conflict with the proposed structures. These easements shall be abandoned prior to the issuance of the building permit that would conflict with the encroachments. (BLDGPM: MONITORING - Engineering)

10. Each secondary system facility for detention or retention of stormwater runoff in an open impoundment shall be placed entirely within a water management tract dedicated or deeded to an acceptable entity responsible for operation and maintenance of the stormwater management system. (ONGOING: ENGINEERING - Engineering)

11. Prior to the issuance of the first building permit, the Property Owner shall obtain and record proper drainage easements to allow for drainage from the project site to connect to the point of legal positive outfall. (BLDGPM: MONITORING - Engineering)

12. The property Owner shall construct the north approach of the entrance on Southern Blvd to have two left turn lanes and one right turn lane. One of the left turn lanes shall be stripped out until a signal is warranted and installed on Southern Blvd at this entrance. This construction shall be concurrent with the paving and drainage improvements for the site. (ONGOING: ENGINEERING - Engineering)

~~13. The Property Owner shall make the following Proportionate Share payments, based on the following schedule. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later condition. Proportionate share payments made pursuant to the Proportionate Share Agreement shall establish road impact fee credits. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area.~~

~~a. No building permits for development generating more than 249 PM peak hour directional trips (which allows the development of the entire data center plus 1,860,000 SF of warehouse) shall be issued until the~~

~~Property Owner makes a proportionate share payment in the amount of \$136,881.00 (BLDGPMPT: MONITORING—Engineering)~~

~~14. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:~~

~~Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor~~

~~Where,~~

~~Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement~~

~~Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))~~

~~The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.~~

~~If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING—Engineering)~~

ENVIRONMENTAL

1. Onsite lighting shall be designed and shielded so that light shall be contained on the property, and that direct or indirect light shall be shielded along the south and east property lines. The Lighting Plan shall be approved by the Department of Environmental Resources Management (ERM) prior to Building permit. (BLDGPMPT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Prior to the final approval by the Development Review Officer, the Applicant shall provide the Supplemental Sound Monitoring report prepared by Jacobs Dated June 2026, to ERM Staff for review. The sound study shall be updated to include the projected sound levels of all proposed Data Centers on the subject site. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE PERIMETER NORTH AND WEST PROPERTY LINES

1. In addition to the Code requirements, landscaping along the entire perimeter of the MUPD shall include:

- A minimum two (2) foot high continuous berm;
- The wall requirement for the Type 3 Incompatibility Buffer shall be substituted with a minimum of six (6) foot high vinyl coated chain link fence;
- A six (6) foot high hedge to be placed on the exterior side of the fence; and,
- Measurement of berm height may be adjusted subject to the approval by the Zoning Division provided the intent of the berm, fence and hedge combination will achieve an effective screening for the adjacent properties. (BLDGPMPT/ONGOING: ZONING - Zoning) (Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2025-123, Control No.2015-00085)

2. Prior to Final Approval by the Development Review Officer (DRO), the Regulating Plan shall be amended to provide details for the Alternative Type 3 Incompatibility Buffer consistent with Landscape Condition 1. (DRO: ZONING - Zoning) [Note: COMPLETED] (Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2025-123, Control No.2015-00085)

LANDSCAPE PERIMETER SOUTH PROPERTY LINE (SOUTHERN BLVD)

3. In addition to the Code requirements for a right of way buffer, landscaping along the south property line shall be upgraded to include:

- a. A minimum 15-foot-high continuous berm, graded at a 3:1 slope. The slope and height of the berm shall diminish proportionately to connect to the four-foot berm required along the east property line at the southeast corner of the development.
- b. The plateau of the berm shall include a double row of canopy trees planted fifteen feet on center with 50 percent of the trees planted at a minimum height of 14 feet.
- c. The berm slopes shall be planted with native grasses and ground cover. (BLDGPMT/ONGOING: ZONING - Zoning)

LANDSCAPE PERIMETER EAST PROPERTY LINE

4. In addition to the requirements of a Type 3 Incompatibility buffer, landscaping along the east property line shall be upgraded to included:

- a. A minimum width of 30 25 feet.
- b. A continuous berm a minimum five ~~four~~ feet high, graded at a 3:1 slope. The slope and height of the berm shall increase proportionately to connect to the 15-foot-high berm required along the south property line at the southeast corner of the development.
- c. An opaque barrier that consists of a minimum 8 6-foot-high chain-link fence wall, with a 6-foot hedge, ~~as previously approved in a Type 2 Waiver.~~
- d. The canopy tree requirement shall be large species and planted at a minimum height of 15 feet.
- e. One pine tree for every 30 lineal feet and planted at a minimum height of 14 feet.
- f. One Everglades palm tree for every 20 lineal feet and planted at a minimum height of 14 feet.
- g. All shrubs shall be 100% native.
- h. The berm slopes shall be planted with native grass and ground cover. (BLDGPMT/ONGOING: ZONING - Zoning)

LIGHTING

1. The maximum luminaire height shall be 25 feet. (BLDGPMT: ZONING – Zoning)
2. The maximum Illumination levels shall be:
 - a. Max Illumination 10;
 - b. Minimum Illumination 1.0;
 - c. Maximum to Minimum Ratio 10:1 with the Average Min Ratio 3:1; and
 - d. Maximum foot-candle at the east property line shall be 0.33 and all other property lines 3.0.(BLDGPMT: ZONING – Zoning)

NOISE

1. The Applicant/Property Owner shall submit a Noise Impact Assessment (NIA), signed and certified by a professional engineer from the State of Florida. The NIA is a document that will provide a systematic evaluation of the potential noise and vibration impacts resulting from the proposed development or activity. The NIA shall include, at minimum, measurements in dBA, dBB, and dBC,

Methodologies that must be included in the assessment include field measurements, mathematical modeling and scenario analysis. Factors that need to be incorporated into the assessment include, but are not limited to Buildings height, density, materials to construct buildings and locations/placement of the buildings on the site; Mechanical equipment and permanent generator location/placement and associated acoustical enclosures and barriers; Cooling Technologies; Surface material, such as asphalt, concrete or vegetation that influence sound absorption and reflection; Topography/geography such as landscape berms or barriers that can dampen or channel noise; and Weather conditions.

- a. Prior to final approval by the Development Review Officer, the Applicant/Property Owner shall submit a Preliminary Noise Impact Assessment that provides the baseline noise measurement occurring at the site and at the property line of the receiving residential development to the east. The noise measurement

shall be recorded at multiple locations along the east property line and the west property line of the Arden development to the east. The recorded measurements shall be completed along the property lines at a maximum interval of 400 feet and completed at varying times over a 24-hour period. The existing baseline noise levels are for information and are exempt from the maximum noise levels of Condition. (DRO: ZONING – Zoning)

b. Prior to the issuance of a building permit, the Final Noise Impact Assessment (NIA) shall be submitted, reviewed and approved by the Zoning Division. The building permits and site development permits shall be consistent with the final assessment documenting how the noise is mitigated. (BLDGPM: ZONING – Zoning)

c. The development shall not produce tonal, narrow-band, or other low-frequency noise that results in a measurable increase in C-weighted sound levels above documented pre-construction background levels at any residential property line. Compliance shall be demonstrated through pre- and post-construction acoustical testing conducted by the certified engineer. Any exceedance shall require implementation of mitigation measures until post-construction C-weighted sound levels are reduced to background conditions. (ONGOING/DRO: CODE COMPLIANCE/ZONING – Zoning)

2. The maximum noise levels, using the A-weighting, at the receiving residential development to the east shall be a maximum of:

a. Fixed Mechanical Equipment: Any time maximum is 60 dB

b. Permanent generators: During applicable times of testing and power outages Testing shall be during the day between the hours of 10 am and 2 pm. Maximum is 75 dB.

c. All sources:

• 7:00 am to 8:00 pm 60 dB

• 8:00 pm to 10:00 pm 55 dB

• 10:00 pm to 7:00 am 50 dB (ONGOING/BLDGPM: CODE COMPLIANCE /ZONING – Zoning)

3. All external backup power generators shall be setback a minimum of eight hundred (800) feet from the east property line of the MUPD. (BLDGPM/ONGOING: ZONING – Zoning)

4. External backup power generators may only be tested between the hours of 9 am and 5 pm. (ONGOING: CODE COMPLIANCE – Zoning)

PLANNING

1. Per LGA 2024-006, condition 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. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2025-123, Control No.2015-00085)

2. Per LGA 2024-006, condition 2: Residential uses (except security or caretakers' quarters) are prohibited. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2025-123, Control No.2015-00085)

WATER AND WASTEWATER SERVICE

1. Prior to final approval by the Development Review Officer, Concurrency Reservation shall be approved in accordance with Article 2. (DRO: PBC WATER UTILITIES - PBC Water Utilities)

2. Prior to final approval by the Development Review Officer, the Applicant shall provide documentation for the utilization of grey water or other water-reducing technologies to the greatest extent possible to

reduce the use of potable water. If applicable, the Applicant shall provide approval from both PBCWUD and FPL for the use of the cooling wastewater. (DRO: PBC WATER UTILITIES - PBC Water Utilities)

3. Prior to the issuance of a Concurrency Reservation, the Applicant shall provide documentation on the means of disposal of wastewater not accepted by PBCWUD. (DRO: PBC WATER UTILITIES - PBC Water Utilities)

4. The maximum Average Daily Flow (ADF) that will be allocated by the Palm Beach County Water Utilities Department (PBCWUD) for all portions and phases of the Project Tango Development shall not exceed a total of 100,000 Gallons Per Day (GPD). The maximum instantaneous demand for the Project Tango development shall not exceed 70 Gallons Per Minute (GPM). This limit applies collectively to all lots within the Property Control Numbers (PCN) listed below, or any modified or new PCNs created within the boundary of the legal description provided with this application, regardless of ownership: 00-40-43-29-01-002-0010, 00-40-43-29-01-002-0020, 00-40-43-29-01-002-0030, 00-40-43-29-01-002-0040, 00-40-43-29-01-002-0050, 00-40-43-29-01-001-0000, 00-40-43-29-01-015-0000, 00-40-43-29-01-023-0000, A Portion of 00-40-43-32-00-000-1030, 00-40-43-32-00-000-1050, 00-40-43-32-01-012-0030, 00-40-43-29-00-000-5010. (ONGOING: PBCWUD – PBCWUD)

5. All Standard Development Agreements (SDA) existing or future, associated with the Project Tango Development, shall be restricted to the maximum daily flow of 100,000 GPD or the instantaneous demand of 70 GPM, whichever is applicable. These limits apply to collectively to all lots, phases, and ownerships or any modified or new PCNs created within the boundary of the legal description provided with this application, regardless of ownership: 00-40-43-29-01-002-0010, 00-40-43-29-01-002-0020, 00-40-43-29-01-002-0030, 00-40-43-29-01-002-0040, 00-40-43-29-01-002-0050, 00-40-43-29-01-001-0000, 00-40-43-29-01-015-0000, 00-40-43-29-01-023-0000, A Portion of 00-40-43-32-00-000-1030, 00-40-43-32-00-000-1050, 00-40-43-32-01-012-0030, 00-40-43-29-00-000-5010. (ONGOING: PBCWUD – PBCWUD)

6. Discharge from the data center shall not enter the PBCWUD sanitary sewer system. All releases generated by data center operations must be hauled off-site and disposed of at a facility outside of PBCWUD's service area, such as an approved treatment plant, reservoir, or other authorized disposal location. To ensure no discharge enters the PBCWUD system, the following requirements apply:

- Interior floor drains serving buildings that contain data center operations must be completely independent of the PBCWUD sanitary sewer system and must discharge to appropriately sized containment tanks. Each containment tank shall have a minimum storage capacity equal to 125% of the volume of the largest isolatable section of the data center located within the building interior.
- PBCWUD will only accept domestic wastewater generated from areas of the development not associated with data center operations. (ONGOING: PBCWUD – PBCWUD)

7. Based on the available hydraulic capacity of the existing PBCWUD infrastructure, a Hydraulic Demand Analysis for fire flows must be submitted to PBCWUD for review. Upon acceptance of the analysis, PBCWUD will limit its fire protection supply to a maximum of 1,000 gallons per minute (GPM). PBCWUD shall not be held liable for any inability to meet fire flow requirements established by applicable codes or regulations. Any fire flow demand exceeding 1,000 GPM must be provided by the owner at their expense, including but not limited to the installation of:

- Additional storage volume
- Pumping capacity
- Backup power systems
- Any other required infrastructure
- PBCWUD shall not be held liable for any inability to meet fire flow requirements established by applicable codes or regulations. (ONGOING: PBCWUD – PBCWUD)

8. Prior to the issuance of a Building Permit, the Property Owner/Applicant shall include applicable documentation that the Water and Wastewater Service Conditions are included and depicted in the construction documents. (BLDGPMPT: BLDG DIVISION – PBCWUD)

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.

Exhibit C-2 - Conditions of Approval

Type 2 Variance -Concurrent

ALL PETITIONS

1. The approved Preliminary Master Plan is dated November 25, 2025. 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. (ONGOING: ZONING -Zoning)

VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for DOA/ZV-2025-01602. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING -Zoning)

2. 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)

3. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT/ONGOING: BUILDING DIVISION -Zoning)

COMPLIANCE

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 Zoning Commission for review under the compliance Condition of this Approval. (ONGOING: ZONING -Zoning)

1. 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: ZONING -Zoning)

DISCLOSURE

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

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
LGA-2016-00005	Title: Central Park Commerce Center, Large Scale Land Use Amendment Request: To change a future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center (EDC)	2016-00026	Adopted	04/27/2016
ZV/PDD-2015-02166	Title: a Type II Variance Request: to allow an increase in the number of freestanding structures in a Multiple Use Planned Development (MUPD); and to modify the parking calculation for a Data Information and Processing Use.	ZR-2016-00027	Adopted With Conditions	04/07/2016
	Title: An Official Zoning Map Amendment to a Planned Development District Request: to allow rezoning from the Special Agriculture (SA) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District and allow an Alternative Landscape Buffer.	R-2016-00551	Adopted With Conditions	04/28/2016
ZV-2016-01648	Title: a Type II Variance Request: to allow a 10-foot fence in the perimeter landscape buffer; a reduction in the number of interior trees; a reduction in the number of required pedestrian amenities; eliminate the interconnectivity between uses in and adjacent to the project; and, a reduction in the required parking at the side or rear of the building.	ZR-2017-00009	Adopted With Conditions	04/06/2017
LGA-2018-00027	Title: Central Park Commerce Center II, Large Scale Land Use Amendment Request: To change the condition date on the previously adopted Ordinance 2016-026 from June 30, 2019 to June 30, 2022	2018-00012	Adopted With Conditions	07/23/2018
LGA-2024-006	Title: Central Park Commerce Center II, Large Scale Land Use Amendment Request: To change a future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center on 64.46 acres	2025-0003	Adopted with Conditions	01/30/2025
PDD/DOA-2024-00309	Title: an Official Zoning Map Amendment Request: to allow a rezoning from the Special Agricultural (SA) Zoning District to Multiple Use Planned Development (MUPD) planned development district on 64.46 acres	R-2025-00122	Adopted	01/30/2025
	Title: a Development Order Amendment Request: to modify the overall MUPD Master Plan to add land area (64.46 acres) and to modify the Conditions of Approval on 202.67 acres	R-2025-00123	Adopted With Conditions	01/30/2025

Exhibit E-1 - Public School Bus Stops Map

Project Tango (DOA/ZV-2025-01602)



Site Data

Size: 202.67 acres
Existing Use: Industrial
Proposed Use: Industrial
Zoning: MUPD
Zoning Quad: 107



Site



Public School Bus Stops

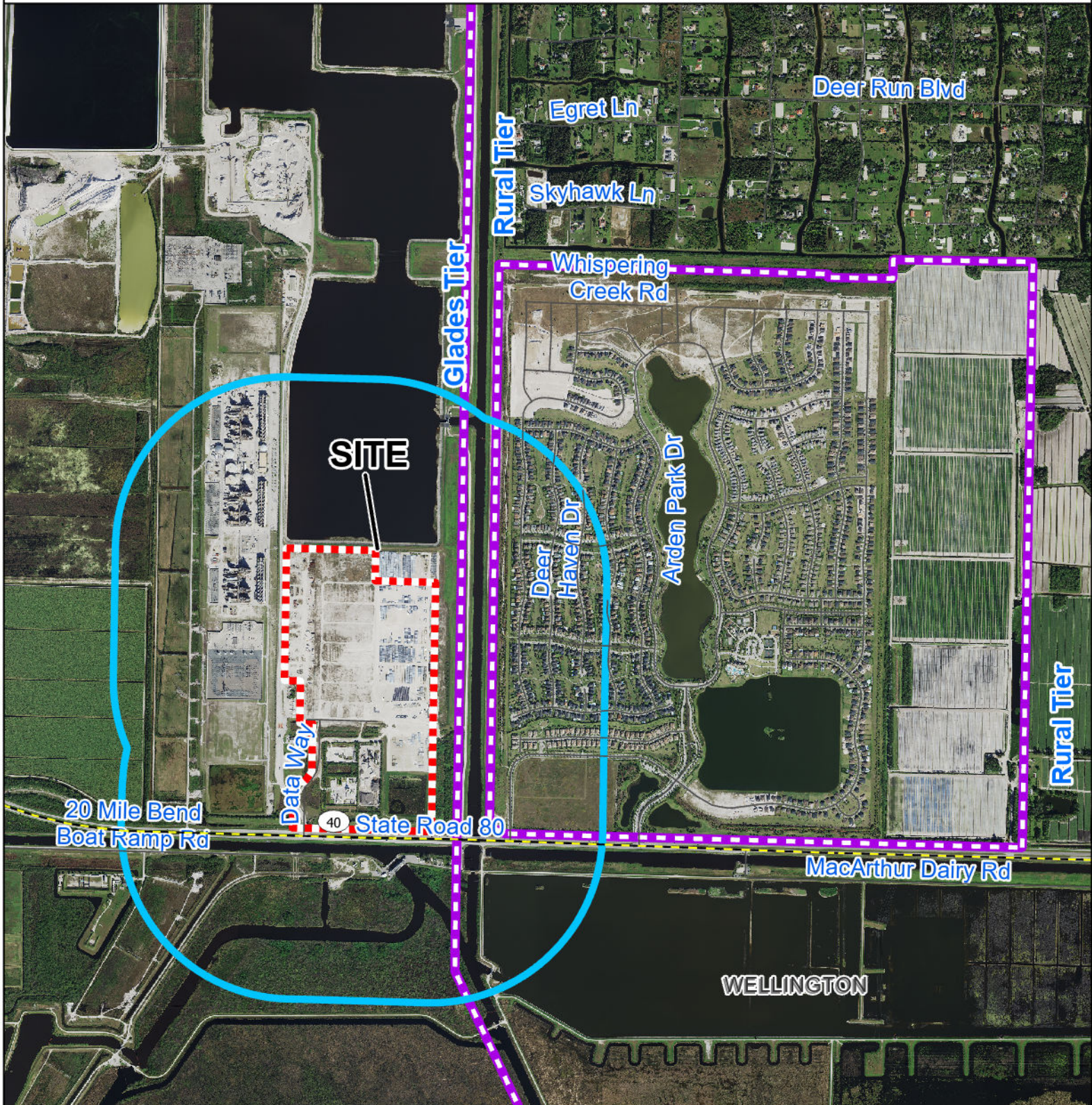


Tiers

1,000 0 1,000 2,000 Feet

Exhibit E-2 - Mass Transit Map

Project Tango (DOA/ZV-2025-01602)



Site Data

Size: 202.67 acres
Existing Use: Industrial
Proposed Use: Industrial
Zoning: MUPD
Zoning Quad: 107

-  Site
-  Public Bus Stops
-  Mass Transit Routes (40)



Tiers

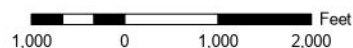
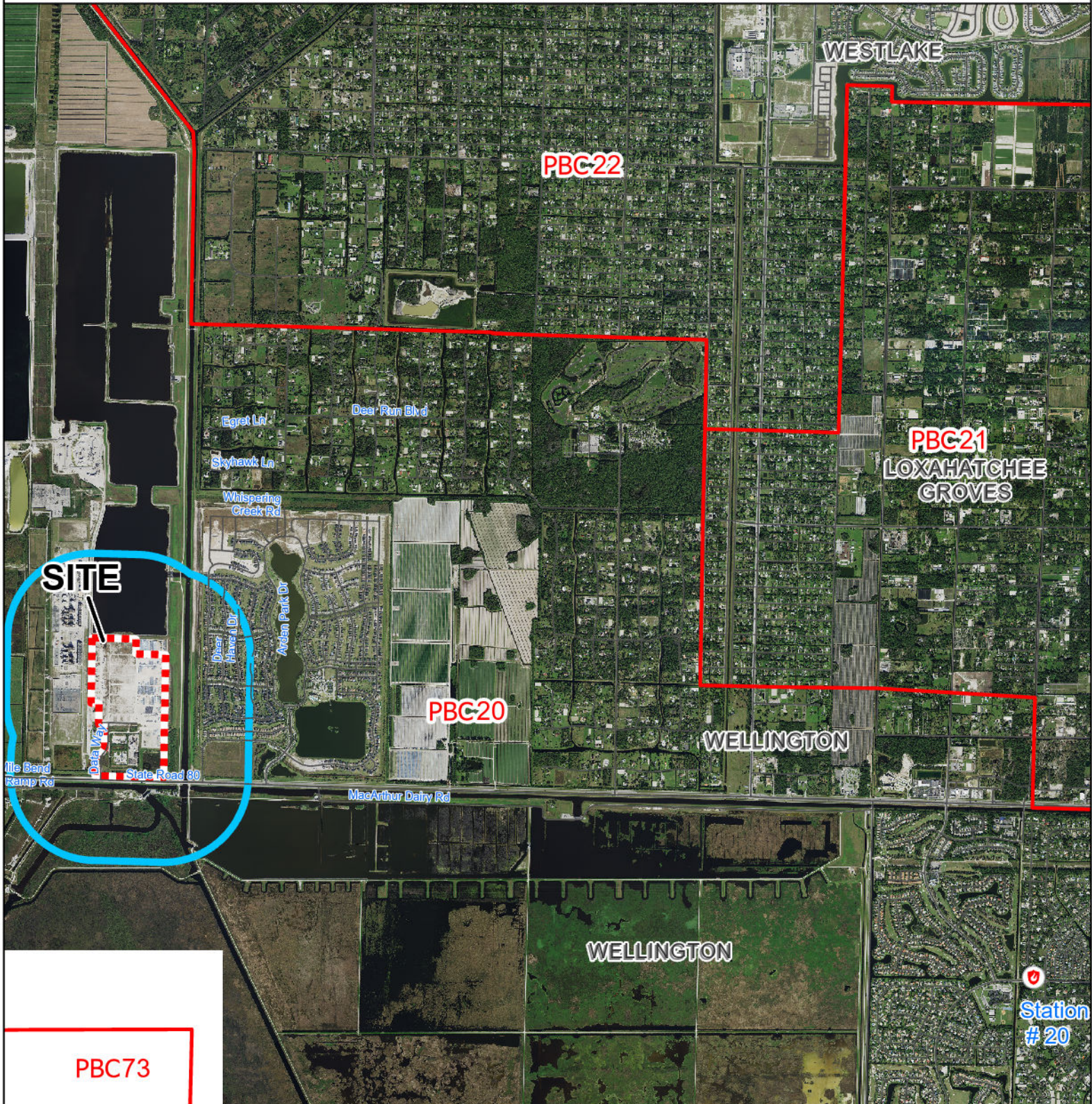


Exhibit E-3 - Fire Rescue Map

Project Tango (DOA/ZV-2025-01602)



Site Data

Size: 202.67 acres
Existing Use: Industrial
Proposed Use: Industrial
Zoning: MUPD
Zoning Quad: 107



Site



Fire Stations (Station # 20)



Fire Stations Boundary (PBC20)



Exhibit E-4 – PBC School Board Letter



THE SCHOOL BOARD
OF PALM BEACH COUNTY, FLORIDA
3300 FOREST HILL BOULEVARD, C-316
West Palm Beach, FL 33406-5869

PHONE: 561-434-8000 FAX: 561-434-7385

MICHAEL J. BURKE
SUPERINTENDENT

KAREN M. BRILL
BOARD CHAIR

MATTHEW JAY LANE, ESQ.
BOARD VICE CHAIR

MARCIA ANDREWS
GLORIA BRANCH
EDWIN FERGUSON, ESQ.
VIRGINIA SAVIETTO
ERICA WHITFIELD

June 10, 2026

Dear Mayor Baxter and Honorable Commissioners:

During our meeting on June 3, 2026, the School Board of Palm Beach County discussed the proposed "Project Tango" AI Data Center Complex, whose planned location sits approximately 1,200 feet from Saddle View Elementary School.

As the governing body responsible for the education and welfare of the students and staff of the School District of Palm Beach County, the School Board has a fundamental responsibility to provide safe learning environments that promote student achievement. For this reason, we are concerned about the potential long-term consequences of placing a hyperscale artificial intelligence facility in such close proximity to a public school.

We share the community's concerns regarding potential industrial noise, environmental impacts on human health, public safety, emergency response capabilities, and the potential strain on local infrastructure. During our June 3rd meeting, Board members also highlighted specific concerns regarding the hazards of lithium battery fires and the effects that industrial noise and vibrations could have on our students and staff.

We respectfully request access to any existing public records, impact studies, or reports the County has already received regarding this project. Specifically, we are seeking any available information that addresses the project's potential noise levels, environmental impacts, public safety and emergency response planning, energy and water usage, and long-term economic effects.

Should Project Tango ultimately move forward, the School District hopes to work collaboratively with the Board of County Commissioners to identify and implement mitigation strategies.

Thank you for your consideration and for your continued partnership.

Sincerely,

Karen M. Brill
Board Chair
School Board of Palm Beach County

Cc: School Board of Palm Beach County
Michael J. Burke, Superintendent
Joseph Abruzzo, County Administrator

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Exhibit F Series Applicant's Exhibits

No.	Exhibit Name	Page
F.	Applicants Exhibits	
F-1	Preliminary Master Plan – June 8, 2026	F.1
F-2	Preliminary Master Plan – November 25, 2025	F.2
F-3	Preliminary Site Plan – June 8, 2026 – Information Only	F.3
F-4	Preliminary Site Plan – November 4, 2025 – Information Only	F.4
F-5	Preliminary Regulating Plans – June 8, 2026 and April 27, 2026	F.5
F-6	Preliminary Regulating Plan – October 21, 2025	F.6
F-7	Preliminary Phasing Plan dated November 4, 2025	F.7
F-8	Previously Approved Final Master Plan – April 24, 2025	F.8
F-9	Previously Approved Final Site Plans – February 4, 2022	F.9
F-10	Previously Approved Final Regulating Plans	F.10
F-11	Disclosure of Ownership	F.11
F-12	Drainage Statement – October 17, 2025	F.12
F-13	Utility Service Availability Letter – October 8, 2025	F.13
F-14	Applicant's Justification Statement – April 27, 2026	F.14
F-15	Applicant's Justification Statement – November 4, 2025	F.15
F-16	Data Center Cooling Water Concepts June 8, 2026	F.16
F-17	Data Center Cooling Options Memo dated January 23, 2024	F.17
F-18	Parking Demand Study – November 3, 2025	F.18
F-19	Total Estimated Water Usage June 8, 2026	F.19
F-20	Fire Protection Study June 8, 2026	F.20
F-21	Phase 1 Environmental Site Assessment June 8, 2026	F-21
F-22	Sound Impact Assessment June 17, 2026 and June 23, 2026	F-22
F-23	Traffic Study June 8, 2026	F-23
F-24	Response to School Board Letter June 19, 2026	F-24

Note: To open each of these documents please click on Exhibit Name.

Exhibit G – Correspondence

No.	Exhibit Name	Page
G.	Correspondence	
G-1	Earth Justice	
G-1	Earth Justice file attachments	
G-2	Letter from Senator Berman	
G-2	Letter from State Representative Weinberger	
G-3	Resolution from Acreage Landowners Association	
G-4	Resolution from Arden Property Owners Association	
G-5	Resolution from the City of Westlake	
G-6	Resolution from Fox Trail Property Owners Association	
G-7	Resolution from Town of Loxahatchee Groves	
G-8	Resolution from Palm Beach County Democratic Party	
G-9	White Paper on Data Centers by LMEIC	
G-10	John Eubanks, Attorney Representing Arden Residents	
G-11	Tara Duhy, Attorney Representing WPB Logistics Owner, LLC; and Central Park Commerce Center Master Association, Inc	
G-12	Sustainable PBC	
G-13 to G-24	General Correspondence from Residents and Interested Parties	

Note: To open each of these documents please click on Exhibit Name.