

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



Application No.: CB-2011-01740
Control No.: 2010-00474
Applicant: Floral Path Llc &
Owners: Floral Path Llc &
Agent: Miller Land Planning - Bradley D Miller
Telephone No.: (561) 736-8838
Project Manager: Douglas Robinson, Site Planner I

Location: North side of the Bee Line Highway (SR -710) west of Pratt Whitney Road, south of Indiantown Road. Approximately 0.6 miles. **(Complete Turbine)**

TITLE: a Class B Conditional Use REQUEST: to allow an Industrial Reserach Laboratory

APPLICATION SUMMARY: Proposed is a Class B Conditional Use for an Industrial Research Laboratory use on a 45.08-acre parcel of land within the Light Industrial (IL) Zoning designation. The applicant proposes to develop the 45.08-acre parcel with an Industrial Research Laboratory. The proposed site plan indicates a 4,125 square foot Building, a 1650 square foot Building, 2 Test Pads and above ground fuel tanks containg 20,000 gallons. Twelve parking spaces are provided with one existing ingress/egress points from Beeline Highway.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

Planning Division has reviewed the request and has found it to be consistent with the Industrial (IND) Land Use designation of the Comprehensive Plan. See Planning comments for more information.

- o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Conservation (Con)
Zoning District: Light Industrial (IL)
Supporting: Vacant (Control No 90-010 Moroso Sports Park)

SOUTH:

FLU Designation: Industrial (IND)
Zoning District: General Industrial District (IG)
Supporting: Flight Test Center (Control No 78-095 United Technologies Corp.)

EAST:

FLU Designation: Industrial (IND)
Zoning District: Light Industrial District (IL)
Supporting: Air Separation Facility (Control No 96-014 Tri-Gas)

WEST:

FLU Designation: (Conservation (Con))

Zoning District: Light Industrial (IL)

Supporting: Vacant (Control No 90-010 Moroso Sports Park)

The subject property is located in a remote area of the County and is surrounded by properties that contain a vast amount of wetlands. There are two facilities in the surrounding area being Palm Beach International Speedway (Moroso) and Pratt- Whitney Flight Testing Center. The proposed use is compatible with the surrounding uses.

o Traffic

See Staff Review and Analysis for additional information from the Traffic Division.

o Landscape/Buffering

The applicant is providing a 5 foot compatibility buffer along the north and east property line, a 20 foot right-of-way buffer along the south property line and a 15 foot right-of-way buffer along the west property line. The applicant will be using the existing vegetation along the south and west property line for the planting requirements pursuant to Article 7.D.5.

o Signs

The applicant is proposing one monument sign measured 20 feet in height with a sign face area of a maximum 200 square feet located at the entrance to the property. No sign conditions are proposed.

o Architectural Review

No elevations have been submitted with this application and the proposed development is subject to Article 5.C Architectural Guidelines. Staff is recommending that at time of Building Permit submittal, the architectural elevations for the proposed building be submitted for final architectural review and approval. The additional time will allow the applicant an opportunity to complete design development and is consistent with minimum ULDC requirements. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements.

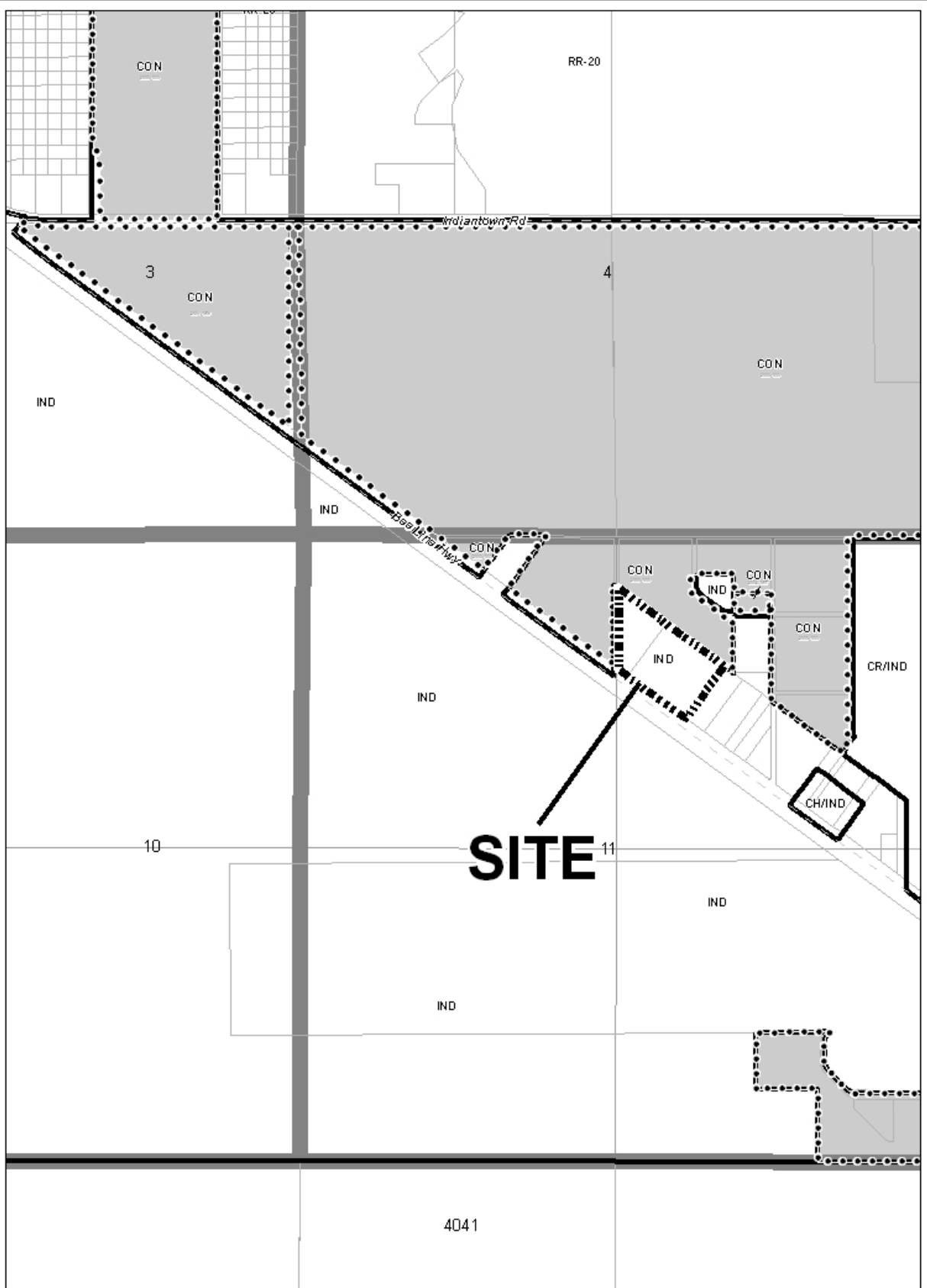
TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-40-41-11-00-000-3050 00-40-41-11-00-000-3080	Same
Land Use Designation:	Industrial (IND)	Same
Zoning District:	Light Industrial District (IL)	Same
Tier:	Limited Urban Service Area (LUSA)	Same
Use:	Vacant	Laboratory, Industrial Research
Acreage:	45.85 acres	Same
Parking:	0 spaces	12 spaces
Access:	One existing ingress/egress points from Beeline Highway.	Same

RECOMMENDATION: Staff recommends approval of the request subject to 10 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow an Industrial Research Laboratory subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	CB-2011-1740
Control Number:	2010-474
Land Use Atlas Page:	11
Date:	09/27/2011



Figure 1 Land Use Atlas Map

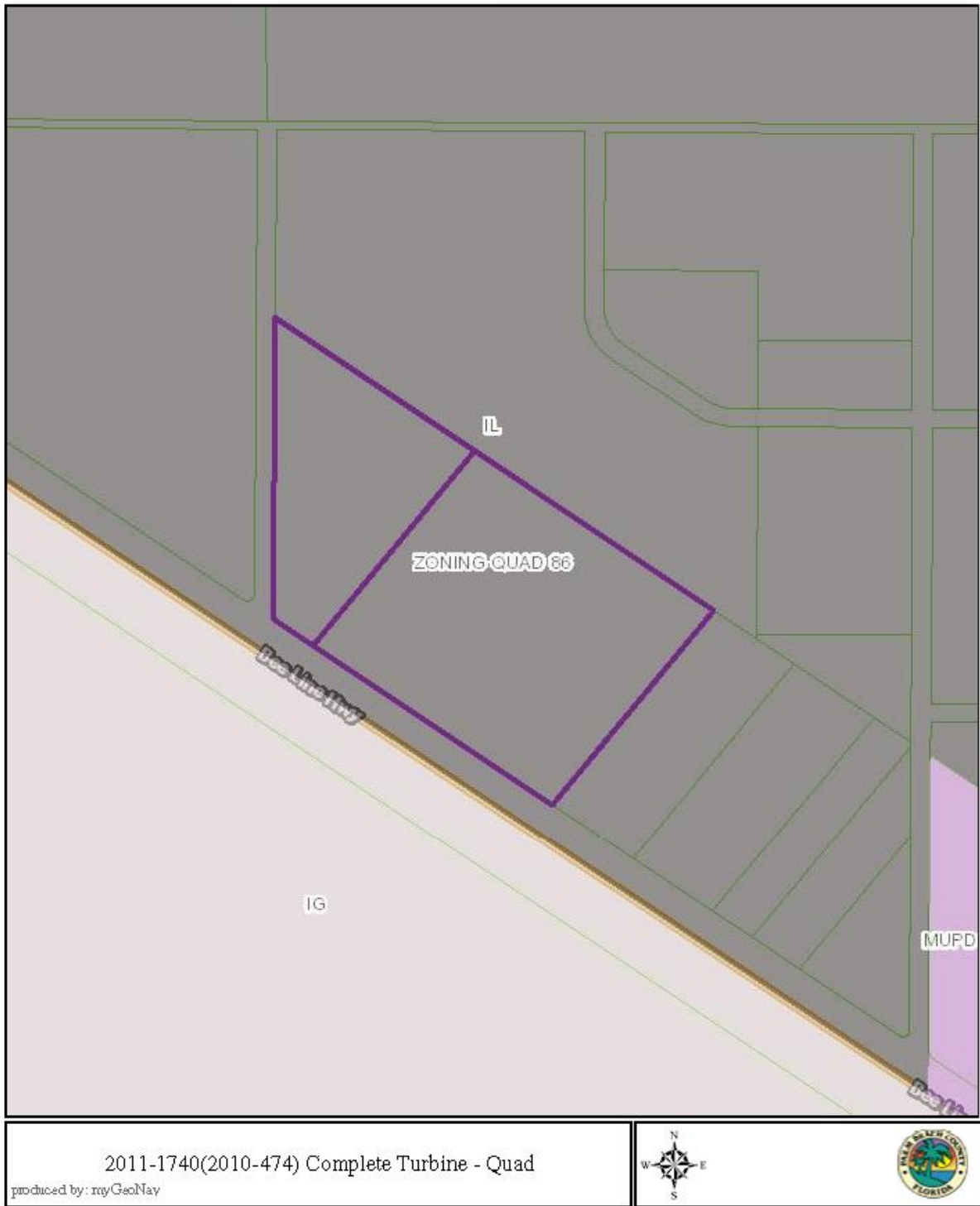


Figure 2 Zoning Quad Map

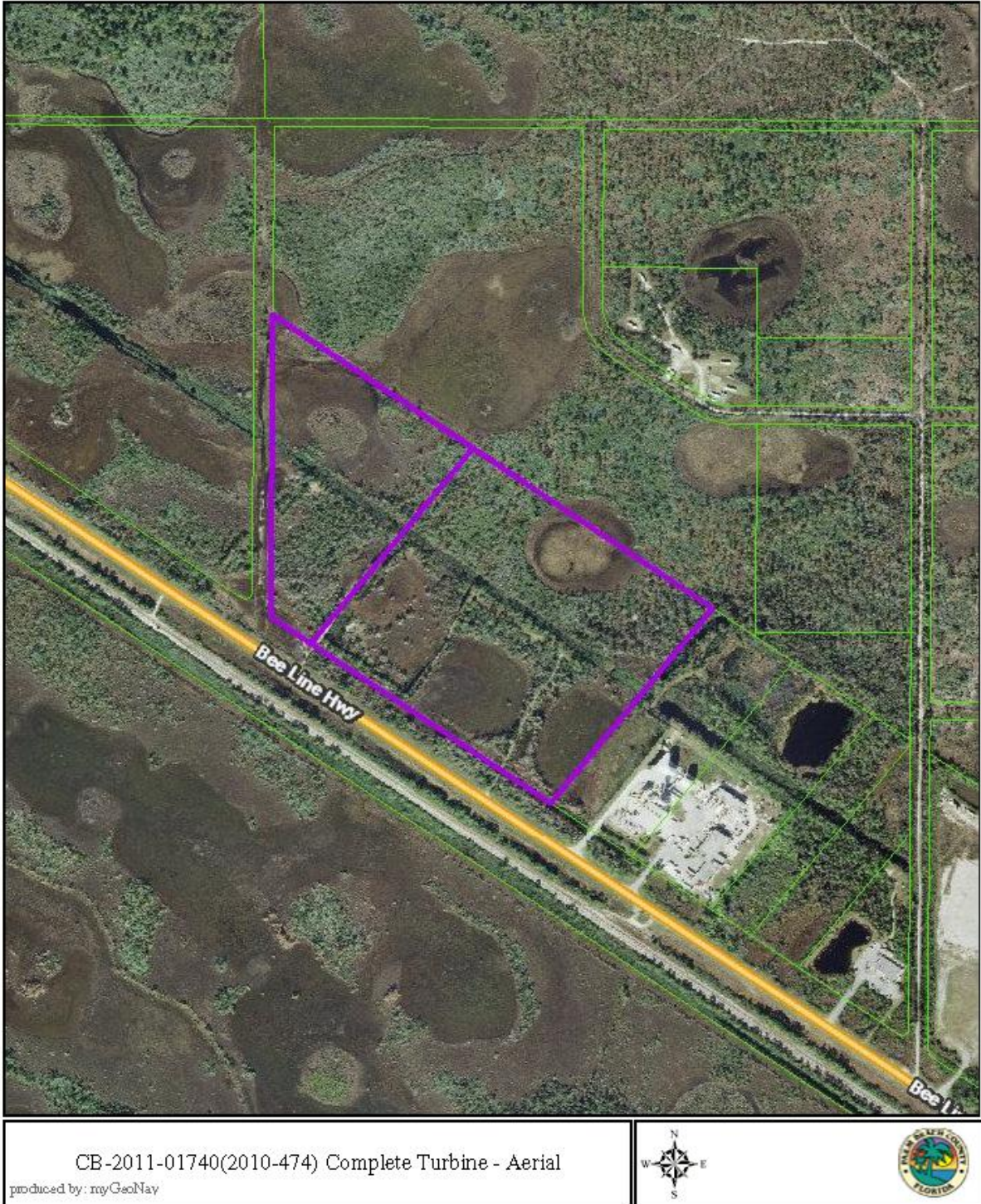


Figure 3 Aerial

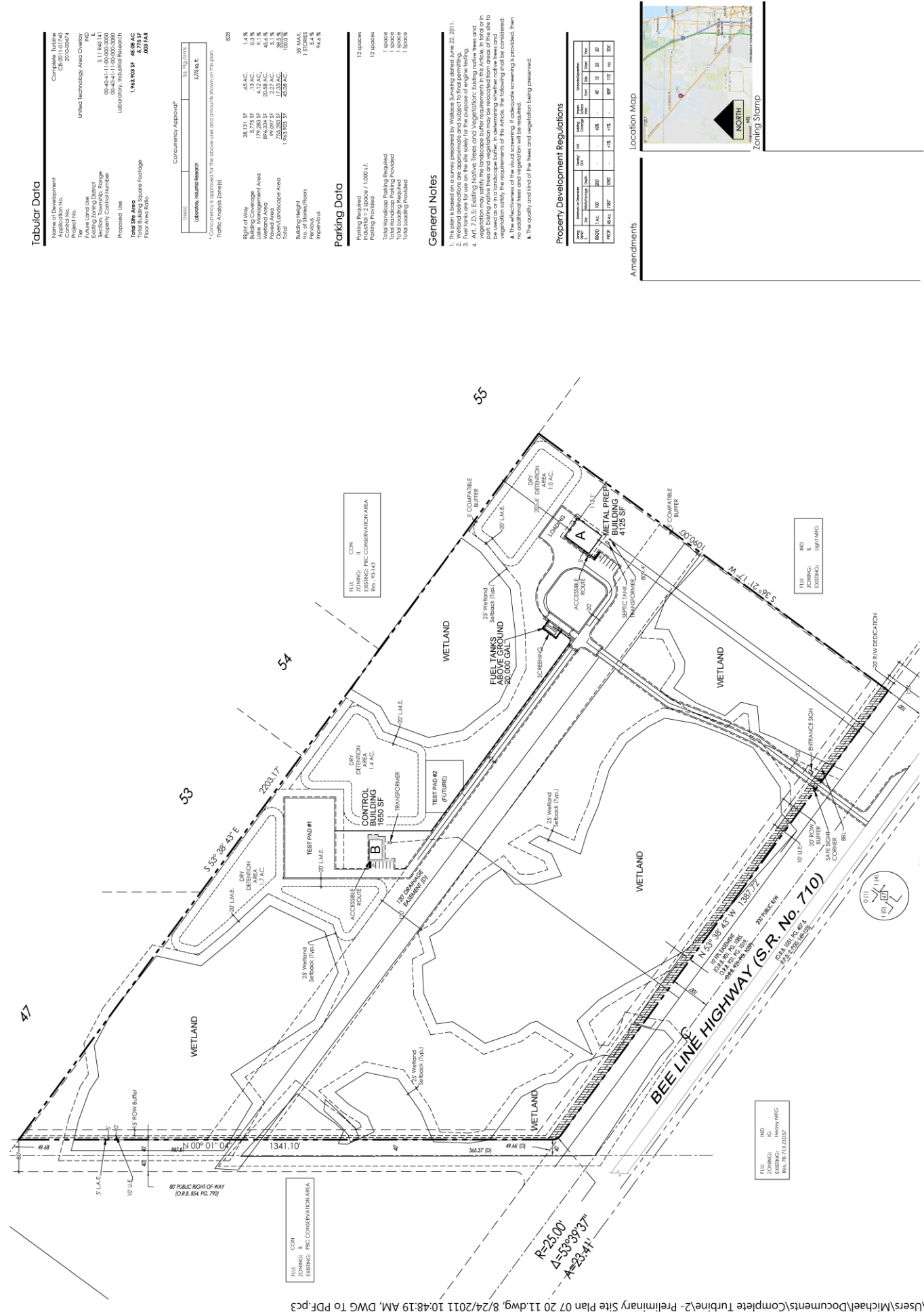
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Figure 4 Preliminary Site Plan dated August 29, 2011

ZC
 Application No. CB-2011-01740
 Control No. 2010-00474
 Project No. 05000-177

November 3, 2011
 BCC District 01

Page 126



Tabular Data

Name of Development: Complete Turbine
 Plan No.: 2010-00474
 Control No.: 2010-00474
 Project No.: 05000-177
 United Technology Area Overlay: I-ND
 Future Land Use: I-ND
 Planning Zoning: I-ND
 Sealing Zoning: No Storage
 Property Control Number: 08-40-41-1-00000-3050
 Prepared Use: Laboratory, Industrial Research
 Total Site Area: 1,743,003 SF 46.09 AC
 Floor Area: 5,775 SF 0.6277 AC

Concurrency Approval#

Utility	51,170,210/INL
Laboratory, Industrial Research	4,775/IA, R

828
 Acres Available for the above area and amounts shown on this plan.
 Traffic Analysis (Zone#)

Right of Way	26,151 SF	1.4%
Open Space	2,775 SF	0.3%
Light Management Area	179,280 SF	9.1%
Paved Area	99,977 SF	5.1%
Open Landscape Area	22,307 SF	1.3%
Other	1,626,713 SF	88.8%
Buildings/Structure	102,000 SF	5.8%
No. of Stories/floors	13,029/83	5.4%
Impervious	1,400,000 SF	74.9%

Parking Data

Parking Required: 12 spaces
 Available: 12 spaces
 Loading Provision: 1 space
 Total Loading Required: 1 space
 Total Loading Provided: 1 space

General Notes

- The plan is based on a survey prepared by Wallace Swearingen dated June 22, 2011.
- Property boundaries are shown for reference only.
- Future lots are for use on the site only for the purpose of engine testing.
- Art. 7.D.5 Existing Native Trees and Vegetation: Existing native trees and vegetation shall be preserved and protected to the maximum extent practicable. Existing native trees and vegetation may be relocated from areas of the site to be used or in a landscape buffer. In determining whether native trees and vegetation should be preserved, the following shall be considered:
 - The effectiveness of the wind screening, if adequate screening is provided, then no additional trees and vegetation will be required.
 - The quality and kind of the trees and vegetation being preserved.

Property Development Regulations

Zone	Minimum Lot Area (Ac.)	Minimum Building Footprint (Sq. Ft.)	Minimum Setback (Feet)	Maximum Height (Feet)	Maximum Floor Area Ratio (FAR)
R25000	1.00	1,000	10	25	0.20
I-ND	4,000	10,000	15	35	0.50
IND	10,000	20,000	15	35	0.50

Amendments

Location Map
 Zoning Stamp
 NORTH
 SCALE 1" = 100' 0"
 0' 50' 100' 200'

MILLER LAND PLANNING CONSULTANTS, INC.
 1501 Corporate Drive
 Boynton Beach, FL 33426
 Suite #240
 (561) 726-8838
 Prepared for:
 West Capital Management, LLC

PROJECT CONSULTANTS
 5111 P.O. Box 110
 1553 Village Boulevard
 West Palm Beach, FL 33407
 (811) 442-4341

CIVIL ENGINEER
 Environmental Associates, Inc.
 1000 S. Federal Highway
 Deerly Beach, FL 33444
 (811) 274-6500

TRAFFIC ENGINEER
 West Palm Beach, FL 33407
 5601 Corporate Way, Suite 200
 West Palm Beach, FL 33411
 (561) 475-8486

Complete Turbine
 Palm Beach County, FL

Revisions:
 July 20, 2011
 August 29, 2011

Preparatory Site Plan
 SP-1 of 1

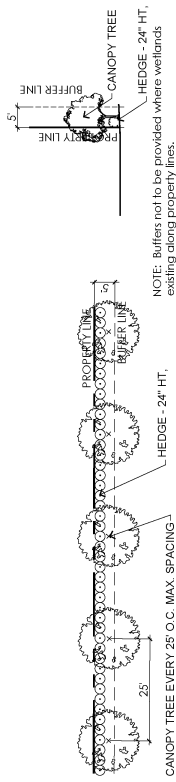
Figure 5 Preliminary Regulating Plan dated August 29, 2011

ZC
Application No. CB-2011-01740
Control No. 2010-00474
Project No. 05000-177

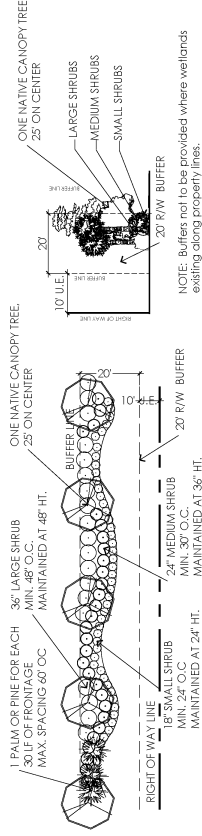
November 3, 2011
BCC District 01

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5' Compatible Buffer

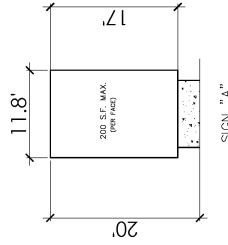


20' ROW Buffer

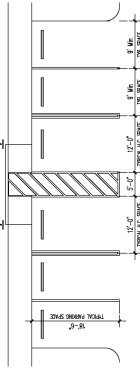


Master Signage Plan

MIN. 3'X3' FOUNDATION PLANTING AROUND BASE OF SIGN, TYP.
MAXIMUM HEIGHT - 20'
MAXIMUM SIGN FACE - 200 SF PER FACE MAX.
MONUMENT STYLE MAXIMUM NUMBER OF SIGNS - 1
LOCATED WITHIN 30' OF ENTRANCE



Parking Detail



Amendments

Zoning Stamp

Revisions	July 20, 2011
	August 29, 2011

Complete Turbine
Palm Beach County, FL

MILLER
LAND
PLANNING
CONSULTANTS, INC.
163 Corporate Drive
Suite #400
Boynton Beach, FL 33426
(561) 736-8838

Prepared by:
Neel Capital
Management, LLC

Project Consultant:
SURVEYOR
Wildrose Surveying
and
Mapping, Inc.
West Palm Beach, FL 33407
(561) 440-4851

CIVIL ENGINEER
EnviroDesign Associates, Inc.
298 Pineapple Grove Way
Boynton Beach, FL 33444
(561) 274-6500

TRAFFIC ENGINEER
Stinson & White, Inc.
580 Corporate Way, Suite 200
Boynton Beach, FL 33407
(561) 479-7548

Preliminary
Regulating Plan
RP-1 of 1

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: The site has an Industrial (IND) Future Land Use (FLU) designation.

TIER: The site is located within the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay (UTCAO) which is a Limited Urban Service Area (LUSA).

FUTURE ANNEXATION AREAS: The subject site is not located within any future annexation area.

INTERGOVERNMENTAL COORDINATION: The subject property is not located within one mile of a municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Class B Conditional use to construct a commercial jet engine testing facility and has found it to be consistent with the IND Land Use designation of the Comprehensive Plan.

The proposed request of 5,775 square feet for the first phase would be consistent with the maximum Floor Area Ratio (FAR) of .45 allowed for a project with the IND FLU designation (45.08 ac x 43,560 x .45 = 883,658.16 maximum). The request for 5,775 square feet equates to an FAR of 0.002. (5,775/1,963,684.8 = 0.002).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The request is located within the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay (UTCPAO) that is identified within the Comprehensive Plan. The related Objectives and Policies follow:

The proposed development is for a commercial jet engine testing facility. The Palm Beach County Pine Glades Conservation Area abuts (Comprehensive Map Series, Map LU 8.1) the site along the north and east property lines. Notwithstanding the provisions of the Overlay, the location of the proposed test stands may have a potential impact on the conservation area due to the decibels generated during testing and the effect on wildlife; another concern is the potential for an accidental jet fuel spill at the site and the effect it may have on the Pine Glades Conservation area. The site is over 3 miles from residential areas and is not located within the boundaries of any adopted boundaries of any neighborhood plan. The agent was notified by the Planning Division to contact and meet with the Jupiter Farm Residents Association and the Caloosa POA, to proactively address concerns those residents may have. The agent shall provide correspondence to the Planning Division pertaining to the results of the meetings with the said associations. Correspondence pertaining to the outcome of the meeting between the said associations and the agent has not been received by the Planning Division at the writing of the Staff Report.

The following Objectives and Policies define how the proposed development is compatible with the Overlay.

OBJECTIVE 1.7 General: The purpose of the Overlay is to provide for the protection of a critical manufacturing and research and development employer from encroachment by incompatible uses and activities; as well as to provide opportunities to locate accessory, auxiliary, and supporting industrial uses in close proximity to the existing facilities.

Objective: Palm Beach County shall protect critical industrial, manufacturing and research and development activities, from encroachment of incompatible uses and activities, which would be unable to withstand the noise generated by jet and rocket propulsion engine testing in the Overlay, while providing the opportunity to locate compatible office and industrial uses together with compatible supporting, accessory, and ancillary uses in proximity to the existing facilities facilitating the continuation and further development of this manufacturing and research and development area through designation of the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay.

Policy 1.7-a: The United Technologies Corporation (Pratt-Whitney) Protection Area Overlay, generally described as the area east and north of the Beeline Highway and the Pratt-Whitney facility,

encompassing all or portions of Sections 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, Township 41 Range 40; Sections 5, 6, 7, 8, 9, 17, 18, Township 41 Range 41; and, Section 13, Township 41 Range 39, is depicted on the Special Planning Areas Map in the Map Series.

The property is located in Section 11, Township 41 and Range 40.

Policy 1.7-b: The following future land use designations shall be allowed in the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay:

1. Industrial, including the Economic Development Center category; and,
2. Conservation, including the Water Resources Area category.

Policy 1.7-d: The County shall limit permitted uses within the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay to those uses that are ancillary or accessory to, and/or compatible with and do not endanger the continuation and expansion of the existing industrial, manufacturing, and research and development operations within the Overlay. Certain uses permitted within the allowed future land use designations may generate conflicts with the Pratt-Whitney facilities, and shall be prohibited. Such incompatible uses (due to their sensitivity to noise) include, but are not limited to, the following:

3. Medical and dental offices; and
4. Hospitals, medical centers.

Uses (not listed above) which generally would not be allowed within the Overlay may be permitted as accessory uses to a permitted primary use.

FINDINGS: The request is consistent with the site's Industrial land use designation.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

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.

The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto Beeline Highway.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is uncleared and supports several wetland areas. These are subject to permitting by the South Florida water Management District. Native upland vegetation shall be incorporated into the site plan or mitigated on the site.

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

OFFSITE DRAINAGE CONCERNS: The property has historical rights to drain onto the surrounding conservation properties provide that the drainage meets Florida Outstanding Water standards.

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

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

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis

PARKS AND RECREATION: No Staff Review Analysis

CONCURRENCY: Concurrency has been approved for the proposed 5,775 square foot Industrial Research Laboratory.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD).

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

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

Planning Division has reviewed the request for a Class B Conditional use to construct a commercial jet engine testing facility and has found it to be consistent with the IND Land Use designation of the Comprehensive Plan. The site is located within the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay (UTCAO) which is a Limited Urban Service Area (LUSA) and is in compliance with Objective 1.7 of the UTCAO.

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

The proposed site plan is consistent with the uses in the IL zoning district and applicable standards of the Code. All property development regulations are complied within the proposed design as shown by the Preliminary Site Plan dated August 29, 2011.

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

The subject property is located in a remote area of the County and is surrounded by open properties that contain a vast amount of wetlands. There are two facilities in the surrounding area being Palm Beach International Speedway (Morosso) and Pratt- Whitney. The proposed use is compatible with the surrounding uses.

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

The proposed 45.08 acre site will be designed to minimize impacts to the approximately 21.82 acres wetlands to the greatest extent. Native upland vegetation shall be incorporated into the site plan or mitigated on the site. Upon approval of this Class B Conditional Use application and prior to any final site plan approval a copy of a wetland jurisdictional determination from South Florida Water Management District (SFWMD) shall be provided to the Environmental Resources Management Department . Based on the determination by SFWMD, the site plan may be modified as needed to reduce wetland impacts (Environmental Condition of Approval number 2).

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

The subject site is cleared and the request will not result in any adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, and the natural functioning of the environment. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed use is consistent with the development patterns of the existing surrounding area. The site has an Industrial Land Use designation as well as the properties to the south, east and west. This region of the County has already been developed as an Industrial area and the proposed use is in an appropriate location.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

This standard is not applicable since the existing property is not subject to any neighborhood plan.

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

Concurrency has been approved for the proposed 5,775 square foot Industrial Research Laboratory.

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

The applicant states that there are no prior development approvals for the subject site and a Industrial Research Laboratory use is complimentary to the existing Pratt and Whitney Use. The jet testing facility is allowed in the IL Zoning District subject to a Class B Conditional Use, which is approved by the Zoning Commission.

Staff has evaluated the applicant's justification and responses for Standards 1-9 of Article 2.B.2.B, and has determined that the need of the requested change balanced the potential impacts generated by the request.

CONDITIONS OF APPROVAL

EXHIBIT C

Conditional Use Class B

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 29, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2016. 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-Eng)

2. The property owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for 120 feet, measured from centerline of Beeline Highway.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property owner shall provide FDOT with sufficient documentation, including, at minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from tax collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Grantor must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDG PERMIT: MONITORING-Eng)

3. Prior to issuance of the first building permit, the property owner shall record a Unity of Title, subject to approval by the County Engineer and County Attorney, in the public records for the entire project site in accordance with the subdivision exemption in Article 11.A.4.A of the ULDC. Alternately, the property owner may plat the property into a legal lot of record in accordance with Article 11. (BLDG PERMIT: MONITORING - Eng)

4. 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-Eng)

b. Any required drainage easements shall be recorded in the public records prior to issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

ENVIRONMENTAL

1. Prior to the issuance of an ERM Vegetation Removal approval, the Applicant shall provide a copy of the SFWMD Environmental Resources Permit to ERM which demonstrates that stormwater discharges into the Natural Area shall meet Florida Outstanding Water Standards. (DRO: ERM – ERM)

2. Prior to Final Plan approval by the Development Review Officer (DRO), a copy of a wetland jurisdictional determination from South Florida Water Management District (SFWMD) shall be provided to the Environmental Resources Management Department. Based on the determination by SFWMD, the site plan may be modified as needed to reduce wetland impacts. (DRO: ERM - ERM)

HEALTH

1. Prior to the issuance of the first Building Permit, the property owner shall obtain permits for the onsite sewage treatment and disposal system (OSTDS) and a potable water well from the Palm Beach County Health Department. (BLDG PERMIT: HEALTH – Health)

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 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 (CO); 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; 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 (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

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

Exhibit D: Disclosure

Print Form

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the [] individual or [] Managing Member [position—e.g., president, partner, trustee] of Neff Capital Management LLC [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 200 S. Biscayne Blvd., Suite 1930, Miami, FL 33131

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

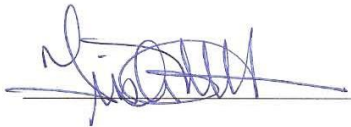
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



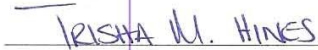
Brian R. Neff, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 24th day of June, 2011, by Brian R. Neff, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



NOTARY PUBLIC-STATE OF FLORIDA
Trisha M. Hines
Commission # DD763347
Expires: FEB. 28, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 02/28/2012

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

EXHIBIT "A"

PROPERTY

See Attached Legal Description.

Disclosure of Beneficial Interest –Applicant form
Page 3 of 4

Created 01/30/2007
Web Format 2008

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Brian R. Neff, 7133 Fisher Island Dr., Miami Beach, FL 33109	
Jana P. Neff, 7133 Fisher Island Dr., Miami Beach, FL 33109	
Jana P. Neff 2010 Family Trust, 7133 Fisher Island Dr., Miami Beach, FL 33109	

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the [] individual or [] John P. George, Managing Member [position—e.g., president, partner, trustee] of Floral Path, LLC [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 2442 Bay Village Ct., Palm Beach Gardens, FL 33410

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

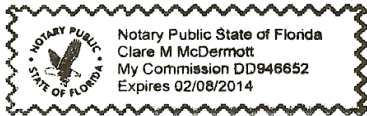
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

[Handwritten Signature]

John P. George, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 24 day of June, 2011, by John P. George, [] who is personally known to me or [] who has produced FL. Drivers License as identification and who did take an oath.



[Handwritten Signature]
Notary Public

Clare M. McDermott
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 2/8/2014

EXHIBIT "A"

PROPERTY

See Attached Legal Description.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address	Percentage of Interest
Floral Path, LLC	11231 U.S. Highway 1, North Palm Beach, FL 33408	
	John P. George, Managing Member	100%

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the individual or President _____ [position—*e.g., president, partner, trustee*] of Not Wet Land, Inc., a Florida corp. [name and type of entity—*e.g., ABC Corporation, XYZ Limited Partnership*] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 4400 North Federal Highway, Suite 210, Boca Raton, FL 33486

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

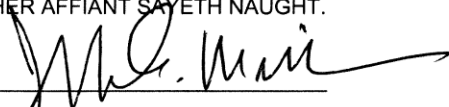
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.


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

FURTHER AFFIANT SAYETH NAUGHT.

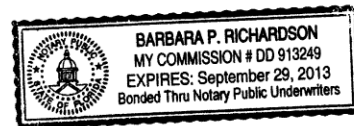


Jeffrey A. Miller, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 16th day of June, 2011, by Jeffrey A. Miller, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.



Notary Public
Barbara P. Richardson
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 9/29/2013



Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "A"
PROPERTY

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

Parcel Control Number 00-40-41-11-00-000-3080 and
Parcel Control Number 00-40-41-11-00-000-3050; as more specifically described as follows:

PARCEL NO.: 30: A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows: From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, page 149 to 153, inclusive, public records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 851.51 feet to the point of beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence Southwesterly at right angles, a distance of 1090 feet to a point in said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line a distance of 200 feet; thence Northeasterly at right angles, a distance of 1090 feet to the point of beginning: aka parcel No. 30 of Palm Beach County Industrial Park unrecorded. SUBJECT TO the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

PARCEL NO. 31: A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows: From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right angles to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, pages 149 to 153, inclusive, public records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 617.57 feet to the point of beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 233.94 feet; thence Southwesterly at right angles, a distance of 1090 feet to the point of intersection of a line parallel to and 40 feet Easterly from (measured at right angles to) the West line of said Section 11, with said Northeasterly right of way line of State Road No. 710; thence Northwesterly along said right of way line, a distance of 49.66 feet, more or less, to its intersection with said West line of Section 11, thence Northerly along said Section line, a distance of 365.37 feet; thence Easterly at right angles, a distance of 40 feet; thence Northeasterly along a line, which if produced Southwesterly is at right angles to said Northeasterly right of way line of State Road No. 710 a distance of 771.99 feet to the point of beginning, aka Parcel No. 31, Palm Beach County Industrial Park unrecorded. SUBJECT TO the following: An easement and right of way for public highway purposes as in right of way deed dated December 21, 1962 and recorded in OR Book 854, Page 792, public records of Palm Beach County, Florida, and SUBJECT TO an easement for drainage purposes over the Southwesterly 120 feet of the Northeasterly 500 feet thereof.

PARCEL No. 32: A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows: From the Northwest corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less, to a point in a line parallel to and 1090 feet Northeasterly from (measured at right

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angels to) the Northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, pages 149 to 153, inclusive, public records of Palm Beach County, Florida, and the point of beginning of the tract of land hereinafter described; thence Southeasterly along said parallel line, a distance of 617.57 feet; thence Southerly at right angles, a distance of 771.99 feet, more or less, to a point in a line parallel to and 40 feet Easterly from (measured at right angles to) said West line of Section 11, thence Westerly at right angles to said parallel line, a distance of 40 feet to a point in the West line of said Section 11, thence Northerly along said West line, a distance of 987.81 feet to the point of beginning; aka Parcel No. 32, of Palm Beach County, Industrial Park unrecorded. SUBJECT TO the following: An easement and right of way for public highway purposes in right of way deed dated December 21, 1962, and recorded in O/R Book 854, page 792, public records of Palm Beach County, Florida and SUBJECT TO an easement for drainage purposes over the Southwesterly 120 feet of the Northeasterly 500 feet thereof.

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest Corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run southerly along the West line of said Section 11, a distance of 854.09 feet, more or less to a point in a line parallel to and 1090 feet northeasterly from (measured at right angles to) the northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 2051.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence southwesterly, at right angles, a distance of 1090 feet to a point in said northeasterly right of way line of State Road No. 710; thence northwesterly along said right of way line; a distance of 200 feet; thence northeasterly at right angles, a distance of 1090 feet to the POINT OF BEGINNING; a/k/a Parcel No. 24 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest Corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run southerly along the West line of said Section 11, a distance of 854.09 feet, more or less to a point in a line parallel to and 1090 feet northeasterly from (measured at right angles to) the northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1851.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence southwesterly, at right angles, a distance of 1090 feet to a point in said northeasterly right of way line of State Road No. 710; thence northwesterly along said right of way line, a distance of 200 feet; thence northeasterly at

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right angles, a distance of 1090 feet to the POINT OF BEGINNING; a/k/a Parcel No. 25 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest Corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less to a point in a line parallel to and 1090 feet northeasterly from (measured at right angles to) the northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1651.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence southwesterly, at right angles, a distance of 1090 feet to a point in said northeasterly right of way line of State Road No. 710; thence northwesterly along said right of way line; a distance of 200 feet; thence northeasterly at right angles, a distance of 1090 feet to the POINT OF BEGINNING; a/k/a Parcel No. 26 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest Corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run southerly along the West line of said Section 11, a distance of 854.09 feet, more or less to a point in a line parallel to and 1090 feet northeasterly from (measured at right angles to) the northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1451.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence southwesterly, at right angles, a distance of 1090 feet to a point in said northeasterly right of way line of State Road No. 710; thence northwesterly along said right of way line; a distance of 200 feet; thence northeasterly at right angles, a distance of 1090 feet to the POINT OF BEGINNING; a/k/a Parcel No. 27 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

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AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest Corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run southerly along the West line of said Section 11, a distance of 854.09 feet, more or less to a point in a line parallel to and 1090 feet northeasterly from (measured at right angles to) the northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1251.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence southwesterly, at right angles, a distance of 1090 feet to a point in said northeasterly right of way line of State Road No. 710; thence northwesterly along said right of way line; a distance of 200 feet; thence northeasterly at right angles, a distance of 1090 feet to the POINT OF BEGINNING; a/k/a Parcel No. 28 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

AND ALSO:

A tract of land in Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, more particularly described as follows:

From the Northwest Corner of Section 11, Township 41 South, Range 40 East, Palm Beach County, Florida, run Southerly along the West line of said Section 11, a distance of 854.09 feet, more or less to a point in a line parallel to and 1090 feet northeasterly from (measured at right angles to) the northeasterly right of way line of State Road No. 710, as said right of way line is shown on Map recorded in Road Plat Book 2, Pages 149 to 153, inclusive, Public Records of Palm Beach County, Florida; thence Southeasterly along said parallel line, a distance of 1851.51 feet to the Point of Beginning of the tract of land hereinafter described; thence continue Southeasterly along the same course, a distance of 200 feet; thence southwesterly, at right angles, a distance of 1090 feet to a point in said northeasterly right of way line of State Road No. 710; thence northwesterly along said right of way line; a distance of 200 feet; thence northeasterly at right angles, a distance of 1090 feet to the POINT OF BEGINNING; a/k/a Parcel No. 29 of Palm Beach County Industrial Park unrecorded.

Subject to the following: An easement for drainage purposes over the Northeasterly 120 feet of the Southwesterly 710 feet thereof.

WPBDOCS 7928125 1

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address	Percentage of Interest
Jeffrey A. Miller	4400 North Federal Highway, Suite 210, Boca Raton, FL 33431	100%