

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

Application No.: SV/ZV/ABN/DOA-2021-01529
Application Name: Portman Industrial MUPD
Control No./Name: 1997-00034 (FKA Moroso Motorsports Park MUPD)
Applicant: Palm Beach Owner, LLC
Owners: Moroso Investment Partners LLC (inclusive of Palm Beach International Raceway, LLC)
 Moroso Investment Partners II LLC
 Gilco 1 Racing, LLC
Agent: Urban Design Studio - Joni Brinkman
 Urban Design Studio - Ken Tuma
 Urban Design Studio - Lauren Sands
Telephone No.: (561) 366-1100 , (561) 366-1100 , (561) 366-6100
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: a Type 2 Variance **REQUEST:** to eliminate cross access, a Compatibility Buffer, Right-of-Way Buffer

TITLE: a Development Order Abandonment **REQUEST:** to abandon Requested Uses (Arena, Auditorium or Stadium, Indoor/Outdoor Entertainment, Auto Paint and Body, Convenience Store with Gas Sales, Manufacturing and Processing, and Vehicles Sales and Rental); an Electronic Message Center and the Alternative Sign Plan

TITLE: a Development Order Amendment **REQUEST:** to reconfigure the site plan; delete and modify uses; and, modify Conditions of Approval

APPLICATION SUMMARY: Proposed is a Type 2 Zoning Variance, Development Order Abandonment, and a Development Order Amendment for the Portman Industrial (formally known as Moroso Motorsports Park) development. The site currently supports an Outdoor Entertainment recreational use for Arena or Stadium for a race track which is the primary use subject to the Abandonment request. The development was last approved by the BCC on March 30, 2009 for a MUPD, which included a mix of Recreation, Commercial and Industrial uses.

The Applicant is requesting Zoning Variances to eliminate cross access from the subject development to the surrounding properties to the north, east and west, to eliminate Compatibility Buffer and Right-of-Way Buffer along the north, east and west property lines adjacent to natural areas. Additionally, the Applicant requests the abandonment of previously approved Requested Uses as described above.

The Development Order Amendment proposes to modify and reconfigure the site plan; and, to modify uses and Conditions of Approval. The development consists of a total 186.38-acre The Preliminary Site Plan (PSP) indicates four Warehouse buildings (Buildings A, B, C, and D) with accessory office. Overall, the PSP indicates 2,118,196 sq. ft. total of building square footage; 1,445 regular parking spaces, 415 loading spaces, and 450 trailer parking spaces (Outdoor storage). There are three access points from Beeline Highway and one access point along the existing Right-of-Way at the western property line.

Following certification for public hearing, Staff and the Agent met regarding the previous request for a Subdivision Variance (SV), and it was agreed that this request would not be processed at this time, and therefore the Applicant withdrew that request. In addition, the Applicant revised their General Application, removing Gilco 1 Racing, LLC as an Applicant and indicating them as a Property Owner within the existing approved MUPD.

SITE DATA:

Location:	North side of Bee Line Highway, approximately 1 mile west of Pratt Whitney Road
Property Control Number(s)	00-40-41-11-00-000-1010; 00-40-41-11-00-000-5010; 00-40-41-11-00-000-5020; 00-40-41-11-00-000-5030; 00-40-41-11-00-000-5040; 00-40-41-11-00-000-5050; 00-40-41-11-00-000-5060; 00-40-41-11-00-000-5080; 00-40-41-11-00-000-5090; 00-40-41-14-00-000-1010
Existing Future Land Use Designation:	Commercial High, with an underlying IND (CH/IND); Industrial (IND); and, Commercial Recreation, with an underlying IND (CR/IND)
Existing Zoning District:	Multiple Use Planned Development District (MUPD)
Total Acreage:	186.38 acres
Affected Acreage:	186.38 acres
Tier:	N/A
Overlay District:	United Technologies Corporation Technology Overlay
Neighborhood Plan:	N/A
CCRT Area:	N/A

Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 1, Commissioner Maria G. Marino

RECOMMENDATION: Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1 (Type 2 Variance), Exhibit C-2 (Development Order Amendment –MUPD); and Exhibit C-3 (Development Order Amendment – Requested Uses).

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received four contacts from the public regarding this application with one phone call in opposition, two emails in opposition, and one email requesting additional information about the application. The concerns came from advocates of the Race Track who did not want to see the use changed.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
PDD-1997-00034	Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) and Light Industrial (IL) Zoning District to the MUPD with an Arena (race tract 3/8 mile)	R-1997-0772	June 23, 1997
ZV/PDD/DOA/W/R-2008-01369	To allow more than 3 freestanding buildings in an MUPD; to allow parking in excess of 600 feet from the public entrance of the building it serves; to allow more than 1 electronic message center sign; to allow more than 3 freestanding signs; to allow the maximum height of one freestanding sign to exceed 15 feet; to allow on-site directional signs to be closer than 200 feet from the perimeter of the project; and to eliminate the 5-foot compatibility buffers on the northeast, northwest, west, north and east property lines adjacent to the Pine Glades Natural Area.	ZR-2009-012	March 5, 2009
	Official Zoning Map Amendment to allow a rezoning from the Light Industrial (IL) Zoning District to a Planned Development District	R-2009-0502	March 30, 2009
	Development Order Amendment to add land area and reconfigure site plan	R-2009-0503	March 30, 2009
	Type 2 Waiver to allow deviations from the requirements for the Architectural Design Standards for non-residential structure in an MUPD.	R-2009-0504	March 30, 2009
	Requested Uses to allow arena; auditorium or stadium; entertainment, outdoor; entertainment, indoor; auction, outdoor; auto paint and body; convenience store with gas sales; manufacturing and processing; vehicle sales and rental; electronic message center; and to allow an alternative sign plan in the MUPD Zoning District	R-2009-0505	March 30, 2009

SURROUNDING LAND USES:

NORTH:

FLU Designation: Conservation (CON)
Zoning District: Light Industrial District (IL)
Supporting: Vacant

SOUTH (Across Bee Line Highway):

FLU Designation: Industrial (IND)
Zoning District: General Industrial District (IG)
Supporting: Industrial (United Technologies, Control No 1978-00095)

EAST:

FLU Designation: Conservation (CON)
Zoning District: Light Industrial District (IL)
Supporting: Vacant

WEST:

FLU Designation: Conservation (CON)
Zoning District: Light Industrial District (IL)
Supporting: Vacant

TYPE 2 VARIANCE SUMMARY:

#	ULDC Article	Required	Proposed	Variance
V.1	Art. 3.E.1.C.2.a.6 Performance Standards	Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer	No cross access to adjacent parcels.	No cross access to adjacent parcels.
V.2	Art. 3.E.3.B.2.C. – Cross Access	Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a nonresidential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.	No cross access to adjacent parcels under Palm Beach County ownership	No cross access to adjacent parcels under Palm Beach County ownership
V.3A	6.E.4.A.3.b. Screening [Loading Area Screening]	Loading spaces, docks, and associated maneuvering areas visible from a street ROW to be screened from view by buildings a minimum of 12’ in height, or a wall in combination with landscape material.	Eliminate screening requirement for loading spaces, docks and associated maneuvering areas adjacent to the ROW on the north, east and west property lines where the ROW that has not been constructed.	No screening
V.3B	6.E.4.A.3.b. Screening [Loading Area Screening]	Loading spaces, docks, and associated maneuvering areas visible from a street ROW to be screened from view by buildings a minimum of 12’ in height, or a wall in combination with landscape material.	Eliminate screening requirement for loading spaces, docks, and associated maneuvering areas adjacent to the ROW on the west property line (abutting PCN 001-40-41-11-00-000-5030), that exists as a dirt road.	No screening
V.4A	7.B.2.B.3. Compatibility Buffer [Width]	The minimum width of a Compatibility Buffer is eight feet.	To eliminate the compatibility buffer on the internal west property line where adjacent to on site wetlands or PCN 00-40-41-11-00-000-5070.	-8 feet
V.4B	7.B.2.B.3. Compatibility Buffer [Width]	The minimum width of a Compatibility Buffer is eight feet.	To eliminate the compatibility buffer along the northwest property line where adjacent to Pine glades natural Area and on-site wetlands.	-8 feet
V.5A	7.C.2. A.3 R-O-W Buffer [Width]	West: 15' ROW Buffer Required	West: No ROW Buffer along the north 425' of the west buffer where adjacent to existing on site wetlands.	-15 feet
V.5B	7.C.2. A.3 R-O-W Buffer [Width]	North: 10' ROW Buffer Required	North: No ROW Buffer	-10 feet
V.5C	7.C.2. A.3 R-O-W Buffer [Width]	East: 10' ROW Buffer Required	East: No ROW Buffer	-10 feet
V.7	5.B.1.A.3.d. Outdoor Storage and Activities [Screening]	Outdoor storage and activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings.	Eliminate screening requirement for outdoor storage on the west property line.	Eliminate screening requirement storage on the west property line.
Note: Variance V.6 was withdrawn by Applicant.				

The Applicant is proposing variances from several different Code sections to eliminate the required perimeter buffering, cross access to natural areas, and required loading area and outdoor storage screening.

Specifically, Variances V.1 and V.2, are proposed to eliminate cross access to adjacent parcels that are currently natural preserve areas. Variance V.3A is to eliminate the loading area screening requirement on the north, east, and a portion of the west property line that is adjacent to natural preserve areas. Variance V.3B seeks to eliminate the loading area screening requirement specifically along the westernmost property line that is adjacent to an existing wetland area onsite. Variance V.4A and V.4B are to allow the elimination of the 8 ft. Compatibility Buffer on the perimeter of the wetland area for site that isn't a part of the subject development and internally oriented to the MUPD. Variance V.4B is requested to eliminate the 8 ft. Compatibility Buffer along the northwest property line. Variance V.5A is to eliminate the 15 ft. R-O-W Buffer along a portion of the westernmost property line abutting existing wetlands area on site along with the long strip of land on the northwest section of the MUPD

directly abutting natural conservation area. Variance V.5B will be applied to the northern property line to eliminate the required 10 ft. R-O-W Buffer. Variance V.5C seeks to eliminate the 10 ft. buffer along the eastern property line. The last variance, which is currently labeled variance 7, seeks to eliminate the screening for outdoor storage for the trailer parking. Variance 6 was removed as it is not required at this time. A Condition of Approval will be put in place to reorder, renumber, and revise the site plan to correctly reflect the applicable variances in variance chart and their respective locations on site.

FINDINGS - Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

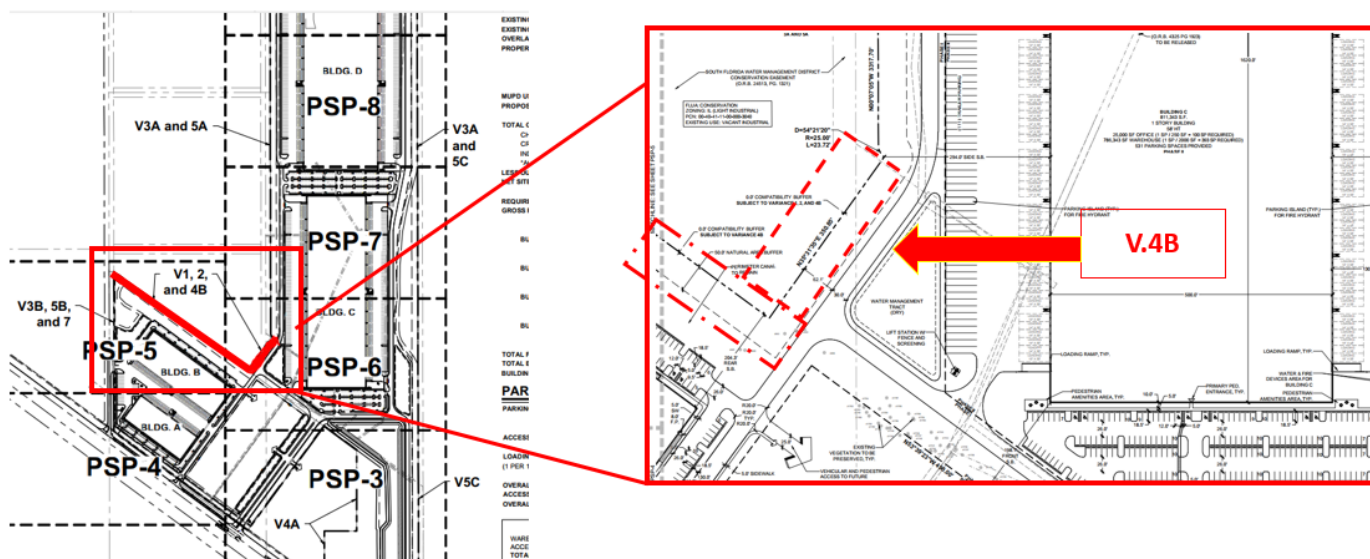
a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:

V.1 – V.2 (Cross access) YES. Special conditions and circumstances exist on site that are peculiar to other parcels in the same district. The site is mostly surrounding by natural preserve lands that are a part of the Pine Glades Natural Area on the north, northwest, and east property lines. There are also surrounding wetland areas. These natural areas are designated conservation lands with a recorded conservation easement. The proximity to wetlands and natural areas would not only make cross access very difficult, but would also cause potential reduction or damage these existing environmental areas. The Applicant is requesting to eliminate cross access as to not disturb the natural lands as they exist today. Elimination of the cross access would further the policies of the Plan and Code to preserve and conserve the adjacent parcels and is a special condition not applicable to other parcels of an MUPD- IND.

V.3A – V.3B (Loading screening) YES. The subject site is almost completely surrounded by natural preserve. Although the north, east, and west property lines of the subject site abut recorded R-O-Ws that are owned by Palm Beach County, it is unlikely that these areas will be utilized as actual roads, seeing as they exist as natural conservation areas. As such, the Applicant is requesting a variance to eliminate the trailer parking screening adjacent to these natural undeveloped lands. Installation of a wall to provide screening of the trailers would have impacts on the natural areas, and is a special condition unique to this particular parcel of land.

V.4A – V.4B (Compatibility Buffer) YES.. A portion along the northwest portion of the MUPD that does not have a recorded R-O-W within this area, as such, this portion is subject to an 8 ft. Compatibility Buffer pursuant to section 7.C.2.B.1 Compatibility Buffer [Applicability], because of the non-residential uses adjacent to an Industrial FLU.. However, this area is part of the surrounding conservation lands within the Pine Glades Natural Area. The Applicant is proposing to eliminate this buffer requirement on approximately 350.85 linear feet along the northwest property line, west of Building C and along 1404.31 ft. on the north property line of the westernmost parcel, north of Building B (see Figure V.4B Location below), in order to maintain the natural areas as they currently exist. This area has an existing 50 ft. wide natural area buffer and canal as shown on PSP-5 of 9 and PSP-6 of 9. The surrounding natural area abutting the site do indicate a special condition that is particular for the subject area. Although installing the buffer would have impacts on the natural area and is unique to this parcel, Staff is recommending a Condition of Approval that the required canopy trees and palms/pines that would be located within these buffers be relocated on site.

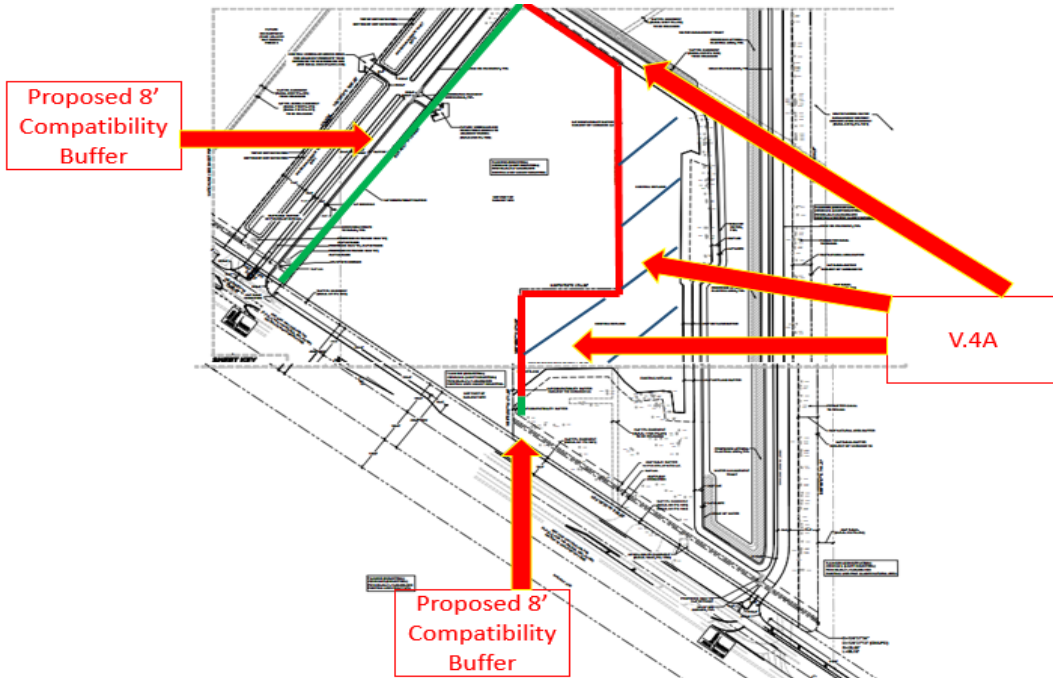
V.4B LOCATION



There is a single parcel containing PCN 00-40-41-11-00-000-5070 that is internally oriented to the overall subject site and is not a part of the MUPD. This area is currently vacant and not to be confused with the Gilco property containing PCN 00-40-41-11-00-000-5090 which will remain undeveloped at this time. The PSP does provide

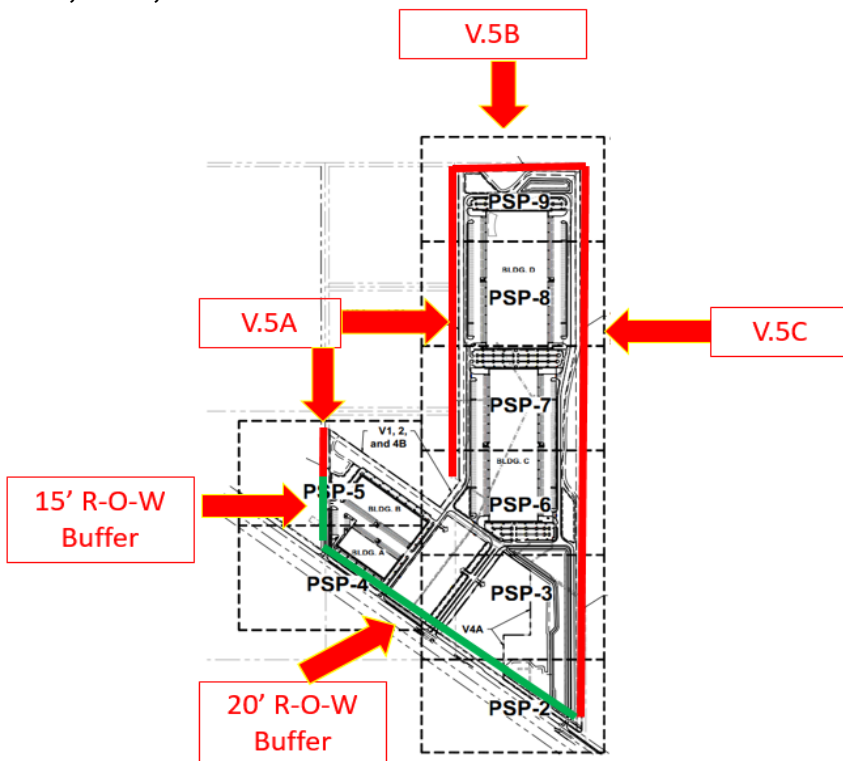
an 8 ft. Compatibility Buffer along the west property line of the vacant parcel along with the southeast section. However, the Applicant is proposed to eliminate the 8 ft. Compatibility Buffer along the majority of the eastern property line of this vacant parcel which abuts existing wetland areas on the Portman Industrial site. The Applicant is proposing to utilize the 25 ft. wetland buffer along the north and east property lines of the vacant parcel. Figure V.4A Location below indicates the section in green containing the required 8 ft. Compatibility Buffer, and the section in red indicates the areas subject to the variance..

V.4A LOCATION



V.5A – V.5C (R-O-W buffer) YES. The site has peculiar conditions where it is surrounded by the Pine Glades natural area on the north, northwest, and east portions of the overall subject site. Although there are recorded County owned R-O-Ws that surround the site, these roads have not been developed and exist as natural conservation area. The Applicant requests to eliminate the required 10ft. R-O-W Buffer to the north, the 10 ft. R-O-W Buffer to the east, and the 15 ft. R-O-W buffer to the west. The PSP does provide a 15 ft. R-O-W Buffer approximately 654 ft. along the west property line, but requests to eliminate the remaining buffer that is adjacent to onsite wetlands as indicated in Figure V.5A, V.5B, and V.5C Location below. The variances are to eliminate the R-O-W buffering adjacent to the existing conservation lands. Although the roads do not exist, all new development within the County are required to install perimeter buffers, unless specifically described in the Code. Though the location of the buffer and a specific R-O-W buffer may not be warranted due to now R-O-W is in constructed, Staff has included a condition of Approval to relocate the required Canopy trees and palms or pines on site.

V.5A, V.5B, V.5C LOCATION



V.7 (Outdoor Storage Screening) YES. (The PSP indicates 450 outdoor trailer parking spaces for outdoor storage use. This is required to be screened from view from adjacent R-O-W. As previously stated, the subject

MUPD is surrounded by County owned R-O-W. However, these R-O-Ws have not been constructed and the area exists as natural conservation lands. These surrounding natural areas creates a peculiar condition to the site not applicable to other lands in a similar Zoning District. The natural area, along with wetlands and the existing perimeter canal along the north, northwest, and east property lines offers adequate screening in the form of landscaping as required by Art. 5.B.1.A.3.d Outdoor Storage and Activities [Screening].

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

V.1 – V.2 (Cross Access)YES. The subject site has special circumstances and conditions existing that that do result as an action of the Applicant. The site is mostly surrounding by natural preserve lands that are a part of the Pine Glades Natural Area on the north, northwest, and east property lines. There are also surrounding wetland areas. These natural lands are designated conservation lands with a recorded conservation easement. These are existing natural conditions that have not been imposed by the Applicant. The Applicant is seeking to mediate environmental impacts on the undeveloped natural areas surrounding the site through the requested variances.

V.3A – V.3B (Loading Screening) YES. The subject site is almost completely surrounded by natural conservation area that happen also to contain recorded R-O-Ws that are owned by the County. These naturally existing environmentally sensitive areas do not result from the action of the Applicant. The recorded R-O-Ws are not being utilized as actual roads, seeing as they exist as natural conservation areas. As such, the Applicant is requesting a variance to as to not create any action that would disturb the natural environment surrounding the site.

V.4A – V.4B (Compatibility Buffer) YES. The subject MUPD, is nearly totally encompassed by natural conservation area, and also is bordered by recorded R-O-W with the exception of a small portion along the northwest segment of the site. These existing site conditions do not result as an action of the Applicant. The request for the variance to eliminate a the required 8 ft. Compatibility Buffer will allow the natural areas to remain undisturbed that are adjacent to development area.

The existing vacant parcel that is internally oriented to the overall MUPD, which is not a part of the MUPD, has existed prior to the proposed development. The property has existed while the Race Tract was still in use. The location of this existing parcel, along with the site conditions of natural wetland areas do not result of an action of the Applicant. The PSP does provide an 8 ft. Compatibility Buffer along the west property line of the vacant parcel along with the southeast section. The Applicant is also requesting to utilize the large wetland area and the 25 ft. wetland buffer around the perimeter of this parcel to provide adequate screening.

V.5A – V.5C (R-O-W Buffer) YES. As previously mentioned, the subject site is surrounded by the Pine Glades natural area on the north, northwest, and east portions of the overall subject site, which is an existing condition that does not result from an action of the Applicant. Although there is are recorded County owned R-O-Ws that surround the site, these roads have not been developed and exist as natural conservation area. The Applicant requests to eliminate the required 10' R-O-W Buffer to the north, the 10 ft. R-O-W Buffer to the east, and the 15 ft. R-O-W buffer to the west adjacent existing conservation lands.

V.7 (Outdoor Storage Screening)YES. The PSP indicates 450 outdoor trailer parking spaces for outdoor storage use. This is required to be screened from view from all adjacent R-O-W. As previously stated, the subject MUPD is surrounded by County owned R-O-W. However, these R-O-Ws have not been constructed and the area exists as natural conservation lands. These surrounding environmental conditions, are the result of the natural environment and not as a result of the Applicant. The natural area, along with wetlands and the existing perimeter canal along the north, northwest, and east property lines offers adequate screening of the area from view of the utilized R-O-W along Beeline Highway and along the western property line.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:

V.1 – V.2 (Cross Access)YES. Granting the variance will not confer any special privilege upon the Applicant that is denied by the Plan and Code to other parcels of land, or building or structures within the same district. The site conditions are special and peculiar to the area as the MUPD is mostly surrounding by natural preserve lands that are a part of the Pine Glades Natural Area on the north, northwest, and east property lines. There are also surrounding wetland areas. These natural lands are designated conservation lands with a recorded conservation easement. The granting of the variance allows the Applicant to not have to impose cross access within naturally protected area and maintain the natural environment as it exists. The Applicant is seeking to mediate environmental impacts on the undeveloped natural areas surrounding the site. As such, the requested variance is appropriate with the given site conditions.

V.3A – V.3B (Loading Screening) YES. As previously mentioned, the subject site is almost completely surrounded by natural conservation area that happen also to contain recorded R-O-Ws. The recorded R-O-Ws are not being utilized as actual roads, seeing as they exist as natural conservation areas. As such, the Applicant

is requesting a variance to as to not create any action that would disturb the natural environment surrounding the site and would not allow special privilege for other sites with similar conditions within the same district.

V.4A – V.4B (Compatibility Buffer) YES. The subject site is almost entirely surrounded by natural conservation area. The request to maintain the natural buffering and wetland areas on and around the site do not confer any special privilege to the Applicant. The request for the variance to eliminate a the required 8 ft. Compatibility Buffer will allow the natural areas to remain undisturbed that are adjacent to development area.

V.5A – V.5C (R-O-W Buffer) YES. The surrounding Pine Glades natural area on the north, northwest, and east portions of the overall subject site, is an existing condition that creates a unique condition to the site. Although there is are recorded County owned R-O-Ws that surround the site, these roads have not been developed and exist as natural conservation area. The Applicant requests to eliminate the required perimeter R-O-W buffers as a result of the natural surrounding environment which would not confer any special privilege for a site within the same district which has similar site conditions.

V.7 (Outdoor Storage Screening)YES. The proposed trailer parking spaces are adjacent to recorded R-O-Ws that are owned by the County, which have not been developed, and exist as natural conservation area. These spaces required to be screened from view from all adjacent R-O-W. However, with these roads undeveloped and currently existing as conservation area, these areas aren't serving as a means of public accessible streets. Further, there is an existing perimeter canal and natural areas on site which provide adequate screening. This circumstances, uniquely situated to the site, would not confer a special privilege for a parcel in the same district with similar conditions.

d. *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 district, and would work an unnecessary and undue hardship:*

V.1 – V.2 (Cross Access) YES. 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 district, and would work an unnecessary and undue hardship. Literal application of the code would require cross access to lands that exist as conservation area. To construct a roadway for cross connectivity would potentially have negative impacts on the surrounding environmentally sensitive lands and would work an unnecessary hardship on the Applicant for a protected, undeveloped area.

V.3A – V.3B (Loading Screening) YES. The subject site is almost completely surrounded by natural conservation area that happen also to contain recorded, undeveloped R-O-Ws. The subject site is also boarded by an existing canal along with onsite wetlands and natural buffers that are external and internal to the site. These environmental areas would serve as natural buffers for screening. Literal code application would require additional screening from R-O-Ws that aren't developed and would require the Applicant to affect the natural areas on site for screening of the adjacent conservation area. This would indeed work an unnecessary hardship that can be mediated with existing and proposed onsite and surrounding natural buffers.

V.4A – V.4B (Compatibility Buffer) YES. The subject site is almost entirely surrounded by natural conservation area and received variance approvals for the elimination of perimeter buffering under the prior Resolution ZR-2009-0012. Literal interpretation and enforcement of the code would create an unnecessary and undue hardship on a site with existing environmental conditions that received approved variances previously for perimeter buffering requirements. The request to maintain the natural buffering and wetland areas on and around the site will serve as an appropriate screening option of the subject site.

V.5A – V.5C (R-O-W Buffer) YES. The surrounding Pine Glades natural area on the north, northwest, and east portions of the overall subject site, is an existing condition that creates a unique condition to the site. Literal implication of the code would require the natural buffer area and perimeter canal to have a buffer installed for screening purposes of undeveloped R-O-W consisting of natural lands, that serve as screening to publicly used R-O-W already.

V.7 (Outdoor Storage Screening)YES. The purpose of Art. 5.B.1.A.3.d Screening, is to screen outdoor storage materials from view of R-O-W. The proposed trailer parking spaces are adjacent to recorded R-O-Ws that are owned by the County, but have not been developed, and exist as natural conservation area. These spaces required to be screened from view from all adjacent R-O-W. However, with these roads undeveloped and currently existing as conservation area, these areas aren't serving as a means of public accessible streets and therefore have limited visibility due to the natural buffering areas on site and the natural areas surrounding the site. Further, there is an existing perimeter canal and natural areas on site which provide adequate screening. Requiring additional screening for County owned R-O-Ws that are not developed and exist as protected conservation areas would be an unnecessary hardship.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

V.1 – V.2 (Cross Access) YES. Granting of the variance is the minimum variance needed to make possible the reasonable use of the parcel of land. The Applicant is providing cross access to the existing Gilco property which is not being developed as part of the MUPD along with the existing vacant site containing PCN 00-40-41-11-00-000-5070. The Applicant only seeks eliminate the required cross access to naturally preserved lands surrounding the adjacent parcel, and thus the minimum variance is requested.

V.3A – V.3B (Loading Screening) YES. As indicated on PSP-4 of 9 and PSP-5 of 9, the Applicant is providing a R-O-W buffer with trailer parking screening per Article 6.E.4.A.3.b. Loading Area Screening for all but the northern 425 feet of the westernmost property line. The subject site is almost completely surrounded by natural conservation area that happen also to contain recorded, undeveloped R-O-Ws. The proposed variance seeks only to eliminate the required loading area screening along the portions of the property line containing trailer spaces abutting wetlands or conservation lands and is the minimum variance applied.

V.4A – V.4B (Compatibility Buffer) YES. The subject site is almost entirely surrounded by natural conservation area and received variance approvals for landscaping under the prior approval. Similar to the previous variance request for perimeter buffering, the Applicant is requesting the minimum variance to eliminate the required buffering for areas adjacent to wetlands or conservation areas. The Applicant continues to provide wetland buffers and Natural Area buffers where the required compatibility buffer would be located, if the required trees palms and pines cannot be located within these areas, the minimum variance would be to include the condition of approval on relocation of this vegetation onsite.

V.5A – V.5C (R-O-W Buffer) YES. The surrounding Pine Glades natural area on the north, northwest, and east portions of the overall subject site, is an existing condition that creates a unique condition to the site. As previously stated, the site received prior approval for the elimination of perimeter buffering adjacent to the natural conservation area. The Applicant is seeking the minimum variance from the perimeter buffering required adjacent to those areas, while still providing the 20 ft. R-O-W Buffer along Beeline Highway and along the western property line with the exception of the north 425 feet. The Applicant is seeking the minimum variance necessary to preserve the natural lands on site while incorporating the required buffers where not in conflict of existing natural lands. The Applicant continues to provide wetland buffers and Natural Area buffers where the required compatibility buffer would be located, if the required trees palms and pines cannot be located within these areas, the minimum variance would be to include the condition of approval on relocation of this vegetation onsite.

V.7 (Outdoor Storage Screening) YES. The Applicant is providing the required loading area screening and outdoor storage screening requirements of Art. 5.B.1.A.3.d Screening, from view of R-O-W along a portion of the western property line. However, the variance is being applied to eliminate the outdoor storage screening requirement where there are existing wetlands and perimeter natural buffer areas that area adjacent to the conservation lands surrounding the site. Therefore, the minimum variance is being applied to preserve the natural areas as they exist on site and surrounding the MUPD. The existing perimeter canal and natural areas on site will provide adequate screening.

f. *Granting the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:*

V.1 – V.2 (Cross Access) YES. Granting of the variance will be consistent with the purpose, goals, and objectives, and polices of the Plan and this Code. As stated, the Applicant is providing cross access to the existing Gilco property which is not being developed as part of the MUPD along with the existing vacant site containing PCN 00-40-41-11-00-000-5070. Cross access is still being applied with these contiguous parcels. The Applicant only seeks to eliminate cross access to naturally preserved lands surrounding the adjacent parcel, and thus the minimum variance is requested. The intent of cross access is still being maintained as proposed.

V.3A – V.3B (Loading Screening) YES. The Applicant is providing a R-O-W Buffer with trailer parking screening per Article 6.E.4.A.3.b. Loading Area Screening along the westernmost property line with the exception of the northern 425 feet. The subject site is almost completely surrounded by natural conservation area that happen also to contain recorded, undeveloped R-O-Ws. The proposed variance seeks only to eliminate the required loading area screening along the portions of the property line containing trailer spaces abutting wetlands or conservation lands. Screening of the loading areas will still meet the intent of the Code as there are existing site conditions that are able to provide sufficient screening exceeding the minimum width requirements of the Code.

V.4A – V.4B (Compatibility Buffer) YES. The subject site is almost entirely surrounded by natural conservation area. The natural areas provide screening of the property and the existing natural buffers, canal, and existing vegetation help screen the use and mitigate adverse visual impacts. The intent of the Code is maintained by allowing the existing natural site elements to provide screening, while keeping the natural preserved lands undisturbed. The request is consistent with the proposed conditions to relocated canopy trees, palms and pines on site.

V.5A – V.5C (R-O-W Buffer) YES. The surrounding Pine Glades natural area on the north, northwest, and east portions of the overall subject site. As previously stated, the PSP will provide the required 20 ft. R-O-W Buffer along Beeline Highway and 15 ft. R-O-W Buffer along a portion of the western property line. The proposed

buffering in combination with the perimeter buffering and onsite canal, and existing natural areas provide adequate screening of the proposed use and thus maintaining the intent of the Code. The surrounding recorded R-O-W are undeveloped and exist as conservation lands. The request is consistent with the proposed conditions to relocated canopy trees, palms and pines on site.

V.7 (Outdoor Storage Screening)YES. The Applicant is providing the required loading area screening and outdoor storage screening requirements of Art. 5.B.1.A.3.d Screening, from view of R-O-W along a portion of the western property line. However, the variance is being applied to eliminate the outdoor storage screening requirement where there are existing wetlands and perimeter natural buffer areas that are adjacent to the conservation lands surrounding the site. Therefore, intent of the Code is still being met because the existing natural conditions that include the proposed buffering, the perimeter natural buffer and canal and natural areas on site will provide adequate screening.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V.1 – V.7 YES. Granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare. As proposed, the variances are request to keep the natural areas on and surrounding the site from being adversely impacted. The Applicant is seeking to maintain the preservation of the natural onsite area and surround lands in their current state.

FINDINGS:

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

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. 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 COMMENTS:

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

○ *Relevant Comprehensive Plan Policies:* The Comprehensive Plan’s Future Land Use Element (FLUE) Policy 4.3-g establishes the framework for requiring development proposals to employ access management techniques. The policy reads as follows:

Policy 4.3-g: Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

The request provides for access into the overall site from Bee Line Highway (State Road 710) through three access points, an elimination of three access points from the existing six access points. The Preliminary Site Plan provides for and depicts an existing cross access agreement with the Gilco 1 Racing, LLC property, identified by Parcel Control Number (PCN) 00-40-41-11-00-000-5090, and recorded in ORB 23829/826 and ORB 23829/855. In addition, a new cross access point is depicted into the parcel adjacent to and outside of the MUPD, which is identified as PCN 00-40-41-11-00-000-5070 and owned by Upcoming Dev, LLC. A condition of approval has been added by Staff to record and submit a cross access agreement for this parcel prior to final approval by the Development Review Officer (DRO).

○ *Intensity:* For the purposes of calculating Floor Area Ratio (FAR) in the LUSA, the Urban/Suburban Tier is used. The maximum FAR for non-residential projects utilizing the IND land use designation in the Urban/Suburban Tier is 0.85 per FLUE Table 2.2-e.1 (8,118,827 surveyed sq. ft. or 186.38 acres x 0.85 maximum FAR = 6,901,003 sq. ft. maximum). The request for a total of 2,118,196 sq. ft. equates to a FAR of approximately 0.26 (2,118,196 sq. ft. / 8,118,827 surveyed sq. ft. or 186.38 acres = 0.26).

With proposed revisions to include the previous intensity included on parcel PCN-00-40-41-11-00-000-5090, currently owned by Gilco 1 Racing, LLC, the revisions at Final DRO shall be reflected to be 8,118,827 surveyed

sq. ft. or 186.38 acres x 0.85 maximum FAR = 6,901,003 sq. ft. maximum). The revised request for a total of 2,205,196 sq. ft. equates to a FAR of approximately 0.27 (2,205,196 sq. ft. / 8,118,827 surveyed sq. ft.).

o *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The subject 186.38-acre Multiple Use Planned Development (MUPD) is located within the United Technologies Corporation (Pratt-Whitney) Protection Area Overlay and is identified within an area on the Managed Growth Tier System Map LU 1.1, as a Limited Urban Service Area (LUSA). The overall site contains future land use designations of Industrial (IND), Commercial High with an underlying Industrial (CH/IND) and Commercial Recreation with an underlying Industrial (CR/IND). The Applicant is proposing to utilize the IND future land use in order to redevelop with industrial 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.

o *Property Development Regulations:* The proposed Warehouse building meets all minimum setback requirements per ULDC Table 3.D.1.A, Property Development Regulations. The site proposes frontage and access on Beeline Highway, and meets the minimum frontage and access required for the MUPD Zoning District. In addition, the property meets Code requirements for minimum lot dimensions of 5-acre size, 100 ft. of width and frontage, and 300 ft. of depth, as the site is a 186.38 acre lot, has 1,903 ft. of frontage, 1,243 ft. of width, and is 5,977 ft. in depth.

o *Use:* The requested Warehouse use is permitted in the MUPD Zoning District with an IND FLU pursuant to ULDC Table 4.B.5.A, Industrial Use Matrix and was also a previously approved use on the prior Development Order (DO). The PSP indicates 2,118,196 sq. ft. total of building area of which 2,029,636 will be Warehouse space and 88,560 will consist of Accessory Office. The PSP further indicates that Building A will contain a total of 145,599 sq. ft. (131,039 sq. ft. of Warehouse and 14,560 sq. ft. of Accessory Office); Building B will contain a total of 241,371 sq. ft. (217,371 sq. ft. of Warehouse and 24,000 sq. ft. of Accessory Office); Building C will contain a total of 811,343 sq. ft. (786,343 sq. ft. of Warehouse and 25,000 sq. ft. of Accessory Office); and Building D will contain 919,883 sq. ft. (894,883 of Warehouse and 25,000 sq. ft. of Accessory Office). The proposed Accessory Office space is approximately 4.2% of the Gross Floor Area (GFA) of the Warehouse and does not exceed the maximum 30% maximum requirement pursuant to Art. 4.B.5.17.e.1.

The development included previously approved requested uses, which the Applicant is proposing to delete on the 174.38 portion of the development. The remaining approximately 12 acres, as part of PCN-00-40-41-11-00-000-5090, currently owned by Gilco 1 Racing, LLC will remain as was previously approved in the 2009 Development Order. Staff is proposing Conditions of Approval that will required the Applicant revise the site plan to include the previously approved 87,000 square foot intensity, shown in four buildings, back on the site. These buildings were indicated on the site with the following possible uses.

Building	Sq Ft	Use approved for
K-1	12,000	General Retail Type 2 Restaurant
K-2	12,000	General Retail Type 2 Restaurant
L	12,000	Warehouse; Auto Paint & Body; Machine or Welding Shop Repair Limited Repair General; Vehicles Sale and Rental Vehicle Towing & Storage
N	51,000	General Retail Warehouse
Total	87,000	

Some of these uses were previously approved Requested Uses, and the previously approved resolution has been amended to carry forward those uses specifically for this site as they were previously approved. Additional Engineering and Traffic Conditions will apply to indicate the additional square footage. Although the PSP indicates 2,118,196 sq. ft. total of building square footage; 1,445 regular parking spaces, 415 loading spaces, and 450 trailer parking spaces (Outdoor storage), the proposed modifications as described above, will bring the total proposed square footage to 2,205,196 square feet, with modifications to parking and loading according to the uses and design previously approved..

o *Architectural Review:* This use will be required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. No Architectural elevations have been provided at this time. The Applicant is proposing to delete previous Architectural Review Condition of Approval 1 which required the buildings to be consistent with the approved elevations under the prior approval. Staff is not in support of deleting this condition, but instead recommend amending the Condition to require the correct Architectural elevations to be submitted at the time of final Development Review Officer (DRO) approval for structures proposed within Phase 1 of the

Development Order, and those approved in subsequent phasing be completed at time of Building Permit consist and consistent with the approved elevations.

- *Parking:* The PSP indicates a total of 1,445 parking spaces on throughout the site, which includes 46 handicap spaces. Further there are total of 415 loading spaces being proposed. The Applicant is providing a 6 foot high wing wall with an 8 foot high hedge along a portion of the western property line, parallel with the loading spaces, as required by Art. 6.E.4.A.3, Screening. In addition, the PSP proposes 450 Trailer Parking Spaces for outdoor storage purposes which meet the minimum required 30 ft. side setback along the southern property line. Variances will be applied to screen the rest of loading and outdoor storage areas on site. Prior to final approval the DRO the Site plan will be revised to include the previously approved square footage and parking for PCN-00-40-41-11-00-000-5090, currently owned by Gilco 1 Racing, LLC, as associated with the uses previously approved in the 2009 Development Order.

- *Landscape/Buffering:* The subject site is surrounding almost entirely by the Pine Glades Natural Area which contains a recorded conservation easement to the north, east, and west. Further, there are recorded County owned R-O-Ws that are also included in the natural conservation area surrounding the site. The Applicant is proposing to eliminate the required buffering adjacent to the natural preserve lands surrounding the site along the north, east and a west property lines. Staff has included Conditions of Approval to have them place the trees, palms and pines elsewhere on site, as part of the Conditions of Approval for the requested variances for the Compatibility and Right of Way buffers.

To the north of the subject site is an existing 50 ft. wide natural buffer area along with a canal, as indicated on PSP-9 of 9. This is one of the areas that is boarded by the Pine Glades Natural Area with a recorded 40 ft. wide R-O-W that is undeveloped. A 10 ft. wide R-O-W buffer is required per section 7.C.2.A.3 R-O-W Buffer [Width]. The Applicant has requested variance V.5B to eliminate the required 10 ft. wide R-O-W buffer along this side.

A 20 ft. R-O-W Buffer is provided along the southern property line, fronting of Beeline Highway in accordance with ULDC Table. 7.C.2.A, Width of R-O-W Buffer. Within the 20 ft. R-O-W buffer is a 10 ft. Utility Easement (UE) along the property line, which encroaches a maximum of 5 ft. To the east of the subject site is an existing 50 ft. wide natural buffer area and canal. The eastern property line abuts the Pine Glades Natural Area and recorded 40 ft. R-O-W which has not been developed. This area is subject to variance 5C to eliminate the required 10 ft. R-O-W buffer. The westernmost property line provides a R-O-W buffer that ranges from 21 ft. wide to 15 ft. wide along the portion of the this side. The southern property line is also bordered by a vacant parcel containing PCN 00-40-41-11-00-000-5070. The Applicant proposes a 25 ft. wetland buffer on the north and east sides of the parcel. An 8 ft. Compatibility Buffer is provide on the west and a portion of the east sides of the parcel. However, the Applicant is requesting to eliminate the required Compatibility Buffer on the north and a portion of the east sides of that site through variance V.4A.

A R-O-W buffer is provided along a portion of the western property line that ranges from 15 ft. wide to 21 ft. wide, exclusive of wetland or natural preserve areas in accordance with in accordance with ULDC Table. 7.C.2.A, Width of R-O-W Buffer. This westernmost property line is subject to Variance V.5A to eliminate 425 feet of the required R-O-W buffer which is adjacent to onsite wetlands. The northwest property line is also subject to variance V.4A to remove the 8 ft. Compatibility Buffer, which is adjacent to Pine Glades Natural Area. The remaining west property line contains a 50 ft. wide natural buffer area and canal. This area is subject to a 15 ft. R-O-W buffer. This required buffer is proposed to be eliminated as part of V.5A. A 50 ft. natural area buffer and canal are indicated on the PSP. The Applicant is requesting to delete previous Zoning Landscape Conditions of Approval, 1, 2, and 3 in order to bring the site to current landscape requirement standards, with the exception of the new applied variances and associated Conditions of Approval. Staff is in support of the deletion of these conditions.

- *Signs:* The Applicant has submitted a Preliminary Master Sign Plan (PMSP-1 of 1), which is provided in Figure 5. The Applicant proposes three freestanding signs along Beeline Highway in accordance with Table 8.G.2.A - Freestanding Sign Standards. Two Entrance Signs are also proposed along the Beeline Highway frontage and meet the requirements of Table 8.G.2.C - Entrance Sign Standards. Building A proposes three wall signs along the east, west, and south elevations. Building B proposes three wall signs at the north, east and west elevations. Building C propos four wall signs located at the north, south, east and west elevations. Building D also proposes four signs which are on the north, south, east, and west elevations. Each of the wall signs will meet Table 8.G.1.A Wall Sign Standards. The Applicant has request to delete previous Sign Condition of Approval (Signs Condition 1) that required the Master Sign Plan be Signage shall be in accordance with the Alternative Sign Plan and applicable variance. The Applicant has provided a Master Sign Plan indicating such required signage. As such, Staff is in support of the deletion of the condition.

- *Code Enforcement:* The site is subject to Code Enforcement Violation C-2020-06220013 for use violation of a large membrane structure that has been erected or installed without a valid building permit, a metal container with viewing area has been erected or installed without a building permit, a second metal container with viewing area has been erected or installed without a valid building permit, the grandstand placed on top of the trailer has been erected or installed without a building permit, and an inactive or expired permits. Removal of these

structures will align with the requirements and proceedings of the Code Enforcement. These structures are not indicated on the proposed 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 subject site is compatible with the surrounding uses. The surrounding lands all contain IND FLU and are either vacant, conservation, or contain industrial uses. The area surrounding the site are a part of the Pine Glades Natural Area. The proposed Warehouse use will remain consistent to the permitted uses within the Industrial FLU designation.

- 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.*

The proposed project is bordered by industrial land uses on all sides and is compatible with the surrounding industrial area. The 20 ft. R-O-W buffer will provide screening along Bee Line Highway while the 6 ft. high wing wall along the western R-O-W buffer, with foundation planting, will provide additional visual buffering for potentially adverse functions of the site. The proposed Warehouses are compatible with the surrounding uses, site is surrounded on several sides with conservation and natural areas, and placement of the buildings along with the conditions of approval will address any adverse impacts.

- 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 site currently supports (1.) a racetrack use with several accessory structures and (2.) vacant areas that have wooded sections. There are native vegetation species (Pines, Oaks, Strangler Figs, Sabal Palms, etc.) that exist on the site. The Applicant has minimized impact to native vegetation by modifying the site configuration and have agreed to several conditions of approval. Native vegetation that cannot be preserved in place are being either relocated or mitigated. There is a total of 556 tree mitigation credits that will be replanted on the site. Also, there are jurisdictional wetlands that will not be impacted. There was a previous condition of approval for the project to provide a 25% upland set-aside. The dedication was to be located on the Gilco Parcel (i.e., PCN 00404111000005090) and a 25% upland set-aside will be required when development is proposed on that portion of the project at a future date.

○ **ENDANGERED, THREATENED, AND SPECIES OF CONCERN:** The Applicant has conducted a listed species assessment from December 2021 and will coordinate with the applicable regulatory authority.

○ **SITE CONTAMINATION:** The Applicant is currently cleaning-up the site through an FDEP process. The Property Owner will need to continue to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C.

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

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

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

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

The overall area surrounding the subject lands are designated for industrial uses and the development patterns along Bee Line Highway are generally consistent with industrial. The proposed warehouse and accessory office space is an appropriate use based on both the land uses in the general vicinity, and the existing uses surrounding the subject site. The modified site plan for the proposed use will maintain a logical, orderly and timely development pattern for the industrial development that had been previously approved.

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

ENGINEERING COMMENTS:

The proposed , over 2 million sq.ft, Warehouse facility on the current raceway (which will be demolished), is expected to generate 2,642 net daily trips, 300 net AM peak trips, and 334 net PM peak hour trips. Overall, the proposed project is expected to generate 3,317 net daily, 324 net AM peak hour, and 362 net PM peak hour trips. The build out of the project is assumed to be by 2027.

Some sections of Beeline Hwy, Indiantown Rd, and Pratt-Whitney Rd as well as the intersection of Beeline Hwy and Pratt Whitney Rd will be overcapacity in the buildout year of this project without any traffic from the proposed project. Using provisions in Florida Statutes 163.3180, this project meets Traffic Performance Standards.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour

Segment: Beeline Hwy: Indiantown Rd to Pratt Whitney Rd

Existing count: Northbound=278, Southbound=382

Background growth: Northbound=1271, Southbound=279

Project Trips: Northbound=70, Southbound=224

Total Traffic: Northbound=1639, Southbound=913

Present laneage: 2 in each direction

Assured laneage: 2 in each direction

LOS "D" capacity: 1960

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

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map and configure the property into a legal lot of record prior to the issuance of the first building permit.

The Property Owner shall construct two right turn lanes and lengthen a left turn prior to the issuance of the first certificate of occupancy.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

Parks and Recreation have not comments regarding this non-residential development.

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 demonstrated the need for additional industrial uses, particularly warehouse spaces within the area resulting from an increased consumer demands through online purchasing. The Applicant has determined that the subject area has sufficient land capacity to suit the proposed use and would best serve the site. As previously stated, the Warehouse is a permitted by right use within the MUPD with an industrial FLU. The change in the primary function of the site to a Warehouse is not only has the less restrictive use approval, but fits into intent an industrial land use to serve the community. These demonstrated change in conditions and circumstances necessitate the change in use and amendment.

CONCLUSION: Staff have evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval in Exhibit C-1, C-2 and C-3.

CONDITIONS OF APPROVAL

EXHIBIT C-1: Type 2 Variance - Concurrent

ALL PETITIONS

1. This Variance is approved based on the layout as shown on the approved Site Plan dated February 14, 2022. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Site Plan, and not further reduce the variance from what was approved by the Zoning Commission. (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 Site Plan. (DRO: ZONING - Zoning)
3. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for ZV/ZV/ABN/DOA-2021-01529, that would have a final decision by the Board of County Commissioners. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING – -Zoning)
4. 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. (BLDG/PMT: BUILDING DIVISION - Zoning)

LANDSCAPING

1. Prior to Final approval of the Site Plan by the DRO, the Applicant shall submit a Landscape Plan for review and approval. (DRO: ZONING – Zoning)
2. Canopy Trees and Palms/or Pines that would have been installed for the Landscape Variances 4A, 4B, 5A, 5B, and 5C, shall be relocated on site. The number and location shall be indicated on the Landscape Plan, prior to Final DRO approval. (DRO/BLDG PERMIT: ZONING – 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: MONITORING-Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

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

DISCLOSURE

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

CONDITIONS OF APPROVAL

Exhibit C-2: Development Order Amendment (Overall MUPD)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-97-1772 (Control 1997-034), Control 1990-010 and Control 1999-072 have been superseded by the conditions as contained herein. (ONGOING: MONITORING - Zoning)

Is hereby amended to read:

All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2009-0503 (Control 1997-00034), 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 and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. Previous ALL PETITIONS Condition 2 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Development of the site is based on the Preliminary Site Plan dated December 15, 2008 and approved by the Board of County Commissioners. Modification of the site design may be allowed pursuant to conditions of approval or are in accordance with Article 2 of ULDC. Replacement of a use by another use listed as permitted by right or permitted subject to approval by the DRO may be allowed subject to approval by the DRO. All other modifications exceeding those thresholds established by conditions of approval or the ULDC must be approved by the Board of County Commissioners.

Is hereby amended to read:

The approved Preliminary Site Plan dated February 10, 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. (ONGOING: ZONING - Zoning)

3. Previous ALL PETITIONS Condition 3 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Based on Article 2.E of the Unified Land Development Code, this development order meets the requirements to receive a new three (3) year review date from the date of approval of this resolution. (ONGOING: MONITORING - Zoning) ()

Is hereby deleted. [REASON: ULDC has been amended to establish deadlines and extensions for Commencement of Development and condition monitoring.]

4. Prior to final approval by the DRO, the Site Plan, and other affected plans, site data, and studies, shall be revised to modified to include the previous intensity (contained in the four structures) included on parcel PCN-00-40-41-11-00-000-5090, currently owned by Gilco 1 Racing, LLC, as indicated on the Final Site Plan dated July 21, 2015. This includes the associated site improvements like parking, signage and landscaping. (DRO: ZONING – Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Development of the site and buildings shall be consistent with the approved architectural elevations prepared by West Architecture plus Design, LLC and dated 8/20/2008, 10/17/2008 and 1/16/2009 , the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. Minor modifications shall be consistent with Article 5.C.1.E.4. (DRO: ARCH REVIEW - Zoning)

Is hereby amended to read:

Prior to Final DRO approval, the Applicant shall submit architectural elevations or structures proposed within Phase 1 of the Development Order. Those structures proposed within subsequent phasing shall be completed at time of Building Permit consist and consistent with the approved elevations. All elevations shall comply with

Article 5.C Architectural Design Standards and Technical Manual standards.. (BLDGPMT/DRO: ZONING - Zoning)

ENGINEERING

1. Prior to issuance of the first building permit the Property Owner shall plat the property in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 1 of Resolution R-2009-503, Control No.1997-00034)

2. Previous ENGINEERING Condition 2 of Resolution R-2009-503, Control No.1997-00034, which currently states:

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

a. No building permits for the site shall be issued after December 31, 2012. 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.E of the Unified Land Development Code. (DATE: MONITORING Eng) (DATE: MONITORING - Engineering)

Is hereby amended to read:

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

a. No building permits for the site shall be issued after December 31, 2027. 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.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

3. Previous ENGINEERING Condition 3 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The Property Owner shall construct a left turn lane northwest approach on Beeline Highway at the project's main entrance. 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 by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the Building Permit for the Clubhouse, Building J. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for the Clubhouse, Building J. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applies to this project]

4. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's main entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division within 12 months of the Development Order. (DATE: MONITORING - Engineering)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, 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 above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2009-503, Control No.1997-00034)

5. Previous ENGINEERING Condition 5 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer and FDOT at Beeline Highway and the project's gas station entrance. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and ROW or easement acquisition.

a. Acceptable surety in the form of cash bond or escrow agreement must be provided to the Traffic Division in an amount as determined by the Director of Traffic Division prior to issuance of a building permit for the gas station. (BLDGPMT: MONITORING - Engineering)

b. In order to be relieved from this requirement and to have the surety posted for the traffic signal above returned, the Property Owner shall provide written notice to the Traffic Division stating that the certificate of occupancy

has been issued for the gas station and requesting that a signal warrant study be conducted at the above intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the surety to construct the traffic signal or release the surety. (ONGOING: ENGINEERING - Engineering)

Is hereby deleted. [REASON: No longer applies to this project]

6. Previous ENGINEERING Condition 6 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The Property Owner shall provide by warranty deed submitted to Palm Beach County Land Development Division for 120 feet of right of way from centerline of Beeline Highway 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 Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. 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. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

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 Beeline Highway, up to 240 feet, measured from the existing south right-of-way line of Beeline Highway on an alignment approved by the FDOT and the County Engineer.

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 a 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 Property Owner 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 Property Owner, the Property Owner 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. (BLDGPMT: MONITORING - Engineering)

7. Previous ENGINEERING Condition 7 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The Property Owner shall:

- i. Construct a right turn lane southeast approach on Beeline Highway at the southernmost project driveway
- ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the southernmost project entrance to meet Florida Department of Transportation standards.

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 by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 2, including Buildings A-1 through B-2. (BLDG PERMIT: MONITORING-Eng) (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase 2, including Buildings A-1 through B-2. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby amended to read:

The Property Owner shall:

- i. Construct a right turn lane southeast approach on Beeline Highway at the southernmost project driveway
- ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the southernmost project entrance to meet Florida Department of Transportation standards.

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 by the Florida Department of Transportation 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. (CO: MONITORING - Engineering)

8. No gates shall be located within any of the project's four entrances on Beeline Highway unless provisions that are acceptable to the County Engineer are available for turn arounds and are shown on the site plan approved by the DRO. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2009-503, Control No.1997-00034)

9. Previous ENGINEERING Condition 9 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Proposed clubhouse located within the property shall only be in operation during racetrack events. (ONGOING:ENGINEERING-Eng)

Is hereby deleted. [REASON: No longer applicable]

10. Previous ENGINEERING Condition 10 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The Property Owner shall:

i. Construct a right turn lane southeast approach on Beeline Highway at the second project driveway from the southeast property line

ii. Lengthen the existing left turn lane northwest approach on Beeline Highway at the second project driveway from the southeast property line to meet Florida Department of Transportation standards.

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 by the Florida Department of Transportation 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 Certificate of Occupancy for the gas station (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

11. Previous ENGINEERING Condition 11 of Resolution R-2009-503, Control No.1997-00034, which currently states:

The Property Owner shall:

i. Construct a left turn lane northwest approach on Beeline Highway at the northernmost project driveway

ii. Lengthen the existing right turn lane southeast approach on Beeline Highway at the northernmost project driveway to meet Florida Department of Transportation standards.

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 by the Florida Department of Transportation for this construction shall be obtained prior to the issuance of the first Building Permit for Phase 4, unless driveway is constructed with Phase 3. If driveway is constructed with Phase 3, these permits shall be obtained prior to issuance of the first Building Permit for Phase 3. (BLDG PERMIT: MONITORING-Eng) (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the Certificate of Occupancy for Phase 4, unless driveway is constructed with Phase 3. If driveway is constructed with Phase 3, construction shall be complete prior to issuance of the first Certificate of Occupancy for Phase 3. (CO: MONITORING-Eng) (CO: MONITORING - Engineering)

Is hereby deleted. [REASON: No longer applicable]

12. The Property Owner shall reconstruct the roadway to the west of the site from Beeline Highway to the driveway connection to be consistent with Palm Beach County standards for a non-plan collector roadway. 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. Construction shall be

completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

13. 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 a 25 foot corner chord located at the southwest corner of the site at the intersection of the roadway abutting the west of the site and the Beeline Highway as approved by the FDOT and the County Engineer

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 a 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 Property Owner 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 Property Owner, the Property Owner 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. (BLDGPM/CO: MONITORING - Engineering)

14. Prior to the issuance of the first certificate of occupancy, the Property Owner shall remove the existing driveway on Beeline Highway located approximately 400 west of the eastern most driveway, 500 feet west of the eastern most driveway, 1,900 feet west of the eastern most driveway and 2,900 feet west of the eastern most driveway. The areas where the driveways are removed shall be reconstructed to the typical design section. (BLDGPM/CO: MONITORING - Engineering)

15. The Property Owner shall ensure all lands within the limits of the MUPD have access, drainage and utilities rights. (ONGOING: ENGINEERING - Engineering)

16. The Property Owner shall construct a right turn lane east approach on Beeline Highway at the roadway adjacent to the west property line.

Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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

b. Construction shall be completed prior to issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

17. The Property Owner shall

i. construct a right turn lane east approach on Beeline Highway at the eastern most entrance.

ii. lengthen existing left turn lane west approach on Beeline Highway at the eastern most entrance. This turn lane shall be lengthened as required by the FDOT and the County Engineer.

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 for improvements identified above shall be obtained from the Florida Department of Transportation prior to the issuance of the first Building Permit. (BLDGPM/CO: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

18. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall submit an updated Traffic Study that includes the existing uses that will remain in addition to the properties development. (DRO: ENGINEERING- Engineering)

ERM

1. Prior to final plat approval, the Property Owner shall provide a copy of the SFWMD Environmental Resource Permit to the Department of Environmental Resources Management. This permit shall demonstrate that stormwater discharges on the Natural Area meets standards of Outstanding Florida Waterbody receiving waters. (PLAT: MONITORING- Engineering/ERM) (Previous ERM Condition 1 of Resolution R-2009-503, Control 1997-00034)

2. Prior to DRO approval the Applicant shall Quit Claim to the County any interest in the Road Right of Ways surrounding the Moroso site (DRO:ERM-ERM) (Previous ERM Condition 2 of Resolution R-2009-503, Control 1997-00034)
3. Prior to DRO site plan approval the Applicant shall meet with appropriate ERM Staff to discuss any vegetative buffer adjacent to the County Natural Area (DRO: ERM-ERM) (Previous ERM Condition 3 of Resolution R-2009-503, Control 1997-00034)
4. Prior to plat recordation, the Property Owner shall provide a copy of the SFWMD Environmental Resource Permit to the Department of Environmental Resources Management. This permit shall demonstrate that storm water discharges onto the Natural Area shall be at a rate not to exceed 1.1 cfs at each discharge location in a 25 year, 3-day design storm and the discharge meets standards for Outstanding Florida Waterbody receiving waters (PLAT: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
5. Prior to final approval by the Development Review Officer, the Plans shall be revised to identify mitigation areas within open space area, or as approved by ERM. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
6. Prior to final approval by the Development Review Officer, a Mitigation Area Management Plan shall be provided to ERM for review and approval. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
7. After issuance of the first Certification of Occupancy for the project Monitoring report for invasive exotic vegetation received quarterly for the first year and semi-annually until to fifth year, at which time the monitoring report will no longer be required. (CO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
8. All landscape material to be planted shall be native to south Florida. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
9. The developer will take necessary precautions to insure there will be not pollutant run-off form this project to adjacent or nearby surface water (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
10. 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 from the natural area. The Lighting Plan shall be approved by the Department of Environmental Resources Management (ERM) prior to DRO Site Plan approval. Compliance with this condition may limit nighttime hours of operation of the facility. (DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
11. Sound generated on the property shall not exceed 70dB at the property line. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)
12. Should the Department of Environmental Resources Management (ERM) determine that impacts from the operation of the facility are impacting the Natural Area, the Property Owner shall eliminate the cause, obtain necessary approval and take any necessary corrective actions to resolve those impacts. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

ZONING - LANDSCAPING

1. Previous ZONING - LANDSCAPING Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

A minimum of fifty (50) percent of all canopy trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)
(BLDGPMT: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Applicant proposes to meet current Code standards.]

2. Previous ZONING - LANDSCAPING Condition 2 of Resolution R-2009-503, Control No.1997-00034, which currently states:

All palms required to be planted on the property by this approval, shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE Zoning)
(BLDGPM: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: Applicant proposes to meet current Code standards.]

3. Field adjustment of berm and plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDGPM: ZONING - Zoning) (Previous ZONING - LANDSCAPING Condition 3 of Resolution R-2009-503, Control No.1997-00034)

ZONING - LANDSCAPING-ALONG THE SOUTH PROPERTY LINE (BEELINE HIGHWAY FRONTAGE)

4. Previous ZONING - LANDSCAPING Condition 4 of Resolution R-2009-503, Control No.1997-00034, which currently states:

In addition to the code requirements, landscaping along the south property line (Beeline Highway SR 710 frontage) shall be upgraded to include one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)
(BLDGPM: ZONING - Zoning)

Is hereby deleted. [REASON: Applicant proposes to meet current Code standards with the exception of applicable variances.]

PALM TRAN

1. Prior to Plat Recordation of the first Building Permit, whichever shall first occur, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (PLAT: ENGINEERING – Palm Tran) (Previous PLM TRAN Condition 1 of Resolution R-2009-503, Control No 1997-00034)

2. The location of the Bus Bay and/or Bulb Out at a Bus Stop Boarding and Alighting Area, subject to approval of Palm Tran shall be shown on the Master Plan and/or site plan prior to final approval of the Development Review Officer (DRO). This in conjunction with a Bus Stop Boarding and Alighting Area easement is for the future construction of mass transit infrastructure in a manner acceptable to Palm Tran. (DRO: PALM TRAN – Palm Tran)

PLANNING

1. Prior to Final Approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement for the location depicted on the site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access points as shown on the final site plan. (DRO: PLANNING - Planning)

SIGNS

1. Previous SIGNS Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Signage shall be in accordance with the Alternative Sign Plan approved by the BCC on March 30, 2009 and with the Variances granted by the Zoning Commission on March 5, 2009 (R-2009-012) (ONGOING:BLDG - Zoning)
(ONGOING: BUILDING DIVISION - Zoning)

Is hereby deleted. [REASON: No longer applicable as no sign variances are proposed and the submitted Master Sign Plan is to current Code Standards.]

SITE DESIGN

1. Previous SITE DESIGN Condition 1 of Resolution R-2009-503, Control No.1997-00034, which currently states:

Prior to final approval by the Development Review Officer (DRO), the Applicant shall revise the plan and elevations to comply with the requirements of Table 8.G.3.C-12 relating to the maximum number of flags per parcel or obtain a variance from this requirement. (DRO:ZONING Zoning) (DRO: ZONING - Zoning)

Is hereby deleted. [REASON: No longer applicable.]

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.

CONDITIONS OF APPROVAL

Exhibit C-3: Development Order Amendment (Requested Use)

ALL PETITIONS

1. The previously approved Requested Uses pursuant to Resolution R-2009-505, that are described on the Preliminary Site Plan dated December 15, 2008 and on the Final Site Plan dated July 21, 2015, are only for the property described for PCN-00-40-41-11-00-000-5090. (ONGOING: MONITORING - Zoning)

COMPLIANCE

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

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
- 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
 - The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - 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
 - Referral to Code Enforcement; and/or
 - Imposition of entitlement density or intensity.

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

DISCLOSURE

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

Figure 1 - Land Use Map

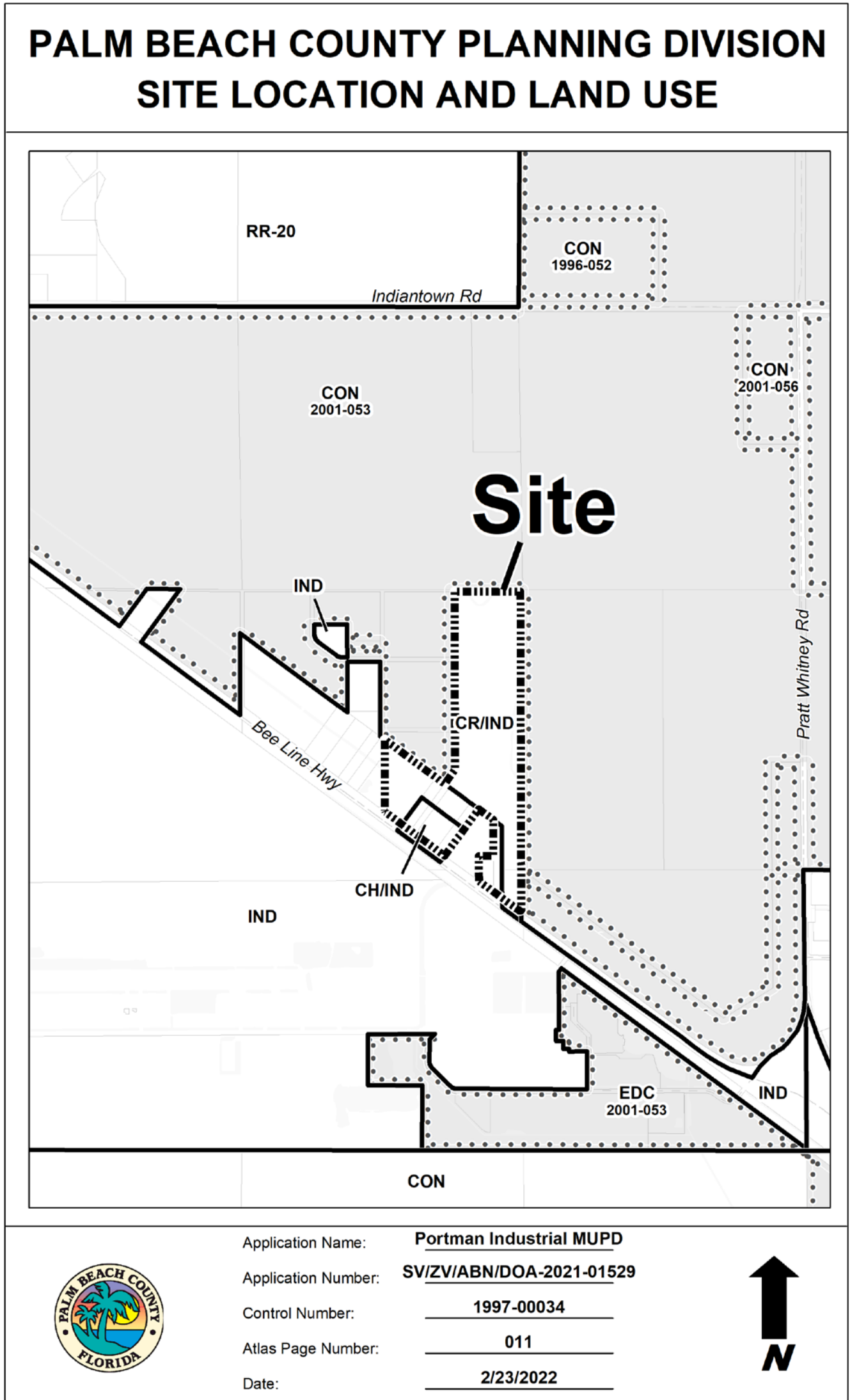
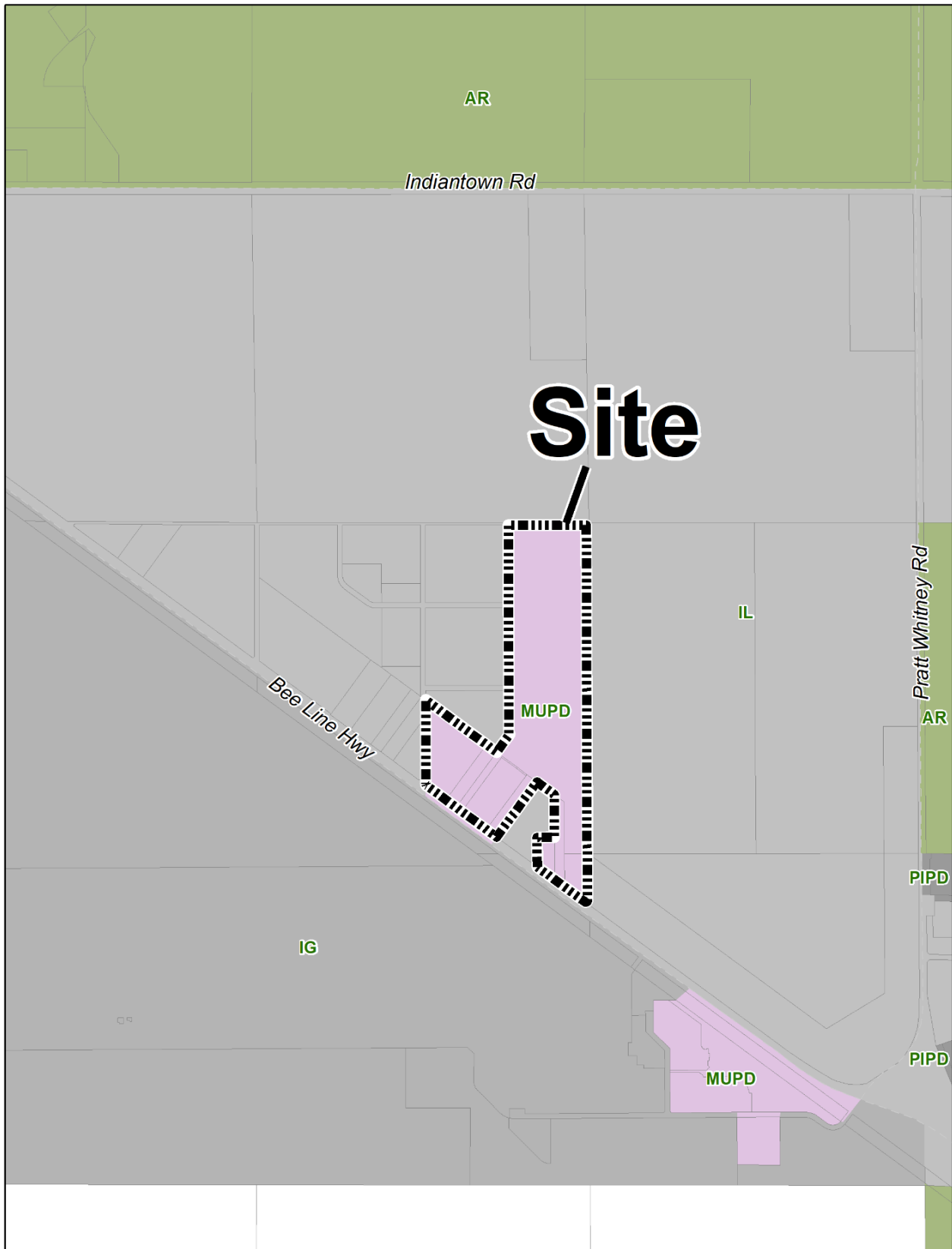


Figure 2 - Zoning Map

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING

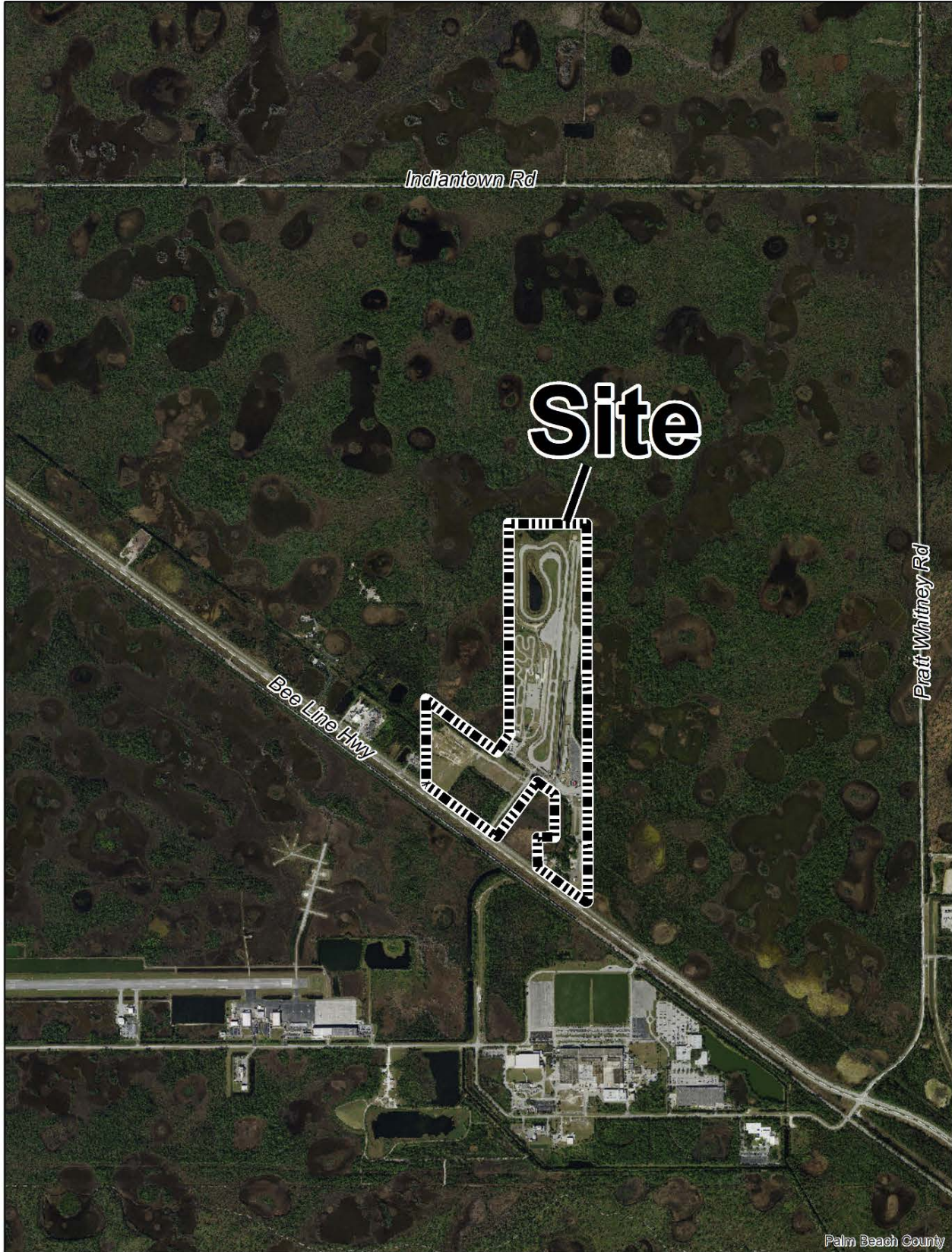


Application Name: **Portman Industrial MUPD**
 Application Number: **SV/ZV/ABN/DOA-2021-01529**
 Control Number: **1997-00034**
 Zoning Quad Number: **086**
 Date: **2/23/2022**



Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



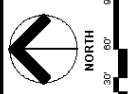
Application Name: **Portman Industrial MUPD**
Application Number: **SV/ZV/ABN/DOA-2021-01529**
Control Number: **1997-00034**
Atlas Page Number: **011**
Date: **2/23/2022**



Figure 4 – Preliminary Site Plan (PSP-2 of 9) dated February 10, 2022



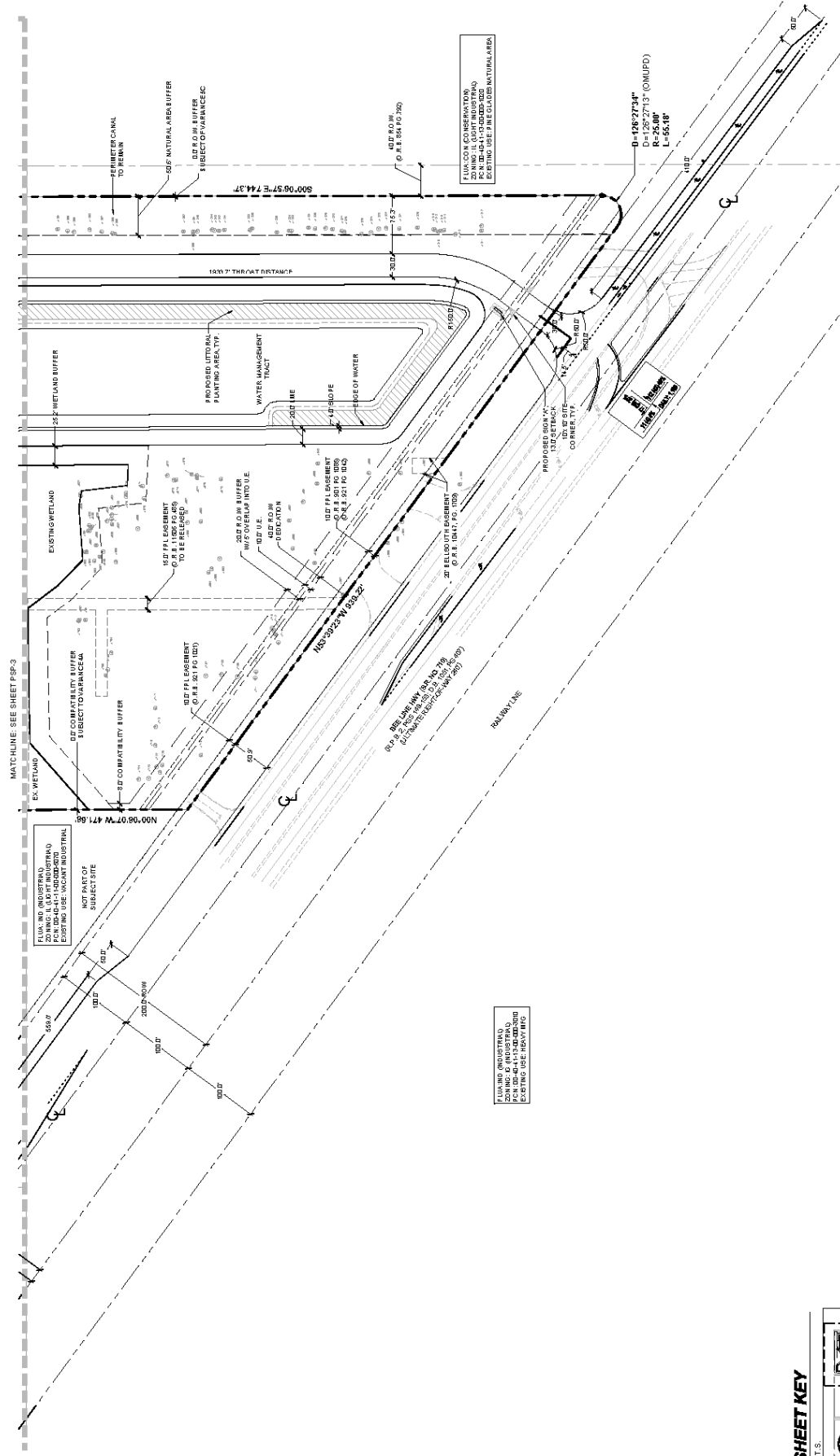
Portman Industrial MUPD
 Preliminary Site Plan
 Palm Beach County, FL



REVISIONS:

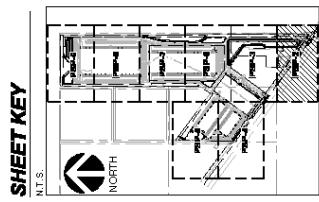
NO.	DATE	DESCRIPTION
1	02/10/22	ISSUED FOR PERMIT
2	02/10/22	ISSUED FOR PERMIT
3	02/10/22	ISSUED FOR PERMIT
4	02/10/22	ISSUED FOR PERMIT
5	02/10/22	ISSUED FOR PERMIT
6	02/10/22	ISSUED FOR PERMIT
7	02/10/22	ISSUED FOR PERMIT
8	02/10/22	ISSUED FOR PERMIT
9	02/10/22	ISSUED FOR PERMIT

PSP-2
 of 9



PCB Amendments:

PCB Zoning Stamp:

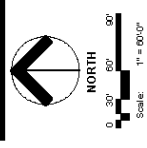


SITE DATA
 APPLICATION NAME: PORTMAN INDUSTRIAL MUPD
 CONTROL NUMBER: 199-04
 PROJECT NUMBER: 00001-029

Figure 4 – Preliminary Site Plan (PSP-3 of 9) dated February 10, 2022



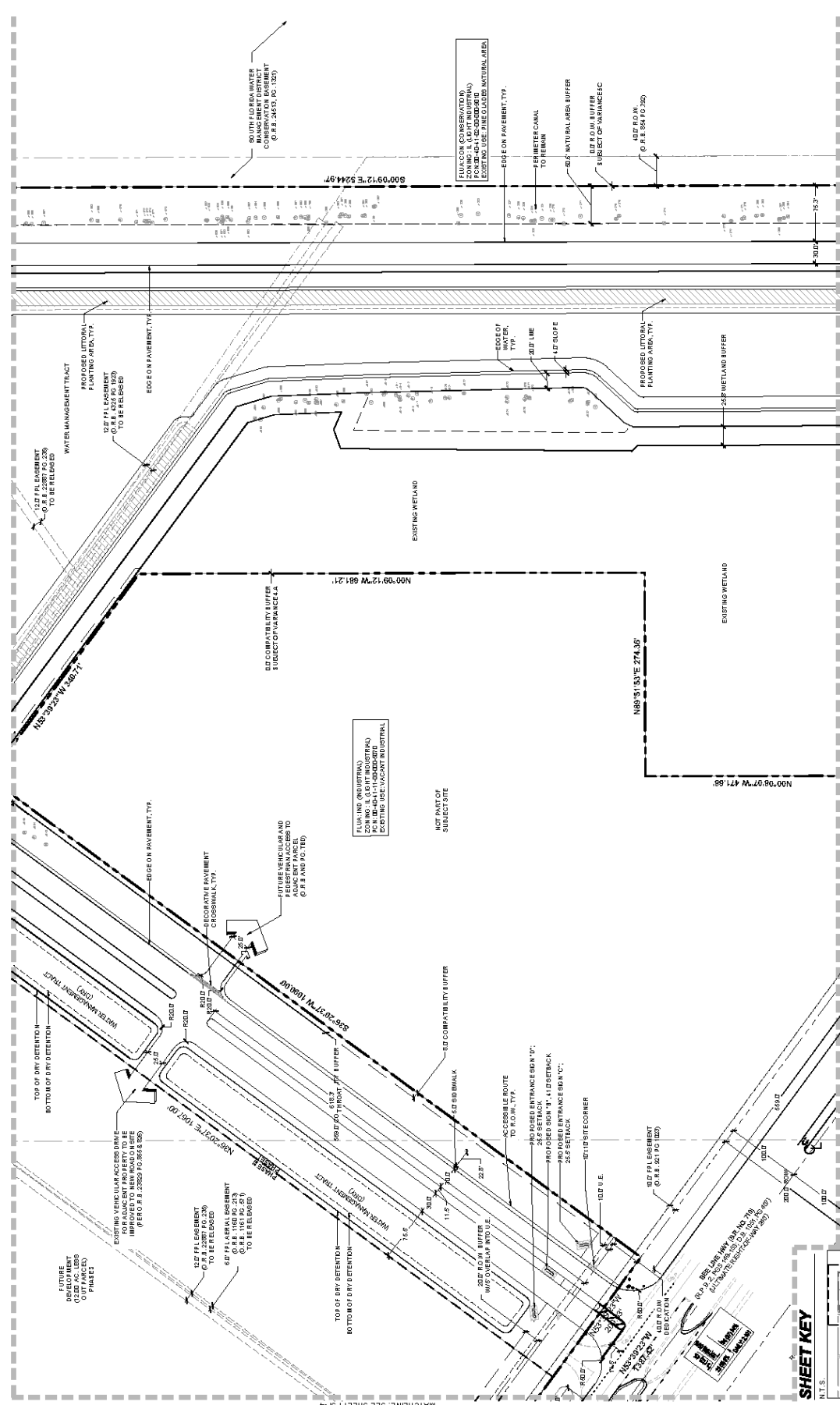
Portman Industrial MUPD
Preliminary Site Plan
 Palm Beach County, FL



DATE: 02/10/22
 DRAWN BY: TRM/RB
 CHECKED BY: RB
 PROJECT NUMBER: 19-0023

REVISION	DATE	DESCRIPTION

PSP-3
 of 9



PBC Zoning Stamp:

PBC Amendments:

SHEET KEY

SITE DATA

APPLICATION NAME: PORTMAN INDUSTRIAL MUPD
 CONTACT NUMBER: 561-832-7111
 PROJECT NUMBER: 19-0023

Figure 4 – Preliminary Site Plan (PSP-4 of 9) dated February 10, 2022

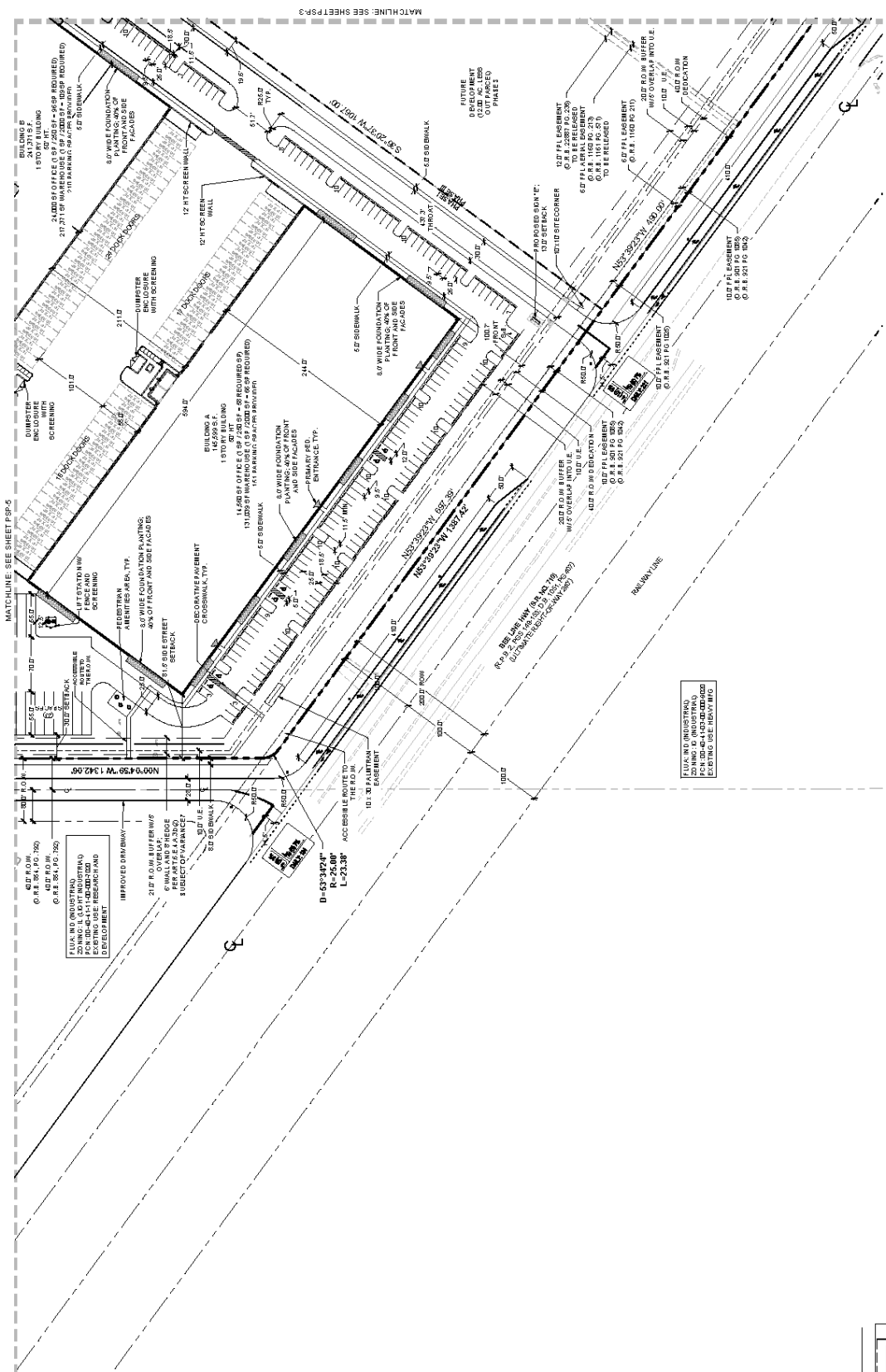


Portman Industrial MUPD
Preliminary Site Plan
Palm Beach County, FL



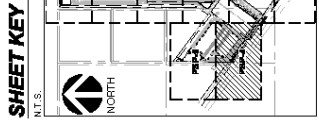
DATE: 02/10/22
PROJECT NO.: # 21-001001
DRAWN BY: JENNIFER WOODRUFF
CHECKED BY: JENNIFER WOODRUFF
REVISIONS:
NO. DATE DESCRIPTION
1. 02/10/22 PRELIMINARY SITE PLAN
2. 02/10/22 PRELIMINARY SITE PLAN

PSP-4
of 9



PBC Zoning Stamp:

PBC Amendments:



SITE DATA
APPLICATION NAME: PORTMAN INDUSTRIAL MUPD
CONTROL NUMBER: 199404
PROJECT NUMBER: 00000000

Figure 4 – Preliminary Site Plan (PSP-7 of 9) dated February 10, 2022



Portman Industrial MUPD
 Preliminary Site Plan
 Palm Beach County, FL

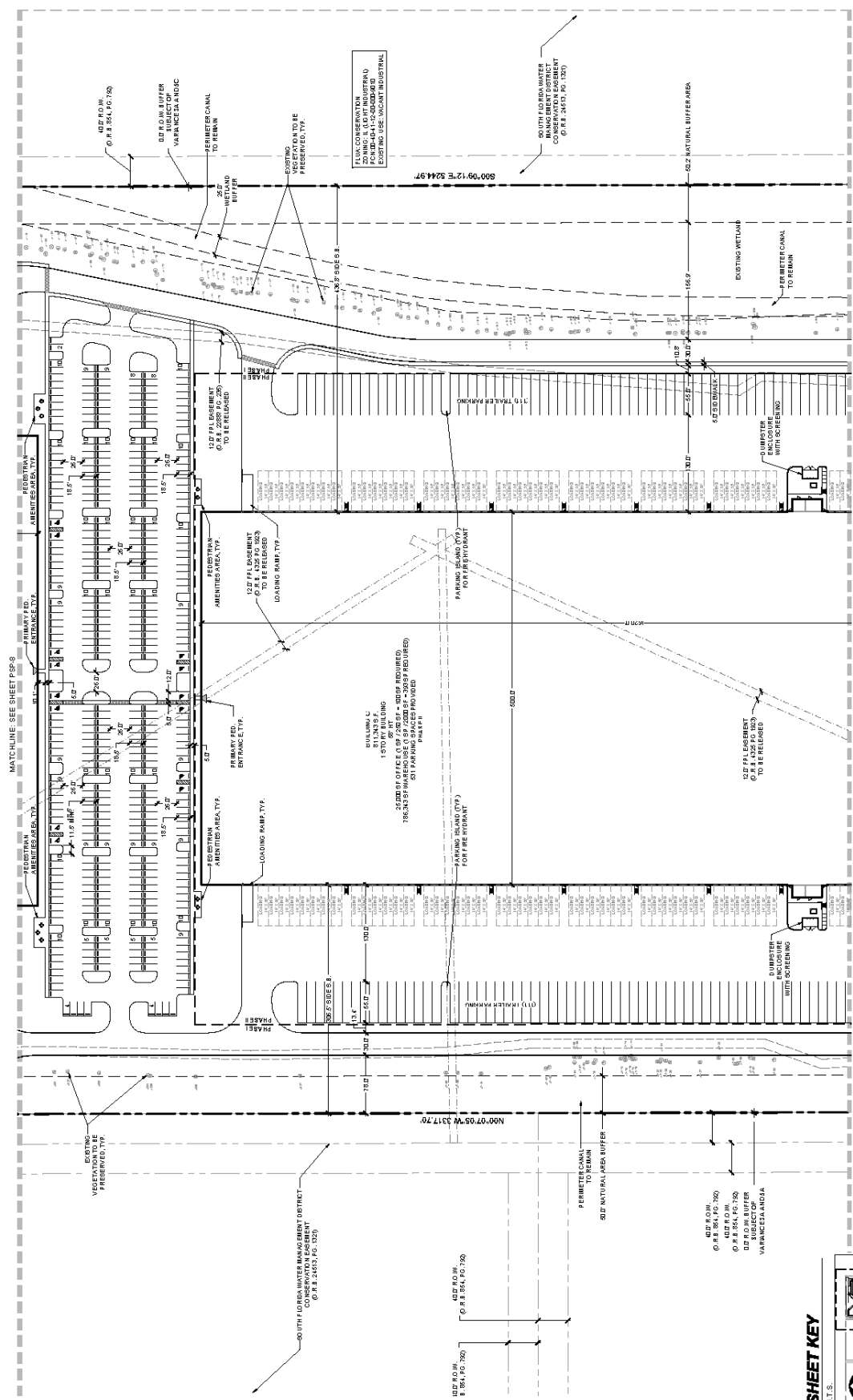
Scale: 1" = 60' 0"

North Arrow: NORTH

DATE: 02/10/2021
PROJECT NO.: P-21-021-ED1
DESIGNED BY: RLC/ARL/BE
CHECKED BY: RLC/ARL/BE
DATE: 02/10/2021

TRANSMISSION: PRELIMINARY SITE PLAN
 PRELIMINARY ZONING MAP AMENDMENT
 PRELIMINARY ZONING MAP AMENDMENT

PSP-7 of 9



PBC Zoning Stamp:

PBC Amendments:

SHEET KEY

Site Data:
 APPLICATION NAME: PORTMAN INDUSTRIAL MUPD
 CONTROL NUMBER: 199-02A
 PROJECT NUMBER: 000029

Figure 5 – Preliminary Master Sign Plan (PMSP-1 of 1) dated February 14, 2022



WALL SIGN CALCULATION TABLE

SEE LOCATION MAP FOR PLAN VIEW LOCATIONS

BUILDING ID	ELEVATION	SIGNS	LENGTH OF WALL IN LINEAR FEET	SIGN AREA FORMULA PER ULDC 8 C.1.A	ALLOWABLE SIGN AREA	PROPOSED SIGN AREA
A	SE/EAST	WA1	244.0	0.5 SF	122.0 SF	122.0 SF
A	FRONT/WEST	WA2	594.0	1.0 SF	594.0 SF	594.0 SF
A	SE/EAST	WA3	244.0	0.5 SF	122.0 SF	122.0 SF
B	FRONT/WEST	WB1	200.0	1.0 SF	200.0 SF	200.0 SF
B	SE/NORTH	WB2	600.0	0.5 SF	450.0 SF	450.0 SF
B	SE/EAST	WB3	200.0	0.5 SF	100.0 SF	100.0 SF
C	FRONT/SOUTH	WC1	500.0	1.0 SF	500.0 SF	500.0 SF
C	SE/EAST	WC2	1,000.0	0.5 SF	500.0 SF	500.0 SF
C	REAR/NORTH	WC3	500.0	0.5 SF	250.0 SF	250.0 SF
C	SE/EAST	WC4	1,000.0	0.5 SF	500.0 SF	500.0 SF
D	REAR/SOUTH	WD1	600.0	0.5 SF	300.0 SF	300.0 SF
D	SE/EAST	WD2	1,460.0	0.5 SF	730.0 SF	730.0 SF
D	FRONT/NORTH	WD3	600.0	1.0 SF	600.0 SF	600.0 SF
D	SE/EAST	WD4	1,460.0	0.5 SF	730.0 SF	730.0 SF

SITE DATA
APPLICATION NAME: PORTMAN INDUSTRIAL MUPD
APPLICATION NO: 2021-01529
CONTROL NUMBER: 197-004

BUILDING MOUNTED SIGNS - SIGN TYPE 'W'

WALL SIGNAGE ALLOWANCE: BUILDING MOUNTED SIGNS CONSIST OF WALL SIGNS, AWING/CANOPY SIGNS, PROJECTING SIGNS, AND MARQUEE SIGNS. THERE IS NO LIMIT ON THE MAXIMUM NUMBER OF WALL SIGNS AND AWING/CANOPY SIGNS PER BUILDING. AWING/CANOPY SIGNS ARE LIMITED TO 10% OF THE BUILDING'S GROSS FLOOR AREA. PROJECTING SIGNS ARE LIMITED TO 10% OF THE BUILDING'S GROSS FLOOR AREA. MARQUEE SIGNS ARE NOT INCLUDED IN THE MAXIMUM SIGN AREA CALCULATION FOR BUILDING MOUNTED SIGNS. WALL SIGNAGE IS CONFORMANCE WITH THESE PROVISIONS TO BE DETERMINED ON FINAL BUILDING ELEVATIONS REVIEWED BY THE CITY ENGINEERING FOR EACH INDIVIDUAL BUILDING.

Wall Sign Standards
(US 1st - The ULDC Table 8.0.1.A)

Maximum Sign Area:
1.0 sq. ft. - any one facade
0.5 sq. ft. - any remaining facades
Total wall sign area shall not exceed 10% of the building's gross floor area.

Min. wall sign per tenant space:
24 sq. ft.

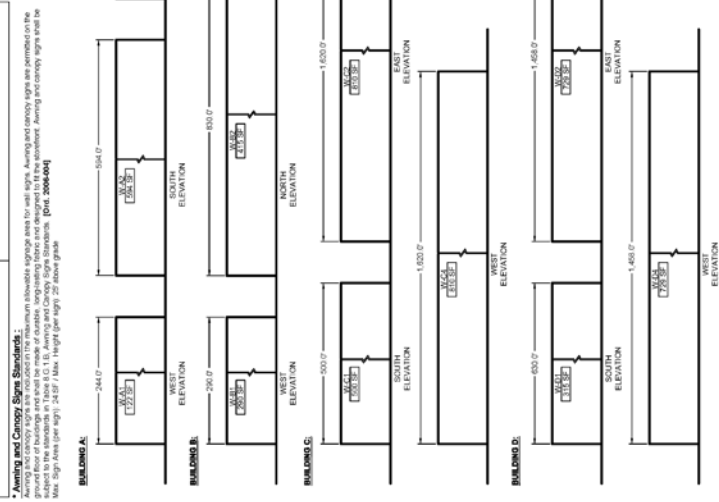
Min. horizontal and vertical separation between signs:
3 ft.

Max. projection from surface of building:
2 ft.

Min. vertical separation between sign and roof line:
6"

Min. horizontal separation between sign and wall edge:
6"

Awings and Canopy Sign Standards:
Awings and canopies shall be located in the minimum allowable sign area for wall signs. Awings and canopies shall be located on the ground floor of buildings and shall be made of durable, non-flammable materials and shall be supported by a minimum of two posts. The height of awings and canopies shall be limited to 10 feet. The height of awings shall be limited to 10 feet. The height of canopies shall be limited to 10 feet. The height of awings and canopies shall be limited to 10 feet. The height of awings and canopies shall be limited to 10 feet.



Street Name / Length of Frontage	Max. No. per Project		Max. Sign Area (L.S.F. per Unit Ft. of Frontage) and Min. Individual Sign Area		Max. Sign Height		Min. Setback		Min. Separation	
	Allowed	Proposed	Allowed	Proposed	Allowed	Proposed	Allowed	Proposed	Allowed	Proposed
Barrow Highway (247' U.I. R.O.W.)	3	3	Min. Total: 600 SF Max. Total: 1,200 SF	600 SF	10'	10'	5'	5'	5'	5'
SW 110th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 112th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 114th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 116th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 118th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 120th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 122nd Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 124th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 126th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 128th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 130th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 132nd Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 134th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 136th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 138th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 140th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 142nd Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 144th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 146th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 148th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'
SW 150th Ave	1	1	Min. Total: 240 SF Max. Total: 480 SF	240 SF	10'	10'	5'	5'	5'	5'

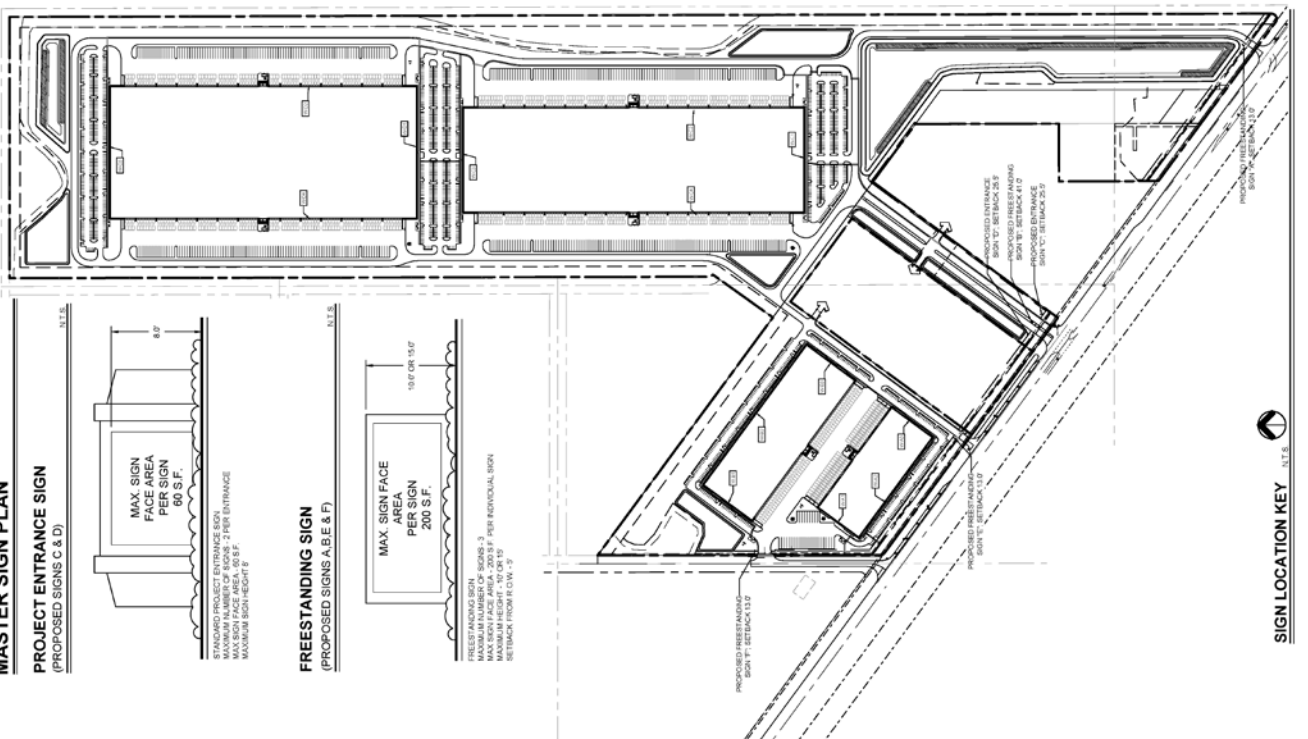


Figure 6 – Preliminary Regulating Plan (PRP-1 of 12) dated January 24, 2022

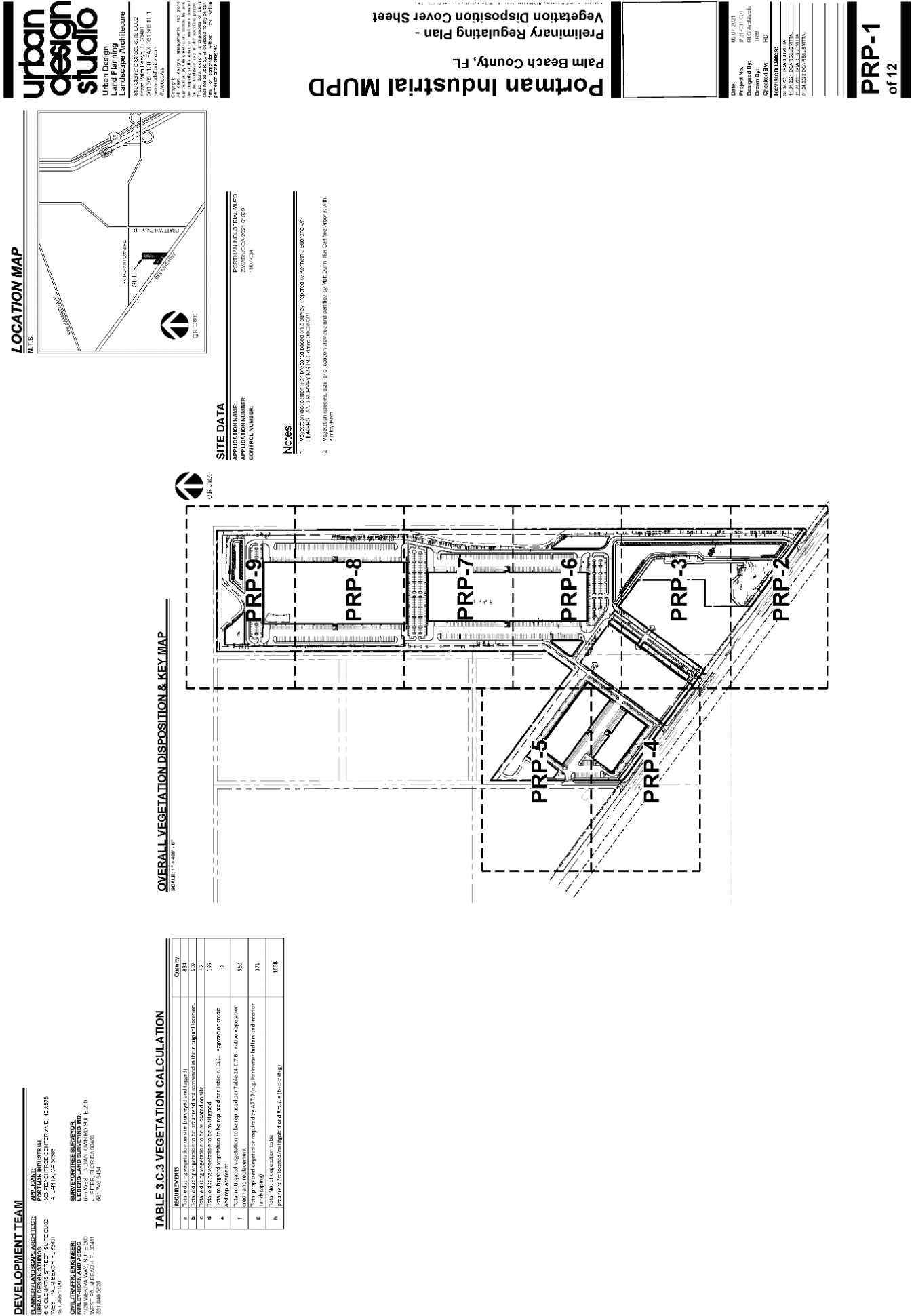


Figure 6 – Preliminary Regulating Plan (PRP-2 of 12) dated January 24, 2022



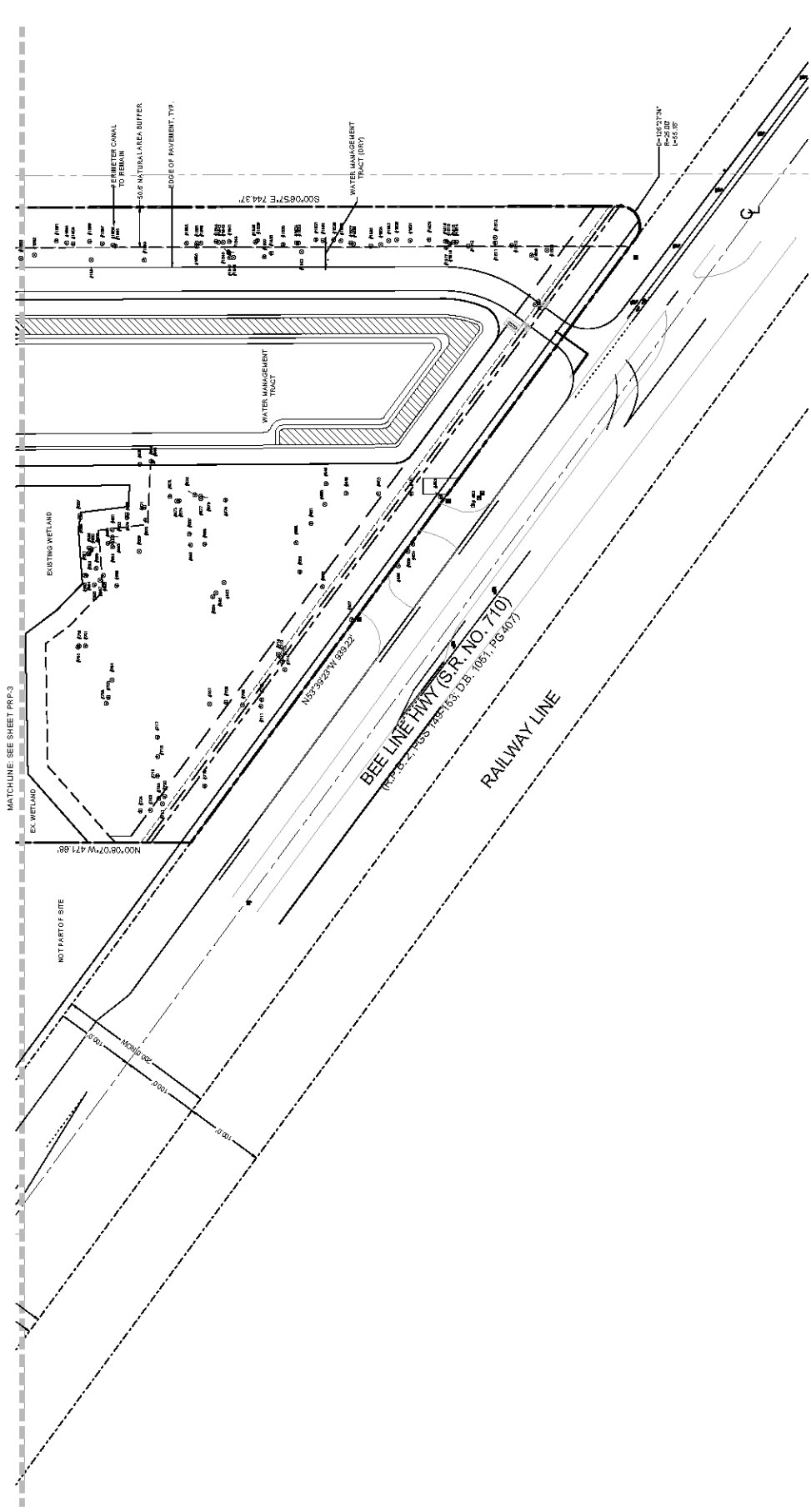
Portman Industrial MUPD
 Palm Beach County, FL
 Preliminary Regulating Plan - Vegetation Survey



Scale: 1" = 600'
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DATE: 01/27/2022
 PROJECT NO.: #21-037100
 DRAWING NO.: 21-037100-01
 CLIENT: TFC
 CH-IND-01: RD
 REVISIONS:
 NO. DESCRIPTION
 1. 01/27/2022: PRELIMINARY REGULATING PLAN - VEGETATION SURVEY

PRP-2
 of 12



PBC Amendments:

PBC Zoning Stamp:

SHEET KEY

SITE DATA
 PORTMAN INDUSTRIAL MUPD
 21-037100-01-01
 1/27/2022

Figure 6 – Preliminary Regulating Plan (PRP-3 of 12) dated January 24, 2022

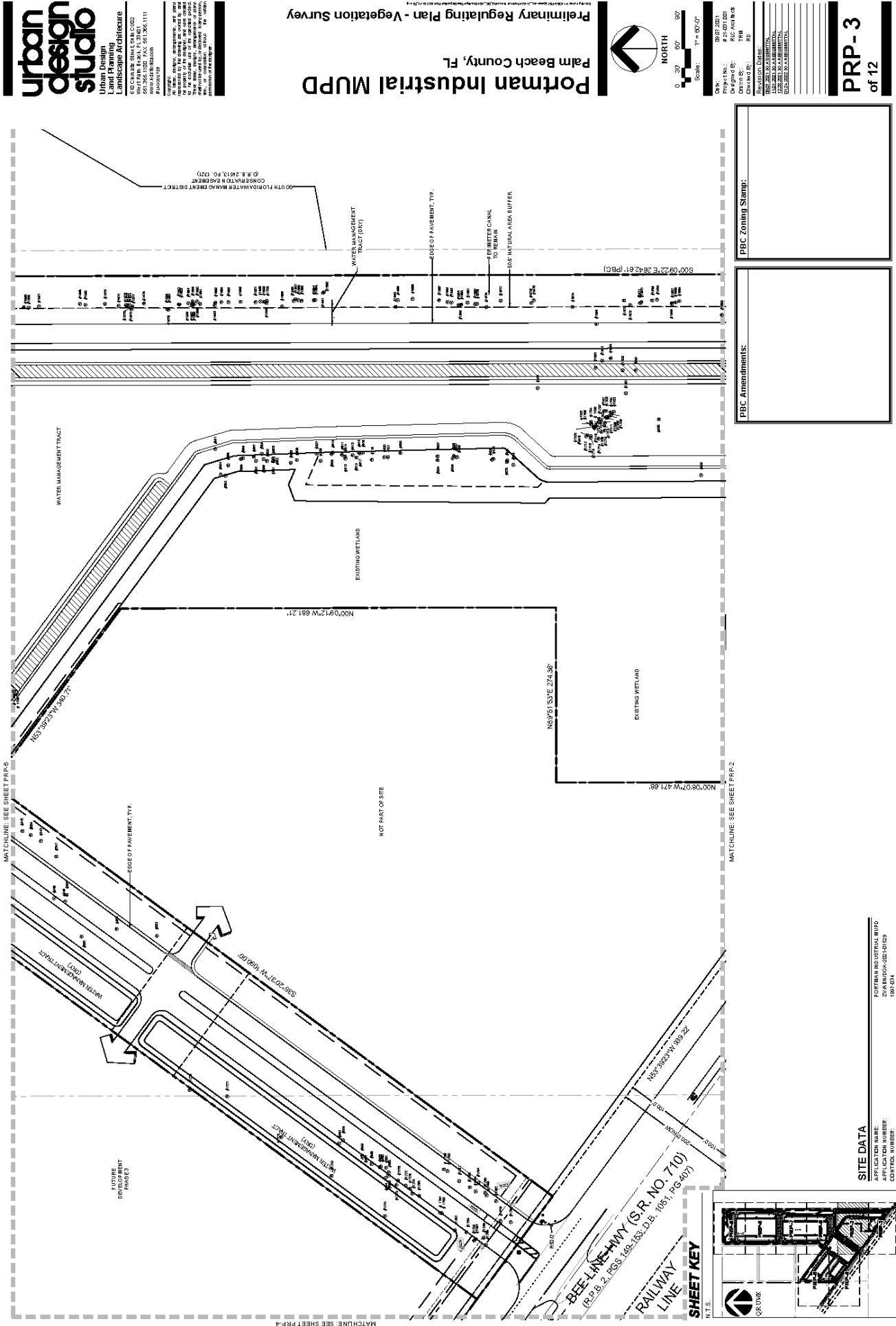


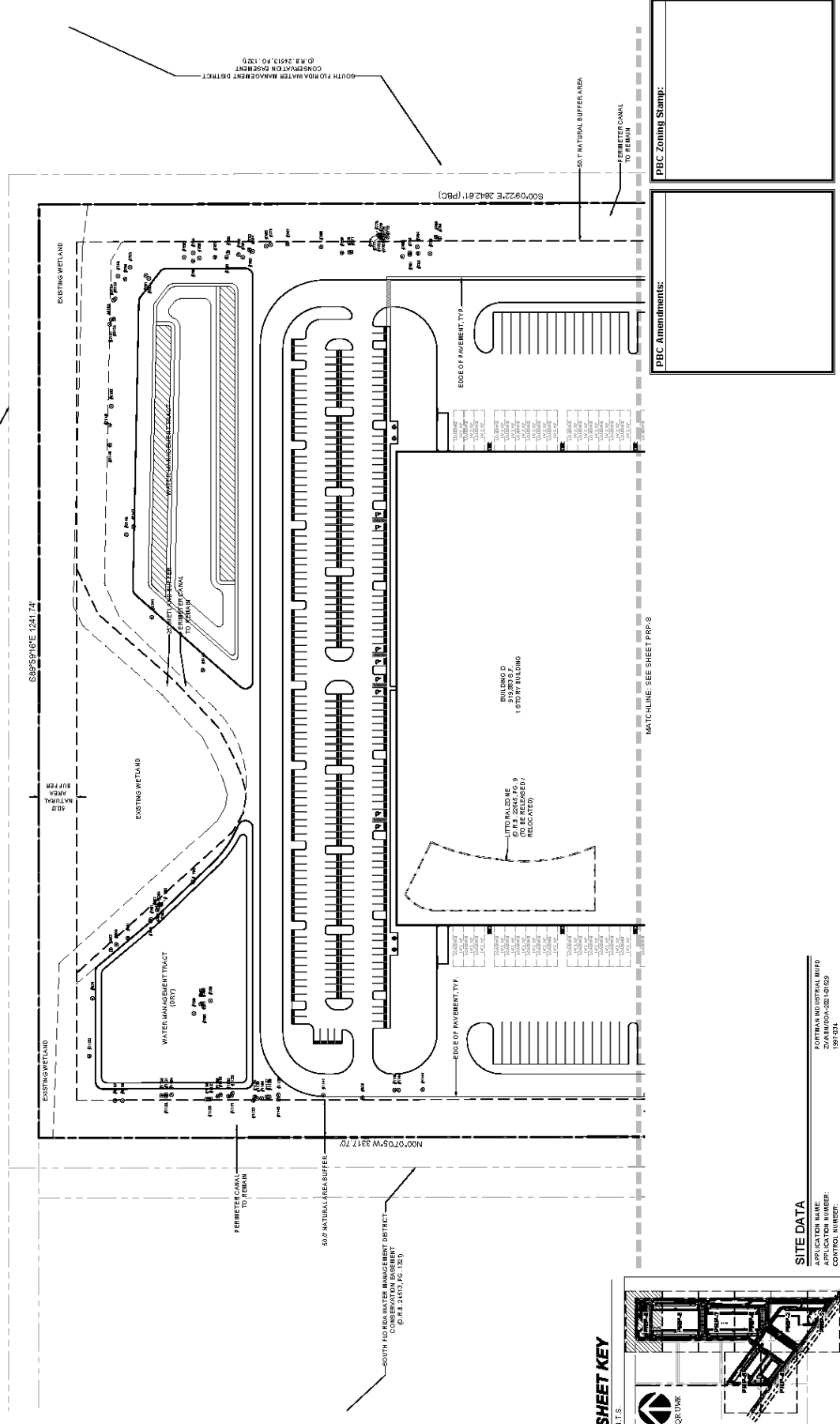
Figure 6 – Preliminary Regulating Plan (PRP-9 of 12) dated December 28, 2021



Portman Industrial MUPD
 Palm Beach County, FL
 Preliminary Regulating Plan - Vegetation Survey

NORTH
 Scale: 1" = 60'-0"
 SHEET NO. 9 OF 12
 PROJECT NO. # 2101010
 DESIGNER: TRM
 DRAWN BY: TRM
 CHECKED BY: RD
 DATE: 12/28/21
 TITLE: PRELIMINARY REGULATING PLAN - VEGETATION SURVEY

PRP-9 of 12



PBC Amendments:

PBC Zoning Stamp:

SHEET KEY
 N.T.S.

SITE DATA
 PROJECT NAME: PORTMAN INDUSTRIAL MUPD
 APPLICATION NUMBER: 20A INDOA-2021-01529
 CONTROL NUMBER: 1997431

Figure 6– Preliminary Regulating Plan (PRP-11 of 12) dated December 28, 2021



Portman Industrial MUPD
Palm Beach County, FL
Preliminary Regulating Plan -
Vegetation Disposition Table

Project No.: 21-02-001
Designed By: H.C. Andrews
Drawn By: H.C. Andrews
Checked By: H.C. Andrews
Approved By: H.C. Andrews

PRP-11
of 12

Tag #	Species	Start	End	Zoning	Proposed Disposition	EMV Mitigation	Zoning Replacement	Credit	Notes
1174	8.62.1194	7	X	Reserve	Reserve	3			
1175	8.62.1195	7	X	Reserve	Reserve	3			
1176	8.62.1196	7	X	Reserve	Reserve	3			
1177	8.62.1197	7	X	Reserve	Reserve	3			
1178	8.62.1198	7	X	Reserve	Reserve	3			
1179	8.62.1199	7	X	Reserve	Reserve	3			
1180	8.62.1200	7	X	Reserve	Reserve	3			
1181	8.62.1201	7	X	Reserve	Reserve	3			
1182	8.62.1202	7	X	Reserve	Reserve	3			
1183	8.62.1203	7	X	Reserve	Reserve	3			
1184	8.62.1204	7	X	Reserve	Reserve	3			
1185	8.62.1205	7	X	Reserve	Reserve	3			
1186	8.62.1206	7	X	Reserve	Reserve	3			
1187	8.62.1207	7	X	Reserve	Reserve	3			
1188	8.62.1208	7	X	Reserve	Reserve	3			
1189	8.62.1209	7	X	Reserve	Reserve	3			
1190	8.62.1210	7	X	Reserve	Reserve	3			
1191	8.62.1211	7	X	Reserve	Reserve	3			
1192	8.62.1212	7	X	Reserve	Reserve	3			
1193	8.62.1213	7	X	Reserve	Reserve	3			
1194	8.62.1214	7	X	Reserve	Reserve	3			
1195	8.62.1215	7	X	Reserve	Reserve	3			
1196	8.62.1216	7	X	Reserve	Reserve	3			
1197	8.62.1217	7	X	Reserve	Reserve	3			
1198	8.62.1218	7	X	Reserve	Reserve	3			
1199	8.62.1219	7	X	Reserve	Reserve	3			
1200	8.62.1220	7	X	Reserve	Reserve	3			
1201	8.62.1221	7	X	Reserve	Reserve	3			
1202	8.62.1222	7	X	Reserve	Reserve	3			
1203	8.62.1223	7	X	Reserve	Reserve	3			
1204	8.62.1224	7	X	Reserve	Reserve	3			
1205	8.62.1225	7	X	Reserve	Reserve	3			
1206	8.62.1226	7	X	Reserve	Reserve	3			
1207	8.62.1227	7	X	Reserve	Reserve	3			
1208	8.62.1228	7	X	Reserve	Reserve	3			
1209	8.62.1229	7	X	Reserve	Reserve	3			
1210	8.62.1230	7	X	Reserve	Reserve	3			
1211	8.62.1231	7	X	Reserve	Reserve	3			
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1216	8.62.1236	7	X	Reserve	Reserve	3			
1217	8.62.1237	7	X	Reserve	Reserve	3			
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1225	8.62.1245	7	X	Reserve	Reserve	3			
1226	8.62.1246	7	X	Reserve	Reserve	3			
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1229	8.62.1249	7	X	Reserve	Reserve	3			
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1239	8.62.1259	7	X	Reserve	Reserve	3			
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1247	8.62.1267	7	X	Reserve	Reserve	3			
1248	8.62.1268	7	X	Reserve	Reserve	3			
1249	8.62.1269	7	X	Reserve	Reserve	3			
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1251	8.62.1271	7	X	Reserve	Reserve	3			
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1261	8.62.1281	7	X	Reserve	Reserve	3			
1262	8.62.1282	7	X	Reserve	Reserve	3			
1263	8.62.1283	7	X	Reserve	Reserve	3			
1264	8.62.1284	7	X	Reserve	Reserve	3			
1265	8.62.1285	7	X	Reserve	Reserve	3			
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1267	8.62.1287	7	X	Reserve	Reserve	3			
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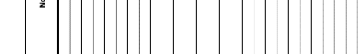
SITE DATA

8.62.1194-1290, 1291-1297
7.62.1298-1299, 1300-1305

APPLICATION NUMBER:
CONTROL NUMBER:

PBC Zoning Stamp:

PBC Amendments:



Portman Industrial MUPD
Palm Beach County, FL
Preliminary Regulating Plan -
Vegetation Disposition Table

Project No.: 21-02-001
Designed By: H.C. Andrews
Drawn By: H.C. Andrews
Checked By: H.C. Andrews
Approved By: H.C. Andrews

PRP-11
of 12

Tag #	Species	Start	End	Zoning	Proposed Disposition	EMV Mitigation	Zoning Replacement	Credit	Notes
611	8.62.1194	7	X	Reserve	Reserve	2			
612	8.62.1195	7	X	Reserve	Reserve	4			
613	8.62.1196	7	X	Reserve	Reserve	4			
614	8.62.1197	7	X	Reserve	Reserve	0			
615	8.62.1198	7	X	Reserve	Reserve	0			
616	8.62.1199	7	X	Reserve	Reserve	0			
617	8.62.1200	7	X	Reserve	Reserve	0			
618	8.62.1201	7	X	Reserve	Reserve	0			
619	8.62.1202	7	X	Reserve	Reserve	0			
620	8.62.1203	7	X	Reserve	Reserve	0			
621	8.62.1204	7	X	Reserve	Reserve	0			
622	8.62.1205	7	X	Reserve	Reserve	0			
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626	8.62.1209	7	X	Reserve	Reserve	0			
627	8.62.1210	7	X	Reserve	Reserve	0			
628	8.62.1211	7	X	Reserve	Reserve	0			
629	8.62.1212	7	X	Reserve	Reserve	0			
630	8.62.1213	7	X	Reserve	Reserve	0			
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665	8.62.1248	7	X	Reserve	Reserve	0			
666	8.62.1249	7	X	Reserve	Reserve	0			
667	8.62.1250	7	X	Reserve	Reserve	0			
668	8.62.1251	7	X	Reserve	Reserve	0			
669	8.62.1252	7	X	Reserve	Reserve	0			
670	8.62.1253	7	X	Reserve	Reserve	0			
671	8.62.1254	7	X</						

Figure 6 – Preliminary Regulating Plan (PRP-12 of 12) dated December 28, 2021



Urban Design
Land Planning
Landscape Architecture

810 Chester Street, Suite 202
Palm Beach, FL 33480
Tel: 561.833.1144 Fax: 561.833.1141
www.urbandesignstudio.com

Portman Industrial MUPD

Palm Beach County, FL

Preliminary Regulating Plan - Vegetation Disposition Table

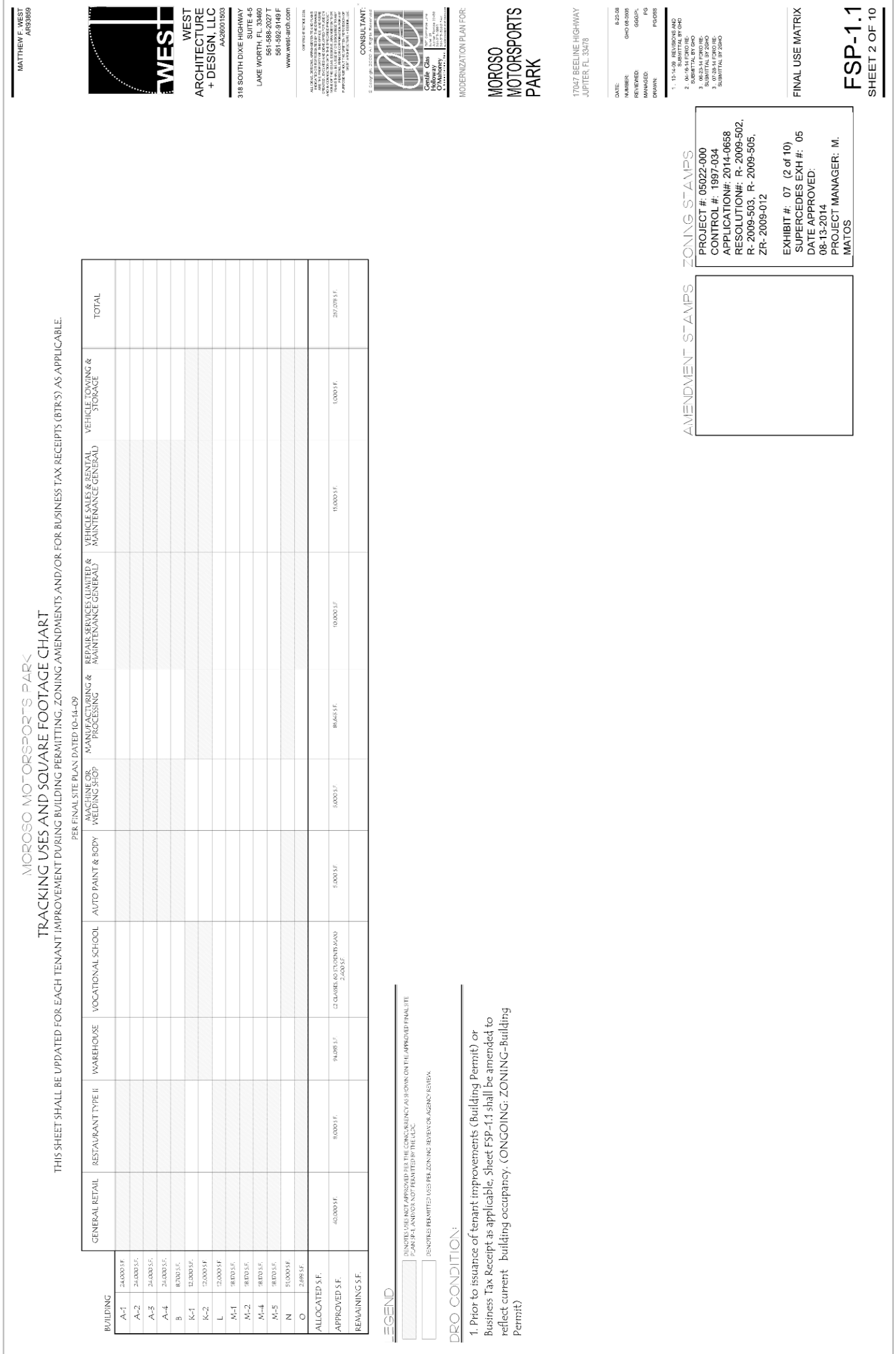
Date: 10/17/2021
Designed By: RAC
Drawn By: RAC
Checked By: RAC

REVISION DATES:
10/13/2021: RAC, M.B.P.T.A.
7/28/2021: RAC, M.B.P.T.A.

PRP-12
of 12

Tab #	Species	Elim*	BM*	Zoning	Proposed Disposition	ERM Mitigation	Zoning Replacement	Credit	Notes
2154	Sham pers.	X			Preserve			1	
2155	Sham pers.	X			Preserve			1	
2156	Sham pers.	X			Preserve			1	
2157	Sham pers.	X			Preserve			1	
2158	Sham pers.	X			Preserve			1	
2159	Sham pers.	X			Preserve			1	
2160	Sham pers.	X			Preserve			1	
2161	Sham pers.	X			Preserve			1	
2162	Sham pers.	X			Preserve			1	
2163	Sham pers.	X			Preserve			1	
2164	Sham pers.	X			Preserve			1	
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2168	Sham pers.	X			Preserve			1	
2169	Sham pers.	X			Preserve			1	
2170	Sham pers.	X			Preserve			1	
2171	Sham pers.	X			Preserve			1	
2172	Sham pers.	X			Preserve			1	
2173	Sham pers.	X			Preserve			1	
2174	Sham pers.	X			Preserve			1	
2175	Sham pers.	X			Preserve			1	
2176	Sham pers.	X			Preserve			1	
2177	Sham pers.	X			Preserve			1	
2178	Sham pers.	X			Preserve			1	
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2347	Sham pers.	X			Preserve			1	
2348	Sham pers.	X			Preserve			1	
2349	Sham pers.	X			Preserve		</		

Figure 7 – Previously Approved Final Site Plan (FSP-2 of 10) dated July 21, 2015



FINAL USE MATRIX

FSP-1.1

SHEET 2 OF 10

Figure 7 – Previously Approved Final Site Plan (FSP-3 of 10) dated July 21, 2015

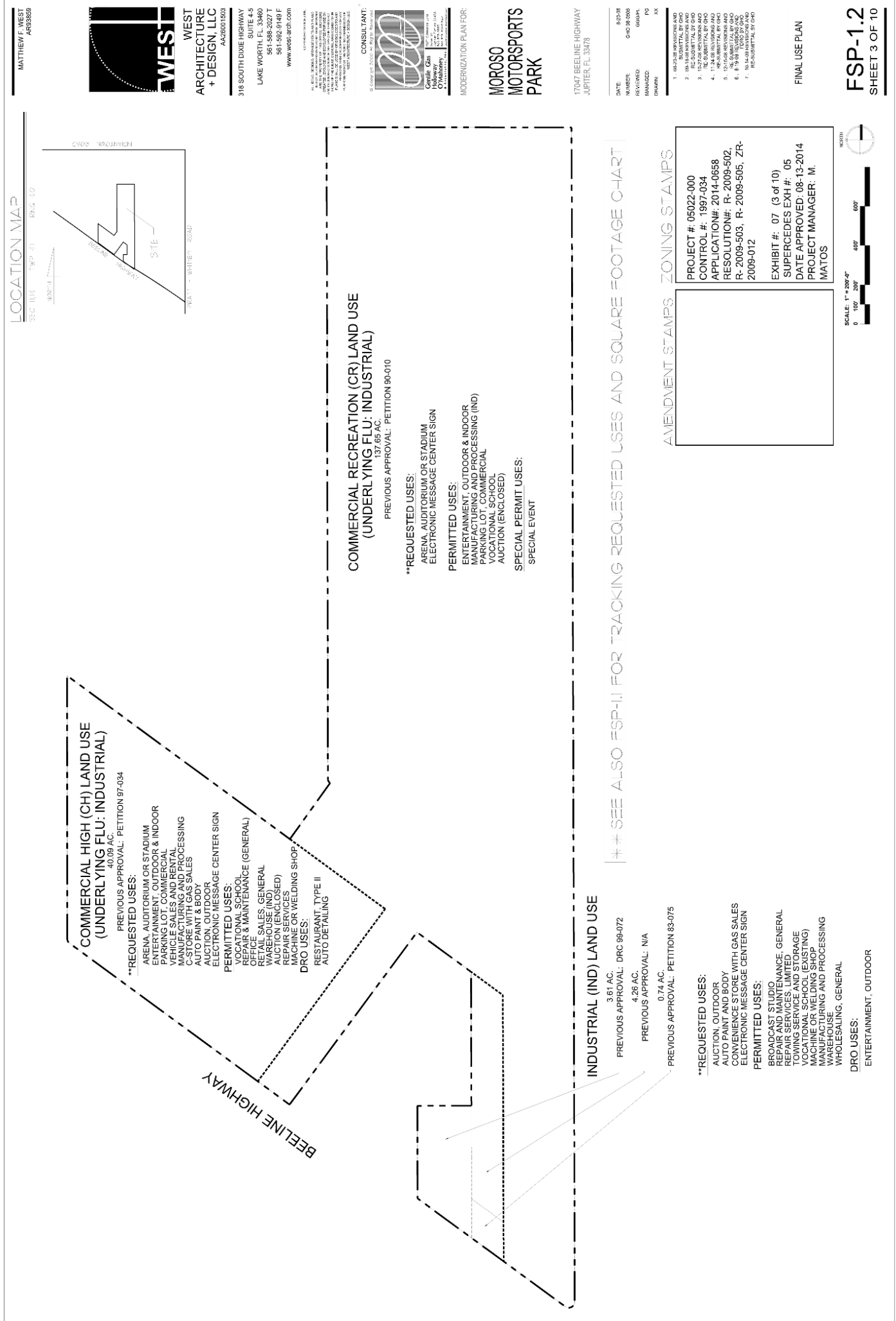


Figure 7 – Previously Approved Final Site Plan (FSP-5 of 10) dated July 21, 2015

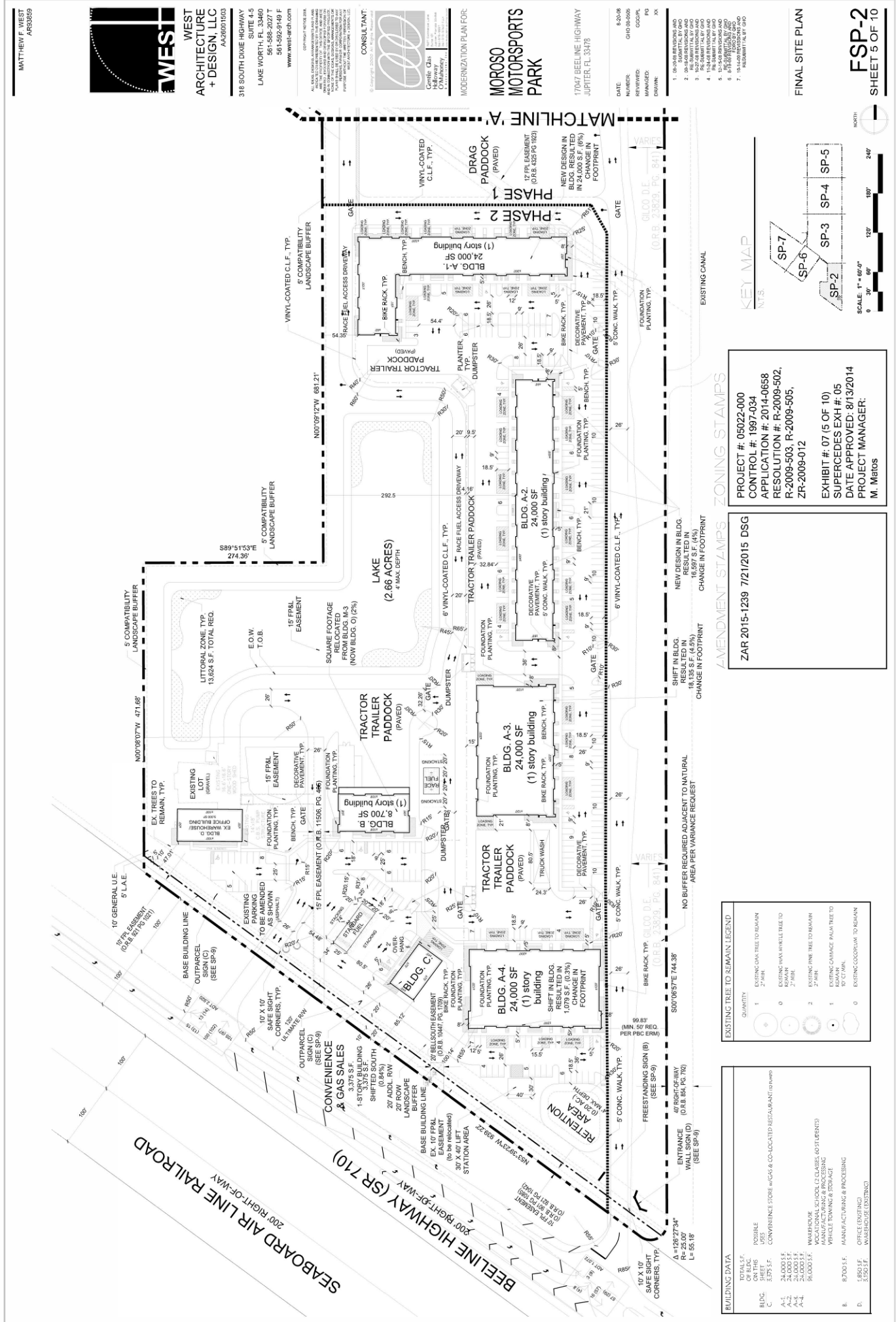


Figure 7 – Previously Approved Final Site Plan (FSP-9 of 10) dated July 21, 2015

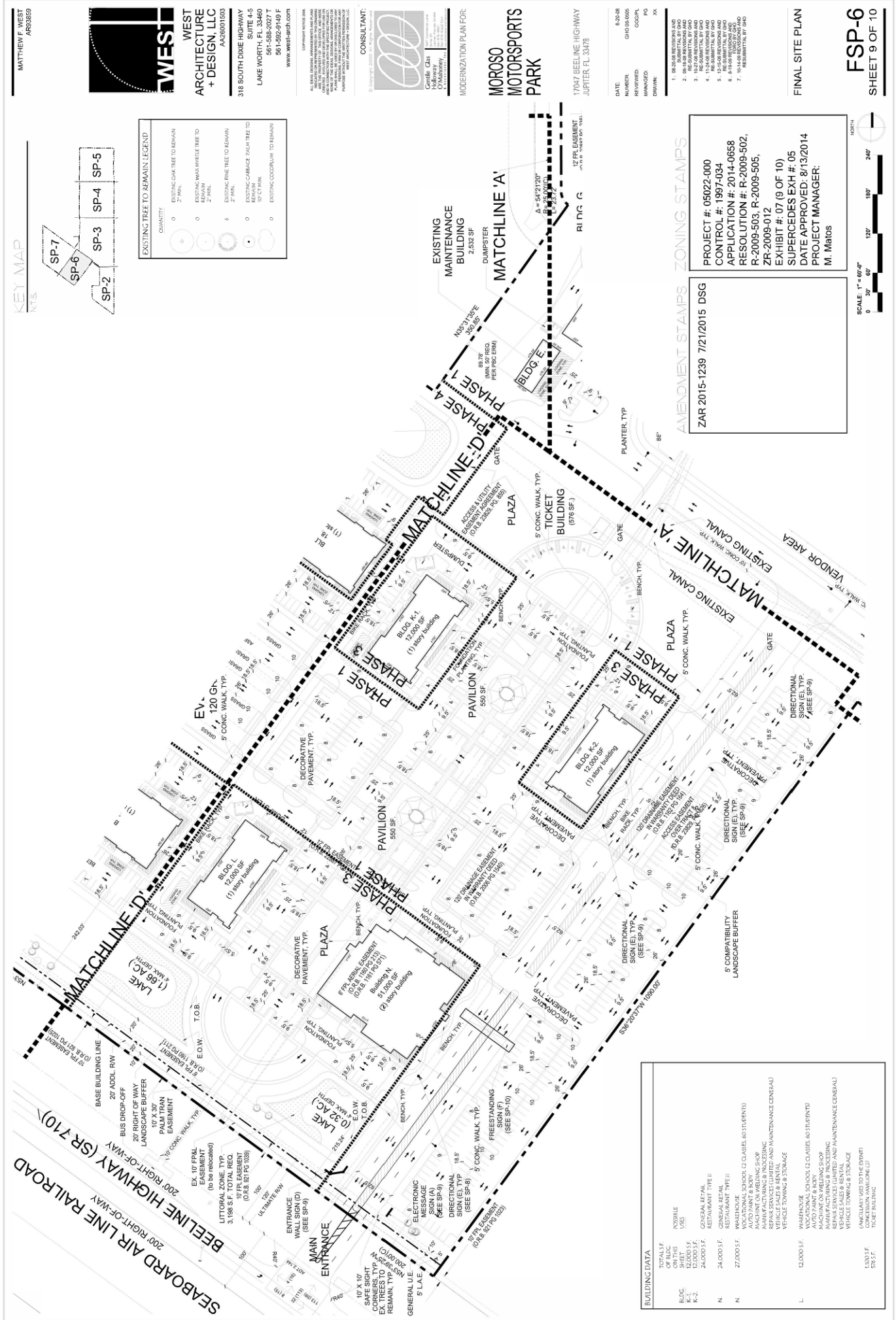


Figure 7 – Previously Approved Final Site Plan (FSP-10 of 10) dated July 21, 2015

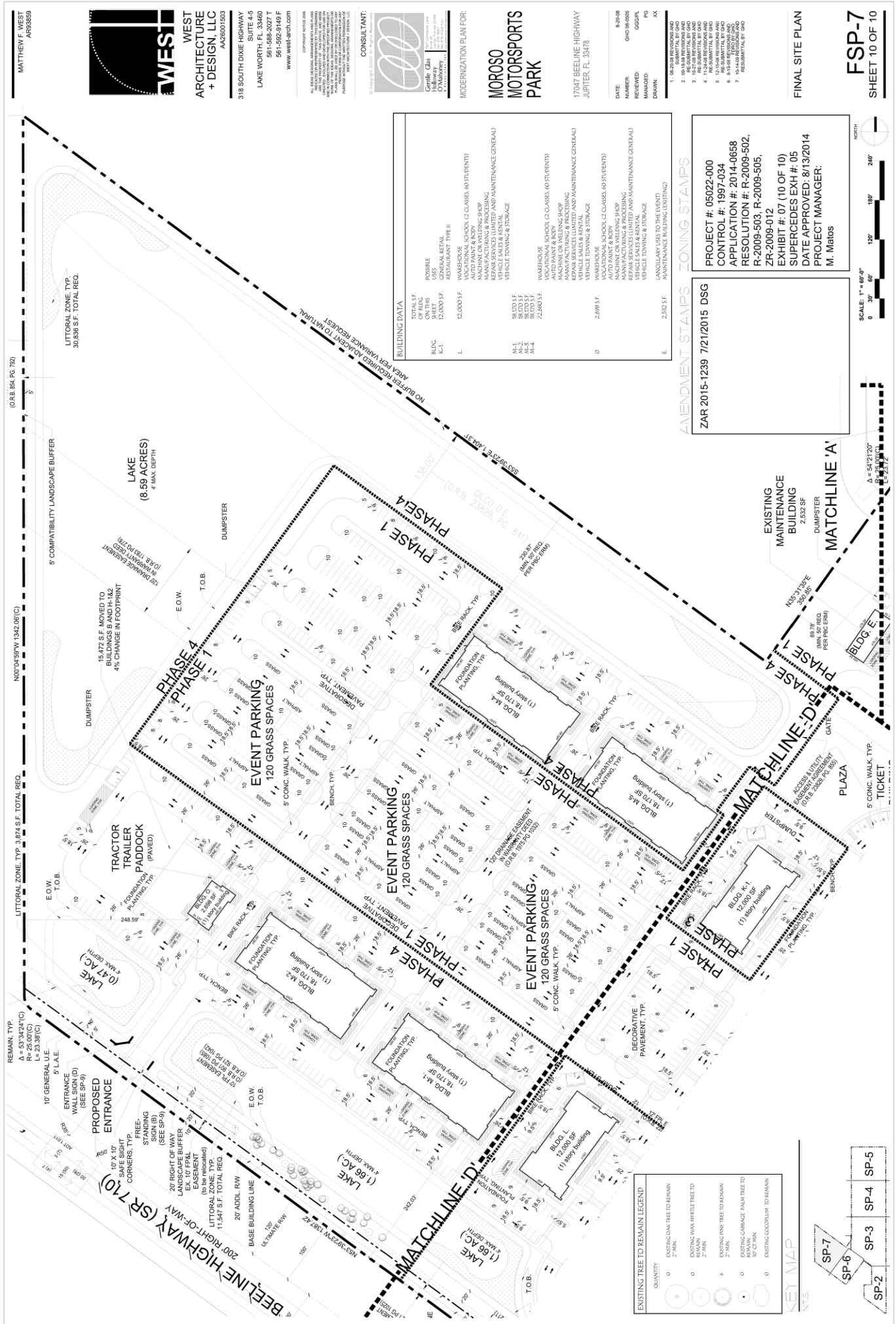


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the [] individual or [x] Authorized Signatory *[position—e.g., president, partner, trustee]* of Palm Beach Owner, 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: 303 PEACHTREE CENTER AVE, NE
SUITE 575
ATLANTA, GA 30303

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.

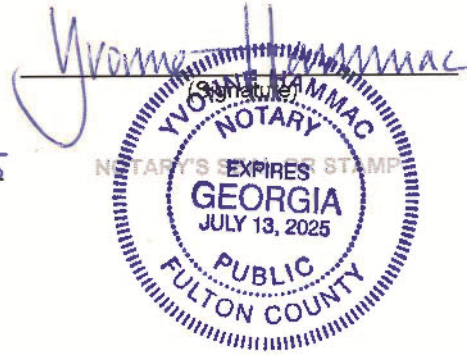
S. Jefferson Greenway
S. Jefferson Greenway, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA GA
COUNTY OF PALM BEACH FULTON

The foregoing instrument was acknowledged before me by means of [] physical presence or
[] online notarization, this 24th day of AUGUST, 2021 by
S. JEFFERSON GREENWAY (name of person acknowledging). He/she is personally
known to me or has produced D.L. (type of identification) as
identification and did/did not take an oath (circle correct response).

YVONNE HAMMAC
(Name - type, stamp or print clearly)



My Commission Expires on: 7/13/25

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Palm Beach, State of Florida, and is described as follows:

PARCEL 1:

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF PALM BEACH INDUSTRIAL PARK, AS PREPARED BY BROCKWAY, WEBER & BROCKWAY, INC. DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH 00 0 04 54" EAST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH 89 0 55' 06" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (200 FOOT WIDE RIGHT OF WAY), (PER ROAD PLAT BOOK 2, PAGES 149-153 AND DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 53 0 39' 25" EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 36 0 20' 35" WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT OF WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 53 0 39' 25" WEST DEPARTING SAID EAST LINE AND ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53 0 34' 31" AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, THENCE NORTH 00 0 04' 54" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 11394, PAGE 1578, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH 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 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, 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 TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL OF LAND LYING OVER AND ACROSS A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 16360, PAGE 1150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11 AND THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) THENCE SOUTH 53 0 39' 25" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 759.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 53 0 39' 25" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND THE SOUTHWESTERLY LINE OF SAID CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 16360, PAGE 1150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 490.00 FEET TO THE SOUTHERLY CORNER OF SAID CERTAIN PARCEL OF LAND; THENCE NORTH 360 201 35" EAST, DEPARTING SAID RIGHT OF WAY LINE, ALONG THE SOUTHEASTERLY LINE OF SAID CERTAIN PARCEL OF LAND, A DISTANCE OF 1067.00 FEET; THENCE NORTH 530 391 25" WEST, DEPARTING SAID SOUTHEASTERLY LINE, A DISTANCE OF 490.00 FEET; THENCE SOUTH 36 0 20' 35" WEST, A DISTANCE OF 1067.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 00 151 49" EAST, AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO; THENCE NORTH 53 0 17' 12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET, WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0 0 15' 49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0 0 13 19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 828.36 FEET 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 SAID STATE ROAD NO. 710; THENCE NORTH 53 0 17' 12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53 0 55 33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 65 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 540 201 02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11; THENCE NORTH 0 0 15' 35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 890 37' 49" EAST ALONG THE NORTH LINE OF SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0 0 13' 19" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00 15 49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 822.74 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541.

PARCEL 3:

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149

LEGAL DESCRIPTION

THROUGH 153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF 53 031 1 16" MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF 90 000'45" MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF 179 0 5730" MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PRECEDING COURSE OF 53 03301" MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT-OF-WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 0 26'59", A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 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, RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126026'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET, TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947,34 FEET, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND

LEGAL DESCRIPTION

400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 327.15 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

EASEMENTS CONTAINED IN THAT CERTAIN ACCESS AND UTILITY EASEMENT AGREEMENT, FOR THE BENEFIT OF PARCEL 1, RECORDED IN OFFICIAL RECORDS BOOK 23829, PAGE 855, PUBLIC RECORDS OF PALM BEACH COUNTY,

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
Palm Beach Owner, LLC -	303 Peachtree Center Ave, Suite 575 Atlanta, GA 30303
Portman Industrial, LLC -	303 Peachtree Center Ave, Suite 575 Atlanta, GA 30303
Portman Industrial Member, LLC -	303 Peachtree Center Ave, Suite 575 Atlanta, GA 30303
Portman Holdings, LLC -	303 Peachtree Center Ave, Suite 575 Atlanta, GA 30303
Ambrish K .Baisiwala -	683 Cumberland Road NE, Atlanta, GA 30306
John C. Portman, IV -	907 Highland View NE, Atlanta, GA 30306
Kati Wanek-Forsythe -	5 Brightwaters Circle N.E., St. Petersburg, FL 33704
Shari Wagner -	840 119th Avenue, Treasure Island, FL 33706
Todd and Karen Wanek Marital Property Trust UAD April 21, 2011 -	1781 Brightwaters Blvd. NE, St. Petersburg, FL 33704

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Louis F. Partenza, 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 [] CEO *[position - e.g., president, partner, trustee]* of Moroso Investment Partners II, 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: 1555 Palm Beach Lakes Blvd, Suite 1105
West Palm Beach, FL, 33401

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.

Louis F. Partenza
Louis F. Partenza Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

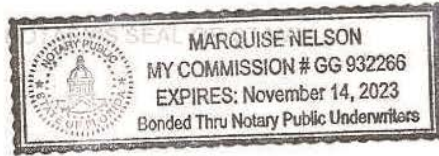
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization, this 19th day of August, 2021 by Louis Partenza (name of person acknowledging). He/she is personally known to me or has produced drivers license (type of identification) as identification and did/did not take an oath (circle correct response).

Marquise Nelson
(Name - type, stamp or print clearly)

Marquise Nelson
(Signature)

My Commission Expires on: 11/14/2023



LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Palm Beach, State of Florida, and is described as follows:

PARCEL 1:

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF PALM BEACH INDUSTRIAL PARK, AS PREPARED BY BROCKWAY, WEBER & BROCKWAY, INC. DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH 00 0 04 54" EAST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH 89 0 55' 06" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (200 FOOT WIDE RIGHT OF WAY), (PER ROAD PLAT BOOK 2, PAGES 149-153 AND DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 53 0 39' 25" EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 36 0 20' 35" WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT OF WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 53 0 39' 25" WEST DEPARTING SAID EAST LINE AND ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53 0 34 31" AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, THENCE NORTH 00 0 04' 54" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 11394, PAGE 1578, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH 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 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, 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 TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL OF LAND LYING OVER AND ACROSS A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 16360, PAGE 1150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11 AND THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) THENCE SOUTH 53 0 39' 25" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 759.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 53 0 39' 25" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND THE SOUTHWESTERLY LINE OF SAID CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 16360, PAGE 1150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 490.00 FEET TO THE SOUTHERLY CORNER OF SAID CERTAIN PARCEL OF LAND; THENCE NORTH 360 201 35" EAST, DEPARTING SAID RIGHT OF WAY LINE, ALONG THE SOUTHEASTERLY LINE OF SAID CERTAIN PARCEL OF LAND, A DISTANCE OF 1067.00 FEET; THENCE NORTH 530 391 25" WEST, DEPARTING SAID SOUTHEASTERLY LINE, A DISTANCE OF 490.00 FEET; THENCE SOUTH 36 0 20' 35" WEST, A DISTANCE OF 1067.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 00 151 49" EAST, AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO; THENCE NORTH 53 0 17' 12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET, WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0 0 15' 49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0 0 13 19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 828.36 FEET 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 SAID STATE ROAD NO. 710; THENCE NORTH 53 0 17' 12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53 0 55 33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 65 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 540 201 02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11; THENCE NORTH 0 0 15' 35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 890 37' 49" EAST ALONG THE NORTH LINE OF SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0 0 13' 19" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00 15 49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 822.74 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541.

PARCEL 3:

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149

LEGAL DESCRIPTION

THROUGH 153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF 53 031 1 16" MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF 90 000'45" MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF 179 0 5730" MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PRECEDING COURSE OF 53 03301" MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT-OF-WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 0 26'59", A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 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, RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126 0 26'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET, TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947.34 FEET, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND

LEGAL DESCRIPTION

400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 327.15 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

EASEMENTS CONTAINED IN THAT CERTAIN ACCESS AND UTILITY EASEMENT AGREEMENT, FOR THE BENEFIT OF PARCEL 1, RECORDED IN OFFICIAL RECORDS BOOK 23829, PAGE 855, PUBLIC RECORDS OF PALM BEACH COUNTY,

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Moroso Investment Partners II, LLC (FL) - 1555 Palm Beach Lakes Blvd, Ste 1105, West Palm Beach, FL 33401

Palm Beach International Raceway, LLC (FL) - 1555 Palm Beach Lakes Blvd, Ste 1105, West Palm Beach, FL 33401

IRGSE Holding Corp. (DE) - 1555 Palm Beach Lakes Blvd, Ste 1105, West Palm Beach, FL 33401

IRGSE, LLC (DE) - 1555 Palm Beach Lakes Blvd, Ste 1105, West Palm Beach, FL 33401

Sixth Street Specialty Lending, Inc (NYSE: TSLX) - 2100 McKinney Avenue, Ste 1500, Dallas, TX 75201

Louis F. Partenza - 6446 Marbletree Lane, Lake Worth, FL 33467

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.

Louis F. Partenza
Louis F. Partenza, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

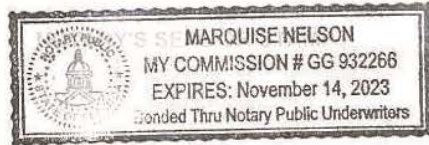
STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization, this 19th day of August, 2021 by Louis Partenza (name of person acknowledging). He/she is personally known to me or has produced drivers license (type of identification) as identification and did/did not take an oath (circle correct response).

Marquise Nelson
(Name - type, stamp or print clearly)

Marquise Nelson
(Signature)

My Commission Expires on: 11/14/2023



LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Palm Beach, State of Florida, and is described as follows:

PARCEL 1:

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF PALM BEACH INDUSTRIAL PARK, AS PREPARED BY BROCKWAY, WEBER & BROCKWAY, INC. DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH 00 0 04 54" EAST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH 89 55' 06" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (200 FOOT WIDE RIGHT OF WAY), (PER ROAD PLAT BOOK 2, PAGES 149-153 AND DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 53 0 39' 25" EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 36 20' 35" WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT OF WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 53 0 39' 25" WEST DEPARTING SAID EAST LINE AND ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT OF WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53 0 34 31" AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, THENCE NORTH 00 0 04' 54" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 11394, PAGE 1578, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH 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 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, 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 TO THE POINT OF BEGINNING.

LESS AND EXCEPT:

A PARCEL OF LAND LYING OVER AND ACROSS A PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 16360, PAGE 1150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION

COMMENCE AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 11 AND THE NORTHEASTERLY RIGHT OF WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) THENCE SOUTH 53 0 39' 25" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 759.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 53 0 39' 25" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE AND THE SOUTHWESTERLY LINE OF SAID CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 16360, PAGE 1150, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 490.00 FEET TO THE SOUTHERLY CORNER OF SAID CERTAIN PARCEL OF LAND; THENCE NORTH 36 0 20' 35" EAST, DEPARTING SAID RIGHT OF WAY LINE, ALONG THE SOUTHEASTERLY LINE OF SAID CERTAIN PARCEL OF LAND, A DISTANCE OF 1067.00 FEET; THENCE NORTH 53 0 39' 25" WEST, DEPARTING SAID SOUTHEASTERLY LINE, A DISTANCE OF 490.00 FEET; THENCE SOUTH 36 0 20' 35" WEST, A DISTANCE OF 1067.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 00 15' 49" EAST, AND ALL OTHER BEARINGS SHOWN HEREIN ARE RELATIVE THERETO; THENCE NORTH 53 0 17' 12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET, WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0 0 15' 49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0 0 13' 19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 828.36 FEET 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 SAID STATE ROAD NO. 710; THENCE NORTH 53 0 17' 12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53 0 55' 33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 65 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 54 0 20' 02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11; THENCE NORTH 0 0 15' 35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 89 0 37' 49" EAST ALONG THE NORTH LINE OF SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0 0 13' 19" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 00 15' 49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 822.74 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541.

PARCEL 3:

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149

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THROUGH 153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF 53 031 1 16" MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF 90 000'45" MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF 179 0 5730" MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PRECEDING COURSE OF 53 03301" MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT-OF-WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 0 26'59", A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

PARCEL 5:

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 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, RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126 0 26'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET, TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947.34 FEET, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND

LEGAL DESCRIPTION

400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 327.15 FEET TO THE POINT OF BEGINNING.

PARCEL 6:

EASEMENTS CONTAINED IN THAT CERTAIN ACCESS AND UTILITY EASEMENT AGREEMENT, FOR THE BENEFIT OF PARCEL 1, RECORDED IN OFFICIAL RECORDS BOOK 23829, PAGE 855, PUBLIC RECORDS OF PALM BEACH COUNTY,

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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Sixth Street Specialty Lending, Inc (NYSE: TSLX) -	2100 McKinney Avenue, Ste 1500, Dallas, TX 75201
Louis F. Partenza -	6446 Marbletree Lane, Lake Worth, FL 33467

Portman Industrial MUPD
Development Order Abandonment
Development Order Amendment
Type 2 Concurrent Variance
Subdivision Variance
Control Name Change
Control Number: 1997-00034
Application No.: SV/ZV/ABN/DOA 2021-01529
Submittal: September 7, 2021
Resubmittal: November 1, 2021
Resubmittal: December 28, 2021
Resubmittal: January 24, 2022
Minor Resubmittal: February 14, 2022



Urban Planning and Design
Landscape Architecture
Communication Graphics

OVERVIEW OF REQUESTS & PROPERTY INTRODUCTION

On behalf of the contract purchaser, Palm Beach Owner, LLC, Urban Design Studio (UDS) has prepared and hereby respectfully submits this application for this Development Order Amendment (DOA), Development Order Abandonment (ABN), Type 2 Variance (concurrent), Subdivision Variance (concurrent) and Control Name Change for Portman Industrial MUPD (the “Project”). The overall property associated with the existing MUPD zoning is 186.38 acres in size. However, the land area under contract to be purchased by the applicant 174.38± acres in size.

It MUPD is located on the north side of the Bee Line Highway, approximately 5,400 feet northwest of Pratt Whitney Rd. (the “Subject Property”), in the jurisdiction of unincorporated Palm Beach County (the “County”), and is within in the United Technologies Overlay within the County’s Limited Urban Service Area (LUSA). The subject property currently has a Future Land Use Atlas (FLUA) designation of Commercial Recreation with an underlying Industrial (CR/IND), Commercial High with an underlying Industrial (CH/IND) and Industrial (IND). The zoning on the parcel is Multiple Use Planned Development (MUPD) and is not proposed to be changed as part of this request. The site is identified in the Palm Beach County Property Appraisers records under Property Control Numbers 00-40-41-11-00-000-5010, 00-40-41-11-00-000-5020, 00-40-41-11-00-000-5030, 00-40-41-11-00-000-5040, 00-40-41-11-00-000-5050, 00-40-41-11-00-000-5060, 00-40-41-11-00-000-5080, 00-40-41-11-00-000-5090, 00-40-41-11-00-000-1010, 00-40-41-14-00-000-1010.

The site previously received approval from the Board of County Commissioners to allow the development of 400,701 square feet of buildings, as well as a racetrack that currently exists. That approval, known as Moroso Motorsports Park, consisted of 186.38 acres and included approval for various Requested Uses.

That previous approval has not been implemented and the previously approved Requested Uses will be abandoned as part of this application. The 186.38-acre property will be considered the “affected area” as directed by staff with an allocation of 12.00 acres of land area to future development which is owned by Gilco 1 Racing, LLC. This request will not

request any use nor assign any intensity for (PCN 00-40-41-11-00-000-5090). No changes to that parcels zoning district is proposed. The site plan will be reconfigured to reflect the proposed use of four (4) warehouse buildings totaling 2,118,196 square feet. At the request of the Survey Department, additional site tabular data has been depicted on the Preliminary Site Plan for consistency purposes with the future plat area.

Specifically, this request includes the following:

- Development Order Abandonment of the various requested uses including arena, auditorium or stadium, indoor/outdoor entertainment, auction outdoor, auto paint and body, convenience store with gas sales, manufacturing and processing, vehicle sales and rental, electronic message center and alternative sign plan as approved via R-2009-0505.
- Development Order Amendment to a previously approved MUPD
 - To reconfigure site plan to allow 4 warehouse buildings
 - and to add warehouse use and delete uses.;
- Concurrent Type 2 Variances for cross access and parking, compatibility and right of way buffers, and loading area screening from adjacent rights of ways. Further detail provided later in this justification;
- Concurrent Subdivision Variance to Art. 11.E.2.A.2.b to waive the requirement for access to each interior lot via a common parking lot to allow for future users to secure their buildings/facilities;
- Change of Control Name from Moroso Motorsports Park MUPD to Portman Industrial MUPD.

Pre-Application Meetings

A pre-application meeting was held with staff including zoning, planning, land development and ERM representatives on July 30, 2021 (notes included in the initial submittal on September 7, 2021). Various items were discussed including wetlands, proximity to the County's natural area, and impacts to site design, variances, foundation planting and architectural review exemptions for buildings not visible from the right of way, and drainage. Please know that while the staff notes reference that a wetland jurisdictional letter from SFWMD is required prior to certification, subsequent coordination with ERM has indicated that this will not be required in order for the project to move forward to public hearings, although the application will be pursuing such through DEP. Also, the staff notes made reference to a required 25% set-aside. The applicant has continued to coordinate directly with ERM on the project design.

A pre-application meeting was also held on site on August 31, 2021 with the applicant and representatives of both ERM and Landscape as required prior to the application submittal. A tree survey and Preliminary Regulating Plan with a Vegetation Disposition Table has submitted for consideration.

A follow up meeting was held with zoning staff on February 8, 2022 to discuss minor changes to the applications documents submitted herewith to potentially allow for certification for the project to move forward to hearings in April.

HISTORY

The subject property was approved as a Multiple Use Planned Development (MUPD) in 2009 with final site plan approval in 2014. This project was referred to as the Moroso Motorsports Park MUPD with multiple commercial, industrial and recreational uses spread throughout the site, which included a race track. Resolutions R-2009-0502, R-2009-0503 and R-2009-0505 were approved by the Board of County Commissions on March 30, 2009, and a prior Variance was granted by the Zoning Commission on March 4, 2009 via ZR-2009-012 which granted various variances, including the elimination of buffers along the adjacent natural area.

- R. The previous approval allowed for a maximum of 400,701 square feet throughout the buildings as well as a racetrack.

The table provided below reflects the previous approvals granted by Palm Beach County for the subject site:

Control No.	Request	Action	Date	Resolution/ Ordinance No.
1997-00034	Rezone to MUPD	Approved	April 2, 2009	R-2009-0502
1997-00034	Development Order Amendment	Approved	April 23, 2009	R-2009-0503
1997-00034	Requested Use – Various entertainment uses	Approved	April 23, 2009	R-2009-0505
1997-00034	Variances	Approved	April 23, 2009	ZR-2009-012

STATUS OF CONDITIONS OF APPROVAL

A status of the conditions of approval have been included with this application for all current zoning resolutions (reflected above). We are requesting the following:

- Abandonment of R-2009-0505 – Requested Uses

SURROUNDING USES

The following information is provided for the surrounding uses and previous approvals in the vicinity of the subject site:

[see next page]

Adjacent Property	FLU	Zoning District	Existing Use	Approved Use	Existing Sq. Ft. or CU/AC	Approved Sq. Ft. or DU/AC	Control # (FKA Petition #)	Resolution # R_
North	Conservation (CON)	Industrial Light (IL)	Pine Glades Natural Area	N/A	N/A	N/A	N/A	N/A
South	Industrial (IND)	Industrial General (IG)	Manufacturing Flight Test Center; Private Airport (Pratt & Whitney)	Manufacturing Flight Test Center; Private Air Port (Pratt & Whitney)	Confidential	<ul style="list-style-type: none"> Confidential 	Control No. 1978-00095	R-1978-0713
East	Conservation (CON)	Industrial Light (IL)	Pine Glades Natural Area	N/A	N/A	N/A	N/A	N/A
West	Conservation (CON)	Industrial Light (IL)	Pine Glades Natural Area	N/A	N/A	N/A	N/A	N/A
	Industrial (IND)	Industrial Light (IL)	Research & Development	N/A	6,000 sq.ft.	N/A	N/A	N/A

- **North:** To the north of the subject property across a 40' right-of-way is one (1) property (details below):
 - **PCN 00404102000009010:** This is an approximately 581.5-acre property owned by Palm Beach County, has a FLUA designation of Conservation (CON) and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area. There are no prior zoning approvals on this property;
- **South:** To the south of the subject property, across Bee Line Hwy a right-of-way classified as an Urban Principal Arterial with an ultimate width of 200'), as well as the CSX railway with a width of 200' are two (2) properties (details below):
 - **PCN's: 00-40-41-13-00-000-3010:** This parcel is a portion of Pratt & Whitney which is owned by Raytheon Technologies Corp and is approximately 901.61 acres and has a FLUA designation of Industrial (IND) and is within the Industrial General (IG) zoning district. Details as to development are confidential.
 - **PCN: 00-40-41-03-00-000-9020:** This parcel is a portion of Pratt & Whitney which is owned by Raytheon Technologies Corp and is approximately 4,897.75 acres and has a FLUA designation of Industrial (IND) and is within the Industrial General (IG) zoning district. Details as to development are confidential.
 - **South:** To the immediate south of the subject property, north of the Bee Line Hwy are two parcels not included in the request that are bounded by the subject site:
 - **PCN 00-40-41-11-00-000-5070:** This 15.01-acre parcel has a land use of IND and IL zoning, is under the ownership of Upcoming Dev, LLC and is currently vacant.
- **East:** To the east of the subject property, across a 40' right-of-way are three (3) properties (details below):
 - **PCN's: 00-40-41-12-00-000-9010:** This is an approximately 320.75-acre property owned by Palm Beach County, has a FLUA designation of Conservation (CON) and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area. There are no prior zoning approvals on this property;
 - **PCN 00-40-41-13-00-000-1010:** This is an approximately 175.17-acre property owned by Palm Beach County, has a FLUA designation of Conservation (CON) and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area. There are no prior zoning approvals on this property;
 - **PCN 00-40-41-13-00-000-1020:** This is an approximately 133.79-acre property owned by Palm Beach County, has a FLUA designation of Conservation (CON) and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area. There are no prior zoning approvals on this property;
- **West:** To the west of the subject property are six (6) properties (details below):
 - **PCN 00-40-41-11-00-000-3040:** This approximately 35.4-acre property is currently owned by Palm Beach County, has a FLUA designation of Conservation (CON), and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area.
 - **PCN 00-40-41-11-00-000-3040:** This approximately 35.4-acre property is currently owned by Palm Beach County, has a FLUA designation of Conservation (CON), and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area.
 - **PCN 00-40-41-11-00-000-3040:** This approximately 17.07-acre property is

- currently owned by Palm Beach County, has a FLUA designation of Conservation (CON), and is within the Industrial Light (IL) Zoning District. This property is part of the Pine Glades Natural Area.
- **PCN 00-40-41-11-00-000-7020:** This approximately 4.69-acre property is currently owned by VLC Technologies and has a FLUA designation of Industrial (IND) and is within the Industrial Light (IL) zoning district. This property has approximately 6,000 sq. ft. of office.
 - **PCN 00-40-41-11-00-000-7010:** This approximately 5-acre property is currently owned by 1992 Trust and has a FLUA designation of Industrial (IND) and is within the Industrial Light (IL) zoning district. There are no prior zoning approvals on this property;
 - **PCN 00-40-41-11-00-000-7030:** his approximately 5-acre property is currently owned by DC Land Holdings and has a FLUA designation of Industrial (IND) and is within the Industrial Light (IL) zoning district. There are no prior zoning approvals on this property;

Based on the intensity of the non-residential uses to the south, the distance from developments on the north side of at least 6.1 miles, the distance of non-residential development of approximately 1.25 miles to the east and existing manufacturing and office uses to the west, the proposed use is compatible with the development pattern in the area. In regard to the existing wetlands on the north, east and west sides, as part of the zoning process, buffering, setbacks, etc. will be addressed to assure there is no negative impact to the wetlands/ Pine Glades Natural Area.

CODE ENFORCEMENT

Staff has made the agent aware that there are current code enforcement violations on the land area (C-2020-06220013) for structures without permits and for inactive or expired permits. An agreed order was approved by the Special Magistrate on January 13, 2021, which allowed for 365 days to cure the violation. The applicant and counsel for the current owners met with County staff on January 13, 2021 to discuss the status of the efforts to cure the violations and the ability for this application to move forward in the zoning process. It was determined that the application can proceed in the process and staff, the owner and the contract purchaser/applicant will work to craft a condition of approval acceptable to the County during the formulation of the staff report to assure compliance with the agreed order.

The notice of violation (C-2020-06220013), dated 06/24.2020, consists of the following:

1. A large membrane structure that has been erected or installed without a valid building permit.
2. A metal container with viewing area has been erected or installed without a building permit.
3. A second metal container with viewing area has been erected or installed without a valid building permit.
4. The grandstand placed on top of the trailer has been erected or installed without a building permit.
5. Permit #B-2019-000358-0000 Parking/Paving, E-2009-014273-0000 Electrical, B-

2008-025190-0000 Road course press tower, B-2008-018080-0000 Replace electronic score tower, B-2008-012438-0000 Demolition building D, has become inactive or expired.

As part of the resubmittal dated 01/24/2022, the applicant submitted a copy of the violation and the agreed order. Again, a condition of approval will be crafted, requiring a compliance timeframe based on the anticipated purchase of the property by the applicant, and the cessation of the current use on the property, a date certain date or a combination of these items.

CONCURRENCY

Concurrency is being requested for the 2,118,196 sq. ft. Industrial facility. Included with this request are the following documents related to the impact of the proposed project on public facilities:

Drainage: Please see Drainage Statement prepared by Kimley Horn in which the details of the proposed drainage system are provided.

Traffic: Please see Traffic Statement prepared by Kimley Horn which concludes that the proposed project meets County Traffic Performance Standards.

Water/Wastewater: A letter from Palm Beach County Water Utilities Department dated August 10, 2021 has been included with this request that confirms the subject site is located within the Palm Beach County utility service area and with connections will have the capacity to provide the level of service required for a 2,145,528 square foot Warehouse facility, the size of the facility has since been reduced to 2,118,196 square feet. All materials required to request a Utility Concurrency Letter from utilities has been submitted and should be approved in the next round of staff review for this application to be certified.

SITE DESIGN

The development is proposed to consist of four (4) industrial warehouse buildings with accessory office as follows:

Building A: 145,599 square feet consisting of 131,039 square feet of warehouse and 14,560 square feet of accessory office.

Building B: 241,371 square feet consisting of 217,371 square feet of warehouse and 24,000 square feet of accessory office.

Building C: 811,343 square feet consisting of 786,343 square feet of warehouse and 25,000 square feet of accessory office.

Building D: 919,883 square feet consisting of 894,883 square feet of warehouse and 25,000 square feet of accessory office.

The main access to the 174.38± acre property to be developed is currently existing from the south via an ingress/egress point from/to Bee Line Hwy (a R-O-W with an ultimate width of 200 feet and defined as an Urban Principal Arterial). In addition to the main accessway, there are 5 other ingress/egress accessways along Bee Line Hwy. This application proposes the removal/ closure of three access points creating a total of three (3) entrances from the Bee Line. An additional access point from the 80' right of way adjacent to the west property line is also proposed. These access points will provide access to the proposed buildings, parking lots, and loading areas. Per the Traffic Study, the Palm Beach County "Guide to Parking Lot and Street Access Design Criteria and Standards" provides guidance on the provision of turn lanes at site driveways. According to the standards in this document, the volume thresholds for providing exclusive turn lanes are as follows:

- Right-turn Lane – 75 peak hour right turns, with driveway volumes that exceed 1,000 trips per day, and average daily traffic volumes that exceed 10,000 vehicles per day.
- Left-turn Lane – 30 peak hour left turns.

The area unaffected by any site redesign includes the existing 577,322 sq. ft. or 13.25 acres of wetlands. However, any wetland areas within the 500-foot native vegetation buffer as required through ULDC Art. 14.D.5.A will be cleared of invasive species. Additionally, 35.46 acres of water surface area will be restored on site. The majority of the site will be cleared and redeveloped with the proposed warehouse use and needed structures including parking, drive lanes, fences, lighting, signage, etc. As discussed at the pre-application meeting with ERM, a wetland/ FLUCCS Map was included in these application materials.

Please note that the plans submitted do address a comment from Land Development to depict the ultimate right of way for the Beeline Highway as measured from the current south right of way line. This results in a total dedication depicted of 40' where the prior and current approval for the site was only required to dedicate 20'. The applicant understands that the Engineering Division is in the process of coordinating with the FDOT in regard to whether this additional right of way is needed. Should in the future it be determined that only 20' would be an acceptable dedication, the applicant would request consideration of staff crafting a condition of approval that would allow for a redesign, which would also allow for an increase in square footage based on an approved revised traffic report, via an administrative process.

PHASING

The project is proposed to be phased with Buildings A, B and D included in Phase 1, Building C in Phase 2 and the future development for the 12.00 acres not being purchased by the applicant in Phase 3. The ULDC does allow for administrative changes to phasing in the future should it be desired.

PARKING & LOADING

As referenced above, the site was previously developed as various commercial recreation uses including; arena, auditorium, indoor and outdoor entertainment, auction, auto paint and body, convenience store with gas sales, manufacturing and processing, vehicle sales and

rental; and electronic message center. These uses are proposed to be abandoned under this application and would therefore not be part of the new application and all parking requirements are subject to current regulations for the proposed use of warehouse and accessory office. The parking for the warehouse, which is considered an industrial use, is being calculated under the current code requirements based on the following:

1 parking space per 250 sq. ft. of Office space at 88,560 sq. ft. = 354 spaces
1 parking space per 2,000 sq. ft. of Warehouse at 2,029,636 sq. ft. = 1,015 parking spaces

This results in a total amount of required parking of 1,369, and 1,445 spaces are provided. This additional parking will provide some flexibility should additional office be proposed by the ultimate users in any of the building as the amount currently proposed (approximately 5%) is well below the code allowed 30%.

Per the requirements of Table 6.E.4.A.. Dimensions, Loading Standards of the ULDC, a total of forty-four (44) 15' by 55' loading spaces are required for the proposed warehouse and office use on the subject property, and 415 are provided to support the warehouse operations. No loading space reductions are proposed or requested.

LANDSCAPE BUFFERS

Below is a description of the perimeter landscape that the applicant is proposing to buffer the subject property from adjacent properties to the north, south, east and west.

North: Variances are being requested on the north property line north of the existing track to eliminate the required right of way buffer in this area, and also to the north of parcel control numbers 00-40-41-11-00-000-5030/5060 to eliminate the required compatibility buffer. Both these areas are adjacent to the Pine Glades Natural Area and were granted variances to these buffers with the previous approval for Moroso.

South: Twenty foot wide right of way buffers, with a five-foot overlap into the proposed 10' utility easement, are provided along the Bee Line Highway frontage as required by Code.

East: A variance to eliminate the required compatibility buffer along the east property line where adjacent to the Pine Glades Natural Area is being requested, also consistent with the variance previously granted.

A variance is also being requested along the majority of 'internal' eastern property line adjacent to the west property line of property control number 00-40-41-11-00-000-5070. This is being requested as the site plan depicts the wetlands currently existing on site to remain. This is a new variance request compared to the Moroso Plan as that plan did not propose to preserve the wetlands in this area. The compatibility buffer is proposed along the south approximately 130' feet of this property line where the land area was previously developed.

West:

A variance is proposed to the requirement for right of way buffer required along the west property line where adjacent to the Pine Glades Natural Area, again consistent with what was granted with the prior approval. A variance to the compatibility buffer requirement for the south portion of this property line is also requested where not adjacent to right of way.

A 15' right of way buffer is provided along the south approximately 130 feet of the west property line where adjacent to the 80' right of way. A variance is being requested to that buffer requirement along the north portion of that property line where the applicant intends on maintaining existing wetlands that will serve as a buffer.

Eight-foot (8') compatibility buffers are provided on either side of the main entry drive from the Bee Line Highway.

FOUNDATION PLANTING/ARCHITECTURAL REVIEW

The applicant intends on utilizing the exemption in Article 7.C.3.B.2. and 5.C.1.C.1. that exempts industrial buildings from foundation planting and architectural review requirements that are not visible from a public street or residential zoning districts. This would be applicable to only Buildings C and D. A visual impact analysis is provided with the application materials with cross sections from the Beeline to these buildings to support the use of these exemptions for those specific buildings. As the 'front' of Building B (north side) is also clearly not visible from the BeeLine and screened from the right of way to the west via wetlands, it is also proposed that façade also be exempt.

PLATTING

The property has not been platted but is part of the Palm Beach Industrial Park Unrecorded plat. However, a boundary plat will be prepared and processed following DRO Off the Board Site Plan approval. The boundary plat is based on the platting exemption. The site plan does include the platting exemption notation to allow for the transfer of parcels via a metes and bounds transfer. Industrial developments such as this attract users that the majority of the time do not allow for cross access or shared parking due to security reasons. Variances to the applicable portions of Article 11, which would allow the development to use the platting exemption are included in this request.

CROSS ACCESS

Cross access for the MUPD zoning designation is required in Article 3.B.2.d. Cross Access of the Unified Land Development Code and provides the following requirement:

Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

Currently, the Gilco 1 Racing, LLC property, also identified as 00-40-41-11-00-000-5090, has an access agreement with the rest of the currently approved MUPD which allows vehicular and pedestrian access through parcel 00-40-41-11-00-000-5080. This easement is recorded in official records book 23829/826 and has been included in this application's materials. Additionally, an access easement from Gilco to Moroso as recorded in Official Records Book 23829/855 has also been submitted.

The proposed site plan conceptually provides for two access points for the Gilco 1 Racing property since they are not provided access off of Bee Line Hwy. The aforementioned easement recorded in 23829/855 did reference the provision for two access points 24' in width. It is anticipated that the locations can be amended in the future based on the ultimate design of the future improvements on the Gilco parcel, however, this easement does mandate the access be provided.

Additionally, there is another adjacent parcel on the southern portion of the site identified by PCN 00404111000005070 that is not part of the approved MUPD and which may or may not have direct access from the Bee Line. Based on input from the Planning Division, it is anticipated that a condition of approval will be imposed to provide for future access to this parcel in compliance with policies 4.3-g. and 4.4.7-b.3. of the Plan and the preliminary site plan does depict an access to this property through the MUPD.

Please note that it appears that parcel has a considerable amount of wetlands on site. For further information regarding cross access to County owned adjacent property, see variances 1 and 2.

DEVELOPMENT ORDER ABANDONMENT:

The applicant is requesting to abandon the Requested Use approvals granted in R-2009-0505 in order to allow for redevelopment of the property with warehouse/accessory office uses. The use approval allowed for arena; auditorium or stadium; entertainment, outdoor; entertainment, indoor; auction, outdoor; auto paint and body; convenience store with gas sales; manufacturing and processing; vehicle sales and rental; electronic message center; and to allow an alternative sign plan.

This request is consistent with the standards required per Article 2.B.7.F.6. as provided below:

When considering an ABN application, the BCC and ZC shall consider the standards indicated below.

a. Consistency with the Plan The proposed abandonment is consistent with the Plan.

Response: The abandonment of the approved Requested Uses is consistent with the Plan as while they are permitted in the property's current zoning, they are not required and the proposed use is also consistent with the IND land use on the property.

b. Consistency with the Code The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new nonconformities.

Response: The abandonment of the approved Requested Uses is consistent with the Code as while they are permitted in the property's current land use, they are not required and the proposed use is also consistent with the IND MUPD zoning on the property

c. Adequate Public Facilities The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

Response: The applicant acknowledges that the concurrency associated with the Requested Uses which were not implemented and are abandoned will no longer be valid.

d. Changed Conditions or Circumstances There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

Response: There are changed circumstances in that the owner of the subject property has elected to place the property up for sale. Additionally, there is a need for large industrial sites within the county given the build out of Palm Beach Park of Commerce and lack of industrial space and land available within northern Palm Beach County.

DEVELOPMENT ORDER AMENDMENT (DOA):

This request is consistent with the standards required per Article 2.B.7.B.2. as provided below:

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 intensities of use.

The DOA for this MUPD will utilize the property's IND land use that exists today, already deemed appropriate for the property and the proposed development and uses are not inconsistent with the United Technologies Overlay and the Limited Urban Service Area (LUSA) which applies to the parcel allows for the development which would be dependent upon utilities being provided to the project.

Policy 2.2.4-a of the County's Comprehensive Plan states "The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land." Allowing for the use of the property for industrial purposes, in this

case warehouse with accessory office, is consistent with the Plan, within the confines of the FAR permitted.

Finally, the proposed development is consistent with Conservation Element Policy 2.2-e in that a buffer zone is being provided in that all invasive plant material within 500 feet of the areas adjacent to the Pine Glades Natural Area will be required to be removed. Additionally, the applicant has been in coordination with ERM and provided revised site plan design to allow for the preservation of additional plant material and provided minimum 50' wide natural area buffers along the east, west, and north property lines where adjacent to the natural area.

2. Consistency with the Code: The proposed use and amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

The proposal is not in conflict with any portion of the Code, with the granting of the variances. While an increase in intensity is proposed, it is within the FAR and lot coverage thresholds for a warehouse use located within an Industrial FLU. The parking provided is also within the limitations of the Code for warehouse with accessory office uses, and all Code required setbacks associated with the proposed building are met. The proposed uses will comply with applicable standards and provisions of this Code for use, layout, function, and general development characteristics.

The proposed use of warehouse with accessory office is permitted within an IND MUPD pursuant to Table 4.B.5.A. – Industrial Use Matrix. Furthermore, the supplemental regulations for the use contained in 4.B.5.C.17 are addressed below for code consistency.

17. Warehouse

a. Definition An establishment used for the storage of raw materials, equipment, or products. *The use will comply by storing raw materials, equipment or products.*

b. Typical Uses Typical uses include moving companies, cold storage, and dead storage facilities, but excludes Self-Service Storage facilities. *Storage of the aforementioned products is consistent with the code and the use is not considered a Self-Service Storage facility.*

c. Overlay – WCRAO Office/Warehouse uses shall be allowed as specified in Table 3.B.14.E, WCRAO Sub-area Use Regulations. The Office/Warehouse development shall have a minimum of 25 percent office space per gross floor area for each bay. *Not applicable as this project is not located within the WCRAO.*

d. Zoning Districts with a CH FLU Designation

A facility located in these zoning districts: CG, IRO, MUPD, or Commercial Pod of a PIPD shall comply with the following additional requirements: [Ord. 2020-001] [Ord. 2021-023]

1) Outdoor Storage and activities shall be prohibited. [Ord. 2020-001] *Not applicable as this is not a CH land use designated parcel.*

e. Accessory Use 1) Office Unless approved as a Class A Conditional Use, or as specified in the Overlay – WCRAO standard, office space in each Warehouse Bay shall be a maximum of 30 percent of the GFA of that bay. [Ord. 2020-001] *Not applicable as the project is not in the WCRAO.*

2) General Retail Sales shall be prohibited, except where allowed in conjunction with flex space. [Ord. 2020- 001] [Ord. 2021-006] *No retail sales are proposed, nor flex space.*

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

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The site is also in the United Technologies Overlay. **FLUE Objective 1.7 states that** “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.” The proposed amendment is compatible with the adjacent and surrounding properties specifically because of its close proximity to Pratt & Whitney as well as Palm Beach Park of Commerce. Additionally, the ULDC will require appropriate buffers, setbacks, etc., to mitigate any impact on the surrounding wetlands. The surrounding uses are consistent and compatible with the proposed development program. The placement of the buildings throughout the site is intended to reduce impacts to surrounding wetlands and property owners. Please refer to the surrounding uses discussion provided above for a description of the uses on the adjacent properties:

4. Design Minimizes Adverse Impact. The design of the proposed use minimizes environmental impacts, including visual impact and intensity of the proposed use on adjacent lands.

The design of the subject property has incorporated the required perimeter buffers, wetland buffers, ROW buffers, and compatibility buffers including the enhanced 30’ Buffer along Lake Worth Road per the WLWNP. Furthermore, where adjacent to wetlands, there is a 25-foot additional buffer internal to the site. In addition, due to the adjacent Pine Glades Natural Area, the proposed subject property is subject to the 500-foot native vegetation buffer of which the applicant will be clearing any invasive species. While mitigation is proposed for some wetlands, the design accommodates a significant amount of wetlands that will remain and serve as buffers to adjacent property as well. The design of the proposed use minimizes environmental impacts, including visual impact and intensity of the proposed use on adjacent lands.

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

The subject property was designed to preserve the existing wetland located adjacent to the east, north and west property lines and any invasive species within 500 feet of the Pine Glades Natural Area will be removed as well. Existing trees will be preserved, relocated and/or mitigated. A Vegetation Disposition Chart has been included and coordination with ERM and Landscape will be ongoing during the project review. The variances requested for the buffers adjacent to the natural area where previously granted, and the staff report for that approval indicated that support from ERM was in part due to the concern of placing additional plant material along these areas and the impact that controlled burns in the natural area could potentially have on the material.

6. Development Patterns:

Along the Bee Line Hwy in the immediate area there are varying Industrial intensities and a mix of non-residential future land use designations near the subject site. This area of unincorporated Palm Beach County is predominantly built with industrial and heavy commercial uses. These include:

- Pratt & Whitney
- Palm Beach Park of Commerce

The introduction of warehouse/accessory office will be consistent with the development pattern in the area and the provisions of the UT Overlay

7. Adequate Public Facilities: The proposed amendment complies with Art. 2.F. Concurrency (Adequate Public Facility Standards)

Concurrency is being requested for the 2,118,196 sq. ft. industrial facility proposed by this request. The Traffic Impact Statement being submitted includes the above referenced existing and proposed uses. The subject parcel is located within the boundaries of Palm Beach County Water Utilities Department service area. Currently the nearest potable water is 12" watermain located approximately 5300' SE of the subject property along Bee Line Hwy. The nearest sanitary sewer is and 18" force main approximately 5500' SE of the subject property along Bee Line Hwy. The applicant is aware of the responsibility of connecting to these facilities and has prepared for the connections to run the entirety of the length of the property along Bee Line Hwy, an approximate 3,200' in addition to the connections needed to make to the existing service lines. There are no adverse impacts on public facilities anticipated from this development and traffic and drainage reports prepared by Kimley Horn have been included in the application materials.

8. Changed Conditions or Circumstances: There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

Additionally, there is a need for large industrial sites within the county given the build out of Palm Beach Park of Commerce and lack of industrial industrial space and land

available within northern Palm Beach County. The Covid crisis has also resulted in a heavier reliance by consumers for on-line purchases which is anticipated to continue, to create a demand for larger warehouse buildings/facilities which require significant land area that is not readily available within other areas of the Urban/Suburban Tier of the County.

PLANNED DEVELOPMENT DISTRICT:

Article 3.E.1.C. requires all planned developments to comply with the following Design objectives and standards. Please note that the property is already an approved PDD as a MUPD. However, the request to abandon the requested uses, introduce a new use, and reconfigure the site plan requires the following standards to be re-addressed. Responses are provided below:

1. Design Objectives

Planned developments shall comply with the following objectives:

- a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;**

The proposed PDD contains sufficient depth, width and frontage on Bee Line Hwy in compliance with the MUPD requirements. Additionally, Bee Line Hwy is reflected on the PBC Thoroughfare Identification Map as a 240-foot right of way and is classified as a Rural Principal Arterial (R-PA).

- b. Provide a continuous, non-vehicular and pedestrian circulation systems which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;**

The proposed PDD includes a continuous non-vehicular and pedestrian circulation system which connects the uses and public entrances to the existing and proposed buildings on the site. No Recreation areas are required but pedestrian amenities are provided for each building. Cross access is being provided to the Gilco parcel, and a variance being requested for the other parcel not included in the development along the Bee Line. Due to the nature of the development, it is not appropriate to provide cross access to the natural area.

- c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;**

Continuous pedestrian and non-vehicular circulation systems throughout the development is provided. The internal sidewalk system connects with pedestrian pathway using an internal connection is also provided internal to the project between each building.

- d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;**

The subject property was designed to preserve existing wetlands located on the west, north, and east sides as well comply with the requirements of the 500' buffer by removing invasive species. The applicant has previously met with ERM and Landscape in regard to design to the disposition of existing trees.

- e. Screen objectionable features (e.g., mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;**
All mechanical equipment will be screened including loading/delivery areas visible from a street right of way, storage areas, dumpsters and compactors from public view and control objectionable sound.
- f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs, and other primary elements to minimize the potential for any adverse impact on adjacent properties;**
The proposed warehouse buildings have been designed and located to comply with these requirements and minimize the potential for any adverse impact on the adjacent properties.
- g. Minimize parking through shared parking and mix of uses;**
The site is in compliance with the parking requirements as discussed previously in the parking and loading section. As a variance is being requested to the requirement for cross/shared parking, each of the buildings is supported by the amount of parking required.
- h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and,**
The proposed internal walkway system will allow for efficient pedestrian circulation throughout the site and will for a sidewalk connection to the Bee Line Highway.
- i. For PDDs with non-residential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:**
 - 1) public art;**
 - 2) clock tower;**
 - 3) water feature/fountain;**
 - 4) outdoor patio, courtyard, or plaza; and,**
 - 5) tables with umbrellas for open air eating in common areas and not associated with tenant use (i.e., restaurant) or outdoor furniture.**
The site plan reflects pedestrian amenities which include umbrella covered seating areas and pedestrian connections throughout the site.

2. Performance Standards

Planned developments shall comply with the following standards:

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street unless stated otherwise herein;

The site exceeds the minimum of 200 linear feet of frontage along the Beeline Hwy with approximately 1,900 feet of frontage.

2) PDDs shall have legal access on an Arterial or Collector Street;

Legal access is provided via Bee Line Hwy which is classified as a Rural Principal Arterial. Access is also provided via the 80' right of way to the west of the property.

- 3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;**

Vehicular access and circulation have been designed to comply with this requirement.

- 4) Traffic improvements shall be provided to accommodate the projected traffic impact;**

Traffic Improvements will be provided to accommodate the project traffic impact.

- 5) Cul-de-sacs**

The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of Local Streets that can terminate in cul-de-sacs, the Applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Art. 1, General Provisions of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead-end streets.

This standard is not applicable to this project.

- 6) Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;**

There are two non-residential properties adjacent to the subject site. One property along Bee Line Hwy will be given two access points, one on the west side and one on the east side of their property to ensure they have access to Bee Line Hwy. This property, owned by Gilco 1 Racing LLC, further identified by PCN 00-40-41-11-00-000-5090, does not have direct access to Bee Line Hwy.

The other property is near the southeast portion of the subject property and owned by Upcoming Dev, LLC, further identified by 00-40-41-11-00-000-5070. The subject site includes existing wetlands that are located along the majority of the west property line, making it impossible to provide cross access to the west. Please refer to the "Cross Section Access" section of

this narrative for additional information. Due to the existing built environment on the subject property, the applicant hereby requests from the DRO that a cross connection not be required between the subject property and this parcel. The provision of access to this parcel is also impacted by existing wetlands on that property and the lack of a site design or use being defined. In an abundance of caution, a variance has been requested, but should it be determined, that Zoning can waive the cross-access requirement, the application would want to reserve the right to amend the application and withdraw that variance.

7) Streets shall not be designed nor constructed in a manner which Adversely impacts drainage in or adjacent to the project; and,

The proposed development will comply with this requirement. Please note that no streets are proposed to be platted within the development – only driveway access will be provided.

8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.

This standard is not applicable to this project as no public streets are located in the project.

b. Street Lighting

Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.

Although no streets are proposed, the development will comply with ULDC lighting standards as required at permit.

c. Median Landscaping

Refer to the most recent Engineering and Public Works Operations – Streetscape Standards available from the PBC Engineering Department.

The applicant will comply with any required conditions in regard to median landscape in the Beeline Highway as permitted by the ULDC.

d. Street Trees

Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows

This standard is not applicable to this project as no dedicated streets are located in the project.

- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art. 11, Subdivision, Platting, and Required Improvements.**

This standard is not applicable to this project.

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting, and Required Improvements.

This standard is not applicable to this project as no dedicated streets are located in the project.

f. Mass Transit

All non-residential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

1) The location of a Bus Stop Boarding and Alighting Area shall be shown on the Master Plan and/or Final Site Plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;

2) Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,

3) All PDDs with more than 100 units shall comply with the following requirement:

Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved mass transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

The project is in compliance with this requirement as a Palm Tran Easement is located on Bee Line Hwy just north of the main site entrance. The project is not residential in nature.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

1) Exceptions

- a) **Primary facilities and high voltage wires.**
- b) **Lift stations, transformers, and other above-ground structures necessary for the function of utility services. Such above-ground structures shall be screened from view from adjacent R-O-W by landscaping, fences, walls, or combination.**

The project will comply with this requirement.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Art. 6, Parking. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Non-Residential Uses

Non-residential uses located within a PDD may apply the parking standards indicated in Table 6.B.1.B, Minimum Off-Street Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

a) Minimum/Maximum Parking Standards

- (1) Minimum: one space per 2000 square feet of GFA (1/2,000) for warehouse use and one space per 250 square feet of GFA (1/250) of office.**

See Parking and Loading section. The project is electing not to utilize the minimum maximum standards.

b) Exceptions MLU/EDC

Parking for large scale and regional facilities in excess of 500,000 gross square feet may be reduced to one space per 333.33 square feet of GFA (3/1,000).

This standard is not applicable to this project.

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

The project will comply with this requirement.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

The preliminary site plan allows for cross access to both the Gilco Parcel and the Upcoming Dev parcel as well. Final locations could be adjusted at the time of the development order amendment application to allow for entitlements on that the Gilco Parcel and at the time of any proposed future development for the Upcoming Dev Parcel.

5) Location – Non-Residential PDDs

A minimum of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

The project complies with this requirement.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

a) Remote Parking Areas

Paved pedestrian pathways shall be provided to all parking areas in excess of 400 feet from a public entrance. Pathways shall be unobstructed grade separated and/or protected by curbs, except when traversing a vehicular uses area, and clearly marked.

The project complies with this requirement.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

The proposed signage will comply with applicable code sections.

j. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5.B.1.A.19, Permanent Generators.

This standard is not applicable to this project.

MULTIPLE USE PLANNED DEVELOPMENT DESIGN OBJECTIVES AND PERFORMANCE STANDARDS – ARTICLE 3.E.3.B.

The proposed MUPD complies with the following Objectives and Performance Standards as provided below:

1. Design Objectives: The proposed project meets the design objectives of the ULDC for MUPD's as follows:

a. Allow for both residential and non-residential uses within a project that is designed in a manner to foster compatibility within and adjacent to the project;

Table 4.B.1.A. Residential Use Matrix provides that residential uses within an MUPD may only be permitted when density is available through an underlying Residential or Agricultural Reserve Future Land Use Designation. The site has an underlying future land use designation of CH/IND, CR/IND. No residential uses are proposed. The proposed use is compatible with the surroundings and of similar use to Pratt & Whitney and Palm Beach Park of Commerce. Therefore, this proposal is in compliance with this requirement.

b. Provide innovative building location and orientation;

The proposed warehouse buildings are designed to allow for maximum square footage while reducing impacts to the surrounding wetlands and natural area. The site is of sufficient size to accommodate the four buildings and provides for the

closest building to the right of way of the Beeline, Building A, to front on the roadway, and provides for compliance with the architectural design guidelines in Article 5.C.

- c. Protect adjacent residential uses from potential adverse impacts;**
The subject property is surrounded by wetlands (Pine Glade natural area) completely on the north and east sides and partially on the western side and not adjacent to residential uses.
- d. Provide interconnection between uses in and adjacent to the project.**
The only adjacent and accessible non-residential use is located north west of the subject property connected to a ROW. The site includes storage for fireworks. Other surrounding properties including wetlands that are part of Pine Glades natural area. There are two properties in close proximity to the subject property, one of which was previously part of the Moroso Motorsports Park MUPD approval in 2014. It is the intent of the new request to provide two access points for the property owned by Gilco 1 Racing, LLC, further identified by PCN 00-40-41-11-00-000-5090. Please refer to the "Cross Access" section of this narrative for additional information. Due to the existing built environment on the subject property, the applicant hereby requests from the DRO that a cross connection not be required between Portman Industrial MUPD and PCN 00-40-41-11-00-000-5070, owned by Upcoming Dev, LLC. A variance has been requested in an abundance of caution. There are no other adjacent uses that could provide interconnection of uses. A continuous pedestrian and non-vehicular circulation systems is proposed throughout the proposed development.
- e. Allow for landscape design that enhances the appearance of the project.**
The affected area will include code required landscape buffers along the southernmost portion adjacent to Beeline Hwy, as well as existing landscaping surrounding the entire property, which is predominantly located adjacent to wetlands with a perimeter canal as well as landscape islands and foundation planting areas as required by code for the proposed warehouse. Building A, fronting the Beeline, as well as the sides of Building B, are visible from the street and will provide for the code required foundation planting. Landscape plans will be provided at the time of building permits, which will continue to enhance the appearance of the project.
- f. An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution and storage of products**
Not applicable.

Performance Standards: The Performance Standards for MUPD's are addressed below:

- a. Non-Vehicular Circulation – A MUPD shall be designed to provide for pedestrian and bicycle-oriented circulation system throughout the**

development. Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete or similar pavement treatment.

The internal sidewalk system connects the four buildings with a proposed 5-foot-wide pedestrian pathway. Any new, crosswalks within the development will be accented with special pavers, bricks, decorative concrete, stamped concrete or similar decorative treatment as required.

- b. Landscape Buffers – A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation.**

Not applicable.

- c. Cross Access – Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a non-residential FLU designation, if required by the DRO.**

The only adjacent non-residential parcel not included in the MUPDA is located near the southern portion of the subject property along the Beeline Hwy. It is anticipated that a condition of approval to provide access to this parcel will be imposed and included in the development order.

In regard to the Gilco parcel, which is within the boundary of the MUPD, two access points will be provided to that property which are conceptually located on the preliminary site plan and memorialized in a current access easement.

- d. Parking and Loading – Off street parking areas shall comply with Article 6, Parking, Article 7, Landscaping.**

The ABN and DOA would result in an entirely new use of warehouse with accessory office and is in compliance with the current standards as set forth in 6.B.1.B. See parking and loading section.

The proposed Site Plan complies with all Parking and loading Area requirements for the affected area.

TYPE 2 (CONCURRENT) ZONING VARIANCE

Concurrent Type 2 Zoning Variances are being requested from the following Palm Beach County ULDC Provisions.

VARIANCE No.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
1	3.E.1. C.2. a.6	Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;	No cross access to adjacent parcels under Palm Beach County ownership	100%
2	3.E.3. B.2. C.	Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between an MUPD and adjacent land with a nonresidential FLU designation, <u>if required by the DRO</u> . The cross access shall be in a location and manner acceptable to the DRO.	No cross access to adjacent parcels under Palm Beach County ownership	100%
3A	6.E.4.A.3.b.	Loading spaces, docks, and associated maneuvering areas visible from a street ROW to be screened from view by buildings a minimum of 12' in height, or a wall in combination with landscape material.	Eliminate screening requirement adjacent to ROW on the north, east and west where adjacent to parcels under Palm Beach County ownership	100%
3B	6.E.4.A.3.b.	Loading spaces, docks, and associated maneuvering areas visible from a street ROW to be screened from view by buildings a minimum of 12' in height, or a wall in combination with landscape material.	Eliminate screening requirement for Loading spaces, docks, and associated maneuvering areas visible from the public ROW on the west property line.	100%

VARIANCE No.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
4A	7.B.2. B.3.	The minimum width of a Compatibility Buffer is eight feet.	No compatibility buffer on the internal west property line where adjacent to on site wetlands or PCN 00-40-41-11-00-000-5070.	8 feet/100%
4B	7.B.2. B.3.	The minimum width of a Compatibility Buffer is eight feet.	No compatibility buffer to the northwest where contiguous to Pine Glades Natural Area and on-site wetlands.	8 feet/100%
5A	7.C.2. A.3	The width of the R-O-W Buffer shall be determined by the width of the ultimate R-O-W pursuant to the Thoroughfare R-O-W Identification Map in the Plan, or as determined by the County Engineer		
		West: 15' ROW Buffer Required	West: No ROW Buffer along the north 425' of the west buffer where adjacent to existing on site wetlands.	15 feet/100%
		North: 10' ROW Buffer Required	North: No ROW Buffer	10 feet/100%
		East: 10' ROW Buffer Required	East: No ROW Buffer	10 feet/100%
5B				
5C				
6	11.A.6. B.1	Legal access to each interior lot is provided by a common parking lot in full compliance with all requirements of Art. 11.E.2.A.2.b;	No access to interior lots via a common parking lot.	100%

VARIANCE No.	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
7	5.B.1.A.3.d.	Outdoor storage and activity areas shall be completely screened from all property lines by landscaping, fences, walls, or buildings.	Eliminate screening requirement for outdoor storage on the west property line.	100%

The applicant is requesting variances to seven code sections for the proposed development. These include variances regarding the cross access to adjacent parcels under the ownership of the County. The site plan does provide two (2) potential future cross access points to the Gilco parcel consistent with the fact that access to that parcel was provided from the internal land area of the currently approved MUPD and there are existing recorded agreements that are referenced on the site plan and have been provided with the application. While a variance was previously being requested from Art. 3.E.a.C.2.a.6. to the other 'outparcel' with a PCN of 00-40-41-11-00-000-5070, that variance is no longer being requested and the preliminary site plan shows a future access point to this parcel as requested by the planning staff. Specifically, the variance is for cross access requirements to parcel 00-40-41-11-00-000-3040 which is the only Palm Beach County parcel adjacent to the MUPD. The remaining land under County ownership is separated from the subject parcel by existing ROW.

The third variance from Art. 6.E.4.A.3.b. to eliminate screening requirement adjacent to ROW on the west where adjacent to parcels under Palm Beach County ownership and from the right of way adjacent to the west property line. Where the loading area would be visible, to the north, east and west the applicant is providing a 15' ROW buffer. Additionally, it is unlikely the adjacent rights-of-way will ever be developed for public access into the Pine Glades Natural Area. In regard to the west property line adjacent to right of way, please note that the preliminary plans do propose a 6' wall within the right of way buffer south of the entry drive to screen loading spaces. However, staff had a concern regarding visibility for southbound vehicle on the road. This variance is structured as requested for the west property line adjacent to this right of way but the applicant would anticipate a condition of approval for the six-foot wall to be installed as depicted south of the entry drive to mitigate any impact. There are existing wetlands at the north end of the property that also screen the project so the viewshed would be very limited on a roadway that supports little traffic, that being industrial in nature.

The fourth variance from Art. 7.B.2.B.3. to eliminate the Compatibility Buffer (and as such all plantings required) in areas adjacent to the Pine Glades Natural Area and to a portion of the boundary where adjacent to the aforementioned outparcel that abut existing wetlands on the subject site which are to be preserved. This is not inconsistent with variances granted for the approval currently in place. Zoning Resolution ZR-2009-012 was approved by the Zoning Commission on March 5, 2009, which included the request to eliminate the required 5' Compatibility Buffers where adjacent to the Pine Glades Natural Area.

The staff report from that item under the ERM section spoke to limiting the planting of landscape material adjacent to the Natural Area to limit possible damage from prescribed burns in the Natural Area. In the case of where the adjacent property is adjacent to wetlands on the subject property, those wetlands are proposed to be preserved and shall serve as adequate buffering where as the current approval proposed a building, vehicular circulation and a newly constructed lake.

The fifth variances are to the right of way buffer requirements in the areas where the ROW separates the subject parcel from the Natural Area and were approved via the prior referenced Zoning Resolution. While that variance approval was to a compatibility buffer, the request is now revised to recognize the existing adjacent ROW. A ROW buffer is being provided along the west property line, with the exception of the area where wetlands are proposed to be preserved. The wetlands will serve as a buffer in that area, and the ROW provides access to a very limited number of parcels as the majority of the land area to the north consists of the Natural Area.

The sixth is a subdivision variance being requested is to Article 11.A.6.B.1. to waive the access to all interior lots via a common parking lot in order to use the platting exemption in the code. This has become an issue with other industrial developments where users have not yet been defined. It is typical that many of these users have security needs that often include securing the parcel via fencing/guard gates, etc. However, this provision then forces the property to plat individual parcels meeting all property development regulations including access and frontage on an 80' right of way. In cases of planned developments, where a Unity of Control is required for shared drainage, maintenance, common areas, etc., there is no need to provide for internal right of ways in order to create parcels that can be transferred fee simple. The driveways/access aisles provided will be adequate for the industrial users and for emergency access.

The seventh variance being requested is to Article 5.B.1.A.3.d. to eliminate screening requirement for outdoor storage adjacent to the ROW on the west property line. Where the outdoor storage area would be visible, to the west the applicant is providing a 21' oversized right of way buffer, that allows for the installation of a wall to screen the 'loading area' south of the entry drive. In order to comply with the setback for this area which is also considered outdoor storage, an additional four feet (4') of green area has been provided resulting in the outdoor storage meeting the required 30' setback. However, similar to the loading screening variances for Variance 3, this variance is required for that small area that could be visible for vehicles traveling southbound on the right of way. Additionally, it is unlikely the adjacent rights-of-way will ever be developed for public access into the Pine Glades Natural Area. In regard to the west property line adjacent to right of way, please note that the preliminary plans do propose a 6' wall within the right of way buffer south of the entry drive to screen loading spaces. However, staff had a concern regarding visibility for southbound vehicle on the road. This variance is structured as requested for the west property line adjacent to this right of way. There are existing wetlands at the north end of the property that also screen the project so the viewshed would be very limited on a roadway that supports little traffic, that being industrial in nature.

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 district:

Requested Variances 1 & 2:

A special condition exists in that a majority of the property's boundary is contiguous to the County's Pine Glades Natural Area, and that there are considerable wetlands on the adjacent parcel that impact future vehicular access. Access is still being proposed to the Gilco parcel which is part of the MUPD and the Upcoming Dev parcel which is not part of the MUPD. Specifically, the variance is for cross access requirements to parcel 00-40-41-11-00-000-3040 which is the only Palm Beach County parcel adjacent to the MUPD, the remaining is ROW. These are special conditions that are peculiar to the parcels of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.

Requested Variance 3A & 3B:

In regard to 3A, the subject property has special circumstance that are peculiar because this site is almost entirely surrounded by unimproved ROW owned by Palm Beach County which is unlikely to ever be utilized given it is part of the Pine Glades Natural Area.

In regard to 3B, the west property line adjacent to right of way, a 6' wall is proposed and anticipated to be conditioned within the right of way buffer south of the entry drive to screen loading spaces. The special circumstance in this request is also related to the Pine Glades Natural Area to the north and the roadway that supports little traffic, that being industrial in nature.

Requested Variances 4A & 4B:

The subject property has special circumstance that are peculiar because this site is nearly completely surrounded by the Pine Glades Natural Area on the west, north and east sides of the property boundary. Likewise, the existence of wetlands that are on the subject property, which will service as a buffer to the outparcel have been on the subject property as a naturally occurring site condition. Additionally, the perimeter of the site on the west, north and east sides has an existing canal which acts as a natural buffer between the site and the existing wetlands.

Requested Variance 5A, 5B & 5C:

The subject property has special condition that are peculiar because the site area subject to this variance is nearly completely surrounded by a 40'-80' ROW and wetlands, specifically Pine Glades Natural Area on the west, north and east sides of the property boundary. Additionally, the perimeter of the site on the west, north and east sides has an existing canal which acts as a natural buffer between the site and the existing wetlands. The area of the variance on the west property line adjacent to the 80' right of way contains existing wetlands to remain which will serve as a buffer and is peculiar to this site as well.

Requested Variance 6:

There are special conditions that exist which are peculiar to the land. The configuration of the property, already deemed appropriate for industrial development via the current land use designation on the site, creates issues in regard to providing interconnected parking areas. A special circumstance also exists in that the 'pinch point' of connection between the land areas that support Buildings A/B and Buildings C/D is less than 80' and an internal ROW connecting these areas cannot be provided. Due to the shape of the subject property, it is not feasible to provide access to all the buildings via a common parking area, nor is it feasible to provide an internal 80' roadway connection between the parcels.

The site configuration is not a result of the applicants' actions. A common parking lot to serve all buildings is not feasible but is not the result of the actions of the applicant.

Requested Variance 7:

Similar to Variances 3A & B, the property has special conditions and circumstances in regard to the west property line adjacent to right of way, a 6' wall is proposed and a 21' right of way buffer provided where possible. The special circumstance in this request is also related to the Pine Glades Natural Area to the north and the roadway that supports little traffic, that being industrial in nature.

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

Requested Variances 1 & 2:

The current location of the wetlands is not the result of an action of the applicant, and the applicant is not attempting to mitigate any additional wetlands. Additionally, the location and adjacency of the parcel to the Pine Glades Natural Area is not a result of the action of the applicant. Specifically, the variance is for cross access requirements to parcel 00-40-41-11-00-000-3040 which is the only Palm Beach County parcel adjacent to the MUPD, the remaining is ROW.

Requested Variance 3A & 3B:

The site configuration is not a result of the applicants' actions. The unimproved ROW owned by Palm Beach County is unlikely to ever be utilized given it is part of the Pine Glades Natural Area and the right of way to the west is utilized primarily only for access to Pine Glades and an industrial use.

Requested Variances 4A & 4B:

The Pine Glades Natural Area and wetlands have been purchased by Palm Beach County for preservation and is not the result of the actions of the applicant.

Requested Variance 5A, 5B & 5C:

The surrounding wetlands have existed for many years and the special condition is not the results of the actions of the applicant.

Requested Variance 6:

The site configuration is not a result of the applicants' actions. A common parking lot to serve all buildings is not feasible but is not the result of the actions of the applicant.

Requested Variance 7:

The site configuration is not a result of the applicants' actions. The unimproved ROW owned by Palm Beach County is unlikely to ever be highly utilized given it is part of the Pine Glades Natural Area and the right of way to the west is utilized primarily only for access to Pine Glades and an industrial use.

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, buildings, or structures in the same district:**

Requested Variances 1 & 2:

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved MUPD. Applicants are permitted to request and receive approval of code variance based on the circumstances and conditions associated with the property and adequately addressing the required criteria.

Requested Variance 3A & 3B:

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved MUPD. Applicants are permitted to request and receive approval of code variance based on the circumstances and conditions associated with the property and adequately addressing the required criteria.

Requested Variances 4A & 4B:

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved MUPD. Applicants are permitted to request and receive approval of code variance based on the circumstances and conditions associated with the property and adequately addressing the required criteria.

Requested Variance 5A, 5B & 5C:

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved MUPD. Applicants are permitted to request and

receive approval of code variance based on the circumstances and conditions associated with the property and adequately addressing the required criteria.

Requested Variance 6:

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved MUPD on the land area available. Applicants are permitted to request and receive approval of code variance based on the circumstances and conditions associated with the property and adequately addressing the required criteria.

Requested Variance 7:

Granting of the requested variance will allow the applicant to pursue the proposed reconfiguration to the previously approved MUPD. Applicants are permitted to request and receive approval of code variance based on the circumstances and conditions associated with the property and adequately addressing the required criteria.

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 district, and would work an unnecessary and undue hardship:

Requested Variances 1 & 2:

The literal interpretation to provide access to the Natural Area would not serve to meet any transportation-oriented goals. In fact, the prior approval contained a condition that the owner quit claim all rights in the adjacent rights of ways to further the goal of protecting the Natural Area from the impacts of any potential vehicular connections. Specifically, the variance is for cross access requirements to parcel 00-40-41-11-00-000-3040 which is the only Palm Beach County parcel adjacent to the MUPD, the remaining is ROW. The intent of the code is being met via the internal access within the project and continuing to provide for future access to the Gilco and the Upcoming Dev parcels.

Requested Variance 3A & 3B:

The provisions of this code will cause undue hardship on the applicant. This right of way will be required to be improved only up to the entrance for the subject development and vehicular traffic heading south on this roadway would be limited to only one industrial use at this time and vehicles accessing/servicing the Pine Glades Natural Area. Additionally, the literal interpretation of requested variance 3B would cause line of sight safety concerns as creating screening as required by code to the north of entry drive could block visibility for trucks exiting the site.

Requested Variances 4A & 4B:

The provisions of this code will cause undue hardship on the applicant and the property itself. The perimeter canal provides a natural buffer with plantings along both sides of the bank. All will be mitigated of the invasive species will be removed. The canal ranges from

50' in width to 100' in width including existing plantings. Additionally, where adjacent to the outparcel, there exists wetlands on the subject site that would need to be mitigated if impacted by the creation of a buffer. This creates a hardship on the applicant and a negative impact on the natural environment.

Requested Variance 5A, 5B & 5C:

The provisions of this code will cause undue hardship on the applicant and the property itself. The perimeter canal provides a natural buffer between the property and the Natural Area separated by the ROW and meets the intent of the code in this regard, as does the wetland area to be retained on the along the 80' ROW to the west. To require buffers in this area would require additional wetland mitigation on the west, and provide no real benefit internal to the site. The canal ranges from 50' in width to 100' in width including existing vegetation. A ROW buffer is being provided where adjacent to the ROW being used for vehicular access.

Requested Variance 6:

The provisions of this code will deprive the applicant of rights commonly enjoyed by other parcels of land in the same area. Literal interpretation to allow users in the industrial MUPD to secure their site and not have access off of a common parking lot would require the property to be platted and likely also request a subdivision variance to the 80' right of way width requirement for industrial lots. The intent of the code is being met as potential parcels that could be created via the utilization of the platting exemption will provide the code required parking per parcel, still be development as a planned development with shared infrastructure and the improvements maintained via a unity of control. The driveway will be constructed to pavement width similar to those required for 80' right of ways and will be adequate for use and access by the users and emergency vehicles.

Requested Variance 7:

The currently unimproved ROW owned by Palm Beach County on the west property line is utilized for access to one property and the remaining ROW is unlikely to ever be highly utilized given provides access mostly to the Pine Glades Natural Area. Additionally, the literal interpretation of requested variance 7 would cause line of sight safety concerns as creating screening as required by code to the north of entry drive could block visibility for trucks exiting the site.

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

Requested Variances 1 & 2:

Granting the variance is the minimum necessary to make use of the land. The site plan has been designed to provide access to the Gilco parcel as previously provided, but the variance from cross access to the Pine Glades Natural Area would not be desired to avoid impact to that area. Any impact to the existing natural environment on the other outparcel is not known.

Requested Variance 3A & 3B:

The requested variance is the minimum variance that will make reasonable use of the land. As mentioned above, the configuration of the site and the industry trends for industrial users are necessary to be accounted for in order to create a sustainable industrial development and new employment opportunities for this area of the County. The ROW is unlikely to ever be highly utilized given its access to only the one industrial user and the Pine Glades Natural Area. Screening is being provided via a six-foot wall in the buffer south of the entry drive along the west property line, making the variance the minimum to provide for a safe situation for trucks/vehicles exiting the site at this driveway.

Requested Variances 4A & 4B:

The requested variance is the minimum variance to allow the applicant to develop the site. There is a natural buffer in place, which is larger than what the compatibility buffer requires. Requiring mitigation of wetlands on the subject site to provide a buffer to the outparcel is not reasonable.

Requested Variance 5A, 5B & 5C:

The requested variance is the minimum variance to allow the applicant to develop the site. There is a natural buffer in place, which is larger than the what the ROW buffer requires. The requirement to mitigate wetlands and provide the typical code required buffer internal to the canal area is not reasonable.

Requested Variance 6:

The requested variance is the minimum variance that will make reasonable use of the land. As mentioned above the configuration of the site and the industry trends for industrial users are necessary to be accounted for in order to create a sustainable industrial development and new employment opportunities for this area of the County.

Requested Variance 7:

The requested variance is the minimum variance that will make reasonable use of the land. As mentioned above, the configuration of the site and the industry trends for industrial users are necessary to be accounted for in order to create a sustainable industrial development and new employment opportunities for this area of the County. The ROW on the west property line is utilized for access to one property and is unlikely to ever be highly utilized. Screening is being provided via a six-foot wall where possible, making the variance the minimum to provide for a safe situation for trucks/vehicles exiting the site at this driveway.

- 6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code:**

Requested Variances 1 & 2:

Granting of the requested variance will allow the applicant to pursue the proposed redevelopment of the site to a warehouse facility, which is consistent with the intent of the underlying Industrial Future Land Use Designation and the United Technologies Overlay. FLUE Objective 1.7 states that “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.” It is also consistent with the code in regard both code sections acknowledged that cross access may not be possible to all adjacent parcels as the County Engineer’s approval is required for the cross-access requirement of Variance 1 and the DRO may in fact waive the cross-access requirement per code for Variance 2.

Requested Variance 3A & 3B:

Granting of the requested variance will allow the applicant to pursue the proposed redevelopment to a warehouse facility, which is consistent with the intent of the underlying industrial Future Land Use Designation and the United Technologies Overlay. FLUE Objective 1.7 states that “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. The screening proposed will meet the goals of the code in regard to 3A and the proposed wall south of the driveway for 3B serves to adequately screen the loading area from the western right of way, as well as Beeline Highway

Requested Variances 4A & 4B:

Granting of the requested variance will allow the applicant to pursue the proposed redevelopment to a warehouse facility, which is consistent with the intent of the underlying industrial Future Land Use Designation and the United Technologies Overlay. FLUE Objective 1.7 states that “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.” The canal and existing wetlands that will remain serve to meet the goals of the code in regard to the provision of buffering between uses.

Requested Variance 5A, 5B & 5C:

Granting of the requested variance will allow the applicant to pursue the proposed redevelopment to a warehouse facility, which is consistent with the intent of the underlying industrial Future Land Use Designation and the United Technologies Overlay. FLUE Objective 1.7 states that “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.” Additionally, it is consistent with Objective 2.2 by serving to allow wetlands to be maintained on site rather than having to be mitigated to provide for a ROW buffer that provides no real public benefit.

Requested Variance 6:

Granting of the requested variance will allow the applicant to pursue the proposed redevelopment to a warehouse facility, which is consistent with the intent of the underlying industrial Future Land Use Designation and the United Technologies Overlay. FLUE Objective 1.7 states that “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.” The variance will allow for the subdivision of the land via the platting exemption, and the MUPD will still provide a Unity of Control in regard to common area elements and the development’s infrastructure, but without the provision of cross access and parking.

Requested Variance 7:

Granting of the requested variance will allow the applicant to pursue the proposed redevelopment to a warehouse facility, which is consistent with the intent of the underlying industrial Future Land Use Designation and the United Technologies Overlay. FLUE Objective 1.7 states that “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. The proposed right of way buffer with 6’ wall will meet the goals of the code in regard to 7 and serves to adequately screen the loading area from the western right of way, without creating safety concerns.

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

Requested Variances 1 & 2:

The proposed variance will not negatively affect the area involved or be detrimental to the public welfare. The applicant is providing two access points to the Gilco property noted as “future development” and the Upcoming Dev property which is not part of the MUPD. Specifically, the variance is for cross access requirements to parcel 00-40-41-11-00-000-3040 which is the only Palm Beach County parcel adjacent to the MUPD, the remaining is ROW. The requested variance will be beneficial to the public welfare in that allows for protection of the Natural Area and existing wetlands on the subject site.

Requested Variance 3A & 3B:

The subject property has special circumstance that are peculiar because this site is adjacent to a right of way that will primarily be used by the applicant themselves and only one existing industrial user and vehicles accessing the Pine Glades Natural Area. Additionally, requested variance 3B, would serve to create safer circulation in regard to vehicles exiting the site onto that right of way.

Requested Variances 4A & 4B:

The proposed variance will not negatively affect the area or public welfare. The subject property's natural buffer provides a minimum 50' buffer to the adjacent Natural Area as does the existing wetlands on the subject property adjacent to the outparcel.

Requested Variance 5A, 5B & 5C:

The proposed variance will not negatively affect the area involved. The subject property's natural buffer provides adequate protection to the Natural Area and the buffer requirements have the possibility of impacting the and wetlands on site. The provided ROW buffer and ROW improvements on the southwestern portion of the subject property will be beneficial to those who use that portion of the ROW.

Requested Variance 6:

The granting of the requested variance will not be detrimental to the area involved or the public welfare. Allowing for secured sites via this variance, and thus ultimate subdivision via the platting exemption for planned industrial developments will have no detrimental impact to the public welfare as the site will function adequately from a circulation standpoint and will have a unity of control to assure that the infrastructure is maintained over time as land transfers take place.

Requested Variance 7:

The granting of the requested variance will not be detrimental to the area involved or the public welfare. The subject property has special circumstance that are peculiar because limited use of ROW for access to one property and the Pine Glades Natural Area. Additionally, requested variance 7, would serve to create safer circulation in regard to vehicles exiting the site onto that right of way.

On behalf of applicant, Palm Beach Owner, LLC, Urban Design Studio requests consideration for approval of this Development Order Amendment (DOA), Development Order Abandonment, Type 2 Variance (concurrent), and Control Name Change for Portman Industrial MUPD (the "Project"). The project managers at Urban Design Studio are Joni Brinkman, Robert Dinsmore, and Lauren Sands.