

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

Application No.: Z-2022-01116
Application Name: Morin/Connolly Commerce
Control No./Name: 2016-00159 (Haverland Sports Turf)
Applicant: Morin Robert Tr & Carol, Howard Connolly
Owners: Morin Robert Tr & Carol, Howard Connolly
Agent: JMorton Planning & Landscape Architecture - Lauren McClellan and Heather Waldstein
Telephone No.: (561) 721-4463 , (561) 721-4461
Project Manager: Cody Sisk, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to rezone from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District on 3.41 acres

APPLICATION SUMMARY:

The proposed request is for the 3.41 acres Morin/Connolly Commerce development. The site has no prior Board of County Commission (BCC) approvals.

The request would allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Light Industrial (IL) Zoning District however; this request is contingent upon a concurrent Large Scale Future Land Use (FLU) Amendment (Planning Application LGA-2023-00003 to amend the Future Land Use designation from Agricultural Reserve (AGR) to Commerce (CMR) with an underlying Agricultural Reserve (AGR). Any proposed use will require compliance with the ULDC and proper approvals.

SITE DATA:

| | |
|---------------------------------------|--|
| Location: | West side of State Road 7, approximately 0.2 mile north of Boynton Beach Boulevard |
| Property Control Number(s) | 00-42-43-27-05-052-0370 |
| Existing Future Land Use Designation: | Agricultural Reserve (AGR) |
| Proposed Future Land Use Designation: | Commerce with underlying AGR (CMR/AGR) |
| Existing Zoning District: | Agricultural Reserve District (AGR) |
| Proposed Zoning District: | Light Industrial (IL) |
| Total Acreage: | 3.41 acres |
| Tier: | Agricultural Reserve |
| Overlay District: | N/A |
| Neighborhood Plan: | West Boynton Community Plan |
| CCRT Area: | N/A |
| Municipalities within 1 Mile | N/A |
| Future Annexation Area | N/A |
| Commissioner District | District 5, Maria Sachs |

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

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY: There have been no prior approvals by the Board of County Commissioners (BCC) for the site. The site previously supported a landscape service use, and is now being used for outdoor vehicle storage. At this moment the Site has a Code enforcement case active (C-2021-12100008) created on December 10, 2021 which cited the property for use violations consisting of operation of a commercial parking lot and storage.

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standards District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An 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 amendment is consistent with the Plan.*

- *Consistency with the Comprehensive Plan:* Should the BCC approve the Future Land Use amendment request to change the FLU to Commerce with an underlying Agricultural Reserve (CMR/AGR), then the proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Concurrent Land Use Amendments:* The site is the subject of a concurrent Large Scale Future Land Use Amendment known as Morin/Connolly Commerce (LGA 2022-002). The request seeks to amend the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR). The Planning Commission heard the item on October 14, 2022, and the BCC transmitted the item subject to Staff's recommendation on November 28, 2022 by a vote of 7-0.

The Applicant is requesting the CMR FLU designation in order to allow for future light industrial uses on the site, specifically a vehicle dispatch service with outdoor vehicle storage. The newly established CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses that demonstrate light industrial characteristics as defined by FLUE Policy 2.2.4-d of the Comprehensive Plan. The proposed rezoning to the Light Industrial (IL) Zoning District is consistent with the Comprehensive Plan, provided the requested CMR FLU designation is adopted by the Board.

- *Intensity:* The request for a rezoning from AGR to IL does not include a site plan. Contingent upon the adoption of the concurrent future land use amendment, however, the maximum Floor Area Ratio (FAR) for nonresidential projects with a CMR land use designation in the Agricultural Reserve Tier is 0.45 (148,529 surveyed sq. ft. or 3.41 acres x 0.45 maximum FAR = 66,838 sq. ft. maximum).
- *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is within the boundaries of the West Boynton Area Community Plan (WBACP), which is administered by the Coalition of Boynton West Residential Associations (COBWRA). The Applicant has been advised to contact the community group. No correspondence from COBWRA has been received by Planning Staff to date.

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.*

This request is contingent upon modifications to the Unified Land Development Code (ULDC). The subject site is zoned Agricultural Reserve (AGR) which is inconsistent with the proposed Future Land Use (FLU) designation of Commerce (CMR). The rezoning to Light Industrial (IL) will be consistent with the CMR FLU pursuant to Table 2.2-f.1, Non-Residential Future Land Use – Zoning Consistency, within the Plan, as modified by ORD 2022-024 (Commerce Future Land Use).

- *Property Development Regulations:* The subject property meets the requirements as indicated under Table 3.D.1.A Property Development Regulations for minimum lot dimensions of for an IL zoned property. The property development regulations require a minimum of 1 acre, 100 feet (ft.) of width and frontage, and 200 ft. of depth, as the site is a 3.41 acre lot, has 329.93 ft. of width and frontage, and is 450.14 ft. in depth.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed amendment to the zoning is compatible, and generally consistent with existing uses and surrounding zoning districts. The 3.41-acre site is located on the west side of State Road 7, near the intersection of Boynton Beach Boulevard and State Road 7. The immediate vicinity consists of several nonresidential uses, including Landscape Service to the south; FCC Environmental vehicle dispatch and storage to the west; and, Atlas Peat & Soil Chipping and Mulching facility to the north. To the east, across State Road 7, are the institutional uses of Bethesda West Hospital and Faith Farm Ministries. Beyond these sites are parcels of land with an AGR FLU that primarily support agricultural uses.

d. Effect on Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This 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 Palm Beach County Mandatory Year-Round Landscape Irrigation

Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

o *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

According to the Staff Report for the FLU change to CMR, Planning Staff analyzed the development pattern of the area, with many heavy agricultural uses and agri-business facilities along the entire stretch of western side of State Road 7 through the Agricultural Reserve in making their recommendation of approval of the FLU amendment to CMR. Contingent upon the modification to the FLU, the rezoning to IL is logical, orderly, and timely development pattern with the adjacent properties, and will allow the zoning to be consistent with the proposed land use for the property.

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

ENGINEERING COMMENTS: There are no Engineering conditions of approval associated with this application.

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. The subject site is within the boundaries of PBC Fire Station #47.



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

PARKS AND RECREATION: This is a non-residential application and therefore the Parks and Recreation ULDC requirements do not apply.

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

With the modifications to the Comprehensive Plan to create a new Commerce FLU, that will allow for light industrial uses, along with a few other specific uses identified in the Plan, the Planning Division found that the amendment to the Commerce FLU was appropriate on the subject site. Contingent upon a modification to the FLU, this Zoning District. The proposed Zoning Amendment to IL Zoning is consistent with the proposed CMR FLU. The changed circumstance is the adoption of the CMR FLU.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B.7.A.2 and determined that there is a balance between the need for change and the potential impacts generated by the Official Zoning Map Amendment. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Official Zoning Map Amendment

DISCLOSURE

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

Figure 1 - Land Use Map

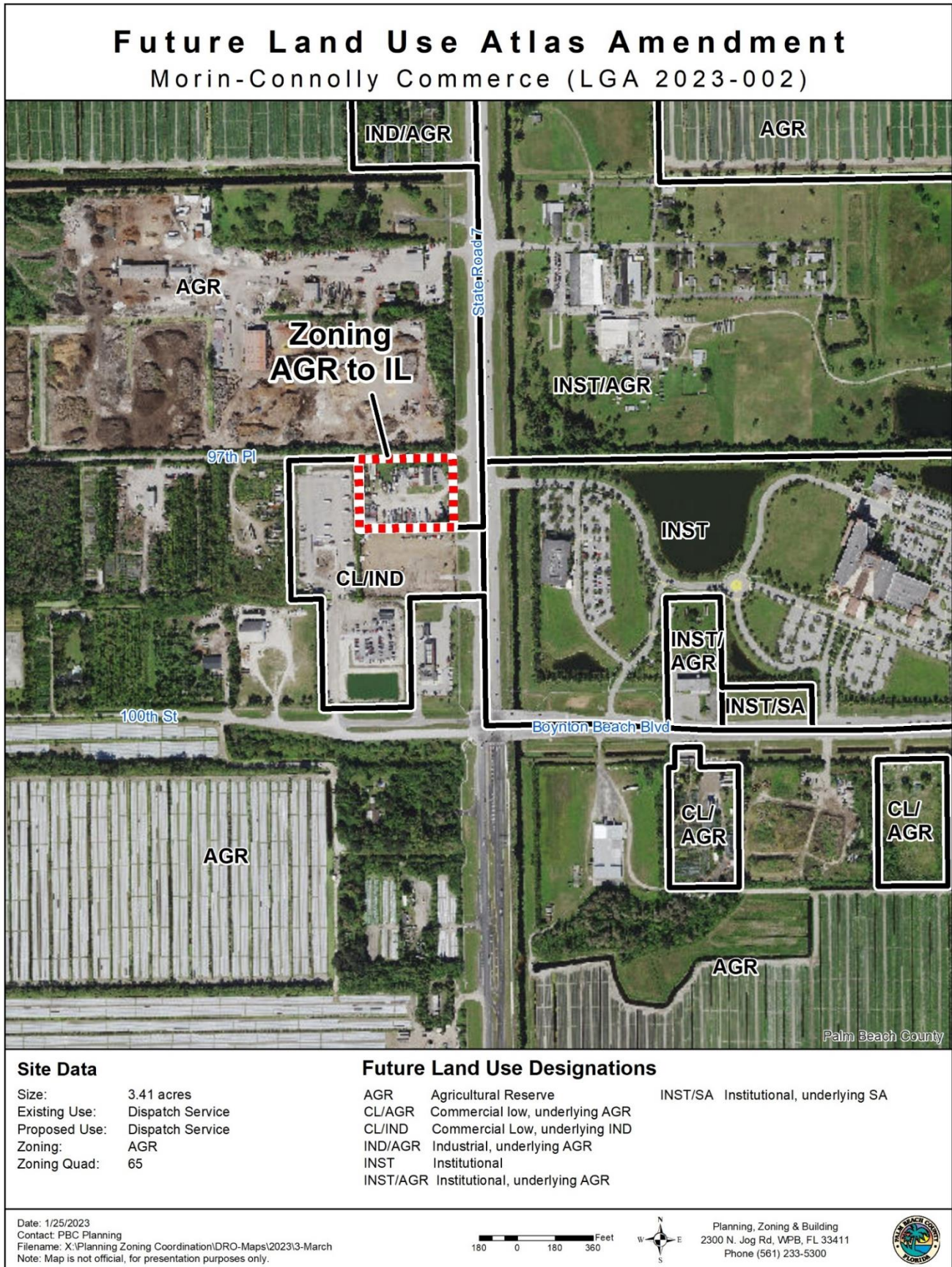


Figure 2 - Zoning Map

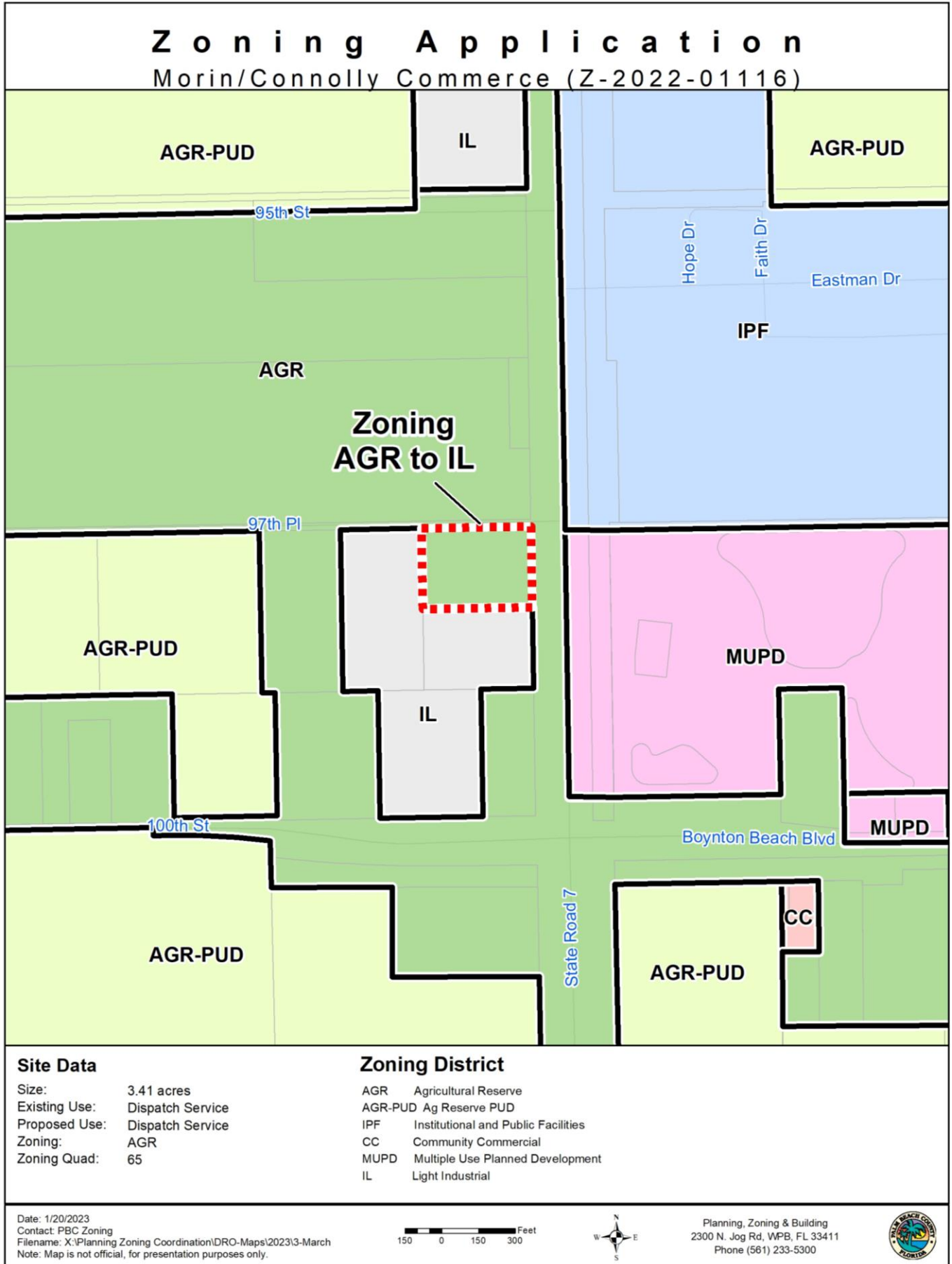


Figure 4 – Survey dated September 26, 2022

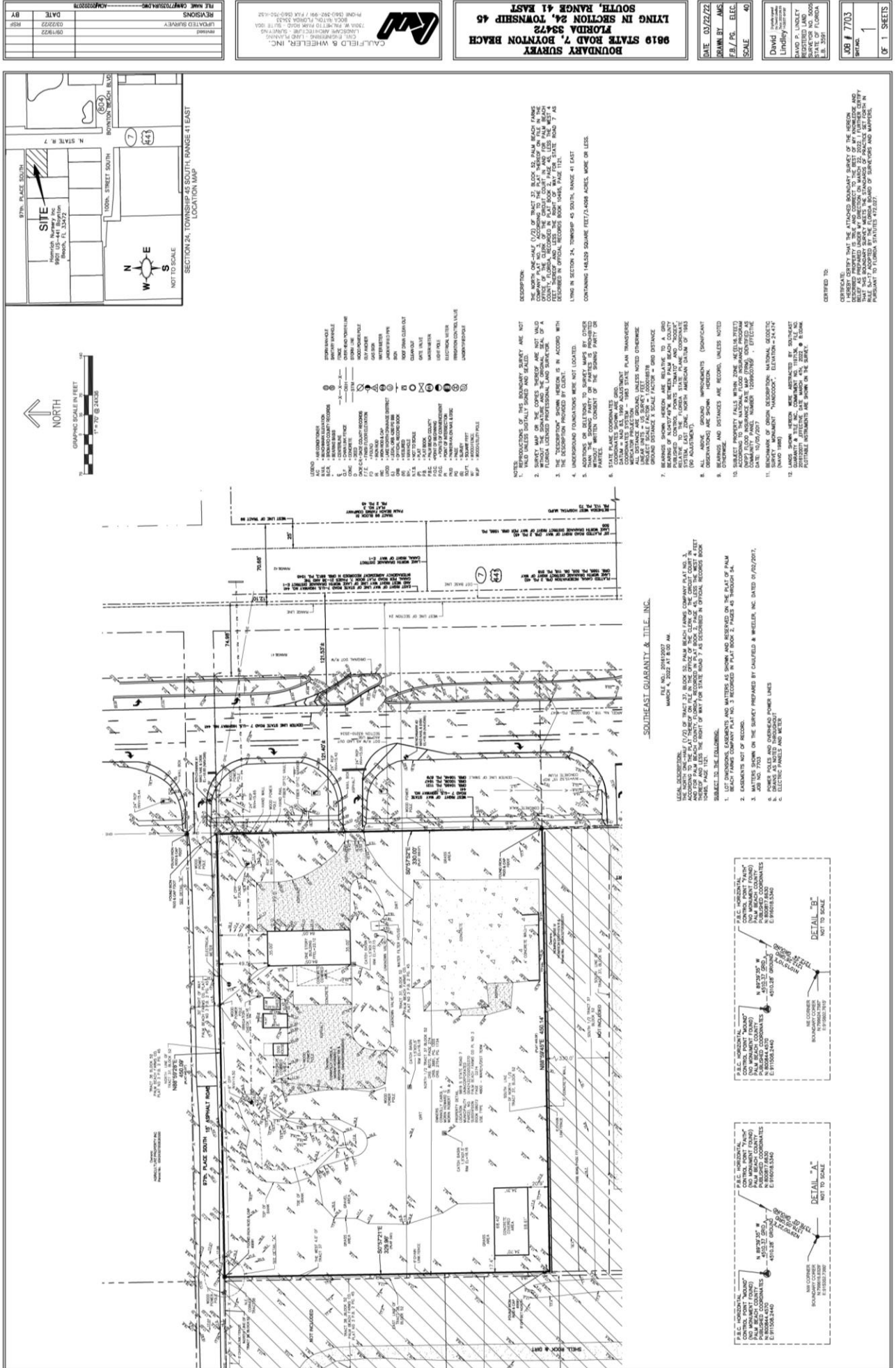


Exhibit D – Disclosure of Ownership

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 Carol Connolly, 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 [] _____ [position - e.g., president, partner, trustee] of _____ [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: 4629 NW Royal Oak Drive
Jensen Beach, Florida 34957
- 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.

Carol Connolly
Carol Connolly, 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 28th day of March, 2022 by Carol Connolly (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did not take an oath (circle correct response).

Lauren McClellan
(Name - type, stamp or print clearly)

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN
Commission # HH 057806
Expires February 28, 2025
Bonded Thru Budget Notary Services

EXHIBIT "A"

PROPERTY

THE NORTH ONE-HALF (1/2) OF TRACT 37, BLOCK 52, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE WEST 4.0 FEET THEREOF AND LESS THE RIGHT-OF-WAY FOR STATE ROAD 7 AS DESCRIBED IN OFFICIAL RECORDS BOOK 10495, PAGE 1121.
LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 41 EAST
TOTAL 3.410, ACRES, 148,538 SQUARE FEET.

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 |
|-----------------|--|
| Robert G. Morin | 4629 NW Royal Oak Drive, Jensen Beach, Florida 34957 |
| Howard Connolly | 4629 NW Royal Oak Drive, Jensen Beach, Florida 34957 |
| Carol Connolly | 4629 NW Royal Oak Drive, Jensen Beach, Florida 34957 |
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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 Howard Connolly, 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 [] _____ [position - e.g., president, partner, trustee] of _____ [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: 4629 NW Royal Oak Drive
Jensen Beach, Florida 34957
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.
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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.

Howard Connolly
Howard Connolly, 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 28th day of March, 20 22 by Howard Connolly (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Lauren McClellan
(Name - type, stamp or print clearly)

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN
Commission # HH 057806
Expires February 28, 2025
Bonded Thru Budget Notary Services

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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 Robert G. Morin, 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 Trustee Robert G. Morin Trust of December 1993 [position - e.g., president, partner, trustee] of Robert G. Morin Trust of December 1993 [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: 4629 NW Royal Oak Drive
Jensen Beach, Florida 34657

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.

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

FURTHER AFFIANT SAYETH NAUGHT.

[Handwritten signature of Robert G. Morin]

Robert G. Morin, 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 31st day of March, 2022 by Robert Morin (name of person acknowledging). He/she is personally known to me or has produced FLDL M-650-767-35-049-0 (type of identification) as identification and did not take an oath (circle correct response).

Lauren McClellan
(Name - type, stamp or print clearly)

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



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