

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



Application No.: ABN/Z-2010-00656
Control No.: 1988-00109
Applicant: World Saving & Loan Association of Fla
Owners: World Sav & Loan Assn Of Fla
Agent: Urban Design Kilday Studios - Wendy Tuma
Telephone No.: (561) 366-1100
Project Manager: Donna Adelsperger, Site Planner I

Location: Northeast corner of Military Trail and Coconut Lane (Military and Coconut)

TITLE: a Development Order Abandonment **REQUEST:** to allow for the abandonment of a Special Exception granted under Resolution R-1980-672 for office/warehouse and a private tennis court and abandonment of Resolution R-1985-466 for a Planned Business Park. **TITLE:** an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) Zoning District.

APPLICATION SUMMARY: Proposed is a Development Order Abandonment to allow the abandonment of a Special Exception for Control 1980-066 granted under Resolution R-1980-672 which allowed an office/warehouse and a private tennis court and abandonment of Resolution R-1985-466 which allowed for a Planned Business Park. Also proposed is an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) and the Single-family Residential (RS) Zoning Districts to the General Commercial (CG) Zoning District with a Conditional Overlay Zone (COZ). The site currently supports two buildings with a total of 40,502 square feet of professional office. Access to the site will remain from Military Trail and Coconut Lane.

ISSUES SUMMARY:

o Project History



Parcel A:

1) The northern portion of the property (A), Control 1979-019, the Board of County Commissioners (BCC) approved and adopted Resolution R-1976-212 on March 9, 1976, which rezoned the property from the Agricultural (AG) Zoning District to the General Commercial (CG) Zoning District.

Parcel B:

1) The central portion of the property (B), Control 1988-109, the BCC approved and adopted Resolution R-1989-1030 on June 6, 1989, which rezoned the Property from the General

Commercial (CG) Zoning District to the Specialized Commercial (CS) Zoning District.

Parcel C:

1) The southern portion of the property (C), Control 1980-066, the BCC approved and adopted Resolution R-1980-671 on May 20, 1980, which rezoned the property from the Agricultural (AG) Zoning District to the General Commercial (CG) Zoning District. On that same day the BCC approved and adopted Resolution R-1980-672, which granted a Special Exception to allow an office/warehouse combination and private tennis court. The applicant is requesting to abandon Resolution R-1980-672 which granted the approval for an office/warehouse and private tennis court.

2) The BCC approved and adopted Resolution R-1983-1095 on September 13, 1983, which rezoned the Property from the General Commercial (CG) Zoning District to the Specialized Commercial (CS) Zoning District.

3) The BCC approved and adopted Resolution R-1985-463 on March 19, 1985, which rezoned the Property from the Specialized Commercial (CS) Zoning District to the General Commercial (CG) Zoning District. On that same day, the BCC approved and adopted Resolution R-1985-464 for a Special Exception (SE) to allow a child day care center.

4) The BCC adopted Resolution R-1988-1239 on August 9, 1988 which denied the petition to revoke the SE for the child day care center. The resolution indicates the denial was because although the request is consistent with the requirements of the Comprehensive Plan and the local land development regulations, the previous approval is also consistent with the Comprehensive Plan and local land development regulations, including Section 402.9 of the Zoning Code and that the conditions have the previous approval have been satisfied.

5) The BCC approved and adopted Resolution R-1989-1031 on June 6, 1989, which revoked the Special Exception (SE) for the child day care center.

Parcel D:

1) The southeast portion of the property (the smallest portion) (D), Control 1984-135, the BCC approved and adopted Resolution R-1985-465 and R-1985-466 on March 19, 1985, which rezoned the Property from the Agricultural Residential (AR) Zoning District to the Specialized Commercial (CS) Zoning District and also approved a Special Exception (SE) for a Planned Business Park. The applicant is requesting to abandon Resolution R-1985-466 which granted the approval for a Planned Business Park. This portion of the property contains the secondary building which was constructed in 1967 and under the current ULDC is a non-conforming structure, as the side of the structure does not meet the setback requirements for the CG district.

2) The southeast portion of the property (the smallest portion) (D), Control 1984-135, the BCC approved and adopted Resolution R-1988-1538 on September 27, 1988, which rezoned the property from the Specialized Commercial (CS) Zoning District to the Single-family Residential (RS) Zoning District.

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request for a Development Order Abandonment of the prior Special Exception to revoke the office/warehouse and the private tennis court and the request for an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) Zoning District and has found the requests to be consistent with the site's Commercial High with underlying Medium Residential 5 (CH/5) Future Land Use (FLU) designation. See Planning Staff Analysis for further comments.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)
Zoning District: Agricultural Residential District (AR)
Supporting: Vehicular Storage Area

SOUTH:

FLU Designation: Commercial Low, with an underlying MR-5 (CL/5)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Pharmacy and Financial Institution (Control No 1999-036 Coconut Plaza MUPD)

SOUTH:

FLU Designation: Low Residential 3 (LR-3)
Zoning District: Residential Single Family with Special Exception for a Planned Unit Development (RS/SE/PUD)
Supporting: Residential (Control No 1986-142 - Cocoa Pines Estates PUD)

EAST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Single-Family Residential District (RS)
Supporting: Residential (Control No 1998-030 – Hunters Court)

WEST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Residential Planned Unit Development District (PUD)
Supporting: Residential (Control No 2002-038 – Colony Preserve PUD)

The north of the site is an Agricultural Residential (AR) parcel of land which supports a vehicle storage area. To the south across Coconut Lane is both an Multiple Use Planned Development (MUPD) which supports a retail store (CVS Pharmacy) and a unbuilt financial institution; and a Residential Planned Unit Development (PUD) known as Cocoa Pines Estates. To the east a Single-family Residential (RS) subdivision known as Hunters Court and to the west across Military Trail is a Residential Planned Unit Development (PUD) known as Colony Preserve PUD. Staff does not anticipate any adverse impacts to the surrounding properties from this request.

o Traffic

This application meets traffic performance standards. The Traffic Division estimates that the site previously generated 598 trips per day and will now generate 719 trips per day.

o Signs

The site currently supports one monument sign (B1994-13275) along Military Trail. This rezoning request will not have any effect on the sign currently permitted.

o Architectural Review

At this time the site is not required to comply with Article 5.C of the ULDC as no additional square footage is proposed.

o Major Nonconforming Structure

The existing warehouse located in the southeast corner of the site was constructed in 1967. The General Commercial (CG) Zoning designation requires a twenty (20) foot rear setback and this structure is only seventeen feet 2 inches (17'2") from the property line.

Article 1.F was created to establish regulations to address uses, structures and lots that were lawfully established, but do not conform to the terms and requirements of the current code. Because the

warehouse does not meet the rear setback in CG Zoning District, it will render that structure non-conforming and will be subject to the additions, renovations and maintenance limitations articulated in Article 1.F of the ULDC. The applicant will have to provide a cost analysis showing that the costs of renovations are less than what is allowed by code. If the cost is more than what is allowed by code, the applicant will have to comply with setbacks and fix the non-conforming elements of the structure.

o Coalition of Boynton West Residential Associations (COBWRA)

The applicant presented the rezoning request to COBWRA at their June 16, 2010 meeting and received a vote of approval (Exhibit E) for the request subject to a Condition of Approval that the north property line be buffered to screen the auto salvage yard that exists today. There is a ficus hedge along the north property line that has some missing material, due to insects that invaded the hedge. The applicant has agreed to replace the material that is missing from the north property line.

o Conditional Overlay Zone (COZ)

Staff is recommending the rezoning request to be subject to a COZ. The COZ is to ensure that prior to the issuance of a Business Tax Receipt or a Building Permit that the property owner obtains Final Site Plan approval as required by the ULDC, and that Architectural, Traffic Performance Standards and Platting requirements are met pursuant to the Conditions of Approval contained in Exhibit C.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-46-01-00-000-7210	Same
Land Use Designation:	Commercial High, with an underlying MR-5 (CH/5)	Same
Zoning District:	General Commercial District (CG) Specialized Commercial (CS) Single-Family Residential District (RS)	General Commercial District (CG)
Tier:	Urban/Suburban	Same
Use:	Office, Business or Professional	Same
Acreage:	8.41 acres	Same
Parking:	203 spaces	Same
Access:	Military Trail (2) Coconut Lane (3)	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 1 contact from the public regarding this project. They had questions regarding what was proposed and what would be done to replace the dead/missing landscaping.

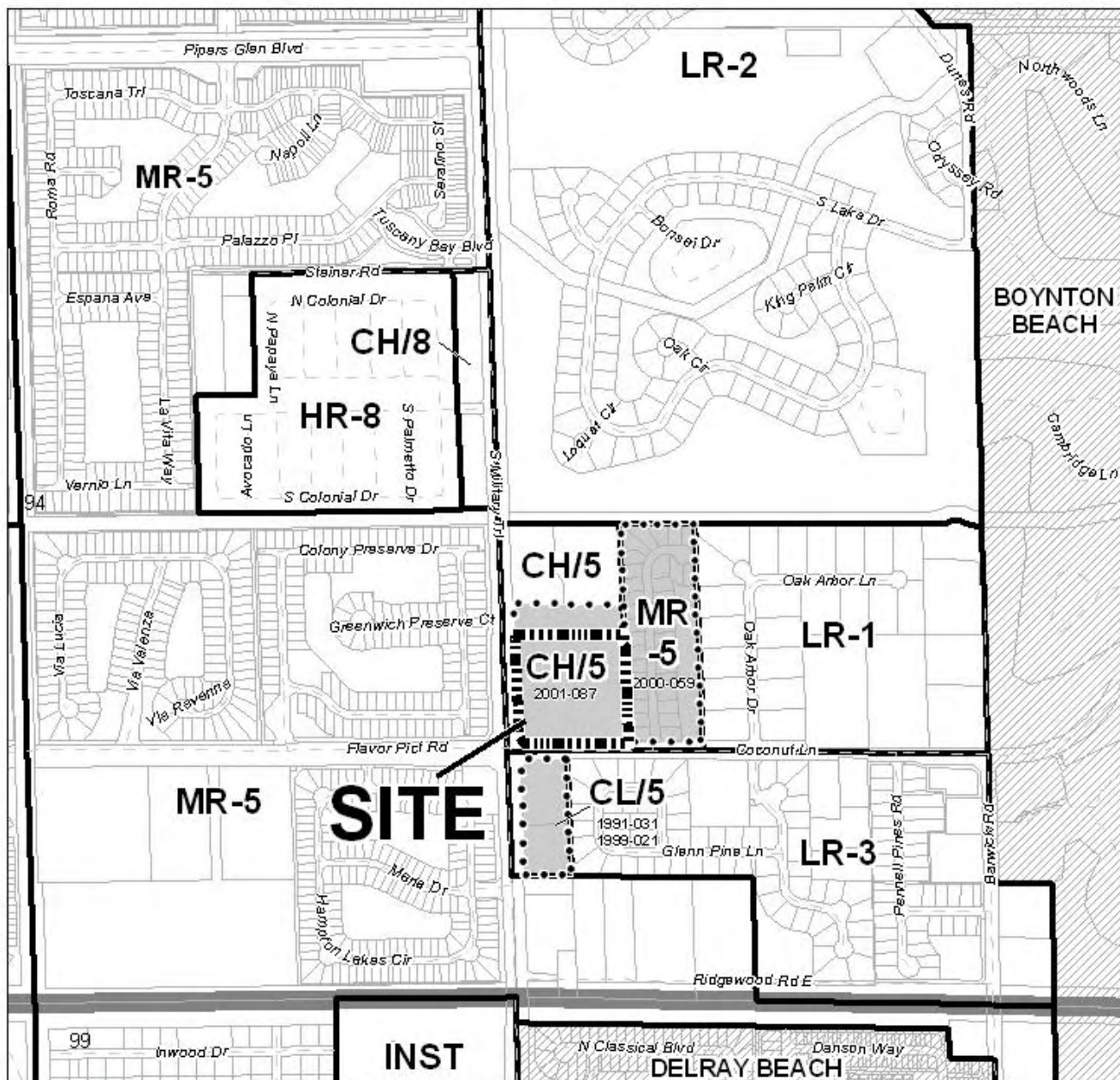
RECOMMENDATION: Staff recommends approval of the Development Order Abandonment and approval of an Official Zoning Map Amendment subject to a Conditional Overlay Zone and 9 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of the Development Order Abandonment to allow the abandonment of the Special Exception granted under Resolution R-1980-672 for office/warehouse

and a private tennis court and abandonment of Resolution R-1985-466 which granted the approval for a Planned Business Park.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>ABN/Z-2010-656</u>
Control Number:	<u>1988-109</u>
Land Use Atlas Page:	<u>94</u>
Date:	<u>05/24/2010</u>



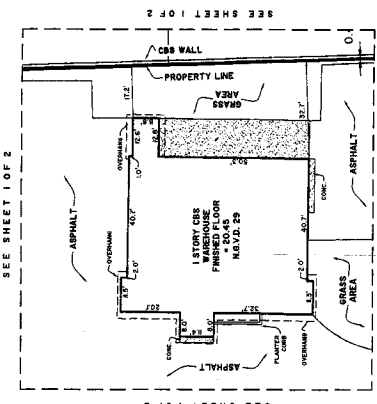
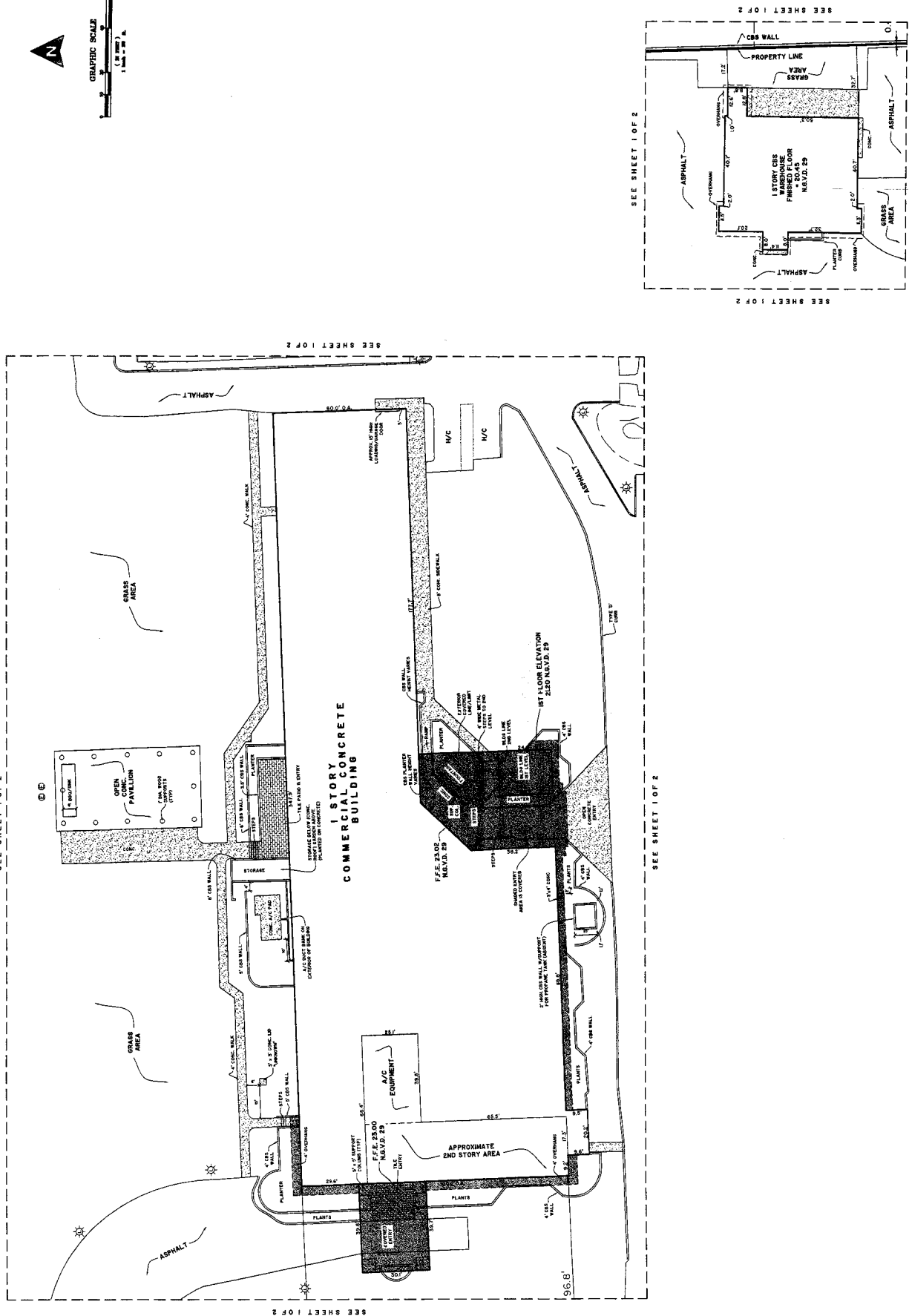
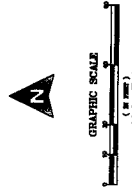
Figure 1 Future Land Use Map



Figure 3 Aerial

REVISIONS <table border="1" style="width: 100%; height: 40px;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>											DATE: MAR 2010 SCALE: 1" = 20' MDV / JTG DRAWN/CHECKED:	BOUNDARY SURVEY WACHOVIA BANK SITE	PROJECT: 1441 SHEET NO. 2 OF 2

MICHAEL B. SCHORAH & ASSOCIATES, INC.
 ENGINEERS • SURVEYORS • DEVELOPMENT CONSULTANTS
 TEL. (851) 988-0088 L.B.# 2438
 FAX. (851) 842-8728
 1850 FOREST HILL BLVD., SUITE 208
 WEST PALM BEACH, FLORIDA 33406



BUILDING SQUARE FOOTAGES
 FOR PALM BEACH COUNTY CONCURRENCE PURPOSES THE APPROXIMATE
 COMPOSITE BUILDING ANCOVERAGE IS 40,522 SQUARE FEET, MORE OR LESS.

Figure 6 Survey page 2 dated May 17, 2010

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Commercial High with an underlying medium residential 5 units per acre (CH/5)

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is within the future annexation area of the City of Boynton Beach.

INTERGOVERNMENTAL COORDINATION: The subject site is located within one mile of the City of Boynton Beach, the City of Delray Beach, and the Village of Golf.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Abandonment for the abandonment of the Special Exception granted under Resolution R-1980-672 for an office/warehouse and a private tennis court and an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG), the Specialized Commercial (CS) and the Residential Single Family (RS) Zoning Districts to the General Commercial (CG) and has found the requests to be consistent with the site's CH/5 FLU designation.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject site is located in the West Boynton Area Community Plan (WBACP). Although none of the WBACP recommendations apply to the proposed development order abandonment and rezoning, the requests are not inconsistent with the recommendations of the WBACP. No comments have been received to date from the coalition.

FINDINGS: The request is consistent with the CH/5 land use designation of the Palm Beach County Comprehensive Plan and the recommendations of the WBACP.

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for modifications to the access connections onto Coconut Lane and Military Trail.

TRAFFIC IMPACTS

Petitioner has estimated the build-out of the project to be December 31, 2014. Previously approved traffic from this project was 598 trips per day, 86 trips in the PM peak hour. Total net new traffic expected from this project is 719 trips per day, 28 trips in the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Coconut Lane from Military Trail to project entrance

Existing count: 629

Background growth: 84

Project Trips: 15

Total Traffic: 728

Present laneage: 2L

LOS "D" capacity: 1,460
Projected level of service: B

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site was previously cleared and developed.

WELLFIELD PROTECTION ZONE: The property is not located with 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.

OTHER:

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

SCHOOL IMPACTS: No educational impact.

PARKS AND RECREATION: No recreational impact

CONCURRENCY: Concurrency has been approved for 40,052 square feet of medical office.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities.

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

FINDINGS:

Rezoning Standards:

When considering a development order application for rezoning to a standard zoning district, the BCC and ZC shall consider standards 1-8 indicated below. In addition the standards indicated in section 2.B shall also be considered for rezoning to a standard zoning district with a conditional use, and rezoning to a PDD or TDD with or without a requested use or waiver. An amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

1. **Consistency with the Plan** - *The proposed amendment is consistent with the Plan.*

The Planning Division has reviewed the request to rezone from the Specialized Commercial and Single-family Residential Zoning Districts to the General Commercial Zoning District and found the request to be consistent with Commercial High / Medium Residential 5 (CH/MR-5) Future Land Use.

2. **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.*

As a result of the rezoning application, the secondary building located in the southeast corner of the site will no longer meet the required rear building setback. Currently under the RS zoning district, a 15 foot rear setback is required. Once the property is rezoned to CG, a 20 foot rear setback is required. A small portion of the building is setback 17.2' from the eastern (rear) property line. This building will need to comply with the nonconforming structure standards in Article 1 of the ULDC. The remaining portion of the proposed request is consistent with all other portions of the Code.

3. **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 request to rezone the property to the CG zoning district is compatible and generally consistent with existing uses and surrounding zoning districts. To the north is an industrial use on an Agricultural Residential (AR) parcel and to the south are both commercial and residential parcels. To both the east and west are residential parcels. The site currently has three zoning designations (CG, CS and RS) the current rezoning request will bring the entire parcel under one zoning designation. The site has two existing buildings on-site to which the applicant is not proposing any modifications at this time.

4. **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, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Environmental Resource Management (ERM) has reviewed the requested amendment and determined that there are no significant environmental issues associated with this application beyond compliance with ULDC requirements. Any future application that comes in will be reviewed and analyzed for environmental impacts and will be required to comply with code in effect at the time of submittal.

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

The proposed amendment for a rezoning to CG brings the property into conformance with the current zoning regulations. The site currently has three zoning designations; of which one of the districts, CS, no longer exists in the current ULDC. Another portion of the property has a residential zoning designation while containing a non-residential building. The property is built/exists as a professional office building and office/warehouse building and at this time no changes are proposed to the structure other than a change in use to medical office which is a permitted use within the CG zoning district. Therefore, the amendment results in a logical, orderly and timely development pattern.

6. **Consistency with Neighborhood Plan** – *The proposed zoning district is consistent with applicable neighborhood plans in accordance with BCC policy.*

The site is not located within an area that is subject to a Neighborhood Plan. The site is located within the West Boynton Area Community Plan (WBACP) area. The request to rezone the property to a single zoning district is consistent the goals or objectives of this plan.

7. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency.*

The applicant has requested and received approval for a concurrency reservation for the existing 40,502 square foot buildings to be uses as a medical office.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate the amendment.*

The changed circumstance necessitating the amendment to rezone the property is the applicants desire to bring the property into compliance with only one zoning district, therefore making the property more desirable for future owners/tenants. There is potential on this site for future expansion or renovations and having the entire parcel with only one zoning district will require the owner/tenant to comply with only one set of development regulations as opposed to three. Also there are a number of permitted uses allowed under the CG district that would not be allowed by the current zoning districts on the site, thus making the site more marketable for future owners/tenants. The further abandonment of the prior special exceptions furthers the marketability of the site to future owners/tenants.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Official Zoning Map Amendment

ALL PETITIONS

1. Prior to the issuance of a Business Tax Receipt or Building Permit, the property owner shall obtain Final Site Plan approval for the existing buildings totaling 40,502 square feet. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for all proposed buildings shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

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

a. No Building Permits for the site may be issued after December 31, 2014. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Within twelve (12) months notice from the County Engineer, the property owner shall provide by warranty deed additional right of way for the construction of an east approach right turn lane on Coconut Lane at Military Trail. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way 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, unless otherwise agreed upon. 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 not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the property owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (ONGOING: ENGINEERING-Eng)

3. Prior June 24, 2011, the property owner shall create a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING-Eng)

4. Prior to issuance of a building permit for modifications to the site, excluding interior building modifications, the property owner shall obtain Drainage Review approval from the Land Development Division. (BLDG PERMIT: MONITORING - Eng)

5. Prior to issuance of a building permit for modifications to the site, the property owner shall remove the eastern driveway on Coconut Lane. (BLDG PERMIT: MONITORING-Eng)

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 (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

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

Exhibit D Disclosure Form

DISCLOSURE OF OWNERSHIP INTERESTS -APPLICANT

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared F. Eric Heinton, 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] Senior Vice President of WELLS FARGO BANK, N.A., successor by merger with WACHOVIA MORTGAGE BANK, FSB, f/k/a WORLD SAVINGS BANK and being the corporate successor to BEACH FEDERAL SAVINGS AND LOAN ASSOCIATION, (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: 4899 Belfort Road, Suite 100, Jacksonville, Florida 32256.

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.

Disclosure Owner 1

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.

F. Eric Heinton, Affiant (F. Eric Heinton)

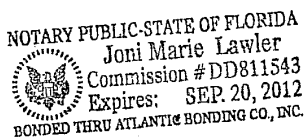
The foregoing instrument was acknowledged before me this 9th day of March, 2010, by F. Eric Heinton, [X] who is personally known to me or [] who has produced as identification and who did take an oath.

Notary Public Joni Marie Lawler

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____



Disclosure Owner 2

LEGAL DESCRIPTION

THE FOLLOWING PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF PALM BEACH AND STATE OF FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF THE WEST ½ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 42 EAST AS LIES EAST OF SOUTH MILITARY TRAIL; SOUTH OF LANDS DESCRIBED IN DEED IN OFFICIAL RECORDS BOOK 7638, PAGE 902; WEST OF THE LANDS PLATTED AS HUNTERS COURT IN PLAT BOOK 86, PAGE 165 AND NORTH OF COCONUT LANE (OR COCONUT ROAD) EXCEPT FOR PART DEEDED IN OFFICIAL RECORDS BOOK 5869, PAGE 572 AND FURTHER EXCEPTING PART DEEDED IN OFFICIAL RECORDS BOOK 8856, PAGE 713 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Disclosure Owner 3

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

Disclosure Owner 4

COBWRA

COALITION OF BOYNTON WEST
RESIDENTIAL ASSOCIATIONS

• P.O. BOX 740814, BOYNTON BEACH, FL 33474-0814 •

• SERVING WEST BOYNTON SINCE 1981 •

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June 20, 2010

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Mr. Kerry Kilday
Urban Design Kilday Studios
The Lofts at City Place
477 S. Rosemary Ave, Suite #225
West Palm Beach, FL 33401

Dear Kerry:

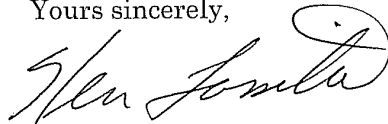
Re: South Military Trail & Coconut Lane Rezoning Application

At the COBWRA Delegates meeting on June 16, 2010, the Delegates voted to recommend approval of a zoning change from four zoning categories to Commercial General CG for this 8.4-acre property. The recommendation is subject to one condition that will improve the appearance of this property and make it more compatible with the West Boynton area:

- That a landscaping visual buffer be added along the northern property line so as to hide the auto salvage yard from view.

Thank you for the opportunity to review this proposal.

Yours sincerely,



Kenneth T. Lassiter
President

CC: Mr. Jon P. MacGillis, PBC Zoning
Mr. Lorenzo Aghemo, PBC Planning
Mr. Gerry Morrison, COBWRA Growth Management

RECEIVED JUN 22 2010

• ABERDEEN • ALDEN RIDGE • AVALON ESTATES • BANYAN SPRINGS • BAY ESTATES • BELLAGGIO • BELLA VERDE • BENT TREE GARDENS WEST • BENT TREE VILLAS EAST • BENT TREE VILLAS WEST
• BILTMORE TERRACE • BOYNTON OASIS • BOYNTON WATERS • BRIGHTON LAKES • CANYON LAKES • CASCADE LAKES • COBBLESTONE CREEK • COCOA PINE ESTATES • COLONIAL ESTATES • CORAL LAKES
• CORONADO ESTATES • COUNTRY FAIR • COUNTRY GREENS • CYPRESS CREEK • DELRAY DUNES • FAIRMONT PLACE • GRANDE PALMS • GREENTREE VILLAS • GROVE ISLE • HAMPTON LAKES • INDIAN SPRING
• INDIAN WELLS • JAMAICA BAY • LA PALOMA • LAKE CHARLESTON • LAKERIDGE AT WESTCHESTER • LAKERIDGE FALLS • LAKERIDGE GREENS • LAKES OF WESTCHESTER • LE CHALET • LEXINGTON LAKES • LIMETREE
• MADISON LAKES • MAJESTIC ISLES • MELROSE PARK • MIRROR LAKES • MIZNER FALLS • NORTHPOINTE AT WESTCHESTER • NORTHTREE • OAKWOOD LAKES • PALLADIUM • PALM CHASE • PALM CHASE LAKES • PALM ISLES
• PALM ISLES WEST • PALM SHORES AT GABLES END • PINE TREE COUNTRY CLUB ESTATES • PINE TREE VILLAGE • PIPERS GLEN ESTATES • PLATINA • PONTE VECCHIO • PONTE VECCHIO WEST • PRESTWICK
• QUAIL RIDGE • RIVERMILL • ROYAL LAKES • SAN MARCO AT WESTCHESTER • SANDHURST • SAVANNAH ESTATES • STARLIGHT COVE • SUN VALLEY • SUN VALLEY EAST • TARA ESTATES • THE CASCADES
• THE CLUB AT INDIAN LAKES • THE ENCLAVE AT WESTCHESTER • TIVOLI LAKES • TIVOLI RESERVE • TUSCANY BAY • VALENCIA ISLES • VALENCIA LAKES • VALENCIA POINTE • VALENCIA SHORES • VENETIAN ISLES
• VILLAGGIO • VILLAS OF PINE TREE • WYNDSONG ESTATES (88 MEMBER COMMUNITIES AS OF MAY 1, 2010)