

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



Application No.: PDD/R-2011-02339
Control No.: 1983-00118
Applicant: 1310 Congress Partners, LLC, Lessor
Owners: 1310 Congress Partners, LLC, Lessor
1280 North Congress, LLC
1300 North Congress Assoc.
PC Global Partners
Agent: David L. Carpenter & Assoc. - David Carpenter
Telephone No.: (561) 686-9520
Project Manager: Carol Glasser, Site Planner II

Location: East side of Old Congress Avenue north of Belvedere Road (Congress Business Center MUPD)

TITLE: an Official Zoning Map Amendment to a Planned Development District **REQUEST:** to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. **TITLE:** a Requested Use **REQUEST:** to allow a Charter School for more than 200 students

APPLICATION SUMMARY: Proposed is a rezoning of a 4.21-acre parcel of land known as Congress Business Center MUPD (a.k.a. The Office Park) from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District. The development was originally approved by the Board of County Commissioners (BCC) on August 25, 1983 for a Special Exception to allow a Planned Commercial Development (PCD) with an Office Warehouse Combination. The development is existing and consists of 63,591 square feet located within 6 buildings.

The applicant is requesting to increase the number of students (total enrollment of all shifts) in an existing Charter School from 153 students to 450 (+297) students in Building B and the 1st floor of Building A located on the north portion of the site. No additional square footage or outdoor activity area are proposed. The Preliminary Site Plan indicates 239 existing parking spaces and 4 existing access points from Old Congress Avenue.

ISSUES SUMMARY:

o Project History

On August 25, 1983, the BCC approved Resolutions R-83-1431 and R-83-1432 for a rezoning from CG in-part, Commercial Neighborhood (CN) in-part, and Residential Multiple Family (RM) in-part to the CG Zoning District and a Special Exception to allow a PCD including an Office Warehouse Combination (Building E). On August 23, 1984, the BCC approved Resolutions R-85-23 and R-85-24 for a rezoning from CN in-part and CG in-part to the CG Zoning District to expand and amend the site plan for the PCD.

- o Consistency with Comprehensive Plan

The Planning Division has found the requests consistent with the site's Commercial High with an underlying 8 units per acre (CH/8) Future Land Use (FLU) designation of the Palm Beach County Comprehensive Plan. See Staff Review and Analysis for additional comments from the Planning Division.

- o Urban Redevelopment Area (URA)

The subject site is within the URA and the Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO). The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) has determined that the requests are consistent with the WCRA plan (Exhibit E). The proposed project is eligible to benefit from the development pool created for the Westgate Community Redevelopment Area Transportation Concurrency Exception Area (TCEA). The WCRA set aside 737 trips per day, 241 AM peak hour trips, and 51 PM peak hour trips to support the proposed increase to 450 students subject to a Condition of Approval (Use Limitation 1) as indicated in Exhibit C-1.

- o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: CH/8
Zoning District: CN and RM
Supporting: Mobile Home Park (MHP) (Congress Mobile Home Park)

SOUTH:

FLU Designation: CH/8 and High Residential, 8 units per acre (HR-8)
Zoning District: CG and CN
Supporting: Private access road to Palm Beach Colony MHP and a vacant lot beyond.

EAST:

FLU Designation: CH/8 and HR-8
Zoning District: RM
Supporting: Mobile Homes and Outdoor Storage Area (Palm Beach Colony MHP)

WEST beyond Old Congress Ave. and N. Congress Ave. right-of-ways:

FLU Designation: Commercial High with an underlying 5 units per acre (CH/5)
Zoning District: CG
Supporting: Dog Track, Restaurant, Indoor Entertainment, Office (Control No. 83-50, Palm Beach Kennel Club)

No additional square footage is proposed to accommodate the increase in the number of students. The dumpsters at the rear of Building B will be relocated a minimum of 75 feet from the north and east boundaries that are adjacent to residential uses. Subject to the recommended Conditions of Approval, staff does not anticipate any significant incompatibility issues from the requests.

- o Traffic

See Engineering Comments in the Staff Review and Analysis for comments from the Traffic Division.

- o Landscape/Buffering

The previously approved landscape buffers for the north and east property lines adjacent to Buildings A and B require a canopy tree every 20 linear feet and a continuous hedge 24-inches on-center in addition to the existing 6-foot high concrete wall. The property owner is required to replace all dead and missing plant material prior to any expansion of the existing Charter School.

- o Signs

No changes to the existing signs are proposed with this request. The existing signs are located along Congress Ave. pursuant to Resolution R-84-1324 for a license agreement with Palm Beach County.

- o Architectural Review

No elevations have been submitted as the applicant indicates that no exterior modifications are to occur at this time. The applicant has stated that the renovations are to be to the interior of the buildings only. Should the proposed development exceed the thresholds as noted in Article 5.C.1.B.1.d, the proposed project shall be subject to the Architectural Guidelines (Chapter 5.C.) of the Unified Land Development Code (ULDC) and will be reviewed as a part of the Building Permit review.

- o Rezoning

Per Art. 3.A.3.E, the concurrent Requested Use application requires that the property owner rezone the existing development to the MUPD Zoning District. [This application was submitted and certified prior to pending Code amendments encouraging a rezoning.] The development was previously approved for a PCD with an Office Warehouse Combination. Congress Business Center MUPD is platted in Plat Book 97 Page 153 and consists of 4 lots. The applicant is the owner of Lot #4 at the north portion of the site supporting Buildings A and B with existing Office and Charter School uses. Information from the previously approved Final Site Plan, Exhibit 40, dated July 11, 2001 (Figure 6) for the unaffected area is carried forward to the Preliminary Site Plan for this application (Figure 4). The Table of Nonconformities includes Art. 7 Landscaping and Table 3.E.3.D MUPD minimum lot size; and, also Art. 3.E.1.C.1.h Pedestrian Amenity, Art. 3.E.3.B.2.c MUPD Buffer, Art. 3.E.3.B.2.e.1.a) MUPD Parking Area, Art. 6.A.1.B Parking.

- o Requested Use

A Charter School currently exists in Building B and the 1st floor of Building A, which was previously approved by the Development Review Officer (DRO) for 153 students. The applicant is requesting an increase of 297 students to allow a maximum enrollment (total enrollment for all shifts) of 450 students. A Charter School for more than 200 students is subject to the approval by the BCC as a Requested Use. No additional square footage is proposed. The affected area of the request is interior to Buildings A and B.

- o Interior Fencing and Site Design Conditions

During the Zoning Commission hearing an issue was raised regarding the drive aisle between Lots 2 and 3; and, 3 and 4. The drive aisle was paved between Lots 2 and 3, but not between Lots 3 and 4. The site plan for Petition 83-118 was approved on August 23, 1983 with a 4-foot hedge surrounding Lot 3, which was a Convenience Store not included in the original petition. Lot 3 was added to the PCD on August 23, 1984 via Petition 83-118(A) and the hedge was subsequently removed and replaced with a fence. Code Enforcement investigated and found no permit for the existing fence on Lot 3 between Buildings A and C. A Notice of Violation to the property owner was pending at time of printing. To provide internal circulation within the MUPD, staff recommends Condition of Approval Site Design 3 (Exhibit C) to require the west drive aisle to be completed between Lots 3 and 4.

- o Zoning Commission (ZC) Hearing

At the February 2, 2012 ZC hearing this item was pulled from the Consent Agent to hear from 2 members of the public. Staff gave a brief presentation and the agent David Carpenter made a presentation. The agent indicated the Charter School use has existed for approximately 11 years.

Ned Kerr, owner of the adjacent building on Lot 3, spoke in opposition to the project indicating concerns regarding a shortage of parking on the site, incompatibility of a school within an office park, and incompatibility with Pride [offices of Pride Integrated Services, Inc. located on the 2nd floor of Building A, which is a contractor providing probationary services]. Mr. Kerr indicated the site an existing fence on his lot replaced a hedge that the students cut-through (See Interior Fencing issue above addressing this fence); and, an existing fenced playground at the rear of Building B blocks parking spaces [which is a temporary permitted fence for the current students and shall be removed prior to the increase in students and noted as such on the Final Site Plan].

Ms. Lynda Harris, Esq., attorney for the Palm Beach Kennel Club, spoke in opposition indicating the proposed expansion of the school will negatively impact future expansion plans for the pari-mutuel, alcohol, and card room operations of the Kennel Club, which has existed for 80 years in its current location.

The Commissioners had questions regarding the existing and proposed Charter School operations (grades, number of student drivers, outdoor play area, buses, possible student interaction with PRIDE offices/offenders, possible Condition of Approval to limit grades/type of Charter School). The Commissioners also had numerous questions regarding existing site conditions (fences, lack of cross access, shortage of parking spaces); and, setbacks for the Kennel Club and Code requirements for shared parking in a MUPD.

Staff clarified pursuant to Florida Statutes, a location for on-premises consumption of alcoholic beverages may not be located within 500 feet of the existing Charter School measured structure to structure. The existing Charter School is approximately 300 feet from the northern portion of the east boundary of the Kennel Club. The northern portion of the Kennel Club site is current vacant. Any future buildings on the northern portion of the Kennel Club site will need to be setback approximately 200 feet from the east boundary for on-premises consumption of alcoholic beverages as the Charter School exists now.

The applicant was not in attendance to answer the Commissioner's questions regarding the existing and proposed Charter School use. The Zoning Commission unanimously postponed this item to the March 1, 2012 ZC hearing.

This application was postponed by right from the March 1, 2012 ZC hearing to the April 5, 2012 ZC hearing.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-43-43-29-20-000-0010 00-43-43-29-20-000-0020 00-43-43-29-20-000-0030 00-43-43-29-20-000-0040	Same
Land Use Designation:	Commercial High with an underlying High Residential, 8 units per acre (CH/8)	Same
Zoning District:	General Commercial (CG)	Multiple Use Planned Development (MUPD)
Tier:	Urban Suburban	Same
Use:	Office, Business or Professional Office Warehouse Combination Charter School with a maximum 153 students	Office, Business or Professional Office Warehouse Combination Charter School with a maximum of 450 students (+297 students)
Acreage:	4.21 acres	Same
Intensity:	63,591 square feet	Same
Parking:	237 spaces	Same
Access:	4 points from Old Congress Avenue	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 1 contact from the public in opposition to this project indicating the increase in the number of students will have a negative impact on a future expansion of the Palm Beach Kennel Club.

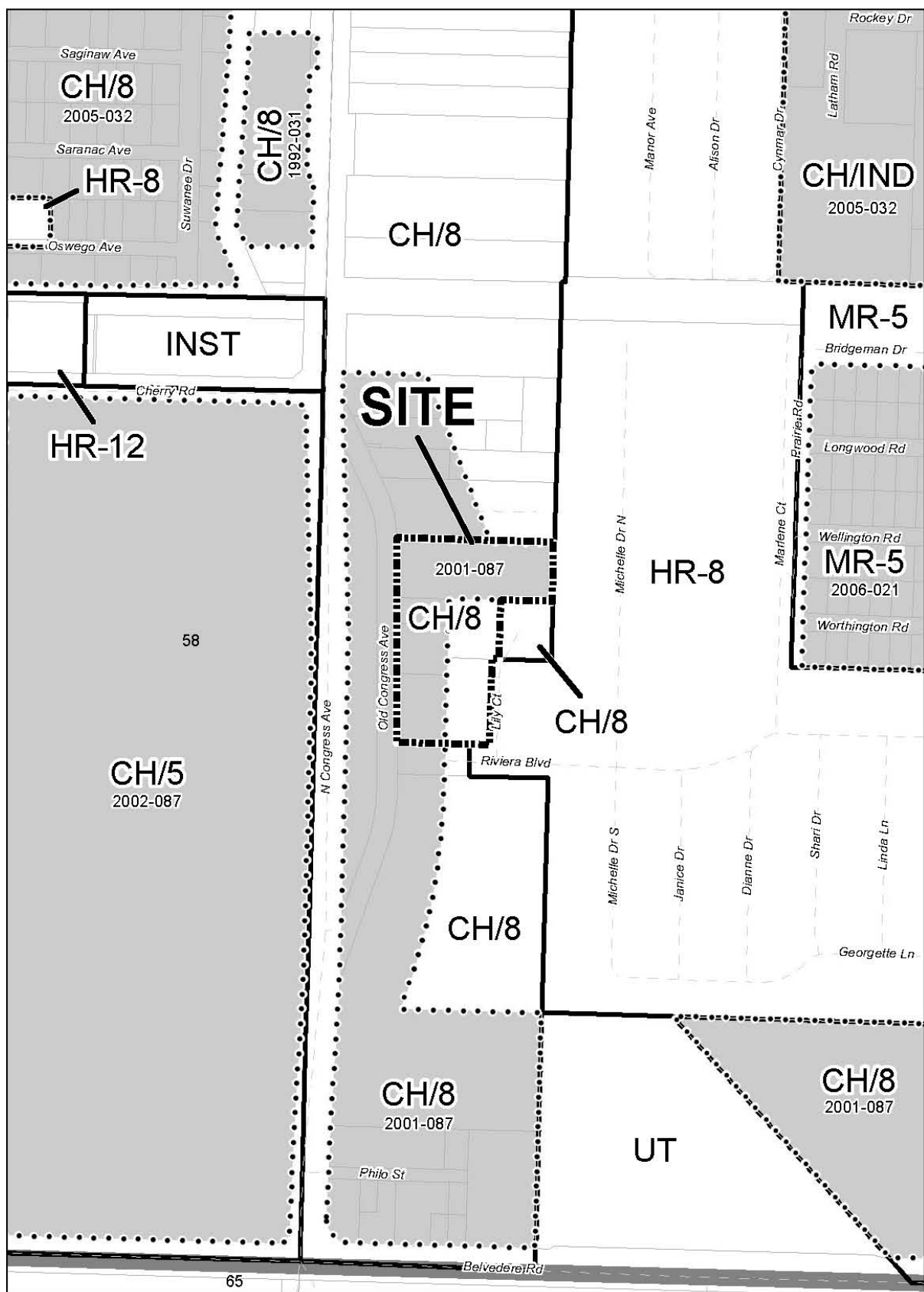
RECOMMENDATION: Staff recommends approval of the rezoning subject to 13 Conditions of Approval as indicated in Exhibit C-1: and, approval of the Requested Use subject to 4 Conditions of Approval as indicated in Exhibit C-2.

ACTION BY THE ZONING COMMISSION: February 2, 2012: Motion to Postpone to March 1, 2012 carried by a vote of 7-0. **March 1, 2012:** Motion to Postpone to April 5, 2012 carried by a vote of 6-0.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the General Commercial (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval in Exhibit C-1.

MOTION: To recommend approval of a Requested Use to allow a Charter School for more than 200 students subject to the Conditions of Approval as indicated in Exhibit C-2.

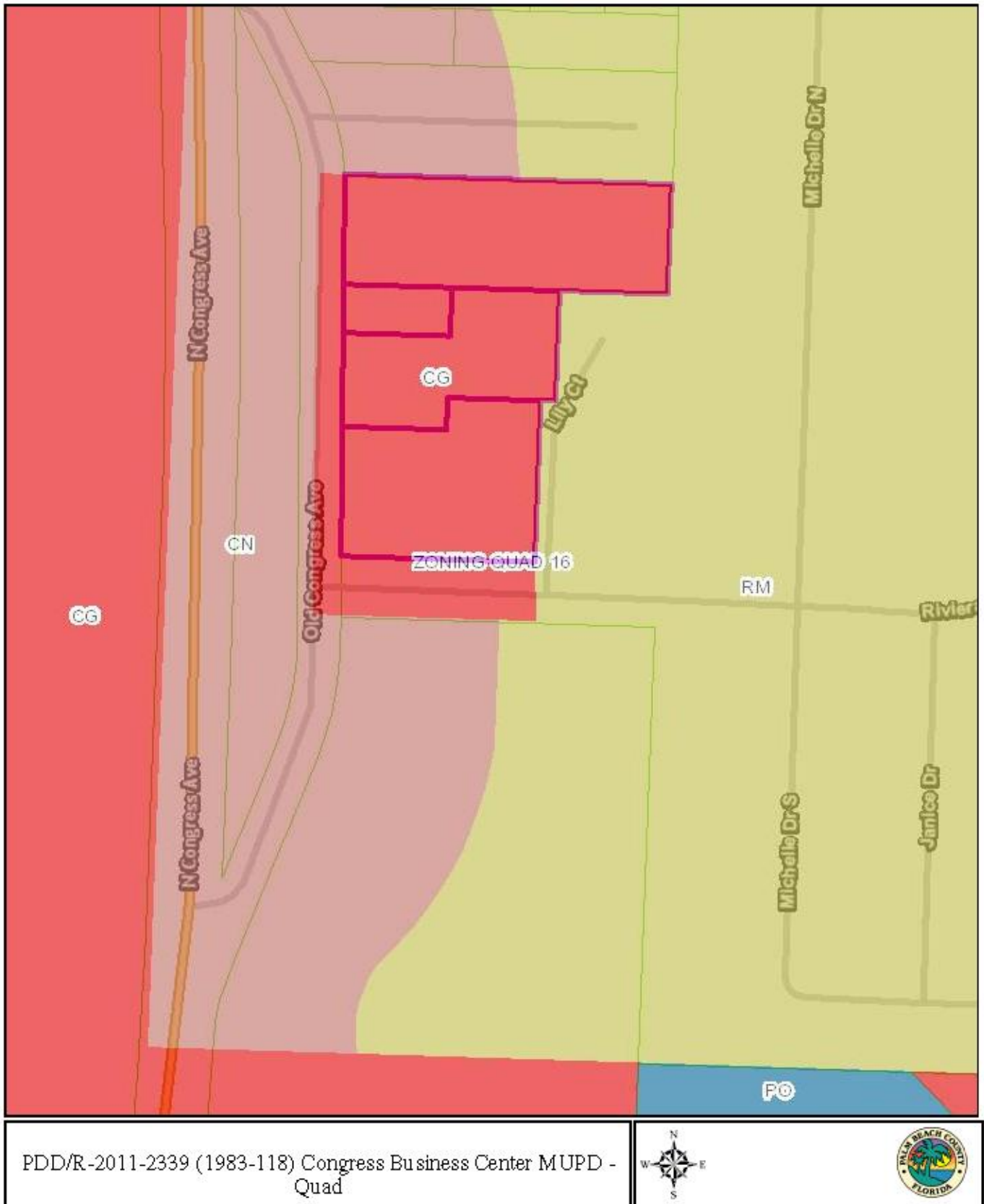
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number:	<u>PDD/R-2011-2339</u>
Control Number:	<u>1983-118</u>
Land Use Atlas Page:	<u>58</u>
Date:	<u>12/20/2011</u>



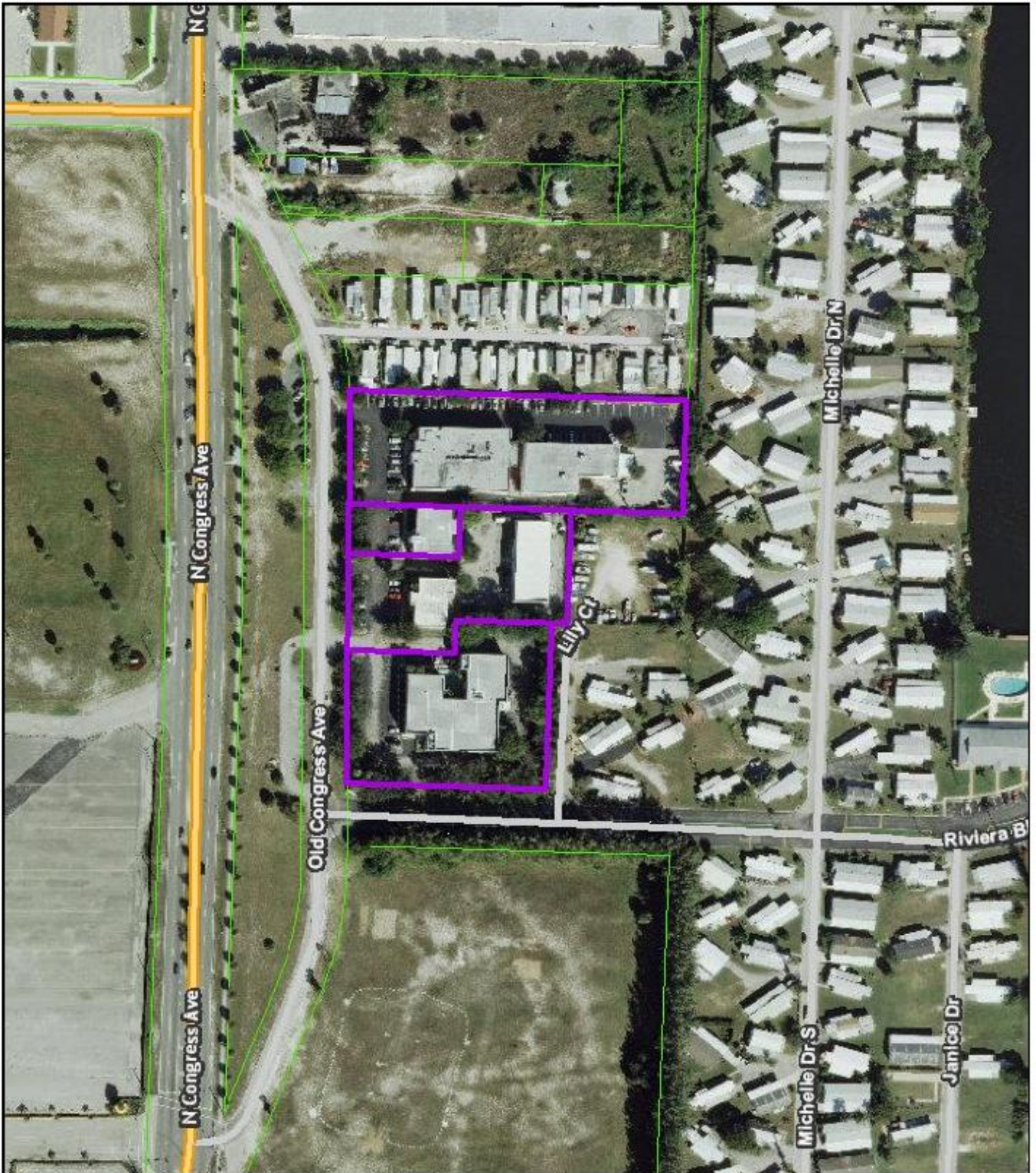
Figure 1 Land Use Map



PDD/R-2011-2339 (1983-118) Congress Business Center MUPD - Quad

produced by: myGeoNav

Figure 2 Zoning Quad Map

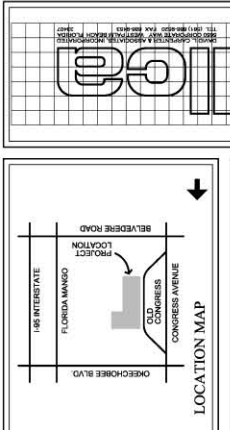
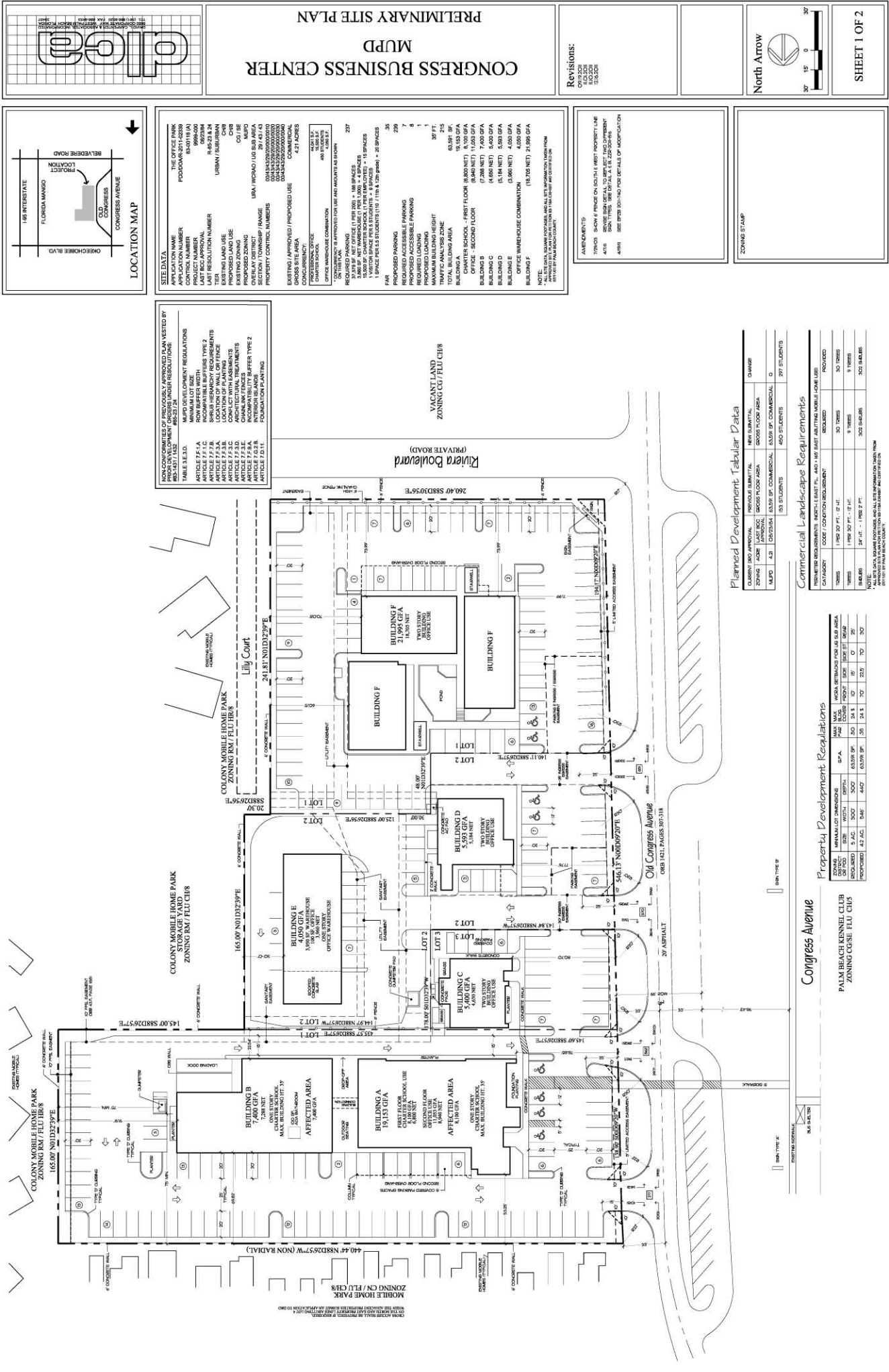


PDD/R-2011-2339 (1983-118) Congress Business Center MUPD -
Aerial



produced by: myGeoNav

Figure 3 Aerial



CONGRESS BUSINESS CENTER MUPP PRELIMINARY SITE PLAN

SITE DATA	
APPLICATION NAME	THE OFFICE PARK
APPLICATION NUMBER	PDD/R-2011-02339
PROJECT NUMBER	05662-000
LAST BCC APPROVAL	08/28/09
PROJECT RESOLUTION NUMBER	09/23/09
PROJECT RESOLUTION DATE	09/23/09
URBAN SUBURBAN	CO/18
EXISTING LAND USE	CO/18
PROPOSED ZONING	MUPP
SECTION / TOWNSHIP / RANGE	04N/18W/04S
PROPERTY CONTROL NUMBER	04N/18W/04S/001000000
EXISTING APPROVED / PROPOSED USE	COMMERCIAL
ACRES	4.31 ACRES
PROFESSIONAL OFFICE	44,012 SF
CHARACTER SCHOOL USE	480 STUDENTS
CONCURRENCY	APPROVED FOR USE AND MONITORING AS SHOWN
REQUIRED PARKING	237
37,476 SF NET OFFICE (1,897,000 = 68 SPACES)	
16,600 SF CHARACTER SCHOOL (1,897,000) = 14 SPACES	
1 SPACE PER 18 STUDENTS (110' x 110' x 120' PER) = 20 SPACES	
FAR	.35
PROPOSED PARKING	229
REQUIRED ACCESSIBLE PARKING	7
REQUIRED LOADING	1
PROPOSED LOADING	38 FT
TRAFFIC ANALYSIS ZONE	215
TOTAL BUILDING AREA	63,971 SF
BUILDING A SCHOOL - FIRST FLOOR (8,800 NET)	15,150 GFA
BUILDING B OFFICE - SECOND FLOOR (7,288 NET)	7,400 GFA
BUILDING C OFFICE - SECOND FLOOR (4,600 NET)	5,400 GFA
BUILDING D OFFICE - SECOND FLOOR (5,100 NET)	5,100 GFA
BUILDING E OFFICE WAREHOUSE COMBINATION (4,080 NET)	4,080 GFA
BUILDING F OFFICE WAREHOUSE COMBINATION (21,985 NET)	21,985 GFA
BUILDING G OFFICE WAREHOUSE COMBINATION (5,100 NET)	5,100 GFA

Revisions:
09/19/2011
10/20/2011
11/02/2011
11/23/2011

ANNEXMENTS:
17900 2-041 4- FENCE ON 1/2" D.I.U. (NET PROPERTY) LINE
4474 3-041 5-041 6-041 7-041 8-041 9-041 10-041 11-041 12-041
44991 SEE 2010 ZONING FOR DETAILS OF MODIFICATION

North Arrow

Scale: 30' 15' 0' 30'

SHEET 1 OF 2

ZONING STAMP

NON-COMMITMENTS OF PREVIOUSLY APPROVED PLAN VESTED BY:
 1. MUPP DEVELOPMENT CRITERIA UNDER RESOLUTIONS:
 TABLE 3.E.3.D.
 MUPP DEVELOPMENT REGULATIONS
 MINIMUM LOT SIZE
 INCOMPATIBLE BUFFERS TYPE 2
 ARTICLE 77.F.4
 RESERVATION OF RIGHT REQUIREMENTS
 ARTICLE 77.F.5
 LOCATION OF PLANTING
 ARTICLE 77.F.6
 ARCHITECTURAL TREATMENTS
 ARTICLE 77.F.7
 INCOMPATIBILITY BUFFER TYPE 2
 ARTICLE 77.G.3
 POSITION OF PLANTING
 ARTICLE 77.G.11

Planned Development Tabular Data

CURRENT AND APPROVAL ZONING	PLANNED DEVELOPMENT	NEW SUBMITTAL	CHANGES
MUPP / 4.31	04N/18W/04S	63,971 SF COMMERCIAL	63,971 SF COMMERCIAL
		450 STUDENTS	237 STUDENTS

Commercial Landscape Requirements

REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS
MINIMUM LOT DIMENSIONS	MINIMUM LOT DIMENSIONS	MINIMUM LOT DIMENSIONS	MINIMUM LOT DIMENSIONS
300' x 150'	300' x 150'	300' x 150'	300' x 150'
MINIMUM LOT AREA	MINIMUM LOT AREA	MINIMUM LOT AREA	MINIMUM LOT AREA
45,000 SF	45,000 SF	45,000 SF	45,000 SF
MINIMUM LOT PERCENTAGE	MINIMUM LOT PERCENTAGE	MINIMUM LOT PERCENTAGE	MINIMUM LOT PERCENTAGE
10%	10%	10%	10%

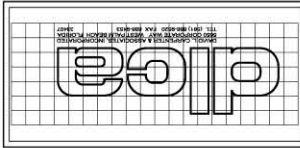
Property Development Regulations

MINIMUM LOT DIMENSIONS	MINIMUM LOT AREA	MINIMUM LOT PERCENTAGE
300' x 150'	45,000 SF	10%

Commercial Landscape Requirements

REQUIREMENTS	REQUIREMENTS	REQUIREMENTS	REQUIREMENTS
MINIMUM LOT DIMENSIONS	MINIMUM LOT DIMENSIONS	MINIMUM LOT DIMENSIONS	MINIMUM LOT DIMENSIONS
300' x 150'	300' x 150'	300' x 150'	300' x 150'
MINIMUM LOT AREA	MINIMUM LOT AREA	MINIMUM LOT AREA	MINIMUM LOT AREA
45,000 SF	45,000 SF	45,000 SF	45,000 SF
MINIMUM LOT PERCENTAGE	MINIMUM LOT PERCENTAGE	MINIMUM LOT PERCENTAGE	MINIMUM LOT PERCENTAGE
10%	10%	10%	10%

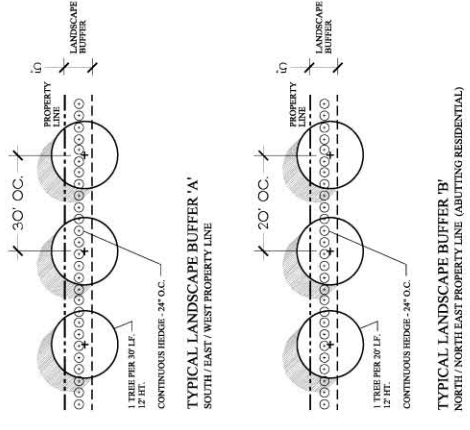
Figure 4 Preliminary Site Plan dated December 19, 2011



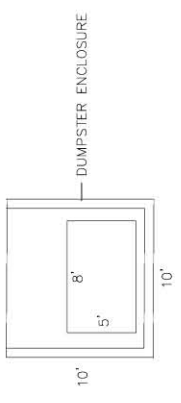
CONGRESS BUSINESS CENTER
MUPD
PRELIMINARY REGULATING PLAN

Revisions:
09.19.2011
11.10.2011
12.06.2011

SHEET 2 OF 2

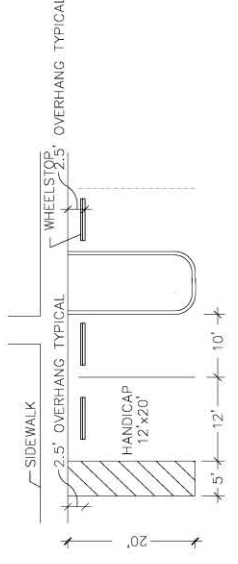


LANDSCAPE BUFFER DETAILS

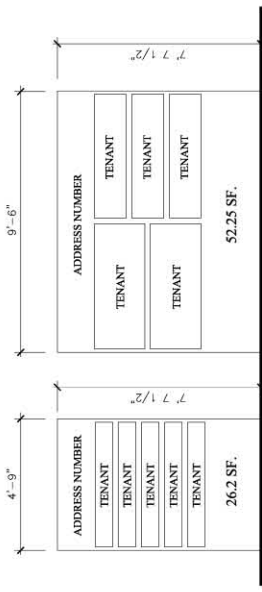


DUMPSTER DETAIL

NTS



NTS



NOTE:
* SIGN LOCATIONS PER LICENSE AGREEMENT WITH PALM BEACH COUNTY
R-84-1324 (IN FILE)

MASTER SIGN PROGRAM

Figure 5 Preliminary Regulating Plan dated December 19, 2011

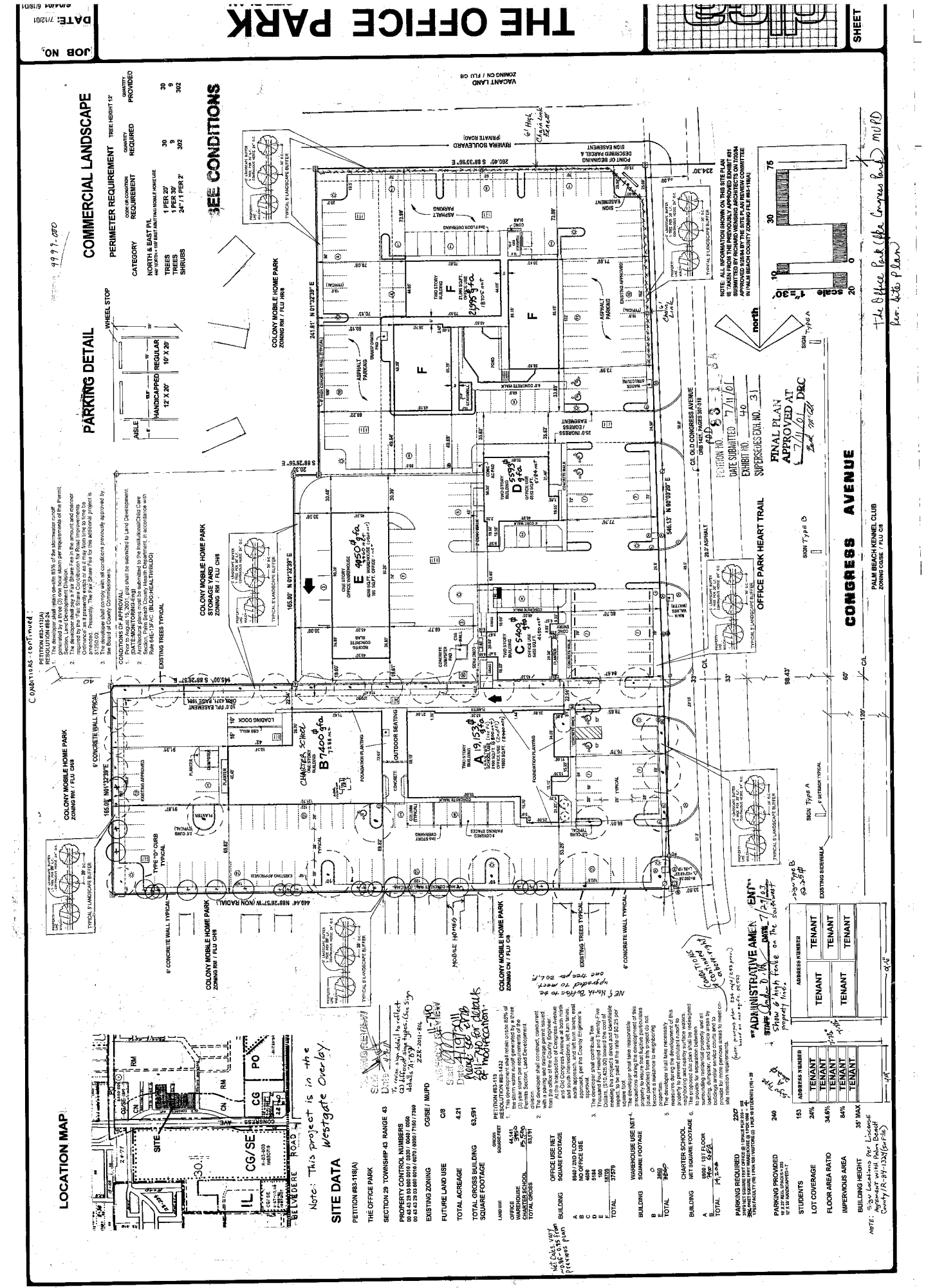


Figure 6 Previously Approved Final Site Plan Exhibit 40 dated July 11, 2001

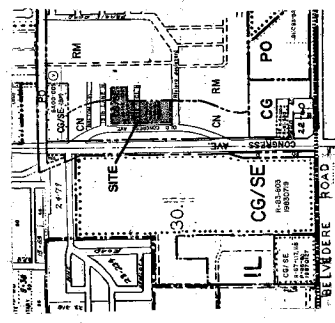
ZC
 Application No. PDD/R-2011-02339
 Control No. 1983-00118
 Project No. 05662-000

April 5, 2012
 BCC District 02

83-118 (A) (A) CONGRESS PARK) Revised Site Plan 7/11/01

EXN. 40

LOCATION MAP



SITE DATA

NOTE: This project is in the Westgate Overlay

SECTION 29 TOWNSHIP 43 RANGE 43
 THE OFFICE PARK
 PROPERTY CONTROL NUMBERS
 00-44-28-03-000 0000 0000 7180 1790
 00-44-28-03-000 0000 0000 7180 1790

EXISTING ZONING: CGSE / MUPD
 FUTURE LAND USE: C8

TOTAL ACRES: 4.21
 TOTAL GROSS BUILDING SQUARE FOOTAGE: 63,291

OFFICE USE NET SQUARE FOOTAGE

A	840
B	200
C	514
D	484
E	3759
TOTAL	3772

WAREHOUSE USE NET SQUARE FOOTAGE

B	380
TOTAL	380

CHARTER SCHOOL NET SQUARE FOOTAGE

A	840
B	200
TOTAL	1040

PARKING PROVIDED

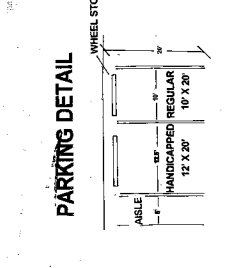
STUDENTS	153
LOT COVERAGE	24%
FLOOR AREA RATIO	34.8%
IMPERVIOUS AREA	84%
BUILDING HEIGHT	35' MAX

ADMINISTRATIVE AREA

ADDRESS NUMBER	TENANT
240	TENANT
153	TENANT
246	TENANT
348	TENANT
84	TENANT
35	TENANT

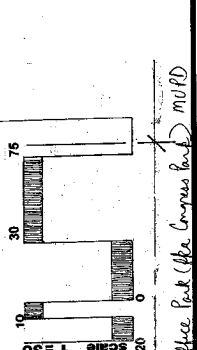
COMMERCIAL LANDSCAPE

PERMETER REQUIREMENT	TREE HEIGHT 12'
QUANTITY	PROVIDED
REQUIREMENT	REQUIRED
CATEGORY	REQUIREMENT
NORTH & EAST PL	1 PER 20'
WEST & SOUTH PL	1 PER 30'
TREES	30
SHRUBS	302



SEE CONDITIONS

CONDITIONS OF APPROVAL:
 1. The developer shall submit to the Board of County Commissioners a site plan showing the location of all trees to be removed and the location of all trees to be planted.
 2. The developer shall submit to the Board of County Commissioners a site plan showing the location of all trees to be removed and the location of all trees to be planted.
 3. The developer shall submit to the Board of County Commissioners a site plan showing the location of all trees to be removed and the location of all trees to be planted.



DATE SUBMITTED: 7/11/01
 EXHIBIT NO: 40
 SUPERSEDES EXH. NO. 31
 FINAL PLAN APPROVED AT: 7/11/01 DRC

CONGRESS AVENUE
 PALM BEACH KENNEL CLUB
 ZONING CODE: FLU 03

OFFICE PARK HEART TRAIL
 COLONY MOBILE HOME PARK
 ZONING RM / FLU CH8

COLONY MOBILE HOME PARK
 ZONING RM / FLU CH8

COLONY MOBILE HOME PARK
 ZONING RM / FLU CH8

COLONY MOBILE HOME PARK
 ZONING RM / FLU CH8

COLONY MOBILE HOME PARK
 ZONING RM / FLU CH8

COLONY MOBILE HOME PARK
 ZONING RM / FLU CH8

DATE: 7/11/01
 JOB NO. 997-070
 SHEET

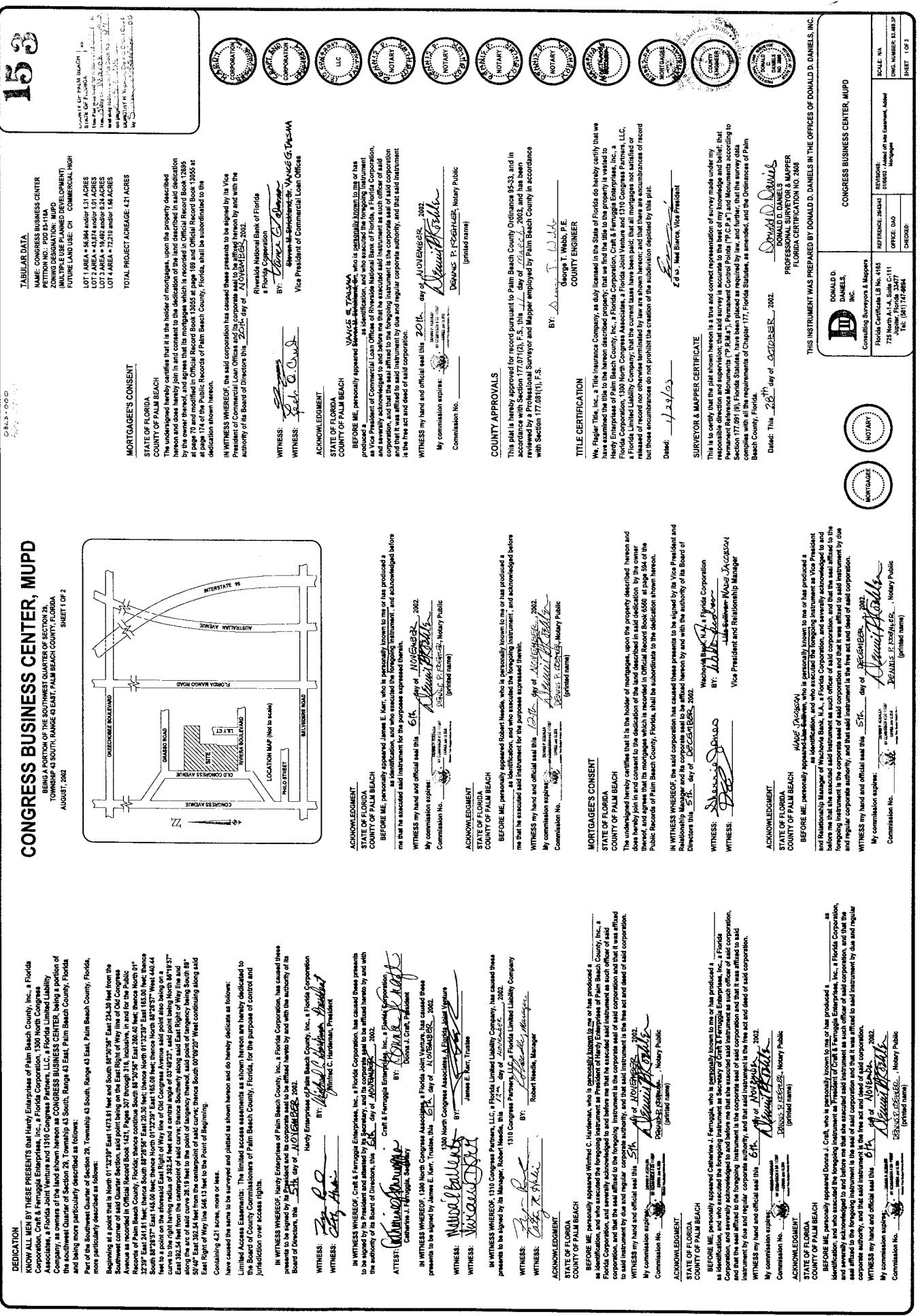


Figure 7 Congress Business Center Plat (Plat Book 97, Page 153)

CONGRESS BUSINESS CENTER, MUPD

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29,
TOWNSHIP 43 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA,
AUGUST, 2002.
SHEET 2 OF 2

MORTGAGEE'S CONSENT
STATE OF FLORIDA
COUNTY OF PALM BEACH

The undersigned hereby certifies that it is the holder of mortgage, upon the property described herein and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof, and agrees that the mortgage which is recorded in Official Record Book 5967 at page 1718 of the Public Records of Palm Beach County, Florida, shall be subordinate to the dedication shown herein.

IN WITNESS WHEREOF, the said corporation has caused these presents to be signed by its Vice President and its corporate seal to be hereon by and with the authority of its Board of Directors this 7th day of February, 2003.

WITNESSES: James E. Kerr, Notary Public
By: James E. Kerr, Vice President

ACKNOWLEDGMENT
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, personally appeared Wade Jacobson, who is personally known to me or has produced a Florida Identification, and who executed the foregoing instrument as Vice President of Wachovia Bank, N.A., a Florida Corporation, and severally acknowledged to and before me that he executed the foregoing instrument as Vice President of Wachovia Bank, N.A., a Florida Corporation, and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESSES my hand and official seal this 6th day of February, 2003.

My commission expires: 2003
Commission No. 20000000000000000000
Notary Public
Donald D. Daniels, Inc. (printed name)

MORTGAGEE'S CONSENT
STATE OF FLORIDA
COUNTY OF PALM BEACH

The undersigned hereby certifies that it is the holder of mortgage, upon the property described herein and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof, and agrees that the mortgage which is recorded in Official Record Book 5967 at page 1718 of the Public Records of Palm Beach County, Florida, shall be subordinate to the dedication shown herein.

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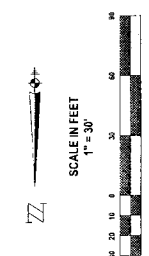
WITNESSES: James E. Kerr, Notary Public
By: James E. Kerr, Vice President

ACKNOWLEDGMENT
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, personally appeared Wade Jacobson, who is personally known to me or has produced a Florida Identification, and who executed the foregoing instrument as Vice President of Wachovia Bank, N.A., a Florida Corporation, and severally acknowledged to and before me that he executed the foregoing instrument as Vice President of Wachovia Bank, N.A., a Florida Corporation, and that it was affixed to said instrument by due and regular corporate authority, and that said instrument is the free act and deed of said corporation.

WITNESSES my hand and official seal this 6th day of February, 2003.

My commission expires: 2003
Commission No. 20000000000000000000
Notary Public
Donald D. Daniels, Inc. (printed name)

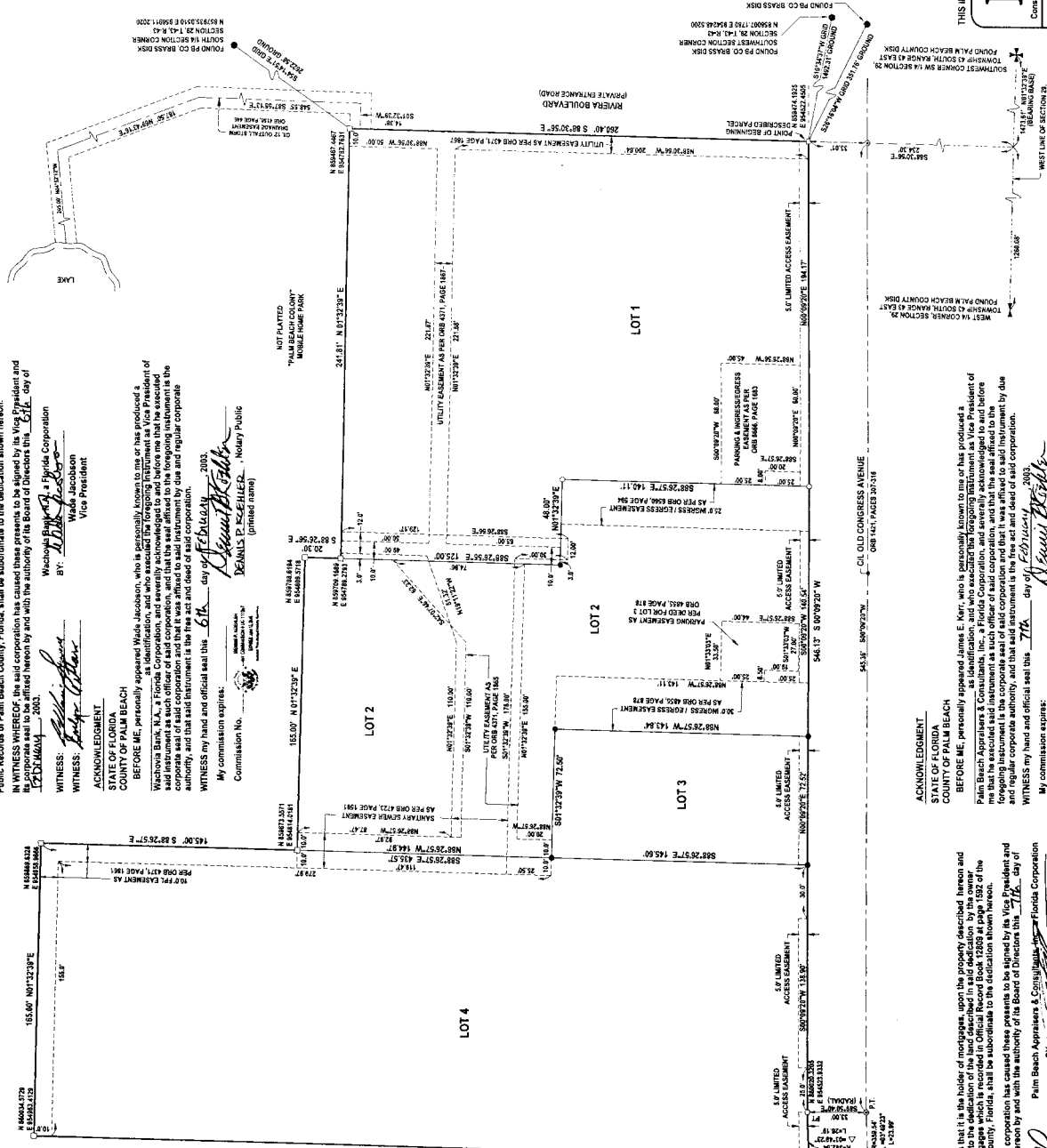


SURVEYOR'S NOTES

- All bearings shown herein are relative to the West Line of Section 29, Township 43 South, Range 43 East having a bearing of North 01°32'39" East.
- No building or any kind of construction or trees or shrubs shall be placed on any portion of the land described herein without the approval of the Planning and Zoning Department of Palm Beach County and all applicable provisions of the Comprehensive Zoning Ordinance of Palm Beach County and any restrictive covenants pertaining to that reflected by this plat.
- In instances where drainage and utility easements cross, drainage easements shall take precedence.
- Abbreviations used on this plat are as follows:
 - ⊙ = Set (P.C.P.) Permanent Control Point
 - ⊙ = Set (P.R.M.) Permanent Reference Monument
 - ⊙ = Set (P.R.M.) Permanent Reference Monument with a P.K. & Disk Stamped "PRM LB 4165"
 - ⊙ = Set (P.R.M.) Permanent Reference Monument with a P.K. & Disk Stamped "PRM LB 4165"
 - ⊙ = Set (P.R.M.) Permanent Reference Monument with a P.K. & Disk Stamped "LB 4165"
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 - ⊙ = Set (P.R.M.) Permanent Reference Monument with a P.K. & Disk Stamped "LB 4165"

- L.B. = Licensed Business
 - C.L. = Centerline
 - P.T. = Point of Tangent
 - P.R.C. = Point of Reverse Curve
 - C.C. = Curve Radius
 - L.C. = Curve Length
 - Δ = Curve Delta
 - ORB = Official Record Book
 - PC = Point of Curve
 - PT = Point of Tangent
 - PCB = Point of Curvature Beginning
 - E.C.S. = State Plane Coordinates (Existing)
6. State Plane Coordinate Information
 A. Coordinates shown are grid
 B. Zone = Florida East
 C. Zone = Florida East
 D. Linear Unit = US Survey Foot
 E. Coordinate system 1983 State Plane Transverse Mercator Projection
 F. Scale Factor = 1.00004340
 G. Scale Factor = 1.00004340
 H. Ground distance X scale factor = grid distance

This plat, as recorded in its graphic form, is the official depiction of the subdivided land described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.



THIS INSTRUMENT WAS PREPARED BY DONALD D. DANIELS IN THE OFFICES OF DONALD D. DANIELS, INC.

DONALD D. DANIELS, INC.
 Consulting Surveyors & Maplers
 725 Jupiter Inland Parkway, Suite 207
 Jupiter, Florida 33417
 Tel: (561) 747-8884

REFERENCE: 2002-111
 OFFICE: JAO
 CHECKED: [Signature]

SCALE: 1"=30'
 DRAWING NUMBER: 23-483-2P
 SHEET: 2 OF 2

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: The property's Future Land Use has a Commercial High with an underlying 8 units per acre (CH/8) designation.

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

FUTURE ANNEXATION AREAS: The subject property is within the future annexation area of the City of West Palm Beach.

INTERGOVERNMENTAL COORDINATION: The subject site is located within one mile of the City of West Palm Beach.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to increase the existing student enrollment of 153 students to maximum of 450 students and rezone the property from a CG/SE Zoning District to a MUPD. Staff has found the request to be consistent with the CH/8 Future Land Use designation.

Furthermore, the project furthers Policy 2.2.8-b, which states: "The County shall encourage the location of schools proximate to urban residential areas by: 3. Considering schools as an allowable use within all urban residential land use categories."

The maximum Floor Area Ratio (FAR) of .50 is allowed for an MUPD in the Urban/Suburban Tier (4.21 ac x 43,560 x .50 = 91,693.8 square feet maximum). The built site has an FAR of 0.35 (63,591/183,387.6=0.346).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject site is within the boundaries of the Revitalization, Redevelopment, Infill Overlay (RRIO), the Urban Redevelopment Area (URA), and the Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO).

The subject 1.66 acre property (affected area) is part of the 4.21 acre Office Park (Petition1983-0018), located east of Old Congress Avenue and Congress Avenue, and north of Belvedere Road. A site specific amendment (Ord. 2001-087) was initiated by the County to revise the FLU from Commercial with an underlying 8 residential units per acre (C/8) to a CH/8 land use designation.

The Westgate/Belvedere Homes Community Redevelopment Agency (WCRA) was created pursuant to F. S. §163 Part III, Community Redevelopment, to remove blighted conditions, enhance the County's tax base, improve living conditions, and preserve areas of low and moderate cost housing in the Westgate/Belvedere Homes area of unincorporated Palm Beach County.

The change in use will not increase the square footage of the existing buildings. The original site design allowed pedestrian and vehicular cross access between the internal parcels of the Office Park. A notation for future cross access has been placed on the affected area of the proposed site plan to comply with Policy 1.2.2-h if the adjacent properties to the north and east redevelop.

FINDINGS: The request is consistent with the CH/8 FLU designation of the Palm Beach County Comprehensive Plan.

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 for additional impervious area.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Old Congress Avenue.

TRAFFIC IMPACTS

Previously approved traffic from this project was 1,049 trips per day, 232 trips in the AM peak hour. Additional traffic expected from the proposed project is 737 trips per day, 241 trips in the AM peak hour, for grand total impact of 1,786 daily and 473 AM peak hour trips. 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 because the project falls within the Westgate TCEA.

ADJACENT ROADWAY LEVEL OF SERVICE (AM PEAK)

Segment: Congress Ave. from Belvedere Road to Okeechobee Blvd.

Existing count: 938

Background growth: 223

Project Trips: 88

Total Traffic: 1,249

Present laneage: 5L

LOS "D" capacity: 3,220

Projected level of service: B

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis is needed for this request.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been previously 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 Staff Review Analysis is needed for this request.

PARKS AND RECREATION: No Staff Review Analysis is needed for this request.

CONCURRENCY: Concurrency is approved for 44,041 square feet of Professional or Business Office, 4,050 square feet of Office Warehouse Combination, and a 15,500-square foot Charter School with 450 students.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department

FINDING: The proposed Zoning Map Amendment and Requested Use comply 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 found the rezoning request is consistent with the CH/8 FLU designation of the Palm Beach County Comprehensive Plan.

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.*

The existing development was previously approved as a PCD with an Office Warehouse Combination. Per Art. 3.A.3.E, the property owner is required to rezone to the MUPD Zoning District concurrently with the Requested Use application because a Requested Use is also reviewed through the both the Zoning Commission and BCC public hearing process. The rezoning will not affect the prior approval for the special exception for the office warehouse.

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 development was previously approved as a PCD. Per Art. 3.A.3.E.2.b, a PCD corresponds to a MUPD. The rezoning of the existing development does not create any incompatibility issue and is the appropriate Zoning District for the parcel per Table 3.A.3.C – FLU Designation and Corresponding Planned Development Districts.

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 Resources Management has determined that no significant environmental issues associated with this petition exist beyond compliance with ULDC requirements.

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

The proposed rezoning will not have any affect on the existing development pattern in the vicinity. The development is fully constructed and no additional square footage is proposed.

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

The subject site is not within a neighborhood planning area.

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

Concurrency is approved for 44,041 square feet of Professional or Business Office, 4,050 square feet of Office Warehouse Combination, and a 15,500-square foot Charter School with 450 students.

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

The request for a Charter School with a total enrollment over 200 students necessitates that the development be rezoned to the MUPD Zoning District consistent with Table 3.A.3.C.

Staff has evaluated the standards listed under Article 2.B.1.B 1-8 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 rezoning request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C.

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

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

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

The Planning Division has found the Requested Use for the Charter School consistent with the CH/8 FLU designation of the Palm Beach County Comprehensive Plan.

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

All of the buildings and the building's layout within the development are existing. All schools are required to provide a pedestrian access system, designated drop-off/pick-up area(s), and special pavement treatment/markings where pedestrian pathways cross vehicular use areas. Improvements to the existing pedestrian access system for this development are required for the request to increase student enrollment (Exhibit C-1, Engineering 5; Site Design 3 and 4). The dumpster(s) for Buildings A and B are required to be setback from the north and east boundary by a minimum of 75 feet (Exhibit C-1, Site Design 2). No outdoor activity area is proposed.

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.*

A Charter School use with 153 students exists in Buildings A and B on the north portion of the site. The proposed increase in students to a total enrollment of 450 students (all shifts) is within the existing buildings. Incompatibility issues with the surrounding residential was previously addressed with the 1983 and 1984 approvals for the existing buildings. The property owner must replace all dead and missing plant materials on the entire subject property prior to the fall term.

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

The use is proposed in existing buildings and will not have any adverse visual impact on the adjacent

lands.

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

Environmental Resources Management has determined that no significant environmental issues associated with this petition exist beyond compliance with ULDC requirements.

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

The proposed increase in the number of students for the Charter School will use existing buildings. The proposed use will not affect the existing development pattern in the vicinity of the existing development.

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

The subject site is not within a neighborhood planning area.

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

Concurrency is approved for 44,041 square feet of Professional or Business Office, 4,050 square feet of Office Warehouse Combination, and a 15,500-square foot Charter School with 450 students.

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

The applicant indicates that the need for the existing Charter School to expand is a result of the increase in Palm Beach County's increasing population creating an increasing need for schools. This circumstance requires the existing Charter School to request an enrollment over the threshold for DRO approval over 200 students to serve new elementary, middle, and high school students. The applicant indicates that the Charter School can provide services to the expanding population and the children that may have special needs.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Non Residential Planned Development District

ALL PETITIONS

1. All previous Conditions of Approval applicable to the subject property, as contained in Resolutions R-83-1432 (Control 83-118) and R-85-24 (Control 83-118), have been consolidated as contained herein. The property owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. The approved Preliminary Site Plan is dated December 19, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. The developer shall contribute Ten Thousand Four Hundred and Twenty-Five Dollars (\$10,425.00) toward the cost of meeting this project's direct and identifiable impact, to be paid at the rate of \$.25 per square foot. (DRO: ZONING - Zoning) (Previous Condition 3 of Resolution R-83-1432, Control No. 83-118) [COMPLETED: Check #4174 2/10/84]

ENGINEERING

1. Previous Condition 1 of Resolution R-83-1432, Control No. 83-118, which currently states:

This development shall retain onsite 85% of the storm water runoff generated by a three (3) year storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [Reason: Drainage is a code requirement.]

2. Previous condition 1 of Resolution R-85-24, Control No. 83-118, which currently states:

The developer shall retain on-site 85% of the stormwater runoff generated by a three (3) one hour storm per requirements of the Permit Section, Land Development Division.

Is hereby deleted. [Reason: Drainage is a code requirement.]

3. The developer shall construct, concurrent with a paving and drainage permit issued from the office of the County Engineer, at the intersection of Congress Avenue and Old Congress Avenue at both north and south intersections, left turn lanes, north approach, and left turn lanes, east approach, per the County Engineer's approval.

(Previous Condition 2 of Resolution R-83-1432, Control No. 83-118)

[Note: COMPLETED]

4. The developer shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. Presently The Fair share Fee for this additional project is \$1250.00. (Previous Condition 2 of Resolution R-85-24, Control No. 83-118)

[Note: COMPLETED]

5. The Property Owner shall construct a 5-ft pedestrian pathway between the western property line and the bus stop along Congress Avenue. 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 or easements.

a. Permits required from Palm Beach County for this construction shall be obtained prior to June 30, 2012. (BLDG PERMIT: MONITORING-Eng)

b. Construction shall be completed prior August 31, 2012. (CO: MONITORING-Eng)

HEALTH

1. Previous Condition 4 of Resolution R-83-1432, Control No. 83-118, which currently states:

The developer shall take reasonable precautions during the development of this property to insure that fugitive particulates (dust particles) from this project do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: Code requirement]

2. Previous Condition 5 of Resolution R-83-1432, Control No. 83-118, which currently states:

The developer shall take necessary measures during the development of this property to prevent pollutant runoff to neighboring and nearby surface waters.

Is hereby deleted. [REASON: Code requirement]

LANDSCAPE - GENERAL

1. Prior to August 31, 2012, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

SITE DESIGN

1. The proposed site plan shall be redesigned to provide for separation between surrounding residential property and all loading, dumpster, and service areas by buildings and/or service courts and to provide for more pervious areas to meet on-site retention requirements. (DRO: ZONING - Zoning) (Previous Condition 6 of Resolution R-83-1432, Control No. 83-118) [NOTE: COMPLETED.]

2. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain a Building Permit to relocate the dumpster(s) for Buildings A and B a minimum of 75 feet from the north and the east property lines. The dumpster(s) shall be relocated and all required screening of the dumpster enclosure shall be installed prior to August 31, 2012. (DRO: ZONING - Zoning)

3. Prior to August 31, 2012, the property owner shall complete the drive aisle pavement west of Buildings A and C consistent with the Final Site Plan to allow internal circulation between Buildings A and C. (DATE: MONITORING - Zoning)

4. Prior to August 31, 2012, the property owner shall provide the required pedestrian access(s) adjacent to Building A consistent with the Final Site Plan. Where a pedestrian pathway crosses a drive aisle, the pathway shall be defined by special paving, brick, striping, or other method acceptable to the Development Review Officer (DRO). (DATE: 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:

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 C-2
Requested Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated December 19, 2011. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Building permits for the Charter School expansion shall be issued prior to September 12, 2014. Failure to comply with this condition will result in the reallocation of the 737 trips per day, 241 AM peak hour trips, and 51 PM peak hour trips to revert back to the Westgate Transportation Concurrency Exception Area (TCEA) development pool subject to Art. 2.E Monitoring of the Unified Land Development Code (ULDC) as amended. (DATE: 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:

- 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)

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared ROBERT NEEDLE, 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 [] MANAGER LLC position - e.g., president, partner, trustee] of 1310 CONGRESS PARKWAY [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: 5201 VILLAGE Blvd
West PALM BEACH, FL 33407

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.

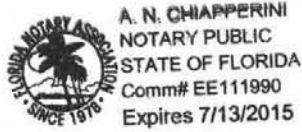
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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.

[Signature]
ROBERT NEEDLE Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 10th day of January 2012, by Robert Needle, who is personally known to me or ~~who has produced~~ as identification and who did take an oath.



[Signature]
Notary Public
A.N. Chiapperini
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 7/13/15

EXHIBIT "A"
PROPERTY

PLAT OF CONGRESS BUSINESS CENTER, MUPD LOT #4, RECORDED IN PLAT BOOK 97 PAGES 153 - 154, PALM BEACH COUNTY, FLORIDA



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
Congress Capital, LLC 1036 DAMSON Ct, Greensboro, GA 30642
ownership: 50% AL BRUNO MANAGING MEMBER

Hunter Blake Corporation 5201 VILLAGE Blvd, West Palm Beach, FL 33407
ownership: 12 1/2% DAVID NEEDLE, Pres, Secy, DIRECTOR

Robert Needle 1990 TRUST - 5201 VILLAGE Blvd, West Palm Beach, FL 33407
ownership: 37 1/2% ROBERT NEEDLE, DAVID NEEDLE CO-TRUSTEES



September 13, 2011

Mr. David L. Carpenter
David L. Carpenter & Associates, Inc.
5650 Corporate Way
West Palm Beach, FL 33407

RE: The Office Park – Charter School Expansion
Control #1983-118 (PCNs: 00-43-43-29-20-000-0010, 00-43-43-29-20-000-0020, 00-43-43-29-20-000-0030, and 00-43-43-29-20-000-0040)

Dear Mr. Carpenter:

Please be advised that this letter is prepared to address the requirement of Article 3.14.D.1 of the Unified Land Development Code. At its September 12, 2011 meeting, the CRA Board reviewed the supportive documents submitted to the WCRA on September 2, 2011 containing the revised traffic report, prepared by Simmons & White, Engineering, Planning, Consulting, dated July 14, 2011 for the following requests:

1. Development Order Amendment (DOA) to add a charter school over 200 students as a requested use and modify conditions;
2. Rezoning from General Commercial with a Special Exception (CG/SE) for a Planned Commercial District (PCD) to the Multiple Use Planned Development (MUPD) zoning district;
3. Allocation of 737 trips per day, 241 AM peak hour trips, and 51 PM peak hour trips from the WCRA's Transportation Concurrency Exception Area (TCEA) pool for the increase in 297 students within the existing 15,500 square foot charter school;
4. Final DRO site plan approval for the proposed charter school expansion; and,
5. Any additional variances as necessary, including but not limited to setbacks, site design and layout and/or landscaping requirements, to implement the expansion of the existing charter school from 153 students to 450 students.

The proposed project is eligible to benefit from the development pool created for the Westgate CRA's Transportation Concurrency Exception Area (TCEA). As a result of this site development proposal, the CRA will set aside 737 trips per day, 241 AM peak hour trips, and 51 PM peak hour trips to support 15,500 square foot, 450 student, charter school facility subject to the following condition:

We have also determined that the proposed requests are consistent with the WCRA redevelopment plan approved by the Board of County Commissioners and the CRA's zoning overlay subject to the following conditions:

Conditions of Approval to be placed on the Development Order approval:

1280 N. Congress Avenue, Suite 215 • West Palm Beach, Florida 33409 • 561.640.8181 • Fax 561.640-8180



1. Building permits for the Charter School expansion shall be issued prior to September 12, 2014. Failure to comply with this condition will result in the reallocation of the 737 trips per day, 241 AM peak hour trips, and 51 PM peak hour trips to support the 15,500 square foot, 450 student, charter school facility back to the Westgate TCEA development pool. The reallocation shall be subject to Art. 2.E (Monitoring) of the ULDC, as amended. (DATE: MONITORING - WCRA)

If you need additional assistance, please contact me at (561) 640-8181.

Sincerely,

Thuy Shutt, AIA
Assistant Director

cc: CRA Board of Commissioners
Elizee Michel, Executive Director *(via email)*
Wendy Hernandez, Zoning Manager *(via email)*
Autumn Sorrow, Sr. Planner *(via email)*
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