



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

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**BCC ADOPTION PUBLIC HEARING, MARCH 24, 2016**

### I. General Data

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**Project Name:** Orthopaedic Institute (SCA 2016-026)  
**Request:** IND to CH-O/IND  
**Acres:** 1.24 acres  
**Location:** North side of Southern Blvd (SR80), just west of Pike Road  
**Project Manager:** Khurshid Mohyuddin, AICP, Principal Planner  
**Applicant:** Brian Bizub, CEO, Palm Beach Orthopaedic Institute LLC  
**Owner:** Reardon Land Holdings, LLC  
**Agent:** iPlan and Design, LLC  
**Staff Recommendation:** Staff recommends **approval** based upon the findings and conclusions contained within this report.

### II. Site Data

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#### Current Future Land Use

**Current FLU:** Industrial (IND)  
**Existing Land Use:** Vacant  
**Current Zoning:** Light Industrial (IL)  
**Current Dev. Potential Max:** Industrial, up to 24,110 sf (.45 FAR)

#### Proposed Future Land Use Change

**Proposed FLU:** Commercial High Office with an underlying Industrial (CH-O/IND)  
**Proposed Zoning:** Commercial High- Office  
**Dev. Potential Max/Conditioned:** Office uses, up to 18,905 sf (.35 FAR)

#### General Area Information for Site

**Tier/Tier Change:** Urban Suburban Tier – No Change  
**Utility Service:** Palm Beach County Water Utilities Department  
**Overlay/Study:** None  
**Comm. District:** Commissioner Burdick, District 2

### III. Hearing History

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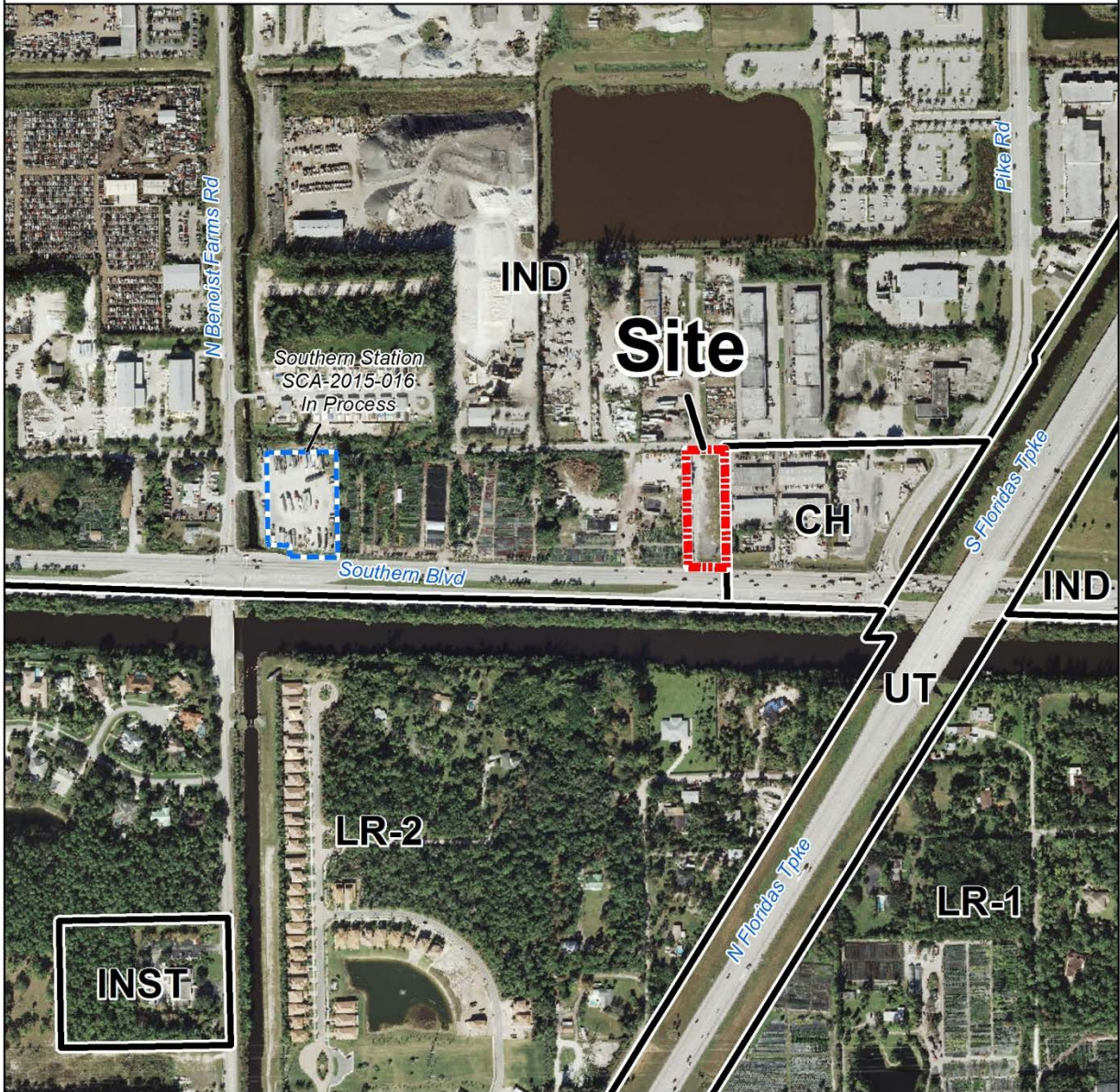
**Local Planning Agency:** *See BCC Agenda*

**Board of County Commissioners Adoption Public Hearing:**

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# Future Land Use Atlas Amendment

## Palm Beach Orthopaedic Institute (SCA 2016-026)



### Site Data

Size: 1.24 acres  
 Existing Use: Vacant  
 Proposed Use: Medical Office  
 Current FLU: Industrial (IND)  
 Proposed FLU: Commercial High Office, with underlying Industrial (CH-O/IND)

### Future Land Use Designations

LR-1 Low Residential, 1 unit per acre  
 LR-2 Low Residential, 2 units per acre  
 CH Commercial High  
 IND Industrial  
 INST Institutional  
 UT Utilities and Transportation

Date: 11/12/2015  
 Contact: Planning  
 Filename: AMEND\16-SCA\SiteSpecific\16-26  
 Note: Map is not official, for presentation purposes only.



Planning, Zoning & Building  
 2300 N. Jog Rd, WPB, FL 33411  
 Phone (561) 233-5300



## IV. Background/History

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The 1.24 acre subject site is located west of Pike Road on the north side of Southern Boulevard within the Urban/Suburban Tier. The site consists of one parcel with a single owner, Reardon Land Holdings LLC. The applicant, Palm Beach Orthopaedic Institute is the contract purchaser. The site currently has no structure but is used for truck storage. Since the adoption of the 1989 Comprehensive Plan the Future Land Use Atlas (FLUA) designation of Industrial (IND) on the property has not changed. In 2007, there was a zoning approval from Agricultural Residential (AR) to Light Industrial (IL) with a Conditional Overlay Zone (COZ). The concurrency certificate associated with that approval has now expired. The applicant now proposes Commercial High Office with alternative Industrial (CH-O/IND) on the property. The subject site is concurrently undergoing a rezoning from Light Industrial (IL) zoning district to Commercial High Office(CHO) to be consistent with the proposed future land use designation of CH-O/IND in order to develop a medical office.

The site is surrounded by Industrial (IND) land use on the west and north sides, Commercial High (CH) on the east side, and a low residential 2 (LR-2) on the south side across Southern Boulevard and the C-51/West Palm Beach Canal. Within the immediate area, an amendment is under consideration at the northeast corner of Southern Boulevard and Benoist Farms Road for a 1.93 acre site to change from IND to CH/IND.

## V. Intent of the Amendment

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The applicant is requesting to change the land use designation from Industrial (IND) to Commercial High Office with an underlying Industrial (CH-O/IND). The concurrent zoning application Z-2015-02351, control no. 2006-00360, proposes to rezone the parcel from Light Industrial (IL) zoning district to Commercial High Office (CH-O) zoning in order to develop 9,953 Sq. Ft. of medical office uses. The specific amendment to be adopted is shown in Exhibit 1.

## VI. Data and Analysis Summary

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This section of the report examines the consistency of the amendment with the County's Comprehensive Plan, Tier requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

### A. Consistency with the Comprehensive Plan - General

1. **Justification:** *FLUE Policy 2.1-f: Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources;*
2. *The availability of facilities and services;*
3. *The adjacent and surrounding development;*
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.;*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (see Public and Municipal Review Section)*

The applicant has prepared a Justification Statement (Exhibit 2). A summary of the applicants justification are as follows:

- the subject portion of Southern Boulevard trend is moving away from industrial uses, and more oriented towards service, commercial, and office uses;
- more appropriate designation required to allow the highest and best use along this significant corridor;
- reduces industry-related pollution and provides higher-paying jobs than industrial uses;
- provides transition between residential uses to the south and industrial uses to the north;



- other parcels along the corridor are also being considered for FLU amendments to uses other than industrial; and
- recent physical improvements to Southern Boulevard make access to smaller lots difficult for large vehicles.

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. The segment of Southern Boulevard, between the Florida Turnpike overpass and Benoist Farm Road, generally include industrial and agricultural uses along the north side. Specialty commercial/industrial uses exist on the east side of the proposed amendment site, and a nursery with sales of plant materials exists to the west side. Within the immediate area west of the Turnpike, the only amendment currently under consideration is at the northeast corner of Southern Boulevard and Benoist Farms Road for a 1.93 acre site to change from IND to CH/IND. West of Benoist Farms Road, there has been some changes from IND to CH or CH/IND.

The site is part of a well established industrial area, which is bordered by Southern Blvd on the south, Sansburys Way on the west, Turnpike on the east, and Belvedere Road on the north. Site fronts Southern Boulevard but is currently accessed from Hooper Road along the north side of the site. The amendment adds CH-O designation to the existing IND designation. The parcel immediately surrounding the site also contain industrial and agricultural uses such as machinery repair, nursery, storage, auto repair/storage, and other industrial uses. The adjacent property to the east, has a CH designation and currently contains uses such as auto repair and a Commercial Driver's License (CDL) training facility. Office uses tend to generate more trips than industrial uses and, as a result, more vehicles will be turning in to the site which is located away from an intersection. The site contains frontage on Southern Boulevard which is a major east-west facility of state-wide importance and is part of Strategic Intermodal System (SIS). Frontage on SIS in this instance translates to exposure to traffic, but the proposed medical office use will also increase the traffic along this stretch of the road. A potential cross access, however, is provided to the property to the west as part of the medical office being proposed for the site in a concurrent re-zoning application. The potential office use allowed by CH-O, in this case, will be compatible with the surrounding uses and result in a balance of land uses or internalization of trips within the surrounding industrial and residential area. The applicant has provided adequate justification for a land use amendment from IND to CH-O/IND.

2. **County Directions – FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

**Staff Analysis:** The proposed amendment would change the existing future land use from IND to CH-O/IND, and would allow a maximum of 18,905 square feet of Commercial High Office (medical office). The proposed amendment would not detract from any of the County Directions. Thus, there are no policy implications regarding the County Directions with regards to this amendment.

3. **Strip Commercial – FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.*

**Staff Analysis:** The subject site is located on an arterial roadway. The Introduction and Administration Element of the Comprehensive Plan defines strip commercial as a development that "...may include any of the following:

1. *intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*
2. *poorly coordinated site plan, with buildings organized in a linear pattern or in isolated "islands"*
3. *separate driveways or curb cuts from adjacent properties*
4. *separate parking lots from adjacent properties*
5. *inadequate accessibility and circulation for pedestrians and bicycles"*

The criteria identified in this policy is generally addressed in the zoning process with site specific development conditions. The proposed amendment will not be considered a

strip commercial development and therefore, is not inconsistent with the requirements of Policy 2.2.2.-d.

4. **Piecemeal Development - Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

**Staff Analysis:** The proposed amendment is consistent with this policy as the land use amendment will not create a residual parcel or encourage piecemeal development as the subject property is under one ownership.

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

**Staff Analysis:** The amendment will not delete the industrial land use designation and the addition of CH-O designation will encourage employment opportunities in the area, and therefore, the proposed amendment is not inconsistent with this policy.

## B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that "Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers....."

**Policy 2.2.2-a:** *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovative mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:*

- *Intersection Location:*
  - *Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
- *Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or*
- *Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

*Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.*

**Staff Analysis:** The proposed amendment does not violate this policy as the site meets the contiguous location criteria as the subject property shares a common border with property to the east which is already designated as CH.

## C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant provided a compatibility analysis in Exhibit 2 and states that, "...provision of non-industrial / non-residential uses adjacent to Southern would provide an appropriate transitional use between the residential uses to the south and industrial uses to the north."

**Surrounding Land Uses:** Immediately abutting the site are the following:

**North:** Directly to the north of the subject property (across Hooper Road) is a 3.53 acre contractor storage and auto repair/warehouse use owned by NDCR LLC. To the northeast is a 1.47 acre auto repair use owned by Pepin Family Ltd Partnership. Both properties to the north have a FLUA designation of Industrial (IND) and are within the Light Industrial (IL) Zoning District.

**South:** To the south of the subject property, across Southern Boulevard (a right-of-way classified as an Urban Principal Arterial with an ultimate width of 220'), and also south of the 200-foot wide C-51 SFWMD canal, are two parcels; 1.78 acre owned by Rawn Tom with a single family home, and 0.69 acre vacant owned by Angel M. Lopez. Both of these parcels have a FLUA designation LR-2 and are within the Agricultural Residential (AR) Zoning District.

**East:** To the east of the subject property, is one (1) property approximately 5.66 acre currently owned by Southern Blvd Commerce Park LLC, with a FLUA designation of CH and within the IL Zoning District and is currently used for mostly auto repair and a CDL training facility.

**West:** Directly to the west of the subject property is a 4.5 acre nursery owned by Leyser LLC. This property has a FLUA designation of Industrial (IND) and is within the IL Zoning District.

**FLUE Policy 2.1-f states that** *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”*

**Staff Analysis:** The subject site is within a large industrial area north of Southern Boulevard and the proposed amendment is compatible with the adjacent Industrial/commercial uses. The site is surrounded by Industrial (IND) land use on the north and west sides, CH on the east side, and a low residential 2 (LR-2) on the south side across Southern Boulevard and C-51/West Palm Beach Canal. The subject site currently has a Industrial FLU and therefore is not considered an encroachment of an incompatible future land use into an Industrial area. The proposed amendment to allow commercial high office uses on the subject site is also compatible with the adjacent industrial/commercial uses and the well-buffered (220' R-O-W for Southern Blvd and the 200-foot wide C-51 SFWMD canal) from the residential uses on the south side.

The adjacent parcel on the west is currently a nursery but also has an Industrial land use designation. It is not located within any zoning district or overlay which would mandate the continued use of the property for agriculture, and, in fact, those activities many times are not compatible with the types of uses already existing in the corridor. Therefore, the amendment is compatible with existing surrounding future land use designations.

#### **D. Consistency with County Overlays, Plans, and Studies**

- 1. Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

**Staff Analysis:** The subject site is not located in any overlay or Special Planning Area, and therefore, this policy is not applicable.

- 2. Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

**Staff Analysis:** This site is not located within a neighborhood plan or study area, and therefore, this policy is not applicable.

## E. Public Facilities and Services Impacts

The proposed amendment from IND to CH-O/IND would allow a maximum of 18,905 SF medical office uses. The subject site is concurrently undergoing a rezoning from Light Industrial (IL) zoning district to Commercial High Office (CHO) to be consistent with the proposed future land use designation of CH-O/IND. The applicant proposes a 9,953 sq.ft. of medical office. Public facilities impacts for the maximum development potential of 18,905 sf of medical office uses are detailed in the table in Exhibit 3.

1. **Facilities and Services – FLUE Policy 2.1-a:** *The future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area, considering assessment of soil types, wetlands, flood plains, wellfield zones, aquifer recharge areas, committed residential development, the transportation network, and available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.*

**Staff Analysis:** The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Land Development (Engineering), Historic Resources (PBC Archaeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning), School Board, Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage District.

2. **Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard “D” based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

**Staff Analysis:** The Traffic Division reviewed this amendment based on the existing potential of 24,306 sf light industrial and the proposed potential of 18,905 sf medical office. According to the County's Traffic Engineering Department (see letter dated November 30, 2015 in Exhibit 5) the amendment would result in 462 net daily trips, and 20 AM and 36 PM net peak hour trips.

The Traffic letter concludes *“Based on the review, the Traffic Division has determined the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan...”*.

The Traffic Study (see Exhibit 5) was prepared by Kimley-Horn and Associates of 1920 Wekiva Way, Suite 200, West Palm Beach, FL 33411. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:  
<http://www.pbcgov.com/pzb/planning/activeamend/>

## F. Florida Statutes (FS)

1. **Data & Analysis Applicable to FS:** Section 163.3177(6)(a), Florida Statutes, require that local governments future land use plans be based on a number of factors, including population projections, the character of undeveloped land, availability of public services, and other planning objectives.

**Staff Analysis:** The applicant provided a justification statement that the basis for the proposed change is the changing character of the area from industrial to commercial uses and good accessibility of the site for a high paying medical office. The property is located on a major arterial of state-wide importance, Southern Boulevard which is also an SIS facility, close to the intersection of Pike Road. Public services are readily available and property location is well suited for office uses to serve existing and future population.

- 2. Consistency with Urban Sprawl Rule:** The proposed amendment is not considered sprawl as it is within the Urban/Suburban Tier and within the Urban Service Area Boundary. This tier is also the target of the County's redevelopment and revitalization strategies with the purpose of redirecting growth to older unincorporated areas, promoting mixed used development concepts, and transit oriented developments, where feasible, all with the explicit purpose of reducing sprawl.

## VII. Public and Municipal Review

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *“Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....”*

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on February 5, 2016. To date, no objections through the IPARC process to this amendment have been received. In addition, notice was sent on February 17, 2016 to the City of West Palm Beach and Town of Haverhill, as this parcel is located within their identified Future Annexation area. As of the writing of this report, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on February 17, 2016. To date, no letters in response have been received.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on February 24, 2016. The agent of the Palm Beach Orthopaedic attended the meeting. No member of the public attended. There was minimal discussion.

## VIII. Conclusions and Recommendation

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Overall, the proposed amendment adding the Commercial High Office (CH-O) to the current Industrial (IND) meets all public facility requirements for a land use amendment and is not considered urban sprawl. In addition, the proposed CH-O/IND is compatible with adjacent future land uses and meets all applicable policies of the Comprehensive Plan. The applicant is requesting to add the designation of CH-O to the current IND in order to develop a medical office which is not permitted under the current IND designation. The medical office use as proposed in the concurrent rezoning, and as allowed by CH-O designation, will result in a balance of land uses and can provide needed medical services for the surrounding industrial and residential area. The applicant has provided adequate justification for a land use amendment from IND to CH-O/IND.

As such, staff recommends **approval** of the applicant’s request.

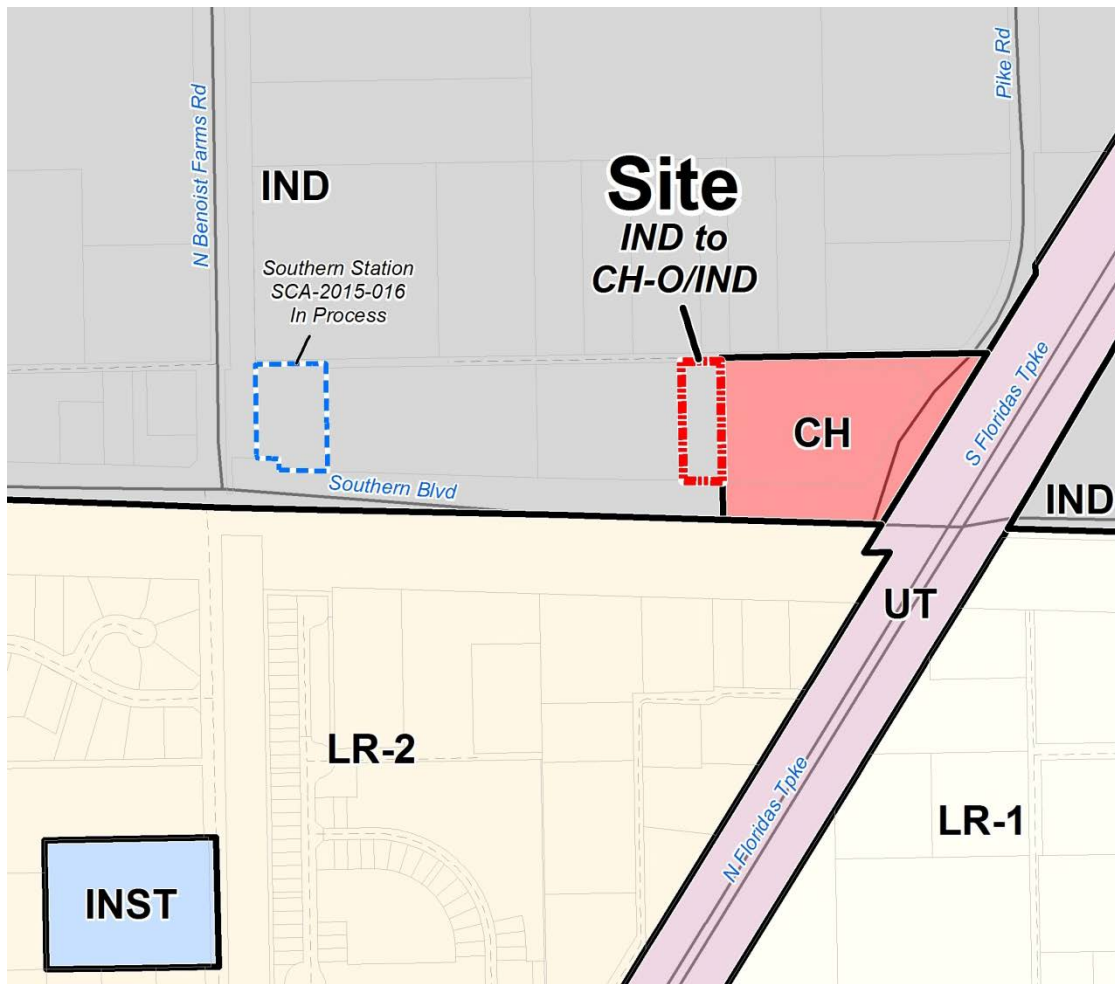
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant’s Justification Statement	E-3
3. Applicant’s Public Facility Impacts Table	E-9
4. Applicant’s Traffic Study <i>(available to the LPA/BCC upon request)</i>	E-12
5. Palm Beach County Traffic Division Letter	E-13
6. Water & Wastewater Provider LOS Letter	E-13
7. Applicant’s Disclosure of Ownership Interests	E-14
8. Correspondence	E-15



**Exhibit 1**

<b>Amendment No:</b>	<b>Orthopaedic Institute (SCA 2016-026)</b>
<b>FLUA Page No:</b>	63
<b>Amendment:</b>	From Industrial (IND) to Commercial High Office with an underlying Industrial (CH-O/IND)
<b>Location:</b>	North side of Southern Blvd (SR80), just west of Pike Road
<b>Size:</b>	1.24 acres approximately
<b>Property No:</b>	00-42-43-27-05-006-4101

**Conditions:** None



## Legal Description

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THE WEST 132 FEET OF THE EAST 1/2 OF TRACT 41, BLOCK 6, PLAT 3, PALM BEACH FARMS COMPANY, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, AT PAGES 45 TO 54, EXCEPTING THEREFROM THAT PORTION THEREOF WHICH LIES NORTH OF THE RIGHT OF WAY OF THE WEST PALM BEACH CANAL AND SOUTH OF THE FOLLOWING DESCRIBED LINE:

FROM A POINT ON THE WEST LINE OF TRACT 41, BLOCK 6 OF SAID PALM BEACH FARMS COMPANY PLAT NO.3, SAID POINT BEING 472.27 FEET SOUTH OF THE N.W. CORNER OF SAID TRACT 41, RUN S.87°58'25"E., FOR A DISTANCE OF 990.76 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 41, SAID POINT BEING 517.80 FEET SOUTH OF THE N.E. CORNER OF SAID TRACT 41, WHICH WAS CONVEYED TO THE COUNTY OF PALM BEACH IN DEED BOOK 1010, PAGE 218.

LESS AND EXCEPTING THAT PART TAKEN FOR ROAD RIGHT OF WAY IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13789, PAGE 1853, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA = 53,696 SQUARE FEET OR 1.24 ACRES

## Exhibit 2

### Applicant's Justification Statement, Consistency, and Compatibility

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#### Justification Statement

As required by Future Land Use Element Policy 2.1-f, the Applicant is providing the following justification in support of their request to modify the existing Industrial (IND) future land use atlas (FLUA) designation to the Commercial High - Office (CH-O) FLUA designation. The Applicant is not suggesting the adopted FLU designation for this site is incorrect. It is the Applicant's observation that the current trend in development along this transitional section of Southern Boulevard is away from industrial uses and more oriented towards commercial, personal services and employment center type uses. In order to facilitate to expansion of other non-residential uses a more appropriate designation is required to allow for a highest and best use along this significant east-west arterial corridor. Amending the FLUA designation from Industrial to Commercial High Office is warranted as it will allow higher quality non-residential medical office to development at this location; improve protection of the environment by reducing more pollution intensive industrial development; and, create more high-paying jobs than would otherwise be realized with development of an industrial use. The Applicant offers the following responses in compliance with the two adequacy factors outlined herein:

- 1) The proposed use is suitable and appropriate for the subject site;

The Applicant, has identified this site as appropriate to meet the needs of providing a Medical Office use to serve clients/patients in the central and south areas of Palm Beach County that currently utilize the existing facilities located north and east of this particular property. Geographically, this property is located in a highly desirable location in relation to the Florida Turnpike and being adjacent to State Rd. 80/Southern Blvd. (the most significant east-west major arterial roadway in Palm Beach County). The subject site is surrounded by a range of commercial, industrial, agricultural and roadway uses. The future land use atlas (FLUA) designations to the south, west and north sides of the property are Industrial and the FLUA designation to the east is Commercial High. A Medical Office use in this location will continue the trend that has started in this transitional portion of the corridor of providing non-residential/retail type uses along the Southern Boulevard. This trend is occurring in response to the final widening and roadway improvements associated with Southern Boulevard that have been completed in recent years. In this specific instance, residential uses exist to the south of the subject site (across Southern Blvd. and the C-51 Canal) and the provision of non-industrial / non-residential uses adjacent to Southern would provide an appropriate transitional use between the residential uses to the south and industrial uses to the north. The Commercial High Office use FLUA designation and provision of Medical Office use in close proximity to residential uses and significant transportation corridor interchanges reinforces the appropriateness of the requested modification to the future land use. A synopsis of the services provided by the Applicant and the employment opportunities that will be created by the introduction of this use in this area of the corridor is provided below.

2) There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:

- Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;

Response: Other properties in this general vicinity of the subject site have recently applied for and are under review for FLUA amendment applications. Similar to this request, it is noted that other non-industrial uses appear to be more consistent with this significant east-west arterial roadway. One example in close proximity is “Southern Station” which is requesting a future land use change from industrial to commercial to allow for a Fuel Service use and Restaurant use at the corner of Southern Boulevard and Benoist Farms Road. Another example exists east of this general location at Cleary Road.

- Changes in the access or characteristics of the general area and associated impacts on the subject site;

Response: The relatively recent improvements to Southern Boulevard which include the roadway’s maximum buildout of travel lands and elevating the roadway over other major north-south arterial roadways (such as Haverhill Road and Jog Road) has changed the configuration of property frontages lining the north side of this roadway. Access to smaller lots from Southern Boulevard is more difficult now for large vehicle traffic than before the improvements were completed. The introduction of non-industrial uses on surrounding properties in this area of the corridor provides insight into the changing demand for other non-residential and non-industrial uses that will serve the residential communities in close proximity to this portion of the corridor and passing traffic that travels east to west and back again along this major arterial roadway. Retail, Professional Office, Medical Office and Personal Services are all excellent transitional uses between the residential properties located to the south of the subject property and the industrial uses located north of the subject property.

- New information or change in circumstances which affect the subject site;

N/A to this request

- Inappropriateness of the adopted FLU designation; or whether the adopted FLU designation was assigned in error.

N/A to this request

The Applicant will be introducing high paying Clinical Technicians; Physical Therapy Staff; and Administrative Staff at this location. A synopsis of the user and use being proposed is provided herein:

Palm Beach Orthopaedic Institute was established as a multi-specialty orthopaedic practice. For over thirty years, the physicians of Palm Beach Orthopaedic Institute have provided their patients with the highest quality healthcare and treatment possible. Palm Beach Orthopaedic Institute is a recognized leader in orthopaedics. We have 15 Physicians available to provide the most advanced orthopaedic care. All PBOI Physicians are Board Certified and many have completed fellowship training in their area of expertise. With renowned experts in many major orthopaedic sub-specialties, we pride ourselves on offering full-service cutting-edge care across the entire spectrum of musculoskeletal health. Our practice is comprised of surgeons who specialize in sports injury, upper extremity, spine disorders, total joint replacements, MAKOplasty, podiatry abnormalities, musculoskeletal disorders, and surgical and non-operative treatment of the neck and spine. This sub-specialization provides patients with the highest quality of health care and treatment for their particular problem. We take a “total body” approach to your wellness and pride ourselves on offering full-service cutting-edge care. For sports medicine, orthopaedic surgery, physical therapy, and every other aspect of orthopaedic medicine, be assured that Palm Beach Orthopaedic Institute brings each patient the best treatment that medicine has to offer. In order to achieve the finest results, we utilize state of the art diagnostic and procedural equipment including digital x-ray, ultrasound and laser technology.

The 7701 Southern Boulevard location will act as the Palm Beach Orthopaedic Institute’s western location that will primarily serve the southern, western and eastern communities west of I-95, which PBOI currently services. The location will accommodate a 5,000 square foot clinical suite, 1,800 square foot MRI/Imaging facility and a 3,100 square foot D1 Outpatient Sports/Physical Therapy suite. The facility will employ 4-5 physicians, 5 MRI staff, 4 Physical Therapy staff, 2 Radiologic Technologists, and 15 clinical staff with salaries ranging from \$14 per hour to \$50 per hour excluding the physicians and physician extenders upon opening. Hours of operations are Monday through Friday from 8:30am through 9:00pm and Saturday hours from 9am through 1pm to better serve the community at large.

### **Consistency with the Comprehensive Plan & Florida Statutes**

#### **Comprehensive Plan – Future Land Use Element**

In accordance with Policy 2.1-f of the Comprehensive Plan, the following justification is provided in support of amending the existing Industrial (IND) future land use atlas designation to the proposed Commercial Office - High (CH-O) future land use atlas designation. The request satisfies the seven (7) criteria listed below and with changes that are currently occurring on adjacent properties located within this segment of the Southern Boulevard corridor. The proposed modification shall be positive and lasting.

1. The natural environment, including topography, soils and other natural resources;

Amending the existing future land use designation shall potentially reduce pollution that might have been generated from industrial uses developed on this site. The majority of industrial uses adjacent to and in the immediate vicinity of the site are automobile repair oriented or include outdoor vehicle or outdoor contractor storage uses. Introduction of other non-residential/non-industrial uses in this location will enhance the range of services for the surrounding residential



and non-residential property owners and uses. Other non-industrial land use amendments are in process that also introduce a wider range of uses to be developed along this portion of this significant arterial corridor. The site does not contain any significant natural areas such as upland native habitat or wetlands. Amending the FLUA to the Commercial High Office designation will introduce a clean Medical Office use for orthopedic surgeons and physical therapy physicians and practitioners.

2. The availability of facilities and services;

The subject property is serviceable by water and sanitary sewer services through Palm Beach County Water Utilities. A six inch water main exists to the north of the site within the Hooper Road right-of-way. Sanitary service is located further west at Benoist Farms Road approximately 1,800 linear feet away from the site. Available right-of-way has been established for the proposed service route. A comment letter provided by Palm Beach County Water Utilities shall confirm that the land use change request and potential development on the property will not impact their respective levels of service (LOS).

3. The adjacent and surrounding development;

The adjacent property to the east of the site possesses a Commercial High (CH) FLUA designation and supports automotive repair and outdoor storage uses. Similar uses exist on the properties located along the north side of Hooper Road and also include contractor storage, automobile repair and warehousing uses. Those properties possess Industrial (IND) FLUA designations. Provision of a range of non-residential land uses along this corridor shall allow for a variety of new commercial uses that can serve the adjacent residential communities as well as the surrounding industrial uses. The separation provided by both the State Road 80/Southern Blvd. right-of-way and the South Florida Water Control District C-51 Canal ensures that no off-site impacts will occur as a result of the FLUA modification.

4. The future land use balance;

An overwhelming amount of land between Belvedere Road and State Rd. 80/Southern Blvd. (to the west, north and east of the subject site) is designated as Industrial on the future land use atlas. The vast majority of land to the south of the subject site and Southern Boulevard is designated with Residential future land uses. Consistent with the siting requirements of the Comprehensive Plan commercial nodes have developed at the intersections of major roadways that intersect Southern Blvd. The expansion and provision of quality commercial; personal service; and office uses along the Southern Blvd. corridor will compliment and serve the surrounding industrial uses and residential communities.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

The requested amendment does not meet the definition of "urban sprawl" as defined by Section 163.3164(51) of the Florida Statutes (see definition herein). Amending the future land use within this segment of the State Road 80/Southern Blvd. corridor will provide a wider range of

non-residential uses to serve the residential communities located to the south of the corridor and other non-residential uses located adjacent to the subject property. This property is located within the Urban/Suburban service area of the County and would be considered an “infill” type of property that is serviceable by water and wastewater utility services already established adjacent to or in close proximity to the site. Provision of public services will not be carried out in an inefficient manner. The property is not located adjacent to rural lands or uses.

163.3164(51), F.S.;

(51) “Urban sprawl” means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and,

N/A – The subject site is not located within a Community, Neighborhood and/or Special Planning areas designated and recognized by the Board of County Commissioners.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

N/A – The subject site is not located within 1 mile of an adjacent municipality.

**Exhibit 3**  
**Applicant's Public Facilities Table**

**VIII. Public Facilities Information**

<b>A. Traffic Information</b>			
	<b>Current FLU</b>	<b>Maximum</b>	<b>Conditioned or Concurrent</b>
<b>Max Trip Generation</b>	Industrial	152 ADTs	N/A
<b>Trip Increase Max.</b>	462 ADTs		
<b>Trip Inc. Conditioned or Concurrent</b>	N/A		
<b>Significantly impacted roadway segments that fail Long Range</b>	None		
<b>Significantly impacted roadway segments for Test 2</b>	None		
<b>Traffic Consultant</b>	Adam Kerr, P.E. – Kimley Horn & Associates		
<b>B. Mass Transit Information</b>			
<b>Nearest Palm Tran Route (s)</b>	Bus Route 40 (WPB – BLG via SR-80) along Southern Blvd. frontage		
<b>Nearest Palm Tran Stop</b>	Bus Stop 3733 (Southern Blvd. at Lyons Road) 4,657 feet/0.88 miles west of subject property		
<b>Nearest Tri Rail Connection</b>	Lake Worth Station - 1703 Lake Worth Road, Lake Worth, FL 33460		
<b>C. Potable Water &amp; Wastewater Information</b>			
Palm Beach County Water Utilities Staff have confirmed that PBCWUD is the potable water and wastewater service provider for the property. Further, they confirmed that PBCWUD Will be able to maintain the current level of service standard for the site at the maximum Floor Area Ratio associated with the Commercial High, Office FLUA (or to a maximum of 18,875 sf). The nearest water main is located within Hooper Road adjacent to the property. The nearest sewer force main is located in Pike Road, approximately 1,500 feet from the property.			
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities (water & wastewater provider)		
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	Water is available along Hooper Road adjacent to the site via a 6" water main. Wastewater is available along Benoist Farms Road, approximately 1,800 LF west of the site. Available right of way is established for service route.		
<b>D. Drainage Information</b>			
Site is located within the South Florida Water Management District C-51 Basin. The project will have a surface water management system consisting of pipes, inlets, exfiltration trenches and detention areas, treat for required pretreatment volume and attenuation prior to discharge. See Drainage Statement in Attachment J.			
<b>E. Fire Rescue</b>			
<b>Nearest Station</b>	PBC Fire-Rescue Station #34, located at 231 Benoist Farms Road		

<b>Distance to Site</b>	Approximately 1 mile
<b>Response Time</b>	Approximately 4 minutes and 30 seconds
<b>Effect on Resp. Time</b>	Refer to PBCFR letter as Attachment K
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	N/A – Highly disturbed site with no native uplands or wetlands see Attachment L.
<b>Flood Zone*</b>	Flood Zone B, per flood insurance rate map no. 120192 0150 A, effective date February 01, 1979. The site is located in sub-basin 19 of South Florida Water Management District C-51 Basin
<b>Wellfield Zone*</b>	N/A – locate outside of all PBC wellfield zones see Attachment M.
* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.	
<b>G. Historic Resources</b>	
The Palm Beach County Archeologist has determined that based on review of the County's historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), that no historic or architecturally significant resources have been identified on or within 500 feet of this property. Also, no known archaeological resources have been identified within 500 feet of this property. See PBC comment Letter herein as Attachment N.	

## **Exhibit 4 Traffic Study**

(Available to the BCC upon request)

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Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.com/pzb/planning/activeamend/>



# Exhibit 5 Traffic Division Letter



**Department of Engineering  
and Public Works**

P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Mary Lou Berger, Mayor  
Hal R. Valeche, Vice Mayor  
Paulette Burdick  
Shelley Vana  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



November 30, 2015

Mr. Christopher W. Heggen, P.E.  
Kimley-Horn and Associates, Inc.  
1920 Wekiva Way, Ste 200  
West Palm Beach, FL 33411

**RE: Round 2016-C  
Southern Boulevard Medical Office  
Policy 3.5-d Review**

Dear Christopher:

Palm Beach County Traffic Division has reviewed the Comprehensive Plan Amendment Traffic Analysis for the proposed Future Land Use Amendment for the above referenced project prepared by Kimley-Horn and Associates, Inc. and amended October 5, 2015, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	NE Corner of Southern Boulevard & Ray Roofin Drive
<b>PCN:</b>	00-42-43-27-05-006-4101
<b>Size:</b>	1.24 acres
<b>Existing FLU:</b>	Industrial (I)
<b>Exist. Zoning:</b>	Light Industrial (IL)
<b>Exist. Use:</b>	Vacant
<b>Exist. Potential:</b>	24,306 SF General Light Industrial
<b>Proposed FLU:</b>	Commercial High-Office (CHO)
<b>Prop. Zoning:</b>	Commercial High-Office (CHO)
<b>Max Potential:</b>	18,905 SF Medical Office
<b>Net Daily Trips:</b>	462
<b>Net PH Trips:</b>	20 (15/5) AM and 36 (13/23) PM

Based on the review, the Traffic Division has determined the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential use.

Please contact the Traffic Division at (561) 684-4030 with any questions.

Sincerely,

Maria M. Tejera, P.E.  
Senior Professional Engineer – Traffic Division

MMT:DS:saf  
ec: Addressee  
Maria M. Tejera, P.E. – Senior Professional Engineer, Traffic Division  
Dominique Simeus, E.I. – Project Coordinator II, Traffic Division  
Lisa Amara – Senior Planner, Planning Division  
Steve Bohovsky – Technical Assistant III, Traffic Division

File: General – TPS Gen.  
n:\traffic\development review\comp plan\16-cl\southern boulevard medical office.docx

**Exhibit 6**  
**Water & Wastewater Provider LOS Letter**

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**Water Utilities Department  
Engineering**  
P. O. Box 16097  
West Palm Beach, FL 33416-6097  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com

**Palm Beach County  
Board of County  
Commissioners**  
Shelley Vana, Mayor  
Mary Lou Berger, Vice Mayor  
Hal R. Valeche  
Paulette Burdick  
Steven L. Abrams  
Melissa McKinlay  
Priscilla A. Taylor

**County Administrator**  
Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

November 6, 2016

Plan & Design, LLC  
5090 PGA Blvd. Suite 212  
Palm Beach Gardens, FL 33418

Attn: Mr. Brian Chequis

RE: 7701 Southern Blvd. (N. Side of SR80, West of Pike Road)  
Future Land Use Amendment  
Your letter dated 11-04-15

Dear Mr. Chequis:

This is to confirm that Palm Beach County Water Utilities Department is the potable water and wastewater service provider for the referenced property. PBCWUD is able to maintain the current level of service standard (Industrial FLUA Designation) and will be able to provide the level of service standard based on the increased density/intensity of the proposed amendment (Commercial High, with maximum 18,875 square feet of development potential). The nearest water main is located in Hooper Road right-of-way, adjacent to the property. The nearest sewer force main is located in Pike Road, approximately 1,500 feet from the property.

If you have any questions please call me at (561)493-6122.

Sincerely,

  
Adam Galicki  
Manager of Technical Services

AG/mb

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**Exhibit 7**  
**Disclosure of Ownership Interests**

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**DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY**

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

- 1. Affiant is the [] individual or [] President \_\_\_\_\_ [position - e.g., president, partner, trustee] of Reardon Land Holdings, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
- 2. Affiant's address is: 260 South Osceola Avenue, #801  
Orlando, FL 32801  
\_\_\_\_\_
  
- 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.

Thomas C. Reardon, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of NOVEMBER 2015, by Thomas C. Reardon [  who is personally known to me or [  who has produced \_\_\_\_\_ as identification and who did take an oath.



Laura Sokolik  
Notary Public

LAURA SOKOLIK  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 5/31/2019

**EXHIBIT "A"**  
**PROPERTY**

THE WEST 132 FEET OF THE EAST 1/2 OF TRACT 41, BLOCK 6, PLAT 3, PALM BEACH FARMS COMPANY, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA. IN PLAT BOOK 2, AT PAGES 45 TO 54, EXCEPTING THEREFROM THAT PORTION THEREOF WHICH LIES NORTH OF THE RIGHT OF WAY OF THE WEST PALM BEACH CANAL AND SOUTH OF THE FOLLOWING DESCRIBED LINE:

FROM A POINT ON THE WEST LINE OF TRACT 41, BLOCK 6 OF SAID PALM BEACH FARMS COMPANY PLAT NO. 3 SAID POINT BEING 472.27 FEET SOUTH OF THE N.W. CORNER OF SAID TRACT 41, RUN S 87 DEGREES 58'25" E., FOR A DISTANCE OF 990.76 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 41, SAID POINT BEING 517.80 FEET SOUTH OF THE N.E. CORNER OF SAID TRACT 41, WHICH WAS CONVEYED TO THE COUNTY OF PALM BEACH IN DEED BOOK 1010, PAGE 218

LESS AND EXCEPTING THAT PART TAKEN FOR ROAD RIGHT OF WAY IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13789, PAGE 1853, OF THE PUBLIC RECORDS OF 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	
Thomas C. Reardon	260 S. Osceola Avenue, #801, Orlando FL 32801	100%

**DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT**

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

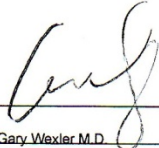
**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH


BEFORE ME, the undersigned authority, this day personally appeared Dr. Gary Wexler, M.D., 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 *[position—e.g., president, partner, trustee]* of ORCO3, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 4215 Burns Road, Suite 200  
Palm Beach Gardens, FL 33410
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
 \_\_\_\_\_  
 Dr. Gary Wexler M.D., Affiant  
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of November  
 2015, by Gary Wexler,  who is personally  
 known to me or  who has produced \_\_\_\_\_  
 as identification and who did take an oath.

  
 \_\_\_\_\_  
 Notary Public

Lori Kuykendall  
 (Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 7-25-2018



**EXHIBIT "A"**

**PROPERTY**

**LEGAL DESCRIPTION**

THE WEST 132 FEET OF THE EAST 1/2 OF TRACT 41, BLOCK 6, PLAT 3, PALM BEACH FARMS COMPANY, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, AT PAGES 45 TO 54, EXCEPTING THEREFROM THAT PORTION THEREOF WHICH LIES NORTH OF THE RIGHT OF WAY OF THE WEST PALM BEACH CANAL AND SOUTH OF THE FOLLOWING DESCRIBED LINE:

FROM A POINT ON THE WEST LINE OF TRACT 41, BLOCK 6 OF SAID PALM BEACH FARMS COMPANY PLAT NO.3, SAID POINT BEING 472.27 FEET SOUTH OF THE N.W. CORNER OF SAID TRACT 41, RUN S.87°58'25"E., FOR A DISTANCE OF 990.76 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 41, SAID POINT BEING 517.80 FEET SOUTH OF THE N.E. CORNER OF SAID TRACT 41, WHICH WAS CONVEYED TO THE COUNTY OF PALM BEACH IN DEED BOOK 1010, PAGE 218.

LESS AND EXCEPTING THAT PART TAKEN FOR ROAD RIGHT OF WAY IN THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 13789, PAGE 1853, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOTAL AREA = 53,696 SQUARE FEET OR 1.233 ACRES

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

Name	Address





# PALM BEACH ORTHOPAEDIC INSTITUTE, P.A.

BRET BAYNHAM, M.D. | G. CLAY BAYNHAM, M.D. | MICHAEL COONEY, M.D. | MELISA ESTES, M.D. | VINCENT FOWBLE, M.D.  
ROBERT GREEN, M.D. | JOHN HINSON, M.D. | JUSTIN KEARSE, M.D. | MICHAEL LEIGHTON, M.D. | FERNANDO MORA, M.D. | ANDREW NOBLE, M.D.  
SCOTT NORRIS, D.O. | JOHN SCHILERO, D.P.M. | ANDREW SELTZER, D.O. | RYAN SIMOVITCH, M.D. | GARY WEXLER, M.D.

---

## ORCO3 Key Executive Physicians (Shareholders)

### OWNERS - EQUAL SHARES

Bret Baynham, M.D.	Shareholder	7.14%
G. Clay Baynham, M.D.	Shareholder	7.14%
Michael Cooney, M.D.	Shareholder	7.14%
Melisa Estes, M.D.	Shareholder	7.14%
Vincent Fowble, M.D.	Shareholder	7.14%
Justin C. Kearse, M.D.	Shareholder	7.14%
Michael Leighton, M.D.	Managing Director	7.14%
Fernando Mora, MD	Shareholder	7.14%
Andrew Noble, M.D.	Managing Director	7.14%
Scott Norris, D.O.	Shareholder	7.14%
John Schilero, D.P.M.	Shareholder	7.14%
Andrew Seltzer, D.O.	Shareholder	7.14%
Ryan Simovitch, M.D.	President	7.14%
Gary Wexler, M.D.	Managing Director	7.14%

---

4215 BURNS RD, SUITE 100, PALM BEACH GARDENS, FL 33410  
2055 MILITARY TR, SUITE 200, JUPITER, FL 33458

561.694.7776  
PBOL.COM

1411 FLAGLER DR, SUITE 9800, WEST PALM BEACH, FL 33401  
10111 FOREST HILL BLVD, SUITE 231, WELLINGTON, FL 33414

**Exhibit 8  
Correspondence**

---