

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



Application No.: CB-2012-00388
Control No.: 2007-00236
Applicant: Southern Waste Systems LLC
Owners: Tidal Wave Development Corp
Agent: Urban Design Kilday Studios - Joni Brinkman
Telephone No.: (561) 366-1100
Project Manager: Donna Adelsperger, Site Planner I

Location: Northwest corner of Wallis Road and Tall Pines Road (Tidal Wave Central)

TITLE: a Class B Conditional Use REQUEST: to allow a Recycling Plant

APPLICATION SUMMARY: Proposed is a Class B Conditional Use for Tidal Wave Central. The 18.22-acre parcel was previously approved by the Board of County Commissioners (BCC) on April 22, 2010 for a rezoning from the Multiple Use Planned Development (MUPD) Zoning District to the Light Industrial (IL) Zoning District with a Conditional Overlay Zone (COZ). The subject property also received Final Site Plan approval by the Development Review Officer (DRO) to allow for General Repair and Maintenance, Disptaching, Towing and Storage; and Contractors Storage Yards on August 23, 2010.

The applicant is proposing a Recycling Plant use for construction debris on an 10.8-acre portion of the site; the remainder of the site will be used for General Repair and Maintenance, Disptaching, Towing and Storage; and Contractors Storage Yards. A total of 75 parking spaces will be provided and three access points from Wallis Road and four access points from Tall Pines Road will be provided. A subsequent application (DRO-2012-980) to allow Final Subdivision Plan to create 5 lots is pending.

ISSUES SUMMARY:

- o Project History

The site has been the subject of several previous approvals by the Board of County Commissioners (BCC). The following summarizes the site's approval history:

Control/ Petition Number	Application Type	Request/Approval	Location	Approval Date	Development Order
Petition Z- 1995-32	Rezoning	1.93 acre site from the Agricultural Residential (AR) to the Light Industrial (IL) Zoning District	PCN 0042432705005 1400	August 24, 1995	Resolution 1995-1116

Control/ Petition Number	Applicatio n Type	Request/Approval	Location	Approval Date	Developm ent Order
Petition Z- 1996-79	Rezoning	2.60 acre site from the Agricultural Residential (AR) to Light Industrial (IL) with a 150-foot commercial communication self-supporting tower and equipment buildings	PCN 0042432705005143 0 and 1431	December 2, 1996	Resolution 1996-1950
Petition Z/COZ 2001- 071	Rezoning	13-acre site from Agricultural (AR) to Light Industrial (IL) with a Conditional Overlay Zone (COZ) for a salvage yard	PCNs 0042432705005144 0; 1450; 1420; 1320; 2010; 1350; 1340; 1390; 1380; 1330; 1360	September 26, 2002	Resolution 2002-1645
Control 2007- 236 (ZV/PDD/AB N-2007-072)	Rezoning	a total of 41.59 acres from Light Industrial (IL) to Multiple Use Planned Development (MUPD)	This site plus Control 2009-2435 and 2009-2434	June 30, 2008	Resolution 2008-1132
Control 2007-236 (Z- 2009-4545)	Rezoning	18.22 acres from the Multiple Use Planned Development (MUPD) to Light Industrial (IL) with a Condition Overlay Zone (COZ)	PCN 0042432705005 1400; 1430; 1431; 1440; 1450; 1420; 1320; 2010; 1350; 1340; 1390; 1380; 1330; 1360	April 22, 2010	Resolution 2010-0671
Control 2007-236 (DRO-2010- 1428)	Final Site Plan	Final Site Plan for contractor storage, dispatching, and repair and maintenance. A 150-foot communication tower and equipment exists and continues to be reflected on the site plan	PCN 0042432705005 1400; 1430; 1431; 1440; 1450; 1420; 1320; 2010; 1350; 1340; 1390; 1380; 1330; 1360	August 11, 2010	N/A

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request and has determined that the proposed request to allow a Recycling Plant, for a Conditional Use B is consistent with the site's Industrial (IND) Future Land Use (FLU) Designation. See Staff Review and Analysis for additional information from the Planning Division.

o Compatibility with Surrounding Land Uses

NORTH:

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District/Conditional Overlay Zone (IL/COZ)

Supporting: Contractors Storage and Chipping and Mulching (Tidal Wave North, Control No 2009-2435)

SOUTH:

FLU Designation: Industrial (IND)

Zoning District: Agricultural Residential District (AR)

Supporting: Vacant Land

SOUTH:

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District (IL)

Supporting: Warehouse and Distribution Center (Palmer Property, Control No 1997-087)

SOUTH:

FLU Designation: Industrial (IND)

Zoning District: Single-Family Residential District (RS)

Supporting: Vacant Land

SOUTH:

FLU Designation: Commercial High, with an underlying IND (CH/IND)

Zoning District: Light Industrial District (IL)

Supporting: Warehouse with accessory office (Southern Blvd Industrial Park, Control No 2005-593)

SOUTH:

FLU Designation: Commercial High, with an underlying IND (CH/IND)

Zoning District: Light Industrial District (IL)

Supporting: Towing and Storage (Kings Wrecker, Control No 2002-021)

EAST:

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District/Conditional Overlay Zone (IL/COZ)

Supporting: Towing and Storage (288 Tall Pines Road, Control No 2009-566)

EAST:

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District (IL)

Supporting: Warehouse with accessory office (Tall Pines Industrial Park, Control No 2000-065)

WEST:

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District (IL)

Supporting: Contractors Storage Yard (Faris Property, Control No 2007-174)

WEST:

FLU Designation: Industrial (IND)

Zoning District: Light Industrial District (IL)

Supporting: Contractors Storage Yard (Rosso Paving, Control No 2007-172)

The subject site is located in an area that has already been developed with industrial uses and this area of the County that has been established to accommodate uses such as those being proposed. The proposed use of a Recycling Facility will be consistent with the adjacent uses and will serve the surrounding industrial uses. The site is primarily surrounded by industrial developments on the north,

south, east and west. However, on the south just east of the affected area are abandoned residential homes that have a Zoning designation of Agricultural Residential (AR) with a Future Land Use (FLU) of Industrial (IND).

Staff anticipates no adverse impacts to the surrounding properties from the request as the proposed Conditional Use request and the Preliminary Site Plan shows a desing layout to address mitigation of any potential impacts to the surrounding properties.

- o Traffic

See Staff Review and Analysis for additional information from Land Development and Traffic Divisions.

- o Landscape/Buffering

The applicant is providing the required 5-foot compatibility buffer along the north and west property lines as well as a 5 foot compatibility buffer along the east side of the recycling plant (Conditional Use) area, as the applicant proposes to further subdivide the site through a subsequent application; and a 15-foot Right-of-Way buffer along the south and east property lines.

- o Signs

The applicant is proposing a total of 5 monument signs, for the entire 18-acre site.

The Recycling Plant will have one monument sign on Wallis Road that is proposed at a height of 10 feet and 80 square feet of sign face area with 3 feet of foundation planting around the base of the sign. The remainder of the site proposes one additional monument sign along Wallis Road frontage and three monument signs along the Tall Pines Road frontage. Those signs are proposed with a height of 10 feet and 80 square feet of sign face area with 3 feet of foundation plantings around the base of the signs. See Figure 6 Preliminary Regulating Plan.

- o Architectural Review

One building is proposed on the Recycling Plant portion of the site which is not visible from a public street; so, therefore is not subject to compliance with Article 5.C Design Standards of the Unified Land Development Code (ULDC).

- o Supplemental Use Regulations - Article 4.A.4.B.105 - Recycling Plant/ Proposed Operation of facility

The proposed development complies with the supplemental regulations contained in Article 4.A.4.B.105, Recycling Plant as follows:

Site Plan Requirements: The proposed Recycling Plant will be located on a 10.56-acre site. The Recycling Plant operation will be inclusive of concrete crushing. The material to be recycled is brought on-site by trucks, which is then transported to the excavator and then loaded into the crushing machine. Once the concrete is crushed it is then moved into storage bins based. The crushed concrete is sold to a distributor who picks up the product and transports it off-site.

Fencing and Screening: All storage areas are screened from view from streets by an eight foot opaque chain link fence in conjunction with the installation of twelve foot high Areca Palms. This screening will be on Wallis Road adjacent to the Recycling Plant as well as the remainder of Wallis Road and Tall Pines Road frontage. Compatibility buffers are provided on the north, east and west proposed property lines of the conditional use area with an eight foot opaque chain link fence. The property is not contiguous to a residential zoning district.

Solid Waste Authority (SWA) Permit: In accordance with Article 4.A.4.B.105, Recycling Plant, prior to Final Site Plan approval, the applicant is required to obtain a permit from and post a bond with the SWA. However, SWA has evaluated the request and indicated that they do not regulate or issue permits for the handling or processing of Clean Debris as defined by Chapter 403.703(4) of the Florida Statutes. See the letter dated May 10, 2012, from the SWA attached as Exhibit E.

- Hours of Operation

The applicant has indicated in their justification statement that the hours of operation will be limited to 7:00 AM to 7:00 PM Monday through Saturday. Therefore, Staff imposed a Condition of Approval (Use Limitation 1) to ensure this commitment is part of the approval requirement.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-43-27-05-005-1330 00-42-43-27-05-005-1340 00-42-43-27-05-005-1350 00-42-43-27-05-005-1360 00-42-43-27-05-005-1380 00-42-43-27-05-005-1390 00-42-43-27-05-005-1420 00-42-43-27-05-005-1450 00-42-43-27-05-005-2070 00-42-43-27-05-005-1320 00-42-43-27-05-005-1321	New
Land Use Designation:	Industrial (IND)	Same
Zoning District:	Light Industrial District (IL)	Same
Tier:	Urban/Suburban	Same
Use:	Overall Site: Repair and Maintenance, General Dispatching Office, Office, Business or Professional Contractor Storage Yard Towing Service and Storage	Affected area: Recycling Plant; Remainder of site: Repair and Maintenance, General; Dispatching Office; Office, Business or Professional; Contractor Storage Yard; Towing Service and Storage
Acreage:	18.22 acres total	10.56 acres affected Remainder of site 7.66 acres
Parking:	27 spaces	4 spaces affected area and 70 spaces remainder of site for a total of 74 spaces
Access:	Tall Pines Road (3) and Wallis Road (5)	Affected area: Wallis Road (2) Remainder of Site: Tall Pines Road (4) and Wallis Road (1)

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contact from the public regarding this project.

RECOMMENDATION: Staff recommends approval of the request subject to 5 Conditions of Approval as indicated in Exhibit C.

MOTION: To adopt a resolution approving a Class B Conditional Use to allow a Recycling Plant subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE

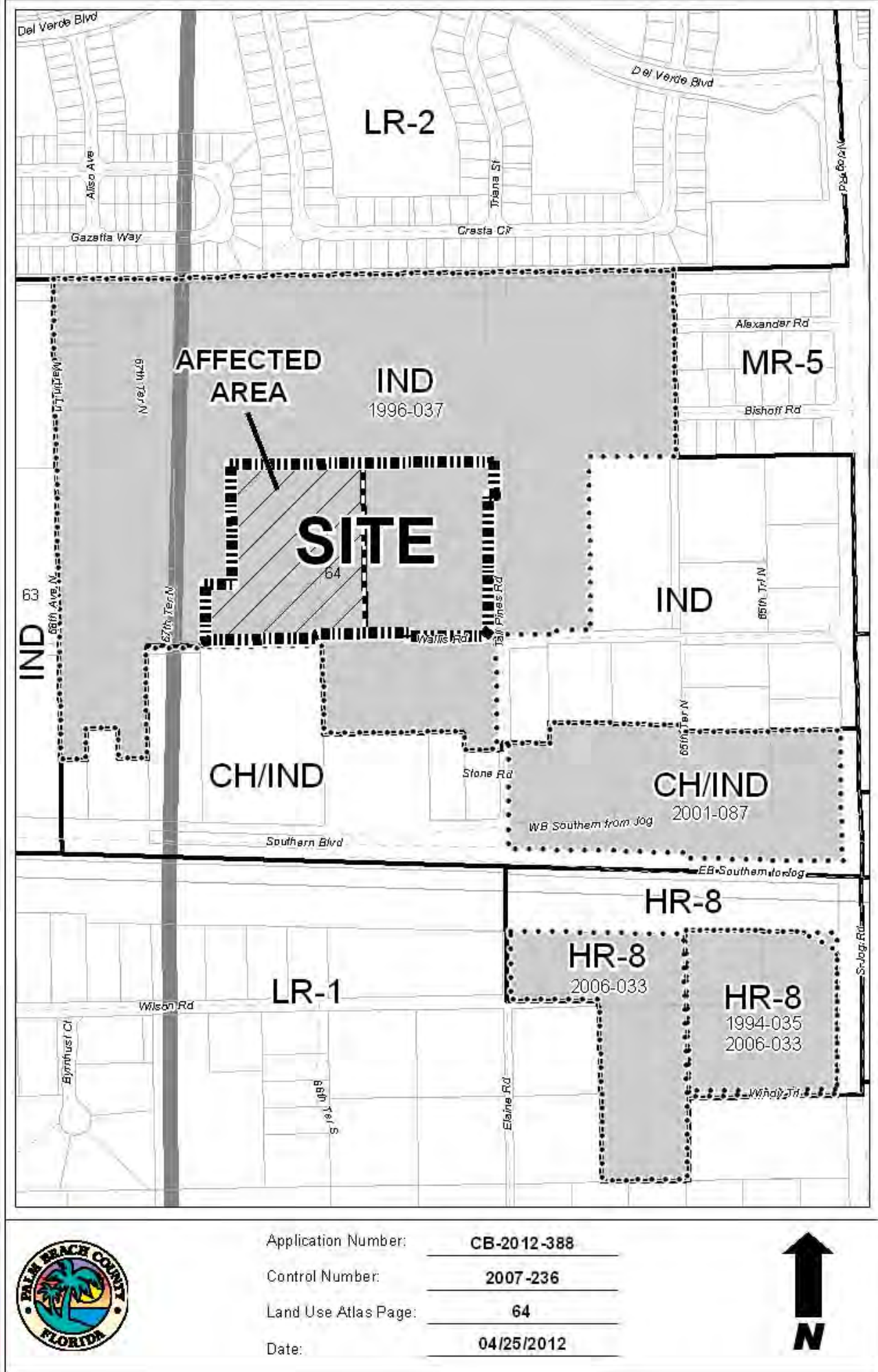


Figure 1 Land Use Map

ZC
 Application No. CB-2012-00388
 Control No. 2007-00236
 Project No. 5783-001

June 7, 2012
 BCC District 02



Figure 2 Zoning Map



CB-2012-388 Tidal Wave Central

produced by: myGeoNav

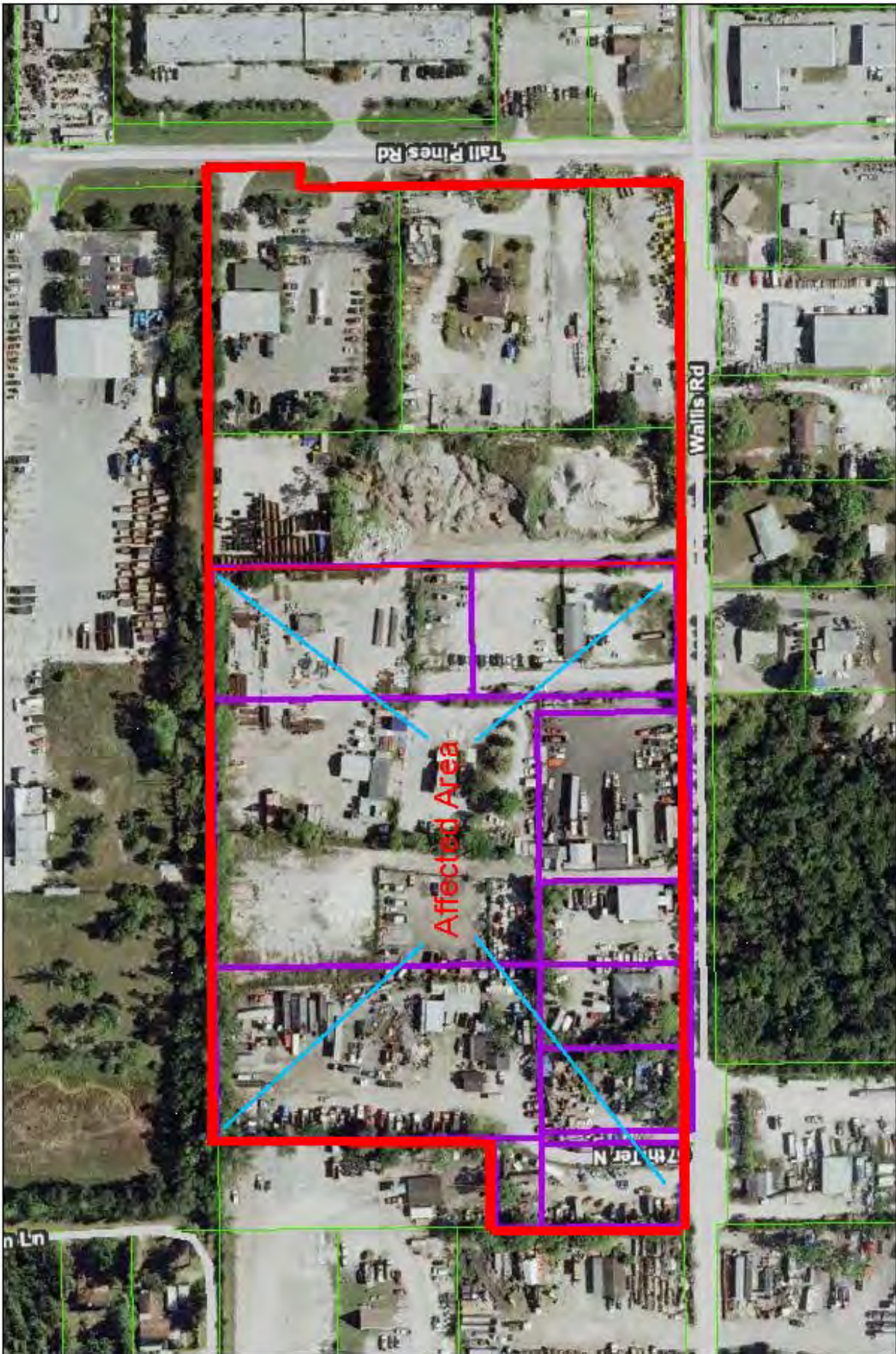


Figure 3 Aerial

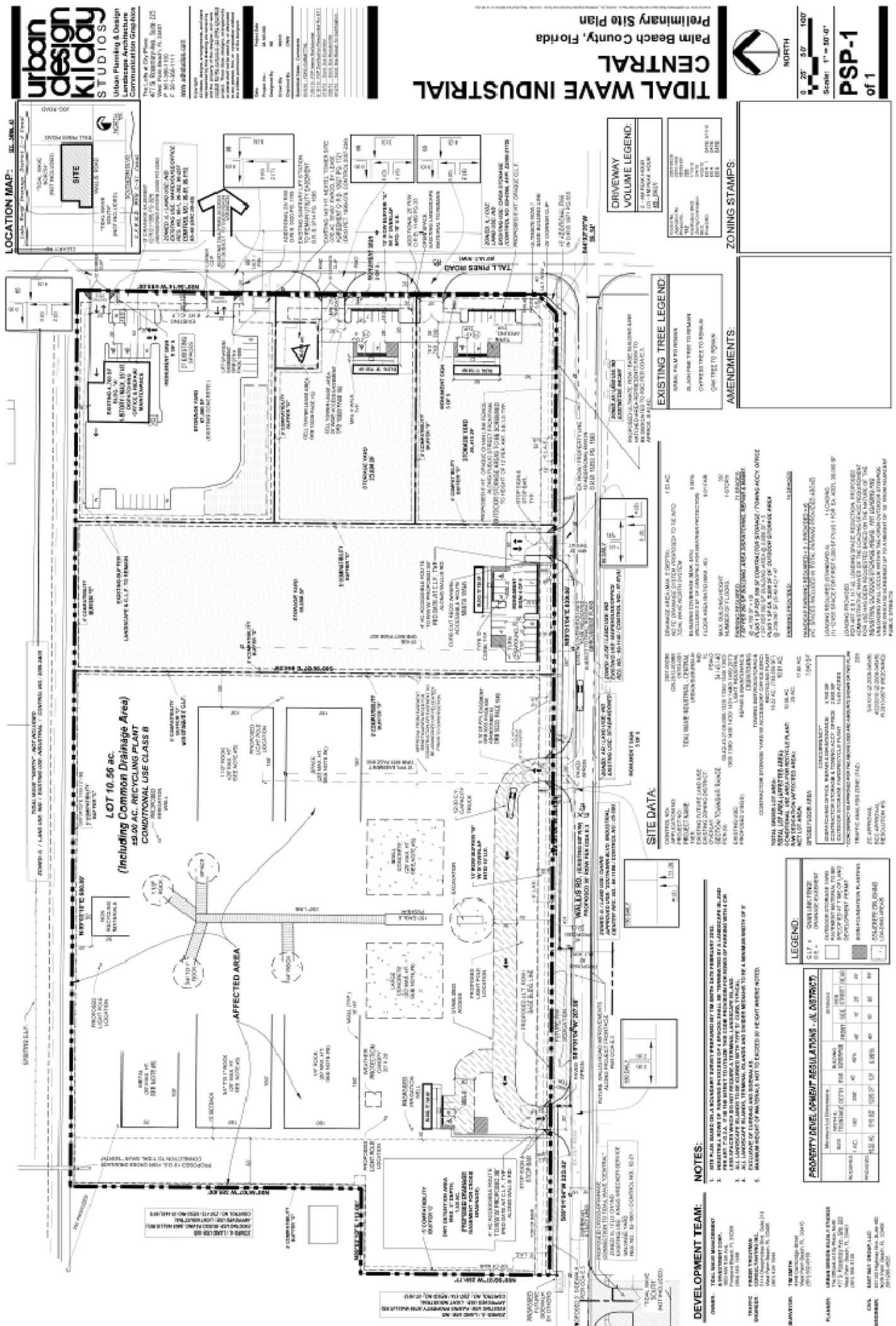


Figure 4 Preliminary Site Plan dated April 12, 2012

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Industrial (IND)

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

FUTURE ANNEXATION AREAS: The site is within the future annexation area of the Town of Haverhill, as well as of the City of West Palm Beach.

INTERGOVERNMENTAL COORDINATION: The site is not within one mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to approve a Class B Conditional Use to allow a Recycling Plant including concrete crushing; allow all the uses permitted by rights under the IL Zoning District, and vest a previously-approved cell communication tower. The proposed uses are consistent with the Industrial FLU designation.

The request consists of a total of 7,640 Square Feet within the subject 18.22 acre site (793,663 SF). Under the maximum FAR of 0.45, which is permissible for this site, the project could include a total of 357,148 Square Feet (793,663 SF x 0.45 = 357,148). The proposed square footage would result in an FAR of 0.01 (7,640SF/793,663SF = 0.009).

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The site is located within the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay, as well as the Jog Road Corridor Study, and the Haverhill Neighborhood Plan. More specifically, the Jog Road Corridor Study identified the site within their Sub-Area VI, which in 1995 contained several FLU designations, including Commercial Low-Office and Industrial, for the parcel. The study recommended these uses stay in place. The 1992 Haverhill Neighborhood Plan identified the area as containing Industrial, Commercial, Office, Utilities, and Agricultural Land Uses (p. 52c). The Land Use Recommendation of this Neighborhood Plan supported the conversion of this area to industrial uses, in a campus-style setting (p. 49).

FINDINGS: The request is generally consistent with the Industrial (IND) designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The Property Owner has estimated the build-out of the project to be December 31, 2015. Previously approved traffic from this project was 630 trips per day, 75 trips in the PM peak hour. Total traffic expected from the proposed project is 586 trips per day and 67 trips in the PM peak hour so the proposed project is equivalent to the existing approval. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been previously cleared of most of the significant native vegetation. The preservation or mitigation of any trees impacted by this approval will be determined prior to DRO site plan approval.

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

PARKS AND RECREATION: No Staff Review Analysis

CONCURRENCY: Concurrency, for the overall 18.22 acre site, has been approved for 14.49 acres of outdoor storage yard/recycling plant; 4,760 square feet of dispatching office and repair and maintenance; and 2,880 contractor storage and towing accessory offices.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department.

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

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 – 8 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 existing Future Land Use designation for the site is Industrial (IND) and the proposed changes are consistent with the Industrial Future Land Use designation. The intent for the IND category shall be primarily utilized by light, medium and heavy industrial uses and related services, and shall permit the following uses: manufacturing, assembly of products, processing, research and development, wholesale distribution and or storage of products, transportation, fabrication, salvage and junkyards.

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.*

The proposed site plan is consistent with the uses in the IL zoning district and applicable standards of the Code as illustrated. The minimum lot size for Recycling Plant in all industrial zoning districts shall be five acres and the proposed site is 10.56 acres in size. Setbacks in an Industrial District and

contiguous to land in an Industrial District or IND FLU designation shall be 25 feet from all property lines. No part of a recycling plant shall be within 150 feet of a residential lot. To the northwest of the site is a residential lot and the closet proposed storage bin is located 202 feet from that lot. All storage areas will be screened from view from streets by a six foot opaque chain link fence in conjunction with the installation of twelve foot high Areca Palms. Compatibility buffers are provided on the north, east and west proposed property lines of the Conditional Use area with an eight foot opaque chain link fence. The property is not contiguous to a residential zoning district.

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.*

The proposed Recycling Plant use of construction concrete crushing is compatible with and consistent with the character of the surrounding property. Properties to the east, west, north and south are primarily industrial in nature with existing industrial uses such manufacturing, waste distribution, and outdoor storage uses. Additionally, the project complies with, or exceeds, the supplemental use regulations for the use as outlined in the ULDC and discussed in greater detail above. As the supplement use regulations were created to address compatibility issues with surrounding uses and this project complies with same, the use is compatible with the surrounding uses.

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 design of the proposed Recycling Plant use, inclusive of concrete crushing, minimizes any adverse impacts to the surrounding properties. A landscape buffer is proposed to visually screen the outdoor activities of the facility.

The site has been designed to meet or exceed the setback of 25 feet from all property lines. As no part of a recycling plant shall be within 150 feet of a residential lot, the site has been designed with the closet proposed storage bin located 202 feet from that lot. All storage areas will be screened from view from streets by a six foot opaque chain link fence in conjunction with the installation of twelve foot high Areca Palms. Compatibility buffers are provided on the north, east and west proposed property lines of the Conditional Use area with an eight foot opaque chain link fence. The property is not contiguous to a residential zoning district.

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.*

The proposed uses and site design will have no negative effect on the surrounding environment. The majority of the site is already cleared for the existing industrial uses operating on site. The applicant will meet the provisions of the ULDC in regard to preservation and/or mitigation of native vegetation at the time of site plan and/or building permit. There are no wetlands, wildlife, or protective vegetation on site.

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

Development in the area is predominately industrial with many general industrial and light industrial uses. The proposed use will be consistent with the current development pattern. The subject property is surrounded by properties on the north, south, east and west with IND land use designation. The area surrounding the subject property is steadily being development for industrial uses. Therefore this use will result in a logical and orderly development pattern.

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

The project is within the Palm Beach County Water Utilities Service Area and will utilize their services. A Drainage Statement prepared by East Bay Group is submitted herewith. Legal positive outfall will

be to the LWDD L-4 Canal. Concurrency, for the overall 18.22 acre site, has been approved for 14.49 acres of outdoor storage yard/recycling plant; 4,760 square feet of dispatching office and repair and maintenance; and 2,880 contractor storage and towing accessory offices.

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

The purpose of this application is to allow a Recycling Plant for concrete. The approved Site Plan for the site was granted via the Administrative Approval Process, DRO, following a rezoning of the property from MUPD to IL granted by the Board of County Commission on April 22, 2010 under Control No. / Petition No. 2007-0236. The changed circumstance is that the applicant based on the ever changing markets and business opportunities, would like to operate a Recycling Plant for concrete on an 10.56-acre portion of the site; with the remainder of the 18.22 acre site being used for General Repair and Maintenance, Dispatching, Towing and Storage; and Contractors Storage Yards.

CONDITIONS OF APPROVAL

EXHIBIT C Conditional Use Class B

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 12, 2012. 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)

HEALTH

1. The property owners and operators of facilities generating industrial, hazardous, or toxic wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach county Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF--Health)

USE LIMITATIONS

1. Hours of Operation shall be limited from 7:00 AM to 7:00 PM Monday through Saturday. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Zoning Commission relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

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

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

Exhibit D: Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

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 Charles Gusmano, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [X] Manager of Prime Realty Capital, LLC [position—e.g., president, partner, trustee] of Prime Realty Capital, 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: 790 Hillbrath Drive, Lantana, FL 33462
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.

Charles Gusmano

Charles Gusmano, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 6th day of March, 2012, by Charles Gusmano, [✓] who is personally known to me or [] who has produced as identification and who did take an oath.

Frank Bermudez
Notary Public
Frank Bermudez
(Print Notary Name)

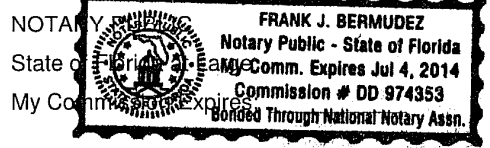


EXHIBIT "A"
PROPERTY

PARCEL 1 (139):

THE EAST 216 FEET OF THE WEST 328 FEET OF THE NORTH 450 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2 (132):

THE NORTH 450 FEET OF THE EAST 332 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, TOGETHER WITH: THE EAST 21 FEET OF THE SOUTH 210 FEET OF SAID TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3 (142):

THE NORTH 360 FEET OF THE WEST QUARTER OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SUBJECT TO AND TOGETHER WITH A 35 FOOT INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS: THE EAST 35 FEET OF THE SOUTH 300 FEET OF THE WEST QUARTER OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 4 (144):

THE EAST ONE-HALF (E 1/2) OF THE WEST ONE-HALF (W 1/2) OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 5 (143):

THE NORTH 263 FEET OF THE SOUTH 395.94 FEET OF THE EAST ONE-HALF OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 11469, PAGE 33, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 6 (1431):

THE SOUTH 131.98 FEET OF THE SOUTH 395.94 FEET OF THE EAST ONE-HALF OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEEDS RECORDED IN O.R. BOOK 7639, PAGE 1367 AND O.R. BOOK 9971, PAGE 555, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 7 (145):

THE SOUTH 300 FEET OF THE WEST QUARTER OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 8 (207):

THE EAST 332 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS THE WEST 103 FEET OF THE SOUTH 210 FEET; ALSO LESS THE EAST 21 FEET OF THE SOUTH 210 FEET; AND ALSO LESS THE NORTH 450 FEET THEREOF. ALSO LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "A"**PROPERTY**

PARCEL 9 (133):
IN THE SOUTH 210 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE WEST 119 FEET THEREOF AND LESS AND EXCEPT THE EAST 437 FEET THEREOF, ALSO LESS AND EXCEPT THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 10 (136):
THE WEST 104 FEET OF THE SOUTH 210 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THE PROPERTY CONTAINED IN THE WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 11 (138):
THE SOUTH 65 FEET OF THE NORTH 450 FEET OF THE WEST 112 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 14 (134):
THE SOUTH 210 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 223 FEET THEREOF AND LESS THE EAST 333 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 53; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID TRACT 53, 333 FEET TO A POINT OF BEGINNING; THENCE NORTH A DISTANCE OF 210 FEET; THENCE WEST A DISTANCE OF 104 FEET; THENCE SOUTH A DISTANCE OF 210 FEET; THENCE EAST A DISTANCE OF 104 FEET TO THE POINT OF BEGINNING.

PARCEL 15 (135):
THE SOUTH 210 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE WEST 327 FEET THEREOF AND LESS THE EAST 229 FEET THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 53; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID TRACT 53, 229 FEET TO A POINT OF BEGINNING; THENCE NORTH A DISTANCE OF 210 FEET; THENCE WEST A DISTANCE OF 104 FEET; THENCE SOUTH A DISTANCE OF 210 FEET; THENCE EAST A DISTANCE OF 104 FEET TO THE POINT OF BEGINNING.

PARCEL 17 (1321):
THE EAST 15 FEET OF THE WEST 119 FEET OF THE SOUTH 210 FEET OF TRACT 53, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPTING THE PROPERTY CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 15233, PAGE 1563, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 18 (140):
THE NORTH 264 FEET OF THE EAST ONE-HALF OF TRACT 54, BLOCK 5, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGES 45 TO 54, INCLUSIVE, LESS THE EASTERLY 25 FEET THEREOF, BEING THOSE PORTIONS CONVEYED TO PALM BEACH COUNTY IN RIGHT-OF-WAY WARRANTY DEEDS RECORDED IN O.R. BOOK 7639, PAGE 1694 AND O.R. BOOK 9320, PAGE 1796, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING: 793,859 SQUARE FEET OF 18.22 ACRES, MORE OR LESS



May 10, 2012

Jon P. MacGillis - Zoning Director PBC PZ&B
2300 N. Jog Rd.
West Palm Beach, FL 33411

Subject: Recovered Materials and Clean Debris Permitting

Dear Mr. MacGillis,

This letter is being sent in response to a request received by Authority on April 18, 2012 dealing with the permitting of Metal Scrap Yards and Source Separated Concrete Processing Facilities.

According to Florida Administrative Code Chapter 62-722 - Regulation of Recovered Materials, the metals received by Metal Scrap Yards are considered Recovered Materials. Having been removed from the solid waste stream these metals are no longer considered solid waste and are considered a commodity with monetary value. As defined in Chapter 403.703(24), Florida Statutes, recovered materials means "metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but the term does not include materials destined for any use that constitutes disposal. Recovered materials as described in this subsection are not solid waste." Based on this definition, scrap metal that has been removed from and is managed separately from the solid waste stream is not considered solid waste.

A facility that takes in, processes, or consolidates Recovered Materials is termed a Recovered Materials Processing Facility (RMPF). A facility that accepts one or several solid waste streams for separation, processing or recycling is considered a Solid Waste Management Facility.

Section 12 of Chapter 2001-331 Laws of Florida states that no person shall operate a waste management facility without first having applied for and received a valid operating permit from the Solid Waste Authority. Because a RMPF does not take in non-separated solid waste materials, RMPFs are not considered Solid Waste Management Facilities subject to the permitting requirements of Chapter 2001-331, Laws of Florida.

Another activity the Authority does not regulate or issue permits for is the handling or processing of Clean Debris. Chapter 403.703(4), Florida Statutes defines Clean Debris as "any solid waste that is virtually inert, that is not a pollution threat to groundwater or surface waters, that is not a fire hazard, and that is likely to retain its physical and chemical structure under expected conditions of disposal or use. The term includes uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the department." Please note

2300 North Jog Road, West Palm Beach, Florida 33411 (800) 640-4000 FAX (561) 960-0900

that asphalt is not, by definition, considered Clean Debris, so a site that accepts both concrete and asphalt may be subject to permitting by the Solid Waste Authority,

The Solid Waste Authority does require and issues operating permits for all Solid Waste Management Facilities in Palm Beach County, The Authority does not require nor issue operating permits to facilities that handle or process only Source Separated Recovered Materials and/or Clean Debris.

Best Regards,



Marc C. Bruner
Chief Administrative Officer - SWAPBC

cc: Mark Hammond - SWA
Dan Pellowitz - SWA
Ken Berg - SWA