




Reply To: West Palm Beach

**MEMORANDUM**

TO: Clara Bennett

FROM: Seth Behn, Esq., AICP 

CC: Janice Rustin

DATE: April 12, 2022

SUBJECT: Review of Premier Aviation Site Plan Application Status Report

I was asked to review the efforts of Premier Aviation of Boca Raton LLC (“Premier”) to obtain site plan approval for the Phase III construction improvements pursuant to the Lease between Premier and the Boca Raton Airport Authority (“Authority”), dated September 27, 2000. Specifically, I have reviewed the letter provided by Bonnie Miskel, land use counsel for Premier, outlining the summary of activities and steps taken toward entitling the Property since September 2021. As a certified professional land use planner and development attorney, I am well acquainted with the process and timing for large-scale entitlement projects in south Florida.

I generally agree with the characterization of Premier’s efforts thus far. From the time Premier received notice that the Authority approved the preliminary plans in September 2021 through the time of the letter, Premier’s actions and the proposed timeframes are consistent with what is typical of a development of this size and complexity.

The letter also provides a timeframe going forward. Although the letter states that the timeframe is “conservative,” I do think there would be an opportunity for final approval of the site plan to occur sooner if fewer resubmittals are necessary. In addition, despite the letter’s reference to possible delays in the City’s hearing schedule, the final approval could occur sooner if the required public hearings are scheduled earlier than anticipated.

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Finally, it appears that the dates for the public works and building permits to be issued is further out than necessary. These permits could be issued earlier if Premier receives City approval to pre-submit the Public Works Review application and the Building Permit in September, 2022, as provided for in the estimated approval schedule described in the letter.

In sum, the entire timeframe, both past and prospective, is not unreasonable for this type of approval.



**SETH C. BEHN**  
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Mr. Behn's practice focuses on governmental affairs, land use law and environmental permitting. He works closely with and for local governments, using his background as an AICP Certified Land Use Planner to support his law practice and bring multiple perspectives to complex issues. With his extensive experience in local government processes and his planning background, he is well versed in property rights, easements, and real estate matters, allowing him to guide his clients to efficient solutions for their constituents.

#### AREAS OF PRACTICE

- Serves as general counsel to the Lehigh Acres Municipal Services District and assistant general counsel to several other special districts including Seminole Improvement District, South Indian River Water Control District, Coral Springs Improvement District, and Ranger Drainage District.
- Represents both public and private clients before circuit court and administrative tribunals.
- Counsels property owners in local government entitlements, environmental permitting and construction.
- Provides review and analysis to both public and private clients in the field of platting, surveying, easements, and title disputes.
- Has advised and litigated riparian rights disputes throughout the state.

#### PROFESSIONAL, CIVIC, AND COMMUNITY INVOLVEMENT

- Leadership Palm Beach County, 2016.
- American Institute of Certified Planners (AICP), Member, 2006-present.
- American Planning Association, Florida Chapter, Member, 2005-present.
- Palm Beach County Planning Congress:
  - Board Member, 2010-present.
  - President, 2011.

#### PRACTICES

Environmental and Natural Resources Law  
Land Use and Real Estate Law  
Administrative, Civil, and Appellate Litigation

#### INDUSTRIES

Government  
Real Estate Development  
Transportation and Infrastructure

#### EDUCATION

Juris Doctor, Cum Laude, Nova Southeastern University, 2014  
Masters, Urban & Regional Planning, Florida Atlantic University, 2005  
Graduate Studies, School of Architecture, University of Miami, 2002-2003  
Bachelor of Fine Arts, Florida Atlantic University, 1995

## **PRESENTATIONS AND PUBLICATIONS**

- Moving Toward Reopening Government, LLW Lunch & Learn, June 2020.
- Understanding the Force Majeure Clause and Its Role in Contracts with Special Districts During the Pandemic, June 2020.
- COVID-19 and Its Impact on Special Districts, LLW Virtual Lunch & Learn, April 2020.
- Mangroves and Florida Residential Homeowners: Your Rights Under the Mangrove Trimming and Preservation Act, October 2019.
- Emerging Trends in Transportation Planning and Infrastructure, presented at the Florida Chamber Environmental Permitting Summer School, July 2019.
- Legal Problems – GIS Solutions, presented at the Esri User Conference, July 2017.
- Looking Out to Sea: Resurging Interest in Seawater Desalination Projects Face the Twin Specters of Technical Challenges and Permitting Complexity, American Bar Association, May 2015.
- GIS and the Law: Opportunities and Pitfalls, presented at the South Florida Geographic Information Systems Expo, 2014.
- Recent Developments in Land Use and Environmental Permitting Case Law, November 10, 2013.
- Where Do Property Rights Fit into Sustainability? Recent Developments Affecting Planners, presented at the American Planning Association Florida Conference, September 2013.
- The Importance of the Water-Energy Nexus in Florida's Future, The Florida Bar Journal, May 2013.
- Steeplechase Research and Medical Center height compatibility analysis, 2010.
- Regional Mega Yacht Facility DEP Alternative Locations Analysis for Palm Beach County, 2007.
- Utility Plant Siting Analysis, Okeechobee and DeSoto Counties, 2006.
- A Coastal Management Plan for the Treasure Coast: Seeking a Regional Context for Local Coastal Planning, presented at the American Planning Association Florida Conference, 2005.
- Towards a Literary Theory Appraisal of the Planning Canon, presented at the Association of Collegiate Schools Planning Conference, 2004.

## **PRIOR PROFESSIONAL EXPERIENCE**

- Senior Land Use Planner at Greenberg Traurig, P.A., 2005-2012.
- Land Use Planner at Land Design South, 2004-2005.
- Planning Intern, City of Miami Beach, 2003-2004.