

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

**Application No.:** PDD/DOA-2017-02173  
**Application Name.:** PGA Waterfront Residential PUD  
**Control No.:** 1984-00159  
**Applicant:** PGA Partners 100 LLC  
**Owners:** PGA Partners 100 LLC  
**Agent:** Gentile Glas Holloway O'Mahoney & Assoc, Inc.  
Emily O'Mahoney  
Gentile Glas Holloway O'Mahoney & Assoc, Inc.  
George Gentile  
**Telephone No.:** (561) 575-9557, (561) 575-9557  
**Project Manager:** Carrie Rechenmacher, AICP, Senior Site Planner

**TITLE:** an Official Zoning Map Amendment to a Planned Development District **REQUEST:** to allow a rezoning from Residential Multifamily (RM) Zoning District to the Planned Unit Development (PUD) Zoning District. **TITLE:** a Development Order Amendment **REQUEST:** to add land area; delete units; reconfigure the Master Plan; and, modification of conditions (Architecture, Landscape, Planning).

**APPLICATION SUMMARY:** Proposed is an Official Zoning Map Amendment and a Development Order Amendment (DOA) for the PGA Waterfront development. The 7.95 acre site was last approved by the Zoning Commission on May 7, 2015 for Type II Variances; and, the Board of County Commissioners (BCC) on May 28, 2015, for a rezoning from the Multiple Use Planned Development (MUPD) Zoning District and the Residential Multi-Family (RM) Zoning District, to the Planned Unit Development (PUD) Zoning District, to allow for the development of 88 Multi-family units. The previous Type II Variance to allow setbacks to be taken from the property line instead of inside of the landscape buffer will remain in effect and be utilized with this DOA.

The Applicant is requesting to rezone 0.94 acres of submerged land on the southwest corner of the site along the Intracoastal from RM to PUD, and add to the previously approved PUD, for a total of 8.89 acres. The Applicant is also proposing to reduce residential units from 88 to 70 (-18) Multifamily units, modify the architectural elevations, and reconfigure the recreational Pod.

The Preliminary Master Plan (PMP) indicates one Residential Pod with 70 Multifamily units in four buildings, one 0.51 acre Recreation Pod, a 0.10 acre neighborhood park, and 2.87-acres of submerged land (Intracoastal Waterway). The Preliminary Site Plan (PSP) indicates two Multifamily buildings (16 units total) ranging from two to three stories along the Intracoastal Waterway, and two Multifamily structures (54 units total) six stories in height located interior to the site, with above and below grade parking, and one access point from Ellison Wilson Road.

This application was reviewed for compliance with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 23.

**SITE DATA:**

Location:	Southwest corner of PGA Boulevard and Ellison Wilson Road.
Property Control Number(s)	00-43-42-05-00-000-5490; 00-43-42-05-00-000-5500 00-43-42-05-00-000-5920; 00-43-42-05-00-000-5510 00-43-42-05-00-000-5520; 00-43-42-05-38-001-0010 00-43-42-05-38-001-0020; 00-43-42-05-38-001-0030 00-43-42-05-00-000-5970
Existing Future Land Use Designation:	Commercial High, with an underlying HR-12 (CH/12) and High Residential (HR-12)
Proposed Future Land Use Designation:	No Proposed Change

Existing Zoning District:	Residential Planned Unit Development District (PUD) and Multi-Family Residential (Medium Density) District (RM)
Proposed Zoning District:	PUD
Total Acreage:	8.89 acres
Affected Acreage:	8.89 acres (+0.94 for rezoning)
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Juno Beach, North Palm Beach, Palm Beach Gardens
Future Annexation Area	North Palm Beach, Palm Beach Gardens

**RECOMMENDATION:** Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1; and 22 Conditions of Approval as indicated in Exhibit C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received two phone calls in regards to sidewalks and the PGA Boulevard Bridge from the public regarding this project.

**ACTION BY THE ZONING COMMISSION (ZC):** This item was on the July 9. 2018 ZC Hearing Consent Agenda, with a request to postpone to the August 2, 2018, ZC Hearing. The ZC approved the request 5-0.

**ACTION BY THE ZONING COMMISSION (ZC):** This item was on the August 2, 2018 ZC Hearing Regular Agenda. No one from the public was there to comment on the application. The Agent made a brief presentation and agreed to the Conditions of Approval. The ZC recommended approval of the request with a vote of 7-0.

**PROJECT HISTORY:**

Application No.	Request	Resolution	Approval Date
1984-00159	An Official Zoning Map Amendment to allow a rezoning of a 1.76-acre parcel from the Residential Medium (RM) Zoning District to the Commercial General (CG) Zoning District; and a Special Exception to allow a Planned Commercial Development (PCD)	R-85-569 R-85-570	January 4, 1985
1984-00159	To correct the legal descriptions contained in Resolutions R-85-569 and R-85-570	R-86-324 R-86 325	March 11, 1986
1984-00159(A)	A Development Order Amendment to modify and delete Conditions of Approval for landscape buffer barriers	R-87-0017	January 13, 1987
SCA-26-COM-1	A Comprehensive Plan Land use designation change from High Residential 12 (HR 12) to Commercial High (CH) with underlying 12 units per acre (CH/12)	Ordinance 2002-010	April 4, 2002
PDD-1984-00159(B)	An Official Zoning Map Amendment to allow a rezoning from the Residential Medium (RM) and Commercial General (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District; and, a Development Order Amendment to add land area and square footage.	R-2002-0505 R-2002-0506	April 4, 2002
ZV/DOA-2009-02681	Type II Variances to allow extended hours	ZR-2010-002	April 22, 2010

	of operation for a commercial use adjacent to residential, to allow easement overlap into a right of way buffer, to allow reduction of a right of way buffer, and to reduce a Type III Incompatibility buffer; and a Development Order Amendment to reconfigure the Site Plan	R-2010-0678	
ZV/PDD-2014-02321	An Official Zoning Map Amendment to allow a rezoning for a 7.95 acre parcel from the MUPD and RM Zoning Districts, to the PUD Zoning District, to allow 88 Multi-family units.	R-2015-0695 R-2015-01734	May 28, 2015
ZV/PDD-2014-02321	Type II Variances to allow the setbacks for the north and east sides to be measured from the property line, and the setback for the south side to be measured from the Base Building Line (BBL), and not from the inside edge of the required perimeter landscape buffers; eliminate a Type 3 Incompatibility Landscape and Right of Way buffers on the west property line, located within the Intracoastal Waterway; and, eliminate the required Type II Incompatibility Landscape Buffer located adjacent to the Recreational and Residential Pods	ZR-2015-0016	May 28, 2015
CRB 2015-2372	Correcting the legal description of R-2015-0695	R-2015-1734	December 3, 2015
CRB 2015-2373	Correcting the legal description of R-2015-016	R-2015-0045	December 3, 2015

**SURROUNDING LAND USES:**

NORTH:  
(City of Palm Beach Gardens):  
FLU Designation: Commercial (C)  
Zoning District: General Commercial District (CG1)  
Supporting: Commercial (Seasons 52 Restaurant)

SOUTH:  
FLU Designation: High Residential (HR-12)  
Zoning District: Multi-Family Residential (Medium Density) District (RM)  
Supporting: Residential (Single-family, no Control Number)

EAST:  
(City of Palm Beach Gardens):  
FLU Designation: Commercial (C)  
Zoning District: General Commercial District (CG)  
Supporting: Commercial (City Centre)

WEST:  
(City of Palm Beach Gardens):  
FLU Designation: Commercial (C)  
Zoning District: General Commercial District (CG)  
Supporting: Commercial (Waterway Cafe)

(Palm Beach County)  
FLU Designation: Low Residential (LR-3)  
Zoning District: Single Family Residential (RS)

**FINDINGS:**  
Rezoning Standards:

When considering a Development Order application for an Official Zoning Map Amendment to a Standard Zoning District or a rezoning to a PDD or TDD, the BCC and ZC shall consider Standards 1-7 listed under Article 2.B.1.B of the ULDC. The Standards and Staff Analyses are indicated below. An Amendment, which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

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

- o Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including densities and intensities of use.
- o Density & Workforce Housing: The subject request seeks to add land area, reduce the total number of units and modify Planning conditions of approval. The Applicant was previously approved for a total of 88 units, which is less than the maximum of 106 units that the HR-12 land use designation would permit (8.91 acres x 12 = 106).
- o The 8.892 acre site contains 2.872 acres of submerged lands within the Intracoastal Waterway and are located within the Coastal High Hazard Area (CHHA, 2.41 ac). Lands within the CHHA are prohibited from increasing densities and intensities beyond the current future land use designation per Coastal Management Element Policy 2.3-c. The project is consistent with the CHHA provisions because the Applicant is not seeking to utilize any bonus density, and the proposed density does not exceed the current HR-12 FLU designation maximum density. The density was calculated based on the entire 8.892 acres.

Since the request is greater than 10 units, participation in the program will be mandatory. The Workforce Housing Program provides housing for qualified buyers with an income that is 60 -140% of the Area Median Income (AMI). In Palm Beach County, the 2017 median income is \$67,900 for a family of four (per Housing and Urban Development - HUD). Therefore, the required Workforce Housing will be calculated as follows:

**Standard & WHP Bonus Density:**

70 Standard units      1.75 WHP units (2.5%)  
0 max units      0 WHP units (8%)  
70 units total      1.75 or 2 required WHP (rounded up)

WHP Program Off-site Options: The Applicant has stated in the Justification Statement that they wish to utilize WHP Off-site Options, to buy-out of the required Workforce Housing Program (WHP) units. ULDC Article 5.G.1.G.4. Option 4, allows for an in-lieu payment for the WHP units. The payment shall be received by the Department of Economic Sustainability(DES), prior to the release of the first residential Building Permit.

Accordingly, the following Condition of Approval shall apply:

Prior to the issuance of the first residential Building Permit, the Applicant shall submit payment to Department of Housing and Economic Sustainability (DHES), and a copy of a receipt for that payment to the Planning Division, totaling the amount of WHP units bought at \$81,500 per WHP unit.

- o Archaeological Resources: The site is located within an area known to possibly contain archaeological resources. A condition was applied that requires a Certificate to Dig (CTD) prior to the approval of the Final Site Plan or any ground disturbing activities. This Certificate (Exhibit E) remains in effect with the current amendment.

o Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.

**2. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

o Setbacks: Type II Variance approved May 07, 2015 - Measurement of Setbacks: The subject site received approval of the Type II Variances on May 07, 2015 for measurement of setbacks and elimination of landscape buffers along the western property lines within the Intracoastal Waterway and adjacent to the Recreation and Residential Pods, the proposed amendment is not in conflict with any portion of the Code and is consistent with the purpose and intent.

The ULDC has been revised since then that three of the four variances are no longer needed. Now only the Variance from the setback measurements will be utilized. The Variance is from ULDC Article

o Type II Variance: ULDC Article 3.E.D.1. ZR-2015-016. The Type II Variance allows measurement of the setbacks for the east and north to be taken from the property line and not the inside of the landscape buffer and the south side to be measured from the Base Building Line. Staff has added conditions to address the revised site plan and reference this previous variance, which, although the request is the same, the associated Master Plan, Regulating Plan and Architectural Elevations, have been revised.

The Variance to allow setbacks to be measured from the property line and the Base Building Line was approved based on the height of the Multi-family building as shown on the Architectural Elevations dated February 23, 2015. Any increase in height will require reconsideration of the Variance by the Zoning Commission. The Applicant is not increasing building height and does not require reconsideration by the ZC; secondly, both the property line and the Base Building Line remain the same as the previously approved plan. Therefore, Zoning Staff has determined that even though the Architectural Elevations may have changed it will not impact the approved Variance, which is to allow setbacks to be measured from the property line or Base Building Line, versus the inner edge of the buffer.

o Property Development Regulations: The Applicant has requested to rezone a 0.94 acre submerged parcel of land from the RM zoning district to the PUD Zoning District and add this to the approved PUD which provides a total 2.87 acres of submerged land and 8.89 acres overall for the PUD. The PUD was approved for the development of 88 multifamily units on May 7, 2015. The Applicant is requesting to delete 18 units for a total of 70 units within four instead of one structure. The Applicant will maintain the maximum grade plane height of 77 feet as previously approved. The measurement of height for this site is further discussed below. Setback measurements are subject to the variances approved May 07, 2015.

o Exemplary Design: The Applicant submitted the Preliminary Master and Regulating Plans identifying its required performance standards with the provision of neighborhood parks and recreation pods within 1,320 feet of the building. The neighborhood park is incorporating 4 large oak trees as discussed further below. Additionally, the Applicant is providing decorative paving and courtyards with pavilions for use by the residents. Staff has included additional Conditions of Approval for the focal points and landscaping incorporate specimen trees or palms, as well as taller palms, around the proposed structure.

o In accordance with ULDC Article 3.E. Planned Development Districts (PDD), and Article 3.E.2 Planned Unit Development a PUD shall comply with the following standards: Standards a – d are required and must be met. A minimum of the two of the four standards listed in e – h are required. The Applicant has responded to this criteria as follows:

- a. Proximity to Other Uses – the subject site is in proximity to other uses surrounding the site such as restaurants, offices, fitness center, etc.;
- b. Focal Points – the proposed development offers multiple focal points throughout the development which include dynamic openings in building, trellises and open garden structures, fountains, pool amenities including a spa and a private marina;

- c. Neighborhood Park – the proposed development will have two (2) recreational areas along a marina dockage with boat slips for the residents of the development along with a beach area and a pool/spa area;
- d. Decorative Street Lighting - the proposed development will incorporate decorative street lighting and landscape lights throughout the development to accent the architecture and the proposed extensive landscaping;
- e. Decorative Paving – the proposed development will utilize decorative paving throughout the development;
- f. Fountains – as stated there will be fountains, water features and trellis features throughout the development including at the entry, and other open space areas and by the pool area;
- g. Benches or play structures – as stated there will be benches located throughout the development including the marina area;
- h. Interspersed Housing – Not Applicable
- i. Pedestrian Circulation System - pedestrian circulation is proposed throughout the development for use by the residents and their guests.

o Site Conditions: As mentioned above, the site is located at the southwest corner of PGA Boulevard and Ellison Wilson Road and has some unique gradient features, with the site generally sloping from east to west towards the Intracoastal Waterway with the western portion of the site are submerged lands increased with the DOA from 1.93 to 2.87 acres in size. Due to the grade changes, the Applicant had previously submitted Grade Plane Calculations to the Building Division to determine the average grade for the site. The grade plane serves as a reference plane representing the average of the finished ground level adjoining the building at its exterior walls.

o Grade Plane based on the North American Vertical Datum of 1988 (NAVD-88): Under conditions where the finished ground level slopes significantly away from the exterior walls, that reference plane is established by the lowest points of elevation of the finished surface of the ground within an area between the building and the property line, or where the property line is more than 6 feet from the building. Based on the Grade Plane Calculations submitted by the Applicant, the Building Division Staff concurred that the grade plane was determined to be 21 feet National Geodetic Vertical Datum (NGVD) of 1929. With the changes to the flood zone maps as described below, the County now uses the more updated and accurate North American Vertical Datum of 1988 (NAVD-88).

o Flood Plane Maps: Since the approval of the residential use in May 7, 2015 updated and revised flood plane maps were released by FEMA on March 5, 2017 and became effective on October 5, 2017. Irrespective of any prior approvals, application dates, or previously issued permits, County staff is required to ensure all permits or Certificates of Occupancy (COs) issued by the County on or after October 5, 2017 comply with the new maps. All new surveys and elevation certificates for projects must reflect NAVD-88. Therefore all calculations for this project that had to be revised from the NGVD-29 calculations to the NAVD-88. The height of the structures remain at a maximum of six stories, or 77 feet measured from the Grade Plane.

o Building Height: The proposed building height measured from the grade plane remains at a maximum of 77 feet to top of the flat roof. This measurement does not include those elements which have exceptions established by Article 3.D.1.E.4. such as parapets for screening of mechanical equipment. The building height may include the portions of the structure that are underground for below grade parking, however the structure height from the grade is a maximum of 77 feet of six stories. The two structures adjacent to the Intracoastal Waterway are two and three stories in height with a maximum of 45 feet in height from the grade plane. The ULDC allows a maximum increase of 10% of the building height administratively however if the height changed then the setbacks would not be in compliance with the ULDC or the approved variance.

o Height increase: Any further increase in height would require approval by the BCC and also must meet setback requirements. Buildings over 35 feet in height shall be setback in accordance with Table 3.D.1.A, Property Development Regulations, with one additional foot of setback to be provided in addition to the required setback for each one foot in height, or fraction thereof, over 35 feet.

o Architectural Elevations: Preliminary Architectural Elevations were provided as part of the application review (Figure 7 Pages 1-4 and Renderings Figure 8). Based on the documents provided, Staff has concluded that the proposed elevations are generally in compliance with Article 5.C. The

proposed elevations provide for measurements from the Grade Plane of 19.5 feet NAVD-88 and extend vertically an additional 77 feet up from that point. Garage parking is below grade for the two multi-story buildings adjacent to Ellison Wilson Road on the east side of the site.

The elevations for the multi-family buildings provide for a more modern style as there is no established theme for the area. The Applicant’s Architect submitted the required Architectural Compliance, Line of Site, Environmental Impact and Visual Impact Analysis’ to document compliance with the Guidelines and proposed architectural elements. Staff recommends Architectural Conditions 1 and 2 requiring the Applicant to submit Final Architectural Elevations at Final Approval by the DRO, and to ensure the building height does not exceed 77 feet measuring from the Grade Plane consistent with previously approved conditions.

- Parking: Table 6.A.1.B of the ULDC requires two parking spaces per unit and one guest parking space per four units with common parking areas. Based on the proposed 70 units, the Applicant is required to provide a total of 158 spaces (140 spaces for the residents and 18 spaces for the guests) and is providing 186 spaces. Due to the unique grade of the property, parking spaces will be accommodated in the underground garage and some guest parking spaces will be located in the courtyard. The Applicant has exceeded the minimum parking requirements of the ULDC.
- Landscape/Buffering: The Applicant is proposing a 20-foot wide Right-of-Way (ROW) buffer along the north property line adjacent to PGA Boulevard. A 15-foot wide ROW buffer is proposed to be located at a 10-foot setback from the south property line to maintain an existing access easement that serves the residential properties to the south of the site. A 15-foot wide ROW buffer is proposed along the east property line adjacent to Ellison Wilson Road. A variance has been approved and is still in effect that allows setbacks to be measured from the property line instead of the interior edge of the buffer. No western R-O-W buffer adjacent to the Intracoastal Waterway is required due to changes to the ULDC.

There is existing vegetation on the site that will be required to be preserved. The Applicant has submitted a Preliminary Tree Inventory Plan dated March 12, 2015 was updated as a Tree Disposition Chart on the Preliminary Regulating Plan which has been reviewed by the Environmental Resources Management and Zoning Staff. An agreement has been reached between Staff and the Applicant that 4 of the 8 existing oaks will be required to be preserved, and to be protected during constructions stages per ULDC requirements and Landscape Conditions. These oaks are located at the south side of the site, and will be incorporated in the proposed Neighborhood Park. In addition, there are existing Sabal Palms that will be relocated and be integrated into the landscape buffers. Staff has determined that the proposed buffers will provide some relief of visual impact to the adjacent residential properties. Landscape Conditions of Approval are proposed to ensure the survival of these specimen trees during the site’s construction/development.

- Signage: The Applicant is proposing three ground mounted signs in the form of two Entrance Signs a maximum of 60 sq. ft. sign face area and eight feet in height and one Project Identification Sign with the name or logo only pursuant to ULDC 8.G.3.E.. The Preliminary Master Sign Plan was provided by the Applicant and is seen in Figure 5A. At time of Final DRO approval the Master Sign Plan will be revised to provide the specific details, style, character and dimensions as required by ULDC Article 8.

**3. Compatibility with Surrounding Uses** - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed DOA and previous approval as a PUD was found to be generally consistent with the surrounding residential uses, and is the appropriate Zoning District for the property. The proposed multi-family residential building serves as a transition for the intense commercial uses north of PGA Boulevard, and east of Ellison Wilson Road. The DOA will delete 18 units from 88 to 70 units and is proposed with four multi-family structures instead of one structure as previously approved. The four structures include two six-story buildings on the east side of the site closer to Ellison Wilson Road and one with 33 units and one with 21 units and both with underground parking; and two 2 to 3 story buildings adjacent to the Intracoastal Waterway with eight units in each structure.

However, due to the gradient change of the site, the proposed PUD, including the two proposed six-story multi-family buildings, may impose some visual impact to the surrounding single-family residential properties to the south and to southwest across the Waterway. Art.7 of the ULDC addresses compatibility issues utilizing landscape buffers.

4. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The previous approval incorporated several significant trees along the southern border of the property. The new site design continues to preserve those trees.

WELLFIELD PROTECTION ZONE: The property is not located within 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.

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

The proposed rezoning is consistent with the logical, orderly and timely development pattern for the subject property. This corridor of PGA Boulevard and Ellison Wilson Road have been developed with multiple restaurants, commercial development, and scattered residential homes to the south. The Proposed multi-family condominium building furthers the compatibility and development patterns already established by acting as buffer between the adjacent residential properties and PGA Boulevard, the associated drawbridge, and commercial uses beyond. The proposed rezoning will result in a logical, orderly and timely development pattern. The proposed rezoning request is consistent with the existing Future Land Use designation.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The proposal is to develop the site with reduced number of residential condo units than that already approved. The site was previously approved for 88 DUs, but now will be developed with only 70 DUs. Therefore, there will be a reduction of 199 daily, 8 AM, and 9 PM trips.

There are no additional roadway improvements required from the previous approval (if any) to meet Traffic Performance Standards, since the revised plan of development generates lesser trips.

The Property Owner shall dedicate ROW for Ellison Wilson Road, configure the property into a legal lot of record and obtain an onsite drainage review from Land Development prior to the issuance of the building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets all Florida Department of Health requirements

FIRE PROTECTION: Staff has reviewed the project and has no issue with the proposed request. A secondary emergency only access point has been provided on the site south of the proposed building adjacent to the 15 foot Right-of-Way buffer. The purpose of this access is for an emergency responder access the site, should the main entrance be inaccessible.



SCHOOL IMPACTS: Staff has reviewed the project and has no issue with the proposed request.

PARKS AND RECREATION: Based upon the 70 dwelling units proposed, 0.42 acres of onsite recreation is required. The plan indicates 0.506 acres of onsite recreation is provided, therefore the recreational requirement has been satisfied.

The proposed amendment complies with Art. 2.F, of the ULDC, Concurrency (Adequate Public Facility Standards) for a 70 Unit Multi-family development.

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

The demonstrated changed conditions or circumstances that necessitate a modification is the changes to uses in this location along PGA Boulevard and at the Intracoastal drawbridge. All four corners of the PGA Boulevard and the Intracoastal drawbridge currently have commercial uses such as restaurants and lounges. The changed circumstances that necessitate this redevelopment is that after 26 years of operation, the Panama Hattie’s restaurant and rum bar closed its doors for business on September 14, 2014.

The closing of the restaurant has allowed the Applicant the ability to purchase the property (including several other adjacent properties) and to redevelop the Property with a luxury condominium buildings and multi-family units that is more consistent with surrounding uses to the South. Staff supports the change in zoning district and deletion of units and concludes that there are circumstances that necessitate the amendment.

**CONCLUSION:**

Staff has evaluated the standards listed under Article 2.B and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1, and C-2.

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CONDITIONS OF APPROVAL

Exhibit C-1  
**PDD- Residential Planned Development District – PUD**

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

## CONDITIONS OF APPROVAL

### Exhibit C-2

### Development Order Amendment

#### ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2015-695, Control No.1984-00159, which currently states:

The approved Preliminary Master and Regulating Plans are dated February 23, 2015 and March 12, 2015. 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.

#### Is hereby amended to read:

The approved Preliminary Master Plan is dated May 14, 2018. 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)

#### ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2015-695, Control No.1984-00159, which currently states:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Multi-family building shall be submitted for final review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated February 23, 2015. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements.

#### Is hereby amended to read:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Multi-family buildings shall be submitted for final review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated May 14, 2018. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2015-695, Control No.1984-00159, which currently states:

The maximum height of the Multi-family building, measured from finished grade to the highest point of a roof for flat roofs, or as described by the Unified Land Development Code, shall not exceed 98 feet or 77 feet above the finished grade plane at 21 feet NGVD. The maximum height shall exclude Architectural elements that are exempted pursuant to Article 3.D.1.E.4. No habitable space is permitted to be added on the roof without additional Type II Variances and BCC approval.

#### Is hereby amended to read:

The maximum height of the Multi-family buildings, measured from finished grade to the highest point of a roof for flat roofs, or as described by the Unified Land Development Code, shall not exceed 96.5 feet NAVD-88 or 77 feet above the Grade Plane at 19.5 feet NAVD-88. The maximum height shall

exclude Architectural elements that are exempted pursuant to Article 3.D.1.E.4. No habitable space is permitted to be added on the roof without additional Type II Variances and BCC approval. (BLDGPMT/DRO: ZONING - Zoning)

**ENGINEERING**

1. Previous ENGINEERING Condition 1 of Resolution R-2015-695, Control No.1984-00159, which currently states:

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

a. No Building Permits for the site may be issued after December 31, 2020. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

**Is hereby amended to read:**

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

a. No Building Permits for the site may be issued after October 21, 2025. This build out date is an extension through Governor's Emergency Executive Order provisions of the previously approved build out date of December 31, 2020 . A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2015-695, Control No.1984-00159)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall remove all private items (signs, parking, etc.) currently within the public right of way adjacent to the property. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2015-695, Control No.1984-00159)

4. The Property Owner shall construct on Ellison Wilson Road at the Project Entrance:  
i. A right turn lane north approach  
ii. A left turn lane south approach

Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right of way. Construction shall be as required and approved by the County Engineer.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2015-695, Control No.1984-00159)

5. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Ellison Wilson Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition BCC

Section to ensure that the property is free of all encumbrances and encroachments. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2015-695, Control No.1984-00159)

6. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall design, receive a permit for and construct a concrete sidewalk along the property frontage on Ellison Wilson Road, as required and approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right of way. (BLDGPMPT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2015-695, Control No.1984-00159)

7. The property owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The property owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided to the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required subdivision or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMPT/ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2015-695, Control No.1984-00159)

8. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Ellison Wilson Road, 40 feet measured from centerline of the proposed right of way on an alignment approved by the County Engineer

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMPT: MONITORING - Engineering)

## **LANDSCAPE - GENERAL**

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2015-695, Control No.1984-00159, which currently states:

Prior to Final Site Plan Approval by the Development Review Officer (DRO), the Property Owner shall submit a Landscape Plan to the Landscape Section showing the following:

- a. all trees and palms that are listed in the Preliminary Tree Inventory Plan dated March 12, 2015 as preserved in place or to be relocated within the subject property; and,
- b. all proposed plant materials.

### **Is hereby amended to read:**

Prior to Final Approval by the Development Review Officer (DRO), the Preliminary Regulating Plan Tree Disposition Chart dated May 14, 2018 may be revised to be consistent with the agreement between Department of Environment Resource Management, Zoning Division Staff, and the Property Owner on the preservation, relocation and replacement of the existing vegetation. All existing vegetation that are to be preserved shall be subject to the Vegetation Barricade Permit requirements pursuant to Article 7.E of the ULDC, Supplement 23. (DRO/ONGOING: ZONING - Zoning)

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2015-695, Control No.1984-00159, which currently states:

The four (4) specimen oaks labelled as 4184, 4188, 4191, and 4197 and as indicated on the Tree Inventory Plan dated March 12, 2015, shall be preserved in place. Prior to Final Site Plan Approval by the Development Review Officer (DRO), the Property Owner shall complete temporary tree protection devices for these oaks, and shall be inspected and approved by the Landscape Section Staff.

### **Is hereby amended to read:**

The four (4) specimen oaks labelled as 4184, 4188, 4191, and 4197 as indicated on the Preliminary Regulating Plan Tree Disposition Chart dated May 14, 2018, shall be preserved in place. If preservation of these oaks is not feasible based on reassessment by the County, they shall be mitigated pursuant to ULDC, Article 7, Landscaping, Tree Credit Formula, Supplement 23. (DRO/ONGOING: ZONING - Zoning)

3. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2015-695, Control No.1984-00159, which currently states:

Prior to Final Plan Approval by the Development Review Officer (DRO), the Final Site Plan shall be revised to indicate the location of the permanent tree wells or similar protection structure for the preservation of the oaks that are located at the south property line within the Neighborhood Park and Perimeter Buffer. The Regulating Plans shall be revised to show construction materials and details of the permanent tree wells, and subject to the approval by the Landscape Section.

### **Is hereby amended to read:**

Concurrent with the Building Permit submittal, the Final Site Plan shall be revised to indicate the location of the permanent tree wells or similar protection structure for the preservation of the oaks that are located at the south property line within the Neighborhood Park and Perimeter Buffer. The Regulating Plans shall be revised to show construction materials and details of the permanent tree wells, subject to the approval by the Development Review Officer. (BUILDING PERMIT/ONGOING: ZONING - Zoning)

**LANDSCAPE - GENERAL-LANDSCAPE PRESERVATION**

4. Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2015-695, Control No.1984-00159, which currently states:

No vehicular or construction activities shall be permitted in the areas that are within the drip lines of those four (4) specimen oaks that are subject to preservation pursuant to Landscape Condition 1.

**Is hereby amended to read:**

No vehicular or general construction activities shall be permitted in the areas that are shown on the approved Vegetation Barricade Permit. (ONGOING: CODE ENF - Zoning)

**LANDSCAPE - PERIMETER**

5. Previous LANDSCAPE - PERIMETER Condition 2 of Resolution R-2015-695, Control No.1984-00159, which currently states:

In addition to the ULDC requirements, landscaping along the north, south and east property lines shall include the following:

- a. One additional Palm for each twenty five (25) lineal feet of the property line;
- b. Palm species: Royal Palm or an equivalent approved by the Landscape Section;
- c. Clear Trunk: minimum twelve (12) feet; and,
- d. Clusters: staggered heights of twelve (12) to eighteen (18) feet. (BLDGPMT/ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Applicant will design landscaping features.]

6. Previous LANDSCAPE - PERIMETER Condition 1 of Resolution R-2015-695, Control No.1984-00159, which currently states:

In addition to the ULDC requirements, landscaping at the intersection of the northeast corner of the perimeter buffer located at PGA Boulevard and Ellison Wilson Road shall include:

- a. Two (2) Date Palms at a minimum of fourteen (14) feet in height at the time of installation. (DRO/ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Applicant will design landscaping features.]

**PLANNING**

1. Previous PLANNING Condition 1 of Resolution R-2015-695, Control No.1984-00159, which currently states:

Prior to the issuance of the first residential Building Permit, the Applicant shall submit payment to Department of Economic Sustainability(DES) and a copy of a receipt for that payment to the Planning Division in the amount of \$326,000 (4 units at \$81,500 per WHP unit).

**Is hereby amended to read:**

Prior to the issuance of the first residential Building Permit, the Applicant shall submit payment to Department of Housing and Economic Sustainability (DHES), and a copy of a receipt for that payment to the Planning Division, totaling the amount of WHP units bought at \$81,500 per WHP unit. (BLDGPMT: MONITORING - Planning)

2. Prior to Final Site Plan approval, the property owner shall obtain a Certificate to Dig (CTD) from the County Archaeologist. (DRO: PLANNING - Planning) [Note: COMPLETED] (Previous PLANNING Condition 2 of Resolution R-2015-695, Control No.1984-00159)

3. Per the conditions of the Certificate to Dig that was issued July 6, 2015, an Archaeologist shall be onsite to monitor all activities and the developer shall contact the County Historic Preservation Officer when the Archaeologist will be onsite. (ONGOING: PLANNING - Planning)

4. Should any archaeological artifacts be uncovered during development or soil disturbing activity, excavation shall halt; the County Archaeologist contacted and allowed to comment on the significance of the find as provided for in Article 9 of the ULDC. (ONGOING: PLANNING - Planning)

## **SCHOOL BOARD**

1. The property owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

### **"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"**

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2015-695, Control No.1984-00159)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the property owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential property owner. (Previous SCHOOL BOARD Condition 2 of Resolution R-2015-695, Control No.1984-00159)

## **SIGNS**

1. Previous SIGNS Condition 1 of Resolution R-2015-695, Control No.1984-00159) which currently states:

Prior to Final Approval by the Development Review Officer (DRO), the Master Sign Plan shall be revised to provide the specific details, style, character and dimensions as required by Article 8.E.3. (DRO/ONGOING: ZONING - Zoning)

**Is hereby deleted.** [REASON: Code regulations are sufficient for this request.]

## **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - 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; 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; the 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 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 of Approval; 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

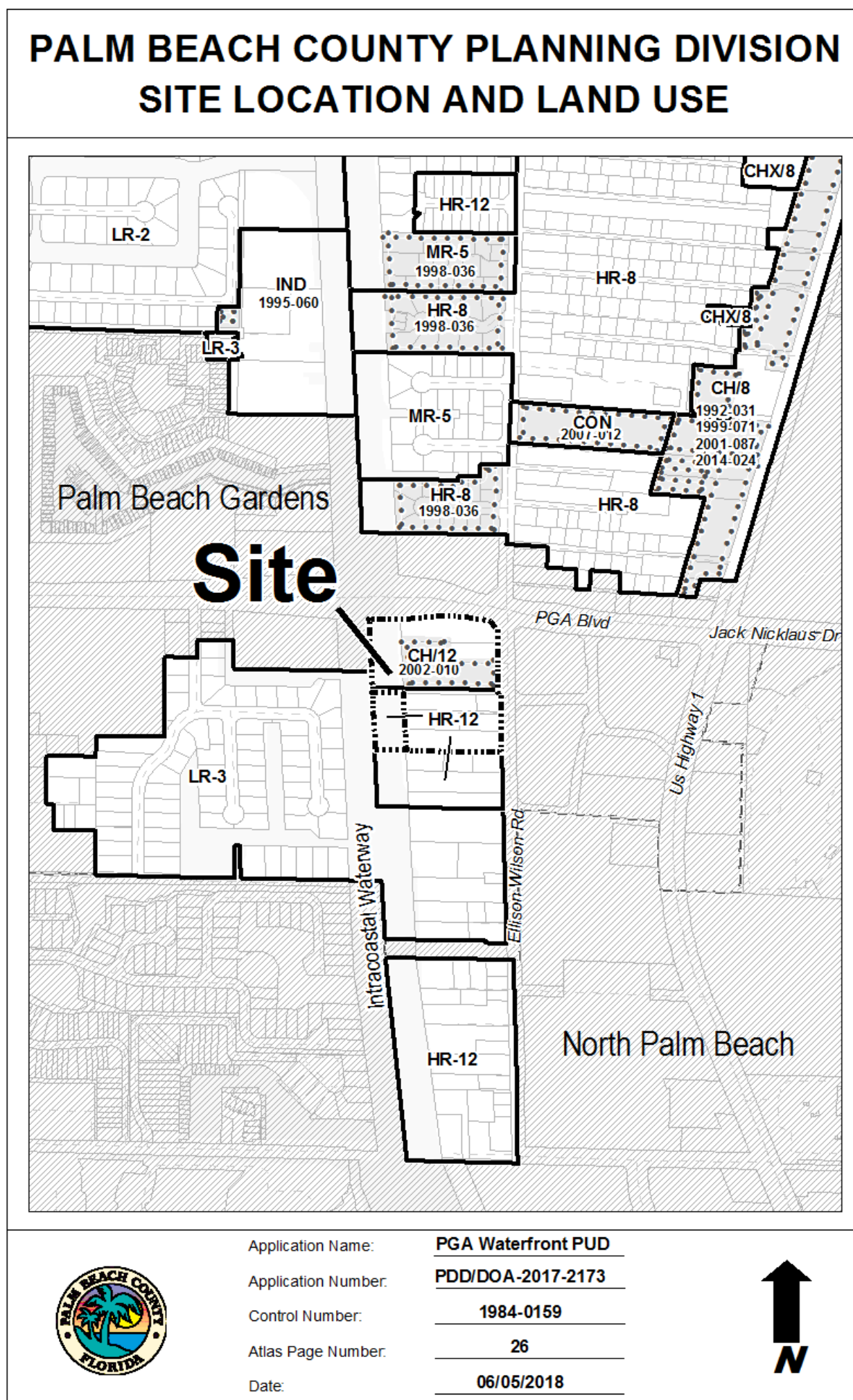


accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

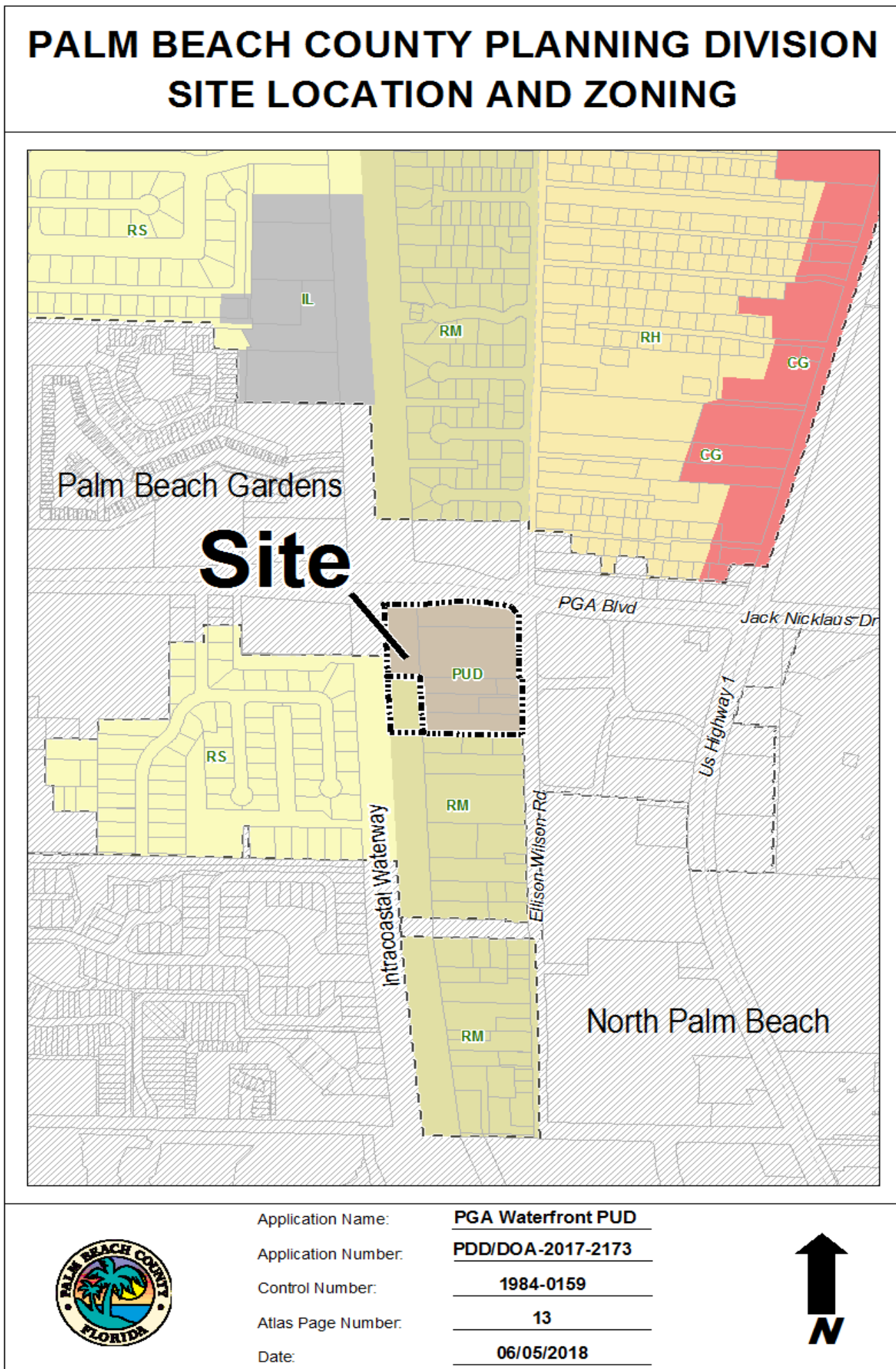
**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

### Figure 1- Future Land Use Map

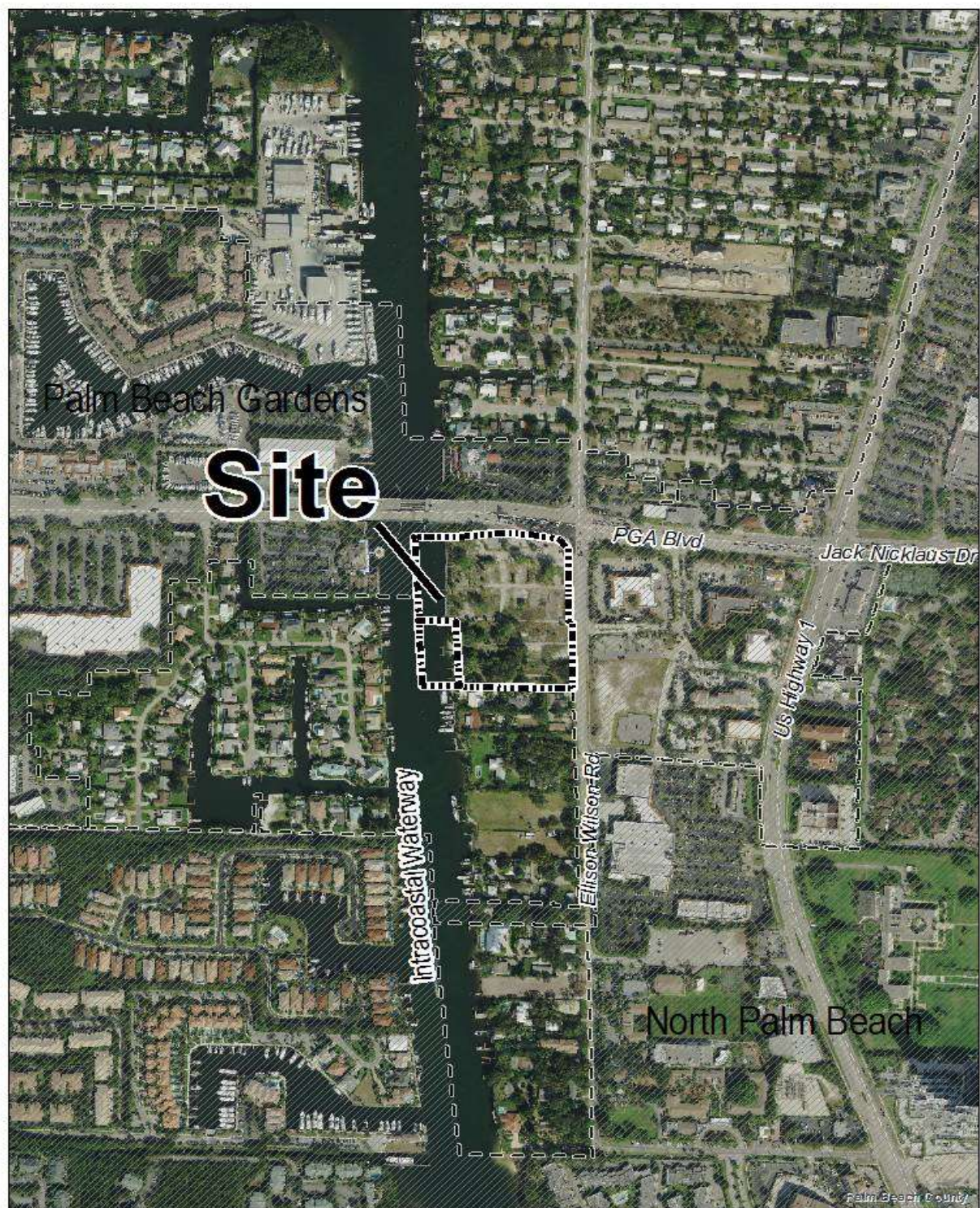


## Figure 2- Zoning Map





## PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING



Application Name:	<b>PGA Waterfront PUD</b>
Application Number:	<b>PDD/DOA-2017-2173</b>
Control Number:	<b>1984-0159</b>
Atlas Page Number:	<b>26</b>
Date:	<b>06/05/2018</b>





BCC  
Application No. PDD/DOA-2017-02173  
Control No. 1984-00159  
Project No. 05824-000

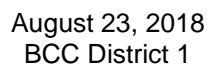


Figure 5 – Preliminary Site Plan dated May 14, 2018 (Page 1 of 5)

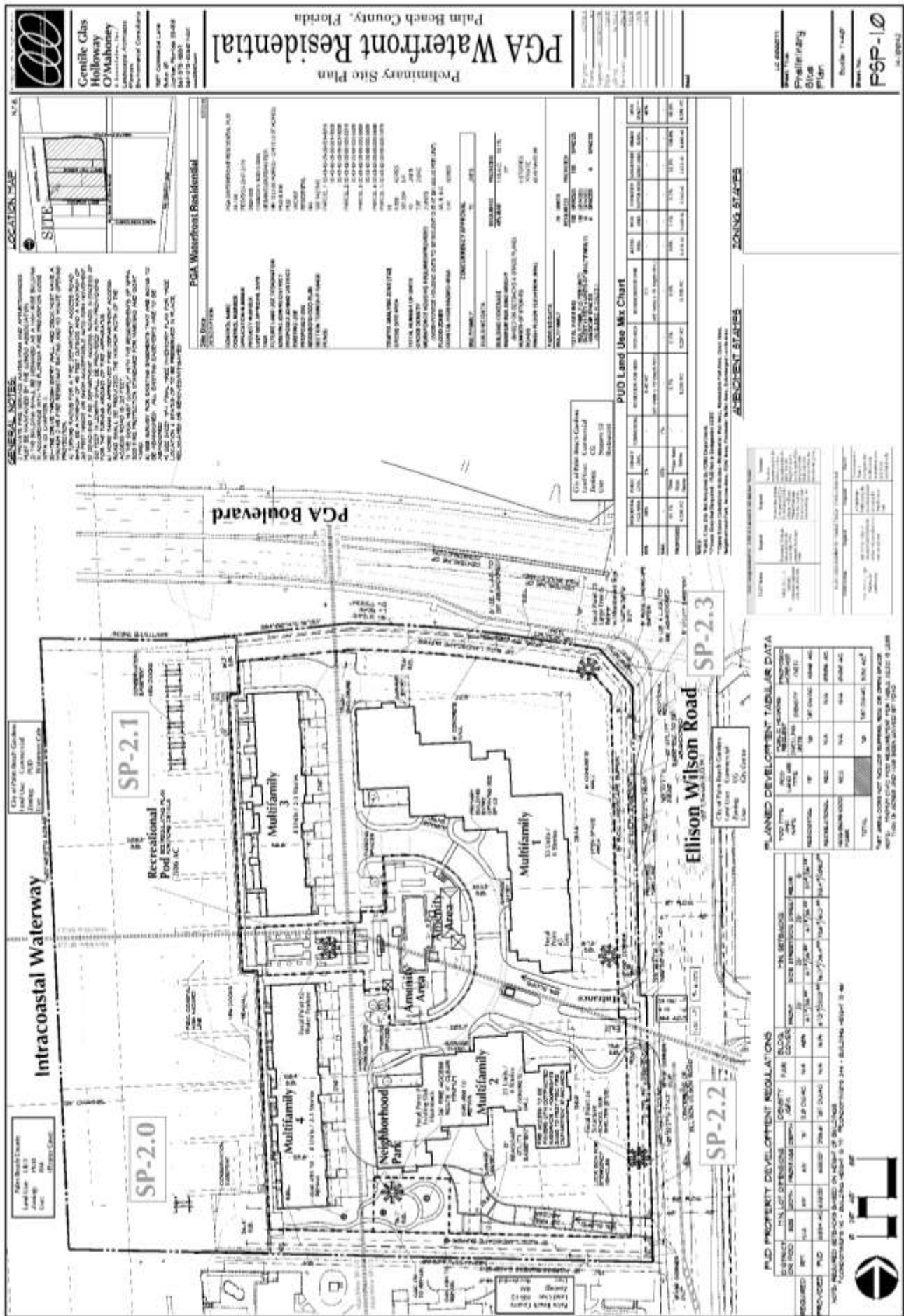
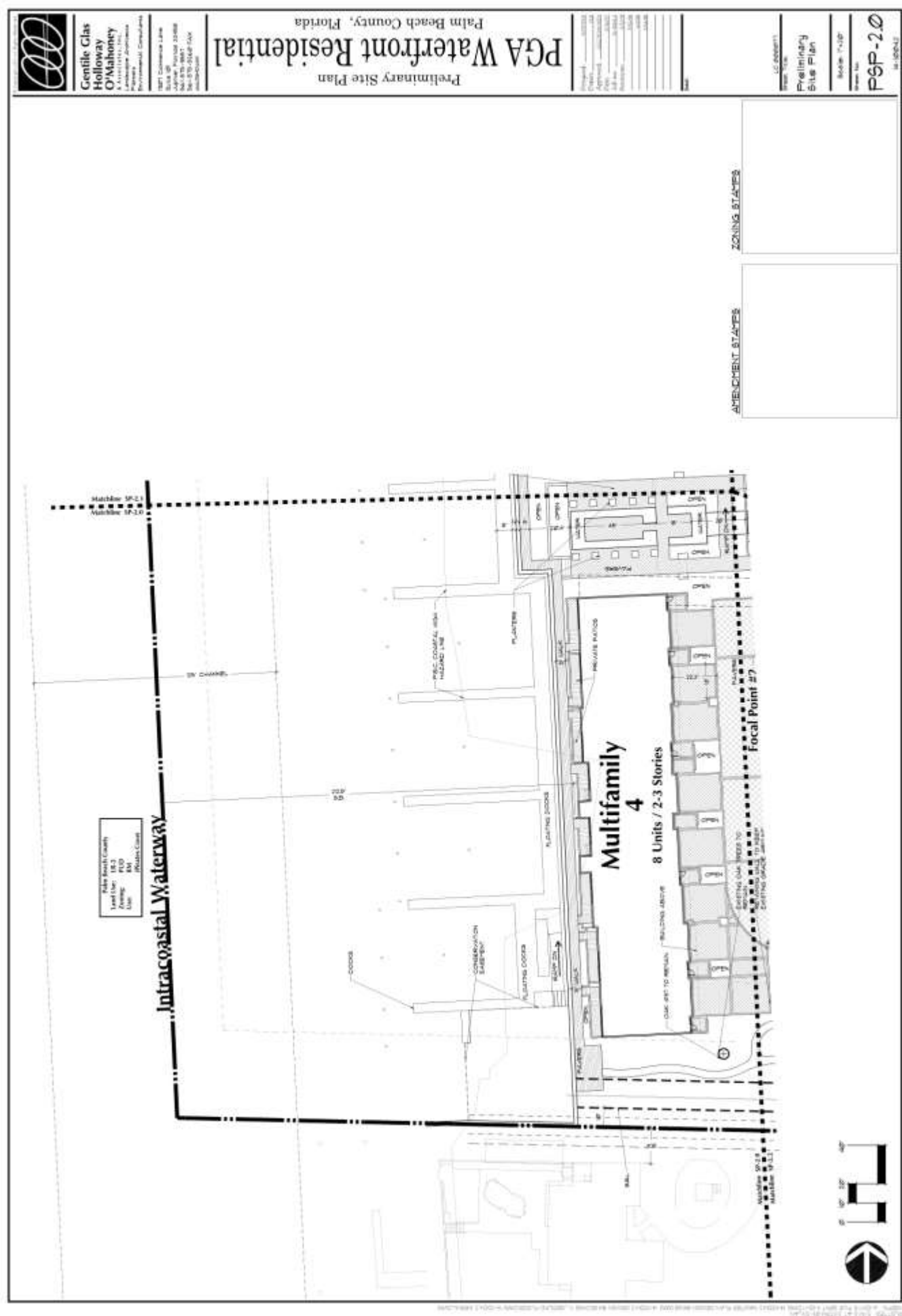
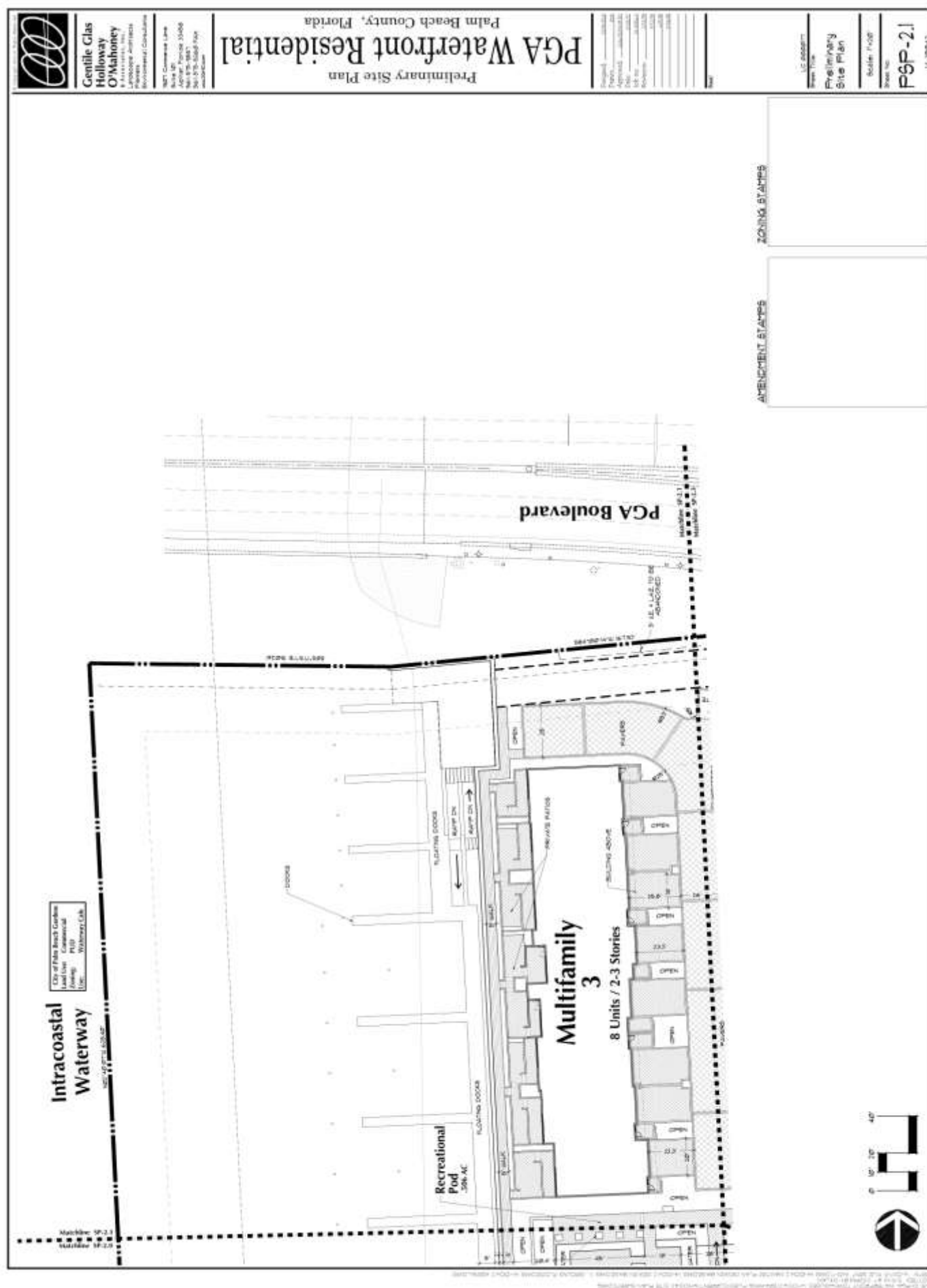


Figure 5 – Preliminary Site Plan dated May 14, 2018 (Page 2 of 5)

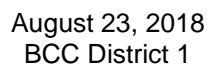


**Figure 5 – Preliminary Site Plan dated May 14, 2018 (Page 3 of 5)**

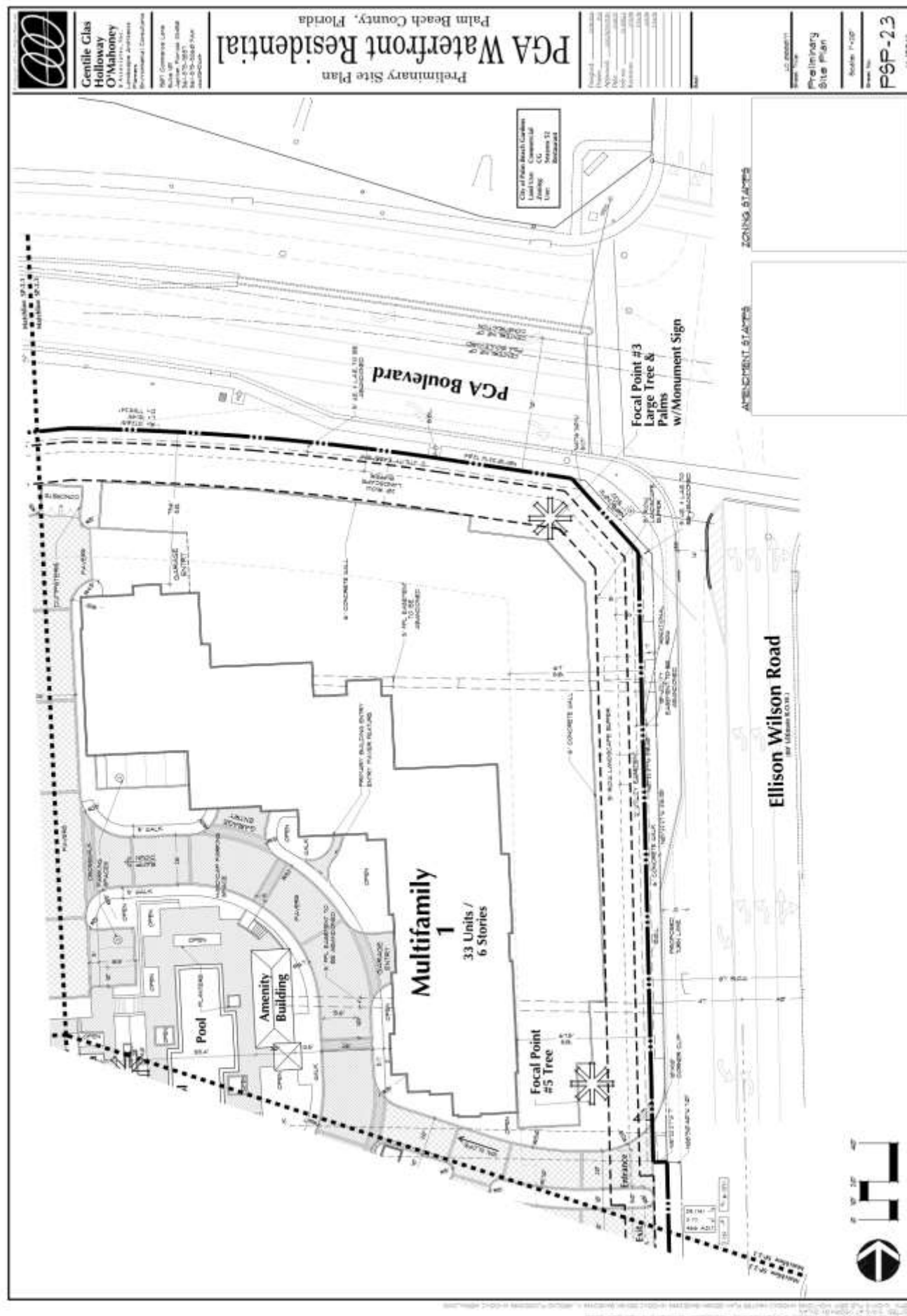




BCC  
Application No. PDD/DOA-2017-02173  
Control No. 1984-00159  
Project No. 05824-000



**Figure 5 – Preliminary Site Plan dated May 14, 2018 (Page 5 of 5)**



**Figure 6 – Preliminary Regulating Plan dated May 14, 2018 (Page 1 of 5)**

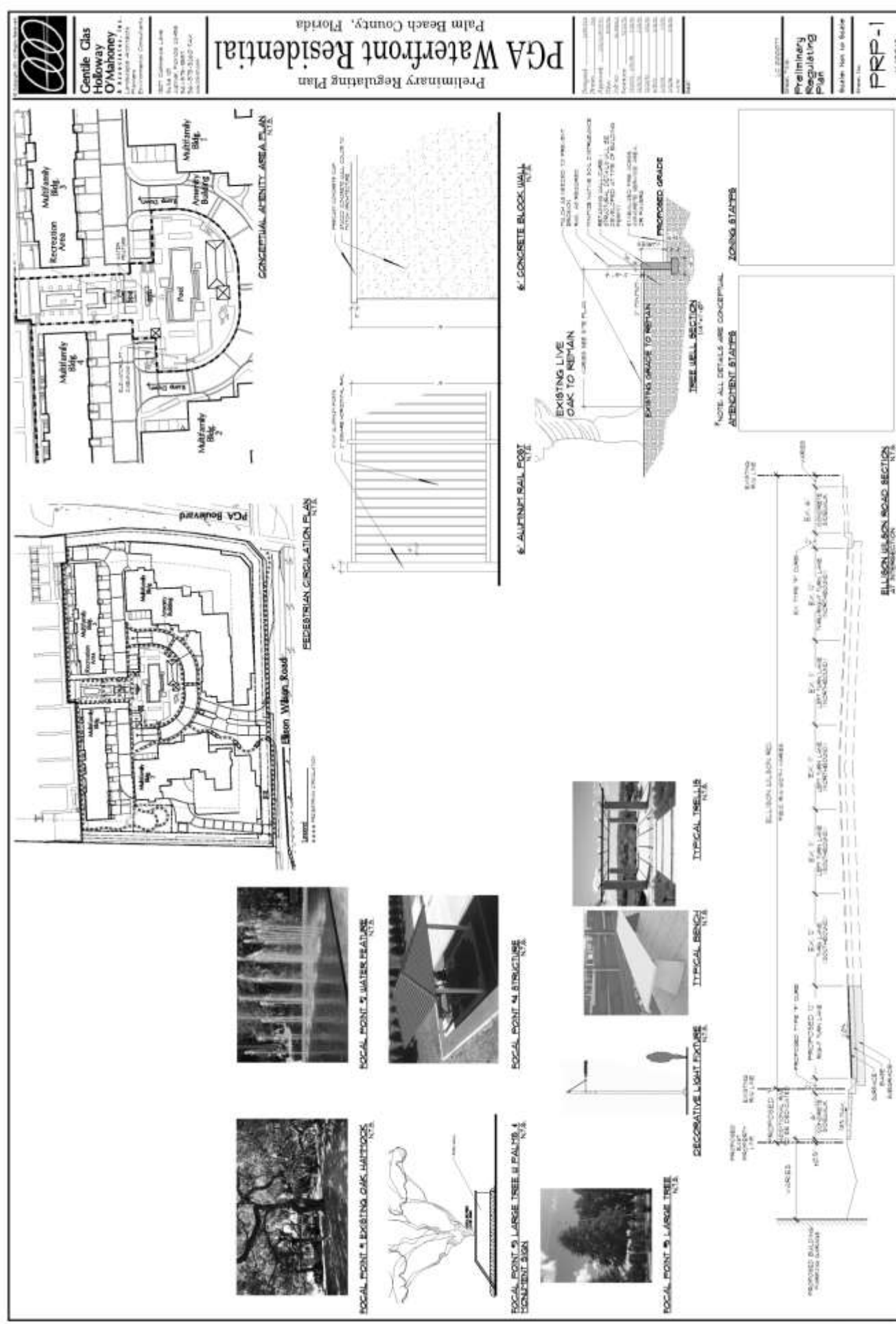
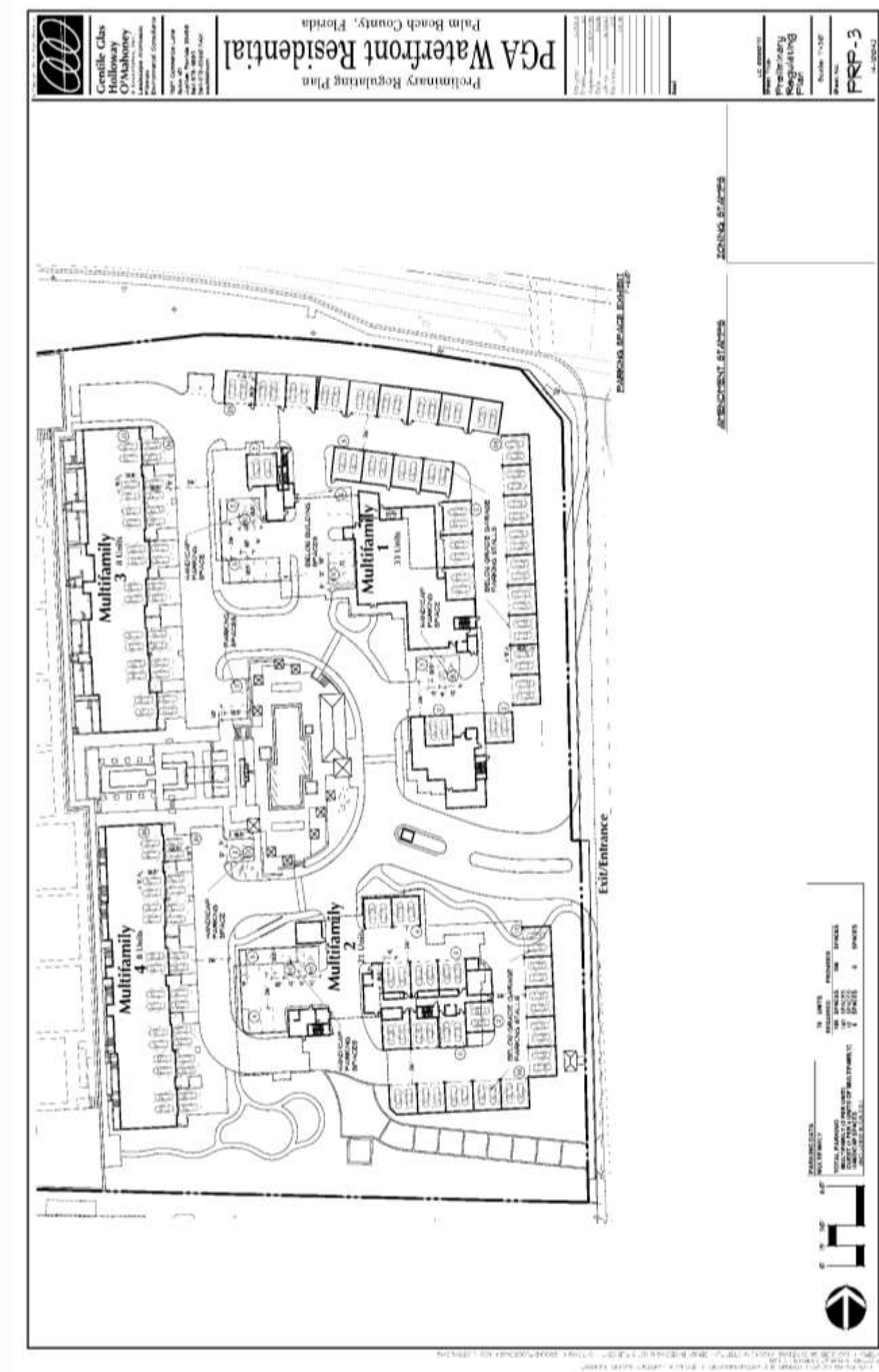




Figure 6 – Preliminary Regulating Plan dated May 14, 2018 - Parking (Page 3 of 5)



**PGA Waterfront Residential Preliminary Tree Inventory Plan**

**Tree Protection Detail**

**General Specifications**

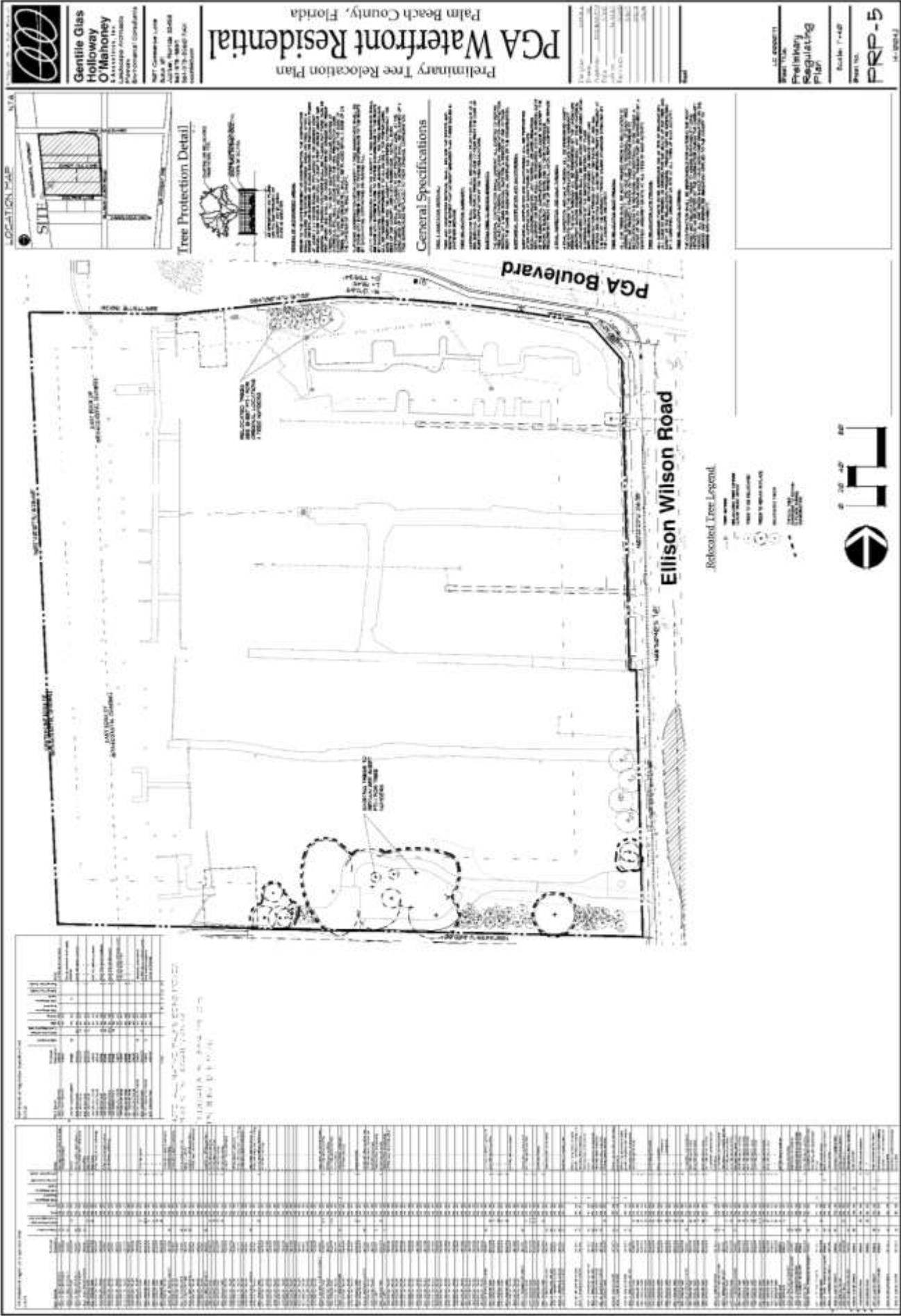
**Tree Legend**

**Tree Inventory Table**

Tree Number	Species	DBH (inches)	Height (feet)	Location	Notes	Status
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Figure 6 – Preliminary Regulating Plan dated May 14, 2018 Tree Disposition (Page 5 of 5)



**Figure 7- Architectural Elevations Dated May 14, 2018 (Page 1 of 4)**

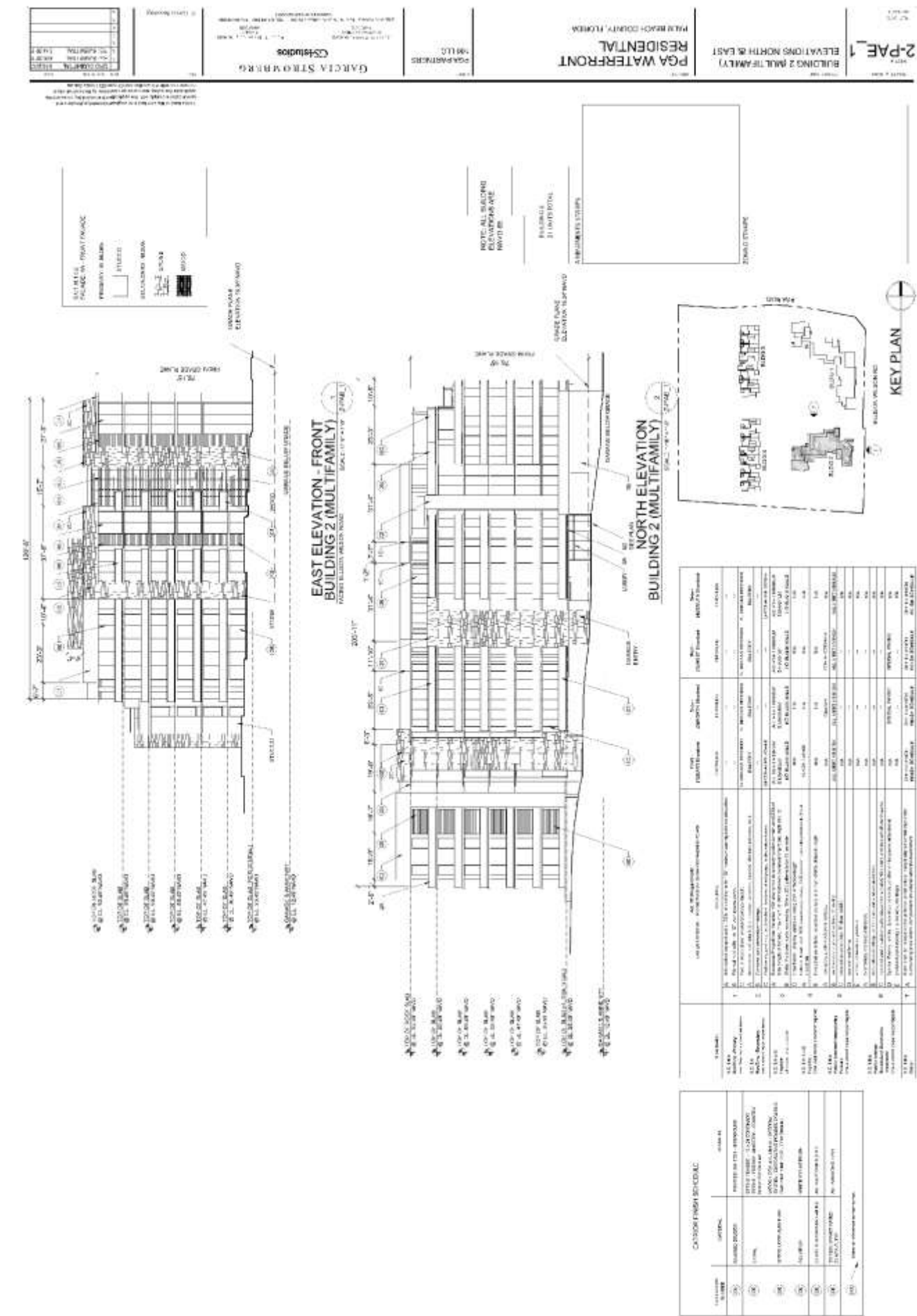
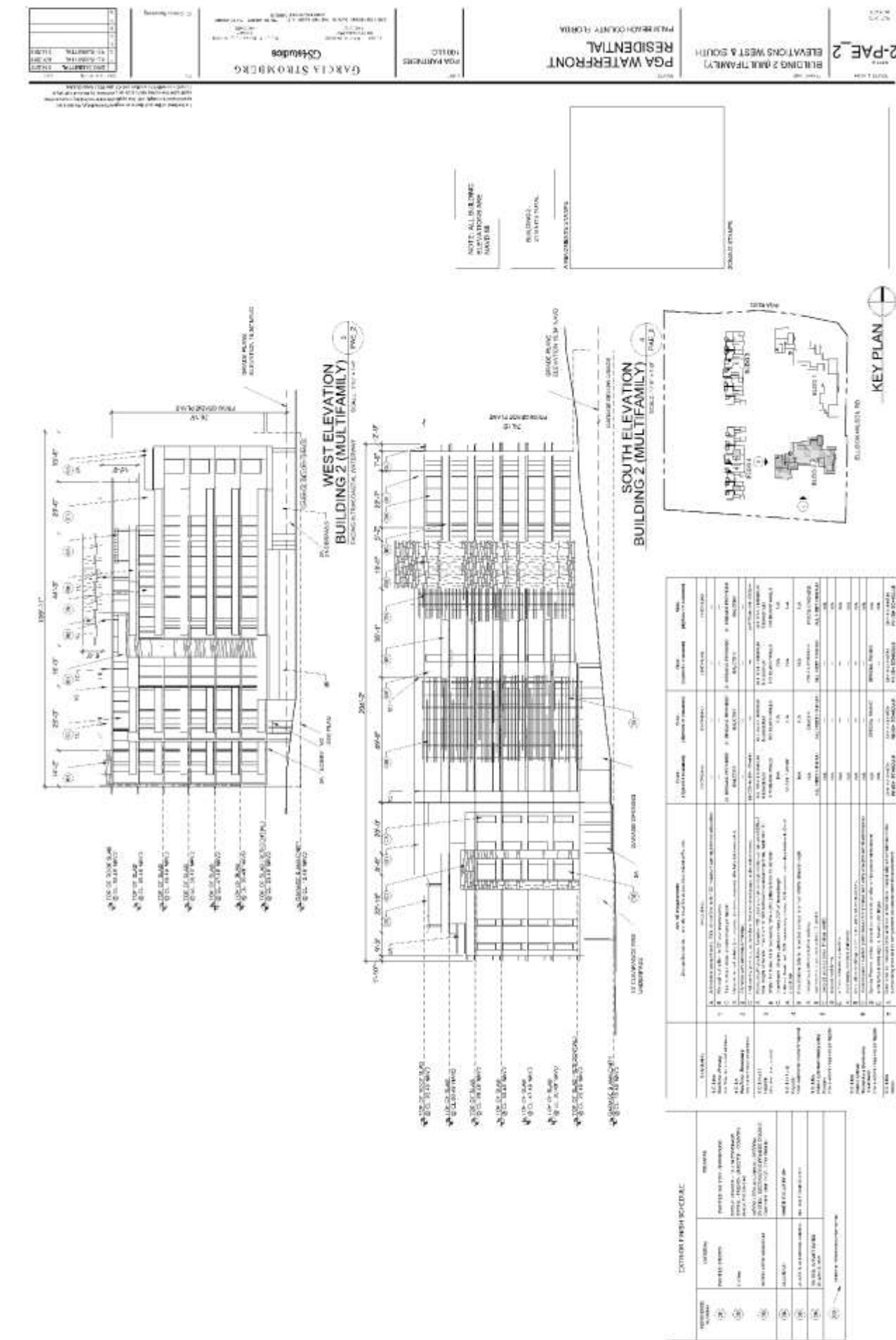
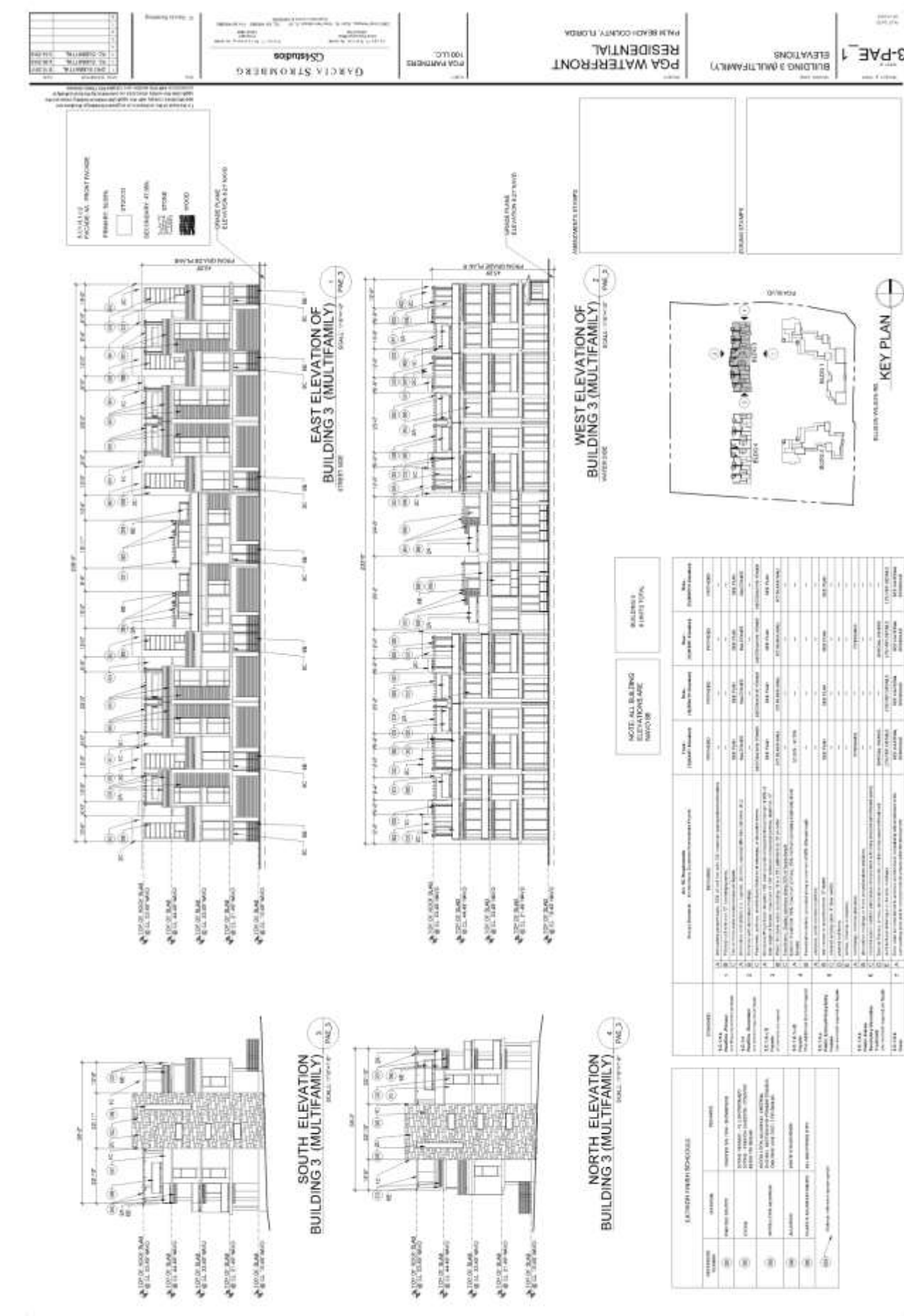




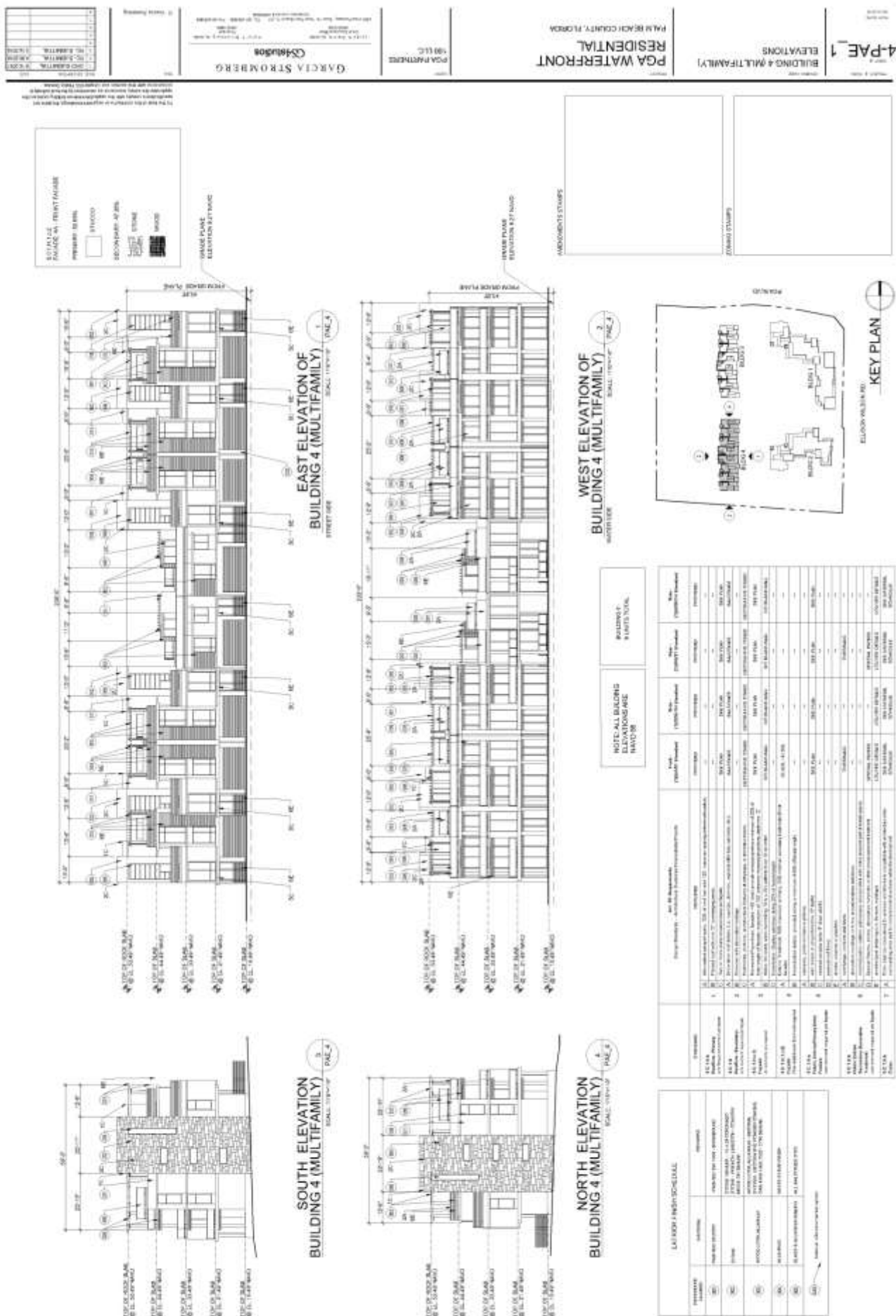
Figure 7- Architectural Elevations Dated May 14, 2018 (Page 2 of 4)



**Figure 7- Architectural Elevations Dated May 14, 2018 (Page 3 of 4)**



**Figure 7- Architectural Elevations Dated May 14, 2018 (Page 4 of 4)**



BCC  
Application No. PDD/DOA-2017-02173  
Control No. 1984-00159  
Project No. 05824-000

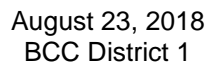




Figure 8- Architectural Renderings Dated May 14, 2018





Figure 8- Architectural Renderings Dated May 14, 2018



## Exhibit D: Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

#### 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 Mark A. Gonsheimer, 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] Co-Manager [position - e.g., president, partner, trustee] of PGA Partners 100, 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: 115 Front Street Suite 300 Jupiter FL 33477

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.

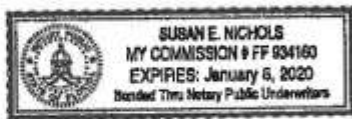
FURTHER AFFIANT SAYETH NAUGHT.



Mark A. Gensheimer, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 17 day of Nov, 2017, by Mark A. Gensheimer, who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.



Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: \_\_\_\_\_



## EXHIBIT "A"

## PROPERTY

Legal description - PGA Waterfront Residential PUD

Parcel #1 - All of the plat of Hatties Landing MUPD, according to the plat thereof recorded in plat book 114, page 195, of the public records of palm beach county, Florida.

Parcel #2 - The north 80 feet of the south 173.89 feet of the north 273.81 feet of the south half (s1/2) of the north half (n1/2) of the northeast quarter (ne1/4) of the southeast quarter (se1/4) of section 5, township 42 south, range 43 east, lying east of the Intracoastal waterway, as shown on survey prepared by George S. Brockway, less the east 150 feet of the north 80 feet of the south 173.89 feet of the north 273.81 feet of the south half (s1/2) of the north half (n1/2) of the northeast quarter (ne1/4) of the southeast quarter (se1/4) of section 5, township 42 south, range 43 east, lying east of the Intracoastal waterway, palm beach county.

Together with: The east 150 feet of the north 80 feet of the south 173.89 feet of the north 273.81 feet of the south half (s1/2) of the north half (n1/2) of the northeast quarter (ne1/4) of the southeast quarter (se1/4) of section 5, township 42 south, range 43 east, lying east of the Intracoastal waterway, palm beach county.

Parcel #3 - The south 80 feet of the south 173.89 feet of the north 273.81 feet of the south half of the north half of the northeast quarter of the southeast quarter of section 5, township 42 south, range 43 east, lying east of the Intracoastal waterway, less the east 231.80 feet thereof.

Together with: The east 231.80 feet of the south 80 feet of the north 273.81 feet of the south half of the north half of the northeast quarter of the southeast quarter of section 5, township 42 south, range 43 east, lying east of the Intracoastal waterway as shown by survey prepared by George S. Brockway, less the east 33 feet thereof for Ellison Wilson road right-of-way, all distances being measured perpendicular to described lines.

Parcel #4 - The south 100 feet of the north 374.11 feet; measured along the west right-of-way line of the Ellison Wilson road, of the following described tract: the south half of the north half of the northeast quarter of the southeast quarter and the north half of the south half of the northeast quarter of the southeast quarter, all of section 5, township 42 south, range 43 east, palm beach county, Florida, lying east of the east right-of-way line of the Intracoastal waterway (so-called) and west of the west right-of-way line of the Ellison Wilson road;

Less and except a parcel of land lying in the northeast quarter of the southeast quarter of section 5, township 42 south, range 43 east, palm beach county, Florida, being more particularly described as follows:

Commence at the intersection of the north line of the south half of the north half of said northeast quarter of the southeast quarter of section 5, with the west right of way line of Ellison Wilson road; thence south 01°22'27" east along said west right of way line (bearing back), 373.96 feet to the intersection with a line being 300.00 feet north of and parallel to the south line of the north half of the south half of said northeast quarter of the southeast quarter of section 5 and the point of beginning; thence continue south 01°22'27" east along said west right of way line of Ellison Wilson road, 0.15 feet to the intersection with the south line said north 374.11 feet, as measured along said west right of way line of Ellison Wilson road; thence north 88°49'16" west along said south line 455.40 feet to the intersection with the east right of way line of the Intracoastal waterway, as recorded in plat book 17, page 29, palm beach county, Florida; thence north 02°40'07" west along said east right of way line, 0.73 feet to the intersection with said line being 300.00 feet north of and parallel to the south line of the north half of the south half of said northeast quarter of the southeast quarter of section 5; thence south 88°44'55" east along said line, 455.45 feet to the point of beginning.

Together with: A parcel of land lying in the southeast quarter of section 5, township 42 south, range 43 east, palm beach county, Florida, being more particularly described as follows:

That part of the south 173.89 feet of the north 273.81 feet of the south half of the north half of the northeast quarter of the southeast quarter of said section 5, lying west of the west right of way line of Ellison Wilson road and east of the east right of way line of the Intracoastal waterway, less the north 80.00 feet and the south 80.00 feet thereof.

Parcel #5 - That portion of the east 150.00 feet of the Intracoastal waterway, according to the plat thereof recorded in plat book 17, page 29 of the public records of palm beach county, Florida, lying south of the south line of the plat of Hatties Landing MUPD as recorded in plat book 114, pages 195 & 196, public records of palm beach county, Florida and lying north of the north line of the south 300.00 feet of the north half of the south half of the northeast quarter of the southeast quarter of section 5, township 42 south, range 43 east, 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
NAM Family PGA Investments, LLC	115 Front Street, Suite 300, Jupiter FL 33477
Nicholas A. Mastroianni, II 2012 Irrev Trust	115 Front Street, Suite 300, Jupiter FL 33477
Genmark PGA, LLC	1515 North Federal Highway, Suite 306 Boca Raton, FL 33432
Mark A. Gensheimer	1515 N. Federal Highway, Suite 306, Boca Raton, FL 33432

## 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  
Nicholas A. Mastroianni, II, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

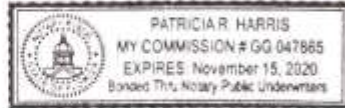
1. Affiant is the ☐ individual or ☒ Co-Manager \_\_\_\_\_ [position - e.g.,  
president, partner, trustee] of PGA Partners 100, LLC [name and type of  
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership  
interest in real property legally described on the attached Exhibit "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: 115 Front Street Suite 300 Jupiter FL 33477  
\_\_\_\_\_  
\_\_\_\_\_
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.

Nicholas A. Mastrolanni, II, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of Nov., 20  , by Nicholas A. Mastrolanni, II, ☒ who is personally known to me or ☐ who has produced \_\_\_\_\_ as identification and who did take an oath.



Patricia R. Harris  
Notary Public

Patricia R. Harris

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 11-15-2020

EXHIBIT "A"  
PROPERTY

Legal description -- PGA Waterfront Residential PUD

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Mark A. Gensheimer	1515 N. Federal Highway Suite 306 Boca Raton, FL 33432



Exhibit E: Certificate to Dig Dated July 6, 2015



Department of Planning,  
Zoning & Building  
2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000  
  
Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
www.pbcgov.com/pzb

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

Robert Weisman

"An Equal Opportunity  
Affirmative Action Employer"



PALM BEACH COUNTY STANDARD CERTIFICATE TO DIG

Certificate To Dig Application: Aqualina PUD (fka: PGA Waterfront) DROE 15-01218.

Submitted By: GENTILE, GLAS, HOLLOWAY, O'MAHONEY & Associates, Inc.

Date of Submittal: December 17, 2014

Date of Staff Determination: July 6, 2015

**Background:** The Aqualina PUD (fka: PGA Waterfront) project area is located along the coastal ridge and dune system. The eastern side of the property has an elevation of the approximately 30'+/- with a steep decent to today's intercoastal. Based on the 1840s, 1870s Township and Range maps for the county the PGA Waterfront property is situated directly east of a large slough system connecting Jupiter to points south. The project area is also less than a half mile (.4 of a mile) to the northwest of what was once the northern end of Lake Worth making the area a natural portage between Lake Worth and the slough. Areas of increased elevation along large water bodies were a preferred prehistoric habitation area because they offered dry living areas close to transportation routes, food and freshwater. Given the above conditions/ settings the project area is considered to have a high probability for containing undocumented cultural resources. Per the County's ULDC Article 9 Section 1B numbers 5 and 7 (Parcels that require a Certificate to Dig-CTD) a CTD was required.

**Determination:** Given the above conditions, Planning Division Staff grants a Certificate to Dig with the following condition(s):

- 1) An archaeologist be on site to monitor all soil disturbing activities as defined by Article 9 E1 a & b that take place on the dune.
- 2) That the developer contacts the County Historic Preservation Officer to inform him when their archaeologist is going to be onsite.

Christian Davenport

County Historic Preservation Officer/Archaeologist

C: file  
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