

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

16. APPLICATION ABN/DOA-2019-00101 (Boca Raton Cell Tower)

Control No./Name: 1981-00019 (Boca Raton Golf Course)
Applicant: The City of Boca Raton
Owners: The City of Boca Raton
Agent: Miller Land Planning - Bradley Miller & Christi Tuttle
Telephone No.: (561) 736-8838

TITLE: A Development Order Abandonment (ABN) **REQUEST:** to abandon a Class A Conditional Use to allow a Self Support/Lattice Tower; and, to abandon Type 2 Waivers to allow a reduction of the required setback for a Self Support/Lattice Tower. **TITLE:** A Development Order Amendment **REQUEST:** to add and delete land area.

17. APPLICATION CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)

Control No./Name: 1981-00019 (Boca Raton Golf Course)
Applicant: G.L. Acquisitions Corporation, Palm Beach County
Owners: The City of Boca Raton
Agent: G.L. Acquisitions Corp. – Kevin Ratterree, Urban Design Kilday Studios – Collene Walter, Palm Beach County – Eric McClellan
Telephone No.: (954) 753-1730, (561) 366-1100, (561) 233-0253

TITLE: An Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Public Ownership (PO) Zoning District to the Planned Unit Development (PUD) Zoning District. **TITLE:** A Development Order Amendment **REQUEST:** to reconfigure the Master Plan, add and delete land area, and add uses. **TITLE:** A Class A Conditional Use **REQUEST:** to allow a Self Support Communication Tower. **TITLE:** A Type 2 Waiver **REQUEST:** to allow a reduction of the required Tower separation distances and required setbacks.

18. APPLICATION Z-2019-00758 (Boca Raton Golf Course Rezoning to PO)

Control No./Name: 1981-00019 (Boca Raton Golf Course)
Applicant: G.L. Acquisitions Corporation
Owners: The City of Boca Raton
Agent: G.L. Acquisitions Corp. – Kevin Ratterree, Urban Design Kilday Studios – Collene Walter
Telephone No.: (954) 753-1730, (561) 366-1100

Title: An Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Planned Unit Development (PUD) Zoning District to the Public Ownership (PO) Zoning District.

Project Manager: Ryan Vandenburg, Senior Site Planner

PROPERTY HISTORY: The subject site was originally approved by the Board of County Commissioners (BCC) on March 17, 1981, to allow a Public Golf Course and Recreation Facilities on 196.06 acres. The site was last approved by the BCC on October 31, 2018, for a series of requests. This included the abandonment of the Public Golf Course and Recreation Facilities; a rezoning from the Agricultural Residential (AR) Zoning District to the PUD Zoning District to allow for the development of 564 units on 192.79 acres of land; and, a rezoning from the AR Zoning District to the PO Zoning District, with a Conditional Overlay Zone (COZ) for 3.27 acres, to be used for access to the proposed City of Boca Raton Communication Tower. In addition, a Class A Conditional Use to allow a Self Support/Lattice Tower, as well as Type 2 Variances and Waivers associated with the proposed Residential development and Tower were approved at this time.

APPLICATION SUMMARY: Proposed are three concurrent Development Applications for the Boca Raton Golf Course.

16. Application ABN/DOA-2019-00101:

- to abandon the aforementioned City of Boca Raton Self-Support Communication Tower approval, which was not constructed;

- to abandon the Type 2 Waivers for the previously approved Tower; and,
- a DOA to delete 0.734 acres and add 0.012 acres to the Conditional Overlay Zone (COZ) for the subject site.

17. Application CA/DOA/PDD/W-2019-00135:

- a DOA to reconfigure the Master Plan. The proposed Master Plan will maintain the originally approved 564 Units, switching one Zero Lot Line unit to a Single Family Dwelling (SFD) unit, resulting in 62 SFD and 502 ZLL units. Additional changes include:
 - an increase in the size of the Public Civic Pod from 0.29 acres to 0.474 acres;
 - total lake coverage reduced from 54.56 acres to 38.36 acres;
 - a reduction in size of the Recreational Pod from 4.96 acres to 4.21 acres and relocation to a more centralized location within the development;
 - a reduction in Open Space from 79.97 acres to 77.40 acres; and,
 - The overall PUD lands will increase from the original 192.79 acres to 193.51 acres, as a result of adding 0.734 acres from PO to PUD, and removing 0.012 acres from PUD, which will become PO through concurrent Application Z-2019-00758.
- a rezoning of the 0.734 acres of land from PO to PUD;
- a Class A Conditional Use for a new 400 foot high Self Support Communication Tower within the Public Civic Pod located in the southeast corner of the PUD. This request results from PBC Facilities Development & Operations decision to proceed with the development of a Government Communication Tower in the previously approved PUD Civic Pod (as previously anticipated and discussed as part of the 2018 BCC approvals). The City of Boca Raton agreed to collocate their antennaes on the County’s Tower; therefore, the previously approved Development Order for the City’s Tower is no longer needed and is being abandoned through concurrent Application ABN/DOA-2019-00101; and,
- five Type 2 Waivers for the proposed Communication Tower for the reduction of setbacks and seperation from existing and vacant residential property, non-residential property, and other Communication Towers.

18. Application Z-2019-00758:

- to rezone 0.012 acres of land from PUD to PO, which is located along the easterly border of the Civic Pod. The 0.012 acres will be incorporated into the adjacent PO lands through concurrent Application ABN/DOA 2019-00101. The remaining lands that are zoned PO are to be used for access purposes to the Civic Pod.

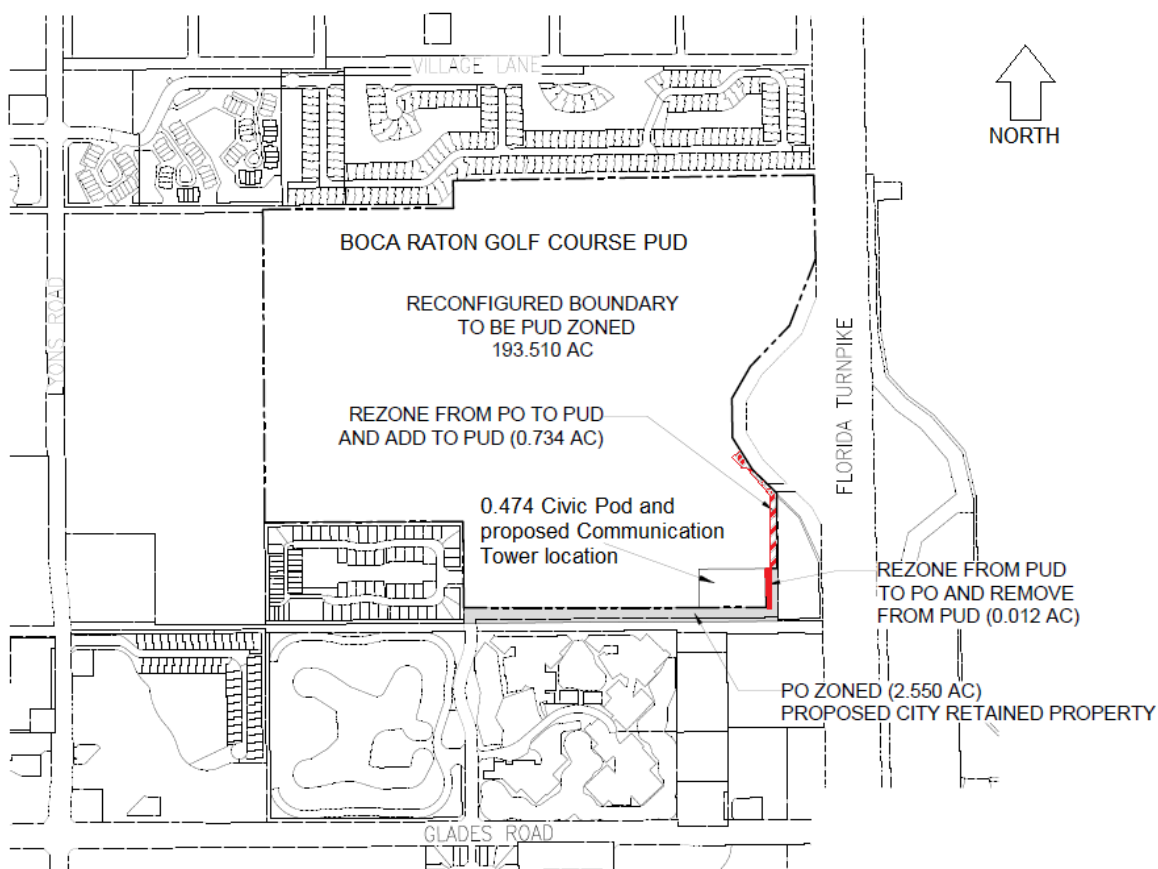
This application was reviewed for compliance with Unified Land Development Code (ULDC) Ord. 2003-067, Supplement 24.

SITE DATA:

Location:	Approximately 1,220 feet north of Glades Road on the west side of the Florida’s Turnpike.
Property Control Number(s)	00-42-43-27-05-076-0010 00-42-47-17-00-000-1010
Existing Future Land Use Designation:	Low Residential (LR-3)
Proposed Future Land Use Designation:	No change.
Existing Zoning District:	Public Ownership District (PO) Residential Planned Unit Development District (PUD)
Proposed Zoning District:	PUD & PO
Total Acreage:	196.06 acres
Affected Acreage:	196.06 acres
Tier:	URBAN/SUBURBAN
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Boca Raton
Future Annexation Area	N/A

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LOCATION MAP:



STAFF RECOMMENDATIONS:

16. **Application ABN/DOA-2019-00101:** Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1.
17. **Application CA/DOA/PDD/W-2019-00135:** Staff recommends approval of the requests subject to 1 Condition of Approval as indicated in Exhibit C-2; 30 Conditions of Approval as indicated in Exhibit C-3; 5 Conditions of Approval as indicated in Exhibit C-4; and, 4 Conditions of Approval as indicated in Exhibit C-5.
18. **Application Z-2019-00758:** Staff recommends approval of the request subject to 1 Condition of Approval as indicated in Exhibits C-6.

ACTION BY THE ZONING COMMISSION: At the June 6, 2019 ZC Hearing, this item was on the Regular Agenda. Four residents spoke in opposition to the project, citing concerns related to health, property value, traffic, property insurance concerns, use of the Tower by private communication companies, and concerns over the break point. There was also a petition submitted in opposition to the Tower. The Agent as well as Facilities Development & Operations Strategic Planning (FD&O) staff provided a detailed presentation and agreed to the all of the Conditions of Approval. Further, FD&O staff agreed to an additional Condition of Approval in response to public input, to limit use of the proposed Government Tower to Government entities only. The ZC voted to recommend approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-6 with a vote of 6-0-1.

PUBLIC COMMENT SUMMARY: In addition to the public input and petition provided at the ZC Hearing, at the time of publication, staff had received 1 contact from the public regarding this project. A letter of objection has been received from Lauren Odom, Esq., of Dunay, Miskel & Backman, LLP. The appellant represents the owner of Boca Glades Storage, LLC, located directly to the south of the Civic Pod and proposed Communication Tower. The letter states that the proposed Communication Tower is in violation of the Comprehensive Plan, the ULDC, and has a negative effect on the property value of Boca Glades Storage.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
SE-1981-00019	Special Exception to allow a Public Golf Course and Recreation Facilities	R-1981-0318	March 17, 1981
SE-1981-00019	Amend Site Plan for Public Golf Course & Recreation Facility to include a Commercial Radio, Television, Microwave, Transmission and Relay Station and Tower	R-1987-1107	July 28, 1987
ABN/ZV/PDD/W-2018-00775	Type 2 Variance to allow a reduction of the buffer width, number of trees and medium shrubs in a Compatibility Buffer	ZR-2018-0025	October 4, 2018
ABN/ZV/PDD/W-2018-00775	A Development Order Abandonment to abandon the Special Exception to allow a Public Golf Course and Recreation Facilities; abandon a Special Exception to amend the Site Plan for a Public Golf Course and Recreation Facilities previously approved under Zoning Petition 1982-00019 to include a Commercial Radio, Television, Microwave, Transmission and Relay Station and Tower; Rezoning of 192.79 acres from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District; and, a Type 2 Waiver to allow a reduction of the required frontage on a public Right-of-Way.	R-2018-1708 R-2018-1709 R-2018-1710	October 31, 2018
ABN/Z/CA/W-2018-00930	An Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District; a Class A Conditional Use to allow a Self Support/Lattice Tower; and, Type 2 Waivers to allow a reduction of the required setbacks.	R-2018-1711 R-2018-1712 R-2018-1713	October 31, 2018

SURROUNDING LAND USES:

NORTH:

FLU Designation: Low Residential (LR-3)

Zoning District: Residential Transitional District (RT)

Supporting: Residential (Brentwood Place PUD, Control No 1980-00009)

SOUTH:

FLU Designation: Medium Residential (MR-5)

Zoning District: Single-Family Residential District (RS)

Supporting: Residential (Wedgewood Estates PUD, Control No 1985-00034)

FLU Designation: Medium Residential (MR-5)

Zoning District: Single-Family Residential District (RS)

Supporting: Residential single family (Boca Lakes North PUD, Control No 1973-00124)

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)

Zoning District: Multiple Use Planning District (MUPD)

Supporting: Commercial (Glades Road Storage, Control No 1992-00044)

FLU Designation: Commercial High, with an underlying MR-5 (CH/5)

Zoning District: General Commercial District (CG)

Supporting: Commercial

EAST:

FLU Designation: Utilities and Transportation and Parks

Zoning District: Agricultural Residential

Supporting: Florida's Turnpike

FLU Designation: Industrial (IND)

Zoning District: Multiple Use Planning District (MUPD)

Supporting: Vacant (Boca Glades Storage, Control No. 1992-00044)

EAST (across Florida's Turnpike):

FLU Designation: Low Residential (LR-3)

Zoning District: Agricultural Residential District (AR) with Special Exception for a Planned Unit Development

Supporting: Residential (Boca West PUD, Control No 1985-00007)

WEST:

FLU Designation: Low Residential (LR-3)

Zoning District: Agricultural Residential District (AR)

Supporting: Agricultural

FINDINGS:

ABN/DOA-2019-101 (Boca Raton Cell Tower):

When considering a DO application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards a – h listed in Article 2.B.7.B.2 of the ULDC. The Standards and Staff Analyses are indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. 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.*

PLANNING DIVISION COMMENTS:

Consistency with the Comprehensive Plan: The proposed Use or Amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

Prior Land Use Amendment: The site was the subject of a Large Scale Land Use Amendment known as Boca Golf Course LGA 2018-22, Ordinance 2018-26 which amended the land use from Parks to Low Residential 3 units per acre (LR-3) with the following conditions:

1. The Zoning Development Order shall require at least 10% of the total residential density as workforce housing program (WHP) units, further specified as follows:

(a) The property owner shall provide these WHP units between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).

2. Residential development on the site shall be limited to a maximum of 564 dwelling units.

The Amendment conditions have no impact on the subject request for site planning access to a Municipal Cell Tower on the Civic Pod within the overall PUD.

Intensity: No intensity is proposed with the Tower. The Maximum Floor Area Ratio (FAR) of 0.35 is allowed for a residential project with a LR/3 FLU designation in the Urban Suburban Tier (142,538.07 surveyed square feet or 3.27 acres x 0.35 maximum FAR = 49,888.3 square feet maximum).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is not located in a Neighborhood Plan or Study Area.

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

The 0.734 acre parcel of land to be deleted from the Conditional Overlay Zone (COZ) for the PO Zoning District is to be added to the existing PUD to the north and west through concurrent application CA/DOA/PDD/W-2019-00135. This land area will contribute to the overall PUD land area, which will be consistent with all aspects of the ULDC.

The 0.012 acre parcel that is added to the COZ for the PO Zoning District through this application will be part of the access tract utilized for the Civic Pod and the proposed Communication Tower. The PO Zoning district is unique in that it does not have any specific land development regulations for parcel size or setbacks. This access tract (which will remain under ownership by the City of Boca Raton) was previously approved through development application ABN/Z/W/CA-2018-00930.

The proposed changes are consistent with the ULDC.

c. 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 0.734 acres were previously utilized as an access tract to the existing City of Boca Raton Tower, and was to be used for access to the City of Boca Raton Tower that was previously approved through Resolution R-2018-1712. These lands will be added to the PUD, and will be used primarily for Open Space and Landscape Buffering. The deletion of the 0.734 acres from PO will have no adverse impact on the surround lands or uses.

The 0.012 acres that are to be added to the PO Zoning District are for additional width to the previously approved PO zoned access tract. The addition of the 0.012 acres to the PO zoned lands will have no additional impact on surrounding lands or uses.

d. 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 0.734 acres will be incorporated into the PUD to the north and west, and utilized for Landscape Buffering and Open Space. These lands will have no adverse effects on the adjacent lands.

The 0.012 acres will be added to the already existing PO lands, and will be used for access to the Civic Pod and proposed Communication Tower. The addition of the 0.012 acres to the PO lands will have no adverse impact on the adjacent lands.

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

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is an existing golf course.

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.

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

The 0.734 acres are to be incorporated into the Boca Raton Golf Course PUD. The existing Tower will be removed and the City of Boca Raton emergency communication equipment relocated and collocated with the proposed Palm Beach County emergency Communication Tower located within the Boca Raton Golf Course PUD Civic Pod. Hence this portion of the access tract is no longer required, and these lands will become part of the PUD Open Space and Landscape Buffer. The 0.012 acres will be

incorporated into the already existing access tract that will be used to access the Civic Pod and the proposed Communication Tower. With the removal of the City of Boca Raton Tower and the proposed Communication Tower within the Civic Pod, this DOA is a logical and orderly request.

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

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The proposed replacement of the existing Cell Tower will not generate any additional traffic impact. The Cell Towers have minimal traffic generation, estimated to be 2 trips per day and no trips during the peak hours.

There are no proposed conditions of approval to meet traffic concurrency.

There are no proposed engineering approvals at this time.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the Florida Department of Health's requirements

FIRE PROTECTION: No Staff Review Analysis required.

SCHOOL IMPACTS: No Staff Review Analysis required.

PARKS AND RECREATION: Based upon the 564 dwelling units proposed 3.38 acres of onsite recreation is required, 3.95 acres of recreation is provided, therefore the recreational requirement is satisfied.

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

Subsequent to the BCC approvals on October 31, 2018, the City and County reached an agreement to collocate their services on the Communication Tower to be constructed within the Civic Pod. Therefore, this application proposes the necessary modifications to delete the portion of property that is no longer needed to access the existing City of Boca Raton Tower, and retain the portions that are needed to access the proposed Communication Tower and the Civic Pod.

CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD):

FINDINGS:

When considering a DO application for a Conditional Use, a Development Order Amendment, or a Rezoning to a PDD or TDD, the BCC or ZC shall consider Standards a – h listed in Article 2.B.7.B.2 of the ULDC. The Standards and Staff Analyses are indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. 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.*

Rezoning, Development Order Amendment and Class A Conditional Use:

PLANNING DIVISION COMMENTS:

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.

Prior Land Use Amendment: The site was the subject of a Large Scale Land Use Amendment known as Boca Golf Course LGA 2018-22, Ordinance 2018-26 which amended the land use from Parks to Low Residential 3 units per acre (LR-3 with the following conditions:

1. The Zoning development order shall require at least 10% of the total residential density as workforce housing program (WHP) units, further specified as follows:

(a) The property owner shall provide these WHP units between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).

2. Residential development on the site shall be limited to a maximum of 564 dwelling units.

The request to add land area to accommodate a cell tower within a civic pod does not affect the previous approval for 564 units.

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.

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

Rezoning and Development Order Amendment:

The 0.734 acre parcel of land to be added and rezoned to the PUD Zoning District will be consistent with the ULDC in regard to use, layout, function, and general development characteristics. The additional lands that are to be added to the PUD will be utilized as part of the required perimeter Landscape Buffer and Open Space for the PUD.

The applicant is requesting to reconfigure a previously approved Master Plan, which permitted the development of 564 units (63 SF and 501 ZLL units) on 192.79 acres of land. The Preliminary Master Plan has been reconfigured due to two main reasons. One, the addition of the aforementioned 0.734 acres and reduction of 0.012 acres, for a net increase of 0.72 acres along the east and southeast boundary. The second reason is due to an amendment to an existing recorded Covenant that allows for the relocation of the previous lake that was situated north of the southwest boundary adjacent to the Wedgewood Estates community. This additional flexibility has allowed the developer to redesign the project.

For Planned Development Districts, PUD's must be in compliance with the Planned Development District Design Objectives and Performance Standards contained within Article 3.E.1.C.1 & 2. Overall, the reconfiguration of the Master Plan continues to meet all Design Objectives and Performance Standards as was previously approved.

Additional review was required for Art. 3.E.1.C.1.f, which necessitates the PDD to locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties. As the Civic Pod proposes a 400' Communication Tower through the Class A Conditional Use, additional analysis of Art. 3.E.1.C.1.f is provided.

The PUD and Public Civic Pod sites have been designed to minimize the potential for adverse impacts on both adjacent properties and the proposed residents of the PUD. The existing Boca Glades Storage Tower to the south of the Civic Pod is 499' in height, with a fall zone of 748.5' (150%). Within the PUD, no proposed residential lots are within this fall zone. The proposed 400' Communication Tower has a 140' fall zone. Within the PUD, no proposed residential lots are within this fall zone. The closest existing residential building outside of the PUD is 686' away from the proposed Tower. The applicant has proposed screening within the PUD to lessen the impacts of the existing and proposed Communication Towers on future residents in the PUD and the existing residents outside of the PUD. The proposed Civic Pod site has been previously approved by the BCC which contemplated the location of the proposed 400' Communication Tower.

Staff are of the opinion that proposed reconfiguration of the Master Plan are in compliance with the Design Objectives and Performance Standards in Article 3.E.1.C.1 & 2.

PUDs must also conform to Art. 3.E.2.B – Planned Unit Development Objectives and Standards. Overall, the changes to the Master Plan have no effect on the previous approvals. Landscape Buffering has had revisions to what was previously approved, and is captured by Article 3.E.2.B.c, which required the developer to "Provide perimeter landscape areas to buffer incompatible land uses, or where residential uses are adjacent to other incompatible design elements such as roadways, usable open space areas, where a more intense housing type is proposed, or where residential setbacks are less than adjacent residential development outside the perimeter of the PUD."

With the proposed reconfiguration of the Public Civic Pod site to extend to the south and east boundaries of the PUD, the applicant is proposing to provide 15' Type 2 Incompatibility Buffers along the western and northern perimeters of the Civic Pod to provide screening for the future residential lots proposed within the PUD. The Civic Pod is exempt from providing required Landscape Buffers along the southern and eastern perimeters as the Civic Pod abuts publically owned lands (City of Boca Raton), as per Article 3.E.2.E.4.c.1), pending approval by the DRO. The minimum setbacks for structures (minimum 5' from the common interior boundary) is being met, as the proposed Tower is located a minimum 12.6' from the Civic Pod boundary.

Overall, the proposed rezoning, addition of land area, and reconfiguration of the Master Plan meet all requirements of the ULDC.

Class A Conditional Use:

The proposed 400' Self Support/Lattice Communication Tower is required to address and adhere to the 16 general standards for Commercial Communication Towers outlined in Art. 4.B.9.B – General Standards, as follows:

1. Collocated Tower and Accessory Structures - the subject Tower will be used by governmental agencies only, including PBC and the City, complying with the requirement for collocation. A Use Limitation Condition has been added to the Conditions of Approval for the Class A Conditional Use, limiting the users of the Tower to Government entities only.

2. Separation and Setbacks - The ULDC allows the Applicant to request Waivers from the required separation and setbacks through Art. 4.B.9.H.5 – Type 2 Waiver from Required Dimensional Criteria. The Applicant has, as part of this request, outlined those Waivers necessary from Article 4, Tables 4.B.9.B – Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts, to allow the Tower in the proposed location. The separation distances for the proposed Tower is comparable to that of existing Towers already established in the area. The proposed setbacks are also justified through the Waiver requests, which include but not limited to the breakpoint design of the proposed Tower.

3. Measurement of Separation and Setback from Residential Uses - The Applicant is requesting Waivers to the required separation and setback from the adjacent existing residential uses and vacant residential use within the PUD. The Applicant has cited the existing Towers in the area and breakpoint design of the proposed Tower as justification for the requests, which is further discussed under the Waiver requests. The closest existing residential property line will be 549' from the base of the proposed Tower, while to closest existing residential structure will be 686' from the proposed Tower.

4. Distance between Towers - The Applicant is requesting Waivers to the required separation distance from the existing Towers in the adjacent area. The Applicant has noted in their Justification Statement that if the property was to be owned by PBC in lieu of dedication from the property owner as a Civic Pod, Table 4.B.9.B. has no applicability for distance for Self Support/Lattice towers in the Public Ownership (PO) district that otherwise and customary would support a government owned communication Tower. Additional justification for the Waiver requesting a reduction in the distance between Towers is provided under the Waiver requests.

5. Tower Height - The proposed height of the Tower is 400', which is the minimum necessary in order to accomplish adequate coverage for the surrounding area in all directions of the subject site.

6. Parking - Communication Towers are exempt from the parking requirements of Art. 6.

7. Perimeter Buffering - The Applicant is providing for the required 8' high fence and locked access gate around the Tower and equipment, as per Art. 4.B.9.B.7.a – Fence or Wall. The applicant has reconfigured the Public Civic Pod boundary, increasing its size to 0.474 acres, to extend to the eastern and southern PUD boundary. This allows the Civic Pod to share those boundaries with the adjacent City of Boca Raton publicly owned property that will be used for access. The applicant is proposing to provide for 15' Type 2 Incompatibility Buffers along the western and northern limits of the Civic Pod site. This will provide screening to the future residents within the PUD development as well as eliminate possible maintenance issues for the future HOA of any perimeter buffer areas south or east of the tower site.

Article 4.B.9.B.7.b.3).b), states that any tower located more than 50' from residential is required a 10' wide Type 1 Incompatibility Buffer with one (1) tree 20' on center, a 6' opaque barrier, and a row of shrubs. However, Article 4.B.9.B.7.b – Landscape, states, "The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets."

Based on the reconfiguration of the Civic Pod site boundaries from that shown on the current approved PUD Master Plan, and the proposed placement of a 15' Type 2 Incompatibility Buffer adjacent to the western and northern boundaries of the Civic Pod, the applicant believes that the intent of this requirement was being achieved and submitted a request to the Zoning Director to eliminate the required 10' wide Type 1 Incompatibility Buffer within the Civic Pod. In a letter dated February 14, 2019, the Applicant submitted a formal request to waive the requirement for the 10' wide Type 1 Incompatibility Buffer required, which was accepted and approved by the Zoning Director.

8. Signage - There is no identification signage proposed and therefore this standard is met. Any signage will be pursuant to FCC and/or ULDC regulations.

9. Generators – The Applicant anticipates using a 150 kilowatt generator system with diesel fuel. A pad has been provided for the generator in the fenced area.

10. Lighting - All lighting for the Tower will comply with all applicable FAA regulations.

11. Interference - The proposed Tower will comply with all applicable FCC regulations and has been rendered by professional communication engineering to pose no interference.

12. Building Permits - Upon approval of these applications, building permits will be requested and wind load standards confirmed prior to construction.

13. Providers - The Tower will be constructed to accommodate a minimum of two providers, PBC and the City of Boca Raton, with the intent that other government entities also be able to be accommodated upon the Tower.

14. Antenna - Any antennas will comply with Art. 4.B.9.

15. Inspections - The Tower will comply with any inspection requirements by the PBC Building Department.

16. Violations - PBC and the City of Boca Raton understand the responsibility for any violation of applicable standards.

As per Table 5.B.1.A in the ULDC, a new Government Tower not subject to an emergency, that is looking to locate a Tower in a prohibited zoning district per Table 4.B.9.A – Commercial Communication Towers, may request approval of the tower as a Class A Conditional Use, which the applicant has done.

Staff are of the position that the proposed use is consistent with the purpose and intent of the ULDC.

c. 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.*

Rezoning and Development Order Amendment:

Compatibility has been previously determined for the PUD development. The rezoning and inclusion of the additional land into the PUD development, as a result of changed circumstances, will provide for additional Open Space area and Landscape Buffering for the PUD. The proposed addition of the 0.734 acres of land to be added to the PUD and deletion of the 0.012 acres from the PUD will be compatible with surrounding land uses.

The reconfiguration of the Master Plan will maintain compatibility with the surrounding uses. As previously discussed, one of the main reasons for the reconfiguration of the Master Plan was an

amendment to an existing recorded Covenant, where a lake was previously provided between the Wedgewood Estates community along the southwest boundary and the residential lots within the PUD. Required Landscape Buffers are provided around the boundaries of the PUD.

Class A Conditional Use:

The use to the north and west is a vacant residential development in which the Developer is supportive of the Tower use within the Civic Pod. The commercial use to the south and east (Boca Glades Storage) currently supports a 499' commercial Communication Tower on their site. To the east is the Florida's Turnpike, where a second Communication Tower exists. There are existing residential structures to the southwest of the site, the closest being 686' from the proposed Tower location. These structures are separated from the PUD by the LWDD Canal. There is a 15' Incompatibility Buffer and an additional 5' of Open Space proposed along the southern perimeter of the PUD, west of the Civic Pod, with plantings that will screen some of the views. With the spatial separation and proposed buffering, the Tower will be compatible with the residential uses. The proposed Tower being of a lesser height than the existing 499' Tower on the property immediately to the south of the PUD and to the east of the residents, there is no material effect on compatibility with the existing Residential development to the southwest. No increase in the number of Towers in the vicinity will result from this request.

d. 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.*

Rezoning and Development Order Amendment:

The DOA to add 0.734 acres and delete 0.012 acres of land area, to rezone 0.734 acres from PO to PUD, and the reconfiguration of the Master Plan continues to minimize impacts on adjacent lands. The intensity of the proposed residential development has remained the same as the previous approval of the Master Plan with 564 total units proposed. Access remains in the same location as the existing condition. All required buffering as per the ULDC will be provided to minimize any impacts on the surrounding properties.

Class A Conditional Use:

The location of the Tower has been appropriately located to minimize adverse impacts on existing and proposed residential and non-residential development. The proposed Tower is in proximity to the LWDD Canal to the south, and Florida's Turnpike ROW to the east. The existing Boca Glades Tower is also located to the south. To the north and west is the proposed Boca Raton Golf Course PUD development, where the Developer is reconfiguring the Master Plan through this application to accommodate the location of the proposed Tower use. Access to the Tower will be provided from the City owned parcel to the south of the PUD and Civic Pod, which is currently utilized by the City of Boca Raton for access to the existing Communication Tower that will be removed, as well as other utilities providers like the Lake Worth Drainage District. The proposed Tower itself is being strategically designed with a breakpoint height that responds to the surrounding area. No vacant or existing residential lots fall within the break point zone for the proposed Tower. Landscape Buffers and additional Open Space are being provided to the west and north of the Civic Pod to minimize visual impacts on the existing and vacant residential lots.

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

Rezoning, Development Order Amendment and Class A Conditional Use:

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is an existing golf course.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

ENVIRONMENTAL AUDIT: A Phase I environmental audit was submitted as part of the review of this property. The audit recommended additional evaluation. Therefore, a condition requiring the submittal of a Phase II Environmental Audit prior to DRO site plan approval has been added.

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.

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

Rezoning and Development Order Amendment:

The rezoning and addition of the 0.734 acres are to be incorporated into the Master Plan, which is being reconfigured to accommodate these changes. As the City of Boca Raton Tower is to be removed, there is no longer a need for the access to the existing Tower, and it is logical to add these lands to the PUD, which will help contribute to the Open Space and Landscape Buffer Requirements. The reconfiguration of the Master Plan is due to the addition of these lands, and the amendment to an existing recorded Covenant that allows for the relocation of the previous lake that was situated north of the southwest boundary adjacent to the Wedgewood Estates community. This additional flexibility has allowed the developer to redesign the project, and this reconfiguration is to be done in a logical and orderly pattern.

The 0.012 acres will be incorporated into the already existing access tract that will be used to access the Civic Pod and the proposed Communication Tower. With the removal of the City of Boca Raton Tower and the proposed Communication Tower within the Civic Pod, this part of the DOA is a logical and orderly request.

Class A Conditional Use:

The proposed Tower will provide for increased and enhanced emergency and other government related public communication services to the surrounding community into the future. As this Tower will replace the existing City of Boca Raton Tower, no increase in the number of Towers in the vicinity will result from this request. A condition has been placed on this application that requires the existing Tower to be removed within 180 days of the Certificate of Completion for the proposed Tower. No building permits will be provided for residential development within 270' of the existing Tower until it has been removed.

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

Rezoning, Development Order Amendment and Class A Conditional Use:

ENGINEERING COMMENTS:

TRAFFIC IMPACTS

The application is a request to add 0.734 acres and delete 0.012 acres from an already approved PUD with 564 single family dwelling units permitted. No additional units are being proposed as part of this application. Therefore, no additional trips will result as part of this request.

There are no additional conditions of approval, beyond that of the already approved project, to meet traffic concurrency.

There are no proposed Engineering conditions of approval with this application.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the Florida Department of Health's requirements

FIRE PROTECTION: No Staff Review Analysis required.

SCHOOL IMPACTS: No Staff Review Analysis required.

PARKS AND RECREATION: Based upon the 564 dwelling units proposed 3.38 acres of onsite recreation is required, 3.95 acres of recreation is provided, therefore the recreational requirement is satisfied.

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

Rezoning, Development Order Amendment and Class A Conditional Use:

Subsequent to the BCC approvals on October 31, 2018, the City and County reached an agreement to collocate their services on the proposed Communication Tower to be constructed within the Civic Pod. Therefore, this application proposes the necessary modifications to delete and rezone the portion of property that is no longer needed to access the existing Tower and retain and add to the PO portions that are needed to access the new Tower and accommodate the Civic Pod in the PUD.

As a result of the established development in the general area and continuously increasing demand on existing Towers for wireless communication infrastructure, the existing Tower where PBC communications services are currently located is nearing physical capacity and leaving continuity of public safety communications into the future in question. PBC has investigated the opportunity to construct their own Tower in this vicinity to ensure and preserve adequate public communication capabilities into the future for the general area of the County in the vicinity of the site, without the inevitable vulnerabilities associated with reliance on a third party. Subsequent to the BCC approvals on October 31, 2018, PBC and the City of Boca Raton have come to an agreement to collocate communication systems on one single Communication Tower to ensure the fulfillment of operational continuity into the future. Additional users of the Tower may include State and Federal agencies, however PBC and the City will be the main users of the proposed Tower to sustain providing the area with adequate coverage for public communication services. Palm Beach County owns and operates their own Towers for emergency communications as it is imperative that these facilities be secured and maintained so as to minimize any disruption in service. As such, locating these services on a commercial tower is not a desired approach due to the uncertainty for continuously accommodating public safety communications equipment into the future. Other Towers within the PBC Communication Tower grid are constructed at the same height of 400’.

A Propagation Study was completed for the Communication Tower which recommended that the Boca Golf Course was the most suitable location for the new Tower site, as this site provides coverage comparable to that being provided by the existing Tower, whereas the other two options reviewed as part of the report degraded coverage along the eastern portion of the property. This study was peer-reviewed and the findings were confirmed in the Omnicom Consulting Group, Inc. Technical Review Report, dated April 4, 2019. Hence, these changed circumstances necessitate the need for the proposed Communication Tower.

Type 2 Waiver Requests:

The Applicant is requesting five, Type 2 Waivers for the proposed 400’ Self Supporting/Lattice Communication Tower. These Waivers are the minimum required to site the Tower in the Civic Pod. Requests include reductions in the separation requirements from existing residential, vacant residential, and existing Towers, as well as reductions in the setback requirements from existing residential and non-residential uses. The below chart indicates those Waivers necessary.

	ULDC SECTION	REQUIRED	PROPOSED	WAIVER
1.	Table 4.B.9.B, Min. Separation & Setback for Towers Located in Residential Zoning Districts	600% of TH separation distance to existing residential structures = 2,400’	686’ separation distance to Boca Glades condominium structure	1,714’
2.	Table 4.B.9.B, Min. Separation & Setback for Towers Located in Residential Zoning Districts	150% of TH separation distance to existing residential property line = 600’	549’	51’
3.	Table 4.B.9.B, Min. Separation & Setback for Towers Located in Residential Zoning Districts	150% of TH setback from vacant residential property line (<i>Boca Raton Golf Course PUD</i>) = 600’	212’	388’

	ULDC SECTION	REQUIRED	PROPOSED	WAIVER
4.	Table 4.B.9.B, Min. Separation & Setback for Towers Located in Residential Zoning Districts	20% of TH setback from adjacent non-residential property line (<i>Boca Glades Storage</i>)= 80'	33'	-47'
5. a & b.	Table 4.B.9.B, Min. Distance Between Towers	In a PUD Civic Pod: 5,280' separation distance between towers (<i>Boca Glades Storage and Turnpike Tower</i>)	Boca Glades: 483'	-4,797'
			Turnpike: 1,102'	-4,178'

FINDINGS:

Standards for a Type 2 Waiver - Article 2.B.7.D.3

When considering a DO application for a Type 2 Waiver, the BCC shall utilize the Standards indicated below and any other standards specific to a Type 2 Waiver as contained in this Code.

a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay;

Waivers 1 – 5: Yes.

This Tower is a replacement for the existing Tower that is located north of the Civic Pod. No additional conflicts are created from this Waiver request. As per Table 5.B.1.A in the ULDC, a new Government Tower not subject to an emergency, that is looking to locate a Tower in a prohibited zoning district per Table 4.B.9.A – Commercial Communication Towers, may request approval of the tower as a Class A Conditional Use, which the applicant has done. As discussed under Findings, b. Consistency with the Code, the proposed Tower is consistent with the ULDC, and does not create additional conflicts with other requirements in the Code. Necessary Landscape Buffering and Open Space has been provided, and interior setbacks within the Civic Pod have been sufficiently addressed, as per Art. 3.E.2.E4.d. Access to the Civic Pod was previously approved through application ABN/ZV/PDD/W-2018-00775.

b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development;

Waivers 1 – 5: Yes.

Palm Beach County and the City of Boca Raton have worked with the developer (G.L. Acquisitions Corp.), and have coordinated to ensure that the proposed location of the Communication Tower considers all vacant and existing residential development, and that the proposed Tower will not have a detrimental effect on the overall design and development standards of the project. The proposed Tower is being strategically designed with a breakpoint height (140') that responds to the surroundings, so that no neighboring development or residential lots fall within this distance, and have provided landscape buffering and open space to minimize visual impacts.

c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.

Waivers 1 – 5: Yes.

The location of the Tower has been appropriately located to minimize adverse impacts on existing and proposed residential and non-residential development. The proposed Tower is in proximity to the LWDD Canal to the south, and Florida's Turnpike ROW to the east. An existing 499' Tower (Boca Glades Communication Tower) is also located to the south within the non-residential lands (483' from proposed Tower). To the north and west is the proposed Boca Raton Golf Course PUD development, where the Developer is reconfiguring the Master Plan through this application to accommodate the location of the proposed Tower use. Access to the Tower will be provided from the City owned parcel to the south of the PUD and Civic Pod, which is currently utilized by the City of Boca Raton for access to the existing Communication Tower that will be removed, as well as other utilities providers like the Lake Worth Drainage District. The proposed Tower itself is being strategically designed with a breakpoint height that responds to the surrounding area. No vacant or existing residential lots fall within the break point zone for the proposed Tower. PBC and GL Homes have worked together to locate the Civic Pod

and proposed Tower location to minimize impacts on existing and proposed residential lots, while meeting the needs for the County Tower to serve governmental communication needs. Landscape Buffers and additional Open Space are being provided to the west and north of the Civic Pod to minimize visual impacts on the existing and vacant residential lots.

Waivers from Required Dimensional Criteria – Communication Tower

Article 4.B.9.H.5 – Type 2 Waiver from Required Dimensional Criteria, allows for Waivers to be requested by the Applicant for separation, setbacks, distance between towers, height, and similar dimensional criteria applicable to Communication Towers.

When considering Type 2 Waivers for Communication Towers, the following criteria shall be utilized by the BCC when considering the requests. Each request for a Waiver must be consistent with the following criteria (Art. 4.B.9.G.5.d.1 – 4.B.9.G.5.d.8). In addition, each request for a Type 2 Waiver must be consistent with one or more of the following criteria (Art. 4.B.9.G.5.d.9 – 4.B.9.G.5.d.18):

1) Protection of Public Welfare: *The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.*

Waivers 1 – 5: Yes.

The waivers requested are the minimum necessary in order to provide for emergency communication services that protect the public welfare into the foreseeable future. Approval of these waivers will not be injurious to the uses in the area as there are existing communication Towers in the immediate area that include the existing communication tower to the northeast, which is owned and operated by the City (to be removed in association with this approval), a second to the south, located in the Boca Glades Storage development, and a third located within the Florida's Turnpike median. To mitigate any impacts created by the proposed Tower location and height, the Developer of the PUD is providing perimeter buffering and open space to the north and west of the Public Civic Pod. City owned property and a LWDD canal create a spatial separation to the south.

2) Economics: *The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements contained herein.*

Waivers 1 – 5: Yes.

Economics have no bearing on the requested waivers for setback and separation. The waivers are required as a result of the location of the Civic Pod within the Boca Raton Golf Course PUD and the existing surrounding conditions. The proposed Tower will provide for emergency communication services within the area and region, into the foreseeable future, which will uphold appropriate response times and emergency services for the residents and businesses in the area.

3) Incompatibility Not Created: *The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.*

Waivers 1 – 5: Yes.

The waivers requested do not create incompatibility between the proposed Tower and the adjacent uses. There is an existing communication Tower owned and operated by the City located northeast of the proposed site (to be removed in association with this approval), a second is located to the south within the Boca Glades Storage development, and a third located within the Florida's Turnpike median. Adequate separation, setback, and buffering will be provided to mitigate any perceived incompatibility.

4) Exhaustion of Other Remedies: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities.*

Waivers 1 – 4: Yes.

The remedy of addressing the reduced setbacks and separations has been exhausted by the collocation of PBC and the City on this Tower, and the removal of the City Tower following construction of the new Tower. PBC FDO has engaged with the consulting firm Omnicom Consulting Group, Inc. to review and prepare a report on their behalf (Boca Turnpike Tower Replacement Report), which shows the necessary geographic reach of wireless emergency communications and review of multiple sites within the area that were not suitable based on differing factors.

Waiver 5: Yes.

The existing Towers to the northeast, south, and southeast are inappropriate due to either current capacity or use, and uncertainty for continuously accommodating public safety communications equipment into the future. By allowing the City to vacate and remove its existing communication Tower to the northeast, collocation between the two governmental agencies will occur on the proposed 400' Self Support Communication Tower. As noted, PBC FDO and its consultants prepared the Boca Turnpike Tower Replacement Report that shows the technical need for the Tower and exhaustive review of multiple sites within the area that were not suitable based on differing factors.

5) Minimum Waiver: *Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure.*

Waivers 1 – 5: Yes.

Given the strategic site design to accommodate the Tower within the PUD's Public Civic Pod, the waivers requested for the setbacks and separations are the minimum required to accomplish the intended use of the land and structure.

6) Consistent with the Plan: *Grant of the Waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.*

Waivers 1 – 5: Yes.

Granting of the waivers will be consistent with the Goals, Objectives and Policies of the Comprehensive Plan and the ULDC, including densities and intensities of use.

7) Not Detrimental: *The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.*

Waivers 1 – 5: Yes.

The waivers requested are the minimum necessary in order to provide for emergency and other communication services that protect the public welfare into the future. Approval of these waivers will not be injurious to the uses in the area as there are existing communication Towers in the vicinity that include the existing communication Tower to the northeast, which is owned and operated by the City (to be removed following an approval of this application), a second to the south, located in the Boca Glades Storage development, and a third located within the Florida's Turnpike median. To mitigate any impacts created by the proposed communication Tower location and height, the Developer of the PUD is providing landscape buffering and open space around the Public Civic Pod. The Tower is also being designed with a breakpoint height of 140' that responds to the surroundings. The loss of public safety communications for lack of sufficient supportive infrastructure is seen as more detrimental to public welfare than any result caused by the Tower installation in the location and manner proposed.

8) Prohibition of Service: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.*

Waivers 1 – 5: Yes.

This criterion is not applicable to the requested waivers. The proposed communication tower will provide for emergency communication services within the area and region into the future, which will uphold appropriate response times and emergency services for the residents and businesses in the area.

9) FAA Limitations: *The Waiver is required to comply with locational standards established by the FAA.*

Waivers 1 – 5: Yes.

The applicant will comply with all FAA regulations, however, the waivers requested are not required as a result of FAA regulations. It should additionally be noted that the Federal Aviation Administration has been made aware of this request and documentation has been submitted for FAA review and approval concurrently by Palm Beach County FDO staff.

10) Lack of Technical Capacity: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.*

Waivers 1 – 5: Yes.

Based on the findings of the Boca Turnpike Tower Replacement Report prepared for Palm Beach County FDO noted above, the proposed site is the most appropriate site to provide for the greatest coverage of the governmental emergency communication services for PBC and the City of Boca Raton into the future by eliminating the vulnerabilities that accompany reliance on a third party site. The existing and recently approved City of Boca Raton Tower was approved at 180', which is not of adequate height to satisfy the coverage area required by PBC. Furthermore, the two other existing Towers offer no assurances against unsuitable capacity and conditions for the proposed users and continuous public safety communication into the future for this area as the subject service location is critical for public safety communication purposes. The provision of a Public Civic Pod within the Boca Raton Golf Course PUD is the most logical site for the proposed collocation of users given the geography of their respective service areas and ability to control technical capacity in a manner that delivers reliable public safety communications to the maximum extent possible.

11) Height of Existing Structures: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or other structures are not of sufficient height to provide reasonable service.*

Waivers 1 – 5: Yes.

Based on the findings of the Boca Turnpike Tower Replacement Report noted above, the proposed site and height is the most appropriate to provide for the greatest coverage of the governmental communication services for PBC and the City of Boca Raton. A 400' Communication Tower is similar to other PBC Communication Towers that have been built within the County. The existing and recently approved City of Boca Raton communication Tower was approved at 180', which is not of adequate height to satisfy the coverage area required by PBC.

12) Lack of Structural Capacity: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.*

Waivers 1 – 5: Yes.

Based on the findings of the Boca Turnpike Tower Replacement Report prepared for PBC FDO noted above, the proposed site is the most appropriate site to provide for the greatest coverage of the governmental emergency communication services for PBC and the City of Boca Raton. The adjacent towers offer no assurances against unsuitable capacity and conditions for the proposed users and continuous public safety communication into the future for this area as existing load approaches maximum capacity and stresses reliability for public safety purposes. The provision of a Public Civic Pod within the Boca Raton Golf Course PUD is the most logical site for the proposed collocation of users given the geography of their respective service areas and ability to control structural capacity in a manner that safeguards reliable public safety communications to the maximum extent possible.

13) Interference: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.*

Waivers 1 – 5: Yes.

The requested waivers are not based on impact or interference that could be caused as noted. The requested waivers are based on the location of the Public Civic Pod located within the PUD and surrounding service area. Based on the findings of the Boca Turnpike Tower Replacement Report prepared for PBC FDO noted above, the proposed site is the most appropriate site in order to provide for the greatest coverage of the collocated governmental communication services of PBC and the City of Boca Raton.

14) Unreasonable Costs: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as the fees, costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.*

Waivers 1 – 5: Yes.

Cost has no bearing on the requested waivers for setback and separation. Based on the findings of the Boca Turnpike Tower Replacement Report noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings the proposed site is the most appropriate site, and waivers are needed to comply with code requirements while delivering necessary public communication services into the future.

15) More Appropriate Site: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.*

Waivers 1 – 5: Yes.

Based on the findings of the Boca Turnpike Tower Replacement Report noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings and the selection of the proposed Public Civic Pod location, the waivers requested are the minimum necessary to provide for the needed public communication services in this area into the future. Permanent buffering is proposed, the tower is being designed with an appropriate breakpoint height, and towers are already part of the existing character of the area.

16) Avoid Certain Locations: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area to avoid location in one or more of the following:*

- a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- b) officially designated vegetation and wildlife preserves;
- c) habitats of threatened/endangered species, historical sites;
- d) Indian religious sites;
- e) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- f) night use of high intensity lights in residential areas;
- g) environmentally sensitive lands acquired or leased by PBC; or
- h) linked open space corridors as set forth in the Plan.

Waivers 1 – 5: Yes.

The Public Civic Pod site is not located in any of the above listed classifications.

17) Reduce Residential Impact: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area and will allow a proposed tower location to reduce the impact on adjacent residential uses.*

Waivers 1 – 5: Yes.

Based on the findings of the Boca Turnpike Tower Replacement Report noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings and the selection of the proposed Public Civic Pod location, the waivers requested are the minimum necessary to provide for the needed governmental communication services in this area into the future. The impacts on existing and proposed residential uses have been minimized by the location of the Public Civic Pod and proposed buffering and open space related thereto.

18) Effect of Governmental Regulation or Restrictive Covenant: *The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area due to governmental regulations or restrictive covenants which preclude location of a tower*

Waivers 1 – 5: Yes.

Based on the findings of the Boca Turnpike Tower Replacement Report prepared for PBC FDO noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings and the selection of the proposed Public Civic Pod location, the waivers requested are the minimum necessary to provide for the needed governmental communication services in this area into the future. No known regulations or restrictions would preclude the tower to be sited in this location.

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, impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 through C-6.

CONDITIONS OF APPROVAL

Exhibit C-1: Development Order Amendment for Conditional Overlay Zone (Boca Raton Cell Tower)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2018-1711, Control No.1981-00019, which currently states:

The approved Site Plan is dated July 23, 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)

Is hereby deleted. [REASON: No Site Plan Required.]

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

PROPERTY & REAL ESTATE MANAGEMENT

1. The City of Boca Raton shall be required to provide Palm Beach County with an Access Easement, mutually agreeable in form to both the City and County, over the City's access tract to serve the Public Civic Site on the adjacent property. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

2. The Access Easement shall be recorded in the public records of Palm Beach County prior to Plat recordation for the Public Civic Site. (ONGOING: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

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: Official Zoning Map Amendment (Boca Raton Golf Course 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-3: Development Order Amendment (Boca Raton Golf Course PUD)

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2018-1709, Control No.1981-00019, which currently states:

The approved Preliminary Master Plan is dated July 23, 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.

Is hereby amended to read:

The approved Preliminary Master Plan is dated April 8, 2019. 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)

ENGINEERING

1. 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, 2023. 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) (Previous ENGINEERING Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. Prior to issuance of the first building permit for residential units for sale, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. The platting of this property may be phased in accordance with a phasing plan acceptable to the Office of the County Engineer and approved by the Development Review Officer. A phase should not be larger than what would reasonably be expected to be completed within the time frame of the posted surety. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

3. 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 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 plat or recorded prior to issuance of the first building permit for residential units for sale, whichever shall occur first. (BLDGPMT/PLAT: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2018-1709, Control No.1981-00019)

4. NOISE MITIGATION

a. Prior to DRO approval of the Final Master Plan, the Property Owner shall submit to the Palm Beach County Engineering Department and Zoning Division a detailed noise analysis acceptable to the Florida Department of Transportation. This noise study shall be in accordance with Florida State Statutes Chapter 335 as outlined in FDOT Project Development and Environmental Manual, Chapter 17. Any required mitigation as a result of the anticipated noise, such as a sound wall and landscape buffer, shall be shown on the Final Master Plan for this site subject to the approval of the County Engineer and Zoning Division. (DRO: ENGINEERING - Engineering)

b. Construction of any required sound walls and landscape buffers as outlined in the Noise Analysis shall be completed prior to the issuance of the first certificate of occupancy. If the development is phased, then the sound wall within each phase must be completed before the issuance of any certificates of occupancy within said phase. (DRO: ENGINEERING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2018-1709, Control No.1981-00019)

5. The Property Owner shall provide an access easement over the entire project's spine road from the location where the public right-of-way ends to the entrance of Wedgewood Estates.

a. The easements shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the Property Owner and prior to the issuance of the first building permit for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. If alternative development-suitable access becomes available to either of the parcels above, the Property Owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2018-1709, Control No.1981-00019)

6. The Property Owner shall provide an access easement over the entire project's spine road from the location where the public right-of-way ends to the entrance of the proposed cell tower parcel.

a. The easements shall be approved by the County Attorney and Land Development prior to recordation. The easements shall be recorded by the Property Owner and prior to the issuance of the first building permit for residential units for sale. (BLDGPM: MONITORING - Engineering)

b. If alternative development-suitable access becomes available to either of the parcels above, the Property Owner may abandon the portion of the easement which is not needed to serve as access for the remaining parcel. (ONGOING: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2018-1709, Control No.1981-00019)

7. Prior to the issuance of the any building permit in conflict with a drainage easement, the Property Owner shall abandon or release, and relocate if necessary, any and all drainage easements shown in conflict with the proposed structures. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 7 of Resolution R-2018-1709, Control No.1981-00019)

8. The Property Owner shall make the following Proportionate Share payments, based on the following schedule. Note that while this proportionate share payment is based on proportionate cost of a specific roadway improvement, the County, in its sole discretion may apply such payment to one or more mobility improvements to regionally significant transportation facilities. The proportionate share payment shall be adjusted at the time of payment by the escalator calculation set forth in a later condition. Any road impact fees paid by the Developer on this project prior to this proportionate share payment will be applied as a credit toward the proportionate share payment. The proportionate share payment is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility in the area.

a. No Building Permits for more than 134 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,557,120.00 towards the total construction cost of widening of Glades Rd from Florida Turnpike to Jog Rd from 6 lanes divided to 8 lanes divided. (BLDGPM: MONITORING - Engineering)

b. No Building Permits for more than 281 dwelling units shall be issued until the Property Owner makes a proportionate share payment in the amount of \$1,227,779.00 towards the total construction cost of an additional (3rd) northbound through lane at the intersection of Glades Rd and Jog Rd. (BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2018-1709, Control No.1981-00019)

9. In recognition that construction prices may change over the life of the project, the proportionate share payments included in the above conditions shall be subject to the following escalator calculation:

Adjusted Payment (when payment is being made) = Original Payment Amount x Cost Adjustment Factor

Where,

Original Payment Amount = Proportionate Share Payment amount specified in the Proportionate Share Agreement

Cost Adjustment Factor = (Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of payment))/(Producer Price Index (PPI) for Commodities Code ID WPUIP2312301 (month of Prop Share Execution))

The Bureau of Labor Statistics Producer Price Index (PPI) for Commodities (Series ID: WPUIP2312301), can be found at <http://data.bls.gov/timeseries/WPUIP2312301>.

If at the time a Proportionate Share payment is due, the Commodities Code ID WPUIP2312301 is no longer used by the United States Bureau of Labor Statistics, the Adjusted Payment will be based on the Producer Price Index for non-residential commodities then in effect. In the event such an index is no longer in use, the Adjusted Payment will be based on the United States Bureau of Labor Statistics Consumer Price Index then in effect. (ONGOING: ENGINEERING - Engineering) (Previous ENGINEERING Condition 9 of Resolution R-2018-1709, Control No.1981-00019)

10. The Property Owner shall construct an additional (2nd) left turn lane north approach on Golf Course Rd at Glades Rd. This turn lane shall be a minimum of 280 ft in length plus 50 ft taper or as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way, associated signal modification, to name a few.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit for residential units for sale. (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 10 of Resolution R-2018-1709, Control No.1981-00019)

ENVIRONMENTAL

1. Previous ENVIRONMENTAL Condition 1 of Resolution R-2018-1709, Control No.1981-00019, which currently states:

Prior to the approval of the site plan by the Development Review Officer, a Phase II Environmental Audit shall be submitted to the Department of Environmental Resources Management.

Is hereby amended to read:

Prior to the approval of the Site Plan by the Development Review Officer for the residential portions of the PUD (not inclusive of the public civic site), a Phase II Environmental Audit for the residential portions of the PUD (not inclusive of the public civic site) shall be submitted to the Department of Environmental Resources Management. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

PARKS

1. The recreational facilities shall be complete and open to the residents prior to the issuance of the 226 residential building permit, unless a phasing plan for the completion of the required recreation area is approved by the Parks and Recreation Department (BLDGPMT: MONITORING - Parks and Recreation)

PLANNING

1. Per LGA 2018-22, condition 1, The Zoning development order shall require at least 10% of the total residential density as workforce housing program (WHP) units, further specified as follows:

a. The property owner shall provide these WHP units between 60-140% of the Median Household Income ranges for the County, in all four WHP ranges (60%-80%, >80-100%, >100-120%, and >120-140%).

(ONGOING: PLANNING - Planning) (Previous PLANNING Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. Per LGA 2018-22, condition 2, Residential development on the site shall be limited to a maximum of 564 dwelling units. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

3. Prior to final approval by the Development Review Officer (DRO), all plans and documents shall be updated to include all conditions and attributes as adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2018-1709, Control No.1981-00019)

4. Per LGA 2018-22, Ord. 2018-26 condition 1: the plans shall show the required WHP as 10% of the total requested units. (ONGOING: PLANNING - Planning)

PROPERTY & REAL ESTATE MANAGEMENT

1. By the later of: (a) September 1, 2019, and (b) ninety (90) days following Property Owner's acquisition of fee title to the subject site from the City of Boca Raton, Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for a .29 acre public civic site, in a location acceptable to the Facilities Development and Operations Department (FD&O). The Property Owner shall be obligated to plat the civic site and shall have satisfied each of the following conditions prior to or as soon as reasonably possible following the delivery of such deed of conveyance.

a) Title

Property Owner to provide a title policy insuring marketable title to Palm Beach County for the civic site and any easements that service the civic site as required by the County Attorney's office. All title exception documentation to be provided to County. Policy is subject to Property & Real Estate Management (PREM) and County Attorney's approval. The title policy to be insured to Palm Beach County for a dollar value based on current market appraisal of the proposed civic site or the Contract purchase price on a per acre basis if the contract purchase was concluded within the previous 24 month period. If an appraisal is required it shall be obtained by the Property Owner. The Property Owner shall release the County from all Declarations of Covenants and Conditions of the P.U.D. or other restrictive covenants as they may apply to the civic site.

b) Taxes

All ad valorem real estate taxes and assessments for the year of acceptance shall be pro-rated to include the day of acceptance.

c) Site Condition

Civic site to be free and clear of all trash and debris at the time of acceptance of the Statutory Warranty Deed.

d) Retention and Drainage

Property Owner shall provide all retention, detention, and drainage required for any future development of the proposed civic site by the County. Property Owner shall specifically address the following issues:

- 1) The discharge of surface water from the proposed civic site into the Property Owner's water retention basins.
- 2) As easement across Property Owner's property from the proposed civic site to the retention basins, if required.

e) On-Site Inspections

By acceptance of these conditions Property Owner agrees to allow the County to perform any on site inspections and testing deemed appropriate to support the acquisition of the civic site.

f) Vegetation Permit

Property Owner to perform a tree survey and obtain a vegetation clearing permit. If it is determined by PREM that clearing is not required at time of conveyance, the cost of such clearing shall be paid to the County.

g) Buildable Grade

Prepare civic site to buildable grade under the direction of the FDO Department. Site shall be stabilized with 1) sod and watered or, 2) seeded, mulched and watered (at the discretion of FDO), all of which shall be to the satisfaction of FDO.

h) Reclaim Water or Potable Water

Property Owner to provide water, sewer, reclaim water stubbed out to the property line if available and if it meets County Fire Code for a Tower site, otherwise, potable water will be required to the property line. Property Owner to provide other required utilities as determined by PREM.

i) Irrigation

Property Owner to provide an easement across Property Owner's property, from the proposed Civic Sites to available retention basins, if requested by PREM.

j) Access

Property Owner to provide an easement across PUD buffers or open space tracts to allow access to the civic site. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate

Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

2. The Property Owner shall provide the County with a survey certified to Palm Beach County 30 days prior to the anticipated closing on the civic site. Survey shall reflect the boundary and topographical areas of the site and the surveyor shall use the following criteria:

- a) The survey shall meet Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.050-.052 for a Boundary Survey pursuant to section 472.027, Florida Statutes.
- b) If this parcel is a portion of Palm Beach Farms, sufficient data to make a mathematical overlay should be provided.
- c) The survey should include a location of any proposed water retention area that will border the civic site.

Survey is also subject to the County's approval of any proposed or existing easements within the proposed civic site and all title exceptions are to be shown on the survey.

(ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

3. The Property Owner shall provide PREM with an Environmental Assessment certified to Palm Beach County 30 days prior to the anticipated closing on the civic site. The minimum assessment which is required is commonly called a "Phase I Audit". The audit shall describe the environmental conditions of the property and identify the past and current land use.

The assessment will include but not be limited to the following:

- a) Review of property abstracts for all historical ownership data for evidence of current and past land use of the proposed civic site.
- b) Review of local, state, and federal regulatory agency's enforcement and permitting records for indication of prior groundwater or soil contamination. Also, a review of the neighboring property that borders the proposed civic site will be required. The review shall include, but not be limited to, Palm Beach County Environmental Resources Management Department Records, and Florida Department of Regulation Records.

The assessment shall reflect whether the civic site or any bordering property is on the following lists:

- 1) EPA's National Priorities list (NPL)
 - 2) Comprehensive Environmental Response Compensation and Liability Act System List (CERCLA)
 - 3) Hazardous Waste Data Management System List (HWDMS).
- c) Review of current and historical aerial photographs of the proposed civic site. Provide a recent aerial showing site and surrounding properties.
 - d) The results of an on-site survey to describe site conditions and to identify potential area of contamination.
 - e) Review of Wellfield Protection Zone maps to determine if property is located in a Wellfield Zone.

If the Phase I audit indicates that a Phase II is necessary which shall be at County's sole discretion, then the property owner shall be required to provide that audit as well. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 3 of Resolution R-2018-1709, Control No.1981-00019)

4. The Property Owner has requested to exchange a portion of the required on-site dedication of land for cash, however, this option shall be used only upon Board of County Commissioner approval. If the cash contribution is accepted by Palm Beach County, the Property Owner shall be deemed to have satisfied the intent of ULDC. If the cash contribution is not accepted by the County, the Property owner shall be subject to Board direction for the public civic site requirements of this PUD. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management) (Previous

PROPERTY & REAL ESTATE MANAGEMENT Condition 4 of Resolution R-2018-1709, Control No.1981-00019)

5. Previous PROPERTY & REAL ESTATE MANAGEMENT Condition 5 of Resolution R-2018-1709, Control No.1981-00019, which currently states:

The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement notifying homeowners and future homeowners of a proposed 400' radio communications tower in the Southeast corner of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on November 1, 2019 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (DATE: MONITORING - Zoning)

Is hereby amended as follows:

The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement notifying homeowners and future homeowners of a proposed 400' radio communications tower in the Southeast corner of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on November 1, 2019 and shall continue on an annual basis until all units within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (ONGOING: MONITORING - Property Real Estate Management)

6. In the event the .474 acre public civic site is not conveyed to Palm Beach County and is retained by the City of Boca Raton, or is conveyed by the City of Boca Raton to Palm Beach County pursuant to an interlocal agreement between the County and the City, PREM conditions 1 through 4 are hereby deleted except for the following conditions which shall survive as amended. Additionally, the cash out payment, approved by the BCC on October 31, 2018, shall remain as a required payment to Palm Beach County.

A. The Property Owner shall be obligated to plat the civic site and shall have satisfied each of the following original conditions prior to or as soon as reasonably possible following the delivery of the deed of conveyance.

- 1) 1(c) in its entirety
- 2) 1(d) Property Owner to provide temporary retention and drainage until such time that permanent retention and drainage is provided for within the PUD development.
- 3) 1(f) Property Owner to perform a tree survey and obtain a vegetation clearing permit only.
- 4) 1(g) in its entirety
- 5) 1(h) Property Owner to provide water stubbed out to the civic site property line at time of water utility work within the PUD in the area adjacent to the civic site.
- 6) 1(i) Irrigation to be provided to the civic site by the Property Owner on a temporary basis until Property Owner provides permanent irrigation at time of PUD land development operations, if landscape perimeter buffering of the civic site is required. If no landscape buffering is required, irrigation shall not be required.
- 7) 1(j) in its entirety

B. The following original conditions shall be required of the Property Owner, in addition to the conditions above, if the City of Boca Raton conveys the civic site to Palm Beach County prior to platting:

- 1.) 1(a) Title
- 2.) 1(c) Site Condition
- 3.) 3. Environmental Assessment

Once the civic site is platted, B (above), in its entirety, shall no longer be applicable and required of the Property Owner. (ONGOING/PLAT: PROPERTY REAL ESTATE MANAGEMENT - Property Real Estate Management)

SITE DESIGN

1. Further to the issuance of a Certificate of Completion for the new 400 foot Self-Support Communication Tower to be located in the 0.474 Civic Pod in the south-east corner of the PUD, the owner shall remove the existing Communication Tower and any ancillary uses associated with the existing Tower within 180 days. No residential building permits shall be issued within a 270 foot radius of the base of the existing Tower until such time as said Tower has been fully removed and received a Certificate of Completion from Palm Beach County for the removal of the Tower. (ONGOING: MONITORING - Zoning)

2. The Residential Pod in the southeast corner of the PUD must maintain a minimum of 150 feet of Open Space between all residential lots and the Civic Pod. (ONGOING: ZONING - Zoning)

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). (Previous SCHOOL BOARD Condition 1 of Resolution R-2018-1709, Control No.1981-00019)

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. (CO: MONITORING - School Board) (Previous SCHOOL BOARD Condition 2 of Resolution R-2018-1709, Control No.1981-00019)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

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-4: Class A Conditional Use (Boca Raton Golf Course PUD)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 8, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

USE LIMITATIONS

1. Use of the tower shall be limited to communication equipment of Governmental entities only, with private communication equipment being prohibited. Prior to the issuance of a Certificate of Completion, the owner shall record a Restrictive Covenant subject to approval of the Zoning Director and the County Attorney, into the public records of Palm Beach County, Florida, limiting communication equipment that is installed upon the tower to that owned and/or operated by Governmental entities only. (CC/ONGOING: ZONING – Zoning)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

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-5: Type 2 Waivers (Boca Raton Golf Course PUD)

ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 8, 2019. 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)

COMPLIANCE

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

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

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; 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: MONITORING - Zoning)

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-6

Official Zoning Map Amendment (Boca Raton Golf Course Rezoning to PO)

DISCLOSURE

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

Figure 1: Land Use Map

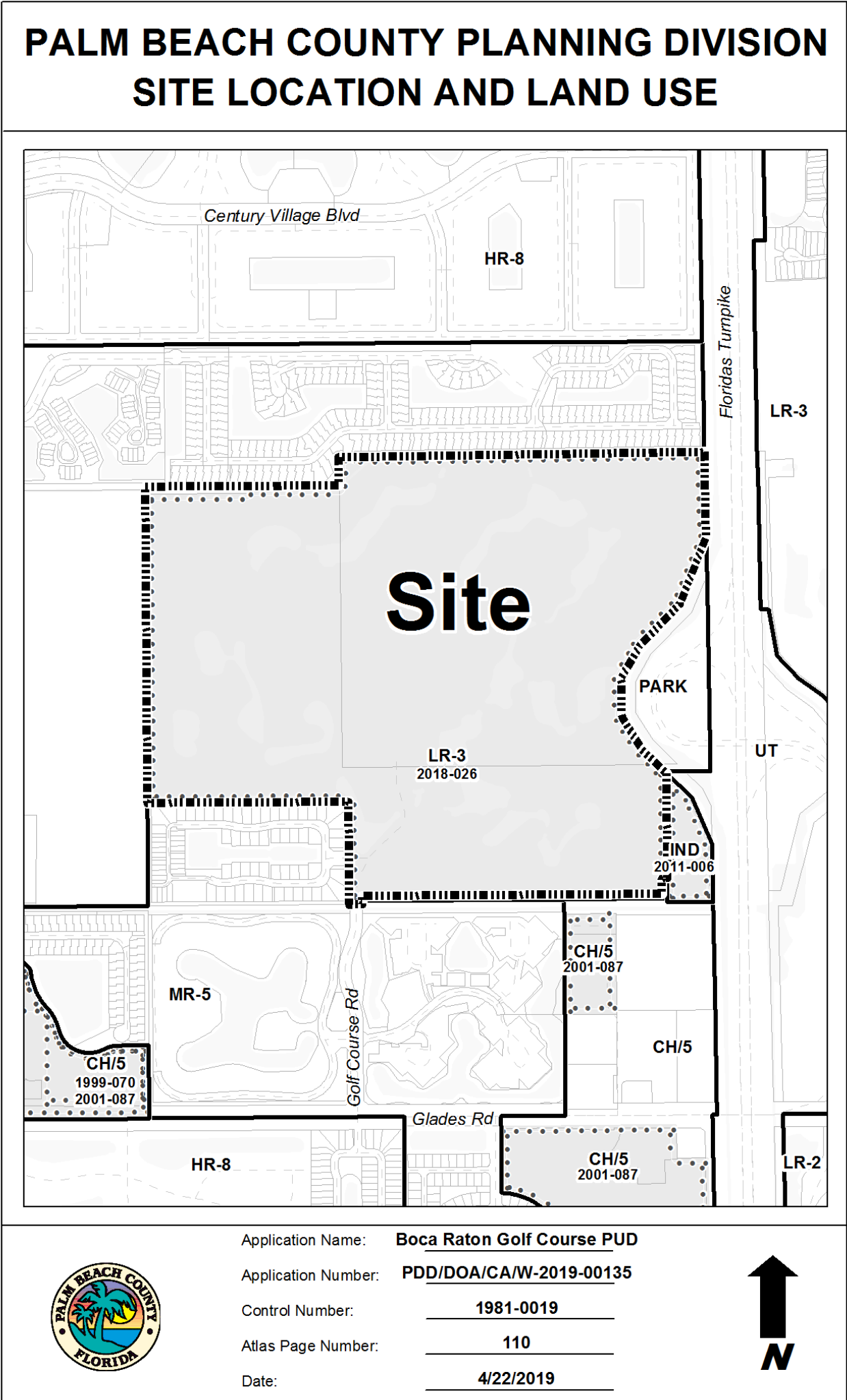


Figure 2: Zoning Map for CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)

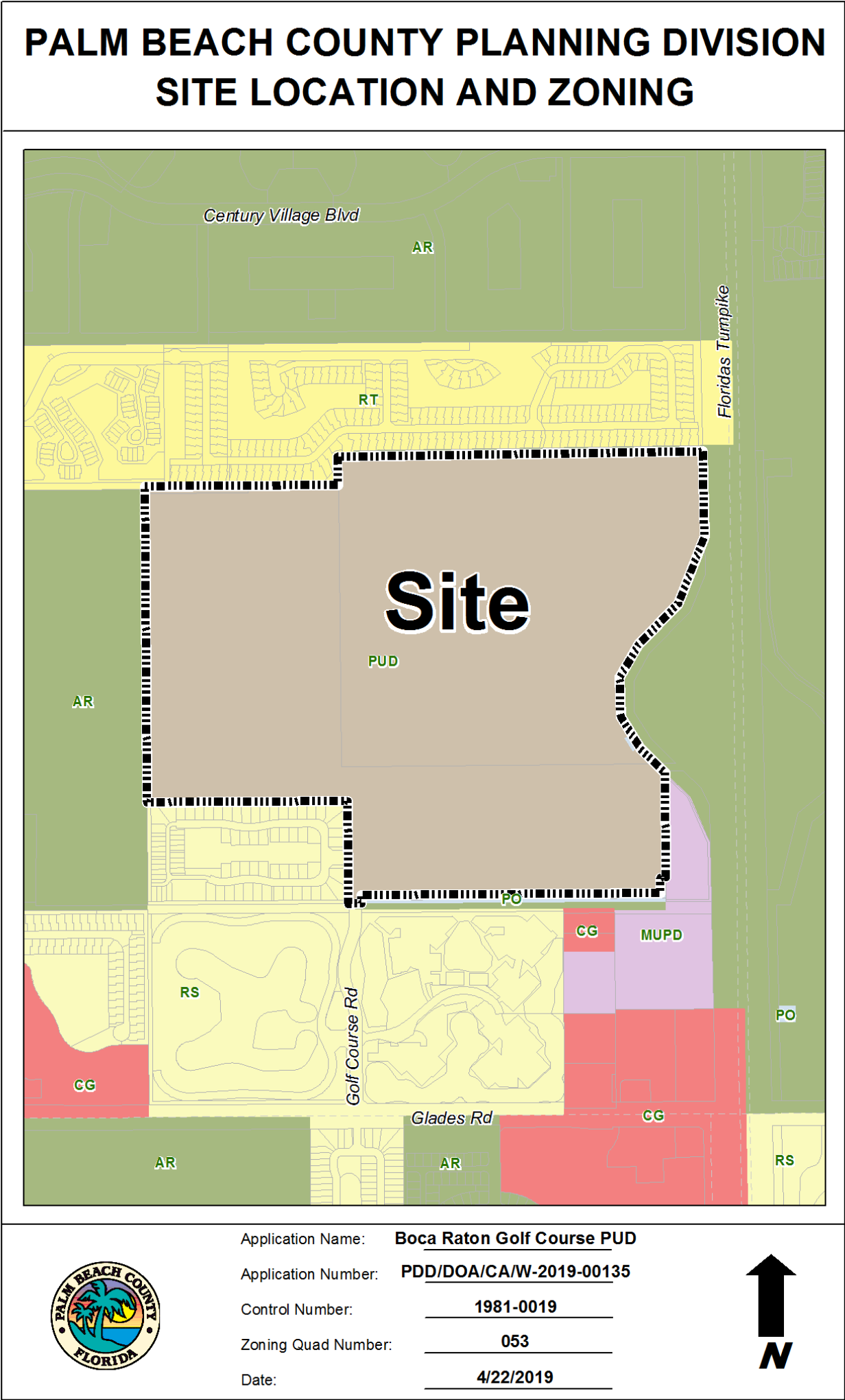


Figure 2. Zoning Map for Z-2019-00758 (Boca Raton Golf Course Rezoning to PO)

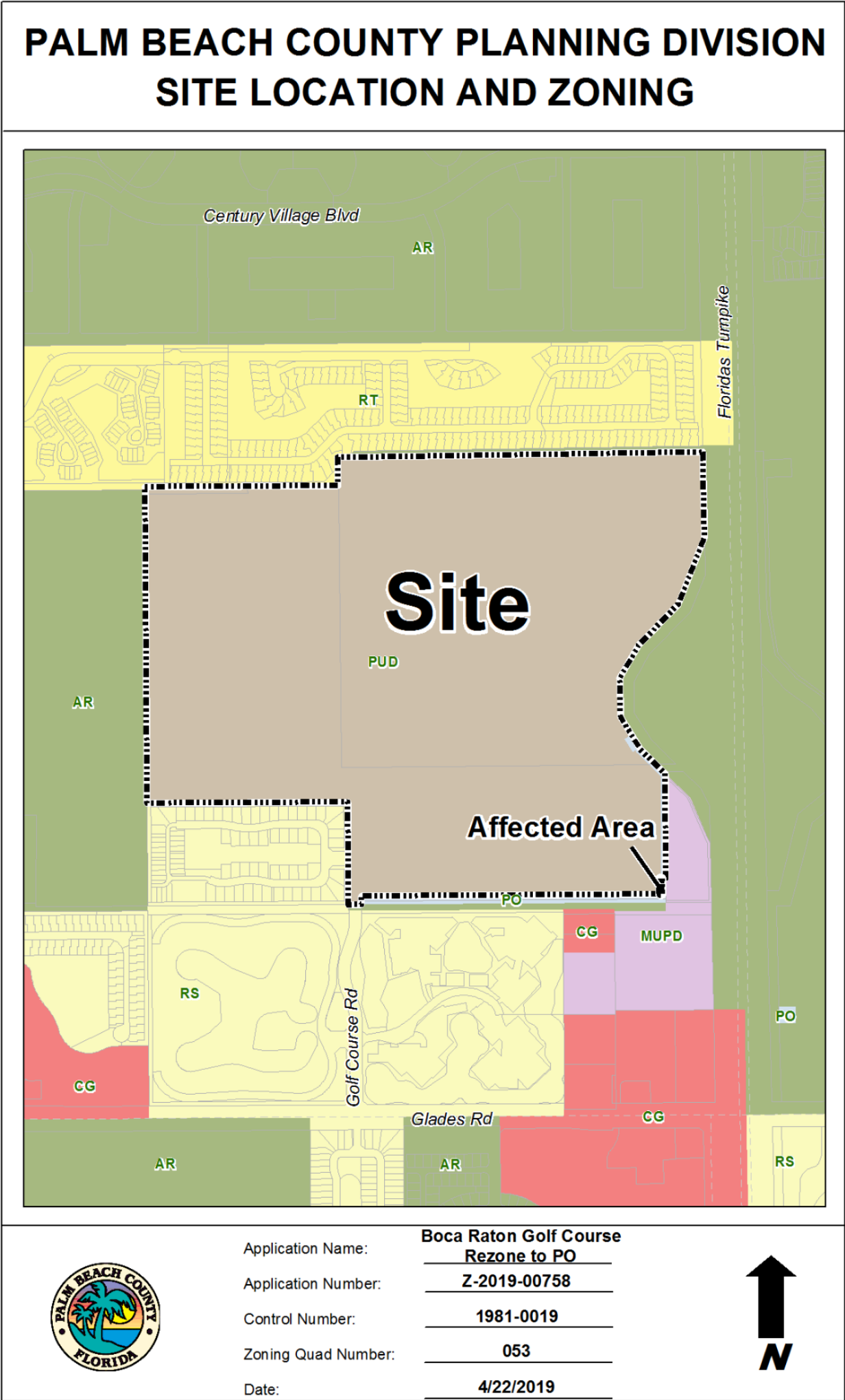
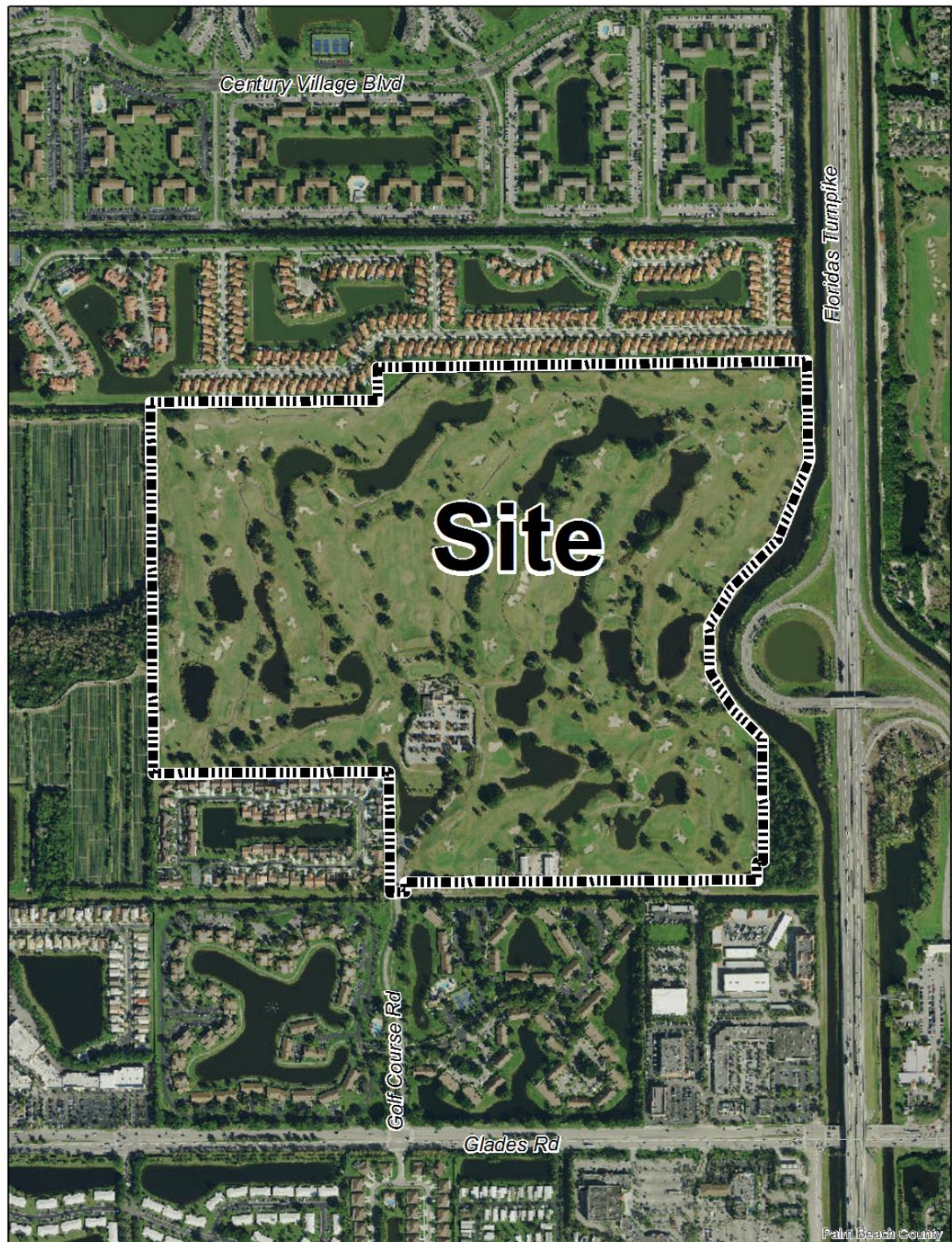
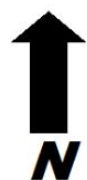


Figure 3: Aerial

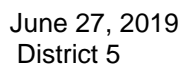
PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	Boca Raton Golf Course PUD
Application Number:	PDD/DOA/CA/W-2019-00135
Control Number:	1981-0019
Atlas Page Number:	110
Date:	4/22/2019



Board of County Commission
ABN/DOA-2019-00101 (Boca Raton Golf Course)
CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)
Z-2019-00758 (Boca Raton Golf Course Rezoning to PO)



Board of County Commission
ABN/DOA-2019-00101 (Boca Raton Golf Course)
CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)
Z-2019-00758 (Boca Raton Golf Course Rezoning to PO)



Board of County Commission
ABN/DOA-2019-00101 (Boca Raton Golf Course)
CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)
Z-2019-00758 (Boca Raton Golf Course Rezoning to PO)



**Figure 6: Preliminary Street Layout Plan dated March 21, 2019
CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)**

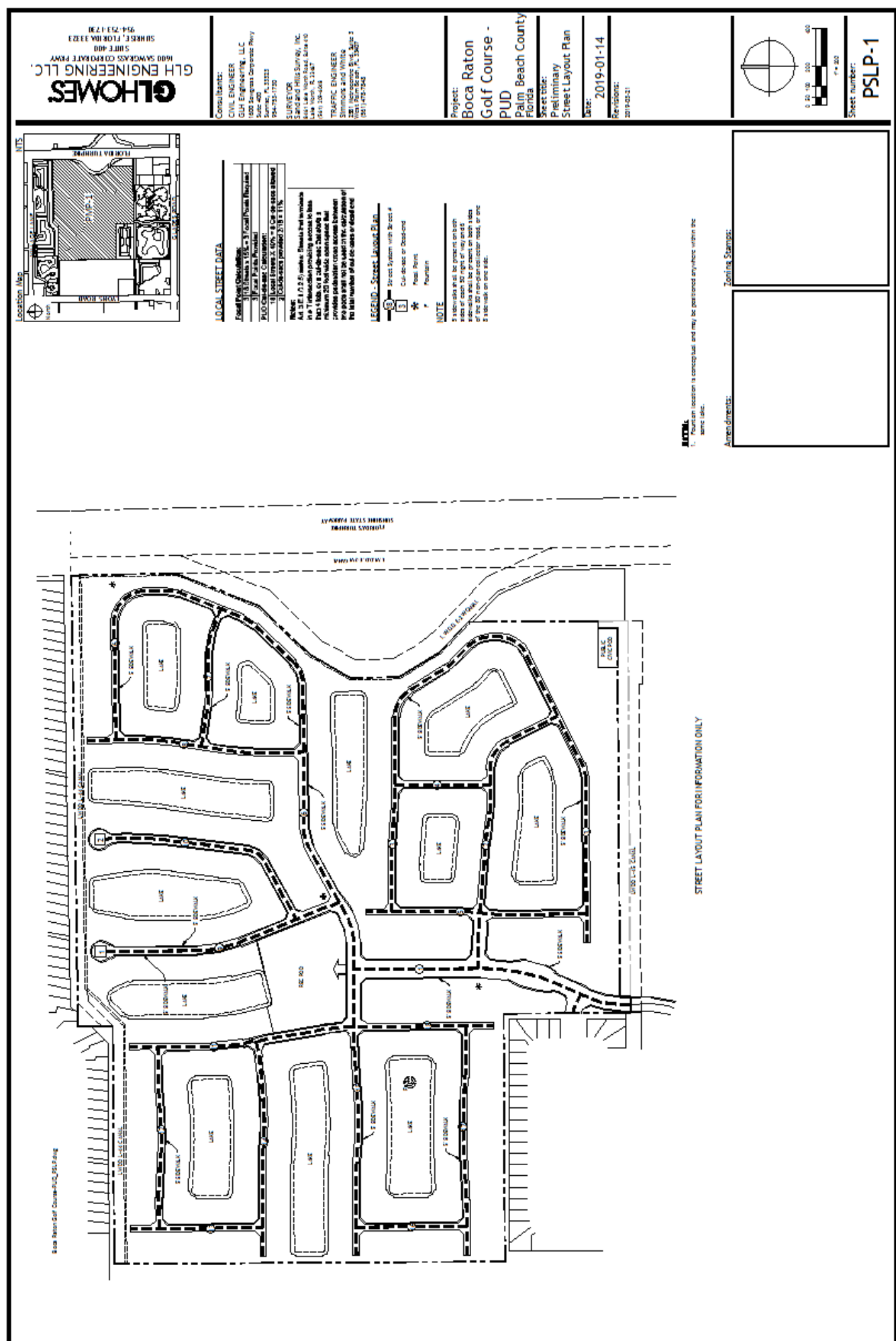
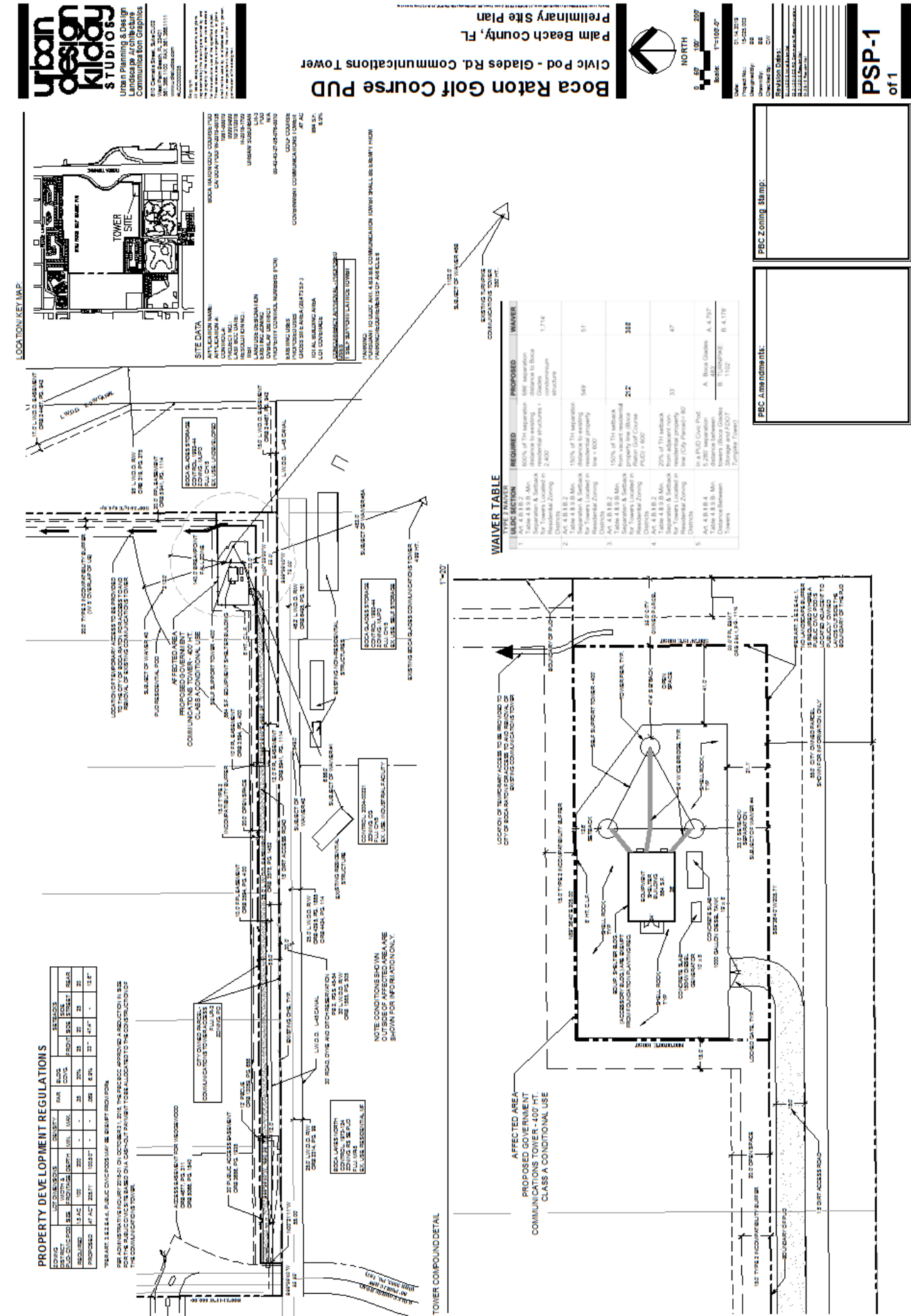


Figure 7: Preliminary Site Plan dated April 8, 2019
CA/DOA/PDD/W-2019-00135 (Boca Raton Golf Course PUD)



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 George S. Brown, 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] Deputy City Manager [position - e.g., president, partner, trustee] of City of Boca Raton [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: 201 W. Palmetto Park Road, Boca Raton, FL 33432
- 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.

George S. Brown

GEORGE S. BROWN, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 5th day of December, 20 18, by George S. Brown, [] who is personally known to me or [x] who has produced _____ as identification and who did take an oath.

Gail M. Medina

Notary Public

GAIL M MEDINA

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 8/1/21



EXHIBIT "A"
PROPERTY

See attached

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

Not applicable (property owner by the City of Boca Raton, a municipal government in the State of Florida.

DESCRIPTION: COMMUNICATIONS AND INGRESS-EGRESS PARCEL

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, ALSO LYING IN TRACTS 30 THROUGH 35, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 30; THENCE N89°36'40"E, ALONG THE SOUTH LINE OF SAID TRACT 30, A DISTANCE OF 25.65 FEET TO THE POINT OF BEGINNING; THENCE N00°21'11"W, ALONG A LINE 25.65 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT 30, A DISTANCE OF 55.00 FEET; THENCE N89°36'40"E, ALONG A LINE 55 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACTS 30 THROUGH 35, A DISTANCE OF 1925.40 FEET; THENCE N00°24'15"W, ALONG A LINE 30 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 35, A DISTANCE OF 762.83 FEET; THENCE N46°04'52"W, ALONG A LINE 30 FEET SOUTHWEST OF AND PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 209.19 FEET; THENCE N32°02'52"W, ALONG A LINE 30 FEET SOUTHWEST OF AND PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 18.69 FEET; THENCE S57°57'08"W, A DISTANCE OF 20.00 FEET; THENCE N32°02'52"W, ALONG A LINE 50.00 FEET SOUTHWEST OF AND PARALLEL WITH THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 100.00 FEET; THENCE N57°57'08"E, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL; THENCE S32°02'52"E, ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 115.00 FEET; THENCE S46°04'52"E, ALONG THE WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2-W CANAL, A DISTANCE OF 218.14 FEET TO A POINT ON THE EAST LINE OF SAID TRACT 35; THENCE S00°24'15"E, ALONG THE EAST LINE OF SAID TRACT 35, ALSO BEING THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, A DISTANCE OF 830.47 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 35; THENCE S89°36'40"W, ALONG THE SOUTH LINE OF SAID TRACTS 30 THROUGH 35, A DISTANCE OF 1955.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.272 ACRES MORE OR LESS.

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of G.L. Acquisitions Corporation, a Florida corporation, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of G.L. Acquisitions Corporation, a Florida corporation (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
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.

N. Maria Menendez
N. Maria Menendez, as the Vice President of G.L.
Acquisitions Corporation, a Florida corporation

The foregoing instrument was acknowledged before me this 19th day of March, 2019, by
N. Maria Menendez, as the Vice President of G.L. Acquisitions Corporation, a Florida
corporation, [X] who is personally known to me or [] who has produced
as identification and who did take an oath.

Rebecca C. Medley
Notary Public
Rebecca C Medley
(Print Notary Name)



NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 5/4/2022

EXHIBIT "A"

PROPERTY

ALL OF TRACTS 1 THROUGH 3, INCLUSIVE, TRACTS 12 THROUGH 17, INCLUSIVE, TRACTS 30 THROUGH 34, INCLUSIVE, A PORTION OF TRACTS 29 AND 35, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, ALL IN BLOCK 76, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 17, ALSO BEING THE NORTHWEST CORNER OF WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 115, SAID PUBLIC RECORDS, THENCE NORTH 00°21'35" WEST, ALONG THE WEST LINE OF SAID TRACTS 3, 12 AND 17 AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 2,031.63 FEET; THENCE NORTH 89°37'44" EAST, ALONG THE NORTH LINE OF SAID BLOCK 76, A DISTANCE OF 1,239.74 FEET; THENCE NORTH 00°54'13" WEST, ALONG THE EAST LINE OF BLOCK 75, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, SAID PUBLIC RECORDS, A DISTANCE OF 179.93 FEET TO NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 89°08'08" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2,347.82 FEET; THENCE SOUTH 01°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 319, PAGE 275, SAID PUBLIC RECORDS, A DISTANCE OF 545.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 25558, PAGE 1167, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES, SOUTH 21°25'08" WEST, A DISTANCE OF 463.58 FEET; THENCE SOUTH 43°55'08" WEST, A DISTANCE OF 367.79 FEET; THENCE SOUTH 29°53'08" WEST, A DISTANCE OF 239.99 FEET; THENCE SOUTH 01°04'52" EAST, A DISTANCE OF 255.40 FEET; THENCE SOUTH 32°02'52" EAST, A DISTANCE OF 243.71 FEET; THENCE SOUTH 46°04'52" EAST, A DISTANCE OF 218.14 FEET; THENCE ALONG THE EAST LINE OF SAID TRACT 35, BLOCK 76, ALSO BEING THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, SOUTH 00°24'15" EAST, A DISTANCE OF 674.97 FEET; THENCE SOUTH 89°36'40" WEST, 35.00 FEET; THENCE SOUTH 00°24'15" EAST ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH SAID EAST LINE OF TRACT 35, A DISTANCE OF 100.50 FEET; THENCE SOUTH 89°36'40" WEST, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF TRACTS 30 THROUGH 35, INCLUSIVE, SAID BLOCK 76, A DISTANCE OF 1920.40 FEET; THENCE SOUTH 00°21'11" EAST, ALONG A LINE 85.65 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 55.00 FEET; THENCE SOUTH 89°36'40" WEST, ALONG THE SOUTH LINE OF SAID TRACTS 29 AND 30, A DISTANCE OF 85.65 FEET; THENCE NORTH 00°21'11" WEST, ALONG THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 660.00 FEET; THENCE SOUTH 89°41'19"

WEST, ALONG THE NORTH LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 1,290.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 193.510 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

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

Revised 08/25/2011
Web Format 2011

FURTHER AFFIANT SAYETH NAUGHT.

for Audrey Wolf

Audrey Wolf, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this ____ day of March
2019, by Audrey Wolf, [☒] who is personally
known to me or [☐] who has produced r/a
as identification and who did take an oath.

Shawn A. Bobo
Notary PublicShawn A. Bobo
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

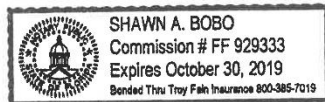
My Commission Expires: 10/30/19

EXHIBIT "A"
PROPERTY

DESCRIPTION: PALM BEACH COUNTY CIVIC SITE

BEING A PORTION OF TRACT 35, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 30; THENCE N89°36'40"E, ALONG THE SOUTH LINE OF TRACTS 30 THROUGH 35, SAID BLOCK 76, A DISTANCE OF 1740.38 FEET; THENCE N00°23'20"W, A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING; THENCE N00°00'00"E, A DISTANCE OF 100.50 FEET; THENCE N89°36'40"E, ALONG A LINE 155.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 35, A DISTANCE OF 205.00 FEET; THENCE S00°24'15"E ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 35, A DISTANCE OF 100.50 FEET; THENCE S89°36'40"W ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 35, A DISTANCE OF 205.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.474 ACRES MORE OR LESS.

Disclosure of Beneficial Interest - Applicant form
Page 3 of 4

Revised 08/25/2011
Web Format 2011

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Not applicable	

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
George S. Brown, 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 ☒ Deputy City Manager *[position - e.g.,
president, partner, trustee]* of City of Boca Raton *[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: 201 West Palmetto Park Road
Boca Raton, FL 33432
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.

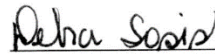
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

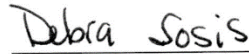


George S. Brown, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of march, 2019, by George S. Brown, M 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: may 4, 2022

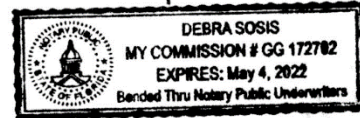


EXHIBIT "A"
PROPERTY

<p>LEGAL DESCRIPTION</p> <p>ALL OF TRACTS 1 THROUGH 3, INCLUSIVE, TRACTS 12 THROUGH 17, INCLUSIVE, TRACTS 30 THROUGH 34, INCLUSIVE, A PORTION OF TRACTS 29 AND 35, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, ALL IN BLOCK 76, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:</p> <p>BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 17, ALSO BEING THE NORTHWEST CORNER OF WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 115, SAID PUBLIC RECORDS, THENCE NORTH 00°21'35" WEST, ALONG THE WEST LINE OF SAID TRACTS 3, 12 AND 17 AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 2,031.63 FEET; THENCE NORTH 89°37'44" EAST, ALONG THE NORTH LINE OF A SAID BLOCK 76, A DISTANCE OF 1,239.74 FEET TO A POINT HEREINAFTER TO BE KNOWN AS POINT "A" FOR FUTURE REFERENCE; THENCE NORTH 00°54'13" WEST, ALONG THE EAST LINE OF SAID BLOCK 75, A DISTANCE OF 179.93 FEET TO NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 89°08'08" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2,347.82 FEET; THENCE SOUTH 01°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 319, PAGE 275, SAID PUBLIC RECORDS, A DISTANCE OF 545.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 25558, PAGE 1167, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX DESCRIBED COURSES, SOUTH 21°25'08" WEST, A DISTANCE OF 463.58 FEET; THENCE SOUTH 43°55'08" WEST, A DISTANCE OF 367.79 FEET; THENCE SOUTH 29°53'08" WEST, A DISTANCE OF 239.99 FEET; THENCE SOUTH 01°04'52" EAST, A DISTANCE OF 255.40 FEET; THENCE SOUTH 32°02'52" EAST, A DISTANCE OF 243.71 FEET; THENCE SOUTH 46°04'52" EAST, A DISTANCE OF 218.14 FEET; THENCE ALONG THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, ALSO BEING THE EAST LINE OF SAID TRACT 35, BLOCK 76, SOUTH 00°24'15" EAST, A DISTANCE OF 830.47 FEET; THENCE SOUTH 89°36'40" WEST, ALONG THE SOUTH LINE OF TRACTS 29 THROUGH 35, SAID BLOCK 76, A DISTANCE OF 2,041.10 FEET TO THE SOUTHEAST CORNER OF SAID WEDGEWOOD ESTATES; THENCE NORTH 00°21 '11" WEST, ALONG THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 660.00 FEET; THENCE SOUTH 89°41'19" WEST, ALONG THE NORTH LINE OF SAID WEDGEWOOD ESTATIES, A DISTANCE OF 1,290.00 FEET TO THE POINT OF BEGINNING;</p> <p>LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:</p> <p>COMMENCE AT AFOREMENTIONED POINT "A"; THENCE SOUTH 00°54'13" EAST, ALONG THE EAST LINE OF SAID BLOCK 76, A DISTANCE OF 25.00 FEET; THENCE, CONTINUE ALONG SAID EAST LINE, SOUTH 00°54'13" EAST, A DISTANCE OF 30.00 FEET; SOUTH 89°37'44" WEST, A DISTANCE OF 19.95 FEET; THENCE NORTH 00°57'40" WEST ALONG THE EAST LINE OF SAID TRACT 1, BLOCK 76, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°37'44" EAST, A DISTANCE OF 19.98 FEET TO THE POINT OF BEGINNING CONTAINING 196.046 ACRES, MORE OR LESS.</p>
--

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
Not applicable	

Exhibit D: Disclosure for Z-2019-00758 (Boca Raton Golf Course Rezoning to PO)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

STATE OF FLORIDA
COUNTY OF BROWARD

BEFORE ME, the undersigned authority, this day personally appeared N. Maria Menendez, hereinafter referred to as "Affiant," as the Vice President of G.L. Acquisitions Corporation, a Florida corporation, who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Vice President of G.L. Acquisitions Corporation, a Florida corporation (the "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for the real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
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.

N. Maria Menendez
 N. Maria Menendez, as the Vice President of G.L. Acquisitions Corporation, a Florida corporation

The foregoing instrument was acknowledged before me this 19th day of March, 2019, by N. Maria Menendez, as the Vice President of G.L. Acquisitions Corporation, a Florida corporation, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Rebecca C. Medley
 Notary Public
Rebecca C Medley
 (Print Notary Name)



NOTARY PUBLIC
 State of Florida at Large
 My Commission Expires: 5/4/2022

EXHIBIT “A”
PROPERTY

DESCRIPTION: REZONE TO PO

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, AND PORTION OF TRACT 35, BLOCK 76, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID TRACT 35; THENCE N00°24'15"W ALONG THE EAST LINE OF SAID TRACT 35, ALSO BEING THE WEST LINE AND THE SOUTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, A DISTANCE OF 55.00 FEET; THENCE S89°36'40"W, ALONG A LINE 55.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID TRACT 35, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S89°36'40"W, ALONG SAID PARALLEL LINE, A DISTANCE OF 5.00 FEET; THENCE N00°24'15"W, ALONG A LINE 35.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 35, A DISTANCE OF 100.50 FEET; THENCE N89°36'40"E, A DISTANCE OF 5.00 FEET; THENCE S00°24'15"E, ALONG A LINE 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID TRACT 35, A DISTANCE OF 100.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.012 ACRES MORE OR LESS.

Disclosure of Beneficial Interest - Applicant form
Page 3 of 4

Revised 08/25/2011
Web Format 2011

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

1. Itzhak Ezratti, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
2. Maya Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
3. Misha Ezratti, individually and/or through trusts for his interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.
4. Maxie Ezratti, individually and/or through trusts for her interests, having an address of 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida 33323.

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
George S. Brown, 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 ☒ Deputy City Manager *[position - e.g.,
president, partner, trustee]* of City of Boca Raton *[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: 201 West Palmetto Park Road
Boca Raton, FL 33432
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.

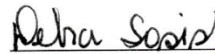
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

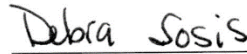


George S. Brown, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of march, 2019, by George S. Brown, [M] 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: May 4, 2022

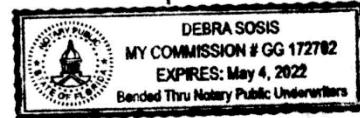


EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION
ALL OF TRACTS 1 THROUGH 3, INCLUSIVE, TRACTS 12 THROUGH 17, INCLUSIVE, TRACTS 30 THROUGH 34, INCLUSIVE, A PORTION OF TRACTS 29 AND 35, AND A PORTION OF ROAD, DYKE AND DITCH RESERVATIONS, ALL IN BLOCK 76, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA AND A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 17, ALSO BEING THE NORTHWEST CORNER OF WEDGEWOOD ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 115, SAID PUBLIC RECORDS, THENCE NORTH 00°21'35" WEST, ALONG THE WEST LINE OF SAID TRACTS 3, 12 AND 17 AND THEIR NORTHERLY EXTENSION, A DISTANCE OF 2,031.63 FEET; THENCE NORTH 89°37'44" EAST, ALONG THE NORTH LINE OF A SAID BLOCK 76, A DISTANCE OF 1,239.74 FEET TO A POINT HEREINAFTER TO BE KNOWN AS POINT "A" FOR FUTURE REFERENCE; THENCE NORTH 00°54'13" WEST, ALONG THE EAST LINE OF SAID BLOCK 75, A DISTANCE OF 179.93 FEET TO NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 89°08'08" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 17, A DISTANCE OF 2,347.82 FEET; THENCE SOUTH 01°04'52" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 319, PAGE 275, SAID PUBLIC RECORDS, A DISTANCE OF 545.91 FEET; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2W CANAL AS DESCRIBED IN OFFICIAL RECORDS BOOK 25558, PAGE 1167, SAID PUBLIC RECORDS, FOR THE FOLLOWING SIX DESCRIBED COURSES, SOUTH 21°25'08" WEST, A DISTANCE OF 463.58 FEET; THENCE SOUTH 43°55'08" WEST, A DISTANCE OF 367.79 FEET; THENCE SOUTH 29°53'08" WEST, A DISTANCE OF 239.99 FEET; THENCE SOUTH 01°04'52" EAST, A DISTANCE OF 255.40 FEET; THENCE SOUTH 32°02'52" EAST, A DISTANCE OF 243.71 FEET; THENCE SOUTH 46°04'52" EAST, A DISTANCE OF 218.14 FEET; THENCE ALONG THE WEST LINE AND THE NORTHERLY EXTENSION THEREOF, OF GLADES ROAD SELF STORAGE, MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 122, PAGES 114 THROUGH 115, SAID PUBLIC RECORDS, ALSO BEING THE EAST LINE OF SAID TRACT 35, BLOCK 76, SOUTH 00°24'15" EAST, A DISTANCE OF 830.47 FEET; THENCE SOUTH 89°36'40" WEST, ALONG THE SOUTH LINE OF TRACTS 29 THROUGH 35, SAID BLOCK 76, A DISTANCE OF 2,041.10 FEET TO THE SOUTHEAST CORNER OF SAID WEDGEWOOD ESTATES; THENCE NORTH 00°21 '11" WEST, ALONG THE EAST LINE OF SAID WEDGEWOOD ESTATES, A DISTANCE OF 660.00 FEET; THENCE SOUTH 89°41'19" WEST, ALONG THE NORTH LINE OF SAID WEDGEWOOD ESTATIES, A DISTANCE OF 1,290.00 FEET TO THE POINT OF BEGINNING;

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT AFOREMENTIONED POINT "A"; THENCE SOUTH 00°54'13" EAST, ALONG THE EAST LINE OF SAID BLOCK 76, A DISTANCE OF 25.00 FEET; THENCE, CONTINUE ALONG SAID EAST LINE, SOUTH 00°54'13" EAST, A DISTANCE OF 30.00 FEET; SOUTH 89°37'44" WEST, A DISTANCE OF 19.95 FEET; THENCE NORTH 00°57'40" WEST ALONG THE EAST LINE OF SAID TRACT 1, BLOCK 76, A DISTANCE OF 30.00 FEET; THENCE NORTH 89°37'44" EAST, A DISTANCE OF 19.98 FEET TO THE POINT OF BEGINNING CONTAINING 196.046 ACRES, MORE OR LESS.

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
Not applicable	

JUSTIFICATION STATEMENT

BOCA RATON GOLF COURSE PUD

(Boca Raton Golf Course PUD

Public Civic Pod – Glades Road Tower)

Class A Conditional Use

Concurrent Type 2 Waivers

Control Number: 1981-00019

PBC App.#: CA/DOA/PDD/W-2019-00135

January 14, 2019

Revised March 21, 2019



Urban Planning and Design
Landscape Architecture
Communication Graphics

OVERVIEW OF REQUESTS & PROJECT INTRODUCTION

On behalf of the contract purchaser, G.L. Acquisitions Corporation (GL) and applicant, Palm Beach County (PBC), a political subdivision of the State of Florida, Palm Beach County Facilities Development & Operations Department (FDO) as agent, hereby respectfully submits this application for approval of a Class A Conditional Use for a 400' height Self Support / Lattice Communications Tower (Government-owned tower providing for governmental services) with concurrent Type 2 Waivers. The Glades Road Tower (Tower) is proposed to be located within the Public Civic Pod of the Boca Raton Golf Course Planned Unit Development (PUD). This request is concurrent with, and part of, the requests for Rezoning and a Development Order Amendment filed by GL for the PUD to add land area with rezoning of same to PUD, and to reconfigure the Master Plan.

More specifically the Applicant is requesting the following:

- Approval of a Class A Conditional Use for a 400' Self Support Communication Tower (Government-owned tower providing for governmental services).
- Approval of five (5) Type 2 Tower Waivers from Article 4, Table 4.B.9.B. - Minimum Separation and Setbacks for Towers Located in Residential Zoning Districts and Table 4.B.9.B - Distance Between Towers to:
 - allow a reduction of the required 2,400-foot [600% of Tower Height (TH)] separation distance between the proposed Tower and nearest existing residential structure.
 - allow a reduction of the required 600-foot (150% of TH) setback between the proposed Tower and the property line of nearest adjacent existing residential property.
 - allow a reduction of the required 600-foot (150% of TH) separation distance between the proposed Tower and vacant residential property line.
 - allow a reduction of the required 80-foot (20% of TH) setback between the proposed Tower and adjacent non-residential property line
 - allow a reduction of the required 5,280-foot separation distance between the proposed Tower and two (2) other existing communication towers in proximity

The Boca Raton Golf Course PUD site is owned by the City of Boca Raton; however, the majority of the site is currently under contract for sale with GL. It consists of two (2) property control numbers (00-42-43-27-05-076-0010 and 00-42-47-17-00-000-1010) and is generally located approximately 1,220 feet north of Glades Road on the west side of Florida's Turnpike, with access provided from Golf Course Road.

On October 31, 2018, GL, as the Applicant, was granted approval by the Board of County Commission (BCC) via Resolution R-2018-1709 to rezone the entire site to the residential PUD zoning district (ABN/ZV/PDD/W-2018-00775). As part of that approval, the approval provided for a 0.286-acre (~0.29 acre) Public Civic Pod site located at the southeast portion of the PUD. Per Administrative Inquiry 2018-01, the BCC concurrently approved a reduction in size for the Public Civic Site in conjunction with a cash-out by the developer. This site is the subject of this Class A Conditional Use request. Since that approval, the applicant has worked with PBC and City of Boca Raton representatives to collaboratively design their various holdings, and as a result, increased the Public Civic Pod site area to 0.474 acres in total.

For other prior related approvals, please refer to the separate Justification Statement submitted for the companion Rezoning and DOA application.

The PUD site is located in the unincorporated area of PBC, situated in the Urban/Suburban Tier and is within the County's Urban Service Area and more specifically at 8111 Golf Course Road, Boca Raton, FL 33434. The PUD site is not located in any neighborhood planned area, or Redevelopment or Countywide Community Revitalization Team (CCRT) area. The overall community has a Future Land Use designation of Low Residential with three dwelling units to the acre (LR-3) and a PUD Zoning district designation.

There currently exists adjacent and east of the PUD site a 180' communication tower owned by the City of Boca Raton (City). The City recently gained approval of a Class A Conditional Use from the BCC on October 31, 2018, to replace the existing tower with a new tower of equivalent height (CA/ABMZIW-2018-0930 *Boca Raton Cell Tower*). Since that time, and through continued discussions with PBC and City representatives, it has been determined that the City and PBC can collocate on a new Tower that is the subject of this request, and the recent approvals gained by the City will subsequently be abandoned in accordance with a PREM condition of approval for that tower. This approach is also consistent with Table 4.B.9.B., Providers by Tower Type, which require a minimum of two (2) providers for all Monopole, Self Support/Lattice and Guyed tower types.

Palm Beach County, the City of Boca Raton, and the contract purchaser, GL Acquisitions Corporation are all working closely together to facilitate the proposed tower. The intent would be for the City's existing tower to be removed as soon as possible once their equipment is installed on the new tower that is the subject of this application and following issuance of a Certificate of Completion for the tower; all of which is being planned to occur prior to commencement of any residential construction in proximity that would impede access and/or the physical ability to accomplish both tower construction and removal. With the reconfiguration of the Public Civic Pod site and City property, the eastern and southern boundaries of the Pod are contiguous to the City parcel. Per Article 3.E.2.E.4.c.1) perimeter landscape buffers are not required when a Public Civic Pod is located adjacent to publicly owned lands. The perimeter buffers for the PUD have been eliminated along these boundaries of the Pod. Fifteen (15) foot Type 2 Incompatibility

Buffers are proposed to be located along the western and northern boundaries of the Public Civic Pod site, internal to the PUD. A 20' Type 3 Incompatibility Buffer is proposed along the eastern boundary of the PUD north of the Public Civic Pod and is proposed to be installed once the City's existing Tower is removed. It is the PUD developer's intent to install the eastern perimeter buffer as soon as the removal of the existing tower has been completed to establish a buffer along Florida's Turnpike as quickly as possible.

The proposed Tower will serve governmental entities only for communications purposes, primarily PBC and the City of Boca Raton. Federal and State agencies, as well as any other partner agency with an interoperability agreement with PBC or equivalent arrangement, may also collocate on the tower. There will be no commercial cellular providers on the Tower.

The site of the existing City owned communication Tower is also part of the concurrent Development Order Amendment (DOA) request as it will be rezoned to PUD and added to the overall land area of the PUD. Once the new Tower is constructed, the existing City Tower will be removed following completion of construction of the new tower. Please see separate Justification Statement submitted for the concurrent Rezoning and DOA.

APPROPRIATENESS OF USE

The use and location of this property for a 400' Self Support/Lattice Communication Tower has been previously discussed by PBC FDO and the City of Boca Raton, who have determined the site to be an appropriate site for the proposed collocation of the associated governmental emergency and other communication needs and services for this area/region. Whereas coverage area and communication equipment height are proportional, the coverage area to be reached and served by the County requires a tower of 400' in height to properly elevate County equipment. The proposed tower will serve multiple Palm Beach County agencies (PBCSO, Fire Rescue, FDO, WUD, Parks, etc.). Other towers within the PBC communication tower grid are constructed at the same height of 400'. Areas of the tower at lesser heights will serve the City and remain available to accommodate other governmental communication needs. Therefore, approval of this request allows the existing City owned and operated communication tower to be abandoned as noted above, removed, and the lands brought into the Boca Raton Golf Course PUD, as a single tower can fulfill the needs of both government entities and potentially others. The requested Tower will be erected in the general vicinity of the existing City Tower within the Public Civic Pod of the PUD, which was strategically located and designed for this specific purpose, as demonstrated by the aforementioned Administrative Inquiry.

Per Article 4, Table 4.B.9.A, Self Support/Lattice Towers in excess of 250' are not permitted in the Public Civic Pod of a PUD. However, Article 5.B.1.A.14. Government Owned Towers, and specifically Table 5.B.1.A, New, Modified or Relocated Government Towers Not Subject to an Emergency, allows that government agencies looking to locate towers in prohibited zoning districts per Table 4.B.9.A, Commercial Communication Towers, may request BCC approval of the tower in said prohibited district as a Class A Conditional Use.

Notably, the BCC considered this site during their review of the initial PUD on October 31, 2018. Concurrent with the PUD approval to create the Public Civic Pod, and as previously indicated, the BCC heard Administrative Inquiry 2018-01 and approved the reduction in size of the Public Civic Pod from 3.86 acres to the proposed 0.29-acre site, which has since been increased to .474 acres in total, for the specific purpose of accommodating the subject tower. Thus, the BCC

considered that a +500' Tower could be generally appropriate in this location in order to address existing and future local/regional needs for government communications.

SURROUNDING USES

The surrounding uses to the Public Civic Pod within the PUD and the proposed Tower location include the following:

North

- **Boca Raton Golf Course PUD**
FLU Designation: LR-3
Zoning District: PUD
Supporting: Subject PUD recently approved for Residential use (Control No. 1981-00019 / Resolution R-2018-1708, 1709, and 1710)

South

- **Boca Glades Storage**
FLU Designation: Commercial High/5 dwelling units per acre
Zoning District: Multiple Use Planned Development (MUPD)
Supporting: Warehouse Storage & Commercial Communication Tower (Control No. 1992-00044/ Resolution R-2011-0426/0427)

East

- **Boca Glades Storage**
FLU Designation: CH/5
Zoning District: MUPD
Supporting: Undeveloped Land (Control No. 1992-00044/Resolution R-2011-0426/0427)
- **Lake Worth Drainage District 17' EASEMENT ORB. 24467, PG 942**
- **Florida Turnpike**
FLU Designation: Agricultural Residential (AR)
Zoning District: Utilities and Transportation (UT)

West

- **Boca Raton Golf Course PUD**
FLU Designation: LR-3
Zoning District: PUD
Supporting: Subject PUD recently approved for Residential use (Control No. 1981-00019 / Resolution R-2018-1708, 1709, and 1710)

SITE DESIGN

The Public Civic Pod is located at the southeast section of the PUD. The applicant is proposing to construct on site a 400-foot Self Support Communication Tower with an associated 24' by 36' equipment shelter building, 10' by 5' concrete slab (generator), and 19' by 8' concrete slab (fuel tank). An 8' high chain link fence with 20' locked and gated access on the south is also proposed to be placed within the boundaries of the Public Civic Pod for security. Any additional infrastructure to support future government communication equipment, or further refinements other than to the maximum tower height, would be addressed administratively.

Access from Glades Road to the site is provided via Golf Course Road. From Golf Course Road, the site is accessed from a 55' wide parcel owned by the City of Boca Raton that is contiguous to the southern and eastern boundary of the Public Civic Pod and PUD. Within the 55' wide parcel is a 25' Lake Worth Drainage District right-of-way (ORB 3578, Page 1452) and a 10' FPL Esmt (ORB 3594, Page 400). A stabilized 15' wide dirt driveway will be constructed by GL within the northern portion of the parcel from Golf Course Road to the Public Civic Pod. Access to the Public Civic Pod will be provided directly from the City owned parcel. This is generally the same access configuration approved by the BCC for the replacement City Tower. Per Art. 4.B.9.H.2. the BCC may approve modified criteria for government towers.

Per Article 3.E.2.E.4.d., which states, "*The PDRs for a civic pod shall be in accordance with Table 3.E.2.D, PUD Property Development Regulations. Public civic pods may be exempt from Table 3.E.2.D, PUD Property Development Regulations, by the DRO if the PDRs hinder the proper functioning of the intended civic use.*" The Applicant has designed the site for compliance with the ULDC where possible, however variations from the PDRs are necessary for the property to function as intended for the Tower use. As stated above, the BCC already took action to reduce the size of the Public Civic Pod. The PDR Table on the Preliminary Site Plan indicates the proposed PDRs.

The proposed placement of the Tower requires five (5) waivers from the separation and setback requirements to adjacent existing and proposed uses, as well as other existing communication towers in the area. The ULDC allows for these waivers to be considered by the BCC. The Applicant believes that based on the more recently approved communication tower for the City of Boca Raton and the proposed collocation of the City and PBC on the proposed Tower, as well as the character established by the other existing towers in the vicinity and public health, safety, and welfare benefits derived by the proposed Tower, that the waivers being requested are appropriate and consistent with prior approvals and necessary for the proposed Tower. The design of the Preliminary Master Plan and location of the Public Civic Pod provide for the required separation between the proposed tower and the closest proposed residential lots in compliance with the established breakpoint fall zone of 140'.

LANDSCAPE/SCREENING

In accordance with Article 3.E.2.E.4.c.1), Public Civic Pods located adjacent to publicly owned lands may reduce or eliminate the required landscape buffers along the common boundary on both properties. In this case, the Public Civic Pod is adjacent to property owned by the City of Boca Raton and zoned PO that will provide access to the Pod for the shared tower. This provision is allowed subject to: 1) a minimum 5' setback is provided for all permanent structures and 2) remaining setbacks for the Public Civic Pod comply with those setbacks provided for in Table 3.E.2.D. The applicant is meeting both of the criterion. No permanent structures are located within 5' of the Pod boundary and per Art. 3.E.2.E.4.D Public Civic Pods are exempt from the property development regulations in Table 3.E.2.D. However, setbacks of no less than 12.6' for the tower structure from the Public Civic Pod boundaries are provided.

Based on the above code allowance, the applicant has reconfigured the Public Civic Pod boundary, increasing its size to 0.474 acres, to extend to the eastern and southern PUD boundary. This allows the Public Civic Pod to share those boundaries with the adjacent City of Boca Raton publicly owned property that will be used for access, therefore negating the need for an access easement and eliminating any tracts that would have been the responsibility of the

future home owners association (HOA) to maintain. Applicant is proposing to provide for 15' Type 2 Incompatibility Buffers along the western and northern limits of the Public Civic Pod site. This will provide screening to the future residents within the PUD development as well as eliminate possible maintenance issues for the future HOA of any perimeter buffer areas south or east of the tower site.

Article 4.B.9.B.7.b.3).b), states that any tower located more than 50' from residential is required a 10' wide Type 1 Incompatibility Buffer with one (1) tree 20' on center, a 6' opaque barrier, and a row of shrubs. However, Article 4.B.9.B.7.b – Landscape, states, *"The landscape and buffer standards provided below shall be required around the perimeter of the tower, accessory structures, and guy anchors, unless waived as provided herein. These standards may be waived by the Zoning Director, unless otherwise required by the BCC or ZC when the proposed landscaping would not be visible from adjacent lots or streets."*

Based on the reconfiguration of the Public Civic Pod site boundaries from that shown on the current approved PUD Master Plan, and the proposed placement of a 15' Type 2 Incompatibility Buffer adjacent to the western and northern boundaries of the Public Civic Pod, the applicant believes that the intent of this requirement is being achieved and has submitted a request to the Zoning Director to eliminate the required 10' wide Type 1 Incompatibility Buffer within the Public Civic Site. In a letter dated February 14, 2019, the Applicant has submitted a formal request to the Zoning Director to review, and if found appropriate, to waive the requirement for the 10' wide Type 1 Incompatibility Buffer required. This request to waive the requirement is justified by the strategic positioning of the Public Civic Pod, its surroundings and the landscape program proposed by the contract purchaser and developer, GL Acquisitions, to provide for the Type 2 Incompatibility Buffer and additional open space and planting area to the north and west of the Public Civic Pod as show on the Preliminary Master Plan. The proposed 15' Type 2 Incompatibility Buffers adjacent to the Public Civic Pod negate the need for a 10' wide Type 1 Incompatibility Buffer on site as duplicate buffering will be redundant and ineffective as to the intent of the ULDC. Additionally, eliminating the duplicative buffers will minimize the expenditure of public resources for landscape maintenance, restoration, and repairs. The proposed 15' Type 2 Incompatibility buffers are in excess of the requirements of Article 4.B.9.B.7.b.4).

The Applicant will provide for an 8' height fence along the limits of improvements within the Public Civic Pod to meet the code requirement for communication tower facilities.

The Applicant notes that Article 7.C.3 - Interior Landscape, calculates interior planting based on pervious area and vehicular use areas. Due to the nature of this site and it use, there are no pervious areas proposed as the site will be of a shell rock/gravel base and no defined vehicular use areas are provided. Therefore, no interior plantings are required nor proposed for those same practical reasons cited above. Additionally, the proposed equipment shelter building and other ancillary equipment to the tower are exempt from foundation planting per Art. 7.C.3.B.2.e. as an accessory building/use/structure.

PARKING

Per Article 4.B.9.B.5, communication towers are exempt from parking requirements of Article 6.

CONCURRENT TYPE 2 WAIVERS

As noted above, the applicant is requesting waivers related to the required setbacks and separation distances to surrounding buildings, property boundaries and towers in proximity. These waivers are addressed in more detail below.

ULDC COMPLIANCE

CLASS A CONDITIONAL USE STANDARDS

The applicant is requesting the approval of a Class A Conditional Use for a 400' Self Support/ Lattice Communication Tower (government owned tower providing governmental services) within the Public Civic Pod of the Boca Raton Golf Course PUD. Per ULDC Art. 2.B.7.A.2, Standards, see descriptions below of how the proposed project meets the standards.

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.

RESPONSE: The Boca Raton Golf Course PUD property, including the subject Public Civic Pod, currently have a FLU designation of LR-3 and Zoning designation of PUD. The use and location of the Tower within the PUD Public Civic Pod is supported by Policy 2.2.1-m of the Comprehensive Plan for non-residential uses allowed in residential future land use designations. More specifically it states, "Limited non-residential uses are allowed in residential future land use designations through the associated zoning districts as identified in the Unified Land Development Code. Non-residential uses are limited to those that serve the residential area, and may be further limited through the development review process to ensure that the individual projects are appropriate in size, scale, and character with the surrounding residential area. ...". Furthermore, Policy Item 3 states, "Utility and communication facilities designed to serve the residential area and subject to special criteria." In that the proposed Tower will be strictly utilized by the government agencies to serve the local residents as it relates to emergency provider communications and other similar services, the proposed use is consistent with the 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.

RESPONSE: The proposed use is consistent with the code in regard to use, layout, function and general development characteristics. The Applicant is providing for buffering of the use through the strategic and intentional layout of the Public Civic Pod and the 15' Type 2 Incompatibility Buffers to the north and west of the site. These buffers and the additional open space will screen the use from the proposed residential lots. The PUD's 15' Type 2 Incompatibility Buffer along the southern perimeter, west of the Public Civic Pod, also screens the site from the existing residential units to the west, the closest of which is 686' away. Furthermore, existing towers in the immediate area include a 499' private communications tower located within the adjacent Boca Glades Storage, a 350' FDOT

communications tower located within the open space median area of the adjacent Florida's Turnpike, and the City of Boca Raton 180' communication tower located along the west side of Florida's Turnpike off ramp. With the removal of the existing City owned communication tower and their collocation with PBC on the proposed 400' Tower, the applicant believes that the proposed use is consistent with the purpose and intent of the Code provisions authorizing this application, requests and construction to fulfill public health/safety/welfare objectives into the future.

Furthermore, this application and the proposed 400' Self Support/Lattice Communication Tower address the 16 general standards for commercial communication towers outlined in Art. 4.B.9.B. as follows:

1. Collocated Tower and Accessory Structures - the subject Tower will be used by governmental agencies only, including PBC and the City, complying with the requirement for collocation.

2. Separation and Setbacks - The ULDC allows the Applicant to request waivers from the required separation and setbacks. The Applicant has, as part of this request, outlined those waivers necessary from Article 4, Tables 4.B.9.B., to allow the Tower in the proposed location. Adequate buffering has been provided thru the design of the PUD; separation is equivalent to that of existing towers already established in the area; and setbacks are justified through the breakpoint design of the proposed tower.

3. Measurement of Separation and Setback from Residential Uses - The Applicant is requesting waivers to the required separation and setback from the adjacent existing residential uses and vacant residential use within the PUD. The Applicant is utilizing the required methodology of measurement and cites the existing towers in the area and breakpoint design of the proposed tower as justification for the requests.

4. Distance between Towers - The Applicant is requesting waivers to the required separation distance from the existing towers in the adjacent area. The Applicant notes that if the property was to be owned by PBC in lieu of dedication from the property owner as a PUD Public Civic Pod, Table 4.B.9.B. has no applicability for distance for Self Support/Lattice towers in the Public Ownership (PO) district that otherwise and customary would support a government owned communication tower. Further, existing towers in the vicinity of the site already do not meet the current minimum separation distance required between towers.

5. Tower Height - The proposed height of the Tower is 400', which is the minimum necessary in order to accomplish adequate coverage for the surrounding area in all directions of the subject site.

6. Parking - As indicated, communication towers are exempt from the parking requirements of Art. 6.

7. Perimeter Buffering - The Applicant is providing for the required 8' high fence and locked access gate around the Tower and equipment. For details on the perimeter buffering, open space and screening, please see the Landscape/Screening section provided herein.

8. Signage - There is no identification signage proposed and therefore this standard is met. Any signage will be pursuant to FCC and/or ULDC regulations.

9. Generators – The Applicant anticipates using a 150 kilowatt generator system with diesel fuel. A pad has been provided for the generator in the fenced area.

10. Lighting - All lighting for the Tower will comply with all applicable FAA regulations. An application for review of the proposed Tower location has been submitted to the FAA and remains to be reviewed/approved on account of the current federal government shutdown. Supporting documentation accompanies this application.

11. Interference - The proposed Tower will comply with all applicable FCC regulations and has been rendered by professional communication engineering to pose no interference.

12. Building Permits - Upon approval of these applications, building permits will be requested and wind load standards confirmed prior to construction.

13. Providers - The Tower will be constructed to accommodate a minimum of two providers, PBC and the City of Boca Raton, with the intent that other government entities also be able to be accommodated upon the tower.

14. Antenna - Any antennas will comply with Art. 4.B.9.

15. Inspections - The Tower will comply with any inspection requirements by the PBC Building Department.

16. Violations - PBC and the City of Boca Raton understand the responsibility for any violation of applicable standards.

- 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.

RESPONSE: The use to the north is a vacant residential development (Boca Raton Golf Course PUD) who's Developer is supportive of the Tower use within the Public Civic Pod and is collaborative planning with PBC and the City for it accordingly with the design of the PUD in conjunction with the concurrent reconfiguration of the Master Plan. The commercial use to the south and east (Boca Glades Storage) currently supports a 499' commercial communication tower on the site. To the east is the Florida's Turnpike, where a second communication tower exists. The proposed tower will replace an existing and approved replacement City tower. There are existing residential structures to the southwest of the site, the closest being 686' from the proposed tower location. These structures are separated from the PUD by the LWDD L-45 Canal. There is 20' of buffering and open spaces proposed along the southern perimeter of the PUD, west of the Public Civic Site, with plantings that will screen some of the views. With the spatial separation and proposed buffering, the tower will be compatible with the residential, who currently have two other communications towers in proximity. The subject proposed tower being of a lesser height than the existing 499' tall

tower on the property immediately to the south of the PUD and to the east of the residents, there is no material effect on compatibility with the existing residential development to the southwest. No increase in the number of towers in the vicinity will result from this request. Further, this general area of the County is well established and there being a need for adequate public safety communications to serve same into the future, siting of this critical public infrastructure in any other location within the service area would not lead to any greater compatibility than is presented by the subject site. Therefore, all considered, the applicant believes this request to be consistent and 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.

RESPONSE: The design of the site minimizes impacts on adjacent lands. Separations and setbacks are appropriately provided from existing residential uses and communications towers. The location of the Tower is in proximity to the LWDD Canal and Florida's Turnpike ROW to the east and existing commercial and communication tower location to the south. To the north and west is the proposed Boca Raton Golf Course PUD development, where the Developer has previously designed the PUD and is proposing further refinement through the reconfiguration of the Master Plan to accommodate the location of the proposed tower use and submitted same as part of the concurrent DOA request. Access will be provided from the City owned parcel to the south of the PUD and Public Civic Pod, which is currently utilized by the City of Boca Raton for access to the existing communication tower that will be removed, as well as other utilities providers like the Lake Worth Drainage District. The proposed Tower itself is being strategically designed with a breakpoint height that responds to the surroundings. Accordingly, the design has minimized any adverse impacts on adjacent lands.

5. **Effect on the Natural Environment:** The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

RESPONSE: The subject site is currently developed as a golf course use with accessory facilities. There are no existing natural environments or wetland areas on the subject property. The site has been approved for development as a residential PUD, with this site specifically dedicated for public use. Development of the subject property for the requested Class A Conditional Use for the tower will not result in any significantly adverse effects on the natural environment as a result of this request.

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

RESPONSE: This is a logical and orderly development plan that will provide for increased and enhanced emergency and other government related public communication services to the surrounding community into the future. This Tower will replace an existing City tower to the north. No increase in the number of towers in the vicinity will result from this request.

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

RESPONSE: Although the proposed Tower does not generate a need for any of the public facilities, a traffic statement and drainage statement have been provided for review as part of this application to confirm adequacy.

8. Changed Conditions or Circumstances: There are demonstrated changed site conditions or circumstances, provided by the Applicant’s Justification Statement that necessitate a modification.

RESPONSE: As a result of the established development in the general area and continuously increasing demand on existing towers for wireless communication infrastructure, the existing tower where PBC communications services are currently located is nearing physical capacity and leaving continuity of public safety communications into the future in question. PBC has investigated the opportunity to construct their own tower in this vicinity to ensure and preserve adequate public communication capabilities into the future for the general area of the county in the vicinity of the site, without the inevitable vulnerabilities associated with reliance on a third party. Based on recent happenings, PBC and the City of Boca Raton have come to an agreement to collocate communication systems on one single communication tower to ensure the fulfillment of operational continuity into the future. Additional users of the Tower may include State and Federal agencies, however PBC and the City will be the main users of the proposed Tower to sustain providing the area with adequate coverage for public communication services. Palm Beach County owns and operates their own towers for emergency communications as it is imperative that these facilities be secured and maintained so as to minimize any disruption in service. As such, locating these services on a commercial tower is not a desired approach due to the uncertainty for continuously accommodating public safety communications equipment into the future.

TYPE 2 CONCURRENT WAIVER REQUEST STANDARDS

Article 4.B.9.H.5, allows for Type 2 waivers to be requested by the Applicant. The Applicant is requesting five (5) Type 2 Waivers for the proposed 400’ Self Supporting/Lattice Communication Tower. These waivers are the minimum required to site the Tower in the Public Civic Pod. Requests include reductions in the separation requirements from existing residential, vacant residential, and existing towers, as well as reductions in the setback requirements from existing residential and non-residential uses. The below chart indicates those waivers necessary.

	ULDC SECTION	REQUIRED	PROPOSED	WAIVER
1.	Art. 4.B.9.B.2 Table 4.B.9.B -Min. Separation & Setback for Towers Located in Residential Zoning Districts	600% of TH separation distance to existing residential structures = 2,400’	686’ separation distance to Boca Glades condominium structure	1,714’
2.	Art. 4.B.9.B.2 Table 4.B.9.B-Min. Separation & Setback	150% of TH separation distance to	549’	51’

	for Towers Located in Residential Zoning Districts	existing residential property line = 600'		
3.	Art. 4.B.9.B.2 Table 4.B.9.B-Min. Separation & Setback for Towers Located in Residential Zoning Districts	150% of TH setback from vacant residential property line (<i>Boca Raton Golf Course PUD</i>) = 600'	212'	388'
4.	Art. 4.B.9.B.2 Table 4.B.9.B-Min. Separation & Setback for Towers Located in Residential Zoning Districts	20% of TH setback from adjacent non-residential property line (<i>Boca Glades Storage</i>)= 80'	33'	47'
5. a & b.	Art. 4.B.9.B.4 Table 4.B.9.B- Min. Distance Between Towers	In a PUD Civic Pod: 5,280' separation distance between towers (<i>Boca Glades Storage and Turnpike Tower</i>)	A. Boca Glades: 483'	A. 4,797'
			B. Turnpike: 1102'	B. 4,178'

Note: Tower Height (TH)

Type 2 Waiver Criteria per Art. 4.B.9.H.5.d.

1. **Protection of Public Welfare:** The Waiver, if approved, will not be injurious to the uses in the area adjacent to the structure and otherwise will not be detrimental to the public welfare.

Waivers 1 – 5

The waivers requested are the minimum necessary in order to provide for emergency communication services that protect the public welfare into the foreseeable future. Approval of these waivers will not be injurious to the uses in the area as there are existing communication towers in the immediate area that include the existing communication tower to the northeast, which is owned and operated by the City (to be removed in association with this approval), a second to the south, located in the Boca Glades Storage development, and a third located within the Florida's Turnpike median. To mitigate any impacts created by the proposed Tower location and height, the Developer of the PUD is providing perimeter buffering and open space to the north and west of the Public Civic Pod. City owned property and a LWDD canal create a spatial separation to the south.

2. **Economics:** The Waiver is not granted based solely upon or in large measure due to costs associated with complying with all requirements contained herein.

Waivers 1 – 5

Economics have no bearing on the requested waivers for setback and separation. The waivers are required as a result of the location of the Public Civic Pod within the Boca Raton Golf Course PUD and the existing surrounding conditions. The proposed Tower will provide for emergency communication services within the area and region, into the foreseeable future, which will uphold appropriate response times and emergency services for the residents and businesses in the area.

3. **Incompatibility Not Created:** The Waiver, if granted, will not result in an incompatibility between the proposed tower or communication facility and adjacent uses.

Waivers 1 – 5

The waivers requested do not create incompatibility between the proposed Tower and the adjacent uses. There is an existing communication tower owned and operated by the City located northeast of the proposed site (to be removed in association with this approval), a second is located to the south within the Boca Glades Storage development, and a third located within the Florida's Turnpike median. Adequate separation, setback, and buffering will be provided to mitigate any perceived incompatibility.

4. **Exhaustion of Other Remedies:** The Waiver, subject to documentation provided by the applicant, is necessary within the defined search or propagation study area as all other waiver alternatives have been exhausted. Alternatives to a Waiver shall include but not be limited to such techniques as collocation, use of stealth or camouflage structures, and use of building mounted equipment and facilities.

Waivers 1 – 4

The remedy of addressing the reduced setbacks and separations has been exhausted by the collocation of PBC and the City on this tower, and the removal of the City tower following construction of the new tower. PBC FDO has engaged with the consulting firm Omnicom Consulting Group, Inc. to review and prepare a report on their behalf (Boca Turnpike Tower Replacement Report), which shows the necessary geographic reach of wireless emergency communications and exhaustive review of multiple sites within the area that were not suitable based on differing factors.

Waiver 5: *The existing towers to the northeast, south, and southeast are inappropriate due to either current capacity or use, and uncertainty for continuously accommodating public safety communications equipment into the future. By allowing the City to vacate and remove its existing communication tower to the northeast, collocation between the two governmental agencies will occur on the proposed 400' Self Support/Lattice Communication Tower. As noted, PBC FDO and its consultants prepared the Boca Turnpike Tower Replacement Report that shows the technical need for the tower and exhaustive review of multiple sites within the area that were not suitable based on differing factors.*

5. **Minimum Waiver:** Grant of the Waiver is the minimum Waiver that will make possible the reasonable use of the parcel of land, building, or structure.

Waivers 1 – 5

Given the strategic site design to accommodate the Tower within the PUD's Public Civic Pod, the waivers requested for the setbacks and separations are the minimum required to accomplish the intended use of the land and structure.

6. **Consistent with the Plan:** Grant of the Waiver will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.

Waivers 1 – 5

Granting of the waiver has no bearing on consistency with the Comprehensive Plan. As addressed in the Conditional Use standards, the proposed use is consistent with the Comprehensive Plan.

7. **Not Detrimental:** The grant of the Waiver will not be injurious to the area involved or otherwise detrimental to the public welfare.

Waivers 1 – 5

The waivers requested are the minimum necessary in order to provide for emergency and other communication services that protect the public welfare into the future. Approval of these waivers will not be injurious to the uses in the area as there are existing communication towers in the vicinity that include the existing communication tower to the northeast, which is owned and operated by the City (to be removed following an approval of this application), a second to the south, located in the Boca Glades Storage development, and a third located within the Florida's Turnpike median. To mitigate any impacts created by the proposed communication tower location and height, the Developer of the PUD is providing landscape buffering and open space around the Public Civic Pod. The Tower is also being designed with a breakpoint height that responds to the surroundings. The loss of public safety communications for lack of sufficient supportive infrastructure is seen by the Applicant as more detrimental to public welfare than any result caused by the tower installation in the location and manner proposed.

8. **Prohibition of Service:** The Waiver... so as not to prohibit the provision of personal wireless, television, and related communication services as defined by the Telecommunications Act of 1996 and rules of the FCC, if adopted.

Waivers 1 – 5

This criterion is not applicable to the requested waivers. The proposed communication tower will provide for emergency communication services within the area and region into the future, which will uphold appropriate response times and emergency services for the residents and businesses in the area.

- 9) **FAA Limitations:** The Waiver is required to comply with locational standards established by the FAA.

Waivers 1 – 5

The applicant will comply with all FAA regulations, however, the waivers requested are not required as a result of FAA regulations. It should additionally be noted that the Federal Aviation Administration has been made aware of this request and documentation has been submitted for FAA review and approval concurrently by Palm Beach County FDO staff, as demonstrated by the documentation that accompanies this application.

- 10) **Lack of Technical Capacity:** The Waiver ... is necessary within the defined search or propagation study area as existing towers or other structures do not possess the capacity to allow reasonable technical service.

Waivers 1 – 5

Based on the findings of the Boca Turnpike Tower Replacement Report prepared for Palm Beach County FDO noted above, the proposed site is the most appropriate site to provide for the greatest coverage of the governmental emergency communication services for PBC and the City of Boca Raton into the future by eliminating the inevitable vulnerabilities that accompany reliance on a third party. The existing and recently approved City of Boca Raton communication tower was approved at 180', which is not of adequate height to satisfy the coverage area required by PBC. Furthermore, the two other existing towers offer no assurances against unsuitable capacity and conditions for the proposed users and continuous public safety communication into the future for this area as the subject service location is critical for public safety communication purposes. The provision of a Public Civic Pod within the Boca Raton Golf Course PUD is the most logical site for the proposed collocation of users given the geography of their respective service areas and ability to control technical capacity in a manner that delivers reliable public safety communications to the maximum extent possible.

- 11) **Height of Existing Structures:** The Waiver ... as existing towers or other structures are not of sufficient height to provide reasonable service.

Waivers 1 – 5

Based on the findings of the Boca Turnpike Tower Replacement Report noted above, the proposed site is the most appropriate site to provide for the greatest coverage of the governmental communication services for PBC and the City of Boca Raton. The existing and recently approved City of Boca Raton communication tower was approved at 180', which is not of adequate height to satisfy the coverage area required by PBC. Furthermore, the two other existing towers are commercial in nature and unsuitable for the proposed users, as they have little to no remaining capacity and do not assure a continuous accommodation for public safety communications equipment into the future to include the needed services of PBC and the City of Boca Raton for this area. The provision of a Public Civic Pod within the Boca Raton Golf Course PUD is the most logical site for the proposed collocation of users given the geography of their respective service areas.

- 12) Lack of Structural Capacity: The Waiver ... as existing towers or structures do not have the structural capacity to accommodate the equipment needed to provide reasonable service within the defined search or propagation study area.**

Waivers 1 – 5

Based on the findings of the Boca Turnpike Tower Replacement Report prepared for PBC FDO noted above, the proposed site is the most appropriate site to provide for the greatest coverage of the governmental emergency communication services for PBC and the City of Boca Raton. The adjacent towers offer no assurances against unsuitable capacity and conditions for the proposed users and continuous public safety communication into the future for this area as existing load approaches maximum capacity and stresses reliability for public safety purposes. The provision of a Public Civic Pod within the Boca Raton Golf Course PUD is the most logical site for the proposed collocation of users given the geography of their respective service areas and ability to control structural capacity in a manner that safeguards reliable public safety communications to the maximum extent possible.

- 13) Interference: The Waiver ... due to interference that may be caused resulting from such factors as collocation on existing towers or structures, the nature of other communications equipment or signals, or other technical problems that would result in interference between providers.**

Waivers 1 – 5

The requested waivers are not based on impact or interference that could be caused as noted. The requested waivers are based on the location of the Public Civic Pod located within the PUD and surrounding service area. Based on the findings of the Boca Turnpike Tower Replacement Report prepared for PBC FDO noted above, the proposed site is the most appropriate site in order to provide for the greatest coverage of the collocated governmental communication services of PBC and the City of Boca Raton.

- 14) Unreasonable Costs: The Waiver ... costs or contractual provisions to collocate on or adapt an existing tower or structure for collocation are unreasonable.**

Waivers 1 – 5

Cost has no bearing on the requested waivers for setback and separation. Based on the findings of the Boca Turnpike Tower Replacement Report noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings the proposed site is the most appropriate site, and waivers are needed to comply with code requirements while delivering necessary public communication services into the future.

- 15) More Appropriate Site: The Waiver ... as a result of identification of a more appropriate site that does not meet dimensional criteria, including such factors as distance from residential uses, existence of permanent screening and buffering, and location within a large scale non-residential area.**

Waivers 1 – 5

Based on the findings of the Boca Turnpike Tower Replacement Report noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings and the selection of the proposed Public Civic Pod location, the waivers requested

are the minimum necessary to provide for the needed public communication services in this area into the future. Permanent buffering is proposed, the tower is being designed with an appropriate breakpoint height, and towers are already part of the existing character of the area.

16) Avoid Certain Locations: The Waiver... to avoid location in one or more of the following:

- a) officially designated wilderness areas, wildlife refuges, and wildlife management areas;
- b) officially designated vegetation and wildlife preserves;
- c) habitats of threatened/endangered species, historical sites;
- d) Indian religious sites;
- e) locations which may cause significant alteration of wetlands, deforestation, or water diversion;
- f) night use of high intensity lights in residential areas;
- g) environmentally sensitive lands acquired or leased by PBC; or
- h) linked open space corridors as set forth in the Plan.

Waivers 1 – 5

The Public Civic Pod site is not located in any of the above listed classifications.

17) Reduce Residential Impact: The Waiver ... and will allow a proposed tower location to reduce the impact on adjacent residential uses.

Waivers 1 – 5

Based on the findings of the Boca Turnpike Tower Replacement Report noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings and the selection of the proposed Public Civic Pod location, the waivers requested are the minimum necessary to provide for the needed governmental communication services in this area into the future. The impacts on existing and proposed residential uses have been minimized by the location of the Public Civic Pod and proposed buffering related thereto.

18) Effect of Governmental Regulation or Restrictive Covenant: The Waiver ... due to governmental regulations or restrictive covenants which preclude location of a tower

Waivers 1 – 5

Based on the findings of the Boca Turnpike Tower Replacement Report prepared for PBC FDO noted above, other sites reviewed were determined not suitable based on differing factors. Based on these findings and the selection of the proposed Public Civic Pod location, the waivers requested are the minimum necessary to provide for the needed governmental communication services in this area into the future. No known regulations or restrictions would preclude the tower to be sited in this location.

Conclusion

On behalf of the Applicant, PBC, PBC FDO respectfully requests favorable review and approval of this request for a Class A Conditional Use with Type 2 Waivers within the Boca Raton Golf Course PUD to allow within the Public Civic Pod a 400' Self Support Communication Tower for the purposes of providing for governmental services use for emergency and other communication services.

The Contact at PBC FDO is Eric McClellan who can be reached at (561) 233-0253 or via email at EMcClellan@pbccgov.org. Assisting PBC FDO at Urban Design Kilday Studios are Collene Walter and Sandra Megrue who can be reached at (561)366-1100 or via email at cwalter@udkstudios.com and smegrue@udkstudios.com. Please contact these project representatives with any questions or for additional information in support of the requested application.

H:\JOBS\Boca Municipal Golf Course_15-025\GL Homes_DD_002\Documents\Submitted Documents\032119 Rezone-DOA-CU Resubmittal\Justification Statemen_Glades Road Tower.docx