

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

Application No.: PDD/DOA/CA-2021-01612
Application Name: PGA Waterfront Residential PUD
Control No./Name: 1984-00159 (Hatties Landing)
Applicant: PGA Partners 100 LLC
 DMBH Residential Investment - Dan Catalfumo
Owners: PGA Partners 100 LLC
 DMBH Residential Investment - Dan Catalfumo
Agent: Gentile Glas Holloway O'Mahoney & Associates Inc. - Emily O Mahoney
 Gentile Glas Holloway O'Mahoney & Associates Inc. - Pat Lentini
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 Gentile Glas Holloway O'Mahoney & Associates Inc. - Dylan Roden
Telephone No.: (561) 575-9557
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from a Multifamily Residential (RM) Zoning District to the Planned Unit Development (PUD) Zoning District

TITLE: a Development Order Amendment **REQUEST:** to modify the Site Plan; add land area, units, and uses; and, modify Conditions of Approval

TITLE: a Class A Conditional Use **REQUEST:** to allow a Marina

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment, Development Order Amendment (DOA), and a Class A Conditional Use (CA) for the PGA Waterfront Residential PUD development. The site was last approved by the Board of County Commissioner (BCC) on August 23, 2018 for the rezoning of 8.89 acres to the Planned Unit Development (PUD) Zoning District to allow for 70 Multifamily units within a 4.54-acre Residential Pod, a 0.51-acre Recreation Pod, a 0.1-acre Neighborhood Park, 0.25-acres of Open Area, and included 2.89-acres of submerged lands.

The Applicant is requesting a rezoning of 2.08-acres from the RM Zoning District to the PUD Zoning District and a DOA to add the land area to the approved 8.89-acre PUD, for a total of 10.97 acres. The Development Order Amendment proposes to modify the Site Plan; add land area, units and uses; and, modify Conditions of Approval. Additionally, the Applicant requests the CA to allow a Marina use in conjunction with the PUD.

The Preliminary Site Plan (PSP) indicates three Multifamily buildings (Tower North, Tower South, and Tower East) containing 98 units (+28 units) within an 7.22-acre Residential Pod, a 0.6-acre Recreation Pod (Rec Pod 1), an additional 2.92-acre Recreation Pod (Rec Pod 2) for the Marina, and a 0.1-acre Neighborhood Park. Further, 5.23 acres of Open Space is also provided on site. Overall, the PSP indicates 477,976 sq. ft. total of building square footage, 23 boat slips are provided for the Marina, along with 363 parking spaces. Access will be from Ellison Wilson Road.

SITE DATA:

Location:	Southwest corner of PGA Boulevard and Ellison Wilson Road
Property Control Number(s)	00-43-42-05-00-000-5490; 00-43-42-05-00-000-5500; 00-43-42-05-00-000-5530; 00-43-42-05-00-000-5540; 00-43-42-05-00-000-5560; 00-43-42-05-00-000-5920; 00-43-42-05-00-000-5510; 00-43-42-05-00-000-5520; 00-43-42-05-00-000-5120; 00-43-42-05-00-000-5990; 00-43-42-05-38-001-0010; 00-43-42-05-38-001-0020; 00-43-42-05-38-001-0030; 00-43-42-05-00-000-5970; 00-43-42-05-00-000-6000; 00-43-42-05-38-001-0050; 00-43-42-05-00-000-5980; 00-43-42-05-38-001-0040
Existing Future Land Use Designation:	Commercial High, with an underlying HR-12 (CH/12) High Residential (HR-12)
Existing Zoning District:	Residential Planned Unit Development District (PUD) and Multifamily Residential (Medium Density) District (RM)
Proposed Zoning District:	PUD
Total Acreage:	10.97 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	Juno Beach, North Palm Beach, Palm Beach Gardens
Future Annexation Area	North Palm Beach, Palm Beach Gardens
Commission District	District 1, Commissioner Maria G. Marino

RECOMMENDATION: Staff is recommending approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C-1, C-2 and C-3

ACTION BY THE ZONING COMMISSION (ZC): At the May 5, 2022 ZC Hearing, this item was on the Regular Agenda. There was one comment card in submitted in opposition with environmental and traffic concerns but no one spoke on the item. The comments were regarding the review The Applicant presented the requests. The Board did not request a presentation of Staff. Commissioner Caliendo asked how many stories the development was and Commissioner Beatty asked about the Architectural Floor Plans. Commissioner Pavlic made three motions approve the requests, as amended, which was seconded by Commissioner Caliendo. The motions carried by a vote of 9-0-0.

ACTION BY THE BOARD OF COUNTY COMMISSIONERS (BCC): At the May 26, 2022 BCC Hearing, this item was postponed to June 23, 2022.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received five contacts from the public regarding this application with one phone call and one email in opposition related to traffic concerns along PGA Boulevard, traffic congestion along the Intracoastal Waterway, and impacts to the existing Mangroves. Staff received 2 calls requesting additional information, and an email requesting additional information as related to traffic mitigation.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
1984-00159	An Official Zoning Map Amendment to allow a rezoning of a 1.76-acre parcel from the Residential Medium (RM) Zoning District to the Commercial General (CG) Zoning District; and a)	R-85-569	January 4, 1985
	Special Exception to allow a Planned Commercial Development (PCD)	R-85-570	
1984-00159	Corrective Resolution to correct the legal descriptions contained in Resolutions R-85-569 and R-85-570	R-86-324 R-86 325	March 11, 1986
1984-00159(A)	A Development Order Amendment to modify and delete Conditions of Approval for landscape buffer barriers	R-87-0017	January 13, 1987
SCA-26-COM-1	A Comprehensive Plan Land use designation change from High Residential 12 (HR 12) to Commercial High (CH) with underlying 12 units per acre (CH/12)	Ordinance 2002-010	April 4, 2002
PDD/DOA-1984-00159(B)	An Official Zoning Map Amendment to allow a rezoning from the Residential Medium (RM) and Commercial General (CG) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District;	R-2002-0505	April 4, 2002
	Development Order Amendment to add land area and square footage	R-2002-0506	
ZV/DOA-2009-02681	Type II Variances to allow extended hours of operation for a commercial use adjacent to residential, to allow easement overlap into a right of way buffer, to allow reduction of a right of way buffer, and to reduce a Type III Incompatibility buffer	ZR-2010-002	March 4, 20210
	Development Order Amendment to reconfigure the Site Plan	R-2010-0678	
ZV/PDD-2014-02321	Type II Variances to allow the setbacks for the north and east sides to be measured from the property line, and the setback for the south side to be measured from the Base Building Line (BBL), and not from the inside edge of the required perimeter landscape buffers; eliminate a Type 3 Incompatibility Landscape and Right of Way buffers on the west property line, located within the Intracoastal Waterway; and, eliminate the required Type II Incompatibility Landscape Buffer located adjacent to the Recreational and Residential Pods	ZR-2015-0016	May 7, 2015
	An Official Zoning Map Amendment to allow a rezoning for a 7.95 acre parcel from the MUPD and RM Zoning Districts, to the PUD Zoning District, to allow 88 Multifamily units	R-2015-0695	
CRB 2015-2372	Correcting the legal description of R-2015-0695	R-2015-1734	December 3, 2015
CRZ 2015-2373	Correcting the legal description of R-2015-016	ZR-2015-0045	December 4, 2015
PDD/DOA-2017-02173	Official Zoning Map Amendment to a Planned Development District to allow a rezoning from Residential Multifamily (RM) Zoning District to the Planned Unit Development (PUD) Zoning District	R-2018-1282	August 23, 2018
	Development Order Amendment to add land area; delete units; reconfigure the Master Plan; and,	R-2018-1281	

	modification of conditions (Architecture, Landscape, Planning)		
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SURROUNDING LAND USES:

NORTH (Across PGA Boulevard):

FLU Designation: Other (City of Palm Beach Gardens)
 Zoning District: Other (City of Palm Beach Gardens)
 Supporting: Commercial (Seasons 52 Restaurant)

SOUTH:

FLU Designation: High Residential (HR-12)
 Zoning District: Multifamily Residential (Medium Density) District (RM)
 Supporting: Residential (no Control Number)

EAST:

FLU Designation: Other (City of Palm Beach Gardens)
 Zoning District: Other (City of Palm Beach Gardens)
 Supporting: Commercial (City Centre)

FLU Designation: Other (City of Palm Beach Gardens)
 Zoning District: Other (City of Palm Beach Gardens)
 Supporting: Residential (Solera)

WEST:

FLU Designation: Other (City of Palm Beach Gardens)
 Zoning District: Other (City of Palm Beach Gardens)
 Supporting: Commercial (Waterway Cafe)

FLU Designation: Low Residential (LR-3)
 Zoning District: Single Family Residential (RS)
 Supporting: Residential (Pirate's Cove, Single Family, No Control Number)

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

The proposed application includes requests for an Official Zoning Map Amendment, Conditional Use, and a Development Order Amendment and the analysis of all requests have been consolidated herein below.

- 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:

- o *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.
- o *Prior Land Use Amendments:* The northern 2.22-acre portion of the overall site was the subject of a prior Large Scale Land Use Amendment known as PGA/Ellison Wilson, (01-SCA 26 Com 1; Ord. 2002-010), which amended the land use from High Residential 12 units per acre (HR-12) to Commercial High with an underlying 12 units per acre (CH/12) on approximately 2.2 acres of the approximately 11-acre site that is the subject of this development order amendment, and was adopted with the following condition:

1. Non-residential uses on the site shall be limited to office, restaurant uses and a maximum of 6,500 square feet of ancillary retail space.

The request does not utilizing the CH portion of the CH/12 and HR-12 FLU designation. Given that the applicant is proposing to develop as a PUD, that a Recreational Pod is allowed within a PUD, and a Marina use is allowable

under the ULDC as a Class A conditional use approval within a Recreational Pod, under the HR-12 designation on the entire site, this does not present any consistency issues with the County's Comprehensive Plan and the adopted FLUA amendment from 2002. Furthermore, the request to rezone the overall nearly 11-acre site to the PUD Zoning District, increasing both the land area and number of units from 70 to 98 would be consistent with the previous Land Use Amendment condition. The additional land area is along the southern boundary of the site, which is outside of the boundaries of the adopted Ordinance.

- *Relevant Comprehensive Plan Policies:* Per the Plan's Coastal Element Policies 2.3-a, and 2.3-c, density and intensity cannot be increased beyond the designated Future Land Use. The subject site contains portions of the site along the Intracoastal Waterway that contain the Coastal High Hazard (CHHZ) designation. The subject request does not seek to increase density beyond the HR-12 designation within these areas.

Additionally, the Future Land Use Element of the County's Comprehensive Plan includes a provision that is indirectly furthered in this proposal. The Marine Commercial Waterfront Overlay in Sub-Objective 1.2.6 and Policy 1.2.6-a sets forth a Policy requirement of 'no net loss' of commercial and recreational working waterfront in those areas with Commercial future land use designations. This project is outside of the identified parcels within the Overlay. However, the addition of the marina is complementary to the purposes of the overlay in that it incorporates additional recreational waterfront along the Intracoastal Waterway.

- *Density and Workforce Housing Program (WHP):* The subject site contains a prior approval for 70 dwelling units. The current request seeks to add 2.08 acres, for a total of 10.973 acres, and an additional 28 dwelling units that results in 98 units total within the overall PUD (70 + 28 = 98). The overall site has the High Residential, 12 units per acre (HR-12) Future Land Use designation, which could yield a maximum of 132 dwelling units (12 du/ac x 10.973 ac = 132). The request for a total of 98 units is below the maximum units allowed by FLU designation.

The request for 98 units on the subject 10.973 acres, with the HR-12 Future Land Use designation, and utilizing the Limited Incentive Development Option, was achieved as follows:

<u>Standard, Max & Bonus Density:</u>	<u>Workforce Housing (WHP):</u>
87.76 Standard units	2.19 WHP units (2.5%)
<u>10.24 Maximum units</u>	<u>0.82 WHP units (8%)</u>
98 units total	3.01 or 3 required WHP (rounded down)

Per the WHP requirements, the request is obligated to designate and deed restrict a minimum of 3 units as Workforce Housing. The applicant is choosing to utilize the In Lieu payment option, per ULDC Art.5.G.1.C.4.d., which would be \$78,975 per unit for a total of \$236,925 (\$78,975 X 3 = \$236,925). The payment is required prior to the release of 50% of the building permits.

- *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.
- *Conditions of Approval:* Previously approved Planning Condition #1 and New Condition #5 are proposed to be amended and added to account for the modification to the number of units and compliance with the requirements for Workforce Housing Program. Planning Condition #6 is proposed to cross reference a Condition of Approval included as part of Ordinance 2002-10 related to Non-residential Uses.

b. 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.

The Applicant has requested to rezone a 2.08-acres of land from the RM zoning district to the PUD Zoning District and add this to the previously approved PUD. The total proposed acreage is 10.97, which includes 2.87 acres of submerged land. The PUD was approved for the development of 88 multifamily units on May 7, 2015. The Applicant then requested a DOA in 2017 to delete 18 units for a total of 70 units within four structures. The current request will include three Multifamily condominiums for a total of 98 units at six stories in height, which will be on top of a two story parking garage. Tower South will include 38 units, Tower East fronting Ellis Wilson Road, will include 36 units, Tower North, fronting PGA Boulevard will include 24 units. Each building will be connected accessible through the ground level parking. In addition to the modifications to the residential portion of the development, the Applicant is seeking a Class A Conditional Use to allow a Marina within a Recreational Pod of the PUD to be used by the residents, but may also be offered to residents outside the PUD. This Recreational Pod is in addition to the recreational requirements that are to serve the residents of the PUD.

- *Property Development Regulations:* Though the proposed request is not required by the ULDC because it does not have 200 units or 50 acres, the Applicant requested to be a PUD, in a prior application, and is modifying the previously approved PUD to include additional land area and units. The proposed residential portion of the development is Multifamily, and complies with the setbacks and property development regulations for the Residential Pod within the PUD for the use.

The Marina is located within Recreation Pod 2, which is 2.92 acres. The Recreation Pod location complies with the requirements of Art. 3.E.2.D, Property Development Regulations. No dry storage or boatels are proposed with the Marina. The Marina will be required to comply with the Boat Facility Site Plan of the Palm Beach County Manatee Projection Plan at time of building permit. Twenty-three slips are proposed. A small 216 square foot Accessory building for the Marina has also been depicted within the Recreation Pod 2 meeting the setbacks from the Pod boundaries. Staff propose a Condition of Approval, to notify potential buyers that the marina may be open to the public.

○ *Exemplary Design:* The Applicant submitted the Preliminary Master and Regulating Plans identifying its required performance standards with the provision of neighborhood parks and recreation pods within 1,320 feet of the building. The neighborhood park is incorporating an open air pavilion, a BBQ style setting gatherings. Other amenity areas for the residents are also incorporated on site. Recreation Pod 1 will include the condominium recreational area which is partially a deck structure over parking and the clubhouse. There is a large pool provided. Recreation Pod 2 will include the 23-slip Marina which will be leased to residents and other members of the public. Within the building footprint are also a fitness facility and a clubhouse. Additionally, the Applicant is providing decorative paving and courtyards with pavilions for use by the residents. Staff has included additional Conditions of Approval for the focal points and landscaping incorporate specimen trees or palms, as well as taller palms, around the proposed structure.

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

- a. Proximity to Other Uses – The subject site is in proximity to other uses surrounding the site such as the Marina, offices, fitness center, neighborhood park, etc.;
- b. Focal Points – The proposed development offers multiple focal points throughout the development which include pavilions, fire pits, oak-hammocks, incorporation of existing trees, and pool amenities;
- c. Neighborhood Park – The proposed development will have private personal docks for floating vessels, a pavilion, and fire pit;
- d. Decorative Street Lighting - The proposed development will incorporate decorative street lighting and landscape lights throughout the development to accent the architecture and the proposed extensive landscaping;
- e. Decorative Paving –The Preliminary Master and Site Plan include decorative paving throughout the development;
- f. Fountains – Two fountains proposed.
- g. Benches or play structures –Benches located throughout the development including the marina area;
- h. Interspersed Housing – The Applicant has proposed to do an in-lieu fee rather than have the Workforce housing onsite.
- i. Pedestrian Circulation System - Pedestrian circulation is proposed throughout the development for use by the residents and their guests.

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

○ *Architectural Elevations:* Preliminary Architectural Elevations were provided as part of the application review (Figure 7 Pages 1-4 and Renderings Figure 8). Based on the documents provided, Staff has concluded that the proposed elevations are generally in compliance with Article 5.C. The proposed elevations provide for measurements from the Grade Plane of 19.4 feet NAVD-88 and extend vertically an additional 77 feet up from that point. Garage parking is below grade for the multi-story buildings.

The elevations for the Multifamily buildings provide for a more modern style as there is no established theme for the area. The Applicant's Architect submitted the required Architectural Compliance, Line of Site, Environmental Impact and Visual Impact Analysis' to document compliance with the Guidelines and proposed architectural elements. Staff recommends Architectural Conditions 1 and 2 requiring the Applicant to submit Final Architectural Elevations at Final Approval by the DRO, and to ensure the building height does not exceed 77 feet measuring from the Grade Plane consistent with previously approved conditions. Staff has proposed Architectural Condition 3 in order to review the existing grades with the proposed buffers roads and structures.

○ *Building Height:* The proposed building height measured from the grade plane remains at a maximum of 77 feet to top of the flat roof. This measurement does not include those elements which have exceptions established by Article 3.D.1.E.4., such as parapets for screening of mechanical equipment. The building height

may include the portions of the structure that are underground for below grade parking, however the structure height from the grade is a maximum of 77 feet of six stories.

Grade Plane based on the North American Vertical Datum of 1988 (NAVD-88): Under conditions where the finished ground level slopes significantly away from the exterior walls, that reference plane is established by the lowest points of elevation of the finished surface of the ground within an area between the building and the property line, or where the property line is more than 6 feet from the building. The County has used the North American Vertical Datum of 1988 (NAVD-88) to review the Grade Plane Calculations submitted by the Applicant.

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

- *Parking:* Table 6.A.1.B of the ULDC requires two parking spaces per unit and one guest parking space per four units with common parking areas. Based on the proposed 98 units, the Applicant is required to provide a total of 221 spaces (172 spaces for the residents, 25 spaces for the guests, and 24 for the Marina) and is providing 363 spaces. Due to the unique grade of the property, parking spaces will be accommodated in the underground garage. The Applicant has exceeded the minimum parking requirements of the ULDC.

- *Landscape/Buffering:* The Applicant is proposing a 20-foot wide Right-of-Way (ROW) buffer along the north property line adjacent to PGA Boulevard. A 10-foot wide Incompatibility buffer is provided along the southern property line. A 15-foot wide ROW buffer is proposed along the east property line adjacent to Ellison Wilson Road. No western R-O-W buffer adjacent to the Intracoastal Waterway is required.

There is existing vegetation on the site that will be required to be preserved. The Applicant has submitted a Preliminary Tree Inventory Plan dated March 11, 2022 was updated as a Tree Disposition Chart on the Preliminary Regulating Plan which has been reviewed by the Environmental Resources Management and Zoning Staff. An agreement has been reached between Staff and the Applicant that existing trees will be required to be preserved and or relocated, subject to Environmental (ERM) Conditions of Approval 2 and 4. More specifically, ERM Condition 2 will require the Regulating Plan to be updated to identify Tree No. 4131, Tree No. 4150, Tree No. 4157, Tree No. 4193, Tree No. 5365, Tree No.5367, Tree No. 5430, Tree No. 5431, Tree No. 5432, and Tree No. 5433 as to be relocated, or as approved by ERM and shall be maintained to ensure survivability. ERM condition 4 will require the two (2) specimen live oaks identified as Tree No. 4184 and Tree No. 4191 to be relocated to an appropriate area onsite and the general relocation area shall be depicted on the plans prior to the final approval by the Development Review Officer. The two (2) specimen oaks identified, as Tree No. 4188 and Tree No. 4197 shall be mitigated inch for inch based on diameter at breast height, with a minimum tree size of ten inches in diameter at breast height and shall be planted prior to issuance of the first Certificate of Occupancy.

- *Signage:* The Applicant is proposing two entrance wall features along the main entrance to the development and project identification signs at the intersection of PGA Boulevard and Ellison Wilson Road, pursuant to ULDC 8.G.3.E.

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 proposed DOA and previous approval as a PUD was found to be generally consistent with the surrounding residential uses, and is the appropriate Zoning District for the property. The residential PUD Zoning District is consistent with the surrounding residential uses to the south, south east, and west. Directly to the south of the site are residential dwellings within the HR-12 FLU designation, with which is also the same FLU designation of the subject site. Southeast of the site is a residential development within the City of Palm Beach Gardens called Solera which is a 136-unit project for residential apartments. The proposed Multifamily residential building serves as a transition for the intense commercial uses north of PGA Boulevard, and east of Ellison Wilson Road.

Because of the gradient change of the site, the proposed PUD, including the two proposed six-story Multifamily buildings, will be seen from adjacent properties. Staff is recommending conditions of Approval for additional plant material along the south property line, in the open space areas, to provide some line of site visual buffering from the driveway and lights from cars as well as native canopy to enhance the structures design.

The proposed Marina within Recreation Pod 2, is an amenity not only for the residents of the Planned Unit Development, but may be open to other residents who want to store their boats. The Applicant has stated that their state licensing has limitations on the use of the marina. The storage of boats with docks and moorings along this waterway is consistent and compatible with other residential uses within the area. The Property Owner must comply with all state and local licensing and permitting within the Inter-coastal Waterway.

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 site has been designed to minimize adverse impacts. The proposed rezoning to PUD is consistent with the existing PUD Zoning District that was approved previously on site. The Applicant is not only consistent with the proposed density of the FLU designation, but is requesting density that is below the number of units permitted as to mitigate adverse density impacts and traffic concerns. The proposed residential development is consistent with the surrounding residential uses to minimize use compatibility concerns. The subject site meets all setback requirements and provides additional requirements for the building height as allowed by Code. The PSP indicates all required buffering which will help provide screening of the use to minimize adverse visual impacts. Staff has carried forward the existing Condition of Approval that no further height allowances would be permitted outside of a building permit. To mitigate concerns for building massing, the Applicant is proposing a maximum height that is consistent with the previous approval at 77 ft. above the average grade plane. There are no special allowances for height or density for this application. Primary structures within the same district or use, may utilize additional building height if the required one to one additional setbacks for Code is met.

The proposed Marina will be designed to minimize adverse impacts of the surrounding lands. The use is within their property boundaries of the Inter-coastal Waterway R-O-W and is consistent with the area. The use will contain 23 boat slips, which is consistent with the number of slips under the previous approval. The seawall and docks will be constructed approximately an additional 50 feet east of the current docks, and subject to the review and approval by the State. The Applicant has indicated that the slips will firstly be made available to the residents of the PGA Waterfront PUD, and the remaining slips would be opened up to the public at a later time. The traffic impacts are determined to be minimal, not requiring additional roadway improvements. The consistent Mariana design and compatible nature of the use with the area poses minimal adverse impacts to the area.

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.*

- *Vegetation Protection:* The Applicant is proposing to preserve and relocate all of the native vegetation. There are several specimen trees located on the project.
- *Site Contamination:* The Property Owner will need to work with the Florida Department of Environmental Protection to resolve the contamination issues, as per Chapter 62-780, F.A.C. During the DRO process, ERM will confirm that the Applicant is coordinating with FDEP.
- *Wellfield Protection Zone:* The property is not located within a Wellfield Protection Zone.
- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed rezoning is consistent with the logical, orderly and timely development pattern for the subject property. This corridor of PGA Boulevard and Ellison Wilson Road have been developed with multiple restaurants, commercial development, and residential homes. The proposed modifications to the prior approval for Multifamily residential to add land area and units, and the Conditional Use for the Marina is consistent with the development pattern for the area. The proposed rezoning will result in a logical, orderly and timely development pattern. The proposed rezoning request is consistent with the existing Future Land Use designation.

Further, the Applicant is not requesting additional density bonuses per code, but has acquired additional lands that would permit the number of units as requested. As previously stated in the Consistency with the Plan section above, The overall site has the High Residential, 12 units per acre (HR-12) Future Land Use designation, which could yield a maximum of 132 dwelling units (12 du/ac x 10.973 ac = 132). The request for a total of 98 units is below the maximum units allowed by FLU designation.

The proposed Marina use that will offer opportunity for public utilization will result in a logical and orderly and timely development pattern. The Applicant has indicated that the boat slips will be offered to the residents of the PUD first, and then to the public, for personal vessels. The use is similar and consistent with the approved marina use in the City of Palm Beach Gardens located just northwest of the site. Although the number of proposed units is increasing, the Applicant has not proposed additional boat slips for the Marina as has indicated that public

utilization of the marina will be for the purposes of storing marine vessels on site. Therefore the development pattern for this use will remain logical and orderly. The marina is subject to state licensing and review.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed 98 Multifamily units and 23 marina slips are expected to generate 522 net daily trips, 32 net AM peak hour trips, and 42 net PM peak hour trips. The site currently has four single-family and four Multifamily residential units. The build out of the project is expected to happen by 2026.

No roadway improvements are required to meet TPS. The intersection of PGA Blvd and Ellison Wilson Rd meets adopted LOS standards as well.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Ellison Wilson Rd PGA Blvd to south

Existing count: Northbound=473, Southbound=266

Background growth: Northbound=34, Southbound=19

Project Trips: Northbound=15, Southbound=23

Total Traffic: Northbound=522, Southbound=308

Present laneage: 1 in each direction

Assured laneage: 1 in each direction

LOS "D" capacity: 880 per direction

Projected level of service: Better than LOS D in both directions

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment. Note that Fire Station #62 is approximately 1.6 miles and Fire Station #15 is approximately 1.8 miles from the subject development.

SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 98 high-rise residential units had been approved on November 15, 2021 (SCAD Case #21110901D). The subject property is located in SAC 053.

This project is estimated to generate approximately four (4) public schools students. The schools currently serving this project area are: The Conservatory School @ North Palm Beach, Howell L. Watkins Middle School and Palm Beach Gardens Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District elementary school level. The additional two (2) high school students generated by this proposal will increase the utilization percentage of The Conservatory @ North Palm Beach Elementary School to 138%.

A previously approved Condition of Approval to require a school bus shelter is proposed to be deleted as it is no longer applicable.

PARKS AND RECREATION:

Project proposes 98 dwelling units requiring 0.59 acres of onsite recreation, 0.59 acres are proposed within Recreation Site #1, therefore the recreational requirement is satisfied.

Recreation Site #2 is 2.915 and is provided as excess recreation, Recreation Site #1 satisfies the recreational requirement.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

The demonstrated changed conditions or circumstances that necessitate a modification has been firstly indicated by the closing of the Panama Hattie's restaurant and rum bar business back in September of 2014. The initial closing of the restaurant has allowed the Applicant the ability to purchase the property (including several other adjacent properties) and to redevelop the Property with a luxury condominium buildings and Multifamily units. The Applicant has further accumulated additional lands directly abutting the site to accommodate the development. Although the additional lands accommodate the increased number of units, the Applicant has remained consistent with the 23 boat slips for the Marina use as approved. The modifications to the site allows for the opportunity for the residents to utilize the Marina, in addition to the public, for any remaining boat slips.

The Marina use will function in a similar fashion to the nearby marina uses in the area. The amendments and modifications of the site necessitate the change in zoning district and CA for the proposed Marina.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is recommending approval of the requests. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1, C-2, and C-3.

CONDITIONS OF APPROVAL

EXHIBIT C -1: PDD- Residential Planned Development District

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2: Development Order Amendment

ALL PETITIONS

1. Previous ALL PETITIONS Condition 1 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

The approved Preliminary Master Plan and Regulating Plans are dated May 14, 2018. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission.

Is hereby amended to read:

The approved Preliminary Master Plan and Regulating Plans are dated March 11, 2022. 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. (ONGOING: ZONING - Zoning)

2. All previous Conditions of Approval applicable to the subject property, as contained in Resolution R-2018-1282 (Control 1984-00159), have been consolidated as contained herein. The Property Owner shall comply with all previous Conditions of Approval and deadlines previously established by Article 2.E of the Unified Land Development Code and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Previous ARCHITECTURAL REVIEW Condition 1 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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

Is hereby amended to read:

At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Multi-family buildings shall be submitted for final review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) and shall be generally consistent with the Architectural Elevations dated March 11, 2022. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (DRO: ZONING - Zoning)

2. Previous ARCHITECTURAL REVIEW Condition 2 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

The maximum height of the Multi-family buildings, measured from finished grade to the highest point of a roof for flat roofs, or as described by the Unified Land Development Code, shall not exceed 96.5 feet NAVD-88 or 77 feet above the Grade Plane at 19.5 feet NAVD-88. The maximum height shall exclude Architectural elements that are exempted pursuant to Article 3.D.1.E.4. No habitable space is permitted to be added on the roof without additional Type II Variances and BCC approval.

Is hereby amended to read:

The maximum height of the Multi-family buildings, measured from finished grade to the highest point of a roof for flat roofs, or as described by the Unified Land Development Code, shall not exceed 96.4 feet

NAVD-88 or 77 feet above the Grade Plane at 19.4 feet NAVD-88. The maximum height shall exclude Architectural elements that are exempted pursuant to Article 3.D.1.E.4. No habitable space is permitted to be added on the roof without additional Type II Variances and BCC approval. (BLDGPMT/DRO: ZONING - Zoning)

3. Prior to final DRO, a minimum of two cross sections of the site north to south and and minimum 3 cross sections east to west shall be provided for review and approval to confirm the existing finish grades of the adjacent properties and the proposed grades with the landscape buffes, driveways, and structures. (DRO: ZONING - Zoning)

ENGINEERING

1. Previous ENGINEERING Condition 1 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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

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

Is hereby amended to read:

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

a. No Building Permits for the site may be issued after December 31, 2026. This build out date is an extension through Governor's Emergency Executive Order provisions of the previously approved build out date of December 31, 2020 . A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Previous ENGINEERING Condition 2 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

Prior to issuance of the first building permit the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code.

Is hereby amended to read:

Prior to issuance of the first building permit, the Property Owner shall plat the property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

3. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall remove all private items (signs, parking, etc.) currently within the public right of way adjacent to the property. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 3 of Resolution R-2018-1282, Control No.1984-00159)

4. The Property Owner shall construct on Ellison Wilson Road at the Project Entrance:

- i. A right turn lane north approach
- ii. A left turn lane south approach

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

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

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 4 of Resolution R-2018-1282, Control No.1984-00159)

5. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first, the property owner shall provide to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on Ellison Wilson Road at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. The right of way should be continued across the project entrance. This additional right of way shall be free of all encumbrances and encroachments and shall include Corner Clips where appropriate, as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. The Property Owner shall not record the required right of way or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering) (Previous ENGINEERING Condition 5 of Resolution R-2018-1282, Control No.1984-00159)

6. Prior to issuance of the first Certificate of Occupancy, the Property Owner shall design, receive a permit for and construct a concrete sidewalk along the property frontage on Ellison Wilson Road, as required and approved by the County Engineer. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right of way. (BLDGPMT/CO: MONITORING - Engineering) (Previous ENGINEERING Condition 6 of Resolution R-2018-1282, Control No.1984-00159)

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

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

b. Any required drainage easements shall be dedicated in conjunction with any required subdivision or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMT/ONGOING: MONITORING - Engineering) [Note: COMPLETED] (Previous ENGINEERING Condition 7 of Resolution R-2018-1282, Control No.1984-00159)

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

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

and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents.

(BLDGPM: MONITORING - Engineering) (Previous ENGINEERING Condition 8 of Resolution R-2018-1282, Control No.1984-00159)

9. The gated entrance shall be manned at all times. Should there be any changes, a means of egress shall be constructed for rejected vehicles before the gate. (ONGOING: ENGINEERING - Engineering)

10. The Property Owner shall provide access to the commercial marina in a form acceptable to the County Engineer.

a. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall show the access rights on the Final Site Plan. (DRO: ENGINEERING - Engineering)

b. The access shall be approved by Land Development prior to recordation. The document shall be recorded by the Property Owner prior to the recordation of the plat. (PLAT: ENGINEERING - Engineering)

c. If alternative development-suitable access becomes available to the commercial marina, the Property Owner may release the portion of the easement which is not needed to serve as access for the parcel. (ONGOING: ENGINEERING - Engineering)

ENVIRONMENTAL

1. Previous LANDSCAPE - GENERAL Condition 1 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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

Is hereby deleted. [REASON: No Longer Applicable]

2. Previous LANDSCAPE - GENERAL Condition 2 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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

Is hereby amended to read:

The two (2) specimen live oaks identified as Tree No. 4184 and Tree No. 4191 shall be relocated to an appropriate area onsite and the general relocation area shall be depicted on the plans prior to the final approval

by the Development Review Officer. The two (2) specimen oaks identified, as Tree No. 4188 and Tree No. 4197

shall be mitigated inch for inch based on diameter at breast height, with a minimum tree size of ten inches in

diameter at breast height and shall be planted prior to issuance of the first Certificate of Occupancy.

(DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Prior to final approval by the Development Review Officer, a Tree Preservation and Relocation Plan shall be submitted to ERM for review and approval. The Tree Preservation and Relocation Plan shall, at a minimum, define the root pruning practices and timing, watering schedules and irrigation details, construction staging locations and permanent locations of all native vegetation to be relocated and preserved in place, and a maintenance schedule to ensure best management practices. (DRO: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to the final approval by the Development Review Officer, the Preliminary Regulating Plan shall be revised to identify Tree No. 4131, Tree No. 4150, Tree No. 4157, Tree No. 4193, Tree No. 5365, Tree No.5367, Tree No. 5430, Tree No. 5431, Tree No. 5432, and Tree No. 5433 as to be relocated, or as approved by ERM and shall be maintained to ensure survivability. (DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. Aboveground storage tanks greater than 550 gallons or underground storage tanks greater than 110 gallons containing petroleum substances shall be registered with the Florida Department of Environmental Protection and proper notification, as pursuant to F.A.C., Chapters 62-761 or 62-762, shall be given to Palm Beach County Environmental Resources Management, Petroleum Storage Tanks Compliance Section prior to installation. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - GENERAL

1. Previous LANDSCAPE - GENERAL Condition 3 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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

Is hereby deleted. [REASON: Existing trees to be preserved on site, will fall under ERM conditions as proposed.]

LANDSCAPE - GENERAL-LANDSCAPE PRESERVATION

2. No vehicular or general construction activities shall be permitted in the areas that are shown on the approved Vegetation Barricade Permit. (DRO/ONGOING: CODE ENF - Environmental Resources Management) (Previous LANDSCAPE - GENERAL Condition 4 of Resolution R-2018-1282, Control No.1984-00159)

LANDSCAPE - PERIMETER

3. Prior to issuance of a Building Permit, the Landscape Plan shall incorporate 17 additional canopy trees and 10 palms or pines in the open space areas north of the ten foot incompatibility buffer and south of the 38 unit Multifamily building. The heights of the canopy trees palms and pines shall be in accordance with Article 7. (BLDGPMPT: ZONING - Zoning)

PARKS

1. The recreation is required to be complete and open to the residents prior to the issuance of the first certificate of occupancy, unless a phasing plan is agreed upon and entered into by the Parks and Recreation Department. (CO: MONITORING - Parks and Recreation)

PLANNING

1. Previous PLANNING Condition 1 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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

Is hereby amended to read:

Prior to the issuance of the 2nd Residential Building Permit (50%), the applicant shall submit payment to Department of Housing and Economic Sustainability (DHES) and a copy of a receipt for that payment to the Planning Division in the amount of \$236,925 (3 MF du x \$78,975). (BLDGPMPT: MONITORING - Planning)

2. Prior to Final Site Plan approval, the property owner shall obtain a Certificate to Dig (CTD) from the County Archaeologist. (DRO: PLANNING - Planning) (Previous PLANNING Condition 2 of Resolution R-2018-1282, Control No.1984-00159)

3. Per the conditions of the Certificate to Dig that was issued July 6, 2015, an Archaeologist shall be onsite to monitor all activities and the developer shall contact the County Historic Preservation Officer when the Archaeologist will be onsite. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 3 of Resolution R-2018-1282, Control No.1984-00159)

4. Should any archaeological artifacts be uncovered during development or soil disturbing activity, excavation shall halt; the County Archaeologist contacted and allowed to comment on the significance of the find as provided for in Article 9 of the ULDC. (ONGOING: PLANNING - Planning) (Previous PLANNING Condition 4 of Resolution R-2018-1282, Control No.1984-00159)

5. The subject request for 98 units with a 3-unit Workforce Housing Program (WHP) obligation was calculated based on Limited Incentive Development Option with the WHP units to be for sale and will be utilizing Fee In-Lieu. No WHP density bonus were utilized. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

6. Per Ordinance 2002-10, condition 1: Non-residential uses on the site shall be limited to office, restaurant uses and a maximum of 6,500 square feet of ancillary retail space. (ONGOING: PLANNING - Planning)

SCHOOL BOARD

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

“NOTICE TO PARENTS OF SCHOOL AGE CHILDREN”

School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s).

(ONGOING: SCHOOL BOARD - School Board) (Previous SCHOOL BOARD Condition 1 of Resolution R-2018-1282, Control No.1984-00159)

2. Previous SCHOOL BOARD Condition 2 of Resolution R-2018-1282, Control No.1984-00159, which currently states:

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.

Is hereby deleted. [REASON: The school bus shelter is no longer required.]

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-3: Class A Conditional Use - Marina

ALL PETITIONS

1. The approved Site Plan is dated March 11, 2022. 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. (ONGOING: ZONING - Zoning)

2. The Property Owner shall include in Homeowners' documents, as well as written sales brochures, sales contracts and related plans, a disclosure statement identifying the Marina as a use that may be open to the public. 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 one year from the effective date of this approval 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/ONGOING: MONITORING - 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.

Figure 1 - Land Use Map

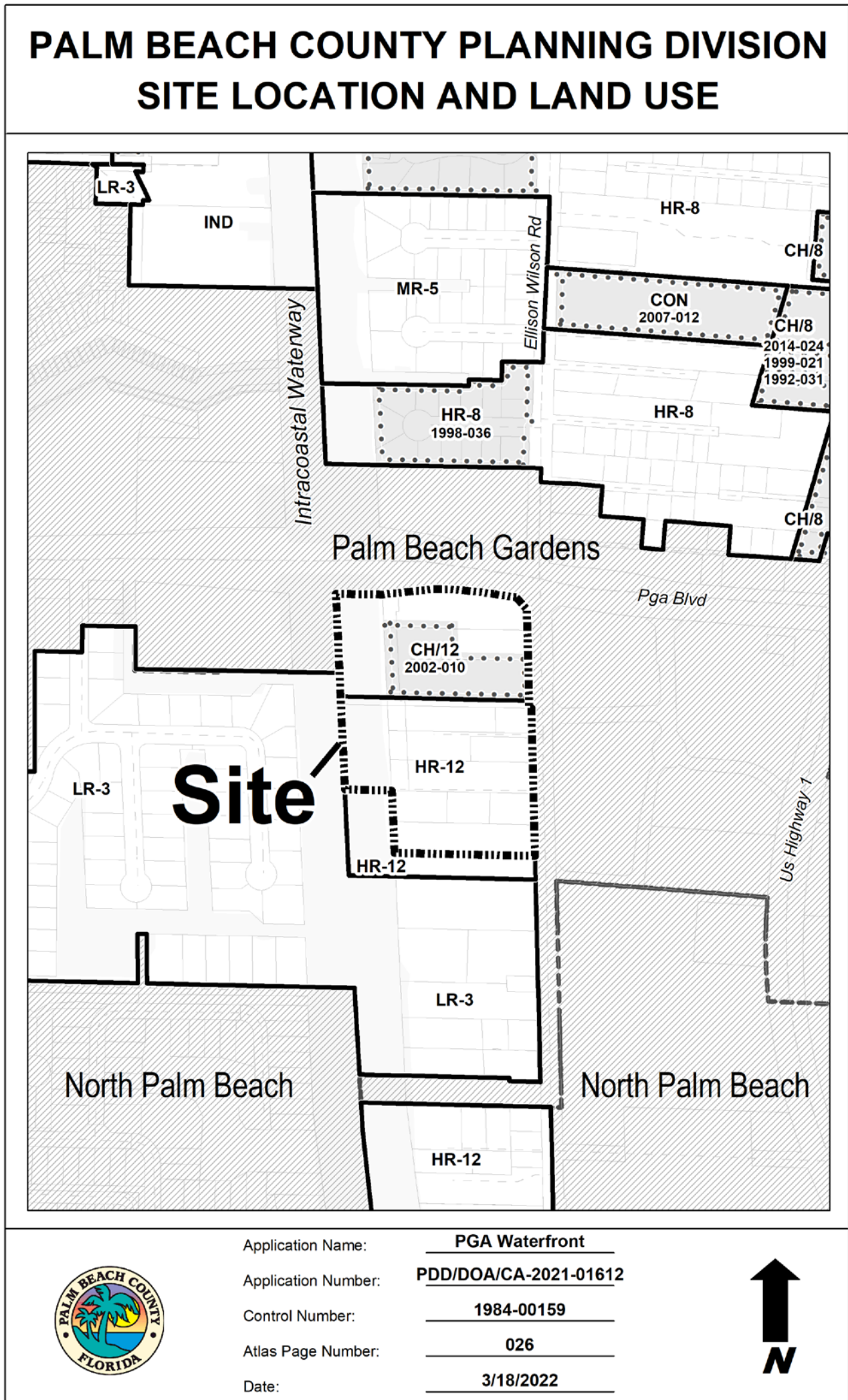


Figure 2 - Zoning Map

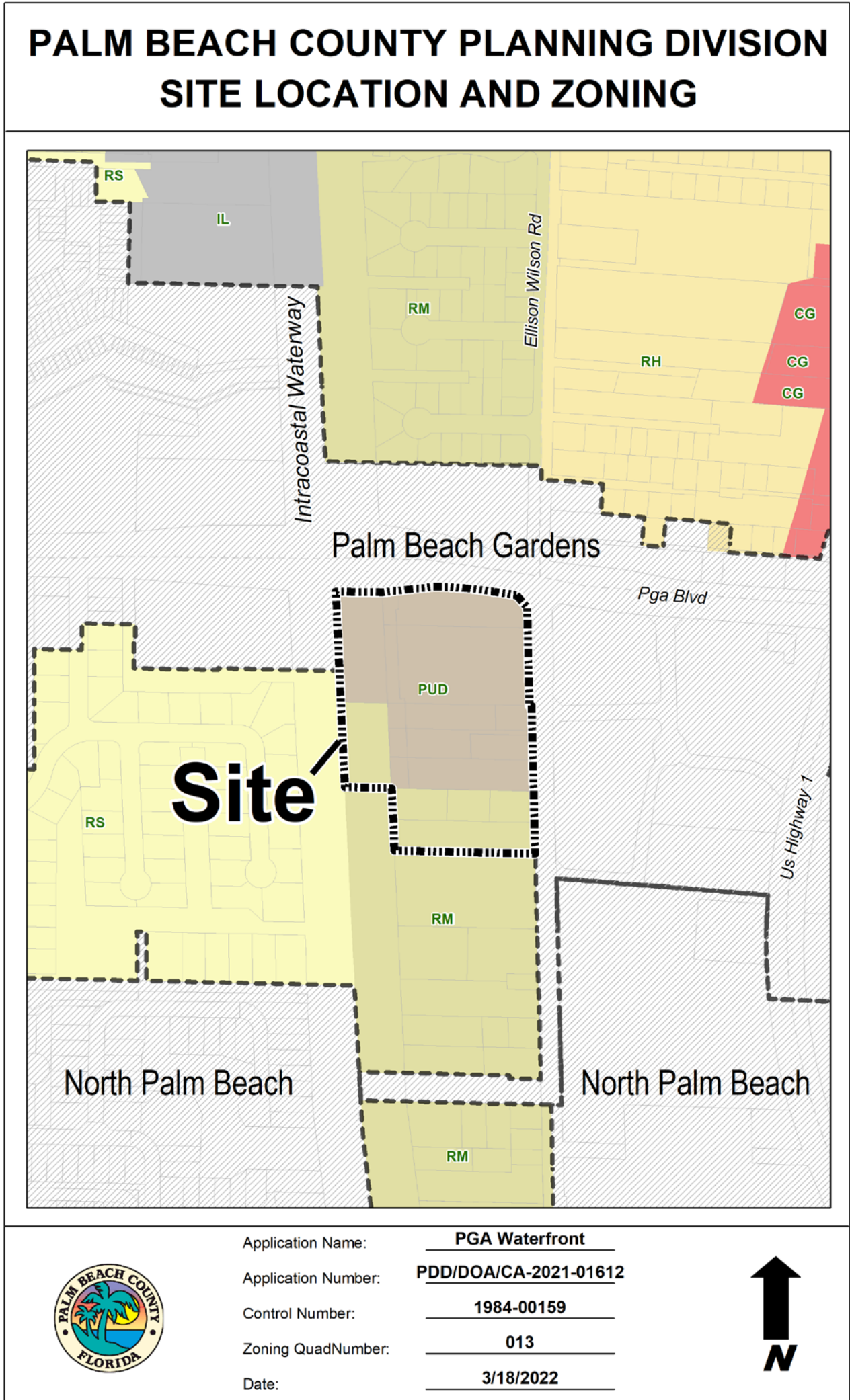
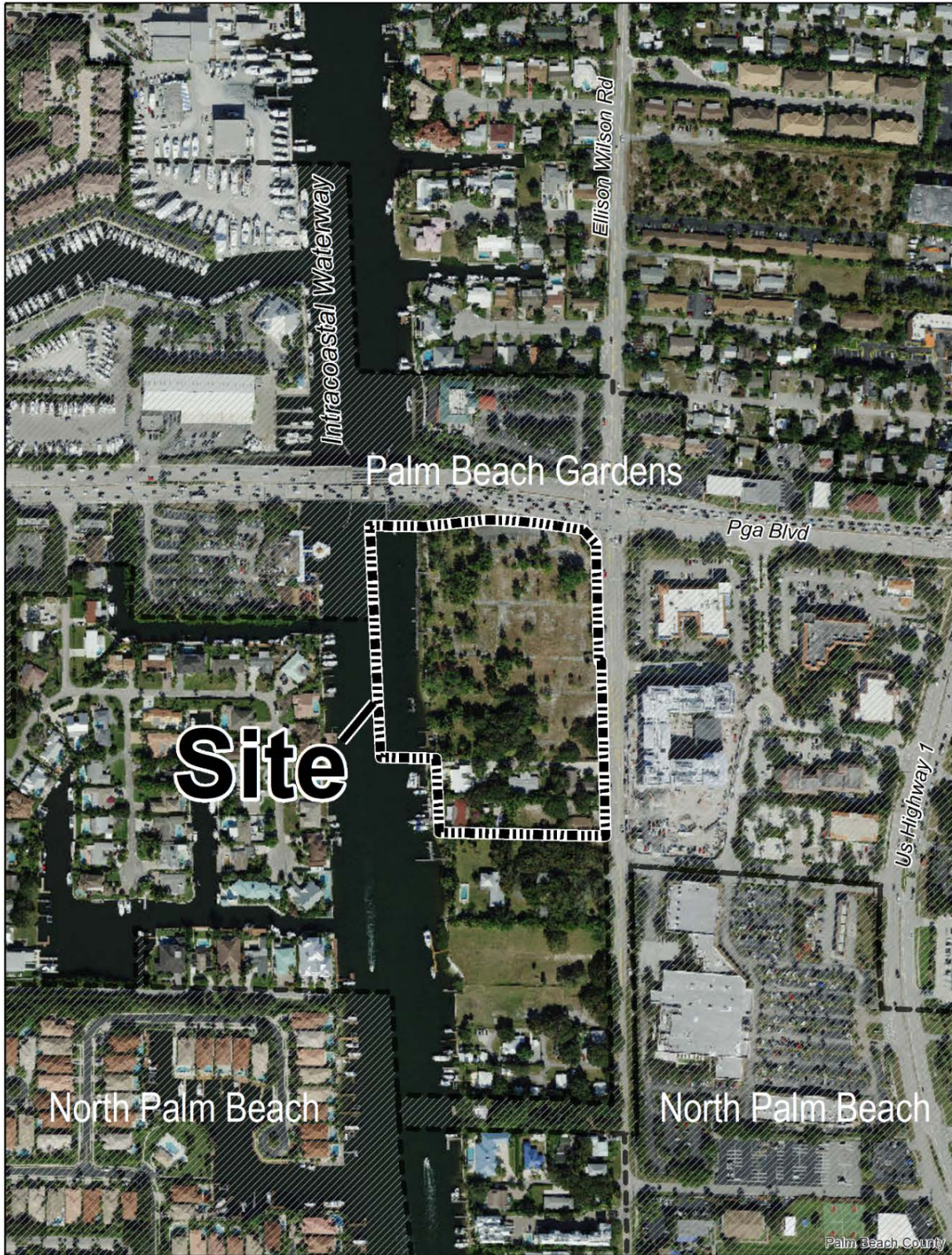


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>PGA Waterfront</u>
Application Number:	<u>PDD/DOA/CA-2021-01612</u>
Control Number:	<u>1984-00159</u>
Atlas Page Number:	<u>026</u>
Date:	<u>3/18/2022</u>



Figure 4 – Preliminary Master Plan dated March 11, 2022

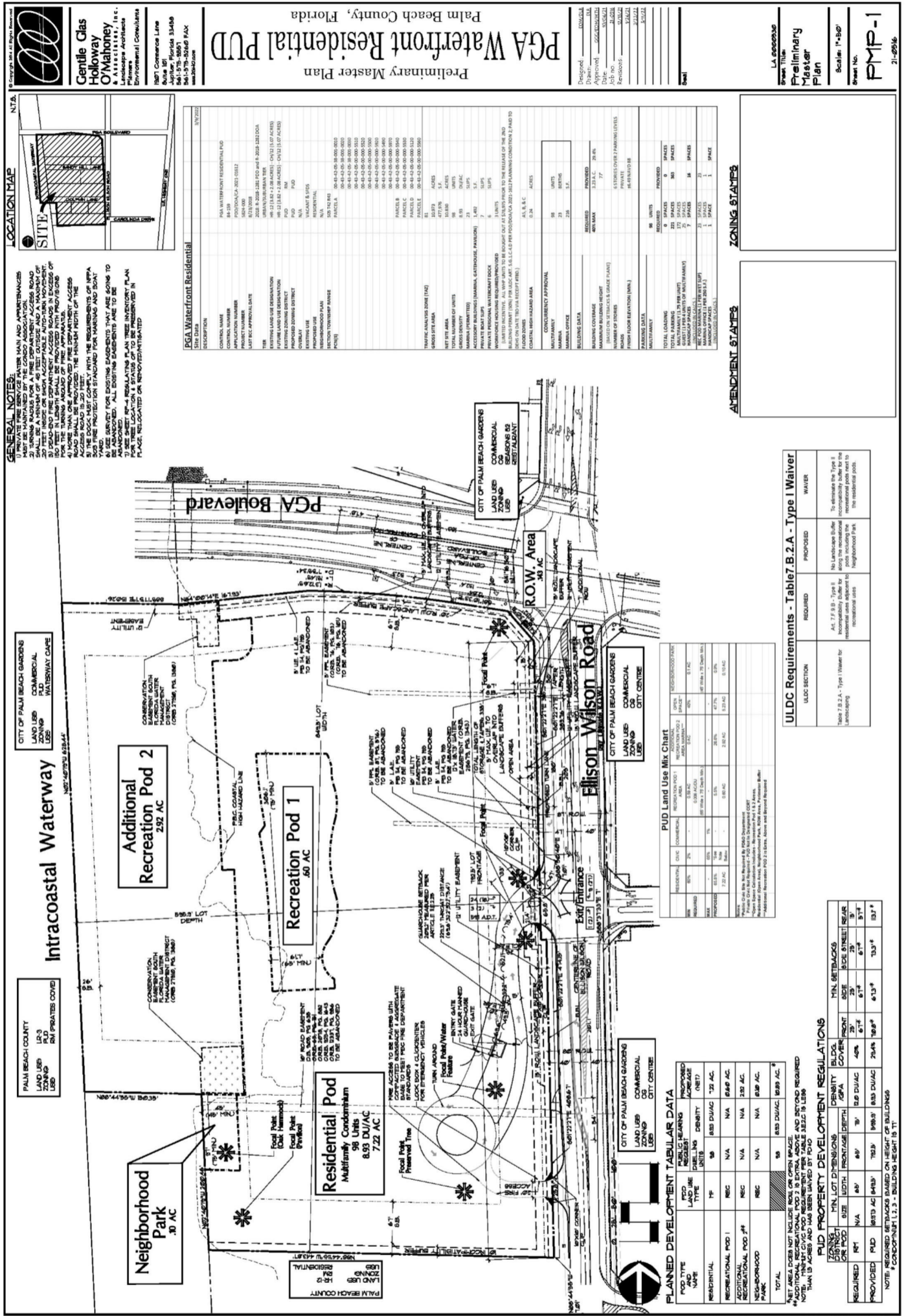


Figure 5 – Preliminary Site Plan dated March 11, 2022, page-2 of 5

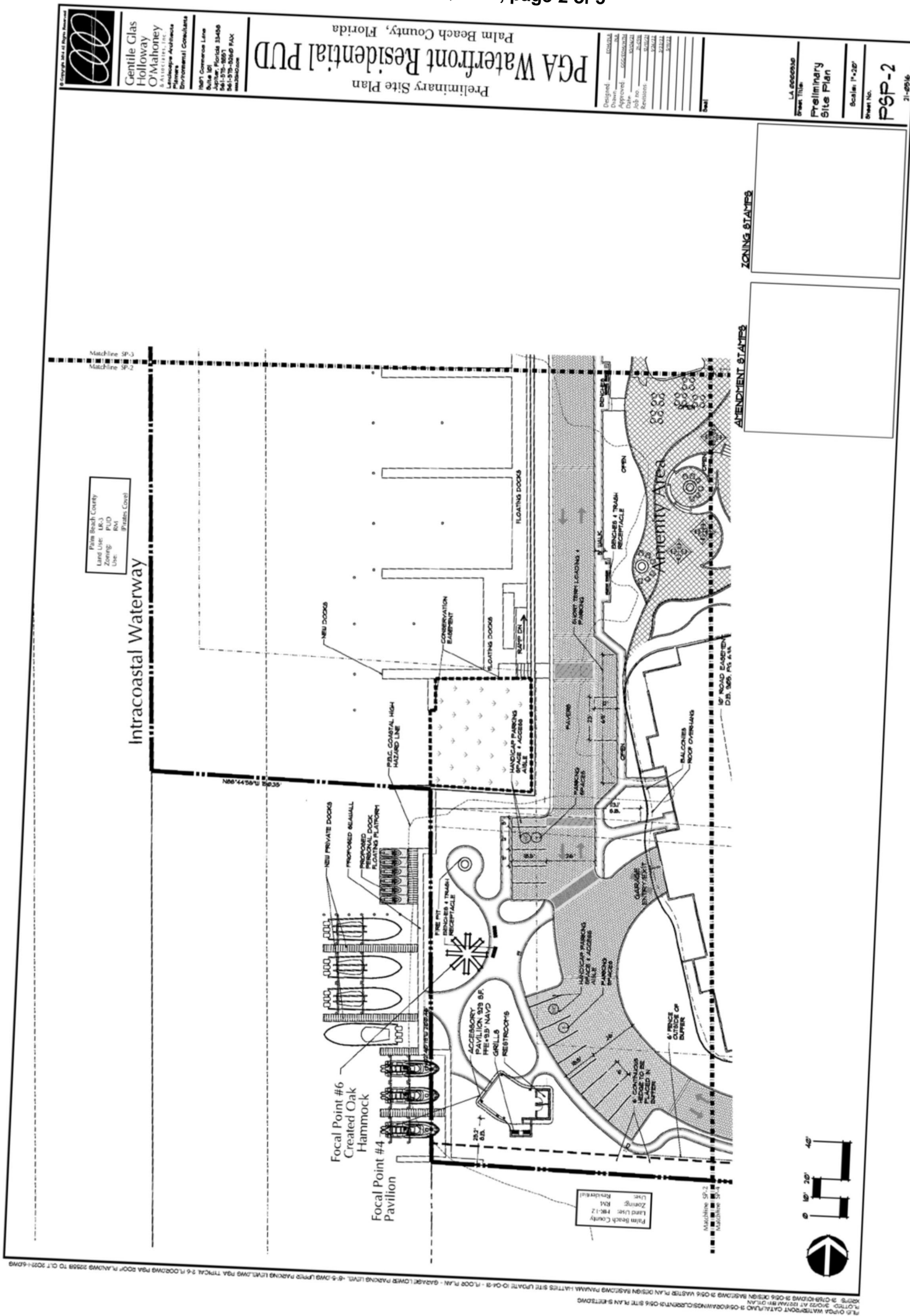


Figure 6 – Preliminary Regulating Plan dated March 11, 2022, page-1 of 6

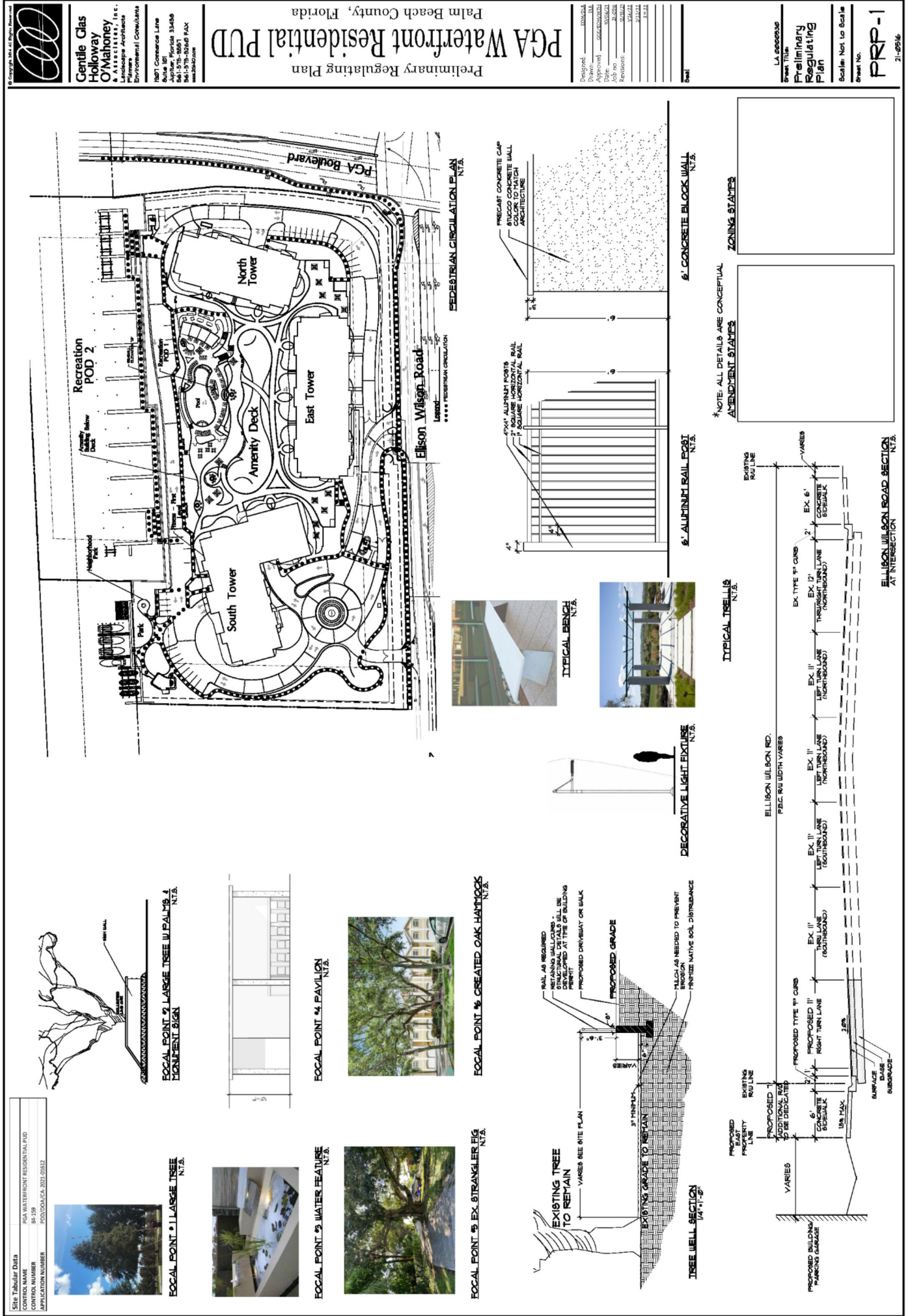


Figure 6 – Preliminary Regulating Plan dated March 11, 2022, page-2 of 6

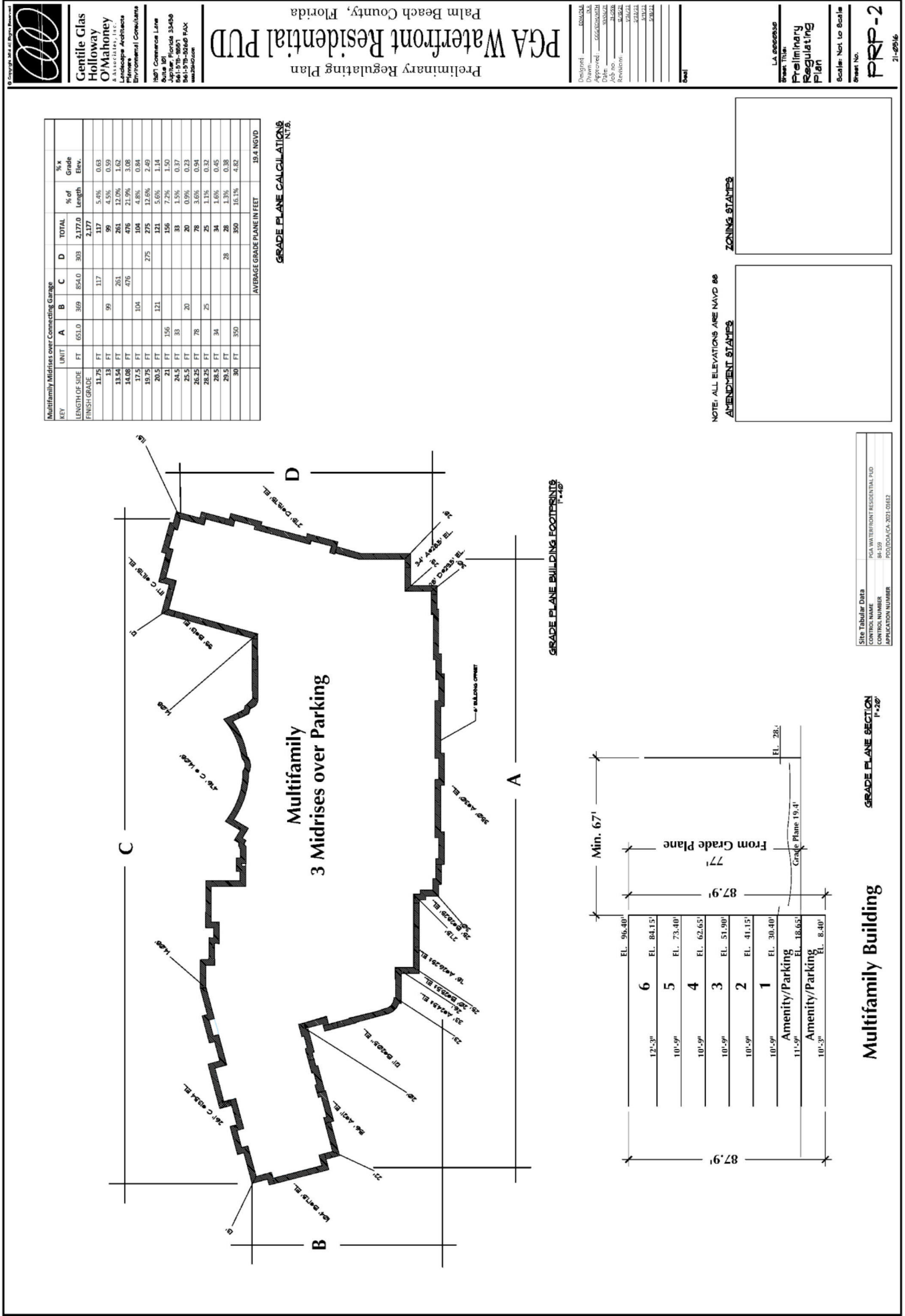


Figure 6 – Preliminary Regulating Plan dated March 11, 2022, page-3 of 6



Figure 6 – Preliminary Regulating Plan dated March 11, 2022, page-5 of 6

Tag #	Species	D.B.H.	EMM	Trunk Height in Feet	Zoning	Proposed Disposition	ERM Mitigation	Zoning Tree Credits	Zoning Palm Credits	Notes
4001	BLACK OLIVE	17	NA	YES	REMOVE					Growing through DTM, remove to allow installation
4002	BLACK OLIVE	15	NA	YES	REMOVE					DOWN FROM DTM, ground
4003	BLACK OLIVE	15	NA	YES	REMOVE					DOWN FROM DTM, ground
4004	CABRAGE PALM	15	NA	YES	RELOCATE		1	1		Down
4005	BLACK PALM	13	NA	YES	REMOVE					Ways out back, irregular growth
4006	AUSTRALIAN PINE	12	NA	YES	REMOVED					
4007	CABRAGE PALM	12	NA	YES	RELOCATE		1	1		Good shape
4008	CABRAGE PALM	13	NA	YES	RELOCATE		1	1		Good shape
4009	CABRAGE PALM	21	NA	YES	RELOCATE		1	1		Good shape
4010	COCONUT PALM	NA	YES	REMOVED						12' CW, decent, yellowing
4011	COCONUT PALM	NA	YES	REMOVED						6' CW, medium trunk, decent
4012	ADONISIA PALM	NA	YES	REMOVE						12' CW, decent, yellowing
4013	COCONUT PALM	NA	YES	REMOVE						
4014	COCONUT PALM	NA	YES	REMOVE						
4015	COCONUT PALM	NA	YES	REMOVE						
4016	COCONUT PALM	NA	YES	REMOVE						
4017	COCONUT PALM	NA	YES	REMOVE						
4018	COCONUT PALM	NA	YES	REMOVE						
4019	COCONUT PALM	NA	YES	REMOVE						
4020	COCONUT PALM	23	NA	YES	RELOCATE		1	1	12-20' CW, decent	
4021	COCONUT PALM	26	NA	YES	RELOCATE		1	1		
4022	CABRAGE PALM	21	NA	YES	RELOCATE		1	1		
4023	CABRAGE PALM	21	NA	YES	RELOCATE		1	1		
4024	CABRAGE PALM	24	NA	YES	RELOCATE		1	1		
4025	CABRAGE PALM	25	NA	YES	RELOCATE		1	1		
4026	CABRAGE PALM	24	NA	YES	RELOCATE		1	1		
4027	COCONUT PALM	24	NA	YES	RELOCATE		1	1		
4028	SYCAMOR	24	NA	YES	REMOVE					DOWN FROM DTM
4029	COCONUT PALM	NA	YES	REMOVE						
4030	COCONUT PALM	NA	YES	REMOVE						
4031	COCONUT PALM	NA	YES	REMOVE						
4032	COCONUT PALM	NA	YES	REMOVE						
4033	BLACK PALM	24	NA	YES	REMOVE					5' CW, small, decent, yellowing
4034	BLACK PALM	24	NA	YES	REMOVE					5' CW, small, decent, yellowing
4035	BLACK PALM	24	NA	YES	REMOVE					12' CW, decent, very thin
4036	BLACK PALM	24	NA	YES	REMOVE					12' CW, decent, very thin
4037	BLACK PALM	24	NA	YES	REMOVE					Small DTM, 15' CW, poor form
4038	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4039	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4040	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4041	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4042	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4043	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4044	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4045	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4046	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4047	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4048	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4049	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4050	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4051	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4052	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4053	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4054	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4055	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4056	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4057	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4058	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4059	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4060	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4061	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4062	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4063	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4064	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4065	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4066	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4067	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4068	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4069	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4070	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4071	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4072	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4073	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4074	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4075	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4076	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4077	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4078	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4079	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4080	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4081	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4082	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4083	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4084	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4085	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4086	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4087	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4088	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4089	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4090	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4091	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4092	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4093	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4094	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4095	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4096	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4097	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4098	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4099	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing
4100	COCONUT PALM	24	NA	YES	REMOVE					12' CW, poor, decent, yellowing

SEE PRP-6 FOR CONTINUATION OF LIST

Site Tabular Data	PGA WATERFRONT RESIDENTIAL PUD
CONTROL NAME	PGA WATERFRONT RESIDENTIAL PUD
PROJECT NAME	PGA WATERFRONT RESIDENTIAL PUD
APPLICATION NUMBER	PDD/DOA/CA-2021-01612

Copyright, 2011, All Rights Reserved
 Gentle Glas Holloway O'Mahoney
 LANDSCAPE ARCHITECTS
 Environmental Consultants
 1887 Commerce Line
 Suite 101
 Palm Beach, Florida 33480
 561-978-3891
 561-978-3868 FAX
 www.ggho.com

Preliminary Tree Inventory Plan
 PGA Waterfront Residential PUD
 Palm Beach County, Florida

Designed	2/22/22
Drawn	2/22/22
Checked	2/22/22
Approved	2/22/22
Printed	2/22/22
Revisions	
Scale	N.T.S.

Scale: N.T.S.
 Sheet No. PRP-5
 21-0516

Figure 7 – Preliminary Master Sign Plan dated February 22, 2022

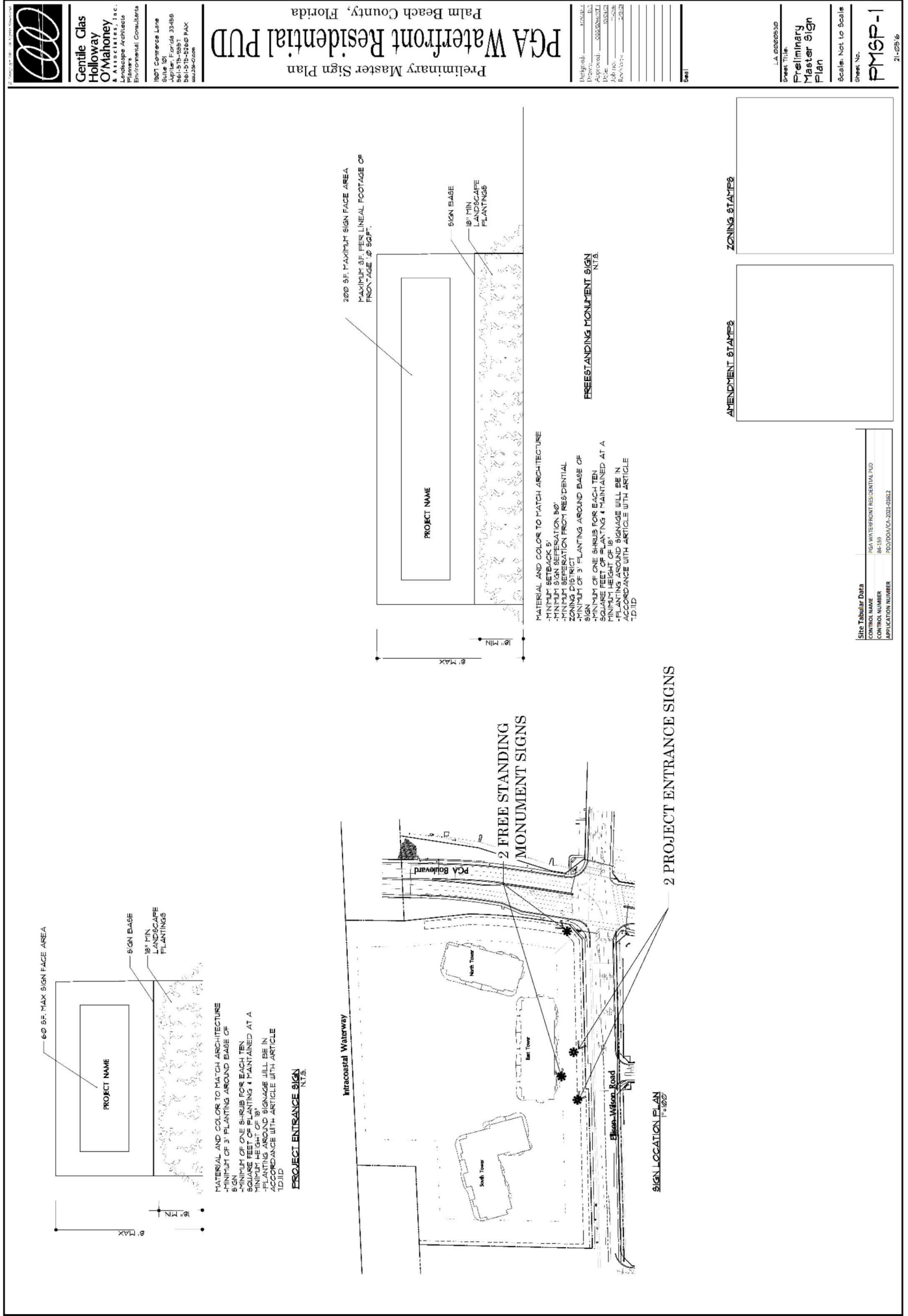


Figure 8 – Preliminary Architectural Elevations dated March 11, 2022 page 4 of 7

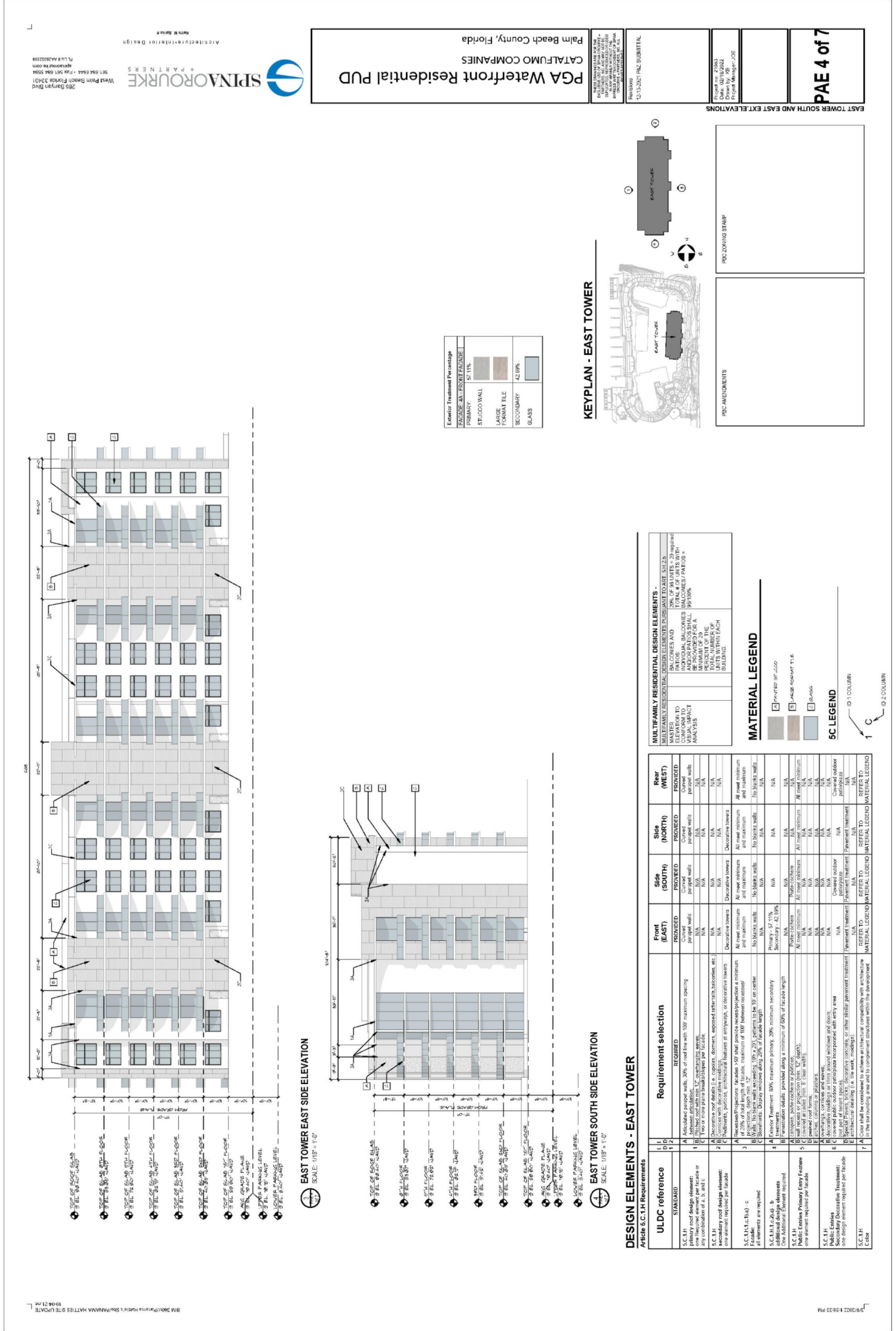


Figure 10 – Conceptual Renderings dated March 11, 2022 page 1 of 2

RNDR.1
RENDERINGS

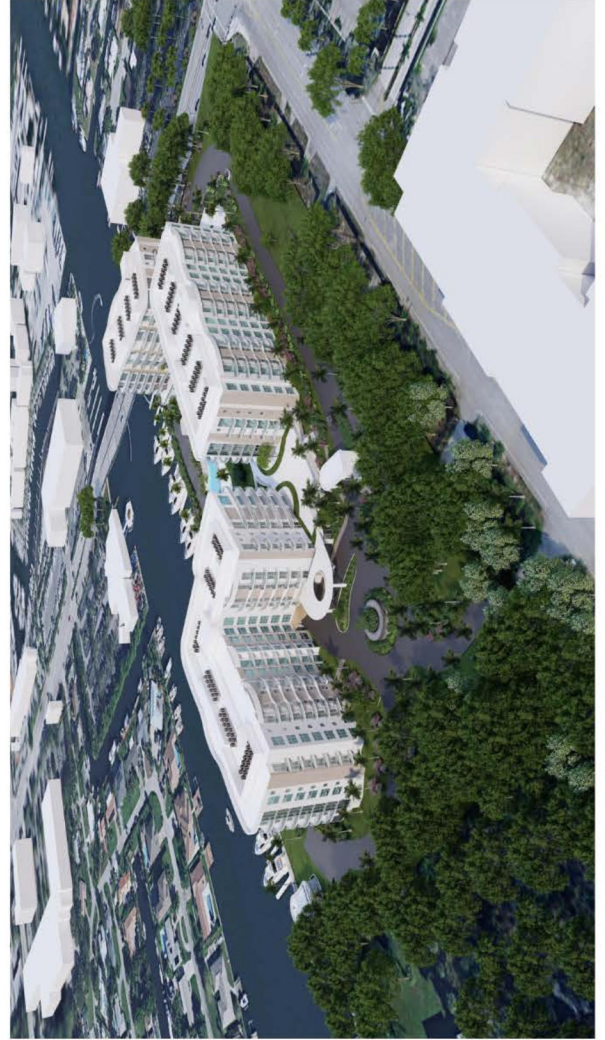
Project No. 2021-0001
Date: 02/12/2022
Drawn by: JSE
Project Manager: JSE

1P-13-2021 P&Z SUBMITTAL

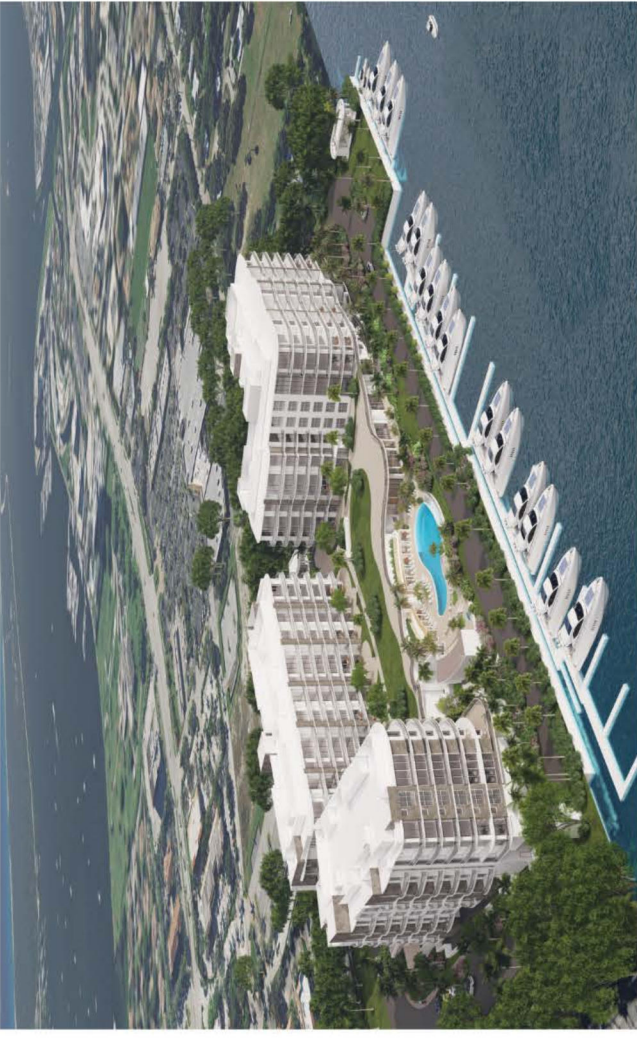
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PGA Waterfront Residential PUD
CATALANO COMPANIES
Palm Beach County, Florida

SPINAOROURKE + PARTNERS
Architectural/Interior Design
1000 V. ROAD
255 Banyan Blvd
West Palm Beach, Florida 33411
561.836.5288
FL 15-000229



Perspective View North West

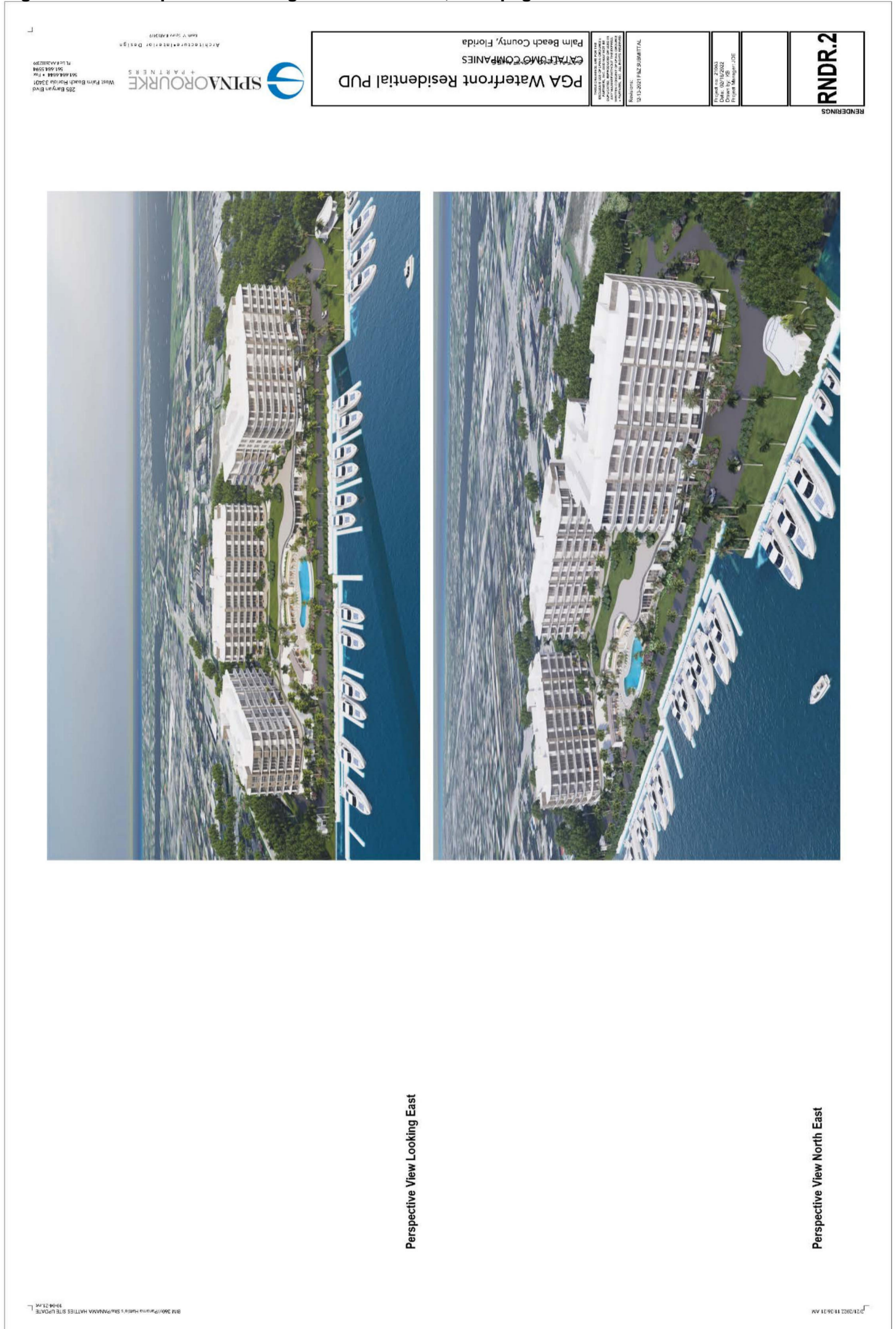


Perspective View South East

1P-13-2021 P&Z SUBMITTAL

1P-13-2021 P&Z SUBMITTAL

Figure 10 – Conceptual Renderings dated March 11, 2022 page 2 of 2



Perspective View Looking East

Perspective View North East

RNDR.2
RENDERINGS

Project No. 2021-0003
Date: 02/12/2022
Drawn by: JDE
Checked by: JDE

REVISIONS:
12-13-2021 P&E SUBMITTAL

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PGA Waterfront Residential PUD
CATALYTIC COMPANIES
Palm Beach County, Florida

SPINAOROURKE + PARTNERS
Architectural/Interior Design
1000 V. SONS AVENUE
WEST PALM BEACH, FLORIDA 33411
561.838.5588
FL 14-000299

Figure 12 –Previously Approved Final Site Plan dated February 8, 2021 page 5 of 5

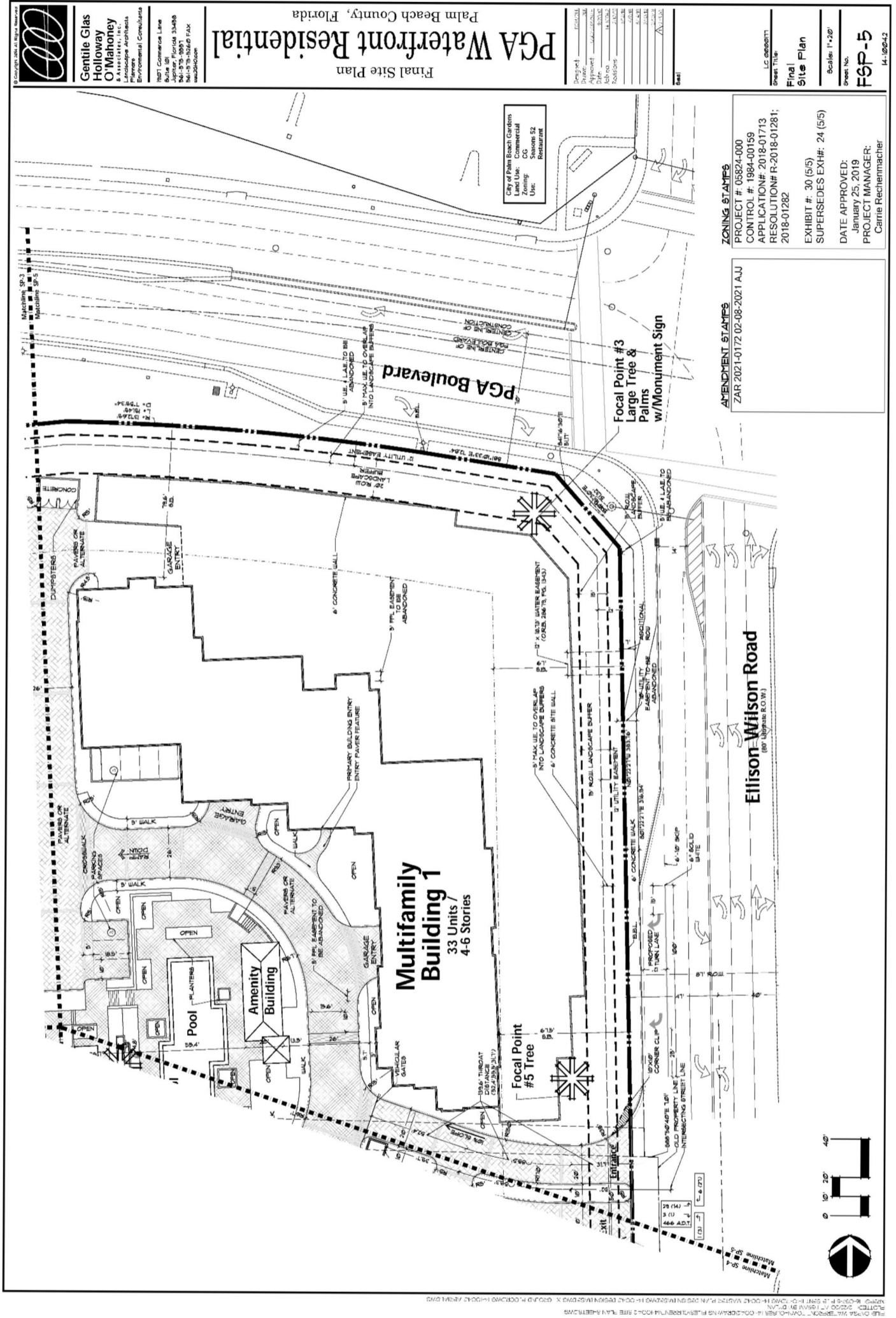


Exhibit D – Disclosure of Ownership

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 Daniel S. Catalfumo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the [] individual or [x] Manager of DMBH Residential Investment LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 4001 Design Center Drive, Suite 110 Palm Beach Gardens, FL 33410
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property.
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.
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.

[Signature]
Daniel S. Catalfumo, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 02 day of December, 2021 by Daniel S. Catalfumo (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did not take an oath (circle correct response).

SHERIE FREEMAN
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 06/12/2022

NOTARY'S SEAL OR STAMP

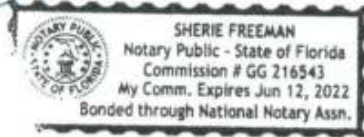


EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

00-43-42-05-00-000-5520
00-43-42-05-00-000-5920
00-43-42-05-00-000-5980
00-43-42-05-00-000-5990
00-43-42-05-00-000-8000
00-43-42-05-38-001-0040
00-43-42-05-38-002-0050

A PARCEL OF LAND LOCATION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF HATTIES LANDING M.U.P.D., AS RECORDED IN PLAT BOOK 114, PAGE 196, AND UNPLATTED LANDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, THENCE S01°22'27"E, ALONG THE EAST LINE OF SAID SECTION 5 (BASIS OF BEARINGS), 711.18 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 300 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE N88°44'56"W, ALONG SAID NORTH LINE, 33.03 FEET TO THE WEST RIGHT OF WAY LINE OF ELLISON WILSON ROAD, AND THE POINT OF BEGINNING; THENCE CONTINUE N88°44'56"W, 399.93 FEET; THENCE N02°40'07"W, 290.10 FEET; THENCE S87°19'53"W, 15.51 FEET; THENCE N02°40'07"W, 287.00 FEET; THENCE N87°19'53"E, 10.51 FEET; THENCE N02°40'07"W, 59.47 FEET TO THE SOUTH RIGHT OF WAY LINE OF PGA BOULEVARD (STATE ROAD 74), AS RECORDED IN ROAD PLAT BOOK 5, PAGE 188; PUBLIC RECORD OF PALM BEACH COUNTY, FLORIDA; THENCE N84°00'14"E, ALONG SAID SOUTH RIGHT OF WAY LINE, 117.45 FEET TO A NON-TANGENCY POINT ON A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1372.89 FEET; THENCE EASTERLY ALONG SAID CURVE; THROUGH A CENTRAL ANGLE OF 759°34", WITH A CHORD BEING OF S85°10'20"E, A DISTANCE OF 191.49 FEET TO A POINT OF TANGENCY, THENCE S81°10'33"E, 72.84R FEET; THENCE S41°18'30"E, 51.32 FEET; THENCE S01°22'27"E, 318.94 FEET; THENCE S88°50'40"E, 7.01 FEET; THENCE S01°22'27"E, 273.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 282,832 SQUARE FEET, OR 6.03 ACRES, MORE OR LESS.

PCN: 00-43-42-05-00-000-5540

THE WEST 180 FEET MEASURED ALONG THE NORTH AND SOUTH LINES OF THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NE 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE EAST LINE OF THE RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, PALM BEACH COUNTY, FLORIDA, INCLUDING A 10' EASEMENT ALONG THE NORTH SIDE FROM THE INTRACOASTAL WATERWAY TO THE ELLISON WILSON ROAD.

TOGETHER WITH:

PCN: 00-43-42-05-00-000-5120

THAT PART OF THE NORTH 100 FEET OF THE SOUTH 300 FEET OF THE NORTH HALF (N 1/2) OF THE SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LYING EAST OF THE EAST LINE OF THE RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, PALM BEACH COUNTY FLORIDA; LESS HOWEVER THE WEST 317 FEET THEREOF.

PCN: 00-43-42-05-00-000-5530

THAT EASTERLY 137 FEET OF THE WESTERLY 317 FEET OF THE NORTH 100 OF THE SOUTH 300 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY FLORIDA, LYING EAST OF THE RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE NORTH 10 FEET OF THE SOUTH 300 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, LYING EAST OF THE RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY.

PCN: 00-42-42-05-00-000-5580

PARCEL NO. 3
THAT PORTION OF THE NORTH 100 FEET OF THE SOUTH 200 FEET OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST LYING EAST OF THE EAST RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY AND LESS THE RIGHT OF WAY OF ELLISON WILSON ROAD; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the [] individual or [x] Co-Manager [position - e.g., president, partner, trustee] of PGA Partners 100 LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 115 Front Street Suite 300 Jupiter FL 33477

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
Mark A. Gensheimer, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 30th day of December, 2021 by Mark A. Gensheimer (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did, did not take an oath (circle correct response).

Susan E. Nichols
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 1/6/2024



PROPERTY

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF HATTIES LANDING M.U.P.D., AS RECORDED IN PLAT BOOK 114, PAGE 195, A PORTION OF PARCEL 14 AND PARCEL 15, ACCORDING TO THE PLAT OF INTRACOASTAL WATERWAY, AS RECORDED IN PLAT BOOK 17, PAGE 29, AND UNPLATTED LANDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, THENCE S01°22'27"E, ALONG THE EAST LINE OF SAID SECTION 5 (BASIS OF BEARINGS), 711.16 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 300 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE N88°44'55"W, ALONG SAID NORTH LINE, 432.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N88°44'55"W, 205.87 FEET TO A POINT ON THE WEST LINE OF THE EAST 150 FEET OF THE INTRACOASTAL WATERWAY, AS RECORDED IN PLAT BOOK 17, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N02°40'07"W, ALONG SAID WEST LINE 628.40 FEET TO A POINT ON THE SOUTH RIGHT-OF-LINE OF PGA BOULEVARD (STATE ROAD 74), AS RECORDED IN ROAD PLAT BOOK 5, PAGE 186, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE S89°17'57"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE 150.25 FEET; THENCE N84°00'14"E, 50.48 FEET; THENCE S02°40'07"E, 59.47 FEET; THENCE S87°19'53"W, 10.50 FEET; THENCE S02°40'07"E, 287.00 FEET; THENCE N87°19'53"E, 15.51 FEET; THENCE S02°40'07"E, 290.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 124,702 SQUARE FEET, OR 2.86 ACRES, MORE OR LESS.

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
	PGA Partners 100, LLC 115 Front St Ste 300, Jupiter, FL 33477

	NAM Family PGA Investments, LLC (50%) 115 Front St Ste 300, Jupiter, FL 33477
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	Nicholas A. Mastroianni, II 2012 Irrev Tr (80% of 50%) 115 Front St Ste 300, Jupiter, FL 33477
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	Genmark PGA, LLC (50%) 1515 N Federal Hwy, Ste 306, Boca Raton, FL 33432
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	Mark A. Gensheimer (100% of 50%) 1515 N Federal Hwy, Ste 306, Boca Raton, FL 33432
--	--

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the individual or Co-Manager *[position - e.g., president, partner, trustee]* of PGA Partners 100 LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 115 Front Street Suite 300 Jupiter FL 33477

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.



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

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or [] online notarization, this 6th day of December, 2021 by Nicholas A. Mastroianni II (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Nicole St. Angelo
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 12/14/2024

NOTARY'S SEAL OR STAMP



Nicole St. Angelo
Notary Public
State of Florida
Comm# HH072127
Expires 12/14/2024

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

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