

RESOLUTION NO. R-2022- 0628

RESOLUTION APPROVING ZONING APPLICATION PDD/DOA/CA-2021-01612
(CONTROL NO. 1984-00159)
a Development Order Amendment
APPLICATION OF PGA Partners 100 LLC, PGA Waterway Condos LLC - Dan
Catalfumo
BY Gentile Glas Holloway O'Mahoney & Associates Inc., AGENT
(PGA Waterfront Residential PUD)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067 as amended, have been satisfied;

WHEREAS, Zoning Application PDD/DOA/CA-2021-01612 was presented to the Board of County Commissioners at a public hearing conducted on June 23, 2022;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Development Order Amendment;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application PDD/DOA/CA-2021-01612, the Application of PGA Partners 100 LLC, PGA Waterway Condos LLC - Dan Catalfumo, by Gentile Glas Holloway O'Mahoney & Associates Inc., Agent, for a Development Order Amendment to modify the Site Plan; add land area, units, and uses; and, modify Conditions of Approval, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on June 23, 2022, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marino moved for the approval of the Resolution.

The motion was seconded by Commissioner Sachs and, upon being put to a vote, the vote was as follows:

Commissioner Robert S. Weinroth, Mayor	- Aye
Commissioner Gregg K. Weiss, Vice Mayor	- Aye
Commissioner Maria G. Marino	- Aye
Commissioner Dave Kerner	- Aye
Commissioner Maria Sachs	- Aye
Commissioner Melissa McKinlay	- Absent
Commissioner Mack Bernard	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on June 23, 2022.

Filed with the Clerk of the Board of County Commissioners on June 23rd, 2022.

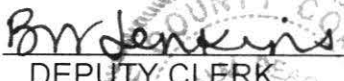
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

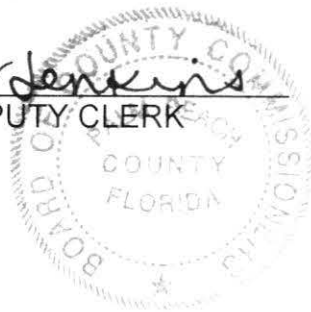


EXHIBIT A

LEGAL DESCRIPTION

PARCEL A

A PARCEL OF LAND LOCATED 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, AND UNPLATTED LANDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, THENCE SOUTH 01°22'27" EAST, 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 NORTH 88°44'55" WEST, 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 NORTH 88°44'55" WEST, 399.93 FEET; THENCE NORTH 02°40'07" WEST, 290.10 FEET; THENCE SOUTH 87°19'53" WEST 15.51 FEET; THENCE NORTH 02°40'07" 287.00 FEET; THENCE NORTH 87°19'53" EAST, 10.51 FEET; THENCE NORTH 02°40'07" WEST, 59.47 FEET TO THE SOUTH RIGHT OF WAY LINE OF PGA BOULEVARD (STATE ROAD 74), AS RECORDED IN ROAD PLAT BOOK 5, PAGE 186, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 84°00'14" EAST, 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 1372.69 FEET; THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 7°59'34", WITH A CHORD BEARING OF SOUTH 85°10'20" EAST, A DISTANCE OF 191.49 FEET TO A POINT OF TANGENCY; THENCE SOUTH 81°10'33" EAST, 72.84 FEET; THENCE SOUTH 41°16'30" EAST, 51.32 FEET; THENCE SOUTH 01°22'27" EAST, 316.94 FEET; THENCE SOUTH 88°50'40" EAST, 7.01 FEET; THENCE SOUTH 01°22'27" EAST, 273.90 FEET TO THE POINT OF BEGINNING. CONTAINING 262,632 SQUARE FEET OR 6.03 ACRES, MORE OR LESS.

PARCEL B

THE WEST 180 FEET MEASURED ALONG THE NORTH AND SOUTH LINES OF THE NORTH 100 FEET OF THE SOUTH 300 FEET OF NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST 1/4 OF THE SOUTHEAST 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. CONTAINING 18,000 SQUARE FEET OR 0.41 ACRES, MORE OR LESS.

PARCEL C

THE EASTERLY 137 FEET OF THE WESTERLY 317 FEET OF THE NORTH 100 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 SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE RIGHT OF WAY OF THE INTRACOASTAL WATERWAY. CONTAINING 13,778 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

PARCEL D

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. CONTAINING 13,656 SQUARE FEET OR 0.31 ACRES, MORE OR LESS.

PARCEL E

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. CONTAINING 45,208 SQUARE FEET OR 1.04 ACRES, MORE OR LESS.

PARCEL F

A PARCEL OF LAND LOCATED 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, 10.51 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.

MORE PARTICULARLY DESCRIBED AS:

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, TOGETHER WITH ALL OF THE PLAT OF HATTIES LANDING, AS RECORDED IN PLAT BOOK 114 AT PAGE 195, OF THE RECORDS OF PALM BEACH COUNTY, AND UNPLATTED LANDS,

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 5, THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 5, SOUTH 01°22'27" EAST (THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 BEARS SOUTH 01°22'27" EAST AND ALL OTHER BEARINGS RECITED HEREON ARE RELATIVE THERETO), A DISTANCE OF 911.38 FEET TO THE INTERSECTION THEREOF WITH THE SOUTH LINE OF THE NORTH 100 FEET OF THE SOUTH 200 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 5; THENCE DEPARTING SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 5 ALONG SAID SOUTH LINE, NORTH 88°44'55" WEST, A DISTANCE OF 33.03 FEET TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE OF ELLISON WILSON ROAD (A 66 FOOT WIDE PUBLIC RIGHT OF WAY) AND THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE CONTINUE ALONG SAID SOUTH LINE OF THE NORTH 100 FEET OF THE SOUTH 200 FEET OF THE NORTH HALF OF THE

SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 5, NORTH 88°44'55" WEST, A DISTANCE OF 450.88 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY (A 300 FOOT WIDE PLATTED RIGHT OF WAY), AS SHOWN ON PLAT BOOK 17, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 02°40'19" WEST, A DISTANCE OF 200.46 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 SAID SOUTHEAST QUARTER OF SECTION 5; THENCE ALONG SAID NORTH LINE, NORTH 88°44'55" WEST, A DISTANCE OF 150.35 FEET TO A POINT ON THE CENTERLINE OF SAID INTRACOASTAL WATERWAY; THENCE ALONG SAID CENTERLINE, NORTH 02°40'19" WEST, A DISTANCE OF 628.44 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY LINE OF PGA BOULEVARD (STATE ROAD 786), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPPING SECTION 93001-2504; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89°17'57" EAST, A DISTANCE OF 150.26 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE OF PGA BOULEVARD, NORTH 84°00'14" EAST, A DISTANCE OF 167.93 FEET TO A NON-TANGENCY POINT ON A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1372.69 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE; THROUGH A CENTRAL ANGLE OF 7°59'34", WITH A CHORD BEARING OF SOUTH 85°10'20" EAST, A DISTANCE OF 191.49 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 81°10'33" EAST, A DISTANCE OF 72.84 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 41°16'30" EAST, A DISTANCE OF 51.32 FEET TO A POINT ON THE EXISTING WEST RIGHT OF WAY LINE OF SAID ELLISON WILSON ROAD, AS SHOWN ON OFFICIAL RECORD BOOK 4683, PAGE 1854, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND A POINT ON A LINE PARALLEL WITH AND 40.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE ALONG SAID EXISTING WEST RIGHT OF WAY LINE, SOUTH 01°22'27" EAST, A DISTANCE OF 316.94 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 100 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER OF SECTION 5; THENCE ALONG SAID SOUTH LINE AND CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 88°50'40" EAST, A DISTANCE OF 7.01 FEET TO A POINT ON A LINE PARALLEL WITH AND 33.00 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES TO SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 5; THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, SOUTH 01°22'27" EAST, A DISTANCE OF 474.15 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 477,976 SQUARE FEET OR 10.973 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

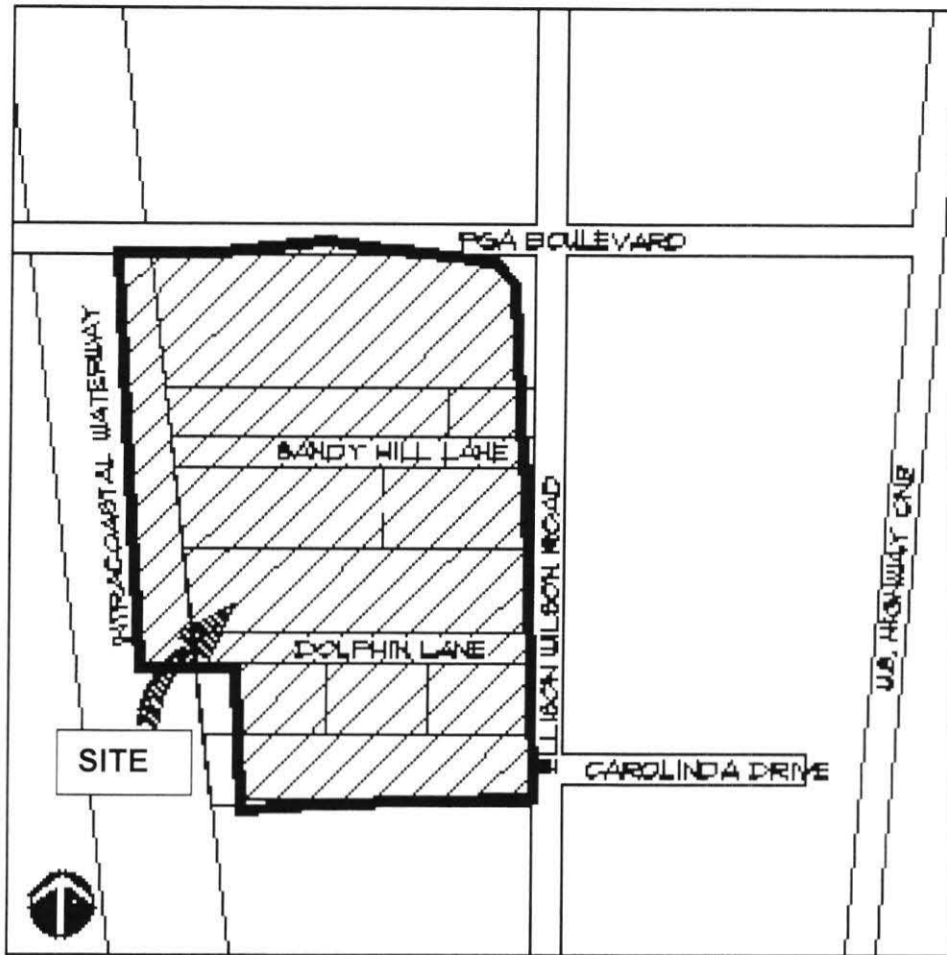


EXHIBIT C

CONDITIONS OF APPROVAL

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.

(BLDG/PMT: 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: Condition is no longer applicable. The trees in the original condition have been assessed and can no longer remain in place and will consider

mitigation that is permitted by Code]

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. (DRO/ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Zoning)

Is hereby deleted. [REASON: Condition is no longer applicable. The trees in the original condition have been assessed and can no longer remain in place and will consider mitigation that is permitted by Code.]

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. (BLDG/PMT/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. (BLDGPM: 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). (BLDGPM: 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.