

**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: August 5, 2021
Resolution 41, 2021 / Resolution 42, 2021**

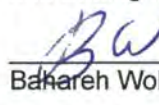
Subject/Agenda Item:

Downtown Palm Beach Gardens – PCD Amendment and Site Plan Amendment

Public Hearing and Adoption: A request from Excel Gardens, LLC for a Planned Community Development (PCD) Amendment to the Regional Center PCD to permit residential and hotel components on the Downtown Palm Beach Gardens (DPBG) parcel and update the PCD Exhibit "B" Master Plan map. The request is also for a Site Plan Amendment to incorporate a multifamily residential building with a new parking garage, mixed-use hotel tower, and other DPBG site-related modifications to establish Design Guidelines, and to update the Master Signage Plan. The 49.04-acre subject site is generally located on the east side of Alternate A1A between Kyoto Gardens Drive and Gardens Parkway.

[X] Recommendation to APPROVE

[] Recommendation to DENY

<p>Reviewed By: Assistant Director of Planning and Zoning  Peter Hofheinz, AICP</p> <p>Development Compliance and Zoning Manager  Bahareh Wolfs, AICP</p> <p>Director of Planning and Zoning  Natalie M. Crowley, AICP</p> <p>City Attorney  R. Max Lehman, Esq.</p>	<p>Originating Dept.: Planning & Zoning: Project Manager  Martin L. Fitts, AICP Principal Planner</p> <p>Project Manager  Samantha Morrone Senior Planner</p> <p>[X] Quasi – Judicial [] Legislative [X] Public Hearing</p> <p>Advertised: [X] Required [] Not Required Date: 7/21/2021 Paper: Palm Beach Post</p> <p>Affected parties: [] Notified [X] Not Required</p>	<p>Finance: <u>Accountant</u>  Tresha Thomas</p> <p>Fees Paid: <u>Yes</u></p> <p>Funding Source: [] Operating [X] Other <u>N/A</u></p> <p>Contract / Agreement: Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p> <p>Budget Acct.#: <u>N/A</u></p>	<p>City Council Action: [] Recommend Approval [] Recommend Approval w/ Conditions [] Recommend Denial [] Continued to: _____</p> <p>Attachments:</p> <ul style="list-style-type: none"> • Development Applications • Project Narrative • Location Map • Development Plans • Site Assessment Study • Traffic Approval Letter • Resolution 41, 2021 • Resolution 42, 2021
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EXECUTIVE SUMMARY

The Applicant is requesting a Planned Community Development (PCD) Amendment to permit residential and hotel uses on the Downtown Palm Beach Gardens (DPBG) site within the Regional Center PCD. Also, a Site Plan Amendment is requested to accommodate a 280-unit multifamily apartment building with parking garage and 174-room hotel/mixed-use tower, a new east-west drive aisle internal to the site, and other site modifications, as well as Design Guidelines and an updated Master Signage Program. The Site Plan Amendment includes 10 waivers. Staff is recommending approval of the subject petitions and requested waivers.

The Applicant has submitted two companion petitions. One of these petitions is a Large-Scale Future Land Use Map Amendment requesting to change the land-use designation on the 49.04-acre site from Professional Office (PO) to Mixed Use Development (MXD), including a note on the Future Land Use Map restricting the permitted intensity and density to the project's proposed development program or equivalent vehicular trips. The other petition is a Rezoning from General Commercial (CG-1) / Professional Office (PO) to Mixed Use Development (MXD), while maintaining the existing Planned Community Development (PCD) Overlay. The Land Use and Rezoning petitions were presented to the Planning, Zoning & Appeals Board at the May 11, 2021, meeting, where both petitions received a unanimous recommendation for approval. These petitions were then presented on first reading at the June 3, 2021, City Council meeting, where both petitions received unanimous approval on first reading. These companion petitions will also be heard on second and final reading at the August 5, 2021, City Council meeting.

The subject site is bound by Gardens Parkway to the north, Kyoto Gardens Drive to the south, and Alternate A1A to the west.

PROJECT BACKGROUND

As Downtown Palm Beach Gardens (DPBG) has come under new ownership in recent years, the Applicant has been moving forward with redevelopment plans and updates to the project to modernize and rejuvenate the site. On November 4, 2019, the project's name change request was approved by the City's Addressing Committee from "Downtown at the Gardens" to "Downtown Palm Beach Gardens." This followed the June 2019 approvals for the LifeTime Health Club facility via Resolution 26, 2019 and Resolution 27, 2019. On June 25, 2020, the City Council approved the "In-Place" phase of redevelopment, via Resolution 43, 2020, to amend the DPBG site plan to realign the drive aisle from Alternate A1A, relocate the carousel to the lakeside, make site modifications to hardscape and landscaping, approve architectural modifications, update building square footages and use allocations, and approve a Master Sign Plan. A chronological history of the project is included below.

On February 16, 1984, the City Council approved the Regional Center Development of Regional Impact (DRI) through the approval of Resolution 9, 1984, the overall development order for the DRI. The Council also adopted Ordinance 5, 1984 that established the zoning for the development as a Planned Community Development

(PCD). The overall maximum development density and intensity for the DRI was established on Exhibit "H" of Resolution 9, 1984. Resolution 9, 1984 was later amended by Resolution 23, 1984, Resolution 16, 1986, and Resolution 96, 1994.

On October 5, 1995, the City Council approved a Future Land Use (FLU) Map amendment via Ordinance 10, 1995, that amended the FLU designation of the Downtown at the Gardens parcel from Residential Medium (RM) to Professional Office (PO).

The Regional Center Master Plan was further amended through Resolution 96, 1999, Resolution 25, 2000, Resolution 36, 2001, and Resolution 81, 2001.

On June 5, 2003, the City Council approved Resolution 93, 2003 in order to revise the Regional Center Master Plan. Concurrently, the Downtown at the Gardens site plan was approved via Resolution 91, 2003. The original Downtown at the Gardens site plan authorized the development of 26,000 square feet of neighborhood commercial, 220,745 square feet of retail and restaurant, 67,690 square feet (up to 3,220 seats) of cinema, and 20,000 square feet of professional office. A shared parking study was approved as part of the Resolution.

On July 12, 2012, the City Council approved Resolution 67, 2012 to amend the list of permitted uses for Downtown at the Gardens to allow medical and dental office uses.

The Regional Center DRI was rescinded on April 4, 2013, when the City Council approved Resolution 22, 2013. The City Council subsequently approved Resolution 23, 2013 that approved the Regional Center PCD Master Plan. The overall development densities and intensities for the PCD were incorporated into Exhibit "B" of Resolution 23, 2013 as maximum leasable square footages.

On July 16, 2013, the City Council approved Resolution 37, 2013 to amend the Downtown at the Gardens site plan in order to incorporate a 0.28-acre right-of-way parcel on Kyoto Gardens Drive and allow associated parking lot modifications. The following month, on August 15, 2013, the City Council approved Resolution 59, 2013 for the conveyance of that 0.28-acre parcel of land to Downtown at the Gardens Associates, LTD.

On June 6, 2019, the City Council approved Resolution 26, 2019 to amend the Regional Center Planned Community Development (PCD) to add a 116,862-square-foot LifeTime Health Club facility and a 426-space parking garage. Concurrently, the City Council also approved Resolution 27, 2019 to amend the Downtown at the Gardens site plan to add the LifeTime Health Club and parking garage.

On June 25, 2020, the City Council approved Resolution 43, 2020 to amend the Downtown Palm Beach Gardens site plan to realign the drive aisle from Alternate A1A, relocate the carousel to the lakeside, make site modifications to hardscape and landscaping, architectural modifications, update building square footages and use allocations, and approve a Master Sign Plan.

LAND USE AND ZONING

The subject site currently has a Professional Office (PO) Future Land Use designation. The Applicant has submitted a petition to modify the land use to Mixed Use (MXD). The site currently has a zoning designation of General Commercial (CG-1) and Professional Office (PO) with a Planned Community Development (PCD) Overlay. The Applicant has submitted a petition to modify the underlying zoning designation to Mixed Use (MXD). These concurrent land use and zoning changes were heard on first reading at the June 3, 2021, City Council meeting, and are scheduled for second reading and adoption at the August 5, 2021, City Council meeting.

Table 1. Existing Zoning & Future Land-Use Designations

EXISTING USE	ZONING	LAND USE
<u>Subject Property</u> Downtown Palm Beach Gardens	Planned Community Development (PCD) Overlay / General Commercial (CG-1) and Professional Office (PO)	Professional Office (PO)
<u>North</u> Mira Flores	Planned Community Development (PCD) Overlay	Residential High (RH) / Professional Office (PO)
<u>South</u> Divosta Towers; Financial Center at the Gardens; Laser & Surgery Center	Planned Community Development (PCD) Overlay	Professional Office (PO)
<u>East</u> Landmark; Gardens Pointe	Planned Community Development (PCD) Overlay	Professional Office (PO)
<u>West</u> PGA Office Center; Plat 4 Residential	Planned Community Development (PCD) Overlay / Research and Light Industrial (M-1); Residential Low – 3 (RL-3)	Industrial (I) / Bioscience Research Protection Overlay; Residential Low (RL)

PLANNED COMMUNITY DEVELOPMENT (PCD) AMENDMENT

The Regional Center consists of approximately 458 acres, and includes the area between PGA Boulevard to the south and the City's municipal boundary at Cabana Colony to the north, and between Alternate A1A to the west and Prosperity Farms Road to the east, excluding the Gardens Mall, the Meadows Mobile Home Park, and the Gardens Baptist Church. The Regional Center includes the following projects: Downtown Palm Beach Gardens, Landmark, Gardens Pointe, Divosta Towers (aka Gardens Corporate Center), Financial Center at the Gardens, Laser & Surgery Center, Viridian Office Centre, Grand Bank Center, PBG Medical Pavilion, PGA Financial Plaza, Seacoast Banking Centre, Professional Centre at the Gardens, Parcel 27.04, Gardens Business Center, Mira Flores, La Posada, San Matera, and Harbour Oaks.

The Regional Center Development of Regional Impact (DRI) and the Planned Community Development (PCD) zoning designation were established in 1984. The overall maximum

development density and intensity for the DRI was established on Map "H" at that time. In 2013, the DRI was rescinded, and Map "H" was replaced with Exhibit "B." The latest modification to Exhibit "B" was approved in 2019 to add 116,862 square feet of Health/Physical Fitness use to the DPBG parcel within the Regional Center PCD to allow for the LifeTime facility.

Downtown Palm Beach Gardens is designated as Parcel N on Exhibit "B." Currently, the land uses include Research/Office/Service Commercial/Hotel, Neighborhood Center, and Cinema. The parcel specifically lists the use allocations as 222,997 SF retail; 116,862 SF health/physical fitness; 26,000 SF neighborhood commercial; 3,020 cinema seats; 21,874 SF office; and 1,031 SF R&D office.

The subject PCD Amendment petition proposes to modify Exhibit "B" to add the multifamily residential and hotel land use components to Parcel N (DPBG) and revise the site's specific use allocations to 223,985 SF retail; 116,862 SF health/physical fitness; 1,700 cinema seats; 39,120 SF professional office; 13,720 SF medical office; 174 hotel rooms; and 281 multifamily residential dwelling units, or as determined to be equivalent in vehicular trips.

CONCURRENCY

City Code requires written confirmation regarding availability of all necessary facilities and systems for traffic, water, sewer, solid waste, drainage, police, fire, schools, and recreation services. As part of the concurrent Comprehensive Plan Future Land Use Map Amendment, a Level of Service (LOS) Analysis was completed by the Applicant and Staff for the proposed development program. All service providers, including Seacoast Utility Authority, Solid Waste Authority, Palm Beach County School District, and the City's Fire-Rescue and Police Departments, have confirmed that there will be adequate capacity available.

Traffic

With the City's recent adoption of the Mobility Plan and the subsequent Comprehensive Plan and Land Development Regulations (LDR) amendments, the Applicant was required to provide a transportation analysis adhering to these new requirements. A Site Assessment Study was prepared by Kimley-Horn and Associates. The Site Assessment Study evaluated the transportation impacts generated by this redevelopment and others in the vicinity of the site and to analyze transportation-related elements of this site in context with the City's Mobility Plan. The study analyzed trip generation rates, adjacent intersection and driveway impacts, and mobility-related improvements planned both now and in the future.

The development summary compared the approved allocation of uses to the proposed adjusted and new uses. This includes a reduction in the amount of shopping center (retail and restaurant) from 248,100 square feet to 223,985 square feet, reduction in cinema seats from 2,474 seats to 1,700 seats, an increase in professional office from 12,400 square feet to 39,120 square feet, an increase in medical office from 10,500 square feet

to 13,720 square feet, and the new addition of 174 hotel rooms and 280 multifamily residential units. This results in an increase of 943 potential daily trips.

As noted during the LifeTime approval, the intersection of Gardens Parkway and Lake Victoria Gardens Avenue is currently operating at a failing Level of Service (LOS) E under existing conditions, and therefore continues to be forecasted to fail in future conditions. To address this, a condition of approval was included in Resolution 27, 2019 to monitor this intersection and construct a traffic signal when warranted. If LifeTime does not trigger the need for a signal at this intersection, it is strongly anticipated that the residential and mixed-use tower improvements will trigger it. Therefore, the LifeTime condition of approval will remain and be reiterated (and modified) with this approval.

Based on the intersection and driveway analysis conducted as part of the Kimley-Horn Site Assessment Study, as well as review by the City's Traffic Consultant, the Applicant will be required to make the following improvements to mitigate the impact of the proposed development, which will be incorporated in the resolution as conditions of approval:

- Extend the eastbound left-turn lanes on PGA Boulevard at Lake Victoria Gardens Avenue an additional 100', or to the maximum extent possible, subject to FDOT approval.
- Install guide signage on eastbound PGA Boulevard identifying the ability for traffic destined to Downtown Palm Beach Gardens to turn right onto Lake Victoria Gardens Drive to access northbound Alternate A1A, subject to permitting approval from FDOT.

The Applicant will also be required to monitor the following intersections for potential improvements in the future:

- Monitor the intersection of Fairchild Gardens Avenue & Kyoto Gardens Drive by providing an annual intersection analysis to determine if future improvements may be necessary.
- Monitor the intersection of Kyoto Gardens Drive & South Site Driveway by providing an annual intersection analysis. Should there be a safety or efficiency issue, construct a median diverter on Kyoto Gardens Drive & South Site Driveway to restrict the egress movements from the south and north to right-out only.

Mobility

The Applicant has provided an MP-1 exhibit and On-Site Circulation exhibit to detail all proposed on-site mobility improvements and on-site circulation. MP-1 includes the location of all proposed bicycle racks and ride share pick-up/drop-off areas, as well as planned locations for bike- and scooter-share and potential trolley stop. The Thoroughfare graphic depicts the new east-west drive aisle; pedestrian circulation via sidewalks, crosswalks, pathways, and internal plazas; as well as valet, ride-share, and pick-up/drop-off parking areas. With these immediate on-site improvements, the Applicant assumes a 2 percent reduction in required parking due to multimodal transportation. The project is within the City's Mobility Fee Assessment Area and will be required to pay Mobility Fees for the proposed development impacts. Additionally, conditions of approval will be included in the Resolution requiring the Applicant to construct and maintain on-site bicycle

and pedestrian improvements and provide a trolley stop for future use, as well as planned mobility improvements such as scooter- and bike-share programs.

PROJECT DETAILS

Upon approval of the LifeTime Health Club facility in 2019, considered to be the first phase of Downtown's redevelopment, the Applicant proceeded with the second phase in 2020, which included various updates and improvements to the "In-Place" portion of the existing site approved through Resolution 43, 2020. Now, the third and final phase of the Downtown redevelopment, known as the "Full Vision," introduces the residential and hotel components to the project to tie the entire Mixed Use site together. Due to the complexity of the project and the amount of new and modified site elements, Figure 1 and Figure 2 below have been created for reference of the approved and proposed general site layout.

Figure 1. Approved Site Layout

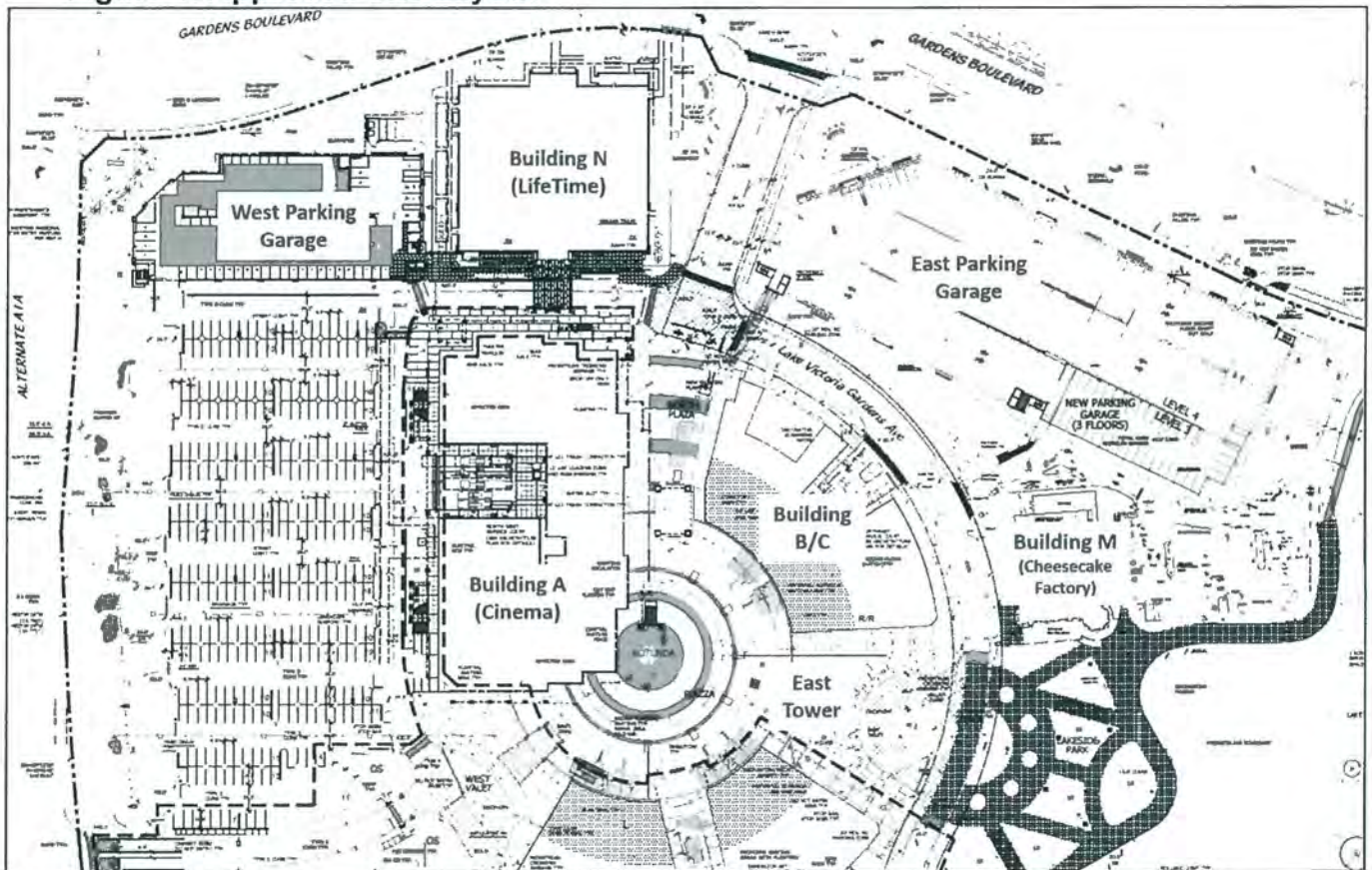
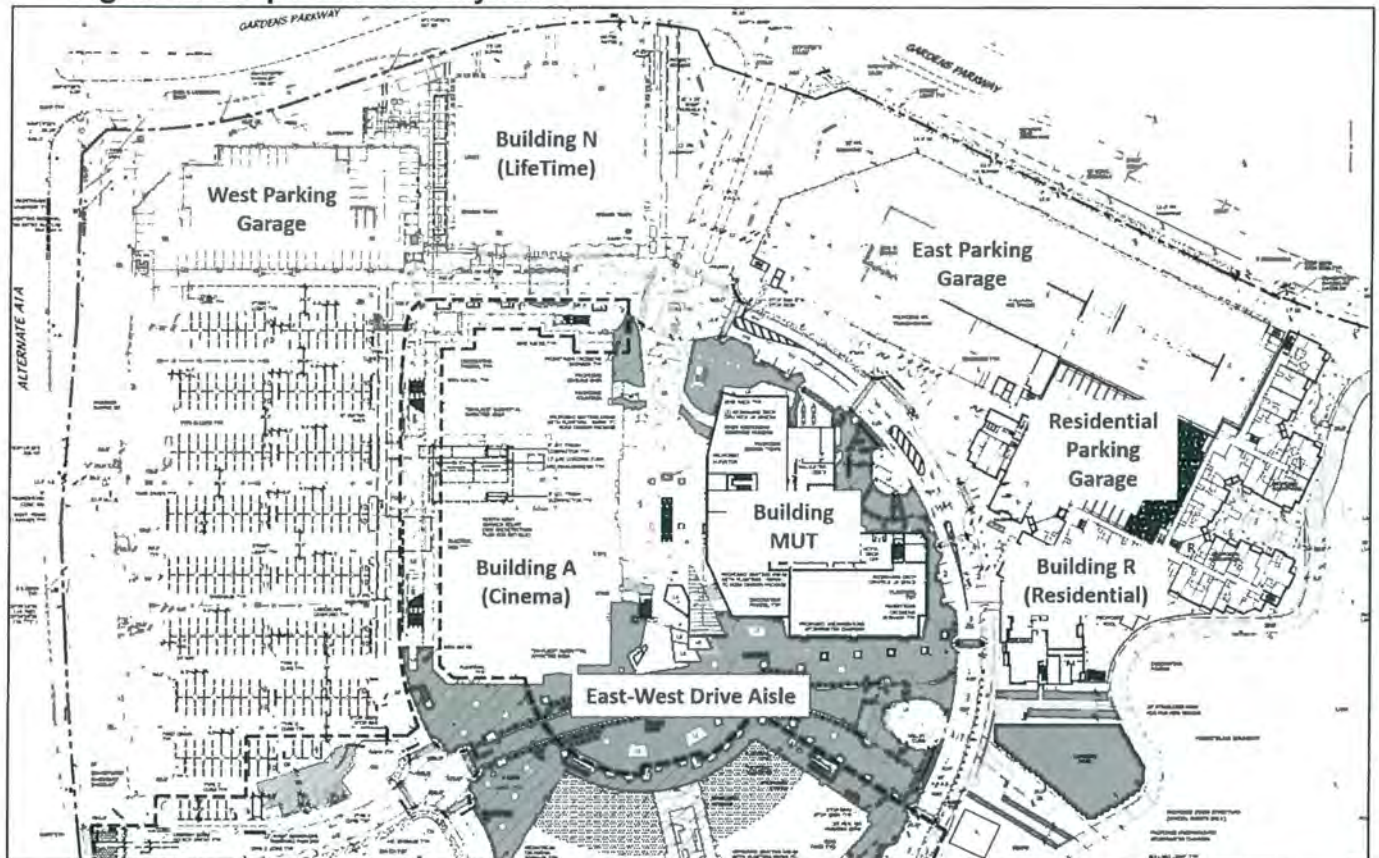


Figure 2. Proposed Site Layout



Multifamily Residential

The proposed 8-story 82-foot-tall residential building is located toward the northeast portion of the site, on the east side of Lake Victoria Gardens Avenue, adjacent to the lake and existing parking garage. Generally, the residential building (Building R) is planned to be located where The Cheesecake Factory, Building M, and adjacent surface parking currently exists.

Floor Plans

The residential building includes a total of 280 units, consisting of 8 studio, 148 one-bedroom, 117 two-bedroom, and 7 three-bedroom units. The studio units are 640 square feet, while the one-bedroom units range from 661 to 806 square feet. The two-bedroom units are provided in a variety of layouts and range from 869 to 1,315 square feet. The three-bedroom units are 1,384 square feet. Due to the unique layout of the building, all units include a patio/balcony for enhanced engagement into the site, around the residential amenities, and at the lakefront. The first floor of the building includes a large atrium lobby, resident mail room, and leasing area, as well as amenities such as a fitness center, club room, café lounge, and flexible co-work areas.

Parking Garage

An 8-story attached parking garage is also proposed specifically for the residential tenants and their guests, providing a total of 432 spaces to accommodate the required amount of

parking for each unit, including 5 percent for guests. The intent is for residents to park on the same floor they live on to provide an even distribution of parking across all levels. This garage is immediately adjacent to and abutting the existing east parking garage, but will provide a separate entry for residential access from Lake Victoria Gardens Avenue. Two electric vehicle (EV) charging stations (providing four EV charging spaces) are provided on the first floor with wiring incorporated on the upper floors for four (4) electric vehicle charging spaces per floor, if or when needed for residents in the future. The first floor of the residential garage also contains the service/loading areas, trash room, bicycle room, and motorcycle parking.

Architecture

The architecture of the residential building is intentional in layout and designed to maximize the footprint while breaking up the massing on all sides. The façades are primarily stucco painted "Pure White" separated by long vertical elements painted "Monorail Silver" and "Black Magic." The repetition of the balconies is broken up by composite wood brise-soleil elements, black framed accents, and wood cladding. The first floor entrance façade facing Lake Victoria Gardens Avenue is enhanced with a green wall around the main entrance and white brick veneer along the first-floor amenities and garage entrance. The parapet roofline includes a variety of elements to provide vertical articulation, including changes in height, extruded black aluminum brackets, wood cladding, and pops of "Black Magic" paint color. The walls of the residential garage that extend above the existing east garage include scored stucco with vertical variation in the "Pure White" and "Monorail Silver" colors, as well as varied parapet heights with extruded black aluminum brackets.

Amenities

The multifamily residential complex provides several amenities, both interior and exterior to the building. On the first floor, a fitness center faces the event lawn and Mixed Use Tower while a café lounge and flexible co-work areas overlook the residential pool area. Along the entire east side of the building, outdoor amenities are tucked into the east side of the irregularly shaped floorplan of the building, including a pool area, courtyard garden, and dog park. The pool area includes seating and shade with cabanas, pavilions, and grills for resident use. The garden courtyard includes a water feature, picnic tables, and grills, as well as outdoor seating and conversation areas. Ground-floor units fronting the courtyard have direct access from their private patios. These lakefront amenities are fenced in and secured from the public with locks and access control. To the northeast is a fenced dog park, accessible to the public and maintained by Downtown as common area.

Landscaping

Along Lake Victoria Gardens Avenue, at the entrance to the residential building, a variety of vegetation, including two matching 16-foot-tall Wild Date Palms to frame the front entry, triple-trunk Florida Thatch Palms, yellow Cassia and white Crape Myrtle flowering trees, accents of Italian Cypress and Jatropa, and many mixed shrub and groundcover beds welcome residents, their guests, and prospective tenants into the main lobby. The foundation landscaping articulates the vertical expansion of this building with a varied mix of 24- to 28-foot-tall Solitaire Palms, 8- to 10-foot-tall triple-trunk Florida Thatch Palms,

accents of 18- to 20-foot-tall Italian Cypress, as well as various flowering trees and small palms. Solitaire Palms, triple Montgomery Palms, and Wild Date Palms, varying between 16 and 28 feet tall, are placed within and around the pool area, as well as Podocarpus privacy screening along the fence line at the lakefront path. A mix of Red Tip Cocoplum, Silver Buttonwood, Dwarf Schefflera, Gold Capella Arboricola, and other landscape material buffer the residents' patios abutting the pool area for privacy and separation. From the event lawn to the south, a six-foot-tall masonry wall and landscaping comprised of 14- to 20-foot-tall Sabal Palms, 24- to 28-foot-tall Solitaire Palms, 18- to 20-foot-tall Italian Cypress, as well as Podocarpus, Dwarf Shore Juniper, and Pinwheel Jasmine are proposed to buffer the pool area from the adjacent public space. The courtyard garden contains a variety of 22- to 26-foot-tall triple Montgomery Palms, 16-foot-tall Wild Date Palms, 24- to 28-foot-tall Solitaire Palms, Fan Palms, Ti Plants, Dwarf Schefflera, Green Island Ficus, and more, and the privacy Podocarpus hedge along the fence continues in this area. The lakefront is enhanced with a handful of Solitaire Palms and a Wild Date Palm, and the buffer along Gardens Parkway is improved with the addition of Silver Buttonwood trees, yellow Cassia flowering trees, Solitaire Palms, and white Crape Myrtle. The sloped expanse of green space between Gardens Parkway and the residential building is brushed with split-leaf Philodendron, Cocoplum, Wild Coffee, Cordgrass, large-leaf Perennial Peanut. The adjacent dog park is surrounded by Podocarpus and Curlyboy Croton.

Lakefront Path and Emergency Access

The layout of the residential building along the lake maintains and enhances the existing 20-foot-wide pedestrian lake path, which will also double as Fire-Rescue emergency access for the residential units along the east and south sides of the building. The path surface is proposed to be enhanced to accommodate Fire-Rescue vehicles from Lake Victoria Gardens Avenue to the existing access point at Landmark's emergency access path on the north end of their site. The existing full-circle pedestrian path around the lake is improved to include seating, pedestrian-scale lighting, and directional signage to encourage pedestrian and bicycle use along the lakefront. Residents of the multifamily building are secured by an access-controlled fence and gates along the amenities that line the lakefront path.

Mixed Use Tower

The Mixed Use Tower (Building MUT) is proposed as a 9-story, 124-foot-tall building between the cinema building (Building A) and the new residential building (Building R) in the location of the existing Building B/C. The Mixed Use Tower incorporates a mix of retail, restaurant, office, and hotel uses.

Floor Plans

The first floor contains 24,811 SF of retail and restaurant uses and 12,232 SF hotel lobby and common service areas. Facing south to the new drive aisle and west to the centralized pedestrian plaza area is the mixture of retail and restaurant uses. Along the west side of the tower is a common lobby containing public restrooms, as well as a secured elevator and stairwell to the second floor for office tenants and third floor for hotel guests. This lobby is open to the public between 7:00 a.m. and 10:00 p.m., but the access into the elevators and stairwell to the upper floors are controlled 24 hours a day. The

lobby is brightly lit and includes video surveillance to provide security for the upper floor access as well as the restrooms. The security measures for the MUT Building have been closely reviewed by the Police Department for CPTED principles and meets the City's Code.

On the northeast side of the first floor is the hotel's covered guest drop-off and valet area and main entrance into the 'jump' lobby. This lobby will welcome guests of the hotel, allowing them to take the elevator up to the third floor main lobby and hotel amenities. Seating benches are provided for guests waiting for the valet or ride-share vehicles. The service and loading areas for the MUT Building are completely enclosed on the north side of the first floor, along Lake Victoria Gardens Avenue, through the use of roll down doors to mask the use of the space when not in operation. The service aspect of this area is minimized with architecture and landscaping. The Development Review Committee has reviewed the operation of the service areas and access for delivery trucks and garbage operations. Additionally, Fire-Rescue personnel can access all floors through the service area by way of a stretcher-accessible service elevator that is centrally located within the MUT building.

The second floor is designated for professional office use, and has been designed with an open floor plan to accommodate a variety of users. An "Area of Refuge" serves as a lobby on the west side accessed by the elevator and stairwell from the first floor, the elevated bridge walkway from the east parking garage, or by the centralized escalator and elevator at the connection to Building A (cinema). The south-facing second floor offices are set back from the first-floor restaurant façade to incorporate a green roof consisting of colorful grasses, low-level plants like the Dwarf Century Plant, and flowers such as Beach Sunflower and Russian Stonecrop. While the green roof is visible from the interior office space, it will not be accessible to tenants of the office space.

The third floor consists of the main hotel lobby and amenities. Again, this floor and all floors above it are set back from the edge of the lower two floors creating a distinction of uses. The southeast side includes a restaurant and bar looking out onto one of the green roof areas with a 2,300-square-foot south-side outdoor seating area overlooking the new east-west drive aisle and the rest of Downtown and a private dining area facing the residential tower. A fitness center, restrooms, and meeting rooms are located on the west side overlooking another green roof, along with elevator and stairwell access from the first- or second-floor west lobbies. The elevators from the first floor jump lobby open into this main lobby on the east side and are flanked by two elevators on the west side of the lobby that provide access to the hotel rooms located on the fourth through ninth floors. Floors four through nine consist of 29 rooms each for a total of 174 rooms.

Architecture

The Mixed Use Tower incorporates a mix of architectural elements and designs to accommodate the variety of tenants. The first-floor retail and restaurant facades, with floor-to-ceiling curtain wall glass and accents of wood panel siding are intended to engage pedestrians, as well as provide patrons with a presence in the site outside. The southwest corner and the northeast hotel valet area both incorporate a tilted roof for coverage from the weather. Along the northwest exterior stairwell and bridge connection from the parking

garage is a vertical perforated metal panel design element that is used throughout the site. The second-floor office spaces are also primarily glass facades to, again, provide presence and engagement with the rest of Downtown. The hotel portion of the tower presents itself as one cohesive vertical 'podium,' with light blue vertical cement panels and curtain wall window glazing that each stretch across two floors and wrap the building. The top of the hotel is surrounded by a horizontal aluminum louver system and capped with a colorful cantilever roof.

East-West Drive Aisle and Pedestrian Plaza

The Applicant is proposing to remove the East Tower that connects the existing Building B/C (Texas de Brazil) and Building D/E (Grimaldi's) and contains an elevator, escalators, and staircase for access to the second floor of Building B/C and Buildings D/E and L. Previously, with the In-Place phase, the West Tower was approved to be removed. The elevator currently located in the East Tower will be replaced with two new elevators: one on the north side of Building D/E by the Grimaldi's restaurant and one on the north side of the elevated bridge connection between Building A (Cinema) and Building MUT. Both elevators incorporate the same vertical perforated metal panel architectural element as on the northwest corner of the Mixed Use Tower. They will be designed to accommodate ADA and Fire-Rescue stretcher requirements. Additionally, a new stairwell is proposed on the north side of Building D/E to provide a second access point for the second-floor tenants.

A drive aisle running east and west through this area will be constructed to connect the west loop road nearest to Alternate A1A with Lake Victoria Gardens Avenue through the center of the project. The drive aisle will be at-grade with valley curbs along the entire length to allow for free-flow of pedestrians to cross through the Strand to the south and the North Strand/pedestrian plaza area. Short-term drop-off and pick-up parking spaces are provided on both sides of the drive aisle. To encourage slow vehicle speeds and facilitate safe pedestrian crossings throughout this area, the drive aisle will have safety signage indicating "Pedestrian Priority." Drivers will be alerted to maintain a slow speed in this area through the introduction of various design elements including a reduction in the width of the drive aisle to 10 feet wide; a slight slope in the elevation of the drive aisle up toward the center from both the east and west sides; a change in paver type, color, and pattern at the entrance to the drive aisle to indicate a different type of driving environment; lit and unlit bollards lining the drive aisle to prevent vehicular intrusion into the pedestrian areas; landscape planters; and outdoor seating areas generating activity close to the drive aisle. Additionally, the drive aisle can be closed off completely during special events in the central pedestrian plaza area.

The northern pedestrian plaza area continues the design elements and theme of the Strand approved with the In-Place phase, creating outdoor rooms with various seating options, lush landscaping, and cell phone charging stations. An ancillary retail structure just south of the escalator and new elevator will provide options for limited-time retail or food sales while generating activity and interest. Suspended swings are proposed under the second-floor walkway. Finally, a new waterwall feature backs a new project identification sign at the north entrance that faces Gardens Parkway. The entire centralized North Strand area contains varied hardscape features, including pavers

arranged in an irregular “contour” pattern, wood-look porcelain pavers, and inlaid lighting strips continuing the pattern approved for the south Strand portion of the In-Place development. Raised landscape planters with Medjool Palms, Alexander Palms, and Oak Trees are located throughout the North Strand area and along the east-west drive aisle.

Outdoor Seating

Throughout the site, outdoor seating was reevaluated to account for existing restaurant tenant suites that are planned to remain, as well as new or relocated restaurant tenant suites. These new outdoor seating areas are placed strategically around the various improved pedestrian-friendly areas. Along the south side of Building D/E facing the approved interactive water feature in the center and the relocated carousel at the lakefront, a new restaurant is planned with outdoor seating to engage these activities. At the north end of Building A, a new outdoor seating area is planned to overlook the improved pedestrian plaza area, as well as the future LifeTime building to the north. To promote pedestrian activity along the new east-west drive aisle, new restaurants in Building L (formerly Z Gallerie) and the MUT will be permitted and encouraged to provide outdoor seating, and the existing Grimaldi's (Building D/E) outdoor seating will be refined to engage the improvements made in this area. Outdoor seating encourages pedestrian activity within and around the drive aisle and provides “eyes on the street” to increase the site's security. The total amount of outdoor seating within the site has been increased by approximately 4,600 SF and has been listed specifically for each suite on the Tenant Use Summary and accounted for in the Kimley-Horn shared parking study.

Valet

The whole site currently has existing valet operations at the East Tower and the South Tower. The South Tower operations will remain; however, the East Tower will be demolished with this approval, and the valet operations at this location will cease. The hotel will provide valet services for guests at the jump lobby location and will park in the East Parking Garage. The Applicant will be required to include additional valet operations via separate petition, and a Condition of Approval is being included for a valet operation plan to be submitted and reviewed by Staff. In addition, the Design Guidelines contain general provisions for valet operations.

Existing East Garage Modifications

Access to the existing East Parking Garage will be modified to allow a right-in entrance and maintain the existing right-out exit on the second floor onto Gardens Parkway. The sidewalk and landscaping for the East Parking Garage will be shifted south to accommodate a new eastbound right-turn lane on the south side of Gardens Parkway. On the south side of the East Parking Garage, internal to the site, new access is being designed to the introduction of the residential tower. A single-lane entrance and two-lane exit are being provided west of the new residential tower and garage. Smart parking technology will be added to the garage to notify drivers of parking space counts. New LED parking count signs will be located at each entrance to advise guests of the available parking spaces. This will increase the efficiency and utilization of the East Parking Garage. Finally, new parking identification signs will be added to direct guests to the parking garage.

Event Lawn and Coconut Grove

The existing event lawn will be renovated to provide a larger lawn area for activities. A plaza space along the east side of Lake Victoria Gardens Avenue will be created with tables and chairs with umbrellas, an illuminated seat wall, and fixed tables with charging stations. The plaza will be separated and protected from Lake Victoria Gardens Avenue with lighted bollards. Two wide paths framed with large Sylvester Palms flank the event lawn and connect the shopping center with the lakeside walking path. The two paths will be stabilized surfaces to allow Fire-Rescue vehicles to access the lakeside path to service the residential building. A new "Coconut Grove" will be created south of the event lawn with low artificial berms and coconut palm trees. Finally, a second ancillary retail location for temporary retail or restaurant uses is located just south of the plaza space.

Lift Station and Dog Park

The Seacoast Utility Authority lift station located south of the relocated carousel on the east side of Lake Victoria Gardens Avenue will be slightly adjusted in location and upgraded to service the new residential tower and the hotel uses. This lift station will utilize the existing entrance, but a new exit will be located south of the existing entrance for ease of utility vehicle access. The lift station will be screened with existing Ligustrum trees on the west side, existing Palm trees and Crape Myrtle trees along the lakefront, and a mix of new Monterey Cypress and Podocarpus along the south and east sides of the lift station.

A new public dog park will be located northeast of the new lift station driveway along the lakefront, identified by directional and entry signage. This is one of two dog parks proposed for Downtown, with the other located at the north end of the site adjacent to the residential building. The dog parks will generally be open from dawn to dusk and will be secured after hours. Additionally, the water fountains and electrical outlets will be turned off to discourage abnormal users. The dog parks will be maintained in a manner consistent with the City's Code.

Permitted Uses

Due to the addition of hotel and multifamily residential uses to the Downtown Palm Beach Gardens project, the list of permitted uses is proposed to be amended to include these new uses. The Applicant is required to submit an updated Tenant Use Summary with each tenant build-out and/or Business Tax Receipt to allow Staff to track the use allocations as they change over time, requiring any traffic equivalency or parking analysis, as necessary.

Parking

A Shared Parking Study was prepared by Kimley-Horn and Associates. The study utilized Urban Land Institute (ULI) methodology to evaluate parking based on adjustment factors including use, employee vs. customer user type, weekday vs. weekend demand, and peak-hour demand.

The required amount of parking for the residential units and their guests is proposed to be provided within the residential parking garage. Therefore, it was not evaluated as part

of the shared parking for the rest of the mixed-use site. Rather than utilize Code Section 78-346. - Shared parking calculations for the site, the study used Code Section 78-345. - Number of parking spaces required. as the baseline and based the shared parking on the Urban Land Institute (ULI) Shared Parking Manual, 3rd Edition, which applies various adjustment factors to account for differences in parking demand over the course of the day and between weekday and weekend conditions. The ULI approach utilizes a more comprehensive evaluation of shared parking and its methodology is supported by Staff, City Engineer, and the City's Traffic Consultant. The Applicant is requesting a waiver, outlined later in this report, to modify the methodology used for shared parking. Per Code Section 78-345, the baseline parking requirement for the proposed uses (excluding residential) total 2,826 spaces. First, the baseline parking requirements for each use were adjusted based on the type of user – employee parking versus customer parking. Then, the differences between weekday and weekend conditions were accounted for. This results in a total of 2,475 spaces on a weekday and 2,505 spaces on a weekend. Further, the hourly distribution of peak demands for each use were found. For weekdays, the overall peak demand was determined to be 6:00 p.m. requiring 2,041 spaces. For weekends, the overall peak demand was determined to be 6:00 p.m. requiring 1,980 spaces. The site plan provides a total of 2,436 spaces through a mix of surface and garage parking. Therefore, the Applicant anticipates a surplus of 395-456 parking spaces on site at any given peak time.

The Applicant has committed to providing electric vehicle (EV) charging stations throughout the site. EV chargers were approved for the west garage adjacent to LifeTime health club facility, currently under construction. In the Residential garage, EV chargers are proposed to be installed on the first floor, with wiring for future EV charging stations on the second through seventh floors. Further, the Applicant has committed to providing four EV charging stations within the existing on-site parking, with the exact location to be determined by the Applicant and coordinated with City Staff. Conditions of Approval are included in the Resolution requiring these EV charging stations.

Master Sign Plan

There have been many amendments and modifications made to signage for the Downtown site throughout the years, with the most recent revised Master Sign Plan approved with the In-Place petition via Resolution 43, 2020. The Applicant seeks to expand on that Master Sign Plan to redesign the monument signs, update identification signage onsite, provide new directional signage for vehicles and pedestrians, and incorporate signage for the new Mixed Use Tower and Residential buildings. The majority of new and modified signage is detailed below, with all specific sign details and locations outlined within the Master Sign Plan.

Ground Signs

The Downtown Palm Beach Gardens site has nine existing monument signs surrounding the property. These signs were originally approved in 2003 as part of the first Downtown site plan, with the sign design details revised in 2005. With the redevelopment of the site, the Applicant is requesting to update these signs to incorporate colors, materials, and design elements that integrate with the proposed architecture and hardscape onsite. The main monument sign is located on the corner of Alternate A1A and Kyoto Gardens Drive,

with eight other monument signs generally located at each entrance to the site: two at the entrance on Alternate A1A, two at the entrance on Gardens Parkway, two at the central/west entrance on Kyoto Gardens Drive, one at the east entrance on Kyoto Gardens Drive at Lake Victoria Gardens Drive, and one at the corner of the PGA Pass and Lake Victoria Gardens Drive. The existing signs will be redesigned utilizing the same structural base and maintaining the same size. For each monument sign, a new metal base with metallic finish will wrap the existing concrete base, with inset decorative panels that illuminate internally at night. The faces of the signs are made up of white-colored internally illuminated dimensional "DOWNTOWN PALM BEACH GARDENS" letters mounted on vertical, teal-colored metal panels that appear to be 'stacked' side by side and are up-lit at night.

Project ID Signs

There are several "DOWNTOWN" project identification signs approved within the site, most recently amended with the In-Place phase. This included one sign to be removed, two signs to be redesigned and relocated, and two signs to be redesigned and remain in the same location. With this Full Vision application, the Applicant is providing one new project identification sign in the form of freestanding letters, at the north end of the project, between the cinema building (Building A) and the Mixed Use Tower (Building MUT), in front of the proposed water wall. These letters are meant as an interactive feature for visitors of Downtown, standing three-feet-tall and 18-inches-wide. The face of the sign is white with teal returns, keeping with the theme of all other new and modified signage on site.

As an additional element of Downtown's identification signage, wall signs at the parking garage entrances are intended to inform vehicles of the various entry locations and clearance heights. A roughly 18-square-foot "PARKING" wall sign and 4-square-foot "P" parking symbol projecting blade sign are proposed at each of the two entrances to the east parking garage and a smaller specific "Residents Only" sign at the entrance to residential garage.

Directional Signs

The Applicant is removing and replacing all directional signage onsite to provide for new design and new locations throughout the site. The Master Sign Plan has separated these signs into several categories based on their intended use by either vehicles or pedestrians. All directional signs incorporate colors and materials that match elements of the proposed redevelopment. This includes decorative powder-coat wood-finish bases, pearlescent metallic white aluminum-wrapped faces with teal-colored text, and directional arrows.

The vehicular directional, parking directional, ride share location identification, and valet signs are placed alongside the drive aisles and utilize various design elements for legibility by vehicles. The varying height and copy area of these sign types require waivers from the Code's directional sign type, as detailed in Table 2 below. There are 18 proposed vehicular directional signs that stand 7 feet above grade and provide a copy area of 11.1 square feet with retro-reflective exterior-grade lettering. These are placed around the site, most of which are in the same locations as existing directional signs. Four parking

directional signs stand 9 feet 2 inches above grade and provide a copy area of 7.4 square feet with internally illuminated dimensional push-through acrylic lettering. One of these signs is located along Gardens Parkway indicating the new turn lane and entrance into the existing east parking garage. The other parking directional sign is located in front of the LifeTime garage entrance. Two similarly designed signs provide a digital parking count to inform vehicles of the remaining spaces in the garage before entering. These parking count sign types are located in front of each entrance to the existing east parking garage. The ride share location identification signs are placed at each of the parallel parking areas designated for pick-up and drop-off, in front of the residential building and north of the Mixed Use Tower. The valet signs are temporary movable signs, either weighted pylon signs or A-frame signs, to be placed in designated areas only when valet services are being provided.

The In-Place phase included four new pedestrian directional signs and three new directory signs. The Full Vision expands on that approval by providing four more pedestrian directional signs and two more pedestrian directory signs on the north half of the site with the same exact size, materials, and colors as previously approved. As with the In-Place approval, the waivers for the height and placement of these additional signs is detailed in Table 2 below.

Various other sign types are proposed around the site for informational and identification purposes. Some of these signs are replacements for current directional signs. The public dog park on the south side of the site, behind the lift station and along the lakefront, will be identified by paw print directional signs and a "Bark Park" entry feature. Along the entire lake path are small 3-foot-11-inch-tall directional signs and distance pylons for pedestrians walking, running, biking, or relaxing around the perimeter of the lake.

Mixed Use Tower Signs

The hotel portion of the Mixed Use Tower is proposed to be identified by a ground sign at the valet entrance and two principal signs near the top of the tower. Based on the size of these signs, in proportion with the size of the MUT, waivers are proposed and detailed in Table 2. The ground sign and both principal signs are all proposed to be the same size: at 104.5 square feet, 6 feet tall, and 17.5 feet wide.

The first and second floor tenants of the Mixed Use Tower have also been given specific guidelines on permitted sign size, type, and location. As permitted by Code, each tenant of the Mixed Use Tower is permitted one tenant wall sign. The Applicant is requesting that these tenants be allowed a sign size up to that of a principal tenant, so long as proportions of the tenant space allows for it. Additionally, some of these tenants, based on the proposed architecture of the MUT, have a metal 'brow' or canopy feature at their entrance. The Master Sign Plan outlines the types of canopy signs permitted and ensures that the size and scale follow uniform guidelines.

Residential Signs

The residential building is proposed to have two wall signs for identification as a rental complex within a mixed-use project. The name is located on the metal brow above the main entrance to the lobby and on the west-facing façade atop a large, black-framed

composite wood purling feature. The entrance sign is proportionate to pedestrian scale at just 25.4 square feet, while the larger wall sign is proposed as a principal sign size of 90 square feet.

For such a dynamic Mixed Use project like Downtown, a departure from the City's traditional signage requirements is supported by staff. Many of the proposed signs are replacements, enhancements, or additions to existing approved signs within Downtown. Many of the signs throughout Downtown are informative for both vehicles and pedestrians as they travel through and around the nearly 50-acre site. The comprehensive details of the Applicant's Master Sign Plan have been extensively reviewed by staff, and all associated waivers are recommended for approval.

SUSTAINABILITY

The nature of Mixed Use development encompasses sustainability through the integration of uses, internal capture of trips, pedestrian connectivity, and inclusion of mobility opportunities. The design proposed with the Full Vision incorporates elements that promote sustainability, such as low-energy interior and exterior LED lighting, electric vehicle charging stations, low-flow plumbing, and green roof areas.

CPTED, SITE SECURITY, AND PERFORMANCE STANDARDS

Crime Prevention Through Environmental Design (CPTED) principles have been incorporated into the overall design of the site. Bollards are strategically placed to protect pedestrians from vehicular intrusion along the Strand, at the north entrance, and against the Event Lawn. Lighting is utilized to minimize areas of shadow and facilitate "eyes on the street." The outdoor furniture is secured nightly, outdoor charging stations are turned off, and the area is patrolled to minimize theft. First Responder parking has been designated onsite near the north entrance from Gardens Parkway and in the west side surface parking lot. The Applicant shall coordinate with the Police Department on procedures and policies to provide safety and security and to minimize theft throughout the site.

The lobby areas of the Mixed Use Tower are open to the public from 7:00 a.m. to 10:00 p.m. and are access-controlled outside of those hours. All stairwells and elevators are access controlled, as are the second-floor office areas. The elevators in the hotel's jump lobby only provide access to the hotel's main lobby on the third floor, and the elevators to the hotel rooms on fourth through ninth floors require guests' keycard access. All public lobby areas and the third-floor west corridor incorporate video monitoring to enhance security. An emergency call box and glass door to the hotel's fitness room enhance guest safety.

The residential outdoor amenity areas and first-floor resident patios are separated from the public with landscaping and fencing. The two dog parks will operate from dawn to dusk and will be secured at night. The dog water fountain stations are turned off at night to discourage abnormal users.

Noise

Downtown will be required to meet the City's Performance Standards, including noise levels measured at the exterior property lines of the project. While the Event Lawn will continue to be utilized for special events such as concerts or outdoor gatherings, events will be monitored for sound levels to ensure the Code standards are maintained. Downtown's new multifamily residential building, being an apartment complex within a lively mixed-use project and placed directly adjacent to the Event Lawn, can periodically expect an increased amount of sound and activity from on-site events or other activity that is expected for residents renting in this type of community.

Lighting

The Applicant has submitted conceptual photometric plans that have been reviewed by the City Engineer. Although the site lighting will require further permit review and approval, the conceptual plans and details allow staff to envision the location and coverage of all lighting, quality of light fixtures, consistency, integration with the rest of the site's lighting, and ultimately the safety of residents, hotel guests, and all patrons and visitors to the site. The lighting in common areas, such as the central pedestrian plaza (North Strand), the Event Lawn, the lakefront path, and along the drive aisles, incorporate many of the same elements and fixtures as the In-Place approval. The residential portion of the property promotes safety and security, as well as high-quality living. The Mixed Use Tower includes lighting specific to the hotel user above the second floor and caters to pedestrians at the ground-floor retail and restaurant tenant spaces.

Lighting design is an integral element of the project. Each planter includes strip lighting on the inside, "cat-tail" lights, and foot-lighting outside. Accent lighting is included in most palm trees, along railings, and integrated into the pavers. Lighted bollards and pedestrian scale light poles illuminate the pedestrian areas throughout the site. The perforated metal elements on the northwest corner of Building MUT and the new elevators are illuminated from behind to provide visual interest at night consistent with the seat wall lighting approved through the "In Place" approval. All lighting is shielded from surrounding parcels per City Code.

DESIGN GUIDELINES

The Applicant has proposed Design Guidelines as part of the Mixed Use Development rezoning. These guidelines provide regulations and criteria specific to the site that will allow the project to evolve with market conditions and tenant needs while ensuring a high-quality aesthetic project now and in the future.

The Design Guidelines establishes setbacks and building height, limiting the residential tower to 8 stories or 82 feet and the Mixed Use Tower to 9 stories or 124 feet, and the intent for the use of the lakefront. The Guidelines also incorporate regulations, intent, and purpose related to the site's public amenities, such as new ancillary retail/food sale buildings and improved lakefront elements.

The Guidelines outline targets for meeting the City's mobility goals, including providing a trolley stop when the trolley system is enacted, providing micro-mobility options such as scooter or bike share systems, and providing pedestrian amenities throughout the site. Additionally, criteria for outdoor display of goods for tenants within the Strand are provided. In addition to referencing the Master Sign Plan, the Guidelines identify temporary store front graphics for the Mixed Use Tower ground-floor tenants when unoccupied, as well as limited time tenant signage.

WAIVER ANALYSIS

The Applicant is requesting 10 waivers with this project. Nine of these waivers are related to signage, with all details outlined above and in the Master Sign Plan. The remaining waiver is related to the method used to analyze required parking. The waiver requests are outlined in Table 2 below, followed by staff's analysis of each waiver.

Table 2. Waiver Requests

	Code Section	Requirement	Proposal	Waiver	Staff Support
1	Section 78-285, Table 24: Permitted Signs – Principal Wall Sign	Nonresidential; 1 principal sign per building	2 signs for Building R (residential)	Residential; 2 signs	Approval (1)
2	Section 78-285, Table 24: Permitted Signs – Ground Sign	60 SF copy area; 15' width	104.5 SF and 17'5" width for Building MUT (hotel)	44.5 additional SF; 2'5" additional width	Approval (2)
3	Section 78-285, Table 24: Permitted Signs – Principal Wall Sign	1 sign per building; 90 SF copy area; 36" letter height;	2 signs at 104.5 SF and 72" letter height for Building MUT (hotel)	1 additional sign; 14.5 additional SF; 36" additional height	Approval (3)
4	Section 78-285, Table 24: Permitted Signs – Ground Floor and Second Floor Tenant Wall Sign	70 SF copy area; 24" letter height	Up to 90 SF and Up to 36" letter height for Building MUT (1 st and 2 nd floor tenants)	20 additional SF; 12" additional letter height	Approval (4)
5	Section 78-285, Table 24: Permitted Signs – Ground Floor Tenant Wall Sign	1 sign per tenant	2 signs for Building A	1 additional sign	Approval (5)
6	Section 78-285, Table 24: Permitted Signs – Principal Wall Sign	1 sign per building	2 signs for Building D/E	1 additional sign	Approval (6)
7	Section 78-285, Table 24: Permitted Signs – Building Directional Sign	4 SF copy area; 4' height	Vehicular: 11.1 SF Parking/Ride Share: 9'2" height	Vehicular: 7.1 additional SF; Parking/Ride Share: 5'2" additional height	Approval (7)

8	Section 78-285, Table 24: Permitted Signs – Building Directional Sign	4' height	8' height	Pedestrian: 4' additional height	Approval (8)
9	Section 78-285, Table 24: Permitted Signs – Building Directory Sign	6' height; landscaped area	7'4" height and not in landscaped area for pedestrian directories	1'4" additional height	Approval (9)
10	Section 78-346, Table 34: Shared Parking Calculations	Evaluate shared parking based on Code standards and Table 34 calculations	Evaluate shared parking based on ULI Shared Parking, 3 rd Edition	Shared Parking methodology	Approval (10)

1. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits 1 principal wall sign for a nonresidential principal structure or tenant with a maximum of 90 square feet and 36-inch letter height. The Applicant is proposing 2 wall signs on the residential building (Building R) for identification of the residential apartment complex name. One of these signs is proposed just under 90 square feet on the west façade, visible to drivers traveling east along Lake Victoria Gardens Drive, mounted to a large composite wood brise-soleil feature wall. The other sign is located above the main entry to the residential building, at only about 25 square feet. As a residential rental complex located interior to a large Mixed Use development among many different users, it is important for residents, their guests, and prospective tenants to be able to identify this building. Staff is recommending approval of the requested waiver.
2. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits a ground sign with a maximum of 60 square feet of copy area and a total width of 15 feet. The Applicant is proposing a ground sign in front of the valet entry to the hotel within the Mixed Use Tower (Building MUT) at 104.5 square feet and 17 feet wide. The sign is placed within a large landscaped area in front of the valet and main entrance identification of the hotel. The larger size is in proportion to the size and scale of this development. Staff is recommending approval of the requested waiver.
3. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits 1 principal wall sign for a principal structure or tenant with a maximum of 90 square feet and 36-inch letter height. The Applicant is proposing 2 principal wall signs for the hotel within the Mixed Use Tower (Building MUT) on the north and south elevations. Both signs are proposed at 104.5 square feet and 72-inch letter height. As a 9-story building, these signs are proportionate to the size and scale of this building and provide desirable visibility for pedestrians and drivers at ground level. Staff is recommending approval of the requested waiver.
4. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits 1 tenant wall sign for each tenant, at a maximum of 70 square feet and 24-inch letter height. The Applicant is proposing signs up to 90 square feet and 36-inch letter height, where proportional, for the first- and second-floor tenants of the Mixed Use Tower (Building MUT). The size and scale of the MUT provide opportunity for

large retail, restaurant, and office tenants, and therefore can accommodate larger signs that are proportional with the space. Staff is recommending approval of the requested waiver.

5. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits 1 tenant wall sign for each tenant. The Applicant is proposing 1 additional sign for a specific tenant of Building A. This tenant is located on the ground floor, encompassing roughly 25,000 square feet, and covering the west, south, and east elevation of the building. The tenant is using a previously approved principal wall sign on the southwest main entrance corner, a tenant wall sign on the southeast corner, and proposing this additional tenant wall sign on the south side at an entry point into the store. This sign is proposed to meet the ground-floor tenant sign size but is proposed to be placed on an architectural 'brow' canopy, similar to the ground- and second-floor signs proposed for the Mixed Use Tower. Staff is recommending approval of the requested waiver.
6. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits 1 principal wall sign for each principal structure or tenant. The Applicant is proposing 1 additional principal wall sign toward the south side of Building D/E for use by a tenant in this location, in addition to the approved location for a principal wall sign at the northeast end of Building D/E. Staff is recommending approval of the requested waiver.
7. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits directional signs at a maximum 4 square feet of copy area and 4 feet tall. The Applicant is proposing various types of directional signs for intended use by drivers within and around the site. The vehicular, parking, and ride share directional sign types have varying copy areas and heights, with the greatest copy area proposed at 11.1 square feet and the greatest height proposed at 9 feet and 2 inches tall. To function as intended, these signs need to be at a size and scale that can be easily and quickly read by moving vehicles. Staff is recommending approval of the requested waiver.
8. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits directional signs at a maximum of 4 feet tall. The Applicant is proposing pedestrian directional signs at a height of 8 feet tall. This is the exact same sign type and request approved with the In-Place phase. Approval of additional pedestrian directional signs will maintain consistency across the project. Staff is recommending approval of the requested waiver.
9. The Applicant is requesting a waiver from Section 78-285 of the City's Code that permits directory signs at a maximum of 6 feet tall and located in a landscaped area. The Applicant is proposing directory signs at a height of 7 feet and 4 inches tall located in pedestrian plaza areas, not surrounded by landscaping. This is the exact same sign type and request approved with the In-Place phase. Approval of additional directory signs will maintain consistency across the project. Staff is recommending approval of the requested waiver.

10. The Applicant is requesting a waiver from Section 78-346 of the City's Code that permits shared parking to be established based on the requirements and calculations outlined in Table 34. The Applicant is proposing to base the shared parking on the Urban Land Institute (ULI) Shared Parking Manual, 3rd Edition, which applies various adjustment factors to account for differences in parking demand over the course of the day and between weekday and weekend conditions. The Applicant has demonstrated the up-to-date and comprehensive approach of the ULI methodology. Staff is recommending approval of the requested waiver.

STAFF ANALYSIS

The proposed Full Vision redevelopment for Downtown Palm Beach Gardens embraces the intent of a true Mixed Use development. The addition of a multifamily residential component along with the vertically integrated mixed-use hotel tower to the existing mix of commercial and office uses will greatly increase the activity on the site throughout the day and will provide new "eyes on the street" at night to increase site security. Further, the enhancement and activation of the lakefront through the improvement of facilities and introduction of new amenities brings a sense of community to Downtown and fully embraces the "live, work, play" vision of the City of Palm Beach Gardens.

Downtown is located within the City's Transit Oriented Development (TOD) District and is the first project to utilize the concepts contained in the TOD Master Plan. This project incorporates a full mix of uses, including retail, restaurant, office, cinema, health/physical fitness, and now hotel and residential, as encouraged within the TOD District. Downtown also provides interesting and engaging public spaces including the redesigned Event Lawn, new coconut grove, dog parks, and the gathering spaces within the Strand. Pedestrian activity is improved within the site along the updated lake path and across the free-flowing east-west drive aisle, as well as outside the site through the connection to the system of sidewalks and crosswalks in multiple locations around the site. Safety elements, such as lit bollards, seat wall barriers, and directional signage, all help to protect the patrons, visitors, and residents of the site.

The proposed location of a rail transit station is within one half mile of the Downtown Palm Beach Gardens site. The project utilizes increased building height permitted within the TOD district for the residential and MUT buildings to reduce the footprint as well as add density to the site. The addition of density to the project adds potential riders to a future train while the retail and entertainment uses will provide a destination for riders. The project is required to provide an on-site stop as part of the planned trolley/circulator system within in the TOD district once the system is in place and operational.

The Full Vision redevelopment also embraces the elements of the City's Mobility Plan. By combining a wide range of uses, internal capture of trips is inherently increased, thereby reducing the potential impact on the surrounding road network. Additionally, the project is providing non-vehicular options onsite, including bicycle racks throughout the site and looking ahead to provide locations for future bike-share, scooter rental, and trolley/circulator stop locations. Ride share pick-up/drop-off locations reduce the need for

residents to own a vehicle or hotel guests to rent a vehicle, while electric vehicle charging stations encourage alternative vehicle usage.

The Full Vision redevelopment continues to shift the focus of the site toward the lakefront, as was always intended for this project, by placing active and passive uses on the lakeside as well as physically opening up the center of the site. The project's design elements open up the site and create cohesiveness between different areas, while providing spaces for gathering or informal activity. The proposed contemporary architecture exhibits an abundance of glass, mixture of materials, and bright colors. Signature Downtown elements, including vertical perforated metal leaf-patterned panels, wood panel siding, the teal branding accent color, and integrated accent lighting, are used throughout the site to create a cohesive experience for visitors and residents alike.

CONSISTENCY WITH CITY'S COMPREHENSIVE PLAN

The proposal is consistent with the overall Goals, Objectives, and Policies of the various elements of the City's adopted Comprehensive Plan. Some specific goals, objectives, and policies that are consistent with the proposed amendments are listed below:

FUTURE LAND USE ELEMENT

GOAL 1.1.: CONTINUE TO ENSURE A HIGH QUALITY LIVING ENVIRONMENT THROUGH A MIXTURE OF LAND USES THAT WILL MAXIMIZE PALM BEACH GARDENS' NATURAL AND MANMADE RESOURCES WHILE MINIMIZING ANY THREAT TO THE HEALTH, SAFETY, AND WELFARE OF THE CITY'S CITIZENS THAT IS CAUSED BY INCOMPATIBLE LAND USES AND ENVIRONMENTAL DEGRADATION, BY MAINTAINING COMPATIBLE LAND USES WHICH CONSIDER THE INTENSITIES AND DENSITIES OF LAND USE ACTIVITIES, THEIR RELATIONSHIP TO SURROUNDING PROPERTIES AND THE PROPER TRANSITION OF LAND USES.

Staff analysis: The existing mixture of non-residential uses within DPBG, including retail, restaurant, office, cinema, and health/physical fitness, is proposed to be further expanded with the addition of residential and hotel uses. Further, the surrounding properties contain a varied mix of both non-residential and residential uses. The properties adjacent to the south half of DPBG are non-residential, while the properties adjacent to the north half of DPBG are residential and nearest to the proposed DPBG residential building for compatibility. This provides a proper transition of land uses.

Policy 1.1.1.15: The Mixed Use Development category is designed for new development which is characterized by a variety of integrated land use types. The intent of the category is to provide for a mixture of uses on single parcels in order to develop sites which are sensitive to the surrounding uses, desired character of the community, and the capacity of public facilities to service proposed developments. This Future Land Use category is also intended to foster infill and redevelopment efforts, to deter urban sprawl and to encourage new affordable housing opportunities, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. To

create a functioning, multi-faceted type of development, mixed use development is dependent on the successful integration of distinct uses. Integration is defined as the combination of distinct uses on a single site where the impacts from differing uses are mitigated through site design techniques, and where impacts from differing uses are expected to benefit from the close proximity of complementary uses. All requests for development approval based on a mixed use concept must be able to demonstrate functional horizontal integration of the allowable uses, and where applicable, vertical integration as well.

Staff analysis: The proposed land use and zoning changes, which are intended to accommodate the proposed infill residential Mixed-Use project, is horizontally integrated, exemplifies the intent of the Mixed Use Development District with lessening the need for vehicular trips, and provides for strong internalization of trips within the project and to the complementary surrounding projects. Further, the subject site meets or exceeds all the minimum criteria for Mixed Use Development land use areas:

1. The Palm Beach Gardens site is developed within the Regional Center Planned Community Development.
2. The site has frontage on Alternate A1A, classified as an arterial roadway.
3. The residential component of the project is proposed below the maximum permitted density. The site is also located within the Transit Oriented Development (TOD) District and complies with the MXD land use maximum allowable height specified in Policy 1.3.9.9.
4. The Applicant has provided a distribution mix of residential and non-residential that meets code.
5. The Applicant is not seeking an exemption to the residential or non-residential mix requirements.

GOAL 1.2.: ENCOURAGE DEVELOPMENT OR REDEVELOPMENT ACTIVITIES, WHILE PROMOTING STRONG SENSE OF COMMUNITY, AND CONSISTENT QUALITY OF DESIGN; AND DO NOT THREATEN EXISTING NEIGHBORHOOD INTEGRITY AND HISTORIC AND ENVIRONMENTAL RESOURCES.

Staff analysis: The proposed mixed use residential and hotel infill development within the project is compatible with the uses existing in surrounding developments. The project is proposed with strong pedestrian, bicycle, and vehicular connections between the uses based on proximity and design. The proposed mix of uses will facilitate the internal capture of trips and the incorporation of mobility elements will assist in reducing the overall number of vehicle trips.

Policy 1.3.9.2.: The City shall encourage a mix of uses in the TOD District that shall include Retail and Personal Services, Office, Hotel/Conference Center, Residential, and Civic/Open Space/Recreation, in accordance with approved uses in the City's Land Development Regulations and PGA Corridor Overlay District.

Staff analysis: The existing project contains a mix of non-residential uses, including retail and personal services, office, and open space. The proposed project will now provide hotel and residential uses, encompassing all encouraged uses within the TOD District.

Policy 1.3.9.3.: The TOD District shall include projects generally located within ½ mile of the planned light or rail transit station, including, but not limited to, the following site plan projects/Planned Unit Developments/Planned Community Developments or portions thereof: PGA Office Center (f.k.a 5A), PGA Station, 4150 PGA Boulevard (Shell Gas Station), Loehmann's Plaza, 4050 PGA Boulevard (Loehmann's outparcel restaurant), 4060 PGA Boulevard (Loehmann's outparcel medical office), Gardens Station West, Gardens Station East, Marriott Hotel, RCA Park, West Park Center, Northcorp Center, Downtown Palm Beach Gardens, Gardens Corporate Center (Divosta Towers and Financial Center at the Gardens), Viridian Office Centre, Laser and Surgery Center, Grand Bank Center, PBG Medical Pavilion, Legacy Place (Commercial and Residential), Gardens Plaza, Palm Beach Gardens Post Office, 3700 RCA Boulevard (AT&T Building), Arcadia Gardens, Palm Beach Gardens Moose Lodge, or however amended in the future.

Staff analysis: Downtown Palm Beach Gardens is specifically listed as a project within the TOD District.

Policy 1.3.9.9.: Within the TOD District, the maximum allowable height shall be 9 stories, or 135 feet.

Staff analysis: The Applicant is proposing a 9-story, 124-foot-tall Mixed Use Tower and an 8-story, 82-foot-tall multifamily residential apartment building. These developments, along with the existing buildings on site, do not exceed the maximum allowable height within the TOD District.

Policy 1.3.9.12.: Projects within the TOD District are encouraged to provide interesting and enticing public spaces that serve as gathering places for the TOD District and the City. Emphasis is placed on smaller, urban open spaces such as plazas, pocket parks, and publicly accessible rooftop or green roof spaces. Development standards shall be set forth and implemented in the City's Land Development Regulations that contribute to a unique sense of place and result in safe, accessible, and attractive places.

Staff analysis: The Downtown Palm Beach Gardens project proposes many new and improved public spaces on site. The lakefront has been fully activated with the redesign of the Event Lawn and new coconut grove gathering area, the relocation of the carousel, and new dog park. The Strand, internal to the shopping center, provides shade and seating, an interactive water feature, and art.

TRANSPORTATION ELEMENT

GOAL 2.2: CONTINUE TO DEVELOP AND MAINTAIN SUSTAINABLE, SAFE AND EFFICIENT INTERMODAL TRANSPORTATION LINKAGES THROUGH A BALANCE OF TRAFFIC CIRCULATION SYSTEMS, PUBLIC TRANSPORTATION, AND PEDESTRIAN AND BICYCLE NETWORKS.

Staff analysis: The DPBG project has four points of vehicular access and an extensive pedestrian network that is proposed to be enhanced with the redevelopment. Pedestrian

paths are integrated for connection between the various park and public amenity areas provided on site, as well as the full-circle lake path and internal 'Strand' through the center of the development. The vehicular circulation will be improved through the addition of the centrally located east-west drive aisle, as well as a new ingress from Gardens Parkway for the northeast parking garage. There are also existing bus stops on the north boundary of the site on Gardens Parkway and along Kyoto Gardens Drive on the south side of the site.

Objective 2.2.1.: To encourage strategies which reduce demand on the City's transportation system and alleviate street traffic congestion.

Staff analysis: The nature of Mixed Use development provides for increased internal capture of vehicular trips based on the proximity and convenience of residential to commercial- and office-related uses. Therefore, external trips into and out of the site are reduced for the DPBG residents.

COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)

At this time, all DRC comments have been satisfied.

PUBLIC NOTICE

The petition has been publicly noticed according to Section 78-54 of the City's Code, with published newspaper ads, mailed notices, and posting of signs on and around the property.

PLANNING, ZONING, AND APPEALS BOARD (PZAB)

At the June 8, 2021, PZAB meeting, the PZAB recommended approval of PCDA-20-04-000040 and SPLA-20-04-000057 by votes of 6 to 1 and 6 to 1, respectively.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Resolution 41, 2021, the Planned Community Development (PCD) Amendment to the Regional Center Master Plan, as presented.

Staff recommends **APPROVAL** of Resolution 42, 2021, the proposed Downtown Palm Beach Gardens Site Plan Amendment and all 10 associated waivers, as presented.

CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

- | | |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input checked="" type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Administrative Approval | <input type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other <input type="text"/> |

Date Submitted:

Project Name: Downtown Palm Beach Gardens

Owner: Excel Gardens, LLC

Applicant (if not Owner): _____

Applicant's Address: 10920 Via Frontera, Ste 220 Telephone No. 312-798-5193

Agent: Cotleur & Hearing

Contact Person: Don Hearing/Nicole Plunkett E-Mail: dhearing@cotleur-hearing.com

Agent's Mailing Address: 1934 Commerce Ln, Ste 1, Jupiter, FL 33458

Agent's Telephone Number: 561.747.6336

FOR OFFICE USE ONLY

Petition Number: _____

Date & Time Received: _____

Fees Received

Application \$ _____

Engineering \$ _____

Receipt Number: _____

Architect: CREATE
Engineer: Simmons & White
Planner: Cotleur & Hearing
Landscape Architect: EDSA

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: Southeast corner of Alternate A-1-A and Gardens Parkway

Address: 11701 Lake Victoria Gardens Ave.

Section: 06 Township: 42 Range: 43

Property Control Number(s): 52-43-42-06-26-001-0000

Acreage: 49.04 Current Zoning: PCD Requested Zoning: N/A

Flood Zone X Base Flood Elevation (BFE) – to be indicated on site plan

Current Comprehensive Plan Land Use Designation: PO/CG-1

Existing Land Use: PO/CG-1 Requested Land Use: N/A

Proposed Use(s) i.e. hotel, single family residence, etc.: Restaurant,
retail, cinema, office, hotel, residence

Proposed Square Footage by Use: Please see the enclosed SF matrix

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):
283 units

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: Applicant is requesting approval of a PCD amendment

which will facilitate the revitalization of Downtown by the reconfiguration of internal driveways (the

Woonerf), the development of a mixed use tower which will have hotel, office, retail and restaurant uses, and

the development of multi-family apartments and supporting garage. Please see the enclosed project narrative

for additional information.

2. What will be the impact of the proposed change on the surrounding area?

The proposed change will provide a positive impact on the surrounding area by providing a true life/work/play

environment with the new proposed office, hotel and residential components of Downtown.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

The proposed request does not include rezoning.

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

This request will not impact natural resources or native vegetation.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

Please see the enclosed project narrative for details regarding this code requirement.

6. Has project received concurrency certification?

Yes

Date Received:

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately 0 mile(s) from the intersection of Alt. A-1-A
and Gardens Parkway, on the ☐ north, ☒ east, ☐ south, ☐ west side of Alt. A-1-A
(street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Kevin Mysliwiec, as
authorized agent of owner _____ who, being by me first duly sworn, on oath depose and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting PCD Amendment in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Coteleur & Hearing to act as authorized agent on his/her behalf to accomplish the above project.


Name of Owner: Excel Gardens, LLC

Signature of Owner

10920 Via Frontera, Suite 220

Street Address

P. O. Box

312-798-5193

Telephone Number

kmysliwiec@shopcore.com

E-mail Address

Kevin Mysliwiec, as authorized agent of owner

By: Name/Title

San Diego, CA 92127

City, State, Zip Code

City, State, Zip Code

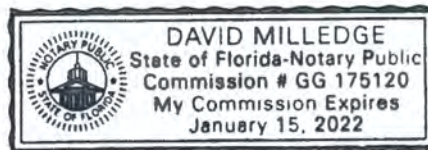
Fax Number

Sworn and subscribed before me this 16 day of April, 2020.


Notary Public

My Commission expires:

01/15/22



Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:



Signature of Applicant

Kevin Mysliwec, as authorized agent of owner

☒ Owner

Print Name of Applicant

☐ Optionee

10920 Via Frontera, Suite 220

Street Address

☐ Lessee

San Diego, CA 92127

City, State, Zip Code

☐ Agent

312.798.5193

Telephone Number

☐ Contract Purchaser

Fax Number

kmysliwec@shopcore.com

E-Mail Address



Permit # _____

Financial Responsibility Form

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbursement purposes. All activities related to the pending permit(s) will cease until any outstanding invoices are paid.

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

[Signature]
Owner signature

Kevin Mysliwiec, as authorized agent for owner
Owner printed name

DESIGNEE/BILL TO:
Excel Gardens, LLC

c/o ShopCore Properties, L.P.

233 South Wacker Drive, Ste 3400, Chicago, IL 60606

April 16, 2020
Date

52-43-42-06-26-001-0000
Property Control Number

[Signature]
Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 16 day of April, 2020, by Kevin Mysliwiec. He or she is personally known to me or has produced _____ as identification.

[Signature]
Notary public signature

David Milledge
Printed name

State of Florida at-large



My Commission expires: 01/15/22

CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

Request:

☐ Planned Community Development (PCD)

☐ Annexation

☐ Planned Unit Development (PUD)

☐ Rezoning

☒ Amendment to PCD, PUD or Site Plan

☐ Site Plan Review

☐ Conditional Use

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Applicant (if not Owner): _____

Applicant's Address: 10920 Via Frontera, Ste 220 **Telephone No.** 312-798-5193

Agent: Cotleur & Hearing

Contact Person: Don Hearing/Nicole Plunkett

E-Mail: dhearing@cotleur-hearing.com

Agent's Mailing Address: 1934 Commerce Ln, Ste 1, Jupiter, FL 33458

Agent's Telephone Number: 561.747.6336

FOR OFFICE USE ONLY

Petition Number: _____

Date & Time Received: _____

Fees Received

Application \$ _____

Engineering \$ _____

Receipt Number: _____

Architect: CREATE
Engineer: Simmons & White
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Landscape Architect: EDSA

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: Southeast corner of Alternate A-1-A and Gardens Parkway

Address: 11701 Lake Victoria Gardens Ave.

Section: 06 Township: 42 Range: 43

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Flood Zone X Base Flood Elevation (BFE) – to be indicated on site plan

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retail, cinema, office, hotel, residence

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283 units

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: Applicant is requesting approval to revitalize Downtown by reconfiguring internal driveways (the Woonerf), development of a mixed use tower which will have hotel, office, retail and restaurant uses, the development of multi-family apartments and supporting garage, and the installation of additional landscaping, among other things. Please see the enclosed project narrative for additional information.

2. What will be the impact of the proposed change on the surrounding area?
The proposed change will provide a positive impact on the surrounding area by providing a true life/work/play environment with the new proposed office, hotel and residential components of Downtown.

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The proposed request does not include rezoning.

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(Attach additional sheets if needed)

Or see attached deed for legal description.


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The subject property is located approximately 0 mile(s) from the intersection of Alt. A-1-A
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(street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Kevin Mysliwec, as
authorized agent of owner _____ who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Site Plan modification in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Coteleur & Hearing to act as authorized agent on his/her behalf to accomplish the above project.


Name of Owner: Excel Gardens, LLC

Signature of Owner

10920 Via Frontera, Suite 220

Street Address

Kevin Mysliwec, as authorized agent of owner

By: Name/Title

San Diego, CA 92127

City, State, Zip Code

P. O. Box

312-798-5193

Telephone Number

kmysliwec@shopcore.com

E-mail Address

City, State, Zip Code

Fax Number

Sworn and subscribed before me this 16 day of April, 2020.


Notary Public

My Commission expires:

01/15/22



Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:



Signature of Applicant

Kevin Mysliwec, as authorized agent of owner

☒ Owner

Print Name of Applicant

☐ Optionee

10920 Via Frontera, Suite 220

Street Address

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San Diego, CA 92127

City, State, Zip Code

☐ Agent

312.798.5193

Telephone Number

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kmysliwec@shopcore.com

E-Mail Address



Permit # _____

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[Signature]
Owner signature

Kevin Mysliwicz, as authorized agent for owner

Owner printed name

DESIGNEE/BILL TO:

Excel Gardens, LLC

c/o ShopCore Properties, L.P.

233 South Wacker Drive, Ste 3400, Chicago, IL 60606

April 16, 2020
Date

52-43-42-06-26-001-0000

Property Control Number

[Signature]
Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

STATE OF Florida

COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 16 day of April, 2020, by Kevin Mysliwicz. He or she is personally known to me or has produced _____ as identification.

[Signature]
Notary public signature

David Milledge
Printed name



State of Florida at-large

My Commission expires: 01/15/22



Cotleur &
Hearing

LC26000535

LAND PLANNING + LANDSCAPE ARCHITECTURE + TRANSPORTATION

1934 COMMERCE LANE • SUITE 1
JUPITER, FLORIDA • 33458
☎ 561.747.6336 📠 561.747.1377

DOWNTOWN PALM BEACH GARDENS

Full Vision Application

Downtown Site Plan/Regional Center PCD Master Plan Amendments

Justification Statement

July 7, 2021

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I. Introduction

Excel Gardens, LLC (“Applicant”) owns the property in the City of Palm Beach Gardens (the “Subject Property”) known as Downtown Palm Beach Gardens (“Downtown”), a mixed-use development with retail shops, offices, restaurants, a wellness facility, and a movie theater. The Applicant seeks to transform the Subject Property into a sophisticated, thriving, urban core that reflects the City’s character. The redevelopment will draw residents, professionals, and visitors to the site to take advantage of the new, integrated mix of uses and create a true “live, work, and play” Downtown community.

The recently approved Life Time Facility was the first phase of the redevelopment, which brought a nationally-renowned personal wellness brand to the center. Life Time set the tone for the vision of high-end, quality design, an integrated mix of uses, and a unique pedestrian experience for Downtown.

Subsequent to the Life Time approval, the second phase of upgrades known as the “In-Place Application” were approved, which enhanced the existing retail façades and created the Strand (the north/south interactive pedestrian corridor). Those upgrades complement the high-quality design and architectural elements embodied within the proposed redevelopment and will remain as part of the overall vision for the future of the Subject Property.

The “Full Vision” application is the third and final phase of the redevelopment. It seeks to add hotel and multi-family residential uses to the Subject Property, re-orient retail space towards the newly activated lake front, increase pedestrian connectivity and vehicular access through a variety of design tools, and create an urban core community through purposeful, unique place-making, landscaping, and hardscaping. The Full Vision Application consists of four integrated components (collectively, the “Project”):

1. Future Land Use Map Amendment: application to change the Subject Property’s future land use designation from Professional Office (PO) to Mixed Use Development (MXD);
2. Rezoning: application to rezone the Subject Property from the General Commercial (CG-1) and Professional Office (PO) underlying zoning districts to an underlying Mixed Use Development (MXD) zoning district;
3. Downtown Site Plan Amendment: application to amend the existing Downtown Site Plan to add 174-key hotel room use, 280-unit multi-family residential use, an additional 432 parking space, 8-floor addition to the East Parking Garage, mobility improvements, and complementary pedestrian and vehicular amenities; and
4. Regional Center PCD Master Plan Amendment: application to add hotel and multi-family residential entitlements to the operative master plan.

This Justification statement relates to the Downtown Site Plan Amendment and Regional Center PCD Master Plan Amendment (collectively, the “Application”).

Project Contacts:

Excel Gardens, LLC - Shopcore

Kevin Mysliwiec
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Chicago, IL, 60606
Phone: (312) 798-5158
E-mail: kmysliwiec@shopcore.com

Cotleur & Hearing, Inc.

Donaldson Hearing, Principal
Nicole Plunkett, Partner
1934 Commerce Lane, Suite 1
Jupiter, FL 33458
Phone: (561) 747-6336
Fax: (561) 747-1377
E-mail: dhearing@cotleur-hearing.com
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E-mail: jsnouffer@edsaplan.com

Simmons & White

Greg Bolen
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Phone: (561) 478-7848
E-mail: greg@simmonsandwhite.com

Mathison Whittles, LLP

Stephen Mathison, Esq.
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E-mail: smathison@mathisonwhittles.com

CREATE

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E-mail: mproicou@createapd.com

Gunster, Yoakley & Stewart, P.A.

Brian M. Seymour, Esq.
S. Kaitlin Guerin, Esq.
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401
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Kimley-Horn & Associates

Chris Heggen
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West Palm Beach, FL 33411
Phone: (561) 845-0665
E-mail: chris.heggen@kimley-horn.com

Downtown Palm Beach Gardens
Downtown Site Plan/Regional Center PCD Master Plan Amendments
July 7, 2021

Fees

Application Request	Fee
Comp Plan Land Use Map Amendment	\$2,500
PCD Amendment	\$2,000
Rezoning Fee	\$2,500
Site Plan Review in conjunction with Rezoning for same project	\$250
Concurrency Certificate	\$550
GIS Review Open Space	\$300
Advertising Escrow	\$1,000
Legal Escrow	\$1,000
Engineering Escrow	\$1,000
Traffic Escrow	\$1,000
TOTAL	\$12,100

II. Project Overview

Location

Downtown encompasses approximately 49.04 acres and is located at the southeast corner of Alternate A-1-A and Gardens Parkway. It is bound by Kyoto Gardens Drive along its southern boundary and Gardens Parkway along its northern boundary. Lake Victoria Gardens Avenue bisects the property and connects Kyoto Gardens Drive to Gardens Parkway. To the north of the Subject Property is Mira Flores apartments, to the south is the DiVosta Towers and the Financial Center at the Gardens, to the west is Alternate A-1-A and the FEC railroad, and to the east is the Landmark condominiums and Garden Pointe.

Project History

On February 16, 1984, the City Council approved Resolution 9, 1984 allowing the Regional Center Development of Regional Impact (DRI). Concurrently, Ordinance 5, 1984 was adopted, establishing a zoning designation of Planned Community Development (PCD) for the entire Regional Center DRI, with the exception of the Gardens Mall property.

In 2003, the City Council approved Resolution 91, 2003, establishing the PCD site plan for the Subject Property. At the time, the site was located within the Regional Center DRI. The 2003 approval allowed for the development of up to 26,000 square feet of neighborhood commercial use, 220,745 square feet of retail/restaurant use, 67,690 square feet of cinema (up to 3,220 seats), and 20,000 square feet of professional office use. The site plan has since been modified several times, the most notable of which are addressed herein.

In 2003, Resolution 212, 2003 reduced the number of cinema seats from 3,220 to 3,130 and increased retail square footage by 1,473 square feet.

In 2009, the City Council adopted Resolution 58, 2009, which modified the allocation of uses for the Subject Property to include 271,050 square feet of mixed-use shopping center use, including up to 70,000 square feet of restaurant use, and 68,087 square feet of cinema (3,032 seats). A second parking garage for the Subject Property was approved and depicted on the master plan just north of the cinema. The approved parking garage consisted of 547 spaces on five levels. The approval gives the owner of the site the ability to build the garage to increase the square footage of the site. That garage has not been constructed.

Resolution 81, 2012 further amended the site plan and in 2013, as a result of House Bill 7207, the City Council approved a series of development orders, which rescinded the Regional Center DRI. Resolution 22, 2013 rescinded the development order for the Regional Center DRI and transferred applicable conditions of approval to the new PCD development order for the Regional Center. Ordinance 6, 2013 reaffirmed and amended the Regional Center PCD development order.

Resolution 23, 2013 approved the PCD Master Plan and most recently Resolution 27, 2019 added 116,862 square feet of Health, Physical Fitness, Weight Reduction and Spa use for the Life Time facility located in the northern section of the Subject Property, in addition to approving a 426-space garage in lieu of the previously approved 547-space garage.

Resolution 43, 2020 amended the site plan to realign the drive aisle from Alternate A1A, relocate the carousel to the lakeside, make modifications to the hardscape and landscape, make architectural modifications to the elevations for Building A, D/E, G/H, I/J, K/F, and L, update the building square footages and use allocations, and approve a master sign program with waivers and conditions of approval.

Land Use and Zoning

The current zoning designation of the Subject Property is PCD Overlay, with underlying zoning designations of General Commercial (CG-1) and Professional Office (PO). The Subject Property's existing land use is Commercial, and its future land use is Professional Office (PO). Resolution 91, 2003, Resolution 58, 2009, Resolution 81, 2012, Resolution 27, 2019, and Resolution 43, 2020 approved and amended, respectively, the current site plan and set forth the following uses for the Subject Property:

- Retail/Restaurant (226,448 sq. ft., which includes up to 71,764 square feet of restaurant)
- Health, Physical Wellness, Weight Reduction and Spa (116,862 sq. ft.)
- Neighborhood Commercial (26,000 sq. ft.)
- Movie Theater (68,087 sq. ft. or 2,474 cinema seats)
- R&D/Office (17,581 sq. ft.)
- Medical Office (3,900 sq. ft.)

SURROUNDING PROPERTIES			
DIRECTION	PROJECT	FUTURE LAND USE	ZONING
NORTH	Mira Flores	RH	PCD
SOUTH	DiVosta Towers Financial Center at the Gardens	PO	PCD
EAST	Landmark	PO	PCD
WEST	Plat 4 Residential FPL (Parcel 5A)	RL I	RL PCD/I

III. Project Description

The Downtown Site Plan Amendment adds the new mixed-use Building MUT and multi-family residential Building R and redesigns the Subject Property to establish the East/West Connection and the activated Lakefront. The concurrently proposed Regional Center PCD Master Plan Amendment increases the entitled square footage for the Subject Property that corresponds with the Downtown Site Plan Amendment. Specifically, the Regional Center PCD Master Plan Amendment adds the following square footage to the Property:

- Hotel (108,891 sq. ft.)
- Residential Multi-Family (280 dwelling units)

The Application consists of four main components: (1) the new mixed-use Building MUT, which includes the retail Podium and hotel; (2) the new multi-family residential Building R, to be known as Alta at the Gardens; (3) the East/West Connection; and (4) the Lakefront. The proposed architectural, landscape, and hardscape designs create cohesiveness throughout these elements and integrate the new uses with the existing site to create the Downtown urban core community.

The Downtown Site Plan and Regional Center PCD Master Plan Amendments are consistent with the City's Comprehensive Plan and comply with the Land Development Regulations, as described below.

Building MUT (Mixed Use Podium and Hotel)

The Project seeks to redevelop the northeast quadrant of the retail center (identified as Building B/C on the currently approved site plan) across from the Cobb Theatre to create a 9-story, 124-foot high mixed-use tower that is made up of a retail Podium and hotel. The ground floor of the tower consists of 25,000 square feet of retail and restaurant use, and the second floor consists of 28,000 square feet of office space. The retail, restaurant, and office uses face the interior courtyard. This creates frontage along the East/West Connection (the Podium's south façade) and along the new north/south Strand (the Podium's west façade). This orientation along the site's new pedestrian-friendly elements, in conjunction with its contemporary architecture and materials (including expansive glass and a mix of wood plank elements), creates an engaging and exciting atmosphere at the pedestrian-scale. The second floor is connected to the East Parking Garage by a covered bridge, providing convenient access for people who work in this office space and visitors to the site, as well as a refuge area from the weather.

Building MUT's third floor contains the hotel's lobby, including a restaurant, bar, fitness center, meeting rooms, and outdoor terrace available to guests, which creates a social space to transition from the Podium's retail, restaurant, and office uses to the hotel component of the mixed-use tower. The lobby's terrace faces south to look out over the interior of the site, which activates the hotel's exterior and integrates the new hotel use with the existing development. Guests can use the outdoor patio to eat, drink, and socialize, as well as observe the hustle and bustle of the ground-floor activity. A portion of this terrace serves as a green roof to provide sustainability and mitigation factors. Floors 4 through 9 contain the proposed 174 hotel rooms that exemplify the signature experience and luxury of the proposed hotel. An "Aloft" sign made of sleek, aluminum channel lettering is located on the north and south elevations between the rooftop and cantilever to provide depth and articulation to the façade. Charcoal-colored metal slats create a backdrop for the sign and integrate the hotel and retail Podium to tie the mixed-use tower design together.

The hotel entry is oriented toward Lake Victoria Gardens Avenue (away from the existing development) with a porte cochere and valet drop-off at its northeast corner. This design integrates the hotel with the exterior of the site, and it creates an inviting sense of arrival for visitors and hotel guests. Guests can either drop their cars off at the valet or park at the East Parking Garage across the street and use the covered bridge to access the Podium and hotel. This porte cochere provides a refuge area for visitors as they arrive to the hotel, as well as safe and efficient traffic circulation because of the adequate space for stacking and queuing away from the roadway. A bypass lane provides convenient access to the East Parking Garage, which accommodates the valet parking. Locating the valet and entryway to the hotel along Lake Victoria Gardens Avenue maintains vehicular traffic on the exterior of the site and preserves the interior of the site for pedestrian connectivity.

Building R (Multi-Family Residential)

The proposed multi-family residential use for the Subject Property is an essential component of the Project that transforms the site from its existing retail shopping center to a Downtown urban core community; simply, it is the “live” component of the “live, work, play” vision. The Application proposes an 8-story, 280-unit multi-family residential building, to be known as Alta at the Gardens, on the northeast corner of the Subject Property at the existing Cheesecake Factory location and outparcel site. The entryway is located on Lake Victoria Gardens Avenue, across from the new hotel, which activates the pedestrian level and integrates the new use with the hotel and existing site. A new eight (8) floor residential garage provides 432 parking spaces for residential use only. The new residential garage will be an extension on the southeast corner of the existing East Parking Garage. The eight (8) residential stories contain a mix of floor plans, including 1 bedroom/1 bath, 2 bedroom/2 bath, and 3 bedroom/2 bath layouts, all with balconies to create an engaging atmosphere along the interior of the site and the exterior lakefront. Black aluminum frame impact resistant windows, frame, horizontal sliding doors, and picket railings complement the building’s scored stucco façade. Composite wood brise-soleil provides articulation and unique design, while a concrete eyebrow brings vertical integration to the architecture. The color palette and sleek material creates the sophisticated urban core design that complements the Project. The building has a unique shape along the lakefront that allows portions of the building to be setback from the lake, which decreases the massing of the building and provides visual articulation and interest along the pedestrian path. Pockets of green spaces fill the setback areas and tall, lush landscaping is located along the building next to the lakefront to create open spaces for residents and pedestrians. The portions of the building that are located along the edge of the lakefront contain expansive glass facades with wood and metal architectural components at the upper levels so that residents can enjoy the beautiful water view and pedestrians, visitors, and neighboring residences enjoy an architecturally-pleasing, sleek design that integrates the community. The residential building provides a variety of amenities, including a golf lounge, club room, fitness center, co-work lounge, café, pet spa, and outdoor garden.

East/West Connection

The proposed East/West Connection is a pedestrian-friendly street that will run east to west through the center of the Subject Property, ultimately transitioning into the event lawn and grove. It operates cohesively with the Strand—the interactive pedestrian walkway and interior courtyard that connects the site north to south. This connection encourages cohesiveness and connectivity throughout the site by creating new frontage for the ground-floor restaurant and retail uses. It will be a central meeting place for residents and visitors with easy accessibility to the surrounding

restaurants, retail, health and wellness, and hotel uses. In the middle of the site, where the East/West Connection intersects the north/south Strand, the street slopes upwards so that it is flush with the existing grade of the retail center. This area includes different paving denotation and is the main pedestrian-crossing. It is also a flexible space that allows for street closure to vehicular traffic for special events.

Within the East/West Connection there will be an array of impactful landscape and hardscape elements to promote a sense of place within the community and integrate the new uses. For example, decorative pavers and planters will be placed throughout the street, as well as large Medjool Palms that match the existing palms at the Cobb Theatre and Life Time Facility.

The Lakefront

Activating the Lakefront is a key element of this Application and an integral component of the new Downtown vision. It is currently under-utilized and separated from the existing site, but the Project embraces the waterfront as a valuable and inviting aspect of the City's culture and community. Building R is located along the Lakefront at the northeast corner of the Subject Property to provide water views for residents. It also incorporates a meandering walking path with open space and tropical landscaping for Downtown and City residents, hotel guests, and visitors to the site to walk along and enjoy the Lakefront.

The East/West Connection draws visitors through the Subject Property's interior courtyards and out into the open space of the Event Lawn at the southern portion of the lake, which is framed by large Sylvester Palms with festoon lights along the walkways. The event space will have moveable, yet sturdy, furniture for visitors to gather, eat, relax, and socialize. For example, the space adjacent to the road will be constructed to accommodate food trucks on site. Fixed tables with charging stations and chairs will also be placed in the Event Lawn to encourage people to stay and enjoy the site and its diverse activities.

The Project adds a dog park along the Lakefront with new shade areas. The entry point is along the existing Lakefront pathway (away from the roadway) to provide an additional layer of security for both pets and pet-parents. Landscaping will also screen this area from the road and enhance Lake Victoria Gardens Drive. Existing coconut palms on site will be relocated to the area south of the Event Lawn—the new Grove—to create a natural shelter and refuge area with hammocks and lounge seating. This area provides a casual space for residents, guests, and visitors to relax and unwind. A second dog park is located adjacent to the Residential Building and is also open to the public.

Landscape and Hardscape

The proposed landscape and hardscape designs are open and airy to reflect the site's redesign that opens and integrates the Subject Property. The designs are fun, playful, and inviting, as well as impactful and unique to the City. Finishes focus on warm details, including natural pavers and stone, as well as wood and mosaic inlays. The landscape palette is consistent with the rest of Downtown; large date palms serve as signature points of reference, and thinner palms, such as MacArthur and Christmas palms, provide a unique taste of tropical design while framing and maintaining the views into retail and restaurant spaces. Ground level plantings, including philodendron, alocasia, and cordyline, contribute to the tropical feel and enhance the pedestrian-scale. Along with the foundational plantings, furniture that have a base of neutral tones with pops

of color give Downtown a sense of place, establish a true community within the City, and strengthen the brand of Downtown Palm Beach Gardens.

Lighting and CPTED

Lighting will be supplied in conformance with the Code. The Applicant has prepared photometric lighting plans for all vehicular use and pedestrian spaces impacted by this Project. Lighting fixtures will stylistically match the existing features and will be improved by using LED as opposed to the previous HID Metal Halide. The color of the light will be in accordance with the prior recommendations of the City of Palm Beach Garden's Police Department during the Life Time site plan amendment approval process.

Parking

The Project satisfies the Code's parking requirements for both its residential and non-residential components. The residential component requires 432 parking spaces for the proposed Building R (1 space for each of the 411 bedrooms and 5% or 21 spaces for guests). The new residential levels of the East Parking Garage provide 432 parking spaces designated to Building R. Therefore, the residential parking requirement is accommodated by the new residential component of the East Parking Garage. The non-residential component requires 2,041 parking spaces during weekday peak hour and 1,980 parking spaces during weekend peak hour. The Application provides 2,436 parking spaces for the non-residential uses, resulting in a surplus of 395 parking spaces during the weekday peak hour and a surplus of 456 parking spaces during the weekend peak hour. Kimley Horn prepared a detailed parking evaluation that has been submitted with this Application.

Mobility

The Project's site design and amenities highlight the importance of mobility options and planning that support the City's vision for multi-modal communities and will further reduce the parking needs and traffic impacts on site. The Subject Property is within the Multi-Modal Mobility District and less than a mile from the new Tri-Rail station location. The Tri-Rail station will help provide the mobility shift from personal vehicles to public transportation, and it will increase access to the site for workers and visitors from outside the City. The Project can also accommodate an additional future trolley station location, which will contribute to the City's Transit Circulator and provide access from the Tri-Rail Station to the variety of uses on site. Additionally, the Project utilizes advanced mobility technology by providing designated ride-share pick-up/drop-off locations that are registered with ride share services, thereby reducing the number of vehicles parking on site. The hotel's proposed valet services will maximize parking efficiency for those visitors that use personal vehicles. The Project also provides micro-mobility opportunities to address visitors' "last mile." Those who arrive to Downtown via Tri-Rail, trolley service, or ride share and personal vehicles have access to shared bicycles and electric scooters to conveniently access their final destination or simply explore the site. The Project provides pedestrian pathways that connect to the City's overall pedestrian network along A1A, Gardens Parkway, and Kyoto Gardens Drive to provide a variety of access to pedestrians. Enhanced pedestrian amenities are proposed throughout the site, including bollards, pavers, planters, and bike racks. The increased multi-modal transportation and mobility technology reduce the need for on-site parking and support a multi-modal community.

Vehicular Circulation

Circulation at Downtown will generally remain consistent with the existing pattern of development, with the exception of the new East/West Connection and an entry access to the East Parking Garage from Gardens Parkway. The East/West Connection bisects the Subject Property to connect the east and west sides of the site with a pedestrian-friendly, low-speed, traffic-calming street. Illuminated crosswalks, bollards, pavers, planters, and landscaping enhance pedestrian safety while opening up the interior of the site.

A valet drop-off loop located in front of the new hotel will bring traffic away from Lake Victoria Gardens Avenue while guests check in and out of the hotel. The East Parking Garage is being revised by providing an expansion of eight (8) new floors to the south consisting of 432 parking spaces to serve the residents, which includes vehicle charging options. The existing 4 floor garage will serve the non-residential uses on site. The internal access to the East Parking Garage from Lake Victoria Gardens Avenue will be improved by creating a 2 lane in-2 lane out access with wider lanes.

The existing East Parking Garage currently has an exit to Gardens Parkway, which will be reconfigured to add a right-in only entry lane for vehicles to access the commercial portion of the garage from Gardens Parkway. This will help disperse traffic on site because visitors can directly enter the parking garage from the main roadway rather than driving through the interior. All other major points of ingress and egress will remain the same.

City staff has previously raised concerns regarding potential impacts at the intersection of Gardens Parkway and Lake Victoria Gardens Avenue. While measures have been implemented to improve circulation in this area and the Applicant does not believe there will be adverse impacts, the Applicant understands these concerns and is agreeable to monitor this intersection and install a traffic signal if warranted and approved by Palm Beach County.

Signage

The Application includes a Master Sign Plan to upgrade and enhance the signage throughout the Subject Property to reflect the Project's redesign and create cohesiveness among the mix of uses. The Master Sign Plan includes the signage approved in the Project's second phase, or "In-Place" Approval, in addition to this Application's proposed signage.

The existing Primary Monument sign located at the corner of Kyoto Gardens Drive and A-1-A will be redesigned to reflect the property's new name—Downtown Palm Beach Gardens—with white dimensional letters set against textured dimensional metal panels. At night, the letters are internally illuminated, with the metal panels washed with light from bottom to top. The copy area sits on top of a fabricated metal base (which wraps the existing concrete base), that has tropical, decorative panels with a painted metallic finish. Tropical landscaping complements the new signage and creates an inviting entryway to the site. Eight (8) matching, smaller, Secondary Monument signs replace the existing monument signs at the remaining entryways to the Subject Property. The north entrance has a freestanding Project ID sign that simply read "Downtown" in front of a water feature. The dimensional returns of the 18-inch thick white letters are painted with a contrasting color to provide a pop of color and enhance legibility. The water feature sets the tone for the new redesign, which complements the new interactive water features throughout the Strand and the newly activated Lakefront.

Building MUT is a focal point of the Project and embodies the integration and architectural significance envisioned for mixed-use developments. Its signage includes a monument sign at the north elevation in front of the drop-off loop, two principal wall signs at the top of the north and south elevations for the hotel, and tenant wall signs at the first and second floor levels for retail, restaurant, and office uses. The Design Guidelines and incorporated Master Sign Plan allow tenant canopy signs to be used in lieu of a tenant wall sign, which creates unique design and articulation for Building MUT. The number, copy area, and dimensions of these signs integrate the design and create architectural variety and articulation. The ground floor monument sign creates a sense of arrival to the hotel, while the tenant restaurant, office, and retail wall and canopy signs enhance the pedestrian-level experience and encourage guests to visit the site's variety of uses. The proposed height and copy area of the signs allow the signs to be to-scale with the height of the tower and provide visual interest. The contemporary design and materials reflect the tower's high-end retail, restaurant, office, and hotel brands.

Building R proposes two principal wall signs that are needed to create an architecturally-unique and innovative building design to engage visitors and residents. The signs are located on the interior of the site, rather than facing the residential uses adjacent to the site or the public roadway. This design complements Building R's orientation with respect to the rest of the site and integrates the new residential use with the existing nonresidential uses. The west elevation sign embodies the architectural significance by using composite wood brise-soleil as a unique backdrop to the prominent, sleek lettering. The sign reflects the massing and scaling of Building R to complement the building façade.

Directional Signage moves people through the site, brings attention to the new uses and place-making areas on site, and incorporates the tropical design and color consistent with the hardscape, landscape, and architectural features. The proposed heights of the Directional Signage creates the most efficient and effective sign for each use, and the proposed copy areas and dimensions create signage that fits the scale and design of the mixed-use community. The copy areas and dimensions of the Directional Signs allow the signage to better fit the scale of the mixed-use community and to incorporate innovative, aesthetically-pleasing design.

Project Directory signs orient visitors to the site and its mix of uses. These signs are permitted to have a digital face, which creates a clean, professional style directory that can be easily updated as tenants change on site. This digital-faced signage does not change throughout the day.

Vehicular and Parking Directional signs encourage safe and efficient vehicular circulation on site. The proposed copy area size and design, including reflective text at night, provides maximum legibility. The proposed ride share ID signs are consistent with this design.

Pedestrian Directional signs provide convenient communication and connectivity to move people among the uses. This signage integrates the interior courtyard areas with the site's exterior and open space elements, including the Lakefront. The signs are pedestrian-scale and incorporate the same design as the vehicular signs to provide cohesiveness throughout the site while activating the pedestrian amenities.

Sustainability

Sustainability begins with the overall concept of the integration of uses, pedestrian connectivity, and inclusion of mobility opportunities to limit vehicular travel. This provides for a reduction in greenhouse gas emissions. The Project further incorporates a variety of sustainability measures

throughout its design. The site incorporates low-energy LED lights throughout, including retrofitting the existing areas and parking garage for new LED lighting. Electric vehicle charging opportunities are provided for residents of the Multi-Family building, including two electric vehicle charging stations (serving 4 spaces) located on the first floor of the parking garage, as well as four additional electric vehicle charging station ready spaces on floors 2 through 7 to allow for additional electric vehicle charging based on future resident needs. In addition, the Project will remove an existing diesel generator, which will be replaced with a cleaner back up system to reduce emissions.

The site is also appropriately landscaped. Proposed landscaping was strategically selected so that it will mature and flourish within the community, while the existing landscaping was carefully reviewed in order to preserve or relocate existing trees and large palms. These include drought tolerant and native plant materials. The gathering places and shade trees help to limit heat island effect and allow for people to spend more time on site, limiting their need to travel to and from. Additionally, the MUT Building incorporates a green roof to mitigate any urban heat island effect.

Each of the new uses have also been designed with sustainability in mind. The residential building will feature low flow plumbing fixtures, energy efficient appliances and fans, SEER 16 or better air conditioning units, non-HCFC refrigerants, and LED lighting throughout the building. The hotel will likewise employ low flow plumbing fixtures and LED lighting. In addition, the hotel unit will include low emissivity (Low-E) glass, which limits infrared and ultraviolet light entering the building, thereby reducing the use of air conditioning and electric supply. Further, the roof areas that will be accessible to guests incorporate landscaping throughout, providing for a green roof for those areas wherever feasible.

Level of Service Analysis

The following is an analysis of the maximum impact potential on facilities and services based on the proposed Project.

Water and Wastewater: Seacoast Utility Authority (SUA) provided statements dated February 17, 2021 confirming the current status of water and wastewater capacity and commitments, detailed below, for the Project's proposed multi-family residential and non-residential components, respectively.

	Capacity	Committed and In Use	Proposed Residential	Balance
Water	21.09	17.40	0.071	3.62
Sewer	12.00	8.38	0.071	3.55

	Capacity	Committed and In Use	Proposed Non-Residential	Balance
Water	21.09	17.40	0.162	3.53
Sewer	12.00	8.38	0.013	3.49

These statements of available capacity provided by SUA are consistent with Infrastructure Element Objective 4.A.1.1 and the Level of Service Standard established in Table 5 of Section 78-75 of the City's Code.

Solid Waste: The Solid Waste Authority (SWA) provided the statement dated February 3, 2020, certifying that the SWA has disposal capacity available to accommodate solid waste generation

for the coming year, five-year, and ten-year planning periods. The forecasted capacity will be available through the year 2053. Sufficient capacity exists for concurrency management and comprehensive planning purposes related to this Application.

The Application is also consistent with Infrastructure Element Policy 4.B.1.1.1, which establishes the minimum Level of Service for solid waste generation for non-residential and residential development. The following services will be provided with respect to the Project consistent with the Comprehensive Plan: (1) bi-weekly residential solid waste collection service; (2) vegetative waste collection service; (3) residential bulk waste collection service; (4) residential recycling collection service; (5) collection of non-residential solid waste; (6) subscription for collection service to residential and non-residential; and (7) regulations to enforce the utilization of tarps to cover trash loads.

The Application satisfies the level of service requirements for solid waste set forth in the Comprehensive Plan and the capacities set forth in Table 6 of Section 78-75 of the City's Code.

Drainage: The Applicant's engineer, Simmons & White, provided the drainage statement dated July 22, 2020 that demonstrates the drainage system will be designed to comply with the SFWMD standards and the City's Code. Runoff will be directed to the existing stormwater management system by means of paved or grass swales and/or inlets and storm sewer. Compensating storage will be provided in underground storage chambers to offset any impact of the additional building footprint. The legal positive outfall is existing via the mater stormwater management system and meets the City's adopted level of service.

Fire Rescue: The City's Fire Rescue department has provided a level of service statement to the City confirming their existing and future ability to service the Subject Property in relation to the Project.

Police Department: The City's Police Rescue department has provided a level of service statement to the City confirming their existing and future ability to service the Subject Property in relation to the Project.

Traffic: Kimley Horn performed an analysis of the trip generation resulting from the proposed Project and prepared a Site Assessment Study that has been included with this Application. The analysis considered the existing trip generation on site based on the current mix of uses (including the recently approved new Life Time use), and the trip generation resulting from the proposed allocation of uses provided in this Application. A 2% mobility-based reduction was applied to account for the proposed pedestrian and bicycle connectivity. This analysis resulted in an increase in 4,598 daily trips from the existing uses on site. Kimley Horn further considered existing operating conditions at intersections that serve the Subject Property based on existing uses, the proposed Project, and future redevelopment. Five intersections surrounding the Subject Property are anticipated to exceed LOS thresholds with or without the proposed Project. Implementation of the City's Mobility Plan will provide improvements that will mitigate impacts surrounding the Subject Property, including the Tri-Rail Station and Transit Circulator. The Project further implements the Mobility Plan by providing the capacity for an additional trolley stop, designated ride share areas, enhanced pedestrian connectivity, and micro-mobility transportation methods, which will also contribute to the overall functionality of the Mobility Plan and the roadway network. The Applicant additionally identified specific improvements and efforts that may be taken to improve roadway conditions near the site, which are discussed in detail in the Study. Further, the

Applicant will pay Mobility Fees to the City that may be used to implement off-site mobility improvements.

School. The Applicant submitted an application to the Palm Beach County School District to determine the School Capacity Availability associated with the Project. The additional density on the Subject Property results in a school capacity deficiency. Accordingly, the Applicant is responsible for a school capacity contribution, in addition to the required school impact fees, to mitigate such impacts and maintain the required level of service.

Recreation. The Recreation and Open Space Element consists of a single goal: to provide adequate, sustainable park, recreation and open space facilities and areas offering a broad range of activities to all current and future citizens. Recreation Element Policy 7.1.1.1 of the Comprehensive Plan and Table 8 of Section 78-75 of the Code establish a Level of Service of 5.0 acres of neighborhood or community parks per 1,000 permanent residents. The City currently has recreation inventory to meet the needs of the permanent resident population projection through 2030. This inventory is based on the City's publicly owned parks. The Subject Property contains approximately 10 acres of privately-owned open and green space, including the existing lake and proposed walking trails, green space, and dog parks. These areas provide additional recreation space that will serve the new residents resulting from the Project, as well as existing City residents. The lake and its associated walking trails, as well as the proposed green space and dog parks, are within walking distance of the new residential use and surrounding residential neighborhoods, benefit the new residential component provided by the Project, and satisfy the City's level of service standards.

Art in Public Places

The Applicant recognizes this requirement and it will be met at the time of building permitting.

IV. Consistency with the Comprehensive Plan

The Application is consistent with the Comprehensive Plan, as described below.

Future Land Use Element Goal 1.1.: Continue to ensure a high quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the City's citizens that is caused by incompatible land uses and environmental degradation, by maintaining compatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses.

The Subject Property is currently zoned General Commercial (CG-1) and Professional Office (PO) and contains a mix of non-residential uses, including retail, restaurant, cinema, office, and health and wellness. The Subject Property is surrounded by the Mira Flores and Landmark residential communities to the north and east. The Project will maintain the existing non-residential uses and allow the multi-family residential use to be located at the northeast corner of the Subject Property closest to the surrounding residential neighborhoods. The Project creates a transition from the surrounding residential land uses to the new residential use on the Subject Property before reaching the non-residential uses. The Project will not only integrate the mix of uses on the Subject Property but will also integrate the Project with the surrounding uses and create a relationship among the communities.

Future Land Use Element Objective 1.1.1: Future Land Use Categories

The Project is consistent with the Zoning Consistency Chart set forth in Table 1-1 in Objective 1.1.1 because the Subject Property has an existing PCD overlay district and the Project includes a request to rezone the property from CG-1 and PO to the MXD Zoning District, consistent with the proposed MXD future land use designation.

Future Land Use Element Policy 1.1.1.15.: Mixed Use Development (MXD)

The Mixed Use Development category is designed for new development which is characterized by a variety of integrated land use types. The intent of the category is to provide for a mixture of uses on single parcels in order to develop sites which are sensitive to the surrounding uses, desired character of the community, and the capacity of public facilities to service proposed developments. This Future Land Use category is also intended to foster infill and redevelopment efforts, to deter urban sprawl and to encourage new affordable housing opportunities, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. To create a functioning, multi-faceted type of development, mixed use development is dependent on the successful integration of distinct uses. Integration is defined as the combination of distinct uses on a single site where the impacts from differing uses are mitigated through site design techniques, and where impacts from differing uses are expected to benefit from the close proximity of complementary uses. All requests for development approval based on a mixed use concept must be able to demonstrate functional horizontal integration of the allowable uses, and where applicable, vertical integration as well.

The Project satisfies the intent of the MXD land use for several reasons. The Project fosters redevelopment of the Subject Property by permitting the new hotel and multi-family residential uses, which is the foundation of this redevelopment project that sparks the redesign of the site. The Project also creates the East/West Connection and the Strand to integrate the mixture of uses through pedestrian connectivity, site activation features, and design techniques. The Project reduces vehicular trips and parking needs within the Subject Property by adding new valet and ride-share pickup/drop-off areas and providing the potential for a new trolley. The increased connectivity and pedestrian-level activation demonstrates functional horizontal integration of the mix of uses. The mixed-use tower's design, architecture, and third-floor terrace overlooking the interior of the site ties the ground floor retail and restaurant uses and second-floor office uses to the new hotel use, demonstrating vertical integration of the mix of uses. These uses complement each other by bringing visitors to the Subject Property to vacation, shop, dine, and relax, encouraging professionals to utilize the convenient access to restaurants and bars, and bringing City residents to live on the site and create the sense of community envisioned for Downtown.

The compatible zoning district for this category shall be the Mixed Use Development Zoning District. The Mixed Use Development category is a site specific designation and shall have frontage on at least one arterial. The following are the minimum criteria to be used for development of sites designated as Mixed Use Development:

1. A Mixed Use Development shall be developed as a Planned Community District or a Planned Unit Development. However, Land Development Regulations adopted to implement this Comprehensive Plan shall maintain mixed-use supplemental regulations to provide additional criteria for the development of sites with Mixed Use Development

Future Land Use categories, including parking requirements, permitted uses, setbacks and other considerations.

The Subject Property has an existing PCD Overlay designation and the Application proposes a concurrent rezoning from the existing CG-1 and PO zoning districts to the MXD zoning district. The Project complies with the PCD and supplemental mixed-use zoning regulations, as set forth below.

2. Mixed Use Developments shall have frontage on at least one arterial. The City's Conceptual Thoroughfare Plan shall be utilized to determine the expansion of the roadway network through the provision of new local streets which serve new neighborhoods in the City's developing areas.

The Mixed Use Development fronts A-1-A (SR 811), an arterial road.

3. The purpose of the Mixed Use Development category is to create an aesthetically pleasing and livable mixed use environment within the City. The maximum lot coverage/height standards and the maximum residential density provided in the table below represent the maximum that would be permitted for development within the Mixed Use Development Category. Recognizing that mixed use projects have varying characteristics, an applicant is not ensured of the maximum density or intensity allowed within this classification and may be further limited by specific standards set forth in the City's MXD Land Development Regulations.

The Project is consistent with the intensity and density requirements set forth in Policy 1.1.1.15. Building R consists of 280 dwelling units, resulting in a density of 5.73 units per acre, which is in compliance with the maximum 7 dwelling units per acre. The proposed lot coverage and building height creates an aesthetically pleasing and livable mixed use environment by providing a diverse range of uses that are integrated through height, design, and architecture, as well as through increased mobility and pedestrian connectivity.

The Project is located within the City's new TOD District and is consistent with the maximum nine stories or 135-foot height requirement set forth in Policy 1.3.9.9. Building R is eight (8) stories or 82 feet in height, and Building MUT is nine (9) stories or 124 feet in height. The existing Life Time Facility and Cobb Theatre are 67 feet and 75 feet in height, respectively, and are consistent with the surrounding new uses.

Minimum Percentage Mix

Residential: 40%-60% of the total Mixed Use acreage

Non-residential: 35%-55% of the total Mixed Use acreage

This distribution range represents the mix of uses within each area designated as Mixed Use Development category. The land use mix shall be applied to each individual parcel with the only exception to be granted for de minimis sized parcels of 15 acres or less that demonstrate that they cannot effectively achieve the required land use mix distribution on a specific parcel as described in Item 5 below. The total prescribed mix for the Mixed Use Development Category shall be monitored by the City to ensure continuity and compatibility with adjacent land uses. The

mix requirement is designed to ensure that there is an appropriate mix of uses within the total Mixed Use Development Category acreage (where the term “appropriate mix” is defined by the mix requirements stated herein) within the City and will be monitored citywide during each Evaluation and Appraisal Review to ensure overall consistency with this standard.

The Project proposes a 45% residential and 55% non-residential mix of uses, which is consistent with the Comprehensive Plan.

Future Land Use Element Policy 1.3.1.3. New commercial properties shall be developed in nodes, at intersections rather than strips. A mix of uses within commercial developments shall be encouraged, including residential, as well as parks and open spaces.

Building MUT, consisting of the new retail Podium and hotel, is being developed similar to a node within the Subject Property by creating a vertically integrated mixed-use tower rather than spreading out the restaurant, retail, office, and hotel uses in a strip-mall fashion. The Project accomplishes a mix of commercial uses and adds the residential use. The proposal also adds a new dog park at the Lakefront for people and their pets to enjoy, a new Grove area to lounge and relax, and new open space along the Lakefront and within the interior of the site.

Future Land Use Element Policy 1.3.9.2. The City shall encourage a mix of uses in the TOD District that shall include Retail, Personal Services, Office, Hotel/Conference Center, Residential, and Civic/Open Space/Recreation, in accordance with approved uses in City’s Land Development Regulations and PGA Corridor Overlay District.

The Project includes a mix of Retail, Office, Hotel, Residential, and Open Space uses within the Property, which is consistent with Policy 1.3.9.2 and in accordance with the City’s Land Development Regulations.

Future Land Use Element Policy 1.3.9.3. The TOD District shall include projects generally located within ½ mile of the planned light or rail transit station, including but not limited to the following site plan projects/ Planned Unit Developments/ Planned Community Developments or portions thereof. . . Downtown Palm Beach Gardens.

The Project is located within ½ a mile of the new Tri-Rail station and is specifically designated as being within the TOD District pursuant to Policy 1.3.9.3.

Future Land Use Element Policy 1.3.9.8. Nonresidential personal service-oriented uses on the ground-floor are strongly encouraged for multistory office and residential buildings, and for all parking garages within the TOD District. A density bonus of up to 2 du/ac, and/or a height bonus may be granted, as provided for in the City’s Land Development Regulations.

The multi-story Building MUT contains ground-floor retail and restaurant uses with office use on the second floor. The residential Building R is similarly situated in that it contains the building’s leasing office on the first floor.

Future Land Use Element Policy 1.3.9.9. Within the TOD District, the maximum allowable height shall be nine stories, or 135 feet.

The Application proposes the following heights, which are consistent with Policy 1.3.9.9: 9-story, 124 foot Building MUT and 8-story, 82 foot Building R.

Future Land Use Element Policy 1.3.9.10. Projects within the TOD District are encouraged to provide for increased tree canopy, particularly in the form of urban applications of shade trees to enhance the pedestrian environment, as provided for in the City's Land Development Regulations.

The Application proposes the new Grove, which is filled with mature coconut palm shade trees and contains hammocks to encourage visitors to relax and enjoy the site. Tropical landscaping is also found throughout the site, including along the Lakefront, to provide shade and rest areas for residents and visitors.

Future Land Use Element Policy 1.3.9.12. Projects within the TOD District are encouraged to provide interesting and enticing public spaces that serve as gathering places for the TOD District and the City. Emphasis is placed on smaller, urban open spaces such as plazas, pocket parks, and publicly accessible rooftop or green roof spaces. Development standards shall be set forth and implemented in the City's Land Development Regulations that contribute to a unique sense of place and result in safe, accessible, and attractive places.

The Application is consistent with Policy 1.3.9.12 because it provides several interesting and enticing public spaces and pedestrian amenities to create gathering places on site. The Project includes a plaza adjacent to the Event Lawn to draw visitors to the Lakefront. The Grove provides a park for visitors and residents to relax in the shade and enjoy the Lakefront. The Event Lawn contains sturdy, movable furniture to allow visitors to stay on site to socialize. The Application also proposes a Dog Park buffered by landscaping to provide a safe, fun area for visitors to play with their dogs.

Future Land Use Element Policy 1.3.9.13. New projects that do not generate pedestrian activity or contribute to the walkable environment, as specifically listed and designated in the City's Land Development Regulations, are prohibited in the TOD District.

The Project generates pedestrian activity and contributes to the walkable environment by the mix of uses proposed as well as focusing on pedestrian elements, including pedestrian directional signage to move people throughout the site, crosswalks to provide efficient and convenient pedestrian paths between uses, and bollards and pavers to enhance safety on site.

Future Land Use Element Policy 1.3.9.15. Projects within the TOD District are encouraged to provide for comfortable outdoor activity by development and design standards that emphasize weather protection and shade, address building orientation, and call for wide building eaves, porches, balconies, colonnades, shade trees, and shade structures, as more specifically provided for in the City's Land Development Regulations.

The design standards at Downtown Palm Beach Gardens encourage visitors and residents to enjoy the outdoors in a variety of settings, including the Event Lawn, the Dog Park, the Grove, and the Lake Trail. Mature, tropical landscaping provides shade and refuge areas. The orientation of Building R encourages residents to utilize the Lake Trail and green spaces located along the waterfront, and the orientation of the retail center along the East/West Connection attracts visitors towards the Lakefront and outdoor area. The Strand contains pedestrian amenities, such as movable furniture, seating areas, and other amenities, such as charging stations available while

the retail center is open, that encourage visitors to enjoy the outdoors on site. Building R provides balconies for the units facing the Lakefront to activate the water feature and provide desirable views and accessible outdoor living spaces.

Transportation Policy 2.2.1.6. The City shall encourage connectivity of roadways and cross connection of property with similar or compatible land uses in the City to improve accessibility, reduce congestion on arterial and collector roads, including bicycle and pedestrian connections, and utilize traffic calming measures to minimize the traffic impacts on residential neighborhoods.

The Project adds the new residential component to the Subject Property at the northeast section of the site, which is surrounded by residential neighborhoods and compatible with the surrounding residential neighborhoods because it allows a smooth transition from residential to nonresidential uses. The request will provide improved accessibility and reduce congestion among the compatible uses by reducing trip generation on site.

Transportation Policy 2.3.2.2. The City shall encourage redevelopment providing workforce housing, pedestrian oriented design, and access to public transit.

The Project encourages redevelopment that provides access to public transit by adding a new residential component to the Subject Property that is located close to the new Tri-Rail station. It also encourages pedestrian oriented design by bringing residents to the site that will support new pedestrian amenities and the mix of uses integrated through pedestrian linkages and connectivity.

Transportation Policy 2.3.2.3. The City shall implement the improvements identified in the mobility plan to address last-mile accessibility connections to transit.

The Project is consistent with this policy because it will provide for the mix of residential and non-residential uses needed to support the Subject Property and the mobility plan's last-mile transit connectors, including shared bike and scooters.

Recreation Policy 7.1.4.9. The City shall coordinate ways and means for private developers to provide public recreation facilities within their developments.

The Project adds a residential component to the Subject Property and, therefore, the requirement for public recreation facilities. The private development provides open and green spaces in the form of a lake, walking trails, and dog parks that are consistent with the comprehensive plan requirements and satisfy public recreation needs for the new residents and the public.

V. Consistency with the Mobility Plan

The Transportation Element of the Comprehensive Plan encourages the City to adopt a Mobility Plan. The City did so in September 2019 in order to implement its vision for the City and encourage multi-modal transportation. The Application satisfies the purpose and intent of the Mobility Plan and will allow the Subject Property to integrate and accomplish its elements of mobility, connectivity, accessibility, connectivity, visibility, continuity, safety, and social value.

The Mobility Plan encourages the use of multi-modal transportation and improvements to the existing roadway system, including safety upgrades for pedestrians. The Application creates new residential and nonresidential uses that complement existing sites and support the envisioned

roadway and pedestrian upgrades. The multi-family residential and mixed-use components of this Project allow for improvements to the existing roadway system by adding the Gardens Parkway entrance to the East Parking Garage to disburse traffic within and around the site and redesigning the existing parking garage entryway to 2 lanes in-2 lanes out to improve access. The new East/West Connection, an element similar to the woonerf specified in the Mobility Plan, improves the roadway system on site by connecting the site east to west, thereby dispersing traffic. The East/West Connection upgrades pedestrian safety by establishing traffic-slowing measures, such as pedestrian crosswalks, bollards, pavers, and landscaping as well as including illuminated crosswalks.

The Mobility Plan encourages increased densities near the new transit-oriented development stations and seeks to allow greater residential uses through height bonuses. The Project accomplishes both of these goals. The Property is located within a ½ mile of the new Tri-Rail station and is specifically included within the new TOD District pursuant to Policy 1.3.9.3. The proximity to convenient access supports the increased densities and intensities afforded by the increased height limit, and encourages new developments to build up, instead of out, to create cohesive, compact developments with a mix of uses. Building R and Building MUT's proposed heights will create increased densities and intensities on site and the vertically integrated cohesive mix of uses envisioned for MXD developments.

The Mobility Plan emphasizes the use of mobility hub elements, such as vehicle and bicycle share programs, ride hailing services, and trolley services to reduce the need for parking. Designated ride-share areas are located throughout the site to conveniently serve Uber and Lyft drivers and encourage visitors to use mobility technology. A valet loop at the hotel entrance will serve guests of the site in accordance with the Mobility Plan's vision. The site will also include bicycle racks and the opportunity to include bike share locations and other micro-mobility options.

VI. Compliance with the Land Development Regulations

The Application complies with the applicable provisions of the City's Land Development Regulations, as described below.

Sec. 78-49. – Amendments to approved development orders.

(a) Amendments to approved development orders. Criteria for amendments to approved development orders, including site plans, master plans, architectural elevations, conditions of approval, developer's agreements, project phasing, etc., are established by this section. For the purpose of this section, two types of amendments are created.

(b) Major amendments. Development order applications for major amendments are reviewed in the same manner as the original application. Major amendments to approved development plans include the changes listed below.

(1) Increase of intensity. Any change in nonresidential intensity which, in combination with prior minor amendments, cumulatively exceeds the limitations or standards listed below.

- a. Relocation or new square footage. Any proposed relocation or new square footage of the approved number of gross square footage which is equal to or greater than five (5) percent of the approved gross square feet of all nonresidential structures.

(2) Increase in density. Any increase in the approved number of residential units.

The Application is a major amendment pursuant to Section 78-49(b)(1)(a) and (2) of the City Code because the project adds new square footage equal to or greater than five percent of the approved gross square feet of all nonresidential structures, in addition to adding residential units. Therefore, the application is reviewed in the same manner as the original application, as provided in Section 78-46(e)-(f) and Section 78-155.

Sec. 78-46.-Application procedures.

(d) Development review committee. The development review committee (DRC) shall review all applications as provided herein.

(1) DRC review.

a. Conformity of the proposed development with the comprehensive plan, this chapter, and other applicable ordinances of the city;

The proposed development is consistent with the Comprehensive Plan and complies with all applicable provisions of the City Code, as set forth herein.

b. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses;

The Subject Property is 49.04 acres and consists of an existing commercial center and lake area. It is accessible from Gardens Parkway and Kyoto Gardens Dr. The surrounding land uses are Residential High, Residential Low, Professional Office, and Industrial. The existing land use is Commercial and the future land use is Professional Office and is a part of the Regional Center PCD.

c. Natural and environmental resources present on the site;

The Subject Property is developed. The proposed Project will impact existing pavement areas and buildings. The Project impacts an existing PPAE (public purpose access easement). An exhibit has been prepared reflecting the impacts to the existing PPAE together with the Applicant's proposed modifications to compensate for the impacts. No other natural or environmental resources are impacted by the redevelopment.

d. The nature of the proposed development, including land use types and densities;

The Project's proposed hotel use is permitted in the existing CG-1 zoning district, but the proposed multi-family residential use is not. To accommodate the residential use and the full vision of Downtown, the Applicant has proposed a concurrent amendment to the City's Future Land Use Map and a rezoning for the Subject Property to the MXD land use and MXD zoning district, respectively. These changes permit the residential use in conjunction with the existing retail and proposed hotel use and accomplish the overall mixed-use vision for Downtown.

e. Compatibility with adjacent land uses;

The Application's concurrently proposed MXD land use will accommodate the multi-family residential component of the Project, which is located on the northeast corner of the Subject Property. This location allows the new residential use to be surrounded by the existing residential high use, creating compatibility with the adjacent property. Residential low land use also exists to the west of the Subject Property, across A-1-A and the CSX railroad right of way, which is compatible with the proposed use.

f. Conformity with traffic performance standards;

The Subject Property is within the City's Multi-Modal Mobility District, and the Project is consistent with the City's mobility plan. Kimley Horn & Associates has provided a detailed transportation and mobility analysis that is included with this submittal.

g. Impact on public safety services;

Public safety services are not adversely impacted by the proposed development. The Project extends the 20' wide emergency vehicle path along the lakefront to provide continuity and connection to the Landmark community and increase public safety. The enhanced vehicular circulation also benefits fire and police services to the site.

h. Impact on public schools, unless otherwise addressed as a requirement of the city's concurrency management system; and

The proposed development includes residential units; therefore, a School Capacity and Determination application was submitted with the Palm Beach County School District. The additional density on the Subject Property results in a school capacity deficiency. Accordingly, the Applicant is responsible for a school capacity contribution, in addition to the required school impact fees, to mitigate such impacts and maintain the required level of service.

i. Crime Prevention Through Environmental Design (CPTED) principles; and

The preliminary CPTED principles of natural surveillance and access control have been addressed and improved through the Project's new design. In a workshop meeting with City staff, the police chief expressed concerns about having to breakup "hangouts" within the northeast corner of the East Parking Garage and the surface parking areas by the existing Cheesecake Factory. The Project not only eliminates those areas, but also provides new amenities, including residential courtyards, a private pool, and a public dog park, to help activate the lakefront pathway and keep more "eyes on the street" to prevent that type of loitering. Each of those areas is now well-lit with new lighting and photometric plans. Additionally, the orientation of the residential building will allow for residents to view these spaces from their windows and balconies to enhance natural surveillance. Access control has been addressed by providing clear entries to buildings, wayfinding signage, and landscaping that will direct pedestrians and vehicles into their intended locations, thereby eliminating the existing empty or hidden spaces that invite trouble.

j. Other applicable factors and criteria prescribed by the city.

The proposed development complies with all other applicable factors and criteria prescribed by the City, as set forth below.

Sec. 78-155.- PCD-Planned community development overlay district (PCD).

(a) Composition and intent. The PCD overlay district is composed of large tracts of land which are planned to function as a relatively self-contained and identifiable district, section, or neighborhood community of the city. It is the intent of the district regulations to encourage ingenuity and imagination in the planning and development or redevelopment of suitable tracts of land large enough to accommodate the various uses and activities associated with a planned community and to permit a large area to be developed under one master plan that includes a mix of land use types at different levels of intensity. The PCD overlay district also is intended to encourage the use of architectural and design features which are aesthetically pleasing and supportive of an enhanced quality of life. The PCD overlay district also is intended for development to occur in a manner that provides one or more specifically identifiable benefits to city residents.

The Project adds the hotel and multi-family residential uses to the Subject Property. These uses are permitted in the proposed MXD land use and underlying Mixed Use zoning district and comply with the intent of the PCD district. The mixed-use and multi-family residential components complement the existing retail, restaurant, office, and fitness center mix and provide the holistic community envisioned for PCD districts. The Project encourages ingenuity and imagination by vertically integrating the new hotel use into the site by locating it on top of the retail, restaurant, and office uses. The Project creates aesthetically pleasing architecture and design features that uniquely enhances Downtown and complements existing structures. The proposals will enhance the quality of life of the community by offering impactful design, as well as improving traffic safety and parking.

(b) Land use. A PCD may be considered for residential, commercial, professional office, or industrial use, dependent upon the underlying future land use designation.

The Project's concurrent application proposes to amend the City's Future Land Use Map to designate the Subject Property's future land use designation as Mixed Use. The proposed MXD development will include commercial, professional office, and residential uses pursuant to the MXD zoning district.

(c) Zoning. Property shall be rezoned to a single underlying zoning district and a planned community district overlay district. The underlying zoning district designation shall be consistent with the comprehensive plan. The PCD shall be developed consistent with the uses, property development regulations, and other standards applicable to the underlying zoning district. However, the city council may, as part of an overall PCD development order, establish use, property development, and similar regulations for a specific PCD. In that event, the requirements of the development order shall prevail over the requirements of the underlying zoning district designation. In the event the proposed development of a site within a PCD is not consistent with or comparable to the nature of the underlying zoning district, such as the commercial portion of a residential PCD, the procedure outlined below shall apply.

The Project's concurrent rezoning application seeks to rezone the existing underlying CG-1 and PO zoning to the single underlying MXD district and will maintain the existing PCD overlay. The existing mix of uses, in addition to the proposed hotel and multi-family residential uses, comply with the underlying MXD zoning requirements and the proposed Design Guidelines.

(d) Phased development. Based upon an approved master development plan, the district may be developed in phases, pursuant to the site plan review procedures set out in this chapter and consistent with the approved master development plan.

Building R and Building MUT will be developed in a single phase. The Applicant previously submitted the "In-Place" application to renovate the existing retail and restaurant uses and interior courtyard space that complement the proposed Application and accomplishes the Applicant's "Full Vision" for Downtown.

(e) Permitted uses. Unless otherwise established by a PCD development order, the uses permitted in the PCD district shall be governed by the uses permitted in the underlying zoning district. The density permitted in a PCD shall not exceed the allowable density permitted in the comprehensive plan, based upon the standards listed below.

The hotel and multi-family residential uses are permitted uses in the proposed Mixed Use zoning district and Mixed Use future land use designation.

(1) Residential. Some mixtures of residential types of dwelling units are permitted and encouraged, limited to the maximum density indicated in Table 15.

Table 15: Maximum Residential Density in PCDs

Density Category (1)	Maximum Dwelling Units Per Gross Acre
Low	5.0
Medium	9.0
High	12.0

The Project adds 280 dwelling units that results in a density of 5.73 units per acre, which is less than the 12 units per acre maximum requirement. The proposed residential units will consist of a mix of one, two, and three-bedroom units.

(2) Conditional uses. Unless otherwise limited by a development order, all conditional uses within a PCD shall be allowed pursuant to the conditional use regulations of section 78-43. Site plan development of a conditional use within a PCD shall be subject to the requirements of section 78-48.

The Application does not request any conditional uses.

(f) Preservation of native ecological habitats in RH districts. In addition to the requirements of division 4 of article V, PCDs with an underlying future land use designation of RH may have densities permitted up to 15.0 units per gross acre if large contiguous areas of native ecological

habitats are preserved. These preserve areas exceed any minimum preservation and open space areas provided in accordance with standard PCD requirements.

N/A

(g) Density bonus. In high density residential land use areas, as designated in the comprehensive plan, the city council may approve a density bonus of up to 3.0 dwelling units per acre in PCDs. The density bonus may be allowed in development order applications which propose to construct affordable housing as defined in the city's comprehensive plan. The city council may allow an increase in the total gross density for PCDs to an absolute maximum 15.0 dwelling units per acre. However, in no case shall the net density exceed 15.0 dwelling units per acre. Net density shall be defined as the total number of dwelling units divided by the total number of acres in the site plan.

A density bonus is not requested in this Application.

(h) Commercial and industrial uses in residential districts. A PCD with an underlying residential future land use plan designation may include up to three percent of the gross land of a residential planned community district for commercial or office use, and up to two percent for industrial use. Uses permitted in such areas shall be established within the development order approved by the city council.

N/A

(i) Preservation of native ecological habitats for commercial uses. Up to five percent of the gross land area of a residential PCD may be developed for commercial or office use if at least ten percent of the total area of native ecological habitats is preserved. This preservation area shall be in addition to preserve areas required by division 4 of article V.

N/A

(j) Mixed use PCD.

(1) Mixed uses. PCDs with an underlying mixed use future land use plan designation may be approved by the city council. Mixed use PCDs shall include a minimum of three types of land uses and shall be planned for a diversification of uses, structures, and open spaces in a manner compatible with surrounding land uses and development patterns. A single use shall not occupy more than 60 percent of the site area proposed for a mixed use PCD.

The Project seeks a concurrent Future Land Use Map amendment to designate the Subject Property as an MXD future land use in conjunction with the concurrently proposed MXD rezoning request. The MXD PCD includes four land use categories—commercial, office, residential, and open space—that accommodate a diverse mix of uses, including retail, restaurant, office, health and wellness, cinema, hotel, and multi-family residential. The proposed multi-family residential Building R is located at the northeast corner of the Subject Property to transition from the surrounding high-density residential uses to the new mixed-use development. Expansive open spaces, including interior courtyard areas, the new East/West Connection, the interactive Strand, a new dog park, and an enhanced lakefront, integrate the new development to create a Downtown community that is compatible with the surrounding land uses and development patterns.

(2) Specific requirements. Requirements applicable to mixed use PCDs are established in section 78-157.

The Project complies with the Section 78-157 MXD requirements and the proposed Design Guidelines.

(k) Commercial recreation PCD.

N/A

(l) PGA Boulevard corridor.

N/A

(m) Development area. Minimum development sizes for PCDs are established in Table 16.

Table 16: Minimum PCD Development Size

Area	Min. Development Size
North of PGA and West of Florida Turnpike	250 Acres
North of PGA and East of Florida Turnpike	50 Acres
West of Loxahatchee Slough	250 Acres
South of Donald Ross Road and between Central Boulevard and Alternate A1A	None
All Other Areas	50 Acres
Mixed Use PCD	50 Acres (1)

The existing PCD satisfies the minimum development size of 50 acres.

(n) Unified control.

(1) All land included within a PCD shall be owned or under the control of the applicant. The applicant shall document unified control of the entire area within the proposed PCD. The applicant shall agree that the PCD will be developed in accordance with the master development plan approved by the city

The ownership and control of the overall PCD and Subject Property is currently unified and is not changing.

(o) Open space requirements. At a minimum, PCDs shall provide for and maintain the open space indicated below.

(4) Mixed uses. Open space uses in those components of a PCD which contain both residential and nonresidential uses shall be at least 20 percent of the total area of such components.

The Project complies with this open space requirement.

(p) Open space determination. Open space shall be provided consistent with the requirements of section 78-314.

N/A

(q) Waivers. A development order application for a PCD may request one or more waivers from the standards applicable to the underlying zoning district, subject to the provisions of section 78-158.

The requested waivers are described below.

(r) Storage areas. The city commission may allow PCDs to identify on the master development plan a parcel or area to be established for residents to store boats, recreational vehicles, trucks, or similar items that normally cannot be parked or stored at a residence. Storage areas shall comply with the standards listed below.

N/A

(s) Communication towers. Any PCD of 50 acres or more may, if so approved by the city council, allow for a potential communication tower site, to be identified on the master development plan of the PCD. The tower site shall comply with the standards listed below.

N/A

Sec. 78-157. - MXD—Mixed use development district.

(a) Purpose and intent. The purpose and intent of the mixed use district (MXD) are to encourage infill and redevelopment opportunities through the vertical and horizontal integration of complementary residential and nonresidential uses to achieve the following:

The Project satisfies the purpose and intent of the MXD zoning district because it redevelops the Subject Property to vertically and horizontally integrate a mix of complementary uses, including the new hotel and residential uses, through architectural design, pedestrian connectivity, vehicular circulation, landscaping, and hardscaping to achieve the sense of place and community envisioned for Downtown, as discussed in detail below.

(1) Provide a sense of place;

The Project provides a sense of place by integrating the site's mix of uses through the East/West Connection and the Strand. These elements create a pedestrian experience by adding bollards, pavers, plantings, and crosswalks to provide safe pedestrian access between uses and slowing traffic on site. The Strand provides interactive features and elements that encourage visitors and residents to stay and enjoy the site. Building R and Building MUT integrate contemporary architecture design and terraces and balconies to open up the site. Tropical landscaping and open space with lounge areas and parks contribute to the community-feel of Downtown and provide a sense of place for the City's residents.

- (2) Provide affordable housing;

N/A

- (3) Establish a roadway network that disperses traffic, provides pedestrian amenities, and supports a sense of community;

The Project disperses traffic through its design and orientation. Specifically, the new hotel use within Building MUT has a valet drop-off circle off of Lake Victoria Gardens Parkway to keep stacking away from the main roadway. The new Building R uses the existing East Parking Garage and new, additional parking floors, which are between the building and the Gardens Parkway entrance, to accommodate parking for its residents and route vehicular trips directly to the residences rather than through the interior of the site. New ride share pick-up and drop-off areas are created to disperse traffic by helping to reduce the number of vehicles parking on site. The new East/West Connection bisects the property and creates a traffic-calming street that also helps to disperse traffic throughout the site and utilize valet locations. The East/West Connection also provides pedestrian amenities, such as illuminated crosswalks, pavers, decorative plantings, and bollards, to slow traffic, enhance pedestrian safety, and create a welcoming pedestrian experience and sense of community.

- (4) Establish an overall architectural design;

The overall architectural design for the Subject Property is a sophisticated, urban core that emphasizes expansive glass facades articulated by black metal, concrete, and glazing materials. Building R and Building MUT take advantage of the south Florida atmosphere by creating open-air designs through balconies and a terrace, respectively, that integrate the mix of uses and contribute to the aesthetically pleasing design of the property. Tropical, colorful plantings contrast neutral, clean furnishings and hardscape to enhance the buildings' architectural design and create the Downtown sense of community.

- (5) Limit urban sprawl;

The Application limits urban sprawl by bringing the new residential use to the Subject Property to take advantage of the mix of uses and create a true downtown atmosphere within a single parcel. The redevelopment promotes the efficient and cost-effective provision of public infrastructure and services by incorporating residential use into the existing, developed mix of uses on the property. Urban sprawl is limited because the site incorporates pedestrian and bike friendly amenities and establishes a new transit-oriented development to create a connected community and mix of uses. The increased density and intensity of development is supported by preserved open space, increased green space and walking trails, two dog parks, and interactive features throughout the Strand.

- (6) Utilize existing public resources such as central utility and drainage systems, roads, and similar public services;

The Subject Property is currently developed and the proposed redevelopment utilizes the existing utility, drainage system, roads, and public services. In addition to taking advantage of existing resources, the Project also updates the existing lift station to benefit the public.

- (7) Provide or enhance pedestrian- and bicycle-oriented amenities;

Enhanced pedestrian and bicycle-oriented amenities include illuminated crosswalks, bollards, planters, pavers, and bike racks and bike-sharing stations throughout the site, which are supported by pedestrian and bike circulation around the exterior and through the interior of the Subject Property.

- (8) Encourage preservation of environmentally sensitive sites;

The Subject Property is currently developed and the Application does not adversely affect environmental resources.

- (9) Reduce overall number of vehicle trips;

The Project is located near the new Tri-Rail Station to encourage public transportation. The Application proposes new ride share pick up and drop off areas and micro mobility opportunities to reduce the overall number of vehicle trips on the property. The new residential and hotel uses will internalize trips on the property because the residents and guests can use the pedestrian and bike amenities to access the different uses once they are on site.

- (10) Provide neighborhood- and community-serving commercial uses and employment opportunities;

The mix of uses within Downtown serves the neighboring community and provides employment opportunities. Residents from the neighborhood can walk to the many restaurants, Whole Foods Grocery or one of the specialty shops located within Downtown. This will be further enhanced with the addition of the residential use that will also be able to easily walk to these amenities.

- (11) Utilize proper site planning techniques to allow mixed uses to congregate; and

The Project utilizes site planning techniques to allow mixed uses to congregate by creating a new focal point at the north end of the Subject Property. The new East/West Connection provides east/west connectivity and, along with its connection to the north/south Strand, is a focal point that creates a meeting place for the ground-floor retail, restaurant, and wellness uses. The East/West Connection also provides a space for people as they safely and efficiently travel through the Project. The Strand connects the mix of uses and creates an interactive environment for visitors and residents to stay and enjoy the site.

- (12) Utilize a comprehensive approach to planning and development of large sites.

The Project utilizes a comprehensive approach to planning and developing the large site through this "full vision" redevelopment plan that enhances pedestrian connectivity, vehicular circulation, and the mix of uses through concurrent applications that provide the necessary development rights to accomplish the Downtown Palm Beach Gardens urban core community, including the future land use map amendment and rezoning to accommodate the new residential and hotel uses that tie the development together.

- (b) Reserved.

- (c) Land use. In order to implement a MXD zoning designation, a minimum of two future land use plan categories must be utilized. Unless waived by the city council pursuant to this

section, at least one of the implementing land use categories must be residential. A single land use category shall not comprise more than 60 percent of the gross land area of a MXD.

The proposed Project implements the commercial, office, and residential land use categories. A single land use category does not comprise more than 60% of the gross land area.

(d) Rezoning. Rezoning to a PUD or PCD overlay district is required.

The Subject Property's existing PCD overlay district will be maintained.

(e) MXD general development standards. Unless waived by the city council pursuant to this section or unless the city council has adopted design guidelines in accordance with [sub]section 78-155(c), the following standards shall apply to all MXD PCD/PUDs.

The Application proposes Design Guidelines and waivers from the City's land development regulations to govern the Property, as set forth herein.

(1) Development. All development in the MXD district shall be as a PUD or PCD.

The proposed redevelopment maintains the existing PCD overlay district and complies with the applicable requirements.

(2) Pedestrian orientation. The individual uses, buildings, and development pods within MXD developments shall provide the following:

a. Interconnecting pedestrian ways, plazas, trails, etc.;

The individual uses and buildings within the Subject Property are connected by the Strand and the East/West Connection. The East/West Connection is a pedestrian-friendly access road that runs east to west through the Subject Property. The East/West Connection slows traffic and encourages pedestrian use through its design, including decorative pavers, planters, and strategically placed crosswalks. The Strand is a pedestrian walkway that meanders north to south to activate the interior courtyards and create a pedestrian experience for visitors and residents of the site. The Strands connects the various uses by creating a sense of please through lounge furnishings, group seating, bench swings, casual dining movable furniture, cabana-style spaces, and interactive water features.

b. Pedestrian connections to the city's parkway system;

The Project design includes enhanced pedestrian connectivity to the existing network of streets and roads, including Gardens Parkway.

c. Internalized pedestrian connections between residential and nonresidential land uses; and

The Project proposes two pedestrian crosswalk connections from Building R to Building MUT to connect the residential and non-residential uses. The East Parking Garage also connects the residential building to the Podium through a covered walkway. The Mobility Plan includes bike circulation and shared bike stations that allow visitors and residents to move throughout the site between the residential and non-residential uses.

d. Multi-modal transportation accesses.

The Project creates multi-modal transportation accesses by bringing new uses in close proximity to the new Tri-Rail station location, accommodating the addition of a new trolley stop in the future, and providing a drop-off loop at the new hotel use, as well as ride-share drop-off areas, a shared bike station, and other micro-mobility options throughout the site.

- (3) Frontage. At least one portion of the perimeter of any MXD shall be located on an arterial road as defined by the city's comprehensive plan.

The Subject Property's west boundary fronts the A-1-A arterial road.

- (4) Permitted and conditional uses. Permitted and conditional uses within an MXD development are allowed as set forth in section 78-159, Table 21, in accordance with the land-use categories chosen for the PCD/PUD overlay or as may be provided in the development order approved by the city council.

The proposed MXD district includes commercial, office, and residential land-use categories. The Podium reconfigures existing retail, restaurant, and office uses, which are permitted by the commercial land-use category. The new hotel is also permitted in the commercial land-use category. The new multi-family residential use is permitted in the residential land-use category.

- (5) Parking. Parking and loading shall be provided as required in division 9 of article V.

The proposed parking, in conjunction with the mix of uses and inclusion of multiple mobility measures throughout the Project, is consistent with the City's amended land development regulations regarding parking within multi-modal districts. The proposed parking encourages the use of multi-modal transportation on site. The residential and non-residential components of the Project comply with the City's parking requirements. Loading areas are provided as required by Code. Documentation supporting the proposed loading areas has been provided by the hotel with this Application.

- (6) Landscaping. Landscaping shall be provided as required in division 8 of article V.

The Project's landscaping exceeds the Code's landscaping requirements.

- (7) Environmentally sensitive lands. Environmentally sensitive lands shall be protected as provided in division 5 of article V.

The Subject Property is currently developed and does not contain environmentally sensitive lands.

- (f) Residential MXD PCD/PUD intensity measures. Residential MXD PCD/PUD shall comply with the intensity measures indicated in Table 18, unless one or more intensity measures are waived by the city council.

The Project complies with the standards set forth in the Design Guidelines.

- (g) Nonresidential MXD PCD/PUD intensity measures. Nonresidential MXD PCD/PUDs shall, unless waived by the city council, be consistent with section 78-158 and comply with the intensity measure indicated in Table 19.

The Property complies with the standards set forth in the Design Guidelines.

- (i) Community design. As part of the overall development order application, a request for approval of an MXD development shall include a specific community design element. The community design element shall be both written and graphic, and, at a minimum, shall contain the information listed below, unless the city council has adopted specific design guidelines for a particular MXD PCD/PUD in accordance with [sub]section 78-155(c).

- (1) Master site plan. A PUD master site plan consistent with the requirements of division 1 of article III.

The Project is consistent with the PCD master site plan requirements, as discussed above.

- (2) Thoroughfare plan. An overall plan indicating applicable primary, secondary, tertiary, and main street roadways throughout the proposed project shall be provided. Special emphasis should be placed on a roadway system that establishes a grid or related pattern that allows for pedestrian linkages and visual enhancements. Indications of the use of such techniques include the following:
- a. Street design that encourages use of commercial and residential buildings directly located at right-of-way lines, without intervening parking between buildings, sidewalks, and roads;
 - b. Street design that allows a variety of routes from point of origin to destination;
 - c. Street design that allows for parking on one or both sides of a road;
 - d. Street design that provides continuous landscaping opportunities, especially for shade trees;
 - e. Street design that provides for community-serving retail, commercial, office, and service uses available to users of pedestrian and vehicular facilities;
 - f. Street design that integrates the needs of both pedestrians and vehicles; and
 - g. Street design that provides for separate or integrated bicycle lanes.

A thoroughfare plan has been provided with the Application. The street design throughout the Subject Property encourages commercial and residential buildings without intervening parking between buildings. The retail uses are connected through the upgraded pedestrian walkway known as the Strand, while surface parking is located on the exterior of the site. The new East/West Connection provides a traffic-calming street that safely accommodates both pedestrians and vehicles and creates frontage for the ground-floor uses. The East/West Connection integrates the needs of pedestrians and vehicles by providing a new vehicular access connecting the east and west sides of the property while implementing traffic calming measures to ensure pedestrian safety throughout the site.

- (3) Thoroughfare enhancement plan. An overall graphic and narrative plan indicating the nature of the various roadways, and how the roadways will be enhanced through creation of the following:
- a. Vistas for pedestrians and drivers;
 - b. Focal points such as lakes, parks, open spaces, and vegetation preserves;
 - c. Art in public places;

- d. Median and parkway landscaping; and
- e. Use of public buildings or facilities.

The thoroughfare plan depicts the enhancements proposed by the Project. The East/West Connection cuts east/west through the Subject Property and opens out onto the Lakefront. The Lakefront has been enhanced through increased open space and parks, including the new dog park and grove areas. The north and south end of the site each contain a median with enhanced landscaping and design elements, including water features.

(4) Pedestrian linkages. An overall plan for the area, including the following:

- a. A conceptual linkage plan and parkway system;
- b. An overall plan of connecting internal pedestrian pathways and linkages with those pedestrian resources that exist or are planned for the periphery of the project; and
- c. The creation of "gathering places" such as active or passive parks, public squares, or public performance venues.

Pedestrian amenities, including illuminated crosswalks, decorative pavers, planters, bollards, water features, and furniture are located throughout the site to increase pedestrian safety and connectivity. Designated ride share and bike share areas are also added, as well as a valet drop-off area. The Project creates gathering places on site through the East/West Connection and the Strand. The East/West Connection is flush with the grade of the surrounding retail shops and can be closed to vehicular access to accommodate events. The pedestrian amenities and the East/West Connection provide enhanced connectivity to the existing event space, which has been upgraded with both movable and fixed furniture to encourage visitors to stay and enjoy the property. The new pedestrian path along the Lakefront also contains green space that allows the public to gather and enjoy the water view.

(5) Overall design theme. Illustrations and details of project-wide shared elements, including:

- a. Common hardscape theme (bricks, pavers, crosswalks, curbing, etc.);
- b. Overall area or street landscape themes;
- c. Street furniture and lighting standards;
- d. Minimum sidewalk width of eight feet;
- e. Pedestrian thoroughfares on private property or easements connecting major properties or projects;
- f. Connections between buildings;
- g. Inclusion of plazas, fountains, landscaped areas, etc.
- h. Clearly-defined connections to entry ways and parking areas;
- i. Strong use of canopy or shade materials; and
- j. Creation of five to ten foot wide parkway areas between streets and sidewalks.

The Project's hardscape, including pavers, decorative planters, bollards, and crosswalks, are consistent throughout the Subject Property and provide connectivity and cohesiveness among the mix of uses. The landscape theme is tropical and adds new, colorful landscaping to the site that complements the existing landscaping, including tall Medjool Palms. Neutral furniture with pops of color create a sense of place and encourage people to socialize, gather, and use the new pedestrian amenities and connectivity. The interior courtyard has been enhanced with interactive water features and seating areas, which are integrated with the new East/West Connection and

uses provided in this Application. Crosswalks and directional signage provide clearly-defined connections to entryways and parking areas.

- (6) Orientation of nonresidential buildings. An overall plan for the location, type, and orientation of buildings throughout a project, including the elements listed below.
 - a. Urban or main street. Strong pedestrian orientation with the following:
 1. "Build to" lines;
 2. Two, three, and four story mixed-use buildings;
 3. All ground floor uses to be pedestrian oriented;
 4. Strong street landscaping component;
 5. Strong pedestrian design theme, including arcades, awnings, and canopies;
 6. Create minimum and maximum block lengths;
 7. On-street parking;
 8. No parking between sidewalks and building facades;
 9. Overall parking plan for area, including parking located in back of or away from pedestrian streets; and
 10. Adoption of specific street cross sections to define width of streets, parking, sidewalks, and building lines.
 - b. Tertiary streets. Local- and residential-serving streets, utilizing the following:
 1. Adoption of specific street cross sections to define width of streets, parking, sidewalks, and building lines;
 2. Neighborhood serving commercial;
 3. Strong pedestrian links;
 4. On-street parking;
 5. Limited or no parking between sidewalks and building facades;
 6. Nonresidential building height of two stories, with one or two more additional stories for residential uses; and
 7. Maximum size of users.
 - c. Secondary streets. Major mover of traffic to and through area, including the following characteristics:
 1. Minimum setback from front roads;
 2. "Build to" line to achieve uniformity;
 3. Ground floor retail or commercial with pedestrian orientation;
 4. No parking in front of building;
 5. Direct pedestrian connections between buildings;
 6. On-street parking;
 7. Limited parking between sidewalks and building facades; and
 8. Establish maximum separation between buildings.
 - d. Primary streets. Major roadways designed to handle significant volumes of traffic to and through the city, utilizing techniques such as those listed below:
 1. Minimum setback from roads, orientation may be to primary roads or to interior roads, or 40 to 60 feet buffering to visually screen buildings when more standard site design techniques are utilized;
 2. Direct pedestrian connections between buildings and pedestrian linkages;

3. No parking in front of building;
4. Structured parking generally along sides or rear; and
5. Clearly-defined front doors to property that are clearly visible from public rights-of-way.

The Project focuses on the orientation of the existing and new buildings to maximize visibility, increase pedestrian connectivity, and enhance vehicular circulation. The design guidelines incorporate a maximum setback, based on the type of street, with major streets having potentially larger setbacks as identified in the Designed Guidelines. The existing retail shops currently face inward, but some will be re-oriented to have frontage along the Lakefront. The new hotel is oriented towards the exterior of the site, with its entrance on Lake Victoria Gardens, so that traffic can conveniently and safely pull into the hotel's drop-off loop. The new East/West Connection bisects the property east/west, giving the retail, restaurant, and office uses frontage along the new pedestrian-friendly accessway. Surface parking is located on the exterior of the site, limiting parking between building facades and preserving the interior of the site for pedestrian amenities and orientation.

- (7) Signage. Graphic illustrations of signage types, overall dimensions, landscaping, colors, and materials to be used within the overall development.

The proposed Master Sign Plan, as well as the Design Guidelines, set forth the signage dimensions and requirements, as well as detailed illustrations.

- (8) Architecture. Graphic representations of an overall, harmonious architectural style for the development are to be presented, including the elements listed below.
 - a. Style. Description and examples of architectural styles to be utilized within the project, including overall design characteristics, massing, location on lots, pedestrian orientation, roof types, window types, common features or decorative elements such as cornices and similar embellishments, doors and entries, and equal architectural treatment of buildings on all sides of a building. This shall include specific examples of how any large-scale users, such as movie theaters, or single users are to be designed to avoid blank walls and dead spaces without any pedestrian or visual interest.

The Project proposes contemporary architecture to create a downtown urban core with high-quality, sleek materials, including black and charcoal metal and aluminum and expansive glass. The new residential and mixed-use structures have four-sided architecture to fully integrate the new use with the existing site. Glass is an overarching theme throughout the new redesign, which reflects the open and interactive nature of the mix of uses and pedestrian amenities. Careful thought has been taken to incorporate the most efficient and safe pedestrian routes inside each building, and exterior doors and entries have been provided at specific locations for easy access to the site's outdoor elements. The residential building's unique shape and decorative balconies provide vertical articulation and break up the massing. Decorative lighting elements transform the buildings as the day turns to night to allow for enhanced architectural elevations and site activation.

- b. Examples. Identification, if applicable, of existing examples within the city or county of the architectural style or styles to be utilized.

The Project is unique to the City and brings new architectural styles, innovation, and design. No examples are applicable to the Project.

- c. Materials. Description and examples of principal materials to be utilized, including paint and accent colors, types and colors of exterior building materials or finishes, roof colors and materials, and types and colors of awnings or canopies.

A material board showing has been provided with this Application.

- d. Pedestrian amenities. Description and examples of pedestrian amenities such as pedestrian walkways, including arcades, awnings, and colonnades, and use of fountains, loggias, courtyards, or similar areas providing a connection and focus for pedestrian walkways. Description and examples of the nature and type of paving and materials to be utilized in pedestrian areas.

The East/West Connection provides a traffic-calming accessway through the Subject Property that, while accommodating vehicles, serves as a pedestrian-friendly connection to the variety of uses on site. Distinct decorative pavers mark the main intersection between the East/West Connection and the Strand, creating a focal point on site and increasing connectivity and pedestrian safety. Water features integrate the uses on site, as well as the Lakefront. Neutral furniture and tropical landscaping throughout the interior courtyard, as well as movable furniture and increased shade and refuge areas along the Lakefront, encourage visitors and residents to gather, socialize, and enjoy the site's amenities and uses. Examples of the materials are provided with the Material Board.

- (j) PGA Boulevard corridor overlay. For the purposes of this section, all development located within the PGA Boulevard corridor overlay shall comply with division 2 of article V.

N/A

- (k) Minimum development standards. MXD developments shall comply with the minimum standards listed below.

- (1) Size. MXD developments shall be a minimum of five acres.

The Subject Property is 49.04 acres, exceeding the five-acre minimum.

- (2) Setbacks. Minimum front, side, rear, and side corner setbacks shall be established by the city council.

The Project will comply with setbacks as established in the Design Guidelines.

- (3) Minimum building site area. None, provided the site is consistent with the requirements of the overall PUD master site plan for open space, landscaping, architecture and design, pedestrian amenities and connections, landscaping, open space, maximum site area, minimum floor area, and similar requirements.

The Project is consistent with the overall PCD Master Site Plan requirements, as discussed herein.

- (l) Waivers. A development order application for an MXD PCD/PUD may request one or more waivers from the standards of the MXD zoning district or other sections of the city's land development regulations, subject to the provisions of section 78-158.

Waivers are described in detail herein.

Sec. 78-157(c). – Design Guidelines

The Application proposes Design Guidelines pursuant to Section 78.157(c) to provide the unique framework needed to create Downtown Palm Beach Gardens for the future. These Design Guidelines incorporate existing approved design elements in addition to providing the framework for the proposed development.

The proposed maximum height requirements set forth in the Design Guidelines are consistent with the Comprehensive Plan TOD District policies and are necessary to support the mix of uses proposed for the Project. The proposed height and density requirements will bring new users and residents to the site who will utilize the variety of transportation options. Multi-modal connectivity regulations include providing ride sharing, bike racks, valet, pedestrian amenities, the East/West Connection, and a future trolley stop. These provisions support the City's goal to encourage multi-modal transportation, as well as the intent of the MXD district to use a comprehensive planning approach and create an integrated community.

The Design Guidelines provide for Ancillary Buildings that accommodate short-term tenants on the Property, adding vibrancy to the Property. The Applicant intends for these buildings to encourage "pop-up" shops that correspond to the season or event that is being hosted on the Property. For example, a summer concert series held on the Event Lawn could be complemented by a "pop-up" shop vendor that sells popsicles during the weekend's summer heat or merchandise specific to the concert. The Ancillary Buildings also give new businesses an opportunity to showcase their merchandise or service to the community without being a full-time tenant, encouraging entrepreneurship in the City. This brings a variety of uses to the Property and encourages residents and users to frequent the site to explore new opportunities. The signage provisions for these buildings allow for an identifier of the specific building with the use of a Canopy Sign. Additionally, an Illuminated Box Sign will allow for flexibility to change the tenant signage as needed to accommodate short-term tenants while upholding the standards and design of the Property.

The Signage provisions in the Design Guidelines are a key component to Downtown Palm Beach Gardens. The Design Guidelines incorporate the Master Sign Plan and address permitted and temporary signage not otherwise detailed in the Master Sign Plan, including limited time tenant signage and temporary displays. The limited time tenant signage proposes "Coming Soon" and "We're Hiring" signage to promote new tenants and users, encourage visitors to explore the variety of existing and future uses, and identify economic opportunities for guests, visitors, and residents. The proposed temporary tenant displays allow retail users to make periodic showcases and displays of merchandise to create buzz and excitement throughout the center.

The Design Guidelines also provide for valet operations on site. The valet locations and operations will be approved by the City, and the Design Guidelines provide supplemental regulations to ensure safe and efficient circulation and operations. The proposed signage in the Master Sign Plan provides a variety of valet signage types that fit within the Code's dimensions. The site's integration of uses and multi-mobility options create a unique site where valet operations will not just serve a single tenant, but the entire Property. Therefore, the proposed signage allows the different types of valet signs to be used at the identified valet locations to provide flexibility within the site's overall valet operations.

Section 78-158. Waivers to Planned Development District Requirements.

The Application seeks the waivers detailed below to accommodate the full vision for Downtown that utilizes innovative and creative planning and design techniques, integrates pedestrian amenities, and provides open space and a sense of community, which satisfies the purpose and intent of the Code.

TYPE	CODE	REQUIREMENT(S)	PROPOSED	DEVIATION
Building R Principal Wall Sign	78-285	Not Permitted	2 Principal Wall Signs	2 Principal Wall Signs
Building MUT Ground Sign	78-285	Max Copy Area 60 SF Max Width 15'	104.5 SF Copy Area 17'-5" Width	44.5 SF Copy Area 2'-5" Width
Building MUT Principal Wall Sign	78-285	Max Copy Area 90 SF Max Letter Height 36" Max 1 Principal Wall Sign	104.5 SF Copy Area 6'-0" Letter Height 2 Principal Wall Signs	14.5 SF Copy Area 3'-0" Letter Height 1 Principal Wall Sign
Building MUT Tenant Wall Sign (Ground Floor Uses)	78-285	Max Copy Area 70 SF Max Letter Height 24"	90 SF Copy Area 36" Letter Height	20 SF Copy Area 12" Letter Height
Building MUT Tenant Wall Sign (2 nd Floor Uses)	78-285	Max Copy Area 70 SF Max Letter Height 24"	90 SF Copy Area 36" Letter Height	20 SF Copy Area 12" Letter Height
Building A Tenant Wall Sign	78-285	1 Tenant Wall Sign	2 Tenant Wall Signs	1 Tenant Wall Sign
Building D/E Principal Wall Sign	78-285	1 Principal Wall Sign	2 Principal Wall Signs	1 Principal Wall Sign
Vehicular Directional	78-285	Max Copy Area 4 SF Max Height 4'	11.1 SF Copy Area 7'-0" Height	7.1 SF Copy Area 3'-0" Height
Parking Directional	78-285	Max Copy Area 4 SF Max Height 4'	7.4 SF Copy Area 9'-2" Height	3.4 SF Copy Area 5'-2" Height
Rideshare Directional	78-285	Max Height 4'	9'-2" Height	5'-2" Height
Pedestrian Directional	78-285	Max Height 4'	8'-0" Height	4'-0" Height
Project Directory	78-285	Max Height 6'	7'-4" Height	1'-4" Height
Shared Parking	78-346	Table 34 minimum required parking percentages	Shared Parking based on ULI standards	Shared Parking analysis

Building R Signage: The Project proposes two principal wall signs for Building R. The signs' dimensions, copy area, and letter height comply with the Code, but waivers are needed to (1) accommodate the wall signs on a residential building; and (2) permit one additional principal wall sign for Building R.

Building MUT Signage: The Project proposes a ground sign and two principal wall signs for the hotel component of Building MUT. Waivers are needed to (1) accommodate the ground sign's copy area and width; (2) accommodate each of the principal wall sign's copy area and letter height; and (3) permit one additional principal wall sign for Building MUT. The Project also proposes tenant wall signage for the ground floor and second floor, which require waivers for the copy area and letter height.

Building A Signage: The Project proposes a single tenant, rather than multiple different tenants, in the south space of Building A. This tenant space contains multiple entry ways and store frontage. A waiver is needed to accommodate a second tenant wall sign on the east elevation facing the interior of the courtyard.

Building D/E Signage: The Project proposes a single tenant, rather than multiple different tenants, in the south space of Building D/E, which contains frontage along Gardens Parkway and the Strand. One (1) principal wall sign exists on this building, and this Application proposes an additional principal wall sign for this tenant. A waiver is needed to accommodate this additional principal wall sign.

Directional Signage: The Project proposes vehicular, parking, rideshare, and pedestrian directional signs. The vehicular and parking directional signage requires waivers for the copy area and height, and the valet/rideshare and pedestrian directional signage requires a waiver for the height.

Project Directory Signage: The Project proposes a project directory sign that requires a height waiver.

Parking: The residential component of the Project satisfies the Code's requirement for parking by creating the residential portion of the East Parking Garage that provides 432 parking spaces. The remaining non-residential parking requirement is determined on a shared parking basis. The request seeks to analyze the required shared parking based on the ULI Shared Parking Manual rather than the Code's requirements set out in Table 34.

(i) Criteria. A request for the city council to approve a waiver from one or more of the standards and requirements applicable to a planned development, PUD, or PCD shall comply with a majority of the criteria listed below:

(1) The request is consistent with the city's comprehensive plan.

Building R Signage: This request is consistent with Policy 1.1.1.15, which encourages the use of mixed use development to successfully integrate distinct uses, by creating a smooth transition from the adjacent residential uses to the new hotel use and existing retail uses on site. The request is required to integrate the building with the interior of the site.

Building MUT Signage: This request is consistent with Policy 1.1.1.15 because it allows the new hotel use to successfully integrate with the existing uses on site and create a true mixed-use development. The proposed copy area and height of the signs are needed to fit the scale and massing of the building and incorporate the design into the existing site.

Building A Signage: This request is consistent with Policy 1.1.1.15 because it integrates Building A with both the interior of the courtyard and the new East/West Connection. The proposed signage provides pedestrian-scale visual variety and is needed to fit the expansive frontage for a single tenant along the East/West Connection and the interior courtyard.

Building D/E Signage: This request is consistent with Policy 1.1.1.15 because it integrates the site by addressing the building's extended frontage along the right-of-way by creating visual articulation and appeal with an additional principal wall sign. This request integrates this frontage with the rest of the site.

Directional Signage: This request is consistent with Policy 1.1.1.15, which encourages the use of mixed use development to successfully integrated distinct uses. The directional signage moves people through the site, brings attention to the new uses and place-making areas on site, and incorporates the tropical design and color consistent with the hardscape, landscape, and architectural features.

Project Directory Signage: The request is consistent with Policy 1.1.1.15 because the height of the directory sign integrates the uses and architecture on the site through consistent scaling.

Parking: This request is consistent with TE Policy 2.2.4.2, which provides the City a mechanism to consider incentives and to accommodate the needs of compact four- and two-wheeled vehicles by assessing parking requirements and other provisions of the Code. The ULI Shared Parking Manual is more up to date and accurate than the requirements set out in the Code and therefore provides a more comprehensive look at the required parking for this mix of uses.

(2) The request is consistent with the purpose and intent of this section.

The purpose and intent of this section is to encourage development within a PCD that is innovative and creative, and utilizes planning, design, and architectural concepts that will benefit the City.

Building R Signage: The residential signage utilizes architectural concepts and planning that will benefit the City by locating the signage on the interior of the site rather than facing the exterior, residential uses adjacent to the site or public roadway. The request is necessary to support the number of signs needed to create an architecturally-unique and innovative building design that engages visitors and residents and integrates the new use with the existing site.

Building MUT Signage: The hotel signage utilizes architectural concepts that will benefit the City by incorporating contemporary sign designs into the building façade. The two principal wall signs at the top of the north and south elevations, in conjunction with the tenant wall signs at the pedestrian-scale, provide vertical articulation throughout the facades, accommodate the scale of the new building, and integrate the building's contemporary design concepts. These signs support the new mixed-use tower and bring the new hotel use to the Subject Property, which benefits the City and the overall design of the site.

Building A Signage: The Building A tenant signage utilizes creative design and architectural concepts to integrate the large tenant space with the rest of the site. The request is necessary to support the number of signs needed to provide visual variety to engage visitors and provide visual articulation along the façade.

Building D/E Signage: The Building D/E signage encourages creative design and architectural concepts within the site. The additional principal wall sign is needed to provide balance and visual variety along the façade.

Directional Signage: The directional signage utilizes architectural concepts, design, and planning that will benefit the City by creating an innovative and creative development. The increased copy area and height allows the signage to better fit the scale of the redesigned mixed-use development, which includes two new, taller structures than exist today. The increased size enables the signage design to incorporate wood finishes that contrast the sleek, metallic copy area and create an aesthetically-pleasing design throughout the site.

Project Directory Signage: The Project Directory Signage utilizes planning, design, and architectural concepts to enhance the mixed use development. The height requirement is needed to provide consistency with the scale and design of the surrounding uses.

Parking: The reduced parking spaces on site provide the space needed to accommodate the new mix of uses on site and integrate the design concepts proposed for the Project. Rather than taking space to provide another garage or more surface parking, the reduced parking allows that space to be more efficiently used for pedestrian amenities, increased connectivity, and open spaces that create the sense of place envisioned for PCD developments. The request results from the innovative mixture of multi-modal transportation elements that reduce the need for parking spaces on site.

(3) The request is in support of and furthers the city's goals, objectives, and policies to establish development possessing architectural significance, pedestrian amenities and linkages, employment opportunities, reductions in vehicle trips, and a sense of place.

Building R Signage: This waiver is needed to support the residential signage, which gives the new use a sense of place within the Downtown community and integrates the site with the non-residential uses. The west elevation sign embodies the architectural significance envisioned for mixed-use, planned developments by using composite wood brise-soleil as a unique backdrop to the prominent, sleek lettering. The additional wall sign integrates the use with the south end of the site and contributes to the Project's overall design.

Building MUT Signage: The mixed-use tower is a focal point of the new development and embodies the integration and architectural significance envisioned for mixed-use developments. The increased copy area and height for the proposed signage at all levels of the tower—the principal wall signs at the top, the tenant signs at the first and second floor pedestrian scale, and the ground floor sign—integrate the design and creates architectural variety and articulation. The ground floor sign creates a sense of arrival to the hotel, while the tenant restaurant, office, and retail signs enhance the pedestrian-level experience and encourage guests to visit the site's variety of uses. The height and copy area allow the signs to be to-scale with the height of the tower and provide visual interest. The contemporary design and materials reflect the tower's high-end retail, restaurant, office, and hotel brands to create a sense of place for visitors.

Building A Signage: This waiver is needed to support the south end of Building A, which is a focal point that connects the Center Court, the new East/West Connection, and the Strand. The proposed signage provides architectural significance along the façade and visual interest at the pedestrian-scale.

Building D/E Signage: The Building D/E signage establishes architectural significance along the expanse of façade facing the right-of-way and the Lakefront. The signage integrates the commercial use with the newly-activated Lakefront to engage visitors with the site. The additional principal wall sign is needed because only one tenant occupies this space, rather than 3 separate tenants that would otherwise be permitted an individual tenant sign. The additional sign fits the scale and expanse of the frontage.

Directional Signage: The directional signage supports the city's goals to create pedestrian amenities and linkages and a sense of place. The pedestrian directional signage increases connectivity by detailing the different uses on site and the most efficient access as visitors travel through the new pedestrian amenities. The vehicular directional signage keeps traffic moving safely and efficiently through the site and disperses traffic by enabling visitors to intentionally drive through the site to their ultimate destination. The waiver request allows this signage to incorporate the Project's overall design and create a sense of place for Downtown.

Project Directory Signage: The Project Directory Signage establishes the pedestrian amenities and linkages necessary to further the city's goals and objectives to create an integrated, cohesive, and exiting mixed-use development.

Parking: The reduced parking request, and supporting methodology, supports and furthers the city's goals to reduce vehicle trips, provide pedestrian amenities and linkages, and create a sense of place. With reduced parking on site, visitors are encouraged to use ride-share amenities or other modes of transportation to access the site, which helps reduce the number of trips. The request reduces the needed space for surface parking or additional garage space, providing more open space to accommodate pedestrian amenities and linkages, including illuminated crosswalks. By reducing parking on site and increasing pedestrian amenities and connectivity, the Project creates a sense of place at Downtown.

- (4) The request demonstrates that granting of the waiver will result in a development that exceeds one or more of the minimum requirements for PUDs.

The Project exceeds minimum requirements for planned developments, including landscaping and open space requirements. New landscaping is added throughout the Subject Property, including new Medjool palms and other tropical landscaping that create the envisioned Downtown atmosphere and integrate the mix of uses. The new residential component creates green space along the Lakefront for residents and visitors to enjoy, the new Grove provides a relaxing space to gather and socialize, and the event space, dog park, and grove area activate the Lakefront and integrate the site. New landscaping provides shade and refuge areas that encourage visitors to stay on site. Enhanced hardscape features, including distinctive paving and crosswalks and decorative planters, enhance the pedestrian walkways and amenities. Additionally, electrical vehicle charging stations will be located on the Property to serve visitors, along with the accommodation for future electrical vehicle charging stations for residents in the new Residential Parking Garage. The open space, pedestrian and electric vehicle amenities, landscape, and hardscape result from the design and site planning of the new Mixed-Use Tower and Residential building, which require the proposed waivers.

- (5) The request for one or more waivers results from innovative design in which other minimum standards are exceeded.

Building R Signage: This waiver results from the orientation of the building and its innovative architectural design, which displays a prominent Alta at the Gardens sign towards the interior of the site to establish this new use as an integral part of the community. The additional, smaller sign above the entrance provides more pedestrian-scale integration and enhances the new architectural design.

Building MUT Signage: This waiver request results from the innovative design to integrate the mixed-use tower through vertical articulation and high-quality, contemporary materials. The increased height and copy area, and the number of signs, are necessary to fit the scale of the tower, bring depth to the architecture, and create visual interest at the pedestrian-scale. The signage exceeds standards for architectural significance.

Building A Signage: This waiver results from the innovative architectural design to create articulation along Building A's south and south/east façades to fit the scale of the building and tenant space. The number of signs is necessary to break up the massing, provide pedestrian-scale visual interest, and integrate the building with the Center Court and Strand. The signage exceeds standards for architectural significance.

Building D/E Signage: This waiver results from the scale of the tenant frontage along Gardens Parkway and the architectural design needed to provide visual articulation and integration with the Lakefront.

Directional Signage: This waiver results from using signage with unique design that reflects the scale of the new structures on site to increase pedestrian and vehicular connectivity throughout the site. The signage includes new landscape and hardscape elements to integrate the signage with the mix of uses and exceed architectural and design standards.

Project Directory Signage: This waiver results from the signage height and design that reflects the scale of the new structure and pedestrian-level amenities on site. This signage exceeds standards for architectural significance.

Parking: This waiver results from the innovative design to incorporate a mix of uses at Downtown while increasing open space and public amenities and decreasing surface parking areas. By reducing the number of required surface parking spaces on site, the Project incorporates increased pedestrian crosswalks, bike share and ride share areas, and the potential for a new trolley station that exceed the pedestrian connectivity and multi-modal transportation standards.

- (6) The request demonstrates that granting of the waiver will result in preservation or valuable natural resources, including environmentally sensitive lands, drainage and recharge areas, and coastal areas.

There are no natural resources on site that will be impacted by this request.

- (7) The request clearly demonstrates public benefits to be derived, including, but not limited to, such benefits as no-cost dedication of rights-of-way, extensions of pedestrian linkages outside of the project boundaries, preservation of important natural resources, and use of desirable architectural, building, and site design techniques.

Building R Signage: This request benefits the public through enhanced architectural and site design techniques. The main sign on the west elevation, in conjunction with its unique backdrop, reflects the massing and scale of the building and complements the building's façade. The south elevation integrates the residential use with the existing site to enhance the sense of place at Downtown.

Building MUT Signage: This request benefits the public through the resulting desirable architectural, building, and site design techniques. The two Aloft signs on the north and south elevations support the orientation of the hotel facing Lake Victoria Gardens Drive, while integrating the new mixed-use tower with the site's interior courtyards. The increased copy and height not only enable visitors to see the signs as they travel to the site, but are also necessary to integrate the scaling and massing of the building with the existing site and surrounding uses. The first and second floor retail, restaurant, and office use signs are located along the East/West Connection and encourage visitors to explore the variety of uses on site. These tenant signs give the mixed-use tower architectural variation and enhance the pedestrian experience. The ground sign located at the hotel's entrance creates a sense of place and brings the tower's sleek, contemporary design to the pedestrian-level. The size increase is necessary to support the tower's height and scale and create the architectural significance envisioned for Downtown.

Building A Signage: This request benefits the public through the resulting desirable architectural, building, and site design techniques. The proposed signage integrates Building A with the Center Court, the East/West Connection, and the Strand. The signage creates pedestrian-scale visual interest and fits the size of the frontage. The additional tenant sign is located at the southeast corner of the building and identifies the unique bike shop use that has its own entryway and distinct use within the tenant space.

Building D/E Signage: This request benefits the public through the resulting desirable architectural, building, and site design techniques. The signage provides visual variety along the expansive frontage and integrates the Building with the Lakefront. The additional tenant signs are needed because the space is being used by a single tenant rather than three separate tenants, so additional signage is required to fit the scale and design of the building and surrounding uses.

Directional Signage: This request benefits the public through the resulting desirable architectural, building, and site design techniques. The signage integrates the site on the pedestrian and vehicular levels and encourages people to move safely, efficiently, and intentionally throughout the site. The signage highlights the new uses on site and contributes to the overall design of the Project through its contemporary design that brings high-quality materials and color throughout the site.

Project Directory Signage: This request benefits the public through the use of desirable site design techniques. The waiver height reflects the scale of the enhanced pedestrian-level experience and activity on the site and integrates the architecture and design.

Parking: This request utilizes site design techniques to increase multi-modal transportation on site, improve pedestrian connectivity, and add new uses with unique architectural and building design without adding more parking areas to the site.

- (8) Sufficient screening and buffering, if required, are provided to screen adjacent uses from adverse impacts caused by a waiver.

Building R Signage: The residential signage is not located along Gardens Parkway and does not require screening or buffering. The signage faces the interior mix of uses to integrate the residential component with the existing center and to create a sense of place for the new residents.

Building MUT Signage: The Aloft ground sign is located on a median with landscaping that matches its size and scale. It is intended to create a sense of arrival at the new hotel use and does not require screening and buffering. The north and south principal Aloft signs are intended to draw attention to the new use and guide visitors to the site. The size is necessary to accomplish that purpose, and no screening is required. The size is mitigated by the façade's architectural design itself. The size of the tenant wall signs are intended to contribute to the new, interactive pedestrian experience and are needed to provide signs that fit to scale. Any impact from the tenant signs is mitigated by increased landscaping on site and along the pedestrian walkways and architectural features. Screening and buffering is not required.

Building A Signage: The proposed signage is internal to the site and does not impact adjacent uses.

Building D/E Signage: The proposed signage does not have adverse impacts as it is along the right-of-way across from the Lakefront and setback from adjacent uses. The number of signs is intended to break up the massing of the façade and provide visual articulation and interest, as well as identify the tenant space.

Directional Signage: The proposed directional signage is internal to the site and, while prominent and distinctive to serve its intended purpose of directing pedestrian and vehicular traffic, is also integrated with the site through its design and supporting landscaping. Screening and buffering is not required for this signage.

Project Directory Signage: The increased height for the Project Directory Sign is consistent with other signage and uses on site and does not create any adverse impacts on adjacent uses.

Parking: The reduced parking does not require screening and buffering.

(9) The request is not based solely or predominantly on economic reasons.

Building R Signage: This request is based on the size and massing of the residential building, which requires an additional sign to integrate the building's design and provide aesthetically-pleasing architecture. The request is not based solely or predominantly on economic reasons.

Building MUT Signage: This request is based on the orientation and design of the mixed-use tower and the signage needed to support its variety of uses. The north and south Aloft signs at the top of the building are important to guide new guests to the site who may not be familiar with the property. The increased height and copy area allows the signage to fit the scale of the building and create an interactive pedestrian-scale experience. The request is not based solely or predominantly on economic reasons.

Building A Signage: This request is based on the scale of Building A and the signage needed to support the space, provide visual interest, and integrate the Building with the surrounding site. The request is not based solely or predominantly on economic reasons.

Building D/E Signage: The request is based on the scale of Building D/E and the signage needed to support the space and provide architectural articulation along the right-of-way. The additional tenant signage provides important identification and wayfinding for the tenant space. The request is not based solely or predominantly on economic reasons.

Directional Signage: This request is based on the City's desire for increased pedestrian connectivity, enhanced traffic circulation and safety, and integrated design. The increased copy and height allows the signage to be aesthetically-pleasing and complement the existing landscape, hardscape, and architectural elements, while also providing clear directions and circulation for people and traffic on site. The request is not based solely or predominantly on economic reasons.

Project Directory Signage: This request is based on the City's desire for increased pedestrian connectivity and integrated design that complements the scale, massing, and pedestrian-level activity of the site.

Parking: *The request is based on the City's desire to encourage multi-modal forms of transportation, discourage vehicular parking, and increase pedestrian connectivity within mixed-use developments, thereby reducing the need for parking spaces and discouraging the use of individual vehicular trips to the site. The request is not based solely or predominantly on economic reasons.*

(10) The request will be compatible with existing and potential land uses adjacent to the development site.

Building R Signage: The residential signage is located on the west and southwest elevations of the building to create a sense of place for the new residential community. The residential building is located at the northeast corner of the Subject Property adjacent to the existing residential communities and the lakefront and serves as a transitional use between the adjacent properties and the site's nonresidential interior center. The two signs are located on the building facades that face the interior of the site, rather than the exterior, adjacent land uses.

Building MUT Signage: The mixed-use tower signage is located at the northeast corner of the Subject Property adjacent to residential land uses. The request will be compatible with the existing land use because it provides aesthetically-pleasing design and enhanced architecture and

creates a transition from the adjacent residential communities and the Project's multi-family residential building, to the interior nonresidential uses.

Building A Signage: The proposed signage is internal to the site and does not impact adjacent land uses.

Building D/E Signage: The Building D/E signage is pedestrian-scale signage located along Gardens Parkway and across from the Lakefront. The request is compatible with the existing land use because it provides enhanced architecture and design and creates visual interest across from the newly activated lakefront.

Directional Signage: The directional signage is internal to the site and does not impact adjacent land uses.

Project Directory Signage: The Project Directory Signage is internal to the site and does not impact adjacent land uses.

Parking: The request is compatible with existing and potential land uses adjacent to the development of the site because it enables the site to accommodate the orientation of the new buildings, pedestrian amenities, and open space that are consistent with the adjacent land uses rather than using the site for more parking.

(11) The request demonstrates the development will be in harmony with the general purpose and intent of this section, and that such waiver or waivers will not be injurious to the area involved or otherwise detrimental to the public health, safety, and welfare.

Building R Signage: This request supports the innovative design of the new residential building and overall Project by creating signage that fits the scale and massing of the building while orienting the signage towards the interior of the site and away from the adjacent residential uses. The request will not otherwise be detrimental to the public health, safety, and welfare.

Building MUT Signage: This request supports the innovative design of the Mixed-Use Tower by incorporating a variety of size, material, and design that integrates the variety of uses within the tower. The signage will allow new visitors to easily access the site and enhance the pedestrian experience along the East/West Connection. It is not otherwise detrimental to the public health, safety, and welfare.

Building A Signage: This request supports the innovative design of the redeveloped Downtown Palm Beach Gardens by integrating Building A with the new East/West Connection, the Center Court, and the Strand, and providing visual articulation and interest along the building façade. The request will not otherwise be detrimental to the public health, safety, and welfare.

Building D/E Signage: This request supports the innovative design of the redeveloped Downtown Palm Beach Gardens by integrating Building D/E with the activated Lakefront and providing enhanced architectural design through pedestrian-scale signage. The request will not otherwise be detrimental to the public health, safety, and welfare.

Directional Signage: The directional signage serves the general intent and purpose of this section by enhancing pedestrian and vehicular connectivity, safety, and circulation while preserving and integrating the site's unique design. This request will not otherwise be detrimental to the public health, safety, and welfare.

Project Directory Signage: The Project Directory signage serves the general intent and purpose of this section by enhancing pedestrian circulation and wayfinding on site and contributing to the overall design of the site. This request will not otherwise be detrimental to the public health, safety, and welfare.

Parking: The request will be in harmony with the general intent and purpose of this section to provide innovative designs that support the City's goals for mixed-use development and increased mobility. The parking reduction is not detrimental to the public health, safety, and welfare, but instead encourages mobility which enhances public health safety and welfare.

VII. Regional Center PCD Master Plan Amendment

The concurrently proposed PCD Master Plan Amendment increases the entitled square footage for the Subject Property, which requires an amendment to the Regional Center Master Plan. The Master Plan Amendment adds the following square footage to the PCD Master Plan:

- Hotel (108,891 sq. ft.)
- Residential Multi-Family (280 dwelling units)

The staff report for Resolution 23, 2013 stated, "Future amendments for a specific parcel within the PCD will be analyzed individually similar to other parcels within the City. Each parcel will be subject to Palm Beach County's Traffic Performance Standards Ordinance (TPSO) and the City's traffic concurrency management system. The previously approved conversion matrix is no longer needed since parcels will rely on their individual development approvals as a determination of the baseline impacts for their traffic concurrency."

The proposed Project does not create any adverse impacts on traffic operations internal to the Subject Property. Externally, the project does not create any new adverse traffic impacts on the transportation network around the site, and the Applicant has discussed above the mitigation efforts and future improvements that may be implemented to accommodate existing operational deficiencies. The Project improves access, parking, and internal vehicular circulation and pedestrian amenities throughout the site.

VIII. Conclusion

The Application will rejuvenate the Subject Property and create a unique Downtown urban core community. The Project encourages people to use multi-modal transportation to visit the site and take advantage of the expansive pedestrian amenities and gathering areas to socialize with friends, family, and colleagues. The new hotel and residential uses invite people to stay and live on site and enjoy the mix of uses and sense of community. The Project's innovative design, unique architecture, hardscape, landscape, and enhanced pedestrian connectivity activate the site and support the requests within this Application and will establish Downtown as a true live, work, play community.

LOCATION MAP



May 25, 2021

Mr. Martin Fitts, AICP
City of Palm Beach Gardens, Planning & Zoning
10500 North Military Trail
Palm Beach Gardens, FL 33410

**Re: Downtown Palm Beach Gardens Full Vision - #PTC20-0021
PCDA-20-04-000040, REZN-20-04-000023, SPLA-20-04-000057**

Dear Mr. Fitts:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the submittal package for the above-referenced project. Specifically, we have reviewed the revised Transportation & Mobility Analysis dated April 1, 2021 and the May 10, 2021 Trip Generation Statement prepared by Kimley-Horn & Associates, Inc., along with the Justification Statement and Master Plan. The project, as presented in the study, is summarized below:

Approved Uses: 248,100 SF Shopping Center
10,500 SF Medical Office
12,400 SF General Office
116,862 SF Health Club
2,474 seat Movie Theater

Proposed Uses: 223,985 SF Shopping Center
13,720 SF Medical Office
39,120 SF General Office
116,862 SF Health Club
1,700 seat Movie Theater
280 DUs Mid-Rise Multifamily
174 Room Hotel

All of the previous comments have been satisfied. The following conditions are proposed:

1. In order to apply the proposed 2% mode share reduction related to trip generation and required parking, the Applicant shall construct and maintain on-site bicycle and pedestrian improvements in accordance with the site plan and exhibits contained in this approval.
2. In order to meet the City's Trolley/Transit Mobility standards, the Applicant shall provide a minimum of one trolley stop on site for future use, and a minimum of one ride-share stop on site.
3. In order to meet the City's Roadway/Intersection standards, the Applicant shall:
 - a. Install guide signage on eastbound PGA Boulevard identifying the ability for traffic destined to Downtown Palm Beach Gardens to turn right onto Lake Victoria Gardens Drive to access northbound Alternate A1A, subject to permitting approval from FDOT. No building permits for vertical construction shall be issued until conceptual approval from FDOT has been obtained for this sign installation.

- b. Extend the eastbound left turn lanes on PGA Boulevard at Lake Victoria Gardens Avenue an additional 100', or to the maximum extent possible, subject to FDOT approval. No building permits for vertical construction shall be issued until conceptual approval from FDOT has been obtained for this improvement.
- c. Monitor the intersection of Fairchild Gardens Avenue & Kyoto Gardens Drive by providing an annual intersection analysis. This shall consist of updated traffic counts, crash data and analysis of the intersection for the AM and PM peak hours. Should there exhibit a safety or efficiency issue, the Applicant shall propose and construct improvements consisting of a roundabout and/or other improvements subject to approval by the City Engineer. Surety shall be posted for this improvement.
- d. Monitor the intersection of Kyoto Gardens Drive & South Site Driveway by providing an annual intersection analysis. This shall consist of updated traffic counts, crash data and analysis of the intersection for the AM and PM peak hours. Should there exhibit a safety or efficiency issue, the Applicant shall propose and construct improvements, consisting of a median diverter on Kyoto Gardens Drive & South Site Driveway to restrict the egress movements from the south and north to right-out only, subject to approval by the City Engineer. Surety shall be posted for this improvement.
- e. Prior to the issuance of the first Certificate of Completion or Certificate of Occupancy for the mixed-use tower or residential building, whichever comes first, the Applicant shall install the signal at the intersection of Gardens Parkway and Lake Victoria Gardens Avenue / Valencia Gardens Avenue, or as permitted by Palm Beach County.

It is suggested that additional improvements to multi-modal facilities may be appropriate in the future, as follows:

1. Bicycle Facilities:

- a. 4' bike lanes on Gardens Parkway from Alternate A1A to Fairchild Gardens Avenue, both directions,
- b. 5' bike lanes on Kyoto Gardens Drive from Alternate A1A to Fairchild Gardens Avenue, both directions, per the Mobility Plan improvement list,
- c. 4' bike lanes on Lake Victoria Gardens Drive from Kyoto Gardens Drive to Gardens Parkway, both directions.

2. Walking/Biking Facilities:

- a. 8' pathway on Gardens Parkway from Alternate A1A to Fairchild Gardens Avenue with landscape buffer or street trees, both sides,
- b. 12' pathway on Alternate A1A from Kyoto Gardens Drive to Gardens Parkway with landscape buffer or street trees, east side, per the Mobility Plan improvement list,
- c. 12' pathway on Kyoto Gardens Drive from Alternate A1A to Fairchild Gardens Avenue with landscape buffer or street trees, both sides, per the Mobility Plan improvement list,
- d. 8' pathway on Lake Victoria Gardens Drive from Kyoto Gardens Drive to Gardens Parkway with landscape buffer or street trees, both sides.

3. Roadway Facilities:

- a. At the intersection of Kyoto Gardens Drive & Alternate A1A,
 - i. Extend the northbound left turn lane to accommodate 590' of storage, or as much as feasible,
 - ii. Extend the westbound left turn lane to accommodate 205' of storage, or as much as feasible,
 - iii. Extend the eastbound left turn lane to accommodate 480' of storage, or as much as feasible (this is subject to the realignment of RCA Center Drive to the west).

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Rebecca J. Mulcahy, P.E.
Vice President

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RESOLUTION 41, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING THE REGIONAL CENTER PLANNED COMMUNITY DEVELOPMENT (PCD), LOCATED NORTH OF PGA BOULEVARD BETWEEN ALTERNATE A1A AND PROSPERITY FARMS ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN, TO ADD 108,891 SQUARE FEET OF MIXED USE, A 174-KEY HOTEL TOWER, AND 280 MULTI-FAMILY DWELLING UNITS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations (LDR), is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, on February 16, 1984, the City Council approved the Regional Center Development of Regional Impact (DRI) through the approval of Resolution 9, 1984, the overall development order for the DRI; and the Council also adopted Ordinance 5, 1984 that established the zoning for the development as Planned Community Development (PCD); and

WHEREAS, the City Council approved a Future Land Use (FLU) Map amendment on October 5, 1995, via Ordinance 10, 1995, that amended the FLU designation of the Downtown at the Gardens parcel from Residential Medium (RM) to Professional Office (PO); and

WHEREAS, the Regional Center DRI was rescinded on April 4, 2013, when the City Council approved Resolution 22, 2013. The City Council subsequently approved Resolution 23, 2013, that approved the Regional Center PCD Master Plan. The overall development densities and intensities for the PCD were incorporated into attached Exhibit B as maximum leasable square footages; and

WHEREAS, the Regional Center DRI was deemed to be built-out on November 21, 2013, after the Applicant demonstrated that all on-site infrastructure had been substantially completed, and all traffic impacts had been mitigated or guaranteed by performance security; and

WHEREAS, the City received a petition from Excel Gardens, LLC, requesting an amendment to the approved master plan for the Regional Center PCD; and

WHEREAS, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

WHEREAS, the Planning, Zoning, and Appeals Board reviewed the petition at its May 11, 2021, meeting and recommended approval of the subject petition (PCDA-20-04-000040) by a vote of 6 to 1; and

WHEREAS, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the various City of Palm Beach Gardens reviewing agencies and staff; and

WHEREAS, the City Council deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The application is hereby APPROVED for a PCD Master Plan Amendment to add 108,891 square feet of Mixed Use that includes a 174-key hotel and 280 dwelling units of multi-family residential use to Parcel N as shown on attached Exhibit B of the PCD Master Plan, subject to the general requirements otherwise provided by resolution for real property described as follows:

(See Exhibit "A" for Legal Description)

SECTION 3. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. Future amendments to the Regional Center PCD's permitted uses may be approved through the site plan approval process for the parcels with which the modifications are associated. (Planning and Zoning)

SECTION 4. All conditions from the development orders related to this project remain in full force and effect.

SECTION 5. All representations made by the Applicant or the Applicant's agent at any public hearing regarding this application are specifically incorporated herein, and this approval is granted subject to same.

SECTION 6. This Resolution shall become effective ten days after adoption.

PASSED AND ADOPTED this ____ day of _____, 2021.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: _____
Rachelle A. Litt, Mayor

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
R. Max Lohman, City Attorney

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
MAYOR LITT	_____	_____	_____
VICE MAYOR REED	_____	_____	_____
COUNCILMEMBER WOODS	_____	_____	_____
COUNCILMEMBER MARCIANO	_____	_____	_____
COUNCILMEMBER TINSLEY	_____	_____	_____



EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF SECTIONS 5 AND 6, TOWNSHIP 42 SOUTH, RANGE 43 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST (NW) CORNER OF SAID SECTION 5, THENCE SOUTH 89°16'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 1932.73 FEET; THENCE SOUTH 00°47'03" WEST, A DISTANCE OF 295.16 FEET; THENCE SOUTH 89°16'50" EAST, A DISTANCE OF 295.16 FEET; THENCE NORTH 00°47'03" EAST, A DISTANCE OF 295.16 FEET, THE LAST THREE COURSES BEING COINCIDENT WITH THOSE LANDS AS DESCRIBED IN O.R.B. 2307, PAGE 1868, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 89°16'50" EAST, ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 400.00 FEET TO THE NORTH ONE-QUARTER CORNER (N1/4) OF SAID SECTION 5; THENCE SOUTH 89°16'35" EAST, ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 5, A DISTANCE OF 55.00 FEET; THENCE SOUTH 01°05'31" WEST, ALONG THE WESTERLY R/W LINE OF PROSPERITY FARMS ROAD, AS SHOWN ON THAT MAP PREPARED BY THE PALM BEACH COUNTY ENGINEERING DEPARTMENT, NO. 3-70-001 R/W, A DISTANCE OF 660.01 FEET; THENCE CONTINUE SOUTH 01°05'31" WEST, ALONG THE SAID WESTERLY R/W LINE, A DISTANCE OF 979.81 FEET, THENCE NORTH 88°15'18" WEST, ALONG THE WESTERLY EXTENSION OF THE NORTH R/W LINE, OF THAT COUNTY ROAD KNOWN AS IDLEWILD ROAD, A DISTANCE OF 46.20 FEET, THENCE SOUTH 00°47'03" WEST, ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SAID SECTION 5, A DISTANCE OF 12.61 FEET; THENCE NORTH 89°16'50" WEST, A DISTANCE OF 1323.04 FEET; THENCE NORTH 01°05'58" EAST, A DISTANCE OF 10.54 FEET, THE LAST FIVE (5) COURSES BEING COINCIDENT WITH THOSE LANDS AS DESCRIBED IN O.R.B. 1637, PAGE 695, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 88°53'53" WEST, A DISTANCE OF 1322.96 FEET, TO A POINT ON THE WEST LINE OF SAID SECTION 5; THENCE SOUTH 01°25'01" WEST, ALONG THE WEST LINE OF SAID SECTION 5, A DISTANCE OF 656.01 FEET; THENCE SOUTH 88°53'53" EAST, A DISTANCE OF 1326.60 FEET, THE LAST THREE COURSES ARE COINCIDENT WITH THOSE LANDS AS DESCRIBED IN O.R.B. 2900, PAGE 77, AND O.R.B. 3317, PAGE 451, OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 01°05'58" WEST, A DISTANCE OF 595.78 FEET; THENCE NORTH 88°51'28" WEST, ALONG A LINE SIXTY (60) FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER (NW1/4) OF SECTION 5, A DISTANCE OF 1329.89 FEET, TO A POINT ON THE WEST LINE OF SAID SECTION 5, THENCE NORTH 88°45'08" WEST, ALONG A LINE SIXTY (60) FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH ONE-HALF (N1/2) OF SAID SECTION 6, A DISTANCE OF 2744.17 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2924.79 FEET, A CENTRAL ANGLE OF

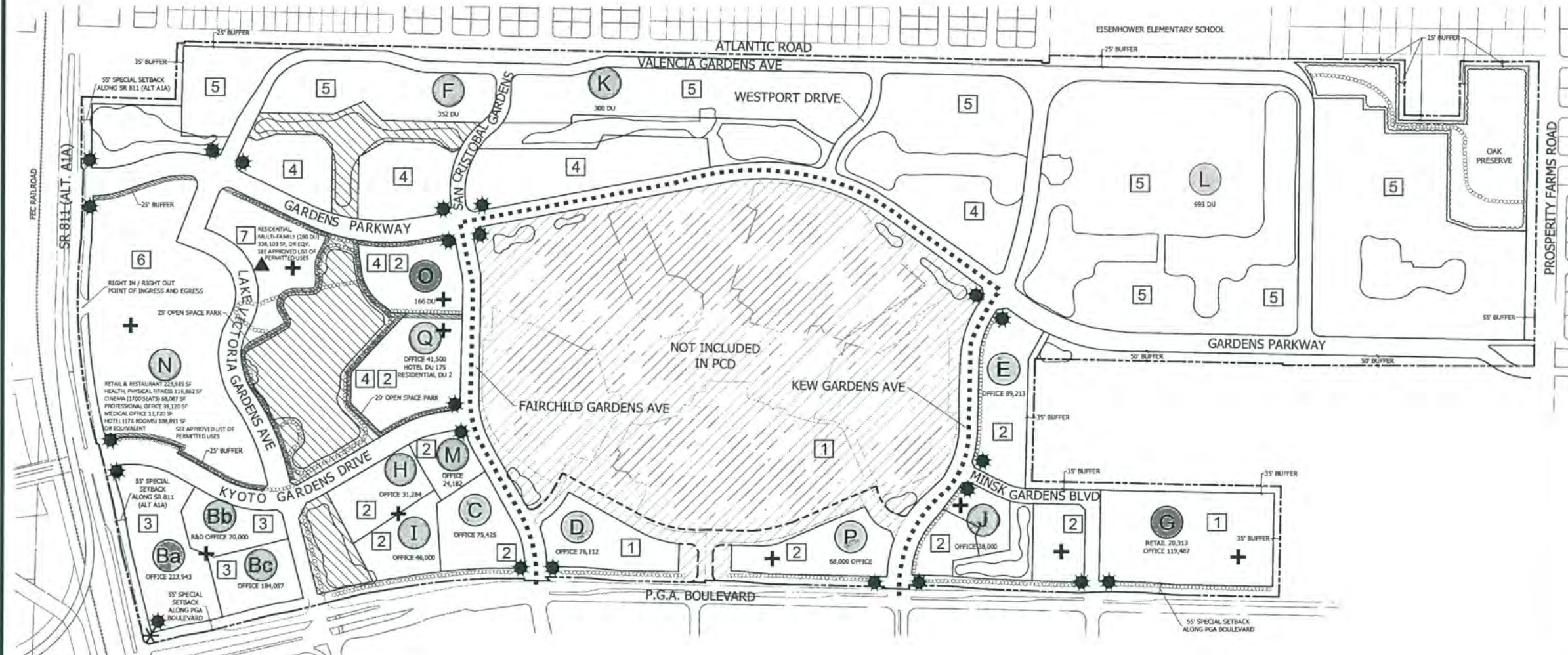
LEGAL DESCRIPTION (Cont'd)

15°18'09", AND AN ARC DISTANCE OF 781.15 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 75°56'43" WEST, A DISTANCE OF 1233.86 FEET, THE LAST FOUR COURSES BEING COINCIDENT WITH THE NORTH R/W LINE OF P.G.A. BOULEVARD, AS DESCRIBED IN O.R.B. 2353, PAGE 1529, AND O.R.B. 2772, PAGE 1782, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 14°05'09" WEST, A DISTANCE OF 1233.26 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2654.93 FEET, A CENTRAL ANGLE OF 15°25'02", AND AN ARC DISTANCE OF 714.38 FEET TO THE POINT OF TANGENCY; THENCE NORTH 01°19'52" EAST, A DISTANCE OF 1074.57 FEET, THE LAST THREE COURSES BEING COINCIDENT WITH THAT R/W FOR ALT. A-1-A, AS DESCRIBED IN DOCUMENTS 93090-2521, PARCEL 100.1R, AS EXECUTED ON JUNE 24TH, 1981; THENCE SOUTH 88°44'48" EAST, A DISTANCE OF 503.33 FEET; THENCE NORTH 01°34'00" EAST, A DISTANCE OF 303.00 FEET; THENCE NORTH 88°44'48" WEST, A DISTANCE OF 530.52 FEET, THE LAST THREE COURSES BEING COINCIDENT WITH THOSE LANDS AS DESCRIBED IN O.R.B. 1310, PAGE 42, OF THE PUBLIC RECORDS, OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°15'12" EAST, A DISTANCE OF 0.10 FEET; THENCE NORTH 44°42'22" EAST, A DISTANCE OF 48.08 FEET; THENCE SOUTH 88°44'48" EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 01°15'12" EAST, A DISTANCE OF 5.00 FEET; THE LAST FOUR COURSES ARE COINCIDENT WITH THE SAID EASTERLY R/W LINE OF ALT. A-1-A; THENCE SOUTH 88°44'48" EAST, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 2462.99 FEET, TO THE NORTH ONE-QUARTER (N1/4) CORNER OF SAID SECTION 6; THENCE SOUTH 88°45'01" EAST, ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION 6, A DISTANCE OF 2653.21 FEET TO THE POINT OF BEGINNING.

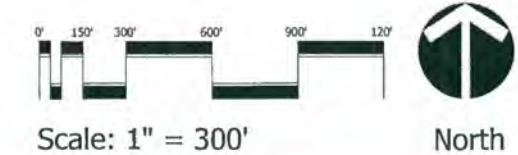
SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 458.185 ACRES, MORE OR LESS.

EXHIBIT "B"



PARCELS					
(Ba)	GARDENS CORPORATE CENTER (GOSMAN PARCEL) 223,943 S.F. UN-BUILT OFFICE	(G)	GARDENS BUSINESS CENTER (PARCEL 27.05 / 27.06) 3,913 S.F. UN-BUILT RETAIL	(M)	VIRIDIAN OFFICE CENTRE
(Bb)	FINANCIAL CENTER AT THE GARDENS (GARDENS COURT)	(H)	UNIVERSITY MR/LASER & SURGERY CENTER 10,939 S.F. UN-BUILT OFFICE	(N)	DOWNTOWN PALM BEACH GARDENS
(Bc)	FINANCIAL CENTER AT THE GARDENS (PGA ACQUISITION)	(I)	GRAND BANK AND TRUST	(O)	LANDMARK
(C)	GARDENS MEDICAL PAVILION	(J)	PARCEL 27.04 (WELLS FARGO BANK) PARCEL 27.04 NORTH (SUNTRUST)	(P)	SEACOAST BANKING CENTER
(D)	PGA FINANCIAL CENTER	(K)	LA POSADA 38 UN-BUILT UNITS	(Q)	GARDENS POINTE 2 UN-BUILT UNITS
(E)	PROFESSIONAL CENTRE AT THE GARDENS	(L)	SAN MATERA & HARBOUR OAKS		
(F)	MIRA FLORES				



PROPOSED LAND USES			
COMMERCIAL	AC	%	DU'S
1 RETAIL / OFFICE / HOTEL	98	21.4	
2 OFFICE / HOTEL / COMMUNITY USE	38.2	7.9	
3 RESEARCH / OFFICE / SERVICE COMM. / HOTEL	12.4	2.7	
6 NON RESIDENTIAL MIXED USE (RETAIL, RESTAURANT, HEALTH/PHYSICAL FITNESS/ WELLNESS, CINEMA, OFFICE, HOTEL)	22.7	5.0	
SUBTOTAL	169.3	36.9	
RESIDENTIAL	AC	%	DU'S
4 MULTI-FAMILY / RES. / OFFICE / COMM. USE	30.8	6.7	
5 MULTI-FAMILY RESIDENTIAL	98	21.4	
7 RESIDENTIAL MIXED USE (MULTI-FAMILY)	5.9	1.3	
SUBTOTAL	134.5	29.4	2,331
OPEN SPACE / OTHER	AC	%	DU'S
OPEN SPACE / REC. / GREEN / WATER	85	20.7	
MAJOR ROAD SYSTEMS	68.4	13	
BUS ROUTES	0	0	
MAJOR PEDESTRIAN SYSTEMS	0	0	
SUBTOTAL	154.4	33.7	
TOTAL	458.2	100%	2,331
5.5 AC. COMMUNITY USE / PUBLIC SAFETY / ARTS TO BE PROVIDED OFF-SITE.			

PUBLIC PARK AREA	
[Symbol]	NOTE: INCLUDES 21.9+ ACRES OF PUBLIC PARK AREA
[Symbol]	NOTE: INCLUDES 3 ACRES ADDITIONAL PUBLIC PARK AREA BY GRANT OF PUBLIC EASEMENT TO BRING TOTAL PUBLIC PARK AREA TO 24.9+ ACRES THAT WILL CONTAIN SIGNAGE TO DENOTE AREAS AS PUBLIC ACCESS AREA
[Symbol]	NOTE: THIS PUBLIC OPEN SPACE PARK AREA TO INCLUDE 30,000 SF OF PUBLIC GATHERING AREA INCLUDING HARDSCAPE, STREET FURNITURE AND COVERED PUBLIC SPACES

COMMUNITY SERVICE OPEN SPACE	
LOCATION	ACRES
WATER MANAGEMENT SYSTEMS	
EXISTING	52.0
PROPOSED	UP TO 7.9
TOTAL WATER MANAGEMENT	UP TO 62.9
(2) ADDITIONAL ACRES PROVIDED AT WEST WEST CP HILL	
BUFFERS 55' SPECIAL SETBACK PROSPERITY FARMS ROAD	2.3
PGA BLVD	4.5
PGA / ALT ADA INTERSECTION	UP TO 4.1
ALT ADA	1.5
TOTAL SPECIAL SETBACK	UP TO 12.5
PROJECT PERIMETER BUFFERS	
NORTH PROPERTY LINE (25' WIDTH)	4.3
MEADOWS MOBILE HOME NORTH (30' WIDTH)	2.8
MEADOWS MOBILE HOME WEST (30' WIDTH)	0.7
MEADOWS MOBILE HOME SOUTH-EAST (35' WIDTH)	1.5
TOTAL PERIMETER	9.3
OAK HAMMOCK PRESERVE (DEACT BOUNDARIES TO BE DETERMINED BY THE SPR PROCESS)	8.0
CANARY ISLAND DATE PALM BERMS (OR ALTERNATIVE LANDSCAPE DESIGN AS APPROVED BY THE CITY COUNCIL)	
EXISTING	UP TO 4.5
TOTAL CANARY ISLAND	UP TO 4.5
MAJOR ROAD RIGHTS OF WAY	11.5
PROJECT TOTAL	NOT LESS THAN 95.0
[Symbol]	CONVERSIONS SHALL BE LIMITED TO PARCELS IDENTIFIED WITH THIS SYMBOL

THE REGIONAL CENTER

PALM BEACH GARDENS, FLORIDA

ORIGINAL ADA (9, 1984)	NOPC #5 (25, 2000)	NOPC #10 (105, 2004)
NOPC #1 (23, 1984)	NOPC #6 (36, 2001)	NOPC #11 (23, 2011)
NOPC #2 (16, 1986)	NOPC #7 (81, 2001)	NOPC #12 (, 2018)
NOPC #3 (96, 1994)	NOPC #8 (171, 2002)	MAY 21, 2021*
NOPC #4 (96, 1999)	NOPC #9 (93, 2003)	
* NOTE: REVISION MADE ON MAY 21, 2021 ARE ONLY RELATED TO THE DOWNTOWN PALM BEACH GARDENS PARCEL (N)		
May 21, 2021 10:04:00 a.m. Drawing: 00-1003.04 MAP N.DWG		

EXHIBIT

B

RESOLUTION 42, 2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, AMENDING THE SITE PLAN FOR DOWNTOWN PALM BEACH GARDENS, LOCATED ON THE EAST SIDE OF ALTERNATE A1A BETWEEN KYOTO GARDENS DRIVE AND GARDENS PARKWAY, TO REMOVE BUILDING B/C AND REPLACE WITH A 108,891-SQUARE-FOOT MIXED-USE 174-KEY HOTEL TOWER; REMOVE BUILDING M AND REPLACE WITH A 280-UNIT MULTI-FAMILY RESIDENTIAL TOWER WITH A 432-SPACE PARKING GARAGE; CREATE AN EAST-WEST DRIVE AISLE; ESTABLISH DESIGN GUIDELINES; AND UPDATE THE MASTER SIGNAGE PLAN; PROVIDING WAIVERS; PROVIDING CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations (LDR), is authorized and empowered to consider petitions related to zoning and land development orders; and

WHEREAS, on February 16, 1984, the City Council approved the Regional Center Development of Regional Impact (DRI) through the approval of Resolution 9, 1984, the overall development order for the DRI; and the Council also adopted Ordinance 5, 1984, that established the zoning for the development as Planned Community Development (PCD); and

WHEREAS, the City Council approved a Future Land Use (FLU) Map amendment on October 5, 1995, via Ordinance 10, 1995, that amended the FLU designation of the Downtown at the Gardens parcel from Residential Medium (RM) to Professional Office (PO); and

WHEREAS, the Downtown at the Gardens site plan was approved by the City Council on June 5, 2003, via Resolution 91, 2003. The original Downtown at the Gardens site plan authorized the development of 26,000 square feet of neighborhood commercial, 220,745 square feet of retail / restaurant, 67,690 square feet of cinema, and 20,000 square feet of professional office, and a shared parking study; and

WHEREAS, the City Council approved Resolution 58, 2009 on September 24, 2009, replacing the shared parking study with the parking regulations from the City Code; and

WHEREAS, on September 13, 2012, the City Council approved Resolution 81, 2012 authorizing a new shared parking study for the Downtown at the Gardens site and modified conditions of approval related to lighting; and

WHEREAS, the Regional Center DRI was rescinded on April 4, 2013, when the City Council approved Resolution 22, 2013. The City Council subsequently approved Resolution 23, 2013 that approved the Regional Center PCD Master Plan. The overall development densities and intensities for the PCD were incorporated into Exhibit B (included in Resolution 23, 2013) as maximum leasable square footages; and

WHEREAS, the Regional Center DRI was deemed to be built-out on November 21, 2013, after the Applicant demonstrated that all on-site infrastructure had been substantially completed, and all traffic impacts had been mitigated or guaranteed by performance security; and

WHEREAS, the City received a petition from Excel Gardens, LLC, requesting an amendment to the approved site plan for the Downtown Palm Beach Gardens parcel within the Regional Center PCD; and

WHEREAS, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

WHEREAS, the Planning, Zoning, and Appeals Board reviewed the petition at its May 11, 2021, meeting and recommended approval of the subject petition (SPLA-20-04-000057) by a vote of 6 to 1; and

WHEREAS, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the various City of Palm Beach Gardens reviewing agencies and staff; and

WHEREAS, the City Council deems approval of this Resolution to be in the best interests of the health, safety, and welfare of the residents and citizens of the City of Palm Beach Gardens and the public at large.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

SECTION 2. The application is hereby APPROVED for a Site Plan Amendment to add a 108,891-square-foot mixed-use hotel tower and a 280-unit multi-family residential tower with a 432-space parking garage, construct an east-west drive aisle, provide Design Guidelines, update the Master Signage Plan, and make other site improvements for the real property described as follows:

(See Exhibit "A" for Legal Description)

SECTION 3. The City Council of Palm Beach Gardens, Florida, hereby APPROVES the following waivers:

1. Section 78-285, Table 24: Permitted Signs – Principal Tenant Sign to allow two principal wall signs on the residential Building R.
2. Section 78-285, Table 24: Permitted Signs – Ground Sign to allow an additional 44.5 SF copy area and an additional 2'5" width, for a total of 104.5 SF copy area and 17'5" width for Building MUT hotel ground sign.
3. Section 78-285, Table 24: Permitted Signs – Principal Tenant to allow one additional Principal Tenant sign and an additional 14.5 SF copy area and an additional 36" letter height for two Principal Tenant signs, for a total of 104.5 SF copy area and 72" letter height for both Building MUT hotel wall signs.
4. Section 78-285, Table 24: Permitted Signs – Ground Floor and Second Floor Tenant Wall Sign to allow an additional 20 SF of copy area and an additional 12" letter height, for a total of 90 SF and 36" letter height for Building MUT ground floor and second floor tenant wall signs.
5. Section 78-285, Table 24: Permitted Signs – Ground Floor Tenant Wall Sign to allow one additional sign for Building A.
6. Section 78-285, Table 24: Permitted Signs – Principal Tenant Wall Sign to allow one additional sign, for a total of two principal wall signs for Building D/E.
7. Section 78-285, Table 24: Permitted Signs – Building Directional Signs to allow an additional 7.1 SF copy area for vehicular directional signs and additional 5'2" height for parking/ride share directional signs, for a total 11.1 SF copy area and 9'2" height for directional signs.
8. Section 78-285, Table 24: Permitted Signs – Building Directional Signs to allow additional 4' height, for a total of 8' height for pedestrian directional signs.
9. Section 78-285, Table 24: Permitted Signs – Building Directory Signs to allow an additional 1'4" height, for a total 7'4" height for pedestrian directory signs and to not be placed in landscaped areas.

10. Section 78-346, Table 34: Shared Parking Calculations to allow the use of the Urban Land Institute (ULI) Shared Parking, Third Edition methodology.

SECTION 4. Unless modified herein, all conditions from the development orders related to this project remain in full force and effect.

SECTION 5. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

PLANNING AND ZONING

1. Prior to the issuance of the first building permit for this project, the Applicant shall schedule a pre-permit meeting with the Planning and Zoning Department. (Planning and Zoning)
2. Prior to the issuance of the first land alteration permit for this project, the Applicant shall install a six-foot-tall construction fence with privacy tarp around the project site with final locations to be determined by the Director of Planning and Zoning at the time of the building permit submittal. The location of the construction fence with privacy tarp may be modified by the Director of Planning and Zoning during the construction of the project to provide necessary screening of construction activities from the public. (Planning and Zoning)
3. Prior to the issuance of the first land alteration permit or demolition permit, the Applicant shall submit a Continuity of Operations Plan to City staff to identify how employees and visitors will safely access the project site, tenant locations, and gathering areas. The Continuity of Operations Plan shall be updated as required throughout the lifetime of the building permits. (Planning and Zoning, Engineering, Police, Fire)
4. ADA access shall be maintained at all times for all spaces open to the public. Life Safety access shall be maintained for all areas occupied by any persons. (Fire, Engineering)
5. Prior to the issuance of the first Certificate of Completion or Certificate of Occupancy, whichever occurs first, a replat of the project, including all easements, is required. (Planning and Zoning)
6. Prior to the issuance of the first vertical building permit, the Applicant shall comply with City's Code Section 78-261, Art in Public Places (AIPP) and submit construction cost estimates to verify the one percent (1%) vertical construction cost for the required AIPP fee. Art in Public Places is required if the cumulative vertical construction cost of all improvements on the project site is greater than One Million Dollars (\$1,000,000.00). (Planning and Zoning)

- 1 7. Prior to the issuance of the demolition permit for the East Tower, the Certificate of
2 Completion for the new elevator on the north side of the second-floor crosswalk from
3 Building "A" (Cinema) and Building "B/C" shall be issued, and the elevator shall be
4 operational. (Planning and Zoning, Fire-Rescue)
5
- 6 8. Prior to the issuance of the Certificate of Occupancy of any tenant space on the
7 second floor of Building "D/E" (currently Grimaldi's) or Building "L" (formerly Z
8 Gallerie), the Certificate of Completion for both the new elevator and stairwell on the
9 north side of Building "D/E" (currently Grimaldi's) shall be issued, and both the
10 elevator and stairwell shall be operational. (Planning and Zoning, Fire)
11
- 12 9. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion
13 for either the Mixed Use Tower (Building "MUT") or the Residential building (Building
14 "R"), whichever occurs first, the east-west drive aisle shall be deemed substantially
15 completed as determined by the City Engineer. Prior to the issuance of the
16 Certificate of Completion for the infrastructure permit, all hardscape and landscape
17 elements associated with the east-west drive aisle shall be in place. (Planning and
18 Zoning, Engineering)
19
- 20 10. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion
21 for either Building MUT or the Building R, whichever occurs first, the new entrance
22 to the East Garage and right-turn lane from Gardens Parkway shall be completed
23 and operational. (Planning and Zoning, Engineering)
24
- 25 11. Prior to the issuance of each Certificate of Occupancy or Certificate of Completion,
26 whichever occurs first, an inspection is required by the Development Compliance
27 Division. (Planning and Zoning)
28
- 29 12. Prior to the issuance of the first Certificate of Completion or Certificate of Occupancy,
30 whichever occurs first, for each building, an inspection by City staff will be required
31 to ensure all existing and new elements are maintained in compliance with Chapter
32 79 of the City's Code. (Planning and Zoning)
33
- 34 13. Prior to the issuance of the Certificate of Occupancy for the Building R, the
35 residential parking garage shall be completed as approved and inspected by City
36 staff. (Planning and Zoning, Engineering)
37
- 38 14. Prior to the issuance of the Certificate of Completion for the residential garage, the
39 first floor shall be equipped with two Level 2 electric vehicle charging stations,
40 accommodating two spaces each, and wiring for two (2) charging stations serving
41 four (4) spaces shall be installed on the second through seventh floors. (Planning
42 and Zoning)
43
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45
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15. Prior to the issuance of the Certificate of Completion or Certificate of Occupancy for either the Building MUT or the Building R, whichever occurs first, the Applicant shall install four (4) Level 2 electric vehicle charging stations servicing eight (8) spaces in the surface parking lot or East Parking Garage. (Planning and Zoning)
16. Prior to the introduction or continuation of any valet operation, the Applicant shall submit a Valet Operations plan detailing all valet operations on site. The Valet Operations Plan shall be reviewed and approved pursuant to City Code. Valet Parking permits shall be obtained for all new and modified valet operations. Valet operations shall operate in accordance with Section 78-347 of the City's Code. (Planning and Zoning)
17. Prior to the issuance of each Certificate of Completion or Certificate of Occupancy, whichever occurs first, the new FP&L utility equipment boxes for Building R and Building MUT shall be screened or wrapped with a design approved by FP&L and the City, as permitted by FP&L. (Planning and Zoning)
18. All future modifications to exterior elevations, outdoor seating, tenant use allocations, or square footage for tenant improvements shall require review and approval by the Planning and Zoning Department. Traffic and parking equivalencies shall be provided, as necessary. (Planning and Zoning)
19. Prior to the issuance of each Business Tax Receipt or building permit for interior renovations of tenant spaces, the Applicant shall submit a Tenant Use Summary to the Planning and Zoning Department for confirmation of tenant use, suite number, and square footage for each tenant. Any future modification to the breakdown of uses shall require review and approval by the Planning and Zoning Department. Traffic and parking equivalencies shall be provided, as necessary. (Planning and Zoning)
20. If at any point the Great Lawn is used for construction staging or laydown purposes prior to the construction of Building R, the Applicant shall screen the use from view from neighboring properties as much as possible as determined by the Director of Planning and Zoning or the City Engineer. (Planning and Zoning, Engineering)
21. No building permits may be issued for interior buildout of more than 15,000 SF of office space in Building MUT prior to the contract being let for the residential building. (Planning and Zoning)
22. If construction of Building R has not commenced within one year of the issuance of the first Certificate of Occupancy or Certificate of Completion for Building MUT, all other site plan elements, including the Great Lawn, the southern dog park, and the improvements to the lakeside pedestrian path south of Building R, shall be constructed. (Planning and Zoning)

SIGNAGE

23. The Master Sign Plan, as approved by this Resolution, shall serve as the overall sign program for Downtown Palm Beach Gardens, pursuant to Section 78-288 of the City's Code. Where the Master Sign Plan is silent, the City's Sign Code shall prevail. (Planning and Zoning)
24. A separate sign permit for the installation of each sign permitted by the Downtown Palm Beach Gardens Master Sign Plan or the City's Sign Code, as applicable, shall be required for all signage. (Planning and Zoning)
25. Prior to the installation and/or replacement of temporary storefront graphics, the Applicant shall submit applicable details to Planning and Zoning for review and approval. (Planning and Zoning)
26. All temporary outdoor tenant displays shall be limited to storefronts, along the North and South Strand, in accordance with the Downtown Palm Beach Gardens Design Guidelines. (Planning and Zoning)
27. The face of the building directory signs shall always remain as static digital images for the display of the building map and tenant list, with the exception of visitor interaction with the map. At no time shall the face of the directory signs display advertising in the form of video, animation, flashing lights, or other prohibited sign characteristics per City Code Section 78-284. (Planning and Zoning)
28. Custom signage may be requested through a Minor Administrative process, consistent with the Master Sign Plan and the City's Code. (Planning and Zoning)
29. Whenever the copy for directional signage is amended, the same materials, colors, and application shall be used to maintain consistency and aesthetic quality throughout the site. (Planning and Zoning)
30. No signage, lettering, or advertising shall be permitted on any outdoor furniture, hardscape features, awnings, or umbrellas. (Planning and Zoning)

MAINTENANCE AND OPERATION

31. The vehicular pull-off area located at the north entrance to the site shall be reserved for First Responder parking only. (Planning and Zoning, Police)
32. Commercial deliveries shall be prohibited within the East-West Drive Aisle after 10 a.m. (Planning and Zoning)
33. All on-site lighting shall be cast downward and shielded from adjacent properties. (Planning and Zoning)

34. All outdoor gathering areas, furniture, umbrellas, shade structures, and the like shall be kept clean, orderly, in good repair, and free of clutter, litter, and obstructions at all times consistent with Chapter 79 – Property Maintenance Standards of the City’s Land Development Regulations. (Planning and Zoning)
35. Awnings, furnishings, and umbrellas shall be installed in accordance with the *Downtown Palm Beach Gardens Furniture Plan* exhibit and the elevations within the *Full Vision Booklet* exhibit. The Applicant may request additional colors for awnings or umbrellas that are compatible with the architectural design and color palette of the project for City staff review and approval. (Planning and Zoning)
36. The interactive water feature shall not be operated except between the hours of 9:00 a.m. to 11:00 p.m. (Planning and Zoning)
37. Pets shall not be permitted within the interactive water feature. (Planning and Zoning)
38. The pet parks shall only be open from dawn to dusk. The parks shall be secured after hours. (Planning and Zoning)
39. All construction activities shall be conducted consistent with Sections 34-59 and 78-661 of the City’s Land Development Regulations. (Planning and Zoning)
40. The property shall comply with the noise standards pursuant to Chapter 79 – Property Maintenance Standards of the City’s Land Development Regulations. Noise measurements shall be taken at the property boundary. Internal property lines are not considered property boundaries for this project with reference to noise measurements. (Planning and Zoning)
41. Within 24 hours of an announced tropical storm or hurricane by the National Hurricane Center that places the City within the “3-day cone of probability,” all outdoor furniture, awnings, and umbrellas shall be removed, and all planters and artwork secured. All outdoor furniture, awnings, and artwork removed shall be reinstalled no later than 30 days following the storm event, or as approved by the Director of Planning and Zoning. (Planning and Zoning)
42. The Applicant shall be responsible for the maintenance of the lake consistent with the Operating Agreement between the City of Palm Beach Gardens and Downtown at the Gardens executed on December 18, 2003. (Planning and Zoning, Engineering)
43. The service area gates shall be kept closed when not in active use per Section 78-378 of the City’s Code. (Planning and Zoning)

- 1 44. All rooftop mechanical and ground-mounted equipment shall be screened from
2 public view in accordance with Section 78-195 of the City's Code. (Planning and
3 Zoning)
4
- 5 45. All gutters, downspouts, vents, and louvers attached to the buildings shall be painted
6 to match the surface to which they are attached. (Planning and Zoning)
7
- 8 46. Outdoor storage is strictly prohibited, except that outdoor display of goods is
9 permitted in accordance with the Design Guidelines exhibit. (Planning and Zoning)
10

11 FORESTRY

- 12
- 13 47. Prior to any landscape work or tree removal, the Applicant shall apply for a
14 landscape permit from the City. (Forestry)
15
- 16 48. Prior to the issuance of any land alteration and/or demolition permits, surety for
17 landscaping and irrigation shall be provided to the City per Code. (Forestry)
18
- 19 49. Prior to the issuance of any landscape permit, the Landscape Architect of record
20 shall identify and tag all trees to be relocated and/or preserved per the approved
21 Landscape Plan. Any trees identified and tagged to be relocated and/or preserved
22 that die during construction shall be replaced with trees of equal quality and size or
23 better. (Forestry)
24
- 25 50. Prior to the issuance of each vertical building permit, all landscape buffers
26 associated with that building shall be installed consistent with the approved
27 landscape plan. (Forestry)
28
- 29 51. Prior to the issuance of any Certificate of Occupancy or Certificate of Completion for
30 the project, the Landscape Architect of record shall certify the landscaping and
31 irrigation is completed for that portion of the project consistent with the approved
32 plans. (Planning and Zoning, Forestry)
33
- 34 52. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion
35 of Building R or the residential garage, all landscaping associated with that building
36 shall be completed, including landscaping on top of the garage. (Forestry)
37
- 38 53. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion
39 of Building MUT, all associated landscaping shall be completed, including
40 landscaping on the green roof areas. (Forestry)
41
42
43
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46

- 1 54. The landscaping attached to the green wall at the entrance of Building R shall be
2 installed at sufficient size to provide full coverage within 18 months of the issuance
3 of the first Certificate of Completion or Certificate of Occupancy. A one-time
4 extension may be granted by the Director of Planning and Zoning for good cause
5 shown. Thereafter, the landscaping shall be maintained consistent with Section 78-
6 239 of the City's Code. (Forestry)
7
- 8 55. The landscaping on the green roofs for Building MUT shall be maintained consistent
9 with Section 78-329 of the City's Code. (Forestry)
10
- 11 56. The landscaping surrounding the lift station shall be installed at sufficient size to
12 provide full coverage and screening from public view within 18 months of the
13 issuance of the Certificate of Completion. At 18 months after the issuance of the
14 Certificate of Completion for the lift station, the Applicant and City staff shall inspect
15 the landscaping to determine the need to infill or supplement the landscaping to
16 achieve the intent of the approved plans. Thereafter, the landscaping shall be
17 maintained consistent with Section 78-239 of the City's Code. (Forestry)
18
- 19 57. The Applicant shall be responsible for replacing any vegetation that dies within 12
20 months of the issuance of the last Certificate of Occupancy or Certificate of
21 Completion, including but not limited to, relocated and/or protected vegetation, with
22 equal species, quality, and size, or better, as approved by City staff. (Forestry)
23

24 GIS

25

- 26 58. Prior to the issuance of the first building permit for vertical construction of each new
27 building, an Addressing Plan shall be approved for said building. (GIS Manager)
28
- 29 59. Prior to the issuance of the first Certificate of Completion or Certificate of Occupancy,
30 whichever occurs first, digital files of the City Council-approved plat shall be
31 submitted to the Planning and Zoning Department. (GIS Manager, Development
32 Compliance Manager)
33
- 34 60. Within 30 days of plat approval by the City Council, digital files of the recorded plat
35 shall be submitted to the Planning and Zoning Department. (GIS Manager,
36 Development Compliance Manager)
37
- 38 61. Prior to the issuance of the Certificate of Occupancy for each building, the Applicant
39 shall work with representatives of the City's Life Safety Services to determine the
40 best locations for building address numbers. The size of the address numbers shall
41 not be less than 8 inches or exceed 12 inches in height and be a contrasting color
42 from the background to which they are affixed. (GIS Manager)
43
44
45
46

ENGINEERING

62. Prior to the issuance of the clearing permit, infrastructure permit, or the building permit for the vertical construction, whichever occurs first, for any element of the project, the Applicant shall provide itemized cost estimates and surety for the project (public or private), in accordance with LDR Sections 78-309 and 78-461. The itemized cost estimates shall include all public elements for the on-site and off-site infrastructure, landscaping, and irrigation-related improvements for that portion of the project. The cost estimates shall be dated, signed, and sealed by a professional engineer and landscape architect registered in the State of Florida, as applicable. Surety will be based on 110 percent of the total combined City-approved cost estimates and shall be posted with the City. (Engineering)
63. Prior to the issuance of the first infrastructure permit, the Applicant shall receive a Technical Compliance Approval (TCA) letter for the plat for this project from the Planning and Zoning Department in accordance with the City's LDR. (Engineering, Planning and Zoning)
64. Prior to the issuance of the clearing permit, infrastructure permit, or demolition permit, whichever occurs first, for any element of the project, the Applicant shall submit an updated construction phasing and safety plan related to such project element for the City to review. The construction phasing and safety plan shall include all necessary construction zone signage and fencing, as required by the Engineering Department, and will need to be monitored throughout the construction duration and modified as necessary to allow for safe and effective pedestrian and vehicular movement throughout the project. If at any time the contractor wishes to modify the phasing plan, the revised phasing plan shall be submitted to the City Engineer for review. (Engineering, Police, Fire)
65. Prior to the issuance of any infrastructure permit, the Applicant shall submit to the City a site lighting permit application for any lighting associated with such permit, along with a signed and sealed Photometric plan. (Engineering)
66. Prior to the issuance of any infrastructure permit, the required ADA elements for the building entrance, pedestrian access areas, and ramps, as applicable, shall be shown and detailed on the plans for review by the City. (Engineering)
67. Prior to the commencement of construction, the Applicant shall schedule a pre-construction meeting with City staff. Inspections related to any associated infrastructure permit will not be performed until the pre-construction meeting has occurred. In addition, failure to comply with this condition could result in a Stop-Work Order of all work/construction activity for the subject development site. (Engineering)

1 68. The following items are required to be ongoing throughout the project:
2

- 3 a. The construction, operation, and/or maintenance of any elements of the subject
4 project shall not have any negative impacts on the existing drainage of
5 surrounding areas. If at any time during the project development it is determined
6 by the City that any of the surrounding areas are experiencing negative drainage
7 impacts caused by the project, it shall be the Applicant's responsibility to resolve
8 said impacts in a period of time and a manner acceptable to the City prior to
9 additional construction activities. The City may cease issuing building permits
10 and/or Certificates of Occupancy until all drainage concerns are resolved.
11
- 12 b. Prior to the issuance of the infrastructure permit, if applicable, the Applicant shall
13 provide the City Engineer with copies of all permits, permit applications, and
14 Requests for Additional Information to and from regulatory agencies regarding
15 issues on all permit applications, certifications, and approvals, including, but not
16 limited to, South Florida Water Management District, Northern Palm Beach
17 County Improvement District, Seacoast Utility Authority, Palm Beach County
18 Health Department, Florida Department of Transportation, etc.
19
- 20 c. The Applicant shall comply with all Federal EPA and State of Florida Department
21 of Environmental Protection NPDES requirements, including, but not limited to,
22 preparation of a storm water pollution prevention plan and identification of
23 appropriate Best Management Practices, as generally accepted by the
24 Environmental Protection Agency (EPA) and/or local regulatory agencies, for
25 construction activities, implementation of the approved plans, inspection, and
26 maintenance of controls during construction, including a Notice of Intent prior to
27 the issuance of infrastructure permit and Notice of Termination prior to the
28 issuance of the Certificate of Completion for the infrastructure permit.
29 (Engineering)
30

31 69. Prior to the issuance of the Certificate of Completion for any phase of an
32 infrastructure permit, the Applicant shall provide electronic certified civil design as-
33 built drawings in both PDF and AutoCAD formats. (Engineering)
34

35 70. Prior to the issuance of the Certificate of Completion for an infrastructure permit, the
36 Applicant shall provide copies of the required test results as provided for on the plans
37 and specifications and in accordance with the FDOT for the City's review.
38 (Engineering)
39

40 71. Prior to the issuance of the first Certificate of Occupancy and/or Certificate of
41 Completion for any phase of the project, the Applicant shall submit all required
42 recorded easements and easement modifications to the City. (Engineering)
43
44
45
46

72. All asphalt pavement marking and striping, excluding parking stall striping, shall be installed with thermoplastic materials. Paver bricks of appropriate color shall be used on paver brick areas in lieu of paint or thermoplastic material for conformance with Section 78-344 of the City's LDR. Concrete areas shall have FDOT-approved paint. (Engineering)

POLICE

73. Prior to the issuance of any building permit for the project, the Applicant shall submit a construction site security plan, complete with emergency contact information, proper "No Trespassing" signs consistent with Section 810.09, *Florida Statutes*, and any other security measures and policies proposed. The security and phasing plan shall be maintained throughout all phases of the project, and non-compliance with the plan may result in a Stop-Work Order for the Project. (Police)
74. Prior to the issuance of the first Certificate of Completion or Certificate of Occupancy, associated with this approval, the Applicant shall coordinate with the Police Department to develop standards and procedures to address the security of the site. (Police)
75. The Applicant shall install First Responder signage as shown on the approved site plan and consistent with signage included in the Design Guidelines. Upon completion of installation, the Applicant shall notify the Police Department. (Police)
76. All newly proposed landscaping shall be maintained to abide by CPTED standards: landscaping shall not obstruct the view from windows, address signage, or lighting; tree canopies shall be maintained at seven feet or higher and hedges at three feet or lower to promote natural surveillance. (Police)
77. Lighting fixtures shall be maintained and repaired immediately to ensure the site remains compliant with the City's Lighting Regulations Code at all times. (Police)

FIRE-RESCUE

78. Prior to the issuance of any demolition or building permits for the project, the Applicant shall submit detailed plans on how they shall meet the requirements of NFPA 241: Standards for Safeguarding Construction, Alteration, and Demolition Operations. (Fire)
79. The portion of the lakefront path adjacent to Building R that connects from Lake Victoria Gardens Avenue to the existing Landmark emergency access path shall be stabilized and kept clear at all times for emergency access. (Fire)

TRAFFIC

80. Prior to the issuance of the first Certificate of Occupancy or Certificate of Completion, for Building R, surety shall be provided in an amount satisfactory to the City for the installation of a traffic signal at the intersection of Gardens Parkway and Lake Victoria Gardens Avenue, as applicable. (Planning and Zoning)
81. In order to meet the City's Trolley/Transit Mobility standards, the Applicant shall provide a minimum of one trolley/circulator stop on site for future use. If a shelter is needed, the Applicant shall provide an Artistic Bus Shelter within 180 days of being notified by the City. This Bus Shelter is eligible for credit for the Applicant's AIPP requirement. (Traffic)
82. The location of the trolley/circulator stop and accompanying service route with shade/shelter and accompanying amenities, if applicable, shall be finalized in coordination with the Applicant when the trolley/circulator service is established. (Traffic)
83. In order to meet the City's Roadway/Intersection standards, the Applicant shall:
- a. Install guide signage on eastbound PGA Boulevard identifying the ability for traffic destined for Downtown Palm Beach Gardens to turn right onto Lake Victoria Gardens Drive to access northbound Alternate A1A, if approved by FDOT. No building permits for vertical construction related to Building MUT or Building R, whichever occurs first, shall be issued until conceptual approval from FDOT has been obtained for this sign installation, or FDOT has denied approval.
 - b. Extend the eastbound left-turn lanes on PGA Boulevard at Lake Victoria Gardens Avenue an additional 100', or to the maximum extent feasible without impacting the bridge structure, if approved by FDOT. No building permits for vertical construction related to Building MUT or Building R shall be issued until conceptual approval from FDOT has been obtained for this improvement, or FDOT has denied approval.
 - c. Monitor the intersection of Fairchild Gardens Avenue and Kyoto Gardens Drive by providing an annual intersection analysis. This shall consist of updated traffic counts, crash data and analysis of the intersection for the AM and PM peak hours. Should a safety or efficiency issue arise in accordance with standard engineering principles, the Applicant shall construct a roundabout and associated improvements as approved by the City Engineer. Surety shall be posted for this improvement prior to platting. The Applicant shall conduct and provide an analysis to staff for review in December of every year beginning in the December after the final Certificate of Occupancy or Certificate of Completion, whichever occurs last, for the last building in the project and continuing for five years thereafter.

- d. Monitor the intersection of Kyoto Gardens Drive and South Site Driveway by providing an annual intersection analysis. This shall consist of updated traffic counts, crash data and analysis of the intersection for the AM and PM peak hours. Should a safety or efficiency issue arise in accordance with standard engineering principles, the Applicant shall construct improvements consisting of a median diverter on Kyoto Gardens Drive and South Site Driveway to restrict the egress movements from the south and north to right-out only, as approved by the City Engineer. Surety shall be posted for this improvement prior to platting. The Applicant shall conduct and provide an analysis to staff for review in December of every year beginning in the December after the final Certificate of Occupancy or Certificate of Completion, whichever occurs last, for the last building in the project and continuing for five years thereafter.
- e. Prior to the issuance of the Certificate of Occupancy for either Building MUT or Building R, whichever occurs first, the Applicant shall conduct a signal warrant analysis at the intersection of Gardens Parkway and Lake Victoria Gardens Avenue. The Applicant shall thereafter conduct an annual signal warrant analysis every year until five years after the final Certificate of Occupancy for the last building in the project. If the signal is warranted, the Applicant shall design the signal and submit the warrant and design to the City and Palm Beach County (PBC) for review and approval. Once a permit is obtained from PBC, the Applicant shall construct the signal. (Traffic)

84. The installation of the foregoing off-site improvements shall entitle the Applicant to impact fee credits, including mobility fee credits, the amount of which shall be determined at the time of installation and shall be consistent with Sections 78-94 and 98-99 of the City's Land Development Regulations. (Planning and Zoning)

SECTION 6. This petition is approved subject to strict compliance with the Exhibits listed below, which are attached hereto and made a part hereof as Exhibit "B":

1. Downtown Palm Beach Gardens Cover Sheet, Sheet 1 of 5, prepared by *Cotleur & Hearing*, dated May 10, 2021.
2. Downtown Palm Beach Gardens Master Plan, Site Plan, and Site Details, Sheets 2 through 5 of 5, prepared by *Cotleur & Hearing*, dated July 7, 2021.
3. Downtown Palm Beach Gardens Area Calculations, Sheet 1 of 1, prepared by *Cotleur & Hearing*, dated July 7, 2021.
4. Downtown Palm Beach Gardens Land Use Allocation Exhibit, Sheet 1 of 1, prepared by *Cotleur & Hearing*, dated July 7, 2021.
5. Downtown Palm Beach Gardens Design Guidelines, prepared by *Cotleur & Hearing*, *CREATE Architecture Planning & Design*, and *EDSA*, dated July 8, 2021.

6. Downtown Palm Beach Gardens Permitted Uses, City stamped July 12, 2021.
7. Downtown Palm Beach Gardens Mobility Exhibit, Sheet MP-1, prepared by *CREATE Architecture Planning & Design*, and *EDSA*, dated July 7, 2021.
8. Downtown Palm Beach Gardens On-Site Circulation Exhibit, prepared by *Cotleur & Hearing*, *CREATE Architecture Planning & Design*, and *EDSA*, dated July 7, 2021.
9. Downtown Palm Beach Gardens Proposed Building Coverage, Vertical Egress Options, and Proposed Outdoor Seating Coverage, Sheets 1 through 4 of 4, prepared by *CREATE Architecture Planning & Design*, and *EDSA*, dated May 10, 2021.
10. Downtown Palm Beach Gardens Full Vision Development Application Booklet, Sheets 1 through 65 of 65, prepared by *Cotleur & Hearing*, *CREATE Architecture Planning & Design*, and *EDSA*, dated July 7, 2021.
11. Downtown Palm Beach Gardens Residential Building Floor Plans, Sheets A-2.0 through A-2.5 and A-4.1 through A-4.3, prepared by *MSA Architects*, dated March 30, 2021.
12. Downtown Palm Beach Gardens Residential Building Elevations and Color/Material Board, Sheets A-3.1 through A-3.14, prepared by *MSA Architects*, dated March 30, 2021.
13. Downtown Palm Beach Gardens Residential Garage Photometrics Plan, Sheets EPH-1.0 through EPH-3.0, Prepared by *Franyie Engineers, Inc.*, dated April 16, 2021.
14. Downtown Palm Beach Gardens Residential Building Tree Disposition Plans, Sheets TD-1 and TD-2, prepared by *Architectural Alliance Landscape*, dated April 2, 2021.
15. Downtown Palm Beach Gardens Residential Building Hardscape Plans, Sheets L-000, L-100, L-101, and L-103, dated May 6, 2021; Sheets L-102, L-104, L-120, L-122 through L-126, dated April 2, 2021; Sheet L-121, dated April 8, 2021; and Sheet L-127, dated April 17, 2020, prepared by *Architectural Alliance Landscape*.
16. Downtown Palm Beach Gardens Residential Building Landscape Plans, Sheets L-200 through L-205, prepared by *Architectural Alliance Landscape*, dated May 6, 2021.
17. Downtown Palm Beach Gardens Residential Building Lighting and Photometric Plans, Sheets L-400 through L-504, prepared by *Architectural Alliance Landscape*, dated May 6, 2021.

18. MUT Downtown Palm Beach Gardens Floor Plans and Elevations, Sheets A-101A through A-202, prepared by *RATIO*, dated July 8, 2021.
19. Downtown Palm Beach Gardens Existing Parking Structure Modifications, Sheets A101 through A401, ED101 through ED201, prepared by *DESMAN Design Management*, dated May 6, 2021.
20. Downtown Palm Beach Gardens Existing Parking Structure Building Elevations, Sheet A200, prepared by *DESMAN Design Management*, dated August 24, 2020.
21. Downtown Palm Beach Gardens Existing Garage Site Elevations, Sheet L0-0-02, prepared by *CREATE Architecture Planning & Design* and *EDSA*, dated July 7, 2021.
22. Downtown Palm Beach Gardens Landscape, Hardscape, and Furniture Plans, Sheets L0-0-04 through L9-1-09, prepared by *CREATE Architecture Planning & Design* and *EDSA*, dated July 7, 2021.
23. Downtown Palm Beach Gardens Material Board, prepared by *Cotleur & Hearing*, dated August 2020.
24. Downtown Palm Beach Gardens Furnishing Details Exhibit, prepared by *Landscape Forms, Inc.*, City stamped July 12, 2021.
25. Downtown Palm Beach Gardens Water Wall Fountain Plans, Sheets F1.1 through FE1, prepared by *Freeport Fountains*, dated October 16, 2020.
26. Downtown Palm Beach Gardens Pendulo Swing Plans, prepared by *CREATE Architecture Planning & Design*, dated April 8, 2021.
27. Downtown Palm Beach Gardens Full Vision Set Overall Site Lighting Plan, Sheet 1740 LT-CS-4, dated October 30, 2020, and Sheets 1740 LT-CS-4.6P through 1740 LT-CS-4.10P, dated January 22, 2021, prepared by *CREATE Architecture Planning & Design*.
28. Downtown Palm Beach Gardens Full Vision Lighting Fixture Schedule, prepared by *Lighting Elysium*, dated April 30, 2021.
29. Downtown Palm Beach Gardens Full Vision Lighting Spec Book, prepared by *Lighting Elysium*, dated April 30, 2021.
30. Downtown Palm Beach Gardens Master Sign Plan, Sheets 1 thorough 57 of 57, prepared by *Cotleur & Hearing*, *CREATE Architecture Planning & Design*, *EDSA*, and *505 Design*, dated July 8, 2021.

31. Downtown Palm Beach Gardens Tenant Use Summary, prepared by *Cotleur & Hearing*, dated July 9, 2021.
32. Downtown Palm Beach Gardens – Parking Requirement Evaluation, prepared by *Kimley-Horn and Associates, Inc.*, dated May 7, 2021.
33. Downtown Palm Beach Gardens Site Assessment Study, prepared by *Kimley-Horn and Associates, Inc.*, dated May 12, 2021.
34. Downtown Palm Beach Gardens Site Development Plans, Sheets 1 through 37 of 37, prepared by *Simmons & White*, dated July 8, 2021.
35. Downtown Palm Beach Gardens Fire Truck AutoTurn, prepared by *Simmons & White*, dated July 6, 2021.
36. Downtown Palm Beach Gardens SU-30 AutoTurn Analysis, prepared by *Simmons & White*, dated July 9, 2021.

SECTION 7. All representations made by the Applicant or the Applicant's agent at any public hearing regarding this application are specifically incorporated herein, and this approval is granted subject to same.

SECTION 8. This Resolution shall become effective ten days after adoption.

(The remainder of this page intentionally left blank.)

PASSED AND ADOPTED this ____ day of _____, 2021.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: _____
Rachelle Litt, Mayor

ATTEST:

BY: _____
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: _____
R. Max Lohman, City Attorney

<u>VOTE:</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
MAYOR LITT	_____	_____	_____
VICE MAYOR REED	_____	_____	_____
COUNCILMEMBER WOODS	_____	_____	_____
COUNCILMEMBER MARCIANO	_____	_____	_____
COUNCILMEMBER TINSLEY	_____	_____	_____



EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL 1:

ALL OF DOWNTOWN AT THE GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 118, PAGES 130 THROUGH 133, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING FORMERLY DESCRIBED AS:

TRACT "A" OF DOWNTOWN AT THE GARDENS AND LANDMARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 101, PAGE 12 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; TOGETHER WITH:

A PARCEL OF LAND LYING IN AND BEING A PORTION OF THE EXISTING RIGHT-OF-WAY OF KYOTO GARDENS DRIVE, AS RECORDED IN OFFICIAL RECORDS BOOK 8292, PAGE 1543, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT "A", OF DOWNTOWN AT THE GARDENS AND LANDMARK, AS RECORDED IN PLAT BOOK 101, PAGES 12 THROUGH 15, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KYOTO GARDENS DRIVE; THENCE, SOUTH 58°42'07" EAST, A DISTANCE OF 42.25 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 614.12 FEET, A CENTRAL ANGLE OF 36°06'04" AND WHOSE CHORD BEARS SOUTH 84°01'00" EAST; THENCE, EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 386.95 FEET; THENCE, NORTH 24°53'30" EAST ALONG A LINE BEING ON THE SOUTHERLY PROPERTY LINE OF SAID TRACT "A" AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KYOTO GARDENS DRIVE, A DISTANCE OF 29.75 FEET TO A POINT ON SOUTHERLY PROPERTY LINE OF SAID TRACT "A", BEING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KYOTO GARDENS DRIVE, SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 643.87 FEET, A CENTRAL ANGLE OF 38°52'31" AND WHOSE CHORD BEARS NORTH 85°21'51" WEST; THENCE, WESTERLY ALONG THE ARC OF SAID CURVE, BEING THE SOUTHERLY PROPERTY LINE OF SAID TRACT "A" AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID KYOTO GARDENS DRIVE, A DISTANCE OF 436.87 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

NON-EXCLUSIVE EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1 SET FORTH IN SECTION 2 OF ARTICLE IV OF THAT DECLARATION OF COVENANTS, RESTRICTIONS, AND EASEMENTS FOR THE MACARTHUR CENTER, RECORDED IN OFFICIAL RECORDS BOOK 8098, PAGE 403, AND FIRST AMENDMENT

RECORDED IN OFFICIAL RECORDS BOOK 8296, PAGE 1318; AND ASSIGNMENT AND ASSUMPTION OF RIGHTS OF DECLARANT RECORDED IN OFFICIAL RECORDS BOOK 11160, PAGE 1190, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS AND FOR THE PURPOSES DESCRIBED THEREIN.

PARCEL 3:

RECIPROCAL ACCESS EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1 SET FORTH IN SECTION 1.2 OF THAT CONSTRUCTION, RECIPROCAL EASEMENT, AND ACCESS AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 23303, PAGE 184, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS AND FOR THE PURPOSES DESCRIBED THEREIN.

PARCEL 4:

EASEMENT RIGHTS FOR THE BENEFIT OF PARCEL 1, AS SET FORTH IN THE AGREEMENTS, EASEMENTS, AND COVENANTS RECORDED IN OFFICIAL RECORDS BOOK 17501, PAGE 106, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE LANDS AND FOR THE PURPOSES DESCRIBED THEREIN.

ALL OF THE SUBJECT LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT “B”

to

Resolution 42, 2021

Documents are contained in the link below.