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**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**

**Monday, September 14, 2020 Board Meeting**

**Meeting Will Be Held via Zoom Platform**

**CONTACT CRA FOR ZOOM LINK**

**NOTE: Agenda Summary (Pages 3-11)  
Staff Report (Pages 12-17)**

**I. CALL TO ORDER / ROLL CALL**

**II. AGENDA APPROVAL**

- 1. Additions, Deletions, Substitutions to Agenda**
- 2. Adoption of Agenda**

**III. ADOPTION OF W/BH CRA MINUTES (Pages 18-22)**

**IV. PUBLIC COMMENTS**

**V. DISCLOSURES**

**VI. CONSENT AGENDA**

**VII. REGULAR AGENDA**

- 1. Approval of an Official Zoning Map Amendment of 1610 N. Congress Avenue from RM to CG for the Autumn Ridge 106-Unit Multifamily Mixed-Use Development (Pages 23-46)**
- 2. Approval of a Development Order Abandonment & Class B Conditional Use Approvals for a Limited Access & a Multi-Access Self-Storage Facility (Pages 47-77)**
- 3. Approval of COVID-19 Small Business Emergency Relief Forgivable Loan Program Applications (Pages 78-138)**
- 4. Approval of Site Development Assistance Program Guidelines Revision (Pages 138A-143)**
- 5. Approval of Neighborhood Preservation Program Guidelines Revision (Pages 144-146 )**



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## **VIII. REPORTS**

### **A. Staff Reports**

**Correspondence (Pages 147-152)**

### **B. Attorney's Report**

### **C. Committee Reports and Board Comments**

- 1. Administrative/Finance –**
- 2. Capital Improvements – Chair, Mr. Daniels**
- 3. Land Use –**
- 4. Real Estate – Chair, Mr. Kirby**
- 5. Marketing –**
- 6. Community Affairs –**
- 7. Special Events – Chair, Ms. Ruffy**

## **IX. ADJOURNMENT**

**ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE BOARD WILL BE BARRED FROM FURTHER AUDIENCE BEFORE THE BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD AS GRANTED BY A MAJORITY VOTE OF THE BOARD MEMBERS PRESENT.**

**IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, HE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.**

**ON JUNE 7, 1994, THE BOARD OF COUNTY COMMISSIONERS APPROVED RESOLUTION NO. 94-693, KNOWN AS THE CODE OF ETHICS. UNDER SECTION 11, IT IS REQUIRED THAT PAID AND UNPAID LOBBYISTS REGISTER. PLEASE REFER TO SECTIONS 11.01 AND 11.02 IN THE CODE OF ETHICS FOR REGISTRATION SPECIFICS. FOR YOUR USE, REGISTRATION FORMS ARE AVAILABLE FROM THE CRA'S ADMINISTRATIVE ASSISTANT.**



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**AGENDA ITEMS**  
**Westgate/Belvedere Homes CRA Board Meeting**  
**September 14, 2020**

**REGULAR AGENDA:**

**1. Approval of an Official Zoning Map Amendment of 1610 N. Congress Avenue from RM to CG for the Autumn Ridge 106-Unit Multifamily Mixed-Use Development**

**A. Background and Summary:** The site is located on the east side of Congress Avenue south of Westgate Avenue. The project site consists of 2 contiguous narrow parcels which back onto a drainage lake privately owned by the Lakeside Mobile Home Park. The project site has split zoning: the parcel to the north is zoned Residential Multifamily medium density (RM) and has a small single family dwelling; the larger parcel to the south is zoned Commercial General (CG) and is vacant. Both parcels have a Commercial High with an underlying residential future land use designation of 8 du/acre (CH/8).

Landmark Companies, the contract purchaser (dba Autumn Ridge, LLC), proposes to redevelop the site into a 106-unit multifamily seniors-only Low Income Tax Credit (LITC) rental development comprised of 1 and 2 bedroom units in a 5-story building, for a total GFA of 108,989 sf, including a small 1,100 sf ground floor ancillary commercial retail space; 54 one-bedroom units and 52 two-bedroom units are proposed. A recreation space, open to the public, is also included as a site amenity.

At the August 10, 2020 regular meeting, the CRA Board recommended approval of the project with an allocation of 77 units from the unit pool of WCRAO Density Bonus Program; an allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool, and the project site plan.

As indicated above, the Congress Avenue site currently has split zoning; the smaller northern parcel is zoned Multifamily Residential (RM) and the larger southern parcel is



zoned Commercial General (CG). Residential uses are allowed in commercial zoning districts in the WCRAO to facilitate mixed use, but commercial uses are not permitted in residential zoning districts due to intensity of use and impact on surrounding residential. The PBC Zoning Division has determined that a rezoning of the northern parcel of the site is required for site consistency. The agent had argued that since development in the WCRAO is governed by the PDRs and supplementary standards of the Sub-area and the intent of the UG sub-area of the WCRAO where mixed use is the preferred development and multifamily and townhouse developments are permitted by right in non-residential zoning districts where mixed use is permitted, there is no functional need to rezone other than for technical compliance when the site is combined into one during the platting process. The County has not yet amended the Comp Plan or the ULDC to accommodate the directive of SB 1339, recently signed in to law by the Florida Governor, that allows the development of affordable housing on any parcel of land zoned residential, commercial or industrial.

The applicant's **new request** seeks Westgate CRA Board recommendation of approval for an Official Zoning Map Amendment of the northern parcel (PCN 00-43-43-29-00-000-3180) from existing Multifamily Residential (RM) to General Commercial (CG) for site consistency.

**B. Recommendation:** CRA Staff recommends ***approval*** of an Official Zoning Map Amendment of the northern parcel (PCN 00-43-43-29-00-000-3180) from existing Multifamily Residential (RM) to General Commercial (CG) for site consistency.

## **2. Approval of a Development Order Abandonment & Class B Conditional Use Approvals for a Limited Access & a Multi-Access Self-Storage Facility**

**A. Background and Summary:** The subject site is a +/- 1.43-acre parcel is located at 4200 Westgate Avenue., approx. ¼ mile from N. Military Trail. The property is within the Urban Highway (UH) sub-area of the WCRAO and zoned CG (commercial general). The Future Land Use designation is CH/8 (commercial high with an underlying residential land use of 8 du per acre). The site is in the U/S Tier, RRIO (Revitalization, Redevelopment & Infill Overlay), as well as in the URAO (Urban Redevelopment Area



Overlay), and in a CCRT area. A wet retention pond, privately owned by Cross County Mall and zoned CG/SE with a CHX/8 FLU is adjacent to the property to the south; Westgate Plaza, a multifamily seniors affordable housing development, zoned RM with a HR/18 FLU, is to the east; Cross County Commerce Center office/warehouse, zoned CG/SE with a CH/8 FLU is across Westgate Avenue at Donnell Rd to the north; and, the Palm Beach County School District Adult Education Facility, nearing construction completion, is located to the west of the site. The parcel is currently vacant.

The applicant, **Museo Vault WPB, LLC**, provides fine art self-storage in a private, secure, climate and UV- light controlled facility. The company has two successful locations in South Florida: Miami and West Palm Beach on Northpoint Parkway; 4200 Westgate Avenue is proposed as the third location.

The proposed development consists of a 4-story +/- 49,760 sf self-storage facility consisting of +/- 45,304 sf of Limited Access Self Storage and +/- 4,456 sf of Multi-Access Self Storage. Due to impacts on surrounding uses, self-storage development requires Class A Conditional Use approval by the BCC, however, the WCRAO provision allowing Class A uses to be approved as a Class B Conditional Use by the Zoning Commission if the site is 2 acres or less. The site was approved for a 15,000 sf. office/warehouse development in 2004, however, the development order has since been allowed to expire, so the applicant has also included a request to formally abandon the development order concurrent with this application. The project is proposed to be completed by 2025.

### **Summary of Petition**

The applicant requests a recommendation of approval from the Westgate CRA to include the following:

1. Class B Conditional Use to allow a +/- 45,304 sf Limited Access Self-Storage Facility;
2. Class B Conditional Use to allow a +/- 4,456 sf Multi-Access Self Storage Facility;
3. Abandonment of R-2004-2275 (Class A Conditional Use approval for Office/Warehouse) and R-2008-259 (DOA to amend conditions of approval for R-2004-2275); and,



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4. Final DRO Site Plan approval.

CRA Staff generally support the development of a self-service storage facility on this vacant parcel; the use is primarily limited access self-storage, traffic impacts are minimal, and the architecture is modern, designed to mitigate any adverse visual impacts. The applicant is seeking to employ staff to carry out the operational aspects of fine art handling, and assistance with pick-up and delivery. The use will serve a local and regional demand for individuals, businesses, and government agencies seeking a secure fine art self-storage facility; the company stores and provides art to international art events such as Art Basel in Miami. It is anticipated that the project will draw positive attention to the redevelopment area from outside interests.

**B. Recommendation:** CRA Staff recommends **approval** of the following:

1. Class B Conditional Use to allow a +/- 45,304 sf Limited Access Self-Storage Facility;
2. Class B Conditional Use to allow a +/- 4,456 sf Multi-Access Self Storage Facility;
3. Abandonment of R-2004-2275 (Class A Conditional Use approval for Office/Warehouse) and R-2008-259 (DOA to amend conditions of approval for R-2004-2275); and,
4. Final DRO Site Plan approval.

**3. Approval of COVID-19 Small Business Emergency Relief Forgivable Loan Program Applications**

**A. Background and Summary:** On June 8 2020, the CRA Board approved the creation of the COVID-19 Small Business Emergency Relief Forgivable Loan Program to support the retention of small businesses vital to the overall economic health of the redevelopment area, protect and support capital improvements undertaken and planned the CRA, and to prevent the furtherance of slum and blight conditions, pursuant to the goals and objectives of the Westgate CRA Community Redevelopment Plan.

The program offers up to \$10,000 in financial assistance to the business in the form of a forgivable loan for eligible expenses, up to \$10,000, associated with rent, payroll support, inventory purchases, utility expenses, technology upgrades to facilitate remote



working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation. The program is funded with Tax Increment Financing in accordance with the CRA's Redevelopment Plan. A total amount of \$150,000 was approved by the Board. The funding will straddle two fiscal years, \$50,000 in 2020 and \$100,000 in 2021.

### **Program Eligibility:**

- Must be located within the Westgate CRA redevelopment area;
- Loan applicant must be a business that was or became operational (as evidenced by a Certificate of Occupancy or Palm Beach County Business Tax Receipt) prior to January 1, 2020;
- Loan applicant must be the business entity (or d/b/a) named on the corporate documents, and the application must be executed by the principal/owner(s) named on the corporate documents. If a corporate entity, the principal must execute a personal guarantee for the loan;
- Must be a for-profit, privately held business with less than 25 employees;
- Must provide proof that the business is properly entitled and licensed by all necessary levels of government;
- Businesses must have an executed one-year minimum lease;
- Business must employ a minimum of one (2) full-time equivalent W-2 employees whose wages are reported to the state and federal government; one (1) position occupied by the business owner may count toward the required job positions.
- If any individual is the Principal/Owner for more than one eligible business, the Principal/Owner may only sign the application on behalf of one business. This means that if one or more eligible businesses have a Principal /Owner in common, only one of those businesses may apply for the Program, even if the business(es) has (have) more than one Principal/Owner.

### **Ineligible Businesses:**

- Businesses that are prohibited uses within the Westgate Community Redevelopment Area Overlay (WCRAO) or certain sub-areas of the WCRAO including, but not



limited to: adult entertainment, convenience stores, employment agencies, gas and fuel sales, self-service storage, or contractor storage yards;

- Businesses that do not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including, but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, liquor stores, smoke/e-cig or vape shops, tattoo shops, or any other use as determined by the Westgate CRA Board or designee;
- Not for profit organizations or places of worship;
- Businesses with more than 25 and less than two (2) full-time equivalent employees;
- Businesses which are publicly traded; and,
- Businesses that do not report employees' wages.

**Eligible Businesses Include, but are not Limited to:**

- Restaurants, professional/general offices (based on NAICS codes), medical/dental offices, neighborhood grocers, brick and mortar retail sales, veterinary clinics, catering services, personal services, financial institutions, and home-based businesses or home-based day cares with a residential address in the CRA.

**LOAN TERMS AND CONDITIONS**

The maximum amount of loan to any one business under the Program is \$10,000. Loan applicants may apply multiple times if loaned less than the maximum amount, but no loan applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, loan applicants that were loaned \$10,000 may reapply for additional funding until the new maximum is reached.

Loans shall be interest-free, and the loan amount shall be due to be repaid to the Westgate CRA one (1) year from the date of the loan. Loan applicants will be required to sign a promissory note to ensure compliance with the loan, program terms, and conditions

**Application packets must include:**

- ✓ Copy of the corporate documents for the applying business entity (an active copy of your registered business as shown on [SunBiz.Org](http://SunBiz.Org)).





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- ✓ Copy of Palm Beach County occupational license (Business Tax Receipt or BTR).
  - ✓ Documentation to support the loan applicant's request for approval including a breakdown of eligible expenses for rent, payroll, inventory, utility expenses, and/or technology upgrades. Examples include, but are not limited to: lease agreements, invoices, receipts, paystubs, utility bills or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as specified above.
  - ✓ Completed, signed, and notarized application (attached).
  - ✓ W-9 Form.
- Other proof as necessary to evidence compliance with Funding Eligibility.

### **COVID-19 Applications to Be Considered (Separate Motion May Be Needed)**

#### **1. Advanced Vision**

This business is a medical office/retail located at 532 Okeechobee Blvd. They request \$10,000 in rent assistance. The business has been in the CRA for twenty-one (21) years.

#### **2. Shoe Haul Retail Sales**

This business is a retail sales located at 2702 N. Military Trail in the Palm Beach Commons plaza. They request \$10,000 in rent and payroll assistance. The business has been in the CRA for six (6) years.

#### **3. Alternative Automotive Services**

This business is a vehicle Repair & Maintenance located at 2702 Rockey Dr. They request \$10,000 in rent and payroll assistance. The business has been in the CRA for 38 years.

#### **4. Tender Love & Care**

This business is a Day Care Center located at 1859 Seminole Blvd. They request \$10,000 in payroll assistance. The business has been in the CRA for 17 years.

#### **5. Mufflers, Brakes & More**

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This business is a vehicle repair & maintenance located at 2536 Okeechobee Blvd. They request \$10,000 in payroll, utility and inventory assistance. The business has been in the CRA for 21.5 years.

CRA Staff have reviewed the applications. They all meet the requirements established by the Board.

- B. Staff Recommendation:** Staff recommends the approval of all five (5) applications for \$10,000 each.

#### **4. Approval of Site Development Assistance Program Guidelines Revision**

- A. Background and Summary:** The **SITE DEVELOPMENT ASSISTANCE PROGRAM (SDAP)** is available to new residential, and new and existing commercial, and industrial development within the Westgate CRA redevelopment area. The program is established to encourage developers and property owners to improve in the external appearance of their properties and/or invest in their operations. The result will eliminate blighted influences, stabilize property values, and facilitate redevelopment activity in the target area in accordance with the CRA's Community Redevelopment Plan. The Site Development Assistance grant provides funding assistance to help defray or leverage the cost of exterior improvements and project related engineering, architectural, and permitting costs associated with new construction, building expansion, and renovations. This revision will add provision to allow new single family development to participate in the program. The following language is proposed to be added to the program guidelines.

\$5,000 per unit for eligible project costs may be reimbursed for new single family projects with up to 5 units on contiguous sites, to a maximum of \$15,000, and to a maximum of \$40,000 for new single family projects with more than 5 units on contiguous sites.

- B. Recommendation:** Staff recommends that the Board allows the new language to cover the inclusion of single family development into the SDAP guidelines.



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## 5. Approval of Neighborhood Preservation Program Guidelines Revision

**A. Background and Summary:** The **NEIGHBORHOOD PRESERVATION PROGRAM (NPP)** seeks to encourage the preservation of the CRA's existing housing stock by providing assistance to homeowners to make needed improvement to their homes.

This revision will add provision to 1) assist property owners with plumbing and sewer connection and 2) to apply multiple times within the three-year period for more funding provided that they don't exceed the \$6,000 maximum amount of the grant. The following language is proposed to be added to the program guidelines.

The maximum amount of grant to any one property owner under the Program is \$6,000. Grant applicants may apply multiple times if granted less than the maximum amount, but no grant applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, grant applicants that were granted \$6,000 may reapply for additional funding until the new maximum is reached.

**B. Recommendation:** Staff recommends that the Board allows the new language to cover plumbing and sewer connection and to allow applicants to apply multiple times provided that they don't exceed the maximum amount of the grant within three years.

## **WESTGATE/BELVEDERE HOMES CRA BOARD MEETING**

### **Staff Update on In-House Projects** **September, 2020**

#### **COVID-19 Small Business Emergency Relief Forgivable Loan Program**

The Board approved the Program at the June meeting. The program has been advertised on our website as well as Facebook page. Staff completed a direct mail out advertising the availability of the program to Westgate businesses at the end of August. Business types were screened by uses permitted in certain WCRAO sub-areas. Interest in the program has been robust. Four (4) applications will be presented to the Board for approval at their September meeting; many more application submittals are anticipated.

**Background:** Small businesses have suffered financial loss and hardship due to the COVID-19 crisis. Small businesses in the CRA district with less than 25 employees can apply for up to \$10,000 in financial assistance in the form of a forgivable loan for eligible expenses associated with rent, payroll support, inventory purchases, utilities, expenses associated with technology upgrades to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate a 6' physical separation. First come, first served basis. \$150,000 from the CRA's budget has been allocated to the program.

#### **2020-01 and 2020-02 ULDC Amendment Round (NEW)**

**Update:** Due to workflow and scheduling challenges caused by COVID-19 spring lockdowns, the WCRAO Amendment was moved from the first round (2020-01) to the second round (2020-02). Staff worked with 2GHO to complete the amendments. A summary of amendments including the timeline for approval and the amendment draft were approved by the Board at their August Board meeting. The amendments were heard and unanimously recommended for approval by the LDRAB at their August 26<sup>th</sup> meeting. No changes to the amendment language were made. The amendments will proceed to the BCC for 1<sup>st</sup> reading in December and adoption in January 2021.

The CRA is seeking to make amendments to its overlay that are focused on the following: restrict or limit certain commercial and industrial uses that do not support the intent of the Sub-area or the Plan such as car wash, landscape service, commercial parking, self-storage and distribution facilities, manufacturing & processing, warehouse, and wholesaling; revise PDR's to reflect smaller lot sizes on Westgate Ave and Okeechobee Blvd allowing more flexibility in development without the need for variances; eliminate sky exposure planes; and revise the Density Bonus Program to be consistent with the County's WHP in design, compliance and enforcement, also revising the criteria for WCRA approval of bonus units to allow better access for smaller residential projects.

**Background:** Amendments to the County's Unified Land Development Code (ULDC) occur twice annually. The CRA regularly participates in this process to update areas of its WCRA Zoning Overlay to better achieve the goals and objectives of the agency and the amended Community Redevelopment Plan, respond to industry and market trends, simplify processes, and correct technical and language glitches.

#### **Public Assistance Grant (ONGOING)**

FEMA has approved nearly \$100,000 to pay for debris removal, and clean up detention ponds as a result of Hurricane Irma. Staff is working with the Florida Department of Emergency Management to implement this project.

### **Community Garden/Greenmarket (ONGOING)**

Update: Construction to install electricity, an irrigation pump and an irrigation system have been installed. Staff is working on securing a contractor for site improvements and installation of a pre-manufactured structure to act as a permanent greenmarket. The Plat has been granted technical compliance. Following the completion of corner clip dedications, the project can move into the permitting phase.

Background: Staff engaged Schmidt-Nichols (SN) to prepare a site plan for the community garden and the green market. The CRA initiated new regulations to allow green markets to operate as an accessory to community gardens without having to buffer surrounding residential uses with an opaque wall and 20 ft landscape buffer. The site plan includes an enclosed structure with a bathroom and a walk-in cooler. The community garden/greenmarket received site plan approval in March 2018.

CRA staff proposed amendment language, adopted in the 2018-02 Round, to eliminate the community garden use from landscaping requirements, and modified code language regarding hours of operation and building size and placement for the accessory greenmarket use. Schmidt Nichols submitted an administrative amendment (ZAR) to remove the landscape buffers and ROW utility easement. The ZAR was approved in April 2019. The permits have been approved to operate the community garden. The electrician and plumbing contractors are working with the utility companies. The CRA will begin to work with a contractor/architect to design the greenmarket structure and prepare plans to submit for building permit. Platting is a condition of approval and is underway.

### **PBC Solid Waste Authority (SWA) Blighted & Distressed Properties Grants**

#### **FY 2018 – Oswego Avenue Properties Clean-up (STARTED)**

Update: The CRA has paid a contractor to remove evasive trees, vegetation and debris on the sites. An additional time extension of the grant agreement has been provided by the SWA.

Staff worked with Schmidt Nichols on the dog park design. A site and landscape plan, along with cost estimate have been provided. The CRA is also working with County Purchasing to see if the agency can utilize the County's annual contract "piggyback" policy. The remaining lots will be cleared, sodded, and fence commensurate with the original scope.

Background: The CRA was awarded in the amount of \$92,700 to clean-up, clear, sod and fence 6 vacant CRA-owned properties on Oswego Avenue east of Seminole Blvd. previously earmarked for the L-2 Canal Expansion project. The CRA is proposing match funds in the amount of \$34,460. An Interlocal Agreement between the CRA & SWA was approved by the BCC in March 2018. The CRA received a 50% disbursement of total funds in April 2018.

SWA has approved an extension to the grant timeline and a change of scope to develop a dog park on three of the Oswego Avenue parcels targeted for the properties clean-up. The dog park will include areas and equipment for small and large dogs, fencing, landscaping, and benches. By the fall of 2018, the LWDD cleared a majority of the vegetation overgrowth along the L-2 canal leaving a window of opportunity in the budget to create a simple dog park and still maintain the overall budgeted amount.

#### **FY 2017 – Oswego Oaks Park (ONGOING)**

Update: The park is now open to the public and maintenance has been taken over by the CRA. Staff anticipates DHES approval of required CDBG related close out documents, final retainage to be paid to the contractor, and final disbursement of remaining SWA grant funds by the end of September. DHES is administratively amending the funding agreement completion date to September 30, 2020. to Staff will begin working on a small-scale ribbon cutting to be held towards the end of October.

The park reached final construction completion at the end of August 2019. Final inspections began in September 2019 and punch list items were addressed. The LWDD requires drainage permit as-builts, several sub-permits were required (pavilion roof, site electrical) and remain under review due to delays caused in part by contractor inaction and by an extremely slow County Building review process. Staff is working with the County and with West to expedite, however, due to the impact to workflows from the COVID-19 spring lockdown, close-out was delayed. Final inspections were passed in May 2020. Staff is working with DHES and West to provide required CDBG certified payrolls and documents. All that remains to be done is a formal close out of the grant. Contractor final retainage is held until approval of grant documents is provided by DHES.

**Background:** The CRA was awarded in the amount of \$151,000 to design and build a neighborhood park on Oswego Avenue at Seminole Blvd across from the Westgate Recreation Center. The park will utilize 3 vacant CRA owned lots formerly earmarked for the L-2 Canal expansion project. Staff worked with PBC Parks & Recreation to design the project. In 2017, PBC HES originally approved a request for \$114,000 in CDBG funds to match the SWA grant. The SWA forwarded 50% of the grant amount to the CRA to start the project. Following completion of design and engineering drawings, it became clear that the project was underfunded. CRA Staff requested additional funding of \$231,000 in FY 2018 CDBG allocations from HES to cover a budget shortfall for the park project. Construction drawings were finalized and the project was advertised for bid in August 2018. The contract was awarded to the lowest bidder West Construction Inc. The contract has been executed and construction began in November 2018.

### **PBC Transportation Planning Agency (TPA) Transportation Alternatives (TAP) & Local Initiatives (LI) Grants**

#### **FY 2020 Cherry Road Pedestrian & Safety Improvements (NEW)**

**Update:** The Cherry Road project received approval for funding by the TPA Governing Board in July, 2020.

The CRA engaged consultants, WGI to refine the Cherry Rd. improvements project for TPA TAP grant application submittal in the 2020 cycle. CRA Staff and WGI worked with Engineering on improving the proposed typical sections. The project proposes reduced with travel lanes for traffic calming, new sidewalks on the south side of Cherry Rd east and west of the bridge to the intersection of Country Club Rd., a new 12' shared multi-use path on the north side of the corridor, new crosswalks, pedestrian scale lighting, and shade trees where allowed. The total project cost is \$1.96 million. The grant reimburses \$1 million. The application was submitted to the TPA on February 28, 2020.

#### **FY 2019 and Seminole Blvd. Complete Streets (FUNDED/ONGOING)**

**Update:** The Transportation Planning Agency Governing Board approved funding for the Seminole Blvd project at their July 18<sup>th</sup> meeting. The Seminole project was ranked #1. Staff and WGI presented the projects to FDOT and BTPAC in early April; Seminole was ranked #1 and Cherry Rd was #4. The Board recommended that the Seminole Blvd project should be prioritized since it ranked higher and is a larger project.

**Background:** The Board approved a two-fold work assignment with WGI in November 2018 to prepare a feasibility analysis to identify the best two projects to submit to the TPA for the 2019 Transportation Alternatives Program (TAP) cycle. Based on findings presented by WGI, the Board selected the following projects:

1. Seminole Blvd Complete Streets which expands existing sidewalks to 10-12 ft. multi-use paths on each side of the roadway, adds high visibility crosswalks at each intersection, adds pedestrian scale lighting, and shade trees. The project boundaries are from Okeechobee Blvd. to Oswego Ave. Total

construction cost is \$1,622,979. The grant reimburses \$1 million.

2. Cherry Road Pedestrian Safety Improvements adds new sidewalks on the south side of Cherry Rd and expands existing sidewalks on the north side to 10-12 ft., adds HAWK signalization to intersection at Country Club Rd., and two new crosswalks along the corridor, new pedestrian scale lighting, and shade trees. The project boundaries are from Quail Drive to N. Military Trail. Total construction cost is \$911,142.

TAP grant projects are designed and constructed within 3 years of prioritized funding. Design will begin in 2020 with construction completion in 2022.

#### **FY18 – Westgate Avenue Corridor Complete Streets (DESIGN STARTED)**

Update: Design has begun on the Westgate Avenue project and must be completed by July 2021. Design is moving forward without a roundabout. CRA Staff met with County Roadway Production and the project consulting engineers in February to discuss the design, scope and timeline of the project. The CRA has been asked to provide input on lighting design and landscaping. The consulting engineers have included a roundabout at the intersection of Westgate Ave. and Seminole Blvd. in their design. At their February meeting, the CRA Board, following discussion, expressed their disapproval of a roundabout at this location.

A County Selection Committee met in November 2019 and selected American Consulting Engineers of Florida (ACE) to design the project. CRA staff was in attendance for the presentations and scoring. The County Engineering Department had shortlisted three firms for the project, including CRA consultants WGI, however, volume of previous work was an overriding factor in selection.

Background Information: Staff engaged WGI to coordinate the preparation of travel demand forecast modelling to determine the impact of reducing Westgate Ave from 5 lanes to 3 lanes utilizing a road diet approach. WGI facilitated communication with PBC TPA and Engineering to determine the best design alternative, held a public input meeting, and drafted the final design for the project be used to obtain funding. WGI met with the Engineering Department to present the lane elimination plan. County staff is in support of the lane reduction from Wabasso to Congress, but they are not in support of the elevated landscape median. An alternative design, which allows for 3 lanes (2 thru lanes and one center turn lane), bike lanes, and floating landscape islands on both sides of the ROW alternating with on street parking was presented to County Engineering for approval and support. With assistance from WGI, the LI grant application was submitted on March 2, 2018. CRA staff is working with County Engineering and Administration to design and administer all 3 of the TPA grant projects.

The TPA Governing Board voted to adopt the TPA List of Priority Projects for the LRTP FY 2020-2024 at their September 20, 2018 meeting. Projects that met TPA and FDOT eligibility requirements were ranked by internal advisory boards, committees and TPA Staff to be forwarded the Governing Board. The Westgate Avenue Complete Streets project was ranked #1 of 6 entries to receive Local Initiatives Program funding. This project has been moved up the timeline due to the inability of other funded projects to proceed. Design can start in July 2019 for FY 2019/20. Construction funding will be approved after the design is completed.

#### **FY 2018 – Phase II Belvedere Heights Streetlights & Sidewalks (FUNDED/ONGOING)**

Update: The BCC is considering an agenda item on June 16<sup>th</sup> for the design of this second phase. The TPA Governing Board voted to adopt the TPA List of Priority Projects for the LRTP FY 2020-2024 at their September 20, 2018 meeting. Projects that met TPA and FDOT eligibility requirements were ranked by internal advisory boards, committees and TPA Staff to be forwarded the Governing Board. Phase II of the Belvedere Heights Streetlights and Sidewalks project was ranked #3 of 4. This project has been moved up the timeline due to the inability of other funded projects to proceed. Design can start in July 2019. Construction funding will be approved after the design is completed. The CRA needs

to execute an MOU and provide upfront funding to the County for design.

Background Information: CRA staff prepared and submitted a Transportation Alternatives Program (TAP) grant application for Phase II – Wellington Road to Bridgeman Road, of the Belvedere Heights Neighborhood for sidewalks and streetlights to PBC TPA in March 2018.

#### **FY 2017 – Phase I Belvedere Heights Streetlights & Sidewalks (DESIGN NEARLY COMPLETE)**

Update: The neighborhood has experienced chronic poor drainage and the water mains have reached the end of their useable life and must be replaced. Mock Roos, the contractor for the sidewalks/streetlights project requested that PBC Water Utilities do the water main work prior to the installation of sidewalks and they have agreed; Mock Roos will also do this work. Engenuity Group has been working on a drainage design for the area and a request has been made for Water Utilities in collaboration with Engineering to do this work ahead of sidewalk installation as well. Water main replacement will occur January thru March, 2021 with drainage in March thru July, 2021. Construction on the sidewalks project is set to begin in August 2021.

Engineers are preparing the second part of the design. The Engineering Department has engaged several consultants through a CRA/County MOU to implement the project. Design is almost completed. The County is currently reaching out to the residents.

Background Information: An application was submitted to the TPA Transportation Alternatives Grant to request almost \$1 Million to install sidewalks and streetlights in Belvedere Heights in 2017. The funds will not be available until 2019. The BCC approved Engineering Department sponsorship of the project via resolution in May 2018.

#### **CRA 5-year Strategic Plan (ONGOING)**

CRA staff has begun drafting a 5-year strategic plan that will implement the goals and objectives of the newly amended Redevelopment Plan. A strategic plan will outline the specific tasks, timeline and budget required for redevelopment activities over the next 5 years. It can also serve as a platform for the CRA to refine its vision and mission statement in a way that is current with its shifting priorities. Staff has received some initial input from Board members. Work on the Strategic Plan is ongoing.

#### **Streetlights for Belvedere Homes (ONGOING)**

The Engineering Department is partnering with Office and Community Revitalization to install streetlight in Belvedere Homes. An initial meeting has been held. Citizens are currently gathering signatures and easement authorization from residents and property owners.



### **Proposed Private Redevelopment Projects**

Below is list of private development projects in the Westgate CRA that are in the entitlements or permitting process:

<b>Projects</b>	<b>Address</b>	<b>Status</b>
Museo Vault self-service storage	4200 Westgate Ave	Submitted to CRA for recommendation 9-14-20 – proposing a 4-story, 50,000 sf fine art and antique storage facility
Autumn Ridge LITC mixed use	Congress Ave	106 units by Landmark Construction, 90% of units at or below 60% of AMI – 77 DBP units, TCEA and rezoning from RM to CG
Mufflers Brakes & More	2536 Okeechobee Blvd	Existing auto repair, seeking to expand bays
Okeechobee Steakhouse	Okeechobee Blvd	Changing catering facility use (Bldg B) to Type II restaurant with outdoor seating
Soapy Shark Car Wash (potential project --formerly KFC/Jack's Restaurant)	2200 Okeechobee Blvd.	DRO Approval & 6 variances required. Submitted to Zoning
Townhouse project	Cherokee Ave	6-7 townhomes on .46 ac – utilizing TDRs and a WCRA density bonus unit
Duplex development	1115 Osceola	Utilizing 1 WCRA density bonus unit, non-conforming lot
Cottage home project	2611 Saranac	1-acre site newly subdivided into 14 25 ft lots for cottage homes
Saginaw & Saranac SF homes	2636 Saginaw, 3449 Saranac	4 newly constructed SF homes
New Country Motor Cars — Mercedes-Ferrari	4000 Okeechobee	DOA/Concurrent Type II variance requests — redistributing square footage, expanding/renovating maintenance area, roof-top inventory parking
Quick Lane (Ford/Lincoln Dealership)	1668 N. Military Trail	Not yet submitted. Requires rezoning to CG and BCC approval for a Class A conditional use
Congress Avenue - Greene Apartments	1600 N. Congress Ave	In Zoning for DRO approval. 198 units – 138 density bonus units from WCRA pool; 55 income restricted. Issues with compensating storm water storage – SFWMD permit received at end of July utilizing available acre feet from the Preserve
MacDonald Industrial/McArthur Dairy	N. Florida Mango	Type 2 waiver for extended hours of operation. BCC approved January. Construction to begin mid 2019
Mi Pais Express (Fernandez) Mixed Use	2633 Westgate Ave	Platting process has begun. Permit submitted. Architectural review for mixed use required. CRA has prepared easement agreement. Architectural review underway. Now in permitting
Dos Hermanos Mixed Use	Westgate & Seminole Blvd	Rezoning & variances approved. DRO site plan approval. New architect
Speedy's Tires Auto Repair expansion	Congress Ave. & Cherry Rd.	Approved at Dec BCC/Final DRO. Admin amendment. Zoning complete. Platting & contractor selection
Westgate One	Westgate at Nokomis	Approved/ Extension. Potential residential project

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY  
1280 N. CONGRESS AVE., SUITE 215, WEST PALM BEACH, FL. 33409  
MINUTES OF THE MONTHLY MEETING**

**August 10, 2020**

**I. CALL TO ORDER (MEETING HELD VIRTUALLY ON ZOOM PLATFORM)**

Mr. Daniels, the Board Chair, called the meeting to order at 5:07 p.m. The roll was called by Ms. Bui.

**Present:** Ronald Daniels  
Joanne Rufty  
Joseph Kirby  
Ralph Lewis  
Yeraldi Benitez – Logged on at 5:11p.m.  
Ruth Haggerty

**Absent:** Enol Gilles

**Staff Present:** Elizée Michel, Executive Director  
Denise Pennell, Senior Planner  
Carmen Geraine, Bookkeeper  
Mai Bui, Administrative Assistant  
Thomas J. Baird, Esq., General Counsel

**II. AGENDA APPROVAL**

**1. Additions, Deletions, Substitutions to Agenda**

- No Additions, Deletions, Substitutions to Agenda

**2. Adoption of Agenda**

- It was moved by Ms. Rufty and seconded by Ms. Haggerty to adopt the Agenda. Motion carried (5-0)

**III. ADOPTION OF W/BH CRA MINUTES**

- It was moved by Ms. Haggerty and seconded by Ms. Rufty to adopt the minutes of the July 13, 2020 meeting. Motion carried (5-0)

**IV. PUBLIC COMMENT**

- PBSO Deputy Gomez and Deputy Robinson gave a brief report to the Board about police activities in the Westgate CRA area for the previous month.

## **V. DISCLOSURES**

- No disclosures

## **VI. CONSENT AGENDA**

- No consent agenda

## **VII. REGULAR AGENDA**

### **1. Approval of Proposed 20-02 WCRA Zoning Overlay Amendments**

The agenda was introduced by Ms. Pennell. The CRA and planning consultants, 2GHO, have been working with Palm Beach County Zoning Division to amend the Westgate CRA Zoning Overlay in the 20-02 Unified Land Development Code (ULDC) Amendment Round.

Dodi Glas with 2GHO and Ms. Pennell presented to the Board and answered questions about the amendment.

Staff recommended that the Board approve the amendments to the Westgate CRA Zoning Overlay as proposed.

**It was moved by Ms. Ruffy and seconded by Mr. Lewis to authorized the amendment of the Westgate CRA Zoning Overlay. The motion passed unanimously (6-0)**

### **2. Approval of Density Bonus Units, TCEA trips, and Site Plan for Autumn Ridge – 1580 7 1610 N. Congress Avenue**

The agenda was presented by Mr. Michel. The +/-3.58-acre site is located on the east side of Congress Avenue south of Westgate Avenue. The site consists of 2 contiguous narrow parcels which back onto a drainage lake privately owned by the Lakeside Mobile Home Park. The site has split zoning: the parcel to the north is zoned Residential Multifamily medium density (RM) and has a small single family dwelling; the larger parcel to the south is zoned Commercial General (CG) and is vacant. Both parcels have a Commercial High with an underlying residential future land use designation of 8 du/acre (CH/8). The parcel to the south was approved in 2002 for a vocational school/non-profit assembly use in Res. #R-2002-0835, but the project didn't move forward, and all entitlements have expired. The site is located within the boundaries of the Urban General (UG) Sub-area of the WCRAO. Directly to the north of the site is a 7.5-acre vacant assemblage approved for a 198-unit

market rate multifamily development called the Greene Apartments; the project is currently in permitting. To the south is an established commercial office-warehouse development. The site is in the U/S Tier as well as in the Revitalization and Redevelopment Infill Overlay (RRIO), Urban Redevelopment Area Overlay (URAO), and the CCRT area.

Landmark Companies, the contract purchaser (dba Autumn Ridge, LLC), is a Miami-based workforce/affordable housing developer with several successful multifamily projects in South Florida including the recently constructed Dunbar Village in West Palm Beach, as well as Westgate Plaza, an 80-unit seniors affordable housing development built in 2012 on Westgate Avenue. Autumn Ridge is a 106-unit multifamily seniors-only Low Income Tax Credit (LITC) rental development comprised of 1 and 2 bedroom units in a 5-story building, for a total GFA of 108,989 sf, including a small 1,100 sf ground floor ancillary commercial retail space; 54 one-bedroom units and 52 two-bedroom units are proposed. A recreation space, open to the public, is also included as a site amenity. To streamline entitlements, avoid tripping the development and public hearing approvals thresholds, and to achieve the desired density, the applicant is requesting 77 WCRAO density bonus units. These additional units may be approved by the DRO if the increase does not exceed 22 dwelling units per acre; this project is requesting an additional density of 21.6 du/ac.

Income Mix: The Westgate CRA area has a very large concentration of households which are low and very low income. Only 20% of households earn an income that can be classified as moderate or above moderate. Affordable or low-income housing targets an AMI of 50%-80%; very-low is 60% or below of AMI. This LITC project proposes 72 of 106 units to be very-low at 60% of AMI or less; 16 units are proposed to be extremely-low at 0-30%. 12 units are proposed to be low at 60-80% of AMI, with 7 units in the moderate or middle income category. Overall, 90% of the total project units are proposed to be low, very-low or extremely-low, with only 10% of the units above 80% of AMI.

Cameron Ennis with Schmidt Nichols, Francisco Rojo and Justin Gilbert with Landmark Company presented the project to the Board. The application requested the following, recommended by Staff:

1. A 106-unit multifamily seniors-only Low Income Tax Credit (LIHTC) rental development with an 1,100 sf commercial retail space on a +/- 3.58-acre site;
2. An allocation of 77 units from the unit pool of WCRAO Density Bonus Program;
3. An allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool; and
4. Staff further recommends DRO site plan approval.

**It was moved by Ms. Rufty and seconded by Ms. Haggerty to approve Density Bonus Units, TCEA trips, and Site Plan for Autumn Ridge. The motion passed unanimously (6-0)**

### **3. Approval of FY 2020-2021 Budget**

The agenda was presented by Mr. Michel. The CRA Budget includes three parts, the Redevelopment Trust Fund, the Capital Improvement Project, and the Transportation Enhancement grants. The Redevelopment Trust Fund presents in a line-by-line format all the items funded by the tax increment revenues and rental income. This part details the administrative and the programmatic expenses. A new line item was created to add funding for the COVID-19 Small Business Assistance Grant. The preliminary tax roll value shows that the TIF might increase by 9% this year (adding more than \$200,000 to the budget); however, we don't expect to see much of an increase when the final tax is computed at the end of the year. It is very probable that market value of real properties may decrease which will result in a decrease in TIF.

The Capital Improvement Project portion provides funding from the trust fund and grants to complete infrastructure improvement projects and acquire properties for redevelopment. The grants received from CDBG and SWA are included in this portion of the Budget. The Transportation Enhancement part shows the grants received from the Transportation Planning Agency and the Department of Transportation. These grants are being managed by the Palm Beach County Engineering Department, but they were awarded to the CRA through grant applications submitted by CRA Staff. These funding is provided on a reimbursement basis. This information is being shared with the Board to show the TPA grant activities and timeline. No actual cash will be given to the CRA. Staff recommended that the Board approval of FY 2020 - 2021 Budget.

**It was moved by Ms. Haggerty and seconded by Ms. Benitez to approve FY 2020 – 2021 Budget. The motion passed unanimously (6-0)**

### **4. Approval of Ward & Company, P.A., Engagement Letter for FY 2020**

The agenda item was presented by Mr. Michel. The CRA is seeking the service of Ward & Company to audit the financial records of the CRA for fiscal year 2020. The auditors will be responsible to test the accounting records of the Westgate CRA and perform other procedures considered necessary to prepare a comprehensive report in accordance with the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. It is estimated that a single audit will not be

needed this year. Ward and Company has submitted a proposal for the work. The company proposes to complete the audit for an amount not to exceed \$19,000 - \$21,000.

Staff recommended that the Board approves staff to engage Ward and Company, P.A. to provide auditing services for fiscal year ending in September 2020.

**It was moved by Ms. Haggerty and seconded by Ms. Rufty to engage Ward and Company, P.A. to provide auditing services. The motion passed unanimously (6-0)**

#### **VIII. STAFF REPORTS**

Mr. Michel reported to the Board the Oswego Parks is completed. Staff is finalizing close-out documents required by DHES for CDBG funding.

Mr. Michel reported to the Board that Cherry Road application was approved by TPA Governing Board.

Mr. Michel reported to the Board that the Phase I design for Belvedere Heights is nearly finalized.

Mr. Michel reported to the Board that Green Apartments received approval from Water Management for permit.

#### **IX. AJOURNMENT**

**It was moved by Ms. Rufty and seconded by Ms. Benitez to adjourn the meeting. The meeting adjourned at 6:21p.m.**

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Mai Bui Administrative Assistant, Westgate CRA



Westgate CRA Board Meeting  
September 14, 2020

**AGENDA ITEM SUMMARY**

**Autumn Ridge**

1580 & 1610 N. Congress Avenue  
PCNs 00-43-43-29-00-000-3160; 3180  
Control No. 2001-00056

Official Zoning Map Amendment (RM to CG)  
for a 106-Unit Multifamily Mixed-Use Development



Location Map

**New Request:**

The Congress Avenue site currently has split zoning; the smaller northern parcel is zoned Multifamily Residential (RM) and the larger southern parcel is zoned Commercial General (CG). Residential uses are



allowed in commercial zoning districts in the WCRAO to facilitate mixed use, but commercial uses are not permitted in residential zoning districts due to intensity of use and impact on surrounding residential. The PBC Zoning Division has determined that a rezoning of the northern parcel of the site is required for site consistency. The agent had argued that since development in the WCRAO is governed by the PDRs and supplementary standards of the Sub-area and the intent of the UG sub-area of the WCRAO where mixed use is the preferred development and multifamily and townhouse developments are permitted by right in non-residential zoning districts where mixed use is permitted, there is no functional need to rezone other than for technical compliance when the site is combined into one during the platting process. The County has not yet amended the Comp Plan or the ULDC to accommodate the directive of SB 1339, recently signed in to law by the Florida Governor, that allows the development of affordable housing on any parcel of land zoned residential, commercial or industrial.

At their August 10, 2020 regular meeting, the CRA Board recommended approval of a 106-unit multifamily seniors-only LITC rental development with an 1,100 sf commercial retail space on a +/- 3.58-acre site to include:

1. An allocation of 77 units from the unit pool of WCRAO Density Bonus Program; and,
2. An allocation of 610 trips per day, 38 am peak hour trips and 50 pm peak hour trip from the WCRAO Transportation Concurrency Exception Area (TCEA) trips pool.

The Board also recommended DRO Site Plan approval provided the project complies with the architectural and supplementary standards of Art. 5 and the WCRAO, and demonstrates that the criteria for obtaining WCRAO density bonus units has been met pursuant to the following:

1. The minimum frontage requirement for the UG Sub-area of 60% is met (including exceptions for ULDC required site elements);
2. A public plaza, with a minimum size of 800 sf and 25 feet in width, including but not limited to public art, fountains, pergolas, clock tower, and public seating areas is provided and is accessible by the public; and,
3. A minimum of 40% of the projects allowed bonus density is reserved for affordable housing.

The applicant's new request seeks Westgate CRA Board recommendation of approval for the following:

1. An Official Zoning Map Amendment of the northern parcel (PCN 00-43-43-29-00-000-3180) from existing Multifamily Residential (RM) to General Commercial (CG) for site consistency.





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## Consistency with Article 2.B.7.A.2 of the ULDC for Official Zoning Map Amendments

### 1. Consistency with the Plan

The proposed rezoning from RM to CG on the northern parcel is intended to bring the entire subject site into the same zoning district to avoid confusion in the future when the subject site is platted to become a combined parcel. The proposed CG zoning district is consistent with the site's CH/8 Future Land Use designation as stated in Article 3.A.3.B of the ULDC. The proposed amendment is consistent with the Plan.

### 2. Consistency with the ULDC

The proposed rezoning from RM to CG is not in conflict with any portion of the code and is consistent with the purpose and intent of the Code. The rezoning request results from discussions with Palm Beach County Zoning staff wherein it was determined the subject property must have a consistent zoning designation over both parcels, so as to eliminate any confusion in the future once the property becomes platted together as one parcel. The subject rezoning to General Commercial (CG) is consistent with the existing CH/8 Future Land Use designation according to Article 3.A.3.B of the ULDC. Further, according to WCRAO Art. 3.B.14.E.1 of the ULDC, mixed use development may be permitted in commercial districts with an underlying residential FLU designation, such as the subject property's underlying High Density Residential, 8 units per acre. Therefore, the proposed rezoning of the north parcel to CG does not result in any land use conflicts associated with the proposed mixed use development for the site.

### 3. Compatibility with Surrounding Uses

The proposed rezoning of the northern parcel from RM to CG is compatible with surrounding uses. Many of the surrounding properties, including those to the south and west of the site, are zoned CG and have active commercial uses. Since the site is located within the UG sub-district of the Westgate CRA Overlay, which allows for greater flexibility with mixed land uses and greater commercial intensity. The purpose of the rezoning of the northern parcel is intended to apply a consistent zoning designation over the entire site, ultimately concurrent with a companion application to allow for a mixed use development that includes 106 multifamily residential units and a retail component on the ground floor. The subject rezoning allows this type of development, which is compatible with surrounding land uses.



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#### **4. Effect on the Natural Environment**

The proposed rezoning from RM to CG on the northern parcel will not result in adverse impacts on the natural environment. The rezoning does not result in any material change to the development potential of the site because it lays within the Westgate CRA Overlay which has its own land use restrictions and property development regulations. These regulations and standards set forth in ULDC Article 3.B.14 allow for mixed use developments, such as the one being proposed on the site, in both the CH and RM zoning districts with CH/8 FLU designations. The reason for the rezoning request is technical in nature and intended to reduce confusion in the future once the site's two parcels are platted as one. Therefore, the subject rezoning does not result in any impacts to the natural environment.

#### **5. Development Patterns**

The proposed rezoning of the northern parcel from RM to CG will result in a logical, orderly, and timely development pattern. The subject rezoning is intended to make both parcels of the subject site consistent in their zoning designations.

#### **6. Adequate Public Facilities:**

The proposed rezoning from RM to CG complies with Art. 2.F Concurrency (Adequate Public Facilities). The proposed rezoning does not result in any material change to the maximum development potential of the property, due to its location within the Westgate CRA Overlay, and the special allowances made within this overlay area. Therefore, the demand for public facilities has already been factored in for the site and other developable properties, within certain specified thresholds, within the Westgate CRA Overlay.

#### **7. Changed Conditions or Circumstances:**

There are demonstrated changed site conditions or circumstances provided by the applicant's Justification Statement that necessitate the amendment. The proposed rezoning is the result of a concurrent development application for a mixed-use development consisting of 106 multifamily dwelling units and a retail component on the ground floor on the subject property. A rezoning will facilitate the mixed use development and remedy the technical issues that may arise during platting should the site maintain split zoning.

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## Original August 10, 2020 CRA Board Meeting Staff Report

### Project Overview:

The +/-3.58-acre site is located on the east side of Congress Avenue south of Westgate Avenue. The site consists of 2 contiguous narrow parcels which back onto a drainage lake privately owned by the Lakeside Mobile Home Park. The site has split zoning: the parcel to the north is zoned Residential Multifamily medium density (RM) and has a small single family dwelling; the larger parcel to south is zoned Commercial General (CG) and is vacant. Both parcels have a Commercial High with an underlying residential future land use designation of 8 du/acre (CH/8). The parcel to the south was approved in 2002 for a vocational school/non-profit assembly use in Res. #R-2002-0835, but the project didn't move forward, and all entitlements have expired. The site is located within the boundaries of the Urban General (UG) Sub-area of the WCRAO. Directly to the north of the site is a 7.5-acre vacant assemblage approved for a 198-unit market rate multifamily development called the Greene Apartments; the project is currently in permitting. To the south is an established commercial office-warehouse development. The site is in the U/S Tier as well as in the Revitalization and Redevelopment Infill Overlay (RRIO), Urban Redevelopment Area Overlay (URAO), and the CCRT area.

Landmark Companies, the contract purchaser (dba Autumn Ridge, LLC), is a Miami-based workforce/affordable housing developer with several multifamily projects in South Florida including the recently constructed Dunbar Village in West Palm Beach, as well as Westgate Plaza, an 80-unit seniors affordable housing development built in 2012 on Westgate Avenue. Autumn Ridge is a 106-unit multifamily Low Income Tax Credit (LITC) rental development comprised of 1 and 2 bedroom units in a 5-story building, for a total GFA of 108,989 sf, including a small 1,100 sf ground floor ancillary commercial retail space; 54 one-bedroom units and 52 two-bedroom units are proposed. A recreation space, open to the public, is also included as a site amenity. To streamline entitlements, avoid tripping the development and public hearing approvals thresholds, and to achieve the desired density, the applicant is requesting 77 WCRAO density bonus units; only 28.6 units are permitted by right. These additional units may be approved by the DRO if the increase does not exceed 22 dwelling units per acre; this project is requesting an additional density of 21.6 du/ac.



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### **Staff Analysis:**

A development application is reviewed by the CRA for general conformity to WCRAO sub-area PDR's, design guidelines, and other overlay standards. Our site plan review and comments are preliminary, since the Zoning Division and other County departments conduct a separate, more extensive review of the site plan and related application documents via the DRO or Public Hearing process. While the primary objective of the CRA's review is to consider appropriateness of use and consistency with the intent, goals, and policies of the CRA Redevelopment Plan, Staff must contemplate projects in the CRA area in a way that facilitates development and redevelopment, but also with a critical eye that considers the larger picture and how a project will impact the community over the long term.

### **Consistency with the WCRA Redevelopment Plan & and the WCRA Overlay**

WCRAO property development regulations were established to encourage a pedestrian friendly environment, street presence, and mixed use developments that reinforce the smart growth principles of the CRA Redevelopment Plan and the County's Comprehensive Plan. The UG sub-area is envisioned as an area that allows for mixed use development with more intense commercial and residential uses, including multi-story towers where feasible. Mixed use is preferred in the UG sub-area but it is not required. While it is unlikely this project will be a catalyst project for the redevelopment of the CRA district, the importance of providing affordable seniors housing in a moment of national economic uncertainty cannot be understated. Many seniors have been adversely impacted by the Covid-19 crisis. By including a retail component, which is proposed be open to the public, the project becomes more consistent with the intent of the sub-area to provide mixed use with intense residential development.

### **Project Demographics**

Of the 106 residential units proposed, 80% or 85 units will be restricted to elderly residents, as defined by the Fair Housing Act, who are age 55 or older. Note, that at least one household member must meet the age criteria. The remaining 21 residential units will not be restricted to elderly housing and will be available for rent to persons of any age category, including those who are seniors.

### **WCRAO Density Bonus Program (DBP)**

The Housing Element of the Comprehensive Plan sets aside 1,300 bonus density units for the Westgate CRA area. To qualify for WCRAO density bonus units, a number of criteria must be met. A



project in the UG sub-area must meet three (3) of six (6) criteria outlined in the WCRAO's standards. Based primarily on site design, the applicant has chosen to comply with the following criteria:

1. Minimum frontage requirements based on WCRAO sub-area PDR's. 60% building frontage is required in the UG;
2. ...a public plaza, with a minimum size of 800 sf and 25 feet in width, including but not limited to public art, fountains, pergolas, clock tower, and public seating areas; and,
3. A minimum of 40% of the projects allowed density is reserved for affordable housing.

In addition, the WCRAO conditions the distribution and lifespan of affordable units through its Affordability Standards:

- i. All units required to be affordable shall be designed with a compatible exterior as other units within the development, and may be clustered or dispersed throughout the project;
- ii. Affordable units shall be offered for sale or rent to very low thru middle income households based on the County's AMI for any given year;
- iii. Prior to DRO approval the applicant shall record a Covenant binding the entire project which identifies each required affordable unit. These units are to be sold or rented to only very-low thru middle income households for a minimum number of years. The Covenant shall provide for monitoring or compliance requirements based on the County's WFH program. The applicant has included a draft Covenant with this application. The applicant is required to record the covenant prior to final DRO approval.

To achieve the 106 units needed for this project, 77 units from the CRA's density bonus pool are requested to be allocated. The 3.58-acre site has a permitted density of only 8 dwelling units per acre which is 29 units by right. Additional density from the CRA's bonus pool increases the density per acre to 29.6 units. Of those 77 units allocated from the bonus pool, 40% or 31 units must be set aside as affordable. This project targets low to extremely-low income households, well exceeding the affordability requirements of the WCRAO DBP.

The Westgate CRA area has a very large concentration of households which are low and very low income. Only 20% of households earn an income that can be classified as moderate or above moderate. Affordable or low-income housing targets an AMI of 50%-80%; very-low is 60% or below of AMI. This LITC project proposes 72 of 106 units to be very-low at 60% of AMI or less; 16 units are



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proposed to be extremely-low at 0-30%. 12 units are proposed to be low at 60-80% of AMI, with 7 units in the moderate or middle income category. Overall, 90% of the total project units are proposed to be low, very-low or extremely-low, with only 10% of the units above 80% of AMI.

#### **PBC Workforce Housing Program (WHP) Requirement**

Workforce housing targets households earning 60% - 140% of the County's published AMI (average median income) for any given year. The workforce sector has been chronically overlooked in the past and as a result the County has adopted a mandatory inclusionary zoning policy that requires that a certain number of units in any medium to large scale residential project be set aside and offered for rent or sale to households that meet the workforce housing criteria. Since the applicant will utilize the maximum of 8 units per acre density allowed by the site's CH/8 FLU designation, residential projects exceeding 10 units must reserve a percentage of the maximum density for workforce housing. For this project, 3 units for workforce housing are required to be reserved pursuant to the Art. 5 of the ULDC in addition to the 40% units that must be affordable to receive additional density from the WCRAO DBP. Those 3 restricted WHP units are proposed to be in the moderate to middle income categories of 80-140% of AMI.

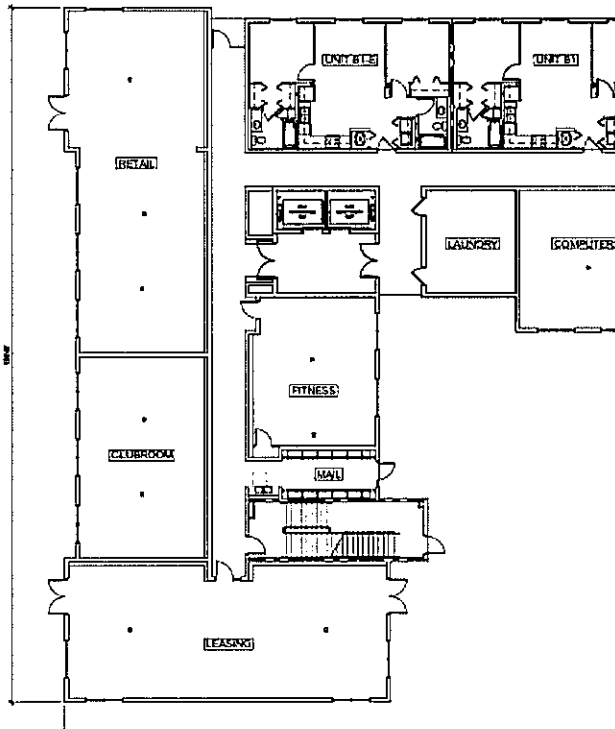
#### **WCRAO Property Development Regulations & Landscaping Provisions**

Individually, the parcels have a relatively small frontage, however combined the frontage of the site is 259 linear feet. The UG has a 60% building frontage requirement and the frontage must be on the build to line of 10-25 ft. The applicant has utilized a WCRAO minimum building frontage exception which allows the frontage to be reduced for required site elements such as setbacks, access, sidewalks, and buffer widths. Based on the preliminary site plan, the minimum requirement is met in compliance with the recommendation criteria for WCRAO density bonus units. Generally, despite an expanded setback from the R-O-W to accommodate a 120 ft. future R-O-W width dedication, the frontage provides good massing and street presence. The 1,100 sf retail space is located along the street; a minimum depth of 30 ft. is required in the UG. The maximum building height in the UG is 240 ft. or 20 stories; the building complies at 5 stories in height.

Although the site has an area of 3.58 acres, buildable land is minimized due to the poor soil quality near the private retention lake at the rear or west of the site. Some fill has been added to the site by the current owner to reduce 'muck' to preserve land value. However, this condition, along with WCRAO build to line requirements, necessitates the entire site design to be shifted west towards Congress Avenue. A build to line of 10 ft. to 25 ft. is required in the UG and a 25 ft. building setback



has been provided. Side (min. 10 ft.) and rear (min. 25 ft.) setbacks are provided to code standards. The WCRAO stipulates that the primary entrance orientation be from the street. Access to the leasing office and the retail space are from Congress Ave. A secondary access has been provided at the rear of the building to access the lobby and elevators.



Preliminary ground level floor plan  
(snapshot of entrances, common  
areas and retail space)

A landscape plan has not been provided, but is required must at building permit. The north parcel of the site has many invasive plant species that will be cleared out for construction. R-O-W and incompatibility buffer widths are indicated on the site plan and do comply with code. WCRAO landscape deviations for the UG Sub-area allow for a reduced perimeter buffer for mixed use projects, but that reduction has not been provided. R-O-W planting reductions area also applicable in the UG Sub-area. Foundation plantings may also be reduced for projects where a build to line is required pursuant to approval of an ALP by the DRO. Further relief from the landscape requirements of Art. 7 may be allowed subject to a Type 2 Waiver process pursuant to Art.3.B.14.H.2.



The applicant utilized a WCRAO provision to reduce the recreational open space required by the Parks and Recreation Department; 0.32 of an acre is provided immediately to the rear, extending to the south side of the building and will include landscaping, pathways, and a gazebo for use by residents. This area is proposed to be enclosed by a fence for security. A 7,788 sf publicly accessible open space is provided adjacent to this area and is proposed to include a covered seating area and landscaping. The public open space must be incorporated into the site design as required by the WCRAO to receive WCRA approval for the density bonus units.



Conceptual rendering of west or street-facing (Congress Ave) facade

### Architecture & Design

The applicant has provided conceptual architectural elevations and floor plans for the building design. WCRAO regulations require a porch or balcony for all units on each floor of a multi-family development. The developer, in seeking to comply with the standard, has provided “Juliet” balconies on each unit. This type of faux balcony provides the visual appearance of a balcony, without the necessary extension to allow it to function as a true balcony. WCRAO Supplementary





Standards require a minimum 3 ft. depth for balconies in the NR, NRM, NC and NG, but is silent in applicability in the UG Sub-area. Architectural guidelines in Art. 5.C.1.H.2.b requiring “individual balconies and/or patios to be provided for a minimum of 20% of the total number of units per building” will likely apply once the project is submitted for architectural review.

As a mixed use project, compliance with the standards of Art. 5, as well as WCRAO architectural and supplementary standards will be required. The architecture incorporates a modern aesthetic with recesses and projections in contrasting colors for architectural interest. The main building color is white with gray accents. A clean, neutral color schematic is increasingly popular in newer south Florida architecture. The proposed design is complementary to the architecture of the Greene Apartments to the north.

#### **Parking**

Building placement is shifted to the site’s frontage and required parking is located to the rear of the building. WCRA overlay regulations provide a substantial reduction from residential and mixed use parking requirements. Article 6 requires two (2) parking spaces per unit (one bedroom or more), plus 1 space per 4 guests for multi-family developments. WCRAO parking deviations for residential projects (Table 3.B.14.I.) allow the required number of parking spaces to be reduced to 164 including guest spaces; 171 spaces have been provided, over-parking the site by 7 spaces. Bike rack parking areas have been provided and ADA compliant spaces have been provided directly adjacent to the building.

#### **Drainage Considerations**

Like the vacant parcels to the north of this site, development interest in this segment of Congress Avenue has fluctuated over time. Due to some unique physical challenges, many developers have become discouraged as due diligence progresses. While the larger of the two parcels have been mostly cleared, the north parcel is heavily vegetated and both parcels are historically prone to water collection at the rear as it slopes toward the retention area. Drainage is problematic since storm water cannot be directed to the privately owned retention lake, and for a large scale development project, it is difficult to design a project to sufficiently store stormwater on site. Most importantly, since Westgate is within the C-51 drainage basin, compensating floodplain storage is also required by South Florida Water Management District (SFWMD). This means that to mitigate the impact of lost site permeability as a result of development, permeable vacant land for the storage of storm water must be permanently secured and dedicated for that singular purpose.



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In the case of a development that covers a 3.58-acre site, the compensating storage requirement is significant. The applicant is utilizing all available land to allow the site to function with the number of units necessary to meet their pro forma. To ensure a successful outcome, the project will require additional land as retention to guarantee off site compensating floodplain storage requirements can be met. A drainage statement has been included with the application and indicates that legal positive outfall to the L-2 canal is available by way of the Congress Avenue drainage system. Compensation for flood storage can be accommodated on additional properties. Storm water management through the use of exfiltration piping will be used to meet retention requirements.

#### Traffic & Vehicular Access

A traffic statement requests an allocation of 610 trips per day to and from one access driveway; 38 am peak hour trips and 50 pm peak hour trips, from the WCRA's Traffic Concurrency Exception Area (TCEA) pool. The statement also indicates that project build-out is anticipated in 2023. It should be noted that the applicant may have to provide a mass transit easement on Congress Avenue should it be required by Palm Tran. Future cross access between sites is a requirement of the URAO and may be applicable to this project.

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#### Staff Recommendation:

CRA Staff recommends **approval** of an Official Zoning Map Amendment of the northern parcel (PCN 00-43-43-29-00-000-3180) from existing Multifamily Residential (RM) to General Commercial (CG) for site consistency.



Palm Beach County Zoning Division

2300 N. Jog

Road

West Palm Beach, Florida 33411

Phone: (561) 233-5200

FAX: (561) 233-5165

# **GENERAL APPLICATION** **PUBLIC HEARING AND DRO ADMINISTRATIVE PROCESSES**

## **1. REQUEST**

✓ **CHECK TYPE OF APPLICATION:**

### **PUBLIC HEARING PROCESSES:**

- ☒ To allow an **Official Zoning Map Amendment** from RM Zoning District to CG Zoning District
- ☐ With a **Concurrent Land Use Amendment** from \_\_\_\_\_ Land Use to \_\_\_\_\_ Land Use
- ☐ To allow a **Class A Conditional Use (CA)** for a \_\_\_\_\_
- ☐ To allow a **Class B Conditional Use (CB)** for a \_\_\_\_\_
- ☐ To allow a **Development Order Abandonment** of Resolution No: \_\_\_\_\_ which allowed \_\_\_\_\_
- ☐ To allow a **Development Order Amendment** to a previously approved:
- ☐ **COZ** ☐ **PDD** ☐ **Class A** ☐ **Class B** ☐ \_\_\_\_\_
- ☐ to modify and/or delete Conditions of Approval ☐ to add and/or delete land area
- ☐ to reconfigure the ☐ Master ☐ Site ☐ Subdivision ☐ to add and/or delete units
- ☐ Landscape ☐ Regulating Plans ☐ Sign ☐ to add, delete, or modify uses
- ☐ to add and/or delete square footage ☐ to add access points
- ☐ to restart the commencement clock
- ☐ to \_\_\_\_\_
- ☐ To allow a **Type 2 Variance**: (Submit Form #43 Variance Supplemental) ☐ **Concurrent** ☐ **Standalone**
- ☐ To allow a **Subdivision Variance**: (Submit Form #43 Variance Supplemental) ☐ **Concurrent** ☐ **Standalone**
- ☐ To allow a **PO Deviations** (Submit Form #92 PO Deviation) from Article(s) \_\_\_\_\_
- ☐ To allow a **Type 2 Waiver**: (Submit Form #19 Waiver Supplemental) ☐ **Concurrent** ☐ **Standalone**
- ☐ To allow a **Unique Structure** in the \_\_\_\_\_ Zoning District
- ☐ Other \_\_\_\_\_

### **DRO ADMINISTRATIVE PROCESSES:**

- ☐ To allow an **Expedited Development Review Officer** approval (DROE) (within 2 months of BCC/ZC approval)
- ☐ To allow a **Use** subject to **Development Review Officer (DRO)** approval for a \_\_\_\_\_
- ☐ To allow a **Type 2 Concurrent Review** (Zoning and Land Development)
- ☐ To allow a **Type 2 Concurrent Review** (Zoning and Building)
- ☐ To allow a **Type 3 Concurrent Review** (Zoning, Land Development and Building)
- ☐ Subdivision with Required Improvement ☐ Subdivision without Required Improvement
- ☐ Projects that do not require platting
- ☐ To allow an **Administrative Modification** of a Plan approved by the ZC / BCC / DRO for \_\_\_\_\_
- ☐ To allow a **Subdivision** \_\_\_\_\_
- ☐ To allow a **Transfer of Development Rights** (Submit Form #16 TDR Supplemental): \_\_\_\_\_
- ☐ To allow a **Type 1 Waiver** (Submit Form #19 Waiver Supplemental) from Article \_\_\_\_\_ for \_\_\_\_\_
- ☐ To allow an **Administrative Abandonment** of \_\_\_\_\_
- ☐ Other \_\_\_\_\_

35

2. PROPERTY INFORMATION (* Required Fields)	
A. *Property Control Number (PCN): (List additional PCN(s) on separate sheet)	00-43-43-29-00-000-3180
B. *Control Number:	N/A
C. *Control Name :	N/A
D. Application Number:	TBD
E. Application Name:	Autumn Ridge Rezoning
F. Project Number:	TBD
G. *Gross Acreage:	1.23
H. Gross Acreage of affected area:	N/A
I. *Location of subject property: (proximity to closest major intersection/ road)	E. side of N. Congress Ave. approx. 781' north of intersection of Cherry Rd. & N. Congress Ave.
J. *Address:	1610 N Congress Avenue
K. Subdivision Name:	N/A
L. Plat Name and Number:	N/A
M. *BCC District:	2

### 3. APPLICANT INFORMATION

Current Property Owner(s) Name: Vythiya Tum & Thida Tum Revocable Trust  
 Address: 6 Sunningdale Circle City: West Palm Beach State: FL Zip: 33401  
 Phone: Please contact agent FAX: N/A  
 Cell Phone: N/A Email: Please contact agent

Applicant's Name (if other than property owner(s)) : Autumn Ridge, LLC  
 Address: 3050 Biscayne Boulevard, Suite 300 City: Miami State: FL Zip: 33137  
 Phone: Please contact agent FAX: N/A  
 Cell Phone: N/A Email: Please contact agent

☒ Check ( ) here if Applicant is a contract purchaser. Consent is required from the contract purchaser if a contract is pending to purchase the subject property. Home Owners Association (HOA) or Property Owners Association (POA) consent will be required if subject property is under common ownership or request is to modify any aspect of the project which applies to the entire development (i.e. condition of approval, internal roadway, etc.).

Agent\*: Josh Nichols, LEED Name of Firm: Schmidt Nichols  
 Address: 1551 N Flagler Drive City: West Palm Beach State: FL Zip: 33401  
 Phone: 561.684.6141 FAX: N/A  
 Cell Phone: N/A Email: jnichols@snlandplan.com  
 Agent\*: \_\_\_\_\_ Name of Firm: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ FAX: \_\_\_\_\_  
 Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

\* All correspondence will be sent to the Agent(s) unless otherwise specified.

4. ARCHITECTURAL REVIEW
This application is subject to the requirements of Article 5.C, Design Standards and request review of the proposed elevations concurrent with:

- ☐ Type 1 Projects Requiring BCC Approval
- ☐ Type 2 Projects Requiring ZC Approval
- ☐ Type 3 Projects Requiring DRO or Site Plan Approval
- ☒ Type 4 Projects Requiring Building Permit Approval
- ☐ Revise previously approved elevations
- ☐ Non-conforming structures that are subject to Article 5.C, Percentage of renovations
- ☐ Approval for a Green Architecture (Type 1 Waiver, Art5.C.1.E.3)
- ☐ Approval for Unique Structure, Art.5.C.1.E.2

**Note:** All application documents shall be consistent with the current Technical Manual, refer to the Zoning Web Page.

5. ZONING AND FUTURE LAND USE			
Current Zoning District:	RM	Proposed Zoning District:	RM
Current Future Land Use:	CH/8	Proposed Future Land Use:	CH/8
Tier:	<input checked="" type="checkbox"/> U/S <input type="checkbox"/> R/EX <input type="checkbox"/> AGR <input type="checkbox"/> GLADES		
Overlay (Special Study Area):		WCRAO	

6. USE / DENSITY / INTENSITY			
Existing Use:	Single Family Residential	Proposed Use:	Multifamily residential
Existing Square Footage:	2,460 s.f.	Proposed Square Footage:	108,989
Existing Number of Units:	1	Proposed Number of Units:	106

7. ADJACENT PROPERTIES						
Identify surrounding Future Land Use and Zoning District. Include existing/approved square footage or number of dwelling units, type of units and density.						
Adjacent Property	FLU Designatio	Zoning District	Existing Use	Approved Use	Control No.	Resolution No
NORTH	CH/8	RM	Vacant	198 unit multifamily residential	2016-00052	N/A
SOUTH	CH/8	CG	Vacant	Vacant	N/A	N/A
EAST	HR-8	RM	Residential - Manufactured Homes	N/A	N/A	N/A
WEST	CH/8	CG	Office/Warehouse/Retail	Office/Retail/Warehouse	1997-0003	1997-0524

8. ENVIRONMENTAL ANALYSIS	
<b>General Vegetation Statement:</b> The site is generally cleared and disturbed lands with some native trees as identified on a tree survey that will be mitigated according to PBC standards.	
Current Grade/Elevation:	Approx. 13' NAVD
Proposed Grade/Elevations:	Approx. 13' NAVD
Is removal of vegetation required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   If yes; submit <b>Approval to Protect Native Vegetation Application</b> to ERM. Application available from the ERM Permit Center-PZB
Is site in a Wellfield protection zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No   If yes; submit <b>Wellfield Protection Affidavit</b> available from PZB-ERM.
Is removal or relocation of trees required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No   If yes; submit a <b>Tree Survey</b> , Analysis and Justification, also submit a <b>Site Plan</b> with the Tree Survey overlaid for approval by PZB - ERM
<b>Health Department:</b> In Justification Statement, under heading "Hazardous Material", address type and amount of: 1) all industrial, manufacturing, special or hazardous waste that may be generated; 2) airborne pollutants that may be generated (i.e. dust or other unconfined particulates such as NOx, SOx, CO, VOC's, heavy metals, etc.); and, 3) any special handling of solid waste that may be required.	

9. COMPLIANCE		
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Is property in compliance with all previous conditions of approval and applicable Code Requirements? If no, please explain in the Justification Statement	
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Is the property currently the subject of Code Enforcement action? If yes, provide Code Enforcement Case Number:	
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Will the request require modification to a recorded plat or plat with Technical Compliance? If yes, explain in the Justification Statement	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Is the subject property an existing legal lot of record? If no, submit Legal Lot Review application to the Zoning Division	
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Do proposed improvements exceed 35% of the improved value of existing structure? If yes, comply with Article 1.F - Nonconformities	

10. CONCURRENT APPLICATION SUBMITTAL INFORMATION	
LD Drainage Review #: <u>N/A</u>	Plat Name / No: <u>N/A</u>
R/W Construction #: <u>N/A</u>	BUILDING Permit #: <u>N/A</u>

37

11. PROPOSED USE DETAILS					
Building Name	Use		Number of Units	Phase Name	Outparcel
1	Multifamily Residential	N/A	106	N/A	N/A

12. CONCURRENCY					
Concurrency Reservation <input checked="" type="checkbox"/>		Concurrency Equivalency <input type="checkbox"/>		Concurrency Exemption <input type="checkbox"/>	
A. Concurrency Case Number:	N/A				
B. Water Provider:	PBC				
C. Waste Water Provider:	PBC				
D. Drainage District:	LWDD				
E. Traffic:	PBC	Traffic Trips Existing:	N/A		
F. Mass Transit:	PBC Palm Tran	Traffic Trips Proposed:	687		
G. Traffic Capacity:	Number of Gross Peak Hour Trips: (If greater than 30; a traffic study will be required)			50	
H. Public School:	PBC				
I. Land Development:	PBC				
J. Public Health Provider:	PBC		Well /Septic tank : N/A		
K. Parks	PBC				
L. Fire Rescue	PBC				
M. Solid Waste:	PBC				
N. Check the proposed means of achieving access from the development site to a point of legal positive outfall for storm water discharged from the site: <input type="checkbox"/> Property is contiguous to a natural waterway, or a canal owned and operated by a water control district. <input type="checkbox"/> Property owner has legally established drainage rights to convey storm water through all intervening properties between the development site and natural waterway or water control district canal. <input checked="" type="checkbox"/> Property abuts a road with a functioning drainage system, and property owner has obtained written confirmation from the entity responsible for maintaining the road that the proposed development is eligible to utilize the road drainage system, subject to meeting all permit requirements for drainage connection. <input type="checkbox"/> Other (specify): _____					

**This application is not complete without the following documents as attachments:**

1. **Justification Statement:** to address the purpose, project history, intent and design objectives of this request, refer to Art.2.A.6.A.1 for the required information.
2. **Status of Conditions of Approval (COA):**
  - a. Provide a letter, which includes the status of all current Conditions of Approval.
  - b. Include the exact language of any modification(s) to any condition(s).
  - c. If the application request requires a time extension for commencement of development or recording a plat, then provide further explanation. (The explanation may be added to the Justification Statement.)

**Note:** Please refer to PZB Zoning Website <http://discover.pbcgov.org/pzb/zoning/ULDC/Articles.aspx> for all ULDC Articles referenced in this document and for helpful information in the Technical Manual.



**Justification Statement  
Autumn Ridge Apartments  
Westgate CRA  
Rezoning Application  
Original Submittal:**

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**Project History**

Schmidt Nichols (Agent), on behalf of S&M Services III, LLC and Vythia Tum & Thida Tum Revocable Trust (Owners) and Autumn Ridge, LLC (Applicant), respectfully requests your consideration of this application to rezone the subject property from Multifamily Residential (RM) to General Commercial (CG). The subject property consists of two parcels, totaling 3.58 acres located at 1610 N Congress Avenue (PCNs: 00-43-43-29-00-000-3180; 00-43-43-29-00-000-3160). The property currently has a single family home on the northern parcel and the southern parcel is currently vacant and mostly cleared. The southern parcel (lot 3160) was previously approved for a vocational school/non-profit assembly use for Carpenter's Union Local 130 in Resolution No. R-2002-0835, dated May 23, 2002. This development was never constructed and all associated entitlements have since expired. The northern parcel (lot 3180) has not been part of a land use application of any kind.

The subject property is located within the Urban/Suburban Tier and currently supports a Future Land Use (FLU) designation of Commercial High, with underlying High Density Residential, 8 units per acre (CH/8). The subject property is also located within two zoning districts, the north parcel being located in the Multifamily Residential (RM) district and the south parcel being located within the General Commercial (CG) zoning district. However, the subject property is also located within the Westgate Community Redevelopment Area Overlay, more specifically the Urban General (UG) sub-area. This overlay allows for mixed use development on this site which is consistent with its split zoning designation, hence the proposed mixed use development.

**Project Overview**

The proposed project will include 108,989 s.f. of leasable area, 1,100 s.f. of which will be devoted to commercial uses. Additionally, 0.36 acres of recreational space (10% of total site area) is proposed for the use by residents which will include amenities such as a pool deck. The retail space is proposed to be located at the northwest corner of the building, facing N. Congress Avenue, with pedestrian connections to the right-of-way. Drainage for the project is proposed to be achieved through legal positive outfall to the L-2 canal via the Congress Avenue drainage system. The proposed development will add to the newly budding collection of multifamily residential developments with rates affordable to a wide range of income levels. Furthermore, the immediate vicinity of the site consists of many vacant parcels, some of which contain invasive plant species. The proposed development will result in a significant improvement to the N. Congress Avenue corridor in the Westgate Redevelopment Overlay.

To achieve the entitlements to this development, the Applicant must rezone the northern parcel to General Commercial to form a consistent zoning designation over the subject site, once platted. Moreover, the proposed CG zoning still allows for mixed use development such as the subject proposal due to the site's location within the UG sub-district of the Westgate CRA Overlay.

Below is a summary of the surrounding properties:

Adjacent Lands	FLU	Zoning	Uses
<b>Subject Property (Proposed)</b>	CH/8	CG	Mixed Use (Multifamily Residential & Commercial)
<b>North</b>	CH/8	RM	Vacant (198 Multifamily Uses Approved)
<b>South</b>	CH/8	CG	Office/Warehouse
<b>East</b>	HR-8	RM	Lake/Residential Manufactured Homes
<b>West</b>	CH/8	CG	Office/Warehouse/Retail

The following items pertain to the development proposed on the subject property:

### **Parking**

Since the subject project is proposed to consist of a mix of residential and commercial uses, the applicant proposes to utilize the reduced parking requirements outlined in Table 3.B.14.I – WCRAO Mixed Use and Residential Parking Deviations. Based on this table, the parking is calculated below:

1 space / 1 bedroom unit @ 54 units = 54 spaces

1.5 spaces / 2 bedroom unit @ 52 units = 78 spaces

1 guest space / 4 units @ 106 units = 27 spaces

2.5 spaces / 1,000 s.f. commercial uses @ 1,100 s.f. = 5 spaces





### **Total parking requirement: 164 spaces**

The applicant proposes 174 parking spaces which is in compliance with the minimum requirement.

### **Workforce Housing**

The Applicant is proposing to utilize the maximum 8 units per acre density allowed by the site's HR-8 underlying FLU designation. As such, according to Table 5.G.1.B, Workforce Housing Program of the ULDC, residential projects exceeding 10 units must reserve 5% of the standard density units and 16% of the additional units up to the maximum density for workforce housing. The subject property is permitted to have 29 units based on standard density. Therefore, in this case, the Applicant is required to reserve 3 units for Palm Beach County's workforce housing program based on a maximum density of 8 units per acre.

Additionally, the Applicant is required to reserve 40% of the requested WCRAO Density Bonus Pool units for workforce housing. In this case, the Applicant is requesting a density bonus of 77 units, resulting in 31 units being reserved for workforce housing. In total, the Applicant is proposing to reserve 34 out of the 106 total proposed units for workforce housing.

### **Recreation**

The proposed project is required by the ULDC to provide recreation space for residents. The WCRAO has a specific formula for calculating the required size of this recreation space which is equivalent to 1.25 acres of developed land per 1,000 people population, based on 2.39 people per proposed unit. The Applicant is proposing 106 units which, when multiplied times 2.39, equals 254 people. Given this population, the Applicant is required to provide 0.32 acres of recreation space. The Applicant is proposing 0.36 acres of recreational space which includes a public outdoor amenity.

### **Requests**

Below is a detailed overview of the Applicant's requests as part of this application:

**Request 1: Rezoning Request** for the northern parcel from existing Multifamily Residential (RM) to General Commercial (CG).

The subject site includes two parcels, each with the same Commercial High with underlying High Density Residential, 8 units per acre Future Land Use designation. However, each parcel has a different zoning designation, the south parcel with General Commercial (CG) and the north parcel with Multifamily Residential (RM). Based on discussions with Palm Beach County Zoning staff, the subject site must have a consistent zoning over both parcels, although each



of the existing zoning designations currently allow for the proposed mixed use development as it is located within the Westgate CRA Overlay.

The following are the specific standards required to be met by Article 2.B.7.A.2 of the ULDC for all rezoning applications:

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

**Response:** The proposed rezoning from RM to CG on the northernmost parcel is intended to bring the entire subject site into the same zoning district to avoid confusion in the future when the subject site is platted to become a combined parcel. The proposed CG zoning district is consistent with the site's CH/8 Future Land Use designation as stated in Article 3.A.3.B of the ULDC. Furthermore, **Sub-Objective 1.2.3** of the Future Land Use Element of the Comprehensive Plan states: "*the special land use provisions for the [Westgate/Belvedere Homes Community Redevelopment Area] Overlay are designed to arrest deterioration of property values, and preserve affordable housing and complement the efforts to prepare and implement a community redevelopment plan for the Westgate area.*" The proposed rezoning will allow for the subject site to be platted as one parcel, therefore allowing for the proposed development that is consistent with the intent and purpose of the Westgate Community Redevelopment Area Overlay.

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

**Response:** The proposed rezoning from RM to CG is not in conflict with any portion of this code and is consistent with the stated purpose and intent of this Code. The subject rezoning request results from discussions with Palm Beach County Zoning staff wherein it was determined the subject property must have a consistent zoning designation over both parcels, so as to eliminate any confusion in the future once the property becomes platted together as one parcel. The subject rezoning to General Commercial (CG) is consistent with the existing CH/8 Future Land Use designation according to Article 3.A.3.B of the ULDC. Also, according to Article 3.B.14.E.1 of the ULDC, mixed use development, such as what is proposed, may be permitted in commercial districts with underlying residential FLU designation, such as the subject property's underlying High Density Residential, 8 units per acre. Therefore, the proposed rezoning of the north parcel to CG does not result in any land use conflicts associated with the proposed mixed use development for the site.

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

**Response:** The proposed rezoning of the northern parcel from RM to CG is compatible with surrounding uses. Many of the surrounding properties, including those to the south and west of the site, are currently part of the CG zoning district and have active commercial uses. Furthermore, the subject site is located within the UG sub-district of the Westgate CRA Overlay, which allows for greater flexibility with regard to mixed land uses. In the case of the subject property, the purpose of the rezoning of the northern parcel is intended to apply a consistent zoning designation over the entire site, ultimately concurrent with a companion application to allow for a mixed use development that includes 106 multifamily residential units and a retail component on the ground floor. The subject rezoning allows this type of development, which is compatible with surrounding land uses.

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

**Response:** The proposed rezoning from RM to CG on the northern parcel will not result in adverse impacts on the natural environment. The subject rezoning does not result in any material change to the development potential of the site because it lay within the Westgate CRA Overlay which has its own land use restrictions and property development regulations. These regulations and standards set forth in ULDC Article 3.B.14 allow for mixed use developments, such as the one being proposed on the site, in both the CH and RM zoning districts with CH/8 FLU designations. The reason for the rezoning request is technical in nature and intended to reduce confusion in the future once the site's two parcels are platted as one. Therefore, the subject rezoning does not result in any impacts to the natural environment.

- e. **Development Patterns:** *The proposed amendment will result in a logical, orderly, and timely development pattern.*

**Response:** The proposed rezoning of the northern parcel from RM to CG will result in a logical, orderly, and timely development pattern. The subject rezoning is intended to make both parcels of the subject site consistent in their zoning designations. The southern parcel currently has a CG zoning.



The subject rezoning is technical in nature and does not result in any material change to the development potential of the site as both the CG and the RM zoning districts allow for mixed use developments within the Westgate CRA Overlay. Therefore, the proposed rezoning allows for the same logical, orderly, and timely development pattern as what currently exists on the site.

- f. ***Adequate Public Facilities:*** *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

**Response:** The proposed rezoning from RM to CG complies with Art. 2.F Concurrency (Adequate Public Facilities). The proposed rezoning does not result in any material change to the maximum development potential of the property, due to its location within the Westgate CRA Overlay, and the special allowances made within this overlay area. Therefore, the demand for public facilities has already been factored in for the site and other developable properties, within certain specified thresholds, within the Westgate CRA Overlay. Ultimately, the proposed rezoning on the north parcel is simply for technical purposes to reduce confusion in the future, by applying a consistent zoning designation over the entire subject site when it is eventually combined into one parcel.

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

**Response:** The proposed rezoning comes as the result of a concurrent development application for a mixed use development consisting of 106 multifamily dwelling units and a retail component on the ground floor on the subject property. This development proposal comes after another, 198 dwelling unit multifamily development was approved on the 5 parcels immediately adjacent to the north of the subject site. The subject site consists of two parcels, the northern of which is within the RM zoning district while the southern parcel lay within the CG zoning district, both with a CH/8 FLU designation. Based on discussions with Palm Beach County Zoning staff, it was determined the site will need to be platted once the proposed development is approved in order to combine the two parcels. As such, staff is requiring that both sites have a consistent zoning district applied to them to reduce confusion in the future once the parcels are combined into one. Therefore, based on these circumstances, the Applicant requests the subject rezoning of the northern parcel from RM to CG.



On behalf of the Applicant, and the Owners, Schmidt Nichols respectfully requests your consideration of approval for this Bonus Density, and Traffic Concurrency Exemption Request application for Autumn Ridge.



Date: 08/31/20  
Scale: 1" = 30' 0"  
Design By: CWP  
Drawn By: CWP  
Checked By: JAN  
File No. 712.03  
Job No. 20-36

## REVIEWS / SUBMISSIONS

Preliminary  
Site  
Plan  
PSP

46



Westgate CRA Board Meeting  
September 14, 2020

**AGENDA ITEM REVIEW**

**MUSEO VAULT**  
**(formerly Westgate Commerce Park)**

4200 Westgate Avenue  
Control No. 2003-036

Development Order Abandonment &  
Class B Conditional Use Approvals for a Limited Access & a Multi-Access  
Self-Storage Facility



Location Map

47



### Project Overview:

The subject +/- 1.43-acre parcel is located at 4200 Westgate Avenue., approx. ¼ mile from N. Military Trail. The property is within the Urban Highway (UH) sub-area of the WCRAO and zoned CG (commercial general). The Future Land Use designation is CH/8 (commercial high with an underlying residential land use of 8 du per acre). The site is in the U/S Tier, RRIO (Revitalization, Redevelopment & Infill Overlay), as well as in the URAO (Urban Redevelopment Area Overlay), and in a CCRT area. A wet retention pond, privately owned by Cross County Mall and zoned CG/SE with a CHX/8 FLU is adjacent to the property to the south; Westgate Plaza, a multifamily seniors affordable housing development, zoned RM with a HR/18 FLU, is to the east; Cross County Commerce Center office/warehouse, zoned CG/SE with a CH/8 FLU is across Westgate Avenue at Donnell Rd to the north; and, the Palm Beach County School District Adult Education Facility, nearing construction completion, is located to the west of the site. The parcel is currently vacant.

**Museo Vault**

LOCATIONSSTORAGESERVICESVIEWING ROOMABOUTBLOGCONTACT

FINE ART STORAGE AND RELATED SERVICES

FINE ART STORAGE

- State of the Art Security
- Cat 5 Hurricane Rated
- Climate Control
- Redundant Systems
- UV Filtration
- Dry-Pipe Sprinkler System

ART SERVICES

- Transport & Installation
- Museum Quality Packing & Crating
- Domestic and International Shipping
- Storage & Transport Insurance
- Collection Management
- White Glove Household Moving
- Conservation, Restoration & Appraisals

OUR VIEWING ROOM

- Lighting
- Space & Clearance
- Customization & Versatility
- Limited Access

[www.museovault.com](http://www.museovault.com) ~ home page

The applicant, **Museo Vault WPB, LLC**, provides fine art self-storage in a private, secure, climate and UV-light controlled facility. The company has two successful locations in South Florida: Miami and West Palm Beach on Northpoint Parkway; 4200 Westgate Avenue is proposed as the third location.

The proposed development consists of a 4-story +/- 49,760 sf self-storage facility consisting of +/- 45,304 sf of Limited Access Self Storage and +/- 4,456 sf of Multi-Access Self Storage. Due to impacts on surrounding uses, self-storage development requires Class A Conditional Use approval by the BCC, however, the WCRAO provision allowing Class A uses to be approved as a Class B Conditional Use by the

Page | 2

Westgate CRA Board Meeting  
September 14, 2020

48





Zoning Commission if the site is 2 acres or less. The site was approved for a 15,000 sf. office/warehouse development in 2004, however, the development order has since been allowed to expire, so the applicant has also included a request to formally abandon the development order concurrent with this application. The project is proposed to be completed by 2025.

### Summary of Petition

The applicant requests a recommendation of approval from the Westgate CRA to include the following:

1. Class B Conditional Use to allow a +/- 45,304 sf Limited Access Self-Storage Facility;
2. Class B Conditional Use to allow a +/- 4,456 sf Multi-Access Self Storage Facility;
3. Abandonment of R-2004-2275 (Class A Conditional Use approval for Office/Warehouse) and R-2008-259 (DOA to amend conditions of approval for R-2004-2275); and,
4. Final DRO Site Plan approval.

### Staff Analysis:

#### Consistency with the Westgate CRA Community Redevelopment Plan & WCRA Zoning Overlay

WCRAO property development regulations were established to encourage a pedestrian friendly environment, street presence, and mixed use developments to reinforce the smart growth principles of the Westgate CRA Redevelopment Plan and the County's Comprehensive Plan. Within the Urban Highway (UH) Sub-area of the WCRAO, continued intense commercial development along Okeechobee Blvd. and Military Trail is anticipated; the western segment of Westgate Avenue is included in the UH Sub-area. While mixed use is always preferred on Westgate Avenue and self-service storage may not be considered among the best and highest uses that could be achieved in this segment of the corridor, the use is compatible with the office-warehouse development to the north and similar in bulk and massing to the new Adult Education Facility to the west. The use is currently allowed at this location; self-service storage is prohibited in the NR, NRM, NG, or NC Sub-area. It is important to note, an upcoming amendment to the WCRAO due to be adopted in January 2021 will prohibit multi-access self-storage in the UH Sub-area.

CRA Staff generally support the development of a self-service storage facility on this vacant parcel; the use is primarily limited access self-storage, traffic impacts are minimal, and the architecture is modern, designed to mitigate any adverse visual impacts. The applicant is seeking to employ staff to carry out the operational aspects of fine art handling, and assistance with pick-up and delivery. The use will serve a local and regional demand for individuals, businesses, and government agencies seeking a secure fine



art self-storage facility; the company stores and provides art to international art events such as Art Basel in Miami. It is anticipated that the project will draw positive attention to the redevelopment area from outside interests.

Few PDR's or supplementary development standards exist for properties in the UH Sub-area. This project complies with UH Sub-area regulations as applicable including: building coverage, rear and side setbacks, and, height and stories (a maximum of 10 stories is permitted in the UH). No front build to line or minimum frontage requirements are in place for the UH Sub-area; instead the overlay reverts back to the ULDC PDRs for standard zoning districts. The building is setback 67.8 ft.; the building frontage is 58%. As a vacant parcel, the site has no existing non-conformities; minimum lot dimensions per code are met. WCRAO deviations for landscaping, parking and loading are not applicable. The site is over-parked, providing 25 spaces where 10 spaces are required.

#### **Class B Conditional Use Approval Standards**

The Westgate CRA reviews projects for consistency with the goals and objectives of the Community Redevelopment Plan and compliance with WCRAO use regulations and PDRs. A thorough, multi-agency review will be conducted upon submittal to the County's Zoning Division. The project must comply with Art. 2 review standards for Class B Conditional Uses including: Consistency with the Comp Plan, Consistency with the Code, Compatibility with Surrounding Uses, Design Minimizes Adverse Impacts, Design Minimizes Environmental Impact, Development Patterns, Adequate Public Facilities, Changed Conditions or Circumstances, and Hazardous Material.

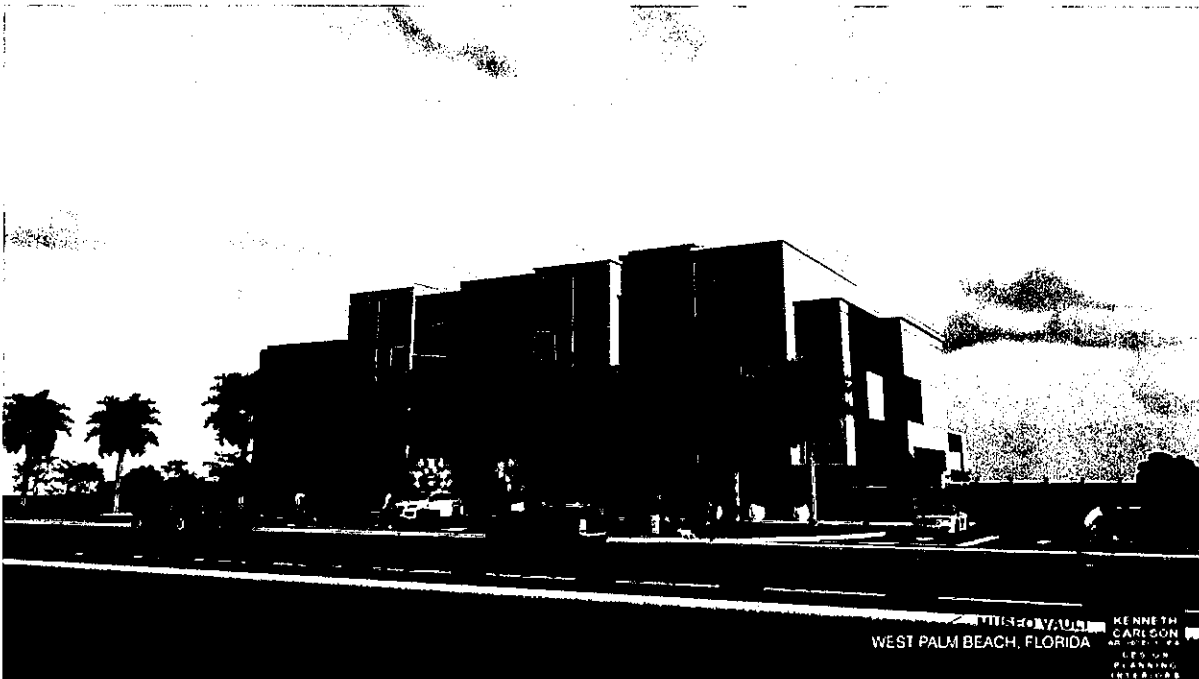
The FLU in most areas of the WCRAO is CH or commercial high allowing for greater structural intensity. Westgate Avenue is the CRA's primary commercial corridor, where the FLU and zoning supports more intense commercial development; the western segment particularly is fully built out with commercial, office-warehouse and institutional type uses. With the possible exception of the residential use to the east, the project is generally compatible with surrounding uses. The existing development order allows an office-warehouse development.

#### **Architectural Standards & Landscaping**

The project is designed to minimize potential impacts. Landscape buffers and screening along the north, south, east, and west property lines ensures that the development provides appropriate transitions to the surrounding properties. Architectural standards such as screening of access points from all public



streets with vehicular gates have been accommodated in the site design. A Type II Incompatibility landscape buffer with a 6 ft. high wall is provided along the east property line (a preliminary landscape plan has been provided). To maintain a high level of security and ambiguity, no exterior signage is proposed.



Conceptual rendering

Preliminary architectural elevations, floor plans and color conceptual renderings have been provided. A modern design aesthetic utilizing grey and white tones with pops of red has been achieved on the front street-facing elevation, with a series of recesses and projections providing visual interest. While the height of the building is 4 stories overall, the 3<sup>rd</sup> and 2<sup>nd</sup> stories step down from 53 ft. to 41 ft. The primary and public entrance faces Westgate Avenue. Fourteen ground floor bays at the rear of the building are designated for antique car storage and serve as the multi-access self-service storage component of the project. A separate east side entrance is provided for access to this area from the interior of the building. A larger interior loading area is provided on the west side of the building. No outdoor storage is contemplated. Site circulation flows one way from a west access point to the rear of the building to an east exit point. Unlike the many architectural requirements for projects in the NC, NG



or NRM Sub-areas, none exist for projects in the UH Sub-area. Class A uses typically require Art. 5.C architectural review by the Zoning Division. Fenestration is noticeably missing with the exception of the ground floor main door, lobby and office window. The absence of windows is intentional; Museo Vault WPB, LLC provides a high security, discreet services to clients with valuable fine art. However, fenestration, or the absence of blank walls, is a requirement of Article 5 that will have to be addressed by the project architect.

#### Traffic & Drainage Considerations

141 daily trips and 28 pm peak hour trips will be returned to the CRA's Traffic Concurrency Exception Area (TCEA) pool as a result of the abandonment of the office-warehouse development order. Only 67 net new daily trips, 4 am peak hour, and 7 pm peak hour, are anticipated to be generated from the project. The applicant is not requesting an allocation from the WCRA TCEA and instead, due to minimal impact, will meet TPS and concurrency.

Storm water will be managed through exfiltration trench and interconnected culvert pipes to accomplish legal positive outfall to Westgate Avenue. Due to its location in the C-51 basin, this project, including site grading, will be reviewed for compensating floodplain storage and permitted through the SFWMD.

#### Staff Recommendation

Staff recommends **approval** of applicant's petition to include the following:

1. Class B Conditional Use to allow a +/- 45,304 sf Limited Access Self-Storage Facility;
2. Class B Conditional Use to allow a +/- 4,456 sf Multi-Access Self Storage Facility;
3. Abandonment of R-2004-2275 (Class A Conditional Use approval for Office/Warehouse) and R-2008-259 (DOA to amend conditions of approval for R-2004-2275); and,
4. Final DRO Site Plan approval.



Palm Beach County Zoning Division  
2300 N. Jog Road  
West Palm Beach, Florida 33411  
Phone: (561) 233-5200  
Fax: (561) 233-5165

## GENERAL APPLICATION PUBLIC HEARING AND DRO ADMINISTRATIVE PROCESSES

### 1. REQUEST(S)

✓ Check Type(s) of Application Request(s) and complete as applicable:

#### PUBLIC HEARING REQUESTS:

- ☐ Official Zoning Map Amendment from \_\_\_\_\_ Zoning District to \_\_\_\_\_ Zoning District
- ☐ With a Concurrent Land Use Amendment from \_\_\_\_\_ Land Use to \_\_\_\_\_ Land Use
- ☐ Class A Conditional Use (CA) for \_\_\_\_\_
- ☒ Class B Conditional Use (CB) for: Self-Service Storage, Limited Access, and Self-Storage, Multi-Access
- ☒ Development Order Abandonment (ABN) of Resolution No: R-2004-2275 and R-2008-259 which allowed Class A Conditional Use to allow an office/warehouse in the CG zoning district, and Development Order Amendment to amend conditions of approval, respectively
- ☐ Expedited Application Consideration (EAC) for: \_\_\_\_\_
- ☐ Development Order Amendment (DOA) to a previously approved:
- ☐ COZ   ☐ PDD/TDD   ☐ Class A   ☐ Class B   ☐ Other: \_\_\_\_\_
- ☐ To modify and/or delete Conditions of Approval;   ☐ To add and/or delete land area;  
☐ To reconfigure Plan(s)   ☐ Master   ☐ Site   ☐ Subdivision   ☐ To add and/or delete units;  
☐ Landscape   ☐ Regulating   ☐ Sign Plan   ☐ To add, delete, or modify Uses;  
☐ To add and/or delete square footage;   ☐ To add access points;  
☐ Other: \_\_\_\_\_
- ☐ Type 2 Variance: (Submit Form #43 Variance Supplemental) Concurrent ☐ Standalone ☐
- ☐ Subdivision Variance: (Submit Form #43 Variance Supplemental) Concurrent ☐ Standalone ☐
- ☐ PO Deviations: (Submit Form #92 PO Deviation) from Article(s) \_\_\_\_\_
- ☐ Pre-Application Conference (PAC) IRO or PRA: With Questions? ☐ Yes ☐ No
- ☐ Type 2 Waiver: (Submit Form #19 Waiver Supplemental) Concurrent ☐ Standalone ☐
- ☐ Unique Structure: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

#### DRO ADMINISTRATIVE REQUESTS:

- ☐ Expedited Development Review Officer approval (DROE) (within 2 months of BCC/ZC approval)
- ☐ Use subject to Development Review Officer (DRO) approval for \_\_\_\_\_
- ☐ Pre-Application Conference (PAC) - Concurrent Review: With Questions? ☐ Yes ☐ No
- ☐ Type 2 Concurrent Review: ☐ with Building Permit # \_\_\_\_\_ or ☐ with Plat, Name/No. \_\_\_\_\_
- ☐ Type 3 Concurrent Review (Zoning, Land Development and Building)
- ☐ Administrative Modification to a Plan approved by the ZC / BCC / DRO for \_\_\_\_\_
- ☐ Administrative Abandonment (ABN) of a DRO Approval \_\_\_\_\_
- ☐ Subdivision \_\_\_\_\_
- ☐ Transfer of Development Rights (TDR) (Submit Form #16 TDR Supplemental) \_\_\_\_\_
- ☐ Type 1 Waiver (Submit Form #19 Waiver Supplemental) from Article \_\_\_\_\_ for \_\_\_\_\_
- ☒ Other Control Name Change - See Supplemental Form 115

53

**2. APPLICANT INFORMATION**

**Current Property Owner(s) Name:** Westgate Centre, LLC  
**Address:** 631 US Highway 1, Suite 409 **City:** North Palm Beach  
**State:** FL **Zip:** 33408  
**Phone:** Please contact agent. **Cell Phone:** Please contact agent.  
**Email Address:** Please contact agent.

**Applicant's name (if other than property owner(s):** Museo Vault WPB, LLC  
**Address:** 3201 West Commercial Boulevard, Suite 218 **City:** Fort Lauderdale  
**State:** FL **Zip:** 33309  
**Phone:** Please contact agent. **Cell Phone:** Please contact agent.  
**Email Address:** cdiaz@valuestoreit.com

☒ Check (✓) here if Applicant is a contract purchaser. Consent is required from the contract purchaser if a contract is pending to purchase the subject property. Home Owners Association (HOA) or Property Owners Association (POA) consent will be required if subject property is under common ownership or request is to modify any aspect of the project which applies to the entire development (i.e. condition of approval, internal roadway, etc.)

**Agent:** Ele Zachariades, Esq. **Name of Firm:** Dunay, Miskel and Backman, LLP  
**Address:** 14 SE 4th Street, Suite 36 **City:** Boca Raton **State:** FL **Zip:** 33432  
**Phone:** (561) 405-3300 **Cell Phone #:** (954) 650-8573  
**Email Address:** ele@dmblaw.com

**Agent:** Beth Schrantz, Director of Planning Services **Name of Firm:** Dunay, Miskel and Backman, LLP  
**Address:** 14 SE 4th Street, Suite 36 **City:** Boca Raton **State:** FL **Zip:** 33432  
**Phone:** (786) 763-0565 **Cell Phone #:** (786) 763-0565  
**Email Address:** bschrantz@dmblaw.com

\* All correspondence will be sent to the Agent(s) unless otherwise specified.

**3. PROPERTY INFORMATION (\*Required Fields)**

<b>A. *Property Control Number (PCN):</b> (List additional PCN(s) on separate sheet)	00-42-43-25-00-000-1430
<b>B. *Control Number:</b>	2003-096
<b>C. *Control Name :</b>	Westgate Commerce Park (Change Requested)
<b>D. Application Number:</b>	Not Yet Assigned
<b>E. *Application Name:</b>	Museo Vault
<b>F. Project Number:</b>	5003-000
<b>G. *Gross Acreage:</b>	1.43 acres
<b>H. Gross Acreage of affected area:</b>	1.43 acres
<b>I. *Location of subject property:</b> (proximity to closest major intersection/road)	South side of Westgate Avenue approximately 1/4 mile east of Military Trail
<b>J. *Address:</b>	4200 Westgate Avenue
<b>K. *BCC District:</b>	7
<b>L. Overlay (Special Study Area):</b>	Westgate/Belvedere Homes Community Redevelopment Area   RRO
<b>M. Tier</b>	<input checked="" type="checkbox"/> U/S <input type="checkbox"/> R/EX <input type="checkbox"/> AGR <input type="checkbox"/> GLADES

**4. LAND USE AND ZONING INFORMATION**

<b>Current Future Land Use designation:</b>	CH/8	<b>Proposed Future Land Use designation:</b>	CH/8
<b>Current Zoning District:</b>	CG	<b>Proposed Zoning District:</b>	CG
<b>Existing Use(s):</b>	Vacant   Previously Approved for Office / Warehouse Use	<b>Proposed Use(s):</b>	Self-Service Storage, Limited Access Self-Service Storage, Multi-Access
<b>Existing Square Footage:</b>	0 SF   Previous Approval for 3,750 SF Office / 11,250 SF Warehouse	<b>Proposed Square Footage:</b>	49,760 SF
<b>Existing Number of Units:</b>	None	<b>Proposed Number of Units:</b>	None

54

**5. ARCHITECTURAL REVIEW**

*This application is subject to the requirements of Article 5.C, Design Standards and request review of the proposed elevations concurrent with:*

- ☐ Type 1 Projects Requiring BCC Approval
 ☐ Type 3 Projects Requiring DRO or Site Plan Approval  
☐ Type 2 Projects Requiring ZC Approval
 ☒ Type 4 Projects Requiring Building Permit Approval

**This application also includes request(s) for Elevation review and consideration, as indicated below:**

- ☐ Revise previously approved Elevations;  
☐ Non-conforming structures that are subject to Article 5.C, Percentage of Renovations;  
☐ Approval for Green Architecture (*Type 1 Waiver*, Art.5.C.1.E.3)  
☐ Approval for Unique Structure (Art.5.C.1.E.2)

**Note:** All application documents shall be consistent with the current Technical Manual, refer to the Zoning Web Page.

**6. ADJACENT PROPERTIES**

*Complete the chart below to identify the Use and Zoning information for the surrounding properties to the project.*

Adjacent Property	FLU	Zoning District	Existing Use (Res, Comm, Ind, etc.)	Approved Use (Res, Comm, Ind, etc.)	Existing Sq. ft. or DU/AC	Approved Sq. ft. or DU/AC	Control # (FKA Petition #)	Resolution # R _
EAST	HR-18	RM	Residential	Residential	80 DU	80 DU	2007-233	N/A
NORTH	CH/8	CG/SE	Office/Warehouse	Office/Warehouse	20,072 SF	20,072 SF	1983-069	R-1996-0543 R-1996-0544
SOUTH	CHX/8	CG/SE	Stormwater Retention Pond	Stormwater Retention Pond	None	None	1977-133	R-2008-16 94
WEST	CH/8	RM	Food Distribution   Vacant School	None	Unknown	None	None	None

**7. COMPLIANCE**

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Is the property in compliance with all previous Conditions of Approval and applicable Code Requirements? <i>If no, please explain in the Justification Statement.</i>
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Is the property currently the subject of Code Enforcement action? <i>If yes, provide Code Enforcement Case Number: _____</i>
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Will the request require modification(s) to a recorded plat or plat with Technical Compliance? <i>If yes, explain in the Justification Statement.</i>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	Is the subject property an existing legal lot of record? <i>If no, submit Legal Lot Review Application to the Land Development Division.</i>
YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Does the proposed improvements exceed the allowable improvement value of the existing structure as identified in ULDC, Article 1? <i>If yes, comply with Article 1.F – Nonconformities.</i>

**8. PROPOSED USE DETAILS**

Building Name	Use(s) (as per ULDC)	Square Footage	Number of Units	Phase Name	Outparcel
Limited-Access Storage	Self-Service Storage, Limited Access	45,304 SF	N/A	N/A	N/A
Multi-Access Storage	Self-Service Storage, Multi-Access	4,456 SF	N/A	N/A	N/A

9. CONCURRENCY			
Concurrency Reservation <input checked="" type="checkbox"/>		Concurrency Equivalency <input type="checkbox"/>	
Concurrency Exemption <input type="checkbox"/>			
A. Water Provider:	PBC WUD		
B. Waste Water Provider:	PBC WUD		
C. Drainage District:	LWDD		
D. Traffic Provider:	PBC	Traffic Trips Existing:	0
E. Mass Transit Provider:	Palm Tran	Traffic Trips Proposed:	74
F. Traffic Capacity:	Number of Gross Peak Hour Trips = 8 (if greater than 30; a traffic study will be required)		
G. Public School:	SD of PBC (Not Applicable as Project is Non-Residential)		
H. Public Health Provider:	PBC	Well /Septic tank :	
I. Parks	PBC (Not Applicable as Project is Non-Residential)		
J. Fire Rescue	PBC		
K. Solid Waste:	SWA		
L. Check the proposed means of achieving access from the development site to a point of Legal Positive Outfall for storm water discharged from the site: <input type="checkbox"/> Property is contiguous to a natural waterway, or a canal owned and operated by a water control district. <input type="checkbox"/> Property owner has legally established drainage rights to convey storm water through all intervening properties between the development site and natural waterway or water control district canal. <input type="checkbox"/> Property abuts a road with a functioning drainage system, and property owner has obtained written confirmation from the entity responsible for maintaining the road that the proposed development is eligible to utilize the road drainage system, subject to meeting all permit requirements for drainage connection. <input checked="" type="checkbox"/> Other (specify): Please refer to Drainage Statement.			

10. ENVIRONMENTAL ANALYSIS	
ENVIRONMENTAL RESOURCE MANAGEMENT (ERM) – Art. 14.B.8.C	
Is there Native Vegetation on Site?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes; a Pre-Application Appointment with ERM is required; Enter date of PAA meeting with ERM <u>TBD</u>
<b>General Vegetation Statement:</b> The site has been cleared. There are scattered trees that will be relocated or removed.	
Existing and Proposed Grade/Elevation where existing Native Vegetation is to be preserved:	Please refer to Survey.
Is site in a Wellfield protection zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes; submit Wellfield Protection Affidavit, available from ERM
HEALTH DEPARTMENT – Art.15	
In Justification Statement, under heading "Hazardous Material", address type(s) and amount of: 1) all industrial, manufacturing, special or hazardous waste that may be generated; 2) airborne pollutants that may be generated (i.e. dust or other unconfined particulates such as NOx, SOx, CO, VOC's, heavy metals, etc.); and, 3) any special handling of solid waste that may be required.	

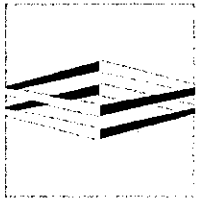
**This application is not complete without the following documents as attachments:**

- Justification Statement:** to address the purpose, project history, intent and design objectives of this request, refer to Art.2.A.6.A.1 for the required information.
- Status of Conditions of Approval (COA):**
  - Provide letter/document which includes the status of all current Conditions of Approval;
  - Include the exact language for any modification(s) to any Condition of Approval;
  - If the application request requires time extension for Commencement of Development or recording a Plat, then provide further explanation. (This explanation may be added to the Justification Statement.)

**Note:** Please refer to PZB Zoning Website for all ULDC Articles <http://www.pbcgov.com/uldc/index.htm> referenced in this document and the Technical Manual for helpful information <http://www.pbcgov.com/techmanual/index.htm>

56





**DUNAY  
MISKEL  
BACKMAN** LLP

Gary Dunay  
Bonnie Miskel  
Scott Backman  
Eric Coffman

Melanie Brill  
Hope Calhoun  
Dwayne Dickerson  
Ele Zachariades

Matthew H. Scott  
Christina Bilenki  
Lauren G. Odom

**Westgate Commerce Park  
(change to Museo Vault requested)  
Statement of Use and Justification for  
Development Order Abandonment and  
Class B Conditional Use Approval for Limited Access Self Storage and Multi-Access Self Storage  
Westgate Community Redevelopment Agency ("CRA") Submittal: August 31, 2020**

**INTRODUCTION**

Museo Vault WPB, LLC ("Petitioner") is the contract purchaser of the 1.43-acre site known as "Westgate Commerce Park" ("Property"), which is generally located on the south side of Westgate Avenue approximately 1/4 mile east of Military Trail within the Urban/Suburban Tier of Unincorporated Palm Beach County ("County"). The Property is comprised of one (1) parcel, which is currently designated CH/8, Commercial High with an underlying HR-8, on the County's Future Land Use Atlas ("FLUA") and located within the CG, General Commercial, zoning district. The Property is referenced by parcel control number 00-42-43-25-00-000-1430. The Property is located within the UH, Urban Highway, sub-area of the WCRAO, Westgate Community Redevelopment Area Overlay, and the RRO, Revitalization and Redevelopment Overlay. The Property is located along an existing commercially developed corridor, is currently vacant and was previously approved for development of a 15,000 square foot building including 3,750 square feet of Office use and 11,250 square feet of Warehouse use.

At this time, Petitioner intends to develop the Property with a +/- 49,760 square foot Self-Service Storage Facility including a +/- 45,304 square foot Limited Access Self-Storage Facility component and a +/- 4,456 square foot Multi-Access Self-Storage Facility component in order to develop a fine art storage facility providing a unique storage option for the County's fine art collectors that offers a secure viewing room, state of the art security, climate control with redundant mechanical systems, UV filtration on interior lighting, and a variety of storage unit sizes ("Project").

**PROJECT HISTORY**

The Property's FLUA designation has been modified twice since the adoption of the 1989 Comprehensive Plan as reflected on the most recently updated Future Land Use Atlas Map Number 57. On October 28, 2004, the Board of County Commissioners ("BCC") adopted Ordinance Number 2004-048 amending the Property's FLUA from the CH, Commercial High, with cross-hatching designation to the CH, Commercial High, designation. On October 30, 2017, the BCC adopted Ordinance 2017-035 providing a corrective ordinance to assign an underlying High Residential, 8 dwelling units per acre, FLUA designation to the Property resulting in the current CH/8 FLUA designation that exists for the Property today. Copies of the ordinances referenced herein are included with this application for reference.

The Property was previously a part of the Cross County Mall shopping center but was removed from the shopping center in 1995 as it was no longer needed for drainage or parking for the mall. Since the removal of the Property from the Cross County Mall shopping center, the Property has been subject to the following Zoning public hearing approvals (per the records available through the County's Zoning Division):

Prior Approvals			
Resolution Number	Date	Request	Decision
R-2004-2275	10/28/2004	Class A Conditional Use to allow an Office/Warehouse use in the CG zoning district	Approved
R-2008-0259	2/28/2008	Status Report to approve a Development Order Amendment to amend conditions of approval of the development order previously granted by the approval of Resolution R-2004-2275	Approved

No extensions to allow additional time to commence development have been granted. As such, Petitioner has included a request to abandon these approvals with this application. Copies of the resolutions referenced in the table above are included with this application for reference.

### **SURROUNDING USES**

The surrounding uses vary yet are consistent and compatible with the Project as it is designed to address any potential impacts on the surrounding area. The following table summarizes the nature of the development surrounding the Property:

Adjacent Lands	Uses	FLU	Zoning
East	Westgate Plaza Apartments Multifamily Residential	HR-18	RM
North	Cross County Commerce Center Office/Warehouse	CH/8	CG/SE
South	Cross County Mall Stormwater Retention Pond	CHX/8	CG/SE
West	Food Distribution Center - Do Right Church   School Property	CH/8	RM

The foregoing table demonstrates that the Project is located within an established commercial corridor with an office/warehouse development located across Westgate Avenue to the north, a stormwater retention pond serving the Cross County Mall located to the south, the four (4) story, eighty (80) dwelling unit Westgate Plaza multifamily residential development located to the east, and a School District of Palm Beach County property serving as a food distribution center located to the west. The Project is compatible with the surrounding land uses and promotes development that will make a positive contribution to the character of the locality while also providing a valuable resource to fine art collectors within the County.

The Project is designed to provide the landscape buffers and screening necessary along the north, south, east, and west property lines to ensure that the Project provides appropriate transitions to the surrounding properties. Specifically, eight foot (8') wide compatibility buffers are provided between the Property and the distribution use to the west and the retention area to the south, a fifteen foot (15') wide right-of-way buffer is provided along Westgate Avenue, and a fifteen foot (15') wide incompatibility buffer including a six foot (6') high wall is provided between the proposed building and the four (4) story multifamily residential use located to the east. Further, the upper stories of the east side of the building facing the existing four (4) story multifamily residential use do not include fenestration that would impact the residential privacy of the residents. The proposed landscape and building design are consistent and compatible with the surrounding uses on all sides.

## **APPLICATION REQUEST**

As described above, Petitioner intends to develop the Property with a +/- 49,760 square foot Self-Service Storage Facility including a +/- 45,304 square foot Limited Access Self-Storage Facility component and a +/- 4,456 square foot Multi-Access Self-Storage Facility component in order to develop a fine art storage facility providing a unique storage option for the County's collectors that offers a secure viewing room, state of the art security, climate control with redundant mechanical systems, UV filtration on interior lighting, and a variety of storage unit sizes. In order to develop the Project, Petitioner respectfully requests approval for:

**Class B Conditional Use to allow a +/- 45,304 square foot Limited Access Self-Storage Facility;**

**Class B Conditional Use to allow a +/- 4,456 square foot Multi-Access Self-Storage Facility; and**

**Abandonment of Resolution R-2004-2275, which allowed a Class A Conditional Use for Office/Warehouse in the CG zoning district, and Resolution R-2008-259, which allowed a Development Order Amendment to amend conditions of approval of R-2004-2275 (collectively referred to herein as "Project").**

As detailed herein, the Project is consistent and compliant with all applicable regulations.

## **CLASS B CONDITIONAL USE STANDARDS**

Pursuant to ULDC Section 2.B.7.B.2, Petitioner will demonstrate that the Project: (a) is consistent with the County's Comprehensive Plan; (b) is consistent with the County's Unified Land Development Code ("ULDC"); (c) is compatible with surrounding uses; (d) is designed to minimize adverse impacts (e) is designed to minimize environmental impacts; (f) will result in a logical, orderly and timely development pattern; (g) is compliant with the County's concurrency standards; and (e) is necessitated by changed conditions.

- a) *Consistency with the Plan* – Approval of the Project is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. As noted above, the Property is designated CH/8, Commercial High with an underlying HR-8, on the County's FLUA. The Project proposes a mix of Limited Access Self-Service Storage and Multi-Access Self-service Storage uses on Westgate Avenue, which is an arterial thoroughfare. The Project will serve community and regional commercial demand for individuals, business and government establishments, and other organizations in need of highly secure fine art storage in accordance with the requirements of the CH land use category. The Project will provide a much needed fine art self-storage use in the County. Further, the Project promotes Sub-Objective 1.2.3 of the Future Land Use Element as it involves development within the WCRAO, that will expand upon the goods and services currently provided along the Westgate Avenue commercial corridor and increase the value of the Property and surrounding area. In addition, the Project is designed to provide a significant buffer and concrete wall along the east property line in order to buffer the existing four (4) story multifamily residential use. Approval of the Project is not only consistent with the land use designation of the Property, it is also consistent with Policy 2.2.c of the PBC Comprehensive Plan, which requires the PBC Code to be consistent with appropriate elements of the PBC Comprehensive Plan including compatibility with adjacent future land uses.

- b) *Consistency with the Code* – The Project complies with the applicable standards and provisions of the County ULDC for use, layout, function, and general development characteristics to the greatest extent possible. The Property is zoned CG and was previously approved for a 15,000 square foot office/warehouse development as discussed in greater detail above. Petitioner proposes to abandon the prior development orders and requests approval for two (2) Class B Conditional uses to allow both Limited Access and Multi-Access Self-Service Storage Facility uses. The Project is designed to comply with the dimensional, building and safety requirements established by the Code. The Project provides a unique, highly secure fine art and collector storage facility that will serve the County's many collectors. The Property is located on Westgate Avenue, which is identified as an Urban Collector on Map TE 3.1, Functional Classification of Roads. As such, the Project is consistent with the purpose of the CG zoning district "to encourage the development of intensive commercial uses providing a wide range of goods and services, with access from a Collector or Arterial Street and services a consumer market of at least a three-mile radius".

Article 1: The Project complies with Article 1 with the request to abandon the prior approvals. Further, Petitioner is not seeking to vest any existing nonconformities.

Article 2: The Project complies with the Development Review procedures outlined in Article 2 through the processing of this application.

Article 3: The Project complies with the requirement for a recommendation from the Westgate CRA prior to submittal as it will be considered at the September 14, 2020 Westgate CRA meeting. The Project is allowed subject to Class B Conditional Use approval for the Limited Access Self-Storage and Multi-Access Self-Storage uses pursuant to ULDC Section 3.B.14.D.2.b., which allows a Class A Conditional Use on a WCRAO property that is less than 2 acres to be approved as a Class B Conditional Use. The Project complies with the Article 3 Property Development Regulations for properties designated CG within the WCRAO with the provision of:

- 100% Non-Residential Use where 100% Non-Residential Use is allowed (Table 3.B.14.E),
- 1.43 acre lot area where a minimum of 1 acre is required (Table 3.D.1.A),
- +/- 297 foot lot width and frontage where a minimum 100 foot lot width and frontage is required (Table 3.D.1.A),
- +/- 209 foot lot depth where a minimum 200 foot lot depth is required (Table 3.D.1.A),
- 0.80 FAR where 0.85 FAR is permitted (Table 3.D.1.A),
- 28.02% building coverage where 40% is permitted (Table 3.B.14.F),
- 67'-8" setback from the front (north) property line where a minimum 50' setback is required (Table 3.D.1.A),
- 35'-10" setback from the rear (south) property line where a minimum 25' setback is required (Table 3.B.14.F),
- 55'-10" setback from the side (west) property line where a minimum 15' setback is required (Table 3.B.14.F),
- 67'-3" setback from the side (east) property line where a minimum 15' setback is required (Table 3.B.14.F),
- 53' building height where 120' maximum building height is permitted (Table 3.B.14.F), and
- 4 stories where a maximum of 10 stories are permitted (Table 3.B.14.F).

Article 4: The Project complies with all applicable portions of Article 4.B, Supplementary Use Standards, as described in more detail below.

4.B.2.C.37 Self-Service Storage –

- a. Definition - A facility consisting of individual, self-contained units that are leased for the storage of business, household, or other personal goods.

**The Project is a facility that consists of individual, self-contained units leased for the storage of business, household, or other personal goods. As such, the Project is consistent with the use definition.**

- 1) Types Permitted - Self-Service Storage facilities may include but are not limited to Limited or Multi Access storage units, with or without Outdoor Storage areas, limited to the storage of personal or household goods, automobiles, recreational vehicles, boats, or personal watercraft, only, subject to the following:

**The proposed Self-Storage Facility includes both Limited and Multi-Access without Outdoor Storage for the storage of fine art, collectibles, and high end vehicles. As such, the Project is allowed.**

- a) Limited Access - Limited Access is a Self-Service Storage facility with limited access points from the exterior of the building to interior halls that serve individual storage units.

**A +/- 45,304 square foot portion of the Project is dedicated to Limited Access Self-Service Storage with the public entrance located at the exterior of the north side of the building and interior corridors that serve the individual storage units. As such, the Project is allowed.**

- b) Multi-Access - Multi-Access is a one-story Self-Service Storage facility with multi-access points from the exterior of the building to individual storage units.

**A +/- 4,456 square foot portion of the Project is dedicated to Multi-Access Self-Service Storage with access directly to the individual storage units from the exterior of the south side of the building. As such, the Project is allowed.**

- b. Overlay – Westgate Community Redevelopment Area Overlay (WCRAO) - Self-Service Storage is prohibited in the NR, NRM, NG, and NC Sub-areas, as outlined in Table 3.B.14.E, WCRAO Sub-area Use Regulations.

**The Property is not located in the WCRAO NR, NRM, NG, or NC Sub-area. As such, this criterion is not applicable.**

- c. Zoning Districts – Commercial Pod of PUD or Neighborhood Center of TND

**The Property is not located in a Commercial Pod of PUD or Neighborhood Center of TND. As such, this criterion is not applicable.**

- d. Accessory Uses – Industrial Districts

**The Property is not located in an Industrial District. As such, this criterion is not applicable.**

- e. Architecture

- 1) Storage Access or Storage Unit Door Screening - Access points and storage unit doors shall be screened from all public streets, residential uses, or vacant parcels with a residential FLU designation, through the use of buildings, walls, opaque vehicular gates which primarily remain closed, or other similar barriers.

**The Project is designed to screen all access points and storage unit doors screened from public streets, residential uses, and vacant parcels with a residential FLU through the use of buildings and walls. As such, the Project complies with this criterion.**

- 2) **Fenestration** - The use of fenestration that allows visibility of storage unit doors or is designed in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage shall be prohibited.  
**The Project is not designed to use fenestration to allow visibility of storage unit doors or in conjunction with interior signage, logos, lighting, or paint schemes intended to expand permitted exterior signage. The Project is a highly secure facility and is designed to discourage identification of the valuable goods stored within rather than to call attention to the use. As such, the Project complies with this criterion.**
- f. **Landscaping – Incompatibility Buffer Screening Requirements** - Where an Incompatibility Buffer is required, the minimum six-foot screening requirement may be waived, subject to the following:  
**Petitioner does not intend to waive the minimum screening requirement where an incompatibility buffer is required. As such, this criterion is not applicable.**
- g. **Storage**
  - 1) **Hazardous Materials Prohibited** - The storage of flammable, hazardous or explosive materials, goods or products shall be prohibited.  
**The Project does not include storage of hazardous materials. As such, the Project complies with this criterion.**
  - 2) **Outdoor Storage Standards**  
**The Project does not include Outdoor Storage. As such, these criteria are not applicable.**
- h. **Supplemental Circulation Standards for Multi-Access Facilities**
  - 1) **Interior** - The minimum width of aisle ways between storage structures shall be 20 feet for one-way traffic, and 30 feet if two-way traffic.  
**The drive aisle adjacent to the multi-access storage structures is designed as a one-way 20-foot wide aisle. As such, the Project complies with this criterion.**
  - 2) **Flow** - Traffic flow patterns in aisle ways shall be clearly marked. Markings shall consist at a minimum of standard directional signage and painted lane markings with arrows.  
**The Project is designed to clearly mark traffic flow patterns with standard directional signage and painted lane markings with arrow. As such, the Project complies with this criterion.**
- i. **Business Uses Prohibited** - Businesses shall be prohibited from operating within any Self-Service Storage facility or storage unit or outdoor storage area, except as follows:
  - 1) **Storage of Business Goods** - A storage unit shall not be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation.  
**No storage units will be used to store inventory, equipment or material required on a daily or recurring basis necessary for a business trade or occupation. Only longer term storage of store inventory, etc, will be permitted. As such, the Project complies with this criterion.**
  - 2) **Home Occupation Vehicles** - A maximum of one business related vehicle per storage customer a maximum of 8,000 pounds curb weight may be stored in a Multi-Access storage unit or outdoor storage area.

**A maximum of one business related vehicle per storage customer that is a maximum of 8,000 pounds curb weight will be stored in a Multi-Access storage unit. As such, the Project complies with this criterion.**

Article 5: The Project complies with ULDC Sections 5.B.1.A.8.A, 5.B.1.A.8.B, 5.B.1.A.8.C.2, and 5.B.1.A.8.D as all refuse containers will be stored in a storage area with a minimum dimension of ten feet (10') by ten feet (10'), located to minimize turning and backup movements by pick-up and removal vehicles, set back a minimum of twenty-five feet (25') from the property line, and screened from view by a solid enclosure and a swing-gate screening. In accordance with ULDC Section 5.C Architectural Review will be completed at time of Building Permit, however conceptual elevations will be presented to the Westgate CRA, Zoning Commission, and Board of County Commissioners to provide additional context regarding the building.

Article 6: The Project complies with the parking regulations in Article 6 with the provision of 25 parking spaces where 10 parking spaces are required for the proposed uses. The parking stalls located to the north of the building are proposed to be 90-degree with a minimum stall size of 9.5 foot width and 18.5 foot depth. These parking stalls are served by drive aisles with a minimum width of 25 feet as required for 90-degree parking stalls that are 9.5 feet wide by 18.5 feet deep. The parking stalls located to the east of the building are proposed to be 60-degree with a minimum stall size of 9.5 foot width and 19 foot depth. These parking stalls are served by drive aisles with a minimum width of 19'-9" feet in excess of the requirement for 60-degree parking stalls that are 9.5 feet wide by 19 feet deep. Further, the access complies with the standards of Table 6.B.3.A with the provision of a 28 foot wide two-way access way where a 25 foot wide access way is required. Lastly, the Project exceeds the requirement for loading spaces with the provision of two (2) 14 foot wide by 59 foot deep loading zones provided adjacent to the access to the limited access self-storage bays where two (2) 12 foot wide by 18.5 foot deep loading zones are required.

Article 7: The Project is designed to comply with or exceed, the landscape standards within Article 7. The proposed ROW buffer width along Westgate Avenue is 15-foot width where 15-foot width is required. The provided incompatibility buffer along the east property line meets the 15-foot width requirement, and the provided compatibility buffers along the west and south property lines meets the 8-foot minimum width requirement. The Project provides the required 8-foot wide foundation planting buffers along 40 percent of the facade for the north, east, and west facades. Interior and terminal landscape islands are provided with a maximum of 7 parking spaces in a row where a maximum of 10 are permitted and meet the minimum dimensional requirements of the ULDC with the provision of a minimum 8-foot width and 15-foot depth.

Article 8: No exterior signage is proposed. As such, the Project complies with the signage requirements in Article 8.

3. *Compatibility with Surrounding Uses* – The Project is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the Property. The surrounding uses vary yet are consistent and compatible with the Project. The following table summarizes the nature of the development surrounding the Property:

Adjacent Lands	Uses	FLU	Zoning
East	Westgate Plaza Apartments Multifamily Residential	HR-18	RM
North	Cross County Commerce Center Office/Warehouse	CH/8	CG/SE

<b>South</b>	Cross County Mall Stormwater Retention Pond	CHX/8	CG/SE
<b>West</b>	Food Distribution Center - Do Right Church   School Property	CH/8	RM

The foregoing table demonstrates that the Project is located within an established commercial corridor with an office/warehouse development located across Westgate Avenue to the north, a stormwater retention pond serving the Cross County Mall located to the south, the four (4) story, eighty (80) dwelling unit Westgate Plaza multifamily residential development located to the east, and a School District of Palm Beach County property serving as a food distribution center located to the west. The Project is compatible with the surrounding land uses and promotes development that will make a positive contribution to the Westgate CRA while also providing a valuable resource to fine art collectors within the County.

In addition, the Project is designed to address any potential impacts on the surrounding area with the provision of landscape buffers and screening necessary along the north, south, east, and west property lines to ensure that the Project provides appropriate transitions to the surrounding properties. Specifically, eight foot (8') wide compatibility buffers are provided between the Property and the distribution use to the west and the retention area to the south, a fifteen foot (15') wide right-of-way buffer is provided along Westgate Avenue, and a fifteen foot (15') wide incompatibility buffer including a six foot (6') high wall is provided between the proposed building and the four (4) story multifamily residential use located to the east. Further, the upper stories of the east side of the building facing the existing four (4) story multifamily residential use do not include fenestration that would impact the residential privacy of the residents. The proposed landscape and building design, and Project in general, are consistent and compatible with the surrounding uses on all sides.

4. *Design Minimizes Adverse Impacts* – The design of the Project minimizes adverse impacts, including visual impact and intensity of the proposed use on adjacent lands. As detailed above, the Project is designed to be compatible with existing residential uses to the east and to provide appropriate setbacks and buffering to reduce the visual impact on passersby. The Project is also designed to meet or exceed the ULDC required dimensional and landscaping components, which ensure that the Project is aesthetically pleasing and compatible with other uses in the area.
5. *Design Minimizes Environmental Impact* – The Project minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Furthermore, the Project is designed to comply with all County, State and Federal environmental requirements.
6. *Development Patterns* – The Project will result in a logical, orderly and timely development pattern. Approval of the Project will allow for a unique, highly secure, fine art and collectible self-service storage facility and expand the storage options that serve the growing population of the County within the Urban/Suburban Tier. The Property is located along an established commercial corridor within the Westgate CRA where development that improves property values is encouraged. Considering the foregoing, the Project will allow for the logical, orderly and timely development of the Property.
7. *Adequate Public Facilities* – The Project will not have an adverse effect on the ability of the County to provide adequate public facilities to the residents or businesses in the surrounding area. Please refer to the Traffic



Statement and Drainage Statement that are included with this proposal. Further, Petitioner is applying for a concurrency reservation for the Project to ensure adequate public facilities exist.

8. *Changed Conditions or Circumstances* – There are changed conditions or circumstances that necessitate the Project. The Westgate corridor and County at large have significantly changed since the Plan adoption in 1989 and there is a growing need for specialized storage options, thus creating the need for additional commercial facilities for the County residents. As such, the County's growth and establishment as a place for high-end art and collectibles, are changed circumstances that necessitate the amendment.
9. *Hazardous Material* –The Project will not generate noxious odors, noises, airborne pollutants, chemicals or waste. As such, no special handling of waste will be required.

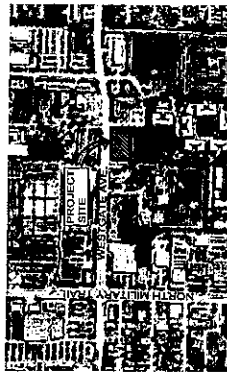
### **CONCLUSION**

This Project is consistent with the Goals and Objectives of the Plan, meets or exceeds the technical requirements of the Unified Land Development Code (ULDC), and furthers the goals of the Westgate CRA.

Based on the above and attached information, the Petitioner respectfully requests Class B Conditional Use approval for the Project, and Abandonment of the previous development orders.



DEVELOPMENT TEAM	
DEVELOPER	THED VALLT LPB LLC
OWNER	KENNETH CARLSON ARCHITECT P.A.
ARCHITECT	166 E. NEWPORT CENTER DR. SUITE 311 DEERFIELD BEACH, FLORIDA 33442
TRAFFIC ENGINEER	PER ENGINEERING, INC. 1000 N. W. 10TH AVE., SUITE 100 MELBOURNE, FL 32901
CIVIL ENGINEER	PER ENGINEERING, INC. 1000 N. W. 10TH AVE., SUITE 100 MELBOURNE, FL 32901
LANDSCAPE ARCHITECT	SCHMIDT NORDLUND 1000 N. W. 10TH AVE., SUITE 100 MELBOURNE, FL 32901



## 2 PROJECT LOCATION MAP

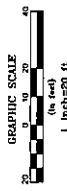
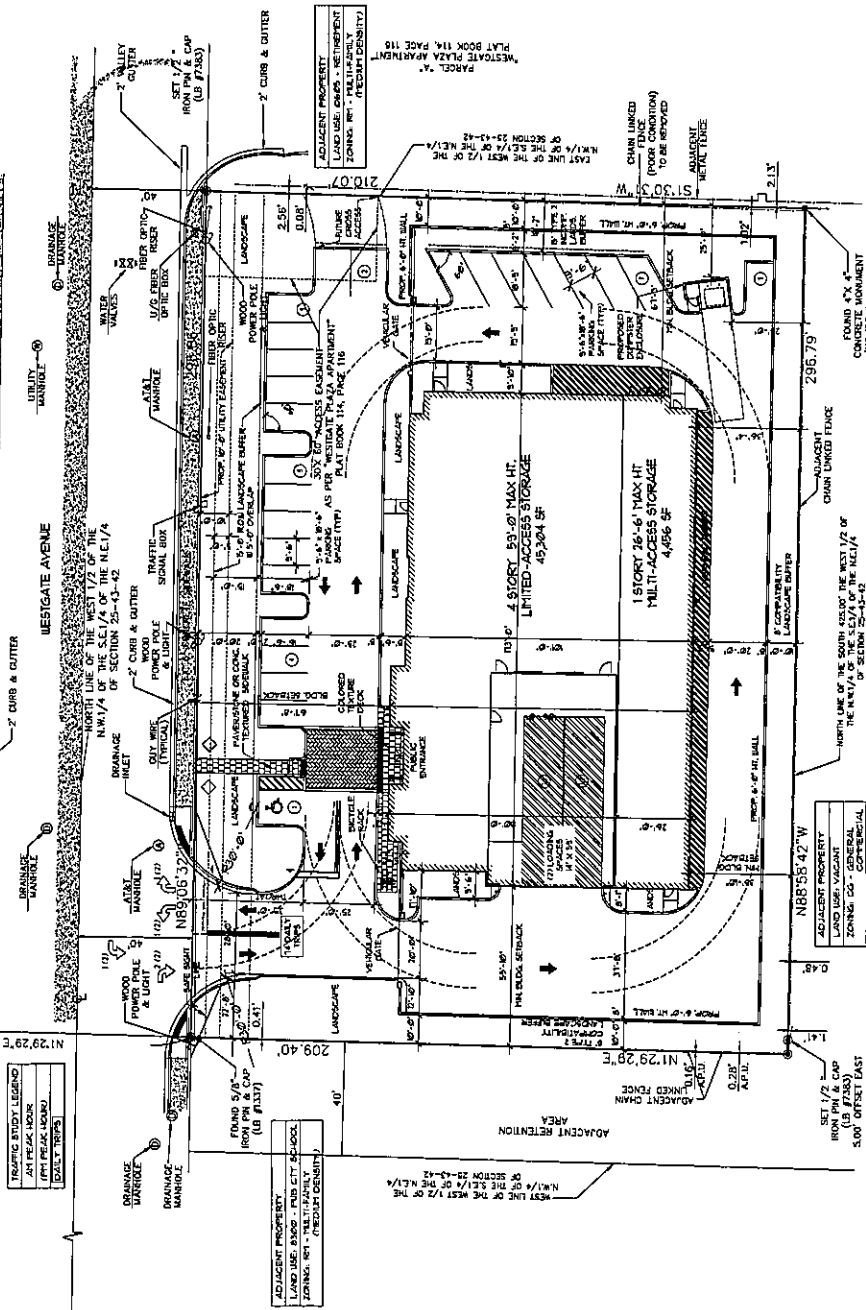


SCALE 1" = 100'

PROPERTY DEVELOPMENT REGULATIONS	
MINIMUM LOT AREA	MINIMUM LOT WIDTH
REQUIRED 1.00 ACRES	100 FT.
PROPOSED 1.00 ACRES	100 FT.
MINIMUM LOT DEPTH	
REQUIRED 100 FT.	100 FT.
PROPOSED 100 FT.	100 FT.
MINIMUM LOT AREA PER UNIT	
REQUIRED 1.00 ACRES	100 FT.
PROPOSED 1.00 ACRES	100 FT.

## CONCURRENCY TABLE

USE	DENSITY / DENSITY
SELF STORAGE	15.00 SF

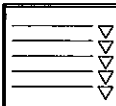


## 1 PROPOSED SITE PLAN

SCALE 1" = 10'

MUSEO VALLT - FINE ART STORAGE BUILDING  
WEST PALM BEACH, FL

KENNETH R. CARLSON - ARCHITECT, P.A.  
166 E. NEWPORT CENTER DR. SUITE 311  
DEERFIELD BEACH, FLORIDA 33442  
PAK (754) 437 - 5519



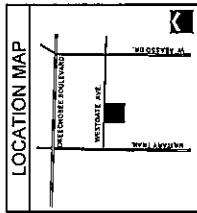
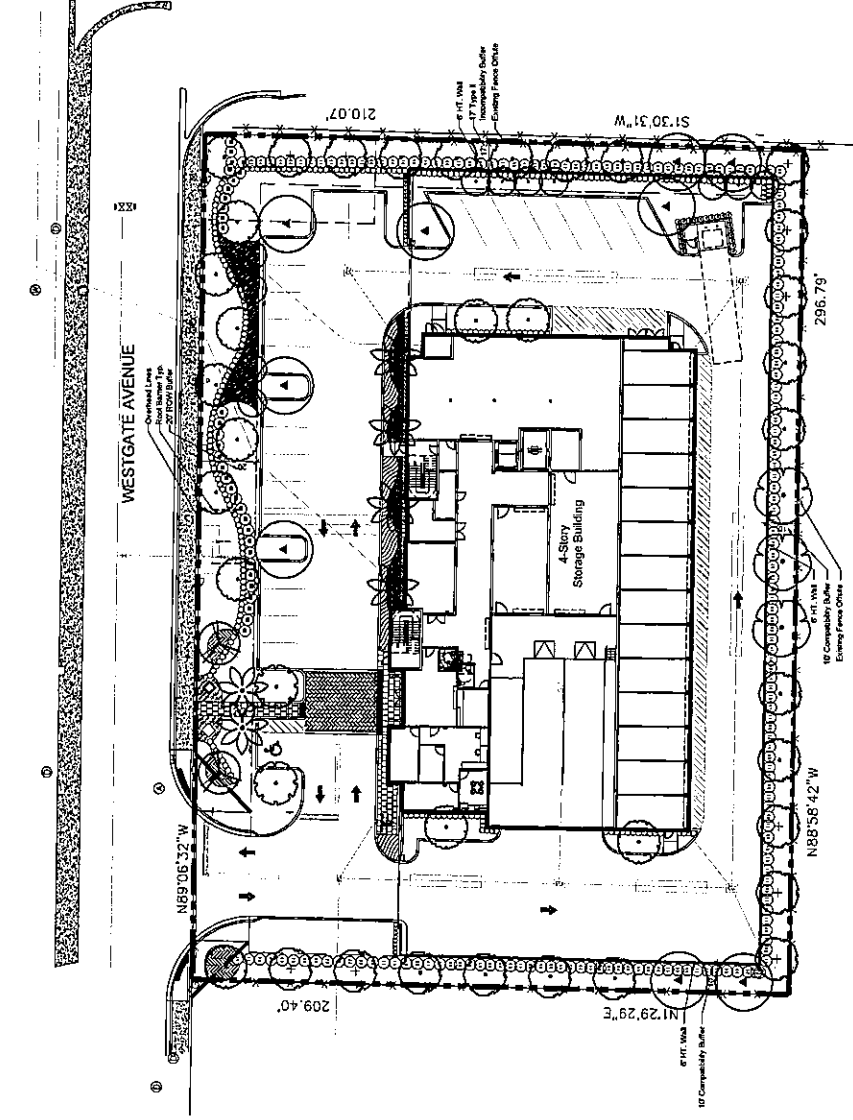
DATE: 06/20/2023  
DRAWN BY: JMC  
CHECKED BY: JMC  
SCALE: 1" = 100'

NOT FOR CONSTRUCTION  
SHEET 1 OF 7

PSP1

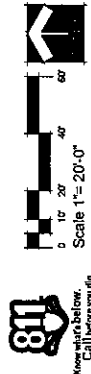
## 3 SITE DATA CHART

USE	AMENDMENT	ZONING
SELF STORAGE	AMENDMENT	ZONING



**WESTGATE MUSEO VAULT**

- LI-1 Landscape Index Sheet
- LP-1 Landscape Plan
- LP-2 Landscape Specifications



Scale 1" = 20'-0"



68



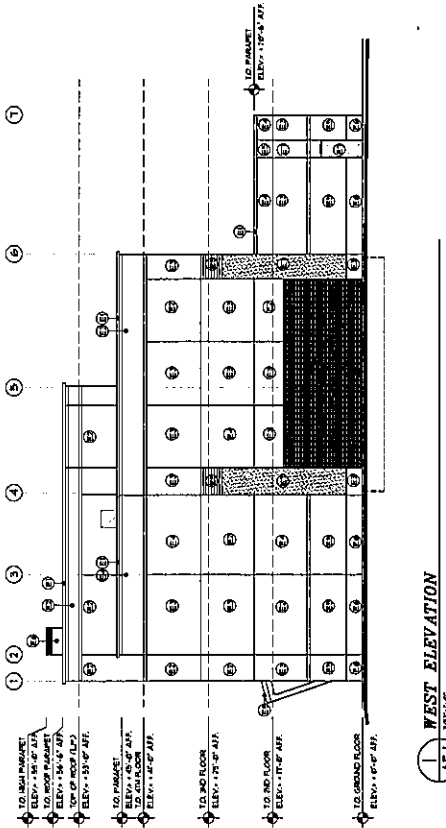
4200 WESTGATE AVE  
WEST PALM BEACH FL

KENNETH R. CARLSON - ARCHITECT, P.A.  
1166 W. NEWPORT CENTER DR. SUITE 311  
DEERFIELD BEACH, FLORIDA 33442  
AA 0021676 FAX (954) 427 - 5929

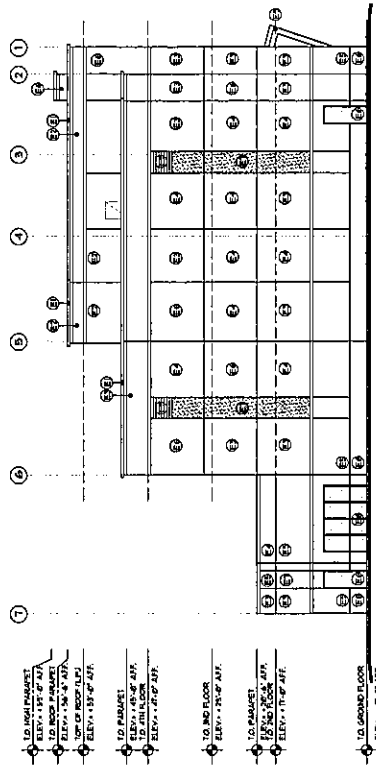
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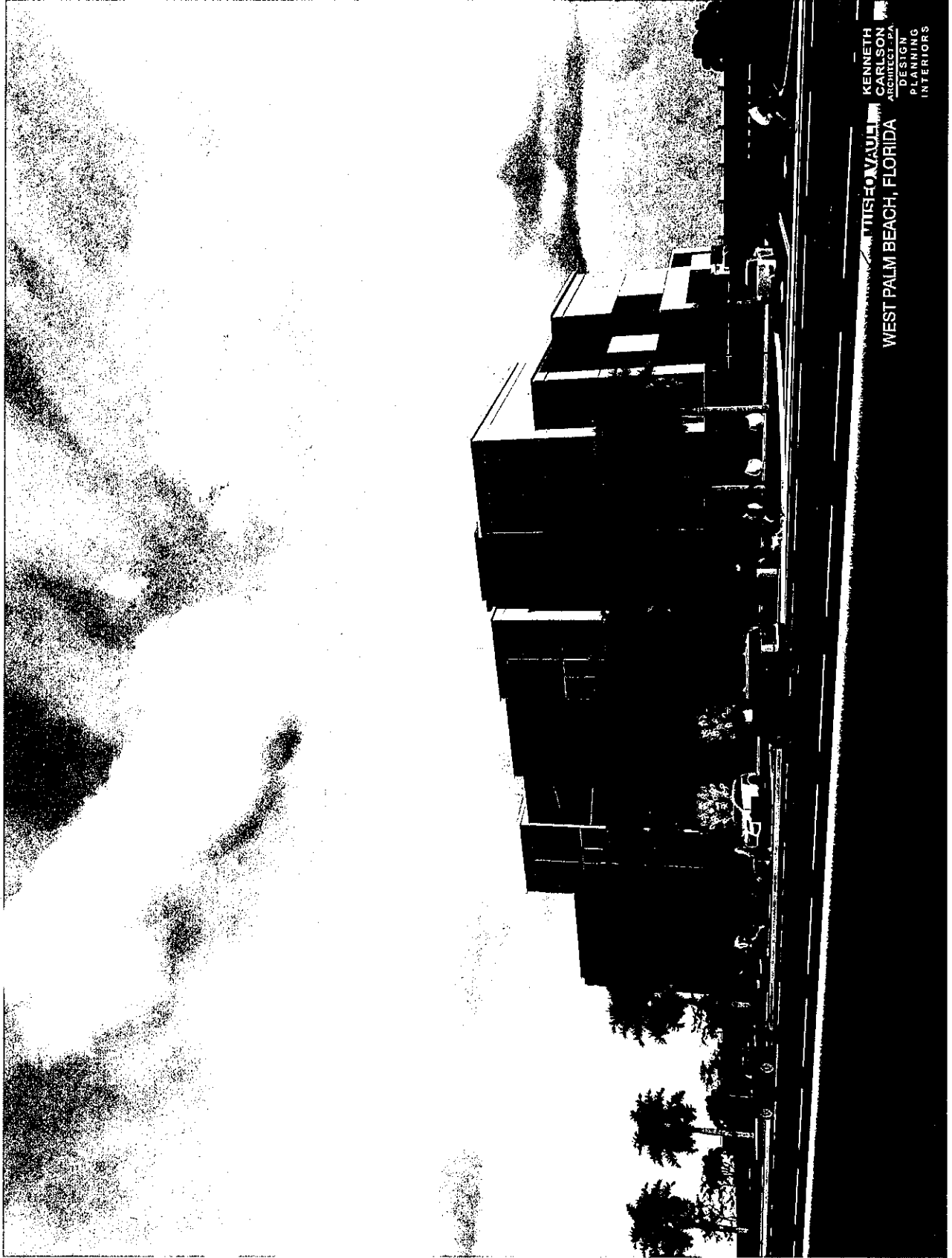


WEST ELEVATION



FAST ELEVATION

[illegible]



KENNETH  
CARLSON  
ARCHITECT P.A.  
DESIGN  
PLANNING  
INTERIORS  
WEST PALM BEACH, FLORIDA



KENNETH  
CARLSON  
DESIGN  
PLANNING  
INTERIORS

WEST PALM BEACH, FLORIDA



**4200 WESTGATE AVENUE  
DRAINAGE SUMMARY****INTRODUCTION:**

The proposed development is a 1.43± acre parcel that is currently a vacant cleared lot. The development proposes to construct a self-storage building with associated parking, drive aisles, and landscaping.

**EXISTING CONDITIONS:**

The affected area is currently vacant and is located on the south side of Westgate Avenue in unincorporated Palm Beach County. The existing site does not have any drainage facilities. The site is within the LWDD service area, but is not adjacent to any of their facilities. The site is bordered on the East by a residential development, the South by a stormwater pond, the West by a SFWMD 40' wide drainage right-of-way with conveyance pipe, and on the North by the Westgate Avenue right-of-way.

**PROPOSED DESIGN:**

The proposed development will require pretreatment and storage of the stormwater runoff per state requirements. The development's drainage system includes installation of pavement, curbs, grass swales, storm inlets, exfiltration trench, and conveyance piping. The site is within the C-51 basin and is allowed offsite discharge. The site is currently designed to contain the 25-year 3-day runoff onsite without offsite connection but a bleeder pipe may be utilized if found to be beneficial.

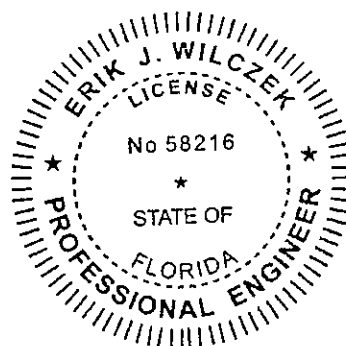
The site will be required to provide 0.5" of dry pre-treatment for water quality which is accomplished within the proposed exfiltration trench. The state water quality requirements will also be provided within the exfiltration trenching.

A perimeter berm will be set at a minimum elevation to contain the volume of runoff from the 25-year 3-day storm event. The minimum pavement grade will be at or above the staging if the 10-year 1-day storm event. The finish floor will be at or above the minimum of the FEMA flood map elevation or the calculated 100-year 3-day storm event.

The site meets the land use and grading assumptions of the master permit with the F.F.E set to 18.50' NGVD and the perimeter berm set to 17.20' NGVD min. The table below shows the approved and proposed land use breakdown

**CONCLUSION**

The proposed development is in compliance with the storm water criteria set forth in the state code. The development will provide onsite storage storm mitigation. The amount of proposed exfiltration trench exceeds the required amount to provide water quality. Given the above the proposed development will not adversely impact the adjacent properties.



Digitally signed  
by Erik J Wilczek  
Date:  
2020.08.06  
16:15:20 -04'00'

172



JMD ENGINEERING, INC.

September 1, 2020

Quazi Bari, PE  
PBC Department of Engineering – Traffic Division  
2300 Jog Road, 3rd Floor  
West Palm Beach, FL 33411

Re: Traffic Statement – Museo Vault - Self-Storage  
Palm Beach County, FL  
PCN: 00-42-43-25-00-000-1430

Dear Mr. Bari:

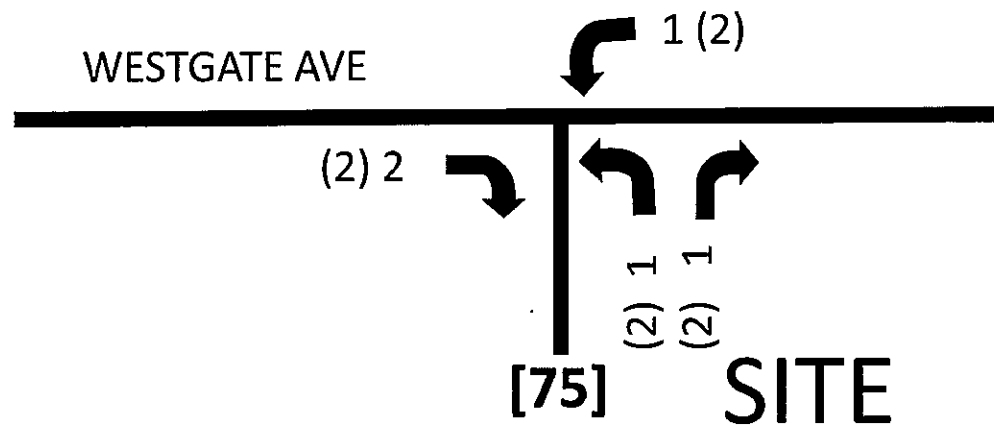
A change is proposed for the above referenced site with PCN # 00-42-43-25-00-000-1430 in unincorporated Palm Beach County, Florida. Site location is shown in Figure 1. It is proposed to construct 49,760 square feet of self-storage. The build out for this proposed use is 2025.

***Trip Generation***

Trip generation rates published by Palm Beach County and the Institute of Transportation Engineers' (ITE) publication were utilized to determine the daily and peak hour traffic for the site.

The proposed project is expected to generate 67 net external daily trips, 4 net a.m. peak hour trips and 7 net p.m. peak hour trips as shown in Table 1.





LEGEND  
AM PEAK HOUR  
(PM PEAK HOUR)  
[DAILY TRIPS]



ENGINEERING, INC.

## PROJECT DRIVEWAY VOLUMES

FIGURE 2  
MUSEO VAULT  
PALM BEACH COUNTY, FL



### *Conclusion*

Based on the analysis presented above, the proposed 49,760 square foot self-storage facility meets the TPS standards.

If there are any questions regarding this analysis, please do not hesitate to call me at 561-383-5595.

Sincerely,

JMD ENGINEERING, INC.

John M. Donaldson, P.E., PTOE  
Transportation Engineer

Florida Registration  
Number 40568  
Engineering Business  
Number CA00009514  
Attachments



This item has been  
Electronically signed &  
Sealed by John M.  
Donaldson, P.E. on the time  
and date stamp shown using  
the digital signature. Printed  
copies of this document are not  
considered signed and sealed and  
the signature must be verified on  
any electronic copies.

Digitally signed  
by JOHN M  
DONALDSON  
Date: 2020.09.01  
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**WESTGATE CRA COVID-19 SMALL BUSINESS EMERGENCY RELIEF FORGIVABLE LOAN PROGRAM - INTEREST/APPLICATION TRACKING SHEET**

Name of Business	Type of Business	Address	WCRAO Sub-area	Eligible?	Amount requested?	Funds to be used for?	Number of years at current location?	Owner name (or contact)	Contact #	Date applic. submitted	Complete?
Advanced Vision	Medical office/retail	2532 Okeechobee Blvd. 1334 N. Military Trail	UH	Yes	\$10,000	Rent	21 years	Jean-Philippe Assuied	561-687-1414 (store) 561-302-7865 (cell)	9/4/2020	yes
Shoe Haul	Retail sales	(Palm Beach Commons)	UH	Yes	\$10,000	Rent/payroll	6 years	Marlene Shub (Denny Shub)	561-289-0222	9/4/2020	yes
Alternative Automotive Services	Vehicle Repair & Maintenance	2702 Rocky Dr., #A	UI	Yes	\$10,000	Rent/payroll	38 years	Morris Hale	561-689-1093 561-640-4644 (o)	9/4/2020	yes
Tender Love & Care	Day care center	1859 Seminole Blvd	NG	Yes	\$10,000	Payroll	17 years	Miriam Walker	561-684-2600	9/8/2020	yes
Mufflers, Brakes & More	Vehicle Repair & Maintenance	2536 Okeechobee Blvd	UH	Yes	\$10,000	Payroll/utilities/inventory	21.5 years	Sheldon Shank (for Yingt	561-684-0543	9/9/2020	yes

78



**WESTGATE/BELVEDERE HOMES  
COMMUNITY REDEVELOPMENT AGENCY**

**COVID-19  
SMALL BUSINESS EMERGENCY RELIEF  
FORGIVABLE LOAN PROGRAM**

**(EFFECTIVE JUNE 9, 2020)**

Westgate CRA  
1280 N. Congress Avenue, Suite 215  
West Palm Beach, FL 33409  
(561) 640-8181  
[www.westgatecra.org](http://www.westgatecra.org)

## **PROGRAM DESCRIPTION AND RULES**

The **COVID-19 Small Business Emergency Relief Forgivable Loan Program** ("Program") is created to provide direct financial emergency relief to small businesses within the Westgate community redevelopment area. The Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA or CRA") recognizes that small businesses are being forced to make unprecedented decisions amid the COVID-19 pandemic. Efforts to mitigate the spread of the novel coronavirus by local and state governments has resulted in business closures, reductions in services, disruptions in inventory supply chains, impacts to cash flow, and payroll deficits. The Program is intended to support the retention of small businesses vital to the overall economic health of the redevelopment area, protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of further slum and urban blight, pursuant to the goals and objectives of the Westgate CRA Community Redevelopment Plan.

Through the Program, the Westgate CRA will provide businesses with 25 or fewer employees up to \$10,000 in an interest free loan. If the business can demonstrate compliance with the Program and that the loan was used towards rent, payroll support, inventory purchases, utility expenses, upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation within 1 year of the loan date, the loan will be forgiven, and the business will not be required to repay the loan. Loans will be awarded on a first-come, first-served basis. Loan recipients will be required to sign a promissory note to ensure compliance with the Program, loan terms, and conditions. The Westgate CRA has sole discretion to determine compliance with the Program, loan terms, and conditions sufficient to allow forgiveness of the loan.

The Westgate CRA is a public agency, governed by the Florida Public Records Law under Chapter 119, Florida Statutes. The CRA may produce any documents provided by loan applicants upon receipt of a public records request, subject to any exemptions provided by Florida law. If the loan applicant believes that any information is proprietary and exempt from public records such as a trade secret, the loan applicant should indicate such in the application.

## **PROGRAM FUNDING**

The Westgate CRA COVID-19 Small Business Forgivable Loan Program offers financial assistance to the business in the form of a forgivable loan for eligible expenses, up to \$10,000, associated with rent, payroll support, inventory purchases, utility expenses, technology upgrades to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation. The Program will be funded with Tax Increment Financing in accordance with the CRA's Redevelopment Plan. A total amount of **\$150,000** is considered for the Program.

## **PROGRAM ELIGIBILITY**

Loan applicants must meet **all** of the following requirements in order to be considered eligible to receive Program loan funding:

- Must be located within the Westgate CRA redevelopment area (see attached boundary map);
- Loan applicant must be a business that was or became operational (as evidenced by a Certificate of Occupancy or Palm Beach County Business Tax Receipt) prior to January 1, 2020;

Initials: SPA



- Loan applicant must be the business entity (or d/b/a) named on the corporate documents, and the application must be executed by the principal/owner(s) named on the corporate documents. If a corporate entity, the principal must execute a personal guarantee for the loan;
- Must be a for-profit, privately held business with less than 25 employees;
- Must provide proof that the business is properly entitled and licensed by all necessary levels of government;
- Businesses must have an executed one (1) year minimum lease;
- Business must employ a minimum of two (2) full-time equivalent W-2 employees whose wages are reported to the state and federal government; one (1) position occupied by the business owner may count toward the required job positions;
- If any individual is the Principal/Owner for more than one eligible business, the Principal/owner may only sign the application on behalf of one business. (Note: this means that if one or more eligible businesses have a Principal/Owner in common, only one of those businesses may apply for the Program, even if the business(s) has(have) more than one Principal/Owner).

**The following businesses are automatically considered ineligible for assistance under the Program:**

- Businesses that are prohibited uses within the Westgate Community Redevelopment Area Overlay (WCRAO) or certain sub-areas of the WCRAO including, but not limited to: adult entertainment, convenience stores, employment agencies, gas and fuel sales, self-service storage, or contractor storage yards;
- Businesses that do not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including, but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, liquor stores, smoke/e-cig or vape shops, tattoo shops, or any other use as determined by the Westgate CRA Board or designee;
- Not for profit organizations or places of worship;
- Businesses with more than 25 and less than two (2) full-time equivalent employees;
- Businesses which are publicly traded; and,
- Businesses that do not report employees' wages.

**The following types of businesses are eligible to receive funding under the Program include, but are not limited to:**

- Restaurants, professional/general offices (based on NAICS codes), medical/dental offices, neighborhood grocers, brick and mortar retail sales, veterinary clinics, catering services, personal services, financial institutions, and home-based businesses or home-based day cares with a residential address in the CRA.

### **LOAN TERMS AND CONDITIONS**

The maximum amount of loan to any one business under the Program is \$10,000. Loan applicants may apply multiple times if loaned less than the maximum amount, but no loan applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, loan applicants that were loaned \$10,000 may reapply for additional funding until the new maximum is reached.

Initials: SPA

Loans shall be interest-free, and the loan amount shall be due to be repaid to the Westgate CRA one (1) year from the date of the loan. Loan applicants will be required to sign a promissory note to ensure compliance with the loan, program terms, and conditions (see attached sample).

However, if the loan applicant provides evidence acceptable to the CRA of an amount equivalent to the loan, or any part thereof, that has been paid by the loan applicant to employees in the form of payroll, or to inventory suppliers, utility providers, receipt of purchase of technology or equipment to facilitate remote working, and/or invoices for expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, then that amount may be forgiven, in which case the loan applicant would not be required to repay such amount to the CRA. Loan funds may be used towards total payroll expenses including wages and benefits, but may not be used towards employee bonuses. Evidence to support loan and promissory note forgiveness includes but is not limited to invoices, receipts, paystubs, utility bills, or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as social security numbers, etc. No cash payments will be accepted as evidence in support of a request for loan forgiveness. Loan applicants may request loan forgiveness at any time between the CRA loan check date and the loan repayment date by submitting a request and the required evidence to the Westgate CRA. All evidence must be submitted to the Westgate CRA one (1) month prior to the loan repayment date electronically to Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) or by mailing a hard copy to Westgate CRA, 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, attention to Denise Pennell, Senior Planner/Project Manager. The Westgate CRA Board will review the evidence and determine whether the loan is eligible to be forgiven.

The Westgate CRA Board has sole discretion to determine what evidence is acceptable, to ask for more information, or different evidence to support any loan application or any request for loan forgiveness. Westgate CRA staff will notify the loan applicant on the determination as to whether the loan is deemed forgiven within 30 days of receipt of the evidence supporting the request for forgiveness. The loan may be prepaid, in whole or in part, without penalty, at any time prior to the date on which repayment is due.

All loan checks from the Westgate CRA to the successful loan applicant will be made out to the applicant business entity.

### **APPLICATION PROCESS**

Applications can be downloaded from the Westgate CRA website at [westgatecra.org](http://westgatecra.org) or may be obtained by email. All loan applicants are strongly encouraged to speak with CRA staff in order to determine eligibility before submitting an application. Please contact Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) for assistance. Applications will not be considered until all required documentation is submitted to the Westgate CRA office by sending the application electronically or by dropping off a hard copy to 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, between the hours of 9:00 A.M. – 2:00 P.M. with attention to Elizée Michel, Executive Director. **Loan applicants are STRONGLY encouraged to submit applications electronically.** Applications will be considered by the Westgate CRA Board at their regularly scheduled monthly Board meeting on the 2<sup>nd</sup> Monday of each month. Completed applications must be submitted no later than two (2) weeks before the monthly CRA Board meeting to be considered within that month.

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Application to this Program is not a guarantee of funding. Approval for funding is at the sole discretion of the Westgate CRA Board, and subject to availability of funds from the CRA's annual budget. Loan applicants will be notified of loan approval in writing by email.

Loan funding must be used for payment of rent, utility bills, employee payroll (excluding bonuses), upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation.

Applications will be considered on a first-come, first-served basis. Applications are not considered fully submitted until all supporting documents have been received. If the loan amount requested, or part thereof, includes expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, the Westgate CRA reserves the right to visit the business location during the loan vetting period.

**Application packets must include (please check):**

- ☒ Copy of the corporate documents for the applying business entity (an active copy of your registered business as shown on [SunBiz.Org](http://SunBiz.Org)).
- ☒ Copy of Palm Beach County occupational license (Business Tax Receipt or BTR).
- ☐ Documentation to support the loan applicant's request for approval including a breakdown of eligible expenses for rent, payroll, inventory, utility expenses, and/or technology upgrades. Examples include, but are not limited to: lease agreements, invoices, receipts, paystubs, utility bills or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as specified above.
- ☒ Completed, signed, and notarized application (attached).
- ☐ W-9 Form (attached).
- ☐ Other proof as necessary to evidence compliance with Funding Eligibility.

**SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF APPROVAL.**

**It is the responsibility of the loan applicant to READ AND UNDERSTAND all Program rules, eligibility, loan terms and conditions, and this application.**

**NOTICE TO THIRD PARTIES:** The loan application and loan do not create any rights for third parties. Nor shall issuance of a loan result in any obligation on the part of the Westgate CRA to any third party. The Westgate CRA is not required to verify that entities that have contracted with the loan applicant have been paid in full, or that such entities have paid any vendors or subcontractors in full.

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**LOAN APPLICANT SIGNATURES:**

All Principal/Owner(s) eligible to sign on behalf of the loan applicant must sign this application on behalf of the loan applicant. For the purposes of this Program, the term "Principal/Owner" means a principal or owner of the business:

1. Principal/Owner Signature: [Signature] Date: 09/04/2020  
Printed Name: JEAN ASSOIED Title: OWNER

Witness Signature: [Signature] Date: 09/04/2020  
Printed Name: maïten ferran

2. Principal/Owner Signature: [Signature] Date: 09/04/2020  
Printed Name: ASSOIED Title: OWNER

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

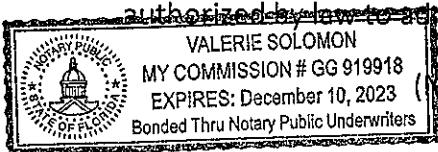
3. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

The foregoing instrument was acknowledged before me on this 4 day of SEPT, 2020  
by JEAN-Philippe Albert ASSOIED (name of person acknowledging), an officer duly  
authorized by law to administer oaths and take acknowledgements.



(Notary Seal)

[Signature]  
Signature of State of Florida Notary Public

Personally Known \_\_\_\_\_ or Produced Identification FLORIDA DELIVERIES LLC.

Type of Identification Produced: FL. DR. Lic.

Initials: SPT

**COVID-19 SMALL BUSINESSES EMERGENCY RELIEF FORGIVABLE LOAN PROGRAM**

**LOAN APPLICATION**  
(please type or print clearly)

**BUSINESS INFORMATION:**

Business Name (d/b/a if applicable): GENERATION ONE INC. DBA ADVANCED VISION

Loan Applicant Name: JEAN ASSUED Title: MANAGER / OWNER

Business Address: 2532 OKEECHOBEE Blvd West Palm Beach FL 33407

EIN#: 41 2126220

Business Phone: 561 687 1414 Cell: 561 302 7865

Email: ADVANCEDVISION@LIVE.COM

Website: 1HR OPTICAL.COM

Type of Business: RETAIL Hours of operation: 9 to 6 MONDAY TO SATURDAY

Please list expenses seeking loan funding for:

RENT

Requested loan amount: 10,000

Please estimate the total loss (physical, fiscal) to your business due to the economic crisis caused by the COVID-19 pandemic:

25 TO 40% of gross Per Month.  
15,000 TO 25,000 Per Month.

Number of full-time W-2 employees: Currently 7 Prior to March 15, 2020 7

Initials: JPA

Have you had to lay off or furlough employees due to the economic crisis caused by the COVID-19 pandemic: Yes ☒ No ☐

Number of years in operation at current location: 20

Do you have business interruption insurance? Yes ☐ No ☒

Have you applied for the U.S. Office of Small Business Administration's Economic Injury Disaster Loan (SBA EIDL) and/or Paycheck Protection Program (PPP)?

Amount requested: 40,000 Loan received? Yes ☒ No ☐

Have you applied for the State of Florida Small Business Emergency Bridge Loan?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

Have you applied for a Palm Beach County Cares for Business Restart Business Grant?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

If applicable, please provide the percentage difference in business revenue since March 15, 2020 compared to the same period last year? \_\_\_\_\_

If applicable, please provide the dollar value of inventory lost or spoiled as a result of the economic crisis caused by the COVID-19 pandemic: \_\_\_\_\_

Do you have an executed multi-year (1-year minimum) lease agreement? Yes ☒ No ☐

If so, monthly base rent: 3788 + 768.00 + 296 Sales Tax = 4853.

Name of landlord/property management group: HAMILTON REALTY

Address of landlord/property management group: 800 N FLAGLER DR.

West Palm Beach FL 33401

Business Phone: 561 655 3113 Cell: -

Email: HATREALTY@AOL.COM

Have you applied for assistance under any other program offered by the CRA? Yes ☐ No ☒

If so, program name: \_\_\_\_\_ Amount received: \_\_\_\_\_

Initials: YAT

**PRINCIPAL/OWNER INFORMATION:**

1. Principal/Owner Name: JEAN ASSUERS  
Date of Birth: 06/10/1959 Email: NEWJEANFLO@HOTMAIL.COM  
Residential Address: 728 NEWARK ST WPB FL 33401  
Cell Phone: 561 302 7865

2. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

3. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

4. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

*Note: If more than 4 principals/owners, additional sheets may be used.*

Initials: SPA

87

**CERTIFICATION AND WAIVER OF PRIVACY:**

For purposes of this certification and waiver of privacy, the term "I" refers to the loan applicant and to all signatories on the Program application individually. By signing and submitting the application to the Program, each signatory represents and confirms that he or she is authorized to sign on behalf of the loan applicant(s).

I, the undersigned loan applicant(s), certify that all information presented in this application, and all of the information furnished in support of the application, is given for the purpose of obtaining a loan under the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program, and it is true and complete to the best of my knowledge and belief.

I further certify that I am aware of the fact that I can be penalized by fine and/or imprisonment for making false statements or presenting false information. I further acknowledge that I have read and understand the terms and conditions set forth and described in the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program.

I understand that this application is not a guarantee of a loan, and that award of loans is at the sole discretion of the Westgate CRA Board. I understand that the purpose of the loan is to support the retention of small businesses vital to the overall economic health of the redevelopment area, to protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of slum and urban blight, furthering the implementation of the Westgate CRA Community Redevelopment Plan, and that the CRA may decline my application for any legal reason, including the reason that approving the loan will not further the Community Redevelopment Plan. Should my application be approved, I understand that the Westgate CRA has the sole discretion to determine whether the Program criteria have been met and whether the loan may be forgiven.

To the maximum extent possible, I hereby waive my rights to privacy and confidentiality for all matters contained in this application, and give my consent to the Westgate CRA, its agents, and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employers, or other public or private agency to disclose information deemed necessary to complete this application.

I give permission to the Westgate CRA or its agents to take photos of myself and business to be used to promote the Program.

I understand that if this application and the information furnished in support of the application are found to be incomplete or inaccurate, it will be not processed.

Initials: JPT



**SAMPLE PROMISSORY NOTE**  
**Westgate CRA, Palm Beach County, Florida**

FOR VALUE RECEIVED, the undersigned ("Loan Recipient") promises to pay to the order of the Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA") at 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409 or at such other address as may be indicated in writing, in the manner hereinafter specified, the principal sum of dollars \$ 10,000 without interest. The said principal shall be payable in lawful money of the United States of America, on [date] 09/04/2020 and in the following manner:

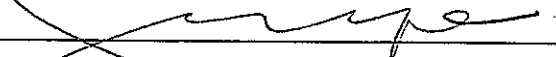
The sum of \$ 10,000 representing a payment of principal shall be due and payable one year from the date set forth above ("Repayment Date").

If, prior to the Repayment Date, the Loan Recipient provides evidence acceptable to the Westgate CRA that an amount equivalent to the principal or any part thereof has been paid by the Loan Recipient towards rent, payroll for employees (excluding bonuses), utility providers, inventory providers, or toward expenses to upgrade technology to facilitate remote working, the Westgate CRA, in its sole discretion, may forgive that amount, in which case the Loan Recipient shall not be required to pay such amount to the Westgate CRA. Evidence may be provided at any time prior to the Repayment Date, and may be provided on an ongoing basis as such evidence becomes available. Loan Recipient must abide by all terms and conditions of the **Westgate/Belvedere Homes Community Redevelopment Agency COVID-19 Small Business Emergency Forgivable Loan Program** in order to be eligible for the loan forgiveness described in this paragraph.

This note may be prepaid, in whole or in part, without penalty, at any time prior to maturity. If payment due under this note is not paid within 10 days of the Repayment Date, a late charge of 5% of the payment due shall be added to the principal. In the event of default in the payment of this note, and if the same is placed in the hands of any attorney for collection, the undersigned hereby agrees to pay all costs of collection, including a reasonable attorneys' fee. This note shall be construed and enforced according to the laws of the State of Florida and nothing in this note shall be deemed to waive any rights of the Westgate CRA thereunder.

Makers waive demand, presentment for payment, protest, and notice of nonpayment and dishonor.

Loan Recipient Name (including d/b/a): GENERATION ONE INC. dba ADVANCED VISION

Authorized Signature: 

Title: OWNER

Date: 09/04/2020

Initials: SEA

**SAMPLE PERSONAL GUARANTY**

**PROMISSORY NOTE BETWEEN**

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**

**AND**

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning JEAN ASSUED ("Borrower") memorialized by a Promissory Note dated 09/04/2020, 2020 in the amount of \$ 10,000 (the "Note"), the undersigned individual unconditionally and irrevocably guarantees the payment and collection of all sums due by Borrower under the Note, and any and all amendments, addenda, extensions, renewals and modifications thereof. The undersigned agrees that the obligations of the undersigned will be joint, several and primary with Borrower's obligations and not secondary. The Lender need not first pursue action against Borrower before proceeding against the undersigned. The undersigned agrees that he is bound by all amendments, addenda, extensions, renewals, and modifications of the Note referenced above, whether or not the undersigned has signed the same. This Personal Guaranty is supported by separate consideration, including but not limited to the benefit flowing to the Guarantor as an owner of the Borrower, receipt of which is hereby acknowledged by Lender and Borrower.

WITNESSES:

6 Witness Signature: Mateo Wallace

Printed Name: Mateo Wallace

Date: 9/4/2020

GUARANTOR(S):

Principal/Owner Signature: Assued

Printed Name: ASSUED

Witness Signature: Beatriz Loban

Printed Name: Beatriz Loban

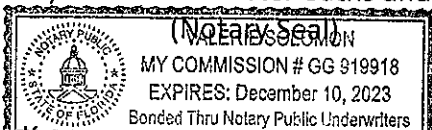
Date: 09/04/2020

Principal/Owner Signature: Assued

Printed Name: ASSUED

**(Business owner's signature must be notarized)**

The foregoing instrument was acknowledged before me on this 04 day of September, 2020 by Assued, JEAN-Philippe A (name of person acknowledging) by an officer duly authorized by law to administer oaths and take acknowledgements.

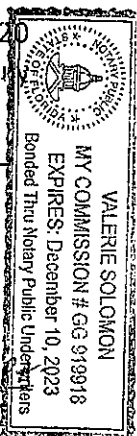


Signature of State of Florida Notary Public

Personally Known ☒ Produced Identification ☒

Type of Identification Produced: FLORIDA DESIGNS LLC

Initials: JA



9-4-2020  
MCE



**WESTGATE/BELVEDERE HOMES  
COMMUNITY REDEVELOPMENT AGENCY**

**COVID-19  
SMALL BUSINESS EMERGENCY RELIEF  
FORGIVABLE LOAN PROGRAM**

**(EFFECTIVE JUNE 9, 2020)**

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## PROGRAM ELIGIBILITY

Loan applicants must meet **all** of the following requirements in order to be considered eligible to receive Program loan funding:

- Must be located within the Westgate CRA redevelopment area (see attached boundary map);
- Loan applicant must be a business that was or became operational (as evidenced by a Certificate of Occupancy or Palm Beach County Business Tax Receipt) prior to January 1, 2020;

Initials: 

- Loan applicant must be the business entity (or d/b/a) named on the corporate documents, and the application must be executed by the principal/owner(s) named on the corporate documents. If a corporate entity, the principal must execute a personal guarantee for the loan;
- Must be a for-profit, privately held business with less than 25 employees;
- Must provide proof that the business is properly entitled and licensed by all necessary levels of government;
- Businesses must have an executed one (1) year minimum lease;
- Business must employ a minimum of two (2) full-time equivalent W-2 employees whose wages are reported to the state and federal government; one (1) position occupied by the business owner may count toward the required job positions;
- If any individual is the Principal/Owner for more than one eligible business, the Principal/owner may only sign the application on behalf of one business. (Note: this means that if one or more eligible businesses have a Principal/Owner in common, only one of those businesses may apply for the Program, even if the business(s) has(have) more than one Principal/Owner).

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- Businesses that are prohibited uses within the Westgate Community Redevelopment Area Overlay (WCRAO) or certain sub-areas of the WCRAO including, but not limited to: adult entertainment, convenience stores, employment agencies, gas and fuel sales, self-service storage, or contractor storage yards;
- Businesses that do not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including, but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, liquor stores, smoke/e-cig or vape shops, tattoo shops, or any other use as determined by the Westgate CRA Board or designee;
- Not for profit organizations or places of worship;
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- Businesses that do not report employees' wages.

**The following types of businesses are eligible to receive funding under the Program include, but are not limited to:**

- Restaurants, professional/general offices (based on NAICS codes), medical/dental offices, neighborhood grocers, brick and mortar retail sales, veterinary clinics, catering services, personal services, financial institutions, and home-based businesses or home-based day cares with a residential address in the CRA.

**LOAN TERMS AND CONDITIONS**

The maximum amount of loan to any one business under the Program is \$10,000. Loan applicants may apply multiple times if loaned less than the maximum amount, but no loan applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, loan applicants that were loaned \$10,000 may reapply for additional funding until the new maximum is reached.

Initials: 

Loans shall be interest-free, and the loan amount shall be due to be repaid to the Westgate CRA one (1) year from the date of the loan. Loan applicants will be required to sign a promissory note to ensure compliance with the loan, program terms, and conditions (see attached sample).

However, if the loan applicant provides evidence acceptable to the CRA of an amount equivalent to the loan, or any part thereof, that has been paid by the loan applicant to employees in the form of payroll, or to inventory suppliers, utility providers, receipt of purchase of technology or equipment to facilitate remote working, and/or invoices for expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, then that amount may be forgiven, in which case the loan applicant would not be required to repay such amount to the CRA. Loan funds may be used towards total payroll expenses including wages and benefits, but may not be used towards employee bonuses. Evidence to support loan and promissory note forgiveness includes but is not limited to invoices, receipts, paystubs, utility bills, or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as social security numbers, etc. No cash payments will be accepted as evidence in support of a request for loan forgiveness. Loan applicants may request loan forgiveness at any time between the CRA loan check date and the loan repayment date by submitting a request and the required evidence to the Westgate CRA. All evidence must be submitted to the Westgate CRA one (1) month prior to the loan repayment date electronically to Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) or by mailing a hard copy to Westgate CRA, 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, attention to Denise Pennell, Senior Planner/Project Manager. The Westgate CRA Board will review the evidence and determine whether the loan is eligible to be forgiven.

The Westgate CRA Board has sole discretion to determine what evidence is acceptable, to ask for more information, or different evidence to support any loan application or any request for loan forgiveness. Westgate CRA staff will notify the loan applicant on the determination as to whether the loan is deemed forgiven within 30 days of receipt of the evidence supporting the request for forgiveness. The loan may be prepaid, in whole or in part, without penalty, at any time prior to the date on which repayment is due.

All loan checks from the Westgate CRA to the successful loan applicant will be made out to the applicant business entity.

#### **APPLICATION PROCESS**

Applications can be downloaded from the Westgate CRA website at [westgatecra.org](http://westgatecra.org) or may be obtained by email. All loan applicants are strongly encouraged to speak with CRA staff in order to determine eligibility before submitting an application. Please contact Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) for assistance. Applications will not be considered until all required documentation is submitted to the Westgate CRA office by sending the application electronically or by dropping off a hard copy to 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, between the hours of 9:00 A.M. – 2:00 P.M. with attention to Elizée Michel, Executive Director. **Loan applicants are STRONGLY encouraged to submit applications electronically.** Applications will be considered by the Westgate CRA Board at their regularly scheduled monthly Board meeting on the 2<sup>nd</sup> Monday of each month. Completed applications must be submitted no later than two (2) weeks before the monthly CRA Board meeting to be considered within that month.

Initials: 

Application to this Program is not a guarantee of funding. Approval for funding is at the sole discretion of the Westgate CRA Board, and subject to availability of funds from the CRA's annual budget. Loan applicants will be notified of loan approval in writing by email.

Loan funding must be used for payment of rent, utility bills, employee payroll (excluding bonuses), upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation.

Applications will be considered on a first-come, first-served basis. Applications are not considered fully submitted until all supporting documents have been received. If the loan amount requested, or part thereof, includes expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, the Westgate CRA reserves the right to visit the business location during the loan vetting period.

**Application packets must include (please check):**

- ☐ Copy of the corporate documents for the applying business entity (an active copy of your registered business as shown on [SunBiz.Org](http://SunBiz.Org)).
- ☐ Copy of Palm Beach County occupational license (Business Tax Receipt or BTR).
- ☐ Documentation to support the loan applicant's request for approval including a breakdown of eligible expenses for rent, payroll, inventory, utility expenses, and/or technology upgrades. Examples include, but are not limited to: lease agreements, invoices, receipts, paystubs, utility bills or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as specified above.
- ☐ Completed, signed, and notarized application (attached).
- ☐ W-9 Form (attached).
- ☐ Other proof as necessary to evidence compliance with Funding Eligibility.

**SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF APPROVAL.**

**It is the responsibility of the loan applicant to READ AND UNDERSTAND all Program rules, eligibility, loan terms and conditions, and this application.**

**NOTICE TO THIRD PARTIES:** The loan application and loan do not create any rights for third parties. Nor shall issuance of a loan result in any obligation on the part of the Westgate CRA to any third party. The Westgate CRA is not required to verify that entities that have contracted with the loan applicant have been paid in full, or that such entities have paid any vendors or subcontractors in full.

Initials: 

**COVID-19 SMALL BUSINESSES EMERGENCY RELIEF FORGIVABLE LOAN PROGRAM**

**LOAN APPLICATION**  
*(please type or print clearly)*

d/b/a - Shoe Haul

**BUSINESS INFORMATION:**

Business Name (d/b/a if applicable): Shibuya Group Inc.

Loan Applicant Name: Marlene Shio Title: Pres.

Business Address: 1334 W. Military Trail  
West Palm Beach, FL 33409

EIN#: 46-3855758

Business Phone: 561-289-0222 Cell: 561-289-0222

Email: Danny@shio-it.com

Website: shoehaulshoestore.com

Type of Business: Retail Shoe Store Hours of operation: 10:00am - 9:00pm  
MT-F

Please list expenses seeking loan funding for:

11:00am - 7:00pm  
Sunday

Payroll

Rent

Requested loan amount: 10,000.00

Please estimate the total loss (physical, fiscal) to your business due to the economic crisis caused by the COVID-19 pandemic:

\$150,000.00

Number of full-time W-2 employees: Currently 6 Prior to March 15, 2020 9

Initials: MS



Have you had to lay off or furlough employees due to the economic crisis caused by the COVID-19 pandemic: Yes ☒ No ☐

Number of years in operation at current location: 6 yrs

Do you have business interruption insurance? Yes ☒ No ☐

Have you applied for the U.S. Office of Small Business Administration's Economic Injury Disaster Loan (SBA EIDL) and/or Paycheck Protection Program (PPP)?

Amount requested: \$1,000.00 Loan received? Yes ☒ No ☐

Have you applied for the State of Florida Small Business Emergency Bridge Loan?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

Have you applied for a Palm Beach County Cares for Business Restart Business Grant?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

If applicable, please provide the percentage difference in business revenue since March 15, 2020 compared to the same period last year? 50-60% less

If applicable, please provide the dollar value of inventory lost or spoiled as a result of the economic crisis caused by the COVID-19 pandemic: \_\_\_\_\_

Do you have an executed multi-year (1-year minimum) lease agreement? Yes ☒ No ☐

If so, monthly base rent: 10,843.09

Name of landlord/property management group: CLCC, LLC

Address of landlord/property management group: 601 Heritage Drive  
Suite 227 Jupiter, FL 33458

Business Phone: 561-575-6455 Cell: \_\_\_\_\_

Email: dannysimon@clccholdings.com

Have you applied for assistance under any other program offered by the CRA? Yes ☐ No ☒

If so, program name: \_\_\_\_\_ Amount received: \_\_\_\_\_  
Initials: [Signature]

**PRINCIPAL/OWNER INFORMATION:**

1. Principal/Owner Name: MacLene Shub  
Date of Birth: 7-13-45 Email: Denny@shub-it.com  
Residential Address: 6759 Dewport Lane Circle  
Boca Raton, FL 33496  
Cell Phone: 561-289-0222

2. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

3. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

4. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

*Note: If more than 4 principals/owners, additional sheets may be used.*

Initials: MS

**CERTIFICATION AND WAIVER OF PRIVACY:**

For purposes of this certification and waiver of privacy, the term "I" refers to the loan applicant and to all signatories on the Program application individually. By signing and submitting the application to the Program, each signatory represents and confirms that he or she is authorized to sign on behalf of the loan applicant(s).

I, the undersigned loan applicant(s), certify that all information presented in this application, and all of the information furnished in support of the application, is given for the purpose of obtaining a loan under the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program, and it is true and complete to the best of my knowledge and belief.

I further certify that I am aware of the fact that I can be penalized by fine and/or imprisonment for making false statements or presenting false information. I further acknowledge that I have read and understand the terms and conditions set forth and described in the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program.

I understand that this application is not a guarantee of a loan, and that award of loans is at the sole discretion of the Westgate CRA Board. I understand that the purpose of the loan is to support the retention of small businesses vital to the overall economic health of the redevelopment area, to protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of slum and urban blight, furthering the implementation of the Westgate CRA Community Redevelopment Plan, and that the CRA may decline my application for any legal reason, including the reason that approving the loan will not further the Community Redevelopment Plan. Should my application be approved, I understand that the Westgate CRA has the sole discretion to determine whether the Program criteria have been met and whether the loan may be forgiven.

To the maximum extent possible, I hereby waive my rights to privacy and confidentiality for all matters contained in this application, and give my consent to the Westgate CRA, its agents, and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employers, or other public or private agency to disclose information deemed necessary to complete this application.

I give permission to the Westgate CRA or its agents to take photos of myself and business to be used to promote the Program.

I understand that if this application and the information furnished in support of the application are found to be incomplete or inaccurate, it will be not processed.

Initials 

**LOAN APPLICANT SIGNATURES:**

All Principal/Owner(s) eligible to sign on behalf of the loan applicant must sign this application on behalf of the loan applicant. For the purposes of this Program, the term "Principal/Owner" means a principal or owner of the business:

1. Principal/Owner Signature: [Signature] Date: 9-4-2020

Printed Name: Marlene Shub Title: Pres.

Witness Signature: [Signature] Date: 9-4-2020

Printed Name: Delmy Quijada

2. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

3. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

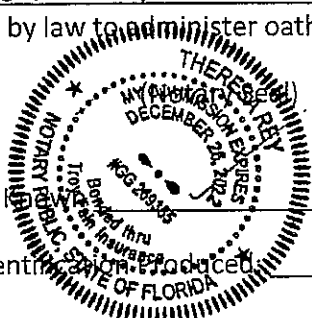
4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

The foregoing instrument was acknowledged before me on this 4 day of September, 2020 by MARLENE SHUB (name of person acknowledging), an officer duly authorized by law to administer oaths and take acknowledgements.



[Signature]  
Signature of State of Florida Notary Public

Personally Known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

Initials: [Signature]

**PROMISSORY NOTE**  
**Westgate CRA, Palm Beach County, Florida**

FOR VALUE RECEIVED, the undersigned ("Loan Recipient") promises to pay to the order of the Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA") at 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409 or at such other address as may be indicated in writing, in the manner hereinafter specified, the principal sum of dollars \$ 10,000.00 without interest. The said principal shall be payable in lawful money of the United States of America, on [date] \_\_\_\_\_ and in the following manner:

The sum of \$ 10,000.00 representing a payment of principal shall be due and payable one year from the date set forth above ("Repayment Date").

If, prior to the Repayment Date, the Loan Recipient provides evidence acceptable to the Westgate CRA that an amount equivalent to the principal or any part thereof has been paid by the Loan Recipient towards rent, payroll for employees (excluding bonuses), utility providers, inventory providers, or toward expenses to upgrade technology to facilitate remote working, the Westgate CRA, in its sole discretion, may forgive that amount, in which case the Loan Recipient shall not be required to pay such amount to the Westgate CRA. Evidence may be provided at any time prior to the Repayment Date, and may be provided on an ongoing basis as such evidence becomes available. Loan Recipient must abide by all terms and conditions of the **Westgate/Belvedere Homes Community Redevelopment Agency COVID-19 Small Business Emergency Forgivable Loan Program** in order to be eligible for the loan forgiveness described in this paragraph.

This note may be prepaid, in whole or in part, without penalty, at any time prior to maturity. If payment due under this note is not paid within 10 days of the Repayment Date, a late charge of 5% of the payment due shall be added to the principal. In the event of default in the payment of this note, and if the same is placed in the hands of any attorney for collection, the undersigned hereby agrees to pay all costs of collection, including a reasonable attorneys' fee. This note shall be construed and enforced according to the laws of the State of Florida and nothing in this note shall be deemed to waive any rights of the Westgate CRA thereunder.

Makers waive demand, presentment for payment, protest, and notice of nonpayment and dishonor.

Loan Recipient Name (including d/b/a): Shirley's Soap Inc. *Shirley's Soap Inc.*

Authorized Signature: *[Signature]*

Title: Owner

Date: 2-4-2020

Initials: *[Signature]*

PERSONAL GUARANTY

PROMISSORY NOTE BETWEEN

WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

AND

Shubway Group Inc.

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning Shubway Group Inc. ("Borrower") memorialized by a Promissory Note dated 9-4-2020, 2020 in the amount of \$ 10,000.00 (the "Note"), the undersigned individual unconditionally and irrevocably guarantees the payment and collection of all sums due by Borrower under the Note, and any and all amendments, addenda, extensions, renewals and modifications thereof. The undersigned agrees that the obligations of the undersigned will be joint, several and primary with Borrower's obligations and not secondary. The Lender need not first pursue action against Borrower before proceeding against the undersigned. The undersigned agrees that he is bound by all amendments, addenda, extensions, renewals, and modifications of the Note referenced above, whether or not the undersigned has signed the same. This Personal Guaranty is supported by separate consideration, including but not limited to the benefit flowing to the Guarantor as an owner of the Borrower, receipt of which is hereby acknowledged by Lender and Borrower.

WITNESSES:

Witness Signature: [Signature]

GUARANTOR(S):

Principal/Owner Signature: [Signature]

Printed Name: Delmy Quijada

Printed Name: Marlene Shub

Date: 9-4-2020

Witness Signature: \_\_\_\_\_

Principal/Owner Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: Sept 4, 2020

**(Business owner's signature must be notarized)**

The foregoing instrument was acknowledged before me on this 4 day of September 2020 by MARLENE SHUB (name of person acknowledging) by an officer duly authorized by law to administer oaths and take acknowledgements.

Person [Signature] or Produced Identification \_\_\_\_\_

Signature of State of Florida Notary Public

Type of Identification Produced: \_\_\_\_\_

Initials: [Signature]





WESTGATE/BELVEDERE HOMES  
COMMUNITY REDEVELOPMENT AGENCY

**COVID-19  
SMALL BUSINESS EMERGENCY RELIEF  
FORGIVABLE LOAN PROGRAM**

(EFFECTIVE JUNE 9, 2020)

Westgate CRA  
1280 N. Congress Avenue, Suite 215  
West Palm Beach, FL 33409  
(561) 640-8181  
[www.westgatecra.org](http://www.westgatecra.org)

#### PROGRAM DESCRIPTION AND RULES

The **COVID-19 Small Business Emergency Relief Forgivable Loan Program** ("Program") is created to provide direct financial emergency relief to small businesses within the Westgate community redevelopment area. The Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA or CRA") recognizes that small businesses are being forced to make unprecedented decisions amid the COVID-19 pandemic. Efforts to mitigate the spread of the novel coronavirus by local and state governments has resulted in business closures, reductions in services, disruptions in inventory supply chains, impacts to cash flow, and payroll deficits. The Program is intended to support the retention of small businesses vital to the overall economic health of the redevelopment area, protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of further slum and urban blight, pursuant to the goals and objectives of the Westgate CRA Community Redevelopment Plan.

Through the Program, the Westgate CRA will provide businesses with 25 or fewer employees up to \$10,000 in an interest free loan. If the business can demonstrate compliance with the Program and that the loan was used towards rent, payroll support, inventory purchases, utility expenses, upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation within 1 year of the loan date, the loan will be forgiven, and the business will not be required to repay the loan. Loans will be awarded on a first-come, first-served basis. Loan recipients will be required to sign a promissory note to ensure compliance with the Program, loan terms, and conditions. The Westgate CRA has sole discretion to determine compliance with the Program, loan terms, and conditions sufficient to allow forgiveness of the loan.

The Westgate CRA is a public agency, governed by the Florida Public Records Law under Chapter 119, Florida Statutes. The CRA may produce any documents provided by loan applicants upon receipt of a public records request, subject to any exemptions provided by Florida law. If the loan applicant believes that any information is proprietary and exempt from public records such as a trade secret, the loan applicant should indicate such in the application.

#### PROGRAM FUNDING

The Westgate CRA COVID-19 Small Business Forgivable Loan Program offers financial assistance to the business in the form of a forgivable loan for eligible expenses, up to \$10,000, associated with rent, payroll support, inventory purchases, utility expenses, technology upgrades to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation. The Program will be funded with Tax Increment Financing in accordance with the CRA's Redevelopment Plan. A total amount of \$150,000 is considered for the Program.

#### PROGRAM ELIGIBILITY

Loan applicants must meet **all** of the following requirements in order to be considered eligible to receive Program loan funding:

- Must be located within the Westgate CRA redevelopment area (see attached boundary map);
- Loan applicant must be a business that was or became operational (as evidenced by a Certificate of Occupancy or Palm Beach County Business Tax Receipt) prior to January 1, 2020;

Initials: MH



- Loan applicant must be the business entity (or d/b/a) named on the corporate documents, and the application must be executed by the principal/owner(s) named on the corporate documents. If a corporate entity, the principal must execute a personal guarantee for the loan;
- Must be a for-profit, privately held business with less than 25 employees;
- Must provide proof that the business is properly entitled and licensed by all necessary levels of government;
- Businesses must have an executed one (1) year minimum lease;
- Business must employ a minimum of two (2) full-time equivalent W-2 employees whose wages are reported to the state and federal government; one (1) position occupied by the business owner may count toward the required job positions;
- If any individual is the Principal/Owner for more than one eligible business, the Principal/owner may only sign the application on behalf of one business. (Note: this means that if one or more eligible businesses have a Principal/Owner in common, only one of those businesses may apply for the Program, even if the business(s) has(have) more than one Principal/Owner).

The following businesses are automatically considered ineligible for assistance under the Program:

- Businesses that are prohibited uses within the Westgate Community Redevelopment Area Overlay (WCRAO) or certain sub-areas of the WCRAO including, but not limited to: adult entertainment, convenience stores, employment agencies, gas and fuel sales, self-service storage, or contractor storage yards;
- Businesses that do not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including, but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, liquor stores, smoke/e-cig or vape shops, tattoo shops, or any other use as determined by the Westgate CRA Board or designee;
- Not for profit organizations or places of worship;
- Businesses with more than 25 and less than two (2) full-time equivalent employees;
- Businesses which are publicly traded; and,
- Businesses that do not report employees' wages.

The following types of businesses are eligible to receive funding under the Program include, but are not limited to:

- Restaurants, professional/general offices (based on NAICS codes), medical/dental offices, neighborhood grocers, brick and mortar retail sales, veterinary clinics, catering services, personal services, financial institutions, and home-based businesses or home-based day cares with a residential address in the CRA.

#### LOAN TERMS AND CONDITIONS

The maximum amount of loan to any one business under the Program is \$10,000. Loan applicants may apply multiple times if loaned less than the maximum amount, but no loan applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, loan applicants that were loaned \$10,000 may reapply for additional funding until the new maximum is reached.

Initials: MH

Loans shall be interest-free, and the loan amount shall be due to be repaid to the Westgate CRA one (1) year from the date of the loan. Loan applicants will be required to sign a promissory note to ensure compliance with the loan, program terms, and conditions (see attached sample).

However, if the loan applicant provides evidence acceptable to the CRA of an amount equivalent to the loan, or any part thereof, that has been paid by the loan applicant to employees in the form of payroll, or to inventory suppliers, utility providers, receipt of purchase of technology or equipment to facilitate remote working, and/or invoices for expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, then that amount may be forgiven, in which case the loan applicant would not be required to repay such amount to the CRA. Loan funds may be used towards total payroll expenses including wages and benefits, but may not be used towards employee bonuses. Evidence to support loan and promissory note forgiveness includes but is not limited to invoices, receipts, paystubs, utility bills, or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as social security numbers, etc. No cash payments will be accepted as evidence in support of a request for loan forgiveness. Loan applicants may request loan forgiveness at any time between the CRA loan check date and the loan repayment date by submitting a request and the required evidence to the Westgate CRA. All evidence must be submitted to the Westgate CRA one (1) month prior to the loan repayment date electronically to Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) or by mailing a hard copy to Westgate CRA, 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409; attention to Denise Pennell, Senior Planner/Project Manager. The Westgate CRA Board will review the evidence and determine whether the loan is eligible to be forgiven.

The Westgate CRA Board has sole discretion to determine what evidence is acceptable, to ask for more information, or different evidence to support any loan application or any request for loan forgiveness. Westgate CRA staff will notify the loan applicant on the determination as to whether the loan is deemed forgiven within 30 days of receipt of the evidence supporting the request for forgiveness. The loan may be prepaid, in whole or in part, without penalty, at any time prior to the date on which repayment is due.

All loan checks from the Westgate CRA to the successful loan applicant will be made out to the applicant business entity.

#### APPLICATION PROCESS

Applications can be downloaded from the Westgate CRA website at [westgatecra.org](http://westgatecra.org) or may be obtained by email. All loan applicants are strongly encouraged to speak with CRA staff in order to determine eligibility before submitting an application. Please contact Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) for assistance. Applications will not be considered until all required documentation is submitted to the Westgate CRA office by sending the application electronically or by dropping off a hard copy to 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, between the hours of 9:00 A.M. – 2:00 P.M. with attention to Elizée Michel, Executive Director. **Loan applicants are STRONGLY encouraged to submit applications electronically.** Applications will be considered by the Westgate CRA Board at their regularly scheduled monthly Board meeting on the 2<sup>nd</sup> Monday of each month. Completed applications must be submitted no later than two (2) weeks before the monthly CRA Board meeting to be considered within that month.

Initials: MH

Application to this Program is not a guarantee of funding. Approval for funding is at the sole discretion of the Westgate CRA Board, and subject to availability of funds from the CRA's annual budget. Loan applicants will be notified of loan approval in writing by email.

Loan funding must be used for payment of rent, utility bills, employee payroll (excluding bonuses), upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation.

Applications will be considered on a first-come, first-served basis. Applications are not considered fully submitted until all supporting documents have been received. If the loan amount requested, or part thereof, includes expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, the Westgate CRA reserves the right to visit the business location during the loan vetting period.

**Application packets must include (please check):**

- ☒ Copy of the corporate documents for the applying business entity (an active copy of your registered business as shown on [SunBiz.Org](http://SunBiz.Org)).
- ☒ Copy of Palm Beach County occupational license (Business Tax Receipt or BTR).
- ☒ Documentation to support the loan applicant's request for approval including a breakdown of eligible expenses for rent, payroll, inventory, utility expenses, and/or technology upgrades. Examples include, but are not limited to: lease agreements, invoices, receipts, paystubs, utility bills or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as specified above.
- ☒ Completed, signed, and notarized application (attached).
- ☒ W-9 Form (attached).
- ☐ Other proof as necessary to evidence compliance with Funding Eligibility.

**SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF APPROVAL.**

**It is the responsibility of the loan applicant to READ AND UNDERSTAND all Program rules, eligibility, loan terms and conditions, and this application.**

**NOTICE TO THIRD PARTIES:** The loan application and loan do not create any rights for third parties. Nor shall issuance of a loan result in any obligation on the part of the Westgate CRA to any third party. The Westgate CRA is not required to verify that entities that have contracted with the loan applicant have been paid in full, or that such entities have paid any vendors or subcontractors in full.

Initials: MH

107

COVID-19 SMALL BUSINESSES EMERGENCY RELIEF FORGIVABLE LOAN PROGRAM

LOAN APPLICATION  
(please type or print clearly)

BUSINESS INFORMATION:

Business Name (d/b/a if applicable): Alternative Automotive Services LLC

Loan Applicant Name: Morris Hale Title: Owner

Business Address: 2702 Rockey Dr, WPB, FL 33409

EIN#: 55-0866812

Business Phone: 561 640-4644 Cell: \_\_\_\_\_

Email: alternativeautowpb@gmail.com

Website: alternativeautowpb.com

Type of Business: Automotive Repair Hours of operation: Mon-Fri 8am-5pm

Please list expenses seeking loan funding for:

payroll, and rent

Requested loan amount: \$10,000.00

Please estimate the total loss (physical, fiscal) to your business due to the economic crisis caused by the COVID-19 pandemic:

Second quarter total receipts has dropped -18.2% or -\$17450.00, compared to 2019

Number of full-time W-2 employees: Currently 4 Prior to March 15, 2020 5

Initials: MH

Have you had to lay off or furlough employees due to the economic crisis caused by the COVID-19 pandemic: Yes ☒ No ☐

Number of years in operation at current location: 38 years

Do you have business interruption insurance? Yes ☐ No ☒

Have you applied for the U.S. Office of Small Business Administration's Economic Injury Disaster Loan (SBA EIDL) and/or Paycheck Protection Program (PPP)?

Amount requested: \$68,800 Loan received? Yes ☒ No ☐

Have you applied for the State of Florida Small Business Emergency Bridge Loan?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

Have you applied for a Palm Beach County Cares for Business Restart Business Grant?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

If applicable, please provide the percentage difference in business revenue since March 15, 2020 compared to the same period last year? -\$18.2

If applicable, please provide the dollar value of inventory lost or spoiled as a result of the economic crisis caused by the COVID-19 pandemic: not applicable

Do you have an executed multi-year (1-year minimum) lease agreement? Yes ☒ No ☐

If so, monthly base rent: \$1855.40

Name of landlord/property management group: Preferred LLC

Address of landlord/property management group: 1643 Donna Rd. WPB, FL 33409

Business Phone: 561-689-1093 Cell: \_\_\_\_\_

Email: tricia@preferredacmech.com

Have you applied for assistance under any other program offered by the CRA? Yes ☐ No ☒

If so, program name: \_\_\_\_\_ Amount received: \_\_\_\_\_

Initials: MH

PRINCIPAL/OWNER INFORMATION:

1. Principal/Owner Name: Morris Hale  
Date of Birth: 2/7/1957 Email: alternativeautowpb@gmail.com  
Residential Address: 13881 42nd Rd N, WPB, FL, 33411  
Cell Phone: 561-319-1026
  
2. Principal/Owner Name: Teresa Hale  
Date of Birth: 12/19/1958 Email: alternativeautowpb@gmail.com  
Residential Address: 13881 42nd Rd N, WPB, FL, 33411  
Cell Phone: 561-777-5575
  
3. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_
  
4. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

*Note: If more than 4 principals/owners, additional sheets may be used.*

Initials: MH

CERTIFICATION AND WAIVER OF PRIVACY:

For purposes of this certification and waiver of privacy, the term "I" refers to the loan applicant and to all signatories on the Program application individually. By signing and submitting the application to the Program, each signatory represents and confirms that he or she is authorized to sign on behalf of the loan applicant(s).

I, the undersigned loan applicant(s), certify that all information presented in this application, and all of the information furnished in support of the application, is given for the purpose of obtaining a loan under the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program, and it is true and complete to the best of my knowledge and belief.

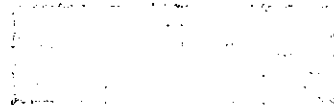
I further certify that I am aware of the fact that I can be penalized by fine and/or imprisonment for making false statements or presenting false information. I further acknowledge that I have read and understand the terms and conditions set forth and described in the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program.

I understand that this application is not a guarantee of a loan, and that award of loans is at the sole discretion of the Westgate CRA Board. I understand that the purpose of the loan is to support the retention of small businesses vital to the overall economic health of the redevelopment area, to protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of slum and urban blight, furthering the implementation of the Westgate CRA Community Redevelopment Plan, and that the CRA may decline my application for any legal reason, including the reason that approving the loan will not further the Community Redevelopment Plan. Should my application be approved, I understand that the Westgate CRA has the sole discretion to determine whether the Program criteria have been met and whether the loan may be forgiven.

To the maximum extent possible, I hereby waive my rights to privacy and confidentiality for all matters contained in this application, and give my consent to the Westgate CRA, its agents, and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employers, or other public or private agency to disclose information deemed necessary to complete this application.

I give permission to the Westgate CRA or its agents to take photos of myself and business to be used to promote the Program.

I understand that if this application and the information furnished in support of the application are found to be incomplete or inaccurate, it will be not processed.



Initials: MH

///

LOAN APPLICANT SIGNATURES:

All Principal/Owner(s) eligible to sign on behalf of the loan applicant must sign this application on behalf of the loan applicant. For the purposes of this Program, the term "Principal/Owner" means a principal or owner of the business:

1. Principal/Owner Signature: [Signature] Date: 9/4/2020

Printed Name: Morris Hale Title: Owner

Witness Signature: [Signature] Date: 9/4/2020

Printed Name: Monica Wojtas

2. Principal/Owner Signature: [Signature] Date: 9/4/2020

Printed Name: Teresa Hale Title: Owner

Witness Signature: [Signature] Date: 9/4/2020

Printed Name: Monica Wojtas

3. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

The foregoing instrument was acknowledged before me on this 4 day of September, 2020 by Morris Hale (name of person acknowledging), an officer duly authorized by law to administer oaths and take acknowledgements.



[Signature]  
Signature of State of Florida Notary Public

Personally Known X or Produced Identification \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

Initials: MH



SAMPLE PROMISSORY NOTE  
Westgate CRA, Palm Beach County, Florida

FOR VALUE RECEIVED, the undersigned ("Loan Recipient") promises to pay to the order of the Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA") at 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409 or at such other address as may be indicated in writing, in the manner hereinafter specified, the principal sum of dollars \$ 10,000.00 without interest. The said principal shall be payable in lawful money of the United States of America, on [date] 9/4/2020 and in the following manner:

The sum of \$ 10,000.00 representing a payment of principal shall be due and payable one year from the date set forth above ("Repayment Date").

If, prior to the Repayment Date, the Loan Recipient provides evidence acceptable to the Westgate CRA that an amount equivalent to the principal or any part thereof has been paid by the Loan Recipient towards rent, payroll for employees (excluding bonuses), utility providers, inventory providers, or toward expenses to upgrade technology to facilitate remote working, the Westgate CRA, in its sole discretion, may forgive that amount, in which case the Loan Recipient shall not be required to pay such amount to the Westgate CRA. Evidence may be provided at any time prior to the Repayment Date, and may be provided on an ongoing basis as such evidence becomes available. Loan Recipient must abide by all terms and conditions of the **Westgate/Belvedere Homes Community Redevelopment Agency COVID-19 Small Business Emergency Forgivable Loan Program** in order to be eligible for the loan forgiveness described in this paragraph.

This note may be prepaid, in whole or in part, without penalty, at any time prior to maturity. If payment due under this note is not paid within 10 days of the Repayment Date, a late charge of 5% of the payment due shall be added to the principal. In the event of default in the payment of this note, and if the same is placed in the hands of any attorney for collection, the undersigned hereby agrees to pay all costs of collection, including a reasonable attorneys' fee. This note shall be construed and enforced according to the laws of the State of Florida and nothing in this note shall be deemed to waive any rights of the Westgate CRA thereunder.

Makers waive demand, presentment for payment, protest, and notice of nonpayment and dishonor.

Loan Recipient Name (including d/b/a): Morris Hale d/b/a Alternative Automotive Services LLC

Authorized Signature: 

Title: Owner

Date: 9/4/2020



Initials: MH

113

SAMPLE PERSONAL GUARANTY

PROMISSORY NOTE BETWEEN  
WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY  
AND

Alternative Automotive Services LLC

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning Alternative Automotive Services LLC ("Borrower") memorialized by a Promissory Note dated 9/4, 2020 in the amount of \$ 10,000.00 (the "Note"), the undersigned individual unconditionally and irrevocably guarantees the payment and collection of all sums due by Borrower under the Note, and any and all amendments, addenda, extensions, renewals and modifications thereof. The undersigned agrees that the obligations of the undersigned will be joint, several and primary with Borrower's obligations and not secondary. The Lender need not first pursue action against Borrower before proceeding against the undersigned. The undersigned agrees that he is bound by all amendments, addenda, extensions, renewals, and modifications of the Note referenced above, whether or not the undersigned has signed the same. This Personal Guaranty is supported by separate consideration, including but not limited to the benefit flowing to the Guarantor as an owner of the Borrower, receipt of which is hereby acknowledged by Lender and Borrower.

WITNESSES:

Witness Signature: [Signature]

GUARANTOR(S):

Principal/Owner Signature: [Signature]

Printed Name: Monica Wojtas

Printed Name: Morris Hale

Date: 9/4/2020

Witness Signature: [Signature]

Principal/Owner Signature: [Signature]

Printed Name: Monica Wojtas

Printed Name: Teresa Hale

Date: 9/4/2020

**(Business owner's signature must be notarized)**

The foregoing instrument was acknowledged before me on this 4 day of September, 2020 by Morris Hale (name of person acknowledging) by an officer duly authorized by law to administer oaths and take acknowledgements.



[Signature]  
Signature of State of Florida Notary Public

Per [Signature] Or Produced Identification \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

Initials: MH

9/8/2020  
DKP



**WESTGATE/BELVEDERE HOMES  
COMMUNITY REDEVELOPMENT AGENCY**

**COVID-19  
SMALL BUSINESS EMERGENCY RELIEF  
FORGIVABLE LOAN PROGRAM**

**(EFFECTIVE JUNE 9, 2020)**

Westgate CRA  
1280 N. Congress Avenue, Suite 215  
West Palm Beach, FL 33409  
(561) 640-8181  
[www.westgatecra.org](http://www.westgatecra.org)

115

## **PROGRAM DESCRIPTION AND RULES**

The **COVID-19 Small Business Emergency Relief Forgivable Loan Program** ("Program") is created to provide direct financial emergency relief to small businesses within the Westgate community redevelopment area. The Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA or CRA") recognizes that small businesses are being forced to make unprecedented decisions amid the COVID-19 pandemic. Efforts to mitigate the spread of the novel coronavirus by local and state governments has resulted in business closures, reductions in services, disruptions in inventory supply chains, impacts to cash flow, and payroll deficits. The Program is intended to support the retention of small businesses vital to the overall economic health of the redevelopment area, protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of further slum and urban blight, pursuant to the goals and objectives of the Westgate CRA Community Redevelopment Plan.

Through the Program, the Westgate CRA will provide businesses with 25 or fewer employees up to \$10,000 in an interest free loan. If the business can demonstrate compliance with the Program and that the loan was used towards rent, payroll support, inventory purchases, utility expenses, upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation within 1 year of the loan date, the loan will be forgiven, and the business will not be required to repay the loan. Loans will be awarded on a first-come, first-served basis. Loan recipients will be required to sign a promissory note to ensure compliance with the Program, loan terms, and conditions. The Westgate CRA has sole discretion to determine compliance with the Program, loan terms, and conditions sufficient to allow forgiveness of the loan.

The Westgate CRA is a public agency, governed by the Florida Public Records Law under Chapter 119, Florida Statutes. The CRA may produce any documents provided by loan applicants upon receipt of a public records request, subject to any exemptions provided by Florida law. If the loan applicant believes that any information is proprietary and exempt from public records such as a trade secret, the loan applicant should indicate such in the application.

## **PROGRAM FUNDING**

The Westgate CRA COVID-19 Small Business Forgivable Loan Program offers financial assistance to the business in the form of a forgivable loan for eligible expenses, up to \$10,000, associated with rent, payroll support, inventory purchases, utility expenses, technology upgrades to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation. The Program will be funded with Tax Increment Financing in accordance with the CRA's Redevelopment Plan. A total amount of **\$150,000** is considered for the Program.

## **PROGRAM ELIGIBILITY**

Loan applicants must meet **all** of the following requirements in order to be considered eligible to receive Program loan funding:

- Must be located within the Westgate CRA redevelopment area (see attached boundary map);
- Loan applicant must be a business that was or became operational (as evidenced by a Certificate of Occupancy or Palm Beach County Business Tax Receipt) prior to January 1, 2020;

Initials: **MW**

- Loan applicant must be the business entity (or d/b/a) named on the corporate documents, and the application must be executed by the principal/owner(s) named on the corporate documents. If a corporate entity, the principal must execute a personal guarantee for the loan;
- Must be a for-profit, privately held business with less than 25 employees;
- Must provide proof that the business is properly entitled and licensed by all necessary levels of government;
- Businesses must have an executed one (1) year minimum lease;
- Business must employ a minimum of two (2) full-time equivalent W-2 employees whose wages are reported to the state and federal government; one (1) position occupied by the business owner may count toward the required job positions;
- If any individual is the Principal/Owner for more than one eligible business, the Principal/owner may only sign the application on behalf of one business. (Note: this means that if one or more eligible businesses have a Principal/Owner in common, only one of those businesses may apply for the Program, even if the business(s) has(have) more than one Principal/Owner).

**The following businesses are automatically considered ineligible for assistance under the Program:**

- Businesses that are prohibited uses within the Westgate Community Redevelopment Area Overlay (WCRAO) or certain sub-areas of the WCRAO including, but not limited to: adult entertainment, convenience stores, employment agencies, gas and fuel sales, self-service storage, or contractor storage yards;
- Businesses that do not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including, but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, liquor stores, smoke/e-cig or vape shops, tattoo shops, or any other use as determined by the Westgate CRA Board or designee;
- Not for profit organizations or places of worship;
- Businesses with more than 25 and less than two (2) full-time equivalent employees;
- Businesses which are publicly traded; and,
- Businesses that do not report employees' wages.

**The following types of businesses are eligible to receive funding under the Program include, but are not limited to:**

- Restaurants, professional/general offices (based on NAICS codes), medical/dental offices, neighborhood grocers, brick and mortar retail sales, veterinary clinics, catering services, personal services, financial institutions, and home-based businesses or home-based day cares with a residential address in the CRA.

### **LOAN TERMS AND CONDITIONS**

The maximum amount of loan to any one business under the Program is \$10,000. Loan applicants may apply multiple times if loaned less than the maximum amount, but no loan applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, loan applicants that were loaned \$10,000 may reapply for additional funding until the new maximum is reached.

Initials: 

Loans shall be interest-free, and the loan amount shall be due to be repaid to the Westgate CRA one (1) year from the date of the loan. Loan applicants will be required to sign a promissory note to ensure compliance with the loan, program terms, and conditions (see attached sample).

However, if the loan applicant provides evidence acceptable to the CRA of an amount equivalent to the loan, or any part thereof, that has been paid by the loan applicant to employees in the form of payroll, or to inventory suppliers, utility providers, receipt of purchase of technology or equipment to facilitate remote working, and/or invoices for expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, then that amount may be forgiven, in which case the loan applicant would not be required to repay such amount to the CRA. Loan funds may be used towards total payroll expenses including wages and benefits, but may not be used towards employee bonuses. Evidence to support loan and promissory note forgiveness includes but is not limited to invoices, receipts, paystubs, utility bills, or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as social security numbers, etc. No cash payments will be accepted as evidence in support of a request for loan forgiveness. Loan applicants may request loan forgiveness at any time between the CRA loan check date and the loan repayment date by submitting a request and the required evidence to the Westgate CRA. All evidence must be submitted to the Westgate CRA one (1) month prior to the loan repayment date electronically to Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) or by mailing a hard copy to Westgate CRA, 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, attention to Denise Pennell, Senior Planner/Project Manager. The Westgate CRA Board will review the evidence and determine whether the loan is eligible to be forgiven.

The Westgate CRA Board has sole discretion to determine what evidence is acceptable, to ask for more information, or different evidence to support any loan application or any request for loan forgiveness. Westgate CRA staff will notify the loan applicant on the determination as to whether the loan is deemed forgiven within 30 days of receipt of the evidence supporting the request for forgiveness. The loan may be prepaid, in whole or in part, without penalty, at any time prior to the date on which repayment is due.

All loan checks from the Westgate CRA to the successful loan applicant will be made out to the applicant business entity.

### **APPLICATION PROCESS**

Applications can be downloaded from the Westgate CRA website at [westgatecra.org](http://westgatecra.org) or may be obtained by email. All loan applicants are strongly encouraged to speak with CRA staff in order to determine eligibility before submitting an application. Please contact Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) for assistance. Applications will not be considered until all required documentation is submitted to the Westgate CRA office by sending the application electronically or by dropping off a hard copy to 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, between the hours of 9:00 A.M. – 2:00 P.M. with attention to Elizée Michel, Executive Director. **Loan applicants are STRONGLY encouraged to submit applications electronically.** Applications will be considered by the Westgate CRA Board at their regularly scheduled monthly Board meeting on the 2<sup>nd</sup> Monday of each month. Completed applications must be submitted no later than two (2) weeks before the monthly CRA Board meeting to be considered within that month.

Initials: HW

Application to this Program is not a guarantee of funding. Approval for funding is at the sole discretion of the Westgate CRA Board, and subject to availability of funds from the CRA's annual budget. Loan applicants will be notified of loan approval in writing by email.

Loan funding must be used for payment of rent, utility bills, employee payroll (excluding bonuses), upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation.

Applications will be considered on a first-come, first-served basis. Applications are not considered fully submitted until all supporting documents have been received. If the loan amount requested, or part thereof, includes expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, the Westgate CRA reserves the right to visit the business location during the loan vetting period.

**Application packets must include (please check):**

- ☒ Copy of the corporate documents for the applying business entity (an active copy of your registered business as shown on [SunBiz.Org](http://SunBiz.Org)).
- ☒ Copy of Palm Beach County occupational license (Business Tax Receipt or BTR).
- ☒ Documentation to support the loan applicant's request for approval including a breakdown of eligible expenses for rent, payroll, inventory, utility expenses, and/or technology upgrades. Examples include, but are not limited to: lease agreements, invoices, receipts, paystubs, utility bills or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as specified above.
- ☒ Completed, signed, and notarized application (attached).
- ☒ W-9 Form (attached).
- ☐ Other proof as necessary to evidence compliance with Funding Eligibility.

**SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF APPROVAL.**

**It is the responsibility of the loan applicant to READ AND UNDERSTAND all Program rules, eligibility, loan terms and conditions, and this application.**

**NOTICE TO THIRD PARTIES:** The loan application and loan do not create any rights for third parties. Nor shall issuance of a loan result in any obligation on the part of the Westgate CRA to any third party. The Westgate CRA is not required to verify that entities that have contracted with the loan applicant have been paid in full, or that such entities have paid any vendors or subcontractors in full.

Initials: MW

**COVID-19 SMALL BUSINESSES EMERGENCY RELIEF FORGIVABLE LOAN PROGRAM**

**LOAN APPLICATION**  
*(please type or print clearly)*

**BUSINESS INFORMATION:**

Business Name (d/b/a if applicable): Tender Love: Care Child Development Center, Jr

Loan Applicant Name: Mirian Walker Title: Owner

Business Address: 1859 Seminole Blvd. West Palm Beach,  
FL. 33409

EIN#: 33-1059847

Business Phone: (561) 684-2600 Cell: (561) 201-0187

Email: tenderlovecdc@yahoo.com

Website: N/A

Type of Business: Childcare Hours of operation: 7:00am - 6:00pm

Please list expenses seeking loan funding for:

Payroll

Requested loan amount: \$10,000.00

Please estimate the total loss (physical, fiscal) to your business due to the economic crisis caused by the COVID-19 pandemic:

\$21,840.00

Number of full-time W-2 employees: Currently 13 Prior to March 15, 2020 13

Initials: MW



Have you had to lay off or furlough employees due to the economic crisis caused by the COVID-19 pandemic: Yes ☐ No ☒

Number of years in operation at current location: 17 years

Do you have business interruption insurance? Yes ☐ No ☒

Have you applied for the U.S. Office of Small Business Administration's Economic Injury Disaster Loan (SBA EIDL) and/or Paycheck Protection Program (PPP)?

Amount requested: \$77,253.34 Loan received? Yes ☒ No ☐

Have you applied for the State of Florida Small Business Emergency Bridge Loan?

Amount requested: N/A Loan received? Yes ☐ No ☒

Have you applied for a Palm Beach County Cares for Business Restart Business Grant?

Amount requested: N/A Loan received? Yes ☐ No ☒

If applicable, please provide the percentage difference in business revenue since March 15, 2020 compared to the same period last year? 25%

If applicable, please provide the dollar value of inventory lost or spoiled as a result of the economic crisis caused by the COVID-19 pandemic: N/A

Do you have an executed multi-year (1-year minimum) lease agreement? Yes ☐ No ☒

If so, monthly base rent: N/A

Name of landlord/property management group: N/A

Address of landlord/property management group: N/A

Business Phone: (561) 684-2600 Cell: (561) 201-0187

Email: tenderlovecdc@yahoo.com

Have you applied for assistance under any other program offered by the CRA? Yes ☐ No ☒

If so, program name: N/A Amount received: N/A

Initials: MW

**PRINCIPAL/OWNER INFORMATION:**

1. Principal/Owner Name: Mirian Walker  
Date of Birth: 07/05/1962 Email: tenderlovecdc@yahoo.com  
Residential Address: 11920 47<sup>th</sup> Road North West Palm Beach FL 33411  
Cell Phone: (561) 201-0187

2. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

3. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

4. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

*Note: If more than 4 principals/owners, additional sheets may be used.*

Initials: MW

**CERTIFICATION AND WAIVER OF PRIVACY:**

For purposes of this certification and waiver of privacy, the term "I" refers to the loan applicant and to all signatories on the Program application individually. By signing and submitting the application to the Program, each signatory represents and confirms that he or she is authorized to sign on behalf of the loan applicant(s).

I, the undersigned loan applicant(s), certify that all information presented in this application, and all of the information furnished in support of the application, is given for the purpose of obtaining a loan under the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program, and it is true and complete to the best of my knowledge and belief.

I further certify that I am aware of the fact that I can be penalized by fine and/or imprisonment for making false statements or presenting false information. I further acknowledge that I have read and understand the terms and conditions set forth and described in the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program.

I understand that this application is not a guarantee of a loan, and that award of loans is at the sole discretion of the Westgate CRA Board. I understand that the purpose of the loan is to support the retention of small businesses vital to the overall economic health of the redevelopment area, to protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of slum and urban blight, furthering the implementation of the Westgate CRA Community Redevelopment Plan, and that the CRA may decline my application for any legal reason, including the reason that approving the loan will not further the Community Redevelopment Plan. Should my application be approved, I understand that the Westgate CRA has the sole discretion to determine whether the Program criteria have been met and whether the loan may be forgiven.

To the maximum extent possible, I hereby waive my rights to privacy and confidentiality for all matters contained in this application, and give my consent to the Westgate CRA, its agents, and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employers, or other public or private agency to disclose information deemed necessary to complete this application.

I give permission to the Westgate CRA or its agents to take photos of myself and business to be used to promote the Program.

I understand that if this application and the information furnished in support of the application are found to be incomplete or inaccurate, it will be not processed.

Initials: MW

**LOAN APPLICANT SIGNATURES:**

All Principal/Owner(s) eligible to sign on behalf of the loan applicant must sign this application on behalf of the loan applicant. For the purposes of this Program, the term "Principal/Owner" means a principal or owner of the business:

1. Principal/Owner Signature: Mirian Walker Date: 9/8/2020  
Printed Name: Mirian Walker Title: Owner  
Witness Signature: Amanda Grayley Date: 9/8/2020  
Printed Name: Amanda Grayley
2. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_
3. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_
4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

The foregoing instrument was acknowledged before me on this 8th day of September, 2020 by Mirian Walker (name of person acknowledging), an officer duly authorized by law to administer oaths and take acknowledgements.



**Brittney Griffin**  
(Notary Seal)  
COMMISSION # GG277207  
EXPIRES: Nov. 15, 2022  
Bonded Thru: Aaron Notary

Brittney Griffin  
Signature of State of Florida Notary Public

Personally Known N/A or Produced Identification License

Type of Identification Produced: Driver License: 1A426-545-62-745-1

Initials: YW

**SAMPLE PROMISSORY NOTE**  
**Westgate CRA, Palm Beach County, Florida**

FOR VALUE RECEIVED, the undersigned ("Loan Recipient") promises to pay to the order of the Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA") at 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409 or at such other address as may be indicated in writing, in the manner hereinafter specified, the principal sum of dollars \$ 10,000.00 without interest. The said principal shall be payable in lawful money of the United States of America, on [date] 9/8/2020 and in the following manner:

The sum of \$ 10,000.00 representing a payment of principal shall be due and payable one year from the date set forth above ("Repayment Date").

If, prior to the Repayment Date, the Loan Recipient provides evidence acceptable to the Westgate CRA that an amount equivalent to the principal or any part thereof has been paid by the Loan Recipient towards rent, payroll for employees (excluding bonuses), utility providers, inventory providers, or toward expenses to upgrade technology to facilitate remote working, the Westgate CRA, in its sole discretion, may forgive that amount, in which case the Loan Recipient shall not be required to pay such amount to the Westgate CRA. Evidence may be provided at any time prior to the Repayment Date, and may be provided on an ongoing basis as such evidence becomes available. Loan Recipient must abide by all terms and conditions of the **Westgate/Belvedere Homes Community Redevelopment Agency COVID-19 Small Business Emergency Forgivable Loan Program** in order to be eligible for the loan forgiveness described in this paragraph.

This note may be prepaid, in whole or in part, without penalty, at any time prior to maturity. If payment due under this note is not paid within 10 days of the Repayment Date, a late charge of 5% of the payment due shall be added to the principal. In the event of default in the payment of this note, and if the same is placed in the hands of any attorney for collection, the undersigned hereby agrees to pay all costs of collection, including a reasonable attorneys' fee. This note shall be construed and enforced according to the laws of the State of Florida and nothing in this note shall be deemed to waive any rights of the Westgate CRA thereunder.

Makers waive demand, presentment for payment, protest, and notice of nonpayment and dishonor.

Loan Recipient Name (including d/b/a): Mirian Walker

Authorized Signature: Mirian Walker

Title: Owner

Date: 9/8/2020

Initials: HW

**SAMPLE PERSONAL GUARANTY**

**PROMISSORY NOTE BETWEEN**

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**

**AND**

Tender Love? Care Child Development Center, Inc.

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning Mirian Walker ("Borrower") memorialized by a Promissory Note dated 9/8/2020, 2020 in the amount of \$ 10,000.00 (the "Note"), the undersigned individual unconditionally and irrevocably guarantees the payment and collection of all sums due by Borrower under the Note, and any and all amendments, addenda, extensions, renewals and modifications thereof. The undersigned agrees that the obligations of the undersigned will be joint, several and primary with Borrower's obligations and not secondary. The Lender need not first pursue action against Borrower before proceeding against the undersigned. The undersigned agrees that he is bound by all amendments, addenda, extensions, renewals, and modifications of the Note referenced above, whether or not the undersigned has signed the same. This Personal Guaranty is supported by separate consideration, including but not limited to the benefit flowing to the Guarantor as an owner of the Borrower, receipt of which is hereby acknowledged by Lender and Borrower.

WITNESSES:

Witness Signature: Amanda Grayley

GUARANTOR(S):

Principal/Owner Signature: Mirian Walker

Printed Name: Amanda Grayley

Printed Name: Mirian Walker

Date: 9/8/2020

Witness Signature: Amanda Grayley

Principal/Owner Signature: Mirian Walker

Printed Name: Amanda Grayley

Printed Name: Mirian Walker

Date: 9/8/2020

**(Business owner's signature must be notarized)**

The foregoing instrument was acknowledged before me on this 8<sup>th</sup> day of September, 2020 by Mirian Walker (name of person acknowledging) by an officer duly authorized by law to administer oaths and take acknowledgements.



Brittney Griffin  
COMMISSION # GG277207  
EXPIRES: Nov 15, 2022  
Bonded Thru Aaron Notary

Signature of State of Florida Notary Public

Person

or Produced Identification

License

Type of Identification Produced: Driver License

W426-545-62-745-1

Initials: MW

9-9-2020  
DKP



**WESTGATE/BELVEDERE HOMES  
COMMUNITY REDEVELOPMENT AGENCY**

**COVID-19  
SMALL BUSINESS EMERGENCY RELIEF  
FORGIVABLE LOAN PROGRAM**

**(EFFECTIVE JUNE 9, 2020)**

Westgate CRA  
1280 N. Congress Avenue, Suite 215  
West Palm Beach, FL 33409  
(561) 640-8181  
[www.westgatecra.org](http://www.westgatecra.org)

## PROGRAM DESCRIPTION AND RULES

The **COVID-19 Small Business Emergency Relief Forgivable Loan Program** ("Program") is created to provide direct financial emergency relief to small businesses within the Westgate community redevelopment area. The Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA or CRA") recognizes that small businesses are being forced to make unprecedented decisions amid the COVID-19 pandemic. Efforts to mitigate the spread of the novel coronavirus by local and state governments has resulted in business closures, reductions in services, disruptions in inventory supply chains, impacts to cash flow, and payroll deficits. The Program is intended to support the retention of small businesses vital to the overall economic health of the redevelopment area, protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of further slum and urban blight, pursuant to the goals and objectives of the Westgate CRA Community Redevelopment Plan.

Through the Program, the Westgate CRA will provide businesses with 25 or fewer employees up to \$10,000 in an interest free loan. If the business can demonstrate compliance with the Program and that the loan was used towards rent, payroll support, inventory purchases, utility expenses, upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation within 1 year of the loan date, the loan will be forgiven, and the business will not be required to repay the loan. Loans will be awarded on a first-come, first-served basis. Loan recipients will be required to sign a promissory note to ensure compliance with the Program, loan terms, and conditions. The Westgate CRA has sole discretion to determine compliance with the Program, loan terms, and conditions sufficient to allow forgiveness of the loan.

The Westgate CRA is a public agency, governed by the Florida Public Records Law under Chapter 119, Florida Statutes. The CRA may produce any documents provided by loan applicants upon receipt of a public records request, subject to any exemptions provided by Florida law. If the loan applicant believes that any information is proprietary and exempt from public records such as a trade secret, the loan applicant should indicate such in the application.

## PROGRAM FUNDING

The Westgate CRA COVID-19 Small Business Forgivable Loan Program offers financial assistance to the business in the form of a forgivable loan for eligible expenses, up to \$10,000, associated with rent, payroll support, inventory purchases, utility expenses, technology upgrades to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation. The Program will be funded with Tax Increment Financing in accordance with the CRA's Redevelopment Plan. A total amount of **\$150,000** is considered for the Program.

## PROGRAM ELIGIBILITY

Loan applicants must meet all of the following requirements in order to be considered eligible to receive Program loan funding:

- Must be located within the Westgate CRA redevelopment area (see attached boundary map);
- Loan applicant must be a business that was or became operational (as evidenced by a Certificate of Occupancy or Palm Beach County Business Tax Receipt) prior to January 1, 2020;

Initials: 



- Loan applicant must be the business entity (or d/b/a) named on the corporate documents, and the application must be executed by the principal/owner(s) named on the corporate documents. If a corporate entity, the principal must execute a personal guarantee for the loan;
- Must be a for-profit, privately held business with less than 25 employees;
- Must provide proof that the business is properly entitled and licensed by all necessary levels of government;
- Businesses must have an executed one (1) year minimum lease;
- Business must employ a minimum of two (2) full-time equivalent W-2 employees whose wages are reported to the state and federal government; one (1) position occupied by the business owner may count toward the required job positions;
- If any individual is the Principal/Owner for more than one eligible business, the Principal/owner may only sign the application on behalf of one business. (Note: this means that if one or more eligible businesses have a Principal/Owner in common, only one of those businesses may apply for the Program, even if the business(s) has(have) more than one Principal/Owner).

**The following businesses are automatically considered ineligible for assistance under the Program:**

- Businesses that are prohibited uses within the Westgate Community Redevelopment Area Overlay (WCRAO) or certain sub-areas of the WCRAO including, but not limited to: adult entertainment, convenience stores, employment agencies, gas and fuel sales, self-service storage, or contractor storage yards;
- Businesses that do not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including, but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, liquor stores, smoke/e-cig or vape shops, tattoo shops, or any other use as determined by the Westgate CRA Board or designee;
- Not for profit organizations or places of worship;
- Businesses with more than 25 and less than two (2) full-time equivalent employees;
- Businesses which are publicly traded; and,
- Businesses that do not report employees' wages.

**The following types of businesses are eligible to receive funding under the Program include, but are not limited to:**

- Restaurants, professional/general offices (based on NAICS codes), medical/dental offices, neighborhood grocers, brick and mortar retail sales, veterinary clinics, catering services, personal services, financial institutions, and home-based businesses or home-based day cares with a residential address in the CRA.

**LOAN TERMS AND CONDITIONS**

The maximum amount of loan to any one business under the Program is \$10,000. Loan applicants may apply multiple times if loaned less than the maximum amount, but no loan applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, loan applicants that were loaned \$10,000 may reapply for additional funding until the new maximum is reached.

Initials: 

Loans shall be interest-free, and the loan amount shall be due to be repaid to the Westgate CRA one (1) year from the date of the loan. Loan applicants will be required to sign a promissory note to ensure compliance with the loan, program terms, and conditions (see attached sample).

However, if the loan applicant provides evidence acceptable to the CRA of an amount equivalent to the loan, or any part thereof, that has been paid by the loan applicant to employees in the form of payroll, or to inventory suppliers, utility providers, receipt of purchase of technology or equipment to facilitate remote working, and/or invoices for expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, then that amount may be forgiven, in which case the loan applicant would not be required to repay such amount to the CRA. Loan funds may be used towards total payroll expenses including wages and benefits, but may not be used towards employee bonuses. Evidence to support loan and promissory note forgiveness includes but is not limited to invoices, receipts, paystubs, utility bills, or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as social security numbers, etc. No cash payments will be accepted as evidence in support of a request for loan forgiveness. Loan applicants may request loan forgiveness at any time between the CRA loan check date and the loan repayment date by submitting a request and the required evidence to the Westgate CRA. All evidence must be submitted to the Westgate CRA one (1) month prior to the loan repayment date electronically to Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) or by mailing a hard copy to Westgate CRA, 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, attention to Denise Pennell, Senior Planner/Project Manager. The Westgate CRA Board will review the evidence and determine whether the loan is eligible to be forgiven.

The Westgate CRA Board has sole discretion to determine what evidence is acceptable, to ask for more information, or different evidence to support any loan application or any request for loan forgiveness. Westgate CRA staff will notify the loan applicant on the determination as to whether the loan is deemed forgiven within 30 days of receipt of the evidence supporting the request for forgiveness. The loan may be prepaid, in whole or in part, without penalty, at any time prior to the date on which repayment is due.

All loan checks from the Westgate CRA to the successful loan applicant will be made out to the applicant business entity.

#### APPLICATION PROCESS

Applications can be downloaded from the Westgate CRA website at [westgatecra.org](http://westgatecra.org) or may be obtained by email. All loan applicants are strongly encouraged to speak with CRA staff in order to determine eligibility before submitting an application. Please contact Denise Pennell at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) for assistance. Applications will not be considered until all required documentation is submitted to the Westgate CRA office by sending the application electronically or by dropping off a hard copy to 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409, between the hours of 9:00 A.M. – 2:00 P.M. with attention to Elizée Michel, Executive Director. **Loan applicants are STRONGLY encouraged to submit applications electronically.** Applications will be considered by the Westgate CRA Board at their regularly scheduled monthly Board meeting on the 2<sup>nd</sup> Monday of each month. Completed applications must be submitted no later than two (2) weeks before the monthly CRA Board meeting to be considered within that month.

Initials: 

Application to this Program is not a guarantee of funding. Approval for funding is at the sole discretion of the Westgate CRA Board, and subject to availability of funds from the CRA's annual budget. Loan applicants will be notified of loan approval in writing by email.

Loan funding must be used for payment of rent, utility bills, employee payroll (excluding bonuses), upgrades to technology to facilitate remote working, and/or expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation.

Applications will be considered on a first-come, first-served basis. Applications are not considered fully submitted until all supporting documents have been received. If the loan amount requested, or part thereof, includes expenses associated with the reconfiguration of interior spaces to accommodate 6' physical separation, the Westgate CRA reserves the right to visit the business location during the loan vetting period.

**Application packets must include (please check):**

- ☒ Copy of the corporate documents for the applying business entity (an active copy of your registered business as shown on [SunBiz.Org](http://SunBiz.Org)).
- ☒ Copy of Palm Beach County occupational license (Business Tax Receipt or BTR).
- ☒ Documentation to support the loan applicant's request for approval including a breakdown of eligible expenses for rent, payroll, inventory, utility expenses, and/or technology upgrades. Examples include, but are not limited to: lease agreements, invoices, receipts, paystubs, utility bills or other acceptable evidence of payment or expenses associated with the loan request. Loan applicants may redact sensitive information such as specified above.
- ☒ Completed, signed, and notarized application (attached).
- ☒ W-9 Form (attached).
- ☐ Other proof as necessary to evidence compliance with Funding Eligibility.

**SUBMISSION OF AN APPLICATION IS NOT A GUARANTEE OF APPROVAL.**

**It is the responsibility of the loan applicant to READ AND UNDERSTAND all Program rules, eligibility, loan terms and conditions, and this application.**

**NOTICE TO THIRD PARTIES:** The loan application and loan do not create any rights for third parties. Nor shall issuance of a loan result in any obligation on the part of the Westgate CRA to any third party. The Westgate CRA is not required to verify that entities that have contracted with the loan applicant have been paid in full, or that such entities have paid any vendors or subcontractors in full.

Initials: 

**COVID-19 SMALL BUSINESSES EMERGENCY RELIEF FORGIVABLE LOAN PROGRAM**

**LOAN APPLICATION**  
***(please type or print clearly)***

**BUSINESS INFORMATION:**

Business Name (d/b/a if applicable): YINGEL INC. DBA MUFFLERS BRAKES & MORE

Loan Applicant Name: SHELDON SHANAK Title: CO-DIRECTOR

Business Address: 2536 OKEECHOBEE BLVD.  
WEST PALM BEACH, FL 33409

EIN#: 65-0893814

Business Phone: 561-684-0543 Cell: 561-543-2963

Email: KJELRAY@YAHOO.COM

Website: MUFFLERDUDE.COM

Type of Business: AUTO REPAIR SHOP Hours of operation: M-F 8AM-5PM  
SAT 8AM-4PM

Please list expenses seeking loan funding for:

INVENTORY, UTILITIES, PAYROLL

Requested loan amount: \$ 10,000.00

Please estimate the total loss (physical, fiscal) to your business due to the economic crisis caused by the COVID-19 pandemic:

AS OF AUG 31ST, APPROX \$10K LOSS AND COUNTING COMPARED TO 2019

Number of full-time W-2 employees: Currently 3 Prior to March 15, 2020 3

Initials: 

Have you had to lay off or furlough employees due to the economic crisis caused by the COVID-19 pandemic: Yes ☐ No ☒

Number of years in operation at current location: 21.5 YEARS

Do you have business interruption insurance? Yes ☐ No ☒

Have you applied for the U.S. Office of Small Business Administration's Economic Injury Disaster Loan (SBA EIDL) and/or Paycheck Protection Program (PPP)?

Amount requested: PPP \$15K, EIDL \$3K Loan received? Yes ☒ No ☐

Have you applied for the State of Florida Small Business Emergency Bridge Loan?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

Have you applied for a Palm Beach County Cares for Business Restart Business Grant?

Amount requested: \_\_\_\_\_ Loan received? Yes ☐ No ☒

If applicable, please provide the percentage difference in business revenue since March 15, 2020 compared to the same period last year? Thru 8/31/2020, 20% less than same period in 2020

If applicable, please provide the dollar value of inventory lost or spoiled as a result of the economic crisis caused by the COVID-19 pandemic: \_\_\_\_\_

Do you have an executed multi-year (1-year minimum) lease agreement? Yes ☐ No ☒

If so, monthly base rent: \_\_\_\_\_

Name of landlord/property management group: SELF OWNED

Address of landlord/property management group: 2536 OKEECHOBEE BLVD. W.P.B, FL 33409

Business Phone: 561-684-0543 Cell: 561-543-2963

Email: KJELRAY@YAHOO.COM

Have you applied for assistance under any other program offered by the CRA? Yes ☐ No ☒

If so, program name: \_\_\_\_\_ Amount received: \_\_\_\_\_

Initials: LL

**PRINCIPAL/OWNER INFORMATION:**

1. Principal/Owner Name: SHELDON SHANAK  
Date of Birth: 03/15/1956 Email: KJELRAY@YAHOO.COM  
Residential Address: 179 PONCE DE LEON ST. ROYAL PALM BEACH, FL 33411  
Cell Phone: 561-543-2963
  
2. Principal/Owner Name: MICHAEL SHANAK  
Date of Birth: 05/11/1960 Email: GHPH02A@PRODIGY.NET  
Residential Address: 2013 NORMANDY CIRCLE WEST PALM BEACH, FL 33409  
Cell Phone: 561-889-8613
  
3. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_
  
4. Principal/Owner Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Email: \_\_\_\_\_  
Residential Address: \_\_\_\_\_  
Cell Phone: \_\_\_\_\_

*Note: If more than 4 principals/owners, additional sheets may be used.*

Initials: 

**CERTIFICATION AND WAIVER OF PRIVACY:**

For purposes of this certification and waiver of privacy, the term "I" refers to the loan applicant and to all signatories on the Program application individually. By signing and submitting the application to the Program, each signatory represents and confirms that he or she is authorized to sign on behalf of the loan applicant(s).

I, the undersigned loan applicant(s), certify that all information presented in this application, and all of the information furnished in support of the application, is given for the purpose of obtaining a loan under the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program, and it is true and complete to the best of my knowledge and belief.

I further certify that I am aware of the fact that I can be penalized by fine and/or imprisonment for making false statements or presenting false information. I further acknowledge that I have read and understand the terms and conditions set forth and described in the Westgate CRA COVID-19 Small Business Emergency Forgivable Loan Program.

I understand that this application is not a guarantee of a loan, and that award of loans is at the sole discretion of the Westgate CRA Board. I understand that the purpose of the loan is to support the retention of small businesses vital to the overall economic health of the redevelopment area, to protect and support capital improvements undertaken and planned by the CRA, and to prevent the creation of slum and urban blight, furthering the implementation of the Westgate CRA Community Redevelopment Plan, and that the CRA may decline my application for any legal reason, including the reason that approving the loan will not further the Community Redevelopment Plan. Should my application be approved, I understand that the Westgate CRA has the sole discretion to determine whether the Program criteria have been met and whether the loan may be forgiven.

To the maximum extent possible, I hereby waive my rights to privacy and confidentiality for all matters contained in this application, and give my consent to the Westgate CRA, its agents, and contractors to examine any confidential information given herein. I further grant permission, and authorize any bank, employers, or other public or private agency to disclose information deemed necessary to complete this application.

I give permission to the Westgate CRA or its agents to take photos of myself and business to be used to promote the Program.

I understand that if this application and the information furnished in support of the application are found to be incomplete or inaccurate, it will be not processed.

Initials: 

**LOAN APPLICANT SIGNATURES:**

All Principal/Owner(s) eligible to sign on behalf of the loan applicant must sign this application on behalf of the loan applicant. For the purposes of this Program, the term "Principal/Owner" means a principal or owner of the business:

1. Principal/Owner Signature: [Signature] Date: \_\_\_\_\_

Printed Name: SHELDON SHANAK Title: CO-DIRECTOR

Witness Signature: [Signature] Date: 04/09/20

Printed Name: Alexander Schmitz

2. Principal/Owner Signature: [Signature] Date: \_\_\_\_\_

Printed Name: MICHAEL SHANAK Title: CO-DIRECTOR

Witness Signature: [Signature] Date: 04/09/20

Printed Name: Alexander Schmitz

3. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

The foregoing instrument was acknowledged before me on this 9<sup>th</sup> day of September, 2020 by Martin Rocio (name of person acknowledging), an officer duly authorized by law to administer oaths and take acknowledgements.

(Notary Seal)

[Signature]  
Signature of State of Florida Notary Public

Personally Known \_\_\_\_\_ or Produced Identification ✓ FDL



Martin Flice  
State of Florida  
My Commission Expires 02/12/2022  
Commission No. GG 164574

Type of Identification Produced: SS20-544-60-171-0  
SS20-781-56-055-0

Initials: RF



PROMISSORY NOTE  
**Westgate CRA, Palm Beach County, Florida**

FOR VALUE RECEIVED, the undersigned ("Loan Recipient") promises to pay to the order of the Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA") at 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409 or at such other address as may be indicated in writing, in the manner hereinafter specified, the principal sum of dollars \$10,000.00 without interest. The said principal shall be payable in lawful money of the United States of America, on [date]\_\_\_\_\_ and in the following manner:

The sum of \$ 10,000.00 representing a payment of principal shall be due and payable one year from the date set forth above ("Repayment Date").

If, prior to the Repayment Date, the Loan Recipient provides evidence acceptable to the Westgate CRA that an amount equivalent to the principal or any part thereof has been paid by the Loan Recipient towards rent, payroll for employees (excluding bonuses), utility providers, inventory providers, or toward expenses to upgrade technology to facilitate remote working, the Westgate CRA, in its sole discretion, may forgive that amount, in which case the Loan Recipient shall not be required to pay such amount to the Westgate CRA. Evidence may be provided at any time prior to the Repayment Date, and may be provided on an ongoing basis as such evidence becomes available. Loan Recipient must abide by all terms and conditions of the **Westgate/Belvedere Homes Community Redevelopment Agency COVID-19 Small Business Emergency Forgivable Loan Program** in order to be eligible for the loan forgiveness described in this paragraph.

This note may be prepaid, in whole or in part, without penalty, at any time prior to maturity. If payment due under this note is not paid within 10 days of the Repayment Date, a late charge of 5% of the payment due shall be added to the principal. In the event of default in the payment of this note, and if the same is placed in the hands of any attorney for collection, the undersigned hereby agrees to pay all costs of collection, including a reasonable attorneys' fee. This note shall be construed and enforced according to the laws of the State of Florida and nothing in this note shall be deemed to waive any rights of the Westgate CRA thereunder.

Makers waive demand, presentment for payment, protest, and notice of nonpayment and dishonor.

Loan Recipient Name (including d/b/a): YINGEL INC. DBA MUFFLERS BRAKES AND MORE

Authorized Signature: 

Title: CO-DIRECTOR

Date: 9/9/2020

Initials: 

PERSONAL GUARANTY

**PROMISSORY NOTE BETWEEN**

**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**

**AND**

**YINGEL INC. DBA MUFFLERS BRAKES AND MORE**

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning YINGEL INC. ("Borrower") memorialized by a Promissory Note dated 9/9, 2020 in the amount of \$ 10,000.00 (the "Note"), the undersigned individual unconditionally and irrevocably guarantees the payment and collection of all sums due by Borrower under the Note, and any and all amendments, addenda, extensions, renewals and modifications thereof. The undersigned agrees that the obligations of the undersigned will be joint, several and primary with Borrower's obligations and not secondary. The Lender need not first pursue action against Borrower before proceeding against the undersigned. The undersigned agrees that he is bound by all amendments, addenda, extensions, renewals, and modifications of the Note referenced above, whether or not the undersigned has signed the same. This Personal Guaranty is supported by separate consideration, including but not limited to the benefit flowing to the Guarantor as an owner of the Borrower, receipt of which is hereby acknowledged by Lender and Borrower.

WITNESSES:

Witness Signature: [Signature]

GUARANTOR(S):

Principal/Owner Signature: [Signature]

Printed Name: Alexander Shanak

Printed Name: SHELDON SHANAK

Date: 9/9/2020

Witness Signature: [Signature]

Principal/Owner Signature: [Signature]

Printed Name: Alexander Shanak

Printed Name: MICHAEL SHANAK

Date: 9/9/2020

**(Business owner's signature must be notarized)**

The foregoing instrument was acknowledged before me on this 9<sup>th</sup> day of September, 2020 by Martin Rico (name of person acknowledging) by an officer duly authorized by law to administer oaths and take acknowledgements.

(Notary Seal)

Signature of State of Florida Notary Public [Signature]

Personally Known \_\_\_\_\_ or Produced Identification FLDL

Type of Identification Produced: 520-544-60-171-0

5520-781-56-095-0

12

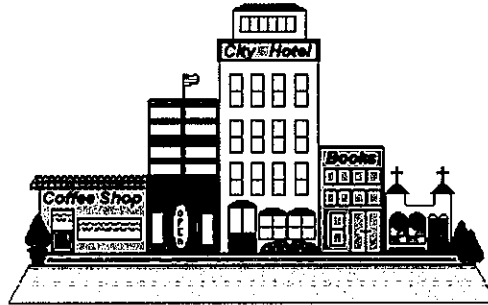
Westgate CRA COVID-19 Small Business Emergency Relief Forgivable Loan Program



Martin Rico  
State of Florida  
My Commission Expires 02/12/2022  
Commission No. GG 164574

Initials: [Signature]

# **SITE DEVELOPMENT ASSISTANCE PROGRAM**



**AN INVESTMENT PARTNERSHIP**

**BETWEEN**

**THE WESTGATE/BELVEDERE HOMES  
COMMUNITY REDEVELOPMENT AGENCY**

**AND**

**THE BUSINESS AND DEVELOPMENT COMMUNITY**



1280 N. Congress Avenue, Suite 215  
West Palm Beach, FL 33409  
Phone (561) 640-8181 • Fax (561) 640-8080  
[www.westgatecra.org](http://www.westgatecra.org)

138 A

The **SITE DEVELOPMENT ASSISTANCE PROGRAM** is available to new residential, and new and existing commercial and industrial development within the Westgate CRA redevelopment area. The program is established to encourage developers and property owners to improve in the external appearance of their properties and/or invest in their operations. The result will eliminate blighted influences, stabilize property values, and facilitate redevelopment activity in the target area in accordance with the CRA's Community Redevelopment Plan. The Site Development Assistance grant provides funding assistance to help defray or leverage the cost of exterior improvements and project related engineering, architectural, and permitting costs associated with new construction, building expansion, and renovations.

### **REVIEW CRITERIA**

Criteria that will be considered in the review of an application include, but are not limited to:

1. The visual impact of the project on the area;
2. The impact the project will have on property values in the area;
3. The project's probability of success;
4. The number of new jobs that the business will create, particularly for area residents;
5. The amount of private funding being invested into the project; and,
6. The ability of the project to further the goals and objectives of the CRA's Community Redevelopment Plan.

### **FUNDING**

The total amount of funding is allocated annually for specific prioritized areas. Funding is dispersed on a reimbursement basis only, and is awarded on a first come first serve basis. Assistance from this program may, at the sole discretion of the CRA, be combined with assistance from other programs, or discontinued. Program eligibility and guidelines are subject to change by the CRA. All applications are subject to approval by the CRA Board.

### **ELIGIBLE EXPENSES**

- Pre-Development Expenses (site design, architecture, engineering, entitlements, permitting)
- Landscaping Expenses (design fees, installation, material purchases, irrigation)
- Exterior Repair, Stucco, Repainting
- Exterior Awnings or Marquees
- Roof Repair or Replacement
- Exterior Window Upgrades
- All costs associated with the Installation and Improvement of Parking Areas, Driveways, Sidewalks
- Exterior Lighting and related Electrical Work
- Exterior Signage
- Any other exterior improvements approved by the CRA

### **INELIGIBLE EXPENSES**

- Any and all interior repairs or improvements
- Interior Painting
- Purchase of equipment, inventory, furnishings, decorations, or supplies
- Purchase of real property
- Rent, lease, or mortgage payments
- HVAC repair and/or replacement
- Security system repair and/or replacement

### **REIMBURSEMENT PROCESS**

- Funds are dispersed for eligible and pre-approved expenses only;
- No funds shall be dispersed prior to the receipt of a Certificate of Occupancy or the necessary satisfactory inspection notices;

- Grantees must submit a detailed work invoice with proof of payment in the form of a cancelled check, credit card statement, or vendor certification of payment;
- CRA can impose conditions of approval it deems appropriate to protect the assets of the organization, with regards to funding and reimbursement.
- Mixed use or commercial projects fronting on Westgate Avenue may receive reimbursement for 25% of their eligible project costs, up to a maximum of \$50,000.
- All other areas of the CRA district may receive reimbursement of 10% of their eligible project costs up to a maximum of \$25,000 for mixed use, commercial or industrial projects.
- Multifamily residential projects fronting on Westgate Avenue may receive reimbursement of 20% of their eligible project costs, up to a maximum of \$40,000.
- All other areas of the CRA district may receive reimbursement of 10% of their eligible project costs, up to a maximum of \$25,000 for multifamily projects with 5 units or more.
- \$5,000 per unit for eligible project costs may be reimbursed for multifamily projects with up to 5 units, to a maximum of \$15,000.
- \$5,000 per unit for eligible project costs may be reimbursed for new single family projects with up to 5 units on contiguous sites, to a maximum of \$15,000, and to a maximum of \$40,000 for new single family projects with more than 5 units on contiguous sites.

### **GENERAL ELIGIBILITY REQUIREMENTS & GRANT TERMS**

- Grantees under this program agree to complete the project that the funding was awarded for, according to the scope of work presented in the application. All work must be done in compliance with Palm Beach County ordinances and regulations. It is the responsibility of the applicant to obtain all necessary zoning approvals and permits.
- The property owner or developer must complete the project, obtain a Certificate of Occupancy/Completion from Palm Beach County and submit to the CRA for reimbursement within 180 days of the issuance date of the permit for the project.
- The program may only be used one time in any five-year period for any one property. Properties may reapply for additional grants any time after five years from previous grant approval.
- Applicants are encouraged to schedule a pre-application conference to assess project eligibility for reimbursement under the program prior to submitting an application.
- Existing Single family homes are not eligible for the Site Development Assistance Grant. Applicants wishing to improve existing single family dwellings within the CRA boundaries are encouraged to consult the CRA's Neighborhood Preservation Program for eligibility requirements and grant terms.
- The following *new* developments are automatically considered ineligible for assistance under the program:
  - A development/use that is considered a non-conforming use as determined by the Palm Beach County's ULDC;
  - Use types that are prohibited uses within the WCRAO or certain sub-areas of the WCRAO within the Palm Beach County ULDC including adult entertainment, convenience store, employment agencies, gas and fuel sales, light and heavy repair and maintenance, self-service storage, light and heavy vehicle sales and rental, heavy vehicle or equipment sales and rental, office-warehouse, and contractor storage yard;
  - Development that does not further the redevelopment goals of the Westgate CRA Community Redevelopment Plan including but not limited to firearm sales, check cashing stores, adult arcades, pawn shops, Type I restaurants, liquor stores, smoke shops, and tattoo shops;
  - Home-based businesses unless relocating to a commercial space; and,
  - Not for profit organizations.
- Grantees shall allow the CRA the rights and use of photos and project application materials.

**SITE DEVELOPMENT ASSISTANCE PROGRAM APPLICATION**

Applicant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Mailing Address (if different than above): \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Website: \_\_\_\_\_

Property Control Number (PCN#): \_\_\_\_\_

EIN#: \_\_\_\_\_

Applicant's business/development site is:  
(attach copy of multi-year lease or warranty deed)

☐ Owned ☐ Leased

Applicant's project includes: (check all that apply)

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Exterior Lighting                            | <input type="checkbox"/> Landscaping      | <input type="checkbox"/> Roof Repair      |
| <input type="checkbox"/> Commercial Parking                           | <input type="checkbox"/> Exterior Signage | <input type="checkbox"/> New Construction |
| <input type="checkbox"/> Expansion/Renovation of an existing building |   |   |

Project Budget:

1. Interior Renovations/Improvements: \$ \_\_\_\_\_
2. Exterior Renovations/Improvements: \$ \_\_\_\_\_
3. Pre-development/Permitting: \$ \_\_\_\_\_
4. Total Project Budget: \$ \_\_\_\_\_

Are you applying for grant assistance under any other program offered by the CRA: Yes ☐ No ☐

If so, what other programs are you applying for: \_\_\_\_\_

Have you been approved for funding by the CRA Board: Yes ☐ No ☐ If so, amount: \$ \_\_\_\_\_?

*Please read the section below carefully. After you have read the entire application, sign the form below and submit your completed application to the CRA offices.*

I, the undersigned, being a principal of the business applying for assistance under the Site Development Assistance Program, certify that the business in the Westgate/Belvedere Homes Community Redevelopment Area within the unincorporated area of Palm Beach County.

I understand that the CRA may, at its sole discretion, discontinue subsidy payments at any time if in its sole and absolute determination it feels such assistance no longer meets the program criteria or no longer furthers the Westgate CRA Community Redevelopment Plan.

I understand that this application is not a guarantee of assistance. Should my application be approved, I understand that I am committing to completing the project I have represented in this application and obtaining a Certificate of Occupancy or the necessary satisfactory inspection notices signifying that the work has been done in accordance with County ordinances and codes. I agree to obtain all necessary County or other governmental or State approvals and/or licenses prior to beginning any work. Failure to do so may jeopardize my ability to receive reimbursement under this grant program.

I understand that the project represented in this application must receive CRA Board approval before the work is completed in order to be eligible for reimbursement.

I have read this program brochure in its entirety and by signing below accept the terms of the program as represented in this brochure. I understand that if this application is submitted incomplete, it will not be processed.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

### **APPLICATION CHECKLIST**

The completed application must include the following items prior to processing:

- ☒ Signed and completed application form
- ☒ Business Plan or Executive Summary, including a narrative describing the business, its operations, its business principles, impact on the community, and potential for area resident employment
- ☒ Detailed 3-year budget projections of revenues and expenses
- ☒ Historical financials for the past three years, in a sealed envelope (existing businesses only)
- ☒ Copy of multi-year lease (including expressed permission from landlord to make changes as outlined in the project) or copy of Warranty Deed showing property ownership
- ☒ Narrative description of entire project, broken down into interior and exterior improvements and/or renovations, including financing sources

- ☒ Detailed breakdown of exterior renovations and improvements for which reimbursement is being requested under the grant program.

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**OFFICE USE ONLY:**

Pre-application meeting date: \_\_\_\_\_ Meets eligibility requirements: Yes ☐ No ☐

CRA Board meeting date: \_\_\_\_\_ Recommend Board approval: Yes ☐ No ☐

Application notes: \_\_\_\_\_

\_\_\_\_\_ CRA staff initials: \_\_\_\_\_

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**WESTGATE/BELVEDERE HOMES COMMUNITY  
REDEVELOPMENT AGENCY**

**Neighborhood Preservation Program  
A Home Improvement Partnership Agreement Between  
Westgate/Belvedere Homes CRA and Neighborhood Homeowners**

**GUIDELINES**

**Westgate Belvedere Homes Community Redevelopment Agency** seeks to encourage the preservation of the CRA's existing housing stock by providing assistance to homeowners to make needed improvements to their homes.

**Program Goals:**

- Preserve the affordable nature of the properties
- Prevent property deterioration and blighted appearance
- Preserve the character of older neighborhoods
- Increase homeowner's ability to leverage funds for home improvements.

**Program Priorities and Loan Terms:**

The proposed housing improvements should preserve the integrity of the house and add to the long-term value and life of the property and the neighborhood.

- Health and safety code deficiency correction
- Accessibility modification for persons with disabilities
- Structural and environmental improvements
- Weatherization and energy efficiency
- Leveraging Home Improvement Fund

The CRA will provide up to \$6,000 grant assistance at the CRA's discretion subject to budget and available funding. The total amount of the grant is limited to Six Thousand Dollars. The first \$1,000 is a straight grant; the homeowner can access an additional \$5,000 in grant funds from the CRA by providing a 50/50 match.

**Example:** If an applicant contributes \$5,000, the CRA will grant an additional \$5,000. The homeowner can acquire the five thousand match funds from any source of their choosing.

The CRA will provide their assistance on a first come first served basis pending funds availability, however, the CRA in its sole discretion will prioritize applications based on the extent of the improvements and homeowners using other programs (leveraging funds) for repairs. An applicant is limited to apply only once every three years.

The maximum amount of grant to any one property owner under the Program is \$6,000. Grant applicants may apply multiple times if granted less than the maximum amount, but no grant applicant will receive more than the maximum amount in total. If the maximum amount of funding to the Program is later increased, grant applicants that were granted \$6,000 may reapply for additional funding until the new maximum is reached.

### **Eligible Improvement Costs:**

Funds may be used to correct existing code deficiencies, structural deficiencies, weatherization, accessibility, and general property improvements. Any code violation issues must be addressed as part of the improvement projects.

Work must include at least one of the following:

- Exterior improvements (siding, roofing, windows, painting, driveway)
- Addition of a bedroom(s), bathroom(s) or new living space
- Conversion of a rental unit to owner-occupied home
- Landscaping/irrigation, decorative fencing, shutters
- Vermin/termite eradication
- Air Conditioning System, Water Heater, Electrical, Plumbing
- Sewer Connection

### **Eligible Properties:**

- Located within the Westgate/Belvedere Homes CRA boundaries
- One property per owner
- Owner-occupied one or two unit residences
- Rental property owners provided improvements exceed \$10,000
- Current on property tax, mortgage, and no outstanding code lien

### **The Partnership Responsibilities:**

#### **Westgate/Belvedere Homes CRA**

- Market and publicize the program to property owners within the CRA
- Provide up to \$6,000 grant assistance at the CRA's discretion subject to budget and available funding
- Review and approve home improvements before commencement and issue Notice to Proceed to include the amount eligible for reimbursement
- Take before and after pictures of improvements

#### **Homeowner**

- Submit grant application and scope of work to CRA

- Seek contractors and obtain bids (at least three)
- Commence and complete the improvements within six months of the Notice to proceed
- Submit invoices and proof of payment for reimbursement.

**NOTE: The CRA will not recommend companies/contractor to perform work. Property owner is charged with doing their own due diligence to get the lowest and best price for the project.**



September 10, 2020

Julian Gutierrez  
Diversified Contractors  
900 Via Royale #905  
Jupiter FL, 33458

**RE: WCRA Density Bonus Program/Duplex Development Recommendation**  
1115 Osceola Drive – 2-unit Residential Development  
PCN 00-43-43-30-03-022-0571

Dear Mr. Gutierrez;

Please be advised that this letter is prepared to address the requirement of Article 3.14.D.1 of the Palm Beach County Unified Land Development Code (ULDC), as amended.

A recommendation of approval from the Westgate CRA is requested for the following:

- the development of a duplex residential structure on a non-conforming lot; and,
- an allocation of one (1) dwelling unit from the WCRA Density Bonus Program unit pool.

Based on the site plan submitted, the proposed residential duplex development is generally compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan, as amended and approved by the Board of County Commissioners, and the intent of the NG sub-area of the WCRA Zoning Overlay to encourage multi-family residential development.

The Westgate CRA recommends approval for the development of a duplex residential structure on a non-conforming lot utilizing one (1) dwelling unit from the WCRA Density Bonus Program unit pool, subject to the following:

1. WCRA recommendation of approval for one (1) dwelling unit from the WCRA Density Bonus Program unit pool will be valid for three (3) years from the date of this letter, or until September 7, 2023;
2. The site plan must comply with the criteria for obtaining WCRA recommendation for WCRA density bonus units including:
  - a) The minimum building frontage requirement for the NG sub-area of 60% per Table 3.B.14.F, WCRAO Residential Sub-area PDRs
  - b) Vehicular access to parking is limited to the rear of the lot in accordance with Art. 3.B.14.I.1.a.1)
  - c) A minimum of 5% of the gross lot area is set aside for open space with a public amenity with a minimum size of 800 sf and 25 ft. in width... including pergolas pursuant to Art. 3.B.14.H.1.a.4)
  - d) A minimum of 40% of the project's allowed density (one unit) is reserved for affordable housing meeting the requirements of Table 3.B.14.H, WCRAO Affordability Ranges and the affordability of the unit must be maintained for 10 years (for sale) and 20 years (rental).

Sincerely,

  
Elizee Michel, AICP, Executive Director  
Westgate CRA, Palm Beach County

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**July 29, 2020**

Elizee Michel  
Westgate CRA

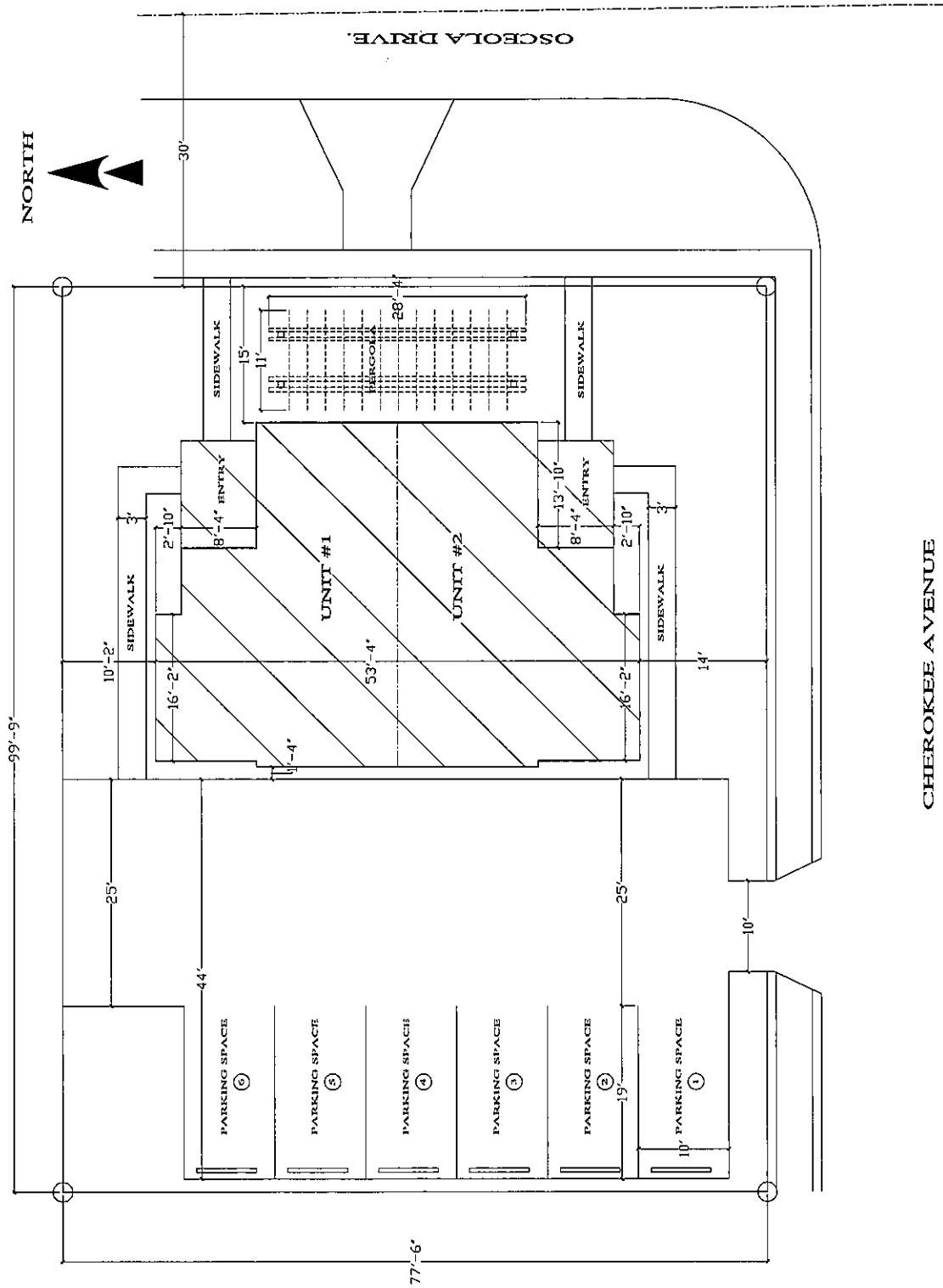
Proposed Site Plan for  
1115 Osceola Dr  
West Palm Beach FL

Through this letter we want to acknowledge that we will follow this four requirements in order to be approved by the Westgate CRA for a bonus density pool of one unit under the NG sub area.

- 1) The proposed project will meet the minimum building frontage requirements of table **3.B.14.F**
- 2) The proposed project will provide a rear lot line abutting a R-O-W to ensure that vehicular access to parking is limited to the rear of the lot, in accordance with **Art. 3.B.14.I.1.a.1**
- 3) A minimum of five percent of the gross lot area will be set aside for open space with a public amenity.
- 4) A minimum of 40 percent of the project's allowed density will be reserved for affordable housing meeting requirements of **Art. 3.B.14.H.1.c**

Sincerely yours,

Julian Gutierrez



149



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September 7, 2020

Mr. Kevin McGinley  
Land Research Management, Inc.  
2240 Palm Beach Lakes Blvd., Suite 103  
West Palm Beach, FL 33409

**RE: WCRA Recommendation Letter**  
**PROJECT: Okeechobee Steakhouse**  
Control No. 1994-00037

Dear Mr. McGinley;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The Westgate CRA reviewed the revised site plan dated July 20, 2020. The proposed project is generally compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan, as approved by the Board of County Commissioners, and the intent of the UH Sub-area of the WCRA Zoning Overlay. The Westgate CRA recommends approval for the project to include the following:

1. To modify the use in Building B from catering services to a 130 seat Type II restaurant with 30 outdoor seats for a total of 160 seats; and,
2. Administrative DRO site plan approval.

Please feel free to contact me at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) should you have any additional questions.

Sincerely,

Denise Pennell, FRA-RA  
Senior Planner/Project Manager  
Westgate CRA, Palm Beach County



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September 7, 2020

Mr. Roger Ramdeen, Land Use Planner  
Shutts & Bowen, LLP  
525 Okeechobee Blvd., Suite 100  
West Palm Beach, FL 33401

**RE: WCRA Recommendation Letter (2<sup>nd</sup> revision)**  
**PROJECT: Soapy Shark Carwash**  
Control No. 1996-00026

Dear Mr. Ramdeen;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The applicant requests a recommendation of approval for the project from the Westgate CRA to include the following:

1. DRO Site Plan Approval for a 4,176 sf Car Wash use;
2. An allocation of 166 net new daily trips, 12 new am peak hour trips and 14 new pm peak hour trips, from the WCRA Transportation Concurrency Exception Area (TCEA) pool; and,
3. To allow six (6) variances:
  - A reduction in the minimum lot depth of 200 ft. to 195 ft. along the western property line to 151 ft. along the eastern property line;
  - A reduction in the minimum building frontage requirement in the UG Sub-area from the required 156 ft. (60%) to a proposed 130 ft. (50%) (Table 3.B.14.F. – WCRAO);
  - To allow the principal entrance to be located at the rear of the building, an elimination of the requirement for all uses in the UG Sub-area to orient the first floor principal entrance towards the street used as the primary building frontage (Art.3.B.14.G.3.b – WCRAO);
  - To allow an elimination of the requirements of Art. 7.C.4.B to provide a 10 ft. divider median in parking lots with two or more vehicular parking aisles.
  - To allow a 10 ft. x 30 ft. mass transit easement to overlap into the ROW buffer; and,
  - To allow an elimination of the requirements of Art. 7.C.3.B.1.b for 8 ft. for front foundation planting located at the primary entrance along 40% of the façade.

The Westgate CRA Board reviewed the revised site plan dated March 30, 2020, justification by your office, along with other supporting documents, including conceptual architecture elevations, and drainage and traffic statements at their April 13, 2020 regular meeting. A revised site plan, reflecting three (3) additional variance requests, was also reviewed by the CRA. The proposed project is generally

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151





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compatible with the goals and objectives of the Westgate CRA Community Redevelopment Plan, as approved by the Board of County Commissioners, and the intent of the WCRA Zoning Overlay of the UG Sub-area.

Please feel free to contact me at [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org) should you have any additional questions.

Sincerely,

Denise Pennell, FRA-RA  
Senior Planner/Project Manager  
Westgate CRA