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**WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY**  
**Monday, November 09, 2020 Board Meeting**  
**1280 N. Congress Ave. Suite 215**  
**West Palm Beach FL 33409**

**NOTE: Agenda Summary (Pages 3 - 9)**  
**Staff Report (Pages 10 - 15)**

**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 16 - 18)**

**IV. PUBLIC COMMENTS**

**V. DISCLOSURES**

**VI. CONSENT AGENDA**

- 1. Approval of Two COVID-19 Small Business Emergency Relief Forgivable Loan Program Applications (Pages 19 - 38)**

**VII. REGULAR AGENDA**

- 1. Approval of a Development Order Abandonment, Official Zoning Map Amendment, Concurrent Type II Variance Requests, and TCEA for 1703 Quail Drive (formerly Opportunity, Inc. Daycare) (Pages 39 - 93)**

**VIII. REPORTS**

- A. Staff Reports**  
**Correspondence**
- 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
8. Correspondences (94 – 96)

#### **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**  
**November 9, 2020**

**CONSENT AGENDA**

**1. Approval of Two 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 by 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, 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. The Board had approved five applications in Fiscal Year 2020 and four more in Fiscal Year 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 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. 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.



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**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)).
- ✓ 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.



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### **COVID-19 Applications to Be Considered:**

#### **1. Star Electrical Contractors, Inc.**

It is an electrical company located at 1614 Latham Rd. They are requesting \$10,000 for rent, payroll and utilities. The business has been in the CRA for forty (40) years. Star Electrical Contractors, Inc. employs currently 7 employees and had a loss of an estimated \$110,000.00 due to the COVID-19 pandemic.

#### **2. Anything Electric Inc.**

This business is an electrical contractor located at 1547 N. Florida Mango Rd. They are requesting \$10,000 for assistance with payroll, rent, and inventory. The business has been in the CRA for forty (40) years. Anything Electric, Inc. employs 9 employees and had a loss of an estimated \$150,000.00 due to the COVID-19 pandemic.

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

- B. Staff Recommendation:** Staff recommends the approval of the two (2) applications for \$10,000 each.

### **REGULAR AGENDA**

#### **1. Approval of a Development Order Abandonment, Official Zoning Map Amendment, Concurrent Type II Variance Requests, and TCEA for 1713 Quail Drive (formerly Opportunity, Inc. Daycare)**

- A. Background and Summary:** The subject site, formerly known as Opportunity, Inc. Daycare, is located at the southwest corner of Quail Drive and Westgate Avenue. The owners of Opportunity Early Childhood Education & Family Center Opportunity Inc., (Erin H. Gilmour Early Learning Center), developed an expanded 226-student daycare facility on the north side of Westgate Avenue; construction was completed in 2019,



operations were re-located, and the property listed for sale. The total acreage of the subject site is 1.01 acres and the total square footage of the existing building is 7,900 sf. The site is within the Urban Highway (UH) sub-area of the WCRAO. The site is zoned as RH (Residential High) with a Future Land Use designation (FLU) of HR-18 (High Residential, 18 du's per acre). The site is surrounded by properties supported by an HR-18 FLU designation and zoned RM (Multifamily Residential) to the south (Mallards Landing MF retention lake), east (Midpoint Commerce Center – office/warehouse,) and west (Westgate Plaza MF).

On behalf of the contract purchasers of the property, Palm Medical Holdings, LLC., the applicant is requesting recommendation of approval from the Westgate CRA of a Development Order Abandonment (ABN) which will render obsolete existing entitlements associated with the site, an Official Zoning Map Amendment (Rezoning) from RH to CG to allow a commercial use, and eight (8) Concurrent Type II Variances, necessary to bring the site into compliance with current code by recognizing legal nonconformities. The request also includes an allocation of additional trips, as well as a return of previously used am and pm peak trips from/to the WCRA TCEA pool. Approval will permit the contract purchaser to repurpose the building for a Medical Office use, permitted by right in CG zoning districts per ULDC Table 4.B.2.A.

#### **Summary of Petition**

The applicant requests a recommendation of approval for the project from the Westgate CRA, pursuant to Article 3.B.14.D.1, to include the following:

1. To allow a Development Order Abandonment (ABN) of Res. #ZR-2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District;
2. To allow an Official Zoning Map Amendment from RH Zoning District to CG Zoning District to allow Medical Office, permitted by right in the CG Zoning District, utilizing Art. 3.B.14.D.2.A.2. which allows a rezoning to a commercial zoning district without a FLUA amendment;
3. To allow eight (8) Concurrent Type II Variances to bring the existing development into compliance with current UDLC regulations:
  - i. For a reduction in the required parking from 40 spaces to 26 spaces (Table 6.B.1.B);



- ii. For a reduction of 39 ft. in the minimum front setback from the required 50 ft. to 11 ft. (Table 3.D.1.A);
  - iii. For a reduction of 35 ft. in the minimum lot depth from the required 200 ft. to 165 ft. (Table 3.D.1.A.);
  - iv. For a reduction of 3 ft. in the minimum required foundation planting along 40% of the façade from 8 ft. to 5 ft. (Table 7.C.3.B);
  - v. For a reduction of 10 ft. (west property line) and 5 ft. (east property line) in the minimum required Type II incompatibility landscape buffer width of 15 ft. (Table 7.C.2.C.);
  - vi. For a reduction of 1 ft. in the minimum setback requirement of 25 ft. from the western property line to 24 ft. (Art. 5.B.1.A.8);
  - vii. For a reduction of 4 ft. in the 8 ft. minimum width required in the terminal landscape island adjacent to the existing dumpster enclosure to 4 ft., and a reduction of 2 ft. in the 8 ft. minimum width required in the terminal landscape island along the project entrance to 6 ft. (Table 7.C.2.C.); and,
  - viii. For a reduction of 3 ft. in the minimum required rear setback of 25 ft. to 22 ft. (WCRAO Table 3.B.14.F.);
4. An increase of 51 trips per day to 247 trips per day, and a reduction of 17 am peak hour trips and 14 pm peak hour trips, from the previously vested development (Daycare, General) to be allocated from and returned to the WCRA Transportation Concurrency Exception Area (TCEA) pool.

**B. Recommendation:** Staff recommends approval of the applicant's request for recommendation of support for the project from the Westgate CRA, pursuant to Article 3.B.14.D.1, to include the following:

- 1. To allow a Development Order Abandonment (ABN) of Res. #ZR-2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District;
- 2. To allow an Official Zoning Map Amendment from RH Zoning District to CG Zoning District to allow Medical Office, permitted by right in the CG Zoning District, utilizing Art. 3.B.14.D.2.A.2. which allows a rezoning to a commercial zoning district without a FLUA amendment;





3. To allow eight (8) Concurrent Type II Variances to bring the existing development into compliance with current UDLC regulations:
  - i. For a reduction in the required parking from 40 spaces to 26 spaces (Table 6.B.1.B);
  - ii. For a reduction of 39 ft. in the minimum front setback from the required 50 ft. to 11 ft. (Table 3.D.1.A);
  - iii. For a reduction of 35 ft. in the minimum lot depth from the required 200 ft. to 165 ft. (Table 3.D.1.A.);
  - iv. For a reduction of 3 ft. in the minimum required foundation planting along 40% of the façade from 8 ft. to 5 ft. (Table 7.C.3.B);
  - v. For a reduction of 10 ft. (west property line) and 5 ft. (east property line) in the minimum required Type II incompatibility landscape buffer width of 15 ft. (Table 7.C.2.C.);
  - vi. For a reduction of 1 ft. in the minimum setback requirement of 25 ft. from the western property line to 24 ft. (Art. 5.B.1.A.8);
  - vii. For a reduction of 4 ft. in the 8 ft. minimum width required in the terminal landscape island adjacent to the existing dumpster enclosure to 4 ft., and a reduction of 2 ft. in the 8 ft. minimum width required in the terminal landscape island along the project entrance to 6 ft. (Table 7.C.2.C.); and,
  - viii. For a reduction of 3 ft. in the minimum required rear setback of 25 ft. to 22 ft. (WCRAO Table 3.B.14.F.);
4. An increase of 51 trips per day to 247 trips per day, and a reduction of 17 am peak hour trips and 14 pm peak hour trips, from the previously vested development (Daycare, General) to be allocated from and returned to the WCRA Transportation Concurrency Exception Area (TCEA) pool.

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

### **Staff Update on In-House Projects**

**November 9, 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 are screened by uses permitted in certain WCRAO sub-areas. Interest in the program has been robust. Five (5) applications were approved by the Board at their September 2020 meeting; four (4) more were approved at October meeting; two (2) more will be presented to the Board for approval at their November meeting; more application submittals are anticipated until the Program funding allocation is exhausted.

**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:** 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.

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.

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 (CLOSED!!)**

Update: Final retainage was approved for release by DHES and the project is now closed. The final 25% disbursement check from SWA has been received. DHES has administratively amended the

funding agreement completion date to September 30, 2020. The park has been open to the public since June and maintenance has been taken over by the CRA. Staff is working on a small-scale ribbon cutting to be held on October 22, 2020.

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 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 to 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	<del>DOA/Concurrent-Type-II-variance requests — redistributing square footage, — expanding/renovating maintenance area, roof-top inventory parking</del>
Quick Lane (Ford/Lincoln Dealership)	1668 N. Military Trail	<del>Not yet submitted. Requires rezoning to CG and BCC approval for a Class A conditional use</del>
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 under construction
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.	<del>Approved at Dec BCC/Final DRO. Admin-amendment. Zoning complete. Platting &amp; contractor selection</del>
Westgate One	Westgate at Nokomis	Approved/ Extension. Potential residential project
Medical Office	1713 Quail Drive	Development Order Amendment

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

**October 05, 2020**

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

Mr. Daniels, the Board Chair, called the meeting to order at 5:05p.m. The roll was called by Ms. Bui.

**Present:** Ronald Daniels  
Joanne Rufty  
Joseph Kirby  
Yeraldi Benitez  
Ruth Haggerty

**Absent:** Enol Gilles  
Ralph Lewis

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

**Others Present:** Dorritt Miller, Assistant County Administrator  
Sgt. James Hightower, PBSO Community Deputies  
Jorge Gomez, PBSO Community Deputies  
Adam Robinson, PBSO Community Deputies  
Keith Jackson, PE, Engenuity Group, CRA Engineer

**II. AGENDA APPROVAL**

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

- Move item #1 to Consent Agenda.

**2. Adoption of Agenda**

- It was moved by Mr. Kirby and seconded by Ms. Rufty to adopt the Agenda as amended. 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 August 10, 2020 meeting. Motion carried (4-0)

#### **IV. PUBLIC COMMENT**

- PBSO Sgt. Hightower, 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**

1. Approval of four COVID-19 Small Business Emergency Relief Forgivable Loan Program Applications.

**It was moved by Ms. Haggerty and seconded by Mr. Kirby to approve the Forgivable Loan Program Applications. The motion passed unanimously (5-0)**

#### **VII. REGULAR AGENDA**

##### **1. Approval of Extension Agreement for the Danza Group**

The agenda was introduced by Mr. Michel. In 2018, The Danza Group won an RFQ to redevelop the site the CRA owns on Seminole Blvd. and Westgate Ave. Subsequently, an option agreement was developed to transfer the property to the Group within one year with a possible extension of 12 months. Danza had not executed the extension within the one-year period because of personal illness, company restructuring and the effect of COVID-19. They have regrouped and have formed new partnership this year and is now in a better position to move forward with the project. The Danza Group is asking the Board to allow them to execute the agreement and exercise the purchase option within one year.

The Group has submitted a timeline that shows how the project can be constructed within three years.

If Danza can complete the project within another three years, the completion will fall within the original five-year anticipated timeline.

Staff recommended that the Board approves an extension to give the Danza Group time to execute the Option Agreement.

**It was moved by Ms. Rufty and seconded by Ms. Benitez to approve an extension to extend, but not to exceed 12 months. The motion passed unanimously (5-0)**

**2. Approval of Fund for the Maintenance of Belvedere Heights Neighborhood Park**

The agenda was presented by Mr. Michel. The Park Department has recently completed the Belvedere Heights Neighborhood park. The CRA Board had approved a request from Park and Recreation to provide funding for the neighborhood park after completion. Park has estimated that the annual maintenance cost will be \$6,280. The maintenance will include annual mulching of the park ground.

Staff recommended that the Board approves a funding allocation not to exceed \$10,000 for the annual maintenance of the Belvedere Heights Community Park.

**It was moved by Ms. Rufty and seconded by Mr. Kirby to approve a funding allocation not to exceed \$10,000. The motion passed unanimously (5-0)**

**VIII. STAFF REPORTS**

Mr. Michel reported to that the Board the Oswego Oak Neighborhood Park Ribbon cutting will be on 10/21/20 at 9:00a.m.

Mr. Michel reported to the Board that there are two Westgate CRA items on the 10/20/20 BCC meeting agenda. Mr. Michel thanked Ms. Dorritt Miller, Assistant County Administrator for assisting staff with processing the CRA's Annual Budget agenda item.

Mr. Michel reported to the Board that Mi Pais Express has broken ground.

Mr. Michel reported to the Board that Westgate Avenue Streetscape project is coming along.

**IX. AJOURNMENT**

**It was moved by Ms. Rufty and seconded by Ms. Haggerty to adjourn the meeting. The meeting adjourned at 5:34 p.m.**

\_\_\_\_\_  
Mai Bui Administrative Assistant, Westgate CRA



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)

**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): Star Electrical Contractors, Inc

Loan Applicant Name: James Seitz Title: President

Business Address: 1614 Latham Road West Palm Beach, FL 33409

EIN#: 59-1947944

Business Phone: 561-471-2744 Cell: 561-722-2677

Email: jim@starelcon.com

Website: N/A

Type of Business: Electrical Contractor Hours of operation: 7:30 to 4:00

Please list expenses seeking loan funding for:

Payroll

Rent

FPL

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:

\$110,000.00

Number of full-time W-2 employees: Currently 7 Prior to March 15, 2020 11

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: 40

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: 131,779.00 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? - 46%

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: \$2,695.00

Name of landlord/property management group: SH & S Properties LLP

Address of landlord/property management group: \_\_\_\_\_

1614 Latham Road West Palm Beach, FL 33409

Business Phone: 561-471-2744 Cell: 561-722-2677

Email: jim@starelcon.com

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

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

Initials: JS

**PRINCIPAL/OWNER INFORMATION:**

1. Principal/Owner Name: James Seitz

Date of Birth: 09/22/1954 Email: jim@starelcon.com

Residential Address: 12780 Orange Grove Blvd Royal Palm Bch, FL 33411

Cell Phone: 561-722-2677

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: 

**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: 10-8-2020

Printed Name: James Seitz Title: President

Witness Signature: [Signature] Date: 10-8-20

Printed Name: JAMES KEVIN WALDEN

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: \_\_\_\_\_

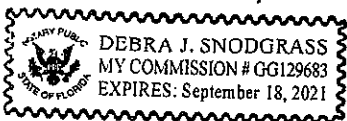
4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

The foregoing instrument was acknowledged before me on this 8th day of October, 2020 by Debra J Snodgrass (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 \_\_\_\_\_

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

Initials: [Signature]



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

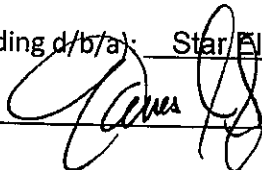
FOR VALUE RECEIVED, the undersigned ("Loan Recipient") promises to pay to the order of the Westgate/Belvedere Homes Community Redevelopment Agency ("Westgate CRA") at 1280 N. Congress Avenue, Suite 215, West Palm Beach, FL 33409 or at such other address as may be indicated in writing, in the manner hereinafter 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] 11/9/2021 and in the following manner:

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): Star Electrical Contractors, Inc

Authorized Signature: 

Title: President

Date: 10/8/2020

Initials: 

PERSONAL GUARANTY

PROMISSORY NOTE BETWEEN

WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

AND

Star Electrical Contractors, Inc

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning Star Electrical Contractors, Inc ("Borrower") memorialized by a Promissory Note dated 10/8, 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: JKW

GUARANTOR(S):

Principal/Owner Signature: James Seitz

Printed Name: JAMES KEVIN WALDEN

Printed Name: James Seitz

Date: 10/8/2020

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

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

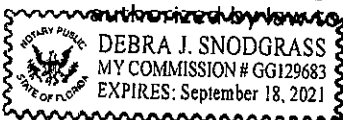
Printed Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

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

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



(Notary Seal)

Debra J. Snodgrass  
Signature of State of Florida Notary Public

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

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

Initials: JS

10/8/20 DEP.



Denise }  
Pennell }

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.

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.

Form 940

**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): Anything Electric INC

Loan Applicant Name: Joseph T. DORAN Title: President

Business Address: 1547 N. FL. MANGO Rd. Ste 14-5  
West Palm Beach, FL 33409

EIN#: 59-1814190

Business Phone: 561-684-1380 Cell: 561-329-1077

Email: ANYTHING-ELECTRIC WPB@GMAIL.COM

Website: —

Type of Business: ELECTRICAL CONTRACTOR Hours of operation: 8:30-5:00

Please list expenses seeking loan funding for:

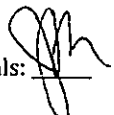
PAYROLL, rent, ~~utilities~~, inventory purchases,  
~~technology upgrades~~

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 9 Prior to March 15, 2020 9

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: 40 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: 110,000.00 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? 20%

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: \$1704.00

Name of landlord/property management group: WEST PALM MINI STORE IT

Address of landlord/property management group: \_\_\_\_\_

1547 N. FL. MANGU RD. W.P.B. 33409

Business Phone: 561-684-1400 Cell: \_\_\_\_\_

Email: SALES@WESTPALMMINI.COM

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

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

Initials: 

**PRINCIPAL/OWNER INFORMATION:**

1. Principal/Owner Name: JOSEPH T. DORAN  
Date of Birth: 12/3/1951 Email: ANYTHINGELECTRICWPA@GMAIL.COM  
Residential Address: 6629 S.E. WOODMILL ROAD LANE STUART, FL 34997  
Cell Phone: 561-329-1077

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: JD

**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: 10/2/2020

Printed Name: Joseph T. DORAN Title: PRESIDENT

Witness Signature: [Signature] Date: 10/8/2020

Printed Name: Patricia Asaro

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: \_\_\_\_\_

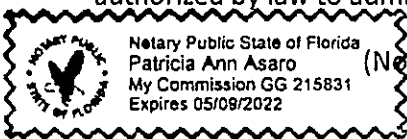
4. Principal/Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

The foregoing instrument was acknowledged before me on this 8 day of October, 2020  
by Patricia Asaro (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 X 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] 11/09/2021 and in the following manner:

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.

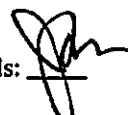
Makers waive demand, presentment for payment, protest, and notice of nonpayment and dishonor.

Loan Recipient Name (including d/b/a): JOSEPH T. DORAN

Authorized Signature: 

Title: President

Date: 10/2/2020

Initials: 

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PERSONAL GUARANTY

PROMISSORY NOTE BETWEEN

WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

AND

ANYTHING ELECTRIC INC.

IN CONSIDERATION of the Westgate/Belvedere Homes Community Redevelopment Agency (the "Lender") loaning Anything Electric Inc. ("Borrower") memorialized by a Promissory Note dated 10/02/2020, 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:

Witness Signature: Patricia Asaro

GUARANTOR(S):

Principal/Owner Signature: Joseph F. Doran

Printed Name: Patricia Asaro

Printed Name: JOSEPH F. DORAN

Date: 10/08/2020

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

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

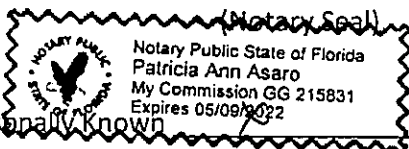
Printed Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

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

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



Patricia Ann Asaro  
Signature of State of Florida Notary Public

Personally Known \_\_\_\_\_

or Produced Identification \_\_\_\_\_

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

Initials: JA



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Westgate CRA Board Meeting  
November 9, 2020

**AGENDA ITEM REVIEW**

PMH 1713 Quail, LLC

*Medical Office Use*

1713 Quail Drive (formerly Opportunity, Inc. Daycare)  
Control No. 2001-00039

Development Order Abandonment, Official Zoning Map Amendment,  
Concurrent Type II Variance Requests, and TCEA



Location Map

**Project Background**

The subject site, formerly known as Opportunity, Inc. Daycare, is located at the southwest corner of Quail Drive and Westgate Avenue. The owners of Opportunity Early Childhood Education & Family

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Center Opportunity Inc., (Erin H. Gilmour Early Learning Center), developed an expanded 226-student daycare facility on the north side of Westgate Avenue; construction was completed in 2019, operations were re-located, and the property listed for sale. The new Opportunity Inc., campus is zoned CG with A CH-8 FLU. The total acreage of the subject site is 1.01 acres and the total square footage of the existing building is 7,900 sf. The site is in the RRIO (Revitalization, Redevelopment and Infill Overlay), URAO (Urban Redevelopment Area Overlay), the U/S (Urban/Suburban) Tier, and in a CCRT area and is within the Urban Highway (UH) sub-area of the WCRAO. The site is zoned as RH (Residential High) with a Future Land Use designation (FLU) of HR-18 (High Residential, 18 du's per acre). The site is surrounded by properties supported by an HR-18 FLU designation and zoned RM (Multifamily Residential) to the south (Mallards Landing MF retention lake), east (Midpoint Commerce Center – office/warehouse,) and west (Westgate Plaza MF).



View of subject site, existing building & signage looking south from Westgate Avenue

### New Request

On behalf of the contract purchasers of the property, Palm Medical Holdings, LLC., the applicant is requesting recommendation of approval from the Westgate CRA of a Development Order Amendment (ABN) which will render obsolete existing entitlements associated with the site, an Official Zoning Map Amendment (Rezoning) from RH to CG to allow a commercial use, and eight (8) Concurrent Type II





Variances, necessary to bring the site into compliance with current code by recognizing legal nonconformities. The request also includes an allocation of additional trips, as well as a return of previously used am and pm peak trips from/to the WCRA TCEA pool. Approval will permit the contract purchaser to repurpose the building for a Medical Office use, permitted by right in CG zoning districts per ULDC Table 4.B.2.A.

### Summary of Petition

The applicant requests a recommendation of approval for the project from the Westgate CRA, pursuant to Article 3.B.14.D.1, to include the following:

1. To allow a Development Order Abandonment (ABN) of Res. #ZR-2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District;
2. To allow an Official Zoning Map Amendment from RH Zoning District to CG Zoning District to allow Medical Office, permitted by right in the CG Zoning District, utilizing Art. 3.B.14.D.2.A.2. which allows a rezoning to a commercial zoning district without a FLUA amendment;
3. To allow eight (8) Concurrent Type II Variances to bring the existing development into compliance with current UDLC regulations:
  - i. For a reduction in the required parking from 40 spaces to 26 spaces (Table 6.B.1.B);
  - ii. For a reduction of 39 ft. in the minimum front setback from the required 50 ft. to 11 ft. (Table 3.D.1.A);
  - iii. For a reduction of 35 ft. in the minimum lot depth from the required 200 ft. to 165 ft. (Table 3.D.1.A.);
  - iv. For a reduction of 3 ft. in the minimum required foundation planting along 40% of the façade from 8 ft. to 5 ft. (Table 7.C.3.B);
  - v. For a reduction of 10 ft. (west property line) and 5 ft. (east property line) in the minimum required Type II incompatibility landscape buffer width of 15 ft. (Table 7.C.2.C.);
  - vi. For a reduction of 1 ft. in the minimum setback requirement of 25 ft. from the western property line to 24 ft. (Art. 5.B.1.A.8);
  - vii. For a reduction of 4 ft. in the 8 ft. minimum width required in the terminal landscape island adjacent to the existing dumpster enclosure to 4 ft., and a reduction of 2 ft. in the 8 ft. minimum width required in the terminal landscape island along the project entrance to 6 ft. (Table 7.C.2.C.); and,

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viii. For a reduction of 3 ft. in the minimum required rear setback of 25 ft. to 22 ft. (WCRAO Table 3.B.14.F.);

4. An increase of 51 trips per day to 247 trips per day, and a reduction of 17 am peak hour trips and 14 pm peak hour trips, from the previously vested development (Daycare, General) to be allocated from and returned to the WCRA Transportation Concurrency Exception Area (TCEA) pool.

#### **Consistency with the CRA Community Redevelopment Plan & WCRAO**

The proposed medical office use is compatible with surrounding uses, and is a desired use along Westgate Avenue. Medical Office is defined in Art. 4 as "An establishment where patients, who are not lodged overnight, are admitted for examination, elective surgical care, immediate but not emergent care or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida." Medical offices may include, but is not limited to, an Ambulatory Surgical Center or urgent care center. The applicant advises that the medical office use will be an outpatient surgical center. No changes are proposed to the exterior of the existing building or parking lot configuration.

When the project was originally approved in 2001 as a Class B Conditional Use by the Zoning Commission, the WCRA Zoning Overlay, as it exists today was not yet incorporated into the ULDC. The UH Sub-area of the WCRAO was intended to support the existing commercially developed corridors of Okeechobee Blvd. and N. Military Trail, but some parcels along the western end of Westgate Avenue were included within the sub-area boundaries including the subject site. The project directly impacts redevelopment potential along Westgate Avenue. An outpatient surgical center provides an essential service to the surrounding area and is complimented by recent infill redevelopment activity such as the Museo Vault fine art storage facility to the west. Given the location of the site on Westgate Avenue, additional daytime activity expands opportunities to capture passer-by attention along the CRA's principal redevelopment corridor.

#### **Compliance with Article 2. Standards for a Development Order Abandonment (ABN)**

The application is generally compatible with the standards for an ABN outlined in Art. 2: consistency with the Comp Plan, the Code, compatibility with surrounding uses, design, development patterns, and adequate public facilities, and is the logical first step, given the conditions of approval imposed by the



Zoning Commission and the nonconformities associated with the existing site plan. CRA Staff supports the ABN of Res. #ZR-2001-007 to allow a medical office use permitted by right.

#### **Compliance with Article 2. Standards for an Official Zoning Map Amendment (Rezoning RH to CG)**

The application is generally compatible with the standards for Conditional Uses, Requested Uses, and Development Order Amendments outlined in Art. 2: consistency with the Comp Plan, the Code, compatibility with surrounding uses, design, development patterns, and adequate public facilities. Note, the proposed rezoning is inconsistent with the current HR-18 FLU, however the proposed use is consistent with the purpose, goals, objectives and policies of the Comp Plan, including standards for building and structural intensities and densities, and intensities of use.

The current FLU designation of the site is HR-18 (High Residential, 18 du's per acre) which does not typically support commercial zoning or uses, and would require a FLU amendment prior to any consideration of a new commercial use. However, a WCRAO provision to allow a rezoning to a commercial zoning district without a FLUA amendment is being utilized on this project to streamline the approvals process. Pursuant to Art. 3.B.14.D.2.A.2. Commercial Districts, "Any request to rezone lots to a commercial district or PDD that were not designated commercial on the FLUA as of the Plan's August 31, 1989 adoption shall not require a FLUA amendment in accordance with Policy 1.2.3-c of the Plan, subject to..." three criteria: 1) the rezoning advances the purpose and intent of the WCRA Plan, and does not have an adverse impact on surrounding uses; 2) the rezoning must not cause the total amount of acreage in the WCRAO shown as commercial on the FLU as of the August 31, 1989 adoption of the Plan to be increased by more than 20 percent; and 3) the applicant receives a recommendation of approval from the WCRA. The applicant advises that County Planning staff is currently researching applicability and determining the necessity of a staff-initiated FLUA amendment to add a commercial (CH) FLU to the site's current HR-18 designation. CRA Staff supports the utilization of this provision.

#### **Compliance with Article 2 Standards for Zoning Variances**

The application is generally compatible with the standards for Type II Variances as outlined in Art. 2 for determination of hardship and relief by variance from the code: special conditions and circumstances exist that are particular to the parcel, building or structure; special conditions and circumstances do not result from the actions of the applicant; the variance does not provide any special privilege; literal enforcement of the code would create an undue hardship; the variance is the minimum to make



possible reasonable use of the land; the variance is consistent with the Comp Plan and the ULDC; and, the variance is not injurious to the surrounding area or the public.

The site is oddly configured, and the building placement existing. Most of the variance requests, including those pertaining to landscape provisions in Art. 7, are needed to bring the site into compliance with current code provisions which have changed and evolved in the nearly 20 years since Opportunity, Inc. Daycare was approved. The 2020-02 ULDC amendments to the WCRAO are in process now with adoption by the BCC anticipated in January 2021. This application requests two (2) variances that would be remedied by those amendments: minimum lot depth and minimum front setback. Recognizing that for those lots zoned CG where a minimum lot depth of 200 ft. and a minimum front setback of 50 ft. is required created nonconformities for parcels along Okeechobee Blvd. where past ROW takings have compromised building placement and limited redevelopment, adjustments were made to Table 3.B.14.F. WCRAO Non-Residential and Mixed Use Sub-area PDRs which added a minimum lot depth of 100 ft. and a minimum front setback of 10-25 ft. to the UH Sub-area where previously most PDRs and standards for the UH Sub-area reverted back to the standard zoning district. These new provisions support variance justification.

The variance request for a parking reduction from the required 40 spaces to 26 spaces is perhaps the biggest of the variance requests. The applicant has explored the construction of additional parking south of the existing building to meet County Code requirements for parking ratios. However, due to the curvature of Quail Drive, a driveway at this location would not be able to maintain an adequate safe sight distance per FDOT Greenbook standards. The applicant has included a reduced parking statement, prepared by Engineering consultants Simmons & White, which argues that based on data from the ITE Parking Generation Manual, the actual peak demand for the site based on the proposed medical office use is 21 parking spaces, creating a surplus of 5 spaces. The applicant is currently exploring the option of shared parking for employees at an off-site location. Art. 6 limits the distance between properties to 600 ft. CRA Staff supports all variance requests.

#### Drainage & Traffic

There are no new drainage impacts since no new impervious area is being added. Legal, positive outfall is available via the existing outfall into the Westgate Avenue drainage system which flows to the L-2 Canal and eventually south to the C-51 Canal. Ultimate discharge is to the intracoastal waterway from the C-51 Canal via the SFWMD S-155 control structure. The site will be designed to comply with the



allowable discharge criteria, minimum finished floor elevation and compensating storage requirements. A Drainage Statement prepared by CDI Civil Design, Inc. is included with the application.

The proposed project meets the County's Traffic Performance Standards. The CRA's TCEA pool is minimally affected. The proposed new use is estimated to generate an increase of 51 net new daily trips to 247 trip from the 196 daily trips vested from the daycare use to be allocated from the WCRA TCEA pool. The use reduces trip generation in peak hours with 17 am peak and 14 pm peak trips returning to the pool to be reallocated elsewhere. A Traffic Statement prepared by Simmons & White is included with the application.

### Staff Recommendation

Staff recommends **approval** of the applicant's request for recommendation of support for the project from the Westgate CRA, pursuant to Article 3.B.14.D.1, to include the following:

1. To allow a Development Order Abandonment (ABN) of Res. #ZR-2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District;
2. To allow an Official Zoning Map Amendment from RH Zoning District to CG Zoning District to allow Medical Office, permitted by right in the CG Zoning District, utilizing Art. 3.B.14.D.2.A.2. which allows a rezoning to a commercial zoning district without a FLUA amendment;
3. To allow eight (8) Concurrent Type II Variances to bring the existing development into compliance with current UDLC regulations:
  - i. For a reduction in the required parking from 40 spaces to 26 spaces (Table 6.B.1.B);
  - ii. For a reduction of 39 ft. in the minimum front setback from the required 50 ft. to 11 ft. (Table 3.D.1.A);
  - iii. For a reduction of 35 ft. in the minimum lot depth from the required 200 ft. to 165 ft. (Table 3.D.1.A.);
  - iv. For a reduction of 3 ft. in the minimum required foundation planting along 40% of the façade from 8 ft. to 5 ft. (Table 7.C.3.B);
  - v. For a reduction of 10 ft. (west property line) and 5 ft. (east property line) in the minimum required Type II incompatibility landscape buffer width of 15 ft. (Table 7.C.2.C.);
  - vi. For a reduction of 1 ft. in the minimum setback requirement of 25 ft. from the western property line to 24 ft. (Art. 5.B.1.A.8);



- 
- vii. For a reduction of 4 ft. in the 8 ft. minimum width required in the terminal landscape island adjacent to the existing dumpster enclosure to 4 ft., and a reduction of 2 ft. in the 8 ft. minimum width required in the terminal landscape island along the project entrance to 6 ft. (Table 7.C.2.C.); and,
  - viii. For a reduction of 3 ft. in the minimum required rear setback of 25 ft. to 22 ft. (WCRAO Table 3.B.14.F.);
4. An increase of 51 trips per day to 247 trips per day, and a reduction of 17 am peak hour trips and 14 pm peak hour trips, from the previously vested development (Daycare, General) to be allocated from and returned to the WCRA Transportation Concurrency Exception Area (TCEA) pool.



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 RH Zoning District to CG 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: \_\_\_\_\_
- ☒ Development Order Abandonment (ABN) of Resolution No: ZR-2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District
- ☐ 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 \_\_\_\_\_

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**2. APPLICANT INFORMATION**

**Current Property Owner(s) Name:** Alice M. L. Eger, Director, Opportunity Inc. of Palm Beach County  
**Address:** 4 Selby Lane **City:** Palm Beach Gardens  
**State:** FL **Zip:** 33418  
**Phone:** Please contact agent **Cell Phone:** Please contact agent  
**Email Address:** Please contact agent

**Applicant's name (if other than property owner(s):** Eric Rogers, AMBR, Palm Medical Holdings, LLC  
**Address:** 3107 Stirling Rd #102 **City:** Fort Lauderdale  
**State:** FL **Zip:** 33312  
**Phone:** Please contact agent **Cell Phone:** Please contact agent  
**Email Address:** 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 AP **Name of Firm:** Schmidt Nichols  
**Address:** 1551 N Flagler Drive, Suite 102 **City:** West Palm Beach **State:** FL **Zip:** 33401  
**Phone:** 561-684-6141 Ext. 102 **Cell Phone #:** 561-676-4449  
**Email Address:** jnichols@snlandplan.com

**Agent:** N/A **Name of Firm:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_ **Cell Phone #:** \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

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

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

<b>A. *Property Control Number (PCN):</b> <i>(List additional PCN(s) on separate sheet)</i>	00-42-43-25-00-000-1650
<b>B. *Control Number:</b>	2001-00039
<b>C. *Control Name :</b>	Opportunity Inc. Daycare
<b>D. Application Number:</b>	ABN/Z/ZV-2020-01856
<b>E. *Application Name:</b>	PMH 1713 Quail, LLC
<b>F. Project Number:</b>	TBD
<b>G. *Gross Acreage:</b>	1.01 acres
<b>H. Gross Acreage of affected area:</b>	1.01 acres
<b>I. *Location of subject property:</b> <i>(proximity to closest major intersection/road)</i>	Southwest corner of Quail Drive and Westgate Avenue
<b>J. *Address:</b>	1713 Quail Drive
<b>K. *BCC District:</b>	7
<b>L. Overlay (Special Study Area):</b>	URA, RRIO, CCRT (Westgate), WCRA
<b>M. Tier Urban/Suburban</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>	HR-18	<b>Proposed Future Land Use designation:</b>	N/A
<b>Current Zoning District:</b>	RH	<b>Proposed Zoning District:</b>	CG
<b>Existing Use(s):</b>	Daycare	<b>Proposed Use(s):</b>	Medical Office
<b>Existing Square Footage:</b>	7,900 s.f.	<b>Proposed Square Footage:</b>	N/A
<b>Existing Number of Units:</b>	0	<b>Proposed Number of Units:</b>	0

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**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	CH/18, HR-18	MUPD, RH, RM	Office/Warehouse	Office/Warehouse	27,500 s.f.	27,500 s.f.	2001-00030	R-2001-1858
NORTH	CH/8	CG, RM	General Daycare	General Daycare	24,532 s.f.	24,532 s.f.	2004-00176, 2015-00120	R-2005-0384, R-2016-0126
SOUTH	HR-18	RM	Lake	Lake	N/A	N/A	N/A	N/A
WEST	HR-18	RM	Multifamily	Multifamily	29.96 du/ac	29.96 du/ac	2007-00233	ZR-2010-0015

**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? 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(s) 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 Land Development Division.
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? If yes, comply with Article 1.F – Nonconformities.

**8. PROPOSED USE DETAILS**

Building Name	Use(s) (as per ULDC)	Square Footage	Number of Units	Phase Name	Outparcel
N/A	Medical Office	7,900 s.f.	N/A	N/A	N/A

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9. CONCURRENCY			
Concurrency Reservation <input checked="" type="checkbox"/>		Concurrency Equivalency <input type="checkbox"/>	
Concurrency Exemption <input type="checkbox"/>			
A. Water Provider:	PBC		
B. Waste Water Provider:	PBC		
C. Drainage District:	LWDD		
D. Traffic Provider:	PBC	Traffic Trips Existing:	196
E. Mass Transit Provider:	PBC Palm Tran	Traffic Trips Proposed:	246 (+50)
F. Traffic Capacity:	Number of Gross Peak Hour Trips = (If greater than 30; a traffic study will be required) 44		
G. Public School:	N/A		
H. Public Health Provider:	PBC	Well /Septic tank : N/A	
I. Parks	PBC		
J. Fire Rescue	PBC		
K. Solid Waste:	PBC		
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 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): _____			

10. ENVIRONMENTAL ANALYSIS	
<b>ENVIRONMENTAL RESOURCE MANAGEMENT (ERM) – Art. 14.B.8.C</b>	
Is there Native Vegetation on Site?	<input checked="" 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>N/A</u> ;
<b>General Vegetation Statement:</b> The site is currently developed with a 7,900 s.f. daycare. The applicant has confirmed that no ERM pre-application meeting is required as the applicant is not touching any of the existing trees on-site.	
Existing and Proposed Grade/Elevation where existing Native Vegetation is to be preserved:	13.93 - 16.1
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
<b>HEALTH DEPARTMENT – Art.15</b>	
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>

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

### TYPE II VARIANCE SUPPLEMENTAL APPLICATION

- ☒ To allow **TYPE II VARIANCE**: ☒ **Concurrent** ☐ **Standalone**<sup>1</sup>  
☒ for the reduction or increase in the required parking from 40 spaces to 26 spaces, reduction in the minimum front setback  
by 39 feet, reduction in the minimum lot depth by 35 feet, 3' reduction of the minimum foundation planting, 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer, 1 foot from the minimum 25' dumpster setback from the western property line.  
☐ for the elimination of \_\_\_\_\_  
☐ for \_\_\_\_\_  
☐ To allow **SUBDIVISION VARIANCE**: ☐ **Concurrent** ☐ **Standalone**<sup>1</sup>  
 for \_\_\_\_\_

<sup>1</sup> – A Standalone Variance includes no other Public Hearing request.

Applicant must complete the chart below with the information requested for each variance. If there are more than five (5) variances requested, please provide the information on a separate sheet of paper.

ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE
Table 6.B.1.B	40 Spaces	26 Spaces	To allow a Type 2 Variance to reduce the required parking from 40 spaces to 26 spaces
Table 3.D.1.A	50'	11'	To allow a Type 2 Variance for a 39' front setback reduction of the minimum front setback
Table 3.D.1.A	200'	165'	To allow a Type 2 Variance for a 35' depth reduction of the minimum lot depth
Table 7.C.3.B	8' Foundation Planting (40 percent of façade)	5' Foundation Planting (40 percent of façade)	To allow a Type 2 Variance for a 3' reduction of the minimum foundation planting
Table 7.C.2.C	15' Type II Incompatibility Landscape Buffer (East & West Property Line)	5' landscape buffer (West Property Line), 10' landscape buffer (East Property Line)	To allow a Type 2 Variance for a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer

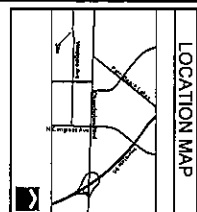
Building Permit # (If applicable): \_\_\_\_\_ Code Violation Notice # (If applicable): \_\_\_\_\_

### TYPE II VARIANCE STANDARDS

The Palm Beach County Unified Land Development Code, Article 2.B.3.E, requires a statement of special reason or the basis for the variance required. Article 2.B.3.E states that in order to authorize a variance, the Zoning Commission shall and must find that the conditions enumerated below have been met. The Seven Standards below are one of the factors staff uses in formulating their recommendations and opinions. Applicant must address each standard listed below separately and completely in the Justification Statement to be submitted as an attachment.

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same zoning district.
2. Special circumstances and conditions do not result from the actions of the applicant.
3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district.
4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.
5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.
6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code.
7. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

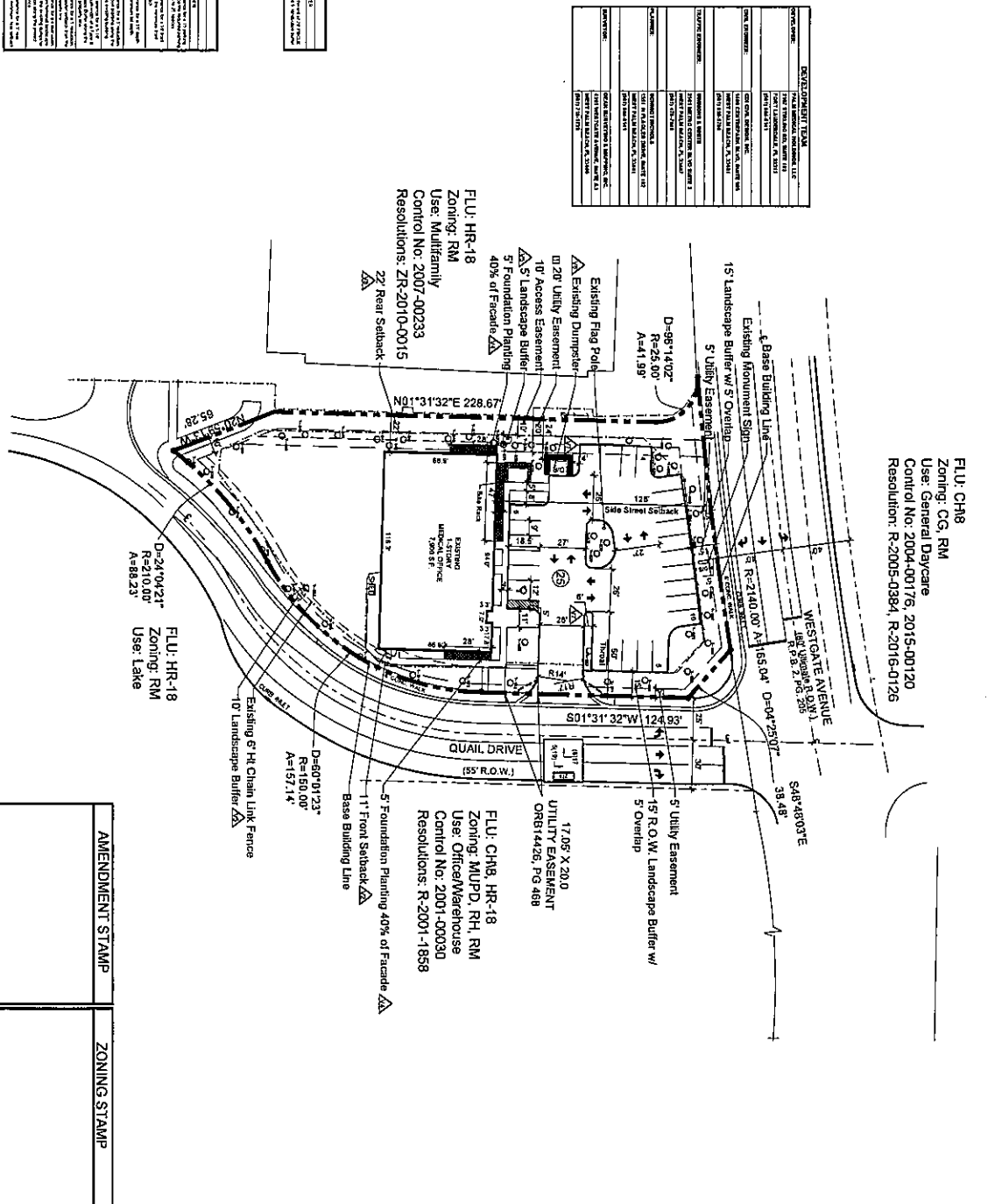
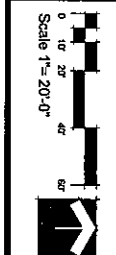




SITE TABLE DATA	
Location Name	PMH 1713 Quail, LLC
Application Number	2004-00176
Site Address	1713 Quail Drive, Palm Beach, FL 33401
Project Description	2004-00176
Project Name	2004-00176
Project Owner	2004-00176
Project Architect	2004-00176
Project Engineer	2004-00176
Project Surveyor	2004-00176
Project Planner	2004-00176
Project Designer	2004-00176
Project Contractor	2004-00176
Project Installer	2004-00176
Project Maintainer	2004-00176
Project Operator	2004-00176
Project User	2004-00176
Project Manager	2004-00176
Project Supervisor	2004-00176
Project Coordinator	2004-00176
Project Assistant	2004-00176
Project Secretary	2004-00176
Project Receptionist	2004-00176
Project Cleaner	2004-00176
Project Janitor	2004-00176
Project Security Guard	2004-00176
Project Driver	2004-00176
Project Delivery Person	2004-00176
Project Installer	2004-00176
Project Maintainer	2004-00176
Project Operator	2004-00176
Project User	2004-00176
Project Manager	2004-00176
Project Supervisor	2004-00176
Project Coordinator	2004-00176
Project Assistant	2004-00176
Project Secretary	2004-00176
Project Receptionist	2004-00176
Project Cleaner	2004-00176
Project Janitor	2004-00176
Project Security Guard	2004-00176
Project Driver	2004-00176
Project Delivery Person	2004-00176

EXISTING INCONSISTENCY CHART	
Location Name	PMH 1713 Quail, LLC
Application Number	2004-00176
Site Address	1713 Quail Drive, Palm Beach, FL 33401
Project Description	2004-00176
Project Name	2004-00176
Project Owner	2004-00176
Project Architect	2004-00176
Project Engineer	2004-00176
Project Surveyor	2004-00176
Project Planner	2004-00176
Project Designer	2004-00176
Project Contractor	2004-00176
Project Installer	2004-00176
Project Maintainer	2004-00176
Project Operator	2004-00176
Project User	2004-00176
Project Manager	2004-00176
Project Supervisor	2004-00176
Project Coordinator	2004-00176
Project Assistant	2004-00176
Project Secretary	2004-00176
Project Receptionist	2004-00176
Project Cleaner	2004-00176
Project Janitor	2004-00176
Project Security Guard	2004-00176
Project Driver	2004-00176
Project Delivery Person	2004-00176

TYPE 2 ZONING VARIANCE	
Location Name	PMH 1713 Quail, LLC
Application Number	2004-00176
Site Address	1713 Quail Drive, Palm Beach, FL 33401
Project Description	2004-00176
Project Name	2004-00176
Project Owner	2004-00176
Project Architect	2004-00176
Project Engineer	2004-00176
Project Surveyor	2004-00176
Project Planner	2004-00176
Project Designer	2004-00176
Project Contractor	2004-00176
Project Installer	2004-00176
Project Maintainer	2004-00176
Project Operator	2004-00176
Project User	2004-00176
Project Manager	2004-00176
Project Supervisor	2004-00176
Project Coordinator	2004-00176
Project Assistant	2004-00176
Project Secretary	2004-00176
Project Receptionist	2004-00176
Project Cleaner	2004-00176
Project Janitor	2004-00176
Project Security Guard	2004-00176
Project Driver	2004-00176
Project Delivery Person	2004-00176



AMENDMENT STAMP	ZONING STAMP

**SCHMIDT NICHOLS**  
LANDSCAPE ARCHITECTURE  
AND URBAN PLANNING

1551 N. Fieger Dr., Ste. 102  
West Palm Beach, FL 33401  
Tel: 561.833.1111  
Email: info@schmidtnichols.com  
Website: www.schmidtnichols.com  
License No. LC2000023

**PMH 1713 Quail, LLC**

Palm Beach County, Florida

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**Preliminary Site Plan**

**PSP-1 of 1**

DATE	SCALE	DESIGN BY	CHECKED BY	DATE
11/10/20	1" = 20'-0"	JS	JS	11/10/20
11/10/20	1" = 20'-0"	JS	JS	11/10/20

REVISIONS / SUBMISSIONS

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

**Justification Statement  
PMH 1713 Quail, LLC  
Westgate CRA (WCRA)  
Type II Variance (Concurrent)  
Rezoning Application,  
and Development Order Abandonment Application  
Original Submittal: October 26, 2020**

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**Request**

On behalf of the applicant, Palm Medical Holdings, LLC (Applicant"), Schmidt Nichols respectfully requests your consideration of these applications for a Rezoning, Type II Variance, and Development Order Abandonment for the project formerly known/approved as Opportunity Inc. Daycare. As part of this application, the property owner is requesting a Control Name Change Request from the current Control Name, Opportunity Inc. Daycare (Control No. 2001-00039) to the proposed control name, PMH 1713 Quail, LLC. The 1.01-acre subject property is (PCN: 00-42-43-25-00-000-1650) is located on the southwest corner of Quail Drive and Westgate Avenue in unincorporated Palm Beach County ("subject property"). The site is currently developed with an existing 7,900 s.f. daycare. Proposed site development consists of converting the existing 96 student daycare to a medical office with a project build-out of 2025. Site access is not proposed to change and is existing via a full access driveway connection to Quail Drive.

Currently the subject property supports a Future Land Use Atlas (FLUA) designation of High Residential, 18 Units Per Acre (HR-18) and lies within the Urban/Suburban (U/S) Tier according to the Growth Management Tier System Maps outlined in the Comprehensive Plan Future Land Use Element. The subject parcel is currently within the Residential High (RH) Zoning District. The subject property is also located within the Westgate Community Redevelopment Area Overlay, more specifically the Urban Highway (UH) sub-area. This overlay allows for existing commercially developed corridors with little or no changes proposed to current Zoning PDRs or use regulations, hence the proposed site development from the existing daycare to a medical office.

The Applicant requests consideration of the following:

**Request 1: Rezoning Application** from Residential High (RH) to Commercial General (CG) District on 1.01 acres (Refer to discussion on comprehensive plan consistency below).

**Request 2: Type II Variance Request**

1. To allow a variance for a 15-parking space reduction to reduce the required parking from 40 spaces to 25 spaces;
2. To allow a variance for a 39' front setback reduction of the minimum front setback

3. To allow a variance for a 35' depth reduction of the minimum lot depth
4. To allow a variance for a 3' reduction of the minimum foundation planting along the front and sides of the existing building
5. To allow a variance for a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer along the east and west property lines
6. To allow a variance for a 1' reduction of the minimum 25' dumpster setback from the western property line
7. To allow a variance for a 4' width reduction in the minimum terminal landscape island width adjacent to the existing dumpster and a 2' width reduction along the project entrance
8. To allow a variance for a 3' rear setback reduction of the minimum rear setback

**Request 3: Development Order Abandonment (ABN)** of Resolution No. ZR 2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District

Pursuant to ULDC Section 3.B.14.D.2.A.2, "any request to rezone lots to a commercial district or PDD that were not designated commercial on the FLUA as of the Plan's August 31, 1989 adoption shall not require a FLUA amendment, in accordance with Policy 1.2.3-c of the Plan..." The referenced code section subsequently requires the proposal to meet three criteria standards, which the project shall comply with to obtain approval. The applicant is requesting a recommendation for approval from the WCRA in accordance with Art. 3.B.14.D.1, WCRA Recommendation as part of this application request. The County's Planning staff is currently researching whether a staff initiated FLUA amendment will be necessary to add the CH FLU designation to the current HR-18 FLU designation.

The subject property is located within the Countywide Community Revitalization Area (CCRT - Westgate) Overlay, Urban Redevelopment Area (URA), Revitalization and Redevelopment Infill Overlay (RRIO), and Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRA: UH Sub-Area).

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Medical Office	*HR-18	CG
North	General Daycare	CH/8	CG, RM

<b>South</b>	Lake	HR-18	RM
<b>East</b>	Office/Warehouse	CH/18, HR-18	MUPD, RH, RM
<b>West</b>	Multifamily	HR-18	RM

\* County's Planning staff is currently researching whether a staff initiated FLUA amendment will be necessary to add the CH FLU designation to the current HR-18 FLU designation

### **Consistency with County Overlays, Plans, and Studies**

The proposed amendment is located within boundaries of the Countywide Community Revitalization Area (CCRT - Westgate) Overlay, Urban Redevelopment Area (URA), Revitalization and Redevelopment Infill Overlay (RRIO), and Westgate/Belvedere Homes Community Redevelopment Area (WCRA) Overlay. Based on previous approvals and the proposed dynamics of the site, the proposal is consistent with each of the overlays. The overlays applicable to the property include:

**Neighborhood Plans and Studies – FLUE Policy 4.1-c** states “The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.”

**Urban Redevelopment Area (URA):** The Urban Redevelopment Area (URA) is an 11,467-acre portion of Central Palm Beach County that is the focus of revitalization and redevelopment activities. The designation was the result of the Infill and Redevelopment Study presented to the Board of County Commissioners in 2004. The URA boundaries are generally: Community Drive to the North; the Lake Worth Drainage District L-14 Canal to the South; I-95 to the East; and extends to points as far west as Jog Road. As part of this proposed application, the applicant is encouraging redevelopment and infill through the proposed site development of converting the existing 96 student daycare to a medical office, bringing the subject property into compliance with the Palm Beach County Unified Land Development Code.

**Revitalization, Redevelopment, and Infill Overlay (RRIO):** The goal of the RRIO is to establish incentives and make resources available, when feasible, to encourage revitalization, redevelopment, and infill in areas identified as a RRIO that are in need of assistance. Furthermore, the goal of the RRIO is for the County to work closely with residents, businesses, property owners, governmental agencies, and stakeholders to advance concepts and strategies that guide future revitalization, redevelopment, and infill activities in these areas. As part of this proposed application, the applicant is encouraging revitalization, redevelopment, and infill through the proposed site development of converting the existing 96 student daycare to a medical office.



**Countywide Community Revitalization Team (CCRT) Area:** The property is located within the CCRT Westgate Area. The Office of Community Revitalization (OCR) serves as the CCRT neighborhood liaison office for Palm Beach County. The applicant will be coordinating a meeting with Audley Reid, Senior Planner, from the Palm Beach County Office of Community Revitalization (OCR) regarding this proposed project.

### **Parking Reduction**

The Palm Beach County Code requires 1 parking space per every 200 S.F. of medical office. Therefore, based on the proposed 7,900 S.F. daycare, the code required parking is 40 spaces and may be calculated as follows (7,900 S.F x 1 space / 200 S.F. = 40 Spaces).

Given the nature of the proposed development, actual parking demands are anticipated to be significantly less. The ITE Parking Generation Manual (5th Edition) states that the average peak parking demand for medical office (Land Use #720) may be calculated as follows:

$$P = 3.34(X) - 5.21$$

P = Parking Spaces; X = 1,000 S.F.

Applying the methodology from ITE, a total of 21 parking spaces would be adequate for the development. As shown on the proposed Site Plan, a total of 25 parking spaces are provided. This equates to a surplus of 4 parking spaces from the ITE Parking Generation Manual methodology.

The existing/previous use of the site consisted of a 96- student daycare. The proposed 7,900 S.F. building will now be occupied by a medical office tenant. The change from a daycare to medical office is a permitted use by right. No changes are proposed to the existing building or parking lot configuration. Constructing an additional parking lot south of the existing building was explored to meet County Code requirements. However, due to the curvature of Quail Drive, a driveway at this location would not be able to maintain an adequate safe sight distance per FDOT Greenbook standards as shown in the line of sight distance exhibits below. The first exhibit depicts an additional parking lot south of the existing building with the proposed driveway pushed as far south as possible and the second exhibit depicts an additional parking lot south of the existing building with the proposed driveway pushed as far north as possible. Therefore, it was determined that no additional parking could feasibly be added to the existing site. The applicant is requesting a recommendation for approval from the WCRA in support of the proposed 15 parking space variance reduction to reduce the required parking from 40 spaces to 25 spaces and to allow the proposed variances to be reviewed concurrently with Palm Beach County Zoning staff for the proposed rezoning and Development Order Abandonment requests.



## **History**

- **October 5, 2001** – The subject property was approved by the Zoning Commission for a Class B Conditional Use to allow a daycare, general in the Residential High (RH) Zoning District (see Resolution No. ZR-2001-0007).

### **Request 1: Rezoning Request Standards:**

Pursuant to Article 2.B.7.A.2, when considering an application for rezoning to a Standard Zoning District with or without a COZ, the BCC and ZC shall utilize Standards a through g indicated below. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. The applicant is requesting to rezone approximately 1.01 acres of land from the Residential High (RH) Zoning District to the Commercial General (CG) District.

#### **A. Consistency with the Plan – The proposed amendment is consistent with the Plan.**

Response: The proposed use 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. The subject property is located within the Urban/Suburban Tier with frontage along both Quail Drive and Westgate Avenue., an Urban Principal Arterial roadway as identified by Map TE 3.1, Functional Classification of Roads. **Objective 1.2** of the Comprehensive Plan Future Land Use Element ("FLUE") states: "this tier [Urban/Suburban] is expected to accommodate the bulk of the population and its need for...goods and services..."

The proposed rezoning is inconsistent with the current Future Land Use of HR-18. However, as previously noted, pursuant to ULDC Section 3.B.14.D.2.A.2, "any request to rezone lots to a commercial district or PDD that were not designated commercial on the FLUA as of the Plan's August 31, 1989 adoption shall not require a FLUA amendment, in accordance with Policy 1.2.3-c of the Plan..." The code section subsequently requires the proposal to meet three criteria standards, which the project shall comply with to obtain approval. The applicant is requesting a recommendation for approval from the WCRA in accordance with Art. 3.B.14.D.1, WCRA Recommendation as part of this application request. The County's Planning staff is currently researching whether a staff initiated FLUA amendment will be necessary to add the CH FLU designation to the current HR-18 FLU designation.

The proposed Medical Office Use fits well within the area it is being proposed and is consistent with the surrounding properties and the Comprehensive Plan. The subject property is also located within the Countywide Community Revitalization Area (CCRT - Westgate) Overlay, Urban Redevelopment Area (URA), Revitalization and Redevelopment Infill Overlay (RRIO), and

Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRA: UH Sub-Area).

**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:**

**Article 2: ULDC Article 2.B.7.A.2.** Provides the standards for applications requesting rezoning. The responses below relate to the zoning request.

**Article 3: Overlays and Zoning Districts** – Pursuant to ULDC Article 3 and the proposed zoning designation of CG, the following code provisions have been analyzed:

The subject property is located within the Countywide Community Revitalization Area (CCRT - Westgate) Overlay, Urban Redevelopment Area (URA), Revitalization and Redevelopment Infill Overlay (RRIO), and Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRA: UH Sub-Area). The subject property is currently located within the RH zoning district, but is requesting a rezoning to the CG zoning district. The proposed site plan meets all the property development regulations for the CG zoning district and WCRAO (UH sub-area) overlay as outlined on the accompanying preliminary site plan (PSP) with the exception of the minimum lot depth, front build-to line setback, and rear setback.

The proposed amendment meets the intent of ULDC Table 3.D.1.A, CG Property Development Regulations, and Table 3.B.14., WCRAO Property Development Regulations, in that the site plan:

- Meets the minimum lot size of 1 acre (1.01 acres provided), minimum width and frontage of 100 feet (370.30 feet of frontage on Quail Dr.), and minimum depth of 200 feet (165 feet of depth provided – see proposed Type 2 Variance) for CG zoning district;
- Does not exceed the maximum building coverage of 45% for CG (18% building coverage provided);
- Does not exceed the maximum FAR of .85 for CG (.18 FAR provided);
- Meets the minimum CG & WCRAO setbacks:
  - Front Build-To Line: 50 feet (11 feet provided)
    - See Proposed Type 2 Variance chart on page 12
  - Side Interior: 15 feet (N/A feet provided); and
  - Rear: 25 feet (22 feet provided)
    - See Proposed Type 2 Variance chart on page 12

#### **Article 4: Use Regulations:**

##### **a. Definition**

An establishment where patients, who are not lodged overnight, are admitted for examination, elective surgical care, immediate but not emergent care or treatment by persons practicing any form of healing or health-building services whether such persons be medical doctors, chiropractors, osteopaths, podiatrists, naturopaths, optometrists, dentists, or any such profession, the practice of which is lawful in the State of Florida.

**Response: Complies.**

##### **b. Typical Uses**

A Medical or Dental Office may include, but is not limited to, an Ambulatory Surgical Center or urgent care center.

**Response: Not applicable. The proposed site development consists of converting the existing 96 student daycare to a medical office.**

##### **c. INST FLU Designation**

A Medical or Dental Office may be allowed subject to DRO approval, within the boundaries of the following five Site Specific FLUA amendments:

- 1) SCA 2005-027, Linton/Jog Institutional, Ord. No. 2006-005;
- 2) SCA 2008-015, Jog/Joe DeLong Institutional, Ord. No. 2008-005
- 3) SCA 2009-002, Atlantic/Sims Medical Office, Ord. No. 2009-008;
- 4) LGA 2010-014, Suess Institutional (Southern & Seminole Pratt and Whitney), Ord. No. 2010- 031; an
- 5) LGA 2012-002, AGR Boynton Beach Institutional, Ord. No. 2012-017.

**Response: Not applicable. The subject site has a current HR-18 FLU Designation.**

##### **d. Zoning Districts – CN, CLO, and CH**

Permitted by Right when not exceeding 3,000 square feet of GFA.

**Response: Not applicable. The subject site is rezoning from the current RH Zoning District to the proposed CG District.**

#### **Article 5: Supplemental Regulations:**

Article 5.c: The proposed rezoning is consistent with Article 5 Supplementary Use Standards. The Article 5.c architectural elevations will be reviewed and approved at time of building permit.

#### **Article 6: Parking**

Multifamily uses are required to provide parking at a ratio of 1 parking space per

200 sq. ft. The proposed site plan indicates 25 required parking spaces.

Parking Required: 40 Spaces

Proposed Parking: 25 Spaces (See Proposed Type 2 Parking Reduction Variance)

Handicap Spaces Required: 1 Spaces

Handicap Spaces Provided: 1 Spaces

Bicycle Spaces Required: 1 Spaces

Bicycle Spaces Provided: 1 Spaces

**Article 7:** The proposed Rezoning is consistent with Article 7 Landscaping, specifically the following:

The proposed amendment meets the standards listed in ULDC Art.7, Landscaping, as follows:

- Per ULDC Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements, the project will provide a minimum 5-foot wide Type III Incompatibility landscape buffer along the west property line and a 10-foot wide Type III Incompatibility landscape buffer along the east property line
  - See Proposed Type 2 Variance chart on page 12
- Per ULDC Table 7.C.2.A, R-O-W Buffer Landscape Requirements, the project will provide a 15' right-of-way landscape buffer along Westgate Avenue and Quail Drive.

**Article 8:** The proposed Rezoning is consistent with Article 8 Signage, specifically the following:

Per ULDC Table 8.G.2.C, Entrance Sign Standards, the project currently has a previously approved sign along Westgate Avenue along the north property line. No additional signs are proposed as part of this application.

**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 use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. The proposed Medical Office use will provide a good transition from the surrounding properties. The surrounding properties to the north are approved for a general, daycare, the surrounding properties to the west are approved as multifamily (80 du; 29.96 du/ac), and the surrounding

properties to the east are approved as office/warehouse.

**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 use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. The subject property is well suited for the proposed use as the site is currently developed. The applicant is preserving all of the existing natural vegetation through this application request. The subject property does not contain any wetlands or wildlife habitat.

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

**Response:** The proposed Rezoning and development of the subject property follows a logical, orderly and timely development that will be consistent with the Comprehensive Plan and ULDC.

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

**Response:** There would not be adverse impacts on public facilities related to the proposed Rezoning.

**Traffic:** The proposed project meets the County's Traffic Performance Standards. The proposed redevelopment has been estimated to generate an increase of 51 daily trips, a decrease of 17 A.M. peak hour trips, and a decrease of 14 PM peak hour trips from the vested development at project build out in 2025. See Traffic Generation Statement prepared by Simmons & White for further information regarding the traffic associated with the proposed development.

**Mass Transit:** Palm Tran Route #33 is the closest bus route with the closest bus stop at Westgate Avenue on Indian Road, which is 0.3 miles from the subject site.

**Potable Water & Wastewater:** Water and sewer is currently services a portion of the subject property.

**Drainage:** The Applicant has demonstrated legal positive outfall to Westgate Avenue. Legal, positive outfall is available via the existing outfall into the Westgate Avenue drainage system which flows to the L-2

Canal and eventually south to the C-51 Canal. Ultimate discharge is to the intracoastal waterway from the C-51 Canal via the SFWMD S-155 control structure. The property is located within the SFWMD C-51 Basin. Per the SFWMD June 2015 C-51 Basin Rule Re-Evaluation, the maximum allowable discharge is thirty-five (35) cubic feet per second per square mile (CSM) for the 10 year, 3day design storm and the minimum required finished floor elevation is 13.5 NGVD '29 / 12.0 NAVD '88. The existing building elevation is 16.60 no existing elevations below 15.40 NGVD '29, therefore, there are no grading impacts to flood plain storage. The site will be designed to comply with the allowable discharge criteria, minimum finished floor elevation and compensating storage requirements. See Drainage Statement prepared by CDI Civil Design, Inc.

**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 changed conditions or circumstances consist of the proposed change of use from the existing 96- student daycare to the medical office. The change from a daycare to medical office is a permitted use by right. No changes are proposed to the existing building or parking lot configuration. Furthermore, constructing an additional parking lot south of the existing building was explored to meet County Code requirements. However, due to the curvature of Quail Drive, a driveway at this location would not be able to maintain an adequate safe sight distance per FDOT Greenbook standards.



**Request 2: Type II Variance Request:**

TYPE 2 ZONING VARIANCE				
TYPE 2 ZONING VARIANCE REQUEST (CONCURRENT)				
	ULDC SECTION	REQUIRED	PROPOSED	WAIVER
V1	Table 6.B.1.B	40 spaces	25 spaces	To allow a Type 2 Variance for a 15 parking space reduction to reduce the required parking from 40 spaces to 25 spaces
	Minimum Parking and Loading Requirements			
V2	Table 3.D.1.A	50'	11'	To allow a Type 2 Variance for a 39' front setback reduction of the minimum front setback
	CG Property Development Regulations - Front Setback			
V3	Table 3.D.1.A	200'	165'	To allow a Type 2 Variance for a 35' depth reduction of the minimum lot depth
	CG Property Development Regulations - Depth			
V4	Table 7.C.3.B	8' Foundation Planting (40 percent of façade)	5' Foundation Planting (40 percent of façade)	To allow a Type 2 Variance for a 3' reduction of the minimum foundation planting along the front and sides of the existing building
	Foundation Planting and Dimensional Requirements			
V5	Table 7.C.2.C	15' Type II Incompatibility Landscape Buffer (East & West Property Line)	5' landscape buffer (West Property Line), 10' landscape buffer (East Property Line)	To allow a Type 2 Variance for a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer along the east and west property line
	Incompatibility Buffer Types			
V6	Art.5.B.1.A.8	25' setback from all property lines	24' setback from western property line	To allow a Type 2 Variance for a 1' reduction of the minimum 25' dumpster setback from the western property line
	Dumpster - Setback			
V7	Table 7.C.4.A	8' width	4' width (adjacent to existing dumpster), 6' width (project entrance)	To allow a Type 2 Variance for a 4 foot width reduction in the minimum terminal landscape island width adjacent to the existing dumpster and a 2' width reduction along the project entrance
	Landscape Island and Divider Median - Planting and Dimensional Requirements			
V8	Table 3.B.14.F	25'	22'	To allow a Type 2 Variance for a 3' rear setback reduction of the minimum rear setback
	WCRAO Property Development Regulations - Rear Setback			

Per Unified Land Development Code (ULDC) Art.2. B.7.E.6, Standards for Zoning or Subdivision Variance, The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance:

**VIII. VARIANCE INFORMATION:**

The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

**TYPE II VARIANCE SEVEN (7) STANDARDS**

A. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

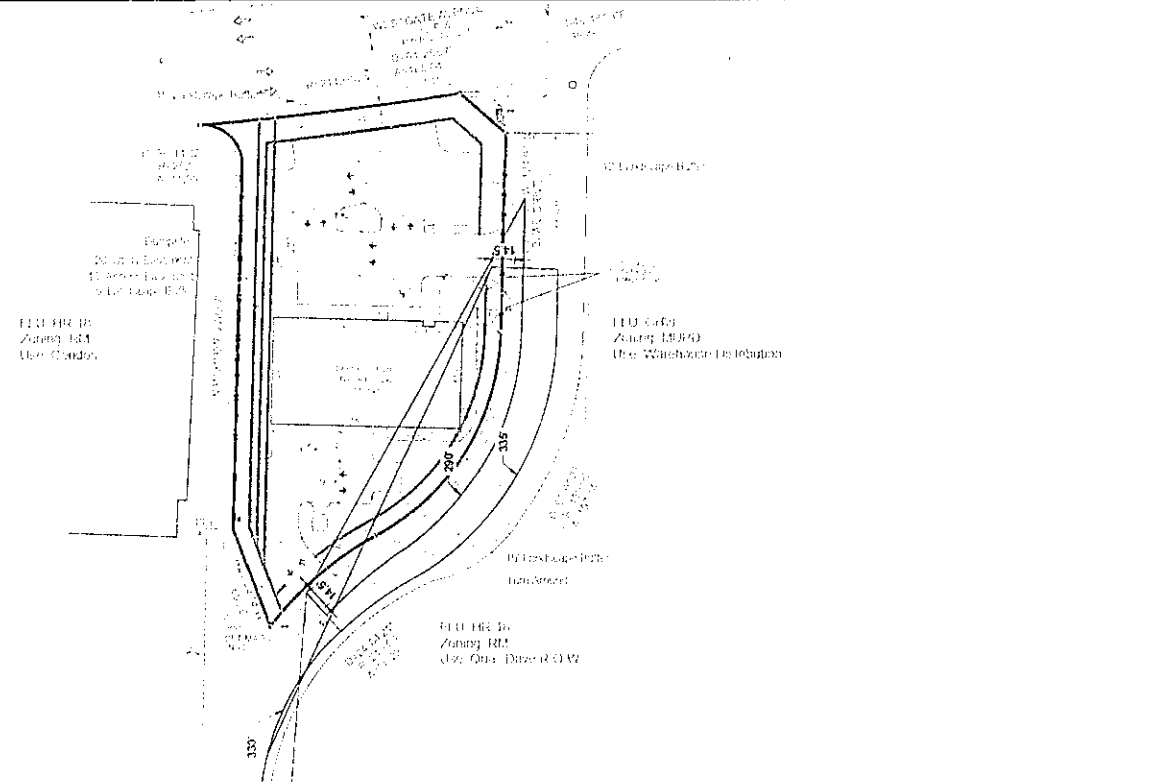
**RESPONSE:** Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district.

Furthermore,

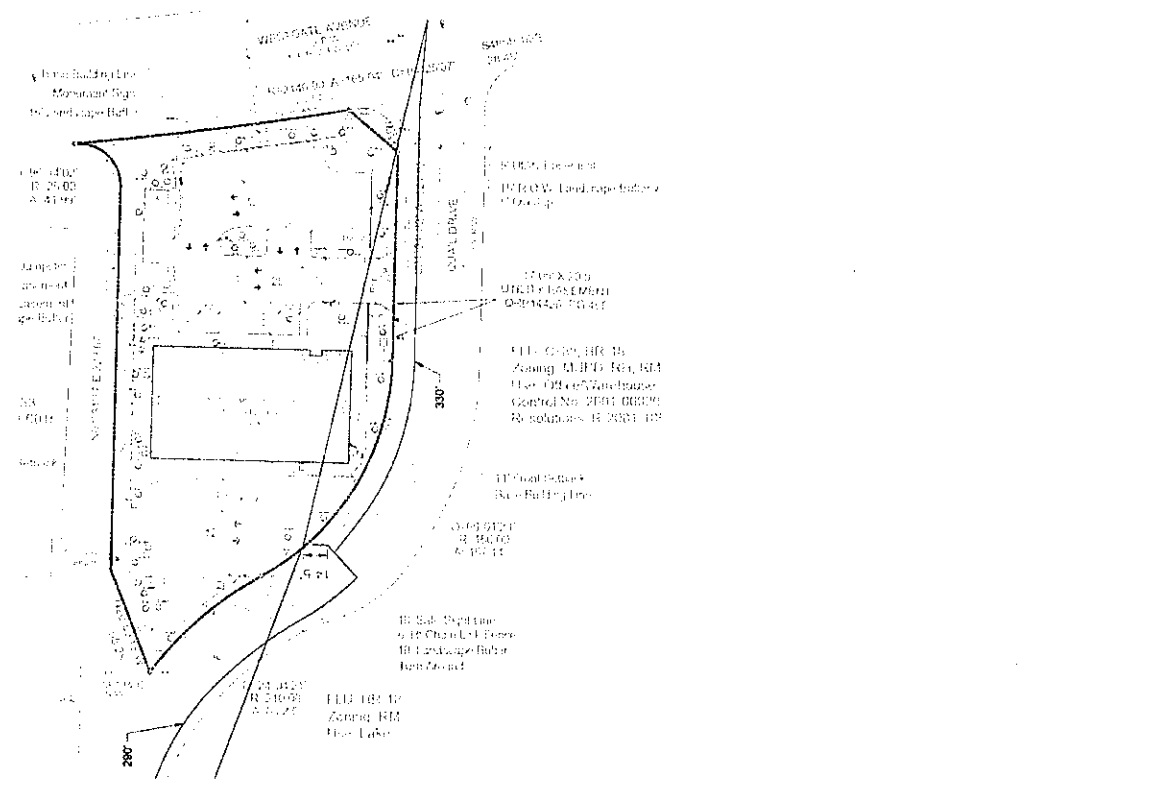
**V1:** The special conditions and circumstances are due to the fact that the change from the existing daycare to medical office is a permitted use by right. No changes are proposed to the existing building or parking lot configuration. Constructing an additional parking lot south of the existing building was explored to meet County Code requirements. However, due to the curvature of Quail Drive, a driveway at this location would not be able to maintain an adequate safe sight distance per FDOT Greenbook standards as shown in the line of sight distance exhibits below. The first exhibit depicts an additional parking lot south of the existing building with the proposed driveway pushed as far south as possible and the second exhibit depicts an additional parking lot south of the existing building with the proposed driveway pushed as far north as possible. Therefore, it was determined that no additional parking could feasibly be added to the existing site.

The Applicant provided a Traffic Statement to indicate a total of 21 parking spaces would be adequate for the development. As shown on the proposed Site Plan, a total of 25 parking spaces are provided. This equates to a surplus of 4 parking spaces from the ITE Parking Generation Manual methodology.

**Line of Sight Distance Exhibit#1**



**Line of Sight Distance Exhibit#2**



**V2:** The special conditions and circumstances are due to the fact that the existing building is not in compliance with the minimum 50' front setback requirement. This is an adaptive reuse of an existing building, which is currently constructed 11' from the east property line.

**V3:** The special conditions and circumstances are due to the fact that the existing lot is not in compliance with the minimum 200' lot depth requirement.

**V4:** The special conditions and circumstances are due to the fact that the existing building is not in compliance with the minimum 8' foundation planting along the front and sides of the existing building.

**V5:** The special conditions and circumstances are due to the fact that the existing development is not in compliance with the minimum 15' Type II Incompatibility Landscape Buffer along the east and west property line.

**V6:** The special conditions and circumstances are due to the fact that the existing dumpster is not in compliance with the required 25' dumpster setback from the western property line

**V7:** The special conditions and circumstances are due to the fact that the existing 6' terminal landscape island width along the project entrance and existing 4' terminal landscape island width adjacent to the existing dumpster is not in compliance with the required 8' terminal landscape island width.

**V8:** The special conditions and circumstances are due to the fact that the existing building is not in compliance with the minimum 25' rear setback requirement. This is an adaptive reuse of an existing building, which is currently constructed 22' from the west property line.

**B. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:**

**RESPONSE:** There are special circumstances and conditions that apply that are not a result of actions by the applicant.

Furthermore,

**V1:** The ULDC requirements for number of parking spaces is intended for typical projects within the County. In the case of the subject project, the Applicant has provided data that demonstrates that the actual peak parking demand will be 21 parking spaces based on the ITE Parking Generation Manual, 5th Edition. The proposed 25 parking spaces will still have a surplus of 4 spaces from the peak demand. In this regard, the Applicant has presented the special circumstances and conditions that justify the variance.

**V2:** The special conditions and circumstances are due to the fact that the existing building is not in compliance with the minimum 50' front setback requirement. This is an adaptive reuse of an existing building, which is currently constructed 11' from the east property line

**V3:** The special conditions and circumstances are due to the fact that the subject site is not in compliance with the minimum 200' lot depth requirement.

**V4:** The special conditions and circumstances are due to the fact that the existing building is not in compliance with the minimum 8' foundation planting along the front and sides of the existing building.

**V5:** The special conditions and circumstances are due to the fact that the existing development is not in compliance with the minimum 15' Type II Incompatibility Landscape Buffer along the east and west property line.

**V6:** The special conditions and circumstances are due to the fact that the existing dumpster is not in compliance with the required 25' dumpster setback from the western property line

**V7:** The special conditions and circumstances are due to the fact that the existing 6' terminal landscape island width along the project entrance and existing 4' terminal landscape island width adjacent to the existing dumpster is not in compliance with the required 8' terminal landscape island width.

**V8:** The special conditions and circumstances are due to the fact that the existing building is not in compliance with the minimum 25' rear setback requirement. This is an adaptive reuse of an existing building, which is currently constructed 22' from the west property line.

C. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE: Granting the variance will not confer any special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

**V1:** The applicant has provided additional actual peak demand data to support the parking reduction. Therefore, the granting of the variance would not confer

any special privilege to the Applicant.

**V2:** The proposed variance of a 39' front setback reduction will not confer upon the applicant any special privilege as this is a very unique circumstance as the existing building is not in compliance with the minimum front setback. This is an adaptive reuse of an existing building, which is currently constructed 11' from the east property line.

**V3:** The proposed variance for a 35' depth reduction will not confer upon the applicant any special privilege as this is a very unique circumstance as the subject site is not in compliance with the minimum lot depth.

**V4:** The proposed variance for a 3' reduction of the minimum foundation planting will not confer upon the applicant any special privilege as this is a very unique circumstance. The previously approved site plan provided 5' of foundation planting along the front and sides of the existing building and the code currently has an 8' foundation planting requirement.

**V5:** The proposed variance for a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer along the east and west property line will not confer upon the applicant any special privilege as this is a very unique circumstance. The previously approved site plan provided a 5' landscape buffer along the west property line and a 10' landscape buffer along the east property line per the Board of Adjustments vested variances. Due to Table 7.C.2.C, Incompatibility Buffer Types, residential uses abutting commercial uses now require a minimum 15' Type II Incompatibility landscape buffer.

**V6:** The proposed variance for a 1' reduction of the minimum 25' dumpster setback from the western property line will not confer upon the applicant any special privilege as this is a very unique circumstance as the existing dumpster only has a 24' setback from the west property line.

**V7:** The proposed variance for a 4-foot width reduction in the minimum existing terminal landscape island width adjacent to the existing dumpster and a 2-foot width reduction along the project entrance will not confer upon the applicant any special privilege as this is a very unique circumstance. The existing landscape island width adjacent to the existing dumpster is only 4' in width and the existing landscape island width adjacent to the project entrance is only 6' in width, which is not in compliance with the 8' ft. minimum terminal landscape island width per Table 7.C.4.A, Landscape Island Dimensional Requirements.

**V8:** The proposed variance for a 3' rear setback reduction of the minimum rear setback will not confer upon the applicant any special privilege as this is a very unique circumstance as the existing building is not in compliance with the minimum rear setback. This is an adaptive reuse of an existing building, which is currently constructed 22' from the west property line.

**D. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:**

**RESPONSE:** Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship.

Furthermore,

**V1:** ULDC Art 6.A.1.A, Purpose and Intent, states that the purpose and intent of the standards is to ensure the provision of off-street parking is in proportion to the demand created by each use. In this regard, literal interpretation of Table 6.A.1.B -Minimum Off-Street Parking and Loading Requirements, would work an unnecessary and undue hardship and would deprive the Applicant of rights commonly enjoyed by similar projects.

**V2:** The literal interpretation of the code would require the existing building to be in compliance with the minimum 50' front setback requirement. Due to the fact that applicant is only changing the use from the existing daycare to a permitted medical office use by right and the existing building had an 11' front setback on the previously approved site plan, this literal interpretation of the code is not feasible for the applicant.

**V3:** The literal interpretation of the code would require the subject site to be in compliance with the minimum 200' lot depth requirement. This is not feasible for the applicant to comply with due to the unique formation of the subject site.

**V4:** The literal interpretation of the code would require the existing building to have a minimum 8' foundation planting along the front and sides of the existing building. Due to the fact that applicant is only changing the use from the existing daycare to a permitted medical office use by right and the existing building had 5' foundation planting along the front and sides of the existing building on the previously approved site plan, this literal interpretation of the code is not feasible for the applicant.

**V5:** The literal interpretation of the code would require the subject site to have a minimum 15' Type II Incompatibility Landscape Buffer along the east and west property line. Due to the fact that applicant is only changing the use from the existing daycare to a permitted medical office use by right and the subject site had a 5' landscape buffer on the west property line and 10' landscape buffer

along the east property line on the previously approved site plan due to the Board of Adjustments vested variances, this literal interpretation of the code is not feasible for the applicant.

**V6:** The literal interpretation of the code would require the existing dumpster to be in compliance with the required 25' dumpster setback from the western property line. Due to the fact that applicant is only changing the use from the existing daycare to a permitted medical office use by right and the existing dumpster only has a 24 ft. setback from the west property line, this literal interpretation of the code is not feasible for the applicant.

**V7:** The literal interpretation of the code would require the existing terminal landscape island width along the project entrance and adjacent to the existing dumpster to be 8 feet in width. Due to the fact that applicant is only changing the use from the existing daycare to a permitted medical office use by right and the existing terminal landscape island width is currently 4 feet adjacent to the existing dumpster and 6 feet along the project entrance, this literal interpretation of the code is not feasible for the applicant.

**V8:** The literal interpretation of the code would require the existing building to be in compliance with the minimum 25' rear setback requirement. Due to the fact that applicant is only changing the use from the existing daycare to a permitted medical office use by right and the existing building had a 22' rear setback on the previously approved site plan, this literal interpretation of the code is not feasible for the applicant.

**E. GRANTING THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

**RESPONSE:** Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

**V1:** The granting of the 15-parking space reduction is the minimum needed to make reasonable use of the property. The applicant is requesting the reduction of 15 parking spaces to 25 proposed parking spaces from the Code required 40 parking spaces. The ITE Parking Generation Manual, 5th Edition was reviewed as part of this study to determine the anticipated actual demand. Based on the ITE Parking Generation Manual, 5th Edition, it is anticipated that the actual peak parking demand will be 21 parking spaces. Therefore, the proposed 25 parking spaces will still have a surplus of 4 spaces from the peak demand.

**V2:** The granting of the request for a 39' front setback reduction is the minimum



needed to make reasonable use of the property as the majority of the improvements are existing. This is an adaptive reuse of an existing building, which is currently constructed 11' from the east property line.

**V3:** The granting of the request for a 35' depth reduction of the minimum lot depth is the minimum needed to make reasonable use of the property.

**V4:** The granting of the request for a 3' reduction of the minimum foundation planting along the front and sides of the existing building is the minimum needed to make reasonable use of the property.

**V5:** The granting of the request for a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer along the east and west property line is the minimum needed to make reasonable use of the property.

**V6:** The granting of the request for a 1' reduction of the minimum 25' dumpster setback from the western property line is the minimum needed to make reasonable use of the property.

**V7:** The granting of the request for a 4-foot width reduction in the minimum terminal landscape island width adjacent to the existing dumpster and a 2-foot width reduction along the project entrance is the minimum needed to make reasonable use of the property.

**V8:** The granting of the request for a 3' rear setback reduction of the minimum rear setback is the minimum needed to make reasonable use of the property as the majority of the improvements are existing. This is an adaptive reuse of an existing building, which is currently constructed 22' from the west property line.

**F. GRANTING THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

**RESPONSE:** Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

**V1:** The variance request is consistent with the ULDC by providing safe, efficient circulation and traffic flow throughout the site. Granting the applicant the reduction of 15 parking spaces to 25 proposed parking spaces from the Code required 40 parking spaces will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

**V2:** Granting the applicant the 39' front setback reduction of the minimum front setback will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC. This is an adaptive reuse of an existing building, which is currently constructed 11' from the east property line.

**V3:** Granting the applicant the 35' depth reduction of the minimum lot depth will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

**V4:** Granting the applicant the 3' reduction of the minimum foundation planting along the front and sides of the existing building will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

**V5:** Granting the applicant a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer along the east and west property lines will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

**V6:** Granting the applicant a 1' reduction of the minimum 25' dumpster setback from the western property line will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

**V7:** Granting the applicant a 4-foot width reduction in the minimum terminal landscape island width adjacent to the existing dumpster and a 2-foot width reduction along the project entrance will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

**V8:** Granting the applicant a 3' rear setback reduction of the minimum rear setback will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC. This is an adaptive reuse of an existing building, which is currently constructed 22' from the west property line.

**G. GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

**RESPONSE:** Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

**V1:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting the reduction of 14 parking spaces to 25 proposed parking spaces from the Code required 40

parking spaces.

**V2:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 39' front setback reduction of the minimum front setback. This is an adaptive reuse of an existing building, which is currently constructed 11' from the east property line.

**V3:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 35' depth reduction of the minimum lot depth.

**V4:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 3' reduction of the minimum foundation planting along the front and sides of the existing building.

**V5:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 5-10' reduction of the minimum width of a Type II Incompatibility Landscape Buffer along the east and west property lines.

**V6:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 1' reduction of the minimum 25' dumpster setback from the western property line.

**V7:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 4-foot width reduction in the minimum terminal landscape island width adjacent to the existing dumpster and a 2-foot width reduction along the project entrance.

**V8:** The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting for a 3' rear setback reduction of the minimum rear setback. This is an adaptive reuse of an existing building, which is currently constructed 22' from the west property line.

The site pre-dates many of the current codes and the applicant is proposing to maintain the existing building and bring the site up to current code to the greatest extent possible, but the existing 20' PBCUE along the west property line currently has an 100% encroachment into the previously approved 5' landscape buffer, so this has been added as a non-conformity chart item as indicated below.

EXISTING NONCONFORMITY CHART			
ULDC SECTION	REQUIRED	PROPOSED	WAIVER
<div>1</div> Art.7.C.5.A Overlap in Landscape Buffers and On-Site Parking Areas	5' max overlap of easement encroachment into the required landscape buffer	100% encroachment of 20' PBCUE into previously approved 5' landscape buffer	Allow an 100% encroachment of 20' PBCUE into previously approved 5' landscape buffer

**Request 3: Development Order Abandonment Request:**

Pursuant to ULDC Article 2.B.7.F.6 When considering an ABN application, the BCC and ZC shall consider the standards indicated below. The applicant is requesting a Development Order Abandonment (ABN) of Resolution No. ZR 2001-007 which allowed a Class B Conditional Use for a Daycare, General in the RH Zoning District.

- a) Consistency with the Plan - The proposed abandonment is consistent with the Plan.**

**Response:** The proposed abandonment is consistent with the Plan. All conditions of approval contained within Resolution No. ZR-2001-0007 are proposed to be deleted.

- b) Consistency with the Code - The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new nonconformities.**

**Response:** The proposed abandonment of all conditions of approval contained within Resolution No. ZR-2001-0007 is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO will not create any new nonconformities. There are no other parties which have ownership interest or other uses which are approved on the property

- c) Adequate Public Facilities - The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).**

**Response:** The proposed abandonment of all conditions of approval contained within Resolution No. ZR-2001-0007 will not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

- d) Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the**

**original DO**

**Response:** The existing zoning designation is Residential High. All conditions of approval contained within Resolution No. ZR-2001-0007 are proposed to be deleted.

On behalf of the applicant, Palm Medical Holdings, LLC (Applicant"), Schmidt Nichols respectfully requests your approval of these Rezoning, Type II Variance, and Development Order Abandonment applications for PMH 1713 Quail, LLC.

SIMMONS & WHITE  
2581 Metrocentre Blvd., Suite 3 West Palm Beach, Florida 33407  
O 561.478.7848 | F 561.478.3738 www.simmonsandwhite.com  
Certificate of Authorization Number 3452



# REDUCED PARKING STATEMENT

PMH 1713 QUAIL, LLC  
PALM BEACH COUNTY, FLORIDA

## Prepared for:

Schmidt Nichols  
1551 N. Flagler Drive  
Suite 102  
West Palm Beach, Florida 33401

Job No. 20-111

Date: October 15, 2020

Digitally signed by Bryan G.  
Kelley, P.E.  
Date: 2020.10.15 10:07:57 -04'00'

Bryan G. Kelley, P.E.  
FL Registration No. 74006

Bryan G. Kelley, P.E., State of Florida, Professional  
Engineer, License No. 74006

This item has been electronically signed and  
sealed by Bryan G. Kelley, P.E. on 10/15/2020 using  
a SHA-1 Authentication Code.

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## 1.0 SITE DATA

The subject parcel is located in the southwest corner of Westgate Avenue and Quail Drive in Palm Beach County, Florida and contains approximately 1.0 acres. The Property Control Number for the subject parcel is 00-42-43-25-00-000-1650. The site is currently developed with a 7,900 S.F. daycare. Proposed site development consists of converting the existing 96 student daycare to a medical office with a project build-out of 2025. Site access is not proposed to change and is existing via a full access driveway connection to Quail Drive. For additional information concerning site location and layout, please refer to the Site Plan prepared by Schmidt Nichols.

## 2.0 CODE REQUIRED PARKING

The Palm Beach County Code requires 1 parking space per every 200 S.F. of medical office. Therefore, based on the proposed 7,900 S.F. daycare, the code required parking is 40 spaces and may be calculated as follows:

$$7,900 \text{ S.F.} \times 1 \text{ space} / 200 \text{ S.F.} = 40 \text{ Spaces}$$

## 3.0 PARKING REDUCTION

The above calculations are shown for informational purposes only. Given the nature of the proposed development, actual parking demands are anticipated to be significantly less. The ITE Parking Generation Manual (5<sup>th</sup> Edition) states that the average peak parking demand for medical office (Land Use #720) may be calculated as follows:

$$P = 3.34(X) - 5.21$$

P = Parking Spaces; X = 1,000 S.F.

Applying the methodology from ITE, a total of 21 parking spaces would be adequate for the development.

As shown on the proposed Site Plan, a total of 26 parking spaces are provided. This equates to a surplus of 5 parking spaces from the ITE Parking Generation Manual methodology.

## 4.0 ADDITIONAL CONSIDERATION

As previously stated, the existing/previous use of the site consisted of a 96-student daycare. The proposed 7,900 S.F. building will now be occupied by a medical office tenant. The change from a daycare to medical office is a use by right. No changes are proposed to the existing building or parking lot configuration. Constructing an additional parking lot south of the existing building was explored to meet County Code requirements. However, due to the curvature of Quail Drive, a driveway at this location would not be able to maintain an adequate safe sight distance per FDOT Greenbook standards. Therefore, it was determined that no additional parking could feasibly be added to the existing site.

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## 5.0 CONCLUSION

As previously stated, there are a total of 26 parking spaces provided on-site. Based on the ITE Parking Generation Manual, 5<sup>th</sup> Edition, it is anticipated that the actual peak parking demand will be 21 parking spaces. Therefore, the proposed 26 parking spaces will still have a surplus of 5 spaces from the peak demand.

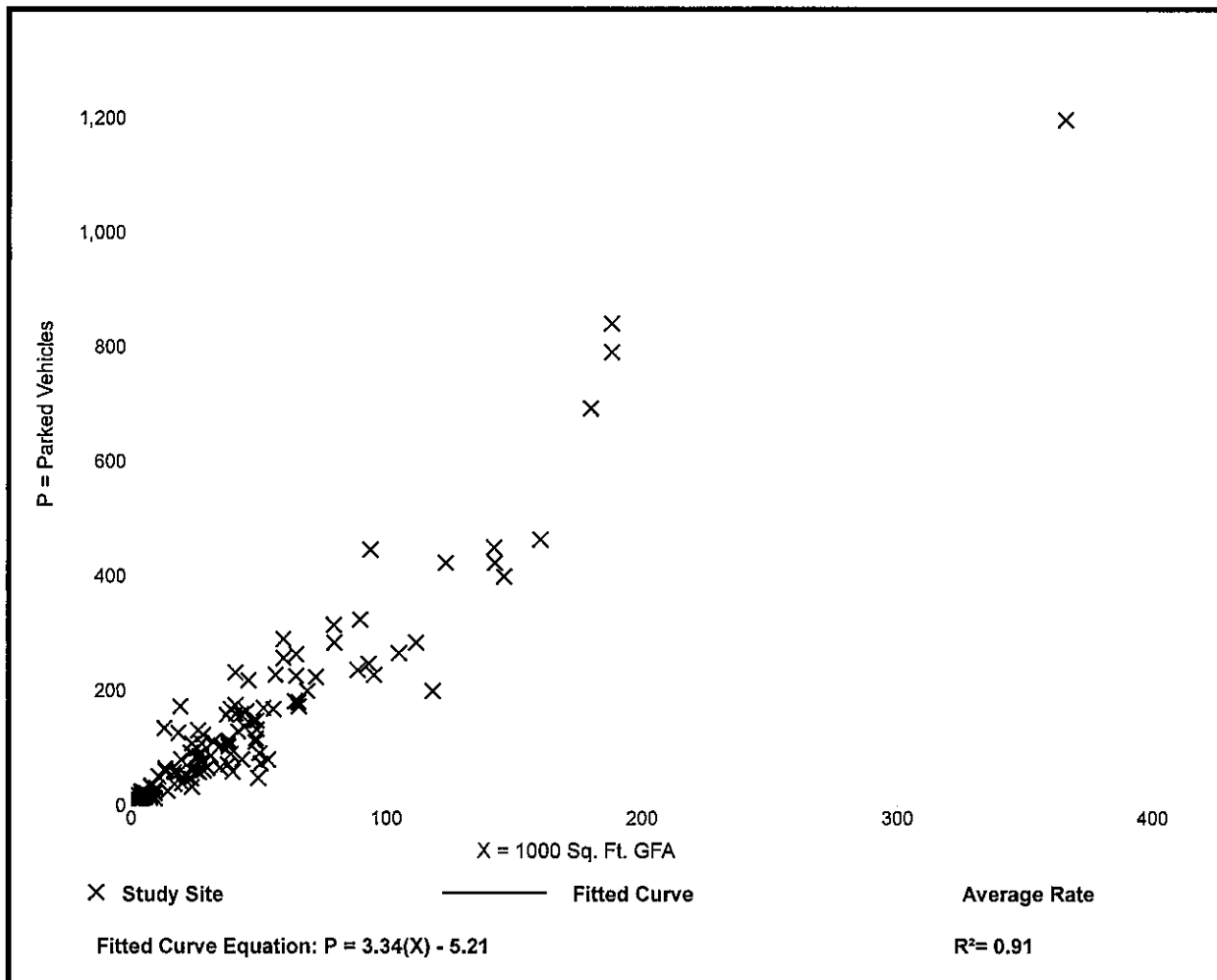
## Medical-Dental Office Building (720)

**Peak Period Parking Demand vs:** 1000 Sq. Ft. GFA  
**On a:** Weekday (Monday - Friday)  
**Setting/Location:** General Urban/Suburban  
**Peak Period of Parking Demand:** 9:00 a.m. - 4:00 p.m.  
**Number of Studies:** 117  
**Avg. 1000 Sq. Ft. GFA:** 46

### Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.23	0.96 - 10.27	2.73 / 4.59	3.04 - 3.42	1.05 (33%)

### Data Plot and Equation



Parking Generation Manual, 5th Edition • Institute of Transportation Engineers

September 22, 2020

Re: **DRAINAGE STATEMENT & OFFSITE DRAINAGE STUDY for: 1713 Quail Drive**  
**(Section 25, Township 43S, Range 42E)**  
**PCN: 00-42-43-25-00-000-1650**  
**1713 Quail Drive, West Palm Beach, Florida 33409**

**SITE DESCRIPTION**

The project site is approximately 1.01 acres of contiguous lands and is generally located on the Southwest corner of Quail Drive and Westgate Avenue. in unincorporated Palm Beach County, Florida. The Site is an existing building being rezoned.

**LEGAL, POSITIVE OUTFALL**

Legal, positive outfall is available via the existing outfall into the Westgate Avenue drainage system which flows to the L-2 Canal and eventually south to the C-51 Canal. Ultimate discharge is to the intracoastal waterway from the C-51 Canal via the SFWMD S-155 control structure.

**BASIN / ALLOWABLE DISCHARGE / MINIMUM FINISHED FLOOR**

The property is located within the SFWMD C-51 Basin. Per the SFWMD June 2015 C-51 Basin Rule Re-Evaluation, the maximum allowable discharge is thirty-five (35) cubic feet per second per square mile (CSM) for the 10 year, 3 day design storm and the minimum required finished floor elevation is 13.5 NGVD '29 / 12.0 NAVD '88. The existing building elevation is 16.60 no existing elevations below 15.40 NGVD '29, therefore, there are no grading impacts to flood plain storage. The site will be designed to comply with the allowable discharge criteria, minimum finished floor elevation and compensating storage requirements.

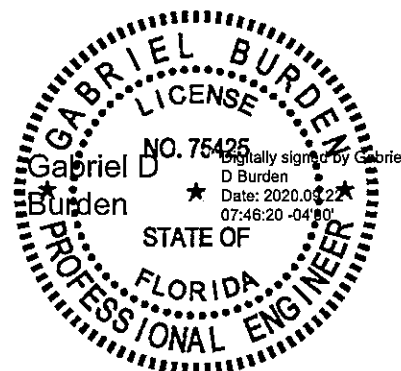
**FLOOD DESIGNATION**

The property is located in flood zone X. The proposed finished floors will be above the requirements of FEMA, SFWMD, LWDD and PBC.

**SYSTEM DESIGN**

The drainage system includes a series of inlets and culverts which directs stormwater runoff into an existing exfiltration trench system for storage and attenuation. Once treated and attenuated, the stormwater will discharge through a permitted control structure into the Westgate Avenue system. The final design is predicated on the ultimate site plan configuration.

The proposed drainage design will comply with applicable standards of Palm Beach County, SFWMD, LWDD, FEMA and FDEP including volume, rate, pollutant loads, water quality, and compensating storage.



THIS ITEM HAS BEEN  
ELECTRONICALLY  
SIGNED AND  
SEALED BY GABRIEL  
BURDEN, P.E.

USING A SHA-1 AUTHENTICATION CODE. PRINTED COPIES  
OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND  
SEALED AND THE SHA-1 AUTHENTICATION CODE MUST BE  
VERIFIED ON ANY ELECTRONIC COPIES.

**LEVELS OF SERVICE**

The minimum required level of service elevations will be met. Specifically:

1. The Parking lot will be designed at or above the projected 5-year, 1-day storm event;
2. The perimeter elevations will be designed at and maintained above the projected 25-year, 3-day storm event; and
3. The finished floors will be designed to be maintained at or above the projected 100-year, 3-day storm event as well as the required SFWMD and FEMA flood zone parameters for the property.

SIMMONS & WHITE  
2581 Metrocentre Blvd West, Suite 3, West Palm Beach, Florida 33407  
O 561.478.7848 | F 561.478.3738 www.simmonsandwhite.com  
Certificate of Authorization Number 3452



# TRAFFIC EQUIVALENCY STATEMENT

**PMH 1713 QUAIL, LLC  
PALM BEACH COUNTY, FLORIDA**

**Prepared for:**

Schmidt Nichols  
1551 N. Flagler Drive  
Suite 102  
West Palm Beach, Florida 33401

Job No. 20-111

Date: October 15, 2020

Digitally signed by Bryan G.  
Kelley, P.E.  
Date: 2020.10.15 10:03:46 -04'00'

Bryan G. Kelley, P.E.  
FL Reg. No. 74006

Bryan G. Kelley, P.E., State of Florida, Professional  
Engineer, License No. 74006

This Item has been electronically signed and  
sealed by Bryan G. Kelley, P.E. on 10/15/2020, using  
a SHA-1 Authentication Code.

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and sealed and the SHA-1 Authentication Code must  
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## 1.0 SITE DATA

The subject parcel is located in the southwest corner of Westgate Avenue and Quail Drive in Palm Beach County, Florida and contains approximately 1.0 acres. The Property Control Number for the subject parcel is 00-42-43-25-00-000-1650. The site is currently developed with a 7,900 S.F. daycare. Proposed site development consists of converting the existing 96 student daycare to a medical office with a project build-out of 2025. Site access is not proposed to change and is existing via a full access driveway connection to Quail Drive. For additional information concerning site location and layout, please refer to the Site Plan prepared by Schmidt Nichols.

## 2.0 TRAFFIC GENERATION

The traffic currently approved for the parcel has been calculated in accordance with the traffic generation rates listed in the *ITE Trip Generation Manual, 10<sup>th</sup> Edition* and provided by the Palm Beach County Engineering Traffic Division as shown in Tables 1-3 attached with this report. Table 1 shows the daily traffic generation associated with the approved development in trips per day (tpd). Tables 2 and 3 show the AM and PM peak hour traffic generation, respectively, in peak hour trips (pht). The traffic generated by the approved/vested development may be summarized as follows:

### Vested Development

Daily Traffic Generation	=	196 tpd
AM Peak Hour Traffic Generation (In/Out)	=	37 pht (20 In/17 Out)
PM Peak Hour Traffic Generation (In/Out)	=	38 pht (18 In/20 Out)

The traffic to be generated by the proposed development has also been calculated in accordance with traffic generation rates listed in the *ITE Trip Generation Manual, 10<sup>th</sup> Edition* as shown in Tables 4-6. Table 4 shows the daily traffic generation associated with the proposed plan of development. Tables 5 and 6 show the A.M. and P.M. peak hour traffic generation, respectively. The traffic to be generated by the proposed plan of development may be summarized as follows:

### Proposed Development

Daily Traffic Generation	=	247 tpd
A.M. Peak Hour Traffic Generation (IN/OUT)	=	20 pht (15 IN/5 OUT)
P.M. Peak Hour Traffic Generation (IN/OUT)	=	24 pht (7 IN/17 OUT)

## 2.0 TRAFFIC GENERATION (CONTINUED)

The difference in traffic generation as a result of the revised development plan is shown in Table 7 and may be summarized as follows:

### Trip Generation Increase

Daily Traffic Generation	=	51 tpd
A.M. Peak Hour Traffic Generation	=	-17 pht (-5 IN/-12 OUT)
P.M. Peak Hour Traffic Generation	=	-14 pht (-11 IN/-3 OUT)

## 3.0 SITE RELATED IMPROVEMENTS

The A.M. and P.M. peak hour turning movement volumes and directional distributions at the project entrance with no reduction for pass by credit are shown in Tables 5 and 6 attached with this report. The following summary applies:

### DIRECTIONAL DISTRIBUTION (TRIPS IN/OUT)

A.M.	=	17 / 5
P.M.	=	8 / 19

As previously mentioned, site access is not proposed to change and is existing via a full access driveway connection to Quail Drive. Based on the Palm Beach County Engineering Guideline used in determining the need for turn lanes of 75 right turns or 30 left turns in the peak hour, no turn lanes or site access modifications appear warranted.

## 4.0 CONCLUSION

As shown in Table 7, the proposed modifications will result in an increase of 51 daily trips, a decrease of 17 A.M. peak hour trips, and a decrease of 14 PM peak hour trips from the vested development. Therefore, the project is approvable with regard to the Palm Beach County Traffic Performance Standards.



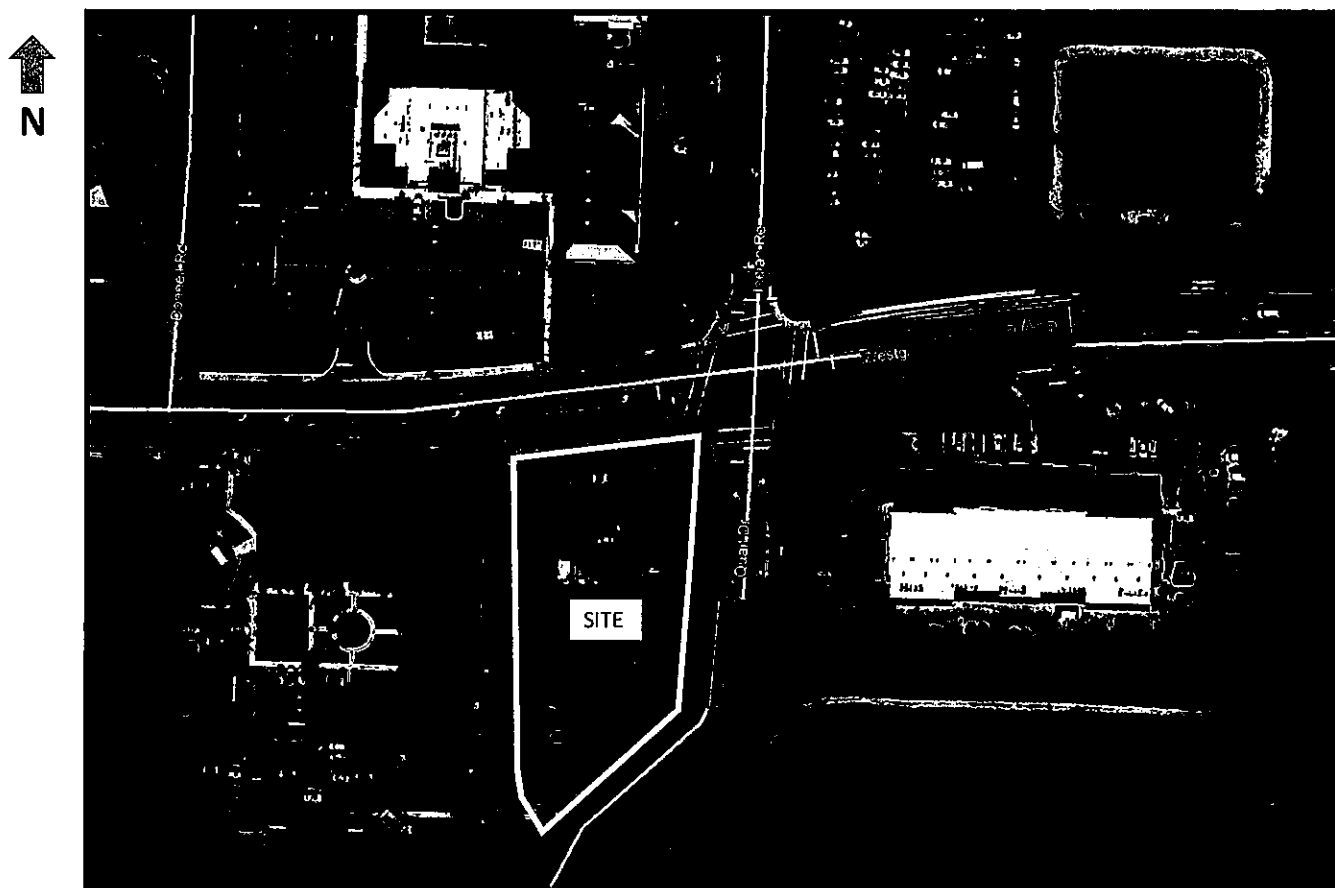


Figure 1 –Site Location Map  
PMH 1713 Quail, LLC  
Project # 20-111



## EXISTING DEVELOPMENT

TABLE 1 - Daily Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split		Gross Trips	Internalization		External Trips	Pass-by		Net Trips
				In	Out		%	Total		%	Trips	
Day Care	565	96	Students	4.09		393		0	393	50%	197	196
Grand Totals:						393	0.0%	0	393	50%	197	196

TABLE 2 - AM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split		Gross Trips			Internalization			External Trips			Pass-by		Net Trips			
				In	Out	In	Out	Total	%	In	Out	Total	In	Out	Total	%	Trips	In	Out	Total
Day Care	565	96	Students	0.53	0.47	40	35	75	0.0%	0	0	0	40	35	75	50%	38	20	17	37
Grand Totals:						40	35	75	0.0%	0	0	0	40	35	75	51%	38	20	17	37

TABLE 3 - PM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity		Rate/Equation	Dir Split		Gross Trips			Internalization				External Trips			Pass-by		Net Trips		
					In	Out	In	Out	Total	%	In	Out	Total	In	Out	Total	%	Trips	In	Out	Total
Day Care	565	96	Students	0.79	0.47	0.53	36	40	76	0.0%	0	0	0	36	40	76	50%	38	18	20	38
Grand Totals:							36	40	76	0.0%	0	0	0	36	40	76	50%	38	18	20	38

PMH 1713 QUAIL, LLC

10/15/2020

PROPOSED DEVELOPMENT

TABLE 4 - Daily Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split In Out	Gross Trips In Out Total	Internalization % Total	External Trips In Out Total	Pass-by % Trips	Net Trips In Out Total
Medical Office	720	7,900 S.F.	34.8		275	0	275	10% 28	247
Grand Totals:					275	0.0% 0	275	10% 28	247

TABLE 5 - AM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split In Out	Gross Trips In Out Total	Internalization % In Out Total	External Trips In Out Total	Pass-by % Trips	Net Trips In Out Total
Medical Office	720	7,900 S.F.	2.78	0.78 0.22	17 5 22	0.0% 0 0 0	17 5 22	10% 2	15 5 20
Grand Totals:					17 5 22	0.0% 0 0 0	17 5 22	9% 2	15 5 20

TABLE 6 - PM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split In Out	Gross Trips In Out Total	Internalization % In Out Total	External Trips In Out Total	Pass-by % Trips	Net Trips In Out Total
Medical Office	720	7,900 S.F.	3.46	0.28 0.72	8 19 27	0.0% 0 0 0	8 19 27	10% 3	7 17 24
Grand Totals:					8 19 27	0.0% 0 0 0	8 19 27	11% 3	7 17 24

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**TABLE 7**  
**TRAFFIC GENERATION INCREASE**

	DAILY	AM PEAK HOUR			PM PEAK HOUR		
		TOTAL	IN	OUT	TOTAL	IN	OUT
PREVIOUSLY VESTED DEVELOPMENT =	196	37	20	17	38	18	20
PROPOSED DEVELOPMENT =	247	20	15	5	24	7	17
INCREASE =	51	-17	-5	-12	-14	-11	-3



Legend	
XX	AM Peak Hour
(XX)	PM Peak Hour
xxx	ADT

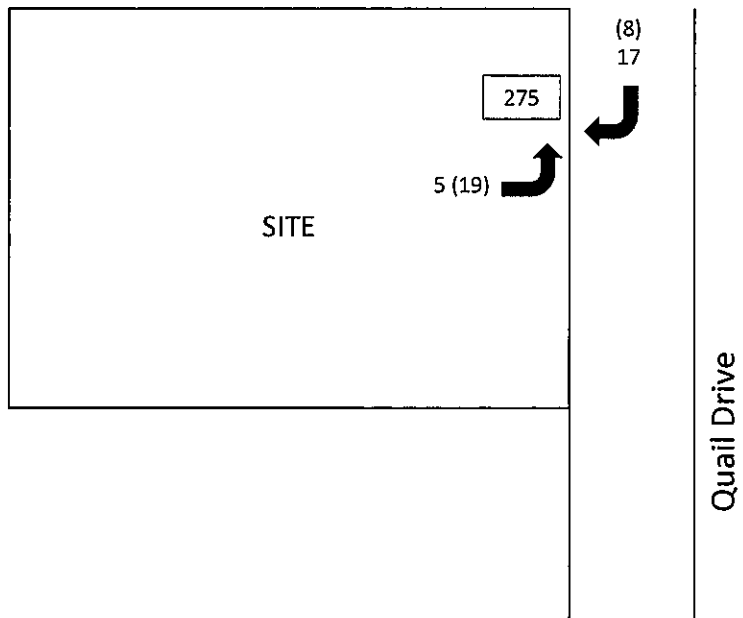


Figure 2 – Driveway Volumes  
PMH 1713 Quail, LLC  
Project # 20-111





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October 30, 2020

Mariana Feldpausch  
Customer Information Services Operations Manager  
Solid Waste Authority of Palm Beach County  
7501 N. Jog Road  
West Palm Beach, FL. 33412

Re: Westgate Community Redevelopment Agency – FY 20/21 SWA Grant Application  
for Demolition of Blighted Structures on CRA-Owned Redevelopment Parcels


Dear Ms. Feldpausch:

Please find enclosed the Westgate/Belvedere Homes Community Redevelopment Agency's (Westgate CRA) application for the FY 20/21-B Solid Waste Authority Blighted and Distressed Property Clean-Up and Beautification Grant requesting \$76,145.00 for the demolition of four (4) structures on three (3) lots at multiple locations in the redevelopment area.

Grant funding will be used for demolition and materials hauling. The CRA has allocated funds for soft costs, lot clearing and sodding. The CRA has already acquired the properties. If our request is granted, the project will be completed within one year, or less.

I hope you will favorably consider our request. If you need further information, please contact our Senior Planner/Project Manager Denise Pennell at 561-640-8181 x 105 or [dpennell@pbcgov.org](mailto:dpennell@pbcgov.org).

Sincerely,

  
Elizée Michel, AICP  
Executive Director, Westgate CRA



September 30, 2020

**Department of Housing &  
Economic Sustainability**

Capital Improvements, Real Estate,  
& Inspection Services

100 Australian Avenue, Suite 500

West Palm Beach, FL 33406

(561) 233-3600

www.pb.gov.com

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Commissioners**

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Robert S. Weinroth, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Mary Lou Berger

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

Denise Pennell  
Project Manager  
Westgate CRA  
1280 N. Congress Ave, Suite 215  
West Palm Beach, FL 33409

Re: CDBG: Westgate CRA - Oswego Oaks Park  
AGREEMENT # R2018-0272  
Amendment 01 R2018-1576 10/1/2018  
Amendment 02 R2019-1774 11/19/2019  
Amendment 03 – pending  
**DHES Approval for Final Reimbursement & Release of Retainage**

Dear Ms. Pennell

As per the funding agreement between DHES and Westgate CRA for Oswego Oaks Park, 100% of CDBG funding for this project was expended in June 2019, and DHES is now in receipt of the project Final Closeout documents.

The project was inspected and accepted by the CRA's consultant on 1/20/2020. Certified Payrolls and Davis Bacon requirements are in compliance with the agreement and Certification of DBRA Compliance has been received.

DHES authorizes the release of final payment and retainage to West Construction, Inc. upon the completion of the CRA's review and approval of all closeout documents from the Prime & Subcontractors.

Should you have any questions regarding the above, please do not hesitate to contact me at 561-233-3616.

Sincerely,

A handwritten signature in black ink, appearing to read "Elena O'Keefe".

Elena O'Keefe  
Community Development Project Coordinator

cc Bud Cheney - Manager, CIREIS Division

"An Equal Opportunity  
Affirmative Action Employer"

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**Department of Housing &  
Economic Sustainability**

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& Inspection Services

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**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

October 19, 2020

Elizee Michel  
Executive Director  
Westgate CRA  
1280 N. Congress Ave, Suite 215  
West Palm Beach, FL 33409

Re: **Project Monitoring Finding: Delayed Closeout**  
**CDBG - Oswego Oaks Neighborhood Park**  
AGREEMENT # R2018-0272 3/13/2018  
Amendment 01 R2018-1576 10/1/2018  
Amendment 02 R2019-1774 11/19/2019

Dear Mr. Michel

Pursuant to your letter to the Department of Housing and Economic Sustainability (HES) on October 3, 2019, Westgate CRA (WCRA) requested and HES provided, a Reinstatement of the Agreement and an Amendment to the Agreement to allow additional time for the Oswego Oaks Neighborhood Park to be completed. At that time due to circumstances presented to HES, HES granted a time extension until January 31, 2020.

HES's monitoring of the project has determined that the Reinstated Agreement expired on January 31, 2020 with certain terms and conditions including documentation outstanding in order to close out the project. On July 15, 2020 HES sent a monitoring letter informing WCRA that the agreement was expired and requested a workplan for project completion. WCRA replied on July 24, 2020 with a request to complete the project by September 30, 2020.

Subsequently, all outstanding deliverables including Final Permits, Final Pay Applications, Certified Payrolls, Davis Bacon compliance requirements, were submitted by September 30, 2020 and no documents related to HES project close-out remain outstanding. This project is now closed.

Should you have any questions regarding the above, please do not hesitate to contact me at 561-233-3616.

Sincerely,

Elena O'Keefe

Community Development Project Coordinator

cc Bud Cheney, HES  
Jeff Bolton, HES  
Denise Pennell, WCRA

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