



WESTGATE/BELVEDERE HOMES COMMUNITY REDEVELOPMENT AGENCY

Monday, March 08, 2021 Board Meeting

1280 N. Congress Ave. Suite 215

West Palm Beach FL 33409

NOTE: Agenda Summary (Pages 3-9)
Staff Report (Pages 10-16)

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 17-22)

IV. PUBLIC COMMENTS

V. DISCLOSURES

VI. CONSENT AGENDA

- 1. Approval of Funds for the Administration of Seminole Blvd. (Pages 23-25)**
- 2. Approval of Lease for 2631 Chickamauga Avenue (Pages 26-30)**

VII. REGULAR AGENDA

- 1. Adoption of Audit Report**
- 2. Approval of Site Development Assistance Program Grant for Mi Pais Express (Pages 31-47)**
- 3. Approval of Bonus Density, DRO Site Plan and Consistency with the Westgate CRA Redevelopment Plan and Zoning Overlay for Palm Key Apartments (Pages 48-74)**
- 4. Approval of Development Order Amendment, Site Plan Abandonment, and Class A Conditional Use for Murphy Express Retail Gas and Fuel Sales (Pages 75-112)**



VIII. REPORTS

A. Staff Reports

Correspondence (Pages 113-114)

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**

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.



AGENDA ITEMS
Westgate/Belvedere Homes CRA Board Meeting
March 8, 2021

CONSENT AGENDA

1. Approval of Funds for the Administration of Seminole Blvd.

A. Background and Summary: The CRA is working with Palm Beach County Engineering Department to install 10-12 feet multiuse paths and pedestrian scale streetlights on Seminole Blvd. between Oswego Ave and Okeechobee Blvd. based on a grant provided by the Florida Department of Transportation (FDOT) through the Palm Beach County Transportation Planning Agency. FDOT requires that the grant be administered by Palm Beach County which is the appropriate Local Agency Program (LAP) certified to implement FDOT projects.

The County has executed an Agreement with FDOT to implement the project. Last month, the County executed an agreement with the CRA to administer the project on its behalf. The approved Agreement doesn't include administration fees for the Engineering Department staff. The County is requesting an advance payment of \$36,820.66 to cover staff costs associated with the administration of the design phase of the grant.

B. Recommendation: Staff recommends that the Board authorizes staff to issue a payment of \$36,820.66 to the County for the Seminole Blvd. project.

2. Approval of Lease for 2631 Chickamauga Avenue

A. Background and Summary: The CRA purchased a property last year across the Dennis Koehler Preserve. A month-to-month lease has been negotiated for the property. The tenant will pay \$500 deposit and \$1,200 a month. The tenant will also pay all utilities. The property will be leased until the CRA finds a developer for the property.



B. Recommendation: Staff recommends that the Board authorizes the Chair to execute a lease with Everton Morison for 2631 Chickamauga Avenue.

REGULAR AGENDA

1. Adoption of Audit Report

A. Background and Summary: Ward and Company, P.A. has completed the audit of the CRA's financial record for Fiscal Year 2020. The auditors will be making a presentation to the Board.

B. Recommendation: Discussion and adoption of report.

2. Approval of Site Development Assistance Program Grant for Mi Pais Express

A. Background and Summary: Mi Pais Express is a multi service provider that has been on Westgate Avenue since 2005. They offer tax preparation, immigration, translation, check cashing and phone services to the mostly immigrant population who live in the area. Mi Pais Express is building its own facility at 2633 Westgate Avenue to house the Westgate branch. The business plans to add four more employees after the move is completed.

The building will have about 5,000 square feet. Half of the square footage, the entire first floor, will be used for commercial services. The second floor will be used for two apartments at 1,245 sf each.

The business has requested a grant of \$50,000 from the CRA's Site Improvement Grant Program to pay for the exterior work according to the grant guidelines.

The total development cost is estimated at \$1,092,798.75 with site and exterior work projected to be \$599,909.00.

The grant only reimburses either 25% of the exterior renovation plus other eligible planning, engineering and architecture cost or \$50,000 for projects located on Westgate Avenue whichever is lower. In this case, \$50,000 is the lower amount. The applicant is qualified to receive \$50,000 to help offset his construction cost. The Site



Development Assistance Grant Program is a reimbursement based grant. The funds will be disbursed after a certificate of occupancy is obtained.

The funds will help improve the façade of the building and contribute to the revitalization of the Westgate Commercial corridor.

Mi Pais Express will be the first true mix used project completed on Westgate Avenue under the Westgate CRA Zoning Overlay. Construction is anticipated to be completed at the beginning of summer 2021.

B. Recommendation: Staff recommends approval of the reimbursement based grant up to \$50,000 from Site Development Assistance Grant Program for Mi Pais Express.

3. Approval of Bonus Density, DRO Site Plan and Consistency with the Westgate CRA Redevelopment Plan and Zoning Overlay for Palm Key Apartments

A. Background and Summary: The +/-0.46-acre vacant site is located on the south side of Cherokee Avenue just west of Tallahassee Drive. The parcel is zoned RH (RM) Residential Multifamily medium density with a Commercial High with an underlying residential future land use (FLU) designation of 8 du/acre (CH/8). The parcel to the south, which fronts Westgate Avenue, also vacant and without active development approvals, is zoned CG a CH/8 FLU. The parcels adjacent to the east and west are zoned RH (RM) with a CH/8 FLU; both have existing single family dwellings. The site across Cherokee Avenue to the north is zoned RH (RM) with a CH/8 FLU. This site received entitlements for a Class A Conditional Use for a Place of Worship in 1995, however, the approval has long since expired. The site is currently occupied by a triplex, with the remainder vacant. The subject site is located within the boundaries of the Neighborhood Commercial (NC) Sub-area of the WCRAO. The site is in the U/S Tier as well as in the Revitalization and Redevelopment Infill Overlay (RRIO), Urban Redevelopment Area Overlay (URAO), and Westgate CCRT area.

Marbila, LLC, the property owner and developer of the Palm Key Apartments, is proposing multifamily project comprised of seven (7) 3 bedroom/3 bath units in a 2-story building, for a total GFA of 10,075 sf. To achieve the desired density, the applicant is requesting three (3) WCRAO density bonus units; only 4 units are permitted by right.



These additional units may be approved by the DRO if the increase does not exceed 22 dwelling units per acre; this project is requesting a total density of +/- 15 du/ac.

Summary of Request:

The applicant proposes to develop a 7-unit multifamily rental project on a +/- .46-acre site. The subject application requests a recommendation of approval from the Westgate CRA Board for the proposed development pursuant to include the following:

1. An allocation of 3 dwelling units from the WCRAO Density Bonus Program unit pool; and,
2. DRO site plan approval provided the project demonstrates that the criteria for obtaining WCRAO density bonus units have been met pursuant to Art. 3.B.14.H.1.a., as amended.

Staff finds that the project meets the criteria established by the CRA Zoning Overlay and is not generally incompatible with the intent of the Redevelopment Plan.

B. Recommendation: Staff recommends approval of the following:

1. An allocation of 3 dwelling units from the WCRAO Density Bonus Program unit pool; and,
2. DRO site plan approval as the project have demonstrated that the criteria for obtaining WCRAO density bonus units have been met pursuant to Art. 3.B.14.H.1.a., as amended.

4. Approval of Development Order Amendment, Site Plan Abandonment, and Class A Conditional Use for Murphy Express Retail Gas and Fuel Sales

A. Background and Summary: The subject site is an outparcel at the Walmart Plaza, located on the northeast corner of N. Military Trail and Belvedere Rd. The Walmart Plaza is approximately 22.4 acres in total and consists of four buildings: the anchor tenant, a Walmart Supercenter, a vacant restaurant, a Murphy Express gas station, and a vacant Wallgreen's pharmacy. The application requests the redevelopment of the vacant Wallgreen's pharmacy parcel, to a new Murphy Express gas station and



convenience store. The overall site was originally 25 acres and zoned for multifamily and general commercial development, but was rezoned to CG in 1993 via R-1993-0508. A companion resolution R-1993-059 allowed a gas station use by special exception. The development allowed by R-1993-059 was never constructed, and in 1997, the site plan was amended to increase the site area to 25 acres, and added a Lowe's as a proposed use. R-2001-1667 rezoned the overall site from CG to MUPD. The final resolution governing the overall site is R-2003-0940, which amended the site plan to allow the existing Walmart Supercenter as the anchor development, and reduced the size of the MUPD to 22.4 acres. The total square footage of the MUPD is 299,734 sf, and the total area affected by the proposed redevelopment is 1.45 acres.

The entire site is within the UH (Urban Highway) Sub-area of the WCRAO, and is zoned MUPD (Multiple Use Planned Development) with a Future Land Use designation (FLU) of CH/8 (commercial high with an underlying residential land use of 8 du's/acre). The site is in the URAO (Urban Redevelopment Area Overlay), the U/S (Urban/Suburban) Tier, and in the Westgate CCRT area. There are Vehicle Sales & Rental Uses to the north on Military Trail (zoned CG/SE with a CH/8 FLU). To the west, across N. Military Trail is the Town of Haverhill, to the south, across Belvedere Rd. is a KFC Restaurant (zoned CC/SE with a CH FLU), and to the is vacant PBIA owned land zoned PO with a Transit/Utilities (U/T) FLU.

Proposed Redevelopment – a new Murphy Express (Retail Gas & Fuel Sales) & Convenience Store

Murphy USA is affiliated with the Walmart retail chain; its gas station brand, Murphy Express, are primarily located at Walmart sites across the US. According to their website, the goal of the company is to "place stations next to Walmart locations, so customers could complete several errands and experience tremendous savings in a single trip."

The applicant proposes to redevelop the outparcel located at the southwest corner of the MUPD as well as the northeast corner of the intersection of N. Military Trail and Belvedere Rd. The existing site is a vacant, abandoned Walgreen's Pharmacy. The project would demolish the existing Walgreen's pharmacy to construct a new Murphy Express convenience store and gas station consisting of a 2,824 SF convenience store and 4,830 SF gas canopy with 16 fueling locations. The existing Murphy Express gas

7



station located just north of the Walgreens within the MUPD would be demolished upon completion of the new Murphy Express convenience store and gas station to allow for future development of that parcel. All other areas within the MUPD are to be unaffected as a part of this application.

The application requests a Development Order Amendment to amend the previously approved MUPD site plan, a Class A Conditional Use approval for the proposed Gas and Fuel Sales, Retail with a convenience store collocated on the existing Walgreen's pharmacy site, and a Site Plan Abandonment to remove the approved Convenience Store with Gas Sales use (existing Murphy Express gas station). In addition, the application proposes to delete or amend several Conditions of Approval mandated through governing resolution R-2003-0940, including those from Engineering, Zoning (Landscaping, Signage, Site Design), Health Dep't, Planning, and Palm Tran. Most conditions have been addressed or completed by the previous petitioner. The following condition is applicable to the CRA:

Summary of Petition

The application requests the following, associated with Res. R-2003-0940:

1. A Development Order Amendment to modify the MUPD site plan;
2. A Site Plan Abandonment to remove the previously approved Gas and Fuel Sales, Retail with a Convenience Store use (existing Murphy Express gas station);
3. A Class A Conditional Use approval for a Gas and Fuel Sales, Retail with a Convenience Store consisting of a 2,824 SF convenience store and a 4,830 SF gas canopy with 16 fueling stations collocated on the existing Walgreen's pharmacy site;
4. An increase of 191 net new trips per day and 47 pm peak hour trips, from the existing vested Murphy Express Gas Station and Convenience Store to be allocated from the WCRA Transportation, and,
5. Final DRO site plan approval.

B. Recommendation: Staff recommends approval of the following:

1. A Development Order Amendment to modify the MUPD site plan;



-
2. A Site Plan Abandonment to remove the previously approved Gas and Fuel Sales, Retail with a Convenience Store use (existing Murphy Express gas station);
 3. A Class A Conditional Use approval for a Gas and Fuel Sales, Retail with a Convenience Store consisting of a 2,824 SF convenience store and a 4,830 SF gas canopy with 16 fueling stations collocated on the existing Walgreen's pharmacy site;
 4. An increase of 191 net new trips per day and 47 pm peak hour trips, from the existing vested Murphy Express Gas Station and Convenience Store to be allocated from the WCRA Transportation and,
 5. Final DRO site plan approval.

WESTGATE/BELVEDERE HOMES CRA BOARD MEETING
March 08, 2021

Staff Update on In-House Projects

2021-01 ULDC Amendment Round (INITIATED)

The CRA is seeking to make amendments to the WCRAO in the first round of 2021 that are focused on the following: to create a provision in the overlay that would allow split zoning on certain sites where there is a consistent FLU; updates to the supplementary standards table including arcades/galleries; coordination with Parks & Rec Department to amend open space requirements for residential projects in the WCRAO; coordination with Land Development to allow an administrative waiver rather than a subdivision variance for projects along Westgate Avenue requiring access from the rear where currently, access to a commercial use is limited to roadways with an 80 ft. ROW width; provisions for special events at CRA-owned, operated sites such as Oswego Oaks Park and the Westgate Community Farm; and, amendments to the WCRAO 20% commercial bonus increase allowing a rezoning to commercial without a FLUA amendment if the FLU is non-residential.

This round of ULDC amendments is to be initiated by the Zoning Division at the January 28th BCC meeting. Staff will work towards a draft of the amendment language to be presented to the CRA Board and the LDRAB in April 2021. Amendments would be adopted by the BCC on August 26, 2021.

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.

2021 Comprehensive Plan Amendments

The Planning Division is initiating amendments to the WCRAO in the Future Land Use and Transportation Elements of the Comp Plan. FLUE amendments will address an outdated policy allowing a 20% commercial bonus increase without amendments to the FLUA, and TE amendments will update policies related to WDRAO Density Bonus Program income categories following the adoption of the 2020-02 amendments to the DBP in the ULDC. Amendments may also include updates to the WCRAO narratives in both elements. Planning will take the lead and anticipates adoption in the spring of 2021.

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

FY 20/21 – Demolition of CRA-owned Blighted Structures (SUBMITTED/NOT AWARDED)

On October 30th, CRA staff submitted an application to the SWA for \$76,145 in grant funding to demolish 4 structures on 3 CRA-owned lots: 1304 Seminole Blvd. 2426 Cherokee Ave (2 structures) and 2423 Westgate Ave. The SWA Governing Board chose instead to allocate all funding to the City of Belle Glade's Old Gove Elementary School Site Portables demolition project.

COVID-19 Small Business Emergency Relief Forgivable Loan Program (ONGOING)

The Board approved the Program at their June meeting. The program is advertised on our website as well as Facebook page. Staff completed a direct mail out promoting 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 by the Board at their October 2020 meeting; and 1 application was approved at the November 2020 meeting. The program budget spans two budget years: \$50,000 was allocated to FY 19/20 and \$100,000 is allocated to FY 20/21. The program has budget capacity for five more applications.

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 FY 19/20 and 20/21 budgets has been allocated to the program.

2020-01 and 2020-02 ULDC Amendment Round (IN PROGRESS)

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 26th meeting, and at the October 28th LDRC meeting. No changes to the amendment language were made. The amendments will proceed to the BCC for 1st 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: The Plat has been granted technical compliance. Following the completion of corner clip dedications, the project can move into the permitting phase. 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.

11

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 18/19 – Oswego Avenue Properties Clean-up (STARTED)

Update: The CRA has paid a contractor to remove invasive 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 17/18 – 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

FY20 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.

FY19 and Seminole Blvd. Complete Streets (FUNDED/ONGOING)

Update: The Transportation Planning Agency Governing Board approved funding for the Seminole Blvd project at their July 18th 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.

FY18 – Phase II Belvedere Heights Streetlights & Sidewalks (DESIGN STARTED)

Update: The BCC is considering an agenda item on June 16th 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.

FY17 – Phase I Belvedere Heights Streetlights & Sidewalks (DESIGN 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 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.

Streetlights for Belvedere Homes (ONGOING)

Staff is negotiating an agreement with the County to convey land for the relocation of Fire Rescue Station #24 on Westgate Avenue. The agreement will be brought to the Board at the April meeting.

Proposed Private Redevelopment Projects

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

Projects	Address	Status
Palm Key Apartments	Cherokee Avenue	▪ In Zoning
Murphy	1010 N Military Trail	▪ Zoning Application submitted
Broward Motorsports	2300 Okeechobee Blvd	▪ DOA to address phased plan, additional square footage for storage & retail, access
1713 Quail (former Opportunity Inc.)	1713 Quail Drive	▪ In Zoning ▪ Repurposing existing building for new medical office use ▪ Rezoning to CG, multiple variances
Museo Vault self-service storage	4200 Westgate Ave	▪ In Zoning ▪ proposing a 4-story, 50,000 sf fine art and antique storage facility
Autumn Ridge LITC mixed use	Congress Ave	▪ In Zoning ▪ 106 units by Landmark Construction, 90% of units at or below 60% of AMI – 77 DBP units, TCEA and rezoning from RM to CG
Okeechobee Steakhouse	Okeechobee Blvd	▪ Completed
Soapy Shark Car Wash (formerly KFC/Jack's)	2200 Okeechobee Blvd.	▪ In Zoning ▪ DRO Approval & 6 variances required
Townhouse/MF project	Cherokee Ave	▪ Will proceed upon adoption of WCRA amendments to the DBP ▪ 6-7 townhomes on .46 ac – utilizing CRA density bonus units
Duplex development	1115 Osceola	▪ Utilizing 1 WCRA density bonus unit, non-conforming lot
Cottage home project	2611 Saranac	▪ Construction on first 7 units to begin in early 2021 ▪ 1-acre site newly subdivided into 14 25 ft. lots for cottage homes
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	▪ On hold ▪ 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	▪ IN CONSTRUCTION!
Dos Hermanos Mixed Use	Westgate & Seminole Blvd	▪ In permitting ▪ Rezoning & variances approved. DRO site plan approval. New architect
Westgate One	Westgate at Nokomis	▪ On hold ▪ Approved/ Extension. Potential residential project

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

February 08, 2021

I. CALL TO ORDER (IN PERSON MEETING BROADCASTED ON ZOOM PLATFORM)

Mr. Daniels, the Board Chair, called the meeting to order at 5:08p.m. The roll was called by Ms. Bui.

Present: Ronald Daniels
Joanne Ruffy
Yeraldi Benitez
Ruth Haggerty

Absent: Enol Gilles
Joseph Kirby
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 (Virtually Via Zoom)

Others Present: Dorritt Miller, Assistant County Administrator, Deputy George Gomez, Deputy Adam Robinson, Keith Jackson, PE, Engenuity Group, CRA Engineer (All Virtually Via Zoom)

II. AGENDA APPROVAL

1. Additions, Deletions, Substitutions to Agenda

- No Additions, Deletions, or Substitutions

2. Adoption of Agenda

- It was moved by Ms. Ruffy and seconded by Ms. Haggerty to adopt the Agenda as amended. Motion carried (4-0)

III. ADOPTION OF W/BH CRA MINUTES

- It was moved by Ms. Haggerty and seconded by Ms. Ruffy to adopt the minutes of the January 11, 2021 meeting. Motion carried (4-0)

IV. PUBLIC COMMENT

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

V. DISCLOSURES

- No disclosures

VI. CONSENT AGENDA

1. **Approval of Loan Forgiveness of COVID-19 Small Business Emergency Relief Forgivable Loan Program for Alternative Automotive Services, LLC**
2. **Approval of Loan Forgiveness of COVID-19 Small Business Emergency Relief Forgivable Loan Program for Generation One Inc. d/b/a Advanced Vision**
3. **Approval of Loan Forgiveness of COVID-19 Small Business Emergency Relief Forgivable Loan Program for Tender Love & Care C.D.C.**

It was moved by Ms. Rufty and seconded by Ms. Haggerty to approve consent agenda. The motion passed unanimously (4-0)

VII. REGULAR AGENDA

1. Approval of Agreement with the Danza Group

The agenda was presented by Mr. Michel. On October 5, 2020, the CRA Board approved a request to extend the Option Agreement negotiated with the Danza Group in 2018 to redevelop the site the CRA owns on Westgate Avenue and Seminole Boulevard based on a Request for Qualification (RFQ) issued by the CRA in 2018. The Agreement will allow the Danza Group to acquire the five parcels owned by the CRA at the southeast corner of Seminole and Westgate, in accordance with the following terms.

The Danza Group shall pay an option fee of \$1,000 when signing the Agreement.

After signing the Agreement, the Group has up to one year to purchase the properties from the CRA.

Prior to purchasing the properties, Danza shall demonstrate that the Group has proof of financing sufficient to acquire and redevelop the properties. Danza shall also obtain all approvals and entitlements from Palm Beach County and land development regulators necessary to complete the project.

The purchase price shall be \$400,000.00 as offered in the 2018 RFQ response.

Danza shall have a period of two years from the closing date to substantially complete construction of the project.

It's been suggested that the reverter clause be removed from the original agreement because it will make it almost impossible for the Group to obtain financing.

Mr. Baird, WCRA's attorney presented to the Board that the option agreement was included with a \$40k deposit, which is 10% of the contract, a non-refundable deposit. There is still the one-year extension possible on exercising it to give Danza Group a year to obtain all their approval, including an amendment to the comprehensive plan. Mr. Baird also stated that the reverter clause was going to make it difficult for the developer to obtain financing for the project even though the Board may feel that the property should not be tied up because others may be interested in developing it, but most banks and most lenders won't lend money without a collateral. If the property is encumbered by a reverter clause. The bank won't have any recourse in the case of a default. There is a liquidated damage provision on page 7 which takes the place of the reverter clause. The insurance bond can be used to complete the project if Danza is not able to finish.

Mr. Michel stated that Danza had contacted him and indicated they agreed with the terms of the option agreement.

Staff recommended that the Board authorizes the Chair to execute the Agreement with the Danza Group.

It was moved by Ms. Haggerty and seconded by Ms. Benitez to execute the agreement with the Danza Group. The motion passed unanimously (4-0)

2. Approval of Inter Local Agreement with Palm Beach County for the design and Construction of Streetscape on Seminole Blvd. from Oswego Ave. to Okeechobee Blvd.

The agenda was presented by Mr. Michel. The CRA has received a grant to install 10-12 feet multiuse paths and pedestrian scale streetlights on Seminole Blvd. between Oswego Ave and Okeechobee Blvd. The grant is provided by the Florida Department of Transportation (FDOT) through the Palm Beach County Transportation Planning Agency. FDOT requires that the grant be administered by Palm Beach County which is the appropriate Local Agency Program (LAP) certified to implement FDOT projects.

The County has executed an Agreement with FDOT to implement the project.

The County reserves the right to modify the project for future improvement before the expiration of the useful life of the project. In such case, the County expects the CRA to

support reconfiguration and relocation of the project from the County's right-of-way; and reimburse the County if the County is required to repay or return any funds expended for the project.

The County agrees to design and construct the multiuse paths, streetlights, and landscaping per the approved design section in the grant application.

The County agrees to enter into a LAP Agreement with FDOT. The County agrees to hire design consultant to produce plans, acquire necessary permits, and prepare required LAP documentation for FDOT.

The County will prepare bid documents and contract for construction of the Project, including overseeing the bidding process, and contract finalization. The County will hire Construction Engineering and Inspection (CEI) or use in-house staff to administer contract for construction of the Project as required by LAP. This includes engineering coordination.

The CRA is responsible to forward all grant requirements and conditions received from FDOT to the County, forward all background information received for the project to the County, provide specific guidance and information regarding the project scope, perform all public coordination and address all public information request regarding the project.

The CRA is responsible to provide funding for the project before a contractor is selected. The CRA shall be responsible to pay for all costs associated with the projects.

The CRA will also be responsible to maintain the project after it is completed.

Palm Beach County plans to use Mock Roos for Civil Engineering and Project Management, Hillers Electrical Engineering for Electrical Engineering, Brown & Phillips for Land Surveying and Janus Research for Cultural Resource Assessment. The County is requesting \$150,000 for design and administration fees.

Staff recommended that the Board authorizes the Board Chair to execute the Agreement with the County for the Seminole Blvd. project and authorizes a prepayment of \$150,000.

Ms. Haggerty asked what is the estimated total cost of the design?

Mr. Daniels asked what is total grant?

Mr. Michel responded that the grant amount is about a million, DOT is not going paying for design.

Ms. Pennell stated that the grant covers certain parts of constructions and some percentage of the landscaping. Design and administration will be covered by the WCRA.

Mr. Michel stated that WCRA is responsible for the design, some landscaping and everything else that FDOT does not cover.

Mr. Daniels asked if we have a budget set up for the construction of the project?

Mr. Michel added that once the project is approved, we have three years to construct it. Every year when we do the budget we need to include funding in the annual for the TPA project.

Mr. Daniels said we have to keep track and keep a budget on the side for the TPA projects.

Mr. Michel stated that the construction cost will be approximately \$1 million. The design, the administration and Construction Engineering and Inspection (CEI) will not be covered by FDOT. The total of those costs is estimated at \$600,000 for a total project cost of \$1.6 million.

Mr. Daniels said it will roughly cost \$600k in three years.

Mr. Michel stated that he hopes WCRA will not need the total amount. A higher contingency amount is included to make the County more comfortable.

It was moved by Ms. Rufty and seconded by Ms. Haggerty to execute the Inter local agreement. The motion passed unanimously (4-0)

VIII. STAFF REPORTS

Mr. Michel reported to the Board that, WCRA staff has met with the County's design engineer about the Westgate Ave. Streetscape Project. Staff and County engineer discussed on street parking, number of driveways, street lighting and landscaping. Construction is scheduled to start on July 2022.

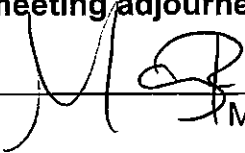
Mr. Michel reported to the Board that the Belvedere Heights drainage and FDOT project is moving forward.

Mr. Michel reported that, to address last month's resident concerns about neighborhood clean-up, two groups were hired to pick up trash dump in various areas in the CRA. We will do this kind of sweep once a month. Also, the fence is being repaired. A contract is being negotiated for a major improvement of the Babbling Brook. We have been recommended to do that at least every six months.

Mr. Michel reported to the Board that the auditors will be coming to the next month board meeting.

IX. AJOURNMENT

**It was moved by Ms. Rufty and seconded by Ms. Haggerty to adjourn the meeting.
The meeting adjourned at 5:41p.m.**



Mai Bui

Administrative Assistant, Westgate CRA

RE: 2021023 Seminole Blvd LAP project - check needed

Holly Knight

Mon 3/1/2021 9:57 AM

To: Elizee Michel <EMichel@pbcgov.org>;

Cc: Kristine Frazell-Smith <Kfsmith@pbcgov.org>; Sandra Ospina M. <SOspina@pbcgov.org>; Colleen Flanagan <CFlanagan@pbcgov.org>; Morton Rose <MRose@pbcgov.org>;

📎 1 attachments (9 MB)

2021023 Seminole Blvd Board Item draft.pdf;

Elizee,

I apologize. In my haste to get this task processed, I neglected to include staff costs and the full contingency amount in the check request I sent to you below. Please provide an additional \$30,820.66 check to complete the required funding for the Seminole project. Below is a breakdown and attached is the draft board item:

\$120,820.66	consultant fee
\$24,000	PBC Staff Costs
\$36,000	Contingency Amount
\$180,820.66	Total Needed

\$150,000	Amount already received
\$30,820.66	Additional amount needed

Sincerely,
Holly

From: Holly Knight

Sent: Tuesday, February 2, 2021 1:40 PM

To: Elizee Michel <EMichel@pbcgov.org>

Cc: Kristine Frazell-Smith <Kfsmith@pbcgov.org>; Sandra Ospina M. <SOspina@pbcgov.org>; Colleen Flanagan <CFlanagan@pbcgov.org>; Morton Rose <MRose@pbcgov.org>

Subject: 2021023 Seminole Blvd LAP project - check needed

Elizee,

Attached please find the scope/fee for the Seminole Blvd project. We will need a check from the CRA for \$150,000 per the attached ILA (*includes fee and contingency for design phase*). I will also need two originals signed of the ILA to include with the board item to get this task executed. Please send both as soon as possible as we are trying to expedite this to meet the FDOT LAP schedule.

Thank You,
Holly

Holly B. Knight, P.E.
Contracts Manager
Palm Beach County

23

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date:	April 20, 2021	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
		<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Department:	Engineering & Public Works Department
Submitted By:	Engineering & Public Works Department
Submitted For:	Roadway Production Division

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve:

- A) an Interlocal Agreement (ILA) with Westgate Belvedere Homes Community Redevelopment Agency (CRA);
- B)a Work Task Order (WTO) to the Civil Annual Professional Services Contract (R2020-0402) dated May 5, 2020 (Contract) with Mock Roos,& Associates, Inc. (MRA) in the amount of \$120,820.66 for the Seminole Boulevard, Oswego Avenue to Okeechobee Boulevard (Project); and
- C) a Budget Amendment of \$180,820.66 in the Westgate CRA fund to recognize the reimbursement funding from CRA and appropriate it to the Project.

SUMMARY: CRA was awarded a Local Agency Program (LAP) grant for the construction of the Project. CRA requested that Palm Beach County (County) design and construct the Project. Approval of the Interlocal Agreement will recognize that CRA will be responsible for all costs above the grant amount and maintenance of the improvements after construction is complete. Approval of this WTO will provide the professional services necessary for the design of streetlights, sidewalks and sodding along Seminole Boulevard. The Affirmative Procurement Initiative selected for this Contract on September 23, 2020 by the Goal Setting Committee are a 20% minimum mandatory Small Business Enterprise (SBE) participation and a SBE evaluation preference. MRA contractually agreed to 20% SBE participation for the Contract. They agreed to 44.18% SBE participation for this WTO. Their cumulative SBE participation to date for the Contract including this WTO is 44.18%. MRA is a County based company. District 7 (YBH)

Background and Justification: The LAP is intended to provide federal grants to local agencies. On November 6, 2019, the Board of County Commissioners (BCC) approved the Contract with MRA to provide civil engineering professional services throughout the County. The fee, as detailed in **Exhibit B** of the attached WTO, has been negotiated as just and **(Continued on page 3)**

Attachments:

- 1. Location Map
 - 2. Interlocal agreement with Westgate CRA (2)
 - 3. Work Task Order with Exhibits A, B, C & Ebix Insurance Compliance (2)
 - 4. Budget Amendment
-

Recommended by: _____
County Engineer Date

Approved By: _____
Assistant County Administrator Date

Background and Justification: (Continued from page 1)

reasonable compensation as follows:

Basic Services (Lump Sum)	\$83,196.69	(LAP Documents & FDOT Submittals Roadway Plans, Utility Coordination, Survey, Permitting)
Reimbursable Services (Not to Exceed)	\$29,247.83	(Surveys, Permit Fees and Prints)
Optional Services (Not to Exceed)	<u>\$ 8,376.14</u>	(Post Design)
Total:	\$120,820.66	

After reviewing the attached WTO and finding it in proper order, the Engineering Department recommends BCC approval.

LEASE AGREEMENT

This Lease Agreement is entered into on this 1st day of March, 2021 by and between Westgate/Belvedere Homes CRA ("Landlord") and Everton Morrison ("Tenant"). Landlord hereby leases to Tenant the premises situated at 2631 Chickamauga Avenue, West Palm Beach, FL 33409 ("premises") together with all appurtenances (washer, dryer, refrigerator, stove, dishwasher, microwave), on a Month to Month basis to commence on March 1, 2021.

1. **RENT.** Tenant agrees to pay, without demand, to Landlord as rent for the premises the sum of Twelve Hundred And No/100 Dollars (\$1,200) per month in advance due on the 1st day of each month beginning March 1st, 2021 and to end on April 1st, 2021. Rent payments shall be made payable to Westgate CRA and shall be mailed or delivered to 1280 N Congress Avenue, Suite 215, West Palm Beach, FL 33409, or at such other place as Landlord may designate in writing. In the event rent is not paid within three (3) days after due date, Tenant agrees to pay a late charge of \$30.00 or \$10.00 per day, whichever is greater. A fee for posting notice to eviction shall be the responsibility of the Tenant and shall not exceed the sum of \$40.00. Tenant agrees further to pay \$35.00 for each dishonored rent check. All of the above fees shall be considered additional rent.
2. **SECURITY DEPOSIT.** Tenant has deposited Five Hundred and no/100 (\$500.00), as security for the faithful performance by the Tenant of the terms of this Lease. Said deposit is held by the Landlord in a separate account at _____ for the benefit of the Tenant and shall be returned to the Tenant without interest on the full and faithful performance of all the terms of this Lease.
3. **QUIET ENJOYMENT.** Landlord covenants herein that Tenant shall peacefully and quietly have, hold and enjoy the premises for the agreed term.
4. **USE OF PREMISES.** The premises shall be used and occupied by Tenant exclusively as a private single family residence, and no part thereof shall be used at any time during the term of this Lease by the Tenant for the purpose of carrying on any business, profession or trade of any kind, or for any purpose other than as a private single family residence. Tenant shall comply with all the sanitary laws, ordinances, rules and orders of appropriate governmental authorities affecting the cleanliness, occupancy, and preservation of the premises, and the sidewalks, connected thereto, during the term of this Lease.
5. **AUTHORIZED OCCUPANT.** The premises shall be occupied by no more than One persons. The names of the occupants are: Everton Morrison. Additional persons may occupy the premises only with the written consent of the Landlord.
6. **CONDITIONS OF PREMISES.** Tenant stipulates that she has examined the premises, including but not limited to the grounds and all buildings and improvements, and that they are, at the time of the Lease, in good repair, and in a safe, clean and tenantable condition.
7. **ASSIGNMENT AND SUBLETTING.** Without the prior written consent of the Landlord, Tenant shall not assign this Lease, or sublet or grant any license to use the premises or any part thereof. If Landlord provides written consent to Tenant of the assignment of this Lease or sublet or grant any license to use the premises or any part thereof, Tenant agrees to pay Landlord's attorney's fees and costs associated with the assignment subletting or license. A consent of Landlord to one assignment, subletting, or license shall not be deemed to be a consent to any subsequent assignment, subletting, or license. An assignment subletting or license without the prior written consent of the Landlord, or any assignment or subletting by operation of law, shall be void and shall, at the Landlord's option terminate the Lease.

8. ALTERATIONS AND IMPROVEMENTS. Tenant shall make no alterations to the buildings on the premises or construct any building or make other improvements on the premises without the prior written consent of Landlord. All alterations, changes and improvements built, constructed, or placed on the premises by Tenant, with the exception of fixtures removable without damage to the premises and movable personal property, shall unless otherwise provided by written agreement between Landlord and Tenant, be the property of the Landlord and remain in the premises at the expiration or sooner termination of this Lease.
9. DAMAGE TO PREMISES. If the premises, or any part thereof shall be partially damaged by fire, or other casualty not due to the Tenant's negligence or willful act or that of his employee, family agent or visitor, the premises shall be promptly repaired by the Landlord and there shall be an abatement or rent corresponding with the time during which and the extent to which the premises are untenable, provided that in the event of damage by fire or other casualty in the amount of more than one half of the market value of the dwelling, landlord shall have the option of not rebuilding or repairing, in which event the term of this Lease shall end and the rent shall be prorated up to the time of the damage.
10. KEYS AND LOCKS. Landlord has furnished Tenant with ____ set of keys to the dwelling, ____ mailbox key, ____ garage door opener, ____ master key to the common areas and ____ gate clicker to community, and ____ garage door keys. At the end of the Lease, all foregoing items shall be returned to the Landlord.
11. DANGEROUS MATERIALS. Tenant shall not keep on the premises any item of dangerous, inflammable or explosive character that might unreasonably increase the danger of fire on the leased premises or that might be considered hazardous or extra hazardous by any reasonable insurance company.
12. UTILITIES. Tenant shall be responsible for arranging and paying for all utility services during the term of the Lease required on the premises except Homeowners Association fee and basic cable, which shall be provided by Landlord.
13. MAINTENANCE AND REPAIR. Tenant will, at his sole expense, keep and maintain the premises and appurtenances in good and sanitary condition and repair during the term of this Lease and any renewal thereof. In particular, Tenant will keep the furnace and air conditioning clean including replacement of the filters when necessary and Tenant will keep the walks free from dirt and debris, and shall make all required repairs to the plumbing service for removal of foreign substance from the toilets, bathtubs, sinks, etc., and for any plumbing service for occasioned by clogging by reason of any of the foregoing including but not limited to drain cleaning service, and was not found to be due to a pre-existing defect or that the cause is not attributable to Tenant. Tenant will pay the cost of any service calls. Tenant agrees that no painting shall be done on or about the premises by Tenant without prior written consent of Landlord.
14. ANIMALS. Tenant shall keep no domestic or other animals on or about the premises without the express written consent of Landlord.
15. INSPECTION OF PREMISES. Landlord has the right at all reasonable times during the term of this Lease and any renewal thereof to enter the premises for the purpose of inspecting the premises and all building and improvements thereon, including but not limited to, showing the property to prospective tenants or purchasers. During the last sixty (60) days of this Lease, Landlord may show the property to prospective tenants or purchasers.
16. HOMEOWNER'S ASSOCIATION. Landlord and Tenant agree that the Lease is contingent upon receiving approval from the association.

17. RISK OF LOSS/INSURANCE. Tenant shall carry insurance covering Tenant's personal property and Tenant's liability insurance.
18. LIENS. Tenant shall not have the right or authority to encumber the premises or to permit any person to claim or assert any lien for the improvement or repair of the premises made by Tenant. Tenant shall notify, in writing, all parties performing work on the premises at Tenant's request that Tenant is not the owner of the premises and that the Lease does not allow any liens to attach to Landlord's interest. In the event that regardless of this prohibition any person or entity shall file a lien against Landlord's interest therein, Tenant, within seven (7) days after being notified by Landlord shall cause said lien to be satisfied. In the event the lien is not discharged as required above, it shall be deemed a default under this Lease and Landlord may advance funds necessary to discharge the lien and recover any amounts so paid from Tenant, including but not limited to Landlord's costs and attorney's fees.
19. HOLDOVER BY TENANT. If Tenant remains in possession of the premises with the consent of Landlord after the natural expiration of this Lease a new tenancy from month to month shall be created between the Landlord and Tenant which shall be subject to all the terms and conditions hereof.
20. SURRENDER OF PREMISES. At the expiration of the Lease term, Tenant shall surrender the premises in as good state and condition as they were at the commencement of this Lease. Tenant to give Landlord thirty (30) days written notice of his intention to either extend and/or vacate, prior to end of Lease term.
21. DEFAULT. Tenant shall be in default if any of the following occurs:
- a. Tenant fails to pay rent when due and the default continues for three (3) days excluding Saturday, Sunday and legal holidays, after delivery of written demand by Landlord for payment of the rent or possession of the premises.
 - b. If Tenant materially fails to comply with any duties imposed on Tenant by statute or material provisions of the lease, other than a failure to pay rent, or of any present rules and regulations or any that may be hereafter prescribed by Landlord, Landlord may terminate the Lease:
 - i. If the noncompliance is of a nature that the Tenant should not be given an opportunity to correct it or if the noncompliance constitutes a subsequent or continuing noncompliance within twelve (12) months of a written warning by the Landlord of a similar violation. Examples of noncompliance that are of a nature that the Tenant should not be given an opportunity to correct it include, but are not limited to, destruction, damage or misuse of the Landlord's or other Tenant's property by an intentional act or a subsequent or continued unreasonable disturbance. In such event, the Landlord may terminate the Lease and the Tenant shall have seven (7) days from the date that the notice is delivered to vacate the premises.
 - ii. If such noncompliance is of a nature that Tenant should be given an opportunity to correct it, and Tenant fails to do so within seven (7) days after delivery of written notice from Landlord specifying the noncompliance. Examples of such noncompliance include, but are not limited to, having or permitting unauthorized pets, guests, or vehicles; parking in an authorized manner or permitting such parking; or failing to keep the premises clean and sanitary.
22. CLAIMS UPON SECURITY DEPOSIT. When Tenant vacates or abandons the premises prior to the expiration of the term specified in this Lease whether voluntarily or involuntarily, the Tenant shall give at least seven (7) days written notice by certified mail to Landlord prior to vacating or abandoning the premises, such notice shall include the address where the Tenant may be reached. Failure to give such notice shall relieve Landlord of the notice requirement or imposition of a claim of damages against the Tenant's security deposit as set forth in Florida Statute 83.49.

23. **INDEMNIFICATION OF LANDLORD.** Tenant shall fully indemnify Landlord against any such claims for personal injury, death, or damage to another's property which occurs upon the premises during the term of this Lease, and is a result of any act or omission of the Tenant, his servants, invitees, guests or agents. Tenant shall be responsible for the defense of any such claim, and damages awarded and all attorney's fees and costs incurred by Landlord or Landlord's agent. Tenant shall promptly pay such expenses and damages to Landlord when assessed.
24. **BINDING EFFECT.** The covenants and conditions herein contained shall apply to and bind the heirs, legal representatives, and assigns of the parties hereto, and all covenants are to be construed as conditions of this Lease.
25. **ATTORNEY FEES.** In the event Landlord must hire an attorney to enforce any provision of this Lease, whether suit be brought or not, Landlord may recover his/her reasonable attorney's fees and other reasonable costs from the Tenant.
26. **SPECIAL CLAUSES.**
- Entire Agreement-This Lease shall constitute the entire agreement between Landlord and Tenant, no prior or contemporaneous oral promises or representations shall be binding. This Lease shall not be amended or changed except by writing instrument signed by both parties hereto.
 - Severability-If any provision of this Lease or the application thereof to any person or circumstances shall at any time or to any extent be held invalid or unenforceable, it shall not impair or affect the remainder of this Lease and the remaining terms and provision hereof shall not be invalidated, but shall remain in full force and effect and shall be construed as if such invalid, unenforceable, or non-applicable provision was omitted.
 - Venue for enforcement of this Lease shall lie exclusively in Palm Beach County, Florida.
 - Radon Gas-Notice to Tenant Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit. Pursuant to Florida Statute §404.056(6).

EXECUTED at Palm Beach County, Florida this day and year first written above.

Everton Morrison _____ Tenant

Westgate/Belvedere Homes Community Redevelopment Agency
By: _____
Ronald L. Daniels, CRA Board Chair

ADDITIONAL AGREEMENT REGARDING DISPOSAL OF TENANT'S PERSONAL PROPERTY AFTER SURRENDER OR ABANDONMENT

Pursuant to Florida Statute 83.67(3) Landlord and Tenant agree as follows:

1. If at any time during the term of this lease, Tenant abandons the premises or any part thereof, Landlord may at their option, obtain possession of the premises in the manner provided by law and without becoming liable to Tenant for damages or for any payment of any kind whatsoever. Landlord may at their discretion, as agent for Tenant re-let the premises or any part thereof or the whole or any part of the then un-expired term, and may receive and collect all rent payable by virtue of such re-letting and at Landlord's option, hold Tenant liable for any difference between the rent that would have been payable under this lease during the balance of the unexpired term, if this lease had continued in force and the net rent for such period realized by Landlord by means of such re-letting. TENANT HEREBY ACKNOWLEDGES, UNDERSTANDS AND AGREES THAT IF LANDLORD'S RIGHT OF RE-ENTRY IS EXERCISED FOLLOWING THE SURRENDER OR ABANDONMENT OF THE PREMISES BY TENANT, THEN LANDLORD MAY CONSIDER ANY PERSONAL PROPERTY BELONGING TO TENANT AND LEFT ON THE: PREMISES TO HAVE ALSO BEEN ABANDONED IN WHICH CASE THE LANDLORD IS NOT REQUIRED TO COMPLY WITH SECTION 715.104 FLORIDA STATUTES AND LANDLORD MAY DISPOSE OF ALL SUCH PERSONAL PROPERTY IN ANY MANNER LANDLORD SHALL DEEM PROPER AND LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY. In the absence of actual knowledge of abandonment, it shall be presumed that the Tenant has abandoned the dwelling unit if he/she is absent from the premises for a period of time equal to one-half the time for periodic rental payments. However, this presumption shall not apply if the rent is current or the Tenant has notified the Landlord, in writing, of an intended absence.

2. Tenant's obligation when vacating:

- i) Clean stove, including oven, and clean floors and to leave the premises in a clean and neat condition for the next Tenant, and if the Tenant has damaged the painting, the Tenant shall be responsible for repairing and repainting necessary to place the premises in as good a condition as they were upon the beginning of the term of this agreement, normal wear and tear excepted.
- ii) Close all windows and lock all doors.
- iii) Properly dispose of all garbage, debris and rubbish.
- iv) Inform all utility companies and postal authorities of departure and forwarding address and to pay all utility bills accrued. However, Tenant shall arrange for the electric service and the water service to be left on for a minimum of five (5) days in order to allow Landlord to inspect the premises and to effect final cleaning if necessary.
- v) Return all keys directly to Landlord.
- vi) Repair all damage or deterioration to the premises, buildings and grounds caused by Tenant's neglect or conduct.
- vii) Insure that the dwelling, including appliances, closets, and cupboards are clean and clear from insects and the refrigerator is defrosted.
- viii) Leave forwarding address with Landlord.
- ix) All carpeting must be professionally cleaned and the receipt submitted to the Landlord. If the carpets are not cleaned upon vacating the premises, Landlord will have carpets cleaned and payment for said cleaning will be deducted from tenant's security deposit.

3. Tenant was made aware that house that age may have lead based paint. A lead based paint brochure was given to the tenant.

EXECUTED at Palm Beach County, Florida this day and year first written above.

Tenant

SITE DEVELOPMENT ASSISTANCE PROGRAM APPLICATION

Applicant Name: MICKEY FERNANDEZ

Business Name: M. PAIS GREEN, INC

Business Address: 2633 WESTGATE AVE

WEST PALM BEACH, FL 33409

Mailing Address (if different than above): 3301 BROADWAY

WEST PALM BEACH, FL 33407

Phone: 561-502-6154

Email: mickeyfernandez@hotmail.com

Website: _____

Property Control Number (PCN#): 00434330030280370 ; 00434330030280070

EIN#: 65-0921037

Applicant's business/development site is:
(attach copy of multi-year lease or warranty deed)

☒ Owned ☐ Leased

Applicant's project includes: (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Exterior Lighting | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Roof Repair |
| <input type="checkbox"/> Commercial Parking | <input type="checkbox"/> Exterior Signage | <input checked="" type="checkbox"/> New Construction |
| <input type="checkbox"/> Expansion/Renovation of an existing building | | |

Project Budget:

1. Interior Renovations/Improvements: \$ 492,889.00 (building structure, soft costs, interior)

2. Exterior Renovations/Improvements: \$ 599,909.00 (exterior components, site work)

3. Pre-development/Permitting: \$ _____

4. Total Project Budget: \$ 1,092,798.75

Are you applying for grant assistance under any other program offered by the CRA: Yes ☐ No ☒

If so, what other programs are you applying for: _____

Have you been approved for funding by the CRA Board: Yes ☐ No ☒ If so, amount: \$ _____?

Please read the section below carefully. After you have read the entire application, sign the form below and submit your completed application to the CRA offices.

I, the undersigned, being a principal of the business applying for assistance under the Site Development Assistance Program, certify that the business in the Westgate/Belvedere Homes Community Redevelopment Area within the unincorporated area of Palm Beach County.

I understand that the CRA may, at its sole discretion, discontinue subsidy payments at any time if in its sole and absolute determination it feels such assistance no longer meets the program criteria or no longer furthers the Westgate CRA Community Redevelopment Plan.

I understand that this application is not a guarantee of assistance. Should my application be approved, I understand that I am committing to completing the project I have represented in this application and obtaining a Certificate of Occupancy or the necessary satisfactory inspection notices signifying that the work has been done in accordance with County ordinances and codes. I agree to obtain all necessary County or other governmental or State approvals and/or licenses prior to beginning any work. Failure to do so may jeopardize my ability to receive reimbursement under this grant program.

I understand that the project represented in this application must receive CRA Board approval before the work is completed in order to be eligible for reimbursement.

I have read this program brochure in its entirety and by signing below accept the terms of the program as represented in this brochure. I understand that if this application is submitted incomplete, it will not be processed.

Mickey Fernandez
Applicant's Signature

MICKEY FERNANDEZ 8/30/2020
Printed Name Date

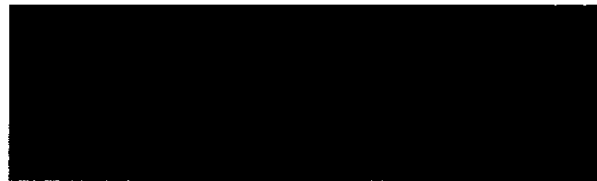
APPLICATION CHECKLIST

The completed application must include the following items prior to processing:

- ☒ Signed and completed application form
- ☒ Business Plan or Executive Summary, including a narrative describing the business, its operations, its business principles, impact on the community, and potential for area resident employment
- ☒ Detailed 3-year budget projections of revenues and expenses
- ☒ Historical financials for the past three years, in a sealed envelope (existing businesses only)
- ☒ Copy of multi-year lease (including expressed permission from landlord to make changes as outlined in the project) or copy of Warranty Deed showing property ownership
- ☒ Narrative description of entire project, broken down into interior and exterior improvements and/or renovations, including financing sources
- ☒ Detailed breakdown of exterior renovations and improvements for which reimbursement is being requested under the grant program.

MI PAIS EXPRESS WESTGATE

www.mipaisexpress.com | 0212 400 00 00



1. COMPANY OVERVIEW

Mi Pais Express is a company that was created with the sole purpose of providing excellent Service to the Community. Created in 1999 and having its main offices in its own building at 3301 Broadway. By May 2005 it opened its second location, a MetroPCS cell phone store and then in July of the same year it opened Mi Pais Express II in the Westgate area, due to the emigration of Guatemalans from the Broadway area to the Westgate area.

Her mission statement is providing excellent service to the Guatemalans community and the Immigration groups around the Broadway and Westgate area.

Being, Mickey Fernandez the owner formed in 2013 a corporation LLC called Multiservices center, with the purpose of providing a service to the non-existent community in any of the 2 areas where its two main locations operated.

Multiservices Center was created with the sole purpose of offering our clients a service that, not only did not exist in the area, but also our community was being scammed in matters of tax preparation services, minor immigration matters, translations between others. The company has grown to the point that we plan to open one of the 2 new locations of the new building at 2633 Westgate Ave, with the potential to increase our clientele, therefore we project up to 4 new employees in the near future, to have a total

of at least 6 employees. In the Other location we project Mi Pais Express III, a retail store specializing in Guatemalan products and handicrafts, in addition to new services.

There is no doubt that our merchant skills, combined with the experience, financial strength and portfolio of clients we have, our new project will be a success for the Westgate area in every way.

HISTORICAL FINANCIAL RECORDS

	2Mi Pais II 2018	2Mi Pais II 2019	2Mi Pais II 2020
Ordinary Income/Expense			
Income			
46000 • Sales			
Merchandise	170,483.00	160,949.27	245,403.61
Total 46000 • Sales	170,483.00	160,949.27	245,403.61
46500 • Commission			
Total 46500 • Commission	190,556.83	224,754.26	203,352.50
47050 • Rent Income	5,046.71	3,369.53	
70000 • Cash Discrepancies Overages	1,345.86	681.96	488.50
Total 70000 • Cash Discrepancies	1,300.18	551.23	488.23
Total Income	367,386.72	389,624.29	449,244.34
Cost of Goods Sold			
51800 • Purchases	119,338.10	112,664.49	236,895.50
Total COGS	119,338.10	112,664.49	236,895.50
Gross Profit	248,048.62	276,959.80	212,348.84
Expense			
60000 • Advertising and Promotion	5,887.98	6,605.25	
60100 • Amortization Cost			
60200 • Automobile Expense		523.61	
60400 • Bank Service Charges Maintenance Fee	65.00	114.00	216.00
Total 60401 • Suntrus	77.50	174.25	1,458.75
Total 60400 • Bank Service Charges	77.50	174.25	483.16
61000 • Business Licenses and Permits	308.00	1,531.85	321.61
61400 • Charitable Contributions	300.00	550.00	
61700 • Computer and Internet Expenses		470.79	
63300 • Insurance Expense			0.00
Total 63300 • Insurance Expense	1,846.00	4,535.67	1,379.34
63500 • Janitorial Expense	753.79	496.36	
64000 • Lease	1,033.53	1,126.56	1,126.56
64500 • Merchant Fees	1,568.56	824.05	928.50
64700 • Miscellaneous Expense			1,434.70
64900 • Office Supplies	3,203.38	5,451.30	6,215.40

66000 · Payroll Expenses			
66100 · Salaries and Wages			
Total 66100 · Salaries and Wages	139,887.40	144,706.05	120,902.64
Payroll Tax Expense	<u>10,827.79</u>	<u>11,193.51</u>	<u>5,541.90</u>
Total 66000 · Payroll Expenses	150,715.19	155,899.56	126,444.54
66700 · Professional Fees			
Accounting Fees	<u>2,150.03</u>	<u>2,456.74</u>	<u>2,466.74</u>
Total 66700 · Professional Fees	2,150.03	2,456.74	2,466.74
66800 · Promotion	1,000.00		
67100 · Rent Expense	23,431.17	27,709.59	25,966.52
67200 · Repairs and Maintenance	886.69	1,299.00	5,114.00
67400 · Security services	668.00	590.14	559.12
68000 · Taxes - Property	0.00	0.00	0.00
68100 · Telephone Expense	45.00	0.00	303.22
68600 · Utilities	<u>8,095.10</u>	<u>6,233.48</u>	<u>5,904.23</u>
Total Expense	<u>201,969.92</u>	<u>216,478.20</u>	<u>180,026.98</u>
Net Ordinary Income	46,078.70	60,481.60	32,321.86
Other Income/Expense			
Other Income			
70200 · Interest Income	1.96	<u>1.08</u>	3.19
Total Other Income	183.00	248.92	338.01
Other Expense	<u>-</u>	<u>-</u>	<u>-</u>
Total Other Expense	-	-	-
Net Other Income	<u>183.00</u>	<u>248.92</u>	<u>338.01</u>
Net Income	<u><u>46,261.70</u></u>	<u><u>60,730.52</u></u>	<u><u>32,659.87</u></u>

THREE-YEAR BUDGET PROJECTIONS

	2Mi Pais II <u>2021</u>	2Mi Pais II <u>2022</u>	2Mi Pais II <u>2023</u>
Ordinary Income/Expense			
Income			
46000 · Sales			
Merchandise	<u>220,863.25</u>	<u>225,280.51</u>	<u>229,786.12</u>
Total 46000 · Sales	220,863.25	225,280.51	229,786.12
46500 · Commission			
Total 46500 · Commission	183,017.25	186,677.60	190,411.15
47050 · Rent Income	79,200.00	83,160.00	87,318.00
70000 · Cash Discrepancies Overages	-	-	-
Total 70000 · Cash Discrepancies	<u>-</u>	<u>-</u>	<u>-</u>
Total Income	483,080.50	495,118.11	507,515.27
Cost of Goods Sold			
51800 · Purchases	<u>213,199.29</u>	<u>217,463.28</u>	<u>221,812.55</u>
Total COGS	<u>213,199.29</u>	<u>217,463.28</u>	<u>221,812.55</u>
Gross Profit	269,881.20	277,654.83	285,702.73
Expense			
60000 · Advertising and Promotion	6,000.00	6,000.00	6,000.00
60100 Amortization Ccost	24,109.09	24,109.09	24,109.09
60200 · Automobile Expense			
60400 · Bank Service Charges			
Maintenance Fee	300.00	300.00	300.00
Total 60401 · Suntrus	<u>300.00</u>	<u>300.00</u>	<u>300.00</u>
Total 60400 · Bank Service Charges	300.00	300.00	300.00
61000 · Business Licenses and Permits	450.00	450.00	450.00
61400 · Charitable Contributions			
61700 · Computer and Internet Expenses			
63300 · Insurance Expense	-	-	-
Total 63300 · Insurance Expense	36,785.88	39,472.34	38,889.36
63500 · Janitorial Expense			
64000 · Lease	1,126.56	1,126.56	1,126.56

64500 · Merchant Fees	928.50	928.50	928.50
64700 · Miscellaneous Expense	1,434.70	1,434.70	1,434.70
64900 · Office Supplies	6,215.40	6,215.40	6,215.40
66000 · Payroll Expenses			
66100 · Salaries and Wages			
Total 66100 · Salaries and Wages	88,614.40	99,680.00	108,000.00
Payroll Tax Expense	<u>8,163.59</u>	<u>9,380.80</u>	<u>10,296.00</u>
Total 66000 · Payroll Expenses	96,777.99	109,060.80	118,296.00
66700 · Professional Fees			
Accounting Fees	<u>2,466.74</u>	<u>2,466.74</u>	<u>2,466.74</u>
Total 66700 · Professional Fees	2,466.74	2,466.74	2,466.74
66800 · Promotion			
67100 · Rent Expense			
67200 · Repairs and Maintenance	925.00	925.00	925.00
67400 · Security services	559.12	559.12	559.12
68000 · Taxes - Property	1,793.22	1,793.22	1,793.22
68100 · Telephone Expense	303.22	303.22	303.22
68600 · Utilities	<u>5,904.23</u>	<u>5,904.23</u>	<u>5,904.23</u>
Total Expense	<u>186,079.65</u>	<u>201,048.92</u>	<u>209,701.14</u>
Net Ordinary Income	83,801.55	76,605.91	76,001.59
Other Income/Expense			
Other Income			
70200 · Interest Income	3.19	3.19	3.19
Total Other Income	338.01	338.01	338.01
Other Expense			
Total Other Expense	<u>-</u>	<u>-</u>	<u>-</u>
Net Other Income	<u>338.01</u>	<u>338.01</u>	<u>338.01</u>
Net Income	<u>84,139.56</u>	<u>76,943.92</u>	<u>76,339.60</u>

MI PAIS

COR Breakdown
2/26/2021

		Contract 4/20/18	COR#1 1/11/19	COR#2 3/6/19	COR#3 11/25/2020	New Contract Total
01-100	General Conditions	70,834.00	2,000.00	0.00	0.00	72,834.00
02-050	Demo	0.00	20,000.00	0.00	0.00	20,000.00
02-152	Survey	7,728.00	462.00	0.00	0.00	8,190.00
X 02-510	Sitework Package	178,208.00	-6,247.00	5,134.00	0.00	177,095.00
02-635	Site Pavers	0.00	0.00	550.00	0.00	550.00
02-830	Dumpster Enclosure Gates	5,500.00	0.00	0.00	0.00	5,500.00
02-810	Irrigation	4,700.00	3,645.00	0.00	0.00	8,345.00
02-900	Landscaping	23,100.00	0.00	9,500.00	0.00	32,600.00
02-930	Sod	1,288.00	172.00	0.00	0.00	1,460.00
09-931	Root barrier	1,200.00	50.00	1,875.00	0.00	3,125.00
10-430	Exterior signage	3,000.00	0.00	0.00	0.00	3,000.00
03-100	Concrete	121,189.00	5,880.00	-300.00	0.00	126,769.00
05-121	FRP Column Covers	4,663.00	358.00	0.00	0.00	5,021.00
05-310	Metal Form Decking	2,841.00	-41.00	0.00	0.00	2,800.00
05-510	Steel Pan Stairs	9,340.00	2,120.00	0.00	0.00	11,460.00
05-520	Handrails	6,040.00	1,775.00	0.00	0.00	7,815.00
05-050	Aluminum soffits	15,617.00	-4,917.00	0.00	0.00	10,700.00
06-410	Cabinetry	18,600.00	-1,910.00	0.00	0.00	16,690.00
06-190	Trusses	13,836.00	-3,127.00	-37.80	0.00	10,671.20
06-180	LVL Beams	8,422.00	507.00	-1,196.30	0.00	7,732.70
06-440	Baseboard	3,325.00	200.00	0.00	0.00	3,525.00
07-100	Roofing	12,800.00	2,055.00	-780.00	16,705.00	30,780.00
07-200	Insulation- R4.1, R19, R11	5,021.00	-674.00	0.00	0.00	4,347.00
08-101	Doors & Hardware	15,564.00	-100.00	0.00	0.00	15,464.00
08-810	Windows & Glass Doors	33,573.00	-3,158.00	20,756.10	0.00	51,171.10
09-101	Stucco	18,499.00	400.00	0.00	0.00	18,899.00
09-250	Drywall- interior	31,000.00	11,000.00	0.00	0.00	42,000.00
09-251	FRP	1,200.00	0.00	0.00	0.00	1,200.00
09-310	VCT	2,411.00	0.00	0.00	0.00	2,411.00
09-311	Cove Base	1,101.00	0.00	0.00	0.00	1,101.00
09-312	Ceramic Tile	3,162.00	0.00	0.00	0.00	3,162.00
09-510	Acoustical Ceiling- 2224sq'	7,200.00	-1,550.00	0.00	0.00	5,650.00
09-685	Carpet	6,325.00	0.00	0.00	0.00	6,325.00
09-790	Vinyl Sheet	5,834.00	0.00	0.00	0.00	5,834.00
09-910	Painting - Interior/Exterior/Dumpster	14,250.00	-1,500.00	0.00	0.00	12,750.00
10-522	Fire Extinguisher (2) 5lb	150.00	30.00	0.00	0.00	180.00
10-670	Closet shelving- 36LF	1,200.00	400.00	0.00	0.00	1,600.00
10-800	Bathroom accessories	622.00	83.00	0.00	0.00	705.00
13-851	Fire Alarm	17,013.00	-5,413.00	0.00	0.00	11,600.00
13-900	Fire Sprinkler	0.00	19,100.00	0.00	0.00	19,100.00
15-400	Plumbing	45,749.00	-6,032.00	1,824.00	0.00	41,541.00
15-500	HVAC	47,446.00	750.00	250.00	0.00	48,446.00
16-100	Electrical	81,500.00	16,800.00	0.00	0.00	98,300.00
Sub Total		851,051.00	53,118.00	37,575.00	16,705.00	958,449.00
Overhead		59,573.57	3,718.26	2,818.13	1,252.88	71,883.68
Fee		59,573.57	3,718.26	2,818.13	1,252.88	71,883.68
		982,583.00	47,941.00	43,064.00	19,210.75	1,092,798.75



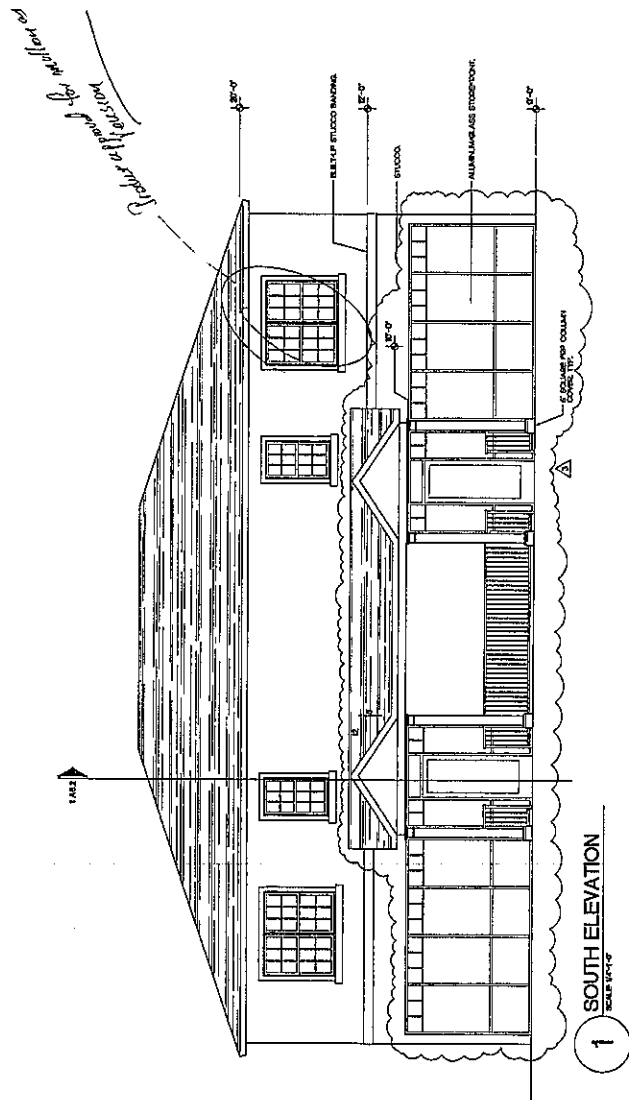
MI Pals Express
 2633 Westgate Avenue
 West Palm Beach, Florida

Exhibit No.	A 02779
Date	1/16/78
Drawn by	DDZ
Scale	1" = 1'-0"
Sheet No.	A4.2

**RECORD
 OFFICE
 COPY**

20279-0000
 1/16/78
 1" = 1'-0"

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.





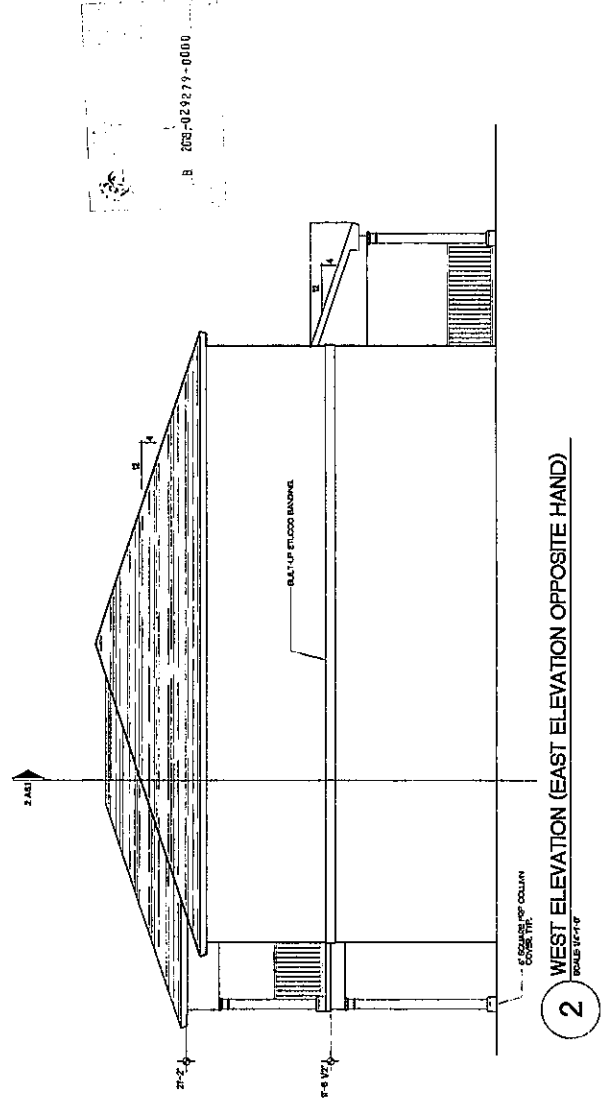
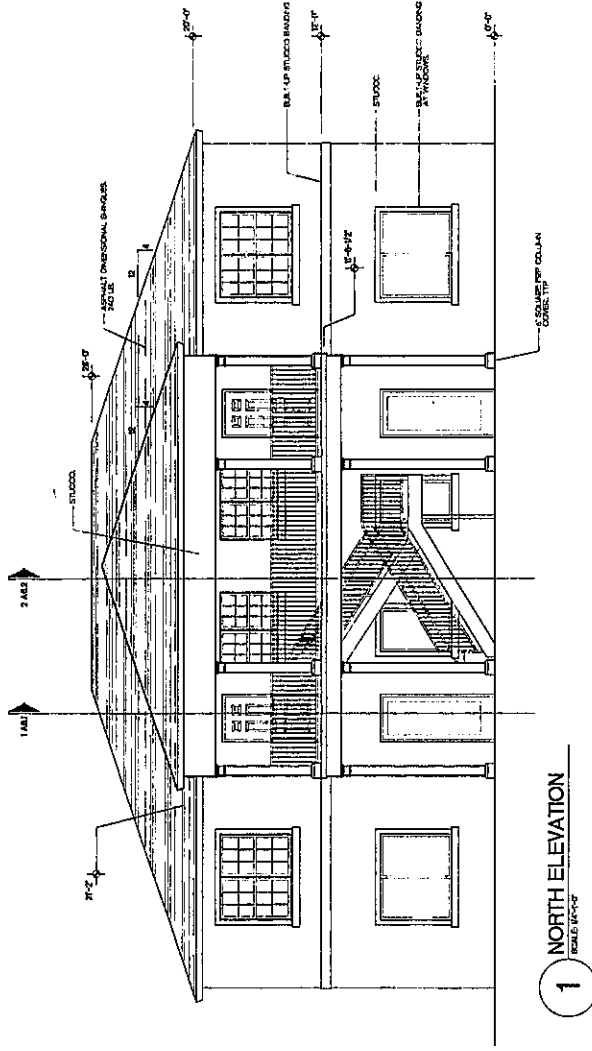
Alfred P. Giamberini
Professional Engineer
No. 12400
State of Florida

EXHIBIT A
ARCHITECTURAL
DRAWINGS
FOR THE
RECONSTRUCTION
OF THE
MI PAIS EXPRESS
BUILDING
AT
2633 WESTGATE AVENUE
WEST PALM BEACH, FLORIDA

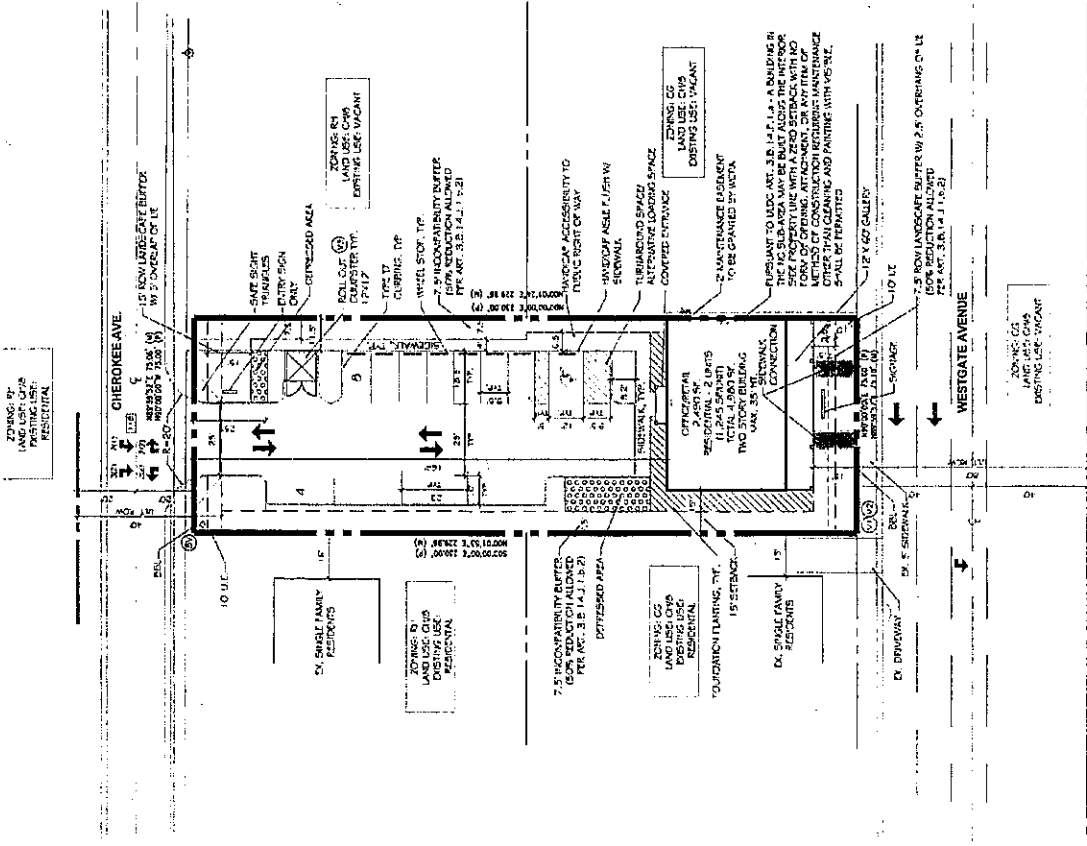
MI PAIS EXPRESS
2633 Westgate Avenue
West Palm Beach, Florida

THESE PLANS HAVE BEEN
REVIEWED FOR CONFORMANCE
WITH THE FLORIDA
BUILDING CODE
AND THE
FLORIDA
PLUMBING
AND MECHANICAL
CODES
AND FOUND TO BE
IN ACCORDANCE
THEREWITH
FEB 17 2019
WEST PALM BEACH, FLORIDA

A4.1



Age Group	Percentage (%)
0-10	10
10-20	20
20-30	25
30-40	40
40-50	50
50-60	55
60+	60



Prepared by and Return to:
Maureen Cabra, an employee of
First International Title, Inc.
1801 Centrepark Drive East
Suite 175
West Palm Beach, FL 33401
File No.: 159456-30

WARRANTY DEED

This indenture made on June 25, 2020, by **Mickey Fernandez**, whose address is: **3301 Broadway, West Palm Beach, FL 33407**, hereinafter called the "grantor", to **Mi Pais Express Holdings Inc., a Florida corporation**, whose address is: **3301 Broadway, West Palm Beach, FL 33407**, hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Palm Beach County, Florida**, to-wit:

PARCEL ONE

Tract "A", MI PAIS EXPRESS, according to the Plat thereof, recorded in Plat Book 129, Page(s) 109 of the Public Records of Palm Beach County, Florida.

PARCEL TWO

All of Lot 5 and the South 40 feet of Lot 4, Block 40, NORTHWOOD ADDITION TO WEST PALM BEACH PLAT NO. 4, according to the Plat thereof, recorded in Plat Book 9, Page(s) 47 of the Public Records of Palm Beach County, Florida.

Parcel Identification Number: **00-43-43-30-03-028-0070**

00-43-43-30-03-028-0370

00-43-43-09-05-040-0041

The land is not the homestead of the Grantor under the laws and Constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to **December 31st of 2019**.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Mickey Fernandez
Mickey Fernandez

Signed, sealed and delivered in our presence:

[Signature]
1st Witness Signature
Print Name: Marlin Bueno

Arlene D. Burnette
2nd Witness Signature
Print Name: Arlene D. Burnette

State of FLORIDA

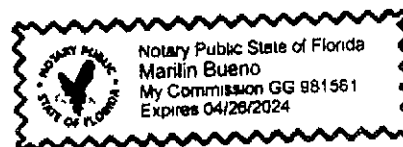
County of Palm Beach

The Foregoing Instrument Was Acknowledged before me by means of (☒) physical presence or (☐) online notarization on June 25, 2020, by Mickey Fernandez, who (☒) is/are personally known to me or who (☒) has/have produced the following as identification:

RIOL

[Signature]
Notary Public
Printed Name:

My Commission expires:



Prepared by and Return to:
Maureen Cabra, an employee of
First International Title, Inc.
1801 Centrepark Drive East
Suite 175
West Palm Beach, FL 33401
File No.: 159456-30

OR BK 31547 PG 636
RECORDED 07/06/2020 11:57:31
Palm Beach County, Florida
AMT 0.70
DEED DOC 0.70
Sharon R. Bock
CLERK & COMPTROLLER
Pgs 0636-0637; (2Pgs)

WARRANTY DEED

This indenture made on June 25, 2020, by **Mi Pais Express Inc., a Florida corporation**, whose address is: **3301 Broadway, West Palm Beach, FL 33407**, hereinafter called the "grantor"

to **Mi Pais Express Holdings Inc., a Florida corporation**, whose address is: **3301 Broadway, West Palm Beach, FL 33407**, hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Palm Beach County, Florida**, to-wit:

PARCEL ONE

Tract "A", MI PAIS EXPRESS, according to the Plat thereof, recorded in Plat Book 129, Page(s) 109 of the Public Records of Palm Beach County, Florida.

PARCEL TWO

All of Lot 5 and the South 40 feet of Lot 4, Block 40, NORTHWOOD ADDITION TO WEST PALM BEACH PLAT NO. 4, according to the Plat thereof, recorded in Plat Book 9, Page(s) 47 of the Public Records of Palm Beach County, Florida.

Parcel Identification Number: **00-43-43-30-03-028-0070**

00-43-43-30-03-028-0370

00-43-43-09-05-040-0041

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to **December 31st of 2019.**

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Mi Pais Express Inc., a Florida corporation

Mickey Fernandez
By Mickey Fernandez, Authorized Signor

Signed, sealed and delivered in our presence:

1st Witness Signature

Print Name: Martín Bueno

2nd Witness Signature

Print Name: Arnedo D. Burnette

State of FLORIDA

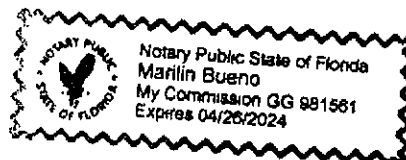
County of Palm Beach

The Foregoing Instrument Was Acknowledged before me by means of (☒) physical presence or (☐) online notarization on June 25 2020, by Mickey Fernandez, Authorized Signor of Mi Pais Express Inc., a Florida corporation, who (☐) is/are personally known to me or who (☒) has/have produced the following as identification: A.D.C.

Notary Public

Printed Name:

My Commission expires:





Westgate CRA Board Meeting
March 8, 2021

AGENDA ITEM SUMMARY

Palm Key Apartments

Cherokee Avenue

PCN: 00-43-43-30-03-026-0180

Control #1994-00094

Recommendation for WCRA0 Density Bonus Program Pool Units & DRO Approval
for a 7-Unit Multifamily Development



Location Map

Project Overview:

The +/-0.46-acre vacant site is located on the south side of Cherokee Avenue just west of Tallahassee Drive. The parcel is zoned RH (RM) Residential Multifamily medium density with a Commercial High with an underlying residential future land use (FLU) designation of 8 du/acre (CH/8). The parcel to the south,

Page | 1

Westgate CRA Board Meeting
March 8, 2021



which fronts Westgate Avenue, also vacant and without active development approvals, is zoned CG a CH/8 FLU. The parcels adjacent to the east and west are zoned RH (RM) with a CH/8 FLU; both have existing single family dwellings. The site across Cherokee Avenue to the north is zoned RH (RM) with a CH/8 FLU. This site received entitlements for a Class A Conditional Use for a Place of Worship in 1995, however, the approval has long since expired. The site is currently occupied by a triplex, with the remainder vacant. The subject site is located within the boundaries of the Neighborhood Commercial (NC) Sub-area of the WCRAO, the U/S Tier, as well as in the Revitalization and Redevelopment Infill Overlay (RRIO), Urban Redevelopment Area Overlay (URAO), and Westgate CCRT area.



Existing Site Conditions

Summary of Request:

Marbila, LLC, the property owner and developer of Palm Key Apartments, is proposing multifamily rental project on a .46 ac site comprised of seven (7) units with 3 bedrooms and 3 baths in a 2-story townhouse-style structure, for a total GFA of 10,075 sf. To achieve the desired density, the applicant is requesting three (3) WCRAO density bonus units. The .46-acre site has a permitted density of only 8



dwelling units per acre which is 4 units by right. These additional units may be approved by the DRO if the increase does not exceed 22 dwelling units per acre; this project is requesting a total density of +/- 15 du/ac.

The subject application requests a recommendation of approval from the Westgate CRA for the proposed development on Cherokee Avenue (PCN: 00-43-43-30-03-026-0180) to include the following:

1. An allocation of three (3) dwelling units from the WCRAO Density Bonus Program unit pool; and,
2. DRO site plan approval provided the project demonstrates that the criteria for obtaining WCRAO density bonus units have been met pursuant to Art. 3.B.14.H.1.a., as amended.

Staff Analysis:

A Zoning application for development within the Westgate CRA district is reviewed by the CRA for general conformity to WCRAO sub-area use regulations, PDR's, design guidelines, and other overlay standards. Our review and comments are preliminary, since the Zoning Division and other County departments conduct a separate, more extensive review of the application via the DRO or Public Hearing process. The primary objective of the CRA's review is to determine if the project is consistent the intent, objectives, and policies of the CRA Redevelopment Plan to facilitate private development interest and investment toward the goal of redevelopment, and also to consider how a project will impact the community over the long term.

General Consistency with the WCRA Redevelopment Plan & the WCRA Overlay

WCRAO property development regulations were established to encourage a pedestrian friendly environment, street presence, and development that reinforces the smart growth principles of the CRA Redevelopment Plan and the County's Comprehensive Plan. The NC sub-area is intended to be the "key focal point of the redevelopment area, with provisions to encourage and incentivize mixed use development." While mixed use is preferred and encouraged in the NC sub-area, it is no longer required with standalone residential and non-residential development now permitted along the corridor. Property development regulations for the NC Sub-area reinforces the vision for the corridor outlined in the CRA's Redevelopment Plan: a main street inspired, medium density, mixed use corridor that supports a variety of neighborhood uses. Each project is significant in terms of use, scale, and design, as it contributes to the success of the whole. While it is unlikely a small multifamily project will be a catalyst for the redevelopment of the NC Sub-area, the importance of providing new, quality housing opportunities to families in a moment of national economic uncertainty and in a housing market that

Page | 3

Westgate CRA Board Meeting
March 8, 2021



has become unaffordable for many in Palm Beach County, is important to the overall objectives of the agency to create and support attainable housing initiatives.

WCRAO Density Bonus Program (DBP) Criteria

The Housing Element of the Comprehensive Plan sets aside 1,300 bonus density units for the Westgate CRA area. In the NC Sub-area, a maximum of 50 density bonus units per acre are available to individual projects. To date, 295 density bonus units have been allocated to multifamily and mixed use projects in the NC and UG Sub-areas; only one project, Westgate Plaza (33 DBP units) has been built. To qualify for WCRAO density bonus units, a number of criteria must be met. Palm Key Apartments represents the first residential project to be reviewed under an amendment to the WCRAO Density Bonus Program language, adopted by the BCC on February 25, 2021. Previously, the WCRAO code required the applicant to meet criteria, primarily based on use, site design and amenities, that were often difficult to meet for smaller projects with limited buildable space. The newly adopted code simplifies the process and allows access to the unit pool for projects under 10 units without requiring a certain number of units to be designated affordable or workforce via deed restriction, mirroring the County's Workforce Housing Program (WHP) policies. County WHP units are not required for this project since the total unit count does not exceed 10 units. To receive a positive recommendation from the CRA, the following criteria must be met by the Palm Key project:

1. The project facilitates the development of diverse, quality housing stock, that addresses a mix of income levels pursuant to the CRA's Community Redevelopment Plan;
2. Meets WCRAO Sub-area use regulations and WCRAO PDRs for the use type; and,
3. Provides a minimum of 5% of the project residential square footage as outdoor space for resident use.

The owner/developer has indicated that monthly rent for each unit will be at or below market rate in order to retain tenants and create better long-term stability in neighborhoods; rents are anticipated to range from \$1,700 to \$1,850 per month for the +/- 1,400 sf 3 bedroom/3 bath units taking into consideration the market for the area and the cost of new construction. Based on the County's WHP rental prices for 3 bedroom units (see table below), the project targets low to moderate 1 income categories or those earning 70% - approx. 85% of AMI, commensurate with what the market can bear in the CRA district. The redevelopment area has a very large concentration of households earning in the low and very low income categories. Only 20% of households earn an income that can be classified as moderate or above moderate. Affordable or low-income housing targets an AMI of 50%-80%; low is 60% or below of AMI.



Palm Beach County Planning Division – Workforce Housing Program

Rental Prices for projects approved under the Workforce Housing code adopted August 22, 2019						
Income Category			1 BR	2 BR	3 BR	4 BR
Low	60% to 70%	\$47,460 – 55,370	\$988 - 1,153	\$1,186 - 1,384	\$1,370 - 1,598	\$1,528 - 1,783
	>70% to 80%	>\$55,370 - 63,280	\$1,153 - 1,318	\$1,384 - 1,582	\$1,598 - 1,827	\$1,783 - 2,038
Mod 1	>80% to 90%	>\$63,280 – 71,190	\$1,183 - 1,483	\$1,582 - 1,780	\$1,827 - 2,056	\$2,038 - 2,293

Source: <https://discover.pbcgov.org/pzb/planning/Projects-Programs/WorkforceHousingProgram.aspx>

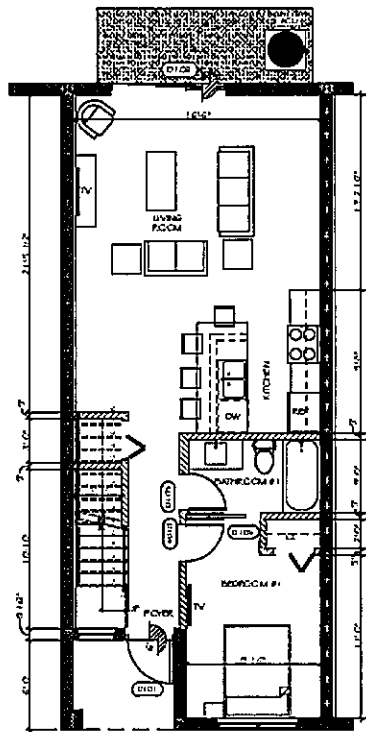
WCRAO Property Development Regulations

The PDRs of the NC Sub-area require sites for all uses to be designed with the principal structure placed 10 ft. from the front property line, with 80% building frontage, and a two story minimum to create massing and presence along Westgate Avenue. PDR's and supplementary standards further require access from and parking at the rear where available. NC Sub-area form-based standards encourage and often necessitate larger assemblages that front Westgate Avenue and occupy the full 300 ft. depth of the block. The Palm Key project is oriented to Cherokee Avenue, and is limited to a parcel that is 115 ft. in depth; a minimum lot depth of 100 ft. is required in the for multifamily developments with more than 5 units. The site is 175 ft. wide; a minimum of 100 ft. is required. The building is 43.5 ft. in depth, and the lot has a lot coverage of 27% where 40% is allowed. The maximum building height in the NC Sub-area is 72 ft. or 6 stories, and a minimum of 2 stories is required; the building complies at 2 stories in height.

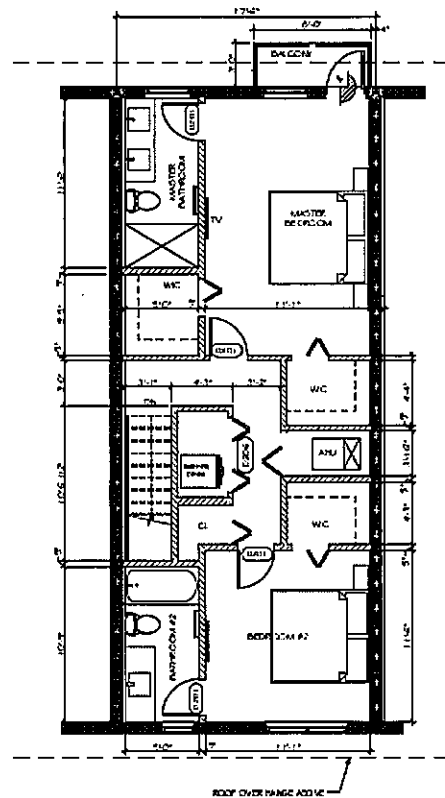
Buildable land and site layout is constrained due to the size of the site, the number of units proposed, and other site requirements. Generally, the frontage provides good massing and street presence. Building frontage is proposed at 123 ft. The NC Sub-area has an 80% building frontage requirement and the frontage must be on the build to line of 10 ft. The applicant has provided 70% building frontage and must utilize a WCRAO minimum building frontage exception provided in Art. 3.B.14.F.2.b. 1) a). This exception is established for lots with frontage on one street and/or lots that do not have rear access. The provision allows the frontage to be reduced for required site elements such as setbacks, access, sidewalks, and buffer widths. WCRAO Residential PDRs require a build to line of 10 ft. for multifamily development with more than 5 units and this setback has been provided. The base building line for a local road with 40 ft. of width is 30 ft., and this setback complies. Side setbacks of 10 ft. on the east and



41 ft. on the west is provided where a minimum of 10 ft. is required. The rear setback must be a minimum of 25 ft. and is well provided to code standards, since the parking lot is located at the rear of the site. ***The project is determined to generally meet WCRAO property development regulations for multifamily projects with more than 5 units.***



 1st FLOOR PLAN
SCALE: 1/4" = 1'-0"



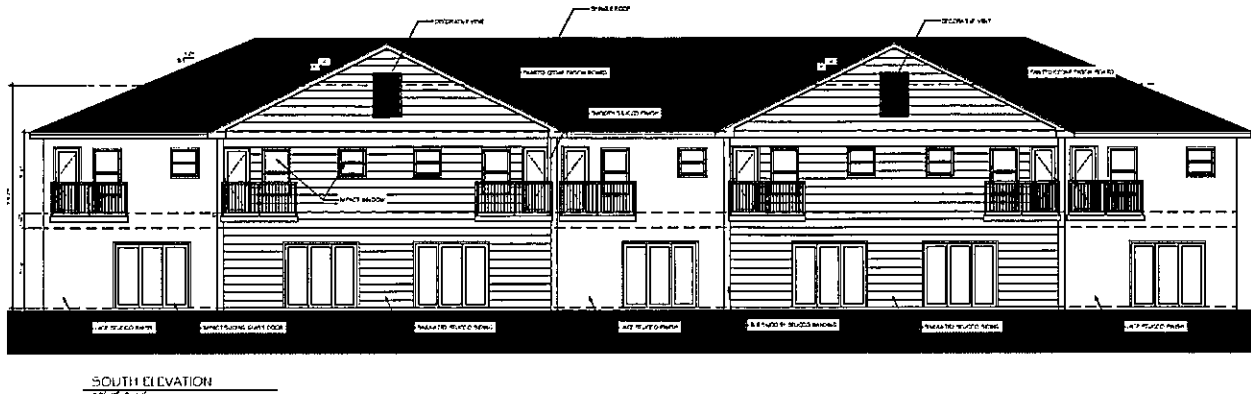
 2nd FLOOR PLAN
SCALE: 1/4" = 1'-0"

1st & 2nd Floor Plans

Architecture & Design

The applicant has provided conceptual architectural elevations and floor plans for the building design. The structure is designed in a townhouse-style with private patios and balconies. A clean, neutral color schematic is increasingly popular in newer south Florida architecture. The architecture incorporates

53



Landscaping Provisions

Traffic, Access & Parking

Page | 8



Drainage Considerations

The applicant is utilizing all available land to allow the site to function with the number of units necessary to meet their pro forma. A drainage statement has been provided with the application and indicates that legal positive outfall is available by way of the Cherokee Avenue drainage system. Onsite storm water management for this project will be accomplished with a combination of grassed swales, interconnected culvert pipes, drainage inlets and underground exfiltration system that will provide for the calculated water quality runoff volume and sufficient onsite storm water runoff storage. The project provides 78% impervious surface including the structure, sidewalks and parking, and, provides 22% open or green space.

Staff Recommendation:

The proposed use and site plan is consistent with the intent of the Westgate CRA Community Redevelopment Plan, and the policies of the Comprehensive Plan, including the Provisions for Affordable Housing outlined in the Housing Element by providing affordable and workforce housing units. The project represents an investment in the community and will enhance the character of the Cherokee Avenue corridor in the NC Sub-area through the development of otherwise vacant land. This project comes at a time when the housing market is seeing a lack of supply of rental units that could be considered affordable by a large percentage of the population coupled with increasingly inflated sales and rental rates across the County.

CRA Staff recommends ***approval*** of a 7-unit multifamily rental project on a +/- .46-acre site at Cherokee Avenue (PCN: 00-43-43-30-03-026-0180) to include the following:

1. An allocation of three (3) dwelling units from the WCRAO Density Bonus Program unit pool; and,
2. DRO site plan approval provided the project demonstrates that the criteria for obtaining WCRAO density bonus units have been met pursuant to Art. 3.B.14.H.1.a., as amended:
 - a) Facilitates the development of diverse, quality housing stock, that addresses a mix of income levels pursuant to the CRA's Community Redevelopment Plan;
 - b) Meets WCRAO Sub-area use regulations and WCRAO PDRs for the use type; and,
 - c) Provides a minimum of 5% of the project residential square footage as outdoor space for resident use.



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

GENERAL APPLICATION PUBLIC HEARING AND DRO ADMINISTRATIVE PROCESSES

1. REQUEST(S)

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

PUBLIC HEARING REQUESTS:

- ☐ **Official Zoning Map Amendment** from _____ Zoning District to _____ Zoning District
- ☐ **With a Concurrent Land Use Amendment** from _____ Land Use to _____ Land Use
- ☐ **Class A Conditional Use (CA)** for _____
- ☐ **Class B Conditional Use (CB)** for: _____
- ☐ **Development Order Abandonment (ABN)** of Resolution No: _____ which allowed _____
- ☐ **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** WCRAO Density Bonus _____

2. APPLICANT INFORMATION**Current Property Owner(s) Name:** MARBILA LLC.**Address:** 525 S Flagler Drive Suite 100**City:** West Palm Beach**State:** Florida**Zip:** 33401**Phone:** 561-805-9825**Cell Phone:****Email Address:** tfaugue@joesfinancial.com**Applicant's name (if other than property owner(s)):** Same as Owner**Address:****City:****State:****Zip:****Phone:****Cell Phone:****Email Address:**

☐ 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:* Place Planning & Design, Inc.**Name of Firm:** Place Planning & Design, Inc.**Address:** 700 Us Highway One, Suite C**City:** North Palm Beach**State:** Florida**Zip:** 33408**Phone:** 561-863-2722**Cell Phone #:** 561-801-2661**Email Address:** corey@placepnd.com**Agent:*****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)

A. *Property Control Number (PCN): <i>(List additional PCN(s) on separate sheet)</i>	00-43-43-30-03-026-0180
B. *Control Number:	N/A
C. *Control Name :	N/A
D. Application Number:	N/A
E. *Application Name:	Palm Key
F. Project Number:	N/A
G. *Gross Acreage:	0.462 Acres
H. Gross Acreage of affected area:	0.462
I. *Location of subject property: <i>(proximity to closest major intersection/road)</i>	South side of Cherokee Avenue just west of Tallahassee Drive.
J. *Address:	Cherokee Avenue
K. *BCC District:	7
L. Overlay (Special Study Area):	WCRAO/ NC SUBAREA
M. Tier	<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

Current Future Land Use designation:	CH-8	Proposed Future Land Use designation:	N/A
Current Zoning District:	RH	Proposed Zoning District:	N/A
Existing Use(s):	Vacant	Proposed Use(s):	Multifamily residential
Existing Square Footage:	0	Proposed Square Footage:	10,075
Existing Number of Units:	0	Proposed Number of Units:	7

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/8	RH/ WCRAO-NC	Res	Res	7.6 DU/AC	7.6 DU/AC	NA	NA
NORTH	CH/8	RH/ WCRAO-NC	Res	Res	7.6 DU/AC	7.6 DU/AC	NA	NA
SOUTH	CH/8	CN/ WCRAO-NC	Vacant	Vacant	NA	NA	NA	NA
WEST	CH/8	RH/ WCRAO-NC	Res	Res	5 DU/AC	NA	NA	NA

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 type="checkbox"/>	NO <input checked="" 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
Palm Key	Residential Multifamily	10,075	7	NA	NA

9. CONCURRENCY			
Concurrency Reservation <input type="checkbox"/>		Concurrency Equivalency <input type="checkbox"/>	
		Concurrency Exemption <input checked="" type="checkbox"/>	
A. Water Provider:	PB County		
B. Waste Water Provider:	PB County		
C. Drainage District:	LWDD		
D. Traffic Provider:	PB County	Traffic Trips Existing:	0
E. Mass Transit Provider:	Palm Tran	Traffic Trips Proposed:	47 ADT
F. Traffic Capacity:	Number of Gross Peak Hour Trips = (If greater than 30, a traffic study will be required) 4 peak hour trips		
G. Public School:	PB County		
H. Public Health Provider:	PB County	Well /Septic tank : NA	
I. Parks	PB County		
J. Fire Rescue	PB County		
K. Solid Waste:			
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	
ENVIRONMENTAL RESOURCE MANAGEMENT (ERM) – Art. 14.B.8.C	
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 _____;
General Vegetation Statement: Urban site mostly cleared with 4 sabal palms	
Existing and Proposed Grade/Elevation where existing Native Vegetation is to be preserved:	NA
Is site in a Wellfield protection zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes; submit Wellfield Protection Affidavit, available from ERM
HEALTH DEPARTMENT – Art.15	
In Justification Statement, under heading "Hazardous Material", address type(s) and amount of: 1) all industrial, manufacturing, special or hazardous waste that may be generated; 2) airborne pollutants that may be generated (i.e. dust or other unconfined particulates such as NOx, SOx, CO, VOC's, heavy metals, etc.); and, 3) any special handling of solid waste that may be required.	

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

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

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

60

**Application Density Bonus Units
Palm Key – Cherokee Avenue
Justification Statement**

Justification Statements Per Section 2.A.6.A.1

a. Summary of the requests.

The subject site is comprised of 20,125 square feet (or 0.462 acres) and is located on the south side of Cherokee Avenue just west of Tallahassee Drive in unincorporated Palm Beach County. The project is proposed to include a total of seven (7) multifamily rental units at an overall density of approximately 15.15 units per acre.

The subject site has a Future Land Use designation of CH-8, is zoned RH and is located in the NC Sub-Area of the WCRAO. At 0.462 acres and 8 units per acre allowable under the CH-8 land use, the property is permitted 3.696 units or 4.0 units rounded up as per the attached POC.

This application requests three (3) Density Bonus units from the WCRA Density Bonus Pool under Section 3.B.14.H. amended. Per this section of the ULDC the project must first obtain a recommendation of approval from the WCRA in accordance with the provisions of 3.B.14.D. prior to seeking DRO approval.

b. Project history with prior resolutions.

There are no prior resolutions, this is not applicable. However, a pre-application meeting was held on September 15, 2020 and the checklist is attached.

c. Analyses of the applicable Standards pursuant to 2.B.

Section 2.B.2. states that when considering a DO application for Rezoning to a PDD or a TDD, or Conditional Use, excluding Conditional Use request for Density Bonus pursuant to Art 5.G.1. the BCC or ZC shall utilize the Standards a through h indicated below.

a. Consistency with the Plan. The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

This application is consistent with Future Land Use Element policy 2.4-g which states that "in order to encourage eastward development and a tapering off of density towards the western edge of the Urban/Suburban Tier and support development within the Urban/Suburban Tier in the Glades, or to protect rural residential areas by concentrating needed housing units where urban residential future land use designations already exist, bonus densities may be applied for as follows: 3. In the Revitalization and Redevelopment Overlay, up to 4 du/acre additional."

b. Consistency with the Code. The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of the code.

The subject site is zoned RH within the Westgate CRA Overlay in the NC Subarea. The RH zoning district and the NC subarea both allow multifamily residential development and the project has been designed to comply with all of the NC Subarea Property Development Regulations as specified in Table 3.B.14.F – WCRAO Residential Sub-area PDRs. This project is also consistent with the WCRAO Density Bonus Pool approval thresholds specified on Table 3B.14.H – WCRAO Density Bonus Pool Approval, and the receiving area procedure in Section 5.G.3.K. as described below. This application is also consistent with the intent of the WCRAO NC subarea intend to be the key focal point of the redevelopment area, with provisions to encourage and incentivize mixed use development by providing higher density residential development in blocks fronting on Westgate Boulevard to assist in supporting future commercial and mixed use development.

c. Compatibility with Surrounding Uses. The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

The NC Subarea of the WCRAO is intended to be the key focal point of the redevelopment area with high density and intensity residential, commercial and mixed use development. The current development pattern includes low-rise and lower density / intensity development including low density residential to the west, north and east, and vacant commercial land to the south. The proposed project is more dense than the existing development while remaining at a scale and mass consistent with the existing development and helping to support future higher density and intensity redevelopment.

D. Design Minimizes Adverse Impacts. The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

The project is designed in accordance with the WCRAO PDRs including locating the parking behind the building; residential units oriented toward Cherokee Avenue to create a presence on that street as well as putting “eyes-on-the-street” as a means of reducing potential area crime; two-story residences to remain in scale with existing development; and complying with county landscape requirements to ensure adequate buffers and area beautification.

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

The NC subarea is intended to be the key focal point of the WCRAO and the subject site is located in a block fronting on Westgate Avenue where development is needed and

encouraged. Residential development in this area will bring added residents which will support existing and future commercial and mixed use development and enhance the overall redevelopment program.

g. Adequate facilities. The extent to which the proposed use complies with Art 2.F Concurrency.

Article 2.F Concurrency addresses the adequacy of public facility standards for services including water, sewer, solid waste, parks and recreation, fire-rescue, drainage, traffic, and mass transit. The subject site is located on a public street with water, sewer and storm drainage facilities available, and the project is of a size that the impact on public facilities will be de minimus.

h. Changed Conditions or Circumstance. There are demonstrated changed site conditions or circumstances, provided by the Applicant's Justification Statement that necessitate a modification.

As previously noted, the site is located in the WCRAO NC subarea which is the key focal point of the redevelopment effort in this area. Consequently, additional density is necessary and appropriate to encourage private investment in the area and development to occur in a cost effective manner.

Section 3.B.14.H. Density Bonus Program

1. Facilitates the development of diverse, quality housing stock that addresses a mix of income levels pursuant to WCRA Community Redevelopment Plan Housing Policy Goal 3.1 and Objective 3.2.

The proposed project will include seven (7) rental units with three (3) bedrooms and three (3) baths in a two-story townhome-style of construction with private porches and balconies, adding to the diversity of housing stock in the Westgate area. These units are expected to attract families and add residents to the area encouraging a mix of commercial and residential uses along the Westgate Avenue Corridor.

2. Meets the requirements of Table 3.B.14.E, WCRAO Sub-area use Regulations, Table 3.B.14.F, WCRAO Non-Residential and Mixed use sub-area PDRs, and Table 3.B.14.F, WCRAO Residential PDRs, as applicable.

As evidenced by the above narrative and as shown on the site plan, this standard is met.

3. Provides a minimum of five percent of the project residential square footage as outdoor space for resident use, which may include but not be limited to: individual unit porches, patios, and/or balconies; usable open space for on-site common outdoor amenities such as grilling areas and tot lots; or, neighborhood amenities such as pedestrian streetscapes with furnishings, landscaping, or hardscape elements.

As shown on the site plan the total residential square footage of each unit is 1,354. Each unit has a front entry porch, a rear patio and a second-floor balcony. These spaces total 104 square feet which is approximately 7.7% of the residential square footage which exceeds this requirement.

4. For projects with ten or more units, provides a minimum of twenty percent of the total units in the project as on-site affordable and workforce housing units.

Not applicable.

- ☒ POC Call
☐ POC Walk In
☐ Non-POC



Palm Beach County Planning Division
2300 N. Jog Road
West Palm Beach, Florida 33411
POC Phone: (561) 233-5343

PLANNER ON CALL REFERRAL FORM

The purpose of this form is to gather information regarding a specific parcel of land to refer the customer to either another Division, Department, or to the Planning Division Letter of Determination Process. Any information provided within this form is for reference only and not official. The list of referral contacts is provided on the reverse page.

PROPERTY INFORMATION

PCN: 00-43-43-30-03-026-0230, -0190, -0180 PAPA Acres: .13, .26, .07; .46ac
Site Address: Cherokee Ave Existing Use: vacant
Future Land Use Designation: CH/8 Zoning District: RH
Maximum FLU Units: (acres x du/ac.) .46x8=3.68 or 4 units
TDR Potential: (acres x du/ac.) .46x4TDR's=1.84 or 2 TDR's ; 1 (MF) TDR = \$4,425.00
Maximum Sq. Ft.: (acres x FAR) _____
Planning Area/Overlay: RRIO, URA, WCRA & Westgate CCRT Tier: Urban Suburban
Control Number/Name: NA Past Ord. Number: NA

CONTACT INFORMATION

Name/Company: Philippe Boucher ☐ Owner ☐ Contract Purchaser ☒ Agent ☐ Other
Address: _____ City: _____ State: _____ Zip: _____
Phone: 561.536.6145 Email: phil.boucher@hotmail.com

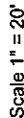
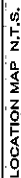
REFERRAL INFORMATION

The purpose of this form is to gather information regarding a specific parcel of land to refer the customer to either another Division, Department, or to the Planning Division Letter of Determination Process.

Referred to: Land Development, WCRA and Zoning Referred by: Ed Nessenthaler Date: 9-21-18

Request:

A meeting w/ Land Development on combining the lots? A meeting and approval w/ WCRA on proposed development. A Pre-application meeting w/ the Zoning Div. if purchasing TDR's, constructing Townhouses and/or guidelines for commercial development.



ENCROACHMENTS:
 A utility lines and poles over the South lot line.
 B wood fence (unknown ownership) over the West lot line.

- 1.) Lands shown hereon reflect all pertinent easements and/or rights of way contained in Old Republic National Title Insurance Company, Llc insurance commitment, Commitment Number: 7247272; Company, Llc Date: December 29, 2019 @ 11:00 PM; See Notes on Schedule B2 Title Exceptions*.
- 2.) Area of subject property = 20,123 square feet (0.462 acres).
- 3.) Elevations shown hereon are based on North Atlantic Vertical Datum of 1988 (NAVD 88).
- 4.) Originating benchmark = Leica Global Positioning System.
- 5.) $\frac{200}{100}$ = existing elevation
- 6.) No underground improvements located.
- 7.) All bearings and distances shown hereon are plat and measured.
- 8.) This form "Certificate of Authorization" number is 7 B 4834.

NOTES ON SCHEDULE B2 TITLE EXCEPTIONS:
 1-5- Standard title exceptions. Not portable.
 6- All matters contained on the Plat of West Gate Estates (Northern Section), as recorded in Plat Book 8, page 38, Public Records of Palm Beach County, Florida. Affects the subject property. All pertinent matters are shown hereon.

BOUNDARY SURVEY

This survey is not valid without embossed surveyor's and electronic signatures and seal.

**Digitally signed by
Michael J Miller
Date: 2020.12.23
15:25:56 -05'00'
Surveyor, Florida Certificate No.**



REVISIONS: 2/21/2020 ADD TITLE EXCEPTIONS

CRD. FILE NA

SCALE:	1" = 20'
DRAWN BY:	PCAND
FIELD WKS:	MAJ/B.M.
DATE:	03/27/2006
MILLER LAND SURVEYING 1121 LAKE AVENUE LAKE WORTH, FLORIDA 33480 PHONE: (561) 586-2609 • FAX: (561) 582-0151 www.millersurveying.com e-mail: orders@millersurveying.com	
REF:	145413 145413 145413 PREV: X13109 JOB N275
JOB NO.	Y201155
M - 4551 - C	

[illegible]

080

THE WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

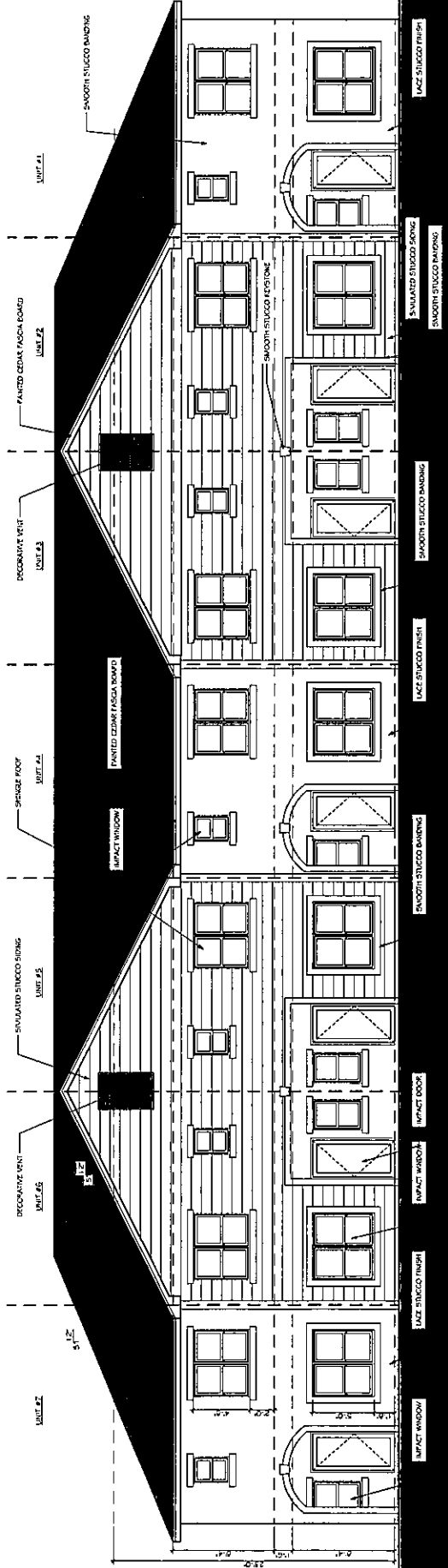
THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB, AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS.

COPYRIGHT © STEVE BIERENT ARCHITECTURE, UNAUTHORIZED REPRODUCTION OR ANY OTHER USE IS PROHIBITED.

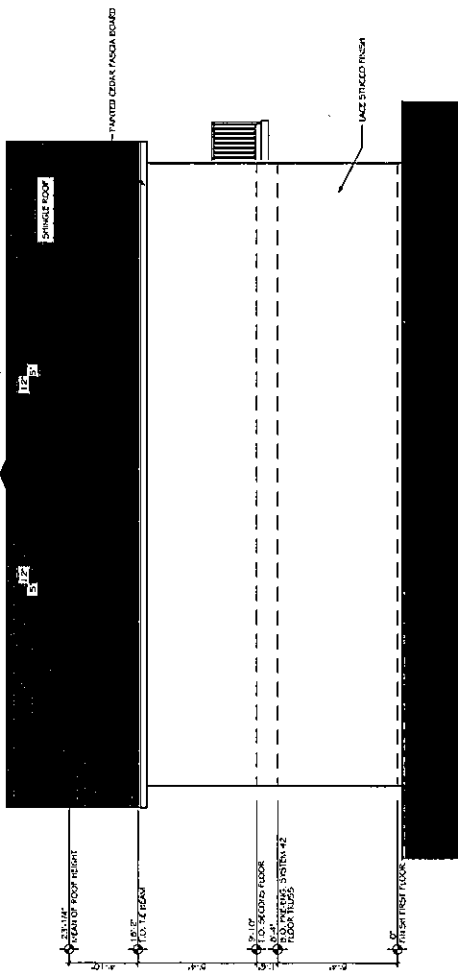
PROJECT NO: 20-381
DATE: 11/24/20
DRAWN BY: AM
CHECKED BY: S.S.
REVISIONS:

ELEVATIONS

FAE-1



NORTH ELEVATION



WEST ELEVATION

ZONING STAMPS

AMENDMENTS



STEVE SIEBERT
ARCHITECTURE
 1000 WEST PALM BEACH AVENUE
 SUITE 200
 WEST PALM BEACH, FLORIDA 33411
 PH: 561.833.7944
 WWW.STEVESIEBERT.COM



STEVE SIEBERT
 ARCHITECT
 NO. 12549
 STATE OF FLORIDA
 EXPIRATION DATE 12/31/2018

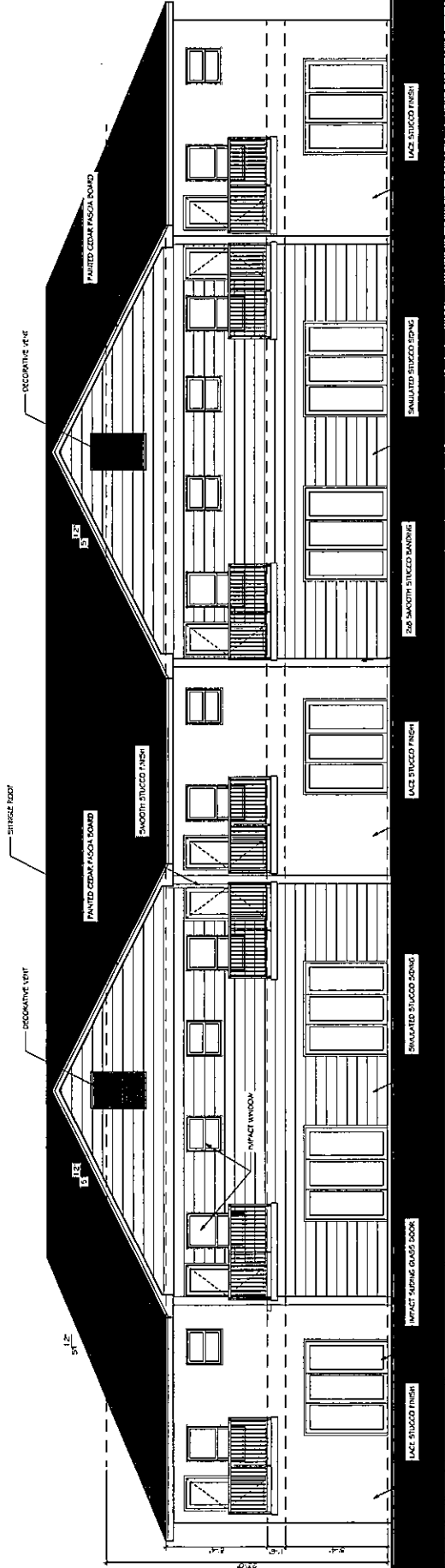
PALM KEY
 CHEROKEE AVE
 WEST PALM BEACH, FLORIDA #Site Postcode

DRG

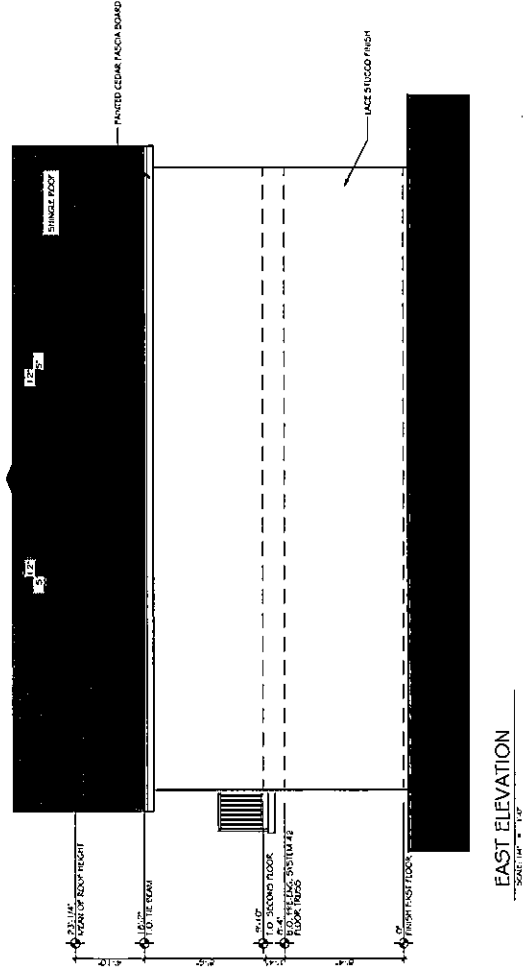
THE WRITTEN DIMENSIONS ON THIS DRAWING SHALL PREVAIL OVER ANY DISCREPANCY BETWEEN THE DRAWING AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF ANY MATERIALS FROM THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROJECT NO. 20.331
 DATE: 11/2/20
 DRAWN BY: AJM
 CHECKED BY: S.S.
 REVISIONS:

ELEVATIONS
FAE-2



SOUTH ELEVATION
 SCALE 1/8" = 1'-0"




EAST ELEVATION
 SCALE 1/8" = 1'-0"


ZONING STAMPS

AMENDMENTS

07



**STEVE SIEBERT
ARCHITECTURE**
10000 WEST PALM BEACH BLVD
BOYTON BEACH, FL 33435
PH: 561.886.0784
www.stevesiebert.com



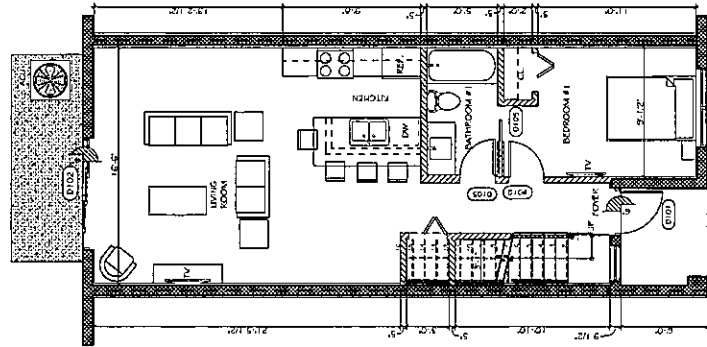
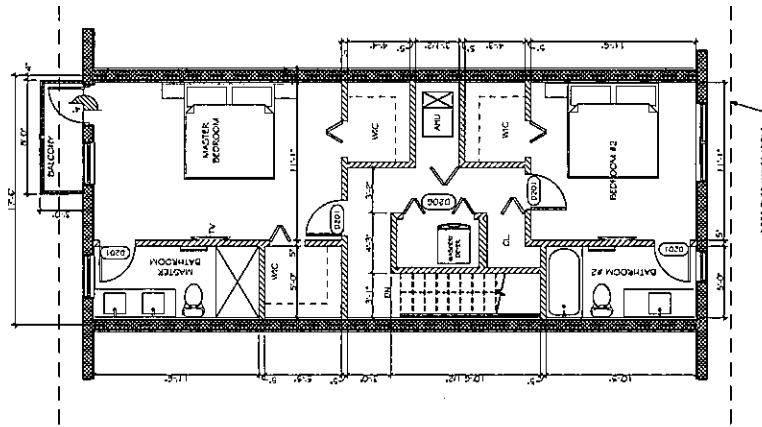
STEVE SIEBERT
ARCHITECT
NO. 12547
NEW JERSEY 1700010007
TEXAS 3604

PALM KEY
CHEROKEE AVE
WEST PALM BEACH, FLORIDA #Site Postcode

THE WRITTEN DIMENSIONS ON THIS DRAWING SHALL TAKE PRECEDENCE OVER TOLDED DIMENSIONS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND CONDITIONS OF THE PROJECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND CONDITIONS OF THE PROJECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND CONDITIONS OF THE PROJECT.

PROJECT NO. 20-281
DATE: 1/22/20
DRAWN BY: JAM
CHECKED BY: S.S.
REVISIONS:

FIRST FLOOR PLAN
FFP-1



- LEGEND:**
- NEW CMU WALL
 - NEW PARTY WALL (2-HR FIRE RATED)
 - NEW INTERIOR WALL

Palm Beach County
Planning, Zoning and Building Department
2300 N. Jog Road
West Palm Beach, FL 33411

January 18, 2021

Re: **Drainage Statement for Palm Key**
Project Location: Cherokee Avenue, West Palm Beach, FL 33409
PCN(s): 00-43-43-30-03-026-0180
LDi Project Number: 20-033

This drainage statement is prepared for the Palm Key project, which consists of 7 proposed single family townhouses and requisite asphalt parking located on the south side of Cherokee Avenue, west of the intersection of Tallahassee Drive. The improvements will include the construction of a surface water management system to provide adequate stormwater storage and treatment for the proposed improvements.

The existing site is situated on a 0.46 acres vacant lot. The proposed Palm Key project will include the construction of 0.12 acres of building and 0.24 acres of asphalt and sidewalk. The resulting 0.10 acres of total green space represents approximately 22% of the overall site.

Onsite stormwater management for this project will be accomplished with a combination of grassed swales, interconnected culvert pipes, drainage inlets and underground exfiltration system that will provide for the calculated water quality runoff volume and sufficient onsite stormwater runoff storage.

The current site is not permitted by South Florida Water Management District and will qualify for an ERP General Permit for Small Projects 10/2 Permit. The site is situated in the SFWMD C-51 Basin and will be designed to meet C-51 Basin requirements. Offsite discharge will be accomplished through a proposed discharge control structure outfall to the Cherokee Avenue drainage system as the point of legal positive outfall providing a maximum discharge for a 10 year-3 day storm event.

The site will be designed to meet the following basin criteria:

Drainage Basin:	- C-51 Basin, Sub Basin 25B
Local Streets:	- 3-Year, 24-hour storm
Offsite Discharge:	- 10-year, 3-day storm (35 CSM)
Finished Floor (highest of):	- 1 in 100 Flood Elevation (12.67 NAVD) Fig. 41-8
	- 100-year, 3-day (no discharge)
	- Permitted Westgate CRA Finished Floor Elevation per SFWMD Application 070514-10 (14.81 NAVD)

The property owner recognizes that any development of the existing property must be in accordance with all applicable regulatory requirements in place at the time of submission including, Palm Beach County, LWDD, NPDES and SFWMD.

Last Devenport, Inc. (C.A. No. 9889)

Digitally signed by Scott Gintert
DN: CN=Scott Gintert,
OU=A01410D00000170F347F768000121C1,
O=Unaffiliated, C=US
Date: 2021.01.21 15:49:36-05'00'

STATE OF
FLORIDA
PROFESSIONAL ENGINEER

SCOTT M. GINTERT
LICENSE
No 84228

Scott Gintert, P.E.
Florida Registration No. 84228

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY SCOTT M. GINTERT, P.E. ON 01/21/2021.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



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

GENERAL APPLICATION PUBLIC HEARING AND DRO ADMINISTRATIVE PROCESSES

1. REQUEST(S)

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

PUBLIC HEARING REQUESTS:

- ☐ Official Zoning Map Amendment from _____ Zoning District to _____ Zoning District
- ☐ With a Concurrent Land Use Amendment from _____ Land Use to _____ Land Use
- ☒ Class A Conditional Use (CA) for Retail Gas and Fuel Sales w/ Convenience Store
- ☐ Class B Conditional Use (CB) for: _____
- ☒ Development Order Abandonment (ABN) of Resolution No: _____ which allowed _____
to abandon existing special exception use for Convenience Store with Gas Sales approved as a part of R-2003-0940
- ☐ 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: To relocate the existing retail gas and fuel sales use to the southwest portion of the property
- ☐ 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 _____

2. APPLICANT INFORMATIONCurrent Property Owner(s) Name: Mostara SetayeshAddress: 10755 Sandhill RoadState: TXPhone: 214-343-9400Email Address: msetayesh@dimensiongroup.comCity: DallasZip: 75238

Cell Phone: _____

Applicant's name (if other than property owner(s)): Kara Richards Murphy Oil USAAddress: 200 Peach StreetState: ARPhone: 870-314-1553Email Address: kara.richards@murphyusa.comCity: El DoradoZip: 71731

Cell Phone: _____

☒ 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: * Andrew DeeganAddress: 1992 SW 1st StreetPhone: 305-274-4805Email Address: adeegan@cphcorp.comName of Firm: CPHCity: MiamiState: FLZip: 33135

Cell Phone #: _____

Agent: * Scott Backman/ Beth SchrantzAddress: 14 SE 4th Street #36Phone: Scott: 954-815-1513/ Beth: 786-763-0565Email Address: sbackman@dmblaw.com/ bschrantz@dmblaw.comName of Firm: Dunay, Miskel and Backman, LLPCity: Boca RatonState: FLZip: 33432

Cell Phone #: _____

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

3. PROPERTY INFORMATION (* Required Fields)

A. *Property Control Number (PCN): (List additional PCN(s) on separate sheet)	00-42-43-25-31-001-0030 - See Additional Property Information for full list of PCN's within MUPD
B. *Control Number:	1992-00023
C. *Control Name :	Belvedere Military Trail Shopping Center
D. Application Number:	DOA/CA/ABN-2021-00249
E. *Application Name:	BMC/ Wal-Mart
F. Project Number:	DOA1992-023D
G. *Gross Acreage:	22.41 Acres
H. Gross Acreage of affected area:	1.90 AC
I. *Location of subject property: (proximity to closest major intersection/road)	Northeast Corner of Military Trail and Belvedere
J. *Address:	1010 N Military Trail
K. *BCC District:	Commission District 7
L. Overlay (Special Study Area):	BMC Replat NO. 1 - Plat Book 111 Pg. 24
M. Tier	<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

Current Future Land Use designation:	CH	Proposed Future Land Use designation:	CH
Current Zoning District:	MUPD	Proposed Zoning District:	MUPD
Existing Use(s):	See Additional Property Information	Proposed Use(s):	See Additional Property Information
Existing Square Footage:	209,734 SF	Proposed Square Footage:	197,235 SF
Existing Number of Units:	4	Proposed Number of Units:	3

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	U/T	PO	Transit/Utilities	Transit/Utilities	N/A	N/A	1992-000 23	R-2003-0 940
NORTH	CH/8	CG/SE	Commercial	Commercial	32,529	32,529	1990-000 09	R-90-131 3
SOUTH	CH	CC/SE	Commercial	Commercial	2,306	2,306	2000-000 92	R-2001-1 666
WEST	CH/8	CG/SE	Commercial - Haverhill	Commercial - Haverhill	Varies	Varies	N/A	N/A

7. COMPLIANCE

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

8. PROPOSED USE DETAILS

Building Name	Use(s) (as per ULDC)	Square Footage	Number of Units	Phase Name	Outparcel
Walmart	Major Retail	190,887	1	Phase II	
Murphy Express	Retail Gas and Fuel Sales w/ Convenience Store	2,824	1	Phase I	
Vacant Restaurant	Restaurant, Type 2	3,524	1	Phase II	

9. CONCURRENCY			
Concurrency Reservation <input checked="" type="checkbox"/>		Concurrency Equivalency <input type="checkbox"/>	
Concurrency Exemption <input type="checkbox"/>			
A. Water Provider:	Palm Beach County Utilities		
B. Waste Water Provider:	Palm Beach County Utilities		
C. Drainage District:	C-10 Drainage Basin (SFWMD)		
D. Traffic Provider:	PBC	Traffic Trips Existing:	1460
E. Mass Transit Provider:	Palm Tran	Traffic Trips Proposed:	3432
F. Traffic Capacity:	Number of Gross Peak Hour Trips = 240 (If greater than 30; a traffic study will be required)		
G. Public School:	Not Applicable - Non-residential Development		
H. Public Health Provider:	PBC	Well /Septic tank :Not Applicable	
I. Parks	Not Applicable - Non-residential Development		
J. Fire Rescue	PBC		
K. Solid Waste:	SWA		
L. Check the proposed means of achieving access from the development site to a point of Legal Positive Outfall for storm water discharged from the site: <input type="checkbox"/> Property is contiguous to a natural waterway, or a canal owned and operated by a water control district. <input type="checkbox"/> Property owner has legally established drainage rights to convey storm water through all intervening properties between the development site and natural waterway or water control district canal. <input type="checkbox"/> Property abuts a road with a functioning drainage system, and property owner has obtained written confirmation from the entity responsible for maintaining the road that the proposed development is eligible to utilize the road drainage system, subject to meeting all permit requirements for drainage connection. <input checked="" type="checkbox"/> Other (specify): Site will utilize existing drainage connection to PBIA canal east of the MUPD.			

10. ENVIRONMENTAL ANALYSIS	
ENVIRONMENTAL RESOURCE MANAGEMENT (ERM) – Art. 14.B.8.C	
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>See Letter-ERM Pre-Application Waiver</u> ;
General Vegetation Statement: Site is currently occupied by a Walgreens Pharmacy which has existing landscape and tree coverage to be consistent with MUPD. New site will maintain existing buffer areas with several trees being relocated or removed as required by tree health and proposed site plan. See alternate landscape plan and tree disposition plan for more detail.	
Existing and Proposed Grade/Elevation where existing Native Vegetation is to be preserved:	Existing: 16.4018.50 NAVD Proposed: 18.35-19.40 NAVD
Is site in a Wellfield protection zone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes; submit Wellfield Protection Affidavit , available from ERM
HEALTH DEPARTMENT – Art.15	
In Justification Statement, under heading "Hazardous Material", address type(s) and amount of: 1) all industrial, manufacturing, special or hazardous waste that may be generated; 2) airborne pollutants that may be generated (i.e. dust or other unconfined particulates such as NOx, SOx, CO, VOC's, heavy metals, etc.); and, 3) any special handling of solid waste that may be required.	

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

1. **Justification Statement:** to address the purpose, project history, intent and design objectives of this request, refer to Art.2.A.6.A.1 for the required information.
2. **Status of Conditions of Approval (COA):**
 - a. Provide letter/document which includes the status of all current Conditions of Approval;
 - b. Include the exact language for any modification(s) to any Condition of Approval;
 - c. 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>

January 29, 2021



Project Name: BMC/Walmart
Project Number: DOA/CA-2021-00249
Site Address/Location: 1010 N Military Trail
Submittal Date: February 1, 2021

1992 SW 1st Street
Miami, Florida 33135
Phone: 305-274-4805
www.cphcorp.com

**ADDITIONAL PROPERTY INFORMATION
CONTROL NUMBER 1992-00023 – BMC/Walmart**

	PCN	Existing Use	Proposed Use
1	00-42-43-25-23-001-0010	Major Retail (Walmart)	Major Retail (Walmart)
2	00-42-43-25-23-001-0030	Retail (Walgreen's)	Retail Gas and Fuel Sales with Convenience Store
3	00-42-43-25-23-001-0040	Convenience Store with Gas sales	TBD
4	00-42-43-25-23-001-0060	Restaurant, Type 2	Restaurant, Type 2

ADDRESSES FOR PCN'S ABOVE

1. 4375 Belvedere Road
2. 1010 North Military Trail
3. 1050 North Military Trail
4. 1098 North Military Trail

Project Name: BMC/Walmart
Project Number: DOA/CA/ABN-2021-00249
Control Number: 1992-00023
Site Address/Location: 1010 N Military Trail
Date: March 4, 2021



1992 SW 1st Street
Miami, Florida 33135
Phone: 305-274-4805
www.cphcorp.com

JUSTIFICATION STATEMENT

INTRODUCTION

Murphy Oil USA, Inc. ("Petitioner") are the contract purchaser of a +/- 1.45 acre property located at 1010 N Military Trail. CPH, as an agent of Murphy Oil USA, Inc. would like to propose to the Board of County Commissioners, a site plan to develop a new Murphy Express gas station and convenience store to be located at 1010 North Military Trail in unincorporated Palm Beach County. This project is located within a MUPD consisting of approximately 22.41 AC of site area with control number 1992-00023. The MUPD is located at the northeast corner of Military Trail and Belvedere road and is anchored by a Walmart supercenter. The MUPD can also described as the BMC Replat No. 1 as recorded in Palm Beach County Plat Book 111 page 24. The entire MUPD has future land use of High Intensity Commercial (CH). The MUPD currently consists of a Walmart Supercenter, a vacant restaurant, Murphy USA gas station, and vacant Walgreen's Pharmacy.

PROJECT HISTORY

The property contained within the MUPD was originally zoned for Multifamily as well as General Commercial (CG), but was rezoned to be entirely zoned CG in 1993 with the approval of Resolution R-1993-0508. There was also a special exception approval of Resolution R-1993-0509 which established a site plan for the property including an approved gas use within the subject property. At this time, the subject property consisted of approximately 25.11 AC. This construction approved by R-1993-0509 was never performed, and this resolution was required to be reinstated via Resolution 1997-1292 with minor revisions including increasing the site area to 25.2 AC and adding Lowe's as a proposed use. The revised site plan was then later amended in 2000 via Resolution R-2000-1708. This was followed by an Official Zoning Map Amendment (PDD) from Commercial (Golfview) to a Multiple Use Planned Development (MUPD) as established by Resolution R-2001-1667. There was also an additional resolution (R-2001-1668) passed which added land area to the MUPD. The final resolution governing this control number is Resolution R-2003-0940 which, amended the site plan to propose the existing Walmart Supercenter as the anchor development as well as reduced the size of the MUPD to be approximately 22.41 AC.

The proposed project is to redevelop an outparcel located at the southwest corner of the MUPD as well as the northeast corner of the intersection of North Military Trail and Belvedere Road with address 1010 North Military Trail. The existing site is a vacant Walgreen's Pharmacy. The

proposed project would involve demolishing the existing Walgreen's and constructing a brand new Murphy Express convenience store and gas station consisting of a 2,824 SF convenience store and 4,830 SF gas canopy with 16 fueling locations. Please also note that there is an Existing Murphy USA gas station located just north of the Walgreens within the MUPD located at 1050 N Military Trail. Upon completion of the new Murphy Express convenience store and gas station, the existing gas station will be demolished to allow for future development of that parcel. All other areas within the MUPD are to be unaffected as a part of this project.

In order to proceed with the aforementioned development, the Petitioner is requesting a Development Order Amendment to amend the previously approved PDD site plan, a Class A conditional use to approve the proposed Gas and Fuel Sales, Retail with convenience store as a collocated use for the existing Walgreen's parcel, and an Abandonment to remove the approved Convenience Store with Gas Sales use from 1050 N Military Trail (location of existing Murphy USA gas station). In addition, Petitioner proposes to amend the Conditions of Approval as follows:

Resolution R-2003-0940 – Conditions of Approval for Development Order Amendment BMC / Walmart:

ALL PETITIONS Condition 2

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2000-1708, (Petition DOA92-023(B)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – ZONING)

Petitioner respectfully requests to modify this condition as follows:

All previous conditions of approval applicable to the subject property, as contained in Resolution ~~R-2000-1708~~ R-2003-0940, (~~Petition DOA92-023(B)~~ Petition DOA1992-023(D)), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING – ZONING)

This application seeks to modify the most recent site plan approval for control number 1992-00023, which was approved by Resolution R-2003-0940.

ALL PETITIONS Condition 3

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master site plan is dated May 2, 2003, and the Alternative Landscape Plan is dated June 19, 2003. All modifications must be approved

by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING -Zoning)

Petitioner respectfully requests to modify this condition as follows:

Development of the site is limited to the uses and site design approved by the Board of County Commissioners. The approved master site plan is dated ~~May 2, 2003~~ TBD, and the Alternative Landscape Plan is dated ~~June 19, 2003~~ TBD. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRC: ZONING -Zoning)

This application seeks to modify the most recent site plan approval for control number 1992-00023 that was approved by Resolution R-2003-0940. Therefore, new site plan and alternate landscape plan will be approved by the Board of County Commissioners to update the site plan for 1992-00023.

ALL PETITIONS Condition 6A.

Prior to issuance of the first building permit, the petitioner shall deposit \$50,000.00 in an escrow account approved by the County Attorney to be drawn upon by the Town of Haverhill for use in creating a streetscape program along Belvedere Road and Haverhill Road, or other designated public purpose determined by the Town Council. (BLDG PRMT: MONITORING – Ct Atty)

Petitioner respectfully requests to delete this condition as it was performed by the previous petitioner.

BUILDING AND SITE DESIGN Condition 5

Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to delete or relocate the twenty (20) foot wide unrecorded drainage easement lying along the south property line adjacent to Belvedere Road, to allow for sufficient planting area in the required right-of-way landscape buffer. (DRC: ZONING - Zoning)

Petitioner respectfully requests to delete this condition due to the fact that the 20' drainage easement was recorded after the effective date of R-2003-0940, which granted easement rights the County from Walmart.

ENGINEERING Condition 2

Within ninety (90) days of approval of the Settlement agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey Po

Palm Beach County adequate road drainage easement(s) through the project's internal surface water management system to provide legal positive outfall for all runoff from those segments on Military Trail required for the expanded intersection at Belvedere Road. Said easements shall be no less than twenty (20) feet in width. The expanded intersection right of way referenced herein is exclusive of the intersection right-of-way currently proposed to be purchased as part of County Road Project 9312. (RATE: Monitoring - Eng) (Previous Condition E.2 of Resolution R-2000-1708, Petition DOA92-0230(B))

Petitioner respectfully requests to delete this condition due to the fact that the improvements contained in the proposed site plan do not modify the existing drainage system in the FDOT or Palm Beach County ROW.

ENGINEERING Condition 4

Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Belvedere Road, sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded intersection, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, on an alignment approved by the County Engineer. This right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-& Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments.

Petitioner respectfully requests to delete this condition due to the fact that Belvedere Road currently contains over 110 feet of right-of-way width.

ENGINEERING Condition 5

- a. Within ninety (90) days of approval of the Settlement Agreement for this property, or prior to January 1, 1998, whichever occurs first, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, sufficient right-of-way along the frontage owned by the petitioner to provide for a one hundred ten (110) foot expanded intersection, exclusive of the right-of-way currently being required as part of Palm Beach County Road Project 9312, on an alignment approved by the County Engineer. This right-of-way conveyance shall be free of all encumbrances and encroachments; providing the property owner shall be permitted to leave the existing Bar-B-Q Ben's sign until such time as the contract for construction of the expanded intersection is let, at which time property owner shall move the sign to the east of the right-of-way, subject to appropriate removal and hold harmless agreements with Palm Beach County, Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-&

Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments

- b. Prior to site plan certification, the County agrees to convey to the petitioner any right-of-way for Military Trail adjacent to the subject site not required for the expanded intersection. The cost (without privilege fee) of abandoning this right-of-way shall be borne by the Developer. (DRC: ENG - Engj (Previous Condition E.6 of Resolution R-2000-1708, Petition DOA92-023(B))

Petitioner respectfully requests to delete this condition due to the fact that Military Trail currently contains over 110 feet of right-of-way width.

ENGINEERING Condition 6

Prior to the issuance of building permits for the big box or in line store, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for the construction of a right turn lane on Belvedere Road, at the project's main entrance road. This right turn lane conveyance shall be a minimum of three hundred twenty (320) feet in storage length and twelve (12) feet in width and a taper length of fifty (50) feet. This right-of-way dedication shall be in excess of the dedication required in Condition E.5. This right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide, Palm Beach County with sufficient documentation acceptable to the Right-of-Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PRMT:MONITORING - Eng) (Previous Condition E.7 of Resolution R-2000-1708, Petition DOA92-023(B))

Petitioner respectfully requests to delete this condition as the Belvedere traffic improvements have already been constructed.

ENGINEERING Condition 7

A. Obtain from the Palm Beach County Airports Department, as approved by the Board of County Commissioners, release of property measuring 40 feet from centerline of Country Club Road to be used as road right of way and a 10 foot temporary roadway construction easement This release is for that portion of property being deleted from the original 1992-023(B) Zoning Petition. (BLDG PERMIT : MONITORING-Eng)

B. Convey by road right-of-way warranty deed for Country Club Road, forty (40) feet from centerline for the remain in portion of property not deleted from the original 1992-023(C) Zoning Petition and a temporary roadway construction easement. The road right-of-way conveyance shall be free of all encumbrances and encroachments. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right-of-way Acquisition Section to ensure that the property is free of all encumbrances and encroachment. (BLDG PERMIT : MONITORING-Eng)

Petitioner respectfully requests to delete this condition as it has been completed by the previous petitioner.

ENGINEERING Condition 9

A. At the project's main entrance onto Belvedere Road, the property owner shall construct a left turn lane, west approach, and a right turn land, east approach, onto Belvedere Road. Permits required by Palm Beach County for this construction shall be obtained prior to issuance of the first building permit for the big box or in- line store construction. (BLDG PERMIT : MONITORING-Eng)

B. Construction of the above requirement shall be completed prior to issuance of the certificate of occupancy(CO) for the bigbox or In-line store construction. (CO : MONITORING-Eng)

C. Simultaneous with the construction of E above, the property owner shaft reconstruct the median at Belvedere Road and the project's main entrance to provide for a directional median opening. The directional median opening shall be constructed to permit only left turns in to the project and shall be so constructed as to prohibit left turns out of the project for eastbound movements onto Belvedere Road. (CO: MONITORING - Eng) (Previous Condition E.10 of Resolution R-2000-1708, Petition DOA92-023(B))

Petitioner respectfully requests to delete this condition as it has been completed by the previous petitioner.

ENGINEERING Condition 12

The Developer shall fund the installation of signalization if warranted as determined by the County Engineer, at the intersection of Country Club Road and Belvedere Road. Should signalization not be warranted 12 months after the final Certificate of Occupancy for this property is issued, the owner shall be relieved from this condition. (ONGOING : ENG- Eng) (Previous Condition E.13 of Resolution R-2000-1708, Petition DOA92-023(B))

Petitioner respectfully requests to delete this condition as it has been completed by the previous petitioner.

ENGINEERING Condition 14

Prior to issuance of the first building permit, the petitioner shall contribute \$100,000 toward intersection improvements to the intersection of Military Trail and Belvedere Road. This contribution shall not be creditable against the project's fair share road

impact fee. (BLDG PERMIT : MONITORING-Eng) (Previous Condition E.17 of Resolution R-2000-1708, Petition DOA92-023(B))

Petitioner respectfully requests to delete this condition as it has been completed by the previous petitioner.

ENGINEERING Condition 16

Prior to Site Plan Certification, the petitioner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape all adjacent medians i.e., Belvedere Road and Military Trail). When permitted by Palm Beach County Department of Engineering and Public Works, landscaping shall consist of a minimum of one (1) fourteen(14) foot tall native tree for each thirty (30) linear feet of the adjacent median to be planted and appropriate ground cover. Trees may be planted singularly or in clusters. All landscaping and maintenance shall be subject to the standards as set forth by the Palm Beach County Engineering and Public Works Department. All landscape material shall be selected from the following list:

Trees:

Laurel Oak
Live Oak
Slash Pine
Sabal Palmetto

Ground cover:

Wedillia
Bahia Grass

Alternative Species may be allowed subject to approval by the County Engineer. All plant materials shall be installed and selected according to xeriscape principles and shall conform with the following:

A) All plants shall be container grown or field collected and transplanted from the project site.

B) All plantings shall be done in accordance with detailed planting plans and specifications to be submitted and approved by the County Engineer concurrent with Site Plan certification.

Petitioner respectfully requests to delete this condition due to the fact that the traffic medians have already been constructed with insufficient space to provide landscape materials listed above.

HEALTH Condition 3

The owner occupant, or tenant of the facility shall participate in an oil recycling program which ensures proper re-use or disposal of the waste oil. (ONGOING: HEALTH- Health) (Previous Condition 1.3 of Resolution R-2000 1708, Petition DOA 92-023(B))

Petitioner respectfully requests to delete this condition as there will be no waste oil stored on the proposed Murphy Express parcel.

LANDCAPING – STANDARD Condition 3

Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: Fourteen (14) feet
- b. Trunk diameter: 3.5 inches measured at 4.5 feet above grade.
- c. Canopy diameter: Seven (7) feet-diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE-Zoning)

Petitioner respectfully requests to modify this condition as follows:

Fifty-percent (50%) of trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:

- a. Tree height: ~~Fourteen (14) feet~~ seven (7) feet.
- b. Trunk diameter: ~~3.5~~ 2.5 inches measured at 4.5 feet above grade.
- c. Canopy diameter: ~~Seven (7)~~ four (4) feet-diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,
- d. Credit may be given for existing or relocated

This application includes alternate landscape plan which is designed with the intent to provide a diverse range of plant types and sizes. As such the petitioner respectfully request that required tree dimensions be modified as listed above.

LANDCAPING – INTERIOR Condition 9

Special planting treatment shall be provided on both sides of all the access points on Belvedere Road and Military Trail. Planting shall consist of the following:

- a. A minimum of three (3) Royal Palms, or other specimen palms subject to approval by the Zoning Division;
- b. A minimum of three (3) flowering trees along the access drive; and
- c. Shrub or hedge materials. (CO: LANDSCAPE - Zoning)

Petitioner respectfully requests to modify this condition as follows:

Special planting treatment shall be provided on both sides of all the access points on Belvedere Road and Military Trail. Planting shall be consistent with the existing landscape material provided at the access drives ~~consist of the following:~~

- ~~a. A minimum of three (3) Royal Palms, or other specimen palms subject to approval by the Zoning Division;~~
- ~~b. A minimum of three (3) flowering trees along the access drive; and~~
- ~~c. Shrub or hedge materials. (CO: LANDSCAPE - Zoning)~~

The landscape plan being submitted with this application intends to maintain and preserve as much of the existing plantings on the existing Walgreen's parcel as possible, including access drive areas which appear to be deficient in providing all items listed above in previously approved condition.

LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (FRONTAGE OF BELVEDERE ROAD AND MILITARY TRAIL) Condition 1

Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb
- c. One (1) native canopy tree for each thirty (30) feet of the property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;
- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

Petitioner respectfully requests to modify this condition as follows:

Landscaping and buffering along the south and west property lines shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip;
- ~~b. A minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb~~
- c. One (1) native canopy tree for each thirty (30) feet of the property line;
- d. One (1) palm or pine tree for each thirty (30) linear feet of the property line;
- e. One (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation;



- f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
- g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)

The landscape plan being submitted with this application intends to maintain and preserve as much of the existing plantings on the existing Walgreen's parcel as possible, including landscape buffers abutting Belvedere Road (South) and Military Trail (West). Existing buffer is relatively flat and therefore does not provide undulating 2-3 foot berm. Petitioner would prefer to not modify grading of buffer area in order to maintain health of existing trees proposed to be preserved.

PLANNING Condition 1

Prior to final site plan approval by the Development Review Committee (DRC), the site plan shall be amended to include the future location of sidewalks along Country Club Road since the site is within two (2) miles of a school. (DRC: PLANNING - Planning~ (Previous Condition C.8 of Resolution R-2000-1708, Petition DQA92-023(B))

Petitioner respectfully requests to delete this condition as the sidewalk along County Club Road has already been constructed.

MASS TRANSIT Condition 1

Prior to final approval of the Master/Site plans, the petitioner shall amend the Master/Site Plan to indicate mass transit circulation, bus access and/or bus stops on or adjacent to the subject property. (DRC: PALM TRAN -Palm Tran)

Petitioner respectfully requests to delete this condition as the easements for bus stops and circulation have already been included in the site plan approved under resolution R-2003-0940.

MASS TRANSIT Condition 2

The location of an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, shall be shown on the Preliminary Development Plan and/or final site plan prior to the final approval of the DRC. The purpose of this easement is for the future construction of Transit infrastructure in a manner acceptable to Palm Tran. (DRC: PALM TRAN - Palm Tran)

Petitioner respectfully requests to delete this condition as the easements for bus stops and circulation have already been included in the site plan approved under resolution R-2003-0940.

MASS TRANSIT Condition 3

Prior to the issuance of the first building permit, the property owner shall convey to Palm Beach County an easement for a Bus Stop, Boarding and Alighting Area, subject to the approval of Palm Tran, The location sketch, legal description, and dedication documents of this easement shall be approved by Palm Tran prior to the recordation of the documents. (BLDG PRMT: MONITERING - Eng)

Petitioner respectfully requests to delete this condition as the easements for bus stops and circulation have already been included in the site plan approved under resolution R-2003-0940.

SIGNS Condition 1

Freestanding point of purchase signs fronting on Military Trail shall be limited as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet for principal sign; and, six (6) feet for the drugstore and convenience store with gas sales;
- b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, thirty-six (36) square feet for the drugstore and convenience store with gas sales;
- c. Minimum number of signs: three (3);
- d. Style: monument style only; and,
- e. Location: principal sign – within (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
- f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements. (CQ: BLDG - Zoning)

Petitioner respectfully requests to modify this condition as follows:

- a. Maximum sign height, measured from finished grade to highest point: twenty (20) feet for principal sign; and, ~~six (6)~~ seven (7) feet for the drugstore and convenience store with gas sales;
- b. Maximum sign face area per side: two hundred (200) square feet for principal sign; and, ~~thirty-six (36)~~ seventy-four (74) square feet for the drugstore and convenience store with gas sales;
- c. Minimum number of signs: three (3);
- d. Style: monument style only; and,
- e. Location: principal sign – within (50) feet of the north access point; and the drugstore and convenience store with gas sales out parcels;
- f. Signs shall be limited to identification of tenants only. Exceptions may be made for the convenience store with gas sales to ensure compliance with state requirements. (CQ: BLDG - Zoning)

The petitioner respectfully requests an increase in maximum sign square footage and height in order to allow adequate visibility from Military Trail right-of-way.

UNITY OF CONTROL Condition 1

Prior to site plan certification, petitioner shall record in the public record a Unity of Control for the entire subject property in a form acceptable to the County Attorney. This Unity of Control may be discharged with the approval of the Executive Director of Planning, Zoning and Building and the County Engineer. (DRC: CO ATTY) {Previous Condition V. 1 of Resolution R-2000-1708, Petition DOA92-023(B)}

Petitioner respectfully requests to delete this condition since this was the responsibility of the previous petitioner.

UNITY OF CONTROL Condition 2

There shall be no modification to the site plan approved in connection with the reinstated development order, nor any building permits issued for the site until the releases have been disbursed from escrow per the Settlement Agreement dated September 2, 1997. (BLDG PRMT: MONITORING - PREM) (Previous Condition V.2 of Resolution R-2000- 1708, Petition DOA92-023(B)).

Petitioner respectfully requests to delete this condition since this was the responsibility of the previous petitioner.

UNITY OF CONTROL Condition 3

Prior to certification of the site plan, the property owner shall record in the public record a covenant requiring architectural consistency between all buildings and signage. The covenant shall be recorded in a form and manner acceptable to the County Attorney. The covenant shall not be removed, altered, changed or amended without written approval from the Zoning Director. (DRC: ZONING - Go Atty) (Previous Condition V.3 of Resolution R-2000-1708, Petition DOA92-023(B))

Petitioner respectfully requests to delete this condition since this was the responsibility of the previous petitioner.

WESTGATE CRA Condition 2

Prior to site plan certification, the petitioner shall fund a one time clean- out of the existing section of the L-28 Canal between the 1-2 Canal and Belvedere Road. The total expenditure shall not exceed \$8,500.00.

Petitioner respectfully requests to delete this condition as it was performed by the previous petitioner.

DOA AND CONDITIONAL USE STANDARDS

Pursuant to ULDC Section 2.B.7.B.2 and 2.B.7.C.2, Petitioner will demonstrate that the Project: (1) is consistent with the County's Comprehensive Plan; (2) is consistent with the County's ULDC; (3) is compatible with surrounding uses; (4) is designed to minimize adverse impacts; (5) is designed to minimize environmental impacts; (5) will result in a logical, orderly and timely development pattern; (6) is compliant with the County's concurrency standards; and (7) is necessitated by changed conditions.

1. *Consistency with the Plan* - Approval of the Project is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. As noted above, the applicant is requesting a Development Order Amendment to the previously approved PDD and Class A conditional use to move the approved and convenience and gas sales use from 1050 N Military Trail to 1010 North Military Trail. Both of these properties are zoned MUPD, and have a FLU designation of CH which support the existing zoning and proposed use. The proposed project will be consistent with the existing mix of commercial uses located within the PDD, as it does not add any uses that have not been previously approved for the master development. Approval of the Project is not only consistent with the proposed land use designation of the Property, it is also consistent with Policy 2.2.c of the PBC Comprehensive Plan, which requires the PBC Code to be consistent with appropriate elements of the PBC Comprehensive Plan including compatibility with adjacent future land uses.
2. *Consistency with the Code* - The Project complies with the applicable standards and provisions of the County ULDC for use, layout, function, and general development characteristics. The Project is also consistent with the purpose of the MUPD zoning district to provide opportunities for enlightened and imaginative approaches to community planning and site design by: allowing flexibility from standard property development regulations; applying property development regulations to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses. The existing MUPD designation is compatible with a CH FLUA designation. The proposed development is consistent with Table 3.E.3.D – MUPD Property Development Regulations as well as the performance standards and design objectives for an MUPD. Therefore, the Petitioner demonstrates consistency with the Code.

The Project proposes demolition of an aging, vacant Walgreens Pharmacy and subsequent construction of a brand new convenience store and gas station. The mix of commercial uses provided will be consistent with the current provision of good and services within the PDD. The Project also complies with all applicable portions of Article 4.b, Supplementary Use Standards, as described in more detail below.

4.B.2.C.7 Convenience Store

- a. The proposed Convenience Store will be equipped to service a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.
- b. Floor Area – The proposed Convenience Store shall have a floor area of 2,824 SF which is less than the 7,000 SF GFA maximum.
- c. Overlay – WCRAO – Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas. – Project is not within any of the listed prohibited sub-areas.
- d. Zoning Districts – CN and CC: The Property is not located within the CN or CC districts. As such, this criterion does not apply.
- e. Collocated Use – The Convenience Store

4.B.2.C.16 Gas and Fuel Sale, Retail

- a. The proposed gas station shall be equipped to engaged in the sale of gasoline or motor fuels to the general public.
- b. Nonconformities:
 - 1) Automotive Service Station with or Convenience Store with Gas Sales – The prior approval of Convenience Store with Gas Sales correspond to Retail Gas and Fuel Sales with Convenience Store as a collocated use.
 - 2) Approvals Prior to Establishment of Location Criteria – Due to the fact that Convenience Store with Gas Sales was an approved and conforming use within the MUPD on the effective date of Ord. No. 2001-029 (August 3, 2001) as confirmed by staff during pre-application meeting held in August of 2019, the project shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed below.
- c. Approval Process – IRO District with a CH FLU designation – Project is not zoned in an IRO district. As such, this criterion does not apply.
- d. Zoning Districts – TMD – Project is not zoned in a TMD district. As such, this criterion does not apply.
- e. Location Criteria
 - 1) Intersection Criteria – Due to the fact that Convenience Store with Gas Sales was approved for the MUPD prior to the effective date of Ord. No. 2001-029 (August 3, 2001), the site is exempt from this criterion.
 - 2) Separation Criteria Due to the fact that Convenience Store with Gas Sales was approved for the MUPD prior to the effective date of Ord. No. 2001-029 (August 3, 2001), the site is exempt from this criterion.
 - 3) Major Intersection Criteria for CL FLU in U/S Tier – The Project has an FLU designation of CH. As such, this criterion does not apply.
 - 4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers - The Project has an FLU designation of CH. As such, this criterion does not apply.
 - 5) WCRA Overlay - Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG, and NC Sub-areas, per Table 3.B.14.E, WCRAO Sub-area Use Regulations. - The Project has an FLU designation of CH. As such, this criterion does not apply.

6) Exceptions

a) I-95 Interchanges – Project is not within 0.5 miles of I-95. As such, this criterion does not apply.

b) MUPD - Retail Gas and Fuel Sales located within an MUPD may be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

(1) Required perimeter landscape buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and - Project will provide the required landscape buffers pursuant to the conditions of the R-2 003-1940 and the ULDC. Therefore the project is exempt from the separation and intersection criteria.

(2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity. – The site will not provide any new direct access from any R-O-W. Furthermore the existing project already has a permitted convenience store with gas sales use within the MUPD. Proposed site plan will relocate this previously approved use to the 1010 N Military Trail parcel. As Such, this criterion has been met, and the site meets the criteria to be exempt from intersection and separation criteria listed above.

f. Accessory Use – The project does not include wholesale Gas and Fuel use. As such, this criterion does not apply.

3. *Compatibility with Surrounding Uses* - The Project is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the Property. The surrounding uses vary, yet are consistent and compatible with the proposed development program. The following is a summary of the uses surrounding the Property.

Adjacent Lands	Uses	FLU	Zoning
North	Commercial	CH/8	CG/SE
South	Commercial	CH	CC/SE
East	Transit/Utilities	U/T	PO

West	Commercial – (Haverhill)	CH/8	CG/SE (Haverhill)
-------------	---------------------------------	-------------	--------------------------

- North: The property located to the north of the Property is the +/- 4.74 acre car dealership development, which is approved and used for sales and service of automobiles. (Control No. 1990-00009), is designated Industrial (CH/8) on the County's FLUA and is located within a CG/SE zoning district.
- South: The property located across Belvedere Road is developed as the +/- 0.83-acre Kentucky Fried Chicken Development (Control No. 2000-00092), which is designated CH on the County's FLUA and is located within the CC/SE zoning district.
- East: The property located east of the Property is the +/- 2.28 acre open parcel of land which is controlled by the County (Control No. 1992-00023), is designated Commercial High (U/T) on the County's FLUA and is located within the PO zoning district. This property was originally a part of the MUPD, was conveyed to the County as a part of Resolution R-2003-0940.
- West: The property located to the west of the Property is made up of various commercial zoned properties which are controlled by the Town of Haverhill. These properties are designated as CH/8 on the Town of Haverhill's FLUA and is zoned CG/SE. Uses served on this property include gas station, restaurants, and retail establishments.

The foregoing table and summary of surrounding uses demonstrate that the proposed Project will be compatible with overall surrounding land uses and promote development that will make a positive contribution to the character of the locality. The proposed mix of commercial uses on the Property are consistent and compatible with the surrounding uses of property and zoning designations. The existing MUPD zoning designation on the Property provides a variety of mixed commercial uses to serve the public.

4. *Effect on Natural Environment* – The Project minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment. Furthermore, the Project is designed to comply with all County, State and federal environmental requirements for underground fuel storage tanks.
5. *Development Patterns* – The Project will result in a logical, orderly and timely development pattern. Petitioner proposes to redevelop an aging and underutilized property with a mix of convenience store and gas sales, which will be consistent with the goods and services that is currently available within the MUPD. The Property is located within an active area adjacent to a major thoroughfare with multiple commercial uses nearby. Furthermore, approval of the Project will promote efficient use of the County's land by redeveloping aging uses with a vibrant mix of complementary Retail Gas and Fuel Sales with Convenience Store rather than breaking new ground to provide sufficient space for the intended retail uses.

6. *Adequate Public Facilities* – The Project will not have an adverse effect on the ability of the County to provide adequate public facilities to the residents or businesses in the surrounding area. Please refer to the Traffic Statement and Drainage Statement that are included with this proposal.
7. *Changed Conditions or Circumstances* – There are changed conditions or circumstances that necessitate the Project. The Property is currently developed with an aging, closed Walgreen's Pharmacy. As the area has grown, the need for full service convenience store collocated with a gas use has increased such that Petitioner is seeking to redevelop the existing uses of the Property in order to provide better and improved services to the community. The escalation of use of the intersection and the growth of the surrounding area are changed circumstances that necessitate the Project.

The proposed site plan shall comply with all previous applicable conditions of the resolutions governing the MUPD listed above. Please see table below which demonstrates that the proposed development will comply with the existing MUPD site plan and resolution conditions:

	Required	Existing	Proposed
MUPD Area		22.41 AC	22.41 AC
Min Depth	300'	944'	944'
Min Width	944'	1272'	1272'
FAR	50% Max	18.5%	16%
Building Coverage	30% Max	22.7%	20.2%
Impervious Area		84.1%	83.1%
Building Setbacks	30'	30'	30'
ROW Landscape Setback	20'	20'	20'
Parking Spaces	899	984	927

Landscaping will be provided on the proposed Murphy parcel in order to comply with the previous conditions of the MUPD as well as the requirements established in the Unified Land Development Code (ULDC) – Article 7. The proposed development will maintain the 20' ROW landscape buffers as required by the MUPD, and will provide a minimum landscape buffer of 7' for frontages that abut the MUPD. Foundation plantings will be provided along the building for over 40% of each face of the building with the exception of the rear. Front and north side foundation plantings shall be 8' as required by code, while the southern planting is proposed at 6' in order to allow adequate space for ADA sidewalk, Parking, two-way drive aisle and the required 20' landscape buffer abutting the Belvedere ROW. Please see Alternate Landscape plan as well as Tree Disposition plan for more detail. Please note that only the landscaping on the existing Walgreens parcel is proposed to be modified as a part of this request.

ABN STANDARDS

Pursuant to ULDC Section 2.B.7.f.5 Petitioner has supplied consent forms signed by property owners of both parcels affected by this project, as well as the Status of Conditions of Resolutions R-2003-0940 authorizing the proposed request. Petitioner will also demonstrate that the

Project: (1) is consistent with the County's Comprehensive Plan; (2) is consistent with the County's ULDC; (3) will not impact the approved requirements of Art. 2.F, Concurrence (Adequate Public Facility Standards) ; (4) There are demonstrated changed site conditions or circumstances that necessitate the abandonment.

1. *Consistency with the Plan* - Approval of the Project is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use. As noted above, the applicant is requesting a Development Order Amendment to the previously approved PDD and Class A conditional use to move the approved and convenience and gas sales use from 1050 N Military Trail to 1010 North Military Trail. Both of these properties are zoned MUPD, and have a FLU designation of CH which support the existing zoning and proposed use. The proposed project will be consistent with the existing mix of commercial uses located within the PDD, as it does not add any uses that have not been previously approved for the master development. Approval of the Project is not only consistent with the proposed land use designation of the Property, it is also consistent with Policy 2.2.c of the PBC Comprehensive Plan, which requires the PBC Code to be consistent with appropriate elements of the PBC Comprehensive Plan including compatibility with adjacent future land uses.
2. *Consistency with the Code* - The Project complies with the applicable standards and provisions of the County ULDC for use, layout, function, and general development characteristics. The Project is also consistent with the purpose of the MUPD zoning district to provide opportunities for enlightened and imaginative approaches to community planning and site design by: allowing flexibility from standard property development regulations; applying property development regulations to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses. The existing MUPD designation is compatible with a CH FLUA designation. The proposed development is consistent with Table 3.E.3.D – MUPD Property Development Regulations as well as the performance standards and design objectives for an MUPD. Therefore, the Petitioner demonstrates consistency with the Code.

The Project proposes demolition of an aging, vacant Walgreens Pharmacy and subsequent construction of a brand new convenience store and gas station. The mix of commercial uses provided will be consistent with the current provision of good and services within the PDD. The Project also complies with all applicable portions of Article 4.b, Supplementary Use Standards, as described in more detail below.

4.B.2.C.7 Convenience Store

- a. The proposed Convenience Store will be equipped to service a limited market area and engaged in the retail sale of food, beverages, and other frequently or recurrently needed items for household use or consumption.
- b. Floor Area – The proposed Convenience Store shall have a floor area of 2,824 SF which is less than the 7,000 SF GFA maximum.

- c. Overlay – WCRAO – Convenience Store is prohibited in the NR, NRM, NG, and NC Sub-areas. – Project is not within any of the listed prohibited sub-areas.
- d. Zoning Districts – CN and CC: The Property is not located within the CN or CC districts. As such, this criterion does not apply.
- e. Collocated Use – The Convenience Store

4.B.2.C.16 Gas and Fuel Sale, Retail

- a. The proposed gas station shall be equipped to engaged in the sale of gasoline or motor fuels to the general public.
- b. Nonconformities:
 - 1) Automotive Service Station with or Convenience Store with Gas Sales – The prior approval of Convenience Store with Gas Sales correspond to Retail Gas and Fuel Sales with Convenience Store as a collocated use.
 - 2) Approvals Prior to Establishment of Location Criteria – Due to the fact that Convenience Store with Gas Sales was an approved and conforming use within the MUPD on the effective date of Ord. No. 2001-029 (August 3, 2001) as confirmed by staff during pre-application meeting held in August of 2019, the project shall be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, listed below.
- c. Approval Process – IRO District with a CH FLU designation – Project is not zoned in an IRO district. As such, this criterion does not apply.
- d. Zoning Districts – TMD – Project is not zoned in a TMD district. As such, this criterion does not apply.
- e. Location Criteria
 - 1) Intersection Criteria – Due to the fact that Convenience Store with Gas Sales was approved for the MUPD prior to the effective date of Ord. No. 2001-029 (August 3, 2001), the site is exempt from this criterion.
 - 2) Separation Criteria Due to the fact that Convenience Store with Gas Sales was approved for the MUPD prior to the effective date of Ord. No. 2001-029 (August 3, 2001), the site is exempt from this criterion.
 - 3) Major Intersection Criteria for CL FLU in U/S Tier – The Project has an FLU designation of CH. As such, this criterion does not apply.
 - 4) CL FLU in Rural, Exurban, Glades and Agriculture Reserve Tiers - The Project has an FLU designation of CH. As such, this criterion does not apply.
 - 5) WCRA Overlay - Retail Gas and Fuel Sales is prohibited in the NR, NRM, NG, and NC Sub-areas, per Table 3.B.14.E, WCRAO Sub-area Use Regulations. - The Project has an FLU designation of CH. As such, this criterion does not apply.
 - 6) Exceptions
 - a) I-95 Interchanges – Project is not within 0.5 miles of I-95. As such, this criterion does not apply.

b) MUPD - Retail Gas and Fuel Sales located within an MUPD may be exempt from the Location Criteria for 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

(1) Required perimeter landscape buffers, where located between all Retail Gas and Fuel Sales use areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and - Project will provide the required landscape buffers pursuant to the conditions of the R-2 003-1940 and the ULDC. Therefore the project is exempt from the separation and intersection criteria.

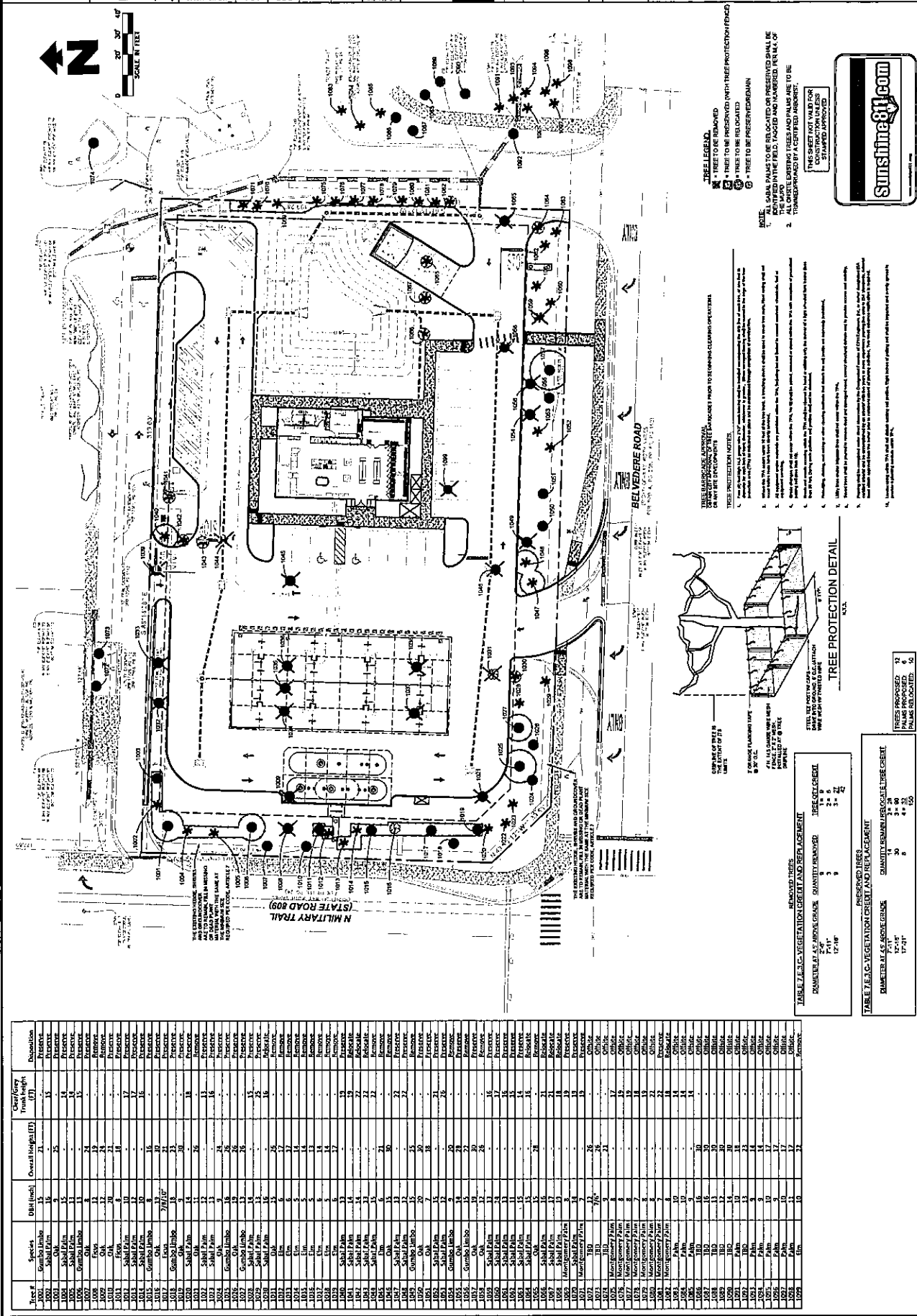
(2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity. – The site will not provide any new direct access from any R-O-W. Furthermore the existing project already has a permitted convenience store with gas sales use within the MUPD. Proposed site plan will relocate this previously approved use to the 1010 N Military Trail parcel. As Such, this criterion has been met, and the site meets the criteria to be exempt from intersection and separation criteria listed above.

f. Accessory Use – The project does not include wholesale Gas and Fuel use. As such, this criterion does not apply.

3. *Adequate Public Facility Standards* – The project will not be removing or relocating any public utilities or utilities which serve the overall MUPD. The project will include removal of existing private utilities of Murphy USA and Walgreen's pharmacy only, and the proposed project will not create a significant increase the water and sewer demand currently allocated for the previously approved uses.
4. *Changed Conditions or Circumstances* – The abandonment of the existing Convenience Store with Gas Sales is necessary due to the changed circumstances from Resolution R-2003-1940. The proposed development project will include constructing a brand new Retail Gas and Fuel Sales with Convenience Store use. The abandonment of the existing Convenience Store with Gas Sales is necessary in order to allow for the development of an upgraded Murphy Express Store on the existing Walgreen's parcel such that the existing number of Retail Gas and Fuel Sales users within 1,000 feet of the intersection is maintained after the completion of this project.

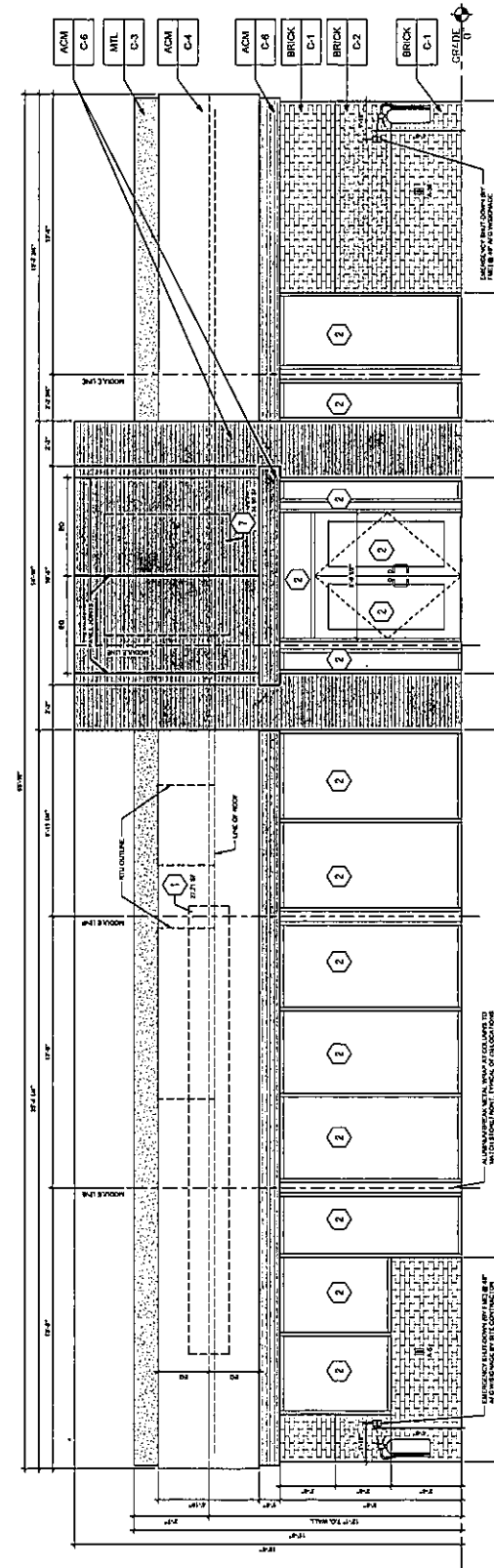
Westgate Community Redevelopment Agency (WCRA) STANDARDS

Pursuant to ULDC Sec. 3.B.14.D. the applicant will coordinate with the WCRA in order to obtain a recommendation letter for approval of the proposed project. The proposed project will comply with use regulations pursuant to Sec. 3.B.14.E (Retail Gas and Fuel Sales is allowed subject to regulations of zoning district) as well as the developmental requirements of the WCRA Overlay (WCRAO) pursuant to Sec. 3.B.14.F per UH subarea requirements pursuant to Figure 3.B.14.C including but not limited to maximum building coverage, foundation plantings, site landscaping, setbacks, maximum height, and maximum building length.



[illegible]

ALL SIGNAGES UNDER SEPARATE PERMIT



1 FRONT ELEVATION - (WEST)
36' x 150'

NOTED NOTES:

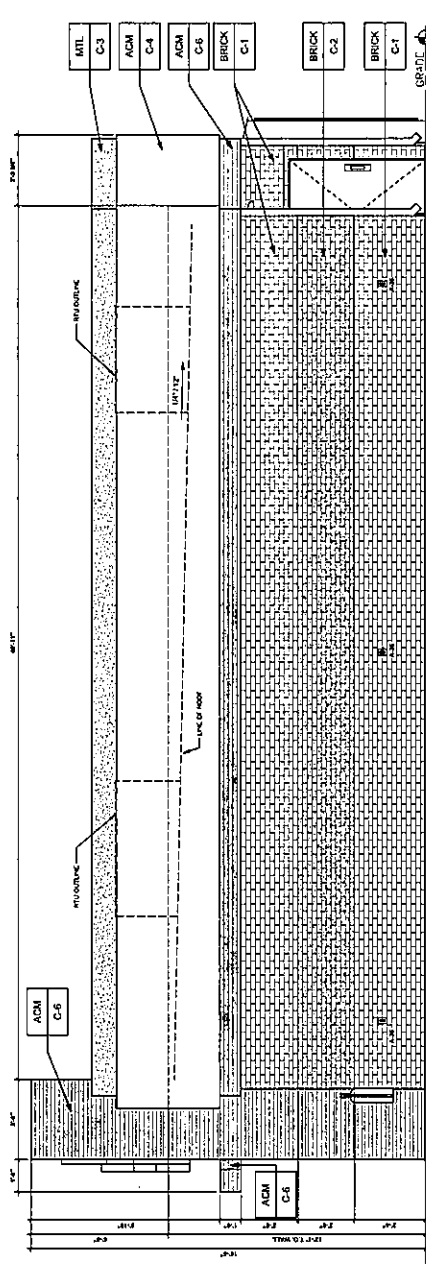
1. NOTES LEFT LOGO SIGNAGE - BY FHS
2. SIGNAGE TO BE INSTALLED ON THE NORTH SIDE OF THE BUILDING - BY FHS
3. SIGNAGE TO BE INSTALLED ON THE SOUTH SIDE OF THE BUILDING - BY FHS
4. SIGNAGE TO BE INSTALLED ON THE EAST SIDE OF THE BUILDING - BY FHS
5. SIGNAGE TO BE INSTALLED ON THE WEST SIDE OF THE BUILDING - BY FHS
6. SIGNAGE TO BE INSTALLED ON THE NORTH SIDE OF THE BUILDING - BY FHS
7. SIGNAGE TO BE INSTALLED ON THE SOUTH SIDE OF THE BUILDING - BY FHS

EXTERIOR FINISHES:

ACM	ACM (SEE THICKNESS)	BY FHS
BRICK	BRICK	BY FHS
MTL	MTL	BY FHS

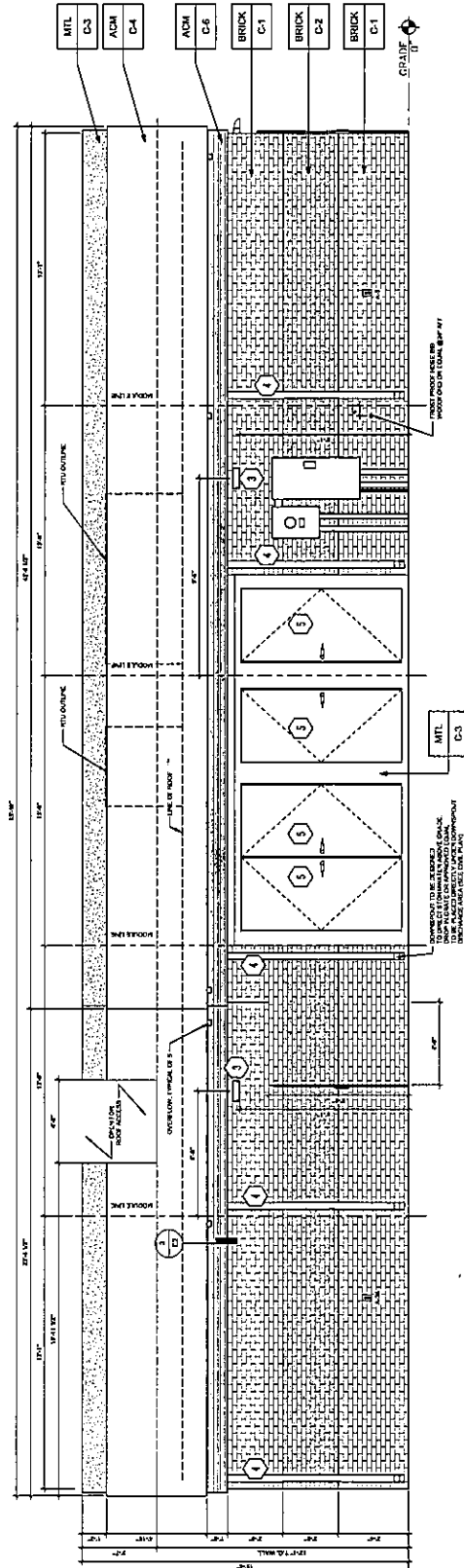
EXTERIOR PAINT COLORS:

C1	PAINT COLOR (SEE THICKNESS)	BY FHS
C2	PAINT COLOR (SEE THICKNESS)	BY FHS
C3	PAINT COLOR (SEE THICKNESS)	BY FHS
C4	PAINT COLOR (SEE THICKNESS)	BY FHS
C5	PAINT COLOR (SEE THICKNESS)	BY FHS
C6	PAINT COLOR (SEE THICKNESS)	BY FHS
C7	PAINT COLOR (SEE THICKNESS)	BY FHS



2 RIGHT ELEVATION - (SOUTH)
36' x 150'

ALL SIGNAGES UNDER SEPARATE PERMIT



3 REAR ELEVATION - (EAST)

NOTED NOTES:

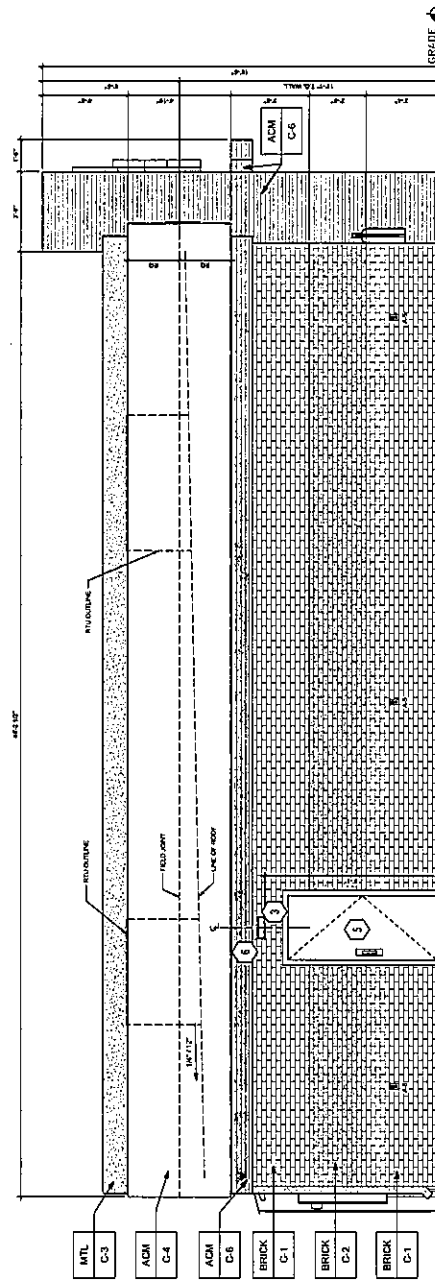
1. MATERIALS TO BE SHOWN BY THE ARCHITECT.
2. ALL MATERIALS TO BE SHOWN BY THE ARCHITECT.
3. ALL MATERIALS TO BE SHOWN BY THE ARCHITECT.
4. ALL MATERIALS TO BE SHOWN BY THE ARCHITECT.
5. ALL MATERIALS TO BE SHOWN BY THE ARCHITECT.
6. ALL MATERIALS TO BE SHOWN BY THE ARCHITECT.
7. ALL MATERIALS TO BE SHOWN BY THE ARCHITECT.

EXTERIOR FINISHES:

- ACM (SEE FINISHES)
- BRICK
- MTL

EXTERIOR PAINTCOLORS:

- C-1
- C-2
- C-3
- C-4
- C-5
- C-6
- C-7



4 LEFT ELEVATION - (NORTH)

106

GreenebergFarrow

1000 Corporate Boulevard
Greensboro, NC 27409
P: 336.833.1133
F: 336.833.1133

Scale: 1/8" = 1'-0"

Project: 1010 S Military Trail, Suite 100, Mayersville, NC 27554

Project Number: 20181014.5

Project Name: MURPHY EXPRESS MURPHY OIL CONVENIENCE STORE

Project Location: 1010 S Military Trail, Suite 100, Mayersville, NC 27554

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

Project Date: 01/11/2019

Project Status: PRELIMINARY

Project Owner: MURPHY OIL CONVENIENCE STORE

Project Architect: GREENBERGFARROW

Project Engineer: J. F. FARRAW

Project Designer: J. F. FARRAW

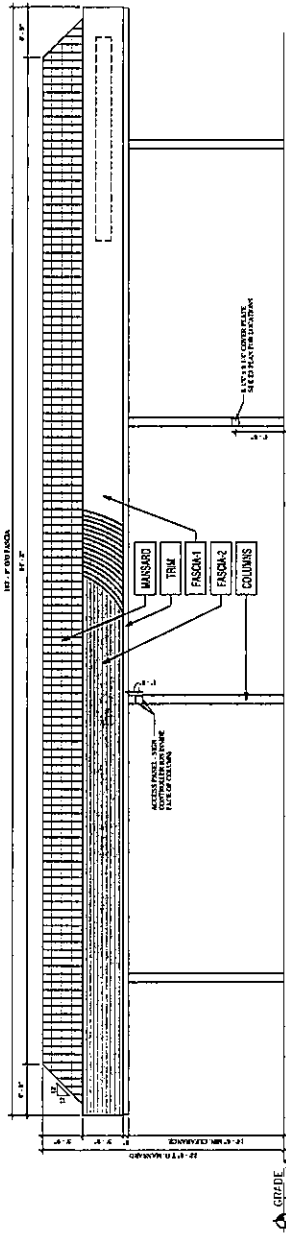
Project Checker: J. F. FARRAW

Project Approver: J. F. FARRAW

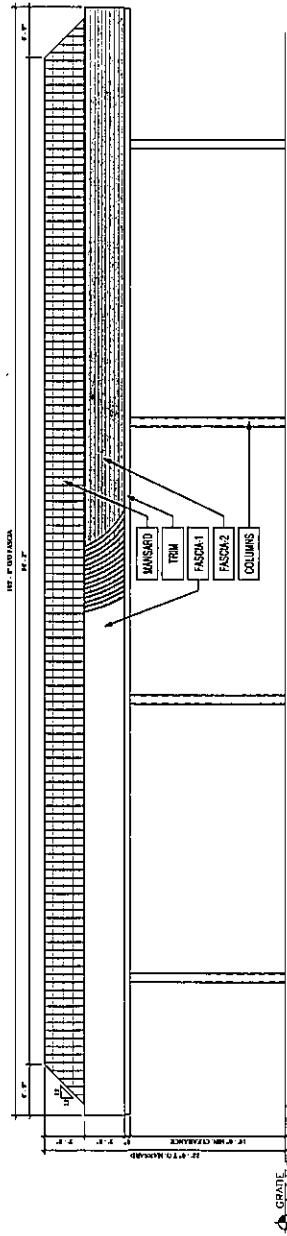
Project Date: 01/11/2019

Project Status: PRELIMINARY

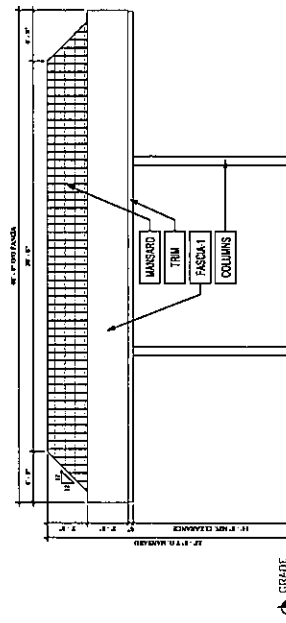
ALL SIGNAGES UNDER SEPARATE PERMIT



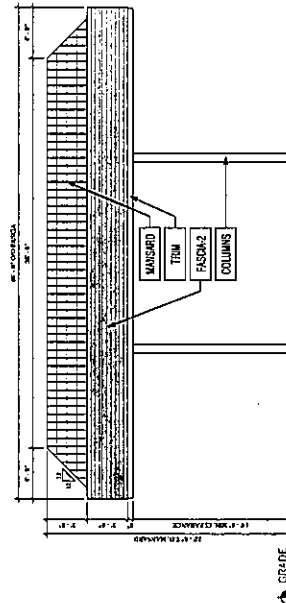
1 FRONT ELEVATION (WEST)



2 REAR ELEVATION (EAST)



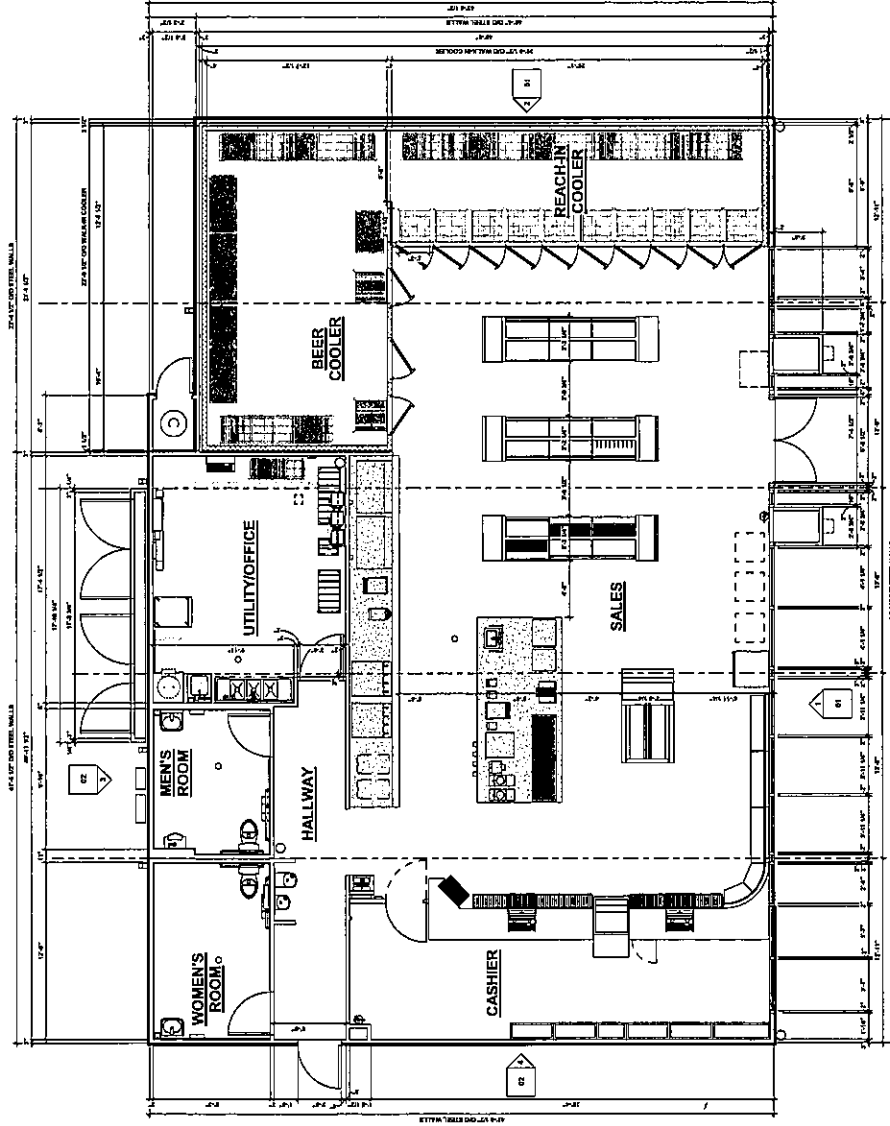
3 RIGHT ELEVATION (SOUTH)



4 LEFT ELEVATION (NORTH)

FINISH SCHEDULE	
1. EXTERIOR WALLS	EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A FINISH OF 1/2" THICK PLASTER OR STUCCO.
2. INTERIOR WALLS	INTERIOR WALLS SHALL BE GYPSONUM BOARD WITH A FINISH OF 1/2" THICK PLASTER OR STUCCO.
3. FLOORS	FLOORS SHALL BE 4" THICK CONCRETE SLAB ON GRADE.
4. CEILING	CEILING SHALL BE 5" THICK CONCRETE SLAB ON GRADE.
5. ROOF	ROOF SHALL BE 12" THICK CONCRETE SLAB ON GRADE.
6. FOUNDATION	FOUNDATION SHALL BE 12" THICK CONCRETE SLAB ON GRADE.

ALL SIGNAGES UNDER SEPARATE PERMIT



⊕ 1 FLOOR PLAN
1/4" = 1'-0"

GreenebergFarrow
Scale 1/8" = 1'-0"
1400 Coonrod Boulevard
Gainesville, FL 32609
P: 813.653.1133
F: 813.653.1134
www.greenebergfarrow.com
The undersigned hereby certifies that the above is a true and correct copy of the original as submitted to the City of Gainesville, Florida, for the purpose of obtaining a building permit. The undersigned further certifies that the above is a true and correct copy of the original as submitted to the City of Gainesville, Florida, for the purpose of obtaining a building permit. The undersigned further certifies that the above is a true and correct copy of the original as submitted to the City of Gainesville, Florida, for the purpose of obtaining a building permit.

DATE: 05/11/2019
BY: MICHAEL F. FARROW
POSITION: ARCHITECT

PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE
NAME: MICHAEL F. FARROW
PROJECT MANAGER
NAME: MICHAEL F. FARROW
QUALITY CONTROL
NAME: MICHAEL F. FARROW
DATE: 05/11/2019

MURPHY EXPRESS
MURPHY OIL
CONVENIENCE
STORE
1010 E. MILITARY TRAIL,
HAWKSHILL
FLORIDA 32409

FREE MOSS
ARCHITECTS
1010 E. MILITARY TRAIL,
HAWKSHILL
FLORIDA 32409
PHONE: 813.653.1133
FAX: 813.653.1134
WWW.FREEMOSSARCHITECTS.COM

PROJECT NUMBER: 20191014.5
PROJECT TITLE:

FLOOR PLAN

SHEET NUMBER

04

PHOTO 4220 1/10/2019

Project Impacts and Study Area

Trip Generation

Trip generation was calculated using the rates and equations the Palm Beach County Trip Generation Tables (updated 3/2/2020). Because the pharmacy has been closed for several years, no credit has been applied for the trips associated with the pharmacy, however, credit has been applied for the existing service station being relocated. At this point, there are no specific plans for redevelopment of the existing service station, therefore no trip generation has been calculated for the property. While there will be internal capture anticipated between the gas station and the existing Wal-Mart that shares access with the gas station, no internal capture has been applied to maintain a conservative analysis. Based upon the calculations, the project is anticipated to generate 47 net new peak hour trips and capture 42 new pass-by trips. Table 1 summarizes the trip generation calculations.

Table 1 – Trip Generation Comparison

Land Use	Variables			Weekday				AM/PM Peak Hour			
				Equation/Rate (1)	Enter	Exit	Total	Equation/Rate (2)	Enter	Exit	Total
Gas Station with Convenience Market	VFP	8	Gross Trips	T=14.3{PM Pk Trips}	730	730	1460	= 12.3(vfp)+15.5*(ksf)	51	51	102
	KSF	0.238									
			Pass-by (3)	61%	-445	-445	-891	61%	-31	-31	-62
			Net New Trips		285	285	569		20	20	40
Gas Station with Convenience Market	VFP	16	Gross Trips	T=14.3{PM Pk Trips}	1716	1716	3432	= 12.3(vfp)+15.5*(ksf)	120	120	240
	KSF	2.824									
			Pass-by (3)	61%	-1047	-1047	-2094	61%	-73	-73	-146
			Net New Trips		669	669	1338		47	47	94
Change in Gross Trips					986	986	1972		69	69	138
Change in New Trips					385	385	769		27	27	54

Notes: (1) Trip Generation rates and equations obtained from Palm Beach County Trip Generation Rates (updated 3/2/2020)
 (2) Per the Palm Beach County Trip Generation Rates, PM Peak Hour trip generation is used for the AM peak as well
 (3) Pass-by rate obtained from the Palm Beach County Trip Generation Rates (updated 3/2/2020)

Study Area and Roadway Significance Calculations

The study area has been determined based upon Article 12 – Traffic Performance Standards from the Palm Beach County Unified Land Development Code. Based upon the trip generation calculations and Table 12.B.2.D-7 3A, the study area radius is anticipated to be 1 mile. Significance Calculations for Test 1 and 2 were performed for daily, peak hour two-way, and peak hour directional conditions. Capacities used in the calculations were taken from Table 12.B.2.C-1 1A for LOS D conditions, and Table 12.B.2.C-4 2A for LOS E conditions. Significance Calculations for all three scenarios are shown below in **Tables 2, 3, and 4**. Based upon the significance calculations, the study area is anticipated to include Belvedere Road from Haverhill Road to Congress Road and Military Trail from Southern Boulevard (SR 80) to Westgate Road. Intersections to be analyzed will include the project driveways and the adjacent intersection of Military Trail and Belvedere Road.

Conclusions

The applicant proposes to develop a gas station with 16 fueling positions and 2,824 square feet of convenience store is proposed to be constructed on the northeast corner of Military Trail and Belvedere Road. There is currently a vacant pharmacy on the property that has been closed since 2017. The proposed service station is being relocated from 1050 N Military Trail, which has 8 fueling positions and a 286 square foot convenience market. This development is within a plaza; the project intends to utilize existing access points.

Trip generation was calculated using the rates and equations the Palm Beach County Trip Generation Tables (updated 3/2/2020). Based upon the calculations, the project is anticipated to generate 47 net new peak hour trips and capture 42 new pass-by trips.

Access to the project is proposed through four existing driveways including two driveways located on N. Military Trail and two on Belvedere Road. Existing right-turn lanes will remain at Driveways 1, 2, and 4. Driveway 3 does not have a right-turn lane and project traffic does not warrant a right turn lane. New trips added to the network are not anticipated to have considerable impact on intersection level of significance. Based upon the significance calculations, the project is not significant for Test 1 or Test 2 of the Palm Beach County Traffic Performance Standards. Intersection analysis at N. Military Trail and Belvedere Road indicates that the background conditions Level of Service is not anticipated to change with the addition of the project.



Project Name: BMC/Walmart
Project Number: DOA/CA-2021-00249
Control Number: 1992-00023
Site Address/Location: 1010 N Military Trail
Date: February 1, 2021

1992 SW 1st Street
Miami, Florida
33135
Phone: 305-274-4805
www.cphcorp.com

ENGINEER'S DRAINAGE STATEMENT

PROJECT DESCRIPTION

The proposed project is to demolish an existing Walgreen's located at 1010 N Military Trail and redevelop the site with a new Murphy Express gas station. The subject property is a 1.45 acre parcel located within an existing MUPD with control number 1992-00023.

PERMITTING REQUIREMENTS

The stormwater management system for the existing Walgreens consists of parking lot inlets interconnected by a series of underground stormwater pipe (15") and 244 L.F. of exfiltration trench. The Walgreen's stormwater system connects to an inlet east of the site within the shopping center property, which ultimately discharges to a canal east of the site. The site is located within South Florida Water Management District's (SFWMD) C-10 drainage district, but does not have an active permit with SFWMD or Palm Beach County. The proposed project will require an Environmental Resource Permit (ERP) from SFWMD as well as a permit from Palm Beach County Land Development department.

DRAINAGE FACILITIES

The proposed drainage system will be designed in accordance with Palm Beach County's Unified Land Development Code (ULDC) as well as SFWMD requirements. The system will consist of a series of interconnected catch basins and pipes to collect and convey the storm water runoff to the proposed dry retention pond. Treatment for 2.5" over the entire site's impervious area will be provided for in the proposed pond before discharging offsite. Dry Retention pond will be designed with control structure which will limit discharge to match pre vs. post maximum discharge rate, while maintaining compliance with maximum stage requirements of SFWMD and Palm Beach County. The FFE elevation of the building is to be set higher than the FEMA Base Flood Elevation (BFE) of 12.5 NAVD, adjacent sidewalk, crown of nearest roadway, and above the maximum stage of the 100 year-3day storm event.

LEGAL POSITIVE OUTFALL

Legal positive outfall will be provided for by piped connections to a drainage canal to the east. Drainage leaving the proposed dry retention pond will be routed through outfall structures to meet water quality requirements before discharging offsite into existing exfiltration system serving the western portion of the MUPD system and ultimately the SFWMD C-10 Canal. The pipe connections which convey the stormwater from the proposed Murphy site are covered by a drainage easement granted to the County by the shopping center owners as recorded in Official Records book 15659 page 1078. No drainage permit exists for the Walgreen's site, but the proposed Murphy will be

111

designed to meet the existing conditions for maximum discharge rates conveyed to the adjacent canal.

If you have any questions, or if you require additional information, please contact us at (305) 274-4805.

**Sincerely,
CPH, Inc.**

**Todd H
Hendrix**

Digitally signed by
Todd H Hendrix
DN: c=US, o=CPH INC.,
ou=A01410C0000016
C438ECAF000004FCA,
cn=Todd H Hendrix
Date: 2021.02.01
08:16:22 -05'00'

Todd H. Hendrix, P.E.
Florida Reg. 66794
(For the Firm)
Civil Engineer

Todd H. Hendrix, State of Florida, Professional Engineer, License No. 66794
This item has been digitally signed and sealed by Todd H. Hendrix, State of
Florida on 2-1-2021.
Printed copies of this document are not considered signed and sealed and the
signature must be verified on any electronic copies.



**Westgate CRA Board Meeting
March 8, 2021**

AGENDA ITEM SUMMARY

Murphy Express (Murphy Oil USA)

1010 N. Military Trail

BMC/Walmart Plaza

**MUPD Development Order Amendment, Site Plan Abandonment
& Class A Conditional Use for Retail Gas & Fuel Sales**

Project #: DOA/CA/ABN-2021-00249

Control No. 1994-00023



Location Map – impacted outparcel



Site Background

The subject site is an outparcel at the Walmart Plaza, located on the northeast corner of N. Military Trail and Belvedere Rd. The Walmart Plaza is approximately 22.4 acres in total and consists of four buildings: the anchor tenant, a Walmart Supercenter, a vacant restaurant, a Murphy Express gas station, and a vacant Walgreen's pharmacy. The application requests the redevelopment of the vacant Walgreen's pharmacy parcel, to a new Murphy Express gas station and convenience store. The overall site was originally 25 acres and zoned for multifamily and general commercial development, but was rezoned to CG in 1993 via R-1993-0508. A companion resolution R-1993-059 allowed a gas station use by special exception. The development allowed by R-1993-059 was never constructed, and in 1997, the site plan was amended to increase the site area to 25 acres, and added a Lowe's as a proposed use. R-2001-1667 rezoned the overall site from CG to MUPD. The final resolution governing the overall site is R-2003-0940, which amended the site plan to allow the existing Walmart Supercenter as the anchor development, and reduced the size of the MUPD to 22.4 acres. The total square footage of the MUPD is 299,734 sf, and the total area affected by the proposed redevelopment is 1.45 acres.

The entire site is within the UH (Urban Highway) Sub-area of the WCRAO, and is zoned MUPD (Multiple Use Planned Development) with a Future Land Use designation (FLU) of CH/8 (commercial high with an underlying residential land use of 8 du's/acre). The site is in the URAO (Urban Redevelopment Area Overlay), the U/S (Urban/Suburban) Tier, and in the Westgate CCRT area. There are Vehicle Sales & Rental Uses to the north on Military Trail (zoned CG/SE with a CH/8 FLU). To the west, across N. Military Trail is the Town of Haverhill, to the south, across Belvedere Rd. is a KFC Restaurant (zoned CC/SE with a CH FLU), and to the is vacant PBIA owned land zoned PO with a Transit/Utilities (U/T) FLU.

Proposed Redevelopment – a new Murphy Express (Retail Gas & Fuel Sales) & Convenience Store
Murphy USA is affiliated with the Walmart retail chain; its gas station brand, Murphy Express, are primarily located at Walmart sites across the US. The following excerpt is taken from Murphy USA's website home page:

In 1996, when Murphy Oil Corporation was eager to open a retail store in order to market the gas it was producing, they looked to create a way to get low prices on gas to customers in the most convenient locations. In the end, they settled on creating a tie between the new gas station, Murphy USA, and the world's largest retail seller — Walmart. By placing Murphy USA stations next to Walmart locations, customers could complete several errands and experience tremendous savings in a single trip.



The partnership — Murphy USA and Walmart — shares a common philosophy: offer low, low prices on the things our loyal customers need, when and where they need them. We honor this philosophy on a daily basis by extending additional fuel discounts to Walmart customers at all our Murphy USA stations.

Over the next several years, our partnership with Walmart will be a key driver to our growth. Murphy USA plans to continue building out the Walmart "200" near existing and planned Walmart locations across the nation, expanding our offering across even more states and creating a stronger tie to the nation's leading retail brand." <https://corporate.murphyusa.com/corp-about-us/our-affiliates/>

The applicant proposes to redevelop the outparcel located at the southwest corner of the MUPD as well as the northeast corner of the intersection of N. Military Trail and Belvedere Rd. The existing site is a vacant, abandoned Walgreen's Pharmacy. The project would demolish the existing Walgreen's pharmacy to construct a new Murphy Express convenience store and gas station consisting of a 2,824 SF convenience store and 4,830 SF gas canopy with 16 fueling locations. The existing Murphy Express gas station located just north of the Walgreen's site within the MUPD would be demolished upon completion of the new Murphy Express convenience store and gas station to allow for future development of that parcel. All other areas within the MUPD are to be unaffected as a part of the application.

The application requests a Development Order Amendment to amend the previously approved MUPD site plan, a Class A Conditional Use approval for the proposed Gas and Fuel Sales, Retail with a convenience store collocated on the existing Walgreen's pharmacy site, and a Site Plan Abandonment to remove the approved Convenience Store with Gas Sales use (existing Murphy Express gas station). In addition, the application proposes to delete or amend several Conditions of Approval mandated through governing resolution R-2003-0940, including those from Engineering, Zoning (Landscaping, Signage, Site Design), Health Dep't, Planning, and Palm Tran. Most conditions have been addressed or completed by the previous petitioner. The following condition is applicable to the CRA:

WESTGATE CRA Condition 2

Prior to site plan certification, the petitioner shall fund a one-time clean- out of the existing section of the L-28 Canal between the 1-2 Canal and Belvedere Road. The total expenditure shall not exceed \$8,500.00. *Petitioner respectfully requests to delete this condition as it was performed by the previous petitioner.*



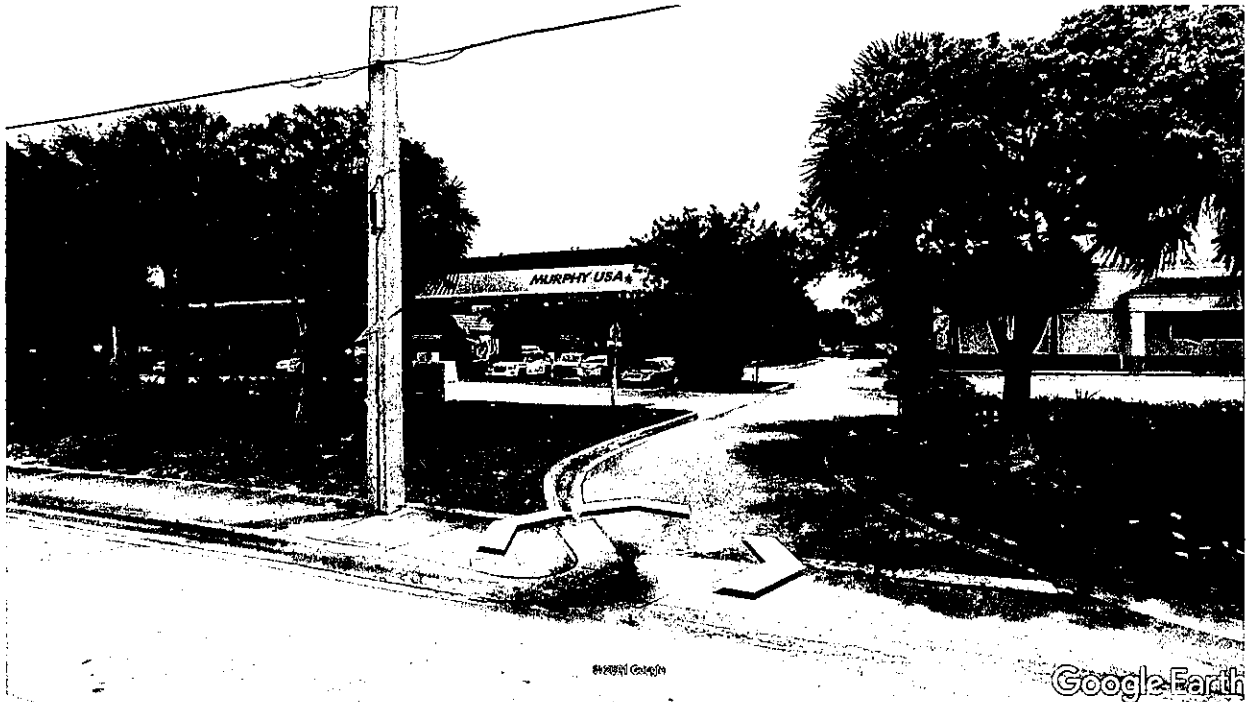
Summary of Petition

The application requests the following amendments and approvals, associated with Res. R-2003-0940 (BMC/Walmart):

1. A Development Order Amendment to modify the MUPD site plan, including associated conditions of approval;
2. A Site Plan Abandonment to remove the previously approved Gas and Fuel Sales, Retail with a Convenience Store use (existing Murphy Express gas station);
3. A Class A Conditional Use approval for a Gas and Fuel Sales, Retail with a Convenience Store consisting of a 2,824 SF convenience store and a 4,830 SF gas canopy with 16 fueling stations collocated on the existing Walgreen's pharmacy site;
4. An increase of 769 net new trips per day and 54 pm peak hour trips, from the existing vested Murphy Express Gas Station and Convenience Store to be allocated from the WCRA Transportation Concurrency Exception Area (TCEA) pool.
5. Final DRO site plan approval.



Existing Conditions – vacant Walgreen's Pharmacy outparcel at corner of N. Military Trail and Belvedere Rd.



Existing Conditions – existing Murphy Express gas station within the Walmart MUPD

Staff Analysis & Review – Consistency with the CRA Community Redevelopment Plan

The departure of Walgreen's Pharmacy in 2017 negatively impacted perception of the site; vacancy is counterproductive to redevelopment and encourages disinvestment and the furtherance of blight in the community. The proposed new Murphy Express use will offer an improved iteration to a use that currently exists. Fueling stations will be expanded from 8 to 16; and the convenience store will increase in size to offer a wider range of food and beverage choices along with other household items. The Walmart Superstore is a frequently used amenity for the neighboring residential community of Belvedere Homes and by other residents of the district. Given its visibility on the Military Trail corridor and its acreage, the site is considered among the highest contributors to the CRA's TIF, which allows the Agency to continue redevelopment activities that benefit the community.



Consistency with WCRAO Use Regulations Sub-area PDRs

Retail Gas and Fuel Sales is currently only permitted in the UH and UI Sub-areas and prohibited in all other Sub-areas of the WCRAO. The site is located in the UH Sub-area and the MUPD has a vested gas station use. A Retail Gas and Fuel Sales use is allowed in an MUPD with a CH FLU by Class A Conditional Use approval; convenience stores are permitted by right in MUPDs if under 7,000 sf in GFA. The gas station use is exempt from location, intersection and separation distance criteria since the MUPD was approved prior to the date of the ULDC ordinance governing the use. The WCRAO provides that all projects requiring Class A Conditional Use approval or requesting a site plan abandonment must receive WCRA recommendation. A provision in the WCRAO allowing Class A Conditional Use projects to be approved by the Zoning Commission as a Class B Conditional Use if on 2 acres or less is technically applicable, however the application must be heard by the BCC to amend the development order and abandon the existing gas station, so it's unlikely the applicant will utilize the provision.

The intent of the UH Sub-area recognizes that Military Trail and Okeechobee Blvd are well-established, intense commercial corridors, and since the site is located within an MUPD, UH Sub-area PDR's are not applicable to this application. The existing MUPD designation is compatible with a CH FLU designation. The proposed redevelopment complies with all MUPD PDRs per Table 3.E.3.D, as well as the performance standards and design objectives of an MUPD. The "purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for imaginative approaches to site design by: allowing flexibility from standard PDRs; applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping; and, encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses." Since Retail Gas & Fuel Sales is a Class A Conditional Use, it is subject to the architecture and design standards of Art. 5.C.

Compliance with Standards for Conditional Uses & Site Plan Abandonment

The applicant has provided adequate justification for the Conditional Use and Site Plan Abandonment pursuant to the Standards of Art. 2.B. The proposed project must be consistent with the Comprehensive Plan and the ULDC; be compatible with surrounding uses and development patterns; incorporate a design that minimizes adverse and environmental impact; and has adequate available public facilities (concurrency).





Traffic & Drainage Considerations

Since Walgreen's Pharmacy has been closed for several years, no credit has been applied to the trips associated with the use, however, credit is applied for the trips associated with the existing gas station use being relocated within the MUPD. There is anticipated trip capture between the proposed gas station and the Walmart Superstore. The project will utilize all access points and is expected to generate a net increase of 769 daily trips and 54 net new pm peak trips to be allocated from the Westgate CRA's Transportation Concurrency Exception Area (TCEA) trip pool, as well as 42 new passer-by trips.

A drainage statement has been provided with the application. The stormwater management system for the existing Walgreens consists of parking lot inlets interconnected by a series of underground stormwater pipes and exfiltration trench. The Walgreen's pharmacy stormwater system connects to an inlet on the east side of the site within MUPD, and ultimately discharges to a canal east of the site. The proposed drainage system will be designed in accordance with Palm Beach County Land Development and SFWMD requirements. The system will consist of a series of interconnected catch basins and pipes to collect and convey the storm water runoff to the proposed dry retention pond. Treatment will be provided for in the proposed pond before discharging offsite.

Legal positive outfall will be provided for by piped connections to a drainage canal to the east. Drainage leaving the proposed dry retention pond will be routed through outfall structures to meet water quality requirements before discharging offsite into existing exfiltration system serving the western portion of the MUPD system and ultimately the SFWMD C-10 Canal.

Staff Recommendation

Staff recommends **approval** of applicant's request for amendments and approvals, associated with Res. R-2003-0940 (BMC/Walmart):

1. A Development Order Amendment to modify the MUPD site plan, including associated conditions of approval;
2. A Site Plan Abandonment to remove the previously approved Gas and Fuel Sales, Retail with a Convenience Store use (existing Murphy Express gas station);
3. A Class A Conditional Use approval for a Gas and Fuel Sales, Retail with a Convenience Store consisting of a 2,824 SF convenience store and a 4,830 SF gas canopy with 16 fueling stations collocated on the existing Walgreen's pharmacy site;



-
4. An increase of 769 net new trips per day and 54 pm peak hour trips, from the existing vested Murphy Express Gas Station and Convenience Store to be allocated from the WCRA Transportation Concurrency Exception Area (TCEA) pool.
 5. Final DRO site plan approval.

2021

121

RE: Westgate CRA COVID-19 small business forgivable loan program

jean assuied <newjeanflo@hotmail.com>

Wed 2/10/2021 1:41 PM

To: Denise Pennell <DPennell@pbcgov.org>;

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

So very appreciative, I am impressed with your concern and swift action to support the small business which are part of the fabric of our community. Sincerely grateful, jean Philippe assuied

Sent from my T-Mobile 5G Device

----- Original message -----

From: Denise Pennell <DPennell@pbcgov.org>

Date: 2/10/21 1:34 PM (GMT-05:00)

To: jean assuied <newjeanflo@hotmail.com>

Subject: Re: Westgate CRA COVID-19 small business forgivable loan program

Good Afternoon Mr. Assuied--

At their meeting on February 8, 2021, the Westgate CRA Board approved the request by Generation Once Inc., d/b/a Advanced Vision to forgive the \$10,000 loan amount from the Westgate CRA's COVID-19 Small Business Emergency Relief Forgivable Loan Program in full and release the associated promissory note and personal guaranty.

The loan forgiveness approval letter and releases are attached; hard copies will be sent to the business address.

Wishing you and your business continued success.

Thank you and best regards,

Denise Pennell, FRA-RA

Senior Planner/Project Manager

Westgate CRA, Palm Beach County

1280 N. Congress Ave., Suite 215

West Palm Beach, FL 33409

561-640-8181x105

dpennell@pbcgov.org

www.westgatecra.org [na01.safelinks.protection.outlook.com]

Please consider the environment before printing this email.

Re: Westgate CRA COVID-19 small business loan - request for loan forgiveness

Alternative Auto <alternativeautowpb@gmail.com>

Wed 2/10/2021 2:08 PM

To: Denise Pennell <DPennell@pbcgov.org>;

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Your program was such a lifesaver, we can't thank you guys enough!

On Wed, Feb 10, 2021 at 1:54 PM Denise Pennell <DPennell@pbcgov.org> wrote:

Good Afternoon Monica/Mr. Hale & Ms. Hale--

At their meeting on February 8, 2021, the Westgate CRA Board approved the request by Alternative Automotive Services to forgive the \$10,000 loan amount from the Westgate CRA's COVID-19 Small Business Emergency Relief Forgivable Loan Program in full and release the associated promissory note and personal guaranty.

The loan forgiveness approval letter and releases are attached; hard copies will be sent to the business address.

Wishing you and your business continued success.

Thank you and best regards,

Denise Pennell, FRA-RA

Senior Planner/Project Manager

Westgate CRA, Palm Beach County

1280 N. Congress Ave., Suite 215

West Palm Beach, FL 33409

561-640-8181x105

dpennell@pbcgov.org

www.westgatecra.org [[westgatecra.org](http://www.westgatecra.org)]