



## TEXT AMENDMENT STAFF REPORT AMENDMENT ROUND 05-1

<b>Item Name:</b>	<b>Westgate Community Redevelopment Area Overlay Bonus Pool Units</b>
<b>Elements:</b>	Future Land Use Element
<b>Item Before the Board:</b>	To hold a public hearing on a proposed amendment to the Future Land Use Element (FLUE) which will: <ul style="list-style-type: none"><li>• Revise Policy 1.2.4-b to increase the number of bonus pool units for the Westgate Community Redevelopment Area (CRA) from 300 units to 1300 units.</li></ul>
<b>Meeting Date:</b>	<b>Final Report</b> , August 22, 2005
<b>Project Manager:</b>	Etim S. Udoh, Senior Planner

**MOTION:** To *adopt* the proposed amendment.

- A. Planning Recommendation:** Staff recommends *approval* based on the findings and conclusions presented in this report.
- B. LPA Recommendation:** Motion to recommend *approval* passed in a unanimous vote (11-0) at March 18, 2005 Public Hearing. There was minimal Board discussion and no public comment on this item.
- C. BCC Transmittal Action:** Motion by Comm. Koons, seconded by Comm. Aarson, to *transmit* passed in a unanimous vote (6-0, with Commissioner Greene absent) at the April 6, 2005 Public Hearing. There was minimal Board discussion and no public comment on this item.

## POST TRANSMITTAL ACTION

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- A. **ORC Report Findings:** None
- B. **Response to ORC Report:** None
- C. **Revisions Not Previously Reviewed:** None
- D. **BCC Adoption Action:** Motion by Comm. Koons, seconded by Comm. Aaronson, to ***adopt an ordinance*** passed in a unanimous 7-0 vote at the August 22, 2005 Public Hearing. There was minimal Board discussion and no public comment on this item.

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# I. SUMMARY REPORT

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## A. BACKGROUND

The Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRA-O) is bounded on the north by Okeechobee Boulevard, on the south by Belvedere Road, on the east by Florida Mango Road and on the west by Military Trail. The area is approximately 1,300 acres (2.031 square miles) in size with an approximate population of 8,158. The area was established in 1988 by the Board of County Commissioners (BCC) as a special district for the redevelopment of the area. It was created to encourage development and redevelopment of the Westgate/Belvedere Homes area with special land use provisions designed to arrest deterioration of property values and preserve affordable housing in the area.

With the creation of the CRA, the BCC appointed a CRA Board of Commissioners as advisory board to act as a policy making body. Subsequently, with the assistance of the County and private consultants, the CRA Board commissioned the preparation of a Redevelopment Plan for the district. The resulting document was the 1989 Redevelopment Plan adopted by the BCC on May 9, 1989 (by Ordinance No. 89-6). The WCRA-O Redevelopment Plan was mainly a physical plan that concentrated on land issues, infrastructure needs, transportation, and the methods of financing improvements to address those needs. Florida Statutes, Section 163.361(3) provides for the modification of the Redevelopment Plan. Consequently, at a January 2003 workshop, the CRA Board directed its staff to update and amend the original 1989 Redevelopment Plan to include a Master Plan that reflects current conditions and demographics. The Redevelopment Master Plan provides for future desired land uses, receiving areas for commercial and residential bonus provisions, a comprehensive and realistic infrastructure improvement schedule and updated economic forecast. On April of 2003, the CRA hired Civic Design Associates, an Economic Development and Urban Design Planning firm to prepare a Redevelopment Plan update that amended the 1989 original Plan. On December 2003, Civic Design Associates presented a final amended Redevelopment Plan to the CRA Board that ratified the plan. The amended draft Redevelopment Plan was presented to the Board of County Commissioners at a workshop on February 17, 2004. A resolution adopting the 2005 Amended Redevelopment Plan was heard and approved by the BCC on January 11, 2005.

The amended plan is a visionary plan developed from a public Charrette held September 11-18, 2003 after numerous meetings with the residents, business owners, CRA staff and County personnel. The participants shared their perspectives on the immediate needs of the community, as well as their visions for the CRA for the next 10-20 years planning horizon. Through this process, the stakeholders identified a number of pressing needs, which not surprisingly, were similar to the needs and concerns in the original redevelopment plan namely poor drainage, and overall blighted appearance of the neighborhoods. The redevelopment plan follows smart growth principles and "form-based" zoning that use appealing urban design and mixed-use development to achieve urban revitalization. The plan calls for land uses that will provide more development opportunities. It presupposes higher land use intensity and density resulting in a stronger output of housing units than currently allowed. Those additional units will provide needed attainable housing for the County's low-to-moderate income population.

The County and the CRA have a goal of improving the CRA redevelopment area, particularly the older, deteriorated housing and in providing new housing for low to moderate income residents. This amendment is consistent with the Future Land Use Element Policy 1.2.4-b that establishes that “the pool of units may be increased through amendments to the Comprehensive Plan text.” Additional bonus density units are needed to enable the CRA to accomplish its development and redevelopment goals. The CRA is proposing to use existing future land use and to make other land use changes to maximize residential density in other underutilized areas in order to accommodate additional units in the community.

The CRA goal is to protect existing affordable housing and provide additional attainable housing units for the County residents. Currently in progress are efforts to develop zoning codes and comprehensive plan amendment to accommodate attainable housing development in the WCRA.

**Comprehensive Plan Amendment:** The CRA is also proposing other comprehensive plan amendments to streamline redevelopment efforts in the area. The CRA is seeking an amendment to its Traffic Concurrency Exception Area (TCEA) housing pool to allow for more trips/traffic that should provide for more housing. Additionally, the CRA is proposing another amendment that involves four (4) separate areas/sites with an approximate combined land area of 270.49 acres. The land use designations for these areas are proposed to be changed from INST/IND to CH/8; HR-8 and CH to CH/8; HR-8 to CL/8; and from IND to CH/IND respectively (as detailed and fully described under Agenda Item 111.B.1-LGA 2005-00021-24). These amendments are in progress and are scheduled concurrently with this text amendment. Moreover, the CRA has drafted a zoning overlay ordinance that will allow mixed-use, vertical integration, higher density and increased floor area ratio in the Westgate/Belvedere Homes neighborhoods. In some areas, like Congress Avenue, this zoning overlay will allow the CRA to build higher building that will accommodate more housing units. The zoning overlay will require developers to set aside a percentage of their development for attainable housing and keep them affordable for a number of years.

## **B. THE PROPOSED AMENDMENT**

### **1. Amendment Intent and Summary**

The intent of this amendment is to revise Policy 1.2.4-b in the County Comprehensive Plan to increase the density bonus pool units for the Westgate Community Redevelopment Agency Overlay. Currently Future Land Use Policy 1.2.4-b assigned a density pool of 300 units to the Westgate/Belvedere Homes Area. A proposed residential project must be recommended for approval by the Community Redevelopment Agency to be eligible to receive bonus units from the density pool. The proposed amendment is requesting an additional 1000 bonus units for a total of 1300 bonus units for the CRA. This request is necessary in order to allow the implementation of the development and redevelopment programs earmarked for the area consistent with the 2005 Amended Redevelopment Plan.

### **2. Unified Land Development Code Implications**

Several elements of the Redevelopment Plan vision for the CRA involve changes to the existing physical development pattern. The revised plan will permit additional development intensity/density in many areas in the CRA higher than what is currently permitted/allowed. New zoning districts are being proposed since none of the existing districts allows for the combination of lot coverage, setbacks, and development intensity sought. These changes would necessitate some future changes to the Comprehensive Plan, and subsequently to the Unified Land Development Code (ULDC).

### **C. ISSUE AND DATA/ANALYSIS SUMMARY**

Complete data and analysis to support the proposed change are provided in Exhibit 2. The data and analysis for the proposed amendment are based on the justification that an increase in bonus density pool units is necessary in order to implement the development and redevelopment activities consistent with the CRA Redevelopment Master Plan and the County's Comprehensive Plan.

The CRA is proposing to use the existing future land use and make other land use changes to maximize residential density in other underutilized areas in order to accommodate additional units in the community. However, maximizing density on existing developable land alone will not bring that much desired residents in the area due to some constraints. The area is impacted by many constraints including lack of vacant lots, scarcity of developable land, drainage problems, lack of adequate density incentives, and the construction of retention projects that have taken too much of available developable land. Because of these limitations/difficulties, the CRA needs an additional 1000 bonus density units to accomplish its development and redevelopment goals. In order for the Westgate CRA to accomplish its goal of revitalizing the area, it will need to attract more residents and businesses to the area. This action is consistent with the BCC endorsement of the modified Redevelopment Plan.

### **D. PUBLIC AND MUNICIPAL REVIEW**

- 2. Intergovernmental Plan Amendment Review Committee (IPARC):** Notification of this amendment has been sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review. The IPARC, of which Palm Beach County is a participating member, functions as a clearing-house for plan amendments. A formal notice (requesting comments) was mailed to IPARC on January 10, 2005. At the time of the printing of this report, no objections to the amendment had been received.
- 3. Other Notice:** At the time of printing this report, no written comments had been received from other interested groups, or members of the public.

### **E. ASSESSMENT AND CONCLUSIONS**

The development and redevelopment scenario proposed by the CRA is in support of County goals, the CRA Redevelopment Plan goals, and the regional and state efforts to encourage redevelopment and infill. The development proposals to be enhanced by the proposed density bonus pool units are consistent with the Revitalization and Redevelopment Overlay of the County's adopted Managed Growth Tier System that calls for infill in urban areas to take advantage of existing public facilities and services. The CRA amended redevelopment plan follows smart growth principles and "form-based" zoning that use appealing urban design and mixed-use development to achieve urban revitalization. The plan promotes pedestrian friendly compact mixed-use development concept that are compatible with the County's Comprehensive Plan. It presupposes higher land use intensity and density resulting in a stronger output of housing units than allowed by the existing CRA. The required additional units will help provide housing for the County's population.

**F. ALTERNATIVE ACTIONS**

The following courses of action are available to the Board:

1. Recommendation of ***approval***;
2. Recommendation of ***approval with modifications***; or
3. Recommendation of ***denial***.

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## II. EXHIBITS

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1.	Proposed Text Changes .....	8
2.	Support Data and Analysis.....	9
3.	Letters in Support/Opposition.....	13

## EXHIBIT 1

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### A. **Future Land Use Element**, Westgate Community Redevelopment Area Overlay Bonus Pool Units

**PROPOSED REVISION:** To revise and update. The revision is numbered below and shown with the added text underlined, and the deleted text ~~struck-out~~.

#### **Sub-Objective 1. 2.4 Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO).**

- 1. REVISED Policy 1.2.4-b:** The Board of County Commissioners has the authority within the WCRAO to approve residential densities higher than those shown on the Future Land Use Atlas for areas designated residential. These additional units must be obtained from a density pool of ~~300~~ 1300 bonus units assigned to Westgate/Belvedere Homes Area by this Element. A proposed residential project must be recommended for approval by the Community Redevelopment Agency (CRA) to be eligible to receive bonus units from the density pool. The pool units may be increased through amendments to the Comprehensive Plan text.



## EXHIBIT 2

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### SUPPORT DATA AND ANALYSIS

- A. Staff Analysis/Comment:** The Westgate-Belvedere Homes Community Redevelopment Area (Westgate CRA) is requesting 1300 bonus density units in order to allow development and redevelopment activities in the CRA consistent with its 2005 Amended Redevelopment Plan and/or provide support for the following directives, policies, and objectives of the County's Comprehensive Plan:

#### **Introduction and Administration Element:**

The Goals, Objectives and Policies presented in the Plan Elements reflect the directives of the citizenry and the Board of County of Commissioners. These directives, which are discussed in greater detail in the Land Use Element, are:

- Redirect growth to the East where services and facilities can be provided and encourage the revitalization/redevelopment of the coastal communities.
- Implement County-wide growth management strategies while providing the opportunities for flexibility within the Plan that recognize and maintain the diversity of lifestyles.

#### **SUB-OBJECTIVE 1.2.4 Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO)**

The Westgate/Belvedere Homes Community Redevelopment Area Overlay was created to encourage development and redevelopment of the Westgate area. The special land use provisions for the Overlay are designed to arrest deterioration of property values, and preserve affordable housing and complement the efforts to prepare and implement a community redevelopment plan for the Westgate area.

#### **Future Land Use Element:**

**Policy 1.2.2-b:** The Planning, Zoning, and Building Department shall continue to work with other local governments and appropriate agencies to develop programs consistent with, but not limited to, the Front Porch Florida Initiative, which create safe, livable communities by improving the functional relationship among land uses through design, improving infrastructure and/or services, and providing a range of housing and economic opportunities for urbanized areas.

#### **Transportation Element:**

**Policy 1.2-k:** The Palm Beach County Board of County Commissioners shall allow for the designation of Transportation Concurrency Exception Areas (TCEAs) within Palm Beach County consistent with the requirements of Rule 9-J5.0055(6), F.A.C. as specified in the Unified Land Development Code (ULDC). TCEAs allow an exception from the concurrency requirements for transportation facilities if the proposed development is

inconsistent with the adopted local government comprehensive plan and is located within an area designated in a comprehensive plan for urban infill development, urban redevelopment, or downtown revitalization.

**Redevelopment Plan Elements:** Elements of the amended Redevelopment Plan include several broad goals including a comprehensive solution to the area's storm drainage problems as well as maintaining and improving the stable and relatively affordable-single family residential neighborhoods. The amended Redevelopment Plan is an evolving document that will be evaluated and amended on a regular basis in order to accurately reflect changing conditions, community objectives, and funding opportunities. Several elements of the updated plan involve changes to the existing physical development pattern that will require modifications to the land development regulations. More specifically, the updated plan will permit additional development intensity/density in many areas throughout the CRA. The Redevelopment Plan while providing opportunities for growth, will maintain the diversity of lifestyles throughout the redevelopment area. The plan continues to prioritize the most pressing needs such as infrastructure improvements, and neighborhood revitalization while providing some funding for other programs including commercial corridor development intended to attract immediate attention and investment in the CRA. Several short-term programs intended to continue the momentum of the planning process such as the beautification of the Congress Avenue medians and other neighborhood areas as well as street lighting programs are proposed.

New zoning sub-districts are being proposed since none of the existing districts allow for the combination of lot coverage, setbacks, and development intensity sought. The CRA's Zoning Overlay will require developers participating in its Bonus Density Program to set aside a percentage of the bonus units for affordable housing (if the development is not already affordable) to alleviate the shortage of attainable housing that exists throughout the County.

The Redevelopment Plan calls for land uses that will provide more development opportunities. The CRA will develop incentives to involve the business community in the commercial corridor planning process. While the amended plan is a starting point for initiating action and evaluating progress, it is clear that the plan and programs contained therein will take time and additional funding to develop. Implementation of the plan will depend on partnerships with public non-profit, and private-for-profit entities, to make redevelopment happen.

It is pertinent to mention that throughout the redevelopment efforts, drainage/flooding issues continue to impact and in some cases delay progress. The entire CRA is within the C-51 basin with overcapacity problems. In 2004, the CRA and the County Water Resource Management have convened meetings with South Florida Water Management District (SFWMD), Lake Worth Drainage District, County Engineering, and the Department of Airports to discuss approaches to the drainage concerns which affect the entire basin. Several ideas are currently being reviewed. Completion of the current CRA improvements relative to storm-water management is necessary for effective redevelopment.

**Justification for the request for additional 1000 Bonus Density:**

The Westgate/Belvedere Homes Redevelopment Area needs an additional 1000 bonus density units to accomplish its redevelopment goals. In order for the CRA to accomplish its goals of revitalizing the area, it will need to attract more residents and businesses to the area. Currently, the single-family residential areas located south of Aspen Road are completely built out. The CRA proposes to use the existing future land use element (FLUE) and make other land use changes to maximize residential density in other underutilized areas to accommodate additional units in the community. However, maximizing density on existing developable land alone will not

bring that much needed residents in the area because of the existing constraints in the area. These constraints lend themselves to scarcity of developable lands in the area, few vacant lots, drainage problems, lower density incentives, and likely replacement of residents to provide land for water storage. Retention projects in the area have taken a greater percentage of available developable land in the area. For example, the C-51 rule requires as much as 30 % of building parcels to be set aside in the area for water retention, consequently, less land will be left for actual development. The CRA engineers have also indicated that more than 15% of the land area needs are to be set aside for water retention that accounts for almost 200 acres. The CRA has built a number of retention ponds in the South Westgate area and is building some more in North Westgate. There is a plan also by the County's Stub Canal Task Force to acquire additional residential land in the Westgate CRA to build a water retention lake to provide additional storage for the C-51 Basin. These drainage projects will utilize most of the vacant parcels and some low lying built out residential land.

The density provision allowed by the FLUE in the Westgate CRA, even when combined with other approved incentives such as the Transfer of Development Rights (TDR) and Workforce Housing (WFH) density incentives, is relatively too low. The highest density allowed in the FLUE is 8 units per acre. With the TDR and the WFH incentives, the maximum density can reach up to 20 units per acre but they will not be available in every case. Additionally, CRA anticipates that residents in the area may have to be relocated to provide land for water storage. The CRA would like to replace those units within its boundaries. Many areas cannot add more residential units either because they are saturated or because they are incompatible lands not suitable for residential development. The CRA can only encourage housing development in clusters, especially in areas designated for higher density to accomplish its housing development goals.

The CRA is proposing to amend the bonus density pool to accomplish its 2005 Amended Redevelopment Plan goals. Currently, the CRA has 300 units in the pool. A redevelopment project construction is ready to commence and the developer has requested most of the 300 units. Additional units are needed to accommodate other development that implements the Master Plan objectives to provide more housing units in the community. The table below (Table1) illustrates the number of units needed to accomplish housing development program by selected Transportation Analysis Zones (TAZ) where clustered housing is encouraged according to CRA Redevelopment Plan. The other areas can be developed with the existing FLU density. The CRA needs about 1317 units in total but since it already has 300 units in the pool, the CRA is requesting 1000 units to make up for the difference.

## BONUS DENSITY ANALYSIS

Table 1

<b>Bonus Density Analysis</b>	<b>TAZ 209</b>	<b>TAZ 211</b>	<b>TAZ 215</b>	<b>TAZ 909</b>	<b>TAZ 911</b>	<b>TAZ 912</b>	<b>TOTAL</b>
Existing Acreage (Developable Land)	28.6	24.8	9.2	23.18	24.84	11.56	<b>122.18</b>
Base Density	8	8	8	8	8	8	<b>8</b>
Enhanced Density (TDR, WFH)	12	12	12	12	12	12	<b>12</b>
Density Output (Acres X Enhanced Density)	343.2	297.6	110.4	278.16	298.08	138.72	<b>1466.16</b>
Bonus Units Needed	648.8	105.4	15.6	170.84	225.92	151.28	<b>1317.84</b>
Build out Units (Development Program)	992	403	126	449	524	290	<b>2784</b>

Source: Prepared by CRA staff

### Assumptions

8 units per acre is highest density allowed by FLU in selected TAZs

12 units per acre can be achieved by adding TDRs units and Workforce Housing bonus units to the FLU based density.

Pool units are needed to make up the difference between what's allowed by right in the FLU and what the Redevelopment Plan calls for.

Developers should try to achieve their density by FLU, TDRs, and Workforce Housing first and contact CRA thereafter if they want additional density units.

The development and redevelopment programs proposed by the CRA may also help to reduce the pressure for sprawl in the western areas of the municipalities and the County. From a regional perspective, the intensification of development in the Westgate/Belvedere Homes CRA offers several advantages:

- (i) It accommodates a significant increment of growth in an area that is already developed, without impacting agricultural land or open space.
- (ii) It is strategically located, close to employment centers, the airport and downtown West Palm Beach.
- (iii) The majority of the proposed development is vertically integrated mixed-use, which helps to accommodate growth with a minimum impact on surrounding traffic patterns.
- (iv) Elements of the new development can help to enhance the surrounding development, such as the airport, the commercial corridor of Okeechobee Boulevard, and the gateway into downtown West Palm Beach.

Westgate provides a great location for working families. With its easy access to all the major thoroughfares and employment centers, it can be redeveloped into a successful residential hub. Traffic concurrency is currently one of the biggest hurdles for developers who want to build housing in the area. By modifying the TCEA pool, the CRA will remove this barrier and enable developers to consider Westgate when looking for housing development site.

## EXHIBIT 3

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### LETTERS IN SUPPORT/OPPOSITION

# W.G.H.N.A.

(Westgate / Golfview Heights Neighborhood Association)

Palm Beach County Board Of County Commissioners  
301 North Olive Ave.  
12th Floor  
West Palm Beach, FL 33401

Wednesday, April 6, 2005

Honorable Members of the Board:

The purpose of this letter is to express residents' concerns with the proposed future land use amendments, the extension of the TCEA (traffic control exception area) guidelines, and Bonus Density Pool extension from 300 to 1300.

The master plan showed beautiful pictures depicting mixed type of uses for Westgate and Congress Avenues, with first floor retail stores and multi-floored apartments or condos above them. This type of uses is certainly very appealing to most of us, as it would make our area more appealing and desirable to businesses and residents alike while leaving the "old time charm" of the residential Westgate intact.

We understand, and support, the tax dollars new businesses can bring into our CRA budget, and we even support the existing commercial land uses along our CRA thoroughfares, including Okeechobee Blvd., Military Trail, Congress Avenue, Westgate Avenue, Belvedere Road and the industrial park off Church Street. These businesses are easily accessed from other county and state thoroughfares without much traffic through our residential streets. Our concern with the proposed amendments, however, is their impact to the residential community, as the proposed commercial land uses extend beyond our major thoroughfares.

Post Office Box 22132 West Palm Beach FL 33416

Bringing commercial opportunities to the interior of Westgate will certainly bring an increase in "nonresidential" traffic coming in and out of our residential community on a daily basis posing a threat to the pedestrian. Every speed hump we put in has resulted in an increase of high-speed traffic on parallel streets. If commercial businesses bring in more traffic, we may be renamed "humpville - an undesirable place to shop." This would be a short-lived revitalization.

If our area would not be a TCEA (the only one in Palm Beach County), our community would be already "overbuilt" and in violation of Palm Beach County Traffic Control codes. If the TCEA would not be expanded, and existing properties would be the only ones allowed to be "grand-fathered" in, the proposed future land use amendments would probably not be a threat to our quiet little neighborhood.

We are also concerned with the proposed expansion of the density bonuses. There are many vacant lots and business parks for sale already zoned for commercial use along our mayor thoroughfares. Our "bonus Density Pool" is the only one we know of in the entire state. If that does not attract new businesses, we don't know what quadrupling it will do other than attracting another super Walmart.

In summary, we, the residents of the Westgate/Golfview Heights Neighborhood Association consider that the future impact of these changes will not only erode the residential neighborly charm of this area but also create public safety issues.

In closing, we respectfully ask that if you are to approve the proposed amendments in part or in full to please have some provisions in place to:

1) ensure that new development will not pose a negative impact on our neighborhood streets; 2) limit the amount of units per acre to allow the development of townhouses to only one block from our thoroughfares to allow easy ingress and egress from those thoroughfares rather than through our single family homes; 3) new development or redevelopment that occurs as a result of the approved changes are compatible with and build upon the residential character of our community; and 4) to avoid the commercial uses to create unpleasant commercial strip environments. Hopefully, these and other provisions will help ensure that future development does not negatively impact our residential community and the overall ambiance of our community.

We thank you for your consideration to this request. If you have any questions or would like to discuss the content of this letter in greater detail, please do not hesitate to contact me at (561) 616-2549. We thank you for your cooperation and support to our desire to bring safety, and hope, to our community!

Cordially,

A handwritten signature in black ink, appearing to be 'Edward Kaye', written in a cursive style.

Edward Kaye, President

W.G.H.N.A

To Whom It May Concern:

In regards to the future land use in Westgate, I respectfully ask you not to pass and adopt changes to the land use in the proposed Westgate areas. I also oppose extending the traffic control exemption area guidelines. The impact of these changes will only erode the residential charm of the neighborhood and create safety issues.

Businesses bring tax dollars into the CRA budget but it accessed from other thoroughfares without having more traffic through our neighborhood. There are business parks already zoned commercial. Westgate Ave and Congress Ave were in the master plan so why not leave the residential Westgate intact.

A lot of the residence in Westgate, feel traffic is above what our streets were designed to handle. We need to curb the additional traffic that businesses will bring in by not amending and extending the traffic control exemption area.

Bringing commercial opportunities into Westgate will increase nonresidential traffic coming in and out of the community daily. There are a lot of kids and pedestrian safety issues. More businesses, more traffic, where will this end in a small community like ours.

*Barbara Kreiner*  
Barbara Kreiner  
Treasurer WGHNA