PALM BEACH COUNTY
ZONING APPLICATION STAFF REPORT

BOARD OF COUNTY COMMISSIONERS, SEPTEMBER 25, 2025

A. Application Summary

I. General

Application Name:	Neighborlee Living Westgate, SV/ZV/Z/CA-2025-00428
Control Name:	Neighborlee Living Westgate (2025-00030)
Applicant:	Neighborlee Development, LLC
Owner:	Neighborlee Development, LLC
Agent:	Bradley Miller, Urban Design Studio Ailish Villalobos, Urban Design Studio
Project Manager:	Matthew Boyd, Senior Site Planner

Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from Residential High (RH) and Commercial Neighborhood (CN) Zoning District to the General Commercial (CG) Zoning District on 0.66 acres

Title: a Class A Conditional Use **Request:** to allow for a mixed-use development incorporating 38 Multifamily residential units (33 units from the WCRA Density Bonus Pool, and 5 units from the future land use designation) on 0.66 acres

Title: a Subdivision Variance **Request:** to allow a reduction of minimum pavement width and sidewalks, to be improved to local commercial roadway standards on 0.66 acres

Title: a Type 2 Variance **Request:** to allow a reduction from 53 to 50 parking spaces on 0.66 acres

Application Summary: The application is for the proposed Neighborlee Living Westgate mixed use development. The site has no prior zoning approval and consists of ten (10) parcels of vacant land.

The requests consist of a rezoning from Residential High (RH) and Commercial Neighborhood (CN) Zoning District to the General Commercial (CG) Zoning District, a Subdivision Variance for a reduction of minimum pavement width and sidewalks and improved to local commercial roadway standards, a Type 2 Variance to reduce parking, and a Class A Conditional Use request to allow a mixed-use development with 38 multifamily residential units (33 units from the WCRA Density Bonus Pool, and 5 units allowable by standard density).

The Preliminary Site Plan indicates a single 4 story structure encompassing 1,585 square feet (sq. ft.) of commercial retail on the first floor, parking under the structure, and multifamily uses on the second to fourth floors. The main vehicular access to the site will be from Nokomis Avenue, and the front of the building facing Westgate Avenue will be limited to pedestrian access.

II. Site Data

Acres:	0.66 acres
Location:	South side of Westgate Avenue, approx. 150 ft. west of Tallahassee Drive
Parcel Control:	00-43-43-30-03-032-0200, 00-43-43-30-03-032-0530 00-43-43-30-03-032-0230, 00-43-43-30-03-032-0240
Future Land Use:	Commercial High, with an underlying HR-8 (CH/8)
Zoning District:	Multi-Family Residential (High Density) District (RH) Neighborhood Commercial District (CN)
Proposed Zoning:	General Commercial (CG)
Tier:	Urban/Suburban
Utility Service:	PBC Water Utilities
Overlay/Study:	Westgate/Belvedere Homes Overlay
Neighborhood Plan:	N/A
CCRT Area:	Westgate
Comm. District:	7, Commissioner Bobby Powell Jr.

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B., and determined that the requests meet the standards of the ULDC for the Official Zoning Map Amendment and the Class a Conditional Use, subject to Conditions of Approval as indicated in Exhibits C-1 and C-2.

STAFF RECOMMENDATION: Staff recommends approval of the requests for the Official Zoning Map Amendment ,Class A Conditional Use, and the Subdivision Variance subject to the Conditions of Approval as indicated in Exhibits C-1 to C-3 and recommends denial of the and the Type 2 Variance.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received one letter from the public in support of this application.

IV. Hearing History

ZONING COMMISSION: at the August 7, 2025 Zoning Commission this application was on the Regular Agenda. The Applicant and Staff made presentations. Representatives from the Westgate CRA spoke in support. The Zoning Commission members expressed concerns regarding the variances, and suggested potential solutions for reduced requirements for infill development such as alternative parking calculations or reduced parking space sizes. Commissioners expressed concerns regarding the off-site parking.

Commissioner Vinikoor made the motion to adopt a resolution denying the Type 2 Variance requests of Regular Agenda Item 6.b without prejudice, which was seconded by Commissioner Caliendo, and the motion carried by a vote of 8-1-0 with Commissioner Vann dissenting.

Commissioner Vinikoor made the motion to adopt a resolution approving the Subdivision Variance request of Regular Agenda item 6.a, which was seconded by Commissioner Caliendo, and the motion carried by a vote of 9-0-0. Commissioner Vinikoor made the motion to recommend approval the Official Zoning Map Amendment and Class A Condiitonal Use request of Regular Agenda items 6.c and 6.d, which was seconded by Commissioner Caliendo, and the motion carried by a vote of 9-0-0.

BCC HEARING: Scheduled *August 28, 2025*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A.1 - Future Land Use Map

Site Data

Size:	0.66 acres
Existing Use:	Vacant
Proposed Use:	Multi-Family Residential/Commercial
Zoning:	RH, CN
Zoning Quad:	16

Future Land Use Designations

HR-8	High Residential, 8 units/acre
CH/8	Commercial High, underlying HR-8

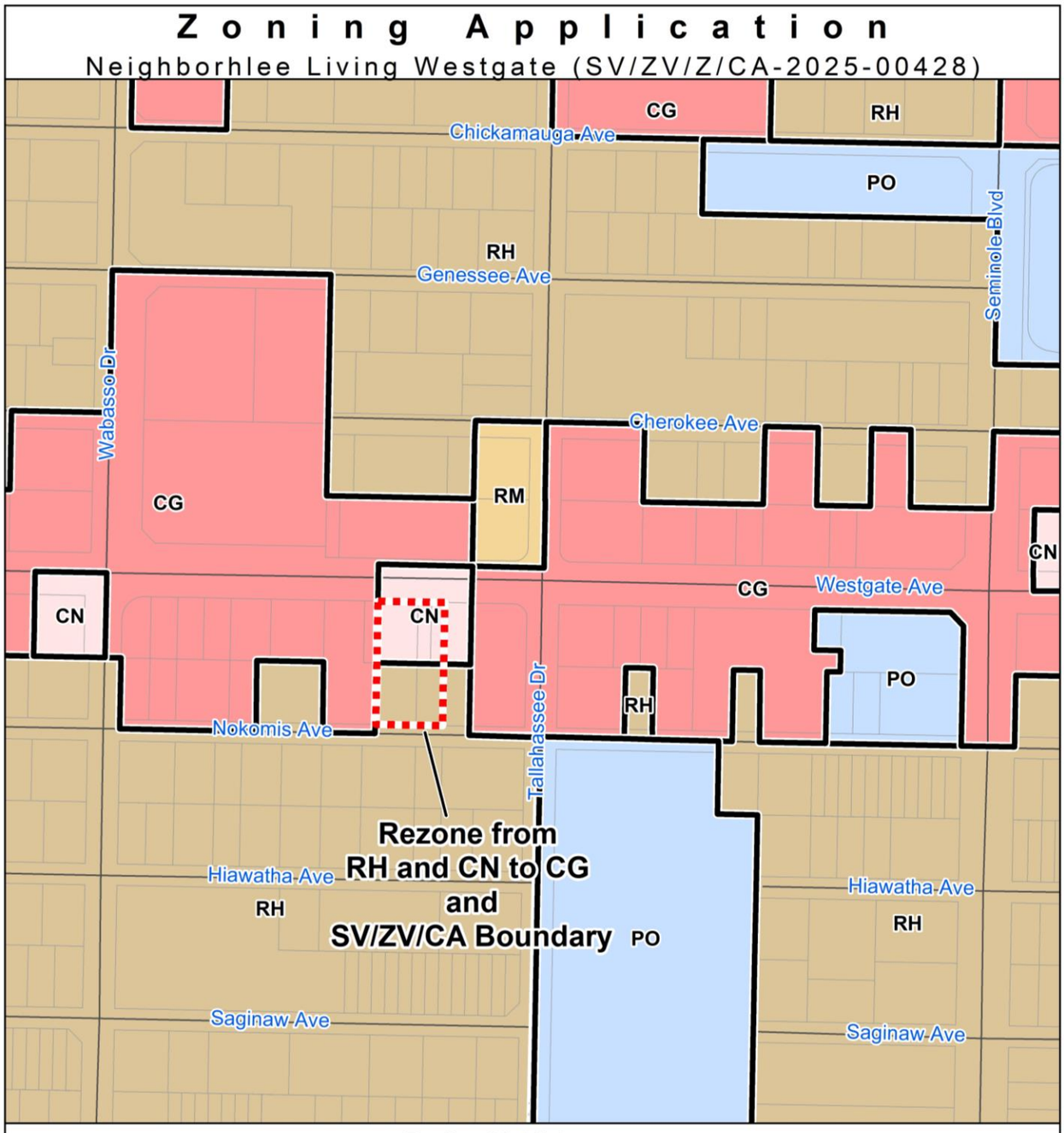
Date: 6/20/2025
Contact: PBC Zoning
Filename: X:\PlanningZoningCoord\DRO-Maps\2025\2025-00428
Note: Map is not official, for presentation purposes only.

N W E S

80 0 80 160 Feet

Planning, Zoning & Building
2300 N. Jog Rd, WPB, FL 33411
Phone (561) 233-5300

Exhibit A.2 - Zoning Map



Site Data

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Zoning:	RH, CN
Zoning Quad:	16

Zoning District

RM	Multi-Family Res Medium
RH	Multi-Family Res High
PO	Public Ownership
CN	Neighborhood Commercial
CG	General Commercial

Date: 6/20/2025
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Exhibit B.1 - Standards Analysis & Findings

Official Zoning Map Amendment

When considering an application for Rezoning to a Standard Zoning District with or without a COZ, the BCC and ZC shall utilize Standards a through g indicated below. An amendment which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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

The Planning Division Review Staff were provided this application for review and have provided the following analysis:

○ *Consistency with the Comprehensive Plan*: The proposed amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Relevant Comprehensive Plan Policies*: The subject site is located within the Urban/Suburban Tier, in the NC Sub-area of the Westgate Community Redevelopment Area Overlay (WCRAO) and has a Future Land Use (FLU) designation of Commercial High, with an underlying High Residential, 8 units per acre (CH/8). The Applicant is requesting a rezoning to the General Commercial (CG) Zoning District. Per Future Land Use Element (FLUE) Table 2.2-f.1., Non-Residential Future Land Use-Zoning Consistency, the CH/8 FLU and proposed CG Zoning are consistent.

○ *Intensity*: The request for approximately 1,585 sq. ft. of commercial uses equates to a Floor Area Ratio (FAR) of approximately 0.06 (1,585 / 28,750 sq. ft. or 0.66 acres = 0.055 or 0.06 rounded up). A maximum FAR of 0.85 is allowed for the subject future land use designation in the Urban Suburban Tier, which equates to approximately 24,437 sq. ft. (28,750 surveyed sq. ft. or 0.66 acres x 0.85 maximum FAR = 24,437 sq. ft. maximum). The request is therefore below the maximum square footage intensity allowed.

○ *Density and Workforce Housing*: The site's underlying High Residential, 8 units per acre (HR-8) Future Land Use (FLU) designation yields a maximum of 5 dwelling units (8 du/ac. x 0.66 ac. = 5.28 or 5 rounded down). The Applicant is seeking to utilize the density from the land use and 33 units from the WCRA Bonus Density program to achieve the 38 dwelling units requested. The requested 38 dwelling units are subject to the WCRAO provisions that require 20% of all units, or 8 units (38 x 20% = 7.8 or 8 rounded up), to be designated as Workforce Housing Program (WHP) units. The Applicant has indicated that all 8 of the required WHP units are to be provided as on-site rental units, with 4 micro units in the Low Category and 4 Studio units in the Moderate 1 category, in order to meet Westgate and WHP standards.

○ *Workforce Housing Program (WHP):* The site's underlying High Residential, 8 units per acre (HR-8) Future Land Use (FLU) designation yields a maximum of 5 dwelling units (8 du/ac. x 0.66 ac. = 5.28 or 5 rounded down). The Applicant is seeking to utilize the density from the land use and 33 units from the WCRAO Bonus Density Program in order to achieve the requested 38 dwelling units.

In accordance with ULDC Article 3.B.14.H., the 38 total units are subject to the WCRAO Density Bonus Program provisions, which include Workforce Housing Program (WHP) requirements that are specific to the WCRAO. Per ULDC Article 3.B.14.H.1.a.4.a) through c), this project shall require 20% of all units, or 8 units (38 x 20% = 7.8 or 8 rounded up), be designated as WHP units. These WCRAO WHP units are to be provided on-site in the Low and Moderate 1 Income Categories. In order to comply with the WCRAO WHP standards, the Applicant has indicated that all 8 of the required WHP units are to be provided as on-site rental units, with 4 micro units in the Low Category and 4 Studio units in the Moderate 1 category.

The subject request was deemed sufficient April 1, 2025, when the 2024 price schedule was in effect. In Palm Beach County, the 2024 area Median Family Income (MFI) is $104,000 for a family of four (per HUD). WHP obligated units cannot be rented at a higher rate than the designated price, as adjusted annually. The WHP rental rates are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures adjusted for number of bedrooms and are set annually based on the provisions of Article 5.G.1.A.3.c.2 of the ULDC. For additional information about the WHP program, including all sales and rental pricing information, please visit:

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

○ *Special Overlay District/Neighborhood Plan/Planning Study Area*: The request is located within the Urban Redevelopment Area (URA) Study Area, but not within the Priority Redevelopment Area (PRA), and the NC Sub-area of the Westgate Community Redevelopment Area Overlay (WCRAO). These special planning areas encourage infill and redevelopment opportunities, as well as the availability of affordable housing options. Westgate CRA issued a letter dated February 12, 2024, with a recommendation for approval of the request with no conditions

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

○ *Property Development Regulations:* The proposed development is consistent with the NC Sub-area of the Westgate Community Redevelopment Area Overlay (WCRAO) PDR table, Table 3.B.14.F – WCRAO Non-Residential and Mixed-Use Sub-area PDR, as it relates to lot dimensions, maximum building coverage, and minimum setbacks. The Preliminary Site Plan indicates 10-foot front (north), 10-foot side interior (east side), 10-foot side interior (west side), and 51.7-foot rear (south) setbacks.

○ The subject site is located within two overlays Westgate Community Redevelopment Area Overlay (WCRAO)and the Urban Redevelopment Area Overlay (URAO).

- *WCRAO*: The site is located within the boundaries of the NC, Neighborhood Commercial subarea within Westgate Community Redevelopment Overlay and the Urban Redevelopment Area (WCRAO). Pursuant to Art. 3.B.14.A, the intent of the WCRAO is to remove blighted conditions and enhance the PBCs tax base. These properties have been vacant; the development of the parcel will align with the intent WCRAO. As mentioned, the Applicant has utilized the required PDRs of the NC Sub-area of the Overlay and has sought to meet or exceed the requirements of the Overlay.

- *URAO:* The subject site is within the boundaries of the URA, but is not designated within the Priority Redevelopment Area (PRA). For this specific site, the requirements of the WCRAO apply.

- *Revitalization, Redevelopment and Infill Ovleray:* Objectives and Policies of the Plan require and encourage redevelopment within this area. *"The County shall establish incentives and make resources available, when feasible, to encourage revitalization, redevelopment, and infill in areas identified as a RRIO that are in need of assistance. The County shall work closely with residents, businesses, property owners, governmental agencies, and stakeholders to advance concepts and strategies that guide future revitalization, redevelopment, and infill activities in these areas."* The subject site is located within the Westgate Area and adjacent to the Belvedere Homes CCRT areas.

○ *Access:* Access for the subject site is split between pedestrian which is proposed to be off Westgate Avenue which acts as the sites frontage as well, and vehicular access is proposed off Nokomis Avenue.

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 proposed Multifamily and Commercial development are generally consistent and compatible with the uses, and character of the land surrounding area. The site is currently Vacant and surrounded by abutting residential and commercial uses. Though the proposal is for a four-story multifamily with retail storefront, the introduction of the Retail Sales fronting Westgate Ave provides accessibility consistent with Article 3.B.14.F of the ULDC. The overall density and intensity of the combined uses remains consistent with the character of the land surrounding.

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

Environmental Review Staff were provided this application for review and provided the following analysis:

○ *Vegetation Protection*: The application request does not impact native vegetation as the site has been previously cleared.

○ *Wellfield Protection Zone*: This property is not located within Wellfield Protection Zone.

○ *Irrigation Conservation Concerns and Surface Water*: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93--5.

○ *Environmental Impacts*: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed rezoning to CG district for the site will allow the redevelopment with a mix of both residential and commercial uses. The location of the site is within the Westgate Community Redevelopment Area Overlay, The Redevelopment and Revitalization Overlay, and the Urban Redevelopment Overlay. The purpose and intent of each is to promote redevelopment. The lots were originally platted in 1921 with Blocks of 25 foot wide by 115 foot lots. Since that time, development has occurred in different forms with the majority being residential. The WCRA was established for the area, and a master plan adopted. The pattern of development envisioned for Westgate Avenue is to include a mix of non-residential and residential uses. The proposed development implements this master plan on these lots with both commercial and multifamily uses, with its main frontage on Westgate Ave and vehicular access from Nokomis ave which will reduce vehicular traffic along Westgate Ave prioritizing more pedestrian inclusion with the retail store front. The proposed rezoning will allow for the implementation of one consistent district to implement the pattern of development envisioned for the area.

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

TRAFFIC DIVISION:

The Department of Engineering and Public Works Traffic Division provided comments throughout the review of this application. The proposed multi-family residential and a small retail development are expected to generate 281 net daily trips, 16 net AM peak trips, and 21 net PM peak hour trips. The build out of the project is assumed to be by 2028.

The project is expected to have insignificant impacts as per the Traffic Performance Standards (TPS). The site is also located within the Westgate Transportation Concurrency Exception Area, and therefore, exempt from TPS. The site will have one full access on Nokomis Ave.

LAND DEVELOPMENT:

The Department of Engineering and Public Works Land Development Division provided comments throughout the review of this application and requested modification have been incorporated by the Applicant. The site is located within SFWMD C-51 basin, sub basin 25B and will comply with SFWMD as well as Palm Beach County regulations for compensating storage, attenuation and discharge.

The proposed drainage system will be onsite under the parking lot and south of the building. Legal Positive Outfall for the project will be via piped conveyance to the existing drainage inlet present on the north side of Nokomis Avenue ROW area centrally located along this project's south property line. The property associated with the application was found to comply with the regulations and code requirements of the ULDC under the authority of the Land Development Division, subject to the following conditions of approval:

The Property Owner shall configure the property into a legal lot of record.

DRAINAGE:

The subject site is located within the Lake Worth Drainage District boundaries, as well as the South Florida Water Management District C-51 Drainage Basin. The Applicant's Engineer states (Exhibit E-4): "*Legal Positive Outfall for the project will be via piped conveyance to the existing drainage inlet present on the north side of Nokomis Avenue ROW area centrally located along this project's south property line. The proposed drainage system will be proposed in the parking lot onsite and south of the first floor of the building which fronts on Westgate Avenue. There will be continuous piped conveyance to a control structure with overflow discharge to the existing offsite inlet mentioned*."

Prior to the issuance of any building permits, the Applicant is responsible for obtaining required permits and approvals for the Districts.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The Florida Department of Health Review Staff were provided with this application for review. During the review they had no comments.

WATER AND WASTEWATER PROVIDER:

Palm Beach County Water Utilities Department (PBCWUD) Review Staff were provided with this application for review. They provided comments throughout the review of this application that have been addressed by the Applicant. A Concurrency Reservation was issued and found in Exhibit E.9. Connection to water and wastewater services is required. The Property Owner must obtain the necessary permits and approvals from PBCWUD prior to the issuance of a building permit.

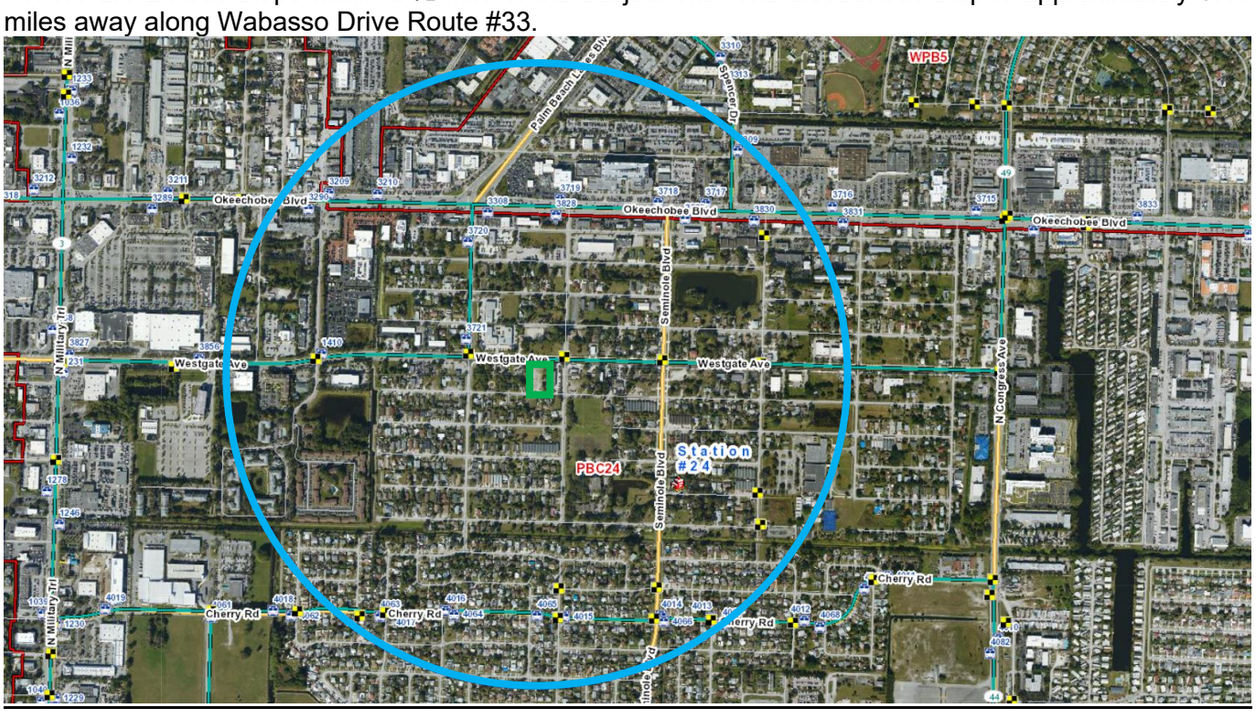
PARKS AND RECREATION:

Parks and Recreation Review Staff were provided with this application for review. They indicated that the proposed project is consistent with ULDC Article 2, Comprehensive Plan Adequate Public Facilities requirements. Adequate capacity exists across District, Regional, and Beach Parks to support the target LOS standards of the County. During the review they provided the following comment, "*This project is located within the Westgate CRA therefore recreation requirements are reduced by 50%. The project proposes 38 units therefore requiring 0.114 (4,965.84 sq. ft) acres of recreation. The project provides a 4,966 sq.ft. rooftop outdoor recreation area, therefore satisfying the ULDC's recreation requirements*."

MASS TRANSIT:

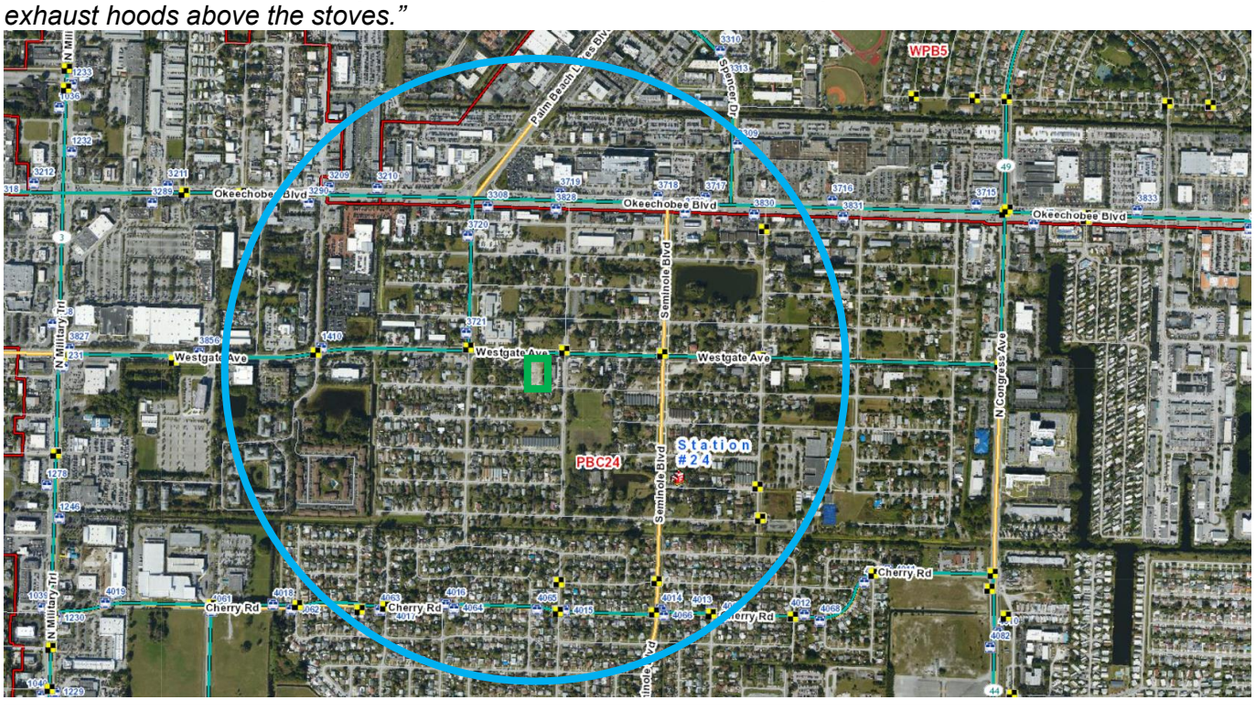
Palm Tran Review Staff were provided with this application for review. During the review they had no comments. They provided these additional comments to Zoning Staff, "*The micro housing units are treated as apartments in the fire code regardless of size and will be protected with fire sprinklers, fire alarm system, smoke detectors and possibly carbon monoxide detectors. The apartment units will have residential exhaust hoods above the stoves."*

There are 24 bus stops within a ½ mile of the subject site. The closest bus stop is approximately 0.11 miles away along Wabasso Drive Route #33.



FIRE PROTECTION:

Fire Rescue Review Staff were provided with this application for review. During the review they had no comments. The development is within the service boundary of Palm Beach County Fire Rescue Station # 24. They provided Zoning Staff these additional comments, "*The micro housing units are treated as apartments in the fire code regardless of size and will be protected with fire sprinklers, fire alarm system, smoke detectors and possibly carbon monoxide detectors. The apartment units will have residential exhaust hoods above the stoves."*



SCHOOL IMPACTS:

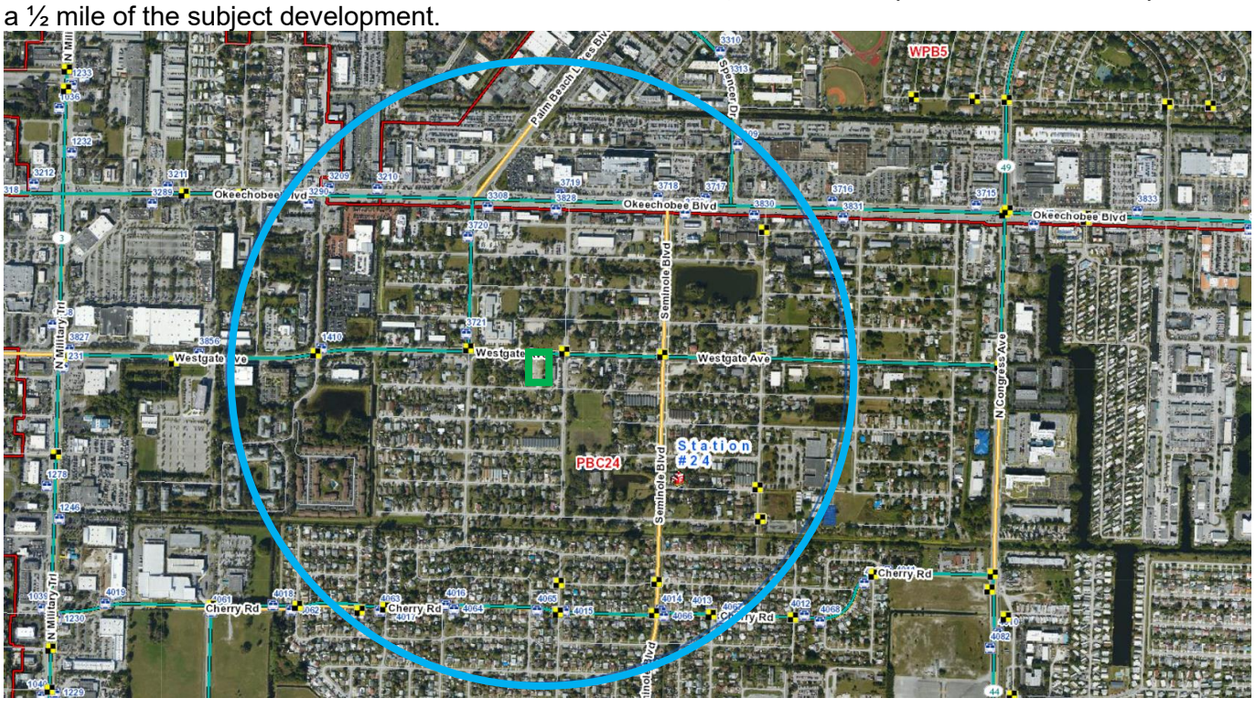
The PBC School Board Review Staff were provided with this application for review. They provided the following analysis, "*In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 38 multi-family residential units was issued on April 30, 2025 (SCAD Case #25042801Z - Rezoning and 25042801D - D.O.). The subject property is located in SAC 138A.)*

This project is estimated to generate approximately three public school students. The schools currently serving this project area are: West Gate Elementary School, Jaegar Middle School and Palm Beach Lakes High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District high school level and will increase the utilization percentage of Palm Beach Lakes High School to 110%. Therefore, In order to address the school capacity deficiency generated by this proposed development, the property owner shall contribute a total of $15,410.00 to the School District of Palm Beach County prior to the issuance of the first building permit. This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process. Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on September 13, 2022.

This determination is valid from 04/30/25 to 04/29/2026 or the expiration date of the site-specific development order approved during the validation period. A copy of the approved development order must be submitted to the School District's Planning & Intergovernmental Department prior to 04/29/2026 or this determination will expire automatically on that date.

A School Bus Shelter is not needed for this site." In addition, there are 14 public school bus stops within a ½ mile of the subject development.



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

The Applicant's Justification Statement indicates the following justification for their changed conditions of circumstances: "*The Subject Property is and has been undeveloped for over 15 years and has more recently been an enforcement nuisance for the WCRA. The proposed zoning amendment will allow for the development of a new mixed-use project with affordable residential units and supporting commercial space to incentivize and further the redevelopment goals of the WCRAO and along the newly reconstructed Westgate Avenue*."

Class A Conditional Use- Density Bonus

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

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.*

○ *Consistency with the Comprehensive Plan:* The proposed increase in density for the subject site is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Workforce Housing Program (WHP):* The site's underlying High Residential, 8 units per acre (HR-8) Future Land Use (FLU) designation yields a maximum of 5 dwelling units (8 du/ac. x 0.66 ac. = 5.28 or 5 rounded down). The Applicant is seeking to utilize the density from the land use and 33 units from the WCRAO Bonus Density Program in order to achieve the requested 38 dwelling units.

In accordance with ULDC Article 3.B.14.H., the 38 total units are subject to the WCRAO Density Bonus Program provisions, which include Workforce Housing Program (WHP) requirements that are specific to the WCRAO. Per ULDC Article 3.B.14.H.1.a.4.a) through c), this project shall require 20% of all units, or 8 units (38 x 20% = 7.8 or 8 rounded up), be designated as WHP units. These WCRAO WHP units are to be provided on-site in the Low and Moderate 1 Income Categories. In order to comply with the WCRAO WHP standards, the Applicant has indicated that all 8 of the required WHP units are to be provided as on-site rental units, with 4 micro units in the Low Category and 4 Studio units in the Moderate 1 category.

The subject request was deemed sufficient April 1, 2025, when the 2024 price schedule was in effect. In Palm Beach County, the 2024 area Median Family Income (MFI) is $104,000 for a family of four (per HUD). WHP obligated units cannot be rented at a higher rate than the designated price, as adjusted annually. The WHP rental rates are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures adjusted for number of bedrooms and are set annually based on the provisions of Article 5.G.1.A.3.c.2 of the ULDC. For additional information about the WHP program, including all sales and rental pricing information, please visit:

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

○ *Special Overlay District/Neighborhood Plan/Planning Study Area*: The request is located within the Urban Redevelopment Area (URA) Study Area, but not within the Priority Redevelopment Area (PRA), and the NC Sub-area of the Westgate Community Redevelopment Area Overlay (WCRAO). These special planning areas encourage infill and redevelopment opportunities, as well as the availability of affordable housing options. Westgate CRA issued a letter dated February 12, 2024, with a recommendation for approval of the request with no conditions.

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

○ *Overlay – Westgate:* The subject parcels are located within the Westgate Redevelopment Area Overlay, more specifically sub area Neighborhood Commercial (NC). The NC area is intended to be the key focal point of the redevelopment area, with provision to encourage and incentivize mixed-use development. The proposed 0.66-acre development proposes a mixed-use development.

- *Property Development Regulations: The* regulations of WCRAO provide an urban form type development which requires the buildings to be placed closer to the roads and have lesser setbacks from property lines. The NC sub-area allows for 40% building coverage, with setbacks at 10 from along Westgate Avenue, 10 feet on the sides and 25 feet from Nokomis. A minimum of 80% of the width of the lot frontage must be built with the building along Westgate Avenue. The Applicant is proposing a four-story structure, though six-stories is allowed.
- *Uses by Floor: The* WCRAO allows multiple use types on the first and second floors, with Residential and office allowed on the third and fourth, and the remaining floors above would be residential. With this development Retail is proposed for the first floor with residential on the second through fourth floors.

The development proposes 1,585 sq. ft. of retail on the first floor, with open-covered parking at the rear. The second floor proposed 18 units, the third floor 15 units, and the fourth floor 5 units and the recreation areas. The number and sizes of units proposed are as follows:

	1st Floor	2nd Floor	3rd Floor	4th Floor	Total
Commercial	1,585 sq. ft.	NA	NA	NA	1,585 sq. ft.
Micro Units (240 sq. ft.)	NA	15	6	5	26
Studio Units (366 sq. ft.)	NA	2	8	0	10
1 Bedroom (538 sq. ft.	NA	1	1	0	2

- *Density Bonus: The* Applicant is requesting to use the WCRAO Density Bonus Program to obtain additional units for the subject property. "*The provisions of Art. 5.G.1, Workforce Housing Program, apply with the WCRAO Density Bonus Program units are not utilized*." This request is to use the WCRA Density bonus and thus required to comply with the standards outlined in Article 3.

  The WCRA oversees the pool that is utilized for rent or for sale projects. In the NC sub-area, the maximum density bonus per acre that can be requested is 50.

Table 3.B.14.H – WCRAO Density Bonus Pool Limits

Sub-areas	NR	NRM	NG	NC	UG	UH	UI
Max. WCRAO Density Bonus per ac.	N/A	20	30	50	150	150	N/A
[Ord. 2006-004] [Ord. 2021-006]							

  Based on the Future Land Use, the acreage, and requested additional number of units, the proposed development would be 57.58 units per acre. The Applicant is requesting the maximum density bonus pool for the sub-area.

Acres	Future Land Use	FLU Density	Bonus Units	Bonus Units/ac.	Total # units	Proposed Density
0.66	8 du/acre	5.28 units	33 units	50.00 units	38 units	57.58 du/ac

  The regulations require 20% of the total number of units to be provided as Affordable and Workforce Housing units. A minimum of 10%, but not more than 40%, are to qualify at or below the Workforce Housing Program Low-Income Category. A minimum of 10% of the total project units qualify as Workforce Housing Moderate 1 Income Category. In Planning Letter, shown in Exhibit E.5, a minimum of four units are restricted to the Low Category with the maximum rent at $1,500 per month, and four units are restricted to the Moderate 1 Category with the maximum rent at $1,875 per month.

- *Westgate Recommendation:* Any project that proposed a request from the Density Pool must have a recommendation of approval from the WCRA. The WCRA letter is found in Exhibit E.4 In order to allow the density bonus it must be consistent with the provisions below:
  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;*
  2. *Meets the requirements of Table 3.B.14.E, WCRAO Minimum/Maximum Residential and Non-Residential Uses, 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;*
  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; and,*
  4. *For projects with ten or more units, provides a minimum of 20 percent of the total units in the project as on-site affordable and workforce housing units such that:*
     a) A minimum of ten percent, with no more than 40 percent of the total project units qualify at or below the Workforce Housing Program Low-Income Category; and a minimum of ten percent of the total project units qualify as Workforce Housing Moderate 1 Income Category, as defined in Art. 5.G.1.A.3.b, Income Categories;
     b) These units meet Art. 5.G.1.A.3.h, Design Standards; and
     c) These units meet the provisions of Art. 5.G.1.D, Delivery of WHP Units and Art. 5.G.1.E, Enforcement.

○ *Housing Code:* Pursuant to the Palm Beach County Housing Code, a minimum of 70 sq. ft. is required per bedroom with one occupant. Should there be more than one occupant in a bedroom, then the minimum size is 50 sq ft. per occupant. A preliminary analysis was completed based on the floor plans provided by the Building Division in which they state that "*As this project is designed as a mixed-use facility with an occupancy classification of R-2 in accordance with Section 310.4 of the 2023 Florida Building Code, Building, the residential apartment component is subject to the requirements of the Fair Housing Act (FHA). In buildings containing four or more dwelling units with one or more elevators, all dwelling units must comply with the FHA's design and construction criteria. The FHA is intended to ensure that new multifamily housing is accessible to persons with disabilities. Based on the current design, there is concern*

that the unit layouts, particularly the square footage provided, may limit the clearances necessary to achieve FHA compliance for maneuvering and use of certain elements – specifically within the bathroom and sleeping areas. While we are not stating that compliance cannot be achieved, the current plans lack sufficient detail to demonstrate conformance with FHA requirements." Because the floor plans are not finalized and inconsistent with Fair Housing and the Housing Code, they will need to be revised prior to final DRO.

○ *Architecture*: The structures are required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. Although the Applicant has indicated the desire to submit the required documents for Architectural review at time of Building Permit approval, given the density and the size of the site, Staff recommends that the elevations be submitted at time of final approval by the DRO.

○ *Parking:* Pursuant to Article 6.A.1.A, Minimum Parking and Loading and 3.B.14.I – WCRAO Mixed-Use and Residential Parking Deviations requirements requires the following:

- Multifamily: 1 space per efficiency unit and 0.25 space per unit for guest parking thus requiring a minimum of 38 spaces for the residential units and 10 guest spaces- 48 total.
- Retail Sales: 3 spaces per 1,000 sq. ft. (3.B.14.I), or 5 spaces

The two uses together require a minimum of 53 parking spaces. The PSP indicates a total of 50 parking spaces, five are on street, and 45 are on site. Following the denial of the parking reduction variance by the ZC, the applicant, Zoning Staff, and Westgate CRA Staff continued coordination on the proposed Westgate CRA parking ULDC changes that are running concurrent with this application. The Westgate CRA ULDC changes will include an option for mixed use projects in the CRA Overlay to utilize alternative parking in Art. 6 that allows non-residential developments with 50 or more parking spaces to utilize motorcycle parking spaces in some instances. Provided that those changes are adopted by the BCC by the time of the approval of the final site plan by DRO, the applicant can incorporate motorcycle spaces to meet the parking requirements for the proposed 38 dwelling units. Staff have included a Condition of Approval that restricts the number of residential units to 36, unless the site is designed to meet the parking requirements for 38 units.

○ *Landscaping/Buffering:* The Applicant is utilizing the Perimeter buffer width reduction allowances with a Type 1 Waiver pursuant to the WCRAO Landscape Modifications Article 3.B.14.H.1.c. and 3.B.14.J.1.b The buffers are provided as follows:

- *North Property Line* (*Westgate Ave*)*: 20*-foot buffer is required, however a 10-foot Right-of-Way (ROW) Buffer is provided as allowed with the 50% reduction and a maximum five-foot easement encroachment.
- *South Property Line (Nokomis): A* 10 foot Right of Way Buffer is required. Similar to the north property line the Applicant has obtained approval for a 50% reduction of the utility easement along Nokomis Ave, reducing it from 10-feet to 5-feet.
- *East Property Line*: 15-foot Incompatibility Buffer is required, however the proposed development provides a 5-foot buffer along the east property line abutting the residential and commercial development.
- West Property Line: 15-foot Incompatibility Buffer is required, similar to the east property line a 5-foot buffer is proposed along the west property line abutting the residential development.

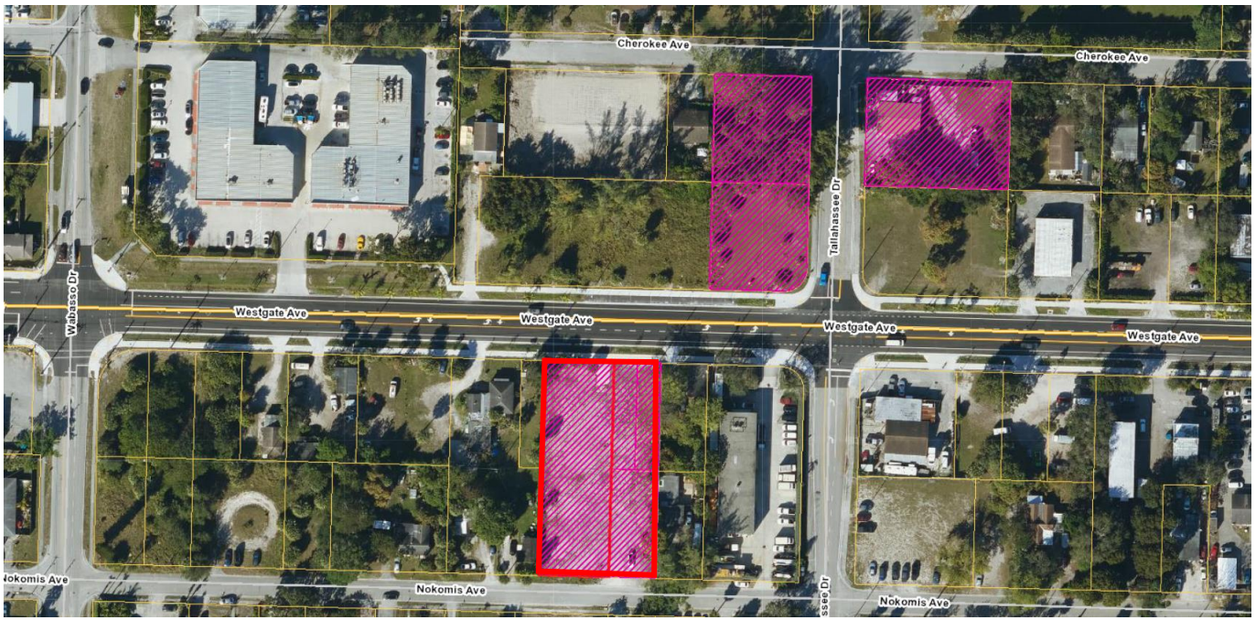
Staff placed a condition to ensure the buffers are to remain as described above.

Furthermore, the Applicant has reduced the required 8-foot-wide foundation planting along the sides of the commercial retail to 5-feet. Pursuant to Article 3.B.14.J.1.b an Alternative Landscape Plan is required to be submitted for review, Staff placed a condition for this to be provided prior to final approval by the DRO.

○ *Signs*: The Applicant states in their justification statement that they are proposing no additional signs, either ground mounted or building mounted. A Master Sign Plan is required, Signage has been provided on the Preliminary Site Plan, indicating in fact that the Applicant intends to propose wall mounted signage on site.

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 proposed density bonus increase is the first of this amount for the Westgate Overlay. Although the program has been available for many years. The request is to allow the development of 38 units, with a density of 57.58 units per acre. The specific Block these lots are located in has a mix of vacant parcels, single family, and office/warehouse for a plumbing contractor.



Mixed uses are generally compatible with the existing character and land use patterns of the surrounding area. However, the site is adjacent to two vacant lots, one which is 25 feet in width and the other 50 feet in width. One story single family homes are also adjacent to the southeast and the next lot to the west. Although the density and the height are allowed to be requested, it isn't consistent with the uses and character of land surrounding and in the vicinity of land for the proposed development. However, the adjacent property to the west received an approval in 2008 to construct 52 units on 0.99 acres. This development order has not commenced. If it were to commence, these two densities and uses would be compatible.

In order to accomplish this density, on the 0.66 acre site they are requesting variances to accommodate parking. The units provided may have to change at time of final approval by the DRO to ensure they are in compliance with the PBC Housing Code and Fair Housing Building Code requirements. While the site is an ideal location for an infill project with mixed uses, the amount of density proposed does not meet this standard unless a variance is approved for parking. Staff recommends that the unit count be reduced.

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

In order to develop this property at a density of 57 units per acre, with a four story structure, the Applicant proposes very small units, utilizes waivers for reduction in buffers, and variances for reduction in parking. This density is the first request to maximize the density pool for the area. The site is adjacent single family units along the east property line that are one story. Redevelopment of these lots, at a density comparable to the proposed, will present challenges, based on the dimensions of the lots and access to lots. While the density is allowable to be requested, it requires approval by the BCC. The design and number of units has potential impacts on adjacent single family homes and vacant parcels that would not be able to be developed at this same potential. The unit sizes as proposed do not meet the requirements of the Housing Code or Fair Housing requirements at this time. Revisions are required. Staff recommends reduction in the number of units

e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

Environmental Review Staff were provided this application for review and provided the following analysis:

- *Vegetation Protection*: The application request does not impact native vegetation as the site has been previously cleared.

- *Wellfield Protection Zone*: This property is not located within Wellfield Protection Zone.

- *Irrigation Conservation Concerns and Surface Water*: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non-stormwater discharge or the maintenance or use of a connection that results in a non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-5.

- *Environmental Impacts*: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

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

The proposed increase in residential density—utilizing the full 50 dwelling units per acre (DU/AC) density bonus pool and resulting in a total density exceeding 57 DU/AC—is not consistent with the established development pattern within the WCRAO. This represents the first request within the overlay to fully leverage the maximum allowable density bonus, setting a precedent that significantly exceeds the typical densities observed in the surrounding area. While the ULDC permits such a request under specific conditions, the proposed intensity may challenge the intent of the overlay's design framework, which emphasizes context-sensitive infill and compatibility with existing land uses.

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

The proposed increase in density is consistent with the requirements for Adequate Public Facilities. An all-inclusive analysis for both the Official Zoning Map Amendment and the Conditional Use is provided above pursuant to Standard f. Adequate Public Facilities for the Official Zoning Map Amendment.

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

The Applicant's Justification Statement indicates the following justification for their changed conditions of circumstances: "The Subject Property is and has been undeveloped for over 15 years and has more recently been an enforcement nuisance for the WCRA. The proposed conditional use request for additional density will allow for the development of a new mixed-use project with affordable residential units and supporting commercial space to incentivize and further the redevelopment goals of the WCRAO and along the newly reconstructed Westgate Avenue."

The subject site has double frontage: abutting Westgate Ave (and 80-foot wide thoroughfare road) and Nokomis Ave (a 40-foot wide local street). Article 11.E.2.A.4.b states that where a lot abuts streets of Local or high classification, access to the lot shall be by the street of lower classification. The code further goes on to say that access shall not be permitted to a local residential or residential access street, as described in Table 11.E.2.A, Chart of Minor Streets, unless the street cross section is improved to meet Local Commercial standards. A Local Commercial Street, as defined by Land Development Design Standards, is comprised of two (2) 12-foot lanes, curb and gutter drainage and sidewalk on both sides

Code Section	Required	Proposed	Variance
11.E.2.A.4.b	24 foot pavement width, curb and gutter drainage and sidewalk on both sides.	20 foot pavement width, curb and gutter drainage, and sidewalk on one side	4 foot pavement width and sidewalk on one side.

At the September 4, 2025 Zoning Commission Hearing the above variance was approved subject to the Conditions of Approval as indicated in Exhibit C-4.

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

Applicant's Response: "*The subject property which is an assemblage of four (undeveloped) parcels of land which are situated between Westgate Avenue and Nokomis Avenue, which dual frontage also provided along Westgate Avenue and Nokomis Avenue as well. Per Code, when you have a double frontage lot, the code requires access to the lower classified road, which in this case, is Nokomis Avenue, a 40-foot (platted) ROW. As such, the subject property has the unique circumstance of having to seek variance approval from existing conditions of Nokomis Avenue minimum pavement width (24' required and 20' provided) and sidewalks (required on both north and south side of Nokomis Avenue and provided on south side of Nokomis Avenue). This constitutes a special circumstance affecting the subject property*."

Staff's Response: Yes. The subject site has double frontage: abutting Westgate Ave (and 80-foot wide thoroughfare road) and Nokomis Ave (a 40-foot wide local street). Article 11.E.2.4.b requires that the parcel have access from the lower classification street, which is Nokomis Ave. Nokomis Ave was created by the plat of West Gate Estates (PB 8 PG 38, dated 6/27/1921) as a 40-foot right-of-way. This road is comprised of a 20-foot paved section with curb and gutter drainage and a sidewalk on the south side. Nokomis is a County maintained right of way, in which there are no proposed plans to widen.

b. Special circumstances and conditions do not result from the actions of the Applicant.

Applicant's Response: "*As previously mentioned, the subject property is an assemblage of four (undeveloped) parcels with dual frontage (and existing access points) along Westgate Avenue and Nokomis Avenue. The Applicant would be allowed to maintain access from Westgate Avenue if the properties fronting Westgate Avenue were not combined with the additional property fronting Nokomis Avenue; however, since the assemblage is required in order to develop the site in accordance with WCRA mixed use standards, and these standards prohibit access from Westgate Avenue when an alternative exists, along with Article 11.E.2.A.4.b, which requires double frontage lots to provide access from the lower classification of streets, access to the subject property is restricted to Nokomis Avenue. Therefore, the Applicant is requesting a variance from the roadway cross section design standards, including a 2-foot reduction in pavement width and no sidewalk on the north side of Nokomis."*

Staff's Response: Yes. The subject site has double frontage: abutting Westgate Ave (and 80-foot wide thoroughfare road) and Nokomis Ave (a 40-foot wide local street). Article 11.E.2.4.b requires that the parcel have access from the lower classification street, which is Nokomis Ave. Nokomis Ave was created by the plat of West Gate Estates (PB 8 PG 38, dated 6/27/1921) as a 40-foot right-of-way. This road is comprised of a 20-foot paved section with curb and gutter drainage and a sidewalk on the south side. This special circumstance and condition is not the result of actions of the Applicant.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district

Applicant's Response: "*The proposed mixed-use project meets the development goals and design objectives of the WRCA Plan and the WCRAO. Special privileges will not be conferred on the Applicant by granting this variance. These same design goals, objectives and access considerations will be applied to surrounding properties should they choose to redevelop/develop their site."*

Staff's Response: Yes. Granting the variance will not confer upon the Applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district. This parcel will be developed in a manner consistent with the existing Zoning and Land Use regulations.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

Applicant's Response: "*Literal interpretation of the Code would deprive the Applicant Rights commonly enjoyed by other parcels of land in the same zoning district and would unnecessarily create an undue hardship, especially when dealing with the additional standards of the WCRAO in addition to the standard CG zoning district regulations. Without the granting of this variance, the Applicant cannot access the property nor accommodate the mixed-use development of the site, thus limiting the economic potential of the Westgate corridor."*

Staff's Response: Yes. In the absence of the variance the Applicant would be required to potentially acquire right-of-way from the adjacent parcels (potentially creating non-conforming lots) in addition to constructing the additional sidewalk, increasing the pavement width and adjusting the existing drainage

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure. and would work an unnecessary and undue hardship.

Applicant's Response: "*The requested variance is the minimum necessary to provide site access and implement the goals and objects of the WCRA Plan. The proposed request should not have any negative impact on the surrounding properties*."

Staff's Response: Yes. Granting this variance is the minimum needed for the reasonable use of the property.

f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan, and this Code.

Applicant Response: "*The WCRAO property development regulations were established to encourage a pedestrian friendly environment, street presence, and mixed-use developments to reinforce the smart grown principals of the WCRA and Comprehensive Plan. Within the NC sub-area, and a key focal point of the Overlay, development incentives such as increase in intensity and density are allowed for the urban mixed-use project which more intense commercial uses. In order to encourage the pedestrian friendly environment along Westgate Avenue, the project design proposes commercial space at grade level along the Westgate Avenue building frontage. In between the two commercial spaces is a plaza area which will be improved with pavers, potted landscaping, shade structure and outdoor furniture for gathering areas and pedestrian activity. As such, vehicular access is restricted to Nokomis Avenue."*

Staff's Response: Yes. Granting the variance will be consistent with the purpose, goals, objectives and policies of the plan and code. As explained in the responses above, this application is required by code to access Nokomis Ave which is a 40-foot right-of-way that was platted in 1921 in the West Gate Estates plat. The road is paved, with curb and gutter drainage and sidewalk on the south side.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: "*The proposed request will not have a negative impact on the surrounding properties or be injurious to the area or public welfare since access will be from a less intensive roadway, thus preserving the pedestrian friendly environment of Westgate Avenue*."

Staff's Response: Yes. Granting the variance will not be injurious to the area involved or generally detrimental to the public

Exhibit B.4 - Standards Analysis & Findings

The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a Zoning or Subdivision Variance:

Variance Chart:

Code Section	Required	Proposed	Variance
Table 3.B.14.I Min. Parking Requirements	Total Required: 53 parking spaces Multi-Family Residential – 1 sp per efficiency unit (36) 1 sp per 1 bedroom (2); 1 sp per 4 units for guest parking (10) Total: 48 spaces Retail Sales: 3 spaces per 1,000 sq. ft. Total: 5 Spaces	50 parking spaces Multi-Family Residential 1 sp per efficiency unit; 1 sp per 4 units for guest parking Total: 45 spaces Retail Sales: 3 spaces per 1,000 sq. ft. Total: 5 Spaces	3 parking spaces

At the September 4, 2025 Zoning Commission Hearing the above variance was denied without prejudice. No Conditions of Approval are incorporated with a denial

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

Applicant Response: "*This mixed-use project proposes 38 multifamily residential units, with a mix of efficiency micro units, efficiency studio units and 1-bedroom units, plus 1,585 sq. ft. of commercial retail spaces. Under the WCRAO parking rates, the project is required to provide 53 parking spaces consisting of 1 space per residential unit, or 38 spaces, 3 spaces per 1,000 sf of commercial retail space, or 5 spaces, and 1 guest space for every 4 residential units or 10 guest spaces. Although the ULDC does not allow spaces to be reserved, there are 38 spaces on site to serve the 38 residential units and the remaining 12 spaces (7 surplus on site and the 5 spaces on street) are available to share to serve commercial retail space and any guest spaces. According to the submitted Parking Demand Study, prepared by PTC Transportation Consultants, the Institute of Traffic Engineers (ITE) have published a parking rate of .68 spaces per unit for projects with this diverse mix of smaller residential units, and commercial rates at 1 space per 313 sq. ft. versus 333 sq. ft.. Using the ITE rates, 31 spaces are required for the project which would leave 19 spaces for guests*.

In addition to the ITE rates, there are other factors that will play a part in having sufficient parking, those being:

- *Westgate Avenue has recently been improved and provides on-street parallel parking spaces in other areas than the immediate frontage of the project. In an urban area, it is customary to use street parking, outside the extent of the property frontage, for guest and commercial uses.*
- *The Applicant will manage the parking by having an extra fee for residents with a car, limiting resident parking to 1 space per unit and issuing parking stickers which can be monitored and enforced by a property manager.*
- *The Applicant will offer free monthly bus passes to residents that do not have a car on premises. Palm Tran has bus routes on Westgate Avenue as well as nearby Okeechobee Boulevard and Wabash Avenue.*
- *Bike racks for tenants will be conveniently placed on property as alternative means of transportation.*

Based on the published ITE rates, availability of on street parking for commercial use and guests, managed parking for residents and the other programs being offered by the Applicant, this project will have sufficient parking and will provide the type of development with diverse residential units and a mix of commercial space which is the purpose and goal of the WCRAO."

Staff Response: No. Special conditions and circumstances do not exist that are unique to the subject parcel and are not generally applicable to other properties within the same zoning district. The Applicant is requesting additional density, knowing what the parking requirements are for mixed use development. The WCRAO has a deviation from the standard parking requirements described in Article 6. This request is a deviation on a deviation. Charging for required parking is not allowed in the code, and thus the parking analysis is incorrect. The Applicant has an ability to reduce the density by not asking for the full amount and then can meet the parking requirements of the Code.

b. Special circumstances and conditions do not result from the actions of the Applicant.

Applicant Response: "*This project provides for the type of development that meets the goals, objectives and policies for the WCRAO of the Comprehensive Plan and Unified Land Development Code. The special circumstance or condition is based on being able to provide a development that achieves the purpose of the WCRAO and provides additional affordable housing for Palm Beach County. This site also benefits from ample options for alternative transportation with bus routes on Westgate Avenue, Okeechobee Boulevard, Wabasco Drive and therefore reducing the need of cars and parking. It should also be noted that Westgate Avenue has recently been improved with parallel parking spaces to serve the various uses along the corridor. It is common in urbanized areas for guests to use common parking spaces and given that the project provides the required parking to support the residents and tenants of the project, the reduction could be looked on as being applied to the guest parking, which will be available along Westgate Avenue."*

Staff Response: No. Special circumstances and conditions are a result of the actions of the Applicant. The special circumstances arise do to the density requested. The Applicant can reduce the requested density and comply with the parking requirements. Charging for required parking is not allowed by the Code.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district

Applicant Response: "*Variance applications are reviewed and approved on a case-by-case basis. The ULDC allows for the application process to request this process based on its own merits and does not confer upon the Applicant any special privilege*."

Staff Response: No. Granting the requested variance is conferring a special privilege that is denied by other parcels of land in the same district. Although properties in the NC subarea have an ability to request additional density, the request is with the understanding that it complies with all regulations of the Code. The subject site is vacant, and has been cleared. There are no special circumstances that exist on this property that would suggest a special circumstance exists where a reduction in parking is needed on a request to increase density

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

Applicant Response: "*A literal interpretation and enforcement of this provisions would result in a reduction of units or square footage of commercial and be contrary to the intent and purpose of the WCRAO and the emphasized desire by Palm Beach County Administration to provide additional housing that is more affordable. The reduction in parking, considering the type of units, the target market of residents, the availability of mass transit, the proximity of employment all supports the need for less parking for the project. A reduction of units would also have a contrary reaction to the rental prices that could be offered in that the fewer the units, the higher the rental rates. This proposed development is utilizing the opportunities in the ULDC to provide a development serving the need of more affordable housing and reducing the number of units based on parking would create an undue hardship and be detrimental to the project as a whole."*

Staff Response: No. Literal interpretation and enforcement of the terms and provisions of this Code would not deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would not create an undue hardship. The site is vacant. The Applicant is requesting to develop the site. Thy are requesting a maximum density bonus. It is not a requirement of the code to provide a maximum density. Therefore, enforcement of the code for required parking on a request to increase density is not creating an undue hardship.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure and would work an unnecessary and undue hardship.

Applicant Response: "*Granting this variance is the minimum possible in order to maintain the unit sizes and provide more affordable housing options. In order to lower the parking demand, an alternative design would be to offer fewer, but larger residential units. However, this approach is in direct contradiction to the desire to provide more affordable housing options, especially in areas near employment opportunities and public transportation, such as the WCRAO. In order to provide lower individual rental rates, the units have been designed to be smaller but accommodate the targeted non-family resident. The project is designed to comply with the architectural regulations of the WCRAO established to protect the adjacent properties but allow for development diversity on the site. Vehicular access is from Nokomis Avenue, leaving unimpeded pedestrian activity along Westgate Avenue. The project will be constructed with security features such as lighting, cameras, secured residential entry and monitored parking. The project will be an asset to the area and incentive to attract more interest in redevelopment opportunities in the WCRAO*."

Staff Response: No. Granting the Variance is not necessary as the Applicant can reduce the density requested, and comply with the required parking which is already reduced by the Overlay.

f. Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan, and this Code.

Applicant Response: "*This mixed-use project proposes 38 multi-family residential units, with a mix of efficiency micro units, efficiency studio units and 1-bedroom units, plus 1,585 sq. ft. of commercial retail spaces.*

Under the current WCRAO parking rates, the project is required to provide 53 parking spaces consisting of 1 space per residential unit, or 38 spaces, 3 spaces per 1,000 sf of commercial retail space, or 5 spaces, and 1 guest space for every 4 residential units or 10 guest spaces.

Under the current Article 6 parking rates, the project is required to provide 57 parking spaces consisting of 1 space per efficiency unit, or 36 spaces, 1.75 space per 1-bedroom unit, or 3.5 spaces, 1 space per 200 SF of commercial retail space, or 8 spaces, and 1 guest space for every 4 residential units or 9.5 guest spaces. Although the ULDC does not allow spaces to be reserved, there are 38 spaces on-site to serve the 38 residential units and the remaining 12 spaces (7 surplus on-site and the 5 spaces on street) are available to share to serve commercial retail space and any guest spaces.

As indicated previously, according to a Zoning review comment, the variance request has been proposed based on the parking rates of the current WCRAO regulations found in Article 3. With the updated Site Plan, it results that there are 53 spaces required, and 50 spaces provided, consisting of 45 spaces on site and 5 spaces on-street. Accordingly, the variance request is a reduction of 3 spaces.

According to the submitted Parking Demand Study, prepared by PTC Transportation Consultants, the Institute of Traffic Engineers (ITE) have published a parking rate of 0.68 spaces per unit for projects with this diverse mix of smaller residential units, and commercial rates at 1 space per 313 sq. ft. versus 333 sq. ft.. Using the ITE rates, 31 spaces are required for the project which would leave 16 spaces for guests.

In addition to the ITE rates, there are other factors that will play a part in having sufficient parking, those being:

- *Westgate Avenue has recently been improved and provides on street parallel parking spaces in other areas than the immediate frontage of the project. In an urban area, it is customary to use street parking, outside the extent of the property frontage, for guest and commercial uses.*
- *The Applicant will manage the parking by having an extra fee for residents with a car, limiting resident parking to 1 space per unit and issuing parking stickers which can be monitored and enforced by a property manager.*
- *The Applicant will offer free monthly bus passes to residents that do not have a car on premises. Palm Tran has bus routes on Westgate Avenue as well as nearby Okeechobee Boulevard and Wabash Avenue.*
- *Bike racks for tenants will be conveniently placed on property as alternative means of transportation.*

Based on the published ITE rates, availability of on-street parking for commercial use and guests, managed parking for residents and the other programs being offered by the Applicant, this project will have sufficient parking and will provide the type of development with diverse residential units and a mix of commercial space which is the purpose and goal of the WCRAO."

Staff Response: No. The request is inconsistent with the Code. Fees cannot be charged for required parking. The parking analysis is inconsistent with the request.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response: "*As indicated in the response above, the project has been designed to provide sufficient parking on site for the residents, plus a parking surplus to be used by the commercial tenants/customers and any guests. The purpose and desire of the WCRAO is to provide redevelopment of properties with a mix of uses, as proposed. This project will serve as a catalyst for other sites within Westgate to be redeveloped consistent with the goals and purpose of the WCRAO.*"

Staff Response: No. Allowing the variance based on the documents presented would be detrimental to the public welfare.

Exhibit C-1 - Conditions of Approval

Official Zoning Map Amendment

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit C-2 Conditions of Approval

Class A Conditional Use Density Bonus

ALL PETITIONS
1. The Preliminary Site Plan is dated June 16, 2025. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW
1. Prior to final approval by the Development Review Officer, the Architectural Elevations, floor plans and roof plans shall be submitted for review and approval consistent with the requirements of the ULDC and the Conditions of Approval. (DRO: ZONING - Zoning)

2. Each Dwelling Unit shall have an individual bathroom and kitchen or kitchenette inside the unit, and there shall be no communal bathrooms or kitchens within the 4-story structure. (ONGOING: BUILDING - Zoning)

ENGINEERING
1. Pursuant to the Traffic Analysis dated March 3, 2025, the Buildout Date is December 31, 2028. No Building Permits for the site may be issued after December 31, 2028. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

LANDSCAPE - GENERAL
1. Prior to Final Approval by the Development Review Officer, the Property Owner shall submit a Landscape Plan and/or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (DRO: ZONING - Zoning)

LANDSCAPE - PERIMETER
1. The Perimeter Buffers are modified pursuant to Article 3.B.14.H.1.c Type 1 waiver process and Article 7.C.2, and shall be shown as follows:

a. The required Type 2 Incompatibility buffers along the east and west property lines shall be reduced from 15 feet to a minimum 5 feet in width.

b. The buffers along north and south property lines shall remain 10 feet in width, with a 5 foot Utility Easement (UE) overlap and 5 feet of unobstructed planting area. (DRO: ZONING - Zoning)

PLANNING
1. The subject request for 38 multifamily rental units with an 8 unit WHP obligation was calculated based on 5 units by land use and 33 units from the WCRA Bonus Pool, resulting in a 20% or 8 unit WHP obligation of the total units. No other Bonus densities were utilized. The WHP units will be for rent and provided onsite. Should a reduction in overall units occur, the WHP obligation may be reduced subject to a new analysis, and the timing mechanisms adjusted administratively as needed. (Ongoing: Planning - Planning)

2: Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants for the Workforce Housing Program in a form acceptable to the Palm Beach County Attorney. (BLDGPMT: MONITORING-Planning)

3: Prior to the issuance of the first residential Building Permit, the Property Owner shall provide documentation for the Workforce Housing Program, such as an affidavit on a form provided by the County, demonstrating compliance with the required design standards including compatible exteriors and the provision of a model. (BLDGPMT: Monitoring-Planning)

4: Prior to the issuance of the Certificate of Occupancy (CO), the Developer shall contact the Planning Division and the Westgate CRA to review the Workforce Housing Program (WHP) requirements at the commencement of leasing. (CO: MONITORING-Planning)

SITE DESIGN

1. Prior to final approval by the Development Review Officer the applicable Final Site, Regulating and/o Master Sign Plans shall be revised as follows:

a. Notate the reduction in the Utility Easement along Congress Avenue and Nokomis Avenue;

b. Notate the ULDC Code reference for the recreation parking requirements/deviation

c. Notate the Recreation requirements in the Site Data

d. Remove reference to conceptual roof top activity plan and indicate as the Recreation Area if used to meet Art. 5.D requirements.

e. Provide all signage, ground mounted and building mounted on the MSP.

f. Notate Foundation planting tabular data with the foundation details on the Final Regulating Plan.(DRO: ZONING - Zoning)

USE LIMITATION

1. The maximum number of units shall be 36, unless the site plan is revised at time of final approval by the DRO to include the required number of parking spaces for 38 units. (ONGOING: ZONING – Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit C-3 Conditions of Approval

Subdivision Variance

ALL PETITIONS

1. This Subdivision Variance is approved based on the layout as shown on the Preliminary Site Plan dated June 16, 2025. Only minor modifications by the Development Review Officer or Zoning Commission shall be permitted provided the changes are consistent with this Preliminary Site Plan.

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT: BUILDING DIVISION - Zoning)

3. The Development Order for this Concurrent Subdivision Variance shall be tied to the Time Limitations of the Development Order for SV/ZV/Z/CA-2025-00428. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit D - Project History

The site is currently vacant with no prior approvals.

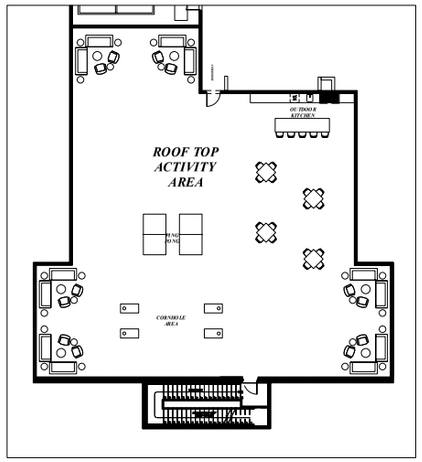
Exhibit E-1 - Preliminary Site Plan

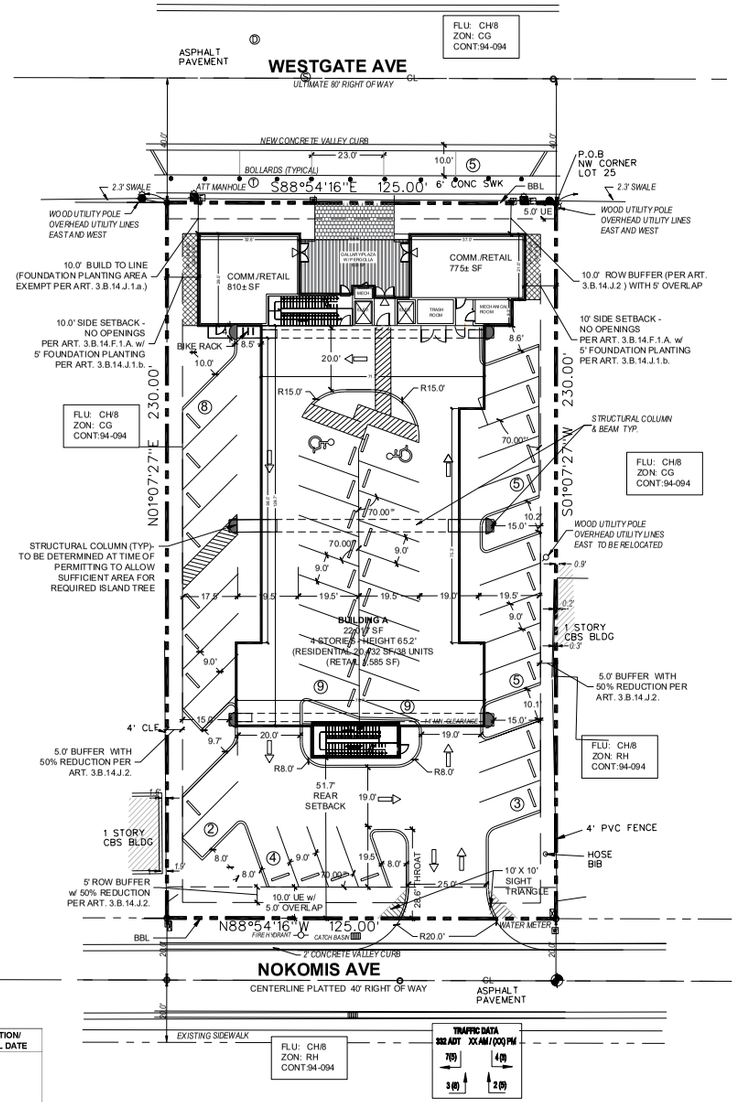
RECREATION DATA

		Required	Provided
0.006 Ac./Unit @ 50% per WCRAO	0.228 Ac /	4,965.84	4,966 sf

NOTE: AMENITIES ARE CONCEPTUAL AND SUBJECT TO CHANGE.

CONCEPTUAL ROOF TOP ACTIVITY PLAN

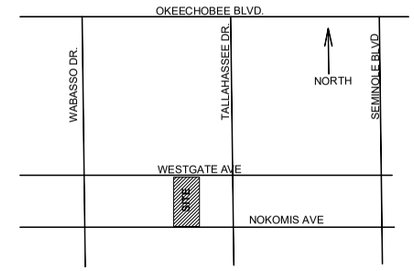




LEGEND

- PRIMARY PEDESTRIAN ENTRANCE
- PAVERS
- FOUNDATION PLANTING
- TRELLIS/SHADE STRUCTURE
- PAVEMENT STRIPING
- SAFE SIGHT TRIANGLES

LOCATION MAP



SITE DATA

Application Data

Application Name	**Neighborlee Living Westgate**
Control Number	2025-00030
Application Number	SV/ZV/ZC/CA 2025-00428
Last BCC Approval Date and Resolution Numbers	NA
Future Land Use	CH/8
Zoning District - Existing	CN/RH (NC SubArea - WCRAO)
Zoning District - Proposed	CG(NC SubArea - WCRAO)
Tier	U/S
Overlay	WCRAO
Property Control Numbers	00-43-43-30-030-32-0200/0230/0240/0530
Existing Use	Vacant
Proposed Use(s)	Multi-Family Residential & Commercial/Retail

Site & Building Data

	Use		Acres	Min./Max Rq'd	Provided
Gross Site Area			**0.66**		**28,750 sf**
Proposed Building Area	Use				**22,017 sf**
1st Floor	Retail /Commercial				1,585 sf
1st Floor	MF Residential (Support)				800 sf
2nd Floor Residential	18 MF Units				8,966 sf
3rd Floor Residential	15 MF Units				8,966 sf
4th Floor Residential	5 MF Units/Recreation Area				1,700 sf
Gross Floor Area Ratio (Max. .85)		Max. 0.85			0.06 FAR
Building Coverage		Max. 40.0%			11,494 sf
Max. Building Height		4 Stories			65.2 ft

Total Units - Proposed	MF Residential - ≤ 1 BR	**38 units**
	Units from Standard Density (8 u/a)	5 units
	Units from WCRA Bonus Pool	33 units
	WHP Units required/ provided (20% per WCRA)*	8 units
	WHP Units and income category per WHP letter dated 3/15/2025 (4 units in LOW category/4 units in MOD 1 category, on-site rental)	
	*WHP subject to WCRA per Art. 3.B.14.H and Art. 5.G.1.A.2.d.1)b)	
Density Proposed | Max. @ Standard - 8 u/a + Density Pool - 50 u/a		**57.6 u/a**

Parking Data

Use	SF/Units	Rate	Spaces
		Required per WCRAO Table 3.B.14.I	
Retail, Sales	1,585	1/333	5
Multi Family Residential - Efficiency Unit	36	1 sp/Unit	36
Multi Family Residential - 1 Bedroom	2	1 sp/Unit	2
Guest	38	1/4	10
Total Parking Required			**53**
Total Parking Provided (w/ Type 2 Variance)			**50**
Standard On Site Spaces			43
HC Parking On Site Spaces			2
Parallel On Street Spaces			5

Miscellaneous Data

Traffic Analysis Zone (TAZ)			911
Pervious Area - Min. 20%	Required(sf): 5,750	Provided: 5,821	20.2%

Concurrency Approval*

Uses	Sq. Ftg./Units
Commercial / Retail	1,585 sf
Multi Family Residential- ≤ 1 BR	38 units

*Concurrency for project is as shown on the Site Plan

VARIANCE TABLE

TYPE 2 VARIANCE

	ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE	RESOLUTION/ APPROVAL DATE
V.1	Parking Required per WCRAO Table 3.B.14.I	53 Parking Spaces (MF at 1 sp per efficiency unit; 1 sp per 1 bedroom unit; 1 sp per 4 units for guest parking; and Retail, Sales at 1 sp per 333 SF	50 Parking Spaces	3 Parking Spaces	

SUBDIVISION VARIANCE

	ULDC CODE SECTION	REQUIRED	PROPOSED	VARIANCE	RESOLUTION/ APPROVAL DATE
SV.1	Table 11.E.2.A.4.b Double Frontage Lots and Corner Lots – Non-Residential Lots	Minimum 24' of pavement width and sidewalk on both sides of Nokomis Avenue	20' pavement width with one sidewalk on south side of Nokomis Avenue	2' of pavement width with no sidewalk on north side of Nokomis Avenue	

WALL SIGN CALCULATIONS

(U/S/ TIER - PER ULDC TABLE 8.G.1.A AND TECHNICAL MANUAL TABLE 5.A.1)

BLDG. ID	ELEVATION	LENGTH OF WALL (LF)	SIGN AREA FORMULA - SF PER LF (PER ULDC 8.G.1.A)	MAX. SIGN AREA PER WALL (SF) ALLOWED	MIN. SIGN AREA PER TENANT ALLOWED	MIN. SEPARATION BETWEEN SIGNS ALLOWED	MAX. PROJECTION FROM BLDG. ALLOWED	MIN. SEPARATION FROM ROOF ALLOWED	MIN. SEPARATION FROM WALL EDGE ALLOWED
A	NORTH (FRONT)	104.9	1.00	104.90	24 SF	3'	24"	6"	6"
	EAST (SIDE)	158	0.25	39.50					
	SOUTH (REAR)	78.7	0.25	19.68					
	WEST (SIDE)	158.2	0.25	39.55					

NOTE: FRONT ELEVATION IS BASED ON LOCATION OF MAIN PEDESTRIAN ENTRANCE. PRIMARY WALL TBD AT TIME OF PERMITTING.

RESIDENTIAL UNIT BREAKDOWN

Floor	Efficiency (Micro)	Efficiency (Studio)	1 BR
2nd Floor	15	2	1
3rd Floor	6	8	1
4th Floor	5	0	0
TOTAL	26	10	2

FOUNDATION PLANTING TABULAR

REQUIRED FOR NON-RESIDENTIAL BUILDINGS
LENGTH: MIN. 40% OF EACH FRONT AND SIDE FAÇADE
WIDTH: MIN. 8.0' PER TABLE 7.C.3.B

COMMERCIAL FAÇADE	40% REQUIRED	PROVIDED
NORTH: 104.9' (FRONT)	0 LF*	0 LF*
EAST: 29.3' (SIDE)	11.72 LF	21.0 LF
WEST 29.5' (SIDE)	11.8 LF	29.5 LF

*PER ART. 3.B.14.J.1.a, REQUIRED FOUNDATION PLANTING ALONG ANY FAÇADE WITH A REQUIRED BUILT-TO-LINE MAY BE DELETED.

**PER ART. 3.B.14.J.1.b, SIDE FAÇADE WIDTH OF 5' ALLOWED SUBJECT TO DRO APPROVAL OF AN ALP PLAN.

NOTES

1. PROPERTY BOUNDARY BASED ON SURVEY PREPARED BY PERIMETER SURVEYING & MAPPING, REVISION DATE 5/12/2025.
2. BUILDING FOOTPRINT AND ARCHITECTURAL EXHIBITS PREPARED BY KANTHAN DESIGN CORPORATION, REVISION DATE 1/28/2025. APPLICATION FOR ARCHITECTURAL REVIEW PER ARTICLE 5.C. TO BE AT TIME OF FINAL SITE PLAN APPLICATION.
3. 5-FOOT UTILITY EASEMENT PROVIDED ALONG WESTGATE AVENUE IN ACCORDANCE WITH UTILITY PROVIDERS AND LAND DEVELOPMENT APPROVAL.

PROPERTY DEVELOPMENT REGULATIONS (1)

WCRAO NC SUBAREA	MINIMUM LOT DIMENSIONS				MAX.		BLDG COVER	MAX. BLDG HGHT	SETBACKS/SEPARATION			
	SIZE (2)	WIDTH	FRONTAGE	DEPTH	BLDG LENGTH	FAR			FRONT	SIDE (EAST)	SIDE (WEST)	REAR
REQ'D	NA	75'	75'	100'	300'	0.85	40%	72'	10'	10'	10'	25'
PROV'D	0.66-AC	125'	125'	230'	158.2'	0.06	40%	65'-2"	10'	10'	10'	51.7'

(1) PER TABLE 3.B.14.F - WCRAO NON-RESIDENTIAL AND MIXED-USE SUB AREA PDR'S FOR NC SUBAREA, KEY, PDR'S NOT SPECIFIED IN THIS TABLE SHALL BE SUBJECT TO THE PDR'S OF THE LOT'S ZONING DISTRICT.

(2) PER TABLE 3.B.14.F - WCRAO NON-RESIDENTIAL AND MIXED-USE SUB AREA PDR'S FOR NC SUBAREA, NOTE 2, MINIMUM LOT SIZE PER TABLE 3.D.1, PROPERTY DEVELOPMENT REGULATIONS SHALL NOT APPLY.

PBC Amendments:	PBC Zoning Stamp:

urban design studio
Urban Design
Land Planning
Landscape Architecture
610 Clematis Street, Suite CU02
West Palm Beach, FL 33401
561.366.1100 FAX 561.366.1111
www.udsflorida.com
#LA0001739

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Neighborlee Living Westgate

Palm Beach County, FL
Preliminary Site Plan

I:\2024Projects\Westgate_24-060\Sales Investment Company_DC_0000\Drawings\Site Plan\2025.06.09 PSP.dwg

NORTH

0 10' 20' 40'

Scale: 1" = 20'-0"

Date:	11/9/2024
Project No.:	24-060.000
Designed By:	BDM
Drawn By:	BDM
Checked By:	BDM

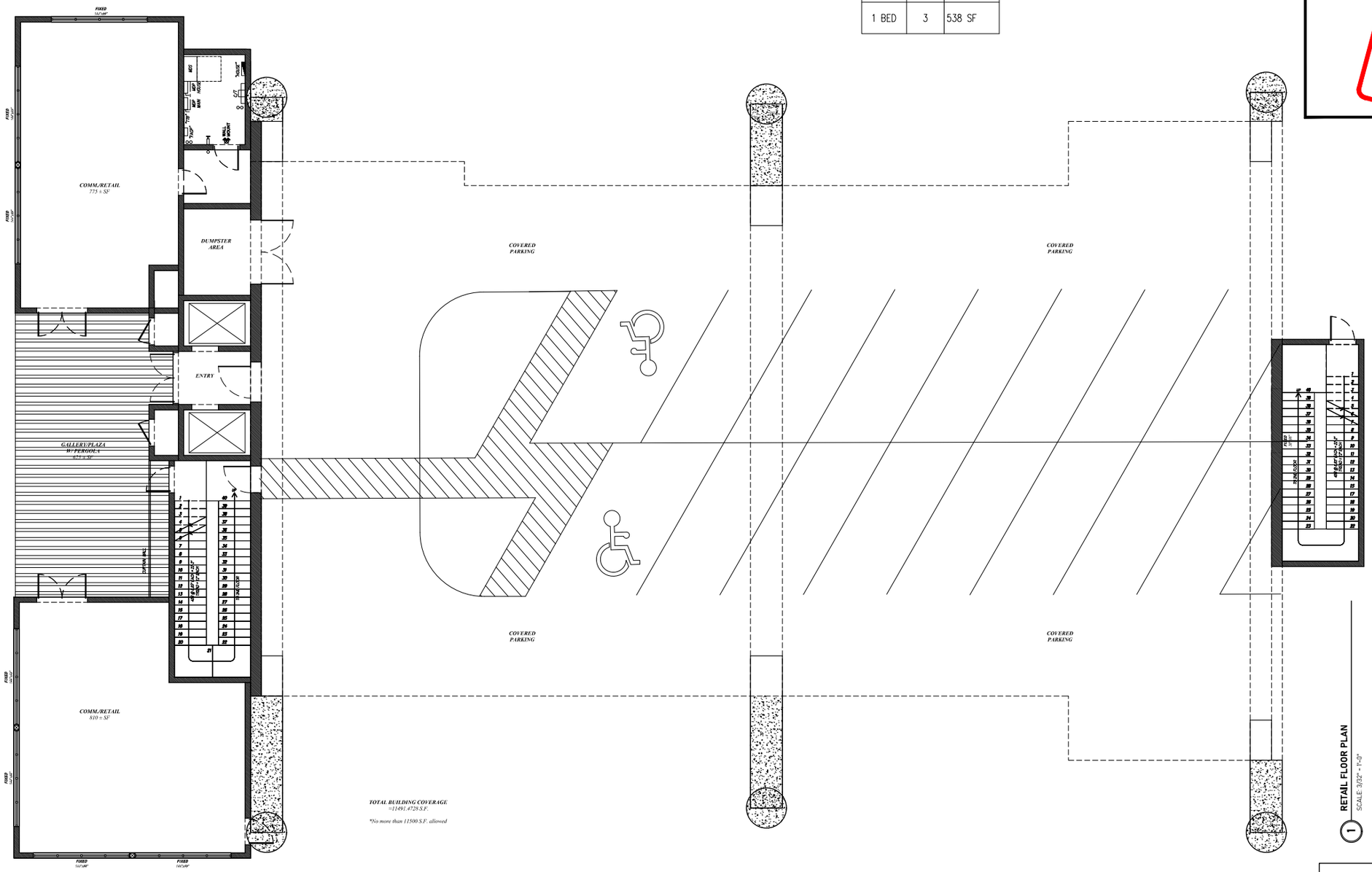
Revision Dates:

12/19/2024 WCRA SUBMISSION
01/07/2025 WCRA RESUBMISSION
01/27/2025 WCRA RESUBMISSION
03/19/2025 PBC ZONING SUBMISSION
04/28/2025 PBC ZONING RESUBMISSION
05/27/2025 PBC ZONING RESUBMISSION
06/16/2025 PBC ZONING RESUBMISSION

PSP-1
of 1

Exhibit E-2 - Architectural Plan Exhibit

TOTAL UNIT MIX		
MICRO	26	240 SF
STUDIO	10	366 SF
1 BED	3	538 SF



RETAIL FLOOR PLAN

1 SCALE: 3/32" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
SUPRADHEEP L.KANTHAN, AIA, NCARB
631 POTTER ROAD,
BOYNTON BEACH FL 33435

REGISTERED ARCHITECT
FL, AR98099 | NY, 044111 | PA, RA407852

REGISTERED INTERIOR DESIGNER
FL, IID685

KANTHAN DESIGN CORPORATION
631 POTTER ROAD,
BOYNTON BEACH FL 33435

REGISTERED ARCHITECT BUSINESS
FL, AA26003242 | PA, AM01596

REGISTERED INT. DESIGN BUSINESS
FL, IBS0001909

www.kanthandesign.com

NEIGHBORLEE LIVING WESTGATE

PCN#: 00-43-43-30-03-032-0200
2818 Westgate Avenue, West Palm Beach, FL 33409
Palm Beach County

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PROJECT NUMBER: 24045

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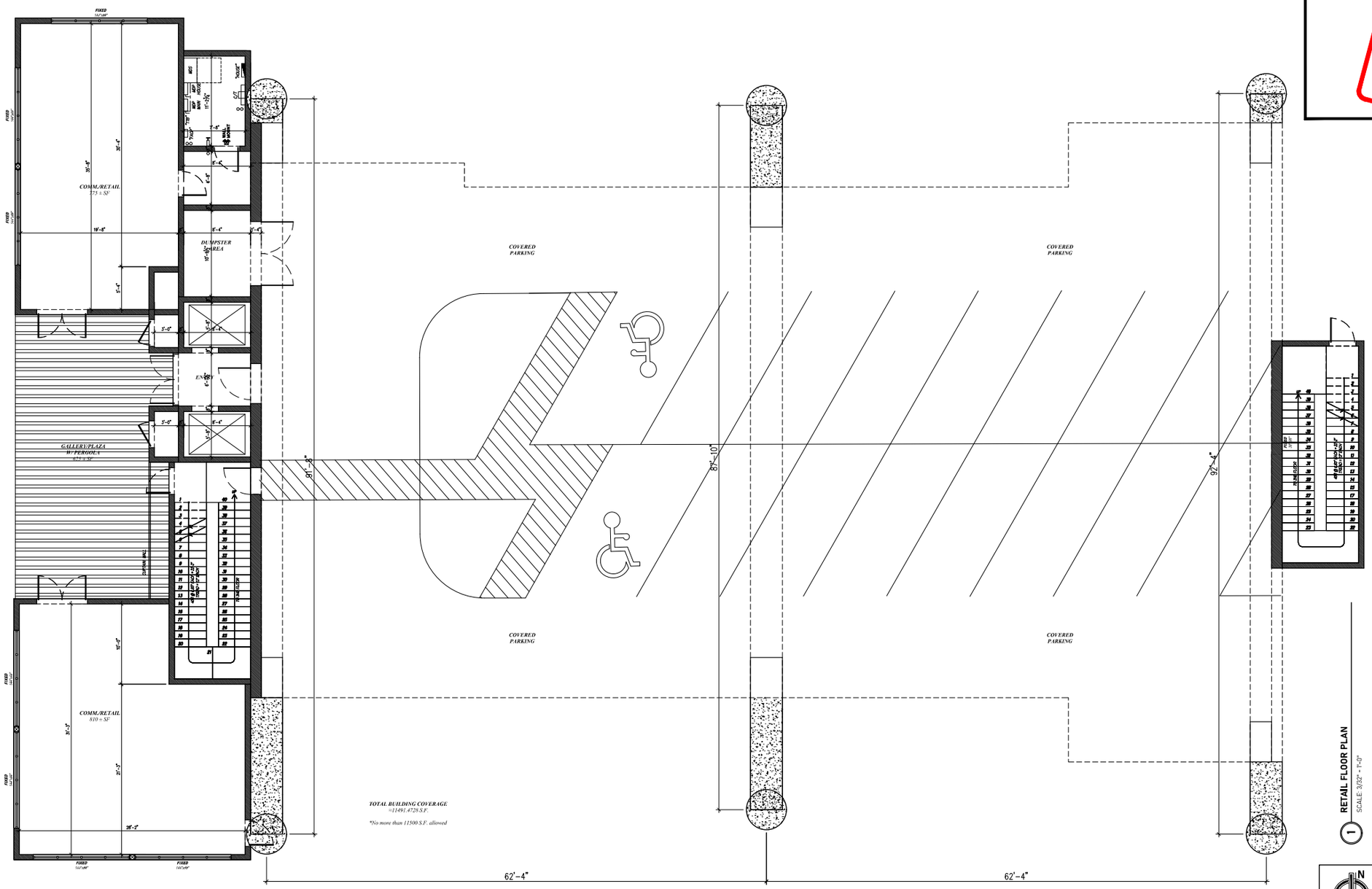

1 RETAIL FLOOR PLAN

SCALE: 3/32" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE

SUPRADEEP L KANTHAN, AIA, NCARB
631 POTTER ROAD,
BOYNTON BEACH, FL 33435

REGISTERED ARCHITECT
FL, AR98899 | NY, 044101 | PA, RA407852

REGISTERED INTERIOR DESIGNER
FL, IID685

KANTHAN DESIGN CORPORATION
631 POTTER ROAD,
BOYNTON BEACH, FL 33435

REGISTERED ARCHITECT BUSINESS
FL, AA26003242 | PA, AM011596

REGISTERED INT. DESIGN BUSINESS
FL, IBD6001909

www.kanthandesign.com

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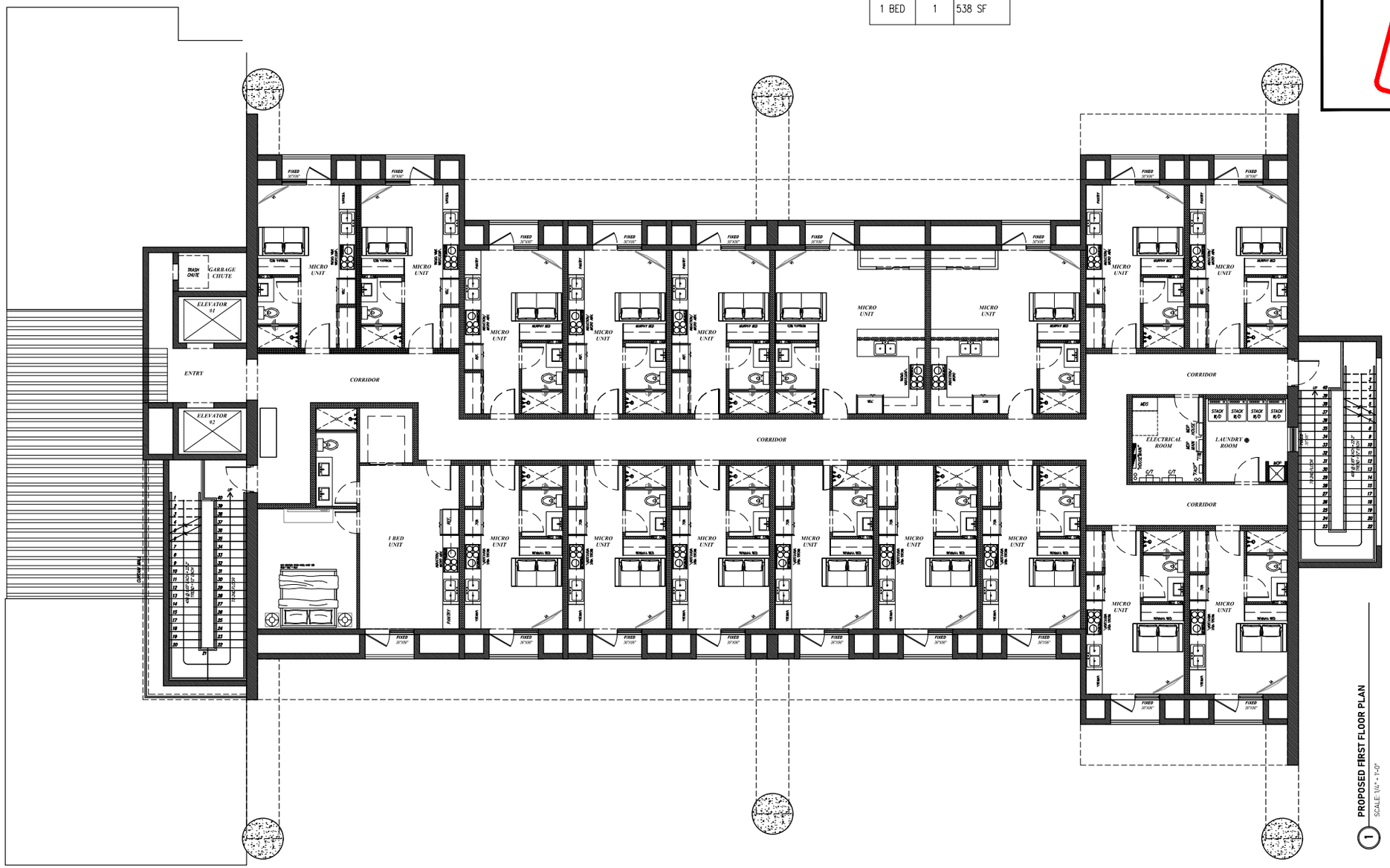
UNIT MIX		
MICRO	15	240 SF
STUDIO	2	366 SF
1 BED	1	538 SF



1 PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

N

PRELIMINARY NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
SUPRADEEP L.KANTHAN, AIA, NCARB
631 POTTER ROAD,
BOYNTON BEACH FL 33435

REGISTERED ARCHITECT
FL, AR98099 | NY, 044111 | PA, RA407852

REGISTERED INTERIOR DESIGNER
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REGISTERED ARCHITECT BUSINESS
FL, AA26001242 | PA, AM011596

REGISTERED INT. DESIGN BUSINESS
FL, IBD6001909

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2818 Westgate Avenue, West Palm Beach, FL 33409
Palm Beach County

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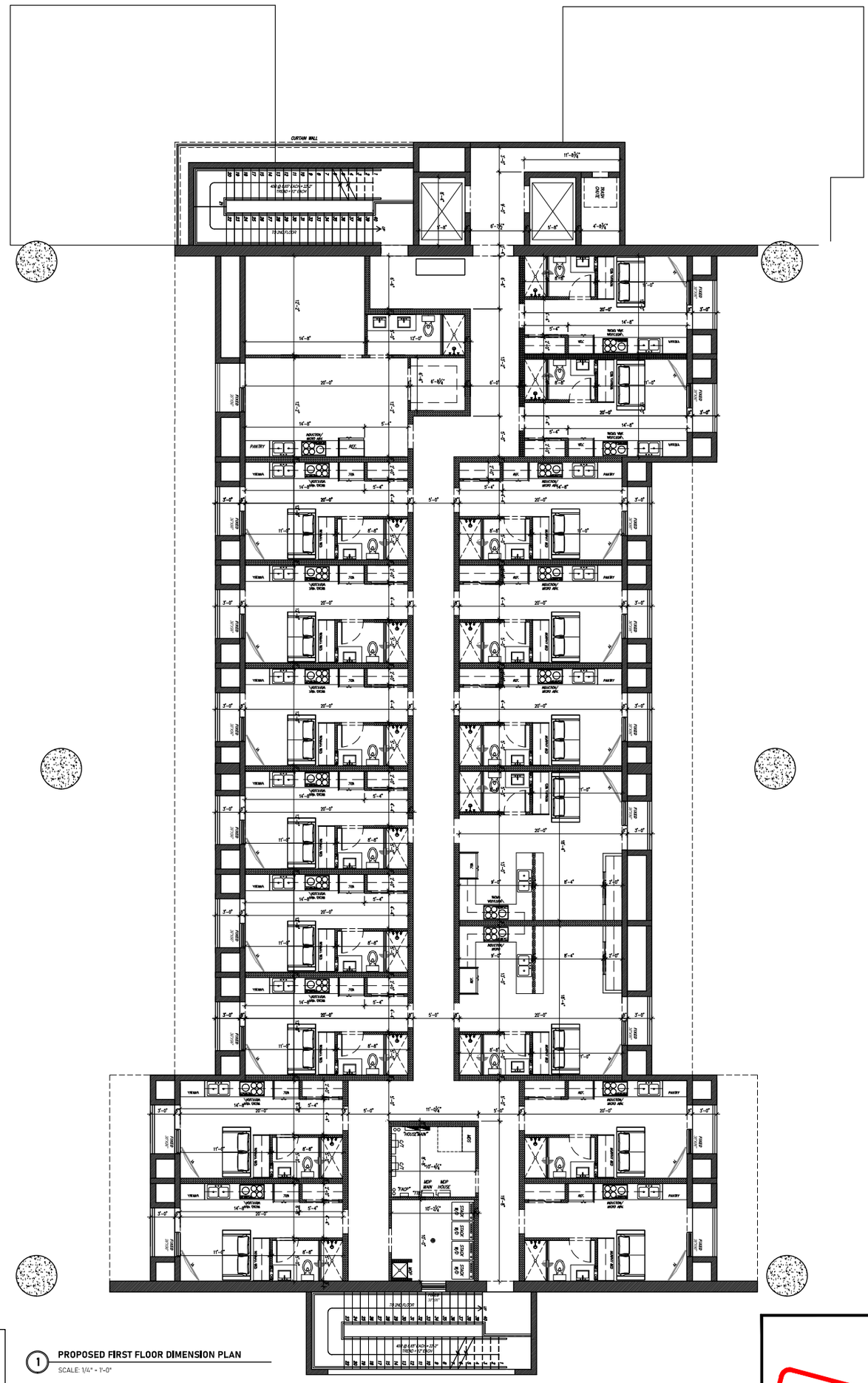

1 **PROPOSED FIRST FLOOR DIMENSION PLAN**

SCALE: 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

NEIGHBORLEE LIVING WESTGATE

PCN#: 00-43-43-30-03-032-0200
2818 Westgate Avenue, West Palm Beach, FL 33409
Palm Beach County

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
SUPRANAND KAPTIAN, AIA, NCARB
LICENSED ARCHITECT
REGISTERED IN CALIFORNIA
SUITE 101 DELRAY BEACH, FL 33483
CL_ARREST@YAHOO.COM (561)4475852

REGISTERED INTERIOR DESIGNER
FL 0000

KAPTIAN DESIGN CORPORATION
SUITE 101 DELRAY BEACH, FL 33483

REGISTERED LANDSCAPE ARCHITECT
SUITE 101 DELRAY BEACH, FL 33483

REGISTERED BY: DESIGN BUSINESS
FL: EB0000910

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SHEET NUMBER **A104**

ISSUE DATE 24045

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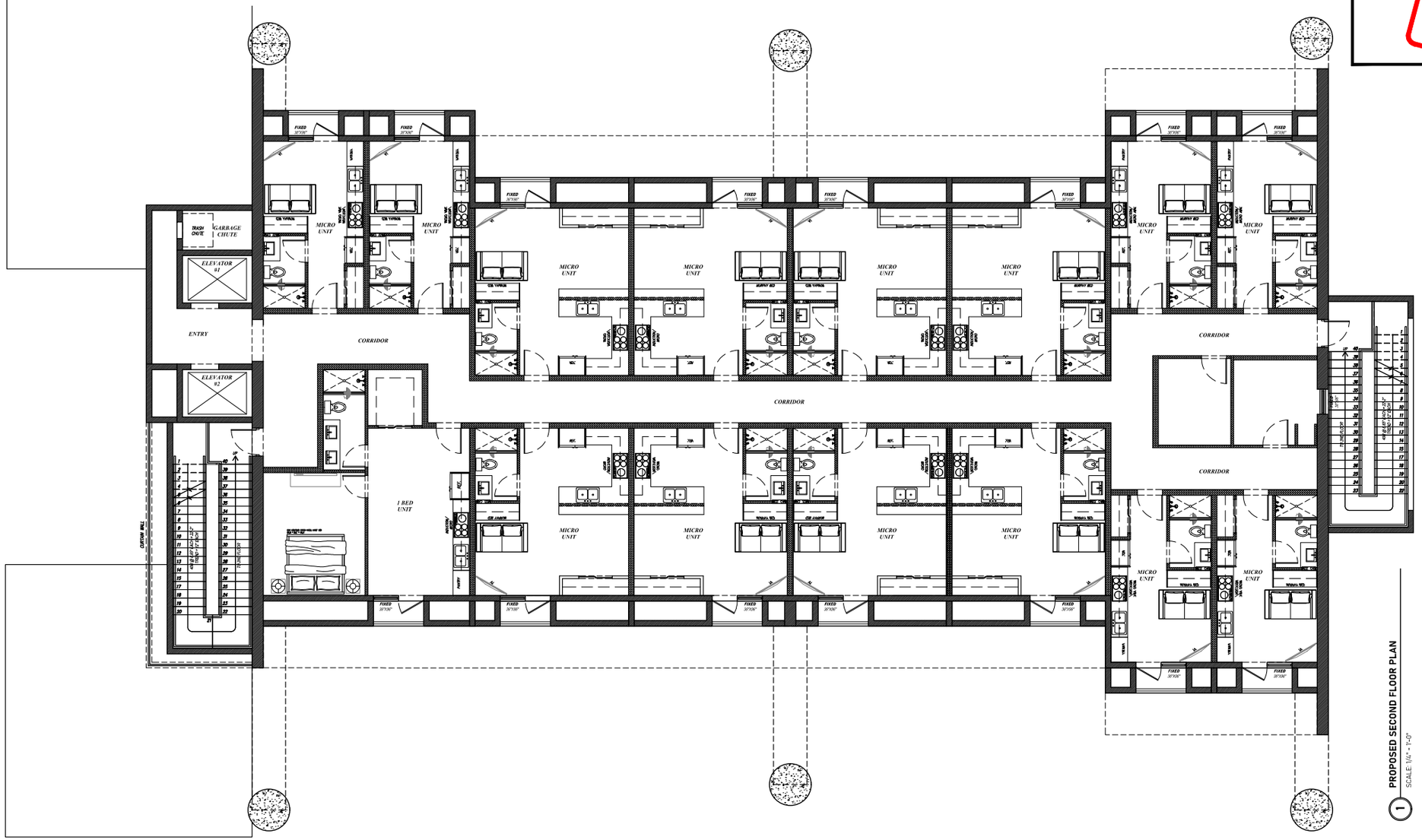
UNIT MIX		
MICRO	6	240 SF
STUDIO	8	366 SF
1 BED	1	538 SF



1 PROPOSED SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

N

PRELIMINARY NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
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631 POTTER ROAD,
BOYNTON BEACH FL 33435

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REGISTERED INTERIOR DESIGNER
FL, ID0685

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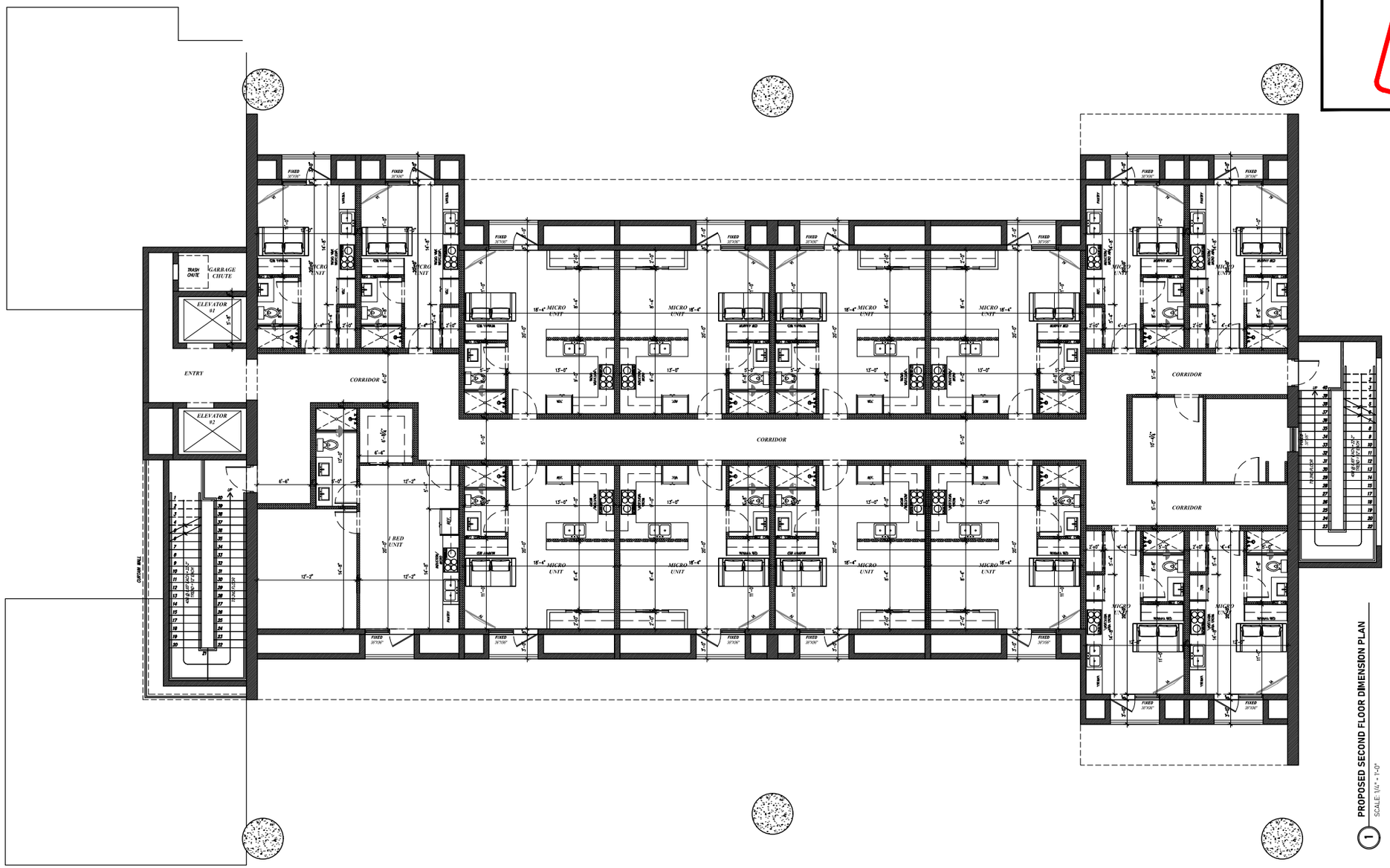

1 PROPOSED SECOND FLOOR DIMENSION PLAN

SCALE: 1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

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631 POTTER ROAD,
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FL, ID0685

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REGISTERED ARCHITECT BUSINESS
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REGISTERED INT. DESIGN BUSINESS
FL, IB0600909

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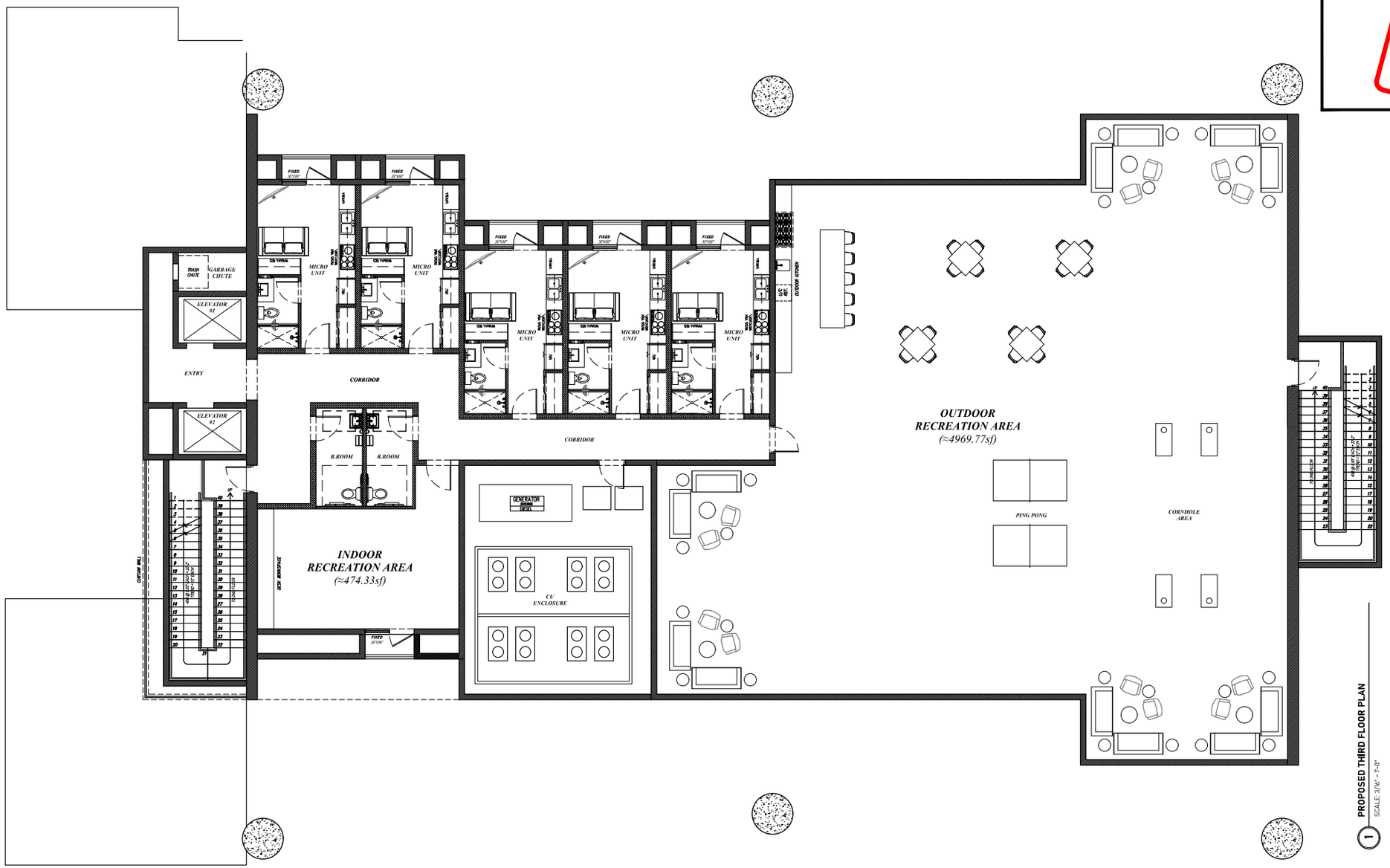
UNIT MIX		
MICRO	5	240 SF



1 PROPOSED THIRD FLOOR PLAN
SCALE: 3/16" = 1'-0"

N

PRELIMINARY
NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
SUPRADHEEP L.KANTHAN, AIA, NCARB
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BOYNTON BEACH, FL 33435

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REGISTERED INTERIOR DESIGNER
FL, ID0685

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BOYNTON BEACH, FL 33435

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REGISTERED INT. DESIGN BUSINESS
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Palm Beach County

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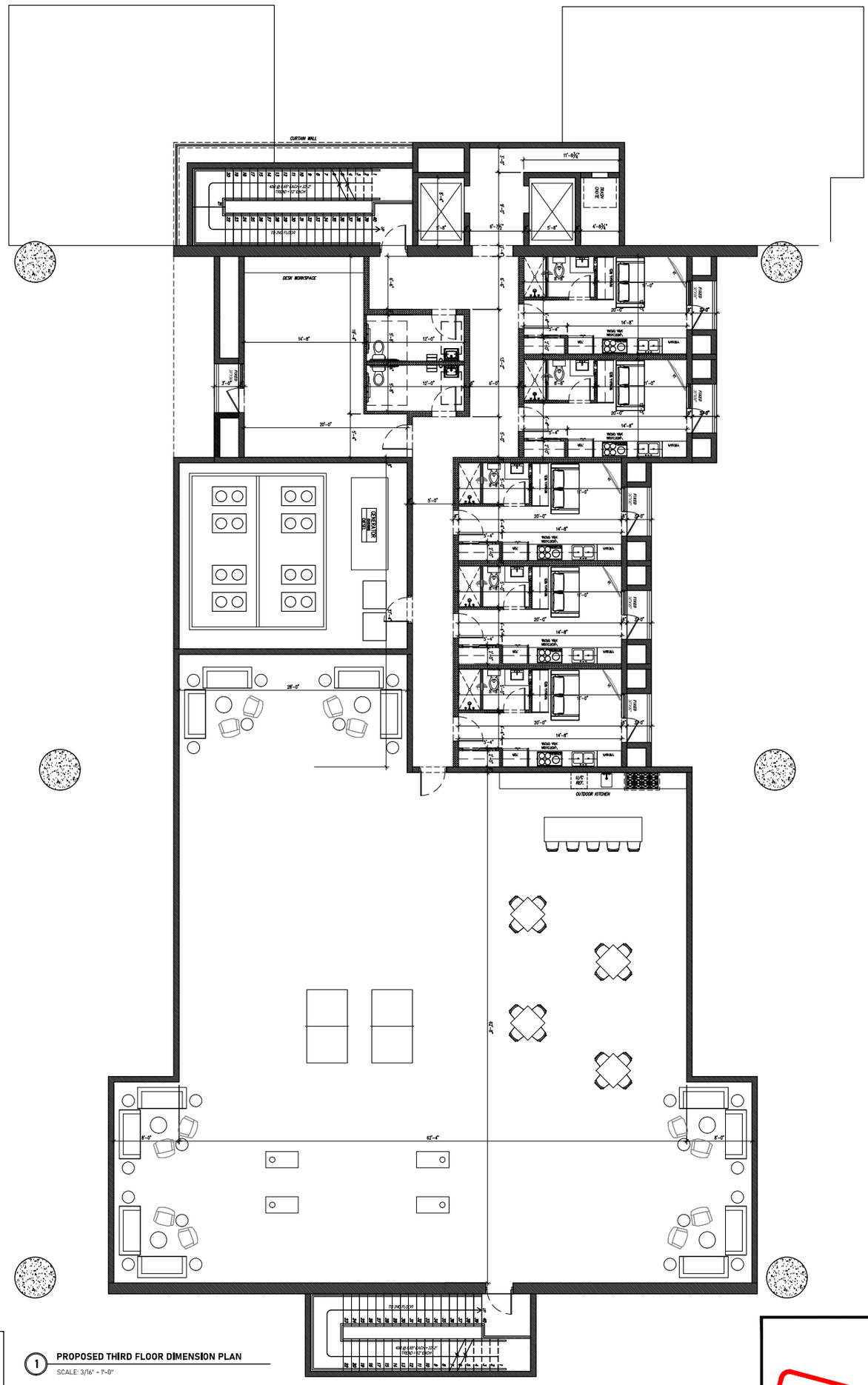

1 PROPOSED THIRD FLOOR DIMENSION PLAN

SCALE: 3/16" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

NEIGHBORLEE LIVING WESTGATE

PCN#: 00-43-43-30-03-032-0200
2818 Westgate Avenue, West Palm Beach, FL 33409
Palm Beach County

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
SUPRAKANTH KARTHIKEYAN, AIA, NCARB
LICENSE NO. AR-0017-0-1
SOFTWORKS DESIGN FL 33420
CL JAMROSZ & ASSOCIATES, INC.
REGISTERED INTERIOR DESIGNER
FL 0000
KARTHIKEYAN DESIGN CORPORATION
SOFTWORKS DESIGN FL 33420
REGISTERED BY: DESIGN BUSINESS
F.L. 0000000
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REVISIONS

PROJECT NUMBER 24045

SHEET A108

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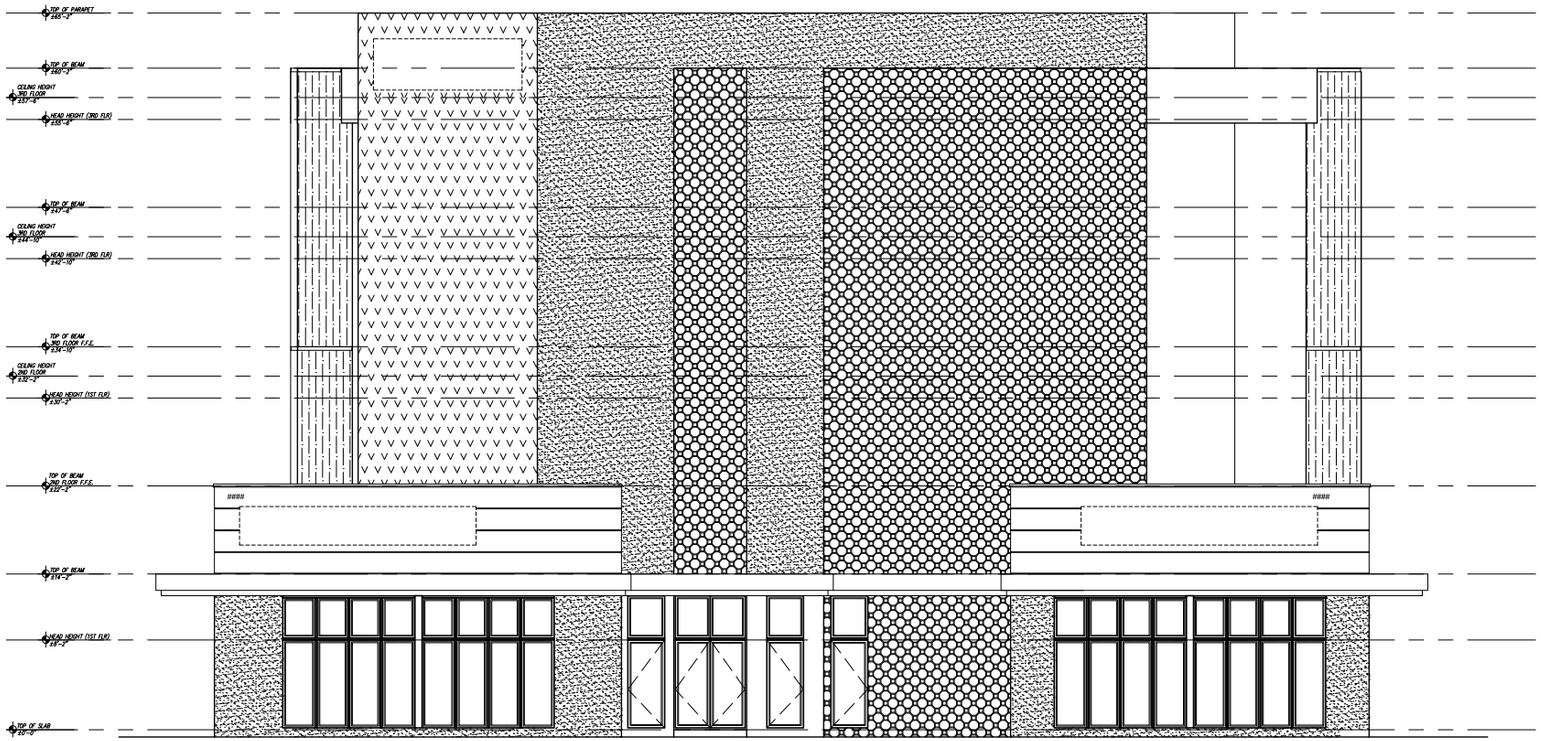

PROPOSED FRONT ELEVATION | WEST

SCALE: 3/16" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

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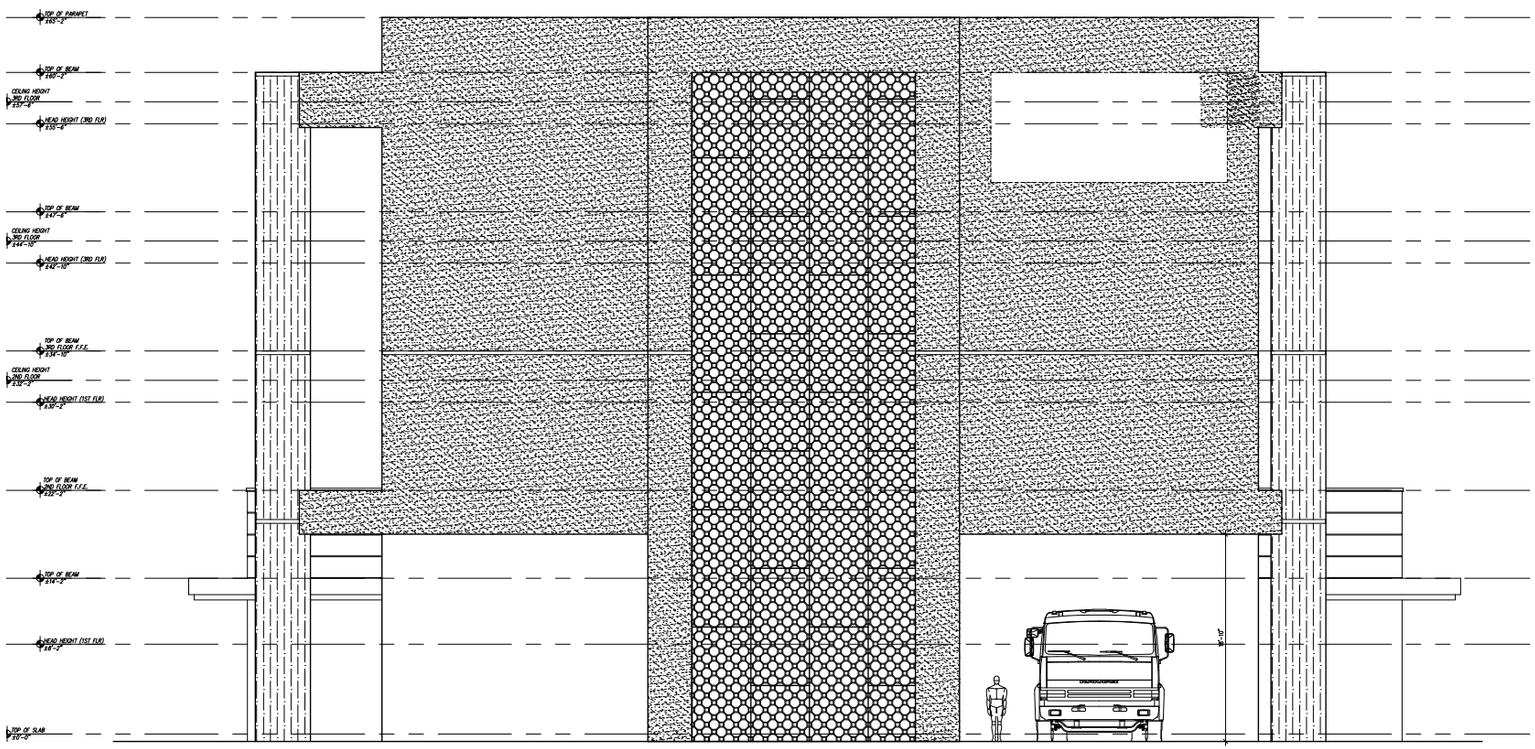

PROPOSED REAR ELEVATION | EAST

SCALE: 3/16" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE
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BOYNTON BEACH, FL 33435

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FL, ID5685

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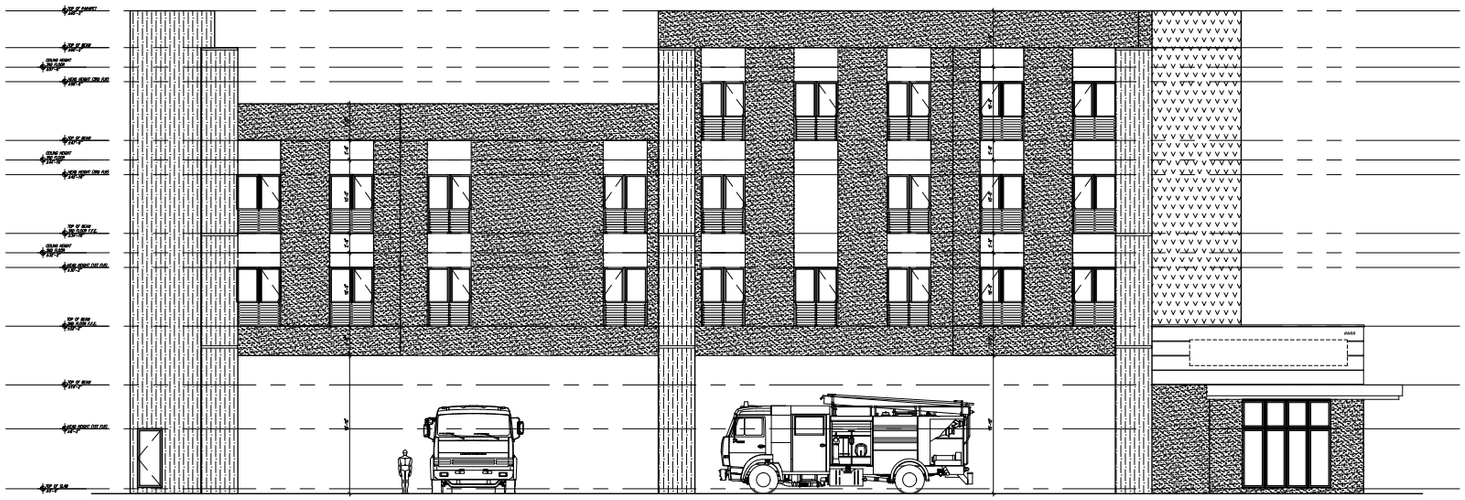
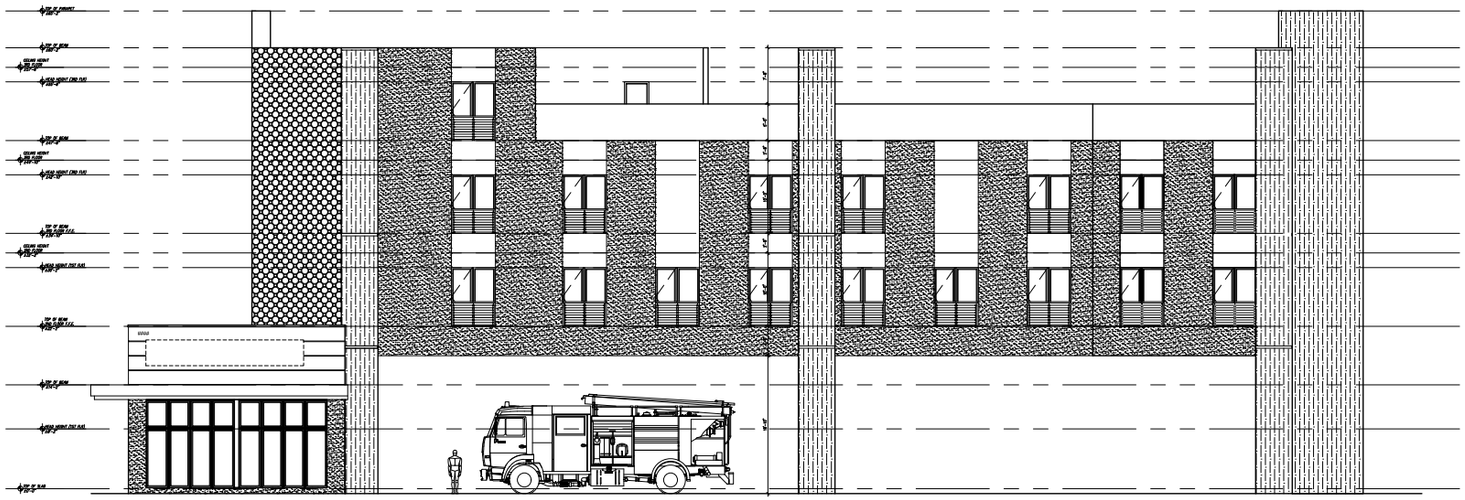


PROPOSED SIDE ELEVATION | NORTH

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



PROPOSED SIDE ELEVATION | SOUTH

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

PRELIMINARY
NOT FOR CONSTRUCTION

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE

SUPRADEEP L.KANTHAN, AIA, NCARB
631 POTTER ROAD,
BOYNTON BEACH, FL. 33435

REGISTERED ARCHITECT
FL. AR98099 | NY. 044111 | PA. RA407852

REGISTERED INTERIOR DESIGNER
FL. ID5685

KANTHAN DESIGN CORPORATION
631 POTTER ROAD,
BOYNTON BEACH, FL. 33435

REGISTERED ARCHITECT BUSINESS
FL. AA26003242 | PA. AX011596

REGISTERED INT. DESIGN BUSINESS
FL. IB3600109

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Exhibit E-3 - WCRA Recommendation Letter

February 12, 2024

Bradley Miller
Principal/Project Manager
Urban Design Studio
610 Clematis Street, Suite CU02
West Palm Beach, FL 33401
bmiller@udsflorida.com

RE: **WCRA RECOMMENDATION**
PROJECT: **Neighborlee Mixed-Use/ Micro Units**
2818 Westgate Avenue
PCNs 00434330030320200, -0230, -0240, & -2053.

Dear Bradley;

Please be advised that this letter is prepared to address the requirements of Article 3.B.14.D.1 of the Unified Land Development Code (ULDC), as amended.

The application requests the following:

1. An Official Zoning Map Amendment ("Rezoning") from Residential High (RH) and Commercial Neighborhood (CN) to Commercial General (CG) for site consistency, and to support mixed-use;
2. Board of County Commissioners Class A Conditional Use approval of an allocation of thirty-three (33) bonus density units from the WCRAO Density Bonus Program for an overall bonus density of 50 du/acre, the maximum permitted in the WCRAO NC Sub-area. An allocation of bonus density is subject to the criteria outlined in Art. 3.B.14.H.1.a. WCRA Recommendation, including a 20% workforce housing obligation. Allocation of bonus density to this project is provisional dependent upon compliance with Workforce Housing Program (WHP) rental rates by income category and unit size, and is subject to a cap of 40% of total project units in the WHP Low-income category.
3. A Concurrent Subdivision Variance for a reduction in the requirements of Art. 11.E.2.A.2 to allow a 40-foot reduction from the 80-foot right of way minimum legal access standard for local commercial roads; and,
4. An allocation of 281 trips per day and 21 pm peak hour trips from the WCRA Transportation Concurrency Exception Area (TCEA) pool.

The Westgate CRA Board, at their February 10, 2025 regular meeting, reviewed the application requests, preliminary site plan, drainage and traffic statements, preliminary architecture, and justification by your office. The requests are generally compatible with the goals of the Westgate CRA Community Redevelopment Plan, as amended, the intent of the WCRA Zoning Overlay NC Sub-area of the to encourage urbanized infill mixed-use redevelopment, and the objectives WCRAO Density Bonus Program. The project offers a new micro-unit housing model for the low-income earners, and the

workforce, provides neighborhood serving retail uses, and facilitates the redevelopment of blighted, underutilized land.

The project will require relief from WCRAO parking requirements.

We request that as the application progresses through entitlements, any significant changes to the development proposal, including unit size and count, and commercial uses, be shared with the CRA.

The project utilizes 281 daily trips, and 21 pm peak hour trips. The WCRA Transportation Concurrency Exception Area (TCEA) pool has a current balance of 4,919 daily, and 599 pm peak hour trips remaining. The proposed 38-unit mixed-use project reduces the pool balance to 4,689 daily, and 581 pm peak hour trips remaining. The TCEA pool balance remains within the threshold established by Policy 1.2-r of the Comprehensive Plan Transportation Element.

Please do not hesitate to contact me with any questions.

Sincerely,

Denise Pennell, FRA-RA
Director of Planning & Development
Westgate CRA, Palm Beach County
dpennell@pbcgov.org
561-640-8181x105

Exhibit E-4 - Planning Letter Bonus Pool

Planning, Zoning & Building Department

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Compliance 233-5500
Contractor Regulations 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbc.gov/pzb

Palm Beach County Board of County Commissioners

Maria G. Marino, Mayor

Sara Baxter, Vice Mayor

Gregg K. Weiss

Joel G. Flores

Marci Woodward

Maria Sachs

Bobby Powell Jr.

County Administrator

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

printed on sustainable and recycled paper

March 13, 2025

Ailish Villalobos
Urban Design Studio
610 Clematis Street, Suite CU-02
West Palm Beach, FL 33401
Email: avillalobos@udsflorida.com

Dear Ailish:

This letter is in response to the proposed 38 unit, Neighborlee Living Westgate residential request to utilize the Westgate Community Redevelopment Area Overlay Density Bonus Program (WCRAO DBP). The applicant is requesting 33 DBP units. This letter is required for sufficiency in the zoning approval process.

Pursuant to the WCRAO provisions, the project will require 20% (or 8 units) of the proposed 38 units to be designated as WHP units which will be provided as 4 Micro units in the Low Category and 4 Studio units in Moderate 1 Category in order to meet Westgate and WHP standards. You indicated the WHP Studio rent ranges would apply for all 8 units.

- *The 2024 WHP rent for the 4 Low Category units cannot exceed $1,500.*
- *The 2024 WHP rents for the 4 Moderate 1 Category units cannot exceed $1,875.*
- *Rent schedules are updated each July 1st.*

In considering this information, please be aware of the following:

- *All WHP unit exteriors are required to be compatible with market rate units, if any, and models are required.*

In addition, note that the determination provided herein does not guarantee a certain number of units, and does not create additional property rights for a landowner. The actual number of dwelling units that may be built on a parcel may be further limited by the zoning district's property development regulations and other considerations in the development review process.

Sincerely,

Michael Howe

Michael Howe, Senior Planner

T:\Planning\CURRENT\WHP\Neighborlee Living Westgate\Neighborlee Living_WCRAOBonus Pool_031325.docx

Exhibit E-5 - School Capacity Availability Determination

THE SCHOOL DISTRICT OF PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP
DIRECTOR

MICHAEL J. BURKE
SUPERINTENDENT

PLANNING & INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK ROAD NORTH, 200
RIVIERA BEACH, FL 33404

JOSEPH M. SANCHES, MBA
CHIEF OPERATING OFFICER

PHONE: 561-434-8020 / FAX: 561- 434-8942
WWW. PALM BEACHSCHOOLS.ORG

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	**Submittal Date**	04/28/2025		
	SCAD No.	**25042801Z/Re-Zoning** and **25042801D/D. O.**		
	FLU /Rezoning/D.O. No.	CA-2025-00428 - Unincorporated Palm Beach County		
	Property Control Number	00-43-43-30-03-032-0200; 0230; 0240; 0530		
	Development Name	**Neighborlee Living Westgate**		
	Owner / Agent Name	Neighborlee Development, LLC / Urban Design Studio		
	SAC No.	138A		
	Proposed Re-Zoning **Proposed D. O.**	**Maximum 38 Residential Units** **38 Mid-Rise Apt/Condo Units**		
Impact Review		**West Gate** Elementary School	**Jeaga** Middle School	**Palm Beach Lakes** High School
	New Students Generated	1	1	**1**
	Capacity Available	223	354	**-292**
	Projected Utilization	79%	72%	**110%**
School District Staff's Recommendation	**Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Given the recent increases in school impact fees, effective January 1, 2023, much of these impacts will be mitigated. The impact fees, however, will not fully cover impacts to the school system. Therefore, if the proposed development is approved by Palm Beach County government and if the Developer voluntarily agrees, School District staff recommends the following condition to mitigate such impacts.** In order to address the school capacity deficiency generated by this proposed development at the District **high school level**, the property owner shall contribute **$15,410.00** to the School District of Palm Beach County prior to the issuance of first building permit. This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on September 13, 2022.			
Validation Period	1) This determination is valid from **04/30/2025** to **04/29/2026** or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to **04/29/2026** or this determination will expire automatically on **04/29/2026**.			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

Joyce Cai

School District Representative Signature

April 30, 2025

Date

Joyce C. Cai, Senior Planner

Print Name & Title

joyce.cai@palmbeachschools.org

Email Address

CC: Vismary Dorta, Site Plan Technician, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

Exhibit E-6 - Disclosure

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Kurt Jetta, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [ ] individual or [x] AMBR *[position - e.g., president, partner, trustee]* of Neighborlee Development, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 1025 Gateway Boulevard #303-159
Boynton Beach, FL 33426

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Kurt Jetta

Kurt Jetta, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 13th day of February, 20 25 by Kurt Jetta *(name of person acknowledging)*. He/she is personally known to me or has produced FL DL *(type of identification)* as identification and did/did not take an oath *(circle correct response)*.

Luc Samaun

(Name - type, stamp or print clearly)

(Signature)

My Commission Expires on: 9/4/27

NOTARY'S SEAL OR STAMP

Notary Public State of Florida
Luc Samoun
My Commission HH 439853
Expires 9/4/2027

EXHIBIT "A"

PROPERTY

ALL OF LOTS 20, 21, 22, 23, 24, 50, 51, 52, 53 AND 54 BLOCK 32, "WEST GATE ESTATES (NORTHERN SECTION)", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 28750 SQUARE FEET (0.660 ACRES) MORE OR LESS.

ALSO DESCRIBED AS:

ALL OF LOTS 20, 21, 22, 23, 24, 50, 51, 52, 53 AND 54 BLOCK 32, "WEST GATE ESTATES (NORTHERN SECTION)", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 38 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 25 OF SAID BLOCK 32; THENCE SOUTH 01°07'27" WEST, ALONG THE WEST LINE OF LOTS 25 AND 55 OF SAID BLOCK 32, A DISTANCE OF 230.00 FEET; THENCE NORTH 88°54'16" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF NOKOMIS AVENUE, AS SHOWN ON SAID PLAT, A DISTANCE OF 125.00 FEET; THENCE NORTH 01°07'27" EAST, ALONG THE EAST LINE OF LOTS 49 AND 19 OF SAID BLOCK 32, A DISTANCE OF 230.00 FEET; THENCE SOUTH 88°54'16" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF WESTGATE AVENUE, AS SHOWN ON SAID PLAT, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 28750 SQUARE FEET (0.660 ACRES) MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Josh Bishop	8656 Rosalie Ct. Boynton Beach, FL 33472
Kurt Jetta	1022 Del Harbour Dr. Delray Beach, FL 33483
Katherine O'Donnell	232 Forrest Ave., Narberth, PA 19072

Exhibit E-7 - Drainage Statement

CAULFIELD & WHEELER, INC.
Consulting Engineers • Surveyors & Mappers

Celebrating 35 years

Engineering EB0003591
Surveying LB0003591
Landscape Architecture LC0000318

April 28, 2025

Scott Cantor, P.E.
Director of Land Development
Palm Beach County, Department of Engineering & Public Works
2300 N Jog Road, 3W
West Palm Beach, FL 33411
561-684-4090
SCantor@pbcgov.org

Subject: Drainage Statement
Neighborlee Living Westgate
2818 Westgate Avenue
West Palm beach, FL 33409
Project Site PCNs (00-43-43-30-03-032-0200, 00-43-43-30-03-032-0230, 00-43-43-30-03-032-0240, 00-43-43-30-03-032-0530)
Our Project #11222

Dear Mr. Cantor:

My client is proposing to redevelop the existing parcels totaling 0.66 Acres at 2818 Westgate Avenue, West Palm beach, FL 33409 as "Neighborlee Living Westgate" to include a mixed-use building with 38 multi-family residential units, 1,585 SF of general commercial/retail space and a parking area below/adjacent to the building. The proposal also includes landscaping and stormwater management control necessary to support the development.

The proposed drainage system will consist of underground exfiltration trenches, inlets and culverts. The project area is within FEMA flood zone 'X', an area of minimum flood hazard with no published flood elevation.

Legal Positive Outfall for the project will be via piped conveyance to the existing drainage inlet present on the north side of Nokomis Avenue ROW area centrally located along this project's south property line. The proposed drainage system will be proposed in the parking lot onsite and south of the first floor of the building which fronts on Westgate Avenue. There will be continuous piped conveyance to a control structure with overflow discharge to the existing offsite inlet mentioned.

The stormwater management design will be in compliance with SFWMD as well as Palm Beach County regulations for compensating storage, attenuation and discharge including the 100Yr-3Day stage elevation for minimum building finished floor elevations, the 5Yr-1Day stage elevation for minimum road crown elevations and the 25Yr-3Day stage elevation for the minimum perimeter berm elevation and discharge flow for maximum site discharge. Project is located within SFWMD C-51 basin, subbasin 25B.

Submitted By:
Caulfield & Wheeler, Inc.

_____
Matthew V. Kahn, P.E.
Professional Engineer
License #82227
State of Florida
(on behalf of Caulfield & Wheeler, Inc.)

MVK
P:\11222-00-00-00\engdocs\permits\PBC\submittals\Drainage Statement\2025-04-28_11222_PBC Drain State.doc

Exhibit E-8 -Utility Letter

Letter for
Concurrency Reservation

To: **Zoning Division**
PBC Planning, Zoning, & Building Department

From: **Ebony M. Foreman, Director**
Finance and Administration
PBC Water Utilities Department

Date: **May 22, 2025** **Control # 00271**

Re: **PZ&B Application #: SV/ZV/Z/CA 2025-00428**
Project Name – Neighborlee Living Westgate

The Palm Beach County Water Utilities Department is willing and able to provide the following utility service(s) to the property identified below, and will reserve the indicated utility capacity, in Equivalent Residential Connections (ERCs), for a period not to exceed five (5) years from the date of this letter:

Service Type	Capacity (in ERCs)
Potable Water	**35.54**
Wastewater	**35.54**
Reclaimed Water	**N/A**

An Equivalent Residential Connection represents a system capacity equivalency unit that corresponds to the peak design demand of the 5/8 x ¾ inch meter sub-category of customer usage. This system capacity equivalency unit is utilized to establish the system demand for various sized connections for the purpose of assessing fees and designing the capacity of capital facilities.

The above capacity is reserved for the following property:

00-43-43-30-03-032-0200, 00-43-43-30-03-032-0230, 00-43-43-30-03-032-0240, 00-43-43-30-03-032-0530

Before the five (5) year period expires, the Developer must pay all Service Initiation Fees and connect to the Department's facilities, or for projects greater than 18.3 ERCs, enter into a Standard or Non-Standard Development Agreement to maintain this capacity reservation. This memorandum does not represent a contract for service, and the Developer remains obligated to meet all of the requirements of the Water Utilities Department prior to obtaining utility service.

Approved By: Ebony Foreman Date: 22-May-25
Director of Finance & Administration

Exhibit E-9 -Parking Statement

PTC
Transportation Consultants
601 Heritage Drive, Suite 493
Jupiter, FL 33458
(561) 296-9698

January 27, 2025
Revised March 3, 2025

Mr. Bradley Miller
Urban Design Studio
610 Clematis Street, Suite CU-02
West Palm Beach, FL 33401

Re: Neighborlee Living Westgate - #PTC24-112
Parking Demand Statement

Dear Mr. Miller:

The purpose of this letter is to provide a parking demand statement to support a variance from the parking code requirements for the referenced mixed-use project. It is proposed to develop 38 multi-family units and 1,585 SF of retail use in Westgate. The site is within the Westgate Transportation Concurrency Exception Area (TCEA) and is located between Westgate Avenue and Nokomis Avenue west of Tallahassee Drive, as shown on **Attachment 1**. Palm Beach County and Westgate parking code calculations are provided on **Attachment 2**. A comparison of County Code parking rates, Westgate CRA parking rates and the ITE Parking Generation Manual, 6th Edition parking demand rates was undertaken and is shown below. Excerpts from the ITE Parking Generation Manual are attached.

Land Use	Intensity		Parking Rate		Parking Spaces	Total Spaces	Source
Residential	38	DUs	See Att. 2		49	57	Palm Beach County, Article 6
Retail	1,585	SF	1	/200 SF	8		
Residential	38	DUs	See Att. 2		48	53	WCRAO, Article 5
Retail	1,585	SF	1	/333 SF	5		
Residential (1 BR Mid-Rise)	38	DUs	0.68	/DU	26	31	ITE Parking Generation, 6th Edition, Code 218
Retail	1,585	SF	3.13	/1000 SF	5		ITE Parking Generation, 6th Edition, Code 822

Using the ITE rates for the one bedroom units which include the studio and micro-apartment units proposed, results in a parking demand of 26 parking spaces for the residential use. The total parking demand with the retail use included for the site is projected to be 31 spaces. It is proposed to construct 42 on-site spaces and utilize 5 on-street spaces for a total of 47 spaces. The proposed spaces represent a variance from the County parking code standards of 17.5%; however, it also represents a parking supply 52% over the projected parking demand. The County standards do not reflect the actual

parking demand for these types of units nor the other efforts being utilized by this project to reduce parking demand. These include the following mitigation measures:

1. Offer free monthly bus passes to residents that do not have a car or choose not to park it on premise.
2. Monthly parking fee ($50) for those that choose to have car on-premise.
3. Control parking by identifying tenant cars and signage to indicate unassigned cars.
4. Bike racks for tenants will be conveniently placed on property.

The ITE parking demand rates for these proposed smaller units demonstrate that the proposed 47 parking spaces will meet the parking demand. Additionally, with the mitigation measures outlined above, the parking variance should be approved.

Please contact me by phone or at atroutman@pindertroutman.com if you need any additional information or have any questions.

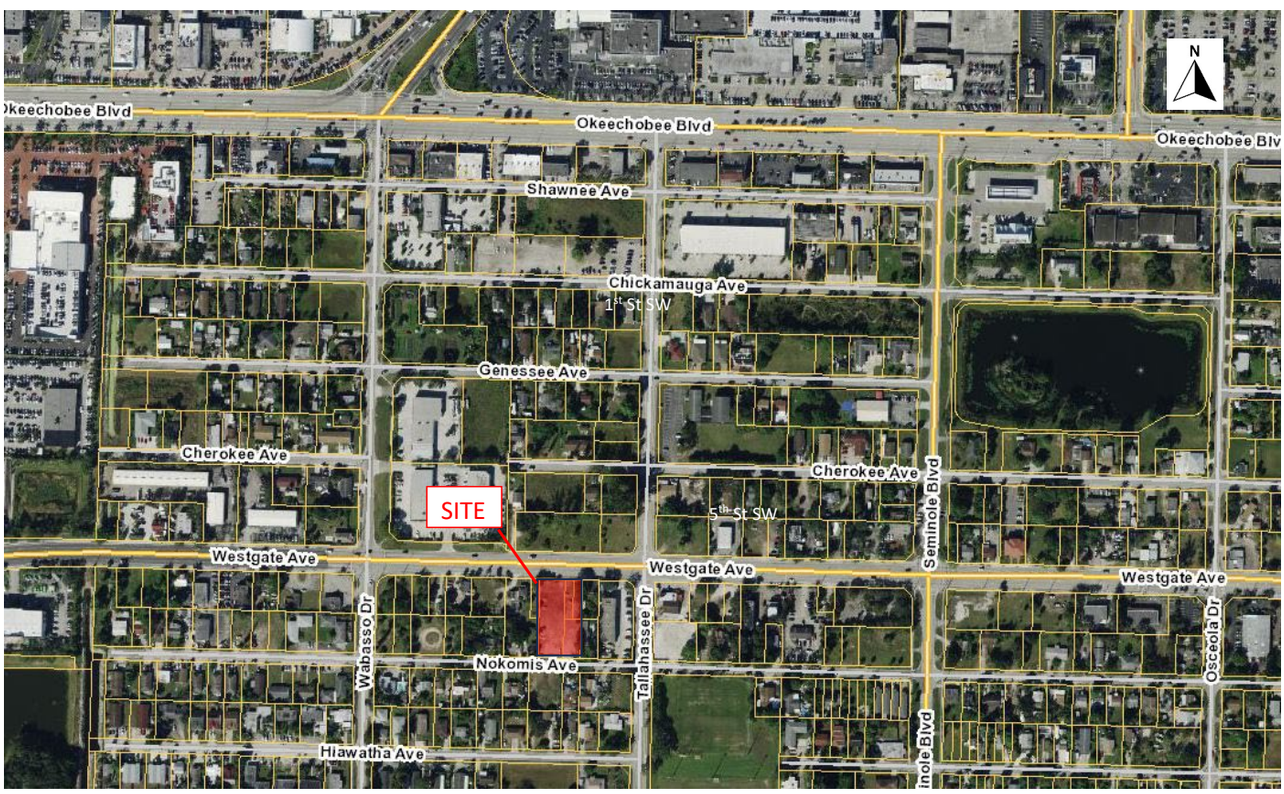
Sincerely,

Andrea M. Troutman, P.E.
President

Attachments

Andrea M. Troutman, State of Florida, Professional Engineer, License No. 45409
This item has been electronically signed and sealed by Andrea M. Troutman, P.E. on 3/3/25 using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Attachment 1 Project Location
Neighborlee Living Westgate



PTC

Attachment 2

Neighborlee Living Westgate

Parking Calculations

As of: 2/27/2025

PALM BEACH COUNTY - ART. 6				
Use	Use Quantity		Rate	Spaces R'qd
Commercial	1585	1/	200	8
Residential				
Efficiency	36	1/	1	36
1 Bedroom	2	1/	1.75	3.5
Guest	38	1/	4	9.5
TOTAL				**57**

WCRAO - ART. 5				
Use	Use Quantity		Rate	Spaces R'qd
Commercial	1585	1/	333	5
Residential				
All Units	38	1/	1	38
Guest	38	1/	4	9.5
TOTAL				**53**

Land Use: 218 Multifamily Housing—1 BR (Mid-Rise)

Description

Mid-rise multifamily housing with one bedroom is a residential building with between four and 10 floors (levels) of residence that consist entirely of 1-bedroom dwelling units. A studio or micro-apartment or condominium is treated as a 1-bedroom dwelling unit for this land use.

For this land use, a studio apartment is defined as a self-contained dwelling unit in which the living room, bedroom, and kitchen are combined into a single room. A micro-apartment is defined as a single-occupant studio apartment with a compact design that typically ranges between approximately 200 and 400 gross square feet. Access to individual dwelling units is through an outside building entrance, a lobby, elevator, and a set of hallways.

Land Use Subcategory

Data are separated into two subcategories for this land use: (1) not close to rail transit and (2) close to rail transit. A site is considered close to rail transit if the walking distance between the residential site entrance and the closest rail transit station entrance is ½ mile or less.

Time-of-Day Distribution for Parking Demand

The current database for this land use does not have sufficient data to produce a detailed, hour-by-hour distribution of parking demand from which the analyst can determine a peak period of parking demand. Based on the time periods for which data were collected for this land use and on a review of comparable land uses with hour-by-hour parking demand data, the presumed peak period for parking demand for this land use is between late-evening and early-morning.

Additional Data

The average parking supply ratios for the study sites with parking supply information are shown in the table below.

Setting	Proximity to Rail Transit	Parking Supply Per Dwelling Unit
Center City Core	Within ½ mile of rail transit	0.19 (4 sites)
Dense Multi-Use Urban	Within ½ mile of rail transit	0.31 (3 sites)
	Not within ½ mile of rail transit	0.53 (7 sites)
General Urban/Suburban	Within ½ mile of rail transit	0.88 (2 sites)
	Not within ½ mile of rail transit	0.71 (1 site)

The average peak parking occupancy at the 14 sites in a dense multi-use urban or center city core setting is 67 percent. The average peak parking occupancy at the three sites in a general urban/suburban setting is 77 percent.

The sites were surveyed in the 2010s and the 2020s in Colorado, District of Columbia, Massachusetts, and Wisconsin.

Source Numbers

537, 546, 583, 584, 585, 608

Multifamily Housing - 1 BR (Mid-Rise)
Not Close to Rail Transit (218)

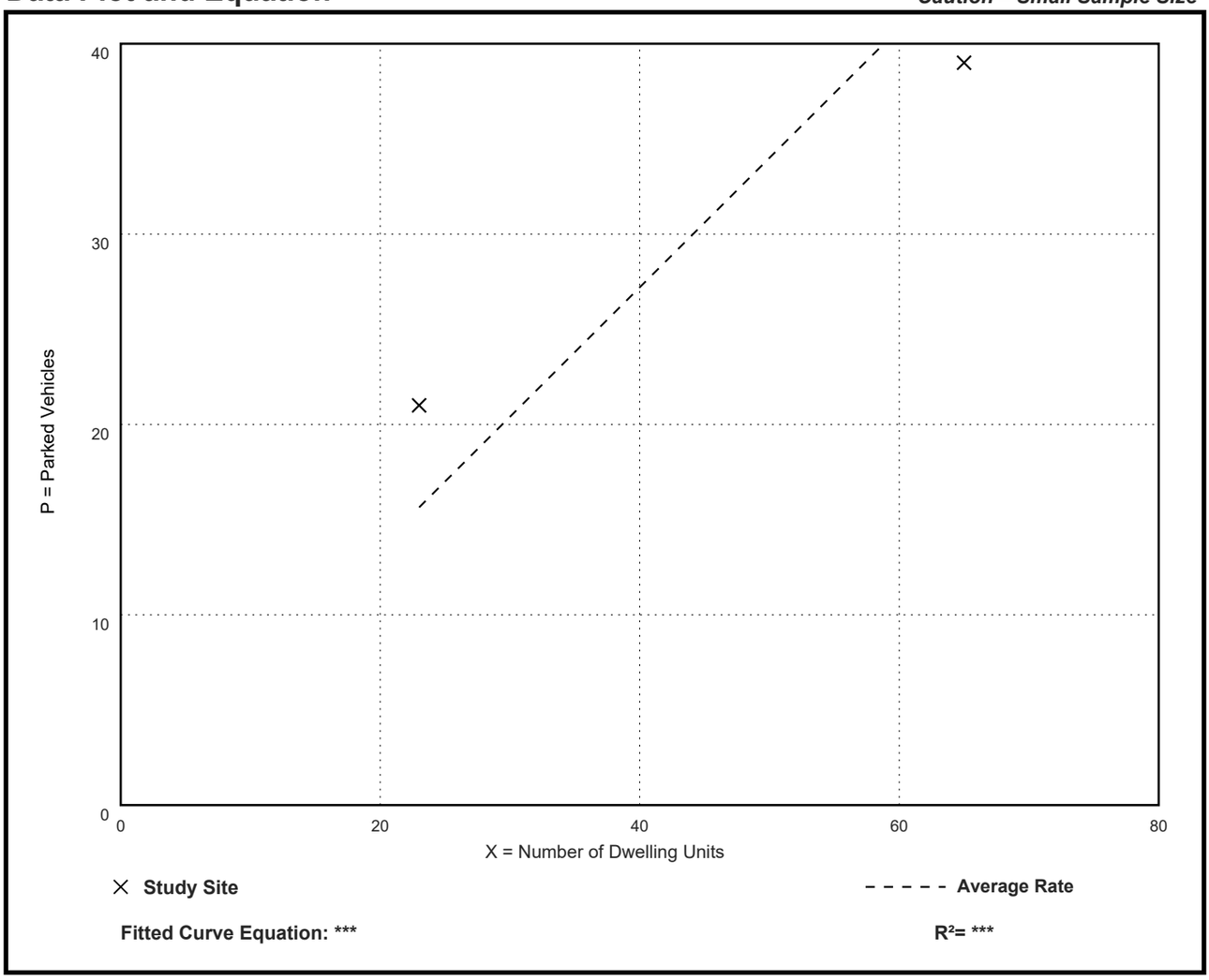
Peak Period Parking Demand vs: Dwelling Units
On a: Weekday (Monday - Friday)
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Dwelling Units: 44

Peak Period Parking Demand per Dwelling Unit

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
0.68	0.60 - 0.91	*** / ***	***	*** (***)

Data Plot and Equation

Caution – Small Sample Size



Land Use: 822 Strip Retail Plaza (<40k)

Description

A strip retail plaza is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has less than 40,000 square feet of gross leasable area (GLA). Because a strip retail plaza is open-air, the GLA is the same as the gross floor area (GFA) of the building.

The 40,000 square feet GLA threshold between shopping plaza and strip retail plaza (Land Use 822) is based on an examination of the parking demand database. All shopping plazas with a supermarket as their anchor in the database are larger than 40,000 square feet GLA.

Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a Monday–Thursday (five study sites), a Friday (two study sites), and a Saturday (four study sites).

Hour Beginning	Percent of Peak Parking Demand		
	Monday–Thursday	Friday	Saturday
12:00–4:00 a.m.	—	—	—
5:00 a.m.	—	—	—
6:00 a.m.	—	—	—
7:00 a.m.	—	—	—
8:00 a.m.	19	19	—
9:00 a.m.	33	40	38
10:00 a.m.	47	44	55
11:00 a.m.	55	52	66
12:00 p.m.	89	96	85
1:00 p.m.	100	96	100
2:00 p.m.	73	84	96
3:00 p.m.	73	52	79
4:00 p.m.	66	50	66
5:00 p.m.	70	63	64
6:00 p.m.	75	49	67
7:00 p.m.	70	100	70
8:00 p.m.	54	94	70
9:00 p.m.	48	73	51
10:00 p.m.	—	—	—
11:00 p.m.	—	—	—

Additional Data

The average parking supply ratios for the study sites with parking supply information are the following:

- 5.7 spaces per 1,000 square feet GLA (24 sites) in a general urban/suburban setting
- 3.3 spaces per 1,000 square feet GLA (3 sites) in a dense multi-use urban setting

The average peak parking occupancy is 50 percent at the general urban/suburban sites and 76 percent at the dense multi-use urban sites.

The sites were surveyed in the 1990s, the 2010s, and the 2020s in Alberta (CAN), British Columbia (CAN), California, Colorado, Kansas, Maine, Manitoba (CAN), Maryland, Michigan, Minnesota, Missouri, New York, Texas, Virginia, and Washington.

Future data submissions should attempt to provide information on the composition of each study site (types and number of stores, restaurants, or other tenants within the shopping center).

Source Numbers

89, 209, 219, 297, 511, 601, 605, 606, 618, 619, 621, 635

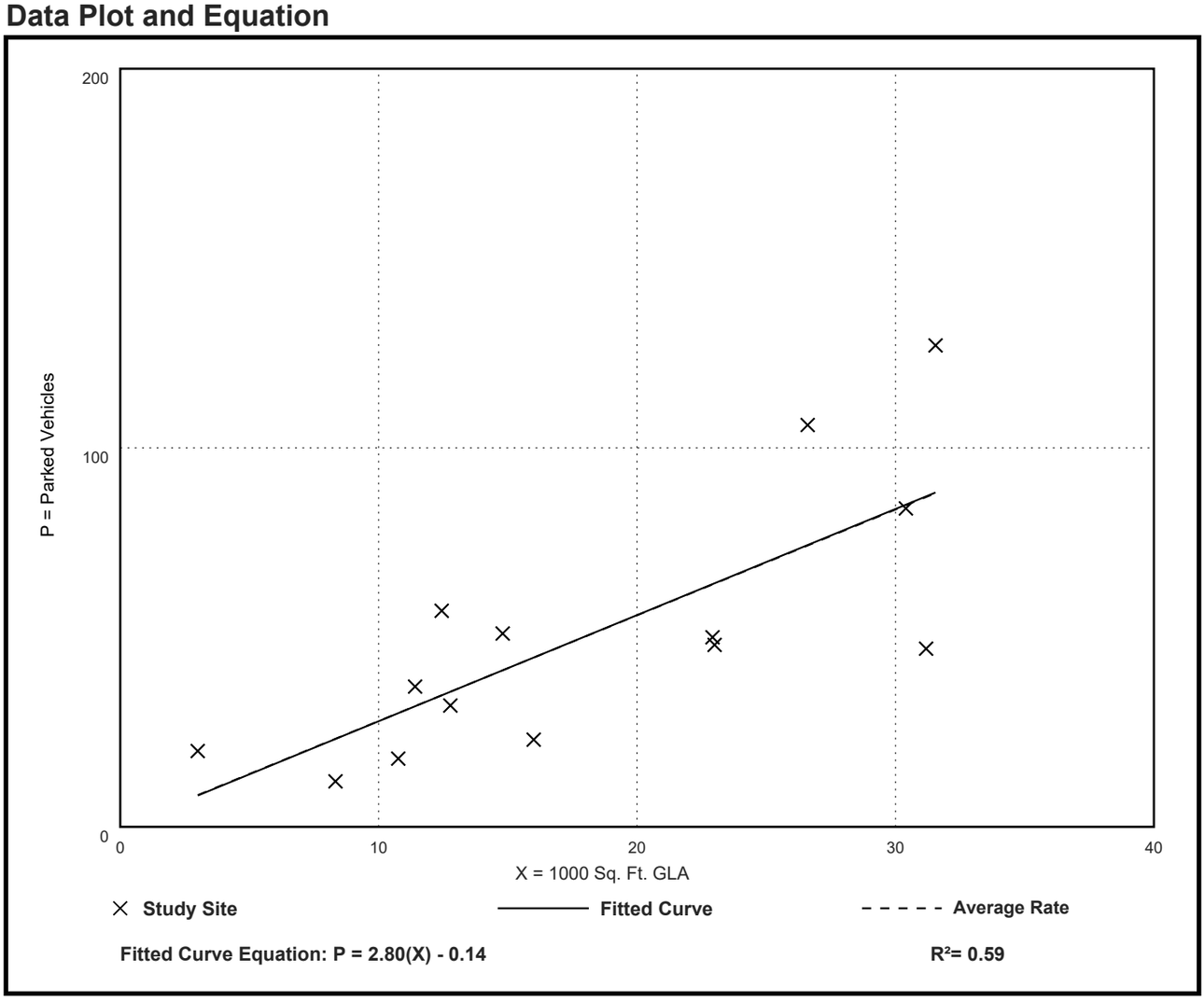
Strip Retail Plaza (< 40k)
(822)

Peak Period Parking Demand vs: 1000 Sq. Ft. GLA
On a: Weekday (Monday - Thursday)
Setting/Location: General Urban/Suburban
Number of Studies: 14
Avg. 1000 Sq. Ft. GLA: 18

Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.79	1.44 - 6.67	2.07 / 4.44	***	1.14 (41%)

Data Plot and Equation



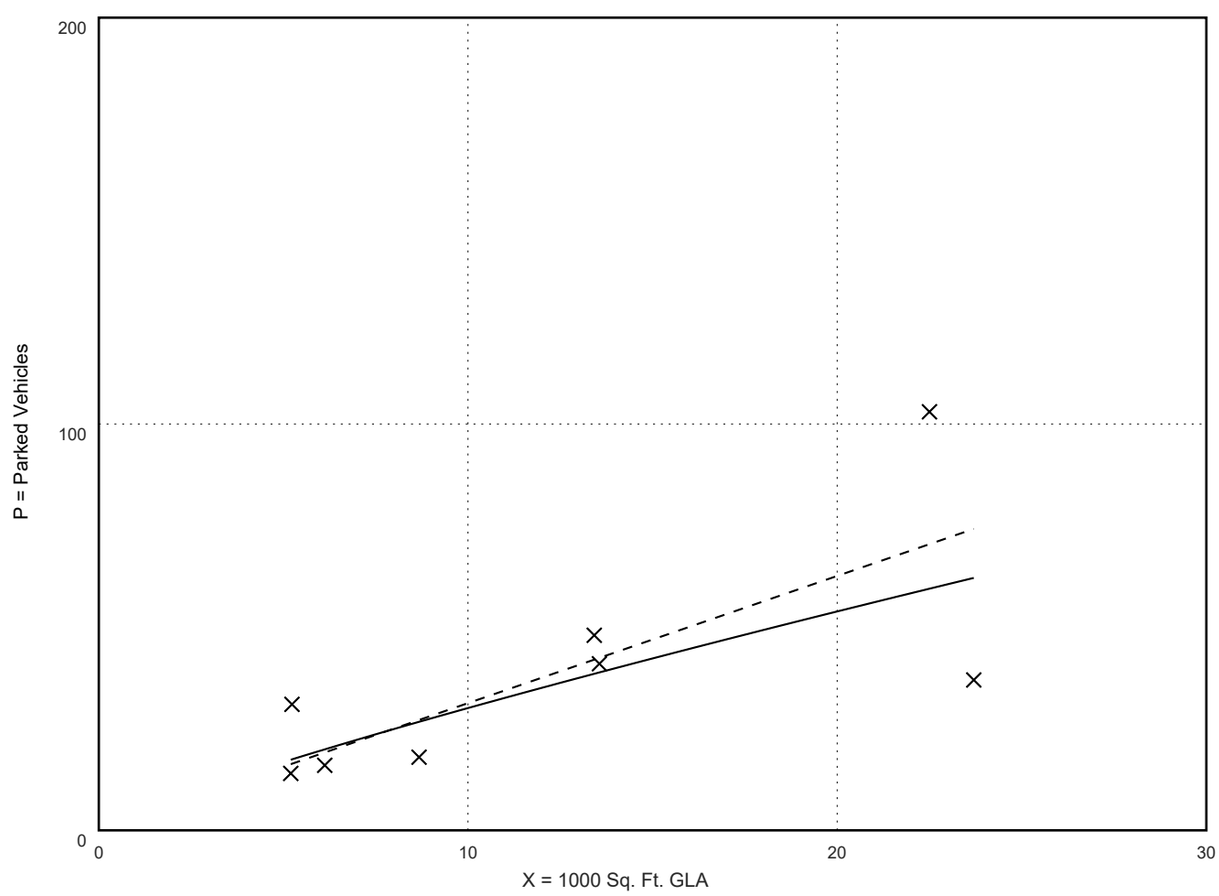
Strip Retail Plaza (< 40k)
(822)

Peak Period Parking Demand vs: 1000 Sq. Ft. GLA
On a: Friday
Setting/Location: General Urban/Suburban
Number of Studies: 8
Avg. 1000 Sq. Ft. GLA: 12

Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.13	1.56 - 5.93	2.60 / 5.45	***	1.37 (44%)

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - - **Average Rate**

Fitted Curve Equation: Ln(P) = 0.84 Ln(X) + 1.47 **R^2= 0.61**

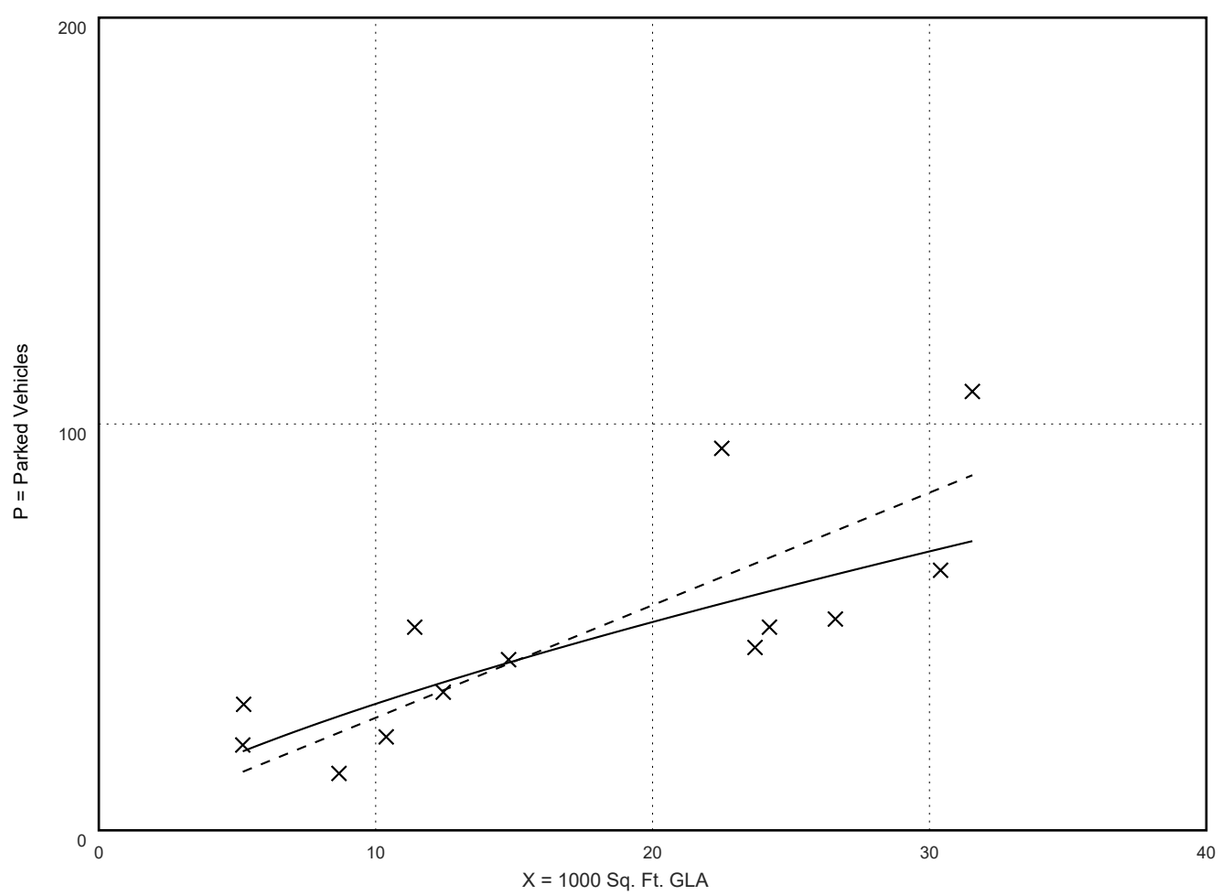
Strip Retail Plaza (< 40k)
(822)

Peak Period Parking Demand vs: 1000 Sq. Ft. GLA
On a: Saturday
Setting/Location: General Urban/Suburban
Number of Studies: 13
Avg. 1000 Sq. Ft. GLA: 17

Peak Period Parking Demand per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
2.77	1.61 - 5.93	2.09 / 4.36	***	1.03 (37%)

Data Plot and Equation



× **Study Site** ——— **Fitted Curve** - - - - - **Average Rate**

Fitted Curve Equation: Ln(P) = 0.72 Ln(X) + 1.78 **R^2= 0.62**

Exhibit E-10 -Justification Statement

NEIGHBORLEE LIVING WESTGATE
JUSTIFICATION STATEMENT

urban design studio

Urban Design
Land Planning
Landscape Architecture

Request(s):	Official Zoning Map Amendment Class A Conditional Use (WCRAO Density Bonus), Type 2 Variance and Subdivision Variance
Control No:	2025-00030
Application No:	SV/ZV/Z/CA-2025-00428
Submitted:	December 19, 2024 (WCRA)
Resub:	January 7, January 27, and February 5, 2025 (WCRA)
Submitted:	March 19, 2025 (Palm Beach County Zoning)
Resub:	April 28, 2025 (Palm Beach County Zoning)

APPLICATION REQUESTS & PROPERTY INTRODUCTION

On behalf of the Property Owner and Applicant, Neighborlee Development LLC ("Applicant"), Urban Design Studio has prepared and respectfully submits this application requesting approval by the Board of County Commissioners ("BCC") for an Official Zoning Map Amendment and approval to use the density bonus pool of the Westgate/Belvedere Homes Community Redevelopment Area Overlay ("WCRAO") for a mixed-use development consisting of 1,585 square feet of commercial retail space and 38 multi-family residential units. The Subject Property is located on the south side of Westgate Avenue, approximately 150 feet west of Tallahassee Drive, and bound on the south by Nokomis Avenue, within the Westgate Community Redevelopment Agency Overlay (WCRAO), in unincorporated Palm Beach County. The property consists of four parcels as identified by the Palm Beach County Property Appraiser under the numbers listed below and according to the Survey provided, the overall site dimensions are 125 feet by 230 feet for an area of 28,750 square or 0.66-acres of land. Upon entitlement approval and prior to issuance of building permits, the four parcels will be legally joined as one development parcel.

00-43-43-30-03-032-0200
00-43-43-30-03-032-0230
00-43-43-30-03-032-0240
00-43-43-30-03-032-0530

WESTGATE CRA

The Westgate CRA Board, at their February 10, 2025 regular meeting, reviewed the application requests, Preliminary Site Plan, Drainage and Traffic Statements, Preliminary Architecture, and Justification Statement. The CRA Board found the requests were generally compatible with the goals of the Westgate CRA Community Redevelopment Plan, the intent of the WCRA Zoning Overlay NC Sub-area to encourage urbanized infill mixed-use redevelopment, and the objectives of the WCRAO Density Bonus Program. As such, the WCRA issued a *Letter of Recommendation* which was transmitted to Staff, and is provided with this application as an exhibit.

PROPOSED DEVELOPMENT

The Neighborlee Living project is a new trend toward smaller units, targeted toward single occupancy, non-family tenants. The target residential tenant includes low and moderate income levels such service workforce, recent college graduates, seniors, veterans and non-profit or local government staff. The commercial space offers opportunity for local small businesses to provide retail goods or services to the residents of the project and the local Westgate area. The location of Neighborlee Living emphasizes the target market with significant employment opportunity within walking distance within the Westgate area and along Okeechobee Boulevard. Additionally, there are significant opportunities to Palm Tran bus routes that can extend to all areas of the County along with other alternative means of transportation, giving the potential of a future "car-less" style of living. Although this may be a new concept to Palm Beach County, projects of this type are becoming more popular and have been successful in other areas within the state and country

This application proposes a mixed-use development consisting of 38 multi-family residential rental units and 1,585 square feet of commercial retail space within the WCRAO. The Subject Property has been vacant and undeveloped in this blighted area for over 15 years. Neighborlee Living Westgate is designed and proposed to comply with the purpose and intent of the WCRAO as stated below.

> *The use of community redevelopment powers enables the BCC and the WCRA to make public improvements that encourage and enhance investment while providing neighborhood stability, prevent continuation of inefficient and incompatible land use patterns, and assist revitalization and rehabilitation of older commercial and residential areas in the Westgate/Belvedere Homes area. The WCRAO is established with the purpose and intent of encouraging development and redevelopment of the Westgate/Belvedere Homes area through regulatory incentives; arresting deterioration of property values; preserving and protecting existing, viable affordable housing; providing opportunity for the future development of affordable housing; implementing the 2004 Westgate/Belvedere Homes Community Redevelopment Plan (WCRA Plan); providing for mixed-use development; and, providing for increased residential densities and commercial intensities, without amendment to the Plan.*

This application implements the objectives of the WCRAO as stated in the Comprehensive Plan and Unified Land Development Code ("ULDC").

The property has frontage on the recently improved Westgate Avenue but with vehicular access coming from Nokomis Avenue, as required, which allows for the proposed ground level commercial uses and pedestrian areas to engage the streetscape and encourage other redevelopment projects within the overlay area. The project also proposes 38 multi-family residential units by using the WCRAO density bonus pool program. Comprehensive Plan Policy 1.2.3-b offers a density bonus pool of an additional 1,300 residential units, that may be utilized for rental and for-sale projects within the WCRAO, in accordance with Article 3.B.14.H of the ULDC. The pool allows up to 50 dwelling units per acre in addition to the underlying 8 units per acre, for mixed use developments in the NC Sub-Area of the WCRAO. Accordingly,

in addition to the zoning map amendment, this application requests the approval by the Board of County Commissioners of 33 additional units from the pool to be added to the 5 units allowed under the standard density of 8 units per acre, for a total of 38 residential units.

As indicated, vehicular access to the Subject Property is from Nokomis Avenue, an existing 40-foot right-of-way ("ROW"), into a parking area of 45 parking spaces that are covered by the elevated residential portion of the building. There are an additional 5 parking spaces along the property frontage of Westgate Avenue that are eligible to be counted toward the required parking for the project. It should be noted that there are other parking locations along Westgate Avenue, such as on the north side across from the Subject Property that are available to support the project, but according to the Code, they are not eligible to count toward the project parking requirement. Rooms for mechanical equipment and trash collection are also located on the ground floor. The project anticipates having an onsite Property Manager to be available for site maintenance, monitoring of parking, trash collection/removal, and to be a liaison with the WCRA. The upper floors of the building will consist of two and one-half floors of residential units consisting of efficiency "micro" units, efficiency studio units and 1-bedroom units, accessible by elevators and stairs. There will be a common laundry room(s) on site and the roof top will have both indoor and outdoor recreational space such as a lounge, gathering/seating areas, grills, and passive game area for the residents. The specific amenities will be determined at time of permitting, however conceptual Floor Plans, prepared by Kanthan Design, are provided as an Exhibit with this application.

As shown by the proposed Site Plan and conceptual Architectural Renderings, prepared by Kanthan Design, the architecture is a contemporary design with natural colors and materials, providing an attractive building for the Westgate Avenue corridor. To accent the building, there will be potted or in ground landscaping along the side and rear property lines, within the Westgate Avenue frontage plaza area and within the parking area that are not restricted by the building. The proposed Site Plan complies with the maximum building coverage area, setbacks and perimeter buffer requirements of the ULDC and WCRAO.

JUSTIFICATION STATEMENT

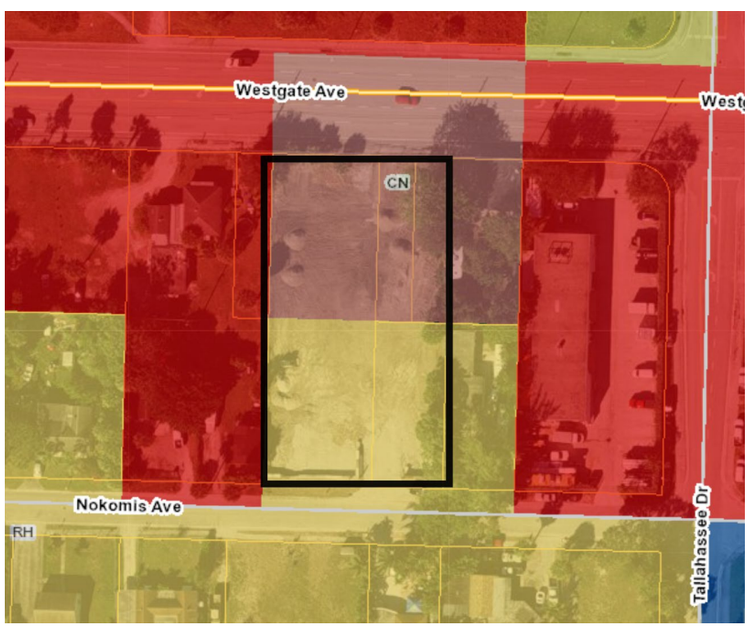
The following provides further description and justification of the Applicant's request for approval of the following from the PBC Zoning Commission ("ZC") and Board of County Commissioners ("BCC"):

- Official Zoning Map Amendment ("Rezoning") from Commercial Neighborhood (CN) and Residential High (RH) to General Commercial (CG) for the entire Subject Property.
- Class A Conditional Use approval of a mixed-use development plan incorporating 33 residential units from the WCRA Density Bonus Pool.
- A (concurrent) Type 2 Variance from Article 3, Table 3.B.14.I (Minimum Parking Requirements) for a reduction in the number of parking spaces from 53 required to 50 provided.
- A (concurrent) Subdivision Variance from Article 11.E.2.A.4.b (Double Frontage Lots and Corner Lots – Non-Residential Lots) local commercial roadway standard elements.

In addition to this justification statement which addresses application criteria, a Project Narrative prepared by the Applicant is provided as an Appendix with further information on the project goals and mission.

Land Use & Zoning

The entire Subject Property has a Future Land Use designation of Commercial High with underlying Residential of 8 units per acre (CH/8). The zoning for the Subject Property, as shown below, is split with the northern half designated as CN and the southern half designated as RH, which is inconsistent with the CH/8 land use. Accordingly, and in coordination with County and WCRA staff, this application proposes to amend the zoning of the entire Subject Property from RH and CN to CG for consistency with the surrounding area and the CH/8 land use. The CG zoning district will also be consistent with the Neighborhood Commercial (NC) Sub Area of the WCRAO, which permits the proposed mixed-use development.



Legal Lot of Record

Subsequent to approval of this application, the Applicant will request approval of the Final Site Plan PBC Development Review Officer (DRO) and a Boundary Plat (or other acceptable process) to legally join the four parcels, prior to issuance of building permits.

Surrounding Uses

The Subject Property is located in an area characterized by a mix of commercial uses, single and multi-family residences and undeveloped properties. Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the overall property.

Adjacent Property	FLU Designation	Zoning District	Existing Use	Approved Use
North	CH/8	CG	Undeveloped	Undeveloped Commercial
South	CH/8	RH	SF Residential & Undeveloped	SF Residential
East	CH/8	RH & CN	SF Residential & Undeveloped	SF Residential
West	CH/8	CG	MF Residential	Retail, Office & MF Residential

Compliance with WCRAO

As indicated, the Subject Site is located within the NC Sub-Area of the WCRAO and the proposed development has been designed to comply with the applicable regulations of Article 2, Section 3.B.14 as described below, according to subsection:

3.B.14.C.- E *Project Description and Approval Process* - The proposed development plan and the architectural exhibits provided with this application show a fresh, contemporary design of a mixed-use project that provides a mix of commercial retail space and diverse residential unit types. The frontage of the building is set on the build-to-line with plaza/gallery space to engage the pedestrian traffic along Westgate Avenue and entice other development opportunities in the area. The applicant acknowledges that due to the proposed density and use of the density pool, the application will require approval by the Board of County Commissioners after review by the WCRA, PBC staff review and Zoning Commission.

3.B.14.F *Property Development Regulations* - The proposed development plan has been prepared in accordance with the minimum/maximum development regulations as shown in the table below.

Regulation	Required	Proposed
Min. Lot Frontage/Width	75'	125'
Min. Lot Depth	100'	230'
Max. Building Coverage	40%	40%
Build to Line/Setbacks		
Max. Front	10'	10'
Min. Side	10'	10'
Min. Rear	25'	51.7'
Minimum Building Frontage	80%	84%
Max. Plaza Area/Building Frontage	50%	34%
Max. No. of Stories	6	4
Max. Building Length	300'	158.2'

As indicated, the project complies with the minimum/maximum development regulations of the Neighborhood Commercial (NC) Sub Area of the WCRAO. The building coverage includes the ground level building area plus the elevated building area over the parking and consists of 11,474 square feet, less than the maximum 11,500 square feet. Likewise, the proposed building frontage at the build-to-line totals 105 feet, where a minimum of 100 feet is required and of that building frontage, approximately 35.5 feet is plaza area. Additionally, the building is designed to accentuate and activate the streetscape along Westgate Avenue, with commercial glazing, main building entrances and pedestrian amenities within the plaza. All vehicular access and parking are provided from the rear of the property off of Nokomis Avenue according to the WCRAO regulations.

3.B.14.G *Property Frontage* - The project design proposes the commercial space at grade level along the building frontage with parking in the rear. The commercial space has not been fully designed; however, it will provide a minimum of 70% transparent glass along the build-to-line and Westgate Avenue. In between the two commercial spaces is a plaza or gallery area of approximately 34% of the building's frontage. This area will be improved with pavers, potted landscaping, shade structure and outdoor furniture for gathering areas and pedestrian activity. The plaza area also serves as the front entrance to the residential lobby and secured elevators for residents to have safe access to their units above the parking area.

3.B.14.H *Density Bonus Pool* - The proposed development is utilizing the maximum density bonus of the WCRAO allowed in the NC Sub-Area of 50 units per acre, in addition to the underlying 8 units per acre allowed by the CH/8 land use. Based on the 0.66-acre site, the maximum allowed number of units is 38 as proposed.

The density bonus is subject to standards which are met as indicated below.

1) The proposed development offers a diverse choice of unit sizes and types including 240 square foot micro units, 360 square foot studio units and 538 square foot 1-bedroom units. This mix of units is proposed to offer affordable housing options for low- and moderate-income residents, with an emphasis on non-family housing.
2) The project has been designed in accordance with the requirements of Tables 3.B.14.E & F.
3) Outdoor space exceeding the minimum 5% of the residential square footage is proposed on a portion of the rooftop. The outdoor amenities that are being considered include a grilling area, game area and various sitting/gathering areas. These amenities will be available for use and enjoyment of the residents.

4) The specific unit mix relative to income levels will be finalized through the process; however, it is understood that there must be a minimum of 20% (or 8) of the units required as Workforce Housing per the ULDC. Based on discussions with Planning Staff, we are anticipating the designation of 4 (micro) units in the Low-Income category and 4 units in Moderate 1 category.

3.B.14.I *Access, Parking & Loading* **-** As previously indicated, access to the parking area is from the rear of the site from Nokomis Avenue. Based on the current WCRAO Mixed-Use and Residential Parking Deviation parking rates, there are 53 parking spaces required to support the commercial retail space, residential units and residential guests. There are a total of 50 spaces provided with 45 spaces on site and 5 spaces on-street (curbside) along Westgate Avenue. Pursuant to 3.B.14.I.c.2, curbside parking can be applied toward parking requirements for on-street parking along the frontage, side, or rear lot lines that directly abuts the subject property.

Currently, there is no regulation in the ULDC to allow relief from the WCRAO parking rates, however, there are code amendments to WCRAO parking rates and regulations currently in process which will ultimately reduce the required number of parking spaces required to serve the site, and to allow for a reduction from WCRAO parking requirements through a Type 1 Waiver.

As discussed at a Pre-Application Meeting with Palm Beach County Staff on February 20, 2025, until the WCRAO parking code amendment is processed, the parking ratio will be calculated in accordance with Table 6.B.1.B, Minimum Parking and Loading Requirements and a Type 2 Variance would be required for a reduction in parking. Based on Article 6 parking rates, there are 57 parking spaces required to support the commercial retail space, residential units and residential guests. This results in the need of a variance for a reduction in 5 parking spaces.

In response to a Zoning review comment, the variance request has been proposed based on the parking rates of the current WCRAO regulations found in Article 3. With the updated Site Plan, it results that there are 53 spaces required, and 50 spaces provided and therefore the variance request is a reduction of 3 spaces.

Provided with this application, to support the reduction in parking, is a Parking Demand Study, prepared by PTC Transportation Consultants, that indicates that ITE has rates for this type of development that would require 31 spaces, leaving 16 spaces surplus.

For loading, the size of the commercial space is 1,535 square feet. Table 3.B.14.I, footnote 1 states that unless otherwise stated in this section, parking and loading shall be in accordance with Table 6.B.1.B, Minimum Parking and Loading Requirements. Based on the 1,535 square feet of commercial space, a loading space (Standard "A") is not required.

3.B.14.J *Landscape Buffers & Foundation Planting* **-** The property development plan has been designed to provide the landscape buffers and foundation planting as required and allowed by the WCRAO. There is no requirement for foundation planting area along Westgate Avenue (front) based on the required build-to-line. Pursuant to DRO approval of an ALP, the width of side foundation planting areas may be reduced from 8 to 5 feet in width for buildings with a 10' side setback if the required foundation planting area, at installation, be increased in height by 25%. Additionally, side foundation planting may be relocated on site or the equivalent required landscaping within the site, be increased in height by 25% if the Applicant can demonstrate that proposed building heights will adversely limit sunlight and viability of planting area. The Applicant will accept a condition of approval to provide the ALP at time of DRO Final Site Plan.

The ground level building area (building coverage) includes the commercial retail use located along Westgate Avenue, and the remainder of the building, where the residential units are located, is elevated building area over the 45 surface parking spaces. Accordingly, the foundation planting area has been calculated for the ground level building area for the commercial retail use and provided along the base of the commercial retail building façades is 5' wide foundation planting, which meets and exceeds the total required foundation planting area. An ALP will be provided at time of DRO Final Site Plan in accordance with criteria for a reduction in foundation planting width.

Pursuant to Art. 3.B.14.J.2, a required ROW or Incompatibility Buffer width may be reduced by up to 50% in the NC Sub-area for mixed-use projects, provided that a minimum 5-foot-wide planting area is provided with no encroachments, and that all other Code requirements are met, unless indicated otherwise. Provided are 5-foot-wide landscape buffers along the east, south and west property lines and a 10-foot ROW buffer proposed along the Westgate Avenue frontage.

This Code Analysis describes how the proposed development meets all required development regulations with the exception of the number of parking spaces where the applicant will be requesting a (concurrent) Type 2 Variance for relief of 3 parking spaces and a (concurrent) Subdivision Variance for minimum pavement width and sidewalks on Nokomis Avenue.

Zoning Map Amendment Standards

The Subject Property consists of four parcels proposed to be rezoned from RH and CN to General Commercial (CG) for consistency with the zoning of the surrounding area, CH/8 future land use and the NC Sub Area of the WCRAO. In determining whether to grant an amendment, the BCC shall consider the consistency of the proposed amendment with the intent of the Plan set forth in this Section. When considering an application for Rezoning to a Standard Zoning District, the BCC and ZC shall utilize Article 2.B.7.A Standards a through g indicated below.

a) **Consistency with the Plan – The proposed amendment is consistent with the Plan.**

Response: The subject parcel has a future land use designation of Commercial High with an underlying 8 unit per acre residential density (CH/8). The proposed application requests a rezoning of the Subject Property to General Commercial (CG), which is consistent with other surrounding properties, the CH/8 future land use designation and the NC Sub Area of the WCRAO. The rezoning request is consistent with the purpose, goals and policies of the Plan.

In addition, according to Policy 1.2.3-b: Bonus Density Pool - 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. Accordingly, this application requests approval of 33 residential units (50 u/a) from the density pool, in addition to the 5 units allowed by the underlying HR-8 residential land use designation.

Pursuant to the WCRAO provisions the project will require 20% (or 8 units) of the proposed 38 units to be designated as Workforce Housing Program ("WHP") units. As discussed with Staff and indicated on the Site Plan, the WHP units will be for rent, and provided on-site, with 4 units in the Low Category and 4 units in the Moderate 1 Category, which meets WCRAO and WHP regulations of Article 5.G.1.

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

Response: The northern half of the Subject Property is zoned CN and the southern half is zoned RH. In order for the Applicant to propose the mixed-use development and be consistent with the NC Sub Area of the WCRAO, as well as the CH/8 land use, the property must be rezoned for consistency with the surrounding properties with CG zoning. The requested rezoning is consistent with all provisions of the ULDC related to the zoning district as well as the NC Sub Area of the WCRAO.

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

Response: The Subject Property is located in an area characterized by a mix of residential and non-residential uses, even though the majority of the surrounding properties are zoned CG. The proposed goals of the WCRAO and properties with frontage on Westgate Avenue is to provide mixed use projects, such as Neighborlee Living Westgate. Rezoning the property is logical and consistent with surrounding property and furthers the goals of the WCRAO for redevelopment of the area.

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

Response: The site has been cleared, and the rezoning of the property will not result in any adverse impacts on the natural environment.

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

Response: This application implements the objective of the WCRAO as stated previously in this justification statement. The property is and has been undeveloped for more than 15 years, which has caused nuisance and creates a void of redevelopment. The proposed amendment will allow for the development of a mixed-use project that will incentivize and further the redevelopment goals of the WCRAO.

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

Response: Adequate public facilities are available to support the rezoning of the portion of the Subject Property from RH and CN to CG. Public water and sewer service exists within the right of way of Westgate Avenue and can serve the project. Drainage for the project and compensating storage will be provided on site in an underground system with legal positive outfall to Westgate Avenue as further described in the provided drainage statement. The traffic statement included with this application confirms that the property is within a Traffic Concurrency Exemption Area (TCEA) and will not have adverse traffic impacts. Solid Waste Authority (SWA) will provide and be consulted on the frequency of trash collection services. Palm Tran provides public transportation along Westgate Avenue, Wabash Avenue to the west and Okeechobee Boulevard to the north. Public schools will be evaluated and confirmed through the application process.

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

Response: The Subject Property is and has been undeveloped for over 15 years and has more recently been an enforcement nuisance for the WCRA. The proposed zoning

amendment will allow for the development of a new mixed-use project with affordable residential units and supporting commercial space to incentivize and further the redevelopment goals of the WCRAO and along the newly reconstructed Westgate Avenue.

Conditional Use Standards

The proposed development is utilizing the maximum density bonus of the WCRAO allowed in the NC Sub-Area of 50 units per acre, in addition to the underlying 8 units per acre allowed by the CH/8 land use. Based on the 0.66-acre site, the maximum allowed number of units is 38, as proposed. Accordingly, a Class A Conditional Use approval of a mixed-use development plan incorporating 33 residential units from the WCRA Density Bonus Pool Program per Article 3.B.14.H is being requested.

Article 2.B.7.B defines the design objectives and performance standards required for Conditional Uses and those are addressed below:

a) **Consistency with the Plan – The proposed use is consistent with the purposes, Goals, Objectives, and Policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.**

Response: The subject parcel has a future land use designation of Commercial High with an underlying 8 unit per acre residential density (CH/8). The proposed application requests a rezoning of the Subject Property to General Commercial (CG), which is consistent with other surrounding properties, the CH/8 future land use designation and the NC Sub Area of the WCRAO.

In addition, according to Policy 1.2.3-b: Bonus Density Pool - 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. Accordingly, this application requests approval of 33 residential units (50 u/a) from the density pool, in addition to the 5 units allowed by the underlying HR-8 residential land use designation.

Pursuant to the WCRAO provisions the project will require 20% (or 8 units) of the proposed 38 units to be designated as Workforce Housing Program ("WHP") units. As discussed with Staff and indicated on the Site Plan, the WHP units will be for rent, and provided on-site, with 4 units in the Low Category and 4 units in the Moderate 1 Category, which meets WCRAO and WHP regulations of Article 5.G.1.

b) **Consistency with the Code – The proposed use is not in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code.**

Response: This project proposes a mix of uses with 1,585 square feet of commercial space along the frontage of Westgate Avenue and 38 multi-family residential units on

the upper floors, consistent with the purpose of the WCRA Plan, as found in Art. 3.B.14.A. of the Code provided below.

"The WCRA Plan proposes to use smart growth and form-based code principles that incorporates urban design and mixed-use development to achieve infill, residential, and commercial redevelopment. Mixed-use development is required to implement the goals of the WCRA Plan to allow for a pedestrian-friendly environment, the vertical integration of uses, and higher intensity and density."

To help achieve the purpose and intent, the WCRA Plan also offers a Density Bonus Program to allow an increase of 50 units per acre above the standard density through a density pool for the WCRAO area, subject to a Class A Conditional Use approval by the Board of County Commissioners. Accordingly, this property proposes a density of 57.6 units per acre as allowed when the bonus is added to the standard 8 units/acre density by land use.

c) **Compatibility with Surrounding Uses** – **The proposed 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.**

Response: The WCRAO area is an urbanized area in a predominately suburban County. Urbanized areas, especially Community Redevelopment Areas are created to incentivize redevelopment of urbanized areas that have become blighted. These incentives include higher densities, taller buildings, mixed uses, reduced parking – all of which Neighborleee Living Westgate provides. Westgate Avenue has recently been improved with new pavement and on street parking to assist with the redevelopment efforts. The area of the Subject Site and along Westgate Avenue is characterized by a mix of residential and non-residential uses, even though the majority of the surrounding properties are zoned General Commercial (CG). The goals and regulations of the WCRAO provide the incentives and the Neighborlee Living Westgate project provides the development that is hoped to initiate more infill development to this CRA area.

There are single family homes to the east and west of this property, however, they are nonconforming to the CG zoning district. Any redevelopment of these properties will be required to be consistent with the purpose and intent of the WCRAO, which requires mixed uses, with greater densities and taller buildings. To further the development efforts, the WCRA has and will continue to acquire properties and work with other developers for additional projects like Neighborlee Living Westgate.

This project will be one of the first of its kind to be developed along the Westgate Avenue frontage and hopefully initiate other new developments as has been planned for this area since the WCRA was established.

d) **Design Minimizes Adverse Impact – The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands**.

Response: The proposed project has been designed implementing form based code criteria of the WCRAO and contemplating the continuation of infill development of the Westgate Avenue frontage. Although the WCRAO regulations allow for zero side setbacks, the project has been designed to provide buffers along the sides and the rear property line and a pedestrian friendly entry to the building with landscape features along the frontage of Westgate Avenue. Vehicular access and the majority of the required parking is on site and hidden from view by the commercial space along Westgate Avenue and landscape buffers along the other property lines, again, consistent with the WCRAO regulations.

The building design is a beautiful contemporary design with unique architectural features such as open columns and beams for the building structural requirements, open stair cases with decorative metal screening that will allow for circulation of air and sound, lending to safety. There will secured elevators for resident access only to the upper floors and on-site live in manager for a resident contact.

It is the hope of this applicant that the design of this project will incentive other developers to assemble property and propose more infill with similar character.

e) **Design Minimizes Environment Impact – The proposed use and design minimizes environmental impacts, including but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**

Response: The site has been cleared and was known as “the dirt pile” property until the applicant acquired the site and cleaned it up, prior to this application. The conditional use approval of the property will allow for infill redevelopment, consistent with the purpose and intent of the WCRAO, without any adverse impacts on the natural environment.

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

Response: This application implements the objective of the WCRAO as stated previously in this justification statement. The property is and has been undeveloped for more than 15 years, which has caused nuisance and creates a void of redevelopment. The proposed amendment will allow for the development of a mixed-use project that will incentivize and further the redevelopment goals of the WCRAO.

As indicated above, this project will be one of the first of its kind to be developed along the Westgate Avenue frontage and provide incentive for further development of similar projects as has been planned for this area since the WCRA was established.

g) **Adequate Public Facilities – The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).**

Response: Adequate public facilities are available to support the conditional use request for increased density. Public water and sewer service exists within the right of way of Westgate Avenue and can serve the project. Drainage for the project and compensating storage will be provided on site in an underground system with legal positive outfall to Westgate Avenue as described in the provided drainage statement. The traffic statement included with this application confirms that the property is within a Traffic Concurrency Exemption Area (TCEA) and will not have adverse traffic impacts. Solid Waste Authority (SWA) will provide and be consulted on the frequency of trash collection services. Palm Tran provides public transportation along Westgate Avenue, Wabash Avenue to the west and Okeechobee Boulevard to the north. Public schools will be evaluated and confirmed through the application process.

h) Changed Conditions or Circumstances – There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

Response: The Subject Property is and has been undeveloped for over 15 years and has more recently been an enforcement nuisance for the WCRA. The proposed conditional use request for additional density will allow for the development of a new mixed-use project with affordable residential units and supporting commercial space to incentivize and further the redevelopment goals of the WCRAO and along the newly reconstructed Westgate Avenue.

<u>Type 2 Variance & Standards</u>

	Code Section	Required	Proposed	Variance
V.1	Table 3.B.14.I Min. Parking Requirements	53 parking spaces Multi-Family Residential - 1 sp per efficiency unit; 1 sp per 4 units for guest parking; and Retail, Sales – 4 sp per 1,000 SF (or 1 sp per 333 SF)	50 parking spaces	3 parking spaces

This application is requesting a Type 2 Variance to reduce the number of required parking spaces as calculated under Article 3, Table 3.B.14.I with 53 required spaces and 50 provided spaces. When considering a Type 2 Variance, the DRO shall consider the following Standards:

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

Response: This mixed-use project proposes 38 multifamily residential units, with a mix of efficiency micro units, efficiency studio units and 1-bedroom units, plus 1,585 square feet of commercial retail spaces. Under the WCRAO parking rates, the project is required to provide 53 parking spaces consisting of 1 space per residential unit, or 38 spaces, 3 spaces per 1,000 sf of commercial retail space, or 5 spaces, and 1 guest space for every 4 residential units or 10 guest spaces. Although the ULDC does not allow spaces to be reserved, there are 38 spaces on site to serve the 38 residential units and the remaining 12 spaces (7 surplus on site and the 5 spaces on street) are available to share to serve commercial retail space and any guest spaces. According to the submitted Parking Demand Study, prepared by PTC Transportation Consultants, the Institute of Traffic Engineers (ITE) have published a parking rate of .68 spaces per unit for projects with this diverse mix of smaller residential units, and commercial rates at 1 space per 313 square feet versus 333 square feet. Using the ITE rates, 31 spaces are required for the project which would leave 19 spaces for guests.

In addition to the ITE rates, there are other factors that will play a part in having sufficient parking, those being:

- Westgate Avenue has recently been improved and provides on-street parallel parking spaces in other areas than the immediate frontage of the project. In an urban area, it is customary to use street parking, outside the extent of the property frontage, for guest and commercial uses.
- The applicant will manage the parking by having an extra fee for residents with a car, limiting resident parking to 1 space per unit and issuing parking stickers which can be monitored and enforced by a property manager.
- The applicant will offer free monthly bus passes to residents that do not have a car on premises. Palm Tran has bus routes on Westgate Avenue as well as nearby Okeechobee Boulevard and Wabash Avenue.
- Bike racks for tenants will be conveniently placed on property as alternative means of transportation.

Based on the published ITE rates, availability of on street parking for commercial use and guests, managed parking for residents and the other programs being offered by the applicant, this project will have sufficient parking and will provide the type of development with diverse residential units and a mix of commercial space which is the purpose and goal of the WCRAO.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT.

Response: This project provides for the type of development that meets the goals, objectives and policies for the WCRAO of the Comprehensive Plan and Unified Land Development Code. The special circumstance or condition is based on being able to provide a development that achieves the purpose of the WCRAO and provides

additional affordable housing for Palm Beach County. This site also benefits from ample options for alternative transportation with bus routes on Westgate Avenue, Okeechobee Boulevard, Wabasco Drive and therefore reducing the need of cars and parking. It should also be noted that Westgate Avenue has recently been improved with parallel parking spaces to serve the various uses along the corridor. It is common in urbanized areas for guests to use common parking spaces and given that the project provides the required parking to support the residents and tenants of the project, the reduction could be looked on as being applied to the guest parking, which will be available along Westgate Avenue.

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

Response: Variance applications are reviewed and approved on a case-by-case basis. The ULDC allows for the application process to request this process based on its own merits and does not confer upon the applicant any special privilege.

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

Response: A literal interpretation and enforcement of this provision would result in a reduction of units or square footage of commercial and be contrary to the intent and purpose of the WCRAO and the emphasized desire by Palm Beach County Administration to provide additional housing that is more affordable. The reduction in parking, considering the type of units, the target market of residents, the availability of mass transit, the proximity of employment all supports the need for less parking for the project. A reduction of units would also have a contrary reaction to the rental prices that could be offered in that the fewer the units, the higher the rental rates. This proposed development is utilizing the opportunities in the ULDC to provide a development serving the need of more affordable housing and reducing the number of units based on parking would create an undue hardship and be detrimental to the project as a whole.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE;

Response: Granting this variance is the minimum possible in order to maintain the unit sizes and provide more affordable housing options. In order to lower the parking demand, an alternative design would be to offer fewer, but larger residential units. However, this approach is in direct contradiction to the desire to provide more affordable housing options, especially in areas near employment opportunities and public

transportation, such as the WCRAO. In order to provide lower individual rental rates, the units have been designed to be smaller but accommodate the targeted non-family resident. The project is designed to comply with the architectural regulations of the WCRAO established to protect the adjacent properties but allow for development diversity on the site. Vehicular access is from Nokomis Avenue, leaving unimpeded pedestrian activity along Westgate Avenue. The project will be constructed with security features such as lighting, cameras, secured residential entry and monitored parking. The project will be an asset to the area and incentive to attract more interest in redevelopment opportunities in the WCRAO.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE;

Response: This mixed-use project proposes 38 multi-family residential units, with a mix of efficiency micro units, efficiency studio units and 1-bedroom units, plus 1,585 square feet of commercial retail spaces.

Under the current WCRAO parking rates, the project is required to provide 53 parking spaces consisting of 1 space per residential unit, or 38 spaces, 3 spaces per 1,000 sf of commercial retail space, or 5 spaces, and 1 guest space for every 4 residential units or 10 guest spaces.

Under the current Article 6 parking rates, the project is required to provide 57 parking spaces consisting of 1 space per efficiency unit, or 36 spaces, 1.75 space per 1-bedroom unit, or 3.5 spaces, 1 space per 200 SF of commercial retail space, or 8 spaces, and 1 guest space for every 4 residential units or 9.5 guest spaces. Although the ULDC does not allow spaces to be reserved, there are 38 spaces on-site to serve the 38 residential units and the remaining 12 spaces (7 surplus on-site and the 5 spaces on street) are available to share to serve commercial retail space and any guest spaces.

As indicated previously, according to a Zoning review comment, the variance request has been proposed based on the parking rates of the current WCRAO regulations found in Article 3. With the updated Site Plan, it results that there are 53 spaces required, and 50 spaces provided, consisting of 45 spaces on site and 5 spaces on-street. Accordingly, the variance request is a reduction of 3 spaces.

According to the submitted Parking Demand Study, prepared by PTC Transportation Consultants, the Institute of Traffic Engineers (ITE) have published a parking rate of 0.68 spaces per unit for projects with this diverse mix of smaller residential units, and commercial rates at 1 space per 313 square feet versus 333 square feet. Using the ITE rates, 31 spaces are required for the project which would leave 16 spaces for guests.

In addition to the ITE rates, there are other factors that will play a part in having sufficient parking, those being:

- Westgate Avenue has recently been improved and provides on street parallel parking spaces in other areas than the immediate frontage of the project. In an urban area, it is customary to use street parking, outside the extent of the property frontage, for guest and commercial uses.
- The applicant will manage the parking by having an extra fee for residents with a car, limiting resident parking to 1 space per unit and issuing parking stickers which can be monitored and enforced by a property manager.
- The applicant will offer free monthly bus passes to residents that do not have a car on premises. Palm Tran has bus routes on Westgate Avenue as well as nearby Okeechobee Boulevard and Wabash Avenue.
- Bike racks for tenants will be conveniently placed on property as alternative means of transportation.

Based on the published ITE rates, availability of on-street parking for commercial use and guests, managed parking for residents and the other programs being offered by the Applicant, this project will have sufficient parking and will provide the type of development with diverse residential units and a mix of commercial space which is the purpose and goal of the WCRAO.

7. THE GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE;

Response: As indicated in the response above, the project has been designed to provide sufficient parking on site for the residents, plus a parking surplus to be used by the commercial tenants/customers and any guests. The purpose and desire of the WCRAO is to provide redevelopment of properties with a mix of uses, as proposed. This project will serve as a catalyst for other sites within Westgate to be redeveloped consistent with the goals and purpose of the WCRAO.

Subdivision Variance & Standards

	Code Section	Required	Proposed	Variance
SV.1	Table 11.E.2.A.4.b Double Frontage Lots and Corner Lots – Non-Residential Lots	Minimum 24' of pavement width and sidewalk on both sides of Nokomis Avenue	20' pavement width with one sidewalk on south side of Nokomis Avenue	2' of pavement width with no sidewalk on north side of Nokomis Avenue

The subject site has frontage along Westgate Avenue, an existing 80-foot ROW, and Nokomis Avenue, an existing (platted) 40-foot ROW. Pursuant to Art. 11.E.2.A.4.b, where a lot has two frontage lines, legal access to the lot shall be restricted as follows for Non-Residential Lots; where a lot abuts streets of Local or high classification, access to the lot shall be by the street or lower classification, unless otherwise permitted by this Code; provided however that access

shall not be permitted on a Local Residential or Residential Access Street as prescribed on Table 11.E.2.A, Chart of Minor Streets, unless the street cross section is improved to meet Local Commercial Standards.

Westgate Avenue is considered as the site's frontage and meets the access width requirements, however in order to accommodate the pedestrian design criteria along Westgate Avenue, vehicular access to the property is proposed in the rear of the property off of Nokomis Avenue. As such, a subdivision variance is requested from the required minimum 24' of pavement width and sidewalk on both sides of Nokomis Avenue.

The standards for subdivision variances are addressed below:

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

   Response: The subject property which is an assemblage of four (undeveloped) parcels of land which are situated between Westgate Avenue and Nokomis Avenue, which dual frontage also provided along Westgate Avenue and Nokomis Avenue as well. Per Code, when you have a double frontage lot, the code requires access to the lower classified road, which in this case, is Nokomis Avenue, a 40-foot (platted) ROW. As such, the subject property has the unique circumstance of having to seek variance approval from existing conditions of Nokomis Avenue minimum pavement width (24' required and 20' provided) and sidewalks (required on both north and south side of Nokomis Avenue and provided on south side of Nokomis Avenue). This constitutes a special circumstance affecting the subject property.

b) Special circumstances and conditions do not result from the actions of the Applicant.

   Response: As previously mentioned, the subject property is an assemblage of four (undeveloped) parcels with dual frontage (and existing access points) along Westgate Avenue and Nokomis Avenue. The Applicant would be allowed to maintain access from Westgate Avenue if the properties fronting Westgate Avenue were not combined with the additional property fronting Nokomis Avenue; however, since the assemblage is required in order to develop the site in accordance with WCRA mixed use standards, and these standards prohibit access from Westgate Avenue when an alternative exists, along with Article 11.E.2.A.4.b, which requires double frontage lots to provide access from the lower classification of streets, *access to the subject property is restricted to Nokomis Avenue*. Therefore, the Applicant is requesting a variance from the roadway cross section design standards, including a 2-foot reduction in pavement width and no sidewalk on the north side of Nokomis.

c) Granting the variance shall not confer upon the Applicant any special privilege denied by the Comprehensive Plan and this code to other parcels of land, structures or buildings in the same zoning district.

Response: The proposed mixed-use project meets the development goals and design objectives of the WRCA Plan and the WCRAO. Special privileges will not be conferred on the Applicant by granting this variance. These same design goals, objectives and access considerations will be applied to surrounding properties should they choose to redevelop/develop their site.

d) Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.

Response: Literal interpretation of the Code would deprive the Applicant Rights commonly enjoyed by other parcels of land in the same zoning district and would unnecessarily create an undue hardship, especially when dealing with the additional standards of the WCRAO in addition to the standard CG zoning district regulations. Without the granting of this variance, the Applicant cannot access the property nor accommodate the mixed-use development of the site, thus limiting the economic potential of the Westgate corridor.

e) Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

Response: The requested variance is the minimum necessary to provide site access and implement the goals and objects of the WCRA Plan. The proposed request should not have any negative impact on the surrounding properties.

f) Grant of the variance will be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this Code.

Response: The WCRAO property development regulations were established to encourage a pedestrian friendly environment, street presence, and mixed-use developments to reinforce the smart grown principals of the WCRA and Comprehensive Plan. Within the NC sub-area, and a key focal point of the Overlay, development incentives such as increase in intensity and density are allowed for the urban mixed-use project which more intense commercial uses. In order to encourage the pedestrian friendly environment along Westgate Avenue, the project design proposes commercial space at grade level along the Westgate Avenue building frontage. In between the two commercial spaces is a plaza area which will be improved with pavers, potted landscaping, shade structure and outdoor furniture for gathering areas and pedestrian activity. As such, vehicular access is restricted to Nokomis Avenue.

g) Granting the variance will not be injurious to the area involved or otherwise detrimental of the public welfare.

Response: The proposed request will not have a negative impact on the surrounding properties or be injurious to the area or public welfare since access will be from a less

intensive roadway, thus preserving the pedestrian friendly environment of Westgate Avenue.

CONCLUSION

Approval of this application will allow for the development of Neighborlee Living Westgate, a new mixed used development within the Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO) that will provide 38 units to be rented within affordable/workforce rental rates, plus 1,585 square feet of new commercial retail space and a pedestrian plaza area along the newly constructed Westgate Avenue. This development can only be achieved with the approval of the requested rezoning, use of the WCRAO density bonus pool, Type 2 Variance for parking reduction, and a (concurrent) Subdivision Variance.

The approvals and development will further the redevelopment goals and objectives of the WCRAO and provide additional diverse housing options for residents of Palm Beach County. Should you have any questions regarding this application, please contact Bradley Miller or Ailish Villalobos from Urban Design Studio at bmiller@udsflorida.com or avillalobos@udsflorida.com.

Exhibit E-11 -Westgate CRA Staff Report

Westgate CRA Board Meeting
February 10, 2025

AGENDA ITEM SUMMARY

Neighborlee Mixed-Use (Micro-units)

2818 Westgate Avenue
Control No. 1994-00094

Official Zoning Map Amendment ("Rezoning")
BCC Approval of WCRAO Bonus Density
Concurrent Type 2 Subdivision Variance

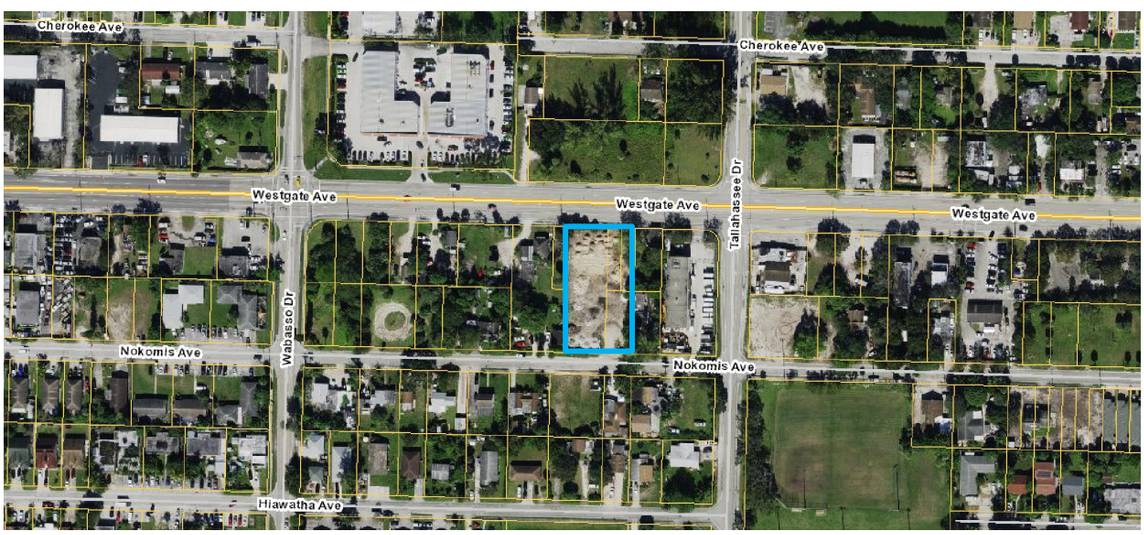


Figure 1. Location Map.

Site Background

The subject 0.66-acre site is located on the south side of Westgate Avenue near Tallahassee Drive. The land assemblage consists of four parcels, encompassing the full depth of the block between Westgate Avenue and Nokomis Avenue, providing access from both streets. Currently, the parcels fronting Nokomis Avenue are zoned RH (Residential High), while those fronting Westgate Avenue are zoned CN (Commercial Neighborhood). The site has Future Land Use designation of CH/8 (Commercial High, with an underlying residential land use of 8 du's/acre). The entire property is proposed to be rezoned to CG (Commercial General) for zoning district consistency, and to be more compatible with surrounding zoning districts. The site, known for its "piles of dirt," has been used for

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intermittent, unauthorized soil and gravel storage for several years, contributing to blighted conditions along the Westgate Avenue corridor.

To the east of the subject site are two single-family residences, with one fronting Westgate Avenue, zoned CN (Commercial Neighborhood), and the other fronting Nokomis Avenue and zoned RH (Residential High). KCL Plumbing is located on the southwest corner of Westgate Avenue at Tallahassee Drive. To the west, there is a small multifamily development, zoned CG (Commercial General). The owners of the 4-parcel site to the west extended entitlements for the development of the Westgate One mixed-use project until 2023; development orders are now expired. Directly to the south is a vacant parcel and existing single family residential; to the north is a large undeveloped lot. The 9-unit Norwest Pointe multifamily project proposed for the vacant parcels at the northwest corner of Westgate Avenue and Tallahassee Drive is currently in Zoning review. Palm Key, a 7-unit multifamily project on Cherokee Ave. is under construction, and will be visible from Westgate Avenue. All adjacent properties have a Future Land Use designation of CH/8.

The site is located within the boundaries of the NC (Neighborhood Commercial) Sub-area of the WCRAO. The County's Managed Growth Tier System classifies the WCRAO as within the U/S (Urban/Suburban) Tier, the RRO (Revitalization and Redevelopment Overlay), the URA (Urban Redevelopment Area) Study area, and in the Westgate CCRT area.

The site is within the first block of the Westgate Avenue streetscape as it is entered from the west, and in an area characterized by a mix of commercial uses, single and multifamily residences and undeveloped properties.

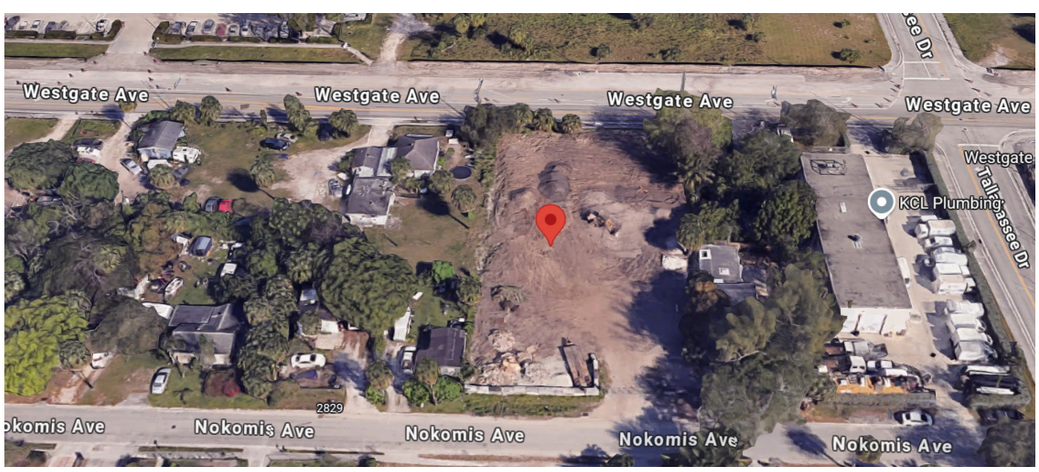

Figure 2. Existing Conditions.

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Figure 3. Existing Conditions (view from Westgate Ave.)

Figure 4. Existing Conditions (view from Nokomis Ave.)

Proposed Development

The applicant, Neighborlee Development, LLC, proposes a mixed-use, four-story building that will include 38 residential rental units, and 1,585 square feet of commercial retail space; the specific end-user has yet to be determined for these spaces. The residential component comprises 26 micro-units (240 square feet each), 10 studios (360 square feet each), and 2 one-bedroom apartments (538 square feet each). The developer proposes an on-site property manager for maintenance, parking enforcement, and trash removal. The project is anticipated to be completed by 2028.

The residential portion of the building is entirely elevated, with the ground floor dedicated to parking and commercial spaces. The ground floor will include two retail spaces, elevators and stairwells. Vehicular access to the property is proposed from the rear via Nokomis Avenue, as required by the WCRAO, to allow for building massing and presence along Westgate Avenue, prioritizing passer-by interest. Parking for the development is provided both on-site and via curbside spaces on Westgate Avenue, taking advantage of the newly constructed on-street parking provided by the Westgate Avenue streetscape project.

The project design features a pedestrian-friendly plaza/gallery along a portion of the Westgate Avenue frontage. This space will be covered with a pergola and accessible to the public, enhancing the streetscape and creating an inviting atmosphere at the building's entrance and, for pedestrians utilizing the public sidewalk.

The site has a future land use classification of CH/8, allowing the construction of 5 units by right in 0.66 acres of land. The WCRAO allows and encourages mixed-use development in the NC Sub-area. The WCRAO Density Bonus Pool allows up to 50 dwelling units per acre in the NC-Sub-area, the maximum bonus density allowed per acre by the program. To achieve the 38 residential units, 33 bonus units are requested through the WCRAO Density Bonus Program; the project proposes to

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support an overall density of 57.57 (58) dwelling units per acre. WCRAO bonus density approvals requires that any project with an allocation of 22 units per acre or more of bonus density must receive approval by the Board of County Commissioners. The project straddles two zoning districts: CN and RH, requiring the site to be rezoned to CG for zoning district consistency and to allow commercial uses consistent with CG zoning. A subdivision variance from Art. 11 Land Development requirements is necessary to allow access to a commercial use from a roadway with a ROW width of less than 80 ft.; Nokomis Avenue has a ROW width of 40 ft. The site plan utilizes WCRAO parking reductions, and all useable surface area for site improvements and parking requirements. Parking relief will be needed.

The project tests norms and standards by proposing a micro-unit housing type not yet contemplated by the County, a request for density bonus that must be approved by the BCC, for an overall density of 58 units per acre not seen in any other project entitlements in unincorporated Palm Beach County to date.

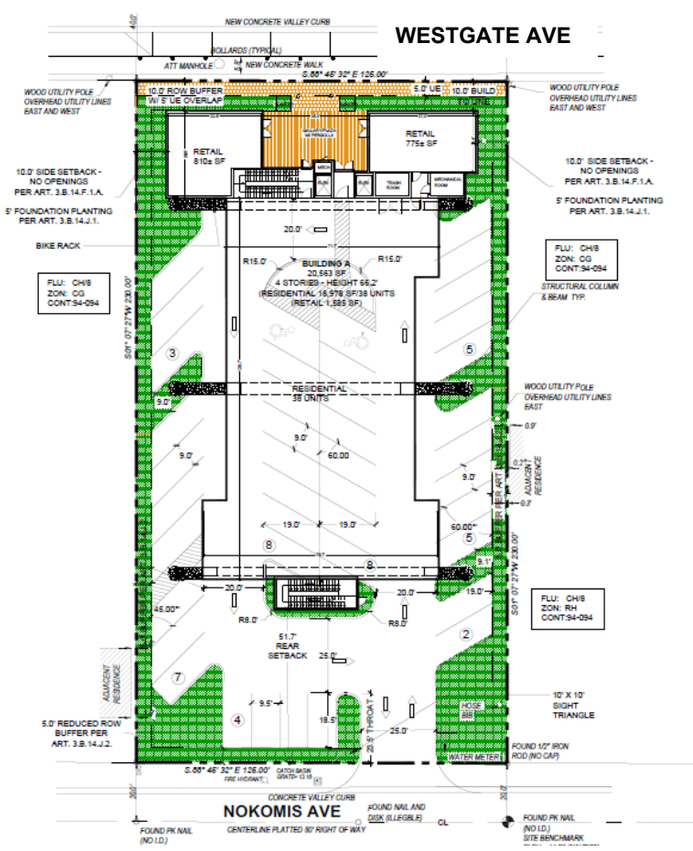

Figure 5. Preliminary Site Plan.

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Summary of Petition

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

1. Official Zoning Map Amendment ("Rezoning") from Residential High (RH) and Commercial Neighborhood (CN) to Commercial General (CG), *or* Commercial Neighborhood (CN) for site consistency;
2. PBC Board of County Commissioners ("BCC") approval of an allocation of thirty-three (33) bonus density units from the WCRAO Density Bonus Program, representing a bonus density of 50 du/acre;
3. A concurrent Subdivision Variance for a reduction in the 80-foot minimum legal access requirements for a local commercial use; and,
4. An allocation of 281 trips per day and 21 pm peak hour trips from the WCRA Transportation Concurrency Exception Area (TCEA) pool.

Staff Analysis & Review

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

The CRA's review evaluates the appropriateness of the proposed development, its alignment with the sub-area's intent, the CRA's Community Redevelopment Plan, and the County's Comprehensive Plan. WCRAO property development regulations aim to foster a pedestrian-friendly environment, promote street presence, and encourage mixed-use redevelopment that reinforces smart growth principles. The NC sub-area is intended to serve as the "key focal point" of the redevelopment area, with provisions designed to incentivize mixed-use development. Staff must assess projects within the redevelopment district to ensure they facilitate economic development and attract investor interest. The redevelopment of this site could be a major benefit to the area, converting an underutilized and non-compliant property into an asset that aligns with the community's vision for revitalization.

The standards for the NC Sub-area emphasize the CRA's vision for a main street-inspired, medium-density, mixed-use corridor that supports a variety of neighborhood functions. Developing a parcel that has been vacant and underutilized for so long supports the CRA's goals and enhances the character of the NC Sub-area through new construction; vacancy is the enemy of redevelopment. However, staff have identified concerns regarding the potential long-term impact of the project on the community.

Concerns Regarding Housing Mix and Economic Diversity

While the proposed development addresses a critical need for affordable housing in the County by creating more housing stock, there is concern regarding the 'livability' of the proposed 240 sf micro-

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units, and the potential for a tenant demographic that may not benefit the community. The CRA's overall objective is to foster mixed-income communities that offer housing options for a diverse range of income levels, from low- and moderate-income workforce families to middle-income earners. A diverse housing mix is key to ensuring that the district remains economically vibrant, which is critical to long-term sustainable community revitalization efforts.

The project is not subsidized. The developer needs to exhaust density bonus limits and create a rental structure for the project units that balances land and construction costs, with maximizing ROI. The average cost to rent in the West Palm Beach zip code is $2.50-$3.00/sf; the developer is proposing a cost of $5.00/240 sf. The predominant focus on very small units limits the diversity of tenants in terms of income levels to a very specific subset. The developer is targeting those in the service workforce, recent college graduates, seniors, and veterans.

The Westgate area, as shown by 2021 ACS 5-Year Estimates, already has a significant number of lower-income households, with a median household income of $47,587—well below the countywide median of $76,066; the county-wide 2024 median family income was $104,000. This disparity highlights the challenge for redevelopment efforts that can help attract moderate and middle-income residents, while also deconcentrating poverty within the CRA District. While the provision and preservation of affordable housing remains a State-mandated redevelopment strategy, a mixed-income approach to housing would better support the CRA's goal of creating a more economically diverse community.

Unit Size Comparisons

The CRA's Redevelopment Plan outlines the inclusion of new and unique housing types to foster housing and mixed-use development, particularly along Westgate Avenue. Given that Westgate is not yet a densely developed area, CRA Staff remains hesitant to support the proposed micro-unit size. PBC Housing Code requires 70sf of livable area per person. There are no explicit minimum size requirements in the ULDC or WCRAO codes beyond the following: the ULDC restricts cottage home units to a maximum of 1,000 sf, and the WCRAO allows for a minimum of single-family dwelling unit size of 1,000sf; the Workforce Housing Program states that the minimum bedroom size for the delivery of a deed restricted workforce unit is 100sf; and, the WCRAO limits the minimum size for accessory quarters to 300 sf. A comparison with other jurisdictions highlights these concerns:

- West Palm Beach: min. 300 sf for micro-units/min. hotel room size 300sf
- Boca Raton: 400 sf for efficiency units
- Delray Beach: 400sf for efficiency units
- Miami: 275 sf (transit-oriented areas) for micro-units, and 400 sf for efficiency units (other areas)

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Occupancy Limits

The applicant proposes limiting occupancy to 1.25 people per unit, which equates to three single-occupancy units and one double-occupancy unit for every four micro-units. CRA Staff believes double occupancy is unsuitable for micro-units and studios due to their minimal size, and recommends restricting double occupancy exclusively to the two proposed one-bedroom apartments, resulting in a total building occupancy of 40 residents (1.05 people per unit). This would facilitate a more controlled population within the project.

Positive Contributions

Despite these concerns, the mixed-use project supports locally-serving retail and public transportation, which align with the goals of the Westgate Avenue streetscape project. The inclusion of a green wall and other architectural features enhances the site's appeal and integrates transit-oriented development principles. Additionally, the project's contribution to affordable housing stock addresses a critical issue in the county, although efforts should focus on creating a balanced mix of income levels to ensure long-term community benefits.

B. Consistency with WCRAO & ULDC Standards for Official Zoning Map Amendments

The proposed rezoning is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan, particularly the Provision of Affordable Housing outlined in the Housing Element, and the request is generally consistent with policies for infill development outlined in the Comprehensive Plan.

The applicant has provided justification for the rezoning request pursuant to the standards of ULDC Art. 2 and Art. 3.B.14.D.2. The proposed project is compatible with the Comp Plan, the ULDC and surrounding uses, has no adverse impact on the natural environment, and is consistent with development patterns. Rezoning to CG is justified by the site's future land use, and supports the commercial uses proposed. However, even though the PDR's and lot dimensions of the WCRAO supersede, the ULDC requires zoning district consistency across a site, and a minimum lot size of 1-acre for CG zoning districts; the site is 0.66-acres, so the applicant would need to request a variance from the requirement to allow the rezoning. Split zoning would be permitted if the 50% of the site was within the more intense zoning district, in this case CN, but the site is equally split at the mid-block point, so this provision is not applicable. The intensity and density proposed by this mixed-use project is best supported by CG, but, residential uses and neighborhood serving commercial is also supported by CN. The Zoning Division, in collaboration with the applicant, will need to determine the best path for a rezoning. CRA Staff is

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recommending that the Board remain flexible with a recommendation that considers both CG and CN options.

C. Concurrent Type 2 Subdivision Variance

Access to the site is from Seminole Boulevard and Nokomis Avenue. Parking and access are required at the rear of a site where available in the NC Sub-area. Article 11 Land Development provisions will require the applicant to process a concurrent subdivision variance to allow legal access from the Nokomis Avenue access due to the 40 ft. ROW width and commercial use type. It should be noted that the applicant may have to provide a cross access between sites as a requirement of the URA which may be applicable to this project. The standards for a subdivision variance have been addressed by the applicant. The conditions and circumstances are created by a conflict in code between outdated suburban land development regulations and WCRAO form-based code requirements for rear access.

D. Compliance with WCRAO Density Bonus Program Criteria

The Future Land Use 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, 370 density bonus units have been allocated to multifamily and mixed-use projects throughout the district. To qualify for an allocation of WCRAO density bonus units, and receive a positive recommendation from the CRA, a number of criteria must be met:

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;
3. Provides a minimum of 5% of the project residential square footage as useable outdoor space for resident use; and,
4. Provides a minimum of 20% of the total of units to be set aside for affordable and workforce housing units, such that:
   a) A minimum of 10% (and no more than 40%) qualify at or below the Workforce Housing Program Low-Income Category, and,
   b) A minimum of 10% qualify at the Moderate 1 Income Category.

Workforce Housing Obligation – Proposed Rent Structure

The developer is required to set aside 20% of the project units for deed restricted workforce housing; 10% of total project units (and no more than 40%) are required to be within the WHP Low-income category (60%-80% of MFI), and 10% are required to be within the Moderate 1 category (80%-100%

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of MFI). This requirement means that of the 38 units proposed, 8 units would need to be set aside; 4 in the low-income category, and 4 in the Moderate 1 category.

The developer has indicated that monthly rents will vary depending upon unit type:

- Micro-Units: $1,200 (26 units – 68.5% of the total number of units)
- Studios: $1,600 (10 units – 26.5% of the total number of units)
- 1-Bedroom Apartment: $2,000 (2 units – 5% of total number of units)

The County's Workforce Housing Program categorizes rental tiers based on the HUD median family income (MFI) of a household of four (4) – see table below.

Workforce Housing Program (WHP)
2024 Rents and Incomes
Effective July 1, 2024

WHP prices are set annually, based on the provisions of
Article 5.G.1.A.3.c.2 of the Unified Land Development Code reflected below, and the following:

2024 PBC Median Family Income: $104,000 (per HUD)

WHP Income Category			Studio	1 BR	2 BR	3BR	4BR
Low	60-80% of MFI	$62,400 - $83,200	$1,125 – 1,500	$1,205 - 1,607	$1,446 - 1,928	$1,671 - 2,228	$1,864 - 2,486
Moderate 1	>80-100% of MFI	>$83,200 - $104,000	$1,500 - 1,875	$1,607 – 2,009	$1,928 - 2,410	$2,228 - 2,785	$2,486 - 3,108
Moderate 2	>100-120% of MFI	$104,000 - $124,800	$1,875 - 2,250	$2,009 - 2,410	$2,410 - 2,892	$2,785 - 3,342	$3,108 - 3,729
Middle	>120-140% of MFI	>$124,800 - $145,600	$2,250 - 2,625	$2,410 - 2,812	$2,892 - 3,374	$3,342 - 3,899	$3,729- 4,350

Neighborlee Development, LLC argues that this method of calculation is inherently 'bias', as it does not account for non-family households; median family income can be thought of as twice the number of single-family households. If the developer uses a 'median non-family' income approach, a monthly rent of $1,200 per month for a micro-unit would fall within the Moderate 1 category. The approach also assumes an income to rent ratio that is 30-40%, so fewer units would be characterized as low-income; 13 units or 34% – see tables below.

WHP Income Categories			MICRO UNITS
Low (Max 40% AFH)	60-70% of MFI	$31,271 - $36,483	13
	>70-80% of MFI	$36,483 - $41,695	

TOTAL UNITS	% TOTAL UNITS
13	34%

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Westgate CRA PALM BEACH COUNTY
Westgate/Belvedere Homes Community Redevelopment Agency

Proposed Development Unit Mix by Income Level

2024 PBC Median Non-Family Income: $52,119 (per US Census 2023: ACS 1 Year)

WHP Income Categories			MICRO UNITS	STUDIO APT	1 BR	TOTAL UNITS	% TOTAL UNITS
Low (Max 40% AFH)	60-70% of MFI	$31,271 - $36,483	13			13	**34%**
	>70-80% of MFI	$36,483 - $41,695					
Moderate 1 (Min 10% WFH)	>80-90% of MFI	$41,695 - $46,907				18	**47%**
	>90-100% of MFI	$46,907 - $52,119	13	5			
Moderate 2	>100-110% of MFI	$52,119 - $57,331				1	3%
	>110-120% of MFI	$57,331 - $62,543		1			
Middle	>120-130% of MFI	$62,543 - $67,755		4	1	5	13%
	>130-140% of MFI	$67,755 - $72,967					
High	>140-150% of MFI	$72,967 - $78,179				1	3%
	>150-160% of MFI	$78,179 - $83,390			1		
TOTAL UNITS	60-160% AMI	$31,271 - $83,390	26	10	2	38	100%

Assuming we use Non-Family HH Income and a more reasonable Income-to-Rent ratio of 30-40%, the project achieves unit income mix goals of the WCRA.

However, the WCRAO Density Bonus Program is subject to the County's Workforce Housing rental tiers, so the developer will be required to utilize rents based on median family income. This requirement means that 26 micro-units, or 68.5% of total project units are proposed to be within the low-income category, exceeding the density bonus program cap of 40% within that category. Further exacerbating the issues around the project, the County's Workforce Housing Program does not include a 'micro-unit' category in its program, with studios being the smallest unit size considered.

There is a growing recognition among policymakers regarding the need to revise the methodology used in the Workforce Housing Program. The BCC held a Workforce Housing Workshop on January 28, 2025, where concerns regarding single-occupancy units were discussed, in addition to the necessity of developing a more detailed methodology for the Workforce Housing Program (WHP) that includes a breakdown analysis of household characteristics. For the purposes of providing recommendation to the County for WCRAO bonus density, Staff recommends making the CRA's recommendation provisional or conditional upon compliance with WHP rental rates by income category and WCRAO criteria for recommendation.

CRA Staff recognizes that this workforce housing requirement has its limitations, and may not the best approach for this project. However, in order to meet the criteria for density bonus allocation, the developer, and the County Planning Division, must evaluate compliance with the program,

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particularly regarding the absence of a micro-unit category and the definition of using non-family households versus AMI - family of 4 standards. Since the project is not receiving state or federal housing subsidies, such as LITC, tenant income to rent standards, beyond those 8 units required to be monitored over time through the WHP, cannot be effectively monitored by the County.

E. Consistency with WCRAO PDRs & Supplementary Standards

PDRs for the NC Sub-area require that all mixed-use developments position the principal structure at 10 feet from the front property line (built-to-line is 10 ft.), maintain a minimum of 80% building frontage, and not exceed six stories in height. Additionally, PDRs and supplementary standards mandate that entrance orientation is to the frontage street, and site access and parking be located at the rear when available.

The form-based standards for the NC Sub-area encourage larger parcel assemblages that extend along Westgate Avenue and utilize the full 230-foot depth of the block. The proposed development at 2818 Westgate Avenue aligns with these principles, fronting Westgate Avenue while providing access and parking from the rear on Nokomis Avenue. The site has a lot width of 125 feet (where 75 feet is the minimum required for mixed-use developments) and a lot depth of 125 feet (where 100 feet is required). The building stands at 65 feet with four stories, well within the maximum allowable height of 72 feet or six stories. The proposed lot coverage is 39%, staying within the 40% limit.

The buildable area and site layout are highly constrained due to the site's size, the number of proposed units, parking requirements, and other development standards. The NC Sub-area mandates 80% building frontage along the built-to-line, with an exception granted for plazas and galleries. To comply with this requirement, the project incorporates a plaza at the building's front, which will also serve a double function as a gallery. A pergola will cover this area to meet the gallery standards outlined for the NC Sub-area. When including the plaza in the calculation, the total building frontage is 105.3 feet, representing 84% of the lot width and thereby exceeding the minimum requirement. A utility easement is provided at 5 ft. overlapping with the landscape buffer.

The development further complies with setback regulations:

- A front setback of 10 ft. is provided; a front build to line exception is utilized allow a further setback to accommodate the proposed gallery/plaza.
- Side setbacks of 10 ft. on both the east and west meet the minimum requirement of 10 ft.
- A rear setback of 53 feet is proposed, exceeding the minimum requirement of 25 ft., as the parking lot is located at the rear of the site.

NC Sub-area PDRs and supplementary standards for mixed-use projects have generally been met through site plan layout and design.

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F. Landscaping Standards

A preliminary landscape plan has not been provided. WCRAO landscape deviations for the NC Sub-area allow for a reduced ROW and incompatibility buffers for commercial and mixed-use projects. This relief mechanism allows a project to move forward in the absence of supporting code and in lieu of a variance. A ROW buffer of 10 ft. in width is required when the abutting ROW width is 40 ft. or less; 10 ft. is provided, overlapping the 10 ft. front setback. On both sides of the site and at the rear, a 5 ft. Type I incompatibility perimeter buffer is provided using a buffer width reduction per Art.3.B.14.J.2. Type I incompatibility buffer requires a minimum buffer width of 10' that can be reduced by up to 50 percent in the NC sub-area for mixed use projects, provided that a minimum five feet wide planting area is provided.

Foundation plantings, as required, may also be reduced for projects where a build to line is required pursuant to approval by the DRO.

The applicant intends to utilize the rooftop area as a recreational open space to fulfill the requirements set by the Parks and Recreation Department under Article 5. If this proposal is not fully accepted or only partially meets the requirements, a cash-in-lieu contribution may be required. The WCRAO DBP residential open space requirement has been achieved with the rooftop resident amenities spaces, which have an overall approximate area of 18% of the total project's residential square footage.

G. Architecture & Design

The applicant has provided preliminary architectural renderings, architectural elevations, and floor plans for the proposed building design. The project includes two commercial spaces located on the ground floor, with residential floors elevated in a 'pilotis' style to allow parking beneath the structure. This design choice promotes a clean and open ground level while maximizing available space. The façade incorporates a sleek curtain wall screening system in a brownish, brick-like color that covers the stairwell, within lighting proposed, contributing to a contemporary aesthetic. A green wall further enhances the visual appeal and environmental sustainability of the building's exterior, providing a natural green contrast to the white walls and brownish materials used in the façade.

Additionally, a plaza, sheltered by a pergola, enhances the public realm without impacting the building's footprint. The pergola design is not included in the renderings.

The commercial spaces benefit from ample headroom and a significant amount of glass frontage, with a minimum of 70% transparency as required by the code. This ensures visual permeability that enhances the appeal of the façade and supports the goal of creating a more livable and engaging area. The transparency also allows for better interaction between the interior of the commercial

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spaces and the public realm. The commercial façade features a textured surface in the same brownish color as the curtain wall, where the name of the store will be prominently displayed. The exact materials for the façade are not specified. There is a minimum 1st story requirement in the NC Sub-area of 12 ft; the architect proposes 14 ft.

Figure 6. North Elevation – view from Westgate Ave.

The building is supported by six large, round columns, which are strategically placed within a spacing that sets them apart from the main building structure. This design choice enhances the modern character of the building while optimizing the parking layout beneath. The white walls contrast with the dark gray columns, which have been intentionally designed in this size and spacing to ensure that conventional, more numerous columns would not compromise the functionality of the parking spaces.

The design does not incorporate walls or fencing, which helps to maintain an open and accessible environment that aligns with the overall goal of encouraging pedestrian activity. To promote accessibility, the project includes two stairways and two elevators. The residential portion consists of three floors, each varying in the number of units and configurations, though they all maintain the same building footprint.

The residential floors are organized with a central corridor, with units facing both east and west. The first-floor features 15 micro-units (240 sq. ft.), 2 studios (360 sq. ft.), 1 one-bedroom unit (538 sq. ft.),

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and a laundry room. The second floor contains 6 micro-units, 8 studios, and 1 one-bedroom unit, also with a laundry room. The third floor offers 5 additional micro-units, two restrooms, a resident lounge, a mechanical room (CU Enclosed), and a rooftop terrace that includes an outdoor kitchen and recreational area. The total number of units in the building is 38.

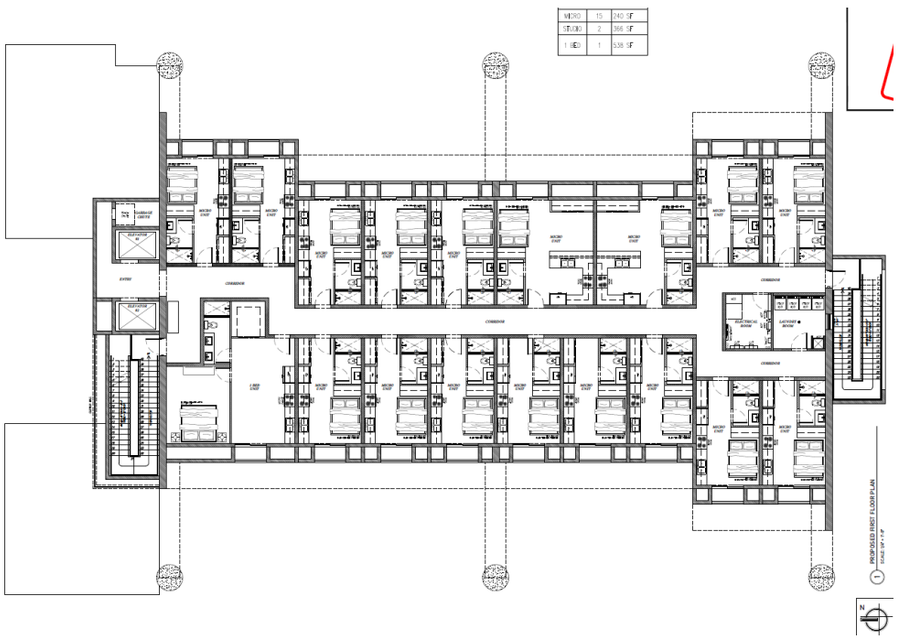

Figure 7. Proposed First Floor Plan

All residential units have compact interior layouts, with glass doors serving as the only fenestration to provide access to balconies. As required by the WCRA for multifamily projects with five or more units, each unit includes its own balcony, all of which are located on the side of the property, facing east and west.

The design does not include any openings at the front or rear (see Fig. 9) of the building, with the exception of the commercial space on the ground floor facing Westgate Avenue. It would be preferable to incorporate additional fenestration, such as extra balconies or windows, especially at the front of the building, to further enhance the livability and visual interest of the area. This would create a more inviting and engaging façade, better connecting the building to the surrounding urban environment.

The south façade (see Fig. 9), which faces Westgate Ave., features a large white wall without any fenestration. While the wall covering the staircase is finished with what appears to be eighter brick

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or curtain wall, contributing a textural contrast, this treatment does not provide sufficient architectural interest. Additionally, the large, gray, spaced columns and the pilotis are highly visible from this side. To improve the overall aesthetic, more fenestration or other architectural details would be beneficial to break up the blank wall and add visual interest.

Figure 8. East Elevation.

Figure 9. South Elevation, view from Nokomis Ave.

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H. Access & Parking

Building placement is shifted to the site's frontage, while parking and vehicle access are located at the rear of the building, accessible from Nokomis Avenue. The WCRAO code for the NC Sub-area requires that, when feasible, access be provided at the rear of the property to enhance the pedestrian-friendly environment at the front.

According to WCRAO parking ratios for multifamily developments, one parking space is required per studio and one-bedroom unit, plus an additional one space per four units for guest parking. Based on these ratios, the residential portion of the development requires a total of 48 parking spaces. Additionally, the two commercial spaces, totaling 1,585 square feet, require five parking spaces based on the standard ratio of three spaces per 1,000 square feet. These five spaces intended to meet commercial use are being provided as on-street parallel parking along Westgate Avenue, taking advantage of the streetscape project.

The proposal includes 5 on-street parallel parking spaces designated for the commercial uses, and 42 on-site spaces for residents, and their guests. Parking provided, which includes both on and off site does not meet the WCRAO requirement of 53 parking spaces. As a result, the applicant will need to request a parking waiver reduction.

The proposed site plan includes only 42 on-site spaces for the residential portion, resulting in a shortfall of six spaces. The applicant has provided a justification for a parking reduction, based on several factors, including the size of the residential units, where the majority are micro-units designed for single occupancy. The proposed 42 spaces adequately serve the 38 residential units, with the reduction primarily affecting guest parking. The demographic mix of the project is also a consideration, as lower-income tenants may be less likely to own a vehicle. Furthermore, shared parking opportunities within the mixed-use development help optimize parking availability.

Projects within the WCRAO that use WCRAO parking ratios are not permitted to request a parking reduction waiver through the provisions of Article 6. Presently, the only option available to these projects is to request a variance or redesign the project with less units or commercial square footage. To remedy this, CRA Staff is currently processing a ULDC revision that would allow residential and mixed-use projects utilizing WCRAO parking standards to request a reduction of up to 15% from these requirements via administrative Type 1 Waiver. This amendment is not yet adopted. The applicant's justification and request for approval of a Type 1 waiver is based on WCRAO parking standards, utilizing the available waiver mechanism in Article 6. To comply with code, the applicant should be using the parking ratios from ULDC Article 6 rather than WCRAO ratios. Since the applicant has elected to use the WCRAO parking ratios, which already includes a district-specific reduction, they cannot yet request an additional reduction under Article 6. If the applicant were to use the standard

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parking ratios from Article 6, the total required number of parking spaces would be 58 - 49 for the residential portion and 8 for the retail component—as outlined in the parking statement.

In total, the applicant is providing 47 parking spaces (42 on-site for residential and 5 on-street for retail), while the required number is 53. To address the 6-space shortfall, the applicant proposes the following mitigation measures:

- Exploring a shared parking agreement with other local businesses;
- Offering free monthly bus passes to residents who do not own a car;
- Charging a monthly parking fee of $50;
- Providing bike racks to encourage alternative transportation.

A parking statement has been submitted; however, the justification does not fully support the parking reduction request, and additional information will be required based on criteria proposed in the code revision which includes a parking management plan and comparative analysis. An inconsistency has been identified in the required number of parking spaces using WCRAO ratios—while the parking statement states a total requirement of 55 spaces, the site plan indicates 53 spaces.

Zoning Staff has indicated that the applicant could request parking relief from the Type 1 Waiver that is proposed by CRA Staff, as the amendment is “in process”, however, Staff does not recommend that the Board provide recommendation on the parking reduction until Zoning is in full agreement, and the justification is expanded to address all criteria.

I. Drainage & Traffic 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 through piped conveyance to the existing drainage inlet located on the south side of the Westgate Avenue ROW, centrally along the project’s north property line. The proposed drainage system will consist of underground exfiltration trenches, inlets, and culverts.

The stormwater management design will be in compliance with SFWMD and Palm Beach County regulations for attenuation and discharge. The design will account for the 100-Year, 3-Day stage elevation for minimum building finished floor elevations, the 5-Year, 1-Day stage elevation for minimum road crown elevations, and the 25-Year, 3-Day stage elevation for minimum perimeter berm elevations and discharge flow, ensuring that the maximum site discharge is properly managed.

The project area is located within FEMA flood zone ‘X,’ an area of minimum flood hazard with no published flood elevation. Site drainage and compensatory storage will be accommodated through

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the underground system, which will route stormwater to the existing inlet along Westgate Avenue for treatment and storage before discharging to the Palm Beach County stormwater management system located in Cherokee Avenue ROW. Ultimately, the drainage system will direct flow to the SFWMD C-51 Drainage Basin.

A traffic statement has also been submitted for review. The analysis shows that the project will not significantly impact any roadway links or intersections, with a maximum study area impact of just 0.21%. The project is expected to generate only 281 new daily trips; 21 new trips during PM peak hours and 16 new trips during AM peak hour. As the development falls at/below the threshold of 21 PM peak trips, it does not impact the TCEA trip pool. The project is in compliance with Countywide Traffic Performance Standards.

J. Community Security Considerations

To mitigate potential security issues, the applicant proposes the installation of advanced security systems, including surveillance cameras, key fob access entry, and robust exterior lighting. Additionally, a full-time property manager will reside on-site to ensure adherence to community guidelines. Tenant applications will be screened in accordance with HUD vetting standards, which include a background check, proof of income, verification of no prior evictions, past landlord references, and an in-person interview with property management. Applicants from the Continuum of Care (COC) program will not be considered. CRA Staff is collaborating with the developer on a Community Benefit or Good Neighbor Agreement meant to mitigate concerns over tenant mix and micro-unit occupancy.

Staff Recommendation

The proposed use and site plan is consistent with the goals and objectives of the Westgate CRA Community Redevelopment Plan, and generally complies with the provisions and standards of the WCRAO zoning overlay. The project represents an investment in the community, and a bold prototype for micro-unit workforce housing, and will enhance the character of Westgate Avenue in the NC Sub-area through the redevelopment of an underutilized, vacant site.

Staff supports a CRA Board recommendation of ***approval*** for the following application requests subject to conditions of approval:

1. Official Zoning Map Amendment ("Rezoning") from Residential High (RH) and Commercial Neighborhood (CN) to Commercial General (CG), *or* Commercial Neighborhood (CN) for site consistency;

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2. PBC Board of County Commissioners ("BCC") approval of an allocation of thirty-three (33) bonus density units from the WCRAO Density Bonus Program, representing a bonus density of 50 du/acre;
3. A concurrent Subdivision Variance for a reduction in the 80-foot minimum legal access requirements for a local commercial use; and,
4. An allocation of 281 trips per day and 21 pm peak hour trips from the WCRA Transportation Concurrency Exception Area (TCEA) pool.

The applicant will request a reduction in parking requirements through a Type 1 waiver mechanism. When the justification addresses all criteria necessary to demonstrate the need for a waiver from WCRAO parking ratios, the CRA will be better able to provide recommendation.

Proposed Conditions of Approval

To ensure compatibility with the CRA's redevelopment goals and mitigate potential concerns related to density, and occupancy, staff recommends the following conditions of approval:

1. Allocation of bonus density is provisional depending upon compliance with Workforce Housing Program (WHP) rental rates by income category, and WCRAO WHP criteria for recommendation (40% low-income cap); and,
2. Architectural and Site Plan Review: The applicant must share updated architectural elevations and the final site plan with the CRA for review and input prior to final approval by the County. This ensures alignment with the character and redevelopment goals of the district.

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Exhibit E-12 -Public Correspondence

THE LORD'S PLACE
Breaking the Cycle of Homelessness

August 14, 2025

Ms. Lisa Amara
PBC, Director of Zoning
2300 North Jog Road
West Palm Beach, FL 33411

RE: Letter of Support for the Neighborlee Living Westgate Workforce Housing Project

Dear Ms. Amara:

On behalf of The Lord's Place, I am writing to express our support for the proposed workforce housing development at **2818 Westgate Avenue** (Neighborlee Living Westgate) by Neighborlee Development LLC.

As Palm Beach County's largest homeless services provider for over four decades, we see how the lack of affordable housing creates cycles of homelessness. We serve men, women and families with multiple barriers to self-sustainability, and who cannot afford market-rate housing.

Neighborlee Living's project directly addresses this crisis by offering 38 residences with 95% reserved for low to moderate-income residents. Some of our lower barrier clients and even our own staff members would be ideal candidates for this housing, providing a stable foundation necessary for long-term success.

We believe this is a much needed project in our community. We have known Kurt Jetta and his team for a few years now and believe his team agrees with our philosophy of treating clients with dignity and respect. This micro-unit approach reflects our own philosophy of maximizing resources while maintaining quality and community connection.

The Lord's Place urges Palm Beach County to **approve this important project**. Stable, affordable housing is not just shelter—it's homelessness prevention and the foundation for building productive lives.

Sincerely,

Christine M. Frederick

Christine Frederick
Chief Executive Officer
CFrederick@TheLordsPlace.org

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